

No. 30

Ottawa, September 11, 1945.

Excellency -

I have the honour to refer to your note No. 35 of September 7 with regard to the case of Mr. Guseenko.

The Canadian authorities have been asked to make every effort to find Mr. Guseenko and his family with a view to investigating the charges which you have made against him. When Mr. Pavloff of your Embassy discussed this matter by telephone at the beginning of the week, it was suggested that it would be helpful to the Canadian authorities if full particulars could be furnished. It would be important to obtain not merely descriptions of the missing persons, but also complete information as to the money or other items which Mr. Guseenko may have taken from the Embassy, and such evidence as you may have available to establish the charge of theft.

You will, of course, understand that, under the laws in force in Canada, it is impossible to comply in all respects with your request. The Canadian Police have no legal authority to arrest Mr. Guseenko and hand him over to your Embassy for deportation. If they adopted such a course, they would be open to civil action and the effectiveness of the proceedings could be challenged by habeas corpus, involving a complete enquiry into the circumstances and the release of the accused if it were established that the arrest was designed to enable him to be handed over within this country to a foreign authority.

In your note, you have made a complaint with regard to the rude treatment accorded to Mr. Pavloff and his associates by Constable Walsh and the Inspector of City Police, Macdonnell. It is a matter of very great regret that any Canadian Police authorities should fail in their duty to accord due courtesy to the persons with whom they are dealing, and it is particularly unfortunate that there should be any lack of courtesy in dealing with members of your Embassy. I hope that you will bear in mind the special circumstances including the lateness of the hour and the fact that the apartment had been entered without the authority of the tenant or a magistrate's warrant. The Police authorities in such circumstances cannot be too severely criticized for questioning the claims to diplomatic status of Mr. Pavloff and his party, and for doubting their credentials.

If an occasion arises in the future when you desire to enter these premises, arrangements will be made to apply for the necessary authority. In the meantime, under arrangements which were discussed by Mr. Pavloff by telephone, the apartment is being closed and sealed.

Accept, Excellency, the renewed assurances of my highest consideration.

His Excellency,
The Ambassador of the Union of
Soviet Socialist Republics,
Embassy of the U.S.S.R.,
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(Sgd.) H.A. Robertson
(for the) Secretary of State
for External Affairs.

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