

Extradition proceedings delayed for Huawei executive Meng Wanzhou

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Huawei's chief financial officer Meng Wanzhou leaves her family home flanked by private security in Vancouver, on May 8, 2019.

LINDSEY WASSON/REUTERS

Meng Wanzhou's high-powered legal team says the Canadian government is withholding key evidence relevant to how and why the Huawei executive was arrested at Vancouver

International Airport, which may have violated her constitutional rights at the outset of an American extradition process.

In B.C. Supreme Court on Wednesday, the lawyers successfully delayed formal extradition proceedings until after a separate hearing at the end of September determines whether more evidence must be disclosed by the prosecution. During the session, Ms. Meng's team of four criminal lawyers argued her case should be tossed anyway because: her arrest was an abuse of process; the fraud charge she is facing in the United States is for a crime that doesn't exist in Canada; and the U.S. government's extradition request represents an "abuse of power."

Defence lawyer Scott Fenton said U.S. President Donald Trump's suggestion that he might intervene to free Ms. Meng if it served national-security interests or helped close a trade deal with China – made the same day Ms. Meng was granted bail from a Vancouver-area prison – was "intimidating and corrosive of the rule of law."

Outside the courthouse, Benjamin Howes, head spokesman for Huawei Telecommunications Co. Ltd. in Canada, told a crowd of dozens of reporters and raucous protesters that the Chinese telecom giant has confidence in the Canadian judicial system and that the criminal fraud case against Ms. Meng is based on false allegations that she misled American banks.

"Canadians value the rule of law – and the Charter of Rights," Mr. Howes said, reading from a news release. "Law enforcement officials are expected to follow the rules at all times, in all cases and for all people – citizens and visitors alike."

Justice Heather Holmes ruled on Wednesday that Crown prosecutors must defend the level of evidence that they have so far disclosed relating to Ms. Meng's initial detention by the Canada Border Services Agency on Dec. 1 and subsequent arrest by the RCMP. A separate civil lawsuit launched by Ms. Meng alleges these border agents questioned her for three hours without advising her of her rights and unlawfully searched her electronic devices – including two cellphones, an iPad and a personal computer – before nearby Mounties arrested her.

None of the allegations against any party has been proved in court.

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John Gibb-Carsley, the Crown prosecutor, told the judge on Wednesday that such a high level of disclosure is not required in extradition cases, owing to their limited scope.

“Extradition proceedings are not trials; they are intended to be expeditious procedures to determine whether a trial should be held,” Mr. Gibb-Carsley stated, citing a precedent-setting ruling. “We have provided the disclosure to which my friends are entitled.”

Both sides floated next January as suitable for Ms. Meng’s actual extradition proceedings, but no date was set. That means the saga of Ms. Meng, which pitched Canada and China into their worst dispute in decades, will likely drag into next year.

After the hearing ended, a Richmond resident was shouting outside the courthouse that whoever in Canada supports China should get out of the country, which angered a Chinese-language media reporter.

“I am very not pleased with their behaviour,” said Wang Nan, who works for Vancouver-based Dawanews. “Every Canadian has their freedom to choose who they support.”

One man held up a sign asking China to release Canadians Michael Kovrig and Michael Spavor, who have been detained and accused of espionage-related offences in the wake of Ms. Meng’s arrest. The pair have been held in a room with 24-hour lighting and regularly interrogated for six hours a day. Neither has been formally charged.

Jiang Wenran, senior fellow at the Institute of Asian Research at the University of British Columbia, said Huawei as a company has been less inflammatory toward Canada compared with China’s “sweeping condemnations” after Ms. Meng’s arrest.

Also on Wednesday, Justice Holmes ruled Ms. Meng may move to her second Vancouver property – a \$13-million mansion on the same tony block as the U.S. consul-general’s official residence.

Ms. Meng, wearing a bejewelled headband and a long grey skirt hemmed just above the GPS ankle monitor tracking her every move, stood up at the end of the morning hearing to calmly reply “Yes, I understand,” when the judge told her to come back on Sept. 23.

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