



Government  
of  
Saskatchewan

Ministry of Justice  
Constitutional Law  
820 – 1874 Scarth Street  
Regina, Canada S4P 4B3

June 21, 2019

MMIWG-FFADA  
P.O. Box 500, Station A  
Vancouver, BC V6C 2N3

Via email: [b.zandberg@mmiwg-ffada.ca](mailto:b.zandberg@mmiwg-ffada.ca)  
[archive-jennifer.cox@canada.ca](mailto:archive-jennifer.cox@canada.ca)

**Attention:** Bryan Zandberg, Registrar  
Jennifer Cox, Director and General Legal Counsel

Dear Sir:

**Re: National Inquiry into Missing and Murdered Indigenous Women and Girls – Notice of Intention to Issue an Order Pursuant to the Terms of Reference**

Further to the email of June 18, 2019 notifying all parties with standing of their intention to issue an Order pursuant to the Terms of Reference, we have a concern that we would like to address.

First, we acknowledge and agree with the Submissions of the Government of Ontario that (a) the less than four days to respond to the draft Order was not enough time to research the complex legal and jurisdictional issues raised by the Notice, obtain instructions and deliver adequate written submissions; and (b) the Order appears to have been predetermined by the Commissioners in any event, prior to having received submissions from affected parties.

Second, we understand that the Commissioners have made an attempt to manage certain sensitive information by ordering that those documents are classified as “protected C” and will not be publicly available for a certain number of years. It is unclear all of the documents that would be classified in this category.

You will recall that in August, 2018, Saskatchewan produced two prosecution files to cooperate with the work of the Commission. These were documents to assist in the Forensic File Review Team, but were not evidence obtained as part of the Inquiry’s hearing process. As such, these remain property of the Province. Further, those files contain highly sensitive information, including graphic images, and we are concerned with the protection of personal information and the potential that any future public availability of these files could be devastating to the families, which would not form part of any trauma-informed process.

As a result of these private and public concerns, these files were provided on certain trust conditions. For your convenience, you will find another copy of these trust conditions attached. It was on these trust conditions that the files were accepted. If the trust conditions were not

Bryan Zandberg

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accepted, the Commission was obligated to advise us immediately and to not accept the documents. As the documents were accepted, so too were the trust conditions. As a result, these two files should not form part of the Inquiry record, should be removed from any Inquiry databases and returned to our office immediately.

If you have any questions, please do not hesitate to contact me. I can be reached directly at (306) 798-1250 or via return email at [macrina.badger@gov.sk.ca](mailto:macrina.badger@gov.sk.ca).

Yours truly,

A handwritten signature in blue ink, appearing to read "Macrina Badger". The signature is fluid and cursive, with the first name "Macrina" written in a larger, more prominent script than the last name "Badger".

Macrina Badger  
Crown Counsel  
Constitutional Law Branch  
Saskatchewan Ministry of Justice

cc: Counsel for Canada, Anne Turley, Anne McConville, Lisa Hitch, via email  
cc: Commission Counsel, Christa Big Canoe, via email