

KEN KELLY
PLAINTIFF
EXAMINATION

- 1241 Q. There are trees.
A. Big trees.
- 1242 Q. Big trees.
5 A. Uh-huh.
- 1243 Q. And behind these trees ...
A. Coconut trees.
- 1244 Q. There are coconut trees?
A. Yeah, I think so.
- 10
1245 Q. Okay. So, behind these coconut trees are other
buildings.
A. Uh-huh.
- 1246 Q. Okay. Now, there's the Orchid Hotel. In front of
15 the Orchid Hotel, is there another building?
A. No.
- 1247 Q. Next to it?
A. Yeah, I think there's one to the side, yeah, this
way.
- 20
1248 Q. Okay. Do you know what it is? Do you recall what
it is?
A. No, I don't recall what it is.
- 1249 Q. Okay. What do you see from your car?
25 A. What do you mean, «what do I see?»
- 1250 Q. What do you see from the car you're in with
28 Colonel Amaresreth. You don't see the Orchid
Hotel. What do you see? Do you see ... describe

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- me what you see.
- 1251 A. I see Thai policemen ...
- Q. Uh-huh.
- 5 A. I see Canadian policemen.
- 1252 Q. In the alley?
- A. In the alley, yes.
- 1253 Q. Okay. Who is there for your guys?
- 10 A. I don't ... they're all there except for Mr. Dop,
they're all there, but I don't know which ones ...
- 1254 Q. Where is Mr. Dop?
- A. Mr. Dop is back at the hotel.
- 1255 Q. What is he doing at the hotel?
- 15 A. Ask Mr. Dop what he was doing back at the hotel.
- 1256 Q. I understand you don't know.
- A. That's right.
- 1257 Q. Uh-huh. So, all the other RCMP members except Mr.
20 Dop are in the alley.
- A. Yes.
- 1258 Q. Where is Mr. Olivier?
- A. In the alley.
- 1259 Q. Okay. What does on?
25 A. I don't know.
- 1260 Q. You don't know. You don't know what goes on after
28 that.
- A. Well, I know what happened after that, but I don't

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- know what's going on at that time.
- 1261 Q. What happened?
- A. What happened?
- 1262 5 Q. Uh-huh.
- A. At some juncture, we got word that ... the signal was given that the operation, you know, was coming to an end and everything, so we ...
- 1263 Q. What time is that?
10
- A. I don't know. Just later that evening.
- 1264 Q. Okay. Did you see Mr. Olivier being arrested?
- A. No, I did not.
- 1265 Q. Okay. How did you find out?
15
- A. Well, I was there.
- 1266 Q. Pardon me?
- A. I was there. I mean I would have seen it after it took place I guess.
- 1267 Q. But who told you that?
20
- A. Nobody told me. I would have seen it.
- 1268 Q. But you told me you didn't see it, Mr. Kelly.
- A. I told you I didn't see it taking place, but I've seen it after the fact.
- 1269 Q. Uh-huh.
25
- A. There's a difference there too.
- 1270 Q. Okay. Explain it to me.
28
- A. I didn't see it take ... I didn't see the arrest

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- of Mr. Olivier taking place, but later on I did see Mr. Olivier under arrest.
- 1271 Q. Okay.
- 5 A. That's how I can explain it I guess.
- 1272 Q. Okay. Who arrested him?
- A. I have no idea.
- 1273 Q. You have no idea who arrested him. Okay. So, before his arrest, you saw nothing. You didn't see his arrest.
- 10 A. No.
- 1274 Q. You didn't see movements, you weren't aware of RCMP movements during the arrest, during the buy and bust, you didn't see the transfer of drug?
- 15 A. No.
- 1275 Q. You didn't see he transfer of money?
- A. No.
- 1276 Q. Okay. Were you hearing anything in the car?
- 20 A. No, I was not.
- 1277 Q. There was nothing ... you couldn't hear anything in the car.
- A. No.
- 25 1278 Q. Okay. So, you were with Colonel Amaresreth and you were just waiting.
- A. Uh-huh.
- 28 1279 Q. You were waiting for his arrest.

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- A. Uh-huh.
- 1280 Q. Okay.
- 5 Me IAN-KRISTIAN LADOUCEUR:
I'd like this to be filed as DI-4, sketch.
- 1281 Q. Please sign your sketch.
(Exhibit DI-4 is produced)
(Witness signs DI-4)
- 10 1282 Q. Do you have knowledge of every RCMP's role at the
time that you're sitting in the car with Colonel
Amaresreth?
- A. ...
- 1283 15 Q. Did you have knowledge of everyone's role?
A. Of the RCMPs?
- 1284 Q. Uh-huh.
- A. Yes, I did.
- 1285 20 Q. Okay. What was Pouliot doing at that time?
A. Pouliot was not there at that time.
- 1286 Q. Where was he?
A. He was in Bangkok.
- 1287 25 Q. Okay. What about Dop? He wasn't ...
A. He was in Chiang Mai.
- 1288 Q. Okay. What was his role for that night?
A. For that night?
- 28 1289 Q. Uh-huh.

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- A. I believe Mr. Dop was the money man so to speak,
as we call it.
- 1290 Q. Uh-huh. That's it?
- 5 A. Yes.
- 1291 Q. What about Girdlestone?
- A. You better ask these members as to what their
roles were but I mean ...
- 1292 Q. No, but I asked you a question, Mr. Kelly, I'd
10 like you to answer it. Do you have knowledge?
- A. I have ...
- 1293 Q. Tell me then ... answer my questions, Mr. Kelly.
- A. I will answer to the best I can, but I can't
15 recall everything. I can tell you that I believe
Mr. Dop ...
- 1294 Q. Just answer my question. I asked you a question
if you knew the role of these guys. You said
«yes». I'm at ...
- 20 A. I knew the role ...
- 1295 Q. ... Mr. Girdlestone. Please answer the question.
Don't tell me, «You're better off asking these
guys». Answer the question. What was Girdlestone
25 doing, Mr. Kelly?
- A. ...
- 1296 Q. What was his role at that time?
28
- A. I knew the role of every police officer at that

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time. My recollection is a bit different today than it was then.

1297 Q. Do you know or don't you know?

5 A. I don't ...

1298 Q. Today, do you know or don't you know?

A. At this juncture, I don't know what their role was. At that time, I certainly did.

1299 Q. Apart from the monitoring equipment that was
10 supplied by the RCMP members, was there any, to your knowledge, any other equipment supplied by the RCMP members?

A. Not to my knowledge.

1300 Q. Not to your knowledge. Were there in front of you
15 discussions of wearing firearms during that night of the buy and bust, the 19th of February 1989?

A. Yes, there was.

1301 Q. Yes, there was?
20

A. There was.

1302 Q. What were the discussions? Do you remember them?

A. I vaguely remember them.

1303 Q. Tell me what you know.
25

28 A. That weapons had been seen on ... during the course of this investigation on a couple of previous occasions, and the Thai authorities were very, very concerned for the safety of our

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members. So, Colonel Amaresreth recommended that certain members wear sidearms.

1304

Q. Who?

5

A. He recommended I believe several of them should have them, but only one opted to do so.

1305

Q. Uh-huh.

A. Because we felt that perhaps Flannigan was in the most precarious situation.

10

1306

Q. Were you there during these discussions?

A. Yeah, so he was the only one that accepted a firearm.

1307

Q. Okay. What was the role of Derek Flannigan that night?

15

A. He was to take the ... again, I'm ... again, I can't be ... exactly, but I can tell you that his role certainly was to test the heroin, take possession and test the heroin.

20

1308

Q. Is that it?

A. I'm not sure if there was other ... but again, you ask the members.

1309

Q. So, you don't remember anything else?

25

A. No.

1310

Q. When Colonel Amaresreth told you that the Thai dealers were carrying firearms, did he identify the persons who were carrying firearms?

28

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- A. He did not.
- 1311 Q. He was presuming that they had firearms?
- A. Well, they seen them.
- 1312 5 Q. They saw firearms on the Thai traffickers.
- A. Yes.
- 1313 Q. On the 19th of February.
- A. In 1989, on that night, yes... not on that night,
I think it was the previous day.
- 10
1314 Q. He didn't tell you anything more?
- A. No.
- 1315 Q. No. To your knowledge, did Alain Olivier put
15 pressure on the RCMP members not to go and
participate in the operation the night of the
19th?
- A. Mr. Olivier was begging for them to go ahead,
that's why it went ahead.
- 1316 20 Q. Okay. So, at no time at all, do you know if Mr.
Olivier put pressure on the RCMP members not to
go?
- A. No. We aborted two previous attempts and we
25 wanted out, Mr. Pouliot was now back in Bangkok,
he came back, Mr. Olivier came back begging that
the deal go through.
- 1317 28 Q. So, on the 19th, he never told you guys that he
wanted out, he didn't want to participate.

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- A. No.
- 1318 Q. He never told you also ...
- A. Not to me anyway.
- 1319 5 Q. Not to you.
- A. Because I wasn't a part of.
- 1320 Q. No, but you would have heard ...
- A. ...
- 1321 Q. No?
- 10 A. I would have heard, yes.
- 1322 Q. Okay.
- A. It was quite the opposite of that, believe me.
- 1323 Q. Okay. So, finally, the girls bring dope. Is that
- 15 right?
- A. Well, I don't know if it's just girls, but somebody brought dope to the parking lot, yes.
- 1324 Q. Okay. But you never saw anything of this.
- A. ...
- 20 1325 Q. Okay. So, finally, were the guns used?
- A. No.
- 1326 Q. You never heard any fire shots?
- A. No.
- 25 1327 Q. You weren't operational?
- A. I was not operational.
- 1328 28 Q. What does the meaning of operational mean?
- A. Pardon me?

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- 1329 Q. What is the meaning of operational?
A. ...
- 1330 Q. What do you understand from the ...
5 A. You're part of an investigation.
- 1331 Q. Okay.
A. And I'm a facilitator, I'm providing logistics.
That doesn't make me anybody that's close to being
an operator or involved in an operation.
- 10 1332 Q. Okay. Were some of the members operational that
night?
A. They were assisting the Thai, the Thai police,
yes.
- 1333¹⁵ Q. Was Colonel Amaresreth wearing a gun?
A. Oh! I'm sure he was.
- 1334 Q. And you saw that, you remember that?
A. I don't remember that.
- 1335₂₀ Q. Okay. So, you didn't see the arrest.
A. No.
- 1336 Q. So, you wouldn't know the distance between the
truck parked and Olivier being arrested.
A. No.
- 25 1337 Q. You wouldn't know the number of persons arrested.
A. No.
- 1338₂₈ Q. When did Mr. Flannigan go down?
A. Please explain that question.

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- 1339 Q. When did ...
- A. «When did Mr. Flannigan go down?» What do you mean?
- 1340 5 Q. When did Mr. Derek Flannigan, the RCMP member that was killed in the operation, when did he go down?
- A. ...
- 1341 Q. Do you want more explanations?
- A. Yes.
- 10
 1342 Q. Okay. To your knowledge, at what time did Mr. Flannigan ...
- A. Fall?
- 1343 Q. ... fall?
- 15
 A. Okay. That's what you mean by «going down», fall?
- 1344 Q. I don't know. Did he fall? I didn't say fall. You know he fell?
- A. I don't know ... yes, I do know he fell, yes.
- 1345 20 Q. You don't know or you do know?
- A. I don't know.
- 1346 Q. You don't know. Okay. Was he killed?
- A. He was killed.
- 1347 25 Q. Okay. How?
- A. By breaking his neck, breaking the upper cord.
- 1348 Q. How did that happen?
- 28
 A. By striking his head on the ground.
- 1349 Q. How did he strike his head on the ground?

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- 1350 A. By coming off the back of a half ton truck.
 Q. Okay. And did you see this?
 A. No, I did not.
- 1351 5 Q. Okay. Who told you this?
 A. The Thai police.
- 1352 Q. The Thai police. The Thai police saw this?
 A. Yes.
- 1353 10 Q. I thought the Thai police were with you?
 A. No.
- 1354 Q. No?
 A. They were in proximity. I mean ...
- 1355 Q. Did you ...
 15 A. That half ton truck is in the proximity, so.
- 1356 Q. So, you didn't see Mr. Flannigan fall down?
 A. No.
- 1357 Q. Okay. When did you find this out that he fell
 20 down from the truck?
 A. Immediately. Immediately.
- 1358 Q. Okay. Immediately when? After the arrest?
 A. Seconds, minutes, you know.
- 1359 25 Q. Seconds or minutes?
 A. Let's say minutes.
- 1360 Q. You're not sure.
 28 A. I'm not sure.
- 1361 Q. Did you go on the scene of «sa chute», his fall?

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- A. I did.
- 1362 Q. Okay. When?
- A. Immediately thereafter.
- 1363 5 Q. Describe what you saw.
- A. I saw one or two of our ... well, one at the time,
administering mouth-to-mouth resuscitation with
Mr. Flannigan.
- 1364 Q. Uh-huh. Who?
10
- A. I'm not sure. It was either Mr. Girdlestone or
Mr. Bennett I think.
- 1365 Q. Okay. You're not too sure.
- A. I'm not sure which one was doing it at that time,
15 it was one or the other.
- 1366 Q. Uh-huh. What happened after that? What did you
see after that?
- A. Well, it was quite obvious that Flannigan gave no
20 response to any of this and the decision was made,
and that's where my advice was of assistance, we
decided to put him on what they call a Baht bus
and having him taken to the hospital immediately.
- 1367 Q. Was he the only one on the floor or ... that fell
25 down or was there another Thai person that was
there?
- A. He was the only one.
- 28
- 1368 Q. Okay. So, he was the only one hurt in the fall?

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- A. Yes.
- 1369 Q. Okay. Do you know how he fell?
- A. No.
- 1370 5 Q. Okay. Was there a brawl?
- A. Pardon me?
- 1371 Q. Was there a brawl?
- A. I don't know, I didn't see it.
- 1372 Q. Okay. Did it come to your attention after that?
10 Did you get knowledge of what happened?
- A. I believe there was a struggle in the back of the
pick-up truck, yes.
- 1373 Q. Okay. Between whom?
15
- A. One of the suppliers and Mr. Flannigan.
- 1374 Q. Who was there?
- A. I don't know.
- 1375 Q. Okay. Was there another policeman?
20
- A. I don't know.
- 1376 Q. You don't know?
- A. No.
- 1377 Q. When you arrived to the scene where Mr. Flannigan
25 is lying on the ground, where is it exactly on
your plan? Can you put an X where it is?
- A. ...
- 1378 28 Q. Can you describe what you are doing.
- A. Well, the «soi» just continues a bit that way ...

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- 1379 Q. The alley?
- A. Yeah, the alley.
- 1380 Q. It goes to the west.
- 5 A. Yes ... I'm not sure. Yeah, I think it would be west actually, and ... oh! about here. So, in this complex in here, it's just a short distance, like from here to maybe the elevator where that truck was.
- 10
- 1381 Q. So, how many meters would that be?
- A. Well, here to the end ... about 20 meters.
- 1382 Q. Okay. So, it would be 20 meters from where you were in your car, where Mr. Flannigan was lying down on the floor.
- 15
- A. Uh-huh.
- 1383 Q. Okay. What was ... is there a sidewalk here?
- A. I'm not sure.
- 1384 Q. You're not sure. Okay. Do you remember if there was a ditch?
- 20
- A. I believe there was a large ditch on this side, yeah.
- 1385 Q. On the west side of where Mr. Flannigan was lying?
- 25
- A. Well, if that's west, yeah.
- 1386 Q. Okay, but on the left side ...
- A. Yes.
- 28
- 1387 Q. ... where he was lying down, there was a ditch.

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- A. Yes.
- 1388 Q. On the right side? You don't remember ...
- A. I don't remember, no.
- 1389 5 Q. Okay. And the alley is made out of what? What's
the ... «la matière» ... what is it made of, the
alley?
- A. I don't know. I just recall a ditch, I don't know
10 whether it was concrete or if it was a straight
ditch, I have no idea.
- 1390 Q. So, you don't remember if there were coconut trees
there or ...
- A. No.
- 1391 15 Q. ... anything.
- A. No.
- 1392 Q. Okay. So, that's where Derek Flannigan is lying.
And at that point, there are two RCMP members that
20 are there and no Thai officers..
- A. Yes. Colonel Amaresreth would have ... well, when
we arrived, no, I think it was just our members
... oh! no ... just a minute, I think ... I can't
25 answer that question. I don't know if there was
Thais as well.
- 1393 Q. Okay. They're giving mouth-to-mouth ...
- A. Uh-huh.
- 28
- 1394 Q. ... and it was either Dop ...

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- A. Pardon me?
- 1395 Q. I'm sorry. Who is there? The officers?
- A. I know that ... I believe Mr. Girdlestone and
5 Bennett were there, and I also believe there was
Thai police officers there.
- 1396 Q. Okay. Was there blood on the floor?
- A. ...
- 1397 Q. On the ground. I'm sorry.
10
- A. ... Yes.
- 1398 Q. Lots of it?
- A. ... I'm not sure.
- 1399 Q. A puddle?
- 15 A. ...
- 1400 Q. It's pretty dark, hey, outside?
- A. It is. Uh-huh.
- 1401 Q. It's what? End of the night?
- 20 A. I can't recall. There was blood, but how much, I
have no idea.
- 1402 Q. Okay. Was he moving ...
- A. He was not moving.
- 1403 Q. ... when you arrived?
25
- A. No.
- 1404 Q. At all?
- 28 A. At all.
- 1405 Q. So, he stopped moving. Is he breathing?

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- A. He's not breathing.
- 1406 Q. Okay. After your arrival, you're with Girdlestone
and Bennett, Mr. Flannigan is lying on the floor.
5 What goes on after that?
- A. I told you, you put him on a Baht bus and he was
taken to the nearest hospital.
- 1407 Q. So, I understand you leave the premises where Mr.
10 Flannigan is lying down on the floor and you go
back to Colonel Amaresreth's car?
- A. ...
- 1408 Q. What do you do, Mr. Kelly?
- A. No. I ... we placed ... we placed Mr. Flannigan
15 on a Baht bus and he was accompanied by ...
- 1409 Q. I understand that, but ...
- A. ... and taken to the hospital and then I left that
scene and I went back to ... I believe I
20 immediately went back to the Colonel Amaresreth
Orchid Hotel to check on Jack Dop.
- 1410 Q. But who «operationalized» the transport on the
bus? Was it you?
- 25 A. I would have been part of that, yes. Myself and I
think Colonel Amaresreth.
- 1411 Q. Okay. And you called the bus from where?
- 28 A. Oh! It was just in the area there.
- 1412 Q. Okay. But you had a phone? Did you have a

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cellular?

- A. No, no, it was just in that general ... Baht buses are everywhere in Thailand.
- 1413 5 Q. Baht buses?
- A. Uh-huh.
- 1414 Q. Okay. B-A-H-T?
- A. Yes.
- 1415 10 Q. Okay. So, you ran, you went to get a Baht bus.
- A. Uh-huh. Well, the Thais went to get a Baht bus, yes.
- 1416 Q. Okay. So ...
- A. It was instantaneous.
- 1417 15 Q. Okay. Who from the Thais?
- A. I have no idea.
- 1418 Q. How much time ... when does the Baht bus arrive?
- A. Within minutes.
- 1419 20 Q. Okay. What's going on within these minutes?
- A. ...
- 1420 Q. Girdlestone and Bennett try to reanimate?
- A. Yes, that's right.
- 1421 25 Q. Okay.
- A. And he was having absolutely no response to this, he was technically dead.
- 1422 28 Q. Uh-huh.
- A. And we placed him on a Baht bus and he was

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immediately taken to the emergency of the hospital.

1423 Q. Okay. Were you on that Baht bus?

5 A. No, I was not.

1424 Q. Who was there?

A. ... I'm not sure.

1425 Q. You don't recall if a member of the RCMP is there?

A. I think there was, yes.

10
1426 Q. Okay. Do you remember who?

A. No. I think it would have been Bennett and/or Girdlestone.

1427 Q. Not both.

15 A. Possibly.

1428 Q. You don't remember.

A. I don't remember.

1429 Q. Do you remember ... but you remember that it was
20 one of them.

A. Or both of them.

1430 Q. Or both of them. And what happens after that?
What do you do after that?

A. I go back to the Chiang Mai Orchid Hotel.

25
1431 Q. Uh-huh. To?

A. To see Mr. Dop who is obviously in charge of the
28 investigation to relay what had happened and I'm
concerned for his safety of course.

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Me IAN-KRISTIAN LADOUCEUR:

On va suspendre quelques minutes à ce stade-ci.

(AT 14:40 EXAMINATION IS SUSPENDED)

5

(AT 14:50 EXAMINATION CONTINUES)

Me IAN-KRISTIAN LADOUCEUR:

1432

Q. Mr. Kelly, you were saying that you ran back to Chiang Mai Orchid Hotel after Mr. Flannigan fell. That's correct?

10

A. Yes.

1433

Q. Okay. And after that, you arranged something?

A. ...

1434¹⁵

Q. Did you arrange anything for Mr. Flannigan?

A. Yes, I did.

1435

Q. Okay. What did you do?

A. I arranged, through the university, that he get the top neurosurgeon that was available in Chiang Mai.

20

1436

Q. Okay. What did you do? You called your wife?

A. And I also called my wife.

1437
25

Q. Okay. Did you ask your wife to arrange this?

A. No, I did this arranging and it took place in Chiang Mai. I arranged that he see their top neurosurgeon.

28

1438

Q. Okay.

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- A. Which I did.
- 1439 Q. And ...
- A. But initially I arranged just a neurosurgeon and
5 ...
- 1440 Q. Why a neurosurgeon?
- A. Because he obviously had broken his neck.
- 1441 Q. It was obvious that he had broken his neck?
- A. Yes.
- 10
1442 Q. And so you determined that he broke his neck and
that he needed a neurosurgeon.
- A. Yes. And then we ...
- 1443 Q. Did you touch Mr. Flannigan's neck on the scene of
15 his fall?
- A. No.
- 1444 Q. No?
- A. No.
- 1445 Q. How was his neck?
20
- A. Pardon me?
- 1446 Q. What did you see about his neck?
- A. Well, there was a small amount of ... I don't know
25 how much, but there ...
- 1447 Q. There was a puddle of blood.
- A. Underneath his neck, yes.
- 1448 Q. Okay. So, he was lifted?
28
- A. Onto the Baht bus, yes.

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- 1449 Q. Okay.
- A. And ...
- 1450 Q. You saw this?
- 5 A. Yes, I did.
- 1451 Q. Okay. So, you saw a puddle of blood.
- A. Yes. So, I went to Mr. Dop, who immediately went
to the hospital, arranged that a neurosurgeon see
10 him and then I arranged that the top neurosurgeon
from the university attend and then I also called
my wife to see if we could get perhaps the top
neurosurgeon in Bangkok to come up, but the
15 prognosis was the same from the very beginning,
from the very first doctor, that he was
technically dead at that juncture.
- 1452 Q. You went too fast there. So, you called the
neurosurgeon ... you called the university to get
20 the top neurosurgeon and you called also your wife
to get the top neurosurgeon. You do this from the
Orchid Hotel, from your room?
- A. No. From the hospital.
- 1453 Q. Oh! So, you're at the hospital.
- 25 A. I'm at the hospital.
- 1454 Q. Okay. Because before that I told you, «So, you
28 ran back to Chiang Mai Orchid Hotel» and I asked
what you did and what arrangements ...

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- 1455 A. And then I said I went to the hospital.
- 1456 5 Q. Okay. So, you left for the hospital. With who?
- A. ...
- 1456 5 Q. Don't look at Mr. Dop please. Look at me when you answer the question.
- A. I'm not sure who I left with.
- 1457 Q. You're not sure.
- A. I'm not sure.
- 10
1458 Q. Okay. So, you leave to the hospital, and it's at the hospital that you make the arrangements, you call up the university.
- A. Well, my Thai counterparts do that for me, yes.
- 1459 15 Q. Oh! It was your Thai counterparts. Okay. So, you were with your Thai counterparts ...
- A. At the hospital, yes.
- 1460 Q. Okay. Who?
- 20
1461 A. ... I'm not sure.
- Q. Do you remember who was there for the RCMP?
- A. ... No, I don't.
- 1462 Q. Do you remember who you called at the university or who was called at the university?
- 25
A. ... I recall that it was their top neurosurgeon, that's all.
- 1463 28 Q. Okay. So, you're at the hospital. What is the name of the hospital? Do you remember that?

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- 1464 A. I don't remember that, no.
- Q. Okay. Do you remember how far it was from the Orchid Hotel?
- 5 A. ... No. But I can recall how far it was from where Mr. Flannigan fell to the hotel.
- 1465 Q. Okay.
- A. It was a four-minute drive.
- 1466 Q. It was a four-minute drive. Okay. And what
10 happens after the calls are placed?
- A. Mr. Flannigan was attended to by the first
15 neurosurgeon and a second and they both had the same opinion. So, then I thought it prudent perhaps to get a third opinion, and the third opinion being from a neurosurgeon in Bangkok, but the neurosurgeon from Chiang Mai had telephone conversations with the chap in Bangkok and it was
20 the same prognosis by all, although it was a telephonic one, that Mr. Flannigan was technically dead.
- 1467 Q. There was an autopsy practised?
- A. There was.
- 25 1468 Q. Before an autopsy was practised, was there a «chirurgie»?
- A. ...
- 28 1469 Q. Surgery done on Mr. Flannigan?

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- 1470 A. No.
- 1471 Q. No surgery.
- 5 A. No.
- 1472 Q. Did they try to reanimate him at the hospital?
- A. Yes.
- 1473 Q. Okay. How did they ... were you there?
- 10 A. No. Not when they were trying to do this, no.
- 15 Q. Okay. Did someone give you up to date information?
- A. Yes, well ... I mean I was there trying to make arrangements, but they tried to resuscitate him and they tried to ... I believe they did a brain scan and a few other things and found that he was technically dead.
- 1474 Q. Okay. So, there was a brain scan that was done. No surgery was practised.
- 20 A. No.
- 1475 Q. A brain scan was done. Was something else done?
- A. Not to my knowledge.
- 1476 Q. Okay. Why was a brain scan necessary, do you think? Did you ask that?
- 25
- 28 Me PATRICIA GRAVEL:
 Objection. Vraiment, l'a ...

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Me IAN-KRISTIAN LADOUCEUR:

- 1477 Q. Did you have discussions with the doctors about
the brain scan that was done?
- 5 A. Yes, we had discussions.
- 1478 Q. Okay.
- A. And the discussions, as I told you ...
- 1479 Q. What was the result of the brain scan?
- A. Mr. Flannigan was dead.
- 10 1480 Q. And the autopsy, you were there.
- A. Pardon me?
- 1481 Q. For the autopsy ...
- A. I was at the ... I oversaw the autopsy, yes, I
15 did.
- 1482 Q. Okay. Who else was there?
- A. Neil Pouliot and the doctor.
- 1483 Q. Do you remember his name?
- A. No.
- 20 1484 Q. So, you were only two RCMP members that oversaw
the autopsy.
- A. Yes.
- 1485 Q. Was an autopsy report in writing done?
25
- A. Yes.
- 1486 Q. Did you obtain a copy of that report?
- A. I did.
- 28 1487 Q. Can I have a copy of that report?

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Me PATRICIA GRAVEL:

It's in the yellow file but we will ...

5

Me IAN-KRISTIAN LADOUCEUR:

Undertaking number ...?

Me PATRICIA GRAVEL:

Number 15.

10

(Undertaking #15)

Me IAN-KRISTIAN LADOUCEUR:

1488

Q. Was the doctor that did the autopsy a Thai citizen? He was Thai?

15

A. Yes.

1489

Q. Okay. So, only one doctor, one Thai doctor did the autopsy?

20

A. Yes.

1490

Q. Okay. And was a Canadian autopsy done after that?

A. I'm sure there was not.

1491

Q. There wasn't?

25

A. No.

1492

Q. Okay. So, there isn't any Canadian autopsy report on Derek Flannigan's death.

28

A. I would think not, no.

1493

Q. Okay.

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Me IAN-KRISTIAN LADOUCEUR:

Si il y en a une, on veut l'avoir évidemment.

5

Me PATRICIA GRAVEL:

Dans le même engagement, les autopsies ...

10

Me IAN-KRISTIAN LADOUCEUR:

16.

Me PATRICIA GRAVEL:

16: Canadian autopsy.

(Undertaking #16)

15

Me IAN-KRISTIAN LADOUCEUR:

1494

Q. Regarding undertaking 15, obviously the autopsy report that we want, I understand it was written in English?

20

A. Yes.

1495

Q. Was it the Thai doctor who wrote it up in English or it was translated?

25

A. I'm not sure.

1496

Q. Did you have a Thai report?

28

A. I'm not sure whether it came to us in English or we had it translated.

1497

Q. Okay. Relatively to that, I'd like to have both

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the Thai report in Thailand language and the translated report please.

5

Me PATRICIA GRAVEL:

No problem.

Me IAN-KRISTIAN LADOUCEUR:

1498
10

Q. Following the autopsy, was there an investigation done relatively to the circumstances of Mr. Flannigan's death?

A. An investigation ... could you qualify that a bit more?

1499 15

Q. An inquiry.

A. By who?

1500

Q. By the police, by the Thai police. Was there an inquiry realized by the Thai authorities regarding Mr. Flannigan's death?

20

A. I think they looked at the circumstances and I do believe they did a re-enactment of that, of the situation, yeah.

1501
25

Q. But did they inquire? Was there a special inquiry or was this done in the re-enactment process of the whole operation?

28

A. I believe it was done just during that re-enactment.

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1502 Q. I'd like a copy of any special inquiry that was
done by the Thai police relatively to that, if any
exists.

5

Me PATRICIA GRAVEL:
Relatively to Flannigan's death.

10

Me IAN-KRISTIAN LADOUCEUR:
Uh-huh.

(Undertaking #17)

1503 Q. To your knowledge, was the buy and bust filmed on
videotape?

15

A. It was not.

1504 Q. Okay. There was camera surveillance?

A. ...

1505 Q. No? On the night of the 19th of February, no
camera surveillance?

20

A. No.

1506 Q. Okay. And the re-enactment, what do you know
about the re-enactment? Were you there? Did you
participate in the re-enactment?

25

A. I did not.

1507 Q. Okay. Did you get a copy of the re-enactment?

28

A. I believe I did.

1508 Q. Okay. That re-enactment, is that part of your

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file?

A. I believe it is.

1509 Q. If it's not, I'd like to have a copy of the re-
 5 enactment, photographs, videotapes, recordings,
 transcripts, everything regarding the re-
 enactment, transcripts, translations.

Me PATRICIA GRAVEL:

10 Uh-huh.

(Undertaking #18)

Me IAN-KRISTIAN LADOUCEUR:

1510 15 Q. Did you assist to Mr. Flannigan's funeral in
 Canada?

A. I attended his funeral in Canada.

1511 Q. Uh-huh. You attended. And when was it? Do you
 remember?

20 A. Probably a week after the accident.

1512 Q. So, around the month of March?

A. Probably.

1513 Q. Where was it?
 25

A. Vancouver.

1514 Q. Where in Vancouver?

28 A. ...

1515 Q. Do you remember?

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- 1516 A. Richmond, I believe.
- Q. Is he buried in Richmond?
- A. No idea.
- 5
- Me IAN-KRISTIAN LADOUCEUR:
Undertaking number 17, I'd like to know where the
man is buried.
- 10
- Me PATRICIA GRAVEL:
19.
- Me IAN-KRISTIAN LADOUCEUR:
15 Thank you.
(Undertaking #19)
- 1517 Q. To your knowledge, Mr. Kelly, before the month of
February 89, did the RCMP use other investigative
20 procedures in Canada to stop this so-called
trafficking?
- A. ...
- 1518 Q. To your knowledge.
- A. I certainly don't understand that question. Once
25 more.
- 1519 Q. To your knowledge, before the month of February
28 1989, did the RCMP use other investigative
procedures in Canada to try to stop this