

1 January 31, 2011

2 Vancouver, B.C.

3 THE REGISTRAR: Order.

4 THE COMMISSIONER: Please be seated.

5 THE REGISTRAR: The Missing Women Commission of Inquiry is now  
6 open. The Honourable Wally Oppal presiding. Mr.  
7 Commissioner.

8 THE COMMISSIONER: Mr. Vertlieb.

9 MR. VERTLIEB: Thank you very much, Mr. Commissioner. If it  
10 pleases you, perhaps we could have all counsel  
11 introduce themselves, keeping in mind that not  
12 all counsel need to be here in view of orders  
13 you've made previously, but it might be helpful  
14 if all of the counsel for the various  
15 participants who are here just stand and identify  
16 themselves for the record.

17 THE COMMISSIONER: Yes. Mr. Ward.

18 MR. WARD: Yes. Thank you, Mr. Commissioner. Cameron Ward.  
19 Appearing with me is Neil Chantler, and we are  
20 here today on behalf of the families of Georgina  
21 Papin, Mona Wilson, Marnie Frey, Dianne Rock,  
22 Cara Ellis, Cynthia Dawn Feliks, Helen Mae  
23 Hallmark and Dawn Crey. All of those women are  
24 women who were either the victims of Robert  
25 William Pickton or the alleged victims of him.

1           They are all deceased. Thank you.

2   THE COMMISSIONER: Thank you, Mr. Ward. Thank you.

3   MS. PACEY: Good morning. My name's Katrina Pacey. I'm  
4           acting for the Coalition of Sex Workers from the  
5           Downtown Eastside. That coalition is made up of  
6           the WISH Society, PACE Society and SWAV.

7   THE COMMISSIONER: Thank you for appearing.

8   MR. NEVE: Good morning, Mr. Commissioner. My name is Alex  
9           Neve. I'm here on behalf of Amnesty  
10          International.

11   THE COMMISSIONER: Thank you.

12   MR. EBY: Mr. Commissioner, my name is David Eby. I'm counsel  
13          for the B.C. Civil Liberties Association and  
14          appearing with me is Michael Vaughan as counsel  
15          for the B.C. Civil Liberties Association.

16   THE COMMISSIONER: Thank you.

17   MR. EBY: Thank you, Mr. Commissioner.

18   MR. ARVAY: Mr. Commissioner, my name is Joseph Arvay. I am  
19          representing a coalition of two  
20          organizations: The Downtown Eastside Women's  
21          Centre and the committee on the February 14th  
22          Women's Memorial March. With me is my co-counsel  
23          Nicole Schabus and Alison Latimer.

24   THE COMMISSIONER: Thank you. Thank you, Mr. Arvay.

25   MS. BRODSKY: Commissioner Oppal, my name is Gwen Brodsky. I

1 appear as counsel for 11 organizations which have  
 2 formed a coalition in order to participate in  
 3 this inquiry and to -- for efficiency purposes:  
 4 The Aboriginal Women's Action Network, Coalition  
 5 of Child Care Advocates of British Columbia,  
 6 Justice for Girls, the Canadian Association of  
 7 Sexual Assault Centres, EVE, which stands for  
 8 formally Exploited Voices Now Educating -- these  
 9 are women who have formerly worked in the sex  
 10 industry -- National Congress of Black Women  
 11 Foundation, Vancouver Rape Relief Society, the  
 12 Poverty and Human Rights Centre, Asian Women  
 13 Coalition Ending Prostitution, the University  
 14 Women's Club of Vancouver and the Provincial  
 15 Council of Women of British Columbia. And with  
 16 me are members of the coalition and I just ask  
 17 them to stand. And I am instructed by Ms. Cleta  
 18 Brown, who's a member of the coalition and has  
 19 had previous contact with the commission staff.

20 THE COMMISSIONER: Thank you, Miss Brodsky.

21 MS. BRODSKY: Thank you.

22 MS. JACOBS: Good morning, Commissioner Oppal. My name is  
 23 Beverly Jacobs and I'm appearing on behalf of the  
 24 Union of B.C. Indian Chiefs. And here with  
 25 the -- with the Union of B.C. Indian Chiefs is

1 Grand Chief Stewart Phillip and Chief Bob  
2 Chamberlin, who is the vice-president.

3 THE COMMISSIONER: Thank you.

4 MS. JACOBS: Thank you.

5 THE COMMISSIONER: Thank you, Miss Jacobs.

6 MS. TURNER: Good morning, Mr. Commissioner. Diane Turner.  
7 I'm here on behalf of the Ending Violence  
8 Association of British Columbia.

9 THE COMMISSIONER: Thank you.

10 MS. GOVENDER: Good morning. My name is Kasari Govender. I'm  
11 here on behalf of West Coast LEAF, West Coast  
12 Women's Legal Education and Action Fund.

13 THE COMMISSIONER: Thank you.

14 MS. BASTIEN: Good morning. My name Elizabeth Bastien. I'm  
15 here on behalf of the Native Women's Association  
16 of Canada.

17 THE COMMISSIONER: Thank you.

18 MS. CANIL: Good morning. My name is Melissa Kaneel. I appear  
19 with my colleague Stacey Fox and we're here on  
20 behalf of the First Nations Summit.

21 THE COMMISSIONER: On behalf of?

22 MS. CANIL: The First Nations Summit.

23 THE COMMISSIONER: All right. Thank you. Yes, Mr. Gratl.

24 MR. GRATL: Mr. Commissioner, Jason Gratl appearing on behalf  
25 of the Vancouver Area Network of Drug Users,

1 Walk4Justice and the Frank Paul Society.

2 THE COMMISSIONER: Thank you.

3 MS. GERVAIS: Good morning. My name is Robyn Gervais and I'm  
4 here on behalf of the Carrier Sekani Tribal  
5 Council, and my client is not present today as he  
6 resides on the Stellako reserve.

7 THE COMMISSIONER: Thank you.

8 MR. WORME: Good morning, Mr. Commissioner. Donald Worme  
9 appearing for the Assembly of First Nations. I'm  
10 appearing here with Mr. Albert Peeling, who's  
11 here. I'd also like to take a moment to introduce  
12 the Assembly of First Nations' national chief,  
13 Sean A-in-chut Atleo. He's here. He's together  
14 with Charlene Bellow and Bonnie Leask.

15 THE COMMISSIONER: Thank you for appearing. Thank you.

16 MS. TOBIAS: Mr. Commissioner, my name is Cheryl Tobias. I  
17 appear for the Government of Canada today and  
18 with me are my colleagues Jan Brongers and Judy  
19 Hoffman.

20 THE COMMISSIONER: Thank you.

21 MR. BRAKER: Commissioner, H. Braker, president of the Native  
22 Courtworker & Counseling Association. We'll be  
23 self-represented until after your --  
24 commissioner's determinations.

25 THE COMMISSIONER: Thank you.

1 MR. SKWAROK: Mr. Commissioner, Skwarok appearing for Dr. Kim  
2 Rossmo.

3 THE COMMISSIONER: Thank you.

4 MR. KING: Yes, Mr. Commissioner. Douglas King appearing as  
5 legal counsel for the Pivot Legal Society.

6 THE COMMISSIONER: Thank you.

7 MR. VERTLIEB: I think that covers the --

8 THE COMMISSIONER: Is there any lawyer left in the province  
9 who isn't here?

10 MR. VERTLIEB: Mr. Commissioner, I know you had some opening  
11 comments you wanted to make.

12 THE COMMISSIONER: Thank you, Mr. Vertlieb.

13 I want to thank all of you for coming here  
14 and to participate in this hearing. As you know,  
15 this commission of inquiry was established by  
16 order-in-council by the provincial government on  
17 September the 28th, 2010. I think it's fair to  
18 say that it was established in response to the  
19 Robert Pickton case. The Pickton murder trial  
20 and investigation revealed some of the most  
21 horrific crimes in Canadian history, crime  
22 against women, crime against vulnerable women and  
23 crimes against all of us.

24 While the conclusion of the legal  
25 proceedings answered some questions as far as the

1           guilt of the accused was concerned, there remain  
2           many questions that remain outstanding and  
3           unanswered. It is those questions that go beyond  
4           the Pickton trial per se and it is with that in  
5           mind that this commission of inquiry will embark  
6           upon those questions that are unanswered and we  
7           will attempt to find answers and make appropriate  
8           recommendations.

9           There are further questions as to how  
10          investigations of missing women are conducted in  
11          and around the City of Vancouver as well as  
12          investigations of missing women in the province  
13          of British Columbia. Those are two important  
14          questions a government has asked this commission,  
15          which is independent of government, to  
16          investigate.

17          As well the commission is authorized to  
18          investigate and recommend as to homicide  
19          investigations, multiple homicide investigations  
20          where there are multiple policing agencies  
21          involved. So, therefore, we were empowered not  
22          only to look at some of the things that happened  
23          during the course of the -- the Pickton  
24          investigation, but also of missing women in  
25          general in the Lower Mainland as well as other

1 parts of the province of British Columbia.

2 It has been suggested and advocated by many  
3 that the terms of reference ought to be expanded  
4 both in terms of scope and in terms of time. I  
5 must make clear that we understand that -- we  
6 understand, first of all, the concerns and we  
7 understand the valid concerns of many groups and  
8 many individuals who would like to have the terms  
9 expanded, but we -- I must say that we must  
10 confine ourselves to the terms of reference that  
11 the government has given to us. It is open, of  
12 course, to the government to expand those terms  
13 of reference if they so wish.

14 Now, this commission of inquiry has been  
15 urged for many, many years and many groups have  
16 urged an inquiry into missing women and, again, I  
17 must point out that while those calls for a  
18 commission of inquiry may be well intentioned,  
19 the fact is it is not possible under our system  
20 to hold a commission of inquiry while there are  
21 legal proceedings outstanding. And as many of  
22 you know, the Supreme Court of Canada finally  
23 decided the outcome of the Pickton case in July  
24 of this past year and, therefore, it was not open  
25 to have an inquiry prior to that time.



1           And, again, I invite -- or I welcome all of  
2           you here. Your participation is important  
3           because this commission and the project we are  
4           now embarking upon is particularly important.  
5           The issue, the social issue, the legal issue of  
6           missing women is an issue that is a national  
7           issue and so this commission of inquiry has  
8           caught the attention of people across this  
9           country. So, therefore, the work of this  
10          commission is particularly relevant and  
11          particularly important. Therefore, we look  
12          forward to your submissions and we look forward  
13          to your advice so that we can make  
14          recommendations to the appropriate people so that  
15          those tragedies that have taken place in the past  
16          may be averted. Again, thank you for attending.  
17          Mr. Vertlieb?

18       MR. VERTLIEB: Thank you, Mr. Commissioner. To outline  
19          today's discussion, I just would ask all of us to  
20          keep in mind that we're here to discuss the  
21          ability of varying groups to form coalitions.  
22          With some of the groups that have applied there  
23          will be some questions that we need to discuss  
24          with them to have a bit better understanding of  
25          their request and briefly touch on the

1 application for funding that some of the groups  
2 have made.

3 Now, Mr. Commissioner there were 22  
4 applications of interested parties who wish to  
5 have standing to participate in this inquiry  
6 before you. You have already granted standing  
7 requests to four groups: The Vancouver Police  
8 Department, to the Criminal Justice Branch  
9 because of the term of reference relating to a  
10 stay of proceedings. You've granted standing to  
11 the Royal Canadian Mounted Police as represented  
12 by the Department of Justice and you granted  
13 standing to family members of the victims as  
14 represented by Cameron Ward. Those four groups  
15 know of your grant of standing and, therefore,  
16 participant status. They do not need to be  
17 involved in this hearing today because they're  
18 already part of the formal hearing process. If  
19 any of those groups, though, wish to make any  
20 comments to you, obviously there's no reason you  
21 couldn't hear what needs to be said and I think  
22 in that regard Mr. Ward might want to say  
23 something.

24 THE COMMISSIONER: I neglected to point out that one of the  
25 terms of reference specifically refers to the

1 issue as to why there was a stay of proceedings  
2 issued against Mr. Pickton in January of 1998 on  
3 a charge of attempted murder.

4 MR. VERTLIEB: Thank you. So you've heard from the various  
5 participants through their introduction of  
6 counsel. All except one are represented and  
7 there will be one gentlemen who wishes to make  
8 submissions to you today and we'll, of course,  
9 facilitate that. Now, it's important that we all  
10 keep in mind as we go through this proceeding  
11 today that there are ways for people to  
12 participate in a meaningful way other than to be  
13 granted standing. For example, the parties that  
14 have expressed an interest in your work could  
15 come and give evidence before you. The same  
16 groups could come and make submissions to you at  
17 the end of the case on issues that have arisen.  
18 And there's always the opportunity as the inquiry  
19 unfolds and issues arise for the groups that want  
20 to be involved to come at a later date and seek  
21 standing or participant status for a particular  
22 reason and you would, of course, have the  
23 discretion at all times to make any orders that  
24 you see fit that need to be made.

25 As far as coalitions, I just want to remind

1 the participants that are here today of a letter  
2 that was sent to them by me as your counsel on  
3 January 4. And in the context of coalitions what  
4 I wrote to the groups is as follows:

5 To discuss how many parties can come  
6 together to form coalitions given the  
7 terms under which the commission must do  
8 its work.

9 And here's the important sentence:

10 While Commissioner Oppal wishes to be as  
11 inclusive as possible in considering  
12 these many applications, I'm sure that  
13 everyone understands the need to have a  
14 hearing process that will be best able to  
15 support the commission in its need to be  
16 both thorough and timely.

17 And it's that framework that I think needs to  
18 help the parties here today in the -- in the job  
19 that lies ahead. Now, everyone has seen your  
20 rules of procedure, and in those rules we clearly  
21 outline how your commission will be operating. I  
22 want to just emphasize a couple of points from  
23 there. Section 12:

24 Where persons are known to have shared  
25 interests in the subject-matter of the

1                   commission, they should make an  
2                   application for standing identifying  
3                   those persons whose interests are  
4                   reflected in their application.

5                   Section 13:

6                   The commissioner may direct that a number  
7                   of applicants share in a single grant of  
8                   standing.

9                   And those are part of the rules of your  
10                  commission. So keeping in mind, then, that our  
11                  job here today is to assist you in discharging  
12                  your mandate in an efficient way, hopefully we  
13                  can have some discussion with the differing  
14                  participants here in the context of coalition and  
15                  how that might work.

16                  Now, as far as the standing applications,  
17                  for the participants that are here today, I do  
18                  ask them to keep in mind the terms of reference.  
19                  And you've already spoken about the Pickton issue  
20                  and I won't go over that. You've spoken about  
21                  the issue around the stay of proceedings entered  
22                  on the attempt murder charge. I won't cover  
23                  that. And you've already discussed the need to  
24                  recommend changes considering the initiation and  
25                  conduct of missing women and suspected multiple

1 homicides in British Columbia. Those terms of  
2 reference should help the participants in sorting  
3 out where they can be of assistance to you in  
4 this task.

5 In the -- in the overall theme for our  
6 participants today, I think it's really helpful  
7 that each of the parties are able to tell you how  
8 they can assist you in doing your work. And,  
9 therefore, the parties need to be mindful of the  
10 extent of the involvement they wish to have and  
11 also to be mindful of the fact that they will  
12 always have the underlying right to give evidence  
13 and, therefore, need to show you why they need to  
14 be something more than a witness in the  
15 proceeding to help you do your job.

16 I want to just briefly discuss the funding  
17 aspect. I just wish to remind everybody and to  
18 state the obvious, and that is that the  
19 commission itself cannot give funding to any  
20 party. The only opportunity for the funding side  
21 of the equation is for you to make  
22 recommendations to the Attorney General. But I  
23 do want to point out one thing to all the  
24 participants here today; that neither the *Public*  
25 *Inquiry Act* mandates you to make recommendations

1 nor do the terms of reference mandate you to make  
2 funding recommendations. So, in other words,  
3 there's nothing in the Act of our province under  
4 which your commission is formed that requires you  
5 to even deal with the subject of funding and  
6 there's nothing specifically in the terms of  
7 reference that requires you to do it. And so any  
8 of that discussion is simply a reflection of your  
9 desire to be inclusive to all those who would  
10 like to participate and do what you can to assist  
11 those parties in achieving those objectives, but  
12 it's certainly not something that you're required  
13 to do at any point in time.

14 One of the other points to make is that in  
15 your rules it's a statement of rule that you must  
16 apply for funding if you could not participate  
17 otherwise. So it is to be inferred as it relates  
18 to each request for funding that those parties  
19 could not participate without funding.

20 Now, I think that really allows us to move  
21 on to the real substance of the proceeding today,  
22 and the thought of your commission staff would be  
23 to have the various requested participants come  
24 forward one at a time. In some cases there are  
25 no questions that your staff have. In other

1 cases there are some questions. And I think we  
2 deal with all of that and then take a break and  
3 see where we're at and allow me as your counsel  
4 and my colleagues as associate counsel to see if  
5 we can make some progress on the subject of  
6 coalition forming and then report back. I'm  
7 confident that we can do all this in an efficient  
8 way. The groups before you have done a very good  
9 job of presenting material. You could see that  
10 these groups have all worked very hard to prepare  
11 materials that would be thorough and deal with  
12 the issues. And they're obviously very concerned  
13 about this and we're confident we can make some  
14 progress. So if you're comfortable with that,  
15 perhaps we would just move in to the applicants  
16 themselves.

17 THE COMMISSIONER: Thank you.

18 MR. VERTLIEB: The first party that we think we can deal with  
19 in an efficient way is Dr. Kim Rossmo represented  
20 by counsel Mark Skwarok. Now, Mr. Skwarok,  
21 you'll be pleased to know that just following on  
22 the comments I made that your submissions were  
23 very thorough. There were no questions that we  
24 had for you and unless you have something that  
25 you want to add today, please feel free to do so



1           if you wish. There's nothing that you need to  
2           provide to us at the commission level to assist  
3           us in advising the commissioner.

4 MR. SKWAROK: I have nothing further to add.

5 MR. VERTLIEB: Thank you.

6 THE COMMISSIONER: I have no questions. I've read your  
7           submission as to how Kim Rossmo can assist this  
8           inquiry and you've filed a very thorough brief on  
9           his behalf.

10 MR. SKWAROK: Thank you.

11 THE COMMISSIONER: All right.

12 MR. VERTLIEB: Thank you. I think with all of the  
13           participants, they should feel free to leave  
14           whenever they wish and if there's something  
15           emerges, we can always get in touch with them.

16 THE COMMISSIONER: Thank you.

17 MR. SKWAROK: Thank you, sir.

18 MR. VERTLIEB: Now, next, Mr. Commissioner, we'd like to deal  
19           with Mr. Worme, who's from Saskatchewan and  
20           senior counsel, and we'd like to recognize  
21           courtesy to him for those reasons. Mr. Worme is  
22           representing the Assembly of First Nations and,  
23           as with everyone, you have a very helpful brief  
24           from them. I just wanted to be clear with you,  
25           Mr. Worme, on behalf of your client. It would

1            seem to us in reading your material that your  
2            concerns are on the areas (a) and (d) of the  
3            terms of reference, (a) of course meaning Pickton  
4            and (d) on the conduct of investigations  
5            generally. Is that a fair read of your client's  
6            concern?

7    MR. WORME: I think so, Mr. Vertlieb.

8    MR. VERTLIEB: Tell us about how you can assist the  
9            commissioner do the work on the paragraph (a)  
10           side, meaning the Pickton side.

11   MR. WORME: Well, let me maybe just start by talking a bit  
12            about the organization that I'm here to represent  
13            and that is headed by the National Chief Sean  
14            Atleo, who I'd introduced earlier, Mr.  
15            Commissioner.

16            As you know, the Assembly of First Nation is  
17            the legitimate national voice of First Nations  
18            across Canada representing in excess of 630 First  
19            Nations in this country. What we do know is that  
20            the AFN can represent a wider interest than just  
21            British Columbia First Nations groups. There are  
22            among the victims, as well as those that are  
23            missing and yet unaccounted for, victims who were  
24            not necessarily from the province of British  
25            Columbia. There are First Nations bands that are

1 represented by the Assembly of First Nations who  
2 are not from the province -- are located, rather,  
3 in the province of British Columbia and there are  
4 First Nations people across this country, Mr.  
5 Commissioner, that are affected by what we say is  
6 systemic racism, and, of course, that has been  
7 recognized not only by other commissions of  
8 inquiry but by the Supreme Court of Canada and so  
9 that is not something new that we say. But there  
10 are First Nations people and communities across  
11 Canada affected by systemic racism and other  
12 forms of discrimination that the AFN is here to  
13 represent. We say that as a large and well-known  
14 organization that the participation of the  
15 Assembly of First Nations in this commission will  
16 add a sense of confidence to those First Nations  
17 across Canada that have not perhaps been  
18 otherwise recognized or have not made  
19 applications for standing. What I do want to be  
20 clear about, Mr. Commissioner, is that in no way  
21 does the Assembly of First Nation wish to  
22 supplant the regional organizations that also are  
23 here, and that is the First Nations Summit as  
24 well as the Union of British Columbia Indian  
25 Chiefs. They're both here represented. And our

1 instructions are clear we are not here to  
2 supplant their interest, but rather to supplement  
3 that. We believe that we can bring a -- some  
4 degree of comfort, in our respectful submission,  
5 Mr. Commissioner, that will in no way hinder the  
6 localized processes or indeed hinder the scope of  
7 the jurisdiction of this inquiry, but, rather, I  
8 think that we can bring some degree of comfort to  
9 those who may have some lingering questions or  
10 criticism that might originate from outside of  
11 this province. As you yourself have recognized,  
12 Mr. Commissioner, this is a national issue.  
13 There is a national issue that underpins this.  
14 There are missing women across this country that  
15 are of grave concern to the Assembly of First  
16 Nations, not just aboriginal women. We believe  
17 that we can assist this commission in looking at  
18 the underlying sociological reasons that certain  
19 decisions have been made that have affected and  
20 are clearly within the terms of your mandate, Mr.  
21 Commissioner. We believe that we can assist by  
22 providing some of the significant library of  
23 resources that the Assembly has collected over  
24 the past number of years in support not only of  
25 the various campaigns that have been originated

1 by other First Nations groups, but have been  
2 supported by the Assembly of First Nations. We  
3 can bring that to this commission in our effort  
4 to aid in the discharge of your mandate.

5 THE COMMISSIONER: So you're telling us you can bring a  
6 national perspective to a problem that's national  
7 in scope?

8 MR. WORME: Absolutely, Mr. Commissioner. That is our primary  
9 focus on this. In a supporting role to the  
10 regional organizations that are representing  
11 First Nations people here in this province.

12 THE COMMISSIONER: All right. Thank you.

13 MR. VERTLIEB: That's very helpful. Mr. Worme, so could you  
14 just help us on one subject on the coalition  
15 side -- and maybe you want to listen to other  
16 groups before you answer, so you need to answer  
17 or not as it's convenient for you and your  
18 client. Are there -- in the context of your  
19 desire to support and not supplant, are there  
20 groups that you could work with right now that  
21 you could tell the commissioner about or would  
22 you prefer to hold off on an answer?

23 MR. WORME: Well, let me say this, Mr. Commissioner and to  
24 commission counsel, and that is that we want to  
25 be absolutely clear. We are not -- that is the

1 Assembly of First Nations is not here to supplant  
2 the regional representation; that they are more  
3 than qualified, more than competent to represent  
4 those interests.

5 THE COMMISSIONER: I think the concern here that Mr. Vertlieb  
6 has is will you in any way be repetitive,  
7 repetitious and duplicate what other people may  
8 say?

9 MR. WORME: I think because we approach this from a national  
10 dimension, Mr. Commissioner, I do not see that as  
11 being a problem that would otherwise hinder this  
12 commission. We recognize that there is a very  
13 short time life, a shelf life for this  
14 commission; that your report is due before the  
15 expiry of this year. We would not want to in any  
16 way, shape or form stand in the road of that.  
17 What I do want to say, though, is that providing  
18 that the terms of reference -- and I know that  
19 there has been some criticism that has suggested  
20 those terms be too narrow, and I understand your  
21 direction that there will not be a move and nor  
22 is there a capacity or jurisdiction from this  
23 commission to expand on its own those terms of  
24 reference. We would want to be provided some  
25 assurance that some of the issues, the underlying

1 sociological issues that I had referred to  
2 earlier, racism and discrimination, for example,  
3 as to how those might have impacted on decision  
4 making, if those can be addressed within the  
5 current terms of reference, then we have every  
6 confidence that we can play a supporting role to  
7 many of the groups here that share those same  
8 views.

9 THE COMMISSIONER: All right. Thank you, Mr. Worme. Okay.

10 MR. VERTLIEB: Thank you very much.

11 THE COMMISSIONER: Thank you. Thank you for your help.

12 MR. WORME: Thank you, Commissioner.

13 MR. VERTLIEB: Thank you.

14 MR. WORME: Thank you, Mr. Vertlieb.

15 MR. VERTLIEB: Thank you. Perhaps we could then call on Hugh  
16 Braker, QC, who is here on behalf of the Native  
17 Courtworker & Counselling Association of British  
18 Columbia. Mr. Braker, thank you. Thank you, Mr.  
19 Braker.

20 MR. BRAKER: Thank you, Commissioner.

21 MR. VERTLIEB: Mr. Braker, do you have any comments you wish  
22 to make before we just discuss some specifics of  
23 your application?

24 MR. BRAKER: Firstly, Commissioner, there have been attempts  
25 to form coalitions. There just hasn't been

1           enough time yet. And I would like to have  
2           further discussions with a couple of the parties  
3           that are present in the room at some point during  
4           the day today, and we can then advise you whether  
5           or not that's going to bear fruit or not. There  
6           may be some reluctant suitors. I'm not sure.

7                     With respect to the issue of financial  
8           ability, I don't know if you wish to raise that  
9           now or wait until later.

10   THE COMMISSIONER: Well, I think it might be more useful to  
11                     deal with that after --

12   MR. BRAKER: Very well.

13   THE COMMISSIONER: -- after any prospective coalition.

14   MR. BRAKER: Very well. And, lastly, we did meet with counsel  
15                     for the commission at your offices earlier -- I  
16           believe it was last month -- in which we raised a  
17           number of issues with him outlining the areas  
18           that we wish to raise at the hearings and the  
19           aspects that we wish to be involved in, and if  
20           the commissioner is being advised by his counsel  
21           of those, then there's no need for me to repeat  
22           them. Thank you. I have nothing further to say.

23   MR. VERTLIEB: Just while we're together for a moment here,  
24                     Mr. Baker, one question. Keeping in mind the  
25           breadth of the inquiry, is there a special area



1 of expertise that you can bring to the  
2 commission's work and assist the commissioner  
3 that we might not otherwise see on reading your  
4 materials?

5 MR. BRAKER: Let me go to the terms of reference if I could,  
6 counsel and commissioner, and outline to you  
7 where the Native Courtworkers think they could be  
8 of most help to the commission. Let me deal  
9 firstly with (b). There is only one aspect of  
10 the stay of proceedings that we wish to -- to  
11 raise before the commission, and I would  
12 summarize it this way: Our belief is that  
13 aboriginal people in Canada have been discounted  
14 or marginalized since the beginning of this  
15 country. The effect of stays of proceedings for  
16 the murder of aboriginal people is that they feel  
17 like the murders of their people are being  
18 discounted. We believe that when the Attorney  
19 General decides to enter a stay of proceedings as  
20 part of the process -- not necessarily going to  
21 the ultimate decision, but as part of the  
22 process, there needs to be a greater effort by  
23 the Attorney General to inform and involve in the  
24 way of information the aboriginal people,  
25 otherwise we believe the result is that the

1 administration of justice in British Columbia in  
2 the eyes of those who are most marginalized is  
3 made even worse. They view it as something even  
4 more negative than it is already. That is the  
5 only aspect of part (b) that goes to the decision  
6 of the Attorney General that we wish to raise  
7 when the commission deals with that.

8 With respect to item number (d), we are  
9 similarly very reluctant to get involved in the  
10 entire question. Our submissions will be very  
11 focused on the -- on the co-ordination of  
12 investigations where there is more than one  
13 agency involved. We will only comment on those  
14 aspects where we think the agencies themselves  
15 should approach aboriginal people for assistance.

16 With respect to (a) and (c), we think we can  
17 make our greatest contributions. The Native  
18 Courtworker & Counselling Association, as you  
19 know from the materials, has been in existence in  
20 British Columbia for some 36 years. At the risk  
21 of sounding self-serving, the Native Courtworkers  
22 has a stellar reputation.

23 THE COMMISSIONER: I'm well aware of the accomplishments and  
24 all the good things that the Native Courtworkers  
25 have done for not only the person -- people who

1 appear before the courts, but also in assisting  
2 courts in this province.

3 MR. BRAKER: Thank you, Commissioner. There are several  
4 aspects that we raised with your counsel and  
5 there's a couple of more that we would like to  
6 point out. There was at one time a Vancouver  
7 Aboriginal Police Liaison Committee, which our  
8 position was that it was doing excellent work.  
9 It was discontinued. There is today a Community  
10 Police Liaison Committee. We'd like to inquire  
11 into the terms of reference of those two  
12 committees whether or not they're different and  
13 if so, whether or not the original one should be  
14 resuscitated and brought back. It did excellent  
15 work and dealt with, among other things, missing  
16 people. As you know from your knowledge of  
17 Native Courtworkers, the Native Courtworkers are  
18 very often approached by the police in parts of  
19 this province with respect to missing aboriginal  
20 people. The police will often on a colloquial  
21 basis go to the Native Courtworker and say, "Hey,  
22 we're looking for so and so. Can you assist us  
23 in one way or another?" Indeed, very often  
24 aboriginal courtworkers assist the Court by  
25 bringing people in who are appearing on the court

1 list that day and will often go out and look for  
2 missing people. So we have a long history -- the  
3 point I'm trying to make is that we have a long  
4 history in not just Vancouver, but, in fact,  
5 throughout the province in this regard and we  
6 would certainly be looking at -- at the conduct  
7 of the investigations and why weren't the  
8 aboriginal communities more involved like they  
9 have been in the past, and hopefully the police  
10 would still be open to that. I hope that  
11 answered my friend's question.

12 MR. VERTLIEB: Just one last thing. It's obvious that you  
13 have a strong policy in terms of the work of the  
14 commission. Could some of your other concerns be  
15 dealt with by having the commission hear  
16 witnesses from your organization to deal with  
17 those issues?

18 MR. BRAKER: We have considered that, and should your --  
19 should the commissioner be disposed to grant us  
20 leave to participate, it may be that -- for  
21 example, I outlined item number (b), the decision  
22 to stay proceedings. It may be that you will  
23 want to hear from the Native Courtworkers'  
24 witnesses rather than hearing from us as a  
25 participant on that aspect.

1 THE COMMISSIONER: All right. Thank you.

2 MR. BRAKER: Thank you.

3 THE COMMISSIONER: Thank you, Mr. Braker.

4 MR. VERTLIEB: I think next perhaps we should hear from the  
5 Summit, the First Nations Summit. I think it's  
6 Tracy Fox. Thank you. Perhaps if there are some  
7 comments you wish to make to the commissioner, we  
8 could hear those now.

9 MS. FOX: Good morning. The First Nations Summit welcomes the  
10 opportunity to be here and participate. I'd just  
11 like to make the -- excuse me. I apologize for  
12 my voice. My son gave me a cold. Just to make a  
13 few comments. The First Nations Summit is  
14 interested in contributing to the hearing process  
15 in any way that it can, whether that's oral  
16 submissions, if that's helpful, we're prepared to  
17 do that, written submissions, we're prepared to  
18 do that, to respond to any questions the  
19 commission may want to pose to the organization  
20 we'll respond. We're here to help make it  
21 streamline and efficient, but to also contribute  
22 valuable information and recommendations.

23 The Summit's a fairly long-standing  
24 political advocacy body that has a fairly  
25 inclusive voice for First Nations around the

1 province of British Columbia and we have a forum  
2 through our quarterly chiefs' meeting to dialogue  
3 with our communities on issues such as what we're  
4 dealing with today. Excuse me.

5 So with that -- and my other comment would  
6 be the Summit has been approached about the  
7 opportunities for coalitions and they are willing  
8 to have those discussions. We just haven't had  
9 the time yet to sort them out with the other  
10 organizations, but, again, in the interests of  
11 helping the commission, we're prepared to do  
12 that.

13 THE COMMISSIONER: Okay. Thank you.

14 MR. VERTLIEB: Well, thank you very much. That was very  
15 helpful. It's obvious that your organization can  
16 be of assistance to the commission and I gather  
17 that if there are witnesses you feel would have  
18 particular knowledge to assist the commissioner,  
19 you would assist commission staff in having those  
20 witnesses come forward?

21 MS. FOX: Yes.

22 MR. VERTLIEB: That's very good. And, secondly, on the  
23 subject of coalitions, I think we'll take a break  
24 at some point shortly and we'll see how those  
25 discussions can take place. Well, it's very

1 helpful. Thank you very much.

2 THE COMMISSIONER: Thank you for appearing.

3 MS. FOX: Thank you.

4 MS. BROOKS: Mr. Commissioner, we'd now like to invite Ms.  
5 Jacobs from the Union of B.C. Indian Chiefs to  
6 come up, please. And, Mr. Commissioner, we have  
7 received a very fulsome application from UBCIC.  
8 If Ms. Jacobs has anything to add, then we would  
9 invite her to give her comments now, and if she  
10 could also tell us in what way the expertise of  
11 UBCIC will contribute to the work of the inquiry  
12 and if you can reference any terms of reference  
13 as well in your answer.

14 MS. JACOBS: Okay. Yes. First of all, my instructions are  
15 that the Union of B.C. Indian Chiefs would like  
16 to maintain its independence.

17 THE COMMISSIONER: Sorry?

18 MS. JACOBS: Maintain its independence on its own. It is --  
19 it is an organization -- a political organization  
20 that is representative of 98 First Nations  
21 communities in British Columbia, which is at  
22 least 49 percent of the First Nations community  
23 in British Columbia and that, you know, it has a  
24 long -- very long history, as you know, in  
25 addressing issues with respect to the safety and

1 security of indigenous peoples in British  
2 Columbia and also working with indigenous women's  
3 organizations and supporting and advocating for  
4 grass roots organizations in the province. And  
5 so part of that is with the terms of reference it  
6 wants to be included in all sections of the terms  
7 of reference.

8 THE COMMISSIONER: All four?

9 MS. JACOBS: All four. And that as part of that because of  
10 their responsibility in representing First  
11 Nations communities that they become part of the  
12 solution, and that part of what we have noted is  
13 that we don't think that families should be born.  
14 The only responsibility in cross-examining  
15 witnesses and presenting witnesses, that we want  
16 to support them. This is an issue addressing the  
17 families and the trauma that they're going  
18 through on a day-to-day basis. And the Grand  
19 Chief Stewart Phillip has been supporting those  
20 families on the ground and so it wants to  
21 maintain that relationship, and in order to do  
22 that, it needs to ensure that it has that honour  
23 and respect of it as an organization in  
24 representing its citizens, and also because of  
25 its mandate to ensure the safety and well-being



1 of First Nations citizens in B.C. and so we want  
2 to make sure that that is part of the process, to  
3 ensure its independence.

4 THE COMMISSIONER: Thank you, Miss Jacobs.

5 MS. JACOBS: Thank you.

6 MS. BROOKS: Thank you, Miss Jacobs. I don't have any further  
7 questions, Mr. Commissioner.

8 THE COMMISSIONER: Thank you for appearing.

9 MR. VERTLIEB: Perhaps we could deal with the Native Women's  
10 Association of Canada. And I'm sorry. We didn't  
11 catch the name of counsel appearing. If you  
12 could help with us that again, please.

13 MS. BASTIEN: Yes. My name is Elizabeth Bastien and I am not  
14 counsel. I am a policy analyst working with the  
15 Native women's Association of Canada.

16 MR. VERTLIEB: No problem. Can you just spell the last name  
17 for us, please?

18 MS. BASTIEN: Bastien, B-a-s-t-i-e-n.

19 THE COMMISSIONER: I didn't hear that.

20 MS. BASTIEN: Bastien, B-a-s-t-i-e-n.

21 MR. VERTLIEB: T-i-e-n. Bastien.

22 MS. BASTIEN: That's correct.

23 MR. VERTLIEB: Thank you. Are there any comments that you  
24 wish to make before we deal with some of our  
25 questions about the application?

1 MS. BASTIEN: I would like to reiterate that the Native  
2 Women's Association of Canada is asking to have  
3 independent status at the commission. We  
4 represent aboriginal women, First Nations Metis  
5 women across Canada, on reserve and off reserve,  
6 and have done so for over 35 years. The Native  
7 Women's Association of Canada has a long history  
8 working on various topics of concern to  
9 aboriginal women and since 2005 has been  
10 specifically working on the issue of violence  
11 against women through our Sisters in Spirit work.

12 MR. VERTLIEB: Thank you. In terms of working with other  
13 groups, we understand that there are groups you  
14 could comfortably work with in the context of  
15 coalition. Could you just help us with that?

16 MS. BASTIEN: Yes. NWAC has already worked in the past with a  
17 number of the organizations that are here today  
18 and believe that we could, of course, work with  
19 them again in the future. We are asking for  
20 independent status at the commission because we  
21 feel that we are able to contextualize the  
22 information that we bring in a national source,  
23 so we are able to put the B.C. information within  
24 a national scope, which is something a little  
25 different than some of the other organizations

1                   we'll be speaking to.

2   MR. VERTLIEB: Thank you.

3   THE COMMISSIONER: Thank you.

4   MS. BROOKS: Mr. Commissioner, we'd now like to invite Ms.  
5                   Gervais from the Carrier Sekani Tribal Council.  
6                   Ms. Gervais, thanks very much for your  
7                   application. And I understand from reading your  
8                   materials that your client represents numerous  
9                   First Nations bands in northern British Columbia?

10   MS. GERVAIS: Yes.

11   MS. BROOKS: And if you could just tell the commissioner what  
12                   areas of interest your client has under the terms  
13                   of reference, if you are mostly interested in  
14                   policy questions in (c) and (d) or do you have an  
15                   interest as well in the fact finding under terms  
16                   of reference (a) and (b)?

17   MS. GERVAIS: I think reference terms (c) and (d) are of the  
18                   greatest interest to my client, who is the  
19                   Carrier Sekani Tribal Council. To make -- term  
20                   (c), "to recommend changes considered necessary  
21                   respecting the initiation and conduct of  
22                   investigations in British Columbia of missing  
23                   women and suspected multiple homicides," I think  
24                   it directly relates to the territory of the  
25                   Carrier Sekani Tribal Council, but that runs from

1 Prince George through to Hazelton. The Highway  
2 of Tears runs directly through their territory.  
3 All eight members First Nations must access  
4 Highway 16, the Highway of Tears, to access  
5 services and larger urban centres. As stated in  
6 our application, there are 18 outstanding murders  
7 that have not been resolved. 17 of those women  
8 were aboriginal. So the Carrier Sekani Tribal  
9 Council has an interest with respect to ongoing  
10 investigations of missing women.

11 And with respect to reference term (d), "to  
12 recommend changes considered necessary respecting  
13 homicide investigations by more than one  
14 investigating organization," again with respect  
15 to the geographical location of the communities,  
16 and I did provide a map in the submissions. Many  
17 communities are remote and with the lack of  
18 resources, I would assume that that would be also  
19 a lack of police resources that would require a  
20 co-ordination with other policing agencies. So  
21 the Carrier Sekani Tribal Council also has an  
22 interest in ensuring that there is smooth and  
23 efficient coordination between agencies with  
24 respect to these investigations.

25 In addition, there is a member of the Takla

1 First Nation whose DNA was found on the Pickton  
2 farm. Her name is Jacqueline Murdock and her  
3 family members and friends and community members  
4 have a direct interest in providing evidence at  
5 the hearing with respect to their treatment by  
6 RCMP in dealing with that investigation.

7 THE COMMISSIONER: Thank you.

8 MS. BROOKS: Just one more question, Ms. Gervais. And I  
9 appreciate the unique geographic location of your  
10 client, but could you tell the commissioner  
11 whether you've had any discussions or whether you  
12 take any position on forming a group with the  
13 other of the applicants?

14 MS. GERVAIS: Yes. My client has been quite clear that  
15 they -- because of the geographical location of  
16 the communities and because the perspective that  
17 the communities can provide based on that --  
18 their location, also being the only specific  
19 tribal council to apply for standing from the  
20 north, the Carrier Sekani Tribal Council is  
21 asking -- seeking independent standing at the  
22 commission.

23 THE COMMISSIONER: Thank you.

24 MS. GERVAIS: Thank you.

25 MR. VERTLIEB: Thank you, Miss Gervais. Very helpful. Thank

1           you. Perhaps we could ask Nicole Schabus to help  
2           us with the Women's Memorial March. We know Mr.  
3           Arvay was here earlier and he's gone. And we  
4           appreciate, Mr. Commissioner, that this group has  
5           already prior to this morning come together with  
6           the Downtown Eastside Women's Centre.

7   THE COMMISSIONER: All right.

8   MS. SCHABUS: And, Mr. Commissioner, again Nicole Schabus,  
9           S-c-h-a-b-u-s for the record. I'm co-counsel for  
10          the Downtown Eastside Women's Centre, along with  
11          Mr. Arvay, and for the committee of the February  
12          14th Women's Memorial March. I also want to  
13          point out that Marlene George, the committee  
14          chair, is in the room with us. We have prepared  
15          a joint submission to further point out how we  
16          will contribute and to further address the  
17          questions asked by commission counsel in their  
18          letters in January. I have the original  
19          affidavit, an additional affidavit by Miss  
20          Marlene George to hand up the joint submission.  
21          I' just going to hand this up.

22   THE COMMISSIONER: Thank you.

23   MS. SCHABUS: And I have copies for the commission council.  
24          Mr. Commissioner, if I briefly may, you have  
25          already seen the separate submissions of the

1 Downtown Eastside Women's Centre and the Memorial  
2 March Committee. This is a joint submission and  
3 in our respectful submission what we are setting  
4 out in it is that these organizations have a  
5 long-standing history in the community, right in  
6 the Downtown Eastside. They work with and  
7 represent the women of the Downtown Eastside.

8 The Women's Centre was founded in 1978. It  
9 is a safe place and really the only safe place  
10 for women and children in the Downtown Eastside.  
11 We also -- the Women's Memorial March Committee  
12 has been organizing the February 14th Women's  
13 Memorial March for 20 years now. The 20th march  
14 is coming up in exactly two weeks. You will  
15 always see thousands. Last year it was 5,000  
16 people in the streets. These organizations have  
17 deep roots in the Downtown Eastside. They are  
18 trusted and they have a lot of legitimacy in the  
19 community. They are often the first ones to be  
20 approached, the victim assistance workers and the  
21 advocates at the Downtown Eastside Women's  
22 Centre. The organizers of the Memorial March are  
23 often the first ones to be approached when there  
24 are incidents of violence against women. Many of  
25 them were friends of the missing and murdered

1 women and they have substantive information to  
2 contribute regarding the investigations that fall  
3 within the terms of reference, so they stand  
4 ready to do that.

5 In addition, we've set out in our  
6 submissions the specific areas of interest that  
7 commission counsel pointed out to us and we've  
8 set out how we are substantively involved  
9 already, how the organizations are substantively  
10 already involved with all those areas of  
11 interests and specifically also with the  
12 Vancouver Police Department experience; that the  
13 women from the Downtown Eastside have  
14 interactions with the Vancouver Police Department  
15 and more recent initiatives that also point to  
16 keeping women safer in the community and show  
17 that the Vancouver Police Department has realized  
18 the importance of working directly with our --  
19 with the participants and the applicants that I'm  
20 speaking for and the legitimacy that they have in  
21 the community.

22 I do just want to briefly speak to a few of  
23 the issues. In our submission, we can bring the  
24 voices of the women from the Downtown Eastside to  
25 the inquiry. This inquiry is to have a special



1 focus on the Downtown Eastside as a unique  
2 neighbourhood and very complex neighbourhood that  
3 combined with the systemic discrimination issues  
4 in the Downtown Eastside has also become the  
5 enabling environment for heinous crimes  
6 perpetrated against women in the Downtown  
7 Eastside and also the lack of investigations of  
8 those crimes. Those are complex crosscutting  
9 issues that the commission will have to  
10 understand and sort through and we stand ready to  
11 assist you with that. Who better to assist to  
12 understand those issues than the very women from  
13 the Downtown Eastside? We cannot only further  
14 the conduct of the inquiry, we will also  
15 contribute to its fairness, including helping to  
16 bring meaningful recommendations forward using a  
17 bottom up approach, involving the women directly,  
18 and this is the approach that the organizations  
19 and the applicants that stand before you have  
20 always had, a bottom up approach, working  
21 directly with the women of the Downtown Eastside.  
22 In our submission, their participation is  
23 essential to the legitimacy of the inquiry in the  
24 community. These organizations already do this  
25 work that the commission is also looking into on

1 a daily basis. They will be affected by the  
2 findings of the commission and, hence, we are  
3 seeking full standing to participate in all parts  
4 and at all hearings of the inquiry.

5 THE COMMISSIONER: Thank you, Miss Schabus.

6 MR. VERTLIEB: We certainly appreciate your effort and your  
7 client's effort to come together the way the two  
8 groups have and we are grateful for that. It  
9 seems in listening to you and reading the  
10 material that your focus as a group is more on  
11 the Downtown Eastside hearing side of the  
12 investigation rather than the policy discussion  
13 that's also in the terms of reference. Is that a  
14 fair way to describe it?

15 MS. SCHABUS: Respectfully I would disagree and I think it's  
16 also set out in our -- in our additional  
17 submission and I believe commission counsel  
18 hasn't had the opportunity because I just handed  
19 it to them to review it, but we very much are  
20 committed to actually contributing to the policy  
21 analysis part and the recommendation section and  
22 to actually help the commissioner grant these  
23 recommendations, get recommendations that  
24 originate directly from the experience of the  
25 women in the Downtown Eastside and, additionally,

1 take recommendations to them for their feedback  
2 using our bottom up approach. We very much want  
3 to be involved in that part.

4 THE COMMISSIONER: You're telling us as a result of your  
5 meetings and your -- the experiences of the  
6 Downtown Eastside women, the on-the-street  
7 experiences that they've had that they're in a  
8 position to tell the commission of inquiry  
9 matters relating to policy as to how agencies  
10 should properly deal with complaints coming  
11 from --

12 MS. SCHABUS: Very much so. And already -- the Vancouver  
13 Police Department's already turning to them for  
14 that, so I think very much so. I also want to  
15 point out we do have experience making  
16 submissions through the committee on the  
17 elimination of all forms of racial discrimination  
18 and CEDAW, the Committee Against Discrimination  
19 of Women. And so we have made submissions to you  
20 and committees. We can actually bring  
21 international aspects in. We expect to reference  
22 international standards set out by UN conventions  
23 and human rights bodies and also the UN  
24 declaration of the rights of indigenous people,  
25 so we are very much standing ready to contribute

1 to all aspects.

2 THE COMMISSIONER: I'm aware of some of the work that Marlene  
3 George has done there.

4 MS. SCHABUS: Thank you. Those are my submissions.

5 THE COMMISSIONER: Thank you for appearing.

6 MS. SAMNANI: Mr. Commissioner, I would like Jason Gratl from  
7 the Vancouver Area Network of Drug Users,  
8 Walk4Justice and the Frank Paul Society to come  
9 up.

10 Mr. Gratl, first we understand that your  
11 written submissions touch on all four terms of  
12 reference. Could you please tell the  
13 commissioner specifically which terms of  
14 reference you're most interested in and, second,  
15 your "We glean an overarching policy concern"  
16 from your written submissions to the inquiry.  
17 Could you please tell the commission if that is  
18 indeed correct?

19 MR. GRATL: Mr. Commissioner, I'm counsel, as I said during  
20 the introductions, for VANDU, the Vancouver Area  
21 Network of Drug Users, Gladys Radek on behalf of  
22 Walk4Justice and the Frank Paul Society.

23 The Vancouver Area Network of Drug Users is  
24 an association of current and former drug users.  
25 That is, you have to be a current or former drug

1 user to be a member of that organization.  
2 They're based in the Downtown Eastside and  
3 they're of long standing. They've been around  
4 for more than a decade and they were in existence  
5 during the time of the disappearance of the  
6 missing and murdered women. They were involved  
7 in attempting to report missing women to the  
8 Vancouver Police Department. They were involved  
9 in numerous other types of policing engagements  
10 in the Downtown Eastside at the time of the  
11 disappearances. They were around when, for  
12 example, the Stanley Park Six scandal occurred in  
13 Vancouver where drug traffickers or alleged drug  
14 traffickers were breached, taken to Stanley Park  
15 and beatings were administered. They were around  
16 during the time when the Vancouver Police  
17 Department was extremely reluctant to allow  
18 needle exchanges to occur and they were involved  
19 in the reform of policing in relation to needle  
20 exchanges.

21 Similarly, with respect to safe injection  
22 sites, they were at the forefront of that battle.  
23 They supported the informal safe injection sites  
24 that preceded the existence of -- the formal  
25 existence of InSite and they were involved in the

1 litigation to defend InSite Section 56 exemption  
2 under the *Controlled Drug and Substances Act*.  
3 And they were also involved in Vancouver -- the  
4 Vancouver Police Department's quasi-surreptitious  
5 policing of the InSite injection site after its  
6 official opening and negotiated with the  
7 Vancouver Police Department regarding subduing  
8 the level of policing of that site. So they've  
9 been in and around drug use and drug users'  
10 experiences of policing on the Downtown Eastside  
11 during all the relevant time periods.

12 As you can see from the affidavit of Anne  
13 Livingston, the former executive director and now  
14 a board member of VANDU, at least seven of the  
15 missing and murdered women were members of VANDU.  
16 Now, VANDU has -- in terms of its contribution to  
17 the work of the commission, it can make  
18 contributions in the area of fact finding and  
19 policy recommendations in respect of the conduct  
20 of the missing women's investigation, the stay of  
21 proceedings by the Crown, by the Attorney General  
22 of British Columbia, and respecting the  
23 initiation and conduct of missing women and  
24 suspected multiple homicides. And, in  
25 particular, all of those -- each of those areas

1 involves the lived experience of users of illicit  
2 drugs.

3 In respect of the conduct of the missing  
4 women's investigation, many of the witnesses  
5 specifically involved in the investigation were  
6 addicted to or were users of illicit drugs. That  
7 means they were subject to certain protocols and  
8 they also lived in an environment of -- if I can  
9 use this term, an informal policing environment  
10 where the police policies and practices weren't  
11 necessarily written down. They won't form part  
12 of the documentary record. They'll be -- they'll  
13 form part of the institutional memory of VANDU,  
14 the directors and members and staff, but they  
15 won't necessarily make it into the brief that's  
16 disclosed to the commission to allow the  
17 commission to do its work. Certain police  
18 witnesses will also be very familiar with those  
19 informal policies. And those policies include  
20 quadrants where drug use and sex trade are  
21 permitted, but specifically allowed informally,  
22 quadrants where drug use is not -- specifically  
23 not permitted. For example, the Granville strip  
24 was a no go zone essentially during the time of  
25 the breach of the Stanley Park that led to the

1 Stanley Park Six scandal. There are also certain  
2 types of barriers and restrictions that prevent  
3 users of illicit drugs from accessing police  
4 services. Here many of the potential witnesses  
5 would not be able to approach the police  
6 precisely because they would in fact be targets  
7 of police investigations. In order to provide  
8 information to the police about an attempted  
9 murder, a witness would potentially have to  
10 confess to the commission of crimes, perhaps drug  
11 crimes, perhaps crimes involving sex trade. They  
12 might be run on police computers, PIRS at the  
13 time, now PRIME, and so they could be subject to  
14 arrest for outstanding warrants, especially for  
15 administrative offences, breach of bail  
16 conditions, breach of probation, failure to  
17 appear and so forth. And so the group would be  
18 vulnerable. The group of witnesses who might be  
19 involved with the use of illicit drugs would be  
20 vulnerable to arrest and they'd be vulnerable to  
21 prosecution in that sense. They wouldn't be able  
22 to access police services and they wouldn't be  
23 able to service police witnesses. So that  
24 constellation of factual matters and policy  
25 matters, implicitly policy matters, that the



1           commission must address is within the expertise  
2           of VANDU.

3           So why not serve as witnesses then? The  
4           reason is that VANDU and its members are not  
5           necessarily -- don't consider themselves  
6           necessarily welcome by judicial and  
7           quasi-judicial proceedings such as this one.  
8           Just as the members of VANDU might not feel on  
9           their own comfortable approaching the police,  
10          they might not feel comfortable approaching the  
11          commission. They could need certain protections  
12          and so forth. And perhaps counsel for VANDU and  
13          the leadership of VANDU would assist as a  
14          community liaison and ensuring witnesses who  
15          might not otherwise come before the commission  
16          have an opportunity to speak and provide evidence  
17          to the commission.

18          In terms of the stay of proceedings, Mr.  
19          Commissioner, you will be well aware that any  
20          charge approval decision involves the assessment  
21          of and credibility of witnesses, including an  
22          assessment of the likelihood that they'll appear  
23          as witnesses under subpoena if called upon to do  
24          so. And the reality is that that issue may well  
25          have informed the Attorney General in making the

1 decision to issue a stay of proceedings in  
2 respect to the attempted murder charge against  
3 Mr. Pickton. Perhaps there are some reforms and  
4 policy changes that could occur in that area and  
5 certainly VANDU and its membership are  
6 experienced in that respect.

7 Respecting the initiation and conduct of  
8 missing women and suspected multiple homicides,  
9 again VANDU has extensive experience in  
10 attempting to report women missing. And there  
11 are a number of witnesses that can be brought to  
12 the attention of the commission, to the attention  
13 of commission counsel and if necessary may also  
14 with leave of the commissioner be called forward.

15 THE COMMISSIONER: Thank you, Mr. Gratl.

16 MR. GRATL: So that's in respect of VANDU.

17 In respect of the Frank Paul Society and  
18 Walk4Justice, both of those organizations have  
19 deep roots in the Downtown Eastside. They're  
20 both committed. On the Walk4Justice side,  
21 they're committed to the empowerment of  
22 aboriginal women and they're committed to  
23 ensuring the safety of aboriginal women and women  
24 on the Downtown Eastside. And the Frank Paul  
25 Society similarly has a goal of ensuring that the

1 recommendations to the Frank Paul Society are  
2 implemented and for advocacy for First Nations.  
3 Walk4Justice has the advantage of connections  
4 with the community on the Downtown Eastside and  
5 in particular aboriginal women. And the same  
6 advantage that VANDU holds, namely occupying a  
7 position of trust and confidence in the  
8 community, may well also serve the community --  
9 may well serve the commissioner in this context.  
10 That is, potential witnesses for the commission  
11 who don't necessarily trust the commission at  
12 this point may feel comfortable with Walk4Justice  
13 and its leadership in coming forward to  
14 testifying.

15 In respect of the Frank Paul Society, set  
16 out in the affidavit of David Dennis, the  
17 president of the Frank Paul Society, is a list of  
18 well known and respected academics and  
19 researchers who will be able to provide  
20 demographic and sociological background  
21 information of -- in the way of expert opinion.  
22 And that expert opinion will relate to the  
23 reality of systemic racism on the Downtown  
24 Eastside as manifested in police practices and  
25 other types of intersectional discrimination that

1 is in our respectful submission extremely  
2 important to the work of this commission. You  
3 can see from the report prepared by Inspector  
4 LePard of the Vancouver Police Department that  
5 institutional discrimination, systemic  
6 discrimination, racial profiling and so forth  
7 plays very little part in the Vancouver Police  
8 Department's assessment of its own conduct  
9 throughout the investigation. The Frank Paul  
10 Society is in a very good position to provide a  
11 counterweight to that analysis to provide  
12 in-depth understanding of the historical,  
13 cultural and demographic factors that led to the  
14 cause and perpetuate systemic discrimination  
15 against aboriginal peoples in the Downtown  
16 Eastside.

17 Now, whether that -- I'm just referring back  
18 to the question from commission counsel. Whether  
19 that means that these organizations have a  
20 specific systemic approach to these facts, I'm  
21 not sure. Essentially all three groups are  
22 united. They have -- they've worked together in  
23 the past on court cases and they are comfortable  
24 with each other. Leadership's comfortable with  
25 each other. We don't anticipate inconsistent

1 instructions to counsel. All three groups have  
2 an aboriginal focus. VANDU, 40 percent or so of  
3 its membership is of aboriginal background. And  
4 Walk4Justice has an emphasis on aboriginal women.  
5 Frank Paul Society, its mission and objectives  
6 deal with aboriginal people in urban projects.  
7 All of them are focussed in Vancouver on the  
8 Downtown Eastside. All of them are grass roots  
9 in the sense that they are in touch with the  
10 community. They know the facts as well as  
11 anybody and they're all policy oriented in that  
12 they're interested in systemic change. Those are  
13 my submissions.

14 THE COMMISSIONER: Thank you. I appreciate your thorough  
15 submission.

16 MS. SAMNANI: Just before you go, Mr. Gratl, I just have a  
17 quick question. We understand you've made  
18 significant efforts in forming coalitions. Could  
19 you please tell the commissioner an update  
20 on your discussions to form coalitions?

21 MR. GRATL: I had prepared submissions on that point, Mr.  
22 Commissioner. It seems as though the ground is  
23 shifting a little bit and perhaps it might be  
24 advantageous for myself and my clients to make  
25 contact with other groups before speaking to that

1 issue.

2 THE COMMISSIONER: Thank you, Mr. Gratl.

3 MS. BROOKS: Mr. Commissioner, the next applicant on our list  
4 is the CRAB - Water for Life Society. I know  
5 there wasn't an appearance entered, but I believe  
6 Don Larson is here. I'm not sure if he wishes to  
7 speak to his application, so I would just invite  
8 him if he desires to come up.

9 MR. LARSON: Good morning, Commissioner and people that are  
10 here. I'm not used to presenting myself in this  
11 kind of a forum, so I feel quite out of place,  
12 but I would like our group to proceed into the  
13 inquiry, and I realize that to do so we'd have to  
14 join up with one of the other existing groups  
15 here, and at this point we're quite willing to do  
16 that. I would like to say Kelly White could not  
17 be here today. She's a native aboriginal woman.  
18 That's sort of the other half of CRAB - Water for  
19 Life Society as far as leadership goes, and her  
20 daughter is very ill today and in hospital. So I  
21 pass that along.

22 So we would like to continue. Kelly White  
23 and myself have been involved with the -- this  
24 issue for 20 years in the context of doing a  
25 vigil at Crab Park, which we're doing on February

1 14th. It's a small vigil, but we're consistently  
2 there. Fred Erentz, Vivian Sandy, myself, Kelly  
3 White, Judy Chartrand were some of the people at  
4 the first meetings of the Memorial March 20 years  
5 ago, so they have a long-standing relationship to  
6 the more ground level of the Downtown Eastside.  
7 And I think along with one of the other groups --  
8 I think what Kelly White would like to also if  
9 she was here is the need for funding regarding  
10 the repatriation of the victims to the families.  
11 That's an area of interest to her. And,  
12 unfortunately, she can't be here today to talk  
13 more about that. So I would -- our group would  
14 really like to proceed with this into the  
15 inquiry. We think we have something constructive  
16 to give to the inquiry and we would be quite  
17 happy to join with one or two of the other  
18 groups. Thank you.

19 MS. BROOKS: Mr. Commissioner, we were hoping, Mr. Larson,  
20 while we have you here, if you could just tell us  
21 a little bit about CRAB - Water For Life Society.

22 MR. LARSON: Our group originally created a seven-acre park at  
23 the foot of Main Street. We provided a memorial  
24 boulder there also, which was the first  
25 significant marker for the missing murdered women

1 of the Downtown Eastside. And as I said, on  
2 February 14th at 11:00 a.m. we will do another --  
3 I think it's the 17th annual -- it's a small  
4 vigil, but it's a native ceremony in memory of.  
5 And then many of the people there also go to the  
6 march.

7 So our group has a long-standing positive  
8 impact, I believe, in the Downtown Eastside.  
9 Obviously we're somewhat of a marginalized group.  
10 We're not an agency. We don't receive major  
11 funding from any level of government.

12 MS. BROOKS: Mr. Commissioner, we don't have any questions for  
13 Mr. Larson.

14 THE COMMISSIONER: Well, thank you for appearing, Mr. Larson,  
15 and I think it would be appreciated if you could  
16 see your way fit to align yourself with other  
17 people. I'm sure it would assist the inquiry if  
18 you did that.

19 MR. LARSON: Thank you very much.

20 MR. VERTLIEB: Thank you, Mr. Larson.

21 Mr. Commissioner, we've got a number to go  
22 through. I'm not sure if our staff here need a  
23 break or press on, whatever you wish. Everybody  
24 okay to keep going then? Okay. Fine. Thank  
25 you. Perhaps Miss Pacey could come forth now and



1 assist us. Katrina Pacey has already put  
2 together a coalition. And perhaps, Miss Pacey,  
3 you could tell the commissioner about the three  
4 groups that you're representing.

5 MS. PACEY: Thank you, Mr. Commissioner. I represent a  
6 coalition of three organizations from the  
7 Downtown Eastside. The coalition --

8 THE COMMISSIONER: I've read all your material.

9 MS. PACEY: You have. Thank you. So perhaps I'll just  
10 highlight a few particular details about the  
11 members of that coalition if that's all right.  
12 One is that all three organizations are involved  
13 in direct service in the Downtown Eastside  
14 specifically for sex workers. Two of those  
15 organizations are run by sex workers and they're  
16 run specifically by sex workers and to provide  
17 direct services delivery to sex workers. And  
18 they were launched -- the organizations were  
19 founded at different stages: The WISH drop-in  
20 Centre in 1984, the PACE Society in 1994, and the  
21 Downtown Eastside Sex Workers United Against  
22 Violence Society was founded in 2004. All three  
23 organizations have been vocal advocates for  
24 increased services and rights and needs for sex  
25 workers in this community and they provide a

1 range of very important services and have been  
2 doing so for a very long time, including running  
3 a daytime and evening drop-in centre, doing  
4 outreach on the strolls every evening between  
5 10:00 and 7:00 a.m., providing meals and  
6 clothing, providing health services, providing  
7 legal advocacy and, most importantly, providing  
8 an ear really for women when they need to come  
9 forward to report bad dates or abusive  
10 experiences with clients. So for the last 10 or  
11 20 years really these organizations have been in  
12 that community and have been the place where sex  
13 workers can go to talk about incidents of  
14 violence. And specifically it's a place where  
15 they can go when they can't go to anybody else.  
16 So the experience of these organizations has been  
17 that in many cases where sex workers feel like  
18 the police haven't been listening or they face a  
19 range of personal or systemic barriers to being  
20 able to report their experiences, they're able to  
21 go to these organizations. The organizations  
22 document those experiences and then if a woman  
23 wishes, they'll provide support in terms of  
24 moving forward with reporting to the police.

25 In terms of my client's particular interest

1 or what I think they bring to this inquiry is,  
2 first of all, they -- I mean they have two kind  
3 of particular perspectives, I'd say, and two  
4 reasons for being here, and one is because their  
5 membership will be profoundly affected by the  
6 outcome of this inquiry or at least their hope is  
7 that they will be profoundly affected by the  
8 outcome. What they hope is that this will create  
9 both practical and policy level changes for women  
10 in this community and women around the province,  
11 women across the country so that they're able to  
12 access the protective service of the police,  
13 access the court system and live safely.

14 Secondly, though, in terms of being able to  
15 assist yourself as commissioner in terms of  
16 asking the really important questions you're  
17 going to ask, they both have important direct  
18 experience during the period of time that's set  
19 out in the terms of inquiry, but they also have  
20 direct experience right now providing services in  
21 that community as women continue to face  
22 difficult and often insurmountable barriers in  
23 terms of reporting to police and women continue  
24 to experience violence and continue to go  
25 missing.

1           I will keep my submissions brief and you can  
2 ask questions if you have any, but with respect  
3 to the particular terms of reference that you --  
4 that are set out, the -- my client's particular  
5 interest is (a) and (c), although they also have  
6 some very important submissions to make on terms  
7 of reference 4(b) and 4(d), and I'll just set out  
8 a little bit what those interests are.

9           They -- under term reference 4(a) in terms  
10 of the actual experience and the actual conduct  
11 of the missing women's investigation, they have  
12 very important expertise to bring and a very  
13 important perspective to bring on the question of  
14 systemic bias, around policing practices in that  
15 community, around what it really means to have  
16 effective policing in this community when you're  
17 dealing with marginalized and vulnerable victims  
18 as well as marginalized and vulnerable witnesses.  
19 They have a lot to say -- and I think the police  
20 would even support this -- in saying that they  
21 have a very important perspective on the degree  
22 to which the police can liaise with community  
23 groups and work with community groups when a  
24 tragedy like this is occurring and they need to  
25 receive information about what's going on,

1 community groups being that safe place where  
2 vulnerable people can go.

3 My clients also would like to talk about  
4 police oversight in this province and the  
5 question of police accountability. Where do  
6 victims and vulnerable people go if the police  
7 don't take their report? Who do they talk to to  
8 go up the ladder and make sure that their stories  
9 and their experiences are being heard?

10 And in terms of policy, other policy level  
11 issues, they have very important things to say  
12 about specialized training for police, about  
13 staffing models within the police departments so  
14 that they can provide the most effective service  
15 to vulnerable and marginalized communities as  
16 well as services in the community, so non-police  
17 department-related services where those  
18 organizations are properly supported and funded  
19 so that they can provide service to vulnerable  
20 women.

21 And, finally, on this point I just would  
22 like to say that one of the important pieces that  
23 my clients bring to this inquiry is the fact that  
24 they work directly every day and every night with  
25 women involved in the sex trade in this community

1 and really are going to be that liaison for  
2 yourself and for the commission of inquiry as  
3 women in the community ask questions on a daily  
4 basis about what's going on, about what's  
5 happening with policing in that community and why  
6 women continue to not be listened to. These are  
7 the three organizations that are front line that  
8 are able to answer those questions and provide  
9 that very important communication.

10 I'll echo Mr. Gratl's comments with respect  
11 to the 4(b) term of reference which regards the  
12 decision of the Criminal Justice Branch to stay  
13 the proceedings against Mr. Pickton in 1998. Of  
14 course, my clients have a lot to say about  
15 participation in the criminal justice system and  
16 the court process. They have a lot to say about  
17 supporting victims and witnesses who face  
18 multiple and systemic barriers to participating  
19 in that process and how the court system and the  
20 police can facilitate that participation, as well  
21 the question of credibility assessment, which we  
22 know is a difficult one for courts, but must  
23 really be looked at with a lens of identifying  
24 where drug use or involvement in criminal  
25 activity or various personal or systemic issues

1 might impact the impression of credibility for a  
2 victim or a witness and, of course, that whole  
3 question of what happens when there is a stay of  
4 proceedings in this type of context. What  
5 message does that send back to the community?  
6 What do women hear when they find out charges  
7 like that have been stayed?

8 So just to conclude, my clients are asking  
9 for full standing. They're asking for full  
10 standing on all four sections of the term of  
11 reference. They have on the question of  
12 coalition building have spoken -- well, first of  
13 all, formed a coalition at the outset in an  
14 attempt to really be helpful to this process and  
15 make sure that they can bring forward a unified  
16 voice. They have certainly reviewed the list of  
17 other participants and spoken with counsel and  
18 spoken with folks from organizations in an  
19 interest of, you know, looking into whether  
20 further coalitions could be created, and what  
21 they found was that really there's -- were two  
22 very practical and important differences between  
23 my clients or this particular coalition and the  
24 other groups that appear on this list. And the  
25 first is that my clients are very specifically

1 sex worker focused organizations, so they  
2 exist -- their whole reason for being is to  
3 support women and in some cases men who are  
4 involved in the sex industry. They have a very  
5 particular perspective on social reforms and all  
6 of the social supports needed for women working  
7 in the sex industry. They also have a  
8 perspective on law reform, which we have known  
9 and discovered further that that is a  
10 philosophical divide that really distinguishes  
11 the coalition that I'm representing from other  
12 groups on the list.

13 Secondly, in cases where that philosophical  
14 divide doesn't exist, I would say that there's a  
15 very important difference nevertheless, and  
16 that's these are direct service organizations who  
17 were around during the period of time that this  
18 inquiry will be investigating, continue to  
19 provide direct service in that community, and  
20 from that place are able to speak to practical  
21 solutions in terms of providing protection for  
22 women in that community, but also being able to  
23 take that and to expand it to policy level  
24 impact.

25 So I would just say that there remains still



1 a distinction, although I would just like to say  
2 that it's not that our coalition would like to  
3 remain as it is just for the sake of remaining as  
4 it is. We are interested in speaking with other  
5 groups. We just haven't found a sufficient  
6 commonality with any other of the participant  
7 applicants. Thank you.

8 THE COMMISSIONER: Thank you, Miss Pacy.

9 MR. VERTLIEB: Miss Pacey, we've seen your materials. They're  
10 very thorough. We've had a chance to meet. We  
11 have no questions at all. We appreciate your  
12 help.

13 MS. PACEY: Thank you, sir. Mr. Commissioner, I wonder if we  
14 can just take -- I know some of the media need to  
15 leave. They just need to break down their  
16 equipment and they don't want to be rude. We  
17 just need just a couple of minutes. We can just  
18 stand down briefly.

19 (PROCEEDINGS RESUMED PURSUANT TO A SHORT ADJOURNMENT)

20 THE REGISTRAR: Order.

21 MR. VERTLIEB: Thank you, Mr. Commissioner. For the benefit  
22 of everyone here, I think what we can do, if this  
23 meets with your approval, is to finish up the  
24 groups that have not had a chance to speak to  
25 you.

1 THE COMMISSIONER: Yes.

2 MR. VERTLIEB: And there's four or five or so. And then take  
3 a break and let the groups reflect on what's been  
4 said and see if they have any more thoughts about  
5 how they might work with other interested parties  
6 that are here today.

7 THE COMMISSIONER: Yes.

8 MR. VERTLIEB: And so if all that happens that way, it might  
9 be the case that we'll take a break around noon  
10 or so and come back at 1:30, in that ballpark, if  
11 that makes some sense.

12 THE COMMISSIONER: I just want to say that the object here is  
13 not to force people into coalitions. That's not  
14 what we're trying to do. On the other hand, we  
15 want to hear from everybody. We want to be open  
16 and inclusive. I mean what we're dealing with  
17 here are very, very important issues and, as I  
18 said at the outset, some horrible tragedies have  
19 taken place and we want to know what happened.  
20 So if you have valuable input or valuable  
21 evidence to give to us, obviously we're here.  
22 And recommendations and advice. That's why we're  
23 here. We want to write a thorough report at the  
24 end of the day. And I suppose that some  
25 repetition is inevitable. On the other hand, we

1 don't want the same submissions to be heard over  
2 and over again simply because we do have a time  
3 line at the end of the year. So we're not trying  
4 to cut anybody short or stop anybody from having  
5 their say here because your advice and your input  
6 is important to us. Thank you.

7 MR. VERTLIEB: Thank you, Mr. Commissioner. Perhaps we could  
8 hear now from the Women's Equality and Security  
9 Coalition. And I know that Cleta Brown is one of  
10 the counsel involved And I'm not sure who else.  
11 Miss Brodsky. Nice to see you. Gwen Brodsky is  
12 here and she will be able to assist us. Miss  
13 Brodsky, are there any comments you wish to make  
14 before we deal with a couple of questions that  
15 emerge on the material filed?

16 MS. BRODSKY: Yes. Thank you, Mr. Vertlieb. I have two  
17 documents to hand up to the commissioner and  
18 those are extra copies for the staff. May I  
19 approach?

20 THE COMMISSIONER: Thank you. I appreciate that. This is a  
21 copy of our written submission. It may shorten  
22 up what I need to say. You'll have that to take  
23 away as well as a listing of selected  
24 accomplishments of the 11 organizations' --

25 THE COMMISSIONER: Thank you.

1 MS. BRODSKY: -- publications and court appearances, and so  
2 on.

3 So, Mr. Commissioner, yes. I do wish to  
4 speak to the application of the 11 women's  
5 organizations, the 11 organizations  
6 predominantly -- overwhelmingly women, to their  
7 application to participate fully in the  
8 commission of inquiry, specifically with regard  
9 to terms of reference 4(a) through (c).

10 And the -- I wish to emphasize that this  
11 coalition came together and has made a coalition  
12 through a series of meetings and discussions  
13 about what their contribution can be and how they  
14 might together be able to instruct counsel for  
15 the coalition to assist the -- the commission.  
16 And what they have in common is that as 11  
17 women's organizations based in British Columbia  
18 is that they are dedicated to the protection and  
19 advancement of liberty, dignity, security and  
20 equality for all women. And they came together  
21 in order to participate in the missing women  
22 commission of inquiry because they believe that  
23 the issues raised by this inquiry affect the  
24 rights of all women and girls, and particularly  
25 the rights of the most disadvantaged and

1 vulnerable.

2 Collectively the member groups of WESK have  
3 special knowledge and expertise that will further  
4 the conduct of the inquiry. They think of  
5 themselves as bringing a gender-specific equality  
6 perspective to the issues. I'll come back to  
7 that momentarily. But the special knowledge and  
8 expertise might be summarized as pertaining to  
9 the following areas: Police responses to  
10 violence against women, the conditions and  
11 realities of the lives of aboriginal women and  
12 girls, the effects of poverty on women's  
13 vulnerability to violence, the factors that  
14 constrain women's enjoyment of the rights to  
15 equality and security and effective protection  
16 from male violence and, finally, women's human  
17 rights domestically and internationally.

18 Now, as set out in paragraph 4 of my  
19 submission, just to highlight the kind of -- the  
20 range, the big range of expertise and knowledge  
21 that these 11 groups bring, Vancouver Rape Relief  
22 and members of the Canadian Association of Sexual  
23 Assault Centres have more than a decade of  
24 frontline service work with women and girls who  
25 are victims of violence and knowledge regarding

1 the interactions of women and girls with the  
2 police when they're seeking protection from  
3 violence. And you may recall that Vancouver Rape  
4 Relief was granted standing by the Oppal  
5 Commission on policing in 1994 and organized  
6 three full days of hearings for women's  
7 organizations and women to prepare and present  
8 evidence to that commission of inquiry, which  
9 attests to a long -- their long history of  
10 involvement in women and policing issues. And I  
11 was counsel to rape relief at that time. And in  
12 the report that came out of that commission of  
13 inquiry, it was stated some of the complaints we  
14 continue to hear involve police attitudes,  
15 reluctance to become involved or recommend  
16 charges, failure to take complaints seriously and  
17 failure to understand the dynamics of the  
18 problem. Now, the fact that we are before this  
19 commission today seeking to assist has everything  
20 to do with the coalition's belief that these  
21 patterns persist and are exemplified by the  
22 conduct of the missing women investigations.

23 The Aboriginal Women's Network, just a  
24 little more on the highlights of who's involved  
25 and what they can contribute. The Aboriginal

1 Women's Network and its members have personal  
2 experience of violence against aboriginal women  
3 and girls and are engaged in anti-violence work  
4 on behalf of aboriginal women and girls in  
5 British Columbia. They, with the other coalition  
6 members, are well situated to instruct the  
7 coalition's legal counsel in developing a record  
8 of evidence that will help the commission to  
9 understand what changes may be needed to make the  
10 initiation and conduct of police investigations  
11 into missing women and suspected multiple  
12 homicides responsive to the needs of aboriginal  
13 women.

14 Justice For Girls through its work has  
15 expertise concerning patterns of violence against  
16 girls who are poor and aboriginal and their  
17 vulnerabilities, including vulnerabilities  
18 created by the lack of effective response by the  
19 police and justice system to them.

20 Various member groups of the coalition have  
21 produced research reports, made submissions to  
22 international human rights bodies and been  
23 granted standing in the courts as -- including  
24 the Supreme Court of Canada, to advance argument  
25 concerning the human rights of women, including

1 poor or aboriginal, racialized and other  
2 marginalized women.

3 The members of the coalition groups, the  
4 women in particular, do stand to be directly  
5 affected, of course, by the findings of the  
6 commission. And as mentioned overwhelmingly, the  
7 members of the groups are women. Some are  
8 aboriginal and racialized women who have lived in  
9 poverty and been in prostitution and they work in  
10 organizations that represent these women and  
11 advocate for their equality. And some individual  
12 participants in the coalition who are also  
13 members of the groups have familial and community  
14 connections to some of the missing and murdered  
15 women.

16 Now, how will the participation of the  
17 coalition help the inquiry? The coalition  
18 applying its special knowledge and expertise will  
19 present a distinct equality rights perspective.  
20 And for your later reference this is  
21 highlighted -- this is -- I'm drawing from  
22 paragraphs principally from my written  
23 submissions 8, 15 through 18. So their  
24 perspective will emphasize, firstly, that  
25 effective police response is fundamental to



1 women's constitutionally and internationally  
2 guaranteed human rights because ending violence  
3 against women is fundamental to their equality  
4 and policing is an important piece of that,  
5 effective policing, for them.

6 Second, the coalition's gender specific  
7 equality rights approach will emphasize that the  
8 commission's findings and recommendations and  
9 policing itself must be informed by an  
10 understanding of the dynamics and realities of  
11 male violence, women's poverty, the subordination  
12 of aboriginal women and girls and prostitution.  
13 And these are being conditions about which they  
14 are extremely knowledgeable.

15 The coalition through its counsel and  
16 instructions given to counsel can help the  
17 commission determine what went wrong in the  
18 missing women investigations and the why of it.  
19 Getting the why right is crucial, a crucial  
20 precondition to this inquiry being able to make  
21 effective, preventative recommendations. And the  
22 coalition does not -- as the coalition sees it,  
23 the explanations, that is the why's of what went  
24 wrong in these investigations, can't be reduced  
25 to either a matter of police telephone calls nor

1 to the stigmatization of specified subgroups of  
2 women. Though these may be factors, they're  
3 partial. The -- and this bigger gender-specific  
4 equality rights perspective will be helpful.  
5 It's also only fair that organizations speaking  
6 for and focused on the issues of women in the  
7 province be allowed to participate. It's only  
8 fair the victims, with all respect to them and  
9 their families, are unable -- the women victims  
10 are unable to speak. It's unthinkable that the  
11 inquiry could proceed fairly and be seen to be  
12 fair without a concentrated focus in the  
13 evidence, cross-examination and argument on the  
14 issue of violence against women as an equality  
15 issue for all women in the province, especially  
16 those most vulnerable.

17 Now, in my -- I'm mindful of your time.  
18 I've handed up a written submission in which  
19 we've provided -- attempted to provide some very  
20 concrete examples, particularly in paragraph 17  
21 and 18, of lines of questioning that we would  
22 hope to pursue in the -- in the inquiry. And  
23 we've given you examples of witnesses that --  
24 subject areas or general areas of inquiry that we  
25 would suggest that witnesses we could call would

1 address. I don't want to get into that too  
2 deeply today because we're a little -- perhaps  
3 we're a little ahead of ourselves and very  
4 mindful that there will be further decisions to  
5 be made by the commission as it maps out the  
6 inquiry about what's relevant, nonduplicative and  
7 helpful. But what we've tried to -- and in all  
8 of that we would co-operate and, of course, not  
9 wish to duplicate anyone's submissions and the --  
10 but we want -- we wanted to show you that we've  
11 turned our minds in a very concrete way to what  
12 we think we might be able to contribute by way of  
13 illuminating important systemic patterns  
14 regarding women's inequality, violence against  
15 women and police behaviour in relation to women's  
16 reporting of concerns that should flag suspicions  
17 of violence, and so we've done that for you and  
18 I'll leave that with you.

19 And I've also -- also set out in that  
20 written submission is an attempt at an outline of  
21 the amount of time that it would take for counsel  
22 to be able to participate effectively minimally  
23 in the hearing, but we've asked you to -- we're  
24 asking that you consider making a recommendation  
25 that would allow counsel for the coalition to be

1 funded to participate and prepare fully for each  
2 and -- each and every day. And we're absolutely  
3 devoted to helping you get this right for the  
4 people and women of British Columbia.

5 THE COMMISSIONER: Thank you, Miss Brodsky.

6 MR. VERTLIEB: Miss Brodsky, one thing that I wanted to ask  
7 you about. When your group applied in November,  
8 at the end of November, it was clear that it was  
9 a group of 11 different organizations.

10 MS. BRODSKY: That's correct.

11 MR. VERTLIEB: So we understand that at that time energy went  
12 into coming together. Since that time, though,  
13 has your group thought and made any effort to  
14 work with other groups who share the strong  
15 policy concerns that you've expressed?

16 MS. BRODSKY: We've thought about the other groups. We remain  
17 open to discussion with any group. I -- you will  
18 appreciate that 11 groups is already a  
19 significant number to -- for -- to be able to  
20 collectively instruct one counsel. So there's  
21 already a lot of coming together. My hopes are  
22 not particularly high that we would be able to  
23 accommodate the involvement of very many other  
24 groups. One group to which we've made a specific  
25 overture and that we feel very comfortable with

1 is NWAC. We feel closely identified with NWAC's  
2 position on a number of things and we are  
3 committed, as we've advised NWAC, to providing  
4 support in co-operating with NWAC in any  
5 submissions that it may wish to make in any way  
6 that is helpful to NWAC. And we would welcome  
7 NWAC into the coalition but do not -- and I  
8 emphasize this -- we do not wish to undermine  
9 your consideration of the requests that we heard  
10 clearly this morning for NWAC's independent  
11 standing, which would only seem appropriate that  
12 it have if other national aboriginal  
13 organizations are to have independent standing.

14 THE COMMISSIONER: All right. Thank you.

15 MR. VERTLIEB: Thank you.

16 MS. BROOKS: Mr. Commissioner, I'd like now to invite Ms.  
17 Govender to come forward on behalf of West Coast  
18 LEAF.

19 And thanks for your application, Ms.  
20 Govender. I understand you've had some success  
21 in forming a coalition, so if you could please  
22 report to the commissioner about that. And also  
23 could you tell us how that coalition intends if  
24 granted standing to participate or would like to  
25 participate in the inquiry and specifically

1           whether your focus would be more on the policy  
2           issues, which is something that we've gleaned  
3           from the application?

4   MS. GOVENDER: Thank you. If I can start with talking a  
5           little bit about West Coast LEAF in answering the  
6           second question first. West Coast LEAF -- the  
7           mandate of West Coast LEAF is to achieve  
8           substantive equality by changing historic  
9           patterns of systemic discrimination against women  
10          through B.C.-based equality rights litigation,  
11          law reform and public education. West Coast LEAF  
12          seeks leave to participate in this proceeding in  
13          order to present evidence and to make submissions  
14          that aim to bring before the commission a  
15          substantive equality analysis of the issues  
16          raised by the missing women investigations. In  
17          order to fulfil this role, West Coast LEAF is  
18          seeking full rights of participation in the  
19          inquiry while committing to not duplicate the  
20          evidence or submissions of the other participants  
21          before the commission.

22                 West Coast LEAF sees its role before the  
23                 commission if granted leave to participate as  
24                 falling primarily within Section 4(c) of the  
25                 terms of reference. That is to participate in

1 the process in order to contribute to the  
2 development of the recommendations by the  
3 commission on necessary changes to the  
4 investigations concerning the missing and  
5 murdered women.

6 As part of this role, West Coast LEAF  
7 requests the rights of full participation in the  
8 other elements also outlined in the terms of  
9 reference, that is (a), (b) and (d), including  
10 the findings of fact regarding the missing women  
11 investigations generally and in particular regard  
12 to the stay of proceedings against Pickton on  
13 January 27th, 1998, and also including any  
14 jurisdictional conflicts that contributed to the  
15 investigations.

16 While our interests lie primarily in the  
17 policy developments that come out of the  
18 commission's report, West Coast LEAF would like  
19 to be part of the fact-finding process in order  
20 to lay the foundation for appropriate  
21 recommendations that come out of the commission.  
22 So in West Coast LEAF's submissions, in order to  
23 fulfil its mandate to promote substantive  
24 equality and to contribute effectively to the  
25 recommendations to come out of Section 4(c) of

1 the terms of reference, West Coast LEAF feels  
2 that it has an important role to play in ensuring  
3 that the evidence comes out in a way that gets at  
4 substantive inequality in the processes.

5 I have come today prepared to talk about  
6 coalitions. West Coast LEAF believes that its  
7 interests dovetail well with the Ending Violence  
8 Association or EVA for short. While both  
9 organizations have unique and important voices in  
10 this province, the interests of both  
11 organizations are to promote women's equality in  
12 B.C. through systemic change. Both organizations  
13 operate with a strong intersectional analysis,  
14 and by that I mean an understanding that women's  
15 identity is -- and particularly the women who are  
16 affected -- were affected by these investigations  
17 are really a product of intersecting levels of  
18 identity, so their identity as women, their  
19 identity as aboriginal women living in poverty,  
20 as sex workers and so on. So both organizations  
21 bring a strong intersectional analysis to their  
22 role before this commission.

23 While we -- I want to echo the comments of  
24 Ms. Brodsky before me. While we very much  
25 respect the Native Women's Association's desire



1           and submissions to work on their own, we are  
2           also -- we would be very happy to work with them  
3           as well.

4   THE COMMISSIONER: All right.

5   MS. GOVENDER: Thank you.

6   THE COMMISSIONER: Thank you.

7   MS. BROOKS: Thanks, Ms. Govender. I don't have any more  
8           questions for West Coast LEAF, Mr. Commissioner.  
9           I appreciate the efforts that you've gone to to  
10          form a coalition and I'm not -- if anyone from  
11          Ending Violence Association of B.C. would like to  
12          make submissions, then we would invite them to as  
13          well.

14   MS. GOVENDER: Thank you, Mr. Commissioner.

15   THE COMMISSIONER: Thank you, Miss Govender.

16   MS. TURNER: Mr. Commissioner, I think I would like to say  
17          that the Ending Violence Association is distinct  
18          from any organizations here and that it comes  
19          with its own coalition. It represents 240  
20          programmes, anti-violence programmes across  
21          British Columbia. It's a bit overwhelming to  
22          wrap your mind around it. I've got little cheat  
23          notes from my client that tells me that she has  
24          specialized counselling for abused women outreach  
25          programmes and community-based victim assistance

1 all under their structure and that a number of  
2 those programmes were housed in the Downtown  
3 Eastside, including Atira, which is a housing  
4 society, and was involved with some of the women  
5 who went missing and ultimately died. Also, the  
6 Native Liaison Society was under their structure.  
7 They, unfortunately, lost their funding, which  
8 I'm sure will be examined in the course of this  
9 commission. They were a community-based victim  
10 assistance unit in the Downtown Eastside. And  
11 Frieda Ens, who was their executive director,  
12 went on to become a victim support worker to some  
13 of the families.

14 THE COMMISSIONER: I am aware of the work that they've done.

15 MS. TURNER: They have -- she has agreed should the Ending  
16 Violence Association be granted standing and the  
17 opportunity to call witnesses to provide evidence  
18 on to this commission as well as Susan Davies,  
19 who is a member of the B.C. Coalition of  
20 Experiential Women.

21 I think it's important to say that you have  
22 a daunting task before you. You have to engage  
23 in a very detailed fact-finding process and  
24 analyse what went wrong. I can say on behalf of  
25 my client that they have for years been involved

1 in a similar ongoing inquiry around the justice  
2 system responses to end violence. Their inquiry  
3 involves who does the system serve, how has it  
4 failed, where has its failed. It's often in  
5 respect of marginalized and impoverished women.  
6 And they have gone a step further and forged  
7 relationships with many of the organizations that  
8 will be under your microscope. The police, for  
9 example.

10 And if I can just give you some concrete  
11 examples of the work of the Ending Violence  
12 Association. They worked with police in and  
13 around the times of these deaths on a third-party  
14 reporting protocol. So women who have been  
15 sexually assaulted are often not surprisingly  
16 unwilling to engage the system, but they still  
17 have a concern to make sure that other women  
18 aren't assaulted in a similar fashion. There was  
19 no procedure for providing information to police  
20 around the assault without becoming a witness.  
21 That was a difficult proposition for many women.  
22 It really entailed serial violations, violations  
23 around giving a statement, providing their  
24 counselling records, providing a rape kit, being  
25 cross-examined. And they weren't willing to

1           undertake those serial violations and so the  
2           third-party reporting protocol was developed to  
3           allow them to tell their story to try to prevent  
4           the violence being perpetrated against another  
5           victim without having to become a witness. That  
6           I understand is one of the first protocols of its  
7           kind in Canada and my client assisted in the  
8           development of that.

9           As well, they have called for a very long  
10          time for a comprehensive inter-ministry,  
11          inter-agency sexual assault policy akin to the  
12          violence against women relationships policies in  
13          British Columbia. That call has really gone on  
14          deaf ears and, in fact, was met with some  
15          hostility by certain members of the criminal  
16          justice system. I think, looking at the dates of  
17          the matters that you have to consider, an  
18          overarching sexual assault policy, not that it  
19          can stop people from being killed, but certainly  
20          it can assist in making sure that everyone is  
21          measuring up in the criminal justice system, and  
22          I think my client has great experience in terms  
23          of policy analysis and making policy  
24          recommendations along the lines of what might be  
25          required in a situation like this.

1           In addition, as is contained in our  
2 materials, my client had representation at the  
3 Lee inquest and provided invaluable evidence  
4 around violence against women, and I think  
5 everyone in that inquest room received a  
6 first-class education around violence against  
7 women relationship issues and I think perhaps,  
8 more importantly, the community felt as though  
9 those issues were properly aired and that people  
10 that previously did not have a voice had a voice  
11 in that room.

12           I should say that my client is not intending  
13 to usurp your function in any way and doesn't  
14 purport to be the voice of aboriginal women or of  
15 a specific victim, but they certainly feel that  
16 they have a great deal of experience to offer in  
17 the course of your task.

18           I think the other point that is absolutely  
19 crucial to make, Mr. Commissioner -- and you are  
20 familiar with the importance of community  
21 co-ordination, of a co-ordinated response. I  
22 think by asking for people to perhaps make  
23 piecemeal submissions or to be a part of the  
24 process or to only engage in certain aspects  
25 commits the very fatal flaw that may have

1 occurred in the situation that you're examining,  
2 and that is without a co-ordinated response,  
3 without a response that encompasses every aspect  
4 of the justice system and the victim support  
5 agencies that are there to assist it, then you  
6 have an incomplete picture. So I think it's in  
7 that vein that my client intends to assist in  
8 this process.

9 THE COMMISSIONER: Thank you, Miss Turner.

10 MS. BROOKS: Mr. Commissioner, I just would like if Ms. Turner  
11 wouldn't mind confirming Ms. Govender -- do you  
12 share the same view that --

13 MS. TURNER: Sorry. Absolutely. I overlooked it. I also  
14 should have said that we have had discussions  
15 with NWAC as well, the Native Women's Association  
16 of Canada, and with the prospect of perhaps  
17 joining a coalition. We respect their  
18 willingness to act independently at this point,  
19 but we have indicated our willingness to work  
20 with them as well and I have approached Mr.  
21 Braker as well, so we're certainly willing to  
22 work with other organizations.

23 THE COMMISSIONER: Thank you.

24 MR. VERTLIEB: That's very helpful. Thank you. We have Alex  
25 Neve from Amnesty. And, Mr. Neve, I should tell

1           you that your materials were very thorough and  
2           very complete for our purposes and we have no  
3           questions that we need to ask of you. Obviously  
4           if there's something that you wish to say, feel  
5           free to do so, but there's nothing that we think  
6           needs to be explained.

7   MS. NEVE: I have some news you'll be pleased to hear.

8   MR. VERTLIEB: Thank you.

9   MR. NEVE: Mr. Commissioner, I am pleased to let you know that  
10           you have another coalition in formation and that  
11           Amnesty International and the B.C. Civil  
12           Liberties Association will be joining forces. We  
13           are very confident that we will work well and  
14           effectively together. In fact, our two  
15           organizations have fairly extensive experience,  
16           sometimes working in formal coalitions, other  
17           times partnerships and in other times more  
18           informally in a variety of different settings,  
19           including other public inquiries. Obviously both  
20           of our organizations will bring a strong human  
21           rights framework to our participation if we are  
22           granted standing, a framework that will draw upon  
23           international human rights standards, important  
24           national standards such as obviously the Charter  
25           of Rights, and also provincial level human

1 rights, norms and standards. We will do so with  
2 a particular focus on a number of key issues,  
3 certainly concerns around discrimination within a  
4 human rights framework, extensive views and input  
5 with regard to police accountability, concerns  
6 across a whole range of policing practices. We  
7 feel that the experience our two organizations  
8 have in working particularly around the  
9 intersection of human rights and policing and how  
10 that intersection impacts in particular on -- on  
11 women's security and inequality and within that  
12 particularly vulnerable groups, including  
13 indigenous women, including women working in the  
14 sex trade, we have extensive experience to bring  
15 into the inquiry, researching those concerns,  
16 documenting violations here in British Columbia,  
17 in other parts of Canada and around the world.  
18 We also have had the opportunity through that  
19 work, both of our organizations over the years,  
20 therefore, to formulate quite a range of  
21 recommendations as to the steps we feel would  
22 help to address these concerns, recommendations  
23 that both of our organizations have already put  
24 in front of governments here provincially and  
25 nationally. Some of the recommendations are very



1 general and overarching. Some are very specific  
2 recommendations dealing with aspects of police  
3 practice that we think would go far in boosting  
4 the safety and security of women.

5 We're both committed, I think, to an  
6 approach that certainly focuses on the local  
7 dimensions. Obviously this is an inquiry very  
8 much focused on what has played out here in  
9 British Columbia, but also puts it into both a  
10 national and an international context,  
11 recognizing that these alarming and disturbing  
12 patterns of missing and murdered women have  
13 played out in so many parts of our country and in  
14 so many other countries as well and that there's  
15 lessons to be learned from looking at those other  
16 situations as well.

17 It would also be our aspiration as we  
18 particularly, I suppose, bring closing  
19 submissions, and at other points in the inquiry  
20 as well, to urge an approach be taken in this  
21 inquiry which will, of course, primarily of  
22 absolute paramount -- paramount concern deal with  
23 and address the concerns that arise here locally,  
24 but it would be hoped that that could be done in  
25 a way which will also be of benefit to making a

1 contribution to addressing these concerns  
2 elsewhere across Canada and around the world.  
3 And I think the combination of our two  
4 organizations with our experience ranging from  
5 extensive B.C. work to the national stage and the  
6 international stage puts us in a good position to  
7 do so.

8 THE COMMISSIONER: Thank you, Mr. Neve.

9 MR. NEVE: Thank you.

10 MR. VERTLIEB: Thank you very much, Mr. Neve. That was very  
11 helpful. I don't think we'll need to bother Mr.  
12 Eby, then, in view of what we've just heard  
13 unless, Mr. Eby -- I don't want to cut you off  
14 unless there's something you wish to --

15 MR. EBY: No. That's fine. Thank you. Unless there's a  
16 mention on the matter of funding, in which case  
17 our two organizations are separate on that point,  
18 Mr. Commissioner.

19 MR. VERTLIEB: Thank you. Well, then, Mr. Commissioner, that  
20 leaves just Mr. King from Pivot to help us here  
21 this morning. And, Mr. King, if there's  
22 something you wish to say beyond the materials  
23 that you have filed, which are helpful, feel free  
24 to do so, otherwise I've got of couple of  
25 questions for you.

1 MR. KING: I will be brief, Mr. Commissioner. I think we've  
2 put in as much in the written materials the  
3 direct work that we've done in relation to some  
4 of the issues that we see coming to the inquiry.  
5 It is my hope that after the break I'll be able  
6 to come to you as part of a coalition. I think  
7 realistically that's ideally what we're looking  
8 for today.

9 The only thing I think I really want to  
10 highlight is Pivot Legal Society feels like it  
11 has a bit of a uniqueness to this inquiry and a  
12 lot of the value that it brings to the inquiry in  
13 that's one of the only organizations that's  
14 focused on the Downtown Eastside and offers legal  
15 assistance as a law firm or organization  
16 providing lawyers doing services for residents in  
17 the Downtown Eastside. And that was one of the  
18 reasons why Pivot was created, because we saw a  
19 gap in services. There's a lot of advocacy but  
20 not much actual legal support, and it's from that  
21 angle that we hope to contribute to the inquiry.  
22 Mostly our focus is going to be on matters of  
23 policy and issues (c) and (d) with regards to the  
24 terms of reference, although I think everyone  
25 involved probably has an interest in the first

1 two, in (a) and (b). Specifically because of the  
2 interest of Pivot and the the residents of  
3 Downtown Eastside in general will be affected,  
4 because of the analysis -- the inevitable  
5 analysis that we must look at police  
6 accountability and the effectiveness of  
7 investigations, that's an area that Pivot has  
8 tried to focus since its inception and because of  
9 that, we think we have something that we can add  
10 to the inquiry. And, like I said, I hope that  
11 after the break I can come back to you in the  
12 form of a coalition with some of the other groups  
13 as well.

14 THE COMMISSIONER: Thank you.

15 MR. VERTLIEB: Well, in view of that comment, Mr. King, I  
16 won't ask any questions now. Thank you.

17 Well, Mr. Commissioner, I think we've made  
18 excellent progress this morning. All of the  
19 participants here and their representatives have  
20 done an excellent job. We're grateful to all of  
21 you for that help. Perhaps we could then stand  
22 down and take a break and we can see where  
23 progress can still be made. I'm in your hands.  
24 Perhaps one-thirty.

25 THE COMMISSIONER: One-thirty? You think that will give

1 people an opportunity to --

2 MR. VERTLIEB: One-thirty, quarter to two? What's the sense  
3 of people? Say quarter to two then, 1:45.

4 THE COMMISSIONER: All right. Thank you.

5 (PROCEEDINGS RESUMED PURSUANT TO A LUNCH ADJOURNMENT)

6 THE REGISTRAR: Order.

7 MR. VERTLIEB: I think Mr. Ward had a few comments he'd like  
8 to make, Mr. Commissioner.

9 THE COMMISSIONER: All right.

10 MR. VERTLIEB: Mr. Ward.

11 THE COMMISSIONER: Yes, Mr. Ward.

12 MR. WARD: Yes. Thank you, Mr. Commissioner. As you know, I  
13 represent the families of eight of Robert  
14 Pickton's victims or alleged victims, and I can  
15 tell you that these families are grateful that  
16 you have made a decision before today to grant  
17 them standing to participate in the inquiry. It  
18 was important to them to be considered worthy of  
19 a formal inclusion in this process, and I feel  
20 that they and through me as their counsel --

21 THE COMMISSIONER: Well, they're important to this commission  
22 and what they have to say will be important to  
23 us.

24 MR. WARD: Thank you. And, as I say, we're grateful that that  
25 decision was made. I should say that in the

1 event that other family members of other of  
2 Pickton's victims or alleged victims seek  
3 representation, I would welcome the opportunity  
4 to provide legal services to them as well. At  
5 this point, as I say, I represent eight such  
6 families.

7 I'd like to take this opportunity to  
8 respectfully request that you consider making a  
9 recommendation to the Attorney General that our  
10 clients receive adequate funding assistance to  
11 enable them to participate in this hearing  
12 process in a meaningful way. I recognize that  
13 government resources may be scarce, but I submit,  
14 as I have in my written material, that there are  
15 good reasons for conferring some level of public  
16 funding support on these family members. Those  
17 reasons are set out in the material. They're of  
18 modest means. They reside all across the  
19 country. They would like to come for at least  
20 part of the hearing process to offer evidence and  
21 be here as witness to what's going on, and they  
22 certainly desire to have counsel cross-examine  
23 witnesses and assist in the -- assist this  
24 commission in the fact-finding process. I  
25 expect, especially given the number of lawyers

1 present, that these will be complex proceedings.  
2 They may be difficult. I expect they'll be  
3 legalistic, if I can use that term.

4 We -- and, again, in your capacity as being  
5 the head of this commission that can make a  
6 recommendation, we've identified in the material  
7 that we expect we could fulfil our obligation to  
8 the families through a small legal fee comprised  
9 of myself, Mr. Chantler and perhaps a paralegal  
10 and that we can provide some effective assistance  
11 to you. So I simply want to ask today that you  
12 consider giving the Attorney General a little  
13 nudge of encouragement to grant -- loosen the  
14 purse strings a bit and grant our client some  
15 assistance.

16 THE COMMISSIONER: I understand.

17 MR. WARD: They don't have Legal Aid, so it's their only real  
18 opportunity.

19 THE COMMISSIONER: Thank you, Mr. Ward.

20 MR. WARD: Thank you.

21 MR. VERTLIEB: Thank you very much, Mr. Ward. Now, Mr.

22 Commissioner, during the break I think there's  
23 been another piece of progress on the coalition  
24 front and perhaps the -- Mr. Eby, perhaps you can  
25 help and Mr. King, either one.

1 THE COMMISSIONER: Yes, Mr. Eby.

2 MR. EBY: Mr. Commissioner, during the break we had the  
3 opportunity to meet with Pivot Legal Society. As  
4 you know, Mr. Commissioner, the B.C. Civil  
5 Liberties Association and Amnesty International  
6 Canada are already coalition partners. The Pivot  
7 Legal Society is willing to join us in coalition.  
8 We're very pleased to have them as there are a  
9 lot of areas in which our policies and turfs  
10 overlap. And, Mr. Commissioner, I do note that  
11 with this coalition there is one point of  
12 importance, and that is that Amnesty  
13 International does not accept government funding  
14 and so for the application for funding for  
15 counsel for Pivot Legal Society and B.C. Civil  
16 Liberties Association, that is hived off in terms  
17 of any request that you see fit to make to the  
18 Attorney General.

19 THE COMMISSIONER: Thank you.

20 MR. VERTLIEB: Thanks very much. I think we've made  
21 considerable progress. Any other discussion that  
22 we -- any of the participants wish to have at  
23 this time about coalition? I don't want people  
24 to feel in any way compelled to speak now, but if  
25 there's any more discussion we want to have?



1           Okay. I think that covers it. Well, Mr.  
2           Commissioner, on behalf of -- I'm sorry. Mr.  
3           Braker. Thank you.

4   MR. BRAKER: Counsel for the commission is very persuasive.

5   THE COMMISSIONER: Yes, Mr. Braker.

6   MR. BRAKER: We require more time, Mr. Commissioner. I don't  
7           think we could accomplish it today because at  
8           least one of the parties we're talking to has a  
9           client in Ottawa and needs instructions. So we  
10          would need a little more time than just this  
11          afternoon, but I would like to tell you that  
12          we're having fruitful discussions.

13   THE COMMISSIONER: All right.

14   MR. BRAKER: That will be with three of the parties.

15   THE COMMISSIONER: Okay. Thank you.

16   MR. VERTLIEB: Well, Mr. Commissioner, I think on behalf of  
17          your counsel and all of the people who have  
18          worked so hard here today we've accomplished an  
19          enormous amount in the session. We've made great  
20          progress. There's nothing more that can be  
21          usefully accomplished today. We obviously don't  
22          need to have any session tomorrow. And I just  
23          remind everybody of the known fact that you're  
24          trying to have your decision about this  
25          application date by the end of February for all

1 of the parties and hopefully --

2 THE COMMISSIONER: So there's no one else here today that  
3 wants to make an application for standing?

4 MR. VERTLIEB: None that we are aware of.

5 THE COMMISSIONER: Okay.

6 MR. VERTLIEB: Mr. Eby?

7 MR. EBY: Yes. My apologies to my friend for possibly  
8 catching him off guard with this, Mr.  
9 Commissioner, but it was the association's hope  
10 that the commission would consider posting  
11 perhaps edited versions of the applications for  
12 standing in a public way to facilitate  
13 transparency around the commission's operations,  
14 but also to potentially facilitate further  
15 discussions with respect to coalition building.  
16 And I just would like to put that on record that  
17 we'd like you to consider -- we understand  
18 there's some sensitive financial information, but  
19 if groups could make available the information  
20 that they feel okay to the public and we would  
21 like to make that request of the commission.

22 MR. VERTLIEB: Mr. Eby has hit on exactly the concern that we  
23 had on the subject of transparency, and it was  
24 the financial information that concerned us and  
25 so if there's a way to work around that, we're

1 happy to do so. We've really come a long way in  
2 the process. If there are particular questions  
3 people have, then they should feel free to  
4 contact me or Miss Brooks or Miss Samnani or any  
5 of the people in our office, but I think that  
6 would do it for today, Mr. Commissioner.

7 THE COMMISSIONER: All right. Thank you. Thank you for -- I  
8 want to thank everybody for attending here today.  
9 Thank you.

10 (PROCEEDINGS ADJOURNED AT 2:03 P.M.)

11 Time: 3 hours

12 I hereby certify the foregoing to be  
13 a true and accurate transcript of the  
14 proceedings transcribed herein to the  
15 best of my skill and ability.

16 Kathie Tanaka, Official Reporter  
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