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Our File: DBB-3750-B9

December 31, 2002

**BY FAX – and Mail**

John W. Conroy, Q.C.  
Conroy & Co  
2459 Pauline Street  
Abbotsford, British Columbia  
V2S 3S1



Dear Mr. Conroy:

**Re: Renée Boje - Extradition to the United States of America – Your Letters of May 13 and 30, 2002**

This letter is meant to respond to the queries posed in your letters noted above.

Letter of May 13, 2002

1. We do have copies of the October 5, 1995 McNamarra article from the *Los Angeles Times* and the November/December 2000 edition of *Cannabis Culture* magazine;
2. We will be preparing a supplemental summary of the case for the Minister's consideration advising of the developments in Ms. Boje's personal life (marriage and birth of a child) and summarizing the other information presented in your correspondence. You will receive a copy of that summary;
3. You indicate that you sent with your letter copies of e-mails from Mary Alexander and Greagoir O'Cearullain, both dated June 18, 2001, but they were not in fact sent with your letter;
4. I have been advised that the Ministerial Correspondence Unit has no record of having received the e-mail from Dr. Don Elwell dated March 13, 2002 to which you refer;
5. I enclose a copy of Diplomatic Note 98 dated March 5, 1999; and
6. In response to your question whether materials are submitted to the Minister "on behalf of the United States of America in support of the extradition to the U.S. and in opposition to her refugee claim", I enclose a copy of Chapter 40 of the Federal Prosecution Deskbook which describes the role of counsel in the International Assistance Group in advising the Minister of Justice.

Letter of May 30, 2002

1. The Minister is aware of developments in the Malmo-Levine, Caine and Clay case before the Supreme Court;
2. You have asked for copies of certain correspondence sent to the Minister regarding this case. Our view regarding disclosure of correspondence is shaped by the decision of the Ontario Court of Appeal in *United States of Mexico v. Hurley*. In that case, Mr. Hurley argued that the Minister had breached his duty of fairness by failing to disclose letters that had been sent to him regarding Mr. Hurley's case. The Court of Appeal said:

The issue of non-disclosure was not pressed in oral argument and I am of the opinion that it is without merit.

The substance of these communications was described in the brief to the Minister from counsel in the Minister's office which was provided to counsel for the appellant.

.....

...the appellant was aware of the substance of all of the government's material that went to the Minister and in my view the Minister's duty of fairness was fulfilled.

In our view, according to the governing caselaw referred to above and in the circumstances of this case, there is no necessity to make the disclosure you seek but be assured your requests will be put before the Minister for his consideration.

Yours truly,



Carole Sheppard  
Counsel

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