

First Nations Summit

STATEMENT

**FOR IMMEDIATE RELEASE:
FEBRUARY 13, 2018**

Stanley verdict reveals deep chasm in Canada's Justice System

Coast Salish Territory, Vancouver, British Columbia – The First Nations Summit is echoing the call for an examination and overhaul of Canada's justice system, and, in particular, the jury selection process following the astonishing not-guilty verdict in the Gerald Stanley murder trial in Saskatchewan.

Stanley was charged with second-degree murder in the killing of Colten Boushie, a 22-year-old Indigenous man from Red Pheasant Cree Nation in Saskatchewan. Mr. Boushie was shot and killed on a farm near Biggar, Saskatchewan in the summer of 2016. Mr. Stanley was found by a jury to be not guilty of second-degree murder or, the lesser conviction of manslaughter.

The Stanley case has helped to expose deep and troubling problems with the jury selection process and the use of peremptory challenges, a further fracture in the justice system that must be addressed as soon as possible. This fracture will undoubtedly cause further mistrust by Canada's Indigenous population in a justice system already seen to be far less than fair and just due to the chronic overrepresentation of Indigenous people in Canadian jails.

Chronic problems with Canada's justice system have clearly been highlighted in many Supreme Court of Canada (SCC) cases including *R. v. Gladue* (1999). In *Gladue* (dealing with sentencing under s. 718 CC), the SCC acknowledged Canada is "distinguished" as a world leader in putting people in prison (para. 52) and that Aboriginal peoples are overwhelmingly represented in the prison system. For example, in Manitoba in 1995-1996, 55% of inmates in provincial correction centres were Aboriginal, while in Saskatchewan it was 72%. In Alberta and BC, the statistics were similar, albeit less drastic. (para. 58).

The court explained that excessive imprisonment of Aboriginal people is "only the tip of the iceberg" (para. 61). Citing *R. v. William* (SCC 1998) the SCC states that "there is widespread bias against aboriginal peoples within Canada and there is evidence that this widespread racism has translated into systemic discrimination in the criminal justice system." (para. 61). The court concluded "*These findings cry out for the recognition of the magnitude and gravity of the problem, and for responses to alleviate it. The figures are stark and reflect what may fairly be termed a crisis in the Canadian criminal justice system.*" (para. 64)



The Federal government must take immediate steps to examine the jury selection process, as well as the issue of underrepresentation of Indigenous people on juries across this country. We recommend the federal government look to some of the many reports and recommendations on addressing this important issue, including former Supreme Court Justice, the Honourable Frank Iacobucci's 2011 Report, "*First Nations Representation on Ontario Juries*" which makes significant recommendations to address this issue as well as broader justice issues affecting Indigenous communities.

The outpouring of frustration and anger resulting from the Stanley verdict clearly illustrates that much work is yet to be done in reconciling the relationship between Indigenous and non-Indigenous peoples in Canada. The only solutions remain in working together to move forward to fully implement human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's 94 Calls to Action.

The First Nations Summit extends deepest sympathies to the Boushie Family as they continue to seek justice and closure following Colten Boushie's senseless death. It is only through our collective efforts, that together we can ensure that Colten Boushie's life was not lost in total vain.

-30-

For further information: Colin Braker, Communications Director, FNS
Phone: 604-926-9903 or 604-328-4094

The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative status with the Economic and Social Council of the United Nations. Further information on the First Nations Summit may be found at www.fns.bc.ca.