

**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

FILE NO./N^o CAUSE.:

T869/11903

VOLUME:

5

LOCATION/ENDROIT:

OAKVILLE, ONTARIO

DATE:

2004/09/03

PAGES:

1024-1341

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
FRIDAY, SEPTEMBER 3, 2004, AT 09:30 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

TABLE OF CONTENTS/TABLES DES MATIÈRES

	PAGE
TERRY DAVID WILSON, Resumed:	1031
Cross-Examination by Mr. Alexan Kulbashian	1031
Cross-Examination by Mr. Richardson	1218

LIST OF EXHIBITS / PIÈCES JUSTICATIVES

EXHIBIT	DESCRIPTION	PAGE
R-3	Print-out from Internet of logo and symbol of skull with shield.	1050
R-4	Four-page document entitled The Triskele from fabrisia.com website.	1057
R-2	(Appendix I, Pg 3): One-page excerpt from Det. Don McKinnon's duty book.	1083
R-2	Appendix II, Pg 1-12): Affidavit of Det. Don McKinnon.	1113
R-2	(Appendix II, Pg. 13-16): Affidavit of Chi-Kun Shi.	1117
R-2	(Appendix I, Pg 16-17): Two-page letter on the letterhead of Weisman Consultants Inc. dated December 20, 2002.	1129
R-2	(Appendix I, Pg 18): One-page fax document from Det/Cst. Terry Wilson to Dean Steacy of Human Rights Commission.	1150
R-2	(Appendix I, Pg 19): One-page memorandum to file by Dean Steacy dated December 24, 2002.	1156
R-2	(Appendix I, Pg 22): One-page e-mail from Dean Steacy to Det/Cst. Terry Wilson.	1167
RR-1	Group photo described by witness.	1234
RR-2	One-page document, copy of jacket picture identified by witness.	1240
RR-3	Photograph of pair of boots.	1242

LIST OF EXHIBITS / PIÈCES JUSTICATIVES

EXHIBIT	DESCRIPTION	PAGE
RR-4	Copy of picture of hat described by witness.	1247
RR-5	One-page document from Canadian Police Information Computer, Subject Query, Possible Hits for Richardson, James person dated September 28th, 2001.	1257
RR-6	Two-page excerpts described by Chairperson and witness.	1283
RR-7	One-page document entitled London Police Charge Sheet for the accused Mr. James Scott Richardson.	1294
RR-8	First page of crown brief dated September 28, 2001, as described by witness.	1299
RR-9	One-page document titled crown brief, page 2, dated September 28th, 2001.	1318
RR-10	One-page document titled crown brief dated September 28th, 2001, page 4.	1329

Oakville, Ontario

--- Upon commencing on September 3, 2004 at 9:30 a.m.

THE REGISTRY OFFICER: Order, please.

All rise.

Please be seated.

THE CHAIRPERSON: Good morning.

MR. RICHARDSON: Good morning,

Mr. Chair.

I received some documents from the prosecutor this morning.

THE CHAIRPERSON: They're not prosecutors.

They appear to be. I often make the analogy, but it's just the Commission.

MR. RICHARDSON: The Commission. I apologize.

Just stuff that I found that was relevant to my case. I don't have it photocopied yet, I'm still going through it now, and I just wanted to announce to the court that I will be releasing some of these documents into evidence today even though it's out of protocol, but I did just get them this morning and it was just all late evidence and I just wanted to know if that was going to be okay.

THE CHAIRPERSON: Okay. During the

course of your cross-examination you'll be using them;
is that what you're saying?

MR. RICHARDSON: Yes, sir.

THE CHAIRPERSON: All right. That's
fine.

MR. RICHARDSON: All right, thank
you.

Sorry, I forgot about one other
thing, I apologize.

If you say no, I totally understand
because it's late into the hearing.

How would I go about getting a
subpoena for a witness for my case?

THE CHAIRPERSON: Subpoena can still
be issued.

MR. RICHARDSON: Oh, can they?
Okay, excellent, excellent.

Should I do that now?

THE CHAIRPERSON: The problem is
that -- I assume it's a witness that you haven't
disclosed to this day?

MR. RICHARDSON: You're correct.

THE CHAIRPERSON: So that's the
issue, the issue is any prejudice that may be caused to
the other side.

So, at the very least you must disclose right now who that person is, what the person will be saying in his or her evidence.

MR. RICHARDSON: His name is Randall Turner, it's actually my stepfather.

THE CHAIRPERSON: Randall Turner?

MR. RICHARDSON: Yes, yes, senior. I was originally going to use my mom as a witness, but that didn't work out.

What he'll be testifying to, basically the fact that I did live in Hamilton during the time - which is very important to my case.

THE CHAIRPERSON: Slow down.

MR. RICHARDSON: Oh, sorry.

And he'll be testifying as to the reasons why the lease and the phone and all that were in my name, which I think is very relevant to my case.

MS MAILLET: In that case, I would appreciate the Tribunal's indulgence in being able to ask a couple of follow-up questions to Cst. Wilson about his observations in terms of the residence of Mr. Richardson.

THE CHAIRPERSON: Sure. In the course of your re-examination, I will allow you to go even beyond the scope of the questioning that will

occur during the cross-examinations to include those topics.

MS MAILLET: Thank you.

THE CHAIRPERSON: All right.

MR. RICHARDSON: And it won't be anything else relative to the apartment itself and my living there, he won't be testifying to absolutely nothing else.

THE CHAIRPERSON: All right. So, the whole topic of this person's testimony will be your -- that amount in --

MR. RICHARDSON: Basically the residence.

THE CHAIRPERSON: The apartment in London.

MR. RICHARDSON: The apartment itself and the fact that the lease and the phone were in my name.

THE CHAIRPERSON: Okay.

MR. RICHARDSON: Thank you very much, Mr. Chair.

THE CHAIRPERSON: So, I gather from that that we don't have an objection from the Commission and the complainant since you will have the opportunity to --

Oh, wait, I haven't heard from
Mr. Warman.

Yes?

MR. WARMAN: Oh no. I was just going
to say that's fine.

THE CHAIRPERSON: That's fine.

In all likelihood this person will
testify weeks from now, obviously, so there's plenty of
lead time.

MR. ALEXAN KULBASHIAN: Just putting
more disclosure on the record, this is follow-up from
the disclosure that came in yesterday, it's related
directly to the disclosure that was put into the file
yesterday from Det. Wilson's --

THE CHAIRPERSON: You're showing me
two papers. Are you going to introduce them into
evidence; is that what you're saying?

MR. ALEXAN KULBASHIAN: I will be,
yes.

THE CHAIRPERSON: Okay. As you ask
each question with regard to each document, you should
hand it up.

MR. ALEXAN KULBASHIAN: All right.
Thank you very much.

THE CHAIRPERSON: Mr. Kulbashian, you

were in your cross-examination yesterday when we ended.

MR. ALEXAN KULBASHIAN: We ended, basically reading through the interview.

MS MAILLET: Mr. Chair, if we could just have a few minutes to look at these because we hadn't seen these before.

THE CHAIRPERSON: Okay, that's fine.

Although, I thought I understood they came from -- I just want to know where they're coming from?

MR. ALEXAN KULBASHIAN: They're coming from me.

THE CHAIRPERSON: Oh, from you, from you. I thought it was from Mr. Wilson.

MR. ALEXAN KULBASHIAN: Just follow-up.

THE CHAIRPERSON: So that's why it is a late disclosure, you are disclosing these documents for the first time to the Commission and complainant; is that what you meant?

MR. ALEXAN KULBASHIAN: This is the response to the late disclosure that was disclosed yesterday from Det. Wilson's binder.

THE CHAIRPERSON: Okay. As a result of having viewed Mr. Wilson's binder you have realized

there are documents in your possession that should have been disclosed or should be disclosed.

I'll leave it at that.

Yes?

MS MAILLET: Mr. Chair, we have no problem with the way disclosure of these documents. I would simply, again, ask that in re-direct that I you possibly enter a document in response to this one because we weren't anticipating that this would be put in.

THE CHAIRPERSON: All right. So, just take note of this.

The two areas that you wish to add to your re-direct, newly disclosed documents and the evidence of Mr. -- the proposed witness -- I'm sorry, what was the name of that witness?

MR. ALEXAN KULBASHIAN: Randy Turner.

THE CHAIRPERSON: Randall Turner.

MR. RICHARDSON: Randall Turner, yes.

THE CHAIRPERSON: All right.

MR. ALEXAN KULBASHIAN: Just, this disclosure is in response to disclosure got yesterday.

THE CHAIRPERSON: That's fine, it doesn't make any difference.

MR. ALEXAN KULBASHIAN: So...

All right. So, I will just start with my questioning.

THE CHAIRPERSON: Yes.

TERRY DAVID WILSON, Resumed:

CROSS-EXAMINATION BY MR. ALEXAN KULBASHIAN (Cont'd):

Q. Det. Warman (sic) good morning.

So, was there a forensic expert present the search and seizure execution at my house?

DET/CST. WILSON: There was an expert that --

MR. ALEXAN KULBASHIAN: Computer forensic, sorry.

DET/CST. WILSON: Computer -- yeah.

MR. ALEXAN KULBASHIAN: Yes.

DET/CST. WILSON: Yeah, we would class him as a crime analyst.

He's trained in the execution of search warrants dealing with electronic information that's going to be seized.

MR. ALEXAN KULBASHIAN: Okay. Do you know the name of this individual that was present?

DET/CST. WILSON: Chris Stumpf. I believe a statement was disclosed to you yesterday with his process of how he did that.

THE CHAIRPERSON: So, it's the same

gentleman Mr. Stumpf?

DET/CST. WILSON: Who was at the search -- oh, I'm sorry.

At Mr. Kulbashian's --

MR. ALEXAN KULBASHIAN: This is at my house?

THE CHAIRPERSON: This is at Mr. Kulbashian's house.

DET/CST. WILSON: No, the process we did is that we just took the whole hard drive and presented it to our crime analyst at the London Police Service to have them examine it.

MR. ALEXAN KULBASHIAN: Do you know what booby-trapping is?

DET/CST. WILSON: Booby-trapping?

MR. ALEXAN KULBASHIAN: Yes, booby-trapping.

DET/CST. WILSON: I know booby-trapping in several different contexts.

MR. ALEXAN KULBASHIAN: Okay. Have you ever heard of booby-trapped computers?

DET/CST. WILSON: As in exploding devices when I unplug a computer, or...

MR. ALEXAN KULBASHIAN: Doesn't have to be explosive, just booby-trapped in general.

Like, I mean, just in the most basic term what bobby-trapping is.

DET/CST. WILSON: Yes, I know what bobby-trapping is.

MR. ALEXAN KULBASHIAN: Okay. Do you know why there are strict rules in the way they collect the computer-related evidence?

DET/CST. WILSON: Yes, so it can be used under the Canada Evidence Act to be presented in court.

MR. ALEXAN KULBASHIAN: And do you know what procedure was followed when they were collecting -- when they were, I guess, unplugging and taking the computers away from my place?

DET/CST. WILSON: Yeah. We would not touch any buttons on the computer, we would unplug it from the wall and we would then just take the whole mechanism with wires attached or with the wires for the computer to our crime analyst, so they could mirror that site and, therefore, the hard drive would never be touched again.

MR. ALEXAN KULBASHIAN: Okay. And so in that course then, if the computer was booby-trapped then, for example, for the wires, would you be doing any kind of preliminary, I guess, study of the computer

to see if there was possibly anything, any trip wire or any kind of booby-trap mechanism?

DET/CST. WILSON: Well, I can guarantee you that we don't usually go into a home, again, we had -- you were in custody--

MR. ALEXAN KULBASHIAN: That's right.

DET/CST. WILSON: --and your mom and dad were 100 per cent compliant.

But, again, we don't throw the safety of other officers out the window when that happens and we ensure that it's going to be done in a safe manner as well.

So, we didn't have any reason to believe that there was any type of explosive device in your house and, therefore -- but then, again, if something came to our notice, we would have dealt with it appropriately.

MR. ALEXAN KULBASHIAN: Okay. I wasn't -- it wasn't necessarily regarding explosives.

Like, for example, it's possible maybe could it have been, I guess, some kind of electric surge that could have been set up to zap the hard drive or something along those lines?

Were you guys worried about that when you were taking the computer away?

DET/CST. WILSON: No, the process of seizing computers for Police Force is the fact that we try to touch the computer - sort, of the internal components of the computer as little as possible.

It's my understanding that every time a button is touched or a computer is turned on it alters the hard drive so, therefore, we wouldn't do that.

We would simply leave the computer the way it is, whether it's on or off, and unplug it from the wall and, therefore, have it easier examined by our technicians.

MR. ALEXAN KULBASHIAN: Could I ask you to -- sorry, we're going back to the interview.

DET/CST. WILSON: Okay.

MR. ALEXAN KULBASHIAN: Could I ask you to turn to page 86 of tab 62, HR-1.

THE CHAIRPERSON: Page 86.

MR. ALEXAN KULBASHIAN: Could you read where I start saying:

"This is what I'm telling you
and this is...",

It's down near the middle.

DET/CST. WILSON:

"K: This is what I'm telling

you and this is what you guys have to realize. The way it's encrypted, (writing something down) block, tiny block key. Okay? The computer...

W: Uh hum.

K: ...has the program runs in memory all the time. If the computer is um, basically the way wh..when I left my computer and this is what, I'm not sure if you guys, did you guys look on my computer when you were there before you unplugged it?

W: No.

K: That's fucking stupid.

W: Why? What's on your computer?

K: Like did you look into, like did you actually try to access anything on the computer or just...

W: No.

K: That's fucking stupid.

That's what I'm going to tell

you. Okay, a block, big
block...

W: Uh hum.

K: ...of data is encrypted."

(sic)

THE CHAIRPERSON:

"Which is encrypted..."

DET/CST. WILSON:

"...which is encrypted..."

W: Yeah.

K: ...2,048 bit or 512 bit.

512 bit maybe it will take a
couple less trillion years
right...

W: Uh hum.

K: ...to crack. The software
itself has a key here.

W: Uh hum.

K: And this key is literally, I
wouldn't call it the password...

W: Uh hum.

K: ...but it's one step after
you got, after you got the key
to. The password's the key to
the key you get this.

W: Okay.

K: And it would use this to decrypt it, depending on how big the bit encryption is..."

MR. ALEXAN KULBASHIAN: Thanks.

Can you just jump to the very bottom of the page to the last line and start reading from there.

DET/CST. WILSON:

"K: Who's doing this computer thing? You or?

W: No, no. There will be guy, a computer guy that actually does it.

K: What's he specialize in?

W: He's a policeman but he's a, he's...

K: What does he specialize in though?

W: I have no idea what you mean by specialize

K: Well uh how would you..."

I'm sorry:

"K: Well uh how would he know about computers?

W: Oh he takes months and months of training.

K: In, in computer. Does he take training or stenography?"

(sic) Um, my um, accent.

W: I will, I will, I will ask him.

I'm sorry, it's stegonography, I guess.

THE CHAIRPERSON: Stegononography.

MR. ALEXAN KULBASHIAN: I think it's a typo on behalf of the -- like the one who's transcribing all of this.

DET/CST. WILSON: Is it stenography -- sorry, is it stenography?

MR. ALEXAN KULBASHIAN: Yeah, it's stenography.

Actually it's stegonography which is --

THE CHAIRPERSON: Is the word stegonography?

MR. ALEXAN KULBASHIAN: It is, it is.

THE CHAIRPERSON: So it's not stenography, stegonography.

MR. ALEXAN KULBASHIAN: It's not

stenography.

DET/CST. WILSON: Stegonography.

MR. ALEXAN KULBASHIAN: Yeah.

DET/CST. WILSON:

"K: Stegononography.

W: Yeah. I will ask him.

K: (inaudible) Um, do you want to call him and ask him now because it would depend. It's completely...

W: Well if we can't we can somebody in the province or the country that does.

K: No. Once it's gone, it's gone.

W: Okay.

K: Basically the art of Stegonography...

W: Uh hum.

K: ...is (inaudible) notes because it isn't...

W: Yeah.

K: ...a bunch of papers.

(inaudible) on the computer is if I'm not mistaken (whisper)

I'm trying to remember now.

W: Yeah.

K: Come in.

W: Yeah.

K: Go.

W: Uh. (whisper) I think that's going to keep going on.

K: (laugh) Okay, so tell me.

W: Okay. No, he's just asking me some questions.

K: Okay.

W: We could, let's go to (inaudible) for....

K: Okay.

W: ... Just something I'm, he wants me to touch base on.

Why'd you, why'd you encrypt it in the first place?

K: I am a programmer. Um, I used it to be a hacker..."

THE CHAIRPERSON:

"I used to be a hacker..."

DET/CST. WILSON:

"...I used to be a hacker and I understand the weakness in

locations of computer security in general.

W: Okay.

K: The fact that I'm using Windows XP really makes it more important for me to use encryption on my computer. Now this is what I'm using right now. There is five twelve bits, okay. Um, everything, all single files are encrypted in the 2,048 bit encryption...

W: Uh hum.

K: ...using RSA.

W: Okay.

K: Ever heard of that?

W: No, but go ahead.

K: A simple example is this, this encryption two incredibly huge prime numbers...

W: Uh hum.

K: ...and creates a key to merge those prime numbers. So I can encrypt it without using the password but I have, need a

password or I need to find out,
know what is it to decrypt it
right?

W: Okay.

K: So I had that which is RCA.
That's the 500, that's the
2,048 bit encryption. Now,
(pause) that is for single
files. This is for blocks 512
bit...

W: Uh hum.

K: ...and I'm trying to
remember which one I used if it
was 2 fish, goldfish, whatever.

MR. ALEXAN KULBASHIAN: Okay, thank
you.

Just for the record, it is a typo
there. It's not supposed to be goldfish, it's supposed
to be blowfish.

THE CHAIRPERSON: Blowfish?

MR. ALEXAN KULBASHIAN: Yeah.

Can you turn to page 90 and start
reading from the middle where I say:

"It's, it's like basically..."

DET/CST. WILSON:

"K: It's, it's like basically it's you shut down the computer, you forgot your password it's your fucked. That's what it is right, and then um, because the computer will lose track of the key. Basically a key is, when it's using it...

W: Yep.

K: ..the key is loaded, deleted from the hard drive...

W: Yeah.

K: ...and when it's not using it the key is written back down to the, that's well how it cycles keys.

W: Okay.

K: ...and then it's on and you pulled it out...",

I'm sorry,

"Then it's on and you pulled it..."

THE CHAIRPERSON:

"...and when it's on and you pull it."

StenoTran

DET/CST. WILSON:

"...and when it's on and you pull it.

W: Yeah, okay. Why do you encrypt some things and not other things?

K: I encrypt almost everything. Anything that's not a programme that's installed on my computer I encrypt...

W: Okay.

K: Except for archives of programmes that I have.

W: Okay. The last question I have for you...

K: Go ahead."

MR. ALEXAN KULBASHIAN: All right, thanks.

Just turn to the next page, page 91, tab 62, down from the middle again where it says:

"K: ...just my figure of speech."

DET/CST. WILSON:

"K: ...uh like just my figure of speech. But um, do you..."

Sorry:

"But um, have you guys ever had a computer where there was encrypted data on it?"

W: Yes.

K: And what happened?

W: They got it all.

K: How?

W: Don't know. Didn't do it myself.

K: Well I mean, not in how, what methods they used but did they find from the person?

W: Uum, no.

K: Or was it, was it weak encryption and then they, they tri..trial and error.

W: Figuring that they probably have a programme to read the encryption.

K: No that's probably. There's no such thing as a program to read encryption.

W: Okay."

MR. ALEXAN KULBASHIAN: Thank you.

Just a few other questions from this

line.

If you could turn to HR-8, page 1. And while you're doing that, could you just say what Chris Stumpf the officer in charge of, I guess, trying to extract information from my computer?

DET/CST. WILSON: No, he wasn't.

MR. ALEXAN KULBASHIAN: Okay. So if you could turn to HR-8, page 1.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: If you just look through those pages briefly, do you notice anything missing from those documents?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Is it standard procedure that if an officer files, or like or any other officer, like in general terms police officer files a form like this that might have to be introduced into evidence, they'd actually have to put their signature on it?

DET/CST. WILSON: No, sir it's not.

MR. ALEXAN KULBASHIAN: Is it possible that Chris Stumpf did not fill out this form himself and maybe somebody else filled it out for him?

DET/CST. WILSON: No, sir, that's not possible at all.

MR. ALEXAN KULBASHIAN: Okay, thanks.

DET/CST. WILSON: And just to re-state, this not about your computer at all.

MR. ALEXAN KULBASHIAN: I understand that.

DET/CST. WILSON: Okay.

MR. ALEXAN KULBASHIAN: I understand that.

Okay. Just coming into the new disclosure that was provided today, if we could have this filed under the evidence, please.

THE CHAIRPERSON: Let me just finish up on the last bit.

I just want to be clear on your last comment, Mr. Wilson. You said that this document was not prepared for -- or was prepared for the --

DET/CST. WILSON: It was prepared for Mr. Richardson's computer, not Mr. Kulbashian's computer.

THE CHAIRPERSON: Okay. That's what you meant.

DET/CST. WILSON: Yes.

THE CHAIRPERSON: Okay.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: Can we get,
I guess --

THE CHAIRPERSON: All the pages
together?

MR. ALEXAN KULBASHIAN: Altogether,
yes.

THE CHAIRPERSON: Or are we looking
at one first?

MR. ALEXAN KULBASHIAN: Well, we'll
be looking one first, the one with the skull on it.

THE CHAIRPERSON: Okay.

MR. ALEXAN KULBASHIAN: And the
shield.

THE CHAIRPERSON: I have it. Go
ahead, ask your questions.

MR. ALEXAN KULBASHIAN: Okay.

So, do I have to get a number for
this or just tell him, like, an HR -- H number, R
number, whatever. It doesn't matter for now.

THE CHAIRPERSON: I don't think we
need identification of it. This is something that you
have in your possession, you're putting it to this
witness?

MR. ALEXAN KULBASHIAN: This I got
printed off from on-line.

THE CHAIRPERSON: I think I want to identify it, I don't have a problem with that.

No objection? No.

MS MAILLET: No, I have no objection.

THE CHAIRPERSON: All right. So, let's give it a number right away.

Oh, by the way, we decided that we're going to be marking - Mr. Levac and I were discussing this earlier - we'll be marking the respondents' exhibits with a different designation.

So, we've started already referring to your exhibits R, R-1 I think.

We'll be calling yours RR, double R, in order to distinguish between the two.

MR. ALEXAN KULBASHIAN: All right, thanks.

THE CHAIRPERSON: So, this is -- why don't you tell me. This is something you say you printed off the Internet. This logo, this symbol?

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: Okay. So, this logo is the exhibit.

THE REGISTRY OFFICER: The document as described by the Chairperson will be filed as the respondent's Exhibit R-3.

EXHIBIT NO. R-3: Print-out from Internet of logo and symbol of skull with shield.

MR. ALEXAN KULBASHIAN: Okay.

If at the same time you could also open the Commission's booklet and look at tab 52, page 3 I think -- sorry, tab 42, page 3.

THE CHAIRPERSON: Yes. Ask your question, sir.

MR. ALEXAN KULBASHIAN: All right. If you compare the two pictures and tell me if they are identical?

DET/CST. WILSON: No, they're not.

MR. ALEXAN KULBASHIAN: Okay. I don't mean, like, identical in the sense if they're the same pictures, but identical in the sense if they're the same drawing of, I guess, similar enough to say that one is the same picture in normal location or something?

DET/CST. WILSON: I'll give you the fact it's a skull and cross bones in both pictures.

MR. ALEXAN KULBASHIAN: Okay. Do you know what R-3 is?

Have you seen the picture in R-3 before?

DET/CST. WILSON: Yeah, it's tattooed on your chest.

MR. ALEXAN KULBASHIAN: Have you seen the picture in --

DET/CST. WILSON: The one in tab 42 is the one tattooed on your chest.

MR. ALEXAN KULBASHIAN: And the one that's on that paper?

THE CHAIRPERSON: That's R-3?

MR. ALEXAN KULBASHIAN: R-3, yeah.

DET/CST. WILSON: I apologize.

MR. ALEXAN KULBASHIAN: That's all right.

DET/CST. WILSON: Yeah, I recognize this symbol as similar to the one that's tattooed on your chest, as well as similar to the one at the bottom of the Canadian Ethnic Cleansing Team sign next to Totenkopf as well as being represented on Panzer divisions in Nazi Germany, very similar to that as well.

MR. ALEXAN KULBASHIAN: Okay. So, do you agree that the symbol in R-3 is the symbol from the Panzer division -- well, SS divisions or Panzer divisions in Nazi Germany during the World War II era?

DET/CST. WILSON: It's one of the

many places that that skull and cross bones is found.

MR. ALEXAN KULBASHIAN: Now, if you could compare -- if you look at jaw of both the skeletons, I guess, or skulls.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you notice a difference between the spacing from where the teeth are to the bottom of the jaw?

DET/CST. WILSON: Yes, sir. I've already said they're not identical pictures.

MR. ALEXAN KULBASHIAN: All right.

Now, just turning to -- actually, just one more question about that.

Can you say that -- so, can you say with full certainty that what is tattooed on my chest is a picture of that, or it could be slightly modified possibly or maybe influenced from that more than just being the actual Totenkopf?

DET/CST. WILSON: Sorry, I don't think I understand the question.

MR. ALEXAN KULBASHIAN: I'll just rephrase that.

Can you say with any certainty what what's tattooed on my chest is the same as what you're holding in your hand right now on R-3?

DET/CST. WILSON: No, it's not the same, but I believe it represents the same thing. They're both Totenkopfs.

MR. ALEXAN KULBASHIAN: Okay, that's fine. Thanks.

DET/CST. WILSON: Both death-heads.

MR. ALEXAN KULBASHIAN: Okay.

If you could also turn to, I think it's about four or five pages I think, the one that's -- it's about four pages, the one that's titled Triskele, it's the one that I submitted today.

THE CHAIRPERSON: Sorry. All four pages?

MR. ALEXAN KULBASHIAN: It's just all one big document.

THE CHAIRPERSON: Page 1, page 2, page 3, page 4.

MR. ALEXAN KULBASHIAN: Yeah, I just included page 4 just to show that it goes empty near the end.

THE CHAIRPERSON: It goes empty.

MR. ALEXAN KULBASHIAN: --just on the other side--

THE CHAIRPERSON: Is there any comment?

MS MAILLET: Again, are these documents that you printed from the Internet, or...

MR. ALEXAN KULBASHIAN: Yes, they are and the link is at the very bottom.

THE CHAIRPERSON: You printed them--

MR. ALEXAN KULBASHIAN: I printed them last night from the Internet.

THE CHAIRPERSON: The 3rd of September, 2004. Okay.

MR. ALEXAN KULBASHIAN: Well, actually I printed them today in the morning, we just had such short notice I couldn't --

THE CHAIRPERSON: No problem.

Okay. Let's file these again right away, there's no point -- you may want to refer back to these.

Tell us exactly how you came about them, to get them in your evidence later, to make the record more complete, but I will allow them into evidence.

MR. ALEXAN KULBASHIAN: I can tell you right now to make it easier.

THE CHAIRPERSON: You're not giving your evidence at this time.

MR. ALEXAN KULBASHIAN: That's true.

THE CHAIRPERSON: Well, just tell me.

MR. ALEXAN KULBASHIAN: Okay. Just to make it easier, basically I went to the Anti-Defamation League website, which I guess is the very organization that claims to fight anti-semitism and racism world wide.

THE CHAIRPERSON: Fabrisia.com is the Anti-Defamation --

MR. ALEXAN KULBASHIAN: No, this is a separate -- I'll get into this in more detail.

Basically I went to Anti-Defamation League site, I found --

THE CHAIRPERSON: Okay.

MR. ALEXAN KULBASHIAN: I found their description of what they think that this symbol means, and then I went and did just a look-up on -- from their description to find more history about the symbol itself.

So, that's why I just printed it out over here.

I didn't have enough time to do too much research. We got home pretty late last night.

THE CHAIRPERSON: That's fine. That's all I wanted to know for now, but maybe you might want to go into in greater detail in your

evidence.

MR. ALEXAN KULBASHIAN: All right, thank you.

THE REGISTRY OFFICER: The four-page document from the website fabrisia.com entitled: The Triskele will be filed as respondent Exhibit R-4.

EXHIBIT NO. R-4: Four-page document entitled The Triskele from fabrisia.com website.

MR. ALEXAN KULBASHIAN: Thank you. If you could I guess look at the document entitled R-4 that was just filed.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Also if you could look at the document called HR-9, it was filed yesterday.

That's right.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Would you say that one symbol. like the symbol on the jacket and what looks -- what appears to be a jacket in HR-9, would have been influenced by the symbol in the picture in R-4?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Can

you just read the first paragraph of R-4.

DET/CST. WILSON:

"The Triskele (trisk-keel) is one of Sicily's symbols that first appeared on the coins of ancient Syracuse. Also called the 'triskelon.."

THE CHAIRPERSON: "triskelion".

DET/CST. WILSON:

"... 'triskelion or triquerta', it is an ancient sun symbol, related to the four-branched version, the gammadion or swastika. It is three legs united at the thigh with a face in the middle. The face in the center of this item is known as 'Enna" or 'Persephone'.

THE CHAIRPERSON: Persephone.

MR. ALEXAN KULBASHIAN: Persephone.

THE CHAIRPERSON: You're entering into the realm of Greek now, so I'm going to start interrupting, Mr. Wilson.

DET/CST. WILSON: You can interrupt me any time with the Greek.

MR. ALEXAN KULBASHIAN: It's all right because they are kind of difficult words to read.

So, if you could also just read the second paragraph too.

DET/CST. WILSON:

"The Triskele is a common symbol used in ancient Celtic design throughout Northern Europe and is especially associated with the Isle of Man where the ancient College of Druids was centered. There is one major difference: the Sicillian legs are bare and the Celtic legs are armoured. The emphasis is on the numeral three which for the Celts symbolized the principles of creation, preservation and destruction embodied also on the triple goddess, virgin, mother and crone, and the phases of the moon.

MR. ALEXAN KULBASHIAN: Thank you.

And just if you would comment on what you see in the first picture.

DET/CST. WILSON: The first picture is three bare legs with a face in the center.

MR. ALEXAN KULBASHIAN: Okay.

DET/CST. WILSON: As the description I just read, I guess.

MR. ALEXAN KULBASHIAN: That's right. Could you also look at the third picture which is on the second page of this document.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: What do you see there?

DET/CST. WILSON: I see an Isle of Man Government Twenty Pound bill with a Triskele, I guess, in the centre of it and the Queen on the right-hand side of it.

MR. ALEXAN KULBASHIAN: Now, going back to HR-9.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Looking at those, at what you testified to be I guess called, also referred to as three 7s; do you know any other names for this symbol?

DET/CST. WILSON: Rolling 7s.

MR. ALEXAN KULBASHIAN: Do you know any other names?

DET/CST. WILSON: I can't think of any right now, sir, no.

MR. ALEXAN KULBASHIAN: Okay.

No further questions about this one at this time.

So, I'm just going to continue on.

Actually, maybe just one question.

Do you know anything about the history of the swastika?

DET/CST. WILSON: Yes, I know it's an ancient Buddhist term -- or ancient Buddhist symbol that I believe means wheel of peace or wheel of light.

Nazi Germany took that symbol, inverted it --

MR. ALEXAN KULBASHIAN: Thank you very much.

If you want to try just one more --

MS MAILLET: If he could finish his answer, Mr. Chair.

THE CHAIRPERSON: Was there more to your answer?

DET/CST. WILSON: Yes. Nazi Germany took the swastika and inverted it and presently is a symbol, a sort of - not a sort of recognized - it's a recognized symbol of hate used by the White Supremacist movement since Nazi Germany.

MR. ALEXAN KULBASHIAN: Now, looking at the HR-9 picture, would you consider what you call -- what you refer to as three 7s to be influenced by the Triskele?

DET/CST. WILSON: Absolutely. I think that's exactly where they get it from, but it's now been adopted by the White Supremacist movement since Apartheid and you used in South Africa and has been adopted as a hate symbol now and not used as a symbol -- as described as the Triskele.

MR. ALEXAN KULBASHIAN: Okay. So, yesterday you testified that it was, I guess - I don't know the exact term you used - a modified, I guess, a modified swastika.

DET/CST. WILSON: Yes, sir. I think it's described in your first paragraph of the Triskele that it's very reminiscent to the swastika.

MR. ALEXAN KULBASHIAN: That's right. Now but -- so, if you have, I guess, the World War II era swastika in mind, so the German version, what are the two notable differences between the Triskele and the swastika?

DET/CST. WILSON: Well, the swastika has four legs to it and the Triskele has three and the rolling 7s have three.

MR. ALEXAN KULBASHIAN: Okay. So, and what -- do you notice any other differences between the World War II era swastika and the Triskele or the rolling 7s?

DET/CST. WILSON: I don't believe the rolling 7s are connected in the center, where the swastika is.

MR. ALEXAN KULBASHIAN: Do you notice anything about the direction that the legs go in, I guess -- I'm going to call it legs because there's a bend.

DET/CST. WILSON: They go in the opposite direction.

MR. ALEXAN KULBASHIAN: All right, thank you.

Sorry, we're just trying to look for a document at the moment.

All right, sorry.

If you could go to HR-4 now.

THE CHAIRPERSON: One minute, please.

Yes.

MR. ALEXAN KULBASHIAN: Okay.

If you look at this document, okay, just give a brief description of what this document is?

DET/CST. WILSON: Yes, it's the

billing information for James Scott Richardson from Execulink.

The first page denotes sort of, I guess, a simplified version for me to understand exactly what those numbers mean from Execulink.

And the second and third page go on about the specific, I guess, Internet or e-mail address that I did the search warrants for September 6-13th.

The fourth page goes on to the billing information for James Richardson, his phone number, his address at 601 Southdale Road, or 601-390 Southdale Road.

The fifth one goes into the bank account information that Mr. Richardson uses to pay that account at Execulink.

And the third page, again, is a document from them with Mr. Richardson's, I guess, Internet name, and when it was activated and when it wasn't activated, there's start dates and end dates at the side there.

MR. ALEXAN KULBASHIAN: All right, thank you.

Now, just getting back to the warrant itself, was the warrant for, I guess, all log information on James' account or any specific dates?

DET/CST. WILSON: Those specific dates, September 6th, September 13th when he discusses the Vinland Voice on his chat line.

MR. ALEXAN KULBASHIAN: Okay. Do you notice anything missing on this document?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Okay. Look at the front page.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you see the name Execulink anywhere, I mean as referring to company name, other than the type of information that you were talking about yesterday?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Is there any official letterhead from the company?

DET/CST. WILSON: No, sir, there's not.

MR. ALEXAN KULBASHIAN: Is there a signature by the person who issued this document?

DET/CST. WILSON: No, sir, there's not.

MR. ALEXAN KULBASHIAN: Okay. Is there a reason for that; like, is there any missing pages or is this the full document?

DET/CST. WILSON: That's the document.

Just to explain to you how a search warrant is executed, I swear to the search warrant, I take it to Execulink, present it to the operations supervisor, he then personally supplies me with that information and I take it back with me.

MR. ALEXAN KULBASHIAN: Now, I understand, but there is still no -- I mean, it doesn't matter which page you look at, I don't see any, I guess, reference to Execulink.

DET/CST. WILSON: No, sir. I received it personally from him.

MR. ALEXAN KULBASHIAN: Okay. So, this document, do you think it was ultimately prepared with a word processor, or is there anything -- did you watch the process that this document was prepared in?

DET/CST. WILSON: Did I watch the process?

MR. ALEXAN KULBASHIAN: Like how was the -- for the first few pages, for example. I understand the last three are a screen shot.

DET/CST. WILSON: Yeah, he prints it off from his stuff.

All the records for Execulink are

electronically stored, and so he pushes the print button and it comes off and he gives it to me.

THE CHAIRPERSON: Can I ask a related question?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: The first page is in a narrative, whereas the other pages are, you know, sort of data.

DET/CST. WILSON: Yes. The narrative is, when we execute a search warrant because essentially they know that the police want to know some background on how that information is collected and how they take customer information.

That narrative is sort of a standard narrative, or -- like, essentially, a statement by the operating supervisor on how that information is gleaned from their company, I guess, or...

THE CHAIRPERSON: Have you executed more than one search warrant at Execulink?

DET/CST. WILSON: Previous to this I executed I believe one more besides that.

This would be very similar to doing -- executing a search warrant at Bell Canada or Telus, where they would supply us with billing information for people on their phone numbers.

THE CHAIRPERSON: When you say it was a standard issue.

DET/CST. WILSON: Yes.

THE CHAIRPERSON: And yet you only had one other incident of having seized one.

DET/CST. WILSON: When I say standard, it gives you a very generic, the first three or four paragraphs are very generic on explaining -- like, in the fifth paragraph there it tells you about the time, that it's in Eastern Standard Time.

So, when you're reading the document it gives you some explanation if you're wondering -- like, if I executed a warrant on the west coast, it would be in Eastern Standard Time, so when I look at it the document might look wrong because --

THE CHAIRPERSON: Let me rephrase.

Did someone type this up while you were in the room?

DET/CST. WILSON: No.

THE CHAIRPERSON: When did this get typed, the narrative? Because the narrative, if it's standard, does refer specifically to cox88, August 17th, 2001, so...

DET/CST. WILSON: Yeah, I think standard is probably a bad word, more of a generic

description of what these documents are.

So, when I execute the search warrant, I give it to them and they say: We'll prepare the documents and then they produce this for me automatically.

THE CHAIRPERSON: That's my question. When was this produced?

If you were in the room and you took the paper after you left the room.

DET/CST. WILSON: Yeah.

THE CHAIRPERSON: When was this document prepared?

DET/CST. WILSON: While I was standing in the office.

THE CHAIRPERSON: Someone typed it up?

DET/CST. WILSON: I wasn't witness to them typing it up, but I execute the warrant, they go off to get the information and they bring it back to me, because on the search warrant we only have a certain amount of time to execute that and do that search.

MR. ALEXAN KULBASHIAN: Okay.

Mr. Chair--

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: --are you through with the questions to the witness?

THE CHAIRPERSON: Yes, I am.

MR. ALEXAN KULBASHIAN: Oh, sorry, I was just waiting. I thought there was some more.

THE CHAIRPERSON: No.

MR. ALEXAN KULBASHIAN: Okay, just getting back to this. I mean, there is -- do you think there's anything in this document that could possibly even suggest that this document was obtained from Execulink.com?

DET/CST. WILSON: I'm suggesting that, sir, I executed the search warrant there.

MR. ALEXAN KULBASHIAN: No, I mean looking at the document itself is there anything?

Look at the screen shots, the program, do you see any reference to Execulink accounts or -- I mean, it does say customer ID here but I don't see -- do you see anything as far as anything saying Execulink anywhere other than the actual, I guess, DNS info that you provided them with in order to --

DET/CST. WILSON: I'm sorry, maybe I wasn't clear about how I did this.

I took a search warrant signed by a Justice of the Peace to Execulink, they went and

produced this document and I removed it from Execulink.

This is the property of Exec -- this is the billing information for James Scott Richardson.

So, although there's nothing on here that says Execulink, I'm telling you that is from Execulink because I executed the search warrant there.

MR. ALEXAN KULBASHIAN: Now, have you ever executed search warrants on Bell?

DET/CST. WILSON: Bell Canada?

MR. ALEXAN KULBASHIAN: That's right. That's what I mean, sir.

DET/CST. WILSON: Yes, sir, I have.

MR. ALEXAN KULBASHIAN: Okay. Have you ever seen the forms they provide with information that they extract from customer accounts?

DET/CST. WILSON: Yes, sir, it says Bell Canada on the top page.

MR. ALEXAN KULBASHIAN: And there's official letterhead; am I correct on that?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. So, the technician was, I guess, provided with the warrant, was he the one that extracted the information or did he hand it over to someone else?

DET/CST. WILSON: I don't know that,

sir.

MR. ALEXAN KULBASHIAN: Okay. Now, have you ever used NotePad on your computer? I'm assuming you use Windows; right?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Excellent, okay. Sorry about that, just an assumption.

Do you use NotePad by any chance at home?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Have you ever used Microsoft Word or WordPad.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay.

Is it safe to say that a document that looks identical to this can be produced on Microsoft Word or on WordPad?

DET/CST. WILSON: A document identical to this could be produced in another way?

MR. ALEXAN KULBASHIAN: Well, yeah.

DET/CST. WILSON: Yes, sir, I think that's possible.

MR. ALEXAN KULBASHIAN: Thank you very much. Actually, I guess we can take this --

DET/CST. WILSON: Mr. Speaker, I'd

like -- although that's possible, I have no reason to believe that that happened in this point.

MR. ALEXAN KULBASHIAN: I didn't ask you that though.

DET/CST. WILSON: I'd like to clarify that though.

MR. ALEXAN KULBASHIAN: I didn't ask you that.

DET/CST. WILSON: I'm sorry, Mr. --

THE CHAIRPERSON: Well, maybe you'll get a question from the Commission and complainant on that.

MR. ALEXAN KULBASHIAN: Just a quick question. When was this warrant served?

DET/CST. WILSON: It was served on January 16th.

MR. ALEXAN KULBASHIAN: 2002 I'm guessing?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: All right. Do you know what a proxy is by any chance?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Have you been on IRC many times?

DET/CST. WILSON: No, sir, I don't go

on chat lines very often.

MR. ALEXAN KULBASHIAN: I mean, even during the course of the investigation?

DET/CST. WILSON: No, most of my contact with Mr. Richardson was over e-mail not over chat lines.

MR. ALEXAN KULBASHIAN: I mean in general, I mean not necessarily in this case.

Have you ever been on IRC at all or --

DET/CST. WILSON: I don't want to go into other investigations.

MR. ALEXAN KULBASHIAN: All right. Okay. I wasn't going to be asking you details.

But, still, so, have you ever heard of what a proxy is?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Then I guess you wouldn't know if there was a proxy software installed on James' computer?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: In that case I'll reserve the explanation for when I testify.

Okay. You can put this document down and we'll turn to the next point.

All right. Actually, before I go into the next point, I just want to go back to the term affiliation that you used yesterday--

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: --on the business card.

How would you describe the word affiliation?

DET/CST. WILSON: I would say that you would have an affiliation would mean you would have contact with, in this case, an organization.

MR. ALEXAN KULBASHIAN: Or affiliation -- I mean, I'm talking about affiliation in terms of general.

How would you describe the word affiliation, just to get the context in what you were using yesterday.

DET/CST. WILSON: That a person or thing has contact with another person or thing.

MR. ALEXAN KULBASHIAN: So, meaning contact as in, it could be a beggar begging for change on the side of the road, that's also affiliation?

DET/CST. WILSON: No, sir, I don't believe that's affiliation.

MR. ALEXAN KULBASHIAN: But even if

he grabbed your knee when you were going by?

DET/CST. WILSON: No, sir. I believe I'd call that an assault.

MR. ALEXAN KULBASHIAN: Okay. Or maybe accidentally grabbed your knee?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: So -- okay.

I guess in a way to put it is, we get a lot of junk mail at home and we've gotten some Dominion flyers from, you know, from their sales and whatever, specials they have on.

Does that mean we're affiliated with Dominion?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Okay. I'd like to turn your attention at this point to HR-6.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. If you could please read those two short paragraphs, like the main paragraph.

DET/CST. WILSON: Yes, sir. It says:

"On December 20, 2001 Detective James Hogan (6274) and Detective Constable Samuel Samm (1297) of the Toronto Police Service Hate

Crime Unit met with Alexan Kulbashian (1981/12/07) in person for the purpose of discussing some of his activities related to web sites on the Internet. At this time Alexan Kulbashian confirmed that he uses the names 'Alex Krause' and 'Totenkopf' as pseudonyms for himself when working on the web.

On January 7, 2002 officers from 32 Division of the Toronto Police Service were detailed to confirm Alexan Kulbashian's address. PC Robert McLeod (5012) and PC Lynn Beveridge (6172) attended at #816 Grandview Way, Toronto, Ontario and spoke with Alexan Kulbashian there and confirmed this location as his residence."

MR. ALEXAN KULBASHIAN: Okay. Now do you notice anything missing in paragraph 1 that's there in paragraph 2?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: I'm not talking about punctuation though.

Do you see an address in paragraph 1?

DET/CST. WILSON: No, I don't.

MR. ALEXAN KULBASHIAN: So then, I guess -- sorry about this. I'm just trying to think of a way to word it because I don't want to just testify.

DET/CST. WILSON: Are you asking me if they met you at your house?

MR. ALEXAN KULBASHIAN: Where do you think they met me?

DET/CST. WILSON: They didn't meet you at your house, I know that

THE CHAIRPERSON: They did not?

DET/CST. WILSON: They, did not.

THE CHAIRPERSON: On December 20?

DET/CST. WILSON: On December 20th, yes, sir.

MR. ALEXAN KULBASHIAN: On the first day you testified you had testified that Detective Samuel Sann and James Hogan met me at my house. I don't remember what date it was because I don't remember off the top of my head, but do you know when they met me at my house?

DET/CST. WILSON: Well, it's my information that they never met you at your house and if I gave that impression I apologize. I know they met you, they did not meet you at your house.

MR. ALEXAN KULBASHIAN: Give me a second while I find the exact point where you said that.

This was the time when you were going through the time time--

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: -- when you first sat down.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: So, Detectives Hogan and Samuel never met him at his house?

DET/CST. WILSON: No, they met him outside. I believe, the information I have, is at a coffee shop, they met him and discussed his Internet and then after, that two other constables were dispatched to confirm his address at 816 Grandview Way.

MR. ALEXAN KULBASHIAN: Okay. So, looking at this document though, for being a document that supposedly would have been admitted in court, it's lacking some sort of information one way or another; right?

DET/CST. WILSON: No, sir, this wouldn't have been admitted in court in a criminal trial, this would be documentation that would give crown and defence an idea of what these two officers

would say.

In a criminal trial, these two officers would get on the stand and testify to that.

MR. ALEXAN KULBASHIAN: So, you testified that you talked to Det. Samm - that's S-a-m-m - okay, Det. Samm about, was it Det. Hogan that you talked to or Det. Samm, by the way?

DET/CST. WILSON: I talked to Det. Samm on the phone.

MR. ALEXAN KULBASHIAN: Okay. And did you meet with Det. Hogan at all or...

DET/CST. WILSON: Concerning this or at other times?

MR. ALEXAN KULBASHIAN: Concerning this, the meeting or information from the meeting?

DET/CST. WILSON: No. Det. Samm had called me on the phone and said they had this meeting and Det. Hogan his partner, who was there at the time, forwarded me this supplement with his signature on the bottom.

MR. ALEXAN KULBASHIAN: All right. And did Det. Samm state whether or not he took notes at all during that meeting?

DET/CST. WILSON: He did not tell me and none was -- I don't believe anything about this

meeting was forwarded to me.

MR. ALEXAN KULBASHIAN: Okay. Did Det. Samm tell you whether or not he read me my primary and secondary caution during that meeting?

DET/CST. WILSON: No, he didn't.

MR. ALEXAN KULBASHIAN: Okay.

Turning to R-1 I think it is, appendix 1, page 3 and -- just page 3.

THE CHAIRPERSON: Sorry, Mr. Kulbashian which exhibit is this, R-1?

MR. ALEXAN KULBASHIAN: Yeah, R-1, appendix 1, page 3 and it's just page 3, it's a single sheet.

THE CHAIRPERSON: This?

MR. ALEXAN KULBASHIAN: That's right.

Thanks.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Since the top of that page seems to be from something else, could you just start reading where it says:

"16:45..."

THE CHAIRPERSON: Can this be identified? What is it?

MR. ALEXAN KULBASHIAN: Sorry, about that, this is --

THE CHAIRPERSON: No, not by you maybe but the witness, can the witness identify this?

MR. ALEXAN KULBASHIAN: Do you know what this is?

DET/CST. WILSON: This is duty book notes. I don't have any date and I don't have -- I'm trying to see if there is a police officer's number somewhere in the column or something, but I'm not sure whose duty book notes these are.

MR. ALEXAN KULBASHIAN: This is my -- this is the problem that I have because what happened is - can I at least give you information or the background on this - Det. James Hogan testified during my sentencing hearing on the assault case, this is like maybe about three years ago and this one page was provided because he was referring to it, it's Det. James Hogan's -- oh yeah, it was provided to my lawyer though, not directly to me.

I got this off my -- this is his duty book and since basically things before, as you can see where says 4:30 p.m., et cetera are probably not related to my case, only this page was provided to me, or to my lawyer and that was subsequently passed on to me.

THE CHAIRPERSON: Having heard this

explanation, have you any reason to doubt that this appears to be --

DET/CST. WILSON: No, sir, and after reading this, it does appear to be Det. Hogan's information that's being related to me, so I don't have a problem at all.

THE CHAIRPERSON: Under those circumstances, I consider it sufficiently identified, so we'll mark this page as having been produced.

EXHIBIT NO. R-2 (Appendix I, Pg 3): One page excerpt from Det. Don McKinnon's duty book.

MR. ALEXAN KULBASHIAN: I'm sorry there was nothing else, except we couldn't request his whole booklet, so...

THE CHAIRPERSON: That's all right. Let me just take a note of what it is.

Okay. Please go ahead with your question.

MR. ALEXAN KULBASHIAN: All right. Can you start reading where it says

16:45 p.m.

DET/CST. WILSON: Yes, sir. It says:

"16:45 Speak w Cst. Don McKinnon...", Or.

"...Det. Don McKinnon London Police Service re: Kulbashian interview on 2002/01/30 subsequent to his arrest in Toronto."

MR. ALEXAN KULBASHIAN: Just stop there for a sec, and can you just outline what that interview would have been?

DET/CST. WILSON: That would have been the interview that we've been over, I think it's in tab 62.

MR. ALEXAN KULBASHIAN: Okay. Can you continue.

DET/CST. WILSON: It says:

"Interview was videotaped, looked --

THE CHAIRPERSON: Sorry, what did you say?

DET/CST. WILSON: I'm sorry, I missed a line there.

"Interview conducted at London Police Service headquarters at 601 Dundas St. Interview was videotaped, took from 16:15 to 19:00 hrs. During interview --"

THE CHAIRPERSON: Lasted, lasted from
16:15 to 19:00 hrs.

DET/CST. WILSON: Oh, that's
'lasted'.

THE CHAIRPERSON: Yeah.

DET/CST. WILSON: I can't read my own
duty book note sometimes, so...

"During interview Kulbashian,
Alexan (81/12/07) stated he
designed the webpage for the
following sites/groups:

- 'Canadian Ethnic Cleansing Team'
(C.E.C.T.)

- 'Tri-city Skins'.

- 'Toronto Police Leisure Club'.

- 'Vox Candidi'.

- 'Vinland Voice'.

Kulbashian further stated he runs a
web server which --"

THE CHAIRPERSON: Hosts.

DET/CST. WILSON: Okay. Oh yeah

"...which hosts additional
racist/white supremacist sites
known as 'AffordableSpace'.

MR. ALEXAN KULBASHIAN: Thank you. I

think the rest of that -- I'm not exactly sure what it is but that should be it.

Just a few questions.

Okay. How long did you work with Det. McKinnon or Sgt. McKinnon, sorry about that?

DET/CST. WILSON: Sgt. McKinnon I worked with from, I believe January -- the fall of 2000 until January, 2002 -- I mean, sorry, January, 2003.

MR. ALEXAN KULBASHIAN: So...?

DET/CST. WILSON: So, a year and a half, year and three quarter sort of thing.

MR. ALEXAN KULBASHIAN: And would it be fair to say this that, I guess, during business hours you spent a lot of time with him; is that correct?

DET/CST. WILSON: There was actually three of us in the unit. My partner was Todd Smallman, Det. McKinnon was my supervisor, so yeah, the three of us worked very closely together for a year and a half.

MR. ALEXAN KULBASHIAN: Would you consider him a capable person, a capable officer?

DET/CST. WILSON: Yes, he's a good supervisor.

MR. ALEXAN KULBASHIAN: Would you consider him to be a person of integrity?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay.

Professional?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Since we're asking these questions, you also did talk to the investigator on this case, the Commission's investigator, Det. Dean Steacy, is it.

MS MAILLET: I don't believe he's a detective, but --

MR. ALEXAN KULBASHIAN: Oh, I'm sorry investigator, sorry.

THE CHAIRPERSON: Commission investigator.

MR. ALEXAN KULBASHIAN: Okay.

DET/CST. WILSON: Yes, sir, I talked to Mr. Steacy, I forwarded him some, the information on this case.

MR. ALEXAN KULBASHIAN: But you were the one who forwarded him information, like not -- like, from what you know, do you know if Det. McKinnon or Sgt. McKinnon had talked to him too or forwarded him information?

DET/CST. WILSON: I'm not too sure. I know that forwarded Mr. Steacy some information.

Again, I left the London Police Service in March of 2003, so something might have been forwarded to the Commission after that. I'm not too sure.

MR. ALEXAN KULBASHIAN: All right, thank you.

Can you turn to the same tab in R-1.

THE CHAIRPERSON: Which page?

MR. ALEXAN KULBASHIAN: So, it's just going to be appendix I, page 14 and 15, and before we start reading --

THE CHAIRPERSON: There's 14 and 15.

Okay, it appears to be a two pages of one document, an affidavit.

Do you recognize this document?

DET/CST. WILSON: Yes, I do. It's produced by an associate of Mr. Kulbashian's lawyer, Mr. Gomes.

MR. ALEXAN KULBASHIAN: Just for the record, he was actually my lawyer too at some point.

THE CHAIRPERSON: Okay. So...

DET/CST. WILSON: Yeah, Mr. Gomes represented Mr. Kulbashian at a bail hearing when he was arrested as a result of a breach.

MR. ALEXAN KULBASHIAN: We're

actually getting ahead of ourselves at this point.

So, before we read this article, before you read this over here, I just want to ask you:

Do you remember me at any time during the interview that we had, I guess, do you remember me admitting that I designed the Tri-City sites or the --

DET/CST. WILSON: No, I believe the interview stated that you had the Tri-City Skins site on your server of affordablespace.com.

MR. ALEXAN KULBASHIAN: Do you remember me admitting to designing the Toronto Police Leisure Club site?

DET/CST. WILSON: No, I believe you admitted to it being on your server.

MR. ALEXAN KULBASHIAN: Okay. Did I admit to designing the Vinland Voice site, actually designing the Vinland Voice site itself?

DET/CST. WILSON: No, you advised me, if I recall correctly, that the design was actually taken from the Canadian Ethnic Cleansing Team site that you designed and the Vinland Voice was created out of that design you created.

MR. ALEXAN KULBASHIAN: Okay. So, maybe I got a little bit ahead of myself.

Could you mark that page with your

finger and turn back to page 3 of appendix I?

DET/CST. WILSON: Sure. Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Could you read, you know where there's like that big separation in the middle.

DET/CST. WILSON: Yeah, that would be where the book folds, yeah.

MR. ALEXAN KULBASHIAN: Okay. Now, could you read, like, three lines up from there where it says:

"Interview was..."

DET/CST. WILSON:

"Interview was videotaped took (sic) from 16:15 to 19:00 hrs. During interview Kulbashian, Alexan (81/12/07) stated he designed the webpages for the following sites/groups:

- 'Canadian Ethnic Cleansing Team' (C.E.C.T.)
- 'Tri-city Skins'.
- 'Toronto Police Leisure Club'
- 'Vox Candidi'.
- 'Vinland Voice'"

MR. ALEXAN KULBASHIAN: That's good, thanks.

So, if you go back, so basically would you agree that in I guess Det. Hogan's notes he claims that Don McKinnon told him that I had designed those sites?

DET/CST. WILSON: It appears from his notes, it states that you designed the sites.

MR. ALEXAN KULBASHIAN: And did that list include Tri-City Skins, Toronto Police Leisure Club and Vinland Voice?

DET/CST. WILSON: Yes, sir, it did.

MR. ALEXAN KULBASHIAN: And do you consider that to be consistent with what you, I guess, read or witnesses in the interview?

DET/CST. WILSON: Not what I remember from the interview. I believe it's -- if you go onto the three lines after you stop me, that's the consistent part of the interview, that all those sites were located on your server.

MR. ALEXAN KULBASHIAN: Oh, I understand that, it's just as far as designing goes?

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

MR. ALEXAN KULBASHIAN: Okay, that's fine.

If you can turn to page 14 and 15 again, sorry.

Just a little background on what this is.

THE CHAIRPERSON: I think --

MR. ALEXAN KULBASHIAN: It's an affidavit.

THE CHAIRPERSON: This witness has already testified to having knowledge of this document; right?

DET/CST. WILSON: Yes, sir, I've seen this document.

THE CHAIRPERSON: So, I'd rather hear from the witness rather than --

MR. ALEXAN KULBASHIAN: Okay. Do you know why this document was actually drafted up and produced?

DET/CST. WILSON: It was drafted up and produced to get your bail conditions, at a bail appeal to get your bail conditions altered, I guess.

If I recollect this correctly, this is the one that you wished to get your bail conditions altered on -- as a result of an assault conviction for you, if I'm correctly remembering that.

MS MAILLET: Mr. Chair, I'm just

going to object to the next line of questioning.

What I would like is for Mr. Kulbashian to establish the relevance of these documents.

This isn't an affidavit that was sworn by Mr. Wilson, it's not concerning anything with respect to communication of hate messages or not, or websites, so for the record...

THE CHAIRPERSON: Right. And maybe it would be appropriate for Mr. Wilson to step out.

MR. ALEXAN KULBASHIAN: Sure.

THE CHAIRPERSON: Do you want to step out for a second, Mr. Wilson. I want to hear what the relevance is of this document.

MR. ALEXAN KULBASHIAN: All right, thank you.

THE CHAIRPERSON: Don't go far.

---(Witness stands down)

MR. ALEXAN KULBASHIAN: Okay. Is this off the record or on the record?

THE CHAIRPERSON: It is on the record.

MR. ALEXAN KULBASHIAN: It's on the record.

THE CHAIRPERSON: It's just so as not

to influence the witness, I'd like to know what the relevance is.

MR. ALEXAN KULBASHIAN: Okay.

Basically during my sentencing hearing for the assault trial Det. Hogan came and testified on the stand about a lot of things that came out of that booklet and about a few other things, and since I was still faced with -- my charge with still pending on the information that he was testifying and for some reason the judge actually allowed him to testify from information on pending charges, and since my lawyer did not feel it was right for me to give away my defence there during my sentencing hearing, he had an associate of his, a lawyer that we hired, to draft up an affidavit with information from the interview that he read as well as information that he knew to be true.

THE CHAIRPERSON: I still don't know what the relevance is.

MR. ALEXAN KULBASHIAN: The relevance is the credibility issue.

THE CHAIRPERSON: Credibility of whom?

MR. ALEXAN KULBASHIAN: Credibility of the witness at this point as well as the credibility of another officer.

THE CHAIRPERSON: Explain it to me again.

How does the credibility of Mr. Wilson get affected by an affidavit --

MR. ALEXAN KULBASHIAN: Also the credibility of Det. Hogan.

THE CHAIRPERSON: Maybe I should look at this affidavit. Hold on.

MR. ALEXAN KULBASHIAN: Also the credibility of Det. Hogan.

THE CHAIRPERSON: Right. Hold on. All this is is the opinion or the knowledge that Mr. Gomes--

MR. ALEXAN KULBASHIAN: Gomes, right.

THE CHAIRPERSON: --has of, or I'm gathering the important part is paragraph 3; right?

MR. ALEXAN KULBASHIAN: Paragraph 3, that's right.

THE CHAIRPERSON: Yes, of what occurred during the video conference.

Well, I have a transcript of that video conference.

MR. ALEXAN KULBASHIAN: The paragraph also has something implied.

THE CHAIRPERSON: The videotaped

meeting. Sorry?

MR. ALEXAN KULBASHIAN: Well, it's more paragraph 3(c) and it also has some implied information considering that Det. --

THE CHAIRPERSON: But it's based on the video; right?

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: You gave a videotaped statement, in that statement no mention whatsoever of the American Nazi Party which has not been referred once here, I don't think.

MR. ALEXAN KULBASHIAN: This is not, this is not as much about giving information for the record as much as showing that since Det. Wilson did provide a lot of information that he got from James Hogan, Det. James Hogan, it's actually this is a direct credibility issue with James Hogan.

THE CHAIRPERSON: How?

MR. ALEXAN KULBASHIAN: Well, the point is that James Hogan did get up on the stand and testify that I admitted to having power to shut down the server, that I admitted to being part of the American Nazi Party, et cetera, and he said that, all that information was based on my interview which Terry Wilson did for me.

So, in essence, one way or another, he's either claiming that the information was given to him from Terry Wilson, or the information he's providing is wrong.

And since James Hogan was brought up during his history of I guess the arrest and investigation, I'm trying to establish a credibility issue with the detective.

THE CHAIRPERSON: The only root to Hogan -- the only connection to Hogan is that he met with you in person and that you used the names Krause and Totenkopf.

I'm looking at HR-6.

MR. ALEXAN KULBASHIAN: It's an identification issue also.

THE CHAIRPERSON Well, run it past me again, because maybe I can put another question to the Commission on this.

What you're saying is that Mr. Hogan - but I have no evidence of what Mr. Hogan said or did not say at that other hearing.

But what we have here is a letter from your lawyer saying that when he went to the website -- sorry, when he went and viewed the videotape there was no mention of you operating -- sorry, of

contributing to the content and controlling the conduct of the Tri-City Skins website.

Your lawyer's opinion is of no value to me because I have the videotape of a transcript, unless there is something wrong with the transcript.

MR. ALEXAN KULBASHIAN: Oh, there are some places where--

THE CHAIRPERSON: Well, I've noticed you've identified--

MR. ALEXAN KULBASHIAN: --like inaudible or things like that.

THE CHAIRPERSON: --inaudibles and things, right.

MR. ALEXAN KULBASHIAN: Yeah, just because it does get confusing, the transcript, it's just like straightforward, there's like 'uhs', 'ums'.

THE CHAIRPERSON: I'm very familiar with how transcripts work.

MR. ALEXAN KULBASHIAN: Yeah, okay.

THE CHAIRPERSON: But this is entirely secondary.

See, this is hearsay that serves no purpose on the part of your lawyer, I mean.

MR. ALEXAN KULBASHIAN: All right.

THE CHAIRPERSON: Aside -- there is a

credibility issue right there, it's your lawyer who wrote this.

So, he signed an affidavit--

MR. ALEXAN KULBASHIAN: After reviewing the interview.

THE CHAIRPERSON: --after reviewing the interview, which I have had primary information on, so...

MR. ALEXAN KULBASHIAN: That's right. Okay.

THE CHAIRPERSON: All you have to do to make this point is to say if Hogan said that I -- well, you've already referred to his entry in his book pursuant to the conversation with Mr. McKinnon.

All you have to do -- you even got an admission from the witness that your comments were different than what occurred

MR. ALEXAN KULBASHIAN: Because, the reason I brought this is because, I guess, it might have been like a misjudgment on my behalf.

THE CHAIRPERSON: Well, you have better evidence already on the record, there's no reason for you to go for weaker evidence.

You already have better evidence on the record. The discrepancy - if that's what you're

referring to - the discrepancy between the notebook and what actually transpired at the video conference you already established, at the video meeting.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: At the videotaped meeting.

MR. ALEXAN KULBASHIAN: There is one more thing, actually.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: Maybe I'll just come back to this in a bit after I ask him one question.

THE CHAIRPERSON: All right. I do want to -- I don't want us to go, and it may be difficult to avoid, but I don't want us to go afield into areas that don't form part of the complaint.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: We've already had delays. I must say that, you know, the problems with your availability restrict our ability to set dates, so I don't want time to be wasted--

MR. ALEXAN KULBASHIAN: Right.

THE CHAIRPERSON: --because you're not helping things by not providing me dates when we can continue the case, so...

MR. ALEXAN KULBASHIAN: Actually --

THE CHAIRPERSON: At least as of
yesterday.

So, let's not waste time and I won't
let you waste time by taking the Tribunal into areas
that don't contribute to this complaint.

MR. ALEXAN KULBASHIAN: Okay. I
guess I won't be wasting time. If you can let the
witness back in and I'll continue.

THE CHAIRPERSON: We have brought
Mr. Wilson back.

---(Witness resumes stand)

THE CHAIRPERSON: Do you want to ask
this question right now?

Let's get this one question.

MR. ALEXAN KULBASHIAN: There's a few
more questions tied into this one, so if you want to
take a break now --

THE CHAIRPERSON: Let's conclude this
area and then we'll take our break.

Is that okay with you?

MR. ALEXAN KULBASHIAN: Okay. This
will be a slight sidetrack.

Do you remember attending my bail
pending appeal application during -- in Superior Court?

DET/CST. WILSON: Yes, sir, I do.

MR. ALEXAN KULBASHIAN: Do you remember a crown named, I think it was Robin Somerfelt?

DET/CST. WILSON: Hmm, I don't remember the crown attorney that was --

MR. ALEXAN KULBASHIAN: In that case, that's all right, don't worry about it, I guess, at this point.

Do you remember having print-outs of the Tri-City Skins website, the American Nazi Party website as well as a few other -- the Vinland Voice website with you there?

DET/CST. WILSON: With me there?

MR. ALEXAN KULBASHIAN: Yes.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Do you remember -- can you state briefly what you had brought those print-outs there for?

DET/CST. WILSON: Essentially, I believe the application by yourself was made to amend your bail conditions because - and I don't have the exact word for the bail conditions - but, essentially, his bail conditions restricted him from having contact with computer systems at all as a result of the information supplied by us at his bail hearing for the

assault in Toronto.

I believe Mr. Kulbashian and Mr. Lindsay and Mr. Gomes, I'm not too sure which one was representing him at that time.

MR. ALEXAN KULBASHIAN: It was Mr. Lindsay.

DET/CST. WILSON: Mr. Lindsay, made application to have that condition altered and had it appealed to Superior Court in Toronto.

I attended there to give evidence about this investigation dealing with the Vinland Voice and other websites that were associated to affordablespace and which were run by Alexan Kulbashian and to show the court that in the crown's view, and in my view, that it was still inappropriate for him to have contact with computers at that time because this still existed, this information on the Internet existed and, therefore, that condition of his bail should not have been reviewed and that's why I was called as a witness.

MR. ALEXAN KULBASHIAN: Can I correct him at this point?

THE CHAIRPERSON: No.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: You can put

something to him, don't correct him.

MR. ALEXAN KULBASHIAN: In that case, sorry.

THE CHAIRPERSON: You correct your own evidence, you put--

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: --propositions to the witness.

MR. ALEXAN KULBASHIAN: Okay. When you showed up to that court, was I in the prisoner box or was I sitting in the docks, in the benches?

DET/CST. WILSON: In Toronto?

MR. ALEXAN KULBASHIAN: During that bail issue.

DET/CST. WILSON: You were released, you were on conditions of release at that time.

MR. ALEXAN KULBASHIAN: Is it possible that you had brought that information -- actually, can I turn to a copy of my bail paper that's in HR-1.

THE CHAIRPERSON: You know, you're going longer than one question, so I'm going to ask you, while you look for that paper, that we take our break at this time.

Let's keep it quick, though.

---Recess taken at 11:10 a.m.

---On resuming at 11:20 a.m.

THE REGISTRY OFFICER: Order, please.

All rise.

Please be seated.

MR. ALEXAN KULBASHIAN: Mr. Chair,
just again a quick matter.

You were bringing up the issue about
I guess, setting dates.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: I checked.
As far as critical things go it's only the month of
September, after that, October, November, December I'm
free any date and I can skip --

THE CHAIRPERSON: Well, we're looking
at probably just a day, right?

MR. ALEXAN KULBASHIAN: Either way.

THE CHAIRPERSON: One witness, maybe
two, just to be safe, setting aside at least two days.

MR. ALEXAN KULBASHIAN: Yes, that
should be fine.

THE CHAIRPERSON: That should be
fine.

MR. ALEXAN KULBASHIAN: Like any day
after October --

THE CHAIRPERSON: I understand you've registered at Sheridan College.

MR. ALEXAN KULBASHIAN: No, Seneca right now and I'm still going through -- well, I have finished registration with Seneca, except that's kind of back-up since I'm still dealing with things with Ryerson so far.

But so far only the first month is critical. After that, I can skip any day.

THE CHAIRPERSON: Okay. Any news from Dr. Henry?

MS MAILLET: Yes, Dr. Henry is available in September, she is not available in October, and she's available starting from the second week of November through to the end of December.

MR. RICHARDSON: Okay. That's just the way it goes.

THE CHAIRPERSON: Can we --

MR. ALEXAN KULBASHIAN: In that case, you know what, let's just set a date.

If I have to, like, go at 1:00 a.m. in the morning and do what I have to do, I'll do that.

I mean, let's just set a date because I want to get this over with, so...

THE CHAIRPERSON: Ask a colleague,

classmate to make notes for you.

MR. ALEXAN KULBASHIAN: I can do that. That's not a problem.

THE CHAIRPERSON: I mean, you know...

MR. ALEXAN KULBASHIAN: I'll just leave my -- like, you know, a little tape recorder in the classroom with somebody.

THE CHAIRPERSON: Well, let's be mindful, you have the benefit of your father's assistance which I'm allowing in this case, and it's not your witness that you'd have to prepare, you'd have to just be prepared to listen to the evidence and ask questions.

It's a little less onerous than trying to prepare your own witnesses, so...

MR. ALEXAN KULBASHIAN: I understand.

THE CHAIRPERSON: I can see the difficulty with the October dates because you will be preparing your own evidence, but in this case it's just preparing to cross-examine the witness.

MR. ALEXAN KULBASHIAN: If it's going to be a day or two, I mean --

THE CHAIRPERSON: I'm sorry?

MR. ALEXAN KULBASHIAN: If it's going to be a day or two, I can just leave a tape recorder

with somebody in class.

THE CHAIRPERSON: That's right.

MR. ALEXAN KULBASHIAN: It should be fine.

THE CHAIRPERSON: Yes?

MR. ALEXAN KULBASHIAN: Just for my Dad, can we just make it closer to the end of the month?

THE CHAIRPERSON: Well, that's what we were thinking about. I personally have unavailability until the end of the month anyway.

Should we do this right now? Do you have the dates of Dr. Henry specifically?

MS MAILLET: I don't, unfortunately.

THE CHAIRPERSON: Okay. So at the luncheon break--

MS MAILLET: Or Mr. Warman, so...

THE CHAIRPERSON: --everyone get their calendars for -- I can tell you right now that I have, I'm looking here, it looks like -- let's see, I'm travelling on the 21st of September, 22nd and 23rd difficult.

However, if it's one day, I am scheduled to do a mediation on the 24th of September in Toronto, in which case it might allow me to be here on

the 23rd, that's one possibility.

The other one is the entire week of the 27th to the 1st. The 27th's a Monday. So, the 27th, 28th, 29th, 30 and the 1st of October. Let me just check the 1st.

Now it looks like I'm available those days.

MR. ALEXAN KULBASHIAN: That would be better for me, because the only thing is, like I guess, from what I experienced in this case, I don't know if I can just rely on having one day and then --

THE CHAIRPERSON: I know, I'm going to set two days, so that is why I suppose that that Thursday is not appropriate.

MS MAILLET: And something is telling me that Dr. Henry, there were a couple of days she mentioned towards the very end of the month, so I'll have to call her, I'll have to confirm.

So, the dates again are September 24th...?

THE CHAIRPERSON: Oh, I said that -- you know, if we're going to set two days down, unless we're willing to take the risk and I mentioned the 23rd, the 24th I can't because I do have the mediation in Toronto.

So, just the 23rd, and then -- that's a Thursday, and then 27th, 28th, 29th, 30th and the 1st.

That's fine from the respondents' side it seems, so let's see if we can --

MS MAILLET: Okay.

THE CHAIRPERSON: It might be convenient for me perhaps if the Monday and the Tuesday are available, but I don't know, but the one possibility for me at least would be to not have to return to Ottawa.

MS MAILLET: All right.

MR. ALEXAN KULBASHIAN: So, I mean, any time you guys give me dates I should be --

THE CHAIRPERSON: Well, they'll speak at lunch with their expert and check their own schedules and they'll get back to us right after lunch, okay?

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

I guess getting back to the questioning now.

THE CHAIRPERSON: Yes.

MR. ALEXAN KULBASHIAN: Do you remember at any time talking to crown about my

involvement with the American Nazi Party?

DET/CST. WILSON: I remember talking to the crown about your server affordablespace.com having American Nazi Party forum as one of the sites that was offered on your server.

MR. ALEXAN KULBASHIAN: Do you remember noting any involvement with the American Nazi Party to the crown?

DET/CST. WILSON: I don't recall ever saying you had any involvement outside of the fact of supplying them space on the web.

MR. ALEXAN KULBASHIAN: Okay. If we could turn to, I think it's R-1 -- yeah, R-1, appendix I and page 12.

THE CHAIRPERSON: Page 12.

By the way, for the time being I do not consider, and based on our discussions while the witness was out--

MR. ALEXAN KULBASHIAN: Yeah, 14 and 15 --

THE CHAIRPERSON: --14 and 15 have not been produced.

So, R-1 page?

Did you say page 12?

MR. ALEXAN KULBASHIAN: Oh, I think

we made a mistake. Let's go to appendix II, page 12.

THE CHAIRPERSON: That's the last page.

MR. ALEXAN KULBASHIAN: Give me a sec.

Actually, so page 1 to 12 is going to be included in this.

THE CHAIRPERSON: Page 1 to 12 of appendix II?

MR. ALEXAN KULBASHIAN: That's right, it's page 1 to 12 of appendix II.

THE CHAIRPERSON: I want you to refer me to the first page of the document if it's multi-page, and then take me to the specific page.

MR. ALEXAN KULBASHIAN: I'm just giving you the full thing so you know where the document starts.

THE CHAIRPERSON: It's the affidavit of Don McKinnon.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: Have you seen this affidavit, Mr. Wilson?

DET/CST. WILSON: I haven't seen this, I know of this affidavit, I know that Det. McKinnon did it, but I didn't see this specific

document.

THE CHAIRPERSON: Okay. So, I think it's sufficiently identified, unless there's an objection...

MS MAILLET: No, there's no objection, sir.

THE CHAIRPERSON: Okay. So, let's consider that produced. And we're speaking of pages 1 to 12 of appendix II.

EXHIBIT NO. R-2 (Appendix II, Pg 1-12): Affidavit of Det. Don McKinnon.

MR. ALEXAN KULBASHIAN: Okay.

If you could read paragraph 22 which is on page 11 of that affidavit.

DET/CST. WILSON: 22.

"Detective Hogan indicated that he attempted to contact Fiona Campbell, whose letter is attached to Mr. Kulbashian's affidavit and with whom he claims to have employment. The phone number provided in her letter is out of service. The letter is dated over a year ago.

Detective Hogan queried her name on the Metro Toronto Police Service records system and her name did not come up."

MR. ALEXAN KULBASHIAN: Thank you.

Just for the record, this is an affidavit from Det. Don McKinnon or Sgt. Don McKinnon and it was submitted during my bail pending appeal application.

THE CHAIRPERSON: Is that your understanding, Mr. Wilson?

MR. ALEXAN KULBASHIAN: And this was made to the actual Ontario court of Appeal, as is stated at the very top.

DET/CST. WILSON: Let me just sort of refresh my memory.

Because I attended personally for one of Mr. Kulbashian's bail pending appeals and I believe be supplied a document, or I should say, Sgt. McKinnon supplied a document -- yes, for that bail pending appeal.

So, this I believe is the document.

THE CHAIRPERSON: All right.

MR. ALEXAN KULBASHIAN: And this would be the one at appeal court; right, Ontario Court

of Appeal?

DET/CST. WILSON: Yes.

MR. ALEXAN KULBASHIAN: Not Superior Court?

DET/CST. WILSON: This is the bail pending appeal - and correct me if I'm wrong - is after your conviction for the assault and you appealed that and you were released on a document.

This the appeal pending that bail; is that what we're talking about?

MR. ALEXAN KULBASHIAN: What I'm saying is, I guess --

THE CHAIRPERSON: I don't know if much turns on this. It doesn't appear to be contentious. I don't see anything.

MR. ALEXAN KULBASHIAN: Okay. It doesn't, at this point.

THE CHAIRPERSON: That's fine. It's with regards regard to a bail issue, fine.

MR. ALEXAN KULBASHIAN: Okay. Could you turn to the next document which is appendix II, pages 13 to 16.

If I can enter that into the record and turn to page 14 of appendix II and it's marked in the bottom right corner.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Well, first I'd like to know what it is.

MR. ALEXAN KULBASHIAN: Oh, this is, I guess you can call it a counter affidavit filed by a lawyer who --

THE CHAIRPERSON: Chi-Kun Shi?

MR. ALEXAN KULBASHIAN: Chi-Kun Shi is an associate of my lawyer.

THE CHAIRPERSON: Do you know that to be true, Mr. Wilson?

DET/CST. WILSON: I don't have any information about who this person would be.

THE CHAIRPERSON: We'll assume it's true.

MR. ALEXAN KULBASHIAN: She's the wife of my lawyer.

MR. VAHE KULBASHIAN: She's the wife of our lawyer.

THE CHAIRPERSON: All right, all right.

I don't think there's anything that turns on it, so...

Oh, "I am a lawyer practicing out of the same office space as Peter Lindsay", it says it on

the first line. That's fine.

So, let's consider it's produced.

Any objection, aside from the
relevance?

MS MAILLET: Aside from the relevance
and so forth.

EXHIBIT NO. R-2 (Appendix II,
Pg. 13-16) Affidavit of Chi-Kun
Shi.

MR. ALEXAN KULBASHIAN: We'll be
getting there.

THE CHAIRPERSON: I'm waiting.

MR. ALEXAN KULBASHIAN: Can you read
paragraph 4 which is on page 14.

DET/CST. WILSON:

"Paragraph 22 of the McKinnon
affidavit says that the phone
number provided in Fiona
Campbell's letter "is out of
service". That is FALSE. I
phoned the number yesterday. It
is in service. It was answered
by a woman who identified
herself to me as Fiona T.
Campbell. She verified to me

that she wrote the letter in the application record herein (at tab 3, page 15). I'm also informed by Mr. Lindsay and do verily believe that he spoke to Ms. Campbell last night and that she sent him the e-mail attached as Exhibit "B" hereto last night.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: Mr. Kulbashian, I see what you're engaging in is a battle of the hearsay.

MR. ALEXAN KULBASHIAN: It's not necessarily a battle.

THE CHAIRPERSON: I've got the hearsay -- and it's all related to a Mr. Hogan--

MR. ALEXAN KULBASHIAN: Who the witness referred to as a source of information.

THE CHAIRPERSON: Yes, he did, but in a very peripheral way.

You have to be careful. I mean, it's true, it's true, Mr. Hogan's name does come up in that sense, but certainly the core of the case not -- Mr. Hogan is not central to the case that's being made here by the Commission and the complainant, you seem

mindful of that, in terms of the organization of the case.

MR. ALEXAN KULBASHIAN: Just to make it clear, this document was--

THE CHAIRPERSON: I see the connection, but...

MR. ALEXAN KULBASHIAN: This document was initially put in because it was disclosed because we were told to include everything that could be possibly relevant, but I just --

THE CHAIRPERSON: No, no, you can disclose anything you want, what you use at the hearing is important and what you choose to present to the Tribunal is important.

So, what you're presenting me is Mr. Hogan said something in one affidavit of, first of all, what Mr. Hogan said.

MR. ALEXAN KULBASHIAN: It is a credibility issue.

THE CHAIRPERSON: So, it's hearsay, double hearsay. Now, we've got double hearsay over here and to what end?

MR. ALEXAN KULBASHIAN: Well, this actually is the end of my line of questioning--

THE CHAIRPERSON: All right.

MR. ALEXAN KULBASHIAN: --from
Mr. Hogan.

Okay. Now, just to clarify, were you
the only one interviewing me in the statement that I
gave at the police station that night?

DET/CST. WILSON: Yes. Det. McKinnon
was monitoring in the room.

MR. ALEXAN KULBASHIAN: Thanks.

Okay. Now, I'll end the stuff on
Det. Hogan for this, it's just like, just because the
document was used for identification--

THE CHAIRPERSON: Yes, it was, and
that's why it's relevant.

MR. ALEXAN KULBASHIAN: --I just
wanted to address the credibility issue.

THE CHAIRPERSON: It is relevant.
I'm not saying it not's relevant, it is, to that extent
it is relevant.

MR. ALEXAN KULBASHIAN: I just don't
want to drag it on too long.

So now, you had some deals with
Mr. Steacy obviously, the investigator on this case?

DET/CST. WILSON: Yeah, just over the
phone.

MR. ALEXAN KULBASHIAN: Okay. And

you did provide him with information--

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: --from that interview. Okay.

Okay, now if I could -- so, did you have any chance to review -- or I guess to start off with, did you have primarily phone conversations or --

THE CHAIRPERSON: With Mr. Steacy? He just answered only by phone.

MR. ALEXAN KULBASHIAN: Only by telephone.

Okay. So, how long would you say had dealings with Mr. Steacy on this case?

DET/CST. WILSON: Just a couple of times and then I sent him the information concerning this investigation.

MR. ALEXAN KULBASHIAN: Okay. In this case -- okay.

And did you start off by voluntarily supplying him with information or did he request specific information from you?

DET/CST. WILSON: I think he requested the interview as well as a synopsis of the case that we dealt with as of the 30th of January, I guess, when you were arrested.

THE CHAIRPERSON: Let me be clear about something. Is the synopsis at tab...?

DET/CST. WILSON: 60, I believe, sir.

THE CHAIRPERSON: That's the crown brief, that's not the synopsis that you're talking about.

DET/CST. WILSON: That's the synopsis we would put forward to crown so there's enough facts there, then separately there would be my statement exactly what I did, and then there would be -- so that synopsis is supplied as part of the crown brief and that would be supplied to Mr. Steacy.

THE CHAIRPERSON: What I'm saying, did you prepare a separate synopsis for Mr. Steacy?

DET/CST. WILSON: No, I --

THE CHAIRPERSON: No, you sent him these -- that's what you meant?

DET/CST. WILSON: Yeah, I'm sorry. I sent him the crown brief.

THE CHAIRPERSON: You sent copies of the existing synopses that would have been in the record that you would have been in possession of?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Sorry, actually I guess I'll just keep that question on the

record here until I get back to it.

I did kind of confuse myself there for a second because of the page I turned to.

I will just start asking you a few questions.

You testified that a confidential human source told you that Alex Krause and Totenkopf are same person?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Did you also testify that you talked to Mr. Warman and a confidential human source of his had told him that Alex Krause and Totenkopf were with same person?

DET/CST. WILSON: No, I believe I testified that Mr. Warman told me that.

MR. ALEXAN KULBASHIAN: Oh, okay, that's what I mean, like during the conversation -- like I didn't mean you initiated contact, I mean he told you.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Is it possible that both of you had the same confidential human source for that information?

DET/CST. WILSON: I have no idea. I don't ask who's his confidential human source and he

doesn't ask me who's mine.

MR. ALEXAN KULBASHIAN: Okay. Now, getting back to just, I guess going over some of your previous testimony.

You testified about a letter that Carol Miles from Arizona had sent to Det. Samm.

DET/CST. WILSON: It was an e-mail, I believe she signed on to the Metro Toronto Police website and sent him an e-mail.

MR. ALEXAN KULBASHIAN: And is that letter right here or -- because I don't understand why it wasn't disclosed.

MS MAILLET: I can advise the Chair that we went through three binders that Mr. Wilson has with him and we didn't see any reference to that e-mail.

MR. ALEXAN KULBASHIAN: You also testified about an e-mail where I complained about Carol Miles and that was forwarded to Det. McKinnon.

Is that e-mail here too?

THE CHAIRPERSON: I'm reminding you -- you said it so fast I missed it.

MR. ALEXAN KULBASHIAN: Oh, sorry.

Like you also testified about, you know, in relation to that letter that Carol Miles sent

I had sent -- I had apparently sent an e-mail to, I'm not sure who, but that was eventually forwarded to Det. McKinnon where I was complaining about Carol Miles.

Is that e-mail here?

DET/CST. WILSON: I'd have to look through the binders to ensure, but I don't believe I've come across it just yet.

MR. ALEXAN KULBASHIAN: Because I remember there was an issue during the day that he was testifying about those letters that they were supposed to be bringing them that night, I think it was yesterday or the day before.

THE CHAIRPERSON: Additional information.

MS MAILLET: I believe what he's referring to is when Mr. Wilson was giving oral evidence we indicated that we would go through his documents to see if we could find better evidence i.e., the actual letters instead of just his oral evidence.

THE CHAIRPERSON: I gather everyone has been through these binders; right?

MR. ALEXAN KULBASHIAN: Yeah. I didn't see it.

THE CHAIRPERSON: No one has found it. So, it's not in the possession of this witness.

MR. ALEXAN KULBASHIAN: Okay. I have a -- if you could turn to appendix I, page 16.

It's -- the letter, it's actually one document, page 16 and 17.

THE CHAIRPERSON: Hold on. Appendix I?

Okay. It's letter, yes. Are you aware of this letter?

DET/CST. WILSON: Yes, sir, I am.

THE CHAIRPERSON: You are. Okay. Can you identify it for me?

DET/CST. WILSON: It is from Weisman Consultants, which was the employer for Mr. Kulbashian during the time of this investigation.

MR. ALEXAN KULBASHIAN: And did you talk -- do you remember what -- I guess, basically can you just read paragraph 4 in the main body of the letter, it's the second one up from the bottom.

DET/CST. WILSON: It says:

"You disregarded many of the provisions, broke your numerous promises to come in at regular times, and left for 3 weeks or so on September 25th, not to show up over the last three

months. In addition, we get visits from various Police organizations, with letters from the FBI, that Weisman Consultants Inc. is the registered owner of the hate website, StopIslam. As you were in charge of our websites, we can conclude that we were exposed to this as a result of your activity on the hosting computers."

MR. ALEXAN KULBASHIAN: Thank you.

Did you remember attending the office during -- when he was presented with letters from the FBI, I guess, et cetera?

DET/CST. WILSON: No, sir. The only contact I had with Mr. Weisman is I phoned him concerning your release initially after January 30th.

MR. ALEXAN KULBASHIAN: Do you remember what you told him during that phone conversation?

DET/CST. WILSON: I told him the whole facts of the case, sir.

MR. ALEXAN KULBASHIAN: Do you

remember what, I guess, did you tell him by any chance that I was charged for making death threats?

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: Was I charged for making death threats or facilitating the threats?

DET/CST. WILSON: You were charged with making death threats contrary to 264.1 of the Criminal Code.

MR. ALEXAN KULBASHIAN: Now, from what you know throughout your investigation, was I the author of the threats?

DET/CST. WILSON: Well, in the Criminal Code of Canada if you're party to the offense you have committed the offense, so, therefore...

MR. ALEXAN KULBASHIAN: Was I still the author of the threat? That's what I asked you now, like, the author of the threats?

DET/CST. WILSON: If you let me finish. Because you're a party to the offense to facilitate that threat to the victim --

MR. ALEXAN KULBASHIAN: I didn't ask you for the legal background though.

THE CHAIRPERSON: Let him finish his answer. Yes, finish your answer, please.

DET/CST. WILSON: If you're a party

to the offense under the Criminal Code of Canada you are assumed in that offense to have committed that offense and, therefore, you were charged with death threats.

MR. ALEXAN KULBASHIAN: All right.

THE CHAIRPERSON: I consider this letter produced.

EXHIBIT NO. R-2 (Appendix I, Pg 16-17): Two-page letter on the letterhead of Weisman Consultants Inc. dated December 20, 2002.

MR. ALEXAN KULBASHIAN: Excuse me, yeah.

MS MAILLET: I'm sorry, I can't hear you.

---Discussion off the record

MR. ALEXAN KULBASHIAN: Okay. Can you go to HR-1, tab 20, page 1.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Can you read the third paragraph under, where it says: Editor's Voice.

DET/CST. WILSON: Yes, sir.

"And yes I hold "ALL" Muslims

personally responsible as well.

Even the American government, for bringing this war onto American soil by supplying Jews with weapons to destroy the Muslims. It is now time to take back our streets. I am proclaiming my own act of war. I encourage all racialists and esp. all C.E.C.T. members to do the same. There are many targets on Canadian soil such as B'nai Brith offices, Mossad temples and as far as I am concerned any Jew/Arab temple, building, house, and even cars.

There are no innocent Jews especially in a time of war. I ask that you to mourn the loss of many of our kin that perished in NY and Washington and I want you to challenge that anger..."

THE CHAIRPERSON: "...channel that
anger..."

DET/CST. WILSON: Sorry.

StenoTran

"...and I want you to channel anger and use it to fight our enemies."

MR. ALEXAN KULBASHIAN: All right, thank you.

Let's start off. Do you see any explicit information there that would tell you that that is, in fact, death threats, other than just vague threats?

DET/CST. WILSON: It's not a vague threat, sir, an 'act of war' and, as a result of an act of war people would die and it's targeting Jews and Muslims and, therefore, as an argument of law, it would be a death threat to the Jewish and Muslim populations of Canada.

MR. ALEXAN KULBASHIAN: Okay. Have you ever heard the term 'this is war'?

DET/CST. WILSON: Yes, sir, I have.

MR. ALEXAN KULBASHIAN: And does it always mean that somebody is going to grab a gun and shoot somebody?

DET/CST. WILSON: Well, if you take it as an individual text, but if you look at this whole text as a whole, this actually says: "There are no...", and I'll say it again:

"There are no innocent Jews especially in a time of war."

Previous to that, not only does it just say they declare an act of war, but it targets specific properties and buildings that are significant in the Muslim and Jewish faith.

MR. ALEXAN KULBASHIAN: Okay. Now, do you see any -- now, you read that a lot of 'I's' in that statement.

Do you see any 'we' in that statement?

DET/CST. WILSON: Do I see any 'we'?

MR. ALEXAN KULBASHIAN: Yes.

DET/CST. WILSON: I don't believe I do, sir, no.

MR. ALEXAN KULBASHIAN: So, do you believe that --

THE CHAIRPERSON: Well, no, look I'm not going to -- the last paragraph:

"We need to deport all Jews, Muslims, Arabs or any other known terrorist...".

MR. ALEXAN KULBASHIAN: All right. But when it says...

THE CHAIRPERSON: Oh, you're talking

about the whole paragraph?

MR. ALEXAN KULBASHIAN: As in a sort of -- because that is a paragraph I guess central to the threat.

In a sort of, I mean, when it says: "We need to", it could still be a personal opinion as opposed to somebody saying -- I guess advocating on behalf of many people as opposed to you just themself, right?

DET/CST. WILSON: Can I answer that?

THE CHAIRPERSON: Yes.

DET/CST. WILSON: Yeah. If you took that paragraph and isolated it, yeah, possibly I could see your argument.

But, unfortunately, in the context of this Vinland Voice as well many Vinland Voice in the past, as well as association with the Canadian Ethnic Cleansing Team, to me, no, that is a 'we', that is a call on members to commit an act of war against Jews and Muslims in Canada.

MR. ALEXAN KULBASHIAN: You testified I think the first day that when you finally met up with James, or when you finally decided to meet up with James that he said he would bring you lots of flyers; am I right?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: And if I can just find the thing here -- oh, it's right here.

You referred to something called a flyer campaign or I'm not sure exactly the term you used.

DET/CST. WILSON: I think they called it a spread.

MR. ALEXAN KULBASHIAN: Oh, a national spread, that's right.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: So, and you said -- I'm just reading back verbatim, about car-to-car, door-to-door as far as concerning --

DET/CST. WILSON: At no time did I ever say car-to-car, door-to-door in my testimony.

MR. ALEXAN KULBASHIAN: Ah...

DET/CST. WILSON: I said a national spread.

MR. ALEXAN KULBASHIAN: But when the Chair asked you about what a national spread was, you clarified it by saying car-to-car, door-to-door.

DET/CST. WILSON: I apologize. It's very possible that I would say that that is what I would understand as being putting flyers on cars,

putting flyers door-to-door.

MR. ALEXAN KULBASHIAN: So, let's put it this way, you said a national flyer campaign would be car-to-car, door-to-door.

You also testified about certain, I guess, news article about -- that was titled Local Groups -- Local Racist Groups Want No Trouble, or something to that effect.

DET/CST. WILSON: If it's the article in NOW Magazine by Stuart Duncan, yes, I did testify to that.

MR. ALEXAN KULBASHIAN: Okay. And that article --

THE CHAIRPERSON: Where's the article?

MR. ALEXAN KULBASHIAN: Yes, that's what I'm looking for right now while I'm asking.

THE CHAIRPERSON: Anyone?

MR. ALEXAN KULBASHIAN: Anybody have the --

MS MAILLET: Tab 46, sir.

THE CHAIRPERSON: 46?

MR. ALEXAN KULBASHIAN: 46.

THE CHAIRPERSON: Okay. That's not the NOW article.

MS MAILLET: No, sorry.

MR. ALEXAN KULBASHIAN: It's Local
Hate Groups Not Planning Any Trouble, it's tab 46.

THE CHAIRPERSON: I'm sorry.

MR. ALEXAN KULBASHIAN: Tab 46 in
HR-1.

THE CHAIRPERSON: That says Kitchener
Waterloo Record.

MR. ALEXAN KULBASHIAN: Oh yeah. I
think it's just a mistake.

THE CHAIRPERSON: How can that be a
mistake?

MR. ALEXAN KULBASHIAN: Well, not a
mistake, as in just it might have been confused
because there was a lot of newspaper articles that were
introduced.

THE CHAIRPERSON: The NOW article is
at tab 47.

MR. ALEXAN KULBASHIAN: The article
that I was referring to though --

THE CHAIRPERSON: Oh, you want to
refer to the one at tab 46?

MR. ALEXAN KULBASHIAN: Yeah, that's
right.

THE CHAIRPERSON: The Record. Okay.

MR. ALEXAN KULBASHIAN: Can you read start reading from, I guess, the beginning of the article.

DET/CST. WILSON: It says:

"Two white supremacists said yesterday that local Muslims have no reason to fear violence from hate groups in Waterloo region.

Alex Krause, 20, and James Scott, 27, made no bones of their extreme racist beliefs, blaming no-white immigrants for almost every social problem that Canada faces.

But they said the hate groups they belong to are dedicated to the creation of an all-white country through political means, not violence."

MR. ALEXAN KULBASHIAN: Thank you.

And now can you read the date when this article was published?

DET/CST. WILSON: September 20th, 2001.

MR. ALEXAN KULBASHIAN: And how long would that be after the alleged threat was put on-line?

DET/CST. WILSON: The threat was posted on September the 14th.

MR. ALEXAN KULBASHIAN: So, could you possibly make a link that what you claim to be an original threat was not a threat considering that -- now, let's say we have an article that comes up later on, and as you read the article, does testify -- does report, I guess, that groups are not - what's the word for it - are not planning any trouble and you also testified that there was a flyer campaign where you refer to being car-to-car, door-to-door, so is it possible at all that that article could be in reference to the flyer campaign at all?

DET/CST. WILSON: No, sir, it couldn't.

MR. ALEXAN KULBASHIAN: And you can say that with 100 per cent certainty?

DET/CST. WILSON: Yes, sir.
That's -- what was posted on September 14th, 2001 was a threat.

MR. ALEXAN KULBASHIAN: Do you remember watching the news after September 11th?

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: Okay. Do you remember a lot of the things that were said on the news after September 11th?

DET/CST. WILSON: I remember some of

them, sir, yes.

MR. ALEXAN KULBASHIAN: Do you remember anybody getting angry, anybody making threats on the news, including reporters, including politicians about killing people?

DET/CST. WILSON: Do I remember reporters or politicians saying they want to kill people?

MR. ALEXAN KULBASHIAN: Well, not in reporters or politicians, as in like politicians, about going to war, killing people, basically declaring that this is war?

DET/CST. WILSON: At no time did I ever hear a politician say he was going to kill somebody.

I understood that they were planning on war, yes, sir.

MR. ALEXAN KULBASHIAN: And so there was no blatant, there was no blatant, I guess, text saying we're going to kill people, but they did say it was an act of war; right?

DET/CST. WILSON: And my understanding is their act of war would mean that people were going to be killed in over countries, yes, sir.

MR. ALEXAN KULBASHIAN: That's right.

Do you believe that people react in strong ways when serious crises happen?

DET/CST. WILSON: Absolutely, sir.

MR. ALEXAN KULBASHIAN: So, for example, do you believe that somebody should remain calm when, let's say, his wife gets killed in front of him?

DET/CST. WILSON: Not remain calm, but you can't act out criminally either.

MR. ALEXAN KULBASHIAN: Excuse me?

DET/CST. WILSON: You can't act out criminally.

MR. ALEXAN KULBASHIAN: That's right.

But somebody who just witnessed -- I guess criminal would be relative in a context, right?

For example, would you say that somebody who assaults somebody who assaults him would be acting criminally?

I mean, if it was in the same time frame, not coming back later on?

DET/CST. WILSON: If they're in a fight?

MR. ALEXAN KULBASHIAN: That's right.

If somebody gets attacks and fights

back, would that be considered assault or would that be considered self-defence?

DET/CST. WILSON: Well, I don't know if I can answer that without specific facts, so --

THE CHAIRPERSON: I want to say one thing, okay.

I'm mindful that Mr. Wilson is testifying here and his evidence though is related to the criminal prosecution that occurred, this is not what's in front of us here.

Don't try to make points on the criminal prosecution which is over at this stage.

MR. ALEXAN KULBASHIAN: All right. Sorry, about that.

THE CHAIRPERSON: Be mindful of one thing, the statute that's in front of us doesn't speak about violence, doesn't speak about -- is not drafted in a similar fashion to the Criminal Code.

All it says is:

"A matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited

ground of discrimination."

That's the complaint against you.

MR. ALEXAN KULBASHIAN: Okay. You testified that I told you I was member of Tri-City Skins and C.E.C.T. when I called up after James was arrested; am I right?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you have a note pad and take down notes immediately?

DET/CST. WILSON: I'm sorry?

MR. ALEXAN KULBASHIAN: Did you have a note pad with you?

THE CHAIRPERSON: You said it too fast. Can you back up.

Your question...?

MR. ALEXAN KULBASHIAN: Sorry. He testified -- like --

THE CHAIRPERSON: Slowly, slowly.

MR. ALEXAN KULBASHIAN: Should I ask him, or...

THE CHAIRPERSON: No, ask him, but slowly.

MR. ALEXAN KULBASHIAN: You testified that when James was arrested I called you up and claimed to be a member of Tri-City Skins and C.E.C.T.?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Did you have a note pad and take down notes immediately.

DET/CST. WILSON: I have a statement that I would take as soon as practicable, yes.

MR. ALEXAN KULBASHIAN: Okay. So, were you investigating the Tri-City Skins throughout that whole hate investigation that you were talking about--

THE CHAIRPERSON: Slowly, slowly.

MR. ALEXAN KULBASHIAN: --in the late summer?

DET/CST. WILSON: No, I was investigating a death threat posted on the Canadian Ethnic Cleansing Team site.

MR. ALEXAN KULBASHIAN: I'm talking about the late summer, because you had testified yesterday --

THE CHAIRPERSON: If you don't speak slower, we're not going to get it recorded, I won't get any of the information, it doesn't serve your purpose.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: Time yourself. Put your hand down each time so it gives you some pace.

MR. ALEXAN KULBASHIAN: You testified

yesterday that you had started, and I guess, an intelligence investigation in the late summer of 2001 I think it was into hate groups in southern Ontario region; am I right?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: And was the Tri-City Skins part of that investigation?

DET/CST. WILSON: Yes, sir, they were.

MR. ALEXAN KULBASHIAN: So, and you also obviously just admitted that I claimed that I was part of Tri-City Skins in that phone conversation.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: If you were investigating Tri-City Skins, did you at any part during my interview at the police station ask me about membership of Tri-City Skins?

DET/CST. WILSON: No, and I can explain.

What happens is, is that I was investigating a threat on the Canadian Ethnic Cleansing Team and although the Tri-City Skins was an organization that I recognized to be in existence in southwestern Ontario, my criminal investigation centered on the threats on September 14th.

MR. ALEXAN KULBASHIAN: Did you consider Tri-City Skins to be affiliated with the Canadian Ethnic Cleansing Team?

DET/CST. WILSON: Absolutely.

MR. ALEXAN KULBASHIAN: Okay. Associated with the Canadian Ethnic Cleansing Team?

DET/CST. WILSON: They hung out and went to parties together, yes, sir.

MR. ALEXAN KULBASHIAN: So, that's stronger than just affiliation?

DET/CST. WILSON: Absolutely.

MR. ALEXAN KULBASHIAN: Do you remember asking me about the database?

DET/CST. WILSON: Yes, I do.

MR. ALEXAN KULBASHIAN: Do you remember asking me about my ex-wife -- well now ex-wife, but at that point --

DET/CST. WILSON: Ms. Taylor?

MR. ALEXAN KULBASHIAN: Yes, that's right.

DET/CST. WILSON: Yes, I do.

MR. ALEXAN KULBASHIAN: Do you remember asking me about the Toronto Police site?

DET/CST. WILSON: The Toronto Police Leisure site?

MR. ALEXAN KULBASHIAN: That's right.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you remember asking me about anything else other than just the threat that was posted on-line?

DET/CST. WILSON: Yes, sir, I did.

I asked you about your business affordablespace.com, I asked you about several things.

MR. ALEXAN KULBASHIAN: Okay. So, after you went that far, do you think that if you had remembered at that time that I had made a claim of being a Tri-City member you would have asked me about membership to that organization?

DET/CST. WILSON: Again, not necessarily because my criminal investigation was dealing with the threat posted on the Canadian Ethnic Cleansing Team and how that threat was facilitated through affordablespace to the general population.

MR. ALEXAN KULBASHIAN: But you did still ask me about a database?

DET/CST. WILSON: Oh, absolutely, sir.

MR. ALEXAN KULBASHIAN: So, which was not -- which had nothing to do with the threats?

DET/CST. WILSON: No, it had

everything to do with the safety of other police officers and people from the far left, so I wanted to know where that database was so I could ensure that my name, as well as people that I was working with, wasn't listed there and our home addresses weren't listed there.

MR. ALEXAN KULBASHIAN: And you also asked me about my now estranged wife?

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: Was that anything to do with the threat?

DET/CST. WILSON: It had everything to do with your affiliation to the white supremacist movement, sir.

MR. ALEXAN KULBASHIAN: And how do you figure?

DET/CST. WILSON: Because she had tattoos on her that associated her to the white supremacist movement.

MR. ALEXAN KULBASHIAN: So, do during my bail hearing after I was arrested, do you remember getting on the stand and testifying about her?

DET/CST. WILSON: About what?

THE CHAIRPERSON: What?

MR. ALEXAN KULBASHIAN: About her,

sorry, about Nicole Taylor.

DET/CST. WILSON: During the bail hearing I believe I would bring up the facts of your arrest and the fact that she was there, yes, sir.

MR. ALEXAN KULBASHIAN: Do you remember testifying about contacting U.S. authorities about her?

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: And do you remember what you said that U.S. authorities told you about her?

DET/CST. WILSON: Yes. I'm sorry, I don't understand.

MR. ALEXAN KULBASHIAN: Do you remember what you said -- what you testified to as far as what information you got from the U.S. authorities about her?

DET/CST. WILSON: I believe that the people that we contacted was Immigration Canada as a result because she was not a landed immigrant or resident of Canada, she was a resident of the United States and we notified them to make sure that she was a lawful person inside our country, I guess.

MR. ALEXAN KULBASHIAN: Do you remember testifying that after contacting U.S.

authorities you were told that she was a known white supremacist in the U.S.?

DET/CST. WILSON: Yes, sir. Her and her son Robert Taylor -- I apologize, her and her ex-husband Robert Taylor.

MR. ALEXAN KULBASHIAN: Do you know who you contacted in the U.S. about that information?

DET/CST. WILSON: I believe we were in close contact with the -- I think it's Maricopa Sheriff's Department in Arizona as a result of the other investigation dealing with Carol Miles' complaint.

MR. ALEXAN KULBASHIAN: And do you know if she had any criminal record or was ever arrested?

DET/CST. WILSON: I don't believe she was, but I don't have a record of that.

MR. ALEXAN KULBASHIAN: Okay.

Now, going on, can you move to appendix I page 18 in R-1.

DET/CST. WILSON: I'm sorry, page 18, sir?

MR. ALEXAN KULBASHIAN: Yes, page 18 in appendix I.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Can you just read that, I guess the body, you can read the body of the information.

THE CHAIRPERSON: What is it?

DET/CST. WILSON: This is, I guess, a fax document that was sent to investigator Mr. Steacy of the Commission, advising him of the information I was sending him as a result of his request for his investigation.

THE CHAIRPERSON: So, it's yours, it's your document?

DET/CST. WILSON: Yeah, it has my name at the bottom of it, sir.

MR. ALEXAN KULBASHIAN: Would you say that --

THE CHAIRPERSON: It's produced, by the way.

EXHIBIT NO. R-2 (Appendix I, Pg 18): One-page fax document from Det/Cst. Terry Wilson to Dean Steacy of Human Rights Commission.

MR. ALEXAN KULBASHIAN: Would you say you were the one who sent him that document; right?

DET/CST. WILSON: Yeah, I think -- I

don't think. This is sort of the cover letter I would send with the other information I would send to Mr. Steacy.

MR. ALEXAN KULBASHIAN: All right. So, could you read the body -- or start reading from the top, I guess.

DET/CST. WILSON: Yeah. It says:

"To: Dean Steacy.

Human Rights Commission

Investigator.

344 Slater St, Ottawa.

Re: Human Rights Complaint on Alexan Kulbashian, James Richardson, the Canadian Ethnic Cleaning Team and the Tri-City Skins.

Enclosed in this envelop is a synopsis of the charges laid by the London Police Service. Kulbashian and Richardson have been charged with Death Threats X2, Threats to Property X2 and Counsel the Indictable offence X2. Also in the package is the hard drive of Richardson. The

hard drive o Kulbashian is very large and is going to take some time in imaging it (the capacity of this hard drive is equal to 51 CD's).

Signed, or stated at the bottom:
Det/Cst Terry Wilson.
London Police Service.
601 Dundas St,
London, Ontario."

MR. ALEXAN KULBASHIAN: So, you say at some point that there is, in the package there was the hard drive of Richardson.

Was it the actual physical hard drive of James Richardson that was sent over?

DET/CST. WILSON: No, sir, it as the image CD copy.

MR. ALEXAN KULBASHIAN: We have the CD here obviously in the disclosure.

Is that the full image of the hard drive?

DET/CST. WILSON: As far as I know, sir, yes, it is.

MR. ALEXAN KULBASHIAN: How many hard drives were in James Richardson's computer?

DET/CST. WILSON: I think only one.
I only have one -- how many hard drives?

MR. ALEXAN KULBASHIAN: Yes.

DET/CST. WILSON: I think only one.

MR. ALEXAN KULBASHIAN: Okay. In that CD, if you could just briefly turn to, I think it's 50 of HR-1, tab 50.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Would you happen to know what operating system was installed on James' computer?

DET/CST. WILSON: I have no idea, sir.

MR. ALEXAN KULBASHIAN: And this is a listing that Mr. Warman testified to as being the full listing of the CD.

Do you believe it to be anything other than that?

DET/CST. WILSON: No, sir, I don't believe it to be other than that.

MR. ALEXAN KULBASHIAN: Do you have Windows at home?

DET/CST. WILSON: Yes, I do.

MR. ALEXAN KULBASHIAN: Do you see a Windows directory on that CD?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Do you see, I guess, documents and settings record on that CD?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Aren't those directories that are normally, I guess, in the regular installation of Windows?

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Are there any system files on that CD at all, Windows operating system?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: So, this would not be image of James' hard drive as much as it would be selected files, would you say, from James' hard drive?

DET/CST. WILSON: I wouldn't know that, sir. I didn't image the drive, but from my understanding is that this is a document listing the images taken from Mr. Richardson's hard drive.

MR. ALEXAN KULBASHIAN: But would you agree that this is not a complete image of James Richardson's hard drive?

DET/CST. WILSON: No, I wouldn't agree to that.

MR. ALEXAN KULBASHIAN: You wouldn't agree to that?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Do you see an indication of an operating system on this CD?

DET/CST. WILSON: No, sir. You asked me that.

MR. ALEXAN KULBASHIAN: Okay, just checking.

Okay, getting to page 19 which is the next page over in appendix I of R-1.

THE CHAIRPERSON: I'm sorry, I missed it.

MR. ALEXAN KULBASHIAN: This is R-1, appendix I, page 19, this is the next page over.

THE CHAIRPERSON: This is...?

MS MAILLET: I'm sorry, if we could get the page again?

THE CHAIRPERSON: 19.

MR. ALEXAN KULBASHIAN: It's page 19 appendix I in R-1.

THE CHAIRPERSON: Ostensibly it looks like it's a memorandum to file by Mr. Dean Steacy; right?

MR. ALEXAN KULBASHIAN: Yes.

THE CHAIRPERSON: Any objection to this document from the Commission?

MS MAILLET: No, no.

THE CHAIRPERSON: So, let's consider it produced.

EXHIBIT NO. R-2 (Appendix I, Pg 19): One-page memorandum to file by Dean Steacy dated December 24, 2002.

THE CHAIRPERSON: I don't know if the witness recognizes it or not.

MR. ALEXAN KULBASHIAN: Have you seen this document before?

THE CHAIRPERSON: It's produced.

DET/CST. WILSON: No, sir, I haven't.

MR. ALEXAN KULBASHIAN: Can you, I guess, read the body of the document.

DET/CST. WILSON: It sees:

"I spoke with CST Wilson concerning Alexian Kulbashian - CECT and asked if they had been able to un-encrypt Alexian Kulbasian's (AK) hard drive yet? CST Wilson said that they had been able to crack only a small

portion of the hard drive and
that it take upward of 1000 CDs.

I asked if he seen what was on
the dick's."

MR. ALEXAN KULBASHIAN: I guess it's
a typo.

DET/CST. WILSON:

"dick's...", disk's I think.

"He said that there is
information from the websites:
the Tri-City Skins; the CECT:
Vinelandvoice, by April 19,
2002. He said that he checked
on the 17th and they were closed
down."

I'm assuming that refers to the
sites.

"CST. Wilson said that this
shows how much control AK
actually has.

CST. Wilson also indicated that
the judge said if th..."

Hmm.

"He said that AK was presently
being detained in an Arizona

Immigration deportation centre and that once he was deported they would be there to arrest him when he reentered Canada. He gave me his e-mail hcrime@aol.com, Where could write him and make arrangements to get what I needed from the hard drive. I said that I would be in touch..."

THE CHAIRPERSON: "...I would in touch..."

DET/CST. WILSON:

"...I would in touch in the new year."

He types like me.

MR. ALEXAN KULBASHIAN: Do you remember this conversation with Dean Steacy?

DET/CST. WILSON: Yes, I do.

MR. ALEXAN KULBASHIAN: Is this I guess an accurate portrayal, I guess a generally accurate portrayal of the conversation?

DET/CST. WILSON: Absolutely, sir. We never got into your computer at all because of

encryption, so at one time we said it's 51 CDs, somebody -- other experts would tell us it would be a thousand CDs to put on it.

We never got inside.

MR. ALEXAN KULBASHIAN: Now, if we go back to the top of the second paragraph, can you just re-read that, just the first sentence?

DET/CST. WILSON: The one that starts:

"CST. Wilson said..."?

MR. ALEXAN KULBASHIAN: Yes, that's right.

DET/CST. WILSON:

"CST. Wilson said that they had been able to crack only a small portion of the hard drive and that it take upward of 1000 CD's."

MR. ALEXAN KULBASHIAN: Thank you.

Is that -- so, would you say that in this document he states that you told him that a part -- some portion of the hard drive was actually cracked?

DET/CST. WILSON: I think that's sort of paraphrasing what Mr. Steacy heard from me.

I believe I told Mr. Steacy that we had been able to get into the computer and that most of it was encrypted. I think we were able to just start it, that's about it.

MR. ALEXAN KULBASHIAN: Okay. So, if you can continue from the next sentence.

DET/CST. WILSON:

"I asked if he seen what was on the dick's."

Supposed to be disks.

"He said that there is information from the websites: Tri-City Skins; the CECT; Vinelandvoice, by April 19, 2002."

MR. ALEXAN KULBASHIAN: Thanks.

Okay. Now, if you can just -- if you're talking about paraphrasing, where would he have gotten information about what was inside the encryption if you had told him that it wasn't cracked?

DET/CST. WILSON: I have no idea, sir.

MR. ALEXAN KULBASHIAN: So, are you saying that he made that part up?

DET/CST. WILSON: No I'm not, sir.

MR. ALEXAN KULBASHIAN: Do you remember telling him anything about that?

DET/CST. WILSON: I don't remember telling him we got into your computer at all.

THE COURT: You know, you're taking one angle on what's being said here, Mr. Kulbashian, but another approach is that he received information -- that the witness said there's new information let's say from the websites; that is to say, that Tri-City Skins, CECT and Vinelandvoice by April 19th, 2002 had yet checked and they were shut down.

I'm not entirely certain that this statement is saying there was information on the disk.

MR. ALEXAN KULBASHIAN: Actually the flow of the conversation says:

"I asked if he had seen what was on the dicks. He said that there is information from the websites: the Tri-City Skins; CECT; Vinelandvoice."

This is in direct relation to what would be on the disk.

THE CHAIRPERSON: That's another approach.

DET/CST. WILSON: I think a lot of

time when I talked to Mr. Steacy concerning this conversation is that we knew there was a lot on the computer concerning this because as soon as your computer got unplugged all the websites went down, but again, I stressed the fact to Mr. Steacy that we were unable to get inside your computer.

MR. ALEXAN KULBASHIAN: Does it say anything about that in this document, though?

DET/CST. WILSON: This not a verbatim conversation I had with Mr. Steacy.

MR. ALEXAN KULBASHIAN: I understand. Did you say something along the lines of a thousand CDs at all?

DET/CST. WILSON: Oh, I think so I did, yeah.

MR. ALEXAN KULBASHIAN: If you can just turn a page back to page 18 again.

And if you could read that e-mail just, I guess, the last sentence of the body of the e-mail.

DET/CST. WILSON: It says:

"Also in the package is the hard drive of Richardson. The hard drive o..."

MR. ALEXAN KULBASHIAN: Just last

sentence, don't -- keep going.

DET/CST. WILSON:

"The hard drive o Kulbashian is very large and is going to take some time in imaging it (the capacity of this hard drive is equal to 51 CD's)."

MR. ALEXAN KULBASHIAN: Okay. Now, getting back to this thousand CD issue, do you know how big a CD is?

DET/CST. WILSON: I have no idea.

MR. ALEXAN KULBASHIAN: Okay. Would you have any idea just how big a CD is?

DET/CST. WILSON: None.

MR. ALEXAN KULBASHIAN: Okay.

Now, would you agree that there's a slight discrepancy in the number?

DET/CST. WILSON: Absolutely, sir. Because we never got into your computer, we have no idea if it's 51 CDs, five CDs, a thousand CDs.

MR. ALEXAN KULBASHIAN: But according to him you did also tell him some things about what content was on the hard drive.

I'm just getting confused here.

DET/CST. WILSON: No, I don't believe

I said there was anything on your hard drive. I said it was encrypted and we couldn't get into it.

MR. ALEXAN KULBASHIAN: So, do you think that Dean Steacy is being untruthful in this --

DET/CST. WILSON: No, I don't believe he is.

MR. ALEXAN KULBASHIAN: So, dah, I guess the serious -- I guess the very big difference in between what you said you told him and what he reported in his memo, I mean, I don't understand how that could be, you know, a matter of being untruthful at all?

DET/CST. WILSON: Well, I don't want to answer for Mr. Steacy's memo.

I had a conversation with Mr. Steacy. Some of that conversation is reflected in that memo, but it's not a verbatim conversation I had with Mr. Steacy that I'm reading from, so...

MR. ALEXAN KULBASHIAN: Okay. In that case just a question.

So, you agree that the computer was not cracked at all?

DET/CST. WILSON: No, sir, it wasn't cracked by sort of any experts and during the course of our interview you didn't supply us with a password to crack it either, so...

MR. ALEXAN KULBASHIAN: I didn't. Oh yeah, I wouldn't have done that, no.

DET/CST. WILSON: I asked you that question in the interview, so...

MR. ALEXAN KULBASHIAN: All right. Give me a second.

Okay. If you could turn to page 22 in that appendix.

DET/CST. WILSON: Yes, sir,

THE CHAIRPERSON: Okay. Let me just --

MR. ALEXAN KULBASHIAN: It's page 22 and it's appendix I, R-1.

THE CHAIRPERSON: Mm-hmm, I have it.

MR. ALEXAN KULBASHIAN: Can you start reading where it starts:

"Det. Wilson...", in that e-mail.

DET/CST. WILSON: Sure.

"Det. Wilson.

I hope that you had a great Christmas and New Year.

Further to our conversation in late December, I was wondering if it would be possible to get

10 to 15 CDs of material taken from Alexan's hard drive.

What I'm looking for in the way of material is

1

Proof that he controlled CECT and TSC, Vineland Voice.

2

Material that would show that the website contained material that would cause hatred toward people who are Jewish, Muslim, etc. The more graphic the better.

3

Any material that would show that the site had this material on it repeatedly.

4

Any material that you think would be of assistance.

I'm not sure how you have mirrored the hard drive but if possible could the material be put on the CDs in HTML format.

Again Thanks."

MR. ALEXAN KULBASHIAN: Do you remember getting this e-mail?

DET/CST. WILSON: Yes, I, do.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: Okay, it's
produced.

EXHIBIT NO. R-2 (Appendix I, Pg
22): One-page e-mail from Dean
Steady to Det/Cst. Terry Wilson.

MR. ALEXAN KULBASHIAN: Thank you.

Do you remember responding to this
e-mail either by phone or by e-mail?

DET/CST. WILSON: I believe I --
memory serves me correctly, I believe I called
Mr. Steady on this point and essentially said that he
couldn't get any, 10, 15, one CDs from your computer.

MR. ALEXAN KULBASHIAN: Well, is it
possible that you didn't call him by any chance?

DET/CST. WILSON: Is it possible that
I didn't call him?

MR. ALEXAN KULBASHIAN: Yeah. Just
possible, just off the top of your head.

DET/CST. WILSON: No, I'm pretty sure
that if another investigator contacts me I make contact
with another investigator.

MR. ALEXAN KULBASHIAN: All right.
So, I guess a lack of a memo would mean that that memo
was never forwarded to us, so...

THE CHAIRPERSON: Sorry?

MR. ALEXAN KULBASHIAN: I'm just saying because there is a lack of a memo in response to this at all by Mr. Steacy, so I guess it was never forwarded to us.

Because I did contact Ms Maillet about --

MS MAILLET: But Mr. Wilson just testified that he telephoned Mr. Wilson.

THE CHAIRPERSON: No, he says there's no memo in the disclosure by Mr. Steacy.

MS MAILLET: Oh. That's correct, yeah.

MR. ALEXAN KULBASHIAN: Okay.

Now, so I guess going back to page 19 of this appendix.

So, setting, I guess, the mood, if you will, would you happen to know how Mr. Steacy could have possibly misinterpreted to that extent what you said in the conversation?

DET/CST. WILSON: Well again, I don't think I can testify for Mr. Steacy. I just know that I recall this information being supplied to him.

MR. ALEXAN KULBASHIAN: Okay.

And when I asked you about whether or

not you agreed that this memo generally, in a general way accurately represented what was in the phone conversation, what did you respond?

DET/CST. WILSON: Would I respond?

MR. ALEXAN KULBASHIAN: What did you respond before, like before when I asked you about that?

DET/CST. WILSON: Well, I think it accurately represents the conversation I had with him. I remember telling him a thousand CDs.

THE CHAIRPERSON: I have his answers from before.

MR. ALEXAN KULBASHIAN: Okay. I'm just not sure how I can --

THE CHAIRPERSON: No, no, listen. Let's be mindful of one thing.

Time is passing. This witness has flown in from New Westminster. We've had a lot of delays, due in part to your absence on Monday, and Monday I spent some time at the beginning trying to get you up to stream on this, we had a couple of delays because of that. We may have moved faster had you guys been -- but it's not to have been the case.

So, now we're faced with the fact that we have a bit of a deadline Friday afternoon, so

I'd like you to, once you establish the point, move to the next.

MR. ALEXAN KULBASHIAN: The thing is that in my initial time line that I provided that I would need at least five days to cross-examine the witnesses when we were trying to set the calendar.

THE CHAIRPERSON: That's not what it says. I believe you need to present your evidence.

MR. ALEXAN KULBASHIAN: When we were talking about exchanging information I believe the Commission said they needed three or four days, was it, for the witnesses?

MS MAILLET: Well --

THE CHAIRPERSON: Your disclosure I thought said five days.

Whatever it is, I'm not going to rush you to the point of -- but I won't let you keep going back to the same question over and over. That's a waste of time.

MR. ALEXAN KULBASHIAN: Okay.

All right. In that case I'll just wrap up with one question then.

THE CHAIRPERSON: Well, I mean, whatever it is, but you were going back to the same question. I have his answer.

MR. ALEXAN KULBASHIAN: All right.

THE CHAIRPERSON: How many times can he say the same thing.

MR. ALEXAN KULBASHIAN: So, just ultimately do you believe that there's any way to partially decrypt information from an encrypted computer?

DET/CST. WILSON: Is there part -- a way of partially --

MR. ALEXAN KULBASHIAN: Partially decrypting information?

DET/CST. WILSON: No, I don't believe there is. You either encrypt -- decrypt it or you don't.

MR. ALEXAN KULBASHIAN: Thank you. That's much easier.

Okay. Now, let's go back to I guess your time line, you know your verbal, I guess, I don't know what you called it.

DET/CST. WILSON: My synopsis, sir?

MR. ALEXAN KULBASHIAN: Yeah, your synopsis there.

MR. ALEXAN KULBASHIAN: Okay. I guess for convenience we'll turn to that page.

But did you complain to any of the

sites at all when you saw any content that you felt was, I guess, undesirable?

DET/CST. WILSON: Did I complain to...?

MR. ALEXAN KULBASHIAN: Any of the sites at all.

DET/CST. WILSON: No, I didn't.

MR. ALEXAN KULBASHIAN: Now, going to -- so, when you went to my house, did you by any chance find any documents specifically against Jews?

DET/CST. WILSON: I found a note pad listing -- it was found in your room with a swastika. It listed a profane name for Jews. It listed other racial minorities in a threatening manner I guess.

If I can refer, I don't know if I can, sir, if I can refer to the documents that was entered.

THE CHAIRPERSON: Yes, you can refer to them.

DET/CST. WILSON: If we look at HR-10, the back page, the last page, I mean the second from last page, it's a note pad

THE CHAIRPERSON: HR-10. Okay.

DET/CST. WILSON: It's a note pad that was located in the bedroom of Alexan Kulbashian,

has his name in the middle bottom half of the thing, of the page.

In the middle bottom half it's Alexan spelled, A-l-e- and the "x" is made in the form of a swastika, -a-n.

On the left-hand side there's a list of names with derogatory names, profane names in my opinion against other, I guess nationalities or ethnic origins.

MR. ALEXAN KULBASHIAN: My question is something about Jews at all.

DET/CST. WILSON: Yes, sir, you have in the middle of the page a kike.

MR. ALEXAN KULBASHIAN: And so then going to that, do you know when that thing was written?

DET/CST. WILSON: No, sir, there's no date on it.

MR. ALEXAN KULBASHIAN: There's no date on it. Does it have any flow of logic on there either?

DET/CST. WILSON: The only flow of logic it has is that it appears to be a white power picture, I guess, or white power depictions.

MR. ALEXAN KULBASHIAN: Okay. Do you know anybody named Conrad MacDonald by the way, just

going on?

DET/CST. WILSON: No, I don't.

That's a fictitious name I made up.

MR. ALEXAN KULBASHIAN: Okay. Were you on IRC ever under a WP Canada channel?

THE CHAIRPERSON: I'm sorry?

MR. ALEXAN KULBASHIAN: Were you ever on IRC on a WP Canada channel?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Did you sign up onto a list under a false, I guess fake e-mail address to the Vinland Voice?

DET/CST. WILSON: Oh yes, sir, I did.

MR. ALEXAN KULBASHIAN: Okay. Did you talk to James on the telephone prior to September 11th with a fake name?

DET/CST. WILSON: Yes, sir, I did.

MR. ALEXAN KULBASHIAN: Was this on or off -- was this during your -- when you were on duty or off duty?

DET/CST. WILSON: Most of the e-mail conversations I had with James, to make it look like I was a member of a white supremacist movement, I did pretty much after bar hours, to show -- we always sent e-mail from 9:00 to 5:00

Monday to Friday it wouldn't be a very good investigation.

So, a lot of times I would set my alarm clock at home so it would go off at about 2:30 and send an e-mail to James Friday or Saturday saying, I've gone to the bar, I'm back from the bar, how's it going sort of thing.

So, in my opinion, you know, it was part of my duties as a police officer and part of this undercover investigation.

MR. ALEXAN KULBASHIAN: In your opinion it was part of your duties or was it actually part of your duties, as in were you logging this time?

DET/CST. WILSON: Absolutely, I saved every e-mail which I believe I have here.

MR. ALEXAN KULBASHIAN: And did you log the time with your superiors, I guess, for pay or for anything like that?

MS MAILLET: I don't know how this --

THE CHAIRPERSON: What's the relevance of these questions?

MR. ALEXAN KULBASHIAN: Just, I guess I'll move along.

You had testified that there was stickers all over the building where you arrested James

apparently, like before.

DET/CST. WILSON: There were stickers inside the elevator, yes, that's what the superintendent had told us.

MR. ALEXAN KULBASHIAN: Did you see the stickers?

DET/CST. WILSON: I have them right here, sir.

I have photocopies of them right here.

MR. ALEXAN KULBASHIAN: Do you know what the stickers were of, can you just give verbally a description?

DET/CST. WILSON: Yeah, they're Tri-City Skins stickers.

MR. ALEXAN KULBASHIAN: Okay.

Now, you also testified that the September 14th threat - I don't know if there's a mistake, I just want to clarify it - that the threat came from C.E.C.T. as opposed to from an individual from Vinland Voice.

Do you still maintain that position?

DET/CST. WILSON: It was posted on the Vinland Voice website as an editor's note.

It was also sent to me as a personal

e-mail from James Scott Richardson, WPCANADA, it was also sent to me as part of a collective e-mail group under Topika.

MR. ALEXAN KULBASHIAN: Okay.

Now, just coming back to more of an issue with the search warrant at my house.

Was there -- just to like refresh, was there a professional, I guess, computer analyst there to take the computer?

THE CHAIRPERSON: We already have that answer; didn't he say that.

Just be careful, because the last question you asked was answered in the first round, you repeated -- I mean...

MR. ALEXAN KULBASHIAN: Oh.

You testified that when James' boots were seized, what you alleged to be James' boots, you saw white laces on the boots.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you know of any other people other than racists who wear white laces in leather boots?

DET/CST. WILSON: In my experience people involved in the white supremacist movement, it's their practice to wear white laces in their boots.

I do know that SHARPEs will wear red laces or anything like that, which er Skinheads Against Racial Prejudice, SHARPEs, I'm sorry.

But in this case it would denote somebody affiliated or a member of a white supremacist movement.

MR. ALEXAN KULBASHIAN: Okay. So when you raided my house then in relation to that, did you find any flight jackets, any boots with white laces, red laces, anything like that?

DET/CST. WILSON: I didn't find any flight jacket or boots, I found T-shirts.

MR. ALEXAN KULBASHIAN: What was I wearing when you arrested me?

DET/CST. WILSON: Your underwear.

MR. ALEXAN KULBASHIAN: Oh, pretty much.

What was I wearing when I was walking out?

DET/CST. WILSON: You were just wearing normal clothes, nothing denoting any affiliation to anything.

MR. ALEXAN KULBASHIAN: Did I resist arrest or fight with the police officers, or get --

DET/CST. WILSON: No, sir. You knew

we were coming because you were talking to Det. McKinnon on the phone.

MR. ALEXAN KULBASHIAN: But did I in any way try to run or struggle or anything like that?

DET/CST. WILSON: No, sir.

MR. ALEXAN KULBASHIAN: Okay.

Now, coming back to the actual article or threat, or any other article that you referred to, could any of these articles have been submissions posted by other people other than the alleged authors?

DET/CST. WILSON: Not my belief, sir, no.

MR. ALEXAN KULBASHIAN: So, do you believe that everybody who posted an article actually uploaded manually themselves?

DET/CST. WILSON: No, I believe that James posted this threat on the Internet and you facilitated that threat to be sent to other citizens of Canada.

MR. ALEXAN KULBASHIAN: So, basically I facilitated you're stating; right?

DET/CST. WILSON: Yeah, you are a party to the offence of death threats by facilitating that threat to Jews and Muslims.

MR. ALEXAN KULBASHIAN: Is there any indication that Totenkopf is only one person?

DET/CST. WILSON: That Totenkopf is only one person?

MR. ALEXAN KULBASHIAN: Is there any indication that Totenkopf isn't one person?

DET/CST. WILSON: I understand that there is a .forward program that you used and we went over that in the interview about Totenkopf, but when it comes to that web design and who Totenkopf is associated to the Canadian Ethnic Cleansing Team or the Vinland Voice, that's you.

MR. ALEXAN KULBASHIAN: So, do you believe that every article posted that has Totenkopf is me?

Posted under, I guess posted under the pseudonym Totenkopf is posted by me?

DET/CST. WILSON: I don't know.

MR. ALEXAN KULBASHIAN: Or written by me?

DET/CST. WILSON: I didn't do any other investigations into other Totenkopf articles, so that wasn't sort of the centre of my criminal investigation.

MR. ALEXAN KULBASHIAN: Aside from

Alex Krause, is there any, I guess, any reference to Totenkopf at all in newspapers or any other, I guess, non-C.E.C.T. sources that you would have seen?

DET/CST. WILSON: Yes, sir. There was a confidential human source that said you were Totenkopf, there was another police officer that says you identified yourself as Totenkopf or Alex Krause to him personally.

So, there is other indications that you were Totenkopf.

MR. ALEXAN KULBASHIAN: And to media or to anybody -- to the media, have I ever ID'd myself as anything but Alex Krause?

DET/CST. WILSON: No, you identified yourself -- other than Alex Krause?

MR. ALEXAN KULBASHIAN: Anything other than Alex Krause, I mean?

DET/CST. WILSON: Not that I know of, no, sir.

MR. ALEXAN KULBASHIAN: Okay.

So -- oh yeah, coming back to an objection I put in before when you were commenting on the tattoo on my arm--

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: --what do you

say that was?

DET/CST. WILSON: That's a swastika with white power above it.

MR. ALEXAN KULBASHIAN: Do you know what a sun-wheel is?

DET/CST. WILSON: No, sir, I don't.

MR. ALEXAN KULBASHIAN: Does a -- sorry.

Okay. You also -- actually if you turn, I just want you to read a quick excerpt from something you had read but you haven't read the actual excerpt.

It's page 6 of tab 43 in HR-1.

DET/CST. WILSON: Is this the recognizance of bail?

MR. ALEXAN KULBASHIAN: Yeah. It's the last page of the recognizance of bail.

DET/CST. WILSON: Sorry. Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Can you read the last, I think it's (V), I can't read -- yeah, it's (V), the last term.

DET/CST. WILSON: Just to identify this document, it's a recognizance of bail in the region.

THE CHAIRPERSON: We have it in here.

DET/CST. WILSON: You have it already. Perfect. I'm sorry.

Which one do you want me to read?

MR. ALEXAN KULBASHIAN: It's (V) the last -- actually just read the whole page, it's very short.

DET/CST. WILSON: Okay. It says:

"(T) cancel
affordable-space.com's contract
California Regional Intranet,
Inc., also known as Carinet.

(U) have the network connection to all servers owned or controlled by Alexan Kulbashian disconnected so th at there is no internet or network access available."

And:

"(V) The appellant shall
exercise his best efforts to
have complied with (T) and (V)
by 2PM EST on June 6, 2002."

And I believe that is Justice Hamilton's signature at the bottom.

MR. ALEXAN KULBASHIAN: That's right. And when the deadline came, were the sites removed?

DET/CST. WILSON: The sites were removed and you relinquished ownership of affordablespace space to Steven Winegan (sic).

MR. ALEXAN KULBASHIAN: So, you believe the sites, like, were actually removed at the time.

Does show that I had control of the server?

DET/CST. WILSON: It shows me that as of June the 6th, 2002 you lost control of the server.

MR. ALEXAN KULBASHIAN: I'm sorry there's confusion as to -- how do you say I lost control of the server?

DET/CST. WILSON: Because the court orders you to -- that the court orders you to sort of relinquish control of affordablespace.com by losing all your network connections and what you do at this point is you produce a document saying that another gentleman is now in control of affordablespace, so therefore it removes him with some connection to it.

THE CHAIRPERSON: That gentleman was Steven...?

DET/CST. WILSON: Steven Wiengan.
(sic) He's the --

MR. ALEXAN KULBASHIAN: Winegard.

DET/CST. WILSON: Winegard.

THE CHAIRPERSON: Was that the employer that we saw earlier?

DET/CST. WILSON: No. Steven Winegard is the owner/operator Micetrap, the largest distributor of white power material in North America.

MR. ALEXAN KULBASHIAN: So, now, getting back to the day this bail was issued.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Okay. Do you remember why the judge added that last term?

DET/CST. WILSON: My understanding of the last term being added there is so that we could have a precise end date to confirm that you no longer had control of this affordablespace this web server and we could confirm it by two o'clock p.m.

MR. ALEXAN KULBASHIAN: Okay. Do you see the part that says:

"...shall exercise his best efforts"?

DET/CST. WILSON: Yes, sir.

I think the judge put it in there because he knew that we were -- myself and a detective from the Metropolitan Toronto Police Service as well as your lawyer were doing our best efforts to get a hold

of Carinet to do that and because of the time difference, the judge didn't want to sort of penalize you if we did it at 2:15 Instead of two o'clock.

MR. ALEXAN KULBASHIAN: Do you remember me telling the judge that the server, in fact, was not mine at the time and that's why he include that condition?

DET/CST. WILSON: I believe you produced a document saying that now Mr. Winegard, you had sold that or had turned it over to somebody else.

And, yes, I do remember that and I think the judge put that condition on there just so we could confirm all that before two o'clock that day.

MR. ALEXAN KULBASHIAN: So, that would have been during the issuance of the bail condition as opposed to when I came back after I had complied with conditions?

THE CHAIRPERSON: Run that by me again.

MR. ALEXAN KULBASHIAN: Okay. It's just a time line issue.

THE COURT: Just say the question again.

MR. ALEXAN KULBASHIAN: So, that would have been during the day that -- on the day that

the bail was issued as opposed to the day that I came back?

DET/CST. WILSON: This would be your variance in bail conditions.

MR. ALEXAN KULBASHIAN: I'm talking about the document that was produced that I was no longer in control of affordablespace.

DET/CST. WILSON: Yeah, it was produced that day, June the 6th, 2002.

DET/CST. WILSON: You brought it to court to show the judge -- or Mr. Lindsay brought a document saying that you were no longer in control of it and that's my recollection of it.

MR. ALEXAN KULBASHIAN: Okay. The thing is that I just have to clarify something.

Do you remember on the day of the issuance of the bail, I'm not talking about -- so that would have been on --

THE CHAIRPERSON: Talking about back in the fall of 2001?

MR. ALEXAN KULBASHIAN: That would have been back on the day -- I'm trying to see.

DET/CST. WILSON: This, and I remember this specifically, this variance in bail was done June the 6th, 2002. He gave us that day to do it.

Like, we had a discussion earlier in the morning with the judge, Judge Hamilton, Mr. Lindsay, myself, as well as the prosecutor, the crown attorney dealing with it and he said this has to be done by two o'clock so you can come back into my courtroom and say this has been complied with.

So, it's my information or belief that these variance in conditions of release was June the 6th, 2002.

MR. ALEXAN KULBASHIAN: It says over here that on the 15th day of '04, so that would have been -- if you look at the front page of the bail, that would have been -- can you read -- it's kind of fuzzy, where it says something about City of Toronto.

Can you just read that line?

DET/CST. WILSON: Where it says the City of Toronto.

MR. ALEXAN KULBASHIAN: It's on the front page, so it would be page 1 of tab 43.

THE CHAIRPERSON: Look let's advance things.

There's the conditions of release, the typewritten version that apparently did not --

MR. ALEXAN KULBASHIAN: What happened is --

THE CHAIRPERSON: There was insufficient space on the conditions of release it appears.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: So, we've gone to (P) on the next page.

Conditions of Release bear the date 1st of 2002.

DET/CST. WILSON: See, his bail was never revoked.

He was issued a bail on April the 15th, 2002, bail condition. His bail was never revoked, but on his appeal to get his bail changed, it went back in front of Justice Hamilton in Superior Court and they didn't -- his initial bail didn't (P) through (V) on it.

THE CHAIRPERSON: I see.

DET/CST. WILSON: And then Justice Hamilton amended his bail, the bail initially sworn to on the 15th of April and amended it on the 6th of June with these other conditions that he had to comply with.

THE CHAIRPERSON: So, when we see at the second page, the page is identified with the handwritten 3--

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: --at the top corner. When it says, "(P), (Q), (R), (S) as attached"...

DET/CST. WILSON: That is the amended bail.

THE CHAIRPERSON: These amendments that were added afterwards?

DET/CST. WILSON: Right. These are amended bail conditions added June 6th, 2002 onto his April 15th, 2002 bail conditions.

MR. ALEXAN KULBASHIAN: And now if you'll look at page 3, can you see where there's check mark, the third check mark down.

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: Do you see what it says there.

DET/CST. WILSON: It says:

"(h) attend court May 24, 2002, 361 University Ave, Toronto, Ontario."

MR. ALEXAN KULBASHIAN: And were those part of the terms of my new bail thing after Justice Hamilton?

DET/CST. WILSON: No, they were actually --

MR. ALEXAN KULBASHIAN: Because 361 University Avenue is not the criminal court, it's Superior.

DET/CST. WILSON: Well, I don't know that, I'm not a trial police officer, so...

MR. ALEXAN KULBASHIAN: Is it possible then that there was two dates that we came back on, the first date when the bail was issued and I was told to take the sites down and another date I came back and I showed the sites were down?

DET/CST. WILSON: Yes, sir.

Yeah, you came back in May and one of the conditions that was asked to by the crown was that his conditions of bail be changed, so he requested to get it changed.

And then I showed up on June the 6th in front of Justice Hamilton and we confirmed that those conditions had been changed, and then his bail sort of continued from the 6th of June, 2002.

THE CHAIRPERSON: Mr. Kulbashian, I've allowed you to ask all these question. I have no idea what the relevance is.

MR. ALEXAN KULBASHIAN: Okay, now -- that's what I'm going to get to right now.

Just because the time line has gotten

very confusing.

THE CHAIRPERSON: I need to know the relevance. What's the relevance? Tell me now.

MR. ALEXAN KULBASHIAN: Okay.

The relevance is, now there is an indication that when there was a conversation between Det. Wilson and Dean Steacy that he had said that the sites were shut down on the date the Justice told me to - I'm trying to establish time line - and he said that showed that there was -- that I still maintained control of the server.

However else, the thing is that Justice Hamilton had told me on that date that if the sites were not shut down, regardless of whatever reason, I would be going to jail. That's what he told me. Part of my bail conditions.

THE CHAIRPERSON: What's the relevance to the case?

MR. ALEXAN KULBASHIAN: Well, it is because it goes on for, like, the idea of whether or not they say that I had control over something that I did have control over, and then just stating that --

THE CHAIRPERSON: The periods in question, as far as I understand it are 2001. The complaint was filed in February, 2002 and you are

showing me dates that go beyond that.

MR. ALEXAN KULBASHIAN: Yeah, but it could be taken back and say that since he could shut down those sites he probably did have control of those sites at some time during the 2001 period and it is my right, I guess --

THE CHAIRPERSON: Position.

MR. ALEXAN KULBASHIAN: --position that I did not have control over all the sites that I was told to shut down.

Do you understand. Like, I mean, just because they were shut down doesn't mean I had control.

It was a very complicated process. I had to pretty much beg people to allow me to shut down their sites and pay for them to go somewhere else in order for me not go to jail when I showed up in court again.

And that was used as saying I had control.

THE CHAIRPERSON: This sounds like a lot of it will be part of your evidence, from what I hear.

You're just referring to documents and you're presenting it to this witness.

MR. ALEXAN KULBASHIAN: But he was there on the date of those documents.

THE CHAIRPERSON: Right. But the documents speak for themselves, don't they?

MR. ALEXAN KULBASHIAN: Well, they do, but the conversation between the judge and my lawyer, for example, stated that I would go to jail regardless of what happened if I didn't shut these sites down.

It's something that he would be there to witness -- he would have been there to witness.

And that's what I'm trying to bring into the issue, is the issue of whether or not had control, did control and all those --

THE CHAIRPERSON: Slow down, slow down, slow down.

MR. ALEXAN KULBASHIAN: It's the issue on whether or not there is had control and did control and all those issues that come up in whether or not there's a liability on my behalf on any content that's posted on any of these sites.

MR. VAHE KULBASHIAN: Sorry.

If I may ask you one question that may clarify the whole thing.

THE CHAIRPERSON: Okay, ask your one

question.

MR. VAHE KULBASHIAN: Yes.

THE CHAIRPERSON: Clarification would be greatly appreciated.

MR. VAHE KULBASHIAN: You remember the first time when he got arrested and the first time that Alexan get arrested in London--

DET/CST. WILSON: Yes.

MR. VAHE KULBASHIAN: The bail hearing?

DET/CST. WILSON: In London, the bail hearing?

MR. VAHE KULBASHIAN: Yes, during the London bail hearing this was, yes.

DET/CST. WILSON: Yes, sir.

MR. VAHE KULBASHIAN: During that time there was set conditions--

DET/CST. WILSON: Yes, sir.

MR. ALEXAN KULBASHIAN: --with the judge, and those conditions and you remember them, what were those conditions?

DET/CST. WILSON: I don't remember all of them but I know he wasn't allowed to have access to computers and stuff like that.

MR. VAHE KULBASHIAN: The main thing,

the main stuff.

DET/CST. WILSON: Yeah. Wasn't allowed to have guns and firearms and stuff like that.

MR. VAHE KULBASHIAN: Yes. No, but can I refresh your memory on that?

DET/CST. WILSON: Sure.

MR. VAHE KULBASHIAN: Is that possible?

THE CHAIRPERSON: You just did.

MR. ALEXAN KULBASHIAN: But, specifically.

THE CHAIRPERSON: Yes, go

MR. VAHE KULBASHIAN: Some of the conditions were that he cannot approach any computers, any website and such thing.

MR. ALEXAN KULBASHIAN: Except for at work.

MR. VAHE KULBASHIAN: So, what he's trying to say in a way that from that date on he didn't have control on nothing.

MR. ALEXAN KULBASHIAN: From that day on I had --

MR. ALEXAN KULBASHIAN: They took his computer.

DET/CST. WILSON: Am I able to answer

that?

THE CHAIRPERSON: Yes, go ahead.

DET/CST. WILSON: Because I know Alexan did, because when he fled -- when he went to the United States to Arizona, FBI and the INS had an investigation when he started a website called StopIslam.

And StopIslam was an investigation that the FBI did that found that Alexan was involved in creating that website, therefore, being on a computer, but --

MR. ALEXAN KULBASHIAN: I have an objection to this information.

THE CHAIRPERSON: Right, because you asked the question that opens the door to this type of information, so can't object to your own questions.

MR. ALEXAN KULBASHIAN: It's not --

THE CHAIRPERSON: Now, look, I still don't get it. I still don't get it.

Tell me again, what's the relevance in all of this?

MR. ALEXAN KULBASHIAN: Okay. The relevance in all of this is ultimately an issue of whether or not -- because it does happen --

THE CHAIRPERSON: Take me back to

that e-mail, the e-mail that Mr. Steacy received from Mr. Wilson, where was that?

Okay, here it is.

I have it. It's in appendix I.

All I have here is the memo. It's the memo, right?

MR. ALEXAN KULBASHIAN: Right.

THE CHAIRPERSON: So, the memo says as of April 19th, 2002 the websites were closed, were down; is that what it says?

MR. ALEXAN KULBASHIAN: Yes.

THE CHAIRPERSON: He checked on the 17th and they were closed down.

MR. ALEXAN KULBASHIAN: That's 2002.

THE CHAIRPERSON: 2002.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: I have -- well, look, it's two days after April 15th.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: When you were arrested, or the conditions of release were signed. What does that tell me?

MR. ALEXAN KULBASHIAN: He testified on June 6th I was told to shut down the sites, which makes it apparent the sites were up then.

THE CHAIRPERSON: It says 'by'. I don't know what he testified to.

I'm reading what the judge wrote and it says:

"By 2PM. EST on June 6, 2002",
the sites have to be shut.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: Right? And I have an e-mail that said that on the 17th of -- I presume of April, it just says on the 17th, they were closed down.

MR. ALEXAN KULBASHIAN: Actually, just to clarify, that was actually -- there was a connection downtime issue, so like...

THE CHAIRPERSON: Now, you're testifying, see.

MR. ALEXAN KULBASHIAN: Okay, sorry, sorry.

MR. VAHE KULBASHIAN: I'm sorry, Mr. Chairperson. This time constraint, in a way, is -- you know, because we're in such a situation that he's trying to as soon as possible that we would finish with the witness, and this is creating problems.

He started very well, as you know, and now it's starting to --

THE CHAIRPERSON: Okay. This is what

we'll do then.

We'll take a very quick lunch break, how about 45 minutes, we'll be back at 1:30.

MR. VAHE KULBASHIAN: Exactly.

MR. RICHARDSON: I'm going to need a little more time, I still have to do all the photocopying for all the evidence I have this afternoon.

I'm not screwing my case on time.

THE CHAIRPERSON: Well then --

MR. RICHARDSON: An hour would be great.

THE CHAIRPERSON: Well then, okay, you need an hour.

Normally you get an hour, I've been giving an hour and a half and I shouldn't have.

MR. RICHARDSON: We had longer yesterday.

THE CHAIRPERSON: Well that was so you could do some photocopying yesterday, for instance.

MR. RICHARDSON: I just received the papers this morning.

THE CHAIRPERSON: I know, I know.

It's just, if you focus your questions, get straight to the point, and a lot of it

sounds like to me it's material that you can make your points based on the information, although this one you did want to get further information on the June 6th, I understand.

MR. VAHE KULBASHIAN: I'm sorry. The main thing which happened, as you realize, when they are starting to push the time frame everything change.

He start let's say here because we know that he's going to leave but we also, we need time to defend

THE CHAIRPERSON: That's right.

MR. VAHE KULBASHIAN: During this whole --

THE CHAIRPERSON: I will give you the time. I will give you the time, but use it efficiently, that's all I'm asking.

MR. VAHE KULBASHIAN: I know, but during this whole week, if we count, they delayed their case, it took more than three days with them to finish their witnesses, and they want us to finish it within a couple of hours.

We cannot do that. I'm sorry, this is affecting completely --

THE CHAIRPERSON: Well, you have another week to finish your case.

MR. VAHE KULBASHIAN: But we cannot go through all those things.

THE CHAIRPERSON: So, we'll have to bring the witness back, if that's the case.

MR. VAHE KULBASHIAN: Okay, thank you very much.

MR. ALEXAN KULBASHIAN: Thank you very much.

MS MAILLET: If I could just --

THE CHAIRPERSON: Yes. Is there any objection to bringing the witness back?

My problem is I don't want to interrupt his testimony with the expert.

MS MAILLET: That's right.

THE CHAIRPERSON: We can't get the expert to show up until --

MS MAILLET: We may actually have to move the rest of the hearing to November, but I'm going to take a look at that this afternoon.

Mr. Wilson has a flight, needs to be out of here by five o'clock, as do I.

THE CHAIRPERSON: All right. So then --

MS MAILLET: There's still re-direct.

MR. ALEXAN KULBASHIAN: There's still

James.

THE CHAIRPERSON: That's right.

MR. RICHARDSON: I have got hours.

THE CHAIRPERSON: You've got hours,
eh?

MR. RICHARDSON: Oh, I'm telling
you...

THE CHAIRPERSON: It doesn't make a
difference, the time may have -- I'm sorry, made you
unable to focus the questions.

MR. VAHE KULBASHIAN: Yes, they're
not professionals.

THE CHAIRPERSON: My lack of
understanding of what the relevance was is still there.

MR. ALEXAN KULBASHIAN: Just because
I was jumping around.

THE CHAIRPERSON: It was there.

MR. VAHE KULBASHIAN: The only
problem with this case, it's a very complicated one.

Someone who doesn't know the whole
situation, it's very difficult to understand.

THE CHAIRPERSON: Well, I'm supposed
to learn the whole situation because I'm the one
hearing the case, so you have to make me understand the
whole situation.

And you have to be mindful, this is not the criminal case, you're taking me through a lot of criminal material but that's not the case here.

But I understand what you're getting to in terms of control of the website.

MR. ALEXAN KULBASHIAN: Control is an issue especially as far as the Human Rights Act goes over -- I mean, control and participation.

THE CHAIRPERSON: Mm-hmm.

MR. ALEXAN KULBASHIAN: So, if there is no control or participation, then it distances --

THE CHAIRPERSON: I see your point.

Let's take our lunch break now.

You want an hour, Mr. Richardson?

MR. RICHARDSON: Yes, Mr. Chair.

THE CHAIRPERSON: Okay. We'll have an hour.

We'll be back, let's round it off all the way up, two o'clock.

You get an extra 10 minutes.

MR. RICHARDSON: Thank you.

THE REGISTRY OFFICER: All rise.

---Luncheon recess taken at 1:00 p.m.

---On resuming at 2:00 p.m.

THE REGISTRY OFFICER: Order, please.

All rise.

Please be seated.

--- Discussion off the record

THE CHAIRPERSON: I just want to note, I mean, I apologize that things sort of descended into a discussion back and forth at the end.

My concern is that the case proceed expeditiously and I don't want time to be wasted on repetitive questions; on the other hand though, the No. 1 priority for me is the principle that everybody shall be heard.

Aldi alteram partum, every person shall have his opportunity to be heard.

I mean, I will not allow your defence to be restricted by time and I appreciate -- we are limited in time.

My understanding was on both ends, I mean, because of your education restrictions, as I understood it, Mr. Kulbashian,

You, of course, now just informed us that you will be making yourself more available.

MR. ALEXAN KULBASHIAN: I'm willing to make any concession just --

THE CHAIRPERSON: But the concession that would have to be made now, in light of the fact

that this witness may not be able to finish today is one that we would have to sit a week, not in the week that we had expected in October, but maybe November we're saying, or there is another option, and that is that we come back in October as we've already set down and we just hear Mr. Wilson and not hear the evidence of Dr. Francis Henry and then go to the other set of dates whenever we may set them.

How are you with that Mr. Warman?

MR. WARMAN: Just in terms of expenses.

THE CHAIRPERSON: There's an expense in back and forth for you; right?

MR. WARMAN: Yes. It would be much preferable to have all the hearing together.

We have discussed dates in November...

THE CHAIRPERSON: Okay. That brings me back to Mr. Kulbashian. Can you take a week off in November?

MR. VAHE KULBASHIAN: We'll do our best.

MR. ALEXAN KULBASHIAN: Yeah, I'll do my best. I mean, I'm willing to make any concession for, you know, even like missing school in order to be

available for the court.

It's just it would be much easier for me to know like what dates they were, so --

THE CHAIRPERSON: Well, you will know, we'll do it now.

MS MAILLET: And Dr. Henry is not available after September 23rd, I knew there were some dates.

So, the dates that work for all three, both the Commission, the complainant and Mr. Wilson are the week of November 8th, the week of November 15th.

THE CHAIRPERSON: Just a moment.

Okay, the week of November 8th, the week of November 15th.

MS MAILLET: Or the week of November 22nd.

THE CHAIRPERSON: All of those look quite good for me.

Perhaps the 15th, just check.

Well, as I say all three weeks seem good to me.

What's best for you?

MR. ALEXAN KULBASHIAN: What's the third week? I heard 8th, 15th and what else?

THE CHAIRPERSON: 8th to the 12th, 15th to the 19th, 22nd to 26th.

MR. ALEXAN KULBASHIAN: Okay, so 22nd we're sitting too.

The earliest --

THE CHAIRPERSON: How about you, Mr. Warman?

MR. WARMAN: Yeah. No, those are all good, except the 11th is Remembrance Day.

THE CHAIRPERSON: I was going to mention that myself.

It's Remembrance Day, it's true, and at the federal level it's a holiday.

Though we have sat -- I've sat on Canada Day, I've sat on St. Jean de Batiste Day, so all days.

But whatever, I mean if it accommodates the parties we will do that.

MR. RICHARDSON: Actually, I heard November 11th, but I will not be available on... (inaudible).

THE CHAIRPERSON: Your preference is the 15th or the 22nd?

MR. RICHARDSON: Anything but the 11th.

MR. ALEXAN KULBASHIAN: The earliest would be probably best for me because after this exams start, like, in late December for me, so the earliest date would be best.

THE CHAIRPERSON: So, you would prefer the week of the 8th and you would prefer the week of the 11th?

MR. ALEXAN KULBASHIAN: So, the week of the 15th.

THE CHAIRPERSON: I'm sorry.

MR. ALEXAN KULBASHIAN: So, the week of the 8th and the 15th would be good for me.

THE CHAIRPERSON: 15th is appropriate for you? Is it acceptable to you?

Would five days be enough, that's my next question?

MR. ALEXAN KULBASHIAN: Well, in our initial case in the report that we had returned back to the Tribunal, we had stated that we need five days to cross-examine witnesses.

THE CHAIRPERSON: I understood it -- well, because you did not intend to lead any evidence of your own, that's why you wrote five days, right?

MR. ALEXAN KULBASHIAN: But I also wrote five days on the cross-examination part.

THE CHAIRPERSON: All right.

Perhaps I'm mistaken in my memory.

MR. ALEXAN KULBASHIAN: Ultimately it hasn't even been five -- it's only been five days for the entirety so far, and we've gone through two witnesses so far, so...

THE CHAIRPERSON: Let's forget about the past. In the future. How long do you think you would be?

We have Dr. Henry. Let's estimate at least a day and a half for Dr. Henry, round it out to two.

MR. ALEXAN KULBASHIAN: From their end or altogether?

THE CHAIRPERSON: That's their end, for Dr. Henry.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: Of course, you should be aware of something, this is an expert, so when an expert testifies first we have a series of questions relating to the person's expertise.

MR. ALEXAN KULBASHIAN: That's right.

THE CHAIRPERSON: And at end of that unless there's a consent or agreement from the respondents, there's a request from the person leading

that witness that she be recognized as an expert in a designated field.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: And, as I say, if there is no agreement on the point, then the Tribunal could rule on that.

So, there's a sort of, again, a trial within a trial--

MR. ALEXAN KULBASHIAN: A mini trial.

THE CHAIRPERSON: --situation there and, of course, depending on the decision of the Tribunal she may or may not testify. Of course, that's a possibility, it has occurred with expert witnesses.

So, but let's assume that we go through that process and that she does testify, that would put us, I guess, at least a day and a half, two days; am I right, Maître Maillet?

MS MAILLET: (nodding)

THE CHAIRPERSON: So that gives us three days for your evidence; would that be sufficient?

MR. ALEXAN KULBASHIAN: Let's just be safe because I don't want to, like, obviously go through this again, like through another worry.

I'd say from my end, from the way I see it, we'd need between five to eight days more of

dates, maybe not eight days, so five days.

MR. VAHE KULBASHIAN: Let's keep the time frame. We said five and five.

MR. ALEXAN KULBASHIAN: Well, the thing is that we did go through two witnesses so far this week, and it's been five days, and also there's going to be experts, plus possibly myself and James which would also be --

THE CHAIRPERSON: I'm going to try to keep the time line strict from now on.

So, we'll take -- when we say 10-minute breaks, we'll keep them at 10 minutes; and we'll take shorter lunch hours, I don't mean today, I mean in the next few weeks. Maybe that will help, in the next week, I mean.

THE CHAIRPERSON: The October dates we will cancel immediately.

MR. ALEXAN KULBASHIAN: October 12th?

THE CHAIRPERSON: That whole week.

MR. ALEXAN KULBASHIAN: Yeah, should be fine.

THE CHAIRPERSON: So, consider that being cancelled. We will have to advise the -- have you checked the hotel for November 12th, Roch?

You know, if this hotel is not

available, we'll find another one, that's all.

Okay. So, November 15th seems acceptable to everybody. We'll choose that week November 15th to the 19th.

MR. VAHE KULBASHIAN: And the location would be...?

THE CHAIRPERSON: I'm assuming it would be here, but only in the event that the hotel is not available.

Certainly the golf tournaments will be over by then.

All right. So, we can continue then.

MR. ALEXAN KULBASHIAN: Okay.

I was just wondering if, I guess, if I could just talk to you about something briefly.

The issue is --

THE CHAIRPERSON: Slowly.

MR. ALEXAN KULBASHIAN: Yeah, the issue is, like, I did start off okay. I did get rushed at a point there, it did also make me lose track of time and lose track of, like, my state of mind, also lose track of some answers to questions, is it possible if James continues from here, if he starts up his questioning and then I can return, because I've lost --

THE CHAIRPERSON: I hesitate because

you have two different cases. I don't want to mix things up.

Is there an objection from the other side to proceed this way?

MS MAILLET: Does Mr. Kulbashian just need some more time to collect his thoughts, or -- I'm just thinking of the back and forth. If we could take 15, 20 minutes, I think that's...

THE CHAIRPERSON: We have lost so much time.

MR. ALEXAN KULBASHIAN: About 15, 20 minutes. Like, when we did go over things at Tim Hortons earlier on.

The problem is that I'd like to -- the fact that I was -- like got into a rush and also my Dad talking like the same thing that happened, I lost track of some things that he responded to.

So, maybe...

MS MAILLET: That's fine.

THE CHAIRPERSON: Okay.

So, I'll allow Mr. Richardson to start his questioning then, and in the event other questions come to mind, Mr. Kulbashian, you may ask them.

But what I won't allow you to do is

to come back and ask questions once you're both done and we're into the re-direct from the Commission and the complainant.

MR. RICHARDSON: If it pleases the Chair if I put the mike down and --

THE CHAIRPERSON: No, that's fine. Put the microphone down.

Oh, you're going to stand.

MR. RICHARDSON: No, I'm going to sit just for this part.

I do have all my copies of everything I will be entering in evidence this afternoon.

This is the stuff I received this morning, photocopied this afternoon during the lunch hour.

And I have a copy for everybody here.

Just if everybody would count -- there should be 10 pages each.

THE CHAIRPERSON: Have you separated them out into distinct piles?

MR. RICHARDSON: Yeah, they're collated, yeah.

THE CHAIRPERSON: They've been collated?

MR. RICHARDSON: Yeah.

---Discussion off the record

THE CHAIRPERSON: Mr. Richardson, they are all out of order, at least the way they appear.

Can you go to the back table there with Mr. Levac and just go through make each copy, each set.

Get up there and make a set with him, show him, because --

MR. RICHARDSON: I really apologize for that, Mr. Chair.

THE CHAIRPERSON: Okay.

All right. Let me just ask you in advance, Mr. Richardson.

So, I have one paper that's entitled London Police Charge Sheet Occurrence and it has a number. That's a distinct document on its own?

MR. RICHARDSON: Yes, sir, that's correct.

THE CHAIRPERSON: Okay.

And then we have another one called Crown Brief Occurrence No. 2001/94385.

Okay, I have the first page at the top says bail hearing. Is that the first page, top

left corner?

MR. RICHARDSON: Oh yes. Yes,
Mr. Chair.

THE CHAIRPERSON: And is there a
second page to this, is it the one that says:

"Has the other police service or
agency been notified?"

Is that the second page, or is this a
page all in and of itself here?

MR. RICHARDSON: I was going to
introduce them each individually.

THE CHAIRPERSON: Each paper's
individual.

MR. RICHARDSON: Yeah, yes. Yes,
Mr. Chair.

THE CHAIRPERSON: Okay. I thought --

MR. RICHARDSON: Each one has a
different point to it. Each one has a different point
to it, that's why I was going to introduce --

THE CHAIRPERSON: All right. Well,
we'll see if any issues are raised by the other
parties.

Okay, so each paper is individual. I
have them all here in front of me.

As you refer to each one we'll

introduce them into evidence, if properly identified.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: Go ahead.

MR. RICHARDSON: Thank you.

CROSS-EXAMINATION BY MR. RICHARDSON:

MR. RICHARDSON: Hello, Mr. Wilson.

DET/CST. WILSON: Hello.

MR. RICHARDSON: Det. Wilson.

The first question I have for you is pretty simple. How good is your memory?

DET/CST. WILSON: It's good memory.

MR. RICHARDSON: I'd say so. I assumed it seemed pretty good.

You're the only one in London that seems to have a good memory.

THE CHAIRPERSON: Don't make any editorial comments, Mr. Richardson.

MR. RICHARDSON: Sorry.

I originally had all my questions in mind, but I got another two pages since the day that I wrote these up, so there's going to be a lot of bouncing around -- a little bouncing around, but not a lot.

I'm going to start back in 2001. You had mentioned yesterday that there was some complaints

at the apartment at 390 Southdale Road, Apartment 601 from the superintendent.

What was the context of those complaints?

DET/CST. WILSON: Well, there were a variety of complaints. One the dog was barking too loud, two, there was a complaint where there was yelling and screaming in the hallway that was as a result of a get-together at 601, just a variety of sort of tenant complaints, besides the complaints of the stickers on the elevator.

MR. RICHARDSON: Now, the police in London never associated those stickers directly to me or myself?

DET/CST. WILSON: No, sir, they didn't.

MR. RICHARDSON: And were any of the complaints directed to me themselves?

DET/CST. WILSON: The complaints about the dogs and stuff, yes.

MR. RICHARDSON: Did they ever mention, whoever you spoke to, the superintendent there, seeing other racialists, skinheads or anybody else at the building other than myself and Maggie?

DET/CST. WILSON: Other than

yourself, no.

MR. RICHARDSON: I went over this with Mr. Warman, but I'm going to go over it with you again.

THE CHAIRPERSON: Slowly.

MR. RICHARDSON: Oh, sorry.

The term WP Canada, what do you take that to mean?

DET/CST. WILSON: White Power Canada.

MR. RICHARDSON: White Power Canada.

Now, the term as a whole, not as a synonym White Power Canada, or as you'd see it sometimes, WHITE POWER CANADA The Reich Way, would you consider that a name as well or a slogan?

DET/CST. WILSON: In the context of finding it on the Vinland Voice at the bottom of an editor's note, that's the name of somebody.

In the context of the chat lines that were seized from your computer, that was identifying one particular person.

But I have seen it in other times where White Power Canada would be used as a slogan for other racist or racial organizations.

MR. RICHARDSON: Thank you.

Now, a lot of the e-mails, the

correspondence that you allegedly received from me, they were signed at the bottom coxwain24 White Power Canada.

Can you identify coxwain24?

DET/CST. WILSON: I believe Alexan Kulbashian identified coxwain24 as you in his interview.

MR. RICHARDSON: You can't identify that name coxwain24?

DET/CST. WILSON: Yes, I can. It's you as a result of the interview I had with Mr. Kulbashian.

MR. RICHARDSON: Have you seen that anywhere else?

DET/CST. WILSON: No, I have not.

MR. RICHARDSON: Not on any of the e-mails that were in the correspondence between you and coxwain24@hotmail.com?

DET/CST. WILSON: Yeah, I'm sorry.

Did I see it anywhere else? Yes, in a series of e-mails I received from coxwain24wpcanada.

Yeah, over a series of probably three weeks I saw that over and over again when I was --

MR. RICHARDSON: In fact, all the e-mails you received were from coxwain24@hotmail.com,

to the best of your recollection?

DET/CST. WILSON: They were from
coxwain24wpcanada, yes.

MR. RICHARDSON: Well,
coxwain24wpcanada, would you say that was not a
correct?

THE CHAIRPERSON: Was it one word
or --

MR. RICHARDSON: It's all one word.

DET/CST. WILSON: It's all one word,
like an e-mail address, coxwain --

THE CHAIRPERSON: Oh, it doesn't just
end at 24?

DET/CST. WILSON: No,
coxwain24wpcanada.

MR. RICHARDSON: Does that seem like
a regular e-mail address to you?

Is there any @ particular place, like
hotmail, yahoo.com or ca?

DET/CST. WILSON: No, I don't recall
them being on there. I would have to look at the
e-mails again.

Okay. The way the e-mails come in it
says, "From..."

THE CHAIRPERSON: What are you

looking at, sorry?

DET/CST. WILSON: I'm sorry. I'm looking at HR-7 which is one of the e-mails that was sent to me identifying with the name James at the bottom.

It is dated Wednesday the 22nd -- sorry, Wednesday, 22nd of August, 2001.

It's the first page of HR-7.

THE CHAIRPERSON: Mm-hmm.

DET/CST. WILSON: It states:

"From "coxwain24wpcanada...",
And then the e-mail address beside it
is:

"(coxwain24@hotmail.com)".

So, this -- to me this represents the person identifying themselves as coxwain24wpcanada and his e-mail address is in the, I guess they're called brackets beside it.

So, that would be the exact e-mail address.

MR. RICHARDSON: And do you see at the bottom of almost every e-mail I sent you I signed my names James?

DET/CST. WILSON: Of all the e-mails you sent me?

MR. RICHARDSON: Almost all the e-mails I sent you I signed my name James.

DET/CST. WILSON: Yeah, on several of them.

MR. RICHARDSON: Not all of them.

DET/CST. WILSON: I haven't seen all them, so I don't know if I could say all, but most -- yeah, you signed your name James more than once on these e-mails.

MR. RICHARDSON: Thank you, thank you.

Now, at the very bottom of every e-mail you received it says WPCANADA The Reich Way.

DET/CST. WILSON: Yes.

MR. RICHARDSON: Now, you wouldn't call that, you know, my nickname or whatever that you've been assuming before, but that would be a slogan or a signature in this case?

DET/CST. WILSON: No, this is the name.

Much like my name is seen on my e-mail from work, where it says Terry Wilson, Domestic Violence Unit, New Westminster, British Columbia.

That is your name, WPCANADA. And the reason I can denote the two difference is that

WPCANADA, every time that it is your name, is in capital letters; every time it's in small block letters, it's in reference to the chat room that you set up.

MR. RICHARDSON: Really. How often do you sign your e-mails or letters twice?

DET/CST. WILSON: I don't.

MR. RICHARDSON: Nobody does, you're right.

Now, we heard from Alex' -- let me rephrase that.

When Alex was interviewing with you that anything that came to wpcect.com was then sent out to a mailing list of people that was prescribed -- or prescribed to the C.E.C.T. webpage; do you recall that?

DET/CST. WILSON: Yeah, I think he describes it as a .forward address.

MR. RICHARDSON: Yes, yes.

So, with his testimony given to you on that date, anything that came in wpcect would come into everybody or every member of the group.

So, would it be safe to imply that by leaving the e-mail addresses ww -- or cect@wpcect.com that everybody on that mailing list, as long as we're going by what Alex said, everybody would get a copy of

that, so it would be like a generic e-mail address?

DET/CST. WILSON: Yeah, a .forward address.

MR. RICHARDSON: So, would it also be safe to say that every wpcect, the Totenkopf, the wpcanada, the ab@wpcect and the rest of them were all generic e-mail addresses?

DET/CST. WILSON: I believe that there's two sections in their webpages, there are generic e-mail addresses and then there's e-mails that were sent to me directly.

I have no doubt that there is .forward e-mail addresses with the Canadian Ethnic Cleansing Team and the Vinland Voice, but I also have no doubt that in the e-mails that I received when you identify yourself as James and as WPCANADA, and I also have no doubt that the information that says at the bottom Totenkopf with the little symbol is Alex, Mr. Kulbashian.

MR. RICHARDSON: So, I'm going to ask you again because I didn't sign the letter James and this whole section at the bottom of page 1 on HR-7 where 108, I have it as 108, I guess I've taken it out of the book, this would be my signature for my e-mails, starting from WPCANADA The Reich Way, all the way down

to the bottom?

DET/CST. WILSON: Yeah, I believe it's a standard signature placed on a lot of e-mails.

I have it at work where I would have a standard signature saying, NewWesPolice and my name sort of thing, so as soon as I sent the e-mail that would be plunked down at the bottom.

So, yeah, that would be your signature then.

MR. RICHARDSON: So, would you say that I was using WPCANADA The Reich Way as a slogan and not as my actual name?

DET/CST. WILSON: No, I think that's your name.

MR. RICHARDSON: Is there any possibility at all, I mean, we've already gone over the fact that most people don't sign letters and e-mails twice.

So, you're saying with hundred per cent reasonable doubt that WPCANADA The Reich Way is me signing my name and not a slogan?

THE CHAIRPERSON: He's answered your question several times.

He says, in his opinion he thinks that you were signing that way. You can lead your

evidence afterward.

MR. RICHARDSON: Would you say cox was a short form for coxwain24, in your opinion?

DET/CST. WILSON: I believe it is, yes.

MR. RICHARDSON: And the e-mail address that came through the Execulink account which would be cox88@execulink.ca

DET/CST. WILSON: Yes.

MR. RICHARDSON: Obviously that's where I'm going with that.

All the correspondence you received from me was from coxwain24@hotmail.com.

My e-mail address on Execulink was cox88@execulink.ca, I believe.

DET/CST. WILSON: I think if you look at document -- I'm sorry, HR-4, the last page of HR-4, cox88 --

MR. RICHARDSON: Okay, there it is.

DET/CST. WILSON: As of the 17th of August, 2001, was an inactive e-mail account if I read this document correctly.

So, therefore, as of August the 17th, 2001 had a new e-mail address and it has a service ID

number next to it now instead of cox88.

MR. RICHARDSON: I was arrested on September 28th, so I would assume that anything after that date once my account got closed would be inactive.

DET/CST. WILSON: Yes, but I start talking to you around this time, I start talking to you around August the 17th.

So, as of August the 17th I'm receiving e-mails instead of cox88, I'm receiving it as coxwain24@hotmail.com.

MR. RICHARDSON: Well, that means that's just the address I choose to send it to.

THE CHAIRPERSON: Please don't argue, don't get into a debate.

It's not in your interest to do that, do you understand?

Just ask questions, get the answer, save it for later.

MR. RICHARDSON: Did you get any pictures recovered from my apartment or even Alex' apartment, any pictures of me in a flight and boots?

DET/CST. WILSON: I believe --

THE CHAIRPERSON: I don't understand.

MR. RICHARDSON: A flight and boots, it's a terminology. I apologize.

THE CHAIRPERSON: That I don't know.

MR. RICHARDSON: A flight is a jacket
that --

THE CHAIRPERSON: A flight jacket, a
bomber jacket.

MR. RICHARDSON: A bomber jacket, and
boots, being a pair of black boots.

THE CHAIRPERSON: So, the question
was whether a picture...?

MR. RICHARDSON: If he obtained any
picture of me wearing my flight and boots?

That's the one.

DET/CST. WILSON: I'm unsure -- you
produced a document here, I don't know if I can produce
it.

MR. RICHARDSON: I'll produce it in.

THE CHAIRPERSON: Okay. Identify it,
please.

MR. RICHARDSON: I don't have the
numbers, it would be a group photo.

THE CHAIRPERSON: Okay. So amongst
those pages --

MR. RICHARDSON: Was a group photo,
yes, I recall.

THE CHAIRPERSON: So is this the

picture you are talking about?

MR. RICHARDSON: Yes, sir, Mr. Chair.

THE CHAIRPERSON: All right. So, I see a picture, it's not very good.

Do you have the original here?

DET/CST. WILSON: Yes, I do have the original.

THE CHAIRPERSON: Can I look at it.

DET/CST. WILSON: Absolutely.

THE CHAIRPERSON: That's a much better picture.

MR. RICHARDSON: Is this the only picture that you did obtain of me in a flight and boots?

DET/CST. WILSON: Well, unfortunately, I can't see if you have boots on but--

MR. RICHARDSON: Oh, okay.

DET/CST. WILSON: --but I believe there is -- you are wearing a dark jacket. That's all I can tell you.

THE CHAIRPERSON: Mr. Richardson is down at the bottom.

DET/CST. WILSON: Yeah. If I can identify the picture, it's a photograph of what appears to be the inside of a bar with several members making a

Nazi or Seig Heil salute.

Included in this group of people making this salute is Mr. Richardson. If you're looking at the picture, he would be the one crouched down to the left-hand side, I guess, left of centre.

And the lady that resided with Mr. Richardson, Ms. Magdalene Shearer is the blonde lady in the centre of the photograph again, both making that Seig Heil salute.

MR. RICHARDSON: Can you identify anybody else in that picture?

DET/CST. WILSON: Yes. I don't have the original there, but I know that Marco Devan -- I can't quite say his name, Devanecho.

MR. RICHARDSON: I can't pronounce it either.

DET/CST. WILSON: Marco Devanecho is there who is a confirmed member of the Tri-City Skins.

Beside him, unfortunately my picture is not good, is a guy named Timothy Baker who is a member of Northern Alliance -- a confirmed member of Northern Alliance.

There is -- again, I don't have a very good picture of him there, so...

MR. RICHARDSON: It is a little hard

to see.

DET/CST. WILSON: Those are the two people I can --

THE CHAIRPERSON: Maybe on the break what we'll do is we'll copy what we here.

Maybe for next time, somebody --

DET/CST. WILSON: I'll be able to get that produced for you and a better copy this evening and see if that works and --

THE CHAIRPERSON: Well, in the record, we can't keep this black and white photo, it's very poor.

DET/CST. WILSON: Do you want to take it as an exhibit?

THE CHAIRPERSON: We could keep this as the official exhibit, official record.

I don't want to infect the integrity of what -- do you have to return those documents to London Police Department?

DET/CST. WILSON: At some point I do, but if I understand the fact that we will be back convening --

THE CHAIRPERSON: Yes.

DET/CST. WILSON: --we won't be back until after November, and by that time if we can get a

copy for you, that would be fine.

THE CHAIRPERSON: All right. I'm not going -- I'd rather you keep the integrity of the binder in tact.

So, at some point somebody make a better copy and make copies for everyone, please.

I don't know who will do it, if it's going to be the Commission or complainant or Mr. Wilson himself, or Mr. Richardson.

But I have circled the two individuals that were indicated.

MR. RICHARDSON: Mr. Chair, I actually have the original copy of this photo at home and I will bring it for the next time.

THE CHAIRPERSON: Okay. So, that's what I'm saying.

Whoever can, bring the better photo, we'll replace it. For now we can file it as is.

THE REGISTRY OFFICER: The group picture as described by the witness will be filed as the respondent exhibit RR-1.

EXHIBIT NO. RR-1: Group photo described by witness.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: Go ahead.

MR. RICHARDSON: If I told you that this was a group photo of the Tri-City Skins as a whole, would you, you know, would you deny that?

DET/CST. WILSON: No, I wouldn't. I would be able to say that members of Tri-City Skins were also members of Northern Alliance, were also members of Canadian Ethnic Cleansing Team.

One thing I know about the groups is that they weren't void of each other, you could be a member of a couple different organizations.

MR. RICHARDSON: Now, do you see -- you're going to have -- you might want to give Mr. Chair back the colour photo, but do you see the jacket that I'm wearing on the right - on the picture it would be the left side - but it would be my right breast pocket, do you see a big patch and it says 88?

DET/CST. WILSON: Yes, sir, it does.

MR. RICHARDSON: That is my flight jacket.

I'd like to introduce document 2 --

THE CHAIRPERSON: Just a minute. Hold on before you get there, let's take a look at it.

Oh yes, I can see the number 88, it's on the patch on the right, on the right side of your jacket.

MR. RICHARDSON: Actually, before I introduce No. 2 something new just comes to me.

Can we turn to tab 60, page 2, please, in HR-1 sorry.

THE CHAIRPERSON: HR-1.

MR. RICHARDSON: Page 6. I apologize.

THE CHAIRPERSON: Page 6?

MR. RICHARDSON: Yes, sir.

THE CHAIRPERSON: I have it.

MR. RICHARDSON: Can you read the last three lines of paragraph 2 for me.

DET/CST. WILSON: It says:

"One of the seized photos depicted several individuals, grouped together displaying the nazi salute. The male crouching in the front portion of the photo was Alexan Kulbashian."

MR. RICHARDSON: So, back to the photo. Is the guy crouching on the floor Alexan Kulbashian?

DET/CST. WILSON: No, it's not.

We received a fax photograph of Alexan Kulbashian from the Metro Toronto Police

Service, unfortunately in the fax he has dark hair with a dark goatee and when I looked at this picture the similarities between the gentleman crouching down and the picture we received were the same.

As a result of meeting Mr. Kulbashian I realized that, no, that was not Mr. Kulbashian in the front part of the picture.

MR. RICHARDSON: All right. So, the paragraph for November 27th, 2001 the second paragraph we can take that as being false now?

MRS. TURNER: Yeah, it's false.

THE CHAIRPERSON: Ssssh, Ma'am, please.

You occasionally speak up. Don't speak up.

DET/CST. WILSON: At the time that I wrote this I believed it to be true, but as time went on during the investigation I realized that it was not, in fact, true.

MR. RICHARDSON: Fair enough, fair enough.

I'd like to introduce document 2 into evidence.

THE CHAIRPERSON: I'm sorry, what's document 2?

MR. RICHARDSON: It's the picture
that I received --

THE CHAIRPERSON: Can I look?

MR. RICHARDSON: Sure.

THE CHAIRPERSON: Okay, this one.

I'd like to see the original, please.

MR. RICHARDSON: Mr. Wilson, can you
identify that picture for me?

DET/CST. WILSON: I believe that's
your flight jacket. It represents a patch on your
flight jacket.

The red circle with cross through it
is a Celtic or Keltic cross. It's probably the most
recognized sign for the white supremacist movement, the
four points standing for White Pride World Wide.

The red letters around it actually
stand -- is NSF for the National Socialist Party.

MR. RICHARDSON: National Skinhead
Front.

It's not very clear.

DET/CST. WILSON: It's not very
clear. I don't have the original. Is it --

THE CHAIRPERSON: It says N...

DET/CST. WILSON: SF or P?

THE CHAIRPERSON: On the right side I

can't see the letter, I can see the N at the bottom, I see 88 I think.

DET/CST. WILSON: Okay. I think it either, and I believe Mr. Richardson's corrected me here.

It says NSF which would be for the National Skinhead Front and underneath it would be 88, which stands for Heil Hitler.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: Wait let me ask you, you said before, the four points represent what?

DET/CST. WILSON: The four points stand for White Pride World Wide.

MR. RICHARDSON: Is this the jacket you took from my apartment or from 390 Southdale Road?

DET/CST. WILSON: Yeah, I believe that's a picture of the sleeve of your jacket, yes.

MR. RICHARDSON: I believe that's the picture of my front breast.

DET/CST. WILSON: Front breast pocket, okay.

THE CHAIRPERSON: It appears to be the front breast, it's right next to the zipper.

MR. RICHARDSON: Wouldn't that be the same place you would say from RR-1 that I showed you,

the same front breast of the jacket that I was wearing the night of the group photo?

DET/CST. WILSON: I would say that those are two different jackets, yes.

MR. RICHARDSON: So, is there a possibility that the jacket you received from 390 Southdale Road was not my jacket?

DET/CST. WILSON: Is there a possibility? I believe there could be a possibility that somebody else had left it there, but in amongst the rest of your clothing.

MR. RICHARDSON: You mean in the closet in the common hallway?

DET/CST. WILSON: Yeah. I drew the conclusion that it was yours.

MR. RICHARDSON: Okay. So, you come to the conclusion, but we haven't come -- okay, that's good enough.

The point I'm trying to make --

THE CHAIRPERSON: The photo shall be introduced.

THE REGISTRY OFFICER: One-page document, copy of the jacket picture identified by the witness will be filed as respondent exhibit RR-2.

EXHIBIT NO. RR-2: One-page

document, copy of jacket picture
identified by witness while on
stand.

THE CHAIRPERSON: I'll give the
original back to the witness.

I would like him to take them from
whoever has the original pictures.

DET/CST. WILSON: I will do that,
sir.

THE CHAIRPERSON: You will do that.
That's your photo; right?

If you could do multiple colour
photographs that would be appreciated.

DET/CST. WILSON: Absolutely.

THE CHAIRPERSON: I know it's
possible today.

MR. RICHARDSON: Page 3 that I'd like
to enter into evidence.

THE CHAIRPERSON: That's a lot
clearer.

This one here; right?

MR. RICHARDSON: Yes, sir.

Can you describe this picture in the
RR -- oh, has it been entered in yet.

THE CHAIRPERSON: Not yet.

Let's get it identified.

DET/CST. WILSON: They are a set of black boots located 601-390 Southdale Road.

MR. RICHARDSON: Can you tell me whose feet they are in that picture?

DET/CST. WILSON: I think they're Don McKinnon's.

THE CHAIRPERSON: Hold on.

MR. RICHARDSON: When you took an inventory of the apartment --

THE CHAIRPERSON: Hold on.

MR. RICHARDSON: Oh, sorry.

THE CHAIRPERSON: You took this photo?

DET/CST. WILSON: Yes, I did

THE CHAIRPERSON: All right. So, it's identified.

THE REGISTRY OFFICER: Copy of a photograph of a pair boots will be filed as respondent Exhibit RR-3.

EXHIBIT NO. RR-3: Photograph of pair of boots.

THE CHAIRPERSON: Again, this photo is not bad, but if you're fixing other photos up, why not fix this one too.

DET/CST. WILSON: Yes.

THE CHAIRPERSON: Whenever you make copies of it.

MR. RICHARDSON: You didn't happen to mention to get the size of those boots, did you?

DET/CST. WILSON: No, I didn't.

MR. RICHARDSON: If I told you they were a size 13, would you tell me I was wrong?

DET/CST. WILSON: No, I wouldn't.

MR. RICHARDSON: They're pretty big boots. They're extremely huge. They're DD I believe as well.

Now, if I told you that I wear a size 10 narrow, would you say that I was wrong?

DET/CST. WILSON: No, I wouldn't.

MR. RICHARDSON: Would you say that there's a possibility that these are not my boots.

DET/CST. WILSON: Well again, amongst your clothing just inside the door when you're the only occupant of the residence, could they not be your boots? I guess that's possible.

MR. RICHARDSON: Do you wear boots that are 2 1/2 sizes -- or three sizes too big on your feet?

DET/CST. WILSON: I don't.

MR. RICHARDSON: Do you think most normal people do?

DET/CST. WILSON: I don't think I can answer that, I don't know what most normal people wear.

MR. RICHARDSON: That's fair enough, that's fair enough.

Where did you find the boots?

DET/CST. WILSON: On the -- if you're looking at the front door, I actually have a picture where we located them, but if you're looking at the front door of the apartment, they would be on the left side inside the door, beside a bookcase I believe -- actually it's a case that has shoes on it and they were sort of tucked in behind them.

MR. RICHARDSON: Put away to the side.

DET/CST. WILSON: Put away to the side. Put away, yes.

THE CHAIRPERSON: To the side, but near the front door?

DET/CST. WILSON: Yeah, near the front door, yes, sir.

MR. RICHARDSON: Didn't you just state that you found them with my clothing?

DET/CST. WILSON: I found them with,

again if I was misunderstood, I found them inside the door where occupants of the house would place their shoes and other shoes of that occupant of the house were placed.

So, if I misunderstood that I found your boots where your clothing is, no, I found them where your other shoes were.

MR. RICHARDSON: Okay. So, correct me if I'm wrong.

We have a picture of me where I'm wearing a flight jacket, we have a picture of the flight jacket that was taken from my apartment and it has different patches than the flight jacket that you see me wearing, you have a pair of boots that - we'll just assume because it's not proven yet - that are a size 13, you can tell they're extremely huge boots, so as I said, you know, again, it is safe to assume that these articles of clothing could belong to anybody other than myself?

I just wanted to get that --

DET/CST. WILSON: Well, as part of a criminal investigation I wouldn't assume that at all.

It was my belief at the time and it's still my belief that the flight jacket we found inside your place with all your clothes and the boots with the

other shoes to the residents were yours.

THE CHAIRPERSON: This one here?

MR. RICHARDSON: Yeah. I lost mine.

Oh, here it is.

You mentioned yesterday that hats, as a plural, were found in the apartment and they were white supremacist hats.

Can you give me a list of the hats you found?

DET/CST. WILSON: No, I can give you the list of the hat I found.

MR. RICHARDSON: Okay. So, when you said hats yesterday, that was a mistake.

DET/CST. WILSON: Yeah, I didn't find any hats, I found a hat.

MR. RICHARDSON: Okay. Can you tell me how you identify this as racialist hat?

THE CHAIRPERSON: Wait, what's this?

I have got a photograph here. Can you get here, right?

Is this a photograph of the hat you found?

DET/CST. WILSON: Yes, it is.

THE CHAIRPERSON: And this is in your photograph list?

DET/CST. WILSON: Yes, it is.

THE CHAIRPERSON: All right.

So, it's been appropriately identified.

THE REGISTRY OFFICER: One-page document, a copy of the hat picture as identified by the witness will be filed as respondent Exhibit RR-4.

EXHIBIT NO. RR-4: Copy of picture of hat described by witness.

MR. RICHARDSON: Where do you think one would get such a hat?

DET/CST. WILSON: Get it at any store, I believe.

MR. RICHARDSON: Any store. Does any store sell white supremacist hats?

DET/CST. WILSON: No, they don't.

MR. RICHARDSON: So, when you labelled this a white supremacist hat, I don't understand why there's a conflict, you said you can get it at any store, but you also said yesterday that it was a white supremacist hat, so can you clarify that?

DET/CST. WILSON: I believe in the totality of the evidence located in the apartment I would put this as a hat worn by a white supremacist if

you looked at the totality of the evidence located inside the apartment.

MR. RICHARDSON: I'd like -- you talked yesterday about skinheads, how they came up, how some of them believe in just being the hard-working guy and, you know, take care of their own and some are racist and some are anti-racist.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Now, how many skinheads do you know that would really like to be called white trash?

Wouldn't that really P them off in your opinion?

DET/CST. WILSON: I don't know, I don't associate with white supremacists to ask them if that's going to upset them or not.

MR. RICHARDSON: Okay. Is it in your opinion from your expertise over the last 10 years that you probably -- have you ever seen anybody, any racialists wear anything that says white trash?

DET/CST. WILSON: No, I haven't.

MR. RICHARDSON: Okay. For your knowledge about your investigation into C.E.C.T. and the Tri-City Skins -- actually we'll just do it one at a time.

For C.E.C.T., have witnessed performed or heard about any violent acts committed by C.E.C.T. members?

DET/CST. WILSON: By Canadian Ethnic Cleansing Team members?

MR. RICHARDSON: Yes.

DET/CST. WILSON: Well, I know that Marc Devecchio was a C.E.C.T. member as well as a Tri-City Skin and was charged in an assault in London, Ontario.

I know that associates of the Canadian Ethnic Cleansing Team, Timothy Baker --

MR. RICHARDSON: I was talking members. I asked members.

DET/CST. WILSON: Well, unfortunately, I wasn't supplied a membership list of them, but -- because of the -- I think that would be the only member I would know that committed an assault against a black gentleman.

MR. RICHARDSON: And how do you know that Marco D we'll call him because nobody can pronounce his name, what makes you believe that he was a member of Tri-City Skins?

DET/CST. WILSON: Other intelligence information from other police organizations as well as

his --

MR. RICHARDSON: Oh, his mike went out, all the mikes went out.

THE CHAIRPERSON: Okay. Do we have a question?

DET/CST. WILSON: Yes. I believe he asked me about members committing violent offences that are members of the Canadian Ethnic Cleansing Team.

THE CHAIRPERSON: Okay, go ahead.

DET/CST. WILSON: Again, only members, I believe that Marco is - and Marco again because I can't pronounce his last name - Marco is a gentleman I know, I'm a hundred per cent sure he's a Canadian Ethnic Cleansing Team member and that he was involved in an assault in London, Ontario.

MR. RICHARDSON: Was he convicted for that assault?

DET/CST. WILSON: I believe he pled guilty.

MR. RICHARDSON: And just to get it back on the record, you stated you're a hundred per cent sure that Marco was a member?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Thank you.

Just something that was brought up to

me. I just wanted to clarify something.

Your investigation and it might be just a minute fact that means nothing, but why wouldn't you write down the boot size for the boots that are taken from RR-3?

Why wasn't the size of the boots written down?

I mean, if it was a murder trial or something, they'd definitely want to know the size of the boots if they had footprints or something.

Why in this case wasn't the size written down?

DET/CST. WILSON: Because I didn't need to because we had the boots, we seized the boots.

In a criminal hearing somebody asks in a criminal trial what size the boots are, I will produce the actual boots.

MR. RICHARDSON: Okay. That's fair enough, that's fair enough.

When you allegedly started conversations with me I believe it was back in August, who contacted you; did you contact us or did we contact you?

DET/CST. WILSON: I contacted you.

MR. RICHARDSON: So, you mentioned in

the police report that I stated that I was the head director of C.E.C.T.

I'd like to know in your memory when I ever remember -- if you ever remember me stating directly to you that I was a director of C.E.C.T. and not just a member or the editor?

DET/CST. WILSON: I'm sorry, when you told me that?

MR. RICHARDSON: I'm asking, yeah, if I ever told you directly that I was the director or if I was just a member and/or proof reader, editor?

DET/CST. WILSON: Well, I know you told me you were the proof reader editor upon your arrest right after that.

I believe that prior to that --

THE CHAIRPERSON: Just to make clear my notes, proof reader editor of the Voice?

DET/CST. WILSON: Of the Voice.

And I think the only other reference you made is that you worked full time for the Canadian Ethnic Cleansing Team.

MR. RICHARDSON: Okay. But I never once stated that I was a director or head director of C.E.C.T., to your recollection?

DET/CST. WILSON: No, I think the

only thing that would lead me to believe that is the business cards located at your house that state that you're the recruiting director for the Canadian Ethnic Cleansing Team.

MR. RICHARDSON: Do you believe that I had anything to do with the making of the Vinland Voice after September 28th, 2001?

DET/CST. WILSON: No, I believe there's a direct correlation with your arrest and you no longer contributing to that.

As a matter of fact, the Vinland Voice after that is now signed Alex as Totenkopf.

MR. RICHARDSON: The only reason I was asking because we heard testimony earlier from Mr. Warman that he did, in fact, believe that I was still responsible for parts of the Vinland Voice.

I just wanted to know if it was your opinion as well?

DET/CST. WILSON: No, I believe that you complied with your bail hearing conditions -- well after your arrest, upon your release.

MR. RICHARDSON: Boy, did I ever.

I'm going to ask you this question in two parts and one being from today's date.

Do you believe me to be a threat to

society?

DET/CST. WILSON: I believe that you are belief system and the historical violence of the white supremacist movement, yes, puts you in threats to certain aspects of minority groups of Canada.

MR. RICHARDSON: But that would be assuming that I was still under those beliefs and with those organizations, which obviously you're not aware if I am either way.

DET/CST. WILSON: I have no information that would lead me to believe that you're not.

MR. RICHARDSON: So, for the same question but dated back into 2001, your opinion would be exactly the same for today as it was back then, or would it be more then?

DET/CST. WILSON: Well, back then it was an extreme heightened sense of danger at that time because you had already expressed a threat to two minority groups in Canada.

MR. RICHARDSON: Allegedly.

DET/CST. WILSON: And at that point that's how come we acted so quickly after September the 14th, to secure that and to secure you from doing any sort of threat.

MR. RICHARDSON: When you arrested me you obviously did a criminal background check?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Do you remember the result of that check?

DET/CST. WILSON: I believe you were a prohibited driver under the Motor Vehicles Act.

MR. RICHARDSON: Yes, I had a suspended licence.

No violence?

DET/CST. WILSON: No.

MR. RICHARDSON: No convictions of any kind?

DET/CST. WILSON: Not that I can recall.

MR. RICHARDSON: This will be document 5 and I don't know what the document -- Mr. Wilson, what would you call this document.

THE CHAIRPERSON: You're away from the microphone, you're better off seated.

MR. RICHARDSON: I don't know what you would call this document. I don't know if it's CPIC or some other way of searching people's names.

THE CHAIRPERSON: Do you recognize this document here?

DET/CST. WILSON: Yes, sir, it's a query for James Scott Richardson on the Canadian Police Information Computer, referred to usually as CPIC.

MR. RICHARDSON: Can you read the results to the court, please.

THE CHAIRPERSON: Just a moment.

MS MAILLET: If we could just get the -- what does it look like, sorry?

DET/CST. WILSON: It is a printed document, at the top of it says page 1 Subject Query, Possible Hits for James -- for Richardson, James person.

MS. MAILLET: Thank you.

THE CHAIRPERSON: That's from the police, please repeat the organization.

DET/CST. WILSON: Canadian Police Information Computer, which is a computer system that we sort of put up information to notify other police officers of accused parties, wanted parties, people that are not allowed to drive, that sort of stuff.

THE CHAIRPERSON: It's more than just convictions that are on there?

DET/CST. WILSON: Absolutely. People that are presently under charge, people who are under probation parole.

Now, if you look in the right-hand side of that document it states:

"Handwritten, no local, no CR2",

Which essentially states that he has no local record with London Police Service, and no CR2 criminal record which means he has no criminal record as of this date.

THE CHAIRPERSON: What's the date?

DET/CST. WILSON: It would be dated the 28th September, 2001.

This the actual document that when he was arrested we print this off to include in our bail report.

THE CHAIRPERSON: Let's enter it into evidence.

THE REGISTRY OFFICER: One-page document from Canadian Police Information Computer, Subject Query, Possible Hits for Richardson, James person dated September 28th, 2001 will be filed as the respondent Exhibit RR-5.

EXHIBIT NO. RR-5: One-page document from Canadian Police Information Computer, Subject Query, Possible Hits for Richardson, James person dated

September 28th, 2001.

MR. RICHARDSON: So, now your memory's refreshed I won't even have to ask you.

You already stated I have no criminal record. I don't know if it tells you if I have ever faced previous charges or not.

DET/CST. WILSON: It doesn't tell us if you -- if charges have been withdrawn or stayed or anything like that, it just tells you on real convictions.

MR. RICHARDSON: Okay, okay.

So, as far as you're concerned with this piece of paper, I pretty much kept my nose clean and out of trouble up until the age of 27 which was this point.

DET/CST. WILSON: It tells me that you don't have a criminal record or a local criminal record, yes.

MR. RICHARDSON: Not bad for a violent person.

I did it again, I apologize.

THE CHAIRPERSON: At least you spotted it this time. At least you identified your own infraction.

MR. RICHARDSON: You stated yesterday

that - I'm going to watch what I say because I - you talked to Brian Caldwell and he said that he did an interview with us and he identified us as James and Alex.

Do you know if that interview was in person or not?

DET/CST. WILSON: All I did was read the article. I assume he spoke to you because that's what it said in the newspaper article. I'm not too sure how he spoke to you.

MR. ALEXAN KULBASHIAN: So he -- so, really you don't know who he spoke to? I mean you had his word--

DET/CST. WILSON: I know he spoke --

MR. RICHARDSON: --but he doesn't know he spoke to.

DET/CST. WILSON: I know he spoke to a gentleman named Alex Krause, aged 30 and James Scott aged 27.

MR. RICHARDSON: Well, you know that's the names they gave, but you don't know who he spoke to?

DET/CST. WILSON: No, you're right, at that time I don't know that.

MR. ALEXAN KULBASHIAN: Just a

clarification, I didn't hear you. Age 30 did you say?

DET/CST. WILSON: I believe I have to refer to the --

MR. RICHARDSON: 20.

MR. ALEXAN KULBASHIAN: Did he say 20. I couldn't see his lips. I didn't know.

MR. RICHARDSON: We're going pretty good here.

I'd Like to turn to page HR -- yeah, HR-1, I believe the big black book.

THE CHAIRPERSON: Yes.

MR. RICHARDSON: HR-1, Tab 21, page 1.

Unfortunately we don't have the copies. Like, most of the copies in the book are copied right off the webpage, so they actually show the templates of the webpage around it. This one was just cut and pasted and that's fine, that's fine.

From your recollection, do you remember seeing the Vinland Voice webpages?

DET/CST. WILSON: Yes, I do.

MR. RICHARDSON: Do you remember seeing the Totenkopf symbol on the side of them pages?

DET/CST. WILSON: Yes, I do, usually found on the left-hand side underneath the main menu.

MR. RICHARDSON: Can we turn to tab 17, page 1 in the HR-1 book, HR book.

This would basically be the picture that we're talking, the template, Totenkopf symbol on the left-hand side under links.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: And this is what we would find, basically not in the same spot but give or take on the Vinland Voice webpage?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: You stated yesterday that this was a link.

When you click on it, where did it take you?

DET/CST. WILSON: The links?

MR. RICHARDSON: No, the Totenkopf symbol, you stated yesterday that it was a link.

No, actually it might have been the day before yesterday now, I'm really winding down here.

You stated that it was a link of Totenkopf or to Totenkopf.

I just want to know where it takes you when you click on it?

DET/CST. WILSON: No, when I say it's a link, it's a link between -- when you click on

that that you don't click on anything. That's a link between this sign and Alex Kulbashian.

THE CHAIRPERSON: A connection.

DET/CST. WILSON: A connection, sorry. Link is probably a poor word.

MR. RICHARDSON: I must have misunderstood you. I apologize.

THE CHAIRPERSON: Link used to mean connection as well, but in the computerized age it means something else.

MR. RICHARDSON: Where is the master copy of the CD to my hard drive?

DET/CST. WILSON: The master copy of your CD?

MR. RICHARDSON: The one that Mr. Rumpf --

THE CHAIRPERSON: Stumpf.

MR. RICHARDSON: Stumpf, sorry Stumpf copied.

DET/CST. WILSON: I have it in one of these binders.

MR. RICHARDSON: Okay, that's fine, that's fine.

How many copies did you make of that?

DET/CST. WILSON: Did I make?

MR. RICHARDSON: Yes.

DET/CST. WILSON: I don't make any copies.

MR. RICHARDSON: You've made a copy of that original CD.

DET/CST. WILSON: I've had copies made for this original CD and copies you have in front of you now by the -- and other copies would be made as part of the disclosure for the criminal trial, but this would be the original document.

MR. RICHARDSON: And that one has never been -- obviously it has, but that one has never been copied by you?

DET/CST. WILSON: No, I get Constable Stumpf or somebody from the crime analyst office to do that because, again, that's not my expertise and to keep it consistent for a criminal hearing, I'm able to say consistently this is how it's done all the time.

MR. RICHARDSON: Have you ever made a webpage?

DET/CST. WILSON: No, sir, I haven't.

MR. RICHARDSON: Do you have any knowledge of webpages?

DET/CST. WILSON: I look at about 14 websites a night, so...

MR. RICHARDSON: Excellent, excellent.

Are you aware that in order to put a webpage up into the World Wide Web you need a program called an FTP server that actually connects you to the web that lets you download the content from your computer into the web.

DET/CST. WILSON: No, sir, I wasn't aware of that.

MR. RICHARDSON: Well, consider yourself aware now.

Are you aware of any FTP programs found in my hard drive, and you can take as much time as you need to go through your list.

DET/CST. WILSON: I'm trying to remember which tab the list of the computer was on.

MR. ALEXAN KULBASHIAN: That's on tab 50, I think of HR, right.

DET/CST. WILSON: Tab 50?

MR. ALEXAN KULBASHIAN: Yeah, tab 50.

DET/CST. WILSON: Again, I don't know exactly what I would be looking for, but in this list here, I don't believe I see anything with those initials next to it.

MR. RICHARDSON: Now, if I told you

that it would be next to impossible to host a webpage or to upload into it without an FTP program would you say that would be a correct statement?

DET/CST. WILSON: Again, I don't know how to do that, so I wouldn't doubt you.

MR. RICHARDSON: And once again, there is no listing of any FTP program on the inventory of stuff that he's taken from my computer?

DET/CST. WILSON: No, but one thing I think I want to highlight about what's on that computer that I think is very significant is, again, if you turn on tab 50, right second from the bottom, it says "vv5', Vinland Voice 5, and then it goes, the last modified date September the 14th, 2001 at 3:45 in the morning.

This to me is extremely significant because it shows that this document was modified by you, by that computer before it was placed on the World Wide Web, therefore, you had this threat before.

MR. ALEXAN KULBASHIAN: Excuse me, actually I have an objection for this.

He can only speculate he can't say for sure, because from the questions I asked him before he can't say for sure that he has enough knowledge about the computer to be able to tell --

THE CHAIRPERSON: Very good argument.
Save it for the argument.

He can say what he wants when he's testifying and you can make those arguments, and you'll also have an opportunity to lead your own evidence.

DET/CST. WILSON: So, again, I guess with the time line of when this threat is received on the Internet this is prior, this time at September 14th, 2001 at 3:45 in the morning, that is prior to the threat being shown and for me receiving it through an e-mail and the Topika e-mail and viewing it again on the Internet.

So, that tells me that this computer that was seized out of your house had that threat prior, the exact threat, word for word, prior to it being shown on the World Wide Web.

MR. RICHARDSON: Well, it shows that the computer done it, but it doesn't take a picture and tell you who's in front of the computer; am I correct?

DET/CST. WILSON: That's true.

MR. RICHARDSON: Could have been Ronald McDonald.

DET/CST. WILSON: No, I believe it's you.

MR. RICHARDSON: I never asked you

what you believe, I asked you if it could have been somebody else.

DET/CST. WILSON: Well, again, in the totality of the evidence of the criminal investigation --

MR. RICHARDSON: We're not in the criminal investigation.

I'm asking you just -- is it possible, yes or no, that someone else could be in front of that computer at 3:28 in the morning and edited it?

DET/CST. WILSON: If I had, if I believed that at the time I wouldn't have laid a criminal charge.

MR. RICHARDSON: Fair enough.

Now, getting back to the computer signatures for the e-mails again. You can use your e-mail accounts like Hotmail, Yahoo from any computer that's connected on-line, you don't actually have to be on your host computer.

DET/CST. WILSON: Right.

MR. RICHARDSON: Your ISP computer.

So, if I was, just say, at somebody else's house and I sent an e-mail from their account, it would be their signature that comes from the bottom

of it, it wouldn't be my particular signature?

DET/CST. WILSON: No, my understanding is, is that if you sign onto your account information, like again let's say my computer at home I'm able to pick up my work's e-mail.

If I send an e-mail from my computer at home it will still send me the imprint of Terry Wilson, New Westminster Police Service at the bottom, even though I'm not on the computer that that e-mail was originally set up, or that e-mail program was originally set up.

So that signature at the bottom that says WPCANADA, as soon as you sign onto your e-mail address and the computer you're sitting at brings that up, your signature will go on the bottom when you send it out.

THE CHAIRPERSON: I'm a little confused what we're talking about here.

Are we talking about the e-mails that were sent to you?

DET/CST. WILSON: I believe we are.

THE CHAIRPERSON: Okay. Let me just take a look at that.

DET/CST. WILSON: So, again, if I refer to the bottom --

THE CHAIRPERSON: HR-7, is that what we're talking about?

DET/CST. WILSON: HR-7.

If I refer to the bottom where underneath James it says WPCANADA, The Reich Way, and then it has that list of e-mail addresses, e-mail contacts, join the Canadian Ethnic Cleansing Team, that is a signature our that is on your e-mail account system.

Every time you send an e-mail, no matter what computer you're at, when you send it that will plunk it as your signature at the bottom of it.

THE CHAIRPERSON: Is that only when you're sending something through -- what do they call them, Hotmail or Yahoo?

DET/CST. WILSON: When you sign on to your account --

THE CHAIRPERSON: Free accounts.

DET/CST. WILSON: Yeah. No, when you sign on to whatever e-mail system you have it will do that.

So, if I'm able to pick up my work e-mail from a computer here, you know, 3,000 miles away and I send an e-mail on my e-mail account which is a New Westminster Police Service account, when I send it,

Terry Wilson Domestic Violence Unit New Westminster Police Service is automatically plunked on the bottom.

THE CHAIRPERSON: Well, what would you be using though to access your e-mail, would you be using the Outlook that's on --

MR. RICHARDSON: No, you'd be using an on-line program like Hotmail.

THE CHAIRPERSON: Hotmail. That's what I'm asking you. Because my understanding - I don't want to get evidence - but computers now have reached the point where they're used by everyone, as everyone can see I have one right in front of me on my desk here.

My understanding is that if you were to come to my computer and send an e-mail to someone from my computer - not access your own e-mail - but to send an e-mail from my computer through my account, my name -- it would show that it's leaving from my computer and my name would appear at the other person page; right?

DET/CST. WILSON: Exactly. But if I signed on to my e-mail account on your computer, my name would be on there.

THE CHAIRPERSON: Via a system like Hotmail or Yahoo or AOL.com?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: So, let's say specifically Hotmail because that's what we're talking about.

DET/CST. WILSON: So, therefore, James could have gone to any computer in the world essentially, signed onto his Hotmail account and WPCANADA The Reich Way would be at the bottom of it when he send an e-mail.

THE CHAIRPERSON: So that feature of an automatic signature, I'm aware of, I have it on mine too, that feature can occur through Hotmail?

DET/CST. WILSON: Yes, that's my understanding, yes.

THE CHAIRPERSON: Signature, address and so on?

DET/CST. WILSON: That's my understanding.

THE CHAIRPERSON: That's your understanding. Okay.

I understand his answer.

MR. RICHARDSON: Thank you.

Now, are you aware of a sub-program of MSN which runs Hotmail called Messenger?

DET/CST. WILSON: I've heard of it.

MR. RICHARDSON: It's a chat page program.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Now, is it possible, in your opinion, that anybody could have logged in -- that anybody that was in front of that computer and used a Hotmail account and sent e-mails out?

DET/CST. WILSON: Yeah, anybody can log into, you know, a computer that has Internet access and log into a Hotmail account and send e-mails out, yes.

MR. RICHARDSON: Okay, that's fair enough.

THE CHAIRPERSON: So, did you mean a specific individual's Hotmail account or your own?

MR. RICHARDSON: When you have your MSN Messenger it's got a little icon and you open it up and you can chat to people that are in your friends list.

THE CHAIRPERSON: I understood him not -- are you aware of chat lines?

DET/CST. WILSON: I understand a bit about the chat lines but, again, as Mr. Kulbashian has pointed out, I'm nowhere in the realm of explaining how they work.

THE CHAIRPERSON: So, are you talking about chat lines or are you talking about e-mail?

MR. RICHARDSON: Well, see, they actually with the MSN Messenger and the Hotmail e-mail account they're one in the same, like they're on the same tree, they're just different branches, is the best way I can explain it.

THE CHAIRPERSON: Well, maybe we'll have to leave it to your evidence.

MR. RICHARDSON: I'm not a computer guy either.

THE CHAIRPERSON: No, I don't want you to testify in the course of your questions. I just wanted to understand your question, I'm not quite sure.

MR. RICHARDSON: Basically my question is that anybody that was at that computer while my Hotmail account was logged in, because you stay logged in constantly until you log out, anybody could have gone on to that computer and anybody could have sent e-mails through that Hotmail account.

DET/CST. WILSON: And if I showed you one e-mail that I received from you, you know, that wouldn't be out of the realm of possibilities.

But, again, I received three weeks of e-mail, more than three weeks of e-mails before we ever

did a search warrant at your place.

MR. RICHARDSON: Okay, that's not really what I was asking, but that's fine, that's fine.

How many racialisists at the time, in your opinion, do you believe lived in London?

DET/CST. WILSON: I knew there was at least 17 members of Northern Alliance.

Including yourself, I would put the realm somewhere at the time around 20.

MR. RICHARDSON: Are you saying I was a member of Northern Alliance?

DET/CST. WILSON: No, you asked me how many racialisists--

MR. RICHARDSON: Oh, including --

DET/CST. WILSON: --were in London.

Including Northern Alliance, I believe there was 17 members, including three or four other members from Tri-City Skins and Canadian Ethnic Cleansing Team.

Again, I want to stress that even though they were members of Northern Alliance, does not void them membership in the Canadian Ethnic Cleansing Team or the Tri-City Skins.

MR. RICHARDSON: It doesn't also mean that they were either?

DET/CST. WILSON: No, it doesn't.

MR. RICHARDSON: Why wasn't Ms. Shearer ever investigated or brought up on charges?

THE CHAIRPERSON: Who?

MR. RICHARDSON: Maggie Shearer.

THE CHAIRPERSON: Maggie Shearer.

DET/CST. WILSON: Maggie Shearer?

MR. RICHARDSON: She's the occupant of 390 Southdale Road.

DET/CST. WILSON: Yes, as well as yourself, and Maggie Shearer didn't send me the e-mails identifying themselves as James.

MR. RICHARDSON: So she wasn't under any investigation whatsoever over the years?

DET/CST. WILSON: No, sir. I believe when you were arrested you told me Maggie had nothing to do with this.

MR. RICHARDSON: Good enough, good enough.

But you said yourself you were doing your own investigations and they're all over southern Ontario.

We seen earlier a picture, I believe it was RR-1, that you see Maggie involved with this group.

So, you know, from your own investigations that she wasn't totally 100 per cent out of everything.

I was just trying to figure out why she wasn't ever investigated for anything, especially being in the same house.

DET/CST. WILSON: Well, I can tell you that before September 14th members of the white supremacist movement in southwestern Ontario were all being monitored by myself and many other police officers in the province.

Maggie Shearer was one of them, you were one of the them as a result of the information in May of 2001; Mr. Kulbashian as a result of assaults that happened in Toronto was also one.

But when September 14th came around and the threat showed up, our intelligence probe suddenly turned into a criminal proceedings against one instance and yourself and Mr. Kulbashian.

MR. RICHARDSON: So, would you say it was safe to say that Maggie Shearer was a white supremacist.

DET/CST. WILSON: I think the evidence is overwhelming that she was at the time.

MR. RICHARDSON: Is it possible at

all with her living at 390 Southdale Road --

THE CHAIRPERSON: Can you repeat the question, I didn't hear.

MR. RICHARDSON: Is it possible at all with Maggie living at 390 Southdale Road, Apartment 601 with a computer in her house that she wrote any articles whatsoever?

DET/CST. WILSON: No, because I think she would have identified herself as White Dawn.

MR. RICHARDSON: And that's something that she would do all the time.

You don't believe that she would ever, even in chat rooms on IRC use WPCANADA?

DET/CST. WILSON: No, I believe you used WPCANADA and she used White Dawn.

MR. RICHARDSON: On the logs that you found on the computer, can you tell me how many White Dawn logs there were?

DET/CST. WILSON: I can't. There was a massive amount of logs of chat lines. She was on --

MR. RICHARDSON: I can refresh your memory. There's zero.

DET/CST. WILSON: There's zero...?

MR. RICHARDSON: Zero logs containing White Dawn.

THE CHAIRPERSON: When you say logs, are you referring to the --

MR. RICHARDSON: The IRC logs.

THE CHAIRPERSON: The ones printed out or on the CD?

MR. RICHARDSON: Well, these are the same.

THE CHAIRPERSON: My understanding is that --

MR. RICHARDSON: The logs on the CD themselves.

THE CHAIRPERSON: Yes.

MR. RICHARDSON: They're taken from IRC scripts.

Every room that you go into and every person that you talk to and every name that you change to is all logged

THE CHAIRPERSON: Right.

MR. RICHARDSON: it doesn't log half of anything or certain names or certain individuals, it logs everything.

MS MAILLET: Sorry, if Mr. Richardson's giving evidence here, I'd like us to

be able to confirm or deny whether White Dawn is listed because he's indicating that it wasn't.

THE CHAIRPERSON: Yes, I know that.

MS MAILLET: We know it was.

THE CHAIRPERSON: But what I wanted just to say, was it not my understanding that you have printed off only some of the logs, or were all of the logs printed?

MS. MAILLET: We've only printed off some of the logs.

THE CHAIRPERSON: So, there may be other logs that have not been printed and presented in evidence?

MS MAILLET: That's correct.

THE CHAIRPERSON: And that's why I asked you the question -- Mr. Richardson, that's why I asked you the question when you asked your question to Mr. Wilson, were you asking him whether White Dawn appeared in the exhibit at tabs 51 through whatever it is, 59.

MR. RICHARDSON: No, Mr. Chair, I was actually if he seen any logs on the actual CD itself containing White Dawn.

THE CHAIRPERSON: On the CD itself.

DET/CST. WILSON: Well, he's going to

have to give me time to go through the chat logs.

He can tell me they're not there or not. It's my testimony and I would prefer to be able to go through that and with a certainly agree with him or disagree with him.

MR. RICHARDSON: That's fine.

THE CHAIRPERSON: you have all the chat logs printed out?

DET/CST. WILSON: Yeah, these are the chat logs that was seized in this computer right here.

THE CHAIRPERSON: All of them?

DET/CST. WILSON: I believe they're all of them.

THE CHAIRPERSON: So, they are more than what we have here?

DET/CST. WILSON: Absolutely sir, yes, they are.

THE CHAIRPERSON: So, Mr. Richardson, do you want him to go through it?

MR. RICHARDSON: Oh, this is very relevant. Yes, this is very relevant.

MS MAILLET: Perhaps we can take --

THE CHAIRPERSON: Yes, good time to take a break.

So, I'm sorry, you'll have to work

through the break, Mr. Wilson.

DET/CST. WILSON: That's all right.

THE REGISTRY OFFICER: All rise.

---Recess taken at 3:30 p.m.

---On resuming at 3:45 p.m.

THE REGISTRY OFFICER: Order, please.

All rise.

Please be seated.

THE CHAIRPERSON: So, do we have an answer to the question.

DET/CST. WILSON: Yes, sir.

I went through a quarter of it and I found four pages with White Dawn on it, and it's White, W-h-i-t- --

THE CHAIRPERSON: Sorry.

DET/CST. WILSON: White Dawn.

THE CHAIRPERSON: Double word, White Dawn?

DET/CST. WILSON: Yeah, if you look at the --

THE CHAIRPERSON: I see it. I see it.

DET/CST. WILSON: Yeah, right on the right-hand side and it continues onto the second page.

Mr. Richardson advises me that that's

enough and I didn't have to go through all the logs to find any more of them.

THE CHAIRPERSON: So, do we want to enter this into evidence?

DET/CST. WILSON: I'm not too sure of his question about who White Dawn would be, so...

THE CHAIRPERSON: Mr. Richardson, do you want those sheets into evidence?

MR. RICHARDSON: It doesn't matter to me either way.

I knew he would find these.

THE CHAIRPERSON: Well, okay, fine. That wasn't the suggestion in your previous question.

MR. RICHARDSON: Well, I was leading up to something.

THE CHAIRPERSON: You made a leading question, you implied that there was no mention of White Dawn.

MR. RICHARDSON: No, actually what I implied is that last night we went home over the CD --

THE CHAIRPERSON: I'm sorry?

MR. RICHARDSON: What I actually was getting at the point, when I went home and looked at the CD, I found no copies of White Dawn logs on the CD.

So, now my next question would have

been: Where did these logs come from?

THE CHAIRPERSON: Well, I don't know.

Is the print-out that you have there, copies of which you have handed up to me -- well, why don't we enter them, I don't like to refer to papers without having them entered.

So, these are excerpts from...?

DET/CST. WILSON: They're excerpts from Internet chat logs or excerpts from Internet chat rooms. The chat room is #wpcanada.

THE CHAIRPERSON: Okay.

Well, I think that's sufficient and it contains references to White Dawn.

Go ahead.

THE REGISTRY OFFICER: Two-page document excerpts as described by the witness and the Chairperson will be filed as respondent Exhibit RR-6.

EXHIBIT NO. RR-6: Two-page excerpts described by Chairperson and witness.

THE CHAIRPERSON: So, now you can ask your question, Mr. Richardson.

MR. RICHARDSON: Thank you.

Now, what I get from the rest of the logs that were on the CD in the actual document file on

the inventory list of the hard drive there is a folder called logs.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: And that's where all the logs from the IRC network had come from that we've been using the last couple of days.

DET/CST. WILSON: I don't know if that's where they came from.

MR. RICHARDSON: Okay, okay. I just assumed you did.

DET/CST. WILSON: No, sir.

MR. RICHARDSON: The reason I was getting to this is for some strange reason, maybe you can tell me why, as far as I can remember there's at least seven or eight pages with White Dawn talking but there is no White Dawn logs on the CD itself.

They have a list -- the logs on the CD themselves show all the rooms that the particular computer has been on and all the names of all the people that have talked, like, that's why there's logs.

If you didn't talk to someone there wouldn't be any logs available.

So, is it possible that White Dawn logged in on a different computer and then that's why there's no logs in that computer itself?

DET/CST. WILSON: No, sir, that's not possible.

MR. RICHARDSON: So, you can only log on to IRC through your own computer.

I'm lost like...

DET/CST. WILSON: No, I understand that these logs at my request from Cst. Stumpf of the London Police Service, he located these logs while doing the examination of Mr. Richardson's computer and printed them off so I could read them - because he didn't want to read them - so I could read them and go through them to see if there was anything in relation to the criminal charge.

As a result of reading those, yes, there were things in relation to the criminal charge which I brought up in evidence yesterday concerning the search warrant at Execulink.

That's as a result of these logs here.

So, these logs were printed off and, unfortunately, I didn't do the examination of the computer, so I can't tell you where Cst. Stumpf received them from, but that's where I received them from, as a result of his examination of logs.

I was just looking at his statement

to see if there was any mention of that.

THE CHAIRPERSON: So, you're saying the printed out logs that you have in front of you right now--

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: --in the book that you received from the London Police Service Unit before coming to this hearing; right?

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: Those are the logs that were printed out by Mr. Stumpf of--

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: And your information is that the print-outs were made from the hard drive of the computer that was seized at the residence in London--

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: --you have been referring to?

Okay, I understand that answer.

MR. RICHARDSON: Well, the question is is, I asked him if -- I asked him if it was possible that she logged in from a different computer, he said no, and I guess my next question to that would be: How do you know this?

DET/CST. WILSON: From my understanding - again, I guess Mr. Kulbashian will correct me - but my understanding of the computer system is that logs will be recorded on the computer that you are on, on the hard drive that you're on and not -- if I logged on a computer here and talked on your chat line, it wouldn't be stored on your logs necessarily.

Now, again, I might be -- again, I might be sort of out of my realm of expertise, that is my understanding, but again my expertise is nowhere near --

THE CHAIRPERSON: I don't want to here evidence from you, gentlemen. You can get to it later on.

But your understanding is that if White Dawn was seated at another computer and I see one of the other participants at RR-6 is Raptor 88, if it was Raptor88 who had organized this chat forum, only Raptor88's computer would have registered this log?

DET/CST. WILSON: No, no, I'm sorry.

If White Dawn signed on somewhere else and on her computer, yes, it would store these chat lines again.

But, again, I want to make the point

perfectly clear. I received these as a result of an examination of Mr. Richardson's computer that was seized as a result of a search warrant, so...

THE CHAIRPERSON: The point I'm making -- the question I wanted to ask you is: If a participant from that computer did not use the pseudonym White Dawn but was using the pseudonym Raptor88 or WPCANADA during this chat or conversation, White Dawn's participation perhaps from a remote computer would also appear here and yet the log would be printed off, as we see it here, from the computer on which Raptor88 was typing.

DET/CST. WILSON: Yeah. I believe that everybody talking in that chat room would have a log of that chat line.

THE CHAIRPERSON: So, it is possible, to follow the logic of the question--

DET/CST. WILSON: Yeah.

THE CHAIRPERSON: --of the respondent, that White Dawn was not at this computer when she was typing--

DET/CST. WILSON: Oh absolutely, sir. I apologize if I misunderstood.

THE CHAIRPERSON: --the chat log?

DET/CST. WILSON: Yeah, she could be

at a different location talking in this chat room and Mr. Richardson's computer that we see is going to be storing that as well, as well as her --

THE CHAIRPERSON: Provided that someone was on that computer at that moment also participating in the chat room.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: I'd like, Mr. Chair, to direct the witness to stop allegedly saying that it's my computer. We haven't proven that yet.

THE CHAIRPERSON: Well, it is his belief. He can say that.

MR. RICHARDSON: Okay, that's fine.

THE CHAIRPERSON: I am mindful of what you've said. The reason he says it's your computer is because--

MR. RICHARDSON: He believes it.

THE CHAIRPERSON: --the premises for which there was a lease in your name, that's why he says that.

That's what I understand his position to be. You'll note I wasn't using that word, terminology but he was.

MR. RICHARDSON: Yes, I did, thank you.

So, the answer was yes, that it is possible that White Dawn was logged into a different computer when she was talking at the time.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: So, is it at all possible at all that when she's at a different computer she logs in as White Dawn but when she's at home she logs in as WPCANADA because that would be the name that is being used on that computer at all the time? Is it possible at all, that's all I'm asking?

DET/CST. WILSON: It's possible.

MR. RICHARDSON: Thank you.

Now, are you aware of Mrs. Shearer's - how do I say it - the problems that she had in the year 1999?

DET/CST. WILSON: I'm aware of a criminal investigation involving Mrs. Shearer, yes.

MR. RICHARDSON: It's very relevant actually. Can you fill the court in on what you know of that case?

DET/CST. WILSON: I know very little about it.

What I do know is that Maggie Shearer was involved as a victim of extreme domestic violence where her husband conspired to have her killed.

As a result, she received several wounds, as a result of a stabbing from another gentleman.

Both those gentlemen, I believe, were convicted of conspiring to commit that criminal offence.

MR. RICHARDSON: The other gentleman was her husband?

DET/CST. WILSON: Yes. I'm sorry, yes.

MR. RICHARDSON: No, that's fine. Is it your understanding that the second gentleman who was not her husband was hired --

MS MAILLET: I'm just wondering what the relevance of these questions are to the complaint before the Tribunal.

MR. RICHARDSON: Very easy. I'm just trying to establish why my name was on the lease and my name was on the phone.

THE CHAIRPERSON: Okay.

MR. RICHARDSON: It's very -- yeah.

THE CHAIRPERSON: That sounds relevant. Go ahead.

DET/CST. WILSON: Do I know -- I'm sorry.

MR. RICHARDSON: Are you aware of the second gentleman's involvement?

DET/CST. WILSON: Oh yes, I know that it was a contract sort of killing, except they failed in that attempt.

MR. RICHARDSON: Yes, yes, thank God.

Are you aware that, and you might not be and that's fine, are you aware that Mr. Shearer, Maggie's husband at the time had cashed in all their life savings and mortgaged their house to pay for this contract to kill her?

DET/CST. WILSON: No, I wasn't aware of that.

MR. RICHARDSON: Okay.

THE CHAIRPERSON: No, I'm just waiting for your next question.

MR. RICHARDSON: It just -- you gave me that look. What did I do now?

THE CHAIRPERSON: What look? I'm just waiting.

MR. RICHARDSON: Okay. I'd like to introduce another document into it's the London Police report, I believe it's my arresting report.

James Richardson dated September 29th, 2001 on a Saturday.

THE CHAIRPERSON: Okay.

MR. RICHARDSON: Mr. Wilson -- does it have to be entered in first?

THE CHAIRPERSON: It does. Let's get some basics.

DET/CST. WILSON: Yes, sir.

It's a London Police Charge Sheet. On the front of it is the tombstone information for Mr. James Scott Richardson.

Middle of the page it says Charge Wording, which would be the offence that he is alleged to have committed at that time.

And some facts about the case, I believe that's the one we're looking at.

THE CHAIRPERSON: Mm-hmm.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: I note that it's incomplete in the sense that there seems to be more --

MR. RICHARDSON: There was more documents, Mr. Chair, but I actually believe that this is already in the HR book, I just wasn't too sure, I only need the top portion.

THE CHAIRPERSON: It's not in the HR book, but I don't see any objection to only the one sheet going in.

MS MAILLET: That's fine, that's fine.

THE CHAIRPERSON: The narrative seems to continue about the offence into the next page.

MR. RICHARDSON: Yes, sir. Yes, Mr. Chair.

THE REGISTRY OFFICER: The one-page document entitled London Police Charge Sheet for the accused Mr. James Scott Richardson will be filed as the respondent Exhibit RR-7.

EXHIBIT NO. RR-7: One-page document entitled London Police Charge Sheet for the accused Mr. James Scott Richardson.

MR. RICHARDSON: Thank you. Who filled out this paperwork, Mr. Wilson?

DET/CST. WILSON: I did.

MR. RICHARDSON: You did. Why is it that you put my address as 454 Paling Avenue?

DET/CST. WILSON: Because I knew you weren't going to reside at 601 -- 601-390 Southdale any longer.

As a result of that arrest, we already had conversation with the tenant people there

and that one of the applications we were going to make in front of the court is because of your danger to the citizens, if you were released you weren't going to be allowed into the City of London and, therefore, I could not list a London address there.

MR. RICHARDSON: So before the bail hearing come and before I have been convicted of anything, you've already had me moved out of Hamilton -- or out of London?

DET/CST. WILSON: Yes, sir.

As a part of -- if and when you were ever released at this time, one of the conditions that we would be seeking would be the fact that you wouldn't reside in the City of London.

MR. RICHARDSON: But sometimes even though you could have a list of a thousand things in front of the judge, but I mean, the judge is ultimately going to go with what he feels is right.

Is it possible at all that the judge would have still let me live in London.

DET/CST. WILSON: Well, I think it's possible. It would be our recommendation and, therefore, as our recommendation we won't put a City of London address on this charge sheet.

It would either have a Hamilton

address or it would have NFA or unknown in there.

We couldn't list a London address there because that would go in on our system and, therefore, it would be contradictory to your release order that we were requesting at the time.

MR. RICHARDSON: How long would you say I lived at 390 Southdale Road?

DET/CST. WILSON: I believe--

MR. RICHARDSON: November 2000 was the lease signing.

DET/CST. WILSON: I believe you lived there from November 15, 2000 when the lease was signed.

MR. RICHARDSON: Okay, thank you.

I'd like to introduce crown brief dated September 28th, 2001, it's the page without the number on it, so it would be page 1.

THE CHAIRPERSON: Just a second. Crown brief, which one?

MR. RICHARDSON: There is no page -- we'll call it page 1. It's the only one without a page number. The other one is page 2 and the other one is page 4.

THE CHAIRPERSON: Okay.

MR. RICHARDSON: Under "How long has the accused lived in this address?", you've written

three months, why is that?

DET/CST. WILSON: It's the second page, sir, of the bail hearing report.

THE CHAIRPERSON: Sorry, this is what?

DET/CST. WILSON: This would be a crown brief bail hearing report. This would be something that we would fill out as the London Police as a request for detention or request for bail conditions and, therefore, we would fill out the same information at the top there.

THE CHAIRPERSON: So, we're producing page 1 right now; right?

DET/CST. WILSON: Yes, page 1 right at the top. He's referring to the tombstone information.

THE CHAIRPERSON: We're treating that as a separate document from the other pages that follow?

MR. RICHARDSON: Yes. Yes, we are.

THE CHAIRPERSON: Should we? Are they partly connected?

DET/CST. WILSON: I don't think it's going to be connected in his questioning.

MR. RICHARDSON: No, it's not.

DET/CST. WILSON: They come off the same crown brief and would be printed together at the London Police Service.

THE CHAIRPERSON: Oh, you're referring to the charge sheet?

DET/CST. WILSON: No, all this...

THE CHAIRPERSON: That's the charge sheet, RR-7.

MR. RICHARDSON: Page 2 and page 4 are all coming from the same documentation but I'm not using the whole documentation, just pages out of it.

THE CHAIRPERSON: Pages 1, 2 and 4 but you also lifted up RR-7.

DET/CST. WILSON: Yeah, I have two charge sheets. I guess I shouldn't have lifted up --

THE CHAIRPERSON: You have two charge sheets?

DET/CST. WILSON: Yes.

MS MAILLET: I do as well and I think what it is is that just they were photocopied.

DET/CST. WILSON: Together.

THE CHAIRPERSON: Oh, it's the same one.

DET/CST. WILSON: It's the same charge sheet, I think it was just copied twice.

THE CHAIRPERSON: Okay.

DET/CST. WILSON: So, I think he's referring to the document that says crown brief at the top occurrence No. 2001.

THE CHAIRPERSON: Yes. Okay, we'll just treat them all separately, not confuse thing.

The charge sheet, it's been identified, you just identified it, so let's enter it into evidence.

THE REGISTRY OFFICER: The document as described by the witness entitled crown brief dated September 28, 2001 will be filed as the respondent Exhibit RR-8.

EXHIBIT NO. RR-8: First page of crown brief dated September 28, 2001, as described by witness.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: The first page of that crown brief.

MR. RICHARDSON: You just stated that I've been living there since November 15th, 2000, which is almost a year to this date.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Why in the bail hearing, why did you say I lived there for three months

or less?

DET/CST. WILSON: Well, when we fill out bail hearing reports, a lot of the information is skewed to the side of the accused, so this information -- a lot of this information would be as a result of a question asked for you in cells: How long have you lived there? Three months.

We wouldn't argue with you, we knew you lived there longer than three months, but to come to the agreement we just put three months in there.

MR. RICHARDSON: I don't ever recall saying that I lived there at all.

Can you produce documenting showing that I stated that I lived there three months?

Was it in my brief when we had our interview?

DET/CST. WILSON: Well, I have documentation that says you lived there. It's the leasing agreement with your signature on it.

MR. RICHARDSON: No, no, I'm asking you if --

DET/CST. WILSON: I have --

MR. RICHARDSON: You just said that I told you I lived there for three months. You gave me benefit of the doubt.

I want to know where the documentation is that stated that I lived there for three months, that I stated that I lived there for three months.

DET/CST. WILSON: Well, I have documentation that stated that you lived there longer than three months.

THE CHAIRPERSON: Let me ask you another question, so I can better understand this.

DET/CST. WILSON: Yes, sir.

THE CHAIRPERSON: How is this form filled out? Is it as crude as the bookings that one --

DET/CST. WILSON: Absolutely, sir.

THE CHAIRPERSON: The person is sitting across from a typewriter and someone is writing it in, or perhaps a computer today.

DET/CST. WILSON: It is on a computer today and we would just tab through each line.

The address would be blank and we would fill in the address.

The "How long has the accused lived there", be blank.

THE CHAIRPERSON: In the ordinary course of how this is conducted at the London Police Service, or how it was in September, 2001 was the

individual accused in the presence of the employee who would be filling out this form?

DET/CST. WILSON: No, sir, he would be in cells. We would be filling this out in the office and when we book him in --

THE CHAIRPERSON: So, how did you get the information from the cells to the --

DET/CST. WILSON: Just in a brief conversation I had with James.

THE CHAIRPERSON: All this detail was acquired in a brief conversation?

DET/CST. WILSON: No, a lot of the other stuff would be as a result of the -- like down at the bottom there, you know:

"Did he surrender himself?

No.

Was he cooperative?

No.

Combative?

Yes."

That sort of stuff.

THE CHAIRPERSON: So, those are questions that the officer is filling out?

DET/CST. WILSON: Those are questions we would fill out at the time of the arrest.

A lot of it, you know, who the victim was on page 2, we would fill out:

"Jewish and Muslims citizens of Canada."

This would be information as a result. So what happens is, when it goes to a bail hearing the crown attorney is able to hold up and have in point form some type of information to make a decision whether a person should be detained or kept in custody.

THE CHAIRPERSON: All right. One more question then.

It says right after that question which was answered, three months, it says:

"If less than three months, list previous address."

I notice the two seem to -- we see the three months again being referred to?

DET/CST. WILSON: Yeah.

THE CHAIRPERSON: Is there any significance in that?

DET/CST. WILSON: No, I don't think there is. I never even really noticed that. We knew, and as a course of actions of me doing investigations, if I knew where he lived before the address, I would

fill out there, I would put it in there either, if it was two months, if it was seven months, because that gives us as a police department some investigative tool later on to go back to a document and look at it, so...

THE CHAIRPERSON: Did you fill out this form?

DET/CST. WILSON: Yes, I did. I filled out the bail hearing form.

MR. RICHARDSON: Do you remember the address my driver's licence was?

DET/CST. WILSON: I believe it's the Paling address. I have a picture of your driver's licence.

MR. RICHARDSON: No, that's fine, that's fine.

In May, 2000 you received, roughly, you received documentation from Martie Kearns of the, I believe it's the hate unit as well of the Woodstock OPP or the Woodstock area, I can't remember.

DET/CST. WILSON: I received information from Darryl Longworth of the Woodstock Police Service, yes.

MR. RICHARDSON: Thank you, thank you, thank you, thank you.

In that statement that he sent you he

did send you my address as well?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: And what address was that?

DET/CST. WILSON: The Hamilton address.

MR. RICHARDSON: So, you have lots of documentation -- you just stated that if you would have known where I lived you would have put it done.

Now, you have all this documentation, including my driver's licence, it stated I lived in Hamilton, so again I ask you, you know, and then you also stated that you believed I lived there since November of 2000 when the lease was signed.

There's a lot of discrepancies, do you not believe that?

DET/CST. WILSON: No, I think I can answer pretty much to everything you're deciding here.

One, I think I've answered why I put the Hamilton address on the charge sheet.

Two, I think I've answered why your address was supplied to me by Darryl Longworth in May.

You produced a driver's licence to him with that. You failed to change your driver's licence to a London address.

You also failed to change our address on your plates of your black Cougar that was seen at 390 Southdale over an extended period of time over those months. You failed to change the address on those plates as well from the Hamilton to the London address.

The three months here, because it's such a little point, if I can get an agreement with you in our discussions of how long you lived there and you say three months, to me for my criminal investigations to argue with you that it's more, doesn't seem to suit the purpose of my investigation.

MR. RICHARDSON: Well, a lot of my case is based on the fact of where I lived. I wouldn't really call that a minute point.

DET/CST. WILSON: I think I can explain every point why you think you live in Hamilton.

THE CHAIRPERSON: Again, we're engaging in a discussion and I want questions and answers.

DET/CST. WILSON: Sorry, sir.

MR. RICHARDSON: When someone's life is being held and he's in jail and correct information relies on him getting out or him being innocent or guilty, do you not think that the paperwork that the

police officers provide against him should be accurate and correct?

DET/CST. WILSON: I think it is accurate and correct.

MR. RICHARDSON: Okay. Again, you stated that I lived there since November --

THE CHAIRPERSON: Look, you've been down this path. No, but I mean, we have got his answer, his position is quite explicit and yours, I understand, let's move.

And remember, it's not the time for you to be putting positions on the table here. You will testify later to your position.

MR. RICHARDSON: So, you stated that you believed the reason why my licence was still at 454 Paling is because I had fail to change my driver's licence and my plates over.

DET/CST. WILSON: Yes, sir. Because at the time of your address you were a prohibited driver.

MR. RICHARDSON: How can I word this.

To get on, because I lost my train of thought, I apologize about stumbling.

You stated that it's because, once again, you believed that I just didn't change my

driver's licence over, blah, blah, blah, what if I to you that I currently in 2000 and 2001 held two jobs in Hamilton, one at 2-4-1 Pizza at Strathbarton Mall, which I can produce pay slips for--

THE CHAIRPERSON: Slowly, slowly, slowly.

MR. RICHARDSON: One at 2-4-1 Pizza at Strathbarton Mall Where I was the manager for two years, and one was at Bell Canada at Eastgate Square, or actually on Centennial Parkway.

Would you say that pay stubs in a city that's two hours away from another city and a driver's licence and a sworn testimony that I have here in front of me would all pretty much say that, yeah, James Richardson did live in Hamilton, or do you believe that I travelled back and forth for two jobs from London to Hamilton?

DET/CST. WILSON: If I didn't believe you lived at 390 Southdale, No. 601, I wouldn't have been able to execute a search warrant there, I would have executed the search warrant in Hamilton, like I did with Mr. Kulbashian's place in Toronto.

THE CHAIRPERSON: The question is simple, the question is: I put it to you, Mr. Wilson, that at that time in question I was employed at those

two jobs and I have pay stubs to support that.

Do you have anything to say about that, and let's hear the answer.

MR. RICHARDSON: Okay, yeah.

THE CHAIRPERSON: Remember I told you how to do it, you confront the person, I have evidence -- you know, you have evidence that you're going to confront the other person with, if you intend to use it, confront the witness with it and that's all, don't engage in this argument that you were about to get into.

MR. RICHARDSON: Okay.

So, let's say the question is worded that way, what do you have to say?

DET/CST. WILSON: I have no answer for that.

THE CHAIRPERSON: Do you have any information of where the respondent Mr. Richardson was employed at the time?

DET/CST. WILSON: No, I don't. I look at bail hearing, it's not filled out in that form either.

MR. RICHARDSON: I was actually employed right up until I believe it was September 26th the day that I was arrested and the next day I was

supposed to report to work.

THE CHAIRPERSON: See, you're doing it again.

You're testifying through your questions.

MR. RICHARDSON: Okay, okay, okay, okay. I'll jump that.

On the same page RR-8, first of all, can you explain to me what combative is?

DET/CST. WILSON: You, at the time of the arrest --

MR. RICHARDSON: I never asked anything about me, just explain the word that you guys used, the word combative witness or arrestee or whatever you want to put it.

DET/CST. WILSON: A person that's not presently willing to be handcuffed and not compliant.

MR. RICHARDSON: So, are you saying that I resisted arrest?

DET/CST. WILSON: No, I'm saying you were combative at the time of your arrest.

MR. RICHARDSON: Why isn't that in the police report, in the police report itself?

I believe it says that I went willingly and you had no problems with me in my

apartment.

DET/CST. WILSON: No, I don't believe it says that. I believe that it says that you were laid face down and when you were removed walking out the halls I believe you said something to the effect of, "fucking Jews".

MR. RICHARDSON: After I was already in handcuffs?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: And I went in the handcuffs with no problems?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: So, a verbal comment that I made would make me a combative detainee?

DET/CST. WILSON: Yeah, you were not a compliant arrestee.

MR. RICHARDSON: How did I not comply?

DET/CST. WILSON: Well, you --

MR. RICHARDSON: Did I do anything that you told me not to do?

In fact, is it not true that you wrote this down because you tried to stop my bail hearing, you tried to keep me in jail and this is one of the ways you could do it?

DET/CST. WILSON: Well, I have no way that -- yeah, I tried to keep you in jail, but you're being combative has nothing to do with why I tried to keep you in jail.

MR. RICHARDSON: So, allegedly I said, what was it, "fucking Jews"?

DET/CST. WILSON: I believe that's what it was.

MR. RICHARDSON: After I was in handcuffs, after I gave myself up peacefully, that makes me combative, in your opinion?

DET/CST. WILSON: In my opinion, your reaction and your compliance at the time of the arrest made you combative.

MR. RICHARDSON: And I was uncooperative also you stated?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: So, once again let me go through this.

You come to my door, I'm sitting at my computer, I'm sitting in the apartment with my dog and my -- not my son, but the son I have or the child I was taking care of at the time, you come through the door, you announce yourselves as police, I stand up, I put my hands in the air, you come in after a brief

time, you order me to the ground, I go to the ground.

Is this correct so far?

DET/CST. WILSON: Yes, sir, you stand up from the computer and lay on the ground, yes, sir.

MR. RICHARDSON: I do exactly what you said?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: An officer comes over to me, he handcuffs me.

DET/CST. WILSON: To the rear, yes.

MR. RICHARDSON: Without incident?

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Okay. They pick me up, they ask me some questions, they pat my dog, everything in the apartment is fine.

That's very --

DET/CST. WILSON: No, you're extremely loud at this time.

MR. RICHARDSON: Well, I'm upset, people are coming into my apartment with guns, yes.

DET/CST. WILSON: And, therefore, you are not cooperative.

When I give you an opportunity sort of out of the ordinary for myself, give you an opportunity to speak to a lawyer, I produce a phone for

you and you, instead of talking to a lawyer, scream at somebody at the other end of the phone, who I know now is Alex Krause to get rid of all the rest of the stuff, that to me would be uncooperative.

MR. RICHARDSON: All right. So, in your opinion, an uncooperative and a combative witness is somebody who --

MS MAILLET: Mr. Chair, I hate to object again, but I'm not sure what the relevance is to the complaint.

MR. RICHARDSON: I have got an answer that. The relevance is, is I'm actually attempting to establish a point, that Mr. Wilson was hostile towards me, in lines of questions that are going to come up I'm going to try to prove that he did everything that was possible to keep me in jail off of bail, and that does include up to threatening a potential employer who I needed to get out on bail, if I couldn't get this new job I wouldn't have been able to get out.

I think my line of questioning is exactly where it should be.

THE CHAIRPERSON: Well, it also goes I think to his attitude upon arrest may have some significance in determining whether he was culpable and how it was prompted - his reaction may demonstrate

something at the time of his arrest.

MR. RICHARDSON: Basically,
Mr. Chair --

THE CHAIRPERSON: So, I'll allow the
question.

MR. RICHARDSON: Thank you.
Basically, Mr. Chair, these court documents --

THE CHAIRPERSON: Ask your question.
You won your point, ask your question.

MR. RICHARDSON: Mr. Wilson, it is
these court documents that are going to either help me
get on bail or help me stay in jail; is that not true?

DET/CST. WILSON: Yes, it is.

MR. RICHARDSON: So, when you
publicly state up that (a) I never surrendered, (b) I
was uncooperative, and (c) I was combative, which you
haven't proven either one, would that go with -- would
that affect me in my bail hearing?

DET/CST. WILSON: Well, not
surrendering is somebody who doesn't walk into the
police station knowing that they're wanted and
producing themselves to the police station.

We effected an arrest, as a result of
a search warrant you were arrested.

Uncooperative, yes, you were. I gave

you an opportunity to call a lawyer and instead you used that opportunity to alert other members of the Canadian Ethnic Cleansing Team, Mr. Kulbashian, to get rid of any other evidence. That to me is uncooperative.

And combative, in my opinion, you weren't as far as resisting arrest, because if I thought you were as far as resisting arrest, that is another criminal offence and you would have faced another criminal charge, but you were combative in the fact that you were not willing to walk down the hallway without screaming at the top of your lungs, "fucking Jews".

MR. RICHARDSON: Well, I don't think I screamed at the top of my lungs, but we'll get to that later.

THE CHAIRPERSON: Mr. Richardson, how many times must I tell you, don't answer to the question to the answers that are given.

MR. RICHARDSON: Sir, I'm just getting a little frustrated here.

THE CHAIRPERSON: I realize that, but you must control yourself. It's getting out of hand.

Just ask your questions, get your answers and you'll have your chance.

By then you'll even have an opportunity to view the transcript in electronic form probably.

So, you have ever opportunity to organize yourself and present your case afterwards, okay.

MR. RICHARDSON: Ask questions, don't answer them.

THE CHAIRPERSON: Right.

MR. RICHARDSON: Okay.

So, you're saying the surrender category is whether or not -- that would be marked if someone come in, he knew he had a warrant for him and he would come in and turn himself in?

DET/CST. WILSON: Yes, because that's a significant thing at a bail hearing when a crown attorney's doing it. We wouldn't mark that out in any other terms.

MR. RICHARDSON: So, why isn't that left blank like most of the other columns?

DET/CST. WILSON: Because you didn't surrender yourself. It says, no, you didn't.

It said:

"Surrender?"

No.

Cooperative?

No.

Combative?

Yes.

MR. RICHARDSON: It also asks me if I'm currently employed -- well, you don't know -- that's fine, that's fine.

I'd like to submit page 2 of the crown brief into evidence.

THE CHAIRPERSON: We already know what it is, so it's the second page but we're including it as a separate exhibit.

THE REGISTRY OFFICER: One-page document titled crown brief, page 2, dated September 28th, 2001 will be filed as respondent Exhibit RR-9.

EXHIBIT NO. RR-9: One-page document titled crown brief, page 2, dated September 28th, 2001.

MR. RICHARDSON: At the very top of the page it says:

"Has the other police service or agency been notified?"

It says:

"Yes or no"

And that's blank.

DET/CST. WILSON: Yes, sir.

Sort of non-applicable.

MR. RICHARDSON: The victims:

"The Jewish and the Muslim
citizens of Canada."

THE CHAIRPERSON: What, what, what?

MR. RICHARDSON: Just in the quarter

page down it says:

"Victim."

The victim is:

"Jewish and Muslim citizens of
Canada"

Those are left blank.

THE CHAIRPERSON: No, the address and
phone is left blank, but under victim it says:

"Jewish and Muslim citizens of
Canada"

Right?

MR. RICHARDSON: Yes, yes.

And it says:

"Will additional charges be
laid?"

And he said:

"No"

Under that it's:

"Anticipated charges"

You left it blank.

So back then to RR-8, you conveniently have some things left out and then where stuff that -- then you conveniently like, surrendered should have been blank; should it not?

DET/CST. WILSON: No. Just to explain. The computer it's a tabbing system where we tab. It would go first to surrendered, no, because this is again a significant fact for the crown attorney, they need to know yes or no if the person surrenders themselves, so the ones that are left blank are either I don't know the answer or they're not applicable as a result of this offence.

MR. RICHARDSON: Would you say that if I was wanted by another police agency somewhere in Canada, would you say that was applicable, especially in my bail hearing?

DET/CST. WILSON: Yes, it would be.

MR. RICHARDSON: Why is that one blank at the bottom of RR-8?

DET/CST. WILSON: Of...?

It says attached -- where?

MR. RICHARDSON: The second -- the

third line up:

"Is this accused currently wanted by another police service or other agency?"

THE CHAIRPERSON: Where?

MR. RICHARDSON:

"Yes or no"

On RR-8, sorry.

THE CHAIRPERSON: Oh, RR-8.

DET/CST. WILSON: As a course of practice, if you're not wanted by another police department or agency in Canada, I wouldn't fill that out.

MR. RICHARDSON: Wouldn't it be the same course of practice if I didn't have the opportunity to surrender, then that should have been left out as well?

DET/CST. WILSON: No, because I think that's a black and white answer, you either surrender or you don't, and that answer I know, and so I would fill it out, no or yes.

MR. RICHARDSON: Is it true, in fact, that this was written the way it was to purposely keep me in jail?

I'm just going to scratch that

question. I'm just going to get to the nitty-gritty.

THE CHAIRPERSON: That would be appreciated.

MR. RICHARDSON: Thank you.

Remember you are still under oath, sir.

DET/CST. WILSON: Sir, I would like him to be reminded that I don't need to be reminded of that.

THE CHAIRPERSON: Don't need to be reminded of that.

MS MAILLET: Yeah.

THE CHAIRPERSON: You know, it's not television, please

MR. RICHARDSON: Did you ever state that if I got employment you were going to go down and harass my potential employer?

DET/CST. WILSON: No, I did not.

MR. RICHARDSON: No. Did you call a potential employer?

DET/CST. WILSON: Yes, I did.

MR. RICHARDSON: Yes.

And did you harass him?

DET/CST. WILSON: No, I didn't.

MR. RICHARDSON: No. What did you

say to that potential employer?

DET/CST. WILSON: I wanted that employer to know, just like I notified Mr. Kulbashian's employer, of the charges he was possibly facing and that I was going to confirm, because this was a job that you were getting, you weren't presently doing, this was a job that a gentleman had come forward at the bail hearing and said that he would offer you a job when you were released.

So, in my mind, you were unemployed at that time. I wanted to make sure that he knew, sort of, what he was -- not what he was getting himself into, but that (1) confirm that that was a viable occupation, okay, because it was in Hamilton and I didn't know the firm you were dealing with.

MR. RICHARDSON: So, is it, you know, by calling me a racist and telling him that that you'll come down to his place of business - and I can't remember the exact words you used but I have it on - we'll get to that later. Yeah, we'll get to that later.

So, is it safe to say that you did everything possible to keep me in jail and off of bail?

DET/CST. WILSON: Yes, sir, it is.

MR. RICHARDSON: Is it safe to say

that, like the collection of evidence that you spent all on your own time, you went above and beyond the call of duty to achieve this matter?

DET/CST. WILSON: I believe I got an award because I did that.

MR. RICHARDSON: Yeah, I believe you did.

THE CHAIRPERSON: You got a reward or award?

MR. RICHARDSON: He got an award.

Speaking of that award you got, you got that award for arresting Alex and I. The people that gave you that award, do they know all the charges were dropped?

THE CHAIRPERSON: Slow, please, Mr. Richardson, I can't understand your question.

Mr. Richardson, can you repeat your question, please.

MR. RICHARDSON: Oh, sorry.

THE CHAIRPERSON: You speak so quickly, I didn't understand what you said.

MR. RICHARDSON: I just asked him -- I remember reading an article, I can't remember when it was, it was between 2002 and 2003 that Mr. Wilson won an award in Toronto I believe it was, a very

distinguished award for fighting racism, I believe he got this award on the context of arresting Alex and I.

My question was just plain and simple. I just wanted to know if the people that gave him this award were aware that all the criminal charges were dropped?

DET/CST. WILSON: Oh, I think they are.

MR. RICHARDSON: Yeah.

Now, getting to that, in your opinion, can you tell me why our criminal charges were dropped?

DET/CST. WILSON: I don't know, I have never had a reply from the crown attorney and I never asked the crown attorney too, I apologize.

MR. RICHARDSON: You spent three years on the case and you never asked him?

DET/CST. WILSON: That's not my job. And again, the mean time I have moved across the country and my job is to present a file to the crown attorney.

MR. RICHARDSON: You spent a lot of time and resources and even your own personal time on this case. This was almost personal, to some degree.

You're telling me that, you know, all

the charges got dropped and you just let it go, that was, you know, whatever.

DET/CST. WILSON: Well, I understand you have an answer to that from the crown attorney, crown attorney Kierluk.

I never asked him personally and I don't really know, and I would hazard a guess what he did. I don't want to guess what he did in dropping those charges.

Is it unusual for something like this to go on and the charges to be dropped? Yeah, I think it is.

Would I like to know what happens? Yeah, I do.

MR. RICHARDSON: Yeah, you do.

DET/CST. WILSON: But do I know? No, I don't.

MR. RICHARDSON: Thank you. I lost my train of thought again. That seems to be going around today.

THE CHAIRPERSON: Slowly.

Either you don't want me to hear it or speak slowly and clearly.

MR. RICHARDSON: I think what I'm doing is I'm speaking up and down.

THE CHAIRPERSON: Well, yeah, but --

MR. RICHARDSON: I apologize.

THE CHAIRPERSON: If you just said something of significance, I didn't hear a thing. The sound came across as a mumble, so...

MR. KULBASHIAN: He just said, that he his train of thought.

MR. RICHARDSON: Oh, I said I lost my train of thought. That's going around, sorry.

Is it true that you stated to Maggie Shearer and Kathleen Turner, who's sitting beside me here, at my bail hearing that you were going to make sure that you did everything possible to keep me in jail and that you were -- if the gentleman, Joe - I can't pronounce his last name - was to hire me that you were going to go down there and harass him?

DET/CST. WILSON: No, I would never say I would go down and harass him.

I probably did talk, and I can't remember the exact conversation, but I would assure them that, yeah, I was trying to keep you in custody because there was a definite threat to minority groups in Canada.

MR. RICHARDSON: Because I'm a violent person; is that what you're saying?

DET/CST. WILSON: Because this is an extremely violent act I was investigating.

MR. RICHARDSON: Thank you.

THE CHAIRPERSON: May I interrupt a moment.

What time is it you had to leave.

DET/CST. WILSON: A quarter to five.

THE CHAIRPERSON: It's 4:30 now.

DET/CST. WILSON: Yeah. Probably 15 minutes.

THE CHAIRPERSON: So, we have about 15 more minutes.

Of course there is the down side that the Commission hasn't expressed itself on and, that is, you will not be able to communicate with Mr. Wilson for the next two months, in effect, at least not about the case since he remains in cross-examination.

Does that pose any difficulty for you?

MS MAILLET: We'll need some limited communication about travel arrangements and things like that, but I won't be discussing his testimony.

DET/CST. WILSON: And the only discussion I would have is the colour photos that you asked me to produce, how would sort of go around doing

that?

THE CHAIRPERSON: That's right. So, you can communicate about getting the coloured photographs to the Tribunal for the next time or prior to that, if you wish, and the travel arrangements.

DET/CST. WILSON: Thank you, sir.

THE CHAIRPERSON: Other than that, it will have to be some other topic.

DET/CST. WILSON: Perfect.

MR. RICHARDSON: Okay. At this time, Mr. Chair, I won't even be able to tell you the relevance of this document, it's just the plain fact I just don't understand it and I was hoping Mr. Wilson would be able to clarify.

It's the same crown brief, page 4.

THE CHAIRPERSON: Well, let's put it in, get it out of the way.

MR. RICHARDSON: This won't take long, Mr. Wilson.

THE CHAIRPERSON: No, no, okay.

MR. RICHARDSON: I'm sorry.

THE REGISTRY OFFICER: One-page document titled crown brief dated September 28th, 2001 with the page written page 4 will be filed as respondent Exhibit RR-10.

EXHIBIT NO. RR-10: One-page document titled crown brief dated September 28th, 2001, page 4.

THE CHAIRPERSON: Page 4 of the crown brief.

MR. RICHARDSON: The second paragraph down.

DET/CST. WILSON: Yes, sir.

MR. RICHARDSON: Where it says:

"Any other suggestions?"

"Not to possess a computer"

And that's obvious.

"Or to have access to the Internet"

What did you mean by protection of children?

DET/CST. WILSON: I didn't put that in, that's part of the document and then if you go onto the conditions underneath it, that is geared towards arrested parties where we're dealing with sexual offences against children and they would go on to fill those categories out.

That has nothing to do with you at all. That's just the next category down.

MR. RICHARDSON: Okay. I didn't understand it, but I fully understand that now and that's really good that that's there.

MR. RICHARDSON: All right. I'd like to turn R-1 is the blue book?

R-1, appendix II, page 36.

THE CHAIRPERSON: It's R-2, yes. This is R-2.

So which appendix, I'm sorry?

MR. RICHARDSON: Page 36, appendix II.

Do you recognize this article at all, Mr. Wilson?

DET/CST. WILSON: No, I don't. I'm looking at an e-mail address, I'm looking at an e-mail. Is that?

THE CHAIRPERSON: Yes, that's what I'm looking at.

MR. RICHARDSON: Okay. Can you read the second paragraph for me.

THE CHAIRPERSON: Are we looking at same object? You said article, he said e-mail. What are we looking at?

MR. RICHARDSON: Well, it's an e-mail article, sorry.

THE CHAIRPERSON: Oh.

MR. WARMAN: Sorry, Mr. Chair.

THE CHAIRPERSON: Yes.

MR. WARMAN: This is an e-mail that doesn't appear to involve Mr. Wilson. I'm just curious about the relevance of it.

DET/CST. WILSON: I can just tell you, I have never seen this e-mail before.

THE CHAIRPERSON: You've never seen it?

DET/CST. WILSON: No.

THE CHAIRPERSON: It can't be identified by this witness.

MR. RICHARDSON: This is a letter or an e-mail from Randy Richmond who is a newspaper reporter who had done an interview with Mr. Wilson and this is Randy --

THE CHAIRPERSON: I see an e-mail that says from Alexan Kulbashian

MR. ALEXAN KULBASHIAN: Actually to protect his e-mail address he told us not to put it on the record without hiding his e-mail address at this point.

He e-mailed --

THE CHAIRPERSON: So, the word that I

just said you do not wish for us to put on the record?

MR. ALEXAN KULBASHIAN: You can put his name, actually. Just he sent it from an e-mail address that he didn't want to wish published.

So, either way. This was after he had been doing an investigation into the story about this case being dropped, et cetera, he e-mailed that information and asking us, you know, follow-up questions after he had written the article and had gotten mad at him for publishing, I guess, bad information is what I called it.

THE CHAIRPERSON: What I'm looking at here is something that was sent by you, Mr. Kulbashian.

MR. ALEXAN KULBASHIAN: I forwarded it to my father to print out.

THE CHAIRPERSON: Oh, it's been forwarded to your father to print out.

So, where does it show that it comes from somebody else?

MR. ALEXAN KULBASHIAN: At the very bottom, Randy. I can actually give you the original copy but I can't put it on the record because --

THE CHAIRPERSON: Randy.

MR. ALEXAN KULBASHIAN: Or I can just black out his e-mail address.

MR. WARMAN: I still don't know the relevance, sorry.

THE CHAIRPERSON: Well, the relevance I think I can surmise.

MR. RICHARDSON: It was an interview with Mr. Wilson.

THE CHAIRPERSON: Without having read it. I heard from the witness -- from the witness -- from the party that it goes to why the charges were dropped, there's a relevance certainly there, the document is an e-mail between Mr. Alexan Kulbashian and his fear.

MR. ALEXAN KULBASHIAN: It's a forward actually. I can produce the original.

THE CHAIRPERSON: It says a forward, but I don't see --

MR. ALEXAN KULBASHIAN: I can bring the original. I hid his e-mail address. I can bring the original to court.

THE CHAIRPERSON: Do we need -- well, we can identify it with a letter for the time being pending the evidence of Mr. Kulbashian later as to --

MR. WARMAN: It's not the source, it's the relevance, yes.

THE CHAIRPERSON: It's the relevance.

MR. WARMAN: Yeah, of the e-mail.

THE CHAIRPERSON: Well, the relevance I think is goes to their - and without having looked at it, you may have looked at it but I have not looked at it - but from what I just heard, the relevance to why the charges were dropped, it seems to have information as to why the charges were dropped.

Now, listen, no need to debate this further.

You're not objecting any further?

Okay, I'll consider this produced. We'll put the tick on it.

No, we're not going to give a number on it, because it forms already part of the R-2 exhibit.

MR. RICHARDSON: I would like to correct something, I was under the understanding that this was an interview that Mr. Wilson did and it is not.

THE CHAIRPERSON: Oh, so you don't wish to refer to it.

Just tell me, I will strike it off the record, that's all.

MR. RICHARDSON: I'm just still trying to figure out the point that my co-respondent

was trying to get to me here.

THE CHAIRPERSON: If you'd like to leave it to him grounds for cross-examination.

MR. RICHARDSON: I apologize. I didn't mean to put words in your mouth.

THE CHAIRPERSON: One at a time, please.

So, it's not produced for the time being, okay.

MR. ALEXAN KULBASHIAN: We'll worry about this when I bring the original.

THE CHAIRPERSON: Perhaps. Whatever.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: You can deal with it later on, but for the time being it has not been produced.

MR. RICHARDSON: You stated that a lot of the work that you did investigating leading up to September 14th was on your own time and your own free will.

Not to stay up to 2:30 in the morning to send an e-mail just because it was something personal.

Is it still very personal to you, this case?

DET/CST. WILSON: Well, I took a lot of time and effort to do this case, but as every investigation I don't make it personal, it's a job I do, it's a profession.

MR. RICHARDSON: Would you say that you, in this particular case, you went above and beyond the call of duty?

DET/CST. WILSON: I think I did more in this investigation than I have done in other investigations, yes.

MR. RICHARDSON: Because I believe in what they said in your award ceremony, you correct me if I'm wrong, that was their quote, Officer -- Cst. Terry Wilson went above and beyond the call of duty.

DET/CST. WILSON: They could have said that.

MR. RICHARDSON: And as we stated already, you did have a lot of your own personal time invested in this, so I guess it was pretty upsetting to you that all those charges were dropped?

DET/CST. WILSON: Well, I think I've already answered that.

MR. RICHARDSON: Yes, that's fine.

THE CHAIRPERSON: You know, I'm realizing it's pretty tight for us as well and

Mr. Levac is going to have to collect all the material that's out here.

So, I'd like us to end at this point.

We will probably reconvene on November -- was it 15th that we said and the week following?

MS MAILLET: Now, sir, we're scheduling one week; is that correct?

THE CHAIRPERSON: I'm scheduling one week.

MS MAILLET: Okay. There's indication by Mr. Kulbashian --

THE CHAIRPERSON: That we might need more time?

MS MAILLET: Yeah.

THE CHAIRPERSON: Well, the following week is available for me.

MS MAILLET: Perhaps we should take two, just in case.

THE CHAIRPERSON: I wouldn't mind taking it, but I know that can be quite onerous for a student to lose two weeks.

MR. KULBASHIAN: I'm sure we'll go for the whole week, like I mean, maybe 10 days altogether.

MS MAILLET: In case we needed it.

THE CHAIRPERSON: All right. So, why don't we set aside both weeks, all of them, all five days, that is to say 10 days in total?

MS MAILLET: I don't know what type of problems there are if you book and then you don't use them, but...

THE CHAIRPERSON: For us, no, there is no problem.

Well, as far as I see, for the time being it looks like it's wide open for me, so why don't we take the two weeks then.

Is that okay for you, Mr. Warman?

MR. WARMAN: Yes, it is.

THE CHAIRPERSON: They would be contiguous, they will be one after the other.

MS MAILLET: Yes.

THE CHAIRPERSON: So, you will be able to minimize your travel time at least.

MR. ALEXAN KULBASHIAN: Is the second week tentative, or just officially on the record as scheduled?

THE CHAIRPERSON: No, it will be on the record, official time away.

MR. ALEXAN KULBASHIAN: Okay.

THE CHAIRPERSON: I mean, set aside for the hearing.

But from what I gather it's not likely that we will proceed.

I will try to keep it going at a brisk pace on everybody's side because it looks like our estimations were beyond what I expected.

What I mean by that is shorter breaks -- shorter breaks, maybe extended hours.

MR. RICHARDSON: we just spent so much time building up to, like, I'm going to be asking some of the same questions I did today next week just to keep that back into my head.

THE CHAIRPERSON: Well, no.

MR. RICHARDSON: I had a momentum going and now it's just stopped and now I have to wait over two months before I can get back up here and do this again.

THE CHAIRPERSON: Why do you need momentum. What you will have is, you will have the transcript, so you will know exactly where you left off.

MR. RICHARDSON: Okay, okay.

THE CHAIRPERSON: And I have instructed the witness not to communicate with the

Commission or the complainant other than matters
unrelated to the hearing or travel arrangements.

MR. RICHARDSON: Thank you very much.

THE CHAIRPERSON: And photocopies.

THE REGISTRY OFFICER: Order, please.

All rise.

THE CHAIRPERSON: Thank you.

--- Whereupon the hearing concluded on Friday,
September 3, 2004 at 4:45 p.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 DeLobauz".

StenoTran

1342

Beverley R. Dillabough, C.S.R.