

2024-2025



ANNUAL REPORT

ON THE ACTIVITIES OF THE
KAHNAWÀ:KE JUSTICE
SYSTEM



KAHNAWÀ:KE JUSTICE COMMISSION



INTRODUCTION

The Kahnawà:ke Justice System (KJS) has a long, vibrant history and is a recognized leader in First Nations justice. The Viens Commission recognized our justice system as a “shining example”¹, and the Court of Kahnawà:ke (Court) was called one of the “trailblazers for other Indigenous Community Courts to follow” in an academic journal article².

There has been a rapid expansion of justice services within the Mohawk Territory of Kahnawà:ke over the past several years. This expansion has seen the formal establishment of Justice Services as the “department of justice” for Kahnawà:ke, the modernization of the Kahnawà:ke Justice Commission (Commission), the revitalization of restorative justice as the foundation of our justice system and the launch of a culturally appropriate victim support service. In recent months, we have seen the implementation of the Administrative Tribunal (Tribunal); a first-of-its-kind in First Nations justice in the country.

Additionally, the Court continues to hear summary

conviction offences (Part XXVII of the *Criminal Code*), contested traffic tickets and many Kahnawà:ke laws.

The *Kahnawà:ke Justice Act* (Act), enacted in 2015, established justice forums within the Mohawk Territory of Kahnawà:ke as an exercise of our sovereign rights. Justice Services is working diligently towards the full implementation of the Act, which includes the groundbreaking endeavor of unilaterally appointing Judges to preside at the Court.

The Commission is ultimately accountable to the Kanien’kehá:ka of Kahnawà:ke. As per section 4.2 of the *Constitution of the Kahnawà:ke Justice Commission*, it is also accountable to the Mohawk Council of Kahnawà:ke (MCK) Ratitsénhaieñhs in the form of an annual report.

We are pleased to present the first annual report on the activities of the KJS, covering the timeframe of April 1, 2024 - March 31, 2025, to the MCK Ratitsénhaieñhs.

1. *Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress: Final Report* (Québec, 2019) at 300.
2. *Angelique EagleWoman*, “Envisioning Indigenous Community Courts to Realize Justice in Canada for First Nations” (2019) 56 *Alberta Law Review* 669 at 700.

KAHNAWÀ:KE JUSTICE COMMISSION

OVERVIEW

The Commission is primarily responsible for providing oversight to the Justice Services Division of the Mohawk Council of Kahnawà:ke (Justice Services). In doing so, it monitors the activities of Justice Services in matters concerning the administration of the KJS. It can be thought of as a *de facto* “board of directors” for the KJS. It is also mandated to protect and defend the KJS.

Members of the Commission over the course of 2024-2025 include:

- Kevin Fleischer, Chairperson (non-voting)
- Justice Stephanie Cross, Member of a Judiciary
- Louise Mayo, Community Representative
- David A. Diabo, Community Representative (resigned in July 2024 upon being elected an MCK Ratsénhaienhs)
- Don Patrick Martin, Community Representative (appointed in September 2024 by the MCK Ratitsénhaienhs).

SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

The Commission met a total of 16 times, including four (4) special meetings on select topics. Meetings focused on updates on high-level projects, review of key documents and providing feedback on different justice initiatives. These meetings resulted in the approval of five (5) resolutions on various matters:

TOPIC	RESOLUTION	DATE
Approval of Code of Conduct, Confidentiality Agreement and Terms of Reference for Decision-makers appointed to the Tribunal	Resolution No.4-2024	April 4, 2024
Approval of amendments to the Procedure for the Selection of Complaints Officer and Alternate Complaints Officer	Resolution No.5-2024	October 23, 2024
Approval of amendments to the Code of Conduct for the Commission	Resolution No.1-2025	January 16, 2025
Approval of amendments to the Decision-Making Procedure for the Commission	Resolution No.2-2025	January 16. 2025
Approval of amendments to the Procedure for the Preparation, Distribution and Approval of Agendas and Minutes for the Commission	Resolution No.3-2025	January 16, 2025

The Commission also receives a detailed monthly communique from Justice Services that includes updates on key files, projects and other points of interest so that it can fulfill its oversight function.

JUSTICE SERVICES

OVERVIEW

The mandate of Justice Services was initially approved by the MCK Ratitsénhaiehns in 2019. With an expanding and increasingly complex justice system, it became necessary to establish a “department of justice” to focus on the administration of justice and expedite the implementation of the Act. Due to the nature of the justice forums that it administers, Justice Services functions similar to an arm’s length entity with oversight by the Commission.

Justice Services is responsible for the judicial branch of Kahnawà:ke government and the overall administration of the KJS. This includes the development and management of fair, impartial, independent and accessible justice forums that integrate traditional Kanien’kehá:ka values.

There are four (4) administrative components to Justice Services. They are:

- The Office of the Commissioner of Justice;
- Court Services;
- Skén:nén Aonsónton (SA); and,
- Ionkwatahónhsate Victims Services (IVS).



SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

As frontline services, key points of interest for both SA and IVS will be reviewed individually.

For 2024-2025, Justice Services participated in seven (7) duly convened Council meetings, leading to the approval of five (5) Mohawk Council Executive Directives (MCEDs) and two (2) Records of Decision:

TOPIC	INSTRUMENT	DATE
Approval to move forward with the unilateral appointment of judges pursuant to the Act to hear certain criminal matters	ROD #9/2024-2025	June 10, 2024
Authorization for Justice Services to proceed with securing a modular building for the purposes of establishing a community justice center to support the delivery of community justice services	ROD #12/2024-2025	June 24, 2024
Appointment of Mr. Don Patrick Martin as a community representative on the Commission	MCED #77/2024-2025	September 23, 2024
Appointment of Ms. Aubrey Charette as a Decision-maker on the Tribunal	MCED #121/2024-2025	February 3, 2025
Appointment of Mr. Brandon Montour as a Decision-maker on the Tribunal	MCED #122/2024-2025	February 3, 2025
Approval of amendments to the Justice Services Mandate	MCED #133/2024-2025	March 10, 2025
Approval of amendments to the Justice Portfolio Team Mandate	MCED #134/2024-2025	March 10, 2025

Other highlights from 2024-2025 for Justice Services includes:

- Completion of all substantive work on the *Regulation Respecting Eligibility Criteria for Appointment of Judges of the Court of Kahnawà:ke* and the *Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke*. Both regulations would be enacted by MCED in April 2025.
- Completion of all substantive work on the consequential amendments related to the Act. These amendments ensure cohesion between Kahnawà:ke laws and integrate the KJS more fully into the body of these laws.
- Successful management of the evaluation and selection process for the appointment of Decision-makers to the Tribunal.
- Successful management of the evaluation and verification process for the Electoral Officer for the 2024 MCK Elections.

SKÉN:NEN AONSÓN:TON

OVERVIEW

The term “Skén:nen Aonsón:ton” translates to “To Become Peaceful Again”. SA is a community justice program that provides a safe and secure environment for community members to resolve issues of conflict and crime. It aims to initiate social responsibility and harmony in Kahnawà:ke using the values outlined within Kaianere’kó:wa (“The Great Law of Peace”). As a result, the community is strengthened and better equipped to deal with situations of conflict in ways that are safe and promote healing, accountability, and healthy relationships. Established in 2000, SA facilitates restorative justice and alternative dispute resolution forums in Kahnawà:ke.

Key statistics for SA are divided into two (2) categories for a fuller understanding of caseload: Number of Files and Number of Clients. The term “casework” refers to a file referred to SA in which services were provided but the file did not proceed to a restorative justice forum and/or alternative dispute resolution forum for whatever reason. An individual file may have multiple clients involved.

File statistics are as follows:

REFERRAL SOURCE	CASEWORK PROVIDED	UNSUCCESSFUL RESOLUTION	SUCCESSFUL RESOLUTION
Community Organizations	6 files	0	3 files
Court of Kahnawà:ke	5 files	0	1 file
Director of Criminal and Penal Prosecutions (Alternative Measures Program for Adults in Aboriginal Communities)	10 files	0	3 files
Self Referrals	23 files	0	7 files
Total Files: 58	44 files	0	14 files

Client statistics are as follows:

REFERRAL SOURCE	CASEWORK PROVIDED	UNSUCCESSFUL RESOLUTION	SUCCESSFUL RESOLUTION
Community Organizations	16 clients	0	6 clients
Court of Kahnawà:ke	10 clients	0	3 clients
Director of Criminal and Penal Prosecutions (Alternative Measures Program for Adults in Aboriginal Communities)	21 clients	0	9 clients
Self Referrals	43 clients	0	19 clients
Total Individual Clients: 127	90 clients	0	37 clients

To raise awareness of SA, staff participated in various promotional and outreach activities. These included promotional booths and attendance at the Kahnawà:ke Survival School Career Fair.

IONKWATAHÓNHSATE VICTIMS SERVICES

OVERVIEW

The term “Ionkwatahónhsate” translates to “We Are All Listening”. IVS provides culturally appropriate support services for victims and raises awareness of victims’ rights and remedies within the community. It opened its doors in 2023 following multiple phases of research and development.

IVS offers services such as education and training, court preparation, accompaniment and aftercare, technical assistance with paperwork, referrals, and psychosocial intervention. Services are available to any Kahnawà:kehro:non who identifies as a victim of crime, including secondary victims such as witnesses, family members, children and other close relations who may have been adversely impacted by violence.

SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

Despite staffing vacancies for a large portion of the year, the front-line Victims Support Worker was available to assist clients for approximately six (6) months. Client files were increasing before IVS was paused due to staff vacancies.

Key statistics from FY 2024-2025 include:

- A total of 20 clients were assisted in a variety of areas, such as completing forms to exercise their rights and providing information related to their rights and obligations.
- Of these 20 clients, 19 of them were self-referrals.

Efforts were made to raise awareness of IVS through various promotional and outreach activities. These included hosting an info session, a pop-up event at To:ta Ma’s and attendance at the Kahnawà:ke Survival School Career Fair.

As part of its mandate to provide education and training, IVS offered the following presentations:

TOPIC	PEAK ATTENDANCE	DATE
Learning How to Keep Our Children and Youth Safe	32	October 8, 2024
Elder Abuse: A Closer Look, Response & Intervention	31	November 5, 2024
Victims’ Rights & Remedies	26	January 14, 2025
Compensation for Victims of Crime	12	January 22, 2025
Victims of Crime Information Symposium 2025 (all-day event with sessions on bullying prevention, anti-human trafficking, roles and responsibilities of Haudenosaunee men and women, domestic abuse and preventing financial abuse)	26	March 26, 2025

We would like to acknowledge that these presentations were made possible through funding from Kahnawà:ke Shakotia’takéhnhas Community Services.

COURT OF KAHNAWÀ:KE

OVERVIEW

The Court was formally established in 1977. It is currently presided over by Justice Stephanie Cross, a Justice of the Peace (JP) appointed pursuant to section 107 of the *Indian Act*. The Court is a fully independent body that receives operational support from Justice Services.

Justice Services is actively working towards the unilateral appointment of judges under the Act and the expansion of the jurisdiction of the Court. As per article 8.1 of the Act, the Court is to be the court of original general jurisdiction within the Mohawk Territory of Kahnawà:ke

in all civil, criminal and penal matters. It will hear in first instance every matter not assigned exclusively to another Kahnawà:ke court or administrative tribunal by Kahnawà:ke Law.

The Court currently hears:

- Summary conviction offences (Part XXVII of the *Criminal Code*);
- Contested traffic tickets; and,
- Many Kahnawà:ke laws (e.g.: *MCK Election Law*, *MCK Disciplinary Measures Regulations*).

SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

Sessions of the Court are currently held at the Golden Age Club and will continue to do so until the forthcoming Community Justice Center (CJC) is completed. For 2024-2025, there were 30 court sessions held, all of which were presided over by Justice Stephanie Cross.

Of those 30 court sessions, nine (9) were criminal court sessions, 14 were traffic court sessions and seven (7) were combined sessions (both criminal and traffic files). Also of note, nine (9) sessions were remote court sessions and eight (8) were hybrid court sessions (mixture of in-person and technological means).

Translators were required at 13 court sessions for the following languages: French x 8, Vietnamese x 1,

Punjabi x 1, Cantonese x 1, Arabic x 1, Korean x 1 and Armenian x 1.

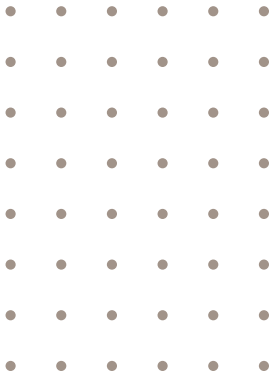
During the 2024 MCK Elections, a total of two (2) requests were submitted to the Court pursuant to section 32 of the *MCK Election Law*. No post-election appeals were filed.

The JP officiated five (5) civil marriages during 2024-2025.

A total of 77 criminal case files were authorized by the Prosecutor and created by the Court Clerk in the Ticket and Case system at the Court in 2024-2025.

The types of cases are as follows:

TYPE OF CHARGE	COUNT
Common Assault	15
Mischief under \$5,000.00	5
Peace Bond	6
Uttering threats to cause death or bodily harm	11
Obstruction	4
Criminal Harassment	9
Assaulting a Peace Officer	1
Loitering/Prowling at Night	1
Break & Enter Private Dwelling Committing an Offence	1
Disposal of excrement, dirty water, chemicals or waste	2
Kahnawà:ke Sanitary Conditions Law - Section 16.1	3
Kahnawà:ke Sanitary Conditions Law - Section 16.2	5
Kahnawà:ke Sanitary Conditions Law - Section 16.3	2
Breach of Undertaking	3
Theft Under \$5,000.00	1
Fraud	1
Entering a Dwelling House with intent	1
Assault with a Weapon	1
Breach of Peace Bond	2
Public Peace Disturbance - Not in Dwelling House	3
TOTAL CASES:	77





COMMUNITY REVIEW BOARD

OVERVIEW

The Community Review Board (CRB) was mandated to review decisions by the Registrar of the Office of the Kahnawà:ke Kanien'kehá:ka Registry on an interim basis in accordance with the *Kanien'kehá:ka of Kahnawà:ke Law*, the *Kahnawà:ke Residency Law* and applicable regulations until such time as the Tribunal became operational.

Reviews by the CRB focused on whether due process was followed, the laws of natural justice were adhered to, there was the absence of bias, the decision was reasonable as well as determine whether there was an absence of jurisdiction or if there was a mistake of law. The members of the CRB were appointed by resolution of the Commission in April 2023. The members were

Ms. Treena Delisle (chairperson), Ms. Rose-Ann Morris and Mr. Gilbert Terrance.

With the implementation of the Tribunal, the mandate of the CRB has come to an end. We thank Ms. Delisle, Ms. Morris and Mr. Terrance for their hard work and dedication to the CRB and the KJS.


SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

The CRB began reviewing requests for review in September 2023 and rendered their final decision in March 2025. By the end of its mandate, 14 decisions were reviewed in total, with seven (7) decisions being made during the period of April 1, 2024-March 31, 2025.

Of the 14 decisions reviewed, 11 stemmed from decisions made by the Registrar with respect to the *Kanien'kehá:ka of Kahnawà:ke Law* and three (3) stemmed from decisions made by the Registrar with respect to the

Kahnawà:ke Residency Law.

As required by section 26.4 of the *Regulation Respecting the Community Review Board K.R.L c. M-1, r.3* and section 26.4 of the *Regulation Respecting the Community Review Board K.R.L c. R-3, r-2*, the Records of Decision by the CRB are available for viewing at the Court.



ADMINISTRATIVE TRIBUNAL

OVERVIEW

The Tribunal is composed of independent and impartial Decision-makers and is primarily mandated to review decisions of the administrative branch of Kahnawà:ke government and, where appropriate, to correct an error or fault. The Tribunal reviews and determines whether due process was followed, whether laws of natural justice were adhered to, ensures the absence of bias, ensures the decision was reasonable, determines whether there was absence of jurisdiction, or if there was a mistake of law.

An administrative tribunal can be thought of as an “administrative court”. They are similar to courts in several ways (e.g.: holding hearings, interpreting law, making decisions) but they are designed to be a quicker, less formal and more specialized adjudicative process than traditional courts.

Two (2) Decision-makers were appointed to the Tribunal by the MCK Ratitsénhaiehs in February 2025. They are Mr. Brandon Montour and Ms. Aubrey Charette.

SUMMARY OF ACTIVITIES, KEY FACTS OF INTEREST AND STATISTICS

As the Tribunal only became operational in spring 2025, there are no activities, facts of interest or statistics to share for 2024-2025. However, it is expected that the Tribunal will be busy during its first year of operation and that its caseload will steadily increase in the years to come. As of the writing of this report, seven (7) petitions have already been submitted to the Tribunal.

CHALLENGES

Despite many successes, there were several challenges encountered throughout 2024-2025. Following the resignation of Justice Joyce King in July 2024, the Court was reduced to a single JP. This placed the Court in a highly vulnerable position. If Justice Stephanie Cross was unavailable, no court sessions could be held. To remedy this situation, Justice Services has been actively working towards the unilateral appointment of judges under the Act. Justice King was appointed by the MCK Ratitsénhaiehs as a JP for the Court on a supernumerary basis to preside if the regular JP was unavailable in July 2021.

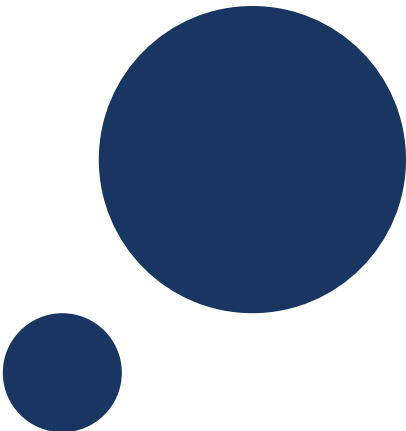
Work is progressing on the establishment of the CJC, which would be a centralized location for court sessions, training sessions and other activities. At this time, court sessions continue to be held at the Golden Age Club. Although we appreciate that this location is available, there is limited space and privacy for meetings. The absence of meeting space at court sessions hinders the ability of actors in our justice system to meet privately

with clients or victims and provide the assistance required. This does not reflect well on our justice system.

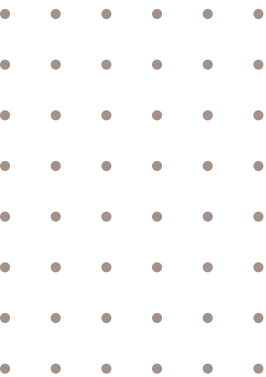
The Complaints Officer (CO) is responsible for receiving complaints against an MCK Chief pursuant to the *MCK Disciplinary Measures Regulations*. The CO’s main role is to conduct an inquiry into the complaint, and determine whether it is frivolous, vexatious, or clearly without merit. Efforts were made during 2024-2025 to secure a CO. Unfortunately, there was minimal public interest in this role. It is necessary to further review the selection process to ensure that a CO and Alternate Complaints Officer can be quickly secured in the event of a vacancy. This includes contracting individuals to perform the role of CO on a case-by-case basis.

OUTLOOK FOR 2025-2026

The outlook for 2025-2026 is promising and exciting. It is expected that new Judges will be appointed under the Act (which would be a momentous accomplishment), that SA will continue to expand and solidify its place as the cornerstone of the KJS, that the CJC will be open to the public, and that the Court will begin hearing requests for eviction orders. We look forward to reporting on these developments in next year's annual report.



CONCLUSION



A substantial amount of the work to develop and manage our wide-ranging justice system is completed “behind the scenes” – research, drafting and analysis. This difficult but necessary work drives the continuing development and expansion of our justice system. There are many participants involved in this challenging but meaningful work. We would like to acknowledge the contributions of Justice Services staff, the Portfolio Nitsénhaiehns, our Prosecutor and other partners.

**We have a justice system
to be proud of.**