

FRENCH REPUBLIC
MINISTRY OF THE INTERIOR

GENERAL DIRECTORATE
FOR THE NATIONAL
POLICE

MONTPELLIER REGIONAL
JUDICIAL POLICE
DEPARTMENT
Nîmes Branch

Record no. 2009/38617

CASE:

Vs./X....

SUBJECT:

HEARING
of
Jean Antoine BONNAVEAU

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Judicial Police Officer
NATIONAL POLICE
MONTPELLIER
REGIONAL JUDICIAL POLICE
DEPARTMENT
NO. 0086/2007
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RECORD OF PROCEEDINGS

1

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The first of May,
two thousand nine
At 5 p.m.

We, **Stéphanie LONCQ**
Police Sergeant
On duty with the Montpellier Regional Judicial Police
Department
Nîmes Branch of the Judicial Police

Judicial Police Officer residing in Nîmes

- We are located at the headquarters of the Montpellier Regional Judicial Police Department –

- Prosecuting the enforcement of the rogatory letter issued on 1 May 2009 by Ms. Cécile YOUL PAILES, Vice President of Investigations at the Regional Court (*Tribunal de Grande Instance*) of Montpellier, conducting an investigation against X on the grounds of Violation of secrecy or privacy using a camera-

- In view of articles 81, 151 *et seq.* of the Code of Criminal Procedure –

- Assisted by Deputy Principal Inspector Marc ZELLER and Inspector Franck PALIAS of the Judicial Security Police Group of Vaud (Switzerland)-

- Cause the person named below to appear before us who states the following:-

- WITH REGARD TO HIS IDENTITY-

- "My name is **Jean Antoine BONNAVEAU-**

- I was born on 3 December 1958 in Cannes (France)-

- I am the son of Jean Marcel and Jacqueline Menguy-

- I reside at 2 avenida de la francia 46023 Valencia Spain-

- I am a French national but I am a resident of Spain-

- I am married and have lived with Victoria Mac Feidh for 6 years; we currently live in Spain at the address I provided to you-

- I have a two-year old child who is my dependent-

- I am employed as a Sail Analyst, in other words, a sailmaker -

- I have been employed by the company BMW Oracle Racing since December 2007-

- I receive a salary of 10,000 euros per month-

- I have received a degree at the secondary educational level (BEPC) -

- I did not complete my military service, I was released from duty-

- I have a category B driver's license issued in 2004 by the Prefecture of Hérault-

- I have not filed a declaration for possession of firearms-

- I am not known by any Police or Gendarmerie services "-

-WITH REGARD TO THE FACTS-

- "I take official note that you are presenting me once again with the rogatory letter under which you are acting-

-I take official note that I am being heard in the context of a case of violation of secrecy or privacy using a camera-

-I take formal note of the allegations made against me and consent to explain myself-

[5 signatures]

- **Question: Do you acknowledge that you were in Villeneuve in particular on 28 April 2009?**-

- **Answer:** Yes. I went there in my own car, a Volvo with license plate no. 4826 ZE 34---

- I arrived in Montreux on Monday evening, 27 April 2009 at around 8:00 PM. I spent the night at the "Bon Port" hotel in Montreux. The next morning, at around 10:00 AM, I went to the Alinghi site in Villeneuve---

- **Question: For what reason?---**

- **Answer:** I went there to take photos of the Alinghi facilities and possibly photos of boat components in movement during transit between a workshop and the tents, which I suppose are places where the boats are assembled---

- I acknowledge that I also recorded some measurements to do an estimate of the characteristics of the Alinghi project---

- I specify that I successfully took the dimensions of the tents, and I took the dimensions of additional items, such as the distance between lamp posts, dimensions of the buildings nearby, all to make some comparisons---

- I stayed on the site the entire day of 28 April 2009 and the morning of 29 April 2009---

- On the morning of 28 April 2008 [sic] I went to the highlands of Villeneuve, in the vineyards that dominated the industrial area where Alinghi is located, to take some photos---

- I went down again into the industrial area and made several rounds for location scouting, always in the car. I identified the offices of Décision or Alinghi, thanks to Alinghi's staff whom I identified by their clothing---

- At that time, after observing the location and size of the building, I deduced that large-sized components, such as hulls, must not have been manufactured on that site---

- In the afternoon I went back up into the vineyards to find another observation point where I stayed for about twenty minutes. I took some snapshots---

- Then I went back down, went to a parking space to rest and after I decided to go to survey the location up closer, along the tents---

- I parked my car in a parking lot across the street, I took a photo of the tent and then I took a few range-finder measurements of the adjacent buildings. I also plotted the GPS location of all the measuring points in order to later be able to be more precise to improve the proportions deduced from the photos.-

- At that time, I noticed that I was being followed by Brett Ellis, who is one of the Alinghi designers---

- He had a video camera on his shoulder; he was filming me while I was moving around.---

- I returned to my car, he filmed the interior of my car and my license plates and was filming me personally---

- He was immediately next to my car---

- I said hello to him, I made some small talk with him, he answered me and explained to me that there was a lot of security around the site. I told myself that it wasn't going to be easy. I got in my car and I left. He continued to film me until I left the area---

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- On 29 April 2009, I went back to the vineyards. At that time, I thought that I needed a private and permanent observation point. I went through a village and I saw an apartment building where there was a "for rent" sign. I took a photo, that could be interesting---
- Going back down to the Alinghi site, I noticed that this apartment would not be suitable as an observation point, because the site was hidden by vegetation-
- Then I went back behind the Alinghi site, near the tents to take more photos of the blowers, or rather the dust exhausters. These were located all along the tent that I believe is the one used for the masts, given its height---
- I specify that all of my movements on this site were recorded on GPS, all the photos on SD cards and all the voice recordings on my digital voice recorder--
- During those two days, I had telephone contacts on my Nokia brand cell phone whose number is 0034 690 257 117, PIN code 9300 ---

- I did all that in the context of my work, for my employer BMW Oracle Racing---
- This company is a competitor of Alinghi---
- I specify that I was officially authorized by my company to carry out this reconnaissance. In fact, I am part of the design team but the entire staff can provide useful information, particularly on opposing teams. We call that a "recon cell" for reconnaissance---
- The person who authorized me is Manolo RUIZ DE ELVIRA, who is a designer---
- All that was done verbally, in Valencia. It is a group decision-
- I specify that this type of information gathering on the competition is routine, even Alinghi does it this way---
- Furthermore, at the end of 2008 during the period of putting our own boat in the water in Anacortes in the United States (Washington) and during our training in San Diego, we had to put up with the constant, bothersome presence of the Alinghi information team---
- I also want to specify that considering the images freely available on the Internet concerning the facilities inside the tent on the Alinghi site, I did not think that my photos of the outside of the tent could be criminal in nature -
- I am referring in particular to the photos of the concrete structures put in place under the tent, which make it possible to determine certain characteristics of the boat---

- **Question: What use did you intend for the information you obtained?**
- **Answer:** I made two reports. I did not collect information critical for Alinghi, or frankly decisive for Oracle. What is circulating on the Internet is much more specific than what I was able to observe. I did not see the hulls, for example---
- These reports were intended for the Oracle design team so that they could evaluate everything that might have been there, in particular the technical characteristics of the competing project---

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- Question: Have you already transmitted the information obtained to third parties? If yes, in what manner, from where, when and for whom?-
- Answer: The two reports that I just spoke to you about were sent by e-mail from my laptop computer, the first on the evening of 28 April 2009 to Manolo RUIZ DE ELVIRA, and the second on 30 April 2009 to Manolo also---
- We also had several telephone conversations with Manolo, on location in Villeneuve but also here---
- I also have been in telephone contact from here with Julien DI BIASE, who is part of the navigating team---

- I take official note that you are showing me sealed exhibit number ONE, namely, a Garmin 60 GPS that you seized during the search---
- That belongs to Oracle, like all the optical equipment that you were able to see among my things---
- All my physical movements on the premises are recorded on it---
- I take official note that this sealed exhibit will be submitted to the Swiss police departments for their use---

- I take formal note that you are showing me sealed exhibit number TWO, namely, a Nokia brand cell phone, number 0034 690257117---
- This telephone belongs to me; it is the one I used during my trip to Switzerland---
- I take official note that this sealed exhibit will be submitted to the Swiss police departments for their use---

- I take formal note that you are showing me sealed exhibit number THREE, namely, an Olympus brand digital voice recorder---
- This belongs to me and I used it to take notes on the Alinghi site-
- I take official note that this sealed exhibit will be submitted to the Swiss police departments for their use---

- I take formal note that you are showing me sealed exhibit number FOUR, namely, 4 paper documents bearing photographs of the Alinghi site---
- These documents were given to me by Manolo a few days before my trip to Switzerland. These photographs were probably taken by another member of the design team. They were supposed to help me recognize the site---
- I do not know who took these photos or when---

- I take formal note that you are showing me sealed exhibit number FIVE, namely, a Lenovo brand laptop computer---
- This belongs to me; it contains all the data collected relating to Alinghi, in particular the photos, the GPS data and the two reports mentioned earlier---
- I take official note that on the decision of the investigating judge, this seal number FIVE is broken in order to return it after use---
- I take official note that you are giving a USB key to me on which, in your presence, I am copying all the documents relating to this case---
- In evidence of good faith, I am also copying on the USB key files relating only to my relationship with Oracle---

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- Question: Do you have anything else to add?---

- Answer: I never thought of going beyond the context of the America's Cup competition, the fact of being insistent and bothersome in order to obtain technical and sport-related information on the competition has been part of the event for 150 years---

- Since 1987 I have been in this environment of the America's Cup, I have always known about these practices---

- I did not think I was in violation by doing what I was doing."---

- After reading this report, Jean Antoine BONNAVEAU confirms it and signs it with us at seven o'clock in the evening---

Jean Antoine BONNAVEAU	The assistants	The Judicial Police Officer
[signature]	[signature]	[signature]

-Therefore, it follows that---

- We are attaching the sheet for broken seal number FIVE corresponding to the accused party's laptop computer---

- Reference of which is made---

The Judicial Police Officer
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