

'I can't go back behind again': 2 women still fighting Phoenix pay problems

Roxanne Merrill was underpaid because of federal payroll problems, and Deby Nash was overpaid

CBC News

Gail Harding

May 23, 2017

Two New Brunswick women are still dealing with problems created by the federal Phoenix pay system, and say they're frustrated at how long it is taking to get their issues resolved.

Roxanne Merrill was underpaid, while Deby Nash was overpaid — and both have binders filled with their attempts to rectify the mistakes.

Merrill says she still wants to be paid for eight hours she worked but was denied.

Nash was pushed into a higher tax bracket and had to pay more income tax because she continued to receive paycheques after she retired.

Overpaid, then underpaid

Merrill is worried she will soon have issues with her pay again, as she is starting a seasonal job with the Department of National Defence.

"I can't do it for nothing," she said. "So I'm just praying that they have it all worked out.

"You know, one of those famous sayings, 'The only thing I know about money, is that money matters', so I need it, and I can't work for nothing.

"I can't go back behind again, so I don't want to do that."

Merrill fought to get paid for eight extra hours she was owed, even travelling to Miramichi to protest.

She initially received a notice showing what she would get paid, but the amount was higher than she expected for the 80 hours she had worked.

"I sent them back, saying, 'That's too much money. That's not what I worked for, that's not my 80 hours, I want my 80 hours, here's my total for my 80 hours, pay me the 80 hours.'"

Merrill said her employer tried to correct the error but ended up under-paying her by eight hours.

"So hindsight's 20/20, I should have taken the top one."

Despite numerous attempts, she couldn't make anyone understand she was short eight hours of pay. She was told her file was closed.

Cheques never stopped

Deby Nash is in the opposite position. Nash retired from the Department of National Defence last year, but her paycheques kept coming.

She tried to get the department to stop paying her by sending a cheque with the overpaid amount by registered mail. She detailed every over-payment.

Then came tax return time.

"I was put into a higher bracket, the next higher bracket up, five per cent more income tax charged to me," she said.

Nash said she is still on the hook for paying the income tax, although she did not actually have a higher income.

"I've been told by my tax adviser who did my income tax for me, who has been in touch with a compensation advisor constantly throughout this mess, and she has been informed verbally, but not in writing, that they have received my cheque, yes, they're aware of the overpayment," she said.

"Yes, they're working on it. And that it will get resolved. When? No date. Anything in writing to date? No. A phone call? No, nothing."

Reimbursement for tax services

The government has taken steps, however, to help people who spent money on tax advice because of Phoenix problems.

"Recognizing the unfair financial burdens these pay issues have placed on some of our employees, the Government of Canada will also reimburse those who seek or have already obtained tax advice to address tax implications caused by problems with the Phoenix system," said Pierre-Alain Bujold, spokesperson with Public Services and Procurement Canada.

Employees can seek up to \$200 in reimbursement for tax advisory services in relation to their 2016 or 2017 income taxes.

The latest numbers from the federal government show that as of April, there was a backlog of 284,000 payments to process.

Anyone seeking more information, can visit the Government of Canada website, Bujold said.

Supreme Court urged to clarify law on protection for journalists' sources

Toronto Star

Colin Perkel

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Protection for a journalist's sources currently exists in legal void that needs filling given the importance of media to our democracy, a new application to the Supreme Court of Canada states.

In seeking leave to fight an RCMP demand for a reporter's background materials, Vice Media and journalist argue Canada's top court has never dealt with journalist-source Ben Makuch communications.

"Clarification is desperately needed," their leave memorandum states. "Many key questions remain unanswered or are the subject of conflicting appellate decisions."

The materials in question relate to three stories Makuch wrote in 2014 on a Calgary man, Farah Shirdon, charged in absentia with six terrorism-related offences. The articles were largely based on conversations Makuch and Shirdon had via Kik Messenger, an instant messaging app.

RCMP want access to Makuch's screen captures of those chats. He and others argue that could lead to source "chill" — making people reluctant to provide important information to the media. Two lower courts, however, have sided with police.

"Law enforcement seeks an order to compel an innocent journalist and media outlet, which are not being investigated by any government agency, to produce every available record of their communications with an individual whom the journalist spent months cultivating as a source," the leave memo states.

"The decisions below give short shrift to the chilling effect on the ability of journalists to gather and report important news stories, and place an unjustified high value on law enforcement's interests, without explanation or analysis."

In 1991, the Supreme Court mandated carefully balancing the rights of the media in a democratic society against the public interest in crime fighting. However, the court has yet to deal with the "chilling effects" that arise when police want access to communications with a reporter to prosecute the source, the application states.

The current legal battle, which has attracted attention from numerous media rights and civil liberties groups, is likely to be repeated with rising frequency in future given that journalists are

increasingly communicating electronically with sources in adversarial relationships with the state, the leave memo states.

“The stakes are high. The law is unsettled. The results of the decided cases are concerning,” the application states. “These issues are recurring and this court’s guidance is necessary.”

Vice and Makuch argue that it’s unlikely Shirdon will ever face trial in Canada, given that it’s not known whether he is alive or where he is. They also maintain the RCMP already has a significant amount of evidence against him and don’t need the extra materials.

However, in upholding the RCMP production order, Superior Court Justice Ian MacDonnell said last year the screen shots were important evidence in relation to “very serious allegations.” He found a strong public interest in effective investigation and prosecution, and downplayed Makuch’s contention — shared by the various rights groups — that being forced to turn over the materials would compromise the media’s ability to gather news.

Ontario’s highest court said in rejecting a Vice appeal that MacDonnell had been “clearly alive” to concerns about source “chill” and had made no errors in his ruling. Shirdon had never asked for confidentiality and had in fact been keen to share his views publicly, the court noted.

A key issue that needs resolving, the leave application states, is that lower courts have consistently tilted toward law enforcement when balancing media rights against crime-fighting needs.

“Far from being given particularly careful consideration, even where journalist-source communications are at stake, lower courts give short shrift to the pernicious effects of warrants and production orders on the media’s ability to gather or report the news,” the application states.

The government has until June 19 to file its response.

Lawyer argues Beckett’s murder charge should be stayed due to unreasonable delay

Kamloops This Week

Tim Petruk

May 24, 2017

Defence lawyers representing a former New Zealand politician accused of murdering his Canadian wife almost seven years ago told a B.C. Supreme Court judge on Wednesday they will focus on three areas as they attempt to have his case thrown out of court.

Peter Beckett is charged with one count of second-degree murder. His wife, Laura Letts, drowned in Upper Arrow Lake, near Revelstoke, on Aug. 18, 2010.

Beckett stood trial in front of a B.C. Supreme Court jury in Kamloops last year. Jurors could not reach a unanimous decision and a mistrial was declared.

Beckett was charged on Aug. 8, 2011. In B.C. Supreme Court on Wednesday, defence lawyer Alix Tolliday began her submissions asking to have Beckett's murder charge dropped based on unreasonable delay.

There is precedent for such a move. Last year, the Supreme Court of Canada issued a landmark decision on delays in criminal courts. The case, *R. v. Jordan*, set out strict time frames in which lawyers and judges must have charges dealt with.

In Beckett's case, under the Supreme Court of Canada framework, unreasonable delay is anything more than 30 months from the time a charge is laid until completion of trial. Beckett has been in custody for almost six years, and his second trial is not expected to begin until August.

Now, it's up to lawyers to argue who is responsible for what delay. If, at the end, the judge finds that prosecutors and the institutional delay of the courts total more than 30 months, the murder charge could be dropped.

Three accused murderers have had their charges stayed thanks to the *Jordan* decision. Two of those stays are under appeal.

In court on Wednesday, Tolliday said she plans to focus on three main areas in arguing for unreasonable delay.

"These topics are disclosure matters in this case and the pace of disclosure, the no-contact provisions Mr. Beckett was subject to for a very long period of time and his self-represented status and the implications that had on delay," she said.

"We say the system should be more capable of effectively accommodating a self-represented person, especially for trial."

Tolliday said Beckett was "isolated" by a temporary no-contact order made early in his proceedings that was not lifted until years later. She also pointed out "concerning" aspects in how and when Beckett was provided disclosure.

Beckett was self-represented for much of the time he has spent behind bars. He has also hired and fired multiple lawyers throughout the process.

Tolliday's arguments are expected to wrap up on Thursday, after which the Crown will respond.

Beckett's second trial, which is scheduled to take place in Kelowna, is slated to get underway on Aug. 21.

Fate of residential school records in hands of Supreme Court

Opinions vary on whether to destroy or preserve testimony

CBC News

Jason Warick

May 25, 2017

Tom Roberts was prohibited from speaking his native Cree language at the Prince Albert Indian Residential School, but that wasn't the worst part.

Roberts and his siblings attended the school for years, but weren't allowed to speak to each other - in any language. They would pass by each other silently in the halls or school yard.

"If I got caught yelling to them, I'd get a lickin or get sent to the dorm," Roberts said.

"We'd only talk for two months when we went home in June and July."

Roberts, a former broadcaster who now works as a residential school support worker for the Lac la Ronge Indian Band, said Canadians need to know these stories. That's why it's vital for every shred of documentary evidence to be preserved, Roberts said.

"They should be preserved because in years to come, people have to realize, have to come to the reality that this really happened. It's not oral history. It's all documented."

Supreme Court to hear case today

The fate of tens of thousands of those stories is now in the hands of the Supreme Court of Canada.

Today, the country's highest court is set to hear arguments.

Many survivors did testify publicly at nation-wide events held by the Truth and Reconciliation Commission. The retention of those accounts is not in doubt.

What is at stake are the 35,000 accounts given to adjudicators for the Independent Assessment Process. The IAP hearings were set up to determine individual compensation. Nearly all of those cases have been concluded, with more than \$3-billion paid to survivors in recognition of the social, cultural, physical and sexual damages.

The IAP hearings were confidential, but many are pushing for the records to be kept. Opinions vary wildly. Some say retaining the records would amount to the greatest privacy breach in

Canadian history. Others say destroying them would be a whitewashing of one of the darkest chapters in Canadian history.

Some are suggesting compromises such as redacting names or contacting each individual to ask what they want done with their testimony. Others want the records simply sealed for decades for someone to decide in the future.

Opinions vary, even among First Nations groups

Even First Nations people and groups are divided, with groups such as the Assembly of First Nations pushing for destruction and the Federation of Sovereign Indigenous Nations advocating preservation.

Roberts said there are other ways to heal and to raise awareness.

He's helped organize several events for northern Saskatchewan residents. They built and then burned a canoe modeled after the one that transported dozens of children to the schools. They erected a plaque on La Ronge's main street at the site of an old school. Roberts and others recently walked for six days from the Prince Albert school back home to Stanley Mission north of La Ronge.

Roberts said these actions are helpful, but preservation of the IAP documents is central for both Canadians and for survivors themselves. He said some survivors are still hesitant to share such painful and often shameful memories, but it must be done.

"In order for them to heal, they must let that frustration and anger out."

The court is expected to hear submissions today. An official said it's unlikely a ruling will come today, with the average time to rulings running an average of four to eight months.

Price tag for fixing Phoenix pay system now tops original cost

Repair bill has risen to about \$402M — more than \$309.5M payroll implementation cost in the 1st place

CBC News

May 24, 2017

The cost to fix the federal government's troubled Phoenix pay system has risen above the original amount spent to implement it.

Steve MacKinnon, parliamentary secretary to the minister of Public Services and Procurement, announced on Wednesday a \$142 million investment to hire more people to help fix the ongoing Phoenix payroll issues.

"We have a capacity problem. It's very simple," said MacKinnon. "We are trying to rebuild that capacity, step by step."

With the additional money, the cost to fix Phoenix has risen to about \$402 million — more than the \$309.5 million it cost to implement the system. MacKinnon, a Liberal MP for Gatineau, said that the projected savings the Conservatives put forward "is now a bad joke."

In addition to the \$142 million announced Wednesday, the government spent \$50 million last year to bolster its satellite offices.

The government is also foregoing for three years an annual \$70 million it was supposed to save on Phoenix.

Last month, the federal government announced a new plan to tackle the payroll mess, which included a funding reallocation strategy using money originally earmarked as part of those anticipated savings to help departmental officials get employees paid on time.

"We'll do everything that we can to ensure that this system performs up to its capabilities, and that we have enough people in place to operate the system and do so in fulfilling and getting to steady state," MacKinnon said Wednesday.

More staff in Miramichi

Since Phoenix launched in February 2016, tens of thousands of public servants across Canada have been underpaid, overpaid, or not paid at all.

MacKinnon said the money announced Wednesday will go to increasing staff at the Miramichi pay centre in New Brunswick and extend satellite offices, including in Gatineau, Que., to the end of the fiscal year to process more cases.

The \$142 million will be spent over two years to recruit, hire and train new staff and pay for new technology to make their work more efficient.

To date, the federal government has hired back 300 employees originally laid off by the previous Conservative government, and it's targeting 200 more for hire, according to MacKinnon.

"We will make every investment possible in the recruitment, onboarding, and training of public servants to help solve this problem.," he said. "But we will absolutely go to the very end of that process, and we'll then take stock of where we are."

'It's an incredible amount of money'

Unions representing public servants told CBC news they applaud the government for providing more resources, but also question why it took so long.

"It's an incredible amount of money and it's hard for members of the general public to wrap their heads around it," said Steve Hindle, vice-president of the Professional Institute of the Public Service of Canada (PIPSC). "It just seems like it's been a lot of wasted money. We're concerned this may be more good money being thrown after bad money."

Hindle expects the government to have a hard time hiring back experts who were let go.

Robyn Benson, national president of the Public Service Alliance of Canada, said more staffing will help, but more needs to be done.

"But as well, they need to put [some of] this \$142 million into fixing the technology," said Benson. "There's issues that are arising that this government will need to address with IBM and others."

Dany Richard, president of the Association of Canadian Financial Officers, said it is "bittersweet because we've been saying for the past year we need more resources."

"So why is it taking so long?"

Richard and others are concerned about the rising price tag to fix Phoenix.

"If I were to sell you a house and say it's \$300,000 and I also mention by the way it's going to cost you \$400,000 to repair it — you wouldn't buy that house," said Richard. "So it just shows what a complete fiasco this thing has been."

Canada's judges urged to speak out and change outdated perceptions

Sean Fine

The Globe and Mail

May 25, 2017

A newly retired chief judge says Canada's judicial leadership needs to "get into the 21st century" and speak publicly about the issues facing the justice system, rather than hiding behind the outdated notion that judges speak only through their rulings.

Neil Wittmann of Alberta was one of just five sitting judges who spoke in public sessions of the Senate's legal and constitutional affairs committee, discussing how to fix delays in the justice system, in light of a Supreme Court ruling last summer that set time limits for criminal trials.

By comparison, 32 judges spoke either at in-camera sessions (closed to the public, but with verbatim recordings made) or completely private sessions of the Senate committee.

The vast majority were completely private at the judges' request; their statements were not even recorded, on tape or in any other verbatim form, according to information provided to *The Globe and Mail* by Senator George Baker, the committee's deputy chairman.

The 32 judges instructed the senators not to quote them by name in their report, expected soon, he said.

"What kind of a message does that send out?" Mr. Wittmann told *The Globe* of judges insisting on appearing out of sight of the public.

"Traditionally, the role of the judge speaking out was always, 'Well, my judgment speaks for itself. We speak through our judgments, that's what we do.' I think in today's world, that just doesn't cut it any more. It's naive. And I don't think the public, as represented by the media, accepts that any more."

In an hour-long interview on the occasion of his retirement as chief justice of Alberta's Court of Queen's Bench, which took effect May 1, he said that judges are increasingly subject to public criticism, and that the public needs to hear and see the leaders of the judiciary explaining what goes on in their courts.

"I think the judiciary to some extent has to get into the 21st century, has to understand that transparency is the new watchword, and the judiciary is not immune from that in many areas. And I think they should welcome it, and welcome interaction, and not shy away from it."

The judiciary has been increasingly in the spotlight. Judges are on the front lines in ensuring that criminal trials can be completed within the new time limits. Judges have also been criticized over their conduct of sexual-assault trials, prompting demands for greater accountability.

Some judges on the Supreme Court have been speaking out regularly on areas of personal interest, drawing publicity. Justice Rosalie Abella gave a commencement address in the United States on Sunday in which she said "narcissistic populism" is a threat to tolerance and equality. Two years ago, Chief Justice Beverley McLachlin said Canada had attempted "cultural genocide" against Indigenous peoples. Justice Michael Moldaver gave speeches a dozen years ago, as a member of the Ontario Court of Appeal, in which he said he was "mad as hell" about criminal-justice delay. (As a Supreme Court judge he co-wrote the ruling setting out the new time limits for criminal trials, in a case known as *R v Jordan*.)

A turning point for Canadian judges was thought to have come in 1989 when the late Supreme Court justice John Sopinka gave a speech titled, "Must a judge be a monk?" His answer: Judges can and should comment on matters relating to the administration of justice. "As key players in

the justice system their views should not be absent in fear of somehow entering the political fray on issues such as court reform,” he said in a subsequent speech.

But the large number of judges speaking behind closed doors to the Senate suggests not much has changed since the Sopinka speech, according to Osgoode law dean Lorne Sossin. “I don’t think we’ve come far enough,” he said in an interview. “Nobody knows more about trial delays than judges will. I don’t know if it’s a chill or a growing reticence to participate at a time when every word will be parsed” in an era of social media.

Chief Justice Christopher Hinkson of the B.C. Supreme Court and Chief Justice Robert Bauman of the B.C. Court of Appeal were among those who participated in private sessions of the committee. Contacted by The Globe, they said their aim had been to protect their neutrality. “Our first reaction was that it might not be appropriate for a judge to give evidence on the record,” because judges often adjudicate matters involving government (including the very topic of criminal justice delay), they said in a joint statement by e-mail. “For good reason, judges outside the courtroom setting tend to avoid public comment on government activities, whether those be neutral comments, denunciations or advice on how things ought to be done.”

We have no choice’: Liberals pour \$142M into Phoenix pay system in hopes of fixing boondoggle

Jordan Press

The Canadian Press

May 26, 2017

The federal government is pouring more money into the bug-addled Phoenix payroll system in hopes of getting closer to solving the ongoing boondoggle — and it’s blaming the previous Conservative government for the extra cost.

The Liberals will spend \$142 million over two years to hire 200 temporary workers on top of the 300 hired to date to deal with the problems wrought by Phoenix, which left tens of thousands of public servants underpaid, overpaid or not paid at all.

The money will address capacity issues that Steven MacKinnon, the parliamentary secretary to Public Services Minister Judy Foote, said are at the root of why Phoenix has yet to live up to expectations.

It will help officials deal with an expected increase in payments linked to new collective agreements coming into force and the hiring of summer students, MacKinnon told a news conference Wednesday.

MacKinnon blamed the expense on the previous Conservative government, which axed hundreds of workers who handled pay claims before Phoenix went live. The Liberals had no choice but to proceed with Phoenix last year, despite concerns, he added.

“The choice was not between Phoenix and the old system; the choice was between Phoenix and no system because the people required to operate the old system were no longer on the job,” MacKinnon said.

“We have no choice but to make this system a success, and we accept that responsibility.”

Kelly McCauley, the official Opposition’s deputy procurement critic, said the Liberals have been more focused on blaming others for their mistakes than they are with fixing Phoenix once and for all.

“If the government had legitimate concerns about staffing levels, they shouldn’t have waited almost two years to take action,” McCauley said in a statement.

“The Liberals’ lack of action and constant excuses are extremely offensive to employees who are on the verge of losing their homes, being forced to postpone their educations, or going into debt because they are not being paid properly.”

The extra spending adds to the mounting costs to taxpayers for a system that the previous Conservative government billed as an off-the-shelf, government-wide solution that would save Canadians \$70 million a year.

Between two years of unrealized savings, the spending announced Thursday and another \$50 million spent last year to manage pay issues, the Phoenix project — which originally carried a \$300 million price tag — has cost at least \$332 million more than expected.

NDP public services critic Erin Weir said the Liberals have yet to provide an overall estimate for the cost of fixing Phoenix, although it’s clear the government is spending more than it originally estimated.

Ancillary costs have included reimbursing federal workers for interest charges or penalties incurred on credit card balances they’ve been unable to cover without a paycheque.

“It’s clear that they’re spending far more than \$140 million,” Weir said in a telephone interview. “Parliamentarians and all Canadians need to know how much the Phoenix boondoggle is costing.”

MacKinnon couldn’t say Thursday just how much taxpayers have spent on Phoenix.

“We’ll happily, as will the auditor general, provide a full accounting,” MacKinnon said.

The auditor general’s office said its review of Phoenix is expected to be out this fall, with more details about the scope of the audit revealed closer to its release.

Arrêt Jordan : vivement la clause dérogatoire !

Simon Jolin-Barrette

Droit-Inc

26 mai 2017

Cela permettrait au gouvernement de présenter un plan de match pour freiner la présente crise, dit l'avocat et porte-parole de la CAQ en matière de justice...

L'Arrêt Jordan a eu l'effet d'un électrochoc sur notre système de justice. Cela ne fait plus aucun doute : la justice québécoise est confrontée à une crise sans précédent.

Des accusés d'infractions criminelles sont libérés sans subir leurs procès, les demandes d'arrêt de procédures invoquant l'arrêt Jordan se multiplient, le Directeur des poursuites criminelles et pénales retire des accusations de son propre chef, sans même se battre pour mener à terme les accusations.

Face à l'arrêt Jordan, le gouvernement libéral tarde à prendre ses responsabilités. Au-delà des fonds injectés par la ministre de la Justice, Stéphanie Vallée, c'est un plan concret, des gestes pragmatiques qui doivent être posés pour s'assurer qu'aucune personne faisant l'objet d'accusation n'échappera à la justice avant d'avoir subi son procès.

À la Coalition Avenir Québec, nous faisons le choix des victimes d'actes criminels et de leurs familles, désemparées et inquiètes. Les Québécois n'ont pas à payer le prix de la négligence et de l'incurie du gouvernement libéral des 15 dernières années en matière de justice.

La CAQ a déposé, jeudi à l'Assemblée nationale, le projet de loi 890, intitulé Loi visant à assurer la saine administration de la justice afin de préserver la confiance du public envers le système de justice.

Notre projet de loi propose une solution concrète, pragmatique, afin d'éviter les dérives qui se déroulent présentement. D'abord, nous assurons que notre système de justice se dote des ressources nécessaires et adéquates pour préserver la confiance du public.

Ensuite, nous modifions la Loi sur le Directeur des poursuites criminelles et pénales afin de garantir l'efficacité des procédures judiciaires, dans des délais raisonnables.

Finalement, quoi qu'en disent Philippe Couillard et les défenseurs du statu quo, il faut utiliser la clause dérogatoire. C'est ainsi que nous serons en mesure de suspendre, temporairement, les effets de l'Arrêt Jordan et de permettre au système de justice de se remettre sur pied.

Cessons de tourner du pot. En insérant la clause dérogatoire dans la Loi sur les tribunaux judiciaires, nous serons en mesure de suspendre les effets de l'arrêt Jordan et permettre au système de justice de se remettre sur pied.

Il n'y a pas de solution miracle. Le recours à la clause nonobstant ne viendra pas régler par magie les problèmes auxquels nous faisons face. C'est pourquoi nous souhaitons y recourir pour une durée maximale de 12 mois seulement, juste le temps que le gouvernement puisse présenter un plan de match pour freiner la présente crise.

Le Parti québécois a également manifesté sa volonté d'utiliser la clause dérogatoire, mais n'a jamais spécifié comment et jusqu'à quand, il comptait se prévaloir de cette mesure. La clarté dans un dossier aussi sensible est pourtant primordiale. Dans ce dossier comme dans bien d'autres, le PQ s'est contenté de critiquer sans véritablement offrir une solution applicable. La CAQ vient d'y remédier.

Le travail à mener est considérable. Nous devons non seulement limiter les conséquences de l'Arrêt Jordan, mais réparer 14 années libérales, qui ont véritablement effrité la confiance de la population envers l'administration de la justice criminelle.

B.C. Supreme Court jury finds man guilty of smuggling Tamil migrants to Canada

The Canadian Press

May 27, 2017

VANCOUVER — A prosecutor says a man accused of bringing hundreds of Tamil migrants into Canada illegally in a dilapidated cargo ship nearly seven years ago has been found guilty.

Crown counsel Charles Hough says a B.C. Supreme Court jury found Kunarobinson Christhurajah guilty Saturday of human smuggling 10 or more persons.

It was a retrial for the Sri Lankan national over his involvement in the voyage of the MV Sun Sea that travelled from Thailand to British Columbia's coast in 2010.

The vessel, which was considered unseaworthy in the open ocean, crossed the Pacific without a formal crew, carrying 492 Sri Lankan Tamils who intended to claim refugee status.

A previous trial heard Christhurajah was an asylum seeker and travelled on the Sun Sea with his wife, while Rajaratnam's mother-in-law, father-in-law, brother-in-law and two cousins were on board.

The trial which ended in January acquitted three other men who had been accused human smuggling in the case, but the jury at the time was left undecided on Christhurajah.

Christhurajah served more than six years in jail before being granted bail in February.

Hough wouldn't comment further on the case and Christhurajah's lawyer Casey Leggett also declined to comment.

Justice Catherine Wedge did not schedule a sentencing hearing, and Hough says Christurajah remains free on bail.

OBITUARY

Roger Tassé, architect of Canada's Charter of Rights and Freedoms, dead at 85

May 26, 2017

In the fall of 1980, Roger Tassé flew to London on a business trip. Canada's top justice bureaucrat was in the British capital to brief parliamentarians on Prime Minister Pierre Trudeau's plan to patriate the Constitution, transferring it from Westminster to Canada.

On landing back in Montreal, Mr. Tassé was questioned by a customs agent who wondered why his London trip had only lasted 30 hours.

"I went to pick up our Constitution. I have it in my suitcase!" Mr. Tassé joked.

The customs officer was not amused and selected Mr. Tassé for additional screening.

The wary officer could be forgiven for his ignorance. The slight, quiet man before him wasn't famous. But he was important.

Mr. Tassé, who died on May 20 at the age of 85, was a key figure in bringing the Constitution home and directing the drafting of the Charter of Rights and Freedoms that is at the heart of the law of the land.

He did this from back rooms, in the margins of memos and in endless meetings. But if his methods were low-key, his impact on the country was no less dramatic for it.

Eddie Goldenberg, a long-time aide to Jean Chrétien, acknowledged Mr. Tassé's central role in creating a document that has revolutionized Canadian society.

"He was, I would say, the leading figure in pulling it all together," Mr. Goldenberg said.

Mr. Tassé was born on June 5, 1931, the eldest of the five sons of Léopold Tassé, a bank clerk, and the former Marguerite Martin, a housewife who helped the family finances by sewing gloves.

In his memoirs, published in 2013, Mr. Tassé recalled growing up in working-class Montreal in a house with few books but with parents who expected discipline and hard work from their children. He was studious and earned good grades, which earmarked him for collège classique, the rigorous schools that formed French Canada's elite at the time.

