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Hon. Doug Lewis
Solicitor General of Canada
Sir Wilfred Laurier Building
13th floor, 340 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

31 July 1992

SPD (I)
A-1099992
Info CC: SC0

Dear Mr. Lewis,

I am writing to request that you contact the Minister for External
Affair, to ask that the Minister consider making application to the
Government of Thailand under the *Treaty on Cooperation in the
Execution of Penal Sentences* for the return to Canada of Alain Olivier
to serve his sentence in a Canadian prison. Since this is an unusual
request to come from a Canadian civil liberties organization, and an
unusual request to be made of you, I should like to explain to you the
reason for it.

On February 19, 1989, Mr. Olivier was arrested in Thailand in a
"buy and bust" operation which was begun in Canada by the RCMP and
culminated in Thailand, where RCMP officers were involved in the
operation. Sadly, an undercover RCMP officer died during the
operation, although there is no evidence that Mr. Olivier was involved
in the death. Mr. Olivier was convicted by a Thai court of drug
offences, and is now serving a life sentence in a Thai prison.

On June 22, 1989, the Chairman of the RCMP Public Complaint
Commission initiated a public interest inquiry into this operation. An
Interim Report of the Commission's investigation was sent to the
Commissioner of the RCMP on December 20, 1991. The report
criticized the RCMP for not having beforehand attempted to make
arrangements with the Thai Government under the *Treaty on
Cooperation in the Execution of Penal Sentences* for the return to
Canada of Mr. Olivier should he be arrested as a result of the
operation. The report argued that the RCMP had a moral obligation to
do so. The Interim Report recommended that the Commission contact

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the relevant Canadian authority responsible for administering the *Treaty* and request that these efforts now be made.

In his response to the Interim Report, dated February 7, 1992, the Commissioner stated,

I will not be contacting relevant Canadian authorities to have Mr. Olivier transferred to Canada as this is clearly not one of the responsibilities or duties of the Commissioner of the RCMP. I am of the opinion that this is a matter which rests with External Affairs and not the agency which was involved in the investigation.

The interest of the B.C. Civil Liberties Association in this matter is not the specific criticism of the RCMP made in the Interim Report, nor have we taken any stand on the issue of whether Mr. Olivier should serve his sentence in a Canadian and not a Thai prison. Our concern is with the bureaucratic and unsatisfactory response of the Commissioner to this particular recommendation.

When it conducts a public interest inquiry, the RCMP Public Complaint Commission represents all Canadians. It does not have the authority to make binding orders, but only to make recommendations to the Commissioner of the RCMP. Given this limited authority, and given that the Chairman views the matter to be serious enough to warrant a public interest inquiry, it is in our view incumbent on the Commissioner to respond thoroughly and in detail to recommendations made by the Chairman, and to fully justify any refusal to comply with a particular recommendation.

It must be remembered that the source of these recommendations is the representative of the Canadian public, and (aside from Parliament) the only way in which the public has any semblance of oversight of the actions of members of the RCMP. For the Commissioner to have responded to the Chairman's detailed critique of RCMP policy in this operation, and to the recommendations regarding Mr. Olivier, by saying in effect "That's not my job" is not only disrespectful of the Chairman and the Commission, but of the Canadian public whom they represent. Parliament has chosen not to authorize the Commission to make binding orders, but it surely foresaw something better than this when it required the Commissioner to

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supply reasons whenever he does not act on a recommendation from the Commission.

Since it is clear that the Commissioner is not willing to act on the Chairman's recommendation regarding Mr. Olivier, the B.C. Civil Liberties Association requests that you do so. We ask that you approach the Minister for External Affairs, and ask the Minister to contact the Government of Thailand and to attempt to make arrangements under the *Treaty on Cooperation in the Execution of Penal Sentences* for transfer of Mr. Olivier to Canada to serve his sentence here.

We thank you for your attention to this request, and await your reply.

Yours truly,



Phil Bryden
President

PB:rw

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cc: Hon. Barbara McDougall, Minister for External Affairs

cc: Bernard Giroux, Chairman, RCMP Public Complaints Commission

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