

EMERGENCY DRAFT RESOLUTION
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AFN Annual General Assembly, July 6-8, 2021

TITLE: Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools

SUBJECT: Residential Schools, Justice, Children,

MOVED BY: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc, BC

SECONDED BY: Kukpi7 Judy Wilson, Neskonlith, BC

WHEREAS:

- A. On May 27, 2021, information became public about the Tk'emlúps te Secwépemc efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School which had been a matter of concern for generations and a matter raised by the survivors before the Truth and Reconciliation Commission and Canada.
- B. The information has now come forward regarding the loss of life of children at the schools, disappearances, and instances where there was a failure to document or protect the deceased children, who were deprived of their identity, culture and values, and raising evidence of mass human rights violations of national and international concern.
- C. The Crown's racist, colonial laws and policies towards Indigenous peoples, many of which continue despite the termination of the Residential School System, were acknowledged in the June 2008 apology issued by former Prime Minister Harper in the House of Commons to survivors of Indian Residential Schools across Canada (the "Apology"). The Apology acknowledged that the objective of the Residential School System was to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant settler culture. However, the Government of Canada has refused to support the work required to reveal the truth of the Residential School System and has not acknowledged or recognized that this was a genocide inflicted upon Indigenous Peoples by the State in partnership with the churches.
- D. Protecting and managing burial sites or mass graves near residential schools will require the appointment of a unique legal entity or guardian comprised of representatives of Canada and First Nations, families and communities concerned, and the participation by an appropriate United Nations agency representative, such as the Expert Mechanism on the *United Nations Declaration on the Rights of Indigenous Peoples*, or other United Nations human rights entity, to ensure the legal interests and rights of Indigenous Peoples are upheld and protected.

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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Stand in solidarity with the Tk'emlúps te Secwépemc and all survivors of the Residential School System and their families and assert that the mass grave discovered at the former Kamloops Indian Residential School reveals Crown conduct reflecting a pattern of genocide against Indigenous Peoples that must be thoroughly examined and considered in terms of Canada's potential breaches of international humanitarian and human rights law.
2. Fully support UN Resolution 60/147: "*UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*", and assert that there is serious evidence that Canada and the churches have violated international human rights and humanitarian law through the hiding, damaging, interfering with and destroying of mass graves and the concealment of records and archival material about the schools with an intent to delay or hide identification of the sites.
3. Calls on the federal and provincial governments, in full partnership with First Nations, to take immediate action to identify, seize and control all records of the schools to ensure they inform the investigation needed, and to provide without any limitation, the records to the Indian Residential School Survivors, their families and First Nations, supporting them to gain full and complete access, including funding the necessary resources to digitize, host and assess the records in the possession of churches, archives, and held by the federal government.
4. Calls upon the Government of Canada to work with First Nations impacted and identify and appoint a Special Rapporteur to conclude and establish a guardianship structure that respects the laws of Tk'emlúps te Secwépemc and any other First Nation where similar sites are identified, ensuring the entity has proper legal protection and takes all necessary measures to address this situation and comply with international and humanitarian standards, including powers to identify all unmarked burial sites connected to residential schools and protect these from erosion, destruction, manipulation or disturbance.
5. Calls upon the Province of British Columbia and the Government of Canada to establish a safe and confidential process for the reporting of the existence and location of mass graves to support and ensure a verified list of all known locations of mass graves, a proactive search for additional sites, including those that might have been desecrated or concealed by religious or state officials, and to establish, fund, and regulate a proper framework regarding the use of digital technologies to discover mass burial sites which ensures complete accountability for the death or inhumane disposal of the remains of our children.
6. Calls upon the Roman Catholic Church, having operated the Kamloops Indian Residential School, and over 70% of all Residential Schools in Canada, to issue a formal apology through the Pope and to renounce the doctrines of moral superiority that the church used to justify imposing its spirituality and beliefs through a harsh environment without the consent of First Nations, and in particular to be fully accountable to the Tk'emlúps te Secwépemc along with all Indigenous Peoples.

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7. Calls upon the Government of Canada and the churches to acknowledge that the impact on Indigenous Peoples of this policy, coupled with the other laws and policies to seize Indigenous lands and resources, is a genocide, and must be investigated and documented as such, with the full involvement of First Nations, to ensure a safe and empowering process to record statements and preserve the evidence of these events to bear witness to future generations of the truth of what happened to our peoples, so that this grievous mass violation of human rights will never occur again.

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TITLE: Preliminary Examination of the Prosecutor of the International Criminal Court

SUBJECT: Residential Schools in Canada and crimes against humanity

MOVED BY: Kuki7ip Rosanne Casimir, Tkemlups te Secwepemc, BC

SECONDED BY: Kuki7p Wayne Christian, Splatsin First Nation, BC

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) Articles 2, 7,8,9, 10,11,12,13,14,17,18,22,23,25,26,39,40,42,43 and 44 are applicable to this subject matter and should be upheld and promoted by all First Nations.
- B. A group of lawyers in Canada have requested a preliminary examination of the Prosecutor of the International Crime Court by commenced proprio motu pursuant to Article 15 of the *Rome Statute of the International Court*.
- C. The accused are agents, employees or actors working for the Government of Canada and the Government of Vatican City State/Holy See ("Vatican").
- D. The Complaint is regarding the recent discovery of the unmarked burial site of 215 graves of children who were under the forced care of the Government of Canada and Vatican at the Kamloops Indian Residential School in Kamloops, British Columbia.
- E. The Complainants submit the deaths, located within unmarked graves and the general treatment of the 215 deceased children constitute crimes against humanity.
- F. The Complainants submit that there are likely other mass burials sites across Canada at former Indian Residential School sites and that the accused have taken actions to cover up these gravesites to hide their crimes against humanity from the world.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Direct the Assembly of First Nations (AFN) to immediately begin work with all First Nations in Canada to support the investigation of former Indian Residential School sites with the purpose of identifying gravesites of children.
- 2. Direct the AFN to work with all First Nations in Canada to support additional works as required and considered appropriate by each First Nation to conduct archeological investigations, document research and other such methods of investigation as required to collect more information about any gravesites uncovered during the investigation.

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3. Direct the AFN to seek justice through intervention at the International Criminal Court in this matter, to hold the Government of Canada and the Vatican accountable for their actions and to seek justice for the crimes against humanity for the victims' families and the international community.