



communiqué

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AMBASSADOR GOTLIEB NOT TO TESTIFY AT DEEVER TRIAL

The Secretary of State for External Affairs, the Right Honourable Joe Clark announced today that the Canadian Government has rejected a request from U.S. Independent Counsel Whitney Seymour that Ambassador Gotlieb testify at the trial of Michael K. Deaver on charges of perjury. Mr. Clark said that the Canadian decision was based on long-standing and important principles which govern the conduct of relations between sovereign states.

Mr. Clark said that Mr. Seymour was asking the Canadian Government to break normal diplomatic practice.

Mr. Clark noted that under the 1961 Vienna Convention on Diplomatic Relations, Canada, the United States and more than 100 other countries have agreed that foreign diplomatic personnel are not obliged to testify in judicial proceedings and will not do so without an express waiver from the sending country. In Canadian and United States practice, such waivers occur only in matters not involving the official work of the Embassy concerned. Mr. Clark said that "such a waiver would be unprecedented for Canada in a matter such as the Deaver trial, just as it would be unprecedented for the United States to grant a waiver in similar circumstances."

Mr. Clark emphasized that the indictments against Mr. Deaver did not charge any breach of the U.S. Ethics in Government Law or any other law governing the activities undertaken by Mr. Deaver when he was acting under his contract with Canada.

Mr. Clark noted that the Canadian Government cooperated extensively with the Independent Counsel's investigation for the purpose of assisting all parties concerned in ascertaining the facts. In doing so the Canadian Government advised Mr. Seymour that it was maintaining fully its sovereign immunity and the diplomatic immunity of its Embassy. Mr. Seymour explicitly recognized the diplomatic immunity of Canadian Embassy officials in this matter in a letter to Ambassador Gotlieb of June 25, 1986.