

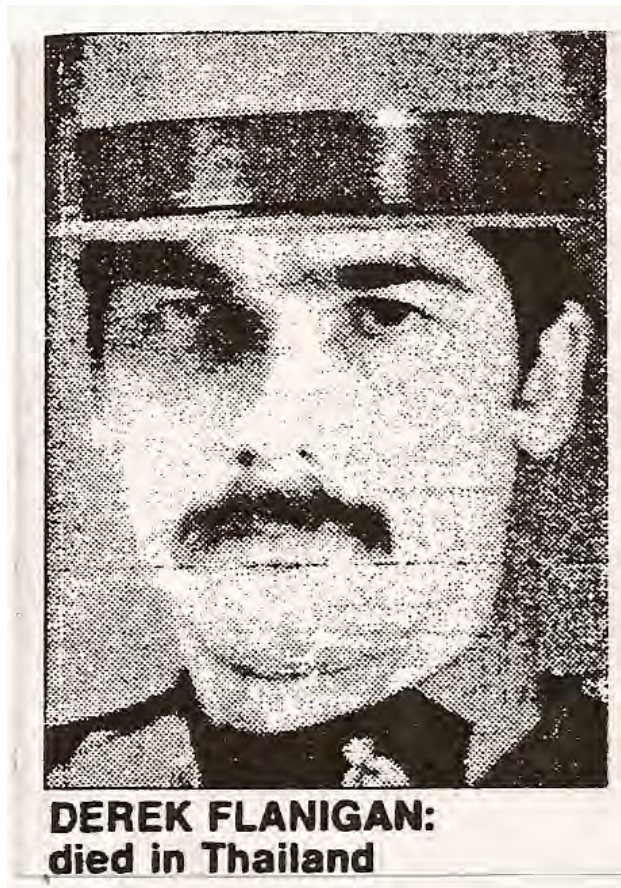
FLANAGAN'S DEATH

THE INTEGRITY OF THE FORCE

RCMP'S CONTRADICTIONS, LIES & PERJURIES

RCMP OPERATION – CODE NAME – “DECEPTION” – 87HQ – DR – 4043

Undercover operation “E” Division 87E – 142



WERE RCMP MEMBERS TRUTHFUL?

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INTRODUCTION

The Attorney General's attacked Olivier's credibility, when persistently stating that he was lying with regard to the circumstances related to RCMP Cpl. Derek Flanagan's death. (See down below)

Attorney General's Answer

*Plaintiff a raconté pendant des années à qui voulait l'entendre **une histoire sans fondement** de "cover up" voulant qu'il soit maintenu en prison en Thaïlande pour l'empêcher de divulguer que le sergent Flanagan était mort par balle! (voir cartable Prescription" – Onglet 9 notamment (pièce D-3, vol.2, p52-42 (*pages manquantes dans le mémoire de l'Appelant - ces pages seront produites par le PDC). Or **Olivier n'a présenté au procès aucune preuve de ces accusations** qu'il a soutenues durant des années. Au paragraphe 63 du jugement, le juge Caron réfère au rapport d'autopsie du 21 Février 1989, lequel confirme que Flanagan n'a pas été blessé par balle.*

TRANSLATION

*For years, Plaintiff as told to whomever wanted to hear him, a false story of a "Cover up" wanting him to be maintained incarcerated in Thailand, in order to keep him from divulging that Sergeant Flanagan's death resulted from a gunshot. (See Book Prescription – Onglet 9, notably (piece D-3, vol.2, p52-42 (*pages missing in Appellant's Mémoire – these pages will be produced by the PDC). In fact, **at trial, Olivier hasn't presented any proof of such accusations**, which, he's maintained for all these years. At paragraph 63 of his judgement, Justice Caron referred to the autopsy report of February 21, 1989, which confirms that Flanagan had not been victim of a gunshot.*

Paragraph 63 Judgement Justice Caron used by the Appeal Court

(63) Olivier est immédiatement arrêté alors que le petit camion où se fait la transaction tente de quitter les lieux. Flanagan prend part à une altercation à l'arrière du camion. C'est à ce moment que Flanagan serait tombé du camion et il décèdera peu après des suites de cette chute. Olivier témoigne cependant qu'il a entendu un coup de feu et que Flanagan n'est pas décédé de sa chute, mais bien d'une balle de revolver. Le rapport d'autopsie du 21 Février 1989 confirme cependant qu'il n'y a pas eu de blessure par balle.

English translation

(63) Olivier is immediately arrested while the small truck where the transaction occurred tried leaving the scene. Flanagan takes part to an altercation at the back of the truck. It is at that moment that Flanagan would have fell off the truck and died as a result of this fall. Olivier testified however that he heard a gunshot and that Flanagan didn't die as a result of his fall, but rather by the bullet of a revolver. The autopsy report of February 21, 1989 confirms however that there wasn't any injury resulting from a bullet.

Besides a dubious Thai autopsy report; there were plenty of evidences establishing that RCMP members have lied and tried to hide something. (See document Part I & II)

For any of our legal instances simply ignoring the evidence corroborating Olivier's allegations remains hard to comprehend, foremost, when it comes down to matter as serious as the death of a police officer and his colleagues lying about the circumstances surrounding his death.

The death of a RCMP officer isn't an everyday thing. This is a very grave issue and it should have prompted our legal instances, in this case, to do a profound analysis of the documentation (RCMP police notes, statements and testimonies under oath) produced into court records by the Attorney General, before concluding that Olivier isn't credible.

Except for a debateable autopsy report from Thailand, it becomes clear that no consideration whatsoever has ever been given to any of the elements, which could have corroborated Olivier's allegations. The question is why?

Moreover, if the judges in place did indeed take the time to meticulously look at the evidence, as they claimed they did in their court decisions, this would mean that they either miss all the evidence found herein below or that they were aware of the evidence and preferred to remain silent.

Why not a word with regard to the content of the evidence found herein below was ever mentioned by any of our judicial instances is difficult to comprehend. It surely can't be a simple oversight, since we're talking about the circumstances surrounding the death of a member of the RCMP, and that evidence of perjuries and fool play are plenty.

Even more troubling is realizing the extent to which, RCMP members involved in Thailand have lied and the fact that they could get away with it and that all evidence of it has been ignored and set aside by the Lower Courts.

For years, Olivier claimed the RCMP had been lying with regards to the circumstances leading to Flanagan's death. It includes his claim to PCC official, as well as Oliver's personal complaints to the PCC in November 1994. Such claim and request for a public inquiry were also sent to our Prime Ministers, Ministers of Justice, Ministers of Public Safety – Solicitor General under the Conservator and Liberal Parties since 1989.

These same allegations about Flanagan's death were also presented before the Superior Court and the Appeal Court in Montreal, including the documentation (Multi Factum) used to prepare the present analysis. Moreover, it has been written to stand any type of scrutiny, since all the evidence found herein emanates from the Attorney General's own documentation, including the PCC file, which, the Judge of first instance didn't allow Olivier and Counsels to enter into Court record.

Usually, under circumstances as serious and as controversial as the death of a federal agent in the line of duty, before anyone could come up to any kind of conclusion, foremost those representing the legal instances in place, there is a crucial and most important requirement to fulfill. And it is called; looking at the content of all the evidence in a fair and judicious manner. In the present case, it is clear that no one did. And if they did, it would signal an even greater malaise.

It should have been even more important making sure there isn't any proof to corroborate Olivier's allegations, before saying there isn't any evidence.

The Attorney General and the RCMP have done all they could since February 19, 1989, in order to keep the facts from Canadian Taxpayers, and it includes RCMP Flanagan's family, who still believes that they were told the truth.

Besides the RCMP and the Attorney General, who really had a motive for not wanting the truth and the information found herein below to come out? Nobody!

Despite being hard to assess at this point, the extent to which the RCMP and the Attorney General have misled the public in the present case can't be ignored. We're talking about the death of a RCMP officer and RCMP members, who have lied extensively in all impunity with regard to the circumstances surrounding his death.

Not only is such conduct in total contravention with the RCMP Act, but also with RCMP's Rules and Regulations and the Law. Moreover, misleading the Court and perjury, for instance, are totally illegal and constitute serious crimes and indictable offences, under the Criminal Code. And having the Lower Court covering it up makes this even worse.

Moreover, it becomes a matter of public order, when judges closed their eyes to matter as serious as RCMP members perjuring themselves before a Canadian Court of law.

This being said... now, the facts.

Flanagan's Death

PART #1:

Known Facts:

1) CANADIAN OFFICIAL VERSION OF FLANAGAN'S DEATH

1.1 Canadian Embassy Counsellor Gardiner Wilson

“In Bangkok, embassy counsellor Gardiner Wilson said the incident occurred on the outskirts of Chiang Mai, a large city about 700 kilometres north of Bangkok – often called the gateway to the “Golden Triangle,” a large area between Burma, Laos and Thailand that is infamous for its poppy production.

“He was grappling with the bad guy and the vehicle was moving and **they both tumbled off** and he struck his head on the pavement...”

Gardiner Wilson's Statement to the Toronto Sun and Vancouver Sun, Tuesday, February 21, 1989:

DEFENSE

1.2 “The small truck then started away and Derek Flanagan wrestled with the Thai male in the box of the truck over the heroin and **they fell out of same, with Thai on top of them.** Derek Flanagan died of complications from brain injuries.”

Defendant's Amended Plea, dated February 19, 2002, paragraph 134

NB: Such Admission from the Attorney General isn't only of great importance, but also corroborated what was said by Gardiner Wilson, February 1989 and as found in Pouliot's police notes of February 19, 1989. However, the Admission of the Attorney General will be changed and amended during Girdlestone on Discovery in 2003, as shown further down in Part #I of the present document.

RCMP CHIEF INSPECTOR NEIL POULIOT

1.3 POLICE NOTES February 19, 1989

“8:50: Flanagan fell out of the mini pickup truck. **The Thai allegedly fell out also,** however, jumped back on bus. Intercepted by MNU & arrested...”

Vol. 50, Pouliot's police notes, p, 3336 to 3340

NB: According to Pouliot and as written in his police notes, the Thai male had also fallen out of the truck. His version pretty much reflects the content of Gardener Wilson, counsellor and spokesperson at the Canadian Embassy in Bangkok at the time of the events, as reported in the Toronto Sun and the Vancouver Sun. Furthermore, it also jives with the Attorney General's Admission at paragraph 134 of their Defence, as shown further down below at section 10.

However, the Canadian official version of the events, at the time, surely isn't in concordance with the Royal Thai inquiry report on Flanagan's death, where Flanagan, according to their report, had been the only one to fall from the truck.

2) ROYAL THAI INQUIRY ON FLANAGAN'S DEATH

2.1 “Only Flanagan fell off the truck. The Thai male (Prapas) never fell on top of Flanagan nor did he ever fall off the truck.”

Vol. 14, D-2, RCMP Liaison Officer Ken Kelly's file, (Bangkok file) See pictures & comments p. 4230 to 4232 of Multi Factum

NB: The police authority of Thailand, following Flanagan's death, conducted a Royal Inquiry to investigate the circumstances surrounding the incident. Their inquiry lasted until mid-spring of 1989. However, the Royal Thai inquiry came to conclusion totally at odds with the version given here in Canada.

2.2 PICTURES: RE-ENACTMENT CHIANG MAI, FEBRUARY 20 – 21, 1989

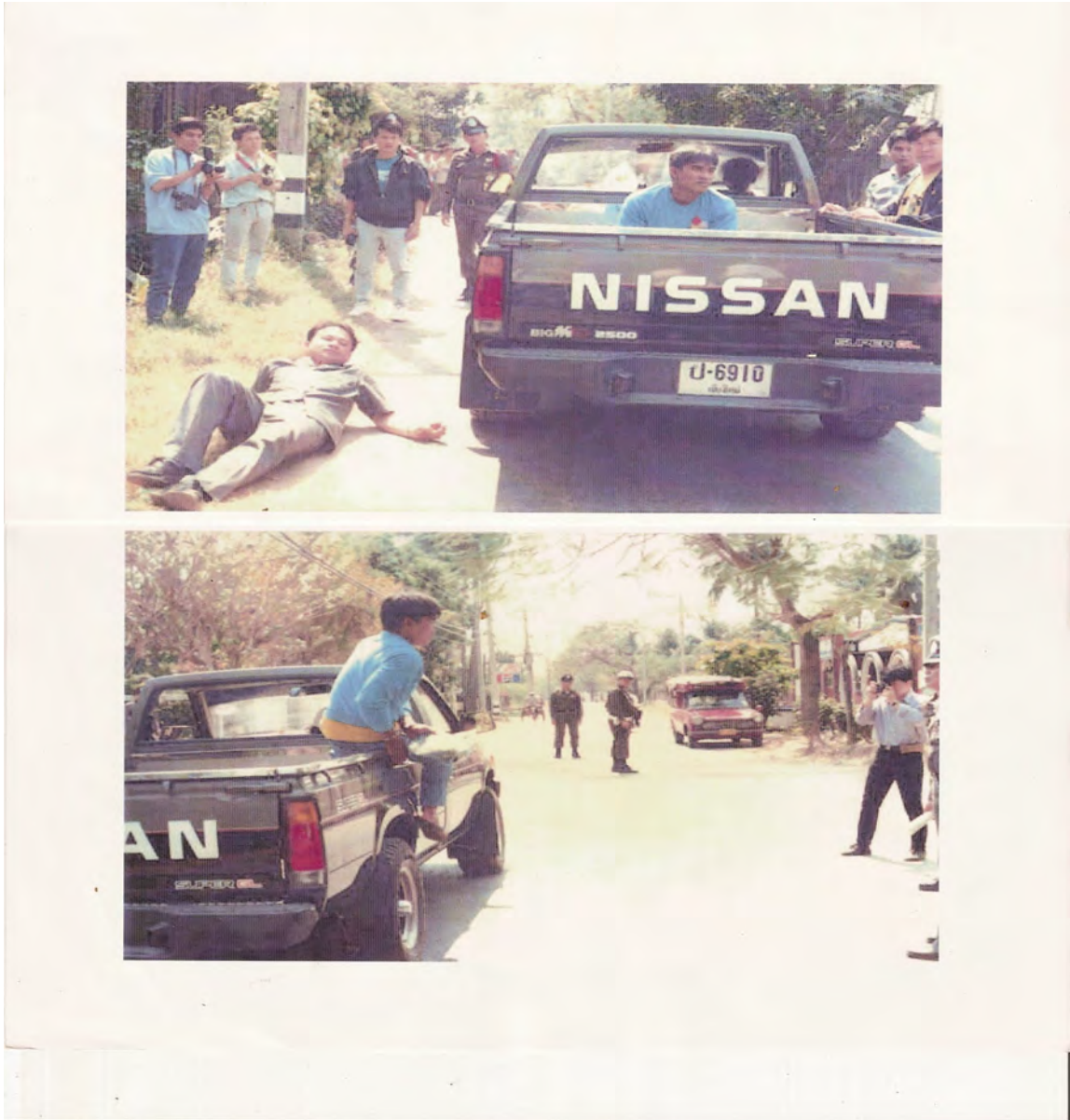
It is clear from the pictures taken by the Thai police authority of Thailand, as shown down below, that only Flanagan fell down from the truck.



Other pictures taken upon the re-enactment clearly shows also that only Flanagan fell off the back of the truck.

***** How could the Canadian and Thai authorities end up having different versions of the events surrounding Flanagan's death.

We are talking about the death of a RCMP officer, which puts this, in a class apart.



According to the Thai investigation of the events, Prapas jumps off the truck after Flanagan went down and that the truck had stopped at position number 10 of the RCMP (Girdlestone) hand drawing sketch of the scene.

After getting out of the truck, the Thai male took over Pimpam behind the wheel and drove away. (RCMP hand drawing of the scene to be found further down below)

3) NO AUTOPSY IN CANADA & THAI AUTOPSY'S RELIABILITY

Repatriated in Canada on February 23rd, Flanagan's body arrived home on Friday 24th, and right away was urged towards Richmond Funeral home, where he was cremated the same day. According to the RCMP Staff Sergeant Dop, he got cremated at the demand of the family. However, his version as appeared down below is seriously contradicted by LO Kelly. Strangely, there wasn't any autopsy performed on Flanagan in Canada.

RCMP STAFF SGT JACK DOP

3.1 STATEMENT ON DISCOVERY

Q. To your knowledge, Mr. Dop, is there a headquarter medical file for Derek Flanagan?

A. To my knowledge, **no, there would not be.**

Q. So, there would only be a medical file at E Division?

A. That might be gone now, that would be destroyed after some years.

Q. Do you know for a fact what happened to Derek Flanagan upon return of his body to Canada?

A. Do I know what happened to him?

Q. Yes.

A. He was cremated.

Q. Where?

A. Richmond.

Q. Richmond British Columbia?

A. Yes.

Q. Do you know what organization?

A. I don't know. The Richmond Funeral Home, I think it was the Richmond Funeral Home. He came home Friday, he was **cremated** very shortly thereafter, upon the request of the family.

Vol. 24, Dop on Discovery, September 22nd, 2003, p. 7305 – lines 23-25 & p. 7306 – lines 1-18

NB: According to Dop, the medical file would have been destroyed and Flanagan was right away cremated at the request of the family, which is far from concurring with LO Kelly's testimony down below.

RCMP LIAISON OFFICER KEN KELLY

3.2 STATEMENT AT TRIAL

Q. Mr. Kelly, did you go to Mr. Flanagan's funeral?

A. I did.

Q. And to your knowledge, was he cremated?

A. I believe so.

Q. You believe so. And do you know when his funeral was? How much time afterwards? It's not a trick question, it's just to get it into the record.

A. It would be in the file.

Q. Okay. You don't have any...

A. I don't have the exact... but it's in the file here.

Q. Okay. Would you mind looking at it, just so we can have it officially in the record as to when his funeral was?

A. And I can tell you why he was cremated. It was not the desire of his wife that he be cremated.

Q. It was whose desire?

A. It was... the body had been so decomposed with the transport back, it wasn't looked after properly. So, there was no option, they had to cremate.

Q. Would you agree that cremating made any autopsy in Canada impossible?

A. I guess it would. I'm not sure whether there was another... no, I don't think there was another autopsy.

Q. No, there wasn't.

A. Here's the...

“Service will be held on Saturday, February the twenty-fifth (25th).”

Q. Pardon?

A. Service will be held on February twenty-fifth (25th), Saturday, February twenty-fifth (25th).

Vol. 41, Kelly at trial, October 12, 2007, p. 12884 – lines 1-25 & p. 12885, p. lines 1-8

NB: The problem with the aforementioned statement from LO Ken Kelly is the fact that it greatly clashes and seriously contradicts what Dop claimed on his side, when stating that Flanagan had been cremated at the family's demand.

How can there be such discrepancy between Dop and Kelly's statements?

Was Flanagan, yes or not, cremated at the family's demand?

The simple fact of seeing LO Kelly clearly contradicting what was stated by Dop, this alone, raise several questions. If it wasn't the desire of the family to have Flanagan being cremated, then why, never mind the state of decomposition, having the corpse being cremated?

In fact, has anyone among Flanagan's family, foremost his wife, ever been able to look at the body, prior of agreeing to the cremation or did they simply trust the veracity of what they were told by the RCMP?

Interestingly enough, how could the RCMP not having insured with the Thai authority that the body of the deceased would be properly preserved between February 20 & 24?

This occurred in 1989 and not at the turn of the previous century. Considering the technology at the time (1989) and the amount of necessary Thai resources in existence

then, it isn't only hard to comprehend, but in fact, difficult to believe that the Thai Authorities wouldn't have known how to preserve the corpse in an appropriate manner between February 20, 1989, at 16:00 hre, the time he was declared dead, to the time of the RCMP's return to Vancouver, the morning of February 24, 1989.

It is even more doubtful that the Thai would not have taken all the necessary steps with the RCMP, in properly caring for the dead body, considering that Flanagan was an officer of the RCMP. If anything, the Thais would have, in all logic, taken the appropriate measures to insure maintaining its preservation, unless there was something to hide.

As it stands and according to the content of what RCMP LO Kelly stated at trial, we are forced to conclude that the heat and the Thai authority would be the ones to blame for the deterioration of the body, to a point, where the body had to be cremated.

However, Flanagan's wife obviously felt otherwise, since it wasn't her desire to see her husband being cremated.

And if she indeed was against it, then, why did the RCMP nevertheless proceed with the cremation?

Whatever the reason why Flanagan was cremated within few hours following the Force's return to Canada, several factors remain hard to imagine.

Actually, one question remains and keeps coming up at this point; namely, why wasn't there an autopsy performed on Flanagan upon the RCMP's return to Canada?

It should have been done, even more so, considering the fact that External Affairs were already caught up with a big dilemma at the time. Within the last 10 months prior to Flanagan's death, four other Canadians, although civilians, had been killed in Thailand.

A reporter from Edmonton got an interview with the mother of one of the victims.

Since all deaths, according to the different Thai autopsy reports, were due or associated to natural causes, I'll leave to readers to judge on how much credibility, if any, could be given to a Thai autopsy report at the time.

And it becomes even more so, when considering the amount of upcoming RCMP's contradictory statements based on their police notes and recollection of the facts.

3.3 **Edmonton (CP)** – “A British Columbia woman is worried that Canadians may be falling prey to killers in Thailand and wants to find out if there's link between the death of her son and others in the Southeast Asian country.

Arlene Gaal of Kelowna believes organized gangs may have killed her son and three other Canadians, who, died in Thailand recently. **The deaths have all been blamed officially on natural causes.**

Gaal wants the External Affairs Department to warn other Canadians planning trip to the country.

Gaal is hoping to compare autopsy reports from the other death for similarities.

She was in touch with the Edmonton family of Dale David Mazur, 27, who was found dead in December 1988 in his hotel bed in the resort town of Pattaya. An autopsy in Bangkok said he died from liver and heart failure. Mazur had a two-year history of high blood pressure.

A 36-year old from Salmon Arm, B.C., was found dead, apparently from a heart attack, in a hotel two days before Mazur, and a 25-year old from Vancouver died under similar circumstances.

Gall, whose son **Joe reportedly drowned in a hotel swimming pool** in the same town as Mazur last April, became suspicious, when **an autopsy in Canada showed her son had been struck several times in the head. There was no mention of the injuries in the Autopsy done in Bangkok...**

Gall said the External Affairs Department was too quick to close the files on the deaths. **The department agrees with the official police findings that Gall's death was an accidental drowning.**"

The above article, speaks for itself and there is no ambiguity to it.

At the Canadian Department of External Affairs, they were fully aware that Gall's son, according to a Canadian autopsy report, had been hit several times on the head.

It was contrary to the Thai autopsy report, where none of these injuries were ever reported. And yet, External Affairs rather believed the Thai autopsy report, over a surely more credible one performed here, in Canada. That alone defies any level of comprehension and may indeed be subjected to serious questioning.

The fact that the above article was published at the time of Flanagan's death, Ottawa and External Affairs were well informed at that point, of what level of credibility could be given to an autopsy report coming out from Thailand.

Nobody from External Affairs to the Solicitor General's office and up to the top Brass in Ottawa ever cared for the need of another autopsy. All was well.

Everyone simply felt or thought okay to believe, what they had been told by those directly involved at the time of the incidents, without ever really having taken the time to get at the truth. They took the easy way out, rather than taking the time to clearly investigate what went on, before putting the matter to rest.

4) WHAT WAS REPORTED IN THAILAND

According to the RCMP's own documentation at the time, it is clear that in Ottawa they were fully conscious of what had been reported through the media in Thailand, namely that Flanagan had been shot, as shown down below and as found in the RCMP Liaison Officer file (D-2).

4.1 "THE BANGKOK POST" FOR FEBRUARY 21, 1989

PUBLICATION THE BANGKOK POST	Page One	DATE TUESDAY, FEBRUARY 21, 1989
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BANGKOK TUESDAY FEBRUARY 21, 1989

'Drug agent' killed during police shootout

Chiang Mai — A veil of secrecy has been thrown over the fatal shooting during a drug bust of a man who may work for a foreign drug suppression agency.

A "Mr Farmarken" as identified by the Chiang Mai Hospital was shot in the back of the neck at about 11 p.m. on Sunday.

Provincial police suspected the 36-year-old man to be either an informer for the Metropolitan Narcotics Unit (MNU) or an officer of a foreign drug suppression agency, possibly the US Drug Enforcement Administration, working with the Bangkok drug unit.

However, officers of the MNU denied there were any fatal shootings at all.

Deputy Police Chief Pol Gen Sawaeng Theerasawaadi also went up to Chiang Mai yesterday after news of the shooting leaked. However, when he saw reporters at the Muang Police station he would not come out of his car. Investigating officers instead got into the car and drove out of the station.

The drug bust occurred behind the Fa Thani cinema in Muang District where two foreigners were trying to

buy heroin from three alleged drug dealers through the introduction of two tuk tuk drivers.

MNU officers had been informed of the transaction and set up a stakeout. Provincial police sources said the MNU officers charged into the area, firing their guns after a fistfight broke out.

One of the two foreigners, Mr Farmarken, was shot in the back of the neck and died later in hospital. The other, a Mr Allen Olivia, 29, was unhurt.

Police would not reveal the pair's nationalities or comment on whether they were working with them.

Police arrested the alleged dealers — Prapas Srichandorn, 29, and his two sisters Nipha, 27, and Pimpan, 23 and the two drivers — Santi Pinta, 32, and Chan-kaew Boontheng, 34.

Police also confiscated six sticks of heroin weighing 2,400 grammes and a pick-up truck.

An officer of the Bangkok drug unit Pol Lt-Col Ammaresit Wathoriboon denied that there was any fatal shooting.

The provincial police also kept mum on the incident.

The Nation / Bangkok
February / 21 / 1989

Mystery shrouds death of Canadian policeman

CHIANG MAI — Mystery shrouded the death of a Canadian anti-narcotic policeman who was killed during a drug raid in Muang district of this northern province on Sunday.

Tight-lipped police officials in charge of the case said only that Cpl Derek John Flanagan, 35, died after falling off a speeding pick-up truck during an anti-drug operation. However, hospital officials said a bullet wound was found at the nape of his neck.

Six suspects, including a foreigner and two women, were arrested and two kilograms of heroin confiscated in the operation in Tambon Suthep.

Pol Lt Gen Sawaeng Thirasa-wasdi, deputy police director general, arrived here on Monday to join senior provincial police officials conducting the investigation.

The suspects were brought into the Muang district police station's conference room on Monday evening for interrogations ending at around 2 am yesterday. All investigators refused to comment after the marathon questioning.

The suspects were transported to the scene of the officer's death

yesterday morning for a re-enactment, during which a man representing the 35-year-old Canadian policeman was shown falling off the alleged drug dealers' pick-up truck in the midst of a scuffle.

Details of the drug transaction and the raid were sketchy. Several sources claimed that a shooting erupted at the scene on Soi Srimangkhalacharn during several hectic moments in the afternoon.

Flanagan died at the Maharaj Nakhon Chiang Mai Hospital. Hospital officials, who requested anonymity, said a bullet was found

CONTINUED PAGE 3

▶▶▶ CANADIAN

in the back of his neck.

The six suspects were identified as Prapas Srichandorn, 29; Miss Pimpan Srichandorn, 23; Miss Nipa Srichandorn, 27; Santi Binta, 32; Chankaew Boonpeng, 34; and Alan Oliver, 29, whose nationality was not disclosed.

Sources said the foreign suspect is also a Canadian.

Police teams searched the suspects' houses here yesterday, but found only one .22 pistol.

The investigators said they would call a news conference to clarify the case soon.

George Manerd, a spokesman for the Canadian Embassy in Bangkok, said Flanagan was an anti-narcotics agent for the Royal Canadian Mounted Police force based in Vancouver.

"We received a report from the Thai police that he fell off the car while he was trying to arrest drug suspects," Manerd told *United Press International*.

The spokesman said Flanagan struck the cement pavement and suffered serious head injuries.

Some police sources said Flanagan had grabbed onto the suspects' vehicle, but fell after the truck accelerated from the drug transaction site behind a movie theatre.

UPI quoted sources as saying that Flanagan, a 15-year veteran, was in Thailand for many days trailing a foreign drug dealer, believed to be a fellow Canadian.

Flanagan is survived by a wife and two sons and a child by an earlier marriage, according to Manerd.

His body was to be flown to Bangkok yesterday for its return to Canada this weekend. — *Nation/UPI*

It wasn't only the Newspapers, which did get to cover the aforementioned event. In fact and according to Olivier, the Thai television, as well as the Radio had clearly stated in their news coverage of the events at the time, that gunshots had been fired and that RCMP Cpl. Flanagan had been hit in the back of the head by a bullet. This alone, should have been enough of an incentive to seek having another autopsy practiced, once his body returned to Canada.

Flanagan wasn't anybody. He was a police officer, member of the Royal Canadian Mounted Police, killed in the line of duty during an undercover operation in a third world country. Yet, nobody felt the need having an autopsy performed in Canada.

This leaves much to wonder and becomes also the subject of much questioning with regard to the ability and the will of those in place at the time, at wanting to ensure that Canadian taxpayers were indeed getting the truth, including Flanagan's family.

It is under the mournful sound of bagpipes at the forefront of the line that a contingent of four hundred RCMP police officers gathered to bury their fallen comrade. On Saturday, February 25, 1989, Flanagan was laid to rest.

5) DESTRUCTION AND DISSAPPEARANCE OF THE 5 VIDEOS OF RE-ENACTMENT SENT TO RCMP BY L.O. KELLY

THAILAND 1989: The 5 copies (Video recordings) sent to Ottawa from Thailand of the re-enactment made by the Thai authorities have been illegally removed from the file and have disappeared. There is no record of their destruction.

BMNU COLONEL AMARESIT WATTANAWEBOOL

5.1 INTERVIEW WITH PCC INVESTIGATOR PAUL MCEWE

“There was no video of the scene, but it was re-enacted...”

Vol. 9, P-4a, Paul McEwen’s report, Interview with Colonel Amaresit, March 1, 1990, p 2280 (before last paragraph)

NB: Amaresrit denied in his interview with the PCC investigators that there was any video of the re-enactment done ever.

Why did Amaresrit lie and deny the existence of the video of re-enactment done in Chiang Mai?

What was he trying to hide? Who was he trying to protect?

RCMP L.O. KEN KELLY

5.2 TELEX

“Video tapes and photographs of re-enactment have been requested... and assured that five (5) copies of tapes/photographs will be prepared for everyone concerned...”

Vol. 13, Tab 39.1: From D-1, Vol. V at page 775, March 9, 1989. Telex from L.O. Kelly in Bangkok to RCMP “E” Division and RCMP HQ in Ottawa at page 3756:

5.3 “As requested enclosed are photocopies of photos of the accused persons, including Alain Olivier, together with copies of my notes, and a videotape of the re-enactment of the scene involving Cpl. Flanagan...”

Vol. 13, Tab 39.2: P-82, April 20, 1989, Transit slip from L.O. Kelly to Pouliot at page 3757:

5.4 “88HQ-DR-4043
Same package sent to Chief Supt. Palmer

Vol. 13, Tab.39.3: D-2, Vol.1, page81-82-84. Transmittal note that package sent by Kelly to Pouliot and notation that same package was sent to Palmer at page 3758 – 3759:

RCMP CHIEF INSPECTOR NEIL POULIOT

5.5 REPORT TO COMMISSIONER

“At 15:00 hours Col. Amaresrit advised me that Thai law required a re-enactment of the crime with the accused and members would be required to assist the Thai police. The re-enactment is photographed and **videotaped.**”

Vol. 45, D-1, Neil Pouliot’s report to Commissioner, March 3, 1989, p. 000767 to 000772: (At page 000769)

NB: It is clear from this that the Thai authority did indeed produce a video of the re-enactment.

Once again, what reason exactly motivated Amaresrit to lie to the PCC? Why trying to hide the existence of said material, unless trying to hide damaging piece of evidence for the RCMP?

Moreover, who had a motive for not wanting the video of re-enactment and its content being viewed?

******* THE VIDEOTAPES SHOULD HAVE BEEN IN THE FILE**

RCMP SUPERINTENDANT FRANK PALMER

- 5.6 Q. Is it possible, Mr. Palmer, that someone came subsequently and removed the documentation, removed the plane ticket, removed the 1454, removed the analysis of whatever happened, or is it not possible?
- A. Removed it from what?
- Q. From the file
- A. From the division file?
- Q. Yes.
- A. If it made its way on to the division file, I would say **it is highly unlikely, improbable, and very difficult for someone to simply remove it.** If it was there, **it would have been recorded by the people that maintain the care and custody of the file.** And immediately then some of the document having just been put on file has been removed, **I don’t think that’s a reasonable likelihood.**

Vol. 40, Palmer at trial, October 9, 2007 at pages 12362 – lines 9-25 & at page 12363 – lines 1-3:

RCMP CHIEF INSPECTOR NEIL POULIOT

5.7 STATEMENT AT TRIAL 2007

Q. Quotes:

“As requested, enclosed are... with copy of my notes and a video of re-enactment of the scene involving Cpl. Flanagan.”

You have initialled this, so you received this, correct?

A. **I did, yes.**

Vol. 40, Pouliot at trial, October 11, 2007 at page 12551 – lines 6-16:

5.8 Q. So, my question to you is, from Headquarters, what is your knowledge of the system of destroying a video cassette that would have been sent to you in the file?

A. The cassettes would have been destroyed, if it was destroyed, when the files were destroyed. But it's obvious that the files weren't destroyed because there're all here. And **the cassettes should have been with the files...**

Vol. 40, Pouliot at trial, October 11, 2007 at page 12553 – lines 4-15:

5.9 Q. I suggest to you that if it was destroyed, **that would be contrary to the Act?**

A. **Yes.** I don't know why would anyone want... **why would anyone want to destroy it?**

Vol. 40, Pouliot at trial, October 11, 2007 at page 12554 – lines 6-11:

NB: Indeed, why would anyone want to destroy these tapes, unless there was something damaging to the RCMP?

Why isn't there any record of removal of destruction for the videotapes? Surely, these tapes didn't walk out of there, on their own?

Was the video of re-enactment representing a threat to what would become the RCMP's official version of the events?

Why it was destroyed becomes even harder to comprehend, when knowing that the Deception file had been officially classified as historical, June 8th, 1989, four months after Olivier's arrest.

Moreover, if the said material isn't there; it either means that it was illegally removed and destroyed.

In such case, there would be record of destruction and in the present case, there isn't any at all, contrary to the very strict set of rules in existence within the RCMP.

6) OPERATION DECEPTION FILE CLASSIFIED AS HISTORICAL

6.1 RCMP MEMO:

To: O.I /C Informatics
"E" Division
ATT: R.M.S.
From: I / C ARCHIVES UNIT
Informatics Directorate Date
Headquarters **89-06-08**

Subject

Objet: Identification of Historical Material

The following file has been identified as being of possibly historical value:

87 – E – 13343 OPERATION DECEPTION

Please ensure that the above noted files at Division, Sub-Division and Detachment Offices are properly identified by placing form 1821 **Special Handling File on top of each file.**

(Informatics Manual IV.s.k.2)

If any or all of the above noted files are located, please provide a list to Archives Unit and indicate their status i.e., concluded.

Once the files are no longer required they are to be transferred, via Division, to the Archives Unit for historical analysis.

Thank you for your co-operation in this matter.

T. Cameron
I/C Archives Unit

Vol. 46, (D-1), RCMP Memorandum dated June 8, 1989, at page 112

6.2 RCMP MEMO:

SPECIAL HANDLING FILE (87E – 13343)
DOSSIER NÉCESSITANT UN TRAITEMENT SPECIAL

KEEP ON TOP OF CORRESPONDANCE

GARDER SUR LA CORRESPONDANCE

X **HISTORICAL INTEREST**

Forward to HQ Archives Unit when file has no operational or administrative value.

Transmettre le dossier à la Sous-section des archives de la D.G. lorsqu'il n'a plus de valeur opérationnelle ou administrative

(...)

Comments – Remarques:

Refer to memo of 89 Ju 08

Vol. 13, Subject Reference Guide, Tab 43, from D-1, dated 89 -06 -16, at page 3780

NB: How could it be that all five copies of the video of re-enactment of the event disappeared? The Deception file had been classified as "Historical", and required special

handling. All five copies were sent to five different people. How could all five different individuals conveniently “each losing” their copy of said video?

Who had an interest to make all the five copies disappearing?

What was on the re-enactment videos that was potentially damaging and to whom?

If there wasn't anything damaging, then why did Amaresrit lie about it?

Who had control of the five videos of re-enactment?

Who destroyed them?

Where is the record of destruction and who made it disappeared?

All the above noted questions point directly at the RCMP. Only the RCMP had an interest in making the re-enactment tapes disappear.

Obviously, there was something on the tapes that conflicted with the RCMP's official version of the events. And undeniably it had to be concerning Flanagan's death, foremost, since the re-enactment was about the circumstances surrounding his death.

The RCMP clearly had a motive to remove the video of re-enactments from the file and are the only ones, who had the opportunity to do so and no one else.