



<p><b>Ottawa, June 12, 2019</b> - A Judgment was issued today by the Honourable Russel W. Zinn of the Federal Court in file T-238-80:</p> <p><b>IN THE MATTER OF JIM SHOT BOTH SIDES et al v HER MAJESTY THE QUEEN</b></p> <p><b>Translation of Summary into Blackfoot</b></p> <p>With the release of a decision on May 24 in file T-146-19, the Court took another step in making Court decisions more accessible – a summary was prepared in the Cree and Dené languages. The Court is following that same approach with release of today’s decision, which will be accompanied by a summary in Blackfoot. The Court thanks the language keeper who is assisting with preparation of this translation.</p>	<p>O’mahk Iitssikokhitsimio’p</p> <p><b>Pináápsokimi, Iisamsootamstato’si Naatsikopoto, Natoka-Omahksikiipippo piihkssikopotto sstoyiimi</b> – Ám Okakihtsimaan iisááh’ sináákssin annohka ksiistsiko’ náámhaa’ Ikimopiiwaah’ Russel W. Zinn oomhíí O’mahk Iitssikokhitsimio’p ahní issksskoi’p T-238-80:</p> <p><b>AMÓ ATSO’TOAWA kí NÍÍ NIINAWAAKÍÍ</b></p> <p><b>moyíí Ohtookisat’sin Atsinikíísinaakssin itapiisawaa’ohtoop’ Íítsí’poyi’tssin</b></p> <p>Aahmoi’ ipo’tíip moi’ aka’kihtsimaan annohk Aapisti’sskitsaato’s Náátsippo-niisó níít’s issksskoí’p T-146-19, oomhi’ Iita’i’poyo’p mahtsi’ isstsay’ sapikamatsstaa Okakihtsimaan’isti oomakk ká ikkinisii’s - aahmoi’ atsinikíísinaakssin iksistsii yáakohtoop aní oosto’waawayi Níítsísinaa oohtsi i’powahsin. Amof’ Iita’i’poyo’p ist’taa’twíssapoo’ya ni’to ohtowa’at ipokkitsimma’paya annohk ksiistsiko’ aka’kihtsimaan, ohpokóoyisskat’si moyí atsinikíísinaakssin aahníí’ Íítsí’poyi’tssin. Aamoí’ Iitssikokhitsimio’p ikiniiyi’taki naah’ i’pówahsin asamohtoom’ sspommihtaa moyhi’ sopowatsistotoohsin’ amo ohtookisatín).</p>
<p><b>Summary of Judgment</b></p> <p><b>Summary:</b> The Blood Tribe claims that its current reserve in Southern Alberta is not as large as it was entitled to receive under the terms of Treaty 7. The current reserve is 547.5 square miles, making it the largest Indian Reserve in Canada. It is located from the confluence of the St. Mary and Belly River (Oldman River) in the north east and consists of the land between those rivers to a southern</p>	<p><b>moyíí Atsinikaakssin Aka’kihtsimaan</b></p> <p>Atsinikíísinaakssin: Áámootsí Káinaa awa’anist moyí istkóómóopáí ksááhko ahní Waamsskaap Awahsin mata’ niistó omahkoi aníí iksisttowat’pii aníí aakoíítaapiop’sin aníí’ ootsíí sapitoto’tím’pyaa Innáhtsookakihtsimaanistis Issksskoi’p. Annohk kitáwahsinnooni nikkohk Nisetokííppipo-níísó-ehkíísííka anao’k.kiipó áa’si, annohk issto omahkóo Níítsítapíí Ksááhko noohk Kíítkskááhkomínóóm. Annohk itsstíí óómhi’ otsítáo’to’wahtaahp Apahtóksipisskan kí Móókoan sísaahtaayi’s Oomhkiiniitahtaa áámhmoi’ waapatohs ghíí isspstsií</p>

<p>boundary 14 miles north of the Canada-USA border, just north of Cardston, Alberta.</p>	<p>kíitksáákominóóm ihtátsikii'sti ahní'stíí níítahtaa's ghíí'óómhi' waamsskaap a'kihtákssin Niisóikopotta áa'si waapatohs mííh' Iistkhááksin, ipsstsik waapatohs mííh' Aakáohkíímí, nóóm Awasin.</p>
<p>The Blood Tribe advanced claims to three alternative sized reserves. The first and largest is the Blood Tribe's Big Claim, which the tribe says is the reserve Chief Red Crow intended it to have. The Big Claim territory extends west of the current Blood reserve to the former Kootenai River (now the Waterton River) and south to the Canada-US border.</p>	<p>Áámootsí Káínaa akkioo ohsiisskkomann'istii anistii niyookskka myá ístomannikkoh kitáwahsinnooni. Nii' matóómstí ki istoko'námhkoo niitsii Káínaa'sti Ömahk Ohsiikaan, niitsii sopokíitsitapiikoan awah'níí kitáwahsinnoon Kinníina Mí'kíai'stóowa iksstaatóóm máátsi inaanatoo's. Aáhm Ömahk Ohsiikaan awasin ííhtsítstak waami'tóót's anooí Kitáwahsinnooni ghí'óómhii ííkááh Kootenái níítahtaa (unch'óí Paahtomahk Níítahtaa) ki waamskaap'sti óómhí Iistkhááksin.</p>
<p>Alternatively, the Blood Tribe says that Canada established its reserve by a survey done in 1882, which marked out 650 square miles of land with a southern boundary that was 9 miles north of the Canada-USA border. The southern boundary of that reserve was changed in an 1883 survey to the present reserve. The Blood Tribe says that the reduction in reserve size was not done in accordance with the requirements in <i>The Indian Act, 1880</i>, and is illegal.</p>	<p>Tsaahtao', niitsii Káínaa awaanist'ká nóóhm Awahsin áakohtooma moyí istkóómóópai ksááhko ahníí istkóómstaa'n íitapi níí Náánisikiipippo-Náánisippo-Náátsi Sstoyiimi, sa'kihtáksin nin Naakííppo-Níísitsippo áa'si ksááhko óómhi waamsskaap íistkhááksin anníí Pííhkssó áa'si waapatohs mííá' Iistkhááksin. Ááhm' waamsskaap íistkhááksin níí' awahsin isawaa'ohtoom'a ahníí Náánisiomahksikiipippo-Náánisippo-Nioókska Sstoyiimi istkóómóosta'n annohk ika' awahsin. Níítsíí Káínaa awaanist'ká nííhm yíipistotsim'a nóóh awahsin manííkkohk'p máátohtsapoo áhniiti atsinikíísinaakssin nííhm <i>Sopokíitsitapii Akákihtsimaan</i>, Náánisikiipippo-Náánisippo Sstoyiimi, ki ích' sawómmítapí).</p>
<p>In the further alternative, the Blood Tribe says that Canada never fulfilled its obligation under Treaty 7 to provide it with a reserve equal to one square mile of land for every family of 5. This is its Treaty Land Entitlement (TLE) claim and it says that its population at the time of Treaty 7 entitled it to a reserve of some 728 square miles, based on the number of Blood Tribe members receiving Treaty annuities in 1881.</p>	<p>Nííhyááh issoohtsik tsaahtao', niitsii Káínaa awaanist'ká nóóhm Awahsin káta' aanistsíí iksisttowansín áásinaosáátóós' Innaihtsookakihtsimann-Issksskoi'p óómahk hko'wáása' awahsin i'tomanistanikkohksíí ní't-áa'si ksááhko ana niisitíí ótapi'sin. Am inaanatóóm Innaihtsookakihtsimann (TLE) ohsiisskkomann'istii waahkoomohsi'n kí awaanist'ka aní mááníístíitapi'spa aní Innaihtsookakihtsimann-Issksskoi'p iksisttaowan'nistaah'ya mí awahsin óómha anistáánikkoh'pi Ihkitsik-Kiipippo-Náátsippoi-Náánisoi áa'si, áánihm óótsitáníístitapi'spí' Káínaikoakisi ohkoitapiyi Innaihtsookakihtsimann íihtáóhpommao'p aní Náánisikiipippo-Náánisippo-Nitokska Sstoyiimi.</p>

<p>The Blood Tribe says that Canada breached this treaty promise, failed in its fiduciary duty to honestly and accurately implement the treaty promises relating to the reserve size, and acted illegally in removing more than 100 square miles from the reserve established by the 1882 survey.</p>	<p>Niitsii Káinaa awaaniist'ka nóóhm Awahsin íkhit'kaminimá amó nnaihtsookakihtsimann óótatóowaatsimma'n, ítsskohpiá áhnií naato'wap oyi'tskohto'tsimáán máhtsi okamo'ta'pssi ki omatap ohtssapoo's ní Innaihtsookakihtsimann óótatóowaatsimman'oohwa' nítoí óómhi manistanikkohk awahsin, ki maht'sí sáámiitskhasííá óótay sao'tsi's o'tsitsk Kíípiippo áa'si nóóhm awahsin ítáakohtoo'p' ahní Náánisikiipippo-Náánisippo-Náátsi Sstoyiimi istkóómstaa'n).</p>
<p>Canada denies all claims, and says that if any claims are proven, they are time-barred by virtue of <i>The Limitation of Actions Act</i> which provides that such suits must be brought within six years of the discovery of the events giving rise to the legal claim or the date with reasonable diligence they could have been discovered.</p>	<p>Awahsin sayi'tsimaatóóhm'ái amo'ta ohsiisskkomann'istii, ki awaaniya'si káámitski'ki ohsiisskkomann'istii ómahk aanistsí' sah, áhniitíí ískana-yo'kíip'a' mía' Misam A'psski Atsinikíisinaakssin ki itsinohtoom'á áánitsíí ohto'tooyíisp'stááp'ya aksíí sínót' ohtsaapíhtóóm'á noi sstoyíimí ahnií í'tska'píttíip oohmáníistaapi'spi óóhtsi sspikinníip'wá ahnií okákihtsi's iisskkomann'istáán tsaah'tao' ahní kšíistsíikó ohpo'kíí súkóóya'p isina'satoosá ááhkhoót ííchó í'tska'pítsim'áa).</p>
<p>This trial was restricted to the issue of whether the Blood Tribe proved that Canada has any liability to it with respect to the claims it asserts. If so, then there will be a subsequent trial dealing with the remedy for any such liability.</p>	<p>Amoí' isttsksá'-waawakino'taksin ístkóómahsí' áánihm a'psskíip tsaah'tao' nítsi Kainaa' kahmáóómaníisa nhóótsí Awahsin ito'tsináaniyah ní' iní'ítsimahnn óómhi' iníyítsimáá nítsí ohsiisskkomann'istii oohpawáánsipái. Khááma omaníísá, ki ahkí'tsstsíip aníhm mátsííki isttsksá'-waawakino'taksin isina'satóósá nííhm saapistsihmaan ito'tsináaniyah ní' iní'ítsimahnn.</p>
<p>The Court found that the Blood Tribe had not proved the Big Claim on the balance of probabilities, and dismissed that part of its action. The Court found that the Blood Tribe reserve had been created by the 1882 survey and that Canada illegally removed land when it established the smaller reserve according to the 1883 survey. The Court also found that the population of the Blood Tribe at the time of Treaty 7 was 3,550, entitling the Blood Tribe to a reserve of 710 square miles. Accordingly, it was held that the current reserve established by Canada was not in</p>	<p>Oomhi' Iita'i'poyo'p inímyáh nítsi Kainaa' mahtsi aanistsí'iska' moyí Ömahk Ohsiikaan aahníí níitomaanístasi kamítapskokí, ki íistsáapiksím' ahnií ítootstí'p' óótapehskipoowah. Oomhi' Iita'i'poyo'p inímyáh nootsí Kainaii óótkhááhkoomwa' kíáámaahsiksi á'pistotootsíip onait Náánisikiipippo-Náánisippo-Náátsi Sstoyiimi ístkoomahn ki ohm Awahsin ísiimíí ipáóotoomo ksááhko ahnií ootahyaktoosa nííma' i'nakohtssíí awahsin ní'to onait Náánisiomahksikiipippo-Náánisippo-Nioókksa Sstoyiimi istkóómóópái. Oomhi' Iita'i'poyo'p nookhátt inímyáh nootsí' oohm'maníístitapispa' nitsi' Kainaii ahni óótistapííspí Innaihtsookakihtsimann-Issksskoi'p aní Nioókksa-Omahksikiipippo-Niisito-Kiipippo-Niisitsippo,</p>

<p>accord with the TLE. As a result, the Court also found that Canada breached its fiduciary duty to the Blood Tribe when it established the reserve.</p>	<p>ííksistowat'ááh nítsi Kainaa' onaít awahsin aka'níkkohk Ikhitsiki-Kiipippo-Kiipá áa'si. Ní'to), iístitsaapoya' noohm kiitskakoominoom íyachtoomooghi Awashin maht' tsaahpoo'wa annim IKW. Ki ispookanistii, Oomhi' Iita'i'poyo'p máát inímyáh nootsi' Awashin ííkhít'kaminimá níím naato'wap oyi'tskohto'tsimáán nítsi Kainaii ootahyaktoosá noohm awahsin).</p>
<p>The Court found that all of these claims but one was time-barred under <i>The Limitation of Actions Act</i> because the Blood Tribe knew or ought reasonably to have discovered the material facts giving rise to the claims, well prior to the commencement of this suit in 1980.</p>	<p>Oomhi' Iita'i'poyo'p inímyáh áámoosti ohsiisskkomann'istii ki tokaskaí iiyookiimatoop istaah'tootsi Oomhi' Misam-Sskskomaan-mi-Okakihtsimaan ki nítsi Kainaa' iistiniimá tsaah'tao' oomahk istkátaaksá oohtakooniisa niitsisti's ahniist ohsiisskkomann'istii, anníík ahmoí otomatapápiis ahníí ohto'tooyíisp'stáán níím Náánisikiipippo-Náánisippo Sstoyiimi.</p>
<p>However, the Court found that the claim for breach of treaty was not time-barred. The Court held that the limitation period on actions for breach of treaty did not commence until April 17, 1982, when section 35 of the <i>Constitution Act, 1982</i>, came into force. That section provides that “existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” The Court found that prior to section 35 coming into force, First Nations could not sue Canada for a breach of treaty and therefore no limitation period runs until the cause of action of breach of treaty is actionable. As this action was commenced in 1980, the limitation period was not exceeded and the claim for breach of treaty was not time-barred.</p>	<p>Tsaah'tao', oomhi' Iita'i'poyo'p inímyáh ahníí ohsiisskkomann ííkhít'kaminimá amó nnaihtsookakihtsimann mahtsí sskskaaki'sí. Oomhi' Iita'i'poyo'p yínnim'á ááhníí misam-sskskomaan-a'paisíí oohtá ííkhít'kaminimáspíí amó nnaihtsookakihtsimann mahtsí omatap'apíí uhníím Matsiyikkapisaiki'somm ihkitsikikopotto, Náánisikiipippo-Náánisippo-Náátsi Sstoyiimi, ánihm waanao'k okakihtsimaan Niiyippo-Niisito nííh'má Misam-Okakihtsimaa-sinaakssin, Náánisikiipippo-Náánisippo-Náátsi Sstoyiimi, í'tanistí. Áánihm waanao'k okakihtsimaan ahnáási mítsi “itstsi niitsitapiikoan ki Innaihtsookakihtsimann-Isstis oostówaawayí niitsitapiikoan'itsi ánoom Awahsin unch' ahsti ííno'wahsí'a ki ahksaapitoowah'ya”. Oomhi' Iita'i'poyo'p inímyáh poosápskootchíí ánihm waanao'k okakihtsimaan Niiyippo-Niisito okakihtsimaan waistá-óómha-aanistsí's, Sopokíitsitapííkoan'itsí matak'khoot' oohtoypíí Awahsin oohtsikííttahkisa Innaihtsookakihtsimann ki matatsksoompatoo'pa' oohtahnistapíisp moí ííkhít'kaminimáán amó Innaihtsookakihtsimann ááhtahpsskiikasí. Aamoi ahpskááksin itomatap'api Pííhkssikopotto-Náánisippo, moy' Misam-Sskskomaan-A'paisíí maatsí oohtsitskaasí ki moy' ohsiisskkomann ííkhít'kaminimáspíí nííh'm innaihtsookakihtsimann mahtsi' sskskaaki'sí.</p>
<p>As a consequence, the Court dismissed all claims against Canada, except the claim</p>	<p>Annohk iistaanistá'píí, oomhi' Iita'i'poyo'p ipokkitsimm'á ohkana ohsiisskkomann'istii níístí Awahsin, iinokitanistíí</p>

<p>that Canada breached Treaty 7 in failing to provide the Blood Tribe with a reserve of 710 square miles, as promised.</p>	<p>awaanistoo’p Awahsin íkhit’kaminimáan Innaihtsookakihtsimann-Issksskoi’p íts’sskohpíá oohmá ístomoohp’á nítsi Kainaii áahnim’ awahsin ist Ihkitsik-Omahksikípipppo-Kíipó áa’si, níksistowatahtpá.</p>
<p>The trial will continue at a future date to hear evidence and submissions on the remedy for this breach of treaty.</p>	<p>Amoí isttsksá’-waawakino’taksin aka omanista’stíí ahni’ íssoohtsik ksíistsikó aah’ghi ohtsimaa’tóóp’ iistákottsiisin ki iipstikhatoop’s mítsí ohkotta’tsip’s moyhíí íkhit’kaminimáspíí innaihtsookakihtsimann.</p>
<p>A copy of the decision can be obtained via the Web site of the Federal Court: <a href="https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/407748/index.do">https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/407748/index.do</a></p> <p>An audio recording of this summary in Blackfoot will be available as soon as possible on the Court website at: <a href="https://www.fct-cf.gc.ca/en/pages/media/webcast">https://www.fct-cf.gc.ca/en/pages/media/webcast</a></p>	<p>A’moyíí atsinikíísinaakssin aka’kihtsimaan ohkott ohko’tsimaa’síí ahníím Ítáísíyiso’p oomhíí O’mahk Íitssikokhitsimio’p:</p> <p><a href="https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/407748/index.do">https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/407748/index.do</a></p> <p>A’hm ohtako omopístaan amoyíí atsinikíísinaakssin aahnaa’ Íítsí’poyi’tssin ááhgíí ikaiksistoop’ píitsiyoohk mááhkoomanistap’ís aaním oomhi’ Iita’i’poyo’p ítáísíyiso’p áhníím:</p> <p><a href="https://www.fct-cf.gc.ca/en/pages/media/webcast">https://www.fct-cf.gc.ca/en/pages/media/webcast</a></p>