



Tk'emlúps te Secwépemc



shíshálh Nation

Ttes and SIB Day Scholar Class Action

VANCOUVER- For Immediate Release

April 13, 2015 marks the opening day for a ground breaking hearing in the Federal Court of Canada on the rights of Aboriginal Canadians from coast to coast to coast.

His Honour, Justice Sean Harrington will start hearing arguments that day from lawyers for the Tk'emlúps te Secwépemc and shíshálh Indian Bands. The two bands are seeking certification of a class proceeding on behalf of all Aboriginal children who attended Indian Residential Schools as day scholars – returning home every night to their families.

Since 1989, the stories of abuse and mistreatment of students who attended Indian Residential Schools have begun to come to light. The widespread harm was recognized by the Canadian government and ultimately led to the Indian Residential Schools Settlement Agreement, an agreement that saw payment of compensation to those who had lived at Canada's Residential Schools across Canada.

But one group of students was never compensated under the agreement. That was the Day Scholars who attended alongside residential students, and returned home at the end of the day.

The proposed class action law suit seeks compensation for those Day Scholars, alleging that as students participating in classes and the social life of the Indian Residential Schools, these Day Scholars suffered the same loss of language and connection to culture as those who were resident at the schools. The suit alleges that these losses were an intentional aspect of Canada's education policy and caused serious and life-long harm to the survivors.

The hearing in April 2015, is a certification hearing. Justice Harrington will hear argument from the Bands' lawyers and Canada's lawyers in order to determine whether the two bands can represent all Canadian Aboriginal Day Scholars in a law suit against Canada. If the bands are successful the law suit will move to the next stage – the gathering of evidence in preparation for a trial. At trial the bands will present evidence to show that Canada both intended and caused the harm, or at a minimum did nothing to prevent the harm, that Day Scholars have suffered, and continue to suffer after their time at the Indian Residential Schools.

Chief Shane Gottfriedson stated “This is an important step in our fight for justice for those who suffered through being punished for speaking their language at the Indian Residential Schools, but were not recognized in the Indian Residential Schools Settlement. Success at this stage will mean we can start the real work of getting compensation and absolute wellness for the residential school survivors who have been left out.”

Chief Calvin Craigan stated “This has been a long fight it has taken us 3 years just to get to this stage. But it is a crucial battle to hold Canada responsible for how our people have been treated. The losses aren’t just to individuals, our bands have suffered as well, and we will keep working to ensure that all aboriginal Canadians receive a fair result out of this lawsuit.”

The hearing will be held at the Federal Court in Vancouver, and is scheduled to last for five days, finishing on Monday April 20. The court is not sitting on April 14, 2015. It is anticipated that Mr. Justice Harrington will reserve his judgment and issue reasons at some point during the summer.

Representatives of both bands will be present at the hearing on April 13, 2015 and available for interviews and questions.

For more information please contact:

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