

THE MATTER OF ORDER IN COUNCIL P.C. 2008-1092,
MADE PURSUANT TO PART I OF THE *INQUIRIES ACT*:
COMMISSION OF INQUIRY INTO CERTAIN ALLEGATIONS
RESPECTING BUSINESS AND FINANCIAL DEALINGS
BETWEEN KARLHEINZ SCHREIBER AND THE RIGHT
HONOURABLE BRIAN MULRONEY

COMPENDIUM OF DOCUMENTS -
ORAL SUBMISSIONS

THE RIGHT HONOURABLE BRIAN MULRONEY, P.C., C.C., LL.D.

Tab	Document
1.	Index - Documents in support of The Rt. Hon. Brian Mulroney's Testimony – Compendium of telephone contacts (Exhibit P-51)
2.	Testimony of Karlheinz Schreiber, <i>R. v. MBB Helicopters Canada</i> , September 22, 2004, pp. 110-112
3.	Testimony of Karlheinz Schreiber, <i>R. v. MBB Helicopters Canada</i> , November 24, 2004, pp. 59-61
4.	June 25, 2006 , Email from Elmer MacKay to Karlheinz Schreiber (Exhibit P-7, Binder 4, Tab 24)
5.	July 20, 2006 , Letter from Karlheinz Schreiber to Brian Mulroney (Exhibit P-7, Binder 4, Tab 26)
6.	Affidavit of Karlheinz Schreiber, <i>Karlheinz Schreiber v. The Attorney General of Canada, The Solicitor General of Canada and the Commissioner of the RCMP</i> , Federal Court of Canada, March 3, 2007 (Exhibit P-9, Tab 17)
7.	March 31, 2004 , William Kaplan Interview with Karlheinz Schreiber, p. 3 (Exhibit P-25, Tab 14)

Documents in support of
The Rt. Honourable Brian Mulroney's
Testimony

Tab	Documents
1	August 23, 1993, Excerpt from Karlheinz Schreiber's agenda
2	August 27, 1993, Excerpt from Karlheinz Schreiber's agenda
3	December 23, 1994, Excerpt from Karlheinz Schreiber's agenda
4	November 2 & 3, 1995, Excerpt from Karlheinz Schreiber's agenda
5	November 4, 1995, Excerpt from Karlheinz Schreiber's agenda
6	November 11, 1995, Excerpt from Karlheinz Schreiber's agenda
7	December 23, 1995, Excerpt from Karlheinz Schreiber's agenda
8	January 21, 1996, Excerpt from Karlheinz Schreiber's agenda
9	February 14, 1996, Excerpt from Karlheinz Schreiber's agenda
10	March 18, 1996, Excerpt from Karlheinz Schreiber's agenda
11	March 20, 1996, Excerpt from Karlheinz Schreiber's agenda
12	April 2, 1996, Excerpt from Karlheinz Schreiber's agenda
13	April 14, 1996, Excerpt from Karlheinz Schreiber's agenda
14	April 23, 1996, Excerpt from Karlheinz Schreiber's agenda
15	June 1, 1996, Excerpt from Karlheinz Schreiber's agenda
16	July 15, 1996, Excerpt from Karlheinz Schreiber's agenda
17	December 3, 1996, Excerpt from Karlheinz Schreiber's agenda
18	December 22, 1996, Excerpt from Karlheinz Schreiber's agenda
19	January 8, 1997, Excerpt from Karlheinz Schreiber's agenda
20	January 21, 1997, Excerpt from Karlheinz Schreiber's agenda
21	January 28 & 29, 1997 Excerpt from Karlheinz Schreiber's agenda
22	January 30, 1997, Excerpt from Karlheinz Schreiber's agenda
23	February 4, 1997, Excerpt from Karlheinz Schreiber's agenda
24	February 5, 1997, Excerpt from Karlheinz Schreiber's agenda
25	March 9, 1997, Excerpt from Karlheinz Schreiber's agenda
26	March 28, 1997, Excerpt from Karlheinz Schreiber's agenda
27	April 11, 1997, Excerpt from Karlheinz Schreiber's agenda
28	June 14, 1997, Excerpt from Karlheinz Schreiber's agenda
29	June 19, 1997, Excerpt from Karlheinz Schreiber's agenda
30	June 21 & 22, 1997, Excerpt from Karlheinz Schreiber's agenda
31	June 23, 1997, Excerpt from Karlheinz Schreiber's agenda
32	June 28, 1997, Excerpt from Karlheinz Schreiber's agenda
33	July 8, 1997, Excerpt from Karlheinz Schreiber's agenda
34	July 11, 1997, Excerpt from Karlheinz Schreiber's agenda
35	July 13, 1997, Excerpt from Karlheinz Schreiber's agenda
36	September 5, 1997, Excerpt from Karlheinz Schreiber's agenda
37	September 22, 1997, Excerpt from Karlheinz Schreiber's agenda

38	October 8, 1997, Excerpt from Karlheinz Schreiber's agenda
39	October 9, 1997, Excerpt from Karlheinz Schreiber's agenda
40	November 21, 1997, Excerpt from Karlheinz Schreiber's agenda
41	January 14, 1998, Excerpt from Karlheinz Schreiber's agenda
42	February 9 & 10, 1998, Excerpt from Karlheinz Schreiber's agenda
43	February 11, 1998, Excerpt from Karlheinz Schreiber's agenda
44	June 4, 1998, Excerpt from Karlheinz Schreiber's agenda

INFORMATION CONTAINED HEREIN IS PROHIBITED FROM PUBLICATION OF
ANY METHOD PURSUANT TO SECTION 539(1)(b) OF THE CRIMINAL CODE.

Court File No. 02-20068

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

VERSUS

MBB HELICOPTER CANADA
(c.o.b. as Eurocopter Canada Limited)
AND
KURT PFLEIDERER AND HEINZ PLUCKTHUN

PRELIMINARY HEARING

FURTHER EVIDENCE

BEFORE THE HONOURABLE MR. SENIOR JUSTICE P. R. BELANGER
ON SEPTEMBER 22, 2004 AT THE CITY OF OTTAWA

CHARGE(S): Section 380(1)(a) CCC - Fraud Over \$5,000

APPEARANCES:

M. Bernstein
T. Shaw

Counsel for the Crown

P. Schabas
T. Wong

Counsel for the Accused

R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.
(Continued...)

MR. SCHABAS: I'm not sure that that's very...

THE WITNESS: Yeah, but you see this is...

MR. SCHABAS: This is not a cross-examination.
I don't think that is a fair characterization.

THE WITNESS: ...very complicated what you
ask.

MR. BERNSTEIN: Q. What?

A. I mean, it's very complicated what you
ask.

Q. Why is it complicated?

A. MBB, you have to think about was there
anything with MBB after that, related to what, and why I
would send somebody in Canada participate. It makes no sense
at all. The whole question makes no sense to me. Excuse me.

Q. Have you hired any elected Canadian
officials who during -- who were part of the government in
1985 to 1989, have you subsequently hired...

MR. SCHABAS: Your Honour....

MR. BERNSTEIN: Q. ...and retained...

THE WITNESS: In that years? In that years?

MR. SCHABAS: Just a minute.

THE COURT: Hold on. Yes, sir.

MR. SCHABAS: This is a wide open question.
We've been around this. I object to the
nature of the question.

MR. BERNSTEIN: Okay. The question...

THE COURT: What is the full question?

MR. BERNSTEIN: The question was: Have you
subsequently hired any elected government
officials who were part of the government,
elected government officials who were part of

111
R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.
(Continued...)

the government between '85 and '89? So, during '85 and '89, these people would be elected MPs or ministers or whatever, and subsequently have you hired him?

THE WITNESS: After '89, you say...

THE COURT: I'll allow the question.

MR. BERNSTEIN: Q. All right. So after '89...

A. You said after '89.

Q. Yeah.

A. I wonder why don't you simply say whether Brian Mulroney was engaged and hired by me after he was the Prime Minister of Canada. The whole world knows it. Why do you go around? Just simply ask straightforward questions and I'll give it to you.

Q. He won't let me.

A. I have no problems with that. The whole world knows that.

Q. So tell me. Tell us.

A. Yes.

Q. Tell us how this came about?

A. Number one, what has it to do with MBB and the helicopters? Number two, this is a fishing trip, in my opinion, based on the whole thing around was Mulroney bribed by Schrieber, or whatever, and did he ever get money? And the whole world knows, yes, he received funds from me.

Q. How much?

THE COURT: Well, what's the relevance of that?

THE WITNESS: I mean this really, but I expected to be here.

R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.
(Continued...)

MR. BERNSTEIN: Well, Your Honour, the...

THE COURT: What I'm going to do, sir,
Mr. Schreiber, because of the time, I'll tell
you you're no longer required today, because I
want to hear from counsel, and so you don't --
you can go home or to your hotel, sorry. We
won't be recalling you this afternoon, so be
here, would you, tomorrow morning at ten
o'clock and I'll hear what...

THE WITNESS: Okay. Thank you, sir, very
much.

... [WITNESS EXITS]

MR. BERNSTEIN: Your Honour, I'd....

THE COURT: Yes.

MR. BERNSTEIN: I'd like it, if I was -- if it
is appropriate and the court allows any
further questions, one of the next questions
would be: Does this relate in any way directly
or indirectly to MBB? If the answer is no,
then that's that. But this is a different
period of time and a different thing in the
sense of it's hiring somebody and obtaining
somebody. It's after the time period I
covered. Mr. Schabas insisted or he thought
it best and we proceeded on the basis of
drawing a line in terms of the time period in
mid 1989, and you say, well, what's the
difference what was done after 1989. The

INFORMATION CONTAINED HEREIN IS PROHIBITED FROM PUBLICATION OF ANY METHOD PURSUANT TO SECTION 539(1)(b) OF THE CRIMINAL CODE.

Court File No. 02-20068

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

VERSUS

MBB HELICOPTER CANADA
(c.o.b. as Eurocopter Canada Limited)

AND

KURT PFLEIDERER AND HEINZ PLUCKTHUN

PRELIMINARY HEARING

FURTHER EVIDENCE

BEFORE THE HONOURABLE MR. SENIOR JUSTICE P. R. BELANGER
ON NOVEMBER 24, 2004 AT THE CITY OF OTTAWA

CHARGE(S): Section 380(1)(a) CCC - Fraud Over \$5,000

APPEARANCES:

M. Bernstein
T. Shaw

Counsel for the Crown

P. Schabas
T. Wong

Counsel for the Accused

R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.

investigation and we have come to certain conclusions, and this is why we are pursuing this particular line. It's relevant in relation to this." I haven't heard that from you, yet. If you wish, I'll have the witness excused and you can outline it for me, but if I find that this doesn't advance the Preliminary Hearing, I may simply have to curtail your continued cross-examination, because I don't not find it at this point particularly instructive, but I may be completely wrong. I may have missed the point and I want to give you the opportunity to clarify it all for me. If the only answer you seek is the one that -- the original question you asked, I'll let that go, but anything further, you'll have to justify.

MR. BERNSTEIN: Okay. Well, I'll start with the question.

MR. BERNSTEIN: Q. Have you subsequently hired any elected government officials who were part of the government, elected government officials who were part of the government between '85 to '93, and you subsequently hired them?

A. No, not -- not between. In '93.

Q. In '93?

A. Yes.

Q. When in '93?

A. Oh, I think it was close to December or even -- maybe even '94.

R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.

THE COURT: And who was that, sir? Who were they -- who were these people?

THE WITNESS: This was Mr. Mulroney.

THE COURT: Anybody else?

THE WITNESS: No. And he dealt with his position, to make it very simple for you, Mr. Bernstein, as a member of the board from Midland Archer Daniels.

MR. SCHABAS: I'm sorry. I couldn't here that answer.

THE WITNESS: Midland Archer Daniels. It's a huge American company dealing with food and agriculture products.

MR. BERNSTEIN: Q. Was there any discussions respecting this hiring before January of 1994?

A. No. And, yeah, in '93, perhaps. But I'm not too convinced whether that was -- this particular case, you asked me whether I did. I had many things in mind, and I told you, I wanted to hire Mr. Mulroney for Thyssen to be doing the same thing he's doing now, and it would have been a nice thing to have a previous Canadian Prime Minister on a peacekeeping track for Thyssen products. Again, as this government wanted the German companies to do. I would have been very happy if he would have done this. Unfortunately, we had no chance for that, but yes, and they told -- I was involved in the pasta business and enriched Durham semolina products and this is the moment when I spoke to him about Archer Daniels. And he provided me with some material on it.

Q. All right. I just want to understand...

R. v. MBB Helicopter Canada et al.
K. Schreiber - In-ch.

A. But they did not intend [ph] the helicopter and it has nothing to do with MBB.

MR. BERNSTEIN: Your Honour, I'm just going to ask -- I just wanted to get the time frame clear.

MR. BERNSTEIN: Q. These thoughts or this idea that you had, this plan, what time are we talking about?

A. After Mr. Mulroney has left government.

Q. After he had ceased -- after he had stepped down as the Prime Minister?

A. Yes. Yeah.

Q. Was it before or after the election of the fall of '93?

A. No, I don't -- I don't recall.

MR. SCHABAS: Your Honour, the witness has said it had nothing to do with helicopters and MBB, so we're into...

THE WITNESS: Not at all, no.

MR. SCHABAS: ...this area of...

THE WITNESS: But this is what he's all after all the time, so I give him -- I was pleased to give him the answer.

THE COURT: Just a moment. All right.

THE WITNESS: I apologize.

THE COURT: Okay. Let's go on to something else.

MR. BERNSTEIN: Okay. Your Honour, what I think I can do now is, if I can just say something, and just have a minute to see if I've completed everything. Okay, Your Honour?

Subj: **Re Proposed Letter**
Date: 25/06/2006 5:29:07 P.M. Eastern Standard Time
From: sharonmackay923@hotmail.com
To: Schreiberbarbel@aol.com

Dear Brian,

I wish to tender my profuse apologies to you for the misleading, erroneous and unfair characterization of your business relationship with me as depicted on the CBC program, "The Fifth Estate."

Without excusing my part, it is fair to say that I was misled by the producers that the program would deal with my complaints about the "sting" operation mounted against me by the RCMP.

May I state for the record, that my testimony under oath in prior legal proceedings is the only correct description of our business arrangement, that is to say, you, after returning to private life, at my request, agreed to advise and consult with me in certain business affairs. You were the best advocate I could have ever retained, and I am grateful for your efforts.

You and I have been the victims for a long time of a vicious, unfounded and totally misleading information. I am convinced that the past Liberal government, Stevie Cameron, Georgio Pelossi and the RCMP are all intertwined in a contemptible conspiracy. You know as well as I that this must be exposed; it will not go away unless strong actions are taken against those responsible.

Again, I apologize for my ambiguity and lack of caution in what I said on t.v. I was confused and upset, not any more!

Yours truly,

Karlheinz Shreiber.

KARLHEINZ SCHREIBER

The Right Hon. Brian Mulroney, P.C., LL.D.

47 Forden Crescent
Westmount Quebec

CANADA ...H 3 Y 2 Y 5

Ottawa July 20, 2006

Dear Brian,

Over the past three month I have learned a lot about the "monster" that has dogged our footsteps since 1994. Without a doubt, this is the biggest "Political Justice Scandal" in Canadian history.

The most recent statements under oath in court and during Examinations for Discovery have confirmed that Stevie Cameron, journalist, writer, confidential RCMP informant and complainant, had been passing information to the Mounties since 1988. She, together with a convicted Swiss criminal, Giorgio Pelossi, Canadian political figures and government officials are responsible for the "Political Justice Scandal" in Canada as well as in Germany and many other countries.

I also for the first time encountered a satisfying explanation regarding a very painful misunderstanding between us related to the "Bear Head Project".

You and I are the innocent victims of this vendetta and you are the still the prime target.

I have been trying since 1997 to bring the truth to light in a courtroom in Alberta, so far without success, due to the delay tactics of the Department of the Attorney General.

The "Political Justice Scandal" around the "Airbus Affair" will not go away by itself. The people behind the conspiracy must be exposed through determined actions and brought to justice. You and I have a responsibility towards our families, our friends, international companies involved, as well as to Canadians, to Canada and ourselves.

Despite the fact that I was very angry about the statements made by Norman Spector, Luc Lavoie and Bill Kaplan, I regret deeply that the people from the CBC's Fifth Estate were able to entrap me, just as they did so many others before me. This was possible with the help of an American journalist, whom I have trusted for a long time. He was misled, as was I.

MackAY LAKE ESTATES
7 BITTERN COURT, ROCKCLIFFE PARK
OTTAWA, CANADA K1L 8K9
Tel: 613-748-7330 Fax: 613-748-9697

I wish to tender my profuse apologies to you for the misleading, erroneous and unfair Characterization of your business relationship with me as depicted on the CBC program, "The Fifth Estate".

Without excusing my part, it is fair to say that I was misled by the producers that the program would deal with my complaints about the "sting" operation mounted against me by the RCMP.

May I state for the record, that my testimony under oath in prior legal proceedings is the only correct description of our business arrangement. You, after returning to private life, at my request, agreed to advise and consult me in certain business affairs.

I still believe that my statements in the book "The Secret Trial," together with my testimony under oath at the Eurocopter trial and my statements to Bob Fife, have made it crystal clear what my position is.

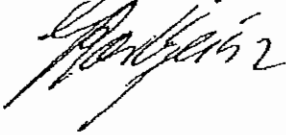
There is no "Airbus Affair" involving Brian Mulroney and furthermore there is nothing to hide.

The discussion and financial arrangements between you and me about future industrial projects have been correct, private and nobody's business. You were the best advocate I could have retained.

It is far too long since we had lunch together. I think it is wrong not to speak to each other. Too many people talk too much. I have not changed. I have always been your friend, even though I was irritated for some time, which I regret. For the sake of objectivity and fairness, I ask you to accept my apology.

I am happy that your health is fine again: so let us clear the air and bring peace to our families and ourselves.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brian Mulroney", written over the typed name "Yours sincerely".

March 3, 2007
AFFIDAVIT

IN THE FEDERAL COURT OF CANADA

000001

BETWEEN:

KARLHEINZ SCHREIBER

Applicant

- and -

THE ATTORNEY GENERAL OF CANADA, THE SOLICITOR GENERAL OF CANADA
AND THE COMMISSIONER OF THE RCMP

Respondents

AFFIDAVIT OF KARLHEINZ SCHREIBER

I, Karlheinz Schreiber, businessman, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND STATE:

1. I am the Applicant herein, and as such, have personal knowledge of the matters hereinafter deposed to, except where stated to be on the basis of information and belief, in which case I verily believe the same to be true.
2. I was born in Germany on March 25, 1934 and am presently 72 years old.
3. I obtained landed immigrant status in 1978 and became a Canadian citizen on February 23, 1982.
4. I was a Judge of the Regional Court for commercial cases in Munich for nine years.
5. I have had residences in Canada since 1979.

6. I was the subject of an RCMP investigation from 1995 to April, 2003 and have been subject to extradition proceedings since 1999. I have learned many facts about the conduct of the Canadian authorities and of the Augsburg authorities from various sources, including the news media, books written on this matter and review of RCMP documents. I have been led to make this application as I am concerned that the administration of justice has been brought into disrepute in the cumulative result of the bad faith, abuse of process and egregious actions of the Respondents and their employees.
7. I am a citizen of this country. I ask this Honourable Court to review the breaches, in the result of the actions of the RCMP and the Minister of Justice, of my fundamental rights and legitimate expectations as a Canadian citizen.

BACKGROUND

8. In the early 1990's, the political atmosphere in Germany was very charged in the result of accusations and counteraccusations relating to political donations, attached hereto and marked as Exhibit "A" to my affidavit are copies of newspaper reports relating to the political scandal in Germany.
9. I understand from a review of the books of William Kaplan and of Steve Cameron and of RCMP documents, that the RCMP made inquiries about Airbus in 1988 and there was no finding of wrongdoing.
10. It is my further understanding that in late 1993, Allan Rock, Minister of Justice, surmised from a conversation with a reporter that there might be wrongdoing in relation to Air Canada's Airbus acquisition. On December 2, 1993, Mr. Rock sent a note to that effect to the Solicitor General, Herb Gray, attached hereto and marked as Exhibit "B" to my affidavit is a copy of the Saturday Night article of October 1, 1996.
11. I understand that the RCMP interviewed Mr. Rock and that on February 22, 1994, informed him that there was no basis to pursue an investigation, attached hereto and marked as Exhibit "C" to my affidavit are excerpts of Hansard.

12. In January, 1995, the Commissioner of the RCMP asked that Stevie Cameron be interviewed about the acquisition of the Airbus planes, attached hereto and marked as Exhibit "D" to my affidavit are RCMP notes relating to the request.
13. Sergeant Fraser Fiegenwald of the RCMP was placed in charge of the investigation.
14. During 1995 there were many newspaper stories about Airbus and in March, 1995, Der Spiegel published a story that implicated me in the Airbus acquisition.
15. On March 28, 1995, the CBC's Fifth Estate aired a program suggesting there were problems with the Airbus purchase and implicated me.
16. A letter from the Augsburg City Tax Office (Germany) to the office of the Public Prosecutor on August 2, 1995 confirms that the RCMP, through their liaison office in Germany, had, since May 24, 1995 been in contact with the senior Augsburg Prosecutor and informed the authorities in Augsburg of their apparent investigation in Switzerland, attached hereto and marked as Exhibit "E" to my affidavit is a copy of the letter.
17. Sergeant Fraser Fiegenwald and Yves Bouchard, attended in Lugano, Switzerland at the end of June, 1995 in order to interview Giorgio Pelossi, my former business associate.
18. On July 24, 1995, Giorgio Pelossi was interviewed in Bregenz, Austria by the Augsburg tax investigators.
19. On August 24, 1995, RCMP Inspector McLean, liaison officer with the Canadian Embassy, Bern, Switzerland wrote to Sergeant Fiegenwald on how to draft the Letter of Request that was to be sent to Switzerland and commented on how to avoid any problems arising as a result of RCMP contact with a witness (Pelossi) without the necessary legal sanctions of the Swiss government, attached hereto and marked as Exhibit "F" is a copy of the letter McLean sent.

000000

20. In early September, 1995, members of the RCMP spoke with Giorgio Felossi, attached hereto and marked as Exhibit "G" to my affidavit is a true copy of the German and English version of the note reflecting the meeting.
21. Attached hereto and marked as Exhibit "H" to my affidavit, is a copy of the Letter of Request sent by the International Assistance Group ("IAG") of the Department of Justice to a Competent Legal Authority in Switzerland on September 29, 1995.
22. Attached hereto and marked as Exhibit "I" to my affidavit is a publication that describes the role of the IAG within the Criminal Law section of the Department of Justice.
23. On, or about the first part of November 1995, I learned that I was named as a principal in the said Letter of Request.
24. My bank accounts, along with accompanying documents, in the Swiss Banking Corporation Zurich, were seized by the Swiss Federal Office for Justice as a result of the Letter of Request.
25. I successfully contested the legality of the actions of the Government of Canada and those of the Swiss in the Federal Court and in the Federal Court of Appeal but then the Supreme Court of Canada determined that, whilst a person present in Canada could not have his bank accounts searched without proper search warrants, the same was not available to a Canadian citizen whose banking records outside of Canada were sought with the assistance of a foreign government.
26. The Government of Canada refused to retract the Letter of Request, despite the fact that on January 20, 1997, the Minister of Justice and the Commissioner of the RCMP sent a letter of apology to me, attached hereto and marked as Exhibit "J" to my affidavit is a true copy of the letter sent to me.
27. On October 27, 1997, I filed a Statement of Claim in the Court of Queen's Bench of Alberta, action number 9703 20183, against the Attorney General of Canada alleging *inter alia*, abuse of public office and abuse of process and allegations of fact against members of

the IAG who had assisted the RCMP with the Letter of Request, attached hereto and marked as Exhibit "K" to my affidavit is a true copy of the Statement of Claim.

28. On, or about August 19, 1999, the Government of Germany sent to Canada a Provisional Warrant for my arrest.
29. I was arrested on August 31, 1999 and members of the IAG became involved on behalf of the Government of Germany in relation to the Extradition proceeding and also provided guidance and advice to the Minister of Justice in his determinations on the issue of my surrender to Germany.
30. On November 12, 1999, the Minister of Justice issued an Authority to Proceed in relation to the German extradition request.
31. In December, 1999, the RCMP obtained a Search Warrant in relation to MCL, a company now known as Eurocopter Canada. The RCMP obtained Orders to have the search warrant, information and the results of their investigation sealed.
32. I learned through news reports and the Eurocopter court proceedings that the individual who had provided information to the RCMP in 1995 was classified as a "confidential informant," although there had been no suggestion that the RCMP had used such an informant when the investigation into Airbus was started in January of 1995.
33. On April 9, 2001, I received notice of the secret Eurocopter proceedings in the Ontario Superior Court of Justice and I arranged to have my counsel attend on my behalf before the Ontario Superior Court of Justice.
34. On April 24, 2001, Mr. Justice Thea, of the Ontario Superior Court of Justice, granted me standing to be involved in the proceedings and, in time, the Crown's application to continue the sealing of documents was denied.
35. I testified at the Eurocopter Canada preliminary hearing over a number of days. Despite my best efforts to answer the questions asked of me, the Crown Prosecutor was unhappy with my

000006

answers and unsuccessfully sought to have me declared a "hostile witness"; attached hereto and marked as Exhibit "L" to my affidavit is the excerpt of the decision relating to the Crown's application.

36. The Honourable Judge Belanger did not find sufficient evidence to commit Eurocopter Canada to stand trial. The Crown appealed the ruling and the Honourable Justice Rathusany agreed with the ruling of Judge Belanger.
37. This application relates to both the Letter of Request and the improper manner in which the Government and its agents have conducted themselves in the extradition proceedings against me.
38. I believe that the government and its servants and employees have treated me unfairly and abused their powers. I believe that my Charter rights as a Canadian citizen have been affected as a result of the cumulative egregious actions of the Respondents. I will outline the egregious conduct and abusive processes under the following headings: **CONDUCT OF THE RCMP; CONDUCT OF THE IAG; LIMITATION PERIOD RELATING TO THE OFFENCES, WRONGDOING OF AUGSBURG PROSECUTORS/JUDICIAL COMMENTARY.**

CONDUCT OF THE RCMP

39. On January 19, 1995, Commissioner Murray of the RCMP directed that senior investigators interview the journalist Stevie Cameron to find out what information she had in relation to the purchase by Air Canada of Airbus passenger jet planes.
40. Sergeant Fiegenwald and Inspector Gallant interviewed Ms. Cameron about the Airbus purchase and her knowledge of any illegal behavior.
41. Sergeant Fiegenwald obtained documents from Ms. Cameron and then attended in Lugano, Switzerland in the last week of June, 1995 in order to interview Giorgio Pelossi without legal authority from Swiss authorities.

006007

42. Between July 1995 and September, 1995, Sergeant Fiegenwald met with a member of the IAG and on September 29, 1995, the Letter of Request was sent to the Swiss authorities.
43. My concerns about the conduct of the RCMP relate to the following:
- a) the basis for the RCMP Airbus investigation were unfounded assertions made by Ms. Cameron that the former Prime Minister Mulroney had been involved in taking bribes;
 - b) Sergeant Fiegenwald interviewed Giorgio Pelossi before the formal request for assistance was sent to the Swiss authorities;
 - c) during 1995 and 1996 the RCMP were in continuous contact with Ms. Cameron and exchanged information with her. In or around 2001, the RCMP decided to designate her as a confidential informant;
 - d) Sergeant Fiegenwald was disciplined by the RCMP because he was said to have disclosed information about the Letter of Request to a journalist;
 - e) Sergeant Fiegenwald sought a public hearing relating to his discipline hearing and that led the RCMP to place him on pension thereby avoiding a public hearing;
 - f) the RCMP and the German authorities have relied on Giorgio Pelossi, a person of questionable character. On December 12, 1995, RCMP Inspector McLean, liaison officer in Bonn, informed the RCMP that Pelossi had a criminal record. Attached hereto and marked as Exhibit "M" to this my affidavit is Superintendent Matthews' description of Pelossi and an article in German from the publication Q-Archivido;
 - g) in the early part of 1996, the RCMP Liaison Office was contacted by the Augsburg prosecutor's office to discuss setting up a meeting: "such a meeting would be useful..... developments are very positive, German authorities have

000003⁸

been going to great lengths to avoid any perception they are presently cooperating/sharing information with us... Prosecutors are being very cautious and they do not want to be seen or perceived as doing anything that could be viewed as improper. My view is that this lends support to the notion they are indeed in possession of substantial information of interest to you...still attempting to reach an attorney from German Justice to clarify your inquiry concerning what, if any, steps can be taken to compel the statement or testimony of a potential witness,.....", attached hereto and marked as Exhibit "N" to my affidavit is a copy of the memorandum relating to the conversation;

- h) on October 15, 1996, RCMP Officers met with German prosecutors -- Hillinger & Weigand. Hillinger was in charge of Schreiber investigation -- "impossible for him to discuss specifics of the German investigation because of the confidentiality of the countries tax laws dealing with such investigations...informed him request for assistance would be in Germany in 3 weeks" ... Impression, if Hillinger got the request, would be given favorable consideration by Federal German Justice, expect fullest cooperation...", attached hereto and marked as Exhibit "O" to my affidavit is the memorandum reflecting the meeting with the Augsburg prosecutors;
- i) on Nov. 14/96 -- Weigand spoke with RCMP Officer Brettschneider of the liaison office -- "Air Canada subject to search? How many times have we received information from Swiss authorities? Where Canadian official request for assistance...German authorities in Augsburg are anxious to receive request..." Weigand called later -- inquired if official request for assistance had been forwarded to France "... prior to suspension (of letter of request) we received statement and supporting documents from Pelossi as well as bank documents respecting Moores....are proceeding with criminal investigation on various fronts and that the request to Germany is our number one priority....We remain quite willing to assist the German authorities in their criminal probe. Do you foresee a request from them to us?", attached hereto and marked as Exhibit "P" to my affidavit is a copy of the memorandum relating to this conversation;

000009

- j) In April, 2004, Justice Then of the Ontario Court heard evidence on the conduct of the RCMP relating to Cameron and her status as a confidential informant in the Eurocopter Canada case. A decision has not been rendered yet;
 - k) Superintendent Matthews ("Matthews") deposed to several affidavits in relation to the Eurocopter Canada search warrants and in relation to justifying obtaining sealed Orders from the court;
 - l) Matthews's affidavits disclose that the RCMP cooperated with a "foreign agency" in getting a spy to get me to agree to commit illegal acts. Matthews stated "the goal of the undercover operation has been to seek a plausible introduction to Schreiber, to establish a relationship on the pretext of business initiatives of mutual interest, to develop this relationship by various methods of ingratiation, and to sustain it for a period of time sufficient to gather evidence germane to allegations under investigation. RCMP investigators, in cooperation with a foreign agency, have sought to infiltrate Schreiber as a target, by way of an introduction from secondary individual(s). The principle undercover operator (UCO) in this scenario has now successfully approached Schreiber portraying an entrepreneur engaged in various export/import enterprises..." attached hereto and marked as Exhibit "Q" to my affidavit are the Affidavits of Matthews; and
 - m) during the Extradition proceeding, the RCMP sought to show that I had access to two cell phones, which would be contrary to the terms of my bail. The basis of the RCMP allegations was a report in the German publication Zeit, attached hereto and marked as Exhibit "R" to my affidavit is a copy of the article.
44. I was called by a man named Vahe Minasian (the spy/UCO) who told me he was connected to the Russian Mafia who had access to Russian high speed torpedoes. He asked for my help in a joint venture. Minasian met me several times. He suggested to me that the venture could be done through the Canadians. He also asked me to place raw diamonds and to consider the sale of home containers to the Canadian Army through "helpful contacts". I had no desire to become involved in any of the schemes he put forward.

10
000010

45. I did not know that Minasian was a spy. I did not expect that the RCMP and the Government of Canada would use a spy to entrap me into committing illegal actions.
46. The RCMP have not conducted themselves in good faith and I ask this Honourable Court to intervene and uphold my Charter rights as a Canadian citizen.
47. I verily believe that the Commissioner of the RCMP abused his office in enabling his officers to carry on with the Airbus investigation for as long as he did, in enabling his officers to improperly interview Pelossi, in enabling his members to collaborate with the German prosecutors, in enabling his members to use a spy to entrap me and in having his members designate Ms. Cameron as a confidential informant some six (6) years after she gave information to them.
48. On April 9, 2003, Commissioner Zaccardelli sent me a letter informing me that the Airbus investigation that commenced in 1995 was concluded, attached hereto and marked as Exhibit "S" to my affidavit is a copy of the letter.

CONDUCT OF THE IAG

49. On, or about August 1999, the German authorities sought the assistance of the IAG of the Department of Justice to have me arrested and extradited to Germany as the German authorities alleged they wanted to prosecute me on, *inter alia* of taxes owed.
50. I was arrested on the 31st day of August 1999 and released with stringent bail conditions, including the obligation to report to the authorities once daily, my telecommunications were monitored as part of my bail conditions since my arrest. I have not been at liberty to travel and, each time the Court renders a decision relating to my status, I am obligated to turn myself into detention. This has happened about seven (7) times since August 1999 and the last time was for a period of eight (8) days in February, 2007 before my release on strict bail conditions.
51. Members of the IAG have represented the Government of Germany in seeking to have me extradited to Germany and, in fact, members of the IAG attended in Augsburg in September

000011

and October of 1999 in order to assist the German prosecutors to prepare the Record of the Case relating to my extradition, attached hereto and marked as Exhibit "T" to my affidavit is a copy of a newspaper article relating to this.

52. The extradition proceedings were held before the Honourable Mr. Justice Watt who made a committal decision on May 27, 2004 on the basis of the law extant at that time.
53. On October 31, 2004, the Honourable Irwin Cotler made the decision to surrender me to Germany. In making his decision, the Minister noted that Canada's obligations under the Treaty between Canada and Germany Concerning Extradition could not be ignored. I believe the Minister misapprehended the intention of the Treaty that Canada is "obliged" to extradite its citizens. Germany has not and would not extradite its nationals for fiscal offences.
54. My appeal to the Ontario Court of Appeal on the Committal and Judicial review of the Minister's Surrender decision was unsuccessful.
55. On December 14, 2006, the Honourable V. Toews, the Minister of Justice, decided to maintain the decision of the Honourable Irwin Cotler to surrender me to Germany. The Judicial review of the Minister's decision will be heard by the Ontario Court of Appeal on May 4, 2007.
56. On February 1, 2007, the Supreme Court of Canada refused my leave application.
57. My lawsuit in Alberta alleges misconduct of members of the IAG. I cannot understand how the members of the IAG can assist with preparation of the Letter of Request; defend the lawsuit I filed against them; act for the German government in the extradition proceeding; and advise the Minister in relation to the surrender decision. I believe that, by any reasonable standard, this is a blatant conflict of interest.
58. I verily believe the IAG has been in a conflict of interest since the provisional arrest warrant was sent to them as the same counsel within the IAG have been actively involved with the extradition proceedings before the Courts and then in advising the Minister of Justice on the decisions he must make in relation to me.

12
000012

59. I understand that the Attorney General retains outside counsel in many instances and I believe that that ought to have occurred in this instance as I query how can the individuals in IAG, while defending my lawsuit, represent the interests of the Crown in proceedings against me, act as agents for the Government of Germany and advise the Minister of Justice.
60. I understand that in December of 2006, the Office of the Director of Public Prosecutions was established, attached hereto and marked as Exhibit "U" is information from the Department of Justice website relating to the formation of the office of the Director of Public Prosecutions.
61. Attached hereto and marked as Exhibit "V" to my affidavit are Conservative Party publications dated November 30, 2005, of which states at para. 2:

"The Mulrony-Airbus affair: Officials in the Federal Department of Justice advised the RCMP during its investigation and it was the Justice Department that signed and sent the letter asking the Swiss authorities to cooperate. The Department's letter wrongly indicated that the RCMP had reached conclusions about criminal activity and the Attorney General Allan Rock subsequently apologized in writing to avoid any possibility of interference this is precisely the sort of issue that should have been handled by an independent Director of the Public Prosecutions."

62. I believe that the fact that the Government has established the Office of the Director of Public Prosecutions demonstrates the need for the independence of the prosecutors from actual or perceived political biases.
63. I have written to the Minister of Justice and asked him to review my concerns; to my dismay, the IAG responded to my letter and prepared a summary for the Minister.
64. The Minister of Justice has been, and continues to be, advised by members of the IAG in relation to the extradition and in relation to those matters that the Minister must consider in deciding whether Canada will surrender me to the German authorities. It is transparent and obvious that the Minister of Justice takes direction and counsel from the IAG.

13
000013

65. Attached hereto and marked as Exhibit "W" to my affidavit are copies of newspaper reports dated January 24, 2007, which suggest that in February, 2006 Vio Toews, the Minister of Justice, had sought briefing notes relating to the actions he might need to take "in relation to Schreiber". The articles note that the Minister did not even review the briefing note. This Minister made the surrender decision on December 14, 2006. I have serious apprehensions as to whether Minister Toews actually reviewed and considered any of the materials that was provided to him and verily believe, that he simply signed the letter that was prepared by the IAG and placed in front of him for signature.
66. My counsel has made submissions to the Minister of Justice on several occasions to ask him not to surrender me to the German authorities as I, as a Canadian citizen, want to remain in Canada and to have the right to fully prosecute my civil action against the Crown. I believe that the establishment of the Director of Public Prosecutions shows that the government recognizes the need for an independent office in order to avoid conflicts and to avoid the appearance of conflicts.

LIMITATION PERIOD RELATING TO THE OFFENCES

67. The offences I am alleged to have committed in Germany are fiscal offences with discrete limitation periods. It is my understanding that the Warrant of Arrest and the extradition request allege contravention of German fiscal laws between the years 1988 and 1993.
68. Attached hereto and marked as Exhibit "X" to my affidavit is a chart relating to the offences I am accused of and the limitations relating to the same. The general and absolute limitations have expired for all of the charges.
69. Most of the offences would have become time barred in the fall of 2005. In order to ensure that I would be prosecuted if I am returned to Germany, the government of Germany passed a law known as *Lex Schreiber*, attached hereto and marked as Exhibit "Y" to my affidavit is a news report relating to the passage of *Lex Schreiber*.
70. I verily believe that the Minister did not give sufficient consideration to section 46 of the *Extradition Act* in two (2) respects: firstly that the prosecution would be barred by

000074

"prescription or limitation under the law that applies to the extradition partner" and secondly, that the continued basis of Germany's desire to prosecute me is based on political reasons as shown by the passage of Lex Schreiber and as disclosed by the statement of the Judge and spokesman of the Augsburg Court, and as described below.

WRONGDOING OF AUGSBURG PROSECUTORS/JUDICIAL COMMENTARY

71. Attached hereto and marked as Exhibit "Z" to my Affidavit are newspaper reports relating to comments made by the Chief Prosecutor of Augsburg and by Judge Karl Heinz Hausler, spokesman for the Augsburg Court.
72. My counsel and I wrote letters to the Minister of Justice about the conclusory and political statements made by the Augsburg Court spokesman and the Chief Prosecutor. I will not receive a fair trial or have the benefit of fundamental rights if I am surrendered to the Germans.
73. Attached hereto and marked as Exhibit "AA" to my affidavit is the memorandum prepared by the IAG to the Minister that purporting to respond to the concerns raised about the conclusory and political statements made by the Augsburg prosecutor and court spokesman.
74. I do not believe that the comments that were made by the Chief Prosecutor and the Augsburg Judge can be disregarded as they state clearly the intention of the German Government, both in relation to pre-trial custody and in relation to the fact that I am seen as the person who led to the destruction of Germany's international reputation regarding former Chancellor Kohl.
75. The clarifications provided by the prosecutor and the court spokesman are but self serving explanations for untoward and unethical comments they made to the media.
76. It is my understanding that in 2002, the Swiss Justice Department had advised the Dusseldorf Prosecutors that they could not make use of the documents obtained by the Swiss, and that the Swiss were not prepared to give MLAT assistance as attached hereto and marked as Exhibit "CC" in my affidavit.

000015

77. In 2005, the Swiss authorities had asked my Swiss counsel if I would consent to the use of the banking documents for the prosecution in Augsburg of Haastert. I had said no as the Swiss had already taken the position that they would not give assistance in this regard.
78. On November 7, 2006, the Swiss Justice Department sent a letter to the German Federal Department of Justice located in Bonn, Germany and that the German Government may not make use of the banking documents that were seized by the Swiss as the prosecutors office had not acted in good faith in withholding certain information from the Swiss authorities, attached hereto and marked as Exhibit "BB" to my affidavit is a copy of the letter from the Swiss Department of Justice and a translation of the same.
79. Attached hereto and marked as Exhibit "DD" to my affidavit are newspaper articles from Europe relating to the problem with the documents.
80. I understand that it is the position of the Government of Canada that the documents are available and that it is up to the German Courts to determine whether or not they will make use of the documents. How can that be the case? If the Swiss government has said the documents are tainted, and cannot be used by Germany, then they are also tainted for the purpose of the extradition proceeding and the "available evidence" against me to support extradition.
81. Attached hereto and marked as Exhibit "EE" to my affidavit is a copy of a letter from my counsel in Germany, sent to Augsburg Prosecutors in relation to the bribery charge.

CONCLUSION

82. There has not been any explanation provided either by the Minister of Justice, the Solicitor General, or the Commissioner of the RCMP as to why the Airbus investigation took so long, cost exorbitant amounts of money and resulted in repeated conclusions that there had been no wrongdoing.
83. The cumulative actions of members of the RCMP, the IAG and the prosecutors in Augsburg have been such that to allow my extradition to Germany would deprive me of my Charter

rights as a Canadian citizen and would be a blatant abuse of process and such that the administration of justice would be brought into disrepute.

84. The last decade has been difficult for me. I have no criminal record, yet I have had to endure relentless media attention, attend legal proceedings, comply with bail conditions and give up enjoyment of my later years in life.

85. I want to remain in Canada as it is my right to do so as a Canadian citizen. It is my understanding that Germany does not extradite its nationals for fiscal offences and Canada should not surrender its citizens for such offences.


86. I believe the cumulative actions of the Respondents, their servants and employees have been so egregious that my rights as a Canadian citizen have been contravened, and the administration of justice has been brought in disrepute.

I seek consideration by this relating to breaches of the surrender decision stayed.

SWORN BEFORE ME at the City of
Ottawa in the Province of Ontario, this
20th day of March, 2007.

Public Notary

RICHARD AUGER


KARL HEINZ SCHREIBER

About Brian Mulroney, I would say that I do not understand why Brian Mulroney would say something like this because I never did the smallest thing to hurt him. It's the opposite, all I did was respond to the request of his government and to Mr. Strauss, chairman of the CDU, to bring business and qualified jobs for young Canadians to Canada. I was introduced to him at the request of Mr. Strauss through Walter Wolf and Michel Cogger at the time that he was president of Iron Ore. From then on I was involved to support his political activities. At no time did Mr. Mulroney tell me that I should give up on the project. It was the opposite. After Brian Mulroney left office I hoped to get his support that the Bearhead project would go ahead. The previous Prime Minister of Canada, namely Mulroney, in my opinion would have been a good representative of Thyssen. A value added representative to support the sale of peacekeeping and an environmental protection equipment out of Canada. I am aware that many of the companies that Brian Mulroney is involved with today have similar reasons for employing him. After Mr. Mulroney left office he was looking for clients to generate income that in my opinion he badly needed in those days. [Schreiber has told me on countless occasions how pitiful it was that Mulroney was required to sell his furniture to the government of Canada in order to raise some cash.]

Q from BK: When he testified he barely knew you.

A: I wasn't there; I don't know what he testified to, I didn't care too much because I thought he must have a reason.

When I look back, I have to say that I like Brian Mulroney. I liked him from the beginning because I enjoyed his sense of humour from the beginning when we met at the Ritz in Montreal. [