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Chief Superintendent Allen Nause, Commanding Officer  
"A" Division, National Capital Region  
Royal Canadian Mounted Police

**Subject: Investigation: *Kyoto Protocol Implementation  
Act and the Criminal Code***

Chief Superintendent Nause:

I have received Superintendent Burke's letter of 24 February 2010 stating that "it has been determined that the allegation does not warrant a criminal investigation by the RCMP." As the Commanding Officer of "A" Division, I am asking you to review this decision. The decision of Superintendent Burke is based on a lack of knowledge of the law. When Commissioner Elliott phoned me on 17 February to confirm that he had seen my letter of 10 January, I had concluded that serious consideration would be given to this matter.

In reviewing this matter, I suggest that you consult counsel for advice. While I do not intend to explain the law, I will make a few basic comments. The *Friends of the Earth* decision should be read for what it is – a civil matter; I mentioned it because it is useful background information for the investigator. Contrary to Superintendent Burke's allegation, I am not asking the RCMP to "conduct proceedings" but to do its primary work which is to investigate my allegation of a contravention of s. 126 of the *Criminal Code*. If charges are laid by the RCMP after investigation, the conduct of the proceedings will be done by the Public Prosecution Service of Canada. Assistance from that Service is available to the investigator in accordance with the *Director of Public Prosecutions Act*. Section 126 of the *Criminal Code* complements the *Kyoto Protocol Implementation Act* by ensuring that the law will be followed.

Sincerely,



François Lareau, LL.M.  
Member of the Quebec Bar (1974)