

C A N A D A  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N°: 500-05-012098-958

C O U R S U P É R I E U R E

(Hors de Cour)

LE TRÈS HONORABLE BRIAN  
MULRONEY,

demandeur,

- VS -

LE PROCUREUR GÉNÉRAL DU  
CANADA

- et -

KIMBERLY PROST,  
J.P.R. MURRAY,  
FRASER FIEGENWALD,

défendeurs.

**Interrogatoire avant défense**

COMPARUTIONS :

Me GÉRALD TREMBLAY, c.r. et  
Me JACQUES JEANSONNE,  
pour le demandeur.

Me CLAUDE-ARMAND SHEPPARD, c.r.,  
Me RICHARD J. ROSENSWEIG,  
Me CAROLINE BIRON et  
Me BRIGITTE GARCEAU,  
pour le Procureur Général du Canada et Kimberly Prost.

Me YVAN BOLDUC,  
pour J.P.R. Murray et Fraser Fiegenwald.

ATR 4870 PV.

Le 19 avril 1996.

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April 19th, 1996

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CANADA  
PROVINCE DE QUEBEC  
DISTRICT DE MONTREAL  
No: 500-05-012098-958

COUR SUPERIEURE  
(Hors de Cour)  
LE TRES HONORABLE BRIAN  
MULRONEY,  
demandeur,  
- VS -  
LE PROCUREUR GENERAL DU  
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- et -  
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1 A- Yes.  
2 Q- Were you aware of the fact that Karl Hans Schreiber  
3 was the only director of Bearhead?  
4 A- No, I was not.  
5 Q- In the course of your meetings, or discussions with  
6 Mr. Schreiber, related to that project, did you run  
7 into Gregory Alphert?  
8 A- I don't believe I did, no.  
9 Q- Do you know Gregory Alphert?  
10 A- I know who he is now.  
11 Q- And who is he now?  
12 A- I understand that he's an officer of one of the  
13 companies of Mr. Schreiber.  
14 Q- Do you also understand that he used to be senior  
15 vice-president of one of Mr. Moore's companies?  
16 A- I had no idea of that.  
17 Q- Did you have any discussions with anyone, and, in  
18 particular with Mr. Schreiber, about the attempts by  
19 Messieurs Schmidt, Bolk, or Blum, to sell German  
20 helicopters to the Canadian Coast Guard?  
21 A- No, I did not.  
22 Q- Do I take your answer to be you never had any  
23 discussions or any involvement in that project?  
24 A- You take it... you asked me a question...  
25 Q- Yes.

1 In the year of Our Lord, nineteen hundred and ninety-six  
2 (1996) on this nineteenth (19th) day of April, PERSONALLY  
3 CAME AND APPEARED:  
4  
5 BRIAN MULRONEY, being fifty-seven (57) years of age,  
6 Lawyer, residing at four seven (47) Forden Crescent,  
7 Westmount, Province of Quebec;  
8  
9 WHO, after having made a Solemn Declaration, doth depose  
10 and say as follows:  
11  
12 EXAMINATION BY Me CLAUDE-ARMAND SHEPPARD  
13 on behalf of the Attorney General of Canada:  
14 Q- Mr. Mulroney, when we were discussing the armoured  
15 vehicle matter, which, for short, we called the  
16 Tissen project. Was the company involved a company  
17 called Bearhead Manufacturing Industries, SMI Inc.?  
18 A- I came to understand later that that was the  
19 Canadian subsidiary of the international corporation  
20 that had been established to put together these  
21 vehicles.  
22 Q- M'hm.  
23 A- That was my information.  
24 Q- So when reference is made to the Bearhead project,  
25 it's the same thing as the Tissen project?

1 A- ... and I gave you the answer.  
2 Q- Were you aware of the fact that Mr. Schreiber or one  
3 of his companies received a commission relating to  
4 the sale, or attempted sale of German helicopters to  
5 the Canadian Coast Guard?  
6 A- No, I was not.  
7 Me GERALD TREMBLAY  
8 on behalf of the Plaintiff:  
9 Mr. Sheppard, at this point I would like to  
10 interject. This discovery is not a Royal Commission  
11 of inquiry into the activities of Mr. Schreiber.  
12 I've let you ask many questions without objection.  
13 And at this point in time I would remind you that  
14 none of that that you're questioning on is alleged  
15 in any... any of our allegations in our action.  
16 So, please, Mr. Sheppard, I would like to ask  
17 you to stick to the facts as we have alleged them in  
18 the statement of claim. This is the purpose of a  
19 dis... of a discovery before plea.  
20 Me CLAUDE-ARMAND SHEPPARD:  
21 I'll try not to disregard your advice, Maitre  
22 Tremblay.  
23 Me GERALD TREMBLAY:  
24 It would be very well advised.  
25

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1 Me CLAUDE-ARMAND SHEPPARD: 9  
 2 Q- Would you describe your relationship with Frank  
 3 Moores?  
 4 A- I believe that I first met Mr. Moores after he was  
 5 elected to the Federal Parliament and became, some  
 6 time around nineteen seventy (1970), president of  
 7 the Progressive Conservative Party of Canada. And  
 8 in that capacity he travelled across the country to  
 9 visit with provincial organizations.  
 10 He would come to Montreal to seek to re...  
 11 assist in the rebuilding of the Conservative Party.  
 12 It was then not a powerhouse, as you may recall.  
 13 And so I met with him then, having been a volunteer  
 14 in the Conservative Party since I was fifteen (15).  
 15 Mr. Moores' task appeared formidable, I believe  
 16 the Liberals held all... almost all the seats,  
 17 perhaps with one (1) or two (2) exceptions for the  
 18 Conservatives. Les creditistes etaient aux  
 19 alentours dans ces annees-la. But the prospects  
 20 were not promising, he worked pretty hard at his  
 21 role as president of the party. It was in that  
 22 context that I first met him.  
 23 He then left that job and became premier of  
 24 Newfoundland and Labrador, where he served for some  
 25 seven (7) years. I saw very little of him during

1 the years he was in Newfoundland and Labrador. 10  
 2 And he resigned in nineteen seventy-nine  
 3 (1979), and he moved to Montreal. He went into  
 4 business in Montreal, and I saw him more frequently  
 5 at that time.  
 6 And, of course, he was involved... he was...  
 7 Frank Moores was a successful politician, he was  
 8 very active in the Conservative Party. He was one  
 9 (1) of the seven (7) premiers, I believe, we had at  
 10 the time, and so he maintained his political  
 11 activity, and he was involved in the nineteen  
 12 eighty-three (1983) leadership campaign for the  
 13 leadership of the Progressive Conservative Party,  
 14 when, as you'll remember, a number of candidates  
 15 ranging from Mr. Clark to Peter Blaikie sought the  
 16 leadership of the Conservative Party.  
 17 He was a staunch and, as I remember, loyal  
 18 conservative, and believed very much in the... in  
 19 the process, in the two (2) party system, or three  
 20 (3) party, or four (4) party system, and did his...  
 21 made his contribution that way.  
 22 Q- Did he nominate you when you were at...  
 23 A- He nominated me in nineteen seventy-six (1976). I  
 24 was... I had run... politicians, Mr. Sheppard, have  
 25 gifts sometimes for self-delusion, and I had run in

1 nineteen seventy-six (1976) when Mr. Stanfield 11  
 2 stepped aside, and there were again candidates from  
 3 Mr. Clark to Mr. Blaikie in that race.  
 4 And I had run believing that the Conservative  
 5 Party's problem was that it had been  
 6 traditionally... essentially, since the hanging of  
 7 Louis Riel, unable to win seats in Quebec and in  
 8 French Canada, and unless and until it was able to  
 9 do that, it could never form a national government.  
 10 The numbers weren't there and it would never happen.  
 11 So I was persuaded by some well-intentioned friends  
 12 that I should give it some consideration, which I  
 13 did, and to the general surprise, including my own,  
 14 I came second on the first ballot, but I was  
 15 defeated by Mr. Clark. And at that convention, in  
 16 nineteen seventy-six (1976), Mr. Moores had  
 17 nominated me as a candidate.  
 18 Q- Are you friends?  
 19 A- Mr. Moores supported Mr. Crosby for the leadership  
 20 in nineteen eighty-three (1983) and we remained...  
 21 we retained... he moved to Ottawa in nineteen  
 22 eighty-four (1984), he purchased some businesses and  
 23 got involved in business, and we retained a... a  
 24 cordial relationship.  
 25 I saw him less and less frequently over the

1 years to the point where I believed that not so long 12  
 2 ago he told the Toronto Star that he had not seen me  
 3 or spoken with me in the five (5) years prior to my  
 4 resignation. I have no exact recollection of that,  
 5 but that would be approximately right.  
 6 We had a cordial relationship, but the... I  
 7 think he would agree that the characterization that  
 8 you see in the media about intimate friendships and  
 9 so on would be simply inaccurate.  
 10 Q- But your recollection then matches his that in the  
 11 last five (5) years, you had hardly had any  
 12 communications?  
 13 Me GERALD TREMBLAY:  
 14 Prior to resignation?  
 15 Me CLAUDE-ARMAND SHEPPARD:  
 16 Q- Yes.  
 17 A- Prior to my resignation?  
 18 Q- Yes.  
 19 A- Yes.  
 20 Q- And after your resignation?  
 21 Me GERALD TREMBLAY:  
 22 Ah, so the five (5) years is from the  
 23 resignation?  
 24 Me CLAUDE-ARMAND SHEPPARD:  
 25 Yeah.

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1 A- I haven't spoken with him in... he... he indicated,  
 2 I think to the Toronto Star... I may be wrong on  
 3 this, but I think he indicated to the Toronto Star  
 4 that we had had no communication for... for those  
 5 years. I certainly haven't spoken with him since,  
 6 which would add a few years to that. There's no  
 7 mystery about this, Mr. Sheppard.

8 One of the... the distinguished journalists  
 9 once reported in nineteen eighty-seven (1987), a  
 10 conversation with Mr. Moores where... whereby Mr.  
 11 Moores, one evening, in an interview with a  
 12 journalist, conveyed the view that he thought that  
 13 my government was going to be defeated in the  
 14 nineteen eighty-eight (1988) election campaign.

15 My cabinet colleagues and my caucus colleagues  
 16 took an extremely dim view of that, because while we  
 17 were twenty-three...

18 Q- Of being defeated or of Mr. Moores' comment?

19 A- Both. Although I must say that perhaps more of the  
 20 former than the latter. We were at the point, at  
 21 that point in time, twenty-three (23) points behind  
 22 in the opinion polls and I was resolved that we were  
 23 going to be re-elected and re-elected with a  
 24 majority.

25 We had just negotiated the... the Meech Lake

1 was quite frankly a low moment for us. We were way  
 2 behind and everybody had written us off.

3 And so, to say that kind of put a damper on our  
 4 relationship is an understatement. That said, let  
 5 me tell you that Mr. Moores himself was a very  
 6 gifted politician. He was a man of very  
 7 considerable skills, good humour, he was good-  
 8 natured and he had... he was a Newfoundlander with  
 9 a lot of the... many of the finest traits of what is  
 10 really a warm and affectionate people. He just  
 11 wasn't on my hit parade those days.

12 Q- M'hm. From what you tell me, he still hasn't gotten  
 13 on your hit parade.

14 A- That's right.

15 Q- Did you nominate him to the Board of Air Canada?

16 A- No, I did not.

17 Q- Was he nominated to the Board of Air Canada?

18 A- Yes, he was.

19 Q- By whom?

20 A- He was nominated by the Minister of Transport, who  
 21 brought in a... pursuant to a national consultation,  
 22 who brought in a complete new board for Air Canada,  
 23 I believe thirteen (13) new members and Mr.  
 24 Mazankowski, who was then the Minister, proposed a  
 25 new board for Air Canada and Mr. Moores' name was

1 Accord, which I viewed as vital for the future of  
 2 Canadian unity. My fear was that if the Meech Lake  
 3 Accord was not ratified, that there would be  
 4 significant consequences for Canada in the future,  
 5 and I had to deal with opponents on that field.

6 I... we had negotiated the Free Trade Agreement  
 7 with the United States of America which, as you'll  
 8 remember, was bitterly opposed by the official  
 9 opposition, the Liberal Party of Canada and by the  
 10 NDP and by many interest groups, as happens in  
 11 democracies. That was legitimate.

12 But those were the two (2) main thrusts of the  
 13 campaign and at... just about at the point where we  
 14 were some twenty-three (23) points behind and I was  
 15 meeting with my cabinet colleagues to rebuild, and  
 16 I was telling my caucus "We are going to be re-  
 17 elected. Not only are we going to be re-elected,  
 18 we're going to be re-elected with a majority if we  
 19 stand for firm principles and we have the courage to  
 20 defend them". And out of the blue came this  
 21 statement by Mr. Moores.

22 I noticed that some of my cabinet colleagues...  
 23 former cabinet colleagues happen to be here today.  
 24 They'll remember how unhappy they were to have a  
 25 former Premier make that kind of statement at what

1 one of them, and it passed... it was submitted to  
 2 cabinet and it was approved by order-in-council.

3 Q- When that happened, he was president of the  
 4 Progressive Conservative Party.

5 A- No. He had resigned as President of the Progressive  
 6 Conservative Party seven (7) years earlier.

7 Q- You also know that he did not stay very long on the  
 8 Board of Air Canada.

9 A- Apparently not.

10 Q- Did he resign, to your knowledge?

11 A- I'm sorry?

12 Q- Did he resign, to your knowledge?

13 A- Yes. My information was that after five (5) months  
 14 or thereabouts on the Board, he resigned.

15 Q- Were you aware of what businesses he was involved  
 16 in?

17 A- No, I was not.

18 Q- Did you know the name of his companies and, in  
 19 particular, Government Consultants Inc.?

20 A- Oh. I'm sorry. I misunderstood. Yes, I knew the  
 21 name of Government Consultants company. I didn't...  
 22 I'm sorry. I thought you meant his clients. I did  
 23 not know any of this clients. But I knew the  
 24 company which was referred to in Ottawa as GCI.

25 Q- Yes.

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17

1 A- I knew.  
 2 Q- Basically a lobbying company.  
 3 A- Basically a lobbying company. Lobbying previously  
 4 has really not existed in Ottawa. It was brought in  
 5 really by Bill Lee. As I understand it, Bill Lee,  
 6 who was a very prominent and very distinguished  
 7 Liberal, and Bill Neville founded Executive  
 8 Consultants in the Trudeau years. Lobbying was not  
 9 a well-known matter, and it grew significantly over  
 10 that time. And by the time we arrived, Liberals,  
 11 Conservatives and NDP, people who are not political  
 12 were involved in what they referred to as...  
 13 pejoratively referred to as the lobbying business,  
 14 which was public policy consultation, guiding people  
 15 through the labyrinth of Ottawa. That's what I knew  
 16 about him.  
 17 Q- Were you ever approached by GCI directly or  
 18 indirectly about any aircraft sales in Canada?  
 19 A- Never.  
 20 Q- Prior to the matter that brings us here, were you  
 21 aware of any possible links between GCI and  
 22 Airbus...  
 23 A- Not at...  
 24 Q- ... business links or other.  
 25 A- Not at all.

19

1 you, I'm trying to understand your answer. You're  
 2 not aware that he took these proceedings or you  
 3 don't know what's in that.  
 4 A- I... I... I saw that proceedings had been  
 5 initiated, but I have no idea what's in them. They  
 6 appear to be... they appear to be lawsuits against  
 7 the CBC and some of their journalists for libel and  
 8 defamation.  
 9 Q- Were you informed of the fact that, in that lawsuit,  
 10 he does not deny receiving Airbus commissions?  
 11 A- I have no idea.  
 12 Me GERALD TREMBLAY:  
 13 Mr. Sheppard, frankly, Mr. Mulroney says that  
 14 he's got no knowledge of the contents of this  
 15 action, and then are you informed of what's in  
 16 there? I don't think it's an inappropriate  
 17 question. And again, with respect to our action,  
 18 what does it have to do with the price of eggs?  
 19 Me CLAUDE-ARMAND SHEPPARD:  
 20 I could tell it... put it...  
 21 Me GERALD TREMBLAY:  
 22 You're discovering our action, not Mr.  
 23 Schreiber's action. And, by the way, you're...  
 24 you're... I think that... I was thinking in the  
 25 last ten (10), twenty (20) minutes, you have been

18

1 Q- And between GCI and Tissen Industries or Bear Head?  
 2 A- No. I subsequently have been informed through the  
 3 papers in recent months.  
 4 Q- I'm referring to the period prior to...  
 5 A- At the time, no. No.  
 6 Q- ... to these events.  
 7 A- No.  
 8 Q- And it would be the same thing with respect to any  
 9 possible involvement of GCI with the helicopter  
 10 project of Messieurs Schmidt, Bolk or Blum?  
 11 A- That is true.  
 12 Q- When you testified two (2) days ago, remember we...  
 13 A- I'm sorry, Sir. Could you please begin your  
 14 question.  
 15 Q- When you testified here two (2) days ago, you  
 16 remember we referred on a few occasions to  
 17 proceedings which Mr. Schreiber had taken in Federal  
 18 Court and, as a result of which, through your  
 19 lawyers, you obtained, I think around March  
 20 twentieth (20th), you said, certain documents.  
 21 A- That's right.  
 22 Q- Are you familiar with the other proceedings that Mr.  
 23 Schreiber took some time earlier against the CBC?  
 24 A- No, I'm not.  
 25 Q- Are you aware he took... I don't want to mislead

20

1 asking questions to Mr. Mulroney that Mr. Fiegenwald  
 2 should have asked him to him before writing what he  
 3 did.  
 4 A- I indicated to yesterday, Sir, in regard to this  
 5 that, just to make the point, I never had any  
 6 discussions of any kind at any time in respect of  
 7 commissions, Airbus or Air Canada or anybody else.  
 8 This never came up at any time under any  
 9 circumstances. And had it been raised with me, I'd  
 10 have called the R.C.M.P. immediately had there been  
 11 any hint of impropriety.  
 12 Now, let me try to distinguish that as I tried  
 13 to do yesterday. As we sit here today, the  
 14 Government of Canada is paying commissions to  
 15 foreign companies and to agents. Right today, the  
 16 Prime Minister is in Romania trying to sell CANDU  
 17 reactors. If you look at the last year's report of  
 18 the Atomic Energy Commission of Canada, you will see  
 19 that the Canadian Government and the shareholders  
 20 own one hundred percent (100%) of AECC, paid, I  
 21 believe, in the neighbourhood of nine million  
 22 dollars (\$9,000,000.00) in commissions to agents of  
 23 various kinds around the world to help them sell the  
 24 CANDU. They didn't sell any. But nine million  
 25 dollars (\$9,000,000.00) of Canadian taxpayers' money

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1 was paid as commissions to various agents of various  
2 kinds.

3 Now, I was acquainted with the fact that the  
4 Canadian Government, in a general way, paid  
5 commissions to brokers, advisors, lawyers, agents  
6 and so on. And as I say the most specific  
7 illustration is the nine or ten million dollars  
8 (\$9,000,000.00 - \$10,000,000.00) that we paid last  
9 year to try and help them sell the CANDU reactor  
10 unsuccessfully.

11 Now, the idea of commissions or success fees  
12 are known in Ottawa and in... and in corporate  
13 affairs. But to be very specific, at no time, and  
14 under no circumstances, was the question of a  
15 commission, information of any kind transmitted to  
16 me about Airbus. It never happened.

17 And, as Mr. Tremblay said, I'd have been quite  
18 frankly... I wouldn't have been offended at all, I'd  
19 have been delighted to receive Mr. Eiegenwald, to  
20 tell him that, to provide him with all the  
21 information that he thought he needed, including  
22 access to any information that I might have.

23 Me CLAUDE-ARMAND SHEPPARD:

24 Q- I certainly don't want to incur the wrath of Mr.  
25 Tremblay by conducting a Royal Commission on

1 saying, I don't know why, Mr... Mr. Sheppard, the  
2 Canadian government did what it did in putting... in  
3 committing to writing those statements about...  
4 about me that were untrue.

5 I count on you, and your good faith, and your  
6 clients, at a given point in time, to allow us to  
7 interrogate them to find out.

8 Q- That day will come.

9 A- Soon?

10 Q- Sorry?

11 A- Soon?

12 Q- Perhaps we could have an interesting debate on...

13 A- Yes, because, you see, every day, with every delay,  
14 this libel is being aggravated. And as quickly as  
15 you could accommodate to put your clients in the  
16 bo... in the witness box, as soon as you can, Sir,  
17 it would be helpful, I think.

18 Q- This case, Mr. Mulroney, is proceeding faster than  
19 most of these cases.

20 Me GERALD TREMBLAY:

21 Well, Mr. Sheppard, I've seen many cases where  
22 the plea is filed earlier than eight (8) months  
23 after the filing of the statement of claim. We  
24 filed our statement of claim in November, and we  
25 won't have your plea before the fifteenth (15th) of

1 business practices of the Canadian Government in  
2 trying to sell CANDUs. Do I take it that the point  
3 you're making is that, in your view, the Canadian  
4 Government, as probably do other governments, or  
5 government institutions, regularly remunerates  
6 people who make efforts on its behalf to sell  
7 certain... certain things, including reactors?

8 A- In some areas I'm informed that the Canadian  
9 Government pays commissions to foreign agents to  
10 sell Canadian products.

11 Q- That's right. But you're also aware of the fact  
12 that the issue in this general matter is that no one  
13 seems to know what efforts Mr. Schreiber's companies  
14 may have made with respect to the sale of Airbus to  
15 Air Canada.

16 A- But if you... but, Mr... Mr. Sheppard, you have just  
17 said nobody seems to know what efforts were made.  
18 If that's true, why did your client commit to  
19 writing that indeed Mr. Schreiber's companies  
20 entered into a conspiracy with me to corrupt the  
21 Canadian leader, when it was absolutely false?  
22 You've just said nobody knows. You'd better believe  
23 they don't know. If that's what they think, it's  
24 completely wrong.

25 So all I can do is answer your question by

1 May.

2 Me CLAUDE-ARMAND SHEPPARD:

3 Q- When you became aware of the media interest in the  
4 matter in mid-November, nineteen ninety-five (1995),  
5 you or your advisors decided to try and minimize  
6 your damages by calling a press conference, that's  
7 correct?

8 A- I'm sorry?

9 Me GERALD TREMBLAY:

10 Repeat the question. You'll love it, Mr.  
11 Mulroney.

12 (QUESTION PLAYED BACK)

13 A- Mr. Sheppard, from the second (2nd) of November,  
14 nineteen eighty-five (1985) when I was first  
15 apprised of...

16 Me JACQUES JEANSONNE  
17 on behalf of the Plaintiff:

18 Q- Nineteen ninety-five (1995).

19 A- Nineteen ninety-five (1995), when I was first  
20 apprised of this situation, as soon as I heard the  
21 words that were conveyed to me by Mr. Schreiber, I  
22 knew that the publication of that doc... those words  
23 would have absolutely profoundly damaging effects on  
24  
25

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Pierre Vilaire & Associés Limitée  
480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
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1 my wife and my children, my family, and my  
 2 reputation. We deployed, as a consequence, what  
 3 I... what I subsequently received the next day,  
 4 confirmed my worst fears. I am not telling you that  
 5 the document that I received... and I admit, then it  
 6 was a translation, it wasn't until the twentieth  
 7 (20th) of March that I finally received the English  
 8 document. I wish I had had that, it would have  
 9 saved us all a lot of agony and strain.  
 10 But when I saw that... that translated  
 11 document, I knew that its publication would have  
 12 horrendous international implications for me.  
 13 So I instructed my lawyers to meet with the  
 14 Government immediately, for the following reason.  
 15 It wasn't as if part of that document was true, that  
 16 a little bit of it was true, that half of it was  
 17 true, three-quarters, or one-eighth. As it applied  
 18 to me, Mr. Sheppard, it is completely false.  
 19 And so, what I was trying to do in... with  
 20 Roger Tasse, was to say to the Canadian... to the  
 21 R.C.M.P., "Look, these facts are not facts, we don't  
 22 know who told you these, they were provided to you  
 23 anonymously, why don't you come and interview Mr.  
 24 Mulroney, he'll give you... he'll answer all your  
 25 questions, he'll give you everything from bank

1 the document sent from Canada had fallen into other  
 2 hands. They began to refer, in general terms,  
 3 initially, that a Canadian politician received  
 4 benefits.  
 5 The next day Agence France-Presse carried a  
 6 story which was published on the front page of La  
 7 Presse. On the eleventh (11th), and then the  
 8 twelfth (12th), thirteenth (13th) and fourteenth  
 9 (14th), the crescendo built in all of the Canadian  
 10 and international media, suggesting that a major  
 11 scandal had taken place, that the R.C.M.P. had  
 12 conveyed a written document in German to  
 13 Switzerland, that that document had leaked into the  
 14 hands of media in Germany, and elsewhere.  
 15 All of which was confirmed to us, Mr. Sheppard,  
 16 when, on the fifteenth (15th), we received a fax  
 17 from Der Spiegel which clearly indicated that they  
 18 had received a copy of the Canadian document, saying  
 19 my name was on it, and that I... the implication  
 20 clearly - you have a copy of it - that I had  
 21 received bribes.  
 22 Followed the next day by a fax from MacLean's  
 23 Magazine, which, apart from repeating all of the  
 24 information, they were even informed that a private  
 25 meeting that had taken place between Roger Tasse and

1 accounts to whatever you want to see. He'll be very  
 2 forthcoming, he'll give you anything you want", with  
 3 a view to having this withdrawn and repudiated as it  
 4 applied to me.  
 5 We never questioned whatsoever the right of the  
 6 R.C.M.P. to interview or to interrogate whomever  
 7 they wanted, to investigate whomever they wanted,  
 8 around the world, including former prime ministers,  
 9 or former governors-general. That's their job. And  
 10 I respect the responsibility of the R.C.M.P. in that  
 11 regard.  
 12 Because it was false, I felt that, as a  
 13 Canadian citizen, before any further damage was done  
 14 in a foreign country, I could provide the responses  
 15 that might prevail upon the R.C.M.P. to say, "Well,  
 16 hey, maybe this information we got is wrong, maybe  
 17 there is no justification for this, and therefore we  
 18 can withdraw the document, we can repudiate what we  
 19 said as it applies to Mr. Mulroney, we can apologize  
 20 to him and his family, and get on... and get on with  
 21 it". That was what I was trying to do in the early  
 22 days.  
 23 On the night of the tenth (10th) of November,  
 24 German television in Switzerland carried a story  
 25 which clearly indicated that the German version of

1 the R.C.M.P. had been leaked to MacLean's Magazine.  
 2 The R.C.M.P. clearly had leaked to MacLean's  
 3 Magazine that Roger Tasse had been to see them on my  
 4 behalf, and they put that request there. So at  
 5 this...  
 6 Me CLAUDE-ARMAND SHEPPARD:  
 7 Q- That you assume, you don't know as a fact, that the  
 8 R.C...  
 9 A- Please... please...  
 10 Me GERALD TREMBLAY:  
 11 Don't interrupt... don't interrupt the witness.  
 12 A- ... please... well...  
 13 Q- Continue.  
 14 A- We will ask the R.C... let me withdraw that. We  
 15 will ask the R.C.M.P. at a given time. You can be  
 16 certain of this. Roger Tasse did not phone Stevie  
 17 Cameron and say that he had just been to see the  
 18 R.C.M.P. It is perhaps more likely that the other  
 19 thing occurred.  
 20 Because here's what was said. Here's what was  
 21 said by MacLean's Magazine on November sixteenth  
 22 (16th):  
 23 "We have information that your name  
 24 is on the request sent to the Swiss  
 25 authorities on October third (3rd),

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Pierre Vilaire & Associés Limitée  
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1 nineteen ninety-five (1995) by the  
 2 Canadian Government. The document  
 3 was drafted by the R.C.M.P. And  
 4 also names Frank Moores and Karl-  
 5 Heinz Schreiber. We also know that  
 6 Roger Tasse is representing you in  
 7 this matter. And that he met with  
 8 officials of the Department of  
 9 Justice at the R.C.M.P. to ask for a  
 10 copy of the document sent to the  
 11 Swiss Government. As you are also  
 12 aware, there is discussion that the  
 13 account number 34117, code name  
 14 Devon was set up for you by Mr.  
 15 Moores at the Swiss bank account.  
 16 The significance of the code name  
 17 appears to be that your first house  
 18 in Westmount was on Devon, near  
 19 Upper Belmont. Is this your  
 20 account, or an account which is  
 21 available to you, or anyone  
 22 connected with you?"  
 23 Now... yeah, and, oh, by the way, I'm sorry...  
 24 "Our deadline for preparation of  
 25 this article is Friday, November

1 seventeenth (17th), thank you very  
 2 much for your attention in this  
 3 matter. Please comment."  
 4 Well, obviously, Mr. Sheppard, that anyone with a  
 5 brain in his head knows what happened. That this  
 6 matter was going to be published. And so to respond  
 7 specifically to your question, obviously we thought  
 8 this was going to come out in Maclean's Magazine on  
 9 Sunday night, or Der Spiegel on Monday morning. And  
 10 we made arrangements in Germany and in Toronto to...  
 11 to anticipate this.  
 12 Because I know full well, if you let a lie go  
 13 around the world, you spend the rest of your life  
 14 chasing it. And I was resolved that if this libel  
 15 prepared and conveyed by the Government of Canada  
 16 was published anywhere in the world, that I would  
 17 sue the Canadian Government as quickly as it  
 18 appeared.  
 19 At least then the... the media... and, to be  
 20 fair, they did, would carry the story, "Mulroney  
 21 Pursuing Suing the R.C.M.P. for Libel", as opposed  
 22 to the... what was clearly coming out, "R.C.M.P.  
 23 Accuses Mulroney of Having Secret Bank Accounts in  
 24 Switzerland, and Receiving Bribes".  
 25 So if you're asking me, and I think you are,

Notes:

1 whether I acted swiftly, I acted swiftly because it  
 2 was the only way that I could protect my name and my  
 3 reputation, which was in the process of being  
 4 sullied by a false document that had been conveyed  
 5 to Switzerland by the R.C.M.P. and the Minister of  
 6 Justice.  
 7 Me CLAUDE-ARMAND SHEPPARD:  
 8 Q- Well, you are right in saying that I wanted you to  
 9 confirm that the press conference had been organized  
 10 to minimize your damages.  
 11 A- Yes, Sir. So, the press conference we wanted  
 12 organized so that my attorneys could have the  
 13 occasion of putting out our story, and to indicate  
 14 we were going to sue your clients as quickly as we  
 15 could.  
 16 Q- They were not my clients yet.  
 17 A- I'm sorry?  
 18 Q- They were not my clients yet.  
 19 A- No, but you were hopeful.  
 20 Q- Who organized this press conference... the mechanics  
 21 of it?  
 22 A- I don't know, I assume it was Mr. Lavoie who was  
 23 good enough to be handling my communications on  
 24 this.  
 25 Q- And I take it you told me you didn't attend that

1 press conference, but your representatives did?  
 2 A- Yes, they did.  
 3 Q- You even told us, I think, that two (2) days ago,  
 4 that the cassette of... or the recording of the  
 5 event is, in your terms, a "best-seller"?  
 6 A- It was.  
 7 Q- Did you get a report on how many people attended the  
 8 press conference, and the kind of coverage...  
 9 A- No, I didn't.  
 10 Q- ... you received?  
 11 A- No, I didn't.  
 12 Me GERALD TREMBLAY:  
 13 Objection, Maitre Sheppard, c'est... c'est  
 14 pas... it's not relevant, I think that we're...  
 15 we're losing time here. It's now all part of the  
 16 public record, and we launched the action the  
 17 following Monday, because the courthouse was not  
 18 available for filing on Saturday, but the action was  
 19 drafted, and I had it with me, so as far as I'm  
 20 concerned, all the rest is post-litigation events,  
 21 and it's not part of our statement of claim.  
 22 Me CLAUDE-ARMAND SHEPPARD:  
 23 Well, I'll confine myself, subject to what the  
 24 judge might...  
 25

Pierre Vilaire & Associés Limitée  
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1 Me GERALD TREMBLAY:  
 2 That's right.  
 3 Me CLAUDE-ARMAND SHEPPARD:  
 4 Can I finish my sentence, Maitre Tremblay?  
 5 Me GERALD TREMBLAY:  
 6 I know you so well, I know how you'll end...  
 7 you'll end. What you wanted to say about the  
 8 judge... subject to what the judge will decide, and  
 9 I answered in advance, "That's right".  
 10 All right, I'll let you go.  
 11 Me CLAUDE-ARMAND SHEPPARD:  
 12 Q- If we didn't have Maitre Tremblay to interfere, Mr.  
 13 Mulroney, we'd have quite a dialogue.  
 14 Me GERALD TREMBLAY:  
 15 You already have quite a dialogue, and I was  
 16 happy to see that the journalists noted that I was  
 17 not an obstructionist, a grand total of eight (8)  
 18 short objections "on" seven (7) days of... seven (7)  
 19 hours of examination.  
 20 Me CLAUDE-ARMAND SHEPPARD:  
 21 That's because...  
 22 Me GERALD TREMBLAY:  
 23 And some... some people said it's out of style  
 24 for Mr. Tremblay to be so quiet!  
 25

35

1 because, without what we had done, I would not have  
 2 blamed anyone... any one of those companies for  
 3 calling me up and saying, "Look, Brian, we... sorry  
 4 to do this, but we just met with the Board, and  
 5 given what the Canadian Government has done, you  
 6 know, we'd ask you to step aside from this board or  
 7 that board", or that... and I wouldn't have been...  
 8 I would not have blamed them at all.  
 9 One of the reasons I volunteered was that, in  
 10 spite... in spite... even with what I was able to do  
 11 to take on the Canadian Government, and the  
 12 Department of Justice, and the R.C.M.P. for what  
 13 they had done to me as a Canadian citizen, you would  
 14 have re... you, Mr. Sheppard, would have reacted  
 15 with equal vehemence and celerity had it happened to  
 16 you.  
 17 But even with what I... I had done, I knew the  
 18 damage was very, very significant, and so I offered  
 19 those resignations. But, I'll bet you a dollar to  
 20 a doughnut, that had I not done it, quite properly,  
 21 these other companies, that are public companies,  
 22 and must respond to their shareholders, would have  
 23 called, some of them, anyway, and said, "Look, we  
 24 must ask you to step down because the Canadian  
 25 Government has made a statement about you which has

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1 Me YVAN BOLDUC  
 2 on behalf of J.P.R. Murray and Fraser Fiegenwald:  
 3 C'est probablement du a la restriction.  
 4 A- And other... others noted that it was one (1)  
 5 objection per lawyer on the other side!  
 6 Me CLAUDE-ARMAND SHEPPARD:  
 7 Q- Limiting ourselves to... at the present time, to  
 8 what happened before Monday morning when Maitre  
 9 Tremblay or his representatives walked into this  
 10 courthouse to file the present action, would it be  
 11 fair to say that the press conference received very  
 12 extensive coverage?  
 13 Me GERALD TREMBLAY:  
 14 Q- It's not relevant, but answer. Under reserve.  
 15 A- I think that would be fair to say, that it received  
 16 extensive coverage.  
 17 You see, Mr. Sheppard, if I had not acted the  
 18 way I did, and as quickly as I did, to convey to the  
 19 Canadian people that this was a hoax and a fraud  
 20 being perpetrated against me. And if I had not  
 21 acted in a way to convey that internationally, then  
 22 the damage to my reputation, which is already very  
 23 significant, would have been lethal.  
 24 And the questions you asked me yesterday would  
 25 have assumed almost a retrospective poignancy,

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1 not been challenged... which has remained  
 2 unchallenged".  
 3 So I hope you understand that... c'etait pas  
 4 avec gaiete de coeur que j'ai du fait... j'ai fait  
 5 ce que j'ai... j'avais a faire.  
 6 In fact, I had deployed every bit of energy I  
 7 had. I had deployed every strength that I had to  
 8 try and persuade the Canadian Government not to make  
 9 this... these matters public. Because I knew the  
 10 enormous harm and hurt that it would be to my family  
 11 and my children.  
 12 That's why we had worked so hard in the days  
 13 leading up to the fifteenth (15th) and the sixteenth  
 14 (16th) to try and convince them of this. And that's  
 15 why when the doors were slammed in our faces time  
 16 after time, that obviously I had no alternative but  
 17 to act as quickly as I did. And that's why we did.  
 18 Me CLAUDE-ARMAND SHEPPARD:  
 19 Q- You will recall that two (2) days ago an objection  
 20 was made by your Counsel to questions I put to you  
 21 with respect to any clubs or associations that... of  
 22 a private nature that you might belong to. And  
 23 until the judge rules on these objections, they  
 24 stand.  
 25 But, without naming clubs or associations that

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1 you or your family might belong to, did you resign  
 2 or withdraw from any of these clubs or associations  
 3 after the November events?  
 4 A- I offered to... as I told you, to resign from all of  
 5 the major corporations with which I'm associated,  
 6 major associations, and my law firm. Because I did  
 7 not want to visit upon them any of the opprobrium  
 8 that had just been inflicted on me by the Government  
 9 of Canada. And that's why I wanted to withdraw  
 10 myself from a formal association. And I offered to  
 11 do so, and I was turned down.  
 12 Q- No, I'm referring to private leisure, sporting, and  
 13 similar clubs. Without identifying them at this  
 14 stage, since there's an objection to that question,  
 15 did you offer to resign, or did you, in fact,  
 16 resign, or were you asked to resign from any of the  
 17 ones you belonged to?  
 18 Me GERALD TREMBLAY:  
 19 Mr. Sheppard, I think that the answer to that  
 20 has been given - and I'm trying to look for it in  
 21 the transcript - Mr. Mulroney listed, and I remember  
 22 vividly when he looked at... when he looked at  
 23 the... I think it's... it's Exhibit P-1. He looked  
 24 at the item 1, and item 2, item 3, and he gave the  
 25 list of entities to which he offered to resign, and

1 Me CLAUDE-ARMAND SHEPPARD:  
 2 It's wonder at...  
 3 Me GERALD TREMBLAY:  
 4 As long as it's not me!  
 5 So, I would... I think that to be... to be  
 6 consistent, I... I think that what we objected to  
 7 was to go into the details of sports associations,  
 8 and so on and so forth. I had an objection to that,  
 9 and I... I think I'll... I'll stick to my objection,  
 10 my... Mr. Sheppard.  
 11 Me CLAUDE-ARMAND SHEPPARD:  
 12 Well, Maitre Tremblay, I'm not asking for  
 13 details, I'm putting a general question to Mr.  
 14 Mulroney. In fact, I'll...  
 15 Me GERALD TREMBLAY:  
 16 All right, under reserve.  
 17 Q- Go ahead, Mr...  
 18 A- Mr. Sheppard, the furth... furthest thing from my  
 19 mind in those days were sports clubs and  
 20 associations.  
 21 Me CLAUDE-ARMAND SHEPPARD:  
 22 Q- Sure. But is it not a fact that you did not either  
 23 resign, or have to resign from many of the ones that  
 24 you might have belonged to?  
 25 A- It didn't cross my mind to even consider them.

1 you stopped at a certain line, I don't remember  
 2 where it was, and that was it. And I think that  
 3 you've got your answer somewhere if you look at the  
 4 transcript correctly.  
 5 Me CLAUDE-ARMAND SHEPPARD:  
 6 Well, I'll help you, Maitre Tremblay, because  
 7 I have chapter and verse.  
 8 Me GERALD TREMBLAY:  
 9 I have it here too, by the way.  
 10 Me CLAUDE-ARMAND SHEPPARD:  
 11 Oh, you have it, but you didn't find it. I'll  
 12 find it for you. Page 44.  
 13 Me GERALD TREMBLAY:  
 14 Yes.  
 15 Me CLAUDE-ARMAND SHEPPARD:  
 16 I thought Maitre Jeansonne would have found it  
 17 faster, but...  
 18 Me GERALD TREMBLAY:  
 19 As long as the reproach is against Maitre  
 20 Jeansonne...  
 21 Me CLAUDE-ARMAND SHEPPARD:  
 22 It's not a reproach.  
 23 Me GERALD TREMBLAY:  
 24 Oh, okay.  
 25

1 Q- And...  
 2 A- I... my... my entire concern was for my young  
 3 children, my wife, my mother, my in-laws, my family,  
 4 my reputation... and I was overcome... overcome  
 5 by... by the fear of what... what had happened, and  
 6 the fact that I could not get any explanations from  
 7 anybody. My own government refused to provide me  
 8 with even information in English or French.  
 9 I... I did immediately understand that I had a  
 10 moral obligation, I felt, to convey to those with  
 11 whom I had a financial responsibility, namely these  
 12 various corporations, plus my law firm, Ogilvy  
 13 Renault, to resign... to offer to resign from them,  
 14 and I did. I submitted my resignation... offered my  
 15 resignation, but I spent no time worrying about  
 16 sports clubs or dinner clubs or what have you.  
 17 Q- My... again, being general, did any of these private  
 18 clubs ask you to resign or leave?  
 19 A- No. I'm a member of the University Club, for  
 20 example, as you are, and... and you would have been  
 21 the first to protest had the University Club asked  
 22 for my resignation, I'm sure, given your concern for  
 23 civil liberties.  
 24 Q- I am not a member of the Mount Royal Club.  
 25 A- No, but you are a member of the University Club and

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Pierre Vilaire & Associés Limitée  
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1 so am I, and you would have... you would have been  
 2 on your feet protesting if anyone had asked for my  
 3 resignation simply on the basis of suspicion and  
 4 innuendo. Is that... is that not right?  
 5 Q- Fortunately, I don't have to answer questions,  
 6 neither now nor later.  
 7 A- I... I'll take that as a noui.  
 8 Q- In fact, I... I don't want to pursue the matter any  
 9 further, but your clubs are listed in the Canadian  
 10 Who's Who, right?  
 11 A- I... I don't... maybe, yes. I haven't seen it.  
 12 Me GERALD TREMBLAY:  
 13 I... Mr... Mr. Mulroney will... here is what...  
 14 what was the question of Mr. Sheppard. I would like  
 15 to know - page 46 - I would like to know which  
 16 clubs, associations and circles you belong to or  
 17 your family belong to, on November first (1st), and  
 18 I would like to know whether you have been asked to  
 19 resign and so on and so forth.  
 20 So I said... I had an objection then. I said  
 21 "Where is it alleged in the... in the proceedings?"  
 22 and Mr. Sheppard then had said that the judge would  
 23 decide if that was relevant or not in the  
 24 examination on discovery.  
 25 A- I was very active in the Parent-Teachers Association

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1 cette... de ce recours collectif.  
 2 Je suis sur que les... les derniers mois, y...  
 3 y compris les mois posterieurs a novembre, vous avez  
 4 pu proceder et travailler avec beaucoup d'effica-  
 5 cite. Alors, sur... sur le plan strictement person-  
 6 nel, je... je vois et j'apprécie ce genre de succes.  
 7 Alors, mes felicitations.  
 8 A- Merci.  
 9 Me GERALD TREMBLAY:  
 10 Alors, messieurs, vous auriez pu... vous re-  
 11 marquez que j'aurais pu m'objecter parce que c'est  
 12 pas allegue dans les... dans la declaration, mais je  
 13 me suis pas objecte.  
 14 Me YVAN BOLDUC:  
 15 Bien, je...  
 16 Me CLAUDE-ARMAND SHEPPARD:  
 17 Non, d'ailleurs, on...  
 18 Me YVAN BOLDUC:  
 19 ... pense que...  
 20 Me CLAUDE-ARMAND SHEPPARD:  
 21 ... on s'etonne que vous ne l'ayez pas allegue,  
 22 maitre Tremblay.  
 23 Me GERALD TREMBLAY:  
 24 C'est arrive hier seulement.  
 25

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1 at Selwyn House and I'm... I'm still there.  
 2 Q- Do I take it, Mr. Mulroney, from a statement made by  
 3 your Counsel two (2) days ago that you do not claim  
 4 any loss of income as a result of the events that  
 5 bring us here together?  
 6 A- That is right.  
 7 Q- No loss of revenue, no financial loss?  
 8 A- I am not claiming for that.  
 9 Q- Well, to show my appreciation, I will put no further  
 10 question to you at this stage until the judge has  
 11 ruled. Thank you very much.  
 12  
 13 INTERROGE PAR Me YVAN BOLDUC,  
 14 pour J.P.R. Murray et Fraser Fiegenwald:  
 15 Q- Alors, monsieur Mulroney, si vous preferez prendre  
 16 un ajournement avant que je commence, je vous  
 17 l'offre. Personnellement, je suis pret a proceder  
 18 et, si tout va bien, on pourra peut-etre terminer  
 19 avant le debut de l'apres-midi.  
 20 A- Avec plaisir.  
 21 Q- D'accord. Tout d'abord, sur une note personnelle  
 22 qui est presque independante du dossier, j'aimerais  
 23 vous feliciter pour le travail qui semble avoir mene  
 24 au succes qu'on a appris dans les journaux, hier,  
 25 concernant Archer Daniels et le reglement de

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1 Me YVAN BOLDUC:  
 2 C'est arrive hier, et je pense ca demontre,  
 3 jusqu'a un certain point, l'efficacite continue de  
 4 monsieur Mulroney comme avocat international... et  
 5 voila.  
 6 Q- Maintenant, ma premiere question - plutot une clari-  
 7 fication - monsieur Mulroney, suite a votre temoi-  
 8 gnage de mercredi et a une remarque qui a ete faite,  
 9 effectivement, aujourd'hui par maitre Tremblay,  
 10 j'essaye de comprendre exactement l'un des reproches  
 11 que vous faites a mes clients, soit la Gendarmerie,  
 12 le Commissaire et monsieur Fiegenwald, et...  
 13 Ce que j'ai compris, c'est que l'un des re-  
 14 proches, c'est de ne pas vous avoir rencontre avant  
 15 de... de rediger et de transmettre la demande d'aide  
 16 aux autorites suisses. Est-ce que j'ai bien com-  
 17 pris?  
 18 A- Non. Le reproche que je fais a votre client, c'est  
 19 d'avoir... transmis ce document qui est essentielle-  
 20 ment un tissu de mensonges, en ce qui me concerne,  
 21 a un gouvernement etranger, causant ainsi des dem-  
 22 mages remarquables a ma famille, a ma reputation et  
 23 a moi-meme. Ca, c'est le reproche.  
 24 Q- Um-hum.  
 25 A- Lorsque j'ai appris, par un tiers, qu'est-ce... que

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1 ce geste avait été pose, a ce moment-la, j'ai... 45  
 2 j'ai tente de rencontrer vos clients. Je vous ai  
 3 dit, hier, que la GRC, pour moi, c'étaient pas des  
 4 étrangers.  
 5 Nous avons vécu en famille ensemble pendant dix  
 6 (10) ans comme chef d'opposition et comme premier  
 7 ministre. La GRC était dans ma vie, dans ma resi-  
 8 dence, avec mes enfants: du matin jusqu'au soir,  
 9 nous étions ensemble. Donc, c'étaient pas des  
 10 étrangers.  
 11 Alors, j'ai pense que ça serait pas abusif de  
 12 demander a Roger Tasse de dire a la GRC: "Écoutez,  
 13 on sait pas d'ou ça vient ces affaires-la, mais on  
 14 vous offre de rencontrer monsieur Milroney; il va  
 15 répondre a toutes vos questions.  
 16 Il va vous remettre tous vos dossiers, et il va  
 17 vous convaincre, j'en suis sur, que ce... que  
 18 c'est... ce sont des faussetés que vous alliez vou-  
 19 loir reprendre immédiatement". Alors, c'était un  
 20 peu le dilemme dans lequel je me trouvais, et c'est  
 21 pour ça que j'ai agi de la sorte.  
 22 Q- O.K. Alors, je comprends bien, donc, malgré les re-  
 23 marques de maître Tremblay il y a quelques minutes,  
 24 que vous ne reprochez pas au défendeur de ne pas  
 25 vous avoir rencontré avant la rédaction et l'envoi

1 de la demande d'aide? 46  
 2 A- Avant la rédaction?  
 3 Q- Et l'envoi. La transmission, si vous voulez.  
 4 A- Avant la rédaction et... et...?  
 5 Q- Et la transmission aux autorités suisses, au mois de  
 6 septembre mil neuf cent quatre-vingt-quinze (1995),  
 7 de la demande d'aide.  
 8 A- Écoutez, la police a le droit d'enquêter - j'ai  
 9 jamais mis ça en doute - sur tout le monde, y  
 10 compris les premiers ministres et les... les gouver-  
 11 neurs généraux, mais il y a, je pense, une obliga-  
 12 tion qui pèse sur nous tous, selon les fonctions que  
 13 l'on occupe, d'agir de façon responsable pour éviter  
 14 à ce que la réputation d'un individu soit massacrée  
 15 ou ternie... dans ce... dans ce monde complexe.  
 16 Je vous assure que si j'avais été premier  
 17 ministre... si j'étais toujours en fonction, on  
 18 avait attiré à mon attention une affaire comme... de  
 19 monsieur Turner ou monsieur Trudeau, j'aurais dit:  
 20 "Ho !..."  
 21 Q- Non, je comprends.  
 22 A- "... faites votre enquête, faites... mais... mais de  
 23 grâce... de grâce, avant d'envoyer un document sem-  
 24 blable au sujet de monsieur Trudeau auprès des  
 25 étrangers, de grâce, il a servi notre pays quand

1 même pendant des années, je pense que vous avez 47  
 2 l'obligation de le voir, de le rencontrer et puis de  
 3 l'interroger la-dessus..."  
 4 Q- Bon...  
 5 A- "... sur..."... me semble que c'est... c'est tout à  
 6 fait normal.  
 7 Q- ... alors, si je comprends bien de votre réponse,  
 8 c'est qu'en fait, vous reprochez aux défendeurs de  
 9 ne pas vous avoir rencontré avant la transmission de  
 10 cette demande d'aide?  
 11 A- Non, c'est pas... c'est pas du tout ça que j'ai dit.  
 12 J'ai dit que je reproche aux... à votre client  
 13 d'avoir préparé et expédié un document libelleux et  
 14 faux à mon sujet qui me cause - même aujourd'hui,  
 15 monsieur Bolduc - qui me cause des dommages sévères  
 16 aujourd'hui.  
 17 La prudence, il me semble, que si on a parlé...  
 18 - puis, ça a d'air qu'on a parlé à des journa-  
 19 listes là-dedans - on a interviewé des journalistes.  
 20 Ça a l'air qu'on a interviewé Stevie Cameron, ça a  
 21 l'air qu'on a interviewé le Fifth Estate, ça a l'air  
 22 qu'on a interviewé... pourquoi...  
 23 Si on a fait ça, pourquoi ne pas interviewer  
 24 l'ancien premier ministre pour lui demander... pour  
 25 lui demander:

1 "Bien est-ce que vous avez quelque chose à 48  
 2 ajouter? Est-ce que vous avez quelque chose à dire?  
 3 Est-ce que c'est... si on peut parler à Stevie  
 4 Cameron ou on peut parler au Fifth Estate, on peut  
 5 pas parler à Pierre Trudeau ou Brian Milroney?"  
 6 Est-ce que...  
 7 Q- Non, je...  
 8 A- ... est-ce que vous trouvez que c'est... c'est  
 9 charrie?  
 10 Q- Bien, vous avez compris, n'est-ce pas, monsieur  
 11 Milroney, je suis sûr, que la demande d'aide, en  
 12 plus d'être une demande de renseignements, n'est-ce  
 13 pas, était également une demande de gel de comptes  
 14 de banque?  
 15 A- De quoi?  
 16 Q- De gel. L'équivalent de ce que vous avez...  
 17 A- Oui.  
 18 Q- ... peut-être fait il y a plusieurs années comme  
 19 stagiaire d'une saisie avant jugement.  
 20 Me GERALD TREMBLAY:  
 21 Ah ! bien, maître...  
 22 Me JACQUES JEANSONNE:  
 23 Non, mais j'ai... j'ai une admission, par  
 24 exemple.  
 25

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1 Me YVAN BOLDUC:  
 2 Q- Bien, voila. Vous... vous...  
 3 A- Oui.  
 4 Q- .... est-ce que vous... vous compreniez, a... que...  
 5 que cette demande visait le gel de certains comptes  
 6 identifiés dans une banque suisse?  
 7 A- Je comprenais rien.  
 8 Q- Non, non, mais ce que je dis, la, c'est que le... le  
 9 sens... vous pouvez la regarder maintenant, si vous  
 10 voulez, cette demande d'aide. Elle demande des ren-  
 11 seignements, mais elle demande aussi le gel de cer-  
 12 tains comptes, n'est-ce pas ? Je pense que...  
 13 A- Monsieur Bolduc...  
 14 Q- ... on peut etre constants la-dessus?  
 15 A- ... vous... vous posez... vous posez une question  
 16 des plus importantes. Le document dit ceci - et je  
 17 vais parler en anglais parce que le texte est en  
 18 anglais que nous avons - le document dit ceci...  
 19 Q- Mais je suis pas sur que vous...  
 20 Me JACQUES JEANSONNE:  
 21 Attendez.  
 22 A- Non, non...  
 23 Me YVAN BOLDUC:  
 24 Q- ... vous repondez a ma question, monsieur Mulroney.  
 25

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1 Further investigation cannot be  
 2 conducted by the R.C.M.P. until the  
 3 information available in Switzerland  
 4 is received."  
 5 Okay?  
 6 Me YVAN BOLDUC:  
 7 Q- Yeah.  
 8 A- Et la, ca dit :  
 9 "The Government of Canada requests  
 10 this assistance. We want you to  
 11 freeze these bank accounts and open  
 12 the various bank accounts because  
 13 without this, we have no evidence  
 14 that Mr. Mulroney was involved."  
 15 Q- Okay.  
 16 A- So you say two things. This document says: a) Mr.  
 17 Mulroney was a criminal, and he was a criminal from  
 18 the day that he was sworn in as Prime Minister,  
 19 which is quite a remarkable...  
 20 Q- Well...  
 21 A- ... and then you say, by the way, Swiss, we really  
 22 have no evidence of this, but if you open bank ac-  
 23 counts, we... you might help us find therein the  
 24 evidence that will allow us to justify the libel  
 25 that we have already stated.

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1 Me JACQUES JEANSONNE:  
 2 Non, un instant.  
 3 A- ... non, non, je vous assure que je vais repondre a  
 4 votre question. Le document...  
 5 Me YVAN BOLDUC:  
 6 Q- Faudrait aller aux conclusions.  
 7 Me JACQUES JEANSONNE:  
 8 Laissez-le...  
 9 A- Le document dit, par... par voie d'exemple... par  
 10 voie d'exemple :  
 11 "The above three (3) cases demon-  
 12 strate an on-going scheme by Mr.  
 13 Mulroney, Mr. Moores and Mr.  
 14 Schreiber to defraud the Canadian  
 15 Government of millions of dollars of  
 16 public funds from the time Mr.  
 17 Mulroney took office, in September  
 18 nineteen eighty-four (1984) until he  
 19 resigned, in June of nineteen  
 20 ninety-three (1993)."  
 21 Et la, ca dit :  
 22 "This investigation is of serious  
 23 concern to the Government of Canada  
 24 as it involves criminal activity on  
 25 the part of a former Prime Minister.

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1 Q- Monsieur Mulroney...  
 2 A- C'est ca... c'est ca que...  
 3 Q- C'est votre... c'est votre interpretation.  
 4 Me GERALD TREMBLAY:  
 5 Laissez-le repondre.  
 6 A- Bien oui, mais vous...  
 7 Me YVAN BOLDUC :  
 8 Q- Vous y avez droit.  
 9 A- Oui.  
 10 Q- Ce n'est pas la notre, mais tout...  
 11 Me GERALD TREMBLAY:  
 12 On ne la connait pas, la votre.  
 13 Me YVAN BOLDUC :  
 14 Q- Je reviens...  
 15 A- Bien, on ne la connait pas !  
 16 Q- ... je reviens... je reviens a ma question.  
 17 A- Oui.  
 18 Q- Donc, l'un des buts de cette demande est le gel de  
 19 certains comptes de banque... et je vais vous deman-  
 20 der, pour un instant, d'essayer de vous separer du  
 21 dossier comme tel et je... je... je conçois...  
 22 A- C'est difficile pour moi.  
 23 Q- ... je le sais. Je conçois que c'est tres diffi-  
 24 cile...  
 25 A- C'est difficile, monsieur Bolduc.

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1 Q- ... je le sais, mais comme... comme avocat, n'est-ce  
 2 pas, lorsqu'on vise le gel de certains comptes, il  
 3 n'est pas tres approprie d'en avertir la personne  
 4 qui pourrait avoir ete alleguee en etre le deten-  
 5 teur; n'est-ce pas?  
 6 A- C'est une discussion de droit.  
 7 Me GERALD TREMBLAY:  
 8 C'est de l'argument, ca. Maitre Bolduc,  
 9 ecoutez...  
 10 Me YVAN BOLDUC :  
 11 Non. Non. Je demande quel est le reproche et  
 12 j'essaie de voir, encore une fois...  
 13 Me GERALD TREMBLAY:  
 14 Maitre... maitre Bolduc, ca fait...  
 15 Me YVAN BOLDUC :  
 16 ... si votre... et c'est le but de l'interroga-  
 17 toire au prealable, c'est d'essayer de saisir la  
 18 cause de la demande...  
 19 Me GERALD TREMBLAY:  
 20 Oui, mais laissez-lui dire sa theorie, pas la  
 21 votre.  
 22 Me YVAN BOLDUC:  
 23 Bien, voila.  
 24 Me GERALD TREMBLAY:  
 25 C'est... la votre, la, on a hate de la lire.

1 savez.  
 2 Me YVAN BOLDUC :  
 3 Q- Bien, la, je sais tres bien, monsieur Mulroney, que  
 4 de poser la question, c'est d'y repondre jusqu'a un  
 5 certain point.  
 6 A- Oui.  
 7 Me GERALD TREMBLAY:  
 8 Bien oui.  
 9 Me YVAN BOLDUC :  
 10 Q- Je vais passer a d'autre chose.  
 11 Me GERALD TREMBLAY:  
 12 Bon. Parfait.  
 13 Me YVAN BOLDUC :  
 14 Q- Voila... et quant au premier reproche que vous sem-  
 15 blez me faire, bien, evidemment, on en jugera en  
 16 temps approprie. J'aimerais attirer votre atten-  
 17 tion, maintenant, sur l'une des vos allegations ori-  
 18 ginales, c'est-a-dire celles faites avant la demande  
 19 de precisions et les precisions comme telles.  
 20 Au paragraphe 17... au paragraphe 17 du...  
 21 Me GERALD TREMBLAY:  
 22 On va attendre la question avant... Alors,  
 23 page 17.  
 24 Me YVAN BOLDUC :  
 25 Q- C'est page 11, paragraphe 17, et je refere plus par-

1 Me YVAN BOLDUC :  
 2 Q- Alors, ma question, de facon generale, monsieur  
 3 Mulroney...  
 4 A- Oui.  
 5 Q- ... est-ce que vous preconisez... vous preconisez  
 6 que l'on discute avec les personnes dont on allegue  
 7 etre le detenteur ou la detentriche d'un compte qu'on  
 8 peut saisir? Est-ce que vous preconisez qu'on la  
 9 rencontre pour l'avertir d'avance?  
 10 Me GERALD TREMBLAY:  
 11 Maitre Bolduc, quelle... quelle question que  
 12 c'est ca?  
 13 Me YVAN BOLDUC :  
 14 Q- Non. Non, mais si reprochez a la Gendarmerie de ne  
 15 pas vous avoir rencontre...  
 16 A- Monsieur Sheppard, intervenez, hein? Vous etes  
 17 l'associe senior, monsieur Sheppard. Voyons donc,  
 18 hein? Mettez ca a sa place !  
 19 Me YVAN BOLDUC :  
 20 Bien, pouvez-vous...?  
 21 Me CLAUDE-ARMAND SHEPPARD:  
 22 Bien, j'ecoutais pas. J'ai pas entendu.  
 23 Me GERALD TREMBLAY:  
 24 Ah ! vous ecoutiez pas?  
 25 A- C'est comme des ministres junior - hein? - vous

1 tiulierement a l'allegation originale, et je la lis  
 2 pour les fins du dossiers:  
 3 "Les defendeurs refuserent mema de  
 4 rencontrer le demandeur qui, apres  
 5 sa pleine collaboration, pour la  
 6 poursuite de leur enquete."  
 7 Et ca, c'est une allegation qui est faite,  
 8 n'est-ce pas, qui est faite a la date de la declara-  
 9 tion le vingt-neuf (29)...  
 10 Me GERALD TREMBLAY:  
 11 Le vingt (20) novembre.  
 12 Me YVAN BOLDUC :  
 13 Q- ... le vingt (20) novembre. En fait, c'est pas tout  
 14 a fait exact, n'est-ce pas, que les defendeurs ont  
 15 refuse de vous rencontrer si on inclut... si... si  
 16 on... on accepte que vous etiez alors represente  
 17 lors des evenements en cause par maitre Tasse.  
 18 Me GERALD TREMBLAY:  
 19 Un instant... un instant ! Maitre Tasse s'en  
 20 va pour dire: "Mon client est pret a vous rencon-  
 21 trer face a face"...  
 22 Me YVAN BOLDUC:  
 23 Bien...  
 24 Me GERALD TREMBLAY:  
 25 ... puis la reponse, c'est: "On verra dans

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1 quatre (4) mois."  
 2 Me YVAN BOLDUC:  
 3 ... bien, écoutez, est-ce que vous témoignez  
 4 pour maître Tasse...  
 5 Me GERALD TREMBLAY:  
 6 Non, mais... sauf que...  
 7 Me YVAN BOLDUC:  
 8 ... maître Tremblay?  
 9 Me GERALD TREMBLAY:  
 10 ... sauf que... soyez honnête dans votre ques-  
 11 tion.  
 12 Me YVAN BOLDUC:  
 13 Bien, je lis tout simplement et je lui pose  
 14 si... la question... si mon interprétation est mau-  
 15 vaise, je suis sûr que monsieur Mulroney, qui est  
 16 un... un témoin très intelligent, pourra me corri-  
 17 ger. J'en viens justement au cœur...  
 18 Me GERALD TREMBLAY:  
 19 Incidemment, maître Bolduc...  
 20 Me YVAN BOLDUC:  
 21 ... de ma question.  
 22 Me GERALD TREMBLAY:  
 23 ... vous ne pouvez pas exclure de la déclara-  
 24 tion des particularités que vous avez vous-même de-  
 25 mandées...

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1 Me YVAN BOLDUC:  
 2 ... maintenant, je vais... je vais entrer dans  
 3 les précisions, si vous me donnez la chance, maître  
 4 Tremblay.  
 5 Me GERALD TREMBLAY:  
 6 I become more... violent in French.  
 7 Me CLAUDE-ARMAND SHEPPARD:  
 8 But we all know you're really a pussycat.  
 9  
 10 Me YVAN BOLDUC:  
 11 Bon, bien, voilà, est-ce que vous avez fini?  
 12 Est-ce que vous avez fini vos interventions, maître  
 13 Tremblay? Est-ce qu'il y a une objection?  
 14 Me GERALD TREMBLAY:  
 15 Avez-vous fini votre question?  
 16 Me YVAN BOLDUC:  
 17 Voilà. Merci beaucoup de me permettre de con-  
 18 duire mon interrogatoire.  
 19 Me GERALD TREMBLAY:  
 20 Mais il faut que ça finisse par une question.  
 21 Me YVAN BOLDUC :  
 22 Q- Concernant... concernant cette offre de collabora-  
 23 tion, de pleine collaboration... et je suppose,  
 24 monsieur Mulroney, qu'on se place au début de no-  
 25 vembre mil neuf cent quatre-vingt-quinze (1995),

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1 Me YVAN BOLDUC:  
 2 J'en viens aux particularités, confrère.  
 3 Me GERALD TREMBLAY:  
 4 ... et qui sont les paragraphes 17.1 à 17.23  
 5 qui communiquent en grand détail, qui vous commu-  
 6 niquent en grand détail tous les efforts qu'a faits  
 7 monsieur Mulroney pour se faire dire: "On vous  
 8 verra dans quatre (4) mois, si nécessaire."  
 9 Me YVAN BOLDUC:  
 10 Sauf que lorsqu'il y a eu signification de la  
 11 déclaration originale, on n'avait pas - n'est-ce  
 12 pas? - ces paragraphes 17.1 et suivants. On avait  
 13 seulement une allégation générale d'un refus...  
 14 Me GERALD TREMBLAY:  
 15 Sauf que...  
 16 Me YVAN BOLDUC:  
 17 ... de rencontrer le demandeur.  
 18 Me GERALD TREMBLAY:  
 19 ... sauf que vous faites votre préalable après  
 20 avoir obtenu...  
 21 Me YVAN BOLDUC:  
 22 Bien...  
 23 Me GERALD TREMBLAY:  
 24 ... vos détails.  
 25

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1 n'est-ce pas, suite à cet appel de monsieur  
 2 Schreiber et de ces nouvelles troublantes qui vous  
 3 sont transmises à ce moment-là?  
 4 Pouvez-vous me dire plus précisément quel était  
 5 le mandat, je ne vous parle du mandat que vous avez  
 6 donné et qui existe encore, j'imagine, pour maître  
 7 Tasse, mais le mandat précis, à l'époque, qui lui  
 8 était donné en votre nom pour approcher non seule-  
 9 ment le ministre de la Justice, le sous-ministre de  
 10 la Justice et ses adjoints, mais également le com-  
 11 missaire de la Gendarmerie et les agents qui étaient  
 12 plus intimement impliqués dans l'enquête?  
 13 A- L'objectif de l'exercice, c'était fort simple. À ce  
 14 moment-là, j'étais au courant du document, mais le  
 15 document n'avait... n'était pas encore publié. Là,  
 16 on parle le ou vers le quatre (4) novembre.  
 17 J'avais espoir qu'en rencontrant la GRC ou les  
 18 officiers du gouvernement, en leur expliquant, en  
 19 répondant à toutes leurs questions, en leur offrant  
 20 toute ma documentation, y compris les comptes de  
 21 banque or whatever, que je... que je pouvais con-  
 22 vaincre la GRC de mettre un terme à ça en ce qui me  
 23 concerne ou de continuer leur enquête d'une autre  
 24 façon sans les dommages énormes que j'apprenais  
 25 pour ma famille et pour moi-même.

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1 C'etait l'objectif. Alors, lorsque monsieur  
 2 Tasse se faisait repousser au ministere de la  
 3 Justice, a la GRC, et caetera, je peux vous dire  
 4 qu'a un moment donne, dans un meeting, Gerald  
 5 Tremblay, ici, m'a dit:  
 6 "Brian, prends l'avion, monte a Ottawa,  
 7 installe-toi devant le bureau de Fiegenwald puis in-  
 8 siste pour qu'on vous interroge", et malheureuse-  
 9 ment, monsieur Fiegenwald et son collegue ont averti  
 10 monsieur Tasse le six (6) novembre que...  
 11 Quand on a demande, une autre fois, en offrant  
 12 ma collaboration entiere, on a nous a dit: "Cette  
 13 offre, qui nous a ete transmise et recue, mais on la  
 14 juge prematuree et va la reconsiderer eventuellement  
 15 dans deux (2) ou trois (3) mois si necessaire."  
 16 Q- D'accord.  
 17 A- C'etait la reaction.  
 18 Q- Mais je vais...  
 19 A- Mais je voudrais...  
 20 Q- ... je vais revenir a ma question.  
 21 Me GERALD TREMBLAY:  
 22 Il n'a pas fini.  
 23 A- Mais je vous donne un exemple.  
 24 Me YVAN BOLDUC :  
 25 Q- Vous repondez pas a ma question, monsieur...

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1 I have one bank account at the CIBC in Montreal  
 2 that I have had here for twenty-five (25) years.  
 3 And if you have any concerns, if you'd like to take  
 4 a look at it, please be my guest." That's what I'd  
 5 have told him if I could have seen Sergeant  
 6 Fiegenwald. But I couldn't see him.  
 7 Q- Bien...  
 8 A- They told us to come back in two (2) or three (3)  
 9 months.  
 10 Me YVAN BOLDUC:  
 11 Q- But is it your position, Sir, that in the face of  
 12 what you would have told them and what you just said  
 13 now, you would have expected the R.C.M.P. to drop  
 14 any investigation about allegations being made?  
 15 A- The R.C.M.P. is entitled, as a police force, to  
 16 conduct investigations but it seems to me that if  
 17 you proceed with a document like this - and we'll be  
 18 asking monsieur Fiegenwald who told him this stuff -  
 19 but...  
 20 Q- Well, we... I don't think...  
 21 Me JACQUES JEANSONNE:  
 22 Let... but...  
 23 Me YVAN BOLDUC:  
 24 Q- ... we're very intimidated by that...  
 25

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1 Me GERALD TREMBLAY:  
 2 Voulez-vous le laisser terminer, s'il vous  
 3 plait, maitre?  
 4 A- Oui, mais je vous donne... je vous donne un  
 5 exemple... et pourquoi. Et pourquoi. Si monsieur  
 6 Fiegenwald, qui est maintenant... on m'informe qu'il  
 7 est la, ou il est aux alentours, je l'ai blesse hier  
 8 sans doute en le traitant d'avocat, mais... mais...  
 9 Si monsieur Fiegenwald etait venu me voir, vous  
 10 savez, dans ce document epouvantable, on parle d'un  
 11 compte de banque que j'avais en Suisse, cinq mil-  
 12 lions de dollars (5 000 000 \$) qui seraient la-  
 13 dedans, si monsieur Fiegenwald etait venu me voir,  
 14 j'aurais pu lui dire ceci :  
 15 "Mister Fiegenwald, listen. I don't have a  
 16 bank account in Switzerland. I don't have a bank  
 17 account in any foreign country in the world. I  
 18 never have. I haven't been to Switzerland in  
 19 thirty-one (31) years.  
 20 I went there after my father died to visit one  
 21 of his old friends, and I stayed for one (1) day  
 22 thirty-one (31) years ago. I've never been back.  
 23 I don't have a bank account in Switzerland. I don't  
 24 have a bank account in any foreign country. And I  
 25 never have.

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1 Me GERALD TREMBLAY:  
 2 Please!  
 3 A- Well... well...  
 4 Me YVAN BOLDUC:  
 5 Q- ... Mr. Mulroney.  
 6 Me GERALD TREMBLAY:  
 7 Please!  
 8 A- ... you may or may not be.  
 9 Me YVAN BOLDUC:  
 10 Q- No.  
 11 A- We... we'll... because... because we're going to be  
 12 interested to know who gave him the lies.  
 13 Q- Okay.  
 14 A- But Mr. Fiegenwald, it seems to me, as a reasonable  
 15 man, would have... had he... had he interrogated me,  
 16 could have gone back and said  
 17 "Well, now just a second, hold the  
 18 phone for a minute here. We've got  
 19 some unidentified person who says  
 20 that Brian Mulroney has got a bank  
 21 account in Switzerland. I just  
 22 spent an hour with him. Not only  
 23 does he deny it formally, as a  
 24 former Prime Minister, he says he's  
 25 never been to Switzerland, he

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 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
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1 doesn't have a bank account and he's  
 2 offered me his own bank account to  
 3 take a look at."  
 4 Now, it seems to me that a reasonable man,  
 5 confronted with that, would then go back to one of  
 6 these sources and say  
 7 "Could... could you please give me your  
 8 evidence... before we send such a  
 9 significant and serious and possibly  
 10 damaging document to Switzerland, could  
 11 you give me what... what evidence you have  
 12 that will allow me to say that Mr.  
 13 Mulroney has... has a foreign bank  
 14 account?"  
 15 Q- Now, we'll get back to those offers of giving access  
 16 to your bank account, Sir, later, but for the time  
 17 being am I to understand that the... the only  
 18 information you could supply to Mr. Fiegenwald, at  
 19 the time... you could have supplied to him, at the  
 20 time, would have been simply your... your  
 21 affirmation that you did not have bank accounts in  
 22 Switzerland, or did you have other information  
 23 relevant to this investigation?  
 24 A- Well, I could have told him that everything about  
 25 the Airbus thing was false, that I had no knowledge

1 against Brian... this is a set-up  
 2 and I, Fraser Fiegenwald, am not  
 3 going to fall for it, it's false. I  
 4 have looked at Mr. Mulroney's  
 5 documents, I have looked at his net  
 6 worth statements, I have looked at  
 7 his bank accounts, this thing is a  
 8 sham".  
 9 I think Mr. Fiegenwald would have had that  
 10 conclusion if he had come to see me...  
 11 Q- Aside...  
 12 A- ... but it's only my opinion.  
 13 Q- I know, but I... I'm just asking as a matter of  
 14 fact... I'm not trying to qualify anything. Am I...  
 15 am I right to understand that at the time, the only  
 16 thing you could have offered Mr. Fiegenwald that  
 17 might have had use for the investigation was your  
 18 statements that you did not have bank accounts in  
 19 Switzerland, and now you're... you're introducing a  
 20 new notion that you would... you would have supplied  
 21 them with your...  
 22 A- Comment...  
 23 Q- ... net... net financial statements... net  
 24 statements? Is that... is that it? Is that the...  
 25 the entirety of the information you could...

1 of it. I never... I never influenced Air Canada, I  
 2 never sought to influence Air Canada, that Air  
 3 Canada has said publicly there was never any  
 4 influence by me of any kind, that there was never  
 5 any conspiracy of any kind, that there was no bank  
 6 account, that there was no association between me  
 7 and... and anybody else.  
 8 I could... I could have told him all of that  
 9 and then, quite frankly, if he had wanted, I could  
 10 have given him not only my... my bank account, I'd  
 11 have given him anything he wanted, un bilan  
 12 personnel, whatever he wanted.  
 13 I had to file my income tax returns like  
 14 everybody else. He could have had my income tax  
 15 returns. He could have... he could have had... had  
 16 the document that I filed with the Assistant-  
 17 Registrar General, as Prime Minister. He would have  
 18 been immediately... he would have known immediately  
 19 what... at what a farce it is to... when you see my  
 20 net worth when I became Prime Minister and you see  
 21 the net worth when I left, right away Mr. Fiegenwald  
 22 would have gone back and said  
 23 "Hey, somebody is... there is...  
 24 there is malice here. Somebody is  
 25 trying to set me up to convey this

1 A- Let me...  
 2 Q- ... have given him?  
 3 A- ... let me deal with this. A new notion?  
 4 Q- Well...  
 5 A- I...  
 6 Q- ... a new notion in the sense that up to now, I  
 7 understood that you... the offer that was conveyed -  
 8 or, at least, that was the objective of the mandate  
 9 - conveyed by Mr. Tasse to the Canadian... if you  
 10 want to the Defendants was that you were prepared to  
 11 meet with them and discuss the... the allegations?  
 12 Me GERALD TREMBLAY:  
 13 Mr. Bolduc...  
 14 A- I said.  
 15 Q- (Addressing Maitre Bolduc)  
 16 ... Mr. Bolduc, you have a very short memory.  
 17 Wednesday, Mr. Mulroney said that that statement,  
 18 the... the letter of request contained - I don't  
 19 remember the figure - I think it was twenty-nine...  
 20 A- Thirty-one (31) falsehoods.  
 21 Q- (Addressing Maitre Bolduc)  
 22 ... thirty-one (31) falsehoods where he could  
 23 have cleared some of the interrogations of Mr.  
 24 Fiegenwald.  
 25

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 Me YVAN BOLDUC:  
 2 Well, that...  
 3 Me GERALD TREMBLAY:  
 4 That's...  
 5 Me YVAN BOLDUC:  
 6 ... that's my question...  
 7 Me GERALD TREMBLAY:  
 8 ... that's not...  
 9 Me YVAN BOLDUC:  
 10 ... how...  
 11 Me GERALD TREMBLAY:  
 12 ... a new notion.  
 13 Me YVAN BOLDUC:  
 14 ... how would it have been cleared? I suppose  
 15 - and I'm trying to understand that simply.  
 16 Me GERALD TREMBLAY:  
 17 Yeah. So let him answer.  
 18 Me YVAN BOLDUC:  
 19 Q- It would have been...  
 20 A- Well...  
 21 Me GERALD TREMBLAY:  
 22 All right.  
 23 Me YVAN BOLDUC:  
 24 Q- ... it would have been cleared by your assertion...  
 25 A- No.

1 Me GERALD TREMBLAY:  
 2 It's not true. Mr. Bolduc, you don't let the  
 3 witness...  
 4 A- Now...  
 5 Q- (Addressing Maitre Bolduc)  
 6 ... to answer. Let him answer.  
 7 A- ... now, let me give you...  
 8 Me YVAN BOLDUC:  
 9 Q- I...  
 10 A- ... what... what... if Mr. Fiegenwald had asked...  
 11 Me YVAN BOLDUC:  
 12 Q- No...  
 13 Me GERALD TREMBLAY:  
 14 Q- Go ahead.  
 15 A- Perhaps I can give you a few illustrations.  
 16 Me YVAN BOLDUC:  
 17 Q- No. All I want to know...  
 18 Me GERALD TREMBLAY:  
 19 Just a second. He's... he's...  
 20 A- Yeah, that's what I'm trying... I'm trying to...  
 21 Me YVAN BOLDUC:  
 22 Q- ... and... and you can have a full answer, is  
 23 just...  
 24 Me GERALD TREMBLAY:  
 25 Mr. Bolduc, he cannot...

1 Q- ... pure and simple, that it... they weren't...  
 2 A- May I give you...  
 3 Q- ... true, isn't it a fact?  
 4 A- ... may I give you a few illustrations? Let...  
 5 first of all, let me tell you that when you referred  
 6 to my statement as being new... yesterday I told, in  
 7 response to a question from Mr. Sheppard, I... I  
 8 said in the transcript of yesterday, in terms of  
 9 what I would offer Mr. Fiegenwald  
 10 "What would you like to ask me? No  
 11 one has spoken to me about this.  
 12 What... would you like to  
 13 interrogate me? Would you like to  
 14 examine all of my documents? Would  
 15 you like to examine my bank  
 16 accounts? They mentioned a bank  
 17 account in Switzerland. I haven't  
 18 got a bank account anywhere in the  
 19 world except Montreal, and never  
 20 had."  
 21 So this is not new today, as you suggest. This was  
 22 yesterday, but...  
 23 Me YVAN BOLDUC:  
 24 Q- No... I'm not suggesting the bank accounts is new.  
 25

1 Me YVAN BOLDUC:  
 2 Q- ... what are...  
 3 Me GERALD TREMBLAY:  
 4 ... have a full answer because you keep...  
 5 Me YVAN BOLDUC:  
 6 Q- ... the...  
 7 Me GERALD TREMBLAY:  
 8 ... interrupting him.  
 9 Me YVAN BOLDUC:  
 10 You keep interrupting us.  
 11 Me GERALD TREMBLAY:  
 12 Please! He's... he's starting... he started  
 13 answering. Please.  
 14 A- Let me give you a...  
 15 Q- (Addressing Maitre Bolduc)  
 16 As a matter of fact, if not...  
 17 A- ... a few illustrations.  
 18 Q- (Addressing Maitre Bolduc)  
 19 ... a matter of courtesy.  
 20 Me YVAN BOLDUC:  
 21 Indeed.  
 22 Me GERALD TREMBLAY:  
 23 Q- Go ahead, Mr. Mulroney.  
 24 A- First statement:  
 25 "As Prime Minister, Mr. Mulroney

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 would have the power to control all  
 2 the business of the Government of  
 3 Canada, except where the powers have  
 4 been removed by statute."  
 5 That statement is false, because if that statement  
 6 is... were true, Jean Chretien is responsible for  
 7 this document right here, and I don't believe he is.  
 8 Q- Okay.  
 9 A- So that first statement is false. The second  
 10 statement:  
 11 "The powers would include the  
 12 ability to have the government  
 13 contracts approved or to exert  
 14 influence upon the Ministers  
 15 responsible."  
 16 That statement is false. There are strict  
 17 government rules and statutes that... that deal with  
 18 the manner in which contracts must be analyzed  
 19 and... and granted. Then:  
 20 "On March thirteenth (13th),  
 21 nineteen eighty-five (1985), Mr.  
 22 Mulroney appointed Mr. Moores to the  
 23 Board of Directors of Air Canada."  
 24 False. First, the date is wrong. Secondly, I never  
 25 appointed Mr. Moores to the Board of Air Canada. He

1 the Board of Directors. That statement is false.  
 2 Then, it says:  
 3 "The RCMP has reliable information  
 4 that Mr. Schreiber was given these  
 5 commissions in order to pay Mr.  
 6 Mulroney and Mr. Moores to ensure  
 7 that Airbus Industry obtained a  
 8 major contract."  
 9 That statement is false. Then, it says:  
 10 "The account 34117 was opened to  
 11 channel a portion of the funds to  
 12 Mr. Mulroney."  
 13 That statement is false. Then, it says:  
 14 "The Treasury Board of Canada  
 15 consists of cabinet ministers or  
 16 members of Parliament who are  
 17 appointed to the Board by the Prime  
 18 Minister."  
 19 That statement is false.  
 20 "The Treasury Board is composed only  
 21 of cabinet ministers. No members of  
 22 Parliament, according to the  
 23 statute, are allowed on the Treasury  
 24 Board."  
 25 That statement is false. Then, it says:

1 was appointed by the Government of Canada on  
 2 recommendation of the Minister of Transport along  
 3 with thirteen (13) other people, that same day.  
 4 Then:  
 5 "Mr. Moores resigned from the Board  
 6 of Directors, on September twelfth  
 7 (12th) nineteen eighty-five  
 8 (1985)...  
 9 - false. The date is wrong -  
 10 ... when it became known that Airbus  
 11 Industries was one of his clients at  
 12 GCI...  
 13 - false. He resigned because, as... as was publicly  
 14 stated, that Nordair and Wardair were his clients,  
 15 not Airbus -  
 16 ... and that he was in a conflict of  
 17 interest position while Air Canada  
 18 was negotiating the purchase of a  
 19 new fleet of aircraft with Airbus."  
 20 Mr. Moores resigned from the Board - he was there  
 21 for five (5) months - he resigned from the Board in  
 22 September of nineteen eighty-five (1985). Air  
 23 Canada did not begin to consider and negotiate a new  
 24 fleet of aircraft until August of nineteen eighty-  
 25 seven (1987), two (2) years after Mr. Moores left

1 "I.A.L. Schreiber was reported to  
 2 have paid Frank Moores commissions  
 3 on the sale of each plane who, in  
 4 turn, paid commissions to a Canadian  
 5 politician. The Fifth Estate report  
 6 linked Mr. Mulroney to the  
 7 commissions."  
 8 That statement is false. The Fifth Estate report  
 9 did not link anyone, least of all me, to the  
 10 commissions.  
 11 "The report then implied that the  
 12 funds were transferred to Moores'  
 13 account at the same bank, as payment  
 14 for Mr. Moores and Mr. Mulroney's  
 15 assistance."  
 16 That statement is false. The documents...  
 17 Q- Sir, I do not want to interrupt you, but he already  
 18 said that all these allegations...  
 19 A- No. I said...  
 20 Q- ... dealing with you, dealing with you personally  
 21 were false, except the first one, I believe, when  
 22 you said they stated that you were Prime Minister  
 23 during a certain...  
 24 Me GERALD TREMBLAY:  
 25 So you don't want...

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 Me YVAN BOLDUC:  
 2 Q- ... period of time.  
 3 Me GERALD TREMBLAY:  
 4 ... you don't want the seventeen (17) other  
 5 falsehoods.  
 6 Me YVAN BOLDUC:  
 7 Q- Well, you could read all of it. You've already said  
 8 that they're false. I mean, my question is simply  
 9 trying... and remember, I'm here to try to under-  
 10 stand what your offer of collaboration, pleine  
 11 collaboration...  
 12 A- Oui.  
 13 Q- ... was all about.  
 14 A- Yes.  
 15 Q- Now, am I to understand, Mr. Mulroney, that your  
 16 offer... let's go back to, I suppose, the first  
 17 meetings your agent, Mr. Tasse, had with Justice.  
 18 A- My lawyer.  
 19 Q- And R.C.M.P.  
 20 A- My lawyer.  
 21 Q- Your lawyer. Your lawyer. That it wasn't a pure  
 22 and simple offer, it as a conditional offer. In  
 23 return for your collaboration, you wanted something.  
 24 Was it a pure and simple offer or did... was it  
 25 conditional...

1 Q- Et... et...  
 2 A- ... du gouvernement du Canada...  
 3 Q- ... ma...  
 4 A- ... afin qu'on puisse nettoyer cette sottise avant  
 5 que ca ne devienne public.  
 6 Q- Mais ma question, monsieur Mulroney: Est-ce que  
 7 cette offre etait... etait... etait conditionnelle  
 8 ou non?  
 9 A- Est-ce que je pourrais vous lire ce qu'on a ecrit?  
 10 Q- Bien, je vois que votre procureur vous... vous in-  
 11 dique un document, la.  
 12 A- Est-ce qu'il y a quelque chose contre ca?  
 13 Q- Non, pas du tout.  
 14 A- Bien...  
 15 Q- Vous pouvez tres bien le lire.  
 16 A- C'est pour ca que je le paie, pour qu'il me... de  
 17 temps a autre, il m'aide.  
 18 Q- J'espere. J'espere.  
 19 A- Oui, absolument, oui, hein? Vous, vous faites ca  
 20 gratuitement, mais... Lui, je suis oblige de le  
 21 payer.  
 22 Q- Pas tout a fait.  
 23 A- D'ailleurs... d'ailleurs, vous m'impressionnez...  
 24 Me CLAUDE-ARMAND SHEPPARD:  
 25 C'est pas necessaire.

1 A- I never made any...  
 2 Q- ... on certain things being done by the R.C.M.P...  
 3 A- ... I never made any...  
 4 Q- ... or by the government?  
 5 A- ... I never made any offer. I think Mr... I think  
 6 my friend Mr. Sheppard referred not to an offer that  
 7 I made, but that an offer that Mr. Fiegenwald might  
 8 have... might have made.  
 9 Q- Mr. Mulroney, let me read here, paragraph 17  
 10 again...  
 11 A- M'hm.  
 12 Q- ... just at the last part, and speaking about le  
 13 demandeur, you...  
 14 "... qui offrait sa pleine colla-  
 15 boration..."  
 16 A- Oui.  
 17 Q- "... pour la poursuite de leur enquete."  
 18 So I gather that you did...  
 19 A- Bien oui...  
 20 Q- ... you did offer...  
 21 A- Bien oui, mais... oui, bien sur, c'est une offre  
 22 generale, oui, absolument.  
 23 Q- Oui, oui.  
 24 A- Depuis le debut, j'ai offert ma pleine et entiere  
 25 collaboration a la GRC et a tous les officiers...

1 Me YVAN BOLDUC:  
 2 Q- Je ne suis pas sur... je ne suis pas sur, monsieur  
 3 Mulroney, que vous vouliez qu'on entre la-dedans.  
 4 A- ... dans une periode... dans une periode de... de  
 5 grandes compressions budgetaires a Ottawa, je vous  
 6 felicite - hein? - pour avoir...  
 7 Q- On fait tout ce qu'on peut pour notre pays, monsieur  
 8 Mulroney.  
 9 A- Oui. Je vous felicite. Il a dit ceci:  
 10 "We have informed your officers,  
 11 Mary Dawson, who was then the acting  
 12 minister, and Kimberly Prost, as  
 13 well as the Commissioner of the  
 14 R.C.M.P., that Mr. Mulroney unequiv-  
 15 vocally and absolutely denies the  
 16 allegations contained in the  
 17 request."  
 18 We reiterate these denials.  
 19 "Furthermore, the R.C.M.P. has been  
 20 informed that Mr. Mulroney is pre-  
 21 pared to cooperate with them in  
 22 their investigation. Indeed, he is  
 23 astonished that the R.C.M.P. has not  
 24 even chosen to meet with him before  
 25 making such grave accusations.

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Pierre Vilaine & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 En deux (2) mots, monsieur Bolduc, c'est une  
 2 offre de collaboration generale, entiere, sincere  
 3 ou... Ecoutez, pour moi, la GRC, ce n'etait pas un  
 4 ennemi. La GRC, c'etait une force constabulaire  
 5 respectee au Canada qui a travaille avec moi intime-  
 6 ment comme premier ministre.  
 7 Alors, j'aurais non seulement oru, mais souhai-  
 8 te rencontrer monsieur Fiegenwald et ses collabora-  
 9 teurs pour leur donner toutes les reponses voulues.  
 10 Si... et je termine la-dessus.  
 11 La raison pourquoi que ce document est telle-  
 12 ment dommageable, entre autre choses, c'est qu'outre  
 13 le fait que c'est un document expedie a un gouverne-  
 14 ment etranger, ici, on commenee: "Summary of  
 15 Facts." Summary of Facts.  
 16 You are telling a foreign government that the  
 17 Canadian Government certifies these things to be  
 18 facts, therefore, to be true. I could've, I think,  
 19 easily persuade Mr. Fiegenwald that rather than  
 20 being... than facts, these are falsehoods.  
 21 And that somebody, I don't know who, somebody  
 22 seriously misled him in conveying him information  
 23 that is demonstrably false. That's what I would  
 24 have been happy to discuss with Mr. Fiegenwald or  
 25 his colleagues, indeed, would be happy to discuss

1 Me YVAN BOLDUC:  
 2 Q- Vous vous rappelez, hier, je crois que maitre  
 3 Sheppard vous a... ou a fait allusion a cette ren-  
 4 contre ou, n'est-ce pas... bon. Est-ce que vous  
 5 etes bien... vous etes bien... vous avez connais-  
 6 sance de cette rencontre qui a eu lieu le quinze  
 7 (15) novembre...  
 8 A- Oui.  
 9 Q- ... ou enfin... je ne sais pas si... je ne veux pas  
 10 vous en tenir a la date exacte... et que... est-ce  
 11 que maitre Tasse vous a fait rapport de cette ren-  
 12 contre?  
 13 Est-ce que maitre Tasse vous a, a ce moment-la,  
 14 vous a... vous a dit que monsieur Fiegenwald avait  
 15 suggere que si vous pouviez lui donner acces a tous  
 16 vos comptes bancaires, il pourrait peut-etre obtem-  
 17 perer a la demande faite par maitre Tasse de retirer  
 18 votre nom de la demande d'aide?  
 19 A- Oui, mais ca veut dire que sa preuve n'etait pas  
 20 forte.  
 21 Q- Non, mais je veux pas... je suis pas ici pour...  
 22 pour... et c'est un peu le desavantage que j'ai  
 23 comme avocat pour l'instant, je ne peux pas argumen-  
 24 ter avec vous le merite de la cause, monsieur  
 25 Mulroney. Je suis ici pour tenter, a ce stade-ci,

1 with him today.  
 2 Q- Okay. I think Mr. Jeansonne wants to show you an-  
 3 other document... that you might want to read from.  
 4 A- No. It's okay.  
 5 Q- Okay. Now, je reviens encore a cette... a cette  
 6 collaboration qui est offerte, monsieur Mulroney, et  
 7 egalement a cette rencontre qui a eu lieu - n'est-ce  
 8 pas? - je crois que c'est le quinze (15), le quinze  
 9 (15) septembre entre votre avocat, maitre Tasse, et  
 10 monsieur Fiegenwald.  
 11 Me GERALD TREMBLAY:  
 12 Maitre Bolduc, vous avez dit: "le quinze (15)  
 13 septembre".  
 14 Me YVAN BOLDUC:  
 15 Oh ! excusez-moi. Excusez-moi.  
 16 Me GERALD TREMBLAY:  
 17 Je m'excuse. Je m'excuse d'intervenir.  
 18 Me YVAN BOLDUC:  
 19 Vous faites bien, cette fois-ci.  
 20 Me GERALD TREMBLAY:  
 21 Merci, maitre Bolduc.  
 22 Me YVAN BOLDUC:  
 23 Je pense que c'est l'une des... le quinze (15)  
 24 novembre.  
 25

1 d'obtenir de l'information.  
 2 A- Mais...  
 3 Q- Est-ce que maitre Tasse vous a... vous a rapporte  
 4 cette offre, si on peut l'appeler une offre, de la  
 5 Gendarmerie d'avoir acces a tous comptes bancaires  
 6 en retour possible d'un retrait de votre nom de la  
 7 demande d'aide? Est-ce que ca a ete fait?  
 8 A- Maitre Tasse m'a rapporte un meeting qu'il y a eu  
 9 avec monsieur Fiegenwald et un de ses collabora-  
 10 teurs, et... a l'occasion, il y a eu des discussions  
 11 que monsieur Tasse a rejetees, et il y a eu, par la  
 12 suite, une rencontre avec maitre Tremblay, maitre  
 13 Jeansonne, maitre Urowsky et maitre Tasse, et on a  
 14 parle de ca; c'est la premiere fois que j'ai pris  
 15 connaissance...  
 16 Vous savez que... ce qui aurait ete peut-etre  
 17 souhaitable, sans doute souhaitable, le quatre (4)  
 18 novembre...  
 19 Q- C'est...  
 20 A- Et permettez-moi de terminer. La situation avait  
 21 gravement change du quatre (4) au quinze (15), au  
 22 seize (16). Nous savions, a ce moment-la, que  
 23 l'affaire devenait publique.  
 24 Q- M'hm.  
 25 A- Nous la savions parce qu'on avait recu des ecrits de

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 Der Spiegel et de Maclean's Magazine. Alors, ce que  
 2 maitre Tasse cherchait, c'était pas qu'on retire la  
 3 lettre, qu'on repudie le contenu de cette lettre,  
 4 qu'on affirme que cette lettre, en ce qui concerne  
 5 maitre Mulroney, était fausse.  
 6 On retire le contenu. On s'excuse auprès de  
 7 monsieur Mulroney et de sa famille, et ca, a ce  
 8 moment-la, ca aurait ete quelque chose d'important,  
 9 mais l'idée de retirer tout simplement le document  
 10 qui devait etre rendu public a tout evenement,  
 11 c'était entre les mains d'étrangers.  
 12 A ce moment-la, mes collègues et moi, on avait  
 13 pense que monsieur Tasse avait bien fait, a l'occa-  
 14 sion de sa rencontre avec monsieur Fiegenwald, de  
 15 rejeter cette... cette proposition.  
 16 Q- Donc, pour vous, il etait un peu tard? Je pense que  
 17 les termes que vous avez employes hier, enfin, hier,  
 18 mercredi, c'est que le quinze (15) novembre, et jus-  
 19 tement a cause de... de ce qu'on pouvait presumer  
 20 avoir ete deja distribue ou circule, il etait trop  
 21 tard pour cette offre...  
 22 A- Non, mais l'offre...  
 23 Q- ... de monsieur Fiegenwald.  
 24 A- Il faut... il faut etre... il faut etre tres  
 25 precis... parce que si vous regardez, par exemple...

1 And, indeed, if that... if that was the offer  
 2 Mr. Fiegenwald made to Mr. Tasse, then it... it  
 3 wasn't conveyed to me that way, but if Mr.  
 4 Fiegenwald made that offer and you would like to put  
 5 that in writing to my lawyers today, we'll take a  
 6 look at it.  
 7 Q- Sir, going back to November fifteen (15), am I to  
 8 understand that at that time, in spite of... of the  
 9 imminence of... of the distribution, in your mind,  
 10 in any event - and it seems that it... it proved  
 11 true - am I to understand that you... your offer of  
 12 pleine collaboration was still on the table, but  
 13 with different conditions or what... in your mind,  
 14 was it then too late?  
 15 A- I applied no conditions to my offer of full  
 16 cooperation. When I sent Mr. Tasse there on the  
 17 fourth (4th) of November, it was to offer our total  
 18 cooperation to the Government of Canada so as to  
 19 convince the Government that a... a terrible mistake  
 20 had been made by somebody somewhere in the system  
 21 and that the withdrawal of that document, at that  
 22 time, the repudiation of its contents, then it  
 23 perhaps would never have seen the light of day.  
 24 I was... I knew it to be false but I also knew  
 25 the terrible damage that would occur as soon... as

1 Q- Vous avez un document devant vous, Monsieur  
 2 Mulroney?  
 3 Ma GERALD TREMBLAY:  
 4 Il tentait de vous le dire, la.  
 5 A- C'est le document... c'est la lettre que votre  
 6 client a envoyee a monsieur Tasse, le dix-sept (17)  
 7 novembre.  
 8 Q- D'accord.  
 9 A- Hum?  
 10 Q- Oui.  
 11 A- "For these reasons, I believe that  
 12 the request has adequately com-  
 13 municated our position to the Swiss  
 14 and that there is no misunderstand-  
 15 ing and, therefore, no basis for  
 16 amending the request."  
 17 C'est ce que monsieur Fiegenwald a envoye.  
 18 Alors, ce qu'on aurait considere comme etant - je  
 19 vous le dis carrement - un... a recall of the docu-  
 20 ment... a recall of the document...  
 21 Q- M'hm.  
 22 A- ... a repudiation of its contents as it applied to  
 23 me and an apology to my family and myself for what  
 24 had taken place, that would have been something  
 25 that... that we would have been happy to look at.

1 soon as it... it occurred. So my offer was full and  
 2 complete to the Government and to the R.C.M.P. If  
 3 you look at the document in our amended plea - after  
 4 precisions... that...  
 5 Q- Which one, Sir?  
 6 A- ... after... our amended declaration after  
 7 precisions - you will see that Maitre Tasse, time  
 8 and time again when he conveyed that message to  
 9 Ottawa, from the fourth (4th), the fifth (5th), the  
 10 sixth (6th), the seventh (7th), the eighth (8th),  
 11 the ninth (9th), the tenth (10th), the eleventh  
 12 (11th), the twelfth (12th), the fourteenth (14th)  
 13 and the fifteenth (15th), the answer was no,  
 14 absolutely no.  
 15 And at this point, meanwhile, there was another  
 16 train coming down the track, and that train began in  
 17 Switzerland when the... when the German-Swiss got a  
 18 hold of the document that Mr. Fiegenwald had sent  
 19 and they began to broadcast reference to it on... on  
 20 French... on German television, then picked up on  
 21 the twelfth (12th) by Agence France Presse, and then  
 22 the crescendo built up clearly indicating that I was  
 23 the person that Mr. Fiegenwald had put in the  
 24 document that Miss Prost had signed.  
 25 And so, obviously, on the night of-the

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16 sixteenth (16th), the withdrawal simply of a document that was going to be published the next day was entirely different from the a) the effect... the beneficial effect it might have had on the fourth (4th), but moreover the withdrawal of the document for me implied the withdrawal of the document, the repudiation of the falsehoods... the thirty-one (31) falsehoods that it contains, and an apology to my children and me for the damage that would have been done. That's it.

17 Q- Okay.

18 A- I wasn't looking for money. I wasn't looking for trouble. I wasn't looking for headlines. I was trying to avoid the... the damage that this would inflict upon me and, if I may say, on the reputation of Canada.

19 Q- Yeah. Sir, what I understand is that, during all these... these discussions, if you wish, meetings with the R.C.M.P. or the Justice Department, one thing was asked of you on November fifteen (15), which is access to your bank accounts, and that was refused, is that...

20 A- That's...

21 Q- ... was there...

22 A- ... that's false.

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1 Q- ... mauvaise...

2 A- Ma reputation, les difficultes que vous... que votre client m'a infligees, vous... vous allez parler de choses concretes. Je...

3 Q- Tout ce que je veux savoir...

4 A- ... allez-y fort.

5 Q- ... monsieur Mulroney, est-ce que, a part l'acces a vos comptes bancaires... a part cette question qui, semble-t-il, a fait l'objet d'une demande de la Gendarmerie, le quinze (15) novembre, est-ce qu'on vous a demande autre chose?

6 A- Monsieur... monsieur Bolduc - excusez-moi, excusez-moi...

7 Q- Je comprends, moi, je suis un simple avocat...

8 A- Excusez.

9 Q- ... de campagne, monsieur Mulroney.

10 A- Oui, oui, oui, oui. Keep your hand on your wallet when a guy says that. C'etait une offre de collaboration entiere de ma part. Si la GRC avait accepte, le quatre (4), notre offre, ils seraient venus chez nous... monsieur Tremblay a dit: "Go up there and meet with them. Stand there and demand to be heard." They didn't...

11 Me GERALD TREMBLAY:

12 "Force their door", I said.

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1 Q- ... anything else...

2 A- That is absolutely false.

3 Q- Well... clarify me.

4 A- From the very beginning, my attorneys went in there with an offer of full and complete cooperation. That was rejected. That was turned down and they said "Come and see us in two (2) or three (3) months, we may talk to you then". That is the truth.

5 Q- Monsieur Mulroney...

6 A- Oui.

7 Q- ... je veux... je veux parler de choses concretes.

8 A- Oui. Vous... qu'est-ce que vous...

9 Q- Nous avons...

10 A- ... pensez que je fais ici, moi?

11 Q- ... nous avons, le quinze (15)...

12 A- Hein?

13 Q- J'en doute pas.

14 A- Je...

15 Q- J'en doute pas, monsieur Mulroney.

16 A- Oui, bien de... de grace, hein?

17 Q- Non, j'en doute pas, mais je...

18 A- Bien...

19 Q- ... je m'excuse si j'ai employe la...

20 A- ... des choses concretes...

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1 A- "Force..."... he even said, "Force their door". I would have sat down with Mr. Fiegenwald, said, "Mr. Fiegenwald, now I've got a copy of this thing, some kind of a translation of it. Look, this is a false document, Mr. Fiegenwald.

2 If you send this document to Switzerland, if... if it's not withdrawn immediately, it's going to cause me grave damage. I am ready to go through this document with you and point it out to you, the falsehoods. Now, I'm not going to accept this at face value.

3 Anything that you need from me, anything you need from me, from bank accounts to... to tax returns to whatever, I will give you everything I have, because I think that I can persuade you that somebody has seriously misled you in the preparation of this document, and if you look at these documents I think you'll come to the conclusion you're going to want to withdraw that thing as it applies to me".

4 That's what I... what I would have said to Mr. Fiegenwald, had I been given the opportunity.

5 Me YVAN BOLDUC:

6 Q- Well, sir, we... as you know, through your attorney, we have served you with a Subpoena Duces Tecum...

7 A- That's right.

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1 Q- ... which basically requests transmission of these  
 2 very documents, amongst others. So I understand  
 3 that these will be forthcoming - and I'll get to  
 4 that later - which is simply a question of  
 5 communication.  
 6 Me GERALD TREMBLAY:  
 7 There is... you know there was an objection  
 8 Wednesday. There will be an objection again today.  
 9 It... it's not this... this examination on discovery  
 10 is not going to be a substitute to the investigation  
 11 that Sergeant Fiegenwald should have held at the  
 12 time.  
 13 Me YVAN BOLDUC:  
 14 Oh, I...  
 15 Me GERALD TREMBLAY:  
 16 It's an action in damage.  
 17 Me YVAN BOLDUC:  
 18 Well, I think I misunderstood, but Mr. Mulrone  
 19 was saying that he was...  
 20 Me GERALD TREMBLAY:  
 21 No.  
 22 Me YVAN BOLDUC:  
 23 ... offering these things.  
 24 A- No.  
 25

1 Me YVAN BOLDUC:  
 2 ... and then you put an interpretation on your  
 3 objection. You must be well paid, indeed. In any  
 4 event, can I go a bit...  
 5 Me GERALD TREMBLAY:  
 6 Your nastiness does not affect me a bit.  
 7 Me YVAN BOLDUC:  
 8 Well, Maitre Tremblay, you know there is  
 9 nothing nasty about it.  
 10 A- Mr. Bolduc, just to respond to un... un complement  
 11 de reponse, comme on disait autrefois.  
 12 Q- Complement. D'accord.  
 13 LE STENOGRAPHE:  
 14 Complement ou compliment?  
 15 A- Les deux. Pour vous, monsieur Vilaire, les deux.  
 16 Let's... let's not fool around here. Let's... let's  
 17 be very clear. I made the offer on the fourth (4th)  
 18 of November to avoid the tremendous problems that  
 19 you have inflicted on... on me.  
 20 That's why I... that's why we... we offered  
 21 this full cooperation. The cooperation was turned  
 22 down. I then, on the eighteenth (18th), had no...  
 23 I had no alternative but to initiate a lawsuit. The  
 24 rules of the game have changed.  
 25 The rules... you did not accept my offer to...

1 Me GERALD TREMBLAY:  
 2 Not to you, in Court or to... or to Mr.  
 3 Vilaire. That's not the purpose. Mr. Vilaire is  
 4 not going to finish the investigation of Mr.  
 5 Fiegenwald.  
 6 Me JACQUES JEANSONNE:  
 7 And now, you've just implied publicly that our  
 8 client wishes to keep... not to divulge...  
 9 Me YVAN BOLDUC:  
 10 Well, the...  
 11 Me JACQUES JEANSONNE:  
 12 ... his private life...  
 13 Me YVAN BOLDUC:  
 14 ... listen...  
 15 Me JACQUES JEANSONNE:  
 16 ... for...  
 17 Me YVAN BOLDUC:  
 18 ... you're... you're...  
 19 Me JACQUES JEANSONNE:  
 20 ... mediatic reasons.  
 21 A- Let me...  
 22 Me YVAN BOLDUC:  
 23 Listen, you object to my question...  
 24 Me GERALD TREMBLAY:  
 25 Yes.

1 to try and examine this. The things that I was  
 2 ready to do to avoid this calamity, the calamity has  
 3 been visited upon me. It's done because your people  
 4 would not... would not accept that offer.  
 5 Now you have put me in a position where to...  
 6 for my honour and the reputation of my family, I had  
 7 no alternative but to sue. Now, I am suing under  
 8 the... under the rules that govern such conduct,  
 9 appropriately, in the Province of Quebec. I have  
 10 told Mr. Sheppard this morning that I am not asking  
 11 for any... any money before this Court for loss of  
 12 revenue. I'm not asking for any money for loss of  
 13 revenue.  
 14 I am asking for money for the damage that this  
 15 document... the publication of this document has  
 16 caused to my family and myself and my reputation,  
 17 and I've indicated in my pleadings that the  
 18 amounts... that if I... if I receive any, the  
 19 amounts of that judgment, in regard to the exemplary  
 20 damages, will be... will be given to charitable  
 21 associations here and hospitals and research  
 22 institutes in Montreal. I'm not here for any money.  
 23 I never was... was interested in any money.  
 24 All I wanted was some justice. I just wanted  
 25 to be heard. I couldn't get a hearing, and I

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1 believe today that had I had that hearing, had I  
 2 been able to talk to you or talk to Mr. Sheppard or,  
 3 indeed, talk to Mr. Fiegenwald, I could have  
 4 persuaded you readily of the falsity of this  
 5 document, but also the grave consequences that it  
 6 had for me.  
 7 That was all, and so what was... what was...  
 8 that was then and now is now. We're now embarked on  
 9 a different tack, and I am before the Courts, and  
 10 only the Courts of... of Canada can give me the  
 11 justice that my family and I seek.  
 12 Me YVAN BOLDUC:  
 13 Q- Well, this is part of the process, isn't it? We are  
 14 talking to each other?  
 15 A- Yes, indeed.  
 16 Q- And you have the opportunity to clarify, and to...  
 17 to give your version...  
 18 A- Absolutely.  
 19 Q- ... and I'm sure you are grateful for that  
 20 opportunity.  
 21 But let's get back, as you say, to business.  
 22 I'd like just for a moment, and it's changing the  
 23 subject a little bit, to take you back to that  
 24 document which you were shown and quoted from, I  
 25 think it's 8... P-8.1, and it's this letter to Mr.

1 request contains only allegations,  
 2 and that the conclusion concerning  
 3 the guilt or innocence of the  
 4 persons named in the request has  
 5 been made."  
 6 Now, have you, at any time... or, I should say, have  
 7 you, at that time, basically on or around November  
 8 seventeen (17), nineteen ninety-five (1995), were  
 9 you shown, or were you told about this letter, or  
 10 this second... let's call it the second Prost  
 11 letter?  
 12 A- Yes, I was.  
 13 Me GERALD TREMBLAY:  
 14 Q- You were shown the Prost letter?  
 15 A- No... no, not the Prost letter. No, I was shown...  
 16 I was shown this letter.  
 17 Q- No, no, he's talking about the Prost...  
 18 Me YVAN BOLDUC:  
 19 Q- No, I'm sorry, I'm talking about the Prost letter...  
 20 A- I'm sorry.  
 21 Q- ... to which that letter refers to.  
 22 A- No, I was not.  
 23 Me GERALD TREMBLAY:  
 24 I wish... I wish the record to state that it's  
 25 the second time, or maybe the third time that that

1 Tasse...  
 2 Me GERALD TREMBLAY:  
 3 The seventeen (17) of November?  
 4 Me YVAN BOLDUC:  
 5 The seventeen (17) of November, by Sergeant  
 6 Fiegenwald.  
 7 Q- And I'd like to draw your attention to the second  
 8 paragraph of that letter, which reads in part as  
 9 follows:  
 10 "On November fourteenth (14th),  
 11 nineteen ninety-five (1995), Miss  
 12 Prost of the Department of Justice  
 13 wrote to the Swiss authorities as a  
 14 result of your letter dated November  
 15 eighth (8th), nineteen ninety-five  
 16 (1995)..."  
 17 which is undoubtedly part of your exhibits.  
 18 "... re-emphasizing that the request  
 19 outlines allegations of 'criminal  
 20 activity, and that the information  
 21 provided in the request must be read  
 22 in that context'. The Swiss  
 23 authorities have confirmed to the  
 24 R.C.M.P. Liaison Officer in Berne  
 25 that they are well aware that the

1 letter is referred to in those proceedings. This  
 2 letter, which is quoted in the seventeen (17)  
 3 November letter to Mr. Tasse was never communicated  
 4 to us as Counsel, and I request, in view of the fact  
 5 that you're referring to it publicly, and you're  
 6 asking questions on it, we have never seen it, I  
 7 would like... I would ask you to communicate it to  
 8 me now.  
 9 Me YVAN BOLDUC:  
 10 Well, Mr. Tremblay, I will grant your wish.  
 11 Me GERALD TREMBLAY:  
 12 Okay.  
 13 Me YVAN BOLDUC:  
 14 Q- But first I would like to know whether that letter,  
 15 or the existence of the letter, or the content of  
 16 the letter was discussed...  
 17 A- I'll...  
 18 Q- ... by... by... with your advisors, at the time, of  
 19 course.  
 20 A- I don't... I don't know the answer to that question,  
 21 Sir.  
 22 Q- Okay.  
 23 Okay, so I'll be... I'll be glad...  
 24 Me GERALD TREMBLAY:  
 25 Helpful to Mr. Tremblay.

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1 Me YVAN BOLDUC:  
 2 ... to show it to you.  
 3 Me CLAUDE-ARMAND SHEPPARD:  
 4 No, he does it for Mr. Jeansonne!  
 5 Me YVAN BOLDUC:  
 6 And I... I have a copy for Maitre Jeansonne, of  
 7 course, and if... if you don't mind Mr. Mulroney  
 8 having a copy, so that he can follow, go ahead.  
 9 Would you like to read it first, Maitre  
 10 Tremblay, before I continue?  
 11 Me GERALD TREMBLAY:  
 12 Of course. Of course. Of course.  
 13 Me YVAN BOLDUC:  
 14 Okay.  
 15 A- Oui, je viens de le lire.  
 16 Q- (Addressing the attorneys)  
 17 Donc, est-ce qu'on peut la produire? Pour le  
 18 dossier?  
 19 Me GERALD TREMBLAY:  
 20 For... of course... of course, Mr. Mulroney is  
 21 not the appropriate witness, because he's never  
 22 seen...  
 23 Me YVAN BOLDUC:  
 24 You've asked for...  
 25

1 Me YVAN BOLDUC:  
 2 Ah! mais j'ai aucune objection, écoutez, la...  
 3 A- C'est parce que comme monsieur Fiegenwald le sait...  
 4 Q- Oui.  
 5 A- ... Frank Moores a déjà témoigné... que monsieur  
 6 Moores a déjà témoigné, que la fameuse compte Devon,  
 7 c'était un compte pour BM, all right, mais le BM,  
 8 c'était Beth Moores, son épouse. Alors, nous  
 9 autres, on va... on va revenir à ça, à un moment  
 10 donné, mais c'est pour ça que... que... mon nom,  
 11 c'est Martin Brian Mulroney, et...  
 12 Si vous voulez... c'est pas la prétention,  
 13 Pierre, mais si vous voulez ajoutez Martin avant, le  
 14 "M", avant, c'est correct.  
 15 Me YVAN BOLDUC:  
 16 A tout événement, monsieur Vilaire... Maitre  
 17 Sheppard et moi-même n'avons pas de grosse objection  
 18 à ce qu'on modifie...  
 19 Me CLAUDE-ARMAND SHEPPARD:  
 20 Moi, j'ai même pas de petite objection, j'ai  
 21 aucune objection.  
 22 Me YVAN BOLDUC:  
 23 Bon, voilà.  
 24 A- MEM.  
 25

1 Me GERALD TREMBLAY:  
 2 ... he's never seen it before. So, for the  
 3 purpose of identification only, so that the tran-  
 4 script can be logical, we'll give it a number, but  
 5 it's not an official production. For purpose of  
 6 identification only.  
 7 Me YVAN BOLDUC:  
 8 Parfait, maitre Tremblay, peut-être BM-6, je  
 9 crois?  
 10 Me GERALD TREMBLAY:  
 11 All right. Not the B... yeah.  
 12 Me YVAN BOLDUC:  
 13 BM? On est à BM-5, je crois.  
 14 A- MEM. Les initiales, c'est MEM. "BM" c'est Beth  
 15 Moores.  
 16 Me YVAN BOLDUC:  
 17 Ah! bon.  
 18 A- On va reprendre ça, MEM. Martin Brian Mulroney.  
 19 Q- Hier, votre avocat avait suggéré qu'on marque les  
 20 exhibits "BM". Moi, j'ai aucune objection...  
 21 Me GERALD TREMBLAY:  
 22 Non, non, non, c'est pas moi, c'est pas moi.  
 23 Me JACQUES JEANSONNE:  
 24 C'est une suggestion qui vient de maitre...  
 25 A- C'est parce que...

1 Me CLAUDE-ARMAND SHEPPARD :  
 2 Vous... numérotez...  
 3 A- Nous allons établir que BM, c'est Beth Moores, et  
 4 c'est elle qui était la bénéficiaire et qui contro-  
 5 lait le compte Devon en Suisse.  
 6 Me YVAN BOLDUC:  
 7 Q- Oui.  
 8 A- Pas Brian Mulroney.  
 9 Q- Mais là, on est...  
 10 A- Mais... that's for another day.  
 11 Q- ... on est loin. On est loin de mes questions,  
 12 monsieur Mulroney.  
 13 A- No, no, we're getting warmer. We're getting warmer  
 14 here.  
 15 Q- Bien... c'est vous qui... c'est vous qui le dites.  
 16 A- On n'est pas loin du tout, on va voir.  
 17 Me GERALD TREMBLAY:  
 18 Okay, let's... let's come back to...  
 19 A- Okay.  
 20 Me YVAN BOLDUC:  
 21 Alors, je... pour les fins d'identification,  
 22 maitre Tremblay, le quatorze (14)...  
 23 Me GERALD TREMBLAY:  
 24 Oui.  
 25

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1 Me YVAN BOLDUC:  
 2 ... c'est une lettre du quatorze (14) novembre,  
 3 mil neuf cent quatre-vingt quinze (1995) adressee a  
 4 monsieur Pascal Gossin, Office federal de la police,  
 5 International Assistance Section, en Suisse, a  
 6 Berne, et c'est signe par Kimberly Prost, Senior  
 7 Counsel, Director, International Assistance Group,  
 8 et c'est Re: Request for assistance to Switzerland  
 9 in the matter of Airbus, et...  
 10 Le texte, qui est tres... qui est tres court,  
 11 est celui-ci :  
 12 "I write in relation to the request  
 13 for assistance submitted by Canada  
 14 in the above referenced file. There  
 15 has been, as I am sure you are  
 16 aware, considerable media interest  
 17 regarding this particular investiga-  
 18 tion, both in Canada and  
 19 Switzerland."  
 20 Me GERALD TREMBLAY:  
 21 Mr. Bolduc...  
 22 Me YVAN BOLDUC:  
 23 "I wish... I..."  
 24 Me GERALD TREMBLAY:  
 25 Mr. Bolduc...

1 Me YVAN BOLDUC:  
 2 Do you object? So that we all follow this  
 3 thing?  
 4 Me GERALD TREMBLAY:  
 5 That's right.  
 6 Me YVAN BOLDUC:  
 7 Okay. Paragraph:  
 8 "I wish to re-emphasize that Canada  
 9 has presented this request in the  
 10 context of an investigation. The  
 11 request outlines the allegations of  
 12 criminal activity, and the informa-  
 13 tion that supports them. The in-  
 14 formation provided in the request  
 15 must be read in that context.  
 16 Because of the prominent nature of  
 17 the subject of this investigation,  
 18 we are very concerned that this re-  
 19 quest be kept confidential, as dis-  
 20 closure of the request, or parts  
 21 thereof, taken out of context, could  
 22 be unnecessarily damaging to both  
 23 the investigation and the repu-  
 24 tations of the names... the sub-  
 25 jects.

1 Me YVAN BOLDUC:  
 2 Paragraphe...  
 3 "I wish..."  
 4 Me GERALD TREMBLAY:  
 5 Mr. Bolduc, I think that you and I would agree  
 6 that if it was a normal discovery you would not...  
 7 Me YVAN BOLDUC:  
 8 Yes, I would ag...  
 9 Me GERALD TREMBLAY:  
 10 ... read the document.  
 11 Me YVAN BOLDUC:  
 12 I...  
 13 Me GERALD TREMBLAY:  
 14 You're reading it out for... for the audience.  
 15 Me YVAN BOLDUC:  
 16 Well, I... I don't think you can blame me to...  
 17 Me JACQUES JEANSONNE:  
 18 Fine, fine, fine.  
 19 Me GERALD TREMBLAY:  
 20 No, no, go ahead. Go ahead. Go ahead.  
 21 Me YVAN BOLDUC:  
 22 Do you object?  
 23 Me GERALD TREMBLAY:  
 24 No, no. Go ahead.  
 25

1 We appreciate the repeated assu-  
 2 rances of confidentiality that you  
 3 have given to us.  
 4 I write simply to confirm our under-  
 5 standing that the request itself has  
 6 only been disclosed to the relevant  
 7 institutions from whom information  
 8 is sought, and the named account  
 9 holders. Otherwise, the request  
 10 will be kept confidential in  
 11 Switzerland.  
 12 I thank you for your cooperation in  
 13 this matter. Yours truly."  
 14 Bon, voila, la lettre...  
 15 Maitre Tremblay, I think, rightly so, takes the  
 16 position that the proper witness to introduce this  
 17 letter...  
 18 Me GERALD TREMBLAY:  
 19 Is not here.  
 20 Me YVAN BOLDUC:  
 21 ... might be Mr. Gossin, or Miss Prost.  
 22 So that's... that's at your request, Mr.  
 23 Tremblay, that we now produce this letter. I think  
 24 I have an answer to my question.  
 25 Q- And my question was, "Were you shown this letter

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1 before, or were you told of its content?"

2 A- No...

3 Q- When I say "before", around November seventeen (17).

4 A- No, I was... I've... I've never seen this letter

5 until today.

6 Q- Okay, thank you. That's my question. Now, I would

7 normally ask you if... if you wish to take a break,

8 that's fine with me...

9 A- No.

10 Q- ... but I hope, again, that we can finish this

11 before...

12 A- Yeah, may I just... because you... you were...

13 before you asked me whether I'd seen this, you

14 referred me to a letter... to this letter by...

15 Q- To Mr...

16 A- ... by Mr. Fiegenwald.

17 Q- Yes.

18 Me JACQUES JEANSONNE:

19 P-8.1.

20 A- By Mr. Fiegenwald.

21 Me YVAN BOLDUC:

22 Q- That's right.

23 A- And... and it... it's important that I... that I say

24 yes, I saw this letter, and... and I... and I would

25 like to respond to... to your query in regard to it,

1 November seventeenth (17th).

2 Me GERALD TREMBLAY:

3 Q- Go ahead, Mr. Mulroney.

4 Me YVAN BOLDUC:

5 Q- Well, listen, I... L...

6 Me GERALD TREMBLAY:

7 Q- Go ahead, Mr. Mulroney.

8 Me YVAN BOLDUC:

9 Q- ... I cannot, I admit, and I don't intend to...

10 to... to restrict your... your... your right to

11 express yourself, Sir, so if you feel that you have

12 to add something...

13 A- Well, I feel... I feel I should an... I have to

14 answer your question.

15 Q- But my question was, did you see that letter before,

16 BM-6?

17 A- Yeah, and... and here it is.

18 Me GERALD TREMBLAY:

19 Q- Go ahead.

20 A- The... the letter, it ties into your interrogation

21 totally, of what you've been asking me. Here's what

22 the letter says by Mr. Fiegenwald.

23 The letter re-emphasizes that:

24 "The request outlines allegations of

25 criminal activity, and that no

1 in the following way.

2 I think you read this...

3 Q- You answered my question, sir.

4 Me GERALD TREMBLAY:

5 Just a second...

6 Me YVAN BOLDUC:

7 Me BRUNO-ETIENNE DUGUAY :

8 Q- You answered my question.

9 Me GERALD TREMBLAY:

10 He is... he is entitled to complete his answer.

11 Q- Mr. Mulroney...

12 Me YVAN BOLDUC:

13 Well, he's not... he's...

14 Me GERALD TREMBLAY:

15 Just a second. Mr. Bolduc, you started a

16 question on that, there was a reference to another

17 letter, and then you say, "We'll move subject".

18 A- You see, the reason I didn't give you the... the

19 complete answer at the time is that I thought that

20 when you introduced this letter that I'd never seen

21 before...

22 Me YVAN BOLDUC:

23 Q- M'hm,

24 A- ... that you would then allow me to... to provide

25 the answer that... with regard to the document of

1 conclusion concerning the guilt or

2 innocence of the persons named in

3 the request has been made."

4 Monsieur Bolduc, please read it carefully. That:

5 "The request outlines allegations of

6 criminal activity, and that no

7 conclusion... no conclusion

8 concerning the guilt or innocence of

9 the persons named in the request has

10 been made."

11 Here is the request:

12 "The above three (3) cases

13 demonstrate an on-going scheme by

14 Mr. Mulroney, Mr. Moores, and Mr.

15 Schreiber to defraud the Canadian

16 Government of millions of dollars of

17 public funds from the time Mr.

18 Mulroney took office in September,

19 nineteen eighty-four (1984), until

20 he resigned in June of nineteen

21 ninety-three (1993)."

22 And one (1) final line:

23 "This investigation is of serious

24 concern to the Government of Canada

25 as it involves criminal activity on

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1 the part of a former Prime  
 2 Minister."  
 3 Now, how can you reconcile that... those statements  
 4 with Mr. Fiegenwald's statement that "All we're  
 5 doing is outlining allegations, and that no  
 6 conclusion concerning the guilt or innocence of the  
 7 person named in the request has been made"?  
 8 You have just judged me, convicted me,  
 9 irretrievably damaged my reputation, and then say,  
 10 "But, you know, fellows, I'm sorry, we didn't mean  
 11 anything, all we're looking for here is a little bit  
 12 of information".  
 13 That is the genesis of my case. That's why I'm  
 14 here. I want justice, and I want a Court to say,  
 15 "This is a massive libel against an innocent man".  
 16 Me YVAN BOLDUC:  
 17 Q- Monsieur Mulroney, je suis pas ici, encore une fois,  
 18 pour debattre le merite de votre action avec... sur-  
 19 tout avec vous, ca serait pas la chose appropriee a  
 20 faire, sauf que si vous me demandez de reconcilier  
 21 ces deux (2) lettres, c'est assez simple.  
 22 Je suggere que vous citez les passages que vous  
 23 venez de citer, la lettre de... P-2, sont pris hors  
 24 de contexte, comme, d'ailleurs, la lettre de... de  
 25 mademoiselle... ou de maitre Prost, l'indique.

1 qui n'etait pas autorise a donner  
 2 d'autres details. Une..."  
 3 Et caetera. L'affaire... l'affaire est deja  
 4 sortie; tout le monde en parle a travers le monde,  
 5 c'est en premiere page dans tous les journaux, et  
 6 vous, vous me donnez, "Boy, you should be reassured,  
 7 Mr. Mulroney". Ca, ca va vous soulager, vous allez  
 8 bien dormir.  
 9 The request will be kept confidential in  
 10 Switzerland. Thanks a lot!  
 11 Q- Si je peux vous aider a bien dormir, monsieur  
 12 Mulroney...  
 13 A- Thanks a lot. If you can... I tell you, if you can  
 14 reconcile those two (2), you're wasting your time at  
 15 Heenan, Blaikie; there's a much greater future wait-  
 16 ing for you elsewhere.  
 17 Q- Well...  
 18 A- I guarantee you that.  
 19 Q- ... I'm quite happy... I'm quite...  
 20 A- Hein? Monsieur Sheppard, vous etes... vous etes  
 21 d'accord avec moi?  
 22 Me CLAUDE-ARMAND SHEPPARD:  
 23 Q- I'm quite happy where I'm at, Mr. Mulroney.  
 24 A- You should be. You should be.  
 25 Q- Quite happy.

1 A- Mais...  
 2 Q- Je... Fallait faire attention au contexte.  
 3 A- Mais... mais comment pouvez-vous...  
 4 Q- A tout evenement...  
 5 A- Si vous me permettez, comment pouvez-vous dire ca,  
 6 la? Parce que vous parlez quand meme de ma  
 7 reputation. La, vous me donnez une lettre signee  
 8 par madame Frost le quatorze (14) novembre mil neuf  
 9 cent quatre-vingt quinze (1995), lorsqu'elle dit:  
 10 "Otherwise, the request will be kept  
 11 confidential in Switzerland."  
 12 Ca, c'est le quatorze (14) novembre. Le douze  
 13 (12) novembre, deux (2) jours avant qu'elle ecrivit  
 14 ca, La Presse de Montreal rapporte en premiere page:  
 15 "La Suisse enquete sur les pots-de-  
 16 vin verses a des politiciens cana-  
 17 diens. La justice suisse a ouvert,  
 18 a la demande du Canada, une enquete  
 19 sur le versement presume de dessous  
 20 de table sur les comptes bancaires  
 21 lors de la vente de plusieurs Airbus,  
 22 et caetera...  
 23 La demande d'entraide judiciaire  
 24 presentee par la Canada a ete jugee  
 25 recevable, a precise le porte-parole

1 A- You should be.  
 2 Q- Believe me.  
 3 Me GERALD TREMBLAY:  
 4 It's... it's the...  
 5 Me YVAN BOLDUC:  
 6 Q- In any event...  
 7 Me GERALD TREMBLAY:  
 8 ... it's the company of former prime ministers!  
 9 Me YVAN BOLDUC:  
 10 I wasn't necessarily...  
 11 A- He... he would tell you you can't reconcile those  
 12 two (2).  
 13 Q- Oh, I...  
 14 A- You should talk... talk to your partner.  
 15 Q- ... I would not... I would not presume anything like  
 16 that, Mr. Mulroney.  
 17 A- Talk to your partner. Oh, no, I sat across the  
 18 floor of the House of Commons from him, I know that  
 19 he would tell... get you aside and tell you you  
 20 can't reconcile those two (2).  
 21 Q- Should we get back to business?  
 22 A- They're irreconcilable.  
 23 Q- Should we get back to business?  
 24 A- Allez-y  
 25 Q- Especially if we wish to finish...

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1 A- Absolutely.  
2 Q- ... before... it seems to be a beautiful day outside  
3 today. And these are few and far between, we agree  
4 on that, don't we?  
5 A- I'm with you.  
6 Q- Okay. Now, I'll just take you to P-8. And P-8  
7 seems to be a letter prepared by your advisor to Mr.  
8 Fiegenwald, which, in part suggests a text... a text  
9 of a letter that should be... the wording of a text  
10 that could be sent... or be put in a letter to the  
11 Swiss authorities.  
12 Me GERALD TREMBLAY:  
13 I'm sorry, I'd like to look at...  
14 Me JACQUES JEANSONNE:  
15 P-8.  
16 Me YVAN BOLDUC:  
17 P-8.  
18 Q- You have that in front of you, Sir?  
19 A- Yeah.  
20 Q- And my... my simple question, and I won't bother  
21 reading it, because it's part of your exhibit - and  
22 I'm sure everybody read them already, Maitre  
23 Tremblay - have you participated, Sir, in the...  
24 in... in these... this wording... the preparation of  
25 this wording that is suggested by Maitre Tasse?

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1 "Quant aux defendeurs Murray et  
2 Prost, c'est sous leur autorite et  
3 avec leur autorisation que la de-  
4 mande d'aide fut emise et transmise  
5 au gouvernement suisse pour ensuite  
6 etre transmise a l'industrie ban-  
7 caire suisse debutant un processus  
8 de publication qui aggravait l'at-  
9 teinte originale a la reputation du  
10 demandeur."  
11 C'est ca, la.  
12 Q- Je comprends l'allegation...  
13 A- Oui.  
14 Q- ... que c'est sous leur autorite...  
15 A- Oui.  
16 Q- ... monsieur...  
17 A- Oui.  
18 Q- ... monsieur, sous leur autorite dans le sens qu'il  
19 etait commissaire a l'epoque. Ce que je comprends  
20 moins, ce que j'essaie de comprendre, c'est... quels  
21 sont les faits qui sont a votre connaissance et qui  
22 peuvent permettre de dire que c'etait aussi... et  
23 la, je parle de monsieur Murray, que c'etait avec  
24 son autorisation...  
25 Je ne m'exprime peut-etre pas tres bien, mais

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1 A- No, I don't believe I did.  
2 Q- No, you don't?  
3 A- No.  
4 Q- That would be back, probably, November sixteen (16),  
5 fifteen (15)...  
6 A- When... whenever, yeah.  
7 Q- ... thereabouts.  
8 A- Whenever, yeah.  
9 Q- It was... okay. That's...  
10 A- Tout ce que je sais, c'est ceci. Somebody from the  
11 R.C.M.P. went to see Miss Kimberly Prost and gave  
12 her a document such as this. Miss Prost prepared  
13 the document on behalf of the Department of Justice,  
14 and when she was asked whether she reviewed it  
15 because of the very serious legal difficulties in  
16 it, she said, no, I considered myself as a mailbox.  
17 A senior lawyer of the Department of Justice  
18 considered herself as a mailbox. So she received  
19 the document from the R.C.M.P. This was not some  
20 guy that walked in off the street and said, Miss  
21 Prost, would you send this to Switzerland.  
22 This was an agent of the R.C.M.P. authorized by  
23 the Commissioner of the R.C.M.P. to conduct the  
24 affairs of the R.C.M.P. in Canada. And as we allege  
25 very clearly in that...

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1 vous conviendrez avec moi qu'il y a une difference  
2 entre faire quelque chose... que quelque chose soit  
3 fait sous son autorite et quelque chose qui est fait  
4 avec son autorisation...  
5 A- Alors...  
6 Q- ... ce qui implique une connaissance prealable -  
7 n'est-ce pas? - et une participation. Alors pouvez-  
8 vous repondre a ma question?  
9 A- Oui.  
10 Q- Qu'avez-vous comme element de preuve pour pretendre  
11 que c'etait avec l'autorisation de monsieur Murray?  
12 A- Evidemment, tout ce que je peux vous donner, en at-  
13 tendant que monsieur Murray temoigne... donc, tout  
14 ce que je peux vous donner, cher confrere, c'est  
15 ceci. Ca, c'est le document prepare par... par la  
16 GRC. Je vous demande la question suivante. This  
17 says, "As Prime Minister, Mr. Mulroney committed a  
18 crime."  
19 Q- Vous vous referez a P-2, la?  
20 A- A ce... le document.  
21 Q- Oui.  
22 A- Let us say... let us say that... take the word Mr.  
23 Mulroney out of here. Let's say the document said,  
24 "The Prime Minister, the present Prime Minister of  
25 Canada has committed a crime." Do you think that

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1 Mr. Murray would have been involved, would have been  
 2 told by the Commissioner... as Commissioner of the  
 3 RCMP that somebody was accusing Mr. Chretien of a  
 4 crime?  
 5 Or do you think that Mr. Fiegenwald and Miss  
 6 Prost would have just merrily sent this on its way,  
 7 accusing... you have to be reasonable. Obviously,  
 8 Mr. Murray was fully aware of what was going on. It  
 9 says here...  
 10 Q- C'est dans le document...  
 11 A- Well, it's the document I was quoting from.  
 12 Q- Yes.  
 13 A- It says here.  
 14 Me GERALD TREMBLAY:  
 15 Is that a secret document?  
 16 Me YVAN BOLDUC:  
 17 No. No. No. I don't know. When you show  
 18 documents to your client to answer, I don't know,  
 19 Maître Tremblay, what you're showing.  
 20 Me GERALD TREMBLAY:  
 21 It's the letter of request that...  
 22 A- ... it's been sent.  
 23 Me YVAN BOLDUC:  
 24 Now, I know.  
 25

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1 document like that was written by somebody down  
 2 below in the R.C.M.P., was not submitted to the  
 3 Commissioner of the R.C.M.P. and went to the Justice  
 4 Department and nobody looked at it and sent it over?  
 5 And if you believe that, would you... this is about  
 6 a former Prime Minister, what do you think would be  
 7 said if an equally false document said Mr. Chretien?  
 8 Do you think that somebody... un fonctionnaire a  
 9 Ottawa... would look at a document that says, the  
 10 present Prime Minister... well, I think I'll send  
 11 this on to Switzerland and I'm not going to talk to  
 12 my deputy or I'm not going to talk to the  
 13 Commissioner?  
 14 Q- Sir...  
 15 A- You've got to be out of your mind to think that.  
 16 Q- ... you're... you're superb at argument.  
 17 A- Thank you very much.  
 18 Q- I'm looking for facts. I'm looking for facts.  
 19 A- I'm arguing... I'm only arguing facts.  
 20 Q- From the witness, I want facts.  
 21 A- Well, that's... those are facts.  
 22 Q- All right. Well, we'll go on to something else a  
 23 bit more...  
 24 A- Is it... is it abusive of my presence here to ask  
 25 you, and can I ask you... can I ask, do you think

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1 Me GERALD TREMBLAY:  
 2 Now, you know.  
 3 A- Yes. It says, it says here, in the document...  
 4 "The Minister of Justice and the  
 5 Attorney General of Canada respect-  
 6 fully request the competent legal  
 7 authority to assist the Government  
 8 of Canada in a matter concerning the  
 9 investigations of violations of  
 10 Canadian laws."  
 11 This is not... then it says...  
 12 "The Royal Canadian Mounted Police  
 13 is an investigative agency with  
 14 legislated responsibility under the  
 15 R.C.M.P. Act to conduct criminal  
 16 investigations. The R.C.M.P.'s  
 17 commercial crime section of Ottawa  
 18 is conducting a criminal  
 19 investigation of frauds on the  
 20 government under Section 121  
 21 hereinafter as in the code, and  
 22 charges in the above section will be  
 23 considered upon conclusion of such  
 24 and such."  
 25 Mr. Bolduc, do you think for a second that a

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1 that that's logical that somebody with Mr.  
 2 Chretien's name on here would... would... would  
 3 simply... wouldn't call up the Commissioner...  
 4 say, Commissioner, Commissioner, I think we have a  
 5 problem. And the R.C.M.P. is accusing our boss or  
 6 being a crime...  
 7 Q- Sir, you haven't said anything abusive to me.  
 8 A- I see. Okay.  
 9 Q- And I...  
 10 A- Would like to give me your opinion?  
 11 Q- Well, you... you have it, I think. You should read  
 12 from where I sit what my opinion is. In any event,  
 13 let's get to another subject.  
 14 A- You... in other...  
 15 Q- Dommages. Des dommages, Monsieur Mulroney...  
 16 A- You think that if a document... are you saying that  
 17 if a document like this carried Mr. Chretien's name  
 18 on it that Mr. Fiegenwald would have sent that  
 19 document?  
 20 Q- Well, I'm not going to play that game. On va parler  
 21 des dommages, maintenant, monsieur Mulroney.  
 22 A- Oui... ah ! non... on va... on va parler de bien  
 23 d'autres choses.  
 24 Q- Eventuellement.  
 25 A- Oui ! Oui.

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1 Q- Une chose a la fois... chaque jour sa peine, n'est-ce pas? Vous reclamez, d'apres ce que je comprends des precisions fournies qui amendent quelque peu la demande originale - n'est-ce pas? - parce que le demande originale concluait a vingt-cinq millions (25 000 000 \$) a titre de dommages reels et vingt-cinq millions (25 000 000 \$) a titre de dommages exemplaires, et...

2 Je comprends maintenant que vos dommages reels sont, pour l'instant, parce que vous reservez vos droits - n'est-ce pas? - a reclamer des dommages economiques, si on veut les appeler comme ca. Maintenant, j'en viens tout simplement a toute cette idee du cinquante millions (50 000 000 \$).

3 Me JACQUES JEANSONNE:  
Un instant, par exemple.

4 Me YVAN BOLDUC:  
Et... et ma question est la suivante.

5 Me JACQUES JEANSONNE:  
Vous venez d'affirmer... vous venez d'affirmer que la precision equivalait a un amendement.

6 Me YVAN BOLDUC:  
Non.

7 Me JACQUES JEANSONNE:  
Ca...

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1 allegue, il est en deux (2) parties, semble-t-il.

2 Il y a tout d'abord le dommage qui aurait pu vous etre cause par la simple transmission... par la simple transmission de la lettre aux autorites suisses, et ensuite...

3 Dans un deuxieme temps, n'est-ce pas... aggravation ou de nouveaux dommages qui ont pu vous etre causes par la publication de cette lettre at large. Maintenant, est-ce que vous avez pense allouer une partie des dommages reclames, soit au niveau des dommages moraux, ou au niveau des dommages exemplaires, a cette premiere partie soi-disant du libelle allegue, soit la transmission aux autorites suisses par opposition au dommages qui auraient pu vous etre causes, cette fois-ci, par la publication dans les journaux, ou est-ce que si cet exercice n'a pas ete fait?

4 Me GERALD TREMBLAY:  
Bien, mon client dit qu'il comprend pas la question.

5 Me YVAN BOLDUC:  
Non.

6 Me GERALD TREMBLAY:  
Alors...

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1 Me YVAN BOLDUC:  
Ca, c'est une tentative d'amendement qu'on fait.

2 Me JACQUES JEANSONNE:  
Donc...

3 Me YVAN BOLDUC:  
Oui. Tentative. Oui.

4 Me JACQUES JEANSONNE:  
C'est votre position... la precision est une precision telle que demandee. Elle a pas ete contestee d'aucune facon.

5 Me YVAN BOLDUC:  
Maitre Jeansonne, on n'est pas ici pour discuter de...

6 Me GERALD TREMBLAY:  
Alors, mettez pas de coloration dans vos questions, puis ca va bien aller.

7 Me YVAN BOLDUC:  
De la coloration a mes questions? Excusez-moi.

8 Q- Monsieur Mulroney, je comprends que... lorsqu'on parle de dommages exemplaires, de dommages moraux, il y a un grand degre de... de subjectivite, mais... et c'etait la theorie de vos procureurs, a un moment donne, devant les tribunaux, dans cette affaire-ci, le libelle, s'il y a libelle ici, la, libelle

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1 Me YVAN BOLDUC:  
Vous reclamez cinquante millions (50 000 000), monsieur Mulroney.

2 Me GERALD TREMBLAY:  
Non, mais maitre... maitre Bolduc..

3 Me YVAN BOLDUC:  
Oui.

4 Me GERALD TREMBLAY:  
... il faut pas fendre les cheveux en quatre (4), la. Monsieur Mulroney, il y a un document qui a coule. C'est un continuum. Il y a des allegations dedans qui sont epouvantables en ce qui le concerne, et il reclame des dommages.

5 On n'est pas pour dire: "Il y a un dommages le deux (2), puis le dommage, le trois (3), a ete augmente de cent cinquante mille piastres (150 000 \$), puis le quatre (4), c'est cent soixante mille et trente-deux (160 032 \$), puis le cinq (5)..." C'est pas comme ca que ca fonctionne.

6 Aujourd'hui, les dommages sont considerables, et monsieur Mulroney reclame de la cour les deux (2) chiffres que vous venez de mentionner, un pour des dommages a sa reputation, l'autre, des dommages punitifs exemplaires, et...

7 Vous avez... et vous avez recu les details que

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1 vous avez qui sont la, la; alors, on se mettra pas  
 2 a subdiviser encore puis demander au temoin: "Ou  
 3 est-ce que vous en etiez, le douze (12), dans votre  
 4 comptabilite, puis ou est-ce que vous en etes le  
 5 quatorze (14)."  
 6 Me YVAN BOLDUC:  
 7 Q- Monsieur Mulroney, peut-etre je peux en venir a une  
 8 question plus simple.  
 9 A- S'il vous plait.  
 10 Q- Parce que je comprends que maitre Tremblay temoigne  
 11 egalement tres bien.  
 12 Me CLAUDE-ARMAND SHEPPARD:  
 13 Je trouve pas, moi.  
 14 Me YVAN BOLDUC:  
 15 Non? Bien, je sais pas. Peut-etre qu'on n'a  
 16 pas la meme perception.  
 17 Me GERALD TREMBLAY:  
 18 Bien, s'il vous plait, la, messieurs !  
 19 Me YVAN BOLDUC:  
 20 Q- A tout evenement, est-ce qu'a votre connaissance  
 21 personnelle, aucune des personnes qui sont... je  
 22 crois qui sont enumerees dans la declaration... pre-  
 23 cisees, les vingt-quatre quelques personnes, la, ou  
 24 officielles, la plupart, et caetera, je vais vous...  
 25 vous... et...

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1 Canada, suite a... suite a la transmission de cette  
 2 demande, les autorites suisses ont envoye, ont  
 3 adresse aux vingt-quatre (24) ou trente (30) membres  
 4 de la... du conseil d'administration de la banque  
 5 une copie du document.  
 6 C'est marque: "For transmission to members of  
 7 the Board of Directors of the Swiss Bank."  
 8 Me YVAN BOLDUC:  
 9 Q- Ah ! O.K.  
 10 A- Now, I can't tell you whether it was received or how  
 11 it works over there. But the reality of it is this.  
 12 And... is this. This is all word of mouth. If, for  
 13 example, you were involved in something like this,  
 14 nobody would say anything to you.  
 15 But they would say, "Bolduc, he's a good guy,  
 16 we were going to... we were considering him for the  
 17 appointment to the board of General Motors, he's a  
 18 wonderful guy, he's got a great reputation. But you  
 19 know, there's a lawsuit against him in Canada.  
 20 Somebody's alleging that he's a thief. He's a  
 21 wonderful guy. Why don't we hold off for a couple  
 22 of years? Let's just put that one in the deep  
 23 freezer". What has happened is the most sinister  
 24 thing of all.  
 25 You don't even know the extent of the damage

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1 Je veux pas revenir la-dessus, vous etes trop  
 2 profondement... je pense qu'hier, vous avez temoi-  
 3 gne... on est au paragraph 11.1.5, je crois, et on  
 4 parle de tous les membres du conseil d'administra-  
 5 tion de la societe de banque suisse... de banque  
 6 suisse et d'autres fonctionnaires, est-ce qu'a votre  
 7 connaissance personnelle, l'un ou l'autre aurait  
 8 recu copie de la demande d'aide ou si ce n'est,  
 9 encore une fois, qu'une presumption de votre part?  
 10 Me JACQUES JEANSONNE:  
 11 Cette question a ete posee hier.  
 12 Me YVAN BOLDUC:  
 13 Qui peut etre bien ou mal fondee.  
 14 Me GERALD TREMBLAY:  
 15 La reponse a ete... la question...  
 16 Me YVAN BOLDUC:  
 17 Oui. Oui, mais je la repose, la, moi, je re-  
 18 presente deux (2) autres defendeurs... et je poserai  
 19 peut-etre des questions additionnelles qui ont pas  
 20 ete posees, mais ce sera pas long, la. Je pense  
 21 que...  
 22 A- Je peux vous donner la reponse dans un document qui  
 23 a ete depose ici.  
 24 Q- Oui.  
 25 A- Produit par votre client, par le gouvernement du

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1 that's being inflicted on you. Because it is all as  
 2 some... as Mr. Sheppard knows because of his in-  
 3 ternational experience, it's all word of mouth.  
 4 It's things that never... it's good appointments  
 5 that never come to you. It's honours that are not  
 6 conferred. It is hesitations about your integrity  
 7 that are often times un conveyed publicly, but that  
 8 are transmitted privately.  
 9 Expressions of regret at... at dinners that...  
 10 isn't it too bad, God, isn't it awful what happened  
 11 to Brian. But Jesus, is that thing still there?  
 12 It's... let's wait a little bit. It's... it is...  
 13 that is the reality of international politics.  
 14 That is the reality of international business.  
 15 And once you put out something as lethal as the  
 16 document that your client put out, then the damage,  
 17 it happened to be to me, it could be to you, and I  
 18 can you I hope for you and your family that you  
 19 never, ever go through this, because you don't know  
 20 where the next hit is coming from.  
 21 You don't know why you weren't appointed judge.  
 22 You don't know why you didn't get made partner in  
 23 your law firm. You don't know why... why you  
 24 haven't received invitations to sit on the boards of  
 25 these companies.

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1 But you can bloody well start to figure it out.  
 2 And that is the most sinister part of all. It is  
 3 the poison that is set, that is unleashed by false  
 4 statements...  
 5 Q- My...  
 6 A- ... that you... that you can't defend against, nor  
 7 can I.  
 8 Q- My question to you, Sir, is simply this: Did any...  
 9 let's say, of the twenty-four (24) members of the  
 10 Board of the Swiss Bank tell you... did any of them  
 11 tell you or do have other information that would  
 12 lead you to believe that they actually received a  
 13 copy of this letter?  
 14 A- I do not know that they actually received a copy of  
 15 the letter.  
 16 Q- Now, concerning the... once P-2 came out, you've  
 17 got it, I believe, you've got a translation of part  
 18 of it, at least, November four (4), can you tell us  
 19 whether you or your advisors took any precautions,  
 20 if you wish, or measures of protection to ensure  
 21 that the document would remain confidential?  
 22 A- Absolutely.  
 23 Q- Can you tell me what you did or what they did?  
 24 A- P-2 is the document that we received... the  
 25 document received from Switzerland? The last thing

1 A- Look, Mr. Bolduc, I say this without...  
 2 Me GERALD TREMBLAY:  
 3 We're not the R.C.M.P.  
 4 A- ... look. I was... I was going through...  
 5 Me YVAN BOLDUC:  
 6 It might have helped.  
 7 A- Well, maybe it would have. Although... although I  
 8 have to tell you that based on what the R.C.M.P.  
 9 did, I'm not so sure. But they... I was going  
 10 through the worst period of my life. Only if you've  
 11 been through this can you understand what was  
 12 happening to my wife and my children and myself.  
 13 And I want to tell you the last thing you think of  
 14 is keeping logs.  
 15 Q- I don't blame you, Sir.  
 16 A- What I was desperately trying to do was to make  
 17 certain that this thing did not see the light of day  
 18 because... not because they didn't have the right  
 19 to investigate me. Absolutely, they have the right.  
 20 But because it was false and it could damage my  
 21 children and my grandchildren forever.  
 22 Me JACQUES JEANSONNE:  
 23 But if you had to imply that a member of...  
 24 Me YVAN BOLDUC:  
 25 Oh, I don't to imply anything.

1 in the world that I wanted was that document to ever  
 2 see the light of day. I conveyed it only to my...  
 3 to... to... Mr... my most senior lawyers. It was  
 4 not given to anybody else. Even Mr. Luc Lavoie, who  
 5 as working with us, was not shown it, was not given  
 6 a copy of it. It was kept under the most secure  
 7 conditions by my attorney. We... I was mortified  
 8 by this.  
 9 Q- I understand.  
 10 A- And I wanted... I tried desperately that it not be  
 11 made public. But it was. We we went to every  
 12 conceivable length to keep it secure.  
 13 Q- But these are... this is what I want to know.  
 14 These lengths... did you keep a log of the number  
 15 of copies made or did the people that received a  
 16 copy from you keep a log of the number of copies  
 17 they made and the people to whom they might have...  
 18 is there something like that that you can inform me  
 19 about today or...  
 20 A- Look... look... look...  
 21 Q- ... would it be for somebody else?  
 22 Me GERALD TREMBLAY:  
 23 Mr. Bolduc, we are two (2) or three (3)  
 24 lawyers. Just put a copy here and keep it to  
 25 ourselves. I mean, it's... I'm not going...

1 Me JACQUES JEANSONNE:  
 2 ... Mr. Mulroney's team is at the source of  
 3 any media communication, why don't do that clearly  
 4 in your plea?  
 5 Me YVAN BOLDUC:  
 6 I'm asking if you...  
 7 Me JACQUES JEANSONNE:  
 8 And advise your insurers.  
 9 Me YVAN BOLDUC:  
 10 ... you say that you went to great lengths to  
 11 protect the confidentiality. I want to know what it  
 12 is. If Mr. Mulroney is not the proper witness,  
 13 because he's not the one that went to these lengths,  
 14 fine, just tell me. But don't start being too  
 15 defensive here.  
 16 Me GERALD TREMBLAY:  
 17 Mr. Bolduc...  
 18 Me YVAN BOLDUC:  
 19 I want to know.  
 20 Me GERALD TREMBLAY:  
 21 ... the document was given to legal counsel,  
 22 and as you know, it was referred to publicly for the  
 23 first time by our side when it became clear that it  
 24 would be public the same day.  
 25

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1 Me GERALD TREMBLAY:  
 2 It's not... it's not... it's not us... it's  
 3 not us who conveyed the information to Madame Stevie  
 4 Cameron that Roger Tasse was speaking to the  
 5 R.C.M.P.  
 6 Me YVAN BOLDOC:  
 7 I... I... listen. When you are ready to  
 8 testify, let me know, Mr. Tremblay, and I'll be  
 9 happy...  
 10 A- No. No. You have it wrong. When she is ready to  
 11 testify, we're going to find out.  
 12 Me YVAN BOLDOC:  
 13 Now when you talked to Mr. Schreiber...  
 14 A- Yes.  
 15 Q- ... on that terrible night of November fourth  
 16 (4th), I believe...  
 17 A- November second (2nd).  
 18 Q- ... the second (2nd), was it?  
 19 A- Yes.  
 20 Q- And you spoke about getting a translation...  
 21 A- Yes.  
 22 Q- ... of that partial document, and I think I heard  
 23 you say that he was... you heard... you reported  
 24 Wednesday that he told you that he would have an  
 25 English translation made for his advisors all around

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1 have tremendous confidence, and for whose talent I  
 2 have enormous respect, I didn't give it to him. I  
 3 didn't want him to have it. Nobody had it except my  
 4 lead counsel, because they quite properly pointed  
 5 out to me what I already knew, that it was a serious  
 6 document, that... and... and, to add to it, I... I'm  
 7 repeating myself, I suppose, but... if I... if I  
 8 could have had one (1) wish in the world that day,  
 9 it was that this document never appear anywhere.  
 10 I wan... I didn't want the document out, I  
 11 didn't want the document leaked, I wanted it not to  
 12 ever come out.  
 13 Q- Am I to understand, Mr. Mulroney, that you did not  
 14 discuss with Mr. Schreiber on November second (2nd),  
 15 or at any time afterwards, security measures, if you  
 16 wish, that would ensure the confidentiality of that  
 17 document?  
 18 A- Oh, look, I had... I told you that Mr. Schreiber  
 19 told me that he was having a document prepared for  
 20 his legal and financial advisors, and when that was  
 21 done he would send me a copy of the document. How  
 22 many lawyers he has, and where, I do not know. Did  
 23 he send copies of this to... to Mr. Frank Moores,  
 24 and others who were also named in it? I have no  
 25 idea. How many... all I know is that I received one

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1 the world and his lawyers. Did at that time... I  
 2 realize, as you say, that you had other emotions,  
 3 perhaps, or concerns, but at that time or at any  
 4 time afterwards, did you discuss with Mr. Schreiber  
 5 the necessity to protect the confidentiality of the  
 6 document? ... and what measures he might have taken  
 7 in order to... to protect it?  
 8 A- I got a copy of the document.  
 9 Q- M'hm.  
 10 A- Thank God, because I would never have known what the  
 11 hell was being said by the Canadian Government about  
 12 me, and I would not have... I would not have been  
 13 able to fight back in any way when this document  
 14 began to leak a few days later. When I got the  
 15 document I treated it with the utmost of  
 16 confidentiality. We analyzed it, I got... I hired  
 17 competent lawyers, I... we analyzed it, and I should  
 18 tell you that my lawyers were unanimous in... in...  
 19 in telling me something that they didn't have to  
 20 tell me, but they did, in saying, "This document,  
 21 even though it's only a translation, must be treated  
 22 with the highest confidence, it must not go anywhere  
 23 beyond our possession".  
 24 And, so, for that reason, it wasn't shared with  
 25 anybody. For example, Mr. Luc Lavoie, in whom I

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1 (1) copy, and... and it was kept by Mr. Tremblay.  
 2 Q- And it didn't... to your knowledge, it didn't occur  
 3 to anyone to ask Mr. Schreiber to be especially  
 4 careful, in case he did not make the...  
 5 A- No, I... I don't think the... the... you see, you  
 6 have to remember, this leak... you know, the doc...  
 7 this started in German. The document that was sent  
 8 by your client to Switzerland was in German. The  
 9 leak began in German. In German. The leak began  
 10 to... to... to get out... I had no idea what the  
 11 hell this thing was about. It's a language I don't  
 12 understand, I didn't know what was going on.  
 13 And... and... and... and so when Mr. Schreiber  
 14 had a translation made for me on the... on the third  
 15 (3rd) of November, this was the first indication  
 16 that I had what... what was even involved. And so  
 17 I... I protected it with my life. My hope was...  
 18 quite frankly, my hope was that Mr... that... that  
 19 Roger would come...  
 20 Me GERALD TREMBLAY:  
 21 Q- Tasse.  
 22 A- ... would come back from Ottawa and say, "I've got  
 23 you a meeting, go up and explain your case, I think  
 24 we're going to be able to resolve it, and the parts  
 25 of the document as they affect you will be stricken.

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Pierre Vilaine & Associés Limitée  
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1 And if... if it gets out, there'll be an apology to  
 2 you and your family, there's been a mistake here.  
 3 Mr. Fiegenwald has been misled by sources and...  
 4 and..."

5 Look it, I wasn't after a pound of flesh, I  
 6 didn't want anything. I just wanted my name not to  
 7 be smeared, that's all I wanted.

8 Q- Okay, I understand that you had several  
 9 conversations...

10 A- Yes, I did.

11 Q- ... telephone conversations with Mr. Schreiber after  
 12 November second (2nd)?

13 A- Yes, I did.

14 Q- And would you... would you... how... can you give us  
 15 a rough number?

16 A- Oh, look, I had... I... I had quite a few  
 17 conversations.

18 Q- Would you... would you mind giving us the log, or  
 19 the telephone log, or whatever record you might have  
 20 of the time and place of these calls? Would you  
 21 mind that?

22 A- I don't have a telephone...

23 Q- Since November, nineteen ninety-five (1995)?

24 A- But I'll... I'll tell you this... I'll discuss this  
 25 with my lawyers, but I'll tell you this, I spoke to

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1 Me JACQUES JEANSONNE:  
 2 For the purpose of the record, could you also  
 3 indicate in relation to what allegation you... this  
 4 request is being made?

5 Me YVAN BOLDUC:  
 6 I... I...

7 Me JACQUES JEANSONNE:  
 8 Or are you unable to do it?

9 Me YVAN BOLDUC:  
 10 Mr. Mulroney says that he talked several  
 11 times...

12 Me JACQUES JEANSONNE:  
 13 No...

14 Me YVAN BOLDUC:  
 15 ... and I... this is the best evidence, it's  
 16 simply...

17 Me JACQUES JEANSONNE:  
 18 But it is not...

19 Me YVAN BOLDUC:  
 20 ... une suite logique de la reponse donnee...

21 Me JACQUES JEANSONNE:  
 22 Are you telling me that you cannot relate this  
 23 demand to any allegation?

24 Me YVAN BOLDUC:  
 25 I'm not going to tell you anything. No, no,

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1 him quite often. I was almost alone in the world in  
 2 this. I didn't have anybody. And I... I had nobody  
 3 to talk to, nobody would... would tell me anything  
 4 in Ottawa, nobody knew anything about it except that  
 5 the leak was... was deepening every day. And so  
 6 obviously I communicated with him, to try and find  
 7 out what he knew, is there any information he could  
 8 give me that could help me. Was there an  
 9 explanation he could provide me with, how this thing  
 10 came about.

11 Q- Okay.

12 A- And... and so I had conversations... private  
 13 conversations with him, and that's all.

14 Q- (Addressing Me Tremblay)  
 15 Could we treat that, Mr. Tremblay, as an  
 16 undertaking, objected to?

17 Me GERALD TREMBLAY:  
 18 Yes, it is... it is objected to.

19 Me YVAN BOLDUC:  
 20 Okay. So perhaps we can... we can put a number  
 21 on it, it's RM... MM-7. Which would be the phone  
 22 records establishing phone calls by Mr. Mulroney to  
 23 Mr. Schreiber from November second (2nd), nineteen  
 24 ninety-five (1995) until today.  
 25

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1 no. Bon... excusez-moi, maitre Jeansonne, mais  
 2 je... on veut avancer, puis j'espere de terminer...

3 Me JACQUES JEANSONNE:  
 4 I wanted the record to be clear.

5 Me YVAN BOLDUC:  
 6 ... la...

7 A- I have no hesitation in telling you, as I already  
 8 have, I spoke to him quite often.

9 Q- Fifty... fifty (50) times?

10 A- Oh, no, not that...

11 Q- A hundred (100) times?

12 A- ... not that often, but I spoke to him quite  
 13 often...

14 Q- Yeah.

15 Me GERALD TREMBLAY:  
 16 Why not a thousand (1,000), Mr. Bolduc?

17 A- And... I spoke to him.

18 Me GERALD TREMBLAY:  
 19 Why not a thousand (1,000), Mr. Bolduc?

20 Me YVAN BOLDUC:  
 21 Well...

22 Me CLAUDE-ARMAND SHEPPARD:  
 23 We're not talking about your fees.

24 A- I spoke to him quite often.  
 25

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1 Me YVAN BOLDUC:  
 2 C'est un engagement qui est sous objection. Et  
 3 qui sera decide eventuellement. A moins qu'on  
 4 puisse s'entendre entre nous sur une facon de...  
 5 Q- Maintenant, est-ce que vous avez recu copie  
 6 integrale de P-2? C'est-a-dire la copie complete de  
 7 la demande d'aide, vous avez temoigne que vous  
 8 l'avez recue le vingt (20) mars.  
 9 A- P-2, c'est...  
 10 Q- Des avocats albertains, je crois, ou par l'entremise  
 11 de vos avocats qui se sont adresses aux avocats  
 12 albertains qui agissaient pour monsieur Schreiber a  
 13 Edmonton et qui, suite a cette procedure en  
 14 injonction, prise par monsieur Schreiber, qui vise,  
 15 n'est-ce-pas... qui vise, n'est-ce pas, a arreter  
 16 l'enqueter de la gendarmerie.  
 17 Dans l'affidavit, je ne sais pas si vous avez  
 18 ce document devant vous, vous verrez dans  
 19 l'affidavit de monsieur Schreiber - ca va - vous  
 20 avez l'affidavit de monsieur Schreiber, je crois que  
 21 c'est le paragraphe 2...  
 22 Me JACQUES JEANSONNE :  
 23 On n'a pas l'affidavit de monsieur Schreiber  
 24 devant nous.  
 25

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1 Q- Si je vous suggererais, monsieur Milrone, que  
 2 monsieur Schreiber a recu la copie integrale de la  
 3 demande d'aide, le ou vers le... le vingt-huit (28)  
 4 fevrier... fevrier, et... et je vous demanderais de  
 5 m'expliquer... voici, j'ai l'affidavit, ici, de  
 6 monsieur Schreiber dans l'affaire de Schreiber c.  
 7 The Attorney General of Canada...  
 8 Me GERALD TREMBLAY:  
 9 Ah ! bien, la, je m'objecta. Ecoutez,  
 10 monsieur... monsieur...  
 11 Me YVAN BOLDUC:  
 12 Q- ... et... et ici, monsieur Schreiber...  
 13 Me GERALD TREMBLAY:  
 14 Non, mais, maitre Bolduc, j'etais...  
 15 Me YVAN BOLDUC:  
 16 Laissez-moi poser ma question, maitre Tremblay.  
 17 Me GERALD TREMBLAY:  
 18 ... mais j'etais en train de m'objecter, la,  
 19 pour... alors, mon objection est la suivante...  
 20 Me YVAN BOLDUC:  
 21 Bien, vous pouvez pas vous objecter avant que  
 22 ma question soit complete.  
 23 Me GERALD TREMBLAY:  
 24 Maitre Schreiber... oui, mais la, on sait...  
 25

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1 Me GERALD TREMBLAY:  
 2 Tout ce qu'on a... honnetement, tout ce qu'on  
 3 a, c'est l'affidavit de monsieur Bruin.  
 4 Me YVAN BOLDUC:  
 5 Bruin, oui.  
 6 Me GERALD TREMBLAY:  
 7 On n'a pas celui de monsieur Schreiber.  
 8 Me YVAN BOLDUC:  
 9 Ah, bon. On va... on a la procedure quelque  
 10 part.  
 11 Me YVAN BOLDUC:  
 12 Est-ce que... c'est que t'as un affidavit.  
 13 Me GERALD TREMBLAY:  
 14 Je l'ai pas.  
 15 Me CLAUDE-ARMAND SHEPPARD:  
 16 Moi, j'ai... j'ai une copie. Je sais pas si  
 17 vous l'avez, la.  
 18 Me YVAN BOLDUC:  
 19 Non. J'ai pense, hier, de la sortir.  
 20  
 21 (DISCUSSION HORS DOSSIER)  
 22  
 23 Me YVAN BOLDUC:  
 24 Parce qu'on veut... on veut essayer de finir.  
 25

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1 Me YVAN BOLDUC:  
 2 Non seulement...  
 3 Me GERALD TREMBLAY:  
 4 Un instant. Vous etes en train de parler -  
 5 c'est tellement evident - vous etes en train de par-  
 6 ler d'un affidavit depose en Alberta, qui a ete de-  
 7 pose au mois de mars, et c'est donc tres evident que  
 8 ca peut pas faire partie de nos allegations du mois  
 9 de novembre.  
 10 Me YVAN BOLDUC:  
 11 Non, non.  
 12 Me GERALD TREMBLAY:  
 13 Comment pouvez-vous confronter le temoin avec  
 14 un affidavit produit au mois de mars, en Alberta?  
 15 Me YVAN BOLDUC:  
 16 Monsieur... monsieur Tremblay, je...  
 17 Me GERALD TREMBLAY:  
 18 Si vous voulez me l'envoyer par la malle, je  
 19 vais le lire avec attention...  
 20 Me YVAN BOLDUC:  
 21 ... je...  
 22 Me GERALD TREMBLAY:  
 23 ... votre affidavit, mais ca peut pas faire  
 24 partie du present interrogatoire.  
 25

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1 Me YVAN BOLDUC:  
 2 Bien, je crois que vos avocats... ou vos con-  
 3 tacts, en Alberta, qui vous ont remis la requete  
 4 comme telle vont... peuvent vous remettre les  
 5 affidavits y attaches.  
 6 Me GERALD TREMBLAY:  
 7 Bien oui, mais c'est...  
 8 Me YVAN BOLDUC:  
 9 A tout evenement, la question est que...  
 10 Me GERALD TREMBLAY:  
 11 Oui, mais la question de fait, maintenant...  
 12 Me YVAN BOLDUC:  
 13 ... monsieur Mulroney me dit qu'il a reçu ce  
 14 document a travers ses avocats, n'est-ce pas, le  
 15 vingt (20) mars?  
 16 Me GERALD TREMBLAY:  
 17 C'est ca.  
 18 Me YVAN BOLDUC:  
 19 Moi, je vous suggere - et... et, ca, ce sera  
 20 sujet a verification, mais je prends... j'ai l'affi-  
 21 davit, ici, de monsieur Schreiber - c'est ce que je  
 22 vous dis qu'il l'a reçu le vingt (20) fevrier.  
 23 Me GERALD TREMBLAY:  
 24 Bien oui, mais...  
 25

1 Me JACQUES JEANSONNE:  
 2 Il oublie qu'il... qu'il est dans le cadre  
 3 d'une... d'un interrogatoire avant defense et pas en  
 4 Cour federale, en Cour superieure du Quebec.  
 5 Me YVAN BOLDUC:  
 6 Est-ce que c'est une objection, ca, maitre?  
 7 Q- Alors, je comprends que il y a pas d'explication  
 8 pour ca?  
 9 Me GERALD TREMBLAY:  
 10 Bien, ecoutez ! C'est quoi cette implication  
 11 que monsieur...  
 12 Me YVAN BOLDUC:  
 13 C'est pas...  
 14 Me GERALD TREMBLAY:  
 15 ... Mulroney devrait savoir ce qui se passe  
 16 dans la...  
 17 Me YVAN BOLDUC:  
 18 ... c'est pas une...  
 19 Me GERALD TREMBLAY:  
 20 ... tete...  
 21 Me YVAN BOLDUC:  
 22 ... implication.  
 23 Me GERALD TREMBLAY:  
 24 ... de Schreiber?  
 25

1 Me YVAN BOLDUC:  
 2 Q- Est-ce que vous avez parle a monsieur Schreiber, du  
 3 vingt (20) fevrier au vingt (20) mars, monsieur  
 4 Mulroney?  
 5 A- J'en ai aucune idee.  
 6 Q- C'est ca, ma question.  
 7 A- Bien, j'en ai aucune idee.  
 8 Me GERALD TREMBLAY:  
 9 Q- La, il demande si tu lui as parle physiquement,  
 10 entre le vingt (20) fevrier puis le vingt (20) mars.  
 11 A- Je le sais pas.  
 12 Q- Bon.  
 13 Me YVAN BOLDUC:  
 14 Q- Bon, alors... mais comment... avez-vous une  
 15 explication pour le fait qu'il aurait garde ce docu-  
 16 ment, sachant quel etait votre interet, que...  
 17 Me GERALD TREMBLAY:  
 18 Objection !  
 19 Me YVAN BOLDUC:  
 20 Q- ... qu'il... qu'il aurait garde ce document, sans  
 21 vous en parler, pendant trente (30) jours?  
 22 Me JACQUES JEANSONNE:  
 23 My confrere is completely off the record.  
 24 Me YVAN BOLDUC:  
 25 I'm not off the record.

1 Me YVAN BOLDUC:  
 2 Je dis tout simplement...  
 3 Me GERALD TREMBLAY:  
 4 C'est quoi cette histoire-la?  
 5 Me YVAN BOLDUC:  
 6 ... je dis tout... je demande tout simplement  
 7 de l'information, maitre Tremblay. Faut pas etre  
 8 trop sur la defensive.  
 9 Me GERALD TREMBLAY:  
 10 Comment se fait-il que vous ne savez pas que  
 11 moi, hier, j'ai reçu une lettre d'un autre de mes  
 12 clients?  
 13 Me YVAN BOLDUC:  
 14 Ah...  
 15 Me GERALD TREMBLAY:  
 16 Ah !  
 17 Me YVAN BOLDUC:  
 18 ... ca... ca, vous...  
 19 Me GERALD TREMBLAY:  
 20 Ah ! ca...  
 21 Me YVAN BOLDUC:  
 22 ... savez...  
 23 Me GERALD TREMBLAY:  
 24 ... oui.  
 25

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 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
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1 Me YVAN BOLDUC:  
2 A tout...  
3 Me GERALD TREMBLAY:  
4 C'est une question absolument ridicule.  
5 Me YVAN BOLDUC:  
6 Bien, c'est... si c'est comme ca que vous vou-  
7 lez... l'eviter, tant... tant mieux pour vous...  
8 Me GERALD TREMBLAY:  
9 On veut eviter.  
10 Me YVAN BOLDUC:  
11 ... ou...  
12 Me GERALD TREMBLAY:  
13 Encore de...  
14 Me YVAN BOLDUC:  
15 ... ou tant pis.  
16 Me GERALD TREMBLAY:  
17 ... l'implication.  
18 Me JACQUES JEANSONNE:  
19 Donc, on veut eviter? On veut eviter?  
20 Me YVAN BOLDUC:  
21 Bien, je pose la question, vous vous objectez.  
22 Alors...  
23 Me GERALD TREMBLAY:  
24 Maitre...  
25

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1 communication avec monsieur Schreiber pendant cette  
2 periode-la?", et sa reponse...  
3 Q- Je comprends, monsieur Milrone, c'est que "Je le  
4 sais pas... je m'en rappelle pas", c'est ca?  
5 A- J'ai... j'ai dit: "Je ne... je ne le sais...  
6 Q- Voila. O.K.  
7 A- ... je ne le sais pas".  
8 Q- Peut-etre que les records ou les dossiers, le log  
9 telephonique pourrait nous... c'est pas une question  
10 d'une importance primordiale, sauf que...  
11 Me GERALD TREMBLAY:  
12 Ca fait pareil, oui.  
13 Me YVAN BOLDUC:  
14 Q- ... elle est... elle est la, et voila.  
15 A- S'il avait appele ma femme, la, ca aurait ete diffe-  
16 rent, hein?  
17 Q- J'en doute pas. Maintenant, j'aimerais attirer...  
18 (S'adressant a Me Tremblay)  
19 C'est plutot pour vous, maitre Tremblay, peut-  
20 etre que... pour le temoin.  
21 Me GERALD TREMBLAY:  
22 Vous... vous voulez que je lui montre quelque  
23 chose?  
24 Me YVAN BOLDUC:  
25 Non, je... on parle... il y a... il y a le

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1 Me YVAN BOLDUC:  
2 A tout evenement...  
3 Me GERALD TREMBLAY:  
4 ... maitre Bolduc...  
5 Me YVAN BOLDUC:  
6 ... on va... voulez-vous qu'on continue, maitre  
7 Tremblay?  
8 Me GERALD TREMBLAY:  
9 Oui. Maitre Bolduc, votre question est:  
10 "Comment pouvez-vous expliquer que monsieur  
11 Schreiber a le document en fevrier puis qu'il vous  
12 en parle pas?" Comment voulez-vous que le temoin  
13 reponde a ce qu'il y a dans la tete de Schreiber, le  
14 vingt (20) fevrier?  
15 Me YVAN BOLDUC:  
16 Bien, je... je pense que ma question...  
17 Me GERALD TREMBLAY:  
18 Ils sont pas maries.  
19 Me YVAN BOLDUC:  
20 Soyons...  
21 Me GERALD TREMBLAY:  
22 C'est Mila Milrone, son epouse.  
23 Me YVAN BOLDUC:  
24 ... soyons... soyons plus exacts, monsieur  
25 Tremblay. Ma question, c'est: "Avez-vous eu une

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1 subpoena qu'il vous a... non, je veux... vous lui  
2 avez a peu pres montre tout ce que vous pouvez avoir  
3 devant vous depuis... depuis deux (2) jours.  
4 Me GERALD TREMBLAY:  
5 Au dossier. Tout au dossier, de P-1...  
6 Me YVAN BOLDUC:  
7 Bien, je...  
8 Me GERALD TREMBLAY:  
9 ... a P-8A.  
10 Me YVAN BOLDUC:  
11 ... sais pas ce que vous lui montrez, moi. A  
12 tout evenement...  
13 Me GERALD TREMBLAY:  
14 Je vais vous le montrer ce que je lui ai  
15 montre.  
16 Me YVAN BOLDUC:  
17 Le subpoena... j'aimerais vous referer au duces  
18 tecum, monsieur Tremblay, et je pense ca va nous  
19 permettre... maitre Tremblay, ca va nous permettre  
20 de terminer peut-etre l'interrogatoire.  
21 Me GERALD TREMBLAY:  
22 Oui. Est-ce que... est-ce que les deux (2)  
23 billets de metro sont... sont attaches apres,  
24 monsieur...?  
25

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Pierre Vilaire & Associés Limitée

480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA

Tél: (514) 282-8899 Fax: (514) 282-3926

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1 Me YVAN BOLDUC:  
 2 Quels billets de metro?  
 3 Me GERALD TREMBLAY:  
 4 Il y a deux (2) billets de metro qui ont ete  
 5 envoyes...  
 6 Me YVAN BOLDUC:  
 7 Ah ! ca se fait automatiquement, maitre  
 8 Tremblay...  
 9 Me GERALD TREMBLAY:  
 10 Oui, mais sauf... par exemple, je vais vous  
 11 dire une chose...  
 12 Me YVAN BOLDUC:  
 13 ... par le huissier.  
 14 Me GERALD TREMBLAY:  
 15 Oui, par huissier. Je trouve absolument - il  
 16 y avait une entente que c'etaient les avocats qui  
 17 s'ecrivaient et que le duces tecum serait par cor-  
 18 respondance et qu'on s'entendrait que ce serait...  
 19 et que d'envoyer au premier ministre du... l'ex-  
 20 premier ministre du Canada deux (2) billets de metro  
 21 comme si...  
 22 Me YVAN BOLDUC:  
 23 Monsieur...  
 24 Me GERALD TREMBLAY:  
 25 ... il ne se presenterait pas sans billets de

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1 letter...  
 2 Me YVAN BOLDUC:  
 3 Non, non, on vous a offert...  
 4 Me JACQUES JEANSONNE:  
 5 ... that would be considered...  
 6 Me GERALD TREMBLAY:  
 7 En tout cas, Jacques, l'incident...  
 8 Me YVAN BOLDUC:  
 9 Assoyez-vous. Monsieur Jeansonne, vous auriez  
 10 ete le premier a dire possiblement que le subpoena  
 11 est pas valide parce qu'on n'a pas...  
 12 Me GERALD TREMBLAY:  
 13 Bon, bien, vous pensez...  
 14 Me YVAN BOLDUC:  
 15 ... avance les frais.  
 16 Me GERALD TREMBLAY:  
 17 ... ah ! vous... vous pensez que c'est comme ca  
 18 que...  
 19 Me YVAN BOLDUC:  
 20 Bien, a tout evenement... allons-y.  
 21 A- Bien, je voulais... je voulais vous dire, en toute  
 22 amitie - hein? - que vous m'avez...  
 23 Q- Si vous voulez me les remettre, je vais les prendre.  
 24 A- ... oui. Vous m'avez donne ca; alors, j'ai pris le  
 25 metro puis, en rentrant, le gars, il me dit: "Aie!

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1 metro, la...  
 2 Me YVAN BOLDUC:  
 3 ... monsieur Tremblay, on a eu la courtoisie...  
 4 la courtoisie de vous offrir de recevoir le  
 5 subpoena...  
 6 Me GERALD TREMBLAY:  
 7 Avec deux (2) billets de metro.  
 8 Me YVAN BOLDUC:  
 9 ... au lieu... ah ! bon, bien, si ca... si le  
 10 fait que le huissier a laisse, par... par routine,  
 11 deux (2) billets de metro vous... vous choque...  
 12 Me GERALD TREMBLAY:  
 13 Oui.  
 14 Me YVAN BOLDUC:  
 15 ... bien, vous avez pas la peau tres epaisse.  
 16 Me JACQUES JEANSONNE:  
 17 The point was...  
 18 Me YVAN BOLDUC:  
 19 Je vous connais mieux que ca...  
 20 Me JACQUES JEANSONNE:  
 21 ... the point was...  
 22 Me YVAN BOLDUC:  
 23 ... maitre Tremblay.  
 24 Me JACQUES JEANSONNE:  
 25 ... that you were invited to write us a

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1 vous connaissez Bolduc?"  
 2 Q- Alors, c'etait pas peine perdue, n'est-ce pas?  
 3 A- Pas du tout.  
 4 Q- Ca vous a pas choque?  
 5 A- Ah ! pas...  
 6 Q- Ca vous a pas choque, ca?  
 7 A- ... du tout.  
 8 Q- Bon,  
 9 A- Pas du tout.  
 10 Q- Bien, vous devriez... vous devriez parler...  
 11 A- Ca m'a fait plaisir.  
 12 Q- ... parler a...  
 13 A- Ca m'a fait plaisir.  
 14 Q- ... votre avocat.  
 15 A- Ca m'a fait plaisir. Absolument.  
 16 Q- (S'adressant a maitre Tremblay)  
 17 Duces tecum, maitre Tremblay...  
 18 Me GERALD TREMBLAY:  
 19 Oui.  
 20 Me YVAN BOLDUC:  
 21 ... est-ce que... et ce n'est... pour fins de  
 22 transmission ou de... de communication, tout simple-  
 23 ment, est-ce qu'on pourrait voir... c'est pas neces-  
 24 saire que ce soit maintenant. Peut-etre qu'on peut  
 25 s'entendre, d'ici a... a... au jour ou on se... on

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1 ira voir le juge Rochon, d'avoir... ou d'avoir au  
 2 moins l'original de la piece P-2?  
 3 Me GERALD TREMBLAY:  
 4 Oui.  
 5 Me YVAN BOLDUC:  
 6 De la piece P-2.2. On demande egalement, au  
 7 paragraphe 3 du duces tecum... est-ce que vous avez  
 8 objection a... a 1 et 2, maitre Tremblay?  
 9 Me JACQUES JEANSONNE:  
 10 Un instant, un instant.  
 11 Me GERALD TREMBLAY:  
 12 Oui, oui... c'est evident qu'on se comprend,  
 13 la, quand vous parlez d'originaux... quand il y a un  
 14 article de Der Spiegel, un original de Der Spiegel,  
 15 on va vous montrer ce qu'on avait.  
 16 Me YVAN BOLDUC:  
 17 Voila. Ce que vous avez recu...  
 18 Me GERALD TREMBLAY:  
 19 C'est ca.  
 20 Me YVAN BOLDUC:  
 21 ... qui est une copie sans doute.  
 22 Me GERALD TREMBLAY:  
 23 Pas de probleme. Alors, c'est a...  
 24 Me YVAN BOLDUC:  
 25 Voila.

1 Me GERALD TREMBLAY:  
 2 Bien, ca, vous les avez... vous avez eu vos  
 3 reponses.  
 4 Me YVAN BOLDUC:  
 5 Ah ! Est-ce qu'il y a une objection a ca,  
 6 monsieur Tremblay?  
 7 Me GERALD TREMBLAY:  
 8 Bien, vous avez eu votre reponse la-dessus, la.  
 9 D'ailleurs, elle est... elle est au dossier.  
 10 Me YVAN BOLDUC:  
 11 Bien, j'ai pas... je comprends pas. On...  
 12 Me GERALD TREMBLAY:  
 13 Les communications...  
 14 Me YVAN BOLDUC:  
 15 ... parle de communications...  
 16 Me GERALD TREMBLAY:  
 17 ... ecrites, ca a ete les...  
 18 Me YVAN BOLDUC:  
 19 Je comprends que j'ai eu la reponse pour les  
 20 International Aircraft Leasing et Ticinella Anstalt,  
 21 dans... dans le sens que le temoin n'a pas connais-  
 22 sance de ces compagnies, mais est-ce qu'il y a eu  
 23 des communications ecrites entre monsieur Mulroney  
 24 et monsieur Schreiber, ca, je l'ignore.  
 25 A- C'est quoi?

1 Me GERALD TREMBLAY:  
 2 ... votre disposition.  
 3 Me YVAN BOLDUC:  
 4 Alors, 1 et 2...  
 5 Me JACQUES JEANSONNE:  
 6 C'est deja produit. Il y en a pas.  
 7 Me GERALD TREMBLAY:  
 8 Non, non, mais...  
 9 Me YVAN BOLDUC:  
 10 Non, on veut le voir.  
 11 Me GERALD TREMBLAY:  
 12 Il veut examiner ce qu'on a...  
 13 Me YVAN BOLDUC:  
 14 O.K. Est-ce... est-ce que je pourrais avoir un  
 15 (1) interlocuteur? J'ai deja beaucoup de diffi-  
 16 culte...  
 17 Me GERALD TREMBLAY:  
 18 Bien, nous autres, on...  
 19 Me YVAN BOLDUC:  
 20 ... avec ca.  
 21 Me GERALD TREMBLAY:  
 22 Tres bien.  
 23 Me YVAN BOLDUC:  
 24 Voila. Numero... donc, pas d'objection a 1 et  
 25 2. Numero 3, communications ecrites...

1 Me GERALD TREMBLAY:  
 2 Q- Les communications ecrites de monsieur Schreiber, a  
 3 part les...  
 4 Me GERALD TREMBLAY:  
 5 Non.  
 6 A- Oui, j'ai recu quelque chose.  
 7 Me YVAN BOLDUC:  
 8 Q- Pardon?  
 9 A- Oui, j'ai recu... vous... vous me demandez si j'ai  
 10 recu communications ecrites ou envoyees de Karl-Hans  
 11 Schreiber et ses avocats representants?  
 12 Q- De mars quatre-vingt-quinze ('95) a aujourd'hui?  
 13 A- Oui.  
 14 Q- (S'adressant a maitre Tremblay)  
 15 Alors, est-ce que vous avez objection a nous en  
 16 donner une copie, monsieur...  
 17 A- Oui, je peux vous...  
 18 (S'adressant a maitre Tremblay)  
 19 Q- ... Tremblay?  
 20 Me JACQUES JEANSONNE:  
 21 On en... on en a ici. Un instant.  
 22 Q- Now, we've talked about several individuals, and -  
 23 I'm changing the subject entirely in a sense -  
 24 and... but I'd like to know, because I represent two  
 25 (2) Defendants, and one (1) being Commissioner

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 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
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1 Murray. What do you know, if you know anything,  
 2 about his participation in the... either the... la  
 3 redaction, or the... the transmission of the... the  
 4 request to the Swiss authorities?  
 5 Do you know that he had any participation at  
 6 all, either in the... and I'll rephrase the  
 7 question, so perhaps you... we can cut short... do  
 8 you know if he had any participation at all,  
 9 personally, either in the investigation of the  
 10 Airbus affair, if we want to call it that, or the  
 11 preparation and sending of the letter of request?  
 12 A- I would be very surprised if Commissioner Murray was  
 13 involved in the direct investigation of the Airbus  
 14 affair. That's not normally the role of a  
 15 commissioner. And at the time that Mr. Tasse sought  
 16 the meeting with him, he had more than his hands  
 17 full with a series of problems the R.C.M.P. was  
 18 having with the break-in of the Prime Minister's  
 19 residence, and other... and other things.  
 20 So, no, he... he would have been very busy in  
 21 other areas. I believe he told Mr. Tasse, however,  
 22 that before this matter was brought to the Justice  
 23 Department for transmission there had been an in-  
 24 house review of this. And we will, of course, be  
 25 interested in finding out who participated in the

1 A- Commissioner Murray was visited by Roger Tasse,  
 2 he... these facts were explained to him, he received  
 3 copies of all relevant correspondence, which, on a  
 4 graduated scale, were indicating the enormity of the  
 5 tragedy that would befall my family if this matter  
 6 was made public.  
 7 And there is a responsibility on public  
 8 officers, when they learn of injustice, to intervene  
 9 to stop that injustice. That is a responsibility,  
 10 not only on elected officials, but on... on senior  
 11 members of the Public Service of Canada.  
 12 When Commissioner Murray learned of this, it  
 13 seems to me that there was a significant burden upon  
 14 him to ensure that in the conduct of a legitimate  
 15 investigation, that no damage was done to the  
 16 reputations of Ca... of... of his fellow Canadians.  
 17 Q- But, Sir, am I clear that up and until the time Mr.  
 18 Tasse... or Maitre Tasse got in touch, or sent  
 19 correspondence to Commissioner Murray, to your  
 20 knowledge, he had... to your knowledge, he had no  
 21 participation at all in the inquir... the  
 22 investigation, or the... the preparation or the  
 23 sending of the... the transmission of the letter?  
 24 A- I don't know about that, but, in my experience in  
 25 government, it would be a rare event indeed to

1 in-house review, and at what level, of this  
 2 document. That's all I know...  
 3 Q- Okay.  
 4 A- ... and that's a surmise on my part. I think you'd  
 5 have to ask Mr. Tasse to be more specific.  
 6 Q- Would... now, in my... I'll suggest to you, Mr.  
 7 Mulroney, that the only reason at this stage, from  
 8 the facts that came to your knowledge, that... I see  
 9 that your attorney wants to draw your attention  
 10 again to something else, but maybe I could ask the  
 11 question, and hope to get a spontaneous answer.  
 12 Me GERALD TREMBLAY:  
 13 You want me to do nothing, for God's sake?  
 14 Me YVAN BOLDUC:  
 15 Q- If I...  
 16 Me GERALD TREMBLAY:  
 17 I may go, if you want.  
 18 Me YVAN BOLDUC:  
 19 Q- If I suggest... if I suggest to you, Mr. Mulroney,  
 20 that the only reason that Mr. Murray is part of this  
 21 lawsuit is the fact that he was... he happened to be  
 22 a commissioner at the relevant time, would I be far  
 23 from the truth?  
 24 A- You'd be... you'd be completely off the mark.  
 25 Q- I would?

1 suggest that an inquiry of this nature would be  
 2 going on at the level of Sergeant Fiegenwald and  
 3 colleagues, and that the Commissioner of the  
 4 R.C.M.P. would not be informed.  
 5 Q- Now...  
 6 A- And if the Commissioner of the R.C.M.P. was  
 7 informed, in the normal course of events, then the  
 8 people respons... we... we have a parliamentary  
 9 government, people are responsible to parliament,  
 10 and that normally in these cases, at an appropriate  
 11 time, and in a proper way, the R.C.M.P. advises the  
 12 minister, so that the minister is capable of  
 13 defending the government in parliament.  
 14 And so I suppose we will learn during the trial  
 15 how high up this went. But I can tell you that if  
 16 you're suggesting that it stopped at Sergeant  
 17 Fiegenwald, then I think you're in for a big  
 18 surprise.  
 19 Q- No, but I... I wonder if you're... if the fact that  
 20 you're suing Mr. Murray is based simply on your...  
 21 that presumption that you just spoke about...  
 22 A- He's responsible...  
 23 Q- ... or whether it's based on a legal theory of... of  
 24 yours that perhaps he's responsible for...  
 25 A- No, I think that... I think...

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 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 Q- ... what Mr. Fiegenwald, or others might have  
 2 done...  
 3 A- Well, of course he is.  
 4 Q- ... or whether you have facts...  
 5 A- No. Well, look...  
 6 Q- ... that you can tell us today that's the purpose of  
 7 this thing, facts that would... that... that would  
 8 go to show that Mr. Murray had a personal role to  
 9 play with the preparation and the transmission of  
 10 that letter.  
 11 A- Well, you have to... we will ask Mr. Murray that,  
 12 he...  
 13 Q- Well, I...  
 14 A- ... when... at an appropriate time. You're...  
 15 Q- Monsieur Mulroney...  
 16 A- Oui.  
 17 Q- ... excusez-moi de vous interrompre...  
 18 Me GERALD TREMBLAY:  
 19 Non, laissez-lui finir.  
 20 A- Monsieur...  
 21 Me YVAN BOLDDUC:  
 22 Excusez-moi, mais on prend pas une...  
 23 Me GERALD TREMBLAY:  
 24 laissez-lui finir, monsieur Bolduc. Monsieur  
 25 Bolduc...

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1 Me JACQUES JEANSONNE:  
 2 Well, you should know.  
 3 A- ... then why are you asking me, if you don't... if  
 4 you don't know, and you're his lawyer?  
 5 Me YVAN BOLDDUC:  
 6 Q- I... I'm asking you... I'm asking you questions,  
 7 Sir, and I want to know what your knowledge is...  
 8 A- You're his lawyer.  
 9 Q- ... including Mr. Tasse... what your knowledge of  
 10 his... of his role in this thing.  
 11 A- Well...  
 12 Me GERALD TREMBLAY:  
 13 You're testifying when you say...  
 14 Me YVAN BOLDDUC:  
 15 Q- And obviously...  
 16 Me GERALD TREMBLAY:  
 17 ... that you don't know.  
 18 Me YVAN BOLDDUC:  
 19 Q- ... obviously you don't seem to know too much about  
 20 his role.  
 21 Me GERALD TREMBLAY:  
 22 Mr... Mr. Bolduc...  
 23 Me YVAN BOLDDUC:  
 24 Q- So we'll pass to something else.  
 25

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1 Me YVAN BOLDDUC:  
 2 ... on prend pas une action d'habitude pour  
 3 esperer par la suite...  
 4 Me GERALD TREMBLAY:  
 5 Monsieur Bolduc, c'est lui qui temoigne, pas  
 6 vous.  
 7 Me YVAN BOLDDUC:  
 8 Mais, c'est...  
 9 A- I am telling you that Phillip Murray, as  
 10 Commissioner of the R.C.M.P., is responsible for the  
 11 conduct of that important organization. And this  
 12 took place on his watch. I believe that, in the  
 13 normal course of events, he was informed of this, he  
 14 knew of it, and by not stopping it, he approved of  
 15 it, and he participated, and is responsible, jointly  
 16 and severally, and... in this libel.  
 17 Q- So, you believe that, but you have no facts to give  
 18 me today that might support your belief?  
 19 A- Well, he has indicated to Roger Tasse that there was  
 20 an in-house review, and he was aware of it.  
 21 Q- Well...  
 22 A- So we will have to see.  
 23 Q- ... I don't know what he told Mr. Tasse, and...  
 24 A- Well, then...  
 25

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1 Me GERALD TREMBLAY:  
 2 ... just a second, I won't let that go by  
 3 without saying anything.  
 4 Me YVAN BOLDDUC:  
 5 I'm sure you won't.  
 6 Me GERALD TREMBLAY:  
 7 Yes, because it is absolutely objectionable to  
 8 say that, to blame Mr. Mulroney not to know what the  
 9 R.C.M.P. does in the secrecy of their offices.  
 10 Me YVAN BOLDDUC:  
 11 Well...  
 12 Me GERALD TREMBLAY:  
 13 Because no one has written to us to give us a  
 14 script of everything that took place...  
 15 Me YVAN BOLDDUC:  
 16 I just assume...  
 17 Me GERALD TREMBLAY:  
 18 ... since the time of investigation.  
 19 Me YVAN BOLDDUC:  
 20 ... I just assume, confrere, that before you  
 21 sue somebody, you've got facts that support the...  
 22 A- Oh, we... oh, we do indeed have facts, and they are  
 23 alleged in the declaration.  
 24 Me GERALD TREMBLAY:  
 25 We...

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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1 A- They are alleged in the declaration, which indicate  
 2 that Mr. Murray is personally responsible, along  
 3 with others, for the travesty that was visited upon  
 4 me and my family.  
 5 Me YVAN BOLDUC:  
 6 Q- But let's get to the... the declaration, Mr.  
 7 Mulroney...  
 8 A- Yes.  
 9 Q- ... and the one, I believe, you... we'll all agree  
 10 on that, that seems to give a role, or assign a role  
 11 to Mr. Murray, it's one found at paragraph 22, I  
 12 believe. Paragraph 22.  
 13 Et je... je cite, la:  
 14 "Quant aux defendeurs Murray et  
 15 Prost, c'est sous leur autorite,  
 16 avec leur autorisation, que la  
 17 demande d'aide fut emise et  
 18 transmise."  
 19 "Sous leur autorite", evidemment, on accepte -  
 20 n'est-ce pas? - que c'est peut-etre une question de  
 21 droit, mais la ou j'en viens, "avec leur autorisa-  
 22 tion", et ma question plus specifique pour vous,  
 23 monsieur Mulroney...  
 24 A- C'est evident.  
 25 Q- ... que savez-vous de l'autorisation, ca, c'est un

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1 Me YVAN BOLDUC:  
 2 Q- Non, non. Non, non, monsieur...  
 3 A- ... de Marc Lalonde a Jean Chretien. C'est une  
 4 lettre pour son... son avocat dans ce dossier-la.  
 5 J'ai... c'est...  
 6 Q- C'est des lettres qui vous sont envoyees, en avez-  
 7 vous...  
 8 A- Oui. Oui, elles sont la. C'est les seules choses  
 9 que j'ai.  
 10 Q- O.K.  
 11 Si vous pouvez m'en donner communication,  
 12 maitre Tremblay?  
 13 A- Oui, absolument.  
 14 Me CLAUDE-ARMAND SHEPPARD:  
 15 Je peux en avoir des copies aussi?  
 16 Me YVAN BOLDUC:  
 17 Des copies pour maitre Sheppard?  
 18 A- Oui.  
 19 (S'adressant a maitre Tremblay)  
 20 Ca fait partie...  
 21 Me GERALD TREMBLAY:  
 22 Oui.  
 23 Me YVAN BOLDUC:  
 24 ... egalement de son subpoena.  
 25

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1 acte positif, qui aurait ete donnee par monsieur  
 2 Murray a l'emission et la transmission de cette  
 3 lettre, sauf des suppositions?  
 4 A- J'ai recu... j'ai recu une lettre - je le mentionne  
 5 parce que vous me... vous me le demandez...  
 6 Q- Oui.  
 7 A- ... je l'aurais pas souleve moi-meme...  
 8 Q- Je veux juste la voir, monsieur Mulroney. Je veux  
 9 pas la... l'entrer dans le dossier, pour l'instant.  
 10 A- C'est... c'est une lettre...  
 11 Q- C'est une demande faite a vos avocats de nous  
 12 transmettre copie de documents.  
 13 A- Oui, alors...  
 14 Q- Alors, c'est pas approprie pour vous, je vous  
 15 suggere, de... de commenter, la, dans le dossier.  
 16 A- Ah, tres bien.  
 17 Q- C'est mon interrogatoire. Je veux les voir, ces  
 18 documents. Si je veux vous poser des questions sur  
 19 ces documents, c'est autre chose.  
 20 Me JACQUES JEANSONNE:  
 21 Oui. Pour quelle...  
 22 A- C'est une lettre de Karl-Hans Schreiber a  
 23 l'Honorable Allan McEachan. C'est une lettre de...  
 24 de Karl... de...  
 25

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1 Me GERALD TREMBLAY:  
 2 Alors, pour le dossier, lettre de... alors,  
 3 lettre de monsieur Schreiber sur le dossier... sur  
 4 le dossier Tissen, du vingt-huit (28) decembre  
 5 quatre-vingt-quatorze ('94) a l'Honorable Allan  
 6 McEachan; lettre de maitre Marc Lalonde a... au Tres  
 7 Honorable Jean Chretien sur le meme dossier du  
 8 vingt-six (26) decembre quatre-vingt-quinze ('95),  
 9 et une lettre...  
 10 Me YVAN BOLDUC:  
 11 Est-ce que ca repond-tu au subpoena?  
 12 Me GERALD TREMBLAY:  
 13 ... vingt-six (26) septembre quatre-vingt-  
 14 quinze ('95) de Marc Lalonde a Tissen, toujours sur  
 15 le meme dossier.  
 16 Me CLAUDE-ARMAND SHEPPARD:  
 17 Est-ce que vous avez une autre... un autre jeu?  
 18 Me YVAN BOLDUC:  
 19 Avez-vous un autre jeu, maitre Jeansonne?  
 20 Me GERALD TREMBLAY:  
 21 Oui, oui, monsieur... maitre Jeansonne est en  
 22 train, la, de... de faire des petites piles.  
 23 Me JACQUES JEANSONNE:  
 24 Voici un jeu complet.  
 25

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1 Me YVAN BOLDUC:  
 2 O.K. Maintenant, on peut aller au... a l'item  
 3 numero 4, n'est-ce pas, maitre Tremblay?  
 4 Me GERALD TREMBLAY:  
 5 Oui, allons-y donc.  
 6 Me YVAN BOLDUC:  
 7 L'original de la version anglaise...  
 8 Me GERALD TREMBLAY:  
 9 Oui, mais ca... mais ca...  
 10 Me YVAN BOLDUC:  
 11 ... de P-2.  
 12 Me GERALD TREMBLAY:  
 13 ... ca, on vous l'a donne, je pense, hein?  
 14 Me YVAN BOLDUC:  
 15 Hum...  
 16 Me GERALD TREMBLAY:  
 17 Maitre Sheppard, je pense qu'on vous l'a donne,  
 18 ca?  
 19 Me CLAUDE-ARMAND SHEPPARD:  
 20 Quoi?  
 21 Me JACQUES JEANSONNE:  
 22 On a donne des copies a maitre Sheppard.  
 23 Me YVAN BOLDUC:  
 24 C'est pas des copies qu'on veut...  
 25

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1 Me YVAN BOLDUC:  
 2 O.K. 6, copie originale - dans le sens qu'on  
 3 entend, maitre Tremblay - de P-7.  
 4 Me GERALD TREMBLAY:  
 5 Ca va.  
 6 Me YVAN BOLDUC:  
 7 7... 7, copie de toutes les lettres, mises en  
 8 demeure ou autres communications adressees par vous,  
 9 le demandeur - bien sur - ou vos representants a  
 10 tous les medias ecrits ou medias electroniques  
 11 relativement a la publication et la diffusion.  
 12 Me JACQUES JEANSONNE:  
 13 On les a ici. On va vous les donner tout de  
 14 suite.  
 15 Me YVAN BOLDUC:  
 16 O.K.  
 17 Me JACQUES JEANSONNE:  
 18 Il y a une lettre de mise en demeure a Der  
 19 Spiegel du seize (16) novembre quatre-vingt-quinze  
 20 ('95), et la... la lettre de mise en demeure...  
 21 Me GERALD TREMBLAY:  
 22 Il faut dire de qui, de maitre Harvey Yarovski.  
 23 Me JACQUES JEANSONNE:  
 24 Maitre Harvey Yarovski. Il y a la lettre de  
 25 mise en demeure a... au MacLean Magazine par

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1 Me GERALD TREMBLAY:  
 2 Non, non, non. O.K. Bien, oui.  
 3 Me YVAN BOLDUC:  
 4 C'est l'original.  
 5 Me GERALD TREMBLAY:  
 6 Donc, c'est pour inspection, parce qu'on vous  
 7 a donne...  
 8 Me YVAN BOLDUC:  
 9 Oui, oui, pour inspection seulement.  
 10 Me GERALD TREMBLAY:  
 11 O.K., ca va.  
 12 Me YVAN BOLDUC:  
 13 C'est sur que ca peut pas etre autrement.  
 14 Me GERALD TREMBLAY:  
 15 Parfait. O.K.  
 16 Me YVAN BOLDUC:  
 17 Pas de problemes avec 4, 5, les documents  
 18 relatifs a l'organisation et la tenue...  
 19 Me GERALD TREMBLAY:  
 20 Objecte.  
 21 Me YVAN BOLDUC:  
 22 ... d'une conference de presse.  
 23 Me GERALD TREMBLAY:  
 24 Ca, c'est objecte.  
 25

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1 maitre... par l'Honorable Fred Kaufman. Dans les  
 2 deux (2) cas, c'est par l'Honorable Fred Kaufman a  
 3 MacLean Magazine.  
 4 Me CLAUDE-ARMAND SHEPPARD:  
 5 Vous en avez deux... deux (2) jeux, maitre  
 6 Jeansonne?  
 7  
 8 Me JACQUES JEANSONNE:  
 9 Oui.  
 10 Me CLAUDE-ARMAND SHEPPARD:  
 11 O.K. Parfait.  
 12 Me YVAN BOLDUC:  
 13 Maitre Tremblay...  
 14 Me GERALD TREMBLAY:  
 15 Oui.  
 16 Me YVAN BOLDUC:  
 17 ... je comprends que vous vous objectez...  
 18 Me GERALD TREMBLAY:  
 19 Oui.  
 20 Me YVAN BOLDUC:  
 21 ... a l'item numero 8?  
 22 Me GERALD TREMBLAY:  
 23 Oui.  
 24 Me YVAN BOLDUC:  
 25 Numero 9, est-ce que vous vous...

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April 19th, 1996

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1 Me GERALD TREMBLAY:  
2 Oui.  
3 Me YVAN BOLDUC:  
4 ... objectez au complet?  
5 Me GERALD TREMBLAY:  
6 Oui.  
7 Me YVAN BOLDUC:  
8 10?  
9 Me GERALD TREMBLAY:  
10 10, il y en a pas.  
11 Me YVAN BOLDUC:  
12 Il y en a pas, 10...  
13 Me GERALD TREMBLAY:  
14 Non.  
15 Me YVAN BOLDUC:  
16 ... communications ecrites ou recues de Frank  
17 Moores?  
18 Me GERALD TREMBLAY:  
19 Il y en a pas.  
20 Me YVAN BOLDUC:  
21 Il y en a pas, d'apres la reponse du temoin  
22 tout a l'heure. 11?  
23 Me GERALD TREMBLAY:  
24 Il y en a pas.  
25

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1 Me YVAN BOLDUC:  
2 A part de ce que vous avez produit au dossier.  
3 Me GERALD TREMBLAY:  
4 Je pense que c'est... c'est tout.  
5 Me YVAN BOLDUC:  
6 Voila. Mais vous n'avez pas d'objection de  
7 principe, si jamais il y avait autre chose?  
8 Me GERALD TREMBLAY:  
9 C'est ca.  
10 Me YVAN BOLDUC:  
11 14...  
12 Me GERALD TREMBLAY:  
13 Ca, je pense qu'on...  
14 Me YVAN BOLDUC:  
15 ... non, je pense que c'est deja regle.  
16 Me GERALD TREMBLAY:  
17 Oui, on en a deja assez parle.  
18 Me YVAN BOLDUC:  
19 Monsieur Milrone nous a explique...  
20 Me GERALD TREMBLAY:  
21 15, je pense ca a ete assez couvert, maitre  
22 Bolduc.  
23 Me YVAN BOLDUC:  
24 15...  
25

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1 Me YVAN BOLDUC:  
2 12?  
3 Me JACQUES JEANSONNE:  
4 Oui, il y en a une.  
5 Me GERALD TREMBLAY:  
6 12, il y en a une, qu'on va vous remettre tout  
7 de suite.  
8 Me YVAN BOLDUC:  
9 12, pour les fins du dossier, sont les  
10 communications ecrites envoyees a ou recues de  
11 membres du gouvernement suisse de membres de la  
12 communaute d'affaires ou de la communaute financiere  
13 suisse depuis septembre mil neuf cent quatre-vingt-  
14 quinze (1995) et relatives a l'affaire Airbus ou a  
15 la demande d'assistance.  
16 Est-ce que... est-ce qu'on attend...  
17 Me GERALD TREMBLAY:  
18 Bien, il est en train... maitre... maitre  
19 Jeansonne est en train... vous pouvez passer aux...  
20 aux...  
21 Me YVAN BOLDUC:  
22 On peut passer aux autres? 13, est-ce que vous  
23 avez objection, maitre Tremblay?  
24 Me GERALD TREMBLAY:  
25 13, je pense qu'ils sont...

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1 Me JACQUES JEANSONNE:  
2 Voici pour ce qui est de l'engagement...  
3 Me YVAN BOLDUC:  
4 Est-ce qu'on peut...  
5 Me JACQUES JEANSONNE:  
6 ... les communications...  
7 Me YVAN BOLDUC:  
8 ... maitre, est-ce qu'on peut terminer ?  
9 Me GERALD TREMBLAY:  
10 Juste...  
11 Me YVAN BOLDUC:  
12 Il en reste deux (2) items.  
13 Me GERALD TREMBLAY:  
14 ... juste une seconde, ca sera pas long. 15,  
15 maitre, on a assez couvert cette question-la,  
16 maitre.  
17 Me YVAN BOLDUC:  
18 16, s'il y avait une communication ecrite.  
19 Me GERALD TREMBLAY:  
20 Je pense que 15 est... honnetement, je pense  
21 que tout ca a ete amplement repondu, hier. S'il y  
22 a autre chose, vous m'appellerez, maitre...  
23 Me YVAN BOLDUC:  
24 Attendez juste une seconde.  
25

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1 Me GERALD TREMBLAY:  
 2 Je pense qu'on a dit qu'il y en avait pas a 16.  
 3 Me YVAN BOLDUC:  
 4 15, 16, 17, je pense qu'il y a pas  
 5 d'objection... bien, de... de principe. On pourra  
 6 en discuter.  
 7 Me JACQUES JEANSONNE:  
 8 Oui, mais il y en a pas.  
 9  
 10 Me GERALD TREMBLAY:  
 11 Il y en a pas.  
 12 Me YVAN BOLDUC:  
 13 Il y en a pas? Parfait. Alors, maitre  
 14 Jeansonne.  
 15 Me GERALD TREMBLAY:  
 16 Attendez, la, on est a 8-11.  
 17 Me JACQUES JEANSONNE:  
 18 8-11.  
 19 Me GERALD TREMBLAY:  
 20 Non, ca, c'est: Communications au gouvernement  
 21 Suisse. Oui. Alors donc, ca repond a 12, maitre...  
 22 Me YVAN BOLDUC:  
 23 Oui.  
 24 Me GERALD TREMBLAY:  
 25 ... maitre Bolduc?

1 questions about the letter of request and the role  
 2 of the Canadian Government on the acquisition by Air  
 3 Canada... or the replacement by Air Canada of a  
 4 portion of its fleet.  
 5 So would you please complete... complete the  
 6 answer that you have started "given", but you were  
 7 not in a position to complete.  
 8 Me YVAN BOLDUC:  
 9 Je m'objecte, maitre Tremblay, le temoin a eu  
 10 maintes occasions, maintes occasions de repondre a  
 11 ces questions-la. Il a repondu a ces questions-la.  
 12 Ceci etant dit, si vous voulez encore une fois  
 13 repeter ce qui a ete dit pour les fins, je suppose,  
 14 en tout cas, que je qualifierai ici.  
 15 A- Oui. Mais pour les fins de renseignements tout  
 16 simplement. Yes, I was asked about it. I indicated  
 17 to Mr. Sheppard that at no time, and this goes to  
 18 the genesis of the allegations against me, this case  
 19 is predicated on the assertion that I influenced the  
 20 choice of aircraft, of Airbus aircraft by Air  
 21 Canada.  
 22 In response to Mr. Sheppard, I have said that  
 23 I neither directly nor indirectly at any time  
 24 influenced Air Canada, and all of this has been  
 25 confirmed by the representative, the chairman, the

1 Me YVAN BOLDUC:  
 2 Parfait.  
 3 Me JACQUES JEANSONNE:  
 4 Il s'agit d'une lettre de maitre Harvey  
 5 Yarovski en date du seize (16) novembre au  
 6 gouvernement suisse...  
 7  
 8 Me YVAN BOLDUC:  
 9 Ce que j'allais suggerer...  
 10  
 11 (DISCUSSION HORS DOSSIER)  
 12  
 13 Ceci etant dit et suite a... et sous reserve,  
 14 plutot, des... de l'adjudication par le juge Rochon  
 15 des objections et de ce qu'on vient de parler con-  
 16 cernant les questions possiblement a poser sur les  
 17 documents qui nous sont remis ce matin, nous...  
 18 l'interrogatoire est termine.  
 19 Me GERALD TREMBLAY:  
 20 Alors, voici, maitre... maitre Bolduc et maitre  
 21 Sheppard, comme vous le savez, c'est votre interro-  
 22 gatoire. Je le sais, c'est votre interrogatoire,  
 23 mais j'ai... on peut poser certaines questions de  
 24 clarification. J'en ai seulement une a poser.  
 25 Q- Mr. Mulroney, you've been asked a certain number of

1 Chief Executive Officer of Air Canada that my  
 2 government, nor I at any time, the evidence... I'm  
 3 sorry, the statements made publicly by Mr. Taylor  
 4 and by Mr. Jeannot and other was that this was  
 5 exclusively an internal decision by Air Canada, the  
 6 government had no influence on it whatsoever. And  
 7 in fact, I tried... I made the illustration that I  
 8 suppose if anybody could accuse the government of  
 9 wanting to do anything in the context, it would have  
 10 been to... to try and encourage Boeing a little bit  
 11 because at that point in time, we were trying to  
 12 negotiate a free trade agreement with the United  
 13 States.  
 14 So the heart of this case, which suggests that  
 15 I was involved and received a benefit for trying to  
 16 influence Air Canada, in my judgement, is of course  
 17 nonexistent. It collapses entirely. The  
 18 implication is that for a government to try and put  
 19 pressure on a Crown agency is inappropriate, is in  
 20 itself questionable. But I don't want to... I want  
 21 you to be aware that a previous government put  
 22 direct pressure on Air Canada to buy Airbus. And a  
 23 member of that government has stated publicly, Mr.  
 24 De Bane, that the officers of Air Canada were called  
 25 into the cabinet chamber and enormous pressure was

Notes:

Pierre Vilare & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
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1 put on them to purchase Airbus in nineteen seventy-  
 2 eight (1978) or nineteen seventy-nine (1979).  
 3 Now I was not there, and the government of the  
 4 day may have had foreign policy reasons or whatever  
 5 reasons to try and influence, to order Air Canada to  
 6 buy, make a massive purchase of Airbus. I want it  
 7 just to be absolutely clear that when the term  
 8 Government of Canada is used generically, as far as  
 9 I'm concerned, what happened in nineteen seventy-  
 10 eight (1978) or nineteen seventy-nine (1979), and I  
 11 only know what's on the public record, that the  
 12 Government of Canada specifically put pressure on  
 13 Air Canada to the point where I'm told that the  
 14 Chairman and Chief Executive Officer told the  
 15 government: "If you keep insisting that we buy  
 16 Airbus, we'll resign as directors of this  
 17 corporation." And indeed, Air Canada went ahead at  
 18 that time and bought what they wanted, which was  
 19 Boeing.  
 20 My government began in nineteen eighty-four  
 21 (1984). And at no time directly or indirectly  
 22 myself or members of my government sought to  
 23 influence the choice of Airbus. And I just wanted  
 24 to be absolutely certain that the concept of generic  
 25 government had a break from nineteen seventy-eight

1 (1978)... from nineteen eighty-four (1984) onwards,  
 2 because the R.C.M.P. has said that my involvement in  
 3 this alleged criminal activity began in nineteen  
 4 eighty-four (1984) with this kind of activity. It  
 5 is demonstrably and palpably false. We will  
 6 establish that, I hope, even to your satisfaction,  
 7 Sir. But I wanted you to know that the idea of a  
 8 government putting pressure on Air Canada to buy  
 9 aircraft happened, but it wasn't my government.  
 10 Q- Thank you, Mr. Mulroney.  
 11  
 12 AND FURTHER DEPONENT SAITH NOT.  
 13  
 14

Pierre Vilaine & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926

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**I N D E X**

AUDIOTRANSSCRIPT, Division de Pierre Viltain & Associés Ltée

April 19th, 1996

<p style="text-align: center;"><b>\$</b></p> <p>\$10,000,000.00 (1) 21:8 \$9,000,000.00 (3) 20:22,25 21:8</p> <hr/> <p style="text-align: center;"><b>0</b></p> <p>032 (1) 128:18</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p>1,000 (2) 144:16,19 100% (1) 20:20 10th (2) 26:23 88:11 11.1.5 (1) 130:3 11th (2) 27:7 88:12 12th (4) 27:8 74:7 88:12,21 13th (2) 27:8 73:20 14th (2) 27:9 88:12 98:10 15th (4) 23:25 27:16 36:13 88:13 160 (1) 128:18 16th (3) 28:22 36:14 89:1 17.1 (2) 58:4,12 17.23 (1) 58:4 17th (2) 30:1 111:1 18th (1) 95:22 1970 (1) 9:6 1976 (3) 10:23 11:1,16 1979 (3) 10:3 189:2,10 1983 (2) 10:12 11:20 1995 (14) 24:4,20,21 29:1 46:6 59:25 98:11,16 99:8 105:3 114:9 141:23 142:24 182:14 1996 (1) 6:2 19th (1) 6:2 1st (1) 41:17</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>20th (2) 18:20 25:7 28 (2) 147:3 176:4 2nd (3) 24:15 137:17,18 139:14 141:12 142:23</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>34117 (2) 29:13 75:10 3rd (2) 28:25 140:15</p> <hr/> <p 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Pierre Vilaire & Associés Limitée

480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA

Tél: (514) 282-8899 Fax: (514) 282-3926

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associés Limitée

480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA

Tél: (514) 282-8899 Fax: (514) 282-3926

contestee - dommage

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Pierre Vilaire & Associés Limitée  
480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associés Limitée  
480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associés Limitée  
480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associ s Limit e

480, rue St-Laurent Bureau 404 Montr al (Qu bec) CANADA

T l: (514) 282-8899 Fax: (514) 282-3926

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Pierre Vilaire & Associés Limitée  
 480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
 Tél: (514) 282-8899 Fax: (514) 282-3926  
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Pierre Vilaire & Associés Limitée

480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA

Tél: (514) 282-8899 Fax: (514) 282-3926

sujet - twenty-five

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Pierre Vilaire & Associés Limitée

480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA

Tél: (514) 282-8899 Fax: (514) 282-3926

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April 19th, 1996

Pierre Vilaire & Associés Limitée  
480, rue St-Laurent Bureau 404 Montréal (Québec) CANADA  
Tél: (514) 282-8899 Fax: (514) 282-3926

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