



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

Friday, 7 September 2007

07-11

### APPOINTMENT OF SPECIAL PROSECUTOR ANNOUNCED

**VICTORIA** – The Criminal Justice Branch of the Ministry of Attorney General today confirmed, in response to a media enquiry, that an independent Special Prosecutor has been appointed concerning a Financial Institutions Commission of British Columbia (FICOM) investigation into allegations of possible misconduct on the part of individuals associated with a land transaction in Abbotsford BC.

In February 2007 FICOM submitted a Report to Crown Counsel concerning allegations that a number of individuals were involved in a potentially illegal land transaction in Abbotsford, B.C. As one of the named individuals associated with the investigation is Harry Oppal, the brother of Attorney General Wally Oppal, the Criminal Justice Branch concluded it was appropriate to appoint an independent Special Prosecutor pursuant to the Crown Counsel Act.

On February 28, 2007 Robert W.G. Gillen, Q.C., the Assistant Deputy Attorney General in charge of the Criminal Justice Branch, appointed Victoria lawyer Harold Rusk as the Special Prosecutor to ensure there was no risk of real or perceived improper influence in the exercise of prosecutorial responsibilities. Mr. Rusk was unable to continue with his appointment due to personal circumstances unrelated to this investigation and consequently on September 6, 2007 Mr. Gillen appointed Vancouver lawyer, George K. Macintosh Q.C. as the independent Special Prosecutor in this matter. Mr. Macintosh's mandate includes:

- Offering such independent legal advice as the investigative agency may require in the event they need to conduct further investigation;
- Conducting an independent charge assessment based on the evidence contained in the Report to Crown Counsel or any other information the investigators may submit to him;
- Providing the Assistant Deputy Attorney General with a written report setting out his charge assessment decision; and

- more -

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- If in his view a charge is warranted, conducting the prosecution and any subsequent appeal.

The decisions of Special Prosecutors are final subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the Gazette.

As the matter is with the Special Prosecutor it would not be appropriate to comment any further at this time.

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