

**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 185

Held at :

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

Friday, January 18 2008

Tenue à:

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

Vendredi, le 18 janvier 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Raija Pulkkinen	Commission Counsel
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	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
Ms. Allison Thiele-Callon	
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. William Carroll	Ontario Provincial Police Association
Mr. John Westdal	Mr. Jos Van Diepen
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	

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1 ---Upon commencing at 9:04 a.m. /

2 L'audience débute à 9h04

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 New face, new crowd, Mr. Engelmann?

9 **MR. ENGELMANN:** Yes, Mr. Lee's colleague is
10 Allison Thiele-Callon. I hope I pronounced that correctly.

11 **THE COMMISSIONER:** Good morning. Welcome
12 aboard.

13 **MR. ENGELMANN:** Good morning, Mr. van
14 Diepen. Please take the witness stand.

15 **THE COMMISSIONER:** You understand you're
16 still under oath, sir?

17 **MR. VAN DIEPEN:** Yes, Your Honour, thank
18 you.

19 **THE COMMISSIONER:** Thank you.

20 **MR. VAN DIEPEN:** Your Honour, could I ask
21 for a glass?

22 **THE COMMISSIONER:** Yes, certainly,
23 certainly.

24 **MR. VAN DIEPEN:** Thank you.

25 **MR. ENGELMANN:** Just be a moment, sir.

1 MR. VAN DIEPEN: Sure.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: Too much paper.

4 Good morning.

5 MR. VAN DIEPEN: Good morning, sir.

6 JOS VAN DIEPEN, Resumed/Sous le meme serment:

7 --- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.

8 ENGELMANN (Continued/Suite):

9 MR. ENGELMANN: When we left off yesterday,
10 Mr. van Diepen, we were talking about Nelson Barque.

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: And I think we'd gone
13 through up to the time that he had left. We talked about
14 the resignation. We talked about how there was no staff
15 meeting or no follow-up with staff, generally, about what
16 had happened.

17 And I wanted to just ask you about your
18 knowledge of where he went. Do you have some sense as to
19 where Mr. Barque became employed after he left the Ministry
20 of Corrections?

21 MR. VAN DIEPEN: Yes, but I don't have any
22 first-hand knowledge of that. I mean the -- just what ---

23 MR. ENGELMANN: How did you become aware of
24 where he went?

25 MR. VAN DIEPEN: Again, you know, word-of-

1 mouth.

2 MR. ENGELMANN: Okay. What -- what were you
3 told?

4 MR. VAN DIEPEN: I understood that following
5 his -- his employment with the Ministry that his first
6 significant employment was as a real estate agent, and I
7 believe it was with Century 21, and then subsequently, at
8 some date, he got hired with Équipe Psycho-Sociale which is
9 a francophone service delivery program for youths in -- in
10 difficulties, not necessarily with the law but, you know,
11 behavioural and ---

12 MR. ENGELMANN: Special needs children?

13 MR. VAN DIEPEN: Special needs -- yes, not
14 necessarily -- yes, not necessarily special needs but a lot
15 of behavioural and psychological.

16 MR. ENGELMANN: All right. Let me take you
17 back, and I'll just try and refresh your memory a bit if I
18 can from a previous statement you've given, if we could
19 look at -- it's Exhibit Number 958A and this would be a
20 statement you would have given to Paul Downing. I'll come
21 back to this timeframe just a bit later, sir, but
22 apparently on September 28, 2000 starting at about ten-
23 thirty you were interviewed by a fellow by the name of Paul
24 Downing?

25 MR. VAN DIEPEN: Yes.

1 **MR. ENGELMANN:** And I believe your wife was
2 present?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** All right. And at some
5 point after the interview, notes were typed up and you
6 would have initialed each page and made some changes on the
7 document?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** All right. And the document
10 is all of 18 pages long and on the very last page there's a
11 conclusion of statement and that's your signature that
12 appears on that last page is it, sir?

13 **MR. VAN DIEPEN:** You have the wrong -- it's
14 the wrong statement on the ---

15 **THE COMMISSIONER:** This is from Kevin
16 Maloney. Madam Clerk, it's -- do you want ---

17 **MR. ENGELMANN:** There's several -- because I
18 see three or four ---

19 **THE COMMISSIONER:** One-zero-zero-one-five-
20 three-six (1001536). We're looking at the ---

21 **MR. ENGELMANN:** Sir, I've got 1001545 ---

22 **THE COMMISSIONER:** That -- you're ---

23 **MR. ENGELMANN:** As a Bates page number?

24 **THE COMMISSIONER:** Yes. I'm sorry. I was
25 looking at the front of the document.

1 **MR. VAN DIEPEN:** Yes, I have the page 19 I
2 believe it would be.

3 **THE COMMISSIONER:** Right.

4 **MR. VAN DIEPEN:** The conclusion of the
5 statement?

6 **MR. ENGELMANN:** Right.

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

8 **MR. ENGELMANN:** Okay. It says, "Interview
9 concluded at 16h45, September 28th"?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** And then is that your
12 signature ---

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** --- you see in about the
15 middle of the page?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** All right. So in this
18 interview, you were asked some questions by Mr. Downing in
19 the morning and then there were some further questions in
20 the afternoon?

21 **MR. VAN DIEPEN:** M'hm.

22 **MR. ENGELMANN:** Do I understand that
23 correctly?

24 **MR. VAN DIEPEN:** M'mh.

25 **MR. ENGELMANN:** All right. And in the

1 morning when you were asked about Mr. Barque, and I'm
2 looking at what has the handwritten number 3 at the bottom.
3 Do you see he's asking some questions and you -- "Do you
4 see anything on the site..." -- you're referring to a website
5 and I'll get to that with you -- "...that refers to me as
6 erroneous information. Let's talk about Nelson Barque."

7 I guess that's where you wanted to start
8 talking about this, sir, is that fair, when you're being
9 interviewed by ---

10 **MR. VAN DIEPEN:** That's right ---

11 **MR. ENGELMANN:** --- Mr. Downing?

12 **MR. VAN DIEPEN:** Okay, now I have the right
13 page, yes.

14 **MR. ENGELMANN:** All right. And so the third
15 paragraph in your answer you say:

16 "Soon after this matter came to light,
17 Nelson Barque resigned. Nelson Barque
18 then began employment with L'Équipe..."

19 -- and I think you've handwritten "Psycho" into L'Équipe
20 Psycho-Sociale?

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** "...that provided
23 counselling services to children."

24 Do you see that?

25 **MR. VAN DIEPEN:** M'hm.

1 **MR. ENGELMANN:** All right. So is it
2 possible, sir, that you -- you were wrong just a minute ago
3 in your order?

4 **MR. VAN DIEPEN:** Oh, it could be.

5 **MR. ENGELMANN:** And, in fact, that he
6 started at L'Équipe Psycho-Sociale after leaving ---

7 **MR. VAN DIEPEN:** You could -- yes, that
8 could possibly ---

9 **MR. ENGELMANN:** All right.

10 **MR. VAN DIEPEN:** --- be true.

11 **MR. ENGELMANN:** Yes. And it would be fair
12 to say, sir, that your memory about this -- and this is a
13 long time ago ---

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** --- in the 80s.

16 **MR. VAN DIEPEN:** Yes ---

17 **MR. ENGELMANN:** --- would have been better
18 in 2000 than it would be today?

19 **MR. VAN DIEPEN:** Yes, I could've even been
20 wrong in 2000.

21 **MR. ENGELMANN:** Fair enough.

22 **MR. VAN DIEPEN:** I mean, the -- I think you
23 have certainly document -- other documentation which would
24 corroborate the correct order of things.

25 **MR. ENGELMANN:** We do and we've certainly

1 had some -- and you know this, sir, because I think you've
2 had a look at the Sirrs transcript, in any event. Peter
3 Sirrs was asked for a reference by the director of this
4 agency and we've heard that Mr. Barque went there within
5 months of leaving the Ministry. So, again, you can't tell
6 us how it is you knew this?

7 MR. VAN DIEPEN: No.

8 MR. ENGELMANN: All right, but you've
9 mentioned this, where he's going to be providing
10 counselling services to children, and then you say after
11 his employment with L'Équipe Sociale or Psycho-Sociale, he
12 worked as a supply teacher for the same school board?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: So that was brought to your
15 attention as well?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: And, again, you're not able
18 to tell us who brought this to your attention?

19 MR. VAN DIEPEN: No.

20 MR. ENGELMANN: All right.

21 You also say after that he sold real estate,
22 possibly Re/Max and you say at some point Nelson Barque was
23 also involved with Big Brothers, Boy Scouts, and Christ the
24 King Church in Cornwall. That's Paroisse du Christ Roi
25 Is that the same church? I never heard the English term,

1 so ---

2 MR. VAN DIEPEN: Yeah, well I know where it
3 is.

4 MR. ENGELMANN: It's a catholic church here
5 in the City of Cornwall?

6 MR. VAN DIEPEN: Yeah, and I believe it's
7 now defunct.

8 MR. ENGELMANN: All right. So in the year
9 2000 you're telling Paul Downing where Nelson Barque went
10 afterwards?

11 MR. VAN DIEPEN: M'hm.

12 MR. ENGELMANN: And you're telling him that
13 at least two of the three jobs he went to involved working
14 with children?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And that he also was in a
17 number of -- well, Big Brothers, Boy Scouts -- I'm not sure
18 about the church but certainly, youth-serving organizations
19 ---

20 MR. VAN DIEPEN: M'hm.

21 MR. ENGELMANN: --- where he'd have access
22 to children?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: And you thought that was
25 important to tell Mr. Downing?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: All right. And I'm assuming
3 that you would have heard about it many, many years before
4 you told Mr. Downing?

5 MR. VAN DIEPEN: I don't know when I heard
6 it but I, you know ---

7 MR. ENGELMANN: Well, probably ---

8 MR. VAN DIEPEN: --- it may not have been in
9 the order in which they happened. I may have heard of one
10 thing sooner and another thing later, but obviously at some
11 point I knew about it.

12 MR. ENGELMANN: All right. And did you ever
13 -- was there a discussion in your office about this?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: All right. And what was the
16 feeling at the time?

17 MR. VAN DIEPEN: I specifically recall the
18 matter of Equipe Psycho-Sociale. We thought it was
19 inappropriate. We were rather shocked.

20 MR. ENGELMANN: Who's "we"?

21 MR. VAN DIEPEN: Several of us in the office
22 -- staff ---

23 MR. ENGELMANN: Can you give me any names?

24 MR. VAN DIEPEN: In particular, I recall
25 speaking with Ms. Cardinal and as memory serves me

1 correctly, there was a feeling that this was -- something
2 should be done about that and Ms. Cardinal said that she
3 would look after it.

4 **MR. ENGELMANN:** All right. What did she
5 tell you she'd do about it?

6 **MR. VAN DIEPEN:** Subsequent -- she said she
7 was going to speak to the board and subsequently she
8 advised me that she did speak to someone.

9 **MR. ENGELMANN:** Did any one of you bring
10 this to the attention of your manager or his boss?

11 **MR. VAN DIEPEN:** Yes, I did.

12 **MR. ENGELMANN:** When was that?

13 **MR. VAN DIEPEN:** When?

14 **MR. ENGELMANN:** Yeah.

15 **MR. VAN DIEPEN:** I don't -- we're talking a
16 long time ago, Mr. Engelmann ---

17 **MR. ENGELMANN:** All right.

18 **MR. VAN DIEPEN:** --- I have no idea when.
19 You know, obviously after he started there ---

20 **MR. ENGELMANN:** All right.

21 **MR. VAN DIEPEN:** --- and before he
22 terminated his employment there.

23 **MR. ENGELMANN:** All right. So would that
24 have likely been Mr. Sirrs?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** Did either you or Ms.
2 Cardinal contact anybody at Equipe Psycho-Sociale to say
3 something to them?

4 **MR. VAN DIEPEN:** Well, as I said, Ms.
5 Cardinal, I believe, was speaking to the -- was going to
6 speak to members of the board.

7 **MR. ENGELMANN:** All right.

8 **THE COMMISSIONER:** So do you remember the
9 discussion you had with Mr. Sirrs?

10 **MR. VAN DIEPEN:** Yes.

11 **THE COMMISSIONER:** What did you tell him?

12 **MR. VAN DIEPEN:** Just the surprise and did -
13 - there was a discussion about did they approach you for
14 references and there was some discussion about that and, if
15 I remember correctly, Mr. Sirrs's response to the issue
16 references or about his -- would he recommend him or were
17 there problems or anything like that, those questions were
18 not asked of him.

19 The only questions that were asked of him to
20 confirm that Mr. Barque, in fact, worked there and Mr.
21 Sirrs confirmed that he did work there.

22 **MR. ENGELMANN:** So this is a conversation
23 that you would have had directly with Mr. Sirrs?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** Okay. So at this point in

1 time, you're talking to Ms. Cardinal, you're talking to Mr.
2 Sirrs, you must have some sense of what Mr. Barque had
3 allegedly done?

4 **MR. VAN DIEPEN:** Oh, yes.

5 **MR. ENGELMANN:** All right. And what was
6 that sense?

7 **MR. VAN DIEPEN:** The sense that he -- well,
8 I guess to put it in a nutshell, he was caught in a lover's
9 triangle with Ministry clients.

10 **MR. ENGELMANN:** So he was in a sexual
11 relationship with a probationer?

12 **MR. VAN DIEPEN:** That's my understanding.

13 **MR. ENGELMANN:** All right. And did you have
14 some sense as to the age of the probation?

15 **MR. VAN DIEPEN:** Ministry clients who would
16 have been, I believe, at the time somewhere in the order of
17 18 to -- 18 to 22 years of age, in around there, possibly
18 18 to 20. I don't recall exactly the age of them.

19 **MR. ENGELMANN:** Now, did anyone contact the
20 Children's Aid Society to your knowledge; you, Ms.
21 Cardinal, Mr. Sirrs?

22 **MR. VAN DIEPEN:** Not to my knowledge, no.

23 **MR. ENGELMANN:** All right. Did you have
24 some familiarity at that time with duty to report and
25 provisions in the *Child and Family Services Act*?

1 **MR. VAN DIEPEN:** I believe at that time
2 there was -- the requirements were different.

3 **MR. ENGELMANN:** Okay. Did you have some
4 knowledge of the requirements at the time?

5 **MR. VAN DIEPEN:** No.

6 **MR. ENGELMANN:** But all of you had concerns
7 because of the fact that he would be in a position of trust
8 with children?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** What about when you or one
11 of your colleagues found out about his work as a supply
12 teacher with the school board? Would there have been
13 similar concerns?

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** And do you know what, if
16 any, action would have been taken by you or your colleagues
17 at that time?

18 **MR. VAN DIEPEN:** Again, I believe those
19 concerns were dealt with by Ms. Cardinal. She had a closer
20 liaison with the parties involved.

21 **MR. ENGELMANN:** So these were issues that
22 you would discuss with her?

23 **MR. VAN DIEPEN:** Oh, yes.

24 **MR. ENGELMANN:** And would someone then take
25 them up with the manager whether that's still Peter Sirrs

1 or whether that's Leo White or Emile Robert?

2 MR. VAN DIEPEN: Mr. Sirrs was aware of it.

3 MR. ENGELMANN: Okay.

4 MR. COMMISSIONER: And what makes you say
5 that?

6 MR. VAN DIEPEN: I believe he was involved
7 in some informal office discussions around the water
8 cooler, you know, that type of ---

9 THE COMMISSIONER: M'hm.

10 MR. ENGELMANN: I don't have a date here,
11 but I think the employment at the French board, the school
12 board, was after 1984. It was after Equipe Sociale and I'm
13 almost positive Mr. Barque was there for about three years.

14 MR. VAN DIEPEN: That sounds right.

15 MR. ENGELMANN: So it couldn't have been a
16 discussion with Mr. Sirrs?

17 MR. VAN DIEPEN: Well, then it would have
18 been with Mr. Robert.

19 MR. ENGELMANN: You don't remember the
20 discussion, obviously?

21 MR. VAN DIEPEN: No, but I remember it being
22 a point of discussion in the office.

23 MR. ENGELMANN: All right.

24 MR. VAN DIEPEN: And it wasn't sort of
25 behind closed doors. It was an open discussion.

1 **MR. ENGELMANN:** Well, do you know if
2 something similar was decided between you and Ms. Cardinal
3 or Mr. Robert about someone contacting the school board?

4 **MR. VAN DIEPEN:** I believe, as I indicated
5 earlier, Ms. Cardinal was going to speak with the school --
6 the board.

7 **MR. ENGELMANN:** And how was it that you were
8 able to know about the different jobs Mr. Barque was
9 obtaining?

10 **MR. VAN DIEPEN:** It's Cornwall. It's a very
11 small community.

12 **MR. ENGELMANN:** All right. And would the
13 same be true of the different voluntary agencies that he
14 would be involved with?

15 **MR. VAN DIEPEN:** Yes.

16 **MR. ENGELMANN:** You didn't find that out
17 directly from him?

18 **MR. VAN DIEPEN:** No.

19 **MR. ENGELMANN:** All right. Did you have
20 some contact with him from time-to-time, sir? Mr. Barque?

21 **MR. VAN DIEPEN:** When?

22 **MR. ENGELMANN:** After he left.

23 **MR. VAN DIEPEN:** No. The only time I -- the
24 only contact I had with Mr. Barque, after his employment
25 with us, of any kind -- where we had any kind of

1 conversation was during the ice storm in '98.

2 MR. ENGELMANN: You continued to live in St.
3 Andrews after.

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: Small community.

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: And you're saying that for
8 16 years you essentially had no contact with him except for
9 some involvement with the ice storm in 1998.
10 Yes. I mean I may have seen it -- I might -- I may have
11 passed him on the street but you're asking me did I have
12 contact with him, did I have conversation with him, did we
13 engage each other in any manner or form, that would be the
14 only time.

15 MR. ENGELMANN: M'hm. All right. But do
16 you have friends in common in St. Andrews?

17 MR. VAN DIEPEN: None.

18 MR. ENGELMANN: All right. What about your
19 children? Do they know each other?

20 MR. VAN DIEPEN: They know each other.

21 MR. ENGELMANN: That's -- you had a son,
22 sir?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: Was he a friend of
25 Mr. Barque's son, sir?

1 **MR. VAN DIEPEN:** No, that's -- I understand
2 you had some information tohat effect. No, he wasn't.

3 **MR. ENGELMANN:** Well, you would have read
4 that in the materials, I presume.

5 **MR. VAN DIEPEN:** Yes, somewhere along the
6 line, you know -- that's -- that's totally incorrect.

7 **MR. ENGELMANN:** All right.

8 **MR. VAN DIEPEN:** They went to different
9 schools, different -- slightly different ages, different
10 activities, different academic levels.

11 **MR. ENGELMANN:** Yes, it was in
12 Mr. Robert's statement to ---

13 **MR. VAN DIEPEN:** A number ---

14 **MR. ENGELMANN:** --- Mr. Downing.

15 **MR. VAN DIEPEN:** There are a number of
16 errors in Mr. Robert's statements, and I think he's making
17 some rather broad assumptions in there.

18 **MR. ENGELMANN:** It was the statement that
19 says:

20 "It was my understanding that Jos van
21 Diepen, Ken Seguin and Nelson Barque
22 were good friends. Jos and Ken told me
23 that Jos' son and Nelson Barque's son
24 were good friends."

25 **MR. VAN DIEPEN:** Yeah, it's obviously not --

1 obviously not correct.

2 **MR. ENGELMANN:** And do you have any idea
3 where he would have gotten that information from, sir?

4 **MR. VAN DIEPEN:** No.

5 **MR. ENGELMANN:** It goes further. I just --
6 if you want -- it's the same Exhibit, 958A; it's the
7 statement before yours and it's page 4, which is Bates page
8 1001531. It was just a little further. It says:

9 "It was my understanding from
10 conversations with Jos and Ken that
11 Nelson continued to be a friend even
12 after he left the Ministry."

13 **MR. VAN DIEPEN:** No, that's in -- obviously
14 incorrect.

15 **MR. ENGELMANN:**

16 "Jos van Diepen and Nelson Barque lived
17 in the same area in St. Andrews"?

18 **MR. VAN DIEPEN:** No, we both lived in
19 St. Andrews.

20 **MR. ENGELMANN:** Right.

21 **MR. VAN DIEPEN:** But not in the same area.

22 **MR. ENGELMANN:** Okay.

23 "I was also told that Ken was raised in
24 the same area of St. Andrews as Nelson
25 and Jos."

1 **MR. VAN DIEPEN:** Again, that's incorrect.

2 **MR. ENGELMANN:** I think you told us that it
3 was a couple of miles outside.

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** All right.

6 "And Ken and Jos said that the three
7 them..."

8 Probably of them:

9 "...grew up together and hung out
10 together as they were growing up."

11 **MR. VAN DIEPEN:** Again, ---

12 **MR. ENGELMANN:** You've already told us that
13 was not true.

14 **MR. VAN DIEPEN:** Well, Mr. Seguin was
15 considerably older than I was and ---

16 **MR. ENGELMANN:** He was about five and a half
17 years older.

18 **MR. VAN DIEPEN:** Yeah, so you know growing
19 up I don't think a 10 year old hangs out with a 16 year
20 old, or whatever example you want to use and certainly at
21 that time he lived out -- way out in the country, went to a
22 different school, and we had -- as I indicated earlier in
23 my testimony, my first contact with Mr. Seguin was when I
24 was much older.

25 **MR. ENGELMANN:** You told us when you were

1 hitchhiking and ---

2 **MR. VAN DIEPEN:** Exactly.

3 **MR. ENGELMANN:** --- from St. Andrews to
4 Cornwall.

5 **MR. VAN DIEPEN:** That's right.

6 **MR. ENGELMANN:** You would have been about
7 18.

8 **MR. VAN DIEPEN:** About that, yes.

9 **MR. ENGELMANN:** All right. Okay.

10 **MR. VAN DIEPEN:** And also if I may just
11 reiterate, your Honor, Mr. Barque was not from St. Andrews.
12 Mr. Barque did not grow up in St. Andrews. Mr. Barque had
13 no relationship with St. Andrews until he moved there and
14 I, again I -- my best recollection was that he moved there
15 some time while I was in university.

16 **MR. ENGELMANN:** Well, he would have -- it
17 would have been after he'd gone through Seminary and ---

18 **MR. VAN DIEPEN:** Oh, yes. Yes.

19 **MR. ENGELMANN:** So he would have been an
20 adult when he moved there.

21 **MR. VAN DIEPEN:** Oh, yes.

22 **MR. ENGELMANN:** All right.

23 **MR. VAN DIEPEN:** And Mr. Barque was much
24 older than I was.

25 **MR. ENGELMANN:** I don't have that in front

1 of my, sir. I ---

2 MR. VAN DIEPEN: He was older than
3 Mr. Seguin by more than a few years.

4 MR. ENGELMANN: So, I want to ask you just a
5 couple more things about Mr. Barque. The office moved from
6 the court building up Pitt Street ---

7 MR. VAN DIEPEN: M'hm.

8 MR. ENGELMANN: --- a block or two. And it
9 was discovered that Mr. Barque had put a lock on the inside
10 of his office door.

11 THE COMMISSIONER: Well, well, just a minute
12 now.

13 MR. ENGELMANN: Or a bolt.

14 THE COMMISSIONER: No, well, I don't know
15 that we have established that he put it in.

16 MR. ENGELMANN: All right.

17 THE COMMISSIONER: So, ---

18 MR. ENGELMANN: Fair enough.

19 THE COMMISSIONER: That there was a lock on
20 Mr. Barque's door.

21 MR. ENGELMANN: Yes. An inside lock.

22 MR. VAN DIEPEN: No.

23 MR. ENGELMANN: Sorry?

24 MR. VAN DIEPEN: No.

25 THE COMMISSIONER: No what?

1 **MR. VAN DIEPEN:** No, there was not an inside
2 lock. What -- what my understanding -- recollection was,
3 was that -- and it appeared that
4 Mr. Barque had changed it, but there was a -- the lock
5 handle was changed from the lock that was on there to a
6 lock handle which allowed you to push in the thing and
7 doing it or -- either turn the knob and then -- I don't
8 know whether it was turn the knob and lock it or turn the
9 little pin in the center and lock it, so that you could
10 lock the door from the inside and it was one of those round
11 style doorknobs, regular household ---

12 **MR. ENGELMANN:** Yes.

13 **MR. VAN DIEPEN:** --- doorknobs which almost
14 matched the doorknobs that were in the office and that came
15 to my attention after Mr. Barque left.

16 **MR. ENGELMANN:** How would that have come to
17 your attention, sir?

18 **MR. VAN DIEPEN:** I don't recall whether it
19 was discovered when Mr. Sirrs went into the office or
20 Ms. Cardinal went into the office, or whatever, but here
21 was this door lock and I -- if -- and if memory serves me
22 right the original door lock was still left somewhere in
23 the office.

24 **MR. ENGELMANN:** All right, but the point
25 being, something had been done to his door that wasn't the

1 same as the other doors.

2 MR. VAN DIEPEN: That's right.

3 MR. ENGELMANN: All right. Because your
4 office, for example, had a door that didn't lock from the
5 inside.

6 MR. VAN DIEPEN: That's right.

7 MR. ENGELMANN: All right. And would this
8 have been reported to you after he left by someone?

9 MR. VAN DIEPEN: No, like I say -- it came
10 to our attention after he left that this door lock was
11 changed.

12 MR. ENGELMANN: All right.

13 MR. VAN DIEPEN: Now, you know reported --
14 you know, that's not the right word, it came to everyone's
15 attention, "oh, this lock is changed," you know. And you
16 know there was ---

17 MR. ENGELMANN: In the normal course that's
18 something that you could have all been briefed on if the
19 manager had held a meeting to discuss what had happened
20 with Mr. Barque, presumably.

21 MR. VAN DIEPEN: I don't know. I guess so,
22 I mean I suppose he could have told us, but we were all
23 aware of it.

24 MR. ENGELMANN: All right. So you became
25 aware of it through talk in the office.

1 **MR. VAN DIEPEN:** Well, yeah. See Mr. -- my
2 office was near the front of the -- where the door where
3 the clients entered and Mr. Barque's office was the last
4 office down the end of the hall and his door swung into the
5 center wall closest to me so when that door was open, and
6 the office door is open all the time, unless I walked by
7 his office door and looked specifically at -- there would
8 be no way of telling, and even then you'd have to really
9 notice that there was ---

10 **MR. ENGELMANN:** It wasn't something you
11 noticed while you worked with him.

12 **MR. VAN DIEPEN:** No.

13 **MR. ENGELMANN:** Is that fair?

14 **MR. VAN DIEPEN:** Yeah. And I have no idea
15 of when it was changed, if it was changed a week before or
16 a month before or a year before; no idea.

17 **MR. ENGELMANN:** Okay. And you had no
18 reason, as you had many years earlier, to go into his
19 office? You weren't sharing an office anymore?

20 **MR. VAN DIEPEN:** That's right.

21 **MR. ENGELMANN:** All right.

22 Now, in -- one of your coworkers in notes of
23 an interview with a police officer is purported to have
24 said that Mr. Barque liked working with younger
25 probationers. Is that something that you might have

1 observed?

2 MR. VAN DIEPEN: No.

3 MR. ENGELMANN: Okay.

4 MR. VAN DIEPEN: Mr. Barque's caseload was
5 basically defined by geography. At that time the -- if,
6 again, memory serves me right, the Alexandria court had
7 more activity than the other outlying courts so he had a
8 larger representative caseload from the
9 Alexandria/Glengarry area.

10 MR. ENGELMANN: All right. So that isn't
11 something that you ever heard or were apprised of by him or
12 others?

13 MR. VAN DIEPEN: No.

14 THE COMMISSIONER: What about his case --
15 did he have a caseload in Cornwall?

16 MR. VAN DIEPEN: Yes, but a very small one
17 Your Honour ---

18 THE COMMISSIONER: Right.

19 MR. VAN DIEPEN: --- because of the higher
20 caseload in -- from Alexandria court.

21 THE COMMISSIONER: I understand that, but
22 with respect to the caseload in Cornwall can you comment
23 whether or not that was a younger crowd or an older crowd
24 or was it just a simple matter of assignment?

25 MR. VAN DIEPEN: A simple matter of

1 assignment, and he had no control over the assignment.

2 MR. ENGELMANN: Not that you knew of.

3 MR. VAN DIEPEN: Not that I was aware of,
4 no.

5 MR. ENGELMANN: And there was also a
6 suggestion that he asked to work with probationers who were
7 charged with sexual offences.

8 MR. VAN DIEPEN: No knowledge of that.

9 MR. ENGELMANN: All right.

10 Also, that he liked to have evening meetings
11 with probationers.

12 MR. VAN DIEPEN: Well, you know,
13 subsequently obviously that -- we discussed that. Was I
14 aware of that at that time? No.

15 MR. ENGELMANN: And several talked about
16 pornography magazines, things of that nature, and you've
17 already told us you had some knowledge of that as well.

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: But that knowledge was only
20 from your first year. You weren't aware of any after that?

21 MR. VAN DIEPEN: None whatsoever.

22 MR. ENGELMANN: Now, we talked earlier about
23 some of the interviews or statements that took place that
24 you had with either police officers or with Mr. Downing and
25 I'd like to just talk to you about those interviews where

1 you might have discussed Mr. Barque. All right?

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** And the one that I'm aware
4 of that involved a direct allegation against Mr. Barque was
5 an OPP investigation of Mr. Barque that was taking place in
6 late 1994 and early 1995.

7 And this was in relation, sir, to
8 allegations made by a former probationer, a fellow by the
9 name of Albert Roy, against Nelson Barque.

10 It's my understanding, at least from
11 reviewing some police officer notes, that you and several
12 of your colleagues were interviewed by an OPP officer by
13 the name of Zebruck and this would have been in
14 approximately January of 1995, so about 13 years ago.

15 I want to ask you if you remember any
16 conversation with an officer, Detective Zebruck, from the
17 Long Sault detachment of the OPP.

18 **MR. VAN DIEPEN:** I recall the matter of Mr.
19 Barque being under investigation; subsequent charges and
20 his going to court and subsequent incarceration.

21 **MR. ENGELMANN:** In 1995.

22 **MR. VAN DIEPEN:** Yeah, and all the
23 investigation. I have no memory whatsoever of having sat
24 down with a Detective Zebruck.

25 **MR. ENGELMANN:** It's Exhibit 121. This

1 would have been in the documents you would have been
2 provided with, sir.

3 **MR. VAN DIEPEN:** Yes. Yes.

4 **MR. ENGELMANN:** I'd like you to turn -- it's
5 Bates page 1078057.

6 **THE COMMISSIONER:** Hang on. So what Bates
7 page, Mr. Engelmann?

8 **MR. ENGELMANN:** 1078057 (one zero seven
9 eight zero five seven).

10 **THE COMMISSIONER:** It's before the last page
11 -- go to the last page and it's the one to the left.

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** Mr. van Diepen, just so
14 you're not concerned about it; some notes were redacted or
15 blacked out that weren't at all related to the matters
16 before the Inquiry, all right? So the part that I'm asking
17 you to take a look at is where you see 16 January '95?

18 **MR. VAN DIEPEN:** M'hm.

19 **MR. ENGELMANN:** Monday?

20 **MR. VAN DIEPEN:** M'hm.

21 **MR. ENGELMANN:** Right now it's not clear
22 from the note and Detective Zebruck hasn't been called as a
23 witness yet --it's not clear whether this was an in-person
24 meeting ---

25 **THE COMMISSIONER:** Um, yeah, it is. You can

1 see it -- well, it says "started at probation and parole
2 about..." Oh, I'm sorry. I'm sorry. I thought that was
3 for the interview. I take that back; sorry.

4 **MR. ENGELMANN:** Oh, no, okay.

5 I mean, often it will say "telephone
6 conversation" when it is but it doesn't say here so my
7 first thought was that it was an in-person but -- you have
8 no memory of either an in-person interview or a telephone
9 conversation?

10 **MR. VAN DIEPEN:** I don't.

11 **MR. ENGELMANN:** All right. Well, let's just
12 take a look at what you're purported to have said and see
13 if that might be consistent with ---

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** --- any questions that could
16 have been put to you about Nelson Barque.

17 Remember this is -- again, I'm assuming that
18 a police officer in asking questions of you would explain
19 to you why he'd want to ask questions and I'm sure, Mr. van
20 Diepen, if you're answering those questions you'd want to
21 know why a police officer was asking you questions as well.

22 Is that fair?

23 **MR. VAN DIEPEN:** Well, I believe it was
24 fairly common knowledge that Mr. Barque was under
25 investigation so ---

1 **MR. ENGELMANN:** Okay.

2 **MR. VAN DIEPEN:** If the -- you know, there
3 were no surprises or anything like that.

4 **MR. ENGELMANN:** Well -- but under
5 investigation about a sexual abuse of a probationer?

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** And which probationer?
8 Would that have been common knowledge?

9 **MR. VAN DIEPEN:** Oh I -- no, no. I -- the -
10 --

11 **MR. ENGELMANN:** Because we'd already had the
12 incident in 1982.

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** And now we've got something
15 else in 1995.

16 **MR. VAN DIEPEN:** Yes. The party that's the
17 victim, I have no personal knowledge or I don't know the
18 man or I certainly wouldn't be able to give you any details
19 about that at all.

20 **MR. ENGELMANN:** Were you even aware if this
21 was the same alleged victim or a different one than the
22 person that he'd been involved with in 1982.

23 **MR. VAN DIEPEN:** No, that was a different
24 party.

25 **MR. ENGELMANN:** All right, so you were aware

1 of that.

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: That these were new
4 allegations.

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: And that these were
7 allegations involving alleged sexual abuse of a man who was
8 either -- well, a teenager, a 16 or 17 year old.

9 MR. VAN DIEPEN: That I don't know.

10 MR. ENGELMANN: All right.

11 MR. VAN DIEPEN: I have no idea of the ages
12 at all.

13 MR. ENGELMANN: All right well, what's
14 written here is -- first comment is:

15 "van Diepen, Jos: Probation officer;
16 started at probation and parole about
17 the same time as Barque."

18 I think you told us that you actually
19 started about a year and a half after Mr. Barque.

20 MR. VAN DIEPEN: M'hm.

21 MR. ENGELMANN: And it would have been
22 approximately 20 years before this interview so that's what
23 you're alleged to have said:

24 "Did not see him doing anything
25 improper with his probationers."

1 Again, you're alleged to have said that.
2 Any problems with what I've read so far, as far as how you
3 ---

4 **MR. VAN DIEPEN:** As I told you, I don't
5 remember ---

6 **MR. ENGELMANN:** Fair enough.

7 **MR. VAN DIEPEN:** No, but ---

8 **THE COMMISSIONER:** We're beyond that now.

9 **MR. ENGELMANN:** I'm concerned now about
10 accuracy.

11 **MR. VAN DIEPEN:** Do I disagree with those
12 comments?

13 **MR. ENGELMANN:** Yeah.

14 **MR. VAN DIEPEN:** No, I do not.

15 **MR. ENGELMANN:** All right.

16 Is there something there that you just would
17 not have said? And let me keep going.

18 "Did not know he was a homosexual. Had
19 seen a homo porn magazine in his desk
20 once."

21 **MR. VAN DIEPEN:** It wasn't a magazine. It
22 was actually a paperback book.

23 **MR. ENGELMANN:** Yeah, you told us there was
24 the two things. There was the book with the drawings with
25 men having sex ---

1 MR. VAN DIEPEN: M'hm.

2 MR. ENGELMANN: --- and then there were the
3 Playboy magazines.

4 MR. VAN DIEPEN: Yes, but the Playboy
5 magazine, we're talking about heterosexual pornography.

6 MR. ENGELMANN: Oh, I realize that.

7 MR. VAN DIEPEN: Oh, okay. All right.
8 This is referencing homo porn magazine.

9 MR. ENGELMANN: Yes.

10 MR. VAN DIEPEN: Okay.

11 MR. ENGELMANN:

12 "Had told Ken Seguin about it."

13 That's true, you had told Ken Seguin about
14 it; correct?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN:

17 "Ken was senior man."

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: He was at the time.

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN:

22 "Ken said he would look after it."

23 I think you told us that as well.

24 "Did not receive any complaints from
25 any of Barque's probationers."

1 **MR. MANSON:** Excuse me. I apologize for
2 interrupting but Mr. Engelmann is asking questions and the
3 witness is nodding his head.

4 **THE COMMISSIONER:** Right.

5 **MR. MANSON:** He needs to say yes for the
6 record.

7 **THE COMMISSIONER:** You have to vocalize your
8 answers.

9 **MR. MANSON:** Thank you.

10 **MR. VAN DIEPEN:** I've read that statement up
11 until that blackout and I don't have any difficulties with
12 those comments or observations.

13 **MR. ENGELMANN:** All right.

14 Now there doesn't appear to be any
15 discussion, here at least about your knowledge of what
16 happened in 1982? Is that fair?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** There's nothing there about
19 lover's triangle, resignation, another act -- sexual
20 relationship with a probationer; correct?

21 **MR. VAN DIEPEN:** That's correct.

22 **MR. ENGELMANN:** And would you agree with me
23 that that information might have been important to a police
24 officer investigating an allegation of this nature?

25 **MR. VAN DIEPEN:** Which information?

1 **MR. ENGELMANN:** Information that Mr. Barque

2 ---

3 **MR. VAN DIEPEN:** Was ---

4 **MR. ENGELMANN:** --- had a sexual
5 relationship with a probationer much earlier.

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** And, again, it wouldn't have
8 been with respect to the same alleged victim, but it would
9 have been evidence of something similar to what you're
10 allegedly talking about?

11 **MR. VAN DIEPEN:** See -- I -- again, we're
12 talking about something which happened quite a number of
13 years ago.

14 **MR. ENGELMANN:** Yes.

15 **MR. VAN DIEPEN:** Referencing a separate
16 timeline. So we -- you could make a number of deductions
17 from those statements, so when it says that:

18 "I did not know that Mr. Barque was a
19 homosexual..."

20 -- you know, are we referencing -- did I know that Mr.
21 Barque was a homosexual after he was an employee with the
22 Ministry? Or are we referencing did I know that Mr. Barque
23 was a homosexual while he was an employee at the Ministry?

24 Those two are -- those two things are
25 completely different concepts in my mind.

1 MR. ENGELMANN: M'hm.

2 MR. VAN DIEPEN: And so I want it to be -- I
3 think I should clarify that my explanation to those
4 comments would be referencing the timeline when Mr. -- and
5 certainly the other remarks reference the timeline while
6 Mr. Barque was an employee.

7 MR. ENGELMANN: Fair enough.

8 MR. VAN DIEPEN: Okay.

9 MR. ENGELMANN: And I take it from the
10 comment about "didn't know" and then the comment about the
11 homo-porn, just as you said here today, you had some
12 suspicions. You weren't certain but ---

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: --- is that fair?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: All right. But, again, if
17 we're talking about that time, back in 1982, you were aware
18 certainly shortly after he left ---

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: That there had been ---

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: --- this improper
23 relationship?

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: And we don't know what you

1 said to the police officer, all we have are some notes
2 here.

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** You say you can't remember
5 it. All I was saying to you is it would have been
6 important to bring that up.

7 **MR. VAN DIEPEN:** Well, I'm sure the police
8 officer would be well aware of Mr. Barque's employment
9 history and the reasons for his loss of employment with the
10 Ministry. I don't think that that would have evaded that
11 police officer in any way, shape or form.

12 **MR. ENGELMANN:** But we did ---

13 **MR. VAN DIEPEN:** And, in fact ---

14 **MR. ENGELMANN:** --- we did talk earlier, Mr.
15 van Diepen about the importance, and you agreed with me, to
16 be truthful, to be complete and to be accurate when talking
17 to a police officer about ---

18 **MR. VAN DIEPEN:** Well, I'm ---

19 **MR. ENGELMANN:** --- about issues like this.

20 **MR. VAN DIEPEN:** And I'm sure that, like I
21 say, I'm sure that police officer knew about it, and I'm
22 sure if he didn't know about it or he asked me about it, I
23 would have told him about it.

24 But I can -- there was nothing hidden or in
25 any shape or form. In fact, our Ministry did a pre-

1 sentence report on Mr. Barque when he got charged and, you
2 know, there was no attempt to hide anything that happened
3 by any employee or in the justice cluster, anywhere.

4 **MR. ENGELMANN:** Okay. Now, sir, you gave a
5 statement to the OPP in fact a year before this, or
6 approximately a year before this, in February of 1994?

7 **MR. VAN DIEPEN:** Yes.

8 **MR. ENGELMANN:** And this was short -- just
9 to situate yourself, this was shortly after Mr. Seguin's
10 death ---

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** And it's my understanding
13 that the local OPP were investigating some of the
14 circumstances surrounding his death.

15 **MR. VAN DIEPEN:** Yes.

16 **MR. ENGELMANN:** And they were also
17 investigating whether or not there was a possible extortion
18 by a fellow named Silmser of Mr. Seguin.

19 And do you recall being asked to be
20 interviewed by the OPP in about February of 1994?

21 **MR. VAN DIEPEN:** I wasn't asked to be
22 interviewed. The police officers dropped in unannounced.

23 **MR. ENGELMANN:** Unannounced?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** Okay. And I -- again, would

1 they have told you what it was they were investigating?

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** Okay. They would have told
4 you they're not there to investigate you, for example?

5 **MR. VAN DIEPEN:** That's correct.

6 **MR. ENGELMANN:** And would they have said
7 something like, "We're investigating the circumstances
8 around Ken Seguin's death and also possible extortion by
9 this fellow, Silmser"?

10 **MR. VAN DIEPEN:** Yeah. I don't specifically
11 recall the extortion part, but I certainly recall the part
12 about the circumstances surrounding Mr. Seguin's death, and
13 they were looking for help in that regard.

14 **MR. ENGELMANN:** All right. And, sir, -- if
15 the witness could be shown Exhibit 1063?

16 **THE COMMISSIONER:** You would have that in
17 another binder, I believe. Or -- hang on. Madam Clerk,
18 does he have the binder there already, I think?

19 **THE REGISTRAR:** Yes

20 **THE COMMISSIONER:** Yeah.

21 **MR. VAN DIEPEN:** Ten-sixty-three (1063)?

22 **THE REGISTRAR:** No.

23 **MR. ENGELMANN:** Do you have that, sir?

24 **MR. VAN DIEPEN:** No, the Clerk is looking
25 for the binder. Thank you.

1 **MR. ENGELMANN:** Madam Clerk, if you could
2 also turn up Document Number 715491. It's in the cross
3 documents.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. ENGELMANN:** And the document I'm just
6 handing up, Mr. van Diepen, is a handwritten version of
7 1063.

8 **MR. VAN DIEPEN:** M'hm.

9 **MR. ENGELMANN:** Mr. Commissioner, I'd like
10 the new document just to be a separate exhibit. There are
11 some changes and I think it's important that this be
12 separate.

13 **THE COMMISSIONER:** Eleven-seventy-five
14 (1175) is a handwritten interview report of Jos van Diepen,
15 dated the 14th day of February 1994.

16 And just for the record, it -- typed version
17 is 1063.

18 **--- EXHIBIT NO./PIÈCE No. P-1175:**

19 (715491) Handwritten interview report
20 Jos van Diepen w/OPP D.C. Genier and C.
21 McDonell - February 14, 1994

22 **MR. ENGELMANN:** Mr. van Diepen, there are a
23 number of statements or notes in a binder of documents you
24 would have received or you would have had a look at, and
25 I'm just for the record and for you trying to sort out some

1 of these issues.

2 The document I've just given you, the
3 handwritten version?

4 **MR. VAN DIEPEN:** M'hm.

5 **MR. ENGELMANN:** Sir, that appears to be a
6 document that would have been written at the time of the
7 interview, which would have been February 14th, 1994, and
8 I'm just wondering, do you recall being interviewed by
9 Detective Constable Genier and a police officer by the name
10 of Chris McDonell?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** All right. And if you could
13 turn to the end of Exhibit 1175, is that your signature at
14 the bottom of the last page?

15 **MR. VAN DIEPEN:** Yes.

16 **MR. ENGELMANN:** And that's right after:

17 "Would you read your statement and sign
18 it?"

19 "Yes."

20 And, sir, did you initial each page of this
21 statement?

22 **MR. VAN DIEPEN:** It would appear that is my
23 initials, yes.

24 **MR. ENGELMANN:** All right. Did the police
25 officers explain to you why they wanted you to do that?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: All right.

3 MR. VAN DIEPEN: I believe so.

4 MR. ENGELMANN: So you would have read this
5 statement over, initialled it and signed it?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: And it appears that they
8 were at your home for almost two hours?

9 MR. VAN DIEPEN: No, it was at the office.

10 MR. ENGELMANN: Sorry, I'm reading
11 resident's address. Okay, so, "Place of interview;
12 office." Yes, you're right.

13 The interview was approximately two hours.
14 Is that how you recall it, sir, or ---

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: All right. Now the typed
17 written version of the document has some additional changes
18 that are made on it.

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: There's some handwritten
21 notations on a number of the pages.

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: Would those be your own,
24 sir?

25 MR. VAN DIEPEN: They -- yes.

1 **MR. ENGELMANN:** All right. And this one is
2 apparently signed by you and I'm just looking at the last
3 page of Exhibit 1063, on August 4th, 1998.

4 **MR. VAN DIEPEN:** No, that's not my
5 signature.

6 **MR. ENGELMANN:** That's not your signature?

7 **MR. VAN DIEPEN:** No.

8 **MR. ENGELMANN:** Okay. Sir, do you recall if
9 in fact -- well, do you recall a further interview with the
10 OPP, Project Truth officers in August of 1998?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** Okay. And at that time they
13 would have shown you the typed version of your February
14 14th, 1994 interview. That is Exhibit 1063.

15 **MR. VAN DIEPEN:** No.

16 **MR. ENGELMANN:** They did not?

17 **MR. VAN DIEPEN:** No, this typed version of
18 the interview in 1994 was a document which was presented to
19 me a couple of days later after the interview and at which
20 time they asked me to sign it and at which time I made
21 those changes. So this would have been at some point just
22 a couple of days after my initial contact with those two
23 officers.

24 **MR. ENGELMANN:** Sir, the reason I suggested
25 the order I have it -- and I know this was a long time ago,

1 sir ---

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: --- is because of my reading
4 of your interview report of August 4th, 1998.

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: So maybe I'll take you
7 through that and ask you again if it wasn't the way that I
8 just suggested. All right? Just to try and refresh your
9 memory.

10 The witness could be shown Document Number
11 713466.

12 THE COMMISSIONER: Yes, thank you. Exhibit
13 1176 is an interview report of Jos van Diepen, date of the
14 interview August 4th, 1998.

15 --- EXHIBIT NO./PIÈCE No. P-1176:

16 (713466)Interview report Jos Van Diepen
17 w/ OPP S.T. Seguin and J.B. Dupuis - 4
18 Aug, 98

19 MR. ENGELMANN: I am sorry, sir. That is --

20 THE COMMISSIONER: One one seven six (1176).

21 MR. ENGELMANN: Sir, I'd like this document
22 to be given a publication ban. I can speak to it in-
23 camera. It's with respect to a name of a teenage
24 probationer that appears on the third page. Right at the
25 top of the page you'll see a name mentioned.

1 **THE COMMISSIONER:** Yes.

2 **MR. ENGELMANN:** And I'm concerned, given the
3 provisions of the *Youth Criminal Justice Act*, that that
4 name should be protected, so if this interview report could
5 be given a publication ban and I can speak to the name in-
6 camera at a later time.

7 **THE COMMISSIONER:** Very well. Thank you.
8 So an the interim publication ban.

9 **MR. ENGELMANN:** The only reason I've
10 suggested this, Mr. van Diepen, and if it doesn't refresh
11 your memory and if you still remember it the way you say,
12 that's fine. I don't know, sir, I wasn't there; I'm just
13 asking.

14 This interview, 1176, August 4th, '98, place
15 of interview, I guess, is your office, it's approximately a
16 half hour interview. Does that seem about right to you,
17 sir?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** All right. And this time
20 the officers are Detective Constable Seguin, Detective
21 Constable Dupuis.

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** Now, were these officers
24 known to you, sir?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** All right. Because local
2 officers were -- these were people working on the Project
3 Truth file, they were known to you as well?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** All right. And they say in
6 the first question, about halfway down:

7 "We have provided you a copy of a
8 previous interview of yourself
9 conducted by members of the OPP on the
10 14th of February, '94. Do you adopt the
11 statements as your own?"

12 "Yeah, basically, yeah, essentially
13 it is."

14 "Is everything you've told us the
15 truth?"

16 "Yeah."

17 And just a little bit later on that second
18 page:

19 "You've made some changes to a copy of
20 your statement. Can you tell us about
21 these?

22 Do you see that as the third question down?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** All right. So again I'm
25 just asking you again, they are referring to some changes

1 you've made.

2 **MR. VAN DIEPEN:** M'hm.

3 **MR. ENGELMANN:** We have the original
4 Document 1063, we have the date 4 August '98 and someone's
5 signature.

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** It's not yours presumably;
8 it's one of the officers.

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** All right. And, sir, do you
11 recall perhaps then having made these changes at that time,
12 on August 4th, 1998.

13 **MR. VAN DIEPEN:** No. Those changes were
14 made in 1994.

15 **MR. ENGELMANN:** All right. And so --

16 **THE COMMISSIONER:** Well, just a sec ---

17 **MR. VAN DIEPEN:** The big problem is that
18 there are a number of documents referencing the 1994
19 interview, and I've had occasion to review those with
20 counsel and those documents all put a different -- they all
21 appear to be made at around the same time and who made what
22 and when, seems to create a lot of ambiguity or confusion.
23 But I can tell you that the statement that I made, the
24 typed version referencing the '94 interview would be the
25 correct information as I wished to supply it to the police

1 at that time.

2 MR. ENGELMANN: All right. Well, ---

3 MR. VAN DIEPEN: And was a correction of the
4 handwritten one that was made earlier.

5 MR. ENGELMANN: So all I'm trying to
6 ascertain, sir, is when you made your corrections, as you
7 call them?

8 MR. VAN DIEPEN: 1994, a couple of days --
9 when they -- after that handwritten copy was presented to
10 me.

11 MR. ENGELMANN: Okay, well you made some
12 changes on the handwritten copy, we can go through that,
13 but you then made further changes after it was reduced to
14 type. Correct?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: Were you given copies of
17 your statements at the time?

18 MR. VAN DIEPEN: When?

19 MR. ENGELMANN: In 1994 when you made them.

20 MR. VAN DIEPEN: No, I wasn't.

21 MR. ENGELMANN: All right.

22 MR. VAN DIEPEN: I was never given copies.

23 MR. ENGELMANN: All right. So where and
24 when did Officers Genier and McDonnell see you again after
25 February 14th, '94?

1 **MR. VAN DIEPEN:** In my office.

2 **MR. ENGELMANN:** Right. And do you know
3 approximately how many days later?

4 **MR. VAN DIEPEN:** I believe three days later.

5 **MR. ENGELMANN:** All right. And they would
6 have had the typewritten version prepared for you then?

7 **MR. VAN DIEPEN:** Yes.

8 **MR. ENGELMANN:** And why would they have come
9 to see you with the typewritten version?

10 **MR. VAN DIEPEN:** I don't know. They want --

11 -

12 **MR. ENGELMANN:** All right. Did they ask you
13 to sign the typewritten version at that time?

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** We don't have that copy,
16 sir, that they would have asked you to sign. All we have
17 is your original, which I've just shown you.

18 **MR. VAN DIEPEN:** Yes.

19 **THE COMMISSIONER:** The handwritten one.

20 **MR. ENGELMANN:** Yes, which is 1175 and we
21 have 1063, which is obviously typed up later. The question
22 is when? And some changes are made by you. And then we
23 have 1176 which refers to an interview four and a half
24 years later.

25 **MR. VAN DIEPEN:** M'hm,

1 **MR. ENGELMANN:** All right. Okay, so ---

2 **THE COMMISSIONER:** Just a minute, sir. So
3 you have -- do you have any further explanation about all
4 of that?

5 **MR. VAN DIEPEN:** No, that's. No I don't
6 Your Honour.

7 **THE COMMISSIONER:** Okay, so when they came
8 to see you three days later, you say that you looked at the
9 typed version and you changed things on it. Right?

10 **MR. VAN DIEPEN:** Yes.

11 **THE COMMISSIONER:** Okay. And did you sign
12 it?

13 **MR. VAN DIEPEN:** I believe I did, yes.

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

15 **MR. ENGELMANN:** The reason why I just
16 assumed, sir, that this didn't happen until August 4th, is
17 as I said, usually when the police come back with a
18 statement, there's a reason for it; they want you to sign
19 it or something else and we don't have a new version that's
20 signed on February 17th, we don't have any notes about a
21 meeting on February 17th. And I'm wondering if you have
22 anything that can help us with the exact date when it is
23 you say they came back with this typewritten statement.

24 **MR. VAN DIEPEN:** I -- I -- are you asking me
25 if I have any ---

1 **MR. ENGELMANN:** All you have is your
2 recollection?

3 **MR. VAN DIEPEN:** My recollection ---

4 **MR. ENGELMANN:** All right. And you don't
5 have a copy of a typed version with your signature on it?

6 **MR. VAN DIEPEN:** I was never given any
7 copies of any statement at any point in time.

8 **MR. ENGELMANN:** Well, let's look at the
9 original. At least on February 14th ---

10 **THE COMMISSIONER:** You mean the handwritten
11 ---

12 **MR. ENGELMANN:** Yes.

13 **THE COMMISSIONER:** Can we use handwritten
14 instead of original?

15 **MR. ENGELMANN:** Yes. The first, the one
16 that's signed by Mr. van Diepen; this is the one on
17 February 14th, '94. And sir, there's some changes on this
18 document.

19 **MR. VAN DIEPEN:** M'hm.

20 **MR. ENGELMANN:** You see on the first page of
21 1175, fourth paragraph and you say, "I think Ken" and then
22 the word "Stu" has been inserted and there's an initial
23 next to it?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** Do you know if that's your

1 initial or the officer's?

2 MR. VAN DIEPEN: That would be my initial.

3 MR. ENGELMANN: All right.

4 MR. ENGELMANN: So you, apparently, would
5 have made some changes to this when you read it on February
6 14th ---

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: --- is that fair? And it's
9 apparent that you later made changes, you believe three
10 days later, on a typewritten version?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: Again, there are a few other
13 words that are crossed out from time to time in this
14 statement, and do you know whether you would have crossed
15 these out when you read it over or whether the police
16 officer did?

17 MR. VAN DIEPEN: I don't know -- recall
18 that, no.

19 MR. ENGELMANN: All right. Just give me a
20 moment. Now on the very first page of that statement,
21 1175, and it's the same on both, you say:

22 "1976 we had a problem with
23 accommodation -- accommodations --
24 because we only had two offices and
25 three officers. I always felt Ken and

1 Nelson Barque had a little thing going.
2 I always felt left out. I didn't know
3 if they were gay, but they acted
4 different."

5 So sir, I've -- I just -- I just want to
6 know -- I mean this is a statement you gave to the OPP a
7 long time ago, 13, 14 years ago, and you say:

8 "I always felt Ken and Nelson Barque
9 had a little thing going. I always
10 felt left out. I didn't know if they
11 were gay, but they acted different."

12 What I want to know from you, sir, is what
13 did you mean by, "Ken and Nelson Barque had a little thing
14 going"?

15 **MR. VAN DIEPEN:** I -- they -- they
16 communicated with each other at times in which I was left
17 out.

18 **THE COMMISSIONER:** Can you help me out with
19 that? I can't picture that.

20 **MR. VAN DIEPEN:** Well, they -- they would
21 have conversations in which I was excluded from. It was a
22 small office, a three-man office; you would think that
23 there would be little reason to -- if there was -- if it's
24 workplace issues, that there would be -- they would be
25 shared ---

1 **THE COMMISSIONER:** What do you mean? They -
2 - they'd go into a room and they'd shut the door?

3 **MR. VAN DIEPEN:** At times, yes.

4 **THE COMMISSIONER:** Okay. And give me some
5 other examples so I can picture that? Would they be at the
6 water cooler, if you had one, or something talking; when
7 you showed up, they'd stop?

8 **MR. VAN DIEPEN:** Yes, I -- that would be the
9 kind of thing that comes to mind, yes, Your Honour.

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

11 **MR. VAN DIEPEN:** There would be situations
12 from which or conversations from which I would be excluded
13 and I -- I -- and being excluded, I have no idea what the
14 nature of that was.

15 **MR. ENGELMANN:** All right but, Mr. van
16 Diepen, when I read your statement you say:

17 "I always felt Ken and Nelson Barque
18 had a little thing going. I always
19 felt left out. I didn't know if they
20 were gay."

21 **MR. VAN DIEPEN:** M'hm.

22 **MR. ENGELMANN:** "...but they acted
23 different."

24 **MR. VAN DIEPEN:** M'hm.

25 **MR. ENGELMANN:** And I'll just:

1 "Once I went through Nelson's desk and
2 saw these paperbacks -- paperback --
3 this paperback of men in sexual
4 positions, I thought it was weird."

5 So you're talking about a little thing
6 going, then in the next sentence you're saying:

7 "I didn't know if they were gay, but
8 they acted different."

9 And then you say:

10 "Once I went through Nelson's desk and
11 saw this paperback of men in sexual
12 positions. I thought it was weird."

13 And wouldn't you agree with me, sir, that
14 hearing that statement or reading that statement, "the
15 little thing going" would suggest that they were in some
16 kind of relationship?

17 **MR. VAN DIEPEN:** With each other?

18 **MR. ENGELMANN:** Yes.

19 **MR. VAN DIEPEN:** No, I didn't imply that and
20 I don't believe that they were, to this day.

21 **MR. ENGELMANN:** Just wondering why you said
22 it that way?

23 **MR. VAN DIEPEN:** I didn't write the
24 statement. I mean, this was the interview that you
25 indicated that was for a number of hours and the -- this

1 was a transcript, obviously, that was made at the end of
2 the interview, not during the interview and it was in the
3 police officer's own hand and we're talking about, you
4 know, discussions on items which would take several minutes
5 which are condensed to one sentence.

6 **MR. ENGELMANN:** But, sir, you signed the
7 document; you read it over; you even made some changes to
8 it ---

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** --- at the time.

11 **MR. VAN DIEPEN:** Yes, like I told you, they
12 came in unannounced, they -- it was a bad day to come in
13 and I needed to get the thing over with and get them out
14 the door. So my interest was in providing them with the
15 information that I could provide them with and move on.

16 **MR. ENGELMANN:** All right, but if we look at
17 this same statement again, whether it's three days later or
18 four and a half years later, in Exhibit 1063, you don't
19 make any changes to that.

20 **MR. VAN DIEPEN:** No, I -- I don't believe
21 that there's any reason to change it at this point in time.

22 **MR. ENGELMANN:** And you adopt it again in
23 August 4th of '98 when you adopt the statement; so you don't
24 make any changes.

25 **MR. VAN DIEPEN:** That's right.

1 **MR. ENGELMANN:** All right. Now, in this
2 statement on the next page and I'm looking at 1175, you
3 say:

4 "Nelson's career ended when Nelson's
5 client's boyfriend complained to Peter
6 Sirrs, supervisor, about Nelson's
7 sexually involved with one probationer.
8 Nelson handed in his resignation
9 shortly after."

10 So unlike the 1995 interview notes, here
11 you're clearly saying something about the resignation to
12 the OPP; fair enough?

13 **MR. VAN DIEPEN:** I'm -- I'm -- you're
14 suggesting that my -- what I'm telling the -- in 1994 at
15 some other date is different?

16 **MR. ENGELMANN:** What I'm saying is in 1994,
17 you do talk about reasons for him leaving; the resignation.
18 We didn't see that in the interview notes in '95; we see
19 that here.

20 **THE COMMISSIONER:** Okay, there's two
21 situations. You've written -- this is your statement in
22 1994.

23 **MR. VAN DIEPEN:** Yes.

24 **THE COMMISSIONER:** What he's referring to in
25 1995 was the conversation that you had with Officer Zebruck

1 ---

2 MR. VAN DIEPEN: Yes.

3 THE COMMISSIONER: --- which you don't
4 remember.

5 MR. VAN DIEPEN: That's right.

6 THE COMMISSIONER: All right, but what he's
7 trying to show is that in 1994, you talked -- when the
8 police officers talked to you, you mentioned about Nelson
9 being -- circumstances of his leaving. In 1995, when they
10 were investigating allegations of sexual assault against
11 Barque, you didn't mention that Barque had left Probation
12 because of the fact that he had had a relationship with a
13 probationer.

14 MR. VAN DIEPEN: Well, Your Honour, with all
15 due respect, in 1995 I do not recall that interview, but
16 all I can tell you is that there was a -- there was no
17 statement.

18 And I'm sure if it had any relevance, and if
19 I was asked about it, I would have answered it, but the
20 police officer simply made no reference to it in his field
21 notes.

22 THE COMMISSIONER: Well, well ---

23 MR. ENGELMANN: It's not his notes.

24 THE COMMISSIONER: --- just a second. It's
25 not in his notes and I sense that you're getting your back

1 up. All Mr. Engelmann is doing is saying it was said there
2 and it wasn't there.

3 MR. VAN DIEPEN: That's correct.

4 THE COMMISSIONER: Okay.

5 MR. ENGELMANN: Yeah, and clearly you
6 brought it up in '94?

7 THE COMMISSIONER: I don't ---

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: Yes. Okay.

10 Now, in the '80s and '90s in Cornwall,
11 because it's a small town and you say people know things,
12 you would have been aware of -- maybe they were more than
13 rumours, maybe there were charges arising -- but about
14 sexual activity at a mall in Cornwall?

15 MR. VAN DIEPEN: M'hm, yes.

16 MR. ENGELMANN: Cornwall Square Mall?

17 MR. VAN DIEPEN: Yes, yes.

18 MR. ENGELMANN: And there were -- I think
19 there were charges, even. In fact, I'm sure there were
20 charges arising, but there were certainly all sorts of
21 stories about men having sexual acts with young persons at
22 the Cornwall Square Mall. Are you aware of that?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: All right. And I note a
25 little later in this interview with the OPP on February

1 14th, 1994 and I'm looking -- this is again Exhibit 1175,
2 it's the bottom of the fourth page and I'm just referring
3 to the Nelson Barque material.

4 It says right at the bottom:

5 "Once Ron Gendron and I spied on him at
6 the Cornwall Square."

7 I think that's referring to Ken Seguin from
8 the previous paragraph?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** Okay, but the next line you
11 say:

12 "Nelson would hang out there."

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** And I'm wondering why you
15 would have emphasized that to the police?

16 **MR. VAN DIEPEN:** I don't know. I didn't
17 write the statement. All I can tell you is what my memory
18 of that is, is that subsequent to Mr. Barque's employment
19 with the Ministry, these allegations of men committing
20 acts, Mr. Barque's name came up in that context.

21 **MR. ENGELMANN:** All right. So but you don't
22 dispute the fact that you would have told the OPP that
23 Nelson would hang out there, you're just not sure what
24 timeframe it was you were referring to?

25 **MR. VAN DIEPEN:** It would have been after

1 Mr. Barque's employment with the Ministry ---

2 MR. ENGELMANN: All right.

3 MR. VAN DIEPEN: Because I don't -- I'm not
4 even sure -- I don't know when Cornwall Square was built,
5 but ---

6 MR. ENGELMANN: All right.

7 MR. VAN DIEPEN: --- it certainly wasn't
8 built in the '70s.

9 MR. ENGELMANN: Okay. Well he would have
10 left in '82?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: How would you have known
13 that, sir, that Nelson would hang out there?

14 MR. VAN DIEPEN: Again, Cornwall.

15 MR. ENGELMANN: All right. And you thought
16 it was important for the OPP to note that?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: All right, fair enough.

19 THE COMMISSIONER: Mr. Engelmann, if you can
20 pace yourself for a break in the next five or ten minutes?

21 MR. ENGELMANN: Yeah. If we could go back
22 then to the interview notes with -- or the statement with
23 Mr. Downing, 958A and again in relation to ---

24 THE COMMISSIONER: Just a second, just a
25 sec. Different binder. Okay. And so 958A?

1 **MR. ENGELMANN:** I'm just looking at it, it's
2 pages 3 and 4, I think we covered it.

3 The part of this interview that deals with
4 Nelson Barque are what we find right at the beginning of
5 the interview, sir, is that fair, pages 3 and 4?

6 **THE COMMISSIONER:** Sorry, your question
7 again is?

8 **MR. ENGELMANN:** Well, in these various
9 interviews, Mr. van Diepen, you're being asked questions
10 about both Barque and Seguin and, I guess, in this
11 interview with Mr. Downing you get through that at the
12 beginning of the interview in the morning. Is that fair?

13 **MR. VAN DIEPEN:** M'hm.

14 **MR. ENGELMANN:** And I believe right after
15 lunch, and I'm looking at the bottom of page 7, there's a
16 question:

17 "Would you like to make any further
18 comments, statements and or additions
19 regarding the matters we have discussed
20 today?"

21 And at the top of page 8:

22 "Yes, I want to add to the issue
23 regarding Nelson Barque. We discussed
24 whether or not I suspected anything. I
25 changed the statement to more

1 accurately reflect how I felt. What
2 triggered my re-wording was, I don't
3 know when it was, but I remember
4 finding a book in Nelson's desk. The
5 book had drawings with men engaged in
6 what seemed to be sexual liaisons. I
7 realized, over lunch, that is why I
8 felt that I had some suspicion about
9 Nelson's nature. That's it."

10 So this is -- you're clarifying something
11 about why you might have suspected his sexual orientation?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** All right. And it was
14 something you hadn't said in the morning and you thought
15 about it over lunch and you came back with that for Mr.
16 Downing?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** All right. And, again, then
19 you have a further discussion over that page and the next
20 page about the issue of the pornography and the Playboy
21 magazines, et cetera?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** All right. And you had told
24 Ken Seguin about that in 1976 or, in any event, within the
25 first year of your employment, and on page 9 of the

1 interview with Mr. Downing, you're saying after you've
2 talked about why you didn't follow up with Seguin, the
3 books left were gone:

4 "In hindsight do you think you should
5 have advised the management of your
6 discovery?"

7 You say:

8 "At that time, no; now, yes. I told
9 Peter Sirrs of my discovery at the time
10 that Nelson Barque left the Ministry."

11 Do you see that?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** So, sir, did you in fact
14 have a meeting with Mr. Sirrs about Mr. Barque leaving?

15 **MR. VAN DIEPEN:** No. We had just
16 conversations. There was no formal meeting.

17 **MR. ENGELMANN:** Okay. Well, it doesn't have
18 to be a formal meeting. I had understood earlier for your
19 evidence that, you know, he hadn't had any kind of staff
20 meeting?

21 **MR. VAN DIEPEN:** There was no staff meeting.

22 **MR. ENGELMANN:** Hadn't told people ---

23 **MR. VAN DIEPEN:** He hadn't told people.

24 **MR. ENGELMANN:** --- why this had happened,
25 what had gone on?

1 **MR. VAN DIEPEN:** Right.

2 **MR. ENGELMANN:** But apparently -- was this
3 shortly after Barque left, sir, that you went to Sirrs and
4 you talked to him about this?

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** And you're asked:

7 "Why did you tell Peter Sirrs of your
8 discovery at that specific time?"

9 "Because I thought that he should know.
10 There was some type of question as to
11 whether I knew anything. It was just
12 an informal discussion.

13 "So you reported your discovery because
14 you were approached by Peter Sirrs?"

15 "I don't know."

16 Okay. Well, in any event, whoever started
17 the conversation, this is now about six years after you
18 have that first discussion with Seguin about the
19 pornography, you're bringing it up to Peter Sirrs?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** In hindsight, sir, do you
22 think that's something you should have brought up with
23 Peter Sirrs earlier?

24 **MR. VAN DIEPEN:** No. In 1976, Peter Sirrs
25 was not the area manager.

1 **MR. ENGELMANN:** No. He wasn't.

2 **MR. VAN DIEPEN:** No.

3 **MR. ENGELMANN:** He only became the area
4 manager in 1981. Whether -- well, Mr. Sirrs or ---

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** --- a manager?

7 **MR. VAN DIEPEN:** Yes.

8 **MR. ENGELMANN:** As opposed to just leaving
9 it with Ken Seguin?

10 **MR. VAN DIEPEN:** I was -- as I indicated
11 earlier, I was told to report to Mr. Seguin when I started.

12 **MR. ENGELMANN:** All right. Perhaps we
13 should take the morning break, sir.

14 **THE COMMISSIONER:** All right. Let's take
15 the morning break.

16 **THE REGISTRAR:** Order; all rise. A l'ordre;
17 veuillez vous levez.

18 The hearing will resume at 10:40 a.m.

19 --- Upon recessing at 10:23 a.m. /

20 L'audience est suspendue à 10h23

21 --- Upon resuming at 10:44 a.m. /

22 L'audience est reprise à 10h44

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

25 The hearing is now resumed; please be

1 seated. Veuillez vous assoir.

2 **JOS VAN DIEPEN, Resumed/Sous le même serment:**

3 **--- EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**

4 **ENGELMANN (Cont'd/Suite):**

5 **MR. ENGELMANN:** Mr. van Diepen, I want to
6 place you back in 1995 and you've told us, I believe, that
7 you and your colleagues were aware that Mr. Barque was
8 under investigation?

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** All right. And you were
11 aware as well that these were distinct allegations from
12 those that had occurred in 1982.

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** But you may not have known
15 the name of the probationer who was involved or his age at
16 the time of the alleged offences.

17 **MR. VAN DIEPEN:** That's correct.

18 **MR. ENGELMANN:** Now were you aware, sir,
19 that in July of 1995 Mr. Barque pleaded guilty to indecent
20 assault of this probationer by the name of Albert Roy?

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** All right. And I believe,
23 at least the evidence was, that Mr. Roy was either 16 or 17
24 at the time that he had been abused.

25 **MR. VAN DIEPEN:** No, no knowledge of that.

1 **MR. ENGELMANN:** All right. Were you aware
2 of the sentence that he received?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** And I think you actually
5 said that your office may have been involved in the
6 preparation of a pre-sentence report?

7 **MR. VAN DIEPEN:** Our office did not do the
8 pre-sentence report.

9 **MR. ENGELMANN:** Oh, did not.

10 **MR. VAN DIEPEN:** No.

11 **MR. ENGELMANN:** Okay, I misunderstood.

12 **MR. VAN DIEPEN:** An officer from Ottawa did
13 the pre-sentence report at the time. Subsequently, Mr.
14 Barque was on parole and was paroled to our office.

15 **MR. ENGELMANN:** All right. And was he
16 someone that you had to see, sir, or was that one of your
17 colleagues?

18 **MR. VAN DIEPEN:** Oh no, no. It was the new
19 officer who had no connection or relationship with Mr.
20 Barque.

21 **MR. ENGELMANN:** All right. And were you
22 aware that he received a sentence of four months'
23 incarceration?

24 **MR. VAN DIEPEN:** Yeah, that sounds about
25 right; yes.

1 **MR. ENGELMANN:** Followed by 18 months of
2 probation?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** All right. And was that --
5 we're in Cornwall; as you say, things get known but would
6 that have been publicized, the fact that a former probation
7 officer was convicted or pled guilty to sexually abusing a
8 probationer?

9 **MR. VAN DIEPEN:** Do you mean reported in the
10 media?

11 **MR. ENGELMANN:** Yes.

12 **MR. VAN DIEPEN:** I don't recall if it was or
13 not. It may have been.

14 **MR. ENGELMANN:** All right.

15 **MR. VAN DIEPEN:** I mean, it was certainly
16 common knowledge in the -- in Cornwall.

17 **MR. ENGELMANN:** All right. I'm assuming
18 that this would have been the discussion -- the topic of
19 some discussion at your office.

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** All right. A former
22 probationer involved with a probation -- sorry, a former
23 probation officer involved with a probationer. It was the
24 previous decade but still it was fairly current.

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** Fair enough?

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** Can you -- do you recall the
4 type of discussion that would have taken place in the
5 office at that time and, again, whether or not your
6 manager, who at this point in time is Mr. Robert, would
7 have sat you down and there would have been some kind of a
8 meeting about what had happened and what should be done in
9 these circumstances?

10 **MR. VAN DIEPEN:** About the Albert Roy
11 conviction?

12 **MR. ENGELMANN:** Yes.

13 **MR. VAN DIEPEN:** None.

14 **MR. ENGELMANN:** All right.

15 You'd agree it was significant, would you
16 not?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** All right. And certainly
19 staff had questions about what was going on?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** And neither Mr. Robert nor
22 anyone from higher management sat you down to talk about
23 it?

24 **MR. VAN DIEPEN:** That's correct.

25 **MR. ENGELMANN:** Do you know if you received

1 any memos or anything in writing about this?

2 MR. VAN DIEPEN: Not that I can recall.

3 MR. ENGELMANN: All right.

4 THE COMMISSIONER: It must have been an
5 uncomfortable situation.

6 MR. VAN DIEPEN: No -- actually not, Your
7 Honour. I mean, at some point you have to -- it's like --
8 it's almost like a death of someone that's close to you.
9 It's tragic and it's certainly compelling at the time but
10 at some point there's a -- you have to move on.

11 THE COMMISSIONER: M'hm.

12 MR. VAN DIEPEN: And you have to recognize
13 that bad things happen and that it's -- I'm only speaking
14 from my own personal experience, and I'm sure that maybe
15 other individuals in the office were affected differently
16 but at that point in time there was, I think, a resignation
17 on my part that, you know, this is -- this is just a bad
18 apple.

19 THE COMMISSIONER: But didn't you -- like,
20 was there any discussion in the office as to who would do the
21 pre-sentence report?

22 MR. VAN DIEPEN: Yes, I think that decision
23 was made by management and they asked another manager in
24 Ottawa to bring somebody down.

25 THE COMMISSIONER: Okay. Was that conveyed

1 to you -- you and the other staff?

2 MR. VAN DIEPEN: Yeah, I mean -- was it
3 conveyed? Not in any formal manner but it was, you know,
4 made known.

5 THE COMMISSIONER: Were any special
6 arrangements made for when he came in that you wouldn't be
7 there, or did you paths cross when he was coming in to
8 report?

9 MR. VAN DIEPEN: Yes.

10 THE COMMISSIONER: Okay.

11 MR. VAN DIEPEN: That certainly was somewhat
12 uncomfortable, so ---

13 THE COMMISSIONER: M'hm.

14 MR. ENGELMANN: It wasn't just issues about
15 Mr. Barque at this point in time; you'd had Mr. Seguin's
16 suicide in late '93.

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: And certainly by '95 there
19 would have been discussions about the fact that he'd been
20 under investigation for similar types of offences ---

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: --- actions?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: So that was there as well.

25 MR. VAN DIEPEN: Yes.

1 **MR. ENGELMANN:** That was pretty fresh.

2 **MR. VAN DIEPEN:** Yeah.

3 **MR. ENGELMANN:** Now you told us about a
4 conversation, a brief conversation -- I assume brief --
5 that you would have had with Mr. Sirrs about the time of --
6 just shortly after Mr. Barque's resignation about the
7 pornography that you had found.

8 I want to just ask you about something else
9 that you might have talked to Mr. Sirrs about or you might
10 have overheard.

11 If we could go to 1175 ---

12 **THE COMMISSIONER:** That's outside -- it's
13 one of the newer ones. Your statement -- handwritten
14 statement of 14th of February, 1994.

15 **MR. VAN DIEPEN:** Thank you, Your Honour.

16 **MR. ENGELMANN:** I'll just be a moment, sir.

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

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

19 **MR. ENGELMANN:** It's also in -- if it's
20 easier to read in 1063 which is the typed version, sir. So
21 take your choice. In the typed version, it's on the second
22 page near the bottom.

23 **MR. VAN DIEPEN:** Okay, 1063. Yes.

24 **MR. ENGELMANN:** Where it says:

25 "Peter Sirrs told Ken once around the

1 time Nelson got the boot to go to
2 Montreal if he got those tendencies.
3 Ken asked me afterwards what Peter
4 meant by that. I told him 'If you're
5 queer, don't do it here'."

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: Okay. That's also in the
8 handwritten notes. It's written up exactly the same way
9 except instead of "around" it's "about the time."

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: All right.

12 So, I want you to think back, sir. You've
13 made this statement to the OPP in February of '94 and it
14 appears what you're saying is that Seguin comes to you
15 about something that Peter Sirrs says to him.

16 MR. VAN DIEPEN: That's correct.

17 MR. ENGELMANN: All right and -- so do you
18 have some memory of this?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: It's a rather unusual ---

21 MR. VAN DIEPEN: Yes it is.

22 MR. ENGELMANN: --- statement both, perhaps,
23 by him and by you.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: All right. And what did you

1 mean by what you said to Mr. Seguin?

2 MR. VAN DIEPEN: Well, Mr. Seguin came into
3 my office. He was rather, I think, upset with a discussion
4 he had with Mr. Sirrs and it was in relation to Mr. Sirrs
5 having had -- being involved in the Barque incident ---

6 MR. ENGELMANN: Right.

7 MR. VAN DIEPEN: --- and the spin-off ---

8 MR. ENGELMANN: Was it just about the same
9 time, sir?

10 MR. VAN DIEPEN: Well, subsequent to that
11 and I -- you know, what specific time frame, I don't know.

12 MR. ENGELMANN: That's fair but it was after
13 the resignation.

14 MR. VAN DIEPEN: Yeah.

15 MR. ENGELMANN: Not before but after. All
16 right.

17 MR. VAN DIEPEN: And Mr. Sirrs talked to Mr.
18 Seguin about the -- and I don't recall the exact wording
19 that Ken described the situation or the nuances but there
20 was certainly an indication from Mr. Sirrs to Mr. Seguin
21 that if he had any tendency to be involved in any kind of a
22 relationship of that nature to -- that it would be best
23 practiced in Montreal. And then I came back with that, I
24 would apologize for somewhat of a -- I think, a smart
25 remark of -- in response, I remember making that. And

1 because it's -- you know, that incident does stick out in
2 my mind.

3 **MR. ENGELMANN:** All right. Well, a couple
4 of questions; one is, are we simply talking about
5 homosexual behaviour? Are we talking about homosexual
6 behaviour with teenagers? Are we talking about homosexual
7 behaviour with probationers? What -- how was it described
8 to you by Mr. Seguin?

9 **MR. VAN DIEPEN:** My understanding of it
10 was, and my memory was that it had to do with homosexual
11 behaviour.

12 **MR. ENGELMANN:** That's it? That's all?

13 **MR. VAN DIEPEN:** That's all.

14 **MR. ENGELMANN:** "Go to Montreal if you've
15 got those tendencies"?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** All right. So Mr. Sirrs was
18 asked about this, sir, and he suggested to us that he'd
19 actually had that conversation or a similar conversation
20 with Mr. Barque, not with Mr. Seguin.

21 Now, I'm asking you -- are you sure it was
22 Mr. Seguin that reported this to you, or might it have been
23 Mr. Barque?

24 **MR. VAN DIEPEN:** No, I'm absolutely sure that
25 Mr. Seguin was the individual that came into my office,

1 that was quite distraught at the information that was
2 presented to him, and it was, if I can -- you know, I still
3 draw a very clear mental image of that incident.

4 **MR. ENGELMANN:** All right; so you're
5 absolutely certain it was Mr. Seguin?

6 **MR. VAN DIEPEN:** One hundred percent.

7 **MR. ENGELMANN:** And, this -- the tie-in with
8 Mr. Barque, it was just at the time that he -- you say
9 Sirrs told Ken once, around the time Nelson got the boot,
10 to, "Go to Montreal if you got those tendencies."

11 So it was something like that that Mr.
12 Seguin would have related to you.

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** All right.

15 So again, whether you were certain or not
16 about his confirmed bachelor status, you must have had some
17 suspicion about his sexual orientation. Mr. Seguin, that
18 is.

19 **MR. VAN DIEPEN:** Yes, apparently.

20 **MR. ENGELMANN:** Now, there's just one more
21 thing in that '94 statement that refers to Nelson Barque;
22 and again, I'm not sure if it matters which one we're
23 looking at. Let me just take a moment.

24 No sir, if you want to use the typed form,
25 it's probably easier to read; 1063.

1 There's a reference at the bottom of the
2 page, and let's not use the person's name, but to a
3 probationer.

4 Do you see that at the bottom of the first
5 page?

6 **THE COMMISSIONER:** The first page?

7 **MR. ENGELMANN:** Yeah.

8 **THE COMMISSIONER:** "In 1996 I had somebody,
9 17 years..."

10 **MR. ENGELMANN:** In 1976.

11 **MR. VAN DIEPEN:** Yes.

12 **THE COMMISSIONER:** Okay; what did I say?

13 **MR. ENGELMANN:** Ninety-six ('96).

14 **THE COMMISSIONER:** Oh.

15 **MR. ENGELMANN:** Sorry. "In 1976 I had..."

16 And there's the name of a probationer ---

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** "...17 years..."

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** "...as a client."

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** I'm assuming 17 refers to
23 the age, not the fact that he's been a client for 17 years.

24 **MR. VAN DIEPEN:** That's correct.

25 **MR. ENGELMANN:** It goes on and says:

1 "He had big problems, couldn't live at
2 home. Nelson..."

3 And this is Nelson Barque, presumably.

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:**

6 "...suggested that a
7 probationer live with Father Charlie in
8 St. Raphael's."

9 Now this is in your first year as a
10 probation officer, or thereabouts?

11 **MR. VAN DIEPEN:** Yes, yes.

12 **MR. ENGELMANN:** And where is St. Raphael's?

13 **MR. VAN DIEPEN:** It's north and east of
14 Cornwall in Glengarry County.

15 **MR. ENGELMANN:** All right. Was it your
16 understanding that Father Charles MacDonald was a parish
17 priest, there?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** All right. And by this
20 point in time, had Ken already introduced you to him?

21 **MR. VAN DIEPEN:** I don't believe I knew
22 Father -- I had never met Father MacDonald at that point.

23 **MR. ENGELMANN:** He was introduced to you
24 fairly early on by Ken Seguin?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** And you knew him to be a
2 friend of Ken Seguin's?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** All right. You may not have
5 met him by this time, but ---

6 **MR. VAN DIEPEN:** That's right.

7 **MR. ENGELMANN:** All right. And this, again,
8 is your informing the police about something that's been
9 told to you by this particular probationer ---

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** --- that we're looking at,
12 here.

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** And it says:

15 "So he went there less than a week; he
16 landed on my doorstep and he didn't
17 want to stay there."

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:**

20 "He said that Father
21 Charlie was a queer; he liked little
22 boys. But never specified."

23 This is again, something you're being told
24 by a probationer.

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** And then he goes on and
2 describes the fact that he's sleeping in his bed. And I
3 think the word is:

4 "...woke up and Father Charlie was
5 sitting on his bed but wouldn't say
6 anything more."

7 Now are you saying Father Charlie wouldn't
8 say anything more or that the probationer wouldn't say
9 anything more about what happened?

10 **MR. VAN DIEPEN:** The client wouldn't discuss
11 it any further.

12 **MR. ENGELMANN:** All right. And you say, "I
13 didn't know anything at the time."

14 So you didn't know what else might have
15 happened. Is that what you're saying?

16 **MR. VAN DIEPEN:** I didn't know any further
17 details, either, with respect to Father MacDonald or with
18 respect to further information on -- provided by the
19 client.

20 **MR. ENGELMANN:** All right. Did you have any
21 subsequent meetings with this client to try and get further
22 details?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** Or, do you recall?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** Okay. And would you have
2 gotten further details later from the client?

3 **MR. VAN DIEPEN:** No.

4 **MR. ENGELMANN:** Okay. And if you had, would
5 you have reported them?

6 **MR. VAN DIEPEN:** Certainly.

7 **MR. ENGELMANN:** In some kind of a case note?

8 **MR. VAN DIEPEN:** Yes, certainly.

9 **MR. ENGELMANN:** All right.

10 **THE COMMISSIONER:** Whoa, just a minute.
11 Did you report what was said there in a case
12 note?

13 **MR. VAN DIEPEN:** Yes, I did.

14 **THE COMMISSIONER:** Okay.

15 **MR. ENGELMANN:** And you say:

16 "At this point, I was really upset with
17 Nelson."

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** "So I talked to Ken about
20 it."

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** All right. So it may be
23 obvious but, why was it you were really upset with Nelson
24 at that point in time?

25 **MR. VAN DIEPEN:** Well, I thought it was a --

1 you know, Mr. Barque placed a client, my client, in a
2 situation of risk, and if -- knew or ought to have known
3 that that was not an appropriate placement.

4 My thoughts of placing this individual there
5 was that, at the time, they needed a -- and I forget the
6 correct word, but you know, janitor/maintenance
7 groundskeeper for a church. I forget what the term is, but
8 they needed somebody there and it's a small, rural parish
9 and they needed somebody at the time to cut the grass, et
10 cetera.

11 And this would have been a perfect fit, you
12 know, being there was -- apparently, there was a large
13 manse there, and there was ample opportunity -- or, there
14 was an opportunity for him to do some work, and a place to
15 stay and away from a family situation. Removing him from
16 risk of getting into further difficulties and so, to me, it
17 was described as a "perfect fit" and an opportunity for
18 this young fellow to redeem himself and the outcome, I
19 subsequently discovered that there was -- something
20 untoward happened.

21 **MR. ENGELMANN:** All right. So you say, "I
22 talked to Ken about it"?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** And again, you've talked to
25 Ken before. Is this because he's the senior man in

1 Cornwall?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: Right. But you're still
4 headquartered in Kingston. Am I right?

5 MR. VAN DIEPEN: That -- you know ---

6 MR. ENGELMANN: Or, you're not sure of that?

7 MR. VAN DIEPEN: Yeah. I don't know whether
8 I was at that point headquartered in Kingston or in
9 Cornwall.

10 MR. ENGELMANN: Because it's in '76 ---

11 MR. VAN DIEPEN: Yeah.

12 MR. ENGELMANN: --- and at some point, you
13 switch, right?

14 MR. VAN DIEPEN: Yeah.

15 MR. ENGELMANN: And that's in September, if
16 I remember you told us.

17 After your first year you then go to
18 Cornwall fulltime

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: All right. And you say:

21 "I talked to Ken about it; he said
22 something like, 'I should not have put
23 him there.' I asked Ken if Father
24 Charlie was gay; Ken said 'No.'"

25 All right?

1 Now let's just go through this a little bit,
2 if we can, okay? This is 1976; and Ken and Father Charlie
3 are friends.

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** All right. You haven't met
6 father Charlie yet, but you know that.

7 **MR. VAN DIEPEN:** Well, I -- in 1976, I don't
8 know the extent of the relationship between Father
9 MacDonald and Ken Seguin.

10 **MR. ENGELMANN:** All right. You don't know
11 how close their friendship is?

12 **MR. VAN DIEPEN:** Exactly.

13 **MR. ENGELMANN:** You later find out that it
14 is a close friendship.

15 **MR. VAN DIEPEN:** Yes.

16 **MR. ENGELMANN:** And in fact, you're
17 introduced to Father Charlie by Ken Seguin.

18 **MR. VAN DIEPEN:** I believe so.

19 **MR. ENGELMANN:** Well, you meet him on more
20 than one occasion.

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** And it's through an
23 introduction by Ken Seguin?

24 **MR. VAN DIEPEN:** Well, perhaps yes. I don't
25 recall how we were introduced.

1 **MR. ENGELMANN:** All right. And did you
2 already know from Ken that he and Father Charlie had gone
3 through seminary together?

4 **MR. VAN DIEPEN:** I don't know if I knew it
5 at that point or subsequently.

6 **MR. ENGELMANN:** All right. Would you agree
7 with me, sir, if you're upset at your colleague, Mr.
8 Barque, for putting one of your probationers at some form
9 of risk of inappropriate sexual behaviour, I'm wondering
10 why you would turn the matter over to a friend of the
11 person who allegedly performed some inappropriate sexual
12 behavior?

13 **MR. VAN DIEPEN:** Again, Mr. Engelmann, I
14 don't at that point -- don't know the -- that there was
15 this friendship.

16 **MR. ENGELMANN:** You don't know the full
17 extent of it?

18 **MR. VAN DIEPEN:** Well, you know the Cornwall
19 community is a -- and outlying areas are relatively small
20 community and people know one another.

21 **MR. ENGELMANN:** All right. Well, when is it
22 that you became aware of how close their friendship was?

23 **MR. VAN DIEPEN:** No idea.

24 **MR. ENGELMANN:** Okay. Well, if you met
25 Father Charlie a couple of times through Ken and if you're

1 really only doing things with Ken early on in your
2 relationship with him, would it be fair to say this would
3 have been in the '70s?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** All right. Because in
6 another statement -- and it's 1176 if you've got it handy?

7 **THE COMMISSIONER:** What page?

8 **MR. ENGELMANN:** Page 5. Actually it starts
9 on the bottom of page 4, and this is the Project Truth
10 investigators now in the fall of '98:

11 "What can you tell us about Father
12 Charlie?"

13 Up at page 5:

14 "He and Ken were good friends, they
15 went through the seminary together. I
16 met Father Charlie a couple of times
17 through Ken before Charlie got placed
18 in St. Andrew's."

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** And did you know where
21 Father Charlie -- was it St. Raphael's before St. Andrew's?

22 **MR. VAN DIEPEN:** Or, I believe ---

23 **MR. ENGELMANN:** Or maybe ---

24 **MR. VAN DIEPEN:** --- there was a number of
25 shifts.

1 **MR. ENGELMANN:** He was shifted several
2 times?
3 **MR. VAN DIEPEN:** I believe so, yes.
4 **MR. ENGELMANN:** All right. Was he ever your
5 parish priest?
6 **MR. VAN DIEPEN:** In St. Andrew's? Yes.
7 **MR. ENGELMANN:** For approximately how long?
8 **MR. VAN DIEPEN:** Don't know.
9 **MR. ENGELMANN:** All right. Do you remember
10 the years?
11 **MR. VAN DIEPEN:** It was at the end of his --
12 I believe that was the last parish in which Father
13 MacDonald served.
14 **MR. ENGELMANN:** All right. So it would have
15 been late '80s, early '90s; that timeframe?
16 **MR. VAN DIEPEN:** Yes.
17 **MR. ENGELMANN:** All right.
18 **MR. VAN DIEPEN:** So ---
19 **MR. ENGELMANN:** All right. So let's just
20 situate ourselves. You had already gone -- in '76, you had
21 gone to Ken Seguin about the pornography?
22 **MR. VAN DIEPEN:** Yes.
23 **MR. ENGELMANN:** You had gone to him about
24 the handcuffs?
25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** And now you are going to him
2 about Father Charlie?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** All right. So that's three
5 things?

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** What, if any, follow-up did
8 you have with him about these three issues?

9 **MR. VAN DIEPEN:** I don't recall.

10 **MR. ENGELMANN:** You'd agree with me, sir,
11 that any one of those issues might be something that should
12 be followed up, would you not?

13 **MR. VAN DIEPEN:** For me to follow-up?

14 **MR. ENGELMANN:** Certainly the third one.

15 **MR. VAN DIEPEN:** For me to follow-up?

16 **MR. ENGELMANN:** Well, for someone to follow-
17 up.

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** And if you're the one who's
20 bringing the concern to a superior or to a colleague,
21 wouldn't it make sense that if you didn't have some follow-
22 up or some response that you would then go to someone
23 higher up the ladder; a manager?

24 **MR. VAN DIEPEN:** Well, I -- at that time,
25 you know, Mr. Seguin was the *de facto* manager.

1 **MR. ENGELMANN:** I know, but as far as you
2 know nothing's happened?

3 **MR. VAN DIEPEN:** I have no knowledge of what
4 happened.

5 **MR. ENGELMANN:** And at least -- maybe you
6 think the first two aren't serious enough but that third
7 one is a pretty serious allegation?

8 **MR. VAN DIEPEN:** Well, I -- again, I'm not
9 entirely sure of what happened.

10 **MR. ENGELMANN:** No, I know you're not
11 entirely sure, but you have a probationer who's saying to
12 you that he leaves this placement that you arranged for
13 him. He's saying that the fellow you placed him with is --
14 is -- I can't remember the words and there's some
15 vernacular -- but he's gay and he likes little boys, and he
16 wakes up one morning, he's sitting on his bed, and then he
17 doesn't want to tell you anything more about it.

18 **MR. VAN DIEPEN:** M'hm.

19 **MR. ENGELMANN:** And, Mr. van Diepen, I'm not
20 sure if you would have known at that time as a probation
21 officer and as someone who had gone through university and
22 graduate school, but had you had some experience in dealing
23 with victims of any sort?

24 **MR. VAN DIEPEN:** At that point, no.

25 **MR. ENGELMANN:** Yeah. Do you have some

1 knowledge about victims and under-reporting of sexual
2 offences or sexual abuse?

3 **MR. VAN DIEPEN:** Under-reporting of sexual
4 abuse, such as some of the major studies conducted in the
5 United States and stuff like that? Is that what you're
6 asking me about?

7 **MR. ENGELMANN:** Well, we've had some experts
8 here, for example, talk to us about how difficult it is for
9 people to come forward and how often people don't come
10 forward about these types of allegations.

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** You know that, sir, don't
13 you?

14 **MR. VAN DIEPEN:** Yeah, abundantly so.

15 **MR. ENGELMANN:** And would you have had some
16 knowledge of that back then as well?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** All right. So you'd know
19 how difficult it is for someone to describe what might have
20 happened to them?

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** So, excuse me, so you have
23 this description and at the end of it Father Charlie was
24 sitting on his bed, but he wouldn't say anything more?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** About it. So you had a
2 concern?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** And -- and you raised it
5 with Ken immediately, or not?

6 **MR. VAN DIEPEN:** Immediately.

7 **MR. ENGELMANN:** And I guess -- I just don't
8 understand why you don't follow through and follow-up?

9 **MR. VAN DIEPEN:** Because of the client's
10 wishes.

11 **MR. ENGELMANN:** All right. Whether it's the
12 client's wishes or not, aren't you concerned about possibly
13 what might happen to other children?

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** All right. And that's why -
16 - did you report this to the CAS?

17 **MR. VAN DIEPEN:** No.

18 **MR. ENGELMANN:** Do you ---

19 **MR. VAN DIEPEN:** He was an adult at the
20 time.

21 **MR. ENGELMANN:** I'm sorry?

22 **MR. VAN DIEPEN:** This individual at the time
23 was an adult.

24 **MR. ENGELMANN:** Well, he was 17.

25 **MR. VAN DIEPEN:** He was an adult -- at the

1 time.

2 THE COMMISSIONER: Adult for Phase II
3 purposes, but not for ---

4 THE COMMISSIONER: No. No, your Honor.
5 This was prior to the *Young Offenders Act*.

6 THE COMMISSIONER: Okay. But -- I'm sorry.
7 I'm sorry. He wasn't a juvenile?

8 MR. VAN DIEPEN: That's correct.

9 THE COMMISSIONER: Right. He was below the
10 drinking age?

11 MR. VAN DIEPEN: Yes.

12 THE COMMISSIONER: Like, definition of adult
13 varies depending on what circumstances we've got, so when
14 you say "an adult" is that he was over the age of 16?

15 MR. VAN DIEPEN: Yes.

16 THE COMMISSIONER: Okay. Right.

17 MR. ENGELMANN: Let's -- he was 17 years
18 old?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: And you knew that?

21 MR. VAN DIEPEN: Well, yes.

22 MR. ENGELMANN: Well, that's what you said.

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: And you would remember more
25 about this back in 1994 than you remember today?

1 **MR. VAN DIEPEN:** Yes.

2 **MR. ENGELMANN:** You go to -- you go to Mr.
3 Sirrs after Mr. Barque resigns and you tell him about the
4 pornography?

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** You don't apparently tell
7 him about either the handcuffs or about this incident?

8 **MR. VAN DIEPEN:** I didn't say that.

9 **MR. ENGELMANN:** Okay. Did you tell Mr.
10 Sirrs -- you haven't told us this -- did you tell Mr. Sirrs
11 about the handcuffs that you found? And did you tell Mr.
12 Sirrs about this issue with Nelson and the referral to
13 Father Charlie?

14 **MR. VAN DIEPEN:** I believe -- I believe that
15 there were a number of loose conversations and these --
16 exact contents of those conversations -- at this point-in-
17 time, I don't remember, but Mr. Sirrs was fully informed of
18 all -- everything that I knew.

19 **THE COMMISSIONER:** Including the incident
20 with Father Charlie?

21 **MR. VAN DIEPEN:** I -- that I don't know,
22 Your Honour. I can't -- I can't say with any degree of
23 certainty one way or the other.

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

25 **MR. ENGELMANN:** Well, what about the people

1 in Kingston that were supervising or responsible for you
2 and Mr. Seguin in 1976.

3 Wouldn't you agree with me looking back,
4 sir, that they should have been informed?

5 **MR. VAN DIEPEN:** By today's standards or the
6 standards in 1976?

7 **MR. ENGELMANN:** Any standards, any
8 standards, sir.

9 **MR. VAN DIEPEN:** Well ---

10 **MR. ENGELMANN:** You had an allegation from a
11 17 year-old where he's been referred -- it's one of your
12 colleagues making the referral to a priest and there's an
13 allegation of inappropriate sexual behaviour.

14 There's a concern -- any standard, whether
15 it's '76, '66, '86, '96, 2008 -- any standard. You should
16 have talked to someone, not just left it with Ken Seguin.

17 **MR. VAN DIEPEN:** At the time, I felt that I
18 did what was appropriate.

19 **MR. ENGELMANN:** All right. And that means
20 that ---

21 **THE COMMISSIONER:** Go ahead, sorry.

22 **MR. ENGELMANN:** So that means after you told
23 Ken Seguin, you didn't think it was necessary for you to do
24 anything else?

25 **MR. VAN DIEPEN:** No.

1 **MR. ENGELMANN:** All right.

2 **THE COMMISSIONER:** Before we leave this
3 area, okay, Mr. Engelmann's talking to you about, you know,
4 the reporting aspect and divulging this. What, if
5 anything, did you do for the client?

6 **MR. VAN DIEPEN:** I spent a number of times
7 talking to the client, asked him if he wished to do -- you
8 know, if he wished to provide further information. Did he
9 have any concerns, et cetera, and it was a closed book with
10 him.

11 He didn't want to talk about it -- visit,
12 move on. In fact, if memory serves me right, he became
13 quite hostile if I even broached the subject.

14 **THE COMMISSIONER:** Did you consider
15 counselling?

16 **MR. VAN DIEPEN:** Yes.

17 **THE COMMISSIONER:** Did you mention that to
18 him?

19 **MR. VAN DIEPEN:** Yes.

20 **THE COMMISSIONER:** Did you document it?

21 **MR. VAN DIEPEN:** Yes.

22 **THE COMMISSIONER:** Okay. So what you're
23 saying then is somewhere in the file of this probationer,
24 you have written everything down that you -- that you would
25 have written down your attempts to discuss the matter or

1 refer him for counselling or whatever you would have done
2 is documented?

3 MR. VAN DIEPEN: Yes.

4 THE COMMISSIONER: Okay.

5 MR. ENGELMANN: Do you remember, sir, how
6 long he would have continued to be one of your
7 probationers?

8 MR. VAN DIEPEN: He -- very -- a matter of
9 months.

10 MR. ENGELMANN: Okay. And did he stay with
11 you or did he move to any other probation officer?

12 MR. VAN DIEPEN: He stayed with me.

13 MR. ENGELMANN: All right. So all of the
14 work and reference to a counsellor or anything like that,
15 you would have documented that in your case notes?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: All right. And you're not
18 sure whether or not you had met Father Charlie by that
19 point-in-time?

20 MR. VAN DIEPEN: I don't believe I had, but,
21 you know.

22 MR. ENGELMANN: Right, but according to one
23 of your statements, at least at some point-in-time, Ken
24 introduces you to, or you meet him through Ken, a couple of
25 times?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: All right. And you find out
3 they're in seminary together. Is that through discussions
4 with Father Charlie or discussions with Ken Seguin? Or do
5 you remember?

6 MR. VAN DIEPEN: I believe with Ken Seguin.

7 MR. ENGELMANN: And you knew he continued to
8 be a priest?

9 MR. VAN DIEPEN: Father MacDonald?

10 MR. ENGELMANN: Yes, for many years after
11 1976?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: And, sir, you'd been an
14 altar boy ---

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: --- for several years?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: And you know about the
19 relationship between priests and altar boys?

20 MR. VAN DIEPEN: Well, I certainly --
21 certainly do now.

22 THE COMMISSIONER: Whoa, whoa.

23 MR. ENGELMANN: What I meant by that was the
24 fact that altar boys assist priests ---

25 MR. VAN DIEPEN: Yes.

1 **MR. ENGELMANN:** --- but sometimes have very
2 private relations with priests in the sense that there are
3 times that they would be alone with altar boys or altar
4 girls at this point.

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** And did it not concern you,
7 sir, that you had this allegation that never really was
8 looked into and you have a priest who continued to serve
9 with -- presumably with altar boys; just thinking back?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** And did you do anything
12 about that? Did you contact the bishop and say something?

13 **MR. VAN DIEPEN:** No.

14 **MR. ENGELMANN:** Did you contact anybody
15 other than that initial contact with Ken Seguin?

16 **MR. VAN DIEPEN:** I don't believe so.

17 **MR. ENGELMANN:** And the first time you told
18 the police about it was in February of 1994?

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** That was the first time you
21 reported this to any person in a position of authority?

22 **MR. VAN DIEPEN:** I believe so, yes.

23 **MR. ENGELMANN:** That was approximately 18
24 years after it had been reported to you?

25 **MR. VAN DIEPEN:** Well, no. As I say, I did

1 believe I did report it to Mr. Sirrs ---

2 **MR. ENGELMANN:** Sorry -- oh, hang on. You
3 told us you said something to your colleague, Mr. Seguin?

4 **MR. VAN DIEPEN:** Yes.

5 **MR. ENGELMANN:** And I thought you told us
6 you didn't know whether you said something to Mr. Sirrs
7 about this?

8 **MR. VAN DIEPEN:** Well, but -- I'm, you know,
9 I think I might have but, again, you asked me about "at the
10 time". You asked me did I report it to anybody else at the
11 time. At the time, no, and I think I may have, you know,
12 this is a long time ago ---

13 **MR. ENGELMANN:** I know. It's 30 years ago.

14 **MR. VAN DIEPEN:** --- and so you're asking me
15 about something which is very, very hazy.

16 **MR. ENGELMANN:** Well, you write about it --
17 no, I know -- and you write about it in February of '94
18 some 14 years ago ---

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** --- but certainly Mr. Sirrs
21 has never indicated anything about this to Mr. Downey or to
22 us here.

23 I'm just -- I'm just suggesting to you, are
24 you really sure you talked to Mr. Sirrs about this?

25 **MR. VAN DIEPEN:** I'm not -- I can't be sure.

1 **MR. ENGELMANN:** All right. Now, what if
2 anything did you know about Mr. Barque's charges in June of
3 1998?

4 **MR. VAN DIEPEN:** I knew that there were some
5 -- a new investigation and this -- I became aware of it and
6 I don't know if this was after Mr. Barque killed himself or
7 shortly before, but it was certainly -- I didn't know about
8 this investigation before the police were involved, by any
9 stretch of the imagination.

10 **MR. ENGELMANN:** All right. Well, did you
11 know he was charged with indecent assault relating to two
12 more probationers?

13 **MR. VAN DIEPEN:** That's my understanding of
14 -- subsequently, yes.

15 **MR. ENGELMANN:** And that I believe it's
16 approximately 10 days after he was charged, he commits
17 suicide?

18 **MR. VAN DIEPEN:** That I don't know. I know
19 he did kill himself.

20 **MR. ENGELMANN:** All right. Were you aware
21 of who the alleged victims were at that time? The former
22 probationers?

23 **MR. VAN DIEPEN:** I still don't know who they
24 are.

25 **MR. ENGELMANN:** Well, you would have been in

1 Cornwall office at that time?

2 MR. VAN DIEPEN: When?

3 MR. ENGELMANN: June of 1998.

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: I believe that's the year --
6 or about the time where Robert leaves and a new manager
7 comes in -- approximately?

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: All right. And, again, I'm
10 going to ask you if there would have been some kind of a
11 meeting or general discussion about "here we go again"?

12 MR. VAN DIEPEN: You mean like a formal
13 staff meeting? No.

14 General discussion among the staff around
15 the coffee cooler, yes. I mean, there was, yeah, at that
16 point we were getting it from all sides.

17 MR. ENGELMANN: All right. Well, fair
18 enough.

19 At this point-in-time, I mean, you've been
20 there for a long time, you know about some alleged victims
21 back in '82. You know about the conviction in -- or the
22 guilty plea in '95. Now, you know about a couple more, so
23 we're talking about at least four probationers where
24 there's some kind of inappropriate sexual behaviour on the
25 part of one of your former colleagues?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: You also know about
3 allegations or some allegations that have been made against
4 another former colleague who's deceased; right?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: So is there a discussion
7 between you and your colleagues about whether there may be
8 some more?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: All right. Because by this
11 point-in-time you surely know more even about under-
12 reporting of this type of offence?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: So what's the discussion;
15 what's the direction; what are people saying that you
16 should be doing?

17 MR. VAN DIEPEN: Well, we're just like -- at
18 this point we're -- I think at some point we were all
19 overwhelmed and, I don't know if you're aware, but there
20 was an incident which predates even Mr. Seguin and Mr.
21 Barque where there was another probation officer where
22 there appears to have been some sort of impropriety.

23 MR. ENGELMANN: I don't know if we are
24 aware, sir. Is this ---

25 THE COMMISSIONER: So, pray tell.

1 **MR. VAN DIEPEN:** I -- again, this is only
2 something in which I have no first-hand knowledge and I was
3 not, you know, I was -- somewhere around -- to the best of
4 my knowledge, it was somewhere around 1962. There was an
5 individual who was a probation officer and there was
6 something which happened ---

7 **MR. ENGELMANN:** Here in Cornwall, sir?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** And, again, it's an
10 allegation of some kind of sexual act with one of his
11 probationers?

12 **MR. VAN DIEPEN:** I -- I can't describe --
13 begin to describe the circumstances of that, but there was
14 something that happened involving some -- with a client.

15 **THE COMMISSIONER:** Sir, how did you come
16 about to know that?

17 **MR. VAN DIEPEN:** From the -- one of the
18 other staff.

19 **THE COMMISSIONER:** Okay, well, let me see;
20 staff that was there at the time?

21 **MR. VAN DIEPEN:** No.

22 **THE COMMISSIONER:** Nineteen sixty-two (1962)
23 or ---

24 **MR. VAN DIEPEN:** No. Staff who -- staff who
25 predated me.

1 THE COMMISSIONER: M'hm.

2 MR. ENGELMANN: Who would that be, sir?

3 MR. VAN DIEPEN: If I -- I believe the best
4 of my recollection, it would have been Marcelle Leger.

5 MR. ENGELMANN: Oh the -- the admin clerk?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: Who had been there for many
8 years?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And this would have been as
11 a result of conversation, here we go again, are there more,
12 this type of thing?

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: And so she would participate
15 in those conversations?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: And was there -- was there -
18 - and I know you told us that -- and I think you used the
19 word "poisoned work environment" -- I -- or "dysfunctional"
20 or both ---

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: --- during parts of the time
23 when Mr. Robert was your supervisor.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: I believe he was still the

1 supervisor here, but it was towards the end of his tenure.

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: Was there some discussion
4 with him about this and about what more could be done to
5 see if there were more victims out there?

6 MR. VAN DIEPEN: I believe -- I believe so.

7 MR. ENGELMANN: What do you remember?

8 MR. VAN DIEPEN: Well, there was never any
9 formal discussions, there were just, you know, loose
10 conversations and we just -- we just said, you know -- I
11 remember saying, you know, there's going to be a lot --
12 we're going to see a lot more victims. There's going to be
13 more people coming forward and ---

14 MR. ENGELMANN: Why did you think that?

15 MR. VAN DIEPEN: Because the people who are
16 sexually abused are traumatized severely, especially if the
17 nature of that sexual abuse happens to them when they're
18 young. It's a -- the emotional trauma is rather severe and
19 to bring it back into their conscious to speak about it and
20 re-disclose it and reveal it, it is if they have to re-live
21 it and they become re-traumatized yet again.

22 THE COMMISSIONER: M'hm.

23 MR. VAN DIEPEN: So His Honour has heard a
24 lot of -- from a lot of victims and I suggest that there
25 are a lot of victims out there who this -- this tribunal

1 will not hear from because of that very thing.

2 **THE COMMISSIONER:** M'hm. The impression I
3 get is that the -- at this point in time, the water cooler
4 must be boiling over with conversation?

5 **MR. VAN DIEPEN:** Yes, it was just a -- it
6 was just a -- some days it was like there was like, you
7 know, there -- the walls were vibrating.

8 **THE COMMISSIONER:** M'hm, so and Mr. ---

9 **MR. VAN DIEPEN:** Robert.

10 **THE COMMISSIONER:** --- Robert was listening
11 -- was either listening, participating in these
12 conversations?

13 **MR. VAN DIEPEN:** At ---

14 **THE COMMISSIONER:** At different times?

15 **MR. VAN DIEPEN:** At different times, yes.
16 Yes, Your Honour, certainly.

17 **THE COMMISSIONER:** So as a group, like, you
18 know, around the water cooler, informal discussions,
19 anybody say, like, what are we going to do?

20 **MR. VAN DIEPEN:** Yes.

21 **THE COMMISSIONER:** And what did you do?

22 **MR. VAN DIEPEN:** Well, there were -- there
23 were a number of attempts on our -- on the staff to address
24 the -- the issues in Cornwall and at one time, we all
25 signed a letter and it went -- because we attempted to

1 address the problems in Cornwall and we weren't getting any
2 -- any help so we all -- all the staff in the Cornwall
3 office signed a letter which was sent to the region, with a
4 copy to Mr. Robert.

5 MR. ENGELMANN: When was this, sir?

6 MR. VAN DIEPEN: I don't recall.

7 MR. ENGELMANN: And was this about this
8 issue of abuse and other victims or was it about management
9 issues or was it about both?

10 MR. VAN DIEPEN: I believe it was -- I think
11 the -- the primary focus was on the management issues, but
12 coupled with that was that the management issues were
13 exacerbated in the environment in which we were in.

14 MR. ENGELMANN: What about a plan though to -
15 - to try and find out if there are other victims out there;
16 do you remember the discussions about that and what could
17 be done?

18 MR. VAN DIEPEN: I --

19 MR. ENGELMANN: You agreed with me earlier
20 that just reviewing a case file isn't going to give you a
21 lot of information unless the officer says, "I did
22 something wrong" and writes it up.

23 MR. VAN DIEPEN: At that point -- at that
24 point, I believe the Project Truth Inquiry ---

25 MR. ENGELMANN: Yes.

1 **MR. VAN DIEPEN:** --- by the OPP was in
2 effect and they were predated by a number of other police
3 investigations.

4 **MR. ENGELMANN:** Yes.

5 **MR. VAN DIEPEN:** And the ministry and the
6 staff in the Cornwall office were cooperating fully with
7 that -- those efforts.

8 **MR. ENGELMANN:** But at -- but at that point
9 in time, and I'm talking about Mr. Barque is charged, 10
10 days later he kills himself.

11 **MR. VAN DIEPEN:** M'hm.

12 **MR. ENGELMANN:** Mr. Seguin has already
13 killed himself a few years earlier; there may be another
14 person back in the sixties. We've heard about someone else
15 who isn't really a ministry employee, but involved with
16 dealing with -- with kids in trouble.

17 I mean is there -- is there some kind of
18 going forward? How do we do this? Should we be re-
19 interviewing people? What should we be doing? Are you
20 talking about that?

21 **MR. VAN DIEPEN:** Yes, we talked about that.
22 Among ourselves, yes.

23 **THE COMMISSIONER:** Can I just stop you? I'm
24 sorry.

25 Amongst yourselves, like who would that have

1 been?

2 **MR. VAN DIEPEN:** Certainly the -- certainly
3 the ability to speak in a -- in a constructive manner was -
4 - and to -- to view this thing into -- for mutual support
5 purposes, the staff at the time tended to, I think, speak
6 more freely amongst themselves and we had -- I remember the
7 staff had a number of discussions, you know, what should we
8 be doing ---

9 **THE COMMISSIONER:** Yes, what I want to know
10 is ---

11 **MR. VAN DIEPEN:** Names?

12 **THE COMMISSIONER:** --- the staff.

13 **MR. VAN DIEPEN:** Well, there ---

14 **THE COMMISSIONER:** Probation officers?

15 **MR. VAN DIEPEN:** Yes.

16 **THE COMMISSIONER:** Support staff?

17 **MR. VAN DIEPEN:** Yes.

18 **THE COMMISSIONER:** Was the -- was the
19 support staff included in this ---

20 **MR. VAN DIEPEN:** Oh, yes ---

21 **THE COMMISSIONER:** --- these discussions?

22 **MR. VAN DIEPEN:** Oh, yes. They weren't
23 excluded.

24 **THE COMMISSIONER:** So -- so they would know?

25 **MR. VAN DIEPEN:** Yes.

1 **THE COMMISSIONER:** They would know pretty
2 well what was going on with all of the discussions?

3 **MR. VAN DIEPEN:** Oh, yes.

4 **MR. ENGELMANN:** Sir, was it at or about this
5 time -- maybe I'm off by a few months either way, that
6 there was an initiative that was developed within --
7 whether it was within the local office or from regional or
8 elsewhere, a protocol for dealing with new clients coming
9 in?

10 **MR. VAN DIEPEN:** That protocol was developed
11 after my -- after I was on a -- on a work assignment.

12 **MR. ENGELMANN:** Okay, so that would have
13 been sometime after early 2000?

14 **MR. VAN DIEPEN:** If memory serves me right,
15 yes.

16 **MR. ENGELMANN:** And do you have any
17 knowledge of the protocol?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** All right. It's my
20 understanding that -- that under the protocol, your
21 colleagues and you, if you were there, would inquire of new
22 probationers, people coming in on probation, whether or not
23 they might have -- if they'd had any inappropriate contact
24 from ---

25 **MR. VAN DIEPEN:** That was the ultimate

1 direction, but ---

2 MR. ENGELMANN: --- from other officers?

3 MR. VAN DIEPEN: Yes, we didn't -- we didn't
4 approach it with the client that directly.

5 MR. ENGELMANN: Do you know -- do you know
6 how that was to take place then, sir, from your memory?

7 MR. VAN DIEPEN: Well, it was just --
8 essentially when we knew that there was a client who was on
9 probation before, we would ask that client, how was -- you
10 know, do you recall being on probation ---

11 MR. ENGELMANN: Yes.

12 MR. VAN DIEPEN: --- who was your probation
13 officer; how was the relationship, you know, did you
14 complete your -- actually we didn't get to the relationship
15 part -- we would start, you know, did you complete your
16 probation successfully; were there any problems; how was
17 your relationship with your probation officer.

18 So we -- it was an incremental inching
19 towards the general subject area and to encourage a more
20 open dialogue.

21 MR. ENGELMANN: All right.

22 MR. VAN DIEPEN: And even predating that, to
23 kind of get the client to a point to where they would be
24 comfortable in -- in discussing freely issues involving ---

25 MR. ENGELMANN: All right. So it was

1 treading softly, if I can use that term?

2 MR. VAN DIEPEN: Yes ---

3 MR. ENGELMANN: All right.

4 MR. VAN DIEPEN: --- very softly.

5 MR. ENGELMANN: And -- and Ms. Larivière is
6 going to be here next week and I know she's going to be
7 speaking to this so I -- I don't want to get into a lot of
8 detail on it, but presumably that would possibly capture
9 some individuals who had previously been on probation and
10 who were now on probation again?

11 MR. VAN DIEPEN: That's right.

12 MR. ENGELMANN: It wouldn't, in any way,
13 capture people who didn't re-offend and didn't go back on
14 probation?

15 MR. VAN DIEPEN: Exactly.

16 MR. ENGELMANN: Do you know if there was any
17 discussion about what to do about them, if anything?

18 MR. VAN DIEPEN: I recall discussions, yes,
19 but, you know ---

20 MR. ENGELMANN: And these were ad hoc, any
21 direction?

22 MR. VAN DIEPEN: Well, I think the -- we --
23 we felt that it was, you know, the -- that there had been a
24 number of investigations and it was simply beyond our
25 capabilities to go out there and to interview former

1 clients and I personally was involved with the police on a
2 number of occasions to retrieve data from client lists from
3 our old data bases.

4 **MR. ENGELMANN:** Can you explain that, sir?

5 **MR. VAN DIEPEN:** Well, we had -- our
6 Ministry was one of the last to, I guess, adopt technology
7 and back whenever, we had some pretty old and arcane
8 computer technology and record-keeping systems and -- which
9 required a great deal of expertise to extract this
10 information and the people to speak to, and I was asked on
11 a number of occasions to help extract information.

12 In other words, who were the clients that
13 were on probation in year "X"? Would Client "X" have been
14 on probation in 1992 and who was his probation officer and
15 so on and so forth.

16 **MR. ENGELMANN:** So who would have been
17 asking for that information?

18 **MR. VAN DIEPEN:** The police.

19 **MR. ENGELMANN:** Okay. And do you know which
20 police?

21 **MR. VAN DIEPEN:** A number of different
22 police -- Project Truth certainly.

23 **MR. ENGELMANN:** All right. And do you
24 recall specifically dealing with certain officers from
25 Project Truth for those types of inquiries?

1 **MR. VAN DIEPEN:** I don't recall names, no.

2 **MR. ENGELMANN:** All right.

3 **THE COMMISSIONER:** Can I ask you about your
4 secondment? You were seconded to Integrated Justice, were
5 you?

6 **MR. VAN DIEPEN:** Yes, Your Honour.

7 **THE COMMISSIONER:** Okay. And that was from
8 what time to what period?

9 **MR. VAN DIEPEN:** In 2000.

10 **THE COMMISSIONER:** Okay. And did you
11 volunteer for that?

12 **MR. VAN DIEPEN:** Well, that's a rather long
13 story ---

14 **THE COMMISSIONER:** Well ---

15 **MR. ENGELMANN:** We're going to come to that.

16 **THE COMMISSIONER:** Oh, thank you.

17 **MR. ENGELMANN:** That happens -- does that
18 happen before or after you meet with Mr. Downing in
19 September of 2000?

20 **MR. VAN DIEPEN:** Concurrent.

21 **MR. ENGELMANN:** Okay.

22 And that's an issue of some concern. I know
23 it's of some concern to Mr. Van Diepen so we're certainly
24 going to go there.

25 **THE COMMISSIONER:** Okay, well, you know, I'm

1 seeing this for the first time so I don't know what you're
2 going to cover, so ---

3 **MR. ENGELMANN:** Yeah, okay. Fair enough.

4 **THE COMMISSIONER:** Thank you.

5 **MR. ENGELMANN:** We will get there.

6 **THE COMMISSIONER:** Good.

7 **MR. ENGELMANN:** Let's move to a completely
8 different area. Let's talk about Ken Seguin. We've gone
9 through a number of things about Nelson Barque.

10 You worked with him from 1975 until 1993?

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** The first year it was only
13 perhaps one week a month but after that you were colleagues
14 in the same office?

15 **MR. VAN DIEPEN:** Correct.

16 **MR. ENGELMANN:** So that's approximately 18
17 years?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** And as an officer -- as a
20 probation officer, how would you describe him?

21 **MR. VAN DIEPEN:** As a probation officer?

22 **MR. ENGELMANN:** Yes.

23 **MR. VAN DIEPEN:** Certainly there was -- he
24 projected a persona of professionalism.

25 **MR. ENGELMANN:** He would act that way; he

1 would dress that way; things of that nature?

2 MR. VAN DIEPEN: Yes. Yes.

3 MR. ENGELMANN: From your knowledge during
4 the time you worked with him, how was he thought of by his
5 colleagues?

6 MR. VAN DIEPEN: You know, again, we're
7 talking about a long time span.

8 MR. ENGELMANN: Fair enough.

9 MR. VAN DIEPEN: We're talking about
10 different individuals.

11 MR. ENGELMANN: Yes.

12 MR. VAN DIEPEN: I would think that -- when
13 you ask that individual and which individual you asked
14 about which particular timeframe, you'd probably get
15 different answers.

16 MR. ENGELMANN: All right. You wouldn't
17 always get the same answer on that question?

18 MR. VAN DIEPEN: Yeah.

19 MR. ENGELMANN: What about your views on him
20 over time?

21 MR. VAN DIEPEN: Well, as I indicated to you
22 that, you know, that my relationship with a fellow co-
23 worker turned out to be a fraud and, certainly, it's
24 something which marked -- has marked me deeply.

25 MR. ENGELMANN: He was, at some point,

1 someone you considered a friend. Isn't that fair?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: I mean, he wasn't just an
4 office friend?

5 MR. VAN DIEPEN: He was a good office
6 friend. I mean, we didn't -- outside of work we didn't
7 socialize. He didn't -- you know, we didn't have common
8 interests or anything like that but we -- a very good
9 office friend and we would be able to sit down and discuss
10 things about, you know, what did you do on your vacation
11 and how was -- you know.

12 We were I think naturally able to
13 communicate openly and freely and I certainly engaged Mr.
14 Seguin that way and I thought Mr. Seguin was doing the same
15 with me.

16 MR. ENGELMANN: All right. You would say he
17 was approachable in the workplace?

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: He did tell you things about
20 his background? He told you that he'd been to seminary?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: He told you he'd been there
23 with Father Charlie.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: Did he tell you why he

1 didn't carry on with that?

2 **MR. VAN DIEPEN:** He -- you mean why he
3 stopped ---

4 **MR. ENGELMANN:** Why didn't he become a
5 priest?

6 **MR. VAN DIEPEN:** Yes, he felt that
7 ultimately it wasn't his given vocation.

8 **MR. ENGELMANN:** Did he continue to be a very
9 religious man, sir?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** That's at least what he
12 communicated to you?

13 **MR. VAN DIEPEN:** Well, I know, I mean I have
14 every confidence that he was -- I mean, he certainly
15 practiced his faith and went to church regularly.

16 **MR. ENGELMANN:** Is he at a -- in a
17 particular parish here that you know of?

18 **MR. VAN DIEPEN:** While he was in Cornwall,
19 he attended St. Clement's.

20 **MR. ENGELMANN:** And then after that when he
21 moved to Summerstown in the mid-'80s?

22 **MR. VAN DIEPEN:** Yeah, he may have still
23 continue to go to St. Clement's. I wouldn't be 100 percent
24 sure of that.

25 **MR. ENGELMANN:** Did you or others ever refer

1 to him as "Mr. Probation" or words to that effect?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: Do you recall ever referring
4 to him or others referring to him as "Squeaky Clean"?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: What was meant by that?

7 MR. VAN DIEPEN: Well, he just, you know,
8 there was that persona of him being a straight-up,
9 hardworking, dedicated individual who always sought to go
10 the extra mile.

11 MR. ENGELMANN: So just to retrace then
12 about your good office friend, if I can use that term.

13 You met when you hitchhiked into Cornwall
14 from St. Andrews?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: It's not a long drive.

17 MR. VAN DIEPEN: No.

18 MR. ENGELMANN: I do it most days.

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: Part of that drive anyway.

21 I think you told us you didn't see him or if
22 you did it was once maybe until you meet him and he tells
23 you about the job offer ---

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: --- or opening?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: So six, seven, years pass
3 and you really have nothing to do with him?

4 MR. VAN DIEPEN: No.

5 MR. ENGELMANN: Do I understand your
6 evidence?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: All right. And then you
9 really don't have anything to do with him again until you
10 start working together?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: Although you did agree with
13 me that you might have bumped into him because your offices
14 were nearby?

15 MR. VAN DIEPEN: Well, we were in the same
16 building.

17 MR. ENGELMANN: Right. And the only
18 socialization aside from the Friday lunches at Harv's --
19 and it wasn't every Friday but there were a number of
20 Fridays -- was during the first part of your work together,
21 going for a beer after a Thursday night shift?

22 MR. VAN DIEPEN: That's correct.

23 MR. ENGELMANN: And it wasn't every month on
24 a Thursday night shift ---

25 MR. VAN DIEPEN: That's right.

1 **MR. ENGELMANN:** --- so what are we talking,
2 three or four times a year, something like that?

3 **MR. VAN DIEPEN:** You know, I don't think you
4 could say there was a pattern to that.

5 **MR. ENGELMANN:** But that only took place
6 until about 1981 is what you told us?

7 **MR. VAN DIEPEN:** I would say that when -- I
8 would say that when there was a change and I don't know
9 whether it was 1981, but it certainly wouldn't ---

10 **MR. ENGELMANN:** Eighty-one ('81) is when Mr.
11 Sirrs came, if that helps.

12 **MR. VAN DIEPEN:** Yeah, I would think that's
13 a reasonable timeline.

14 **MR. ENGELMANN:** All right. So from then on
15 until he dies, we're talking about lunches at Harv's?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** Nothing else?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** So that accurately captures
20 the extent of your relationship with Mr. Seguin outside of
21 the workplace?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** All right. We've heard from
24 a number of witnesses who have described your relationship
25 with Ken as one of friends and, in some cases, close

1 friends?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: I just want to give you a
4 few names.

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: Emile Robert?

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: Who hasn't testified yet but
9 I'm saying will say this.

10 MR. VAN DIEPEN: Yeah.

11 MR. ENGELMANN: Bill Roy ---

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: I took you to that. Peter
14 Sirrs.

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: Just one second.

17 THE COMMISSIONER: I'm sorry Mr. Engelmann,
18 I missed the beginning of that question. These are what?

19 MR. ENGELMANN: These are witnesses we've
20 heard from in the case of Mr. Robert, someone we will hear
21 from ---

22 THE COMMISSIONER: Right.

23 MR. ENGELMANN: --- who have commented that
24 Mr. Seguin and Mr. van Diepen were either friends or close
25 friends.

1 **THE COMMISSIONER:** Right. Okay.

2 **MR. ENGELMANN:** Mr. Gendron said you were
3 friendly earlier and then less friendly towards the end, or
4 words to that effect.

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** He didn't -- he wasn't even
7 there in the seventies, he came later.

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** And then we've heard from
10 some of the alleged victims; Mr. Renshaw, Gerry Renshaw.

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** Mr. Leroux.

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** C-8, and one or two others
15 about this as well. And I'm just wondering, do you know
16 why all of these people would be describing you as either
17 friends, or close friends ---

18 **MR. VAN DIEPEN:** Because ---

19 **MR. ENGELMANN:** --- because really didn't do
20 anything with them after 1981, except have lunch with him
21 in a group of people.

22 **MR. VAN DIEPEN:** Well, that would be the --
23 you know -- C-8 and Leroux would -- I would assume make
24 that deduction and so as -- well as Mr. Roy the fact that
25 we went to lunch at Harve's Dinner.

1 I mean Mr. Seguin and I never -- you know,
2 we never went out and played a game of golf together, we
3 didn't go on vacations together, we didn't have friends in
4 common, so, you know ---

5 **THE COMMISSIONER:** Did you ever go to his
6 place?

7 **MR. VAN DIEPEN:** Yes.

8 **MR. ENGELMANN:** Okay, so you did go to his
9 place outside of office hours?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** Oh, okay, well, was that
12 before 1981 or after or both?

13 **MR. VAN DIEPEN:** Both.

14 **MR. ENGELMANN:** All right, so there was more
15 interaction outside the office?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** All right, because we -- I
18 thought we had just agreed that 1981 it was just lunch on
19 Fridays, but not every Friday and it was a group of people.

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** So, you -- you did go to his
22 house on Alquire Street?

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** And you did go to his house
25 in Summerstown?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: Would you have also seen him
3 when you visited Malcolm MacDonald?

4 MR. VAN DIEPEN: Where?

5 MR. ENGELMANN: Let me start the question.
6 You were friends with Malcolm MacDonald?

7 MR. VAN DIEPEN: He was my solicitor, yes.
8 And ---

9 MR. ENGELMANN: He was more than your
10 solicitor?

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: He was your friend, as well.

13 MR. VAN DIEPEN: Yes.

14 MR. ENGELMANN: Had you been to his home?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: Had you been to his cottage?

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: And had you done so or been
19 there when Mr. Seguin was also there?

20 MR. VAN DIEPEN: No.

21 MR. ENGELMANN: You don't recall that?

22 MR. VAN DIEPEN: No, he was -- I was at Mr.
23 -- Mr. Seguin was not part of that group.

24 MR. ENGELMANN: Okay. Do you recall
25 approximately how many times you would have been at Mr.

1 MacDonald's cottage or at his home?

2 **MR. VAN DIEPEN:** Not very -- at his cottage,
3 I recall one occasion when my wife and I and I was
4 corrected by my wife that my children accompanied me and
5 Dr. Joe McLean and his wife and Malcolm MacDonald had a
6 barbeque.

7 **MR. ENGELMANN:** You can only recall one
8 occasion?

9 **MR. VAN DIEPEN:** That's the only occasion
10 that comes to my mind.

11 **MR. ENGELMANN:** Okay. And can you give us a
12 sense as to the number of times you would have been to Mr.
13 Seguin's house?

14 **MR. VAN DIEPEN:** I ---

15 **MR. ENGELMANN:** Either on Alquire Street or
16 in Summerstown?

17 **MR. VAN DIEPEN:** Summerstown they would have
18 been at -- it would be -- two that come to my mind and I --
19 if you told me it was three -- I would say three but
20 certainly not more than that, and they were all very --
21 they were just sort of drop-ins, driving by -- "Oh, how you
22 doing" and, you know, one of them was of course, that he
23 had moved to the house, and come and you know, see the
24 house and look at my waterfront and ---

25 **MR. ENGELMANN:** Would it be fair to say your

1 recollection of the numbers of visits to either of these
2 places would have been better back in the nineties than it
3 would be today?

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: All right. And it is true
6 that, is it not, sir, that Mr. Seguin would have introduced
7 you to both Father Charles MacDonald and to Malcolm
8 MacDonald?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: And you knew that he was
11 close to both of them? He's a close friend of both of
12 theirs?

13 MR. VAN DIEPEN: I knew that -- did I know
14 that when, in -- yes, certainly at ---

15 MR. ENGELMANN: At some time.

16 MR. VAN DIEPEN: --- at some stage, yes.

17 MR. ENGELMANN: But when he introduced you
18 to them did he not tell you that he was a good friend of
19 theirs?

20 MR. VAN DIEPEN: Well, you know, you're
21 asking me about Father Charles MacDonald; when did I first
22 meet Father Charles MacDonald. I don't recall exactly when
23 that was and I -- if memory serves me right I did not have
24 an appreciation of the context of their relationship at
25 that time.

1 At some point I came well aware -- became
2 well aware that Mr. Seguin and Father MacDonald were good
3 friends, and however, on the other hand I knew from the
4 beginning that Mr. Seguin and Malcolm MacDonald were good
5 friends.

6 **MR. ENGELMANN:** All right. So you knew
7 about that relationship and the closeness of that
8 relationship before you knew of the closeness of the
9 relationship with Father Charlie?

10 Do I have that right?

11 **MR. VAN DIEPEN:** Well, -- which came first?
12 I don't know.

13 **MR. ENGELMANN:** All right. And do you
14 recall when he would have introduced -- the circumstances
15 of when he would have introduced you to either of these
16 individuals?

17 **MR. VAN DIEPEN:** I believe that Father
18 MacDonald stopped by the office.

19 **MR. ENGELMANN:** All right. Stopped in to
20 visit Ken?

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** All right. And it was at
23 that time that he would have introduced you?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** And what about Malcolm,

1 Malcolm MacDonald.

2 MR. VAN DIEPEN: I don't recall how I -- how
3 it came to be that I met Malcolm MacDonald.

4 MR. ENGELMANN: That was fairly early on,
5 was it not?

6 MR. VAN DIEPEN: I don't recall -- again I
7 don't recall.

8 MR. ENGELMANN: Now what I'm going to
9 suggest to you, it would have been in the seventies?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: All right. Because already,
12 -- yes, by 1979 or 1980 we know that you are using him as a
13 reference in your C.V.

14 MR. VAN DIEPEN: Okay.

15 MR. ENGELMANN: And that's 1167.

16 MR. VAN DIEPEN: Yeah.

17 MR. ENGELMANN: If you can just turn it up.

18 MR. VAN DIEPEN: Yes, is that the C.V. you
19 referenced yesterday?

20 MR. ENGELMANN: Yes.

21 MR. VAN DIEPEN: Yeah, again I don't know
22 the date of that.

23 MR. ENGELMANN: Well, it appears, sir, that
24 it was in with the application for the area manager
25 position.

1 MR. VAN DIEPEN: It could have been.

2 MR. ENGELMANN: For the job that Mr. Sirrs
3 ended up getting.

4 MR. VAN DIEPEN: It could have been, yes.

5 MR. ENGELMANN: And the last reference in
6 it, as we looked at yesterday, was 1979.

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: All right. And I just want
9 you to turn to the last page of that document, if you
10 could.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 MR. ENGELMANN: Sir, the first reference you
13 list, at the top of that list, is W.A. Groten.

14 MR. VAN DIEPEN: M'hm.

15 MR. ENGELMANN: And he would have been your
16 supervisor at the time.

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: And I note -- and I'm just
19 looking at the Org. Chart, we know that he was your
20 supervisor as at 1980. I'm not sure how long before that
21 he became your supervisor. It was a Mr. Mitchell before
22 that; right?

23 MR. VAN DIEPEN: That's correct.

24 MR. ENGELMANN: So it would have been late
25 seventies, 1980 or -- when Mr. Groten became your

1 supervisor. Are you able to help us?

2 MR. VAN DIEPEN: No.

3 MR. ENGELMANN: All right. Anyway you list
4 him as a reference.

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: And presumably you list him
7 because he's a work reference.

8 MR. VAN DIEPEN: Yes, at the -- yes.

9 MR. ENGELMANN: All right. I mean people
10 usually list work references, volunteer references or
11 personal references.

12 MR. VAN DIEPEN: Exactly.

13 MR. ENGELMANN: Is that fair?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: And the next person you list
16 is a Mr. Fowler.

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: Was he your former
19 supervisor when you were at UIC for three years?

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: All right. So he'd be a
22 work reference?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: Comment on your work?

25 MR. VAN DIEPEN: Yes.

1 **MR. ENGELMANN:** You list a fellow by the
2 name of Chisholm?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** A Hubert ---

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** Or Hubert.

7 And he's the Chief of the St. Andrews
8 Volunteer Fire Department.

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** Why is he listed? How do
11 you know him?

12 **MR. VAN DIEPEN:** Because I was a volunteer
13 firefighter.

14 **MR. ENGELMANN:** So we -- yeah, we heard
15 about that in 1998, so you were with the -- you were a
16 volunteer for many years?

17 **MR. VAN DIEPEN:** Yes.

18 **MR. ENGELMANN:** Maybe you still are?

19 **MR. VAN DIEPEN:** Not anymore.

20 **MR. ENGELMANN:** All right.

21 But in any event, that's a volunteer agency
22 you're working for, and when you're doing that he has some
23 authority over you in that kind of a position?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** So again, could comment on --

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: --- your work.

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: And then, Malcolm MacDonald
5 is the last person listed.

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: And he's listed as "Grand
8 Knight."

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: Knights of Columbus.

11 MR. VAN DIEPEN: Yes.

12 MR. ENGELMANN: So what I want to know, sir,
13 is -- he's not listed as barrister and solicitor. He's
14 listed as Grand Knight, Knights of Columbus.

15 MR. VAN DIEPEN: Well, I think he's listed
16 as both.

17 THE COMMISSIONER: Q.C., there's ---

18 MR. ENGELMANN: Well, that's a title. But
19 I'm wondering -- he writes, "Grand Knight, Knights of
20 Columbus."

21 Now, you indicated to us yesterday that you
22 were never a member of the Knights of Columbus?

23 MR. VAN DIEPEN: That's correct.

24 MR. ENGELMANN: So -- because, I thought
25 when I read this that perhaps he's giving a reference as

1 the head of a volunteer agency that you've done some work
2 for.

3 MR. VAN DIEPEN: No.

4 MR. ENGELMANN: That's got nothing to do
5 with it?

6 MR. VAN DIEPEN: That's right.

7 MR. ENGELMANN: Do you know why you would
8 have typed that in, "Grand Knight, Knights of Columbus"?
9 What's the significance?

10 MR. VAN DIEPEN: Well, I certainly wanted --
11 you know, my objective was to provide references of people
12 who knew me and people who had some position in the
13 community; positions of responsibility and credibility.
14 And, at that time, Mr. MacDonald was a Q.C. as well as the
15 Grand Knight of the Knights of Columbus and I felt at that
16 time that he would have been an appropriate -- could speak
17 with -- could speak about me, and that the parties who
18 wished to check would -- you know, would consider him to be
19 a credible source.

20 MR. ENGELMANN: Fair enough; so at this
21 point in time, he's not being cited as a reference because
22 of work you're doing for the Knights of Columbus?

23 MR. VAN DIEPEN: Well, I've never been ---

24 MR. ENGELMANN: Fair enough.

25 MR. VAN DIEPEN: Yeah.

1 **MR. ENGELMANN:** So you're just citing him as
2 someone who can comment on your personal character.

3 **MR. VAN DIEPEN:** Exactly.

4 **MR. ENGELMANN:** So he must have known
5 something about your personal character ---

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:** --- or he wouldn't allow you
8 to put his name forward.

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** So by this point in time,
11 you must have known him fairly well.

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** All right.

14 And you continued to know and see Malcolm
15 MacDonald for many years thereafter, right?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** Right up to the time of his
18 death?

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** And I know, for example,
21 that you and he were together at Mr. Seguin's funeral, were
22 you not?

23 **MR. VAN DIEPEN:** No. Are we talking about
24 the funeral service? There was some -- I know there was
25 some reference about me being with Mr. MacDonald at the

1 funeral service. I was at the funeral service with my
2 fellow colleagues.

3 MR. ENGELMANN: Yes. And didn't he join
4 you, there?

5 MR. VAN DIEPEN: He joined us outside the
6 church, after the service.

7 MR. ENGELMANN: Okay.

8 MR. VAN DIEPEN: And -- as we were standing
9 outside.

10 MR. ENGELMANN: Were there also other things
11 to do with the funeral where he would have been with you,
12 sir, either a wake or visitation? Do you know?

13 MR. VAN DIEPEN: I'm sure we may have
14 crossed paths at the wake or something, yes.

15 THE COMMISSIONER: So Mr. Engelmann, we
16 could take another break shortly, whenever you're ---

17 MR. ENGELMANN: Okay; I'll just be a moment,
18 sir.

19 THE COMMISSIONER: Sure, sure.

20 MR. ENGELMANN: Sir, would you -- and you
21 knew fairly early on that Malcolm MacDonald and Ken Seguin
22 were close friends?

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: And would you, from time to
25 time, speak to Malcolm about Ken and vice versa?

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: All right. And even though
3 you were only, as you say, a good office friend of Mr.
4 Seguin's, clearly that wasn't the case with Mr. MacDonald;
5 you were closer.

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: And would you have talked
8 about how he was doing from time to time ---

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: --- Ken Seguin?

11 MR. VAN DIEPEN: How Mr. Seguin was doing?

12 MR. ENGELMANN: Yes.

13 MR. VAN DIEPEN: With Mr. MacDonald?

14 MR. ENGELMANN: Yes.

15 MR. VAN DIEPEN: I don't think so, no.

16 MR. ENGELMANN: All right. Well, did he not
17 tell you at some point about allegations that were being
18 made by a fellow named Silmsler against Ken Seguin?

19 MR. VAN DIEPEN: This was after Mr. Seguin
20 passed on.

21 MR. ENGELMANN: I'm sorry?

22 MR. VAN DIEPEN: After Mr. Seguin passed on.

23 MR. ENGELMANN: I'm not sure, sir. You tell
24 me.

25 MR. VAN DIEPEN: After Mr. Seguin passed on.

1 **THE COMMISSIONER:** He is saying -- we did
2 have that conversation but it was after Mr. Seguin had
3 passed on.

4 **MR. ENGELMANN:** All right. So before he
5 committed suicide, you're telling us that you would have
6 had no discussion with Malcolm MacDonald about how Ken
7 Seguin was doing?

8 And I'm talking about that last year of his
9 life.

10 **MR. VAN DIEPEN:** No.

11 **MR. ENGELMANN:** He wouldn't have expressed
12 any concerns to you about Ken's health or his state or
13 anything of that nature?

14 **MR. VAN DIEPEN:** Mr. MacDonald was aware
15 that the relationship with Mr. Seguin and I was not as it
16 had been.

17 **MR. ENGELMANN:** And he didn't talk to you
18 about contacts that Mr. Seguin might have had from Mr.
19 Silmsen.

20 **MR. VAN DIEPEN:** No.

21 **MR. ENGELMANN:** Okay. And you're telling us
22 that if he did do that, it was only after Mr. Seguin died,
23 or did he never do that?

24 **MR. VAN DIEPEN:** On my initiative, I
25 approached Mr. MacDonald and asked him, "What is going on

1 here? Can you tell me what is going on? You know, there
2 are all these rumours. And what, if anything, can you tell
3 me that -- to elaborate on these?"

4 **MR. ENGELMANN:** But sir, those rumours were
5 flying around before Mr. Seguin died.

6 **MR. VAN DIEPEN:** No; I -- yes, but I did not
7 know about them until the day of Mr. Seguin's death ---

8 **MR. ENGELMANN:** So you're telling me ---

9 **MR. VAN DIEPEN:** --- and I was told -- and
10 that was told to me by Mr. Gendron.

11 **MR. ENGELMANN:** You're telling me that
12 others in your office might have known about the
13 investigation and other things but you didn't?

14 **MR. VAN DIEPEN:** I did not.

15 **MR. ENGELMANN:** Perhaps we'd take the break.

16 **THE COMMISSIONER:** Break?

17 Thank you.

18 **THE REGISTRAR:** Order; all rise. A l'ordre;
19 veuillez vous levez.

20 This hearing will resume at 12:15.

21 --- Upon recessing at 12:02 p.m./

22 L'audience est suspendue à 12h02

23 --- Upon resuming at 12:24 p.m. /

24 L'audience est reprise à 12h24

25 **THE REGISTRAR:** Order; all rise. A l'ordre;

1 veuillez vous levez.

2 This hearing is now resumed. Please be
3 seated. Veuillez vous assoir.

4 **MR. ENGELMANN:** Sir, when we left off, you
5 had indicated to us that you only became aware that -- it's
6 your evidence that you only became aware of any issues that
7 Mr. Seguin may have had with a David Silmser, shortly after
8 his death.

9 **MR. VAN DIEPEN:** The day ---

10 **MR. ENGELMANN:** Mr. Seguin's death.

11 **MR. VAN DIEPEN:** On the day of his death.

12 **MR. ENGELMANN:** On the day of his death.

13 And that was American thanksgiving, 1993 if I remember
14 correctly.

15 **MR. VAN DIEPEN:** End of November, yes.

16 **MR. ENGELMANN:** Yeah.

17 And you became aware of them on that day,
18 from whom?

19 **MR. VAN DIEPEN:** Ron Gendron.

20 **MR. ENGELMANN:** And what would he have told
21 you?

22 **MR. VAN DIEPEN:** That the rumour mill at the
23 Cornwall court was that Seguin's name had come up in
24 connection with and Father MacDonald and this Silmser
25 gentleman.

1 **MR. ENGELMANN:** What else?

2 **MR. VAN DIEPEN:** That was it.

3 **MR. ENGELMANN:** Did he say that he'd been
4 investigated, or ---

5 **MR. VAN DIEPEN:** No; that there was -- that
6 his name had come up and then there was someone -- you
7 know, yeah, I guess the -- well, I don't know. I --
8 whether it was an investigation, but Seguin's name had come
9 up in reference to MacDonald and it was -- in that it was -
10 - came from the court so obviously it had some kind of a
11 formal measure with it, associated to it.

12 **MR. ENGELMANN:** So your colleague, Mr.
13 Gendron, had known this but hadn't raised it with you?

14 **MR. VAN DIEPEN:** That's correct.

15 **MR. ENGELMANN:** And clearly, you had
16 discussions with Malcolm MacDonald about this.

17 **MR. VAN DIEPEN:** After Mr. Seguin died?
18 Yes.

19 **MR. ENGELMANN:** Okay. Not before, is what
20 you're telling us?

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** All right. So ---

23 **MR. VAN DIEPEN:** And even after that, even
24 the --- Mr. MacDonald was not able to give me a lot of
25 information, because he indicated to me there was a

1 lawyer/client privilege and I said, "Well look, you know,
2 your client is now deceased, I mean certainly, you can tell
3 me something" and Mr. MacDonald was not able to give me a
4 lot of detail.

5 MR. ENGELMANN: Did he tell you that
6 solicitor/client privilege would carry on whether his
7 client is dead or not?

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: Yet, he shared some details
10 with you, didn't he?

11 MR. VAN DIEPEN: Public information that
12 would have -- I guess would have been available to him
13 outside of the lawyer/client relationship, yes.

14 MR. ENGELMANN: Is that how he described it
15 to you?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: All right. So you've said,
18 in answer to a number of my questions, when I ask you how
19 you know about something; "It's a small town, it's
20 Cornwall, it's a small town, you just know these things".

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: You said that a number of
23 times.

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: Yet, when I ask you with

1 respect to your knowledge of Ken Seguin, ---

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** --- one of your fellow
4 officers ---

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** --- has been for 18 years,
7 you tell us that you didn't know anything about the fact
8 that he was being investigated and that there were
9 allegations against him and Father MacDonald by a former
10 probationer. That's your evidence.

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:** And we know that some of
13 your colleagues had this information. We've heard that;
14 I'm telling you.

15 **MR. VAN DIEPEN:** Yes.

16 **MR. ENGELMANN:** And we know your colleague
17 Mr. Gendron had that information.

18 **MR. VAN DIEPEN:** Well, my understanding is
19 that Mr. Gendron was the only one that knew about it and --

20 **MR. ENGELMANN:** Is that what he told you?

21 **MR. VAN DIEPEN:** Well, he was the only -- he
22 was the court -- he was designated the -- the young
23 offender officer and went to court regularly in Cornwall.

24 **MR. ENGELMANN:** Right. But you and your
25 colleagues would have had regular dealings with police

1 officers.

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: And as a court officer, the
4 only difference perhaps would be you'd find out what was
5 coming up in the court house, if there were charges.

6 MR. VAN DIEPEN: Well, no, I think there
7 was, you know sort of the -- the water cooler banter, I
8 think that's where that ---

9 MR. ENGELMANN: Right.

10 MR. VAN DIEPEN: --- I don't -- I don't
11 think Mr. Gendron was privy to information that came from
12 investigating officers.

13 MR. ENGELMANN: All right. And two of your
14 colleagues were married to police officers at this time?

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: And Mr. Gendron knew,
17 Cornwall is a small town and Malcolm MacDonald, a close
18 friend of yours, is representing Ken Seguin.

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: And has been for a year, at
21 the time of his death.

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: And you didn't know anything
24 about it?

25 MR. VAN DIEPEN: That's correct.

1 **MR. ENGELMANN:** All right.

2 **THE COMMISSIONER:** Who was the senior -- who
3 was the probation officer in charge of adult probation at
4 the court house? You know, you said Gendron had the youth.

5 **MR. VAN DIEPEN:** Yes. Well, Your Honour, we
6 had a different protocol for adult court. We did not have
7 a court liaison officer for adults because we simply didn't
8 have the resources to be able to dedicate a position to
9 that role.

10 **THE COMMISSIONER:** So you went over.

11 **MR. VAN DIEPEN:** Well, Your Honour, perhaps
12 I should help clarify for you why I was somewhat on the
13 tail-end of the rumour mill.

14 At the time I was the officer looking after
15 all of Dundas County, which previously had been looked
16 after by two probation officers. I now was involved with
17 all of Dundas County, so I was out of the office part of
18 the week.

19 In addition to that, I was involved in a
20 number of initiatives relating to offenders and I was on a
21 number of other committees and so I would -- I did not have
22 the luxury of spending a great deal of time in the office,
23 outside of work hours and so I had meetings in the morning,
24 meeting after work, meetings during lunch hours, et cetera.
25 So I was not -- I was not in the -- at the water cooler as

1 much as perhaps other people were.

2 **THE COMMISSIONER:** Mr. Engelmann.

3 **MR. ENGELMANN:** All right. You were aware
4 were you not; allegations been outstanding for about a year
5 at that time, when he died or certainly you became aware of
6 that?

7 **MR. VAN DIEPEN:** My understanding of -- my
8 only understanding of it was that Mr. Gendron became aware
9 of it sometime -- some six months prior to his death.

10 **MR. ENGELMANN:** were you still having lunch
11 at Harve's ---

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** --- in 1993?

14 **MR. VAN DIEPEN:** Yes.

15 **MR. ENGELMANN:** Never came up?

16 **MR. VAN DIEPEN:** No, definitely not. No.

17 **MR. ENGELMANN:** All right. Now just with
18 respect to the friendship issue for a minute then I'll move
19 on.

20 When you were interviewed by Mr. Downing in
21 2000; 958A, right at the bottom of page 11, Bates 1001541.

22 Question:

23 "Prior to your relationship
24 deteriorating with Ken Seguin would it
25 be fair to describe you and Ken as

1 friends?"

2 Answer:

3 "Yes, it would.

4 **MR. VAN DIEPEN:** M'hm.

5 **MR. ENGELMANN:** And we've the heard issues
6 about -- or we've heard about the deterioration of the
7 friendship when I believe you and your colleague, Mr.
8 Gendron, are doing a couple of things; one is you are
9 following him, do you recall that?

10 **MR. VAN DIEPEN:** Yes.

11 **MR. ENGELMANN:** I think your words were
12 actually, "spying on him".

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** And two, either you or
15 Mr. Gendron or both of you had spoken to him about
16 inappropriate interaction with -- social interaction with
17 probationers.

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** And in fact you specifically
20 did that, did you not?

21 **MR. VAN DIEPEN:** Well, -- yes, but not just,
22 you know, the focus was more on how his -- his --not on his
23 interaction and his professionalism with respect to
24 clients.

25 **MR. ENGELMANN:** I thought it was respect to

1 the conflict of interest issue and social interactions?

2 MR. VAN DIEPEN: Well, would you like me to
3 elaborate?

4 MR. ENGELMANN: Absolutely.

5 MR. VAN DIEPEN: There was the -- this was
6 post-Varly and ---

7 THE COMMISSIONER: Post, what?

8 MR. VAN DIEPEN: Post -- the murder.

9 MR. ENGELMANN: Right.

10 THE COMMISSIONER: Oh, okay, okay.

11 MR. VAN DIEPEN: And this was ---

12 MR. ENGELMANN: That was -- that one you'd
13 heard about?

14 MR. VAN DIEPEN: Yes, certainly. And there
15 was the -- the investigating officer had some difficulties
16 with -- had some difficulties communicating his concerns
17 with Emile Robert.

18 There was a Cornwall police officer who
19 complained that -- to me, when I was doing a follow-up on
20 an allegation of a breach of probation and which he was
21 asking me to do some enforcement. He said, "Well, why are
22 you doing it, and Seguin isn't" and I said, "What do you
23 mean" and he said, "Well, I sent a report..." blah, blah,
24 blah and this client you know -- there doesn't seem to be
25 anything done about it.

1 And the other thing was that I became aware
2 of was that a client -- one of my clients complained,
3 "Well, you know your going to be -- you know you're part --
4 you're making me complete my community service hours,
5 whatever, and you know Seguin doesn't do that".

6 So I approached Seguin in light of that and
7 I said, "Listen you know, you've got to get your act
8 together here, buddy, because there's -- you're impacting
9 on my work and you know there are concerns being expressed
10 here". And that was when there was an incident where Mr.
11 Seguin told me to get out of his office and used some
12 rather descriptive language and that's what I think was the
13 straw that broke the camels back.

14 **MR. ENGELMANN:** So let me be clear, you're
15 saying that when he told you to get out of his office and
16 perhaps he used stronger language than that, that had
17 nothing to do with your expressing a concern about
18 interaction with clients?

19 **MR. VAN DIEPEN:** Well, you know it -- part
20 of that was you know, having a cigarette -- going outside
21 and having a cigarette with clients and ---

22 **MR. ENGELMANN:** Wasn't it a bit stronger
23 than that? Wasn't it something along the lines of leaving
24 your personal life or personal relationships at home, not
25 in the office?

1 **MR. VAN DIEPEN:** Exactly, but you -- what I
2 meant was that, you know, have your cigarette, you don't --
3 you shouldn't be having your cigarettes with clients.

4 **MR. ENGELMANN:** That was it -- having
5 cigarettes with clients?

6 **MR. VAN DIEPEN:** Well, yes, but that, you
7 know, you be less -- you have your job to do, be less
8 social with your clients and do your job.

9 **MR. ENGELMANN:** You'll agree with me that
10 during the time you worked with Mr. Seguin he did much
11 more, even in your presence, than have cigarettes with
12 clients?

13 **MR. VAN DIEPEN:** I don't know what you mean
14 by that.

15 **MR. ENGELMANN:** Well, he'd have drinks with
16 clients from time-to-time?

17 **MR. VAN DIEPEN:** Not that I'm aware of.

18 **MR. ENGELMANN:** He'd even have clients stay
19 at his house from time-to-time. I don't just mean Mr.
20 Renshaw.

21 **MR. VAN DIEPEN:** The only individual that I
22 know that stayed at Mr. Seguin's house was Mr. Renshaw and
23 that was with the consent of the area manager.

24 Now, you're asking me about what happened in
25 the very early '70s?

1 **MR. ENGELMANN:** It wouldn't have been the
2 early '70s, it would have been in the late '70s. You
3 weren't working until the mid-'70s.

4 **MR. VAN DIEPEN:** Well, I became aware of
5 those things after the fact so I, you know, in terms of
6 exact timelines, I would suggest to you they were earlier
7 '70s than later '70s.

8 **MR. ENGELMANN:** Okay, well ---

9 **MR. VAN DIEPEN:** And possibly even before I
10 was a probation and parole officer.

11 **MR. ENGELMANN:** Let's -- the reason I asked
12 you the question and I'm a bit surprised with your answer,
13 sir, is if you look at your -- let's look at the typed
14 version of your statement. Again, this is February of 1994
15 ---

16 **MR. VAN DIEPEN:** M'hm.

17 **MR. ENGELMANN:** --- surely this whole issue
18 would be fresher in your mind then; 1063, second page,
19 about two-thirds of the way down the page.

20 **MR. VAN DIEPEN:** M'hm.

21 **MR. ENGELMANN:** "Once I told Ken he should
22 leave his personal life at home and his
23 work at the office, but he said in some
24 other words to mind my own business."

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** "In the last two years..."
2 -- and you're giving the statement at the beginning of '94
3 shortly after his death ---

4 **MR. VAN DIEPEN:** M'hm.

5 **MR. ENGELMANN:** "... Ken and I never
6 talked. He basically told me off when
7 I was telling him to watch out about
8 client interactions with him."

9 **MR. VAN DIEPEN:** Yes.

10 **MR. ENGELMANN:** So you're telling us today
11 that that's about having a cigarette with clients. That's
12 the extent of it?

13 **MR. VAN DIEPEN:** Cigarettes and
14 fraternization, socializing, you know, chummy with clients
15 rather than being professional.

16 **MR. ENGELMANN:** If you want to look a little
17 bit further up the page, about a third of the way down
18 right after the issue about Nelson and Father Charlie which
19 we talked about:

20 "Ken never went out of his way to talk
21 about women but I don't think they
22 existed. Back then, Ken had a lot of
23 probationers that stayed with Ken in
24 the late 1970s."

25 This isn't Gerry Renshaw, sir.

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: Gerry Renshaw's at the end
3 of the 1980s.

4 MR. VAN DIEPEN: Yes.

5 MR. ENGELMANN: And this is your statement
6 to the police.

7 "These guys ..."

8 -- plural:

9 "... didn't have a place to stay
10 leaving home in between getting their
11 own place. I think only one at a time
12 was living there. I can't think of
13 their names but maybe Stu Rousseau
14 would remember one."

15 There's a name in brackets but I'm not going to mention it.

16 MR. VAN DIEPEN: No, that's actually a
17 misspelling of the administrative clerk.

18 MR. ENGELMANN: Oh, okay, Ms. Leger?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: So she might be another
21 person who'd remember names?

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: Okay. So as I said to you,
24 over the time you worked with Mr. Seguin, there would have
25 been much more than simply having a cigarette with a client

1 that you were aware of; correct?

2 **MR. VAN DIEPEN:** What I'm referencing there
3 was that there -- on a number of occasions the police, the
4 Cornwall Police, would find gentlemen who didn't have a
5 place to stay and they'd drop them off at Ken Seguin's
6 house.

7 **MR. ENGELMANN:** Okay, there's no reference
8 to the Cornwall Police in this statement. I think it might
9 be somewhere else though.

10 **MR. VAN DIEPEN:** That's right.

11 **MR. ENGELMANN:** All right. And so who was
12 this from the Cornwall Police that would drop people off at
13 Ken Seguin's house?

14 **MR. VAN DIEPEN:** A number of officers.

15 **MR. ENGELMANN:** Do you have any names for
16 us?

17 **MR. VAN DIEPEN:** I don't recall.

18 **MR. ENGELMANN:** All right.

19 Let's move to another area. Let's talk
20 about the Project Truth website.

21 **MR. VAN DIEPEN:** Yes.

22 **MR. ENGELMANN:** When and how, sir, did you
23 become aware that your name was on a website known as
24 "Project Truth"?

25 **MR. VAN DIEPEN:** I became aware of it from

1 my wife. At some point, my daughter was at a -- who was a
2 teen at the time, was with her friends at one of her
3 friend's house -- another young female at the time -- and
4 had mentioned to my daughter that my -- that her father was
5 on the internet.

6 My daughter asked what this was all about
7 and this young female was her friend and I don't know who
8 that was, I couldn't -- brought her to the computer and
9 showed her this internet information.

10 The end result was that my daughter came
11 home that evening crying, unbeknownst to me, and was rather
12 distraught and told my wife about it and my wife spent
13 quite some time with my daughter reassuring her and said
14 that we would speak to -- she would speak to me at some
15 later point because she knew that I would be quite upset
16 about it.

17 And then, I don't recall exactly, but at a
18 later time, she told me, "You better sit down. I've got to
19 talk to you about something."

20 MR. ENGELMANN: This is your wife?

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: Yes. All right.

23 MR. VAN DIEPEN: And then she proceeded to
24 tell me about this website.

25 MR. ENGELMANN: All right. And you had not

1 seen it?

2 **MR. VAN DIEPEN:** I hadn't a clue that it
3 existed.

4 **MR. ENGELMANN:** Was it already down by that
5 point-in-time?

6 **MR. VAN DIEPEN:** No.

7 **MR. ENGELMANN:** Okay. And this would have
8 been in the summer of the year 2000?

9 **MR. VAN DIEPEN:** I think so, yes.

10 **MR. ENGELMANN:** We'll be showing you some
11 email correspondence.

12 **MR. VAN DIEPEN:** Right.

13 **MR. ENGELMANN:** And as an example of the
14 website, sir, and this would have been in the documents,
15 Exhibit 1074?

16 **MR. VAN DIEPEN:** I can remember that
17 website, yes.

18 **MR. ENGELMANN:** All right. I have an
19 excerpt from it here. That's all I have.

20 **MR. VAN DIEPEN:** Yeah.

21 **MR. ENGELMANN:** Well, when did you first see
22 it?

23 **MR. VAN DIEPEN:** After my wife told me and I
24 went to the internet and I had a look at it. I think at
25 that point I went somewhat postal.

1 **MR. ENGELMANN:** I'm sorry?

2 **MR. VAN DIEPEN:** At that point I went
3 somewhat postal.

4 **MR. ENGELMANN:** Okay. Can you tell us what
5 it was that was being alleged about you on the internet?

6 **MR. ENGELMANN:** Well, I was at these
7 pedophile parties. I had perjured myself. I had -- I had
8 a copy or I was -- I think I -- something to the effect
9 that I had a suicide note from Ken Seguin and I had
10 destroyed it and, I mean, it just went on and on.

11 There were affidavits and my name was in
12 amongst -- at that time, known or suspected pedophiles, and
13 it went on and on and on at length in no particular manner
14 or chronology, but my name kept coming up on this website
15 that I was part of this supposed clan.

16 **MR. ENGELMANN:** And was there an indication
17 on the website that you knew about what Mr. Seguin had been
18 doing and had done nothing about it?

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** That was one of the
21 allegations?

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** Okay. In fact, Exhibit 1074
24 refers to a this is an excerpt from it but there are a
25 number of people mentioned, and the reference to you, sir,

1 and this is -- by the way this is something that comes from
2 Mr. Downing who had a number of exhibits attached to a
3 report that he did, but on this one there is a reference to
4 you on the last page. This is the page that starts, "the
5 supporting cast."

6 **MR. VAN DIEPEN:** Yes.

7 **MR. ENGELMANN:**

8 "Except for a few
9 exceptions these men are all close
10 associates of Malcolm and Company."

11 **MR. VAN DIEPEN:** Yes.

12 **MR. ENGELMANN:**

13 "They knew each other, partied and
14 shared boys together. As a result,
15 many men reported in their statements,
16 they were multiply abused."

17 Right?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** So we've got that sentence
20 and much, much of this has been recanted by at least one of
21 the individuals who filed an affidavit on this website, or
22 had his affidavit filed on this website.

23 **MR. VAN DIEPEN:** I just want you to know
24 that I take great exception to this website, Your Honour,
25 and that I have made every effort to get this matter

1 addressed through my employer.

2 **MR. ENGELMANN:** We'll come to that, sir.

3 **MR. VAN DIEPEN:** Okay. I just -- I just
4 will not -- I will not stand -- sit here and accept any of
5 these accusations which are wholly unfounded and unjust and
6 have caused both myself and my family a great deal of
7 discomfort.

8 **MR. ENGELMANN:** All right. So we'll come to
9 your efforts. I just -- on this page, in this excerpt, the
10 only reference to you is at the bottom of this page. I
11 just want to take you to it. It says:

12 "Former Cornwall Detective Calvin Scott
13 is mentioned throughout the many
14 statements as one who enabled Ken
15 Seguin and who knew what was going on
16 but did nothing. So did Jos Van Diepen
17 know as he was Ken's co-worker and he
18 too did nothing."

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** All right. So the
21 allegation, at least in this excerpt, is that you knew that
22 Seguin was doing something inappropriate with probationers
23 but that you didn't do anything about it?

24 **MR. VAN DIEPEN:** That's correct.

25 **MR. ENGELMANN:** All right. And it's true

1 that you wouldn't have done anything about it, but you are
2 saying that you didn't know anything; that's what I
3 understand from your evidence today?

4 **MR. VAN DIEPEN:** My -- rephrase -- repeat
5 that question.

6 **MR. ENGELMANN:** What I'm saying to you, sir,
7 as I understand it from your evidence today you are saying
8 that you didn't know anything about it until the day he
9 died?

10 **MR. VAN DIEPEN:** Exactly.

11 **MR. ENGELMANN:** So clearly you didn't do
12 anything about it because you're saying you didn't know
13 anything about it?

14 **MR. VAN DIEPEN:** That's right.

15 **MR. ENGELMANN:** And what's being alleged in
16 this website is that you did know something and did
17 nothing?

18 **MR. VAN DIEPEN:** That's right.

19 **MR. ENGELMANN:** Correct?

20 **MR. VAN DIEPEN:** Yes.

21 **MR. ENGELMANN:** All right, and obviously
22 there are other portions of this excerpt -- of this website
23 that said other things about you that you take issue with?

24 **MR. VAN DIEPEN:** Exactly.

25 **MR. ENGELMANN:** And you've given us some

1 examples.

2 MR. VAN DIEPEN: Oh yes.

3 MR. ENGELMANN: So you're saying then the
4 first time you would have seen it was after you spoke to
5 your wife and you would have logged into something at home?

6 MR. VAN DIEPEN: Yes.

7 MR. ENGELMANN: And you would have seen
8 this?

9 MR. VAN DIEPEN: Yes.

10 MR. ENGELMANN: All right, so what did you
11 do then?

12 MR. VAN DIEPEN: I went to work and I spoke
13 to my -- immediately first thing in the morning went to my
14 manager and I said, "You know we have a little bit of a
15 problem here."

16 MR. ENGELMANN: And your manager at that
17 time, would that have been Mr. Legault?

18 MR. VAN DIEPEN: Exactly.

19 MR. ENGELMANN: All right. And just to try
20 and situate ourselves, you can have a look at Exhibit 1093,
21 sir.

22 MR. VAN DIEPEN: I don't have that.

23 MR. ENGELMANN: It would have been one of
24 the documents you would have been provided. Sorry, the
25 document is 100515; it's part of an e-mail exchange.

1 Mr. van Diepen, just to situate ourselves in
2 time, if you look at this -- of course you have to go to
3 the back before you go to the start. There is a briefing
4 note, it starts, "Deborah," it's on the second page.

5 **MR. VAN DIEPEN:** M'hm.

6 **MR. ENGELMANN:** This is from Mr. Legault to
7 Deborah Newman. It's dated Friday, August 11th and he's
8 saying:

9 "I returned from vacation on August 8th
10 and in the a.m. while I was discussing
11 with support staff Lise Bourgon and
12 Julie Ruest, Jos Van Diepen joined in
13 and informed me that he had learned
14 over the weekend of a website about
15 Project Truth that made references to
16 him but that he had not seen the
17 website which had since been shut
18 down."

19 **MR. VAN DIEPEN:** M'hm.

20 **MR. ENGELMANN:** So I just -- I don't know if
21 this refreshes your memory a bit about, or maybe this is
22 incorrect, Mr. Legault is saying, you come in, you've heard
23 about this over the weekend and you're coming to tell him
24 about it?

25 **MR. VAN DIEPEN:** Yes.

1 **MR. ENGELMANN:** Is it possible, sir, that
2 you hadn't looked at it before you went in to see your
3 manager?

4 **MR. VAN DIEPEN:** Oh no, I saw it.

5 **MR. ENGELMANN:** Do you know why he'd be
6 saying this?

7 **MR. VAN DIEPEN:** Don't know. It may have
8 been -- I think it may have been -- it may have been in
9 between the time that I spoke with him and the time and the
10 date of his memo that the website was shut down because it
11 speaks -- this thing is dated on Friday and this memo also
12 says that I spoke to him on the 8th, so that in the interim
13 that website may have been shut down.

14 **MR. ENGELMANN:** But if we look at the third
15 paragraph, he says:

16 "Sue and Vivian both reported having
17 seen the site but neither of them
18 printed its content and the site is now
19 closed."

20 So the site had been closed apparently at
21 this point.

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** He's writing on August 11th?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:**

1 "Others at the office are also aware of
2 the contents of this site, including
3 Sylvie Franche, Lise Bourgon and Julie
4 Ruest. Sue and Vivian were disturbed
5 by some of the allegations in the
6 Victims Statements on the website.
7 Some of these reportedly indicate that
8 Jos van Diepen was present at some of
9 the instances when some of the abuse
10 took place."

11 Obviously that was a concern to you.

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:**

14 "But there are no allegations that he
15 took part in any of the abuse.

16 "Jos was on vacation at the time that
17 this website was operational but he
18 came in briefly one day and was in his
19 office.

20 Vivian reports that the following day
21 when she opened her electronic case
22 notes, the name of the PO that appeared
23 on her case notes was Jos van Diepen.
24 She wonders if he accessed the site
25 using her name and password."

1 Et cetera. So might you have accessed the
2 site from the office, having come in one day from your
3 vacation?

4 **MR. VAN DIEPEN:** No.

5 **MR. ENGELMANN:** That doesn't ring a bell at
6 all?

7 **MR. VAN DIEPEN:** No. And you know this
8 thing about me accessing her case notes, these computers
9 are locked and if they don't lock them, they lock on their
10 own and unless I knew her password, her user ID and
11 password, there would be no way I'd be able to get into her
12 computer, and I have no way.

13 **MR. ENGELMANN:** I just want to try and
14 refresh your memory again about something. Look at the
15 next paragraph. Well, it's a couple down. Well, first of
16 all he talks about the mood around the office and he's
17 talking about staff:

18 "Their concern is not only and not
19 mainly over the fact that this is again
20 in the news but especially over the
21 fact that it raises doubts about the
22 credibility of Jos' claims that he
23 never knew anything about Ken Sequin's
24 sexual abuses."

25 **MR. VAN DIEPEN:** Exactly.

1 **MR. ENGELMANN:** So that's creating some
2 tension in the office?

3 **MR. VAN DIEPEN:** Yes.

4 **MR. ENGELMANN:** All right. Then it says in
5 the next paragraph:

6 "I talked to Jos on August 10th and he
7 told me that he had not seen the
8 website, nor read its content."

9 So he says that you speak to on August 8th
10 when he comes back from holidays, then two days later he
11 saying you speak to him again. And he says:

12 "He stated that he -- Jos -- that he
13 only learned of the website on the
14 weekend after it had been shut down.
15 He stated that he was upset to be the
16 subject of innuendos and unfounded
17 allegations and to be guilty by
18 association.

19 He also expressed concerns where he
20 stands with the Ministry since no one
21 from the Ministry has talked to him
22 yet.

23 He was aware of the allegations made on
24 the website, that he was present at
25 some of the places where the abuse

1 reportedly took place, but made no
2 comments, and I did not press the issue
3 since I had no knowledge of the
4 specific allegations made."

5 First of all at the beginning he appears to
6 be saying he meets with you a second time and again you're
7 saying you haven't seen this, nor read its content.

8 Are you sure, sir ---

9 **MR. VAN DIEPEN:** Oh, yes.

10 **MR. ENGELMANN:** --- that you saw it before
11 you met with him the first time?

12 **MR. VAN DIEPEN:** Yes, I saw that website
13 before it was shut down, yes.

14 **MR. ENGELMANN:** All right, and you were
15 expressing concerns, at least in the second meeting with
16 your boss, about what the Ministry -- where you stood, what
17 they were going to do for you?

18 **MR. VAN DIEPEN:** Yes.

19 **MR. ENGELMANN:** All right. And, sir, did he
20 offer you any support or advice at that time?

21 **MR. VAN DIEPEN:** No, I think he had been --
22 the whole matter kind of blindsided him.

23 **MR. ENGELMANN:** Did he not suggest to you
24 perhaps EAP or some form of counselling at that time?

25 **MR. VAN DIEPEN:** At that point, no.

1 **MR. ENGELMANN:** Okay, well a little later in
2 this memo begins on the next page after he talks about
3 discussions with staff, et cetera, in the second paragraph,
4 he says:

5 "I have asked Jos if there's something that we can do to
6 assist him at this time, EAP, et cetera but he declined. I
7 think that he would like to hear from you and get your
8 views on this situation."

9 Again, suggesting that he did offer to help, and he said
10 that's following up on the August 10th meeting. That
11 doesn't refresh your memory at all, sir?

12 **MR. VAN DIEPEN:** No, it doesn't.

13 **MR. ENGELMANN:** All right. Did you have a
14 plan of action as to what you wanted to do or what you
15 wanted the Ministry to do right from the get-go or is that
16 something that you developed over time?

17 **MR. VAN DIEPEN:** Well, I certainly wanted
18 the Ministry to do something about it.

19 **MR. ENGELMANN:** All right.

20 **MR. VAN DIEPEN:** And, you know, at that
21 point initially I certainly didn't have a strategy in how
22 to broach it but later, you know, I took steps and
23 measures.

24 **MR. ENGELMANN:** All right. Well, Exhibit
25 770; can we have a look at that? Document Number 100519;

1 this would have been -- there's a series of e-mails, Mr.
2 van Diepen that we put in a package that we sent to Mr.
3 Westdal.

4 It's my understanding, sir, that within a
5 couple of weeks of your -- around two weeks after you first
6 reported this to your manager on August 8th, you had an
7 interaction with a fellow by the name of Nadeau.

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** And as a consequence of that
10 interaction, you would have written up an incident report.

11 **MR. VAN DIEPEN:** There were two contacts;
12 yes.

13 **MR. ENGELMANN:** Right. And did you write up
14 an incident report about both?

15 **MR. VAN DIEPEN:** I believe so; yes.

16 **MR. ENGELMANN:** All right. So, I think this
17 is the first one. Let's take a look at it. Do you have
18 770?

19 **MR. VAN DIEPEN:** Yes.

20 **MR. ENGELMANN:** All right. On the back page
21 of it, there appears to be an incident report.

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** Is that your signature?

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** All right. And can you just

1 tell us, very briefly, what it was that happened?

2 MR. VAN DIEPEN: The phone rang; I picked up
3 the phone.

4 MR. ENGELMANN: Were you at work or at home?

5 MR. VAN DIEPEN: At work.

6 MR. ENGELMANN: All right.

7 MR. VAN DIEPEN: And this individual
8 identified himself as Dick Nadeau.

9 MR. ENGELMANN: All right.

10 MR. VAN DIEPEN: He claimed that he was a
11 private investigator working for some lawyer unnamed.

12 MR. ENGELMANN: Did he tell you that he was
13 a website operator.

14 MR. VAN DIEPEN: No. No.

15 MR. ENGELMANN: Did you know that at the
16 time?

17 MR. VAN DIEPEN: No, I didn't.

18 MR. ENGELMANN: All right. What was he
19 seeking from you?

20 MR. VAN DIEPEN: He was seeking information
21 from me about Ken Seguin.

22 MR. ENGELMANN: And what, if anything -- how
23 did you respond? What did you do?

24 MR. VAN DIEPEN: I told him that I was not
25 able to assist him because I was a Ministry employee. I

1 told him that any concerns in the matter that he was
2 raising with me would be reported to the Ministry and then
3 he said "Well, I need to get this information. How am I
4 going to get this information?" And I said "Well, the only
5 thing I can tell you is you should be approaching the
6 communications branch of the Ministry and if they're
7 unwilling to cooperate or provide you with the information,
8 then under the Freedom of Information but," I said, "I am
9 not allowed to provide you with any information."

10 **MR. ENGELMANN:** All right. So having just
11 had a quick look at this, sir, does that accurately
12 reflect, as you can remember, what happened?

13 **MR. VAN DIEPEN:** Yes.

14 **MR. ENGELMANN:** All right. And would have
15 written this up at the time and passed it directly on to
16 your supervisor?

17 **MR. VAN DIEPEN:** Yeah, well, there's a
18 number -- it goes through -- these incidents reports go
19 through a number of channels.

20 They go through my immediate supervisor, to
21 the region, to the communications branch, the special
22 investigations unit -- I forget what they're called but
23 they go -- it's a multi-fax. It goes to everybody that has
24 any kind of need to know.

25 **MR. ENGELMANN:** When is it that you were to

1 write up a report of this nature?

2 MR. VAN DIEPEN: When?

3 MR. ENGELMANN: Yes.

4 MR. VAN DIEPEN: As soon as possible.

5 MR. ENGELMANN: Sorry, under what
6 circumstances?

7 MR. VAN DIEPEN: Any -- there are a number
8 of different -- a number of different situations where
9 incident reports were required and this would be --
10 anything of a highly contentious nature such as this I deem
11 to be appropriate for an incident report.

12 Certainly, you know, something like is not
13 clearly spelled out in the guidelines but I certainly felt
14 it fell within those guidelines.

15 MR. ENGELMANN: All right. And it appears
16 that, if we look at next -- the front page of 770, Mr.
17 Legault is contacting Ms. Newman shortly thereafter. Is
18 that fair?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: And he's also reporting
21 about something else; another individual who's an alleged
22 victim of Mr. Seguin.

23 MR. VAN DIEPEN: Yes.

24 MR. ENGELMANN: All right. Now you have
25 some discussion with Mr. Legault about the whole incident

1 with Mr. Nadeau?

2 MR. VAN DIEPEN: Yes.

3 MR. ENGELMANN: And did he advise you to put
4 this in an incident report or had you already done that?

5 MR. VAN DIEPEN: I had already done that.

6 MR. ENGELMANN: All right. And, sir, if you
7 could take a look at Exhibit 772, then.

8 MR. VAN DIEPEN: Yes.

9 MR. ENGELMANN: And, second last page, there
10 appears to be another incident report or information
11 report. Is that the second report you're talking about?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: Okay. Can you just explain
14 to us then what happened after the first call?

15 MR. VAN DIEPEN: Yes. The -- if memory
16 serves me correctly, the individual -- Dick Nadeau was not
17 an individual that was known to me.

18 MR. ENGELMANN: Yes. You had never met him.

19 MR. VAN DIEPEN: I never met him and I don't
20 know if he at any point at any time was ever a former
21 client of our agency or whatever the association was. All
22 I knew is what he reported to me; that he was a private
23 investigator.

24 MR. ENGELMANN: By this time ---

25 MR. VAN DIEPEN: And in the interim this

1 website gets in my knowledge.

2 MR. ENGELMANN: Yes.

3 MR. VAN DIEPEN: Subsequent to my becoming
4 aware of this knowledge -- coming to my attention about the
5 website, this Mr. Nadeau apparently tried to reach me at my
6 residence. I had no idea how he knew where I lived but,
7 anyway, on the 2nd of September, which I think was a
8 Saturday ---

9 MR. ENGELMANN: All right.

10 MR. VAN DIEPEN: --- Mr. Nadeau came to my
11 residence and at that point I associated Nadeau with the
12 website.

13 MR. ENGELMANN: All right. You knew at that
14 point that he was associated with that website.

15 MR. VAN DIEPEN: Yes, and forwarding these -
16 - you know, making these allegations about me.

17 MR. ENGELMANN: All right. So you had an
18 encounter with him at your home on the 2nd?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: Can you describe that for
21 us?

22 MR. VAN DIEPEN: I saw this gentleman coming
23 up the driveway and my daughter, I believe, said "I think
24 that's the gentleman that was here earlier."

25 MR. ENGELMANN: Yeah.

1 **MR. VAN DIEPEN:** And I walked outside and I
2 asked him to identify himself and he said he was Dick
3 Nadeau and I told him in very -- that it would be a good
4 idea to leave at once.

5 **MR. ENGELMANN:** All right. And perhaps it
6 was in stronger terms than that.

7 **MR. VAN DIEPEN:** Oh yes.

8 **MR. ENGELMANN:** At that point in time had
9 the website been shut down?

10 **MR. VAN DIEPEN:** I don't -- you know this
11 website, you know, it was up, it was down, it was under a
12 different name, it was Project Truth 2 or something and,
13 you know, the chronology of that, I couldn't be able to
14 tell you that.

15 **MR. ENGELMANN:** All right and did you -- in
16 the course of your discussions, if it wasn't shut down, did
17 you ask him to shut it down or did you even talk?

18 **MR. VAN DIEPEN:** I didn't even talk, no.

19 **MR. ENGELMANN:** All right. Now --
20 Just be a moment, sir.

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

22 **(SHORT PAUSE/PAUSE COURTE)**

23 **MR. ENGELMANN:** Sir, if I could have you
24 take a look at -- I jumped over one and I apologize. If
25 you could take a look at Exhibit 773. I think the one that

1 we just looked at was the third incident report and this
2 one is the second one.

3 MR. VAN DIEPEN: Okay.

4 MR. ENGELMANN: If you could have a quick
5 look at it. I believe this is the one where you certainly
6 become aware of the connection between Dick Nadeau and the
7 website.

8 MR. VAN DIEPEN: M'hm.

9 MR. ENGELMANN: Correct? And you set out
10 some of the concerns you have about the website in this
11 incident report?

12 MR. VAN DIEPEN: Yes.

13 MR. ENGELMANN: Am I right?

14 MR. VAN DIEPEN: Yes.

15 MR. ENGELMANN: So, for example, the one
16 we've seen before as knowing things and not doing anything,
17 is there? It says:

18 "He even perjured himself in a
19 deposition."

20 That's an extra allegation. Do you see
21 that?

22 MR. VAN DIEPEN: Yes.

23 MR. ENGELMANN: You might have mentioned
24 that to me.

25 MR. VAN DIEPEN: Yes.

1 **MR. ENGELMANN:** Then it says that:

2 "I know about a reporter and had access
3 to a report prepared by Ken Seguin and
4 this is Ken advised that he was going
5 to draft a confession."

6 This is the allegation that you might have a confession or
7 something like that?

8 **MR. VAN DIEPEN:** Yes.

9 **MR. ENGELMANN:** And you mentioned that to
10 us.

11 And this is:

12 "Jos advised me at the funeral that Ken
13 had left a full report on his desk."

14 And I think that's an allegation that's
15 attributed to Ron Leroux?

16 **MR. VAN DIEPEN:** Yes.

17 **MR. ENGELMANN:** All right. And then it says
18 you're described as:

19 "A frequent visitor to Ken Seguin's
20 residence in the context of alleged sex
21 orgies."

22 You've written that, sir.

23 **MR. VAN DIEPEN:** Yes.

24 **MR. ENGELMANN:** And that presumably is
25 something that you would have seen on the website?

1 **MR. VAN DIEPEN:** Yes.

2 **MR. ENGELMANN:** And that you were at several
3 parties at Ken Seguin's house, Malcolm MacDonald's summer
4 residence and St. Andrew's Parish House?

5 **MR. VAN DIEPEN:** Yes.

6 **MR. ENGELMANN:** Now, you'd certainly been at
7 Ken Seguin's house and Malcolm MacDonald's summer
8 residence. Had you been at St. Andrew's Parish House, sir?

9 **MR. VAN DIEPEN:** No. Well, yes. Let me
10 reiterate. I was at the parish house when I got married.

11 **MR. ENGELMANN:** Yes.

12 **MR. VAN DIEPEN:** And that was with a
13 different priest altogether, of course, and it would have
14 been much earlier.

15 **MR. ENGELMANN:** This is before Father
16 Charles MacDonald is ---

17 **MR. VAN DIEPEN:** Oh, yeah. I believe there
18 was several priests that pre-date Father MacDonald.

19 **MR. ENGELMANN:** In any event, when you were
20 there, I think this allegation continues that there were
21 male prostitutes or others there. You've told us that when
22 you were there, there were no such people there?

23 **MR. VAN DIEPEN:** I was -- at Ken Seguin's or
24 the parish house?

25 **MR. ENGELMANN:** At Ken Seguin's, Malcolm

1 MacDonal'd's or the parish house?

2 MR. VAN DIEPEN: I was never at the parish
3 house.

4 MR. ENGELMANN: Fair enough.

5 MR. VAN DIEPEN: And I was certainly not at
6 any -- at any of these parties.

7 MR. ENGELMANN: All right. And you make
8 some -- you say:

9 "The reasons I seem to be drawing this
10 attention are..."

11 -- and this is your speculation; right?

12 MR. VAN DIEPEN: M'hm.

13 MR. ENGELMANN: "...I was a co-worker of
14 Ken Seguin."

15 MR. VAN DIEPEN: Yes.

16 MR. ENGELMANN: "I'm a male."

17 MR. VAN DIEPEN: Yes.

18 MR. ENGELMANN: "I'm the longest working
19 resident employed at the work site."

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN: "My role as a probation
22 officer compelled me to work with other perpetrators who
23 were in positions of authority."

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: And I assume you are

1 referring to former colleagues. Is that who you are
2 referring to?

3 MR. VAN DIEPEN: Yes.

4 MR. ENGELMANN: "My employer is being sued
5 and I'm viewed as integral in that
6 process."

7 MR. VAN DIEPEN: Yes.

8 MR. ENGELMANN: All right. Now, apparently
9 on August 28th, you went to see the local Crown Attorney?

10 MR. VAN DIEPEN: Yes.

11 MR. ENGELMANN: And would that have been
12 Murray MacDonald?

13 MR. VAN DIEPEN: I believe so, yes.

14 MR. ENGELMANN: He was some one who was
15 known to you?

16 MR. VAN DIEPEN: Yes.

17 MR. ENGELMANN: Yeah. And you asked him to
18 look into this?

19 MR. VAN DIEPEN: Yes.

20 MR. ENGELMANN: What did you want him to do?

21 MR. VAN DIEPEN: Well, I just said, you
22 know, basically I felt there was a criminal act being
23 committed here.

24 MR. ENGELMANN: Yes.

25 MR. VAN DIEPEN: And I felt that there

1 should be -- should be some police investigation, and that
2 I wished to make a formal complaint.

3 **MR. ENGELMANN:** What, if anything, did Mr.
4 MacDonald tell you that he could do, or his office?

5 **MR. VAN DIEPEN:** Well, he told me that -- he
6 was certainly sympathetic and he was aware of the situation
7 and he would follow-up, but he wasn't entirely sure what he
8 could do at that point.

9 **MR. ENGELMANN:** And you say:

10 "He also registered my complaint with
11 an investigator of OPP Project Truth."?

12 **MR. VAN DIEPEN:** Yes.

13 **MR. ENGELMANN:** Who was that?

14 **MR. VAN DIEPEN:** I don't recall.

15 **MR. ENGELMANN:** All right. But that would
16 have been a police officer?

17 **MR. VAN DIEPEN:** Oh, yes.

18 **MR. ENGELMANN:** And what were you hoping
19 that they would do?

20 **MR. VAN DIEPEN:** Well, their mandate, I
21 believe, was to seek clarification on the earlier
22 investigations and I certainly wanted to be -- wanted them
23 to get clarification.

24 **MR. ENGELMANN:** All right. Now, by this
25 point-in-time, in the year 2000, Father Charlie's case was

1 before the courts?

2 MR. VAN DIEPEN: Yeah. I'm not -- I'm not
3 sure of that chronology again.

4 MR. ENGELMANN: All right. Well, I'm going
5 to suggest to you it was. We ---

6 MR. VAN DIEPEN: Okay.

7 MR. ENGELMANN: --- we certainly have
8 documents to that effect.

9 Malcolm MacDonald had been charged but had
10 died?

11 MR. VAN DIEPEN: Yes, he died in '98,
12 somewhere in there. Anyway, yes.

13 MR. ENGELMANN: Most of the people in the
14 room know this from earlier in the week. December of '99?

15 MR. VAN DIEPEN: Ninety-nine ('99)? Yes.

16 MR. ENGELMANN: Yeah, and this was after
17 he'd been charged?

18 MR. VAN DIEPEN: Yes.

19 MR. ENGELMANN: Allegedly sexually
20 assaulting or abusing some individuals.

21 So there were still Project Truth matters
22 both before the courts and as far as you knew there was
23 some investigation going on by Project Truth?

24 MR. VAN DIEPEN: Yes.

25 MR. ENGELMANN: And that's why you went to

1 see them?

2 **MR. VAN DIEPEN:** Yes.

3 **MR. ENGELMANN:** All right. And we've looked
4 at the next tab which talks about further interaction, but
5 I want you to have a look at -- it's document number
6 100543.

7 I don't know if this -- I don't think this
8 is an exhibit. Mr. Commissioner, this is a series of
9 emails and it's a bit out of order but it starts with a
10 long email from Mr. van Diepen ---

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

12 **MR. ENGELMANN:** --- dated September 7th, 2000
13 to someone by the name of Anne, and I may be mis-
14 pronouncing it, McChesney, and Claude Legault.

15 **THE COMMISSIONER:** Exhibit 1177.

16 --- **EXHIBIT NO./PIÈCE NO. P-1177:**

17 (100543) Various email exchanges between
18 Deborah Newman, Paul Downing, Gary
19 Commeford, Jos van Diepen, Anne McChesney
20 and Claude Legault - September, 2000

21 **MR. VAN DIEPEN:** I would -- I would suggest
22 to you, Mr. Engelmann, that there is much more
23 communication on this matter than what you have before you
24 and that we have attempted to retrieve that information for
25 the purposes of providing more information and

1 clarification and that information has not been forthcoming
2 from the Ministry.

3 MR. ENGELMANN: Sorry, "we" being you
4 through your counsel?

5 MR. VAN DIEPEN: Yes.

6 MR. ENGELMANN: Okay. We have what we have.
7 It's -- as you can imagine, sir, we've asked the parties to
8 produce to us -- they are required to produce to us all
9 relevant or arguably relevant documentation.

10 MR. VAN DIEPEN: I'm suggesting to you
11 there's other documentation.

12 MR. ENGELMANN: All right. I know, sorry --

13 THE COMMISSIONER: Well, so ---

14 MR. ENGELMANN: I'll have a discussion with
15 counsel in about 12 minutes.

16 THE COMMISSIONER: Okay. And then we can --
17 when we reconvene on Monday we can have a chat about that.

18 MR. ENGELMANN: Yes.

19 THE COMMISSIONER: All right.

20 MR. VAN DIEPEN: I mean, I want you to
21 understand that I did -- I left no stone unturned in
22 pursuing this matter.

23 MR. ENGELMANN: These are the issues
24 involving the website.

25 MR. VAN DIEPEN: Exactly. Well, not only

1 just the website but any of the nuances associated with me.

2 MR. ENGELMANN: All right. Okay, well, the
3 document we just entered as Exhibit 1177 and it was, I
4 believe, in the materials from Mr. Downing.

5 There's a lengthy email from you and you'll
6 see it at the bottom of the second page, through the third
7 and fourth pages?

8 MR. VAN DIEPEN: M'hm.

9 MR. ENGELMANN: And this is an email you
10 would be writing on September 7th?

11 MR. VAN DIEPEN: M'hm.

12 MR. ENGELMANN: Right, so it's just after
13 Labour Day, the year 2000, and can you give us a sense,
14 sir, of what it is you are asking for at this point-in-
15 time?

16 MR. VAN DIEPEN: Well, my understanding was
17 that there were a number of individuals who were in -- in a
18 -- I wasn't unique in the -- being placed in this limelight
19 -- I'm on it, limelight, and unfairly so, and that there
20 were other individuals had -- there were processes in place
21 and there were none -- nothing was being done on my behalf.

22 MR. ENGELMANN: Other individuals within the
23 Ministry or other individuals ---

24 MR. VAN DIEPEN: No, as ---

25 MR. ENGELMANN: --- as in other

1 institutions?

2 MR. VAN DIEPEN: I was -- as I saw it, I was
3 the only one within the Ministry of Correctional Services
4 who was in this situation.

5 MR. ENGELMANN: And you say there were
6 others in other Ministries or other institutions?

7 MR. VAN DIEPEN: Others in the community.

8 MR. ENGELMANN: All right. And if I -- just
9 make sure I capture this correctly, you thought your
10 employer was not doing as much for you as other employers
11 or organizations were doing for their officials?

12 MR. VAN DIEPEN: Well, the Ministry was
13 doing nothing.

14 MR. ENGELMANN: All right. Is that the
15 concern that you don't feel you're being treated as fairly
16 by your employer as others are being treated by theirs?

17 MR. VAN DIEPEN: Well, I -- that's one part
18 of it. Yes.

19 MR. ENGELMANN: Okay. Well, tell me the
20 rest.

21 MR. VAN DIEPEN: Well, the rest is that I
22 felt that this was a situation that arose because of my
23 employment.

24 MR. ENGELMANN: Right.

25 MR. VAN DIEPEN: And I felt that I had -- I

1 had always acted in -- properly and in accordance with the
2 mandate of the Ministry; I had not done anything wrong.
3 And that the Ministry had a -- both a legal and a moral
4 obligation to protect my interests.

5 **MR. ENGELMANN:** And how was it that you
6 wanted them to do that? What did you want them to do for
7 you?

8 **MR. VAN DIEPEN:** Well, I felt that one of
9 the things that they should be doing is that they should be
10 taking some form of legal action.

11 **MR. ENGELMANN:** All right. Now how the web
12 site -- and again, maybe you can't answer this, but had the
13 website been taken down by that ---

14 **MR. VAN DIEPEN:** I don't think -- I don't
15 remember.

16 **MR. ENGELMANN:** Because there was legal
17 action taken against this website.

18 **MR. VAN DIEPEN:** But not on behalf -- not on
19 my behalf.

20 **MR. ENGELMANN:** All right. But if it's
21 taken and the website goes down, the website goes down.
22 Right? Fair enough?

23 **MR. VAN DIEPEN:** Well, I don't know if -- at
24 that point on the 7th of December was the website down? I
25 have no -- I can't clarify that for you.

1 **MR. ENGELMANN:** All right. What else did
2 you expect them to do aside from make the website go down
3 if it wasn't down?

4 **MR. VAN DIEPEN:** Well, I expected them to
5 make some efforts to clear my name.

6 **MR. ENGELMANN:** And if I understand the gist
7 of some of this, you want them to provide you with your own
8 lawyer?

9 **MR. VAN DIEPEN:** No.

10 **MR. ENGELMANN:** No?

11 **MR. VAN DIEPEN:** No, I wanted them to -- I
12 wanted the Ministry to -- I didn't need my own --
13 necessarily need my own lawyer, I needed somebody to take
14 some -- a lawyer from the Ministry or provide it through
15 the Ministry to take some action in these matters.

16 **MR. ENGELMANN:** All right. Well, one of the
17 things you are expressing a concern about is the fact that
18 the Ministry is sending someone, and at that point I think
19 you thought it was from SIU ---

20 **MR. VAN DIEPEN:** M'hm.

21 **MR. ENGELMANN:** --- to investigate you.

22 **MR. VAN DIEPEN:** Yes.

23 **MR. ENGELMANN:** All right.

24 **MR. VAN DIEPEN:** Yes.

25 **MR. ENGELMANN:** And they did send someone.

1 MR. VAN DIEPEN: Yes.

2 MR. ENGELMANN: But it wasn't someone from
3 SIU. Correct?

4 MR. VAN DIEPEN: Well, you know -- they
5 change the -- the same role, different --

6 MR. ENGELMANN: It was still a concern.

7 MR. VAN DIEPEN: Different name badges but
8 same role.

9 MR. ENGELMANN: So you had some concerns
10 about the Ministry sending someone to investigate you and
11 your involvement? Is that fair?

12 MR. VAN DIEPEN: Yes, I was -- I was -- my
13 concern was that they were responding not with my interests
14 but with their interests at heart.

15 MR. ENGELMANN: I'm just looking at your e-
16 mail and that seems to be the gist of the first paragraph.
17 In the middle of the page you say:

18 "This has created just a few problems
19 for me."

20 MR. VAN DIEPEN: Yes.

21 MR. ENGELMANN:

22 "First of all the Ministry is sending
23 someone from SIU to investigate me and
24 contact the taskforce."

25 Et cetera.

1 MR. VAN DIEPEN: M'hm.

2 MR. ENGELMANN: And then in the next
3 paragraph you say:

4 "The second issue has to do with..."
5 I believe there's a word missing there:
6 "...what can be described as both a
7 perceptual and ethical obligation on
8 the part of the Ministry. I've
9 complained to the local Crown about the
10 signing of my name -- slandering of my
11 name, that it must violate some
12 criminal statute."

13 Et cetera.

14 MR. VAN DIEPEN: M'hm.

15 MR. ENGELMANN: So you're expressing concern
16 about the fact that you're being investigated, firstly?

17 MR. VAN DIEPEN: M'hm.

18 MR. ENGELMANN: And secondly that no one is
19 taking some action on your behalf because of what you
20 believe to be slander.

21 MR. VAN DIEPEN: Yes.

22 MR. ENGELMANN: All right.

23 MR. VAN DIEPEN: I'd also approached a
24 lawyer on my own.

25 MR. ENGELMANN: Yes.

1 **MR. VAN DIEPEN:** And I explained my
2 situation and the lawyer advised me that it would -- just
3 to initiate some form of action in a form of a -- which she
4 described as a lawsuit, would require considerable
5 thousands of dollars. I think he wanted a -- he suggested
6 a retainer of \$30,000 just to get the ball rolling.

7 **MR. ENGELMANN:** And that was something that
8 was not possible for you at that time?

9 **MR. VAN DIEPEN:** No, I was -- was not in a
10 position to do anything close to that.

11 **MR. ENGELMANN:** All right.

12 **THE COMMISSIONER:** So Mr. Engelmann, if you
13 could pick a spot there and we can ---

14 **MR. ENGELMANN:** Well, maybe this would be a
15 good time.

16 So Mr. van Diepen, I will be having a
17 discussion with your counsel and counsel for the Ministry
18 about some other documents.

19 **MR. VAN DIEPEN:** M'hm.

20 **MR. ENGELMANN:** You've advised your lawyer
21 of the types of documents that you expect we would be able
22 to find.

23 **MR. VAN DIEPEN:** And I've also advised the
24 Ministry counsel of the documents.

25 **MR. ENGELMANN:** All right. And you realize

1 of course, sir, that one of the things we can not do in
2 this hearing is rely on anything that might be covered by
3 privilege, or solicitor/client privilege.

4 **MR. VAN DIEPEN:** I have -- I have a copy of
5 a memorandum from the Ministry's solicitor.

6 **MR. ENGELMANN:** Okay.

7 **THE COMMISSIONER:** Okay, okay, just hold on
8 a second.

9 **MR. ROULEAU:** There's an issue here, Mr.
10 Commissioner, of solicitor/client privilege. There was a
11 legal opinion that was provided to the Ministry from the
12 Crown and we're touching on the subject at this moment, so
13 -- and there was a claim made under Rule 31A, a long time
14 ago, and at the beginning of the Inquiry, so ---

15 **THE COMMISSIONER:** All that, and much, much
16 more will be discussed thoroughly on Monday morning at
17 9:30. All right?

18 **MR. VAN DIEPEN:** Thank you, Your Honour.

19 **MR. ENGELMANN:** Thank you.

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

22 **THE REGISTRAR:** This hearing is adjourned
23 until January 21st at 9:30 a.m.

24 --- Upon adjourning at 1:24 p.m./

25 L'audience est ajournee à 13h24

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM