



Case in Brief: ***R. v. Haniffa***

Judgment of November 24, 2022 | On appeal from the Court of Appeal for Ontario  
Neutral citation: 2022 SCC 46

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***The Supreme Court rules that an online police investigation targeting people searching for sex with children was not entrapment.***

“Project Raphael” was an online investigation conducted by the York Regional Police in Ontario between 2014 and 2017. It targeted people searching online who wanted to pay to have sex with girls and boys. It involved police placing fake advertisements on the escort sub-section of a website called Backpage.com. People who engaged with these ads were led to text message conversations between a supposed 18-year-old sex worker, who was actually an undercover police officer. Once the prospective client and the undercover officer agreed to a sexual transaction, the officer would then reveal that they were too young for sex work. Every client who agreed to continue with the transaction and showed up to the designated hotel room, was arrested. Project Raphael led to the arrest of 104 men, including Erhard Haniffa.

Mr. Haniffa was charged with three offences: (1) telecommunicating with a person he believed was under the age of 18, for the purpose of obtaining sexual services; (2) telecommunicating with a person he believed was under the age of 16, for the purpose of inviting sexual touching; and (3) communicating to obtain sexual services for consideration from a person under the age of 18.

A trial was held and Mr. Haniffa was convicted of all three offences but he applied to have the proceedings against him stopped, alleging that he was the victim of police entrapment. Mr. Haniffa argued that officers had offered him the opportunity to commit a crime. To avoid an operation being considered entrapment, a police investigation must be a “*bona fide* inquiry”. In this case, it meant that police must have had reasonable suspicions that a crime was being committed in the escorts section of the Backpage.com website. Having considered the entrapment test, the judge found that Mr. Haniffa was not entrapped and dismissed his application. Mr. Haniffa appealed to Ontario’s Court of Appeal, which dismissed his appeal. He then appealed to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal. The Supreme Court heard this case together with [R. v. Ramelson](#), [R. v. Jaffer](#) and [R. v. Dare](#), and the judgments are being rendered at the same time. Those cases also involved individuals claiming they were entrapped as a result of Project Raphael. Their appeals have also been dismissed.

**Mr. Haniffa was not entrapped.**

Writing for a unanimous Court, Justice Andromache Karakatsanis ruled that Mr. Haniffa was not entrapped, for the reasons set out in [R. v. Ramelson](#). In that case, she had concluded that Project Raphael was a *bona fide* inquiry because “police had reasonable suspicion in a space defined with sufficient precision” and the offences police provided the opportunity to commit “were rationally connected and proportionate” to the offences they suspected were occurring in that space.

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**Breakdown of the decision: *Unanimous*:** Justice [Karakatsanis](#) dismissed the appeal (Chief Justice [Wagner](#) and Justices [Moldaver](#), [Côté](#), [Brown](#), [Rowe](#), [Martin](#), [Kasirer](#) and [Jamal](#) agreed)

**More information (case # 39803):** [Decision](#) | [Case information](#) | [Webcast of hearing](#)

**Lower court rulings:** [judgment](#), [ruling on entrapment application](#) (Ontario Court of Justice) | [appeal](#) (Court of Appeal for Ontario)