

Lawyer wants Mounties to admit bungling sting

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A Nanaimo lawyer is playing a key part in allegations the RCMP bungled an international drug sting which ended with a small-time drug dealer being sent to jail in Thailand for 100 years.

Alain Olivier, the Canadian serving a life sentence in Bangkok, was a sacrificial pawn in an RCMP sting operation aimed at heroin traffickers, says Paul McEwen, who works for Ramsay Thompson Lampman. Olivier pleaded guilty in a Thai court as he risked the death penalty by going to trial and received the century-long sentence.

McEwen at one time headed an investigation by the RCMP Public Complaints Commission into the RCMP operation, code named Deception. He said undercover officers tricked, cajoled and bullied Olivier, a junkie and alleged small-time drug dealer, into going to Thailand in 1989 to set up a heroin buy.

Then they handed him over to Thai police and left him to rot, he said.

Now, seven years later, McEwen said he's still waiting for someone to acknowledge that what the force did to Olivier was wrong.

"The RCMP fabricated a situation and then induced a person to become involved in it, in a foreign country where he could have faced the firing squad," McEwen said. "This guy was never going to come back to Canada.

"How can a police force operate properly in a democratic country if it goes around treating its citizens as it did in this case? ... Everyone up the line knew what was going to happen to Olivier and didn't object."

Operation Deception, which cost the life of RCMP undercover officer Derek Flanagan, resurfaced this week with the publica-

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tion of the book *Gut Instinct* by Victor Malarek.

In the final chapter, Malarek, who broke the story when he was a reporter for the *Globe and Mail* in 1989, quotes from an internal Public Complaints Commission report that is scathingly critical of the way Olivier was treated.

PCC chairman Richard Gosse had responded quickly to Malarek's story and others that raised questions about what the Mounties were doing in Thailand. In June 1989 he ordered an investigation and put McEwen in charge.

It was the first big test for the commission, created the previous year to be a watchdog over RCMP conduct.

The draft report McEwen eventually filed minced no words. The major players in Operation Deception "decided that Alain Olivier, a drug user and perhaps small-time dealer with no criminal record, was expendable," he wrote.

Olivier was induced to go to Thailand as bait in a fishing expedition that, if it worked, would allow the RCMP to score a coup in the war against heroin.

"One can understand why the RCMP would not want Alain Olivier to be able to give evidence in a Canadian courtroom," the report said. "The story of his treatment by the RCMP would, if

believed, bring the administration of justice into disrepute."

But the official report on Operation Deception, issued over the signature of acting chairman Fernand Simard in December 1991, contained none of that.

Although it concluded that by initiating the sting operation, rather than responding to a request from the Thai police, the RCMP flouted the ministerial directive governing its operations outside Canada, the report stopped short of laying blame.

It also chided the force for making no attempt to bring Olivier back to Canada for trial, noting that the Thai police had no real interest in him.

However, it said Olivier was largely the author of his own misfortune, describing him as "a longtime drug dealer who is willing to do a large drug deal for the undercover team when presented with the opportunity."

McEwen, one of two commission members who interviewed Olivier in a Thai prison in 1990, disagreed with that assessment in this week's interview, saying Olivier had a minor role in what happened.

Although he was greedy, "mostly he was full of a lot of bluster and noise." And because he was an addict, he had jumped at the promise that he would get 10 per cent of any heroin he helped to buy.

McEwen said the issue is not Olivier's character but his rights as a Canadian citizen.

"This, in my view, was a clear case of entrapment. If you chip away at the liberties and rights of one individual, you do it to all of us.

"It disturbs me that this kind of thing could go on in my country and then be covered up and nobody cares."

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