

Montreal, May 21, 2019

Att: The Honorable David Lametti  
Justice Minister of Canada  
Chamber of Commons  
Ottawa, Ontario  
Canada

Subject: Reply to your last letter dated February 28, 2019

M. Minister

In answer to your Ministerial Correspondence Unit Manager, M J. Gauthier's empty reply to my attention dated February 28, 2019, I am taking a moment to add a detail that seemed to have escaped him.

Considering the main issue raised in my last letter to your attention (re: request for a public inquiry), I agree that the fact that RCMP members have lied about the circumstances surrounding the death of Corporal Derek Flanagan has nothing to do with you. However, when they do lie under oath and judges of the Court, here in Canada, closed their eyes to this, for reasons that can't be justified, it somewhat develops into an issue that concerns the Attorney General, when responsible for their nominations on the Bench.

To have your correspondence manager telling me that you can't become involved into RCMP's conduct is one thing and has its merit, but it becomes quite another, when judges of the Court conceal factors, such as those enounced in my previous letter to your attention.

This being said, I'll rephrase my question for you;

- If clear evidences were given to you that judges of the Court have closed their eyes on what basically amounts to 163 pages of RCMP's lies and perjuries related to the circumstances surrounding the death of an RCMP officer, would you agree to investigate the reasons that motivated such decision.

In the present case, M. Minister, the Canadian Judicial Council is not an option. The reason is simple and based on the fact that when a judge is the "accused", they bring every legal tool at their disposal to bear on ensuring that the process is favorable to their interests. However in the process, both the significance and the impact of the behavior being complained about is often lost through technicalities and unfortunately buried over reasons, others than the one of serving the interest of justice and the Canadian public.

Since the present case is a matter of public order. As such, I'm inviting you to use an approach that focuses on the central question of integrity and that looks at the significance and impact of what

amount to questionable behaviour, rather than doing like the CJC, where panel members prefer burnishing the judge's character or advancing defences for his choices. I've been through that process already in the past and I can attest to this.

The actual approach at the CJC, as it is, only serves to perpetuate the habit of focussing on technical legal arguments, rather than examining the merits of the complaint from the perspective of a member of the public.

In fact, each Inquiry Committee that is asked to investigate the possible removal of a judge for misconduct (as well as each Review Panel that considers lesser disciplinary action and reprimands for ugly judicial behavior) is composed solely of judges. There are absolutely no lay members. In not so many words, the Bench is marking its own homework here – and almost always decides that it has done a perfectly fine job.

Forgive my cynicism, but perhaps this is greatly encouraged by the CJC scorecard. Among 176 Panel Reviews conducted from 2011-2014, just 2 complaints were upheld against judges. Moreover, of 11 Inquiry Committees since 1971, only 2 have recommended removal of a judge for misconduct (although several judges have chosen to resign before the Committee's final decision). It seems reasonable to speculate that such numbers are troubling enough to affect the public confidence in the judiciary in the long run.

In light of this, and although it happened under the Conservative party, I'm turning to you to enlighten me on what could have led judges of the Court to close their eyes to what amounts to a mountain of evidence corroborating without a doubt that RCMP members have lied about the circumstances surrounding the death of their colleague. That ... and so much more.

I understand that dredging the past is never an easy things, M. Minister, and perhaps a bit more so in a situation such as this one. Yet, The cornerstone of the Canadian legal system is based on two principles: (1) the rule of law; and (2) the independence of the judiciary. The rule of law provides that everyone is subject to the law and no one is above the law. The preservation of such a principle is supposed to be ensured by the independence of the judiciary, which dates back 300 years. I surely can't be blames if judges of the Court omitted to apply such principle in my case and if some were able to enjoy important promotions in the process.

To have people under your aegis answering on your behalf is understandable considering all the matters brought daily to your attention. However, it is clear that no one has taken into account the role played by judges of the Court into this, when they allowed RCMP members to lie about the death of their colleague. The alternatives to look into this are very few, and require political will to put into motion. Now, will you be the person willing to do that?

I realise that that you likely don't wish being dragged into this. But now that you are at the helms of the Justice Ministry, it kind of falls under your duty to act in one way or the other. If it is not among your duties to act, it would be most appreciated if you could personally indicate me whose concerns it is in Ottawa, then.

Of course, the criminal code, under section 696.1, also allows you as Justice Minister to have a complete review of this case. If ever you were ready to consider such avenue to determine what went wrong, I remain open to listen to you on how this could be worked out in a satisfactory manner to insure complete transparency and avoid any form of bias through such process.

The truth will come out, one way or the other. As people at the Attorney General's Office may be aware of by now following news reports, a first movie inspired from the story of my treatment at the hand of the RCMP and the Canadian Government has been completed. With the world premiere of the movie scheduled in September in Toronto, and prior to the upcoming federal elections, I would like to be able telling members of the media questioning me about it, that our justice minister is willing to look into what went wrong in the present case. Remains to see if your decision will provide me and the media such opportunity.

Thank you for your time. Looking forward to the pleasure of a reply from your part. I remain...

Respectfully, yours

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C/c to: File  
Media