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Beyond Borders ECPAT Canada applauds Supreme Court decision to restore child pornography conviction in computer repair case

July 29, 2016

Winnipeg (Manitoba) Canada —

The Supreme Court of Canada has restored the conviction of an Alberta man whose computer was found to contain child pornography. The Alberta Court of Appeal had overturned the conviction stating that the trial judge had erred in his analysis of circumstantial evidence.

“I consider the result welcome. The facts are simple. A person took a computer in for repair. The repair shop found child pornography in the computer and called the police. The computer owner was prosecuted and convicted. The Court of Appeal reversed the acquittal because the evidence of possession was only circumstantial and insufficient”, said David Matas, legal counsel for Beyond Borders ECPAT Canada.

“Much of the reasoning of the case elaborates on the general law about circumstantial evidence. But the end result is clear. A person who puts child pornography into his computer cannot escape prosecution for possession of child pornography simply because no one saw him download the pornography. Allowing the Court of Appeal decision to stand would have made it harder to convict for possession of child pornography, aiding the proliferation of this pornography. The decision of the Supreme Court of Canada has the reverse effect, enhancing our defences against the possession of child pornography.”

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