

## Réjean Hinse Awarded \$13.57 Million For 5 Years Wrongful Imprisonment For Armed Robbery

Réjean Hinse was convicted in 1964 and sentenced to 15 years in prison for being one of a number of men who staged the 1961 armed robbery of a couple in their home in Mont-Laurier, Quebec. Hinse, 24 at the time of the robbery, insisted he had nothing to do with the crime.

Hinse served five years of his sentence before he was paroled in 1969. He continued to pursue overturning his conviction, and he was able to get three of the five actual robbers to sign sworn statements that he wasn't involved in the robbery. His persistence also paid off by initiation of a review of the case by the Quebec Police Commission, which in 1989 determined the Mont-Laurier police botched their investigation of the robbery. Based on the new evidence Hinse filed an appeal with the Quebec Court of Appeal, which in 1991 overturned his guilty verdict. However, the appeals court issued a stay of the proceedings, which barred his retrial and the opportunity for his acquittal by a jury. Hinse appealed the stay to the Canadian Supreme Court, which in January 1997 ruled in *R. v. Réjean Hinse* [1997] 1 S.C.R.:

In the circumstances, being of the view that the evidence could not allow a reasonable jury properly instructed to find the appellant guilty beyond a reasonable doubt, we are all of the view that the ap-

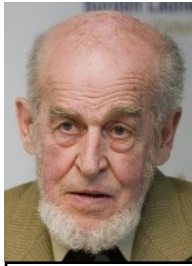
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ing also on whether Ms Stewart could be found to have committed an offence. Where Ms Oliver has been discharged at retrial for a want of evidence that she had committed any offence, it would amount to an "unjust inconsistency" and a substantial miscarriage of justice to allow Ms Stewart's conviction to stand.

Although both Stewart and Oliver were vindicated, it was only after Stewart served her two-year sentence and Oliver served more than a year of her six-year sentence.

#### Sources:

[Lesbian couple jailed](#) for sexually violating woman, New Nation News Reporters Newsroom, December 8, 2005  
[Lynette Kaye Stewart v The Queen](#), [2011] NZSC 62 (NZ Supreme Court, June 2, 2011)



Réjean Hinse on April 14, 2011. (Graham Hughes, Canadian Press)

appropriate remedy is an acquittal. Accordingly, the appeal is allowed, the stay of proceedings order is set aside and the acquittal of the appellant is entered. Acquitted of the robbery, Hinse sought compensation. When it was denied he filed a lawsuit against the Province of Quebec and Canada's federal government. The bench trial began in November 2010 and lasted for six weeks. While the judge was deliberating her decision, Hinse agreed to settle his claim against Quebec for \$4.5-million (Canadian). The federal government refused to settle, and Quebec Superior Court Judge Hélène Poulin ruled on April 14, 2011 they were liable for \$8.6 million. In her ruling Judge Poulin was critical of federal officials for stonewalling and "cruelly ignoring" Mr. Hinse's pleas of his innocence, and she said how do you "set a price for the pain of someone who was unjustly, all his adult life, identified by his colleagues, neighbours and others as a violent robber, and who

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spend 50 years of his existence in the shadow of the criminal he wasn't?"

The total amount to be paid Hinse is \$13.1-million (Canadian) -- which equaled \$13,566,360 in U.S. dollars at the exchange rate on the day of the judge's ruling.

Hinse is now 73. He told reporters after the judge's award was announced that even though he has been out of prison since 1969, he feels like he spent his life in a "psychological prison" from being convicted of a crime he didn't commit.

If Hinse had been convicted in the U.S. and defied the odds by succeeding in having his conviction overturned, and he had then defied the odds and prevailed in a civil rights lawsuit, his monetary award for five years in prison for robbery could have been expected to be a fraction of what he was awarded in Canada.

#### Sources:

[R. v. Réjean Hinse](#) [1997] 1 S.C.R. 3.

[Man wrongly convicted](#) tells his side of the story, *Montreal Headlines Examiner*, November 4, 2010.

Quebec man wins largest award for wrongful conviction, *The Globe and Mail* (Toronto), April 14, 2011.



## Swedish Woman Sued For Libel For False Rape Claim

In 2008 a Swedish woman vacationing on the Greek island of Samos reported to the local police on the last day of her stay that the previous evening she had been beaten and raped. The woman, whose first name is Anna, returned to Sweden that day as scheduled without undergoing a medical exam.

In 2009 Anna learned that Greek authorities did not file rape charges because they didn't believe a crime had occurred. She also learned the Greek authorities doubted the truthfulness of her account because of Swedish women reporting a rape, and then making a claim for insurance upon their return home. In Sweden a woman can claim compensation for an alleged rape under a special clause in their home insurance.

The public prosecution office on Samos informed Anna in April 2011 that the man she accused was suing her for making a false rape accusation and libel. After she received a summons for a court appearance in May, she told a Swedish television station there was "not a chance" she would voluntarily return to Greece. Since Sweden and Greece are members of the European Union, Greece may have the option to pur-

sue Anna's extradition.

*Xaniotika Nea* is a paper in Crete that recently published the article "Rape as an industry to reap benefits," in which Greek medical examiner Stamatis Belivanis said about Swedish women, "They come here on vacation and then a day or so before leaving, after having sexual relations with someone, they report a rape. Back home they try to claim on the insurance."

That women in some countries financially benefit after reporting being raped while on vacation adds a dimension of believability to the claim by the man involved in those cases that they engaged in consensual sex with their accuser.

#### Source:

[Swedish women fake rape](#) to claim payouts, *The Local*, April 15, 2011.



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