

Dean Peroff Speaking Notes

February 15, 2008 News Conference, Parliament Hill, Ottawa

1. Good morning, my name is Dean Peroff and I represent Mr. Michael Kapoustin on a *pro-bono* basis. With me is Mr. Kapoustin's wife of 20 years, Tracy, and an important member of our support team, retired Canadian diplomat Mr. Gar Pardy.
2. An application has been filed with the *Commission for Public Complaints against the RCMP* for an urgent investigation into Mr. Kapoustin's long-standing allegations against members of the RCMP.
3. Mr. Kapoustin, a 55-year old Canadian citizen, is currently serving his 12th year of a 17-year prison sentence in Bulgaria. He maintains that members of the RCMP are complicit in his conviction of a crime he did not commit and in his unlawful imprisonment in Bulgaria, a country known for its questionable human rights practices and lack of due process in its judicial system.
4. Mr. Kapoustin's circumstances are grave and concern broad issues of public importance. The situation has taken a turn that requires immediate and remedial action by the RCMP.
5. Mr. Kapoustin's allegations are similar to, and pre-date, the Arar case. Many of the principles raised in the recent *Commission of Inquiry Concerning Maher Arar* apply here.
6. The decision of Associate Chief Justice O'Connor, in the Arar case, makes it clear that the RCMP is duty bound to correct the record with respect to false information. We are calling on the RCMP to inform the Bulgarian authorities that the information previously communicated about Mr. Kapoustin is not true and is not to be relied upon.
7. Mr. Kapoustin alleges that the RCMP falsely linked him to a person they had under investigation. Mr. Kapoustin claims that the RCMP formulated and shared false information about him to the Bulgarian authorities for two reasons. First, to provoke the Bulgarian authorities into launching criminal proceedings against him and second, to prompt them to interrogate and torture him.
8. Mr. Kapoustin says that from at least 1995 to 1997, the RCMP provided false information about him to the Bulgarian authorities, including that he was laundering money for a person he never met and never knew in Canada that they had under investigation.
9. It appears that the Bulgarian authorities considered the RCMP's information to be highly credible and relied on it not only to build their criminal case against Mr. Kapoustin, but also to interrogate and torture him. Their apparent intent was to

extract information from Mr. Kapoustin about non-existent funds that the RCMP falsely alleged had been sent to Canada.

10. The RCMP then pressed the Bulgarian authorities to start a criminal prosecution against Mr. Kapoustin and invited them to participate in a large-scale joint investigation aimed at searching for and confiscating assets, as proceeds of the alleged criminal activity, belonging to Mr. Kapoustin.
11. In response, the Bulgarian authorities launched two devastating assaults against Mr. Kapoustin. The first was an unprecedented, arbitrary and punitive tax assessment that drove his company out of business. The second was a vicious smear campaign designed to ruin his reputation.
12. So far, during his 12-year ordeal, Mr. Kapoustin has suffered two years of solitary confinement, three years of pre-trial detention before being arraigned on charges and 9 years in a maximum security prison for violent repeat offenders.
13. Under conditions stacked against him, and after years of being smeared by the Bulgarian authorities as an international fraudster, all charges of fraud against him were overturned on appeal. He was ultimately convicted of embezzlement when he was not permitted to put information into evidence that would prove his innocence.
14. Since 2002, Mr. Kapoustin has been eligible for transfer to the Canadian prison system. In September 2006, Prime Minister Stephen Harper named Hon. Jason Kenney as Special Envoy on the Kapoustin matter. He and I traveled to Bulgaria that same month to meet with Mr. Velchev, the Bulgarian Prosecutor General.
15. In our meeting, Mr. Velchev admitted that Kapoustin's incarceration in Bulgaria served "no useful purpose" and was "a form of torture". Despite these admissions, the Bulgarian authorities continued to deny his transfer.
16. Bulgarian authorities continue to presume, based on the RCMP's false information that, Mr. Kapoustin has millions of dollars hidden away in Canada.
17. Recently, Canada made the unprecedented move to trigger mediation at the Council of Europe into Bulgaria's 5-year refusal to transfer Mr. Kapoustin. Bulgaria has since indicated its willingness to consider new facts and circumstances.
18. We are calling on the Canadian government to continue to pressure the Bulgaria government to comply with their obligation to transfer custody of Mr. Kapoustin back to Canada.

19. However, we believe that until the RCMP comes clean on their involvement in Mr. Kapoustin's situation, Bulgaria will continue to deny his transfer to Canada and he will languish in Bulgarian prison for another five years, if not longer.
20. This is one of the main reasons we have requested an urgent investigation into RCMP wrongdoing.
21. Our purpose for this investigation is to focus on correcting the record so that the Bulgarian authorities will transfer Mr. Kapoustin.
22. The alleged misconduct by the RCMP continues to have a profound effect on Mr. Kapoustin's life and his family. Under International law, Mr. Kapoustin should have been transferred to Canada five years ago.

Thank you