

**TRANSFER OF OFFENDERS TO CANADA**  
**TRANSFÈREMENT DES DÉLINQUANTS AU CANADA**  
 under terms of the treaty between Canada and Thailand  
 selon les termes du traité entre le Canada et la Thaïlande

P-80

**1. PERSONAL DATA - DONNÉES PERSONNELLES**

<i>Last name - Nom de famille</i>	<i>Given names - Prénoms</i>	<i>Institution - Établissement</i>
Olivier	Alain	Bang Kwang Central Prison
<i>Place of birth - Lieu de naissance</i>	<i>Birth - Naissance</i> Y-A M D-J	<i>Place sentenced - Lieu de condamnation</i>
Drummondville, Québec	1959-12-10	Thailand

**2. CURRENT OFFENCE(S) - INFRACTION(S) À L'ORIGINE DE LA PEINE ACTUELLE**

<i>Offence - Infraction</i>	<i>Place sentenced - Lieu de condamnation</i>	<i>Date</i> Y-A M D-J
Possession of narcotic	Bangkok Thailand	1990-08-16

<i>Nature of sentence - Nature de la peine</i>	<i>Length - Durée</i> Y-A M D-J	<i>Start - Début</i> Y-A M D-J	<i>Expiration</i> Y-A M D-J
Imprisonment	40 years	1989-02-19	2029-02-19

**3. CONDITIONAL RELEASE IN CANADA  
ELIGIBILITY**

**- LIBERTÉ CONDITIONNELLE AU CANADA  
ADMISSIBILITE**

<i>Temporary absence - permission de sortir</i> <i>Parole - Libération conditionnelle</i>	<i>Day parole - Semi-liberté</i> <i>Statutory release - Libération d'office</i>

**Considerations for transfer**

**Considérations pour le transfert**

In deciding to approve or disapprove the transfer of a Canadian offender to Canada, the Minister shall take into account the following considerations:

Dans sa décision d'accepter ou de refuser le transfèrement au Canada d'un délinquant canadien, le ministre tient compte des éléments suivants, à savoir:

- a) whether the offender has fulfilled the conditions of the Act and the treaty pursuant to which the transfer was requested;  
 Yes ✓  
 No
  
- b) whether the return of the offender to Canada would outrage public sensibilities because of the extremely serious nature of the offender's crime or circumstances surrounding it;  
 Yes  
 No ✓
  
- c) whether the return of the offender to Canada would constitute a threat to the security of Canada;  
 Yes  
 No ✓
  
- d) whether there is reason to believe that the offender would, on the offender's return to Canada, engage in any activity that would be part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of any offence that may be punishable under any Act of Parliament by way of indictment;  
 Yes  
 No ✓

- a) si le délinquant a satisfait aux conditions de la loi et du traité en vertu duquel le transfèrement est demandé;  
 Oui ✓  
 Non
  
- b) si le retour au Canada du délinquant peut soulever l'indignation du public en raison de l'extrême gravité du crime commis ou des circonstances de sa perpétration;  
 Oui  
 Non ✓
  
- c) si le retour au Canada du délinquant peut constituer une menace pour la sécurité du pays;  
 Oui  
 Non ✓
  
- d) s'il y a des raisons de croire qu'à son retour au Canada, le délinquant pourrait se livrer à des activités faisant partie d'un plan d'activités criminelles organisées par plusieurs personnes agissant de concert pour commettre une infraction qui peut être punissable par voie de mise en accusation en vertu d'une loi du Parlement;  
 Oui  
 Non ✓

whether the offender left or remained outside Canada with the intention of abandoning Canada as the offender's place of permanent residence, and has no social or family ties in Canada;

- Yes
- No ✓

e) si le délinquant a quitté le Canada ou est demeuré à l'étranger avec l'intention de ne plus considérer le Canada comme lieu de sa résidence permanente, et n'a pas de liens sociaux ou familiaux au Canada;

- Oui
- Non ✓

f) whether the offender has previously been transferred under the Act.

- Yes
- No ✓

f) si le délinquant a déjà été transféré en vertu de la loi.

- Oui
- Non ✓

4. ASSESSMENT and RECOMMENDATION

EVALUATION et RECOMMANDATION

Alain Olivier is a thirty seven year old Canadian citizen who is serving a sentence of imprisonment of forty (40) years for possession of heroin. He was originally sentenced to death which was commuted to life and later reduced to 40 years through a royal amnesty in June 1996.

In February 1989, Mr. Olivier traveled to Bangkok to purchase heroin. It was part of an undercover operation involving the RCMP and Thai police that went awry when an RCMP officer was killed. The incident gave rise to much controversy. The matter was investigated by the RCMP Public Complaints Commission.

Mr. Olivier has eleven (11) prior convictions in Canada for drugs, theft, robbery, for which he received fines and probation except in 1986 when he was sentenced to an aggregate term of 42 months. There are no outstanding charges.

Under Thai legislation, Alain Olivier was required to serve eight (8) years before being able to apply for transfer. Prison conditions are extremely harsh in Thailand. Prisons are severely over crowded and poorly kept. Health standards are non existent. Disease is rampant. There are no medical services. Food and vitamin supplements are required to meet basic dietary needs.

His situation and that of his family are difficult. The Canadian Embassy has had to provide financial assistance for food and medication. Distance and travel costs have precluded visits from his family. His mother died in December 1996.

He has the support of his aging father and his brother. A transfer would alleviate hardships and allow Mr. Olivier to serve his sentence near his family. A transfer would also ensure a controlled and supervised reintegration into the community under the jurisdiction of the Correctional Service.

In view of the above, his transfer is recommended.

N.B. His transfer to Canada is likely to receive media attention, probably as concerns the findings of the Public Complaints Commission re the role of the RCMP.

DECISION - DÉCISION

Ministerial decision - Décision ministérielle

i) Approved/Approuvé:



iii) Comments/Commentaires

ii) Denied/Refusé:



*Alain Olivier* 97 Mar 28

Solicitor General  
Solliciteur général

Signature

Y-A M D-J  
Date