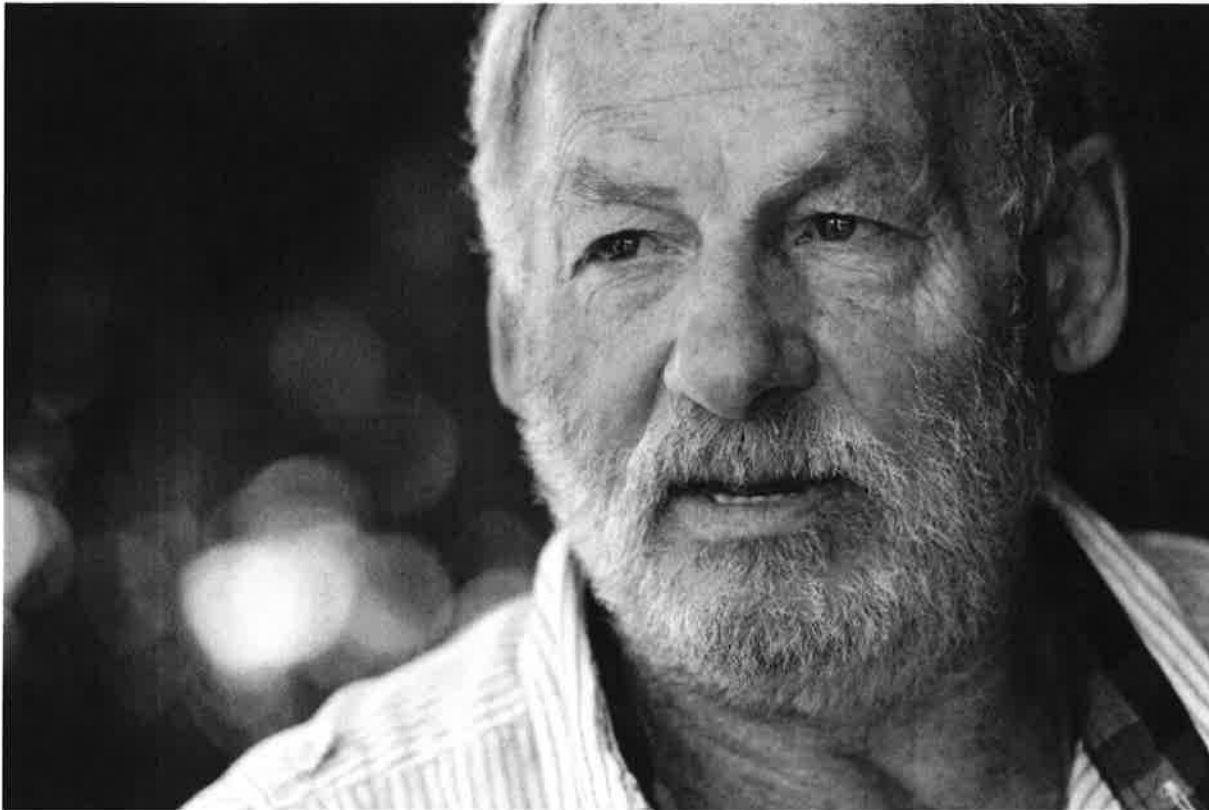


Federal government settles wrongful conviction suit with Ivan Henry

BY IAN MULGREW, VANCOUVER SUN NOVEMBER 26, 2015 2:15 PM



The federal government has settled with Ivan Henry and reached a deal on his wrongful conviction suit. The deal leaves only the provincial government fighting the 69-year-old's claims for damages over his 27-years of wrongful imprisonment.

Photograph by: Jason Payne, Vancouver Sun

The provincial government is the last and only defendant still standing and fighting Ivan Henry's wrongful-conviction suit in B.C. Supreme Court.

The federal government abandoned its defence Thursday and settled with the 69-year-old who spent 27 years in prison for a series of Vancouver sex crimes.

Last week, the City of Vancouver, which was defending police and forensic analysts, threw in the towel, too, and settled with Henry for the grave injustice he suffered.

Henry's lawyer John Laxton announced the deal and said Ottawa had also agreed to a statement that was read in court:

"The federal government has not made any allegation that Mr. Henry was guilty as charged but they have heard these allegations repeated in open court and have not commented on them. The federal government now states that no inference should be drawn that the federal government ever agreed

with these allegations or that the federal government ever condoned the making of these allegations and the federal government absolutely disavows them now.”

Federal lawyer Mitchell Taylor said he had nothing to add.

Laxton said Henry, who was not in court, was “very happy, delighted.”

“I congratulate you on the settlement,” Chief Justice Christopher Hinkson told the lawyers.

In 2010, the B.C. Court of Appeal found Henry was wrongfully convicted and declared a dangerous offender in 1983 for 10 sexual offences against eight women.

Ottawa had been defending the actions of various federal ministers and officials who had responsibility to review Henry’s case and respond to his various pleas.

The province has mounted a churlish argument that Crown prosecutors should not be held liable because Henry was the author of his own misfortune.

The government’s lead lawyer John Hunter said it was impossible for the uneducated and legally illiterate Henry to receive a fair trial because he fired his legal-aid lawyers, mounted an incompetent defence and botched his appeal.

He called the junior prosecutor on the case who flatly testified she didn’t accept the decision by B.C.’s highest bench because it was based on a flawed set of facts provided by the special prosecutor.

Judy Milliken, who said she was repulsed by Henry and wanted to re-prosecute him, sounded so biased that Chief Justice Hinkson interjected.

“Miss Milliken,” he scolded, “you are an experienced counsel. This is not your opportunity to advocate, Please restrict your evidence to the answers.”

She blamed any lack of disclosure on the senior prosecutor Michael Luchenko.

“I wanted nothing to do with Mr. Henry and I did not deal with disclosure,” she said firmly.

Milliken repeatedly insisted that any lack of disclosure had little impact because Henry lacked the requisite legal skill to properly use even exculpatory evidence and all but ensured his own conviction.

Police also pointed the finger at Luchenko as an overbearing individual who drove the prosecution of Henry and the lead investigator claimed Luchenko proceeded with at least one charge even though he was told Henry didn’t commit that offence.

As part of its settlement, the city issued a statement also unequivocally withdrawing all its allegations that Henry was responsible for the crimes of which he was acquitted.

The federal government did not call any evidence and the deal was announced on the day its lawyers were to provide Justice Hinkson with a synopsis of their defence.

No details of the settlements between the city, the federal government and Henry have been released and they will remain secret until the trial ends.

The province plans to close its case today which normally would have left only final arguments to be heard.

However, Vancouver Rape Relief and Women’s Shelter has asked Chief Justice Hinkson to “allow some of the victims to have their voice heard by the court and by the public.”

He has asked the B.C. Attorney General and Henry’s lawyers for submissions on whether the group has the right to bring any issue forward since it is not a party in the three-month-old trial.

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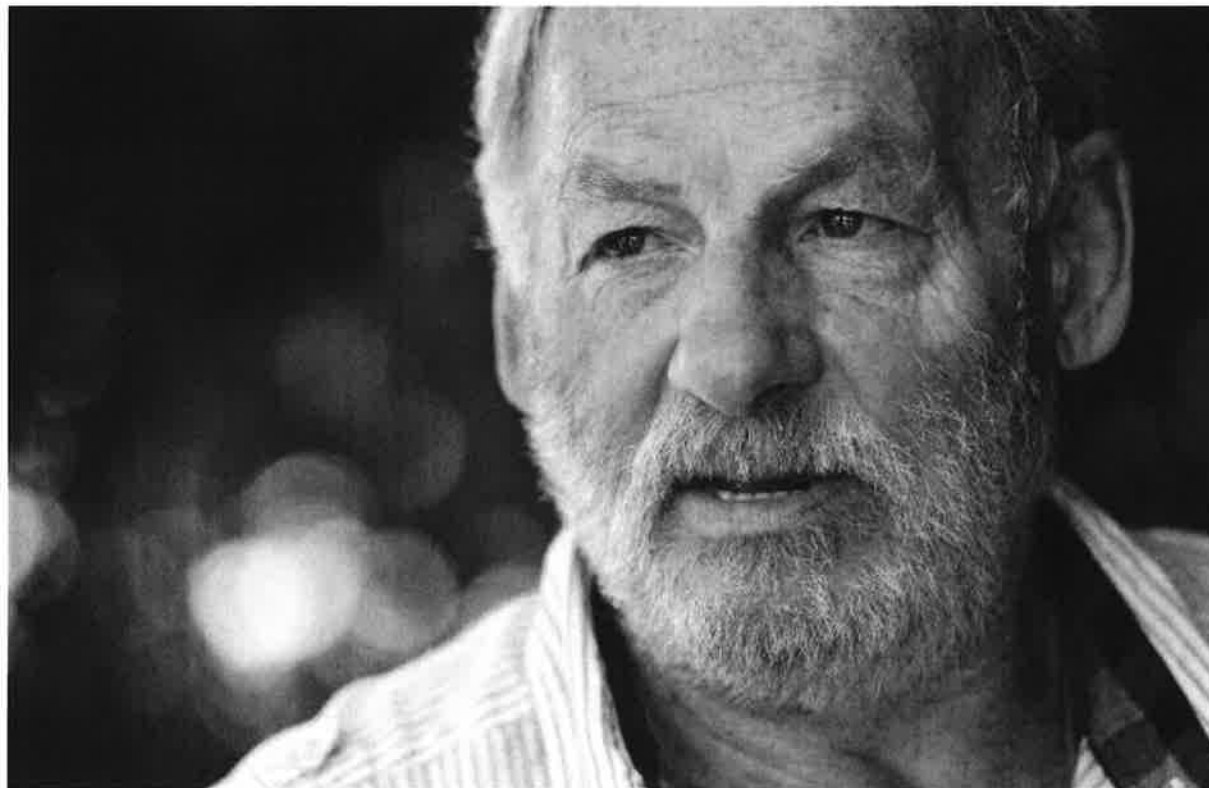
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