

## Statutory Declaration

I, Qalingo Airo.

(Name, first name, address, birth date)

I do solemnly declare that,

I do solemnly declare, meeting with Michelle De Champlain, investigation agent from the Viens Inquiry, 14<sup>th</sup> of August 2018,

### **Police and justice services:**

**Q1.** Ok. So, I let you share what happened with the justice experience that you had.

**A1.** Back in November 27<sup>th</sup> 2013, I breached my condition and I was under arrest at kouse number, I don't remember, they changed it last year. I was under arrest stating that the police officer didn't have arrest warrant, but he notified me that he has, but he didn't bring it to me. It was 5h30 in the evening, in the afternoon, there were two people inside the house who were with me. I remember them because they were ████████ and ████████, the were brothers. But we were in the house. He arrested me stating that I breached my condition.

**Q2.** What's the name of the police officer? Do you remember?

**A2.** I don't remember him, but clearly if I had see his name on that day I dont remember his name.

**Q3.** Yeah.

**A3.** It's been, what, 5 years now.

**Q4.** What kind of condition he tell you that you break?

**A4.** He never told me what condition I had. He never notified me I breached what condition.

Declarer signature \_\_\_\_\_

Declared before me, \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_

**Q5.** Ok.

**A5.** So, I didn't know. He gave me papers that I breached my condition. That's that regional paper that I was saying.

**Q6.** That you don't have with you?

**A6.** I don't have with me right now.

**Q7.** Ok.

**A7.** But he told me I have to have a lawyer. So, I waited for a lawyer. I never got my lawyer.

**Q8.** So, he asked you if you want to call him right away?

**A8.** I tried to ask for a lawyer, but he denied me.

**Q9.** Ok.

**A9.** He really denied me.

**Q10.** What did he say or what did he do?

**A10.** He just told me I breached my condition. "We're going to make a phone call to Amos", that's Abitibi district headquarter probably, I don't know, I'm not a police officer. But they told me that I am going to court on December 16<sup>th</sup>, that's about 10 days away, that's in out of the community, that is in Kuujjuaq. So, I was in Kuujjuaq for a week. Same time a firefighter here, our headquarters' firefighter was working at the police station, working after 5. Probably I would do the same thing if I had nothing to do. But my co-worker from Kuujjuaq is a guard that day. He's our firefighter. He noticed that he was guarding me from next day, from November 27<sup>th</sup>, next day, I went to Kuujjuaq waiting for the court. I was denied bail December 6<sup>th</sup>. But denied bail, looking at the records, I was still in Amos December 9<sup>th</sup>. Whatever happened to my denied bail sentence. So, I stayed. So, I went into Amos proving that Amos detention center stating that I was there December 9<sup>th</sup>, I was arrested November 27<sup>th</sup>. They never give me that. Once I get to that story, you'll get it. November 27<sup>th</sup>. So, I was denied bail on December 6<sup>th</sup> 2013. They take me to Amos. So, I waited there, postponing my case until next month, January 15<sup>th</sup>.

**Q11.** So, you're still at Amos?

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Déclarant

**A11.** Yes. I never got my lawyer. Ever since I got detained, I never got a lawyer.

**Q12.** Since November?

**A12.** They never offered me any legal aid or any lawyer.

**Q13.** When you say “they”, you’re talking about...?

**A13.** Police and Amos detention...

**Q14.** Service correctional.

**A14.** Yes. I tried to ask them. I kept getting denied on both, both of them.

**Q15.** You said you asked them few times to have a lawyer?

**A15.** I tried to ask, I made a memo, I was denied. So, January 15<sup>th</sup>, the day, that was cancelled. November, December, January, February, March, are the hardest weather that we have up here. So, January 15<sup>th</sup> was cancelled due to blizzard. So, I stayed in Amos for another month. I still haven't got my lawyer. February 7<sup>th</sup> we went back to Kuujuaq. We finally made it.

**Q16.** Which date?

**A16.** February 7<sup>th</sup> 2014.

**Q17.** Ok.

**A17.** 2014. Still didn't have my lawyer. I still didn't have my...why am I detained, my charges, heh? Don't know my charges.

**Q18.** You didn't know your charges since that...

**A18.** They never notified me.

**Q19.** Those months?

**A19.** It's in the record if you go in there. So, February, I ask for judge what am I here for and what are my charges.

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Déclarant

**Q20.** In Amos?

**A20.** No, in Kuujjuaq.

**Q21.** In Kuujjuaq.

**A21.** But the active defense lawyer had legal aid.

**Q22.** Yeah.

**A22.** What's his name...I can see his face. It's not [REDACTED], he's still active so, he had represented me. Without him seeing my files, I haven't seen my files yet. He had those files and looked at them. He never passed it on to me. He offered me 4 months Qalingo. 6 months, two third, 4 months.

**Q23.** In jail?

**A23.** Yes. I asked him on what charges. He didn't give me the file. So, I told the judge: "I don't know my file. I don't know what my charges are. Could you postpone my case to my community?" here. So, judge just moved on my case to next month.

**Q24.** Yeah.

**A24.** I'm still detained. I haven't been released yet. So, it's been January, no. November, December, January, February, March. I've been detained for 5 months now, for the charges I still didn't have, for the crime I didn't know. So, they went here to Kangirsuk, March 13<sup>th</sup> or 15<sup>th</sup>, here, 2014.

**Q25.** In Kangirsuk?

**A25.** Kangirsuk.

**Q26.** So, you were transferred here?

**A26.** Yes. "Your Honor, I don't know what my files are. I don't know what my charges are." Looking at the Freedom of Charter's rights and looking at the Criminal Code, I have a right, I have charges on me and look at them." He say: "Ok. We postpone your case next month." Oups. You don't have my charges. I asked, even asked the judge what my charges are.

**Q27.** And he was not able to tell you?

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**A27.** From February that active lawyer guy who offered me 4 months, the guy who didn't give me my files, I fired him. I told him to go fuck himself because I asked him, he offered me 4 months, two-third, 6 months actually.

**Q28.** For something that you didn't know.

**A28.** I didn't know.

**Q29.** About what was wrong.

**A29.** Yes. So, I fired him. So, my case was postponed again. April. It's 6 months now I've been detained. I still don't know what my charges are.

**Q30.** You have seen only one lawyer?

**A30.** I'm still going there. Listen to my story. I'm going to make a movie out of this. But as my fellow inmate asked me: "Do you Jet Li? You know how to be his character" Yes. So, in April, I still didn't have my charges, anything. I represent myself. Since I told that lawyer, I fired my lawyer, I'm going to represent myself. That's in April. So, he postponed since they filed it so he's going to represent me and postponed another month. Several months and I still haven't seen my files knowing anything, ok, that's in April now. "Ok Qalingo, You're going to represent him. We're going to postpone your case here in Kuujjuaq next month." April is gone. May is there. "Ok Mr. Airo." We're in Kuujjuaq. "Have you seen your files yet?" "No, your Honor. I still haven't my files yet." "Clerk, could you give him his charges please? We're going to postpone your case in Kangirsuk, June 13<sup>th</sup> 2014." Ever since that judge guy told the clerk: "Give him the files." I still haven't had my files. I'm still not notified what my charges are. So, in Kangirsuk, we finally came to Kangirsuk. Yes. Yay! In Kuujjuaq airport, they usually go to the airport an hour before 9 o'clock to catch, it's 40 minutes, like, from here to Kuujjuaq by taxi. And at the airport, the guy who tried to help me out legal aid, finally opened his laptop. He tell me: "These are your charges." You know, I've never seen this screen. I don't want to see his computer. I want to see my actual papers. My charges and everything. No. Every court system, they're recording. It's in there. It's really in there. So, in June, several months later after I was detained, a good lawyer...

**Q31.** It's ok. Take your time.

**A31.** That judge had done anything before that actually helped me. He asked: "Mr. Airo, do you have your charges and your files and everything?" I say no. "Ok, he told me, go back to station where you're detained. I'll get back to you at 4 o'clock." So, I went back to the station. 14:12. Several months now. For the crime I don't know. For the crime I didn't do, that I'm going to the point that...So, at 4 o'clock, that clerk finally gave me all my charges. since I represent myself: "Your Honor, I have

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Enquêteur

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Déclarant

to see these files. Could you postpone my case in Kuujjuaq?" Looking at the Criminal Code. I started to learn how to do it in court. I never finished my high school. But that doesn't mean I don't know how to read.

**Q32.** Yeah.

**A32.** So, I was still detained. July, they don't usually have court because it's holiday so, they postponed me August in Kuujjuaq. "Mr. Airo, do you have your files here?". "Yes". "Are you ready?" yes. The Crown prosecutor used to be my defense lawyer. He's now Crown prosecutor. So, I told the judge: "I'm not going to fight this case while the Crown prosecutor is prosecuting me. That's conflict of interest. That's the way I'm seeing it. And he postponed my case and changed the Crown prosecutor. So, again, September 17<sup>th</sup>,

**Q33.** Is it [REDACTED]

**A33.** Pardon?

**Q34.** The lawyer is [REDACTED] Do you remember?

**A34.** I can see his face, but he's still active Crown prosecutor.

**Q35.** 16:36.

**A35.** No. That [REDACTED] used to be defense lawyer. [REDACTED] 16:44. Him too made conflict of interest. But so on.

**Q36.** Ok.

**A36.** September 17<sup>th</sup> 2014: "Mr. Airo you need help. There's someone going to help you with this case."

**Q37.** This is the judge that says that?

**A37.** Yes. On September 17<sup>th</sup>, a female legal aid came to detention center trying to help me. Oops. She mentioned her name. Her name is in the file number 4. Now I know that's her. She's inside one of the file. I'm talking about 5 files that I had that I was never notified. That lawyer that I never talked to was in the fourth file. I never talked to her. I let her see the fourth file that I had, and asked her: "Is that your name?" She said yes. But I've never seen you before. So, I tell her to get out. You're in the fourth file that you never represented me. So, I told the judge: " This my key witness, your Honor.

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Could you postpone my case again?" The whole file. Here it's 5 case for 5 files that I had. That lawyer fourth file, the lawyer that I never talked to her, was in there. Her name. She was my legal aid that I never talked to. Ok. November. I lost the case. I tried to ask for the proof to prove November 27<sup>th</sup> that I was detained. I asked for a proof. I was denied. A proof that I was detained on this community, Kangirsuk, nor Kuujuaq, nor Amos. So, I went back to Amos. I asked them: "Do you have a copy the day I was detained?" Amos detention center has my December 9<sup>th</sup> 2013. I was denied December 6<sup>th</sup>. How come my name is in there on December 6<sup>th</sup>? I was denied bail. I was actually detained November 27<sup>th</sup> 5h30 in the evening. They never took out the record. But the record says I was denied December 6<sup>th</sup> 2013. Amos detention center have a proof that I was detained December 9<sup>th</sup>. Complicated, right?

**Q38.** It is. Of course it is.

**A38.** Ok. So, a lawyer who used to be my Crown prosecutor, lied. He lied in front of the judge that I was detained December 9<sup>th</sup>. I asked for a proof since I represent myself. "Could I get a copy that I was denied December 5<sup>th</sup> 2013 in Kuujuaq?" Amos detention didn't have a copy. But I was denied bail here in December 5<sup>th</sup>. So, I lost. Sentenced to 89 days.

**Q39.** Do you know the date of the sentence?

**A39.** On November 17<sup>th</sup> 2014.

**Q40.** So, during one year you're detained?

**A40.** Yes.

**Q41.** Without any trial?

**A41.** Nothing.

**Q42.** You had your trial only one year after?

**A42.** Yes.

**Q43.** What was your sentence?

**A43.** They sentenced me less than the days I already had. They sentenced me, what, 16 months.

**Q44.** But the prevention...

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**A44.** Yeah. Everything is from December 9<sup>th</sup> 2013, since they have a proof from that day.

**Q45.** Yeah.

**A45.** From November 17<sup>th</sup> 2014. To mean that they reduced me to 90 days.

**Q46.** 90 days?

**A46.** Yes.

**Q47.** So, 3 months.

**A47.** So, I was behind bars 472 days. Ok. The files that I lost them, but they're in the police station too. Five files. That's the whole 472 days thing. The charges that I had

**Q48.** So, all that story starts when the police come up to the house and say: "Mr. We arrest you for..." You don't know.

**A48.** I don't know.

**Q49.** And you never know the reason why you're detained since a year?

**A49.** Yes.

**Q50.** You have your case with you?

**A50.** Only August.

**Q51.** August 20...

**A51.** 14.

**Q52.** 14.

**A52.** Yes.

**Q53.** You read your case?

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**A53.** I never read my case.

**Q54.** So, what was the reason that you were detained for?

**A54.** Ok. One file, I kind of punched my girlfriend, and that first charge they were 13 charges, so.

**Q55.** Ok.

**A55.** On one file. I had witnesses. I never called them.

**Q56.** Ok.

**A56.** The Crown prosecutor, former legal aid lawyer who represented me also, he gave me a file instead of 3 files. The first file that I had hit my girlfriend wasn't in there. So, I never called my witness. So, if I punched her just one time on her left cheek, in a court, they mentioned I punched 24:04 her big time.

**Q57.** Ok.

**A57.** Punched her couple of times. That's what the police said. I never called my witnesses because that day they would drop my charges. My charges were dropped. So, I never called my witnesses. Second file, I assaulted a police officers to a neighbor in the community. That's May 3, 2013. The second file, since I assaulted police officers. I never assaulted them. May 3, I breached my condition. I was not allowed to drive a vehicle for a year. May 3, I breached my condition, 2013. It's in there.

**Q58.** Ok.

**A58.** The second file, May 3, I saw 4 police officers they changed the file. Two were never, never layed eyes on Kangirsuk. They were from out of the community. They're working at other community. So, that's my second file. It clearly happened, but I don't have the papers. Third, I had to sign every Friday, from the day that I punched my girlfriend until November.

**Q59.** Ok.

**A59.** And so, that's probably 17 breaches that I never but do it. Fourth file, since I was detained November 27<sup>th</sup>, right, 2013, fourth file was December, two charges. I'm detained. The fourth file, the lady who tried to help me set temper, that when I told her to get out because she's involved in this.

**Q60.** Yeah.

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**A60.** That's the fourth file. I never...

**Q61.** What is about the fourth...What is written in there?

**A61.** Assaulting another police officer.

**Q62.** Ok.

**A62.** And I was never notified. No. How can I've talk to this person...

**Q63.** If you were in prison.

**A63.** Yes. And how come her name is in there? So, I told her to get out. In that incident set tempered. The judge told me: "This guy needs help. Give him help. Give him a legal aid." So, that fourth file, I never, I was detained.

**Q64.** So, for you how can that happen if you were detained? Is that right?

**A64.** Yes.

**Q65.** What about the five?

**A65.** Five file. That's December 5 incident. I'm still detained. So, the whole thing I had 41 charges.

**Q66.** What happened with the five accusation?

**A66.** I was sentenced.

**Q67.** Ok. So, it's very...I'm sorry about that Mr. Airo.

**A67.** Yeah. But knowing the killers, rapists out there for the crime you didn't do.

**Q68.** It was a very long...

**A68.** Yes.

**Q69.** Experience for you. Not good. You felt that you didn't receive the services that you deserved?

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Déclarant

**A69.** Yes.

**Q70.** You asked for services. You asked for legal aid. You didn't receive nothing. You didn't first understand, tell me if I'm wrong. What I understand is that the first time they arrested you, you didn't understand what happened.

**A70.** Yeah.

**Q71.** And did they explain you your rights?

**A71.** I never got my rights.

**Q72.** So, since, let's say, November to August, you never received your file. You see a lawyer once.

**A72.** Yes.

**Q73.** And you were not satisfied about his services?

**A73.** That five file that I had, I'm already seeing one a lawyer that is what I can say. But now that lawyer is in Chicoutimi district.

**Q74.** Prosecutor...

**A74.** Yes.

**Q75.** Of the Crown.

**A75.** But, she's not in the file because she represented me May 3<sup>rd</sup>, 2013 for a previous incident with my driver licenses. But I never assaulted those police officers. I never did.

**Q76.** Ok. Ok. I'm very...

**A76.** I know.

**Q77.** I understand. It's kind of very organized. It's been like in 19...14, but for you it feels like it's today, I guess.

**A77.** Yeah.

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**Q78.** How did you felt?

**A78.** Anger.

**Q79.** Anger.

**A79.** Frustration. 29:52. Where should I go from here? I never finished my high school, but that doesn't mean I don't know how to read.

**Q80.** And you got a very good memory Mr. Airo.

**A80.** Yes. My file number is [REDACTED] It's still in there. That's my inmate number. Still in there. Looking at, if I see the whole files I can tell the whole thing.

**Q81.** Yeah.

**A81.** everything the court has, their own recording, it's in there.

**Q82.** You're a very intelligent man.

**A82.** Well, 472 days for the rapists and killers, murderers. I got through with them. I got through for the crime I didn't do.

**Q83.** So, your inmates were that kind of guys?

**A83.** No. You're going to jail. ok

**Q84.** Yeah.

**A84.** Ok. It's not that. Ok. You know.

**Q85.** Will take the time to see, talk to you.

**A85.** Yes.

**Q86.** A lawyer could talk to you.

**A86.** Yes. I even tried to get a lawyer. But he do had a different file.

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**Q87.** Ok.

**A87.** That, I was in Montreal. I tried to call the other lawyers, other company lawyers. Who can I make a last shoot out? But they also had different files.

**Q88.** Yeah. Ok. If I ask you, what recommendation or what are your suggestion to change what happened to you? Which approach or...

**A88.** I hope I'm not the only one in this case. If there are, go out, reach out, I don't care. But I spent 472 days for the crime I didn't do.

**Q89.** So, what you're saying is that if you had to change something in the system is that you should have a lawyer right away?

**A89.** Yes. That's what is in Charter of Rights.

**Q90.** Exactly.

**A90.** Yes. And can I see the file.

**Q91.** And someone who can, a lawyer would take the time to listen to your story?

**A91.** Yes.

**Q92.** Ok. And treat your case as quick as possible.

**A92.** That's right. Their bible, Charter of Rights,

**Q93.** But it's the way that, is it that way that you would like to be treated at that moment?

**A93.** Not me. Not anyone else. Treat their accuse equally. Not like that.

**Q94.** Ok. And I'm agree with you.

**A94.** Now I know that murderers, now, rapists, I know them now. I talk to them now. I argue with them. I see inmate as a killer "Hello. How are you?" It's...

**Q95.** It must be hard for you to...

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Enquêteur

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Déclarant

**A95.** It is hard.

**Q96.** Yeah.

**A96.** It is harder these days.

**Q97.** Did you felt, because you see those people, how do you felt?

**A97.** Imagine what the 33:37 do. The provincial correction center 33:43. Criminals, killers, rapists, they're in there.

**Q98.** Yeah.

**A98.** Everything is in there for the crime you didn't do.

**Q99.** Yeah. Yeah.

**A99.** It's life. But you try to make last sort of and I even tried to get a copy, but I'm getting denied. I even called the Crown prosecutor here. He denied me. He was trying to ask surrender.

**Q100.** Ok.

**A100.** I guess.

**Q101.** That was her?

**A101.** I tried to ask her the file.

**Q102.** [REDACTED]

**A102.** Still nothing to the statement

**Q103.** Ok.

**A103.** Inaudible.

**Q104.** Ok. Ok.

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Déclarant

**A104.** It's in there. Everything is in there. My inmate number is [REDACTED]

**Q105.** I will do some photocopy of that if it's ok Mr. Airo.

**A105.** Yes. But that's only, that's the other. That original paper, He tried to ask police but they keep denying him.

**Q106.** If we ask our lawyer, if they need to check your case...

**A106.** Yes.

**Q107.** They will just need those numbers.

**A107.** Ok.

**Q108.** Ok?

**A108.** Yeah.

**Q109.** And, so, I'll do a photocopy. I don't know how the lawyers going to...They will see your case, but of course, what is interesting for us, as the Inquiry Commission, is to make sure that things like that won't happen anymore for others.

**A109.** Yeah. That's what I'm here for.

**Q110.** Yes, and I appreciate your sharing. I'm very sorry about what happened to you.

**A110.** Yes.

**Q111.** You're a good man and I'm glad that you're here today and...

**A111.** Yeah.

**Q112.** You're still helping your community.

**A112.** Yes.

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Enquêteur

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Déclarant

**Q113.** And, I know it's very hard for you about what happened. It's an experience that I know you won't forget. You even remember everything.

**A113.** Yes.

**Q114.** And it's very clear in your head. But I hope you're going to be good.

**A114.** Yeah. I'm just doing well and I'm doing fine. I have a 13 years old little daughter. For me that's enough. But going through this I tried to avoid her from...having a happy time with her.

**Q115.** Yes. Absolutely.

**A115.** I don't want her to be involved.

**Q116.** Yeah.

**A116.** I don't want...

**Q117.** Protect her.

**A117.** Yes.

**Q118.** Yes. I understand. Is it ok if I stop the recording?

**A118.** No problem.

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Enquêteur

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Déclarant