

**Directive of the Attorney General and Minister of Justice
Regarding S.486.6 Criminal Code Charges of Breach of a Publication Ban Order
on the Identity of the Complainant in the case of R. v. C.S. and K.B.**

On May 20, 2014, pursuant to s. 486.4(3) of the Criminal Code, the Honourable Judge Jamie Campbell (as he then was) imposed a mandatory publication ban on the identity of the complainant, a person under the age of 18 years, on a charge(s) of child pornography laid under s. 163.1 of the Criminal Code against C.S. and K.B.

This ban was imposed months after widespread publication of the complainant's identity had already occurred, in the context of the national dialogue the facts of her case generated on issues of cyber bullying, sexual assault and child pornography.

The mandatory ban was imposed after the complainant's death, against the wishes of her parents, and in the words of Judge Campbell, "served no purpose."

The decision rendered in this respect further indicated that the publication ban was unchangeable. However, Judge Campbell indicated the Crown has the authority to determine whether or not it is in the public interest to prosecute, and that it would be within the authority of the Attorney General to issue a public direction to the DPP in a specific case stating that it would not be in the public interest to prosecute.

On August 7, 2013, a day prior to the laying of charges in this case, an independent and external review was ordered in respect of the police and Public Prosecution Service's handling of the matter. The review was publicly announced on August 12, 2013. The review was temporarily delayed pending completion of the criminal prosecutions. It is anticipated that the criminal prosecutions will soon be over and the review will recommence. The mandatory ban would apply to the review.

Since the imposition of the ban, it has been widely breached, and to date, no charges have been laid in relation to these breaches.

In order to provide greater certainty to members of the media and to the public as to the risk of prosecution in this national dialogue, to ensure responsible use of prosecution resources, and considering the importance of a full and transparent review, I hereby direct that:

If a charge under s. 486.6 of the Criminal Code in relation to this ban on the identity of the complainant is laid by the police or any other informant, the matter will be referred to the Director of Public Prosecutions. The charge will not be prosecuted by the Nova Scotia Public Prosecution Service unless public interest circumstances exist for doing so. Public interest circumstances which may justify proceeding would include the use (publication in any document, broadcast or transmittal) of the complainant's name in a manner that detracts from Parliament's intent of encouraging the participation of witnesses in the criminal justice system through the use of protective measures, of protecting victims from harm, intimidation or retaliation, and of encouraging the reporting of offences.

Dated: December 17, 2014



Lena Metlege Diab

Attorney General and Minister of Justice