



democracy Watch  
émocratie en surveillance

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March 21, 2025

**RE: Need for independently appointed, fully independent special prosecutor to review evidence and application for private prosecution of former Prime Minister Justin Trudeau for obstruction of justice and breach of trust in SNC-Lavalin scandal**

Dear Attorney General Downey:

I am writing on behalf of Democracy Watch concerning the application it has filed in the Ontario Court of Justice in Ottawa for approval from the court to proceed with a private prosecution of former Prime Minister Justin Trudeau for pressuring, and directing others to pressure, then-Attorney General Jody Wilson-Raybould to stop the prosecution of SNC-Lavalin in 2018 (now operating under the name "AtkinsRéalis").

The application alleges that Mr. Trudeau breached the obstruction of justice provision in the *Criminal Code* (s. 122, Ontario Court of Justice case file #25-11400135) and also the breach of trust provision (ss. 139(2), Ontario Court of Justice case file #25-11400134).

The evidence that Democracy Watch has gathered show that the RCMP's investigation was weak, incomplete, delayed and buried for years, ignored key evidence and continues to hide key evidence. The RCMP only interviewed four

of 15 key witnesses, and is hiding key testimony from Wilson-Raybould, her Chief of Staff Jessica Prince, and her friend and confidante Jane Philpott. The RCMP also accepted the Trudeau Cabinet hiding key internal communication records, and trusted without question the biased, self-interested public statements of the PM and everyone else who pressured the AG.

In addition, and importantly, the RCMP applied an improper legal standard for proving obstruction of justice, and didn't even consider prosecuting anyone for the general violation of breach of trust.

In addition to the application form and list of witnesses, the application includes:

1. The "will say" document which summarizes the evidence and the arguments supporting the private prosecution, which can be seen at: [https://democracywatch.ca/wp-content/uploads/DConacher\\_WillSay\\_Feb192025.pdf](https://democracywatch.ca/wp-content/uploads/DConacher_WillSay_Feb192025.pdf).
2. A document summarizing how the RCMP's investigation was weak, incomplete, delayed, ignored key evidence and used an incorrect legal standard concerning obstruction of justice when deciding whether Mr. Trudeau should be prosecuted, which can be seen at: [https://democracywatch.ca/wp-content/uploads/SummaryOfActionsByRCMP\\_Feb192025.pdf](https://democracywatch.ca/wp-content/uploads/SummaryOfActionsByRCMP_Feb192025.pdf).
3. A legal opinion by a retired superior court justice supporting prosecuting Mr. Trudeau for obstruction of justice and possibly also breach of trust, which can be seen at: <https://democracywatch.ca/wp-content/uploads/RetiredSuperiorCourtJusticeOpinion.pdf>.
4. A Part 1 set of RCMP internal investigation records totaling 1,815 pages obtained through a federal *Access to Information Act* request. [Click here to see](#) the List of records and links to the records, and [click here to see](#) a Summary of the records.
5. A Part 2 set of RCMP internal investigation records totaling 1,832 pages also obtained through a federal *Access to Information Act* request. [Click here to see](#) a Summary of the Part 2 set of records, and [click here to see](#) the records.

The RCMP Commissioner, Deputy Commissioner and head of every RCMP Division are chosen by, and serve at the pleasure of, the Prime Minister and federal Cabinet. As a result, in this situation the RCMP was investigating a politician who had appointed the people at the top of the RCMP, and therefore the investigation lacked independence, impartiality and integrity.

As Attorney General, you are also part of Ontario's ruling party Cabinet, and therefore also lack independence and impartiality when making decisions concerning prosecuting a politician from another political party.

As the Supreme Court has ruled, to ensure the rule of law, law enforcement decisions cannot have even the appearance of bias. As the precedent-setting British court ruling by Lord Chief Justice Hewart put it, justice must, "not only be

done, but should manifestly and undoubtedly be seen to be done” (*R v. Sussex Justices, Ex parte McCarthy* ([1924] 1 KB 256, [1923] All ER Rep 233).

Therefore, Democracy Watch calls on you, working with opposition party leaders, to establish a committee made up of people who have no ties to any political party. The committee will then choose a lawyer who has no ties to any party to be an Independent Special Prosecutor who will review the evidence and issue a public decision concerning prosecuting Trudeau.

This process is needed to ensure an impartial review and decision concerning whether the Attorney General will have a Crown prosecutor step in, take over and/or stop the prosecution.

I look forward to hearing your decision on this matter soon.

Sincerely,



Duff Conacher, Co-founder of Democracy Watch  
on behalf of the Board of Directors of Democracy Watch