

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 59

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Wednesday, October 18, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Mercredi, le 18 octobre 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
M ^e Simon Ruel	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Suzanne Costom Dect.Staff Sgt.Colin Groskopf	Ontario Provincial Police
Mr. Joe Neuberger Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle Mr. Steven Canto	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nadya Tymochenko Ms. Nicola Simmons	Upper Canada District School Board

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1 --- Upon commencing at 9:45 a.m./

2 L'audience débute à 9h45

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude presiding.

8 Please be seated. Veuillez vous asseoir.

9 **ANDRE LAVOIE, Resumed/Sous le même serment:**

10 **THE COMMISSIONER:** Thank you. Good morning,
11 all.

12 **MR. RUEL:** Good morning, Mr. Commissioner.

13 **THE COMMISSIONER:** Mr. Lavoie, good morning.
14 How are you today?

15 **MR. LAVOIE:** A little tired, but I'm fine.

16 Thank you.

17 **THE COMMISSIONER:** Okay. Good.

18 Do you understand you're still under oath?

19 **MR. LAVOIE:** Yes.

20 **THE COMMISSIONER:** All right.

21 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
22 **RUEL (CONT'D/SUITE):**

23 **MR. RUEL:** So, Mr. Lavoie, we will carry on
24 the questioning. We were talking yesterday about the
25 statement you gave to the Cornwall Police, Mrs. Sebalj. I

1 forgot to ask you two questions yesterday.

2 You talked about the principal, Mrs. Jeanine
3 Séguin. I believe Mrs. Séguin has now passed away, but if
4 Mrs. Séguin was to say that she did not remember you ---

5 **THE COMMISSIONER:** That she what?

6 **MR. RUEL:** She would not remember you or she
7 would not know you, what would you respond?

8 **MR. LAVOIE:** I would find that an unlikely
9 statement. I was quite active in the audiovisual materials
10 around the school. I was considered some sort of the point
11 man to set up cameras and stuff and I did have contact with
12 Madam Séguin saying, "André, could you take care of this
13 event? We would like something on tape", stuff like that.

14 **THE COMMISSIONER:** I'm sorry, she did?

15 **MR. LAVOIE:** She did.

16 **THE COMMISSIONER:** You had those kinds of
17 conversations?

18 **MR. LAVOIE:** Yes.

19 **THE COMMISSIONER:** So she called you by your
20 first name?

21 **MR. LAVOIE:** I assume so. She was extremely
22 polite and would probably refer to me as Monsieur Lavoie.
23 She had a high order of decorum.

24 **THE COMMISSIONER:** M'hm.

25 **MR. LAVOIE:** She also knew that I had

1 access, unlimited access to Sabourin's car, to the point
2 where I think it was grade 12 she came over to see me with
3 Sabourin and said, "We would like you to go to Montreal to
4 pick up a singer/performer who is performing at the school
5 this afternoon. Would you care to do that?" and I said,
6 "Yes, sure, of course."

7 And then about two years after I finished
8 high school, she called me up to work in the audiovisual
9 department to replace a technician who had fell ill, I
10 believe, for three months. So she had hired me to take
11 that responsibility.

12 My aunt was living common law with her
13 brother. So by extension, I would assume that she would
14 know members of the family. And then I remember at
15 Christmas my contract ended in the audiovisual department.
16 I was greeted at her house and given a carton of cigarettes
17 as a Christmas present, stuff like that. So I would assume
18 that she would have known of me.

19 **MR. RUEL:** Thank you.

20 Another question. You said yesterday that
21 you knew or you found out that Mr. Sabourin eventually left
22 St. Lawrence and La Citadelle, and you said you heard or
23 you believe -- I mean, you heard the reason why from
24 someone else. Were you ever contacted either by the school
25 or by the school board responsible for that school after

1 you left, after you finished high school, in relation to
2 the abuse you suffered at the hands of Mr. Sabourin?

3 **MR. LAVOIE:** I was never contacted by anyone
4 after his departure or before his departure, no.

5 **MR. RUEL:** So coming back to the statement
6 you gave to Mrs. Sebalj on March 14, 1996 ---

7 **THE COMMISSIONER:** Which is Exhibit 92.

8 **MR. RUEL:** Which is Exhibit 92.

9 So you gave that statement on that day and I
10 guess the police, Mrs. Sebalj, pursued a police
11 investigation into your complaint?

12 **MR. LAVOIE:** I assumed that the process
13 would begin and would follow.

14 **MR. RUEL:** Do you know for how long the
15 investigation lasted?

16 **MR. LAVOIE:** I have no idea how long it
17 lasted. I didn't get information in terms of the evolution
18 of the investigation. Oftentimes after a certain moment of
19 time with no information, I would panic and call Heidi in a
20 very fragile state, an emotional state, and I would say,
21 "Heidi, you can't let this fall through the cracks" because
22 I was assuming that nothing was being done since I wasn't
23 getting any information. But I just wanted her to
24 understand that this is an important case and it goes way
25 beyond André Lavoie. So I always assumed that they were

1 pursuing the case and doing due diligence.

2 **MR. RUEL:** Okay. Do you know when Mr.
3 Sabourin was arrested?

4 **MR. LAVOIE:** I have no recollection of that.

5 **MR. RUEL:** If I tell you December 9, 1997,
6 that doesn't ring a bell?

7 **MR. LAVOIE:** Not necessarily, no. That's
8 police matters.

9 **MR. RUEL:** So what happened in the weeks and
10 months following your meeting with Constable Sebalj on
11 March 14, 1996?

12 **MR. LAVOIE:** Gee, what happened? What did
13 not happen is probably a better worded question in the
14 sense that I got very little information coming from the
15 police service about the progress of the investigation. My
16 immediate reaction sensing that, you know, things might be
17 falling through the cracks was to try and locate other
18 potential victims and within a matter of weeks I found
19 about eight or nine, of which I think four might have
20 decided to meet with Heidi Sebalj because I would tell the
21 victims or potential victims, "If you know anyone or
22 yourself have been abused, please contact Heidi Sebalj."
23 And it went from there.

24 **MR. RUEL:** So those victims, how did you --
25 well, when did you do that? Was it shortly after your

1 meeting with Mrs. Sebalj or later?

2 MR. LAVOIE: I probably gave her some time
3 to -- you know, obviously if you do a proper investigation
4 it doesn't take very long to connect the dots of potential
5 victims, I imagine, but I just felt that this work was not
6 being done at a fast enough pace. So I took it upon myself
7 to find the victims because I knew a few of them through
8 yearbooks or whatever, and some were obvious victims, some
9 less so.

10 MR. RUEL: So generally in the course of the
11 investigation, would Mrs. Sebalj call you?

12 MR. LAVOIE: Not very often. That I recall,
13 not very often.

14 MR. RUEL: And would you call her?

15 MR. LAVOIE: Yes.

16 MR. RUEL: Would you call her frequently?

17 MR. LAVOIE: I think so. I mean, I was in a
18 total mess mentally and you can imagine in terms of my
19 mental state my mind was in sort of a vice. So I would sit
20 at my desk at home for weeks on end doing essentially
21 nothing, just waiting for a phone call, information, give
22 me something, and that was not forthcoming. So at some
23 point I just couldn't take it anymore and I called Heidi
24 and said, "What's happening? Do you have information? Are
25 you moving forward with this?" I don't know if she could

1 not provide me with information, was there some reason,
2 judicial reasons for not divulging any information. I
3 don't know what that language is all about, but in any
4 case, I felt very much alone.

5 **MR. RUEL:** Mr. Lavoie, I would like to show
6 you a document. It's Exhibit C-93 which is -- and I'm
7 going to refer to the police notes of Mrs. Sebalj. The
8 first page will be the Bates number 7153094.

9 Madam Clerk, Mr. Commissioner, again this
10 was a "C" exhibit.

11 **THE COMMISSIONER:** M'hm.

12 **MR. RUEL:** There's a number of victims
13 referred to, alleged victims or victims referred to in this
14 document. So if possible, I would ask that this document
15 not be shown on the ---

16 **THE COMMISSIONER:** Public screens?

17 **MR. RUEL:** Public screen.

18 **THE COMMISSIONER:** Very well. Are the
19 screens ---

20 **THE REGISTRAR:** I just need a second.

21 **THE COMMISSIONER:** Sure. Are the screens
22 turned off?

23 **THE REGISTRAR:** Yes.

24 **THE COMMISSIONER:** Thank you.

25 **MR. RUEL:** So, Mr. Commissioner, just to

1 give you some context, these are notes from Mrs. Heidi
2 Sebalj concerning the Sabourin investigation.

3 **THE COMMISSIONER:** Yes.

4 **MR. RUEL:** I don't intend to cross-examine -
5 - I mean, those notes were not written by Mr. Lavoie but
6 they refer to calls that were made either by Mr. Lavoie or
7 to Mr. Lavoie by Constable Sebalj. So I just want to ask
8 him if he remembers a number of these calls.

9 **THE COMMISSIONER:** M'hm.

10 **MR. RUEL:** So the page -- Madam Clerk, do
11 you have the page?

12 **THE COMMISSIONER:** Can we do it the old
13 fashion way while we're waiting? Everyone, all of the
14 parties, the lawyers have this document?

15 **MR. LEE:** Can we have the page number again?

16 **MR. RUEL:** It's 7153094.

17 **THE COMMISSIONER:** Right. Which essentially
18 is the first page of the notes that are in the exhibit, and
19 my understanding is it would be dated the 14th of March,
20 1996?

21 **MR. RUEL:** Yes, March 14.

22 **THE COMMISSIONER:** That's what I said.

23 **MR. RUEL:** Tu l'as? I can go on?

24 On March 14, the note said 10 -- so it's
25 10:58 advised by reception André at HQ". So can I assume

1 that this is when you attended on March 14 to meet with
2 Mrs. Sebalj?

3 **MR. LAVOIE:** Yes, that would be correct.

4 **MR. RUEL:** Okay. Two pages down, which is
5 Bates number 7153096, on March 18, 9:36, it's written, from
6 what I can read, and counsel for the Cornwall Police may
7 intervene if they feel I'm not reading it properly or I
8 don't understand or I misunderstand -- from what I can
9 read, it's "TC from André with info." So I suspect this
10 means "telephone call from André with info" and you name a
11 number of people here.

12 So would you have made a call to Mrs. Sebalj
13 on that day and providing this information? Do you
14 remember?

15 **MR. LAVOIE:** Yes. And that was in the
16 context of locating other victims and inviting them to call
17 Heidi Sebalj.

18 **MR. RUEL:** So then I would ask you to go to
19 page -- it's two pages down again -- 7153100. Do you have
20 it, Mr. Lavoie, yes?

21 **MR. LAVOIE:** Yes.

22 **MR. RUEL:** It's April 10, 1996, 13:17. It
23 seems to say "TC André message left with his wife." So the
24 way I read this is that she left you or she left a message
25 with your wife on April 10, 1996. Do you remember that?

1 Do you remember getting a message from her?

2 **MR. LAVOIE:** Vaguely, but I sort of recall
3 my wife saying that Heidi had called and I should be
4 calling her back or something to that effect.

5 **MR. RUEL:** Then on January 15, 1997, so it's
6 many months later, 15:27, "TC from Andre." So it's you
7 calling, from what I can understand. You say, "I advised S
8 wife passed away." So I suspect this is Sabourin's wife
9 passed away, "doing much better and proceed" and I can't
10 read the last word.

11 So do you remember making this call to Mrs.
12 Sebalj on January 15, 1997?

13 **MR. LAVOIE:** Yes, I do.

14 **MR. RUEL:** So can you explain the context of
15 this?

16 **MR. LAVOIE:** Well, for myself, because
17 Sabourin lived five houses away from my parents' place,
18 every time I went to visit my parents I would see them
19 either outside or whatever. I know she was receiving some
20 sort of treatment and when I passed by them it was always -
21 - my reaction was always one of absolute terror because my
22 abuser was taking care of his wife who was an accomplice to
23 his abuse of children, and I think that when she passed
24 away, it must have been a relief to her, so she wouldn't be
25 hauled into this whole process. And from that moment on,

1 my target was quite precise.

2 MR. RUEL: So you mentioned Mr. Sabourin
3 lived not too far away from your parents' place; right?

4 MR. LAVOIE: That is correct.

5 MR. RUEL: You were not living in Cornwall
6 at that time?

7 MR. LAVOIE: No, but I would visit my
8 parents occasionally.

9 MR. RUEL: Have you met or have you bumped
10 into Mr. Sabourin at some point during the investigation?

11 MR. LAVOIE: Oh my God, I don't think so.
12 No. No, no. If I saw him walking on the street while I
13 exited from my parents' place, if I saw him, I just -- I
14 should have been ticketed. I just pressed on the gas and
15 got out of there as fast as I could. I mean, my skin was
16 crawling.

17 MR. RUEL: But you knew he was still living
18 there.

19 MR. LAVOIE: Yes.

20 MR. RUEL: So when -- it's written here:

21 "Doing much better. Proceed."

22 So was there an issue with your health
23 between April 10, 1996 and January 15, 1997?

24 MR. LAVOIE: The only possibility there,
25 amongst the cocktails of drugs that I was taking, maybe at

1 some point I had a good day. Other than that, most days I
2 felt like I was a zombie. Those medications were pretty
3 powerful stuff. Maybe I had a good day on that moment.

4 **MR. RUEL:** Do you know what happened between
5 April 10, 1996 and January 15, 1997 in terms of the conduct
6 of the investigation?

7 **MR. LAVOIE:** No idea.

8 **MR. RUEL:** Did you ever tell Constable
9 Sebalj that you did not want the investigation to proceed
10 for any reason including your health?

11 **MR. LAVOIE:** No. No, once I got engaged in
12 this process, there was no reason for me to slow it down or
13 turn back or change my mind. I was quite determined to see
14 it right to its end.

15 **MR. RUEL:** Is it possible that -- did you
16 ever talk about your health issues with Constable Sebalj?

17 **MR. LAVOIE:** Oh, probably.

18 **MR. RUEL:** Is it possible that she
19 understood that you were not ready for the investigation to
20 be carried for a while?

21 **MR. LAVOIE:** I have no recollection of that
22 and if that would have been mentioned, it would have been
23 for me a great disappointment.

24 **MR. RUEL:** What did you expect from the
25 police in terms of the processing your complaint?

1 **MR. LAVOIE:** What did I expect? You mean in
2 terms of information or in terms of being ---

3 **MR. RUEL:** Well, what was your -- I mean,
4 your expectations, any expectation?

5 **MR. LAVOIE:** Well, my expectation initially
6 was that they would do a proper investigation, locate a
7 number of victims and from victims -- you know, end up with
8 a sizeable amount of victims from this particular pedophile
9 and have a solid case that would put him away for a very
10 long time. That was my expectation. Get him out of the
11 community.

12 **MR. RUEL:** Going back to the document, the
13 same page, July 31, 1997, 9:36, it is written here and I
14 won't read the names. It's written "TC." From what I can
15 read:

16 "TC from V. Advise potential V."

17 So I don't want to misinterpret this, but it
18 seems "Telephone call from victim. Advise potential
19 victims."

20 So is it possible that you made a call on
21 July 31st, 1997 stating that to Mrs ---

22 **MR. LAVOIE:** That is quite possible. I do
23 not recall the individual name here for some reason, but
24 yes, that's quite possible.

25 **MR. RUEL:** August 25, 1997. That's the next

1 entry, at 13:32:

2 "TC V. Unable to locate victim's
3 name."

4 Is that possible? Have you made a call?

5 **MR. LAVOIE:** That's quite possible, yes.

6 **MR. RUEL:** So between January '97 and August
7 '97, from what I can see here, and obviously Mrs. Sebalj
8 will be able to provide testimony if she wishes, there
9 doesn't seem to have been much activity on the file. Is
10 that your recollection?

11 **MR. LAVOIE:** Yes, absolutely, and especially
12 considering the names that have been put forward are all
13 names that I personally identified. So I would have found
14 a bit more comfort if there were names that came from their
15 own investigation. I don't see those names. I see names
16 that I personally located and advised to Heidi. In other
17 words, I was the investigator. I mean, go figure.

18 **MR. RUEL:** So from that point on, did the
19 carriage of the investigation -- was there any change in
20 what you could perceive from the carriage of the
21 investigation by Mrs. Sebalj, from August 25, 1997?

22 **MR. LAVOIE:** Sorry.

23 **MR. RUEL:** Was there any change in the way
24 Mrs. Sebalj handled the investigation from that point on,
25 August 25, 1997?

1 **MR. LAVOIE:** Not that I can recall. I mean,
2 I was just not getting much information and at some point
3 she was taken off this investigation. I heard that she was
4 on sick leave or something like that and then another
5 person stepped to the plate. So I don't know.

6 **MR. RUEL:** When did you hear that?

7 **MR. LAVOIE:** Oh my God, I couldn't put an
8 exact year or month on that but it was in the course of the
9 investigation. At some point she was taken out of the
10 picture and another person came on board. I don't remember
11 who that person was.

12 **MR. RUEL:** Did you ever speak to that
13 person?

14 **MR. LAVOIE:** Yes, at least once.

15 **MR. RUEL:** Is that the police officer from
16 the Cornwall Police?

17 **MR. LAVOIE:** It would have been a
18 representative from the Cornwall Police, yes.

19 **MR. RUEL:** So next page is 7153106. It's at
20 9:53:

21 "TC from Andre. Another V as younger
22 brother abused for one and a half
23 years."

24 So it seems to be a call from you. Do you
25 remember making that call?

1 **MR. LAVOIE:** Yes, I do.

2 **MR. RUEL:** So that's another victim you --
3 you alluded to another victim?

4 **MR. LAVOIE:** Yes.

5 **MR. RUEL:** When you say victims, are those
6 victims of Mr. Sabourin?

7 **MR. LAVOIE:** Yes.

8 **MR. RUEL:** Then on the next page, 7153126.

9 **THE REGISTRAR:** One twenty six (126)?

10 **MR. RUEL:** Yes.

11 So it's at the bottom of the page, at 1:00.

12 It states here:

13 "VM MON 9:02 from Andre Lavoie."

14 So it seems, from what I can understand,
15 that you left a voice message on that day.

16 "Info on two possible Vs."

17 So I suspect this means victims.

18 Do you remember leaving a message to
19 Constable Sebalj?

20 **MR. LAVOIE:** I remember leaving a number of
21 messages to Constable Sebalj. I often got her voicemail,
22 but at least I would hope to leave sufficient information
23 in my message that she could pursue her investigations.

24 **MR. RUEL:** Then the next page, 7153137. And
25 now we are in October, October 24. That's at the bottom of

1 the page. It seems to be at 0800 and then there's another
2 number and then it says:

3 "TC Andre Lavoie advises..."

4 That you and another person

5 "...went through yearbooks"

6 And then it states:

7 "devastating."

8 Do you remember -- was this a call -- do you
9 remember this, either making a call or do you remember Mrs.
10 Sebalj calling you or saying something to that effect to
11 Mrs. Sebalj?

12 **MR. LAVOIE:** Yes. This was the result of a
13 meeting that I got with one other victim and we proceeded -
14 - because I only had one or two yearbooks; she had a whole
15 collection.

16 **MR. RUEL:** Where did you get the yearbooks?

17 **MR. LAVOIE:** I had two in my own possession
18 and the other victim, through his brother, had the whole
19 set covering about six years. So we got together at my
20 place, I believe, and trying to identify other potential
21 victims. And we were going, "Well, this one. Oh, there's
22 one. Oh, there's another one. Oh, there's one." I mean,
23 it was completely hallucinating because potential victims
24 would just pop out.

25 **MR. RUEL:** But how would you recognize them?

1 **MR. LAVOIE:** For myself -- I cannot speak
2 for the other victim -- I remember kids coming out of his
3 office at different times. I knew the pattern of abuse
4 that would happen within the school, and the look on these
5 victims coming out of that room was unmistakable.

6 **MR. RUEL:** So that's what you explained
7 yesterday?

8 **MR. LAVOIE:** That's right.

9 **MR. RUEL:** Okay. So you recognized those
10 faces in the yearbooks?

11 **MR. LAVOIE:** Yes.

12 Then I only have three or four more. Then
13 it's the next page which is 7153139. It's 11:02. It's
14 written:

15 "TC F..."

16 I think it's:

17 "F Andre will fax list two pages
18 possible Vs."

19 Do you remember making such a call to Mrs.
20 Sebalj on that day?

21 **MR. LAVOIE:** Yes, I do. Yes.

22 **MR. RUEL:** So what did you send her?

23 **MR. LAVOIE:** It was a list of possible
24 victims of interest in this case.

25 **MR. RUEL:** From the yearbook?

1 **MR. LAVOIE:** Yes.

2 **MR. RUEL:** Then October 28 and this is at
3 page 7153142 and it's at 8:15. It says, I think -- do you
4 have the right page, Madam Clerk, 7153142? Okay, 8:15:

5 "TC Andre..."

6 No, that's not you. It's the next line.

7 Yes.

8 "VM 9:14 from Andre. Confirmed fax
9 received. Advises S went to Africa in
10 '73. Come back with a young man
11 possible V."

12 So it appears that you called Mrs. Sebalj on
13 that date, you left a message and you provided this
14 information. So would that be -- do you remember that?

15 **MR. LAVOIE:** Yes, I do.

16 **MR. RUEL:** So what is the context?

17 **MR. LAVOIE:** He went on some sort of
18 educational mission in Africa for a few weeks. I don't
19 recall it's actually under what terms and when he came back
20 he had a young African child accompanying him that would be
21 staying with him for weeks or months and for me it was
22 quite obvious what he was up to. And I just -- he was very
23 good at what he did and persistent.

24 **MR. RUEL:** How did you find out about this?

25 **MR. LAVOIE:** How did I find that out? I saw

1 them in each other's company. He came to my house and
2 introduced me to his new catch.

3 **MR. RUEL:** Do you remember the name of that
4 person?

5 **MR. LAVOIE:** No. No.

6 **MR. RUEL:** When was that? I'm sorry.

7 **MR. LAVOIE:** Well, around '73 I guess or
8 around that time.

9 **MR. RUEL:** Seventy-three ('73)?

10 **MR. LAVOIE:** Yes.

11 **MR. RUEL:** So there's a few more entries,
12 but I'd like to bring you to page 7153149. It's at 17:16,
13 so five o'clock or a quarter past 5:00. It's at the top of
14 the page, and I'm not sure if this would be a call from you
15 or from Mrs. Sebalj. It says:

16 "VC Andre advise expect..."

17 I can't really read here.

18 "...attend next Thursday. Very
19 anxious. Advise will call."

20 So I'm not sure what this means, but do you
21 remember either receiving or making a call on that day and
22 mentioning you were very anxious about something?

23 **MR. LAVOIE:** That's quite possible. I don't
24 remember the exact day, but you know anxious, being anxious
25 was for me a normal way and anxiety was usually accompanied

1 by a lack of information so ---

2 MR. RUEL: And the last page that I would
3 like to refer to is 7153152. And now we are in December
4 '97, 9:36:

5 "TC F Andre re progress advise awaiting
6 TC."

7 So I suspect this means telephone call from
8 Andre re progress, advise awaiting telephone call. So Mrs.
9 Sebalj would have told you that but you called to inquire
10 about progress. Would that be -- is that possible?

11 MR. LAVOIE: Yes, that is quite possible.

12 MR. RUEL: So is it fair to say that you
13 initiated most of the calls or most of the discussions with
14 Constable Sebalj over the investigation?

15 MR. LAVOIE: Yes, that would be fair to say.

16 MR. RUEL: You've given names and
17 information of potential victims to Mrs. Sebalj. Do you
18 feel or do you believe those hints, if I can call them like
19 that, have been investigated by Mrs. Sebalj?

20 MR. LAVOIE: I believe so. However, there's
21 two components. One of them is that some victims agreed to
22 testify to Heidi Sebalj and other victims just didn't want
23 anything to do with the process. And my only concern,
24 basically, is that all the names that I've seen so far are
25 references from André Lavoie.

1 **MR. RUEL:** Were you advised -- I believe
2 I've asked you the question -- when you -- you don't know
3 when he was arrested?

4 **MR. LAVOIE:** No.

5 **MR. RUEL:** No. And you were not told when
6 he was arrested or were you told by Mrs. Sebalj or anyone
7 else when Mr. Sabourin was arrested?

8 **MR. LAVOIE:** I can't recall the moment of
9 arrest. The only thing I can recall is the moment that he
10 pled guilty, and that information was conveyed to me by the
11 lawyer I had retained at that time.

12 **MR. RUEL:** You spoke about the mental state
13 you were in through -- well, starting when you decided to
14 make -- or to pursue the matter, right?

15 Can you give us a bit more information about
16 how long this -- you talked about depression. Did that
17 last for a long time? Did that last through the
18 investigative process and following court process? Can you
19 give us a few more details on that?

20 **MR. LAVOIE:** It started -- the depression
21 started manifesting itself in small and insidious ways in
22 the sense that I could not concentrate on very mundane
23 tasks, to the point where I became completely paralyzed
24 about tasks that I would do normally. So it was a form of
25 mental paralysis that I was stuck in, a form of extended

1 brain cramp, I would call it. That lasted for many years,
2 anywhere from three to six years. Of course, I took myself
3 out physically from any professional work as a director for
4 a long period of time, still trying to do the odd project
5 to keep my sanity in some point, but I really played a low
6 profile because it would have been professional suicide.
7 You cannot have an impaired director on set. That doesn't
8 work. So I took myself out of there and tried to survive
9 the best I could. I had a very supporting wife and I
10 plodded through those years as best I could. I am getting
11 a little bit better now. I'm still on the medication,
12 still under the observation of a psychologist,
13 psychiatrist. It's an ongoing process.

14 Initially I thought a depression would last
15 six months to a year. Unbeknownst to me, it's something
16 that lasts much, much longer.

17 **MR. RUEL:** During the investigative phase of
18 Mr. Sabourin's investigation, the police investigation and
19 the court process that followed, were you in a state of
20 depression during that period?

21 **MR. LAVOIE:** Yes, semi-coma sort of thing,
22 yes.

23 **MR. RUEL:** And you indicated that -- what
24 did Mrs. Sebalj know about your condition? You alluded to
25 that a bit earlier.

1 **MR. LAVOIE:** The usual, "How are you doing,
2 André?" and I'd say, "I'm depressed." "Yes."

3 My relationship with Heidi Sebalj was not
4 about really discussing health issues. It was really
5 discussing how is this going; how is this proceeding; how
6 is this advancing?

7 **MR. RUEL:** Were you ever offered some
8 assistance either by Mrs. Sebalj or by anyone else from the
9 Cornwall Police Service in terms of assistance for victims
10 of crime, from what you can recall?

11 **MR. LAVOIE:** I can't recall meeting anybody
12 on those terms for help in some way or other. No, I don't
13 recall anybody asking me.

14 **MR. RUEL:** Were you ever given names of
15 people or organizations that you could contact to get
16 assistance from the Cornwall Police?

17 **MR. LAVOIE:** I did not consider that to be
18 an option. I mean, j'ai fait mes propres démarches. I did
19 my own legwork. At one point I just had a fit and I went
20 to see my family doctor and I said, "Look, I can't deal
21 with this anymore. I'm going friggin crazy, but I don't
22 know what's going on. I don't understand it." And within
23 days she referred me to a psychologist. It's my family
24 doctor that helped me through this.

25 **MR. RUEL:** So with respect to the police

1 investigation, generally, in conclusion with that chapter,
2 what do you have to say as to the response of the Cornwall
3 Police and Mrs. Sebalj with respect to the police
4 investigation they did in response to your complaint?

5 **MR. LAVOIE:** My God! What do I know about
6 the justice system, the way those wheels work? I can only
7 comment on the fact that in my own experience I was
8 certainly hoping to get more information coming in from the
9 investigation, at least get a sense that they took this
10 seriously and they were turning -- or leaving no stones
11 unturned. And it would have been easy enough. I mean, I
12 just felt that I was in a vacuum and, again, seeing the
13 list of names of victims that I personally referred to
14 Heidi, if they had done a proper investigation, I would
15 think other names would have come up. As far as I can
16 tell, those names never appeared.

17 **MR. RUEL:** You spoke about contacting
18 potential victims, right? You've done that?

19 **MR. LAVOIE:** Yes.

20 **MR. RUEL:** What would you say to those
21 people?

22 **MR. LAVOIE:** I would call the obvious ones
23 or meet with them and I would tell them that, "Look, I'm
24 proceeding with this criminal thing. I'm ready to testify,
25 to do whatever I need to do to push the charges forward."

1 Now, addressing the individual, I would say, "You might
2 know other victims. You might have been a victim yourself.
3 That is not for me to comment on, but if you do have
4 something to say about this issue, please contact Heidi
5 Sebalj and make an arrangement with her." That's all I
6 did.

7 **MR. RUEL:** Did you ever discuss the details
8 of your story with those people?

9 **MR. LAVOIE:** In fragments, simply low-level
10 details.

11 **MR. RUEL:** And would they tell you their
12 story?

13 **MR. LAVOIE:** Yes, in fragments, because I'm
14 not a psychologist. But yes, they would tell me certain
15 pieces of information.

16 **MR. RUEL:** Did you ever contact or were
17 contacted by an individual called Perry Dunlop?

18 **MR. LAVOIE:** No, I just know of him through
19 the media.

20 **MR. RUEL:** Have you ever met him?

21 **MR. LAVOIE:** No. I'm not sure why I'm being
22 asked that question.

23 **THE COMMISSIONER:** C'est la vie.

24 **MR. RUEL:** Did you ever speak or hear from
25 any -- Mr. Dunlop's wife, for example? I think it's Mrs.

1 Helen Dunlop?

2 MR. LAVOIE: Neither.

3 MR. RUEL: Did you ever speak to that
4 person?

5 MR. LAVOIE: I have never had any contact
6 whatsoever with the Dunlop family.

7 MR. RUEL: Okay. I want to talk about the
8 judicial phase of the prosecution against Mr. Sabourin. So
9 you know that Mr. Sabourin was charged in relation to the
10 allegations you made and other allegations made by some
11 other victims, right?

12 MR. LAVOIE: That is correct.

13 MR. RUEL: You don't remember when the
14 charges were laid?

15 MR. LAVOIE: No, I don't recall when the
16 charges were laid per se.

17 MR. RUEL: What was your involvement in the
18 -- with any actors that would have been involved in the
19 court phase, if I can call it like that?

20 MR. LAVOIE: I'm not sure I understand your
21 ---

22 MR. RUEL: Did you ever speak to any Crown
23 attorneys with respect to the conduct of the Sabourin
24 investigation?

25 MR. LAVOIE: I don't -- sorry, I hate

1 stepping over your lines.

2 I do not recall speaking to a Crown
3 attorney, no.

4 **MR. RUEL:** Did you attend court?

5 **MR. LAVOIE:** As best to my recollection, I
6 went to every single time that he appeared at court.

7 **MR. RUEL:** Do you remember how many
8 appearances?

9 **MR. LAVOIE:** I would say a minimum of six, I
10 guess, but you walk in there and within five minutes it's
11 remanded for six months from now and lasts five minutes,
12 that sort of thing.

13 **MR. RUEL:** Who would tell you about the
14 court dates?

15 **MR. LAVOIE:** That, I'm not sure. Were these
16 dates predetermined upon his appearance where they would
17 say you will appear on such and such a date or did Heidi
18 Sebalj say, "André, it's going to be on such a date"? I
19 don't recall who would give me that information, but I was
20 determined to have that information because I was damned to
21 be present at each one of those appearances.

22 **MR. RUEL:** The court hearings, were they in
23 Cornwall or somewhere else?

24 **MR. LAVOIE:** They were held in Cornwall.

25 **MR. RUEL:** And you would attend the court or

1 attend the hearing. Would you speak to anyone in the
2 courtroom when you would attend?

3 **MR. LAVOIE:** No, I would not have any
4 discussion with anybody involved with that process, no.

5 **MR. RUEL:** Do you remember if any police
6 officer from Cornwall, the Cornwall Police, was there, Mrs.
7 Sebalj or any other on those occasions?

8 **MR. LAVOIE:** I don't recall having
9 conversations.

10 **MR. RUEL:** You said -- I gather -- I'm going
11 to ask you the question anyways, but you don't remember any
12 contacts with Crown attorneys in your case?

13 **MR. LAVOIE:** No, I don't recall.

14 **MR. RUEL:** So they would not have offered
15 you any assistance in terms of assistance to victims or
16 contact information for you to call to get some support in
17 the community?

18 **MR. LAVOIE:** That would have been a lovely
19 gesture but, no, it never happened.

20 **MR. RUEL:** So now I'm going to refer you to
21 Document -- and that would be the next exhibit -- Document
22 116747.

23 **THE REGISTRAR:** Ninety-four (94)? Is it
24 confidential?

25 **MR. RUEL:** Well, Mr. Commissioner, in this

1 document, which is public -- so I don't think it should be
2 a "C", but there's three other victims or three other
3 persons or complainants and there's a publication ban. In
4 fact, this is the publication ban that was lifted yesterday
5 for Mr. Seguin and Mr. Lavoie, but there's two others for
6 which the ban still applies. So I would just advise you
7 that this ban is still in force, and since this is a public
8 document, I don't think -- I don't see how it could be a
9 "C" exhibit, but I just want to remind maybe for the media
10 that there is still a publication ban applicable to the
11 names of the two other victims here in this case.

12 **THE COMMISSIONER:** Anybody wish to comment
13 on that?

14 Mr. Wardle? No.

15 So the proposition being put forth here is
16 that this document is the transcript of the preliminary
17 inquiry where one of the complainants was Monsieur Lavoie,
18 whose ban on the publishing of his name has been lifted on
19 consent and by Order of a Superior Court judge and the
20 issue is will the three names or the names of those victims
21 that are still protected by this publication ban, should we
22 be doing anything with respect to those three names.

23 **Me RUEL:** Just to correct, Mr. Commissioner,
24 Mr. Seguin, Alain Seguin's name is also referred to in this
25 document so ---

1 **THE COMMISSIONER:** Yes.

2 **MR. RUEL:** --- the ban was lifted with
3 respect to him. There are two others, so I don't think
4 there is a need for you to issue another publication ban.
5 There's already one and I'm not going to refer to any of
6 those names.

7 **THE COMMISSIONER:** M'hm.

8 **MR. RUEL:** So, I think it covers the ground
9 for the media.

10 **THE COMMISSIONER:** That's fine, thank you.
11 But I still have to see if there is anyone in the parties
12 that have any comments to make.

13 So Mr. Wardle, Mr. Lee, any comments? Mr.
14 Wardle said no comment, right?

15 **MR. WARDLE:** That's correct.

16 **THE COMMISSIONER:** Right.

17 **MR. LEE:** No comments.

18 **THE COMMISSIONER:** Thank you. Mr. Bennett,
19 no.

20 Mr. Chisholm, any comment?

21 **MR. CHISHOLM:** No comment, thank you.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Rose?

24 **MR. NEUBERGER:** Mr. Neuberger.

25 **THE COMMISSIONER:** Sorry.

1 **MR. NEUBERGER:** Thank you. No, sir. Thank
2 you, Mr. Commissioner.

3 **THE COMMISSIONER:** Thank you.
4 Mr. Scharbach.

5 **MR. SCARBACH:** No, sir, no comment.

6 **THE COMMISSIONER:** Fine.
7 Mr. Callaghan or Mr. Boivin?

8 **MR. CALLAGHAN:** No comment, sir.

9 **THE COMMISSIONER:** Thank you.
10 Ms. Costom? Mr. Carroll?

11 **MS. COSTOM:** I'm sorry, I have a comment.

12 **THE COMMISSIONER:** Oh, I'm sorry, you do.
13 I'm sorry.

14 **MS. COSTOM:** My understanding of what's been
15 done so far with respect to victims who are named in
16 documents who have not provided releases to the Commission,
17 and so we are unsure whether they wish their names to be in
18 the public forum once again is that, that is part of what
19 you are mulling over now based on the arguments on Monday.
20 So I think that the victims that are in today's transcript
21 should be given the same benefit as those who may have been
22 mentioned in transcripts last week. And for that reason, I
23 think that the transcript should be marked as "C"
24 transcript in the interim pending your decision as to what
25 we will do with victims who have been named and for whom we

1 don't have releases.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Carroll, you said ---

4 **MR. CARROLL:** Nothing to add, thank you.

5 **THE COMMISSIONER:** Thank you.

6 Upper Canada District School Board ---

7 **MS. TYMOCHENKA:** Nothing to add.

8 **THE COMMISSIONER:** And the reason why I am
9 referring to you that way, other than the difficulty in
10 pronouncing your name, which I will learn, is that there
11 are two circles here that -- Ms. Simmons is here as well,
12 but she is not.

13 **MS. TYMOCHENKA:** Yes. She is.

14 **THE COMMISSIONER:** She is, okay. Sorry.

15 All right so then maybe I will continue to
16 call you the Upper Canada District School Board. The
17 Catholic District School Board is not present, is that
18 right? Okay, and I thought because you were sitting over
19 there, that you were sitting -- all right. Sidelines.

20 So you have no comments what do you have to
21 say with respect to Ms. Costom's comments?

22 **MR. RUEL:** I'll leave that to you. I think
23 the -- as I said, this is a public document, so it's
24 already public, the only thing is to make sure for the
25 media to know that there is an ongoing publication ban. I

1 don't think it should be marked as "C" but ---

2 **THE COMMISSIONER:** Well, as an abundance of
3 caution, what I'll do is I'll put it all in the same pile
4 for the time being and I'll deal with that issue and every
5 document that we've done so far.

6 **MR. RUEL:** Sure, Mr. Commissioner.

7 **THE COMMISSIONER:** All right. So, let me
8 get this straight, this is not the preliminary inquiry;
9 it's the plea of guilt?

10 **MR. RUEL:** Yes, it's the sentencing hearing.

11 **THE COMMISSIONER:** All right. Thank you.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **THE REGISTRAR:** So it's not going on the
14 public screens?

15 **THE COMMISSIONER:** No, it's not.

16 **MR. RUEL:** We are set to go?

17 **THE COMMISSIONER:** Yes.

18 **MR. RUEL:** Mr. Lavoie, this is Exhibit C-94,
19 the Transcript of the Sentencing Hearing of Mr. Sabourin,
20 that was before the Honourable Judge Renaud on April 12,
21 1999 in Cornwall. Do you remember attending that hearing?

22 **MR. LAVOIE:** Yes, I was there.

23 **---EXHIBIT NO./PIÈCE NO C-94:**

24 Robert Sabourin - Transcript of Sentencing
25 Hearing - Reasons for Judgment.

1 **MR. RUEL:** So this document -- I won't ask
2 you to comment on the document, I just want to make sure
3 that the document is produced before the Commission. But I
4 am going to ask you about your recollection from your
5 attendance to that hearing. What do you remember from that
6 hearing, what happened?

7 **MR. LAVOIE:** It started off with I was in a
8 bit of a fog, considering not knowing what the end result
9 would be, so I was pretty anxious. I thought it lasted
10 about five minutes but when I read this, I realize that it
11 lasted a bit longer than that. Again, I felt very much
12 alone in all of this and when they started defending his
13 good behaviour in order to lessen the time he'd spend in
14 jail, I felt that was in bad taste at best. And then when
15 the sentence came down two years less a day, well, it was
16 vindication but, in my mind, this was far too lenient in
17 terms of the sentence.

18 He got two years less a day and I got a life
19 sentence and I think it would be interesting to reexamine
20 sentencing of pedophiles, especially when they have
21 multiple victims, in this case, that I know of, upwards of
22 40, 50, 60 victims and counting. I just found the end
23 result not as satisfying as I wanted, but at least he left
24 on that door and went to summer camp for two and a half
25 years; 14 months.

1 **MR. RUEL:** Did you remember speaking to
2 anyone when you attended this hearing?

3 **MR. LAVOIE:** No, I did not speak to anyone.

4 **MR. RUEL:** Do you remember speaking to
5 anyone, either the police or the Crown Attorney prior to
6 the hearing, in anticipation of the hearing?

7 **MR. LAVOIE:** I was never asked to comment on
8 this subject by anyone that I can recall.

9 **MR. RUEL:** Did you give evidence before the
10 court?

11 **MR. LAVOIE:** No, I mean, he pled guilty and
12 in his great kindness, by pleading guilty, a victim did not
13 have to testify. So the magnitude of his crime was never
14 really expressed.

15 **MR. RUEL:** Now, I am going to refer you to
16 Exhibit C-93 that was the Victim Impact Statement.

17 **MR. RUEL:** The page is 7153077.

18 **REGISTRAR:** Is this for the public?

19 **MR. RUEL:** Yes, we already determined that
20 yesterday, this one. Well, in fact, I am sorry, this has
21 been marked -- I mean the Victim Impact Statement, we
22 didn't have any issue, but it's a "C" exhibit, so we may as
23 well avoid putting it on the screen.

24 **THE COMMISSIONER:** It is a C-93 because I
25 thought it was because it names certain victims that did

1 not want to be identified.

2 MR. RUEL: This one, no, the Victim Impact
3 Statement, but it's mingled with the police notes. It's
4 the same exhibit as the police notes.

5 THE COMMISSIONER: Yes, so ---

6 MR. RUEL: But I don't have any issue with
7 showing this document, this, the Victim Impact Statement
8 only on the screen.

9 THE COMMISSIONER: I don't either. So you
10 know what page you want to refer to?

11 MR. RUEL: Yes, in fact, I'm just going to
12 ask the witness to comment or to state what he essentially
13 -- what was the substance of the statement, I may not refer
14 to a specific page, we'll see how it goes.

15 So, Mr. Lavoie, we've talked about the
16 statement yesterday, you remember preparing it, but you did
17 not remember who asked you to prepare it; is that correct?

18 MR. LAVOIE: That is correct, yes.

19 MR. RUEL: And do you remember who you gave
20 it to?

21 MR. LAVOIE: I probably gave a copy to Heidi
22 Sebalj and my psychologist and my lawyer, I think, those
23 three would have had copies.

24 MR. RUEL: You don't remember when you wrote
25 it, right?

1 **MR. LAVOIE:** This was a work in progress
2 that took me the better part of a summer and the date
3 that's on the front page, October 8, 1998 would be the time
4 that I would have finished this document. But the work of
5 writing this document precedes that by many months. It
6 took me about four months to write this thing.

7 **MR. RUEL:** Do you remember how you felt when
8 you, I mean -- through the writing of this document?

9 **MR. LAVOIE:** It was the most horrible
10 experience one can have because you're entering into the
11 darkest secrets that you have kept in isolation for all
12 these years. And all of a sudden, you have to dive right
13 in there and try to put words to situations that can only
14 be considered as terrifying and trying to be as polite as I
15 could in writing it also.

16 **MR. RUEL:** This is a document, which is
17 quite lengthy. Is it accurate to say that you described
18 essentially the impacts that the abuse had on your life?

19 **MR. LAVOIE:** In a nutshell.

20 **MR. RUEL:** And you want to -- maybe an
21 unfair question to you -- to summarize what you said, but
22 can you and it is going to -- well we'll come to the
23 impact, but essentially you stated the impact that this had
24 on your life, right?

25 **MR. LAVOIE:** Yes.

1 **MR. RUEL:** Okay. Do you remember if this
2 document -- so you did not testify in court; so you did not
3 speak about this statement in court?

4 **MR. LAVOIE:** I was not asked to testify in
5 court about this document.

6 **MR. RUEL:** Okay. Do you know if it was read
7 in court or read out in court by anyone?

8 **MR. LAVOIE:** I do not recall this document
9 being read in court.

10 **MR. RUEL:** Now, Mr. Sabourin was found
11 guilty and eventually was released from -- served some time
12 and he was released. Do you know when he was released from
13 custody?

14 **MR. LAVOIE:** I got a phone call
15 approximately 14 to 16 months after his incarceration
16 telling me that he would be out in the general population
17 and that he was to have no contact with myself or members
18 of my family. And that is all I recall.

19 **MR. RUEL:** Do you remember who called you?

20 **MR. LAVOIE:** No. I would assume it would
21 have been a probation officer or something to that effect.

22 **THE COMMISSIONER:** An institutional person
23 as opposed to a friend or ---

24 **MR. LAVOIE:** That's right, yes, it would
25 have been -- it sounded official.

1 **THE COMMISSIONER:** Okay.

2 **MR. RUEL:** I gathered you -- just briefly --
3 you sued Mr. Sabourin and the Upper Canada School Board
4 civilly; right?

5 **MR. LAVOIE:** Yes.

6 **MR. RUEL:** And you settled with them?

7 **MR. LAVOIE:** That's correct.

8 **MR. RUEL:** You did not testify in court in
9 that case?

10 **MR. LAVOIE:** No.

11 **MR. RUEL:** And you got -- would it be fair
12 to say you got a significant amount?

13 **MR. LAVOIE:** A fair settlement I guess as
14 settlements go.

15 **MR. RUEL:** Mr. Commissioner, I know that the
16 witness wanted to take a little break before talking about
17 some of the other issues we have to cover, the impact and
18 some recommendations he has. So I would ask you if it's
19 possible ---

20 **THE COMMISSIONER:** And it is the time for a
21 break as well. Thank you very much.

22 **MR. RUEL:** Okay.

23 **THE COMMISSIONER:** See you in 15 minutes.
24 Thank you.

25 **MR. LAVOIE:** Great. Thank you.

1 **THE REGISTRAR:** Order; all rise. À l'ordre;
2 veuillez vous lever.

3 --- Upon recessing at 10:44 a.m./

4 L'audience est suspendue à 10h44

5 --- Upon resuming at 11:00 a.m./

6 L'audience est reprise à 11h00

7 **THE REGISTRAR:** Order; all rise. À l'ordre;
8 veuillez vous lever.

9 This hearing of the Cornwall Public Inquiry
10 is now in session. Please be seated. Veuillez vous
11 asseoir.

12 **ANDRE LAVOIE, Resumed/Sous le même serment:**

13 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR Me RUEL**
14 **(cont'd/suite):**

15 **MR. RUEL:** I am not sure the mike -- thank
16 you.

17 We talked about the institutional response
18 of the police earlier. Now, I am going to ask you
19 generally what you have to say with respect to the
20 institutional response of the justice system; so from the
21 moment Mr. Sabourin was accused until he pled guilty. What
22 do you have to say about this process generally?

23 **MR. LAVOIE:** Generally speaking, I was not
24 kept informed of the process as it evolved until he pled
25 guilty, so I really have very little to say about that

1 process. I am pleased that there was a guilty verdict
2 entered in the process I am disappointed that part of that
3 guilty plea also excluded victims from taking the stand,
4 which I feel is quite regrettable to examine the full
5 magnitude of the horror that was done to those victims.

6 I feel that victims' voices should have an
7 opportunity to be heard even if somebody does plead guilty.

8 The process was long, laborious. He got two
9 years less a day, which again I feel is too little. I say
10 that time should fit the crime. In this case, the time
11 certainly did not fit the crime. That is my humble opinion
12 and that's my response for now.

13 **MR. RUEL:** I want to come back to Exhibit
14 93, the Victim Impact Statement.

15 Madam Clerk, do you need the page again?

16 **THE REGISTRAR:** I don't have a screen.

17 **MR. RUEL:** You don't have any screen?

18 **THE COMMISSIONER:** So for the time being,
19 Bell Canada's line is down, so we are going to continue
20 with ---

21 **MR. RUEL:** Without.

22 **THE COMMISSIONER:** --- without and once it
23 comes back, it will go back on the screen.

24 **MR. RUEL:** Mr. Lavoie, you indicated that
25 you did not either read the statement before the court or

1 that nobody read it on your behalf. Is that ---

2 **MR. LAVOIE:** That's accurate.

3 **MR. RUEL:** Would you have liked to either
4 read the statement before the court or would you have liked
5 that someone else read the statement?

6 **MR. LAVOIE:** I thank you for the offer. I
7 don't think I would like to bore you with the total version
8 of what I've got here. I might be better just to pick
9 certain passages.

10 **MR. RUEL:** Okay. But I'm just asking you,
11 would you have liked to read the statement yourself before
12 the court at the sentencing hearing of Mr. Sabourin?

13 **MR. LAVOIE:** Oh, yes. I would have liked to
14 do it then, sure.

15 **MR. RUEL:** So now I'm asking you, are there
16 -- I mean, you've spent many hours preparing this -- are
17 there some references that you would like to read or to
18 bring to the attention to the Commissioner?

19 **MR. LAVOIE:** Certainly. I think by reading
20 parts of this document can provide context regarding what
21 the victims are going through as they are trying to patch
22 their lives. I think whatever passages I pick today will
23 probably find a common accent with other victims and, you
24 know, it provides me with an opportunity to share a few of
25 my own thoughts on sexual abuse.

1 **MR. RUEL:** So please.

2 **THE COMMISSIONER:** Go ahead, sir.

3 **MR. LAVOIE:** Okay. Sorry.

4 **MR. RUEL:** Mr. Lavoie, there's -- just
5 before I -- Madam Clerk, doesn't the witness have the
6 document with the Bates number, the page numbers?

7 **THE COMMISSIONER:** Well, let's refer to the
8 ---

9 **MR. RUEL:** The document, the pages, it
10 starts at 7153077.

11 **THE COMMISSIONER:** Right. But let's just
12 cut to the chase here. We have a Victim Impact Statement.
13 Does everybody have the Victim Impact Statement? It has
14 page numbers in it, so we don't have to worry about the
15 technology. Just go.

16 **MR. RUEL:** Okay. So ---

17 **MR. LAVOIE:** How can I articulate the impact
18 on ---

19 **THE COMMISSIONER:** No, you have to tell me
20 where you are.

21 **MR. LAVOIE:** Sorry. I am on page 7153078.

22 **THE COMMISSIONER:** All right.

23 But you have page numbers on your document?

24 **MR. LAVOIE:** I also have page numbers.

25 **THE COMMISSIONER:** So why don't we use those

1 then.

2 **MR. LAVOIE:** Page 2.

3 **THE COMMISSIONER:** Page 2. There you go.

4 **MR. LAVOIE:** All right.

5 **THE COMMISSIONER:** All right.

6 **MR. LAVOIE:** Third paragraph, page 2:

7 "How can I articulate the impact on me
8 personally of events that transpired
9 years ago? The horrors of those times
10 were buried in the farthest reaches of
11 my mind, yet they would haunt every
12 moment, every day of my life.

13 Ambitions were crushed. I had no right
14 to fulfill my dreams. I was not worthy
15 of love or success. I have been
16 punishing myself for letting the abuse
17 happen, blaming myself for letting the
18 abuser into my life. How can I measure
19 the impact of my relationship with
20 others, my family, my friends, my
21 wife?"

22 Page 3.

23 "It is now Autumn '98, 30 years since I
24 was plunged into the world of lies,
25 deceit and sexual decrepitude; 30 years

1 of shame, silence and anger; 30 years
2 of loneliness, of living what can only
3 be described as emotional solitary
4 confinement. I survived by creating
5 the conditions that would assist in
6 protecting the damage inflicted upon
7 me, conditions that I must do away with
8 today. I created survival skills that
9 can only be appreciated by someone who
10 has spent too many years in solitary
11 confinement. Finally released from the
12 shackles of a mediocre psychological
13 existence, I have been getting help
14 from professionals and will require
15 continuous therapy for as long as it
16 takes to heal."

17 Page 5. I will start at the middle of the
18 page. This was probably the initial abuse:

19 "I feel warm breathing on my crotch.
20 Then one December evening, he demands,
21 'Do you want me to put your penis in my
22 mouth?' And he repeats, 'Do you want
23 me to put your penis in my mouth?'
24 Until I finally replied 'Yes'. I
25 thought it was all a mistake, that it

1 would end right there. My approval
2 that first time still echoes in my
3 mind, but I hear myself screaming with
4 rage to this day. I can still picture
5 my body on that small bed, naked and
6 confused. At the age of 15, I lost my
7 innocence. I lost any right to a
8 normal life, lost the privilege of
9 defining my own persona. I became an
10 accomplice to a deranged individual.
11 Until recently, I felt like a whore who
12 had compromised his ambitions to
13 satisfy the hunger of a vulture. I
14 return to the abuse so not to lose the
15 privilege of access to film making,
16 access to my dreams and ambitions."

17 I'll jump around. Page 6. In response to
18 that first "yes" that I told him:

19 "That one word set off a chain of
20 events that would forever change my
21 life or damage my life. On that snowy
22 December evening, I lost my youth, my
23 right to explore my own sexual life,
24 gave up any chance to a normal future.
25 I had just begun puberty. My body had

1 just begun to change. The vulture fed
2 on my first drop of semen. That first
3 event would lead to repeated assaults.
4 Throughout high school my life would be
5 turned upside down by the premeditated
6 control of someone who would make me
7 swear allegiance and silence. I was
8 threatened that breaking that silence
9 would result in severe consequences for
10 myself and the abuser. Thus began my
11 personal hell."

12 Maybe just another piece. I'll just be a
13 second here. I'll just finish with this last paragraph,
14 page 7, bottom:

15 "How can I survive this torment? I
16 have no desire to be here speaking of
17 the abuse. I did not choose this. My
18 body, that body on the floor, I detach
19 myself from any responsibility from
20 that body. It is no longer mine. In
21 the years to come, I will feel only
22 contempt for my body. It is only a
23 shell, and I am determined to neglect
24 it for the indiscretions suffered at
25 the hands of this perverted being. For

1 all I care, my body is dead, caught in
2 the need to experience some sort of
3 sexual pleasure, which I will deny
4 myself forever after. I can only hope
5 to save my mind, my dreams, but even
6 these are now bonded to the lessons
7 taught by a mentor who has transcended
8 his responsibility. My future will be
9 scattered with the remains of shattered
10 dreams, of self-inflicted acts of
11 professional sabotage, of dashed hopes
12 for success. He can have my body. I
13 hope to save my mind."

14 Thank you.

15 **THE COMMISSIONER:** Thank you.

16 **MR. RUEL:** Thank you, Mr. Lavoie.

17 And the last question I would have for you
18 is do you have any recommendations to make to the
19 Commissioner as to how public authorities and public
20 institutions should deal with cases such as yours?

21 **MR. LAVOIE:** Where do I start?

22 I should set a preamble here in the sense
23 that in society, victims of sexual abuse are often
24 perceived as irritants, and I say this in the case that all
25 our fine institutions do their very best to create an

1 atmosphere of trust and integrity within communities and
2 they do that to different levels of success. However, when
3 confronted with a situation that this Commission is looking
4 into, that is of a magnitude that is absolutely mind
5 blowing, I question the responses of these institutions to
6 prevent acts of this magnitude from repeating themselves in
7 the future.

8 I take it that institutions like to paint a
9 veneer of respectability and integrity and I respect that.
10 However, as victims continue to appear before you, I truly
11 suspect that that veneer will start to become a little less
12 shiny and will probably reveal some faults, which in
13 themselves should be the lessons learned from this Inquiry
14 should there be lessons learned.

15 About the victims, we are the walking dead.
16 We are geese whose wings have been broken. We are the
17 geese whose dreams have been broken. Each one of us
18 responds to the abuse in slightly different ways, but the
19 end result is that we are damaged for life.

20 I often find the victims perceived as
21 irritants in the sense that they are compared to the league
22 of respectable gentlemen who commit these horrible acts
23 seem to have a different standing in terms of the eyes of
24 our society.

25 I think sexual abuse of children is

1 considered to this day as a minor transgression committed
2 by individuals in positions of responsibility. I would
3 like to find out that each of the individuals who commit
4 sexual acts against children are working on a plan that
5 they have fabricated from that very early time in their own
6 youth. They know exactly where they want to go. They know
7 exactly how to formulate a plan where they will have
8 access, unfettered access to the most vulnerable part of
9 our society and that is the children. They are expert
10 manipulators at gaining the trust of not only the children
11 but the community and the parents and, by extension, they
12 open up a wide net of potential victims from which they can
13 pick and choose at will. There is nothing there to prevent
14 them from satisfying their hunger for young flesh or
15 whatever.

16 Now, how do we identify these individuals?
17 I myself, it took me 30 years to break the silence. For
18 those 30 years, I was protecting him. So I have a price to
19 pay and someday I will find a solution to that, I hope.
20 But it took an effort and here I am today.

21 So when someone is sentenced to two years
22 less a day, to me, comes as an insult. A brush against a
23 shoulder and somebody saying "sorry" is one thing, but by
24 meticulously, time after time, plotting access to victims
25 and doing it in a way that is completely regardless of any

1 moral thought, these individuals are not moral individuals.
2 They are one thing and that is the worst type of predators
3 that walk this planet.

4 Speaking finally for myself, I would compare
5 my abuse to being hit on but with a baseball bat twice a
6 week for approximately a period of five years.

7 My scars might not be evident, but I do feel
8 the scars of each and every one of those times when I was
9 sexually aggressed and, believe me, they are still there.
10 And they will never heal.

11 If we want to talk about healing, I think
12 it's a word that's used maybe a little bit in a flippant
13 manner in that I will never heal. I will try and go on
14 with my life as best I can. I'm very fortunate to have a
15 very supporting wife and a few friends, but what was done
16 to me at a young age cannot be -- on ne peut pardonner les
17 actes de gens immoraux qui font sur les jeunes enfants. On
18 ne peut jamais pardonner ces choses-là puis on devrait
19 constamment être sur haute vigilance et, ça, selon toutes
20 les institutions présentes ici aujourd'hui, et j'en passe.

21 Et mon dernier commentaire c'est qu'on a une
22 commission d'enquête à Cornwall et having this Inquiry for
23 me is extremely important since it's the first time in all
24 these years that I have been given a voice. This is not
25 about Cornwall. Let us not forget it happens to be held in

1 Cornwall, but this phenomenon that you are looking into is
2 a universal one and anybody that thinks that it's only
3 Cornwall is certainly not well informed.

4 So I would hope that this Commission at the
5 end of it, with its reports, can light the light that will
6 signify to other communities, please, look into your own
7 backyards because it is there.

8 Thank you.

9 **THE COMMISSIONER:** Thank you.

10 **MR. RUEL:** Thank you, Mr. Lavoie. Thank you
11 very much for coming.

12 **THE COMMISSIONER:** All right. So now we
13 will pass to cross-examination.

14 So Mr. Wardle? Mr. Canto, is it?

15 **MR. WARDLE:** Mr. Canto, yes.

16 **THE COMMISSIONER:** Thank you.

17 Good morning, sir.

18 **MR. CANTO:** Good morning.

19 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

20 **CANTO:**

21 **MR. CANTO:** Mr. Lavoie, I just want to thank
22 you for coming here today. My name is Steven Canto and I'm
23 here on behalf of Citizens for Community Renewal.

24 I just want to take you back to the time
25 when you were in high school, particularly to the point in

1 time when you indicated that you were walking through the
2 hallways and you observed other individuals coming out of
3 Mr. Sabourin's office. That's the point in time.
4 Specifically to the fact that you recall seeing their
5 expressions and, at that point in time, you identified with
6 them, you realized potentially something had happened. And
7 it was at that point in time when you indicated that you
8 were living in a state of fear. You did not want the
9 secret to be exposed. And it's in this state of fear that
10 you were unable to express to anyone what had happened to
11 you and potentially what had happened to these other
12 individuals. You were unable to tell your parents. You
13 were unable to inform anyone within the high school,
14 principals, teachers, guidance counsellors, essentially any
15 individual, public authority.

16 I just want to hear your response and say
17 yes.

18 **THE COMMISSIONER:** So you agree with all of
19 that so far?

20 **MR. LAVOIE:** Yes, yes. Sorry.

21 **MR. CANTO:** Sorry about that.

22 Just going back to your testimony yesterday,
23 you indicated that there was a moment in time that you
24 dropped out of high school.

25 **MR. LAVOIE:** That is correct.

1 **MR. CANTO:** And that was around grade 11.

2 **MR. LAVOIE:** Yes.

3 **MR. CANTO:** Thank you.

4 And approximately I believe it was at the
5 end of October or maybe the beginning of November, you
6 received a telephone call. This telephone call was from a
7 guidance counsellor. Do you agree with that?

8 **MR. LAVOIE:** I agree with that, sir. Yes.

9 **MR. CANTO:** You testified yesterday that
10 when you received this telephone call, there was something
11 within you that you contemplated, that there was a specific
12 purpose for this telephone call, and this purpose was
13 whether or not someone had made a complaint against Mr.
14 Sabourin.

15 **MR. LAVOIE:** That is what I was hoping the
16 call was for.

17 **MR. CANTO:** Exactly. But in fact this
18 telephone call was pertaining to something else.

19 **MR. LAVOIE:** That is correct.

20 **MR. CANTO:** And unfortunately it was just
21 asking you to come back to the school to work in the radio
22 station.

23 **MR. LAVOIE:** And to attend classes.

24 **MR. CANTO:** And to attend classes obviously.
25 Now, just looking back when you received

1 this telephone call, whether it was from the guidance
2 counsellor or any other person of public authority, if they
3 had told you that they were investigating alleged
4 allegations of abuse by Mr. Sabourin, would that have
5 changed your opinion on the matter and would you have
6 disclosed that information?

7 **MR. LAVOIE:** I am convinced that I would
8 have disclosed.

9 **MR. CANTO:** Okay. Now, just turning to just
10 some of the testimony you alluded to earlier this morning,
11 you indicated that there was a civil action.

12 **MR. LAVOIE:** There was a what, sorry?

13 **MR. CANTO:** A civil action.

14 **MR. LAVOIE:** Yes.

15 **MR. CANTO:** You sued Mr. Sabourin and the
16 school board.

17 **MR. LAVOIE:** Yes.

18 **MR. CANTO:** And that you received a
19 settlement.

20 **MR. LAVOIE:** Yes.

21 **MR. CANTO:** Without getting into any
22 details, because it's not what we're here for, did you
23 receive an apology from the school board?

24 **MR. LAVOIE:** No. I don't ---

25 **MR. CANTO:** Did you receive an apology from

1 Mr. Sabourin?

2 MR. LAVOIE: No.

3 MR. CANTO: Were you happy with the terms of
4 the settlement?

5 MR. LAVOIE: I was in a fog, you know. It
6 was like end result, sign off, try to continue with your
7 life, you know.

8 MR. CANTO: Those are my questions.
9 Thank you.

10 THE COMMISSIONER: Thank you.

11 Maybe before we go any further, just one
12 question arising out of that. I take it that when you got
13 that phone call and there was the idea of the radio
14 station, it was a way of getting you back to school ---

15 MR. LAVOIE: Yes.

16 THE COMMISSIONER: --- because you were just
17 -- do you have any thought that maybe your abuser was
18 behind suggesting the radio station for you to come back,
19 or do you feel it was just a genuine thing on the part of
20 the guidance counsellor?

21 MR. LAVOIE: Oh, there could have been
22 discussions between my abuser and the guidance counsellor,
23 "How do we get André back into the school?" That type of
24 conversation could have happened. "Hey, let's get him to
25 wire up the radio station. He knows about all that stuff,

1 you know."

2 **THE COMMISSIONER:** M'hm.

3 **MR. LAVOIE:** That could have happened but --

4 -

5 **THE COMMISSIONER:** You had no reason to
6 suspect one way or the other, though.

7 **MR. LAVOIE:** No.

8 **THE COMMISSIONER:** All right. Thank you.

9 **MR. LAVOIE:** But I was really hoping for him
10 to say, "André, we have a problem here and I think we can
11 address it."

12 **THE COMMISSIONER:** Mr. Lee?

13 **MR. LEE:** Thank you.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

15 **MR. LEE:** Good morning, Mr. Lavoie. My name
16 is Dallas Lee. I'm counsel for the Victims Group here at
17 the Inquiry. I don't have many questions for you but I
18 have a few. There are a couple of areas I would like to
19 explore with you.

20 The first one, you talked to us yesterday
21 and as well today about your efforts to locate other
22 victims. Is that correct?

23 **MR. LAVOIE:** That is correct.

24 **MR. LEE:** And you described it as you had a
25 couple of yearbooks on your own and then another victim who

1 you were able to identify and you got together with him and
2 he had some yearbooks and you went through those and
3 identified them?

4 **MR. LAVOIE:** That's correct.

5 **MR. LEE:** And Mr. Ruel brought us through
6 the Constable Sebalj's notes today in which there's various
7 correspondence from you, telephone calls and messages of
8 that nature, telling her essentially that "I have
9 identified new victims and here's the name and here's the
10 information."

11 To your knowledge or to your recollection I
12 suppose, when you called these various individuals, did any
13 of them ever express to you that they had already been
14 contacted by the Cornwall Police or any other public
15 institution?

16 **MR. LAVOIE:** No.

17 **MR. LEE:** Nobody ever said "What a
18 coincidence. I just got off the phone with so and so about
19 this very same thing"?

20 **MR. LAVOIE:** No.

21 **MR. LEE:** So you were the first contact
22 these people had had?

23 **MR. LAVOIE:** As far as I know, I was the
24 very first contact these victims had.

25 **MR. LEE:** Another comment that I found

1 interesting that you made yesterday on a completely
2 different note is you were talking to us about your
3 position that somebody should have known what was going on.
4 I believe you said Sabourin was always surrounded by young
5 boys and things of that nature. And my notes of what you
6 said were that nobody ever said anything. "We're not
7 talking about the ice age here. It was the 1970s and
8 someone should have been curious about what was going on."

9 Do you recall saying something along those
10 lines?

11 **MR. LAVOIE:** Yes.

12 **MR. LEE:** Can you expand on that a little
13 bit for us?

14 **MR. LAVOIE:** Well, sure. And I will take it
15 to a certain level of La Citadelle in particular. Just to
16 give you the background, when Jeanine Séguin became the
17 principal of La Citadelle, that school, the whole
18 atmosphere within the school changed overnight. She was a
19 woman of extreme integrity, top professional, no nonsense,
20 would not suffer fools. If you're walking in the halls for
21 no reason, you get talked to. So she was one that
22 instituted a great level of respect or at least showed a
23 great level of respect within the institution, and that was
24 core value, while at the same time, what was happening to
25 me and I would be walking beside my abuser or whatever or

1 showing up at that conference in Timmins, you know, I'm
2 looking at her and I'm going "If she is such a
3 professional, why is she not asking questions at all? Does
4 she find this normal? I guess she does." And, you know,
5 she was one of the few teachers that I would sort of look
6 in the eye and beg, "Please do something", but without
7 saying the words, of course.

8 So I don't know that I have answered your
9 question.

10 **MR. LEE:** It does and I appreciate it.

11 Is it your evidence that even at the time
12 when you were a young boy and you were being abused, even
13 at that time you were looking at Principal Séguin, and you
14 were hoping and pleading that she would say something or
15 that others would say something?

16 **MR. LAVOIE:** Yes, because I also thought
17 that they knew. My instinct -- I have no proof for this,
18 of course -- because my abuser had repeatedly told me that
19 he was tossed out of Montreal because of sexual
20 impropriety, I cannot in my mind rationalize that that
21 information would not have gone from that school to St.
22 Lawrence High School. I just don't understand how he
23 managed to pass the test of integrity to get into the
24 school. Were there not measures, screenings of any sort?
25 So that was bothersome.

1 **MR. LEE:** And you had those thoughts as a
2 young teenager even back in the 1970s?

3 **MR. LAVOIE:** Yes.

4 **MR. LEE:** Do you recall thinking back in the
5 1970s specifically that if he had been in trouble for sex
6 abuse in the past, that he shouldn't be teaching in a high
7 school?

8 **MR. LAVOIE:** Absolutely. He came this close
9 from ending up in the morgue, you know. I mean, I had a
10 few moments there that his life was in danger.

11 **MR. LEE:** Yesterday, you were asked by Mr.
12 Ruel about your understanding of the circumstances leading
13 to Mr. Sabourin leaving the school, and you told us about
14 how you had been told that some photographs had been found.

15 I was a little unclear on who you told us
16 found those photographs and who you told us came to -- who
17 brought it to the attention of the principal. Do you
18 recall?

19 **MR. LAVOIE:** My recollection -- and I don't
20 recall who told me the story. My recollection is that his
21 son found -- his son by that time would have been, what,
22 16, 17, 18?

23 **MR. LEE:** Whose son, sir?

24 **MR. LAVOIE:** Sabourin.

25 **MR. LEE:** Okay.

1 **MR. LAVOIE:** So of a decent age to recognize
2 something is not right. He found those photographs. They
3 were turned over to his mother who I guess at that point
4 figured enough is enough and as the story goes, she went to
5 the school to report that he should be taken out of there.

6 **MR. LEE:** Would this have been Robert
7 Sabourin's wife at the time?

8 **MR. LAVOIE:** That's right.

9 **MR. LEE:** Okay. Thank you.

10 Finally, what I want to discuss with you is
11 something you touched on this morning, and you alluded to
12 the fact that as a result of the guilty plea, victims
13 weren't required to testify at trial. Obviously the result
14 of that was it didn't go to trial. I would like your
15 thoughts on the suggestion -- I would like to put a
16 proposition to you and ask for your thoughts on it.

17 How do you feel about the suggestion that by
18 having a guilty plea entered in that case, that the victims
19 were spared the trauma of testifying and that consideration
20 may have justified a lesser sentence?

21 **MR. LAVOIE:** Spared the trauma. I mean, the
22 trauma of the victims is visceral. They're living with it
23 every day. I mean, testifying in front of the stand would
24 be far less traumatic than having to live with the shame
25 for the rest of their lives.

1 These are opportunities where the full
2 magnitude or maybe some sort of -- put a human element to
3 these sentences. Put individuals who have been damaged,
4 faces, telling their own story of what happened to these
5 sentencing hearings because when he was sentenced it was
6 faceless. It was victims, four counts. You know, it's
7 totally antiseptic. I think we should really consider the
8 human aspect to the sentencing of pedophiles and, for God's
9 sake, let the victims that choose to do so -- let them
10 speak.

11 **MR. LEE:** At the time the criminal
12 proceedings were going forward, was that your position?
13 Did you want to speak at that time?

14 **MR. LAVOIE:** If I had been given the option,
15 of course, yes.

16 **MR. LEE:** Were you given that option?

17 **MR. LAVOIE:** No, sir.

18 **MR. LEE:** Obviously, had you been asked to
19 read a Victim Impact Statement at the time, that isn't the
20 same as being asked to testify. They are two different
21 things.

22 Would the reading of the Victim Impact
23 Statement have been sufficient for you? Would that have
24 been enough to give you the opportunity to speak that you
25 wished or would that not have been enough?

1 **MR. LAVOIE:** Well, yes, in my case I think
2 it draws a fairly, in a nutshell kind of picture of what
3 I've been through and the way I saw the abuse. It's just
4 to provide the courts with further information. You know,
5 it's just to go in there a little deeper. The victims are
6 -- c'est quoi les mots que j'ai utilisés -- they are
7 irritants in the court system, you know. So include them
8 into these types of proceedings. Let's hear those voices
9 and maybe then it will make a bit more sense and forget two
10 years less a day. Give them five, ten years, twelve years.
11 I don't care; these are criminals, the worst type of
12 criminals. Probation, that's surreal. Where does that
13 come from? What is it based on? I have no idea.

14 **MR. LEE:** Mr. Lavoie, those are all my
15 questions for you, but I too would like to very much thank
16 you for your evidence and your testimony, and I can tell
17 you that it's been insightful and that I've appreciated you
18 being here.

19 **MR. LAVOIE:** Thank you.

20 **THE COMMISSIONER:** Thank you.

21 Mr. Chisholm.

22 **MR. CHISHOLM:** Good morning, Mr.

23 Commissioner.

24 **THE COMMISSIONER:** Good morning.

25 **MR. CHISHOLM:** Good morning, Mr. Lavoie. My

1 name is Peter Chisholm. I'm counsel for the Children's Aid
2 Society of the United Counties of Stormont, Dundas and
3 Glengarry.

4 MR. LAVOIE: Good morning, sir.

5 MR. CHISHOLM: I have no questions for you
6 but would like to thank you for coming to testify for the
7 last two days.

8 Thank you.

9 MR. LAVOIE: Thank you.

10 THE COMMISSIONER: Mr. Neuberger, Probation
11 and Corrections.

12 MR. NEUBERGER: I have no questions. Thank
13 you very much.

14 THE COMMISSIONER: Thank you.

15 Mr. Scharbach.

16 MR. SCHARBACH: Thank you, Mr. Commissioner.

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

18 SCHARBACH:

19 MR. SCHARBACH: Good morning, Mr. Lavoie.

20 MR. LAVOIE: Good morning.

21 MR. SCHARBACH: Thank you for your
22 information that you provided us over the last couple of
23 days. I can say for myself that I found your story to be
24 very moving and compelling.

25 I'm here on behalf of the Ministry of the

1 Attorney General and I have a few questions with respect to
2 that.

3 Now, I understand that charges were laid in
4 December of 1997 and that Mr. Sabourin was arrested at that
5 time and that his first court appearance took place in
6 January of 1998. My information is January the 5th, 1998.

7 Now, you had mentioned that you were there
8 at all of his court appearances. So were you there on
9 January 5th, 1998 that you recall, his first court
10 appearance?

11 **MR. LAVOIE:** I don't recall that precise
12 moment, but I certainly would have made every attempt to be
13 there.

14 **MR. SCHARBACH:** Okay.

15 **MR. LAVOIE:** Yes.

16 **MR. SCHARBACH:** And we know that he was
17 sentenced on April the 12th of -- let me make sure I've got
18 this right ---

19 **THE COMMISSIONER:** December 15th, 1998 is the
20 date of sentencing, sir.

21 And when was the first court appearance, did
22 you say?

23 **MR. SCHARBACH:** January the 5th, according to
24 my reading of the records at least, January the 5th of 1998
25 and he was sentenced on April the 12th, 1999.

1 So between the time of the first court
2 appearance and the time of sentencing we have a period of
3 approximately 15 months.

4 I think you said, Mr. Lavoie, that you
5 attended each of Mr. Sabourin's court appearances and you
6 estimated that there were approximately half a dozen?

7 **MR. LAVOIE:** Something like that. It was
8 more often than not remanded to the next session. Again, I
9 was in a fairly bit of a fog there, terrorized to be in the
10 same room as my abuser, but my recollection of it was that
11 he'd go in there and then they'd say, "All right; come back
12 in three months," that kind of thing.

13 **MR. SCHARBACH:** Now, you mentioned that -- I
14 think you were asked by Commission counsel how you were
15 made aware of those court dates, and I understood you to
16 say that you weren't sure, possibly someone told you or
17 possibly you just learned of the next court date from
18 hearing about that date on the day you were in court?

19 **MR. LAVOIE:** Yes, or it could have been the
20 clerk that I might have called at some point.

21 **MR. SCHARBACH:** Right.

22 **MR. LAVOIE:** So I'm not sure.

23 **MR. SCHARBACH:** Okay. And during that
24 period of time, during that 15-month period of time, you
25 mentioned that you had no contact with the Crown Attorney

1 that was in charge of the matter?

2 MR. LAVOIE: No, I don't know who that was.

3 MR. SCHARBACH: You mentioned they had no
4 meetings, no telephone calls?

5 MR. LAVOIE: I don't recall getting any kind
6 of information that way.

7 MR. SCHARBACH: Okay. I'm going to suggest
8 to you that -- and maybe this has slipped your mind now --
9 but I'm going to suggest to you that at one point you did
10 call the Crown Attorney, Mr. MacDonald.

11 MR. LAVOIE: I don't recall.

12 MR. SCHARBACH: All right.

13 I'm wondering if I can take you to a
14 document. It has not been placed -- it has not been
15 identified yet as an exhibit and, in fact, Mr. Lavoie had
16 no part in the making of the document, but I would like to
17 show it to him.

18 THE COMMISSIONER: Have you advised counsel
19 of that and do we have that document?

20 MR. RUEL: I'm not sure we received notice
21 of this document.

22 THE COMMISSIONER: I'm sorry; I can't hear
23 you.

24 MR. RUEL: I don't think we received notice
25 from the Attorney General that they would want to use a

1 document. So as you know, there's a 48-hour delay in our
2 Rules. So unless I'm mistaken, I don't believe we received
3 a notice from the Attorney General.

4 **MR. SCHARBACH:** No, sir, I don't believe we
5 did provide notice because I don't think I can make this
6 document an exhibit through this witness since he has no --
7 played no part in it, has probably not seen it before.

8 However, what I was hoping to do was to show
9 him the document to see if it refreshes his memory with
10 respect to this matter.

11 **THE COMMISSIONER:** Well, what we have
12 adopted is that a lot of these exhibits that are coming in
13 through cross-examination are subject to identification
14 later on. I mean, that's a "sous-entendu" and perhaps we
15 should have said that.

16 The reason why we need notice is because --
17 so that the witness can be shown the document, so that the
18 technology can be put up so we can have it all there.

19 **MR. SCHARBACH:** Okay.

20 **THE COMMISSIONER:** And so subject to taking
21 a break, what is your document? And I don't want to impede
22 you, but as we get on with this, I think we're going to
23 have to rely on the Rules a little more.

24 **MR. SCHARBACH:** I understand, sir.

25 I have a document number. It's 114209.

1 **THE COMMISSIONER:** Now, is this a document
2 that is public -- should be a public document?

3 **MR. SCHARBACH:** No, sir, I don't ---

4 **MR. RUEL:** Maybe we can just -- I don't know
5 if you -- maybe we can just take a look at the document to
6 see if there's any issue with that?

7 **THE COMMISSIONER:** Sure. I think that's a
8 wonderful idea.

9 **MR. RUEL:** Would it be appropriate to
10 suspend the cross-examination for that purpose?

11 **THE COMMISSIONER:** Sure. Let's take a
12 break.

13 That's the other thing is that every time we
14 take a break, it's a five-minute break, but a five-minute
15 break becomes a 10-minute break, and I know that Mr. Lavoie
16 enjoys a time out every once in a while, but ---

17 **MR. SCHARBACH:** I understand.

18 **THE COMMISSIONER:** All right. So let's take
19 a break.

20 **THE REGISTRAR:** Order; all rise. À l'ordre;
21 veuillez vous lever.

22 The hearing will reconvene at 11:50.

23 --- Upon recessing at 11:41 a.m./

24 L'audience est suspendue à 11h41

25 --- Upon resuming at 11:48 a.m./

1 L'audience est reprise à 11h48

2 **THE REGISTRAR:** Order; all rise. À l'ordre;
3 veuillez vous lever.

4 The hearing of the Cornwall Public Inquiry
5 is now in session. Please be seated. Veuillez vous
6 asseoir.

7 **THE COMMISSIONER:** Where is the witness?

8 (SHORT PAUSE/COURTE PAUSE)

9 **MR. LAVOIE:** Excusez mon retard.

10 **LE COMMISSAIRE:** De rien.

11 **ANDRÉ LAVOIE, Resumed/Sous le même serment:**

12 **MR. SCHARBACH:** Thank you, Mr. Commissioner.

13 After having a discussion with Commission
14 counsel during the break, it's been decided that I will
15 proceed without using that document at this time.

16 **THE COMMISSIONER:** All right.

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

18 **SCHARBACH (cont'd/suite):**

19 **MR. SCHARBACH:** So, Mr. Lavoie, I was going
20 to refer you to the document, but I have decided not to
21 take that approach.

22 So let me ask you this. I'm suggesting to
23 you that in November of 1998, there was a phone call that
24 took place, a voice message that you left for the Crown
25 Attorney, Mr. MacDonald, for Cornwall and he returned that

1 call to you the same day and had a discussion, a telephone
2 conversation with you in which he updated you on the status
3 of the case.

4 Do you have any recollection of that?

5 **MR. LAVOIE:** Not really. No, I don't really
6 recall that conversation, no.

7 **MR. SCHARBACH:** Okay.

8 **MR. LAVOIE:** It could have happened, but I
9 just -- it just doesn't click in my mind.

10 **MR. SCHARBACH:** All right.

11 Now, I understand that with respect to the
12 Victim Impact Statements -- am I correct in summarizing
13 your view that it would have been preferable from your
14 perspective to have actually given your Victim Impact
15 Statement live, as it were? You would have liked to have
16 expressed live, before the sentencing judge, what your
17 views were and what your perspective was and what the
18 impact of these crimes was on you; is that correct?

19 **MR. LAVOIE:** That would have been the
20 preferable outcome, yes.

21 **MR. SCHARBACH:** But you're not disputing the
22 fact that the Victim Impact Statements were placed before
23 the judge, I take it?

24 **MR. LAVOIE:** I assume they were, yes.

25 **MR. SCHARBACH:** And you were in the

1 courtroom on April the 12th. The judge actually made some
2 reference to the Victim Impact Statements, something to the
3 effect that he had read them and taken them into account
4 and referred to the damaging impact that these crimes have
5 had on the victims?

6 **MR. LAVOIE:** Yes.

7 **MR. SCHARBACH:** So I take it you're not
8 saying that the Crown missed an opportunity to place those
9 Victim Impact Statements before the judge or that the judge
10 didn't take them into account. It's just that you would
11 have preferred to have expressed that impact to the judge
12 in a personal way; is that correct?

13 **MR. LAVOIE:** Yes, I would have liked to have
14 a voice in the proceedings.

15 **MR. SCHARBACH:** All right.

16 And at the sentencing hearing, it's true,
17 isn't it, that Mr. Sabourin's lawyer argued for a
18 conditional sentence of some sort. In fact, he was arguing
19 for a sentence that would have involved no incarceration at
20 all; is that correct?

21 **MR. LAVOIE:** That's correct.

22 **THE COMMISSIONER:** No offence; that's not
23 correct. I think we should make sure we have the
24 terminology correct.

25 **MR. SCHARBACH:** Sorry.

1 **THE COMMISSIONER:** He asked for a
2 conditional sentence, which means that it would be a period
3 of incarceration but that he could serve it under house
4 arrest or whatever. I think that's a better way of putting
5 it.

6 **MR. SCHARBACH:** Thank you.

7 **THE COMMISSIONER:** And it's only available
8 for sentences of two years less a day.

9 **MR. SCHARBACH:** Thank you for that.

10 **THE COMMISSIONER:** All right.

11 **MR. SCHARBACH:** And the Crown in this case
12 argued that that was inappropriate given the various
13 circumstances of this case and argued for a period of -- an
14 unconditional sentence of incarceration?

15 **MR. LAVOIE:** Yes.

16 **MR. SCHARBACH:** And that's in fact what the
17 judge imposed in this case?

18 **MR. LAVOIE:** That is correct.

19 **THE COMMISSIONER:** Well, in fairness though,
20 what the Crown Attorney asked for was two years less a day,
21 right?

22 **MR. SCHARBACH:** Yes.

23 I guess it would be more accurate for me to
24 have said that he argued that the circumstances were such
25 that a conditional sentence would have been inappropriate

1 in this case.

2 **THE COMMISSIONER:** Okay.

3 **MR. SCHARBACH:** And that due to the
4 aggravated circumstances, simple jail time, unconditional,
5 would have been appropriate.

6 **THE COMMISSIONER:** Where are you ---

7 **MR. SCHARBACH:** I'm referring -- I'm looking
8 to page 18 of the transcript and the second full paragraph.
9 Perhaps I can just take you straight to the quote, and this
10 is the Crown Attorney's submissions. The end of the first
11 paragraph, the Crown Attorney says:

12 "There's a need to denounce the type of
13 conduct involved and there's a need to
14 grant actual jail sentences as opposed
15 to conditional sentences."

16 **THE COMMISSIONER:** M'hm.

17 **MR. SCHARBACH:** And the next paragraph:

18 "In this case I would suggest there are
19 no exceptional circumstances that would
20 warrant a conditional sentence. In
21 fact, there are many aggravating
22 circumstances that would indicate that
23 there just simply should be a jail
24 sentence."

25 Then he goes on to describe the aggravating

1 factors.

2 **THE COMMISSIONER:** M'hm. Right.

3 **MR. SCHARBACH:** Those are all my questions.

4 Thank you, Mr. Lavoie.

5 **THE COMMISSIONER:** Thank you.

6 **MR. LAVOIE:** You're welcome.

7 **THE COMMISSIONER:** Mr. Callaghan?

8 **MR. CALLAGHAN:** Mr. Commissioner, the
9 convention would be that I would go last.

10 **THE COMMISSIONER:** Right. Sorry.

11 And I understand that there's supposed to be
12 a lawyers' meeting during the lunch hour and in order to
13 ensure that people can eat, that you would want to break at
14 noon until 2:00. Is that correct?

15 **MR. ENGELMANN:** If that's possible, Mr.
16 Commissioner. Several counsel have expressed a desire to
17 meet with Commission counsel at noon.

18 **THE COMMISSIONER:** All right.

19 Is there anybody opposing that?

20 Mr. Lavoie, would you mind coming back at
21 two o'clock so we can finish up?

22 **MR. LAVOIE:** Surely.

23 **THE COMMISSIONER:** Thank you very much. We
24 will break until 2:00.

25 **MR. ENGELMANN:** Thank you, sir.

1 **THE REGISTRAR:** Order; all rise. À l'ordre;
2 veuillez vous lever.

3 The hearing will reconvene at 2:00 p.m.

4 --- Upon recessing at 11:59 a.m./

5 L'audience est suspendue à 11h59

6 --- Upon resuming at 2:02 p.m./

7 L'audience est reprise à 14h02

8 **THE REGISTRAR:** Order; all rise. À l'ordre;
9 veuillez vous lever.

10 This hearing of the Cornwall Public Inquiry
11 is now in session. Please be seated. Veuillez vous
12 asseoir.

13 **THE COMMISSIONER:** Thank you. Hello again.
14 Now, where were we? I think Mr. Callaghan
15 is ---

16 **THE REGISTRAR:** He's going last.

17 **THE COMMISSIONER:** I'm sorry; you're right;
18 he's going last.

19 So we have for the OPP ---

20 **MS. COSTOM:** No questions.

21 **THE COMMISSIONER:** Thank you.

22 OPPA?

23 **MR. CARROLL:** No questions.

24 **THE COMMISSIONER:** Upper Canada District
25 School Board?

1 **ANDRÉ LAVOIE, Resumed/Sous le même serment:**

2 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

3 **TYMOCHENKO:**

4 **MS. TYMOCHENKO:** Good afternoon, Mr. Lavoie.
5 My name is Nadya Tymochenko. I'm counsel for the Upper
6 Canada District School Board.

7 **MR. LAVOIE:** Good afternoon.

8 **MS. TYMOCHENKO:** I just have a few questions
9 to ask you.

10 You had indicated earlier that no one had
11 ever walked in on you and Mr. Sabourin while he was abusing
12 you or had caught him in the act of abusing you. Is that
13 correct?

14 **MR. LAVOIE:** That is correct.

15 **MS. TYMOCHENKO:** And you had also talked
16 about the fact that he had become a close friend of your
17 family?

18 **MR. LAVOIE:** Yes.

19 **MS. TYMOCHENKO:** He had lived for some time
20 in your parents' rooming house and had a room there and
21 eaten meals with the family, et cetera?

22 **MR. LAVOIE:** That's right. Yes, he was
23 considered a close friend to my parents.

24 **MS. TYMOCHENKO:** So your parents had an
25 opportunity to observe him and you in discussions, in

1 activities, that type of thing?

2 **MR. LAVOIE:** Somewhat.

3 **MS. TYMOCHENKO:** You had also commented that
4 with respect to some of these excursions that he would
5 bring you on, that he was always prepared with an excuse
6 and had a reason that he would be bringing you along. Is
7 that correct?

8 **MR. LAVOIE:** Yes, usually if I was going to
9 Quebec City or Montreal he would say that he needed
10 somebody to drive the car, stuff like that, although he
11 could drive himself perfectly.

12 **MS. TYMOCHENKO:** Okay. And you had
13 described him at one point yesterday as being manipulative.
14 You had also commented that he ingratiated himself in your
15 family. Is that correct?

16 **MR. LAVOIE:** Yes, that was correct.

17 **MS. TYMOCHENKO:** Would you agree that that
18 kind of personality trait or those personality traits would
19 perhaps assist him with his greater deception, this
20 deception that he was perpetrating?

21 **MR. LAVOIE:** He had developed a persona on
22 which he had worked on for many, many years. He had
23 developed this *modus operandi* to a fine art and it worked
24 beautifully for him. He would gain the confidence of
25 individuals in the community. He would gain the confidence

1 of the children of those people that would give him their
2 trust and, by extension, any other family that would
3 gravitate around there was also fair game.

4 MS. TYMOCHENKO: M'hm.

5 MR. LAVOIE: So he was an expert.

6 MS. TYMOCHENKO: And this, of course, I'm
7 assuming is what happened in your situation. Your parents
8 had never suspected that he was abusing you?

9 MR. LAVOIE: That is correct.

10 MS. TYMOCHENKO: And they never asked any
11 questions of you or suggested that to you?

12 MR. LAVOIE: No.

13 MS. TYMOCHENKO: Okay.

14 MR. LAVOIE: Although I might qualify this
15 by saying that between Grade 9 and Grade 13, my personal
16 appearance and demeanour went through quite a shocking
17 transformation.

18 MS. TYMOCHENKO: M'hm. But that never
19 prompted questions from your parents about abuse?

20 MR. LAVOIE: No.

21 MS. TYMOCHENKO: Okay. You had also
22 commented yesterday that disclosure for victims -- and, of
23 course, we've also heard this -- that disclosure is very
24 difficult for victims; correct?

25 MR. LAVOIE: I can only speak for myself.

1 It is extremely difficult.

2 MS. TYMOCHENKO: And you had commented that
3 you would need a strong trigger or in your case you needed
4 a strong trigger and you talked about that life-threatening
5 incident that occurred in your life.

6 MR. LAVOIE: In my case, that was the
7 trigger.

8 MS. TYMOCHENKO: Okay. Would you know of
9 any other circumstance or situation that would assist or
10 would have assisted you in disclosing the abuse at a
11 younger age, perhaps while you were still in school?

12 MR. LAVOIE: I can give you an example.

13 MS. TYMOCHENKO: M'hm.

14 MR. LAVOIE: For example, if Jeanine Séguin
15 would have taken me aside and asked me the question about
16 sexual impropriety with Mr. Sabourin, I would probably have
17 opened up at that time.

18 MS. TYMOCHENKO: Okay. But you don't know
19 of any other circumstance other than somebody actually
20 confronting you in an investigation that would have allowed
21 you to feel safe enough to confirm or disclose?

22 MR. LAVOIE: That is correct.

23 MS. TYMOCHENKO: Thank you very much. Those
24 are my questions.

25 THE COMMISSIONER: Thank you.

1 All right. Then Mr. Callaghan.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 CALLAGHAN:

4 MR. CALLAGHAN: Good morning, Mr. Lavoie.

5 My name is Mr. Callaghan. I act for the Cornwall Police.

6 While I get organized here, let me say at
7 the outset, and what I would like to talk about is
8 obviously the interaction between victims, yourself in
9 particular, and police, but I want to thank you for your
10 testimony, like everybody else, but to point out what may
11 not have yet been pointed out, that you were in many
12 respects, regarding Mr. Sabourin, that pebble that went
13 into the sea that caused a ripple.

14 Yesterday, you heard from a man, Alain
15 Seguin, who I assume you've never met before ---

16 MR. LAVOIE: That's correct.

17 MR. CALLAGHAN: --- who had the courage to
18 come forward because of what you did.

19 And I don't want what I say to take away
20 from anything in that because one of the things we're going
21 to battle with in this Inquiry is getting victims to come
22 forward and your own story about the difficulties, and I'm
23 going to touch on that, is a difficulty for institutions,
24 and hopefully we can come up with some solutions.

25 So, please, accept my thanks on behalf of

1 myself and the institution for your testimony today.

2 **MR. LAVOIE:** Thank you.

3 **MR. CALLAGHAN:** The issue which I addressed
4 was the issue of victims coming to a realization of their
5 victimization. And, sir, you testified that in your case
6 it didn't come to a head until you had a life-altering
7 experience of the hemorrhage; correct?

8 **MR. LAVOIE:** That is correct.

9 **MR. CALLAGHAN:** And to be clear, that was in
10 1995; correct?

11 **MR. LAVOIE:** Yes.

12 **MR. CALLAGHAN:** And then you said you told
13 your mother and your wife?

14 **MR. LAVOIE:** That is correct.

15 **MR. CALLAGHAN:** And then you also told your
16 family doctor?

17 **MR. LAVOIE:** Yes.

18 **MR. CALLAGHAN:** And in September 1995 you
19 began to see a psychologist?

20 **MR. LAVOIE:** Approximately those dates.

21 **MR. CALLAGHAN:** Okay. And just to clarify -
22 - and again, sir, this is a difficult experience, so I
23 understand -- but I think you said that no one had offered
24 you counseling. I'm going to suggest that by the time you
25 talked to Heidi Sebalj, that you were already seeing I

1 believe it's Dr. Sharon Harrison?

2 MR. LAVOIE: That is correct.

3 MR. CALLAGHAN: And you would have told her
4 that at that time?

5 MR. LAVOIE: Yes.

6 MR. CALLAGHAN: All right.

7 And, sir, some of the feelings that you had
8 dealing with the victimization, if I could put it this way,
9 it's almost a three-step process: the victimization at the
10 time; the keeping of the secret and then the release of
11 trying to deal with it; correct?

12 MR. LAVOIE: Yes, that's fair.

13 MR. CALLAGHAN: And I take it that while one
14 compartmentalizes it and carries on his life -- and from
15 everything I can tell, you were a very successful producer
16 -- you somehow get by, but it's the confrontation with the
17 historic event that causes a great deal of pain. Is that
18 fair?

19 MR. LAVOIE: Yes. I mean, the tendency is
20 to try to move on with your life. It's in the past.
21 You've dealt with it. You keep going.

22 MR. CALLAGHAN: But it's only that time when
23 you pause reflectively and try to deal with it that it
24 comes rushing back?

25 MR. LAVOIE: Yes. Well, it's the cognizance

1 that you've led a life of perpetual sabotage.

2 **MR. CALLAGHAN:** One of the -- and I don't
3 necessarily need to take you, but there are a number of
4 medical reports, and I think it's helpful to see them. I
5 talked to Commission counsel. They should, in my opinion,
6 Mr. Commissioner, be marked as "C" documents.

7 **THE COMMISSIONER:** M'hm.

8 **MR. CALLAGHAN:** I will try to deal with them
9 in the fashion I did with Mr. Seguin. This witness is
10 obviously able to talk a little bit about his own
11 experience. So I will move as gingerly through them as I
12 might, but I think I was using the documents with the
13 Commission number 118152 and I'm not sure how the
14 Commission -- there are two sets of these records, sir, and
15 I don't know how -- what's more convenient for Madam
16 Registrar.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. RUEL:** The way it's organized is that
19 the medical reports are grouped in two documents in our
20 database. So what Mr. Callaghan is suggesting now, as I
21 understand, is taking an excerpt of those documents for the
22 witness.

23 So I'm wondering if it wouldn't be just
24 easier to file the whole document under "C", as a "C"
25 exhibit or both documents if it refers -- if the documents

1 he's referring to appear in both documents.

2 The other issue, Mr. Commissioner, is that
3 well, we would agree that this be filed as "C". There is
4 some very sensitive information about the witness. Depending
5 on where Mr. Callaghan goes, I may ask you to issue
6 publication ban, but we'll see where Mr. Callaghan goes with
7 the cross-examination.

8 **THE COMMISSIONER:** Okay. So what are we
9 talking about?

10 **MR. CALLAGHAN:** I'm talking about -- what it
11 is, sir, that probably has been presented to you, there
12 should be a mediation brief and, attached to the mediation
13 brief, there are medical documents.

14 **THE COMMISSIONER:** It is a Settlement
15 Conference Brief is what it's called.

16 **MR. CALLAGHAN:** Sorry I don't -- I am
17 actually looking at the actual medical records that are
18 contained within it, so I haven't really got that in front
19 of me. I'm looking at Bates stamp 1113638, and it's a
20 medical report February 25th '98 from Dr. Norse.

21 **THE COMMISSIONER:** All I want to do first of
22 all is to identify that Exhibit 95 is a document with --
23 it's called Plaintiff Settlement Conference Brief on it and
24 it contains a number of medical reports.

25 All right. Now if the issue is whether or

1 not this should be a "C" document, I have heard from
2 Commission counsel, I have heard from you, I take it that
3 is there any objection that this matter be marked as "C"?

4 Any comments? Done. All right.

5 So in my view, when we're looking at medical
6 reports dealing with the witness that I don't think that
7 there is any useful purpose of making them a "P" exhibit
8 and exposing them to the public.

9 **MR. CALLAGHAN:** I agree entirely.

10 **THE COMMISSIONER:** Well, thank you.

11 **MR. CALLAGHAN:** I thought you were looking
12 over for confirmation from the counsel group.

13 **THE COMMISSIONER:** No. I've done all that
14 already. I've done that already.

15 So I'm glad that you agree, so now we are
16 off to the races with respect to this one.

17 **MR. CALLAGHAN:** Right.

18 **THE COMMISSIONER:** Now, there's another
19 batch of documents. Is there?

20 **MR. CALLAGHAN:** No. I think it's all that
21 is contained in there.

22 **THE COMMISSIONER:** Okay.

23 **MR. CALLAGHAN:** And it's one other mediation
24 brief, which I will be referring to or Settlement
25 Conference Brief.

1 **THE COMMISSIONER:** Thank you.

2 **MR. CALLAGHAN:** However they referred to it.

3 Sir, all I want to do is just put some
4 context around it, and I'm trying to use the words that
5 seem to have been used by Dr. Norse, and I'm in the second
6 last paragraph.

7 **THE REGISTRAR:** So it's C-95.

8 **MR. CALLAGHAN:** And I would ask,
9 Commissioner, whether I am allowed to read it or whether
10 you have a problem.

11 **THE COMMISSIONER:** Sorry, where are you now?

12 **MR. CALLAGHAN:** The second last paragraph.
13 We can do it the way we did it with Mr. Alain Séguin.

14 **THE COMMISSIONER:** Yes.

15 **MR. CALLAGHAN:** Sorry, it's the medical
16 reports, it's on the screen, sir.

17 **THE COMMISSIONER:** Okay. So what do you
18 want to refer to?

19 **MR. CALLAGHAN:** The second last paragraph
20 starting "In 1997..."; do you see that sir?

21 **THE COMMISSIONER:** Well, we are just going
22 to blow it up here for a minute.

23 **MR. CALLAGHAN:** Oh, thank you very much.
24 Thank you, Madam Registrar.

25 **THE REGISTRAR:** It's Exhibit C-95.

1 --- EXHIBIT NO. C-95/PIÈCE NO C-95:

2 Andre Lavoie - Settlement Conference
3 Brief - May 25, 2000

4 **THE COMMISSIONER:** All right.

5 **MR. CALLAGHAN:** So, sir, if we ---

6 **THE COMMISSIONER:** What is the problem?

7 **MR. CALLAGHAN:** This is not an in camera
8 session. This is an on camera session, and I want to make
9 sure I understand that I am to move gingerly through this
10 document.

11 **THE COMMISSIONER:** Yes.

12 **MR. CALLAGHAN:** So as not to disrupt the
13 witness.

14 **THE COMMISSIONER:** That's right.

15 **MR. CALLAGHAN:** All right. So I just wanted
16 to make sure I understand that. Thank you, sir.

17 **THE COMMISSIONER:** And the screens are
18 public?

19 **THE REGISTRAR:** They are off.

20 **THE COMMISSIONER:** They are off.

21 **MR. RUEL:** They're off. Okay, that's the
22 only point.

23 **MR. CALLAGHAN:** Sorry, Mr. Lavoie. Sorry
24 for this.

25 All I want, I want to just make sure we

1 understand. First of all, I think if you've read that
2 paragraph, she's got the date wrong. It's 1995 not 1997.
3 Correct?

4 **MR. LAVOIE:** I believe so, yeah.

5 **MR. CALLAGHAN:** Right. But is it a fair
6 characterization to say that the "memories and feelings
7 associated with these events have been flooding back to him
8 with ensuing paralysing depression"? Is that fair? Does
9 that characterize it?

10 **MR. LAVOIE:** Could you say that again?
11 Could you say that again please?

12 **MR. CALLAGHAN:** The second last sentence in
13 that paragraph; is that an accurate statement?

14 **THE COMMISSIONER:** "It was during this
15 experience..."-- no; yes, is that the one you are talking
16 about?

17 **MR. CALLAGHAN:** "Since that time..."

18 **THE COMMISSIONER:** Right.

19 **MR. LAVOIE:** Yes. I mean for me, it was the
20 beginning of the process where I wanted to regain my
21 integrity associated with pursuing criminal charges against
22 my abuser.

23 **MR. CALLAGHAN:** Right. And I take it, sir,
24 as you have indicated, you told your psychologist in
25 September '95 and it was in March of '96 that you spoke to

1 the police. Correct?

2 MR. LAVOIE: Yes.

3 MR. CALLAGHAN: And I take it you needed to
4 take that time -- I don't want to make this sound trite,
5 but build the courage to deal with the issues so you could
6 speak to the police. Is that fair to say?

7 MR. LAVOIE: Yes, there would be some time
8 in between, so I could articulate the story that I wanted
9 to tell them.

10 MR. CALLAGHAN: And one of the things this
11 Inquiry is going to have to deal with is circumstances
12 where victims don't feel strong enough to come forward.
13 And I take it you have some empathy for that?

14 MR. LAVOIE: Yes, I do.

15 MR. CALLAGHAN: And that I take it you would
16 agree that the police have to be sensitive to that issue?

17 MR. LAVOIE: Absolutely.

18 MR. CALLAGHAN: Right. And so that if a
19 victim isn't ready, hasn't come to terms with it, they
20 ought not to be forcing them. Correct?

21 MR. LAVOIE: They could be asked, but let
22 them decide if they want to participate or not.

23 MR. CALLAGHAN: Right. And that's
24 important, I take it, from the healing perspective of the
25 individual not to re-victimize them?

1 **MR. LAVOIE:** Absolutely.

2 **MR. CALLAGHAN:** Another of these reports
3 talks about the devastating impact of Mr. Sabourin being
4 charged. I take it that in itself was a cathartic effect?

5 **MR. LAVOIE:** I remember that day. I had
6 complete psychic fit. I just went ballistic. I was crying.
7 I drove up to my psychologist's office. I don't remember
8 how I got there; I remember driving, but it was like
9 driving through a tunnel. It was a reaction to the fact
10 that whatever actions I had undertaken previously to get to
11 this time and place, there was that moment. There it was.
12 I was responsible for this moment, and you know, how do you
13 want to -- how did I react? I mean, I was totally
14 devastated. And ---

15 **MR. CALLAGHAN:** And I take it ---

16 **MR. LAVOIE:** --- I should have been elated,
17 but I was devastated.

18 **MR. CALLAGHAN:** And I'm going to suggest
19 that's one of the insidious things that this Inquiry and
20 the public institutions have to come to realise is that
21 emotional turmoil in people who are victims.

22 **MR. LAVOIE:** Yes.

23 **MR. CALLAGHAN:** And if -- in dealing with
24 Miss -- I should say, I'm falling into the trap of my
25 Commission counsel -- Constable or Officer Sebalj, I take

1 it, and it's in Exhibit 92 if I might, that -- Exhibit 92.
2 It's the Witness Statement.

3 **THE COMMISSIONER:** Witness Statement,
4 7137551?

5 **MR. CALLAGHAN:** Yes, sir.

6 **THE COMMISSIONER:** How about 735176?

7 **MR. CALLAGHAN:** That will work.

8 And if you could just blow it up. Okay,
9 there you go.

10 I just want to be clear, and it says it
11 here, but just to make sure you recall. I take it there
12 were a couple of telephone conversations with you before
13 you met Constable Sebalj.

14 **MR. LAVOIE:** There would have been at least
15 one, maybe two. I don't know.

16 **MR. CALLAGHAN:** And it was a situation we've
17 seen others who -- there might have been a delay in coming
18 forward in terms of setting up, getting the courage to come
19 forward. Would that have been the situation?

20 **MR. LAVOIE:** No, as soon as I made the
21 decision to come forward, I was ready to proceed.

22 **MR. CALLAGHAN:** Well, if you go to Bates
23 stamp, which is the notes 7153094.

24 **THE REGISTRAR:** This is public?

25 **MR. CALLAGHAN:** The notes are public, Mr.

1 Commissioner.

2 **THE COMMISSIONER:** Well, the notes are
3 public.

4 **MR. CALLAGHAN:** Yes.

5 **MR. RUEL:** Exhibit 93.

6 **MR. CALLAGHAN:** Exhibit C-93, right.

7 **THE COMMISSIONER:** That part is okay, as
8 long as we don't go to the names of any other victims.

9 **MR. CALLAGHAN:** Okay, and I will have to --
10 maybe we will have to do some of this offline.

11 **THE COMMISSIONER:** Yes.

12 **MR. CALLAGHAN:** Because I may do that. But
13 I just want to point out to you, sir, you arrived at the
14 station at 11 o'clock. Do you see that? You actually
15 arrived at 10:58 and Miss Sebalj met you at 11:00. Is
16 that?

17 **MR. LAVOIE:** Yeah.

18 **MR. CALLAGHAN:** And that you didn't start
19 the interview for approximately 40 minutes. I take it
20 started at 11:39. Do you see that? It says, "A side"?

21 **MR. LAVOIE:** Okay.

22 **MR. CALLAGHAN:** Do you recall talking to Ms.
23 Sebalj for 40 minutes or so about matters?

24 **MR. LAVOIE:** It's possible. She might have
25 -- I've been trying to -- I just don't remember anything

1 specific. It's possible that there would have been sort of
2 a pre-briefing before I testified if that's normally how
3 you do things, but I just don't remember that part of it.

4 **MR. CALLAGHAN:** Would you have told her
5 about how you were feeling?

6 **MR. LAVOIE:** Yeah, probably. I'm pretty
7 candid about these things.

8 **MR. CALLAGHAN:** Yes, and we thank you for
9 that. It wouldn't make this Inquiry half as important if
10 you weren't.

11 If you go to the next page or two pages
12 over, I believe, 7150 -- well, 7153096, just two pages
13 over.

14 **THE COMMISSIONER:** No, I don't think we
15 should publish that on screen.

16 **MR. CALLAGHAN:** Okay, sir, I should be more
17 sensitive.

18 **THE COMMISSIONER:** No, I'm just looking at,
19 I see other names.

20 **MR. CALLAGHAN:** Right.

21 **THE COMMISSIONER:** I don't know who they
22 are, so I'm just ---

23 **MR. CALLAGHAN:** No, you're absolutely right.
24 We should remove that.

25 **THE COMMISSIONER:** So let's not put it on

1 the public screen then.

2 **MR. CALLAGHAN:** Yes, okay. I think for the
3 purpose of my examination, sir, it might be best not to
4 when I refer to the notes because I'll be going through
5 some of them.

6 **THE COMMISSIONER:** All right. Are the
7 public screens still off, Madam Clerk?

8 **THE REGISTRAR:** They're off.

9 **THE COMMISSIONER:** Fine. Good, so we don't
10 have that problem anymore.

11 **MR. CALLAGHAN:** All right. And I suggest,
12 sir, that you then, after the tape ended, you spent another
13 half-hour with Constable Sebalj?

14 **MR. LAVOIE:** I don't recall exactly.

15 **MR. CALLAGHAN:** But would it be consistent
16 that you spent maybe 70 minutes outside the formal
17 interview process talking to her about things? Does that
18 sound right?

19 **MR. LAVOIE:** It could be. I mean my
20 recollection of that day is meeting with her; sitting down;
21 she turns on her tape recorder; we do the recording; the
22 recording ends. That's the only clear memory I have of
23 that day, sir.

24 **MR. CALLAGHAN:** So you may have told her
25 more about how you were doing and that type of thing?

1 **MR. LAVOIE:** That could be possible.

2 **MR. CALLAGHAN:** And sir, I know -- and
3 pardon me, I take it at the beginning, you told her about
4 some individuals including Jeannine Séguin?

5 **MR. LAVOIE:** That's quite possible.

6 **MR. CALLAGHAN:** And if we're off the screen,
7 I take it you weren't privy to all the work she was doing?
8 Were you aware that she was trying to contact the school
9 board?

10 **MR. LAVOIE:** No.

11 **MR. CALLAGHAN:** So you wouldn't have been
12 aware that that's -- if you go over two pages, you will see
13 the names of various school board officials that they were
14 trying to contact. Do you see that?

15 **MR. LAVOIE:** Yes.

16 **MR. CALLAGHAN:** So you weren't aware of any
17 of that? That would have been police work.

18 **MR. LAVOIE:** Absolutely, yes.

19 **MR. CALLAGHAN:** And if you go back one page,
20 do you see that chart, and it lists your age. Do you see
21 that? And it then sets on the left side what grade you
22 were in?

23 **MR. LAVOIE:** Oh, I see, yes.

24 **MR. CALLAGHAN:** And you've already testified
25 that this assault happened to you when you were

1 approximately 14?

2 MR. LAVOIE: Yes.

3 MR. CALLAGHAN: In fact, it happened at 14
4 and older; correct?

5 MR. LAVOIE: Yes.

6 MR. CALLAGHAN: All right. And I don't know
7 -- and this is just to clarify for everybody -- this event
8 happened in the early '70s, early to mid-'70s?

9 MR. LAVOIE: Yes.

10 MR. CALLAGHAN: I don't know whether you are
11 aware, but were you aware, Mr. Alain Séguin mentioned
12 yesterday, but were you aware that the age of consent was
13 14?

14 MR. LAVOIE: Was I aware back then?

15 MR. CALLAGHAN: Yes. No, well, in '97?

16 MR. LAVOIE: No, I -- that was the least of
17 my concerns.

18 MR. CALLAGHAN: I understand. And I'm just
19 trying to put this in a historical context, sir, and I'm
20 going to tell you because I think it's important for you to
21 understand some of the challenges that were going on, but
22 the law, right or wrong, prior to 1988 was even a person of
23 authority in a consensual relationship could have relations
24 with someone over the age of 14. I don't know if you were
25 aware of that.

1 **MR. LAVOIE:** No.

2 **MR. CALLAGHAN:** So, sir ---

3 **MR. RUEL:** Mr. Commissioner, I have a -- I
4 have to object ---

5 **THE COMMISSIONER:** But Mr. -- Okay, just
6 move away. There you go, one at a time.

7 **MR. RUEL:** Of course these are legal issues.
8 The witness is not a lawyer, so I have to object to those
9 questions.

10 **THE COMMISSIONER:** Thank you. Mr.
11 Callaghan? What is the purpose of that?

12 **MR. CALLAGHAN:** I think we are (a) entitled
13 to ask the witness at least to set the context so the
14 witness understands. Part of what we are doing is also for
15 Mr. Lavoie to understand the process. He is the one who
16 went through it. He is very disappointed from his evidence
17 with the Cornwall Police, and I am going to try to show
18 that perhaps the Cornwall Police did to him a proper job as
19 best they could under the circumstances. And this is part
20 of the process. And I would have thought I'd be permitted
21 to bring out these points and perhaps even ask what his
22 view is as was Mr. Séguin on some of these issues.

23 **THE COMMISSIONER:** She he has indicated that
24 he didn't know ---

25 **MR. CALLAGHAN:** Right.

1 **THE COMMISSIONER:** --- the law. What is
2 your next question?

3 **MR. CALLAGHAN:** Well, my next question then
4 is, sir, were you aware that the issue of consent was an
5 issue then for the police in doing your investigation.

6 **MR. LAVOIE:** I have a slight difficulty
7 about using the word consensual. I was cursed.

8 **MR. CALLAGHAN:** And, sir, you know what? I
9 don't think anybody on this side disagrees with that.

10 What I am trying to articulate, sir, is that
11 unfortunately the law in the period when you were assaulted
12 required the police to address the issue of consent. And
13 it's not as simple as it is today, thank God, and that the
14 issue of consent is important.

15 I'll come back to some of your earlier
16 testimony that the insidious nature of this offence and the
17 insidious nature of the offender was that he coerced your
18 consent. You said that at the outset. I am just trying to
19 educate you and the public that that makes it difficult,
20 and I didn't know whether you were aware of that going
21 through the process.

22 **MR. LAVOIE:** No.

23 **MR. CALLAGHAN:** All right.

24 **THE COMMISSIONER:** Okay. Well, just a
25 second. What's your date of birth, sir?

1 **MR. LAVOIE:** Sorry?

2 **THE COMMISSIONER:** What is your date of
3 birth?

4 **MR. LAVOIE:** The 22nd of November '52.

5 **THE COMMISSIONER:** Okay.

6 **MR. CALLAGHAN:** He has testified, sir, that
7 he was 14.

8 **THE COMMISSIONER:** Right. So ---

9 **MR. CALLAGHAN:** I understand.

10 **THE COMMISSIONER:** No, that's good.

11 **MR. CALLAGHAN:** And if this chart is off ---

12 **THE COMMISSIONER:** No, my math ---

13 **MR. CALLAGHAN:** I looked at it myself. It
14 might be off by a year, but I am not sure it matters and I
15 think the witness -- I think it's important for you to
16 understand what was happening.

17 Sir, there were gaps in the investigation
18 and it's -- the Commission counsel kindly pointed it out at
19 Bates 7153100, which I think may be just two or three pages
20 over.

21 **REGISTRAR:** At 7153100? Is it public or
22 confidential?

23 **MR. CALLAGHAN:** I thought Mr. Commissioner
24 said we may as well make it all confidential until we sort
25 this out so we don't delay this any longer than I am going

1 to have to delay it.

2 What I am going to suggest, sir, is that --
3 well, let me say this, sir. In February 1997, you had a
4 major decompensation, correct? In other words, you had a -
5 - you had a relapse, if I may put it that way. Do you
6 recall that?

7 **MR. LAVOIE:** You're talking about my
8 psychological state. Is that what you are referring to?

9 **MR. CALLAGHAN:** Yes, sir.

10 **MR. LAVOIE:** Yes, it could have been one of
11 many.

12 **MR. CALLAGHAN:** I'm sorry, sir?

13 **MR. LAVOIE:** It could have been one of many.

14 **MR. CALLAGHAN:** All right.

15 And I refer to the document 11 -- the
16 document of medical reports ---

17 **THE COMMISSIONER:** C-95.

18 **MR. CALLAGHAN:** C-95, sorry, Mr.
19 Commissioner.

20 **THE COMMISSIONER:** Which one?

21 **MR. CALLAGHAN:** The one dated March 27th
22 '98.

23 **THE COMMISSIONER:** Dr. Linda A. Norse?

24 **MR. CALLAGHAN:** Yes, sir.

25 **THE COMMISSIONER:** Document Number 118152.

1 **MR. CALLAGHAN:** Thank you, sir.

2 **REGISTRAR:** The Bates number?

3 **THE COMMISSIONER:** Bates number 1113642.

4 So is that the one you want, Madam Clerk,
5 the one on the left of the document?

6 **MR. CALLAGHAN:** I believe that's probably
7 the correct one.

8 Sir, the second paragraph, that first
9 sentence in the second paragraph that you had a major
10 decompensation dealing with the issues of -- regarding Mr.
11 Sabourin; is that correct?

12 **MR. LAVOIE:** Can I ask you to define
13 decompensation?

14 **MR. CALLAGHAN:** Decompensation, to my
15 understanding -- I am not a medical man -- is basically a
16 relapse, a significant relapse into depression, as I
17 understand it, that you were experiencing significant
18 amount of difficulty.

19 **MR. LAVOIE:** Yes, that would be fair to say.

20 **MR. CALLAGHAN:** And is it fair to say
21 through the period of April to sometime -- April '96, that
22 -- and I know you may not have had that impression, but an
23 impression may have been gained by Constable Sebalj that
24 you weren't in a position to proceed with the
25 investigation?

1 **MR. LAVOIE:** You would have to ask Constable
2 Sebalj. I initiated that process and I don't think that at
3 any time would I have gone to see her and said "Put a stop
4 to it".

5 **MR. CALLAGHAN:** There is a -- if I could ask
6 you to review the report of Dr. Harrison, C-95, of April
7 15th, 1998?

8 **REGISTRAR:** What page?

9 **THE COMMISSIONER:** Page 1113644.

10 **MR. CALLAGHAN:** Right.

11 And if you -- I don't think that's it.

12 **THE COMMISSIONER:** No.

13 **MR. CALLAGHAN:** I don't think that's the
14 document.

15 **THE COMMISSIONER:** No.

16 **REGISTRAR:** What is the Bates number?

17 **MR. CALLAGHAN:** The Bates number is 1113644.
18 That's it.

19 And if you could go down to the second page?

20 **THE COMMISSIONER:** All right. Where to?

21 **MR. CALLAGHAN:** And it's at the bottom of
22 the second page. And I am in the second-last sentence and
23 it says:

24 "In 1996, Mr. Lavoie approached the
25 Cornwall Police to make a report of the

1 sexual abuse."

2 Do you see that?

3 **MR. LAVOIE:** Yes.

4 **MR. CALLAGHAN:** And that's correct; correct?

5 **MR. LAVOIE:** I believe it is, yes.

6 **MR. CALLAGHAN:** And the start of the next
7 sentence says:

8 "In 1997, Mr. Lavoie took further steps
9 to have his abuser charged for the
10 sexual assault."

11 Do you see that?

12 **MR. LAVOIE:** Yes.

13 **MR. CALLAGHAN:** I am suggesting that you
14 explained to your counsellor that you made the complaint
15 but you were better able to deal with it in '97 than you
16 were in '96.

17 **MR. LAVOIE:** I am not quite sure what you
18 are getting at.

19 **MR. CALLAGHAN:** Well, sir, going back, that
20 -- and again it is something this Commission will have to
21 deal with, is whether in the absence of the complainant,
22 whether the police should proceed. And I say the absence,
23 whether it's emotional or otherwise, and I am suggesting
24 that the record would indicate that things get going in
25 August '97 or July -- end of July '97 and that year, having

1 difficulty before that and perhaps after that, I would
2 suggest, but then when the investigation gets going, which
3 I'll demonstrate in a minute, things happened. And I am
4 suggesting there wasn't a phone call from you between April
5 '96, the last is us -- Constable Sebalj calling you, with
6 the exception of the January 15th one.

7 And then I am suggesting, sir, that you
8 needed healing and that you needed healing before they went
9 into all these issues. And whether that is a perception
10 you conveyed or whether that's true, I don't know.

11 **MR. LAVOIE:** I am not following your train
12 of thoughts here. If we are talking about healing, this is
13 a process that I am still going through and that probably
14 will last another 15 to 20 years. So I think you would --
15 I would suggest that you might want to choose your terms
16 carefully about ---

17 **MR. CALLAGHAN:** Well, I guess what I am
18 trying to convey -- well, perhaps I can take you to a
19 document, Document 118153 which is a mediation brief and/or
20 a settlement conference brief, I think, as Mr. Commissioner
21 has corrected me. It's the other settlement conference
22 brief.

23 Sir, while they get that up, you were
24 involved in a lawsuit with the School Board, right?

25 **MR. LAVOIE:** Yes.

1 **MR. CALLAGHAN:** And you testified at an
2 examination for discovery?

3 **MR. LAVOIE:** Yes, I assume so.

4 **MR. CALLAGHAN:** Have you ever seen a
5 transcript of that?

6 **MR. LAVOIE:** No, sir.

7 **MR. CALLAGHAN:** All right.

8 Nobody has asked -- no one has told you they
9 ordered a transcript?

10 **MR. LAVOIE:** No.

11 **MR. CALLAGHAN:** All right.

12 So I am left not having -- I have asked for
13 the transcript, but apparently it doesn't exist as far as
14 Commission counsel has tried to ascertain. But there is
15 this mediation report and it refers to your testimony at
16 paragraph 26 and it's page 5 of the documents.

17 **THE REGISTRAR:** I'll have to enter it as an
18 exhibit.

19 **MR. CALLAGHAN:** Yes, if I could have that
20 entered as the next exhibit, C-96, I believe, sir.

21 **THE COMMISSIONER:** And that would be C-96,
22 yes.

23 **---EXHIBIT NO./PIÈCE NO C-96:**

24 Andre Lavoie - Settlement Conference Brief -
25 Court File No.: 98CV-6909.

1 What page? I am sorry, what page Sir -- Monsieur?

2 **MR. CALLAGHAN:** Page 5 paragraph 26.

3 **THE COMMISSIONER:** Yes, sir.

4 **MR. RUEL:** Mr. Commissioner, I would mark
5 that as a "C" until we resolve the issues again.

6 **THE COMMISSIONER:** Yes.

7 **MR. RUEL:** There are some names of other
8 victims.

9 **THE COMMISSIONER:** Okay. All right.

10 **MR. CALLAGHAN:** And this is the case in
11 which you were the plaintiff. So, sir, the document when
12 it says "Plaintiff" refers to you and it says:

13 "The plaintiff testified that in 1996
14 he had decided to disclose the abuse
15 and attended at the Cornwall Police
16 Department. They duly reported his
17 complaint but in his word, failed to
18 act upon it. It was his opinion that
19 they did not feel he wished to actively
20 pursue it."

21 Do you see that?

22 **MR. LAVOIE:** M'hm.

23 **MR. CALLAGHAN:** Is that a yes? It would
24 have been your testimony that you felt that the Cornwall
25 Police felt that you did not wish to actively pursue it?

1 **MR. LAVOIE:** I would respond to the
2 contrary. I just felt that I was left in limbo, not
3 getting information about the ongoing investigation, and as
4 far as I can recall, I remember making a few phone calls to
5 Heidi saying, "Please don't let this fall through the
6 cracks", like "What's going on? Is there any progress on
7 this file?" I do remember making a few of those calls.

8 **MR. CALLAGHAN:** And, sir, after August 25th,
9 '97, there is no question you do. And indeed the notes
10 thus far -- unless the notes are not accurate and may be
11 there is additional calls -- there was a call to your
12 house on April 10th and then the next calls were January 15th
13 and July 31st. And I guess the January one is just soon
14 before the decompensation that we talked about. And I am
15 not suggesting, sir, that perhaps you didn't wish the
16 investigation to proceed but that somehow was conveyed and
17 I suggest that is what the mediation brief indicates, that
18 it was conveyed that you may not have wanted to and that
19 might have been crossed wires or something.

20 **MR. LAVOIE:** It could have been a reaction
21 to the non information that I was getting, maybe a level of
22 frustration. It could be anything. I mean, if you are
23 going to pull out three or four words out of a pile of
24 documents to make that claim, that's -- go for it, but as
25 far as I am concerned, my only intention was to get this

1 process ongoing and to be dealt with as efficiently as
2 possible.

3 **MR. CALLAGHAN:** As I say, the medical
4 reports of Dr. Harrison reference that it was in 1997 that
5 you took steps to have this matter -- for charges to take
6 place. And again I understand what you're saying. I can
7 only work with the documents.

8 So you're saying that it was your view that
9 you always wanted to proceed. You did not need a time for
10 healing before you dealt with it?

11 **MR. LAVOIE:** Again, the word healing ---

12 **MR. CALLAGHAN:** I appreciate it may be an
13 inappropriate word. The depression, the decompensation ---

14 **MR. LAVOIE:** I was a friggin basket case,
15 okay. I go into the police station, make a statement, try
16 to get this process going. And I was speaking with Dr.
17 Harrison last week and we were reminiscing about this, that
18 I was fairly frustrated because it was taking a very long
19 amount of time and I was not getting that much information
20 from the police service.

21 Now, I assumed, as I would as a normal
22 citizen, that the process was evolving as it should, that
23 everybody was doing their jobs. It was not up to me to
24 contact you every week and harass the police to get
25 information. That's not my job. But I was just frustrated

1 by the lack of information that I was obtaining.

2 **MR. CALLAGHAN:** Well, I guess I can only
3 say, sir, that the records after August 23rd -- July 31st
4 or August 25th indicate you making a lot more contact
5 rather than no contact between April and January. And
6 again, sir, this is not a criticism. I am just trying to
7 ascertain whether there was an issue. If you say there
8 wasn't, then we'll have to address it with others.

9 **MR. LAVOIE:** I don't believe it was an issue
10 for me. I might have expressed frustration in the sense
11 that if it's not going to move any faster, let's drop the
12 whole thing, but that would have been an expression said
13 out of frustration.

14 **MR. CALLAGHAN:** All right.

15 Sir, I want to review some of her notes;
16 that is, Constable Sebalj's notes. But isn't it fair to
17 say, sir, that when you met with Ms. Sebalj or Constable
18 Sebalj, that she had requested that you consider going
19 through yearbooks to assist in identifying possible
20 victims?

21 **MR. LAVOIE:** I seem to recall that, sir.

22 **MR. CALLAGHAN:** And I will take you to the
23 note. It's at -- if we could turn up Exhibit 92?

24 **THE REGISTRAR:** What page?

25 **MR. CALLAGHAN:** Page 16 or Bate stamp

1 7137566.

2 **THE REGISTRAR:** Thank you.

3 **MR. CALLAGHAN:** I'm new at this.

4 I take you to the middle of the paragraph
5 and "H" in this stands for ---

6 **MR. LAVOIE:** Heidi.

7 **MR. CALLAGHAN:** --- Constable Heidi Sebalj
8 and "A" stands for you, sir?

9 **MR. LAVOIE:** M'hm.

10 **MR. CALLAGHAN:** And it says -- she says:

11 "Is there anybody else, Andre, that you
12 know of?"

13 Answer:

14 "That were abused?"

15 Heidi:

16 "M'hm."

17 Andre:

18 "I have -- can't remember the names but
19 I'm sure there's one, if not two other
20 students. I can't recall who."

21 Heidi:

22 "What if we got a yearbook or a couple
23 of yearbooks?"

24 Answer:

25 "It might be helpful."

1 Heidi:

2 "From that time period?"

3 Answer:

4 "It might be helpful. I might actually
5 have some at home. I don't know."

6 Heidi:

7 "I hate to ask you, but would you mind
8 looking through your yearbooks?"

9 Answer:

10 "Not at all. You have got two counts.
11 You have got other people he might have
12 abused. That might be trickier for me
13 to remember because I wouldn't suspect
14 it and when there was the teachers that
15 I assumed might have thought something
16 was going on."

17 Okay. So you will agree with me that it was
18 she who asked you to sort of go through the yearbook to see
19 if you could identify additional victims?

20 **MR. LAVOIE:** Yes, I assume she suggested I
21 do that. Right.

22 **MR. CALLAGHAN:** Sir, as I indicated, I'm
23 suggesting that the investigation got started in earnest
24 after -- in the middle of summer of 1997, and I would ask
25 you to -- if the Commission could provide me with Exhibit

1 93 and Bate number 7153100. I know the Commission took you
2 through some of these.

3 **THE REGISTRAR:** What is the Bate number?

4 **MR. CALLAGHAN:** It's 7153100.

5 I'm not going to mention names, but I will
6 direct your attention to it. On August 25th, sir ---

7 **THE COMMISSIONER:** Of what year?

8 **MR. CALLAGHAN:** Of '97, at the bottom of
9 that page.

10 **THE COMMISSIONER:** Right.

11 **MR. CALLAGHAN:** There is a suggestion that
12 they were trying to locate a person and you can see the
13 person's name there. And then there is a name under 13:35
14 who she tries to call. Do you see that?

15 **MR. LAVOIE:** Yes, sir, I do.

16 **MR. CALLAGHAN:** And that's a relative of
17 yours?

18 **MR. LAVOIE:** Yes, sir.

19 **MR. CALLAGHAN:** I take it that was one of
20 the persons who you identified. And I take it that she
21 attempted to contact and eventually did contact that
22 person?

23 **MR. LAVOIE:** I believe she did.

24 **MR. CALLAGHAN:** And I take it that that
25 person eventually gave a statement and Mr. Sabourin was

1 charged in Kingston?

2 MR. LAVOIE: I don't know anything about
3 that.

4 MR. CALLAGHAN: You weren't aware that they
5 had to work with the Kingston jurisdiction on this
6 investigation?

7 MR. LAVOIE: No.

8 MR. CALLAGHAN: All right.

9 MR. LAVOIE: I know that Sabourin moved to
10 Kingston for a while, but that's all I know.

11 MR. CALLAGHAN: And if I could -- but you're
12 not aware that the offence happened in Kingston?

13 MR. LAVOIE: No.

14 MR. CALLAGHAN: And you appreciate that the
15 police can't tell you everything because there is
16 confidentiality with respect to another person?

17 MR. LAVOIE: Absolutely.

18 MR. CALLAGHAN: Okay. If we go over to the
19 next page, at 15:22, just to make it complete, I know the -
20 - I don't think this was brought up by the Commission, but
21 it may be. It says:

22 "Telephone call from victim
23 disappointed parents oblivious no
24 knowledge why leave Montreal?"

25 Is that you they're talking about?

1 **THE COMMISSIONER:** "Why accepted in
2 Cornwall?"

3 **MR. LAVOIE:** Well, there's a number of
4 points in there. Can you decipher it for me, so I can help
5 you out?

6 **MR. CALLAGHAN:** Well, I'm going by the note.
7 I just want to be clear. I would have -- my interpretation
8 that "V" at this stage is you. I know the Commission has
9 gone through that "V" items they thought were you, and I
10 was just wondering if this rings a bell for you; that note.

11 **MR. LAVOIE:** Well, somewhat. If I read the
12 note, if I interpret the note that I see here, my parents
13 did not know that this guy was abusing kids. I believe
14 that's what it tries to capture. "He had no knowledge why
15 he had to leave Montreal and accepted in Cornwall." That's
16 probably something I might have mentioned at some point
17 because he did tell me he had to leave Montreal because of
18 suspicious sexual whatever in the school he was teaching
19 in, in Montreal. In other words, he was given a ticket out
20 of Montreal.

21 **MR. CALLAGHAN:** If we could go to the next
22 page? If you look under the 08:00 and it's a voicemail
23 from that person. And it says to be discreet. I take it
24 you appreciate that when the police do these things, they
25 have to be very delicate about approaching people?

1 **MR. LAVOIE:** Sure.

2 **MR. CALLAGHAN:** And take some effort? Okay.

3 **MR. LAVOIE:** Yes.

4 **MR. CALLAGHAN:** And then if you go down
5 under the Wednesday and it says:

6 "17:11 from victim glad we talked
7 sympathies keep going push through need
8 resolution."

9 Would that be something you would have told
10 her in August of '97?

11 **THE COMMISSIONER:** I can't see that.

12 **MR. LAVOIE:** I think she's talking to the
13 other victim.

14 **MR. CALLAGHAN:** Okay. Because the victim
15 that I understand, the other relative, if you see, I don't
16 believe she catches him, and she's calling him at 9:18 at
17 the bottom and 9:50 and at 9:51.

18 **MR. LAVOIE:** I'm not quite sure where you
19 are.

20 **MR. CALLAGHAN:** If you go ---

21 **MR. LAVOIE:** Sorry.

22 **MR. CALLAGHAN:** --- further down on the
23 document, you will see I'm pointing to timing. At 9:18,
24 we're still trying to get a hold of that other relative.

25 **MR. LAVOIE:** Okay.

1 **MR. CALLAGHAN:** At 9:50, we're still trying
2 to get a hold of that relative.

3 **MR. LAVOIE:** Okay.

4 **MR. CALLAGHAN:** At 9:51, we left a message
5 for that relative.

6 **MR. LAVOIE:** Okay.

7 **MR. CALLAGHAN:** So I'm trying to articulate
8 to you, sir, that whilst I know you're concerned about the
9 timing, that they are trying to get their ducks in a row,
10 if I can put it that way, and speak to the various victims.

11 **MR. LAVOIE:** Sure.

12 **MR. CALLAGHAN:** And I take it, sir, if you
13 go further down that page, you finally speak to that
14 relative at 13:33. You see that, telephone call from the
15 relative?

16 **THE COMMISSIONER:** "Advise will prepare
17 written statement" and something, "one week?"

18 **MR. LAVOIE:** I don't know that that's a
19 discussion between myself and that victim.

20 **MR. CALLAGHAN:** No, all I'm trying to do,
21 sir, is try to articulate to you that there is lots going
22 on aside from your investigation.

23 **MR. LAVOIE:** Oh, I'm sure there was. I do
24 not ---

25 **MR. CALLAGHAN:** And that the delay, and we

1 can go through it, the delay is dealing with other victims.
2 They have already got your statement. The delay is dealing
3 with other relatives.

4 **MR. LAVOIE:** Sure. Sure.

5 **MR. CALLAGHAN:** And sir, you would expect
6 us, I take it, to also deal with the school board on this
7 as well; correct?

8 **MR. LAVOIE:** I would have expected, but I'm
9 not an investigator. I mean, the process that you would
10 have entered into personally -- was it -- I was hoping
11 everything was done, so that the job was being done
12 properly, but how you do your job is none of my concern.

13 **MR. CALLAGHAN:** No, and I'm trying to
14 articulate to you, sir, that I know you're frustrated and
15 I'm trying to show that the investigation was an efficient
16 investigation when it gets going in the summer and
17 particularly throughout the fall, and I know your
18 frustration with timing. I'm trying to articulate to you
19 that the police were working very diligently during that
20 period.

21 **MR. LAVOIE:** Well, I appreciate you telling
22 me this a few years later. It would have been interesting
23 for me to know a little bit about it at that time.

24 **MR. CALLAGHAN:** I understand and the
25 difficulty, sir, is some of this stuff that you're seeing,

1 you would not otherwise be permitted to see but for this
2 Inquiry.

3 **MR. LAVOIE:** I'm not interested in seeing
4 documents I'm not allowed to see. A simple phone call
5 saying, "Andre, how are you doing? Yes, we're working on
6 it" would have been quite sufficient.

7 **MR. CALLAGHAN:** And if you go down to
8 September 2nd, '97, the bottom of 7153105, September 2nd. I
9 think if you go over; the bottom there, sir, that's -- of
10 the voicemail at 14:55, that's another one of your
11 relatives?

12 **MR. LAVOIE:** Fourteen (14)?

13 **THE COMMISSIONER:** I don't see that.

14 **MR. CALLAGHAN:** Voicemail, 14:55?

15 **MR. LAVOIE:** I don't see it. I'm sorry.

16 **MR. CALLAGHAN:** At the very bottom.

17 **THE COMMISSIONER:** September 2nd?

18 **MR. CALLAGHAN:** Well, if you look at the
19 very bottom and then if you go up ---

20 **THE COMMISSIONER:** Okay.

21 **MR. CALLAGHAN:** Yes.

22 **MR. LAVOIE:** I see.

23 **MR. CALLAGHAN:** All right. That's another
24 one of your relatives?

25 **MR. LAVOIE:** Yes, sir.

1 **MR. CALLAGHAN:** And I take it, at the next
2 page, that he then calls the police -- if you go to the
3 next page -- at 9:14. And then at 9:53 you go and advise
4 them that there might be another victim who is this
5 relative; correct?

6 **MR. LAVOIE:** That is correct.

7 **MR. CALLAGHAN:** So that in fact he obviously
8 had spoken to you and contacted them beforehand; correct?

9 **MR. LAVOIE:** Something like that, yes.

10 **MR. CALLAGHAN:** And the name at the bottom
11 of that, in capital letters; do you see that?

12 **MR. LAVOIE:** Yes, sir, I do.

13 **MR. CALLAGHAN:** Who is that?

14 **MR. LAVOIE:** Another victim.

15 **MR. CALLAGHAN:** All right. But is he
16 related, or is he, to you?

17 **MR. LAVOIE:** No.

18 **MR. CALLAGHAN:** A friend?

19 **MR. LAVOIE:** No, not necessarily. He was --
20 his family, he had two brothers and a sister, I believe,
21 and Sabourin were very close friends. So Sabourin would
22 drive around. We would end up at their house any number of
23 times, but I never really became friends with these people.
24 But I did know them.

25 **MR. CALLAGHAN:** All right. Okay. And I'm

1 going to suggest to you, sir, that Constable Sebalj then
2 had to get these people to come in and give statements?

3 MR. LAVOIE: M'hm.

4 MR. CALLAGHAN: And it took some time. I
5 don't know if you're aware of that.

6 MR. LAVOIE: No, no.

7 MR. CALLAGHAN: And that at the same time,
8 she was attempting to speak to Jeanine Séguin. Were you
9 aware of that?

10 MR. LAVOIE: No.

11 MR. CALLAGHAN: And again, sir, she would
12 have been a central person as a witness to this -- sorry,
13 to be spoken to, I suppose, rather than a witness in this
14 event?

15 MR. LAVOIE: That would be for Constable
16 Sebalj to decide.

17 MR. CALLAGHAN: All right. Were you aware
18 then, and I will take you to 7153118, that Madame Séguin at
19 3:19 -- and if you went through this you would see there
20 was a number -- significant contact with her but now she
21 wants to have a counsel present. Were you aware that she
22 wouldn't give a statement without a counsel?

23 MR. LAVOIE: I have no idea of what you're
24 showing me.

25 MR. CALLAGHAN: All right.

1 **MR. LAVOIE:** None of this information
2 whatsoever is relevant to me.

3 **MR. CALLAGHAN:** No, I know it's not relative
4 to you, sir, but I'm just trying to ---

5 **MR. LAVOIE:** You're trying to establish that
6 you're making a good job. Now, I agree with you.

7 **MR. CALLAGHAN:** Yes, I know, and what I'm
8 trying to ---

9 **MR. LAVOIE:** That's fine. That's great.
10 Was I frustrated back then? Yes, I was. Am I frustrated
11 today? More or less, but I mean, we have grown up, we have
12 evolved, so let's move on.

13 **MR. RUEL:** Mr. Commissioner, just a comment.
14 Mr. Callaghan is in cross-examination. Of course those --
15 I mean, the investigation, the witness made pretty clear
16 that he was not privy to the investigation. So I don't
17 know. I mean, I think we got the point that Mr. Callaghan
18 wants to make. He doesn't know about these notes, so I'm
19 wondering how far we can go with this line of questioning.

20 **MR. CALLAGHAN:** Well, I mean, I think that
21 it's fair to go through this type of line of questioning
22 when the tenor of the examination was that we didn't do
23 anything and I'm suggesting we did a lot; and I'm
24 suggesting that when you get into this, you will find that
25 basically in a month and a half Sabourin is charged with

1 four -- for four individuals. And I will get into it that
2 we had to deal with the Montreal Police, he was under
3 surveillance.

4 **THE COMMISSIONER:** Yes, but isn't that part
5 of the institutional response that you will do later? I
6 understand. Don't get me wrong, I understand that you can
7 put it to the witness, well, this, but it's like bringing
8 your story in at this point, as opposed to the back end.

9 **MR. CALLAGHAN:** I do, but I think that -- I
10 would have thought one of the processes is to let the
11 witness in this case who is frustrated, who -- and I think
12 at the end of the day, we can take a look at the notes and
13 say, "I think you will find that there were four directed
14 contacts by Heidi Sebalj and eight by Mr. Sabourin", and
15 you may say that's insufficient. You may hear from the
16 police saying that there are thousands of other
17 investigations they're dealing with. But I think this
18 witness, given his statements, is entitled to know that we
19 weren't just doing nothing during the period when we
20 thought the investigation was something that he wanted to
21 proceed with.

22 **THE COMMISSIONER:** Well, that's your weaker
23 argument because really this Inquiry, with the greatest of
24 respect to Mr. Lavoie, is not about him totally and it's
25 not about you explaining it to him. I mean, if you want to

1 explain it to him, you can go outside and have a chat about
2 it.

3 I think what we have to do is look at what
4 the Commissioner, the Commission, what the public wants to
5 hear.

6 So for your purposes I can well understand
7 that part of the institutional response is there. I can
8 well understand that you might want to put some of this to
9 him.

10 **MR. CALLAGHAN:** Would you like me to move
11 quicker? I recognize you're not curtailing me. I hear
12 what you're saying, but I will try to speed it up a little
13 and I take your point.

14 There are just a few other points that I
15 think I would like to direct the witness to so he knows
16 that people acted on some of the things he talked about.

17 **THE COMMISSIONER:** And, Mr. Lavoie, you may
18 be under cross-examination and this silver-tongued lawyer
19 might be trying to get you to agree to everything, but in
20 the end, I want you to know that I'm the one who's going to
21 decide and not you.

22 **MR. LAVOIE:** Thank you very much.

23 **MR. CALLAGHAN:** Mr. Lavoie, I fully
24 appreciate what you say and the perspective that you bring
25 and much can be learned from the perspective that you

1 bring. Things have changed since this investigation.
2 Things may not have changed enough, and we are going to
3 listen to it and we're going to hear from the Commissioner
4 at the end. So no one is taking what you say lightly at
5 all.

6 **MR. LAVOIE:** M'hm.

7 **MR. CALLAGHAN:** But having said that, I
8 think it is helpful for you to know some of the concerns
9 that were raised.

10 Let me just deal with two or three more
11 items, Mr. Commissioner, and then I'll move on.

12 **THE COMMISSIONER:** All right.

13 **MR. CALLAGHAN:** If I could go on to 7153126?

14 **THE COMMISSIONER:** To 7153126.

15 **MR. CALLAGHAN:** And I take it, sir, that at
16 the very bottom ---

17 **THE REGISTRAR:** At 7153126?

18 **MR. CALLAGHAN:** Yes, 7153126. It's the
19 Bates page, sorry.

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **MR. CALLAGHAN:** Sorry, I'm going to stay in
22 this document for just a tad more, and then I'm going to
23 make a quick and skilful retreat.

24 So I'm not sure we're quite there. I think
25 I'm at September 22nd, 7153126. There you go.

1 Now, during this period -- I'll preface
2 this, that if you were to read these notes, you would find
3 that we were attempting, after having finished getting the
4 statements from the various witnesses on September 15th,
5 we're attempting to contact Mr. Sabourin to confront him.

6 You left a voicemail on September 22nd, '92
7 and it says, for Monday. So this is, I think, after a
8 weekend or after days off. I don't have a calendar.

9 "From André Lavoie, info on two
10 possible victims, that S is going on
11 mission to Africa."

12 Do you see that?

13 **MR. LAVOIE:** Not really.

14 **THE COMMISSIONER:** It's got to go to the
15 next page.

16 **MR. CALLAGHAN:** Right. Sorry, at the
17 bottom. And then it goes -- do you see that?

18 **MR. LAVOIE:** Yes. Could you read it for me,
19 please?

20 **MR. CALLAGHAN:** I'll read it from the
21 beginning. It says:

22 "Voicemail Monday 9:02 from André
23 Lavoie. Info on two possible victims
24 and that S [Sabourin, that is] is going
25 on mission to Africa."

1 **MR. LAVOIE:** Yes.

2 **MR. CALLAGHAN:** Is that information that you
3 were aware of?

4 **MR. LAVOIE:** Well, if it says my name, that
5 I made that statement, yes, I would have been aware of it.

6 **MR. CALLAGHAN:** All right.

7 And if you read the rest of this you would
8 see that we were trying to contact -- we were dealing with
9 Sabourin's lawyer.

10 And if you go over one page ---

11 **THE COMMISSIONER:** I -- where do you see
12 that?

13 **MR. CALLAGHAN:** Well, a telephone call:

14 "Mr. R. Dubé [which is the Montreal
15 lawyer] wants to advise to speak to a
16 local lawyer..."

17 **THE COMMISSIONER:** M'hm.

18 **MR. CALLAGHAN:** So what I'm suggesting is
19 we're trying to deal with him, but you have raised
20 concerns, sir, and if one goes over to the next page you'll
21 see that we get additional information saying:

22 "S always with kid, young boy. S knows
23 I'm looking for him. He's scared of
24 me."

25 **MR. LAVOIE:** I said that?

1 **MR. CALLAGHAN:** I'm not suggesting you did,
2 sir. I'm saying in addition they learn of this
3 information.

4 **MR. LAVOIE:** I don't ---

5 **MR. CALLAGHAN:** And it says:

6 "No complaints yet. Will attempt to
7 set up surveillance and catch with
8 young male."

9 Do you see that?

10 **MR. LAVOIE:** Yes.

11 **MR. CALLAGHAN:** And at the time he's working
12 in Montreal. Were you aware of that, that Mr. Sabourin was
13 in Montreal at the time?

14 **MR. LAVOIE:** At some point he was in
15 Montreal, yes.

16 **MR. CALLAGHAN:** And if you go over to the
17 next page, at 16:20, and so we're talking to the MUV, the
18 Montreal Police, 16:20:

19 "A telephone call. R. Blanchard
20 advises Normand Lamer confirmed. Will
21 start surveillance and will keep in
22 touch."

23 Were you aware there was surveillance on Mr.
24 Sabourin?

25 **MR. LAVOIE:** No, I was not.

1 **MR. CALLAGHAN:** Sir, as the matter
2 progressed over to October 22nd, 1997, we're at Bates number
3 7153137. On October 23rd you'll see, under 9:15, that an
4 information was laid before a J.P. in Montreal for the
5 arrest of Mr. Sabourin.

6 Were you aware of that?

7 **MR. LAVOIE:** I was aware that he had been
8 arrested?

9 **MR. CALLAGHAN:** That there was a warrant for
10 his arrest.

11 **MR. LAVOIE:** I don't know. I don't
12 remember.

13 **MR. CALLAGHAN:** Okay. And if one goes down,
14 and I'm interested in October 24th, '97. This is a
15 telephone call from you saying -- and this is the note
16 that's saying you went through the yearbooks with another
17 of the victims.

18 **MR. LAVOIE:** Yes.

19 **MR. CALLAGHAN:** And it was devastating, top
20 of the next page.

21 **MR. LAVOIE:** Yes, the experience could have
22 been quite devastating.

23 **MR. CALLAGHAN:** Top of the next page. Do
24 you see the word? It's in quotes, "devastating". Would
25 that have been a word you used?

1 **MR. LAVOIE:** Yes, I would have used that
2 word.

3 **MR. CALLAGHAN:** So this is -- you recall
4 that she asked you, when you gave a statement in March '96,
5 and now you're going through the books with another victim;
6 correct?

7 **MR. LAVOIE:** Yes.

8 **MR. CALLAGHAN:** And you gave her a bunch of
9 names?

10 **MR. LAVOIE:** Probably.

11 **MR. CALLAGHAN:** Right.

12 If you go over to the next page, at 7153139,
13 and I'm going to suggest to you you may not be aware of
14 this, but at 15:46, "Search OMPAC against list provided."

15 Perhaps I can go up further, Madam
16 Registrar. You can just go further to 11:02. It should be
17 clear to the witness.

18 At 11:02, one of the contacts you make of
19 the eight:

20 "Tele call from André. Will fax list,
21 two pages possible victims."

22 And you looked through the '69, '70 and '71
23 yearbooks, correct?

24 **MR. LAVOIE:** Probably, yes.

25 **MR. CALLAGHAN:** All right.

1 So you gave him a list and then she went out
2 and got all the addresses. Do you recall that?

3 **MR. LAVOIE:** I don't recall that.

4 **MR. CALLAGHAN:** But you didn't give her the
5 addresses, did you?

6 **MR. LAVOIE:** I'm not sure. Maybe the other
7 victim might have had some of those addresses, but it's
8 speculation at best.

9 **MR. CALLAGHAN:** Now, if you were to go
10 through the notes, particularly from October 27th through to
11 the end of October, you would find that -- and maybe
12 through further if I've got it wrong -- that Constable
13 Sebalj was contacting those people who were on the list.
14 I'll take you to it, but are you aware of that?

15 **MR. LAVOIE:** I'm sorry, sir, your question
16 again?

17 **MR. CALLAGHAN:** Well, it was Constable
18 Sebalj who went and contacted the people who you gave as
19 possible victims?

20 **MR. LAVOIE:** I would hope so, yes.

21 **MR. CALLAGHAN:** I thought your testimony
22 earlier was you had contacted them?

23 **MR. LAVOIE:** No, not these victims. The
24 victims that I contacted were the first four to come
25 forward -- first three named in the ---

1 **MR. CALLAGHAN:** And, sir, just one more note
2 which I don't think was brought to your attention was on
3 the 14th of November, '97 at 10:46, 7153146, and this is her
4 saying:

5 "Telephoned André. Advised Sabourin to
6 be processed."

7 And I can't make out the rest of it,
8 frankly. But do you recall she called you and told you
9 that he had been arrested and was being processed?

10 **MR. LAVOIE:** Probably, yes.

11 **MR. CALLAGHAN:** And so she kept you informed
12 to that extent?

13 **MR. LAVOIE:** I believe so, yes.

14 **MR. CALLAGHAN:** All right.

15 And so, sir, I know I'm trying everybody's
16 patience by doing this, but -- and I won't -- the notes
17 obviously are there. But to be clear, the victims who were
18 eventually subject to charges against Mr. Sabourin were
19 yourself, two relatives and that one friend that you
20 identified in September, correct, and Mr. Seguin?

21 **MR. LAVOIE:** Yes.

22 **MR. CALLAGHAN:** All right.

23 So all the other people either didn't seek
24 to come forward or ---

25 **MR. LAVOIE:** That's right.

1 **MR. CALLAGHAN:** Thank you.

2 No further questions.

3 **THE COMMISSIONER:** Do you have any re-
4 examination?

5 **MR. RUEL:** I have about two or three
6 minutes, just a few questions.

7 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. RUEL:**

8 **MR. RUEL:** Mr. Lavoie, when you were cross-
9 examined by Mr. Lee, you mentioned that Mrs. Jeanine Séguin
10 at some point became principal and that the atmosphere
11 changed in the school.

12 So can you tell us when that would have
13 been?

14 **MR. LAVOIE:** The change in atmosphere?

15 **MR. RUEL:** When Mrs. Séguin came in.

16 **MR. LAVOIE:** I think it would have been -- I
17 think she was teaching there previously at St. Lawrence
18 High School. I think she would probably become principal
19 somewhere around when I was in Grade 11 or so, when they
20 named it La Citadelle. I think when they named the school
21 La Citadelle she was responsible for it as principal. Now,
22 she came with a whole Code of Ethics.

23 St. Lawrence High School during those years,
24 they had a corner of the school that was called the
25 "Smokers' Corner" and a bunch of kids would go out there

1 and smoke pot and stuff. The very day that Jeanine Séguin
2 assumed the responsibility of principal, that stopped,
3 amongst other things. I mean, there was discipline.

4 **MR. RUEL:** So before she came in she was
5 just a teacher at St. Lawrence is what you're saying?

6 **MR. LAVOIE:** Yes.

7 **MR. RUEL:** Now, in the cross-examination by
8 Mr. Scharbach for the Attorney General you mentioned --
9 well, he asked you about the Victim Impact Statement, the
10 fact that the sentencing judge had read it and that you
11 would have liked -- I mean, I asked you those questions
12 before, but you would have liked to -- you would have
13 appreciated to read the statement in court?

14 **MR. LAVOIE:** Yes, at least an offer in the
15 sense that I think it's time to give -- for those victims
16 that want to do this sort of thing, that it's time to put a
17 human face to the victims. We see the abusers prominently
18 displayed in newspapers or whatever, but the victims are
19 still this sort of intangible thing. I think it's
20 important to give a human face to victims, but again, I
21 qualify that, for victims that choose to do so.

22 **MR. RUEL:** Would you have been satisfied if
23 the Crown counsel would have read the statement on your
24 behalf?

25 **MR. LAVOIE:** Probably.

1 **MR. RUEL:** Do you know if that was done?

2 **MR. LAVOIE:** I have no idea.

3 **MR. RUEL:** Now, last question. Mrs.
4 Tymochenko asked you a question concerning the knowledge
5 that your parents may have had concerning the abuse and you
6 said that they were not aware what was happening at the
7 time.

8 How did they perceive -- how did they see
9 Mr. Sabourin?

10 **MR. LAVOIE:** Oh my God! A role model. He
11 was a great, great man who chose to take of his own time to
12 look after the children in the house and to encourage their
13 studies, et cetera. I mean, for my parents it was like
14 delegate this form of care to Sabourin and everything is
15 great.

16 **MR. RUEL:** Were they happy to do that? Is
17 that your ---

18 **MR. LAVOIE:** Oh absolutely. And he was
19 really a kind man in the house. I mean, he was quite
20 polite.

21 **MR. RUEL:** Thank you.

22 I have no further questions, Mr.
23 Commissioner.

24 **THE COMMISSIONER:** Thank you.

25 **MR. RUEL:** Thank you very much.

1 **MR. LAVOIE:** Thank you.

2 **THE COMMISSIONER:** Mr. Lavoie, I can tell
3 you that I understand that it has been a long road for you
4 and the road will continue. I guess the only -- le vœu que
5 je veux vous donner c'est que dans les soirées qui seront
6 noires, qu'il y en aurait encore, je suppose, que vous vous
7 souvenez toujours que vous êtes venu ici aujourd'hui, qu'au
8 moins on a écouté et puis qu'on va tenter de faire tout
9 dans notre possible pour s'assurer qu'il y en a moins de
10 petits jeunes qui soient abusés et puis exploités comme
11 vous l'avez vécu.

12 **MR. LAVOIE:** Et moi je suis très
13 reconnaissant que cette commission d'enquête existe.

14 **LE COMMISSAIRE:** M'hm.

15 **MR. LAVOIE:** Je trouve que c'est un accident
16 de parcours que ça existe à Cornwall. Ça aurait pu être
17 n'importe où ailleurs. Et le fait que j'aie pu y
18 participer, comme je vous disais, c'est un privilège et je
19 le prends avec tout le poids que ça représente et je veux
20 féliciter les gens qui ont poussé, tout ce qu'ils ont pu
21 faire pour faire en sorte que cette commission d'enquête
22 existe. Je vous souhaite bon succès dans l'avenir.

23 **LE COMMISSAIRE:** Merci. Au revoir.

24 Okay. So we will take the afternoon break
25 and we will come back at 3:30.

1 **THE REGISTRAR:** Order; all rise. À l'ordre;
2 veuillez vous lever.

3 The hearing will resume at 3:30.

4 --- Upon recessing at 3:14 p.m./

5 L'audience est suspendue à 15h14

6 --- Upon resuming at 3:31 p.m./

7 L'audience est reprise à 15h31

8 **THE REGISTRAR:** Order; all rise. À l'ordre;
9 veuillez vous lever.

10 This hearing of the Cornwall Public Inquiry
11 is now in session. Please be seated. Veuillez vous
12 asseoir.

13 **THE COMMISSIONER:** Yes, Mr. Engelmann.

14 **MR. ENGELMANN:** Good afternoon, Mr.
15 Commissioner.

16 **THE COMMISSIONER:** Yes, sir.

17 **MR. ENGELMANN:** The next witness that the
18 Commission would be calling is Jason Tyo.

19 **THE COMMISSIONER:** M'hm.

20 **MR. ENGELMANN:** Just before calling him
21 though, I would like to make a suggestion with respect to
22 procedure. As you know, we have Scott Burgess coming back
23 tomorrow from London.

24 **THE COMMISSIONER:** M'hm.

25 **MR. ENGELMANN:** And we have promised that we

1 will get him in and out tomorrow so he can get home. I had
2 thought of starting Mr. Tyo now, then starting with Mr.
3 Burgess and then finishing Mr. Tyo. However, my preference
4 would be to start in the morning with Mr. Burgess and then
5 start afresh with Mr. Tyo thereafter.

6 Part of my reason for asking for that is
7 I've been notified of about 30 to 40 documents that counsel
8 wish to put possibly to Mr. Tyo in cross-examination and
9 some of these are combined with Tyo/Burgess, et cetera, and
10 I haven't yet had an opportunity to put some of those
11 documents to him or show them to him so that I can review
12 them with him. So it is my request that we start Mr. Tyo
13 after Mr. Burgess, if that meets with your approval.

14 **THE COMMISSIONER:** M'hm. Well, let's see.
15 Any comments from lawyers? Do you want me to canvass
16 everybody or anybody who wants to address me on that issue,
17 please come forward -- 5, 4, 3, 2, 1. Thank you.

18 All right. So in the circumstances, I think
19 it shows -- to underline the importance though that if you
20 are going to submit documents for cross-examination so that
21 we can have them available here and also have a proper
22 review of them, that they should be within 48 hours -- not
23 within ---

24 **MR. ENGELMANN:** Some of these documents were
25 before the 48 hours; some were within ---

1 **THE COMMISSIONER:** All right.

2 So let's try to work that out. It's not
3 just necessarily a thing of having a rule just to have a
4 rule. There's a very good reason behind it.

5 I see it's 25 to 4:00 and so we're losing an
6 hour or 55 minutes. We'll call it quits for today and then
7 start at 9:30 tomorrow morning.

8 Thank you.

9 **MR. ENGELMANN:** Thank you.

10 **THE REGISTRAR:** Order; all rise. À l'ordre;
11 veuillez vous lever.

12 The hearing is now adjourned. L'audience
13 est ajournée.

14 --- Upon adjourning at 3:33 p.m./

15 L'audience est ajournée à 15h33

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM