

February 19, 2009

Mr. Peter Engelmann
Lead Commission Counsel
The Cornwall Public Inquiry
709 Cotton Mill Street
Cornwall, ON K6H 7K7

Dear Mr. Engelmann:

**Re: Jos van Diepen
Written Submissions**

We make the following submissions on behalf of Jos van Diepen:

Summary

Mr. van Diepen was a loyal and dedicated employee of the Ministry of Community Safety and Correctional Services. He had the extreme misfortune of being a work colleague of Nelson Barque and Ken Seguin. This professional proximity to two abusers who took their own lives has led to suspicions and accusations that Mr. van Diepen knew, or ought to have known, they were engaging in sexually inappropriate conduct with probationers and other members of the community. Mr. van Diepen's misfortune was exacerbated by Ron Leroux and his puppet-masters who named him in a scandalous set of written statements and affidavits, which statements have now been discredited.

Mr. van Diepen did not know, and could not reasonably have known, about the sexual improprieties of Mr. Barque or Mr. Seguin. Over the course of his working relationships with them, there was never any direct evidence to suggest otherwise. Any conduct that was in breach of Ministry policies and/or raised concerns was properly reported by Mr. van Diepen in the appropriate manner. At no time did Mr. van Diepen engage in any criminal or quasi-criminal conduct to advance his professional or personal interests.

Mr. van Diepen has paid a very heavy price, both personally and professional, for his association with Mr. Barque and Mr. Seguin. He has been vilified by some members of the community, his reputation has been tarnished, his family has been impacted and the Ministry did not provide the support he deserved. It is without question Mr. van Diepen is himself a victim in this whole affaire. He hopes that this Inquiry will recognize this and also conclude that he did not know of the appalling conduct of Mr. Barque and Mr. Seguin. Through these findings it will allow him to clear his name and rehabilitate his reputation.

Evidentiary Considerations

Professional Relationships

Mr. van Diepen commenced his employment with the Ministry in September 1975. He worked full-time as a Probation Officer in the Cornwall Office as of 1976. He retired in November 2007, after a 32 year career. He worked with Nelson Barque until 1982 and with Ken Sequin until his death in 1993.

Mr. Barque was married with children. Mr. van Diepen's relationship with Mr. Barque was strictly professional. They were work colleagues, and nothing more. They did not socialize in any capacity outside of the office. His relationship with Mr. Sequin was slightly different. They periodically had a beer after work on a Thursday evening and occasionally had lunch as part of a group that ate at Harv's dinner on Fridays. Mr. van Diepen visited Mr. Sequin's house on only three occasions during their 18 year working relationship. Mr. Sequin went out of his way to present himself as a confirmed bachelor. Mr. van Diepen was aware that Mr. Sequin dated women and that he had been engaged to marry. At one time, he took Mr. van Diepen into his confidence and advised that there was innuendo about him being gay as he lived alone, by which Mr. Sequin was affronted (see transcripts volume 184, page 170).

Neither Mr. Barque nor Mr. Sequin ever disclosed their true sexual orientation to Mr. van Diepen. Of course, neither would have ever disclosed to Mr. van Diepen conduct that was immoral, unethical or illegal. Rather, both took every step possible to portray themselves as respectable professionals of high moral standing.

Reporting Concerns

Mr. van Diepen reported conduct of Mr. Barque and Mr. Sequin that caused him concern. In particular, shortly after joining the Cornwall office Mr. van Diepen found a book of sketch drawings of men in sexual positions as well as Playboy magazines in Mr. Barque's desk. As instructed, he reported this to the senior Probation Officer, Mr. Sequin. Mr. Sequin assured Mr. van Diepen that he would take care of it and speak to Mr. Barque. Mr. van Diepen had no reason to doubt the adequacy of these steps (see transcripts volume 184, page 221). Mr. van Diepen also informed Peter Sirrs, the then Area Manager, about his discoveries at the time Mr. Barque resigned from the Ministry. Likewise, after Mr. Barque left the Ministry and information began to surface regarding sexual contact with a probationer, Mr. van Diepen spoke to Mr. Sirrs about his concern that Mr. Barque was employed at Equipe Psycho-Sociale, in a position of trust with children. He understood that fellow probation officer, Carole Cardinal, was going to follow-up with the Board of that organization. He again raised concerns with Mr. Sirrs when Mr. Barque became a supply teacher at the Catholic School Board (see transcripts volume 184, pages 12 and 14).

In regards to Mr. Sequin, Mr. van Diepen felt that, at times, he did not respect the professional boundaries of a probation officer. He describes Mr. Sequin as being too "chummy" with probationers (see transcripts volume 185, page 154). He raised these

concerns with Emile Robert, the then Area Manager. Mr. van Diepen also raised concerns directly with Mr. Seguin, who told him in very vulgar and explicit language to get out of his office; an episode that marked the end of their amicable working relationship.

Had Mr. van Diepen known, or even suspected in any way, that Mr. Barque and Mr. Seguin were engaging in sexually inappropriate conduct, he would have taken action immediately and raised it with the highest levels of the organization and the police. He had nothing to gain from suppressing such information and everything to lose. To suggest that he knew of Mr. Barque's and Mr. Seguin's illicit behaviour but failed to act, strikes at the very heart of Mr. van Diepen's being and it is deeply offensive to him.

Ron Leroux

Mr. van Diepen's misfortune of working in an office with Mr. Barque and Mr. Seguin took on a tragic new dimension with the actions of Mr. Leroux, and those using him as a pawn to advance their own agenda. It is at this stage that Mr. van Diepen is transformed from a mere co-worker to someone connected to a clan of pedophiles who had full knowledge of sexual abuse involving children. These allegations emerge in written and verbal statements by Mr. Leroux in 1996 and 1997, including an affidavit sworn by Mr. Leroux on November 13, 1996 (see Exhibit 567).

Lies about Mr. van Diepen and others percolated through the community for over 10 years. It was only in June 2007, through the benefit of this Inquiry, that Mr. Leroux started to come clean about his fabrications. Specifically, on June 28, 2007, Mr. Leroux testified that Mr. van Diepen should not be on a list of people he saw at parties at Mr. Seguin's house, Malcolm MacDonald's summer residence and St. Andrews Parish House, which he had deposed to in his November 13, 1996 affidavit (see transcripts volume 122, pages 100 and 104). Similarly, in his testimony on June 27, 2007, Mr. Leroux contradicted his preposterous assertion in his Statement of Anticipated Evidence that Mr. van Diepen was going to "out" Mr. Seguin if he was not assigned the Morrisburg territory (see transcripts volume 121, page 71).

As is well known, Mr. Leroux was unable to continue with his cross-examination before the Inquiry. As such, the Inquiry could not get to the truth of other sensational allegations leveled by Mr. Leroux, including Mr. van Diepen's knowledge of Mr. Seguin's supposed confession. Had cross-examination of Mr. Leroux continued, Mr. van Diepen is confident Mr. Leroux would have admitted that such allegations were fabrications written by others and/or were included by him simply to make the story more compelling (see transcripts volume 122, page 219).

Investigative Interviews

Mr. van Diepen was interviewed by the Ontario Provincial Police on February 14, 1994 and on August 4, 1998. He fully cooperated in the investigations. At no time was there even a hint that he might be subject to any form of criminal charges.

Mr. van Diepen was interviewed by Paul Downing on September 28, 2000 pursuant to an internal Ministry investigation. In such interview, Mr. van Diepen felt he was denied the opportunity to bring counsel. Furthermore, Mr. Downing engaged in dubious interviewing techniques with an assumption of guilt built into his questions (see transcripts volume 186; pages 78 to 81 and 96). Despite the tense circumstances of the interview and the pre-determined conclusions of Mr. Downing, there was no evidence to support any sanctions whatsoever by the Ministry against Mr. van Diepen.

Personal and Professional Impact

The fraud perpetrated by Mr. Barque and Mr. Seguin; the accusations that Mr. van Diepen knew of their conduct; and the allegations in publicized affidavits that he was associated with a clan of pedophiles, had a devastating impact on Mr. van Diepen. He was forced out of his Probation Officer role to work on other projects and initiatives. He has lived with a dark cloud over his reputation and his relations with members of the close-knit community have been strained. The impact and damage extends to his family.

Mr. van Diepen remains troubled and discouraged that the Ministry did not do more to protect his interests and clear his name. While it repeatedly reassured him that it was, or would consider, taking action to protect him he views their actions as unsatisfactory. Specifically, when the Project Truth Website was first published, Mr. van Diepen submits that the Ministry failed to take proactive steps to shut down the site and address his concerns and the concerns of his colleagues (see transcripts volume 186, page 51).

Mr. van Diepen is himself a victim of the lies of Mr. Barque and Mr. Seguin who perpetrated a fraud on him and others in the probation office and the community at large. Mr. van Diepen is a victim of Mr. Leroux and those for whom he did the bidding. Mr. van Diepen is also a victim of the Ministry's passive resistance to assisting him.

It is Mr van Diepen's sincere hope that the Inquiry will recognize that he has been victimized and also conclude that he did not know of the horrors being perpetrated by his colleagues; and had he known he would have acted instantly. These findings will be an important step in the process of clearing his name, obtaining a small bit of closure in a dreadful set of circumstances and rehabilitating his reputation in the community of St. Andrews West and beyond.

Yours very truly,

John Westdal

On behalf of Jos van Diepen