

**Numéro du dossier de la Cour / Court file number : 1501-07061**

**Cour du Banc de la Reine de l'Alberta      Court of Queen's Bench of Alberta**

**District judiciaire de Calgary**

**Judicial District of Calgary**

**Entre:**

**Between :**

**FRANÇOIS PAQUETTE, XAVIER Mc GUIRE, SONIA POORAN,  
HUGUETTE BEAULIEU, SIMON MORIN & JOEY COUTURE**

**Requérants / Applicants**

**et / and**

**SA MAJESTÉ LA REINE  
DU CHEF DE L'ALBERTA**

**HER MAJESTY THE QUEEN  
IN RIGHT OF ALBERTA**

**Intimée / Respondent**

**AFFIDAVIT DE SONIA POORAN**

I, Sonia Pooran, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY :

1. I am one of the Applicants who are questioning the constitutional validity of Regulation 158/2013 made under Section 4(2) of the Languages Act, R.S.A. 2000, c. L-6, and, in as much as it treats the French language as a foreign language, of Rule 13.23(4), Alberta Rules of Court, Alta Reg 124/2010.
2. I am the proud mother of two bilingual children, one having English as a first language, the other having French as a first language.
3. I am getting close to my retirement. I have been living in Alberta for most of my working years, first in Edmonton, then in Calgary.
4. I received ticket number B74160424C and I instructed my lawyer to inform the Court on April 24, 2014 that I am making a constitutional challenge of the Regulation. The transcript of that short proceedings is Annex A of this Affidavit.

5. I have been at the center of the 2011 decision of Judge Anne J. Brown where she confirmed that the languages of the courts in Alberta are English and French.
6. I think the following extract of Judge Brown's decision took away any wish of Justice Alberta to appeal the decision:

[21] Si des participants à un litige ont le droit d'employer soit l'anglais, soit le français dans leurs observations orales devant les tribunaux, mais qu'ils ne sont compris que par l'intermédiaire d'un interprète, ils ne détiennent certes que des droits linguistiques fictifs. Une interprétation aussi restreinte de leur droit d'utiliser l'anglais ou le français est illogique — comme le fait d'applaudir d'une seule main et d'en espérer du son. Ainsi une telle interprétation a-t-elle été écartée avec force dans l'arrêt *Beaulac*.

[21] If litigants are entitled to use either English or French in oral representations before the courts yet are not entitled to be understood except through an interpreter, their language rights are hollow indeed. Such a narrow interpretation of the right to use either English or French is illogical, akin to the sound of one hand clapping, and has been emphatically overruled by *Beaulac*.

[22] Si nous faisons nôtre l'assertion de la Couronne intimée selon laquelle les droits de la *Loi linguistique* sont respectés par le fait d'offrir les services d'un interprète, nous nous trouvons à écarter d'un revers de main, en lien avec les droits linguistiques, les droits de la partie au litige à l'application régulière de la loi, au respect de la justice naturelle et à un procès équitable que la Charte reconnaît aux justiciables.

[22] The Crown Respondent assertion that the rights in the *Languages Act* are met by the provision of an interpreter amounts to a sloughing of the language rights of the litigant to the *Charter* legal right to due process, natural justice and a fair trial.

*R. c. Pooran, 2011 ABPC 77*

*R. v. Pooran, 2011 ABPC 77*

7. Once the delay to appeal the decision has passed, I was hoping for a fair Regulation to hone the delivery of language rights enunciated in Section 4 of the Languages Act. Unfortunately, no consultation took place with litigants interested in exercising their language rights nor with their legal representatives. Requests for meetings were refused.

Annex B: March 2, 2012 letter from the Director of the Policy Unit of the Appeals, Education & Prosecution Policy Branch, Justice Alberta.

8. The result has been, in my opinion, a Machiavellian regulation to prevent or restrain the use of the French language in Traffic Court.

9. I do not think that, in the world, there are many democratic countries where the authority of the Judge to take a procedural decision on which official languages of the Court will be used in front of him or her by a Defendant has been taken away by giving a unilateral right of consent or not to consent to a prosecutor, who is, in fact, the adversary of the Applicant who is requesting the use of his or her choice of official language or official languages.
10. In her decision, Judge Brown referred to the June 22, 1988 ministerial statement in the Legislative Assembly by which the then Attorney General of Alberta confirmed that the court proceedings will be recorded in the official language spoken.
11. I was hoping that the decision of Judge Brown would have led to a positive amendment of the policy published in the Transcript Management Manual which only recognizes the English language. Instead, Justice Alberta enunciated a troubling reasoning for not amending the Manual.  
  
Annex C: August 17, 2011 letter from the Assistant Deputy Minister, Court Services, Justice Alberta.
12. The surprising policy of Justice Alberta means that Albertans continue to be deprived of their language rights before the Courts, even in criminal cases where, for a French language trial, the decision rendered in French by the Judge can be absent from the transcript just as the plea submitted in French by the counsel for the accused.  
  
Annex D: transcript of the June 14, 2012 proceedings in R. v. Castonguay
13. It is important to note what was said in the four days of the hearing of my case and what was done by the Crown to try to prevent the Court from clarifying my language rights. Unfortunately, although I paid the full amount invoiced for the transcripts, I am still waiting for the official transcripts.
14. I have been provided with the following drafts:  
  
Transcript of October 15, 2009: Annex E of my Affidavit  
Transcript of March 29 & 30, 2010: Annex F of my Affidavit  
Transcript of June 24, 2010: Annex G of my Affidavit
15. In the circumstances, I will ask my lawyer to include in the Book of Documents of the Applicants the documentation presented in 2009 and 2010 by the parties to Judge Brown.


16. On June 12, 2015, I was in attendance at the annual banquet of the *Association des juristes d'expression française de l'Alberta* (AJEFA) when President Pierre Asselin read a message from Honourable Rachel Notley. I was pleased to hear that our Premier of Alberta « hope we can create a more inclusive province by improving access to justice and by facilitating French legal services. »

Annex H: June 12, 2015 message from Premier Notley

17. I hope Justice Alberta will consider that such a statement of our Premier has concrete meaning.

  
Sonia Pooran

Sworn before me, in the City of Calgary,  
in the Province of Alberta, this  
20th day of November 2015.

  
Gérard Lévesque, Lawyer & Notary