

**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 67

Held at :

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

Thursday, November 9, 2006

Tenue à:

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

Jeudi, le 9 novembre 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Suzanne Costom	
Ms. Diane Lahaie	
Dect.Staff Sgt. Colin Groskopf	
Mr. Joe Neuberger	Ontario Ministry of Community
M ^e Claude Rouleau	and Correctional Services and
Mr. Mike Lawless	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
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. James Foord	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Nicola Simmons	Upper Canada District School Board
Mr. Ben Mills	Canadian Broadcasting Corporation

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

2 L'audience débute à 9h04

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

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

8 Please be seated. Veuillez vous asseoir.

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

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

12 **MR. ROY:** Good morning.

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

15 **MR. ROY:** Pretty good.

16 **THE COMMISSIONER:** All right.

17 You understand you're still under oath?

18 **MR. ROY:** Yes.

19 **THE COMMISSIONER:** Thank you.

20 Maître Dumais.

21 **ALBERT ROY, Resumed/Sous le même serment:**

22 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.
23 DUMAIS:

24 **MR. DUMAIS:** All right.

25 Albert, we had just left off yesterday at

1 the end of the day looking at the transcript of the
2 sentence hearing, and there's just one last matter I wanted
3 to touch on, and we can find that at page 73, Bates page
4 number 1075751, and that's doc number 116129. This is a
5 comment that is made by the judge in his Reasons for
6 Judgment, and I'm going to read off to you -- it's the
7 fourth line from the top. It starts with "Mr. Barque":

8 "Mr. Barque violated the bodily
9 integrity, more importantly, trust and
10 affection, if not love that a young
11 individual was demonstrating towards a
12 male father figure. A great number of
13 expressions come to mind, but basically
14 the young man who had committed a
15 criminal offence was subject to a
16 period of probation, quite possibly for
17 the first time in his life was
18 receiving the consideration, the care,
19 the affection, the endearment of a
20 father figure, and that had been built
21 up. I cannot and do not find that all
22 of that was undertaken in order,
23 ultimately, to abuse the complainant."

24 So Albert, my understanding is you had some
25 difficulty with that finding. Is that correct?

1 **MR. ROY:** Yes, because I don't think this
2 just happened. I think Nelson orchestrated this. It
3 wasn't an accident.

4 **MR. DUMAIS:** You don't think proper
5 consideration was given to that?

6 **MR. ROY:** No. I don't think the judge
7 understood how they operate, and it goes back to the matter
8 of it wasn't one night. I testified that it was a series
9 of events. There was the giving of the alcohol, taking me
10 out to the power dam and the touching and things that he
11 did in the office.

12 An example to show that he orchestrated it
13 is that I had a girlfriend at the time and he made me break
14 up with her from his office. I called her from his phone
15 with him right there and he made me break up with her.

16 As an adult, I realize it was his way of
17 keeping me alone, keeping me so I don't have a circle of
18 people around me, easier to manipulate.

19 **MR. DUMAIS:** And that fact was not part of
20 the record on the sentencing, correct?

21 **MR. ROY:** Correct.

22 **MR. DUMAIS:** What about in the preparation
23 of the pre-sentence report, Albert, were you asked to make
24 any comments with respect to sentencing?

25 **MR. ROY:** No.

1 **MR. DUMAIS:** So as far as you remember, you
2 were not contacted in the preparation of the report?

3 **MR. ROY:** No. Like, nobody came and told me
4 like what would be important to say or what the judge
5 needed to know. I basically got up there and just told
6 what I could and hoped that that would be enough.

7 **MR. DUMAIS:** All right.

8 I'm just going to show something to you,
9 Albert, and I'm making reference to doc number 115918, and
10 I'm looking at Bates page number 1075161.

11 **THE REGISTRAR:** Can you repeat the page
12 number?

13 **MR. DUMAIS:** Page 1075161.

14 **THE COMMISSIONER:** It's the Pre-Sentence
15 Report, page 3.

16 **MR. DUMAIS:** So I'm just looking at the top
17 of the page, Albert, "Sources of information". I believe
18 Ms. Nicole Barbeau, who prepared the Pre-Sentence Report,
19 listed her sources of information to prepare this report.
20 I'm just going down the list here. I'm looking at number
21 four, and you're listed, "Albert Roy, the victim".

22 **MR. ROY:** I see it here on the screen.

23 **MR. DUMAIS:** But you still don't remember
24 speaking to this Nicole Barbeau from Probations Office?

25 **MR. ROY:** After thinking about it for a

1 while, yes, I do remember talking to her.

2 **MR. DUMAIS:** You think you spoke to her?

3 **MR. ROY:** Yes. Yes, I did speak to her
4 because now I remember going into a room with Heidi and
5 another lady, and I believe that lady was this lady.

6 **MR. DUMAIS:** All right.

7 And where ---

8 **MR. ROY:** I don't remember her name.

9 **MR. DUMAIS:** And where did you think that
10 this happened?

11 **MR. ROY:** I don't remember. I can remember
12 that Heidi was there though.

13 **MR. DUMAIS:** And do you remember what you
14 discussed?

15 **MR. ROY:** No.

16 **THE COMMISSIONER:** Maybe we could go to page
17 8 of the Pre-Sentence Report, the third paragraph. Mr.
18 Roy, she says there that:

19 "In discussion with the victim of the
20 present offence, he indicates [that's
21 you] that he's concerned with the risk
22 the subject poses in the community at
23 present and feels that at the time of
24 the offence, he was preyed upon,
25 manipulated and controlled by the

1 subject's abusive power. He also feels
2 there occurred a breach of his trust
3 and a fundamental disrespect for his
4 integrity. Mr. Roy maintained that the
5 offence has had devastating effects on
6 his development as a youth and an adult
7 and continues to affect his ability to
8 function in society."

9 Does that help you remember at all?

10 **MR. ROY:** It sounds like something I would
11 have said, but I don't remember the interview with her.

12 **THE COMMISSIONER:** All right.

13 **MR. DUMAIS:** And you can't tell us either
14 whether the interview occurred at Constable Sebalj's office
15 or ---

16 **MR. ROY:** I know it wasn't in her office,
17 but it might have been in another office inside the police
18 station. I just know that Heidi brought me to a different
19 room to see this lady and she stayed there while I talked
20 to her.

21 **MR. DUMAIS:** All right.

22 If you can just then have a look at page 6
23 of the Pre-Sentence Report, Albert? I'm looking at the
24 second paragraph.

25 So we discussed yesterday whether or not the

1 judge would consider a phrase at page 4 of the report,
2 whether or not he would consider the fact that there had
3 been similar incidents to the one before the Court, and the
4 final decision was that the judge would not take that into
5 consideration.

6 But as far as I can tell, he did keep this
7 paragraph in consideration. There were no discussions with
8 respect to it. I'm just going to read it to you:

9 "Following this, he obtained employment
10 with the Ministry of Correctional
11 Services as a probation and parole
12 officer until 1982, when he resigned
13 prior to the conclusion of the
14 investigation for unprofessional
15 conduct in which it had been
16 established that he supplied alcoholic
17 beverages to two youth probationers and
18 was homosexually involved with two
19 youth probationers under his
20 supervision. His supervisor at that
21 time, Peter Sirrs, described Mr. Barque
22 as having presented as a committed and
23 hardworking employee. He did not
24 present as most intellectually
25 experienced, but very willing,

1 reliable, friendly and responsive to
2 direction. There had been no
3 significant concerns brought to his
4 attention until the complaint of the
5 unprofessional conduct."

6 If we deal firstly with the 1982 incident,
7 had you at that time heard about this incident? By that I
8 mean in 1982. Did you know that he had resigned in 1982 or
9 that there had been any allegations?

10 **MR. ROY:** I don't think I can recall.

11 **MR. DUMAIS:** I know, Albert, that at one
12 point ---

13 **MR. ROY:** I knew he wasn't working for the
14 Probation Department. That, for sure I knew.

15 **MR. DUMAIS:** And do you think you were still
16 living in Cornwall in 1982? I know that you had left for
17 out West.

18 **MR. ROY:** I came back in April of '81.

19 **MR. DUMAIS:** Which means you would have been
20 here in 1982?

21 **MR. ROY:** Yes.

22 **MR. DUMAIS:** All right.

23 But certainly you were not contacted by
24 anyone during that period of time on this issue?

25 **MR. ROY:** Never. And that's the problem. I

1 mean, by allowing him just to resign and then dropping the
2 matter, I mean, no one came to see if I had problems
3 whenever I was on probation with him, and then the period
4 would have been shorter maybe that I would have received
5 help.

6 **MR. DUMAIS:** Robert, we touched a bit on
7 this yesterday, but can you explain to us what was the
8 setup of the office at that time?

9 **THE COMMISSIONER:** Where was the office?

10 **MR. ROY:** The office for the Probation
11 Department was upstairs on the fourth floor, right where
12 the courtroom is, inside the police building on Pitt
13 Street.

14 **THE COMMISSIONER:** Okay.

15 **MR. ROY:** So the police building, the court
16 and the Probation Office was all in one building.

17 **MR. DUMAIS:** What about the Probation Office
18 itself?

19 **MR. ROY:** The probation office was off to
20 the side of the courtroom, and if you walked in, there was
21 three probation offices down a hallway this way and they
22 had a wooden bench where you sat and waited to go inside to
23 see whoever you were going to see, and Ken's office was the
24 first one. There was a probation officer in the middle one
25 -- I can't remember his name -- and then Nelson's office

1 was at the end. And beside Ken's office, there was a
2 secretary's desk and then off on that side, there was some
3 more offices which I believe I was told was other probation
4 officers that handled youth, like young offenders.

5 **MR. DUMAIS:** How busy was that office? When
6 you would walk in there, was there a lot hustle and bustle
7 or ---

8 **MR. ROY:** Oh yes, there was, you know,
9 police coming in and out, lawyers, you know, the office
10 people themselves, the other probation officers and during
11 court, like it was like really busy in there and, you know,
12 the whole -- when you came off the elevators you had to
13 walk through the lobby where people were all -- the
14 lawyers and the people were all waiting to go into court.
15 And, you know, there was police officers up there, lawyers,
16 clients, that sort of thing.

17 **MR. DUMAIS:** And were you ever asked to
18 report after hours?

19 **MR. ROY:** Yes, many times.

20 **MR. DUMAIS:** And who would have been in the
21 office after hours?

22 **MR. ROY:** Usually there was nobody except
23 Ken or Nelson, whichever one of them I was seeing at the
24 time.

25 **MR. DUMAIS:** Did anyone ever show up and

1 mention anything about the fact that you were coming in at
2 these times?

3 **MR. ROY:** There was one time that stands out
4 because Ken had got angry at me because I was sitting on
5 the bench waiting to go into the office and the probation
6 officer that's in the middle office came out and he looked
7 at me and it was late enough. I believe it was either 6:30
8 or 7:30 at night and he asked what I was doing here and I
9 said "I am here to see Ken". And he just stood there and
10 looked at me for a bit and then he went inside the office.
11 I didn't hear what he said to Ken. All I know is that when
12 I came back -- when I went in the office, Ken was all angry
13 at me and he asked me what did I say and I better watch
14 what I'm doing, and I kept telling Ken "I didn't do
15 anything. I didn't say anything to the guy".

16 So because of the way Ken reacted to me, I
17 believe this probation officer said something to Ken.

18 **MR. DUMAIS:** Do you know for a fact whether
19 this was a probation officer?

20 **MR. ROY:** I guess that is an assumption on
21 my part. I mean, I'd seen him in the office many times
22 before in that middle office. I guess I assumed he is a
23 probation officer.

24 **MR. DUMAIS:** And you gave us a description
25 yesterday of a probation officer. Would that be the same

1 person?

2 MR. ROY: I don't remember giving you a
3 description yesterday. Anyways, he's really tall. Again,
4 I am sitting down and I'm a kid at the time. To me, he was
5 tall. He had dark hair. He had either a small beard or a
6 goatee and he was slim.

7 MR. DUMAIS: All right.

8 I think that's the same description you gave
9 us yesterday again.

10 MR. ROY: I just don't remember.

11 MR. DUMAIS: I'm looking at the Pre-Sentence
12 Report. I'm looking at Bates page number 1075165, page 7 of
13 the report.

14 MR. ROY: All right.

15 MR. DUMAIS: A probation officer, Ms.
16 Barbeau, indicates what the interest of Mr. Barque are, and
17 we see here that he would have been involved with Scouts
18 Canada. He would have been involved with Chevaliers de
19 Colomb which is Knights of Columbus. He would have been
20 involved with the Franco-Ontarian Society of History and
21 Genealogy and, as well, he is currently employed at the
22 Christ-Roi Parish.

23 Did you ever have any involvement with any
24 of these organizations? Did you ever participate in any
25 activities or go there or did Barque bring you there?

1 **MR. ROY:** I'm just trying to find the thing.

2 **MR. DUMAIS:** I am sorry.

3 **THE COMMISSIONER:** Have you found it?

4 **MR. ROY:** No.

5 **THE COMMISSIONER:** Okay. We're looking at
6 this Pre-Sentence Report. All right. So if you want to
7 follow on the paper copy, it's the Pre-Sentence Report and
8 it's on page 7, Present Situation ---

9 **MR. ROY:** That's why ---

10 **THE COMMISSIONER:** Yes, you're looking at a
11 transcript ---

12 **MR. ROY:** I'm looking at the sentencing
13 hearing.

14 **THE COMMISSIONER:** Okay. So page 7 of the
15 Pre-Sentence Report. So if you look in the middle
16 paragraph ---

17 **MR. ROY:** Okay.

18 **THE COMMISSIONER:** --- middle paragraph, it
19 says that Mr. Barque was actively involved in Scouts
20 Canada. So did he ever take you to the Scouts Canada
21 building or a function?

22 **MR. ROY:** No.

23 **THE COMMISSIONER:** Did he ever take you to
24 the Knights of Columbus function or their building or
25 anything like that? Did you ever meet any Knights of

1 Columbus members ---

2 MR. ROY: No.

3 THE COMMISSIONER: --- through Mr. Barque?

4 MR. ROY: No. Nelson would never take me
5 around people. It was always somewhere ---

6 THE COMMISSIONER: Okay. All right.

7 MR. DUMAIS: And there is also mention in
8 one of the investigator's notes, Nelson (sic), that the
9 Children's Aid Society would have been advised.

10 Were you ever contacted by them, or did you
11 ever have any conversation with any social worker from
12 there regarding these issues?

13 MR. ROY: No, I didn't.

14 MR. DUMAIS: All right.

15 Constable Perry Dunlop did have some
16 dealings with some of these victims. Did you have any
17 dealings with him?

18 MR. ROY: Yes, I did.

19 MR. DUMAIS: All right.

20 Tell us about that.

21 MR. ROY: Well, after Nelson was convicted,
22 there was a news program that had interviewed me and I told
23 them that one of the reasons I had come forward is because
24 I wanted to tell Perry that he wasn't wrong. I felt bad
25 for Perry because I thought that maybe he would be feeling

1 bad that Ken committed suicide over this and then I just
2 wanted him to know he wasn't wrong. That was one of the
3 reasons I came forward. It's one of the reasons I told
4 Heidi Sebalj I came forward.

5 **MR. DUMAIS:** All right.

6 Did Constable Dunlop have any dealings with
7 the investigation of your allegation?

8 **MR. ROY:** No.

9 **MR. DUMAIS:** And was your first contact with
10 him after Mr. Barque had been convicted and sentenced?

11 **MR. ROY:** I believe so. The way I remember
12 it, it was. I knew Perry from school. We used to live in
13 the same neighborhood and we used to walk to school
14 sometimes. And the last contact that I had with Perry, in
15 fact, he gave me a ticket. I pulled out of my driveway and
16 cut somebody off and he gave me a ticket for failing to
17 yield. And I mean, we were friendly. It wasn't a
18 confrontational thing or anything, but that was Perry; he
19 was doing his job.

20 **MR. DUMAIS:** And would you have met with him
21 on more than one occasion?

22 **MR. ROY:** Yes.

23 **MR. DUMAIS:** Were there any discussions
24 about you making a statement, providing him with a
25 statement? Do you recall that, giving him a statement?

1 **MR. ROY:** No, Perry never asked me to -- he
2 never asked me to -- obviously, we talked about things, but
3 he never asked me to, like, go into details and events and
4 stuff. The only problem with that is that some of that is
5 hazy for me because I was going through a bad time at the
6 time and a bit of that time period is a little bit ---

7 **THE COMMISSIONER:** Fuzzy?

8 **MR. ROY:** Yes.

9 **MR. DUMAIS:** What about your involvement in
10 helping with a civil law suit, any request ever made from
11 you, for you?

12 **MR. ROY:** To help Perry ---

13 **MR. DUMAIS:** Yes.

14 **MR. ROY:** --- with his lawsuit? I want to
15 answer this question, like, right because the civil suit
16 during that period was kind of mingled because of the fact
17 that Perry is the one that introduced me to Don Johnson who
18 was my lawyer for the civil suit.

19 And I believe at that time he was also
20 Perry's lawyer for the civil suit. So it's a little -- I
21 can't remember if my lawyer asked me permission to take
22 information I gave him to use for Perry.

23 **MR. DUMAIS:** All right.

24 You mentioned the name of Don Johnson as
25 your lawyer ---

1 **MR. ROY:** Not Don Johnson, was it?

2 **MR. DUMAIS:** Was it John Morris?

3 **MR. ROY:** John Morris, that's right.

4 **MR. DUMAIS:** And you think that Mr. Morris
5 was acting for Perry Dunlop as well?

6 **MR. ROY:** Yes, he was, I know he was.

7 **MR. DUMAIS:** Okay. Did you ever have any
8 discussion with Constable Sebalj about Constable Dunlop?

9 **MR. ROY:** During that time, I had no idea
10 what was going on. I didn't know anything about the
11 problems Perry was having with releasing some documents and
12 I didn't know Heidi Sebalj's involvement. I didn't know
13 any of that. I had no clue at all about it. And I kept
14 telling her that, you know, "I want to tell Perry that he
15 wasn't wrong" and when she was interviewing me the first
16 two weeks or so, she kept saying that, you know, "I'll make
17 sure you're able to meet him and tell him that". I can't
18 remember exactly when but a few weeks into her handling my
19 case, I had mentioned it again and she told me to shut up,
20 "I don't want to hear Perry's name." She says, "I don't
21 want to hear nothing about it." She says, "He has nothing
22 to do with this" and she got angry at me and I felt like I
23 had done something wrong. I didn't -- even to this day, I
24 really don't know what involvement between Perry and her
25 had to do with me and I didn't understand her anger at me

1 and that's why I felt I had done something wrong. I think
2 the other day I had said that Heidi always treated me good
3 and fairly except for the one incident and that's the one
4 incident.

5 **MR. DUMAIS:** Was that the last time you ever
6 discussed this matter with her?

7 **MR. ROY:** Oh yes, yes.

8 **MR. DUMAIS:** Now, at one time you were
9 interviewed by Detective Constable Séguin. Do you recall
10 that?

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

12 **MR. DUMAIS:** I'm just going to ask that you
13 look at document number 703186.

14 **THE COMMISSIONER:** Which is a letter? Has
15 it been filed as an exhibit yet?

16 **MR. DUMAIS:** It has.

17 **MR. ROY:** Which is that? I don't think I
18 have that.

19 **THE COMMISSIONER:** Exhibit 116?

20 **MR. DUMAIS:** It's 703186 which would be
21 Exhibit P-116.

22 **MR. ROY:** Sorry, I was being impatient.

23 **THE REGISTRAR:** That's okay.

24 **MR. DUMAIS:** Now, this detective was
25 involved in what's commonly referred to as the Project

1 Truth investigation. How did -- who contacted you from
2 Project Truth?

3 **MR. ROY:** His partner contacted me but I
4 don't remember his partner's name and then -- I can't
5 remember if him and his partner showed up at our house or
6 it was just him.

7 **MR. DUMAIS:** What did he ask of you or what
8 did he tell you he wanted to talk about?

9 **MR. ROY:** He wanted me to confirm the report
10 or I think it was the notes that Heidi Sebalj made. He
11 wanted me just to confirm it, that that's the events that
12 happened, but he kept asking about this Mark guy and then
13 he referred to "You said you met him" and I said, "That's
14 not what I said." I told him, "I said I thought I might
15 have met him. I met this guy. I think his name was Mark.
16 He was in his twenties." I said, "I never said I met him"
17 and he says, "Well, that's what it says in the report." I
18 said, "Well, you've got to change that because that's not
19 what I said." And he said, "Well, to change it, we'd have
20 to have a judge do it and all that and it would cause too
21 many problems" and he says, "We'll just leave it at that."
22 And then I believe he got me to sign this and that was it.
23 He was only in my house for about five minutes.

24 **MR. DUMAIS:** All right. But in that report
25 you're referring to, is that the statement that you gave

1 Constable McDonell?

2 **THE COMMISSIONER:** Can we show it to him?

3 **MR. ROY:** The thing is even if you show it
4 to me I don't remember what report he was talking about. I
5 really don't; if it was Heidi's, Zebruck's.

6 **THE COMMISSIONER:** Well, if we look at
7 Exhibit 116, the question was:

8 "You were interviewed approximately
9 three years by Chris McDonell of the
10 OPP and Heidi Sebalj of the Cornwall
11 Police Service. Is there anything at
12 this point that you could add that you
13 feel may assist our investigation?"

14 And then you answered:

15 "I was also interviewed by Bill
16 Zebruck. He was working with Heidi. I
17 don't think there's anything more that
18 I said before that I could add
19 different from the statement I already
20 gave."

21 **MR. ROY:** Like, are you asking me where that
22 part was about Mark?

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

24 **MR. ROY:** Are you asking me where that part
25 was about Mark?

1 **MR. DUMAIS:** Well, we went through that
2 yesterday. It was mentioned in the statement that you gave
3 to Constable McDonell and I take it that Detective
4 Constable Séguin was trying to confirm what you had
5 previously said to either of those two officers.

6 Do you recall that when you're looking at
7 the statement?

8 **MR. ROY:** I don't remember him telling me
9 where he got the information about Mark, like who, which
10 statement it was or ---

11 **MR. DUMAIS:** So you don't remember whether
12 or not he had showed you any previous statement that you
13 had made?

14 **MR. ROY:** I can't recall.

15 **MR. DUMAIS:** Clearly from this statement it
16 appears that you simply confirm your previous statements;
17 fair?

18 **MR. ROY:** Yes.

19 **MR. DUMAIS:** Now, we had a discussion
20 yesterday as to what the Crown attorney had requested as a
21 sentence and what the defence counsel was requesting and,
22 finally, what the decision was.

23 Was there ever any issue after the
24 sentencing was done on that day to appeal this sentence or
25 if there was ever any discussions?

1 **MR. ROY:** No.

2 **MR. DUMAIS:** So after you were done that day
3 with the sentence hearing, was that essentially your last
4 contact with anyone from the Crown's office or from
5 Cornwall Police Services?

6 **MR. ROY:** No.

7 **MR. DUMAIS:** You had further contacts with
8 them?

9 **MR. ROY:** I didn't know you were ---

10 **MR. DUMAIS:** Well, let me ask the question
11 again. After you were done in court that day, so in August
12 of '95 ---

13 **MR. ROY:** I had further contact but not
14 about -- not directly involving the court.

15 **MR. DUMAIS:** Well, let me ask a more
16 specific question. Did you ever have any contact with Guy
17 Simard regarding ---

18 **MR. ROY:** No.

19 **MR. DUMAIS:** --- this matter?

20 **MR. ROY:** No.

21 **MR. DUMAIS:** Did you ever have any further
22 contact with Constable Sebalj regarding this matter?

23 **MR. ROY:** Indirectly, yes.

24 **MR. DUMAIS:** Indirectly, in what sense?

25 **MR. ROY:** I don't feel comfortable answering

1 that.

2 **THE COMMISSIONER:** In what way?

3 **MR. ROY:** I didn't know you were going to
4 talk about this.

5 **THE COMMISSIONER:** Well, just a minute. We
6 will take things nice and easy, all right? Okay. Can you
7 hold just a second?

8 The witness has indicated he would like to
9 take a break, so why don't we take a 10-minute break and we
10 will see where we go.

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

13 --- Upon recessing at 9:49 a.m./

14 L'audience est suspendue à 9h49

15 --- Upon resuming at 9:56 a.m./

16 L'audience est reprise à 9h56

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

19 Please be seated. Veuillez vous asseoir.

20 **THE COMMISSIONER:** Thank you.

21 **ALBERT ROY, Resumed/Sous le même serment:**

22 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.

23 DUMAIS (cont'd/suite):

24 **MR. DUMAIS:** So right before the break,
25 Albert, I had asked you whether or not you had had any

1 further contact with Constable Sebalj and you had indicated
2 that yes, you had. Can you tell us about that?

3 **MR. ROY:** During the course of the trial,
4 they kept telling me -- their key word was "You're going to
5 have closure after all this is done." And I've expressed
6 in the past couple of days how disappointed I was with what
7 happened in the courtroom and things that were said by the
8 judge and how it all worked out.

9 Me and my wife were at the Square and I told
10 her that I felt like walking home and I don't think it was
11 my plan to go to the bridge but it's where I ended up.
12 It's somewhere that I've gone a few times in the past.
13 I've been up there many times without nobody knowing. I've
14 been taken down a couple of times. I went up there in a
15 snow blizzard once and I'd walk on the top rafters of the
16 bridge.

17 I never go up there with the intent of
18 committing suicide. It's always because I -- in my mind,
19 the state of mind I was in, when I go up there it makes
20 sense, even though probably to most people it wouldn't. But
21 I go up there because if I fell it means I'm not supposed
22 to be here and if I didn't, it means keep going.

23 **THE COMMISSIONER:** So it's during one of
24 those incidents that you had met up with Constable Sebalj?

25 **MR. ROY:** What happened is that this time

1 somebody had seen me go up.

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

3 **MR. ROY:** And I believe it was the Customs
4 that called the police and they blocked off the bridge and
5 things got out of hand. It got bigger than -- well, bigger
6 than what I felt it was. I wouldn't come down because -- I
7 mean, during the course of all the times I've been put away
8 and because of the abuse, I'm petrified of male people
9 grabbing me, so I wouldn't come down because all I could
10 think of in my head is that when I get down they're going
11 to grab me and throw me to the ground and restrain me, and
12 even though they kept reassuring me that that wouldn't
13 happen, I'm not going to believe these guys, not these men.

14 So I told them I wouldn't come down unless
15 they called Heidi. So they got a hold of Heidi. She was
16 off duty at the time and she came. She assured me that
17 nobody was going to touch me, nobody was going to grab me
18 and that all they'd do is -- all she'd do is walk me to the
19 back of a police car and they were going to bring me to the
20 hospital. She said she'd go with me, and she says, "Nobody
21 is going to come near you." So eventually, I came down,
22 but I was still afraid. So I was still on the side of the
23 bridge and then Heidi sat down right on the bridge and she
24 lit a smoke and I didn't have any cigarettes, I think, or
25 something. Anyways, somehow we ended up just having a

1 cigarette and then she calmed me down enough that I walked
2 to the car and they put me in the backseat of a police car
3 and brought me to the General Hospital.

4 **MR. DUMAIS:** And she had gone with you as
5 well?

6 **MR. ROY:** Yes.

7 **MR. DUMAIS:** How long after the court
8 proceeding did this happen, Albert?

9 **MR. ROY:** I don't think it was very long, a
10 week, but when I have an episode like that, time is just a
11 little bit -- like, if you'd told me that it happened a
12 month later, like, I wouldn't be surprised. But the way it
13 feels, it was a short time after, a week after or something
14 like that.

15 **MR. DUMAIS:** So if I told you it happened a
16 year after, you'd be surprised by that?

17 **MR. ROY:** Yes.

18 **MR. DUMAIS:** All right.

19 **MR. ROY:** Is that when it happened?

20 **MR. DUMAIS:** No, no. Actually, I don't
21 know. But is it a fair statement that it happened in a
22 short span of time after the sentence hearing?

23 **MR. ROY:** Yes.

24 **MR. DUMAIS:** Now, I've never touched on this
25 yet, Albert, but during when the allegations were made and

1 Mr. Barque was arrested were any threats ever made against
2 either you or your family?

3 MR. ROY: Oh, yes. We got phone calls and,
4 you know, people would hang up or we got phone calls. One
5 conversation I had with a guy, he was telling me, "You
6 know, you should keep your mouth shut", and I'm not going
7 to use the language that he used, but he said stuff about
8 homosexuals and stuff like that.

9 I had threats that I better watch where I go
10 and stuff like that. I never really -- I'm not going to
11 say that these phone calls -- I never put a lot of merit to
12 these phone calls. I mean they bothered me, of course, but
13 I always felt that people that have to call and can't --
14 they're not going to -- they're cowards.

15 MR. DUMAIS: Were these all anonymous
16 threats?

17 MR. ROY: Oh, yes.

18 MR. DUMAIS: All right. So you never knew
19 who had called or who had said anything?

20 MR. ROY: No.

21 MR. DUMAIS: And the matter was never
22 reported either?

23 MR. ROY: I don't know if I ever talked to
24 the police about it. I believe I had talked to one
25 reporter about it because she had brought up something else

1 about somebody else being threatened. I don't know if my
2 wife, when she picked up some of these calls, if she ever
3 said anything to anybody else.

4 **THE COMMISSIONER:** Can you help me about
5 what kind of threats? Were they don't pursue this against
6 ---

7 **MR. ROY:** Yes.

8 **THE COMMISSIONER:** --- Mr. Barque and Mr.
9 Seguin or one or the other or both? Did they ---

10 **MR. ROY:** It was -- I don't recall that
11 there was ever a name. It was mostly like "Why don't you
12 shut your mouths?" I don't want to use the language that
13 they used, but it was just vulgar, just ---

14 **THE COMMISSIONER:** But that was the gist of
15 it?

16 **MR. ROY:** Yes.

17 **THE COMMISSIONER:** Just shut your mouth and
18 don't talk to anybody?

19 **MR. ROY:** One phone call -- the only one
20 that I really felt was a little serious is the one where
21 the guy told me "You better watch where you go because we
22 know where you are at all times." I kind of thought that
23 was a little bit ---

24 **THE COMMISSIONER:** And I'm sorry, just to
25 help me out, when would you -- you got these phone calls

1 before ---

2 MR. ROY: It all happened after I went to
3 court with Nelson.

4 THE COMMISSIONER: After you went to court.
5 So after he was sentenced to jail?

6 MR. ROY: Yes. I don't remember getting any
7 phone calls before that.

8 THE COMMISSIONER: Okay. Thank you.

9 MR. DUMAIS: Now, we touched a bit on what
10 involvement you had had with Constable Dunlop. I want to
11 follow up on a few other people, Albert.

12 MR. ROY: Okay.

13 MR. DUMAIS: Have you ever had the occasion
14 to meet Helen Dunlop?

15 MR. ROY: Yes. Can I just add?

16 MR. DUMAIS: Sure.

17 MR. ROY: Just to add on your question. I
18 think we had talked to the Standard Freeholder and they did
19 an article on survivors.

20 THE COMMISSIONER: Right.

21 MR. ROY: And I believe it was right after
22 that article that that stuff started.

23 MR. DUMAIS: So then you did meet Helen
24 Dunlop?

25 MR. ROY: Yes.

1 **MR. DUMAIS:** Constable Dunlop's wife?

2 **MR. ROY:** Yes.

3 **MR. DUMAIS:** Were you meeting with her at
4 the same time as you were meeting with Perry or were you
5 meeting with her alone?

6 **MR. ROY:** I think we talked to her alone,
7 but it was waiting for Perry to show up or something. I
8 don't believe she ever asked us to come over with just her
9 there.

10 **MR. DUMAIS:** Any requests from her about a
11 statement or being involved in the civil law suit?

12 **MR. ROY:** I don't recall her -- I don't
13 recall her ever asking me to make, like, a formal
14 statement. She asked me about what had happened. If she
15 took notes or that, I don't remember.

16 **MR. DUMAIS:** What about Carson Chisholm?

17 **MR. ROY:** I had many, many conversations
18 with him. Again, I don't remember doing any formal
19 documents with him, you know, but yes, I had quite a bit of
20 contact with Carson Chisholm.

21 **MR. DUMAIS:** All right.

22 **MR. ROY:** Phone calls and stuff, meeting.

23 **THE COMMISSIONER:** Would that have been
24 before or after Mr. Barque was sentenced?

25 **MR. ROY:** Oh, I think during the trial with

1 -- the thing with Nelson, I think he called me once to kind
2 of like give me encouragement like don't stop, don't get
3 discouraged or that sort of thing.

4 I think that was during that time.

5 **THE COMMISSIONER:** And the rest was after?

6 **MR. ROY:** I believe so.

7 **MR. DUMAIS:** Now, I believe there is one
8 media article, Albert, that you want to discuss which I
9 filed previously and that is document number 721005. That
10 would be Exhibit P-118.

11 **MR. ROY:** Thank you.

12 **MR. DUMAIS:** So that's an article that came
13 out in the Standard Freeholder on July 11th, 1998. It has
14 in it different comments; some of them actual quotes from
15 either the Mayor or the City's Chief Administrator, and the
16 MP and the MPP at the time.

17 **MR. ROY:** There was the MP and the MPP and
18 Brian Sylvester, the Mayor of Cornwall; so John Cleary, Bob
19 Kilger and Brian Sylvester.

20 **MR. DUMAIS:** And I understand that at
21 different times you would have had some contact with them?

22 **MR. ROY:** Well, the only contact I had was
23 with John Cleary about this article.

24 **MR. DUMAIS:** All right.

25 **MR. ROY:** I went to his office and I told

1 them that by making this article all they're doing is
2 making it easier for the abusers to stay hidden and harder
3 for the victims to want to come forward because, from
4 certain things that were said in this article, I get the
5 feeling that they want this to go away and they don't feel
6 it's their problem. It's just a legal problem. It's not
7 something they have to deal with.

8 I felt this article was irresponsible, for
9 the leaders in our community to say things like this
10 because they're the ones that should be saying "Come
11 forward. We want to hear from you. We don't want it to go
12 away."

13 Then there's one part where it's saying that
14 this happened many years ago and it's time for it to heal.
15 Well, that's the problem. It happened many years ago and
16 it's been hidden, and the only one that's benefited by it
17 not being talked about for all these years is the
18 perpetrator because the victims haven't had a chance to, in
19 some cases, get help. In some cases, I mean, their lives
20 were lost because of this.

21 So John Cleary, after I talked to him, he
22 says, "I realize that some of the stuff I said in that
23 article was harmful." And he said, "I didn't understand
24 what I was saying."

25 I felt a little bit good about that because

1 at least he didn't try to sidestep it. He said he was
2 sorry for what he had said.

3 My wife took this further than I did, but on
4 my part, Bob Kilger never talked to me and Brian Sylvester
5 completely avoided any phone calls I made to him and
6 anything. The Standard Freeholder I called up because to
7 print a black eye for the city is giving the victims a
8 black eye. It's giving them the idea that what they're
9 doing somehow is wrong. It's doing something to the
10 community. We're not doing something to the community.
11 The perpetrators did something to the community. We're
12 part and parcel of that damage. We're not the ones
13 creating the damage.

14 The Standard Freeholder would not let me say
15 something in the paper to try and make victims feel better
16 or encourage them to ignore this article. They wouldn't
17 give me any space in the paper to do anything. And then
18 after the first talk I had with them, they just ignored me.

19 **MR. DUMAIS:** I have essentially just one
20 last question for you, Albert, and it's an open-ended
21 question. How has this affected your life and do you have
22 any recommendations that you would like the Commissioner to
23 consider?

24 **MR. ROY:** That's what this to me is all
25 about. That's a young man, at Christmas time, holding a

1 guitar and in that young man's head, this hasn't happened
2 yet. And that's what we -- I believe the Commission -- the
3 people in this room have to remember, that that's what it's
4 about. It's about those kids. I'm not the hero on this.
5 He is, because by himself he found some way to get out of
6 it, but a lot of kids don't.

7 And if we're going to make recommendations
8 and that, they have to have some weight, because we have to
9 protect these kids, all of them. We have to try and find a
10 better way to do things, more educated police, more
11 educated judges, support systems, and for the Probation
12 Department, we have to find a better way of dealing with
13 these children than just putting them aside. There's got
14 to be a better way, a better system.

15 I was already in trouble when I went to
16 Probation and Probation did nothing to help that. Because
17 of my involvement with Probation, I was worse off than if
18 they would have never had me in the first place.

19 Because of certain comments that were made
20 in the courtroom, because Nelson wasn't fully investigated
21 after 1982, I continued to suffer. I continued to blame
22 myself. I continued to not understand why I was having so
23 much problems.

24 Once I finally started to get help, it was
25 harder for my psychiatrist to deal with the existing

1 problem of manic depression with the events that happened
2 to me on top of that.

3 We can't forget that that's the face we
4 should be thinking about whenever we're talking here today.
5 It's not this face. It's not that adult face. It's that
6 young man. Nobody protected him and nobody gave him a
7 second thought. So if we're going to do something, it's
8 got to mean something for the kids.

9 I know I have more to say, but that's all.

10 **MR. DUMAIS:** Well, these are all the
11 questions I have for you, Albert. Thank you.

12 **THE COMMISSIONER:** Before we go to cross-
13 examination, I've got a little bit of questions.

14 You told us that Nelson Barque never took
15 you to the Knights of Columbus or anything like that.

16 And with respect to Mr. Seguin, he talked to
17 you about -- that he had access to a church. I take it he
18 never did take you to a church?

19 **MR. ROY:** I wouldn't go. I told him I
20 wouldn't go.

21 **THE COMMISSIONER:** And did he ever introduce
22 you to any other people other than this fellow Mark?

23 **MR. ROY:** Again, I'm not sure if that was
24 Mark.

25 **THE COMMISSIONER:** Okay. Right. I'm sorry.

1 But other than this fellow ---

2 **MR. ROY:** No. Well, I met people while he
3 was around me, like in the courtroom and that, but if your
4 question is "Did he ever introduce me to anybody that I
5 felt was an abuser or that?", no.

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

7 **MR. DUMAIS:** Thank you, Commissioner.

8 **THE COMMISSIONER:** Okay. Mr. Manson, do you
9 wish to ask questions of this gentleman? Thank you.

10 **MR. MANSON:** You want me to proceed now, Mr.
11 Commissioner?

12 **THE COMMISSIONER:** Yes. I think we can go
13 for a little bit now, Mr. Roy? Mr. Roy, you're okay to go
14 for a little bit more?

15 **MR. ROY:** I would like a break just to
16 settle down.

17 **THE COMMISSIONER:** All right. Sure. Why
18 don't we take a break now then and we'll get back to you in
19 a little bit.

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

22 --- Upon recessing at 10:21 a.m./

23 L'audience est suspendue à 10h21

24 --- Upon resuming at 10:45 a.m./

25 L'audience est reprise à 10h45

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

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

6 **MR. MANSON:** Thank you, Mr. Commissioner.

7 **ALBERT ROY, Resumed/Sous le même serment:**

8 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

9 **MANSON:**

10 **MR. MANSON:** Mr. Roy, my name is Allan
11 Manson. I'm one of the lawyers for the Citizens for
12 Community Renewal.

13 The first thing I want to do is just to
14 clear up the transcript. When you were answering Mr.
15 Dumais' last question, you were holding a photograph in
16 your hand. Can you please, for the transcript, describe
17 what the photograph was? I don't want it to be made an
18 exhibit. It's just so that it's clear from the transcript
19 what you were holding in your hand.

20 **MR. ROY:** It's a picture of me when I was
21 about 14 or 15 at Christmastime. I had received a guitar
22 for Christmas. So I'm sitting there with a guitar in my
23 arm and smiling at the camera.

24 **MR. MANSON:** Thank you, Mr. Roy.

25 Now, over the past few days with the help of

1 Mr. Dumais, you've told this Inquiry not just about events
2 but about how you felt about the events and what you think
3 about those events, and I'm sure that those responses will
4 be taken very seriously and much appreciated by the
5 Commissioner.

6 But what I would like to do is I just want
7 to put some of those remarks of yours into factual context
8 and I want to clarify some of the facts. So I'm just going
9 to go through some of the facts that I think are relevant
10 from the documents and I would just like you to agree with
11 me that they're correct or tell me that they're not
12 correct, or if you can't remember them, please just tell me
13 that.

14 MR. ROY: Okay.

15 MR. MANSON: So I want to go back to 1977
16 and the automobile theft that was the start of your
17 probation period. First, it's agreed that there was some
18 drinking involved in that offence?

19 MR. ROY: Yes.

20 MR. MANSON: And when you were placed on
21 probation, you recall that two of the probation provisions
22 were, number one, report and be under the supervision of a
23 probation officer?

24 MR. ROY: Yes.

25 MR. MANSON: And another one was that you

1 were prohibited from drinking alcohol, correct?

2 MR. ROY: That's right.

3 MR. MANSON: Now, I looked at the
4 transcripts from two days ago, and this, Mr. Commissioner,
5 is at page 72, line 8, to page 73, line 13, when Mr. Dumais
6 asked you when the offence took place and when you appeared
7 in court, and there was a little bit of confusion over the
8 actual dates. At one point you said 1975, another time
9 October 1976.

10 Now, what I would like to clarify is you
11 were treated like an adult, not a juvenile at that time in
12 court, were you not?

13 MR. ROY: Yes.

14 MR. MANSON: And I want to suggest to you,
15 by showing you a letter from Heidi Sebalj, which is
16 document number 737042 from Commission counsel's list.

17 MR. ROY: Do I have that?

18 THE COMMISSIONER: Just a second; you will
19 see it.

20 MR. MANSON: It's 737042.

21 THE COMMISSIONER: Is this a public
22 document?

23 MR. MANSON: This is from Commission
24 counsel's list of documents. It's a letter from Constable
25 Sebalj to the Records Management Office of Probation in

1 Toronto.

2 **THE COMMISSIONER:** Dated December 7th, 1994?

3 **MR. MANSON:** Of 1994.

4 **THE REGISTRAR:** It's not filed.

5 **MR. MANSON:** We'll file it in a second.

6 Could you just read this letter?

7 **MR. ROY:** I don't have it.

8 **MR. MANSON:** It should be up on the screen.

9 **THE COMMISSIONER:** It's on the screen.

10 It's just he's got difficulty reading the
11 screen without his bifocals. So the paper copy might be --

12 -

13 **MR. MANSON:** The middle paragraph that I'm
14 interested in is Constable Sebalj says:

15 "He received a suspended sentence and
16 one year probation for theft of motor
17 vehicle, section 294(a) on or about
18 January 14th, 1977."

19 Do you think that's an accurate statement of
20 the date of the sentencing and the sentence, Mr. Roy?

21 **MR. ROY:** The sentence, yes.

22 **MR. MANSON:** And the date, does that seem
23 correct?

24 **MR. ROY:** Like January -- you're asking --
25 like this is saying when I went to court and I was

1 sentenced.

2 **MR. MANSON:** Yes.

3 **MR. ROY:** Yes, it sounds right.

4 **MR. MANSON:** If we could make that ---

5 **MR. ROY:** But the one-year probation is not
6 right. I was always told that I had 18 months.

7 **MR. MANSON:** If we could just slow down, Mr.
8 Roy.

9 **MR. ROY:** Okay.

10 **MR. MANSON:** Now, Mr. Commissioner, if we
11 could have the letter marked as an exhibit?

12 **THE COMMISSIONER:** Do we have copies of that
13 letter?

14 **THE REGISTRAR:** No.

15 **THE COMMISSIONER:** We don't have copies.

16 The problem is that we've set up a deadline,
17 I take it, for when people are to have their documents
18 submitted to us for cross-examination purposes and these
19 documents were not provided in adequate time and,
20 accordingly, copies have not been made of that document.

21 So what we can do is we can file a copy. Do
22 you have a copy?

23 **MR. MANSON:** I do.

24 And if I can say one more thing, Mr.

25 Commissioner. I'm just trying to clarify the context. In

1 fact, on that list there is a copy of the docket -- just
2 hold on one second -- dated January 14th, 1977. I need some
3 direction from you. It's marked "Certified True Copy". It
4 certainly contains the names of many people who appeared in
5 court that day, some of whom were convicted. Some of them
6 had charges withdrawn, but I think many counsel have seen
7 this and the document confirms that Mr. Albert Roy was
8 dealt with on January 14th, 1977 and was given a suspended
9 sentence, one year. At least that's the notation in the
10 remarks. This is document 737050. Without making that an
11 exhibit, does that -- you still think it was 18 months, Mr.
12 Roy?

13 **MR. ROY:** I know it was 18 months. I was
14 always told by Ken it was 18 months.

15 **THE COMMISSIONER:** Well, first of all, can
16 we go back and make that an exhibit before we get lost? So
17 the letter -- no, not that.

18 **MR. MANSON:** Yes.

19 **THE COMMISSIONER:** First of all, the letter
20 to -- Madam Clerk, can you scroll that down there?

21 **THE REGISTRAR:** Down?

22 **THE COMMISSIONER:** Up, sorry. So a letter
23 to the Manager of Records Management dated December -- I
24 can't see -- December 7th, 1994 is Exhibit Number ---

25 **THE REGISTRAR:** One-twenty-two (122).

1 **THE COMMISSIONER:** --- 122 and it's a "P"
2 document.

3 **--- EXHIBIT NO./PIÈCE NO. P-122:**

4 Letter from Heidi Sebalj to Mr. Hennings
5 Jenson - December 7, 1994.

6 **THE COMMISSIONER:** Now, are you proposing
7 to make that an exhibit?

8 **MR. MANSON:** Well, I would, Mr.
9 Commissioner, because it confirms the notation in Constable
10 Sebalj's letter.

11 **THE COMMISSIONER:** Well, are you putting it
12 in for the truth of its contents?

13 **MR. MANSON:** Yes. It is a certified -- it
14 is a copy of a certified true copy of an original document
15 that is the court docket.

16 **THE COMMISSIONER:** Right.

17 **MR. MANSON:** My intention is to ensure that
18 there's no suggestion that Mr. Roy was a juvenile at the
19 time, which would be the case from the transcript when he
20 believed that the offence was committed in 1975.

21 His birthday is October 20th, 1960, Mr. Roy?

22 **MR. ROY:** Yes.

23 **MR. MANSON:** So ---

24 **THE COMMISSIONER:** Can I just see that
25 document for a second?

1 **MR. MANSON:** Yes. I was hoping that we
2 could deal with this through the letter.

3 **THE COMMISSIONER:** Right.

4 **MR. MANSON:** But that would require the
5 concurrence of the witness.

6 **THE COMMISSIONER:** M'hm. Okay. Well, this
7 isn't ---

8 **MR. MANSON:** I think all counsel agree, Your
9 Honour, that on page 1, about two-thirds of the way down,
10 you'll see "Albert Roy."

11 **THE COMMISSIONER:** Yes. Well ---

12 **MR. MANSON:** And I can anticipate what
13 you're going to say, Your Honour. It wouldn't be the first
14 time that an annotation in the right-hand column was
15 incorrect.

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

17 **MR. MANSON:** I accept that. Nothing turns
18 on -- all of the relevant events took place in 1977 and
19 nothing turns on the one year or the 18 months.

20 **THE COMMISSIONER:** Oh, okay.

21 **MR. MANSON:** The date is important. It
22 confirms that Mr. Roy was treated as an adult in adult
23 court and put on adult supervision -- probation
24 supervision. My concern is the date.

25 And, Mr. Roy, you think it probably was

1 January 14th, 1977?

2 MR. ROY: That I went to court?

3 MR. MANSON: Yes.

4 MR. ROY: Yes.

5 MR. MANSON: Okay.

6 MR. ROY: It sounds right.

7 MR. MANSON: Thank you.

8 And a minute ago we were talking about the
9 terms of your probation and the alcohol prohibition.
10 Still, you were given alcohol by Nelson Barque, were you
11 not?

12 MR. ROY: Yes.

13 MR. MANSON: You were given alcohol by Ken
14 Seguin, were you not?

15 MR. ROY: Yes.

16 MR. MANSON: You visited Nelson Barque's
17 home and were molested there?

18 MR. ROY: Yes.

19 MR. MANSON: You visited Ken Seguin's home
20 and you were molested there?

21 MR. ROY: Yes.

22 MR. MANSON: You attended at the Probation
23 offices that you've described being in the same building as
24 the court and the police, and you were molested by Nelson
25 Barque at that office?

1 **MR. ROY:** In my opinion, yes. In the
2 court's opinion, no.

3 **MR. MANSON:** No, I'm just asking for your
4 recollection.

5 **MR. ROY:** I was touched in his office, yes.

6 **MR. MANSON:** And you were molested by Ken
7 Seguin in his office?

8 **MR. ROY:** Yes, more so by Ken.

9 **MR. MANSON:** And the regular office hours
10 for the Probation office at that time were from 8:30 until
11 4:45 in the afternoon?

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

13 **MR. MANSON:** You can't recall.

14 But you would go there to see either Nelson
15 Barque or Ken Seguin after office hours?

16 **MR. ROY:** In the beginning I went, like, at
17 normal times, like, sometimes he'd get me to come at
18 lunchtime after school, like, in between my lunch period at
19 school. So in the beginning I went, like, during a normal
20 -- you know, like, it's only after I went -- I was passed
21 over to Nelson that my probation times became later in the
22 day.

23 **MR. MANSON:** So you did, on occasion, visit
24 Nelson Barque in the Probation offices after regular
25 working hours?

1 MR. ROY: Yes.

2 MR. MANSON: And you visited Ken Seguin in
3 the Probation offices after regular working hours?

4 MR. ROY: Yes.

5 MR. MANSON: During any of those visits,
6 would you be -- did you bump into one of the janitors?

7 MR. ROY: I can't remember.

8 MR. MANSON: Okay. That's fine.

9 Can we go to 1982? I believe you told Mr.
10 Dumais that you came back to Cornwall in April of 1981?

11 MR. ROY: Yes.

12 MR. MANSON: Can you remember what you were
13 doing in 1982?

14 MR. ROY: I was driving a taxi.

15 MR. MANSON: Can you remember where you were
16 living in 1982?

17 MR. ROY: I don't think I had a fixed place.
18 Sometimes I stayed at my mom's, sometimes at my
19 girlfriend's. I don't think I had a place of my own then.

20 MR. MANSON: I want you to think about the
21 spring of 1982, April and May, while you were driving a
22 taxi. Can you get your mind in that period?

23 MR. ROY: Yes.

24 MR. MANSON: Were you ever contacted by
25 anyone from the Probation Services and asked questions

1 about Nelson Barque at this time?

2 MR. ROY: No.

3 MR. MANSON: Were you contacted at this time
4 by any of these people: Mr. Sirrs from the Probation
5 Service?

6 MR. ROY: No.

7 MR. MANSON: Mr. Toffelmire from the
8 Probation Service?

9 MR. ROY: No.

10 MR. MANSON: Mr. McMaster from the Probation
11 Service?

12 MR. ROY: No.

13 MR. MANSON: Mr. Taggart from the Probation
14 Service?

15 MR. ROY: No.

16 MR. MANSON: Again, talking about this
17 particular time, April and May 1982, did anyone from the
18 Cornwall Police contact you and ask you about Nelson
19 Barque?

20 MR. ROY: No.

21 MR. MANSON: You weren't contacted by Staff
22 Sergeant Allaire?

23 MR. ROY: No.

24 MR. MANSON: Sergeant Laroche?

25 MR. ROY: No.

1 **MR. MANSON:** Sergeant Masson?

2 **MR. ROY:** No.

3 **MR. MANSON:** From this period, April/May
4 1982 to the 1990s, did any of those people I just mentioned
5 to you contact you and ask you about Nelson Barque?

6 **MR. ROY:** No.

7 **MR. MANSON:** If I can just have one minute,
8 those may be all of my questions, Mr. Roy.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **MR. MANSON:** Thank you, Mr. Roy. Those are
11 all my questions.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Lee.

14 **MR. LEE:** Good morning, Mr. Commissioner.

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

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

17 **MR. LEE:** Good morning, Mr. Roy.

18 My name is Dallas Lee. I'm counsel here
19 representing the Victims Group. I just have a few
20 questions for you.

21 You told us during your testimony that you
22 were sentenced to probation as a 16-year old; is that
23 correct?

24 **MR. ROY:** Yes.

25 **MR. LEE:** I'd like you to think back to the

1 time that you were placed on probation. So you're 16 years
2 old and you've pled guilty to this offence and you're
3 placed on probation. At that time, what did you think it
4 meant to be on probation?

5 MR. ROY: I believe at that time I thought
6 that questions that I had would be answered about why I
7 have such a hard time fitting in. I guess to answer that
8 I'd have to tell you that I always felt that there was
9 something wrong with me because I had a hard time fitting
10 in and of course later in the '90s I was diagnosed as
11 manic-depressive and my psychiatrist, because of the
12 behaviour that I had and problems I went through, believes
13 that that's probably the main problem I had trouble in high
14 school and stuff like that.

15 It's hard for me to put it into words that a
16 16-year old would think, but basically I was looking for
17 some answers.

18 MR. LEE: And what did you think that you
19 would have to do while you were on probation?

20 MR. ROY: I'd have to stay off alcohol. I'd
21 have to stay -- I remember the judge telling me that --
22 something to the effect that if I screw up again, that
23 these charges could be brought back up against me. So at
24 least that's how I understood what he was saying. So I had
25 to stay out of trouble, stay away from alcohol and report

1 to my probation officer.

2 MR. LEE: And what did you think that the
3 job of the probation officer was during this?

4 MR. ROY: I believe that his job was to help
5 me not re-offend.

6 MR. LEE: When you met with these probation
7 officers, you would go in for meetings with them; is that
8 correct?

9 MR. ROY: Yes.

10 MR. LEE: And you would discuss things with
11 them?

12 MR. ROY: Yes.

13 MR. LEE: What kind of things did you think
14 you were there to discuss with them?

15 MR. ROY: My drinking, my problems in
16 school, my problems at home with my father.

17 MR. LEE: And were these things that you
18 discussed with them?

19 MR. ROY: In the beginning it was discussed
20 like a normal -- like in what I would believe would be a
21 normal conversation between a probation officer and a
22 probationee, but later it became more of -- their answer to
23 my problems was homosexuality.

24 MR. LEE: You've told us -- and please
25 correct me if I'm wrong -- you've told us that you started

1 your probation with Ken Seguin as your officer?

2 MR. ROY: Yes.

3 MR. LEE: That, through no fault of your own
4 or anyone else, you were transferred to Nelson Barque, you
5 think, because Ken Seguin went on vacation?

6 MR. ROY: Yes.

7 MR. MANSON: But then you were later
8 transferred back to Ken Seguin?

9 MR. ROY: Transferred back? I reported to
10 Nelson and then he told me that I was going to see him.

11 MR. LEE: Okay. If we take the first period
12 of time where you are on probation with Ken Seguin as your
13 officer ---

14 MR. ROY: Yes.

15 MR. LEE: --- did anything inappropriate
16 happen during that time?

17 MR. ROY: No.

18 MR. LEE: So during that time you thought
19 you were in a normal probation arrangement?

20 MR. ROY: Yes.

21 MR. LEE: During that time did you openly
22 discuss the things you've just told us about; your school,
23 your home life, your trouble fitting in? Did you discuss
24 those things with Ken Seguin?

25 MR. ROY: Yes.

1 **MR. LEE:** Were you open and honest with Ken
2 Seguin about those things?

3 **MR. ROY:** Regrettably, yes.

4 **MR. LEE:** And how was your home life at that
5 time? I don't need a tremendous amount of details. Was it
6 good or was it not so good?

7 **MR. ROY:** It wasn't good.

8 **MR. LEE:** And did you tell Ken Seguin about
9 the things that made it not so good?

10 **MR. ROY:** Yes.

11 **MR. LEE:** Would you agree with me that these
12 were personal details that you were discussing?

13 **MR. ROY:** Yes.

14 **MR. LEE:** Why were you discussing these
15 personal details with them?

16 **MR. ROY:** I think I would try to figure out,
17 like, is this my fault that this stuff was happening, that
18 I'm having so much trouble.

19 **MR. LEE:** Did you think that they were there
20 to help you, sir?

21 **MR. ROY:** Yes.

22 **MR. LEE:** I want you again to think back to
23 when you were 16 and you were on probation. And you had
24 never been in trouble before this; is that right?

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

1 **MR. LEE:** You had never been on probation
2 before?

3 **MR. ROY:** No.

4 **MR. LEE:** This was your first experience
5 with it? What did you understand could happen if you
6 failed to comply with the conditions of your probation
7 order?

8 **MR. ROY:** I was told that I could go back to
9 jail.

10 **MR. LEE:** And who told ---

11 **MR. ROY:** I could go back. They could put
12 me in jail.

13 **MR. LEE:** Who told you that?

14 **MR. ROY:** Both Ken and Nelson told me that.

15 **MR. LEE:** And whose decision would it be to
16 impose those punishments on you as far as you understood?

17 **MR. ROY:** Ken.

18 **MR. LEE:** That ---

19 **MR. ROY:** Well, Ken or Nelson; whoever had
20 me at the time.

21 **MR. LEE:** So it was your understanding your
22 probation officer could send you back to jail if you didn't
23 comply with the terms; is that right?

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

25 **MR. LEE:** And would you agree with me ---

1 **MR. ROY:** I was under the impression the
2 only reason I got probation is because they recommended
3 probation. Otherwise, I would have got a jail sentence.
4 That's the impression that they gave me.

5 **MR. LEE:** So being on probation kept you out
6 of jail?

7 **MR. ROY:** It was a gift.

8 **MR. LEE:** And you didn't -- you were ordered
9 to be on probation; is that correct?

10 **MR. ROY:** Yes.

11 **MR. LEE:** You didn't have a choice in the
12 matter?

13 **MR. ROY:** No.

14 **MR. LEE:** Sir, one of the issues that we're
15 dealing with at this Inquiry and one of the important
16 issues here, I think, is trying to understand how abuse of
17 a young person can go on for so long; how can it continue;
18 how it cannot be found out. One of the questions, I'll be
19 perfectly honest with you, is why didn't that person report
20 earlier? Why didn't they go for help? You told us that
21 you took steps to seek help and you reported your abuse by
22 Nelson Barque to Ken Seguin, is that correct?

23 **MR. ROY:** Yes.

24 **MR. LEE:** And then Ken Seguin began abusing
25 you, is that correct?

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

2 **MR. LEE:** Why didn't you go to somebody else
3 to tell about Ken Seguin and Nelson Barque?

4 **MR. ROY:** I'm feeling like vulnerable.

5 **THE COMMISSIONER:** I think you should
6 understand this; that he is not asking you as if it's your
7 fault. He just wants to know when you told Ken Seguin and
8 he started abusing you, what went on in your mind? So he
9 is not trying to blame you. Just trying to understand.
10 What went in your mind about, did you think about telling
11 somebody else or did you think "M'hm, this isn't going
12 anywhere, I better just shut up"?

13 Do you see what I mean?

14 **MR. ROY:** Yes.

15 **THE COMMISSIONER:** So he is not trying to be
16 bad to you.

17 **MR. LEE:** If I can be clear, Mr. Roy, I am
18 asking these questions because I consider your testimony in
19 this regard valuable. If I knew the answer to this
20 question, I wouldn't ask it. And I think this is something
21 the Inquiry needs to hear because I think you're in a
22 position to help us understand this situation. And I am
23 not assessing blame and I am not even suggesting that there
24 was anything wrong that you did at any point. I am just
25 asking you to help us understand what was in your mind when

1 Ken Seguin started abusing you, why not say "Well, I better
2 go to a third person"; was there something that stopped you
3 from doing that?

4 **MR. ROY:** You have to remember where the
5 probation department was. It was on top of the police
6 station and the courthouse was next door.

7 And I would see both probation officers
8 talking and joking and slapping on the back and shaking
9 hands with police officers and lawyers. And -- after I
10 told Nelson about -- after I told Ken about Nelson and Ken
11 started to abuse me, I just felt that there was nowhere
12 else to go. Like, Ken turned out to be worse than Nelson.

13 So like, what's going to be my next one?
14 And I really didn't believe there was anywhere to go.
15 There was no -- I didn't see any possibility of having
16 somewhere to go. I mean, Nelson -- Ken seemed to be that
17 chance because in -- Probation tried to say that he wasn't
18 in a supervisory role. But I mean, I hear Ken talking in
19 the office, I'd hear Nelson talk about Ken or whatever. It
20 was always talk that he decided where the files go, and he
21 took care of things. So when I went to Ken, I was under
22 the impression I was going to Nelson's supervisor. So in
23 my mind, at that time, as a 16 year old, I went to the top.
24 Where else do I go?

25 **MR. LEE:** You've told us at some point that

1 you just couldn't put up with any more abuse from Ken
2 Seguin and that you went into his office to tell him so.
3 Is that correct?

4 **MR. ROY:** Yes.

5 **MR. LEE:** And you told him that you weren't
6 going to report to him any longer.

7 **MR. ROY:** Yes.

8 **MR. LEE:** So you essentially decided that
9 you weren't going to be on probation anymore. Is that
10 right?

11 **MR. ROY:** It's not that I decided I wasn't
12 going to be on probation. It got to the point where Ken
13 was running my life.

14 He actually did me a favour because he
15 pushed me to just beyond what I was going to accept, I was
16 going to take. And I got angry and for a brief period, I
17 had enough gumption to tell him, you know, "I'm not going
18 to see you anymore", "I'm not going to let you touch me
19 anymore, you're not going to have me anymore".

20 Now, I know I told him that he could do
21 whatever he wanted to do because I told you one of his
22 threats were that if I didn't report to him, he could put
23 me in jail. And I told him when I left that office, "You
24 do whatever you're going to do, whatever you have to do,
25 but I am not coming back", and I never did.

1 **MR. LEE:** Did you think there was a
2 possibility when you told him that, that he might put you
3 in jail?

4 **MR. ROY:** I think that I just didn't care.

5 **MR. LEE:** You just knew you weren't going
6 back to that situation.

7 You've told us about, and you've been asked
8 some questions about the probation office and who worked
9 there, and what it looked like, and things along those
10 lines. And you told Mr. Manson just a few minutes ago that
11 you were, I believe the words that you used were you were
12 molested by Ken Seguin in the probation office and you were
13 touched by Nelson Barque at the probation office, is that
14 correct?

15 **MR. ROY:** Yes. I'm not going to go into
16 detail, but Ken's touching me in the probation office was
17 more than what Nelson touched me in the probation office.
18 It was more on a -- it was more serious than Nelson's.

19 **MR. LEE:** Did something inappropriate happen
20 with both of them at the probation office?

21 **MR. ROY:** Yes.

22 **MR. LEE:** And where did those inappropriate
23 things happen with Ken Seguin? Was it in his office, his
24 own office?

25 **MR. ROY:** Yes.

1 **MR. LEE:** And where did they occur with
2 Nelson Barque?

3 **MR. ROY:** In his office.

4 **MR. LEE:** Did you ever get the feeling, as
5 this was happening, that they were worried that somebody
6 might interrupt you or might walk in on you?

7 **MR. ROY:** No, they had locks on the door.

8 **MR. LEE:** They had locks on which doors?

9 **MR. ROY:** On their office doors.

10 **MR. LEE:** On their individual office doors?

11 **MR. ROY:** Yes.

12 **MR. LEE:** Both Ken Seguin and Nelson Barque
13 did?

14 **MR. ROY:** I know for sure Nelson did. I
15 can't -- I'm trying to picture in my mind Ken locking his
16 door. I can't picture him. I can't recall him actually
17 doing it, but I don't think he would have touched me like
18 that if he didn't know nobody could walk in.

19 **MR. LEE:** Do you recall Nelson locking the
20 door?

21 **MR. ROY:** Yes.

22 **MR. LEE:** Do you recall if those doors
23 locked from the inside or from the outside?

24 **MR. ROY:** I don't recall.

25 **MR. LEE:** Do you recall him having to go

1 outside the office and use a key and then close the door
2 behind him as he re-entered?

3 MR. ROY: No, I don't recall.

4 MR. LEE: You've told us that you were
5 abused by Ken Seguin at the probation offices and at his
6 home. Was there anywhere else that any abuse took place?

7 MR. ROY: With?

8 MR. LEE: Ken Seguin.

9 MR. ROY: His car.

10 MR. LEE: Was there anywhere specifically
11 that -- in his car that that would have happened?

12 MR. ROY: You have to understand with Ken,
13 it was often, like there is a few places it would happen,
14 in the car. And with Nelson, it was usually at the power
15 dam he would bring me.

16 MR. LEE: Is that here in Cornwall?

17 MR. ROY: Yes. They have a parking lot
18 there with picnic tables.

19 MR. LEE: Is that a secluded area or is that
20 an open area?

21 MR. ROY: It's open to a point. I mean, at
22 night it's really secluded. I mean, you know, you could
23 see a car coming, like, well before it entered the parking
24 lot. But during the day, it's open. People could see
25 where you are. But I mean, Nelson never abused me in --

1 well, again, Nelson touched me inappropriately, but he
2 never abused me. He never abused me in the way of, I don't
3 know, a sexual act?

4 **THE COMMISSIONER:** You can say whatever
5 which way you want.

6 **MR. ROY:** Except at his house.

7 **MR. LEE:** Okay.

8 **MR. ROY:** But I mean he touched me like
9 brushing my leg, brushing up against my bum, touching my
10 face. That sort of thing went on with Nelson when we went
11 to these places.

12 **MR. LEE:** Things that made you
13 uncomfortable?

14 **MR. ROY:** Yes.

15 **MR. LEE:** Do you recall ever being at the
16 power dam with Ken Seguin?

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

18 **MR. LEE:** I'd like to briefly take you to a
19 document, it is exhibit 117. These are the notes from an
20 OPP interview with Constable McDonell on December 6, 1994.
21 If we can go to the very bottom of the second page.

22 Beginning on the third last line, it reads:

23 "Ken would pick me up at the school,
24 CCVS, and take me for a ride out into
25 the country or to the power dam".

1 Do you recall telling Constable McDonell
2 that?

3 MR. ROY: Yes.

4 MR. LEE: Does that refresh your memory at
5 all? Do you recall that you were at the power dam with Ken
6 Seguin?

7 MR. ROY: Yes. Like I said we went to many
8 places.

9 MR. LEE: Did you find it at all ---

10 MR. ROY: The power dam was one of them.

11 MR. LEE: Did you find it at all odd that
12 both Nelson Barque and Ken Seguin would bring you to the
13 power dam?

14 MR. ROY: I don't know, I never thought of
15 it.

16 MR. LEE: Fair enough.

17 You told us that you complained to Ken
18 Seguin at some point about Nelson Barque's abuse. Can you
19 tell us what you would have said to Ken Seguin?

20 MR. ROY: I would have told him what
21 happened that night.

22 MR. LEE: By that night, you're referencing
23 the night at Mr. Barque's house?

24 MR. ROY: Yes.

25 MR. LEE: Do you remember what Ken Seguin's

1 immediate reaction to your informing him of that was?

2 MR. ROY: Yes.

3 MR. LEE: And what was that?

4 MR. ROY: Verbally, he told me that me and
5 him could have more fun than I ever had with Nelson.

6 MR. LEE: That was Ken Seguin's immediate
7 reaction to your disclosure of abuse by Nelson Barque?

8 MR. ROY: Yes.

9 THE COMMISSIONER: You recall that that was
10 his verbal reaction?

11 MR. ROY: Yes.

12 THE COMMISSIONER: Was there any other non-
13 verbal?

14 MR. ROY: Yes.

15 THE COMMISSIONER: Did he touch you?

16 MR. ROY: Yes.

17 MR. LEE: Did Ken Seguin seem surprised when
18 you told him of what Nelson Barque had done?

19 MR. ROY: No. He didn't even ask any more
20 questions about it. It was like I told him I got a paper
21 cut. Nothing.

22 MR. LEE: I'd like to turn to a different
23 area just for clarification.

24 You've told us that before going to see
25 Heidi Sebalj at the Cornwall Police, that you had disclosed

1 what had happened to you to both your social worker, Bob
2 Payette, and your psychiatrist, Dr. Almudevar.

3 **MR. ROY:** Yes.

4 **MR. LEE:** Is that correct?

5 **MR. ROY:** Yes.

6 **MR. LEE:** And you've told us, in particular,
7 that Bob Payette encouraged you to come forward with your
8 allegations?

9 **MR. ROY:** Yes.

10 **MR. LEE:** Did Dr. Almudevar encourage you to
11 come forward at any point?

12 **MR. ROY:** As I said the other day, he didn't
13 -- it's not that he didn't want to acknowledge it happened.
14 He was trying to get my manic depression under control with
15 medication before he'd deal with that. He didn't want to
16 have me without proper supervision on my meds and that and
17 -- before he started dealing with stuff like that.

18 **MR. LEE:** Had you told both Mr. Payette and
19 Dr. Almudevar that the men who had abused you were
20 probation officers?

21 **MR. ROY:** Yes.

22 **MR. LEE:** Did either Mr. Payette or Dr.
23 Almudevar speak to you at all about the fact that they may
24 have had a duty to report what you had told them?

25 **MR. ROY:** I don't think Dr. Almudevar ever

1 talked about it, but I told Bob I didn't want him telling
2 anybody. I didn't want my first wife finding out about it
3 and I know on many occasions, I told Bob that he can't tell
4 people.

5 **MR. LEE:** Were you concerned that he was
6 going to tell people? Is that why you were having those
7 discussions?

8 **MR. ROY:** I was concerned my wife would find
9 out somehow if he did something. My first wife, I should
10 say.

11 **MR. LEE:** Again, to change topics here, you
12 told us that when you did eventually decide to report to
13 the Cornwall Police, then you went directly from Bob
14 Payette's office to meet with Heidi Sebalj. Is that
15 correct?

16 **MR. ROY:** That's the way I remember it, yes.

17 **MR. LEE:** And you explained to us yesterday
18 that Ms. Sebalj was the first officer that you spoke with
19 and that you had told Bob Payette that you didn't want to
20 deal with a male officer.

21 **MR. ROY:** That's correct. The discussion
22 between me and Bob was he was kind of trying to negotiate
23 me going to the police, so you know he discussed "How can I
24 make this easier for you" and things like that. And in the
25 course of that discussion, it came up that maybe if there

1 was a -- see now, talking about it, I start to remember a
2 little bit more because I know Bob said that he -- he said,
3 "Maybe I could find out if there's a female police officer
4 that can take your statement, if you go". So he might have
5 called the Cornwall Police to find out. So Heidi might
6 have already known I was coming at this point.

7 Anyways, that's how it happened. And then I
8 told him, "Yes, I think it would be easier to talk to a
9 female". I just told him point out there's no way I can
10 talk to a man.

11 **MR. LEE:** When you went and you met with
12 Constable Sebalj, is it fair to say that you were pleased
13 that she was a woman you were dealing with?

14 **MR. ROY:** Yes.

15 **MR. LEE:** I would like to take you to a
16 couple of documents. The first one is Exhibit C-120. This
17 is Constable Sebalj's handwritten notes. The specific page
18 I would like to take you to is Bates number 7158397. These
19 aren't numbered otherwise, so we have to go by that. The
20 date at the top of the page says, "24 November 1994".

21 **THE COMMISSIONER:** Okay. Can that page be -
22 --

23 **MR. ROY:** I have it.

24 **THE COMMISSIONER:** Can it be put on the
25 screens? Is there any?

1 **MR. LEE:** Yes, I believe it can be put on
2 the screens.

3 **THE COMMISSIONER:** Okay.

4 **MR. LEE:** The portion I am interested in is
5 about two-thirds of the way down and the line starts with
6 the word "Spontaneous".

7 Down a little bit further.

8 **THE COMMISSIONER:** So it's ---

9 **MR. LEE:** There we are. It's on the screen
10 now.

11 Mr. Roy, these are Constable Sebalj's
12 handwritten notes that she would have been taking on a
13 meeting with you on 24 November 1994 and if I can read this
14 for the record. It reads:

15 "Spontaneous; glad you're not a guy.
16 I'm 34 and I'm still afraid to be alone
17 with a man in a room."

18 Do you recall telling Constable Sebalj that?

19 **MR. ROY:** Yes.

20 **MR. LEE:** And you agree that that would have
21 been the case at the time? You would have been afraid to
22 be alone with a man in a room?

23 **MR. ROY:** Yes. I still am.

24 **MR. LEE:** I would like to take you to
25 another document. It has also already been filed as an

1 exhibit, and it's Exhibit C-115.

2 This is an archived incident book.

3 **THE COMMISSIONER:** All right, C-115.

4 **MR. LEE:** Madam Clerk, it's C-115.

5 **THE COMMISSIONER:** And it is a "C" document.

6 **MR. LEE:** The page number is 7008827.

7 That's page 17 of the document itself.

8 **THE COMMISSIONER:** Is that something we can
9 put up on the public screen? Let me see.

10 **MR. LEE:** I don't see anything on this page
11 that ---

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

13 **MR. LEE:** And I'm looking ---

14 **THE COMMISSIONER:** Do you have the page 17?
15 This is of the C-115.

16 **MR. ROY:** Okay, no problem.

17 **MR. LEE:** This is a typed interview report
18 and it's Constable Sebalj asking the questions and you
19 responding. So if you look over on the left, "R" would
20 stand for Roy, and "S" would stand for Sebalj.

21 **MR. ROY:** Yes.

22 **MR. LEE:** I would like to start, do you see
23 in about the middle of the page at the bottom of the page
24 on the screen right now, there's "S" "Why"; she asked you
25 the question, "Why" twice.

1 MR. ROY: Okay.

2 MR. LEE: Do you see that it's there twice,
3 sir?

4 MR. ROY: Yes.

5 MR. LEE: If you look at the first time she
6 asked you "Why", just above that, the first sentence above
7 that reads:

8 "After Nelson and Ken, I tried to stay
9 drunk as much as I could."

10 And she asks you "Why?". And you respond:

11 "To try and stop thinking about it. I
12 hated myself for letting it happen, you
13 know. After the incident with Ken and
14 Nelson, I wouldn't allow myself in a
15 room alone with a man, like anybody in
16 authority."

17 And she again asked "Why?", and you respond:

18 "Fear it would happen again. Years
19 after, when I started seeing my social
20 worker, Bob Payette, I..."

21 I think that probably means "he".

22 "I was almost petrified on my first
23 because we used to have to talk in his
24 office alone, and there was one time
25 when he came near me, I nearly jumped

1 through the door so scared that he was
2 going to touch me, that he was another
3 Ken or another Nelson."

4 Do you recall telling Constable Sebalj that?

5 **MR. ROY:** The incident was he was sitting
6 across from me and I was sitting in my chair. And I had
7 said something funny, and he had leaned over and slapped my
8 foot. And I actually did physically get up off the chair
9 and go in the corner. It was just a reaction.

10 **MR. LEE:** You've told us here that at some
11 point the investigation of Nelson Barque was taken over by
12 the Ontario Provincial Police. Is that correct?

13 **MR. ROY:** Yes.

14 **MR. LEE:** And you dealt with OPP Officers at
15 that time?

16 **MR. ROY:** Well, no.

17 **MR. LEE:** Once the ---

18 **MR. ROY:** Yes, well, I can't remember if
19 Chris McDonnell talked to me before the OPP in Long Sioux
20 got involved or if it was after or at the same time. I
21 can't remember.

22 **MR. LEE:** Officer McDonnell is a man. Is
23 that correct?

24 **MR. ROY:** Yes.

25 **MR. LEE:** And you also dealt with an OPP

1 officer named Zebruck. Is that correct?

2 MR. ROY: Yes.

3 MR. LEE: Is he a man?

4 MR. ROY: Yes.

5 MR. LEE: Do you recall dealing with any
6 other OPP officers?

7 MR. ROY: Well, there's the two men from
8 Project Truth. There was two men that I had -- two
9 officers that I don't know why they were talking to me. I
10 can't remember why, but they were both men, and I don't
11 know where they were from. If they were the OPP or
12 Cornwall Police.

13 MR. LEE: Do you ever remember dealing with
14 a female officer other than Constable Sebalj?

15 MR. ROY: No.

16 MR. LEE: Do you recall being asked if you
17 would prefer to deal with female officers?

18 MR. ROY: I think I told them. No. I was
19 never asked.

20 MR. LEE: So we know that you met at some
21 point with a Constable Zebruck from the OPP. And you
22 described to us yesterday that you weren't very pleased
23 with the treatment you received from that officer. Is that
24 correct?

25 MR. ROY: I wasn't happy with the statements

1 he made in the vehicle. Other than that, I don't think he
2 ever did anything wrong against me.

3 MR. LEE: When you got home from that car
4 ride, you actually called the OPP office. Is that correct?

5 MR. ROY: Yes.

6 MR. LEE: And you don't know the name of the
7 person you were speaking to?

8 MR. ROY: No.

9 MR. LEE: Do you know that person's
10 position? What their authority was or anything like that?

11 MR. ROY: I can't remember.

12 MR. LEE: Do you recall whether you called
13 the OPP and spoke to a receptionist or a switchboard and
14 were referred to somebody or did you only speak with one
15 person? Do you recall that?

16 MR. ROY: I believe I was transferred over
17 but I can't remember who initially answered the phone.

18 MR. LEE: And at some point, you spoke with
19 ---

20 MR. ROY: The man I talked to wasn't the
21 original person that answered the phone. That I remember.

22 MR. LEE: You told that man that you had
23 some concerns about the car ride and what Officer Zebruck
24 had said?

25 MR. ROY: Yes.

1 **MR. LEE:** And you never heard anything more
2 about it?

3 **MR. ROY:** No. He told me he would take care
4 of it and I was not to worry.

5 **MR. LEE:** The last area I would like to
6 briefly ask you about is an issue that came up yesterday
7 and was raised again briefly today. You told us that Ken
8 Seguin told you at some point that he would have access to
9 a church.

10 **MR. ROY:** Yes.

11 **MR. LEE:** And that the abuse could happen
12 there. Is that correct?

13 **MR. ROY:** Yes.

14 **MR. LEE:** And you told us that that never
15 ended up happening. You didn't go to a church?

16 **MR. ROY:** No. No, I refused.

17 **MR. LEE:** Did he mention which church he
18 might have access to?

19 **MR. ROY:** No.

20 **MR. LEE:** Did he mention how he might have
21 access to that church?

22 **MR. ROY:** No.

23 **MR. LEE:** Did he ever discuss with you his
24 connection to the church or anything along those lines?

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

1 **MR. LEE:** Do you recall him ever telling you
2 that he was at a seminary in Ottawa in his younger days?

3 **MR. ROY:** No.

4 **MR. LEE:** He didn't discuss that area of his
5 life?

6 **MR. ROY:** Who are we talking about?
7 Ken?

8 **MR. LEE:** Ken Seguin.

9 **MR. ROY:** No.

10 **MR. LEE:** He didn't discuss that area of his
11 life with you at all?

12 **MR. ROY:** No.

13 **MR. LEE:** Didn't discuss any involvement he
14 may have had with Clergy or the church at all?

15 **MR. ROY:** No.

16 **MR. LEE:** Mr. Roy, I would very truly like
17 to thank you for your evidence and thank you for coming
18 here and those are all the questions I have.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Chisholm.---

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

22 **CHISHOLM:**

23 **MR. CHISHOLM:** Good morning, Mr.
24 Commissioner. Good morning, Mr. Roy, my name is Peter
25 Chisholm. I am counsel for the Children's Aid Society of

1 the United Counties of Stormont, Dundas and Glengarry. My
2 friends have touched upon the only question I was going to
3 ask you, and I think you've answered it. You were 16, you
4 had attained the age of 16 years by the time the abuse
5 started?

6 **MR. ROY:** Yes.

7 **MR. CHISHOLM:** Thank you.

8 Good luck to you sir.

9 **MR. ROY:** Thank you.

10 **THE COMMISSIONER:** Mr. Neuberger.

11 **MR. NEUBERGER:** I think by the nature of the
12 evidence, I ---

13 **THE COMMISSIONER:** Oh, that's right. Sorry.
14 Yes, thank you very much.

15 Mr. Kloeze.

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

17 **KLOEZE:**

18 **MR. KLOEZE:** Good morning, Mr. Commissioner.

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

20 **MR. KLOEZE:** Good morning, Mr. Roy. My name
21 is Darrell Kloeze. I am counsel for the Ministry of the
22 Attorney General, and our Ministry is responsible for the
23 prosecutions in this Province.

24 I wanted to ask you some questions first
25 about you testified yesterday about your meeting with Guy

1 Simard, who was the Crown Attorney who was responsible for
2 the prosecution.

3 MR. ROY: Yes.

4 MR. KLOEZE: Now, you testified that you met
5 with Mr. Simard once before you went to court?

6 MR. ROY: That I can remember, yes.

7 MR. KLOEZE: Is it possible that you met
8 with him more than once, but you only remember the one
9 occasion?

10 MR. ROY: Well, I know I had, like, seen
11 him, but it wasn't like a meeting, meeting. You know what
12 I mean?

13 Like I can't remember how it came about, but
14 we just kind of met. We shook hands, and we might have
15 talked about things, but it wasn't like the other meeting.
16 The other meeting was -- I was called to his office to meet
17 with him.

18 MR. KLOEZE: The first time I think you said
19 you were introduced to him in the courthouse. That's what
20 you're describing now; you had a brief ---

21 MR. ROY: Yes.

22 MR. KLOEZE: --- meeting with him where you
23 shook his hand?

24 MR. ROY: And there might have been another
25 encounter like that at the police station, but as far as I

1 know, it wasn't a meeting. It was just because he happened
2 to be there.

3 MR. KLOEZE: Okay. But you remember one
4 longer meeting that you had with him?

5 MR. ROY: Yes.

6 MR. KLOEZE: And that was in his office?

7 MR. ROY: Yes.

8 MR. KLOEZE: And that was arranged by Heidi
9 Sebalj?

10 MR. ROY: I don't remember who told me to go
11 to this one. All I can remember is my wife being there.
12 This time, I can't remember if Heidi was there too.

13 MR. KLOEZE: But somebody contacted you and
14 said you're to meet with Mr. Simard on such and such a
15 date?

16 MR. ROY: Yes.

17 MR. KLOEZE: And you said your wife was with
18 you at the meeting. Was anybody else with you there?

19 MR. ROY: I can't remember. Almost every
20 time I talked to somebody, Heidi accompanied me, but I
21 don't remember if she was there.

22 MR. KLOEZE: But it's possible that she was
23 there. You just don't remember?

24 MR. ROY: It's possible that she was there.

25 MR. KLOEZE: Okay. Now, in this meeting

1 with Mr. Simard, do you remember when it was?

2 MR. ROY: No. It was just before the trial
3 of Nelson Barque.

4 MR. KLOEZE: Do you remember what time of
5 year?

6 MR. ROY: No.

7 MR. KLOEZE: Okay. Thank you.

8 Mr. Simard, during that meeting, he spoke to
9 you about the strength of your evidence?

10 MR. ROY: Yes.

11 MR. KLOEZE: And I think you said that he
12 told you that your evidence was strong and had no holes in
13 it?

14 MR. ROY: Yes.

15 MR. KLOEZE: And he spoke to you about the
16 possible sentence that Mr. Barque would receive?

17 MR. ROY: Yes.

18 MR. KLOEZE: And I think he told you -- you
19 testified that he told you it's very possible Mr. Simard
20 would receive a sentence of around four months in jail?

21 MR. ROY: Yes.

22 MR. KLOEZE: But he also told you that he
23 would be asking -- Mr. Simard would be asking for a much
24 long sentence?

25 MR. ROY: That's right. He said he was

1 going to be asking for a year or two years, I think.

2 MR. KLOEZE: Okay.

3 MR. ROY: I can't remember the exact amount.

4 MR. KLOEZE: Okay. I think your evidence
5 yesterday was that he said he was going to ask for a year
6 in jail. I can't remember if that was your evidence or
7 not, but do you remember when you were at the sentencing
8 hearing, what Mr. Simard did ask for?

9 MR. ROY: You mean the ---

10 MR. KLOEZE: When you were actually in court
11 before the judge and Mr. Simard was there and he was making
12 submissions to sentence, do you remember that he asked for
13 a year in jail? That was the sentence he asked for?

14 MR. ROY: I don't remember that.

15 MR. KLOEZE: Okay. And do you remember that
16 he asked for a probation term of three years?

17 MR. ROY: No, I don't remember that either.

18 MR. KLOEZE: You're aware that in any case
19 in a court, it's the judge who is ultimately responsible
20 for deciding what the sentence is?

21 MR. ROY: I don't know. I was told that
22 they had a meeting, the three of them together, before he
23 even went to trial.

24 MR. KLOEZE: Okay. So they had a meeting.
25 Were you told that at the meeting they

1 discussed the possibility or ---

2 MR. ROY: The guilty plea or not.

3 MR. KLOEZE: They discussed that Mr. Barque
4 would be pleading guilty at the meeting?

5 MR. ROY: Yes. I think they -- I think I
6 was told that they also discussed what the sentencing would
7 be because -- I forget his name -- the prosecutor ---

8 THE COMMISSIONER: Mr. Simard?

9 MR. ROY: Yes, Mr. Simard seemed to already
10 know what the judge was predestined to do ---

11 MR. KLOEZE: M'hm.

12 THE COMMISSIONER: So ---

13 MR. ROY: --- from talking to him.

14 THE COMMISSIONER: Right.

15 Did they use the word pre-trial? Is that
16 what they said, or were you under the impression it was the
17 sentencing?

18 MR. ROY: I was under the impression it was
19 like just an informal meeting between the three of them.

20 THE COMMISSIONER: Right.

21 And you thought in your mind that it was the
22 judge that was presiding that day that met with him or was
23 it another judge?

24 MR. ROY: I was under the assumption it was
25 the judge that they were talking about that day.

1 **THE COMMISSIONER:** Okay.

2 **MR. ROY:** But I can't remember if he
3 actually said his name.

4 **THE COMMISSIONER:** Fair enough.

5 **MR. KLOEZE:** Okay. Now, when you met with
6 Mr. Simard before you went to court with him, you were able
7 to give your own input into what other kinds of conditions
8 you wanted in the sentence?

9 **MR. ROY:** Yes.

10 **MR. KLOEZE:** And you and your wife both said
11 that you wanted a condition of the sentence that Mr. Barque
12 would not be allowed to be around young people?

13 **MR. ROY:** Yes.

14 **MR. KLOEZE:** You told that to ---

15 **MR. ROY:** Well, I forget the wording. That's
16 the gist of it, yes.

17 **MR. KLOEZE:** And you told that to Mr. Simard
18 when you met with him beforehand?

19 **MR. ROY:** Yes.

20 **MR. KLOEZE:** Yes.

21 **MR. ROY:** I told him it was important, that
22 it's something we really want him to push for.

23 **MR. KLOEZE:** Okay. And why was that
24 important to you?

25 **MR. ROY:** For the obvious reason. I mean, I

1 didn't want him to be in a position where he could do
2 something like this again.

3 **MR. KLOEZE:** So you didn't want Mr. Barque
4 to be able to commit this kind of crime again against young
5 people?

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

7 **MR. KLOEZE:** Mr. Simard told you at the time
8 that he could ask for that as a condition?

9 **MR. ROY:** Yes.

10 **MR. KLOEZE:** And he did ask for that as a
11 condition at the sentencing hearing?

12 **MR. ROY:** I believe he did, yes.

13 **MR. KLOEZE:** Now, you were there at the
14 sentencing hearing?

15 **MR. ROY:** Well, the problem is I left before
16 the judge finished everything because of comments he had
17 made. So I wasn't there for the end of it.

18 **MR. KLOEZE:** Okay. But you are aware that
19 the judge did order that there was a condition ---

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

21 **MR. KLOEZE:** And the condition was that Mr.
22 Barque would not be allowed to be with anybody under the
23 age of 18, except for his own son? Do you remember that as
24 a condition of his sentence?

25 **MR. ROY:** Yes.

1 **MR. KLOEZE:** Thank you.

2 I want to move on to something that is a bit
3 unclear in the transcript, and that's the question of
4 whether or not there was a Victim Impact Statement. And I
5 think you testified the last few days that you don't
6 remember making a Victim Impact Statement?

7 **MR. ROY:** No, I don't, because I was going
8 to testify.

9 **MR. KLOEZE:** Okay. Is it possible that you
10 did prepare one, because there is some reference in the
11 transcript, and I think you mentioned it yourself you saw a
12 reference in the transcript.

13 **MR. ROY:** It's possible, because -- I mean,
14 it's possible.

15 **MR. KLOEZE:** Now, as you said, you did
16 testify at the sentencing hearing?

17 **MR. ROY:** Yes.

18 **MR. KLOEZE:** And that was another thing that
19 Mr. Simard would have told you at the meeting you had with
20 him beforehand? He would have told you that there was a
21 possibility that you could testify at the sentencing
22 hearing?

23 **MR. ROY:** I can't -- I don't think there was
24 ever a question that I wouldn't be allowed to. I think,
25 from my understanding, that there was not -- I would be

1 testifying.

2 **MR. KLOEZE:** And you had made that clear to
3 Mr. Simard that you wanted to testify?

4 **MR. ROY:** Yes.

5 **MR. KLOEZE:** Okay. And the purpose of you
6 testifying was so that you could tell the judge yourself
7 what the impact of the crime and the impact of the abuse
8 had had on your life?

9 **MR. ROY:** Well, it was kind of twofold
10 because everybody involved kept telling me that I would
11 have this closure. You know, if I faced Nelson in court,
12 that I would have some kind of finality to this event, and
13 I think one of the -- that influenced my decision to
14 testify.

15 **MR. KLOEZE:** And when you testified at the
16 sentencing hearing, you did tell the judge some of the
17 effects that the abuse had had on your life?

18 **MR. ROY:** Yes.

19 **MR. KLOEZE:** And you were able to tell the
20 judge about that?

21 **MR. ROY:** Yes.

22 **MR. KLOEZE:** For example, you told the judge
23 about your need to seek psychiatric help because of this?

24 **MR. ROY:** Yes.

25 **MR. KLOEZE:** And you told the judge that the

1 abuse had given you low feelings of self worth?

2 MR. ROY: Yes.

3 MR. KLOEZE: And you also told the judge
4 that the abuse had left you, as you've described in the
5 last couple of days, with difficulty around authority
6 figures and around men?

7 MR. ROY: Yes.

8 MR. KLOEZE: I want to move on to another
9 area of questioning, and this is -- you had testified
10 yesterday at some point about your concern that Donald
11 Johnson was the defence lawyer for Mr. Barque. You
12 remember that testimony?

13 MR. ROY: Yes.

14 MR. KLOEZE: You were concerned because you
15 had been told that Mr. Johnson used to be a Crown Attorney.

16 MR. ROY: Yes.

17 I'm sorry ---

18 THE COMMISSIONER: Time for a break? That's
19 fine.

20 MR. ROY: I have to ---

21 THE COMMISSIONER: Let's take 10 minutes.

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

24 The hearing will reconvene at noon.

25 --- Upon recessing at 11:49 a.m./

1 L'audience est suspendue à 11h49

2 --- L'audience est reprise à 12:10 p.m./

3 L'audience est reprise à 12h10

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

6 This hearing of the Cornwall Public Inquiry
7 is now in session. Please be seated. Veuillez vous
8 asseoir.

9 **ALBERT ROY, Resumed/Sous le même serment:**

10 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

11 **KLOEZE (cont'd/suite):**

12 **MR. KLOEZE:** Mr. Roy, just before we broke,
13 I was asking you about Donald Johnson and your testimony
14 over the last two days has been that you were concerned
15 that Mr. Johnson was the defence lawyer for Nelson Barque?

16 **MR. ROY:** Yes.

17 **MR. KLOEZE:** And that was because you were
18 told that Mr. Johnson used to be a Crown Attorney?

19 **MR. ROY:** Yes.

20 **MR. KLOEZE:** And you were also told that
21 there were other allegations against Mr. Barque in 1982
22 that Mr. Johnson had some involvement in?

23 **MR. ROY:** Yes.

24 **MR. KLOEZE:** Okay. Now, you testified today
25 that in 1982, you were not aware that Mr. Barque had left

1 his job at Probations or had lost his job with Probations.

2 MR. ROY: No, I think I testified that I
3 knew he had left Probation, but I didn't know the
4 circumstances around it.

5 MR. KLOEZE: Okay. Thank you for that
6 correction.

7 So you weren't aware in 1982 that there had
8 been allegations raised against Mr. Barque?

9 MR. ROY: I don't believe so, no.

10 MR. KLOEZE: And obviously you weren't
11 involved in any complaints against Mr. Barque in 1982?

12 MR. ROY: No.

13 MR. KLOEZE: When did you find out about
14 these allegations? When did you find out that Mr. Barque
15 had left his job because there had been allegations?

16 MR. ROY: The first time that I was told
17 about it, Heidi Sebalj and her partner had to leave the
18 room that -- her office that I was in with them for some
19 reason, and a police officer came in to watch over me while
20 they were gone, and this police officer, he told me the
21 whole thing.

22 MR. KLOEZE: Okay. So that was in 1994?

23 MR. ROY: Yes.

24 MR. KLOEZE: Do you remember around what
25 month that was? Was it the first time you met with Heidi

1 Sebalj?

2 MR. ROY: No. It would have been within a
3 month of that first initial ---

4 MR. KLOEZE: Okay. So whatever information
5 or whatever involvement that Mr. Johnson had had in 1982
6 with Mr. Barque was told to you 12 years later. It wasn't
7 your own personal knowledge at the time?

8 MR. ROY: That's right.

9 MR. KLOEZE: Okay. Thank you.

10 MR. ROY: But I -- sorry.

11 MR. KLOEZE: No, please go ahead.

12 MR. ROY: After I was told that, I tried to
13 find out from somebody if it was true, and I could never
14 get a response, like anybody to -- I don't know what the
15 word is for -- to absolutely confirm that that's the way it
16 was.

17 MR. KLOEZE: Now, the police officer who
18 told you, do you know if that was a Cornwall Police
19 officer?

20 MR. ROY: Yes.

21 MR. KLOEZE: And you said you were meeting
22 with Constable Sebalj and she had to leave the room?

23 MR. ROY: Her and her partner, yes.

24 MR. KLOEZE: Her and her partner had to
25 leave the room and that officer came in and talked to you?

1 **MR. ROY:** Yes.

2 **MR. KLOEZE:** But you don't know that
3 officer's name?

4 **MR. ROY:** No. I think he was some kind of
5 sergeant or something like that. He wasn't like a normal
6 patrol officer.

7 **MR. KLOEZE:** What makes you think that?

8 **MR. ROY:** I don't know; his uniform was
9 different. It had more things on it. I don't know how the
10 ranking goes, but it just looked different. He looked like
11 he had a different position.

12 **MR. KLOEZE:** Okay. Now, you also said
13 yesterday that you were also told by a CBC reporter, and I
14 just wanted to clarify -- you were told about the
15 allegations in 1982 by a CBC reporter?

16 **MR. ROY:** Again, I believe it was a CBC
17 reporter. She told me that she had concerns and other
18 people had concerns, and she asked me if I was concerned at
19 the fact that Don Johnson was the prosecuting attorney when
20 Nelson was allowed to resign without charges from the
21 Probation Department. And I told her I still don't know
22 for a fact if that's what happened.

23 I think at the time she told me that she was
24 going to find out if she could get some documentation on
25 it. I don't believe she ever talked to me about it again

1 or I don't -- or she couldn't -- I don't know the
2 circumstances, but I've never seen anything from her after
3 that.

4 **MR. KLOEZE:** Do you remember the name of
5 this reporter?

6 **MR. ROY:** No.

7 **MR. KLOEZE:** And do you remember the time
8 that you talked to her about this?

9 **MR. ROY:** It was during Nelson's -- like,
10 during that period that Nelson was either -- it would've
11 been before when I testified in court.

12 **MR. KLOEZE:** Before you testified?

13 **MR. ROY:** Yes.

14 **MR. KLOEZE:** So you had talked to a CBC
15 reporter before you testified?

16 **MR. ROY:** Yes.

17 **MR. KLOEZE:** Was there an article that came
18 out or some sort of a news piece on the CBC before the
19 court hearing about you and about this case?

20 **MR. ROY:** To my recollection, it was like a
21 work in progress. Like, she was interviewing lots of
22 people, and she was going to do a big thing on it.

23 **MR. KLOEZE:** Okay. So nothing came out
24 before the court hearing?

25 **MR. ROY:** Well, I'm not going to say nothing

1 came out. I'm just saying that's how I remember it.

2 **MR. KLOEZE:** I think you also testified
3 yesterday that you might have been told by a third person?

4 **MR. ROY:** Yes.

5 **MR. KLOEZE:** Do you know who that person was
6 or what kind of position they had? What authority they
7 had? What agency they might have been working for?

8 **MR. ROY:** I was thinking about that last
9 night, trying to -- I think -- well, I'll answer this way;
10 after thinking about it last night, it seems to me that it
11 was a lawyer that told me that, somebody I had met casually
12 in the hallway or something like that, that had told me
13 that.

14 **MR. KLOEZE:** But you don't remember who that
15 lawyer was?

16 **MR. ROY:** No.

17 **MR. KLOEZE:** And that ---

18 **MR. ROY:** No, I don't specifically remember
19 if it was a lawyer. It's just that ---

20 **MR. KLOEZE:** And that was before the --
21 sorry, that was before the sentencing hearing as well?

22 **MR. ROY:** Yes.

23 **MR. KLOEZE:** Now, did you say anything to
24 Mr. Simard about your concerns regarding Donald Johnson?

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

1 **MR. KLOEZE:** Okay.

2 I just want to turn to one more area and
3 that is the information that was before the judge at the
4 sentencing hearing. You have testified yesterday and today
5 that you felt the judge, at the sentencing hearing, made
6 some comments that made you feel he did not understand
7 fully the abuse that you suffered ---

8 **MR. ROY:** Yes.

9 **MR. KLOEZE:** --- and the crime that had been
10 committed.

11 **MR. ROY:** Yes.

12 **MR. KLOEZE:** And Me Dumais had gone through
13 some of the parts of the sentencing hearing, some of the
14 reasons in the transcript that you have concerns with. And
15 I fully understand that you have concerns about those areas
16 of the sentencing hearing, but to complete the record, I do
17 want to point you to some other areas, some other comments
18 that the judge made that perhaps are more sensitive or more
19 -- demonstrate that there was full information before him
20 at the hearing.

21 So if you can turn to that exhibit.

22 **MR. ROY:** The sentencing report or the
23 actual trial ---

24 **MR. KLOEZE:** Sorry.

25 **THE COMMISSIONER:** The transcript.

1 **MR. KLOEZE:** It's the transcript. It's
2 Exhibit P-114, and it's the actual transcript.

3 And the first page I want you to turn to is
4 page 23 of the transcript. It's page 1075699. Actually,
5 I'm turning to that page because I wanted you to help me
6 with something on that page, at the top, and this is just
7 before Guy Simard reads the facts into the record about the
8 offence. I'm at page 23 of the transcript.

9 **MR. ROY:** Okay. Just a second.

10 All right.

11 **MR. KLOEZE:** Okay? Right at the top of the
12 page, Mr. Simard says:

13 "No, Your Honour, but some concerns
14 were expressed on the day of the guilty
15 plea by the complainant, which I
16 completely understand. If Your Honour
17 recalls, the facts were not read in."

18 And Justice Renaud says:

19 "No, and that's why I wanted to begin
20 with him so we wouldn't delay it and
21 then we'll get to the facts. I
22 appreciate what you're saying.
23 Typically, we would do it the other way
24 around, but here I didn't want the
25 witness waiting around and dealing with

1 the guilty plea, so that might just be my misunderstanding.

2 MR. ROY: Don't you guys have records that
3 show -- something in my head is telling me that the pre-
4 trial -- my Impact Statement and the sentencing was all one
5 day. It was all the same thing, because I know for sure
6 the sentencing and me testifying was the same day.

7 MR. KLOEZE: Yes.

8 MR. ROY: So maybe the pre-trial was the
9 same day. That's why I'm confused about this pre-trial
10 thing, because I don't remember going a separate time to
11 the court.

12 MR. KLOEZE: Okay. No, that's fine and
13 that's just the evidence. I wanted you to clarify that you
14 don't remember that because of the confusion that I was
15 having from what Mr. Simard says here on the top of the
16 page.

17 MR. ROY: Sorry, I didn't mean to sound ---

18 THE COMMISSIONER: No, no, no, that's okay.

19 MR. KLOEZE: No, that's fine. But you do
20 remember having a discussion with Mr. Simard about when the
21 facts were going to be read into the record?

22 MR. ROY: Yes.

23 MR. KLOEZE: And what the facts were going
24 to be?

25 MR. ROY: I don't think what they were going

1 to be, but just I was concerned that they weren't going to
2 -- see, that tells me, again, that I don't know about this
3 pre-trial thing because now, I remember that my concern
4 with him, the reason I brought it up with Mr. Simard was he
5 had pleaded guilty. And I said to Mr. Simard, "Because he
6 pleaded guilty, does that mean nobody is going to know what
7 went on?" And he said, "I assure you that it's going to be
8 read into the court record."

9 **MR. KLOEZE:** That's right.

10 **MR. ROY:** So that's my conversation with Mr.
11 Simard. So that's how it came to be with me and him about
12 that.

13 **MR. KLOEZE:** Okay. That helps me a lot.
14 Thank you very much, Mr. Roy, for that.

15 If we can to page 25 then, and this is where
16 Mr. Simard actually does start to read the facts into the
17 record. I guess it starts at the bottom of page 24, and we
18 have right at the bottom of that page:

19 "Your Honour, the facts as related by
20 the synopsis of the police is that on
21 the 14th of January, 1977 Albert Roy was
22 placed on probation for a period of 18
23 months. His probation officer was Ken
24 Seguin who was replaced by Nelson
25 Barque in June or July of that same

1 year while Seguin was on vacation."

2 And then he goes on:

3 "Barque befriended the victim, offering
4 encouragement and affection. He began
5 hugging the victim and touching him,
6 stroking his face and legs. The victim
7 was uncomfortable with this type of
8 affection and told Barque that he did
9 not like being touched. Nelson Barque
10 began giving the victim alcohol and
11 would pick Roy up at his home, take him
12 for a ride. They would go to the power
13 dam on 2nd Street West in Cornwall and
14 sit and drink beer."

15 So I just wanted to point that out to you,
16 Mr. Roy, because in that paragraph, it seems that what Mr.
17 Simard is doing is telling the judge, making the judge
18 aware of the facts; what we called yesterday and what the
19 Commissioner accurately called the grooming behaviour.

20 **MR. ROY:** I'm sorry.

21 **MR. KLOEZE:** Sorry, I just ---

22 **MR. ROY:** I'm sorry.

23 **MR. KLOEZE:** I was talking too fast.

24 **MR. ROY:** No, I was ---

25 **MR. KLOEZE:** No, I realize you were reading,

1 and I should have waited for you to finish reading the
2 excerpts and I apologize for that.

3 The only thing I wanted to ask you or point
4 out to you was that what Mr. Simard was trying to do in
5 this reading of the facts was to make the judge aware of
6 the grooming behaviour and all the incidents that led up to
7 the abuse, and make the judge aware that it was an
8 accumulation of incidents, not just the one thing. So the
9 judge was aware of that and that was beforehand.

10 **MR. ROY:** Can I just look at it for a
11 second?

12 **MR. KLOEZE:** Sure. Go ahead, please.

13 **MR. ROY:** Yes, that would be accurate.

14 **MR. KLOEZE:** Okay.

15 **MR. ROY:** I guess.

16 **MR. KLOEZE:** And then as it goes on -- I'm
17 not going to read the rest of it, but as it goes on, the
18 facts about the actual incident on the night in question of
19 going to the drive-in movie and you going back to Mr.
20 Barque's house. Those were also read into the record.

21 **MR. ROY:** That's another part that I never
22 understood is that because he molested me that night and
23 then that morning. In my mind, that would constitute two
24 incidents, not one, but they kept saying it was one
25 incident. So there's another reason why I didn't

1 understand, like, how they could say it was just one
2 incident because -- I'm sorry, I don't know if I'm supposed
3 to do this, but if a man rapes a woman in the morning and
4 then goes back and rapes her the next day -- excuse me, if
5 a man rapes a woman in the morning -- in the evening, and
6 then goes back the next morning and rapes her, it's two
7 rapes, isn't it?

8 So to me, I was molested twice. It's not
9 just one incident.

10 **MR. KLOEZE:** The fact that there were two
11 separate events are further on, on that page, on page 25,
12 in the second paragraph. I can point you ---

13 **MR. ROY:** I know I told them that it
14 happened twice.

15 **MR. KLOEZE:** Okay.

16 **MR. ROY:** I'm just saying that ---

17 **MR. KLOEZE:** If we can turn now to page 56
18 of the sentencing hearing, of the transcript. I'm sorry,
19 I'm actually going to go to the bottom of page 55, and it's
20 here at the bottom of page 55 that Mr. Simard starts his
21 sentencing submissions.

22 Have you found it, Mr. Roy?

23 **MR. ROY:** I've got the wrong page.

24 **THE COMMISSIONER:** So we're at page 55.

25 **MR. KLOEZE:** Sorry, for the Clerk, it's page

1 1075731.

2 **THE COMMISSIONER:** So right at the bottom.

3 **MR. KLOEZE:** Of 5731. That's correct.

4 **MR. ROY:** All right.

5 **THE COMMISSIONER:** Page 55. So he says,
6 "Thank you, Mr. Johnson. So Mr. Simard." Mr. Simard
7 starts off.

8 **MR. KLOEZE:** Yes, Mr. Simard begins:

9 "Your Honour, I think Mr. Johnson
10 fairly pointed out the worst
11 aggravating factor, which is the
12 serious breach of trust in this
13 situation."

14 And what I want to concentrate on is the
15 remainder of that paragraph.

16 "The serious breach of trust in this
17 particular situation involves two
18 things: being in a position of
19 authority towards this young man, on
20 one hand, and the second breach of
21 trust, which is the position that he
22 was holding. So per se, I don't know
23 if we can say that it's a double breach
24 of trust. It's a double breach of
25 trust for society. It's a double

1 breach of trust for the community of
2 Cornwall. Another aggravating factor,
3 I think it's self-evident for people
4 that sat during this hearing, is the
5 effect of the crime on the individual."

6 **MR. ROY:** I'm sorry.

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

8 **MR. KLOEZE:** I'm sorry, Mr. Roy, you can
9 take your time. I just wanted you to have some time to
10 read that paragraph.

11 **MR. ROY:** It's just sometimes when you read
12 it, it just makes it so -- I'm fine.

13 **MR. KLOEZE:** And I understand how difficult
14 this is for you. I commend you for having the strength to
15 be here and to sit through all of this.

16 I just wanted to point this paragraph out to
17 you again to show that that information was before the
18 judge. The judge was certainly aware and made aware by Mr.
19 Simard of the seriousness of the crime, the effect it had
20 on you. You had testified earlier that day and had spoken
21 quite eloquently about the effect that that crime had had
22 on you, and what Mr. Simard calls it is a double breach of
23 trust, not only because of the position of authority that
24 he had toward you, but also because he was a probation
25 officer.

1 **MR. ROY:** Yes.

2 **MR. KLOEZE:** And I'm just going to turn to
3 one more page, Mr. Roy, and that's at page 73. It's Bates
4 page 1075751. And I apologize again; I'm just going to
5 start at the beginning of the page -- at the end of the
6 page before that, just the very last line of the previous
7 page. And this is the judge when he's making his decision.
8 The judge talks here about mitigating circumstances and
9 aggravating circumstances, and I don't know if you
10 understand -- we go to law school for many years to learn
11 these things ---

12 **MR. ROY:** Mitigating is something that is
13 good and the other one is something that's bad.

14 **MR. KLOEZE:** Exactly.

15 But what I was going to say is that a judge
16 often has -- a judge always, when he or she is giving a
17 sentence, has to refer to both the positives and the
18 negatives in some sense. They have to say -- when somebody
19 is being sentenced, they have to say what they have
20 considered to the benefit of that individual and what they
21 have considered was particularly bad for that individual.
22 And so the judge, at some point, had gone through the
23 mitigating circumstances and now he's going to be speaking
24 about the aggravating circumstances, the things that make
25 this crime particularly a bad crime, and what he says is:

1 "I will return to the other mitigating
2 circumstances after canvassing some of
3 the more significant aggravating
4 points. The first point, obviously, is
5 that the offence itself is abhorrent
6 and repugnant. Mr. Barque violated the
7 bodily integrity and, more important,
8 the trust and affection, if not love,
9 that a young individual was
10 demonstrating towards a male father
11 figure."

12 And Mr. Dumais had gone through the rest of that paragraph
13 with you earlier today. What Mr. Dumais had not read was
14 that line:

15 "The first point, obviously, is that
16 the offence itself is abhorrent and
17 repugnant."

18 The judge is very clear about that. And the following
19 paragraph I wanted to go to as well ---

20 **THE COMMISSIONER:** Is that a question?

21 **MR. KLOEZE:** There will be a question after
22 I finish the following paragraph.

23 **THE COMMISSIONER:** Okay.

24 **MR. KLOEZE:** What Mr. Dumais had read, I
25 wanted to put in some sort of context.

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

2 **MR. KLOEZE:** So the following paragraph

3 says:

4 "I find, however, that Mr. Barque,
5 being an intelligent, insightful
6 individual, trained to assist those
7 people in the same type of difficulty,
8 fouly abused the trust reposed in him
9 by the community, by the court and,
10 more importantly, by the complainant.
11 There is a double breach of trust in
12 this case. I also have to, and I must,
13 and I do instruct myself that the
14 further aggravating circumstance is
15 that the event was not isolated in the
16 sense of one untoward, although very
17 significant, followed by an immediate
18 apology and acknowledgement that what
19 took place was wrong. It appears that
20 had Mr. Roy not come forward, the
21 gentleman would still be bedevilled by
22 the belief that he somehow did
23 something wrong as opposed to the true
24 version of facts. He was a victim of
25 the pollution and the acts of another

1 individual."

2 And I just wanted to point those two
3 paragraphs out to you, Mr. Roy, to show you that there was
4 some evidence before the judge, certainly a lot of
5 evidence, and perhaps some understanding by the judge of
6 the seriousness of the crime that had been committed
7 against you.

8 **THE COMMISSIONER:** And that's a question?

9 **MR. KLOEZE:** Yes.

10 Would you agree with that?

11 **MR. ROY:** I still feel that if he really
12 understood what happened to me, he wouldn't have made those
13 other comments.

14 **MR. KLOEZE:** Okay. Thank you, Mr. Roy.
15 Those are my questions. Again, I do commend you for being
16 here these days.

17 **MR. ROY:** Thank you.

18 **THE COMMISSIONER:** Thank you.

19 Ms. Makepeace?

20 **MS. MAKEPEACE:** No questions. Thank you.

21 **THE COMMISSIONER:** Mr. David Sherriff-Scott?

22 **MR. SHERRIFF-SCOTT:** Thank you. Nothing,
23 Commissioner.

24 **THE COMMISSIONER:** Mr. Callaghan.

25 He's with the Cornwall Police, if that's

1 what you're looking at.

2 MR. ROY: Okay.

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

4 CALLAGHAN:

5 MR. CALLAGHAN: Sorry, Mr. Roy, I was
6 waiting for you.

7 My name is John Callaghan. I'm with the
8 Cornwall Police.

9 I just want to ask you a few questions, and
10 not particularly about the investigation. You've covered
11 that. But your story is obviously exceedingly compelling
12 for us who are trying to deal with this issue, and I wanted
13 to speak a little bit about what I see is the tug and pull
14 that this Inquiry is going to have to deal with, which you
15 had to live through with Dr. Almudevar and Mr. Payette.

16 Let me start by saying I take it your view
17 is they were both terrific professionals?

18 MR. ROY: Yes. I still see Bob Payette, and
19 Dr. Almudevar, I was the last patient of his practice, the
20 last patient he saw in his practice.

21 MR. CALLAGHAN: Right.

22 And so we can take that they were very
23 caring persons, both of whom had your best interests at
24 heart?

25 MR. ROY: Yes.

1 **MR. CALLAGHAN:** All right.

2 And yet we have this situation whereby Dr.
3 Almudevar was telling you whether there are more people out
4 there, you have to take care of yourself first. You have
5 to get better before you can go to report this. Did I have
6 that right, in general terms?

7 **MR. ROY:** I believe his exact words were --
8 well, not all his words, but if I'm not strong enough to
9 deal with it, I won't get through it. So he wants me to be
10 in a position where I'm strong enough that when we do deal
11 with it, it won't destroy me.

12 **MR. CALLAGHAN:** Right.

13 And Mr. Payette took a little different
14 view, saying -- responding to your understanding that there
15 might be other youths in the same position you are. You
16 should go out and report to protect them?

17 **MR. ROY:** Yes.

18 **MR. CALLAGHAN:** He took that view.

19 From your perspective -- and this isn't a
20 moral issue. It's something we are going to grapple with
21 in terms of should -- is it your view that it was important
22 for you to build up your strength with the assistance of
23 Dr. Almudevar before you went forward? Because you were
24 with Dr. Almudevar, I think, three years prior. Was that
25 an important aspect?

1 **MR. ROY:** The problem is you deal with a lot
2 of guilt during this time. I don't think I knew the right
3 thing to do.

4 **MR. CALLAGHAN:** Well, let me explain ---

5 **MR. ROY:** It's confusing.

6 **MR. CALLAGHAN:** Let me explain. I mean, I
7 echo the Commissioner's view. It took the time it took and
8 you needed that time to deal with it, and this is not a
9 criticism. I'm actually looking for -- we're looking for
10 your assistance because ---

11 **MR. ROY:** I understand that.

12 **MR. CALLAGHAN:** You know, one of the things
13 that we've heard in the Inquiry is if the victim isn't
14 ready to proceed, the police generally don't proceed to
15 allow them to feel the ability to deal with it.

16 And I'm just wondering; do you think that's
17 a good thing and we should continue to think that way or
18 should we insist that they come forward for the benefit of
19 others? Do you have any view that we should take away?

20 **MR. ROY:** I think it would have to be on the
21 individual because -- I think it's the responsibility of
22 the community, if they want these victims to come forward,
23 to have the professionals to help that person make those
24 decisions and capable of coming forward.

25 **MR. CALLAGHAN:** Right.

1 And the people like Mr. Payette and Dr.
2 Almudevar who can actually understand, who can -- I may use
3 the wrong word here, but empathize, who know how to deal
4 with people who are in crises such as yourself at the time?

5 **MR. ROY:** Yes. Not all people that have
6 been abused were lucky enough to have two individuals like
7 Bob Payette and Dr. Almudevar. I've talked to other
8 victims where they -- counselling is not just having a
9 counsellor. It's having the right one.

10 During the course of my mental -- my
11 treatment -- I've had different counsellors and sometimes
12 you can't connect to that counsellor and you just don't
13 feel a trust there.

14 So I think it's important for police to
15 understand that just because somebody is getting medical
16 help, it doesn't mean that they're ready to -- strong
17 enough to do something about it, because maybe they're not
18 getting the right fit, the right -- you know, maybe
19 somebody is talking to a worker instead of a counsellor or
20 maybe somebody should be talking to a psychologist instead
21 of a social worker.

22 **MR. CALLAGHAN:** In your case though, I take
23 it that both Dr. Almudevar and Mr. Payette were well known
24 as people who could handle the situation you were in? They
25 are known in this community as people who deal with people

1 who are suffering from the trauma of being abused. Is that
2 fair to say?

3 **MR. ROY:** That I know ---

4 **MR. CALLAGHAN:** No, no, not that you knew;
5 that it's known generally in the community that they are --
6 I mean, you ended up with, as you say, some of the leading
7 people in the community who could help you.

8 **MR. ROY:** I don't understand.

9 **MR. CALLAGHAN:** That's fine.

10 **MR. ROY:** No ---

11 **MR. CALLAGHAN:** I'm just trying to
12 understand that it would ---

13 **MR. ROY:** I know what you're saying. I can
14 only say what I know from other people that I know that
15 have had Bob as a counsellor and other people that I've
16 heard talk, and they say he's a great counsellor. He's
17 dedicated.

18 As far as Dr. Almudevar goes, I never heard
19 any bad things. From my experience he was committed. He
20 wanted to help.

21 **MR. CALLAGHAN:** But I take it your view is
22 as a first step in the community, we should have more of
23 those resources?

24 **MR. ROY:** Yes. And to make sure that the
25 victim gets that help. A simple example is maybe some

1 victims can't talk to a male counsellor. So the community
2 has to be sensitive of that and they can't say, "Well, you
3 know, if you don't take this counsellor, you're going to be
4 put on a waiting list for six months because that's the
5 counsellor we're giving you." There has to be some
6 understanding that there are circumstances where just any
7 counsellor won't do.

8 **MR. CALLAGHAN:** Okay. And that's very
9 helpful.

10 And the other aspect you said was about
11 youths, that we have to sort of address youth issues in
12 terms of helping youth come forward and deal with issues.
13 Is that correct?

14 **MR. ROY:** Yes. Well, I think a problem that
15 I have is that I don't know that most ordinary people would
16 know what Probation is supposed to be doing, what's their
17 doctrine. What is their -- you know, are they just
18 supposed to monitor that this guy -- that somebody under
19 probation doesn't re-offend or are they there to make sure
20 they get social workers, make sure they get the help. If
21 it's a youth like in my case, to make sure they're doing
22 okay in school, to talk to social workers in school to find
23 out what the problems are.

24 I don't know what the mandate of the
25 Probation Department was and is now and I think that's

1 something that this body should look into to find out if
2 it's enough or something that this body should look into to
3 find out if it's enough or ---

4 **THE COMMISSIONER:** On that note, Mr.
5 Callaghan, I note that it's 12:45, so it's my turn to call
6 a break.

7 So why don't we come back at 2 o'clock.

8 **MR. ROY:** Thank you.

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

11 The hearing will resume at 2:00 p.m.

12 --- Upon recessing at 12:46 p.m./

13 L'audience est suspendue à 12h46

14 --- Upon resuming at 2:00 p.m./

15 L'audience est reprise à 14h00

16 **THE REGISTRAR:** This hearing of the Cornwall
17 Public Inquiry is now session.

18 Please be seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Engelmann.

21 **MR. ENGELMANN:** Good afternoon, Mr.
22 Commissioner.

23 **THE COMMISSIONER:** Good afternoon, sir.

24 **MR. ENGELMANN:** We just asked the witness if
25 we could have a few minutes.

1 **THE COMMISSIONER:** Right.

2 **MR. ENGELMANN:** I want to speak to a
3 scheduling matter for next week. We were notified some
4 time ago that counsel for Father MacDonald wish to bring
5 some form of publication ban, and we're not quite sure the
6 form of the motion yet. We haven't seen a motion. There
7 was some correspondence between Commission counsel and Mr.
8 Cipriano concerning this matter, and a suggestion made that
9 the motion, a motion record be filed by the end of business
10 today and with other parties who might wish to respond to
11 file -- I can't remember the time now, but I believe it was
12 early next week. The idea was that this motion would be
13 argued Tuesday, November 14th at 2:00 p.m.

14 **THE COMMISSIONER:** I think that's a little
15 more than a suggestion.

16 **MR. ENGELMANN:** Well, it was a direction,
17 clearly. And there was immediate resistance to that from
18 Mr. Cipriano. Concern that he didn't have sufficient time
19 and that neither he nor Mr. Foord would have sufficient
20 time.

21 So what I then did, we had some emails and
22 also some telephone discussions, I suggested that they
23 canvass with all counsel for all parties a timeline that
24 would be as fair as possible to everyone.

25 Mr. Foord is here today. I know he has

1 spoken to other counsel, and I understand there are a few
2 counsel who wish to speak to this matter. I think they
3 have a proposal. I'm not fully aware of it, so I will
4 listen attentively to what is being proposed and we may
5 have some submissions after that.

6 **THE COMMISSIONER:** Thank you.

7 **MR. ENGELMANN:** I will turn it over to Mr.
8 Foord.

9 **THE COMMISSIONER:** Good afternoon, sir.

10 **MR. FOORD:** Good afternoon, Mr.

11 Commissioner. I appear as something that stirs up during
12 the night.

13 I was informed last night about this issue
14 and I am doing my best to address the concerns on behalf of
15 Mr. Cipriano.

16 **THE COMMISSIONER:** So is this, don't shoot
17 the messenger?

18 **(LAUGHTER/RIRES)**

19 **MR. FOORD:** That was it. Yes, that was it.
20 I also have some Kevlar here.

21 **THE COMMISSIONER:** All right.

22 **MR. FOORD:** I have spoken with my
23 colleagues, and it appears, Mr. Commissioner, that there is
24 an issue with respect to the amount of lead time from the
25 anticipated evidence to the witness and the preparation

1 that's needed thereby to prepare for things like
2 publication bans.

3 In this particular case, I understand, on
4 November 7th, we received the final form of the anticipated
5 evidence and the highlighted exhibits that were to be
6 entered. At that time, Mr. Cipriano was advised by
7 Commission counsel that the Notice of Motion would be due
8 on November 9th. That was just not sufficient time for him
9 to prepare those materials, and I think that this is a
10 situation where, although there has been available
11 disclosure in a general way, there are 200,000 documents on
12 the hard drive and given the relaxed evidentiary rules of
13 this Commission, the focus that Commission counsel is going
14 to take and the relevance that that will have is not
15 something that we can know in a vacuum. We need to see
16 what the anticipated evidence is before we can respond.
17 There may not even need to be a publication ban, and it
18 would depend on what exactly is being read.

19 **THE COMMISSIONER:** Wait a minute. Wait a
20 minute.

21 **MR. FOORD:** Yes.

22 **THE COMMISSIONER:** Are you telling me you
23 may not be bringing a motion?

24 **MR. FOORD:** No, no. I said that one would
25 have to see what the anticipated evidence is first.

1 **THE COMMISSIONER:** Okay.

2 **MR. FOORD:** We have seen that; we do want to
3 bring that.

4 **THE COMMISSIONER:** What is it that you're
5 bringing exactly?

6 **MR. FOORD:** It is a ban -- it's an
7 application to ban the name of Father MacDonald.

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

9 **MR. FOORD:** The use of his name and any
10 details, which would tend to identify him, any particular
11 details.

12 **THE COMMISSIONER:** That's it?

13 **MR. FOORD:** That is the nature of the ban,
14 the application, yes.

15 **THE COMMISSIONER:** All right.

16 **MR. FOORD:** And I've spoken to Mr. Cipriano,
17 I've spoken to some colleagues today. What we would
18 reasonably propose is that the application could be filed
19 on Friday of this week.

20 **THE COMMISSIONER:** Yes.

21 **MR. FOORD:** All the complete application
22 record, including Factum pursuant to the new Appendix 1,
23 Revised Requirements for Submitting Motion Materials, that
24 can be done at earliest Wednesday at 5:00 p.m.

25 **THE COMMISSIONER:** Hang on, sir. What are

1 you filing on Friday?

2 **MR. FOORD:** It would be a basic Notice of
3 Application.

4 **THE COMMISSIONER:** Yes.

5 **MR. FOORD:** As opposed to the complete
6 application record or complete motion record.

7 And I understand certainly from speaking to
8 Mr. Manson, he would require 24 hours to turn around to
9 response and I understand that next Friday is a sitting
10 day, so in principle ---

11 **THE COMMISSIONER:** Yes.

12 **MR. FOORD:** --- the motion could be argued
13 that day.

14 **THE COMMISSIONER:** Could.

15 **MR. FOORD:** Could. So that is what I'm here
16 to say. It's that in general, I think there is a concern
17 that there is more time needed between anticipated evidence
18 and the actual calling of the witness so that issues such
19 as the publication ban could be addressed properly and
20 thoroughly. In this particular instance, more time is
21 needed and I think I will not be met by objection from my
22 colleagues in that regard.

23 **THE COMMISSIONER:** You will be met by
24 objection by me though.

25 **MR. FOORD:** Okay.

1 **THE COMMISSIONER:** So what you're suggesting
2 is Friday, you file a notice of application. Wednesday, I
3 mean, Wednesday, is what date?

4 **MR. FOORD:** Fifteenth (15th), thank you,
5 yes.

6 **THE COMMISSIONER:** Fifteenth (15th) okay.
7 And then that they get one day. So you get all the time
8 from now until Wednesday, and then once you're all filed
9 in, you turn it around and you give them 24 hours. That
10 sounds fair.

11 Mr. Manson, do you think. We'll get to that
12 in a minute.

13 **MR. FOORD:** But Mr. Manson mentioned 24
14 hours, but certainly perhaps more time should be allowed.
15 I'm not suggesting that they be restricted to that. I was
16 just going with what Mr. Manson said.

17 **THE COMMISSIONER:** Yes.

18 **MR. FOORD:** I think the general concern is
19 there's not enough time, and that's the issue. So I put
20 that before you, Mr. Commissioner.

21 **THE COMMISSIONER:** Right. Okay. Anything
22 else?

23 **MR. FOORD:** That is the request. Thank you.

24 **THE COMMISSIONER:** Thank you.

25 So Mr. Manson? I'll take the list.

1 **MR. MANSON:** Mr. Commissioner, our position
2 is simple; 24 hours isn't a long period of time, but if we
3 get the Notice of Motion tomorrow and know what we're
4 dealing with, we can start working on it and then when we
5 get the final material, if we have 24 hours, we can
6 finalize. So as I said yesterday, it's very rush, but I'm
7 prepared to make that commitment to get this moving.

8 **THE COMMISSIONER:** What about if we say that
9 and this is what I will throw on the table, and I'll give
10 my reasons for the suggestion at this point; is Friday,
11 they put in the Notice of Application. Monday at 5:00,
12 they have their material transmitted to you people. Then
13 Wednesday morning, we start the argument.

14 How would that go?

15 **MR. MANSON:** Now, Monday is a holiday, I
16 believe.

17 **THE COMMISSIONER:** Well, for some people,
18 not for law firms. No, seriously.

19 **MR. MANSON:** I understand that.

20 **THE COMMISSIONER:** No, seriously, let's be
21 fair here. How many law firms are closed on Monday?

22 **MR. CARROLL:** In the normal time, they won't
23 obviously be here. In the normal course, my staff gets the
24 day off.

25 **THE COMMISSIONER:** Well, that's you. That's

1 good.

2 **MR. CARROLL:** You asked that I believe.

3 **THE COMMISSIONER:** No, that's right, and
4 you're the only law firm that does that.

5 So there you go. So it's not a holiday.

6 **MR. MANSON:** Mr. Commissioner, I laid out
7 our position yesterday. As long as we have 24 hours, we're
8 content. We want to make sure that Mr. Cipriano gets the
9 time to do an appropriate job.

10 **THE COMMISSIONER:** Well.

11 **MR. MANSON:** Because we think this is an
12 important matter and, as I said, we oppose it vigorously,
13 but we want it set out and argued carefully.

14 **THE COMMISSIONER:** Fine, fine.

15 Then all I've got to say -- just a minute.

16 **MR. MANSON:** Thank you, Mr. Commissioner.

17 **THE REGISTRAR:** To the microphone please.

18 **MR. MILLS:** Good morning, Commissioner. My
19 name is Benjamin Mills.

20 **THE COMMISSIONER:** Yes.

21 **MR. MILLS:** I'm from McCarthy, Tétrault.
22 I'm here for CBC.

23 **THE COMMISSIONER:** Yes.

24 **MR. MILLS:** I'm taking Mr. Wong's place.

25 **THE COMMISSIONER:** Yes.

1 **MR. MILLS:** I'm from McCarthy, Tétrault in
2 Ottawa, so we are a lot closer to the Commission to be
3 receptive to their needs as we move forward.

4 With respect to your proposal to have the
5 motion argued on Wednesday morning, my position is or the
6 CBC's position is that it's fine. It's important and I
7 agree with my friend's submission that we have the matter
8 properly written out and properly dealt with, so that we
9 can have an opportunity to respond to it in some sort of
10 sensible fashion.

11 My question now with respect to your
12 suggestion, sir, is when would there be an opportunity to
13 file responding materials to that motion because what we're
14 looking at is materials that would be delivered at Monday
15 at the end of business. Would that mean that the CBC would
16 be required to deliver their materials at the beginning of
17 the day Wednesday or at the end of the day Tuesday. I'm
18 asking that out of curiosity.

19 **THE COMMISSIONER:** We can canvass that, but
20 I would think Wednesday morning would be fine.

21 **MR. MILLS:** That would be I think adequate
22 for the CBC.

23 **THE COMMISSIONER:** Sure.

24 **MR. MILLS:** Thank you.

25 **THE COMMISSIONER:** Okay. Mr. Lee, any

1 comments?

2 **MR. LEE:** Yes.

3 I too am sympathetic to Mr. Cipriano's
4 position that I also want him to have time. I want this
5 to be done properly. My bigger concern though is how much
6 time I have frankly. I'm concerned that if we get
7 materials at 5:00 p.m. on Monday, we have a hearing day on
8 Tuesday and then we need to come back and argue this on
9 Wednesday. When exactly are we expected to prepare our
10 responding arguments?

11 **THE COMMISSIONER:** You have other people in
12 your firm.

13 **MR. LEE:** Well, yes. It's a -- I agree with
14 Mr. Manson, it's possible. I would ask for extra time, but
15 certainly if that's not something you are inclined to do,
16 then it's possible. But I agree that forcing Mr. Cipriano
17 to file by this evening and leaving us virtually no time
18 for replies isn't the way to go with this.

19 I like your suggestion a lot better than I
20 like the other suggestion.

21 **THE COMMISSIONER:** All right.

22 Mr. Bennett is not here. Mr. Chisholm?

23 **MR. CHISHOLM:** I have no comment, sir.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Neuberger?

1 **MR. NEUBERGER:** Thank you. I have no
2 comment, sir.

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

4 **MR. KLOEZE:** I have no comment, sir.

5 **THE COMMISSIONER:** Ms. Makepeace?

6 **MS. MAKEPEACE:** Nothing to add.

7 **THE COMMISSIONER:** Mr. Sherriff-Scott?

8 **MR. SHERRIFF-SCOTT:** Yes, sir.

9 This motion may touch on my client's
10 interests insofar as it may have an impact on later motions
11 that I have already alerted the Commission that I intend to
12 bring. When I get notice that the witness is affecting my
13 client's interests we'll raise that issue.

14 The CBC will be taking a position and I will
15 be responding to the CBC, and there will be other issues.
16 I don't think there's sufficient time to argue this on
17 Wednesday morning.

18 **THE COMMISSIONER:** We'll have all day.

19 **MR. SHERRIFF-SCOTT:** I'm not talking about
20 all day. I'm talking about the time interval between now
21 and Wednesday.

22 **THE COMMISSIONER:** That's not what you said,
23 but okay, now I understand you.

24 **MR. SHERRIFF-SCOTT:** Well, I'm not trying to
25 split hairs with you. I am just trying to convey the

1 message that, from my point of view, first of all there
2 needs to be an appropriate record, and I mean appropriate.
3 I don't mean a rushed job.

4 I made this point to your counsel in writing
5 and in counsel meetings that when the issue of a
6 publication ban comes up vis-à-vis my client, I will need
7 the anticipated evidence in advance, so that I can
8 determine what record I will rely on. I think that's fair
9 and I think there was general consensus at a counsel
10 meeting that the record should be appropriately developed
11 for these things. They are important motions.

12 **THE COMMISSIONER:** M'hm. How much time do
13 you think we should give from the time you get the
14 anticipated evidence?

15 **MR. SHERRIFF-SCOTT:** In terms of a
16 turnaround for a motion?

17 **THE COMMISSIONER:** Yes.

18 **MR. SHERRIFF-SCOTT:** A week would be fine.
19 It just depends on the witness. I know there are witnesses
20 that are going to be upcoming and that are talked about
21 possibly but not committed to whose evidence will
22 potentially be enormous from the point of view of the
23 record, all over the record.

24 I think in this case, Friday would be a
25 better option to give the parties more time. How you work

1 out who gets what notice is, people should have appropriate
2 notice. That's my only point. And I think Friday would be
3 a more appropriate time from the point of view of giving
4 everybody more time to prepare for this.

5 That's my comment. Thank you.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Callaghan?

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

9 **THE COMMISSIONER:** Thank you. Mr. Kozloff?

10 **MR. KOZLOFF:** I just want everybody to get
11 along, Mr. Commissioner.

12 (LAUGHTER/RIRES)

13 **THE COMMISSIONER:** Oh, we will!

14 **MR. KOZLOFF:** I agree with Mr. Manson's
15 position that parties should have adequate time to deal
16 with matters. Adequate, of course, is a term of art. We
17 can be ready whenever you determine.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Carroll?

20 **MR. CARROLL:** I'll stay open, sir.

21 **THE COMMISSIONER:** Ms. Simmons? She's gone.
22 All right. Thank you.

23 Mr. Engelmann?

24 **MR. ENGELMANN:** Just a very brief comment,
25 if I may. The anticipated evidence summary was sent

1 Friday, November 3rd just after 5:00 p.m.

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

3 **MR. ENGELMANN:** It was entitled a "Draft".
4 There were minor changes made to it. I believe that was
5 then sent to the parties on Tuesday, November 7th. I can't
6 remember the time of day. So the anticipated evidence
7 summary did go out then.

8 I understand that one tries to get these
9 things out as quickly as one can and that people need some
10 notice, clearly, but much of what we're talking about here
11 by way of a publication ban and an application for a
12 publication ban, this has been argued now. We've had
13 arguments on the test, the *Dagenais/Mentuck* test.

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

15 **MR. ENGELMANN:** In fact, Mr. Cipriano
16 brought a motion some time ago dealing with concerns about
17 having his client's name removed, sort of a partial
18 publication ban, if I can call it that.

19 So while I have some sympathy with the
20 requirement to have the anticipated evidence summary and
21 that's certainly part of what he may need to prepare, the
22 bulk of what's needed, the case law and certainly
23 descriptions of the type of evidence we're leading from
24 alleged victims certainly was within their knowledge. And
25 clearly, his firm, having acted for Father Charles

1 MacDonalld for many years, many of the documents in question
2 or the statements that there might be some concern about
3 are there.

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

5 **MR. ENGELMANN:** So whatever date you do set,
6 I certainly agree with the general feeling here that we
7 want the argument to be well argued and as fair as possible
8 to everybody with respect to time to respond. If, in fact,
9 you wish to proceed with the argument on Wednesday and if,
10 in fact, responding parties are given till Wednesday
11 morning, I would just suggest there be an hour or an hour
12 and a half between that timeframe and when the argument
13 actually starts ---

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

15 **MR. ENGELMANN:** --- so that, you know,
16 others can have a look at those materials before the
17 argument starts.

18 **THE COMMISSIONER:** Okay. Thank you.

19 **MR. ENGELMANN:** I don't know if people know
20 already what side of this they may be on. It appears some
21 people are supporting, some people are opposed. It might
22 be a good idea to have that sense as well because we don't
23 want to get into, I think, what we've had in the past here
24 where we have people respond, then we have another day,
25 then we have further response. It would be nice to have

1 this motion done and, as you've indicated, within the
2 course of the day with the application, the response and
3 the reply.

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

5 **MR. ENGELMANN:** Because we can't just keep
6 these things going and going.

7 Anyway, those are some brief comments.

8 **THE COMMISSIONER:** All right.

9 So this is what I have to say now.

10 This Inquiry has begun and we are dealing
11 with matters of confidentiality and publication bans which
12 are, of course, very important in the outcome of this
13 Inquiry. It has been said that this is a Public Inquiry.
14 I, for one, have indicated and then taken steps to ensure
15 that it be as open as possible. We have had a backlog of
16 exhibits that have been put down as interim "C" exhibits
17 simply for the purpose of permitting us to have the
18 argument, for me to consider the position and to render a
19 decision.

20 I can tell you that the bulk of the
21 documents, and it was never anyone's intention to hide
22 anything from the public and, in fact, one will see that no
23 matter what I decide with respect to final decision, the
24 bulk of those documents will, of course, be disclosed to
25 the public. And so I would certainly hope that conclusions

1 not be drawn until all the facts are out, including the
2 decisions.

3 Now, with respect to the motion, I hear
4 everyone quite clear that, you know, you need proper time
5 to deal with matters. I have to balance that with the need
6 of getting the Inquiry going, of keeping it going and
7 keeping witnesses on an even keel as to when they might be
8 expected to testify.

9 We have a great number of witnesses to hear
10 from and at some point people have to make some sacrifices,
11 and I think this is one of those occasions where people
12 might have to burn the midnight oil, but we certainly will
13 not sacrifice the quality of the argument because, as I
14 have seen in the past, we are blessed with a great group of
15 advocates who are not afraid to burn the midnight oil to
16 advance their positions.

17 And so as we are in the midst of November
18 and that I do have, I suppose, an optimistic schedule for
19 the hearings, I want things to proceed as quickly and as
20 expeditiously as possible.

21 I note from Mr. Engelmann's comments that
22 there was a Draft Anticipatory Evidence sent out on
23 November 3rd. Certainly the full one was on November 7th.
24 And from Mr. Sherriff-Scott's assessment that a week would
25 be needed, well, seven plus seven is fourteen and I am

1 looking at having this matter heard on what, the --
2 Wednesday would be the 15th -- the 15th.

3 And so if it is a little short in time, it's
4 barely short. I think there's ample time for people to get
5 their argument together.

6 I should note as well that it seems, from
7 Mr. Foord's argument that the issue is fairly narrow,
8 important, very important, no doubt, but the issue is
9 fairly narrow in the sense that he is not asking that the
10 witnesses not testify. They will testify. He is not
11 asking for anything except for the exclusion of his
12 client's name and identifiers from the testimony. So I
13 think it's a fairly narrow issue.

14 And accordingly, while I regret that we
15 can't hear this on Tuesday and while I do think that it
16 could have and should have been prepared for Tuesday, I am
17 prepared to indicate that I want the Notice of Motion and
18 of Application filed on Friday by three o'clock; that the
19 final factum and list of authorities be filed no later than
20 Friday at 3:00 p.m. -- Monday at 3:00 p.m. and that the
21 responding material be filed by Wednesday at 10:00 a.m. We
22 will begin the submissions and argument at 11:30 that
23 morning.

24 Now, Mr. Engelmann, you wanted to have folks
25 who are for and against identified so that they can file

1 the material is that area. Is that ---

2 **MR. ENGELMANN:** I think it would be useful
3 to have anyone filing material in support to file with the
4 applicant, if it's possible.

5 **THE COMMISSIONER:** Sure.

6 **MR. ENGELMANN:** And then people can respond.
7 So I think if people can give the Commission -- and it
8 doesn't have to be on the record; they can just notify
9 counsel today so that we can make sure we know what's
10 coming from whom, and we can do that with counsel.

11 **THE COMMISSIONER:** All right.

12 So I'm going to ask counsel to advise
13 Commission counsel by the end of today's date what position
14 they're taking and, accordingly, if they take the view that
15 Mr. Cipriano's motion is -- if they're going to support
16 that, then they have to file by Monday at three o'clock.

17 **MR. ENGELMANN:** Mr. Commissioner, the other
18 thing we will now have to do is address the evidence we
19 will be calling next week.

20 **THE COMMISSIONER:** Yes.

21 **MR. ENGELMANN:** I'm not sure -- I know you
22 have a decision to render that you've spoken about on the
23 temporary "C" exhibits.

24 **THE COMMISSIONER:** Hopefully that will be
25 done on Tuesday.

1 **MR. ENGELMANN:** So if we could do that
2 Tuesday afternoon ---

3 **THE COMMISSIONER:** Yes.

4 **MR. ENGELMANN:** --- and perhaps we could
5 lead the evidence of Vicki Roy that afternoon. I'm just
6 looking at my colleague, Mr. Dumais, and we do have other
7 evidence we could call either on Thursday or Friday,
8 depending on how you wish to work the rest of the week --
9 -

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

11 **MR. ENGELMANN:** --- after the argument on
12 Wednesday.

13 **THE COMMISSIONER:** We're sitting Thursday
14 and Friday; is that correct?

15 **MR. ENGELMANN:** Yes.

16 **THE COMMISSIONER:** All right.

17 So will we have sufficient time on Wednesday
18 to hear all the argument?

19 **MR. ENGELMANN:** I don't know. We haven't
20 heard from counsel, and one of the difficulties here is
21 counsel hasn't received a formal motion ---

22 **THE COMMISSIONER:** I know.

23 **MR. ENGELMANN:** --- which may make it
24 difficult for them to tell me if they're in favour or not.
25 Having said that, I think they probably have a good idea by

1 now whether they are, they aren't or they're taking no
2 position.

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

4 **MR. ENGELMANN:** Then the question will be if
5 you need time to render that decision after argument, let's
6 assume argument is rapped up on Wednesday, and we're
7 dealing with John MacDonald, whether or not that evidence
8 could then proceed on the Thursday or not.

9 So I'm not asking you for your decision
10 right now, sir. I think this is something that Commission
11 counsel can notify the parties of this afternoon, about our
12 intention for next week.

13 **THE COMMISSIONER:** Right.

14 **MR. ENGELMANN:** Based on the decision you've
15 just made.

16 **THE COMMISSIONER:** Well, I can tell you that
17 it is my hope that my decision could be rendered on Friday.
18 If we hear all the argument on Wednesday, I am hopeful that
19 we can do a decision on Friday sometime. And on Thursday,
20 we might want to hear from a witness.

21 **MR. ENGELMANN:** Other than Mr. MacDonald?

22 **THE COMMISSIONER:** Right.

23 **MR. ENGELMANN:** All right.

24 So a decision then hopefully Friday,
25 November 17 on Mr. Foord's motion.

1 **THE COMMISSIONER:** I guess the idea is if
2 I've asked the people to roll up their sleeves and make
3 their arguments, I think I owe it to them that I roll up my
4 sleeves and I'll get my decision done in two days. So that
5 way we're all in the same boat.

6 All right.

7 **MR. ENGELMANN:** Thank you.

8 **THE COMMISSIONER:** Thank you.

9 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, can I
10 ask one question?

11 **THE COMMISSIONER:** Maybe.

12 **MR. SHERRIFF-SCOTT:** On this motion, I'm
13 sort of betwixed in between in the sense that there will be
14 portions of it that I support and there will be portions of
15 it I want to augment and so forth. I'm really half
16 responding, half supporting. So it would be helpful for me
17 if I could file Tuesday morning by nine o'clock as opposed
18 to Monday so that I can look at the factum of the Neville
19 firm and determine what I need to do.

20 **THE COMMISSIONER:** Fair enough, Tuesday
21 morning.

22 **MR. SHERRIFF-SCOTT:** Thank you.

23 **THE COMMISSIONER:** What time?

24 **MR. SHERRIFF-SCOTT:** I said 9:00.

25 **THE COMMISSIONER:** At 9:00.

1 **MR. SHERRIFF-SCOTT:** I'll e-file it at nine
2 o'clock and ---

3 **THE COMMISSIONER:** Absolutely.

4 **MR. SHERRIFF-SCOTT:** Thank you.

5 **THE COMMISSIONER:** Thank you.

6 **MR. MILLS:** One question, Mr. Commissioner,
7 and I do apologize because I have not been following the
8 proceedings as closely as all the parties here as I'm from
9 the CBC and our participation is intermittent, but we still
10 have the outstanding matter of the reply submissions to the
11 motion that Mr. Wong responded to on Tuesday ---

12 **THE COMMISSIONER:** Yes.

13 **MR. MILLS:** --- that are still outstanding.
14 Are they going to be addressed today?

15 **THE COMMISSIONER:** Oh yes.

16 **MR. MILLS:** Okay. Thank you very much and I
17 appreciate that.

18 **THE COMMISSIONER:** Thank you.

19 **MR. ENGELMANN:** I understand you have a
20 witness. I will exit stage right. I just wanted to remind
21 parties, and Ms. McArthur would say I was remiss if I
22 didn't, there are revised requirements for submitting
23 motion materials and if people still don't have them, they
24 are on the Commission website under the -- I believe it's
25 the Legal Information box. So I just wanted to remind

1 counsel.

2 THE COMMISSIONER: Thank you.

3 MR. ENGELMANN: Thank you.

4 THE COMMISSIONER: Mr. Roy?

5 ALBERT ROY, Resumed/Sous le même serment:

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

7 CALLAGHAN (cont'd/suite):

8 MR. ROY: If I can say something before we
9 get started?

10 THE COMMISSIONER: Yes.

11 MR. ROY: I had more time to think of the
12 question that you asked me that I was a little confused on
13 before lunch, about having Dr. Almudevar and Bob being
14 capable people in the community. I think the problem that
15 I had was that the court system is not merged with the
16 counseling.

17 So there is no -- they understand the
18 problems I'm going through, but they do not understand the
19 problems of testimony in court. They don't understand
20 those procedures, so it's hard for them to prepare me for
21 what I'm going to go through in the system without being --
22 at least in my case, with there being no communiqué between
23 the Crown or the police to -- like, I don't know how that
24 would work, but I'm just saying I understand now there's a
25 victims ---

1 **MR. CALLAGHAN:** Victim Assistance Program,
2 yes.

3 **MR. ROY:** Assistance program, so they have
4 people in place and I don't know what that is about. I had
5 just heard about that at lunchtime, but I'm just saying
6 when I went through court there was no -- I don't think my
7 psychiatrist and my social worker had the ability to
8 foresee the problems I was going to have inside the system
9 with the police and ---

10 **MR. CALLAGHAN:** And I take it you would like
11 us to take a look at that to make sure that the proper
12 precautions are in place for people in your position?

13 **MR. ROY:** Right; that they're kind of merged
14 better together.

15 **MR. CALLAGHAN:** Just talking about Dr.
16 Almudevar and Mr. Payette, you told them that you were
17 concerned that there were other children or youths that are
18 going to be at risk. Is that what you told them?

19 **MR. ROY:** Yes, I was concerned there would
20 be other people at risk.

21 **MR. CALLAGHAN:** Okay, but you didn't use
22 children. You don't know whether there was children? It
23 makes a difference in terms of what obligations flow to
24 certain people. You don't remember how you described it?
25 If you don't remember, that's fine.

1 **MR. ROY:** It's not that I don't remember,
2 it's the problem of -- it was a give and take sort of
3 thing, like my concerns and their concerns.

4 **MR. CALLAGHAN:** And you said you weren't
5 aware that they notified anybody? Like, they didn't notify
6 Children's Aid or they didn't notify the police?

7 **MR. ROY:** No.

8 **MR. CALLAGHAN:** I take it there were a
9 number of people that indicated to you that going to court
10 would give you closure. And yet I take it your view is it
11 never really gave you closure?

12 **MR. ROY:** No. It made me -- the only word I
13 can use for it is it was a complete letdown. It wasn't
14 what everybody was telling me what it would be to have
15 Nelson convicted. The result wasn't what they conveyed to
16 me that it would've been.

17 **MR. CALLAGHAN:** I know that's painful to
18 talk about, so let me move on to something that may be
19 hopefully a little less painful. I just wanted to talk
20 about Mr. Dumais' review with you about Mr. Dunlop. I just
21 want to touch a bit about that because I want to make sure
22 the facts are correct.

23 If I could ask the -- let me ask you. You
24 went to high school, you said, with Mr. Dunlop and you met
25 him again and when you dealt with the CBC reporter and I

1 take it that was the Fifth Estate program?

2 MR. ROY: Yes.

3 MR. CALLAGHAN: And would that have been in
4 late 1995, do you recall?

5 MR. ROY: I don't recall. It sounds right,
6 yes.

7 MR. CALLAGHAN: I'm just trying to sort out
8 in terms of the communication you had with Mr. Dunlop, did
9 you communicate with him then or did you communicate with -
10 - or did you just know about him being involved in the
11 Fifth Estate program?

12 MR. ROY: At the time that I was talking to
13 the producer from the Fifth Estate, I didn't know he was a
14 -- I didn't know what the program was. He had just told me
15 he was interested in hearing from me about my story and
16 then during the course of me telling him, I told him about
17 the concern I had and why I had gone to the police and
18 whereas Perry Dunlop was concerned, that I wanted him to
19 know he was right. The producer, I also told him about
20 what happened with Heidi Sebalj and ---

21 MR. CALLAGHAN: And this ---

22 MR. ROY: Even at that point, I didn't
23 understand everything that was going on with that and the
24 producer stated to me, he says, "You know what?", he says,
25 "I can set it up that you can go talk to her."

1 **MR. CALLAGHAN:** So he set it up?

2 **MR. ROY:** And he set it up.

3 **MR. CALLAGHAN:** And just on that comment,
4 you made the comment that the only sort of negative thing
5 you had about Ms. Sebalj was her comment regarding Mr.
6 Dunlop. You had said to Mr. Dumais it was one of the last
7 conversations you had. Was that ---

8 **MR. ROY:** With Heidi? No, it's not the last
9 conversation.

10 **THE COMMISSIONER:** No, that's not what he
11 said.

12 **MR. CALLAGHAN:** I'm sorry, I must've
13 misunderstood.

14 **MR. ROY:** The bridge incident was -- sorry.

15 **THE COMMISSIONER:** No, go ahead. Go ahead.

16 **MR. ROY:** The bridge incident was the last -
17 --

18 **MR. CALLAGHAN:** I see.

19 **MR. ROY:** I believe the last time I talked
20 to Heidi. The thing with -- the little argument I had --
21 well, it wasn't an argument, it was the problem I had, the
22 comment I had, happened sometime before Nelson's trial.

23 **MR. CALLAGHAN:** Oh, it was before? I'm
24 sorry, I misunderstood that. Okay. And obviously we'll
25 hear more about that in another occasion, but did you -- in

1 terms of -- there are notes which I'll show you. These are
2 Mr. Dunlop's notes and I'm referring to, Madam Registrar,
3 116241. Am I reading that right?

4 **THE COMMISSIONER:** When you get to a certain
5 age there ---

6 **MR. CALLAGHAN:** You got to do some
7 investing.

8 **THE COMMISSIONER:** Exactly.

9 **MR. CALLAGHAN:** I'm told I don't need them
10 yet.

11 **THE COMMISSIONER:** You're still young.

12 **MR. CALLAGHAN:** I'm still naïve.

13 **THE COMMISSIONER:** That's your fault.

14 **MR. ROY:** I need bifocals and ---

15 **THE COMMISSIONER:** All right. So are there
16 any confidentiality concerns with respect to these
17 documents?

18 **MR. CALLAGHAN:** I don't believe, unless --
19 we haven't raised any. I don't know. These are not the
20 police officer's notes per se. These are his independent
21 notes of his investigation in around issues that he was
22 interested in.

23 **THE COMMISSIONER:** And this will be exhibit
24 number?

25 **THE REGISTRAR:** It's 123.

1 --- EXHIBIT NO./PIÈCE NO P-123:

2 Excerpts of notes of Officer Perry Dunlop
3 - June 20, 1996

4 **THE COMMISSIONER:** One-twenty-three (123).

5 And these are Officer Dunlop's notes and we'll put ---

6 **THE REGISTRAR:** They're excerpts.

7 **THE COMMISSIONER:** They're excerpts. The
8 20th of June, 1996 as a heading.

9 **MR. CALLAGHAN:** Yes, sir, that's the first
10 page and the next page behind it is December 6th, 1996.

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

12 **MR. CALLAGHAN:** And at the bottom of that,
13 it says, "Wendy Rogers gives a phone number", and it says
14 "Re: Albert. No problem."

15 Do you see that?

16 **MR. ROY:** Yes.

17 **MR. CALLAGHAN:** Now, Wendy Rogers was your
18 first lawyer; correct?

19 **MR. ROY:** Yes -- well, I had another lawyer
20 before that for about five minutes.

21 **MR. CALLAGHAN:** Mr. Lazzovortz?

22 **MR. ROY:** Yes.

23 **MR. CALLAGHAN:** Am I pronouncing that right?
24 Probably not. Mark was his name.

25 **MR. ROY:** I don't even recall his name.

1 **MR. CALLAGHAN:** So in any event, Wendy
2 Rogers was your lawyer?

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

4 **MR. CALLAGHAN:** Did Mr. Dunlop help you get
5 that lawyer?

6 **MR. ROY:** No.

7 **MR. CALLAGHAN:** This note is before you
8 issue your Statement of Claim on July 15th, 1996. Do you
9 know, was Mr. Dunlop helping you with your Statement of
10 Claim, do you know?

11 **MR. ROY:** What does it look like?

12 **MR. CALLAGHAN:** I'm giving you the date. I
13 didn't bring the document, but you issued your Statement of
14 Claim on July 15th, 1996, and I was wondering whether Mr.
15 Dunlop was helping you with your Statement of Claim.

16 **MR. ROY:** The one that Wendy Rogers
17 submitted?

18 **MR. CALLAGHAN:** Yes.

19 **MR. ROY:** The first one? No.

20 **MR. CALLAGHAN:** Do you know why he would be
21 speaking to Wendy Rogers about you?

22 **MR. ROY:** Is that saying that Wendy called
23 him or he called Wendy?

24 **MR. CALLAGHAN:** Well, I'm not certain. I
25 understood it to mean that there was "Wendy Rogers re:

1 Albert. No problem", and I don't know whether you know of
2 any discussions. If you don't know, that's fair enough.

3 **MR. ROY:** Whose note is this?

4 **MR. CALLAGHAN:** Perry's. It's the bottom of
5 the page, Madam Reporter or Madam Registrar. You're at the
6 bottom of the page?

7 **MR. ROY:** What I'll state is that I don't
8 believe at any time Wendy told me that -- Ms. Rogers told
9 me that Perry called her. So whatever this is, I don't
10 have any knowledge of it.

11 **MR. CALLAGHAN:** So you wouldn't have known
12 that Mr. Dunlop had a draft of your Statement of Claim in
13 his possession?

14 **MR. ROY:** No.

15 **MR. CALLAGHAN:** You didn't know about that?

16 **MR. ROY:** No.

17 **MR. CALLAGHAN:** Did you -- now, I take it --
18 did you have other contact with Mr. Dunlop over that period
19 before -- for example, you talked about Mr. Morris who was
20 Mr. Dunlop's lawyer and your lawyer. How did that come to
21 pass?

22 **MR. ROY:** Well, Ms. Rogers was a very nice
23 lady and I think she was a good lawyer, but she said that
24 she was being overwhelmed by the paperwork because she was
25 just a lawyer by herself, and I told Perry about this and

1 Perry told me that he could introduce me to another lawyer
2 that might be able to help me. I talked to Ms. Rogers
3 about it and she says, "Listen, if you can get him, do it,"
4 she says, because she believed he'd be able to help me.
5 She was honest enough to say that he would probably be able
6 to help me more than she could. And so Perry set up a
7 meeting between John Morris, him, me and about eight other
8 victims.

9 **MR. CALLAGHAN:** Okay. Who would those
10 victims be? Would it be Don Labelle, for example?

11 **MR. ROY:** I was told that I'm not allowed to
12 say who they were.

13 **THE COMMISSIONER:** Well, just a second now.
14 Do you know who they are?

15 **MR. CALLAGHAN:** Well, there's a document and
16 I'll -- document 109086, which has been produced to us,
17 which refers to a meeting of April 21st, '97.

18 **THE COMMISSIONER:** I'm just wondering if
19 there's any confidentiality issues.

20 **MR. CALLAGHAN:** Well, clearly I'm not sure
21 they are. It depends, frankly. I mean if it's a
22 solicitor-client communication, they would all have to have
23 retained the same lawyer, I suppose, for them to have had a
24 joint interest to maintain a solicitor-client
25 communication.

1 **THE COMMISSIONER:** Okay. I wasn't thinking
2 about that.

3 **MR. CALLAGHAN:** That's what I assume.
4 Confidentiality, I don't know because I don't know the
5 names other than the one name I see in the document that's
6 been produced to us.

7 **THE COMMISSIONER:** Okay. So how do you want
8 to handle this?

9 **MR. CALLAGHAN:** Well, I don't see any issue.
10 First of all, I think we should show the document and see
11 if he remembers meeting Don Labelle who, I think, is
12 referred to.

13 Madam Reporter, it's an account that looks
14 like this. I'm sorry. For everybody else, it's document
15 109086.

16 **MR. ROY:** I think we can save time here.
17 You're going to have to get a hold of John Morris to state
18 who was at the meeting because I was told by him that I was
19 not allowed to divulge who was at the meeting.

20 **MR. CALLAGHAN:** I didn't know that until he
21 said that.

22 **THE COMMISSIONER:** Okay.

23 **MR. CALLAGHAN:** Well, I think as we proceed,
24 it might be something we have to come back to. Now, we do
25 have a document that's been produced by the Commission.

1 It's a Borden & Elliott account and it refers to a meeting
2 of April 21st, '97.

3 **THE REGISTRAR:** Exhibit 124.

4 **THE COMMISSIONER:** One-twenty-four (124).

5 **THE COMMISSIONER:** Exhibit 124.

6 **THE REGISTRAR:** Confidential.

7 **THE COMMISSIONER:** Can anyone help me? Is
8 this going to be a public or confidential document?

9 **MR. CALLAGHAN:** I'd have to defer to the
10 Commission that produced it.

11 **MR. DUMAIS:** Just so that we're clear as to
12 the source of this document, Commissioner, it's part of our
13 disclosure and typically there could be an argument as to
14 whether or not solicitor-client privilege would attach to
15 this document. However, and unless I'm mistaken, Albert, I
16 believe this document was produced to us by yourself?

17 **MR. ROY:** Yes.

18 **MR. DUMAIS:** And I believe you did ---

19 **MR. ROY:** I didn't know that name was there.

20 **MR. DUMAIS:** Fair enough. And I believe you
21 did speak to Mr. Morris as to whether or not you could
22 disclose all documents you had to the Commission and ---

23 **MR. ROY:** I realize that he did say yes,
24 that I could, but I also know he specifically told me that
25 I was not allowed to disclose.

1 **MR. DUMAIS:** Oh, no.

2 **MR. ROY:** Wouldn't it be just easy to call
3 him?

4 **MR. DUMAIS:** No, and actually, I think,
5 Albert, that's a separate issue. So I just want to explain
6 what the source was and whether or not a privilege attaches
7 to this document.

8 **THE COMMISSIONER:** Okay. Mr. Roy, let me
9 tell you one thing. You're not going to get in any trouble
10 here today.

11 All right. We're going to take care of
12 that. So we're not going to ask you to do anything that
13 will get you in trouble. Okay?

14 **MR. DUMAIS:** So then if Mr. Callaghan wants
15 to ask questions on names figuring in this document filed
16 as an exhibit, we should follow the protocol and file it as
17 an interim "C" document, and if Mr. Callaghan is referring
18 to names of victims and we have not identified whether or
19 not this victim wishes to testify or participate in this
20 Inquiry and whether or not any confidentiality order should
21 apply, what I would suggest is that for the purpose of the
22 hearing room, that he simply points out the name and he can
23 ask the question without speaking the name out loud.

24 I am suggesting that your ruling will deal
25 with this issue, Commissioner.

1 **THE COMMISSIONER:** Okay.

2 **MR. CALLAGHAN:** I should echo your comments.

3 I know John Morris. You're not going to get in trouble.

4 All I'm trying to -- others know him better
5 in this room, but anyway.

6 **THE COMMISSIONER:** Just a second. Is this
7 going to be a "C" exhibit?

8 **MR. CALLAGHAN:** Well, if that's preferable.
9 It doesn't matter to me whether it's "C" or "P".

10 **THE COMMISSIONER:** Well, we're mentioning a
11 name now.

12 **MR. CALLAGHAN:** Well, I have no idea whether
13 the person wants to be mentioned or not. I don't act for
14 the person. I know who the person is. He is the central
15 figure in this story, and if nobody is here -- this is one
16 of those issues where, you know, maybe an *amicus curiae*
17 because that person is central to this story as we go
18 forward.

19 **THE COMMISSIONER:** Right. Does he need to
20 be mentioned today?

21 **MR. CALLAGHAN:** No. I'm happy to -- as long
22 as we all know -- but I mean, I would like some clarity and
23 I'm going to ask the witness if he met or discussed with
24 the other eight people at any other time, absent the
25 presence of Mr. Morris.

1 **THE COMMISSIONER:** M'hm. So we're going to
2 mark this as C-124 as a temporary document and it is dated
3 October 20th, 1999 and it's an account from Borden & Elliott
4 to Mr. Albert Roy.

5 **--- EXHIBIT NO./PIÈCE NO C-124:**

6 Albert Roy - Invoice from Borden & Elliott -
7 October 20, 1999

8 **MR. CALLAGHAN:** The person who is named in
9 the April 21st, 1997 note regarding "Prepare for and
10 attending meeting in Cornwall with..." and it gives a name,
11 you never talked to that person at all about your case or
12 his case in the absence of Mr. Morris?

13 You're concerned about Mr. Morris'
14 admonition?

15 **MR. ROY:** No, this time I'm concerned about
16 my sense of right and wrong. I mean, I really didn't
17 expect to be put in this spot.

18 **THE COMMISSIONER:** Wait a minute. You're
19 not on the spot. Okay?

20 **MR. ROY:** So I can just not answer?

21 **THE COMMISSIONER:** Pardon me?

22 **MR. ROY:** I can just not answer?

23 **THE COMMISSIONER:** Oh no, no, no, not quite.
24 All he is asking you is you know the man that's written --
25 his name is written there on the second line of the

1 account, that man?

2 MR. ROY: Yes.

3 THE COMMISSIONER: All right.

4 He asks you, and it's probably just a yes or
5 no answer, did you ever speak to that man about your
6 situation? So I don't know that that's putting you on the
7 spot. I think he's just asking a question and I'm here to
8 make sure he doesn't ask you improper questions and so are
9 Commission counsel, and there's a whole bunch of other
10 lawyers who will jump up if he asks you an improper
11 question. All right?

12 So the question is did you ever speak to
13 that gentleman about your case?

14 MR. ROY: If it's the person that I think it
15 is, yes.

16 MR. CALLAGHAN: And, well, I'm going to ask
17 what was told. I don't know.

18 MR. ROY: I'm not going to answer that.

19 MR. CALLAGHAN: Well, I -- let's just ask a
20 few more questions before we get there.

21 What about the other eight individuals who
22 were at -- who you referred to; did you speak to those
23 people as well?

24 MR. ROY: A few of them, yes.

25 MR. CALLAGHAN: A few of them?

1 In other words, you spoke to them in the
2 absence of Mr. Morris?

3 **MR. ROY:** Yes.

4 **MR. CALLAGHAN:** And I take it that these
5 individuals were brought together by Mr. Dunlop, correct?

6 **MR. ROY:** I know I was asked to be there by
7 Mr. Dunlop. How the other ones got there, I don't know.

8 **MR. CALLAGHAN:** But without Mr. Dunlop, you
9 wouldn't have met these other people?

10 **MR. ROY:** Well, I wouldn't have been there.

11 **MR. CALLAGHAN:** So you ---

12 **MR. ROY:** Without Mr. Dunlop, I wouldn't
13 have been at this meeting.

14 **MR. CALLAGHAN:** You wouldn't have been at
15 the meeting, but you wouldn't have likely met the other
16 seven people that were at the meeting?

17 You had no prior contact ---

18 **MR. ROY:** Well ---

19 **MR. CALLAGHAN:** Or did you?

20 **MR. ROY:** I can honestly say that I talked
21 to other victims that had called me.

22 **MR. CALLAGHAN:** By this time ---

23 **MR. ROY:** And these people might have been -
24 - some of these people might have been the people I talked
25 to.

1 **MR. CALLAGHAN:** But your purpose in getting
2 together was as a result of your invite by Mr. Dunlop?

3 **MR. ROY:** Yes.

4 **MR. CALLAGHAN:** And did you meet these
5 people prior to meeting with Mr. Morris, just with Mr.
6 Dunlop?

7 **MR. ROY:** Did -- what you're asking me is
8 the same people who were there, did I meet with them
9 before?

10 **MR. CALLAGHAN:** Right, with Mr. Dunlop or --
11 -

12 **MR. ROY:** No.

13 **MR. CALLAGHAN:** All right.

14 And did you meet with them afterwards,
15 either individually or ---

16 **MR. ROY:** Yes.

17 **MR. CALLAGHAN:** And Mr. Dunlop -- what did
18 Mr. Dunlop say about why he was getting you all together?

19 **MR. ROY:** I don't know. You're talking
20 about it as if Perry came to my house and said, "This one,
21 this one, this one is going to be there. You come along.
22 He's going to see if he's going to take your case." That's
23 not the way it happened.

24 Perry told me that John Morris would be in
25 town. He would be, at the time I think it was the Holiday

1 Inn, and do I wish to attend a meeting to see if he will
2 take my case. And when I got there, we had the meeting.
3 John Morris talked to me. I told John Morris that I didn't
4 want to make a class action suit.

5 **MR. CALLAGHAN:** Don't -- you don't have to
6 tell us what you told Mr. Morris.

7 **THE COMMISSIONER:** You don't have -- he can
8 if he wants to, but ---

9 **MR. CALLAGHAN:** He can, but he doesn't have
10 to.

11 **THE COMMISSIONER:** You don't have to tell us
12 that.

13 **MR. ROY:** Well, this part I don't mind. I
14 said I would like it, if he was going to take my case, for
15 it to be just me alone.

16 **MR. CALLAGHAN:** And were the others looking
17 at a class action, as far as you understood?

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

19 **MR. CALLAGHAN:** And the others who were in
20 the room, I mean, I would like to know who they were, and I
21 don't know, Mr. Commissioner, whether we're -- that's a
22 permissible question, but I would like to know who they
23 were in the room and what people were talking about,
24 because I suspect many of them were complainants in cases
25 that had yet to go to court and it may make a difference to

1 know who -- what's going on, what communication is going on
2 going forward.

3 So I know there is a reticence by the
4 witness and I don't want to put the witness, given his
5 state, but I ask you, Mr. Commissioner, for some direction
6 on this issue.

7 **THE COMMISSIONER:** All right.

8 What we're going to do, sir, is you're going
9 to get a break.

10 **MR. ROY:** Good.

11 **THE COMMISSIONER:** If Mr. Lechasseur could
12 escort you out, we're going to have a discussion in the
13 absence of the witness as to what the pros and cons of all
14 of this are. When you come back, I will tell you how we're
15 going to deal with this.

16 **MR. ROY:** Can I just say one thing before we
17 go?

18 **THE COMMISSIONER:** Sure.

19 **MR. ROY:** I'm not trying to be difficult or
20 mysterious. It's just that I'm a victim and I know how I
21 would feel if somebody did something I asked them not to
22 do.

23 **THE COMMISSIONER:** M'hm. And who asked you

24 ---

25 **MR. ROY:** Well, nobody. I mean, back then

1 nobody knew I was going to be coming to this forum.

2 **THE COMMISSIONER:** Right.

3 **MR. ROY:** But other victims weren't even
4 sure they were going to come forward. So at the time, they
5 asked me, "Can we just talk about this and have it between
6 me and you, what happened."

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

8 **MR. ROY:** I think I have -- I'm sorry.

9 **MR. CALLAGHAN:** No, no, take your time.

10 **MR. ROY:** I think I have to tell you that
11 these victims came to me and talked to me because I had
12 gone through the court system with Nelson.

13 **MR. CALLAGHAN:** Right.

14 **MR. ROY:** And they wanted to know how I felt
15 about it. I think in their own mind they were trying to
16 figure out if they were strong enough or they would be able
17 to. A lot of them wanted to know what my family -- how my
18 family reacted to it, and for me, that kind of conversation
19 is ---

20 **MR. CALLAGHAN:** I don't intend to invade
21 that space in my questioning. It's entirely another reason
22 altogether why I'm asking the question. So I don't intend
23 to invade that sanctity of your discussions. So rest
24 assured on that.

25 But maybe we could take Mr. Commissioner's

1 idea, and I think Mrs. Roy should probably exit as well
2 because she's going to be a witness.

3 (WITNESS WITHDRAWS/TÉMOIN SE RETIRE)

4 MR. DUMAIS: And I'm not sure, Commissioner,
5 what your intentions are, but certainly the webcast is
6 still on.

7 THE COMMISSIONER: M'hm.

8 MR. DUMAIS: That is the intent; is that
9 correct?

10 THE COMMISSIONER: I don't know. This is
11 new ground here. What are we ---

12 MR. CALLAGHAN: Well, the problem is I would
13 like the webcast turned because I would like to tell you
14 why I think some of this is important and I would like to
15 have an in-camera discussion about why I think certain
16 things are important given that people are probably
17 watching this.

18 THE COMMISSIONER: M'hm.

19 MR. CALLAGHAN: And I think there are others
20 who probably might see this as important.

21 I have no interest in upsetting Mr. Roy. I
22 have no interest in that at all. I just -- there are
23 obviously -- I will say it quietly, but probably, if you're
24 going to turn it off, more fully, but there's a lot of
25 issues about that. There's a lot of issues about

1 communications back and forth, who, what, when, where, how,
2 and this was the first insight I had into this issue, that
3 there was a collective of people brought together by Mr.
4 Dunlop and we should probably know about it, and whether we
5 can do it another way or whether Mr. Dumais should go and
6 interview him and put the evidence in himself.

7 I wish Mr. Roy nothing but good news and I
8 don't want to be the cause of grief for him, but I think
9 this is something that we have to deal with.

10 **THE COMMISSIONER:** Okay. So I take it
11 there's a motion on the floor to have an in-camera hearing
12 so that we can discuss this. Is that correct?

13 **MR. CALLAGHAN:** Yes, I think that's -- I
14 mean, I'm open to suggestions on another way to do it. I
15 don't want to delay things, because I know everybody would
16 like to -- and let Mr. Roy get through this ordeal.

17 **THE COMMISSIONER:** I don't think it's a
18 question of delay. I think it's a question of importance
19 and a certain amount of decency and fairness, I suppose, in
20 all of this.

21 **MR. CALLAGHAN:** Absolutely.

22 **THE COMMISSIONER:** All right.

23 So now we're just talking about the
24 mechanism by which we're going to go about discussing this
25 matter. So we understand the CBC's concern that in-camera

1 hearings should be dealt with as sparingly as possible and
2 only when other measures cannot satisfy us.

3 So you're saying you want to tell me things
4 that should be in camera at the beginning in any event?

5 **MR. CALLAGHAN:** Let me put it this way.
6 It's not in camera in the sense of what we've been talking
7 about in other situations. This is akin to what you just
8 did, which is ordering witnesses to leave the room.

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

10 **MR. CALLAGHAN:** Unfortunately, ordering
11 witnesses to leave the room doesn't work when it's being
12 broadcast over the web because there are other witnesses
13 who likely have an interest in this who are watching.

14 **THE COMMISSIONER:** Yes.

15 **MR. CALLAGHAN:** And the difficult is it
16 doesn't actually resolve the problem when people want to be
17 frank with you and say, "Look, I think this is important
18 for the following reasons."

19 **THE COMMISSIONER:** All right.

20 But the web is just an extension of this
21 room. I mean, if you had witnesses in this room, you would
22 be asking for them to be excluded while we're here.

23 **MR. CALLAGHAN:** Right. And you can't do
24 that with someone sitting at home.

25 **THE COMMISSIONER:** Then what you are asking

1 for is the exclusion of people in the room as well?

2 **MR. CALLAGHAN:** Yes. That's why I asked Ms.
3 Roy -- unless they are witnesses in the room, I think that
4 they ought to leave so that we can have a discussion
5 because I think I'm not the only one who is going to find
6 this issue -- maybe I am -- but who have an issue with some
7 of these discussions, to say, "Look, this is a concern in
8 this case, I think."

9 **THE COMMISSIONER:** Okay. So you're asking
10 for an in-camera hearing.

11 **MR. CALLAGHAN:** Yes, for that reason only,
12 not for the wider reason.

13 **THE COMMISSIONER:** Well, just ---

14 **MR. CALLAGHAN:** Well, I would say ---

15 **THE COMMISSIONER:** No, no, the people are
16 leaving and I'm saying we haven't decided yet.

17 **MR. CALLAGHAN:** No, no, don't leave. No,
18 no, I'm not in camera in the sense that our regular
19 audience are not going to be witnesses and I have no
20 concern.

21 My concern is other witnesses who may come
22 forward. That's why I say in camera in an awkward sense,
23 exclude witnesses, and I don't know what we do about the
24 web because you can't exclude someone at home who might be
25 a witness or who knows they're going to be a witness.

1 **THE COMMISSIONER:** All right. Okay. So
2 that's your comment.

3 Mr. Manson.

4 **MR. MANSON:** We're talking about going in
5 camera?

6 **THE COMMISSIONER:** Yes.

7 **MR. MANSON:** I have no position on that.

8 **THE COMMISSIONER:** All right.

9 Mr. Lee.

10 **MR. LEE:** I think I would find it helpful to
11 have Mr. Callaghan explain exactly what's going on here,
12 and if he thinks he needs to do that in camera, I'm fine
13 with that.

14 **THE COMMISSIONER:** Mr. Chisholm.

15 **MR. CHISHOLM:** I would agree with Mr. Lee,
16 sir.

17 **THE COMMISSIONER:** Okay. Mr. Neuberger.

18 **MR. NEUBERGER:** Thank you. I agree with the
19 other two comments.

20 **THE COMMISSIONER:** All right.

21 Mr. Kloeze.

22 **MR. KLOEZE:** I have no position, sir.

23 **THE COMMISSIONER:** Ms. Makepeace?

24 **MS. MAKEPEACE:** Nothing.

25 **THE COMMISSIONER:** Mr. Sherriff-Scott.

1 **MR. SHERRIFF-SCOTT:** No comment,
2 Commissioner.

3 **THE COMMISSIONER:** Really?

4 **(LAUGHTER/RIRES)**

5 **THE COMMISSIONER:** Mr. Callaghan? Well, we
6 know what you're saying.

7 **MR. CALLAGHAN:** Same as before.

8 **THE COMMISSIONER:** Yes.

9 Mr. Kozloff.

10 **MR. KOZLOFF:** Can't top that.

11 **THE COMMISSIONER:** Mr. Carroll.

12 **MR. CARROLL:** I agree.

13 **THE COMMISSIONER:** All right.

14 And that's it for everyone else.

15 So for those persons who are watching this
16 on the webcast, I have -- I am of the view that we should
17 hear this in camera, that once we come back from the in
18 camera hearing, I will advise you of what transpired, to
19 the best that I can and give you my decision as to what we
20 are going to do.

21 And now that it's three o'clock, we'll take
22 the afternoon break. That will permit you to go into in
23 camera. We will hear submissions and then we will resume
24 the broadcast at that time.

25 All right? Thank you.

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

3 The hearing will reconvene at 3:15.

4 --- Upon recessing in public at 3:01 p.m. to resume in
5 camera/

6 L'audience est suspendue en public à 15h01 pour
7 reprendre à huis clos

8 --- Upon resuming in public at 4:09 p.m./

9 L'audience est reprise en public à 16h09

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

12 This hearing is now in session. L'audience
13 est en session.

14 **THE COMMISSIONER:** Thank you. Those of you
15 who are joining us back in the public gallery and those who
16 are on the website and Mr. Roy, I just want to give you an
17 update as to what we have been considering.

18 Mr. Callaghan for the Cornwall Police wants
19 to ask some questions with respect to your discussions with
20 other folks who may or may not have been victims, who may
21 or may not have been part of the group that Mr. Morris may
22 have represented, and that gives rise to certain questions
23 as to whether or not there is solicitor-client privilege,
24 whether or not we should continue in camera or in open
25 court because there may be some questions of

1 confidentiality with respect to the names of the victims.

2 What I decided to do is this; is that these
3 are questions that pop up every once in a while in the
4 sense that no one really had an inkling that this area
5 would be discussed. And so it's through no fault of
6 anyone's part that we've come to a spot that you had not
7 been able to cover with Maître Dumais.

8 So what we've decided to do and what I've
9 decided to do is ask you to meet with Mr. Dumais briefly so
10 that he can give you some idea of where the questions are
11 going and what your answers may or may not be, and in that
12 regard we might either be able to determine whether or not
13 there's solicitor-client privilege, whether or not there is
14 any confidentiality issues.

15 As well, I should advise you that you have
16 mentioned at some point that we should check with Mr.
17 Morris on certain issues, and so that gives rise to a
18 question in my mind as to whether or not you wish to
19 consult with him. And I'm not going to give you any advice
20 on that. Mr. Dumais will discuss with you the pros and
21 cons of that, I suppose, and then what I would like to do
22 is reconvene in half an hour or less, depending on how the
23 conversation goes.

24 What I want to tell you, Mr. Roy, is that
25 this has nothing to do with you personally. I am going to

1 make sure that you don't get in any trouble at all. It's
2 part of the bigger picture that I have to look at as
3 Commissioner in this Inquiry, and so while certain
4 questions may not seem very relevant to you or to others, I
5 determine that there may be some profit to be earned here
6 by looking at those issues.

7 So unless there are any further comments,
8 what I would like to do is adjourn and permit you to have a
9 discussion with Mr. Dumais.

10 **MR. ROY:** All right.

11 **THE COMMISSIONER:** Is that all right? Do
12 you have any questions about ---

13 **MR. ROY:** I would just like to say I don't
14 mean to cause trouble or delay things. I understand that
15 there's problems with confidentiality in the proceedings
16 from the little bit that I've seen.

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

18 **MR. ROY:** I can only say what I believe I've
19 done for myself in my situation, what happened to me. I
20 tried to be truthful about everything I've said, or
21 accurate at least.

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

23 **MR. ROY:** I know there's the rights of the
24 perpetrators and the victims or the alleged perpetrators
25 and the victims.

1 In my case, I didn't feel it was a moral
2 dilemma because it is not anything that I have done that
3 stopped Ken and Nelson from being able to answer to
4 anything I've said. So there I decided -- I've also stated
5 a couple of times that I understand how those families feel
6 because I've gone through a similar experience. So that's
7 how I decided to conduct myself.

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

9 **MR. ROY:** I've tried to stay away from any -
10 - saying anything that I think I know, and as far as
11 confidentiality about the names and the people I've talked
12 to, because I've tried to stay within the boundaries of
13 what happened to me, that's why I'm having a problem going
14 outside those boundaries.

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

16 **MR. ROY:** And I know they're my own
17 boundaries and I realize I don't know anything about the
18 law, but that's what I know, so that's what I had to work
19 with.

20 **THE COMMISSIONER:** Yes.

21 **MR. ROY:** That's what I know. I just wanted
22 to explain.

23 **THE COMMISSIONER:** Sure. And again, I want
24 to tell you that these are kind of hiccups that occur in
25 these kinds of inquiries on an all too frequent basis and

1 it has nothing to do with what you've told us or what you
2 haven't told us. It's just a question.

3 And why we are stopping and doing this is
4 out of concern for the interests of solicitor-client
5 privilege, of confidentiality and doing the right thing.

6 So what I would like to do is we're going to
7 take a break. Maître Dumais, if you could tell us as
8 quickly as possible how long -- when you're finished and
9 we're ready to go. We'll resume and we'll take it up where
10 we are.

11 All right?

12 **MR. ROY:** All right.

13 **THE COMMISSIONER:** Thank you.

14 **MR. ROY:** Thank you.

15 **MR. DUMAIS:** Just one issue, Commissioner,
16 before we break. We were also supposed to hear submissions
17 or reply submissions to the submissions by CBC/Radio-Canada
18 that we heard this week. Given the time, Commissioner,
19 perhaps it might be more appropriate that we ask that these
20 submissions be adjourned to next week. I'm suggesting that
21 we start with that on Tuesday at 2:00 p.m.

22 **THE COMMISSIONER:** Any opposition?

23 **MR. ROY:** I'm going to have to come back?

24 **THE COMMISSIONER:** No, no. This isn't your
25 issue.

1 **MR. ROY:** Sorry.

2 **THE COMMISSIONER:** But you may have to come
3 back, but we'll see about that.

4 **MR. MILLS:** Certainly no opposition to
5 adjourning the reply submissions to next week. It would be
6 our preference that it occur on Wednesday morning rather
7 than Tuesday, but we see that you don't agree, so that's
8 fine.

9 Thank you very much, sir.

10 **THE COMMISSIONER:** It's called a non verbal
11 communication.

12 Mr. Sherriff-Scott.

13 **MR. SHERRIFF-SCOTT:** Yes, Tuesday is fine,
14 Commissioner, as long you promise, because I'm going to
15 excuse myself; not to threaten to bounce me off the record.
16 Again, I'm content to take my leave.

17 **THE COMMISSIONER:** First of all, it wasn't a
18 threat.

19 **MR. SHERRIFF-SCOTT:** I know it was in jest.

20 **THE COMMISSIONER:** It was a query.

21 **MR. SHERRIFF-SCOTT:** Thank you.

22 **THE COMMISSIONER:** Thank you.

23 I mean, what would we do without you, Mr.
24 Sherriff-Scott?

25 **MR. SHERRIFF-SCOTT:** I don't know.

1 (LAUGHTER/RIRES)

2 MR. SHERRIFF-SCOTT: What would I do without
3 the Inquiry?

4 THE COMMISSIONER: Well, that's a rhetorical
5 question.

6 All right. So, Mr. Dumais, you have some
7 work to do.

8 Speak to Mr. Dumais and we'll see where we
9 go. Thank you.

10 THE REGISTRAR: Order; all rise. À l'ordre;
11 veuillez vous lever.

12 --- Upon recessing at 4:17 p.m./

13 L'audience est suspendue à 16h17

14 --- Upon resuming at 5:00 p.m./

15 L'audience est reprise à 17h00

16 THE REGISTRAR: Order; all rise. À l'ordre;
17 veuillez vous lever.

18 This hearing of the Cornwall Public Inquiry
19 is now in session. Please be seated. Veuillez vous
20 asseoir.

21 ALBERT ROY, Resumed/Sous le même serment:

22 MR. ROY: Sorry to keep you waiting, but
23 they locked me out.

24 THE COMMISSIONER: They have done that to me
25 as well.

1 **MR. DUMAIS:** So I will try to report as
2 accurately as I can and maybe Albert can fill in if I'm
3 missing some stuff.

4 I guess firstly, with respect to the meeting
5 with John Morris and who would have been present, if a
6 solicitor-client privilege applies to that, he is not
7 waiving his privilege. So he does not wish to answer any
8 questions with respect to who was there and what was
9 discussed.

10 With respect to any other victims he spoke
11 to and the contents of those conversations, he does not
12 want to answer any questions with respect to that as well.
13 He indicated to me that that information was given to him
14 in confidence and he had given that promise to those
15 victims and he has indicated that some of these victims are
16 fragile, even more fragile than he is, and I advised him at
17 that point that perhaps it would be appropriate for him to
18 get independent legal advice and to find out what his
19 rights are.

20 He indicated that he did not want to contact
21 Mr. Morris, indicating that it was difficult for him to
22 reach him. He had difficulty the last time, and so he
23 would require some time to be able to speak to someone.

24 **THE COMMISSIONER:** Okay.

25 **MR. DUMAIS:** So if I can then make the

1 suggestion that, Commissioner, we adjourn the cross-
2 examination to a date sometime next week, perhaps late next
3 week? If we can request from Mr. Callaghan the questions
4 or the areas that he wishes to question so that Mr. Roy can
5 specifically ask an opinion on those questions, and if Mr.
6 Callaghan can simply send that to our office tomorrow, and
7 I'll make sure that Mr. Roy receives a copy.

8 So subject to if Albert wants to add
9 anything on that -- is that ---

10 **THE COMMISSIONER:** Is that a fair rendition
11 of what ---

12 **MR. ROY:** Yes.

13 **THE COMMISSIONER:** Okay.

14 **MR. DUMAIS:** You can add to it, Albert, if
15 you wish.

16 **MR. ROY:** I'm not going to be foolish enough
17 to say that I won't seek legal counsel, but I feel that
18 even if a lawyer told me I have to answer those questions,
19 at this point right now I don't believe that I would answer
20 them.

21 **THE COMMISSIONER:** Okay. Well, I can
22 understand your feelings about that.

23 **MR. ROY:** I'm saying at this moment.

24 **THE COMMISSIONER:** Exactly. Exactly. And I
25 don't want you to dig yourself in on that issue.

1 **MR. ROY:** I'm not.

2 **THE COMMISSIONER:** Because I think if you go
3 and see a lawyer, he may well tell you or she may well tell
4 you that you don't have a right not to answer, and what I
5 want you to consider though is -- and I'm kind of of the
6 view that you might have to answer some questions, all
7 right?

8 But, but, I think if you have seen what we
9 have done in the past to protect the names of alleged
10 victims who don't want to be identified, that there are
11 some checks and balances and protections that I can offer
12 to make sure that while we may need the names so that we
13 can fully explore, we can still protect these people.

14 So I think that there may be ways that we
15 can accommodate both our needs, our need to know and your
16 need to protect these people.

17 So all I'm asking you is to keep an open
18 mind and I can tell you that I'm going to make a
19 recommendation to the Attorney General that your legal fees
20 be paid. All right? Now, they would be on a reduced
21 scale. So you can go and see a lawyer of your choice.

22 **MR. ROY:** I'm on a pension. I can't afford
23 it.

24 **THE COMMISSIONER:** And that's exactly it. I
25 understand that.

1 So what I've asked you to do is go and see a
2 lawyer, and if you have difficulty finding a lawyer, maybe
3 you can speak to Mr. Dumais. He might give you a list.

4 **MR. ROY:** Would I have to find a lawyer
5 that's -- like what kind of lawyer am I looking for?

6 **THE COMMISSIONER:** A damn good lawyer.

7 **MR. ROY:** A criminal lawyer or ---

8 **THE COMMISSIONER:** A damn good one.

9 **(LAUGHTER/RIRES)**

10 **MR. ROY:** I realize that, but ---

11 **THE COMMISSIONER:** Sorry.

12 **MR. ROY:** Is there a specialty in this field
13 or something?

14 **THE COMMISSIONER:** Someone who is familiar
15 with solicitor-client privilege and privilege generally.

16 **MR. ROY:** All right.

17 **THE COMMISSIONER:** So somebody who might be
18 able to give you some names, not that we're recommending
19 someone, but you understand ---

20 **MR. ROY:** I understand.

21 **THE COMMISSIONER:** --- what I'm saying.

22 Okay. So, Mr. Callaghan, do you have any
23 comments?

24 **MR. CALLAGHAN:** I'm happy to try to give a
25 list of areas as opposed to specific questions. I take it

1 that's what is being asked for?

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

3 **MR. CALLAGHAN:** Okay. And I think that's
4 probably all in terms of -- I think others may have
5 questions. I'm not sure whether you want others to provide
6 areas simply because we just bumped into this problem. I
7 mean, it's not just -- I've opened the issue. Nobody knew
8 about this meeting. I mean, there may be people who may
9 not even have standing in this cross-examination that have
10 an interest in this issue.

11 My concern is that we don't have another
12 event like this that drags on.

13 **THE COMMISSIONER:** So what are you
14 suggesting, that people do their cross-examination?

15 **MR. CALLAGHAN:** No, no, I'm just saying that
16 -- I'm suggesting that if there are other areas that people
17 want to -- that might touch on this issue ---

18 **THE COMMISSIONER:** Okay. I see what you're
19 saying.

20 **MR. CALLAGHAN:** And I can tell you that
21 there are certain areas I would also want -- and I want to
22 make it clear I think it may be appropriate at that time to
23 explore -- you're generally capable of exploring certain
24 issues in around the privilege to ascertain whether it's
25 privileged, and I assume I would be permitted to do that as

1 well.

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

3 **MR. CALLAGHAN:** Okay. I just wanted to make
4 that clear.

5 **THE COMMISSIONER:** Sure.

6 **MR. CALLAGHAN:** But I have to confess, I
7 have to be in another court on Wednesday and Thursday next
8 week and I'm not sure this is when it's fair to ask me to
9 bring someone else in, given I'm in the middle of this. I
10 was hoping we could do this on Friday next week rather than
11 ---

12 **THE COMMISSIONER:** You're not going to be
13 here on Wednesday for the ---

14 **MR. CALLAGHAN:** Well, another lawyer from
15 our group will be here. It's just me personally, I'm
16 ordered to be in another place.

17 **THE COMMISSIONER:** Okay. You're saying for
18 this matter?

19 **MR. CALLAGHAN:** For this person. That's
20 all. I wouldn't do it if it were another witness. It's
21 just I'm in the middle of this cross-examination.

22 **MR. ROY:** I'm not going to be ready by
23 Wednesday or Thursday, I'm sure.

24 **THE COMMISSIONER:** No, we're saying Friday
25 now, Friday at 10:00.

1 **MR. CALLAGHAN:** Thank you.

2 Subject to any questions, Mr. Commissioner.

3 **THE COMMISSIONER:** Any other comments before
4 we -- do people want to continue their cross-examinations
5 or do we want -- Mr. Neuberger?

6 **MR. NEUBERGER:** Mr. Commissioner, I'm
7 trading off with the taller version from my firm next week.

8 **THE COMMISSIONER:** Yes.

9 **MR. NEUBERGER:** And if I could, I have not a
10 lot of questions and I would like the opportunity --
11 nothing that Mr. Callaghan is exploring am I touched by on
12 this, but it's been a long day; it's been a long week. I
13 understand everybody is tired so I'm at your discretion. I
14 don't anticipate being more than about 15 or 20 minutes.

15 **THE COMMISSIONER:** Okay. Well, maybe we can
16 get you done.

17 **MR. NEUBERGER:** Okay.

18 **THE COMMISSIONER:** But are there any
19 questions, other outstanding questions about procedure here
20 or anything like that?

21 All right. So just to -- so Mr. Neuberger --
22 anybody else? No? Mr. Neuberger, you might as well come
23 back.

24 **MR. NEUBERGER:** Sure.

25 **MR. DUMAIS:** Just to close the other

1 chapter, Commissioner, if every one then can send any
2 issues to my attention by 5:00 p.m. tomorrow. Is that
3 fair?

4 **THE COMMISSIONER:** Sure. Exactly.

5 **MR. DUMAIS:** Thank you.

6 **THE COMMISSIONER:** All right.

7 **MR. ROY:** Sir, was that other guy saying
8 that there is going to be other people on the floor that
9 are going to want to talk to the lawyer too or say things?

10 **THE COMMISSIONER:** No, no.

11 **MR. ROY:** No wait. That they're going to
12 ask questions in the same area?

13 **THE COMMISSIONER:** Maybe.

14 **MR. ROY:** So that's what he was saying that
15 they have to submit this at the same time?

16 **THE COMMISSIONER:** Yes, pretty well. So
17 that when you go and see your lawyer -- a lawyer, we'll try
18 to give that person as much of an idea of what the kinds of
19 questions are so that person can give you some advice.

20 **MR. ROY:** All right.

21 **MR. NEUBERGER:** Is that okay?

22 **THE COMMISSIONER:** So what we're going to
23 do, Mr. Roy, is Mr. Neuberger is for Corrections. He's
24 going to ask you some questions and then we'll call it a
25 day.

1 **MR. ROY:** Corrections you mean by Probation?

2 **THE COMMISSIONER:** Probation, yes.

3 **MR. ROY:** Okay.

4 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

5 **NEUBERGER:**

6 **MR. NEUBERGER:** By way of introduction, I'm
7 Joseph Neuberger. I'm counsel for the Ministry of
8 Community Safety and Correctional Services and Probations.
9 Probation Services is under the umbrella of that Ministry.
10 So I am counsel for them.

11 And I, at the outset, would like to
12 indicate, on behalf of the Ministry and Probation, to
13 commend you on your bravery in having come forward with
14 your evidence, not just at this hearing but with respect to
15 your communications with the police and the allegations and
16 evidence against Mr. Barque and the courage that you've
17 shown and strength in being here this week and giving your
18 evidence to us. It's been very important and we commend
19 you on that.

20 But I think most importantly is that you
21 have suffered considerable harm at the hands of two
22 probation officers who, you were quite right, were supposed
23 to take care of you, were supposed to help you. And my
24 client deeply regrets the harm that you have suffered and I
25 hope you accept this as sincere apologies on their behalf.

1 **MR. ROY:** M'hm. Thank you.

2 **MR. NEUBERGER:** And I wanted to communicate
3 that to you today because you may go away today thinking
4 you have to yet come back, but I want you to feel that
5 there is tremendous value to putting yourself through this,
6 and I know it's difficult and we appreciate it.

7 **MR. ROY:** I thank you for what you said but
8 I still -- it kind of makes me a little angry that it took
9 this long.

10 **MR. NEUBERGER:** I understand. And that's
11 part of the reason that we're here. I think one of the
12 things that you have indicated in your evidence and what
13 you were trying to express was when you were asked about
14 recommendations -- are you okay to continue for a moment?

15 **MR. ROY:** Yes.

16 **MR. NEUBERGER:** Okay.

17 You talked about probation, what does
18 probation mean, and I don't know if you've had the
19 opportunity to follow the initial phase of this Public
20 Inquiry where there was some expert evidence called and
21 presentations from all the public institutions. Were you
22 able to follow that at all?

23 **MR. ROY:** I was explaining to somebody else
24 that I tried not to watch it and not to follow it because,
25 well, first of all, it was hard, and second of all, I was

1 worried that I'd get information in my head and not
2 realizing that it was something I heard and not something
3 that happened. So I wanted to stay away from that, so when
4 I testified it would be my testimony ---

5 **MR. NEUBERGER:** Right. And you wouldn't be
6 affected ---

7 **MR. ROY:** --- and not something I confused.

8 **MR. NEUBERGER:** Of course.

9 Well, there are a lot of changes over the
10 years, but nevertheless, I think what you have been
11 expressing is that, and if I can put it this way, is that
12 you unfortunately were the subject of abuse by two abusers
13 who were systematic in what they've done. And when you
14 spoke about in your recommendations of probation, probation
15 with well-trained caring individuals can affect positive
16 change with individuals who are convicted of offences and
17 are seeking help. But in this particular instance, I think
18 what you meant is the crux of the issue is two people who
19 were in positions of trust were abusers and used your
20 vulnerability to exploit you.

21 Am I right about what you were trying to get
22 across?

23 **MR. ROY:** Yes.

24 **MR. NEUBERGER:** Okay. And one of the most
25 important questions that we have to answer collectively

1 because this is an issue that can arise in many segments of
2 society, whether it's police or other public institutions
3 or people in the community who hold significant positions,
4 is that how do we detect individuals who are these types of
5 abusers and prevent harm. And that's one of the issues
6 we're looking at, and I take it that's what you're
7 concerned about.

8 **MR. ROY:** Yes.

9 **MR. NEUBERGER:** And ---

10 **MR. ROY:** Well ---

11 **MR. NEUBERGER:** Well, one of your concerns
12 for sure.

13 **MR. ROY:** Yes. Okay.

14 **MR. NEUBERGER:** And I think part of what you
15 were trying to get across was not understanding the
16 probation mechanism. Probation can be a good thing but if
17 it's used as an opportunity to exploit young people or
18 adults that's obviously a very bad thing.

19 **MR. ROY:** Yes.

20 **MR. NEUBERGER:** And trying to detect these
21 people who can get into positions of trust, we have to work
22 harder and find better ways to screen out these
23 individuals, detect them and protect people who are
24 vulnerable.

25 **MR. ROY:** Yes.

1 **MR. NEUBERGER:** And you had ---

2 **MR. ROY:** And also then I think something
3 was missed and I think I didn't say this, is that I told
4 the court that I was alone, I was 16, and my parents
5 weren't present. Nobody helped me along. And I think that
6 if the probation department could recognize when -- I'm
7 going to use the word child. You probably won't agree with
8 that. But when a child of 16 is alone like that, then
9 there's something wrong. There should be a something or --
10 I don't know what, but the probation department should be
11 asking why is this kid here alone in this court room? Why
12 is nobody here? And that's the first thing I think should
13 be changed.

14 **MR. NEUBERGER:** You will learn at some point
15 or we can talk later once you're finished as a witness,
16 there have been changes, such that there is a ministry now
17 responsible for overseeing services to youth who are
18 charged and are offenders, completely separate from adult
19 services now, and there's a different perspective. But we
20 understand what you're saying.

21 But what I'm trying to look back at in your
22 questions was -- and if I can just segue to one small area
23 for a moment. When you spoke with -- because you have some
24 recollection of speaking with the Probation Officer who
25 undertook the Pre-Sentence Report with respect to Nelson

1 Barque -- the paragraph that Mr. Commissioner indicated at
2 page 8, and I don't need to call it up on the screen right
3 now but was read, that gave you an opportunity at least to
4 express your concerns in that document.

5 MR. ROY: Can you just say that last bit?

6 MR. NEUBERGER: I'm sorry?

7 MR. ROY: I didn't hear what you -- what
8 were you referring to?

9 THE COMMISSIONER: He was referring to a
10 section in the Pre-Sentence Report where the Probation
11 Officer said things about how you felt.

12 MR. ROY: Oh, okay.

13 MR. NEUBERGER: Mr. Commissioner had pointed
14 out a page -- and just for everybody's reference it's the
15 document, document 115918, which is the pre-sentence
16 report, and we were looking at page 8 of that document
17 where Mr. Commissioner had read to you a portion where the
18 Probation Officer wrote:

19 "In discussion with the victim of the
20 present offence Mr. Roy indicated he is
21 concerned with the risk the subject
22 poses in the community at present. He
23 feels that at the time of the offence
24 he was preyed upon, manipulated and
25 controlled by the subject's abuse of

1 power. He also feels there occurred a
2 breach of his trust and a fundamental
3 disrespect for his integrity. Mr. Roy
4 maintained that the offence had
5 devastating effects on his development
6 as a youth and as an adult and
7 continues to affect his ability to
8 function in society."

9 What I've read is reflected at page 8, Mr.
10 Commissioner.

11 During Mr. Dumais' examination earlier today
12 read that to you, and you had some recollection. I think
13 your response was that sounds like something you may have
14 said to the Probation Officer. Am I correct about that?

15 **MR. ROY:** I'd like to see what it is, if I
16 can.

17 **MR. NEUBERGER:** Okay.

18 **MR. ROY:** It would help me ---

19 **MR. NEUBERGER:** The Bates page ---

20 **THE COMMISSIONER:** It's 1075166.

21 **MR. NEUBERGER:** That's right.

22 **THE COMMISSIONER:** It's 1075166. It's the
23 back page of the Pre-Sentence Report.

24 **MR. NEUBERGER:** The very last page, page 8.

25 **MR. ROY:** Of the Pre-Sentence Report?

1 **THE COMMISSIONER:** Yes.

2 **MR. NEUBERGER:** Yes. Nelson Barque's Pre-
3 Sentence Report.

4 **MR. ROY:** I'm sorry; I'm confused. I don't
5 know what you're talking about.

6 **THE COMMISSIONER:** Can you hang on just for
7 a little more?

8 **MR. NEUBERGER:** I don't have too many
9 questions for you, Mr. Roy. And I don't want to make this
10 ---

11 **MR. ROY:** I'm tired.

12 **THE COMMISSIONER:** Yes, I know.

13 **THE REGISTRAR:** Which paragraph, Mr.
14 Neuberger?

15 **MR. NEUBERGER:** Page 8.

16 **THE REGISTRAR:** Yes.

17 **MR. NEUBERGER:** And it's I guess the third
18 paragraph that starts "In discussion..."

19 **THE REGISTRAR:** I'm going to put it up on
20 the screen for you.

21 **MR. ROY:** I'm just reading it right now.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ROY:** All right.

24 And your question was do I believe that's
25 what I said?

1 **MR. NEUBERGER:** Yes.

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

3 **MR. NEUBERGER:** Okay.

4 And would you recall that that Probation
5 Officer -- because I believe I heard in the examination
6 that this was a Probation Officer who may have been from
7 the Cornwall area. Do you recall that this Probation
8 Officer was from the Ottawa office? Would you recall the
9 person calling from Ottawa?

10 **MR. ROY:** The lady that I talked to?

11 **MR. NEUBERGER:** Yes, this lady who's the
12 Probation Officer.

13 **MR. ROY:** I don't know where she was from.

14 **MR. NEUBERGER:** All right.

15 Now, I'm just going to move on gently to a
16 little bit more. One of the points that you indicated was
17 that from 1997 -- sorry, 1977 when you had courage to tell
18 Ken Seguin that Nelson Barque was abusing you, what
19 resulted from that was Nelson Barque then -- I'm sorry, Ken
20 Seguin abused you and used that opportunity to violate you.
21 And at some point after that with about four or five months
22 you indicated on your probation period, you had the
23 strength and courage to tell Ken Seguin that you were not
24 going to see him anymore as a Probation Officer and he
25 could do whatever he wanted, but you had enough with that.

1 And you were strong to do that. I'm right about that
2 because we've heard that a few times now.

3 And it's the period after that which I guess
4 went on for approximately 14 years before you went and got
5 some help and were able to speak with your therapist and
6 speak with the social worker, Mr. Payette; that you were
7 essentially struggling with this alone.

8 MR. ROY: Yes.

9 MR. NEUBERGER: All right.

10 And it's during that period that you have no
11 knowledge of anybody being aware either at Probation
12 Services, other than those two individuals or with other
13 organizations that are like the police, investigative in
14 nature, having any information about you being abused?

15 MR. ROY: I had my suspicions that that
16 third Probation Officer knew something was wrong.

17 MR. NEUBERGER: But you don't know? You
18 never ---

19 MR. ROY: I've made the statement of what
20 happened that night.

21 MR. NEUBERGER: Right.

22 MR. ROY: I mean, you can draw your own
23 conclusions.

24 MR. NEUBERGER: Right. You're drawing that
25 assumption based upon the Probation Officer seeing you

1 there at an odd hour?

2 **MR. ROY:** Well, I'm making the assumption
3 because of the way Ken reacted after the Probation Officer
4 left his office.

5 **MR. NEUBERGER:** Okay.

6 And throughout that 14 year period, what
7 you've indicated is nobody had spoken to you about Nelson
8 Barque, and one of your criticisms, which stems from your
9 line in your -- I think it's page 4 of your anticipated
10 evidence about the lawyer who was representing Mr. Barque
11 at the sentencing, Mr. Donald Johnson, also having been the
12 Crown Attorney at the time that his advice was sought as
13 far as charges against Mr. Barque. There was a concern you
14 had about this incident or something that happened in 1982
15 when Mr. Barque was, in your words, allowed to resign. You
16 had some real concerns about that but not a lot of
17 knowledge as to what was going on in 1982. Is that right?

18 **MR. ROY:** I'm a little worried about the
19 wording "not a lot of knowledge."

20 **MR. NEUBERGER:** But you didn't know anything
21 in 1982 about this?

22 **MR. ROY:** In 1982, no.

23 **MR. NEUBERGER:** And it was only later on,
24 during the time that you came forward to Constable Sebalj
25 and had started the process of disclosing the abuse that

1 you suffered that at some point during that time period you
2 learned from a police officer and possibly another source,
3 whether it's a CBC reporter or a lawyer, that something --
4 some incident, some investigation had occurred in 1982 and
5 that Mr. Donald Johnson was a prosecutor who was approached
6 on that topic and no charges were laid?

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

8 **MR. NEUBERGER:** And when I say not a lot of
9 knowledge, you heard some things, and I think I heard in
10 your evidence in-chief that the officer filled you in or
11 told you a lot, but it still didn't fill the gaps because
12 you were trying to find out information and you just don't
13 know what happened, really, in 1982?

14 **MR. ROY:** I asked a lot of questions. What
15 I was trying to explain to the Court, until a week ago,
16 when I was handed a document, I did not know that the
17 information I had was true. I had no way of verifying the
18 information I had.

19 **MR. NEUBERGER:** Okay.

20 **MR. ROY:** So I don't agree that I didn't
21 have a lot of knowledge about what went on. I know the
22 people involved. I know the names. I know the incidents.
23 I know he was allowed to resign.

24 I know in discoveries, whenever I had the
25 civil suit against the Probation Department, the documents

1 that -- I had some of those right in front of me, what they
2 state happened in 1982. So I believe I have enough
3 knowledge ---

4 **MR. NEUBERGER:** Okay.

5 **MR. ROY:** And the only thing I didn't have
6 was confirmation that Don Johnson was the prosecuting
7 attorney at the time.

8 **MR. NEUBERGER:** Okay.

9 **MR. ROY:** Because if we're going to go into
10 that area, I mean, I should be allowed to read what answers
11 I got from the Probation Department.

12 **MR. NEUBERGER:** Read what answers you got --

13 -

14 **MR. ROY:** Well, I believe you're going into
15 the area that, "Nobody contacted you" and you're talking
16 about why I'm upset about that.

17 **MR. NEUBERGER:** I understand your criticism
18 really twofold. In 1982 there was some investigation by
19 Probation Services into Nelson Barque, and during that
20 investigation you were not contacted. And you keep saying
21 that he was allowed to resign, which I understood your
22 criticism to be that this was a way to shut it down. He
23 was allowed to resign and it's just shut down.

24 **MR. ROY:** It's not just my criticism. It's
25 also, just like you said, the information I had because

1 I've been going through the process. I mean, I have a
2 document here where Probation -- it was asked of them, "Did
3 you try and find out if there were any other victims?" And
4 in the document it says, "Well, we asked Nelson and he said
5 no."

6 **MR. NEUBERGER:** Okay. Let me just for a
7 moment -- and I don't have too much to ask on this, but for
8 the sake of clarity for everybody and understanding, it
9 might be helpful if I can refer to the document, and just
10 before I'm going to call it up, I'm just going to raise an
11 issue with Mr. Commissioner just about certain names.
12 Okay? Just because before I stood up, there was some
13 issues previously.

14 Mr. Commissioner, I'm referring to the
15 document number 100548, and this is in line -- my issue is
16 with respect to the names of -- it's four individuals who
17 are related to the application which was made by Mr. Dallas
18 Lee about a particular name. These other names are related
19 to him or her, as it is, and could tend to identify the
20 individual. And so I'm raising it. I have these marked in
21 a separate document. I've notified Mr. Lee as well as my
22 friend, Mr. Dumais, about it and one of the individuals'
23 names is related to this individual. The other ones are
24 familiar relations. And I think probably in keeping with
25 your ruling, it would be prudent that those names be given

1 the same protection by way of a publication ban.

2 That's my submission on that point. I think
3 Mr. Lee is quite prepared to address that, and I only want
4 to refer to this briefly, this document.

5 **MR. LEE:** As Mr. Neuberger stated, this --
6 the gentleman that he's referring to is a client of mine
7 who we discussed yesterday and you ordered a publication
8 ban on his name. His name appears in this document several
9 times and there are also four other names. Two of them, as
10 I understand it, are -- at least two of them are familiar
11 relations and the other two would tend to identify my
12 client because of the known relationship between these
13 persons.

14 So I agree with Mr. Neuberger that these
15 should also be part of your -- of the publication ban, and
16 I don't know where we go from here. I guess if you need
17 these names to be put on the record or if it would suffice
18 to have Mr. Neuberger go through the document with you and
19 identify them that way.

20 **MR. NEUBERGER:** And to assist, I have a
21 document which I have just highlighted which I could simply
22 file and then later on at a time when it's a little bit
23 better, we could just go on the record and deal with it
24 that way.

25 **THE COMMISSIONER:** All right. That might do

1 well.

2 So that's exhibit number?

3 **THE REGISTRAR:** Number 125.

4 **THE COMMISSIONER:** Number 125.

5 --- **EXHIBIT NO./PIÈCE NO. C-125:**

6 Nelson Barque - Investigation File of

7 Probation Officer - May 31, 1982

8 **MR. ROY:** Does that mean I'm not allowed to
9 refer to it when I answer?

10 **THE COMMISSIONER:** No, no, you can refer to
11 it, but you don't use the names.

12 **MR. ROY:** That's fine. I don't need to name

13 ---

14 **THE REGISTRAR:** That would be a "C"?

15 **THE COMMISSIONER:** "C" in that there is a
16 ban on publication of the names -- of any names other than
17 Mr. Barque. Well, see, the problem is how are we going to
18 effectively communicate to the press, the media, right now
19 as to what names they can't report?

20 I know what I'll do. After we're finished
21 for the night, we're going to go into an in-camera session.

22 **MR. NEUBERGER:** Sure.

23 **THE COMMISSIONER:** And then we're just going
24 to do that.

25 **MR. NEUBERGER:** That's fine.

1 **THE COMMISSIONER:** But before we go on, we
2 have to -- because we have to determine -- we have to have
3 a little hearing to determine whether or not the *Mentuck*
4 test applies.

5 **MR. NEUBERGER:** Okay.

6 **THE COMMISSIONER:** And whether it's been
7 met.

8 Is anyone opposing that a publication ban be
9 put on? The Mister for CBC?

10 **MR. NEUBERGER:** I don't think he's
11 objecting.

12 **THE COMMISSIONER:** He has left.

13 **MR. NEUBERGER:** Apparently.

14 **THE COMMISSIONER:** Well, that's quite
15 unfortunate. I think that if the CBC is going to play a
16 role -- if the media is going to play a role in these kinds
17 of things, then they should be here.

18 **MR. NEUBERGER:** Absolutely.

19 **THE COMMISSIONER:** So I'm applying the
20 *Mentuck* test and I find that the names contained in this
21 matter should be subject to a publication ban, and what we
22 will do for the press is as soon as we are finished and
23 you're on your way, we'll resume in an in-camera session.
24 I'll give the names out so the press will be -- will know,
25 and then we go on.

1 All right? Thank you.

2 Have we given this exhibit a number, Madam
3 Clerk?

4 **THE REGISTRAR:** C-125.

5 **THE COMMISSIONER:** I'm sorry?

6 **THE REGISTRAR:** C-125.

7 **THE COMMISSIONER:** C-125. All right.

8 **MR. NEUBERGER:** Now, Mr. Roy, if you can
9 allow me to sort of summarize this compilation of documents
10 in a sequence so that Mr. Commissioner and my other friends
11 are aware of this and its content, it might be helpful and
12 I can move through it a little bit more expeditiously.

13 This is a document you've seen before?

14 **MR. ROY:** I don't know if it's the same as
15 the document that I have.

16 **MR. NEUBERGER:** Okay. Well, let me
17 summarize to you the document and then I have a couple of
18 questions and you're free to give me answers or if there's
19 something you don't agree with.

20 This document which I have is a series of
21 documents that resulted from a complaint that occurred on
22 April 8th, 1982 which was communicated to Mr. Sirrs, who was
23 then the area manager of the Probation Office.

24 **MR. ROY:** I've never -- sorry, I don't mean
25 to interrupt. I haven't seen this document and it's not

1 the one that I thought it was.

2 **MR. NEUBERGER:** Okay. So what I'm showing
3 you now are official documents from the Ministry of
4 Correctional Services, as it was then known, about this
5 1982 incident because I think you -- I think it's important
6 for you to understand what we have as far as the
7 information is concerned and to express yourself as to what
8 your concerns are, your criticisms or what upsets you about
9 it. I want you to have a free ability to do that. I want
10 to try to do it a bit economically because I know you're
11 tired and I know it's been a long day.

12 **MR. ROY:** I don't think I want to do this
13 right now. I need a break.

14 **THE COMMISSIONER:** Okay.

15 **MR. ROY:** I'm tired.

16 **MR. NEUBERGER:** That's fine.

17 **THE COMMISSIONER:** I think we'll have to do
18 it next week.

19 **MR. NEUBERGER:** Yes.

20 **THE COMMISSIONER:** So, sir ---

21 **MR. ROY:** I'm sorry.

22 **THE COMMISSIONER:** Don't be sorry. Let me
23 close off for the day by saying that we're going to
24 continue this on -- where was I -- it's been a long day.

25 **MR. ROY:** It's just that I think this is

1 going to be rough.

2 **THE COMMISSIONER:** That's fine. I can
3 understand that.

4 So what we're going to do is we're going to
5 adjourn for your matter until Friday at 10 o'clock in the
6 morning. At that time, we're going to continue. There's
7 some other gentlemen who have questions for you as well.
8 Hopefully you will have spoken to a lawyer and they will
9 have spoken to Mr. Dumais, so they can give you the best
10 advice that they can give you.

11 What I want you to go away with tonight is
12 this, is that as far as I'm concerned, you've done a great
13 job for us. All right? Not only have you not done
14 anything wrong, you've been a great help to us so far and I
15 think that on Friday we'll be able to finish this and then
16 you'll be able to get on your way.

17 Again, what I want you to know is I want you
18 to be proud of what you've done so far. I want you to know
19 that when we send you to see a lawyer, it's for your good,
20 for your protection.

21 And I hope that you'll understand that my
22 job here is to get to the bottom of things but to make sure
23 that you don't get into any trouble. And I know you don't
24 know me from a hole in the wall and you may not trust me,
25 and that's okay. I can understand that. But what I'm

1 offering to you is that I can tell you that my promise now
2 is to make sure that you don't do anything that you will
3 regret here.

4 All right? So go home feeling well.

5 MR. ROY: All right.

6 THE COMMISSIONER: All right? Thanks.

7 MR. ROY: Thank you.

8 THE COMMISSIONER: All right. So now what
9 we can do is close down. I don't think -- we're going to
10 close down, go into camera for the purposes of identifying
11 the names that are a ban on publication on C-125 and then
12 we'll call it a day. So those of you who wish to leave --
13 yes?

14 MR. ROY: Sorry. I know I'm interrupting,
15 but ---

16 THE COMMISSIONER: No.

17 MR. ROY: --- because I haven't seen this,
18 will I be able to read this ---

19 THE COMMISSIONER: Well, you ---

20 MR. ROY: --- before Friday?

21 THE COMMISSIONER: --- speak to Mr. Dumais.
22 Yes, we will work that out as well.

23 MR. ROY: Okay.

24 THE COMMISSIONER: All right?

25 MR. ROY: Okay. Sorry.

1 **THE COMMISSIONER:** Thank you.

2 So now we'll adjourn for the purposes of
3 going into in camera and then we will complete the day's
4 events. Thank you.

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

7 The hearing will resume in 15 minutes.
8 --- Upon adjourning in public at 5:50 p.m. to resume in
9 camera/

10 L'audience est ajournée en public à 17h50 pour
11 reprendre à huis clos

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM