

the unique circumstances of each incident. While not all aspects of the policy were in compliance with the Vienna Convention, these practices were accepted by the missions affected because of their informality. In the case of a diplomat suspected of committing an offence, upon positive identification that the person involved was a diplomat, the police would first prevent the continuation of the offence. In the case of suspected impaired driving, the police would stop the person from driving by taking the keys or blocking the car. The police would then call the Diplomatic Liaison Officer at the RCMP, who in turn would call the embassy to come to collect the individual. When police charges were laid against the diplomat, the police report would be sent to the RCMP Liaison Officer assigned to the Office of Protocol. Protocol would usually call in the ambassador or acting head of mission concerned and discuss the incident. Waiver of immunity was usually requested in order to have the individual prosecuted in Canada. When waiver of immunity was refused (as happened in the vast majority of cases) and there was no accident or injury to person or property, a "penalty" equivalent to that prescribed by law may have been agreed with the head of mission concerned, including the holding of the diplomat's licence by the Office of Protocol for a set period and the payment of a sum of money, normally equivalent to a fine, to a registered charity.

#### **4. Divergence Between What We Say and What the Police Say**

In seeking to build good relationships with the police, the Office of Protocol has, in the past, organized regular training seminars for police officers to ensure they are fully briefed on the provisions of the Vienna Convention and on the consequent treatment of diplomats detained on suspicion of having committed an offence. Nonetheless, the level of awareness is uneven.

While there was never an intention on the part of the Office of Protocol to discourage the police from laying charges against diplomats detained on suspicion of having committed an offence, discussions with the police reveal that this was at times the impression they were left with. In particular there was a divergence between what the Department said and what the police and prosecutors said about the treatment of diplomats involved in alleged drinking and driving incidents. The Department has a responsibility to uphold the Vienna Convention. In cases where the police advised the Office of Protocol of a diplomat's involvement in a suspected drinking and driving incident, the Department informed the police of what they could and could not do according to the Convention (e.g. no breathalyser test, no handcuffs, no detention). When charges were then laid but immunity was not waived, the Department would write to the Crown confirming the immunity of the diplomat and asking that proceedings be concluded. In retrospect, this type of letter, while not intended as interference in the criminal proceedings, could have been misinterpreted. This practice will be discontinued.

#### **5. Other Instances of Misbehaviour by Diplomats**

In the process of reviewing its records, the Department has reviewed all cases of misbehaviour, ranging from mild to serious, covering the last five years. These recorded cases