

“We will argue that the government needs to stop making excuses and start being accountable for a situation it helped create,” said Deputy Grand Chief Alvin Fiddler, who holds the justice portfolio. “Historic, cultural, geographic, and socio-economic conditions are all significant factors in the exclusion of First Nation members from Ontario jury rolls and we will argue that the Crown has a constitutional duty to deal honourably with First Nations to resolve those problems.”

Background

NAN’s efforts to secure a review of the jury roll followed revelations during the Coroner’s Inquest into the Deaths of Jamie Goodwin and Ricardo Wesley (the Kashechewan Inquest) in 2008 that the Kenora Judicial District jury roll contained names of First Nations people from only 14 of the 29 NAN First Nations in the Kenora District.

In 2009, NAN again raised this issue in the Inquest into the Death of Reggie Bushie. In March 2011, NAN and two First Nation families won a landmark Court of Appeal judgment recognizing that the jury rolls used to select Coroner’s juries are required to be representative of First Nation People. The Court ordered that the Coroner conduct an inquiry into the validity of the jury roll for the Thunder Bay Judicial District.

Pre-inquest hearings in the Bushie Inquest were held in July 2011 in Thunder Bay. In September 2011, the Coroner ruled that the 2011 jury roll for the Judicial District of Thunder Bay was not representative of First Nation reserve community residents, and that the inquest could not proceed.

The Hon. Frank Iacobucci was appointed to report on First Nation representation on Ontario jury rolls in August, 2011 following court decisions questioning the validity of Ontario jury rolls with respect to representation by First Nations. His report, *First Nations Representation on Ontario Juries*, was released on February 26, 2013. It included 17 recommendations to ensure enhanced representation on the jury roll.

In its June 14, 2013 decision the Ontario Court of Appeal allowed the appeal in *R. v. Kokopenace* in respect of a conviction for manslaughter, rejecting Crown arguments as to the validity of the Kenora jury roll. Pointing to “inattention” and inappropriate reliance on a “junior bureaucrat” as the State’s primary and inadequate response to exclusion of First Nation people from the jury roll, the Court of Appeal held that the Ministry of the Attorney General “completely ignored” its obligation to negotiate the jury roll issue with NAN, an intervener on the appeal heard May 2-4, 2012.

On June 21, 2013 the Attorney General of Ontario announced Deputy Grand Chief Alvin Fiddler and Assistant Deputy Attorney General Irwin Glasberg as co-chairs of the Jury Review Implementation Committee to oversee the review and implementation of the report’s recommendations.

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