

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



CANADA

**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant/Plaignante

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and/et

**ALEXAN KULBASHIAN, JAMES SCOTT RICHARDSON,
TRI-CITY SKINS.COM, CANADIAN ETHNIC CLEANSING TEAM and
AFFORDABLESPACE.COM**

Respondent/Intimée

BEFORE/DEVANT:

ATHANASIOS HADJIS

**THE CHAIRPERSON/
LE PRÉSIDENT**

LE PRÉSIDENT

ROCH LEVAC

**THE REGISTRAR/
LE GREFFIER**

LE GREFFIER

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CANADIAN HUMAN RIGHTS TRIBUNAL/TRIBUNAL CANADIEN
DES DROITS DE LA PERSONNE

SITTING IN THE ARGUS ROOM, HOLIDAY INN OAKVILLE - CENTRE
590 ARGUS ROAD, OAKVILLE, ONTARIO ON
THURSDAY, SEPTEMBER 2, 2004, AT 09:50 A.M. LOCAL TIME

CASE FOR HEARING/DANS L'AFFAIRE

IN THE MATTER of a complaint filed by Richard Warman dated February 5, 2002 pursuant to section 13, subsection 1 of the Canadian Human Rights Act against Alexian Kulbashian, James Scott Richardson, Tri-CitySkins.com, Canadian Ethnic Cleansing Team and AffordableSpace.com. Complainant alleges that the respondents have engaged in a discriminatory practice on the grounds of religion, race and national and ethnic origin in the matter related to the usage of a telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Monette Maillet	on behalf of the Canadian Human Rights Commission
Richard Warman	on his own behalf
Vahe Kulbashian	on behalf of Alexian Kulbashian
Alexian Kulbashian	on his own behalf
James Scott Richardson	on his own behalf

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Oakville, Ontario

--- Upon commencing on Thursday, September 2, 2004
at 9:50 a.m.

THE REGISTRAR: Order, please. All
rise.

THE CHAIRPERSON: Good morning,
everybody.

THE REGISTRAR: Please be seated.

THE CHAIRPERSON: Yes. Where are we?
I see people running for a
microphones.

Who wants to be first?

MR. ALEXAN KULBASHIAN: Mr. Chair,
there's just a very brief issue I want to touch on.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: It should
take me about two minutes.

THE CHAIRPERSON: One moment.

He can stay there actually, it's not
a very big issue.

THE CHAIRPERSON: That's fine. you
Can stay at that microphone. Like, I've told you
before, whatever is most convenient.

Is Mr. Warman absent today?

MS MAILLET: Yeah. I was just going

to stand up and say something. I apologize for the late start, it's just that we're waiting for Mr. Warman.

He had gone this morning to see if he could get copies made of the documents we identified last night.

And Mr. Levac did indicate he saw him come into the building this morning.

THE CHAIRPERSON: There's no objection on Mr. Warman's part on our proceeding in the mean time?

MS MAILLET: No.

THE CHAIRPERSON: Okay.

ALEXAN KULBASHIAN: I'm just going to read this off my lap top, just verbatim.

THE CHAIRPERSON: Oh.

MR. ALEXAN KULBASHIAN: Actually, yesterday there was an article in a community newspaper regarding the subpoena for Mr. Kierluk.

And my belief is that if we go further with this issue --

THE CHAIRPERSON: Slower, please. I'm sorry, I'm having a hard time hearing you.

MR. ALEXAN KULBASHIAN: I'm going to pull this down because of the way my lap top is

situated.

Yesterday there was an article in a community newspaper regarding my subpoena--

THE CHAIRPERSON: Slow down.

MR. ALEXAN KULBASHIAN: --for Mr. Kierluk and my belief is that if we go further with this issue that Mr. Kierluk's reputation might be badly damaged.

Our aim for trying to get him to testify was merely to clarify some issues, but with these circumstances, I'm withdrawing --

THE CHAIRPERSON: Slower, slower.

MR. ALEXAN KULBASHIAN: Sorry. But with these circumstances, I'm withdrawing my subpoena for Mr. Kierluk after consulting with my co-respondent on this matter.

THE CHAIRPERSON: Oh, you've consulted with co-respondent?

MR. ALEXAN KULBASHIAN: Just for the record, this was an independent decision, there was no consultation with either Mr. Kierluk's lawyer or with Mr. Kierluk himself.

THE CHAIRPERSON: With whom?

MR. ALEXAN KULBASHIAN: With Mr. Kierluk lawyer, I think his name is Jim Smith.

THE CHAIRPERSON: Right, the gentleman who was here earlier this week.

MR. ALEXAN KULBASHIAN: That's right. And there was no correspondence with him on this matter or with Mr. Kierluk.

THE CHAIRPERSON: You made this decision on your own?

MR. ALEXAN KULBASHIAN: This is independent.

THE CHAIRPERSON: Okay.

MR. ALEXAN KULBASHIAN: Thank you very much.

THE CHAIRPERSON: So, then what we'll do, why don't we have Mr. Levac inform, I guess Mr. Smith, by e-mail that the subpoena is withdrawn, in the sense -- I'll see how I'll deal with it.

You are no longer requesting the subpoena, that's what I understand; right?

MR. ALEXAN KULBASHIAN: That's correct.

THE CHAIRPERSON: The answer is yes. Mr. Kulbashian nodded his head, and we'll deal with the matter.

I don't know whether I should just say it's been quashed and merely inform him that his

presence isn't required.

I will inquire into it.

MR. RICHARDSON: Mr. Chair, just one thing before we get started.

You requested from the respondents any additional disclosure, I guess it would be.

THE CHAIRPERSON: Yes.

MR. RICHARDSON: That we might have.

I have a copy both for the prosecutor, Mr. Warman. I'm not too sure on how to enter it in.

This is something that I'm going to use in the second week of trial, but I'd like to give a copy to them prior to that.

THE CHAIRPERSON: It doesn't have to go through our hands, other than being handed over to the other parties.

MR. RICHARDSON: Okay.

THE CHAIRPERSON: Including Mr. Kulbashian, unless he already has a copy.

MR. ALEXAN KULBASHIAN: We also have the positive points, I think you called it yesterday, the material facts.

THE CHAIRPERSON: The positive defence that you wish to raise.

MR. ALEXAN KULBASHIAN: That's right, the material facts that we'll be relying on, I guess, during our testimony.

THE CHAIRPERSON: All right. That also should be handed to -- yes, a copy of that is required for the Tribunal as well.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: Did you make a table of contents of those disclosure documents you handed over just now?

MR. RICHARDSON: No, I didn't.

THE CHAIRPERSON: You didn't. That sometimes is given to the Tribunal. I don't know if it is necessary in this case.

I mean, according to the rules, what the Tribunal gets is that document that's in Mr. Kulbashian's hands now, the particulars, and an inventory of the documents that are disclosed, not the documents themselves.

MR. RICHARDSON: Oh, I wasn't aware of that, I'm sorry.

THE CHAIRPERSON: That's okay. If it's one or two sheets, I don't think it's necessary.

That one we will have to photocopy.

---(Discussion off the record)

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: I believe that James will not be amending or modifying his, I guess --

THE CHAIRPERSON: His particulars that --

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: And I want to bring up, I don't know if you're aware of this, Mr. Richardson.

It appears that the particulars that you had prepared for the case you had e-mailed to the Tribunal Registry to Ms. Middleton.

MR. RICHARDSON: Yes, Mr. Chair.

THE CHAIRPERSON: And it's not clear from the official file, Ms. Middleton was away on vacation, so we weren't entirely clear during that conference call last week whether the documents had been forwarded to the other parties.

You had left a question in one of your e-mails, should I now forward them on, and the follow-up we couldn't find in the file.

MR. RICHARDSON: Ms. Middleton sent me an e-mail back that day, as far as I recall, and she said that she would take care of that, that it was her

responsibility.

THE CHAIRPERSON: Okay. Well, I don't know. It wasn't entirely evident in the file, so I ordered Mr. Levac - actually, it Ms Lemoine last week - to send a copy on, because I knew there was a copy in the Registry's file, so I sent a copy of your particulars on to Mr. Kulbashian and to the Commission and complainant.

MR. RICHARDSON: So, we're going to assume that everybody has a copy now?

THE CHAIRPERSON: Everybody has a copy. It's I believe a three-page document?

MR. RICHARDSON: Three or four pages, yes.

THE CHAIRPERSON: Okay. So, that was forwarded to them. You're relying on that document is what you're saying?

MR. RICHARDSON: Yes. Mr. Chair.

THE CHAIRPERSON: Okay. And Mr. Kulbashian has updated his and we have only one sheet, I guess, was handed around.

MR. ALEXAN KULBASHIAN: We had a few, but there was a mistake and we made a few attempts to correct it with a pen and now we just used Liquid Paper to get rid of it.

THE CHAIRPERSON: All right. So, that's the official form.

I'm wondering whether we should just photocopy that immediately and give it to the other side because we are in the middle of their evidence. It may be helpful to them to see this document before even finishing with this witness.

So, I'll just step out for two minutes, allow you to make your photocopies and come again.

MR. ALEXAN KULBASHIAN: Thank you, Mr. Chair.

THE REGISTRAR: All rise.

---Short recess

THE REGISTRAR: All rise.

Please be seated.

THE CHAIRPERSON: Just a moment. I'd like to review it before we commence. I'd like to take a few minutes just to read it.

MS MAILLET: Okay.

THE CHAIRPERSON: Are you ready to proceed?

MS MAILLET: Yes, I am, Mr. Chair. I have brought Cds with me today.

THE CHAIRPERSON: Ah, yes.

MS MAILLET: Document, tab 49 I believe, and I provided the respondents with copies. I'm not sure how many copies you need for the Tribunal.

THE CHAIRPERSON: I think I would like to have one, one as the official copy.

At least two.

MS MAILLET: Two. (handed)

THE REGISTRAR: The copy of the CD provided to the Canadian Human Rights Commission by Det/Cst. Terry Wilson and prepared by Det. Stumpf entitled James Richardson's hard drive will be filed as the Commission Exhibit HR-2.

EXHIBIT NO. HR-2: Copy of CD provided to Canadian Human Rights Commission by Det/Cst. Terry Wilson and prepared by Det. Stumpf entitled James Richardson's hard drive.

MS MAILLET: What I plan to do, sir, is continue with tab 62 and finish that evidence of Mr. Wilson before we go on to the documents.

THE CHAIRPERSON: Okay.

TERRY DAVID WILSON, Resumed:

EXAMINATION-IN-CHIEF BY MS MAILLET (Cont'd):

MS MAILLET: Mr. Wilson, if you could

please turn to tab 62, page 46.

Again, just to recap, this is a transcript of the interview that you had with Mr. Alexan Kulbashian; is that correct?

DET/CST. WILSON: Yes, it is.

MS MAILLET: And we went through quite a few documents yesterday.

Do you recall, as you were reading the specific excerpts that I was pointing you to, that that in fact occurred during that interview?

DET/CST. WILSON: Yes, it did.

MS MAILLET: If you could start again reading for the Tribunal about -- a little more than halfway down page 46 you have a line by Wilson saying:

"Starting soccer hooliganism..."

And then Kulbashian saying:

"Well, I mean whatever they are."

And reading from there on.

THE CHAIRPERSON: Oh, okay. The first word is "Canadian hooligans"?

DET/CST. WILSON: The first word will be "Starting..."

It says:

"W: Starting soccer

hooliganism."

MS MAILLET: Page 46.

THE CHAIRPERSON: Yes.

MS MAILLET: About -- exactly pretty
much the middle --

THE CHAIRPERSON: Oh, there it is.
Okay, sorry.

DET/CST. WILSON: It says:

"W: Starting soccer
hooliganism.

K: Well, I mean whatever they are.

W: Yeah, okay. Um, Tri-City
Skins. Are they on
Affordablespace?

K: They're on my server.

W: They're on your server?

K: Yes.

W: Okay.

K: For Affordablespace, so
that's what you're saying.

W: On Affordablespace
(inaudible)

K: They have a space on my
server.

W: So they pay. They're the

ones that pay you 10 bucks a month to put Tri-City Skins on there.

K: To have office space on my server. Well that's the way it's set up. (sic)"

THE CHAIRPERSON:

"Well it's set up that way."

DET/CST. WILSON:

"Well it's set up that way."

Sorry.

"W: So, sort of in simple mind for you, you have an office building with a bunch of space.

K: ...",

And he laughs and it's an inaudible word.

"W: Each office you allot to Tri-City Skins, National Skinhead Front, National Skinhead Canada.

K: So basically yeah. So if you have a company name...

W: Yeah.

K: ...they can attach their

StenoTran

company name to the office space.

W: So you give them the company name to put on the outside of that door of that office building.

K: Yeah. (inaudible) office space.

W: Or, they then have office space; okay. And you, and in some cases you sort do the interior decorating (inaudible).

K: Yeah. Just they pay me. Like I mean it's kind of the idea of, I give you space. I'll give you the layout...

W: Okay.

K: ...to work the (sic) right."

THE CHAIRPERSON:

"...to work with right."

DET/CST. WILSON:

"...to work with right."

THE CHAIRPERSON: So, it's a

continuation.

"I'll give you the layout to

work with right."

And it was in conjunction with okay
on your part?

DET/CST. WILSON: Absolutely.

"W: Okay. Did you give space
to the Canadian Ethnic Cleansing
Team?;

K: Yes. Because, since I was
part of it I figured I'd donate
the space.

"W: Okay. When did you start
affordablespace.com?

K: Oh god. Maybe two years
now.

W: Two years? Okay.

K: Yeah.

W: When did you start giving
space to the Canadian Ethnic
Cleansing Team?

K: About the time when uh they
got the domain.

W: About the time they get the
domain? So you...

K: Well, I ended up giving the
(inaudible).

W: Did you charge them 10 bucks to put it up?

K: No. I donated that.

W: Okay. So you, you donated your 10 bucks because you're a member of the Canadian
(inaudible)

K: Well because I run the server it doesn't cost me to put it out there right.

W: Okay. That makes sense. So you gave them their little office in the office building.

K: Yeah I said you know...

W: (inaudible)

K: Empty space. Here you go.

W: Vinland Voice.

K: I got paid for it.

W: You get paid for Vinland Voice? Since when did you get the pay for the Vinland Voice? Let's say...

K: Um, well the Vinland Voice itself...

W: Yep.

K: ...they're, they're we have to come back to timing.

W: Yep.

K: Um, the Vineeland Voice issues started up before the site start up.

W: Okay. So when did the site start up? Let's...

K: Summer.

W: Summer.

K: All I can say is that summer.

W: Summer of 2001.

K: Yeah the same year so.

W: Okay. So in the summer of 2001 you give the Vinland Voice their little office space in your apartment, in your office building...

K: Yeah.

W: ...right? And you give them their name on the outside of their door.

K: You got it.

W: Right? Do you do the

interior decorating for the office or do you do the design?

K: No. The, the design, basically you think of it in terms of the company running Vinland Voice.

W: Yeah.

K: It's on, it has, it goes to the CECT site...

W: Yeah.

K: ...it says I like that layout. Can I use it. I'll, I'll do my interior decorating.

They did their own interior decorating.

W: They did. But they asked you if they could use your...

K: My idea.

W: Perfect. So they, so now you have the Tri-City Skins, the National Skinhead Front, Canadian National Skinhead Front, um, the Canadian Ethnic Cleansing Team and the Vinland Voice in your office buildings

and you're getting and
char...except for the Canadian
Ethnic Cleansing Team you're
charging 10 bucks a months to
all these people.

K: Yep. There's more.

W: There's, okay."

MS MAILLET: If I could just stop you
there for a moment, Mr. Wilson.

I'm wondering if you could just
explain to the Tribunal your understanding of how the
conversation is occurring in terms of the interior
decorating and office buildings?

DET/CST. WILSON: And again, I would
never put myself in the realm of Mr. Kulbashian and the
knowledge of how servers work, but essentially
affordablespace is a server or hosting company that
sets up space on the internet, on the world wide web
for businesses to advertise.

In this case we're dealing with white
supremacist businesses or organizations, but he has
other businesses involved as well.

Essentially, the way he explains it
in the interview to me is that he has different offices
or space on the internet that he supplies these

businesses for \$10 a month.

This space -- he would put -- he would give them the space as well as the name on the door which, essentially, is the code that you get on the internet to query that space or that website, he would give them that name.

And then, if they wanted to, they could ask him to do the design or the layout of that website or web space.

And a lot of times that's what I'm doing about talking about the interior decorating.

And when I tell him that my VCR still flashes 12, I wasn't kidding, that's how come I sort of, when Mr. Kulbashian wanted to be fairly basic in how I understood what he was doing on the internet.

So, that when I refer to interior decorating, I'm referring to the web design or the web layout that he creates as part of his service for affordablespace, as being the owner of affordablespace.com.

MS MAILLET: So, it's fair to say this is an analogy to the office building and renting office space, it's an analogy to what he does?

DET/CST. WILSON: Absolutely, and in the interview it's actually an analogy that Mr.

Kulbashian brings up to help me understand what he's doing.

MS MAILLET: Thank you. Sorry to interrupt, I think you were at --

THE CHAIRPERSON: But at one point when he says "I like the layout, but they'll do the interior decorating", what did you understand from that?

DET/CST. WILSON: My understanding is that he can - he also allows them to make their interior decorating, essentially, or their website, if they want.

THE CHAIRPERSON: But he is still -- he says that the clients says, "I like that layout. Can I use it? I will do my own interior decorating."

DET/CST. WILSON: Yeah, he allows --

THE CHAIRPERSON: So something of what Mr. Kulbashian has done is incorporated with further additions?

DET/CST. WILSON: Yeah. For example --

THE CHAIRPERSON: Using the building analogy that, you know, though molding has been placed in the room, but then someone goes on and adds a table to the wall or something?

DET/CST. WILSON: Absolutely. It's essentially he has -- he would other organizations other layouts he's done and they would say, I like that layout there, but they wouldn't get Mr. Kulbashian to recreate, it they would create their own sort of from that design, that design, so...

MS MAILLET: That's how you understand what he was explaining to you?

DET/CST. WILSON: That's how I understand it, yes.

MS MAILLET: Thank you. Okay. I think we were at:

"There's more -- Yep. There's more."

DET/CST. WILSON:

"K: Yep. There's more.

W: There's, okay.

K: There's non-racial. There's a lot of non-racial (inaudible).

W: Okay. Let's do the racial sites first and then be fair I'll, I'll give you the non-racial sites too.

K: Okay. Basically uh the concept is the reason why I got

um quite a few racial people signing up is because it's affordable.

W: Yeah, okay.

K: Both site, most places charge you 50 bucks a month...

W: Yeah.

K: ...for the same plan U.S.

W: Yeah.

K: Um, but a lot of pe...racial people advertised my server.

W: Yeah, okay.

K: So when they advertise my server so when they advertised my server I get more hits that way.

W: Okay. Um, Canadian Heritage Front?

K: No.

W: They'd not on your server?

K: Noo.

W: You don't like them very much?

K: (laugh)

W: Well I don't know. Do, do

you like them very much? I...

K: You know the whole, you know the whole pedophile incident thing u, it's it's...

W: Okay.

K: ...kind of hard to affiliate yourself with them and...

W: Okay.

K: ...and get very clean.

W: Okay. Okay. What over racist site, or racial sites you have on Affordablespace?

K: (inaudible)

W: What, to make it easy how many stuff do you manage? Like how...

K: How many sites? 80.

W: Eight sites?

K: Yes.

W: How do you think are there are racist sites?

K: Maybe a quarter.

W: So we're looking at 20 sites.

K: Yeah.

W: 20 sites. Just in Canada?

K: Well everywhere.

W: Everywhere.

K: Just in general. Eh
whoever. Like I mean...

W: Okay. How many, how many
Canadian sites do you manage?

K: Uh I don't, don't ask me
about the kind of location. "

Then he laughs.

W: Oh okay, okay.

K: It doesn't matter. Like I
mean it doesn't matter where
you're from." (sic)

THE CHAIRPERSON:

"...where you come from."

DET/CST. WILSON:

"K: ...where you come from.

W: Do you get overseas. Do you
get like sites that are in
German or Switz..Swiss or,
they're this sort of in English.

K: They're, yeah they're mostly
in English, maybe there's a
German site or s..uh I don't

know.

W: But they're written in English so...

K: I don't visit the sites I host.

W: Oh okay. Okay. Um...

K: Because it's like a waste of time too.

W: So you have about 20 in your apartment building that are racist or racial sites.

K: Yes. Or political I'd say.

W: Um, can you give me a list of any other ones?

K: Die Hard Records.

W: Die Hard Records which is a racist or a White Power um...

K: Music.

W: ...music company...

K: Yes.

W: ...from the States I under...I think.

K: Yes.

W: Okay. Um, anything else.

K: Um, Micetrap.

W: Micetrap?

K: Yes.

W: Okay. Who distributes White Power stickers because James has a whole bunch of Micetrap...

K: They aren't White Power stickers though.

W: What are they?

K: White Pride stickers. White Pride.

W: White Pride.

K: Yes.

W: Okay. I'm sorry. I didn't...

K: The difference between White Power and White Pride basically is the difference between uh not liking chocolate and then..."

I think it says:

"...then storing chocolate.

(inaudible) (laugh).

W: Okay, okay. Um, so White Pride sites.

K: Yeah."

MS MAILLET: Just stop you there.

If you could now turn to page 52, and about a quarter of the way down after Wilson says:

"Um, the products Strike Force sold from my understanding are White Pride products.

Kulbashian says:

"Yeah."

And then where you say:

"Okay."

DET/CST. WILSON:

"W: Okay. Um, anything else you can think of that are racist sites? And each of these things you're getting paid 10 bucks apiece except for the Canadian Ethnic Cleansing Team because you have, it's sort of, it's your...

K: Well now, now I am getting paid.

W: Now you're getting paid
(inaudible)

K: (inaudible) (laugh)

W: Okay, okay.

K: Because after I left I

didn't, I wouldn't say I left on very good terms because I just got pissed off. Basically what happened with the Canadian Ethnic Cleansing Team is when the name I wasn't already okay with...

W: Yeah.

K: ...and once, I don't even know how to explain it, but once uh this whole thing with James happened....

W: Yeah.

K: ...I said Look. You take the name and what James did the shoe fits.

W: Yeah.

K: I said That's, that's fine. I won't have anything to do with this.

W: Okay.

K: After I, after I heard James was raided, that's it.

W: Okay.

K: So I got pissed off.

StenoTran

W: Okay. Um, so you have 20
racialist sites and about 60
nonracial or non-racial sites.

K: Yeah, like (inaudible)
Valhalla, (inaudible) .com, um
bermudarentals.com...

W: Okay.

K: My, my, even where I work
the ho...the bi...the firm that
I work at...

W: Yep, yeah.

K: ...both their domains are
hosted on my server.

W: Okay, okay. Um...

K: It's not. It's not designed
to be a racial server.

W: Yeah.

K: In fact it was just designed
to be a server.

W: To make money.

K: It's a hosting server.
Yeah.

W: To make a dollar. I
understand that. Now to get
sort of the technical..."

MS MAILLET: I believe it says:

"...technical any..."

DET/CST: Oh.

"...technical any anti-racist
action people on your server?"

K: No I don't agree with them
and I wouldn't, I won't put
their, um... Basically like
it's uh I wouldn't sell them
ever...

W: You wouldn't sell
anti-racist people space.

K: No. I mean...

W: So you pretty have control
about the people you do sell
space to and not sell space to.

K: Always. Um, everyone, every
business uh the dealer has
discretion as to...

W: Yeah:

K: ...who they deal with right?

W: Okay yeah. I understand
that. So anti-racist guys, maybe
not. Southern Poverty Centre...

K: (laugh) (inaudible)

W: Probably not?

K: Definitely not.

W: Okay. Um, B'nai Brith? No.

Okay. I'm just sort of trying to get (inaudible).

K: I can control, I can control anything like basically a company that signed, um that signed up for space...

W: Yeah.

K: ...will tell me what domain they wanted and...

W: So do they have to tell you what the site is?

K: Well basically what it is is yeah. Well they don't have to tell me what the site is but it's simply (inaudible) the domain, right and then uh for example.

W: Uh hum.

K: If they sign up well you click on the sign up form...

W: Yep.

K: ...it asks them: Name....

W: Yep.

K: ...Company name, all the information.

W: Yep.

K: So basically if somebody has a company name and what domain you want hosted. obviously you have to tell he what's the company name...

W: Uh huh.

K: ...they want hosted is so I can put basically their label on the lobby door you know.

W: Okay. So how do you control the fact that somebody might be lying to you. At first they give you...

K: Well I take that risk. I, but I mean if it comes. Like no one that's anti-racist has ever, um has never really applied for an account.

W: So somebody said this is a White Power site and then a week after you've granted the domain

they say, now it's an anti-racist site do you have the power to say, okay that's enough of that.

K: Yeah. I'll refund them (inaudible).

W: How do you find out about that? Do you, do you sort of monitor the amount of sites you have?

K: No I don't. That's the thing, uh I don't and that's why I take the risk ...will ...where.

W: Would somebody give you a call and say hey look at there's...

K: Yeah. Somebody, if, but if somebody. The thing is that since, when you look at the site you don't see what server it's on automatic...

W: Okay.

K: ...off the bat. If somebody happened to notice that oh, I

mean like uh.

W: Yeah.

K: Who knows maybe there is anti-racist sites on my server.

Uh, (laugh) (inaudible).

W: But you wouldn't, you wouldn't have signed him up if you knew they were anti-racist sites (inaudible)

K: (inaudible) like ara.com I would've, I would've just said get lost, right.

W: Okay. I understand that.

Yep. Um, so you would have sort of monthly control. So here, here's your 10 bucks back or here's your hundred bucks back.

K: Yeah I'd just say yeah, Get lost.

W: Get lost, okay.

MS MAILLET: Just stop you there.

Just go down to the bottom of page

55.

Let me know if you need a moment, Mr. Wilson. I know it's hard to read.

At the bottom of page 55 where it indicates, the last paragraph starting with Wilson.

DET/CST. WILSON: "W: Yep...?"

MS MAILLET: Yes.

DET/CST. WILSON:

"W: Yep, yeah. Okay, okay.

That, and that makes sense to me and again I have to tell you you know the VCR flashing twelve is sort of technical for me sort of thing. Um, where was I gonna go next with it? So, James gets arrested.

K: Yep, and I say fuck it.

(laugh)

W: Well, before you say fuck it um, there's a little bit of a, um, ar...article I guess written in the next edition of the Vinland Voice written by you.

K: Yes.

W: Okay, discussing the condition that James is in, in a..."

I think it's supposed to say, dry, wet freezing cold cell. It's something, "...wet freezing cold cell".

MS MAILLET: I just see a "dr". I know the copies are poor, but:

"...is in, in a dr..."

DET/CST. WILSON: I think it's supposed to be just I was going to say dry and I stop and then I actually say:

"...wet freezing cold cell."

K: Yep, yep.

W: I think that's the word you used sort of thing.

K: Yes I know.

W: You wrote that article.

K: Um, I wr...I wrote but not edited the article so...

W: Okay.

K: It could have been modified from. I, see I write some articles I don't remember it, right.

W: You didn't happen to go on Vinland Voice and read it and say yeah that's (inaudible)...

K: No. I just (inaudible) put it up.

W: Okay.

K: Right, and that's, that's all I can do.

W: So do you remember writing the thing about the cold wet cell.

K: Yes and um...

W: Okay.

K: ... took information from when James made collect calls to my phone:

W: Perfect. Do you remember um, putting my name on that and Sgt. MCKINNON's name on that letter.

K: Uh, I think I would yes.

W: Okay, and do you remember putting the, the Criminal Investigations phone number? You probably got that from Maggie because I gave her my card.

K: No. I got that from calling

up here.

W: You got it from calling here. Okay.

K: (inaudible)

W: And that's fine. It's in the phone book. Like, it's not hard to to find.

K: Yeah.

W: Do you remember putting that number on there?

K: Yeah.

W: Um do you remember telling other Canadian Ethnic Cleansing Team members...

K: No.

W: ...to call here.

K: No. That, that I don't remember. Actually don't um, if you ever read my articles I'm very moderate in the way I write...

W: Okay.

K: ...unless I'm writing a sarcastic article.

W: Yep.

K: Um, it's just the way I am and...

W: Okay.

K: ...the person who would have post it up might've found it like and said, oh well this is, this is called for here right.

W: Yep.

K: And that's, that's what really worries me about posting articles on people's sites from now on...

W: Okay.

K: ...because if somebody modifies what you wrote.

W: Okay. When James got arrested for the fifth edition of the Vinland Voice I believe.

K: Sixth I think, or fifth maybe, I don't know. I wouldn't remember. Sorry.

W: Let me see was it fifth or sixth. Anyways um, sure enough a couple days after that, that article comes off there.

K: Yeah.

W: I know James doesn't do that.

K: And because I got a call from uh, I forget it was your or it was Don.

W: Well I talked to you the day James' place was raided.

K: No no. I'm talking, like I mean somebody told me that it was illegal to, to write that kind of stuff...

W: Okay.

K: and then I got in contact with the people by e-mail.

W: Well if, let's go back to James' raid.

K: Yeah.

W: Okay. Sure enough James wants to make a phone call.

K: yes.

W: He phoned you.

K: And I contact uh people on-line and the word goes around...

W: Okay.

K: ...a lot faster.

W: So James phones you...

K: Yes.

W: ...and when James is screaming get rid of the stuff, I take the phone off his, off him and I talk to you right.

K: Um, well...

W: And you're a little hot...

K: Yes. (inaudible)

W: ...and you start to swear at me.

K: Yes.

W: And I understand that it's a little hot to be....

K: I swore yeah.

W: Yeah, uh and don't worry man. I've been swore at before.

It's no big deal.

K: Yeah. (inaudible)

W: Okay. Yeah no big deal.

Later on, later on you phone back in here, back into the Criminal Investigations

Division.

K: Later on. When was that?

W: Later on that day.

K: Do I?

W: Yeah and and you identify yourself as Alex KRAUS.

K: Yeah I do.

W: And you say, you say you know I spoke to your earlier. You, you're actually very apologetic for, for acting or talking that way and I appreciate that. Like you know what I mean.

K: Cause I, you you have to realize that um, I'm still in a transition between...

W: Yep.

K: ...being a hot headed like fuck (laugh) and uh...

W: Being a hot head skin.

K: Well yeah like in, it's really hard I guess when you, when you're used to a pattern it's, it's hard to come (sic)

away from it."

THE CHAIRPERSON:

"...move away from it."

DET/CST. WILSON:

"...move away from it."

THE CHAIRPERSON: That's okay.

DET/CST. WILSON: It is:

"...move away from it.", I'm
sorry.

"...to move away from it."

W: Yeah.

K: And when I realized what I'd
done I called back yes.

W: Okay.

K: And I apologized for being
a, a...

W: And I appreciate that, you
know and I really do appreciate
that. So now um, it becomes
very apparent that James has
been arrested for this article
that he's written...

K: Yes. And I get in touch
wi...

W: ...right.

K: ...immediately with the people who uh...

W: How do you do that?

K: ...editor of the Vinland voice. There's a e-mail address that you click on...

W: Okay.

K: ...link and I just say get rid of this article.

W: Okay.

K: And they modify it and they say...

W: So when you...

K: ...something (inaudible)

W: ...so that article comes off it and says...

K: Uh what's they, what'd they say after?

W: I think it just says that this article is...

K: (inaudible)

W: ...gone now or something.

K: (inaudible)

W: I don't even think they fill in another article.

K: Oh okay. Well, whatever they did. So they (inaudible)

W: After I talked to you, you call these people and say look it, it' got to come off the website.

K: Yeah because like for their own good.

W: Yep. Okay. After that now we go, go back...

K: (inaudible)

W: ...into the article and you've written an article about James condition and my name and Don MCKINNON's name and everything like that...

K: Uh hum.

W: ...on (inaudible)

K: I got the information from Dead Cult.

W: Yep. Sgt. MACKINNON calls you after that and says you're sort of bordering on another criminal offence of harassment, right.

K: Yes, and I get in contact again with the Vinland Voice editors and say listen what the fuck's going on? Remove it.

W: Remove it.

K: Yeah.

W: Okay. Uh...

K: (inaudible) did they remove it, the whole article or did they just modify it?

W: Um, no they pretty much um, they just modified that one.

K: What did they...

W: They took out, they took out the....

K: The sentence.

W: ...the, the one where it says call in.

K: Okay. See now. That's what they added. So they just put my article back in.

W: Okay. Um, and after that, after James was arrested there are a couple of more articles written by Totenkopf.

K: Yes.

W: You again.

K. Not all.

W: Not all of them. How many, how many articles you think you wrote?

K: Two by Totenkopf and anything else that started identifying me as Alex Krause, that was me.

W: Okay. So everything else that's identified as Alex Krause is you and two from Totenkopf. Two from Totenkopf.

K: Two from Totenkopf.

W: Can you remember.

K: I don't, I don't remember, no.

W: Can you remember the articles at all?

K: If you can bring me a, a...

W: Man I wish I could because I, I do (inaudible)

K: You guys didn't print it out.

W: Um...

K: Because I would know my style of writing...

W: Okay.

K: ...and um, myself writing is...

W: Do you remember what you wrote about?

K: No.

W: Okay.

K: I write about a lot of stuff.

W: Okay, and how do you get that on the website again?

K: Um, I just e-mail editor and they submit to him and they put it on.

W: Okay, Okay.

K: It's always the way it works right.

W: Okay.

MS MAILLET: Just stop you there.

If you could turn to page 64. Just give me a moment.

If you could just start with a

quarter of the way down where Kulbashian
start:

"Vinland Voice..."

DET/CST. WILSON:

"K: Vinland Voice was sponsored
by the Canadian Ethnic Cleansing
Team maybe or I guess there's a
lot of CECT members involved in
it but articles would come in
from everywhere.

W: Yeah.

K: And literally everywhere.

W: Yeah.

K: I'm talking people in the
States, people from...

W: Okay.

K: ...Japan or (inaudible)

W: Am I going to find draft
copies of articles on your
computer...

K: No you shouldn't.

W: ...for the Vinland Voice.

K: No.

W: What do you mean no I
shouldn't, it's your computer.

K: Well no. You, you shouldn't be able to find draft. No there shouldn't be draft, draft copies on the computer.

W: Okay. Um...

K: I mean there would be draft copy. Well that's the thing. I don't remember if I deleted the stuff that um...

W: Yeah.

K: ...was initially that I had really should received.

Normally drafts, I wouldn't say draft, no. No draft at all.

W: Made before it was sent to Trop...Topika or made before it was sent to...

K: No. No draft at all."

Sorry, that should be:

"No, no draft at all."

W: Okay.

K: Because the only thing that I got was the initial e-mails.

W: Okay. Other racist sites or ra...racialist sites like Vox...

K: (whisper) Kanida eh.

W: Kanida?

K: That's not a racist site
yeah per say. That site is just
an up...it's an update site
where groups submit their
updates.

W: Groups. Updates about what?

K: Well, activities, what's
going on there. I mean the site
itself is uh it's, it, it has
political I guess um, on-line.

W: Is it a far right
pol...political magazine?

K: Yes, yes it is. Well not
magazine. It's a, uh crap.

W: On-line magazine maybe.

K: Well yeah, but it just, it's
like an update centre.

W: Okay.

K: Right.

W: But, dealing with the far
right pretty much?

K: Yeah.

W: Would Ayr...

K: (inaudible)

W: and we'll go, we'll go,
we'll go the far left.

K: (inaudible)

W: Would you post stuff like
that?

K: They wouldn't post anything
on that site no.

W: Would you allow it to be
posted on that site?

K: No.

W: Okay. Do you manage that
site?

K: Um, half and half.

W: Half and half.

K: The site manages itself.

W: Because people update it and
then people and then people just
go to the articles they want to
go to.

K: Yes.

W: Okay. Uh, who pays for that
\$10.00 a month?

K: It's my site.

W: Your site so again like the

Canadian Ethnic Cleansing Team
is free.

K: Before, yeah well before.
The CECT now is paying.

W: Now it's paying. But before
it's free, like the Vinland
Voice it's, i..i..it's. if
somebody else took over they
would pay 10 bucks, right.

K: Yeah.

W: Okay. Um, perfect. I think
I got the main sites and
everything down pat. That was a
let...that was a computer lesson
right there (inaudible) let me
tell you."

MS MAILLET: I'll stop you there.

DET/CST. WILSON: Okay.

MS MAILLET: Now, turn to page 77,
please.

Just start at the top of the page.

DET/CST. WILSON:

"W: Okay. So that's fine. So
at some point you talk to
Detective MCKINNON.

K: Yes. I remember that.

W: And you write...

K: He called me because for..he got my number from James' phone.

W: Right.

K: Exactly.

W: And, and he called you. He got the number from James' phone...

K: Yeah.

W: ...and says look it this is a bit of the harassment thing.

K: Um why.

W: About the calling...

K: Oh yeah yeah. Now I remember.

W: ...the station and talking with me...

K: Yeah.

W: ...and talking to him and...

K: Yeah.

W: ...that sort of stuff. When you talk to him you write another article.

K: Immediately the same day.

W: Immediately. It gets posted and and you send it to this...

K: (inaudible)

W: ...group thing again.

K: Well not group. I sent it to editor. This is has nothing to do with CECT. It's the Vinland Voice.

W: Yep.

K: The Vinland Voice editor.

W: Okay.

K: Yeah.

W: And it gets posted on the thing again.

K: Yeah.

W: Okay. Is that one of the two articles that you wrote for the Vinland Voice?

K: That would be one of two for sure.

W: Okay. Um, d..could you sort of maybe narrow down the other one?

K: You have to give me a list of articles.

W: Okay. Did you, did you write an article about the guy who died?

K: Yes.

W: Okay.

K: But that was not, I wouldn't consider that of Vinland Voice.

I just said that as a special.

W: Okay.

K: I just said that. I said listen uh this is a guy that was on our server you know.

W: And he died.

K: (inaudible).

W: He's the guy from Strike Force.

K: Yeah."

MS MAILLET: I'll just stop you there.

Turn to page 93, please, about a third of the way down, Kulbashian says:

"No.

"W: ...is when we do a server trace..."

DET/CST. WILSON: Okay.

"K: No.

W: ...is we do a server trace on Affordablespace on the CECT...

K: (whisper) A server trace?

W: ...where we can trace from where I'm receiving it. Like if we pull up the website where it's fed through. It comes from San Diego.

K: Oh you, yeah of course.

W: How come it comes through San Diego?

K: Because the server is illegal to operate in Canada. The server can't be on Canadian soil.

W: Why can't it be on Canadian soil?

K: Because Canada. Not necessarily it can't be because you know what happened with the guy. It's not, it wasn't illegal for when it first started. I, I'm not sure about

now.

W: Yeah.

K: But um, when I first started the server it wasn't illegal. But remember that guy who got um...

W: Was it? What wasn't legal? I don't understand what wasn't legal.

K: Okay. This I'm telling you. Um, the top rated server in, that hosted that kind of site. Remember there was that guy that um...

W: Hosted that kind. Hosted racist sites?

K: Yeah.

W: Okay. So you're saying...

K: Remember, remember the guy that (inaudible) and tell you what is the guy that was, came to you. He was charged or convicted or anything but it was taken to human rights tribunal because he had the site that

only had gays.

W: Uh...

K: It wasn't illegal but they didn't like it right.

W: Yeah.

K: That guy, it like called Machabelli Inc. or something like that.

W: Okay.

K: Okay, that guy um, he was hosting on a Canadian server.

W: Yep.

K: Okay.

W: Yep.

K: Which means the Canadian server, until when he, it wasn't illegal but the Human Rights Tribunal...

W: It's against the Human Rights Code.

K: Well, Canadian Rights Code not the U.S. Code. But the Canadian, the Canadian Rights Tribunal told the server that was operating the site...

W: Yep.

K: ...to shut it down.

W: Okay.

K: But they had to obviously go through a process first. They can't just say shut it down you know. Fuck off.

W: Yeah. And they had to prove it.

K: They had to prove it. So...

W: Now then...

K: ...I figured you know what I'm plugging the server in the States.

W: So what I'm telling you, so what I'm going to ask. The next question is, is that the reason you feed it through the States...

K: Is first of all cheaper connections. One more thing after your last.

W: Okay. Cheaper connections fine. And you though that you're borderline, you're

borderline criminal activity...

K: No.

W: ... hosting it on a Canadian site. Why don't you host it on a Canadian site then?

K: Another thing because Ca..Canada is horrible for co-location or dedicated server services. You know our formula for being able to plug that server in Canada there would have to be a good service that's stable and would have a dedicated line, high speed, like extremely high speed...

W: Uh hum.

K: ...that would be using that server. The majority and I'm telling you about 99.55 majority of those servers...

W: Uh hum.

K: ...which I know have all been in the States. In fact before I was on the one that I'm on right now I was using high

speed.net...

W: Yeah.

K: ...which was administered in Vancouver...

W: Yeah.

K: ...however the rack was in San Diego again.

W: But the simple fact is, is you don't want your server shut down.

K: The simple fact is I don't care.

W: You don't want the Human Rights Tribunal to show up and shut your server down because you host 20 racist sites.

K: Well uh also the fact of the matter is I don't care to follow the Canadian law on what I do with my server.

W: Okay.

K: Because U.S. law doesn't seem to care so I say I have more, if I have more control it's better for me.

W: Okay.

K: Plus its cheaper.

W: Okay."

MS MAILLET: I'll stop you there, Mr. Wilson. Thank you.

Sir, I'd like to produce tab 62, please.

THE CHAIRPERSON: Okay.

EXHIBIT NO. HR-1 (Tab 62): Copy of videotaped statement of Alexan Kulbashian, dated May 10, 2002 consisting of 124 pages.

MS MAILLET: This may be a good time to break for the morning break and it will give me an opportunity to look at the copies that Mr. Warman was able to make this morning.

THE CHAIRPERSON: All right. We'll take our morning break.

THE REGISTRAR: All rise.

---Recess taken at 10:55 a.m.

---On resuming at 11:30 a.m.

THE REGISTRAR: Order, please. All rise.

THE CHAIRPERSON: Thank you.

Please be seated

THE CHAIRPERSON: Yes.

MS MAILLET: Mr. Wilson, if I could have you turn back to tab 52, please.

DET/CST. WILSON: Okay, yes.

MS MAILLET: At page -- bottom of page 17.

THE CHAIRPERSON: Based on the top right corner, right?

MS MAILLET: That's right.

DET/CST. WILSON: Yes, Ma-am.

MS MAILLET: If you could just read the bottom, as soon as you have TankTCS, which is about five lines from the bottom says:

"james"

And then he answers:

"88"

DET/CST. WILSON: It starts at 00:00:40.

MS MAILLET: That's right.

DET/CST. WILSON:

"TankTCS: james.

WPCANADA 88"

TankTCS: how are you?

WPCANADA: good

TankTCS: fighting with maggie still

WPCANADA: I need a new woman"

MS MAILLET: Just look at the top of page 18 and read the first two lines from WPCANADA.

DET/CST. WILSON:

"WPCANADA: Just finishing off the Voice.

its abiggie".

MS MAILLET: Sir, are you familiar with those excerpts on this internet related chat forum.

DET/CST. WILSON: Yes, ma'am, these are documents when the -- when Mr. Richardson's computer were seized, copies of these chat lines with stored on his computer and these were located on that seizure.

MR. RICHARDSON: Mr. Chairman, allegedly Mr. Richardson's computer. Can that be corrected? It hasn't been stated or proven yet that it is my computer.

THE CHAIRPERSON: Well, okay.

MR. RICHARDSON: Is that fair?

THE CHAIRPERSON: Your point is taken, thank you.

MS MAILLET: And as a result of reading this from the documents from the hard drive--

DET/CST. WILSON: Yeah.

MS MAILLET: --did you take any action after that?

DET/CST. WILSON: Yeah, I did. I read all the chat lines that were on there and I picked three particular chat lines that talk about the Vinland Voice, this one in particular, the 13th of September, 2001 the day before it was posted on the internet.

As a result of this information here that's posted on this chat line, if you notice that at 22:15:07 on page 17 it states:

"WPCANADA: ..."

THE CHAIRPERSON: What, 20...?.

DET/CST. WILSON: 22:15:07, sir.

THE CHAIRPERSON: Okay.

DET/CST. WILSON: It states:

"WPCANADA (cect@dsl482.rbal..."

THE CHAIRPERSON: 1482?

DET/CST. WILSON: No, it's "dsl"

THE CHAIRPERSON: "dsl", okay.

DET/CST. WILSON:

"482.rbal.pppoe.execulink.com).

That line right there, the person that signs on as WPCANADA, that line right there is his sign-in code essentially.

What I now did with this information is that I, on January 16th, 2002 I prepared a search warrant to search Execulink, which is the internet service provider.

I searched Execulink for that date, that time and that sign-on code and with the search warrant they prepared documents for me and they produced documents for me.

Those documents show that at this date and this time, the person who is signed on as WPCANADA was James Richardson, and his address was 690 Southdale Road and the phone number listed there was the same phone number that was supplied to me in earlier documents where he identified himself to me as James.

MR. RICHARDSON: I'd like to make another objection.

I know for a fact that is impossible for Execulink files to state who exactly --

THE CHAIRPERSON: Sir, you cannot -- that's testimony, that's testimony.

It's his evidence right now. In your questioning you can bring that up with this gentleman.

Hold off, write a note, then make your evidence on the point.

MS MAILLET: Sir.

DET/CST. WILSON: As a result of that information, I was able to obtain these documents that stated that James Scott Richardson at 690 Southdale Road and a phone number was the owner occupant of that, the computer at the time and that what sent out.

MS MAILLET: Now, we've been having some difficulties trying to understand, when people sign on to a chat room or a forum - excuse my ignorance with the language - so when at 22:15:07 you have this "cect@dsl482", does help us out in trying to understand who's signing on or what's happening within that forum?

DET/CST. WILSON: Yeah, it tells you that -- because after it says, "has joined" and then it's "#wpcanada" in small case.

"wpcanada" in small case, from my understanding, is the chat room in which these people are talking.

It's a chat room created by somebody within this organization so they all can go to.

When you see "wpcanada" -- or "#wpcanada" in small case, that's the chat room.

When it refers to "WPCANADA" in upper case, in my opinion it refers to James Scott Richardson

in any of these documents.

So, therefore, this line is telling me that James Richardson, as a result of this search warrant, is signing on to talk on this chat room with the other people including Tank and all that sort of stuff inside this chat room.

They can have conversations inside this chat room, either individually or collectively.

They also can be away from their computer. So at times you'll see that he has put in away through some of these chat conversations.

That doesn't necessarily mean that's he's signed off from the internet, it just means he's from his computer, so he's telling everybody that -- essentially, he's not ignoring them if they're sending him a message.

Again, that's my understanding of how this chat system works.

THE CHAIRPERSON: Can I take you back to the code that you -- you obtained a search warrant?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: And took the search warrant where, to which...?

DET/CST. WILSON: Execulink, which is an internet service provider in Woodstock, Ontario.

THE CHAIRPERSON: So, Execulink is an ISP. And whom did you speak to?

DET/CST. WILSON: I somebody to the --

MS MAILLET: You're referring to a document.

DET/CST. WILSON: Yeah, I'm actually referring to my statement that has the supervisor's name of Execulink on it.

I would serve our search warrant on anybody from Execulink essentially, we served it to the supervisor whose name is Jeff Soetemans, S-o-e-t-e-m-a-n-s, he is the supervisor of operations of Execulink and that now gives him authority to give us, essentially, the private information of accounts.

THE CHAIRPERSON: And how did he give you that information, verbally?

DET/CST. WILSON: No, he gave it to me in a document form. Everything is stored electronically at Execulink, so they print off the screen form and issue that to me as my document.

THE CHAIRPERSON: And you obtained that document?

DET/CST. WILSON: Yes, I do. I have it with me now.

THE CHAIRPERSON: And again, this document demonstrates what?

DET/CST. WILSON: It demonstrates and it shows -- on the third page it shows a screen picture. It says at the top, Customer Service, looks like a Windows page, and it lists the customer's ID number, his name, James Richardson, the address he uses at of 390 Southdale Road East, Apartment 601, London.

THE CHAIRPERSON: And this is being linked to the remainder of this the identification that appears at page 17--

DET/CST. WILSON: Yes.

THE CHAIRPERSON:

--"cect@dsl482.rbal.pppoe...", is that it?

DET/CST. WILSON: Yes.

THE CHAIRPERSON: So, this is the address that the ISP has provided to the identity, the identification that has been provided?

DET/CST. WILSON: Well, it depends on the internet, it depends on what kind of service you have.

But essentially, when he plugs in and this number is the same because he's on a --

THE CHAIRPERSON: Is this equivalent to the identification that one has to put on when you

go on line with this internet service provider?

DET/CST. WILSON: Yes. Every time you plug into the internet your internet service provider provides you a number.

THE CHAIRPERSON: A code name?

DET/CST. WILSON: A code name or a code number or whatever they have.

So, the police can now do a search warrant, if they have the date and time and that code number, can do a search warrant on that ISP to give them the customer information that's signed on at that date and that time.

That is what we did in this instance right here.

THE CHAIRPERSON: Because if I understand you correctly then, it's because the individual who's joined this chat line has joined in through his ISP account--

DET/CST. WILSON: Right.

THE CHAIRPERSON: --through his internet service provider and off into the internet.

So, that's how you trace -- that's how this is traced back onto the chat log?

DET/CST. WILSON: Yeah. Well, we read the chat log and saw that that was his essential

code to sign on to this chat room and that that code -- because he signs on as WPCANADA and doesn't use his real name, we're able with that code to trace back to the customer records of the person that's signed on at that date and that time using that code.

THE CHAIRPERSON: Do you have that document?

DET/CST. WILSON: Yes, I do, it's right here.

THE CHAIRPERSON: Do you intend to introduce that?

MS MAILLET: We just haven't had an opportunity to make copies of that document--

THE CHAIRPERSON: That's what I've asked you to do, though.

You know, it's a shame. If we have the best evidence right there, why should we be listening to the testimony.

MS MAILLET: Simply because we weren't certain if Mr. Wilson would actually be referring to the document. We were scrambling to get the other documents done.

This was something that I was hoping to just introduce orally, but we have --

THE CHAIRPERSON: Then we're going to

have a debate later on about what did he get, what did he see and all this kind of stuff.

I mean, if the document is right there, let's just look at it.

All right. Well, I will give you the opportunity at lunch to finish it off.

MS MAILLET: Okay.

Now, sir, you gave evidence yesterday about an edition of Vinland Voice.

At tab 60 -- I believe it's tab 60, page 5. This your summary -- the crown brief summary

DET/CST. WILSON: Yes.

MS MAILLET: You indicate that you reviewed the Vinland Voice edition No. 07.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: Sir, we checked last night Mr. Wilson's records and we were able to find the actual document that he was referring to, so I'd like to produce that.

THE CHAIRPERSON: And this is a document -- sorry, just so I recall, the one that suggested people telephone the police service, is that the one?

DET/CST. WILSON: Yes, it is.

MS MAILLET: Yes, it is.

DET/CST. WILSON: And when I reviewed it and I reviewed this here, the actual Vinland Voice is actually No. 08 and I've placed it here in my summary as No. 07, so I'd like to sort of correct the fact that it's actually Vinland Voice No. 08 on December the 9th that produces that letter or produces that sort of call to the London Police instead of No. 07.

MS MAILLET: And we'll provide the respondents with copies of that.

THE CHAIRPERSON: Aren't you going to file it now?

MS MAILLET: Yes, I just wanted them to have an opportunity to look at it. (handed)

THE CHAIRPERSON: Actually before I look it rather than the respondents look at it.

This is part of what we were describing last night as late disclosure on the part of the Commission, right?

MS MAILLET: That's correct.

THE CHAIRPERSON: So it's now, you're seeing it.

So, if you have an issue bring it up with me, but this is the document that was discussed yesterday, if you recall.

MR. ALEXAN KULBASHIAN: Right now you mean?

THE CHAIRPERSON: Right. Take a look at it first. Take a look at it.

And just so I can compare it, this compares to - just a moment, please - this compares to which tab, there was a tab that was a variant of this later, no?

MS MAILLET: This was one that we thought was the same, but then we said maybe it's not the same because it was edited.

THE CHAIRPERSON: All right.

MS MAILLET: We initially were looking at No. 07 because --

THE CHAIRPERSON: Tab 7, no?

MS MAILLET: Newsletter 07.

THE CHAIRPERSON: Edition No. 07, okay.

MS MAILLET: But, in fact, it was a different --

THE CHAIRPERSON: Just one more thing.

I notice at the top right corner it says, page 1 of 5, page 2 of 5, page 3, 4, 5.

MS MAILLET: My information is that

this hard copy was actually something that had been faxed, so maybe Mr. Wilson can explain it better, had been faxed to him and this was the content.

THE CHAIRPERSON: So, the fax was only of these two pages?

MS MAILLET: That's correct

THE CHAIRPERSON: All right.

Mr. Kulbashian?

MR. ALEXAN KULBASHIAN: My objection I guess is the ongoing addition of disclosure way past the disclosure date.

We do need some time to review this disclosure.

I mean this -- I'm not sure about this one because I haven't fully read this, but also information about IP information he collected from Execulink.

It is prejudicial to the respondents' side, obviously disclosure and --

THE CHAIRPERSON: No, the issue -- it's always prejudicial against the respondents' side --

MR. ALEXAN KULBASHIAN: Yeah, it is.

THE CHAIRPERSON: And everything that you have handed over this morning is likely to be

prejudicial to the Commission side.

MR. ALEXAN KULBASHIAN: Right.

THE CHAIRPERSON: It's the late disclosure itself that we're looking at--

MR. ALEXAN KULBASHIAN: Yes.

THE CHAIRPERSON: --as forming some kind of prejudice, not the fact that the document is against you.

MR. ALEXAN KULBASHIAN: No, that's what I was talking about, I'm sorry, I didn't form the sentence properly.

THE CHAIRPERSON: Well, what's the prejudice? I mean, do you recognize this document?

MR. ALEXAN KULBASHIAN: This document --

THE CHAIRPERSON: Well, I don't want to ask you that, but ---

MR. ALEXAN KULBASHIAN: This document ultimately, no.

See, the problem is if you look at the date on the document, it's been -- October 6, 2001 it is almost two years ago.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: And the thing is that was quite a while ago and I don't have the

recollection like that far back.

THE CHAIRPERSON: Okay. I don't want to ask you that question. I don't want you testifying on this.

MS MAILLET: If I could address his concerns.

THE CHAIRPERSON: Yes.

MS MAILLET: This document was referred to, I mean, it said edition No. 07 instead of 08, however, the contents of the document are described in the disclosure at page 5 of his crown brief summary.

This was provided in April of this year to the respondents. There's no surprise, you know, what's in this document. It's explained, it was described in that paragraph.

The fact that we now were able to provide a copy of the actual document, it seems to me makes it more specific to the respondents so they know exactly what's in there.

MR. ALEXAN KULBASHIAN: Well, the thing is that a different document was provided in the first place which was missing obviously I think a paragraph, but I don't know what else it could have been missing right off the top of my head.

The issue is, like, bringing late

disclosure, like, Mr. Wilson -- Det. Wilson has been, I guess, they've decided to call Det. Wilson from a few months ago from when I got their statement of particulars and their--

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: --disclosure package, so it's not -- it couldn't have been something that they could have possibly like grabbed from --

THE CHAIRPERSON: Yes. My concern right now is what prejudice does it cause you?

Do you want 10 minutes to read this?

MR. ALEXAN KULBASHIAN: It's not this, it's information about, for example, Execulink which is not a thing that was --

THE CHAIRPERSON: I think those things should be sent to you as soon as possible.

MS MAILLET: And again, Mr. Chair, had the Commission been in possession of those documents and had Mr. Wilson been in possession of those documents, we would have --

THE CHAIRPERSON: The Commission should have been in possession of those documents.

I'm sorry, with all due respect, the Commission should conduct its investigation properly and get all the documents and not wait until the person

flies in from Vancouver and go and get them at the last minute. This is supposed to be disclosed early.

But, you know, I'm not going to allow hide-and-seek to occur either with evidence, important evidence on either.

I'm allowing the respondent to do late disclosure too here, as you may have noticed.

So, what I want to do is get the exchange of all the information out there, as soon as possible, give you all the opportunity to read each other's material and deal with it.

But, you know, we're not talking about reams of documents either here. It seems to me we're talking about a few pages on all sides.

So...

MR. ALEXAN KULBASHIAN: The issue is--

THE CHAIRPERSON: What I want you to do is read this document, look at it and tell me -- well, I just want to give you the opportunity to read the document so that you may consult it and prepare your case.

Just because it's late, I'm not going to exclude it because everyone is breaking the rules around here.

So...

MR. ALEXAN KULBASHIAN: Well, our problem is that we have one more day left for this round of, I guess, hearings.

THE CHAIRPERSON: Right.

MR. ALEXAN KULBASHIAN: And maybe documentation like this we could go over overnight, but issues that come from subpoenas that were served to internet service providers, in which case the one he's testifying to, the Execulink one--

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: --could take much longer to research because --

THE CHAIRPERSON: And here we have the benefit, several weeks in front of us before you have to lead your evidence.

I'm prepared to entertain motions to recall witnesses if need in order to complete the evidence.

But, you know, I'm not going to -- the case will not fall -- and I will not exclude what I see as relevant evidence merely because of late disclosure, in these circumstances where both parties seem to be engaging in that kind of a process.

What I will do is, as I say, I will

give the opportunity for everyone to have a fair chance to consult the material and pose any questions and lead any evidence that they need to in order to deal with the material.

What maybe be necessary, the Commission may be obliged to keep Mr. Wilson available in the month of October if there are reasons for which these parties need to ask further questions of Mr. Wilson.

MS MAILLET: We're prepared to do that. We're prepared to do that, Mr. Chair.

THE CHAIRPERSON: And you know, it's true, he's right on one point. We've been preparing this case for a long time and disclosure is complete disclosure and I do sometimes expect a little more of the Commission because the Commission has certain resources and knows the process; it's new to them, but it's not new to the Commission.

So, you've heard my questions on numerous of those documents that he has in that file, why am I not seeing them?

All right. So...

MS MAILLET: Perhaps, because there are more documents to come and if we have to go through this type of objection--

THE CHAIRPERSON: Yes, perhaps.

MS MAILLET: --every time, it might be a good idea for us to provide them all, take a break, they can take an hour or however long they need --

THE CHAIRPERSON: I think it might be better in the long term than wasting our time dealing with objections.

But I want everybody -- here's my ground rule on this.

I don't think that we should try to play games in terms of trying to exclude this document or that document. I mean, it's all out there, let's see it, but let's do it in a way that everyone has a chance to consult the material and ask the right questions, and bring in the right witness or whatever.

And we have, as I say, the benefit of a set of hearings set down in a month and a half from now. There's ample time for everyone to consult the material.

Do you have something to say, Mr. Kulbashian?

MR. ALEXAN KULBASHIAN: Just a question. Just going back to, like, I'm not sure what late disclosure we've provided at this point.

THE CHAIRPERSON: Well, you just gave your positive defence which is materially different than what I seem to recall having seen in your first statement of particulars--

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: --this morning.

I mean, right now, if we're going to speak of prejudice and unfairness, I haven't heard anything from the Commission or complainant yet, but you've set out a defence which, in my opinion, seems somewhat different than what was set out before and they've already entered a good chunk of their evidence, so...

But, you know, I haven't heard an objection yet, and if I did hear it I would say: Look, we'll deal with it rather than prevent you from making that defence.

That's part of disclosure too, not just materials, but positions.

Plus I believe there was some - which I have not seen - some exhibits handed over earlier today as well, some documents. Maybe not from you, maybe from Mr. Richardson. I don't want to confuse the two.

But I'm setting the ground rule

letter. You know, you're not accustomed to this process, it's new to you and I'm prepared to relax the rules in your case, and my ultimate goal is that all the information be placed out there. I don't want it to be kept from anyone's eyes on either side merely for the technicality of the late disclosure, unless it can be demonstrated to me that a serious prejudice is caused by the late disclosure that cannot be dealt with by the Tribunal.

And I'm dealing with it, I'm saying, if by looking at this document say, gee, I'd like to ask another question of Mr. Warman, I will entertain a request by you to bring Mr. Warman back on the stand to ask him a question.

If it means that you need to call another witness and you want me to issue another subpoena for October, that's fine. I mean, you've seen, I've been fairly open in issuing subpoenas at the initial stage.

So we can deal with all these late disclosure problems.

I wish everybody hadn't done that because we would run faster, but we're there now, it's too late, let's just deal with each issue as it arises.

And I think one of the good solutions

would be for the Commission to sit down and look at all of that file that Mr. Wilson has, run off all the copies - there's a Staples store down the street here - and give them to the other side and let's just move on.

MR. ALEXAN KULBASHIAN: Is there a possibility that we can break while they get --

THE CHAIRPERSON: Yes. Well, I'm thinking -- that was the suggestion, right?

MS MAILLET: Yes, it was.

THE CHAIRPERSON: I mean, I don't want us to take for ever, but let's take the break now.

I'll give you two hours, how's that, until two o'clock, and if there's anything else, you can get back to me.

Yes, Mr. Kulbashian Sr?

MR. VAHE KULBASHIAN: They can bring us those documents as soon --

THE CHAIRPERSON: Microphone, please.

MR. VAHE KULBASHIAN: If they can give us those documents as soon as possible I don't think that we will have much problem.

MS MAILLET: They are right here.

THE CHAIRPERSON: But everything else that you intend to be referring to.

I mean, just referred to--

MS MAILLET: Yeah. That's the only document --

THE CHAIRPERSON: --the ISP and I don't know what else is there.

MS MAILLET: That's it.

THE CHAIRPERSON: These are arguably relevant documents and maybe they weren't in the possession of the Commission, I know that, but they're relevant to the case, the Commission is relying on -- okay, the witness is referring to it. The next question was going to obviously be, and what are you looking at, sir?

So, okay, I think we have said already enough on this.

So, we'll break until two and then see what happens. If you need another half hour after that, I'd rather we take care of this now so we can move ahead.

What does all this mean for your expert witness, we're already into Thursday and Friday is tomorrow.

MS MAILLET: No idea. I have her coming this afternoon again. She was already here on Tuesday.

THE CHAIRPERSON: My understanding is

she resides in the Toronto area.

MS MAILLET: She's in Toronto, yes.

She will be staying here tonight, hopefully. My plan was that she would be going tomorrow, but we can only do what we can do.

THE CHAIRPERSON: Right.

THE REGISTRAR: All rise.

---Luncheon recess taken at 12:00 p.m.

---On resuming at 2:15 p.m.

THE REGISTRAR: Order, please. All rise.

Please be seated.

THE CHAIRPERSON: I see a whole slew of papers on my desk.

The disclosure occurred over the break?

MS MAILLET: Yes, we have given the respondents all of the documents that we will be presenting through Mr. Wilson, but I will be producing them, or asking to produce them one at a time, so that he can --

THE CHAIRPERSON: Okay. Except, you said something which I always alert people to.

The duty to the disclose all arguably relevant documents.

MS MAILLET: That's correct.

THE CHAIRPERSON: Are there any other documents that weren't disclosed?

MS MAILLET: No.

THE CHAIRPERSON: Anything that he has with him?

When I say arguably relevant, I mean, it may be documents that you don't intend to disclose that are arguably relevant. Let's do it simple, simple, show it to them at least.

MS MAILLET: Show them Mr. Wilson's binders?

THE CHAIRPERSON: Maybe. I don't know.

The principle of arguable relevance means anything that may or may not be relevant whether you intend to use it.

MS MAILLET: Yeah, I agree with that, but to my knowledge, we've gone through all the documents and --

THE CHAIRPERSON: If that's the case fine, that's the standard to which you must --

MS MAILLET: Yes, I understand that.

THE CHAIRPERSON: That you must meet.

MS MAILLET: Well, okay, I'll think

about that.

THE CHAIRPERSON: Well --

MS MAILLET: I guess they could be arguably relevant.

THE CHAIRPERSON: That's the test, it's in our rules, I can pull it up.

Let me pull it out so we can read it for everybody in the room.

MS MAILLET: Can we just think about this for a moment? I mean none of these documents were in our possession, and so it's documents that were in our possession that were arguably relevant.

THE CHAIRPERSON: It's true they weren't in your possession.

MS MAILLET: Now --

THE CHAIRPERSON: Except that it's your witness, it's your main witness.

MS MAILLET: But we, as soon as he -- because he needed to refresh his memory as well, he went to get his investigation file, he's going through them and we realized that there are issues that have come up, especially in terms of statements that were made by the respondents that we'd be able to address, and through his evidence in the summary, we realized that he may have some of those documents, but they were

never --

THE CHAIRPERSON: I'm mindful that summary perhaps raises new issues for you. I alluded to that earlier.

I think let's just work with what we have.

You now, maybe technically you're right, maybe technically they were not in your possession and you've learned of them now, I appreciate that.

The reality is, he's your witness and he has a binder that he recently obtained which contains material. I think it might be appropriate, maybe during a break, I don't want to delay this any more, to just allow -- to sit at one of those back tables there, just allow the respondents look through what remains, if you think it's arguably relevant, to begin with.

MS MAILLET: Yes, all right.

DET/CST. WILSON: Sir, I can tell you that the binders that I have here as a result of the criminal hearing--

THE CHAIRPERSON: Yes.

DET/CST. WILSON: --were disclosed to the defendants as a part of the criminal hearing, so

nothing I have in these binders they've never seen before.

THE CHAIRPERSON: Right, so nothing is wrong with showing it to them again.

That may be the case, but nothing is wrong with showing it to them again.

DET/CST. WILSON: Absolutely, sir.

THE CHAIRPERSON: Yes?

MR. ALEXAN KULBASHIAN: Mr. Chair, I'd just like to correct his -- I guess the way he said that, because they were disclosed to the crown, but we've received maybe about this much (indicating) worth of these documents.

THE CHAIRPERSON: They may have been disclosed to your lawyer.

MR. ALEXAN KULBASHIAN: No, they might have been disclosed to the crown, but our lawyer's never received anything other than the questioning that we have over here, on my questioning, his questioning and the CD of his hard drive.

So, the crown did not disclose anything else to us.

THE CHAIRPERSON: It's possible that disclosure also occurred from my experience in criminal law, sometimes the disclosure occurs not with

photocopies, but just simply permitting the other party to view them.

Do you know for a fact they were disclosed?

DET/CST. WILSON: Yes, I made actually two copies --

THE CHAIRPERSON: And copies being made and handed over to the lawyers for the respondents?

DET/CST. WILSON: I made two separate copies of what's in this binder here and produced them to crown, and I called crown earlier this morning and they assure me that if they receive them, they would have been disclosed to Mr. Lindsay--

THE CHAIRPERSON: In the ordinary course.

DET/CST. WILSON: --and whoever was representing Mr. Richardson, which I'm not too sure who it was.

THE CHAIRPERSON: It's not important, it's not important here. Let's not get into a debate on this. We'll deal with it later.

Maître Maillet, I'm going to ask you only to -- it's your prerogative to begin with, to take a look - please be quiet on that side - take a look

through the material to determine if you believe the material is arguably relevant to this case, not to the criminal case.

MS MAILLET: I'll do that.

THE CHAIRPERSON: And if that's the case, I would ask you that you permit the respondents to view the material, no need to make photocopies at this point.

MS MAILLET: I will do that.

THE CHAIRPERSON: All right?

MS MAILLET: Yes.

MR. VAHE KULBASHIAN: Mr.

Chairperson, we got those documents--

THE CHAIRPERSON: Yes.

MR. VAHE KULBASHIAN: --and we went through them. There are many, I believe if they come from the police, let's say London Police, there are so many things missing on those documents.

MS MAILLET: Perhaps as I try to introduce them he can address his concerns --

THE CHAIRPERSON: You mean missing from the individual documents or document you have not received?

MR. VAHE KULBASHIAN: Now, if -- I don't know how to proceed, but I don't know the way,

but there are pictures. We don't even know without the list which one belongs to who.

THE CHAIRPERSON: Okay. So those are types of things you can raise dealing with each exhibit, if there is any deficiencies in the exhibit, you deal with that in your cross-examination afterwards.

MS MAILLET: And Mr. Wilson will be identifying each document, so...

THE CHAIRPERSON: That's right. I understand.

And, as I say, the remainder of whatever Mr. Wilson has, I have made an order already that it be shown to you, provided it's arguably relevant as determined by the Commission, in good faith as counsel, there's a duty on her part to act accordingly.

MS MAILLET: Now, I believe we were at the document that I still haven't entered as an exhibit.

THE CHAIRPERSON: Yes.

MS MAILLET: But it was Vinland Voice issue 08.

Mr. Wilson had indicated that he was correcting the error that had been made in the summary

and that it was in fact edition No. 08 instead No. 07.

DET/CST. WILSON: Yes, I referred to it in my testimony as No. 7 as it's listed here on the summary on page 5 in the first paragraph, and actually I'll correct myself and actually it is Vinland Voice issue No. 08 and not No. 07.

MS MAILLET: So, Mr. Wilson, when you were describing in the first paragraph of page 5 of tab 60 that the article had appeared which voiced concerns about the treatment of Mr. Richardson, was this in fact the article that you had observed?

DET/CST. WILSON: Yes, it is.

It's start at the bottom of the page that you have now with Editor's Voice, and then there's two lines and proceeds to two thirds of the way down the page on the back and it's --

THE CHAIRPERSON: Before going any further, let's -- do you wish to enter it into evidence?

MS MAILLET: I do.

THE CHAIRPERSON: Let's do that right away and then we'll go through it.

THE REGISTRAR: Two-page document, electronic mail message from the Vinland Voice Editor to Vinland Voice Newsletter dated October 6, 2001,

subject: Vinland Voice Issue No. 08, will be filed as Commission Exhibit HR-3.

EXHIBIT NO. HR-3: Two-page e-mail message from Vinland Voice Editor to Vinland Voice Newsletter dated October 6, 2001, subject: Vinland Voice Issue No. 08.

THE CHAIRPERSON: So, you were saying, sir.

DET/CST. WILSON: I'm sorry.

It starts off with two lines at the bottom, it starts off with Editor's Voice, and then there's two lines at the bottom, and it ends again with:

"Totenkopf -
editor@vinlandvoice.com" and
then a dotted line.

That is the article I was referring to in my testimony on page 5.

THE CHAIRPERSON: At page 5 you're referring back to tab 60?

DET/CST. WILSON: Yes, tab 60, page 5 of the summary.

MS MAILLET: And it's also the

article that you were talking to Mr. Kulbashian in the interview about which we just completed going through the transcript?

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: Thank you. I'd also like to enter as an exhibit the document that dealt with the Execulink that Mr. Wilson was referring to earlier.

THE CHAIRPERSON: Mm-hmm. What I find here with the paper clip.

MS MAILLET: That's correct. It's starts:

"When a customer signs up..."

It has, sorry, I should have numbered the pages.

THE CHAIRPERSON: Okay. Why don't you tell us the sequence and we'll number them now.

MS MAILLET: Sir, are you familiar with this document?

DET/CST. WILSON: Yes, I am.

MS MAILLET: And how did you receive this document?

DET/CST. WILSON: This is a document I received from Execulink as a result of a search warrant conducted on their part on January 16th.

This would be the evidence or the property seized as a result of that search of their customer records.

It is in five pages -- six pages long.

The first page is an explanation on how their system works. So, it starts off:

"When a customer signs up...",
that would be the first page.

THE CHAIRPERSON: Okay.

DET/CST. WILSON: The second page starts off with:

"Thu Sep 6..."

THE CHAIRPERSON: Okay.

DET/CST. WILSON: And those the specific dates that I'm dealing with in my search warrant.

The third page begins with:

"Thu September 13..."

THE CHAIRPERSON: Mm-hmm.

DET/CST. WILSON: The fourth page is a picture of a Windows program, starts up in the corner with "Customer Service" and it lists Mr. James Richardson on that Windows, I guess, program.

THE CHAIRPERSON: Mm-hmm.

DET/CST. WILSON: No. 5 is again "Customer Service", it has the bank account information, and again it says James Richardson at the top in the gray area.

And No.6 again it says "Customer Service", same Windows program, says James Richardson in the gray area and lists three different boxes, one with a number and two following that says "cox88".

THE CHAIRPERSON: Okay. I consider the document sufficiently identified.

MS MAILLET: Thank you.

THE CHAIRPERSON: It can be entered into evidence.

MS MAILLET: It's HR-4.

THE REGISTRAR: Description of the document as described the witness will be filed as the Commission Exhibit HR-4.

EXHIBIT NO. HR-4: Six-page document consisting of information obtained from Execulink as a result of search warrant conducted and described in full by witness on the stand.

MS MAILLET: Now, sir, if you could just turn to tab 60 again and turn to page 4.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: You indicated -- it's noted at the third paragraph of that page that at 12:20 p.m. you attended 610-390 (sic) Southdale Road and executed the search warrant; is that correct?

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: And that's at James Richardson's residence?

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: In your evidence yesterday you indicated that prior to entering the residence that you had obtained a lease agreement.

DET/CST. WILSON: Yes, Ma'am. And I'd like to say that the first -- in that statement there is a typo, because it should say, instead of 610, it should say 601 in that typo there, it's the third paragraph down.

MS MAILLET: Yes.

DET/CST. WILSON: So the address identified as James Richardson's will be 601 not 610.

MS MAILLET: In fact 601 in the second paragraph.

DET/CST. WILSON: Yes, Ma'am.

In that paragraph it appears or I must have had my fingers crossed or something,

and yes, I refer to a leasing agreement.

MS MAILLET: Sir, I'd like to enter the lease agreement as the next exhibit.

THE CHAIRPERSON: Is it all of this?

DET/CST. WILSON: No, it's a three-page exhibit that has in the corner "Boardwalk".

THE CHAIRPERSON: Just a moment.

Let me separate the others.

It's a three-page agreement, yes. Go on.

DET/CST. WILSON: Yes. One is a large 14 by 8 sheet, the other two sheets, the first one is Offer Lease Rental Application in the top hand corner, it's dated November 15/00 and it has "Richardson James" and "Shearer Maggie" in the third line down.

THE CHAIRPERSON: Yes.

DET/CST. WILSON: It's a rental agreement for them.

The second page again has "Boardwalk" in the corner and it is a tenancy agreement with two signatures at the bottom where it says "Tenant(s) A) and B)".

And the third one -- I'm sorry, it's a two-sided page as well.

The third one again has "Boardwalk" in the corner with the address and it's a "Boardwalk Equities Inc. Offer to Lease", again, with two signatures at the bottom corner.

THE CHAIRPERSON: All right. So, all three pages have the Boardwalk logo at the top left corner?

DET/CST. WILSON: Yes, sir.

MS MAILLET: If I could --

THE CHAIRPERSON: It's five pages, three sheets, because they're doubled sided.

MS MAILLET: Produce that document, sir.

THE REGISTRAR: The document as described by the witness will be filed as Commission Exhibit HR-5.

EXHIBIT NO. HR-5: Five-page document consisting of two double-sided pages and one single sided page with Boardwalk logo in the top left corner, described in full by witness on the stand.

MS MAILLET: Now, sir, if you could turn to page 7 of your summary, about the middle of the

page it indicates on December 20th:

"Detective Constable SAM spoke with KULBASHIAN about other matter. During this conversation with Detective SAM, KULBASHIAN admitted to being "Totenkopf" and Alex Krause."

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: Now, I understand that in your materials you had a supplementary report that writes this out, I suppose, that states that fact.

DET/CST. WILSON: Yes, Ma'am. It's a supplementary report by the Metro Toronto Police Service, it's got a signature of James, or J. Hogan at the bottom with his detective No. 6274.

That is produced by James Hogan who is the partner of Samuel Sam.

Det/Cst. Sam notified me of that information verbally and Det. Hogan confirmed that with a report sent to me.

THE CHAIRPERSON: So...

DET/CST. WILSON: It's just a one-page report with the Metro Toronto logo in the top left-hand corner.

THE CHAIRPERSON: Okay. One page,

okay.

MS MAILLET: I'd like to produce that as the next exhibit.

THE CHAIRPERSON: Fine.

THE REGISTRAR: One-page document described by the witness will be filed as Commission Exhibit HR-6.

EXHIBIT NO. HR-6: One-page document, single page report filed by Det./Cst. Hogan from Metro Toronto Police Service with logo described by witness.

MS MAILLET: And if you could turn to page 2, please, of your tab 60.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: In the second and third paragraphs you discuss that on August 17th there was e-mail correspondence between you and Coxwain24WPCANADA.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: And as well as on August 22nd there was some -e-mail exchanged.

DET/CST. WILSON: Yes, Ma'am.

The first e-mail --

MS MAILLET: Perhaps if we could

produce the document.

And I understand you have those e-mails?

DET/CST. WILSON: Yes, I do.

THE CHAIRPERSON: Just make sure about the number of pages.

MS MAILLET: Again, they're double-sided.

DET/CST. WILSON: So, there's two sheets but four pages.

THE CHAIRPERSON: Oh, two sheets.

DET/CST. WILSON: Well, actually -- I'm sorry, with both those e-mails, there's four sheets in total.

MS MAILLET: The last page seems to be blank, so what I have is two double-sided pages and one single-sided page, so five pages.

THE CHAIRPERSON: The four sheets; right.

DET/CST. WILSON: Four sheets. Make it easier.

THE CHAIRPERSON: We know what we're talking about, the four sheets that have MSN Hotmail on them.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: So, these four sheets of paper together will be treated as one exhibit that you've described as e-mails of August 17th and August 22nd, 2001.

DET/CST. WILSON: Yes, sir,

THE CHAIRPERSON: Between you and --

DET/CST. WILSON: Coxwain24WPCANADA.

THE CHAIRPERSON: Okay.

THE REGISTRAR: The document as described by the witness will be filed as Commission Exhibit HR-7.

EXHIBIT NO. HR-7: Five sheets collectively, described by the witness as e-mails between Det/Cst. Terry Wilson and Coxwain24WPCANADA of August 17 and 22, 2001.

MS MAILLET: And, if I may just for clarification, Mr. Chair, this seems to have been -- it's printed out so that the earliest date is last, so it's in chronological order until the most recent date.

So, the August 17th starts at the last page and then it goes to--

THE CHAIRPERSON: Right, as e-mails do, where they throw the first e-mail at the bottom. I

understand.

MS MAILLET: That's right.

Now, sir, you also spoke yesterday about a Cst. - I'm not sure if getting his title right, Cst. Stumpf.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: And the procedures that he follows in terms of storing and transporting electronic evidence as well as how he would go to preserving or copying that evidence.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: And I understand that, again, by looking at the documents that you had with you that you actually found a police witness statement of Mr. Chris Stumpf--

DET/CST. WILSON: Yes.

MS MAILLET: --which describes his actions with respect to the seizure of Mr. Richardson's hard drive; is that right?

DET/CST. WILSON: Yes, Ma'am.

It's a police witness statement produced by Chris Stumpf and it goes through those procedures.

There's three sheets, five written pages, and they're dated in the top right-hand corner

as February the 1st, 2002.

MS MAILLET: If I could mark that as the next exhibit.

THE CHAIRPERSON: Yes.

THE REGISTRAR: Five-page document described by the witness will be filed as Commission Exhibit HR-8.

EXHIBIT NO. HR-8: Five-page document described by witness as Police Witness Statement of Cst. Chris Stumpf dated February 1, 2002.

THE CHAIRPERSON: Was there any evidence on this, this relates to the evidence about the procedures used; is that it?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: And this statement was made by whom to whom. This was just filed to the crown brief; is that it?

DET/CST. WILSON: Yes, sir. We made to me as being the investigating officer and I would forward that to the crown as part of the package, I guess.

THE CHAIRPERSON: I see. So, he's describing exactly every move that he made with respect

to the hard drive.

DET/CST. WILSON: Yes sir.

THE CHAIRPERSON: I see.

Okay.

MS MAILLET: Cst. Wilson, again going back to tab 60 and your evidence of yesterday, you indicated that you searched Mr. Richardson's apartment and seized his computer as well as paraphernalia which tied him to Tri-City Skins and I believe you inferred you found some business cards and things like that; is that correct?

DET/CST. WILSON: Yes, Ma'am, I did.

MS MAILLET: Were photos taken of that evidence at the time?

DET/CST. WILSON: Yes, as part of our disclosure feature for criminal trials, we would take pictures of them and, therefore, we wouldn't have to disclose the actual evidence until come trial and then the defendants would know what was being disclosed.

So, we would take pictures of those articles as well.

MS MAILLET: And, I have three photos here, there's one witness of, looks like the photocopy of some business cards.

THE CHAIRPERSON: Mine are in a

different sequence.

MS MAILLET: Okay. There's three pages.

THE CHAIRPERSON: Do you wish to have the business cards to be first.

DET/CST. WILSON: Actually, these photocopies, one with Tri-City Skins patch.

THE CHAIRPERSON: Okay.

DET/CST. WILSON: One with half a maple leaf with a Celtic cross.

THE CHAIRPERSON: Yes.

DET/CST. WILSON: And the business cards are all all as a result of the search warrant at James Scott Richardson's place.

THE CHAIRPERSON: Photographs, okay.

MS MAILLET: So, I would like that all produced as one document.

THE CHAIRPERSON: This is the third --

MS MAILLET: That's the exhibit.

DET/CST. WILSON: No, sorry, sir.

THE CHAIRPERSON: I'm going to show them to you just to make sure I have got the right things.

So, this would be the first one?

(indicating)

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: And the second?

(indicating)

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: And the third?

(indicating)

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Okay.

And then Mr. Levac has them in the same sequence.

Yes.

MR. ALEXAN KULBASHIAN: So, this is --

THE CHAIRPERSON: That will be announced.

I did want to ask one question. These photographs were taken, were they taken by you?

DET/CST. WILSON: Yes, they were.

THE CHAIRPERSON: You actually took the shutter --

DET/CST. WILSON: We actually took -- yeah, I actually took the picture.

THE CHAIRPERSON: You say 'we', but you mean --

DET/CST. WILSON: I'm sorry, I actually took the still photographs here.

THE CHAIRPERSON: Okay.

THE REGISTRAR: Three-page document as described by the Chairperson and the witness will be filed as the Commission Exhibit HR-9.

EXHIBIT NO. HR-9: Three-page document consisting of three still photographs as described by the witness.

MS MAILLET: Sir, could you turn to page 7 of your tab 60.

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: You also indicate at the last paragraph that on January 30th, 2002 you searched Alexan Kulbashian's residence; is that right?

DET/CST. WILSON: Yes, Ma'am, it is.

MS MAILLET: And you also indicated that you found through that search as well business cards and some paraphernalia related to the white supremacist movement; is that right?

DET/CST. WILSON: Yes, Ma'am.

MS MAILLET: And did you take photos of that evidence while you were there?

DET/CST. WILSON: Yes, I did.

MS MAILLET: And the rest of the documents, sir, there are five pages.

THE CHAIRPERSON: Mm-hmm. Why don't we all put them in the same order, though, to ensure that -- it may assist us later on if references are made.

DET/CST. WILSON: The first one will be close-up of a Canadian Ethnic Cleansing Team business card, says 'Totenkopf' at the bottom, yes, sir.

THE CHAIRPERSON: Okay.

DET/CST. WILSON: The second one is a T-shirt saying 'Skin head the strong survive'.

THE CHAIRPERSON: This one?

DET/CST. WILSON: Yes, sir.

Next one, swastika, 'No Remorse'
'Hail the Order!'

THE CHAIRPERSON: This one?

DET/CST. WILSON: Next one is a, I guess, drawing pad with swastikas on it.

THE CHAIRPERSON: (indicating)

DET/CST. WILSON: Yes, sir.

And the last one is a close-up of a drawing pad, again the same drawing pad.

THE CHAIRPERSON: (indicating)

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Again, these photos, they were taken by whom?

DET/CST. WILSON: By me, sir.

THE CHAIRPERSON: They can be produced?

MS MAILLET: If we can mark that as the next exhibit.

THE REGISTRAR: Five-page document as described by the witness will be filed as Commission Exhibit HR-10.

EXHIBIT NO. HR-10: Five-page document consisting of still photos taken by Det/Cst. Terry Wilson and described in full by him on the stand.

MS MAILLET: If I could just have a moment, Mr. Chair.

Cst. Wilson -- Cst/Det. Wilson, I'm sorry, when we first started we were on such a roll that I didn't get into your qualifications in terms of a police officer that specializes or that has worked on and has had a lot of experience with hate crimes, I guess.

Would you please go into that

experience and --

DET/CST. WILSON: Okay. I started investigating hate crimes or being part of a general investigation section mandated to do hate crimes by the province for the London Police Service in 1995.

During that time I've taken numerous seminars as well as lectures on extremism as well as hate crimes.

In this time I've lectured well over thousands of police officers, probation officers, teachers on the recognition of hate crimes, particularly when it comes to the white supremacist movement.

In 2002 I was lucky enough to receive the National Award by the Simon Weisenthal Centre in combatting hate crime.

I continue my hate crimes investigation to this day, taking them with me to British Columbia where I lecture the RCMP on it, as well as other municipal departments in the identification of hate crimes, particularly when it comes to the white supremacist movement.

MS MAILLET: Thank you very much.

Those are all of the questions that I have for Det/Cst. Wilson.

I believe Mr. Warman might have a couple of questions.

THE CHAIRPERSON: And maybe, as I've indicated earlier, perhaps right before we go to cross-examination, maybe then you can take that brief and look through the rest of that material and provide an opportunity to them to view them.

MS MAILLET: Yes. I will, yes.

EXAMINATION BY MR. WARMAN:

MR. WARMAN: Mr. Wilson, I just have a question for you.

In all of the IRC chats that were contained in the hard drive that was seized, was there any particular pseudonym that appeared constantly within it?

DET/CST. WILSON: In capital letters, WPCANADA.

MR. WARMAN: Thank you. My second question is, if you can turn to tab 17, please.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: I'm sorry, I'm not there.

Tab 17, Mr. Warman?

MR. WARMAN: Yes, please.

THE CHAIRPERSON: Yes.

MR. WARMAN: Okay. Actually, sorry, when you first look at it, can you look at HR-7 which is the two e-mails that have just been handed in by Maître Maillet.

DET/CST. WILSON: Yes, sir.

MR. WARMAN: Okay. I'm looking at the one dated the 22nd August, 2001, the time is 18:29:32 and it has a telephone number within the body of it.

So, it's on page 1, I believe, of HR-7.

THE CHAIRPERSON: Page 1. Oh, right.

MR. WARMAN: Starts:

"88 okay the number in..."

DET/CST. WILSON: Yes, sir.

MR. WARMAN: Okay. Underneath the word "James" can you tell me what that says, please.

DET/CST. WILSON: It says, capital letters:

"WPCANADA",

And then it says, in quotation:

"The Reich Way!"

MR. WARMAN: Thank you. Now, turning to Exhibit -- excuse me, tab 17, looking at the page 2 at the end of that e-mail.

DET/CST. WILSON: Yes, sir.

MR. WARMAN: Can you tell me what the last line of it is, please?

DET/CST. WILSON: It says:

"-WHITE POWER CANADA: THE REICH WAY!"

MR. WARMAN: And in the e-mail what do you understand WPCANADA to be short for?

DET/CST. WILSON: It stands for White Pride Canada.

MR. RICHARDSON: White Power.

DET/CST. WILSON: I'm sorry, White Power Canada. I'm sorry, I just had it in my mind here. White Power Canada

MR. WARMAN: Thank you. Do you think it's possible then, or do you have any idea about or any belief as to who might have written the article at tab 17 entitled "Intro to Racial Woes"?

DET/CST. WILSON: This is no doubt in my mind that that's written by James Scott Richardson.

MR. WARMAN: Thank you. My last question is in relation to HR-9.

DET/CST. WILSON: Which one would that be, sir, sorry?

MR. WARMAN: It's the picture of the

maple leaf -- the half maple leaf and the half Celtic cross?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Tab 7, tab 9, I'm a tab behind.

MR. WARMAN: Yes, HR-9. No, sorry, the exhibit that's just been handed up.

THE CHAIRPERSON: HR-9, okay. The second page, right.

MR. WARMAN: So, the other picture, excuse me, the other picture with the rolling 7s is also in HR-9?

DET/CST. WILSON: Yes, sir.

MR. WARMAN: Could you tell me what the name of -- what the written words are underneath that, please?

DET/CST. WILSON: Tri-City Skins.

MR. WARMAN: And what do you understand that symbol to represent?

DET/CST. WILSON: That represented the organization out of Kitchener/Waterloo what is a skinhead movement, or neo-Nazi skinhead movement out of Kitchener/Waterloo and London area.

MR. WARMAN: Okay. And by the same name?

DET/CST. WILSON: Yes, sir, by the same name, sorry.

MR. WARMAN: Thank you. And then turning to the symbol with the maple leaf and the Celtic cross.

DET/CST. WILSON: Yes, sir.

MR. WARMAN: Can you tell me what you understand that symbol to represent?

DET/CST. WILSON: That represents the Canadian Ethnic Cleansing Team. It's found on the top of their website as well as the Vinland Voice.

Usually I believe it's on -- I think it's on the right-hand side as you look at the picture.

MR. WARMAN: Okay, that's fine.

And can you just remind where these two pictures are from?

DET/CST. WILSON: These the two pictures are from the jacket of James Scott Richardson seized as a result of a search warrant at his residence.

MR. WARMAN: Thank you very much. Those are all my questions.

THE CHAIRPERSON: Just one question.

The rolling 7s, what's the significance there?

DET/CST. WILSON: It's a different type of swastika.

THE CHAIRPERSON: Derived from? Do you know what it was derived from?

DET/CST. WILSON: I believe it was worn by Apartheid policemen in South Africa.

Where it was derived before that, I'm not too sure.

THE CHAIRPERSON: All right. So...

MR. RICHARDSON: Excuse me, Mr. Chair.

THE CHAIRPERSON: Yes.

MR. RICHARDSON: I'd just like to make a protest against that.

He can only really say what he thinks it is. He's not an expert, per se, on symbols, like the next witness for the prosecutor will be an expert.

He can only say what he thinks it means or what it is. So, it's his opinion, I believe - he might want to restate that - it's his opinion that that's what it means, just for the record.

THE CHAIRPERSON: Yes. It's a borderline situation.

I've heard evidence of his extensive experience in the area. Now, he wasn't qualified as an

expert in the field of race crimes as such, but he indicated that he has experience and from his personal knowledge, I assume that's where that comment came from.

I have evidence that he worked extensively in the hate crimes unit in the southern Ontario area, so I gather that's what he based his conclusion on.

MR. RICHARDSON: I'm not denying his experience over the last 10 years, it's just I was giving him a reason to correct himself before we came up and had it recorrected and, I was just trying to save him some face.

But I apologize, Mr. Chair.

THE CHAIRPERSON: Now, examination-in-chief is completed from Commission and the complainant.

MS MAILLET: Yes, it is.

THE CHAIRPERSON: You can have the opportunity to view the book now, or if you would like to start right away with your cross-examination, you can do that as well.

MR. RICHARDSON: Actually, before we cross-examine Mr. Warman (sic) we'd like to recall -- I'm sorry, Mr. Wilson, we'd like to recall Mr. Wilson

(sic)...

THE CHAIRPERSON: Warman.

MR. RICHARDSON: Mr. Warman.

Yesterday he stated that on tab 17, page 2 beyond a shadow of a doubt, in the realm of possibilities, I can't remember exactly what he said, that Alex Krause wrote the article.

THE CHAIRPERSON: Yes.

MR. RICHARDSON: So, now I want to ask him again if he still feels that way.

THE CHAIRPERSON: No.

MR. RICHARDSON: No?

THE CHAIRPERSON: No, you can't do that. You had your opportunity to cross-examine him initially.

MR. RICHARDSON: But he just contradicted himself though, he just said that --

THE CHAIRPERSON: That's argument.

MR. RICHARDSON: Okay.

THE CHAIRPERSON: And don't argue with me either, all right.

Now, one thing at a time. Everyone has his one opportunity. This won't be -- I said that I may consider the situation of allowing other witnesses if new evidence is brought forth - I'm not

talking about new testimony, I'm talking about this new material that was exchanged, that's it.

MR. RICHARDSON: New material was exchanged today.

THE CHAIRPERSON: Yes, but what did that have to do with what you just heard in terms of evidence?

This is just later evidence.

Look, I'm not going to -- just calm down.

So, I offer the opportunity, if you wish, to cross-examine immediately this witness, or to take a break if you'd like to look at the volume and then start your questioning.

MR. ALEXAN KULBASHIAN: Can we actually take a break to review the volume?

MS MAILLET: Actually, if I could first go through--

THE CHAIRPERSON: You would like to do the same?

MS MAILLET: --to so if there's something that's arguably relevant to the case and, if there is --

THE CHAIRPERSON: Yes, just that process. First look through it.

MS MAILLET: Yes.

THE CHAIRPERSON: And then present
it.

MS MAILLET: I will.

THE CHAIRPERSON: All right.

THE REGISTRAR: All rise.

---Recess taken at 2:50 p.m.

---On resuming at 3:30 p.m.

THE REGISTRAR: Order, please. All
rise.

Please be seated.

MS MAILLET: Mr. Chair, I reviewed
all of the binders, the rest of the documentation that
Mr. Wilson had with him.

There were two binders that were
arguably relevant, simply it points to criminal
investigation of the respondents in the white
supremacist movement, so as much as that can be
relevant.

THE CHAIRPERSON: Yes.

MS MAILLET: It's borderline, but
anyway, I gave them the opportunity to review it.

It's my understanding that Mr.
Kulbashian has reviewed everything, however, Mr.
Richardson is taking some time reviewing his document.

I'm not certain if he's understanding what he should do with those documents.

So, we need some clarification around that. I understand he was wanting to make copies, but I'll leave that to you.

THE CHAIRPERSON: Well, I mean, in the course of ordinary disclosure copies are sent over and the person may choose or not choose what's in there, on either side.

MS MAILLET: That's correct. But these are not documents that are in evidence. We've closed our case, so we're not going to rely -- I just wanted to make that clear. We will not be relying on any of those documents.

MR. RICHARDSON: I might be relying on those documents, that's why I'm taking my time.

THE CHAIRPERSON: You might be, yeah, sorry. That's right, okay.

Is there any problem in his continuing to look through the documents at this stage?

MS MAILLET: I suppose not, it's just a matter of time, but...

THE CHAIRPERSON: I have a solution. I gather from Mr. Kulbashian that he's already reviewed the documents.

MR. ALEXAN KULBASHIAN: I'm satisfied.

THE CHAIRPERSON: Are you ready to proceed with your cross-examination?

MR. ALEXAN KULBASHIAN: I'm satisfied that in my case at least --

THE CHAIRPERSON: Yes. Well, you're only speaking for yourself, I understand.

MR. ALEXAN KULBASHIAN: Yeah, just an issue is, just my case, is I guess linked to his case, I mean we're on the same side, so he might think he might find something from these documents, so it might be an issue.

THE CHAIRPERSON: My interest is that we proceed expeditiously in this case, keeping in mind all of the factors.

If you're ready, Mr. Kulbashian, to do your cross-examination now we can start and we'll leave Mr. Richardson for the time being, he can continue looking through the material.

MR. RICHARDSON: Is it my understanding that anything that I find relevant to myself in this case I can have photocopied?

THE CHAIRPERSON: Well, no, I'm not going to use this opportunity for you at this time to

just collect material that you want to use for some later purpose.

MR. RICHARDSON: Then maybe I don't understand.

THE CHAIRPERSON: The purpose of this exercise -- it's for this case.

If you find something in there that's going to help you ask a question of this witness or some other witness or enter into evidence for the purpose of the complaint, then take the time in fact to photocopy it for this case.

If you happen to find, oh look --

MR. RICHARDSON: No, it is for this case. Like, I assure you, like, it is for this case.

Ninety per cent of what I've seen so far--

THE CHAIRPERSON: Yes.

MR. RICHARDSON: --I've never seen or had no clue it even existed and that's why I'm taking my time.

A lot of this very new to me and some of it is very relevant to my case and I think that it gives me a good argument in some cases and I'm only a few chapters in.

But if I'm not going to be able to

get any of this, then it's really useless to me, then I'm wasting my time.

THE CHAIRPERSON: No, you're getting -- you're looking at it now and if you think anything is relevant, it can be photocopied.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: But you know what I'm going to ask you focus on right now, instead of other issues, things that may be relevant in terms of questioning this witness, you see, because that's the stage we're at right now.

If you see something that you think is going to be helpful for you to introduce in October, you know, okay, that's good, just move on to whatever is relevant for this witness because this witness is here right now.

MR. RICHARDSON: But if this witness leaves, then I won't be able to get any of this documentation again, his personal documentation.

THE CHAIRPERSON: Well, no, we can accommodate that. Is this binder staying with the Commission, or is it staying with this witness?

MS MAILLET: No, this isn't our binder, this is London Police Services.

DET/CST. WILSON: But any request of

disclosure I will get as quickly as possible to either the Commission or Mr. Richardson, if that's available.

THE CHAIRPERSON: I thought this binder had already been handed over to the Commission.

MS MAILLET: This was not in our possession.

DET/CST. WILSON: No, that's London Police material.

THE CHAIRPERSON: It's in original form?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Oh. Any solution being proposed in terms of how -- I want to get to the cross-examination, I don't want to spend all my time letting you just sitting there looking at the books.

Because you see, strictly speaking, you know, we're already bending the rules because technically this was not material that was in the possession of the Commission, they did not have a duty to disclose this.

Because of the way things are turning out here, I have asked them to let you see the book.

But how long are you here for, Mr. Wilson?

DET/CST. WILSON: I'm here until

tomorrow night.

THE CHAIRPERSON: So, if he's here with the book maybe they can just continue at every break, at every -- maybe just before breakfast or whatever.

Would have any concern if the book was allowed to be viewed without you being in its presence?

DET/CST. WILSON: I wouldn't -- I would be uncomfortable if it left the building, but if you wanted to sit here and go through it that would be fine.

THE CHAIRPERSON: Okay. Well, we have got this facility -- this room constantly, so I think on a 24-hour basis, I mean, so perhaps Mr. Richardson will be done today.

THE CHAIRPERSON: You will.

MR. RICHARDSON: I'm writing down the tabs and page numbers I want.

THE CHAIRPERSON: For instance, if you stayed an extra hour after we're done for the day, do you think you would be able to finish?

MR. RICHARDSON: I will be done today.

THE CHAIRPERSON: That's fine.

So, let's go to the cross-examination by Mr. Kulbashian to begin with.

Mr. Warman, yes?

At the microphone.

MR. WARMAN: No, I just wanted to move the lectern back, it obstructs our view.

THE CHAIRPERSON: Yes.

And, Ms Maillet, if you have an objection to make at some point, remain seated, just raise your arm.

MS MAILLET: Thank you.

CROSS-EXAMINATION BY MR. VAHE KULBASHIAN:

MR. VAHE KULBASHIAN: Your Honour, I would proceed with these latest papers which were received today which are Exhibits HR-10.

THE CHAIRPERSON: HR-10.

MR. VAHE KULBASHIAN: HR-9 and HR-6.

THE CHAIRPERSON: Okay.

MR. VAHE KULBASHIAN: Mr. Wilson, I understand that you received those letters yesterday; correct

DET/CST. WILSON: I received -- the material you have in your hand yesterday?

MR. VAHE KULBASHIAN: Yes, in my hand, yes.

DET/CST. WILSON: No, I received them the night -- well, I received them at different times through the investigation.

The pictures I would have received at the time of the search warrant. This material I've had since presenting the investigation to the criminal courts.

MR. VAHE KULBASHIAN: So..

THE CHAIRPERSON: I think maybe, the custody of this material remained with the London Police Service?

DET/CST. WILSON: Yes, it did, it remained with the London Police until Monday when I went retrieved it when I flew in from British Columbia.

MR. VAHE KULBASHIAN: Usually the procedure, you would know it better than us, when you're going through material from the police, is there a log book where they would, you know, write which materials went out from the police station for anyone can go and pick up materials?

DET/CST. WILSON: No, these are secured and there's a log to produce property, but with these documents the remained in the London Police Youth Crime Unit as binders to refer to as the criminal investigation was ongoing.

MR. VAHE KULBASHIAN: My understanding is you have said that especially the pictures--

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: --you took them yourself?

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: When was this?

DET/CST. WILSON: They were taken --

MR. VAHE KULBASHIAN: Yes, approximate date.

DET/CST. WILSON: Approximate date, January 30th, 2002.

MR. VAHE KULBASHIAN: 2002.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: So, we're talking almost one and half years.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: And my understanding that when they came with the search warrant at our home there was a young officer with the computer and he was writing every article that they were taking out from the place.

DET/CST. WILSON: Yes, sir, it's an exhibit list.

THE CHAIRPERSON: An exhibit list?

DET/CST. WILSON: An exhibit list,
yes, sir.

MR. VAHE KULBASHIAN: Where is that
exhibit list, please?

DET/CST. WILSON: It's in these
binders.

MR. VAHE KULBASHIAN: In that exhibit
list, does it show or speak about this material?

DET/CST. WILSON: The material in the
pictures?

MR. VAHE KULBASHIAN: Yes.

DET/CST. WILSON: Yes, it does.

MR. VAHE KULBASHIAN: Can you show
me, please?

May I approach?

THE CHAIRPERSON: Yes, and the others
may too.

DET/CST. WILSON: So, this is the
computer information here.

Here's the sketch book, it's listed
on the exhibit list as item 10 that was taken.

On the exhibit list there is -- so
the three business cards listed here as exhibit No. 16.

I'm, sorry which other one are we

looking for, is it the T-shirts?

MR. VAHE KULBASHIAN: It's the T-shirt and the jacket.

DET/CST. WILSON: I'm sorry. T-shirts and book.

MR. VAHE KULBASHIAN: No, just the T-shirts.

DET/CST. WILSON: Just the T-shirts? Here it is, item No. 18, three racist T-shirt again.

MR. VAHE KULBASHIAN: Thank you, Mr. Wilson.

Now, I understand that you are a criminal lawyer -- sorry, criminal in a way, investigator, detective?

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: Yes. Now, if you look to those pictures, all of them, do you believe that any court would accept those pictures like puzzles without the full detail of each one?

DET/CST. WILSON: Absolutely not, sir.

But, as I say, those are articles that were seized and they're a pictorial representation of the articles we seized.

If the courts deemed that they wished

have the actual articles, we would produce those actual articles in a criminal trial.

MR. VAHE KULBASHIAN: Because now we see just small portions of those jackets.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: Or those T-shirts.

We don't even see on what side or at the back what's the picture there, if there is any.

You know, this is -- to my belief, this is -- we tried to go through all this and I don't know, this is something that wouldn't be acceptable for us just small portions.

THE CHAIRPERSON: Let me ask a question.

The actual jacket and so on, once the charges were dropped or dismissed, what happened, was the property returned?

DET/CST. WILSON: I believe some of the property was returned. I believe Mr. Kulbashian received his hard drive back.

And there is a policy with the London Police to deal with property when it's dropped.

There would be a 45-day sort of appeal period, I guess, essentially.

THE CHAIRPERSON: Yes.

DET/CST. WILSON: And then the property would be sent to the people that we seized the property from and they would have their choice to whether they pick it up or we would dispose of it in another way through the London Police Service.

I don't have a record of how that was done and I have no idea how that property was returned, if it was at all.

MR. VAHE KULBASHIAN: I would start with this HR-10 which are the cards.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: These are small portions that, you know, it was for us like a puzzle to find out what are those cards.

It only shows a small portion of it.

Do you know especially -- now, let's take it one by one.

Now, there this --

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: We talked about --

THE CHAIRPERSON: You're referring to HR-10.

MR. VAHE KULBASHIAN: Yes, this one.

THE CHAIRPERSON: The first page?

MR. VAHE KULBASHIAN: The first page,
yes.

On the right side up the page we
can't even read what it says.

DET/CST. WILSON: I can essentially
tell you that it says what you should say to a police
officer when you're stopped by a police officer.

It's a response that's found on any
white supremacist sites on what you should say to a
police officer.

Again, it's found on other sites as
well, not necessarily white supremacist sites, but
again that's what the card dictates.

MR. VAHE KULBASHIAN: So, in a way,
we should take your word for this?

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: After two and a
half years.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: You mean you
have such a good memory?

DET/CST. WILSON: I have seen it
several times on websites before.

MR. VAHE KULBASHIAN: But let's go to

the second one which is the Tri-City's.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: Who's the owner of this?

DET/CST. WILSON: Who's the owner of this card?

MR. VAHE KULBASHIAN: Yes.

DET/CST. WILSON: Your son.

MR. VAHE KULBASHIAN: My son. Where does it say anything, this one?

What I'm saying, whose name is on this card?

DET/CST. WILSON: It's not, it's a generic business card for the Tri-City Skins.

MR. VAHE KULBASHIAN: Generic business card?

DET/CST. WILSON: It's a generic one. It just says Tri-City Skins, there is no name on it, it would just be a generic business card by that organization.

MR. VAHE KULBASHIAN: Is it possible that this card was given to my son by someone from the Tri-City which was as we know that Tri-City was on affordablespace.

DET/CST. WILSON: Absolutely, sir, I

have no doubt that it was given to your son by somebody at Tri-City Skins.

MR. VAHE KULBASHIAN: So, this is not his card.

What I mean is that it's not his personal card?

DET/CST. WILSON: Oh, I couldn't say if it was his personal card or not, but I have no doubt it was given to your son by the white supremacist group Tri-City Skins.

MR. VAHE KULBASHIAN: What I'm trying to go how, I don't know how to put this question. Usually when there is a business card -- are you sure this is a card, or this is just a sort of advertisement?

DET/CST. WILSON: No, it's a business card.

MR. VAHE KULBASHIAN: It's a business card.

DET/CST. WILSON: (nodding)

MR. VAHE KULBASHIAN: Have you seen any business card without any name on it?

DET/CST. WILSON: Yes, I have, sir.

MR. VAHE KULBASHIAN: You have?

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: And could you explain that, what is the meaning of this card?

DET/CST. WILSON: I'm sorry, which card are you talking about?

MR. VAHE KULBASHIAN: I'm talking still the Tri-City. What's the meaning of this card?

DET/CST. WILSON: Tri-City Skins?

MR. VAHE KULBASHIAN: Yes.

DET/CST. WILSON: The meaning of that card is that the holder--

MR. VAHE KULBASHIAN: Yes.

DET/CST. WILSON: --has some affiliation with that organization.

MR. VAHE KULBASHIAN: So, if by chance I gave you a card, any card, does that mean you are affiliated with that organization?

DET/CST. WILSON: It means in some way I received the card that was on that organization.

At no time did I say just on that material alone that your son belonged to the Tri-City Skins, there is much more material than that.

MR. VAHE KULBASHIAN: There is much more material you mean, regarding the Tri-City?

DET/CST. WILSON: No, if you're just asking me do I think just from that business card, does

that make your son belong to the organization, no, I don't believe so.

MR. VAHE KULBASHIAN: You don't believe so.

DET/CST. WILSON: But I believe there's much more in this investigation that leads --

MR. VAHE KULBASHIAN: I'm sorry, I didn't ask you that question.

DET/CST. WILSON: Okay.

MR. VAHE KULBASHIAN: I'm just asking about the card.

So, it's your belief that this card doesn't represent anything --

DET/CST. WILSON: No, I believe --

MR. VAHE KULBASHIAN: I'm taking it as is, I'm not relating it to other items.

This card as is, without, with no name, with no name on this card?

DET/CST. WILSON: I believe it's your son's association with the Tri-City Skins.

MR. VAHE KULBASHIAN: You believe?

DET/CST. WILSON: Yes, sir, I do.

MR. VAHE KULBASHIAN: We're talking about facts, I'm not asking for your personal opinion, I would like him to answer by yes or no.

THE CHAIRPERSON: Well, you've asked him what does he believe and he told you how he believes.

MR. VAHE KULBASHIAN: No, no. No, but okay.

MRS. TURNER: I think you're wording it wrong.

THE CHAIRPERSON: Please, miss.

MR. VAHE KULBASHIAN: Now, these cards most probably you took the pictures, there should be an original of this?

DET/CST. WILSON: And original of what, sir?

MR. VAHE KULBASHIAN: Of this card, the Tri-City.

DET/CST. WILSON: Yes, sir, there is.

MR. VAHE KULBASHIAN: Where is it?

DET/CST. WILSON: If it hasn't been returned to the owner as a result of the criminal investigation, then it would have been destroyed as per force policy of the London Police Service.

MR. ALEXAN KULBASHIAN: Sorry, he's actually having some trouble expressing himself. English is not his first language, so let's just get into this.

CROSS-EXAMINATION BY MR. ALEXAN KULBASHIAN:

MR. ALEXAN KULBASHIAN: When you say as part of intelligence work or for any other reasons that London Police might be holding a copy, an original copy of this type of card, not say this one, but maybe like as in the same card, the same --

DET/CST. WILSON: Are you asking me that through intelligence purposes the London Police Service would have a copy of a Tri-City Skins card?

MR. ALEXAN KULBASHIAN: Or for any other reason.

DET/CST. WILSON: Or for any other reason.

MR. ALEXAN KULBASHIAN: For any reason would the London Police have --

DET/CST. WILSON: The only reasons that we would obtain property would be for intelligence purposes or for criminal investigations.

MR. ALEXAN KULBASHIAN: Okay. Would you consider that any, possibly anti-racist groups might have a copy of this card or similar cards?

DET/CST. WILSON: I'm sure they do.

MR. ALEXAN KULBASHIAN: So, do you believe that makes them associated with these groups?

DET/CST. WILSON: I believe they have

some affiliation. Now, it's a counter affiliation, but it's an affiliation with that group.

MR. ALEXAN KULBASHIAN: But affiliation as in through brief or maybe even possibly brief contact, but not necessarily association though.

DET/CST. WILSON: Yeah, they would have the card because they know about the organization and they have the card I guess to demonstrate a counter argument to the Tri-City Skins.

MR. ALEXAN KULBASHIAN: How would that be a counter argument, like, if you could elaborate?

DET/CST. WILSON: I would just say opposite ends of any belief system has a tendency to keep material from other organizations that they're counter to.

MR. ALEXAN KULBASHIAN: So, let's say I was walking down the street and somebody gave me a psychic hot line card, would that give me an affiliation to that psychic hot line?

DET/CST. WILSON: It would tell me that you met somebody from the psychic hot line.

THE CHAIRPERSON: Mr. Kulbashian, I sense where you're going with this.

You're trying to establish that this

evidence does not prove perhaps something.

That really is close to argument.

MR. ALEXAN KULBASHIAN: Oh, sorry.

THE CHAIRPERSON: I mean, this is an argument that you can make. I mean, this witness -- remember you're not supposed to argue with the witness.

The witness has brought the evidence and he's even expressed an opinion on how he interprets it, but if you're going to argue about what the relevance is, that's something that you will be arguing with the Commission and the complainant about.

MR. ALEXAN KULBASHIAN: Okay. In that case, getting back to -- oh, yeah, sorry, about this, this is HR-9, I'm not sure exactly which one it was again, the uncut cards.

THE CHAIRPERSON: Which page you mean, HR-9?

MR. ALEXAN KULBASHIAN: HR-9, that's right.

THE CHAIRPERSON: It's the last page. The way we've entered it, it's the last page of HR-9.

MR. ALEXAN KULBASHIAN: Yeah, we should probably get it stapled here.

Now, you stated that you found these cards at James Richardson's house; am I right?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay.

Yesterday during your testimony you also stated that you found a batch of uncut cards at my house during the search and seizure.

DET/CST. WILSON: No, I don't believe I stated that I had a set of uncut cards from your house, I believe I said I seized a set of uncut card from Mr. Richardson's place and there was a set of cards from your place.

Now, if that is your understanding, I'd like to make it perfectly clear that that is not the case.

The uncut cards are seized from Mr. Richardson's and a set of business cards are from yours, and I apologize if I made that unclear.

THE CHAIRPERSON: No, my understanding -- my recollection of his evidence was to that effect.

MR. ALEXAN KULBASHIAN: Okay. Could you just briefly scan through -- I'm sorry to have to get you to open that binder again, just scan through the evidence list and see if you can find any reference to these cards.

DET/CST. WILSON: In Mr.

Richardson's?

MR. ALEXAN KULBASHIAN: In mine.

DET/CST. WILSON: In yours.

THE CHAIRPERSON: But why, these are not your cards, these are the cards seized at Mr. Richardson's house he said.

MR. ALEXAN KULBASHIAN: Yes, so that's the kind of point I'm trying to make.

THE CHAIRPERSON: Oh, so you think there might -- you're being asked to see if these cards --

MR. ALEXAN KULBASHIAN: I guess I should just say, is it possible that these cards were actually seized from my house?

DET/CST. WILSON: No, they're not.

MR. ALEXAN KULBASHIAN: Could you see if you can find a reference to that in the evidence list?

THE CHAIRPERSON: I understand your question now.

MR. ALEXAN KULBASHIAN: I'm not sure if the cards are actually explicitly marked with their content, but if they are, that would obviously help.

DET/CST. WILSON: No, the only reference I have here is I have an exhibit No. 14 that

we seized on the search warrant at your place.

There are Tri-City Skins and C.E.C.T. business cards.

I have another reference to business cards for exhibit No. 16, three business card packages, and exhibit No. 24, assorted papers and C.E.C.T. business cards, none of them express the fact that they were an uncut version, which I know myself is a relevant piece of fact, that I would make sure that would be reflected in the exhibit list.

MR. ALEXAN KULBASHIAN: Question is, this is just kind of side note. James is unable to find the evidence list in his binder, I'm not sure if he's --

DET/CST. WILSON: That's because this is a separate binder from that one.

MR. ALEXAN KULBASHIAN: I mean his evidence list.

MR. RICHARDSON: There's a table of index, but...

THE CHAIRPERSON: My understanding was that the Commission handed over the one binder that was deemed arguably relevant.

MS MAILLET: There were two binders actually.

THE CHAIRPERSON: And this wasn't arguably relevant?

MR. ALEXAN KULBASHIAN: Sorry, this is actually, just a side issue in the sense of establishing where these cards came from.

I don't want to testify to anything. The issue is, James has been going through his list and through his binder, he hasn't been able to find the evidence, I guess list is what he called it.

DET/CST. WILSON: If I can refer to that binder which is a separate binder than this. This three ongoing sort of binders.

THE CHAIRPERSON: Is it relevant at this time for this discussion?

MR. ALEXAN KULBASHIAN: Maybe I can continue.

THE CHAIRPERSON: I would like to know what the relevance is.

MR. ALEXAN KULBASHIAN: Well, I can't -- okay.

THE CHAIRPERSON: Hold on.

MR. ALEXAN KULBASHIAN: I can't -- I guess I can't really -- I'm just trying to effect his memory at this point, it's about creating distinctions between groups, creating distinctions, links between

groups, et cetera.

I mean, I understand --

THE CHAIRPERSON: I mean, I have his evidence that he says he collected this -- the third page of HR-9 from Mr. Richardson's home.

MR. ALEXAN KULBASHIAN: In this case I'll just come back to it later on once he's finished looking through it.

THE CHAIRPERSON: Fine.

MR. ALEXAN KULBASHIAN: Actually if I could turn your attention to HR-1.

THE CHAIRPERSON: The binder.

MR. ALEXAN KULBASHIAN: Sorry, and it's tab -- it's where my statement is.

So, tab 62.

THE CHAIRPERSON: 62, yes.

MR. ALEXAN KULBASHIAN: Okay. Page 5, top right corner. Actually, sorry about that, page 6.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: Can you read where it says, it says:

"K: Um, I don't agree that

I...",

And it starts about the middle of the

page.

DET/CST. WILSON: Where it says:

"K: Um, I don't agree that
I..."?

MR. ALEXAN KULBASHIAN: That's right.

DET/CST. WILSON:

"...that I had anything to do
with the propagation of hate in
any way or that article".

MR. ALEXAN KULBASHIAN: That's right.

DET/CST. WILSON: Do you want me to
keep going?

MR. ALEXAN KULBASHIAN: Can you keep
going.

DET/CST. WILSON:

"W: Okay, okay.

K: And being of middle eastern
descent in fact um...

W: Well let's...

K: ...I (inaudible)

W: ...let's step back then.

You work at a company.

Politically how would you class
yourself?

K: Um, one hundred per cent

political just um right wing.

W: Right wing. How far right wing.

K: Um, I would say like, more I guess uh, how far? (laugh) Give me a scale I guess.

W: Well um, you know you...

K: Between two, give me two people that I can refer to.

Between METSKAR and uh I don't know, you know like that.

W: Okay between METSKAR and, well would METSKAR be the closest?

K: Yeah that guy would be the farthest, farthest to right.

W: Farthest from you.

K: Yeah.

W: Okay. You hear terms like racialist, like white separatist, like.

K: Uh.

W: Would you ever use any of those terms to describe yourself?

StenoTran

K: Uh, myself? I consider myself more of a, right wing politician. I don't know how to explain it.

W: Right wing politician.
Okay.

K: Yeah. (inaudible)

W: Are you like PATEN um, what is it, MANNING, you know Reform Party right wing or...

K: Uh more right.

W: ...farther?

K: Farther.

W: Farther. Okay, um but not as far as like White Supremists or Tom METSKAR?"

MR. ALEXAN KULBASHIAN: That's good.

Thanks.

If you could turn to the next page, page 8 in HR-1 at Tab 62, sorry.

If you could read the fourth line down where it says -- actually, sorry, actually start reading from the third line down where it says:

"Okay. What do you think..."

DET/CST. WILSON:

"W: Okay. What do you think about race mixing?

K: Um, I would personally not, I mean uh I personally wouldn't mix. I mean I wouldn't even go as far as uh mixing outside my culture, but..."

MR. ALEXAN KULBASHIAN: Yeah, it's kind of --

DET/CST. WILSON: I think it says:

"...but uh everybody has their own view I mean.

W: Okay.

K: ...I've never really put anyone down or seen race mixtures, race mixture or anything like that.

W: Okay, okay, but you prefer to stay within your...

K: Definatly.

W: ...race or culture or.

K: My culture or even down (inaudible)

W: Okay. What culture would you say your are?

K: Armenian.

W: Armenian.

K: Yes.

W: Okay. Is Nicole Armenian?

K: No. This is different. Uh
like I mean...

W: Okay.

K: Mi..mine comes to I guess uh
I would be more detailed. When
it comes to relationships I
would go for anybody I guess
who's white just like as a,
esthetically more pleasing to
me.

W: Okay.

K: Um, however marriage I know
you think um that are would be
somebody (inaudible).

W: Somebody that's are...like
marriage would be, okay.

K: Yeah yeah. Basically going
to play in the branches of the
tree but come down to the roots
for the meal.

W: Okay, okay. Um, now in the

past and and its removed you've had a swastika tattooed on your arm.

K: It wasn't a swastika.

(inaudible) It's a sun-wheel."

MR. ALEXAN KULBASHIAN: That's good, thanks.

Just a sec. If you go to page 10 and go down to near the bottom where it says:

"Okay. When do you identify yourself..."

DET/CST. WILSON:

"W: Okay. When do you identify yourself as Alex KRAUS first?

K: Um, anything that has to do with politics. Anything. Be it mild. Be it's um extreme (inaudible).

W: Why do you identify yourself as Alex KRAUS and not your own name because of politics?

K: Um, because of uh opposition. Anybody who doesn't, because opposition whose pretty I guess ruthless in uh, in

carrying out all sort of attacks on people who don't agree with their polic..with their policies.

W: So identifying yourself as Alex KRAUS is more a protection thing for you.

K: Yeah.

W: Okay.

K: I'm not hiding. Everybody knows who I really am.

Everybody knows my real name. I never h..hid it from anybody.

W: Okay. You, you also go by or identify yourself as another name and we've already said it Totenkopf.

K: Um...

W: How does that come about?

K: Totenkopf was actually a concept for CECT group. It was uh public press relations. It's the section of public press relations and basically uh initially started off to be a

couple people.

W: Uh huh.

K: Um, some people would like politics. Some people were just sarcastic. Some people who like law. (inaudible)

W: Okay.

K: And they would write under that name. It's kind of like the, think of it as a sub-group.

W: Okay. So the Canadian Ethnic Cleansing Team which you were or are a member of, which one are we?

K: Well I was a member of.

W: Was a member of.

K: Yes."

MR. ALEXAN KULBASHIAN: Stop, that's good. Thanks.

Just a question. This is just going off. Do you, I guess, disagree that in mid-December, I think it was part of your testimony that I did officially resign from C.E.C.T.?

DET/CST. WILSON: Yes, sir, you told me in the interview you resigned, as well as posted it

on the internet that you resigned at that same time.

MR. ALEXAN KULBASHIAN: Did you see any articles or anything that would indicate that I was actively part of the C.E.C.T. afterwards?

DET/CST. WILSON: After December 16th?

MR. ALEXAN KULBASHIAN: Yeah, I think it would have been December 16th.

DET/CST. WILSON: No, sir, I don't believe I did.

MR. ALEXAN KULBASHIAN: All right, thank you very much.

Let's go to page 25 of HR-1, tab 62.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: If you'd read from the top.

DET/CST. WILSON: It says:

K: No. I'm just web master.

W: Okay.

K: I just did the design part.

W: You're the website master, okay. Did you get paid by the Canadian Ethnic Cleansing Team to do it?

K: No.

W: You sort of did it
becau..as, as a hobby or?

K: Yeah I love doing sites.

W: You love doing sites. Would
you up-date this site?"

MS MAILLET: I'm sorry to interrupt,
I'm just not following the page, I didn't hear you.

MR. ALEXAN KULBASHIAN: Oh, sorry,
about that, it's page 25, HR-1.

THE CHAIRPERSON: Tab 62.

MR. ALEXAN KULBASHIAN: Tab 62.

MS MAILLET: Okay, sorry.

MR. ALEXAN KULBASHIAN: We're I think
down --

THE CHAIRPERSON: Maybe you could
repeat that, please.

DET/CST. WILSON: Absolutely. It
starts with at the top with:

"K: No. I'm just web master.

W: Okay.

K: I just did the design part.

W: You are the website master,
okay. Did you get paid by the
Canadian Ethnic Cleansing Team
to do it?

K: No.

W: You sort of did it
becau..as, as a hobby or?

K: Yeah I love doing sites.

W: You love doing sites. Would
you up-date this site, like the
look of the site every once in a
while.

K: No the look um, for the past
year pretty much has been
exactly the same.

W: Okay, okay. Um, at the
bottom of the menu...

K: Yes.

W: ...Totenkopf.

K: That's the brand.

W: That's the brand?

K: The, yes.

W: That's you.

K: Well that's me, yeah.

W: Yeah that's you. Okay, so
at the bottom of that site is
you, Totenkopf. Like a
signature right. I did this.

K: Well the, the, if it's just

Totenkopf on it's own it would
(sic) be me but..."

THE CHAIRPERSON: "...wouldn't be
me."

DET/CST. WILSON:

"...it wouldn't be me but since
there's a little, this here.

W: There's a little...

K: That, that..."

MR. ALEXAN KULBASHIAN: Just to
clarify just for a sec.

We're referring to just a little
drawing beside the Totenkopf.

THE CHAIRPERSON: Yeah, I'm assuming
it's the logo, what's called the logo.

DET/CST. WILSON: The logo beside it,
yes.

MR. ALEXAN KULBASHIAN: Okay, keep
going.

DET/CST. WILSON: It says:

K: That, that is beside the
name. I'm not sure if you
noticed.

W: Oh man I don't know if I
noticed that. I have to look at

that. There, there's a
d..there's a death head...

K: There's a little death head
beside it.

W: ...a little death head
beside it. So the one with the
little death head beside it
that's you that, right? That
that's...

K: That specific uh logo is me.
Otherwise it just says
Totenkopf it's not me.

W: Okay so that lo..that, that
logo is yours.

K: Yeah.

W: Is it, is it like a
copyright logo or is it just
somebody knows that's you."

MR. ALEXAN KULBASHIAN: All right,
that's good.

Okay. Now, just to refresh like the
testimony from yesterday, you did indicate that on
every page of the C.E.C.T. site and other sites that
had that logo it would appear as part of the template;
am I right?

DET/CST. WILSON: Yes, I believe down the left-hand side there would be Totenkopf with a death head beside it.

MR. ALEXAN KULBASHIAN: So, would you believe that that, I guess, logo and template would indicate the author of the article or just, I mean, designer of the template or --

DET/CST. WILSON: On the template? I believe --

MR. ALEXAN KULBASHIAN: The actual Totenkopf logo with the skull on the side.

DET/CST. WILSON: I believe that to be the web master of the webpage because it's found on every page after that.

MR. ALEXAN KULBASHIAN: Thank you. If you go to page 26 actually.

DET/CST. WILSON: Okay.

MR. ALEXAN KULBASHIAN: Okay. If you can go down to, I think about the seventh or eighth line where it says, it's Wilson:

"And all of a sudden there's another site..."

DET/CST. WILSON:

"W: And, all of a sudden there's another site that is

sponsored by or a news letter site sponsored by the Canadian Ethnic Cleansing Team.

K: Yes. Um, that site in fact um, the person who put that up took exactly the same layout...

W: Uh huh..

K: ...of the, basically just took the layout of the C..uh CECT site...

W: Yeah.

K: ...and modified the name to Vinland Voice and just placed it there.

W: Okay. So you didn't put the Vinland Voice on the internet?

K: Uh no. Initially no.

W: Not initially.

K: Yeah. (inaudible)

W: Yeah okay. So somebody else takes the layout that you created for the Canadian Ethnic Cleansing Team, gets another domain I take it?

K: Yeah. Um, I would register

domains um, after a while
because basically everybody
would register to my account...

W: Uh huh.

K: ...since I have secure
account.

MR. ALEXAN KULBASHIAN: Thank you.

If you'd just turn to page 28.

If you can go down about 10 lines
where it says:

"K: Uh hum."

And starting from there.

DET/CST. WILSON: It says:

"K: Uh hum."

Is that the one?

MR. ALEXAN KULBASHIAN: That's it.

DET/CST. WILSON: Okay.

K: Uh hum.

W: ...there's a list of...

K: Contacts, yeah.

W: ...contacts. One is WP
Canada.

K: Uh hum.

W: When I see that I think I
know what WP stands for.

K: Yep.

W: What does WP stand for for you?

K: White Pride.

W: White Price Canada.

K: Yeah.

W: Right. Okay. That's what I thought too but. Okay, underneath that Totenkopf.

K: Yep.

W: @totenkopf or, or...

K: Cect.com.

W: Yeah totenkopf@e..cect.com right?

K: No cect.

W. Yep. Um, that's you.

K: Yeah.

W: Okay.

K: That's not me though. You know that's what I was gonna draw.

W: Okay. Tell me, tell me that's not you. That's who is that then?

K: Okay. This is, this is the

way the server works.

W: Yep.

K: An e-mail address, let's say
let's go totenkopf

W: Uh hum.

K: I'll, I'll uh verbally
describe it too for the camera
or for the microphone.

W: Okay.

K: You have an e-mail address.

W: Yep.

K: Right now we have
totenkopf@wpcept.com right.

W: Yep.

K: When an e-mail is sent this
address is tied to an account on
the server.

W: Okay.

K: Right, so somebody sends an
e-mail to this.

W: Yep.

K: It goes to the server...

W: Yep.

K: ...and the server determines
okay. totenkopf...

W: Yep.

K: ...um @wpcept.com is tied to a certain account. It's a wpcept three or so right.

W: Right.

K: And then what we have under that account...

W: Uh huh.

K: ...was the file called .forward which had a list, a constantly changing list of e-mail addresses that every single e-mail that came here would forward to many, many other e-mail addresses.

W: So would it just go to one person or all those people.

K: It would go to all those people.

W: Okay.

K: If it wasn't set up with this .forward file...

W: Yep.

K: ...then this would just go to one person to check the

account. However this doesn't keep any e-mail in the account.

It forwards it automatically to everybody in the

list.

W: Okay. Are you in that list?

K: I was in that list. Was on the list.

W: What, how long were you on that forward list?

K: Um...

W: If we say the start of the, the website starts the spring of 2001...

K: Okay.

W: ...how long are you on that, on that website from there? I take it you were there at the beginning right? You were the forward contact at the beginning...

K: Yes.

W: ...as Totenkopf. Okay, um how long were you at from the beginning until, until when?

How many months do you think you were on that forward list?

K: Um, maybe 7, 8 months, 6, 7.

Depending like up until about um, until I left CECT.

W: Until you left CECT?

K: Until I formally left the CECT when I said I don't want anything to do with it.

W: You, you formally left it I'm guessing December.

K: I actually formally left it before that. I just went public...

W: When did you formally leave it then?

K: Well I made it public on December. I formally left it around um, I think it was October or November.

W: October or November.

K: November.

W: November.

K: No, maybe mid, end of November.

W: Okay, okay. Um, who else on that list?

K: Many other people which I don't know.

W: Just many other e-mail...

K: They're just e-mail addresses...

W: Okay.

K: ...since, so they don't really. There's no name in there.

W: Okay. The same thing goes with WP Canada?

K: The same thing. WP Canada has (inaudible)

W: WP had a .forward address?

K: Everybody, everybody, every account on uh CECT has a .forward.

W: Okay.

K: Okay and um, basically I think what uh WP Canada if I remember correctly because, since I had nothing to do with WP Canada at all...

W: Uh huh.

K: ...it would be um as far as I know, either for or well depending on..." "... they were both, two of them were both.

(noise) Sorry.

W: That's alright.

K: They were going to the same person. I think it was about 4 or 5..."

MR. ALEXAN KULBASHIAN: I'm not sure what is either.

DET/CST. WILSON: I'm not too sure.

"...4 or 5 many different people that it would go to.

W: Okay. James RICHARDSON included in that list...

K: Uh...

W: ...that .forward list?

K: Most likely yes.

W: Most like or yes he was?

K: Well I mean I, I can't tell you oh I promise and I saw it and I can give you evidence. I can just say that I automatic..I

assume with maybe like 100%

(sic) yes."

THE CHAIRPERSON: 80 per cent.

MR. ALEXAN KULBASHIAN: 80 per cent.

DET/CST. WILSON:

"80% yes."

W: Uh hum. Okay being a web designer do you design the .forward stuff?

K: No, no. The designer I just up templates. Person who op...the forward is somebody who would have access to the actual account. For example I just..."

MR. ALEXAN KULBASHIAN: Okay, that's fine. That's getting more confusing for me too.

Okay. Just turning to the next page. All right. This one's shorter than that one.

If you would just read where it says:

"K: So basically anything that came..."

DET/CST. WILSON:

"K: So basically anything that came to totenkopf@wpcect would be..."

W: Yeah.

K: ...handled by this account on the server.

W: Okay.

K: If the, if there was no forward file...

W: Yep.

K: ...all the e-mails would be stored in the account.

W: Yep.

K: If there was a .forward file you would have um, it would just go through a forward file and not store it on the server...

W: Uh hum.

K: ...just automatically relay it to all these e-mail addresses.

W: Okay.

K: Yeah.

W: Okay.

K: The person who would be able to have access to this is the person who actually uploaded the content or the people.

W: Who did that?

K: That's what, that's I don't know. What I would do is I would...

W: You would (sic) know. You create a website.

MR. ALEXAN KULBASHIAN: Correction:

"You don't know."

DET/CST. WILSON: I'm sorry.

"W: You don't know. You create a website.

K: Well I don't create a website. Don't get me wrong.

W: Okay. You designed the website.

K: I helped create the design..no you're, design templates.

W: Okay.

K: You see somebody says oh we don't know what it's gonna look like. I say...

W: Okay, sss...

K: ...if I'm feeling creative I'll make something pretty.

W: So who did you send it to that you created?

K: I just forwarded it to this same account so. It's uh whoever was on this list will be working on it.

W: Would you get all of it.

K: No everybody would get it.

W: Okay.

K: Automatically.

MR. ALEXAN KULBASHIAN: That's fine.

Thanks.

Okay. Now, if you can go to page 34, it's a very short section.

It's from the second line where it says:

"If I said co..", and then continues.

DET/CST. WILSON:

"W: If I said co..coxswain 88. Do you know that e-mail address? Have you heard of coxswain 88? 88 C-O-X-W-A-I-N 88 (inaudible)

K: I've heard of coxwain 24.

W: Coxwain 24?

K: Not 88.

W: Okay. Coxwain 24 is who?

K: Um, I think it's James."

MR. ALEXAN KULBASHIAN: That's fine.

Thanks.

Just another short section. Page 36.

Take your time, feel free to take a drink, because I can't talk that much for sure.

So, page 36, starting from the top.

DET/CST. WILSON:

"K: ...to see if it's already there. If it's not there they'd add it.

W: Okay. Okay. Did you ever add stuff to the website?

K: Directly no.

W: Never directly?

K: No.

W: So you (sic) get your articles under totenkopf on the CECT..."

THE CHAIRPERSON:

"So to get your articles..."

DET/CST. WILSON:

"So to get your articles under totenkopf on the CECT you would write them (inaudible)

K: I would just e-mail totenkopf@wpcect.com so it would come back to everybody else on the list so I'd get it too.

W: Okay, okay. And then somebody would take your article and plunk it on the website. Is that right? Okay. I've almost got this web design thing down, okay."

MR. ALEXAN KULBASHIAN: Thank you.

Page 40, near the bottom, near the bottom where -- it's about six lines up where it says:

"K: I been on KKK chat..."

DET/CST. WILSON:

"K: I've been on KKK chat line two years ago.

THE CHAIRPERSON: Sorry, I missed the page.

MR. ALEXAN KULBASHIAN: It's page 40.

THE CHAIRPERSON: Sorry, I'm trying to keep up with you.

MR. ALEXAN KULBASHIAN: Page 40, six lines up from the bottom.

DET/CST. WILSON: Says:

"K: I've been on KKK chat line two years ago."

THE CHAIRPERSON: Yes, okay.

DET/CST. WILSON: Says:

"K: I've been on KKK chat line two years ago.

W: Two years ago, okay.

K: Two years ago. I don't like the Klan very much.

W: You don't like the Klan very much.

K: Red necks.

W: Don't like the Klan very much. What do you disagree about the Klan first? Why, why don't you like what the Klan...

K: Really its bigotry. Don't find a reason for why you're racist. If you're racist you're racist.

W: Okay.

K: Nobody told you to be right.

W: Okay.

K: Yeah. It's just simple.

(inaudible)

W: Okay. Um, so you don't believe in religious bigotry, like God's telling us telling us to be racist.

K: Yeah exactly.

W: Okay. If you're a racist...

K: You are. You're a...

W: ...you're a racist. You can't help yourself. That's what you are.

K: I mean, un..under those terms you could plead insanity or something like that.

W: So, so what you're saying is that you, you don't really like the people holding up the bible saying...

K: No.

W: ...it's written in here.

It's..."

MR. ALEXAN KULBASHIAN: Okay, that's

good.

If you can go to page 46. Page 46,
tab 62 where it says:

"W: Yeah, okay. Um, Tri-City
Skins..."

It's about halfway down almost, a
little more than halfway down.

DET/CST. WILSON:

"W: Yeah, okay. Um, Tri-City
Skins. Are they on
Affordablespace?"

K: They're on my server.

W: They're on your server?

K: Yes.

W: Okay.

K: For Affordablespace, so
that's what you're saying.

W: On Affordablespace
(inaudible)

K: They have a space on my
server.

W: So they pay. They're the
ones that pay you 10 bucks a
month to put Tri-City Skins on
there.

K: To have office space on my

server. Well it's set up that way.

W: So, sort of in a simple mind for you, you have an office building with a bunch of space.

K: (inaudible) (laugh)

W: Each office you allot to Tri-City Skins, National Skinhead Front, National Skinhead Canada.

K: So basically yeah. So if you have a company name...

W: Yeah."

MR. ALEXAN KULBASHIAN: That's good.

Just turn to page 52.

Okay. So if you can just go down where it says -- read the four lines where it starts:

"K: They're, yeah they're mostly in English."

I'm sorry, I hope I didn't confuse you. I meant just start where it says -- it's basically 10 lines down, says:

"K: They're, yeah they're mostly in English."

And just read the next four lines

after that too.

DET/CST. WILSON: Okay.

"K: They're, yeah they're mostly in English, maybe there's a German site or s..uh I don't know.

W: But they're written in English so...

K: I don't visit the sites I host.

W: Oh okay. Okay. Um...

K: Because it's like a waste of time too."

MR. ALEXAN KULBASHIAN: Okay, thanks.

Just to go page 57, same tab HR-1.

Okay. If you could start where it says, second line basically:

"W: Uh do you remember..."

DET/CST. WILSON:

"W: Uh do you remember telling other Canadian Ethnic Cleansing Team members...

K: No.

W: ...to call in here?

K: No. That, that I don't

remember. Actually don't um, if you ever read my articles I'm very moderate in the way I write....

W: Okay.

K: ...unless I'm writing a sarcastic article...

W: Yep.

K: Um, it's just the way I am and...

W: Okay.

K: ...the person who would have post it up might've found it like and said, oh well this is, this is called for here rights.

W: Yep.

K: And that's, that's what really worries me about like posting articles on people's sites from now on...

W: Okay.

K: because if somebody modifies what you wrote."

MR. ALEXAN KULBASHIAN: That's fine.

Thank you.

StenoTran

Just a brief question on this. Do you believe that somebody who is in a position of posting an article could modify somebody's article before posting it up?

THE CHAIRPERSON: Perhaps just clarify the word 'posting'.

MR. ALEXAN KULBASHIAN: Oh, sorry about this, I guess it's more internet terminology.

Posting is basically someone who would -- well only someone who had direct access would --

THE CHAIRPERSON: Well, all right, maybe you understood the question and provide the answer.

DET/CST. WILSON: If he's asking me do I believe that once it's posted on the internet can people alter it? No, I don't believe that.

MR. ALEXAN KULBASHIAN: Actually my question is --

THE CHAIRPERSON: Is that the question?

MR. ALEXAN KULBASHIAN: Actually my question -- sorry, I might have not made it clear because of the word posting.

Somebody who -- somebody who is a

middleman, basically the guy who received the article and would upload it, do you think that person could modify an article he received to upload before he actually did upload it?

DET/CST. WILSON: Absolutely.

MR. ALEXAN KULBASHIAN: Thank you.

If you could go to page 61.

Page 61 same tab.

And if you could go down to near the middle where it says:

"W: The reason that I'm telling you that is..."

DET/CST. WILSON:

"W: The reason I'm telling you that is because I received that newsletter..."

K: Yeah I know.

W: ...as Conrad McDonald...

K: Yes I know.

W: ...which you know from James right?

K: Yes.

W: Um, and you received that newsletter.

K: Yes. Initially I saw

Vinland Voice. I thought somebody had added me to their list so I'd just keep deleting it."

THE CHAIRPERSON: Hold on, please. I missed it. What page are you on?

MR. ALEXAN KULBASHIAN: It's page 61, tab 62, HR-1.

THE CHAIRPERSON: Okay. And it's again, "The reason..."

MR. ALEXAN KULBASHIAN: He was reading from where it said:

"The reason..."

Do you want him to start again?

THE CHAIRPERSON: No, I'll catch up.

MR. ALEXAN KULBASHIAN: Okay.

Just basically make a note of where you are for the Panel member and continue.

Go ahead.

THE CHAIRPERSON:

DET/CST. WILSON:

"W: Keep deleting it. So you get this newsletter.

K: Yeah.

W: How does it, does it get

sent to you because it's on an e-mail list?

K: It gets sent to me because of this, because it gets sent to this address and it gets sent to all the (inaudible).

MR. ALEXAN KULBASHIAN: Just stop there for a sec.

Just for a clarification, I think this is about the time when we had the paper, just to clarify, where we had down with the address already written on it?

DET/CST. WILSON: Yeah. At the time of the interview we had paper in front of you the whole time and you were essentially making notes I guess, or showing me on this piece of paper, yes.

MR. ALEXAN KULBASHIAN: Do you know which address I was pointing at, just off the top of your head?

DET/CST. WILSON: I believe it's the totenkopf@wppect.canada - or, totenkopf@wppect.com.

MR. ALEXAN KULBASHIAN: All right, thank you. Now, if you could continue from where you were.

That was I think five lines up.

"W: Yeah, but..."

DET/CST. WILSON:

"W: Yeah but I'm not on that address.

K: No you're not because this address was added as well as the addresses.

W: Okay. So there's one big sort of master list of about...

K: Well, well it's like a mailing list.

W: Mailing list, okay. Now, from my understanding is, is it Topika?

K: Yes.

W: Topika.

K: Yeah.

W: What's Topika? You're gonna have to explain that to me because I don't exactly know what the distance between...

K: It's a mailing list manager.

W: Mailing list. Who manages that mailing list?

K: Not any... (inaudible) Has

been down for awhile.

W: Okay. Who managed it?

K: Um, whoever did the Vinland Voice."

MR. ALEXAN KULBASHIAN: Thank you.

Now, if you could turn to the next page and go down to the middle where it says:

"K: Yeah."

Continues with:

"W: And somebody..."

DET/CST. WILSON:

"K: Yeah.

W: And somebody from the TriCity Skins sends the money to Paypal by...

K: No. Like it's a, it's a subscription so it automatically bills the card...

W: Okay.

K: ...depending if TriCity Skins uh...

W: So somebody has a credit card for the TriCity Skins. Who has that credit card?

K: Well d..I don't know.

W: Okay. So somebody has a credit card...

K: I can't see. It won't let me see. It's part of the privacy um...

W: Okay. So somebody has a credit card at the TriCity Skins that every month 10 bucks comes off it to run your domain?

K: Or maybe, or maybe it's a 100 bucks a year. I don't know. I just know (inaudible)

W: Or once a year a 100 bucks.

K: Yeah. It tells me whether the subscription is still on or off.

W: Okay.

K: And once it's off I delete their account.

W: Vinland Voice. Somebody's got a credit card?

K: Somebody's got a credit card.

W: Do you know who credit card that is considering it's a

Canadian Ethnic Cleansing Team
I'm, I'm figuring that you
probably know whose...

K: Uh no. S..see again Vinland
Voice what not part of the
Canadian Ethnic Cleansing Team.

W: Okay.

K: Vinland Voice was sponsored
by the Canadian Ethnic Cleansing
Team maybe or I guess there are
a lot of CECT members involved
in it but articles would come in
from everywhere.

W: Yeah.

K: And literally everywhere.

W: Yeah.

K: I'm talking about people in
the States, people from...

W: Okay.

K: ...Japan or (inaudible)"

MR. ALEXAN KULBASHIAN: That's good,
thanks.

And continue with the next page, it's
basically about seven lines up from the bottom.

THE CHAIRPERSON: Which page is

that?

MR. ALEXAN KULBASHIAN: It's page 65.

THE CHAIRPERSON: Page 65?

MR. ALEXAN KULBASHIAN: Tab 62, HR-1.

It's about six or seven lines from the bottom.

It says:

"Your site so again...",

And that's Wilson talking.

DET/CST. WILSON:

"W: Your site so again like the
Canadian Ethnic Cleansing Team
is free.

K: Before, yeah well before.

The CECT nw is paying.

W: Now it's paying. But before
it's free, like the Vinland
Voice it's, i..i..it's. If
somebody else took over they
would pay 10 bucks, right.

K: Yeah."

MR. ALEXAN KULBASHIAN: Thanks.

If you can go to page 76, start about
eight lines down, it says:

"W: ...there's a little..."

DET/CST. WILSON:

"W: ...there's a little, maybe 10 days, sure enough there's an article in and you were talking about the sarcastic way you write sort of thing.

K: Yeah. That would be, well Don MCKINNON.

W: Yes, and you wrote an article about jerking him around...

K: Yeah.

W: ...about setting up an interview

with him...

K: Yeah.

W: ...um about, there was something else. Setting up an interview with him and uh...

K: That article was actually written immediately after I had a conversation with Don, Don MACKINNON.

MR. ALEXAN KULBASHIAN: Thank you.

Can you just -- actually do you remember what that conversation was about, like what

that referred to?

DET/CST. WILSON: I believe it would refer to the fact that you had set up an appointment and cancelled on him for an interview concerning this investigation.

MR. ALEXAN KULBASHIAN: Okay. If you could go to page 78 and start at lines 9, 10 or 11 where it says:

"W: Yeah okay."

DET/CST. WILSON:

"W: Yeah okay. Um, do you ever remember writing any articles with um, cartoons in it?

K: I don't draw.

W: You don't draw?

K: No.

W: Would you take cartoons and sort of plaster them on?

K: No I wouldn't.

W: Okay.

K: (laugh) I don't like, I like more straight art graphics so."

MR. ALEXAN KULBASHIAN: Thank you.

If you could go to page 80 and read

where it starts:

"K: And I also made a note..."

DET/CST. WILSON:

"K: And I also made a note of what accounts existed and then I uh..."

W: So do you have a list in your computer of the accounts or people that...

K: No.

W: ...you serve on your server?

K: Um, I don't really...

W: Is there a list of 80, 80 accounts there or?

K: No. It's not on the computer because the server has it's own account management system and it lists them.

W: Okay.

K: And I can...

W: Okay. How would you get that list?

K: I..it's logged on my server.

W: Okay. Like if I logged into the server would it give them to

me?

K: No because you have to log in with the user and password.

W: My question is what's the user password?

K: I can't give you that because there's a lot of um, the sites that are not involved in this..."

MR. ALEXAN KULBASHIAN: All right, thank you.

If you could go to page -- actually, sorry about that, page 84 and just start reading from the top.

DET/CST. WILSON:

"W: Okay.

K: ...see who's working there, who working properly.

W: You say that your computer is encrypted.

K: Um, yeah.

W: A lot of your stuff is encrypted.

K: Yeah.

W: What encryption do you use

for us to read it?

K: What encryption do I use?

W: How do we get it unencrypted
I guess?

K: Um, 2048 bit encryption, and
that would mean maybe..unless
you guys, I'm, um how are you
guys gonna about it.

W: Don't know. Gonna have to
get the computer guys. If you
can give them some idea because
you have...

K: Like how much, how much
information do you have so far
on the computer, like?

W: I don't know. I haven't
seen it. It's in a big plastic
bag right now.

K: Well you got to tell me how
much you know about the computer
so far so I can tell you what
you guys, like.

W: We don't know...

K: Basically 2048 bit
encryption."

MR. ALEXAN KULBASHIAN: Thank you.

If you could go and just read the page 94 and just read the part that the Commission had you read, I think it's:

"K: That guy..."

THE CHAIRPERSON: Where?

MR. ALEXAN KULBASHIAN: Okay, where it says, "That guy...", it's page 94, tab 62, HR-1

THE CHAIRPERSON: At the top?

MR. ALEXAN KULBASHIAN: It's near the top, yes.

DET/CST. WILSON: Near the top.

THE CHAIRPERSON: Second line?

MR. ALEXAN KULBASHIAN: The second line.

DET/CST. WILSON: It says -- oh, 94, I'm sorry.

MR. ALEXAN KULBASHIAN: Oh, sorry.

DET/CST. WILSON:

"K: That guy, it was like called Machabelli Inc. or something like that.

W: Okay.

K: Okay, that guy um, he was hosting on a Canadian server.

W: Yep.

K: Okay?

W: Yep.

K: Which means the Canadian server, until when he, it wasn't illegal but the Human Rights Tribunal...

W: It's against the Human Rights Code.

K: Well, Canadian Rights Code not the U.S. code. But the Canadian, the Canadian Rights Tribunal told the server that it was operating the site...

W: Yes.

K: ...to shut it down."

MR. ALEXAN KULBASHIAN: All right, thank you.

If you go to the next page and -- just go to the next page and it's about a third of the way down where it say:

"K: Because U.S. law doesn't..."

DET/CST. WILSON: "K: Because...", I'm sorry?

MR. ALEXAN KULBASHIAN: It's about half -- like a third of the way down, maybe more, it says:

"K: Because U.S. law doesn't seem to...",

That's what I say.

DET/CST. WILSON:

"K: Because U.S. law doesn't seem to care so I say I have more, if I have more control it's better for me.

W: Okay.

K: Plus its cheaper.

W: Okay.

K: Instead of paying like 1200 bucks a month I pay a little less right.

W: Okay. Um...

K: It's not because it's legal and I'm, I mean uh. I have not viewed the content on the other sites. I mean I host them and that's their friggin' business.

I have so much to do sometimes when I'm programming. I even

programme encryption.

W: Yes.

K: I, I mean before, before I started using the commercially available..."

It says 22048 encryption.

MR. ALEXAN KULBASHIAN: I think that's a typo.

DET/CST. WILSON: It's actually supposed to be:

"...2048 bit encryption I was working on 8,192 bit encryption..."

W: Uh huh.

K: ...which I even think trillion, don't even think number of, num..number of...

W: Yeah.

K: ...don't even think of a number of how many years it will take you and how much money it'll take you to crack it."

MR. ALEXAN KULBASHIAN: Thank you very much.

If you could go to page 103.

And if you go down to where it says -- it's about halfway.

Page 103, everybody got it.

It's -- you can go down a little more than halfway where it says, "Two years ago...", where you say that, sorry.

DET/CST. WILSON:

"W: Two years ago.

K: Well over a year (inaudible)

W: Two years ago it didn't say Terry Wilson on it so.

K: Huh?

W: It didn't, two years ago it didn't say Werry Tilson on it instead of Terry Wilson.

K: Metro Metro, Metro Toronto site.

W: The Metro Toronto site.

K: Oh the Toronto Police site.

Augh. I think that was someone. Well some of them are just my sarcastic writing. Some of them are, I, you know, could be this (inaudible).

W: You wrote it.

K: No. Not all of them.

W: Not all of them?

K: I wrote uh...

W: Did you wrote the Werry
Tilson site, the Wer..Werry
Tilson article?

K: Um, I don't know which one
that that is?

W: The one that says Terry
Wilson but it says Wer..Werry
Tilson right at the top of the
thing I think.

K: Yeah.

W: I'd have to look at it.

MR. ALEXAN KULBASHIAN: Thanks.

Can you just about -- less than a
minute, I'm just going to try to find something. One
of my pages has fallen out, so I'm just going to try to
find where I put it.

Sorry about this. At one point the
binder opened up and the page fell out.

I guess I'll use a little bit of
time for a break.

All right. I didn't find it at this
point. I guess I'll skip it for just a second and then

I'll come back to it when I can find it.

Sorry about the time.

Okay. Do you know what page you were on last?

DET/CST. WILSON: 104.

MR. ALEXAN KULBASHIAN: 140. Okay.

In that case, could you go to page 105 and read, it's about I guess question two thirds of the way down, a little more.

It says:

"W: Have, have you ever been on..."

DET/CST. WILSON:

"W: Have, have you ever been on the Dickhead Database? Have you ever viewed it on your computer?"

K: Yes.

W: Okay. How did you view the Dickhead Database?

K: Microsoft.

W: That's how you did it.

K: Microsoft access.

W: Microsoft access.

K: Yeah.

W: So you go onto Microsoft

access...

K: Yeah and I copied and at one point I see the copy up database on my computer...

W: Okay.

K: ...but that probably wouldn't be there because that was like a long time ago.

W: Okay. So you go onto Microsoft access. What do you do next after you click Microsoft access?

K: Connect to database, connect to IP, connects IP database loads, done.

W: How do you...

K: The password goes in...

W: ...how do you collect, how do you connect to the database?

K: (inaudible) Well, Microsoft, you know what Microsoft uh have you...

W: No. Go ahead. Microsoft access. Do I got to go www.dickheaddatabase.com.

K: No. It's not on-line like that. It's not, it's not a site.

W: How do you get a hold of it then if it's in the middle of frickin' nowhere?

K: It's the middle, it's on, it's the middle of nowhere in the sense that no one knows where the server is exactly situated because no one's bothered to check.

W: Okay. Okay.

K: Or maybe (inaudible).

W: How do I check it to see if Alexi KULBASHIAN name is there?

How would I check that? How would I check to see if Don MCKINNON's name there, mine or whatever's name is there?

K: You would connect to through the database through database protocol. That's all I can tell you. Technically it'll take me about two days to

explain to you what database protocol is. In brief is, brief...

W: How, how? Is it easy to get on?

K: No, no. Well it's easy. It's easy but not easy. I mean it's, it's tedious to actually connect to it. Then you've got to use your own password. Everybody had their own assigned to them. That's it."

MR. ALEXAN KULBASHIAN: Stop there.

This goes on for another couple of pages. I'm just wondering if you -- to save you the trouble of reading it, if you'd just like to just give a brief idea of what the database is. It's a rather technical question.

DET/CST. WILSON: It's my information that the dickhead database is a database that members of the extreme far right list opposing members of either the far left as well as police officers on the system with their names, potentially their addresses, family members, stuff like that, so that members of the extreme right can look at this information concerning

police officers and other members of either the far left or other anti-racist persons, B'nai Brit, Jewish Defence League, ADL members, anything like that.

MR. ALEXAN KULBASHIAN: Thank you.

Can you just turn to page 98, I found the page that fell out. Instead of looking for the page, I looked for what wasn't there.

THE CHAIRPERSON: Page 98?

MR. ALEXAN KULBASHIAN: Yes.

It's a short skip back and just starting reading from the top.

DET/CST. WILSON:

"W: Did you have anything to do with that threat?

K: In fact the only thing I had to do with that threat is the fact it's on my server.

W: It's on your server.

K: That's literally it.

W: Okay.

K: And it's not on my server anymore because it's been removed so yeah.

W: Yeah. Yeah it's removed uh (inaudible).

K: Well I mean, well you, well:
you have to understand that I
don't monitor anything that goes
on my server.

W: Yeah, yeah.

K: I can't. I, it's literally
impossible. There's like...

W: Who wrote that?

K: That. Vinland Voice.

That's all I can tell you. See
the thing of it, the way...

W: Who wrote the editor, the
editor's voice September 14th?

K: Don't know. And you have to
understand that and um, I can
assume it's James because you
had arrested him for it.

MR. ALEXAN KULBASHIAN: All right,
thanks.

If you go to page 124 and just read
the page.

So page 124, and just start reading
from the top.

THE CHAIRPERSON: Just a second.

Just a second.

MR. ALEXAN KULBASHIAN: Sorry about that.

THE CHAIRPERSON: 124, right?

MR. ALEXAN KULBASHIAN: Okay. So just start reading from the top.

DET/CST. WILSON:

"W: You designed the outside of site.

K: I designed.

W: You design, your name is printed on the outside of it, with your little symbol...

K: Yeah.

W: ...Totenkopf.

K: Uh hum.

W: Okay? My personal opinion I have no problem to believe that you are a party to the offense of these death threats being transmitted on the World Wide Web, okay, as well as being e-mailed to people around, including myself under the name of Conrad MCDONALD.

K: Oh but who e-mailed you

this?

W: So I'm not going to argue with you here but that's why you're here.

K: Oh but...

W: Okay.

K: ...so basically you're telling me that that is well, and, and you can correct me if I'm wrong but that is...

W: No different...

K: ...that is the grounds on which before you...

W: No different from the guy who drives the car up to the bank and sits in it while the other guy goes in it and robs it.

K: No. No, uh but is it different for the guy who makes the car or spray paint or colours, or basically paints the car that the people use to go up and drive it to the bank.

W: Absolutely.

K: Because, because the thing is that I was not in the car driving the car.

Driving the car is somebody who is at the place and knows what's going on.

W: But the guy who painted did leave his name on it. Didn't leave his name on the outside.

K: Yeah they do. People who sell you the car leave you the little brand on the back of it, right."

MR. ALEXAN KULBASHIAN: Thanks.

And if you just go one page back, which is one of the pages that I was missing.

Just, so basically --

DET/CST. WILSON: Which page?

THE CHAIRPERSON: Which page?

MR. ALEXAN KULBASHIAN: So, page 123 and just start reading from the second line.

THE CHAIRPERSON: Hold on.

DET/CST. WILSON: Second line where it goes...

MR. ALEXAN KULBASHIAN: Yes, please.

DET/CST. WILSON:

"K: ...um, I guess comment. On what grounds do you, do you believe that I actually had something to do with writing or posting articles?

W: I have, I have every grounds to believe that you are a participant in that being published on the Wor..World Wide Web.

K: Every grounds.

W: By being participant you are a part to the offense of these death threats.

K: Um, every grounds to believe.

W: Yep.

K: How?

W: You're Totenkopf, you design the web site, you run the server, you get paid for it. Shall I go on?

THE CHAIRPERSON: "...the web page".

"...design the web page".

DET/CST. WILSON: I'm sorry.

"W: You're Totenkopf, you design the web page, you run the server, you get paid for it. Shall I go on?

"K: That's where I guess ignorance means...

"W: Well's that's...

"K: No, no, no. I'm not trying..."

MR. ALEXAN KULBASHIAN: Thanks, that's is good.

Actually, I'm sorry, about the length of articles I got you to read.

This is I guess -- we're done with this.

DET/CST. WILSON: That's all right.

MR. ALEXAN KULBASHIAN: He actually looks pretty tired.

Now, I'm not sure, considering the time.

THE CHAIRPERSON: No, if the parties want to proceed, I wouldn't mind benefitting from trying to --

MR. ALEXAN KULBASHIAN: Okay.

MR. RICHARDSON: I'm in the same

position as yesterday.

THE CHAIRPERSON: Same as yesterday.

What are we going to do about the book that you were supposed to -- did you manage to go through it?

MR. RICHARDSON: I've got the pages that I need. I've done that.

THE CHAIRPERSON: All right. So, if you need to copy them, maybe tomorrow you can do that.

MR. RICHARDSON: Yeah, I will give Mr. Wilson the list, the tab numbers and page numbers, just give him the whole list and he can have them for me, whenever, if that's okay with everybody.

THE CHAIRPERSON: Not Mr. Wilson, it was the Commission who provided those copies.

MS MAILLET: I can see if I can arrange to have them copied, possibly here.

THE CHAIRPERSON: Well, I'll leave it to you to discuss afterwards then.

So, have you come to a point where you wish to stop?

MR. ALEXAN KULBASHIAN: I've come to a point I finished I guess that tab, and the rest is going to be a long thing and we're five minutes to 5:00, so I'm just wondering if everybody wants to keep

going, I might just have to leave soon too, I have a kid at day care.

THE CHAIRPERSON: Just let me take a note here.

All right. Then so how long will you be tomorrow, do you think?

MR. ALEXAN KULBASHIAN: I would say -- basically this was the bulk of the reading, I mean, that's strenuous for everybody.

THE CHAIRPERSON: Questions?

MR. ALEXAN KULBASHIAN: Questions. I'd say about -- maybe about a couple of hours.

THE CHAIRPERSON: Really.

MR. ALEXAN KULBASHIAN: Yeah.

MR. RICHARDSON: I'll take about as long as I took for Mr. Warman, so between two and three hours as well.

THE CHAIRPERSON: So, what does that mean for your expert?

MS MAILLET: Well, I hadn't anticipated it would take that long, but I told her I would call her tomorrow morning to let her know.

The problem is she's not available in October she's out of the country, so we may have to sit another day for her.

I was hoping that we would finish by noon tomorrow and that she could be in the afternoon.

THE CHAIRPERSON: Well, inquire her dates --

MR. ALEXAN KULBASHIAN: Just, if it would help out, make an effort to actually keep it short because I had new questions that I added, I'll just run through it, keep it as short as possible, if that could possibly help at least get your witness in, but...

THE CHAIRPERSON: Well, realistically I don't see -- I mean, she's an expert, she'll have to qualify her. I mean, it takes a while to have an expert testify.

So, I doubt that it could be dealt with in a matter of an hour or two.

Stand up, please.

MR. RICHARDSON: Mr. Chair, Alex and I, neither of us have a lot of witnesses, if she's not going to be available in October, we don't mind sharing some of our time, if the prosecution wants to finish their case in our week, that's not a problem at all.

MR. ALEXAN KULBASHIAN: Schedule the week and just move everything over there.

MR. RICHARDSON: I don't know what to

do about the days, but we don't have a problem sharing the days.

THE CHAIRPERSON: Let me ask you this quickly, I know you have to leave, but when we were doing the case management way back, I guess it was in the spring, there was difficulty in setting down times because you didn't know what your educational status would be.

Do you have a better understanding of that now that would permit you to find a day or two?

MR. ALEXAN KULBASHIAN: Actually I do.

THE CHAIRPERSON: At the microphone, please.

MR. RICHARDSON: I'll leave myself open.

THE CHAIRPERSON: You have some availability. Okay, that's good.

MR. ALEXAN KULBASHIAN: It would obviously have, I guess, the same dates as any educational -- because they're all gone by the same statutory holidays.

Thanksgiving would always be open, that wouldn't be a problem.

THE CHAIRPERSON: Well, we've got

that week of Thanksgiving.

If we were to set down a date if, you know, if we were able to find that this witness is available, I don't know, maybe some day at the end of September, let's say...

MR. ALEXAN KULBASHIAN: Well, like a day or two?

THE CHAIRPERSON: Yes, because -- I'm certainly willing -- would you be willing -- both of you, Mr. Warman and Ms --

MR. WARMAN: Yes.

MS MAILLET: It wouldn't take more than a day.

THE CHAIRPERSON: No, I mean, essentially to fly down the night before, do the witness' testimony and then leave.

MS MAILLET: Yeah.

THE CHAIRPERSON: Or maybe set two days down.

MR. ALEXAN KULBASHIAN: The issue is, it's the beginning of the school year which would mean that it's pretty much until we get all the load where you get integrating into the programs, where you have the majority of sign-up information, lab sign-up, and I guess book buying all in the first month, or even up to

the second month and I do have quite a few classes. I think I take about eight credits a semester, so...

THE CHAIRPERSON: Well, I'd ask you in good faith to seek out dates when you can see a gap or two and...

MR. ALEXAN KULBASHIAN: Weekends sound fine to me.

THE CHAIRPERSON: Well, weekends but we've already discussed that. I mean, I don't demand that, under you know particular circumstances.

I don't know whether the expert would want to sit on a weekend either, for that matter.

MR. ALEXAN KULBASHIAN: I can bring in the statutory holiday calendar tomorrow.

THE CHAIRPERSON: You mean for the school?

MR. ALEXAN KULBASHIAN: For just a general school. Like, there's a school calendar that has all school statutory holidays.

I'll bring it in tomorrow and then maybe you can come to an idea from there.

MS MAILLET: Well, perhaps if you had -- do you know your class times now, because sometimes you don't have classes every day.

MR. ALEXAN KULBASHIAN: Actually I do

have classes every day because I do have a pretty heavy course load. It starts at 8:00 in the morning until six o'clock at night.

THE CHAIRPERSON: Well --

MR. ALEXAN KULBASHIAN: And I might have to take night courses too, it depends on what kind of course load I'll have.

See, it's on and off during the day, but it's --

THE CHAIRPERSON: You may have to skip some. I'm sorry, I mean, we have to proceed. I mean, we're not going to drag this on. I said it before. I hear Mr. Richardson has at least a fair degree of openness, so the only obstacle may be you, and you may have to make that sacrifice.

MR. ALEXAN KULBASHIAN: I can't skip class.

THE CHAIRPERSON: We've all been to school and we all know what sacrifice university has, but you know, some time you have to take some time off.

MR. ALEXAN KULBASHIAN: I can skip classes, but I would just request, like, you know, that it would not be -- that the date would not be scheduled for September because it is the first critical month and that is when I do have to go through all the

sign-ups. It's easier to get --

THE CHAIRPERSON: Why don't you find out from Dr. Henry when she's available Maître Maillet and then once we know her dates -- it's sort of no purpose for us to think of months when she may not be available.

MS MAILLET: That's right.

MR. ALEXAN KULBASHIAN: That would be much easier for me.

THE CHAIRPERSON: And then if we know she's available such day, you can look at your schedule and tell us if you're in any way available at the time.

MR. ALEXAN KULBASHIAN: All right, thank you.

THE CHAIRPERSON: As for you, Mr. Kulbashian, are you always available to assist your...

MR. VAHE KULBASHIAN: Actually my only problem is my wife.

As long as she feels well, I'm okay. I've been taking care of her health.

THE CHAIRPERSON: I'm glad you finished that, because you can't just leave it as, my only problem is my wife.

MR. VAHE KULBASHIAN: No, but it's health wise, this is the only thing. It's been over

three years now.

THE CHAIRPERSON: Oh, okay. It's not a laughing matter then.

Okay.

So, we'll see you all tomorrow morning.

THE REGISTRAR: All rise.

--- Whereupon the hearing adjourned to Friday, September 3rd, 2004 at 9:30 a.m.

I HEREBY CERTIFY, to the best of my skill and ability, that the foregoing is a true and accurate transcript of the proceedings.

A handwritten signature in cursive script, appearing to read "Beverly DeLorenzo".

StenoTran

Beverley R. Dillabough, C.S.R.