

Mayor and Council
City of Victoria
Victoria, BC

MAYOR'S OFFICE

JAN 11 2017

VICTORIA, B.C.

January 6, 2017

Dear Mayor and Council:

As we start a New Year, I want to congratulate the Mayor and Council for its wise and just decision to declare 2017 A Year of Reconciliation.

However, I also wish to respectfully bring to your attention a worrisome aspect already outlined by some respected Canadian jurists regarding the issue of justice, impunity and reconciliation:

"The Truth and Reconciliation Commission identified fewer than 50 criminal convictions arising from allegations of abuse at residential schools, yet some 38,000 reports of sexual and serious physical abuse were submitted to the formal review process (at p213). That's a 0.13 per cent conviction rate—so vanishingly low it's a wonder anyone was ever convicted at all." Sandy Garossino in Opinion | December 15th 2015

The Truth and Reconciliation Commission of Canada did not include one the most important aspect of reconciliation: justice for the victims and prosecution for the perpetrators of this "cultural genocide".

Justice is normally epitomized by a court of law prosecuting individuals for having committed criminal acts. Such prosecution may result in criminal convictions and incarceration, similar to the Truth and Justice Commissions in Argentina, Chile, Rwanda or post Nazi Germany, but it may also take the form of a personal and public apology by the criminals themselves to the victims, as in the case of South Africa's Truth and Reconciliation Commission.

The crimes committed against the aboriginal population in Canada were essentially political crimes – understanding *political* in its broadest sense - perpetrated by the State, its agents or delegates against a specific segment of the population. The human and chemical experimentation, the sexual violations, the forced starvation, the illegal burial, the torture and the inhumane confinements were done as part of

a pervasive racial and political ideology executed by agents of the State applying policies designated to perpetrate a cultural genocide against an identifiable segment of the population.

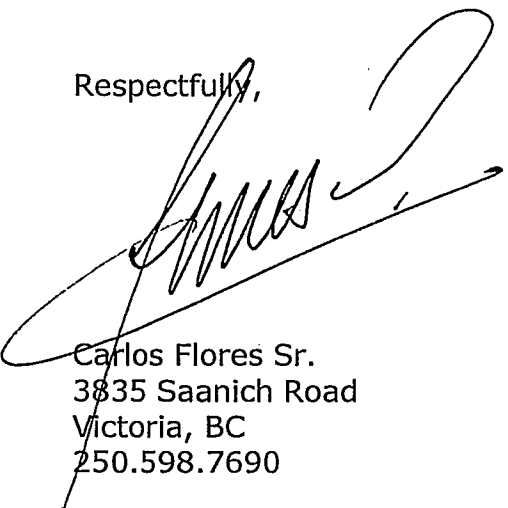
However, these agents have been granted a *de facto* impunity and anonymity by the State, allowing them to remain unpunished and unknown to the community in which they live. We need to follow the valuable example of the Jews who have never ceased in prosecuting those responsible for murder, human experimentation, torture and starvation during WWII.

I respectfully suggest that Council, at the very least, express public concerns for the lack of justice and the guaranteed impunity granted by the government of Canada to those who committed these crimes. Let's us not forget that some of these criminals may still be at large and living in our neighbourhoods under the shawl of anonymity and impunity granted by the government of Canada and a perverse institutional secrecy. Let's also keep in mind that some of these crimes are crimes against humanity, for which there are no statute of limitations.

Reconciliation, to be effective and real, must include justice for the victims and prosecution against those individual agents of the State who committed the crimes.

Had the same criteria of the Truth and Reconciliation Commission of Canada been applied to the Nazis, the Nuremberg Trials would have never happened.

Respectfully,



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Cc: Local 50, CUPE BC, VIDC, Sandy Garossino