

PENTICTON HERALD

The South Okanagan's Daily Newspaper

Thursday, Dec 06, 2007

LOCAL

Wife longs for husband's release from Bulgarian prison

By SCOTT TRUDEAU

Tuesday, November 27, 2007

As a Canadian man continues to serve a sentence in a Bulgarian prison cell on fabricated charges, his wife, who lives in Penticton is pinning her hopes on the efforts of the Canadian government and a Toronto-based lawyer pushing for his release.

Tracy Kapoustin, who now lives with family in Penticton, has faced the possibility she may never see her husband again since he was first incarcerated 11 years ago.

The Kapoustin's were living in Bulgaria in the early 1990s after the fall of the Communist reign in Eastern Europe, and Michael was a successful entrepreneur of a flourishing pharmaceutical business.

According to the website, www.michaelkapoustin.com which was established by Amsterdam & Peroff, the law firm representing Michael on a pro-bono basis, his business accomplishments drew the ire of those with links to organized crime and soon the family began receiving death threats if Michael to operate his business there.

In 1996, without formal charges being laid, he was sentenced to 17 years for tax evasion, fraud, money laundering and embezzlement.

He remained in jail even though he was found innocent of fraud by the Bulgarian courts and wrongfully convicted on a charge of embezzling money from his own company.

The money Kapoustin is accused of embezzling was used for his company and fully accounted for through the purchase of corporate assets or corporate bank deposits in Bulgaria.

For many years, Michael made several attempts to appeal his case and prove his innocence, but he was ignored by Bulgarian officials and remained in prison where his lawyer said Michael was beaten and interrogated regularly.

In a recent interview with another newspaper, Tracy had expressed her concerns about the grim prospects her husband currently faces while imprisoned in Bulgaria, stating she was uncertain if he would get out dead or alive.

Dean Peroff said Michael was charged and convicted for political reasons and did not receive a fair trial.

Peroff noted Tracy has experienced tremendous amounts of human suffering and remained guarded against going public with Michael's story for so many years because of overwhelming concerns her husband would be killed if she were to bring the story out.

She feels her husband's life is in danger because of what he knows about official corruption in Bulgaria and of information about government figures, who, she claims, made money from his company after his arrest.

Peroff said it took on the cause to have Michael transferred to a Canadian prison for humanitarian reasons.

"We're trying to get Michael home into the Canadian system under a treaty," said Peroff in a phone interview Monday.

Peroff noted Bulgarian authorities have refused to transfer Michael twice under the terms of the treaty, which is violation of the European Convention of Human Rights.

The Council of Europe's Convention on the Transfer of Sentenced Persons has been invoked on the grounds that Michael should have been moved to Canada in 2003, he said.

"It basically provides a mechanism for transferring, in this case, Michael, to be transferred back to the Canadian prison system to serve out his sentence in the Canadian system instead of the foreign one," said Peroff. "It's all in place for humanitarian reasons and social re-integration issues."

Had Michael been moved to Canada in 2003 he would have been closer to Tracy, who prior to seeing her husband twice "very recently" had not seen him for about 11 years.

"His family would not suffer this undue hardship, he would not suffer the undue hardship of virtual separation of family for 12 years," Peroff said. "It's been an incredible hardship for the family."

In 2006, Prime Minister Stephen Harper appointed Okanagan-Coquihalla MP and public safety minister Stockwell Day, along with secretary of state Jason Kenny to work on Michael's behalf to pressure the Bulgarian government for his safe transfer back to Canada.

Peroff couldn't estimate on the length of time needed for the mediation process to play out but pointed to an earlier meeting with Boris Velchev, the Bulgarian Prosecutor General, who agreed it would be a form of torture for Michael to remain incarcerated there.

"For him just to be in the Canadian prison system would be a huge, huge change for him that would mean that he could integrate back into society, integrate back into a relationship with his family," said Peroff. "It would be like night and day for him in terms of the way he's being treated now and the way he would be treated in the future."