



**SAMSON CREE NATION CHIEF AND COUNCIL
COMMUNIQUE'
MARCH 9, 2021**

For Immediate Release to the Samson Cree Nation Members

Dear Samson Cree Nation Members;

Please be advised of the following information which is being presented without prejudice. Supporting documents will be found on the Samson Cree Nation website. www.samsoncree.com

Topic: Shay Yellowbird and Samson Cree Nation Judicial Review – Dated March 8, 2021

Background:

- **July 28, 2020 the Election for the twelve positions of Council members of the Samson Cree Nation was held**
- **In said Election, Mr. Yellowbird was elected to the Samson Cree Nation Council**
- **In line with the Samson Cree Nation Election Law – the Appeal Process was activated when there was a challenge made under Part 4 - Samson Cree Nation Employees, specifically 4.1 “will be given a leave of absence without pay pending the final determination of that election” which was in reference to Mr. Yellowbird specifically. The decision of the Election Law breach was the Appeal Board and not determined by Samson Cree Nation Chief and Council, the Appeal Board was comprised of Non-Samson Members, the Judge stated “this translates into respect for the principle of self-government...”**
 - **The Appeal Board was notified and the three-member Board namely, Marvin Yellowhorn, Geraldine Hill, and Ron Lameman reviewed the Appeal and issued the decision that the appeal was justified therefore a by-election was to be held for the one (1) position previously held by Mr. Yellowbird**
 - **In accordance with the Election Law, Mr. Yellowbird was notified of the decision of the Appeal Board and a date was set for a by-election with the provision that Mr. Yellowbird was not eligible to run in the election**
 - **The election was held for the one position and Mr. Darryl Montour was duly elected by the voters of the Samson Cree Nation**
- **In the SCN Election Law it states in 7.19 that “All decisions of the Election Appeal Board with respect to eligibility for candidacy are final and binding but only with respect to the election in which the decision is made.”**

Issue:

- **Mr. Yellowbird chose to take the decision of the Appeal Board to Federal Court for a judicial review**
- **Judge Sebastien Grammond issued his decision that was provided to the Chief and Council of the Samson Cree Nation, JUDGEMENT in T-936-20**

THIS COURT JUDGEMENT is that:

- 1. The application for judicial review is allowed.**
- 2. The decision of the Samson Cree Nation Election Appeal Board in respect of the applicant's election, dated August 11, 2020, is quashed.**
- 3. The applicant was validly elected as a councillor of Samson Cree Nation on July 28, 2020.**
- 4. The by-election held on August 18, 2020 is invalid.**
- 5. Costs are awarded to the applicant in a lump sum of \$5000, inclusive of taxes and disbursements.**

The Judicial Review has a time frame for a response from the Samson Cree Nation of thirty (30) days

The federal court in issuing its judicial review may be construed as disregarding the Law of the Samson Cree Nation when it comes to how elections are held

The issue before Chief and Council is now not based on individuals but the issue of sovereignty and the Inherent Rights of governing the Samson Cree Nation as supported by the UN Declaration on the Rights of Indigenous Peoples

Next Steps:

- To ensure all matters are taken into account, the Chief and Council has appointed an Elders Specific Purpose Committee to review the matter before them and provide recommendations based on Inherent Rights, Cultural Rights, Spiritual Rights and Treaty Rights**
- The Chief and Council has provided the Mandate to the Elders Specific Purpose Committee to return to Chief and Council no later than March 31, 2021 with recommendations on what actions to put in place, including healing circles involving the Chief, Council, Mr. Yellowbird and Mr. Montour**
- The Chief and Council has provided the Mandate to Councilwoman Holly Johnson to be the liaison between the Elders Specific Purpose Committee and Council with weekly progress reports submitted to the Chief and Council on the progress of the Elders Specific Purpose Committee and communicate out to the Samson Cree Nation Membership**