

## MEDIA RELEASE

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**(Statement from Beyond Borders ECPAT Canada)**

### **Supreme Court of Canada appeal last hope for MacIntosh victims**

Ottawa – For the men who were sexually abused as children by Ernest Fenwick MacIntosh in the 1970s, the Supreme Court of Canada appeal hearing on April 22 offers the hope that they will finally see some semblance of justice.

MacIntosh, a self admitted and previously convicted sex offender, left Canada for India in 1994. The following year, the first of several complainants went to the police. He was charged in December of 1995 and a warrant was issued for his arrest in February of 1996. For reasons that have never been satisfactorily explained, a formal request for extradition was not forwarded to India until 2006. MacIntosh was extradited the following year. He was later convicted of 17 counts of indecent assault and gross indecency.

MacIntosh appealed the decision on the basis that his right to a trial within a reasonable period of time had been infringed. Shockingly, the Nova Scotia Court of Appeal judicially stayed all charges against him.

There can be no doubt that had the state actors done their jobs there would have been no issue about MacIntosh's right to be tried within a reasonable period of time. He would have been tried, convicted and sentenced on the merits.

Apart from the unfathomable delay on the part of the state, MacIntosh himself did not want a trial within a reasonable time. In fact, MacIntosh did not want a trial at all. Despite knowing about the warrant, he chose to remain in India, where other allegations of his sexual misconduct later surfaced.

The right to a trial within a reasonable period of time is an important right. However, if there has ever been a case where an accused person is using his right to a trial within a reasonable time as a sword as opposed to a shield this is such a case.

**Representatives from Beyond Borders ECPAT Canada will be in attendance at the appeal hearing.** We are hopeful that the Supreme Court of Canada will set aside this stay of proceedings.

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