

LA COMMISSION D'ENQUÊTE SUR L'OCTROI
ET LA GESTION DES CONTRATS PUBLICS
DANS L'INDUSTRIE DE LA CONSTRUCTION

SOUS LA PRÉSIDENCE DE L'HONORABLE
FRANCE CHARBONNEAU, J.C.S., présidente
M. RENAUD LACHANCE, commissaire

AUDIENCE TENUE AU 500, BOUL. RENÉ-
LÉVESQUE OUEST À MONTRÉAL (QUÉBEC)

LE 19 SEPTEMBRE 2012

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COMPARUTIONS

POUR LA COMMISSION :

Me SONIA LEBEL,
Me ÉLIZABETH FERLAND,

INTERVENANTS :

Me BENOIT BOUCHER, pour le Procureur général du Québec
Me DANIEL ROCHEFORT, pour l'Association de la Construction du Québec
Me ALEXIE LAFOND-VEILLEUX, pour le Directeur général des élections
Me DENIS HOULE, pour l'Association des constructeurs de routes et grands travaux du Québec
Me ISABELLE PIPON, pour l'Association des constructeurs de routes et grands travaux du Québec
Me VIRGINIE RAYMOND-MAILHOT, pour le Barreau du Québec

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1 L'AN DEUX MILLE DOUZE, ce 19ième jour du mois de
2 septembre,

3

4 PRÉLIMINAIRES

5

6 LA PRÉSIDENTE :

7 Bon matin à tous.

8 LA GREFFIÈRE :

9 Si les procureurs veulent s'identifier

10 Me SONIA LEBEL :

11 Alors, maître Sonia Lebel pour la Commission.

12 Me ÉLIZABETH FERLAND :

13 Élisabeth Ferland pour la Commission.

14 Me BENOIT BOUCHER :

15 Bonjour, Messieurs et Madame, Benoit Boucher pour
16 le Procureur général du Québec.

17 LA PRÉSIDENTE :

18 Bonjour.

19 Me ALEXIE LAFOND-VEILLEUX :

20 Alexie Lafond-Veilleux pour le Directeur général
21 des élections.

22 Me DANIEL ROCHEFORT :

23 Daniel Rochefort pour l'Association de la
24 construction du Québec.

25

1 LA PRÉSIDENTE :

2 Bonjour.

3 Me VIRGINIE RAYMOND-MAILHOT :

4 Virginie Raymond-Mailhot pour le Barreau du Québec.

5 Me DENIS HOULE :

6 Denis Houle pour l'Association des constructeurs de
7 routes et grands travaux du Québec.

8 LA PRÉSIDENTE :

9 Bonjour.

10 Me ISABELLE PIPON :

11 Isabelle Pipon pour l'Association des constructeurs
12 de routes et grands travaux du Québec.

13 LA PRÉSIDENTE :

14 Bonjour. Parfait. Alors, est-ce qu'on est prêt à
15 commencer? Bonjour, Madame Tenti.

16 LA PRÉSIDENTE :

17 Parfait. Alors est-ce qu'on est prêt à commencer?
18 Bonjour, Madame Tenti.

19 R. Bonjour, Madame la Présidente, bonjour Monsieur le
20 Commissaire.

21 THE CLERK:

22 Would you stand... Under the same oath? Or another
23 one?

24 Me SONIA LEBEL :

25 Oui. Non. Non non. I mean, we're starting a new

1 day... On commence une nouvelle journée.
2 MADAME LA GREFFIÈRE :
3 Oui.
4 Me SONIA LEBEL :
5 Je pense qu'on pourrait peut-être assermenter
6 madame, c'est peut-être...
7 THE PRESIDENT:
8 On a solemn declaration.
9 _____
10

1 IN THE YEAR TWO THOUSAND AND TWELVE (2012), this
2 nineteenth (19th) day of September, personally came
3 and appeared:

4

5 **VALENTINA TENTI**, criminologist.

6

7 WHO, after having solemnly declared, doth depose
8 and say as follows:

9

10 LA PRÉSIDENTE :

11 Alors, qui veut interroger le premier?

12 Me SONIA LEBEL :

13 Est-ce que vous me permettez peut-être juste une
14 brève intervention, Madame la Présidente?

15 LA PRÉSIDENTE :

16 Ah oui, certainement. Certainement.

17 Me SONIA LEBEL :

18 Simplyment pour vous dire qu'effectivement on va
19 commencer avec les questions, ce matin, des
20 parties, et comme nos règles de pratique le
21 prévoient, les intervenants peuvent suggérer des
22 questions aux procureurs. Donc, je peux... Je veux
23 simplement vous dire qu'à la fin des questions qui
24 seront faites par les parties ce matin, j'aurai des
25 questions à poser par l'Ordre, que l'Ordre des

1 ingénieurs m'a soumises, que j'ai regardées, qui
2 sont pertinentes, donc je pourrai les poser à la
3 fin.

4 LA PRÉSIDENTE :
5 Parfait.

6

7 CONTRE-INTERROGÉE PAR Me BENOIT BOUCHER :

8 Q. **[1]** Alors bonjour, Madame Tenti.

9 R. Bonjour.

10 Q. **[2]** Mon nom est Benoit Boucher, et je représente le
11 gouvernement du Québec. Le procureur général.

12 R. Bonjour.

13 Q. **[3]** J'ai quelques questions de précision à vous
14 poser d'abord.

15 R. Oui.

16 Q. **[4]** On m'a dit que vous compreniez bien le
17 français, alors, c'est bon?

18 R. Mais...

19 Q. **[5]** Et... Et...

20 R. Si ça ne dérange pas, je vais répondre en anglais?

21 Q. **[6]** C'est tout à fait correct, c'est votre droit
22 d'ailleurs.

23 R. Parfait.

24 Q. **[7]** Alors vous nous avez dit, au cours de votre
25 témoignage, qu'être membre de la Cosa Nostra

1 procurait à ses membres un certain statut. Vous
2 vous souvenez de ça?

3 R. Oui.

4 Q. **[8]** Est-ce que, pour des fins d'identification de
5 ces personnes-là, à la base, quand ils veulent
6 devenir soldats, est-ce qu'on pourrait dresser un
7 profil type de la personne qui va devenir soldat
8 éventuellement dans la Cosa Nostra? Et je parle
9 particulièrement peut-être d'ethnicité, de
10 religion, d'appartenance à un groupe social
11 particulier.

12 A. I do say no. We cannot... If the question is if a
13 member of Cosa Nostra, but I think we can expand
14 even to other mafia-type organizations, if there is
15 a specific profile of the members, I do say no.
16 Because the phenomenon per se has become even so
17 sophisticated that there are a number of
18 individuals that can join these criminal
19 organizations, that can... Their social status can
20 be very different and varies. So, to answer to the
21 question if it's possible to do a kind of criminal
22 profiling of the typical mafioso, it's very
23 difficult to say. It's quite impossible.
24 Considering the variety of the members who are part
25 of the organization.

1 Q. **[9]** O.K. Et même si on parlait d'ethnicité, par
2 exemple, ce n'est pas nécessairement vrai que
3 toutes les personnes appartenant à Cosa Nostra
4 seraient des Italiens, par exemple?

5 A. We are talking about the phenomenon in Italy.

6 Q. **[10]** Oui.

7 A. So, if you ask me if the Sicilian Cosa Nostra,
8 there are only Italians, the answer is yes. But we
9 are talking in a context, in a specific context. If
10 you want to transport this information to another
11 context that's different to the Italian one, I'm
12 not so sure that we will have the same answer. But
13 in Italy, those criminal organizations are between
14 Italians, but it's true that in order to carry out,
15 to undertake criminal activities, what is happening
16 in the criminal scenarios is a number of
17 partnerships between different criminal
18 organizations. And it's just...

19 Just to provide an example, for
20 prostitution and drug trafficking, Camorra
21 established a partnership with ethnic criminal
22 organizations, like Nigerians or Albanians. The
23 same happens to Cosa Nostra or to 'Ndrangheta, with
24 the Colombians for the trafficking, drug
25 trafficking. So, if we want to understand the

1 ethnicity of the Italian organized crime in Italy,
2 the members are Italians. But the organization per
3 se aims at developing partnerships with other
4 groups.

5 For example, we say that the partnership
6 with other ethnic groups, or other groups, composed
7 by Italian individuals.

8 Q. **[11]** Alors il serait difficile, de prime abord, ou
9 en amont, d'identifier les personnes qui seraient
10 susceptibles de devenir des membres d'organisations
11 mafieuses?

12 A. Absolutely, yes.

13 Q. **[12]** Aussi bien en Italie, compte tenu du fait
14 qu'ils peuvent provenir de toutes les couches
15 sociales, de toutes les religions, il serait à peu
16 près impossible, en amont, d'identifier ces
17 personnes-là.

18 A. Absolutely.

19 Q. **[13]** Vous avez abordé, en fait, la deuxième
20 question que je voulais vous poser est celle-ci,
21 reposait sur trois prémisses, et laissez-moi quand
22 même l'aborder avec vous. Vous nous avez dit,
23 principalement de la Cosa Nostra, par exemple, que
24 dans leur code d'honneur ils ne fréquentaient pas
25 les bars et les pubs. Et je suppose que ça s'étend

1 également à d'autres endroits qu'on pourrait dire
2 peu fréquentables. N'est-ce pas?

3 Vous nous avez dit, par ailleurs, qu'une
4 des activités criminelles principales de ces
5 groupes-là était le trafic de drogue. Alors je fais
6 une association, et vous me corrigerez si je me
7 trompe, on sait bien que généralement, le trafic de
8 drogue, à la base, ne se fait pas nécessairement
9 dans les églises, mais plutôt dans les endroits
10 moins fréquentables. Alors vous nous avez parlé
11 d'associations.

12 Alors, est-ce qu'il est à votre
13 connaissance que, autant en Italie que dans les
14 autres endroits que vous avez étudiés, des groupes
15 mafieux s'associent avec des groupes qui ne sont
16 pas des groupes mafieux, mais qui sont ou des
17 criminels individualisés, ou de plus petits
18 groupes, ou des groupes identifiables également?

19 A. Yes. One specification, one thing is the code of
20 honor on the books, on the paper, and one thing is
21 the attitude and the behavior in reality. So, as we
22 said yesterday, we cannot put much emphasis to that
23 system of values that is apparent, promoted by
24 those criminal organizations. So, this is just to
25 answer the first part of the question.

1 And then, once again, pulling resources is
2 becoming a strategic activity. This means that, I
3 repeat, criminal organizations establish, most of
4 the time, partnerships in order to undertake
5 criminal activities. This may happen with other
6 mafia-type associations or with other simply
7 criminal organizations. The example of the Camorra,
8 for example. Yesterday we said that the Camorra is
9 decentralized, the structure is not well-
10 structured. And most of the time, investigators
11 revealed that it is so segmented as organization
12 that they're distinguishing most of the time,
13 especially when we talk about the "clan minore",
14 the minor clans, with a simple criminality, there
15 is sometimes an overlapping. So, this is just to
16 say that the phenomenon per se is very complex, and
17 this is part of the complexity of the phenomenon
18 per se.

19 Q. **[14]** Est-ce qu'on pourrait croire que les groupes
20 mafieux organisés délèguent les plus petites
21 tâches, ou en tout cas celles qui sont plus
22 visibles à d'autres groupes criminels?

23 A. You're talking about a kind of social mobility in
24 the criminal world?

25 Q. **[15]** Hum, hum.

1 A. We can say that the concept of social mobility has
2 been well-developed, we are talking about a
3 criminological theory dated back in the nineteen
4 sixties (1960's). This phenomenon, honestly, if you
5 want to draw a comparison between North America and
6 Italy, it's very interesting because in North
7 America, they say that there was a social mobility
8 and every time, Francis Ianni also did a study
9 about that, every time there was... there is a kind
10 of improvement in the social status, criminal
11 organizations give up the more riskiest activities
12 and other immigrant groups fill the voids in this
13 ladder of criminality.

14 If you ask me this, is this happening in
15 Italy, once again the phenomenon is very various,
16 because we have even to understand the presence and
17 the permeability of mafia-type groups, it's not
18 homogenous in the country. There are some
19 territories that are... that the presence of those
20 groups is very strong, it's very radical, and other
21 territories where we don't see the same scenario.
22 So, in traditional areas of presence of mafia-type
23 organizations, as we said even yesterday, they have
24 the total control over the territory.

25 Something that is a little bit more hard to

1 say, in territories that are not traditional with
2 the tradition of mafia presence. We talk about, for
3 example, in the North Italy. In this case, we are
4 in a context in which different criminal
5 organizations operate, and so, say that there, in
6 that context, it could be ethnic stratification
7 that could be possible. How they organize their
8 activities, that mostly could be a partnership
9 or... for example, even for my thesis that was a
10 study on how different criminal organizations, in
11 particular 'Ndrangheta and other ethnic groups
12 establish links and organize their activity, there
13 is also that emerges, it's a partnership. I tried
14 to validate, to verify two hypothesis, because most
15 of the time, we say the 'Ndrangheta has full
16 control over the drug market. So, the idea was, if
17 the 'Ndrangheta has the full control, other ethnic
18 groups, like Columbians, Albanians, those are the
19 groups that emerged from my court documents
20 analysed, who have a secondary role within this
21 system, the criminal system. What is emerging in
22 reality is an establishment of a partnership,
23 because every actor was in a position to provide a
24 different resource. Columbians or Albanians were in
25 a position to provide drugs, for example. But the

1 Italians were in a position to provide those
2 contexts that facilitate the importation of the
3 drug. And then, they use other contacts for the
4 distribution. So, that's an example for my study,
5 that most of the time, rather than a social
6 mobility and an ethnic stratification, when we are
7 talking about criminal organizations that are well-
8 structured, we are talking more about a partnership
9 where different criminal organizations pull
10 resource in order to achieve a criminal goal.

11 Q. **[16]** Mais tout en se faisant, est-ce qu'on peut
12 croire que la mafia tente quand même de garder le
13 contrôle sur tous ces groupes-là?

14 A. For my personal...

15 Q. **[17]** Même dans un « partnership », est-ce qu'on
16 peut comprendre que la mafia tente quand même
17 d'imposer sa loi, d'imposer son pouvoir sur toutes
18 les autres organizations criminelles?

19 A. Once again, you should specify in the question what
20 you are referring to. If you are referring to
21 Sicily, I would say that probably the control is
22 stronger, or Calabria for 'Ndrangheta, a little bit
23 different situation in Campania for the Camorra. If
24 you are talking about a different context, a
25 support based on the analysis that I have done,

1 more of a partnership.

2 What is important here to focus even the
3 level of organisation is extremely important to
4 understand even the capacity of that criminal
5 organisation to work in a given context so it's
6 easy to imagine that not structured groups can be
7 subjected to the activities of more structured
8 organizations.

9 Q. **[18]** Vous comprenez le sens de mes questions.
10 Représentant l'État, j'essaie de voir s'il est
11 possible de cerner les façons de faire entre les
12 différentes organisations pour savoir si on peut,
13 dès le départ, à la base, comme je l'expliquais au
14 niveau des soldats, identifier certaines personnes
15 ou certains groupes, qui seraient susceptibles de
16 prendre le contrôle des activités, notamment en
17 matière de construction. Je comprends que dans le
18 cadre d'un « partnership » c'est difficile
19 d'identifier un groupe spécifique qui aurait un
20 contrôle particulier, n'est-ce pas?

21 A. That's the definition of partnership. When we talk
22 about partnership, we talk different entities that
23 work together to achieve a goal.

24 Q. **[19]** À la lecture de votre curriculum vitae, deux
25 documents particuliers ont attiré mon attention et

1 je le dis au bénéfice de mes collègues et de la
2 Commission peut-être, on peut trouver ces
3 documents-là sur Google Scholar. Vous êtes
4 actuellement en train de faire un travail au
5 Québec. Est-ce que vous pouvez nous dire un peu de
6 quoi il s'agit?

7 A. Now I am a post-doctoral fellow at the Université
8 de Montréal and I am carrying out research
9 activities on... entitled "La mafia italienne à
10 Montréal : une analyse entre réalité et
11 perception". The supervisor of this research is
12 Professor Morcelli with the joint director of the
13 Centre international de criminologie comparée.

14 Q. **[20]** Et quel est le but de cette recherche-là en
15 particulier?

16 A. The goal, the main goal of this research is... it's
17 an analysis of the perception of the Italian
18 organized crime, the organized crime of Italian
19 origin here in Montreal.

20 Q. **[21]** Est-ce que vous pouvez dire à la Commission à
21 quelle étape de votre recherche vous en êtes?

22 A. I am in an advance state because the research will
23 end in December. I had the chance to collect data,
24 I'm still collecting the final data and undertaking
25 the analysis of this data.

1 Q. **[22]** Et est-ce que vous pouvez préciser à quel
2 moment votre rapport sera disponible?

3 A. At the end of the year.

4 Q. **[23]** À la fin de cette année?

5 A. Oui.

6 Q. **[24]** Et je suppose qu'il vous fera plaisir de le
7 partager avec nous?

8 A. Oui. It will be a public document.

9 Q. **[25]** Le deuxième document qui a attiré mon
10 attention est un document qui s'appelle "La
11 mobilité des groupes criminels" que vous avez
12 rédigé avec monsieur Morcelli, n'est-ce pas?

13 A. I collaborated in this... in this report. Professor
14 Morcelli and Mathilde Turcotte were the authors of
15 this article. It was a report for Public Safety
16 Canada and the idea was, is to analyse the
17 phenomenon of the mobility of criminal groups.

18 Q. **[26]** Je retiens de cette lecture-là un passage en
19 particulier où vous expliquez, vous en avez... vous
20 y avez fait allusion un petit peu plus tôt, aux
21 fins que s'intéressant d'abord à des activités
22 proprement criminelles, les groupes vont
23 éventuellement s'intégrer dans le marché légal, et
24 peu à peu délaisser les activités criminelles sinon
25 les abandonner complètement, n'est-ce pas?

1 De ce que vous avez expliqué hier, je n'ai
2 pas compris que les groupes mafieux italiens
3 avaient ce « pattern » là. C'est-à-dire il me
4 semble de votre témoignage, qu'au contraire, les
5 groupes mafieux italiens, ceux dont vous avez
6 parlé, avaient plutôt une longue pérennité. Est-ce
7 que je me trompe en disant ça?

8 A. Once again I will repeat myself, we have to specify
9 the context, the territory context because this is
10 a variable very important when we analyse the
11 phenomenon in Italy. When we talk about ethnic
12 succession that is this social mobility between
13 criminal groups, we are talking about in a context
14 where there are different ethnic groups that are
15 active and operate. So this is a specific context.
16 If this is happening in specific areas, it's very
17 difficult to say.

18 Q. **[27]** O.K. Mais puisque vous en faites le constat,
19 puisqu'on fait le constat dans cette étude-là, il
20 semble que certains groupes soient difficiles aussi
21 à cerner parce qu'ils sont fuyants. À partir du
22 moment où ils vont s'intégrer d'avantage dans le
23 marché régulier ou dans le marché légal, ils
24 disparaîtront du marché criminel complètement et on
25 pourrait en perdre la trace, là, de leur

1 criminalité éventuellement, n'est-ce pas?

2 A. This is the idea of this theory of the ethnic
3 succession that when you achieve a certain status
4 based on the undertaking of certain criminal
5 activities, you improve your status, moving on the
6 next level we would say, and other criminal
7 organizations will feel the void of this... left by
8 the previous, previous one. So, this is a kind of
9 process but I would like to, because this theory
10 has been developed by a few authors, and I would
11 like even to present the case what happened in
12 England. Professor Ruggiero examined this process
13 of ethnic succession, saying that in reality, in
14 some situations, we can talk about a reverse ethnic
15 succession because when you, in that case in
16 particular, there was the Vietnamese criminal
17 organizations that were particularly strong and law
18 enforcement attacked this phenomenon and what
19 happened is that, attacking this phenomenon, they
20 created a void and it was filled by another
21 criminal organization. Following the regular theory
22 we can say that there was another ethnic group
23 filling this gap. According to the results emerging
24 from this analysis that was a local criminal
25 organization who filled the gap.

1 According to the results emerging from this
2 analysis, that was a local criminal organization
3 who filled the gap. So, this is just an example,
4 just to say in some contexts, it could be, but it's
5 difficult, that is in Italy, it's an ethnic group
6 that is particularly strong, and when you attack
7 that group, there is the local groups that take
8 over. So, this is just to provide an example of the
9 complexity of the context. So, it's not that if...
10 And the variability of these elements.

11 Q. **[28]** Est-ce qu'il serait particulièrement vrai en
12 Italie qu'une famille remplacerait une autre, par
13 exemple, alors que dans d'autres contextes, un
14 groupe ethnique en remplacerait un autre?

15 A. We have to distinguish which criminal organization
16 we are talking. Is it Cosa Nostra, 'Ndrangheta? As
17 we said, they act on a territorial basis, and the
18 area they control, the territory is well-defined.
19 So it's very difficult that one family will cross
20 the borders.

21 Something different, as we said yesterday,
22 concerning the Camorra, in which in a same
23 territory, the possibility is that there are more
24 criminal organizations, and there is a high level
25 of competition, and could be a battle, a struggle

1 for power between these criminal organizations.

2 Q. **[29]** Je vous remercie, Madame. Merci.

3 LA PRÉSIDENTE :

4 Maître Rochefort? Merci, Maître Boucher.

5

6 CONTRE-INTERROGÉE PAR Me DANIEL ROCHEFORT :

7 Q. **[30]** Mrs. Tenti, "buongiorno".

8 A. "Buongiorno".

9 Q. **[31]** Ne vous inquiétez pas, je ne poserai pas mes
10 questions en italien. C'est bon? Yesterday you did
11 a very good description of the situation of the
12 mafia in the construction industry in Italy, mostly
13 in Sicily. My question is the following. It has
14 given us the impression that mafia is omnipresent
15 in that industry everywhere, at all the different
16 levels. Is it the case, or it is concentrated in
17 some type of activities in the construction
18 industry in Italy?

19 A. The case, the analysis of the case provides the
20 answer. And if we want to compare the analysis of
21 this case with other researchers, for example with
22 Professor Savona's analysis or others, like Pino
23 Arlacchi, we see the same patterns. There is, for
24 sure, an evolution on the way in which mafia groups
25 have infiltrated the construction industry. And we

1 see that since the beginning, it was the extortion,
2 it was the first modality, that we can say, in
3 which those groups imposed their authority on a
4 given territory.

5 But then, because there was even an
6 evolution of the organization per se, and in terms
7 of networking specifically, the organization was
8 able to infiltrate a different level of the family
9 procurement process. Until reaching even the... In
10 some cases, for example for Professor Savona, says
11 that until reaching even the planifications of some
12 works.

13 Q. **[32]** Is the infiltration of the mafia increased or
14 decreased, actually?

15 A. This is very interesting. Because the construction
16 industry has... Many authors emphasize how the
17 construction industry has been very attractive.
18 This probably for some reason, for example, that is
19 very localized, that is, require more low skilled
20 professionalized work, especially for some specific
21 sectors.

22 What is interesting when we focus on the
23 phenomenon in Italy is that the construction
24 industry is not the only sector that is vulnerable
25 to market permeability. And we see even how groups,

1 mafia groups have infiltrated even other legitimate
2 sectors. We are talking, for example, the earth
3 care system, or the disposable waste. The typical
4 case is the Camorra.

5 Q. **[33]** I see. I see. Okay. Thank you. I understood
6 yesterday that you mentioned, you talked a lot
7 about men of honour, and I know that you answered
8 that women are not involved, really, in mafia. I
9 want to ask you...

10 A. I would like to correct you.

11 Q. **[34]** Perfect.

12 A. My question... My answer was that it has never
13 been... There are few researchers that just focus
14 on the role of women in Cosa Nostra or in a mafia
15 organization, and my answer was that this had never
16 been a specific focus of my research.

17 Q. **[35]** Okay. Then you cannot go further, you cannot
18 explain us, for example, if they are in the
19 administration, for them, or if they work in the
20 contracts, or, you cannot specify. And are they
21 really there, or they're not there, that's all?

22 A. What I just feel to say is that Professor Savona,
23 in his analysis of other studies, that's the reason
24 why it's very interesting even to compare the
25 study, is for example that some daughters or wives

1 sometimes front the husband that is reputedly
2 associated to a criminal organization. But this is
3 from an experience (overlapping voices)...

4 Q. **[36]** Did you have the chance to compare here in
5 Québec, if it is the case also, or if they are not
6 there at all?

7 A. I never studied the phenomenon with a specific
8 focus on the gender.

9 Q. **[37]** Thank you. We'll pass to another subject. You
10 explained yesterday a few patterns or methods that
11 the mafia uses in Italy to get contracts or to get
12 the markets. I suppose that it's not everybody who
13 is in the mafia. Then, what do the other
14 constructors to protect themselves and to survive?
15 To they have to join the mafia if they want to
16 operate or they can operate without them?

17 A. That's a very good question, because the scenario
18 seems that because the mafia controls so much of
19 the territory, that sometimes you don't have
20 alternative than join this mafia to carry a
21 business. But this is exactly the point. In Italy
22 there are many entrepreneurs that, although they
23 live in that specific context, that are... in which
24 the mafia permeability is terribly strong, they
25 have the strength to say no. So, this is the

1 message, that it's not because there is a system,
2 and it's a system that it works for who is in the
3 system, that it means that the system can stay and
4 that we cannot expect a reaction. There are many,
5 many entrepreneurs that prefer to say no to that
6 system and prefer not to be colluded with the
7 system.

8 Q. **[38]** And they can survive?

9 A. That's the point. As we said, every time a person
10 doesn't follow the mafia rules, there are acts of
11 retaliation, vandalism, arson. And this is the
12 reality of the facts. We are talking about
13 entrepreneurs who see their enterprise burning,
14 equipments, so this is the case. But here is the
15 role of the authority and the public authority, the
16 presence of public authority, investigations,
17 prosecutors, that back... I don't know if it's the
18 proper word in English, but back those
19 entrepreneurs that refuse...

20 Q. **[39]** To participate?

21 A. To participate in the system.

22 Q. **[40]** But I suppose that there are a few monopolies
23 in some regions or localities. When we talk about a
24 situation where there a monopole, is it necessarily
25 controlled by mafia or it could be completely legit

1 and having two (2), three (3) families or
2 enterprises who control the supplying of some
3 goods, for example, and maybe they talk a bit
4 together, but they are not mafiosi?

5 A. But it's not... Here, we have to do a
6 distinguishing, because if we focus on our case,
7 for example, it emerges, specifically for the
8 Campania case, how Camorra groups try to monopolize
9 a specific sector that was that of raw material.
10 This is because it provides a benefit, it provides
11 the opportunity to insert in the public procurement
12 process, to control costs, contracts, sales, and
13 they create really a monopoly. That was the goal,
14 because in this way, even their role becomes
15 legitimate within the process.

16 Q. **[41]** I see.

17 A. But this, creating a monopoly or cartel agreements,
18 you don't need necessarily the mafia presence,
19 you... and something that can work even without the
20 label mafia. And probably, that's even, the concept
21 that has been emerging since yesterday, that is the
22 concept of normality, it emerged there are a few
23 studies that say that the construction industry per
24 se in Italy, the agreements between entrepreneurs
25 and politicians, for example, dated back for a long

1 time, even in those areas that are not
2 traditionally mafia-related. So, this is evidence
3 that certain criminal or deviant practices, they
4 don't require necessarily the presence of a mafia
5 group per se.

6 Q. **[42]** In your studies, are you able to identify some
7 sectors where mafia is more involved? For example,
8 is it in the residential area, is it in the public
9 contracts, is it on roads and highways, or...

10 A. For my study we always focus mostly on the public
11 procurement process, on public works.

12 Q. **[43]** Okay.

13 A. So it will be inaccurate to answer that if they...

14 Q. **[44]** I see, okay. In what you studied, in the
15 public sector, are you able to tell us if the
16 infiltration of the mafia is done more in small or
17 large companies.

18 A. What emerges is that it's easier to infiltrate or
19 to control or to exercise an actual conditioning
20 over small enterprises, small firms. This is kind
21 of easy, easy to imagine the reason why. But I
22 would like even to provide another example related
23 to the Gioia Tauro port. Gioia Tauro port, the port
24 of Gioia Tauro is strategic, it's a very important
25 strategic port for the economy, I would say not

1 only just of Calabria but all of Italy. They are
2 talking about more than three million (3,000,000)
3 containers that transship in that port. And there
4 is an investigation which was undertaken with this
5 company, there was a multinational which was in
6 charge, who won the contract to regulate this
7 transshipment. Well, from the investigations, from
8 this judicial court, it emerged that the
9 "amministratore generale", the...

10 Q. [45] General administration.

11 A. Thank you, "administrator", preventively contacted
12 the "locale" in Gioia Tauro in order to agree for
13 what we call the "pizzo". So this is most of the
14 time called even autonomous adjustment because you
15 know that you are going to work in a territory that
16 is highly permeable to mafia, in this case it
17 emerged how a multinational entered in the system
18 autonomous... autonomously, before even a mafia
19 "locale".

20 This is just another, once again, it
21 emerges the concept of normality. It's kind of
22 normal doing these practices, it's kind of normal
23 to indulge of the existence of this system and this
24 is what should scare us the most, everyone. Because
25 even in terms of competition, if this system is so

1 strong, we are forcing legitimate enterprises to
2 kind of say, "This is kind of normal, if I want to
3 survive, if I want to be part of this, that's the
4 way." But it shouldn't and this is important, just
5 to make people understand that in order to break
6 the system, we need to give this awareness. It's
7 not normal.

8 Q. **[46]** I see. Did the authority put in place some
9 measures to avoid this kind of situation?

10 A. I have, this is something that I always say that
11 unfortunately Italy is the country known for the
12 mafia but I think that even the country with the
13 best anti-mafia. Since Giovanni Falcone there was,
14 the judge Giovanni Falcone, the State started a
15 number of actions in order to contrast the
16 phenomenon. We are talking about level of
17 specializations against the phenomenon in terms of
18 comprehension, in terms of preventive measures and
19 in terms of investigations that I think are the,
20 they reach the highest level possible.

21 For the construction industry in
22 particular, we have, within the "Direzione
23 Nazionale Antimafia", that is the judicial
24 authority specialized in organized crime, a service
25 only specialized in the public procurement process.

1 The same is for the "Direzione Investigativa
2 Antimafia". In order just to provide some
3 specializations in terms of comprehension of the
4 phenomenon and even remedies and strategies to
5 attack the problem.

6 There is, there are even some
7 administrative authority that la "Autorità di
8 Vigilanza per esempio di affare pubblici" that are
9 administrative authorities with the goal just to
10 supervise the regularity of the most important and
11 major public procurement process.

12 Q. **[47]** Merci. Yesterday you talked about a method
13 which has been put in place, I don't know a lot
14 about the results, but it interested very much my
15 clients, it's the average method.

16 A. Uh, huh.

17 Q. **[48]** Is it generalised or it has been used only in
18 a few specific situations?

19 A. What method are you talking about? About the
20 awarding procedure?

21 Q. **[49]** The average where you don't take the lowest or
22 the highest, but you do the average and the one who
23 is very close to the (overlapping voices)...

24 A. Sicily is like Quebec, it is an autonomous province
25 so this means that for certain... in certain

1 matters, for certain competencies, there is some
2 regulations and legislation different from other
3 regions. And this is the Sicilian legislation
4 provide this method.

5 Q. **[50]** Is it efficient r, what is the result of it?

6 R. After analysis, you see, yesterday we provide,
7 this...

8 Q. **[51]** This example.

9 R. This example. They noticed how Costra Nostra, Cosa
10 Nostra was able to infiltrate the markets just
11 exploiting loopholes within that legislation and,
12 direct adjustments to the legislation in order to
13 fill these loopholes. After analysis, given the
14 quality of legislations and even the dynamics of
15 the criminal organizations, how they exploit this
16 vulnerability, they did some adjustments. But I do
17 say that that system, it's still on.

18 Q. **[52]** It's still on, okay. At page 38 of your
19 presentation, you talk about another method which
20 has been put in place, you talk about the
21 legitimate, where you have different actors who
22 work together to establish... Do you have any
23 situation where professionals, engineers, different
24 actors, they have like collusion and they agree all
25 together, not to fix prices, but to do agreements,

1 and... Do you have these kinds of situations with
2 that process, and where there is, finally, only the
3 public who says no, we don't agree with it?

4 A. What emerged from the cases, and even from evidence
5 from past research, is that it's really a system of
6 networking in which different actors come together,
7 and they establish, consensual, most of the time
8 are consensual, not always, but consensual
9 relationships in order to achieve personal
10 enrichment and interest.

11 Q. **[53]** But if they know each other, politicians, I
12 mean, with professionals, engineers and
13 entrepreneurs...

14 A. Hum, hum?

15 Q. **[54]** If they know each other, how do you get the
16 certitude, how do you... are you... how do you feel
17 comfortable that they won't work together to
18 advantage someone, or to fix a price? I question
19 that method. Because...

20 A. That's the reason why we don't like to focus with
21 the mafia label, but just to understand the
22 dynamic. It's not because it's a mafia member who
23 organized a cartel or established these relations
24 that is the problem. The problem is even when these
25 relations, collusive, corrupted relations are

1 established even when non-mafia is involved. It's
2 not that, because the mafia is there, so we have
3 the problem.

4 Here, if we want to generalize the system,
5 is that it's specific criminal actions are the
6 problem. That's the reason why, probably, we cannot
7 focus on the actors, or in this case I will say
8 don't point at the mafia group. We said, from the
9 exercise from yesterday, we started focusing on the
10 mafia groups, and we see how, in reality, they are
11 part of the system. It's the system that is the
12 problem.

13 Q. **[55]** Okay. I don't know if you will feel at ease
14 with my next question. Because...

15 A. I will ask.

16 Q. **[56]** Yes. Because you seem to take a lot of data to
17 analyze them. Could you talk to this Commission
18 about what did the government Italian to avoid
19 collusion, violence, corruption? Have they taken
20 some methods? Did they put something in place? Did
21 they have solutions?

22 A. I will mention just in the nineties (90's), when
23 the peak of corruption in Italy reached a very high
24 level, Operazione Mani Pulite, clean hands
25 operation. An operation that probably... An

1 operation that took place, not in Sicily, not in
2 Calabria, not in Campania, but it took place in
3 Milan.

4 Q. [57] North?

5 A. So, North Italy.

6 Q. [58] North.

7 A. From this operation, it emerged that networks that
8 link politicians, entrepreneurs... I don't
9 remember, from... probably it's mistaken, the
10 presence of mafia members. But just to say, this
11 was specifically related with the construction.
12 That, in that moment, it was normal for an
13 entrepreneur to provide the bid and to gauge it
14 with a kickback. Once again, the process of
15 normality. In order to have even just the documents
16 just was the procedure.

17 "Operazione Mani Pulite" hit the system.
18 And it's true that the Italian government has, for
19 sure, undertaken a number of activities and actions
20 in order, not just to fight the mafia phenomenon,
21 but even to fight other important criminal
22 activities, corruption, collusion, even fraudulent
23 scheme. We say "falsificazione dei falsi in
24 bilancio." Many enterprises just produce false
25 budgets. So, the number of activities, it's

1 consistent.

2 And because the problem has different
3 dimensions, different aspects, if we want to tackle
4 the system, you have to intervene from different
5 perspectives. The legislation concerning anti-money
6 laundering, don't forget in Italy, even we have to
7 reach some level that the European Commission...
8 Because we are part of the European Union, there
9 are some high standards that we need to maintain.
10 So, I will say that a number of actions have been
11 undertaken in order to counter, I will say, a
12 systematic criminality in general.

13 Q. **[59]** You mentioned the name of the judge Falcone, I
14 think, the judge who has been involved very much,
15 for the benefit of the Commission, of the public,
16 and for the proof, could you just summarize what
17 was his implication, what he did?

18 A. Giovanni Falcone was giudice istruttore at first,
19 so a preliminary judge in Palermo. And him with
20 other judges, just to mention another name like
21 Paolo Borsellino, created a pool, an anti-mafia
22 pool in Sicily, in Palermo. We are talking about
23 nineteen eighties (1980's) and nineties (1990's).
24 And the public prosecutor Chinnici was leading this
25 anti-mafia pool.

1 The idea was this: we need to create even
2 expertise. If you want to tackle the problem, we
3 need expertise. We need people who have a full and
4 extensive comprehension of the problem. And because
5 the problem is terribly complex and difficult, has
6 different dimensions, you can image even the level
7 of expertise that was required.

8 Just to provide an example, the result of
9 the activities of this anti-mafia pool brought to
10 what we call, what in Italy is called a
11 maxiprocesso, the maxi-trial against Cosa Nostra, a
12 trial which took place in nineteen eighty-six
13 (1986) if I'm not mistaken, which brought the
14 arrest of more than four hundred eighteen (418)
15 individuals, members of Cosa Nostra.

16 But Giovanni Falcone was able even to go
17 further because when he was put in charge within
18 the Ministry of Justice, his goal was just to
19 create a judicial, an investigative authority
20 specialized in the fight of organized crime. And
21 these are the Direzione Nazionale Antimafia, that
22 now is lead by the public prosecutor Pietro Grasso,
23 and the Direzione Investigativa Antimafia. The two
24 highest, the most specialized authorities in the
25 fight of organized crime. But then, the value even

1 of Giovanni Falcone, as well as all the other
2 public authorities and civilian that are
3 particularly involved in the fight of organized
4 crime have the great merit to just give you an
5 idea, the idea that you can fight the phenomenon.
6 And tha's what should... It's this message that
7 reaches the head and the mind of everyone, not
8 necessarily the public authority, but also the
9 citizen that every morning opens his shop and start
10 a new day. And this is exactly the message.

11 Unfortunately, in Italy we needed, and we
12 still need heroes in order to understand the
13 problem, and how the problem is deeply rooted in
14 our society. But it's a sense of irresponsibility
15 to say we can... to indulge to this problem. We
16 need a reaction. And that's important even that
17 this reaction can come not just necessarily from
18 the public authority but also from the society
19 itself. It's not normal living in an environment in
20 which you are obliged to pay the "pizzo".

21 Q. [60] Just to complete, I know that you collected a
22 lot of data here in the Québec province, and I
23 don't want you to defend here your thesis. Just as
24 a first feeling, do you think that you will find
25 here a situation comparable to the situation of the

1 mafia in Italy or it will be different? Not further
2 than that.

3 A. As you said, my... I'm still, my research is still
4 in progress and I, as a researcher, I'm used to
5 provide accurate information and not opinions. And
6 it's on the basis of accurate information and not
7 opinion that we can develop a comprehensive
8 understanding of the phenomenon. So, I suggest you
9 to ask me these questions after December I will be
10 more than happy to answer but it's a sense of
11 irresponsibility for me to provide information that
12 has not been fully validated and accurate. So I
13 think that even for the purpose of the Commission,
14 the knowledge should not be based on opinions but
15 on accurate information. So even for the purpose of
16 the Commission I'll say that.

17 Q. **[61]** You are very professional, I understand. I'm
18 sure that they will invite you, if they don't let
19 us know, we will push. Thank you for your
20 testimony.

21 A. Thank you.

22 LA PRÉSIDENTE :

23 Est-ce qu'il y a quelqu'un d'autre qui veut
24 interroger Madame Tenti à part maître LeBel? O.K.
25 Alors les intervenants par la bouche de maître

1 LeBel.

2

3 EXAMINED BY Me SONIA LEBEL for the Intervenors :
4 Est-ce que vous pouvez mettre la diapositive 37
5 s'il-vous-plaît?

6 Q. [62] So you've hinted at the answer a little
7 previously with other questions but I will
8 specifically focus on the questions from l'Ordre
9 des ingénieurs du Québec. If we focus on the
10 different phases of the awarding process and we
11 take the first phase, the pre-contractual phase, do
12 criminal organisations, does that emerge that they
13 get involved at the early beginning of the process,
14 the design, the creation of the process, the
15 creation of the schematics?

16 A. From this case in particular, it doesn't emerge,
17 evidences concerning the influencing of the
18 definition of the project and the planning of the
19 project don't emerge. If, but for example recalling
20 Savonna's analysis, in that case emerged a pattern
21 of infiltration even before in order to plan the
22 project itself. So as we see, even here provide
23 some generalisation sometimes it's a little bit
24 difficult because every project is different, the
25 construction industry required different steps, so

1 to provide some generalisation is difficult.

2 What we can say that from other evidences
3 emerge the fact that mafia infiltration may occur
4 even at the very early stages of the process.

5 Q. **[63]** Okay. Have you seen an indication in your
6 studies that criminal organisations have also
7 infiltrated engineer firms or architect firms?

8 A. From my knowledge, we cannot talk about from this
9 context, we cannot talk mostly about infiltration
10 of those specifically but we can talk about
11 collusion or corruption with the deviant segments
12 operating in that sector. So here, even here, we
13 have to do a distinguishing, one thing it's really
14 a process of infiltration of a legitimate business
15 and one thing is the establishment of corruptive or
16 collusive relations with specific individuals.

17 Q. **[64]** Okay. You talked about all the fraudulent
18 schemes that we could find in the activities that
19 they do in the public sector, the construction
20 industry per se, if we talk about the supply of raw
21 material, you talk about the scheme of not
22 supplying the quality that was asked for and
23 invoiced for the full quality or not supplying the
24 quantity that was asked for but still invoiced for
25 the full quantity. What kind of role do you think

1 architects or engineers can play in that or who
2 plays a role in that?

3 A. We cannot talk exactly about engineers or
4 architects, we can, I feel most easy to talk about
5 professionals operating the public sectors who are
6 in charge to verify the control and the quality of
7 the execution of the work because the system in
8 Italy it's a little bit different, but still here
9 the activities and the action of this system as
10 conditioning is three hundred sixty degrees (360°)
11 full meaning that as in this case emerged that
12 organised crime participants establish relations
13 with a number of actors in order to set up
14 companies to obtain contracts, this happens even in
15 the same way it happens at the execution in the
16 face of an audit or control of the quality of the
17 work. And this is the reason why some actors may
18 ask or forced to provide or to close an eye in the
19 face of the control. I don't see a difference
20 between an establishment of collusive or corruptive
21 relations at the beginning of the phase or at the
22 end of the phase of the public procurement process.

23 Q. **[65]** So if we talk about the approbation of the
24 quantity or the quality and close an eye like you
25 say, we have to look in the context where this

1 situation takes place and find out who occupies the
2 position in question.

3 A. Yesterday we said that there are some public
4 positions that emerged that are more vulnerable to
5 others. And those especially are those who manage
6 public resources, and those who have a role in the
7 management of specific phases of the contracts. So
8 there are some more vulnerable positions, because
9 they are more strategic within the process.

10 Q. **[66]** So we've been talking about quality and
11 quantity of raw material, but if we talk at the
12 precontractual phase of the process, and we talk
13 about the design of the project, the schematics,
14 the planning of the project, do you find, in your
15 case analysis or any other studies, that they apply
16 the same schemes, basically, architects, engineers
17 or people in charge of planning, whatever the
18 context is, voluntarily design the project not the
19 way it should be, to make sure that afterwards the
20 entrepreneurs or the mafia could make improvements
21 and ask for more money?

22 A. The mafia conditioning is... Mafia conditioning,
23 it's various in its actions. So, as you said, every
24 project is very difficult... different. So it might
25 happen, as it may not. It depends from the criminal

1 strategy that is thought to be applied.

2 Q. [67] Okay. Thank you. C'est tout. Merci.

3 Me BENOIT BOUCHER :

4 Est-ce que vous me permettez une petite
5 intervention, Madame la Présidente? J'ai avec moi
6 ici le syllabus du travail de recherche que madame
7 effectue actuellement à Montréal. Est-ce qu'on
8 pourrait le faire reconnaître par le témoin, et
9 j'en ai discuté avec ma consœur hier, je lui
10 remettrai le document, qui sera reconnu par le
11 témoin comme étant le syllabus de son travail, et
12 on verra s'il peut être produit ou pas éventuel-
13 lement.

14 LA PRÉSIDENTE :

15 Maître LeBel, a priori, là, je vais entendre ce que
16 maître LeBel a à dire, mais a priori, ça ne me
17 semble pas être une bonne idée, parce que si ce
18 n'est qu'un syllabus, si madame Tenti veut changer,
19 ou se réapproprier autrement les différentes
20 grilles de son... Et c'est à elle qu'il faudrait
21 peut-être le demander aussi. Maître LeBel?

22 Me SONIA LEBEL :

23 Bien, mon intervention est exactement dans ce sens-
24 là, Madame la Juge. Elle a... Madame la Présidente,
25 je m'excuse. Elle a déjà répondu à cette question-

1 là en disant qu'elle ne voulait pas entrer plus que
2 les questions qui ont été posées dans l'univers de
3 ses études, et je pense que ce serait, comme elle a
4 dit, irresponsable de rendre ça, à ce niveau-là,
5 plus public que ça ne l'est déjà. Et je ne vois
6 pas, de toute façon, honnêtement, la pertinence à
7 ce stade-ci, compte tenu qu'elle nous a dit qu'on
8 n'entrerait pas dans ça, et que si on avait à le
9 faire, on le ferait quand ce serait terminé. Alors,
10 c'est...

11 LA PRÉSIDENTE :

12 Alors, Maître Boucher, je comprends votre
13 impatience de réentendre Madame Tenti, mais
14 écoutez, pour l'instant...

15 Me BENOIT BOUCHER :

16 En fait, vous comprenez que ce dont il est
17 question, ce n'est pas le contenu de ce qu'elle va
18 nous rapporter éventuellement, mais son plan de
19 travail actuel.

20 LA PRÉSIDENTE :

21 Non. Je... Son plan de travail demeure un plan de
22 travail, et elle peut le changer n'importe quand.

23 Q. **[68]** C'est ça?

24 R. Oui.

25 Q. **[69]** Parfait. Est-ce que c'est tout avec madame

1 Tenti? Alors, « grazie mille », merci beaucoup
2 Madame Tenti.

3

4 ET LE TÉMOIN NE DIT RIEN DE PLUS.

5

6

7 LA PRÉSIDENTE :

8 Je vous écoute, Maître LeBel.

9 Me SONIA LEBEL :

10 Donc, pour la suite des événements, j'avais annoncé
11 et j'ai annoncé...

12 LA PRÉSIDENTE :

13 Oui.

14 Me SONIA LEBEL :

15 ... qu'il y aurait un témoin provenant de
16 l'Ontario, monsieur Mike Amato. Monsieur Amato est
17 toujours au programme. Par contre, comme il arrive
18 dans les procès et dans les commissions d'enquête,
19 il y a des imprévus. Monsieur Amato vient d'une
20 autre province, monsieur Amato appartient à un
21 autre corps de police, il va être avec nous, il va
22 témoigner cette semaine, mais j'ai appris hier soir
23 qu'il ne pourrait pas être présent avant demain
24 matin. Alors son témoignage prendra place demain
25 matin, avec votre permission, Madame la Présidente

1 et Monsieur le Commissaire. Il sera entendu selon,
2 effectivement, le « will say » qui a déjà été... Le
3 « will say », le... le résumé de témoignage
4 anticipé, permettez-moi l'anglicisme, qui a déjà
5 été donné à mes collègues vendredi passé, par
6 contre, comme prévu.

7 LA PRÉSIDENTE :

8 Parfait. Donc, ce qui nous... Ce qui veut donc dire
9 que la journée que nous avions prévue demain, pour
10 les requêtes, devrait, pourrait être devancée à
11 maintenant, ou à cet après-midi plus particulière-
12 ment, pour donner aux parties qui voudraient le
13 faire, s'adresser à la Cour, ce qui n'empêchera pas
14 les parties de présenter aussi demain, si elles le
15 désirent, une requête.

16 Alors, entre-temps je pense que, Maître
17 Chartrand, vous avez des choses à nous dire
18 relativement à ce qui était attendu?

19 Me CLAUDE CHARTRAND :

20 Oui, au niveau des engagements.

21 LA PRÉSIDENTE :

22 Des engagements?

23 Me CLAUDE CHARTRAND :

24 Madame la Présidente, je vais aller au lutrin.

25

1 LA PRÉSIDENTE :

2 Parfait.

3 Me CLAUDE CHARTRAND :

4 Alors, de fait, suite à mon retour sur les
5 engagements lundi, j'ai été informé et j'ai eu
6 l'occasion également de visionner l'intervention de
7 maître Boucher qui a fait des commentaires sur un
8 des engagements qui n'avait pas été complété par le
9 ministère des Transports du Québec, et pour lequel
10 maître Boucher est arrivé à la conclusion, ou enfin
11 ses informations l'ont amené à conclure que cet
12 engagement-là avait été complété.

13 Alors, pour bien comprendre la situation,
14 je réfère à un engagement qui était non coté du
15 douze (12) juin deux mille douze (2012), alors que
16 monsieur Carpentier témoignait devant vous,
17 engagement que j'avais intitulé lors de mon
18 intervention de lundi comme étant « Liste des
19 adjudicataires et des montants des contrats obtenus
20 et adjugés par la direction générale et les
21 directions régionales du MTQ depuis deux mille six
22 (2006) ».

23 Maintenant, si on va, j'ai, lorsque j'ai
24 été informé de cette situation-là, j'ai évidemment
25 été aux informations pour m'assurer si tous ces

1 renseignements-là nous avaient été donnés, donc
2 pour aviser les parties qu'on disposait de tous ces
3 renseignements-là, et j'ai contacté notre liaison
4 au ministère des Transports du Québec, qui est
5 madame Noël, avec laquelle... qui est liaison avec
6 la Commission, qui nous transmet tous les documents
7 qui sont demandés par la Commission. Et madame Noël
8 m'a informé qu'elle a elle aussi écouté et
9 l'intervention de maître Boucher, et également elle
10 a aussi écouté les enregistrements du douze (12)
11 juin dernier, tout comme moi j'ai fait sortir les
12 transcriptions du mois de juin dernier. Et, de
13 fait, au mois de juin dernier on faisait bien
14 allusion à la liste des adjudicataires, mais il
15 faut le remettre dans le contexte du douze (12)
16 juin, on traitait à ce moment-là du programme à
17 exécution sur demande pour la période de deux mille
18 six (2006) à deux mille douze (2012). Donc, c'était
19 spécifiquement pour ces programmes-là dont il était
20 question.

21 Et lorsqu'on relit ou on réécoute les
22 enregistrements du mois de juin, il y a eu
23 différentes interventions, autant de la part des
24 commissaires que de maître Boucher et de maître
25 Lussier à ce moment-là, qui représentait... qui

1 interrogeait monsieur Carpentier. Et il a été
2 question également que le ministère des Transports
3 effectue un travail à partir de ces informations-
4 là, plus particulièrement d'identifier les
5 entreprises qui avaient bénéficié de ces programmes
6 à exécution sur demande pour la période de deux
7 mille six (2006) à deux mille douze (2012).

8 Parce qu'actuellement, nous avons la liste
9 de ces programmes, nous avons la liste des
10 entreprises qui se sont qualifiées. Mais là, ce que
11 vous aviez demandé, c'est qu'on identifie celles
12 qui ont de fait obtenu les contrats pour ces
13 programmes-là. Alors, ce travail-là n'est pas,
14 selon madame Noël, tout à fait complété au moment
15 où on se parle, ils y travaillent toujours, et ça
16 devrait nous être remis vendredi de cette semaine.
17 Alors, on nous dit sur la passerelle, parce qu'il y
18 a un moyen de communication qui permet au ministère
19 des Transports de transférer des documents lourds à
20 la Commission, un moyen sécurisé, donc ces
21 documents-là vont nous être transmis vendredi.

22 Il y avait également dans l'échange, le
23 même échange que vous avez eu avec monsieur
24 Carpentier, la demande à l'effet d'obtenir la liste
25 des personnes responsables, alors des employés du

1 ministère des Transports du Québec qui sont
2 responsables de ces programmes-là. Cette liste-là
3 ne nous est toujours pas disponible mais madame
4 Noël m'a aussi assuré qu'elle sera disponible dès
5 vendredi.

6 Donc, pour dissiper l'imbroglie qui aurait
7 pu être causé par mes propos de lundi, alors c'est
8 là où on en est. Et évidemment, je m'excuse si on a
9 pu sentir un reproche de par mon intervention. Ce
10 n'était pas du tout un reproche, c'était un compte
11 rendu. Et d'ailleurs, on avait des dates qui nous
12 avaient déjà été proposées par le ministère des
13 Transports pour ce qui est des deux (2) autres
14 demandes qui sont incomplètes, qui sont le vingt et
15 un (21) et le vingt-huit (28), qui vont nous être
16 transmises. Et évidemment, c'est du matériel qui va
17 être analysé par la Commission et évalué dans le
18 cadre de nos enquêtes et ultérieurement la
19 Commission en fera l'usage approprié.

20 Je, j'ai aussi déposé à la même occasion un
21 certain nombre de dossiers qui avaient été montés
22 par l'Unité anticollusion. Simplement pour, parce
23 qu'il y a quand même deux mois qui nous séparent
24 entre le moment où monsieur Duchesneau a témoigné
25 et aujourd'hui, or on se souviendra que lors du

1 contre-interrogatoire de maître Houle, ce dernier
2 avait demandé à ce que les membres de l'UAC on
3 avait, monsieur Duchesneau qui témoignait en panel
4 avec madame Trudel et monsieur Morin, et on avait
5 demandé si on pouvait, qu'ils prennent l'engagement
6 de fournir un certain nombre de dossiers. Vous vous
7 souviendrez qu'à la même occasion il y avait
8 également un imbroglio quand au numéro de dossier
9 pour essayer de repérer les bons dossiers qui
10 étaient les dossiers de l'UAC.

11 Il faut comprendre que ce sont des dossiers
12 qui ont été montés par l'Unité anticollusion alors
13 qu'elle existait dans le cadre de son mandat et qui
14 visait différentes activités de l'Unité. Alors donc
15 on a fait la recherche pour essayer de repérer les
16 bons dossiers auxquels réfèrent maître Houle,
17 lesquels dossiers ont été mis sur le site sécurisé
18 des participants et lesquels dossiers ont été, ce
19 sont les dossiers qu'on vous a produits lundi
20 dernier.

21 Évidemment, je n'ai pas précisé non plus je
22 pense qu'au mois de juin ça avait déjà été
23 mentionné, ces dossiers-là sont déposés caviardés
24 puisqu'un certain nombre d'information pour
25 protéger l'identité des gens, des informateurs ou

1 des sources de l'UAC, donc ça nous a obligé à faire
2 un exercice de caviardage pour protéger l'identité
3 de ces gens-là. Alors c'était la précision que je
4 voulais apporter pour ce qui est de mon inter-
5 vention de lundi.

6 LE COMMISSAIRE MONSIEUR LACHANCE :

7 Je comprends que ce sont des rapports d'enquête des
8 équipes qui travaillaient pour monsieur Duchesneau
9 et qui sont à l'appui de son rapport en tant que
10 tel.

11 Me CLAUDE CHARTRAND :

12 Exactement. Comme il nous l'a dit, il y avait de
13 mémoire là, cent trente-cinq (135) rapports
14 d'enquête qui avaient été confectionnés dans le
15 cadre des activités de l'Unité anticollusion,
16 certains desquels ont servi au soutien du rapport
17 qu'il nous a déposé.

18 LE COMMISSAIRE MONSIEUR LACHANCE :

19 Puis ça, c'est donc six rapports qui sont à l'appui
20 de ses enquêtes et ça répond à la demande de maître
21 Houle à l'exception de un qui n'a jamais été
22 retrouvé. C'est ça?

23 Me CLAUDE CHARTRAND :

24 Exactement. Exactement. Vous précisez, c'est vrai,
25 de fait, il y en a un que le numéro ne

1 correspondait à rien alors ce dossier n'existe pas
2 à notre connaissance et c'est à la demande, je veux
3 préciser également que suite à l'engagement, c'est-
4 à-dire à la demande de l'engagement qui avait été
5 pris de transmettre aux parties cette, ces dossiers
6 là, maître Houle m'a écrit cet été pour m'en
7 demander la production où je vais, la Commission
8 devait décider si ou non on allait produire et
9 compte tenu de la pertinence que ça avait avec le
10 témoignage de monsieur Duchesneau, et avec
11 l'exercice de caviardage qu'on y a fait, on a
12 consenti à les produire. Ça va. Alors je vous
13 remercie Madame la Présidente, Monsieur le
14 Commissaire.

15 LA PRÉSIDENTE :

16 Merci, Maître Chartrand. Oui, Maître Tremblay, vous
17 avez l'air de vouloir vous approcher.

18 Me SIMON TREMBLAY :

19 Quelques technicalités administratives, deux
20 choses. Tout d'abord, à la demande de maître Daniel
21 Rochefort qui représente l'ACQ, l'Association des
22 constructeurs du Québec, il me demande de produire
23 le document que monsieur De La Grave a consulté
24 lundi en réponse de mémoire à une question de
25 maître Houle et/ou de maître Rochefort, peu

1 importe. C'est un document qui a notamment servi à
2 confectionner la présentation dite PowerPoint,
3 notamment les tableaux qu'on a pu consulter donc,
4 dans les circonstances, et compte tenu que le
5 document fait, qui s'intitule « Industrie de la
6 construction, Statistiques annuelles de deux mille
7 onze (2011) », vu la demande de maître Rochefort et
8 la pertinence du document, ça vient en quelque
9 sorte, peut-être de façon très précise, mais ça
10 vient quand même compléter le témoignage de
11 monsieur De La Grave donc dans les circonstances,
12 je vous demanderais, à moins que quelqu'un ait
13 objection, de produire ce document-là qu'on
14 pourrait produire sous 6P-118A, 118 étant la
15 présentation PowerPoint et, comme je vous dis,
16 c'est un document qui a servi à confectionner et la
17 cote 6P-118A serait opportune.

18

19 6P118A : Industrie de la construction,
20 Statistiques annuelles de 2011

21

22 Dans un deuxième temps, quant à votre remarque au
23 niveau des requêtes, comme vous vous en souvenez
24 sans doute, vous aviez jusqu'à, ils ont, pardon,
25 jusqu'à dix-huit heures (18 h) pour signifier leur

1 requête alors à l'heure où on se parle on a reçu
2 une requête de la Coalition Avenir Québec et, après
3 discussion avec maître LeBel, ce que je vous
4 suggérerais ça serait d'entendre les requêtes à
5 deux heures (14 h) parce que le témoignage de
6 monsieur Amato ne devrait normalement pas dépasser
7 la matinée. Si oui, ça sera après le témoignage de
8 monsieur Amato mais on pourrait à ce moment-là
9 entendre les requêtes parce que même en les
10 entendant cet après-midi, il y aura possiblement
11 d'autres requêtes demain donc au lieu de
12 travailler deux fois on pourrait tout simplement
13 remettre ça à demain après-midi. C'est la
14 suggestion que je vous ferais.

15 LA PRÉSIDENTE :

16 Ce que vous voulez dire c'est qu'au lieu de
17 déranger toutes les parties deux fois, elles seront
18 donc présentes demain et vraisemblablement toute la
19 journée.

20 Me SIMON TREMBLAY :

21 C'est l'équivalent de mes pensées effectivement.

22 LA PRÉSIDENTE :

23 Merci. Alors écoutez, je ne commenterai pas la
24 demande de maître LeBel mais je vais me contenter
25 de dire qu'à l'impossible nul n'est tenu alors nous

1 allons ajourner donc les audiences à demain matin.

2 Merci beaucoup.

3

4 AJOURNEMENT

5

6

1 Certificate

2

3 We, the undersigned, **ROSA FANIZZI**, and **MARC**
4 **BEEBE**, Official Court Reporters, hereby certify the
5 foregoing is a true and faithful transcript of the
6 evidence in the above mentioned case as taken by
7 mechanical recording, to the best of the quality of
8 said recording.

9

10 And we have signed:

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ROSA FANIZZI

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MARC BEEBE

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