

MEDIA ADVISORY

CANADIAN IMPRISONED IN BULGARIA ACCUSES RCMP OF MISCONDUCT

Toronto Lawyer Files Application for Urgent Investigation

(OTTAWA, ON – February 13, 2008) – The Lawyer for Michael Kapoustin, a Canadian citizen unlawfully imprisoned in Bulgaria, is holding a news conference on Friday, February 15, 2008, on Parliament Hill to release details of an application for an urgent investigation into allegations of misconduct by the Royal Canadian Mounted Police towards Mr. Kapoustin, which prompted his arrest, interrogation, torture and conviction.

Mr. Kapoustin's situation is grave and concerns broad issues of public importance. It pre-dates the Maher Arar case and has many similarities.

Mr. Kapoustin's lawyer is calling on the RCMP to correct the record and work with the Federal Government to bring him home immediately.

Mr. Kapoustin maintains that past and current members of the RCMP are complicit in his conviction of a crime that he did not commit and in his unlawful imprisonment in Bulgaria.

According to Mr. Kapoustin's allegations, in 1995 the RCMP falsely linked him to a person whom the RCMP had under investigation at the time for money laundering and other crimes. This false information was used by Bulgarian authorities to launch a smear campaign that ruined his reputation. This information was also used to levy a prohibitively exorbitant tax assessment that destroyed his businesses.

Mr. Kapoustin is currently serving his 12th year of a 17-year prison sentence in Bulgaria, a country known for its questionable human rights practices and a lack of due process in its judicial system.

The alleged misconduct by the RCMP continues to have a profound effect on Mr. Kapoustin's life and his family. By law, Mr. Kapoustin should have been transferred to Canada five years ago.

This is the worst case in Canadian history of another country refusing to transfer a Canadian to a prison in Canada.

The case has been taken up on a pro-bono basis by Dean Peroff, Toronto-based lawyer specializing in international law, and a group of supporters including former Canadian diplomat Gar Pardy and Peter Leuprecht, former Deputy Secretary of the Council of Europe.

Mr. Peroff and Mr. Kapoustin's family are calling on the Canadian government to continue pressuring the Bulgaria government to comply with their obligation to transfer custody of Mr. Kapoustin back to Canada.

The decision of Mr. Justice O'Connor, in the Arar case, made it clear that, under circumstances such as those alleged by Mr. Kapoustin, the RCMP is obliged to inform the Bulgarian authorities that the information previously communicated is untrue.

When: Friday, February 15, 2008 10:00AM

Where: Charles Lynch Theatre
Room 130 S, Centre Block, Parliament Building, Ottawa

Spokespeople: Dean Peroff, Toronto Lawyer for Michael Kapoustin
Tracy Kapoustin, Wife of Michael Kapoustin
One-on-one interviews available immediately following news conference

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For more information or to set up an interview, please contact:

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Backgrounder Michael Kapoustin

- Michael Kapoustin, a 55-year-old Canadian citizen, was wrongfully convicted of an economic crime that he did not commit and has been imprisoned in Bulgaria for the past 12 years (since 1996).
- Mr. Kapoustin brought western business practices to Bulgaria in the early 1990's and quickly became high profile and successful, raising the ire of Bulgarian business competitors linked to organized crime.
- He was warned to stop doing business in Bulgaria or he and his family would be killed or kidnapped. These threats were believed to originate from a hostile local business competitor with ties to organized crime.
- Mr. Kapoustin maintains that known and unknown members of the RCMP are complicit in his conviction of a crime that he did not commit.
- According to Mr. Kapoustin's allegations, in 1995 the RCMP falsely linked him to a person named Shearing who the RCMP at the time, had under investigation for money laundering and numerous other crimes.
- As a result of this false information and continued communications with the Bulgarian authorities, the complaint claims that a black PR campaign featuring rumours provided by the RCMP was initiated to smear his reputation, and an aggressive tax audit was launched against his businesses. There are many similarities with the Maher Arar case.
- The B.C. businessman was arrested in 1996 during an airport stopover in Germany and extradited to Bulgaria where he spent the next six years enduring torture and solitary confinement, without the benefit of a competent lawyer or judicial oversight.
- By the time his trial began in 1999, all the original charges in the extradition warrant had been dropped and Mr. Kapoustin should have been released. Instead, new trumped up charges of fraud and embezzlement were brought against him, followed by numerous irregularities, violations of due process, and abuses of authority by the prosecutors.
- On August 16, 2002, he was convicted and sentenced to 17 years in prison on a new charge of embezzlement, but not ordered to repay any money.
- He started appeal proceedings but was not permitted to submit new evidence to support his plea of innocence.
- Throughout this tragic ordeal, Mr. Kapoustin's family has suffered enormously and his Canadian son has only seen his father once in twelve years.
- As far back as 1999, Kapoustin received written confirmation that once his conviction was final, he would be eligible for transfer to a prison in Canada, as provided in a treaty signed by both Canada and Bulgaria.
- The Government of Canada made its first request to transfer Michael back to Canada in December 2002. Bulgaria ignored the request for almost two years, while Michael continued to languish in a maximum security prison. Bulgaria finally answered the request in October 2004 with a denial based on disparity of sentencing between the two countries.
- Soon after, Prime Minister Stephen Harper of Canada named Jason Kenney, a Member of the Canadian Parliament, as his Special Envoy on the Kapoustin matter. Canada issued a second request for transfer, which Bulgaria also refused. Bulgaria now claimed that Kapoustin had to payoff outstanding debts and civil suits levied against him by the Bulgarian government and courts before he could return to Canada.
- In August 2007, Canada invoked the mediation clause of the treaty signed by both Bulgaria and Canada requesting intervention by the Council of Europe. This is the first time ever that Canada has had to initiate mediation allowed for in this international treaty.

- He was finally moved to an open transitional prison in August 2007, long after he won a court case proving that the arbitrary incarceration of foreign prisoners in a maximum security prison was illegal.
- The case has been taken up on a pro-bono basis by Dean Peroff, a Toronto Based lawyer specializing in international law, and a team of experienced former Canadian diplomats, who insist he deserves, under international treaty, to be transferred to a Canadian prison.
- Complete information and documentation about the case can be obtained at <http://www.michaelkapoustin.com>.