

The Department has taken a number of steps to put in place reforms and new policies. These reforms are based on its determination to intervene early where an emerging pattern of misbehaviour has been detected, and to strengthen its partnership with police forces and the diplomatic community.

## **Background**

### **1. The Knyazev Case**

On the basis of information contained in its files, the Department knows of two incidents involving Mr. Knyazev, before the accident of January 27, 2001 in which Ms. MacLean was killed and Mrs. Doré seriously injured. They demonstrate a record of alleged drinking and driving and other traffic offences. At the time these incidents occurred, there were standard, albeit unwritten, practices and policies in place in the Office of Protocol to deal with diplomatic delinquency, and these were followed.

The first incident occurred on February 6, 1999, when a car, subsequently confirmed as having been driven by Mr. Knyazev, failed to remain at the scene of an accident on March Road in Kanata. Based on reports from witnesses, there was evidence of erratic driving on the part of Mr. Knyazev, and three physical contacts between his car and a car driven by an Ottawa resident. According to the police and one of the witnesses, police were advised that alcohol was detectable on the breath of Mr. Knyazev during the course of a conversation with him.

The second incident occurred on July 3, 1999, in the context of a police RIDE (Reduce Impaired Driving Everywhere) program being carried out on St. Patrick Street in Ottawa. Mr. Knyazev was stopped as part of the program, refused to submit to a breath test for alcohol and was charged for refusing to take a breath test. The charges were later withdrawn. Under international law, a diplomat cannot be arrested or detained. The Supreme Court of Canada has found the breathalyser to be a detention for purposes of the Charter, and international law and practice have accepted that diplomats cannot be required to give a breath sample. Mr. Knyazev was therefore within his rights to refuse to submit to a breath test. According to the police, Mr. Knyazev was unco-operative and the attending police officers handcuffed him, towed his car, and detained him. Following his release the Russian Embassy sent a diplomatic note to the Office of Protocol requesting an apology from the Department of Foreign Affairs for the detention of Mr. Knyazev in contravention of the provisions of the Vienna Convention, the return of his licence and reimbursement for the towing of his vehicle. The Department complied, recognizing that there had been a clear violation of the Vienna Convention, although in doing so the then Deputy Chief of Protocol verbally advised the Chargé of the Russian Embassy that Mr. Knyazev was a problem and had to be dealt with. In retrospect, this verbal caution would have been better contained in writing.