

**NOVA SCOTIA COURT OF APPEAL**

**BETWEEN:**

Her Majesty the Queen

Appellant

and

Bassam Al-Rawi

Respondent



**ORDER**

**BEFORE THE HONOURABLE JUSTICE CINDY A. BOURGEOIS IN CHAMBERS**

**UPON** the Women’s Legal Education and Action Fund Inc. (“LEAF”) and the Avalon Sexual Assault Centre Society (“Avalon”) filing a joint motion seeking Intervenor status in this appeal;

**AND UPON** it appearing that neither the Appellant nor the Respondent oppose participation of the proposed Intervenors;

**AND UPON** reading the materials filed in support of the motion and hearing counsel;

**AND BEING SATISFIED** that the intervention of the proposed Intervenors is appropriate and the requirements of Rule 90.19 have been met;

**IT IS HEREBY ORDERED:**

1. The joint factum of the Intervenors shall be limited to 25 pages;
2. Oral argument by the Intervenors shall be limited to 30 minutes unless otherwise permitted by the Court;
3. The submissions of the Intervenors shall be confined to the following three issues unless otherwise permitted by the Court;

- a. The interpretation of the legal principles that ought to inform the concept of capacity under s. 273.1 of the *Criminal Code*, in the specific context of an intoxicated complainant, as informed by s. 15 of the *Charter*;
  - b. The meaning of consent in law and its application in the specific context of an intoxicated complainant, as informed by s. 15 of the *Charter*; and
  - c. The application of discriminatory myths and stereotypes about women, including intoxicated women, in the analysis of the law and the assessment of evidence of capacity and consent to sexual activity under s. 273.1 of the *Criminal Code*.
4. The Intervenors shall bear no liability for, nor entitlement to, costs in relation to the appeal.

**IT IS FURTHER ORDERED** that there shall be no costs to any party on the motion to intervene.

**IT IS FURTHER ORDERED** that the style of cause shall forthwith be as follows:

Her Majesty the Queen

Appellant

and

Bassam Al-Rawi

Respondent

and

Women's Legal Education and Action Fund Inc.  
and Avalon Sexual Assault Centre Society

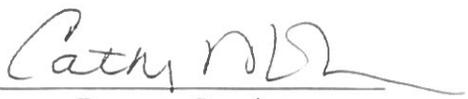
Intervenors

**DATED** at Halifax, Nova Scotia, this 12<sup>th</sup> day of May, 2017.

IN THE NOVA SCOTIA  
COURT OF APPEAL

I hereby certify that the foregoing document,  
identified by the Seal of the Court, is a true  
copy of the original document on file herein.

Dated the 12<sup>th</sup> day of May, A.D., 2017  
  
Deputy Registrar

  
Deputy Registrar  
CATHERINE MOLLON  
Deputy Registrar  
Nova Scotia Court of Appeal