



COURT OF APPEAL

THE LAW COURTS
800 SMITHE STREET
VANCOUVER, B.C.
V6Z 2E1

Notice Re: Amended Access to the Court of Appeal Files of Ivan Henry

Pursuant to the Court of Appeal Practice Directive, the media request to access the files relating to Ivan Henry was referred to me.

As is the usual practice of the Court, counsel for the Crown and for Mr. Henry were contacted regarding this access request.

There are a number of files involved, some of which are in current use at the registry, but many of which are quite old and are in off-site storage. The relevant files are being identified and brought to the registry as quickly as possible. There is a publication ban in place with respect to the identities of the complainants and a publication ban on the identity of “the other offender”, until further order of the court (2009 BCCA 86). These are in addition to any other publication bans previously imposed that may still be in force.

Other factors that I have considered include the volume of the materials, the possibility that some information may be related to the ongoing investigation of this matter, the possibility that some materials may be subject to privilege or other obligations of confidentiality, and the possibility that there may be a future trial, which ought not to be jeopardized or prejudiced by the untimely or inappropriate disclosure of material at this time.

Accordingly, at this time, I am prepared to permit access to the media to historical materials in the files. In addition, access is granted to selected “new material” relating to the application to re-open the appeal (file #CA036773) which is identified and approved by all counsel. However, before that access may be exercised, Court staff must be given time to review the files, and counsel for the parties must also be allowed an opportunity to review the files.

Of course, all media access is subject to the existing publication bans.

Members of the media will not be charged for copies of the documents requested, although it may not be possible to meet all the requests for copies immediately.

(Amendments to January 20, 2009 Notice underlined)

“The Honourable Chief Justice Finch”
March 10, 2009