

**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 77**

**Held at :**

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

Tuesday, December 12, 2006

**Tenue à:**

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

Mardi, le 12 décembre 2006

**Appearances/Comparutions**

Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan Mr. Mark Crane	Cornwall Police Service Board
Ms. Suzanne Costom	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. John Morris	Mr. Albert Roy
Mrs. Vicki Roy	Mrs. Vicki Roy

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1 --- Upon commencing at 9:43 a.m./

2 L'audience débute à 9h43

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 **THE COMMISSIONER:** Thank you.

10 **MR. DUMAIS:** Good morning, Commissioner.

11 **THE COMMISSIONER:** Good morning, sir.

12 **VICTORIA ROY, Resumed/Sous affirmation solennelle:**

13 **MR. DUMAIS:** Vicki Roy is back on the stand  
14 this morning to finish her cross-examination.

15 **THE COMMISSIONER:** Yes.

16 **MR. DUMAIS:** I am advised that Mark Wallace  
17 from the OPPA has a few questions left for Ms. Roy and I am  
18 advised as well that the OPP will have no questions after  
19 Mr. Wallace is done. Thank you.

20 **THE COMMISSIONER:** All right.

21 **MR. DUMAIS:** So that's the tail end of it.  
22 Thank you.

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

24 **MR. WALLACE:** Good morning.

25 **THE COMMISSIONER:** Did you bring a motion

1 for this?

2 MR. WALLACE: Thank you.

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

4 WALLACE (cont'd/suite):

5

6 MR. WALLACE: Mrs. Roy, we were provided  
7 with a package of documents from your -- that originated  
8 with your husband's lawyer, Mr. Morris, and we were  
9 provided them late in the month of November. There is a  
10 couple of documents that I just wanted to see if you could  
11 identify. This would be Document Number 200057, and these  
12 documents do not have a Bates page to them.

13 Yes, that's the one I am looking at. Yes,  
14 thank you very much.

15 THE COMMISSIONER: Has it been filed as an  
16 exhibit yet?

17 MR. WALLACE: No, it has not been filed as  
18 an exhibit and we were told that it wasn't necessary for  
19 counsel to bring a copy of this document.

20 THE COMMISSIONER: M'hm.

21 MR. WALLACE: I don't believe that there is  
22 anything in here that would cause any trouble.

23 THE COMMISSIONER: All right.

24 So we should mark this as an exhibit.

25 MR. WALLACE: Yes, I believe -- first of

1 all, do you see the document on the screen, Madam?

2 MS. ROY: Yes, there is something blocking  
3 it.

4 MR. WALLACE: Okay. There you go.

5 MS. ROY: Thank you.

6 MR. WALLACE: This appears to be a document  
7 that you prepared; is that correct?

8 MS. ROY: Yes.

9 MR. WALLACE: What I'd firstly like to know  
10 is what was -- the date on the document May 17<sup>th</sup> '95. What  
11 exactly is this document?

12 THE COMMISSIONER: Well, it's Exhibit 189  
13 now and it's a document dated May 17<sup>th</sup>, 1995 and it's  
14 something you wrote up?

15 ---EXHIBIT NO./PIÈCE NO P-189:

16 (200057) Handwritten notes by Vicki Roy -  
17 May 17, 1995.

18 MS. ROY: Yes.

19 THE COMMISSIONER: As Vicki Depatie?

20 MS. ROY: Yes.

21 THE COMMISSIONER: All right.

22 Go ahead sir.

23 MR. WALLACE: Yes. And you wrote it up for  
24 what purpose?

25 MS. ROY: I believe it was for the effects

1 that the abuse had on Albert.

2 **MR. WALLACE:** This was prepared around the  
3 same time that Albert was preparing a Victim Impact  
4 Statement for use in the court?

5 The package that we received also includes  
6 the Victim Impact Statement and it appears to have a date  
7 of the 19<sup>th</sup> of April -- sorry, it's actually signed the 22<sup>nd</sup>  
8 of March of '95. And we know that Mr. Barque was sentenced  
9 in August of that same year.

10 **MS. ROY:** So what are you asking me?

11 **MR. WALLACE:** I'm just asking you, was this  
12 document prepared as part of the Victim Impact Statement?

13 **MS. ROY:** No, I wrote this for -- I believe  
14 I wrote it for John.

15 **MR. WALLACE:** Mr. Morris?

16 **MS. ROY:** Yes.

17 **MR. WALLACE:** Okay. It was not read out in  
18 court or ---

19 **MS. ROY:** No, it wasn't.

20 **MR. WALLACE:** --- offered in evidence?

21 **MS. ROY:** No. Nobody has ever asked me  
22 anything.

23 **MR. WALLACE:** Okay. The other documents  
24 that you may or may not be able to identify would be the  
25 last three in that package. There is one that starts off



1 "Nelson Barque". It's the same document number. I am  
2 sorry, this document is 200060.

3 **THE REGISTRAR:** Exhibit 190.

4 **THE COMMISSIONER:** Thank you.

5 **MR. WALLACE:** Do you recognize that  
6 handwriting?

7 **MS. ROY:** Yes, I do.

8 **MR. WALLACE:** Whose writing is it?

9 **MS. ROY:** This is mine.

10 **MR. WALLACE:** It's your writing.

11 And do you know for what purpose this was  
12 prepared?

13 **MS. ROY:** I think at the time it was for my  
14 own purposes, but I had this sent to John.

15 **MR. WALLACE:** Okay. But originally, it was  
16 just for yourself?

17 **MS. ROY:** Yes, so I could remember.

18 **MR. WALLACE:** Okay. Do you recall  
19 approximately when it was prepared? I am not specifically  
20 looking for a date, but if you can maybe relate it to an  
21 event?

22 **MS. ROY:** I can't tell you.

23 **MR. WALLACE:** Well, we know it's at least  
24 after the point in time when the house has been identified  
25 because it appears to have his address there.

1                   **MS. ROY:** Right.

2                   **MR. WALLACE:** So that is about as close as  
3 you can get it. It was some time after the house was  
4 identified?

5                   **MS. ROY:** Yes.

6                   **MR. WALLACE:** Okay. If that could be made  
7 the next exhibit, please?

8                   **THE COMMISSIONER:** One ninety (190).

9                   **---EXHIBIT NO./PIÈCE NO P-190:**

10                   (200060) Handwritten notes by Vicki Roy - No  
11 Date.

12                   **MR. WALLACE:** The next one would be a  
13 document ending in the number 61.

14                   **THE REGISTRAR:** One ninety one (191).

15                   **THE COMMISSIONER:** I am sorry? One ninety  
16 one (191). And is that in your handwriting, Mrs. Roy? Can  
17 you help identify this document for me?

18                   **---EXHIBIT NO./PIÈCE NO P-191:**

19                   (200061) Handwritten notes by Vicki Roy and  
20 Albert Roy - No Date.

21                   **MS. ROY:** Yes, this one here is in my  
22 handwriting and in Albert's handwriting.

23                   **MR. WALLACE:** Albert would have written in  
24 the phone number and the name Chris McDonnell? Does that  
25 appear to be his writing?

1                   **MS. ROY:** He wrote in the phone number and  
2 Chris McDonnell and I wrote in the other portion, the  
3 officer pertaining and Ken Seguin.

4                   **MR. WALLACE:** And the house number appears  
5 to be in a different hand as well.

6                   **MS. ROY:** That's mine.

7                   **MR. WALLACE:** That's yours?

8                   **MS. ROY:** That's mine.

9                   **MR. WALLACE:** Okay. Again, was this just  
10 for an aide-mémoire or do you have any idea why this was  
11 prepared?

12                   **MS. ROY:** I think it was for the same  
13 reason.

14                   **MR. WALLACE:** Okay. Again, you don't know  
15 when it was prepared?

16                   **MS. ROY:** No, I don't.

17                   **MR. WALLACE:** Okay. Exhibit 191, I believe?

18                   **THE COMMISSIONER:** Yes, it is.

19                   **MR. WALLACE:** Thank you.

20                   The last document ending in the numbers 62,  
21 that does not look like your writing. Is it?

22                   **MS. ROY:** No, that's not my handwriting.

23                   **MR. WALLACE:** Do you recognize the writing?

24                   **MS. ROY:** Yes, I do.

25                   **MR. WALLACE:** And is it ---

1 MS. ROY: It's Albert's.

2 MR. WALLACE: It's Albert's.

3 MS. ROY: Yes.

4 MR. WALLACE: Okay. This would appear to be  
5 after the sentencing; is that correct?

6 MS. ROY: No, I don't believe so.

7 MR. WALLACE: Okay. In any event, do you  
8 recognize the first name at the top there?

9 MS. ROY: I have no idea.

10 MR. WALLACE: Okay. Did you play any role  
11 in the preparation of this document?

12 MS. ROY: Did I do this?

13 MR. WALLACE: No, I'm not asking -- were you  
14 there when it was done or did you have any input into the  
15 document?

16 MS. ROY: No.

17 MR. WALLACE: Okay. I won't make that an  
18 exhibit through this witness, unless you want it in now.

19 THE COMMISSIONER: Well, you put it to her  
20 so I think we should, 192.

21 ---EXHIBIT NO./PIÈCE NO P-192:

22 (200062) Handwritten notes by Albert Roy -  
23 August 18.

24 MR. WALLACE: Okay. Thank you.

25 THE COMMISSIONER: Thank you.

1 All right. Were they any other parties that  
2 have a right to cross-examine? No.

3 **MR. DUMAIS:** No, Commissioner. I have been  
4 advised by the OPP that they do not wish to cross-examine  
5 and I have no questions in re-examination for Ms. Roy.

6 **THE COMMISSIONER:** Okay. There you go.  
7 Thank you very much for coming. Once again, I can tell you  
8 that your evidence will certainly assist me in my  
9 determination as to what recommendations we should make.

10 **MS. ROY:** Okay.

11 **THE COMMISSIONER:** Is there anything else  
12 you would like to say?

13 **MS. ROY:** Yes, if I can.

14 **THE COMMISSIONER:** Sure.

15 **MS. ROY:** As I was saying, this has been a  
16 very long and hard rollercoaster ride for both Albert,  
17 myself and our family and there is a couple of things that  
18 I'd like people to know.

19 One is Albert's always stayed true to  
20 whatever he was doing and through all of the court cases  
21 and everything else and how it's affected him as an  
22 individual. Albert's a very smart, intelligent man and I  
23 always call him "my MacGyver" because even though the abuse  
24 has affected him in a lot of different ways, he still  
25 managed to keep afloat, be a survivor and be able to do all

1 kinds of different things. The reason why I call him "my  
2 MacGyver" is because he's always managed to watch somebody  
3 do a task and right after be able to do that job.

4 He is taking different mechanical things  
5 apart and he has rebuilt them from nothing when everybody  
6 said that they were garbage and he couldn't fix it and get  
7 it going.

8 He's always managed to do all kinds of  
9 different things and I think that through all the abuse and  
10 everything, if he would have had the right counselling, the  
11 right support, if he would have been able to come forward  
12 before he was able to come forward, then he probably would  
13 have had a good job, something where he was able to deal  
14 with people in a better way.

15 Because Albert, to be honest with you, he  
16 has a hard time coping with other people. He doesn't play  
17 very nice with other kids.

18 And as far as people looking at a victim  
19 that they're all washed up, they're not washed up; they  
20 need help; they need support; they need understanding; and  
21 most of all, they need to be able to look at themselves as  
22 not being a loser and what happened to them wasn't wrong as  
23 far as they were concerned, that they didn't do anything  
24 wrong. It was these perpetrators that did.

25 **THE COMMISSIONER:** Thank you very much.

1                   **MS. ROY:** Thank you. Do I leave these here?

2                   **THE COMMISSIONER:** Are those your documents  
3                   or ours?

4                   **MS. ROY:** No, you gave them to me.

5                   **THE COMMISSIONER:** You leave them there.

6                   **MS. ROY:** Okay.

7                   **THE COMMISSIONER:** Thank you.

8                   **MS. ROY:** Thank you.

9                   **MR. DUMAIS:** Thank you, Vicki.

10                   Commissioner, there was one thing that has  
11                   come up over the last week in our discussions with Mr.  
12                   Dallas Lee, counsel for the Victims Group, that he wishes  
13                   to address. We were supposed to do so yesterday and I  
14                   simply forgot.

15                   So I think we should -- and I believe Mr.  
16                   Lee needs to make these submissions in camera.

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

18                   **MR. DUMAIS:** It deals with a confidentiality  
19                   request that had been dealt a number of weeks ago in  
20                   camera. You had filed this exhibit as an interim "C"  
21                   exhibit for a period of, I believe, 20 days.

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

23                   **MR. DUMAIS:** The period of time has expired  
24                   and we have never addressed it in open court.

25                   So what I propose to do is that we go into

1 an in camera session. Mr. Lee can remind us what the  
2 issues were and what submissions he made. Then we can then  
3 go back to the open hearing and properly file that exhibit  
4 or consider Mr. Lee's request for some type of a ban. I  
5 suggest we do that now before we call Albert to finish up  
6 his cross-examination.

7 **THE COMMISSIONER:** All right.

8 Is this the issue where you had brought a  
9 motion and I had asked you to write to everyone who wasn't  
10 here to see if there was any objection to the motion? Is  
11 this the issue?

12 **MR. LEE:** That's exactly it.

13 My understanding was that when there was no  
14 objection, the order was made final. Commission counsel  
15 has advised me that was not the case and it's up in the air  
16 and the record isn't clear.

17 **THE COMMISSIONER:** Right.

18 **MR. LEE:** So I don't see how I can make the  
19 submissions in an open hearing without kind of defeating  
20 the entire purpose of the thing without at least  
21 identifying what's happened. If you disagree, I can try.

22 **THE COMMISSIONER:** Well, you know, the way I  
23 see it is this. Which exhibit was it?

24 **MR. LEE:** It was made Exhibit 106 to these  
25 hearings -- 106.



1                   **THE COMMISSIONER:** Yes.

2                   **MR. LEE:** My impression is that it was made  
3 an exhibit during the evidence of Jason Tyo ---

4                   **THE COMMISSIONER:** Yes.

5                   **MR. LEE:** --- when Mr. Chisholm was cross-  
6 examining him. Mr. Chisholm paused before asking that the  
7 document be put into evidence and said, "My understanding  
8 is that Mr. Lee asked for some measures to be taken earlier  
9 in the week. Those have been applied and therefore it's  
10 not a concern. It can be a public exhibit." So it was  
11 made a public exhibit.

12                   I checked with Madam Clerk. In her binder  
13 of exhibits it shows the redaction.

14                   The other issue, however, is that that same  
15 document was made Exhibit 7 to the Standing and Funding  
16 Hearings.

17                   **THE COMMISSIONER:** Ah.

18                   **MR. LEE:** And since it was already made an  
19 exhibit, you weren't comfortable issuing a ruling without  
20 speaking to everybody. And so ---

21                   **THE COMMISSIONER:** Okay. So we will require  
22 to go in camera so we can just cover all the bases and make  
23 sure.

24                   So what we will do is we'll take a very  
25 short break.

1                   **MR. MANSON:** Can I just ask Mr. Lee for the  
2                   date that this arose? I wasn't here that day and I want to  
3                   just check the transcript during the break.

4                   **THE COMMISSIONER:** Sure.

5                   So in any event, I think it's wise to take a  
6                   break and go into in camera, just so we can set it all up  
7                   straight. I wanted to maybe try to cut some corners so we  
8                   didn't have to do that, but I think it's better to take the  
9                   time and do it right.

10                  So for those of you who are watching on the  
11                  web, that will mean that we will be taking a break. Once  
12                  we resume, I will sum up what generally happened in the in  
13                  camera hearing to keep you apprised of the developments.

14                  Is there any reason why the public should be  
15                  excluded at this time? Is it -- are we really going to do  
16                  an in camera hearing?

17                  **MR. LEE:** I think it probably should be an  
18                  in camera hearing, yes.

19                  **THE COMMISSIONER:** All right.

20                  Well, then we'll err on the side of caution  
21                  and do it that way.

22                  Thank you. So we'll need 15 minutes?

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

25                  --- Upon recessing at 10:02 a.m. to resume in camera/

1 L'audience est suspendue à 10h02 pour reprendre à  
2 huis clos

3 ---Upon resuming in public at 10:40 a.m.

4 L'audience est reprise en public à 10h40

5 **THE REGISTRAR:** À l'ordre; veuillez vous  
6 lever.

7 This hearing of the Cornwall Public Inquiry  
8 is now in session.

9 Please be seated. Veuillez vous asseoir.

10 **ALBERT ROY, Resumed/Sous affirmation solennelle:**

11 **THE COMMISSIONER:** Good morning, Mr. Roy.  
12 How are you doing today?

13 **MR. ROY:** Not too bad.

14 **THE COMMISSIONER:** I just want to take a  
15 moment to recap for those who were excluded from the in  
16 camera hearing and that were watching on the web, that what  
17 basically occurred were housekeeping measures, if I can put  
18 it that way, in the sense that Mr. Lee had brought an  
19 application to have a publication ban on certain words in  
20 affidavits of Jason Tyo and another exhibit. And that had  
21 been dealt with previously.

22 And with respect to one issue, I asked Mr.  
23 Lee to canvas parties that were not here when that  
24 discussion took place and he dutifully did so, and at this  
25 point what I want to do is confirm that Exhibit 7, is it --

1 is that how -- is to be a public exhibit at this point with  
2 the proper edited comments.

3 **THE REGISTRAR:** Exhibit 106?

4 **THE COMMISSIONER:** Yes, well, 106 is a "P"  
5 exhibit and has been edited and Exhibit 7 in the Standing  
6 Hearing, there is a publication ban on the document, on  
7 those portions that have already been edited and those  
8 edits have been on the website now, on our website, for  
9 some time.

10 Does that properly take care of it, Mr. Lee?

11 **MR. LEE:** It does. Thank you.

12 **THE COMMISSIONER:** Thank you.

13 **MR. DUMAIS:** That's perfect, Mr.  
14 Commissioner.

15 **THE COMMISSIONER:** Thank you.

16 **MR. DUMAIS:** Good morning, Albert.

17 **MR. ROY:** Good morning.

18 **MR. DUMAIS:** Before we continue with the  
19 cross-examination ---

20 **THE COMMISSIONER:** Do you understand, sir,  
21 you're still under oath?

22 **MR. ROY:** Yes.

23 **THE COMMISSIONER:** Thank you.

24 **MR. DUMAIS:** Before we continue on with the  
25 cross-examination by Mr. Mark Wallace, counsel for the

1 OPPA, Albert, as you know, we did call Vicki Roy, your  
2 spouse, yesterday and we completed her evidence this  
3 morning and there is one issue that has come up in her  
4 evidence and that's something that I have to take up with  
5 you. It's sort of a collateral issue but certainly it is a  
6 very important issue.

7 So it was mentioned by Vicki yesterday, late  
8 afternoon, that you had been contacted by Mr. Steve  
9 Parisien about the evidence that you were giving here at  
10 this Inquiry. Is that correct?

11 **MR. ROY:** Yes.

12 **MR. LEE:** Mr. Commissioner, I have some  
13 concerns with this line of questioning of this witness.  
14 First off, the mandate of this Inquiry is to examine  
15 institutional responses. It's not alleged that at any  
16 point Mr. Parisien had anything to do with institutional  
17 responses. He was never an agent of an institution. He  
18 had nothing to do with that.

19 From what Mrs. Roy said yesterday, this  
20 relates to a conversation that took place, and I'm not  
21 exactly sure, in the last week or two. It doesn't relate  
22 to institutional responses.

23 Also my concern, based solely on what Mrs.  
24 Roy said yesterday, is that there seems to be some  
25 allegation of wrongdoing on the part of Mr. Parisien who --

1 I should preface everything by saying he's a member of the  
2 Victims Group and he's a client of mine, which is why I'm  
3 rising -- of recent wrongdoing on his behalf. My concern  
4 is that this is not the proper forum to air those concerns.  
5 I just don't see what this contributes to the mandate of  
6 this Inquiry and I object to this line of questioning.

7 **THE COMMISSIONER:** All right. Thank you.  
8 Does anyone else wish to comment at this  
9 time?

10 Mr. Manson?

11 **MR. MANSON:** No, Mr. Commissioner.

12 **THE COMMISSIONER:** Should I make a roll call  
13 or does anyone want to -- yes, sir. Mr. Callaghan?

14 **MR. CALLAGHAN:** The mandate of this Inquiry  
15 is to, in some measure, get to the truth, and if people are  
16 speaking to witnesses while they're under oath and are  
17 suggesting things to witnesses who are under oath, then  
18 like any other legal proceeding that I've been involved in,  
19 it's relevant. Not only is it relevant, it is keenly  
20 relevant in this case, and we'll get to another aspect of  
21 it in a moment, wherein some of the dealings as between  
22 victims, and I'm not suggesting Mr. Roy for one second  
23 because he's been shown to be very upstanding, but others,  
24 it's an issue. And I couldn't think of anything more  
25 important than having a clean airing of the communications

1 and I would heartedly endorse the questioning by Commission  
2 counsel.

3 **THE COMMISSIONER:** All right.

4 Anyone else wishing to make any comments at  
5 this time?

6 Ms. Costom?

7 **MS. COSTOM:** I would just like to echo the  
8 comments said by Mr. Callaghan. There is no question in  
9 our minds that like in any other proceeding, if there is an  
10 attempt to interfere, and it hasn't been proved, but  
11 there's an allegation that there was an attempt to  
12 interfere with the testimony of a witness that is something  
13 which this Commission should be acutely concerned with.

14 **THE COMMISSIONER:** Okay.

15 **MR. WALLACE:** I as well, Mr. Commissioner,  
16 would support the Inquiry going in this direction in order  
17 to get a complete picture of what is going on.

18 Thank you.

19 **THE COMMISSIONER:** Well, acute, important, I  
20 would say essential. It goes to the very foundation of  
21 what an inquiry is all about and what the sworn evidence of  
22 a witness is all about.

23 Accordingly, I will reserve my comments  
24 until later until I found out exactly what this witness has  
25 to say about that.

1 So Mr. ---

2 **MR. LEE:** Can I just ---

3 **THE COMMISSIONER:** I was going to say Mr.  
4 Ruel, but no.

5 **MR. LEE:** I would -- given your ruling, I  
6 would ask and I would suggest that it would be appropriate  
7 that -- depending on what Mr. Roy has to say, that I'd be  
8 permitted to cross-examine confined solely to this issue,  
9 given that my client is directly affected.

10 **THE COMMISSIONER:** I'll reserve on that.

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

12 **THE COMMISSIONER:** Okay.

13 **MR. DUMAIS:** Albert, I'll rephrase my  
14 question. So ---

15 **THE COMMISSIONER:** Hold it. Hold it. Mr.  
16 Callaghan wants to speak.

17 **MR. CALLAGHAN:** It's been brought to my  
18 attention that perhaps Mr. Parisien is in the room and we  
19 should have a witness exclusion if that's the case.

20 **THE COMMISSIONER:** Why would we want ---

21 **MR. CALLAGHAN:** Well, I don't know what the  
22 issue is, but if we're hearing the testimony as between one  
23 part of a conversation and another for which his own  
24 counsel is standing up being concerned, then I would have  
25 thought the ordinary course should have an exclusion of



1 witnesses so as to have some assessment as to what each of  
2 them said independently, if that becomes an issue.

3 **THE COMMISSIONER:** Well, that would be --  
4 what you're saying is you're contemplating that Mr.  
5 Parisien would be called to the stand to ---

6 **MR. CALLAGHAN:** I don't know what -- I don't  
7 know. I just think that in the circumstances ---

8 **THE COMMISSIONER:** No.

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

10 **THE COMMISSIONER:** No. Thank you. I  
11 understand your concern, but no, I don't foresee him -- if  
12 -- let's call this straight here. Mr. Roy says certain  
13 things about a conversation he had with Mr. Parisien.  
14 Right?

15 **MR. CALLAGHAN:** Right.

16 **THE COMMISSIONER:** Which leads me to have  
17 some concerns with respect to further investigation of the  
18 matter. That's not up to this Inquiry. I think I'm going  
19 to make my comments afterwards.

20 **MR. CALLAGHAN:** Okay.

21 **THE COMMISSIONER:** And so I don't think  
22 we're going to have a mini trial here as to what was said  
23 between the two of them. I don't think that's the purpose  
24 of the Inquiry.

25 **MR. CALLAGHAN:** Okay.

1                   **THE COMMISSIONER:** The purpose of the  
2 Inquiry is to make sure that people who come to this box  
3 tell the truth free of any promise or threat or any  
4 inducement from anyone. I think that's what we want.

5                   **MR. CALLAGHAN:** And I am in full agreement  
6 with the sentiment.

7                   Thank you.

8                   **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. DUMAIS :**

9                   **MR. DUMAIS:** So I'll rephrase my question,  
10 Albert. When Vicki testified yesterday she indicated that  
11 someone by the name of Mr. Steve Parisien had contacted you  
12 and made comments to you about the evidence you were about  
13 to give.

14                   Did Mr. Steve Parisien communicate with you?

15                   **MR. ROY:** Yes.

16                   **MR. DUMAIS:** And he did so while you were  
17 testifying; is that correct?

18                   **MR. ROY:** Yes.

19                   **MR. DUMAIS:** And do you recall when ---

20                   **MR. ROY:** During the break.

21                   **MR. DUMAIS:** And do you recall when that  
22 would have been, Albert?

23                   **MR. ROY:** It would have been Sunday night, I  
24 believe.

25                   **MR. DUMAIS:** So he made -- sorry, Albert --

1 -

2 MR. ROY: Oh, no, wait. We're talking about  
3 last -- the week last week. It was a Sunday or a Monday  
4 night.

5 MR. DUMAIS: All right.

6 Sorry, I'm just a little confused, Albert.  
7 Was he -- did he approach you here at the Inquiry or did he  
8 call you at your place of residence?

9 MR. ROY: He called me at home.

10 MR. DUMAIS: Okay. So he's the one that  
11 initiated the call?

12 THE COMMISSIONER: The plain language is he  
13 called you; you didn't call him?

14 MR. ROY: Yes.

15 MR. DUMAIS: And he called you late at  
16 night. Is that correct?

17 MR. ROY: Yes.

18 MR. DUMAIS: Do you recall what time it was?

19 MR. ROY: It was around midnight.

20 MR. DUMAIS: All right.

21 And he made comments or suggestions, or what  
22 precisely did he tell you with respect to your evidence  
23 here at the Inquiry?

24 MR. ROY: First of all, I'd like to say that  
25 I've never, ever been influenced by anybody in all of these

1 proceedings since the very beginning until now. I mean,  
2 it's -- I don't want the court to think that it's an issue  
3 of me being influenced by these comments because I've never  
4 done that.

5 **THE COMMISSIONER:** Mr. Roy, let's get one  
6 thing clear. All right? This is not about you. You are  
7 above reproach. All right? All we want to do is hear what  
8 your evidence is about a conversation you had with respect  
9 to this man. All right? And so your credibility with  
10 respect to what you said before is not in issue here. All  
11 we want you to do is tell us about what happened that  
12 night. All right?

13 **MR. ROY:** All right.

14 Basically, the conversation went to the  
15 effect of Perry Dunlop that, you know, I didn't have to  
16 tell the truth, that I could have memory lapses when it  
17 came to Perry Dunlop. And also, he told me I could plead  
18 the fifth, that there is a certain law in Canada, something  
19 like that, where I could not answer a question. And  
20 basically that's how the conversation went.

21 I was angry after the phone call because I  
22 felt that it wasn't proper for him to try and tell me what  
23 evidence I should talk about and I shouldn't talk about.  
24 And in retrospect -- I want to be honest here -- in  
25 retrospect I wish I wouldn't have said anything because it

1 really didn't make a difference in my testimony. I just  
2 want that to be clear. I mean, I actually feel bad about  
3 this whole situation right now.

4 And you know, there was talk of Carson  
5 Chisholm talking to my wife and trying to have my wife give  
6 me a message, and even that, in retrospect, didn't mean  
7 anything because I had already testified about Perry  
8 getting me the lawyer. So I mean, I think I made a mistake  
9 in a few areas. I think ---

10 **THE COMMISSIONER:** Mistake in ---

11 **MR. ROY:** Sometimes you get caught up in  
12 stuff.

13 **THE COMMISSIONER:** In what ---

14 **MR. ROY:** Well, in actually telling Pierre  
15 about it and -- because I'm not saying it didn't happen.  
16 I'm saying, to me, I don't think it's that important  
17 because it didn't affect me in a way where my -- there  
18 would be any change in my testimony. So that's all I'm  
19 trying to say.

20 I'm not saying it didn't happen. I'm not saying I  
21 wasn't upset at the time. I'm saying last night I was up  
22 most of the night thinking about this because I figured it  
23 would come up.

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

25 **MR. ROY:** The only thing I can say about it

1 is that it doesn't affect my testimony one way or the  
2 other. I just want to be honest about that.

3 **THE COMMISSIONER:** No that's fine.

4 **MR. DUMAIS:** Those are my questions on this  
5 issue, Commissioner.

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

7 So any comments on what we should do, from  
8 the parties? I know, Mr. Lee, wants to cross-examine. Is  
9 there any guidance you can offer me, ladies and gentlemen?

10 **MS. COSTOM:** Mr. Commissioner, I think that  
11 Mr. Lee should be entitled to cross-examine. This is a new  
12 issue that came up, it affects Mr. Lee's client and I think  
13 that Mr. Lee should be entitled to explore, in more detail,  
14 what was said and what was just brought to his attention  
15 for the very first time. He had no opportunity to deal  
16 with this before, it's a new allegation.

17 **THE COMMISSIONER:** Well, right except that -  
18 - okay. Thank you.

19 **MR. CALLAGHAN:** Given that I still have a  
20 cross-exam to do I would want to sort of know a little bit  
21 about the details of what was suggested. We got a very  
22 brief overview. I would want to hear a little bit more of  
23 that detail and only for the purpose of assessing the  
24 evidence that we're about to hear and have an understanding  
25 about the communication that's going on, outside this

1 Inquiry.

2 Thank you.

3 **THE COMMISSIONER:** Mr. Morris?

4 **MR. MORRIS:** Mr. Commissioner, I hesitate to  
5 jump in the fray, because I have a fairly narrow role here,  
6 but since it is Mr. Roy, I can perhaps comment, but just  
7 remind the Commission, which probably doesn't need  
8 reminding, I may not have the full picture.

9 It strikes me that this is a somewhat  
10 collateral aspect to these proceedings and to have Mr. Roy  
11 now cross-examined, which is likely to be a somewhat  
12 adversarial cross-examination, in circumstances where he  
13 simply is the recipient of a phone call, and he's  
14 appropriately testified about that to the Commission, to  
15 have that now become a subject matter of the Commission,  
16 seems to me something that the Commission should not embark  
17 upon. It may be appropriate for you, as the Commissioner,  
18 to make comments as I suspect you will, about the propriety  
19 of such conduct, if in fact it did occur, and whether or  
20 not some step should be taken outside of this Commission.  
21 But, I would suggest that to embroil the Commission in that  
22 area now, goes probably beyond its mandate.

23 **THE COMMISSIONER:** But the fact -- what  
24 about the fact that Mr. Parisien appears to be a party?

25 **MR. MORRIS:** That's where I'm not sure and

1           that's where I'm going to have to defer to other counsel.  
2           I'm not sure what the status of a party or what it means in  
3           these proceedings. I wouldn't -- I would submit, perhaps,  
4           it's not the same as a party in a civil proceeding or a  
5           defendant in a criminal proceeding, but it gives one  
6           standing, in relation to the Commission's mandate, but does  
7           it allow somebody whose a party to now challenge the  
8           evidence of someone on a collateral issue. And that to me,  
9           is the question, as to whether it's collateral or whether  
10          it's central to your task.

11                         **THE COMMISSIONER:** Well, it's collateral and  
12          yet it's not. It touches the very foundation of what we're  
13          trying to do here. I mean, query whether it was some other  
14          party on the stand and that some other institutional party  
15          was alleged to have made this phone call, the human cry  
16          would be very different but would be a lot louder. And so,  
17          --

18                         **MR. MORRIS:** I understand that value. I  
19          mean, another value that you've got to weigh, and I know  
20          you have been, is that Mr. Roy has been on the stand now, I  
21          think, for a number of days and I think this is apparent to  
22          everyone this is a difficult situation for him. So now,  
23          totally without any input from him, he finds himself  
24          embroiled, if you will, in a new controversy and he's now  
25          going to be cross-examined and become drawn into this whole



1 area again, which prolongs his time on the stand and this  
2 is somebody who came forward voluntarily, whose now --  
3 because he came forward voluntarily, he was subpoenaed and  
4 I gather, from what I've understood from other counsel,  
5 that perhaps witnesses are not being subpoenaed, that  
6 victims can come forward voluntarily or not, that, you  
7 know, he stepped his foot in the water and now, he's into  
8 it up to his neck. And to what extent do you balance that  
9 against Mr. Roy; is it appropriate for him now to suddenly  
10 feel very badly, as he expressed in his evidence about  
11 being drawn into this and him saying it doesn't affect his  
12 evidence. Clearly you've got to make sure that the system  
13 of justice is working properly. But for him now to become  
14 the focus of that, in this proceeding, presents a real  
15 difficulty for him, which again is a balance.

16 **THE COMMISSIONER:** What about, from the  
17 point of view of Mr. Parisien? I mean, what about the  
18 proper investigation? I certainly don't want to run a  
19 stray of any institutional investigation into this matter.

20 **MR. MORRIS:** Well on that, I don't whether -  
21 - does Mr. Lee call Mr. Parisien to testify to -- I mean,  
22 after the cross-examination is over. So, if we're going to  
23 cross-examine, does that not lend support to, we have to a  
24 full and complete investigation which might allow Mr.  
25 Parisien to come forward and again, that's the potentially

1 collateral aspect of the matter that you may be concerned  
2 about.

3 **THE COMMISSIONER:** Thank you.

4 **MR. MANSON:** Mr. Commissioner, if I could.

5 **THE COMMISSIONER:** Yes.

6 **MR. MANSON:** Mr. Morris' comment about this  
7 being collateral, it seems to me is entirely right. In  
8 fact, the seminal case on collateral facts from the late  
9 19<sup>th</sup> century is *Hitchcock versus The Attorney General*, in  
10 which the question was to the witness, "Were you offered a  
11 bribe?" There was no suggestion that the witness had been  
12 influenced, that the witness had taken a bribe, but simply  
13 the question "Were you offered one?" And the Court ruled  
14 that the question can be asked, by the same token that I  
15 think Mr. Lee ought to be able to cross-examine. But he  
16 may be stuck with the answers, because I think this is a  
17 collateral issue. I'm not suggesting it's not a serious  
18 matter, but it may not be a serious matter to be pursued by  
19 the Commission.

20 **THE COMMISSIONER:** Well, the Commission does  
21 not intend to pursue. I think the Attorney General -- I'd  
22 like to hear from the Attorney General.

23 **MS. McINTOSH:** My understanding is that it  
24 is a matter that should be pursued outside the Commission  
25 and that's not to say that there cannot be cross-

1 examination, but I would agree with Mr. Manson that it  
2 should end there in terms of the Inquiry.

3 **THE COMMISSIONER:** All right.

4 Any other comments, then? Mr. Callaghan?

5 **MR. CALLAGHAN:** I'm not in agreement that  
6 this is a collateral issue of whatever other institutional  
7 responses come to bear.

8 This Inquiry has the fundamental  
9 proposition, getting to the truth of what went on and I  
10 know, and I don't doubt that Mr. Roy has sort of not been  
11 influenced or tried his best not to be influenced, but this  
12 is just one witness. I don't know what else is going on  
13 outside this Inquiry room that is really affecting what  
14 we're hearing in this Inquiry room and what will be heard  
15 going forward. So to that extent, it is not collateral in  
16 the least. It's serious, and I also take issue with the  
17 fact that I will be putting forward this afternoon that  
18 some of the collusion aspect between victims seeking  
19 lawsuits impacted the institutional response and now, it's  
20 impacting the institutional response of this Commission of  
21 Inquiry, because I don't think we can actually say we're  
22 getting to the truth, when someone is able to say that  
23 someone said "Don't tell the truth about Perry Dunlop", a  
24 central figure. So to that extent, I disagree that it's  
25 collateral in the least.

1                   **THE COMMISSIONER:** All right. Thank you.  
2                   What I'll do is I'll permit Mr. Lee to  
3 cross-examine. I can tell you that you may expect to be  
4 stopped and don't take that as a slight, it's just a  
5 question of my evolving. I want to make sure that you're  
6 permitted to cross-examine on the issue, all the while that  
7 I certainly don't want to be seen as taking any further  
8 role in any steps that might be taken outside of the  
9 Inquiry with respect to this incident.

10                   **MR. ROY:** Your Honor.

11                   **THE COMMISSIONER:** Yes.

12                   **MR. ROY:** I'd like a chance to talk to John  
13 before, because I find myself being a little bit afraid of  
14 -- like this is getting out of hand.

15                   **THE COMMISSIONER:** All right. Well ---

16                   **MR. ROY:** I just feel like I'd just like to  
17 ask him a couple of questions before I testify.

18                   **THE COMMISSIONER:** Well, you will. I'm  
19 going to give you that. And I just want to reassure you of  
20 a couple things. You're not on trial here. You're a guy  
21 who came forward and who has provided me, this Inquiry,  
22 with a lot of great information and insights about how  
23 people who go through these things feel and I don't want  
24 that to be lost with you.

25                   The fact of the matter is that this Inquiry

1 has a lot more doors to open and you're becoming important,  
2 your testimony is important for other doors, which you may  
3 not feel comfortable with, but they're important to me.  
4 And so, when you got uncomfortable, I said "Let's get Mr.  
5 Morris here to make sure that you're comfortable".

6 So, I just want you to know, all right, that  
7 no matter what I decide and what questions are going to be  
8 asked, I'm here to make sure those doors are open nicely  
9 for you, are not broken down and, as I've told Mr. Lee, I  
10 might stop him at some point, and if I don't stop him, Mr.  
11 Morris will get up and stop him, or Mr. Dumais will. So, I  
12 want you to have that comfort zone, all right.

13 So now, we'll take short break, you can  
14 speak to Mr. Morris and then we'll go.

15 Mr. Lee.

16 **MR. LEE:** Given that Mr. Callaghan has said  
17 that he intends to seek details about this phone call with  
18 Mr. Morris during his cross-examination, I would submit  
19 that I should go last, on this narrow topic. I have no  
20 intention of going outside of this phone call, but my  
21 submission would be that, given that it affects my client,  
22 that I should be able to hear the other cross-examinations  
23 on this topic first.

24 **THE COMMISSIONER:** Any comments? Mr.  
25 Callaghan?

1                   **MR. CALLAGHAN:** That's acceptable to me.

2                   **THE COMMISSIONER:** Thank you.

3                   Now, do you still want to speak to Mr.

4 Morris now?

5                   **MR. ROY:** Yes.

6                   **THE COMMISSIONER:** Fine, let's take 10

7 minutes.

8                   **THE REGISTRAR:** Order; all rise. À l'ordre;

9 veuillez vous lever.

10 --- Upon recessing at 11:07 a.m./

11                   L'audience est suspendue à 11h07

12 --- Upon resuming at 11:21 a.m./

13                   L'audience est reprise à 11h21.

14                   **THE REGISTRAR:** This hearing of the Cornwall  
15 Public Inquiry is now in session.

16                   Please be seated. Veuillez vous asseoir.

17                   **THE COMMISSIONER:** Thank you.

18                   During the break, I've had time to mull a  
19 few things over. First of all, yes there will be some  
20 cross-examination on this issue. What I'm going to ask Mr.  
21 Callaghan to do is start with the cross-examination on this  
22 issue. Then you'll break. We'll ask for Mr. Lee and any  
23 other comments so we can wrap all of this issue into one.  
24 I'll make some comments and then we'll be done. Then we'll  
25 resume the cross-examination.

1 I can tell you, Mr. Roy, that your  
2 contribution has been noted and, as far as I'm concerned,  
3 you will be completed today. All right?

4 Thank you.

5 MR. CALLAGHAN: Thank you, Mr. Commissioner.

6 --- RE-CROSS-EXAMINATION BY/RÉ-CONTRE-INTERROGATOIRE PAR

7 MR. CALLAGHAN:

8 MR. CALLAGHAN: Mr. Roy, I just wanted to  
9 discuss that conversation in just a little bit more detail  
10 if I might. I understand that the conversation happened  
11 when you were at home; correct?

12 MR. ROY: Yes.

13 MR. CALLAGHAN: And it happened at about  
14 midnight?

15 MR. ROY: Yes.

16 MR. CALLAGHAN: And it was after you had  
17 finished your testimony the last time?

18 MR. ROY: Yes.

19 MR. CALLAGHAN: All right.

20 MR. ROY: It was during the break.

21 MR. CALLAGHAN: And had you dealt with Mr.  
22 Parisien before that telephone call?

23 MR. ROY: Yes.

24 MR. CALLAGHAN: And can you tell us the  
25 circumstances upon which you'd dealt with Mr. Parisien?

1                   **MR. ROY:** I seen him at a victims' group  
2 thing and I had met him before, I forget the circumstances,  
3 and he had talked to me that he'd be there for support and  
4 stuff like that and he'd gotten my phone number and things  
5 like that.

6                   **MR. CALLAGHAN:** And I take it he was in the  
7 hearing room on occasions when you testified?

8                   **MR. ROY:** Yes.

9                   **MR. CALLAGHAN:** And did he talk to you about  
10 your testimony at any time, prior to your first testimony?  
11 I realize that you've testified up to three times here, but  
12 before you first got on the stand. Do you remember him  
13 speaking to you about your testimony?

14                   **MR. ROY:** No.

15                   **MR. CALLAGHAN:** And did he speak to you at  
16 anytime between your first testimony and the time he called  
17 you at midnight about your testimony?

18                   **MR. ROY:** He spoke to me, but not about my  
19 testimony, like just to say I was doing okay and things  
20 like that.

21                   **MR. CALLAGHAN:** Encouraging words.

22                   **MR. ROY:** Yeah.

23                   **MR. CALLAGHAN:** And, did he at any time,  
24 prior to the conversation at midnight, talk to you, say,  
25 about Perry Dunlop?



1                   **MR. ROY:** No, I don't think so.

2                   **MR. CALLAGHAN:** All right.

3                   And could you -- pardon me, do you know  
4 whether Mr. Parisien has any relationship with Mr. Dunlop?  
5 Is he a friend, an acquaintance?

6                   **MR. ROY:** I don't have knowledge of that.

7                   **MR. CALLAGHAN:** Okay. And I take it you  
8 were surprised to get the call at midnight?

9                   **MR. ROY:** Yes, I was surprised how late it  
10 was. I wasn't surprised to get the call because my wife  
11 told me he would be calling.

12                   **MR. CALLAGHAN:** Had he called you  
13 previously?

14                   **MR. ROY:** No.

15                   **MR. CALLAGHAN:** All right.

16                   Maybe I misunderstood. So it was an initial  
17 call to Vicki?

18                   **MR. ROY:** No, Vicki -- Steve is Vicki's  
19 friend's landlord.

20                   **MR. CALLAGHAN:** Right.

21                   **MR. ROY:** She called and talked to Vicki,  
22 saying that she would be giving my number to Steve for him  
23 to call.

24                   **MR. CALLAGHAN:** So this is the tenant of Mr.  
25 Parisien asked for your phone number so he could call?

1 MR. ROY: Yes.

2 MR. CALLAGHAN: All right.

3 And that was after you had finished your  
4 testimony last day, as far as you know?

5 MR. ROY: Yes, it was the same night.

6 MR. CALLAGHAN: And was it conveyed, to your  
7 knowledge, to Vicki as to why Mr. Parisien might be  
8 calling?

9 MR. ROY: No.

10 MR. CALLAGHAN: All right.

11 So you pick up the phone. And could you, as  
12 best you can, relay the conversation to us?

13 MR. ROY: Well, he told me that, you know,  
14 like basically the lawyers were just out to -- it was a  
15 witch hunt against Perry Dunlop. He told me I don't have  
16 to answer their questions, that I could use some law called  
17 the fifth. He said it's different in Canada, but it's the  
18 same thing, and he told me, "You don't have to tell them  
19 you remember. You can have memory lapses when it comes to  
20 Perry." And he told me that he was in the courtroom  
21 whenever one lawyer -- I believe he said it was you --  
22 spilled a drink on the floor and one of your subordinates  
23 or co-lawyers, sorry, was cleaning it up and he talked to  
24 that lawyer and he said to the lawyer, "You guys are just  
25 on a witch hunt against Perry Dunlop." Then he went into

1 my testimony again, saying, "You know, you don't have to  
2 answer their questions." I believe I told him that there  
3 was an incident that already happened that I'm not too  
4 happy with the Commission, but I can't tell him about it  
5 because I'm still under cross-examination. I think that's  
6 where the conversation left off.

7 **MR. CALLAGHAN:** Okay.

8 **THE COMMISSIONER:** So you told him there's  
9 something about the Commission you're not happy about?

10 **MR. ROY:** Yes.

11 **THE COMMISSIONER:** And you haven't told us  
12 about that yet.

13 **MR. ROY:** Well, Pierre knows about it.

14 **THE COMMISSIONER:** Oh. Okay.

15 **MR. CALLAGHAN:** You didn't tell Mr. Parisien  
16 about that?

17 **MR. ROY:** I didn't tell him what the  
18 incident was. I just told him I was upset right now at the  
19 Commission.

20 **MR. CALLAGHAN:** And you had said it when you  
21 answered Mr. Dumais' questions -- you had said that -- I've  
22 written it down -- that he told you that "I didn't have to  
23 tell the truth." Did he use those words?

24 **MR. ROY:** I'm not quite sure if it was  
25 worded that way. It was just worded that -- well, yes,

1           because he said I didn't have to tell the truth because I  
2           could just say that I don't remember or I can't recall.

3                       **MR. CALLAGHAN:** I see.

4                       And did he tell you anything he was  
5           concerned about with respect to Mr. Dunlop?

6                       **MR. ROY:** No.

7                       **MR. CALLAGHAN:** Did he give you any  
8           indication why Mr. Dunlop -- why you should not tell the  
9           truth about Mr. Dunlop?

10                      **MR. ROY:** Because you guys were just after a  
11           witch hunt after him.

12                      **MR. CALLAGHAN:** Did he tell you that the  
13           truth would hurt Mr. Dunlop?

14                      **MR. ROY:** No.

15                      **MR. CALLAGHAN:** All right.

16                      But he certainly conveyed to you that he  
17           didn't want whatever he believed to be the truth of Mr.  
18           Dunlop to come out. Is that what he was trying to  
19           indicate?

20                      **MR. ROY:** Yes. Wait, can you say that  
21           again?

22                      **MR. CALLAGHAN:** Well, I'm just trying to  
23           understand. What I'm understanding what was trying to be  
24           conveyed to you was that he didn't want you to answer  
25           truthfully about questions relating to Mr. Dunlop. And I'm

1 asking you whether you took from that that whatever he  
2 understood the truth about Mr. Dunlop, he didn't want it to  
3 come out. That is, Mr. Parisien didn't want the truth  
4 about Mr. Dunlop to come out. Is that how you took the  
5 conversation?

6 **MR. ROY:** The only way I can word it in my  
7 own words is that I don't think he wanted me to get Perry  
8 in trouble.

9 **MR. CALLAGHAN:** Right.

10 But he didn't -- so he believed that -- I  
11 take it then from that that Mr. Parisien believed that the  
12 truth would get Perry in trouble?

13 **MR. ROY:** I don't think I can make that  
14 conclusion, no.

15 **MR. CALLAGHAN:** And ---

16 **MR. ROY:** Like, if you're asking what I  
17 would say would get Perry in trouble, I mean, I don't think  
18 Mr. Parisien has any knowledge of what I would say. So ---

19 **MR. CALLAGHAN:** Because you didn't convey to  
20 him what you thought of Perry Dunlop?

21 **MR. ROY:** Right.

22 **MR. CALLAGHAN:** Did the Commission get the  
23 answer to that? I think he said yes. All right.

24 And did -- and he didn't convey to you what  
25 his understanding of what Perry Dunlop's role was? He

1 didn't talk to you about, "Well, Perry did this for me or  
2 did that for somebody"?

3 MR. ROY: No, no.

4 MR. CALLAGHAN: And did he bring up any  
5 other person's name during the course of that conversation?

6 MR. ROY: No.

7 MR. CALLAGHAN: All right.

8 And I take it -- how long did the  
9 conversation take?

10 MR. ROY: I think we were on the phone for  
11 about 15-20 minutes.

12 MR. CALLAGHAN: It was a long conversation,  
13 15-20 minutes? I guess that's an assessment of what  
14 someone might think as long.

15 MR. ROY: Yes.

16 MR. CALLAGHAN: Okay. Fifteen (15) to 20  
17 minutes is probably a better answer than long or short.

18 MR. ROY: Well, he told me -- you know, he  
19 told me the thing about somebody spilling a coffee and  
20 something ---

21 MR. CALLAGHAN: And what was ---

22 MR. ROY: They weren't supposed to have it  
23 in the room, and they had to take a break and during the  
24 break -- so you know what I mean? It wasn't just about  
25 Perry Dunlop.

1                   **MR. CALLAGHAN:** He was sort of telling you  
2                   about the goings on at the Commission?

3                   **MR. ROY:** That's right.

4                   **MR. CALLAGHAN:** Okay. And did he say he had  
5                   spoken to anybody else other than you about Perry Dunlop?

6                   **MR. ROY:** No.

7                   **MR. CALLAGHAN:** And I take it at the end of  
8                   it you were upset?

9                   **MR. ROY:** Yes, I was. I think I already  
10                  explained that. My initial response was to be upset  
11                  because I kind of felt that, you know, he shouldn't be  
12                  telling me how to testify and that.

13                  **MR. CALLAGHAN:** Is there any other detail of  
14                  the conversation that you can recall at this time?

15                  **MR. ROY:** No.

16                  **MR. CALLAGHAN:** Thank you.

17                  **THE COMMISSIONER:** Thank you.

18                  Mr. Lee.

19                  Well, first of all, is there anyone else who  
20                  wishes to question this witness about those comments? I'm  
21                  not going to do the roll call. If anyone wants to, that's  
22                  fine.

23                  Thank you. Mr. Lee.

24                  ---RE-CROSS-EXAMINATION BY/RÉ-CONTRE-INTERROGATOIRE PAR MR.  
25                  LEE:

1                   **MR. LEE:** Thank you.

2                   Good morning, Mr. Roy. I'll re-introduce  
3 myself. My name is Dallas Lee. I'm a lawyer for the  
4 Victims Group. Steve Parisien, as you know, is a member of  
5 the Victims Group. So that's why I'm up here now.

6                   At the time that you've told us that you  
7 knew Steve or knew of Steve at the time that he called, how  
8 did he introduce himself when he called? Did you need any  
9 more than, "Hi, it's Steve"?

10                  **MR. ROY:** I don't think so, no.

11                  **MR. LEE:** Did you ---

12                  **MR. ROY:** Maybe so. I think he told me it's  
13 the lady's landlord.

14                  **MR. LEE:** Your wife's friend's landlord?

15                  **MR. ROY:** Yes.

16                  **MR. LEE:** Did you know at that time that  
17 Steve was also a victim of sexual abuse?

18                  **MR. ROY:** Yes.

19                  **MR. LEE:** Did you know that he was a member  
20 of the Victims Group here?

21                  **MR. ROY:** No.

22                  **MR. LEE:** So you just learned that today  
23 then?

24                  **MR. ROY:** Yes.

25                  **MR. LEE:** In terms of when this call



1 occurred, I know it was late. It was around midnight. Am  
2 I correct that this was after the last day you testified  
3 here? And the last day that you testified here was when  
4 you were sent away to get legal advice. Is that correct?

5 MR. ROY: Oh no, I don't -- my recollection  
6 is it was the Sunday of the break, the Sunday or Monday of  
7 the break.

8 MR. LEE: Right.

9 But if you go from that Sunday back to the  
10 last day that you had testified?

11 MR. ROY: All right, yes. It was after the  
12 last day I testified, yes.

13 MR. LEE: And the last day that you ---

14 MR. ROY: Is that what you're asking me?

15 MR. LEE: And I'm asking because my memory  
16 is a little funny. My recollection is the last day that  
17 you testified was when Mr. Callaghan wanted to get into  
18 various issues with you. I may be wrong here.

19 MR. ROY: Yes. No. Did I testify ---

20 MR. LEE: Mr. Morris advised me -- I believe  
21 he's right -- that you went and sought advice from Mr.  
22 Morris. He came to Cornwall and you testified on another  
23 day where Mr. Wallace for the OPPA did some cross-  
24 examination.

25 MR. ROY: Right. That's right.

1                   **MR. LEE:** So it was after Mr. Wallace had  
2 cross-examined you; is that correct?

3                   **MR. ROY:** Mr. Wallace is ---

4                   **MR. LEE:** Mr. Wallace for the OPPA.

5                   **MR. ROY:** Yes.

6                   **MR. LEE:** Okay. And the issue that arose,  
7 that I understand, is you were going to be asked in cross-  
8 examination to -- possibly going to be asked in cross-  
9 examination to name the names of other victims of abuse who  
10 you've talked with and who you've met with. Is that  
11 correct?

12                   **MR. ROY:** Yes, what they told me and what  
13 they told me about what Perry said and what I heard Perry  
14 said, that sort of thing.

15                   **MR. LEE:** And the issue arose because you  
16 advised the Commissioner that you didn't want to give up  
17 that information. Is that correct?

18                   **MR. ROY:** Well, I didn't want to talk about  
19 other witnesses -- other victims and I didn't want to talk  
20 about the meeting that we had with Mr. Morris when he  
21 became my lawyer.

22                   **MR. LEE:** The meeting at the Holiday Inn?

23                   **MR. ROY:** That was the main thing. It was  
24 the meeting at the Holiday Inn that stopped everything.

25                   **MR. LEE:** During your telephone conversation

1 with Steve Parisien, did you tell him that you were upset  
2 in part because you had been told before testifying at this  
3 Inquiry that there were only certain issues you would have  
4 to deal with and there were other issues you would not have  
5 to deal with during your testimony?

6 **MR. ROY:** I believe I expressed to him that  
7 I thought when I came to the Inquiry I would only be  
8 telling my story, not other people's story. I believe  
9 that's what I said and how I worded it.

10 **MR. LEE:** Did you discuss with Mr. Parisien  
11 during your telephone conversation that you had been sent  
12 off to find a lawyer during this process?

13 **MR. ROY:** I can't recall that. I'm not  
14 saying it didn't happen. I'm just saying I don't recall.

15 **MR. LEE:** That's fine.

16 Do you recall discussing with Mr. Parisien  
17 what had occurred at the Inquiry in terms of you believing  
18 that you wouldn't have to discuss certain things, that you  
19 had to go get a lawyer, that you were upset about how  
20 things had turned out and how things were going? Do you  
21 recall any part of that conversation?

22 **MR. ROY:** I believe I did. Like, I can't  
23 remember exactly how I talked about it or how it came up,  
24 but I think, yes, I did. I was disappointed that I wasn't  
25 there just to tell my story.

1                   **MR. LEE:** And you've told us today that you  
2                   at some point told Mr. Parisien that you could not discuss  
3                   your evidence with him. Is that correct?

4                   **MR. ROY:** In the conversation?

5                   **MR. LEE:** Yes.

6                   **MR. ROY:** Yes.

7                   **MR. LEE:** And what did Mr. Parisien say in  
8                   response to that? Do you recall?

9                   **MR. ROY:** He just wanted me to know that I  
10                  didn't have to answer their questions.

11                  **MR. LEE:** Did you discuss with Mr. Parisien  
12                  the reasons why you didn't want to discuss the Holiday Inn  
13                  meeting and you didn't want to discuss the names of other  
14                  victims you had spoken to and what you spoke to them about?

15                  **MR. ROY:** Again, I think the only thing I  
16                  told him was that I thought I was here to tell my story,  
17                  not other people's story.

18                  **MR. LEE:** Did you tell Mr. Parisien that you  
19                  didn't want to name these names because you didn't see how  
20                  that had anything to do with the Inquiry?

21                  **MR. ROY:** It doesn't sound like the way I  
22                  would say it if I did say something like that. I mean, I'm  
23                  sure -- I'm positive I talked to him that I was  
24                  disappointed that I wasn't there just to tell my story.  
25                  How I worded the disappointment about names or that, I'm

1 not sure. Like how I said it and ---

2 MR. LEE: How did Mr. Parisien ---

3 MR. ROY: I don't think I went into that  
4 much detail.

5 MR. LEE: How did Mr. Parisien react to what  
6 you were telling him about your disappointment with the  
7 Inquiry?

8 MR. ROY: He was adamant that I didn't have  
9 to answer their questions.

10 MR. LEE: Was he sympathetic to the position  
11 you found yourself in?

12 MR. ROY: I don't think I can use the word  
13 sympathetic, no.

14 MR. LEE: Is there a word you could use or  
15 you just don't believe he was sympathetic?

16 MR. ROY: I don't believe he was  
17 sympathetic. I think he was angry, but he was angry for  
18 his own reasons. Like he said, this was just a witch hunt  
19 against Perry Dunlop.

20 MR. LEE: What was the gist of your  
21 conversation? Was most of your conversation about Perry  
22 Dunlop?

23 MR. ROY: Yes, I'd say so.

24 MR. LEE: And you also, in part ---

25 MR. ROY: Most of my conversation was the

1 fact that I didn't have to answer the questions.

2 MR. LEE: Mr. Parisien telling you you  
3 didn't have to answer the questions?

4 MR. ROY: That's right.

5 MR. LEE: And that was in relation to Perry  
6 Dunlop and not in relation to naming victims who you had  
7 met with or spoken with?

8 MR. ROY: I'm actually not sure.

9 MR. LEE: Okay. Did Mr. Parisien threaten  
10 you at any point?

11 MR. ROY: No.

12 MR. LEE: There was no ---

13 MR. ROY: No.

14 MR. LEE: Was he making demands on you or  
15 was he giving you advice, essentially?

16 MR. ROY: Well, I think it would be more  
17 advice than demands. He wasn't saying "You have to" or  
18 using words like that. So I'd say it was more advice.

19 MR. LEE: Do you recall Mr. Parisien telling  
20 you at some point that he wouldn't want to name the names  
21 of victims he had had dealings with either, that he  
22 wouldn't want to betray their confidence?

23 MR. ROY: I don't remember that, no.

24 MR. LEE: You don't remember or you don't  
25 think it happened?

1                   **MR. ROY:** I don't remember.

2                   **MR. LEE:** You told us that you were upset  
3 after your conversation, that you felt that Mr. Parisien  
4 shouldn't be telling you what to say or what not to say.  
5 Did you express that to Mr. Parisien during your phone  
6 call?

7                   **MR. ROY:** No.

8                   **MR. LEE:** You didn't express any kind of  
9 anger or frustration with him?

10                  **MR. ROY:** No.

11                  **MR. LEE:** Do you recall how the phone call  
12 ended?

13                  **MR. ROY:** He gave me his cell number and his  
14 phone number to call him if I needed any support or, you  
15 know, somebody to talk to.

16                  **MR. LEE:** Did you take down those numbers,  
17 sir?

18                  **MR. ROY:** I don't know if my wife did. I  
19 wouldn't have.

20                  **MR. LEE:** You didn't write them down  
21 yourself?

22                  **MR. ROY:** No, I didn't write them down  
23 myself. But that's one of the reasons why I was angry too,  
24 because he has taken my number in the past and said that he  
25 was going to be there for me and stuff like that and help

1 me and stuff like that and, you know, I never heard from  
2 the guy. And the only time he ever talked to me afterwards  
3 was if he needed some information, he wanted to know  
4 something.

5 So when I got off the phone with my wife, I  
6 expressed to my wife, you know, he's saying he is here for  
7 support and everything else. The guy just shrugged me off  
8 two or three times already. And I told her "I don't like  
9 the idea of him calling here and trying to influence how I  
10 am going to testify, to imply I should lie on the stand or  
11 have memory lapses".

12 MR. LEE: When was it that Mr. Parisien  
13 would have offered this support to you?

14 MR. ROY: Before?

15 MR. LEE: Yes.

16 MR. ROY: When I was with the Victims Group  
17 and before that also.

18 MR. LEE: And I take it when you say the  
19 Victims Group, you don't mean the party that is known as  
20 the Victims Group here, you mean ---

21 MR. ROY: No.

22 MR. LEE: --- some support organization.

23 MR. ROY: It's a support group, yes.

24 MR. LEE: So Mr. Parisien offered you the  
25 support and he hadn't come through, as you see it?



1                   **MR. ROY:** That's right.

2                   **MR. LEE:** And that was frustrating to you?

3                   **MR. ROY:** Well, I believe if you're going to  
4 do something like that, that you should follow through on  
5 it, yes.

6                   **MR. LEE:** The last thing I am a little bit  
7 confused about is the story that Mr. Parisien related to  
8 you with the coffee spilling in the Inquiry room. Can you  
9 -- I don't know if I missed something, but can you try to  
10 just go through that part of the story again, exactly what  
11 he told you about that?

12                   **MR. ROY:** He told me that I believe it was  
13 Mr. Callaghan had spilled his partner's coffee or his own  
14 and while his partner was cleaning it up, he went up to the  
15 partner and he told him that, you know, this Inquiry is  
16 just witch hunt against Perry Dunlop.

17                   **MR. LEE:** Who went up -- who said "This is a  
18 witch hunt against Perry Dunlop" at that time?

19                   **MR. ROY:** Steve said it to whoever was  
20 cleaning up the ---

21                   **MR. LEE:** So Steve approached the lawyer and  
22 told him that?

23                   **MR. ROY:** Yes.

24                   **MR. LEE:** And that's what Steve told you?

25                   **MR. ROY:** Yes.

1                   **MR. LEE:** Was it during the hearings or  
2                   during the break at the ---

3                   **MR. ROY:** During a break.

4                   **MR. LEE:** Okay. And Steve relayed that  
5                   conversation to you during ---

6                   **MR. ROY:** Yes. I wanted to find out if it  
7                   was true or not because I called Pierre the next day and I  
8                   asked him if there was an incident like that in the  
9                   courtroom because I wanted to find out if Steve really said  
10                  that to one of the lawyers.

11                  **MR. LEE:** Okay.

12                  **MR. ROY:** And Pierre couldn't remember the  
13                  incident.

14                  **MR. LEE:** And again, nothing that ---

15                  **MR. ROY:** I didn't tell Pierre the name at  
16                  that time.

17                  **MR. LEE:** Right.

18                  Had you discussed this telephone call with  
19                  Steve with anybody else prior to being -- to today, I  
20                  guess?

21                  **MR. ROY:** With Pierre and my lawyer.

22                  **MR. LEE:** When did you have that discussion  
23                  with Mr. Dumais?

24                  **MR. ROY:** Mr. Dumais?

25                  **MR. LEE:** Sorry, Pierre.

1                   **MR. ROY:** I am sorry; I'm bad for names.

2                   It took me long enough to remember the first name.

3                   Sorry, can you ask the question again?

4                   **MR. LEE:** When did you first talk to Mr.  
5                   Dumais, with Pierre about the conversation with Steve  
6                   Parisien?

7                   **MR. ROY:** I believe it was the next day or  
8                   two days after, within that 48-hour period.

9                   **MR. LEE:** And did you let him know that it  
10                  was Steve Parisien that had called or ---

11                  **MR. ROY:** Not at that time, no.

12                  **MR. LEE:** When did you first let him know  
13                  that it was Steve Parisien?

14                  **MR. ROY:** I'm afraid I don't know. I know  
15                  it was the day after I talked to my lawyer.

16                  **MR. LEE:** To Mr. Morris?

17                  **MR. ROY:** Yes.

18                  **MR. LEE:** Those are my questions.

19                  **THE COMMISSIONER:** Thank you.

20                  Anybody else? Any submissions?

21                  All right. I have three comments, I think,  
22                  to make.

23                  The first one is that what we've heard so  
24                  far with respect to this tale are allegations and/or  
25                  statements from Mr. Roy. I will leave it to the proper

1 authorities to do what they might.

2 I want to remind everyone that once a  
3 witness takes the stand, that it is very important that  
4 everyone understand that conversations with that witness  
5 should be limited to matters other than what the testimony  
6 he is to prefer.

7 Mr. Roy, again, I must congratulate you for  
8 your strength, your courage in coming forward and telling  
9 us these things. It is essential for the success of this  
10 Inquiry that people come forward, free from any undue  
11 influence, promise or threat. In my career as a judge, I  
12 have seen very few people with the strength that you have  
13 of your convictions and I congratulate you for that.

14 Now, we will continue with your cross-  
15 examination as I've indicated to you. You want a break?

16 **MR. ROY:** Please.

17 **THE COMMISSIONER:** Yes, we'll take a short  
18 break but, again, I can tell you that barring any very  
19 unforeseen events, we will get you through today. All  
20 right?

21 **MR. ROY:** All right.

22 **MR. DUMAIS:** Commissioner?

23 **THE COMMISSIONER:** Yes, I am sorry.

24 **MR. DUMAIS:** Sorry, Commissioner, can I just  
25 make a suggestion given the time that we take the lunch

1 break from 12:00 to 1:30 and start at 1:30. Does that make  
2 sense?

3 **THE COMMISSIONER:** Is that better for you?

4 **MR. ROY:** It's fine with me.

5 **THE COMMISSIONER:** Fine. We'll come back at  
6 1:30 then.

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

9 --- Upon recessing at 11:51 a.m. /

10 L'audience est suspendue à 11h51

11 --- Upon resuming at 1:38 p.m./

12 L'audience est reprise à 13h38

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

15 This hearing of the Cornwall Public Inquiry  
16 is now in session.

17 Please be seated. Veuillez vous asseoir.

18 **THE COMMISSIONER:** Good afternoon.

19 Maître Dumais?

20 **MR. DUMAIS:** Then Commissioner, if I can ask  
21 Mr. Wallace to come up and then finish this cross.

22 **THE COMMISSIONER:** Thank you.

23 **MR. WALLACE:** Good afternoon, Commissioner.

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

25 **WALLACE:**

1                   **MR. WALLACE:** Good afternoon, Mr. Roy.

2                   Mr. Roy, the first thing I'd like to do this  
3                   afternoon is to show you a couple of documents that I think  
4                   will -- I'm quite sure that you're familiar with, and the  
5                   first document that I'd like you to have a look at is the  
6                   Victim Impact Statement and it's document number 200056.

7                   **THE COMMISSIONER:** What's the Exhibit  
8                   number, please?

9                   **MR. WALLACE:** It's not.

10                  **THE COMMISSIONER:** It's not.

11                  **MR. WALLACE:** It's not an exhibit.

12                  **THE COMMISSIONER:** Okay.

13                  **MR. ROY:** So how do I find it?

14                  **THE COMMISSIONER:** You just wait a second.

15                  **MR. ROY:** Okay, sorry.

16                  **THE COMMISSIONER:** Sorry, I lose the track  
17                  of things here, a little bit. The clerk will give you a  
18                  copy and it will be Exhibit number, Madam Clerk?

19                  **MADAM CLERK:** One-ninety-three (193).

20                  **THE COMMISSIONER:** One-ninety-three (193).

21                  All right, so for the record, Exhibit 193 is a Victim  
22                  Impact Statement dated April of 1998, Albert Roy.

23                  **---EXHIBIT NO./ PIÈCE NO P-193:**

24                                 Albert Roy - Victim Impact Statement - April  
25                                 1998. (200056)

1                   **MR. WALLACE:** That appears to be the date at  
2                   the front page, Mr. Commissioner. The back page of it has  
3                   another date of the 22<sup>nd</sup> of March, '95, which I think  
4                   bearing in mind the sentence of Mr. Barque, would probably  
5                   be more accurate of the two dates.

6                   **THE COMMISSIONER:** Okay. It does say '98,  
7                   though on --

8                   **MR. WALLACE:** Oh, I'm not disagreeing with  
9                   you, but I guess we'll ask Mr. Roy here.

10                   Mr. Roy, do you recognize the document?

11                   **MR. ROY:** Yes, I do.

12                   **MR. WALLACE:** And this was prepared by  
13                   yourself?

14                   **MR. ROY:** Yes.

15                   **MR. WALLACE:** And it was prepared to be used  
16                   at the sentencing of Mr. Barque?

17                   **MR. ROY:** Yes.

18                   **MR. WALLACE:** And I think we've heard  
19                   reference that it was actually made an exhibit at the  
20                   sentencing?

21                   **MR. ROY:** I don't have any knowledge of  
22                   that.

23                   **MR. WALLACE:** You didn't read it yourself.

24                   **MR. ROY:** No.

25                   **MR. WALLACE:** But you provided it to the

1 Crown?

2 MR. ROY: I don't believe so. I believe  
3 this was taken by Officer Zebruck.

4 MR. WALLACE: Meaning, you physically handed  
5 it to him or he was there while you prepared it?

6 MR. ROY: I don't remember.

7 MR. WALLACE: Do you have any recollection?

8 MR. ROY: I just remember that I didn't give  
9 this to the Crown. I don't remember if Heidi took it and  
10 gave it to Zebruck or how that happened. But, I just  
11 remember that this wasn't given to the Crown from me.

12 MR. WALLACE: And it was -- did you prepare  
13 it at home?

14 MR. ROY: I don't remember.

15 MR. WALLACE: And you gave it considerable  
16 thought, I assume.

17 MR. ROY: To be honest, I don't remember  
18 doing this.

19 THE COMMISSIONER: I'm sorry, can I -- is  
20 this in your handwriting?

21 MR. ROY: Oh yeah, it's in my handwriting.

22 THE COMMISSIONER: Okay, that's fine.

23 MR. ROY: I did write it, but I have no  
24 recollection of doing this.

25 MR. WALLACE: You're just drawing a blank as



1 to how it was created?

2 MR. ROY: Yeah.

3 MR. WALLACE: Okay, you're not suggesting --  
4 nobody did this for you?

5 MR. ROY: Oh, no, no, no. That's my  
6 handwriting.

7 MR. WALLACE: Okay. And the next document  
8 that I'd like you to have a look at is document number  
9 200058, and it appears to be a four-page document.

10 THE COMMISSIONER: That will be Exhibit 194.  
11 And I should ask you, is there anything in there that  
12 raises any concerns on confidentiality?

13 MR. WALLACE: No, I don't believe so. This  
14 relates to Mr. Séguin.

15 THE COMMISSIONER: Okay. So this is Exhibit  
16 number 194, Madam Clerk?

17 THE REGISTRAR: Yes.

18 THE COMMISSIONER: Which is -- what will we  
19 call this? It's a four-page document.

20 Is this in your handwriting, Mr. Roy?

21 MR. ROY: Yes, it is.

22 THE COMMISSIONER: All right. So it's a  
23 statement of Albert Roy, in his handwriting.

24 ---EXHIBIT NO./PIÈCE NO P-194:

25 Albert Roy - Handwritten Statement -

1 No date (200058)

2 MR. WALLACE: Are you familiar with this  
3 document, Mr. Roy?

4 MR. ROY: Yes I am.

5 MR. WALLACE: And what is it?

6 MR. ROY: I believe this is an additional  
7 document that my lawyer asked me to write out.

8 MR. WALLACE: And it looks like it had a  
9 date of May something of '95. Does that appear to be  
10 correct?

11 MR. ROY: It looks that way.

12 MR. WALLACE: This was not something, to  
13 your knowledge at least, that formed part of the materials  
14 presented to the Court at Nelson Barque's sentencing?

15 MR. ROY: I don't think so. I think this  
16 was given after.

17 MR. WALLACE: In any event, it was to  
18 capture your thoughts about how the incident involving Mr.  
19 Séguin affected you.

20 MR. ROY: Yes.

21 MR. WALLACE: And it also shows, on page  
22 number 4, a diagram of what I presume to be Mr. -- the  
23 floor plan of Mr. Séguin's house?

24 MR. ROY: Yes.

25 MR. WALLACE: Okay. Now, the next document

1 is a one-page document. It's document number 200055.

2 **THE COMMISSIONER:** Thank you.

3 That would be Exhibit number 195, and that's  
4 an Interview Report dated the 16<sup>th</sup> of December, 1994.

5 **--- EXHIBIT NO./PIÈCE NO P-195:**

6 Albert Roy - Interview Report -  
7 December 16, 1994 (200055)

8 **MR. WALLACE:** Now that's your signature at  
9 the bottom of the statement then, Mr. Roy?

10 **MR. ROY:** Yes it is.

11 **MR. WALLACE:** And this is a statement that  
12 was given to Constable Zebruck and it appears to be also to  
13 Heidi Sabalj. Do you see that?

14 **MR. ROY:** It looks like it was to Heidi and  
15 Officer Zebruck.

16 **MR. WALLACE:** Yes. And I think the last  
17 time you testified you gave evidence that in your interview  
18 at the Cornwall Police -- because this is where this took  
19 place; correct?

20 **MR. ROY:** Well, I don't remember where this  
21 took place.

22 **MR. WALLACE:** Okay. You were interviewed by  
23 Constable Zebruck at the Cornwall Police Station?

24 **MR. ROY:** Anytime I was interviewed, yes.

25 **MR. WALLACE:** Okay. And I believe you

1 testified though, the last time that you were here, to the  
2 effect that when you were interviewed by Constable Zebruck  
3 and gave this statement, that you weren't sure if Heidi was  
4 there?

5 MR. ROY: Wait a minute; I've never seen  
6 this statement until now. We never talked about this  
7 statement before.

8 MR. WALLACE: You've never seen it since  
9 now?

10 THE COMMISSIONER: Since now?

11 MR. WALLACE: I'm sorry.

12 MR. ROY: Well, let me rephrase that. When  
13 my lawyer -- when I was sent a copy of the papers that you  
14 requested from my lawyer, that's the first time I remember  
15 seeing this. I don't remember us talking about this in our  
16 cross-examination, the last time I was here.

17 MR. WALLACE: Okay. You recall that you  
18 were interviewed by Constable Zebruck at the Cornwall  
19 Police Station?

20 MR. ROY: Yes.

21 MR. WALLACE: And it would appear that you  
22 gave a statement to him?

23 MR. ROY: From looking at this, yes.

24 MR. WALLACE: Sure. And it also appears  
25 that Constable Sebalj was there?

1                   **THE COMMISSIONER:** How does that appear?

2                   **MR. WALLACE:** It says in the printed portion  
3 of it, it says "Interviewed by", and then it's got the two  
4 names.

5                   **THE COMMISSIONER:** Oh, right. Yes. So, do  
6 you see that?

7                   **MR. ROY:** Yeah, I see the two names, but the  
8 document -- I don't remember this interview, but -- with  
9 both of them there.

10                   **MR. WALLACE:** Do you remember an interview  
11 with Constable Zebruck at the Cornwall Police Station?

12                   **MR. ROY:** Yes.

13                   **MR. WALLACE:** And during that interview, do  
14 you recall signing a statement?

15                   **MR. ROY:** No.

16                   **MR. WALLACE:** In any event, as I understood  
17 your evidence, from the last time that you were here, you  
18 had no complaints about his behaviour; that is Constable  
19 Zebruck's behaviour in the interview conducted at the  
20 Cornwall Police Station?

21                   **MR. ROY:** No, no.

22                   **MR. WALLACE:** You agree with that statement?

23                   **MR. ROY:** I agree with that.

24                   **MR. WALLACE:** Okay. It was conducted in a  
25 polite and professional manner?

1                   MR. ROY: Yes.

2                   MR. WALLACE: And he appeared, at least, to  
3 be sensitive to your situation?

4                   MR. ROY: Yes.

5                   MR. WALLACE: Now, during that interview,  
6 the document states that the time the interview commenced  
7 was 13:45 and the time when it was concluded was 14:30, so  
8 a period of approximately 45 minutes; correct?

9                   THE COMMISSIONER: Let's be careful what  
10 you're asking him. If you're asking that's what the  
11 documents says ---

12                   MR. WALLACE: That's what I said.

13                   THE COMMISSIONER: Oh, okay.

14                   MR. WALLACE: I asked, it appears from the  
15 document that those are the times. Is that correct, Mr.  
16 Roy?

17                   MR. ROY: From what the document says.

18                   MR. WALLACE: Yes. I'm asking you, does  
19 that appear, from your recollection, to be reasonable, or  
20 is your recollection that it was a much a longer event or a  
21 much shorter event?

22                   MR. ROY: I don't even remember this  
23 interview at all.

24                   MR. WALLACE: At all?

25                   MR. ROY: At all.

1                   **MR. WALLACE:** Okay. And other than what's  
2 written there, you would have no recollection of what was  
3 said in that interview?

4                   **MR. ROY:** No.

5                   **MR. WALLACE:** Do you recall any other  
6 interviews with Constable Zebruck at the Cornwall Police  
7 Station?

8                   And I'm not trying to trick you here. I'm  
9 not suggesting there were any. I'm just asking you.

10                  **MR. ROY:** I'm just -- I want to answer this,  
11 the best I can. The thing is, if I had a chance to just  
12 read this little paragraph, maybe it would jog my memory.

13                  **MR. WALLACE:** Sure, go right ahead. I  
14 thought you had.

15                  **THE COMMISSIONER:** Please do.

16                  **MR. ROY:** Okay.

17                  **THE COMMISSIONER:** Now, this isn't in your  
18 handwriting, right?

19                  **MR. ROY:** No.

20                  **THE COMMISSIONER:** So if you have any  
21 problems with any of the words, let us know.

22                  **MR. ROY:** Okay.

23                                **(SHORT PAUSE/COURTE PAUSE)**

24                  **MR. ROY:** I'm afraid I don't remember this  
25 interview at all.

1                   **MR. WALLACE:** You're just drawing a blank on  
2 the entire process?

3                   **MR. ROY:** Yes.

4                   **MR. WALLACE:** Okay. Do you recall -- you  
5 told us that when you went for interviews, you most  
6 oftentimes, if not all the time, got a lift from the  
7 police. Is that correct?

8                   **MR. ROY:** Yes.

9                   **MR. WALLACE:** Would that be two ways, like  
10 to and from?

11                   **MR. ROY:** Yes.

12                   **MR. WALLACE:** Do you recall this interview,  
13 the ride home?

14                   **MR. ROY:** No.

15                   **MR. WALLACE:** Or the ride there?

16                   **MR. ROY:** No. It wouldn't have been -- I  
17 can tell you right now, it wouldn't have been Officer  
18 Zebruck that would have drove me. It would have been  
19 Heidi.

20                   **MR. WALLACE:** Okay, and Heidi alone or Heidi  
21 with Zebruck?

22                   **MR. ROY:** If Zebruck would have been on the  
23 ride, I would have remembered that, I think.

24                   **MR. WALLACE:** Okay. So you ---

25                   **MR. ROY:** It would have been Heidi alone.



1                   The thing is too, if I was going to be  
2                   uptown anyways and they had an interview, I would go on my  
3                   own. So that's a possibility too, that I went there on my  
4                   own.

5                   **MR. WALLACE:** Okay.

6                   **MR. ROY:** To go back to one of your  
7                   questions, like before I read the paragraph, you asked me  
8                   if I remember any interviews with Zebruck at the Cornwall  
9                   Police. I do remember the interview where he was  
10                  introduced to me and it was explained to me why it had to  
11                  be Officer Zebruck that did the arrest, because of the  
12                  zoning controversy. He lived outside the city and ---

13                  **MR. WALLACE:** The jurisdiction?

14                  **MR. ROY:** Jurisdiction.

15                  **MR. WALLACE:** Sure. Okay.

16                  **MR. ROY:** So I remember that interview for  
17                  sure.

18                  **MR. WALLACE:** Okay. Now, is that to say  
19                  that, in your mind at least, there may have been two  
20                  interviews or is this the same time, or do you know?

21                  **MR. ROY:** I don't know.

22                  **MR. WALLACE:** Now, the drive that you've  
23                  testified to as well as your wife, that is the real problem  
24                  area for you as far as Constable Zebruck is concerned, can  
25                  you set that up for us, in terms of when it took place?

1 And I don't expect you to give us a date, but rather in  
2 relation to statements that you had given or a statement  
3 that you had given to the Cornwall Police? So for example,  
4 did the drive take place before the 16<sup>th</sup> of December, the  
5 date of this statement, or after that date, or do you know?

6 MR. ROY: It would have had to have been  
7 after this date ---

8 MR. WALLACE: Okay.

9 MR. ROY: --- because I know for sure, I  
10 never saw Zebruck after that ride.

11 MR. WALLACE: In relation to when Mr. Barque  
12 was arrested and charged, was it before he was charged --  
13 arrested and charged or after?

14 MR. ROY: I think we've gone over this, but  
15 I don't know if he was charged -- I'm sorry, I'm not trying  
16 to be glib, but when Officer Zebruck told me about -- he  
17 had talked to Nelson Barque, because he told me that, you  
18 know, they had found out that he went behind the Army/Air  
19 Force wing and he had no problem admitting he was a  
20 homosexual and stuff like that. So obviously he had talked  
21 to Nelson Barque. He also told me Nelson said he has no  
22 recollection of me at all.

23 So I don't know if that's when he arrested  
24 Nelson or interviewed Nelson or what the process was.

25 MR. WALLACE: Did I hear you correctly? You

1       said he phoned? Did Constable Zebruck phone and give you  
2       this information?

3                   **MR. ROY:** No, no, this is in the car.

4                   **MR. WALLACE:** I see. Okay.

5                   So on the drive, he has told you to the  
6       effect that he has already spoken to him. Nelson has  
7       admitted being a homosexual ---

8                   **MR. ROY:** Yes.

9                   **MR. WALLACE:** --- and had no recollection of  
10      yourself?

11                  **MR. ROY:** That's right.

12                  **MR. WALLACE:** Is that correct?

13                  **MR. ROY:** Yes.

14                  **MR. WALLACE:** We also heard -- you were  
15      asked to comment on a note that Heidi Sebalj made to the  
16      effect that she had called you, phoned you, and told you  
17      that this had taken place; that is, he had been arrested.  
18      Do you recall that?

19                  **MR. ROY:** The way I remember it, is Heidi  
20      told me at the Cornwall Police Station.

21                  **MR. WALLACE:** Okay. And was this as part of  
22      your introduction to Constable Zebruck, as being the fellow  
23      that did it?

24                  **MR. ROY:** I don't think so, no.

25                  **MR. WALLACE:** In any event ---

1                   **MR. ROY:** No, sorry.

2                   **MR. WALLACE:** Go ahead.

3                   **MR. ROY:** I remember that she was still  
4 talking about, if she could still be on the case and  
5 everything. So I really think that the first time I met  
6 Mr. Zebruck, Nelson hadn't been arrested yet because they  
7 were still kind of going over everything and she wanted to  
8 find out how I felt about another officer coming into the  
9 picture.

10                   **MR. WALLACE:** So your recollection then  
11 would be when you first met Constable Zebruck, Nelson  
12 hadn't been charged?

13                   **MR. ROY:** That's right.

14                   **MR. WALLACE:** And it's your belief that when  
15 you went on the drive, you weren't sure whether he had been  
16 charged at that point. All you knew was that Zebruck had  
17 spoken to him?

18                   **MR. ROY:** Yes.

19                   **MR. WALLACE:** And ---

20                   **MR. ROY:** I'd like to clarify that drive a  
21 little bit more too, because as you were talking to my wife  
22 yesterday, you know how you're sitting here looking at it  
23 more objectively. I started to remember certain things.  
24 They were wondering how Nelson had taken me home from the  
25 drive-in.

1                   **MR. WALLACE:** No, I wasn't there, so who is  
2                   "they"?

3                   **MR. ROY:** Heidi Sebalj and Officer Zebruck.  
4                   And I told them that I remembered going over this bridge  
5                   and that the road was gravel at the beginning, and we went  
6                   off kind of like a little highway, and when Officer Zebruck  
7                   brought me for that ride, he brought me past Nelson's house  
8                   and there's a park there that goes over a stream and  
9                   there's a bridge there, and he wanted to know if I  
10                  remembered that this is the way I had come. I told him  
11                  that I believe I went over a small bridge onto a gravel  
12                  road, but I told him I couldn't, you know, say for sure  
13                  that that was the bridge that we went over. It was at  
14                  nighttime. So that was part of the reason that he brought  
15                  me there.

16                  **MR. WALLACE:** You were successful in  
17                  pointing out Nelson Barque's house?

18                  **MR. ROY:** Yes.

19                  **MR. WALLACE:** When you did point the house  
20                  out, did Officer Zebruck -- was this news to him or did he  
21                  know before he went there, where Nelson Barque lived?

22                  **MR. ROY:** He knew before we went there,  
23                  because one of the comments I made is that the addition on  
24                  the back of the house wasn't there, the addition onto the  
25                  kitchen, whatever it was back there, wasn't there before,

1 and he said, "You're right; that was recently put on." So  
2 he had to have known where Nelson's house was.

3 **MR. WALLACE:** So this wasn't news to him?

4 **MR. ROY:** I'm just saying by that comment,  
5 it seems like it wasn't, no.

6 **MR. WALLACE:** Okay. Now ---

7 **MR. ROY:** I had also told him that the  
8 windows had been changed and the bay window wasn't the  
9 same.

10 **MR. WALLACE:** At the time that you were  
11 picked up to go on this ride, do you have any recollection  
12 of how it was set up?

13 **THE COMMISSIONER:** How what was set up?

14 **MR. WALLACE:** The ride. How were the  
15 arrangements made?

16 **MR. ROY:** I can only go by -- I can't  
17 remember exactly, but I can only go by all the other things  
18 that happened during that time, and for everything else,  
19 every interview I had, every person I met or talked to,  
20 Heidi always set up whatever was going to happen.

21 **MR. WALLACE:** So to the best of your  
22 recollection then, it was Heidi that made the arrangements?

23 **MR. ROY:** If arrangements would have been  
24 made, I think it would have been Heidi, yes.

25 **MR. WALLACE:** Well ---

1                   **MR. ROY:** I'm pretty sure Zebruck didn't  
2                   call my house and say he was coming to pick me up. I'm  
3                   pretty sure he would have gone through Heidi because Heidi  
4                   knew that I didn't feel comfortable, you know, doing stuff  
5                   without her around or, you know, her knowing about it.

6                   **MR. WALLACE:** The trip -- the ride itself,  
7                   he didn't just show up out of the blue?

8                   **MR. ROY:** Oh no, he wouldn't have done that,  
9                   no.

10                  **MR. WALLACE:** Okay. Now, on the ride out to  
11                  the house, would you agree that the conversation in the car  
12                  was pleasant small talk?

13                  **MR. ROY:** Yes.

14                  **MR. WALLACE:** And his demeanour towards you;  
15                  that is, Constable Zebruck's demeanour towards you wasn't  
16                  any different on the ride out to Nelson Barque's house,  
17                  than it had been at the interview at the Cornwall Police?

18                  **MR. ROY:** That's correct.

19                  **MR. WALLACE:** And his demeanour changed  
20                  considerably, once you had pointed the house out?

21                  **MR. ROY:** No. Officer Zebruck never -- I  
22                  never felt threatened or -- even when he was telling me  
23                  this stuff, it was never -- I've tried to tell other people  
24                  that I never felt that Officer Zebruck was threatening  
25                  towards me or -- I forget the word I used.

1                   **THE COMMISSIONER:** Intimidating?

2                   **MR. ROY:** Intimidating, yes. He never -- it  
3 just came across as a very odd conversation that bothered  
4 me. It didn't come across like he was telling me to do  
5 something or he wanted something from me. It just -- I  
6 couldn't figure out why he had said this to me, and that  
7 was the upsetting thing, like, why did he say this to me?  
8 It's not the manner in which he said it. I didn't feel  
9 threatened by what he said. He never -- I mean, he used  
10 terms -- I use the word vulgar. I think that's maybe too  
11 harsh of a word, but it was upsetting that he would talk  
12 about something like that with my wife sitting there with  
13 me about -- at the end when he said -- and then I didn't  
14 understand the reason he said it for.

15                   I mean, later on I have said that, you know,  
16 maybe he was just trying to make me feel better. I use the  
17 example of the District Attorney when the District Attorney  
18 told me that maybe Nelson would be beat up when he was in  
19 jail and it upset me and I didn't want that. That's not  
20 what I wanted. But the reason I used that example is I  
21 don't think the District Attorney told me that in any other  
22 way but he thought it might make me feel better, and that's  
23 the way I felt this conversation with Zebruck was going  
24 until the last remark.

25                   **THE COMMISSIONER:** Just to stop there.



1 Looking back, as if you're watching a T.V. show, do you  
2 think it's proper for a Crown Attorney to tell the victim  
3 "Well, he's going to get four months and he's going to get  
4 beat up" as if being part of the punishment. Is that not  
5 true?

6 **MR. ROY:** I'm not trying to defend what the  
7 Crown Attorney did or Officer Zebruck did. I'm just saying  
8 I'm not sure what their motives were.

9 **THE COMMISSIONER:** Right. Okay.

10 **MR. ROY:** And I'd like to believe that when  
11 our -- now, you've got to understand; when you have  
12 something said to you there's a few things that happen.  
13 Right away you have an emotional response which is what's  
14 happened. When I got out of the car, I was upset and Vicki  
15 was saying "You should call somebody. You should do  
16 something." So I'm not thinking about why he did it. I'm  
17 just thinking about the effect on me and I'm upset.

18 And later on, over the years, as I've  
19 thought about this, it could be that all he meant was "It's  
20 not that bad. You know, don't feel so bad." I mean, he  
21 might have said it in a wrong way, but I never -- I still  
22 don't believe that he said it in that word you used, like  
23 he was malignant.

24 **THE COMMISSIONER:** Manipulative.

25 **MR. ROY:** No.

1                   **THE COMMISSIONER:** I didn't use any word. I  
2                   don't want to put any -- I thought you were looking for a  
3                   word.

4                   **MR. MORRIS:** I think you used the word  
5                   intimidating.

6                   **MR. ROY:** Intimidating. Like, I never  
7                   thought he was trying to intimidate me to not come forward.  
8                   I just think that it was a very odd situation to be in. It  
9                   was odd words he used. It was -- you know, when he told me  
10                  that, you know, "Nelson will probably commit suicide. He's  
11                  the type." I couldn't understand why he would be telling  
12                  me that. Like, does he think that would make me feel  
13                  better that Nelson might kill himself, or does he -- or is  
14                  it the other way around, that, you know, maybe I should  
15                  keep my mouth shut because this guy could kill himself. I  
16                  don't know.

17                  **MR. WALLACE:** As you've repeated, you didn't  
18                  feel that he was trying to intimidate you by this  
19                  statement?

20                  **MR. ROY:** No, I didn't feel intimidated.

21                  **MR. WALLACE:** Okay. And in fact, it may  
22                  have been an effort on his part to make you feel better?

23                  **MR. ROY:** A poor effort.

24                  **MR. WALLACE:** It had the opposite ---

25                  **MR. ROY:** A poor effort.

1                   **MR. WALLACE:** Okay. Now, there is nothing  
2                   in the context of the remarks that would give you any  
3                   insight as to why they were said? And by that I mean he  
4                   didn't say that "Nelson is a friend of mine" or "Nelson is  
5                   a guy I know" or "I know his family" or anything like that?

6                   **MR. ROY:** No.

7                   **MR. WALLACE:** So there was nothing in what  
8                   he said that gave you any insight as to why he said it?

9                   **MR. ROY:** No.

10                  **MR. WALLACE:** Do you recall when he was  
11                  introduced to you by Heidi Sebalj, she was -- she did the  
12                  introductions face-to-face; correct?

13                  **MR. ROY:** Yes.

14                  **MR. WALLACE:** And this was really at your  
15                  request that she be around? She still remained a part of  
16                  this because you felt comfortable with Heidi?

17                  **MR. ROY:** At first she didn't know if she  
18                  could.

19                  **MR. WALLACE:** M'hm.

20                  **MR. ROY:** But I said to her that I don't  
21                  think I could do this without her being there or knowing  
22                  that she was part of it, because I didn't -- well, I just  
23                  didn't want to be, well, put in a position where I only had  
24                  a male person to talk to alone.

25                  **MR. WALLACE:** Okay. And -- no, I think I'll

1 leave that.

2 Now, the next time that you had anything to  
3 do with the police that I wish to ask you some questions  
4 about is what you told us about Constable Seguin, who was  
5 with Project Truth.

6 MR. ROY: Right.

7 MR. WALLACE: Now, as I understand it, Mr.  
8 Roy, Constable Seguin just didn't show up out of the blue  
9 at your house, and I'm going to try and refresh your  
10 memory. Do you recall, Mr. Roy, contacting Project Truth  
11 by phone at the end of July? Constable Seguin saw you on  
12 the 12<sup>th</sup> of September of 1997. Okay? We've got that on the  
13 little statement that you gave there. Around the end of  
14 July of the same year, a couple of months earlier, making a  
15 phone call to the Project Truth office and telling them  
16 that you had -- telling the officer you spoke to, I believe  
17 an Officer Génier -- does that name ring a bell at all?

18 MR. ROY: No.

19 MR. WALLACE: Okay. Spoke to an officer and  
20 told him that you had read in the article about the sex  
21 scandal and told the officer that you had given a statement  
22 to Officer McDonnell about two to three years before then  
23 regarding Ken Seguin and that there had been charges laid  
24 against Nelson Barque and Mr. Barque had pled guilty about  
25 three years ago.

1                   Do you recall contacting the OPP and giving  
2                   them a little bit of background about yourself and then  
3                   ultimately offering any information in regards to this  
4                   investigation that could help? Do you recall along those  
5                   lines?

6                   **MR. ROY:** I don't recall calling them, but -  
7                   - well, I just -- that's my answer. I don't. But it  
8                   doesn't sound like something I wouldn't have done.

9                   **MR. WALLACE:** Okay. So ---

10                  **MR. ROY:** I mean, if there would have been  
11                  an article in the paper stating that Project Truth was  
12                  looking for people to talk to, maybe I called them and  
13                  that. I wish I knew what article it was and then maybe I  
14                  could answer that better.

15                  **MR. WALLACE:** Okay. But it sounds like  
16                  something that you quite possibly could have done?

17                  **MR. ROY:** Yes.

18                  **MR. WALLACE:** And the last note here that  
19                  the officer has made is "He will be contacted in the near  
20                  future." And then on the 12<sup>th</sup> of September Constable Sequin  
21                  called the home -- called your home; correct?

22                  **MR. ROY:** I believe so, yes.

23                  **MR. WALLACE:** In fact, he called the same  
24                  day that he came over to your house?

25                  **MR. ROY:** I don't remember.

1                   **MR. WALLACE:** Okay. In any event, he would  
2           have ---

3                   **MR. ROY:** He wouldn't have just shown up at  
4           my door. I know that.

5                   **MR. WALLACE:** Fair enough.

6                   And when he got there, that is Constable  
7           Seguin, he would have introduced who he was ---

8                   **MR. ROY:** Yes.

9                   **MR. WALLACE:** --- and why he was there?

10                  **MR. ROY:** Yes.

11                  **MR. WALLACE:** Now, is part of the  
12           explanation of why he was there -- did he indicate to you  
13           that he was here to find out if you had any additional  
14           information that may be of interest to the Project Truth  
15           investigation?

16                  **MR. ROY:** Yes.

17                  **MR. WALLACE:** Okay. And he then had you  
18           review your statement that you had given to Constable  
19           McDonell, the one that you've been shown before in your own  
20           ---

21                  **MR. ROY:** Yes.

22                  **MR. WALLACE:** Sorry, it was in handwriting?

23                  **MR. ROY:** Yes.

24                  **MR. WALLACE:** And at the end of the  
25           interview you had indicated "There is no additional

1 information. I can't help you on any further  
2 investigation. This is the end of my knowledge." Is that  
3 fair?

4 **MR. ROY:** I believe his last question to me  
5 was "Do you know any other names of the people that were  
6 abused during the time you were abused?" And I told him  
7 no.

8 **MR. WALLACE:** And when you finished the  
9 interview with Constable Seguin you did not expect to see  
10 him again? I mean, there was nothing to follow up on?

11 **MR. ROY:** No.

12 **MR. WALLACE:** You were tapped out in terms  
13 of your knowledge that was going to assist the OPP?

14 **MR. ROY:** I guess so. As far as that  
15 interview went, yes.

16 **MR. WALLACE:** Sure. Okay.

17 And you weren't expecting to hear from  
18 Constable Seguin again?

19 **MR. ROY:** No.

20 **MR. WALLACE:** Okay. I'll leave it at that.

21 And those are my questions.

22 Thank you.

23 **THE COMMISSIONER:** Thank you.

24 **MR. ROY:** Thank you.

25 **THE COMMISSIONER:** Maître Dumais, can you

1 help me out with who is next now?

2 **MR. DUMAIS:** I apologize, Commissioner?

3 **THE COMMISSIONER:** Who's next?

4 **MR. DUMAIS:** If I can just -- it would be  
5 Mr. Callaghan.

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

7 **MR. DUMAIS:** So if I can just set this up,  
8 we can start with that.

9 Madam Clerk, perhaps you can advise me. I'm  
10 not sure if we have the November 24<sup>th</sup>, 2006 letter of Mr.  
11 Morris. If you don't have this letter with the additional  
12 -- I just plan on reading the contents in, Commissioner. I  
13 thought maybe we had made copies of that correspondence.  
14 If not, I'll just read it in because it sort of sets out  
15 the next phase of the cross-examination.

16 On November 10<sup>th</sup>, 2006 we did receive some  
17 correspondence from Mr. Callaghan as to the areas he wished  
18 to cross-examine Mr. Albert Roy on or the contentious areas  
19 anyways, and I did circulate that around. There was a  
20 response that was received. It's addressed to myself,  
21 dated November 24<sup>th</sup>, 2006. I'll just read it. It's quite  
22 lengthy, Commissioner. It's two and a half pages, but I  
23 think it's important.

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

25 **MR. DUMAIS:** So:



1 "As I indicated to the Commission on  
2 November 17<sup>th</sup>, Mr. Roy is prepared to  
3 answer questions in the following  
4 areas.

5 "1) Mr. Callaghan has asked for  
6 statements that were contained in his  
7 affidavit of documents. Mr. Roy has no  
8 objection to producing those, copies  
9 are attached, and answering relevant  
10 questions in regards to them."

11 So these are the statements and most of  
12 these statements have been -- well, firstly, they've been  
13 disclosed to counsel for the parties. As well most have  
14 been either put to Vicki Roy or have been put to Albert  
15 this afternoon.

16 So presumably that issue has been dealt with  
17 and I don't expect any further questions for Albert on  
18 that.

19 "2) Mr. Roy is prepared to answer  
20 relevant questions about any  
21 discussions that he had with Perry  
22 Dunlop about his own case."

23 I think he had indicated that at the last  
24 court appearance as well.

25 "3) Mr. Roy is prepared to answer

1 relevant questions regarding the  
2 circumstances leading up to the meeting  
3 with his lawyer at the Holiday Inn that  
4 had been referenced already in the  
5 proceedings.

6 4) Mr. Roy is prepared to answer  
7 relevant questions in relation to what  
8 Perry Dunlop told Mr. Roy, that he was  
9 telling other victims about possible  
10 legal proceedings, retaining a lawyer,  
11 et cetera.

12 5) If a victim has already been  
13 identified and has told his story to  
14 the Inquiry through oral evidence or  
15 through some other disclosure to the  
16 Commission, Mr. Roy is prepared to  
17 confirm that he has spoken to that  
18 individual. However, he takes the  
19 position that it is irrelevant and  
20 prejudicial to ask him questions about  
21 what other victims or alleged victims  
22 may have told him about their  
23 particular cases."

24 I assume by that statement that what's  
25 meant by that is particulars of the abuse itself.

1 "6) Mr. Roy is prepared to answer  
2 relevant questions in regards to what  
3 he may have told other victims who he  
4 spoke to about what steps he was taking  
5 in relation to his own legal case and  
6 what steps they might take, et cetera."

7 7) "Mr. Roy's wife, Vicki, had a  
8 conversation recently with Carson  
9 Chisholm. This conversation has been  
10 related to Mr. Roy. He's prepared to  
11 answer relevant questions in regards to  
12 what his wife told him about the  
13 discussion with Mr. Chisholm."

14 That issue has been addressed with Vicki as  
15 well. At that time, it was not expected to call Vicki  
16 before Albert was done.

17 "And then there are two areas where Mr.  
18 Roy had some difficulty in answering  
19 questions to.

20 1) Mr. Roy has instructed me to submit  
21 to the Commission that he ought not to  
22 be compelled to identify any of the  
23 individuals who were at the meeting at  
24 the Holiday Inn or anything that was  
25 said at the meeting. He takes the

1 position that that was a confidential  
2 meeting in which he and others were  
3 seeking legal advice and that this  
4 confidentiality is protected by  
5 solicitor/client privilege."

6 On that issue, Commissioner, we were served  
7 by both the factum and the Book of Authorities by both Mr.  
8 Morris and Mr. Callaghan. It's been circulated around to  
9 counsel for other parties. I received no other submissions  
10 and assume we should hear submissions on that issue from  
11 those two counsel. That should be the extent of that.

12 **THE COMMISSIONER:** If all else fails.

13 **MR. DUMAIS:** Pardon me?

14 **THE COMMISSIONER:** If all else fails.

15 **MR. DUMAIS:** If all else fails.

16 And actually, Commissioner, that's a good  
17 point. What I was suggesting is that we ask Mr. Callaghan  
18 to start with the non-contentious issues, deal with that,  
19 perhaps most, if not all, of the questions might be  
20 answered and it might resolve things.

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

22 **MR. DUMAIS:** And the second area is:

23 "Mr. Roy is very reluctant to identify  
24 any victims who have not yet been  
25 identified in the Commission

1 proceedings. Mr. Roy is thus concerned  
2 about identifying individuals who may  
3 have already testified before the  
4 Commission or who have been otherwise  
5 identified. This would then put him in  
6 a position of identifying someone who  
7 has thus far chosen to remain anonymous  
8 to these proceedings. It is Mr. Roy's  
9 view that if individuals have chosen  
10 not to come forward, that decision  
11 should be respected and he believes  
12 that it is unfair and prejudicial to  
13 put him in the position because he has  
14 come forward to tell his own story of  
15 identifying individuals who have not  
16 come forward or whom the Commission has  
17 not compelled to come forward."

18 So, actually, Mr. Morris also sets out what  
19 I have just explained. If we can ask Mr. Callaghan to  
20 start with the non-contentious issues, deal with that  
21 firstly and let's see where that leads us.

22 **THE COMMISSIONER:** Thank you.

23 Mr. Roy, again, my assurance that you have -  
24 - Mr. Morris is here to represent you. If he feels that  
25 Mr. Callaghan is asking unfair questions, I'm sure he will

1 object.

2 Mr. Dumais has an obligation to the public  
3 to make sure that's on an even keel and it might not be  
4 much, but you still have me. All right? So we'll do our  
5 best and just ask questions.

6 **MR. ROY:** I know you ---

7 **THE COMMISSIONER:** You want a break?

8 **MR. ROY:** A bathroom break.

9 **THE COMMISSIONER:** Not a problem. We'll  
10 take a break and we'll come back in a few minutes.

11 **MR. ROY:** Sorry.

12 **THE COMMISSIONER:** That's fine.

13 Thank you.

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

16 --- Upon recessing at 2:25 p.m. /

17 L'audience est suspendue à 14h25

18 --- Upon resuming at 2:40 p.m. /

19 L'audience est reprise à 14h40

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

22 This hearing of the Cornwall Public Inquiry  
23 is now in session. Please be seated. Veuillez vous  
24 asseoir.

25 **ALBERT ROY, Resumed/Sous affirmation solennelle:**

1                   **THE COMMISSIONER:** Mr. Callaghan.

2           **--- RE-CROSS-EXAMINATION BY/RÉ-CONTRE INTERROGATOIRE PAR**  
3           **MR. CALLAGHAN:**

4                   **MR. CALLAGHAN:** Thank you.

5                   Good day Mr. Roy, again. I just would like  
6           to start by finishing off one question that Mr. Wallace was  
7           talking about in one of the documents you produced which is  
8           the Document Number 200059.

9                   **THE COMMISSIONER:** Exhibit number please?

10                  **MR. CALLAGHAN:** There has not been one yet.

11           That's ---

12                  **THE COMMISSIONER:** Okay. It's not there,

13           Mr. Roy.

14                  **MR. ROY:** Okay.

15                  **THE COMMISSIONER:** So we'll make it an  
16           exhibit.

17                  **THE REGISTRAR:** One ninety-six (196)

18                  **THE COMMISSIONER:** One ninety-six (196), and  
19           we'll identify it in a minute there.

20           **---EXHIBIT NO./PIÈCE NO P-196:**

21                           (200059) Handwritten Statement - Author  
22                           Unknown - No Date.

23                  **MR. CALLAGHAN:** Mr. Roy, this is ---

24                  **THE COMMISSIONER:** Hold on. Hold on a  
25           second. So 196 is -- all right -- how are we going to

1 describe this? It's a statement ---

2 **MR. CALLAGHAN:** It's a statement entitled  
3 Ken Seguin and Nelson Barque case, Albert Hector Roy  
4 Statement, and I think that's the best we can do.

5 **THE COMMISSIONER:** Okay, 196. And is there  
6 anything in there that we might have some confidentiality  
7 issues with?

8 **MR. CALLAGHAN:** Not that I am aware of.

9 **THE COMMISSIONER:** I don't see any names  
10 that pop up. Okay. Very well.

11 **MR. CALLAGHAN:** Mr. Roy, is this in your  
12 handwriting?

13 **MR. ROY:** No.

14 **MR. CALLAGHAN:** Do you know whose  
15 handwriting it's in?

16 **MR. ROY:** No.

17 **MR. CALLAGHAN:** This was a statement that  
18 came from the documents that were provided by your counsel.  
19 So it's a document you had previously. Do you recall the  
20 document?

21 **MR. ROY:** No, I don't.

22 **MR. CALLAGHAN:** The story that's being told  
23 in the "I", it's in by way of "I", I mean, the singular  
24 "I", it would appear to be your story. And I wonder if you  
25 can read some of the first page and tell me whether you



1 believe it's your story?

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. CALLAGHAN: I don't know if you have --  
4 feel free to read the whole thing, but I just -- does that  
5 sound like your story from the first page at least?

6 MR. ROY: Yes, but there is a few things  
7 that doesn't ---

8 MR. CALLAGHAN: Well, let me ask you, did  
9 you sit down with anybody else other than your lawyers and  
10 the police to tell your story?

11 MR. ROY: I am trying to remember if I did  
12 that with the hospital on some form. I'm not sure.

13 MR. CALLAGHAN: In a cross-examination of  
14 Mr. Carson Chisholm, he actually swore under oath that he  
15 took a statement from you. Do you recall that?

16 MR. ROY: No, I don't.

17 MR. CALLAGHAN: All right.  
18 You don't recall him taking a statement?

19 MR. ROY: I know I've talked to Carson  
20 Chisholm many times but, like, if you're asking me if I  
21 remember him taking a statement and then me signing it in  
22 some form like that, I don't.

23 MR. CALLAGHAN: Okay. You don't know  
24 whether this would be the handwriting of anybody who worked  
25 for you, either -- any of your lawyers?

1                   **MR. ROY:** No. Wendy Rogers might have taken  
2 a statement down from me.

3                   **MR. CALLAGHAN:** Okay.

4                   **MR. ROY:** I don't know if this is it. I  
5 don't her handwriting.

6                   **MR. CALLAGHAN:** All right.

7                   Maybe we'll come back to it, but actually if  
8 I may say something, it says, "Start at the beginning" and  
9 if you turn over three pages, it says "stop". Does that  
10 assist? Did you ever do a recorded statement aside from  
11 the police?

12                   **MR. ROY:** Not that I remember, no.

13                   **MR. CALLAGHAN:** Okay.

14                   **THE COMMISSIONER:** Just to help us, who is  
15 Wendy Rogers?

16                   **MR. CALLAGHAN:** I am sorry, last time we  
17 spoke, Wendy Rogers was his second lawyer. There was one  
18 fellow and Wendy Rogers was Mr. Morris' predecessor.

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

20                   **MR. CALLAGHAN:** If I could, what I'd like to  
21 do is just put a few documents to you, Mr. Roy, just to  
22 frame our discussion, and if I could ask Madam Clerk, I'm  
23 looking for basically two documents that are statements --  
24 look like Statements of Claim, Document 721831, if I've  
25 given you the right number. Am I getting the wrong numbers

1 again, Madam Clerk?

2 **THE REGISTRAR:** It's 721831?

3 **MR. CALLAGHAN:** That would be it. And then  
4 the next one will be 115929.

5 **THE COMMISSIONER:** Thank you.

6 So Exhibit Number 197.

7 **---EXHIBIT NO./PIÈCE NO P-197:**

8 (721831) Statement of Claim - Albert Roy -  
9 No date.

10 **MR. CALLAGHAN:** The second number is 115929.

11 **THE COMMISSIONER:** So 197 is the Statement  
12 of Claim, Albert Roy v. Her Majesty The Queen and others.

13 **MR. CALLAGHAN:** And if I can make a notation  
14 to your comment, Mr. Commissioner, it's the one that has no  
15 court filing number.

16 **THE COMMISSIONER:** Right. Okay. Because  
17 you know what's coming next.

18 **MR. CALLAGHAN:** I do. It's the one with the  
19 filing number.

20 **THE COMMISSIONER:** All right.

21 So 198 is State of Claim with court file  
22 number of 8984 of 96.

23 **---EXHIBIT NO./PIÈCE NO P-198:**

24 (721831) Statement of Claim - Albert Roy -  
25 No date.

1                   **MR. CALLAGHAN:** And that would be Exhibit  
2                   198. Okay. And if I might, there is also, Madam  
3                   Registrar, the statement of Constable Perry Dunlop, item  
4                   117547. I had a few pages, but I think what you have is  
5                   the larger version. It's 117547, and I understand we have  
6                   -- I have excerpted a few pages, Mr. Commissioner, because  
7                   it's rather large and it may cause a little time.

8                   **THE COMMISSIONER:** Okay. So Exhibit Number  
9                   199 is a statement of Perry Dunlop?

10                  **MR. CALLAGHAN:** Yes, selected excerpts in  
11                  case someone is looking in the future.

12                  **---EXHIBIT NO./PIÈCE NO C-199:**

13                                 (117547) Statement of Constable Perry Dunlop  
14                                 - April 7th, 2000.

15                  **THE COMMISSIONER:** Okay. So Exhibit 199  
16                  will contain seven individual pages which are selected  
17                  excerpts, so the statement of Constable Perry Dunlop, dated  
18                  April 7<sup>th</sup>, 2000.

19                  **MR. CALLAGHAN:** And actually, if we can do  
20                  one last exhibit just to finalize it. That would be  
21                  Exhibit 102187 which is Exhibit 200 -- sorry, which is not  
22                  yet an exhibit. They are handwritten notes of Mr. Dunlop.

23                  **THE COMMISSIONER:** I am sorry, 200, yes.  
24                  Are there any confidentiality issues here?

25                  **MR. CALLAGHAN:** I hadn't thought there were,

1 but I will refer to Commission counsel who would have a  
2 better understanding of ---

3 **THE COMMISSIONER:** I thought we were all  
4 going to look at it collectively. So I take it that means  
5 that you have looked at it and adjust your mind to it?

6 **MR. CALLAGHAN:** I adjust my mind. I don't  
7 see an issue, but then I see what the difficulty is ---

8 **THE COMMISSIONER:** Fair enough.

9 **MR. CALLAGHAN:** --- it's not something  
10 that's been raised.

11 **THE COMMISSIONER:** Exhibit Number 200 is a  
12 two-page document which are police officer's notes? Is  
13 that what they are?

14 **MR. ROY:** Perry Dunlop's notes.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. CALLAGHAN:** Mr. Dumais has asked me to  
17 just see if we could live with the first page, not the  
18 second page of that document because he has concerns about  
19 a name on the second page.

20 **THE COMMISSIONER:** What exhibit?

21 **MR. CALLAGHAN:** That would be the one of --  
22 Exhibit 200. So it would be the page marked with a stamp  
23 21 at the top and not the document marked 55 at the top.

24 **THE COMMISSIONER:** And you're content with  
25 that, sir?

1                   **MR. CALLAGHAN:** I'm content with that, I  
2 think.

3                   **THE COMMISSIONER:** Okay. So Exhibit 200 is  
4 a one-page document now. This is what? Is this a copy of  
5 the notebook of Perry Dunlop?

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

7                   **THE COMMISSIONER:** All right. So it will be  
8 identified in that way.

9                   **--- EXHIBIT NO./PIÈCE NO. P-200:**

10                                   (102187) Handwritten Notes - February 27,  
11                                   1997.

12                   **MR. CALLAGHAN:** It's the same as Exhibit  
13 123. It's the same sort of thing.

14                                   If I could start and if Madam Clerk could  
15 have Exhibit 123 to the witness, just so it would make it a  
16 lot quicker.

17                   **THE REGISTRAR:** Exhibit 123?

18                   **MR. CALLAGHAN:** Exhibit 123.

19                                   Mr. Roy, if I haven't confused you  
20 completely with the documents, what I wanted to start with  
21 is framing some of the dates. If I could ask you to have  
22 regard to Exhibit 198, which is the Statement of Claim with  
23 the stamp on the front.

24                   **MR. ROY:** Okay.

25                   **MR. CALLAGHAN:** Okay. Now, I'm going to

1 inform you, and you may or may not know this, but this is  
2 the Statement of Claim that was issued by your lawyer and  
3 the date it was issued was August 27<sup>th</sup>, 1996. Do you see  
4 the stamp on the front page?

5 MR. ROY: Yes.

6 MR. CALLAGHAN: All right.

7 So I'm telling you as a matter of fact so we  
8 know the date your Statement of Claim was issued.

9 You sued the Ministry of Correctional  
10 Services, the Estate of Ken Seguin and Nelson Barque;  
11 correct?

12 MR. ROY: Correct.

13 MR. CALLAGHAN: All right.

14 And if you could turn to Exhibit 123?  
15 That's the one in the book. This is what we talked about  
16 yesterday, "Wendy Rogers, re: Albert - no problem". Do you  
17 see that? We talked about that last day. Do you recall?

18 MR. ROY: Yes.

19 MR. CALLAGHAN: All right.

20 And then if you go to Exhibit 199, which is  
21 the statement of Constable Dunlop, do you have that?

22 MR. ROY: Just a second.

23 (SHORT PAUSE/COURTE PAUSE)

24 MR. ROY: I'm sorry, I can't find 199.

25 MR. CALLAGHAN: Maybe Madam Registrar could

1 help. It's the second -- if you turn to the second page --  
2 -

3 MR. ROY: That's why. Okay. Sorry.

4 MR. CALLAGHAN: If you follow down the left-  
5 hand -- if I've done this right, you should be able to see  
6 June 20<sup>th</sup>, 1996. Do you see that? "Spoke to lawyer Wendy  
7 Rogers from Ottawa re: Albert Roy. I want to view his  
8 civil suit with permission from all parties. No problem."  
9 Do you see that?

10 MR. ROY: On the second page?

11 THE COMMISSIONER: No, at -- well, the  
12 second page is -- what you have is the cover page, Mr. Roy.

13 MR. CALLAGHAN: It says page 45 of 110 at  
14 the bottom. That might be the easiest way for you to find  
15 it, sir.

16 THE COMMISSIONER: And we should be putting  
17 it up on the screen. It should be that page.

18 MR. CALLAGHAN: If you look down, on the  
19 second ---

20 MR. ROY: The last entry I have is June 11<sup>th</sup>.

21 THE COMMISSIONER: No, that's not the one.

22 MR. CALLAGHAN: September 11<sup>th</sup>?

23 THE COMMISSIONER: Is it September 11<sup>th</sup>?

24 MR. CALLAGHAN: I'm looking at the June 20<sup>th</sup>,  
25 the one above. Do you see that?



1           **MR. ROY:** I have April.

2           **THE REGISTRAR:** June 20<sup>th</sup>?

3           **MR. CALLAGHAN:** Yes.

4           **THE REGISTRAR:** Right here.

5           **MR. ROY:** Okay. Thank you.

6           **MR. CALLAGHAN:** It says, "Spoke to lawyer  
7 Wendy Rogers". And we indicated Wendy Rogers was your  
8 lawyer; correct?

9           **MR. ROY:** Yes.

10           **MR. CALLAGHAN:** From Ottawa, "re: Albert  
11 Roy. I want to view his civil suit with permission from  
12 all parties - no problem." Okay? Do you see that?

13           **MR. ROY:** All right.

14           **MR. CALLAGHAN:** Now, your lawsuit hadn't  
15 been issued at that time. Your lawsuit was dated August  
16 27<sup>th</sup>, '96, but what we did find in Mr. Dunlop's file was  
17 Exhibit 197, which is an undated and would appear to be a  
18 draft Statement of Claim.

19           **MR. ROY:** Well, there's two Statements of  
20 Claim through Wendy Rogers because she made a Statement of  
21 Claim in Ottawa and she couldn't file there. She had to  
22 come to Cornwall to file. So I think this one that's not  
23 stamped and that is the original one she did before she did  
24 the one here in Cornwall.

25           **MR. CALLAGHAN:** That may be. If you bear

1 with me, you'll see, if you look at Exhibit 197, there are  
2 handwritten notes on this document. And if I take you into  
3 the third page, for example, you will see under paragraph 1  
4 in handwriting, is that -- that's not your handwriting, is  
5 it?

6 MR. ROY: Where it says "Special damages"?

7 MR. CALLAGHAN: Yes.

8 MR. ROY: No, it's not.

9 MR. CALLAGHAN: "Special damages, the full  
10 particulars of which will be disclosed before trial." And  
11 if you go to -- the same notation appears on the next page.  
12 The following page has a notation, "Roy was, at all  
13 material times, a minor child." And then there are further  
14 notations throughout the pleading.

15 And if you go to Exhibit 198, you'll find  
16 that many of those changes are in fact made.

17 MR. ROY: If I go to the second one ---

18 MR. CALLAGHAN: Exhibit 198, the issued and  
19 entered claim.

20 For example, on the first page, if you go  
21 down to, under claim, which -- I apologize, which is the  
22 third page in the document -- you will see:

23 "(v) Special damages, the full  
24 particulars of which will be provided  
25 prior to the commencement of trial."

1                   And if you were to turn over a couple of  
2                   pages, you would see the change that was referenced in  
3                   respect of paragraph 2 which now has the sentence:

4                                 "Roy was, at all material times, a  
5                                 minor child as defined under the Law of  
6                                 Ontario."

7                   The point being is I'm illustrating that,  
8                   sir, as an example that this Draft Statement of Claim is in  
9                   the possession of Mr. Dunlop, and I was just wondering  
10                  whether you knew how or why he would have obtained it?

11                                 **MR. ROY:** I don't know. That's why I left  
12                   it to Wendy. I told him he'd have to talk to Wendy.

13                                 **MR. CALLAGHAN:** So you had a discussion with  
14                   Mr. Dunlop about that?

15                                 **MR. ROY:** Yes, and I felt that I should let  
16                   my lawyer handle that because I didn't want a lot of my  
17                   material flying around and not know what it was for.

18                                 **MR. CALLAGHAN:** Okay. And you indicated the  
19                   other day that the first time you made re-contact, if I can  
20                   put it that way, with Mr. Dunlop is in respect to the Fifth  
21                   Estate?

22                                 **MR. ROY:** Yes.

23                                 **MR. CALLAGHAN:** And I understood that to  
24                   have happened in December 1995. Does that sound about  
25                   right?

1                   **MR. ROY:** It sounds right, yes.

2                   **MR. CALLAGHAN:** And during that meeting, did  
3 you discuss the potential of lawsuits?

4                   **MR. ROY:** No, I don't think we did.

5                   **MR. CALLAGHAN:** Did he discuss with you his  
6 possible lawsuit at that time?

7                   **MR. ROY:** No, I don't believe he did.

8                   **MR. CALLAGHAN:** And did he give you any  
9 indication of what type of work he was doing in December of  
10 1995?

11                   **MR. ROY:** I knew he was a police officer.

12                   **MR. CALLAGHAN:** Did you know he was on  
13 disability at that time?

14                   **MR. ROY:** No.

15                   **MR. CALLAGHAN:** Did he indicate he was  
16 investigating anything relative to such situations similar  
17 to what you experienced?

18                   **MR. ROY:** No, I don't think we went into  
19 that much detail.

20                   **MR. CALLAGHAN:** And so the meeting in  
21 December of '95, I think your wife testified that you met  
22 at the Dunlop house?

23                   **MR. ROY:** Yes.

24                   **MR. CALLAGHAN:** Did you have independent  
25 discussions in about that time with Helen Dunlop?

1                   **MR. ROY:** You mean like when we went?

2                   **MR. CALLAGHAN:** Yes. I'm just trying to  
3 segment this. That's why I tried to get you to say "This  
4 is June '96 that we're talking about." I think we're back  
5 at December '95, your first contact.

6                   **MR. ROY:** I don't think so. I think  
7 everything was done through the Fifth Estate.

8                   **MR. CALLAGHAN:** Okay. And by this time your  
9 wife had explained to us that Mr. Carson Chisholm had been  
10 calling. Had he called in about this time or was that  
11 later, in about December '95?

12                   **MR. ROY:** I'm afraid I can't give you a  
13 date. He called so many times.

14                   **MR. CALLAGHAN:** Okay. And did you understand  
15 that he was helping Mr. Dunlop?

16                   **MR. ROY:** Well, I think in the beginning it  
17 was explained to me that, you know, he just wanted to give  
18 me encouragement. In the beginning it was always like  
19 that. It was like, you know, "You did a good thing by  
20 going to court" and that sort of thing and, you know, "You  
21 should be proud of what you did."

22                   **MR. CALLAGHAN:** And ---

23                   **MR. ROY:** When it changed -- I can't give  
24 you a date when the conversations kind of changed.

25                   **MR. CALLAGHAN:** Well, why don't we -- what

1 I'm going to try -- I'm going to try as best I can to  
2 segment it for you because I know we're asking a lot of  
3 information about specific areas, and that's why I was  
4 trying to give you sort of signposts to say, "Here's the  
5 time period we're in." So that's fair enough, at that  
6 time.

7 Just out of curiosity, was Mr. Chisholm or  
8 Mr. Dunlop any assistance during the trial process that --  
9 -

10 **MR. ROY:** No. We did that on our own, me  
11 and my wife.

12 **MR. CALLAGHAN:** I know, and did a valiant  
13 job.

14 In between -- by the way, the meeting at the  
15 Dunlops and the Fifth Estate, do you recall how long that  
16 took?

17 **MR. ROY:** No. It was a while because they  
18 had, you know, the camera there and that sort of thing. I  
19 don't think I really got a chance to talk to Perry alone  
20 because -- I know I wanted to because I wanted to say a few  
21 things. Like, at the time, the way I was feeling -- and to  
22 you it might seem like an irrational thought, but I thought  
23 Perry was suffering because Ken had killed himself and that  
24 he had done something wrong.

25 I didn't know about all this other stuff

1 that was going on. So my thing, my concern at that time  
2 was to tell Perry, "Listen, Ken abused me. You weren't  
3 wrong about him."

4 MR. CALLAGHAN: I see.

5 MR. ROY: That was my biggest concern.

6 MR. CALLAGHAN: Right.

7 MR. ROY: And I don't even know if I got  
8 that chance at the -- I don't even remember what they  
9 taped, but that was my concern at that time.

10 MR. CALLAGHAN: But you were not in a -- I'm  
11 going to use a phrase that may not be apt, but a circle of  
12 association or of people who had equally been abused by Ken  
13 Seguin and Barque?

14 MR. ROY: Not at that time, no.

15 MR. CALLAGHAN: And so your idea was to say  
16 to Perry Dunlop, "Don't feel bad; he did it to me. You're  
17 right in addressing Mr. Seguin's issue."

18 MR. ROY: Yes.

19 MR. CALLAGHAN: Okay. So between December  
20 and June of '96 -- and I use that date as the date in about  
21 when he has to speak to -- see your Statement of Claim, did  
22 you have discussions with him? Do you recall?

23 MR. ROY: Around that time is when I really  
24 started to kind of back away from Perry and Mr. Chisholm.

25 MR. CALLAGHAN: Can you tell us about that?

1                   **MR. ROY:** Well, I felt -- like, I don't want  
2                   this taken out of context. So I'm going to maybe be a  
3                   little bit -- but I think Perry and Carson were doing a  
4                   good thing. I think they meant well, but I think it got  
5                   beyond them. I really felt that I wanted to distance  
6                   myself from that because I kind of saw things that were  
7                   going wrong and I felt -- I just didn't feel comfortable in  
8                   some of the things that were happening.

9                   So part of the reason why I made him go  
10                  through Wendy to get that statement was a way of me kind of  
11                  distancing myself.

12                  **MR. CALLAGHAN:** I'm going to try to  
13                  unpackage that a little bit.

14                  So we know that you sent him off to Wendy  
15                  sometime in June of 1996 and that your first encounter or  
16                  re-encounter with Perry is sometime in December of '95.

17                  **MR. ROY:** Right.

18                  **MR. CALLAGHAN:** So did you have a meeting  
19                  with him sometime after the Fifth Estate?

20                  **MR. ROY:** Yes, we went over to his place, I  
21                  think, a couple of times to sit and talk and have coffee  
22                  and talk with Helen, because at that time me and my wife  
23                  were having a really hard time dealing with all this. We  
24                  thought that, you know, maybe we could get some help  
25                  through people that Perry knew. What I mean by help was



1 groups or organizations. My wife was having a hard time, a  
2 real hard time at this point, dealing with me. We thought  
3 that maybe Helen could help her. I don't know.

4 **MR. CALLAGHAN:** So they were offering a  
5 level of emotional support, I take it?

6 **MR. ROY:** Yes.

7 **MR. CALLAGHAN:** And did they have any  
8 referrals to you to social organizations or was it all one-  
9 on-one discussions with them?

10 **MR. ROY:** I can't remember if they gave us  
11 any place to go to.

12 **MR. CALLAGHAN:** And did they indicate to you  
13 that they were in contact with other people?

14 **MR. ROY:** Oh yes.

15 **MR. CALLAGHAN:** And what did they say they  
16 were doing in respect to these other people?

17 **MR. ROY:** Well, they were trying to help  
18 them and, you know, try to get them to come forward and  
19 make that process easier and give them some place where  
20 they could voice what happened to them.

21 **MR. CALLAGHAN:** And do you recall any of the  
22 names, without asking their names at the moment? Do you  
23 recall any of the names of the people they gave you?

24 **MR. ROY:** A few.

25 **MR. CALLAGHAN:** And we'll come back to the

1 names.

2 Did they talk about lawsuits at all?

3 **MR. ROY:** I can't say about what Helen and  
4 Vicki talked about, but I know at one point Perry had told  
5 me that it might be better if we all get together to bring  
6 a suit, and I told Perry that I didn't feel comfortable  
7 doing that, that I would rather stay on my own. I told him  
8 me and Vicki had pretty well done this on our own so far  
9 and I would like to kind of keep it that way.

10 **MR. CALLAGHAN:** And at this time you had  
11 already retained ---

12 **MR. ROY:** Wendy Rogers.

13 **MR. CALLAGHAN:** Right.

14 And did he tell you the type of monetary  
15 response you would get? Was it a monetary number he was  
16 looking for?

17 **MR. ROY:** Like what I should ---

18 **MR. CALLAGHAN:** Was it millions of dollars?  
19 I'm just trying to understand -- I'm having a little hard  
20 time understanding what Mr. Dunlop is doing.

21 **THE COMMISSIONER:** Was he talking about  
22 money?

23 **MR. CALLAGHAN:** Was he talking about money  
24 or was he ---

25 **MR. ROY:** I believe we did talk about money,

1 but I don't remember us talking about an exact figure.

2 MR. CALLAGHAN: Did you talk in figures of  
3 millions, ten thousand? Do you recall?

4 MR. ROY: I don't think so.

5 MR. CALLAGHAN: Did Mr. Dunlop tell you what  
6 you would have in common with anybody else who might want  
7 to sue other than you might have been a victim?

8 MR. ROY: Well, he just told me that it  
9 would make a stronger, you know, case and Mr. Chisholm felt  
10 that too. I felt that we had -- that -- well, the biggest  
11 problem I had with doing anything with somebody else is  
12 that during the time I was abused, I didn't know anybody  
13 else that was being abused at that time. So I kind of felt  
14 that it wasn't proper to mix things up, you know.

15 MR. CALLAGHAN: But I'm curious as to who  
16 Mr. Dunlop was saying was going to be the target of the  
17 lawsuit. Was it going to be ---

18 MR. ROY: Well, Probation and -- I forget.  
19 He said somebody else.

20 MR. CALLAGHAN: Probation, but ---

21 MR. ROY: All I can remember is probation  
22 that we talked about.

23 MR. CALLAGHAN: Were there other people who  
24 were in the room -- pardon me. You never met with anybody  
25 else during that period? It was just Mr. Dunlop and Mr.

1 Carson?

2 MR. ROY: Yes.

3 MR. CALLAGHAN: The other people to which  
4 they were referring, were any of those people assaulted by  
5 Corrections employees, as far as you're aware?

6 MR. ROY: I think later I found out some  
7 were, but not in the context of those conversations. It  
8 was later, much later.

9 MR. CALLAGHAN: And at the time, Mr. Dunlop  
10 was represented by a Mr. Bourgeois. Was his name used?

11 MR. ROY: He talked to me about this other  
12 lawyer he had. I can't remember the guy's name. You know,  
13 Mr. Carson used to tell me, "I don't know why you have  
14 Wendy. She's a lightweight."

15 MR. CALLAGHAN: Charitable thing.

16 MR. ROY: Like, I want it to be said; I  
17 didn't change lawyers because Wendy was a lightweight or  
18 whatever. I changed lawyers because Wendy herself said  
19 that she was being overwhelmed by the paperwork because she  
20 was just a lawyer by herself in an office.

21 MR. CALLAGHAN: I understand.

22 MR. ROY: So I didn't consider her a bad  
23 lawyer or a bad person.

24 MR. CALLAGHAN: But at this time Mr. Dunlop  
25 is represented by a fellow named Bourgeois of Newmarket.

1 Did they talk about a Newmarket lawyer?

2 MR. ROY: Yes, Newmarket brings back  
3 memories.

4 MR. CALLAGHAN: And did he indicate that he  
5 and his Newmarket lawyer were getting statements from  
6 various people?

7 MR. ROY: He wanted me to meet with him at  
8 one time.

9 MR. CALLAGHAN: Okay. But did he indicate  
10 to you that he and his Newmarket lawyer were out getting  
11 witness statements?

12 MR. ROY: Did he tell me that they were  
13 going out and getting statements from other people?

14 MR. CALLAGHAN: Yes. Well, I mean, did he,  
15 for example, say he was getting a statement from Ron  
16 Leroux? Did that name ever come up? Because it's in about  
17 this time. That's why I ask.

18 MR. ROY: Ron Leroux doesn't ring a bell,  
19 no.

20 MR. CALLAGHAN: It doesn't.  
21 Can you think of anybody else they referred  
22 to about getting statements?

23 MR. ROY: No, not during this time.

24 MR. CALLAGHAN: And did he offer to have you  
25 meet his Newmarket lawyer in Cornwall or did it get that

1 far?

2 MR. ROY: I don't remember if it did get  
3 that far.

4 MR. CALLAGHAN: And ---

5 MR. ROY: I remember there was something  
6 that happened and I decided that that lawyer wasn't a  
7 person I would want -- yes, there was an article where the  
8 lawyer was talking about something. Don't ask me what it  
9 is. I can't remember. But I found that not to be proper,  
10 and so I -- right away, after I heard that -- and I also  
11 confirmed it because I know how the newspapers can get  
12 things wrong, but I confirmed the article with Mr. Chisholm  
13 and Perry Dunlop and after I had a confirmation that's  
14 really what he said, I decided that that wasn't the route I  
15 wanted to go.

16 MR. CALLAGHAN: Do you recall what it is  
17 that put you off?

18 MR. ROY: No.

19 MR. CALLAGHAN: And Mr. Carson Chisholm,  
20 what was he involved in? Why was he involved?

21 MR. ROY: He was Perry Dunlop's brother-in-  
22 law.

23 MR. CALLAGHAN: And was he speaking to you  
24 independently of the Dunlops?

25 MR. ROY: Oh yes.

1                   **MR. CALLAGHAN:** And what was he on about?

2                   **MR. ROY:** Well, he gave me advice, gave me  
3 encouragement. Whenever Perry first met Mr. Morris, he had  
4 called me up and he said, "You know, Perry has a new lawyer  
5 and I think he would be great for you guys." I don't know  
6 how much further along it came before the meeting was set  
7 up, but eventually I did decide to meet with Mr. Morris.

8                   **MR. CALLAGHAN:** But I take it during this  
9 point of time, from what you're talking about, that you'd  
10 never expressed any concern about Wendy Rogers?

11                   **MR. ROY:** Oh no, I had told Perry and Mr.  
12 Chisholm that I didn't think I would be able to stay with  
13 Wendy.

14                   **MR. CALLAGHAN:** I see.

15                   **MR. ROY:** But I didn't want to go with the  
16 Newmarket guy.

17                   **MR. CALLAGHAN:** So what other kind of advice  
18 would Carson Chisholm give you? I don't mean about  
19 emotional support, but in terms of -- was he telling you  
20 how to conduct a lawsuit or was he telling you how to deal  
21 with authorities?

22                   **MR. ROY:** Excuse me, which one?

23                   **MR. CALLAGHAN:** Carson Chisholm. You said  
24 he gave you lots of advice, and I'm taking it a lot of it,  
25 from what your wife was saying, is unsolicited, but I'm

1 just trying to get a handle on what kind of advice we're  
2 talking about.

3 MR. ROY: Mr. Carson -- it was mostly like,  
4 you know, "Go tell them to beep themselves."

5 MR. CALLAGHAN: Who though? Tell who?

6 MR. ROY: Well, I guess it would be  
7 Corrections or whoever was doing something to me at the  
8 time. The Standard Freeholder, he would call me and tell  
9 me, "Don't talk to those charlatans," you know, stuff like  
10 that.

11 The only time I really felt that Mr.  
12 Chisholm went beyond what I would say would be proper is  
13 there was one time we were talking about my lawsuit and  
14 that, and it's the wording he used that made me feel --  
15 start to feel uncomfortable, and that's what was starting  
16 to happen. It was more the wording. They were giving me  
17 the same message, but the wording was different, "Like put  
18 the screws to them" or something like that. I found it --  
19 I -- like, to them maybe they were thinking that was  
20 encouraging words, like trying to build up my confidence  
21 and stuff like that, but for me, I don't think of things in  
22 that respect, you know, that I'm going to put the screws to  
23 you. So I was starting to feel that I didn't want to get  
24 caught up in that kind of ---

25 MR. CALLAGHAN: Would it be fair to say that



1       when you first started dealing with them, you thought they  
2       were helping you and then you felt they were being more  
3       vengeful against others, like you say, put the screws to  
4       them. Was that the kind of transition that you were  
5       feeling uncomfortable with?

6                   **MR. ROY:** Well, the think is I was getting  
7       phone calls from other victims, and stuff like that. So,  
8       it was an array of things that kind of made me want to, you  
9       know. I mean seems kind of awful, because in the  
10      beginning, Perry and Mr. Chisholm, they did help me and  
11      they did kind of encourage our family that, you know, this  
12      would be all right, and there would and end to the tunnel,  
13      so I don't want to say they didn't do anything for us, but  
14      then I felt, I just felt the wrong kind of message was  
15      getting out there and I just didn't want to be part of it.

16                   **MR. CALLAGHAN:** And this is the message  
17      about "put the screws to them", or is there yet another --

18                   **MR. ROY:** Yes, that sort of attitude that --

19                   **MR. CALLAGHAN:** Just on the victims you  
20      spoke to, were they victims that we referred to you by Mr.  
21      Dunlop, or is it just --?

22                   **MR. ROY:** Most of the victims said they got  
23      their number from either Perry or Carson.

24                   **MR. CALLAGHAN:** And what was the purpose of  
25      sending them to you?

1           **MR. ROY:** I don't know, just to talk. Some  
2 victims were very distraught, they just wanted to hear from  
3 somebody that had gone through the Court battle and what it  
4 was like and try to ease their mind and some victims just  
5 wanted to talk and have mainly advice.

6           And, I want to tell the Court that I was  
7 very careful, when I talked to these victims, that I always  
8 told them, "First thing you got to do, is go get support,  
9 you have to have that under you, before you do anything".  
10 I told them "You have to be strong enough and in a safe  
11 environment, to be able to go on". And then I told them  
12 "If you felt that that's the course you want to go, then  
13 you should go talk to counsel and do it right, go through  
14 the court systems", and you know, some of the victims  
15 wanted to know about lawyers and stuff like that. And  
16 again, I used to tell them "I can't really tell you about  
17 what's the best way to find a lawyer, because I don't have  
18 one, I don't have a good way of doing it". And, I picked  
19 Mr. Morris, because he gave me a sense of confidence, so I  
20 told them "You have to like who you have", and then because  
21 of the experience I went through with Mrs. Rogers, I told  
22 them "You have to try and find somebody that's able to do  
23 this, that's able to handle this type of litigation".

24           **MR. CALLAGHAN:** So we're talking about  
25 discussions with these people, who were asking for lawyers

1 for civil actions, right? Lawyers like Mrs. Rogers, you  
2 talked about --

3 MR. ROY: Some of them talked about civil  
4 actions, some of them were scared to go through the Justice  
5 System without a lawyer.

6 MR. CALLAGHAN: Was there any sort of  
7 feeling about, at least those who talked about civil  
8 actions, that maybe there's a better way to do this, rather  
9 than going to the Criminal Courts and go to the Civil  
10 Courts?

11 MR. ROY: I mean, no I never told them  
12 either way.

13 MR. CALLAGHAN: I'm not suggesting you told  
14 them, I'm just saying were they talking in those sense,  
15 that there might be a choice between the Civil and Criminal  
16 Courts?

17 MR. ROY: Are you saying that they should go  
18 through the civil action first, and then the criminal or  
19 that kind of stuff?

20 MR. CALLAGHAN: Or yes, that would be one  
21 way to do it or the other one is to say, not bother with  
22 the criminal and just do a civil.

23 MR. ROY: I can't remember exactly what  
24 other victims told me, but I do know I told the victims  
25 "You have to report this and go through the Court System,

1 before you do anything".

2 MR. CALLAGHAN: All right.

3 MR. ROY: Well, "have to" is a strong word,  
4 "should".

5 MR. CALLAGHAN: And, are you aware of  
6 whether those victims you spoke to, followed your advice,  
7 or did you lose contact with them?

8 MR. ROY: I'm aware of one, for sure, that  
9 followed my advice.

10 MR. CALLAGHAN: And it went through the  
11 Criminal Court process?

12 MR. ROY: I know he went through the Civil,  
13 I don't remember if he went through the Criminal Court.  
14 When I'm saying "He followed my advice", he went and go  
15 help and then, I know, he has a civil thing that he's going  
16 through now or I think it's settled now, but I'm just  
17 saying he was kind of messed up and I know he went and got  
18 help, before he did anything. So, that's what I mean when  
19 I say "I think he followed my advice".

20 MR. CALLAGHAN: How many are we talking  
21 about? That was one; how many people would have asked you  
22 about -- how many people would you have spoken to, total  
23 you would figure?

24 MR. ROY: I tried to count them once, and I  
25 think it was about fourteen.

1                   **MR. CALLAGHAN:** Fourteen. And so how many  
2                   were talking to you about going through a civil proceeding,  
3                   about how do I find a lawyer, the type of discussion you  
4                   just referred to?

5                   **MR. ROY:** Probably about half.

6                   **MR. CALLAGHAN:** Okay, so then there would  
7                   have been one, to your knowledge, actually followed your  
8                   advice and did it the way that you would have had, done the  
9                   criminal and civil together, one after the other?

10                  **MR. ROY:** Yes.

11                  **MR. CALLAGHAN:** Okay. If I could then, and  
12                  I appreciate, I had started this little vignette on  
13                  discussing between December '95 and June '96, but I'm  
14                  assuming what you've told me happened throughout the piece,  
15                  these various discussions. They didn't all happen in that  
16                  period of time?

17                  **MR. ROY:** No, it's still happening now.

18                  **MR. CALLAGHAN:** It's still happening, okay.  
19                  Can we just go to the, I'm back at Exhibit 123, and again,  
20                  if we could also look at the same time, at Exhibit 199,  
21                  which is the Statement of Constable Dunlop.

22                                 Well, why don't we take him to the notes  
23                                 first and then I'll take him to --

24                  **THE COMMISSIONER:** Is it 199, I'm sorry 123.

25                  **MR. CALLAGHAN:** 123 of second page.

1                   **THE COMMISSIONER:** Second page, then?

2                   **MR. CALLAGHAN:** Yes. What we'll see in a  
3 minute, Mr. Roy, is that in Mr. Dunlop's statement, he  
4 refers to this as a discussion in December '96 with you.  
5 Do you recall speaking to him in or about December '96?

6                   **THE COMMISSIONER:** Wait a minute, now I'm  
7 lost. I'm sorry, which one are we looking at?

8                   **MR. CALLAGHAN:** We're at Exhibit 123.

9                   **THE COMMISSIONER:** Two hundred (200) is on  
10 the screen.

11                   **MR. CALLAGHAN:** Exhibit 123, I thought. I  
12 asked for Exhibit -- the second page, it's --

13                   **THE COMMISSIONER:** One zero nine one six  
14 five zero (1091650)?

15                   **MR. CALLAGHAN:** Yes, I think that's right.  
16 That's not the right page.

17                   **THE COMMISSIONER:** One zero nine one six  
18 five zero (1091650). I've got a - we're at Exhibit 123,  
19 page 2, which is -- the top is 6<sup>th</sup> of December '96, is that  
20 right Mr. --?

21                   **MR. CALLAGHAN:** Right, yes.

22                   **THE COMMISSIONER:** Okay and I've got the  
23 front, I've got -- the computer number is 1091650.

24                   **MR. CALLAGHAN:** Well, why don't we start the  
25 other way around then?

1                   **THE COMMISSIONER:** Why don't we?

2                   **MR. CALLAGHAN:** I doubt we say we can sort  
3 that out and I'll go to Exhibit 199 and I'm at the section  
4 on 6<sup>th</sup> of December '96, which is 1111521, I believe.

5                   So, we'll come back to that other document  
6 later, Mr. Dumais can help me to give me the right number.

7                   But this is Mr. Dunlop's --

8                   **THE COMMISSIONER:** We don't have that page.

9                   **MR. DUMAIS:** Sorry Commissioner, can we just  
10 take that document off the screen for a second, thank you.

11                   The document that consists of the statement  
12 of Mr. Perry Dunlop ---

13                   **THE COMMISSIONER:** Exhibit 199.

14                   **MR. DUMAIS:** Yes, contains a number of  
15 references to a number of victims, some of them have  
16 testified, some of them will testify and I'm not sure at  
17 this point which requested that their names remain  
18 confidential. And what I'm proposing to do is I can  
19 address that document tomorrow morning, rather than  
20 stopping today, going to an in camera hearing, and in the  
21 meantime, if we can just file it as an interim "C"  
22 document.

23                   **THE COMMISSIONER:** Wait a minute.

24                   **MR. DUMAIS:** Yes?

25                   **THE COMMISSIONER:** If you're saying that

1       there are names in here that are subject to a publication  
2       ban already, right? All we do is we stamp it and that's to  
3       assist the media, that when they look at this document,  
4       they should be on red alert; although they should be on red  
5       alert all the time, and aware of those names that they can  
6       or cannot publish. If you're saying that there are names  
7       in here that are not subject to a publication ban, and they  
8       should be, then I say we should have talked about this  
9       before, when it was being filed, but no harm done now.

10               **MR. DUMAIS:** And I mean, part of the  
11       difficulty is these are documents that are being identified  
12       as cross documents and I was just looking through the stuff  
13       as the questions were being put to Albert and I mean ---

14               **THE COMMISSIONER:** No but yes, but in  
15       fairness though, I thought the rule was that counsel has an  
16       obligation in alerting us to the documents, if there are  
17       documents that should be stamped, subject to a publication  
18       ban. That's their duty. Duty Commission counsel, of  
19       course, in the 48 hours, and the luxury of time that you  
20       all have, I'm sure, have an obligation to look at the  
21       document and see if there's anything to be done.

22               So, are we ---?

23               **MR. DUMAIS:** Correct, Commissioner.

24               **THE COMMISSIONER:** All right. Well, are we  
25       falling short? Is it an unworkable system? You know,



1 something's got to be done.

2 So what you're saying is?

3 **MR. DUMAIS:** I'm saying, Commissioner is  
4 that some of these victims are named in that document and I  
5 mean, what we've previously done is we've specifically  
6 identified the names of the victims that either did not --  
7 that want their names kept confidential. So, we've  
8 addressed the names of victims that we're not calling and  
9 have not advised us that they wish to testify in a public  
10 fashion. I'm just saying that this document -- I recognize  
11 some of those names.

12 **THE COMMISSIONER:** And so, if it's a  
13 question of recognizing names that have already been the  
14 subject matter of a decision, then that's fine. That's  
15 easy, we don't have to put it in interim "C", we just put  
16 an aide-mémoire to the media, by stamping the document.  
17 That's why I thought we had this document and a lot of the  
18 exhibits now show that.

19 **MR. DUMAIS:** Most of them are new names,  
20 Commissioner, and I mean we would need to identify the  
21 specific name in the document, in an in camera hearing so  
22 that we could then ---

23 **THE COMMISSIONER:** All right, then I have  
24 some concerns. And the concerns are that this, I thought,  
25 we had a procedure to have it done beforehand and if it's

1 not going to work, fine we'll change it. But until then,  
2 you're going to have to tell me why it doesn't work.

3 **MR. DUMAIS:** I mean, it certainly wasn't  
4 done with this document, and so ---

5 **THE COMMISSIONER:** M'hm. Right. What's the  
6 use of having rules, if you don't follow them?

7 **MR. MANSON:** Mr. Commissioner, I don't to  
8 say anything about rules, but just one other comment about  
9 -- we are talking about Exhibit 199 right now? Aside from  
10 Mr. Dumais' concerns about various categories of victims,  
11 the Commission has been alerted that there will be a  
12 publication ban application brought by the Diocese in  
13 respect of the category of people that they described as  
14 investigated but not charged.

15 And my sense is -- I can't be 100 per cent  
16 sure -- but that some of those people are named in this  
17 document as well. There's no one here from the Diocese and  
18 I can tell you that on behalf of CCR, we will opposed that.

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

20 **MR. MANSON:** But my guess is those names are  
21 in this document as well.

22 **THE COMMISSIONER:** Thank you for that, Mr.  
23 Manson.

24 So how come Mr. Manson knows that their  
25 names are there and none of you don't -- what is -- Mr.

1 Lee?

2 **MR. LEE:** I just have a very small request.  
3 While we're discussing this, would it be possible to have  
4 the documents we are dealing with on the counsel screens at  
5 the very least? I don't have all of these documents with  
6 me and it would be helpful if I could see what we're  
7 dealing with as it goes on. I know they may not be able to  
8 be on the public monitor, but if we could at least have ---

9 **MR. MANSON:** To be fair to everyone else,  
10 I'm reading this from the disclosure, not from -- this is  
11 from our own documents and I -- while you're looking at  
12 page 51 or 52, I am leaning forward to 53 and 54, 55 and  
13 that's how I ---

14 **THE COMMISSIONER:** So maybe, just maybe in  
15 these five or six pages, those names aren't there.

16 **MR. MANSON:** It's possible.

17 **THE COMMISSIONER:** Your comment, sir?

18 **MR. LEE:** I simply want the document on the  
19 screen so I can get a look at it as we go there.

20 **THE COMMISSIONER:** Thank you.

21 **MR. MANSON:** If that's the case, I  
22 apologize.

23 **THE COMMISSIONER:** No, that's fair.

24 **MR. MANSON:** I'm looking at page 55, for  
25 example. There's a whole document ---

1                   **THE COMMISSIONER:** Fifty-five (55) is not  
2 included in this.

3                   **MR. MANSON:** I don't know what else is  
4 there.

5                   **MR. CALLAGHAN:** Notice is given, but I am  
6 afraid that the exhibit isn't quite -- that's -- I'll look  
7 around that. I don't want to delay this any further.

8                   **THE COMMISSIONER:** Oh, we're not going to  
9 delay it.

10                   **MR. CALLAGHAN:** I know, I agree. This is --  
11 -

12                   **THE COMMISSIONER:** But there is some -- you  
13 know, I don't know, are they any confidentiality issues in  
14 this document?

15                   **MR. CALLAGHAN:** Not that we were alerted to  
16 or we thought of. So ---

17                   **THE COMMISSIONER:** Mr. Dumais?

18                   **MR. CALLAGHAN:** Because most of these  
19 people, we understood, were -- names were out. So if  
20 that's -- if I'm wrong, I apologize to those people.

21                   **THE COMMISSIONER:** Mr. Dumais, there is five  
22 or six pages in this.

23                   **MR. DUMAIS:** I have pages ---

24                   **THE COMMISSIONER:** And the other thing, Mr.  
25 Callaghan, the document page that you want to show him

1 about December, I don't have in the collection of  
2 documents.

3 **MR. CALLAGHAN:** I can't answer that  
4 question, but ---

5 **THE COMMISSIONER:** Pardon me?

6 **MR. CALLAGHAN:** I will move on to another  
7 document to make the point and move from that point, but I  
8 just found that out when Madam Clerk advised me. That's  
9 fair enough. I can move on to the other document.

10 **THE COMMISSIONER:** Okay. Let's move on and  
11 you can look at the document and if there are any  
12 confidentiality issues, let me know.

13 **MR. DUMAIS:** Sorry. I guess my only  
14 concern, Commissioner, is that this has been filed now as  
15 an interim -- as a "P" document. I just want to make sure,  
16 until the issue is determined, if we could just file it as  
17 an interim "C"? It's my only concern. If we can just file  
18 it as an interim "C", I can advise ---

19 **THE COMMISSIONER:** All right.

20 One last time, it's going to be filed as an  
21 interim "C". From now on in, if we cannot follow the rule,  
22 I'm going to want some really good explanation by everyone.  
23 This is a collective undertaking.

24 Enough of that. Let's go.

25 **MR. CALLAGHAN:** The point I was trying to

1 make, Mr. Roy, was that the page which is omitted from the  
2 exhibit was a page which described Mr. Dunlop that he spoke  
3 to you on December 6<sup>th</sup>, '96 and I will show you the  
4 handwritten notes that appear at that date, at 1011498 and  
5 it's the -- for Mr. Commissioner, it was just marked as  
6 Exhibit 123.

7 Do you recall -- and you will see the notes,  
8 it goes through your story somewhat. Do you recall sitting  
9 down with Mr. Dunlop in about December '96? That almost  
10 sounds like a year after your appearance on the Fifth  
11 Estate.

12 MR. ROY: I'm not sure if I am looking at  
13 the right document.

14 THE COMMISSIONER: It's on the screen now.

15 MR. ROY: I'm sorry.

16 THE COMMISSIONER: Your question again, sir?

17 MR. CALLAGHAN: My question is does he  
18 recall sitting down and discussing his situation with Mr.  
19 Dunlop in about December 6, 1996?

20 MR. ROY: I wouldn't be able to confirm a  
21 date. Like, I had so many conversations that I wouldn't be  
22 able to confirm.

23 MR. CALLAGHAN: This is after you have  
24 issued your claim in August.

25 MR. ROY: I had conversations with him after

1 that, yes.

2 MR. CALLAGHAN: And in about this time, Mr.  
3 Dunlop starts his action. Did he discuss with you his  
4 action against the Cornwall Police, the Diocese and others?

5 MR. ROY: You're asking, like, did he  
6 discuss his case with me?

7 MR. CALLAGHAN: Yes.

8 MR. ROY: Not in detail.

9 MR. CALLAGHAN: Do you recall generally what  
10 he discussed with you about his case?

11 MR. ROY: No, I don't think I can give it --  
12 -

13 MR. CALLAGHAN: Let me give you ---

14 MR. ROY: All I remember is that it's kind  
15 of like, you know, things like "I can't let him get away  
16 with what they've done" and stuff like that.

17 MR. CALLAGHAN: So he was upset?

18 MR. ROY: Yes.

19 MR. CALLAGHAN: And he felt he couldn't let  
20 them get away with whatever it is he was complaining about?

21 MR. ROY: Yes.

22 MR. CALLAGHAN: Did he tell you what he was  
23 complaining about?

24 MR. ROY: No, I can't remember what his  
25 lawsuit was about.

1                   **MR. CALLAGHAN:** So he never indicated to you  
2                   that you and he were going after a common foe?

3                   **MR. ROY:** I don't remember if part of his  
4                   lawsuit was the Probation Department.

5                   **MR. CALLAGHAN:** But if it wasn't, that now  
6                   was who you were going after?

7                   **MR. ROY:** I am getting a little bit offended  
8                   that you keep referring to these lawsuits as, like,  
9                   something bad.

10                  **THE COMMISSIONER:** They are not something  
11                  bad.

12                  **MR. CALLAGHAN:** They are not something bad.

13                  **THE COMMISSIONER:** With the greatest of  
14                  respect to you, he is just asking questions and no one's  
15                  objected yet and so, if I can help, it's not -- it  
16                  certainly isn't something bad.

17                  **MR. CALLAGHAN:** Mr. Roy, just to be clear,  
18                  there is nothing improper about taking redress against  
19                  people who harm you. There is nothing improper about that  
20                  and that's not the purpose of the discussion. And I  
21                  apologize if you think that those are the nature of the  
22                  questions.

23                  What we are trying to do is ascertain -- and  
24                  it has nothing to do with your case, but you happen to have  
25                  information that would assist us in understanding others,



1 other situations related to this Inquiry.

2 If I could then take you just to Exhibit 200  
3 which is 1011513.

4 **THE COMMISSIONER:** You okay, sir?

5 **MR. ROY:** I'd like to go to the bathroom  
6 again. I'm sorry.

7 **THE COMMISSIONER:** It's all right. We'll  
8 take and come back in 10.

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

11 --- Upon recessing at 3:46 p.m. /

12 L'audience est suspendue à 15h46

13 --- Upon resuming at 4:01 P.m. /

14 L'audience est reprise à 16h01

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

17 This hearing of the Cornwall Public Inquiry  
18 is now in session. Please be seated. Veuillez vous  
19 asseoir.

20 **ALBERT ROY, Resumed/Sous le même serment:**

21 **THE COMMISSIONER:** Mr. Callaghan, I wanted  
22 to tell you that I am intent on having this witness freed  
23 from us today.

24 **MR. CALLAGHAN:** Good.

25 **THE COMMISSIONER:** And I certainly don't

1 want to be seen to curb any cross-examination. However,  
2 could we be as brief, concise and focused on the real  
3 issues because in the end, Mr. Dunlop's story will be told  
4 and I don't know that all that much depends on all of this.

5 **MR. CALLAGHAN:** Well, I will make -- there  
6 is one reference of a document, and I will try to get to  
7 the punch line. There is an issue. It's a matter of law.  
8 I think you've been served with the -- you have the  
9 submissions that will have to deal with Mr. Morris. So I  
10 will make haste so we can get to the punch line.

11 **THE COMMISSIONER:** Well, even the punch line  
12 ---

13 **MR. CALLAGHAN:** I understand. I mean ---

14 **THE COMMISSIONER:** Go. Go. Go. We'll get  
15 to the punch line if we have to.

16 **MR. CALLAGHAN:** Mr. Roy, I was at Document  
17 101513 which is Exhibit 200. I'm just trying to -- this is  
18 February '97. It is approximately ---

19 **THE COMMISSIONER:** Can we put it up, Madam  
20 Clerk?

21 **MR. CALLAGHAN:** Exhibit 200.

22 **THE COMMISSIONER:** On the screen.

23 **MR. CALLAGHAN:** It's 1011513. That's the  
24 Bates number, I am told.

25 If we just drop to the bottom, February 17<sup>th</sup>,

1 '97, Madam Clerk.

2 Now, Albert -- Mr. Roy, sir, this is a note  
3 again of Mr. Dunlop's and it says "Called home, Helen said  
4 Albert Roy called and Wendy Rogers wants to know why I want  
5 transcript of trial. Albert states Wendy wants to talk to  
6 me. Her number is ...also Lisa Ward..." I don't think  
7 that's relevant, as far as I can tell.

8 But with respect to the conversation, do you  
9 recall Mr. Dunlop asking for your transcripts?

10 **MR. ROY:** Yes.

11 **MR. CALLAGHAN:** Did he tell you why?

12 **THE COMMISSIONER:** First of all, what trial?

13 **MR. CALLAGHAN:** Maybe I would ask, do you  
14 know what trial?

15 **MR. ROY:** I am going to read it once more.

16 **THE COMMISSIONER:** Sure, sure.

17 **MR. ROY:** This is the transcript of the  
18 trial of Nelson Barque, because Wendy wanted the trial  
19 transcripts of the whole trial.

20 **THE COMMISSIONER:** He pleaded guilty, didn't  
21 he?

22 **MR. ROY:** Yes.

23 **THE COMMISSIONER:** Okay.

24 **MR. ROY:** But she wanted the transcripts of  
25 the whole trial, and it cost us \$250 to do that, and she

1 had the transcripts. So that's what it was about.

2 **MR. CALLAGHAN:** Do you know why Mr. Dunlop  
3 wanted the transcripts? Do you recall why he wanted them?

4 **MR. ROY:** I really don't know. I don't  
5 think he told me why, and that's why I had concerns and I  
6 let Wendy handle it instead of me.

7 **MR. CALLAGHAN:** Racing towards this meeting  
8 in April of '97, you had indicated last day that Mr. Dunlop  
9 called you and asked you if you would attend a meeting with  
10 Mr. Morris. Do you recall that?

11 **MR. ROY:** Yes.

12 **MR. CALLAGHAN:** All right.

13 And ---

14 **MR. ROY:** Can I just say something?

15 **MR. CALLAGHAN:** Sure.

16 **MR. ROY:** Before, when we were talking about  
17 -- when I was talking about giving -- Wendy giving him  
18 transcripts, I thought it was this here, but now I realize  
19 that it wasn't. It was that trial transcript that he  
20 wanted.

21 **THE COMMISSIONER:** As opposed to your  
22 showing the Statement of Claim?

23 **MR. CALLAGHAN:** Right.

24 Are you aware whether Mr. Dunlop got that  
25 trial transcript?

1                   **MR. ROY:** I think he did, but I'm not sure.

2                   **MR. CALLAGHAN:** All right.

3                   And again, you don't recall why he wanted  
4                   it?

5                   **THE COMMISSIONER:** The answer is you don't  
6                   know.

7                   **MR. CALLAGHAN:** That's fair.

8                   If I might then, in terms of this meeting  
9                   that was scheduled for the Holiday Inn, can you refresh my  
10                  memory? Were you told in advance who the other people  
11                  would be there?

12                  **MR. ROY:** No.

13                  **MR. CALLAGHAN:** All right.

14                  And you had indicated last day there were  
15                  approximately eight people at the meeting?

16                  **MR. ROY:** In total, counting -- there was  
17                  Mr. Morris, Perry Dunlop, me, my wife and four or five  
18                  other victims.

19                  **MR. CALLAGHAN:** Okay. And do you -- well,  
20                  let me ask you if I can put before you a document which I  
21                  understand is to be a "C" exhibit which is 111898.

22                  **MR. ROY:** Is that the ones with ---

23                  **THE COMMISSIONER:** No, no, we don't have it  
24                  yet, I don't think.

25                  **MR. ROY:** Oh, sorry.

1                   **THE REGISTRAR:** It is a "C"?

2           **--- EXHIBIT NO./PIÈCE NO. C-201:**

3                   (111898) List of Victims Received from Perry  
4                   Dunlop - August 15, 1997.

5                   **MR. CALLAGHAN:** I'm told that it should be a  
6                   "C" exhibit.

7                   **THE COMMISSIONER:** Well, you know, we're not  
8                   going to just -- it's a temporary "C" exhibit and we'll  
9                   fight it out later. I think it's important just to get on  
10                  with this now.

11                  **MR. CALLAGHAN:** I agree, Mr. Commissioner.  
12                  This is another document found in Mr.  
13                  Dunlop's possession.

14                  Before we get to the meeting, it referred to  
15                  the fact that you had been contacted by 14 people in  
16                  advance and that approximately seven had spoken to you  
17                  about litigation. I'm interested about those who talked  
18                  about litigation and I'm wondering, in respect of -- and  
19                  I'm trying to do this, Mr. Commissioner, so as to protect  
20                  the issue and I'm going to ask him to identify by number,  
21                  the person in respect to the first page. There are 16  
22                  names on the first page, and this is before the meeting.

23                  Just to clarify, Mr. Roy, you had indicated  
24                  prior to this you had spoken to 14 people, seven of whom  
25                  had spoken to you about litigation. This is prior to the

1 meeting. And I'm just trying to see if you recognize on  
2 this list any of those persons?

3 **THE COMMISSIONER:** Now, Mr. -- I can see  
4 that you're getting nervous. So Mr. Morris is here, and if  
5 he's going to object, he's going to object. This document  
6 has been made a "C" exhibit which means for the time being  
7 it's confidential, and if at some point it -- I will have  
8 to determine what part, if any, is going to -- will remain  
9 confidential, be public or edited so that those names will  
10 not be mentioned at this point.

11 **MR. MORRIS:** Can ---

12 **THE COMMISSIONER:** Yes.

13 **MR. MORRIS:** Mr. Commissioner, and again,  
14 I've tried to facilitate this. I've been limited a little  
15 bit in what I can discuss with Mr. Roy. I want him to  
16 understand that I'm here to object and I'm not going to  
17 object unless I think he has a reason why he doesn't want  
18 to answer the question. So I've got to be a bit careful I  
19 don't object and then rule out evidence potentially that  
20 he's prepared to give.

21 **THE COMMISSIONER:** Right.

22 **MR. MORRIS:** If I could just say this. I  
23 know that one of the things that is going on in Mr. Roy's  
24 mind is that, he feels an obligation to protect people who  
25 may be harmed or feel harmed because their name has been

1 released in some way. And so I've tried to suggest to him  
2 that we ought to process this in a way that we address his  
3 concerns and that he ought to be sort of open-minded as we  
4 go along, because perhaps he can be assured, in the way I  
5 think you're attempting to assure him now, that victims  
6 will be protected.

7 And so part of what I'm listening to and  
8 trying to observe is whether or not that's happening in a  
9 way that Mr. Roy can say "I feel comfortable. I think I'm  
10 not doing anything that might harm someone." And so I  
11 would encourage Mr. Callaghan and perhaps you, to get that  
12 response from Mr. Roy, and if he says "No, this is my  
13 concern," my sense is that you may be able to address it  
14 sometimes, but we need to sort of run that to ground with  
15 him.

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

17 **MR. CALLAGHAN:** All right.

18 **THE COMMISSIONER:** So do you know, for  
19 example, that I have made rulings as to ban of publication  
20 on people who have not come forward and the like? Do you  
21 know I have done that?

22 **MR. ROY:** No.

23 **THE COMMISSIONER:** Okay. Well, we spend a  
24 lot of time talking about alleged victims and people whose  
25 names -- and we're going to get to people who aren't



1 victims but whose name isn't really relevant and it could  
2 be hurtful for them to be -- so I just want to reassure you  
3 that -- and I can't give you this blanket promise, but what  
4 I can tell you is that what we're doing here, is Mr.  
5 Callaghan has certainly not gone over any line, but I'm  
6 trying to squeeze the door into a window now. All right?

7 And so, what I want to do is make sure that  
8 you feel comfortable that you're not doing anything wrong.

9 Now, I know that you have this sense, and a  
10 good sense, that you don't want to hurt anyone, right? And  
11 neither do I. All right? So I just want to reassure you  
12 about that.

13 And so, if he's asking you to look at this  
14 document and say, "Just give me the numbers," well, that's  
15 one way of protecting those people, at this point. All  
16 right?

17 And so if they come out through other ways,  
18 well, that's something else that's totally out of your  
19 hands. Do you understand what I'm trying to say?

20 **MR. ROY:** Yes.

21 **THE COMMISSIONER:** All right. Does that  
22 help a little bit?

23 **MR. ROY:** Yes.

24 **THE COMMISSIONER:** Okay.

25 **MR. MORRIS:** I had just one thing, and I

1 think Mr. Callaghan is really trying to do this, but I've  
2 encouraged him in discussions. So we're looking at this  
3 list. Now, once we've identified them, is there then a  
4 question area which is, "Did you have a discussion with  
5 Person 3 about something?" Now, if the answer to that is,  
6 "No, I never had a discussion," maybe it would have been  
7 better to deal with the discussion part first so you could  
8 look at that and say, "Have you had any discussions about  
9 this subject matter with anybody on this list?"

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

11 **MR. MORRIS:** Do you see what I mean? So  
12 that it may be that it's not necessary for Mr. Roy to sort  
13 of say, "Yes, I talked to that person or this person"  
14 because perhaps whatever he talked about has absolutely no  
15 relevance to Mr. Callaghan's pursuit.

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

17 **MR. CALLAGHAN:** I thought I would cover that  
18 off by asking him about the 14 people he's spoken to. This  
19 is prior to Mr. Morris' meeting and he said there were  
20 seven of whom he discussed litigation with.

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

22 **MR. CALLAGHAN:** It's the seven whom I'm  
23 interested in and those are the ones I'm asking about. So  
24 I think I have sort of narrowed it as best I can, without  
25 knowing who we're talking about.

1                   **MR. MORRIS:** The only thing is he did cover  
2                   that and he got some fairly benign information from Mr. Roy  
3                   about "This is what I told him. This is all we discussed."  
4                   And I think he did canvass those areas.

5                   So if that's all the evidence, what's the  
6                   point of identifying the individual, is the question I ask?  
7                   And I'm not purporting to know the answer, but that's the  
8                   question.

9                   **MR. CALLAGHAN:** Well, the memorandum of law,  
10                  if you've had an opportunity to look at it, sort of  
11                  explains the issues of great concern which is, this leads  
12                  into what people did when they had a civil action and a  
13                  criminal action, and that is something I think this Inquiry  
14                  is going to have to address both as a factual matter but,  
15                  more importantly, as an institutional response issue. How  
16                  does it impact the institutional response and from a  
17                  justice system perspective as to what to do? This is part  
18                  of that story.

19                  I've tried to limit it and I've tried to --  
20                  that's why I asked the questions of the 14 down to the  
21                  seven, and now I think that's where I'm at.

22                  **THE COMMISSIONER:** So let's deal with this  
23                  letter. It's a two-sided page.

24                  **MR. CALLAGHAN:** Right. Let's deal with page  
25                  1 first.

1                   **THE COMMISSIONER:** All right.

2                   First of all, sir, out of the 16 names that  
3                   are there that have numbers beside them, are any of those  
4                   people, of those seven that you discussed litigation with?

5                   **MR. ROY:** Yes.

6                   **THE COMMISSIONER:** All right.

7                   **MR. ROY:** Can I ask a question?

8                   **THE COMMISSIONER:** Sure. But you can ask  
9                   me, not him.

10                  **MR. ROY:** Sorry. If there's somebody on the  
11                  list that I only talked to in that meeting with Mr. Morris  
12                  ---

13                  **THE COMMISSIONER:** Right.

14                  **MR. ROY:** --- I don't have to divulge that  
15                  because that was ---

16                  **THE COMMISSIONER:** Well, that's up for grabs  
17                  we well.

18                  But I'm trying to get away from the meeting.

19                  Mr. Callaghan, would you agree with me that  
20                  the meeting might become irrelevant, if they're subsumed in  
21                  the seven that he discussed with generally?

22                  **MR. CALLAGHAN:** I'm not going to concede to  
23                  that just at the moment, only because it's that concept I  
24                  mentioned, the pied piping of Mr. Dunlop to lawyers that  
25                  has me concerned, and he took, it appears to be, five

1 victims, and then Mrs. Roy and two others. That's part of  
2 it. I think I need to know who got pied piped into Mr.  
3 Morris' office as a corollary issue.

4 **MR. ROY:** I'm not going to ---

5 **THE COMMISSIONER:** Don't get upset.

6 **MR. CALLAGHAN:** But we can leave that  
7 comment. We can deal with the first half of it now and  
8 then Mr. Morris can talk to you about the law of privilege.

9 **THE COMMISSIONER:** Okay. So the question is  
10 out of those 16, can you give me the numbers of people you  
11 talked to about litigation, not about what they suffered or  
12 anything like that. I'm really not interested in that at  
13 all. All right? We're just talking about litigation  
14 issues. All right?

15 So can you give me numbers? What number, 1,  
16 2, 3, 4, 5, 6?

17 **MR. ROY:** I'm just -- sorry. I'm not trying  
18 to be troublesome, but I'm a little confused of what  
19 happens if I give the numbers? Like, where does the  
20 question go after that?

21 **THE COMMISSIONER:** Well, then we're going to  
22 know who are the people you spoke to, but it won't be  
23 public.

24 **MR. ROY:** But where are his questions going  
25 to go after?

1                   **MR. MORRIS:** I wonder if it would helpful --  
2                   Albert, would you be able to tell the Commissioner what --  
3                   if you identify who these people are, what's your concern  
4                   after that? What are you worried about the questions might  
5                   be that would make you feel uncomfortable?

6                   **MR. ROY:** I just -- I don't know. I need a  
7                   minute. I'm a little ---

8                   **(SHORT PAUSE/COURTE PAUSE)**

9                   **THE COMMISSIONER:** He is not going to ask  
10                  you questions about what they told you, about their views.  
11                  That's number one. And I think what you should understand  
12                  is Mr. Morris and I and Mr. Dumais are going to listen very  
13                  carefully to what he says and we're going to cut him off if  
14                  he says anything that he's not supposed to. All right?

15                  So, I'm going to ask you, I think that I  
16                  want to know, what those numbers are?

17                  **MR. ROY:** But I don't have to tell them  
18                  whether they were at the meeting or not?

19                  **THE COMMISSIONER:** Let's start off with  
20                  that, let's go with that and we'll see -- I'm trying to  
21                  work out a way we can get through this. So give me the  
22                  numbers of people that you talked to and number eight is  
23                  part of the test.

24                  **(Laughter/Rires)**

25                  **MR. MORRIS:** But I think there was a little

1 bit of confusion. Maybe this is what Albert is struggling  
2 with. I mean I think he's saying one of those seven people  
3 was at the meeting ---

4 **THE COMMISSIONER:** Yes.

5 **MR. MORRIS:** And so, I wonder if we can sort  
6 of leave that person aside and say "Albert, leave that  
7 person aside for the moment, are you comfortable talking  
8 about the six people who weren't at the meeting who you  
9 talked to in regard to litigation, before that".

10 **THE COMMISSIONER:** Oh well, I was thinking  
11 that part of the seven people might be -- five might be at  
12 the meeting and so we put them all in there and that might  
13 save us some problems.

14 **MR. MORRIS:** I thought I heard him say that  
15 one of the seven was at the meeting. Maybe I  
16 misunderstood.

17 **MR. ROY:** Two that are on this paper that I  
18 remember.

19 **THE COMMISSIONER:** Okay. So your question  
20 again, so we can get to the numbers.

21 **MR. CALLAGHAN:** I would like to know who  
22 circled those who he spoke to who are in litigation, so we  
23 can have the numbers.

24 **MR. ROY:** The ones that I talked to are  
25 number 1, number 9, number 12, and I think that's it on

1           there.

2                   **MR. CALLAGHAN:** What about the second page?

3                   **THE COMMISSIONER:** Sir, if you'd flip it  
4           over?

5                   **MR. ROY:** That's all.

6                   **MR. CALLAGHAN:** Okay sir. So, my list that  
7           comes from Mr. Dunlop's file, yielded three names and I  
8           take it that -- can you tell me in total, you spoke of  
9           seven, who you had discussions with, there were four others  
10          at the meeting, so that's eleven in total. Is there eleven  
11          people in total, or is there overlap, such as there is  
12          eight total ---

13                   **MR. ROY:** There is overlap.

14                   **MR. CALLAGHAN:** So can you tell me how many  
15          people in total?

16                   **MR. ROY:** Excuse me; I don't understand what  
17          you're asking. How many people I talked to in total or --

18                   **MR. CALLAGHAN:** Yeah, you said you spoke to  
19          seven people who discussed litigation with you. There were  
20          four people at the meeting and I'm just trying, is the  
21          total number eight, is the total number seven, is the total  
22          number nine, it sounds like it's somewhere between seven  
23          and eleven.

24                   **MR. ROY:** No, it would still be seven.

25                   **MR. CALLAGHAN:** It's only seven total? So,



1 four of the seven were at the meeting?

2 MR. ROY: That's not what I said.

3 THE COMMISSIONER: I know, well that's what  
4 we want to know, out of the seven, how many people were at  
5 the meeting?

6 MR. ROY: You're still trying to get the  
7 names of the people that were at the meeting. You're  
8 trying to break it down to ---

9 MR. CALLAGHAN: What I'm trying to say, sir,  
10 I'm trying to figure out -- we've been given three names, I  
11 don't know if I've just gotten three names out of seven, or  
12 three names out of ten, or three names out of eight.

13 MR. ROY: Okay, three names out of seven.

14 MR. CALLAGHAN: So, there are seven total.

15 THE COMMISSIONER: And this isn't a trick.

16 MR. ROY: No, its okay, I just didn't  
17 understand.

18 THE COMMISSIONER: Out of the seven people  
19 you talked about litigation, four were at the meeting?

20 MR. ROY: No.

21 THE COMMISSIONER: So, that there are people  
22 who were at the meeting that you never discussed litigation  
23 with, after that day?

24 MR. ROY: Well, I don't remember their  
25 names. I talked to them but I don't remember their names.

1 I talked to them after the meeting, like you know, in the  
2 hallway and stuff like that, that sort of thing.

3 MR. CALLAGHAN: Well, I mean, I'm trying to  
4 do this as best I can, Mr. Commissioner. At some point,  
5 I'd like the names, so I don't know I'm trying to do this.  
6 Okay, let Mr. Morris suggest another way to do this. Out  
7 of the seven names, or however number they are, how many  
8 names can you now recall?

9 Is it just the three you mentioned or are  
10 there more?

11 MR. ROY: There are more.

12 MR. CALLAGHAN: Is it two more, three more?

13 MR. ROY: A couple are just first names.

14 MR. CALLAGHAN: Would the first name be  
15 David?

16 THE COMMISSIONER: No, no. Go ahead.

17 MR. MORRIS: If we're starting to probe who  
18 was at the meeting, then I think we've agreed what -- let's  
19 put that sort of at the end of the discussion. But, if I  
20 can try and help a bit, so Albert, there's seven people  
21 that you recall talking to about litigation.

22 MR. ROY: Yes.

23 MR. MORRIS: You've just identified three of  
24 them on the list, so we know those three, so that leaves  
25 four. Now, of those four, do you know the names of all of

1 those four, or some of those four you don't know the names  
2 at all, first or last name?

3 MR. ROY: Two of them I don't know their  
4 names at all.

5 MR. MORRIS: At all? All right, so there's  
6 seven people, two of them you don't know their name at all,  
7 you can't identify them by name at all. So that leaves  
8 five.

9 MR. ROY: Right.

10 MR. MORRIS: All right, and we now know  
11 because you've identified three from the list, so that  
12 leaves ---

13 MR. ROY: Two of those I only know their  
14 first names.

15 MR. MORRIS: And those two, you only know  
16 their first names.

17 MR. ROY: That's right.

18 MR. CALLAGHAN: Well, I don't see how the  
19 first name is going to be their identifier, they may assist  
20 us. The difficulty, Mr. Commissioner, is of the three  
21 names he mentioned, two at least have serious issues as to  
22 where or how their stories was changed through litigation.  
23 So, this is a serious line of inquiry and what I'm trying  
24 to find out, who the other two are, so we can have an  
25 understanding of what's going on.

1                   **MR. ROY:** Is there a way I can just talk to  
2 John for a minute?

3                   **THE COMMISSIONER:** Sure.

4                   **MR. ROY:** I don't know if it's allowed, but.

5                   **THE COMMISSIONER:** It's allowed. But, we're  
6 going to stay right here.

7                   **MR. ROY:** Okay.

8                   **THE COMMISSIONER:** That's fine.

9                   **(Short pause/Courte pause)**

10                  **THE COMMISSIONER:** While there is a pause, I  
11 should tell you that tomorrow, we will be beginning at  
12 10:00 o'clock tomorrow morning. The reason for that is I  
13 understand that the Divisional Court has upheld or denied  
14 the Diocese their appeal or judicial review and there's  
15 some issue as to whether or not there's a ban on  
16 publication that should continue or whatever.

17                   And so they're going to have a conference  
18 call at 9:30 with the Divisional Court Judge and I  
19 understand they'll be setting a date to the Court of Appeal  
20 for leave, et cetera and all those things.

21                   So, we'll start at 10:00 to permit counsel  
22 to attend that discussion.

23                   Other than that, are there any other matters  
24 that we can discuss? Can't you get those names, Mr.  
25 Callaghan, from the lawsuits?

1                   **MR. CALLAGHAN:** I don't believe they all  
2 started lawsuits, as far as I'm aware. The contents of  
3 what they might have told Mr. Roy might be important. The  
4 first person identified, I won't use the name, I'm not sure  
5 the name is actually part of a ban, but let's stick with  
6 the number. Is someone who admitted that he perjured  
7 himself at the suggestion of Mr. Dunlop, in furtherance of  
8 a lawsuit?

9                   There'll be allegations regarding number  
10 nine. That story's changed on the basis, in support of  
11 lawsuits. And the difficulty with it, it does - the whole  
12 thing kind of hampers the institutional responses that were  
13 involved and I don't know whether this man, Mr. Roy, is  
14 clearly not someone who would have or did change his story,  
15 from what I've seen.

16                   And so, to be very honest, when you have an  
17 honest broker, I'd like to hear if they talked to the  
18 honest broker about such matters and maybe they didn't.  
19 Maybe I should ask that, but I think knowing who attended  
20 that meeting, it may well be that we can come back to the  
21 attendance at the meeting, at a later date. That maybe Mr.  
22 Morris has to come down, I realize the Commission is  
23 sensitive because Mr. Roy has probably been about as kind  
24 with his time as any witness should ever be. And, I don't  
25 want to prolong it.

1                   And I'm not adverse to Mr. Roy sitting down  
2                   with Mr. Dumais and getting what necessary information, I'd  
3                   suggested that at the beginning. But, I think that there's  
4                   awkwardness with the nature of the evidence, with Mr.  
5                   Morris, to be able to do that. I'm not here to prolong,  
6                   sir.

7                   **THE COMMISSIONER:** Some might say that the  
8                   honest get punished the worst.

9                   **MR. CALLAGHAN:** Well and I don't intend to  
10                  punish him, and indeed, well unfortunately in the  
11                  circumstance, I mean if there was a little more clarity in  
12                  terms of what happened, then perhaps we wouldn't have to go  
13                  there. I don't who's coming next, I don't know who, I know  
14                  it happens to be one of these people. I don't know who,  
15                  coming down the road, is going. Nobody knows whether Mr.  
16                  Dunlop is ever going to appear in this Inquiry.

17                  And consequently, I mean we can also take  
18                  the position that we could reserve and come back, but I  
19                  don't see that being advantageous. You know, the issue, I  
20                  mean to be blunt, I'm not sure why the discussions with the  
21                  seven are anything but, maybe in camera, but they're  
22                  certainly not privileged, the earlier discussions. So,  
23                  we're really -- the objections that really should -- is who  
24                  what at the meeting. That's all part of it and the other  
25                  ones is the discussions beforehand and who it was. So we

1 know as to what was going on and it may be that, I mean I'm  
2 open to suggestions as to how to do this, sir. And I was  
3 last time and I am now. I'm not here to disrupt the  
4 process, this is an Inquiry, you've got wide latitude as to  
5 how to run the Inquiry. There is a level of full answer in  
6 defense with respect to the institutions who have to be  
7 able to get to whatever information is available, but that  
8 doesn't mean that you don't have a lot of latitude, sir.

9 So I'm cognizant of that and I would work  
10 with any suggestions to alleviate it, but the easiest way  
11 to alleviate it may be just to get the answers. That's one  
12 person's view.

13 **THE COMMISSIONER:** At what cost?

14 **MR. CALLAGHAN:** All right. I hear what  
15 you're saying.

16 **THE COMMISSIONER:** Here we go. All right.

17 **MR. ROY:** I'm sorry about that.

18 **THE COMMISSIONER:** No. You have nothing to  
19 be sorry about. I think you're doing great.

20 **MR. ROY:** What we decided is that if he  
21 wants to ask me any questions about the three people  
22 outside the meeting, I'll answer to the best I can. You  
23 know, if you want to talk about XXXXX like if he comes to  
24 my house or ---

25 **THE COMMISSIONER:** Number one.

1                   **MR. ROY:** I'm sorry.

2                   **MR. MORRIS:** So I suggested, and I think Mr.  
3 Roy agrees, let's talk about one of these individuals that  
4 we now have a number for.

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

6                   **MR. MORRIS:** And Mr. Callaghan may have  
7 questions about number one or whatever number it was,  
8 outside the meeting, and let's try to probe what those  
9 areas are because as I've said to Mr. Roy, perhaps he'll  
10 become comfortable once he recognizes what the line of  
11 inquiry is, that it's not problematic for him. So I said  
12 "Let's try one and see how it goes and maybe he'll be a bit  
13 more comfortable."

14                   **THE COMMISSIONER:** Okay. Let's try that.  
15 So number one.

16                   **MR. CALLAGHAN:** With number one, did you  
17 discuss with number one, a potential lawsuit by him against  
18 a school board?

19                   **MR. ROY:** He told me about it, yes.

20                   **MR. CALLAGHAN:** And did he tell you that he  
21 was looking to -- that he'd been talking to Mr. Dunlop  
22 about that lawsuit?

23                   **MR. ROY:** Yes.

24                   **MR. CALLAGHAN:** And did he tell you that  
25 there were discussions with Mr. Dunlop as to how he might



1 present his case so he'd get the maximum amount of money?

2 MR. ROY: No.

3 MR. CALLAGHAN: Did he tell you that he made  
4 any suggestions to -- there was any suggestions about  
5 travel to Toronto, for example?

6 MR. ROY: No.

7 MR. CALLAGHAN: And did he discuss with you  
8 how you might go about your lawsuit?

9 MR. ROY: Only to the point where he thought  
10 I -- if John was going to take the case, I should take  
11 John.

12 MR. CALLAGHAN: And did he discuss with you  
13 any preference over civil litigation, as opposed to going  
14 through the criminal courts?

15 MR. ROY: No, I didn't know anything about  
16 if he already had gone to Criminal or not, or any of that.

17 MR. CALLAGHAN: Okay. And do you know  
18 whether he indeed ever started a lawsuit?

19 MR. ROY: No, I don't.

20 MR. CALLAGHAN: And finally, I take it, a  
21 lawsuit that he was to start, wasn't going to be against  
22 Corrections the same people you were going to sue?

23 MR. ROY: Yes.

24 MR. CALLAGHAN: He said he was going to sue  
25 Corrections?

1                   **MR. ROY:** Now, I'd be -- I don't know if I'm  
2                   testifying about something he didn't say or ---

3                   **THE COMMISSIONER:** If you don't know, you  
4                   don't know.

5                   **MR. ROY:** No, but I know what he said but I  
6                   don't know the truth of it.

7                   **THE COMMISSIONER:** No, no, no. Whether it's  
8                   true or not is not the thing, in the sense of it's what he  
9                   told you. So if you know he was lying that doesn't matter,  
10                  it's to know what he told you.

11                  So did he say he was going to sue  
12                  Corrections?

13                  **MR. ROY:** Not outright, no. Not outright.

14                  **MR. CALLAGHAN:** I'm sorry, I don't ---

15                  **MR. ROY:** He told me a story.

16                  **MR. CALLAGHAN:** A story about Probation?

17                  **MR. ROY:** That seemed to imply that he  
18                  would.

19                  **MR. CALLAGHAN:** And he said that he might  
20                  sue Corrections?

21                  **MR. ROY:** Well, from the story that's the  
22                  implication I got.

23                  **MR. CALLAGHAN:** Those would be the type of  
24                  questions I'd be asking. I thought that was -- shall I go  
25                  on to the next person?

1                   **THE COMMISSIONER:** Go on to the next person.

2                   **MR. CALLAGHAN:** What about number three --  
3                   pardon me, number nine, sorry. My apologies. I misread  
4                   that.

5                   **THE COMMISSIONER:** Okay.

6                   **MR. CALLAGHAN:** So you had discussions about  
7                   litigation with Mr. nine -- number nine?

8                   **MR. ROY:** They weren't that coherent.

9                   **MR. CALLAGHAN:** I assume that was not you,  
10                  who was not coherent. He was not coherent about what he  
11                  wanted to do?

12                  **MR. ROY:** He was --

13                  **MR. CALLAGHAN:** He was upset?

14                  **MR. ROY:** I think he was high or drunk at  
15                  the time.

16                  **MR. CALLAGHAN:** And the discussion he had  
17                  with you, did he discuss who he was going to sue?

18                  **MR. ROY:** Yes.

19                  **MR. CALLAGHAN:** And do you recall who it is  
20                  he was going to sue?

21                  **MR. ROY:** From what he told me, it would  
22                  have been ---

23                  **MR. CALLAGHAN:** It would have been the  
24                  Diocese and ---

25                  **MR. ROY:** I think it was the Diocese and

1 Probation.

2 **MR. CALLAGHAN:** The Diocese and Probation.

3 And did he say he had been harmed by someone  
4 at Probation?

5 **MR. ROY:** But if I talk about that, then  
6 we're going into something that happened within the  
7 meeting.

8 **MR. CALLAGHAN:** Oh okay. But so he  
9 indicated that -- did you discuss with him outside the  
10 meeting with Mr. Morris?

11 **MR. MORRIS:** I'm not sure that we ever got  
12 to that point. These were people who were identified from  
13 a list. The whole purpose was not necessarily to go to the  
14 meeting, go through the other part first. So he's told you  
15 he's had discussions about legal issues. He hasn't talked  
16 about the meeting.

17 **MR. CALLAGHAN:** I'm sorry, I just thought he  
18 said that he heard about that in the meeting.

19 **THE COMMISSIONER:** That was a slip.

20 **MR. CALLAGHAN:** That was a slip. Okay.

21 So independent of that, did you talk to him  
22 about his litigation?

23 **MR. ROY:** No.

24 **MR. CALLAGHAN:** And what about the number  
25 12?

1                   **MR. ROY:** Okay. Did we talk about  
2 litigation? Is that the same ---

3                   **MR. CALLAGHAN:** Yes.

4                   **MR. ROY:** Yes.

5                   **MR. CALLAGHAN:** And do you know who he was  
6 going to sue? Or was that also something you didn't talk  
7 about? I'll be a minute. I'm just getting advocacy  
8 lessons from Mr. Morris.

9                   Mr. Morris just said to ask you what  
10 discussions you had. He said to just leave it simple.

11                   What discussions did you have with number  
12 12?

13                   **MR. ROY:** With number 12, it was more of a  
14 like, how are you feeling and stuff like that. It wasn't  
15 about litigation. And he used to call me up just when he  
16 was feeling bad or wanted to talk. Sometimes he'd just  
17 call to see how I was doing.

18                   **MR. CALLAGHAN:** Okay. So you never talked  
19 about the mechanics of litigation or the nature of the  
20 lawsuits that you proposed? To the best of your  
21 recollection.

22                   **MR. ROY:** I don't think so.

23                   **MR. CALLAGHAN:** Okay. And then, that would  
24 leave two people whose names you know but I haven't got a  
25 list. I could give names of those who have been called as

1 witnesses, but I don't know if that assists.

2 MR. ROY: You're talking about the ---

3 MR. CALLAGHAN: The two names ---

4 MR. ROY: The two I remember just the first  
5 names?

6 MR. CALLAGHAN: Right.

7 MR. ROY: I don't think giving me a list  
8 would help me.

9 MR. CALLAGHAN: All right. Let me ask you  
10 this. Do you know ---

11 MR. ROY: I call poor Pierre, Pierre in the  
12 courtroom, but I can't remember his last name.

13 MR. MORRIS: Again, sorry. I apologize, Mr.  
14 Callaghan, because I know this is not an ideal way to  
15 cross-examine but he's been patient and I'm sure you  
16 appreciate that.

17 So we now had a sample of questions in  
18 relation to people that we've identified and it's given  
19 both Mr. Roy an opportunity to hear what the questions are,  
20 but it's also given Mr. Callaghan an opportunity to hear  
21 what his answers are. So we've got now some other names  
22 that haven't been identified. Now, if there was something  
23 in relation to those people that was helpful to the  
24 Commission, and I don't know whether the information you've  
25 heard has been helpful, then maybe it's worth probing

1 further. But the answers are what I'm going to suggest are  
2 somewhat benign, as I think we've just heard, then perhaps  
3 we don't need to get so much involved in what the identity  
4 is. Perhaps we can say well, without figuring out who they  
5 are let's deal with first name number A or first name A,  
6 what discussion did you have with that person, and perhaps  
7 it's so benign or so general that it kind of ends the  
8 debate.

9 **MR. CALLAGHAN:** I'm happy to try it that  
10 way.

11 Okay. So we have two people and ---

12 **THE COMMISSIONER:** Are you saying no?

13 **MR. ROY:** No. I'm ---

14 **MR. CALLAGHAN:** Mr. Roy, unfortunately  
15 you're the only one in this room, perhaps Mr. Morris, who  
16 is going to have to keep straight who A is and who B is if  
17 we ever get the names.

18 And perhaps I can ask Mr. Morris, do you  
19 know who A and B are?

20 **MR. MORRIS:** No. And again, let's just be  
21 very careful. So I think what I understand is ---

22 **THE COMMISSIONER:** You have to speak into  
23 the mic.

24 **MR. MORRIS:** Sorry.

25 Albert, I think what Mr. Callaghan is now

1 going to do is you've said there are two people, you know  
2 their first names only, so we'll say there's an A person  
3 and a B person, and I think you've told us you had  
4 discussions about legalities or litigation with those two  
5 people. So he's now going to ask you questions about A and  
6 questions about B, in the same way he's asked you about the  
7 other people just a few moments ago and hopefully, we can  
8 get through those people and see where we are.

9 **MR. CALLAGHAN:** But could I ask that Mr.  
10 Morris go to Mr. Roy now and be advised who A and B are so  
11 somebody has a record who A and B are? At least we're  
12 trying to be innovative.

13 **THE COMMISSIONER:** This is going to go down  
14 in the annals of history.

15 By the way ---

16 **MR. CALLAGHAN:** That sounds ominous.

17 **THE COMMISSIONER:** By the way, we can say  
18 that there has been another inquiry announced today.

19 **MR. CALLAGHAN:** Oh.

20 **THE COMMISSIONER:** Yes.

21 **MR. CALLAGHAN:** I'll have to get my business  
22 card out.

23 (LAUGHTER/RIRES)

24 **THE COMMISSIONER:** I think the Arar group,  
25 because I think there's a second one falling out of --



1 following the Arar Inquiry, along those lines, and so Mr.  
2 Justice Iacobucci has ---

3 **MR. CALLAGHAN:** Oh good.

4 **THE COMMISSIONER:** --- agreed to head that  
5 one up.

6 **MR. CALLAGHAN:** That will be a fascinating  
7 inquiry, as was the first.

8 **THE COMMISSIONER:** There we go. All right,  
9 sir.

10 **MR. CALLAGHAN:** So now we have Mr. Morris  
11 who's safely ensconced with Mr. A and Mr. B.

12 Could you tell me, sir, with respect to Mr.  
13 A, what discussions did you have with Mr. A regarding  
14 litigation?

15 **MR. ROY:** The first time Mr. A called me up,  
16 he was really upset that things were going to get out about  
17 him and he hadn't told his family yet, and he called to see  
18 how I handled it with my family.

19 I know I'm giving a long answer but it's  
20 important.

21 **THE COMMISSIONER:** It's okay. Go.

22 **MR. ROY:** He called to say -- to ask me how  
23 my kids handled it and how my wife handled and everything,  
24 because he felt he was being pushed too fast to come  
25 forward and he felt he wasn't ready yet.

1                   **MR. CALLAGHAN:** And I don't want to break  
2                   the sanctity of what he told you victim to victim, but in  
3                   terms of the litigation, did he talk about the potential of  
4                   lawsuits with you?

5                   **MR. ROY:** No, he wasn't even close to be it  
6                   that point.

7                   **MR. CALLAGHAN:** Did he get to that point?  
8                   We were just talking about this ---

9                   **MR. ROY:** I don't believe he ever came  
10                  forward.

11                  **MR. CALLAGHAN:** No, I -- okay. So he never  
12                  started a lawsuit?

13                  **MR. ROY:** I don't believe so.

14                  **MR. CALLAGHAN:** And he never -- as far as  
15                  you're aware, he never made a complaint to the police?

16                  **MR. ROY:** The discussions I had with him  
17                  were he wasn't ready.

18                  He just felt he couldn't and that he was  
19                  being pushed to do it and he just felt he couldn't.

20                  **MR. CALLAGHAN:** And who was pushing him,  
21                  Perry Dunlop and Carson Chisholm?

22                  **MR. ROY:** And Helen.

23                  **MR. CALLAGHAN:** And Helen. Okay. And I  
24                  take it that person's name has not come up in this Inquiry,  
25                  as far as you're aware? And I'm not suggesting ---

1                   **MR. ROY:** I just know his first name.

2                   **MR. CALLAGHAN:** Okay. So ---

3                   **MR. ROY:** Like when you said that name  
4 David, I thought you were going to tell me.

5                   **MR. CALLAGHAN:** No, no, no, no, I was  
6 throwing names out. I could have said Bob. I just had a  
7 child, so I have all the boys names listed somewhere so I  
8 could go through them all if I had to.

9                   Okay. So he never really talked about  
10 litigation?

11                   **MR. ROY:** No.

12                   **MR. CALLAGHAN:** All right.

13                   So was he part of the seven?

14                   **MR. ROY:** He talked about just going through  
15 the court system if he came forward and that.

16                   **MR. CALLAGHAN:** Okay. So we don't have to  
17 bother you any further with Mr. A.

18                   What about Mr. B?

19                   **MR. ROY:** He talked about court, but not a  
20 whole lot. His main concern was when he called me it was  
21 he was angry about how the press were handling things. So  
22 I'd say 90 per cent of our conversations were about the  
23 press because that was his concern.

24                   **MR. CALLAGHAN:** Right.

25                   And do you know if that person ever laid a

1 complaint against anybody? I'm not asking against who, but  
2 do you know whether ---

3 MR. ROY: I think he did, but again, I'm not  
4 sure of his last name, so I can't be absolutely positive.

5 MR. CALLAGHAN: And do you know if that  
6 person ever commenced a piece of litigation, a civil piece  
7 of litigation against anybody?

8 MR. ROY: Again, I think he did, but I'm not  
9 sure.

10 MR. CALLAGHAN: And do you know whether --  
11 do you think or do you know whether the litigation he  
12 started was against the same people you started, for  
13 example, Corrections, et cetera?

14 MR. ROY: No, we never got into that. And I  
15 forgot about -- there's one other. There's a -- sorry, but  
16 it's just because I remembered now ---

17 THE COMMISSIONER: So there's a Mr. C?

18 MR. CALLAGHAN: There's a Mr. C.

19 MR. ROY: Yes, and he talked a lot about  
20 litigation and that ---

21 MR. CALLAGHAN: Can we finish up Mr. B?

22 MR. ROY: Okay.

23 MR. CALLAGHAN: Just because the record is  
24 going to get confused.

25 MR. ROY: Okay. Sorry.

1                   **MR. CALLAGHAN:** So Mr. B -- did you talk  
2                   about litigation with Mr. B? I'm not certain. Or was it  
3                   just ---

4                   **MR. ROY:** I don't think anything concrete --  
5                   -

6                   **MR. CALLAGHAN:** And was he associated with  
7                   Mr. Dunlop or Mr. ---

8                   **MR. ROY:** He never talked about Dunlop,  
9                   other than what articles were in the paper.

10                  **MR. CALLAGHAN:** All right.

11                  Okay. So let's move on to Mr. C. Is Mr. C  
12                  part of the list that you saw?

13                  **MR. ROY:** I don't know his real name. I  
14                  only know his nickname ---

15                  **MR. CALLAGHAN:** All right.

16                  **MR. ROY:** --- that we used to call him.

17                  **MR. CALLAGHAN:** Okay.

18                  **MR. ROY:** And I know he's part of this  
19                  because I've seen him here once. That's why I remembered  
20                  that. I just remembered I saw him in the hallway.

21                  **MR. CALLAGHAN:** All right.

22                  And so has he -- do you know if he's  
23                  testified here?

24                  **MR. ROY:** I don't think so. I don't think  
25                  he's testified yet.

1                   **MR. CALLAGHAN:** And do you know whether he  
2 had a criminal case involving his complaint?

3                   **MR. ROY:** I know he had a civil. I'm not  
4 sure if the criminal thing went through or not. But he  
5 talked to me a lot about the civil and that but he was  
6 never involved with Perry as far as I know. He never  
7 brought Perry's name up ever.

8                   **MR. CALLAGHAN:** And I wonder if you might at  
9 the break, or at the conclusion, I might add -- I think Mr.  
10 Commissioner is looking at me -- tell Mr. Morris the  
11 nickname so we have an identifier for Mr. C.

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

13                   **MR. CALLAGHAN:** So Mr. C, you've seen him at  
14 the Inquiry as just a spectator?

15                   **MR. ROY:** No, I saw him in the hallway and  
16 he told me that he might be testifying.

17                   **MR. CALLAGHAN:** Okay. And ---

18                   **MR. ROY:** He was one of the -- I don't know  
19 if I told the Commission that at one time I was at the mall  
20 and this guy walked up to me that I hadn't seen since I was  
21 a kid and he walked up to me and he shook my hand and he  
22 said "I want to thank you because I can't do this and I'm  
23 glad you did", and that was him.

24                   **THE COMMISSIONER:** Okay.

25                   **MR. CALLAGHAN:** And so have we covered all

1 the people whose first or last name you know who you  
2 discussed litigation with?

3 MR. ROY: Yes.

4 MR. CALLAGHAN: And so there are only two  
5 other names that you can't now recall who you discussed  
6 litigation with. Have I got that right? Aside from Mr. A,  
7 Mr. B, Mr. C, and I think you said there were two whose  
8 name you just don't know either first or last?

9 MR. ROY: Correct.

10 MR. CALLAGHAN: And were either of those  
11 last two individuals people who you spoke to regarding Mr.  
12 Chisholm or Mr. Dunlop?

13 MR. ROY: They were at the meeting.

14 MR. CALLAGHAN: They were at the meeting.  
15 Okay.

16 MR. MORRIS: Again, just perhaps to help us,  
17 of those two people we could call them D and E.

18 Did you have any discussions with those two  
19 people outside the meeting about litigation that you'd be  
20 prepared to talk about? Leave the meeting aside, but did  
21 you have any discussions with those two people outside the  
22 meeting about litigation with Mr. Dunlop that you'd be  
23 prepared to talk about?

24 If the answer is no, it was only in a  
25 meeting, then tell us that.

1                   **MR. ROY:** No, it would have been just in the  
2 meeting for them two.

3                   **MR. CALLAGHAN:** All right.

4                   I think, Mr. Commissioner, I still -- what I  
5 would like to do, I think the easiest way to deal with the  
6 issue about who was at the meeting is to reserve the issue.  
7 I don't think it's necessary to deal with it today unless  
8 I'm going to be forced to deal with it today in which case  
9 I will deal with it today. It's an issue that I think we  
10 can reserve for another day. So that it is five o'clock.  
11 I know -- and I have no more particular questions, absent  
12 not knowing what went on in that meeting of Mr. Roy and I  
13 think I can get that elsewhere. But I didn't know that  
14 until I got to this point, and given Mr. Roy has been kind  
15 enough -- and thank you very much, sir, for all your  
16 patience.

17                   **THE COMMISSIONER:** As in adjourned *sine die*?

18                   **MR. CALLAGHAN:** The motion. Well, the  
19 motion really hasn't been brought because ---

20                   **THE COMMISSIONER:** No, no, there's no  
21 motion, but I mean, I don't want to, you know, next week  
22 you coming back and saying you want to do this.

23                   **MR. CALLAGHAN:** Well, I guess like anything  
24 else, Mr. Commissioner, if I hear something that is  
25 particularly troubling, then I may well ask, but I assume I



1 can get around most of the troubling aspects of it. I  
2 think Mr. Roy's been very helpful and it allows us to know  
3 where we're going with other witnesses, and I doubt -- and  
4 I'm not going to promise because never is a bad thing to  
5 say, that it could never happen. I take your admonition  
6 that it ought not to happen, if that's what I'm reading,  
7 and I will ---

8 **THE COMMISSIONER:** Well, no ---

9 **MR. CALLAGHAN:** And that's fairness, Mr.  
10 Commissioner. You're running an inquiry. You're entitled.  
11 You've got a wide latitude, as I've said. So I appreciate  
12 that and I don't want to deal with it.

13 **THE COMMISSIONER:** Terrific.

14 Mr. Morris.

15 **MR. MORRIS:** I mean, the only thing I'd say,  
16 and I know you don't want to take much more time, but we've  
17 narrowed it down to two people and all the questions in  
18 relation to the six others, I would suggest, the answers  
19 have been quite benign and it was fair to find out if there  
20 was more.

21 But I'm wondering if we took a few minutes -  
22 - if I could have a few minutes with Mr. Roy? Maybe  
23 there's a way to eliminate the other two people so it  
24 really negates any significant risk of him coming back.  
25 Maybe there's a way to do that, that again, doesn't

1 identify anybody but allows him to waive, if you will, if  
2 that's what we're going to do, privileged to it, enough for  
3 him to say you've got nothing to worry about, nothing  
4 untoward happened at that meeting that you would want to  
5 know about.

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

7 **MR. CALLAGHAN:** Mr. Morris has always been  
8 very helpful, so I will take that as a helpful suggestion.

9 **THE COMMISSIONER:** All right.

10 So what ---

11 **MR. MORRIS:** It will only take us a moment.

12 **THE COMMISSIONER:** We will, and the end is  
13 near.

14 What happens if we can resolve this?  
15 Anybody else for cross-examination here? Where did we  
16 leave off, Mr. Dumais?

17 **MR. DUMAIS:** I'm not sure. No, I think  
18 that's the end of it and I can advise and I'll be three  
19 minutes in re-examination.

20 **THE COMMISSIONER:** All right.

21 Okay. So, Mr. Roy, the end might be near.

22 **MR. CALLAGHAN:** We can just do it over here.

23 **THE COMMISSIONER:** Go ahead.

24 Well, let's take five minutes and then we'll  
25 come back.

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

3                   The hearing will resume in five minutes.

4                   --- Upon recessing at 4:59 p.m./

5                   L'audience est suspendue à 16h59

6                   --- Upon resuming at 5:06 p.m./

7                   L'audience est reprise à 17h06

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

10                   This hearing of the Cornwall Public Inquiry  
11                   is now in session.

12                   Please be seated. Veuillez vous asseoir.

13                   **MR. MORRIS:** Mr. Commissioner, Mr. Callaghan  
14                   said I can finish his cross-examination.

15                   **(LAUGHTER/RIRES)**

16                   **MR. MORRIS:** Maybe not quite.

17                   So what we propose to do is that I think Mr.  
18                   Albert continues to be concerned about revealing names of  
19                   people at the meeting but thought that it would perhaps  
20                   allay any concerns about whether things were said or done  
21                   at the meeting that would be troubling if he were to say  
22                   generally what happened at the meeting and allow Mr.  
23                   Callaghan to ask appropriate questions about that. I  
24                   believe that he doesn't object to answering those  
25                   questions.

1                   **THE COMMISSIONER:** All right. Good.

2                   So now on whose rate are you cross-examining  
3 now, Mr. Morris' rate or yours?

4                   **MR. CALLAGHAN:** I would like Mr. Morris', I  
5 think.

6                   **THE COMMISSIONER:** I don't know about that.

7                   **(LAUGHTER/RIRES)**

8                   **MR. CALLAGHAN:** Don't believe everything you  
9 read.

10                  **(LAUGHTER/RIRES)**

11                  **MR. CALLAGHAN:** Mr. Roy, I couldn't put it  
12 any better than Mr. Morris, but I think he said you are  
13 prepared to discuss in a very general way about the  
14 meeting?

15                  **MR. ROY:** Yes. I didn't hear or see  
16 anything at the meeting that I would consider  
17 inappropriate. I never heard Mr. Dunlop tell a victim what  
18 he had to do.

19                  During the meeting Mr. Dunlop was sitting  
20 right beside me and basically he talked to John during the  
21 meeting and us victims talked to each other and then the  
22 victims told John their story so he could, you know, decide  
23 if he could do something for them. And then after the  
24 meeting, we kind of broke up in individual groups and  
25 talked to John, and I never saw Perry at the meeting

1 interrupt somebody to add something to what they were  
2 saying.

3 **MR. CALLAGHAN:** Okay. And the groups that  
4 got broken up, were you in a specific group?

5 **MR. ROY:** Well, you know, we were standing.  
6 While one was talking to John, we'd stand around and talk  
7 to each other.

8 **MR. CALLAGHAN:** So it wasn't a formal  
9 breakup saying you're going to be suing Corrections or  
10 anything?

11 **MR. ROY:** No, no, no.

12 **MR. CALLAGHAN:** And was there a discussion  
13 about getting satisfaction out of the court process, the  
14 litigation civil process?

15 **THE COMMISSIONER:** What do you mean by  
16 getting satisfaction?

17 **MR. CALLAGHAN:** Well, I guess what I'm  
18 trying to get at, I don't know whether Mr. Roy knows, but I  
19 assume you're the only one who had completed a criminal  
20 trial at this stage?

21 **MR. ROY:** From what I know at that time,  
22 yes.

23 **MR. CALLAGHAN:** All right.

24 So was there discussion about the civil  
25 litigation process being more effective than the criminal

1 process?

2 MR. ROY: No.

3 MR. CALLAGHAN: No. And ---

4 MR. ROY: I was asked a lot about the  
5 criminal process, how I felt it went and ---

6 MR. CALLAGHAN: And was there a discussion  
7 with respect to the sort of tone of what Mr. Carson  
8 Chisholm and Mr. Dunlop were talking about, the vengeful  
9 tone? Was there that tone to it?

10 MR. ROY: No, I don't think anybody talked  
11 like that.

12 MR. CALLAGHAN: All right.

13 To be honest, I am not all that interested  
14 in respect of the contents of the meeting. I've told Mr.  
15 Morris that. I'm more interested in who was taken to the  
16 meeting and who took them. And just on that note, I take  
17 it, without identifying the people who were at the meeting,  
18 all those people, their common person was Mr. Dunlop, as  
19 far as you're aware?

20 MR. ROY: As far as I understand, yes.

21 MR. CALLAGHAN: And did you understand that  
22 amongst the other group there that there were certain of  
23 the people at the meeting who had known each other prior to  
24 the meeting?

25 MR. ROY: No. I didn't even know there was

1 going to be other people there. When I got there, I was  
2 surprised at the way the meeting was. I thought I was just  
3 meeting John.

4 **MR. CALLAGHAN:** No, but did you get the  
5 sense that there were others at the meeting who knew each  
6 other independent of being there? You got there and didn't  
7 know anybody, other than Mr. Dunlop.

8 **MR. ROY:** Well, no, I knew a couple of them  
9 from, you know, around.

10 **MR. CALLAGHAN:** But did you sense that there  
11 were others there at the meeting who knew each other and  
12 were working together, for example?

13 **MR. ROY:** No.

14 **MR. CALLAGHAN:** And just before we leave the  
15 topic of the last part of the alphabet we got to, I take  
16 it, Mr. Morris, you have the names of those? I thought one  
17 of the reasons we were going to get D and E, sort of sorted  
18 out as to who D and E is.

19 **THE COMMISSIONER:** D and E were the people  
20 he couldn't remember.

21 **MR. ROY:** There was two I couldn't remember  
22 and the one I added, which I only know him by his nickname.

23 **MR. CALLAGHAN:** Okay.

24 **MR. ROY:** I forgot to tell Mr. Morris his  
25 nickname.

1                   **MR. CALLAGHAN:** Subject to reserving the  
2 issue with respect to the people -- I assume that's  
3 acceptable, to reserve that to another day? I still think  
4 it's an important fact.

5                   **THE COMMISSIONER:** Well, let's put it this  
6 way. I am going to be releasing Mr. Roy. If you want to  
7 revisit somewhere down the road, you're going to have to  
8 convince me first ---

9                   **MR. CALLAGHAN:** Well, would it at all be  
10 possible, rather than -- I mean, I'm prepared to spend the  
11 time tonight to convince you, but I'm trying not to keep  
12 Mr. Roy here, because he happens to be a conduit to the  
13 information and I need a witness before I get to ask the  
14 questions.

15                   It may be that the most convenient way to do  
16 it is Mr. Roy takes the names, puts them on an envelope,  
17 seals the envelope and hands it to Mr. Dumais, and we can  
18 fight over whether we get to open the envelope at a later  
19 date. That may be the easiest and probably the more  
20 creative way to do it.

21                   **MR. ROY:** I thought I answered all your  
22 questions.

23                   **THE COMMISSIONER:** Just a minute.

24                   **MR. CALLAGHAN:** Or hand the envelope to Mr.  
25 Morris.



1                   **MR. MORRIS:** Well, the irony, Mr.  
2 Commissioner, I know who was at the meeting. I mean -- so  
3 it's not that we won't be able to keep track. If Your  
4 Honour or Mr. Commissioner ultimately made a decision that  
5 these names had to be released and it was legally  
6 enforceable, we would sort that out.

7                   I actually think that Mr. Callaghan's  
8 suggestion is a reasonable one because I hope and think  
9 that in the passage of time that this won't seem to be such  
10 a relevant pursuit.

11                   **THE COMMISSIONER:** All right. Thank you.  
12 Have you finished with this witness?

13                   **MR. CALLAGHAN:** Subject to that caveat.  
14 And then may I say thank you to the witness?

15                   **THE COMMISSIONER:** You sure can.

16                   **MR. CALLAGHAN:** Mr. Roy, your testimony has  
17 been very helpful. Your honesty is refreshing. I  
18 appreciate the assistance which you've given the Commission  
19 and we all hope that we do right by everybody and some  
20 healthy and strong recommendations come out of this.

21                   So thank you for your help.

22                   **MR. ROY:** Thank you.

23                   **THE COMMISSIONER:** Maître Dumais, three  
24 minutes.

25                   --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. DUMAIS:

1                   **MR. DUMAIS:** Now, Albert, your were cross-  
2                   examined by, I believe it was Mr. Manson, counsel from the  
3                   CCR, about the age that you were when you took that  
4                   vehicle, the age that you were when you were placed under  
5                   arrest.

6                                 Can you just go through those ages for us  
7                   again just to make sure we got it right?

8                   **MR. ROY:** I think some people get confused  
9                   because they think in 1977 he was 17, but because my  
10                  birthday lands on October, most of the part of 1977, I was  
11                  16. So I was still 16, while I was on probation and I  
12                  stole the car when I was 15, but arrested after my 16<sup>th</sup>  
13                  birthday.

14                  **MR. DUMAIS:** All right.

15                                 So you stole the car when you were 15. You  
16                  were arrested when you were 16, and when you were placed on  
17                  probation and suffered the abuse at the hands of Mr. Barque  
18                  and Mr. Seguin, you were 16 years old as well?

19                  **MR. ROY:** Yes.

20                  **MR. DUMAIS:** All right.

21                                 The second issue was the fact that Mr.  
22                  Payette and Dr. Almudevar were counselling you at the time  
23                  that you disclosed to the Cornwall Police that you had been  
24                  abused. Some question had been put to you -- I believe it  
25                  was the counsel for the OPP -- as to whether or not they

1 were able to assist you or help you in, I guess, facing the  
2 difficulties of making disclosure. You were about to say  
3 something back then and I believe you had something  
4 additional you wanted to say about that?

5 **MR. ROY:** Well, it's just that Dr. Almudevar  
6 I felt was a good doctor and Robert Payette was a good  
7 counsellor, but they didn't understand what I was going  
8 through inside the court system. They had no pre-knowledge  
9 of what I might have to go through with being interviewed  
10 by the police and the court and everything and what that  
11 would do to me. So I think it hindered them helping me  
12 through that process.

13 So I think if there was somebody that's a  
14 counsellor, but also knows the court system that could act  
15 as a liaison between the counsellors, it would help. I  
16 don't know if I'm saying that right, but some way of  
17 helping the counsellors that the person has, understand  
18 what he's going to go through when he goes inside the court  
19 system. So I think there should be something like that.

20 **MR. DUMAIS:** And I believe the  
21 recommendation you had made was that, as soon as a victim  
22 discloses an allegation, that they should be directed to  
23 some type of a counsellor, I believe you're saying now that  
24 this counsellor should have some knowledge of the court  
25 system. Is that fair?

1                   **MR. ROY:** Yes, because I don't believe a  
2                   court counsellor can counsel a victim, because it's very  
3                   hard for victims to trust people. Let me speak in my case.  
4                   It's very hard for me to relate to somebody else or trust  
5                   somebody, but if that court counsellor could be part of the  
6                   counsellors that I already had, if the victim already has  
7                   counselling, it would be really helpful because a regular  
8                   counsellor might not have any -- I don't know how to say  
9                   that -- but deals with the court, so they don't understand  
10                  what this victim is going to have to go through during the  
11                  course of the trial.

12                  But if you had a court counsellor that could  
13                  say to the counsellor, "Listen, he's going to go through  
14                  depression. He's going to go through remorse" or any of  
15                  the emotions that they go through, then that would help the  
16                  counsellors be able to keep the victim safe and on an even  
17                  keel.

18                  **MR. DUMAIS:** All right.

19                  Just one final issue, Albert. I was about  
20                  to file a number of documents, and fortunately they were  
21                  all put to you in cross-examination. They were documents  
22                  that were in the possession of Mr. Morris.

23                  I believe you wanted to say something about  
24                  the sensitivity of the information in those documents?

25                  **MR. ROY:** Well, I'd just like to say to the

1 people that have these documents that you should treat them  
2 as something -- I don't know what word to use -- something  
3 special because there's information in those documents. I  
4 know this is a public inquiry, but the only example I can  
5 use is, you wouldn't leave pornographic material lying  
6 around so your 10-year old kid could read that material,  
7 and I would hope that you would take just as much care with  
8 the material that you have of the victims, because a lot of  
9 that information, even though it's public, loved ones and  
10 that, wouldn't go looking for some of the stuff that's in  
11 there. They don't need to know and they don't want to  
12 know. They just want to be -- so even though they know  
13 about the abuse, that detail, they wouldn't go looking for.  
14 So I would hope that the people that have that information  
15 wouldn't leave it lying around just for the average person  
16 to see.

17 I think that's all I had to say about that.

18 **MR. DUMAIS:** Your point is taken, Albert.

19 Thank you.

20 **THE COMMISSIONER:** Mr. Roy, thus ends many  
21 days with us. I think we have gotten to know you as a  
22 victim and as a survivor, and in the last few days what I  
23 have learned from you is that you have also helped other  
24 people, and I think you're going to have helped this  
25 Inquiry a great deal and, once again, I thank you for all

1 of your help.

2 MR. ROY: I would just like to say one thing  
3 before I leave.

4 THE COMMISSIONER: Yes.

5 MR. ROY: I would just like to thank a few  
6 people.

7 THE COMMISSIONER: M'hm.

8 MR. ROY: I would like to thank the Clerk  
9 and the secretaries in the office, and I would especially  
10 like to thank Patrick. He's not here right now, but he's  
11 always behind the scenes, and usually when I'm upset, when  
12 I get off the stand, poor Patrick gets the brunt of it and  
13 he takes it well, and I would like to thank him for his  
14 help.

15 I would also like to thank Pierre for  
16 putting up with my idiosyncrasies and I would also like to  
17 thank John Morris for coming all the way down from Toronto.

18 I would like to also say that I never found  
19 that I was in an adversarial atmosphere in the courtroom  
20 and I felt that you and the other counsellors always  
21 treated me fair, and I don't think a victim would be hurt  
22 by coming forward and talking in this meeting.

23 THE COMMISSIONER: Thank you very much.

24 Thank you.

25 On that note, we will close court. Ten

1 o'clock.

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

4 The hearing is now adjourned. L'audience  
5 est ajournée.

6 --- Upon adjourning at 5:22 p.m./

7 L'audience est ajournée à 17h22

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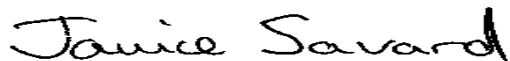
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C E R T I F I C A T I O N

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3 I, Jamie Savard a certified court reporter in the Province  
4 of Ontario, hereby certify the foregoing pages to be an  
5 accurate transcription of my notes/records to the best of  
6 my skill and ability, and I so swear.

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10 transcription conforme de mes notes/enregistrements au  
11 meilleur de mes capacités, et je le jure.

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