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## **KAHNAWÀ:KE JUSTICE COMMISSION**

### **TERMS OF REFERENCE FOR COMMUNITY REPRESENTATIVES**

Approved by Kahnawà:ke Justice Commission Resolution No. 1-2022 on May 11, 2022  
Amended by Kahnawà:ke Justice Commission Resolution No. 5-2025 on August 20, 2025

#### **OVERVIEW**

The Kahnawà:ke Justice Commission (Commission) was established in 1996. The mandate of the Commission is to provide oversight and strategic direction to the Justices Services Division of the Mohawk Council of Kahnawà:ke (Justice Services) that aligns with the political priorities of the MCK Ratitsénhaïenhs. By doing so, the Commission will ensure the development and management of fair, impartial, independent and accessible justice forums that integrate traditional Kanien'kehá:ka values.

The Commission ensures that the Kahnawà:ke Justice System (KJS) is protected and defended. In that capacity, it may be mandated to perform certain duties by Kahnawà:ke law or regulation related to the KJS. The functions of the Commission are detailed in the *Constitution of the Kahnawà:ke Justice Commission* and various policies and procedures.

The Commission consists of four (4) members: three (3) community representatives with decision-making privileges. The Commissioner of Justice acts as Chairperson with no decision-making privileges.

The Justice Portfolio Ietsénhaïenhs/Ratsénhaïenhs and a member of the judiciary will act in an advisory capacity to the Commission.

#### **ROLES & RESPONSIBILITIES**

To provide oversight and overall strategic direction to Justice Services, the Commission will:

- Monitor the activities of Justice Services as it relates to the Administration of the KJS;
- Strategize and plan with the Commissioner of Justice on the regulations and services required to support the KJS; and,
- Approve certain initiatives and projects brought forth by the Commissioner of Justice in support of implementing the *Kahnawà:ke Justice Act*.

To ensure the independence of Judges, the Commission will:

- Defend the security of tenure of Judges against discretionary or arbitrary interference by other branches of government; and,
- Protect the financial security of Judges against undue influence and/or arbitrary interference by other branches of government.

To ensure the institutional independence of the Courts of Kahnawà:ke, the Commission will:

- Protect the judicial function of the Courts of Kahnawà:ke with respect to administrative matters, such as the assignment of Judges, sessions of the court, and court dockets; and,

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- Defend the operating budget of the Courts of Kahnawà:ke from undue influence and/or arbitrary interference by other branches of government.

To ensure the independence of Decision-makers appointed to the Administrative Tribunal, the Commission will:

- Defend the security of tenure of Decision-makers against discretionary or arbitrary interference by other branches of government; and,
- Protect the remuneration of Decision-makers from undue influence and/or discretionary or arbitrary interference by other branches of government.

### **ELIGIBILITY**

To serve on the Commission as a community representative, a person must:

- Be at least twenty-one 21 years of age;
- Be on the Kahnawà:ke Kanien'kehá:ka Registry and must not currently have their benefits and entitlements suspended;
- Pass a criminal background check;
- Have experience or interest in justice-related matters; and
- Be willing to sign a confidentiality agreement.

### **MEETINGS**

The Commission will meet at least six (6) times per year. It may schedule other meetings and activities in accordance with its rules and procedures.

### **TERM**

The term of office for a community representative is three (3) years.

All community representatives will serve until such time as they resign, no longer fulfill the requirements to hold office, become incapacitated, are removed from office for just cause, or upon expiration of their term of office.

### **ACCOUNTABILITY**

The Commission is ultimately accountable to the Kanien'kehá:ka of Kahnawà:ke.

The Commission is also accountable to the MCK Ratitsénhaiehs in the form of an annual report.