

LA COMMISSION D'ENQUÊTE
SUR LES RELATIONS
ENTRE LES AUTOCHTONES
ET CERTAINS SERVICES PUBLICS

SOUS LA PRÉSIDENCE DE
L'HONORABLE JACQUES VIENS, COMMISSAIRE

AUDIENCE TENUE AU
88, RUE ALLARD
VAL-D'OR (QUÉBEC)

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Procureure en chef adjointe

POUR LES PARTIES PARTICIPANTES :

Me MARIE-PAULE BOUCHER, pour la
Procureure générale du Québec

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OUVERTURE DE LA SÉANCE

LA GREFFIÈRE :

La Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec, présidée par L'Honorable Jacques Viens, est maintenant ouverte.

L'HONORABLE JACQUES VIENS (LE COMMISSAIRE) :

Alors, *kuei*. Good morning. Bonjour. Alors, bienvenue en cette autre semaine d'audiences à Val-d'Or (interruption du son) aux procureurs de s'identifier pour les fins de l'enregistrement.

Me MARIE-JOSÉE BARRY-GOSSELIN,

PROCUREURE :

Marie-Josée Barry-Gosselin, procureure en chef adjointe de la Commission. Bonjour, Monsieur le Commissaire.

LE COMMISSAIRE :

Me Barry-Gosselin.

Me MARIE-PAULE BOUCHER,

PROCUREURE GÉNÉRALE DU QUÉBEC :

Bonjour. Me Marie-Paule Boucher pour le Procureur général.

Me MARIE-JOSÉE BARRY-GOSSELIN :

Bonjour.

1 **LE COMMISSAIRE :**

2 Bienvenue, Me Boucher.

3 Alors, Me Barry-Gosselin, est-ce que vous
4 pouvez nous donner une idée du programme de la
5 journée?

6 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

7 Certainement, Monsieur le Commissaire. Donc,
8 aujourd'hui, on a une première. On aura des
9 témoignages par visioconférence, en fait, pour
10 tenter de s'adapter puis de permettre la
11 participation du plus grand nombre de personnes
12 possible.

13 On aura une présentation en deux temps. Cet
14 avant-midi, la première portion de la présentation
15 sera par professeur Vicki Chartrand, qui est
16 professeur au Département de sociologie de
17 l'Université Bishop. Elle fera une présentation qui
18 s'intitule : «*There is no reconciliation without*
19 *justice*». Évidemment, vous comprendrez que la
20 présentation du professeur Bishop (*sic*) sera en
21 anglais, qui, par ailleurs, comprend mon
22 introduction en français.

23 Je vais vous suggérer ensuite une brève pause,
24 et nous poursuivrons avec le témoignage de monsieur
25 Nicolas Kurt Rougier, ainsi que de monsieur Gilles

1 Moashk-Kovacs, Innu. Monsieur Kovacs est un aîné
2 depuis seize (16) ans qui travaille dans le service
3 d'un pénitencier, et monsieur Rougier est lui-même
4 quelqu'un qui est actuellement en détention, qui
5 viendront vous parler de la nécessité, par exemple,
6 de services de nature spirituelle pour le processus
7 réhabilitatif. Ce sera après la pause, en fait, où
8 on aura le bénéfice d'entendre ces témoins par
9 visioconférence, car ils sont actuellement dans la
10 région de Québec.

11 On suspendra ensuite pour l'heure du dîner, et
12 on poursuivra cet après-midi avec des récits de
13 témoins citoyens qui concernent principalement les
14 services correctionnels. Donc, un témoin, John
15 Clarence Kawapit, qui viendra parler de son passage
16 à travers les services correctionnels, mais
17 également d'autres services de justice -- un citoyen
18 d'origine Crie de Whapmagoostui. Ensuite, des
19 témoins rapporteurs, qui viendront rapporter
20 différentes situations, pour l'après-midi.

21 Demain, on continue avec, et pour le reste de
22 la semaine, un mélange entre certains récits
23 individuels des différents services publics, là. On
24 a de la Santé, de la Protection de la jeunesse, la
25 police, cette semaine, et également certains

1 témoignages d'experts, notamment sur le droit
2 anichinabé, qui seront faits, donc, le volet plus
3 «justice» de la Commission d'enquête.

4 C'est le plan de la journée, Monsieur le
5 Commissaire.

6 **LE COMMISSAIRE:**

7 Alors -- welcome, Professor Chartrand. I will ask
8 the clerk to proceed with the oath.

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1 Vicki Chartrand
2 Professeure agrégée du Département de sociologie à
3 l'Université Bishop's
4 Affirmation solennelle

5 -----

6 **LE COMMISSAIRE :**

7 Welcome. Your witness.

8 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

9 Je vais suggérer qu'on assermente immédiatement,
10 aussi, parce qu'il pourrait être possible que les
11 témoins en visioconférence interviennent aussi ce
12 matin, je vais suggérer leur assermentation
13 immédiate.

14 **LA GREFFIÈRE :**

15 Donc, monsieur Rougier -- toujours en anglais?

16 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

17 En français, monsieur Rougier.

18 **M. KURT NICOLAS ROUGIER :**

19 Oui, je vais témoigner en français.

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1 Kurt Nicolas Rougier
2 Assermenté

3 -----

4 Gilles Moashk-Kovacs
5 Assermenté

6 -----

7 **M. GILLES MOASHK-KOVACS:**

8 Je veux qu'on s'adresse à moi comme étant L'Ours, ou
9 The Bear. C'est un titre que j'ai le droit d'avoir,
10 puis aussi, c'est reconnu par Sa Majesté La Reine.
11 Je le jure.

12 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

13 Merci, Messieurs.

14 Donc, je vais suggérer à ce qu'on -- we'll
15 start with the PowerPoint presentation of
16 Professor Chartrand, and, of course, there might be
17 interventions or questions during the presentation.
18 Thank you.

19 Professeur Chartrand?

20 **PROFESSOR VICKI CHARTRAND:**

21 Merci.

22 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

23 Merci.

24 **PROFESSOR VICKI CHARTRAND:**

25 Vous penseriez, avec un nom français comme

1 Chartrand, je parlerais en français, mais en vérité,
2 mes parents, ils ne parlent pas en français, puis
3 j'ai appris la langue par l'immersion. Donc, pour
4 moi, c'est plus facile de communiquer, de m'exprimer
5 en anglais. Donc, si vous me permettez, je préfère
6 en anglais.

7 Before I start, I do want to acknowledge the
8 traditional custodians of this land on this
9 Anishinaabe territory. It's an honour and privilege
10 to be here. I didn't have the chance, with a young
11 daughter, I didn't have the chance to ask for
12 permission to travel to this land, but I do, in
13 collaborating with some Indigenous Peoples of this
14 territory, I feel that I am letting out my
15 responsibilities and my relations, so thanks for
16 having me here. It's an honour.

17 I also want to thank everyone here for your
18 presence. I think that's really important to
19 acknowledge that. I've been teaching for fifteen
20 (15) years, and I know how hard it is to hold the
21 attention of students for twenty (20) minutes, let
22 alone hours on end for months and months. So, thank
23 you, everyone here, for listening, for your
24 presence, and for your energy in sharing that with
25 me here today. I want to honour that as well.

1 So -- where do I start? I'll start with the
2 title of my presentation, "*There is no*
3 *reconciliation without justice.*" I was watching
4 Romeo Saganash's presentation here, and at some
5 point -- he gave a very powerful and vocative
6 presentation. His experiences are, I'm sure -- and,
7 at one point, he said, "*There is no reconciliation*
8 *without justice.*" And I thought that was a really
9 poignant comment. Because I've been studying
10 prisons for over twenty (20) years. I've visited
11 prisons in Canada -- all across Canada, I've been in
12 prisons in Australia, as well as even a prison in
13 Cambodia. And I have to say, you will never find
14 justice in a prison system. Ever. So, that's where
15 I start. That's where I start this presentation.

16 So, what I want to talk about today is -- I
17 want to talk about -- not about Indigenous people, I
18 want to talk about colonial institutions. And I
19 don't want to talk about how Indigenous people end
20 up in colonial institutions because of colonialism,
21 I want to talk about our institutions, how they are
22 colonial. That's what I want to talk about today.

23 And I appreciate the title, the "*Listening,*
24 *Reconciliation, and Progress.*" I know my students
25 often tell me that I'm very passionate when I speak

1 and when I lecture. And I tell them, "*I'm not*
2 *passionate, I'm fucking angry.*" And I say that
3 because -- I'm not trying -- not to be flippant, and
4 not to be disrespectful, but I find, in these kinds
5 of establishments -- il y a un [ordre] de
6 comportement. There is a -- we have to behave and
7 listen in certain ways, and we only hear in certain
8 ways. And I feel that it's important that, in these
9 structures, in these establishments, we try to
10 listen in different ways that allow us to think a
11 little bit more creatively in how we can find
12 solutions for this -- for these present
13 circumstances that we're in.

14 Okay. So, as I noted, my name is Vicki
15 Chartrand. I'm currently Associate Professor at
16 Bishop's University in Sherbrooke, Quebec. Previous
17 to this, I was actually the executive director of a
18 women's transition house in the interior of British
19 Columbia. It's a little place called Quesnel, and
20 this is actually where I started to work quite
21 closely with Indigenous communities, and this is
22 where I became politicized around Indigenous -- more
23 of an understanding of colonialism within that
24 context.

25 I also -- prior to that, I actually also worked

1 for the Canadian Elisabeth Fry Societies. I was the
2 office manager there. And I actually worked
3 alongside, for a couple of years, with Kim Pate, who
4 is currently a senator, a Canadian senator, if you
5 know her. She is spearheading some of the prison
6 studies right now.

7 And then, prior to that, I also worked at the
8 Correctional Service of Canada, at the Parole
9 Office, the Ottawa Office, right beside national
10 headquarters. So, I'm pretty versed in corrections,
11 NGOs as well as academia. So, I'm bringing all of
12 this into my presentation today, and I bring that
13 with me wherever I go.

14 How I met Nico, in fact, was -- I started a
15 group called -- it's called the Centre for Justice
16 Exchange. And what it is, it's a group for students
17 and academics, and just individuals who want to find
18 alternative modes and mechanisms of justice and
19 practices of justice. And this is where -- and we
20 do that by responding to research requests from
21 prisoners, provincial and federal, all across
22 Canada. We get some from the US as well, which gets
23 pretty extensive, but -- and that's where I met
24 Nico, and where we started to collaborate. And we
25 talked a lot about his ideas for healing. And I

1 think healing is going to be a really important
2 aspect of your work here.

3 So, I'm happy to have Nico here. I think he
4 brings a very extensive background. And he is one
5 of the first prisoners that I've met, or one of the
6 only -- one of the few prisoners, I should say, that
7 I've met -- I know a few prisoners -- who has
8 actually politicized himself. And if you know
9 anything about prisons, having a voice in prison, a
10 political voice in prison, is very detrimental to
11 you. And, in fact, it -- you lose a lot of your
12 privileges, and you lose a lot of your liberties and
13 freedoms when you become political in the prison.
14 So, I commend Nico for his work and his courage.

15 This is a quote from Art Solomon. Art is
16 actually from Killarney -- he's Ojibwe -- not too
17 far from where I was born. And he's done quite a
18 bit of work in the prisons, and particularly in
19 bringing spirituality within the prisons, both
20 provincial and federal. And he says, "*We were not*
21 *perfect, but we had no jails, we had no taxes, no*
22 *wine and no beer, and no old peoples' homes, no*
23 *children's aid societies, we had no crisis centres.*
24 *We had a philosophy of life based on The Creator,*
25 *and we had our humanity."*

1 And I think, again, going back to this idea
2 that the prisons really take away peoples' humanity,
3 I think there are other ways that we could hold
4 people to account for their harm, harmful acts,
5 without a prison system.

6 Just a note: So, I talk about colonial
7 institutions, and when I look at solutions, I take
8 my directions from Indigenous communities and the
9 people themselves. And I want to build on the
10 important work that is already going on. I've been
11 doing quite a bit of work around the Missing and
12 Murdered Indigenous Women, and we've been going from
13 -- with a couple of Indigenous women, I've been
14 going from communities to communities, talking with
15 them about all the great work that they've been
16 doing in addressing the murders and disappearances.

17 For example, Drag the Red campaign with
18 Bernadette Smith in Winnipeg, where they actually
19 started to drag the Red River after the police had
20 refused, so that they could find additional bodies
21 and find closure for people. What was interesting
22 about that, it wasn't certainly that mono-policing
23 function of solving a case. What it also did was it
24 brought the community together.

25 Was it too fast?

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Yes. I'm very sorry, it's just that...

3 **PROFESSOR VICKI CHARTRAND:**

4 (Inaudible).

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 Yes, if you can just slow down a little bit, to
7 allow translation in French?

8 **PROFESSOR VICKI CHARTRAND:**

9 Okay.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 Thank you very much.

12 **PROFESSOR VICKI CHARTRAND:**

13 I'll repeat. No problem. So, like I said, the Drag
14 the Red campaign, what it did was, it wasn't just
15 about finding bodies or solving cases. And that's
16 what the police function does. What this particular
17 -- what this initiative did was it brought people
18 together, and it supported people. And this is what
19 we've talked about in terms of community. And this
20 is the great work. When I say you take direction
21 from the local initiatives, this is what I'm talking
22 about. So, when I talk about my solutions, I always
23 build on the great work that is already being done
24 in the communities, some of the great work that Nico
25 himself has been doing inside the prison.

1 So, today, I'll just give a brief overview of
2 the literature. I want to give a definition or an
3 understanding of colonialism. I'm not going to go
4 into the history of colonialism in Canada. I have
5 no doubt you've already heard a lot of this. I want
6 to talk about the framework of colonialism and its
7 logics, and what it means. Then, I'll look at the
8 trajectory of colonialism in Canada in terms of the
9 penal system.

10 And, just to note, I'm a little guilty of using
11 "*Indigenous*" in a very oversimplified, or what
12 Patricia Monture calls a pan-Aboriginal way. And
13 I'm very cognizant of that fact. As I said, I talk
14 about colonial institutions, and I find that it's
15 actually European or -- within the penitentiary,
16 it's a very common way to refer to Indigenous people
17 '*en masse*', which I am also guilty of. But I find
18 that's very part of that colonial logic that erases
19 the deeply diverse, rich traditions, knowledge and
20 ways of Indigenous people, by treating them as a
21 homogenous group, or by treating the individual
22 within the aggregate.

23 So, you may or may not know, in two thousand
24 sixteen (2016), Maclean's magazine -- I'm sure
25 you're familiar with them -- they published an

1 article called, "*Canada's prisons are the new*
2 *residential schools.*" And they talked about -- and
3 this -- this report was building on years and years
4 of tremendous research that looks at how Indigenous
5 people are discriminated against or disadvantaged at
6 every level of the system, from police checks and
7 arrests, bail denial and detention, sentencing
8 miscarriages and disparities, and high rates of
9 imprisonment classification and segregation. And
10 I'm sure you know that, consequently, these same
11 trends we find in all settler colonial societies in
12 the US, New Zealand, Australia. So, it's clear that
13 the problem is systemic. So, while the article
14 aptly puts the problem within the context of
15 colonialism, I find that what happens is we
16 continuously talk about it as the effects or the
17 legacy of colonialism, which puts colonialism
18 directly into the past.

19 And there is a Mohawk woman, or scholar, Audra
20 Simpson, who says that -- or points out that only
21 conceding to historical wrongs is an attempt to deny
22 the ongoing colonial harms that remain highly
23 visible, but frequently ignored, minimized, or
24 trivialized.

25 So, this is not only reflected in the criminal

1 justice system, but many areas of Indigenous
2 peoples' lives, such as the missing and murdered
3 Indigenous women, frequent child welfare
4 apprehension, extreme poverty and underemployment,
5 high rates of violence and suicide, lack of heating,
6 electricity, clean drinking water. So, these are
7 the very colonial realities that aren't just
8 symptoms or histories or legacies of colonialism,
9 that's colonialism in and of itself.

10 But we keep telling ourselves this is a
11 historical consequence. So, by framing colonialism
12 as something of the past, the struggles are
13 symptomized as an unfortunate but an inevitable
14 consequence of modern progress, while the structural
15 and systemic manner by which Indigenous people
16 continue to be colonized are rarely explored.

17 And so, I want to talk about that today in
18 terms of the penitentiary. And the prison system
19 isn't just about colonizing people. It colonizes
20 your body, it colonizes your mind, and it colonizes
21 your soul. And not just Indigenous people, but
22 particularly Indigenous people.

23 So, I want to rethink this colonial legacy
24 hypothesis in the criminal justice system. And I
25 think that's a key distinction if we look at our

1 systems as colonial, because the solutions that
2 we're going to provide are going to reflect that
3 framework.

4 So, building on that, we know, and I'm sure,
5 especially having worked in the judiciary for as
6 long as you have, Commissioner, that there have been
7 (inaudible) answers to explain the over-
8 representation of Indigenous people since the
9 nineteen seventies. In fact, nineteen sixty-seven
10 (1967) was the first time that a report came out
11 around the over-representation of Indigenous people
12 in the prison system. And I'm not going to go over
13 all the work that's been done around this, but it's
14 been extensive. And since that time, we've only
15 seen increased rates of Indigenous representation in
16 prison. And I kind of like to avoid the word over-
17 representation if I can, because I don't want to
18 make an assumption that there is appropriate
19 representation in prison. I think that's important.

20 So, despite these recommendations and reforms,
21 the office of the correctional investigator points
22 out that, in a ten-year period between March two
23 thousand five (2005) and two thousand fifteen
24 (2015), the Indigenous federal prison population
25 increased by more than fifty percent (50%). That's

1 pretty significant, when there was only a ten
2 percent (10%) overall increase in the general
3 population. And so, the rates rest at twenty-six
4 point four percent (26.4%) from in general, and
5 thirty-seven point six percent (37.6%) for women.

6 Correctional Services Canada actually just
7 recently released a report that states that, in the
8 last five-year period between twenty twelve (2012)
9 and twenty seventeen (2017), the prison population
10 actually decreased, from fourteen thousand one
11 hundred and thirty (14,130) to fifteen thousand
12 three hundred and eighteen (15,318) (*sic*). So, that
13 shows that, despite decreases in the last five (5)
14 years, every year, the Indigenous rates of
15 incarceration increase. And despite all the work
16 we've been doing, all the great work and important
17 work we've been doing around this.

18 So, although policing and sentencing no doubt
19 figure into these rates of Indigenous incarceration,
20 the prison itself also contributes to this outcome.

21 The idea that prisons are neutral arbitrators
22 of colonial wrongs is a reoccurring theme, and it's
23 wrong. But it's consistently reflected in the
24 various reports that state the penitentiary can do
25 little to address the rates of incarceration, and,

1 in fact, Anne Kelly, the Assistant Commissioner,
2 just recently stated at the Senate Committee Study
3 that they have no control over the rates of
4 incarceration. So, this idea that the prison is a
5 neutral arbitrator is wrong.

6 So, according to the OCI, Indigenous Peoples
7 are represented in the most punitive areas of the
8 systems, and it says here in higher-security
9 classifications, segregation placements, use of
10 force interventions, maximum security institutions,
11 all of these more punitive areas lead to longer
12 institutional stays.

13 So, if you want to talk about Renée Acoby -- I
14 know, Nico, you're familiar with Renée. She went in
15 with a two-and-a-half-year sentence, now, she's
16 ended up with accumulated over fifteen (15) years of
17 charges, and now, she's been given a dangerous-
18 offender designation as a result of institutional
19 charges, which means she is never going to come out,
20 effectively. That case is actually up in a human
21 rights tribunal right now.

22 So, that, of course, is going to lead to higher
23 rates of Indigenous incarceration, and the Auditor
24 General just released a report also that talks about
25 how the correctional services in penitentiaries or

1 the prisons in general are just not preparing people
2 for release.

3 Another study, actually, Webster and Doob, in
4 their -- they did a study on Alberta. In nineteen
5 ninety-three (1993), Alberta significantly decreased
6 their provincial prison population. And it had
7 nothing to do with actual justice reforms, it was
8 actually about a deficit that they wanted to
9 address, and they told Corrections that they had to
10 reduce the population and reduce this deficit. And
11 what they did was they reduced the prison population
12 in order to address a financial will.

13 So, there has to be -- that study tells us that
14 it's not simply about justice reforms, that we need
15 to consider the socio-politics of imprisonment, and
16 to situate the penal system in a broader set of
17 concerns outside of criminal justice reforms.

18 So, this is the legwork to my presentation.
19 So, although there is significant discussion on
20 Indigenous imprisonment in both scholarly and public
21 debate, there is little consideration of the role of
22 the penitentiary in the project of colonialism.
23 I've been -- like I said, I've been studying prisons
24 for twenty (20) years, I've never come across the
25 history of the incarceration of Indigenous people.

1 Not at the level of the penitentiary. So, this is
2 where I sort of embarked on this research, going
3 into largely archival work at the National Archives,
4 and elsewhere.

5 Before I talk about the penitentiary, I want to
6 put it in a context of colonialism. And we know
7 that colonialism is a widespread and recurrent
8 feature of human history, with modern colonialism
9 beginning approximately in the mid-15th century.

10 Loomba points out, by the nineteen thirties,
11 European colonies and ex-colonies covered almost
12 eighty-five percent (85%) of the land surface.
13 That's a serious importation of European logics,
14 customs, culture, understandings. So, not only --
15 what's different between -- I mean, colonialism has
16 been going on for quite some time. What's different
17 between colonialism and modern colonialism is that
18 not only does it extract tribute, goods, and wealth
19 from the countries that it conquers, it also
20 consisted of restructuring of local economies,
21 markets, and governance.

22 So, Quijano and Wallerstein argue that a
23 pervasive arrangement of colonialism has been so
24 effectively inscribed and normalized into the
25 narration of the genesis of the modern world that

1 colonial logics now constitute modernity itself. In
2 other words, what they're saying is, "*What we think*
3 *is modern progress is actually colonialism.*"
4 Because it's such a pervasive logic that we fail to
5 see its institution anymore.

6 So, for this restructuring, colonial modernity
7 imported a knowledge system that made invisible the
8 construction of the colonized as inferior. And by
9 constructing the colonized as inferior, it removes
10 claims to legitimacy and authority, claims to your
11 structures of governance, claims to your land, et
12 cetera.

13 And these epistemic hierarchies...

14 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

15 Professor Chartrand, I'm sorry again to interrupt.

16 I know that you travel with your little baby.

17 **PROFESSOR VICKI CHARTRAND:**

18 Yes.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 And I've been informed that maybe, as a mother, you
21 are required for a few minutes. So, do you wish
22 that we take like a two-minute recess to see if you
23 wish to bring your daughter with you?

24 **PROFESSOR VICKI CHARTRAND:**

25 Sure.

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Or if she can stay with our staff?

3 **PROFESSOR VICKI CHARTRAND:**

4 Oh, sure.

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 So, Commissioner, if you allow me, as I told you
7 this morning, Professor Chartrand has travelled with
8 her daughter. So, she is awake. Just see if we
9 will have her with us in the room -- I know you
10 agreed with that...

11 **LE COMMISSAIRE:**

12 Yes.

13 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

14 ... or if she will stay with other people outside,
15 but she might need her mother for a few minutes;
16 okay? So, two-minute --five-minute recess?

17 **LE COMMISSAIRE:**

18 Okay.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 Thank you very much. Cinq minutes (00:05) de pause,
21 s'il vous plaît.

22 **LA GREFFIÈRE:**

23 Oui. La Commission suspend pour cinq minutes
24 (00:05).

25 SUSPENSION

1 -----

2 REPRISE

3 **LA GREFFIÈRE:**

4 La Commission reprend.

5 **LE COMMISSAIRE:**

6 So, welcome back. We have a new young witness with
7 us. So, welcome, both of you.

8 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

9 Vous pouvez...

10 **PROFESSOR VICKI CHARTRAND:**

11 Does she need to...?

12 **LE COMMISSAIRE:**

13 I'm listening.

14 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

15 No, she doesn't need to be sworn in. That's good.

16 **LE COMMISSAIRE:**

17 I'm listening to you.

18 **PROFESSOR VICKI CHARTRAND:**

19 Okay. So, just to refresh here, I was talking about
20 colonial logics, and how it's been written into the
21 very genesis of the modern world, that we think
22 modernity to be something that is objective and --
23 or objective and progressive, when, in fact, it's
24 part of a colonial logic that is very pervasive
25 throughout the world.

1 This logic imported a knowledge system that
2 made the local people, or the people who were being
3 enslaved, inferior. And that was necessary in order
4 to colonize the land and the people in the place.
5 So, these epistemic hierarchies and orderings that
6 are central to modern colonial logic, are more
7 obviously reflected in the practices of enslavement,
8 genocide, assimilation and -- she is not going to
9 stay.

10 She'll be okay.

11 **LE COMMISSAIRE:**

12 So, we're going to try something else.

13 **PROFESSOR VICKI CHARTRAND:**

14 I guess so.

15 **LE COMMISSAIRE:**

16 Okay.

17 **PROFESSOR VICKI CHARTRAND:**

18 We'll try again. Okay? Yes.

19 So, these practices of these hierarchies and
20 orderings are more commonly reflected in
21 enslavement, genocide, or assimilation, but they're
22 also perpetuated through refugee citizenship and
23 immigration laws, sterilization practices -- which
24 are ongoing today as well in Canada, if you read the
25 news in Saskatchewan -- child welfare apprehensions,

1 and committal to asylums and incarceration.

2 Sunera Thobani, who is a scholar at UBC in
3 Vancouver, argues that colonial logics continue to
4 invest a difference in the quality of humanity, that
5 sees the colonized as deserving of different claims
6 and less entitlements.

7 So, this current climate of nation-to-nation
8 and reconciliation talks in Canada, it gives the
9 appearance of what exists today for Indigenous
10 people on reserves and elsewhere, such as the wide-
11 scale water advisories, high rates of suicide,
12 ongoing violence, murders and disappearances of
13 women, men and children, child removal, it gives it
14 an appearance as symptoms of historical wrongs, but
15 nonetheless, consequences of modern progress, and
16 which we just say that Indigenous people haven't
17 been a part of, or even have yet to catch up to.

18 And this is what Spivak, Gayatri Spivak refers
19 to as an epistemic violence. It's a knowledge
20 violence. It's a repressive ordering that has
21 become such a pervasive part of our ontological
22 fabric and psyche that we fail to recognize its
23 patterns anymore, or challenge its structures. We
24 just can't see it, how we operate on a day-to-day
25 basis.

1 I can give you lots of examples of that, even
2 through my own work at the transition house, and if
3 you have questions around that, at the end, but it
4 really is built into our very system.

5 So, it's hard to read, but all this is is that
6 it looks at some of the developments in the law and
7 legislation around colonization and around the
8 justice system. And, in Canada, the justice and
9 security apparatuses, like the penitentiary, emerged
10 as part of a colonial process of early settlement
11 and nation building.

12 So, the penitentiary actually played a very
13 important role in securing dominion of the nation.
14 As part of the process to consolidate the Dominion,
15 penitentiaries would actually be strategically built
16 in every major city, as soon as every province would
17 join in Confederation. So, it was really about --
18 the penitentiary was about security.

19 Local jails, like the provincial jails that
20 you're studying, they actually pre-dated the
21 penitentiary. They came along with the settlers.
22 And it was a way of managing local affairs and local
23 issues, and also, it was a way to regulate
24 Indigenous people, where the Indian policies failed.

25 So, for example, the Indian agent would take

1 monies and build jails right on reserve, in order to
2 manage Indigenous people when the other legislations
3 failed.

4 Penitentiary was a very different machinery.
5 So, opening in eighteen thirty-five (1835), the
6 penitentiary, if you think about it, it's a fairly
7 new -- recent phenomenon, in the sense that it only
8 emerged in the 17th, 18th century, the concept of the
9 penitentiary, and the fact that you can rehabilitate
10 someone. Jails were about their holding cells, to
11 keep people, a debtors' jail, these kinds of things.
12 The penitentiary itself was about reformation of the
13 person.

14 So, eighteen thirty-five (1835), when the
15 Kingston Penitentiary was built, it was modelled as
16 a state-of-the-art institution. Today, it recently
17 closed, and we call it archaic, but when it was
18 built, it was state-of-the-art, at the vanguard of
19 humanitarianism and civilization. In fact, Canadian
20 people would come from across Canada to visit the
21 prison when it was first built, to awe, to -- to awe
22 at its structures.

23 So, the penitentiary was about to correct and
24 maximize the potential of the individual through
25 labour, segregation, and moral reformation. So,

1 this is when I talk about we started to colonize the
2 body, mind, and the soul.

3 So, in short, the penitentiary was designed to
4 police modern logics of rationalism, reformation,
5 and modern progress. So, from its construction to
6 the mid-20th century, the penitentiary in Canada was
7 initially reserved for white settlers. In fact, we
8 never saw -- in fact, we saw very little Indigenous
9 representation within the penitentiary for quite
10 some time.

11 Indigenous People, on the other hand, were
12 organized through the Indian agent. So, even though
13 the logics of colonizing Indigenous people were the
14 same as reforming the criminal, their management was
15 very distinctive.

16 So, according to penal officials, Indigenous
17 prisoners were argued to be easily amenable to
18 reform. They were said to have weak
19 constitutions -- and this is what I garnered through
20 all the reports, dating back to eighteen thirty-
21 eight (1838) -- an inability to adapt to long prison
22 sentences, predisposed to diseases, and they pose a
23 significant expense for the penitentiary.

24 So, rather than relying on the judiciary to not
25 -- to have Indigenous people released, the prison

1 took its own initiative to have Indigenous people
2 released. So, ongoing efforts to reduce the
3 Indigenous population were achieved from offering
4 clemency, issuing tickets of leave, which is parole,
5 providing compassionate leaves, or just exonerating
6 through pardons.

7 So, from the -- and I found this really
8 interesting when I was doing this research. I
9 expected to see the penitentiary as an assimilation
10 -- taking on an assimilation function from the very
11 beginning, but, in fact, from all the reports, I've
12 looked at every report from eighteen thirty-eight
13 (1838) to nineteen sixty (1960), and in those
14 reports, the penitentiaries remained -- Indigenous
15 incarceration remained low, averaging from one to
16 eight percent (1-8%). And the only time there was
17 an exception around that was around the Red River
18 Rebellion, when it actually jumped to eleven percent
19 (11%), and that was only for about three (3) or four
20 (4) years, and then it decreased again, because
21 apart from the leaders that were executed, they
22 exonerated the rest of them and had them leave the
23 prison -- which is interesting; right? Because we
24 talk about it as this control mechanism, but really,
25 it was -- they saw Indigenous people as owning a

1 very different capacity than being reformed.

2 So, despite the separate management, the
3 regulation over Indigenous people was nonetheless
4 consistent with penal models of reformation through
5 routines of labour, material hardship, and moral
6 instruction and bodily health.

7 Again, it's this idea of colonizing the mind,
8 body, and soul. So, given the overlap in practices
9 that were particular to and that affected the
10 penitentiaries, they were also common to reserves
11 and residential schools. So, what we saw was
12 overcrowding, sickness and death, malnutrition,
13 punishments, floggings and beatings, forced labour,
14 food deprivation, isolation, restricted mobility,
15 sexual abuse, escapes, suicide. I mean, the
16 parallels between the two are absolutely uncanny.
17 So, you can see there is a very -- there's quite a
18 similarity in the logics between the two, but each
19 one was reserved, one for white settlers, the other
20 one for Indigenous people.

21 So, colonial logics for the Indigenous
22 population triggered a reformation for the savage,
23 while the penitentiary was reserved for the white
24 settler, the criminal.

25 After the Second World War, however, a new

1 relationship between the colonizer and the colonized
2 emerged in Canada, with a repositioning of Indians
3 within what we call the general social welfare
4 programs of the state. And this was after the
5 Second World War, when we started to see quite a
6 movement around civil rights and human rights. We
7 also started to see what Glen Coulthard, a Dene
8 scholar, talks about in terms of, for Indigenous
9 people, this movement were a politics of
10 recognition.

11 So, around the nineteen fifties, what we
12 started to see was the receding of assimilation, or
13 official assimilation and segregation policies. So,
14 the *Indian Act* amendments were repealed, the anti-
15 potlatch provisions and barriers to making land
16 claims. Further amendments allowed women to
17 participate in band democracy, and I'm sure you're
18 familiar with a lot of the other types of
19 initiatives that were going on that were starting to
20 recede formal assimilation policies.

21 And this is what I mentioned: Coulthard argues
22 it was a politics of recognition. And he argues
23 that this, it's the now expansive range of
24 recognition-based models of liberal pluralism of
25 reconciliation, but he argues that these colonial

1 powers, they didn't necessarily repeal assimilation,
2 it just made assimilation more hidden, and Canada
3 shifted from an over-domination, to a model of state
4 recognition and accommodation that retained the same
5 colonizing relationship. In effect, what it did was
6 it maintained Indigenous people's interests -- were
7 superseded or continued to be superseded by the
8 state.

9 Another thing that this politics of recognition
10 did is that -- and this is when we started to talk
11 about this colonial legacy, is that because we
12 started to recognize Indigenous politics, it firmly
13 established colonialism as a historical moment. And
14 that effaced European settlement, while
15 subordinating the Indigenous population by other
16 means and institutions. So, it really took away the
17 rights of Indigenous people even more so, in the
18 sense that it established settlers as the national
19 subject.

20 And Scott, a lawyer, points out he's -- or a
21 scholar -- points out while reforms mark a great
22 leap forward in the march of rationality, progress,
23 and freedom -- and, of course, this is -- when we
24 start talking about things in terms of modernity and
25 progress, we legitimate them through those types of

1 discourses. They also signal a reconfiguration of
2 colonial power, its redistribution and its
3 redeployment. So, it wasn't necessarily that
4 colonialism ended, it's just that the institutions
5 and the language around colonialism changed.

6 So, as Canada was hosting in this new era of
7 rights and freedoms, the security function of the
8 state was also taking on a new form. In the
9 nineteen sixties, what the penitentiaries started to
10 see was a significant professionalism around this
11 system. And it also started to move in towards what
12 we call -- what is known as rehabilitation function.
13 Now, it always had a rehabilitative function, but
14 that wasn't -- that wasn't the precedent. In the
15 nineteen sixties, rehabilitation became its main
16 criteria -- one of its main criteria. And, of
17 course, rehabilitation is very much similar to these
18 ideas of reformation and assimilation.

19 So, in the nineteen sixties, two (2) things
20 happened: one is, as I was doing this research, in
21 the nineteen sixties, they stopped documenting race
22 in the penitentiary reports. It just falls off --
23 completely off the reports, and there is no
24 discussion of race whatsoever.

25 Prior to this, we saw vast amounts of

1 documentation. They documented if you were a
2 Hybrid, if you were a half-Negroid, if you were
3 Caucasian. They documented every aspect of race,
4 and they documented every aspect of nationality.

5 In the nineteen sixties, this literally
6 disappears. So, there is no more -- and I think
7 this is probably why we didn't hear much about over-
8 representation, because it stopped in the nineteen
9 sixties.

10 Also in the nineteen sixties, with the
11 professionalization of the system, what we started
12 to see was an explosion of prisons. Literally an
13 explosion. So, in the number -- from
14 penitentiaries, farms, camps, annexes, training
15 centres, healing lodges, women's facilities.

16 So, in a fifty-year period, from nineteen fifty
17 (1950) to the year two thousand (2000),
18 approximately forty-six (46) federal prisons were
19 built. And that's compared to the thirteen (13)
20 penitentiaries that were constructed in the first
21 hundred-and-fifteen-year period.

22 From nineteen hundred (1900) to nineteen sixty
23 (1960), I looked through every single report of
24 every year, and the Indigenous population, like I
25 had said, ranged from one to two percent (1-2%),

1 with that exception in the eighteen sixties, but the
2 general penitentiary population increased twenty-two
3 percent (22%), from fourteen thousand four hundred and
4 thirty-four (14,434) convicts to six thousand three hundred and forty-
5 four (6,344).

6 So, while the general population was
7 significantly increasing up until the nineteen
8 sixties, the Indigenous population was remaining
9 relatively the same. In nineteen sixty (1960), that
10 was the last documented incident, and it was at two
11 percent (2%).

12 Past the nineteen sixties, though, what we
13 start to see is the penitentiaries quietly begin to
14 assume a new role in the lives of Indigenous people.

15 In nineteen sixty-seven (1967), a report called
16 *"Indians and the Law"* came out. And it was -- the
17 Canadian Corrections Association was commissioned by
18 the Indian Department to look at the representation
19 of Indigenous people in the penitentiary. And it
20 actually emerged around a lot of media reports with
21 that old trope or the old stereotype: The drunken
22 Indian. So, they wanted to address, *"Well, why are*
23 *we seeing so many Indigenous people in the*
24 *penitentiaries and in the media, of late?"* And, of
25 course, there is a saying, *"If you build it, they*

1 *will come, and it will fill.*" And certainly, that
2 is the case, but what it ended filling was we ended
3 up starting incarcerating Indigenous people.

4 So, this report, what it showed was that, from
5 nineteen sixty (1960), it was two point five percent
6 (2.5%). In nineteen sixty-five (1965), it jumped
7 across six (6) federal penitentiaries to eleven
8 percent (11%) of incarceration. And the rate of
9 Indigenous incarceration has increased one to three
10 percent (1-3%) every year, from nineteen sixty
11 (1960), to its current rate of twenty-six point four
12 percent (26.4%).

13 So, even though we know, in the last ten (10)
14 years, the rates of crime have been decreasing, even
15 though, in the last five (5) years, we know that the
16 general population has been decreasing, Indigenous
17 populations have been increasing consistently every
18 year since nineteen sixty (1960).

19 So, by the 21st century, the penitentiary
20 quietly hosted a new problem population. It wasn't
21 the "*Indian problem*" anymore, what we called it now
22 is the "*Aboriginal criminal.*"

23 So, projected in the rationalist discourses of
24 progress and advancement, of course, this is what we
25 see in terms of the penitentiary: It's state-of-

1 the-art, it's been reformed now, we're focussing on
2 rehabilitation, it intervenes along well-established
3 discourses of criminal reformation, incarceration,
4 and through normal and legal responses to the
5 receding assimilation practices. So, we have now a
6 legal response to address the receding assimilation
7 practices.

8 So, the same reasoning of racial inferiority
9 that was historically used to keep Indigenous
10 peoples out of the penitentiary, such as lack of
11 resources, capacity, that they have weak
12 constitutions, that shifted to a need for
13 imprisonment in the politics of recognition that
14 assumes equal treatment and participation within the
15 system.

16 Where, historically, civility and savagery were
17 the tropes of the Indian agent, the discourse
18 eventually shifted to symptoms of a colonial legacy
19 and ensuing criminality. So, within these titles of
20 criminality, Indigenous people were seen as
21 rightfully belonging in the prisons.

22 Muhammad -- he's a US scholar, a black US
23 scholar -- he argues that the colonial principles of
24 inferiority have been repackaged through a language
25 of criminal justice. He looks at the interventions

1 along the lines of police violence, and he traces
2 that back to actual lynchings, black lynchings
3 during antebellum. The author argues, *"We are told*
4 *that black people today are not worthy of full*
5 *citizenship until they conquer their vices through*
6 *the similar tropes of broken homes, violence,*
7 *alcohol, drug use, poverty, and bad parenting."* So,
8 although the language and the institutions have
9 shifted, a relationship of subordination remains
10 intact.

11 Saleh Hanna, another US scholar and a good
12 friend of mine, she argues historical crimes of
13 enslavement within the plantations, chain gangs,
14 reservations and penitentiaries, are shielded from
15 moral interrogation, while processes of confinement
16 -- who, how long, how we're going to do it --
17 conveniently take precedence. We stopped looking at
18 these historical crimes of enslavement in
19 plantations and chain gangs, and we just look at the
20 rationality of this system. And we never question
21 the system itself.

22 So, this is what -- going back to Gayatri
23 Spivak -- talks about this ongoing epistemic
24 violence of colonialism that retains the historical
25 binaries of white supremacy and Indigenous

1 inferiority, while making it a feature of modern
2 progress. So, it's colonialism, but we call it
3 modern progress.

4 A shift to the criminal justice system and
5 other punitive mechanisms, like child welfare,
6 disperses the colonial logic into something that is
7 necessary and normal, and it obfuscates the same
8 logic and processes used throughout the history of
9 colonisation.

10 So, this was taken from the *"Creating Choices"*
11 report. It was the first time that they had
12 actually consulted Indigenous prisoners on a
13 commission of inquiry -- or was it a commission of
14 inquiry? No, it was a task force. Sorry. And this
15 is from Fran Sugar and Lana Fox. And they say:

16 *"Prison cannot remedy the problem of*
17 *the poverty of reserves. It cannot*
18 *deal with the immediate or*
19 *historical memories of the genocide*
20 *that Europeans worked upon our*
21 *people. It cannot remedy violence,*
22 *alcohol abuse, sexual assault during*
23 *childhood, rape, and other violence.*
24 *Prison cannot heal the abuse of*
25 *foster homes and the indifference*

1 *and racism of Canada's justice*
2 *system in its dealings with*
3 *Aboriginal people."*

4 If we want to see reconciliation, there is no
5 reconciliation without justice, and we are not going
6 to find justice in a prison system.

7 I offer some solutions. I'm not very
8 prescriptive, and I apologize for that. I was asked
9 to be a little bit more prescriptive, but like I
10 said, when you start working in Indigenous
11 communities, it really has -- the context has to be
12 local. And I learnt that very specifically when I
13 worked in Quesnel, because you have to come up with
14 really creative solutions. So, you can have
15 guidelines, but you need to take direction from the
16 communities and the people themselves.

17 And so, I want to just build on and talk about
18 some of the great work that has been already done.
19 And, as you know, Romeo Saganash has already asked
20 about the implementation of Bill 262, which is in
21 its third reading, from what I understand, it's
22 going to be read -- move forward in June, I think.
23 And, hopefully, if that goes through, then, it's
24 really about implementing the United Nations'
25 *Declaration on the Rights of Indigenous Peoples.*

1 And I think this is so fundamental.

2 You know, working in Indigenous communities,
3 I'll give you a small story. We offered parenting
4 programs in the communities, when I was working in
5 Quesnel, B.C. And I thought, *"That's great. What a*
6 *-- that's great that we're going into the actual*
7 *communities and offering the service, and so, people*
8 *don't have to leave their communities and come see*
9 *us, and make all that travel and distance."*

10 So, when I went to the parenting program on the
11 community, you know, we went into the office of the
12 case worker, and the kids had broken into the office
13 because they wanted to steal -- they stole some
14 food. They were -- yes, they were hungry. And
15 we're going on the reserve offering parenting
16 programs, and these kids don't even have food.
17 That's where you start to see a real disconnect
18 between these prescriptive solutions that say, you
19 know, *"We just need to do this,"* in a very
20 organized, bureaucratic, systemized way, and we just
21 completely miss the logic of it all. And I can't
22 tell you, time and time again, whether it's in the
23 prisons, or child welfare, how we miss that logic.

24 A woman whose children are being apprehended,
25 you go into her house, and she has no food. You

1 know, basic needs like this, it's -- it's
2 unbelievable. But -- and so, this is why I don't
3 want to be prescriptive. But I think implementing
4 the United Nations' *Declaration on the Rights of*
5 *Indigenous People*, it starts to address just those
6 basic needs -- electricity, a shelter, those kinds
7 of things.

8 And so, it's -- and it's not just addressing
9 basic needs, but it's about building capacity in
10 communities. We have to build community capacity.
11 There is just no other -- there is no easy way
12 around it, and it's going to be a long -- it's a
13 long-term strategy, but it's the only strategy.
14 It's the only strategy, is building -- starting by
15 community-capacity building. And building on the
16 internal strengths of those communities.

17 It's so easy to go in there with our white,
18 middle-class, privileged eyes, and just see all the
19 problems. But there's a lot of -- there's an
20 incredible strength there too that we need to see
21 and we need to tease out, and to assist and support
22 in helping develop. So, that's the one solution
23 that I really take in (ph).

24 The other thing is: We need to abolish prisons.
25 I know it sounds like a big, tall order, but the

1 abolishment of prisons should be our end goal. So,
2 we need to minimize. In the meantime, I understand
3 that prisons -- I mean, really, they're a failed --
4 they're an old, barbaric, brutalizing system. And I
5 think that there are other ways that we can bring
6 people -- make people accountable outside of a
7 system that doesn't involve them.

8 So, we need to bring people in who do these
9 kinds of harms, we need to make them part of that --
10 part of that system. And the prison system doesn't
11 do that. While we have prisons, we need to minimize
12 and mitigate the harmful impacts of the prison.

13 People come out -- like I said, I've been
14 working for twenty (20) years around this, and when
15 you see, especially the longer time people spend in
16 prison, they come out -- I don't want to
17 delegitimate anyone, but they -- they come out worse
18 off, and not because they, themselves, are worse,
19 but because the system leaves them with very little,
20 in the end.

21 And so, we need to minimize and mitigate those
22 harms, and one of them could be through judicial
23 oversight, one of them can be through parliamentary
24 oversight, but there needs to be a way that
25 prisoners, whether it's federal or provincial, there

1 needs to be a way that they have direct access to
2 some sort of intervention, legal intervention, with
3 accountability.

4 You know, in Ontario, they released the Code.
5 It was -- the ombudsperson released a three-hundred-
6 page document called "*The Code*," and it talked about
7 all the provincial brutality that prisoners
8 experience, from other prisoners, from guards. But,
9 you know, you create that kind of system that
10 creates these kinds of problems when...

11 So, I think we need to -- obviously, I don't
12 think that prisons are going to be abolished anytime
13 soon, but I think we need to work towards
14 decarceration strategies, and minimizing and
15 mitigating the harmful impacts of the prison system.

16 I've walked alongside people who have been in
17 prison for a really long time, and I've lost a lot
18 of people who were in prison. We're not just
19 talking about ideas. These are people's lives.
20 And, you know, I have a daughter, and I think about,
21 if she ever ended up in prison, that I would assure
22 she had hope, that she has an advocate on her side,
23 because if she ends up in the deep end of the
24 prison, I know she is never coming out. Not that
25 she would, because it's not really her trajectory,

1 because she doesn't -- she's born into privilege,
2 but -- yes. It's about people's lives. And I -- my
3 students are right. I'm passionate.

4 And, finally, decarceration strategies and
5 community options, where Indigenous and non-
6 Indigenous prisoners can serve their sentence and
7 parole in a supported way in the community. I think
8 that's going to be -- that's going to be really
9 significant.

10 I will never -- I will opt for ways to mitigate
11 and minimize the hardships of a prison, but I will
12 never opt for improving the prison or prison reform.
13 We have been doing that, I just talked about -- you
14 looked -- at the beginning of my presentation, we
15 talked about all the reforms that we've been doing
16 in the prison since it's been built in eighteen
17 thirty-five (1835). And yet, incarceration rates
18 for Indigenous people continue to rise. Whatever
19 we're doing is not working. And we need to stop
20 looking to the prison for our solutions. It is a
21 colonial institution.

22 So, as noted by Romeo -- and just to finish, as
23 noted by Romeo Saganash, there will be no
24 reconciliation without justice. And thank you again
25 for listening.

1 **LE COMMISSAIRE :**

2 Do you have questions, Me Barry-Gosselin?

3 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

4 I will have one, Professor Chartrand. So, it was a
5 very interesting presentation. I understand that,
6 for you, of course, detention will never -- is not
7 and will never be the solution in any case, and that
8 the goal is to have alternative solutions to
9 detention and incarceration, but do you have any
10 kind of example of solutions, programs, or
11 alternatives that did work, instead of sending
12 people to penitentiaries or provincial detention,
13 that keep people in the community?

14 And, at the beginning of the presentation, you
15 also explained that people need to be accountable,
16 maybe, sometimes, from their actions, but that
17 without using the traditional system of provincial
18 or federal detention, that did work to...?

19 **PROFESSOR VICKI CHARTRAND :**

20 Yes, I mean, I suppose it depends on the perspective
21 you're looking at. There's been quite a few
22 restorative justice programs in place. For some,
23 like Hollow Water has been touted as a really
24 successful program that has been working. And I
25 know that restorative justice programs have -- have

1 some of their problems, and they aren't dealing with
2 some of the more severe cases, but -- a couple of
3 things. I can take anyone here and put you in the
4 right context and you will commit an act of
5 violence. And I speak to -- my experiences are more
6 so with women in this particular context, but a lot
7 of the women are -- their violence occurs in the
8 context of -- of just in the wrong place at the
9 wrong time. So, we need -- I think -- one thing we
10 need to do is, it's not just about a solution that's
11 going to work for everyone; we have to think about
12 what we're creating for people in order for them to
13 -- that leads them to acts of harm. And I think
14 that's really important.

15 I want to give you this example, because I
16 think this is significant for -- at the transition
17 house, we took in women of all kinds. So, we had
18 Indigenous women, we had, you know, women coming in
19 from middle-class backgrounds, we had women coming
20 in from provincial prisons, from federal prisons.

21 In the twenty (20) years that that halfway
22 house was operating, women with violent backgrounds,
23 drug addictions, the whole gamut of it, there had
24 never been a violent incident. The only time there
25 actually was a violent incident was when this -- was

1 with a -- was when there was a nine-year-old boy, he
2 would beat his mother. And, at one point, I
3 redirected his violence towards me. And he -- so,
4 he started -- because I didn't want him going onto
5 the workers. And it was interesting, because as
6 soon as a white male police officer came on site, he
7 became really docile. He had already -- he had
8 already learnt, in his eyes, how to be -- violence,
9 he already had learnt at a very young age to be
10 violent, to direct his violence towards women and to
11 be complacent and compliant with men, and that was
12 the only time there was an incident.

13 When I was Executive Director, I was on call
14 twenty-four (24) hours, and I knew, when I say an
15 incident, whether there was going to be something
16 happening, whether there would be like an
17 altercation or a conflict, not by the woman who was
18 in the house, but by the worker who was on staff.
19 If there was a certain worker on one night, I would
20 have the phone beside my bed and I would be waiting
21 for the call, and sure enough, I would get called in
22 to resolve a conflict. Another type of worker, I
23 would be, "*Oh, so and so is on tonight?*" I would
24 kick off my shoes, I would take a glass of wine, and
25 it would be no problems for the entire night.

1 And I'm not saying -- I'm not speaking ill of
2 those workers, but what I'm saying is they weren't
3 versed well in -- you can call it conflict
4 management, but they escalated conflict. They
5 instigated conflict. And not through no fault of
6 their own. Maybe lack of training, whatever the
7 case may be, but so, I can take anyone and put you
8 in the right context, and you're going to -- and
9 violence is going to occur. So, I want to say that,
10 because that's really important to understand.

11 The second part is we spend upwards -- the
12 Attorney General released a report that -- oh, no,
13 the Parliamentary Budget Officer released a report
14 that looked at upwards of three hundred thousand
15 (300,000.00) to two hundred thousand (200,000.00) --
16 three hundred thousand dollars (\$300,000.00) a year
17 for women to incarcerate -- and this is, again,
18 federal, but two hundred thousand dollars
19 (\$200,000.00) for men.

20 And you think about -- if we want to talk about
21 the dangerous few, the one, two percent (1-2%), the
22 rapists, the murderers, that are really dangerous,
23 that are, you know, serial dangerous, the very few
24 that it's not a contextual violence, you can hire
25 someone, there could be surveillance types of

1 approaches, those kinds of things. I don't have --
2 I don't necessarily have all the answers, but just
3 because I don't know the last step doesn't mean we
4 can't take the first step, as Faye Honianop (ph)
5 says.

6 But I think, in the meantime, like while we --
7 we have to -- our focus really has to be on building
8 capacity in the communities so that they can -- they
9 can take care of each other, and then, the healing
10 can happen. And I'm really hoping that Nico and The
11 Bear can speak to that, to that healing -- so, the
12 healing function (inaudible) into the solutions
13 function, and to provide more concrete examples than
14 I have. But thanks for asking.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 Thank you, Professor Chartrand.

17 **LE COMMISSAIRE:**

18 Me Boucher?

19 **Me MARIE-PAULE BOUCHER:**

20 Je n'aurai pas de questions. Merci.

21 **LE COMMISSAIRE:**

22 So, what is next, Me Barry-Gosselin?

23 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

24 Bien, je peux suggérer, en fait, qu'on -- la
25 visioconférence, peut-être tout de suite de

1 permettre aux autres participants de ce matin de
2 réagir à la présentation de professeur Chartrand, et
3 de, eux-mêmes, faire leur présentation
4 immédiatement?

5 **LE COMMISSAIRE :**

6 Ça va. Comme vous voulez.

7 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

8 Oui. C'est ce que je vais suggérer. On pourra
9 prendre une pause, si besoin est, dans la
10 présentation.

11 **LE COMMISSAIRE :**

12 Ça va.

13 **M. KURT NICOLAS ROUGIER :**

14 Est-ce que ce serait possible de prendre un deux
15 minutes avant la présentation?

16 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

17 Oui. Certainement.

18 **LE COMMISSAIRE :**

19 Oui.

20 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

21 Donc, je vais finalement vous suggérer un cinq
22 minutes de pause, et, en même temps, je pourrai
23 m'adresser à vous quelques minutes. Merci.

24 Donc, Monsieur le Commissaire, on prend cinq
25 minutes (00:05)?

1 **LE COMMISSAIRE :**

2 Alors, on va prendre cinq minutes (00:05).

3 **LA GREFFIÈRE :**

4 La Commission suspend pour cinq minutes (00:05).

5 SUSPENSION

6 -----

7 REPRISE

8 **LA GREFFIÈRE :**

9 La Commission reprend.

10 **LE COMMISSAIRE :**

11 Alors, bonjour. Nous poursuivons, Me Barry-
12 Gosselin, avec vos témoins qui sont à l'extérieur en
13 visioconférence?

14 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

15 Oui. Juste une petite formalité avant, Monsieur le
16 Commissaire, si vous me permettez. Je vais déposer
17 la présentation PowerPoint du professeur Chartrand
18 sous la cote P-528.

19 ***** PIÈCE COTÉE P-528 *****

20 Et sous la cote P-529, je vais déposer, en
21 fait, la présentation avec les notes plus complètes,
22 ainsi que les références aux publications de
23 professeur Chartrand également.

24 ***** PIÈCE COTÉE P-529 *****

25 Donc, je vais maintenant inviter nos témoins

1 qui sont dans la région de Québec à s'adresser à
2 vous, Monsieur le Commissaire. Merci.

3 **LE COMMISSAIRE:**

4 Alors, on vous écoute.

5 **M. KURT NICOLAS ROUGIER:**

6 Bonjour, Monsieur le Commissaire Viens.

7 **LE COMMISSAIRE:**

8 Oui. Alors, bienvenue. Nous vous écoutons
9 attentivement.

10 **M. KURT NICOLAS ROUGIER:**

11 Tout d'abord, je vais m'identifier : Kurt Nicolas
12 Rougier, Mamiyo Pugwash (ph) de mon nom spirituel
13 autochtone abénaquis, qui veut dire « papillon
14 lune », qui, je crois, parfait à mon cheminement de
15 guérison autochtone et mon chemin rouge.

16 Also, I would like to give a big honour and
17 thanks to my dear friend, lady of the sacred fire,
18 Vicki Chartrand, there. I was very touched by her
19 speech, and I wish the best, and in honour of our
20 ancestors for the result of this magnificent and
21 very exhaustive speech about our culture and
22 traditions.

23 Je suis honoré aussi, de même, de participer à
24 cette commission aujourd'hui, étant donné notre
25 distance, et que la technologie favorise notre

1 témoignage, c'est extraordinaire. Je voudrais
2 remercier mes ancêtres, le Créateur, la Terre-Mère,
3 nos quatre directions.

4 Et, pour commencer, bien, je suis dans ma
5 vingt-sixième année d'incarcération, dont dix-
6 neuvième année sur cette sentence de dix-huit (18)
7 ans, vingt (20) ans, en fait, avec le *trial* d'avant
8 la sentence, qui s'échelonne sur une sentence de
9 vingt (20) ans, à savoir mars deux mille vingt
10 (2020) pour ma totale.

11 Et je dois dire aussi que j'ai découvert mon
12 identité autochtone en deux mille six (2006), malgré
13 déjà mes appréhensions, étant donné que j'ai eu une
14 jeunesse quand même assez mouvementée et difficile,
15 des résultats du grand scoop des années soixante,
16 qu'on qualifie de berceau des anges dans la série à
17 la télévision.

18 Pour expliquer, en fait, dans les années
19 soixante, il y a eu beaucoup de dénaturalisation
20 d'enfants autochtones envoyés dans des familles qui
21 étaient non-autochtones, pour l'assimilation des
22 enfants de notre peuple, et aussi, essayer un genre
23 d'assimilation générale de la culture autochtone.

24 Comme disait si bien notre ancien ministre des
25 Affaires indiennes de mil neuf cent vingt (1920), à

1 savoir l'Honorable Ministre Duncan Campbell Scott,
2 qui, dans ses chimères, prétendait assimiler
3 complètement la culture autochtone (inaudible) les
4 écoles résidentielles, mais on voit aujourd'hui que
5 ç'a fait plus de dégâts que de résultats. J'en suis
6 la preuve vivante, parce que j'ai eu une enfance
7 absolument mouvementée et très difficile par rapport
8 à mon identité, par rapport, aussi, à ce que l'arrêt
9 *Ipeelee* décrit très bien avec le Juge -- L'Honorable
10 Juge de la Cour supérieure LeBel (*sic*), qui a fait
11 un travail exhaustif, je crois, sur -- c'est
12 l'arrêt, après l'article *Gladue*, qui est spécifique,
13 justement, aux remises en liberté dans nos
14 communautés autochtones, et il stipule là-dedans
15 aussi beaucoup le fait que -- l'historique et le
16 systémique des communautés puis des gens qui sont
17 incarcérés et qui sont d'origine et de statut
18 autochtone, sont traités différemment dans les
19 sentences, et aussi dans la longévité de
20 l'incarcération.

21 Aussi, je ne suis pas non plus ici pour --
22 comme notre commissaire le disait, ou la Commission,
23 en fait, on connaît ce qui est le mandat de la
24 Commission, d'essayer de trouver des solutions. On
25 n'est pas ici pour faire le procès ni du service

1 correctionnel canadien, ni du service correctionnel
2 provincial, mais bien de partager notre expérience,
3 notre vécu, puis ensemble, dans une réconciliation
4 qui est d'actualité, et peut-être ultérieurement, de
5 trouver des résultats qui seront profitables et qui
6 auront des conséquences constructives. Dieu sait
7 que notre histoire ne l'est pas.

8 Alors, tout d'abord, bien, moi, j'ai appris que
9 j'étais adopté, j'avais à peine sept (7) ans.
10 J'étais déjà un enfant très problématique, avec un
11 feu intérieur qui ne cessait pas de brûler et de
12 faire des frasques à la fois à l'école et dans ma
13 famille adoptive. Et le destin, faisant bien les
14 choses, m'a amené à grandir avec ma culture et mon
15 identité, sans même savoir que mon sang qui coulait
16 dans mes veines était de souche autochtone, de mère
17 biologique abénaquise, qui avait signé un contrat
18 avec le gouvernement canadien, à l'époque, qui
19 demandait de -- dans le berceau des anges de Sainte-
20 Justine, on était quatre cents (400) bébés, en mil
21 neuf cent soixante-sept (1967), à être distribués en
22 Europe, en Australie -- dans toutes les colonies, en
23 fait, et puis beaucoup au Canada, aux États-Unis,
24 dans les -- dirigés vers les familles autochtones
25 (*sic*).

1 C'était assez -- assez sauvage et inhumain
2 comme traitement, là, le fait d'arracher l'enfant,
3 de le -- en fait, c'était -- on était -- on
4 provenait d'un genre de matrice, et puis comme
5 dénaturalisés complètement de ce que peut être la
6 naissance d'un être humain. On a été arrachés
7 complètement du sein de notre mère, pour être
8 dirigés dans une pouponnière, pour être ensuite
9 testés de toutes sortes pour voir si on était
10 génétiquement compatibles à pouvoir grandir en
11 santé, à savoir qu'il y a quelques-uns de mes frères
12 et soeurs qui ont été malchanceux génétiquement, qui
13 se sont retrouvés dans des laboratoires, des
14 laboratoires de biochimie et d'expériences
15 psychiatriques et de toutes sortes, qui ont péri
16 après coup, qu'on a retrouvés vingt (20), vingt-cinq
17 (25), trente (30) ans après dans des hôpitaux de
18 Baie-Saint-Paul, complètement légumes.

19 Alors, je peux m'estimer chanceux d'avoir eu
20 une bonne génétique puis d'avoir finalement trouvé
21 une famille, parce qu'il y a beaucoup de mes frères
22 et soeurs qui sont restés orphelins dans les
23 pouponnières puis qui ont été envoyés dans les
24 écoles résidentielles, puis qui ont subi des martyrs
25 absolument abominables, qui sont, encore

1 aujourd'hui, sur un chemin de guérison, dans la
2 soixantaine, soixante-dix (70), quatre-vingts (80),
3 qui n'en finissent plus d'essayer de guérir leurs
4 blessures que toutes ces écoles-là puis les
5 congrégations religieuses -- bien, là, on ne
6 commencera pas le procès non plus à matin, de ces
7 gens-là. On connaît l'histoire, donc, on ne
8 reviendra pas là-dessus.

9 Je vais me concentrer sur mon historique. Je
10 pense que c'est un des plus beaux exemples de ce que
11 peut devenir un enfant arraché à sa culture, à ses
12 origines, à ses racines, puis que devenir un produit
13 permanent pour les services ou les systèmes
14 correctionnels, comme Vicki partageait dans ses
15 écrits, dans ses recherches, que l'Autochtone au
16 Canada, maintenant, les pénitenciers et les services
17 correctionnels, je pense, ont remplacé un peu la
18 dénaturalisation par les écoles résidentielles, et
19 puis il va de soi que c'est sûr que si on ne trouve
20 pas de solution, ça va être juste -- ça va s'en
21 aller en exponentiel, je pense, de voir la
22 population autochtone augmenter.

23 Nous, on est témoin à chaque semaine des gens
24 qui nous arrivent des communautés, complètement
25 désemparés, complètement sans aucun historique de

1 leur culture ou de leurs traditions, c'est à peine
2 s'ils savent allumer un feu sur le terrain sacré.
3 C'est toujours déstabilisant de voir qu'il n'y a pas
4 de ressources au niveau provincial quand les gens
5 sont en prévention, qu'ils sont laissés à eux-mêmes
6 dans des centres de détention absolument insalubres,
7 parce qu'on sait que si on fait le tour des prisons
8 québécoises, il y a beaucoup d'endroits, de petites
9 prisons communes, des secteurs un peu reculés, comme
10 Rimouski, ou Alma, ou la Gaspésie, si on fait le
11 tour, là, c'est vraiment -- il n'y a aucune espèce
12 de ressource pour les gens qui arrivent des
13 communautés puis qui sont enfermés là, puis qui ne
14 parlent ni l'anglais, ni le français. C'est
15 absolument déplorable.

16 Il y a même des histoires d'horreur, comme les
17 infirmiers leur offrent des programmes de méthadone
18 pour qu'ils puissent rester tranquilles puis qu'ils
19 arrêtent d'être désorganisés dans des cellules
20 capitonnées, ou -- et ces histoires-là n'arrêtent
21 pas de nous arriver, là, en masse, et puis c'est
22 toujours triste de voir que, oui, on a des moments
23 de réconciliation puis de négociation, ou toutes
24 sortes de solutions autour des tables, mais nous,
25 sur le plancher, en fin de compte, les résultats

1 sont minimes.

2 Par contre, il y a des gens extraordinaires au
3 niveau du service qui consacrent leur vie à essayer
4 de faire des bonnes oeuvres et d'aider nos
5 communautés, mais même les gens qui ne sont pas de
6 source ou de culture autochtone, qu'on accueille à
7 bras ouverts dans nos cercles de guérison, on peut
8 même aller jusqu'à appeler ça le cercle du mieux-
9 être, parce qu'on a des membres honorables qui se
10 joignent à nous puis qui s'intéressent à la culture,
11 puis je pense que, de plus en plus, il y a un genre
12 d'engouement puis de vent qui fait en sorte que les
13 gens se tournent vers la sagesse, et beaucoup
14 d'écrits de nos auteurs prolifiques, comme Bowen
15 (ph), comme plusieurs autres, et c'est fascinant de
16 voir à quel point les gens peuvent embarquer dans
17 les légendes puis les récits, puis la sagesse
18 autochtone, parce que, actuellement, je crois que le
19 monde ne va pas bien, les sociétés sont malades,
20 puis les prisonniers, les gens qui sont incarcérés,
21 sont le résultat, en fait, de la gangrène qui se
22 trouve parmi nos communautés, en premier, et aussi
23 parmi le public en général, les agglomérations
24 urbaines, le manque de ressources, le manque
25 d'intérêt pour la spiritualité.

1 Les jeunes sont tournés beaucoup vers le
2 virtuel, vers tout ce qui est substantiel, et il n'y
3 a plus rien de concret, tout est synthétique, tout
4 est tellement artificiel, que les choses vraies de
5 la terre, comme faire un feu, s'asseoir, partager,
6 jouer de la guitare, parler de nos histoires de
7 pêche, de chasse -- et comme je disais tantôt, bien,
8 j'ai eu le grand privilège de, même sans savoir mon
9 identité, malgré que mes parents adoptifs savaient
10 ma provenance, qui était -- qui était politique, en
11 fait, c'est bien -- c'est bien étrange, là, de voir
12 toutes les connexions politiques qui se sont faites
13 à partir d'une famille de la Rive-Sud qui restait à
14 Saint-Hyacinthe, à Yamaska-Richelieu, qui s'était
15 adressée au clergé pour faire une demande
16 d'adoption, puis qui se sont retrouvés refusés parce
17 qu'ils n'allaient pas à la messe le dimanche. Ils
18 ont dû avoir une connexion politique et d'affaire,
19 alors que mon père adoptif travaillait pour une
20 entreprise à Saint-Hyacinthe qui faisait des 'truss'
21 de maisons et des armoires de cuisine, puis il s'est
22 adressé à son patron, qui avait une connexion,
23 justement, des années soixante, avec un mari de --
24 d'un ministre que je ne nommerai pas, et puis --
25 d'une ministre -- et puis la connexion s'est faite

1 avec la pouponnière de Sainte-Justine pour avoir un
2 enfant, alors que ma mère adoptive avait une
3 problématique de conception.

4 Et donc, j'ai grandi en allant -- du côté de ma
5 mère adoptive, c'est des gens de Dolbeau-Mistassini
6 qui ont des origines montagnaises. Et j'ai donc
7 grandi sur un territoire abénaquis qui est dans la
8 région de La Tuque, qui est une pourvoirie
9 abénaquise. J'ai grandi dans la nature, en
10 chassant, en pêchant, en trappant avec mes oncles,
11 et puis en découvrant tout ce qui était de base et
12 qui était justement de la culture autochtone.

13 Et, à ma grande surprise, quand j'ai fait des
14 démarches, quand, en deux mille deux (2002), on m'a
15 dirigé, là, à cause de mes frasques et puis des
16 moments de violence, là, absolument désorganisée, et
17 une consommation, aussi, assez abusive de
18 substances, là, je commence juste à me relever d'à
19 peu près trente-cinq (35) ans de consommation
20 abusive et de déchéance marquée, et je crois que,
21 depuis deux mille six (2006), j'ai été dirigé aussi
22 dans les quartiers de haute sécurité à l'USD,
23 l'Unité spéciale de détention de Sainte-Anne-des-
24 Plaines. J'ai passé cinq (5) ans de ma vie dans les
25 corridors de haute sécurité. Ç'a drastiquement

1 changé ma vie, et j'ai été assez perspicace et
2 efficace de me vouer à toutes sortes de
3 spiritualités, entre autres, la spiritualité
4 autochtone, mais aussi beaucoup de l'exercice de
5 santé corporelle, hygiène, et mentale, à savoir le
6 yoga, le tai-chi, la méditation zen, à laquelle
7 j'avais été initié dans ma première sentence en mil
8 neuf cent quatre-vingt-neuf (1989).

9 Et toutes ces pratiques ont fait en sorte que
10 je me suis complètement transformé et reconditionné
11 pour une spiritualité éventuelle, et le Créateur
12 fait bien les choses. Je pense que les récits
13 parlent d'eux-mêmes, de tous les gens qui se sont
14 consacrés à une spiritualité quelconque sur cette
15 belle planète bleue.

16 Il y a un chemin qui se trace, il y a des gens
17 qui cognent à ta porte, il y a des portes qui
18 s'ouvrent, le soleil brille, même dans les parties
19 les plus ténébreuses de notre service correctionnel,
20 que ce soit provincial ou fédéral, et j'en suis la
21 preuve concrète, que quelqu'un qui a un feu et qui
22 veut -- qui a des bonnes intentions puis qui veut
23 changer les choses, à titre personnel, parce que je
24 ne peux pas vraiment dire que les services
25 correctionnels m'ont aidé à la tâche, malgré que les

1 services d'aumônerie, à l'époque, et puis quand je
2 suis arrivé à Donnacona -- en fait, moi, je suis
3 artiste peintre depuis longtemps. J'avais même des
4 ambitions d'aller faire mes arts plastiques.
5 J'étais au Cégep du Vieux-Montréal, puis ensuite, je
6 m'en allais à Concordia pour faire mes beaux-arts,
7 puis, eh bien, le destin m'a amené ailleurs, et puis
8 j'ai fini complètement désorganisé, puis abusé des
9 substances, puis la fameuse rue Saint-Denis, à
10 Montréal, Hochelaga-Maisonneuve, est devenue mon
11 berceau de vie, et puis ça m'a amené en prison.

12 Et ensuite, bien, j'ai continué. J'ai
13 recommuniqué avec des gens qui faisaient partie
14 d'Arcade, qui est un organisme qui organisait des
15 encans pour les gens qui sont artistes, sculpteurs
16 et auteurs en prison, et malheureusement, notre
17 gouvernement conservateur, à l'époque du premier
18 ministre Harper, a tout démantelé ces belles oeuvres
19 caritatives qui oeuvraient dans le sens de
20 réhabilitation, réinsertion, et qui croyaient à
21 l'humain en soi qui se développait à travers les
22 arts et à travers une créativité quelconque.

23 Alors, vu ce manque, j'ai pris, comme Vicki a
24 mentionné -- je la remercie beaucoup des éloges
25 qu'elle a pu m'adresser pendant son partage. C'est

1 vrai que, depuis deux mille six (2006) quand je suis
2 revenu des quartiers de haute sécurité, un copain
3 est venu ouvrir ma porte un matin et m'a demandé
4 d'aller dans un *sweat lodge*, une loge de sudation,
5 qui fait partie intégrante de notre culture et de
6 notre chemin de guérison.

7 Alors, je me suis habillé puis j'ai été
8 participer à cette loge de sudation, qui était au
9 mois de novembre, en deux mille six (2006). Et dans
10 les chants et dans la cérémonie de pipe avec les
11 aînés avec qui j'étais, il s'est passé une
12 transformation absolument intérieure, spirituelle,
13 extraordinaire, et, du même fait, là, c'est --
14 toutes les portes se sont ouvertes, les gens se sont
15 -- ont communiqué avec moi à travers les services
16 postaux, des gens que j'ai installés sur ma carte
17 d'appel avec qui j'ai communiqué après le fait, les
18 gens d'Arcade, même le sous-commissaire, qui était,
19 à l'époque, Denis Méthé, qui avait été impressionné
20 de la qualité de mes oeuvres artistiques, malgré le
21 fait que j'étais incarcéré dans des quartiers de
22 haute sécurité, m'a permis, par la suite, de pouvoir
23 réinstaurer ici le local d'arts plastiques et
24 autochtones à la fois.

25 Donc, ensuite, j'avais fait la demande, moi, à

1 l'USD, avec l'aumônier, pour retrouver mes parents
2 biologiques. Je n'ai jamais pu retrouver mon père,
3 parce qu'il ne sait même pas que j'existe. À
4 l'époque, on sait que les années soixante avaient
5 une espèce d'esprit de liberté, de luxure, et de
6 *flower power* puis de tout ce qu'on connaît des
7 années soixante et soixante-dix, et quand j'ai
8 retrouvé -- ç'a pris un (1) an, en fait, j'ai fait
9 la demande au fameux mouvement retrouvailles, et
10 avec l'intermédiaire d'une équipe en sociologie et
11 en sciences humaines de l'Université de Montréal qui
12 m'ont pris pro bono et qui ont fait des démarches et
13 des recherches exhaustives, et qui ont été à Sainte-
14 Justine, et qui ont rentré en contact, par
15 l'intermédiaire d'un service psychologie/assistance
16 sociale, ont retrouvé ma mère biologique, qui a
17 grandi à Odanak, mais qui a quitté la réserve, et
18 qui s'est retrouvée dans la grande ville de Montréal
19 seule, dépourvue, et sans ressources, enceinte.

20 Je ne pourrais pas donner son historique, parce
21 que la psychologue du mouvement retrouvailles
22 m'avait bien mis en garde que, des fois, on a des
23 réponses négatives, ce qui s'est avéré vrai en mon
24 cas. Ma mère biologique, je ne sais pas si c'est dû
25 au fait qu'elle avait signé un contrat de

1 confidentialité avec le gouvernement quand elle a
2 donné son enfant, mais -- ou si elle est en phase --
3 elle était en phase terminale, à l'époque, en deux
4 mille six (2006), d'une dégénérescence de la maladie
5 fibromyalgie, je crois, et son état était assez
6 avancé. Elle a partagé avec la dame du mouvement
7 retrouvailles qu'il y avait un potentiel de danger
8 de santé, à savoir même une dégénérescence qui
9 entraînerait la mort, dû à des émotions tellement
10 grandes juste de me retrouver, ou de me prendre dans
11 ses bras, l'émotion allait être trop forte et peut-
12 être entraîner la mort.

13 Donc, j'ai pris sur moi le fait que ma mère
14 biologique ne puisse me rencontrer dû à des causes
15 de santé, puis, par contre, j'ai demandé à la dame
16 du service retrouvailles, la psychologue qui était
17 en poste à ce moment-là, de me donner des
18 informations sur ma mère biologique.

19 À ma grande surprise, ma mère biologique
20 abénaquise était intéressée à tout ce qui était
21 spiritualité autochtone, et beaucoup théologie
22 ésotérique, exactement comme moi, et était une
23 artiste peintre et céramiste, exactement comme moi,
24 et aussi, qui faisait partie d'une congrégation
25 bouddhiste qui pratiquait la méditation, et aussi

1 les enseignements du Bouddha, exactement comme moi.

2 Alors, c'est là que la communion spirituelle
3 s'est faite, et je me suis dit : «Voilà!» J'avais
4 déjà retrouvé ma mère, et j'avais un contact, un
5 lien cosmique avec ma mère biologique, et j'ai été
6 complètement atterré, là, de voir la -- tout le
7 temps qui s'est passé puis les échanges de misère et
8 de douleur, d'ennui, et elle a fait part à la dame
9 du service que jamais elle n'avait cessé de penser à
10 moi et d'envoyer son amour.

11 C'est toujours un peu difficile pour moi de
12 parler de cette période-là de ma vie, sauf que ç'a
13 été le feu qui m'a donné la force de changer les
14 choses et de devenir quelqu'un de meilleur qui,
15 comme Vicki l'a mentionné auparavant, j'ai commencé
16 à lire beaucoup sur ma culture, à m'informer, à
17 partager avec les aînés.

18 Et, à l'époque, il n'y avait rien, à Donnacona,
19 pendant un bon deux (2), trois (3) ans, j'étais seul
20 comme identité autochtone, si on veut, là, identifié
21 autochtone qui pouvait être l'instigateur d'un
22 groupe ou d'une espèce de local qui pourrait servir
23 à accueillir des aînés et partir un groupe
24 autochtone.

25 Alors, j'ai éventuellement trouvé assistance

1 avec les chefs de programmes de Donnacona, qui ont
2 été très ouverts à mon potentiel artistique, et ils
3 m'ont donné la clé du local de céramique, pour faire
4 un inventaire puis réouvrir selon les conseils du
5 sous-commissaire, qui est beaucoup penché vers
6 l'art-thérapie, puis qui sait, lui, très bien que
7 les gens peuvent se réaliser puis devenir des gens
8 meilleurs en pratiquant l'art, peu importe le
9 médium.

10 Et donc, j'ai été l'instigateur de réitérer le
11 poste d'artiste peintre à Donnacona en deux mille
12 six (2006), et les gens des sports et sociaux ont
13 participé à cette réalisation aussi avec des beaux
14 efforts conjugués, avec le régional, le mouvement
15 Arcade, à l'époque, qui existait encore, puis
16 beaucoup de mes confrères, aussi, incarcérés, qui
17 participaient aux encans à chaque année, avec une
18 association des arts à Laval, et puis des gens qui
19 venaient acheter nos oeuvres.

20 Et l'argent était redistribué à la communauté à
21 l'extérieur, dans des oeuvres caritatives qui
22 étaient du choix de l'artisan. Moi, j'avais choisi
23 Les petits déjeuners de l'espoir d'Hochelaga-
24 Maisonneuve, étant donné que c'était un quartier
25 dans lequel j'ai grandi et j'ai été témoin de la

1 pauvreté extrême, qui est un ancien territoire
2 autochtone aussi. C'est là que tout a commencé,
3 d'ailleurs, à Montréal, avec les colonies. Ensuite
4 -- mais l'argent que mes oeuvres recevaient était
5 redirigé vers Les petits déjeuners de l'espoir. Ça,
6 ça m'a donné un peu de redonner à la collectivité,
7 puis ça m'a redonné beaucoup de confiance en moi,
8 puis de sentiment gratifiant d'accomplissement. Je
9 pense que ça fait partie, ça, beaucoup, de la
10 guérison de notre culture, d'avoir un sentiment
11 d'accomplissement et de pouvoir servir à quelque
12 chose.

13 Ensuite, le temps a passé, une (1) année, deux
14 (2) années. Deux mille sept (2007), deux mille huit
15 (2008), on m'a approché pour séparer mon local en
16 deux, pour faire un local pour le groupe autochtone.

17 Alors, j'avais l'aîné de Port-Cartier qui
18 venait ici nous visiter, qui s'appelait Jules Bacon,
19 à l'époque, et on était deux (2). Et on s'assoit
20 sur le plancher, et on faisait des cérémonies de
21 pipe. Et Jules dansait et m'instruisait de sa
22 sagesse et de ma culture. Mais je trouvais ça
23 merveilleux, parce que quelques années avant,
24 j'étais enfermé dans une boîte de ciment dans les
25 unités de détention spéciale à l'USD, et puis je

1 peux vous dire que je n'avais pas beaucoup d'espoir
2 de m'en sortir à cette époque-là.

3 Ensuite, après ces cérémonies-là, multiples,
4 avec Jules, bien, il m'est apparu l'Ours, que vous
5 voyez ici, et avec toute sa médecine et sa carrure
6 imposante, est venu porter assistance au
7 développement de tout ce qu'on a aujourd'hui, en
8 fait, le local, les meubles, la roue de médecine, la
9 fresque, tout ça a été possible grâce à lui, et
10 aussi de mon assistance artistique.

11 Et aujourd'hui, si on a le local qu'on a, c'est
12 grâce, comme Vicki l'a mentionné aussi, j'ai fait un
13 sacrifice en soi de rester ici, c'est une sécurité
14 maximum, que, à mon désarroi, parce qu'il n'y a pas
15 de transfert positif qui s'est fait en médium, à
16 savoir j'ai été au médium en deux mille dix (2010),
17 puis quand je suis revenu, il s'est passé des choses
18 politiques carcérales, si on veut, là-bas, avec des
19 organisations criminelles que j'ai un peu bafouées,
20 et le résultat en a été que je suis revenu au
21 maximum, et puis que, là, je me suis consacré à
22 développer et à me sacrifier jusqu'au bout de mon
23 terme pour le local, ici, puis mes aînés qui ont
24 fait un travail magistral.

25 Et il s'est ajouté, avec le temps, mais

1 aujourd'hui, il ne peut pas se présenter parce qu'il
2 est très malade, j'aimerais honorer mon aîné Raymond
3 Gros-Louis, qui est un Wendat de Wendake, ici, qui a
4 soixante-treize (73) ans, mais qui est très malade
5 aujourd'hui, qui ne pourra pas participer à la
6 Commission, et qui nous offre son support, sa
7 sagesse, et le partage de toutes les cérémonies de
8 la culture Wendat, en compagnie de Gilles Moashk,
9 l'Ours innu, qui a beaucoup de sagesse et qui porte
10 une extrême, remarquable médecine de l'ours, de
11 laquelle je me suis sustenté et nourri depuis les
12 derniers neuf (9) ans qu'on passe ensemble à
13 construire un cercle du mieux-être, puis de partager
14 notre culture avec les gens désorganisés et épris
15 d'une consommation effrénée de substances de toutes
16 sortes, ou de malheur ou de misère dans tout ce qui
17 peut concerner les services correctionnels, que ce
18 soit provincial ou fédéral.

19 Donc, c'est ce qui fait mon historique. Et, en
20 ce moment, je continue à oeuvrer, parce qu'avec le
21 temps, j'ai été très longtemps en prison, ce qui m'a
22 donné l'opportunité de rencontrer une femme
23 merveilleuse, qui est devenue ma conjointe, qui
24 était mon avocate, avant. Donc, avec les années,
25 bien, on a tissé un lien qui est absolument

1 merveilleux, puis qui m'a permis aussi de me
2 réhumaniser par rapport à la vie matrimoniale et
3 puis aux gens à l'extérieur qui se soucient de notre
4 bien-être, de notre mieux-être, et d'améliorer nos
5 conditions de détention, d'essayer, tout le monde
6 ensemble, de trouver des solutions pour peut-être
7 parer à la dégénérescence des milieux criminalisés,
8 et surtout de nos communautés autochtones. Quand on
9 pense au petit Indien désorganisé, en ville, on le
10 voit tout de suite avec une aiguille dans le bras
11 puis une bouteille de vin Saint-Georges, en dessous
12 du Pont Jacques-Cartier, puis c'est malheureux,
13 parce qu'il y a beaucoup des gens de notre
14 communauté qui réussissent et puis qui sont des
15 modèles extraordinaires pour la communauté.

16 Donc, oui, il y a beaucoup de travail à faire,
17 oui, il y a de l'espoir, oui, il y a des gens qui
18 travaillent à cette fin, et je remercie beaucoup les
19 gens qui sont assis autour de la table aujourd'hui,
20 de la Commission Viens, et puis j'espère que, dans
21 le futur, on pourra présenter, moi le premier, je
22 veux faire une mineure en Histoire autochtone, parce
23 que maintenant, l'Université de Montréal offre des
24 cours sur l'histoire et la culture autochtone, donc,
25 c'est la première chose que je fais en sortant, à ma

1 libération conditionnelle, c'est d'aller suivre ce
2 cours à l'Université de Montréal, ensuite, oeuvrer à
3 essayer d'entrer et de suggérer des solutions
4 concrètes, parce que, comme partageait Vicki, on est
5 depuis des décennies à s'asseoir autour des tables
6 avec les communautés puis les conseils de bandes.
7 Oui, il y a beaucoup d'efforts à faire au niveau
8 administratif. Je sais que les conseils de bandes
9 ne sont pas tout le temps bien vus de la part des
10 non-Autochtones ou des gens qui ont tout de suite le
11 mot ou le dénigrement facile par rapport à tout ce
12 qui engendre subvention gouvernementale pour les
13 communautés autochtones. Bien, ça, c'est
14 probablement dû à ce que l'humain est devenu avide
15 de pouvoir et de territoire et de tout ce qui est
16 capitaliser ses avoirs et ses profits, au détriment
17 de l'humain qui peut être le -- oui? (Inaudible).

18 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

19 Oui, Monsieur Rougier, c'est Marie-Josée Baril, là,
20 de la Commission. En fait, c'est super intéressant,
21 ce que vous nous amenez. J'aimerais ça -- vous avez
22 parlé un petit peu de deux (2) choses, puis
23 j'aimerais ça que vous élaboriez un petit peu sur
24 ça, si c'est possible.

25 **M. KURT NICOLAS ROUGIER:**

1 (Inaudible).

2 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

3 Vous avez parlé, premièrement, d'un certain accès
4 que vous avez eu à des médecines ou à de la
5 spiritualité traditionnelle. Vous parliez notamment
6 de tentes de sudation, à ce moment-là, puis de
7 cérémonies qui ont eu un impact important pour vous,
8 et vous avez également parlé des enseignements, en
9 fait, que vous avez eus par trois (3) aînés, là,
10 donc, que vous avez eu la chance de côtoyer.

11 J'aimerais ça que vous élaboriez un petit peu,
12 en fait, que vous nous expliquiez un petit peu en
13 quoi ça -- bien, en quoi ça consistait, en fait, ce
14 dont vous avez pu bénéficier, puis en quoi ça vous a
15 aidé, ou ça vous a permis d'être maintenant où vous
16 en êtes, là, un acteur de changement au sein de la
17 détention et au niveau de la valorisation, en fait,
18 des traditions autochtones, pour avoir peut-être des
19 -- des idées concrètes de ce qui pourrait être fait,
20 notamment dans ces institutions provinciales, si
21 c'était possible d'en parler un peu.

22 **M. KURT NICOLAS ROUGIER:**

23 Oui. Absolument. Justement, je veux aussi laisser
24 la chance à mon aîné, Gilles Bear Kovacs, pour
25 éventuellement, là, qu'il puisse faire part de ses

1 solutions puis de son expérience très gratifiante.

2 Mais, en ce qui me concerne, oui,

3 effectivement, les cérémonies et le terrain sacré

4 duquel on bénéficie -- sur toutes les zones de

5 pénitenciers fédéraux, je pense que, à travers le

6 Canada, on a la chance d'avoir des terrains qui sont

7 consacrés à la culture et au développement de nos

8 traditions et de nos enseignements. Ce qui est

9 extraordinaire, c'est de voir à quel point ça fait

10 du bien aux gens qui sont complètement dénaturalisés

11 et assimilés dans des communautés urbaines qui, à

12 part quand ils se regardent dans le miroir, ne

13 savent aucunement qu'ils sont autochtones ou qu'ils

14 ont une culture merveilleuse qui est très riche en

15 enseignements et en toutes sortes de traditions.

16 C'est toujours gratifiant, à prime abord, de

17 retrouver ses racines, peu importe le genre humain

18 que ça concerne. Je crois que les racines, et de

19 savoir qui on est, d'où on vient, et qui sont nos

20 géniteurs, c'est un bien qui est incommensurable.

21 Moi, de mon point de vue personnel, c'est sûr que,

22 vingt (20) ans d'incarcération et puis d'avoir

23 participé durant les quatorze (14) dernières années

24 à des cérémonies autochtones, ça m'a fait un

25 bienfait absolument extraordinaire au point de vue

1 de mon développement personnel puis de ma guérison.

2 Je sais que les prisons provinciales ou les
3 détentions communes de la province ne sont peut-être
4 pas aménagées, à savoir pour accueillir un terrain
5 sacré ou des enseignements spirituels. Je pense
6 que, à l'heure où on se parle maintenant, c'est zéro
7 puis une barre, là, les services autochtones offerts
8 en détention provinciale. Cependant, j'ai un frère
9 abénaquis qui est ancien détenu, qui s'évertue à
10 offrir un service d'assistance sociale, maintenant,
11 à Bordeaux, au même titre qu'un imam, ou un rabbin,
12 ou un aumônier catholique, et je trouve que c'est
13 une percée significative déjà, d'avoir un numéro
14 1-800, ou je ne sais pas le numéro, ou son
15 cellulaire, qu'il donne, là, je ne le sais pas, mais
16 je sais que les instances à Bordeaux le laissent
17 venir aux visites pour assister ses frères
18 autochtones.

19 Et Dieu sait qu'il va avoir de l'ouvrage, parce
20 que, en ce moment, il est tout seul dans la région
21 de Montréal, mais ce serait un service absolument
22 extraordinaire d'avoir assistance d'un aîné ou d'une
23 personne qui est affiliée aux communautés pour
24 rendre visite aux gens, quand ils sont en
25 prévention, à savoir peut-être les diriger vers un

1 groupe autochtone éventuel quand ils seront
2 sentencés au pénitencier au fédéral.

3 Je sais qu'au provincial, il n'y a pas de
4 groupe autochtone en soi qui existe à l'heure
5 actuelle. Ce serait bien de songer à vouloir ouvrir
6 des portes pour des rencontres mensuelles ou
7 hebdomadaires avec un aîné, ou justement, comme mon
8 frère abénaquis fait, à savoir trouver des salles à
9 l'intérieur des détentions provinciales qui
10 pourraient servir, tout comme je sais qu'il y a
11 certains services qui sont offerts, puis certaines
12 activités qui sont, à l'heure actuelle, en place, et
13 c'est sûr que ça -- ça peut juste être positif, ça
14 peut juste être réconciliant, et ça peut juste être
15 réhabilitateur pour les gens qui sont là sans
16 ressources.

17 Puis aussi, il y a des Inuits ou des gens de la
18 Côte-Nord qui ne parlent même pas français ni
19 anglais, qui seraient d'autant plus contents de voir
20 qu'ils sont assistés de leur communauté ou d'une
21 personne-ressource qui peut au moins les diriger
22 vers une assistance quelconque.

23 Et aussi, comme Vicki le partageait, les
24 centres de -- les *halfway house*, comment on dit, là
25 -- les maisons de transition, je sais qu'au niveau

1 provincial, c'est sûr que les sentences sont plus
2 courtes, et deux (2) ans, ce n'est pas non plus
3 significatif pour un chemin de guérison, là -- parce
4 que ça prend une vie, faire un chemin de guérison --
5 malgré tout, ce serait certainement intéressant
6 d'avoir -- comme ils ont développé les centres
7 d'amitié autochtones, mais d'avoir peut-être un lien
8 juridique qui englobe un peu les traditions puis des
9 services envers les communautés, au moins qui
10 pourraient rattacher la personne qui vient d'être
11 libérée d'une prison provinciale ou qui est encore
12 en libération conditionnelle provinciale, qui
13 pourrait avoir un lien entre sa communauté et un
14 centre communautaire ou -- qui est affilié avec les
15 communautés autochtones.

16 C'est sûr que ça pourrait être un bénéfice
17 absolument merveilleux pour les personnes pour les
18 diriger, en fait, vers un semblant de chemin de
19 guérison, ou de les retourner dans leur communauté,
20 ou qu'ils puissent rencontrer des personnes-
21 ressources pour les diriger vers peut-être un
22 développement personnel qui est plus riche que
23 l'incarcération et la dégénérescence dans les abus
24 de substances ou de la misère de la vie
25 qu'engendrent toutes les communautés reculées, là.

1 Comme disait Vicki, dans certaines communautés
2 au Québec, là, on se croirait dans un pays du tiers-
3 monde, là. Il y en a qui n'ont même pas d'eau
4 courante, à savoir pas de place à loger, puis que la
5 violence puis l'abus (inaudible) une chose du commun
6 à chaque jour.

7 Donc, c'est ça, moi, je vous remercie beaucoup
8 de m'avoir écouté mon récit. J'espère que ça sera
9 utile à des fins constructives pour trouver des
10 solutions ultérieurement, puis si je peux encore,
11 dans le futur, partager ou venir à des conférences,
12 ou donner de l'information par rapport à mon
13 expérience d'incarcération, puis peut-être mes
14 oeuvres ultérieures qui vont surtout être en
15 connexion directe avec ma réserve et mes frères, ma
16 famille retrouvée abénaquise, mais personnellement,
17 je vais me concentrer à l'historique de ma
18 communauté pour offrir assistance, beaucoup dans le
19 milieu artistique, aussi, développer les gens qui
20 ont des talents artistiques, puis leur offrir une
21 opportunité d'oeuvrer dans l'art-thérapie à
22 l'intérieur des institutions carcérales, pour
23 ultérieurement avoir un sentiment d'accomplissement
24 puis retrouver leur identité et leurs traditions et
25 leur culture. Merci. *Meegwetch. Ali Kwani (ph).*

1 **LE COMMISSAIRE :**

2 Alors, je comprends maintenant que nous allons
3 entendre monsieur Kovacs...

4 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

5 Oui.

6 **LE COMMISSAIRE :**

7 ... The Bear?

8 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

9 C'est ça. Merci.

10 Merci, Monsieur Rougier. C'était intéressant.

11 **LE COMMISSAIRE :**

12 C'était très intéressant. Merci.

13 **M. KURT NICOLAS ROUGIER :**

14 Merci.

15 **LE COMMISSAIRE :**

16 *Meegwetch.*

17 **M. KURT NICOLAS ROUGIER :**

18 Merci, Monsieur Viens.

19 **M. GILLES MOASHK-KOVACS :**

20 It's my turn?

21 **LE COMMISSAIRE :**

22 Yes. We are listening to you.

23 **M. GILLES MOASHK-KOVACS :**

24 Thank you. Thank you very much. I just want to
25 confirm something: Is this voicely recorded?

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 In addition to the voice...

3 **M. GILLES MOASHK-KOVACS:**

4 Is this commission being recorded?

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 It is recorded, and it is broadcasted on the
7 Internet.

8 **M. GILLES MOASHK-KOVACS:**

9 Okay. Perfect. Thank you. Okay.

10 **LE COMMISSAIRE:**

11 And it will be on our site, our website, later, in a
12 few days. It will be possible to...

13 **M. GILLES MOASHK-KOVACS:**

14 Okay. Perfect.

15 **LE COMMISSAIRE:**

16 ... look at this on the website.

17 **M. GILLES MOASHK-KOVACS:**

18 C'est possible de le revisionner, vous dites?

19 **LE COMMISSAIRE:**

20 Oui.

21 **M. GILLES MOASHK-KOVACS:**

22 Ah! Merci beaucoup. Okay.

23 My comments here are going to be based on my
24 twenty-eight (28) years working in culture and
25 traditions. I've been doing this full-time for the

1 past twenty-eight (28) years. I did countless
2 numbers of workshops, countless numbers of dialogue
3 with people, countless numbers of ceremonies.

4 I started working with CSC in two thousand and
5 two (2002), so, sixteen (16) years ago, and as an
6 elder's helper, and I became an elder in two
7 thousand nine (2009), first (1st) of April, two
8 thousand and nine (2009). So, I've been working in
9 a maximum-security jail for nine (9) years now.

10 I want the Commission to understand that my
11 role here is to support the inmates, and we have a
12 commissioner's directive, number 702, and I would
13 like to take some of this opportunity to be able to
14 voice out certain concerns that we have about the
15 carceral system.

16 One of them is a certain disrespect that is
17 done to elders. And to explain furthermore, it's
18 because we're contractors, and sometimes, Canadian
19 officials don't recognize us, you know, as -- or
20 they don't know, actually, where we stand. So, I
21 think it's a misconception or a misunderstanding of
22 our roles here in prison.

23 Us elders, we're highly recognized, you know,
24 by our communities, as medicine men and medicine
25 women. For the past years, we've witnessed a high

1 rate of health issues with our elders, okay. My
2 colleague today is absent because of health issues.
3 We've had elders pass, in these recent years. We
4 have people dealing with all kinds of health issues,
5 cancer, and diabetes, and other problems.

6 People often ask me, "*Oh, Bear, how is it to*
7 *work in prison?*" People always ask that question.
8 Well, when they ask me this question, I don't like
9 to talk too much about it, because I don't like to
10 take my work out of prison. When I started working
11 in a maximum jail, my wife would hear about my
12 stories every day, till it got out of control and I
13 realized I was bringing work at home. So I had to
14 refocus and re-see how I was doing things.

15 Well, working in a maximum-security jail means
16 that, so far, since first (1st) April, two thousand
17 and nine (2009), I've been gassed ten (10) times,
18 I've seen and witnessed extreme violence, I've
19 witnessed death also. So, these are things that
20 elders go through when they work in prison.

21 It's not that I'm trying to complain. I'm just
22 trying to demonstrate the reality of what we have to
23 go through. I often talk to elders that work in
24 minimum institutions. Their reality is totally
25 different. My work here is to take maximum inmates,

1 bring them down to a medium facility centre, and
2 then bring them down to a minimum. So, it's a great
3 challenge.

4 So, when I have good inmates which I work well
5 with, then, obviously, and eventually, they will go
6 down to medium. Mr. Rougier, here, for instance,
7 decided to stay here, you know, and work positively
8 in the advancement of what we're doing here. He's
9 been a witness of the work and the accomplishments
10 that have been done.

11 I remember, in two thousand and nine (2009),
12 when I came here at Donnacona, there wasn't even a
13 chair to sit on. Now, we have locals, we have
14 ceremonies, we have schedules, and we know when
15 we're going to have our ceremonies, we know when
16 we're going to have our sweat lodge, we know when
17 we're going to have our gatherings. All this is
18 already programmed in advance. So, this is a major,
19 major accomplishment that has been done here.

20 It has been done with the inmates, it has been
21 done with the elders, it has been done with the
22 institution and the management of the institution,
23 all this based on a dialogue, talking to each other.
24 Communication is a great key to make things go
25 forward.

1 Well, of course, I could talk about
2 overpopulation, you know, in our federal prisons.
3 We already all know that, so I'm not going to go
4 extensively in that, because we already know about
5 these things. But I want to work in solutions. And
6 one of the solutions that I've came (*sic*), and this
7 is based on one-half decade of observation, is that
8 there is no, and absolutely no services created for
9 Aboriginals off reserve. So, it would be nice to
10 have some kind of a healing house where people can
11 come and work with elders in their healing.

12 I remember, maybe -- I'll say maybe twelve (12)
13 years or so ago, we used to work -- I used to go on
14 the reservation, because we had found what we call
15 drawer budgets, to be able to access to people. And
16 we were giving teachings in longhouse every Monday
17 at the reservation. And we had all walks of life
18 coming in there. We had people -- ex-inmates, we
19 had general public, we had Aboriginals -- everybody
20 was invited there. There was a sacred fire done,
21 and people would come and work on their journey, and
22 work on their healing. And this was done with very,
23 very, very -- almost pocket change. So, it would be
24 nice to see that something is being forward in that
25 regard.

1 My major observation of problems in the federal
2 and provincial also all comes down from the
3 residential schools problem. It's brought a lot of
4 -- a lot of hurt within Aboriginals, a lot of hurt
5 within the communities, and I think that the key is
6 having people working on healing. It's very sad to
7 see that a lot of money has been spent on a lot of
8 talk and a lot of gatherings, and a lot of all kinds
9 of group talks, but very little, almost none, on
10 true healing.

11 There's not a magic wand for healing. There's
12 no recipe to healing. But to be able to voice out
13 your hurt helps. It doesn't mean that it goes away,
14 but it means that it doesn't take all the emphasis
15 on your life anymore, and that now, you can live
16 with that demon inside of you. Like the two-wolves
17 stories. It all depends which wolf you're going to
18 feed. If you feed the negative wolf, he's going to
19 take over. But if you feed the positive wolf,
20 things will go better.

21 We talk here about reconciliation with
22 Aboriginal people. Well, I want to say here that I
23 am not here on a personal basis, and I'm not here on
24 behalf of my family. Me being here doesn't signify
25 that I am in accord with the reconciliation process

1 with Canada. How can there be reconciliation when
2 my constitutional rights are not respected, my
3 rights to the land denied, my hunting rights denied,
4 my retribution of wealth by treaty denied? My
5 family, my ancestors, never surrendered in any way,
6 shape or form our basic treaty rights. How can we
7 overcome this? I'm a solution person: Dialogue.
8 Let's talk.

9 In the longhouses, in the ancient times, people
10 used to gather and they used to talk. Just like
11 that round table that you set up this morning.
12 People would talk face-to-face. It doesn't mean
13 that we all agree, but we can agree to disagree.
14 But we have to respect each other.

15 Once upon a time, there was a wampum that was
16 created. The Kaswentha Wampum. It was a basic
17 treaty, based on peace, truth, and friendship.
18 Somewhere along the lines, some people changed the
19 word "*truth*" to "*respect*." As an oral-tradition
20 faith keeper, I can tell you that's wrong. Yes,
21 respect is a part of that treaty, but being honest
22 with each other is very important to speak the
23 truth, always in a good mind. These are longhouse
24 teachings.

25 Penitentiaries, in title, are called reserves.

1 I don't know if you're aware of that, but it is.
2 So, the word "reserve," we use it, in the Native
3 world, when it was first created in eighteen seventy
4 (1870), Wemotaci. So, please tell me, what is a
5 reserve? There's other ways. There's other
6 traditional ways to address problems with people.
7 But this was taken away from us. Now, we take
8 people, and we incarcerate them. It's very hard to
9 be able to work in these perimeters. I know. I go
10 through this on a weekly basis -- on a daily basis.

11 I want to congratulate Professor Chartrand for
12 her extensive and true research. There's a lot of
13 historical research done in her work, and I thank
14 her for that.

15 In our DC 702, there is a thing called
16 "*Continuum of healing*." What does that mean? It
17 means that, once they're out of the system, or out
18 of the actual prison, there is a certain continuum
19 that is supposed to be assured with the Natives.
20 And I assure you that when people are cut off, which
21 means that they don't belong to the carceral system
22 no more, they have zero access to this continuum of
23 healing. So, I go back to the fact that we need
24 those healing houses.

25 Let's take, for instance, Waseskun House, in

1 Saint-Alphonse-Rodriguez. It's a long-term healing
2 house. How come, in Quebec, we have only one (1)
3 healing house, with a humungous, humungous waiting
4 list?

5 I want to thank you for setting up that table
6 in a round. Circle is a part of what we do. It's
7 always there. And I thank you for setting up
8 that -- the conference room in a circle.

9 I want to be thankful for that medicine in the
10 centre, those drums, and all these things that are
11 there. They are sacred. To us, they are. They're
12 the basis of our teachings. I've been teaching this
13 to my men all these years, not just over here in
14 prison, but out of the prison, because I'm also
15 proactive in communities.

16 And, finally, I would thank the organization of
17 this happening today. So, on this, I will say all
18 my relations, *senogama yemochominapenz*
19 *tchenushkomiten* (ph). That's all I have to say.

20 **LE COMMISSAIRE:**

21 Thank you very much. Will you have questions,
22 Me Gosselin?

23 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

24 Oui, en fait. Est-ce que vous préférez que je pose
25 mes questions en anglais, ou en français?

1 **M. GILLES MOASHK-KOVACS:**

2 For me, it doesn't make a difference. Ça ne me
3 dérange pas.

4 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

5 OK. Parfait. Je trouvais intéressante votre
6 suggestion quand vous parlez de *healing house*. Je
7 comprends que ça pourrait être des lieux, en fait,
8 notamment en milieu urbain, donc, pour offrir des
9 services de *healing*, de guérison, aux personnes tant
10 en lien avec le système correctionnel que la
11 population en milieu urbain.

12 Comment vous voyez l'importance, là, de la
13 spiritualité autochtone, d'offrir ces services-là en
14 détention? Est-ce que vous auriez concrètement
15 d'autres recommandations que celles de, évidemment,
16 conserver le dialogue, puis des maisons de guérison
17 en milieu urbain, sur des services qui pourraient
18 être offerts, additionnels à ceux déjà offerts, qui
19 pourraient participer à la guérison en détention?

20 **M. GILLES MOASHK-KOVACS:**

21 Spirituality is one thing. I have Natives of all
22 walks of life. I work with the Metis, I work with
23 the Indians, and I work with the Inuit people. Now,
24 everybody is entitled to his spirituality, which
25 means that I can work with a Muslim person, I can

1 work with a Catholic person, I could work with a
2 Jewish person, and others.

3 Not all Natives adhere to the Native
4 spirituality. However, what we advocate is a life
5 pattern, or it's -- what we call the red road, which
6 are based on four (4) things: humility, honesty,
7 sharing, and respect. Those are the four (4)
8 things.

9 People think that we have very big guidelines,
10 thick books about how we're going to work, but it's
11 only four (4) things. And if you can implement this
12 in your life, you'll do a lot.

13 It's very hard to be honest every day. It's
14 very hard to be humble. It's very hard to be
15 respectful, and it's very hard to share. Because a
16 lot of people, you know, don't want to hold -- they
17 hold on to their stuff. They don't want to let them
18 go. But sharing doesn't mean that you have to give
19 everything. But this life and this world that we
20 live in would be a whole lot better if people did
21 all their little parts. Every little thing that we
22 do in our day has an impact on somebody else.

23 When I walked in this morning and I went
24 through the detectors, there's all these plastic
25 bins that you see, like in the airports. And there

1 was a big stack of them. And I grabbed them, and I
2 brought them on the other side. Simple gestures
3 make a big difference. A big difference.

4 I've done a lot of things in my life, been
5 implicated in a lot of things. I've been in the
6 military, I've been in the cadets, I've been a
7 Scout. I'm a wood badge -- for some that know what
8 that is. That means that, everywhere that I go on
9 this planet, I'm recognized as a Scout. Now, my
10 duty as a Scout is to do one good action a day.
11 Well, if everybody did his good action every day, it
12 would be a whole lot better. Complaining, whining,
13 doesn't bring much. But trying to find solutions -
14 and, believe me, in the world that I live here, in a
15 maximum jail, you have to be in solutions. Every
16 people that come here that are new, and I give them
17 advice, the first advice that I tell them: If you
18 work all day, or if you work on a project for a long
19 time, and at the last minute, they pull the carpet
20 under your feet and you still keep your smile,
21 you're good to work here. Because this happens on a
22 daily basis.

23 Now, Creator provides this morning. Everything
24 is going smoothly. We had a little bit of problems,
25 you know, setting up the videos this morning, but

1 things went well. But, at any minute here, things
2 can go off. Mr. Rougier can be called back to his
3 cell, I could be called back to my office, without
4 notice. Because things here happen very fast. So
5 fast, it's unimaginable. I've seen people turn into
6 monsters within seconds. And that's the reality.

7 Mr. Rougier here has seen so many things, it's
8 unimaginable. They say that we're
9 institutionalized. And it's true. Mr. Rougier is
10 institutionalized. I am too. Because I live here.
11 The only difference between him and me is that I
12 leave at night to go home. He has to stay here
13 24/7. And this is very, very hard on a human being.

14 I always say there's three (3) realities here.
15 There's the reality of the range, these men, working
16 within each other, or women. They have to work
17 within each other, in their ranges. Then, they have
18 to work with the institutional reality. And then,
19 they have this reality outside, with their families,
20 their friends. So, it's very hard to cope with all
21 these things. It's a lot of politics. Because life
22 is politics.

23 So, it's hard on them. It's hard on me. And
24 us elders, we go through that. But I think that
25 we're -- people that work in prison are strong-

1 spirited people. I think that people that -- a lot
2 of my friends, a lot of my colleagues I have seen
3 leave this life. Heart attacks, all kinds of
4 problems. So, how hard it is to work in here? It's
5 unimaginable. But still, we go forward. And we do
6 this because we believe in human beings. It's
7 because we believe that reinsertion is done, can be
8 done.

9 I could be here telling you stories for a very
10 long time, of young people that came here, that had
11 a very hard time in their life as young children,
12 and their life changed, for actions that are
13 committed in seconds -- fights, all kinds of things
14 -- always related to drugs, alcohol, substance
15 abuse.

16 They wake up in the morning, to suddenly
17 realize that they're in a jail, and they don't know
18 what happened last night. Then, the police come up
19 to them, and they tell them, "*Well, you murdered,*
20 *you did this and that,*" and they don't even remember
21 that. Next thing you know, they're twenty-five (25)
22 to life in here. That's very long. Lots of
23 mistakes. Lots of mistakes.

24 I've seen young people come here, barely
25 eighteen (18) years old. And I've seen a man who

1 was incarcerated, an Aboriginal man who was
2 incarcerated in nineteen sixty-seven (1967). He's
3 still here. Imagine that. That's a long time.

4 A lot of hurting happens here. We have to
5 talk. We have to work on that healing. Let's stop
6 having these feel-good reunions, these feel-good
7 circles, and let's start working with our medicine
8 men and women, out in healing houses outside. Let's
9 start working with the men and women that leave the
10 provincial or the federal system, that are out
11 there, and seek help.

12 I've had people call me at my office and say,
13 *"Bear, I need medicine. What can I do?"* It's very
14 hard. It's hard.

15 If you have any other questions, I'm open.

16 **LE COMMISSAIRE :**

17 Will you have some more questions? No?

18 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

19 No, I have no other question. Thank you.

20 **LE COMMISSAIRE :**

21 Me Boucher?

22 **Me MARIE-PAULE BOUCHER :**

23 Je n'aurai pas de questions, Monsieur le
24 Commissaire. Merci.

25 **LE COMMISSAIRE :**

1 Will you have something else to add,
2 Professor Chartrand?

3

4 **PROFESSOR VICKI CHARTRAND:**

5 Just to say thank you to you both.

6 **LE COMMISSAIRE:**

7 Monsieur Rougier, quelque chose d'autre?

8 **M. KURT NICOLAS ROUGIER:**

9 Oui. Je pense que c'était assez exhaustif et
10 émouvant, aussi. On revit, d'après nos partages,
11 d'après l'historique de Vicki et -- on a traversé,
12 je pense, des âges, des décennies, des siècles,
13 même. En l'espace de quelques heures, là, je pense
14 qu'on a développé un historique de la culture et de
15 comment s'est construit notre beau Canada, là.

16 J'espère juste, moi, je crois encore, comme
17 Gilles dit, ou Vicki, je crois encore à l'humain, je
18 crois encore au soleil, je crois encore à la vie,
19 malgré mes vingt-six (26), bientôt vingt-sept (27)
20 années d'incarcération au fédéral, je crois qu'il y
21 a de l'espoir.

22 Je suis quelqu'un de positif, je suis quelqu'un
23 qui a le feu sacré qui brûle dans lui, puis j'ai
24 l'espoir de m'investir, justement, pour faire
25 profiter les communautés puis les gens dans le

1 besoin de mon expérience, à savoir dans des partages
2 ou dans des colloques de discussion, pour trouver
3 des solutions, pour résoudre des problématiques.

4 Je suis le premier partant pour ouvrir le
5 centre avec mes aînés, accueillir les gens, autant
6 du provincial que du fédéral, puis de les suivre
7 dans une continuité de chemin de guérison vers la
8 lumière, vers le soleil, vers la vie, vers la
9 culture, nos traditions, parce que je pense que
10 c'est une richesse inouïe qui gagne à être connue,
11 puis tous ensemble dans une union collective, je
12 pense qu'on pourrait arriver à faire quelque chose,
13 sauf qu'il faut arrêter de se faire des plans
14 d'avenir puis des solutions par écrit puis des
15 documents puis des technocraties qui n'en finissent
16 plus. L'heure est à la solution concrète, et puis
17 l'heure est à construire les bases pour
18 éventuellement laisser à nos enfants des centres qui
19 vont avoir pris existence et vie durant notre vécu à
20 nous, pour que nos enfants puissent en profiter.

21 Comme disait allègrement le Grand Chef Seattle,
22 on n'est pas en train de posséder la terre, mais
23 bien -- on l'emprunte à nos enfants, pour un futur
24 reluisant et positif.

25 Donc, là-dessus, je pourrais dire que je suis

1 encore plein d'espoir, puis que je suis honoré
2 d'avoir participé à cette commission, et je suis
3 même un homme nouveau et avancé dans sa guérison,
4 juste après avoir partagé avec vous ce matin, et
5 d'avoir entendu des gens que j'aime beaucoup et que
6 je respecte infiniment dans leur travail au
7 quotidien pour nos communautés, pour leurs valeurs,
8 pour leur culture, pour l'amour de leur progéniture,
9 et que tout le monde aille dans la paix, dans la
10 joie, et toutes mes relations, *metakuye hoyasin*
11 (ph). Merci beaucoup.

12 **LE COMMISSAIRE :**

13 *Meegwetch.* Merci.

14 Alors, je pense que c'est le temps que je vais
15 prendre pour vous remercier. Je vais d'abord
16 remercier professeur Chartrand, pour votre
17 présentation. On a fait un tour qui peut se résumer
18 en quelques mots, quand vous commencez, en disant,
19 «*We were not perfect, but we had no jails*», et
20 ensuite, la phrase continue.

21 On se retrouve un peu plus tard avec le
22 pourcentage de personnes autochtones incarcérées
23 dans les pénitenciers fédéraux qui dépasse largement
24 leur pourcentage de la population canadienne. C'est
25 même frappant, quand on parle, chez les femmes, de

1 trente-sept pour cent (37 %) des femmes incarcérées
2 seraient des Autochtones, vingt-trois point quelque
3 pour cent (23 %) de l'ensemble des gens dans les
4 pénitenciers seraient des Autochtones, alors que
5 c'est à peine quatre pour cent (4 %) de la
6 population canadienne. Et, au Québec, c'est encore
7 -- la population est encore moindre, c'est un point
8 deux (1,2), je crois, le pourcentage autochtone.

9 Vous arrivez ensuite à aborder -- nous
10 souligner que la prison n'est pas le remède au
11 problème de la pauvreté dans les réserves. Ça ne
12 règle pas non plus l'histoire, le passé des écoles
13 résidentielles, les pensionnats, la création des
14 réserves, les privations dont les Autochtones ont
15 été victimes pendant toutes ces années, et on
16 pourrait lister une série d'événements, de
17 situations, ne serait-ce que l'absence du droit de
18 vote, l'absence de possibilité même d'engager des
19 avocats pour faire valoir leurs droits, à une
20 certaine époque, le fait de perdre leur statut
21 d'Indien s'ils vont à l'université, de perdre le
22 statut d'Indien s'ils s'engagent dans l'armée ou
23 ailleurs, à des époques, le fait d'avoir à demander
24 la permission à l'Agence des Affaires indiennes pour
25 quitter la réserve, et on pourrait en lister encore

1 beaucoup d'autres.

2 Alors, évidemment, la prison n'est pas la
3 solution à ces problèmes-là, c'est évident. Puis,
4 bien, il faut penser à autres choses.

5 Et ensuite, on a passé à monsieur Rougier, qui
6 nous parle de ses années d'incarcération. Et, au
7 début, j'avais compris vingt (20) ans, mais à la
8 fin, j'ai compris que c'est vingt-six (26) ans
9 d'incarcération en pénitencier fédéral, de sa
10 rencontre avec -- des difficultés de son enfance,
11 l'adoption, retrouver sa mère, mais dans une
12 situation où ce n'était facile, et on voit qu'il est
13 devenu très émotif à ce moment-là. C'était
14 touchant. La rencontre avec des gens comme monsieur
15 Kovacs, The Bear, qui l'ont aidé dans la guérison,
16 sur le chemin de la guérison. On voit qu'il nous
17 parle aujourd'hui avec beaucoup de sérénité,
18 quelqu'un qui semble en paix avec lui-même, et c'est
19 assez extraordinaire que quelqu'un qui a passé
20 vingt-six (26) ans en prison nous parle avec autant
21 de calme, de sagesse. C'est touchant. Et,
22 vraiment, monsieur Rougier, c'est remarquable.
23 C'est frappant, puis j'espère que beaucoup de gens
24 vous ont entendu. Et j'espère que beaucoup de gens
25 vous imiteront, aussi, puis pourront vous imiter,

1 grâce au travail de gens comme The Bear, qui
2 travaillent avec des gens qui sont en détention
3 comme vous.

4 Et quand -- si j'ai bien compris, vous étiez en
5 maximum, ç'aurait été possible de retourner au
6 médium, vous avez choisi de rester au maximum pour
7 continuer le travail que vous avez effectué à
8 Donnacona, avec une salle, puis avec l'aide, inciter
9 les codétenus à venir travailler dans les arts, qui
10 peut être un moyen qui aide à guérir, aussi.

11 Alors, moi, je -- c'est très touchant. C'est
12 très touchant puis encourageant à la fois.
13 Encourageant, parce qu'on voit qu'il y a des gens
14 qui sont capables de se reprendre en main, qui sont
15 capable -- et qu'il y en a d'autres qui sont
16 capables d'aller aider, qui sont capables de créer
17 un état d'esprit qui fait qu'on peut vivre.

18 Et comme disait The Bear, bien, lui, il s'en
19 retourne chez lui, le soir, mais la personne
20 détenue, c'est sept (7) jours -- vingt-quatre (24)
21 heures par jour, sept (7) jours/semaine. Et il
22 souligne que ce n'est pas facile.

23 Alors, c'est très touchant. J'espère que
24 d'autres pourront bénéficier de ce que vous avez pu
25 faire, monsieur Rougier, et je comprends que le jour

1 où vous quittez, bien, vous souhaitez en aider
2 d'autres d'une autre façon, ailleurs, et c'est ce
3 que je souhaite que vous puissiez réaliser. Je vais
4 vous remercier beaucoup.

5 Et la possibilité de créer des maisons de
6 guérison, '*healing centre*', c'est une solution que
7 vous recommandez qu'on retient, qui peut
8 certainement aider.

9 C'est clair que les valeurs autochtones, vous
10 avez référé, il y en a -- on a, sur le '*roller*
11 *post*', ici, les sept (7) valeurs : l'amour, le
12 courage, l'honnêteté, l'humilité, le respect, la
13 sagesse, la vérité. The Bear nous souligne que
14 l'honnêteté, l'humilité, le respect et le partage
15 sont les quatre principales qui pourraient
16 rassembler, dans le fond, à peu près tout le monde,
17 que les gens qui réussissent à vivre ces valeurs-là,
18 bien, quoi, font une bonne vie, quoi.

19 Alors, merci encore beaucoup, beaucoup,
20 beaucoup de votre présence, d'avoir accepté de
21 partager avec nous. J'espère que les gens qui vous
22 écouteront seront touchés par ce qu'ils ont entendu.

23 Alors, sur ce, nous allons suspendre jusqu'à --
24 une heure (13 h 00)?

25 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

1 Je vous suggère...

2 **LE COMMISSAIRE :**

3 Une heure et quart (13 h 15)?

4 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

5 Bien, il est midi et quart (12 h 15). Je vous
6 suggère, oui, jusqu'à treize heures quinze (13 h 15)
7 pour la reprise des audiences, Monsieur le
8 Commissaire.

9 **LE COMMISSAIRE :**

10 Treize heures quinze (13 h 15)?

11 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

12 Merci.

13 **LE COMMISSAIRE :**

14 Très bien. Alors, treize heures quinze (13 h 15).
15 Merci encore beaucoup.

16 **LA GREFFIÈRE :**

17 La Commission suspend jusqu'à treize heures quinze
18 (13 h 15).

19 SUSPENSION

20 -----

21 REPRISE

22 **LA GREFFIÈRE :**

23 La Commission reprend.

24 **LE COMMISSAIRE :**

25 So, welcome back. Me Barry-Gosselin, I understand

1 you will present the next witness?

2 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

3 Yes, Commissioner Viens. So, this afternoon, we
4 will have with us John Clarence Kawapit, from
5 Whapmagoostui, that will testify and explain some of
6 the services that he had received in the past years
7 with public services, mostly correctional services,
8 as well as justice, and maybe some comment on the
9 health system.

10 So, welcome, Mr. Kawapit.

11 **LE COMMISSAIRE:**

12 Welcome. I will ask the clerk to proceed with the
13 oath.

14 **Mr. JOHN CLARENCE KAWAPIT:**

15 Okay.

16 -----

17

18

19

20

21

22

23

24

25

1 John Clarence Kawapit
2 Duly sworn

3 -----

4 **LE COMMISSAIRE:**

5 Your witness.

6 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

7 Thank you. So, Mr. Kawapit, you can maybe start by
8 talking a little bit about yourself, where you're
9 from, the way you've been raised, where you have
10 been raised?

11 **Mr. JOHN CLARENCE KAWAPIT:**

12 Yes. I'm from Whapmagoostui, Whapmagoostui First
13 Nation, and up north, in James Bay -- I mean, Hudson
14 Bay coast. So, I was raised in Whapmagoostui all my
15 life, but I was born in Moose Factory, Ontario.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 And were you raised in a traditional manner, the
18 family, in Whapmagoostui?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 Yes. Mostly, it's been in the bush with my
21 grandparents, until I turned eighteen (18). Every
22 winter, every fall and spring, we went to the camp
23 with my grandparents, and sometimes with my parents.

24 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

25 Okay. Do you keep good memories from that?

1 **Mr. JOHN CLARENCE KAWAPIT:**

2 Excuse me?

3 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

4 You keep good memories from these years?

5 **Mr. JOHN CLARENCE KAWAPIT:**

6 Yes. Yes, I do.

7 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

8 So, I guess that your mother tongue is not English?

9 **Mr. JOHN CLARENCE KAWAPIT:**

10 Excuse me?

11 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

12 You speak -- your first language is Cree, or...?

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 Yes. Yes, that's my -- it's my main language, Cree.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 As I told you, you can, of course -- there is no
17 translator today, but you can have comments in Cree
18 if it's easier at some times, to you, but you have
19 to understand that neither me and the Commissioner
20 understand Cree; okay?

21 **Mr. JOHN CLARENCE KAWAPIT:**

22 Okay.

23 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

24 And where did you learn English?

25

1 **Mr. JOHN CLARENCE KAWAPIT:**

2 Well, I learned English in -- in jail.

3 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

4 Okay.

5 **Mr. JOHN CLARENCE KAWAPIT:**

6 Yes. Back in nineteen ninety (1990), I went -- I
7 took upgrading in Waterloo. So, I completed the
8 Secondary IV while I was there. I stayed there
9 almost two (2) years exactly, yes.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 Okay. And what about French? Do you speak a little
12 bit of French, or not?

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 No. Only the -- the slang words, like swearing
15 words. That's all I know, yes.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 Oh -- okay. So, I understand, Mr. Kawapit, that you
18 wish to talk about the services that you had
19 received. So, Commissioner and me will listen to
20 you. What do you wish to talk about today?

21 **Mr. JOHN CLARENCE KAWAPIT:**

22 Okay. I'm going to start talking about back in the
23 nineteen nineties, when I was in Bordeaux, like when
24 they had a barricade in Oka, that time in -- I don't
25 know -- nineteen ninety (1990), I believe, learned

1 that it happened, I was in Bordeaux. And there were
2 a lot of people -- Native people would get beaten by
3 the French people, the inmates, including the -- the
4 guards were involved, the beatings that happened
5 there.

6 So, I was one of the most -- was picked up by
7 the guards, and they threw me in -- they put me in
8 the hole, and telling me not to -- not to say
9 anything. And they kept me almost two (2) months
10 there, just wearing my underwear. And they came and
11 checked on me once in a while, and beat me up. And
12 I was there, and I didn't even have a shower for two
13 (2) whole months. That's all I -- there, and --
14 sometimes, I didn't get anything, nothing to eat for
15 two (2) straight days, just bread and water. That's
16 all they served me, when I was in that hole.

17 I don't know what you call it. That's what we
18 call it. A hole. That's where I was staying for
19 two (2) whole months.

20 So, that affected me a lot, for what happened
21 to me that time. Because the guards are supposed to
22 do their job well, not beating up the inmates.
23 They're supposed to guard us, watching us, not to
24 get hurt or anything like that. So, that's the
25 thing that affects my life.

1 So, once I got out, I got more -- I got worse.
2 I got more aggressive. I got -- because I was --
3 when I was there, I had nothing to do except doing
4 push-ups every day, so -- so, it built my anger so
5 much when I was in there, like I was thinking of --
6 I was going crazy.

7 Once I got out, then, they transferred me to
8 Amos, and they sent me back home. I think it was in
9 -- I don't know which month anymore. So, all this
10 time that -- when I go in jail, when I'm back in
11 jail. I've been in jail since nineteen eighty-nine
12 (1989), in and out, almost every year, because I'm
13 an alcoholic, you know. I can say I'm a sick man,
14 for being -- I started drinking when I was five (5)
15 years old, I believe. Because my parents were -- I
16 was growing up with alcoholics. So, I was raised as
17 a drinker too. Because my parents, when they were
18 drinking, when they wanted to get rid of me when I
19 annoyed by them -- I mean to them, when I bugged
20 them when they were drinking, they used to give me
21 four (4) or five (5) cans of beer. And they would
22 say, "*Here, son. Drink this and go to your room.*"
23 That's how I started drinking.

24 Then, that year when I started drinking, I was
25 five (5), I got sexually abused, child molested by

1 my old man, my father. And that anger, I've been
2 carrying it all my life. I cannot get rid of it.
3 And this is the reason why I'm in here right now,
4 because of the anger I have. I go back and forth
5 like this, like I said, almost every year, or maybe
6 two (2) or three (3) times a year, sometimes, I go
7 in. It's been -- my life is turning upside down,
8 all these years. I can never -- I can't get up.
9 Even I tried -- I tried to do my best to be patient
10 when I'm incarcerated. Even with the guards -- some
11 of them are really nice to me.

12 You know, back, ten (10) years ago, like almost
13 ten (10) years ago, ten (10) years ago, back there,
14 it wasn't like this to this (inaudible). It's like
15 that now. It's the system. Like here in Amos
16 detention, it's turning upside down, because the
17 guards are different. They're changing their
18 attitudes. The new guards, mostly, that those are
19 the ones that are kind of like -- they're kind of
20 racists, like inside. And they are disrespecting us
21 because we are Indigenous people. And they treat us
22 like -- like animals. Like they can -- like I told
23 you yesterday, they count us like diamonds, but they
24 treat us like animals.

25 So, it's not -- nobody deserves to be treated

1 like an animal. Because we're all equal. We're all
2 human beings, you know. That's the thing I want to
3 -- really want to say that. Because what happened
4 to me last -- last September, when I was talking to
5 you about the North, and they put me, you know,
6 where I meet you, in that hole, that little -- the
7 little lobby. And they kept me there for six (6)
8 days because they thought I was suicidal. I believe
9 I said that I was kind of suicidal when they first
10 brought me in there, but they kept me there. And
11 you saw that there is no toilet and there is no
12 sewer. There is no sink where you can drink water.
13 And there's actually no toilet. And sometimes, I
14 didn't have -- I didn't have -- no one was paying
15 attention to me, when I even -- when I knocked and
16 knocked, and trying to ask them if I can go to the
17 toilet, and they didn't come. So, I had to use
18 those little foam cups to pee. And I was like that
19 maybe -- every night, I was like that. When they
20 let me go the next day, to go to the toilet, so, I
21 had to carry those three (3) -- two (2), three (3)
22 cups where I pissed on. So, I have to throw them in
23 the garbage -- I mean into a toilet. That's how I
24 was treated last fall, when I was in there.

25 And I believe one of them, the sergeant, he

1 came to me, and he said, "Are you ready to stay with
2 the other guys?" I said, "Yes," because I was
3 getting tired of -- treated like an animal, pee in
4 my cups, and...

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 So, Mr. Kawapit, maybe -- the Commissioner was not
7 with us yesterday when we had a meeting, so I'm
8 going to put a little bit of context on what you
9 just said.

10 So, yesterday, I had the benefit of meeting
11 Mr. Kawapit at the detention to prepare his
12 testimony for today, and we were in a room that is
13 normally used for meetings in between lawyers and
14 inmates. And at that time, Mr. Kawapit informed me
15 that, last year, he had been detained for safety
16 purposes, because he had, or the services believed
17 at that time that he had some suicidal thoughts, so
18 he was detained in that kind of office for six (6)
19 days. And yesterday, I had the benefit of being,
20 for a few hours, in that room, and I can say that
21 it's a room with a table, that it's normally used
22 for meetings. So, there is, of course, no toilet or
23 no sinks, and there is -- Mr. Kawapit had been
24 detained in a similar -- not exactly the same in
25 which I was, but similar room, because there was no

1 other room to detain him at that time.

2 I even believe that you remembered the number
3 of the room. It was Room 22, in Amos. And he
4 explained that he did not have access to a toilet at
5 that time.

6 And were you able, during these six (6) days,
7 to have like outside activities, or to have access
8 to showers or things like that, at that moment?

9 **Mr. JOHN CLARENCE KAWAPIT:**

10 I believe they asked me only once if I want to take
11 a shower. So, I agreed. So, they took me in the
12 other -- the small sector. So, that's where I --
13 was there for an hour, to clean myself. And I
14 wasn't asked if I can go out, so I guess I wasn't
15 allowed to go out, still...

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 So, you did not have any...

18 **Mr. JOHN CLARENCE KAWAPIT:**

19 ... to do the outside activities.

20 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

21 No outside activities...

22 **Mr. JOHN CLARENCE KAWAPIT:**

23 No.

24 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

25 ... during these six (6) days? Okay. And other

1 than that incident from last fall, how can you
2 describe the way it is to be a Native serving time?
3 So, for example, traditional food, activities? Can
4 you talk a little bit about that?

5 **Mr. JOHN CLARENCE KAWAPIT:**

6 No, wait, I forgot one thing, that when I was still
7 in that little lobby, there was this one guard came,
8 holding a paper, all information about me. And
9 there was another guy there, a mental guy -- mental
10 -- he was in the hole. A Native guy, I believe. He
11 gave the information about me, the paper, even the
12 picture of me on the little paper, the sheet, and he
13 passed it to that guy. And that guy started to sing
14 a song about me, following my information and
15 everything. That's the one I wanted to ask them,
16 why are they listening to me, the guards? Is it the
17 right thing to do, give the other inmates
18 information on that? I don't think so. I don't
19 think they're allowed to do that.

20 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

21 So, you did not feel that you were respected when
22 the guard did that to you?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 No. When this guy, other guy sang a song about me,
25 that he followed my information and all that, so, he

1 sang that, in English, and French, and Inuktitut.
2 So, the guards were laughing. They were laughing at
3 me because the guy was singing a song. So, I was
4 getting really pissed off, what they did, because
5 they didn't even try to ask him to shut up or to let
6 him stop doing that. So, that's the one I want --
7 it was really, really disgracing, disrespecting
8 to -- for me, I feel like I was treated like in --
9 like nothing. Like -- because the thing I really
10 wanted to know -- but I never asked the guards if
11 they had a right to do that, to give another
12 inmate's information about other inmates. Because I
13 know if I ask, they're not going to give me the
14 answer.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 Yesterday, you talked about also some personal
17 effects, like your personal belongings that were
18 important for you, from two thousand fourteen
19 (2014), that had been lost?

20 **Mr. JOHN CLARENCE KAWAPIT:**

21 Oh, yes, that one. When I was in *Odassa* (ph), I
22 stayed at the *pavillon*. And I try -- back in early
23 two thousand, like in two thousand one (2001), I was
24 allowed to have my feathers, and my sweetgrass, and
25 sage in my room, so I can burn that and smudge

1 myself, and the medicine I needed.

2 So, in two thousand fourteen (2014), I tried to
3 ask that again, and they didn't allow me. You're
4 not allowed to have that in prison. But once I got
5 out, when I got released and going home, I tried to
6 look for my medicine bag, but it wasn't in my
7 belongings, my personal effects, my bag, medicine
8 bag, I call that. And my feather was gone.

9 So, I tried, and I didn't have time to ask
10 them. I only was trying to check that my medicines,
11 if they were there when I was in the -- *La Piaule*,
12 trying to smudge myself, and there was nothing in my
13 bag. So, I guess they misplaced putting it, or they
14 threw it in the garbage.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 How do you feel of being detained and not having
17 access to your medicine -- so, smudging, your
18 feather, and your other objects?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 Well, the same as the people feel when they have
21 nothing, their medicines, like medication that they
22 got it from the hospitals. That's exactly the same
23 feeling I had when I have (inaudible), every day, I
24 -- because I need -- we need that, as Natives, like
25 the sweat lodges, I mean, I -- sweetgrass, and stuff

1 like that. At least, the eagle feathers, like the
2 eagle feather, it helps a lot. To me, it's like a
3 bible, same thing as for you guys, you believe in
4 the Bible, so, we have -- we have our own beliefs
5 too. So, we need that too, to -- if it can exist
6 that -- that we can have it in our -- with us,
7 wherever we are. Even as sweetgrass and sage.
8 Those are the main things we need, as we are Native
9 people.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 And, in detention, did you have access to some
12 traditional healings, like your traditional
13 medicine? Did you have access to some, in the past
14 years?

15 **Mr. JOHN CLARENCE KAWAPIT:**

16 Yes. That's the one they let me have, the
17 sweetgrass, and the feather, and the sage, and all
18 that, but there's no traditional activities. I
19 believe one of the guards told me that it was there
20 before, but the French inmates weren't comfortable
21 with that, and they used to -- kicked it, or
22 anything. I don't know what was going on. They
23 used to have that in the old days, eighties, I
24 believe.

25

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 But in the years two thousand, for example, two
3 thousand -- in the past fifteen (15) or twenty (20)
4 years...

5 **Mr. JOHN CLARENCE KAWAPIT:**

6 Nothing.

7 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

8 ... yourself, did you have access to...?

9 **Mr. JOHN CLARENCE KAWAPIT:**

10 Nothing.

11 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

12 Okay.

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 That's the one -- it would be nice if we have those
15 kinds of traditional activities here in Amos. But
16 there's so many people are there. Even the -- even
17 anything that we can use, like -- like these guards
18 know that I carved a lot with the soap. So, maybe
19 that's the one we can access, like having our own
20 workshop, like we can teach like printing, and all
21 that, so we make things like traditional stuff like
22 that. I mean, I'm talking about the Native people,
23 they can do something, instead of just standing
24 around, wandering around watching TV and doing
25 nothing.

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 So, instead of listening TV, you would prefer to do
3 some traditional carvings, for example?

4 **Mr. JOHN CLARENCE KAWAPIT:**

5 Yes.

6 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

7 And to teach them?

8 **Mr. JOHN CLARENCE KAWAPIT:**

9 Yes.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 Okay.

12 **Mr. JOHN CLARENCE KAWAPIT:**

13 But today, I don't want -- they know I don't watch
14 TV, the guards, because they see me. I mostly stay
15 in my room and do my carvings and stuff like that.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 Do you have access, right now, to tools, or stone,
18 or...?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 No. No.

21 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

22 So, what are you carving in your cell?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 Well, just a bar of soap that the -- actually, they
25 -- the other inmates like my work. And they take it

1 and they give me a little bit canteen to -- to buy,
2 because they've got no money to give me money or
3 nothing like that, so they had to buy me something
4 to use, like tea, coffee, and stuff like that, that
5 I need.

6 Because, me, I don't have -- I don't have
7 access to have my visits back, or more -- someone to
8 visit me. When there's -- and where I'm from, it's
9 isolated. There's no access road, so there's no way
10 that they can come and visit me, my family. And
11 it's too expensive. A plane ticket, I believe is
12 over a thousand dollars (\$1,000.00), a ticket, one
13 way. So, how much would it cost -- how much would
14 it waste their money if it's just to come and visit?

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 Did you have -- since your last period of detention,
17 did you have any contact with your family, either
18 visit or phone contact with your family?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 No, just the phone calls, I do, but I never
21 (inaudible). Just like I said, it's too far away
22 from home to have visits. That's all I get, just
23 phone calls to my family.

24 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

25 And how does it work, for phone calls?

1 **Mr. JOHN CLARENCE KAWAPIT:**

2 I have to go -- I have to make collect calls,
3 mostly. But even the -- we have access to calling
4 cards, prepaid calling cards that we can buy, but
5 it's too expensive, like ten dollars (\$10.00), like
6 -- it's like you can call like twenty (20) minutes,
7 that's it.

8 And every time you call, the fee is one fifty
9 (1.50), when you call and you talk, fifty cents
10 (50¢) a minute. Like if you're trying to call four
11 (4) times back home, that's six dollars (\$6.00) just
12 to dial the numbers, just to access it. And you
13 talk two (2) minutes, that's one dollar (\$1.00), so,
14 you have only four (4) minutes to call, if you make
15 phone calls. So, that's nothing. Why do you have
16 to pay that calling card? Like you cannot even talk
17 to all your kids. If you have four (4), five (5)
18 kids, they want to talk to you, and you don't even
19 have time to talk to all of your kids or your family
20 like that.

21 So, it's better if you -- oh, I tried to ask
22 the guards too, if I can use, because my card was
23 used. I noticed it last month, that someone's been
24 using my bank card back home. So, I tried to call
25 them, "I want to use the phone to call the bank,

1 *because I want to cancel my -- suspend my bank*
2 *card," trying to tell him, he said, "Buy a calling*
3 *card and call there. It's free, if it's" -- I said,*
4 *"I can call here, the bank here in (inaudible) here*
5 *in Amos, and it's not going to cost anything, and*
6 *it's not going to cost you nothing." But they*
7 *didn't let me. They kept telling me, "Buy a calling*
8 *card."*

9 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

10 So, it's very difficult to maintain contact, even
11 for a basic -- like to talk with the bank or to talk
12 with your family, it's difficult to maintain
13 contact, when you're detained?

14 **Mr. JOHN CLARENCE KAWAPIT:**

15 Yes.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 Okay. Is there other specific events or incidents
18 that you wish to talk about, Mr. Kawapit, that you
19 have been through in the past years?

20 Yesterday, you told me about when you had to
21 quit to smoking, when you were detained. Do you
22 wish to talk about that today?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 Yes. A month ago, or two (2), I asked for a patch,
25 a nicotine patch to stop smoking, because I'm a

1 heavy smoker outside. So, I received that after one
2 (1) week and I took a memo to the nurse. One (1)
3 week or two (2), I received the patch. And I was
4 happy to receive this.

5 So, I put it on my chest when I was going to
6 bed. And the next morning, I tried to change that,
7 because we're supposed to change every morning, to
8 get another patch. And this guard was standing
9 there, and right in front of her, I took my patch
10 off. I tried to stick it there. And she didn't --
11 she didn't - "*Just bring it,*" she said. And she
12 just looked at it, and she said, "*You're cut off.*"
13 I didn't -- I said, "*Why?*" And she said, "*You*
14 *scratched it.*" I said, "*You saw me taking it off*
15 *from my chest and...*" They said, "*No, you're still*
16 *cut off.*" I said -- I told them, "*No, I didn't*" --
17 I tried to explain I didn't scratch it, but they
18 kept saying, "*You're not going to have it no more.*
19 *Just talk to the nurse. Talk to the nurse about*
20 *that.*" So, I make a memo to see the nurse.

21 So, I went to see the nurse after a few days.
22 I tried to explain to her. She says, "*It's not my*
23 *problem. Talk to the guards.*" So, I don't know who
24 to talk to to solve the problem. And I tried to
25 talk to the guards. I told them, "*I want to make --*

1 *give me the complaint form.*" He said, "*Why?*"
2 "*Because I have no one to talk to, so I want to make*
3 *a complaint.*" He said, "*Just reapply again. Just*
4 *make a memo again to get another patches.*" So, I
5 tried that, and I didn't get it.

6 So, those small things are like that all the
7 time. For me, it's like that, even I try to write
8 something. Even the clothing I try to ask from the
9 *prejustice (sic)* to bring my clothing and socks, but
10 the guards told me, "*No, you're not allowed to have*
11 *it.*" And I said, "*Why?*" "*Because you're allowed to*
12 *have five (5) socks in pair. You've got everything*
13 *that you need there.*" I told him, "*But I've got*
14 *only two (2) pairs of socks left.*" But still, he
15 said, "*No, you cannot have.*" So, what's going to
16 happen to me? I've still got over one (1) year to
17 do. And I'm going to run out of socks, and what am
18 I going to wear, if they keep on doing that, not
19 allow me to have another clothing?

20 Those are the little things, very small things
21 I try to ask for a favour from the guards. They
22 always neglect me to say no to me. Am I the only
23 one who is treated like that, or all of Native
24 people? That, I don't know.

25 I hear the other people talking like that, that

1 they're always -- say the guards say no to them.
2 I'm talking about these new guards, not these guards
3 that they've been there for a long time now. They
4 know their jobs. They're doing their jobs well.
5 But these new guards are there, that I've never seen
6 before, those are the guards that are giving us a
7 hard time.

8 It wasn't like this before, in the past years.
9 And they know me, I've been in there for many times
10 now. And they respect me, and they always call my
11 name. But these new guards, they call me "*Tuktush*,"
12 or "*Sasquatch*." Why do they call me when they know
13 my name? Why do they use a different name to call
14 my name? That, I don't know.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 How do you feel when the guards are calling you
17 "*Tuktu*," for example, instead of calling you by your
18 name?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 Well, for one certain thing, I know I'm not a
21 caribou.

22 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

23 Because "*Tuktu*" means "*caribou*"?

24 **Mr. JOHN CLARENCE KAWAPIT:**

25 Yes, "*Tuktu*" means "*caribou*."

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 In Inuktitut?

3 **Mr. JOHN CLARENCE KAWAPIT:**

4 Yes. So, how would they feel? How would you feel
5 if I called you names, instead of using your name?

6 It would be disgraceful, and you would feel
7 disrespected, and I would hurt your feelings if I
8 called you different names.

9 Those are the things that we're not supposed to
10 do that to one another. Because we're all different
11 -- there's no difference to one another. We're all
12 equal. We're all the same people. We're humans,
13 you know. It's okay to call a dog a bitch, you
14 know, because he's a bitch, he's not -- he doesn't
15 have -- he doesn't have feelings like us, we do.
16 But each of us, when we say something to one
17 another, we hurt other people, and we cannot -- we
18 cannot repair a human heart when we break the human
19 heart. And even if you call somebody different
20 names, if we swear at them, if we put them down, how
21 can we repair them to make them feel better?

22 You know, that -- like if I call you a name,
23 you would remember that name for the rest of your
24 life. And you would die with that name. That's the
25 one that's not right. Especially these guards that

1 they're calling us "*Tuktus*," and everybody,
2 everybody is calling different names that they can
3 put them down.

4 And you know and they know that we are away
5 from our family and we have nothing to -- we cannot
6 do nothing to have our family close. And that thing
7 that -- what happened to me last September, I was so
8 down, I hit bottom. And I was helpless, and I
9 couldn't help myself too. And they put me in that
10 hole, that place where I slept there, and they made
11 fun of me. And where was the -- where was the
12 protect that I -- that they -- they thought they
13 were trying to protect me from hurting myself.
14 Instead of trying to protect me, instead of trying
15 to comfort me, they put me more down. So, I felt it
16 like I was nothing at all.

17 And once I had full of anger when I went out, I
18 started drinking a lot heavier. Because I was so
19 angry because of that guy who was singing a song
20 about me and the guards were laughing at me.

21 (Inaudible) like I got spit on the face, and not
22 looking at me as a human being, like if they see a
23 dog sitting on its cage, can't do nothing. That's
24 how they see me, that time when they -- when I was
25 treated like that.

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Do you have access to like counselling, or services,
3 like to help you, in detention?

4 **Mr. JOHN CLARENCE KAWAPIT:**

5 There, no. Because I don't speak French. I asked
6 that I could have counselling, if I can -- two (2)
7 guards asked me, "*Just call us. Call our names, or*
8 *if you need to talk, if you need help.*" So, I wrote
9 the memo, and I never get the answer back. I don't
10 even know if they get the memo, the guards who told
11 me to see them when I need help, when I need to
12 talk. So, I waited and waited, and nobody -- nobody
13 came, so I didn't bother. So, I just started --
14 continued to do my -- my thing, do one day at a
15 time, trying to survive. And there is no -- yes,
16 there -- I believe they have AA meetings, eh? Only
17 French.

18 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

19 Yourself, did you have access, in the past months,
20 did you have access to, for example, AA meetings,
21 yourself, in English? Were you able to attend some
22 meetings?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 In there, no.

25

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 There are none?

3 **Mr. JOHN CLARENCE KAWAPIT:**

4 No.

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 Okay. And so, there is no services in English in
7 Amos; this is what I understand?

8 **Mr. JOHN CLARENCE KAWAPIT:**

9 English AA meetings, they used to have it back in
10 the days. They used to have that, and we used to go
11 there a lot. Even a priest used to come there to do
12 the preachings in there. But, these days, I don't
13 see it no more.

14 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

15 And do you have access to services from your
16 community, in detention? I mean, do you receive a
17 visit from elders, for example, or from...?

18 **Mr. JOHN CLARENCE KAWAPIT:**

19 Yes, I got -- I got help from the Justice Committee.
20 I believe their office is in Val-d'Or, and they come
21 there Tuesdays and Thursdays. So, when they have
22 time to meet me, they meet me. And, even, I also
23 have a visit from the psychologist, a Cree
24 psychologist. So, that helps a lot.

25 So, those are the things I would like to

1 organize, so that I can have access, like English AA
2 meetings, and elders can come and visit more often,
3 or something like they can have rehabilitation in
4 there, rehabs in there, like something like
5 (inaudible).

6 I believe that even the -- any -- any kind of
7 nation that they need help when they're in there,
8 even the white people, black people, or French, they
9 need that, that therapy, and stuff like that, that
10 they can open it better, instead of just sitting
11 around, do nothing, talking about criminal stuff,
12 and things like that.

13 I see that I've been in -- just like I said,
14 I've been in jail too many times now. I don't go
15 anywhere, because I don't get no help at all in
16 prison. I just -- it just built my anger more and
17 more. And every time I go out, I have -- I carry
18 that anger when I go out.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 And when you had meetings with the justice committee
21 from your community, do you believe it helps you in
22 your healing process?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 Well, it helps me a lot, the healings I'm doing
25 right now. It's the reason why I'm here again,

1 because I did something stupid last fall, and I
2 stole a truck here in Val-d'Or, when I was
3 intoxicated. And I wrecked the truck. And they
4 charged me for impaired driving. I'm lucky I'm
5 still alive today. I should have -- I wonder if
6 something worse happened, if I - get in that exit,
7 you know. That's why I'm here, because I did that
8 thing, the drinking and driving thing.

9 And when I got home in December, I assaulted
10 my -- my fiancée. That's the charge I had.
11 Because, actually, I never hit her. And she said I
12 beat her up, because she knew I had the conditions
13 not to drink, and she knew that I was always going
14 to jail, and she wanted me to go to jail because she
15 wanted to be free herself. But that's -- I tried to
16 tell my lawyer that it's not true, what my
17 girlfriend said in her statement. And she said,
18 *"It's impossible that we can fight that, because you*
19 *have too many previous convictions, assault charges*
20 *in your past life, and if we try to tell the truth,*
21 *what happened to you, what happened that night, and*
22 *the judge is not going to buy it. He's just going*
23 *to look at your previous convictions."* I said,
24 *"Okay. Let's just plead guilty."*

25 So, they gave me one (1) year exactly, the

1 assault charges. And, this one -- and this, the
2 reckless driving thing I did here in Val-d'Or, they
3 gave me a seven (7) months consecutive sentence.
4 So, I have, altogether, nineteen (19) months to do.

5 It's not that bad, because they were trying to
6 send me to penitentiary. Eighteen (18) months plus
7 twelve (12) months, that's thirty (30) months. So,
8 for me, it's not that bad. Instead of going to pen,
9 they put me in a provincial.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 Do you wish also to talk about how it is to be in
12 communities, having alcohol problems, and having
13 conditions not to drink, when you're not detained?

14 **Mr. JOHN CLARENCE KAWAPIT:**

15 Yes. Living in my community, that I have
16 conditions, like even just the -- just have your two
17 (2) beer, and sitting in -- outside, and you're
18 trying to go somewhere, and the cops spot you while
19 you're smelling alcohol and they're trying to talk
20 to you and they smell you, and they arrest you and
21 you're sent to jail. You didn't even commit a crime
22 or nothing at all. But still, you still have jail
23 sentence because you're breaching, because you're
24 not allowed to drink.

25 And I said that earlier, that I'm a sick

1 person. I'm an alcoholic, you know. And what if I
2 have a cancer and I use this medication, and they
3 cannot say you cannot use this medication because
4 you have a condition not to have it. And who would
5 give someone, a sick person a condition not to have
6 his medication? That's why I have about over a
7 hundred (100) previous convictions. I mean, not
8 previous convictions, breaches that I have not to
9 drink alcohol.

10 Sometimes, when I get one (1) charge, I get
11 five (5) or six (6) conditions not to drink alcohol,
12 like five (5), six (6) pages. And when I breach one
13 (1), they count six (6) breaches. That's how
14 they -- that's how my file gets piled up, because of
15 my breaches.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

17 So, you end up with one (1) infraction and many
18 breaches of conditions for alcohol consumption?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 Yes.

21 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

22 And it sends you back in jail?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 Yes.

25

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Okay. Do you believe there is enough services in
3 your home community to address -- like to help
4 people with alcohol problems, do you believe there
5 are services in Whapmagoostui for that?

6 **Mr. JOHN CLARENCE KAWAPIT:**

7 There's lack of options, like back home. There is
8 not much support there, when you -- when you have a
9 condition like me, like be an alcoholic. There is
10 not much help that you can get in there.

11 If you're trying to go to the Social Services,
12 they're just going to send you down south for detox
13 centre. I tried to ask them before, *"It would be
14 nice if you sent people to the camps, to the bush,
15 that they can learn their own traditional way of
16 life, that they can learn something, what they need
17 to learn, where they belong."*

18 We don't belong down south, no. We learn that.
19 For me, I learned what to drink once I got out from
20 the treatment centres. I learned there's alcohol in
21 hairspray, in cleaning stuff, and Scope mouthwash.
22 That's where I learned, from those things, where I
23 can get drunk, drink when I don't have money.

24 I'm a very poor person back home, so I drink
25 anything that contains with alcohol. Because I'm --

1 just like I said, I'm an alcoholic. I've been
2 drinking since I was little, five (5) -- little man,
3 five-year-old boy. So, who wouldn't want any
4 alcohol, that he was raised up since he was this
5 little kid, been drinking all these years?

6 Even that hatred feeling I have in me for my
7 father, what he did to me, he raped me multiple
8 times. I'm sorry.

9 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

10 Take your time, Mr. Kawapit.

11 **Mr. JOHN CLARENCE KAWAPIT:**

12 You know, what kind of -- what kind of father did I
13 have? A man who I trust ended up treating me like
14 that. I depend on him, and he was my life, before
15 he did that. And I had no one to trust no more.
16 Nobody.

17 From last two (2) years ago, I decided -- one
18 morning, I decided to go for a walk, because I
19 couldn't take the feeling. I was starting to talk
20 about -- thinking about to do bad things, like, "*I'd*
21 *rather go to jail, you know, 'cause I can't take*
22 *this no more.*" Something like -- I was angry, at
23 those last minutes, at those last few days before I
24 started walking.

25 So, one morning, I told my friend, "*I'm going*

1 *for a walk.*" And he told me, "*Don't -- not now.*
2 *Just tell people, you know, what you want to do, so*
3 *you won't get lost.*" So, I told people, and they
4 gave me -- they had a meeting at that time, from all
5 over the James Bay communities, and chiefs had a big
6 meeting there. So, I went to their meetings. I was
7 holding a little basket. I told them, "*I'm going*
8 *for a walk. I need your support.*" Some of them
9 gave me twenty dollars (\$20.00), or three hundred
10 dollars (\$300.00) to buy myself food. So, I did
11 that. I went for a little shopping, buy my stuff,
12 my clothing, my pants and socks, gloves, a hat, and
13 food. And, on Saturday, January thirty-first
14 (31st), I started the journey. I started my walk,
15 going North.

16 At the first community, before I reached it, it
17 took me thirteen (13) days to reach that first
18 community. I was all alone. I had no support,
19 nobody was there to guide me. I had a hard time,
20 when I was all alone, with no gun, and the wolves
21 were all around me, walking with me. And I was --
22 of course, I was scared of the wolves. I didn't
23 want to be eaten alive, you know. So, that's what I
24 did.

25 The reason why I was walking, because I need to

1 get healed from the pain I have from what my father
2 did to me. I need to get rid of -- take it from my
3 chest. So, that helped me a lot, what I did. Yes,
4 it did help me, from my walk, from my journey. But
5 I never thought I was helped a lot, of what I did.

6 This is recent, way much easier for me to talk
7 about what my father did to me, how he abused me.
8 And I was an ashtray, and they can see my -- people
9 can -- when I showed them the cigarette burns that I
10 have all over my body, that's from my father. He
11 used me as an ashtray, when he's drunk. So, I don't
12 know how many years I was like that. And this is my
13 main problem, is the way I was abused, sexually
14 abused, mentally abused, raped and been an ashtray.
15 So, that's -- the journey I did, if I never did that
16 journey, I would still have all of -- all that thing
17 inside me. I would never talk about -- I was never
18 able to talk about that.

19 And this is the reason why I came to the
20 Commissioner, that the Native people like me,
21 whichever they are, white, French, who have been
22 through like me, they've been raped by their family,
23 anybody, that needs to be the treatments in centres,
24 jail, detention centres, that they need that
25 therapies like that.

1 Because the jails don't help at all. Like
2 first time you go to jail, it's like an addiction,
3 you know, a habit. Like you smoke cigarettes and
4 you can't stop smoking cigarettes. You're doing
5 drugs and you can't stop doing drugs. You're an
6 alcoholic, you can't stop drinking. So, it's the
7 same thing as a -- as a jail, you know. Once you go
8 to jail, you keep going there, because you're
9 addicted to it.

10 I don't know if you understand what I'm saying,
11 you know, but it's just -- it's the thing. And
12 there is no way that we can stop going there, unless
13 you do something about it.

14 Every time you go to jail, you build your anger
15 there, because you've got nothing there. No help.
16 That's why, to these days, I mean, to this day, I'm
17 crying for help. I need that. Everybody needs
18 that, who is in the jail, that treatment, that
19 thing, that everybody else needs medicine to get a
20 better life. That's the thing we need. Especially
21 here in Amos. That's the thing I needed badly. The
22 traditional food, the traditional stuff, and the
23 workshop that we can have in there. That's the one
24 I'm begging this Commissioner, that they can work on
25 that. Talk about it, talk to people, that they can

1 have this thing that we need as Native people, as we
2 are jailers.

3 I mean, I'm not just looking at myself, I'm
4 looking at people who are going to jail, keep going
5 to jails, that we need that, treatments that they
6 can have in jails. Professional counsellors that
7 they can get hired there. Even it would be more
8 nice, as we are Native people, that we can have an
9 elder to be there, who works seven (7) days a week,
10 to be there for the Native people, to talk to them,
11 to work with them, the elders, what they know. As
12 myself, I know a lot of things, what's good, that we
13 can help other people.

14 I talked to people, the young people that they
15 need -- express their feelings. Sometimes, they
16 came to me and talked about themselves. Most of
17 them, they're talking about suicide, and they
18 don't -- *"I'm in jail, I have nothing, and I lost my*
19 *family and everything."* Most -- that's how I feel
20 too, sometimes, when I'm down, like I don't want to
21 live. Because we're isolated in there. Just like
22 ice cube, that you're in the middle and you can't
23 break through. That's how it feels being in a
24 prison. That's how it feels being in a rape by your
25 own father. For the rest of my life, I feel like

1 that. This is the reason why we need that, the
2 comfortness (*sic*) in there that we need to hire
3 people who can work with us.

4 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

5 Did you have access to -- you mentioned traditional
6 food, a few minutes ago. Since you are detained,
7 did you have access, with the elders, and the
8 justice committee, to some food from your community?

9 **Mr. JOHN CLARENCE KAWAPIT:**

10 No.

11 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

12 No?

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 No. Nothing. But I believe that we can work on
15 that. Because Inuits do have their -- access food
16 for traditional food. But as we Crees or
17 Algonquins, we still not -- don't receive that kind
18 of treatment.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 And, yesterday, you explained that you're -- you
21 talked about it also today, that, yourself, you
22 carve a lot, and that it would be a good idea,
23 maybe, to open some workshop in the detention, so
24 the people can learn traditional activity. Do you
25 want to talk about it a little bit with the

1 Commissioner?

2 **Mr. JOHN CLARENCE KAWAPIT:**

3 Yes.

4 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

5 What is your idea about it?

6 **Mr. JOHN CLARENCE KAWAPIT:**

7 There are many things that you guys can do to access
8 to the detention centres, like they have in
9 penitentiaries. They have their own traditional
10 healings there, that the elders come to visit them.
11 And they have their own shops, working shop, like
12 they can fix things like that, to build things.
13 Those are the things that they need. And I'm not
14 just talking about the Amos Detention Centre. All
15 over Quebec, because there's -- everybody, every
16 jail, there's Native people there. So, they can
17 work on that, that they can access those kinds of
18 workshops, like building things like carving shops.

19 Like I'm a carver. I love carving. I love
20 doing arts. Those are the things we need, and
21 something that they can learn from the new -- the
22 young, the newcomers, I can say that, who go to
23 jail, like young boys, that they can learn something
24 in there while they're in there, instead of just
25 sitting there, do nothing.

1 Just like I said, I'm a carver, because I carve
2 a lot. And I do things, all kinds of things. Even,
3 I make those things, baskets and drums, and healing
4 sticks, walking sticks. And bracelets too,
5 earrings, and -- anything. You name it. Those are
6 the things that they need to be -- how do you say?

7 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

8 To be put in place?

9 **Mr. JOHN CLARENCE KAWAPIT:**

10 Yes, to put in the place, and -- like in Amos
11 Detention Centre, that they can have their own
12 workshop there. And I believe the guards would buy
13 my carvings if they see my...

14 Actually, some of the guards buy my soap too.
15 Because they love my carvings. They wanted it.
16 Imagine if they -- if they have something. Because
17 everybody needs a gift, souvenirs. And if we have
18 this, this shop there in Amos Detention Centre, or
19 anywhere, imagine, even the visitors -- I see
20 visitors come to the centre sometimes, like
21 students. And they can show to people what they do,
22 what did they achieve in their centres, how they
23 help people, instead of just guarding them and
24 cannot do nothing, just watching them suffer. Why
25 can't they just do something like that, helping

1 them, building their own lives in there. Am I
2 right?

3 There is one more thing. Am I forgetting
4 something?

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 You can talk about whatever you wish, Mr. Kawapit.
7 So, if you wish to add something, or -- you already
8 had some very good recommendations or advice for the
9 Commissioner. If you have others, of course, feel
10 free to share them with the Commissioner. Or if
11 there is other incidents or events that you want to
12 talk about.

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 That's the main thing we need, is for our Native
15 people to have our own traditional medications. And
16 the other thing is the patch, the cigarette patches,
17 you know, the nicotine. Instead of cutting us off
18 having those patches, why can't they give us
19 something that gets chewable, you know, a gum,
20 nicotine gum. I saw it on a TV. It said there is a
21 better way that we can teach -- that they can help
22 us how to ease our habits smoking cigarettes.

23 I seen people scratching paint from the walls,
24 and they roll them, they smoke it. They smoke
25 anything. Like even peels, like banana peels,

1 apples, oranges, tea bags. Anything that they can
2 smoke, they smoke it. And I heard that a few people
3 already died from smoking patches. Why can't they
4 access, if they cannot help us to -- I'm sure, I'm a
5 hundred percent know that there is no way that you
6 can ask someone, *"Stop smoking. You cannot smoke."*
7 Of course, they'll find something to smoke with.
8 You cannot control somebody's habit, unless they
9 decide to help themselves. Why can't they access at
10 least a bit of something to smoke, like cigarettes,
11 as more natural, instead of smoking paints and stuff
12 like that? Why can't they access, again, to allow
13 cigarettes to go in the -- like they can make a
14 limit. Like you can have two (2), three (3)
15 cigarettes a day, and stuff like that, but not in
16 there, when you have a yard. If they don't want to
17 allow us to smoke inside the detention centres, when
18 we go out -- and the guards can keep the cigarettes
19 in their office, in their lobby. And when they go
20 out, they just -- like they do when they give us
21 medication. That's what they can do too, instead of
22 looking at the people suffering, smoking anything
23 that's like plastic and stuff like that.

24 Me, I'm always trying to talk to people too.
25 Because I did that before, like four (4) years ago,

1 when I was -- like two thousand fourteen (2014). I
2 smoked with those people. They were smoking
3 patches. When I got home, I got sick. For five (5)
4 months, I smoked that patch. When I got home, I was
5 coughing, and I have a breathing problem. Ever
6 since then, I have a breathing problem. So, I
7 believe that could affect my life too, for smoking
8 patches like that, which nobody was supposed to
9 smoke like that.

10 That's the other thing that you guys can work
11 on, that access that thing again, instead of looking
12 at people killing themselves smoking nothing,
13 smoking something that is dangerous, that's
14 poisonous for us.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

16 Yesterday, you talked to me also about camping in
17 Amos. You used the expression "*doing camping in*
18 *Amos.*"

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 Sir, I got arrested in December twenty-seven (27),
21 last December twenty-seven (27). Before I got
22 sentenced, like March twelfth (12th), I mostly sleep
23 on the floor. I camp. Two (2) months -- almost two
24 (2) months. Over two (2) months.

25 In here, or other jails, in our cell, we have a

1 toilet. And there's supposed to be only two (2)
2 people in one cell. But they put three (3) people
3 in the cell. And one guy has to sleep right next to
4 the toilet. And the other guys go in the washroom,
5 middle of the night, and they piss. And everything
6 that's on the floor that's crawling, the bacteria,
7 the insects, anything that's -- dust on the floor,
8 the germs, you sleep with those. How would you guys
9 feel if you sleep on the floor and it's unclean
10 place? Nobody deserves that, to sleep on the floor
11 like that. Everybody deserves -- just like I said,
12 we're all equal. We're all humans. We're no
13 animals. And why do you treat one another as an
14 animal? That's the other thing that you can work on
15 that too. If you don't have enough place to put
16 another person as an inmate, build another -- build
17 another place. You know, make sure everybody has a
18 place to live, to sleep. That's how it feels, being
19 sleep on the floor. You feel like you're nothing.
20 And when you go out, when you've been doing like
21 that, when you have -- you start to feel that way,
22 that you're nothing to anybody. Why do we have to
23 treat ourselves like that? Yes, we do make
24 mistakes. We go to jail. But we're not supposed to
25 be treated like that. That's my belief, you know,

1 that I don't treat people -- when they visit me back
2 home, I let them sleep in my bed. I sleep on a
3 couch. Not on the floor. I don't let nobody sleep
4 on the couch -- I mean on the floor.

5 When I camp, I sleep on the branches, not on
6 the floor. When I go to my cabin, I have my own
7 bed. When I have customers, I let them sleep on my
8 bed. I go to my tee-pee, I sleep on my branches,
9 not on the floor, where there's full of germs on the
10 floor. That's exactly the same thing here in
11 detention, that we're not supposed to treat people
12 like that, put them on the floor to sleep. That's
13 just me. That's just my beliefs.

14 There are many things that I've seen in prison.
15 And I'm over half of my life, I live in jail. And I
16 see differences to these days, how they were in the
17 past. I hardly see nobody sleep on the floor twenty
18 (20) years ago. They made sure this person has a
19 bed. But why is the system so naïve to these days?
20 Lack of sophistications, lack of help, lack of
21 supportness, comfortness. That's why I said this
22 system is so naïve and turns to upside down.

23 We have no more feelings to one another. We're
24 just thinking about ourselves. We don't think about
25 our people's feelings. We think we're something

1 special when we look at someone who needs help. We
2 laugh at them, because we know they don't have what
3 we have. He'll never get there, where we are, if we
4 don't help them. And if we help them, they can get
5 there in no time, where we are. That's the thing.
6 That's how I see -- that's how I see the system, to
7 these, our days, to these days. There is no --
8 nothing going on no more, like it used to be in the
9 old days.

10 I remember when I started having problems
11 drinking, and the elders used to come and visit to
12 my house, trying to help me, trying to help my
13 father, trying to help my mother. But to these
14 days, back home, it's not like that no more. When
15 you see someone having a problem, you grab the phone
16 and call the police, and they go to jail, instead of
17 taking them to the camp, to where they belong. It's
18 not like that no more.

19 In the past, past twenty (20), thirty (30)
20 years, no one ever went to jail in my community.
21 Because that's how the elders did. They take this
22 person who has a problem, they took them to the
23 camp. They helped them. That's why no one ever
24 went to jail, because the elders were there for
25 them.

1 That's why -- that's why I'm here, 'cause I got
2 no help at all back home. Because the elders who
3 did that, they're all gone, you know, they don't
4 exist in our world no more. They're dead. But
5 who's gonna take their stead? Them, these guys can
6 take their steps (*sic*). They can help us. Because
7 that's why they take this job, to watch our lives,
8 to guard us. I don't call them guards, or screws.
9 I call them guardians. 'Cause they're my guardians
10 when I'm in jail. And that's the thing. 'Cause
11 they cannot do nothing there, 'cause there's nobody
12 there to help them, that they can organize something
13 that we need, that we need in detention centres. We
14 need that support, and stuff like that, that --
15 healings.

16 That's my words. These are my words, what I'm
17 begging you guys recommend that, that these healings
18 that we need in jail.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 Do you wish to end by talking a little bit about the
21 healing journey that you did two (2) years ago? You
22 walked from Whapmagoostui to which community?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 Well, I started walking from Whapmagoostui to -- all
25 the way to Northern Quebec, in Ivujivik. I saw the

1 point of Northern Quebec, furthest, Quebec. That's
2 where I stopped walking. When I did that walk, this
3 is what my -- what happened to me, you know. I was
4 going to talk about it, but I -- I was soaked up,
5 so...

6 I did that walk to ease my pain, to get rid of
7 the garbage that I was carrying all my life, the
8 hatred feeling. I can say my life has become
9 unmanageable, all these years, because of what
10 happened to me in my younger years. I cannot find
11 any heal. How can I get help? Who can I talk to?
12 Who's been through the way I've been through? Who
13 was touched by his own father? Who experienced
14 that? I'm sure people around me had that experience
15 too, but never talked about it, and don't know how
16 to help other people. That's the kind of treatments
17 too, that I need. So, when I was walking, I talked
18 about it.

19 In each community, I visit schools. I talked
20 to kids. I talked to all the local people. I even
21 talked to the radios. And when I reached Inukjuak,
22 the third community I reached, the people started
23 calling me. Even the CBC people called me, where I
24 was. They found me. Even in the NWT, Northwest
25 Territories, Nunavut. Even in Alaska.

1 At one point, I couldn't really talk to this
2 person. He called me from France, wanted me to talk
3 on the radio. I couldn't really talk to him,
4 because he had a hard time speaking English. So, I
5 talked a little bit, though. And they wanted me to
6 send photos of me, the ones I took during my
7 journey. And you guys can read all about that, it's
8 on the -- it's on the Facebook, my healing journey.
9 I gave them the name of my -- the journey, the
10 Facebook. So, it's all there. And all my carvings
11 all there, on Facebook, the ones I took on --
12 carvings I did back home.

13 That's the reason why I walked that healing
14 journey, because of what happened to me in my
15 younger years. I got raped. I also walked for the
16 women who were treated -- who were sexually abused,
17 mentally abused, and all that. I walked for the
18 women too. I walked for the drugs too, and alcohol.

19 During my walk, I had so many experiences, when
20 I was walking. When I passed the first community,
21 when I passed, they had no more trees. I was lost,
22 thinking, *"What am I going to use to build my tee-*
23 *pee, my tent? What am I going to use for fire?"*
24 And I ended up using just a Coleman stove. Because
25 the helper had a Coleman stove, and we had no more

1 wood stove, at their camps. That's all they use.

2 And during the days when we were walking, I had
3 no choice to start eating like Inuit do, eating
4 frozen stuff, eating raw. And I got used to it.
5 And they so amazed me, when I was walking, those
6 Inuit people, how they live up there when there is
7 no fire to burn, there is nothing. And I started to
8 understand why they eat raw, Inuits, because they
9 have no -- in the old days, they had no fire to cook
10 something for themselves. So, they had no choice to
11 eat. So, that's their own tradition, the Inuit
12 people. That's why we call them names. That's why
13 we call them *tuktus*. That's why we call them
14 anything what we want to call them, eating raw, like
15 dogs, and we call them anything.

16 Because those are the people, in my beliefs,
17 they're a lot stronger than us. They had more
18 powers than us. Imagine us, if we live up north,
19 there, and there is no fire to burn. In no time, we
20 would freeze to death. We would starve to death.
21 We wouldn't make it in no time. Then, why do we
22 treat them like animals too, that we know that
23 they're a lot stronger than us? That's the reason
24 why I walked.

25 I walked -- I tried to help myself. I tried to

1 stop drinking. I tried to stop doing drugs, and I
2 did. I did help myself. I learned how to open
3 doors in my heart. I can talk, the things I could
4 never talk about in my entire life.

5 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

6 For how long did you walk, from Whapmagoostui to
7 Ivujuvik?

8 **Mr. JOHN CLARENCE KAWAPIT:**

9 Excuse me?

10 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

11 For how long did you walk?

12 **Mr. JOHN CLARENCE KAWAPIT:**

13 I walked fifty-eight (58) days.

14 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

15 Fifty-eight (58) days?

16 **Mr. JOHN CLARENCE KAWAPIT:**

17 Yes.

18 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

19 And did someone take over, last year, like finished
20 the walk for you?

21 **Mr. JOHN CLARENCE KAWAPIT:**

22 My son walked last -- last winter, to finish the
23 journey. But, actually, he didn't actually finish
24 it. He wanted to finish with me this last March.
25 This month -- no, last month. Sorry, I'm lost.

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 The month -- like last month that just finished,
3 March?

4 **Mr. JOHN CLARENCE KAWAPIT:**

5 Yes. We were supposed to do it, the last community,
6 from Kuujjuaq to George River. That's where we were
7 gonna finish, there, together.

8 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

9 So, your son walked from Ivujivik to Kuujjuaq...

10 **Mr. JOHN CLARENCE KAWAPIT:**

11 Yes.

12 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

13 ... and remains Kuujjuaq to George River?

14 **Mr. JOHN CLARENCE KAWAPIT:**

15 Yes. Yes. That, I'm going to have to finish that
16 once I get out, somewhere in twenty twenty (2020),
17 yes. I'm going to have to finish that journey. But
18 still, once I'm done, I'm going to continue what I'm
19 doing, trying to heal myself.

20 I go sweatlodges too, when I'm outside. I do
21 the sand dances. And I have -- I have wounds, they
22 hang me on a tree, when I was sand dancing, just two
23 (2) little ropes and two (2) little pins attached to
24 my skin, and they pulled me up and I was hanging
25 there a minute or two. And I had -- I believe I had

1 maybe six (6), seven (7) wounds there. And I was
2 walking around that lodge, the dancing lodge. I was
3 walking around with just the string attached on my
4 skin, and the four (4) (inaudible), I tried doing
5 that. Things like that I do. That's how much I'm
6 trying to help myself to get healed, to solve my
7 habits and solve my pain.

8 So, all those things I done, like even I tried
9 to talk to -- tell my lawyers that I've been doing
10 that, not stopping trying to get better life, trying
11 to heal myself, but they didn't take it seriously,
12 but still, they put me here, instead of allowing me
13 to do my work there, trying to get healed.

14 That's why I'm trying to -- that's why I
15 agreed, when one of the lawyers came and see me if I
16 could talk to the Commissioner, that they can do
17 something about the traditional healings that they
18 can have in detention centres. And I believe it
19 helps me a lot for what I'm doing, trying to get
20 healed, trying to get a better life.

21 Because I had a brother before. And he passed
22 on because of alcohol. He died because he couldn't
23 take those -- he couldn't face the reality no more.
24 And I have another older sister who is hospitalized
25 for life. And she is -- she stays in Ville-Marie,

1 in a hospital. And she'll never go out of that
2 hospital, and she'll die there, because she cooked
3 her brain, because of alcohol and drugs. These are
4 my family. And these are my father's wounded
5 children. And I believe he did the same thing to my
6 sister and my brother, what he did to me, why my
7 brother is gone already, and my sister is
8 hospitalized for life.

9 And I'm still kicking, me. I'm still alive.
10 You see me still talking. And I'm trying to do
11 something better, instead of killing myself, instead
12 of wounding my life more, destroying my life.
13 That's why I'm talking right now, begging you guys
14 that can do something about that, that they can put
15 something like healings in centres. Because you can
16 recommend something that's something good for the
17 people.

18 And I believe that even some French guys, the
19 inmates, really looking forward to have that too,
20 the healings. Because everybody needs to get healed
21 in their lives, when they have a problem. And there
22 is no way we can say no to people when they need
23 help. Each of us has the power to help one another.

24 Wow! I cannot believe I can speak English.

25 And some of the things I see in prison, that's

1 not supposed to be like that. Like hating one
2 another, it's not right. And even if you're a
3 prisoner, you're not -- you're no different than the
4 judge. You're no different than the Creator. We're
5 all equal. The Creator created us as his own image.
6 And why do we have to hate the Creator's creation?

7 I'm not -- I'm not againsting nobody. I'm not
8 againsting the guards. I'm not againsting the
9 Judge. Because, if I do, I would be wrong. I would
10 blame them, reason why I'm here. And it would be
11 like I spit on their faces, slap their faces, if I
12 accuse someone like that. And there is no way, just
13 like I said, if we hurt somebody, there is no way
14 that we can repair their hearts.

15 You can break a glass and replace by another
16 one, but you cannot buy another human heart and
17 replace another one. Human hearts are very, very
18 valuable pieces that nothing can -- no money can buy
19 a human heart. That's why I'm asking you to have a
20 heart in me. Take my words for it, and -- I'll be
21 glad and would be very happy in the future if I see
22 they have healings in the centres. Because nobody
23 is going to do anything about anything unless we do
24 this right now to help one another.

25 I don't know how many times, since I've been in

1 jail, since nineteen eighty-nine (1989), I don't
2 know how many people I saw commit suicide, taking
3 their own lives, cheated lives. When you see
4 someone doing that with their lives, it affects you.
5 And you can never forget.

6 And I'm sure the guards are like that too, when
7 they see someone commit -- they get hurt. They have
8 feelings too. I'm sure they got hurt because they
9 don't -- they saw what they saw. It's not what
10 they're not supposed to see (*sic*). That's the
11 reason why -- I have reasons why I say this.
12 Because I'm -- because what I have seen in my life
13 in prison is haunting me. Even when I'm home, when
14 I'm okay, when I have no condition, nothing at all,
15 I still think about it, think about these people who
16 are suffering there, and wondering, hoping that
17 nobody is going to take their lives.

18 I have seen people get murdered inside. I have
19 witnessed a guy got raped by other inmates. Almost
20 everything, what's going on in the prison, I've
21 seen. I seen people get stabbed. I see fights a
22 lot. I see anger. Anything, what's going on in
23 prison, I see. And who would enjoy life like that,
24 seeing people hurt each other, hurt themselves,
25 cheated lives? Who wouldn't have anger after seeing

1 all those things like that. And nobody wants to see
2 another person hurt themselves. Nobody.

3 That's the thing, what you're going to do.
4 Because she keeps asking me to talk about my
5 journey. Because I believe she loves to hear
6 everything. That's why I gave her my page, Facebook
7 page, so she can read all about it. And there's
8 thousands of pictures in it.

9 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

10 I believe it can be an inspiration, Mr. Kawapit, the
11 journey that you did.

12 Is there something else that you want to share
13 with us today?

14 **Mr. JOHN CLARENCE KAWAPIT:**

15 I guess that's about -- I'm talking too much.

16 I have one more thing to talk about. I was
17 hospitalized, last -- last fall. Last summer. From
18 July fourth (4th) to end of August. When I was
19 there in Val-d'Or, when -- they "medEvac'ed" me to
20 Montreal first. When I was in Montreal, one of the
21 doctors told me my kidneys weren't functioning no
22 more. And I had -- I had no hope. And once -- they
23 gave me the -- what do you call? Feminal (ph)? To
24 clear up your blood. That's what they gave me. I
25 was on that forty-eight (48) hours.

1 Once they done that and they send me -- they
2 tried to send me home, but I got stuck in Chisasibi
3 and went to the hospitals again. And I stayed in a
4 hospital for three (3) weeks.

5 Then, after three (3) weeks, they sent me to
6 Val-d'Or again, to check. Because the nurse -- the
7 doctor told me that I might have TP (*sic*), and they
8 didn't want -- they had to send me back to Val-d'Or.
9 And when I was in Val-d'Or, the doctors told me I
10 have a cancer, and my -- my liver had a stone. All
11 those things they said to me. And that doctor told
12 me that -- of course, he said that he cannot do
13 nothing about the cancer thing I had.

14 So, they let me go to be -- but they didn't
15 allow me to go on the plane, because I had a lung --
16 lung infection.

17 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

18 TB? You had TB at that time?

19 **Mr. JOHN CLARENCE KAWAPIT:**

20 No.

21 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

22 No?

23 **Mr. JOHN CLARENCE KAWAPIT:**

24 No, just the bubbles they found on an X-ray in
25 Val-d'Or. So, they didn't allow me to get on a

1 plane. And they told me somewhere in -- "*you can*
2 *get on a plane in October only. You're going to*
3 *stay with us in Val-d'Or,"* they told me. But they
4 didn't give me a place to live. They put me in La
5 Piaule, here, Val-d'Or. The doctors, that's where
6 they put me. And I stayed there. And I had more
7 access to get more drinks and alcohol. 'Cause I
8 know, once they told me I have a cancer, my kidneys
9 weren't functioning, my liver had stones, "*What else*
10 *do I have,"* I asked myself. "*It's better if I just*
11 *go on drinking."* I didn't care what I was doing.
12 So, I was drinking almost 24/7 every day. But when
13 I have an appointment again, I had to go back.

14 So, at the beginning of September, I tried --
15 that's -- I believe August seventeen (17), that's
16 when I stole a truck, trying to go to Amos, or back
17 home to Chisasibi. But I had an accident, so that's
18 where I got arrested. So, they released me the very
19 next day, the police officers. So, I was -- I was
20 on the streets again, so I continued drinking.

21 And, at the end -- at the beginning of
22 September, I had a ride to go to Amos. So, I went
23 to Amos. So, I was waiting. I was going to go the
24 very next day to gas station in Pikogan to look for
25 a ride again. But, that night, I got arrested, that

1 I was drinking in public. And the reason why I did
2 those things, 'cause I didn't care no more. I would
3 drink away, 'cause I had a cancer. I had damaged my
4 body system. That's what the doctors told me here
5 in Val-d'Or and in Montreal.

6 So, when I got arrested in Amos, they put me in
7 Amos Detention Centre. Then, after a week or two,
8 they sent me back home. When I got home, I went to
9 the nursing station. I told the doctor, "*I have*
10 *this,*" and all that, "*my kidneys, and I have -- I*
11 *need medication.*" And they said, "*We have to check*
12 *on you again.*" So, they check all -- they gave me
13 an autopsy (*sic*) and all that. Then, after two (2)
14 weeks, they received the results. What the doctors
15 told me here in Amos and Montreal were all negative.
16 My kidneys were functioning well, I had no stone in
17 my liver, I had no cancer. Then, why did these
18 expert doctors tell me that I have a cancer, I have
19 kidney problems, a stone in my liver? Am I the only
20 one who was treated like that in a hospital? I
21 don't know. That's why I drink last fall. 'Cause I
22 had no life, you know. I was angry at myself.

23 That's the last thing I wanted to talk about,
24 it's the doctors, the hospital.

25

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Thank you, Mr. Kawapit.

3 **LE COMMISSAIRE:**

4 Something else?

5 **Mr. JOHN CLARENCE KAWAPIT:**

6 Thank you very much.

7 **LE COMMISSAIRE:**

8 Thank you.

9 So, no more questions, Me Barry-Gosselin?

10 Me Boucher?

11 **Me MARIE-PAULE BOUCHER:**

12 I won't have any questions. Thank you.

13 **LE COMMISSAIRE:**

14 No questions.

15 So, I would like to thank you very much for
16 having decided to share with us part of your life.

17 Not easy indeed.

18 **Mr. JOHN CLARENCE KAWAPIT:**

19 Yes.

20 **LE COMMISSAIRE:**

21 It was not easy.

22 **Mr. JOHN CLARENCE KAWAPIT:**

23 No.

24 **LE COMMISSAIRE:**

25 I won't go through everything you said to us, but I

1 notice that you're telling us that you're an
2 alcoholic and giving you conditions not to drink is
3 a condition difficult to respect when you're free.

4 **Mr. JOHN CLARENCE KAWAPIT:**

5 Yes.

6 **LE COMMISSAIRE:**

7 I understand that. I understand that you would like
8 to get some help, you're calling for help, and
9 telling us that jail is not the place to help,
10 especially when there is no possibility to get help
11 in there, inside, and no possibility -- or maybe if
12 there is a possibility, you would have liked to be
13 able to carve, and maybe help some other people to
14 carve, using traditional ways.

15 You would like also to have the possibility to
16 see elders more often, and having those people to
17 help.

18 I understand that you don't have too much
19 problems with the guardians, and you would like them
20 also to have help to help people inside. I'm not
21 sure I understood well, but I have the feeling that
22 you feel that those persons do their best, but don't
23 have everything or everybody they will need to help
24 inmates. Did -- I understood well?

25

1 **Mr. JOHN CLARENCE KAWAPIT:**

2 Yes.

3 **LE COMMISSAIRE:**

4 Yes? Indeed, maybe public servants, especially in
5 correctional services, do what they can do with what
6 they have, but maybe with more, with more people
7 around them, social workers, maybe psychologists, or
8 -- to help people in trouble.

9 I understand that inmates have a difficult
10 life. You're speaking about -- you're telling us
11 you're a heavy smoker, and people inside are smoking
12 anything they will find everywhere. Many people
13 will need help concerning this problem. I
14 understand smoking is a problem, but it's difficult
15 to get away of that, like alcohol. It's not easy.

16 **Mr. JOHN CLARENCE KAWAPIT:**

17 Yes.

18 **LE COMMISSAIRE:**

19 So -- and finally, you were told you had a cancer,
20 and had the impression that your life was over, that
21 you were at the end, and you went back drinking.
22 And maybe you got in trouble at that time. So, it
23 was not easy.

24 You were speaking about what you call the
25 camping, in a cell, three (3) people in a cell built

1 for two (2) and sleeping on the floor. It's -- I
2 have the feeling your life was not always easy. I
3 still have the feeling that you have the wisdom to
4 explain that in your own words, so we can understand
5 what you are feeling, what's the life you had to go
6 through, and now.

7 So, I will thank you again for sharing with us.
8 I will wish you the best. Get out of jail as soon
9 as possible, and try not to go back there. I wish,
10 when you'll be out, that you'll get necessary help
11 to avoid trouble, especially with alcohol. So, I
12 wish you good luck. Thank you again for sharing.

13 **Mr. JOHN CLARENCE KAWAPIT:**

14 Yes. You're welcome.

15 **LE COMMISSAIRE:**

16 We'll take a few minutes? Ten (10) minutes?

17 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

18 I suggest fifteen (15) minutes recess. So, until
19 five past three (3:05). Then, we'll continue with
20 one of the investigation agents that will testify as
21 *'témoin rapporteur'*...

22 **LE COMMISSAIRE:**

23 Okay.

24 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

25 ... of some statements.

1 **LE COMMISSAIRE :**

2 Okay. So, we'll take a fifteen-minute recess.

3 **LA GREFFIÈRE :**

4 La Commission suspend pour quinze minutes (00:15).

5 SUSPENSION

6 -----

7 REPRISE

8 **LA GREFFIÈRE :**

9 La Commission reprend.

10 **LE COMMISSAIRE :**

11 Alors, bonjour. Je comprends, Me Barry-Gosselin,
12 que nous passons maintenant à des dossiers qui nous
13 seront rapportés par un témoin rapporteur?

14 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

15 C'est exact, Monsieur le Commissaire.

16 **LE COMMISSAIRE :**

17 Je vous invite à présenter ce qui suit.

18 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

19 Merci. Donc, monsieur Benoit Théoret, qui est agent
20 d'enquête à la Commission Viens, à notre commission
21 d'enquête, dans le cadre de ses fonctions, rencontre
22 certains témoins citoyens qui relatent des
23 expériences vécues à travers les services publics.

24 Pour différentes raisons, soit au choix de
25 l'individu, soit parce que c'est un mode de preuve

1 qu'on privilégie, il est possible que certains
2 dossiers soient plutôt rapportés. Donc, au lieu que
3 le témoin vienne raconter lui-même ce qu'il a vécu à
4 travers le service public, c'est plutôt un agent aux
5 enquêtes qui va venir relater le récit en faisant
6 lecture d'une déclaration.

7 On va procéder comme ça aujourd'hui pour deux
8 (2) dossiers avec monsieur Théoret, et ensuite,
9 j'utiliserai un dernier mode de preuve, qui est le
10 dépôt de certaines déclarations et certaines pièces,
11 pour conclure la journée.

12 Donc, je suggérerais à Madame la Greffière
13 d'assermenter le prochain témoin, s'il vous plaît.

14 -----

15

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1 Benoit Théoret
2 Assermenté
3 -----

4 **LE COMMISSAIRE :**

5 Alors, bienvenue, Monsieur Théoret. Il me fait
6 plaisir de vous recevoir. Ce n'est pas la première
7 fois?

8 **M. BENOIT THÉORET :**

9 Non.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

11 Probablement pas la dernière non plus.

12 **LE COMMISSAIRE :**

13 Probablement pas la dernière. Alors, vous serez
14 toujours bienvenu.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

16 Donc, Monsieur Théoret, je vous laisse, en fait,
17 expliquer dans quel contexte les rencontres ont eu
18 lieu, et ensuite, faire lecture des récits des deux
19 (2) individus que vous avez rencontrés. Merci.

20 **M. BENOIT THÉORET :**

21 Je veux juste dire que j'ai tenu les rencontres avec
22 les personnes en anglais, donc, je vais faire la
23 présentation et la lecture en anglais.

24 Pour le premier témoin, qui est Sammy
25 Annahatak -- I met with this forty-year-old Inuk

1 from Kangiqsujuaq in a provincial detention centre.
2 After being presented with the mandate of the
3 present inquiry commission, he decided to bring this
4 story concerning correctional services in Quebec.

5 Pour la suite, je vais parler comme si j'étais
6 Sammy, dans le fond. Je prends sa place.

7 **LE COMMISSAIRE :**

8 Je comprends que vous vous référez à la déclaration
9 que vous avez prise?

10 **M. BENOIT THÉORET :**

11 Exactement.

12 **LE COMMISSAIRE :**

13 Et que vous aviez enregistrée?

14 **M. BENOIT THÉORET :**

15 Oui.

16 **LE COMMISSAIRE :**

17 Et qui a été resoumise à monsieur votre témoin?

18 **M. BENOIT THÉORET :**

19 Validée et acceptée dans sa forme.

20 **LE COMMISSAIRE :**

21 Acceptée par lui. Oui.

22 **M. BENOIT THÉORET :**

23 "On April fourth (4th), two thousand
24 fourteen (2014), while I was being
25 transferred between two (2) provincial

1 detention installations with another
2 inmate and escorted by two (2) security
3 guards, the driver lost control of the van
4 and we did a few rollovers. I hurt myself
5 while the van was rolling over and I lost
6 consciousness. The guard woke me up. I
7 was upside down in the van. I was in a
8 lot of pain. I was shouting, 'Please let
9 us out. The van could explode, or another
10 car could hit us. I beg you to let us
11 out.' The security agents refused. They
12 said they need to wait for either the
13 police, ambulance, or another van with
14 security guards to show up. We had to
15 wait an hour and a half or two hours
16 before they arrived. My head was hurting,
17 my back. My hands and knees were also
18 hurting. I kept shouting. The guard told
19 me to stop shouting and to stop talking.
20 The guards were standing away from the
21 van.

22 They tried to put us in another van,
23 but I fell down. They called an
24 ambulance. It took two (2) guys from the
25 ambulance to get me out of the van and to

1 lay me down in the ambulance. Once in the
2 ambulance, I asked to take the handcuffs
3 off. They refused. I told them I will
4 call my lawyer. Then, they accepted to
5 remove the handcuffs from my wrists, but
6 not the ones to my ankles.

7 At the hospital, they made some X-
8 rays. Then, the guards said I must go to
9 the detention centre. I said I should
10 stay in hospital, because I have lots of
11 pain, but they refused. They didn't give
12 me nothing, no medication for pain. The
13 guard was talking to the nurse in French,
14 so I didn't understand nothing.

15 At the detention, one guard told the
16 other guard not to search me since I was
17 in big pain. They put me in a little
18 room. The next day, the guard gave me
19 Acetaminophen. I don't know how to write,
20 so the inmates helped me write a memo to
21 see the nurse for more pills for the pain.
22 It took one (1) or two (2) weeks. I wrote
23 a report for my neck and back. My lawyer
24 has a copy of it. What I forgot to tell
25 them for my knee and ankle, I need to tell

1 them. There was an Inuit guy who helped
2 me to write the report. The guard who was
3 driving the van when we had the accident
4 and the nurse said we only rolled over
5 once. I told them I know we rolled over a
6 few times. The nurse was against me. She
7 was on the guard's side. They only talked
8 in French, so I don't understand. I asked
9 for them to speak in English so I could
10 understand. The nurse was mad at me.

11 Each time I talk to the security
12 guard who was driving the van in the
13 accident, he makes a report and says I
14 assault him, but I never assaulted him. I
15 asked him, 'Why are you racist with me? I
16 tried to be nice to you.'

17 The guards in the provincial
18 detention centre like to get me pissed
19 off. They make me wait long, always the
20 last one. We have better service in
21 another provincial detention centre. They
22 give me painkiller pills for my pain. The
23 doctor speaks very well in English and the
24 nurse tries very hard to speak in English.
25 I can understand her. Someone is

1 available here to help me with the
2 translation from Inuktitut to French or
3 English. When I write a memo, they answer
4 fast.

5 Now, I don't take no more pills,
6 because I'm afraid it will damage my
7 brain. I know two (2) persons who their
8 brain is affected by the medication. They
9 are not themselves no more. They are not
10 normal anymore. I don't trust the pills
11 in detention. I will take pills only when
12 I go out of here.

13 When they transfer me to a different
14 detention centre, they don't give me my
15 cards and my wallet. I always lose my
16 lawyer's business card, my medical card,
17 et cetera. My cousin told me he saw my
18 wallet and my cards on the guard's desk.
19 All my cards were cut into pieces. The
20 guard told me to wait till I leave the
21 detention to apply for a medical card, but
22 the inmates tell me to do it while I'm in
23 detention.

24 The probation officer is very racist
25 against the Inuit. All the inmates say

1 the same thing. I called a halfway house.
2 They said they would accept me in the
3 halfway house. I just need to apply. I
4 completed the application, I had a meeting
5 set with my probation officer to say I was
6 going to be transferred, but she didn't
7 show up to our meeting. The guard came to
8 tell me that my demand was not accepted.
9 I called the halfway house to ask them
10 why. They said that the probation officer
11 told them to refuse me. I asked the
12 probation officer why she said that to the
13 halfway house. She said she didn't say
14 that, and people from the halfway house
15 were lying."

16 Ça complète.

17 **LE COMMISSAIRE :**

18 Merci. Thank you.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

20 Je n'ai évidemment pas de questions pour le témoin.

21 Merci.

22 **LE COMMISSAIRE :**

23 Me Boucher?

24 **Me MARIE-PAULE BOUCHER :**

25 Je n'aurai pas de questions, Monsieur le

1 Commissaire. Merci.

2 **LE COMMISSAIRE :**

3 Alors, on passe au témoin rapporté suivant?

4 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

5 Oui. Merci.

6 **M. BENOIT THÉORET :**

7 Le témoin suivant s'appelle Alec Nassak.

8 I met with this thirty-five-year-old Inuk from
9 Kangirsuk in a provincial detention centre. After
10 being presented with the mandate of the present
11 inquiry commission, he decided to bring this story
12 concerning correctional and justice services in
13 Quebec.

14 Question:

15 *"You have a story about a car
16 accident that happened while you were
17 in detention, but moved from one
18 provincial installation to another
19 provincial installation. Can you
20 describe the injuries? What did the
21 guard do about your injuries?"*

22 Answer:

23 *"It didn't seem important to them,
24 but it was to me. I asked to see a
25 nurse right away, but they asked for*

1 *a memo first, so I made a memo. The*
2 *next day, I went to see the nurse for*
3 *that."*

4 Question:

5 *"What did you ask the nurse when you*
6 *saw her?"*

7 Answer:

8 *"I asked her to examine my injuries.*
9 *I had bruising under the temple. I*
10 *had some scraping on my wrist. I*
11 *suffered from a whiplash of my neck.*
12 *That was about it. I was wearing*
13 *handcuffs and shackles to the ankles.*
14 *I was not attached to a chain or with*
15 *a seatbelt. There is no seatbelt in*
16 *detention transport. I was on a*
17 *bench in the back compartment. We*
18 *were five (5) of us. We were all*
19 *Inuit men."*

20 Question:

21 *"What did you ask the nurse when you*
22 *met her?"*

23 Answer:

24 *"To check my injuries, and if she had*
25 *a camera, to take photos of my*

1 *injuries."*

2 Question:

3 *"What did you have in mind when you*
4 *asked for the documentation of your*
5 *injuries?"*

6 Answer:

7 *"I wanted the authorities to do*
8 *something about it. For example, my*
9 *lawyer. But they really didn't do*
10 *nothing about it. One of my*
11 *motivations was to make sure that I*
12 *would be able to receive some*
13 *compensation if I was entitled to.*
14 *Also, for my lawyer to help me about*
15 *it. My lawyer should have done more*
16 *about this, but she did not. The*
17 *injuries became visible only the day*
18 *after the accident, and the nurse did*
19 *not take any photos."*

20 Question:

21 *"What was the reason expressed by the*
22 *nurse not to take the photos you*
23 *asked her?"*

24 Answer:

25 *"She mentioned that the camera was*

1 *broken at that time, but it was*
2 *unbelievable. I think that she could*
3 *have found one if she wanted to.*
4 *There should be more equipment, more*
5 *resources. She wrote a report, even*
6 *though I don't know what she wrote in*
7 *the report. She provided me with*
8 *painkillers, as I was experiencing*
9 *some pain related to the injuries."*

10 Question:

11 *"When you say that you didn't receive*
12 *the help that you needed from your*
13 *lawyer, are you referring to the fact*
14 *that you were grieving at the time,*
15 *and that your mental health was*
16 *affected?"*

17 Answer:

18 *"I needed a lot of help at that time.*
19 *I was under grievance after losing*
20 *someone I loved. It happened so fast*
21 *that I didn't fight so hard to get*
22 *help at that time. My energy level*
23 *was down, and I recognize today that*
24 *my lawyer could have helped me with*
25 *that. But she didn't, and my trust*

1 *was lowered as a result. She was*
2 *avoiding me. She didn't want to have*
3 *anything to do with it, so it seems*
4 *like."*

5 Question:

6 *"Were you expecting some advice from*
7 *her, or some actions?"*

8 Answer:

9 *"Yes. I was expecting some help.*
10 *She never, ever mentioned that I*
11 *could try to appeal or get a Gladue*
12 *report, nothing like that. I talked*
13 *with a man which I don't know exactly*
14 *if he is a counsellor or a lawyer,*
15 *but he tends more towards being a*
16 *counsellor. He mentioned about*
17 *referring me to an ombudsman for the*
18 *detention services. He had to stop*
19 *the intervention because the service*
20 *he was working for was not funded*
21 *anymore, so the reference could not*
22 *be completed. I met this counsellor*
23 *last year. We were introduced by*
24 *someone from Ivirtivik, which is an*
25 *employability and skills development*

1 *initiative. So, we started working*
2 *on this story. We were in the middle*
3 *of this, and he was looking for an*
4 *ombudsman. In the next few days, he*
5 *received some news from his*
6 *supervisor saying that they had to*
7 *let him go because there was no more*
8 *funding coming in for his tasks.*
9 *That ended the process of reference*
10 *to the ombudsman. I started the*
11 *process of reference to an ombudsman*
12 *without informing my probation*
13 *officer."*

14 Question:

15 *"You were afraid that she might get*
16 *in the way?"*

17 Answer:

18 *"Yes."*

19 Ça complète.

20 **LE COMMISSAIRE :**

21 Merci. Alors...

22 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

23 Pas de questions, Monsieur le Commissaire, pour le
24 témoin. Merci.

25 **LE COMMISSAIRE :**

1 Me Boucher?

2 **Me MARIE-PAULE BOUCHER:**

3 Pas de questions, Monsieur le Commissaire.

4 **LE COMMISSAIRE:**

5 Très bien. Alors, je comprends que vous avez
6 maintenant des documents que vous entendez déposer?

7 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

8 Oui. En fait, Monsieur le Commissaire, pour
9 compléter, je vais déposer trois (3) déclarations.
10 Évidemment, le dépôt de preuve documentaire est un
11 des modes de preuve qui peut être envisagé par la
12 Commission d'enquête. C'est le choix qui a été fait
13 dans trois (3) dossiers.

14 Donc, Madame la Greffière, P-530, je vais
15 déposer la déclaration de madame Sarah Arnaituk.

16 **- PIÈCE COTÉE P-530 -**

17 Sous P-531, je vais déposer la déclaration
18 d'Alexandre Moar.

19 **- PIÈCE COTÉE P-531 -**

20 Et sous P-532, je vais déposer une déclaration
21 non-identificatoire, donc, dans laquelle l'identité
22 a été caviardée à la demande du déclarant.

23 **- PIÈCE COTÉE P-532 -**

24 Ce que je peux indiquer, que c'est une personne
25 qui vient de la communauté d'Inukjuak. Vous

1 constaterez, Monsieur le Commissaire, que dans cette
2 déclaration-là, certaines sections ont été
3 caviardées. La raison du caviardage, c'est qu'il
4 s'agissait soit d'informations faisant l'objet d'un
5 privilège, ou d'informations n'étant pas visées par
6 le mandat de la commission d'enquête. Dans le
7 contexte, on a caviardé -- laissé la déclaration
8 intacte, mais caviardé les phrases qui ne pouvaient
9 être présentées en preuve.

10 **LE COMMISSAIRE :**

11 Et comme j'ai déjà mentionné, nous allons respecter
12 la demande de confidentialité des gens. Si une
13 déclaration nous est fournie sous condition de
14 confidentialité, ce sera respecté.

15 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

16 C'était le...

17 **LE COMMISSAIRE :**

18 Ou bien on se sert de la déclaration, ou bien on ne
19 s'en sert pas. Si on s'en sert, c'est confidentiel,
20 quand c'est exigé par le témoin.

21 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

22 C'était le cas de la pièce P-532. Donc, je vous
23 remercie, Monsieur le Commissaire.

24 Il y a une pièce supplémentaire, qui est P --
25 j'avais réservé une cote pendant le témoignage de

1 Moses Nutaraaluk, à Montréal, au mois de mars, la
2 cote P-464. Je vais déposer les documents demain,
3 Monsieur le Commissaire. Ils ont été caviardés en
4 totalité, ce qui devait être caviardé, et ils seront
5 déposés demain.

6 À titre informatif, la raison de rappel, là, la
7 raison pour laquelle les documents n'avaient pas été
8 déposés à ce moment-là, c'est que
9 monsieur Nutaraaluk m'avait fourni, la veille de son
10 témoignage, plusieurs documents supplémentaires, et
11 plusieurs ne semblaient pas être présents dans le
12 dossier que nous avons reçu des services
13 correctionnels. Donc, dans le fond, on aura
14 soixante-dix-sept (77) mémos supplémentaires à
15 déposer. Je vais m'assurer simplement d'avoir
16 l'ensemble des pièces pour Madame la Greffière
17 demain, mais simplement vous indiquer, donc, P-464,
18 qui avait été réservée, sera disponible demain sur
19 le site.

20 **LE COMMISSAIRE :**

21 Et je me souviens qu'il y avait une bonne pile de
22 mémos.

23 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

24 Soixante-dix-sept (77) de plus que ce qu'on avait
25 reçu de la part des services correctionnels.

1 **LE COMMISSAIRE :**

2 En anglais, avec réponse en français?

3 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

4 Dans certains cas. Pas dans tous les cas, mais dans
5 certains cas, en effet, Monsieur le Commissaire.

6 Donc, ça compléterait pour la journée avec
7 vous. Je vous suggère de suspendre à demain, neuf
8 heures (9 h 00). Ce sera moi qui serai avec vous
9 pour le premier témoin demain matin, neuf heures
10 (9 h 00) à dix heures (10 h 00), dix heures trente
11 (10 h 30). Ensuite, Me Suzanne Arpin prendra le
12 relais dans des dossiers concernant la Protection de
13 la jeunesse, pour lequel, donc, il y aura demande de
14 huis clos. Premier témoin, public; les témoins
15 suivants seront visés pas des demandes de huis clos.

16 **LE COMMISSAIRE :**

17 Dans l'avant-midi, ou tout le reste de la journée...

18 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

19 Demain, c'est mardi?

20 **LE COMMISSAIRE :**

21 ... le huis clos?

22 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

23 Non, demain après-midi, c'est congé.

24 **LE COMMISSAIRE :**

25 Ah! Oui, c'est vrai.

1 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

2 Bien, en fait, ce n'est pas congé, mais c'est congé
3 d'audience, parce que le Conservatoire est utilisé
4 pour des fins...

5 **LE COMMISSAIRE:**

6 La salle n'est pas disponible.

7 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

8 C'est ça. Donc, demain, uniquement des audiences de
9 neuf heures (9 h 00) à midi (12 h 00), et on
10 continue mercredi aussi, de neuf heures (9 h 00) à
11 midi (12 h 00).

12 **LE COMMISSAIRE:**

13 Très bien. Alors, merci beaucoup.

14 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

15 Merci, Monsieur le Commissaire.

16 **LE COMMISSAIRE:**

17 Alors, ajournement à neuf heures (9 h 00) demain
18 matin.

19 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

20 Merci.

21 **LA GREFFIÈRE:**

22 Ajournement de l'audience pour le dix (10) avril,
23 neuf heures (9 h 00).

24 **Me MARIE-JOSÉE BARRY-GOSSELIN:**

25 Merci.

1 Je soussignée, **LOUISE ANNE CEGELSKI**, sténographe
2 officielle bilingue, certifiée sous mon serment d'office
3 que les pages qui précèdent sont et contiennent la
4 transcription exacte et fidèle, au meilleur de mes
5 connaissances et de mon jugement, de l'enregistrement
6 numérique effectué hors de mon contrôle et au meilleur de
7 la qualité dudit enregistrement, le tout conformément à
8 la loi.

9
10 Et j'ai signé,

11
12 
13
14

15
16

LOUISE ANNE CEGELSKI
17 Sténographe officielle n° 284087-1