



communiqué

N^o:
No.: 107

May 26, 1987.

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.

Mr. Clark noted that Ambassador Gotlieb has been asked to testify in a U.S. court, as an official representative of the Government of Canada, with respect to official communications with and representations made to officials in the White House concerning the acid rain problem. Mr. Clark said that "to agree to have the official representative of the Canadian Government testify in such a matter before a U.S. judicial body would be incompatible with Canada's status as a sovereign state". He also noted that it would jeopardize the conduct of diplomacy and would create a far-reaching precedent for attempts to compel appearances by Canadian officials before U.S. investigative bodies generally. In these circumstances, Mr. Clark said that the Government of Canada, pursuant to standard diplomatic practice followed by all states, including the United States, has decided not to waive the Ambassador's diplomatic immunity.

Mr. Clark said that the position of the Government of Canada and the conduct of its officials, with regard to all aspects of this matter are and have been completely consistent with established norms of diplomatic behavior and Canadian and U.S. law.