

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

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

Respondents

BEFORE/DEVANT:

ATHANASIOS HADJIS

THE CHAIRPERSON/
LE PRÉSIDENT

LE PRÉSIDENT

ROCH LEVAC

THE REGISTRAR/
LE GREFFIER

LE GREFFIER

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

SITTING IN THE ARGUS ROOM, HOLIDAY INN OAKVILLE - CENTRE
590 ARGUS ROAD, OAKVILLE, ONTARIO ON
TUESDAY, NOVEMBER 9, 2004, AT 09:45 A.M. LOCAL TIME

CASE FOR HEARING/CAUSE DEVANT ÊTRE ENTENDUE

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

APPEARANCES/COMPARUTIONS

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

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| EXHIBIT | DESCRIPTION | PAGE |
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| "A" | Two-page letter dated February 6, 2003 from Robert E. Coughlon, Jr., Attorney at Law to Peter Lindsay, re: Alexan Kulbashian. | 1697 |
| R-2 (Appendix II Page 23-29): | Affidavit of Peter Lindsay. | 1789 |
| R-7 | One-page document from Google website titled Richard Warman, Lawyer. | 1844 |
| R-8 | Two-page document from the website of the London Free Press entitled: London Man Faces Rights Tribunal dated February 23rd, 2004. | 1853 |
| "B" | One-page document faxed from Christopher P. Dobson dated December 16th, 2002. | 1891 |
| R-2 (Page 18) | Fax copy of letter from Peter Lindsay to Peter Keirluk. | 1894 |

1 Oakville, Ontario

2 --- Upon commencing on Tuesday, November 9th, 2004

3 at 9:45 a.m.

4 REGISTRY OFFICER: All rise.

5 Please be seated.

6 THE CHAIRPERSON: Yes, where were we?

7 Mr. Kulbashian?

8 MR. ALEXAN KULBASHIAN: Two

9 unfinished matters. First of all, I'm not sure what we
10 want to do with the Appeal Court Decision, if --

11 THE CHAIRPERSON: That was supposed
12 to be photocopied.

13 MR. ALEXAN KULBASHIAN: It's been
14 photocopied and just --

15 THE CHAIRPERSON: I need a copy of
16 that? It's already in. Let me just verify.

17 MR. ALEXAN KULBASHIAN: And, also,
18 the issue with secret disclosure on behalf of the
19 police.

20 THE CHAIRPERSON: Let me just see.
21 It appears to be in here.

22 Okay. There is the endorsement from
23 the Court of Appeal. It appears everything has been
24 filed and entered into my book, and I presume everybody
25 else's book as well.

1 Okay. The other issue is disclosure?

2 MR. ALEXAN KULBASHIAN: Yes.

3 MS MAILLET: Yes, Mr. Chair.

4 Just in terms of identifying the
5 document, I can tell the Tribunal that this
6 confidential document is a report from the Department
7 of National Defence.

8 There is a caveat at the end of the
9 report and I'm just going to read it to you.

10 It indicates:

11 "This document constitutes a
12 record which may be subject to
13 mandatory exemption under the
14 Access to Information Act or the
15 Privacy Act. The provisions of
16 sections 37 and 38 of the Canada
17 Evidence Act may also protect
18 the information or intelligence.

19 The information or
20 intelligence must not be
21 disclosed or used as evidence
22 without prior consultation with
23 the Canadian Forces National
24 Counter Intelligence Unit."

25 THE CHAIRPERSON: Okay.

1 MS MAILLET: Now, this is again to
2 reiterate, this isn't our document to disclose, it's
3 not even Mr. Wilson's document to disclose, it's a
4 document from the Department of National Defence.

5 We've made copies of the Canada
6 Evidence Act if you'd like to take a look at that.
7 We've made copies as well for the parties, if they want
8 to see that.

9 THE CHAIRPERSON: Why don't you hand
10 it up so that I can see it.

11 MS MAILLET: The bottom line is, a
12 motion would have to be made to the Department of
13 National Defence in order for them to disclose the
14 document.

15 THE CHAIRPERSON: All right.

16 MS MAILLET: 37 and 38 deals with --

17 MR. RICHARDSON: I'd like to make
18 that motion, if possible. I want to see it, I want to
19 know what's in it.

20 THE CHAIRPERSON: It has to be
21 relevant.

22 MR. RICHARDSON: I don't know if it's
23 relevant.

24 MS MAILLET: It's again our position
25 that it's not relevant to this case, that's our first

1 point, and we won't be using it, it's a fourth party
2 document, we're not relying on it whatsoever, but...

3 THE CHAIRPERSON: Have you got
4 section 37 and 38 there?

5 MS MAILLET: Yes.

6 THE CHAIRPERSON: I would also like
7 to see the document again, the last part.

8 There are pages missing from the --

9 MS MAILLET: I have a copy here.

10 THE CHAIRPERSON: Only the odd
11 numbers are in here, no even numbered pages are in
12 here, unless they're on the back.

13 MR. RICHARDSON: Yeah.

14 THE CHAIRPERSON: No, they're not.

15 MS MAILLET: I have a full copy right
16 here, sorry.

17 MR. RICHARDSON: My only argument
18 would be, if it was absolutely not relevant to the
19 case, then what would it be doing in Mr. Wilson's
20 possession?

21 And, obviously he kept it for the
22 fact that he thought it was somewhat relevant, so, you
23 know, I'm going to think the same.

24 THE CHAIRPERSON: The police service
25 kept it, is my understanding, right?

1 I mean, these documents were
2 obtained, if I recall his evidence, in preparation for
3 the last series of cases. He attended at the offices
4 of the London Police Service and they gave him their
5 binders.

6 MR. ALEXAN KULBASHIAN: However, he
7 also did testify that that binder are documents that
8 are based on this case, I guess the threats, which
9 means that it would be directly involving the threats
10 as opposed to, like, something different.

11 THE CHAIRPERSON: I seem to be
12 missing page 1.

13 MS MAILLET: I have a full copy of
14 the Act right here, sir.

15 THE CHAIRPERSON: No, no, the
16 document itself. I have page 2 of 4, page 3 of 4, page
17 4 of 4. I'm missing page 1.

18 DET/CST. WILSON: There's only three
19 pages.

20 MS MAILLET: There's only three
21 pages?

22 DET/CST. WILSON: Yeah.

23 THE CHAIRPERSON: No, there were four
24 pages. It says page 2 of 4, 3 of 4, 4 of 4.

25 DET/CST. WILSON: I've only had three

1 pages ever.

2 THE CHAIRPERSON: Oh, really?

3 DET/CST. WILSON: Yeah I've only had
4 three pages.

5 THE CHAIRPERSON: Well, I don't
6 recall if there was a fourth page of this.

7 I just took a closer look at some of
8 the applicable legislation in the documents.

9 Are you sure there were no other
10 sheet?

11 DET/CST. WILSON: No, I don't believe
12 so, sir.

13 THE CHAIRPERSON: Okay. I'll be two
14 minutes.

15 REGISTRY OFFICER: All rise.

16 ---Recess taken at 9:50 a.m.

17 ---On resuming at 10:00 a.m.

18 REGISTRY OFFICER: Please be seated.

19 THE CHAIRPERSON: Thank you.

20 The document that the
21 complainant/Commission do not wish to disclose to the
22 respondents, we have been discussing it for the last
23 day, this document consists, apparently I have a
24 three-page document in front of me, although there is
25 some indication that there is a front page that is not

1 present, and it emanates, as we heard this morning,
2 from Department of National Defence.

3 The Commission and complainant
4 indicate that they are not prepared to disclose it
5 alleging, first of all, that it's not relevant to the
6 issues of this case and that it is subject to a
7 privilege.

8 To that end Me Maillet read into the
9 record this morning the final page of this document
10 which states that, and I'll repeat it back into the
11 record:

12 "This document constitutes a
13 record which may be subject to a
14 mandatory exemption under the
15 Access to Information Act or the
16 Privacy Act. The provisions of
17 sections 37 and 38 of the Canada
18 Evidence Act may also protect
19 the information or intelligence.
20 The information or intelligence
21 must not be disclosed or used as
22 evidence without prior
23 consultation with the Canadian
24 Forces National Counter
25 Intelligence Unit."

1 I should also note that the document
2 is marked confidential at the top of each page.

3 By consent, the document was provided
4 for viewing by the Tribunal yesterday and again today,
5 and I have viewed it.

6 While the government is not a party
7 to this case, the document does, to a certain extent,
8 speak for itself in the manner in which I had just
9 read, section 8.

10 There is certainly an intention on
11 the Department that prepared this document for it to
12 remain confidential.

13 Now, what I can say after having
14 viewed the document again for a second time, I will
15 admit that yesterday I did not look at it very closely,
16 deliberately so - I was just looking at it in sort of a
17 superficial way to see what the documents were that
18 were being handed up.

19 Having looked for closely at it, I
20 can say to the parties that I do not see a relevance to
21 the issues before me, Canadian Human Rights Act,
22 section 13 and the issues related thereto as raised in
23 the complaint.

24 It is true that I have allowed the
25 scope of the case and some of the cross-examination

1 that's been going on of Mr. Wilson to go in a broader
2 fashion and perhaps the area of what is relevant has
3 broadened as a result, although if a person were to
4 walk into this case and just know that it's a section
5 complaint that's been filed, they may wonder why we are
6 in some of the areas that we are covering now.

7 But, as I say, it does appear to be
8 directly relevant to any of the specific issues alleged
9 in the complaint.

10 As or the privilege, while the
11 Department of National Defence is not here, as I have
12 stated, the document does speak for itself and I think
13 I must side on the side of -- be prudent here and say,
14 assume at least that the Department maintains its wish
15 that it does not wish this to be disclosed. I mean,
16 it's not a party here and the fact is this document was
17 disclosed to at least one third party, being the London
18 Police Service and in the hands of one of its former
19 members.

20 But I am also aware of some case law
21 jurisprudence that's out there, and specifically what
22 comes to mind is a decision - I'll bring it up here in
23 a second - I will back up.

24 The excerpt that I just read referred
25 to section 37 and 38 of the Canada Evidence Act, and I

1 believe copies have been provided to all.

2 The process that is specified there
3 is in the situation of an objection on the part of the
4 crown to the release of a document, there is a process
5 put in place for review by the Federal Court.

6 I heard from the respondent Mr.
7 Richardson that he was making a petition in accordance
8 with section 37 - I don't know if he had seen it at the
9 time, but he did make that intention that he wanted to
10 challenge the privilege claim.

11 Do I have the authority to examine,
12 in this manner, the document?

13 Well, there was a decision issued by
14 the Federal Court Trial Division in 2000 in a case
15 called GNWT, which means Government of Northwest
16 Territories versus the Public Service Alliance of
17 Canada, and essentially the Federal Court ruled that
18 the Tribunal does not have authority to act in
19 accordance with section 37 and 38, that the reviewing
20 power set out in section 37 and 38 and 39 do not apply
21 and the Tribunal does not have the authority to act in
22 that manner. The proper instance for these discussions
23 is the Federal Court.

24 So, under all these circumstance I am
25 not prepared to issue an order to disclose the

1 document.

2 I should also note that I am mindful
3 of the fact that this document was not in the
4 possession of either of the two parties on the other
5 side of the respondent; that is to say, the complainant
6 or Commission, technically at least, and I referred
7 repeatedly to rule 6 of our Rules of Procedure that
8 require a party to provide a list of documents in its
9 possession for which no privilege is claimed, or a list
10 of documents in its possession for which privilege is
11 claimed.

12 Now, again, I have treated that in a
13 very broad fashion, I have said that before, but really
14 I have just been stretching the limits, but technically
15 it is not a party that has possession of this document
16 and, if anything, all we have is a witness who has been
17 made a custodian of this documents, they are really in
18 the possession of the London Police Service.

19 But I have certainly set another
20 precedent in the days preceding, but I do want to
21 underscore that fact.

22 So, having taken all that into
23 consideration, I will not be issuing an order to
24 disclose this document.

25 I do advise, you know, the parties

1 can certainly discuss amongst themselves and, as I say,
2 the ultimate decision rests in the Department of
3 National Defence when looking at paragraph 8. It is
4 implicit in there that the Department is retaining the
5 right to not disclose the document, but that it is also
6 implicit that the document could be disclosed with the
7 consent of the Department. So, if the Department so
8 wished, it could be disclosed.

9 All I can say is, it is not relevant
10 to the issues as set out in the complaint or section 13
11 of the Canadian Human Rights Act.

12 I think that's all I need to say at
13 this time.

14 MR. RICHARDSON: Mr. Chair?

15 THE CHAIRPERSON: Yes.

16 MR. RICHARDSON: If you say it's not
17 relevant, I'm totally cool with that, you know.

18 My main concern right now is if it's
19 a confidential document why did Mr. Warman have access
20 to it, if it's personal about me. If it wasn't going
21 to be used and I'm not allowed -- I don't understand
22 why he got to read something that's confidential about
23 me that I can't even know.

24 And I am very upset about that, to be
25 honest with you. I mean, if it was disclosed...

1 THE CHAIRPERSON: I think your point
2 can be understood, I mean, it was a document that was
3 in possession not of the parties but in possession of
4 Mr. Wilson. I don't know to what extent disclosure
5 occurred on that end of the table.

6 Again, things get complicated because
7 quite often, there are counsel sitting there and not
8 the parties themselves and when disclosure occurs, it
9 occurs between lawyers who, to some extent, have no
10 specific interest in the case other than representing
11 their clients.

12 Now we have a situation where you are
13 here representing yourself, Mr. Kulbashian and Mr.
14 Warman, so...

15 MR. RICHARDSON: Mr. Warman still had
16 access to my confidential Department of National
17 Defence documents that I can't even see. Mr. Wilson
18 was in charge of them documents under the, you know,
19 under even the code that no one else was supposed to
20 see this unless it was relevant, yet Mr. Warman got to
21 see it.

22 Mr. Warman now knows confidential
23 information about me that I don't even know. Not that
24 I don't trust Mr. Warman, I'm not saying he's going to
25 use it, but that opportunity is there.

1 THE CHAIRPERSON: I don't think he
2 could use it for anything, I don't take it that way
3 from what I've seen.

4 No, but I understand, it's private,
5 there may be some privacy issues and frankly, you know,
6 maybe it's the London Police Service that needs to
7 be...

8 MR. ALEXAN KULBASHIAN: There's one
9 more issue that actually is distressing is the fact
10 that when the list of documents was presented
11 yesterday, this document was omitted from the list and
12 if it was omitted --

13 THE CHAIRPERSON: No, it was called
14 confidential sources. You know, it might in a broad
15 sense be that. So, I don't think there was any bad
16 faith.

17 When I said I didn't see it here,
18 it's because No. 7 was written very broadly.

19 MR. ALEXAN KULBASHIAN: But there are
20 three documents listed in the confidential, in the
21 privilege section there is four documents.

22 THE CHAIRPERSON: There were four
23 documents, right.

24 MR. ALEXAN KULBASHIAN: So, unless we
25 had asked you to review the documents, we wouldn't have

1 even known about the existence of another document in
2 the file.

3 MS MAILLET: The reason I did that,
4 Mr. Chair, is I wasn't sure know how much to disclose
5 without breaching the caveat at the bottom of the page.
6 We needed to look at that, it wasn't --

7 THE CHAIRPERSON: No, I understand.
8 In any event I saw it, so...

9 MR. ALEXAN KULBASHIAN: That's fine,
10 I'm glad that happened.

11 THE CHAIRPERSON: But, as I say, I
12 don't see this as having a bearing, or any bearing on
13 this case.

14 But certainly some prudence should
15 have been, and if -- well, I mean, we are halfway
16 through the case, so I don't know if it's of any
17 relevance, but really some prudence should be exercised
18 in dealing with documents like this.

19 All right. So I will hand it back, I
20 will give it to Mr. Levac.

21 MS MAILLET: Mr. Chair, just before
22 Mr. Kulbashian continues with his cross, now that he's
23 had an idea and he's reviewed his notes, he indicated
24 that he would be advising this morning how long he
25 anticipates being because I have another witness that

1 I've been kind of putting off for life here and it
2 would be great if I could advise her when we think she
3 will be called.

4 THE CHAIRPERSON: Mr. Kulbashian?

5 MR. ALEXAN KULBASHIAN: Yeah, that
6 would be my first matter today. I would say it would
7 take me about another day or abouts, like that, another
8 day, a little more than a day maybe.

9 THE CHAIRPERSON: Let's try to keep
10 it to a day.

11 MR. ALEXAN KULBASHIAN: I will try.

12 THE CHAIRPERSON: It would help me, I
13 mean, to manage the case.

14 MR. ALEXAN KULBASHIAN: It would help
15 us too, yeah. It will keep us at home on Thursday,
16 so...

17 THE CHAIRPERSON: Yes, it could do
18 also, if that's the case.

19 MS MAILLET: So, if were to advise
20 Dr. Henry to be here by Wednesday afternoon. Just
21 wondering if that would be --

22 MR. RICHARDSON: Wednesday --
23 tomorrow morning would be better. If we can get her
24 done first thing in the morning, and Alex can finish,
25 that would be great.

1 MS MAILLET: Well, we still have some
2 re-examination.

3 THE CHAIRPERSON: I don't like to
4 have witnesses cut off, we have been doing it too much.
5 I like to be able to finish off a witness in a day or
6 two days, whatever, not have half situations where the
7 person goes home in the middle of their testimony.

8 MR. ALEXAN KULBASHIAN: That's right.

9 THE CHAIRPERSON: That's why I'm
10 trying to encourage you, if you can, to do it in a
11 day, that way we can just do one witness the next day.
12 But, you know, ask your questions.

13 MR. ALEXAN KULBASHIAN: I will.

14 MS MAILLET: Mindful of the fact that
15 we will still have a little bit of time to re-examine
16 Mr. Wilson, so...

17 THE CHAIRPERSON: Oh, there's that
18 too.

19 MS MAILLET: She could start Thursday
20 afternoon, worse case scenario.

21 THE CHAIRPERSON: Okay. All right
22 then, so let's start then.

23 MR. ALEXAN KULBASHIAN: Okay.

24 THE CHAIRPERSON: We've already lost
25 a little bit of time.

1 MR. ALEXAN KULBASHIAN: Okay, sorry.

2 Time to start.

3 DET/CST. TERRY WILSON, Resumed:

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

5 MR. ALEXAN KULBASHIAN: Okay,
6 Detective Wilson, last time you testified that I was
7 charged in the U.S.

8 Do you have any documentation about
9 that?

10 DET/CST. WILSON: I don't think I
11 said you were charged in the U.S., I think that --

12 MR. ALEXAN KULBASHIAN: Yes, you did.

13 DET/CST. WILSON: I think --

14 MS MAILLET: If you could let him
15 answer the question.

16 THE CHAIRPERSON: Yes, sir. Please
17 answer the question, but I do recall something to that
18 effect.

19 DET/CST. WILSON: He was detained in
20 the U.S., he was detained by Immigration and
21 Naturalization Services as well as the FBI as a result
22 of an investigation to an Internet threat to the
23 University of San Francisco.

24 As a result of that investigation,
25 Mr. Kulbashian was detained by immigration and was

1 detained for a period of time until he voluntarily was
2 deported I guess, not I guess, he was voluntarily
3 deported and returned back to Canada where he was
4 arrested here pending further charges as a result of
5 some bail violations he did.

6 MR. ALEXAN KULBASHIAN: Violations I
7 did, or that you accused me of? Did it ever go to
8 court or was it just dropped?

9 DET/CST. WILSON: Violations that he
10 was alleged to have committed.

11 MR. ALEXAN KULBASHIAN: There we go.
12 So, coming back to yesterday, you
13 stated that I was charged in the U.S.

14 I'm not sure if you remember or if
15 you, I guess, lose your self control when you get
16 angry.

17 MR. WARMAN: Objection. That's just
18 abusive.

19 THE CHAIRPERSON: Yes.

20 MR. ALEXAN KULBASHIAN: Okay. In
21 that case --

22 THE CHAIRPERSON: Mr. Kulbashian, I'm
23 going to advise you right now today, okay. That kind
24 of language is not acceptable.

25 I want you to understand something,

1 this is not a trial about Mr. Wilson. Yes, you can
2 deal with some credibility.

3 MR. ALEXAN KULBASHIAN: He is on
4 trial if he is on the stand

5 THE CHAIRPERSON: No, he is not on
6 trial. The only thing that's going on here is an
7 inquiry into the Canadian Human Rights Act complaint.

8 I've said it today already. I have
9 allowed some latitude on what is relevant, but U.S.
10 detentions, I mean, where is this going?

11 The case is about the Human Rights
12 complaint and your language has to be respectful for
13 all persons here, as I expect everyone to be respectful
14 to each other, all right.

15 MR. ALEXAN KULBASHIAN: All right.

16 THE CHAIRPERSON: I won't tolerate
17 this any more.

18 MR. ALEXAN KULBASHIAN: So, do you
19 have any documentation to address specifically what you
20 said yesterday?

21 DET/CST. WILSON: No, sir.

22 MR. ALEXAN KULBASHIAN: Do you have
23 any notes about that in the binder?

24 DET/CST. WILSON: No, sir. I only
25 brought the binders in relation to the offence you're

1 facing in front of the Human Rights Tribunal.

2 MR. ALEXAN KULBASHIAN: When INS
3 brought me back, did they hand a file to the London
4 police?

5 DET/CST. WILSON: No, we arrested you
6 on an outstanding warrant here.

7 MR. ALEXAN KULBASHIAN: And they
8 didn't hand you a file?

9 DET/CST. WILSON: They didn't hand me
10 a file, no.

11 MR. ALEXAN KULBASHIAN: Did they hand
12 a file to the London police at all?

13 DET/CST. WILSON: They might have. I
14 wasn't there when you were arrested.

15 MR. ALEXAN KULBASHIAN: Were you in
16 charge of my case when I was arrested on the way back
17 here?

18 DET/CST. WILSON: Yes, sir.

19 MR. ALEXAN KULBASHIAN: And you
20 didn't get a file on the way back?

21 DET/CST. WILSON: No, sir.

22 MR. ALEXAN KULBASHIAN: Are you sure
23 about?

24 THE CHAIRPERSON: What's the
25 relevance?

1 MR. ALEXAN KULBASHIAN: Okay.

2 Okay, in that case, so who told you
3 that I was charged?

4 DET/CST. WILSON: I believe the FBI
5 said you were under investigation as a result of a
6 threat to the University of San Francisco Muslim
7 community.

8 MR. ALEXAN KULBASHIAN: I believe if
9 I read back your testimony here from last time, you
10 said, from the last session that we had is:

11 "StopIslam was an investigation
12 the FBI did that found that
13 Alexan was involved in creating
14 that website."

15 Where did you get that information
16 from?

17 DET/CST. WILSON: Yes, sir, the FBI,
18 they advised me that you were involved in creating that
19 website, but that you were not charged as a result of
20 the threat posted on that website, as they, from your
21 interview, were able to find out that somebody else had
22 posted that on the website.

23 So, yes, I did say you were involved
24 in creating StopIslam.

25 MR. ALEXAN KULBASHIAN: You did say

1 that. And you say you got that information from the
2 FBI?

3 DET/CST. WILSON: Yes, sir.

4 MR. ALEXAN KULBASHIAN: You read the
5 file that the FBI had?

6 DET/CST. WILSON: No, sir I talked to
7 an FBI agent.

8 MR. ALEXAN KULBASHIAN: You talked to
9 the FBI. Then what would you say if I told you that
10 the FBI told me that the London Police told him that I
11 had designed the StopIslam site?

12 THE CHAIRPERSON: You lost me after
13 told me after told me.

14 MR. ALEXAN KULBASHIAN: Okay, sorry.
15 Basically, what would you say if I
16 told you that the FBI informed me that the London
17 Police had informed them that I had designed that
18 website and that I was involved?

19 DET/CST. WILSON: I never told them
20 that.

21 MR. ALEXAN KULBASHIAN: You testified
22 yesterday that you might have told the FBI that I was
23 in control of the server, that I owned the server.

24 DET/CST. WILSON: I testified
25 yesterday that I believed you to still be in control of

1 AffordableSpace, yes, sir.

2 MR. ALEXAN KULBASHIAN: Do you
3 remember reading the July 5th document?

4 DET/CST. WILSON: Yes, sir, and I
5 think I answered this as yesterday as well.

6 MR. ALEXAN KULBASHIAN: Can you just
7 give me a brief, because I don't think you answered my
8 question in full.

9 DET/CST. WILSON: Do I remember the
10 July 5th document?

11 MR. ALEXAN KULBASHIAN: That's right.
12 Do you remember the document of the
13 transfer of ownership?

14 DET/CST. WILSON: Yes, sir.

15 MR. ALEXAN KULBASHIAN: Okay. And do
16 you remember what you told the FBI when they --

17 THE CHAIRPERSON: Mr. Kulbashian,
18 please turn off your cell phone.

19 MR. ALEXAN KULBASHIAN: That was
20 mine.

21 THE CHAIRPERSON: Well everybody.

22 MR. VAHE KULBASHIAN: I'm sorry, Mr.
23 Chair.

24 MR. RICHARDSON: Mine too:

25 MR. VAHE KULBASHIAN: I have turned

1 my phone off, but I am expecting a very important call.
2 It's from my wife, it's regarding a health situation.

3 THE CHAIRPERSON: Step outside then,
4 put it on silent.

5 MR. ALEXAN KULBASHIAN: Okay. So,
6 and you testified that you haven't seen the StopIslam
7 site?

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

9 MR. ALEXAN KULBASHIAN: When I went
10 on a trip in the U.S., what was I charged with?

11 DET/CST. WILSON: Breaching your
12 conditions.

13 MR. ALEXAN KULBASHIAN: Which ones?

14 DET/CST. WILSON: You left the
15 country when -- in a time period that you weren't
16 allowed to be outside the country and one of your
17 conditions is that you were in control of computer
18 devices that you were not allowed to be.

19 MR. ALEXAN KULBASHIAN: So, which
20 part of my bail said that I wasn't allowed to leave the
21 country?

22 DET/CST. WILSON: It said that you
23 were supposed to reside at an address and you had asked
24 permission from the court to leave from a certain
25 period of time to go see his, at that time I believe --

1 I can't remember if it was his girlfriend or his wife
2 at that time in Arizona.

3 We checked on his conditions, he was
4 no longer living at that address and, therefore, we
5 charged him with a breach of his bail conditions.

6 Those charges, again, were withdrawn
7 by crown as a result of the withdrawing in December of
8 2003.

9 MR. ALEXAN KULBASHIAN: Now, coming
10 back to, do you remember why I had to ask permission to
11 visit my pregnant girlfriend at that time?

12 DET/CST. WILSON: I believe because
13 it was a pregnant girlfriend and she was having some
14 medical difficulties.

15 MR. ALEXAN KULBASHIAN: Do you
16 remember why I had to ask permission in order to visit
17 her?

18 DET/CST. WILSON: Because the courts
19 ordered you to reside somewhere and you were asking
20 permission from the court so that could be a little
21 more lenient.

22 MR. ALEXAN KULBASHIAN: Do you know
23 what the residence clause applies to in the bail
24 condition?

25 DET/CST. WILSON: I believe it says

1 -- I believe at the time --

2 MR. WARMAN: Objection. If he can
3 establish some relevance to this line of questioning.

4 THE CHAIRPERSON: I don't know what
5 the relevance is at all.

6 MR. ALEXAN KULBASHIAN: Well, coming
7 back to -- basically it continues on to the breach of
8 bail issue.

9 THE CHAIRPERSON: What about the
10 breach of bail? How is that relevant?

11 MR. ALEXAN KULBASHIAN: Okay. The
12 issue is, now, he testified that I was arrested for
13 allegedly committing a breach of bail when I got back
14 from the U.S.

15 In fact - well, I don't want to
16 testify, so don't know if I can speak freely on this.

17 THE CHAIRPERSON: How is that
18 relevant to the human rights complaint?

19 MR. ALEXAN KULBASHIAN: It's relevant
20 to the only witness who provided all the evidence to
21 either Warman or to the court?

22 THE CHAIRPERSON: To Mr. Warman.

23 MR. ALEXAN KULBASHIAN: That's what I
24 said, Mr. Warman.

25 THE CHAIRPERSON: No, you said

1 Warman.

2 MR. ALEXAN KULBASHIAN: No, I said
3 Mr. Warman from what I remember.

4 THE CHAIRPERSON: Look --

5 MR. ALEXAN KULBASHIAN: So, basically
6 what I'm saying is it involves the only, I guess, the
7 star witness in this case who would be the source of
8 the information that was provided to Mr. Warman and to
9 the court in testimony and, like, unless you're --
10 maybe the Tribunal is prepared to rule that the witness
11 is unreliable, then I'm going to continue with my line
12 of questioning, because it is a credibility issue with
13 this witness specifically.

14 MS MAILLET: My objection is that the
15 line of questioning has nothing to do with the evidence
16 that's been put before the court through this witness
17 or through the Commission, and so he's following a line
18 of questioning that has absolutely nothing to do with
19 any evidence that's being relied on.

20 THE CHAIRPERSON: What it sounds like
21 to me, sir, is that things have occurred in your life
22 which have troubled you and to which you feel you were
23 vindicated at some point, and I appreciate that, that's
24 fine.

25 I'm not going to allow my process,

1 because I am master of this process - Mr. Kulbashian,
2 when I'm talking to you, please listen - I'm not going
3 to allow this process to be used as a forum for some
4 other purpose.

5 If you are trying to establish how
6 you were right and that the London Police Service was
7 wrong, that's not the forum for this.

8 MR. ALEXAN KULBASHIAN: Mr. Chair, I
9 understand that. However, my purpose is not to come
10 here and, I guess, get revenge or anything like that,
11 my purpose is -- now, considering the fact that Det.
12 Wilson testified last time that there was an issue with
13 the U.S., I think he opened the can of worms, not me,
14 which is the reason I'm continuing from there, because
15 he did make allegations that it was about threats, it
16 was a site called StopIslam.com which would indicate
17 that it was an anti-Islamic site.

18 So, it was him who opened the can of
19 worms, and I'm going to be addressing that issue in
20 order to make sure that there's no --

21 THE CHAIRPERSON: Did he do that in
22 his examination-in-chief or under cross-examination?

23 MR. ALEXAN KULBASHIAN: In his
24 cross-examination and it was not related to the
25 question --

1 THE CHAIRPERSON: So, it came after a
2 question that you asked.

3 MR. ALEXAN KULBASHIAN: But it was
4 not related to the question that I asked.

5 When I asked if I had -- The question
6 I had asked was whether I had breached my bail, whether
7 I had breached my bail at any time, and regardless of
8 the fact that it was allegations and I was never
9 convicted of it, he started talking about the FBI
10 situation in the U.S., even though I tried to stop him,
11 and you let him go on, as I read from last time, and
12 you said -- it says over here, give me sec.

13 It says:

14 "Yes, go ahead."

15 And then it continues on.

16 THE CHAIRPERSON: Well, wait, give me
17 the rest.

18 MR. ALEXAN KULBASHIAN: It says:

19 "THE CHAIRPERSON: Yes, go
20 ahead."

21 I don't have the whole thing printed
22 out, sorry, I just have --

23 THE CHAIRPERSON: Well then, you
24 can't just refer it to me like that.

25 MR. ALEXAN KULBASHIAN: Okay. So, in

1 that case I can have it printed out in order to, like,
2 be able to deal with it, I'll be able to find the --

3 THE CHAIRPERSON: In the context in
4 which you asked a question for which he gave an answer
5 to a question that you asked.

6 When you ask a question of a witness
7 he answers. You can't object to an answer to a
8 question that you asked.

9 It seems what you're telling me is
10 that - because I don't recall this question - that you
11 asked a question and he gave an answer and you wanted
12 to object to that answer. You can't do that.

13 MR. ALEXAN KULBASHIAN: Okay. Well
14 in that case, though, if you put it one way or another,
15 but the cans of worms has been opened about the U.S.
16 issue.

17 THE CHAIRPERSON: Because you asked
18 the question, yes.

19 MR. ALEXAN KULBASHIAN: And the U.S.
20 issue, since it does, like, going on the record, does
21 indicate some type of -- especially considering the
22 allegations that are against me in the court right now,
23 against, you know racism against Muslims and Jews and
24 StopIslam.com would obviously indicate that it was some
25 form of racism against Muslims and it would ultimately

1 strengthen the case against me, even those there's a
2 lot of outstanding issues with that, that's what I'm
3 trying to deal with right now.

4 THE CHAIRPERSON: Well, it came as a
5 consequence of your questions. I don't remember
6 anything about StopIslam.com from the
7 examination-in-chief. It wasn't relied upon either by
8 Mr. Warman or this witness.

9 MR. ALEXAN KULBASHIAN: During the
10 break I can review the transcripts in order to --

11 THE CHAIRPERSON: Maybe that would be
12 helpful. I will allow the question for the time being.

13 Yes, Mr. Warman?

14 MR. WARMAN: I only mention that, to
15 the best of my recollection, neither the Commission nor
16 myself have raised any issue about the website
17 StopIslam.com.

18 THE CHAIRPERSON: Nor I, but I think
19 I'm wasting more time debating this than hearing the
20 question.

21 So, go ahead with the question.

22 MR. ALEXAN KULBASHIAN: Okay. So,
23 you said you heard about StopIslam from the FBI; is
24 that right?

25 DET/CST. WILSON: Yes, sir.

1 MR. ALEXAN KULBASHIAN: And you
2 didn't visit the site, you said?

3 DET/CST. WILSON: No, sir.

4 MR. ALEXAN KULBASHIAN: So, when I
5 was charged with breach of bail for breaching my --
6 especially the computer one, were you aiming to maybe
7 use StopIslam.com, the fact that, as you say, that I
8 designed or maintained the site against me in court,
9 say, for the breach of bail conditions?

10 DET/CST. WILSON: Yes, sir, I used
11 the information supplied to me by an FBI agent.

12 MR. ALEXAN KULBASHIAN: And you never
13 visited the StopIslam site in the mean time?

14 DET/CST. WILSON: No, sir. As I --

15 MR. ALEXAN KULBASHIAN: Sorry.

16 DET/CST. WILSON: As I said, I used
17 the information supplied to me from the FBI agents to
18 lay a charge of breach of probation -- breach of bail.

19 MR. ALEXAN KULBASHIAN: And what were
20 you expecting to take to court with you, an empty file
21 or just the FBI's, I guess, document that they had
22 handed you?

23 DET/CST. WILSON: I had --

24 MR. ALEXAN KULBASHIAN: If I went to
25 court for those charges?

1 DET/CST. WILSON: Yeah, I would have
2 called the FBI agents.

3 MR. ALEXAN KULBASHIAN: All 50 of
4 them?

5 DET/CST. WILSON: I would have called
6 the two that were put down as witnesses and, if
7 required, I would have called 50 FBI agents.

8 MR. ALEXAN KULBASHIAN: And did this
9 case -- did any of my breach of bail cases ever go to
10 trial?

11 DET/CST. WILSON: No, sir. As I said
12 before --

13 MR. ALEXAN KULBASHIAN: Did they ever
14 proceed to court?

15 MR. WARMAN: Objection. Asked and
16 answered numerous times.

17 MR. ALEXAN KULBASHIAN: Not the bail
18 ones.

19 THE CHAIRPERSON: Yes, he did. What
20 he said was that when the main charges were dropped the
21 bail of course fell as well.

22 MR. ALEXAN KULBASHIAN: The bail fell
23 two months before my charges were dropped.

24 MR. VAHE KULBASHIAN: Two months
25 before.

1 THE CHAIRPERSON: I recall that too.

2 MR. ALEXAN KULBASHIAN: It was two
3 months before the charges were dropped, so that's the
4 kind of issue.

5 THE CHAIRPERSON: So, the bail
6 charges...?

7 DET/CST. WILSON: The bail charges
8 were withdrawn by crown in or around the same time that
9 the substantive charges were withdrawn a well.

10 MR. ALEXAN KULBASHIAN: When were the
11 substantive charges withdrawn?

12 DET/CST. WILSON: I believe you told
13 me yesterday it was some time in December of 2003.

14 MR. ALEXAN KULBASHIAN: Okay. When
15 were the bail charges withdrawn?

16 DET/CST. WILSON: Again, sir, I left
17 this province in March of 2003 and turned the custody
18 of this investigation over to another officer.

19 MR. ALEXAN KULBASHIAN: Okay. What
20 would you say if I told you the bail charges were
21 withdrawn two months after they were field and October
22 10th was when my main charge was withdrawn?

23 DET/CST. WILSON: I have no
24 information to say that you are wrong.

25 MR. ALEXAN KULBASHIAN: So then, how

1 do you have information to I state otherwise?

2 DET/CST. WILSON: I don't.

3 MR. ALEXAN KULBASHIAN: So, were you
4 just guessing when you just--

5 DET/CST. WILSON: No, sir.

6 MR. ALEXAN KULBASHIAN: --when you
7 just said, like when the charges were withdrawn, you
8 said it was around the same time, were you just
9 guessing or assuming that's what happened, or...

10 DET/CST. WILSON: I believe I was
11 taking the information you supplied the Tribunal.

12 MR. ALEXAN KULBASHIAN: Well, I never
13 said anything about my bail charges being withdrawn the
14 same time as the main charges.

15 Okay, ignore that, that's an
16 argument.

17 So, if you could turn to the new
18 papers that I photocopied yesterday morning and handed
19 to everybody, the one that's circled No. 13 at the very
20 top.

21 DET/CST. WILSON: Just for the
22 Tribunal's sake, I have never seen this page before in
23 my life.

24 MR. ALEXAN KULBASHIAN: Did you
25 testify that you haven't seen the StopIslam site

1 before; have you?

2 DET/CST. WILSON: You're right, sir,
3 that's probably why I haven't seen this page before.

4 MR. ALEXAN KULBASHIAN: Can you read
5 the document?

6 DET/CST. WILSON: I can't testify to
7 something that I have no recollection of.

8 MR. ALEXAN KULBASHIAN: Okay. Well,
9 can you read the document then?

10 THE CHAIRPERSON: Do you intend to
11 produce this document?

12 DET/CST. WILSON: I intend to produce
13 this document.

14 THE CHAIRPERSON: Later in your own
15 testimony?

16 MR. ALEXAN KULBASHIAN: No, this is
17 for these purposes.

18 THE CHAIRPERSON: Well, you can --
19 all right, listen. What we do in those situations -
20 you may have seen that, I started doing that yesterday
21 - if you want to put this document to the witness,
22 although we haven't properly identified it, we can
23 identify that document with a certain letter and then
24 at some point later in this hearing, the days
25 following, this will have to be properly identified and

1 entered into evidence.

2 But in the mean time, because this
3 witness isn't able to identify it--

4 MR. ALEXAN KULBASHIAN: Let's forget
5 this then.

6 THE CHAIRPERSON: Well, you may ask
7 some questions to him on the document, but we will
8 simply mark as a letter as opposed to a number.

9 Do you wish to do that?

10 MR. ALEXAN KULBASHIAN: Let's forget
11 about that then.

12 THE CHAIRPERSON: Forget about this?

13 MR. ALEXAN KULBASHIAN: Yeah, we'll
14 deal with this in the future.

15 THE CHAIRPERSON: Okay, I'll put it
16 aside.

17 MR. ALEXAN KULBASHIAN: Okay. So, in
18 that case, if you could turn to the one that's circled
19 No. 6 -- actually not No. 6, No. 10 or No. 11, both of
20 them.

21 THE CHAIRPERSON: Which?

22 MR. ALEXAN KULBASHIAN: No. 10 for
23 now.

24 THE CHAIRPERSON: Is it a two-page
25 document?

1 MR. ALEXAN KULBASHIAN: It's a
2 two-page document, Robert E. Coughlon.

3 THE CHAIRPERSON: Do you recognize
4 this document, Mr. Wilson?

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

6 THE CHAIRPERSON: You do not.

7 We can do it in the process I
8 indicated to you, Mr. Kulbashian. If you have specific
9 questions to ask on the document, we'll simply identify
10 it with a letter but don't forget to get back and
11 produce it afterwards because, if you don't, then
12 essentially any evidence with regards to the document
13 must fall.

14 MR. ALEXAN KULBASHIAN: So, what
15 letter?

16 THE CHAIRPERSON: So, now we'll
17 identify it with a letter. Just for purposes of
18 identification we'll give it a letter.

19 MR. ALEXAN KULBASHIAN: Okay.

20 THE CHAIRPERSON: And then what you
21 must do is, at some point, I presume in your evidence,
22 whoever it is that can identify this document will
23 testify.

24 MR. ALEXAN KULBASHIAN: Okay. First
25 of all, this is a letter on behalf of a lawyer from the

1 U.S.

2 THE CHAIRPERSON: Okay. So, I will
3 just look at it quickly.

4 It appears to be a letter from Robert
5 E. Coughlon, Jr. Attorney at Law, C-o-u-g-h-l-o-n, and
6 it's dated February 6, 2003 addressed to a Mr. Peter
7 Lindsay in Toronto.

8 It says, "RE: Alexan Kulbashian",
9 two-page document.

10 So, for that purpose, let's just
11 identify the letter.

12 REGISTRY OFFICER: The document as
13 described by the Chairperson will be marked for
14 identification as Document "A".

15 EXHIBIT NO. "A": Two-page letter
16 dated February 6, 2003 from Robert E.
17 Coughlon, Jr., Attorney at Law to
18 Peter Lindsay, re: Alexan Kulbashian.

19 MR. ALEXAN KULBASHIAN: Det. Wilson,
20 have you ever seen this document before?

21 DET/CST. WILSON: No, I haven't.

22 MR. ALEXAN KULBASHIAN: Do you
23 remember testifying at my bail hearing when I got back
24 from the U.S.?

25 DET/CST. WILSON: Yes, sir.

1 MR. ALEXAN KULBASHIAN: Do you
2 remember testifying at the same hearing that I was
3 charged in the U.S.?

4 DET/CST. WILSON: No, sir, I don't
5 remember that.

6 MR. ALEXAN KULBASHIAN: Do you
7 remember the discussion about the FBI?

8 DET/CST. WILSON: Oh yes, sir.

9 MR. ALEXAN KULBASHIAN: Do you
10 remember -- I'll just ask you again for the last time,
11 do you remember ever stating during that bail hearing
12 that I was charged in the U.S.?

13 DET/CST. WILSON: I don't recall that
14 at all, sir.

15 MR. ALEXAN KULBASHIAN: Okay. Do you
16 remember when this document was produced and actually
17 shown to you during my bail hearing?

18 DET/CST. WILSON: No, sir.

19 MR. ALEXAN KULBASHIAN: So, do you
20 have a good memory as you testified last time?

21 MR. WARMAN: Objection. Asked and
22 answered.

23 MR. ALEXAN KULBASHIAN: Okay.

24 MR. WARMAN: And abusive.

25 MR. ALEXAN KULBASHIAN: So, you

1 testified that you had a good memory; right? So, you
2 might have forgotten about this.

3 So, could you go down to the last
4 paragraph of first page.

5 DET/CST. WILSON: I can't testify to
6 something I have no recollection about.

7 MR. ALEXAN KULBASHIAN: Well, read
8 it.

9 THE CHAIRPERSON: He may ask you some
10 questions. He may just want to draw your attention to
11 something. It's clear by you that you have no
12 recollection about this document.

13 MR. ALEXAN KULBASHIAN: Where it
14 says:

15 "On January 6th, 2003..."
16 Okay. Can you read that part out
17 loud.

18 THE CHAIRPERSON: On the second page?

19 MR. ALEXAN KULBASHIAN: On the first
20 page. I'm sorry, first page, last paragraph.

21 THE CHAIRPERSON: Last paragraph.
22 Okay.

23 DET/CST. WILSON:

24 "On January 6, 2003, I appeared
25 for the hearing with Alexan

1 Kulbashian before Immigration
2 Judge Sean Keenan. The INS
3 argued that bond should be
4 denied because Alexan allegedly
5 had arrest warrants outstanding
6 in Canada, and because of the
7 Assault conviction in Canada.
8 Judge Keenan took the matter
9 under submission and continued
10 it until January 14, 2003. At
11 the continued bond hearing on
12 January 14, 2003, Judge Keenan
13 denied bond, citing as his
14 reason that he believed Alexan
15 was a danger to the community."

16 MR. ALEXAN KULBASHIAN: Thank you.

17 Yesterday you testified the reason
18 why I was held by INS was because they alleged I had
19 something to do with the threats or the site itself.

20 DET/CST. WILSON: No, sir, testified
21 that you were under investigations for a threat that
22 was made through the University of San Francisco posted
23 on a website named StopIslam. That's how I received
24 information from the FBI.

25 MR. ALEXAN KULBASHIAN: And what did

1 you say about me being referred to INS?

2 DET/CST. WILSON: What did I say?

3 MR. ALEXAN KULBASHIAN: You said that
4 the FBI detained me, and why did you say that?

5 DET/CST. WILSON: I said that the INS
6 detained you and that you were detained because you
7 were a national security threat, which is exactly what
8 the last line says, you are a danger to community.

9 MR. ALEXAN KULBASHIAN: Do you know
10 the difference between community and national security?

11 DET/CST. WILSON: Yes, sir.

12 MR. ALEXAN KULBASHIAN: Okay. So,
13 would you say there's a difference between what you
14 said and what it says on the last line there?

15 DET/CST. WILSON: I would say that
16 your lawyer you hired there put it in plain English.

17 MR. ALEXAN KULBASHIAN: Same -- if I
18 could, it doesn't matter we'll get to that in a bit.

19 If you can go to the second page and
20 read where it says:

21 "It is important..."

22 Look at that part.

23 DET/CST. WILSON: I'm sorry, where is
24 it again, sir?

25 MR. ALEXAN KULBASHIAN: First

1 paragraph where it says:

2 "It is important.."

3 It looks like the fifth line near the
4 end:

5 "It is important to note..."

6 First paragraph.

7 DET/CST. WILSON: That starts:

8 "The bond hearing...?"

9 MR. ALEXAN KULBASHIAN: Yeah, that
10 paragraph, go down five lines.

11 DET/CST. WILSON: Yes.

12 "It is important to note that
13 INS did not allege that Alexan
14 had committed any crime while in
15 the United States, nor did the
16 INS allege that Alexan was still
17 under any investigation by the
18 FBI. Their allegation was
19 simply that he was inadmissible
20 at the time of entry."

21 MR. ALEXAN KULBASHIAN: Thank you.

22 Now, going back to what you just said
23 just now, why do you say, again, that I was handed over
24 to the INS?

25 DET/CST. WILSON: The FBI did that,

1 that was their investigation.

2 MR. ALEXAN KULBASHIAN: And did they
3 let you know why I was handed over to INS?

4 DET/CST. WILSON: Yes, because you
5 were illegally inside that country they deemed.

6 MR. ALEXAN KULBASHIAN: Is that a
7 difference between national security now all of a
8 sudden?

9 DET/CST. WILSON: No, you're a
10 national security threat or, as your lawyer put it, a
11 danger to community.

12 MR. ALEXAN KULBASHIAN: All right.
13 Do you remember why --

14 MR. RICHARDSON: Mr. Chair, the
15 lawyer did not say that he was a danger to community,
16 that was actually what the judge said. He was just
17 quoting the judge.

18 THE CHAIRPERSON: You can't object to
19 an answer. You object to questions.

20 MR. ALEXAN KULBASHIAN: That's right.
21 Okay, don't worry, don't worry.

22 Okay. So, do you remember what the
23 issue was why I was inadmissible to the U.S.?

24 DET/CST. WILSON: Well, reading your
25 lawyer's letter it says that you were a danger to the

1 community and that you had an assault conviction you
2 didn't declare.

3 MR. ALEXAN KULBASHIAN: Do you know
4 what -- do you happen to know when the police - when
5 the FBI, or INS called London Police, what did they ask
6 you?

7 DET/CST. WILSON: What did they ask
8 me?

9 MR. ALEXAN KULBASHIAN: That's right.

10 DET/CST. WILSON: They asked me if
11 you were in any investigation here in Canada and I told
12 them the facts of the investigation here in Canada.

13 MR. ALEXAN KULBASHIAN: And when they
14 asked you what the maximum time I could have received
15 on that conviction was, what did you tell them?

16 DET/CST. WILSON: I would probably
17 have to look it up in the Criminal Code, but I believe
18 death threats is 14 years.

19 MR. ALEXAN KULBASHIAN: Oh, we're not
20 talking about that, I mean the conviction that I had, I
21 was not convicted of death threats and there was no
22 issue about that.

23 DET/CST. WILSON: I believe assault
24 is five years.

25 MR. ALEXAN KULBASHIAN: No, when they

1 asked you in their question, what was the maximum I
2 could have received on my conviction what did you tell
3 them; five years?

4 DET/CST. WILSON: I would have told
5 them what the Criminal Code tells me, is five years.

6 MR. ALEXAN KULBASHIAN: Okay. You
7 were following my case, my assault case; right?

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: Did you pay
10 any attention as to whether or not the judge proceeded
11 summarily or by indictment on that case?

12 DET/CST. WILSON: I believe the crown
13 changed their opinion and wanted to go by indictment.

14 That's not what the FBI asked me.
15 The FBI asked me what the maximum you could receive and
16 I told them.

17 MR. ALEXAN KULBASHIAN: The FBI --
18 first of all, do you remember the FBI asking you - I
19 guess I'll just put it as a question - not whether or
20 not what the maximum sentence I could receive for an
21 assault was, but whether or not what the maximum
22 sentence I could have received at my trial was?

23 DET/CST. WILSON: No. They asked me
24 what the maximum sentence you could receive for an
25 assault conviction in Canada.

1 MR. ALEXAN KULBASHIAN: Is that what
2 you stand by?

3 DET/CST. WILSON: Yes, sir.

4 MR. ALEXAN KULBASHIAN: You know
5 you're under oath.

6 MR. WARMAN: Objection, it's...

7 THE CHAIRPERSON: I told you once and
8 I've told you twice, stop asking that question. He is
9 under oath.

10 MR. ALEXAN KULBASHIAN: Okay.

11 MS MAILLET: And, Mr. Chair --

12 THE CHAIRPERSON: And you know what
13 the nature of this conversation is becoming, Mr.
14 Kulbashian, again, it sounds like you are just trying
15 to have a good kick at this witness.

16 MR. ALEXAN KULBASHIAN: Oh, no, I'm
17 --

18 THE CHAIRPERSON: As opposed to just
19 trying to extract information that can objectively put
20 in question his credibility.

21 That's not how it sounds like when
22 you are asking these types of questions, all right,
23 especially when, you know, I still do not see what the
24 bearing is to the facts of the case when you are
25 getting into all these things, but go ahead.

1 MR. ALEXAN KULBASHIAN: Okay.

2 This question is then, are you sure
3 you followed the case fully, my assault case fully?

4 DET/CST. WILSON: Your assault case?

5 MR. ALEXAN KULBASHIAN: Yes.

6 DET/CST. WILSON: I wasn't the lead
7 investigator in it, but I would have been privy to some
8 information concerning that assault case, yes, sir.

9 MR. ALEXAN KULBASHIAN: Do you know
10 if the case proceeded summarily or by indictment?

11 DET/CST. WILSON: I believe the crown
12 elected to go summarily.

13 MR. ALEXAN KULBASHIAN: And what
14 would be the maximum sentence I would have gotten?

15 DET/CST. WILSON: Six months.

16 MR. ALEXAN KULBASHIAN: And what did
17 you tell the FBI?

18 DET/CST. WILSON: Five years.

19 MR. ALEXAN KULBASHIAN: Okay. That's
20 good enough.

21 Now -- so, do you know where I was
22 born?

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

24 MR. ALEXAN KULBASHIAN: So, did you
25 do any investigation on where I was born, to find out?

1 DET/CST. WILSON: No, sir, not unless
2 you told me.

3 MR. ALEXAN KULBASHIAN: Do you
4 remember where I told you I was born during my
5 questioning?

6 DET/CST. WILSON: I think you told me
7 somewhere in the middle east, but that's just from
8 recollection, sir.

9 MR. ALEXAN KULBASHIAN: Do you
10 remember me telling you I was from Lebanon?

11 DET/CST. WILSON: Now that you said
12 that, sir, yes, I do.

13 MR. ALEXAN KULBASHIAN: Okay. Do you
14 know what kind of population is in Lebanon?

15 DET/CST. WILSON: They are of middle
16 eastern descent, I believe.

17 MR. ALEXAN KULBASHIAN: What religion
18 mostly?

19 DET/CST. WILSON: I don't know I'm
20 not an expert in any religion or country.

21 MR. ALEXAN KULBASHIAN: Okay. Do you
22 know what the population, like ethnicity is?

23 DET/CST. WILSON: Again, I would
24 think they would predominantly be middle eastern.

25 MR. ALEXAN KULBASHIAN: Well,

1 Turkish?

2 MR. WARMAN: Objection. He's asking
3 questions that are clearly outside the knowledge of the
4 witness.

5 MR. ALEXAN KULBASHIAN: Well, okay.
6 What would you say if I told you that the population
7 was by majority Arab?

8 DET/CST. WILSON: I don't have any
9 information to disagree with you.

10 MR. ALEXAN KULBASHIAN: Okay. Okay.
11 And so would you say that the majority of the
12 population was also Muslim?

13 MR. WARMAN: Objection. I'm really
14 having a hard time establishing what the relevance of
15 this line of questioning is as well.

16 THE CHAIRPERSON: What is the
17 relevance?

18 MR. ALEXAN KULBASHIAN: It actually
19 is very relevant, considering the fact that --

20 THE CHAIRPERSON: Well then tell me.

21 MR. ALEXAN KULBASHIAN: Because I was
22 found to make -- well, according to him I made threats
23 against Muslims and that's a big issue in this thing,
24 in my defence, because since section 13 there is a
25 threat that I was involved in, according to him, about

1 Muslims and Jews.

2 THE CHAIRPERSON: So, you're trying
3 to establish that you come from a country that is
4 Muslim?

5 MR. ALEXAN KULBASHIAN: Yes, and that
6 I identify --

7 THE CHAIRPERSON: But this witness
8 just said that he doesn't know anything about the
9 Lebanese population make up. That's your evidence.

10 And, Mr. Wilson, are you aware of the
11 fact that Lebanon is comprised of a large Muslim
12 population?

13 DET/CST. WILSON: From general
14 knowledge, yes, sir, I believe that there would be a
15 Muslim population there.

16 MR. ALEXAN KULBASHIAN: Okay. So, do
17 you happen to know where I lived in Lebanon during the
18 Civil War?

19 DET/CST. WILSON: No, sir.

20 MR. ALEXAN KULBASHIAN: Did I ever
21 tell you where I was from in Lebanon?

22 DET/CST. WILSON: Again, I don't
23 recall you telling me.

24 MR. ALEXAN KULBASHIAN: Do you
25 remember me telling you I was from Beirut?

1 DET/CST. WILSON: I don't recall that
2 at all.

3 MR. ALEXAN KULBASHIAN: Okay. So, I
4 guess -- so, would you know if Beirut was on the Muslim
5 or Christian side during the Civil War?

6 DET/CST. WILSON: I would have no
7 idea.

8 MR. WARMAN: Again, he's asking
9 questions that are completely outside of the knowledge
10 of the witness.

11 MR. ALEXAN KULBASHIAN: That's the
12 question, I'm asking if he would know.

13 MR. WARMAN: Excuse me, can you let
14 me finish my objection.

15 That he's clearly already testified
16 that are outside his knowledge. I mean, he's asking
17 specialized questions regarding demographic and
18 geographical questions about Lebanon of which the
19 witness has no knowledge and has testified to that
20 fact.

21 MS MAILLET: I believe what Mr.
22 Kulbashian is doing is attempting to give his evidence
23 through Mr. Wilson.

24 THE CHAIRPERSON: That's right. Mr.
25 Kulbashian, you'll have plenty of opportunity to lead

1 this kind of evidence on your own afterwards.

2 MR. ALEXAN KULBASHIAN: Okay. In
3 that case --

4 THE CHAIRPERSON: I mean, if you want
5 to get to a certain point, you could lead the question
6 in.

7 If you're trying to make another
8 point and you just want to say, I put it to you that
9 the population in Beirut is composed of 80 per cent
10 Muslims, and then add another question to it at the
11 end, you know, it's faster than trying to ask this
12 witness who just said that he doesn't know anything
13 about Lebanon.

14 MR. ALEXAN KULBASHIAN: That's fine.

15 So, as you said, I put it to you that
16 I lived in the Muslim side during the Civil War and I
17 also put it to you that most of our friends there in
18 Lebanon and business partners are Muslim.

19 Now, have you ever -- like, what
20 would you say to that, first of all; would you know?

21 THE CHAIRPERSON: Mr. Kulbashian,
22 Sr., please, I hear you mumbling. Either take over or
23 let your son do it.

24 It's annoying to hear the questions
25 coming from you and then being repeated.

1 DET/CST. WILSON: I have no
2 information to disagree with you, Mr. Kulbashian.

3 MR. ALEXAN KULBASHIAN: Have you seen
4 me write any anti-Arab articles ever?

5 DET/CST. WILSON: Seen you?

6 MR. ALEXAN KULBASHIAN: Not seen me,
7 sorry. Have you ever noticed any anti-Arab articles
8 authored by Alex Krause?

9 DET/CST. WILSON: No, the only one
10 I've seen is the one you facilitated.

11 MR. ALEXAN KULBASHIAN: Have you
12 season any anti-Arab articles authored by who you
13 allege to me as Totenkopf?

14 DET/CST. WILSON: No, sir.

15 MR. ALEXAN KULBASHIAN: Have you ever
16 seen any pro-Arab and pro-Muslim articles authored by
17 Alex Krause?

18 DET/CST. WILSON: I don't recall any,
19 no.

20 MR. ALEXAN KULBASHIAN: Okay. If we
21 could turn to -- actually might be here HR.

22 THE CHAIRPERSON: HR-1?

23 MR. ALEXAN KULBASHIAN: It's in HR-1
24 and I'm trying to find the exact location.

25 We'll get back to that document in a

1 bit when my Dad looks for it.

2 And so, have you -- okay, the name
3 Alex Krause, where do you say previously that I've
4 gotten the last name Krause from?

5 Not necessarily in this court, any
6 time. Like, not necessarily in front of the court,
7 like, even before.

8 DET/CST. WILSON: I don't recall
9 where you got the name Alex Krause.

10 MR. ALEXAN KULBASHIAN: Do you
11 remember saying that you thought it was my mother's
12 maiden name.

13 DET/CST. WILSON: No, I didn't.

14 MR. ALEXAN KULBASHIAN: You don't.
15 So, do you know where I could have gotten Alex Krause
16 from?

17 DET/CST. WILSON: I think it just
18 sounds more German.

19 MR. ALEXAN KULBASHIAN: Have you ever
20 seen the movie, Along Came A Spider?

21 DET/CST. WILSON: No, sir.

22 MR. ALEXAN KULBASHIAN: Okay. So, if
23 I put it to you that that movie is a movie with a black
24 actor, Morgan Freeman, and his character's name is Alex
25 Krause in that movie; would you say?

1 DET/CST. WILSON: I have no
2 information to disagree with you.

3 MR. ALEXAN KULBASHIAN: Is it
4 possible I got my name from there?

5 DET/CST. WILSON: In the realm of
6 possibilities, yes, sir.

7 MR. ALEXAN KULBASHIAN: It's not
8 impossible though; right?

9 DET/CST. WILSON: I said in the realm
10 of possibilities --

11 THE CHAIRPERSON: I heard the answer
12 the first time, Mr. Kulbashian.

13 MR. ALEXAN KULBASHIAN: Fine. So --
14 okay, I'm just going to go to my next question.

15 Coming back to that document, by the
16 way, that was presented in front of the court that
17 James can't see.

18 Where did you get that document? How
19 did you pick up that document?

20 DET/CST. WILSON: It was supplied to
21 me.

22 MR. ALEXAN KULBASHIAN: When was it
23 supplied to you?

24 MS MAILLET: I object to this line of
25 questioning. It's about a document that you have

1 indicated you would not order disclosed. We have
2 indicated it is from the Department of National
3 Defence, it's a report that went to the London Police
4 Service that was in their possession.

5 I'm just cautious about the line of
6 questioning in terms of him wanting to know what was in
7 the document.

8 MR. ALEXAN KULBASHIAN: Oh no, I'm
9 not even going to get close to what was in the
10 document.

11 MR. WARMAN: Excuse me, I'm also
12 raising an objection because it's already been
13 excluded from the evidence, therefore, it's not before
14 the Tribunal.

15 THE CHAIRPERSON: It's not, but the
16 issue was before the Tribunal.

17 Let's see where this questioning is
18 going before we get there.

19 MR. ALEXAN KULBASHIAN: Okay. Was it
20 just handed -- did you request the document?

21 THE CHAIRPERSON: That specific
22 document?

23 MR. ALEXAN KULBASHIAN: Did he
24 request any -- like, a document from the person who
25 handed it to him, or I guess --

1 THE CHAIRPERSON: I don't understand
2 your question.

3 MR. ALEXAN KULBASHIAN: Did he make a
4 request for the document?

5 THE CHAIRPERSON: For that specific
6 document?

7 MR. ALEXAN KULBASHIAN: Or for any
8 documents from National Defence on James?

9 DET/CST. WILSON: Again, giving an
10 answer to that is --

11 MR. WARMAN: There is an objection to
12 that. It goes to the question of investigative
13 technique.

14 THE CHAIRPERSON: Well, investigative
15 technique is an issue here. I mean, I'm informed that
16 the issue here is one of credibility, what was the
17 witness' motivation in the investigation.

18 I don't think that goes to the
19 content of the document, I think the question is
20 acceptable.

21 Did you consult with the Department
22 of National Defence?

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Did you
25 request any documents on James?

1 DET/CST. WILSON: No, sir.

2 MR. ALEXAN KULBASHIAN: Did they
3 volunteer documents to you?

4 DET/CST. WILSON: I didn't request
5 any.

6 MR. ALEXAN KULBASHIAN: And was it
7 handed to you directly?

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: By a member
10 of National Defence?

11 That's a question.

12 MR. WARMAN: Member Hadjis, I'm going
13 to object. This is going directly to -- he's trying to
14 obtain by the back door what he can't obtain through
15 the front door.

16 MR. ALEXAN KULBASHIAN: Oh no, no,
17 I'm not even going to get into the content of the
18 document at all.

19 What I'm trying to establish is
20 whether or not he obtained the document from a civilian
21 or a member the National Defence.

22 THE CHAIRPERSON: That might be the
23 contents of the document itself. I've seen the
24 document.

25 MR. ALEXAN KULBASHIAN: Well, no, the

1 document itself.

2 THE CHAIRPERSON: I'm telling you,
3 the document says it's from the Department of National
4 Defence.

5 MR. ALEXAN KULBASHIAN: Well, when it
6 was issued, whether or not he obtained it from a
7 civilian.

8 THE CHAIRPERSON: Then it's going to
9 content. I think I won't allow the question.

10 MR. ALEXAN KULBASHIAN: I'm not sure
11 -- I don't know --

12 THE CHAIRPERSON: That brooches the
13 content of the document. Actually, now that you pose
14 the question, it might have been in the document
15 itself. And, as I have already indicated, the document
16 is of doubtful relevance to this case, so...

17 There is a procedure if you wish to
18 challenge the DND's request that the document remain
19 confidential. If you want to take it to the Federal
20 Court, take it to the Federal Court.

21 MR. ALEXAN KULBASHIAN: Okay. If you
22 could turn to tab 25.

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Now, did you
25 claim previously that Totenkopf was me?

1 DET/CST. WILSON: Yes.

2 MR. ALEXAN KULBASHIAN: That was me.
3 Okay. So, would you say that Totenkopf then is the
4 editor of this newsletter on tab 25?

5 DET/CST. WILSON: I answered it
6 yesterday.

7 MR. ALEXAN KULBASHIAN: Okay. So, if
8 you could start reading the Editor's Voice?

9 DET/CST. WILSON:

10 "Editor's Voice

11 I'll make this short because
12 I made the intro long. Our
13 topic today, boys and girls, is
14 hypocrisy; primarily Israeli
15 hypocrisy.

16 Did we ever think we'd see
17 the day that a bully would cry
18 to the police about being
19 assaulted? Of course we did.
20 We've seen it time and time
21 again. The Conspirators of
22 Rome, the Betrayers of
23 Christ...",

24 I believe maybe it says,

25 "...perpetrators of Lebanese

1 Genocide are now pointing the
2 finger at Palestine and..."

3 THE CHAIRPERSON: The hole is right
4 there.

5 DET/CST. WILSON: Yeah.

6 THE CHAIRPERSON: Does anyone have
7 the actual word there?

8 MR. ALEXAN KULBASHIAN: Crying, I
9 think.

10 DET/CST. WILSON:

11 "...and crying."

12 MR. ALEXAN KULBASHIAN: Yeah.

13 MR. ALEXAN KULBASHIAN: Sort of a "y"
14 going down there. Keep going

15 DET/CST. WILSON:

16 "Palestinian officials allowed
17 in "terrorists" to enter the
18 occupied lands and murder a
19 couple of innocent civilians. So
20 what's the big deal? There are
21 no innocent fatalities in war.

22 After months of hitting
23 civilians in Palestine and
24 decades of throwing their weight
25 around on someone else's soil,

1 the crying bully was slapped in
2 the face once again by the hand
3 of the God of Justice. Now the
4 unwelcome guest (intruder) on
5 Palestinian soil is taking
6 advantage of the successful
7 September 11 attacks on
8 democracy and braying the Yasser
9 Arafat is housing "terrorists".

10 MR. ALEXAN KULBASHIAN: That's fine.

11 Thanks.

12 So, would you say this was a
13 pro-Palestinian article or an anti-Palestinian article?

14 DET/CST. WILSON: I would say it
15 would be an anti-Jewish article myself.

16 MR. ALEXAN KULBASHIAN: Is this
17 political?

18 DET/CST. WILSON: Very much so.

19 MR. ALEXAN KULBASHIAN: Would you
20 consider it to be hateful or political?

21 DET/CST. WILSON: Hateful, as in I
22 would investigate it as a hate crime, or hateful --

23 MR. ALEXAN KULBASHIAN: Hateful as in
24 if it would be anything but just a political article?

25 DET/CST. WILSON: Well, I think it

1 holds Jewish people in a poor light and I think it is a
2 pro-Palestinian article, yes.

3 So, I don't know what your question
4 is. I wouldn't investigate it as a hate crime, let's
5 put it that way.

6 THE CHAIRPERSON: You would?

7 DET/CST. WILSON: Wouldn't. Would
8 not, sorry.

9 MR. ALEXAN KULBASHIAN: Okay. But
10 does that article so far hold Jewish people in bad
11 light or Israel in a bad light?

12 DET/CST. WILSON: I'm sorry, you
13 correct me. Israelis in a bad light, I'm sorry.

14 MR. ALEXAN KULBASHIAN: Okay. Well,
15 do you know the difference between the word Jew and the
16 word Israeli?

17 DET/CST. WILSON: One is a nation and
18 one is a religion.

19 MR. ALEXAN KULBASHIAN: Okay. Do you
20 believe that it's a hate crime to --

21 THE CHAIRPERSON: He just said it's
22 not a hate crime.

23 MR. ALEXAN KULBASHIAN: No, in
24 general.

25 Do you think it's a hate crime to

1 discredit the policies of a nation?

2 DET/CST. WILSON: To discredit the
3 policies? No, sir.

4 MR. ALEXAN KULBASHIAN: To, I guess,
5 talk out against the policies of a nation; right?

6 DET/CST. WILSON: No, sir.

7 MR. ALEXAN KULBASHIAN: Not people,
8 okay.

9 So, you would say there would be a
10 difference if -- so, you would say that a country that,
11 say, was involved in international politics would be a
12 target for being criticized?

13 DET/CST. WILSON: Yeah, a target for
14 criticism, yes, sir.

15 MR. ALEXAN KULBASHIAN: But not
16 necessarily --

17 THE CHAIRPERSON: Mr. Kulbashian, why
18 are you asking this witness these questions?

19 It sounds to me like you're making an
20 argument that you're going to make to me at some point
21 on how this text is not hateful, I think.

22 MR. ALEXAN KULBASHIAN: Let's
23 continue. I'll continue from there.

24 THE CHAIRPERSON: I'm just not sure
25 what the value of this witness' opinion is.

1 MR. ALEXAN KULBASHIAN: Okay, I'll
2 continue from there.

3 Basically so, so far you allege that
4 I've written that article, obviously?

5 DET/CST. WILSON: Yes, sir.

6 MR. ALEXAN KULBASHIAN: Okay. And
7 you've alleged that because you say that Totenkopf is
8 me?

9 DET/CST. WILSON: Yes, sir.

10 MR. ALEXAN KULBASHIAN: And if you
11 read up from that article at the very top, you remember
12 you testified that Totenkopf is writing by about Alex
13 Krause?

14 DET/CST. WILSON: Yes, sir.

15 MR. ALEXAN KULBASHIAN: And so how do
16 you believe that Totenkopf is linked to me?

17 DET/CST. WILSON: Well, again in the
18 totality of evidence I've linked Alexan Kulbashian with
19 Alex Krause with Totenkopf very effectively, I think.

20 MR. ALEXAN KULBASHIAN: Okay. So,
21 basically you don't believe it's possible -- do you
22 think it's probable at all that somebody else is
23 Totenkopf that writes that article there?

24 DET/CST. WILSON: Probable at all?

25 MR. ALEXAN KULBASHIAN: Yes.

1 DET/CST. WILSON: No, sir, because I
2 have to have a genuine belief to execute search
3 warrants and do an investigation and lay a charge, so I
4 have a reasonable belief to believe that you are
5 Totenkopf, Alex Krause, Alexan Kulbashian.

6 MR. ALEXAN KULBASHIAN: And, but the
7 question is, is it probable at all?

8 I'm not asking you whether or not you
9 have to have a reasonable belief, but that would go
10 back to whether or not, you know, you filed the correct
11 information for a search warrant.

12 I'm saying, do you think it's
13 probable that Totenkopf is somebody else?

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

15 MR. ALEXAN KULBASHIAN: As a result
16 of this article?

17 DET/CST. WILSON: No, I don't. For
18 me to think that would be probable, would undermine the
19 rest of that investigation.

20 MR. ALEXAN KULBASHIAN: So, it would
21 be more reluctance to undermine the investigation, or
22 in order to -- basically, was your reluctance to
23 undermine the investigation what caused you to not
24 explore that option?

25 DET/CST. WILSON: No, sir. If I

1 could find out that three of you facilitated this
2 crime, three of you would have been charged. If four
3 of you did it --

4 THE CHAIRPERSON: For of you - them.

5 DET/CST. WILSON: Four of the
6 Canadian Ethnic Cleansing Team members facilitated this
7 threat, I would have charged four people.

8 My investigation led me to James
9 Scott Richardson and Alexan Kulbashian.

10 MR. ALEXAN KULBASHIAN: So, when your
11 investigation led you to James, did you know that there
12 was anybody else?

13 DET/CST. WILSON: No, sir.

14 MR. ALEXAN KULBASHIAN: So, did you
15 think there was somebody else when the investigation
16 led you to me?

17 DET/CST. WILSON: Oh yeah, I knew
18 that you had facilitated that threat.

19 MR. ALEXAN KULBASHIAN: So, do you
20 believe that I'm the author of every article that has
21 the name Totenkopf?

22 DET/CST. WILSON: I believe that you
23 facilitated the threat on September 14th, 2004.

24 MR. ALEXAN KULBASHIAN: That's not my
25 question. My question is, do you believe every

1 article that's written under the pseudonym Totenkopf is
2 authored by me?

3 DET/CST. WILSON: Do I believe the
4 possibility that somebody else used Totenkopf and wrote
5 an article?

6 MR. ALEXAN KULBASHIAN: At
7 cect.vinland voice?

8 DET/CST. WILSON: Yes, sir, I believe
9 that's very possible.

10 MR. ALEXAN KULBASHIAN: Okay, that's
11 good. That's good.

12 Okay. Now, so were you in charge of
13 my case when Carol Myles contacted you?

14 DET/CST. WILSON: Yes, sir.

15 MR. ALEXAN KULBASHIAN: Okay. Did
16 you speak to her directly?

17 DET/CST. WILSON: No, Det. McKinnon
18 spoke to her.

19 MR. ALEXAN KULBASHIAN: Did you look
20 at the e-mail, the one that you alleged that she sent?

21 DET/CST. WILSON: Yes, sir.

22 MR. ALEXAN KULBASHIAN: So, and do
23 you have it in this file over here?

24 DET/CST. WILSON: I don't believe I
25 do.

1 MR. ALEXAN KULBASHIAN: Okay. Would
2 that be relating to my -- would this file hold
3 everything related to the case in London?

4 DET/CST. WILSON: No, it wouldn't
5 relate to any of the investigation that we did in the
6 U.S.A. -- in the U.S. after that.

7 It only relates -- these binders
8 related to the threat on September 14th.

9 MR. ALEXAN KULBASHIAN: So, when you
10 testified on the letter of Carol Myles that you don't
11 have any hard evidence to bring, it's talking about a
12 letter--

13 DET/CST. WILSON: My recollection --

14 MR. ALEXAN KULBASHIAN: --the
15 original letter?

16 DET/CST. WILSON: My recollection of
17 what happened then.

18 MR. ALEXAN KULBASHIAN: Okay. Did
19 you read any letter -- because you also allege that I
20 sent a letter?

21 DET/CST. WILSON: That you sent a
22 letter to, I'm sorry...?

23 MR. ALEXAN KULBASHIAN: You also
24 allege that apparently I hadn't made a -- I sent a
25 response to that letter?

1 DET/CST. WILSON: I believe there's
2 something, it would be an e-mail.

3 MR. ALEXAN KULBASHIAN: Right.

4 DET/CST. WILSON: That you sent.

5 MR. ALEXAN KULBASHIAN: Okay. And
6 was hers an e-mail too?

7 DET/CST. WILSON: I believe it was an
8 e-mail that was sent to Det. Samm of the Metro Toronto
9 Hate squad and then that was forwarded to us at the
10 London Police Service, or Det. McKinnon at the London
11 Police Service.

12 MR. ALEXAN KULBASHIAN: Det. Samm,
13 you mean, the same person who, I guess, told you that I
14 designed the Tri-City site?

15 THE CHAIRPERSON: You what?

16 MR. ALEXAN KULBASHIAN: That I
17 designed the Tri-City site?

18 DET/CST. WILSON: The same officer --

19 MR. ALEXAN KULBASHIAN: The same
20 officer that told you -- was Det. Samm the same officer
21 that told you that I designed the Tri-City site?

22 DET/CST. WILSON: I don't recall him
23 telling us that. I remember him having an interview
24 with you previous to your arrest and me having some
25 conversation with Det. Samm, as well as Det. McKinnon

1 having some conversation with Det. Samm.

2 MR. ALEXAN KULBASHIAN: Okay. And do
3 you know where I allegedly e-mailed that letter that I
4 sent back, e-mail that I sent back?

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

6 MR. ALEXAN KULBASHIAN: Did you get
7 chance a to read it?

8 DET/CST. WILSON: I don't believe I
9 read your response.

10 MR. ALEXAN KULBASHIAN: So, you
11 commented on a response that you didn't get?

12 DET/CST. WILSON: I commented on the
13 response I received from information supplied to me by
14 another police officer.

15 MR. ALEXAN KULBASHIAN: And
16 considering that you were the lead investigator on my
17 case and you allege that that letter had something to
18 do with identifying me as Totenkopf, you didn't try to
19 read that letter?

20 DET/CST. WILSON: I had already
21 identified you as Totenkopf before hand and--

22 MR. ALEXAN KULBASHIAN: Go on.

23 DET/CST. WILSON: --and I trust in
24 the officers that I work with.

25 MR. ALEXAN KULBASHIAN: And so were

1 you planning on bringing that letter to court, say, if
2 went to court?

3 DET/CST. WILSON: Yes, sir,
4 especially considering the breach charges. A lot of
5 that investigation was in relation to your stay in
6 Arizona.

7 MR. ALEXAN KULBASHIAN: The letter.
8 You were talking about an e-mail that was before I even
9 went to Arizona.

10 DET/CST. WILSON: It was involving
11 your relationship with a lady there.

12 MR. ALEXAN KULBASHIAN: Okay, that's
13 fine. And what allegations were made in that e-mail?

14 DET/CST. WILSON: I believe Det.
15 McKinnon advised me that Ms. Myles, who was the mother
16 of your girlfriend at the time, soon to be wife,
17 advised us that you had identified yourself as
18 Totenkopf chatting back and forth with Carol Myles'
19 daughter?

20 MR. ALEXAN KULBASHIAN: Was there
21 also any information that you brought up during my bail
22 hearing that was in that letter or that you might have
23 got from Ms. Myles?

24 DET/CST. WILSON: Again, I can't
25 recall that. I might have.

1 MR. ALEXAN KULBASHIAN: Do you
2 remember anything about a hit in the U.S.?

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

4 MR. ALEXAN KULBASHIAN: And do you
5 remember what the information about that hit was?

6 DET/CST. WILSON: I understand that
7 there was some conversation on your chat lines that you
8 had either arranged or spoke of doing a hit on Nicole's
9 ex-husband, or husband at the time, separated husband.

10 MR. ALEXAN KULBASHIAN: Do you
11 remember where you heard that information from?

12 DET/CST. WILSON: I believe I heard
13 it from Det. McKinnon who read Ms. Myles' e-mail.

14 MR. ALEXAN KULBASHIAN: Did you read
15 Ms. Myles' e-mail?

16 DET/CST. WILSON: Now, I can't recall
17 if it was on the e-mail, I can't recall if I received
18 the information from Det. McKinnon who was in
19 conversation with people in Arizona.

20 MR. ALEXAN KULBASHIAN: Did you know
21 if any charges were pressed or if bail was pursued in
22 Arizona?

23 DET/CST. WILSON: No, as a matter of
24 fact I believe this was unsubstantiated.

25 MR. ALEXAN KULBASHIAN: Do you

1 remember testifying about these allegations even though
2 it turned out to be -- you just testified it was
3 unsubstantiated; right?

4 DET/CST. WILSON: Yes, sir.

5 MR. ALEXAN KULBASHIAN: Did you
6 testify about those allegations during my bail hearing
7 when I got arrested for the London charges.

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

9 MR. ALEXAN KULBASHIAN: Did you know
10 then that they were still unsubstantiated?

11 DET/CST. WILSON: I don't recall the
12 time line. Very well unsubstantiated, but it was
13 information I presented to the court, yes, sir.

14 MR. ALEXAN KULBASHIAN: So, you would
15 have presented unsubstantiated information that was
16 never pursued to the court in order to --

17 DET/CST. WILSON: I would have
18 presented the information to the court that I would
19 have.

20 If I knew that they were
21 unsubstantiated at the time, I would have told the
22 court at the time that they were unsubstantiated.

23 MR. ALEXAN KULBASHIAN: Is it true
24 that you knew they were unsubstantiated two or three
25 months before I was arrested?

1 DET/CST. WILSON: I don't recall
2 that, sir, no.

3 MR. ALEXAN KULBASHIAN: Do you recall
4 when you received that e-mail?

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

6 MR. ALEXAN KULBASHIAN: Do you recall
7 if it was two or three months before I was arrested?

8 DET/CST. WILSON: Again, which time
9 were you arrested?

10 MR. ALEXAN KULBASHIAN: For the
11 London case, for the section -- the ones that are in
12 front of the court right now, the section 13.

13 THE CHAIRPERSON: You weren't
14 arrested.

15 MR. ALEXAN KULBASHIAN: The initial
16 criminal charges.

17 DET/CST. WILSON: The initial arrest
18 in January?

19 MR. ALEXAN KULBASHIAN: Yes, that's
20 right.

21 DET/CST. WILSON: I believe the
22 information received from Ms. Myles - again this is
23 just from my recollection because I don't have it in
24 front of me - was after your arrest, shortly thereafter
25 your arrest, so it was in time to be presented at your

1 bail hearing, because I believe Nicole had to fly back
2 from Toronto to Arizona.

3 MR. ALEXAN KULBASHIAN: So, you say
4 that the e-mail that you received from Ms. Myles was
5 shortly after my arrest?

6 DET/CST. WILSON: I believe it was,
7 again, from my recollection.

8 MR. ALEXAN KULBASHIAN: Do you
9 remember what my meeting with Det. Samm was about?

10 DET/CST. WILSON: I believe it was --
11 prior to your arrest?

12 MR. ALEXAN KULBASHIAN: Yes.

13 DET/CST. WILSON: I believe it was
14 concerning the Toronto Police site that you had posted
15 with a lot of derogatory comments on it.

16 MR. ALEXAN KULBASHIAN: Do you
17 believe -- do you think it's possible that meeting with
18 Det. Samm was regarding the e-mail that I received from
19 Carol Myles?

20 DET/CST. WILSON: I don't recall
21 that, I remember they were -- they spoke to you
22 concerning the Toronto Police site that you had posted.

23 MR. ALEXAN KULBASHIAN: Okay. One
24 moment, please.

25 MS MAILLET: Mr. Chair, if we could

1 maybe take a short break.

2 THE CHAIRPERSON: Well, the problem
3 is I started late and I have a conference at twelve
4 o'clock which I have to attend and it would be good if
5 it was just a very short one, just five minutes.

6 MS MAILLET: Just I know the court
7 reporter was kind of wanting one.

8 THE CHAIRPERSON: Five-minute break
9 then. ---Recess taken at 11:20 a.
10 ---on resuming at 11:30 a.m.

11 REGISTRY OFFICER: All rise.

12 THE CHAIRPERSON: Thank you.

13 REGISTRY OFFICER: Please be seated.

14 MR. ALEXAN KULBASHIAN: Is there a
15 preliminary issue you wanted to raise?

16 MR. RICHARDSON: Mr. Chair, back to
17 the Department of National Defence document.

18 I'm not going to get into what's in
19 there or anything like that.

20 I was thinking maybe contacting the
21 Department of National Defence in Toronto and maybe
22 having someone come down and clarify, you know, who can
23 read this document and who could have.

24 Obviously, you can tell I'm very
25 upset still about the sharing of this information that

1 was supposed to be confidential, and whether or not it
2 has any bearing on the case really to me doesn't matter
3 any more, just the fact that that information was
4 shared, when obviously it wasn't meant to be.

5 We don't know how this information --
6 we can't find out how the information was got in the
7 first place, we can't find out what's in the actual
8 document itself and we're told this morning that it's
9 confidential information, it's not supposed to be
10 shared with anybody unless they have Department of
11 National Defence permission and yet this information
12 has been shared.

13 And I can't let it --

14 THE CHAIRPERSON: Unfortunately, it's
15 not an issue that's properly before me.

16 If you want to take it up with the
17 Department of National Defence, if you'd like to make
18 an Access to Information request to the department you
19 certainly can do so, but I have made my ruling on the
20 issue that is before me and, that is, the question of
21 its use -- its disclosure and use in evidence, all
22 right.

23 All I did tell you, though, is that
24 it doesn't seem to me in the excerpt that I read it
25 would automatically deny you access if you made your

1 Access to Information request. It says they reserve
2 the right to not disclose it, that's the reason I make.

3 So, I mean, if you wish to make that
4 request, do it, but it's not in front of me.

5 Thank you.

6 MR. RICHARDSON: Thank you.

7 MR. ALEXAN KULBASHIAN: Okay. Det.
8 Wilson, just continue. So, I guess, is there any other
9 issues or is that basically it?

10 THE CHAIRPERSON: Not from me.

11 MR. ALEXAN KULBASHIAN: All right.
12 Det. Wilson, do you believe that you try to follow
13 procedure in cases that you investigate?

14 DET/CST. WILSON: Yes, sir.

15 MR. ALEXAN KULBASHIAN: Okay. Now,
16 coming back to the U.S. issue, this procedural issue,
17 what address was on my bail condition that you breached
18 me for?

19 DET/CST. WILSON: Well, from my
20 recollection I believe it was 816, I think it's
21 Grandview Way which is where Mr. --

22 THE CHAIRPERSON: I just want to be
23 clear.

24 When we are talking about these bail
25 conditions, it's the ones that are related to the

1 website charge?

2 DET/CST. WILSON: The offence on
3 September 14th, yes, sir.

4 THE CHAIRPERSON: The London charges?

5 DET/CST. WILSON: Yes, sir.

6 THE CHAIRPERSON: Not the Toronto
7 charges.

8 MR. ALEXAN KULBASHIAN: Yes. I think
9 we'll just refer to them as, like, the September 14th
10 charges.

11 DET/CST. WILSON: Okay, the September
12 14th charge I believe it's the --

13 MR. ALEXAN KULBASHIAN: Just for
14 clarification, because there's two sets of charges.

15 THE CHAIRPERSON: Yes, I want to be
16 clear about that.

17 DET/CST. WILSON: The address was
18 listed as his dad's address, which I think is 816, and
19 I'm not too sure about this, Grandview Way North York.

20 MR. ALEXAN KULBASHIAN: So, okay,
21 could I try to refresh your memory on that because
22 there might be some confusion on that.

23 Do you remember going to an address
24 at 5 Northtown?

25 DET/CST. WILSON: 5 Northtown, yes,

1 sir, I do remember going there.

2 MR. ALEXAN KULBASHIAN: Now, I just
3 want address the point of confusion, I'm not trying to,
4 like -- do you remember what address was on the bail
5 conditions?

6 DET/CST. WILSON: Again, I remember
7 seeing a bail sheet with your father's address on it.

8 Again, I don't have them in front of
9 me, so... But I do recall your father's address at one
10 time being on your bail conditions.

11 MR. ALEXAN KULBASHIAN: Okay. At the
12 time when I was in the U.S. with this whole FBI
13 situation, do you remember if the address on my bail
14 condition could have been 5 Northtown, the address that
15 you visited?

16 DET/CST. WILSON: Yes, sir, it's an
17 apartment building that oversees your father's address.

18 MR. ALEXAN KULBASHIAN: How far is it
19 from my father's address?

20 DET/CST. WILSON: I think it's the
21 other side of the fence. I think it's in the same
22 block. You can see, like, they're just separated by a
23 fence I think pretty much.

24 MR. ALEXAN KULBASHIAN: Like, 200,
25 300 feet away?

1 DET/CST. WILSON: Yeah. Yes, sir.

2 MR. ALEXAN KULBASHIAN: So, and do
3 you think that it's possible that the address on the
4 bail conditions was 5 Northtown?

5 DET/CST. WILSON: It's very possible,
6 sir, yes.

7 MR. ALEXAN KULBASHIAN: Do you
8 remember why you visited 5 Northtown?

9 DET/CST. WILSON: I was checking your
10 bail conditions, I believe, to make sure that you lived
11 there because I received information that you were
12 actually in the United States.

13 MR. ALEXAN KULBASHIAN: Do you
14 remember what happened when you got there?

15 DET/CST. WILSON: I spoke to the -- I
16 didn't get nobody there, the office was closed.

17 I had a phone number for the lady
18 that worked in the property management section of that
19 building, so phoned her, gave them your name, and she
20 said nobody by that name lived at that address.

21 MR. ALEXAN KULBASHIAN: Do you
22 remember why the crown told you that address was on my
23 bail conditions?

24 DET/CST. WILSON: Why the crown told
25 you?

1 MR. ALEXAN KULBASHIAN: Did you ever
2 talk to the crown about that address on my bail
3 conditions?

4 DET/CST. WILSON: I think -- as
5 normal procedure, I would have run you on CPIC, which
6 is the Canadian Police Information Computer which would
7 have given me the conditions of your release and on
8 that condition of release would be listed your address,
9 again, the 5 North Plaza address that I knocked on.

10 MR. ALEXAN KULBASHIAN: How far is
11 London from --

12 THE CHAIRPERSON: Let's be clear.
13 This apparently was the address that appeared on the
14 bail conditions regarding the Toronto charge then?

15 DET/CST. WILSON: No, regarding the
16 London charges. When he was released --

17 THE CHAIRPERSON: The London charges,
18 which address were on the --

19 DET/CST. WILSON: At one point it's
20 the 5 North Plaza --

21 MR. ALEXAN KULBASHIAN: Northtown.

22 DET/CST. WILSON: Northtown Plaza and
23 then at one time the conditions were changed to include
24 his father's address on there.

25 THE CHAIRPERSON: So the initial --

1 DET/CST. WILSON: And I can't testify
2 if it was initial address, but at one time on his bail
3 conditions the Northtown Plaza address was placed on
4 there and I was in Toronto, so I checked that address.

5 THE CHAIRPERSON: And these bail
6 conditions we're always talking about are the ones
7 related to September 14th?

8 MR. ALEXAN KULBASHIAN: September
9 14th case, yes.

10 DET/CST. WILSON: Yes, sir.

11 MR. ALEXAN KULBASHIAN: So, the bail
12 conditions -- so, do you remember if the September 14th
13 bail conditions were 5 Northtown -- or at the time when
14 you came to visit Toronto, was it 5 Northtown or 816
15 Grandview?

16 DET/CST. WILSON: I believe it's 5
17 Northtown at that time, that's how come I would have
18 went to that address

19 MR. ALEXAN KULBASHIAN: Do you
20 remember who the sureties on my bail were?

21 DET/CST. WILSON: I believe they were
22 your father.

23 MR. ALEXAN KULBASHIAN: do you
24 remember where they lived?

25 DET/CST. WILSON: I think they lived

1 at 816 Grandview Way.

2 MR. ALEXAN KULBASHIAN: Which is 300
3 feet away?

4 DET/CST. WILSON: Which is right
5 across the fence, yes, sir.

6 MR. ALEXAN KULBASHIAN: How far is
7 London from Toronto?

8 DET/CST. WILSON: A couple of hours.

9 MR. ALEXAN KULBASHIAN: And when you
10 drove down from London to Toronto, you went down to 5
11 Northtown; right?

12 DET/CST. WILSON: After I was already
13 in Toronto for another investigation to deal with
14 something, so while I was in Toronto I visited 5
15 Northtown Plaza to check those bail conditions.

16 MR. ALEXAN KULBASHIAN: Did you go
17 300 feet away to ask my father if I lived there?

18 DET/CST. WILSON: No, sir, you were
19 supposed to live there at 5 Northtown.

20 MR. ALEXAN KULBASHIAN: Now, do you
21 remember the crown telling you about the mistake on the
22 bail?

23 DET/CST. WILSON: No, sir. Your bail
24 conditions over a couple of months really changed, was
25 varied several times - again, these are the bail

1 conditions from the London charges - varied several
2 times.

3 Your lawyer made application so you
4 could leave Canada to go visit your pregnant girlfriend
5 in the States.

6 So, again, I don't believe the crown
7 told me of any confusion. I don't recall that anyways.

8 MR. ALEXAN KULBASHIAN: Do you
9 remember getting a letter from the crown that he would
10 withdraw the warrants because of a mistake that he made
11 on the bail conditions?

12 THE CHAIRPERSON: Which warrants?

13 MR. ALEXAN KULBASHIAN: The warrants
14 for the breach of bail on the address issue.

15 DET/CST. WILSON: I believe that the
16 letter read from Mr. Lindsay to Mr. Keirluk that Mr.
17 Keirluk would not proceed with that bail breach, but
18 any further bail breaches would be proceeded with by
19 way of the court.

20 MR. ALEXAN KULBASHIAN: And was a
21 bail breach -- was a consent from Mr. Keirluk forwarded
22 to you by Mr. Lindsay?

23 DET/CST. WILSON: I believe at some
24 time I had knowledge of that. Either Mr. Keirluk told
25 me or the letter was sent to me. I'm not too sure

1 which one.

2 MR. ALEXAN KULBASHIAN: And do you
3 remember why I was still arrested for the breach of
4 bail on the address issue?

5 DET/CST. WILSON: My recollection is
6 you weren't, you were arrested on the other breaches,
7 having custody of a computer, which was another
8 condition that he wasn't allowed to have.

9 You weren't allowed to have access to
10 the Internet, computers, that sort of stuff and that's
11 the information the FBI supplied you.

12 MR. ALEXAN KULBASHIAN: Do you
13 remember what charges were laid against me, what
14 breaches were laid against me specifically when I came
15 back from the U.S. to London?

16 DET/CST. WILSON: I just -- there
17 were two breaches, I can't recall the other one.

18 I believe one of them was -- one of
19 them very well could be a non-reside clause and one of
20 them was the fact that you were in custody of computer
21 equipment when you weren't supposed to
22 be.

23 MR. ALEXAN KULBASHIAN: And one was a
24 non-reside clause, you said?

25 DET/CST. WILSON: Yes, sir.

1 MR. ALEXAN KULBASHIAN: Would that
2 have been the charges for the one that the crown
3 consented not to pursue?

4 DET/CST. WILSON: I think those were
5 the ones that were varied because crown had consented
6 for you to be outside the country for a period of time
7 and you stayed there longer than that period of time
8 that the crown changed that bail condition for.

9 MR. ALEXAN KULBASHIAN: Are you
10 guessing at that, or is that what you know?

11 DET/CST. WILSON: That's my
12 recollection.

13 MR. ALEXAN KULBASHIAN: So, basically
14 let me put it to you this way. The crown -- do you
15 remember when I left in the summer to go see my
16 pregnant girlfriend?

17 DET/CST. WILSON: Yes, sir.

18 MR. ALEXAN KULBASHIAN: Okay. And do
19 you remember that I had to take -- that I had to get
20 permission from the crown to go for that; right?

21 DET/CST. WILSON: Yes, sir.

22 MR. ALEXAN KULBASHIAN: Do you
23 remember why I had to get permission?

24 DET/CST. WILSON: Because the court
25 ordered you to stay at a residence.

1 MR. ALEXAN KULBASHIAN: Do you
2 remember if -- I put it to you this way, that the
3 reason I had to get permission is because I had a
4 curfew on my bail?

5 DET/CST. WILSON: It's very possible,
6 sir, yes.

7 MR. ALEXAN KULBASHIAN: Do you
8 remember if I had a curfew on my bail after that, after
9 the fact, when I went to the U.S.?

10 DET/CST. WILSON: I don't recall,
11 sir.

12 MR. ALEXAN KULBASHIAN: Okay. So,
13 basically does a residence clause prevent you from
14 leaving the country on trips?

15 DET/CST. WILSON: On trips?

16 MR. ALEXAN KULBASHIAN: Yes.

17 DET/CST. WILSON: Not necessarily.
18 Again, it's sort of a gray area, unfortunately, the
19 reside clause.

20 That's usually why they put curfew
21 conditions on there, to ensure that you're at that
22 address, but it doesn't prohibit you from--

23 MR. ALEXAN KULBASHIAN: Travelling?

24 DET/CST. WILSON: --from travelling
25 -- from leaving the country, again, as long as you

1 notify the authority that you're going to that you're
2 facing charges.

3 MR. ALEXAN KULBASHIAN: I've been on
4 bail before where it prevents you from leaving Ontario
5 or leaving the country.

6 DET/CST. WILSON: Yes, sir. Yes,
7 sir.

8 MR. ALEXAN KULBASHIAN: You remember
9 that?

10 DET/CST. WILSON: Yes, sir.

11 MR. ALEXAN KULBASHIAN: Okay. Now,
12 if you said that if I wasn't allowed to leave the
13 country there would be a clause in my bail saying I
14 would not be allowed to leave the country?

15 DET/CST. WILSON: If the courts deem
16 that that was a necessary condition, yeah, I would
17 believe that would be on there.

18 MR. ALEXAN KULBASHIAN: Was there a
19 clause that I was not allowed to leave the country on
20 my bail when I was breached?

21 DET/CST. WILSON: I don't recall
22 that, no, sir. I don't think there was.

23 MR. ALEXAN KULBASHIAN: Okay. Was
24 there any curfew on my bail?

25 DET/CST. WILSON: There was a curfew

1 at one time and I recall that there was a curfew
2 removed at one time. Again, the time line I'm not too
3 sure of.

4 MR. ALEXAN KULBASHIAN: But do you
5 recall if there was any curfew breaches that I was
6 charged with?

7 DET/CST. WILSON: I don't recall
8 that, sir, no.

9 MR. ALEXAN KULBASHIAN: Okay. So,
10 would it be safe to say that there was no curfew on my
11 bail?

12 DET/CST. WILSON: Again, I know at
13 one point in your bail you didn't have a curfew.

14 MR. ALEXAN KULBASHIAN: But I mean at
15 that time when --

16 DET/CST. WILSON: Again, I don't know
17 the time line.

18 MR. ALEXAN KULBASHIAN: Okay. So,
19 you don't remember that basically.

20 DET/CST. WILSON: I don't recall
21 that.

22 MR. ALEXAN KULBASHIAN: Let me put it
23 to you this way, that there was no curfew, that the
24 address was at 5 Northtown, which you admitted to?

25 DET/CST. WILSON: Yes, sir.

1 MR. ALEXAN KULBASHIAN: And that
2 there was no clause to not leave Canada; right?

3 DET/CST. WILSON: Right.

4 MR. ALEXAN KULBASHIAN: That would be
5 correct; right?

6 DET/CST. WILSON: Yes, sir.

7 MR. ALEXAN KULBASHIAN: Do you
8 remember why the crown consented to drop -- to not
9 pursue those charges?

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

11 MR. ALEXAN KULBASHIAN: Do you
12 remember him saying anything about him actually messing
13 up in the address?

14 DET/CST. WILSON: No, sir. I don't
15 recall that.

16 MR. ALEXAN KULBASHIAN: Okay. But
17 you remember the consent saying that he would not
18 pursue it?

19 DET/CST. WILSON: Yes, sir.

20 MR. ALEXAN KULBASHIAN: And still the
21 charges were pursued?

22 DET/CST. WILSON: No.

23 MR. ALEXAN KULBASHIAN: I was stilled
24 charged with those?

25 DET/CST. WILSON: And you were

1 arrested on another breach totally as well.

2 MR. ALEXAN KULBASHIAN: But I was
3 also arrested on that?

4 DET/CST. WILSON: Yes, sir. Again, I
5 wasn't there when you were arrested.

6 MR. ALEXAN KULBASHIAN: So, when you
7 came all the way down to Toronto you didn't --
8 basically stepping back one, did you at that point
9 trying to locate where I was?

10 DET/CST. WILSON: I was checking
11 your bail conditions.

12 MR. ALEXAN KULBASHIAN: Were you
13 trying to look for me to try to find out where I was?

14 DET/CST. WILSON: I had information
15 that you were in the States.

16 MR. ALEXAN KULBASHIAN: Is it
17 possible that I couldn't have been in the State at that
18 point?

19 DET/CST. WILSON: Yeah, but my bail
20 check made sure that you didn't live at 5 North Plaza
21 as which was the address I had information you were
22 court ordered to stay at.

23 MR. ALEXAN KULBASHIAN: Did you check
24 to see with my parents, my sureties on my bail to see
25 where I was?

1 DET/CST. WILSON: No

2 MR. ALEXAN KULBASHIAN: Okay. And
3 why not?

4 DET/CST. WILSON: Because you were
5 supposed to live at 5 North Plaza. That's my
6 information. I checked there, you didn't live there.
7 I didn't need to go talk to your dad.

8 MR. ALEXAN KULBASHIAN: So, do you
9 remember having a female officer call my parents' house
10 pretending to be from Delta Cargo and giving them a
11 fake 800 number to try and find out where I was?

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

13 MR. ALEXAN KULBASHIAN: And I'm going
14 to ask you that question again.

15 Do you remember telling an older
16 lady, a female officer to call my parents' house to
17 find out where I was?

18 DET/CST. WILSON: No, sir.

19 MR. WARMAN: Objection. He's
20 answered the question.

21 THE CHAIRPERSON: Well, yes, but it's
22 a different question.

23 MR. ALEXAN KULBASHIAN: It's a
24 different question.

25 THE CHAIRPERSON: Before he asked,

1 said a name.

2 MR. ALEXAN KULBASHIAN: Do you
3 remember telling an older lady female officer to call
4 my parents' house?

5 DET/CST. WILSON: No, sir.

6 MR. ALEXAN KULBASHIAN: Do you know
7 what would be going on, you know, under your command on
8 the investigation?

9 DET/CST. WILSON: Yes, sir.

10 MR. ALEXAN KULBASHIAN: Just to --
11 what if I put it to you this way, that a female lady
12 officer did call my parents' house to try to find out
13 where I was.

14 DET/CST. WILSON: Oh, that's very
15 possible, sir.

16 MR. ALEXAN KULBASHIAN: And what if I
17 put it to you this way, that the female lady officer
18 instead of identifying herself as an officer,
19 identified herself as Delta Cargo, a company that
20 doesn't exist.

21 DET/CST. WILSON: Very possible, sir.

22 MR. ALEXAN KULBASHIAN: And is it
23 possible that that female lady officer also left a fake
24 800 number once she found out I was in the U.S.?.
25

 DET/CST. WILSON: Very possible.

1 MR. ALEXAN KULBASHIAN: So, would it
2 be safe to say that you tried everything not to find
3 me?

4 DET/CST. WILSON: No, sir.

5 MR. ALEXAN KULBASHIAN: Okay. Would
6 it be also safe to say that -- like, was that an
7 investigation that you were doing or was it just
8 verifying my bail?

9 DET/CST. WILSON: Well --

10 THE CHAIRPERSON: What's this?

11 MR. ALEXAN KULBASHIAN: What was
12 going on, was it an investigation or was it just
13 verifying my bail conditions?

14 THE CHAIRPERSON: What's this. I'm
15 not clear because there was a visit and there's a phone
16 call.

17 MR. ALEXAN KULBASHIAN: Yeah, the
18 visit, as he stated, was by him to 5 Northtown.

19 THE CHAIRPERSON: Is that what you
20 are asking about?

21 MR. ALEXAN KULBASHIAN: Yeah, Mr.
22 Wilson made a visit to 5 Northtown.

23 THE CHAIRPERSON: Is that what you
24 are asking about?

25 MR. ALEXAN KULBASHIAN: That's right.

1 But also there was a call by a female officer.

2 THE CHAIRPERSON: And we just had
3 evidence that he has no knowledge of that, so...

4 MR. ALEXAN KULBASHIAN: Okay.

5 THE CHAIRPERSON: So, is it the visit
6 that you're talking about?

7 MR. ALEXAN KULBASHIAN: We're now
8 talking about the female officer.

9 THE CHAIRPERSON: He said he doesn't
10 know anything about it.

11 MR. ALEXAN KULBASHIAN: He said it's
12 very possible.

13 THE CHAIRPERSON: Let's be clear what
14 I understand is being possible.

15 You put a proposition to me that, I
16 don't know, the Lakers won yesterday's basketball game.
17 It's possible, I don't know.

18 MR. ALEXAN KULBASHIAN: But he said
19 very possible.

20 THE CHAIRPERSON: It's very possible,
21 the Lakers are a good team, I don't know.

22 But what I'm trying to say, when he
23 answers that way, you have to understand - at least how
24 I understand that question as being - it's possible,
25 but he's not denying it, he has no reason to deny it.

1 I have no reason to deny that the
2 Lakers won the basketball game yesterday.

3 MR. ALEXAN KULBASHIAN: That's true.

4 THE CHAIRPERSON: So, don't interpret
5 it more than what it means.

6 Probable is something -- earlier you
7 asked a question with the word probable and that, at
8 least in law, means more likely than not.

9 So, if you get that kind of answer,
10 it has a different connotation, all right.

11 MR. ALEXAN KULBASHIAN: Okay. So,
12 you stated in your previous testimony, like, in
13 September I believe that I had fled Canada.

14 DET/CST. WILSON: That you had fled
15 in September of what year, I'm sorry?

16 MR. ALEXAN KULBASHIAN: September of
17 -- Well, September this year, actually September -- in
18 this case you testified that I had fled Canada.

19 DET/CST. WILSON: September of 2001.

20 MR. ALEXAN KULBASHIAN: No, no, in
21 this case, in these proceedings.

22 THE CHAIRPERSON: You mean he has
23 testified previously that you had fled Canada.

24 MR. ALEXAN KULBASHIAN: You testified
25 previously that:

1 "Because I know Alexan did,
2 because when he did, he went to
3 the United States to Arizona."

4 DET/CST. WILSON: Yes, sir.

5 MR. ALEXAN KULBASHIAN: So, your
6 testimony at one point was that I received permission
7 to leave, however, I extended my stay.

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: And so would
10 you consider that having fled?

11 DET/CST. WILSON: Yes, sir.

12 MR. ALEXAN KULBASHIAN: Okay. Now,
13 do you know of any permission that I requested to leave
14 Canada?

15 DET/CST. WILSON: Yeah, I believe

16 --

17 MR. ALEXAN KULBASHIAN: I mean in
18 September?

19 DET/CST. WILSON: For the September
20 investigation?

21 MR. ALEXAN KULBASHIAN: Yes. No, for
22 the -- in September, sorry we're getting back to this
23 date thing, September, 2002.

24 DET/CST. WILSON: I recall you
25 getting granted a request to leave for a period of time

1 on your bail as a result of your girlfriend's medical
2 problems.

3 MR. ALEXAN KULBASHIAN: Do you
4 remember when that was, whether that was the summer or
5 September?

6 DET/CST. WILSON: You know what, for
7 some reason I think that it was in the summer, but I
8 have nothing documented in front of me saying -- I think
9 it was June but, you know, that's just from my
10 recollection that's all.

11 MR. ALEXAN KULBASHIAN: So, you
12 remember me taking two trips to Arizona then?

13 DET/CST. WILSON: I remember you
14 taking -- yes. Yes, sir, there was a trip that you
15 were granted and a trip that you weren't granted by the
16 court.

17 MR. ALEXAN KULBASHIAN: And do you
18 believe that I needed to be granted the trip on
19 September 25th, not the summer one, I mean the other
20 one?

21 DET/CST. WILSON: I believe any
22 time you didn't reside in Canada, the court needed to
23 be informed that that condition was needed to be varied
24 or permission from the crown or his consent was given.

25 MR. ALEXAN KULBASHIAN: So, if you,

1 let's say, take a trip to Mexico or to a resort, do you
2 reside in that resort?

3 MS MAILLET: Sir, again, I hesitate
4 to keep objecting, but I don't understand what the
5 relevance is to this case and it's just kind of ongoing
6 and ongoing on his bail conditions in the U.S.

7 THE CHAIRPERSON: You know, you could
8 really short circuit things, Mr. Kulbashian, just get
9 to the point.

10 For instance, if your point is that
11 -- just put it to him, say, isn't it possible that I
12 went there to Arizona to see my girlfriend - and I'll
13 create something because I don't know all the facts -
14 and there was a storm and the flights were delayed and
15 I couldn't get back.

16 Just so straight to the point. Don't
17 ask and what if we went to Mexico and...

18 MR. ALEXAN KULBASHIAN: Okay. Is it
19 possible that I didn't need permission to leave to go
20 on a trip?

21 DET/CST. WILSON: Is it possible
22 you didn't need permission to go on a trip?

23 MR. ALEXAN KULBASHIAN: That's right.

24 THE CHAIRPERSON: Haven't you asked
25 this question earlier when you said there were no

1 curfew conditions when you asked the question.

2 MR. ALEXAN KULBASHIAN: No, I'm just
3 saying that is it possible that I didn't need to get
4 permission to go on a trip.

5 DET/CST. WILSON: It's very possible.

6 MR. ALEXAN KULBASHIAN: So, would
7 that be -- so, does everybody who gets a residence
8 clause on their bail also get a curfew?

9 DET/CST. WILSON: Not necessarily,
10 no.

11 MR. ALEXAN KULBASHIAN: And would
12 that lack of curfew allow them to sleep over at someone
13 else's house for an extended period of time, not
14 necessarily reside there but maybe visit?

15 DET/CST. WILSON: Yes, sir.

16 MR. ALEXAN KULBASHIAN: So, would
17 that still be consistent with fleeing, if that was the
18 case with me, for example, you submit that there was no
19 clause not to leave Canada.

20 DET/CST. WILSON: At the time -- at
21 the time and to this day I still believe that you were
22 fleeing your charges in Canada.

23 MR. ALEXAN KULBASHIAN: Did you know
24 of any -- of a plane ticket that I had to return on
25 December 25th?

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

2 MR. ALEXAN KULBASHIAN: And do you
3 know if I was going to return on December 25th?

4 DET/CST. WILSON: Did I know what?

5 MR. ALEXAN KULBASHIAN: So, did you
6 know that I had a plane
7 ticket to return on December 25th of that year?

8 DET/CST. WILSON: I said yes, sir.

9 MR. ALEXAN KULBASHIAN: And if you
10 were aware of that ticket, would you still be able to
11 say that I was fleeing and maybe I was just -- as
12 opposed to just taking a trip and coming back in
13 December?

14 DET/CST. WILSON: At that point, the
15 information that I had received, at that point I
16 believed that you were fleeing Canada.

17 MR. ALEXAN KULBASHIAN: And who did
18 you receive that information from?

19 DET/CST. WILSON: Well, it's my
20 information that you were charged here, you weren't
21 residing at a place that --

22 MR. ALEXAN KULBASHIAN: Oh no, sorry,
23 just correction to the question, correct.

24 Who did you receive that information
25 that I was not returning from?

1 DET/CST. WILSON: That you weren't
2 returning from there?

3 MR. ALEXAN KULBASHIAN: Yeah

4 DET/CST. WILSON: I knew that you
5 had then gotten married in the States.

6 MR. ALEXAN KULBASHIAN: Right.

7 DET/CST. WILSON: I knew that you
8 had a child in the States.

9 MR. ALEXAN KULBASHIAN: Yeah, right.

10 DET/CST. WILSON: That she wasn't
11 allowed into Canada again as a result of your arrest in
12 January. There was some immigration problems there.

13 MR. ALEXAN KULBASHIAN: Okay.

14 DET/CST. WILSON: Okay. And,
15 therefore, led me to believe that you were fleeing.

16 Again, after your arrest, the crown
17 decided that they weren't going to proceed with those
18 charges because there might not have been a reasonable
19 expectation for conviction.

20 But, again, that standard is not my
21 standard as a police officer.

22 MR. ALEXAN KULBASHIAN: Okay. So,
23 was Nicole, just to be -- that's my child's mother, by
24 the way, Nicole.

25 THE CHAIRPERSON: You know what I'm

1 going to do, can you just step out a second, Mr.
2 Wilson.

3 DET/CST. WILSON: Yes, sir.

4 Witness stand down. Paragraph patch.
5 ---(witness stands down)

6 THE CHAIRPERSON: Mr. Kulbashian, I
7 want you to paint me a picture exactly where you're
8 going with this witness.

9 MR. ALEXAN KULBASHIAN: Okay, this is
10 off the record.

11 THE CHAIRPERSON: No, it's on the
12 record, everything is on the record, but the witness
13 doesn't know about it, okay.

14 So, paint me exactly the picture.
15 What points are you trying to hit here. Tell me
16 exactly - you can ask the questions - but I want to
17 know where you are going.

18 MR. ALEXAN KULBASHIAN: The point is
19 that he was aware I was allowed to leave for the U.S.
20 and that he was aware that the crown had made a mistake
21 on my bail with address because there were supposed to
22 be two addresses since I was planning to move.

23 THE CHAIRPERSON: Slow, slow.

24 MR. ALEXAN KULBASHIAN: I had made a
25 request --

1 THE CHAIRPERSON: Aware that you
2 could go to the U.S. -- aware that Mr. Kulbashian
3 could go to the U.S.

4 What else?

5 MR. ALEXAN KULBASHIAN: I had made a
6 request to the crown to change my address to 5
7 Northtown which was the address I would be moving back
8 to when I came back from the U.S.

9 THE CHAIRPERSON: He was aware that
10 you made a request to crown to change address to which
11 location, the father's or --

12 MR. ALEXAN KULBASHIAN: To 5
13 Northtown.

14 THE CHAIRPERSON: Just tell me,
15 father's or apartment?

16 MR. ALEXAN KULBASHIAN: The
17 apartment, which was the address I was planning on
18 moving back to.

19 THE CHAIRPERSON: So when you left --

20 MR. ALEXAN KULBASHIAN: So, when I
21 was left I was still residing with my parents. The
22 mistake the crown had made --

23 THE CHAIRPERSON: Okay. And on the
24 bail conditions at the time you left, what address
25 appeared?

1 MR. ALEXAN KULBASHIAN: It was 5
2 Northtown by admission that the crown had admitted that
3 he had mess up because --

4 THE CHAIRPERSON: Okay, okay. I just
5 wanted to know what principles you are trying to
6 extract from this witness so we can get to a point.

7 So, the bail conditions specified --

8 MR. ALEXAN KULBASHIAN: 5 Northtown.

9 THE CHAIRPERSON: Just say --

10 MR. ALEXAN KULBASHIAN: Sorry,
11 specified the apartment.

12 THE CHAIRPERSON: All right. So,
13 bail conditions prior to your departure specified
14 apartment?

15 MR. ALEXAN KULBASHIAN: Right.

16 THE CHAIRPERSON: You were still
17 living at your father's place?

18 MR. ALEXAN KULBASHIAN: Yes, I was.

19 THE CHAIRPERSON: And then you went
20 down to the States to Arizona, you had made a request
21 to change the address to the apartment before you left?

22 MR. ALEXAN KULBASHIAN: I can quickly
23 clarify it. Basically --

24 THE CHAIRPERSON: I don't want you to
25 --

1 MR. ALEXAN KULBASHIAN: The request
2 for the bail change --

3 MR. VAHE KULBASHIAN: Actually he
4 never moved.

5 THE CHAIRPERSON: I'm talking only to
6 your son, sir.

7 MR. ALEXAN KULBASHIAN: Okay. The
8 request was made to have both addresses, my dad's and
9 the apartment.

10 THE CHAIRPERSON: I don't want that
11 many details. Listen to me. What I'm trying to get to
12 is, I want to hear the story you are trying to extract
13 out of this witness, so then I understand what the
14 relevance is to all this, because I don't see it right
15 now.

16 This relevance has to somehow link up
17 to the credibility of this witness.

18 MR. ALEXAN KULBASHIAN: That's right.

19 THE CHAIRPERSON: So, you're telling
20 me a bunch of facts about your life, which are very
21 interesting, but I don't know if they have any
22 relevance to the section 13 complaint.

23 So, you're trying to establish that
24 you left for the U.S.

25 MR. ALEXAN KULBASHIAN: I did not

1 need permission.

2 THE CHAIRPERSON: You did not need
3 permission and you planned to move back, and your bail
4 conditions said from even before your departure that
5 the apartment would be your residence.

6 Now, link it up to this witness'
7 credibility.

8 Where's the connection there?

9 MR. ALEXAN KULBASHIAN: One thing
10 that he said just off the bat right now, there was no
11 issue of whether or not Nicole was allowed back in the
12 country because she was never deported and she was
13 allowed back any time she wished.

14 THE CHAIRPERSON: But how does it go
15 to his credibility?

16 MR. ALEXAN KULBASHIAN: He pursued --

17 THE CHAIRPERSON: Listen to me, if he
18 got it wrong back then or something else or his
19 information was wrong, I don't know what relevance it
20 is to his credibility today, all right, to the section
21 13 complaint, all right.

22 Bring it back.

23 MR. ALEXAN KULBASHIAN: In that case,
24 he has -- well, it's my opinion he has a habit of hit
25 and miss or, you know, trying just like hit and miss.

1 If you can -- he puts all the information on the table
2 whatever sticks sticks, whatever doesn't stick, oh, I
3 made a mistake and he's done that before throughout my
4 case.

5 THE CHAIRPERSON: Yes, and we've
6 heard an explanation about that, he says he operates by
7 the standard of police work, they're just investigating
8 they don't have to establish beyond a reasonable doubt
9 in his investigation.

10 MR. ALEXAN KULBASHIAN: However, he
11 has also stated things as facts on occasions that he
12 knew not to be a fact, including the picture issue, he
13 testified after he had seen me --

14 THE CHAIRPERSON: I'm aware of that.
15 Talk about this one here now.

16 MR. ALEXAN KULBASHIAN: Talk about
17 this one over here.

18 THE CHAIRPERSON: You're dragging me
19 left and right in my mind. You've lost me on the bail
20 conditions, addresses.

21 It's in your interest to make it easy
22 for me.

23 MR. ALEXAN KULBASHIAN: Right.

24 THE CHAIRPERSON: What you are doing
25 is confusing me.

1 MR. ALEXAN KULBASHIAN: Okay.

2 THE CHAIRPERSON: An I have no idea
3 where you're going with this information. So, if you
4 want to make a point, you better tell me right now
5 where it's going or I'm going to exclude it because I
6 still don't see the relevance.

7 Tell me right now, you know, he
8 testified on this and he misrepresented the facts
9 because they are that to an issue that's relevant to
10 this case.

11 Otherwise, don't send me hunting all
12 over the United States.

13 MR. ALEXAN KULBASHIAN: First of all,
14 he misrepresented the facts to the crown stating I had
15 been charged in the States and the FBI found that --

16 THE CHAIRPERSON: I want
17 representations here.

18 MR. ALEXAN KULBASHIAN: This is
19 including this case.

20 When I returned from the U.S. - I'm
21 just going to give you a brief --

22 THE CHAIRPERSON: You know what I'm
23 going to do, I have a conference call in two minutes.
24 I want you to organize your thoughts and when you come
25 back we're going to keep the witness outside and I want

1 you to set out a whole plan of where you're going with
2 this witness and link it up to the issues of this case.
3 I mean, this case.

4 MR. ALEXAN KULBASHIAN: Right.

5 THE CHAIRPERSON: Right. And you
6 present that to me in a logical way, organize it, you
7 can write it down or make a note.

8 See, when I presented my ruling to
9 you I just took some notes down to organize my thoughts
10 before I spoke.

11 So, do that and I want to know that
12 because I will then rule on whether you can proceed on
13 this line of evidence or not, because I'm starting to
14 wonder where it's going.

15 MR. ALEXAN KULBASHIAN: Okay.

16 THE CHAIRPERSON: Okay. So, I have
17 to make this conference call.

18 MR. ALEXAN KULBASHIAN: How long a
19 break do we have?

20 THE CHAIRPERSON: I don't know the
21 duration of the call. Two o'clock seems a far long
22 time.

23 THE CHAIRPERSON: 1:45. I don't want
24 to lose that much time. Okay.

25 REGISTRY OFFICER: All rise.

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

2 ---On resuming at 1:45 p.m.

3 REGISTRY OFFICER: Order. All rise.

4 THE CHAIRPERSON: Thank you.

5 REGISTRY OFFICER: Please be seated.

6 MR. RICHARDSON: Mr. Chair, one fast
7 thing before we start.

8 THE CHAIRPERSON: Sure.

9 RICHARDSON: I got a phone call over
10 the lunch hour. I need to leave at 4:00 to pick up my
11 niece from her school because my brother can't make it
12 again. I'm not asking you to stop because I know what
13 the time line is, so if you want to keep going past
14 that, that's fine, I just wanted to let you know that I
15 have to leave myself at four o'clock.

16 THE CHAIRPERSON: All right. I'm a
17 little concerned that you won't be here, but...

18 MR. RICHARDSON: I understand.
19 There's nothing I can do about it and, you know, I'm
20 not expecting you to stop, nor would I want you to.
21 Please continue. It's only an hour, I'll catch up with
22 Alex...

23 THE CHAIRPERSON: Maybe Mr.
24 Kulbashian can undertake to advise him of whatever
25 transpired.

1 MR. RICHARDSON: Thank you.

2 THE CHAIRPERSON: So, Mr. Kulbashian,
3 did you have a chance to sort of summarize the
4 direction of this line of questioning.

5 MR. ALEXAN KULBASHIAN: Yes, I even
6 have an introduction.

7 THE CHAIRPERSON: You even have an
8 introduction. That's good to know.

9 MR. ALEXAN KULBASHIAN: Basically,
10 since this is an issue of probability, right, in the
11 court -- in the Tribunal, my issue is the reason why I
12 keep bringing the U.S. issue up is the fact that
13 basically, aside from the fact that, like, there's a
14 lot of things happened in the U.S. - we can ignore
15 those - it's what happened after when I returned where
16 the witness misled the court during my bail hearing of
17 what happened in the U.S. and made some false
18 statements.

19 THE CHAIRPERSON: He misled which
20 court?

21 MR. ALEXAN KULBASHIAN: The court
22 where I was having my bail hearing, the London court.

23 THE CHAIRPERSON: Regarding the
24 London circumstance?

25 MR. ALEXAN KULBASHIAN: Yes,

1 regarding what happened in the U.S. and regarding --
2 yeah.

3 THE CHAIRPERSON: So, the witness
4 misled the bail hearings re: the London charges, okay.

5 MR. ALEXAN KULBASHIAN: Also, as you
6 heard, there was an issue of --

7 THE CHAIRPERSON: go on.

8 MR. ALEXAN KULBASHIAN: Also as you
9 might be able to note, this is post September 11th time
10 that I was arrested and the FBI told me that the police
11 from London has told them that I was in control of the
12 site and ran the site where there was a bomb threat
13 placed.

14 THE CHAIRPERSON: Hold on. So, the
15 other aspect that the FBI -- so, the information that
16 the FBI received was from the London Police to the
17 effect that you ran which site?

18 MR. ALEXAN KULBASHIAN: The
19 StopIslam.com site where a bomb threat was placed.

20 THE CHAIRPERSON: So, how does that
21 connect to Mr. Wilson?

22 MR. ALEXAN KULBASHIAN: Okay. Now,
23 regardless of the fact, or subsequently there was an
24 arrest of somebody who actually did run the site, but
25 the problem with it is, knowing the climate in the

1 U.S., what that could have done - I'm not sure if
2 you've heard of the Maher Arar case where he was
3 deported to Syria.

4 I am a Lebanese citizen, I'm born in
5 Lebanon and I could have well been deported to Lebanon.

6 When I contacted the Canadian Embassy
7 in the U.S., immigration, they told me they didn't want
8 to take to me about my case and that they wouldn't be
9 hearing my case and they stopped accepting calls from
10 me.

11 So, I could have been deported to
12 Lebanon if I didn't go around and try to get myself
13 released into Canada on my own will.

14 THE CHAIRPERSON: Okay.

15 MR. ALEXAN KULBASHIAN: Now, the
16 issue is that that time was a peak of misconduct and
17 procedural -- I guess procedural violations that were
18 carried out by this witness, where at any cost,
19 including lying, including trying to get me in trouble
20 over the border, basically putting Canadian citizens at
21 the mercy of a system that most of us now know is
22 indifferent to, you know, what's going on anywhere
23 except for in their own territory.

24 And if they believed what the police
25 said that I had placed a bomb threat, there's no way I

1 would have been over here right now and I'd probably be
2 somewhere in Syria since Syria does control Lebanon.

3 And this was just a way for him --
4 like, I mean, after a year and a half there had been no
5 disclosure provided to my lawyer about this case,
6 barely any, except for my interview, and they were
7 getting frustrated there was no disclosure provided
8 because they had nothing on the case and they knew they
9 would have to drop it.

10 THE CHAIRPERSON: I appreciate your
11 concern about how perhaps the file was handled, but
12 that's not the issue in front of me.

13 MR. RICHARDSON: Mr. Chair, it is our
14 belief that our criminal charges were dropped due to
15 the fact that Mr. Kulbashian had permission from the JP
16 or whatever it was in London, to go see his girlfriend
17 in the States.

18 It is our belief that the whole
19 thing, everything that happened is because Mr. Wilson
20 allegedly falsed information to a different JP saying
21 that Alexan was in the States illegally.

22 So, even though he had permission he
23 was brought back from a different JP and got charged
24 with breaching his bail, even though he's got court
25 documents stating that he did have permission to leave.

1 We were under the assumption that our
2 charges were dropped based on the fact that he screwed
3 up - just for lack of a better term and I apologize -
4 he screwed up so bad that, like, if this would have
5 ever ended up making the trial we were under the belief
6 that a lot of jobs were going to be lost, and that
7 includes Peter Keirluk, that includes Dominic and that
8 includes -- like, he's been beating around the bush for
9 two days now.

10 The bottom line is is we believe this
11 whole case, the criminal aspect of it anyways was
12 dropped and I mean it's not because of lack of
13 evidence, it was dropped because things were screwed up
14 and not just with Mr. Wilson, but along the lines,
15 everything along the whole lines.

16 Just to make the point a little more
17 plain and simple our whole belief is that somebody
18 lied, Alexan got arrested for it, even though, like, we
19 got the papers, he legally was allowed in the States.

20 THE CHAIRPERSON: Let me return back
21 to it.

22 MR. ALEXAN KULBASHIAN: The issue is,
23 I mean he keeps referring to an issue --

24 THE CHAIRPERSON: He --

25 MR. ALEXAN KULBASHIAN: I'm sorry,

1 the witness.

2 THE CHAIRPERSON: The witness.

3 MR. ALEXAN KULBASHIAN: Mr. Wilson
4 refers to why the charges were dropped because there
5 was no, I guess what's the word for it, what term did
6 he use, no -- he said he didn't have a chance, like,
7 for conviction.

8 THE CHAIRPERSON: No probable cause.
9 Likelihood of conviction.

10 MR. ALEXAN KULBASHIAN: Yeah,
11 conviction, yes. But that's what the preliminary
12 inquiry would have been about because it was by
13 indictment.

14 But basically the issue is --

15 THE CHAIRPERSON: You have got to
16 bring it to an issue that's in front of me. That's
17 what I'm asking you to do.

18 MR. VAHE KULBASHIAN: Can I first --

19 MR. ALEXAN KULBASHIAN: Go ahead.

20 THE CHAIRPERSON: I prefer one at a
21 time, I really do

22 MR. VAHE KULBASHIAN: Because when
23 they came to our house on the first time in the morning
24 for the warrant of search -- search warrant, Mr.
25 McKinnon told me something at that time I didn't

1 understand, he said Alexan has insulted us and we never
2 forget.

3 The main issue is here that these
4 people, especially in the United States case, they went
5 so far with their, how should I say, I'm trying to be
6 very, you know, I don't want to use harsh words.

7 THE CHAIRPERSON: Zeal.

8 MR. VAHE KULBASHIAN: Over zealous or
9 something that, you know, this was something that we
10 should be corrected.

11 There was error of justice, these
12 people get after him and they would do anything, they
13 would do all sorts of lies so that, you know, they will
14 nail him.

15 This is the main issue here.

16 THE CHAIRPERSON: So, and your point
17 is that it brings into question the--

18 MR. VAHE KULBASHIAN: Credibility

19 THE CHAIRPERSON: --credibility of
20 the evidence that's being led.

21 MR. ALEXAN KULBASHIAN: That's right.

22 THE CHAIRPERSON: But you still have
23 to link it in with the evidence that's being led before
24 me.

25 I just don't see it. That's why I

1 want you to give me a plan, tell he exactly where
2 you're going on each item.

3 MR. ALEXAN KULBASHIAN: Okay. First
4 -- so far stuff which I've extracted, like, as far as
5 U.S. goes which I extracted which goes on my line of
6 questioning, he did admit to having the July 5 document
7 where ownership was transferred and he also admitted to
8 telling the FBI six, seven months later that I owned
9 the server.

10 THE CHAIRPERSON: You've already
11 established that point, don't go back.

12 MR. ALEXAN KULBASHIAN: That's the
13 same idea.

14 Also, the issue is the in question,
15 like, for example, the evidence that was taken off
16 James Richardson's hard drive, the one that we had with
17 the CD--

18 THE CHAIRPERSON: Yes.

19 MR. ALEXAN KULBASHIAN: --the
20 evidence is no real format in a court would accept,
21 including the fact that the evidence -- even the
22 directory structure was tampered with, the CD, like it
23 wasn't extracted that way off the computer.

24 He did testify that it was a mirror,
25 he did testify again that Stumpf was an expert in

1 mirroring changed documents, but there's no program
2 files which would have been changed documents.

3 THE CHAIRPERSON: That's evidence I
4 have already heard.

5 I don't want you to argue now, what I
6 want you to do is just tell me where you are going with
7 all these questions --

8 MR. ALEXAN KULBASHIAN: Where I'm
9 going ultimately, you mean?

10 THE CHAIRPERSON: Well, with this
11 cross-examination, I just need to know what every
12 aspect is linked to in terms of the credibility.

13 MR. ALEXAN KULBASHIAN: Well,
14 actually since we're dealing with an issue of
15 probability instead of reasonable doubt, we're trying
16 to create -- we're trying to basically tip the scale
17 towards you.

18 THE CHAIRPERSON: Okay.

19 Well, you know, what I'm trying to
20 say you asked a whole bunch of questions which take us
21 here and there and I don't have the big picture.

22 MR. ALEXAN KULBASHIAN: Okay, I can
23 do that.

24 THE CHAIRPERSON: So, the big picture
25 is that he misled the American authorities.

1 MR. ALEXAN KULBASHIAN: Also that
2 he's misled other Justices of the Peace and judges.

3 Basically my ultimate goal would be
4 to show that not only did he, I guess, modify
5 information on the stand or in his actions, but also
6 possibly with evidence that might have been tampered
7 with and that's the question, because basically what
8 you give on the stand is also evidence and so is what
9 you produce, especially modifiable -- the key issue --

10 THE CHAIRPERSON: Slowly.

11 MR. ALEXAN KULBASHIAN: The key issue
12 is that modifiable evidence, like computer logs and
13 things that are taken off a computer are very sensitive
14 and if the person handling them, or the person dealing
15 with them --

16 THE CHAIRPERSON: You're suggesting
17 that he modified the hard drive?

18 MR. ALEXAN KULBASHIAN: That's right.

19 THE CHAIRPERSON: Fine. So, we have
20 been down that road. Are you going back down that
21 road?

22 MR. ALEXAN KULBASHIAN: I might have
23 to go back down it.

24 THE CHAIRPERSON: I don't want you to
25 repeat questions.

1 MR. ALEXAN KULBASHIAN: Simply repeat
2 the questions.

3 THE CHAIRPERSON: You know, when you
4 tell me in the morning, I maybe a day, I maybe two.

5 Listen, if a lot of those questions
6 are being repeated I won't tolerate it, because then
7 what you're doing is you're abusing this process.

8 I don't want to hear over and over.
9 Some of these points you've brought up, I recall, we've
10 already been down that road.

11 Remember you've already begun your
12 cross-examination, you did a whole first set of
13 cross-examination. I hope you've managed to read the
14 files.

15 MR. ALEXAN KULBASHIAN: I did.

16 THE CHAIRPERSON: And by the way, for
17 the record, Mr. Richardson, I just want to point out
18 something to you.

19 We went back and checked. In an
20 e-mail that Mr. Levac sent you recently, subsequent to
21 the -- there was a transcript after the conference
22 call, you asked for that to be sent in PDF.

23 Mr. Levac wrote to you and said, is
24 there any other file that you're having difficulty
25 reading, if so we'll correct it for you.

1 MR. RICHARDSON: I do remember that.

2 THE CHAIRPERSON: That's why I bring
3 that up because, for the record, Mr. Levac has done
4 whatever is necessary to accommodate you.

5 MR. RICHARDSON: I wasn't accusing
6 him --

7 THE CHAIRPERSON: Well, it sounded
8 that way and I didn't want it to be on the record that
9 way.

10 So getting back, I think I have a
11 sense of where you're going. You know, I think I would
12 appreciate in your questioning, I know you have set out
13 your questions on your computer, but go quickly to the
14 point.

15 If the point is, did you tell -- you
16 could have been simple:

17 Did you tell the American authorities
18 that I was still owner of that website even though I
19 wasn't any more, just as simple as that, instead of
20 what if I tell you, what if I suppose, all those what
21 if questions you've been asking are confusing. Just
22 get to the point of your question. It will be easier
23 for all.

24 MR. ALEXAN KULBASHIAN: Okay.

25 THE CHAIRPERSON: I haven't heard any

1 comments from the complainant/Commission.

2 MS MAILLET: My only the concern,
3 again, is you know how far the credibility hunt can go
4 and that's been our concern, that he's trying to make
5 points and I believe a lot of the times he's giving
6 evidence through Mr. Wilson.

7 THE CHAIRPERSON: I'm mindful of
8 that,
9 and I want you all to understand, even what you just
10 said right now, I consider that as -- I would call it
11 more - I wouldn't call it submissions - call it an
12 opening statement, if you will, but I certainly don't
13 accept what you have just said as being true yet,
14 you're not testifying.

15 MR. ALEXAN KULBASHIAN: Of course.

16 THE CHAIRPERSON: But I just wanted
17 to know where you're going with it.

18 I urge everyone to just focus as much
19 as possible directly to the point that you're trying to
20 make, all right.

21 MR. ALEXAN KULBASHIAN: I'm sorry
22 about going back and forth on the issues, like, but the
23 reason I'm trying to touch on as many issues as
24 possible is to try to show a pattern. I'm not trying
25 to repeat things.

1 THE CHAIRPERSON: If you've already
2 touched on an issue, why do you have to go back to it.

3 MR. ALEXAN KULBASHIAN, Like, yeah, I
4 guess that's a good idea.

5 THE CHAIRPERSON: You've dealt with
6 it. Some of those things you've brought up, I recall.
7 The computer thing, I remember a whole series of
8 questions on that.

9 MR. ALEXAN KULBASHIAN: I just have
10 maybe like one or two but, like, not --

11 THE CHAIRPERSON: We know about it,
12 that it's not the mirror -- all the aspects about how
13 it's done, but there aren't any executable files on
14 what's been produced here.

15 You've already made that point. Why
16 do you have to go back to it?

17 MR. ALEXAN KULBASHIAN: Aside from
18 that, I guess there is some testimony that he gave
19 earlier on when James was questioning him regarding --
20 questions I will be asking from now on, they might seem
21 similar, but they will be in relation to testimony that
22 he gave. It's not going to be the same questions, like
23 --

24 THE CHAIRPERSON: I have hard time
25 having confidence in your assertion there.

1 MR. ALEXAN KULBASHIAN: As an
2 example, like...

3 THE CHAIRPERSON: Don't forget, the
4 normal sequence would not have had you interrupting
5 your cross-examination, everyone gets one kick at the
6 can ordinarily.

7 So, let's not abuse it.

8 Let's call the witness in, I don't
9 want to waste any more time on this.

10 ---(witness resumes stand)

11 THE CHAIRPERSON: Go ahead.

12 MR. ALEXAN KULBASHIAN: Sir, if you
13 could turn to R-1, appendix II, page 29 and if you
14 could tell me if you recognize this document.

15 MR. RICHARDSON: Can you repeat that.

16 MR. ALEXAN KULBASHIAN: R-1, appendix
17 II, page 29.

18 THE CHAIRPERSON: R-2.

19 MR. ALEXAN KULBASHIAN: Yes, R-2.

20 DET/CST. WILSON: R-2, appendix I?

21 THE CHAIRPERSON: So, R-2, appendix
22 II.

23 MR. ALEXAN KULBASHIAN: Yeah,
24 appendix II, page 29.

25 THE CHAIRPERSON: Page 20 what?

1 MR. ALEXAN KULBASHIAN: Page 29.

2 THE CHAIRPERSON: Let me back to the
3 first of this. The affidavit of Peter Lindsay, is that
4 what it is?

5 MR. ALEXAN KULBASHIAN: That's right.

6 THE CHAIRPERSON: This has not been
7 produced yet, so first of all, let's go through the
8 identification stage.

9 Do you recognize this document,
10 begins on page 23?

11 DET/CST. WILSON: Yes, I do recognize
12 the document, it's an affidavit of Mr. Peter Lindsay
13 who I believe at this time was Mr. Kulbashian's lawyer
14 and it goes page 23 to page 29.

15 MR. ALEXAN KULBASHIAN: Give me a
16 second.

17 THE CHAIRPERSON: Yes.

18 MR. ALEXAN KULBASHIAN: Page 23, yes.

19 THE CHAIRPERSON: I consider it
20 produced. Do you want it produced, Mr. Kulbashian?

21 MR. ALEXAN KULBASHIAN: Yes, I do.

22 THE CHAIRPERSON: Okay, it's in
23 evidence. Now, I'll just mark it.

24 EXHIBIT NO. R-2 (Appendix II Page
25 23-29): Affidavit of Peter Lindsay.

1 THE CHAIRPERSON: So now you're
2 drawing our attention to page 29?

3 MR. ALEXAN KULBASHIAN: To page 23
4 actually, sorry, I was reading the wrong page at the
5 top there.

6 THE CHAIRPERSON: Page 23, the first
7 page of the affidavit.

8 MR. ALEXAN KULBASHIAN: Do you
9 remember why this affidavit was filed?

10 DET/CST. WILSON: This affidavit was
11 filed for your bail hearing upon returning from the
12 United States, I believe, and I believe Mr. Lindsay
13 produced this as part of his testimony on the stand, I
14 think. I believe that's what if -- I recall correctly.

15 MR. ALEXAN KULBASHIAN: Okay. Can you
16 start reading where it says:

17 "I Peter Lindsay..."

18 THE CHAIRPERSON: Are we going to
19 read the whole affidavit?

20 MR. ALEXAN KULBASHIAN: Parts of it.
21 Maybe all of it, depending on what --

22 THE CHAIRPERSON: No, we're not, it
23 really fills up time. We can all read it. Draw his
24 attention to something specific. That's the kind of
25 thing I want you to do. Adopt the lazy approach, go

1 straight to the point.

2 MR. ALEXAN KULBASHIAN: Could you
3 read section 2.

4 DET/CST. WILSON:

5 "On February 1, 2002, Mr.
6 Kulbashian was released on a
7 recognizance of bail on the
8 substantive charges herein. I
9 attach..."

10 MR. ALEXAN KULBASHIAN: Sorry, go on.

11 DET/CST. WILSON:

12 "I attach a copy of the original
13 recognizance of bail as Exhibit
14 "A" hereto."

15 MR. ALEXAN KULBASHIAN: Do you know
16 what bail that would be referring to?

17 DET/CST. WILSON: That would be the
18 bail you were released on as a result of the
19 substantive charge in London.

20 MR. ALEXAN KULBASHIAN: Would you
21 know the basic conditions of the bail?

22 Were they the ones that we were
23 referring to earlier on?

24 DET/CST. WILSON: Oh, there's no
25 Exhibit "A".

1 THE CHAIRPERSON: I see what the
2 witness is doing here and that's a very good question.

3 Where are the exhibits attached to
4 this affidavit; are they here?

5 MR. ALEXAN KULBASHIAN: We don't have
6 the exhibits.

7 THE CHAIRPERSON: Well, what you have
8 done is you've taken a chunk of a document without the
9 rest of it.

10 MR. ALEXAN KULBASHIAN: It's whatever
11 was passed on to us. We had a copy of the bail paper
12 and that was separate.

13 THE CHAIRPERSON: For the record
14 then, this document appears to be incomplete because it
15 refers to exhibits that are attached to it and that
16 have not been reproduced in the R-2 binder.

17 MR. ALEXAN KULBASHIAN: Okay.

18 THE CHAIRPERSON: Go ahead.

19 MR. ALEXAN KULBASHIAN: If you could
20 read the third one.

21 DET/CST. WILSON:

22 "On April 18, 2002, I spoke by
23 telephone with Mr. Peter
24 Keirluk, an assistant Crown
25 Attorney assigned to the

1 Kulbashian matter. He agreed to
2 amend Mr. Kulbashian's bail to
3 allow him to visit his ailing
4 fianceé in the United States.
5 Mr. Keirluk signed a consent to
6 change the bail, which was filed
7 on April 22, 2002 pursuant to
8 section 515.1 of the Criminal
9 Code."

10 MR. ALEXAN KULBASHIAN: Thanks. Do
11 you remember the consent we're referring to in this?

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

13 MR. ALEXAN KULBASHIAN: So, like, is
14 there an issue with -- just if you could go to section
15 5.

16 DET/CST. WILSON: It says:

17 "I am informed by Mr...",
18 I guess it's Vahe.

19 MR. ALEXAN KULBASHIAN: Vahe.

20 DET/CST. WILSON:

21 "...Vahe Kulbashian (Mr. Alexan
22 Kulbashian's father) and do
23 verily believe as follows:
24 Mr. Alexan Kulbashian left
25 Canada on September 25, 2002 on

1 a trip to the United States on
2 an urgent basis to care for his
3 pregnant fiancée. He bought a
4 return ticket. Their son was
5 born prematurely on October 7,
6 2002. Due to the serious,
7 ongoing medical problems of his
8 wife and son, Mr. Kulbashian
9 extended his trip to the U.S. to
10 care for his wife and son. He
11 was still in the United States
12 as of December 3, 2002. On that
13 date, a ticket was purchased by
14 Mr. Vahe Kulbashian for Mr.
15 Kulbashian to return to Canada
16 on December 25, 2002."

17 MR. ALEXAN KULBASHIAN: Thank you.
18 Do you know -- have you seen the ticket?

19 DET/CST. WILSON: Have I seen the
20 ticket?

21 MR. ALEXAN KULBASHIAN: Yeah, have
22 you seen it? Are you aware of the existence of the
23 ticket?

24 DET/CST. WILSON: I have -- I knew at
25 the time that there was a ticket purchased for you,

1 yes.

2 MR. ALEXAN KULBASHIAN: Okay. Do you
3 dispute whether or not there was a ticket purchased for
4 me?

5 DET/CST. WILSON: No, sir.

6 MR. ALEXAN KULBASHIAN: Okay. Can
7 you go to section 6.

8 DET/CST. WILSON:

9 "On December 6, 2002, I spoke by
10 telephone with Mr. Keirluk. He
11 raised a question about Mr.
12 Kulbashian's residence, the
13 terms of his bail, and his trip
14 to the United States, based on
15 concerns from a police officer."

16 MR. ALEXAN KULBASHIAN: Thanks. Just
17 stop there. Is that -- would that be you?

18 DET/CST. WILSON: That would be me.

19 MR. ALEXAN KULBASHIAN: Okay. And if
20 you could go to -- basically continue reading.

21 DET/CST. WILSON:

22 "I made inquiries of Mr. Vahe
23 Kulbashian, my client's father,
24 and was informed and do verily
25 believe as follows:

1 Mr. Kulbashian's girlfriend
2 became pregnant by him. They
3 married. He urgently visited
4 (and was still visiting) the
5 United States and assisted her
6 because there were serious
7 complications with the
8 pregnancy. She has epilepsy and
9 has regular seizures. At one
10 moment, the umbilical cord was
11 around the baby's neck. As
12 well, his wife almost died after
13 childbirth. Mr. Kulbashian had
14 been caring for his wife and
15 child. His permanent place of
16 residence was still Toronto with
17 his parents. He and his family
18 will return to Toronto this
19 month."

20 MR. ALEXAN KULBASHIAN: Okay, thanks.
21 As far as the medical stuff that has been listed there,
22 do you dispute any of those?

23 DET/CST. WILSON: No, I have no doubt
24 she was not feeling well.

25 MR. ALEXAN KULBASHIAN: All right.

1 If you go to 7.

2 DET/CST. WILSON:

3 "On December 10, 2002, I wrote
4 to Mr. Keirluk. I explained the
5 circumstances of Mr.
6 Kulbashian's trip to the United
7 States. I requested that no
8 fail to comply charges be laid.
9 I also enclosed a consent to
10 changing the address in Mr.
11 Kulbashian's recognizance of
12 bail, pursuant to a voicemail
13 message I had left for Mr.
14 Keirluk. I also sent a copy of
15 the letter to the police officer
16 in charge of Mr. Kulbashian's
17 case. The letter and consent
18 are attached as Exhibit "E".
19 Again, Exhibit "E" is not attached
20 here.

21 MR. ALEXAN KULBASHIAN: That's right.
22 Have you seen the change in the consent, the change?

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

24 MR. ALEXAN KULBASHIAN: Okay. So,
25 there's no issue, like, with that?

1 DET/CST. WILSON: No, sir.

2 MR. ALEXAN KULBASHIAN: Okay. If you
3 go to section 8.

4 DET/CST. WILSON:

5 "I spoke by telephone to Mr.
6 Keirluk on December 11, 2002.
7 We spoke about Mr. Kulbashian's
8 trip to the United States. I
9 explained that, due to the
10 problems with his financee's
11 health, he had not moved from
12 816 Grandview Way to 5 Northtown
13 Plaza, as per the June 24, 2002
14 bail change but had remained
15 resident with his parents at 816
16 Grandview Way. I also told him
17 that the trip to United States
18 had been lengthy. He advised me
19 that assuming (1) Mr. Kulbashian
20 has maintained a Toronto
21 residence and (2) Mr.
22 Kulbashian's visit to the United
23 States was temporary, the Crown
24 would not pursue any fail to
25 comply charges against Mr.

1 Kulbashian in connection with
2 his trip to the United States.
3 I attach a confirming letter
4 written by me to Mr. Keirluk as
5 Exhibit "F" hereto."

6 MR. ALEXAN KULBASHIAN: Okay. And
7 have you also seen the confirming letter?

8 DET/CST. WILSON: I don't believe I
9 have seen the confirming letter, but I do recall this
10 information, yes.

11 MR. ALEXAN KULBASHIAN: Okay. So,
12 would you agree that this is basically what happened
13 where my lawyer contacted Mr. Keirluk and this is the
14 basic outline of what happened?

15 DET/CST. WILSON: Yes, sir. Just
16 part of the time line was is that a warrant was already
17 issued for Mr. Kulbashian's arrest for failing to
18 comply here, and so -- because it was already sworn to,
19 a process needed to be dealt with when his return to
20 Canada. They just can't abolish a warrant essentially.

21 As well as, another warrant besides
22 this was sworn to in relation to other information we
23 received from the FIB.

24 MR. ALEXAN KULBASHIAN: Do you
25 remember the crown ever telling my lawyer that if when

1 I arrived in Canada I would be free?

2 DET/CST. WILSON: I was never in the
3 room in a conversation when Mr. Keirluk spoke to Mr.
4 Lindsay.

5 MR. ALEXAN KULBASHIAN: Did crown
6 ever notify you that he would not be pursuing the
7 warrant?

8 DET/CST. WILSON: No, he told me he
9 wouldn't be pursuing the charges.

10 Unfortunately, when a warrant is
11 sworn to by a justice, there is a process that
12 execution has to be dealt with.

13 MR. ALEXAN KULBASHIAN: Can you go to
14 section 9.

15 DET/CST. WILSON:

16 "Mr. Keirluk signed the consent
17 to change Mr. Kulbashian's bail
18 sent with my December 10, 2002
19 letter."

20 MR. ALEXAN KULBASHIAN: Okay, thanks.
21 If you go to section 10.

22 DET/CST. WILSON:

23 "I informed Mr. Robert E..."

24 THE CHAIRPERSON: "I am informed
25 by..."

1 DET/CST. WILSON: Sorry.

2 "I am informed by Mr. Robert E.
3 Coughlon, Jr., Mr. Kulbashian's
4 United States lawyer, and verily
5 believe as follows:
6 On December 13, 2002, Mr.
7 Kulbashian was arrested in the
8 United States by the FBI. He
9 was not charged with any crime.
10 He was turned over to the
11 Immigration and Naturalization
12 Services. He was held in
13 custody. Eventually he was
14 allowed to leave the United
15 States on a "voluntary
16 departure". He was not alleged
17 to have committed any crime
18 while in the United States nor
19 was there any continuing
20 investigation by the FBI."

21 MR. ALEXAN KULBASHIAN: Okay. So, do
22 you agree with that statement?

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Okay. Do you
25 agree with the fact that I wasn't charged?

1 DET/CST. WILSON: Yes.

2 MR. ALEXAN KULBASHIAN: You said
3 yesterday that I was charged.

4 DET/CST. WILSON: No, I said you were
5 detained by Immigration and Naturalization Services.

6 MR. ALEXAN KULBASHIAN: Just a quick
7 request, if we could, Mr. Chair.

8 THE CHAIRPERSON: What?

9 MR. ALEXAN KULBASHIAN: Later on, if
10 we could, maybe like after a break have part of his
11 last five minutes --

12 THE CHAIRPERSON: What you can do is
13 -- no, no, that's argument. When it comes to argument
14 later on at the close of the case, you can refer to the
15 contradictions in the transcript. It's too complex for
16 us to be looking for it.

17 MR. ALEXAN KULBASHIAN: All right,
18 thank you.

19 THE CHAIRPERSON: We've heard his
20 answer now and if it conflicts with what was said
21 yesterday, it will be on the record.

22 MR. ALEXAN KULBASHIAN: Okay. So, if
23 you could check No. 11.

24 DET/CST. WILSON:

25 "On December 16, 2002, Mr.

1 Keirluk sent me a fax in which
2 he confirmed in writing that the
3 crown would not proceed on any
4 charge of fail to reside (breach
5 of recognizance) arising from
6 Mr. Kulbashian's trip to the
7 United States in itself. I
8 attach a copy of the fax as
9 Exhibit "H" hereto."

10 MR. ALEXAN KULBASHIAN: Have you seen
11 this? Have you seen the consent that I -- the consent
12 that Mr. Keirluk sent?

13 DET/CST. WILSON: Yes, unfortunately,
14 I have seen that, and although No. 11 correctly states
15 that Mr. Keirluk made that thing, made that
16 recommendation I guess that he wouldn't proceed on your
17 reside charge, he also stated in that letter that any
18 other breaches would not be included in his -- or would
19 be included in that prosecution.

20 MR. ALEXAN KULBASHIAN: I understand.
21 Was I charged with a fail to reside when I got back to
22 Canada?

23 DET/CST. WILSON: I know that there
24 was a warrant for your arrest for fail to reside and
25 that process had to be dealt with.

1 MR. ALEXAN KULBASHIAN: Was I charged
2 with that?

3 DET/CST. WILSON: Well, an
4 information was sworn. I don't believe the crown
5 proceeded with that any farther as a result of this
6 information.

7 MR. ALEXAN KULBASHIAN: Do you know
8 when the charges were dropped?

9 DET/CST. WILSON: I have no idea.

10 MR. ALEXAN KULBASHIAN: Okay. If you
11 go to number 12.

12 DET/CST. WILSON:

13 "On January 20, 2003, I spoke by
14 telephone to Mr. Keirluk. I
15 told him that Mr. Kulbashian was
16 in custody in the United States
17 and of the INS and FBI
18 involvement. He advised me
19 again that crown would not
20 proceed on fail any to
21 comply...",

22 I guess it's supposed to be,
23 "...on any fail to comply charge
24 against. Mr. Kulbashian
25 pertaining to the trip to the

1 United States and his residence.
2 We agreed to meet in court on
3 January 30, 2003, and that Mr.
4 Kulbashian would come to court
5 on that date, as we anticipated
6 at that time Mr. Kulbashian
7 would be released on a
8 "voluntary departure" before
9 that date. I sent a confirming
10 fax to Mr. Keirluk, a copy of
11 which is attached as Exhibit
12 "I". It later turned out that
13 Mr. Kulbashian was not released
14 in time to attend court on
15 January 30, and so I advised Mr.
16 Keirluk prior to January 30,
17 2003."

18 MR. ALEXAN KULBASHIAN: Thanks. Do
19 you dispute any of those -- the information?

20 DET/CST. WILSON: No, sir.

21 MR. ALEXAN KULBASHIAN: Okay. So,
22 it's accurate?

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Okay. Can
25 you just read section 13 too.

1 DET/CST. WILSON:

2 "On February 3, 2003, Mr.
3 Kulbashian returned to Canada on
4 a "voluntary departure". He was
5 arrested by Canadian police
6 immediately upon his return to
7 Canada. The arrest was for
8 failing to comply with his
9 residence condition in his bail,
10 despite Mr. Keirluk's assurances
11 to me that such a charge would
12 not be proceeded with and that
13 any warrant to that effect would
14 not be acted upon. Other fail
15 to comply charges were later
16 laid."

17 MR. ALEXAN KULBASHIAN: Okay, thanks.
18 That's accurate too?

19 DET/CST. WILSON: Yes, sir.

20 MR. ALEXAN KULBASHIAN: And how about
21 the part where I was arrested for fail to comply-
22 residence regardless of the fact that the crown said it
23 would not be acted upon and I wouldn't be arrested?

24 DET/CST. WILSON: I believe if you
25 read the affidavit, it says that the crown would not

1 proceed with any charges. It never said that you
2 wouldn't be arrested. There was already an arrest
3 warrant issued for your arrest.

4 MR. ALEXAN KULBASHIAN: Do you have
5 that affidavit with you?

6 DET/CST. WILSON: I just read it,
7 it's your affidavit.

8 MR. ALEXAN KULBASHIAN: Well, in this
9 affidavit does it say that any warrant to that effect
10 would not be acted upon?

11 DET/CST. WILSON: No, it says --

12 MR. ALEXAN KULBASHIAN: On section 13
13 near the bottom.

14 DET/CST. WILSON: Section 11 says:

15 "Mr. Keirluk sent me a fax on
16 which he confirmed in writing
17 the Crown would not proceed on
18 any charge of fail..."

19 MR. ALEXAN KULBASHIAN: Look at
20 section 13 though.

21 DET/CST. WILSON: Yes, sir, and
22 that's, as I say, I believe that to be inaccurate by
23 Mr. Lindsay. I believe section 11 is much more
24 accurate.

25 MR. ALEXAN KULBASHIAN: Do you have

1 the, I guess, the copy of the affidavit that Mr.
2 Keirluk sent to him?

3 DET/CST. WILSON: Mr. Keirluk didn't
4 --

5 MR. ALEXAN KULBASHIAN: I mean, a
6 copy of the document that Mr. Keirluk faxed him?

7 DET/CST. WILSON: No, and it seems
8 that you've missed attach it to this as well.

9 MR. ALEXAN KULBASHIAN: We don't
10 actually -- well, okay.

11 THE CHAIRPERSON: You're treading on
12 thin water there, Mr. Kulbashian, because you have
13 filed half a document here and now you're asking this
14 witness to complete your document. Please.

15 MR. ALEXAN KULBASHIAN: Okay. Check
16 No. 14.

17 DET/CST. WILSON:

18 "On February 24, 2003, Mr.
19 Kulbashian had a contested bail
20 hearing. He was released. The
21 Crown acting at the bail
22 hearing, after hearing about the
23 discussions between me and Mr.
24 Keirluk about Mr. Kulbashian's
25 trip to the United States, told

1 the Court that if it were up to
2 him the "fail to
3 comply-residence" charge would
4 not proceed. However, he
5 indicated that was up to Mr.
6 Keirluk."

7 MR. ALEXAN KULBASHIAN: Okay, thanks.
8 Do you remember that conversation
9 when you were in court?

10 DET/CST. WILSON: No, because I
11 wasn't privy to that conversation.

12 MR. ALEXAN KULBASHIAN: This was
13 around the time you were testifying in the court on my
14 bail hearing?

15 DET/CST. WILSON: Well, it appears
16 that's the conversation that the crown acting at the
17 bail hearing and Mr. Lindsay had.

18 MR. ALEXAN KULBASHIAN: And do you
19 remember -- and that was -- would you agree that that
20 conversation was in the court?

21 DET/CST. WILSON: I don't know, I
22 wasn't privy to that conversation.

23 MR. ALEXAN KULBASHIAN: Did you
24 testify in court that day?

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

1 MR. ALEXAN KULBASHIAN: Were you
2 there in the court?

3 DET/CST. WILSON: Yes, I was.

4 MR. ALEXAN KULBASHIAN: Okay. So, if
5 you could check No. 15.

6 DET/CST. WILSON:

7 "Mr. Lindsay has subsequently
8 requested of Mr. Keirluk that he
9 withdraw the charge but Mr.
10 Keirluk has not done so."

11 MR. ALEXAN KULBASHIAN: Right. So,
12 is that correct?

13 DET/CST. WILSON: I have no doubt it
14 was, yeah.

15 MR. ALEXAN KULBASHIAN: Okay. So,
16 would you agree that the crown in that case effectively
17 lied?

18 DET/CST. WILSON: No.

19 THE CHAIRPERSON: Let me just back
20 up. What's the statement you're talking about?

21 MR. ALEXAN KULBASHIAN: The fail to
22 comply charge, fail to comply-residence.

23 THE CHAIRPERSON: No. 15?

24 MR. ALEXAN KULBASHIAN: No. 15, yeah.
25 Sorry.

1 So, if the crown consented to fail to
2 comply -- to remove the fail to comply-residence and
3 then I guess did not retract the charge --

4 MR. WARMAN: Mr. Hadjis, I have an
5 objection on the basis that the charges, to my
6 understanding and the evidence on the record is that
7 they were ultimately withdrawn and whether
8 there's a time line difference that existed there, it's
9 a different thing between saying they weren't withdrawn
10 at that time and they weren't withdrawn and that,
11 therefore, the crown attorney lied.

12 THE CHAIRPERSON: I think I
13 understand you but I'm a little confused also, but
14 perhaps I'll just try to follow. I've noted what you
15 said there, Mr. Warman, but can you just --

16 MR. ALEXAN KULBASHIAN: My next
17 question should clarify this.

18 THE CHAIRPERSON: All right. Then
19 let's clarify this.

20 MR. ALEXAN KULBASHIAN: Do you
21 remember talking to the crown before when he tried to
22 withdraw the charges?

23 DET/CST. WILSON: I talked to Mr.
24 Keirluk on several occasions when this was going on,
25 yes.

1 MR. ALEXAN KULBASHIAN: About these
2 charges?

3 DET/CST. WILSON: About the breach
4 charges?

5 MR. ALEXAN KULBASHIAN: Yes.

6 DET/CST. WILSON: Yes, sir.

7 MR. ALEXAN KULBASHIAN: And
8 immediately after I arrived in Canada and got my bail,
9 do you remember talking to Mr. Keirluk about the breach
10 -- fail to comply-residence charges?

11 DET/CST. WILSON: Yes.

12 MR. ALEXAN KULBASHIAN: And do you
13 remember him telling you anything about trying to
14 withdraw those charges?

15 DET/CST. WILSON: He said he wouldn't
16 proceed with the residency charge as a result of his
17 letter and he didn't.

18 MR. ALEXAN KULBASHIAN: And up to
19 that point I was still charged with that fail to
20 comply?

21 DET/CST. WILSON: And he never
22 proceeded with those.

23 MR. ALEXAN KULBASHIAN: Okay. Do you
24 remember him asking you -- do you remember him talking
25 to you about withdrawing the charges?

1 DET/CST. WILSON: No, I don't
2 remember him talking about withdrawing the charges. I
3 remember him telling me the process that the
4 communication that Mr. Lindsay and Mr. Keirluk had and
5 ultimately, again, they were withdrawn.

6 MR. ALEXAN KULBASHIAN: Did he
7 consult you before withdrawing charges?

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

9 MR. ALEXAN KULBASHIAN: Were you
10 aware the charges were withdrawn?

11 DET/CST. WILSON: Nope, because I
12 don't believe they were withdrawn at this time.

13 MR. ALEXAN KULBASHIAN: No, I mean
14 like ultimately?

15 DET/CST. WILSON: No.

16 MR. ALEXAN KULBASHIAN: So you were
17 not aware?

18 DET/CST. WILSON: No, sir.

19 MR. ALEXAN KULBASHIAN: Okay. How
20 much information did you provide Mr. Keirluk to
21 substantiate the charges?

22 DET/CST. WILSON: Well, under
23 Stinchcombe I supply him every piece of information.

24 MR. ALEXAN KULBASHIAN: Do you know
25 if any of that information was ever forwarded on to

1 myself or my lawyer?

2 DET/CST. WILSON: Again --

3 THE CHAIRPERSON: Yourself or your
4 lawyer?

5 DET/CST. WILSON: Again it's my
6 understanding of the process that when disclosure is
7 the crown's responsibility but we prepare documents, so
8 everything gets disclosed to you as well.

9 MR. ALEXAN KULBASHIAN: Did the crown
10 ever consult you on, or talk to you about a document to
11 receive from my lawyer about having abuse of process
12 proceedings filed against him?

13 DET/CST. WILSON: No, Mr. Keirluk
14 probably wouldn't have me involved in that
15 conversation.

16 MR. ALEXAN KULBASHIAN: Even if you
17 were quoted or maybe even if you were, like, noted in
18 that document?

19 DET/CST. WILSON: I don't recall him
20 ever having a conversation about that, no.

21 MR. ALEXAN KULBASHIAN: What month
22 did you leave again?

23 DET/CST. WILSON: March, 2003.

24 MR. ALEXAN KULBASHIAN: Okay. What
25 date March, roughly?

1 DET/CST. WILSON: I started work
2 there March 31st, 2003.

3 MR. ALEXAN KULBASHIAN: Okay. Can
4 you read No. 16.

5 DET/CST. WILSON:

6 "Mr. Kulbashian has, to my
7 knowledge, no criminal record.
8 He was convicted of one count of
9 assault but that conviction was
10 overturned and acquittal entered
11 by the Court of Appeal for
12 Ontario on July 4, 2003. Mr.
13 Kulbashian applied in March,
14 2003 for bail pending his appeal
15 to the Court of Appeal. The
16 crown filed an affidavit of one
17 officer Don McKinnon. The
18 affidavit said in part as
19 follows:

20 I'm advised by Peter
21 Keirluk, assistant Crown
22 Attorney in London, that Mr.
23 Kulbashian's trips to Arizona in
24 the spring and fall of 2002 were
25 under taken without his prior

1 knowledge or consent.

2 The suggestion that the
3 spring of 2002 trip was without
4 Mr. Keirluk's prior knowledge or
5 consent is simply false.

6 (please see paragraph 3 hereof
7 and Exhibit "B" hereto)."

8 MR. ALEXAN KULBASHIAN: Okay. That's
9 actually included, Exhibit "B".

10 Just a question. Is this the file,
11 the document that Det. McKinnon filed?

12 DET/CST. WILSON: I have no idea.
13 This is a conversation that Mr. Keirluk and Don
14 McKinnon had.

15 MR. ALEXAN KULBASHIAN: If you look
16 at the part where it says:

17 "That affidavit said in part..."

18 Do you remember that part in the
19 affidavit?

20 DET/CST. WILSON: I didn't make that
21 affidavit.

22 MR. ALEXAN KULBASHIAN: What
23 information did you give Det. McKinnon for that
24 affidavit?

25 DET/CST. WILSON: I didn't -- what

1 information did I give him for that affidavit?

2 MR. ALEXAN KULBASHIAN: You testified
3 yesterday that you hadn't seen the affidavit but you
4 gave him some information.

5 DET/CST. WILSON: I would have give
6 him the whole file, the binders and all.

7 MR. ALEXAN KULBASHIAN: Wasn't he one
8 of the investigators investigating the case?

9 DET/CST. WILSON: He would have
10 independent knowledge of those events as well.

11 MR. ALEXAN KULBASHIAN: Okay. If you
12 could read section 17.

13 DET/CST. WILSON:

14 "I wrote to Mr. Keirluk on March
15 30, 2003 and June 2, 2003
16 (letters attached as Exhibit "J"
17 hereto), requesting an
18 explanation of why false
19 information was presented to the
20 Court of Appeal for Ontario
21 using his name. To date, Mr.
22 Keirluk has not responded to my
23 letter."

24 MR. ALEXAN KULBASHIAN: And did you
25 subsequently receive any requests to explain the --

1 DET/CST. WILSON: I was gone one day
2 after this, after this first letter to Mr. Keirluk, I
3 had already left the province.

4 MR. ALEXAN KULBASHIAN: How much time
5 would you say you put in this case, on the September
6 14th charge?

7 DET/CST. WILSON: I started on August
8 -- approximately August the 17th, 2001 and proceeded
9 with this particular investigation essentially until
10 just after your arrest.

11 MR. ALEXAN KULBASHIAN: Okay.

12 DET/CST. WILSON: But you continued
13 to be part of an investigation for probably another
14 seven months after that, if not -- if not close to
15 December of 2002.

16 MR. ALEXAN KULBASHIAN: Okay. And
17 how much time would you say you put into September 14th
18 charges, like time, not as in span of time, like amount
19 of time? Was it a big case?

20 DET/CST. WILSON: I have no idea,
21 sir.

22 MR. ALEXAN KULBASHIAN: Was it a big
23 case for you?

24 DET/CST. WILSON: Yes, sir.

25 MR. ALEXAN KULBASHIAN: Do you think

1 you put a lot of effort into it?

2 DET/CST. WILSON: Absolutely.

3 MR. ALEXAN KULBASHIAN: A lot of
4 personal time?

5 DET/CST. WILSON: Yes, sir.

6 MR. ALEXAN KULBASHIAN: Do you try to
7 follow your cases through all the way?

8 DET/CST. WILSON: I try to, yes, sir.

9 MR. ALEXAN KULBASHIAN: And then you
10 testified, maybe earlier on in the hearing, in
11 September in this hearing that you had no clue why the
12 charges were dropped.

13 DET/CST. WILSON: Absolutely, sir.
14 As a matter of fact in September when I came to this
15 Tribunal I was fairly surprised that there was no
16 explanation for me.

17 MR. ALEXAN KULBASHIAN: And yesterday
18 you testified that the charges were dropped because --

19 DET/CST. WILSON: There was no
20 reasonable expectation of conviction.

21 MR. ALEXAN KULBASHIAN: And how did
22 you find that out?

23 DET/CST. WILSON: I received a letter
24 from the Attorney General of Ontario after the Tribunal
25 in September advising me that when I made an inquiry.

1 MR. ALEXAN KULBASHIAN: When these
2 charges were first filed, I don't know if you directly
3 or Det. McKinnon made an application to the Attorney
4 General to press hate crime charges?

5 DET/CST. WILSON: Yes, sir, we made
6 some inquiries to the Crown Law Office in Toronto,
7 which is the process we would deal with to make an
8 application to the Attorney General, and the Crown Law
9 Office decided that it would be better if we pursued
10 the death threat charge and the counselling murder
11 charge, than proceed with a hate crime -- hate
12 propaganda section.

13 MR. ALEXAN KULBASHIAN: Did you ever
14 make an application to the Attorney General?

15 DET/CST. WILSON: No, sir, we didn't.

16 MR. ALEXAN KULBASHIAN: Do you
17 remember if any London Police told the media that they
18 had made an application to the Attorney General?

19 DET/CST. WILSON: I don't recall
20 that. I remember that we had probably -- not probably,
21 I remember that in a news release that that was part of
22 our investigation was to produce a package to the Crown
23 Law Office, essentially the Attorney General of Ontario
24 for them to investigate.

25 MR. ALEXAN KULBASHIAN: And

1 ultimately the request was rejected, you would say?

2 DET/CST. WILSON: Yes, sir.

3 MR. ALEXAN KULBASHIAN: Okay. And do
4 you take a lot of notes throughout, I guess, the
5 investigation?

6 DET/CST. WILSON: Yes, sir, three
7 binders full.

8 MR. ALEXAN KULBASHIAN: Of notes, of
9 personal notes I mean?

10 DET/CST. WILSON: Duty book notes?

11 MR. ALEXAN KULBASHIAN: Yes.

12 DET/CST. WILSON: They're not in my
13 possession, they're actually in the possession of
14 London Police Service.

15 MR. ALEXAN KULBASHIAN: Would that be
16 something that would normally be found in my file?

17 DET/CST. WILSON: It would be found
18 in your criminal disclosure.

19 MR. ALEXAN KULBASHIAN: Do you know
20 if it was ever forwarded to the crown?

21 DET/CST. WILSON: Everything was
22 forwarded to the crown, it's my responsibility.

23 MR. ALEXAN KULBASHIAN: Would the
24 binder that you had over there with, I guess, my name
25 on it, in a way, be the one that would hold those

1 files?

2 DET/CST. WILSON: This one?

3 MR. ALEXAN KULBASHIAN: The one that
4 says Alexan -- I don't know, one of the binders that
5 you brought in?

6 DET/CST. WILSON: Well, it wouldn't
7 have the duty book notes, my duty book notes, no, they
8 wouldn't.

9 MR. ALEXAN KULBASHIAN: Why wouldn't
10 they be included in that binder?

11 DET/CST. WILSON: Because they are
12 duty book notes and duty book notes are the property of
13 the London Police Service and held by the London Police
14 Service.

15 MR. ALEXAN KULBASHIAN: So, what is
16 that binder ultimately?

17 DET/CST. WILSON: What is that
18 binder?

19 MR. ALEXAN KULBASHIAN: Yes.

20 DET/CST. WILSON: It's not, it's a
21 duty book.

22 MR. ALEXAN KULBASHIAN: No, I mean
23 what's the binder that you're holding?

24 DET/CST. WILSON: That is a
25 compilation of the information that I acquired during

1 the investigation.

2 MR. ALEXAN KULBASHIAN: Is that all
3 the information you acquired during the investigation?

4 DET/CST. WILSON: No, I already told
5 you the duty book notes are held by the London Police
6 Service.

7 MR. ALEXAN KULBASHIAN: Like I mean,
8 aside from that, is that all the documents you acquired
9 during the investigation?

10 DET/CST. WILSON: Those are the
11 documents that are relevant to this investigation, yes,
12 sir.

13 MR. ALEXAN KULBASHIAN: Would you
14 consider the alleged letter from Carol Myles to be one
15 of the documents that would be relevant to this
16 investigation?

17 DET/CST. WILSON: In hindsight
18 probably, now that you're asking me question, I
19 probably should have brought it with me, but I didn't.

20 MR. ALEXAN KULBASHIAN: What do you
21 know about Carol Myles?

22 DET/CST. WILSON: Nothing.

23 MR. ALEXAN KULBASHIAN: When you
24 talked to the Maricopa Sheriff's Department, did they
25 give you any information about Carol Myles?

1 DET/CST. WILSON: Not to me, no, sir.

2 MR. ALEXAN KULBASHIAN: Do you know
3 any information about Carol Myles at all?

4 DET/CST. WILSON: I said no.

5 MR. ALEXAN KULBASHIAN: Would you
6 happen to know if she was schizophrenic?

7 DET/CST. WILSON: No, sir.

8 MR. ALEXAN KULBASHIAN: Do you know
9 if she had a criminal report?

10 DET/CST. WILSON: No, sir.

11 MR. ALEXAN KULBASHIAN: Do you know
12 she spent almost seven or eight years in jail, sir?

13 DET/CST. WILSON: I think when I said
14 I know nothing about her, it pretty much covers it.

15 MR. ALEXAN KULBASHIAN: Do you
16 usually try to verify your sources before you attach,
17 like, the information to the investigation?

18 DET/CST. WILSON: Usually what
19 happens with source information, you verify the
20 information, you don't verify the source.

21 MR. ALEXAN KULBASHIAN: And when
22 Carol Myles wrote you that letter, was there any
23 information corroborating it?

24 DET/CST. WILSON: The Maricopa
25 Sheriff's Department to my recollection went out and,

1 with her consent, seized the computer and, hence,
2 unsubstantiated the threat against Nicole, Mr.
3 Kulbashian's wife's ex-husband.

4 MR. ALEXAN KULBASHIAN: Ex-wife by
5 the way.

6 So, however, you still did use it --
7 still did talk about unsubstantiated threats during my
8 bail hearing?

9 DET/CST. WILSON: Yes, sir.

10 MR. ALEXAN KULBASHIAN: Okay. And
11 you felt that because...?

12 DET/CST. WILSON: Because the court
13 needs to have all the information to make a proper
14 decision.

15 MR. ALEXAN KULBASHIAN: So, do you
16 believe that a bail hearing is a trial?

17 DET/CST. WILSON: No, a bail hearing
18 is a hearing.

19 MR. ALEXAN KULBASHIAN: So, do you
20 believe that you bring everything to a bail hearing?

21 DET/CST. WILSON: Absolutely, as much
22 as I can to present it to the court, yes, sir.

23 MR. ALEXAN KULBASHIAN: So, would you
24 have brought those entire documents to a bail hearing?

25 DET/CST. WILSON: I would have

1 brought -- yeah, I believe so.

2 MR. ALEXAN KULBASHIAN: Do you
3 believe somebody is presumed innocent until found
4 guilty?

5 DET/CST. WILSON: Absolutely.

6 MR. ALEXAN KULBASHIAN: Would you
7 believe that I should be presumed innocent until found
8 guilty?

9 DET/CST. WILSON: Absolutely.

10 MR. ALEXAN KULBASHIAN: Okay. So,
11 why would you bring unsubstantiated allegations against
12 me to court when --

13 DET/CST. WILSON: There's a different
14 level at a bail hearing than it is to be found beyond a
15 reasonable doubt.

16 A bail hearing is to prove two
17 things; one, you're going to attend court and; two,
18 whether your safety or the safety of the public is in
19 jeopardy if you're released.

20 That's why all the information goes
21 in front of the court.

22 MR. ALEXAN KULBASHIAN: So, after --
23 so basically after spending so much time on this case,
24 right, and obviously nothing seems to have come out
25 from it; right, were you frustrated by that?

1 DET/CST. WILSON: Yes, sir.

2 MR. ALEXAN KULBASHIAN: At what point
3 did you start getting frustrated with the case?

4 DET/CST. WILSON: You have to
5 understand my position as a police officer.

6 MR. ALEXAN KULBASHIAN: I do.

7 DET/CST. WILSON: No, you don't, if
8 you ask that question. My position --

9 THE CHAIRPERSON: Answer the
10 question.

11 DET/CST. WILSON: My position as a
12 police officer is to present as much evidence as
13 possible to the prosecutor and to the judge for them to
14 make the decision concerning criminal charges.

15 That's not my position. My position
16 is not to make a decision, you know, to be jury and
17 hangman, that's not my position.

18 My position is to present that
19 information to the prosecutor and for him to deal with
20 it.

21 MR. ALEXAN KULBASHIAN: Okay. So
22 anything that you say to the prosecutor would be just
23 stuff that you collected throughout the investigation?

24 DET/CST. WILSON: It would be part of
25 the investigation.

1 MR. ALEXAN KULBASHIAN: So, you
2 wouldn't basically go outside of your boundaries to, I
3 guess, outside of the legal boundaries to either try to
4 have somebody locked up, it doesn't matter where or --

5 DET/CST. WILSON: Outside of the law,
6 no, sir.

7 MR. ALEXAN KULBASHIAN: Outside the
8 law. Do you remember when you testified that you got
9 the document on July 5th?

10 THE CHAIRPERSON: Say it again. You
11 shorten your words and I can't understand.

12 MR. ALEXAN KULBASHIAN: Do you
13 remember when you testified that you got the transfer
14 of ownership document on July 5th?

15 DET/CST. WILSON: Yes.

16 MR. ALEXAN KULBASHIAN: Do you also
17 remember when you testified that you told the FBI that
18 I was still the owner of the server?

19 DET/CST. WILSON: Controller of the
20 server, yes, sir.

21 MR. ALEXAN KULBASHIAN: Okay. Have
22 you heard of the Maher Arar case?

23 DET/CST. WILSON: No, sir.

24 MR. ALEXAN KULBASHIAN: Have you
25 heard of a Canadian man that was deported to Syria?

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

2 THE CHAIRPERSON: Well, without
3 getting too much, that's a context that you provided
4 me. I don't think it helps in getting to the question.
5 Get to the core question.

6 MR. ALEXAN KULBASHIAN: I will do
7 that.

8 THE CHAIRPERSON: It's on the record,
9 you did provide me with that context, but it doesn't
10 get to the core question.

11 MR. ALEXAN KULBASHIAN: So, do you
12 believe in doing your investigation in full as in
13 leaving no leads behind?

14 DET/CST. WILSON: I tried to, yes.

15 MR. ALEXAN KULBASHIAN: Okay. Is
16 that the same way you acted during my breach of bail
17 charges with, I guess, the ones for the computer I
18 believe the one when I came back from London?

19 DET/CST. WILSON: Yes, sir.

20 MR. ALEXAN KULBASHIAN: So, did you
21 in any way visit or investigate the site?

22 DET/CST. WILSON: No, sir.

23 MR. ALEXAN KULBASHIAN: And why not?

24 DET/CST. WILSON: Because that's not
25 what you were breached for. You were breached for

1 having computer technology in your possession.

2 MR. ALEXAN KULBASHIAN: And how would
3 you know that I had computer technology in my
4 possession?

5 DET/CST. WILSON: A law enforcement
6 officer, an FBI agent from the United States informed
7 me of that.

8 MR. ALEXAN KULBASHIAN: How much did
9 they tell you about that?

10 DET/CST. WILSON: They told me that
11 you were inside, you had a computer and that was a
12 breach.

13 MR. ALEXAN KULBASHIAN: That I was
14 inside.

15 DET/CST. WILSON: That you were
16 residing or at this address in Arizona.

17 MR. ALEXAN KULBASHIAN: If I was
18 residing at my parents' address and they had a
19 computer, would that be my computer?

20 DET/CST. WILSON: If you're on it, it
21 would be your breach.

22 MR. ALEXAN KULBASHIAN: Did they ever
23 find another computer?

24 DET/CST. WILSON: No, but when the
25 FBI spoke to you you admitted to them that you were

1 using that computer.

2 But that matter of fact the threat
3 wasn't yours it was actually posted on a website you
4 created. You told the FBI agent that.

5 MR. ALEXAN KULBASHIAN: When did I
6 tell him that?

7 DET/CST. WILSON: The time they
8 kicked your door in with 50 FBI agents.

9 MR. ALEXAN KULBASHIAN: Do you know
10 if I was arrested indoors or outdoors?

11 DET/CST. WILSON: I have no idea.

12 MR. ALEXAN KULBASHIAN: So why would
13 you say they kicked my door in?

14 DET/CST. WILSON: Because you had
15 told me that.

16 MR. ALEXAN KULBASHIAN: No, I didn't.

17 THE CHAIRPERSON: Don't argue with
18 the witness.

19 MR. ALEXAN KULBASHIAN: When do you
20 remember me telling you that?

21 DET/CST. WILSON: When you were back
22 in London. I was told that you were going to call --
23 actually, I apologize, Mr. Lindsay his lawyer told me,
24 because as a result of the bail hearing he said, are
25 you going to call 50 FBI agents.

1 MR. ALEXAN KULBASHIAN: Well, was
2 there any reference to my door being kicked in or
3 whether I was arrested inside or outside?

4 DET/CST. WILSON: I believe Mr.
5 Lindsay used that phrase. Whether he just meant it
6 because they showed up at your place or not, I don't
7 know.

8 THE CHAIRPERSON: I just want to make
9 it clear, you said it earlier, I got lost in the
10 questioning, an FBI agent told you that Mr. Kulbashian
11 told him that he was using a computer?

12 DET/CST. WILSON: Yes, sir, in an
13 interview, they were investigating a threats to the
14 University of San Francisco.

15 During their investigation, their
16 investigation led them to Mr. Kulbashian. They -- I
17 don't know, I won't say executed a warrant, they
18 attended his address and detained him and spoke to him
19 concerning the threats and it was determined during
20 that interview that he had not made those threats, that
21 actually it was posted on a, I guess the best way to
22 say is a forum site or a forum board or an electronic
23 billboard on a site called StopIslam.

24 Once the FBI determined that he was
25 not the author of the threat, they released him over to

1 the Immigration and Naturalization Service who had
2 separate issues with him being in the United States.

3 MR. ALEXAN KULBASHIAN: So, it's no
4 longer a national security issue; is it?

5 DET/CST. WILSON: The separate issue
6 is the fact that you're a threat to community, as your
7 lawyer stated, and a national security threat as the
8 INS would have declared you.

9 MR. ALEXAN KULBASHIAN: How would you
10 say that they would have declared me that?

11 DET/CST. WILSON: How would I say
12 that's -- they have sort of categories of why they
13 detain people for immigration.

14 MR. ALEXAN KULBASHIAN: Were you an
15 INS officer at any point in your life?

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

17 MR. ALEXAN KULBASHIAN: Do you know
18 anything about their procedures?

19 DET/CST. WILSON: No, sir. Maybe you
20 can tell me.

21 MR. ALEXAN KULBASHIAN: Do you know
22 the difference between -- let's say in Canada, would
23 you know the difference between national security
24 threat and threat to community?

25 DET/CST. WILSON: Yes, sir. You

1 weren't a national security threat, but you were a
2 threat to the community.

3 MR. ALEXAN KULBASHIAN: In Canada.

4 DET/CST. WILSON: Yes, sir, that's
5 how come I had the bail hearing, to try to keep you in
6 custody.

7 THE CHAIRPERSON: Mr. Kulbashian, I
8 remember your plot line, I don't see it there in terms
9 of where you're going.

10 MR. ALEXAN KULBASHIAN: Oh, actually
11 this is just on his testimony right now, questioning
12 what he just said right now. I'm continuing with that.

13 THE CHAIRPERSON: I don't care what
14 the definition of a national security threat is in the
15 United States, it's not part of section 13 of the
16 Canadian Human Rights Act.

17 MR. ALEXAN KULBASHIAN: Well, it's
18 getting to that.

19 THE CHAIRPERSON: When?

20 MR. ALEXAN KULBASHIAN: Okay, I'll
21 just ask one more question.

22 If I was arrested with assault here,
23 would I be a national security threat?

24 DET/CST. WILSON: No, sir.

25 MR. ALEXAN KULBASHIAN: Did anybody

1 tell you that I was a national security threat
2 according to them?

3 DET/CST. WILSON: No, sir.

4 MR. ALEXAN KULBASHIAN: So, did you
5 just use national security threat on your own accord?

6 DET/CST. WILSON: I'm sorry, did
7 anybody tell me you were a national security threat?

8 MR. ALEXAN KULBASHIAN: In the U.S..

9 DET/CST. WILSON: When the INS had
10 you in custody?

11 MR. ALEXAN KULBASHIAN: Yes.

12 DET/CST. WILSON: Yes, sir, the INS
13 officer said that that's what they classified you as to
14 keep you in detention.

15 MR. ALEXAN KULBASHIAN: Do you know
16 why they classified me that way?

17 DET/CST. WILSON: Why they classified
18 you that way?

19 MR. ALEXAN KULBASHIAN: Yes.

20 DET/CST. WILSON: I think it was
21 probably the majority of the information we supplied to
22 them concerning the websites and your affiliation to a
23 far right white supremacist group.

24 MR. ALEXAN KULBASHIAN: Now, talking
25 about me telling the FBI certain things.

1 DET/CST. WILSON: Yes, sir.

2 MR. ALEXAN KULBASHIAN: Right. Was
3 there any transcripts that the FBI sent you about my
4 conversations?

5 DET/CST. WILSON: No, sir, he told
6 me.

7 MR. ALEXAN KULBASHIAN: Or any
8 writings?

9 DET/CST. WILSON: No, sir, he told
10 me.

11 MR. ALEXAN KULBASHIAN: Do you know
12 who you talked to from the FBI?

13 DET/CST. WILSON: Again, I don't have
14 those documents here because it wasn't relevant to the
15 September 14th.

16 MR. ALEXAN KULBASHIAN: Was he the
17 officer that investigated me, that interviewed me,
18 sorry?

19 DET/CST. WILSON: I would assume so,
20 he told me the information.

21 MR. ALEXAN KULBASHIAN: Well, is it
22 possible, just as you're doing right now, that he got
23 information from another officer?

24 DET/CST. WILSON: Yes, sir.

25 MR. ALEXAN KULBASHIAN: It's

1 possible. So basically would you possibly consider
2 that information to be very loose and maybe slightly
3 unreliable?

4 DET/CST. WILSON: No, sir.

5 MR. ALEXAN KULBASHIAN: Okay. You
6 admitted that basically somebody is innocent until
7 proven guilty?

8 DET/CST. WILSON: Yes, sir, you are.

9 MR. ALEXAN KULBASHIAN: And that
10 would apply to me too?

11 DET/CST. WILSON: Yes, sir.

12 THE CHAIRPERSON: You asked that
13 before.

14 MR. ALEXAN KULBASHIAN: Oh, sorry, I
15 was going over this, that's why.

16 THE CHAIRPERSON: Well, don't do it.
17 Go ahead.

18 MR. ALEXAN KULBASHIAN: Sorry. So,
19 would that mean that you would consider me innocent
20 right now?

21 DET/CST. WILSON: Well even more so
22 now because you're not facing any charges.

23 MR. ALEXAN KULBASHIAN: Does it make
24 any difference whether I am facing charges?

25 DET/CST. WILSON: What it makes a

1 difference to is that until a judge or jury make a
2 decision on the charges that I pose to them, then
3 you're innocent until proven guilty.

4 MR. ALEXAN KULBASHIAN: That's right.
5 So, do you believe I'm innocent right now?

6 DET/CST. WILSON: Well, I think I
7 have to look at the definition of what I believe to be
8 innocent.

9 MR. ALEXAN KULBASHIAN: Well, is
10 there a difference between the definition of innocent?

11 DET/CST. WILSON: I believe you have
12 a justified complaint in front of the Human Rights
13 Tribunal right now, but as a result of a decision made
14 by crown attorneys you're not facing any criminal
15 charges.

16 So criminally, you're innocent. I
17 think this Tribunal is going to have to make a decision
18 whether you're innocent when it comes to the Human
19 Rights Code.

20 MR. ALEXAN KULBASHIAN: Do you know
21 whether this Tribunal makes an innocent or guilty call
22 or whether it's a liability --

23 THE CHAIRPERSON: It does not, so we
24 don't need to know. It's a question of liability under
25 the Human Rights Act.

1 MR. ALEXAN KULBASHIAN: That's what I
2 was going to ask him, that's fine. Just a second.

3 In your experience as a member of
4 police how difficult would you consider, you know, for
5 somebody to find somebody's address, you know, being at
6 work or at home?

7 DET/CST. WILSON: Depends if the
8 person wants to be found or not.

9 MR. ALEXAN KULBASHIAN: Let's say a
10 person isn't running away or maybe just living at a
11 steady residence, you know, at the same residence, how
12 difficult?

13 DET/CST. WILSON: I have no idea,
14 sir.

15 MR. ALEXAN KULBASHIAN: Okay. How
16 long have you heard of Richard Warman -- can I use
17 Richard Warman or Mr. Warman?

18 THE CHAIRPERSON: That's fine.

19 MR. ALEXAN KULBASHIAN: I'll just use
20 the full name.

21 DET/CST. WILSON: Mr. Warman?

22 MR. ALEXAN KULBASHIAN: Yes, that's
23 right.

24 DET/CST. WILSON: Several years now.

25 MR. ALEXAN KULBASHIAN: Is it fair to

1 say he's a very well-known figure?

2 DET/CST. WILSON: Yes, sir.

3 MR. ALEXAN KULBASHIAN: You know his
4 field, fighting hate crimes.

5 DET/CST. WILSON: Absolutely, sir.

6 MR. ALEXAN KULBASHIAN: Would you
7 consider him more of a public figure or private figure?

8 DET/CST. WILSON: When it comes to
9 fighting hate crimes, he's a public figure.

10 MR. WARMAN: Sorry, Member Hadjis,
11 I'm going to object to this line of questioning on the
12 basis that it's moving into terrain about me
13 personally.

14 MR. ALEXAN KULBASHIAN: Actually if I
15 can continue, clarify what I'm working on actually.

16 THE CHAIRPERSON: Yes, clarify.

17 MR. ALEXAN KULBASHIAN: Since Mr.
18 Warman is stating that I wrote an article that exposed
19 him, I wrote an article that intimidated him, et
20 cetera, et cetera, I'm going to be addressing that
21 article right now.

22 THE CHAIRPERSON: Oh, that aspect of
23 the testimony.

24 MR. ALEXAN KULBASHIAN: Yeah.

25 THE CHAIRPERSON: I will allow the

1 question.

2 MR. ALEXAN KULBASHIAN: Okay. So,
3 would you consider him a public figure or a private
4 figure?

5 DET/CST. WILSON: When dealing with
6 hate crime figures?

7 MR. ALEXAN KULBASHIAN: Yes.

8 DET/CST. WILSON: Public figure.

9 MR. ALEXAN KULBASHIAN: Purely in the
10 hate crime.

11 DET/CST. WILSON: Public figure.

12 MR. ALEXAN KULBASHIAN: Would you
13 consider him the kind of person that exposed himself in
14 order to get his job done?

15 DET/CST. WILSON: He's a public
16 figure, he doesn't expose himself to any sort of.

17 MR. ALEXAN KULBASHIAN: Like I mean,
18 I don't mean expose to violence or anything like that,
19 I mean like expose himself as in comes out, shows
20 himself in order to get his job done?

21 DET/CST. WILSON: Again, I think
22 we're getting into semantics, but I would say that he
23 as a public figure is highlighting what he believes to
24 be human right violations.

25 MR. ALEXAN KULBASHIAN: Okay. Would

1 you believe him to be the opposite of incognito?

2 DET/CST. WILSON: Yes, he's not got a
3 mask on.

4 MR. ALEXAN KULBASHIAN: Okay. Could
5 you turn to the new photocopies that I made yesterday
6 morning. It would be page 15, the one with 15 circled
7 at the top.

8 THE CHAIRPERSON: Is there a page 15.

9 MR. ALEXAN KULBASHIAN: Well, page 2
10 is actually one line that has a date on the page.

11 THE CHAIRPERSON: It says page 1 of
12 2?

13 MR. ALEXAN KULBASHIAN: That's right.
14 The page was actually blank, but I can get --

15 THE CHAIRPERSON: It's composed of
16 one of those blank pages?

17 MR. ALEXAN KULBASHIAN: Yeah.

18 THE CHAIRPERSON: That happens when
19 you print it out.

20 MR. ALEXAN KULBASHIAN: Yeah, because
21 when it gets to the bottom of page here.

22 THE CHAIRPERSON: All right.

23 MR. ALEXAN KULBASHIAN: Okay.

24 THE CHAIRPERSON: I will take Mr.
25 Kulbashian's word for it.

1 No problem, no problem, it's a page.
2 I understand, it's a blank page.

3 MR. ALEXAN KULBASHIAN: Well, I guess
4 the importance of this page would be the top, the very
5 top line.

6 THE CHAIRPERSON: Have the witness
7 identify it, if you can.

8 MR. ALEXAN KULBASHIAN: Do you
9 recognize what this site is; right?

10 DET/CST. WILSON: This is a Google
11 search site.

12 MR. ALEXAN KULBASHIAN: Okay. So,
13 should we clarify what it is.

14 THE CHAIRPERSON: It appears to be a
15 Google search from the bold lettering of Mr. Richard
16 Warman; is that correct?

17 Mr. Kulbashian, you printed this out
18 yesterday?

19 MR. ALEXAN KULBASHIAN: Yes, I
20 printed this out yesterday morning.

21 THE CHAIRPERSON: Do you have any
22 reason to question it's what it is?

23 DET/CST. WILSON: No, sir.

24 THE CHAIRPERSON: I think it's been
25 sufficiently identified.

1 MR. ALEXAN KULBASHIAN: So, the
2 search --

3 THE CHAIRPERSON: Hold on a second.
4 It's going to be marked.

5 REGISTRY OFFICER: One-page document
6 from the Google website with the title Richard Warman,
7 Lawyer, will be filed as Exhibit R-7.

8 EXHIBIT NO. R-7: One-page document
9 from Google website titled Richard
10 Warman, Lawyer.

11 THE CHAIRPERSON: I know this is the
12 first page results 1 to 10.

13 MR. ALEXAN KULBASHIAN: Yeah.

14 THE CHAIRPERSON: Of about 1,700 it
15 said.

16 MR. ALEXAN KULBASHIAN: Yeah.

17 THE CHAIRPERSON: Although that may
18 mean independently the word Richard, the word Warman,
19 the word lawyer; correct?

20 MR. ALEXAN KULBASHIAN: Not
21 independently. All the sites would include Richard
22 Warman Lawyer but it could be spread around.

23 THE CHAIRPERSON: Spread around. I'm
24 not sure of that. My personal experience has not
25 always been that way.

1 MR. ALEXAN KULBASHIAN: Well, a site
2 with just lawyer wouldn't show up in the index.

3 THE CHAIRPERSON: You say that. I
4 don't think we have any expert evidence on that, but
5 clearly it shows that it's just the first page of a
6 search, there may be more pages.

7 MR. ALEXAN KULBASHIAN: Have you ever
8 done a search on Richard Warman's name?

9 DET/CST. WILSON: No, sir. I have
10 his phone number.

11 MR. ALEXAN KULBASHIAN: Have you --

12 DET/CST. WILSON: I don't need to
13 look for him.

14 MR. ALEXAN KULBASHIAN: Okay, all
15 right. Good answer.

16 Would you figure that the fact that
17 he's a public figure that, I guess, the number of
18 results listed there would be consistent with what you
19 might be finding if you --

20 DET/CST. WILSON: I have no reason to
21 doubt that.

22 MR. ALEXAN KULBASHIAN: Have you ever
23 seen court documents on line?

24 DET/CST. WILSON: No, sir, I don't
25 believe I have. I apologize, yes, I have seen court

1 documents on line, I apologize.

2 MR. ALEXAN KULBASHIAN: Do court
3 documents include addresses, names and phone numbers in
4 there?

5 DET/CST. WILSON: From my experience
6 in criminal court documents, no, they don't.

7 MR. ALEXAN KULBASHIAN: Do court
8 documents posted on line for let's say civil cases?

9 DET/CST. WILSON: It could, and if
10 somebody posted a charge sheet of an accused party or
11 his recognizance, it would have the accused party's
12 address if it was posted as one of his conditions to
13 comply with.

14 MR. ALEXAN KULBASHIAN: And how many
15 results do you see here?

16 DET/CST. WILSON: It says 1 of 10 of
17 about 1,700 hundred.

18 MR. ALEXAN KULBASHIAN: Okay. It
19 could be more, it could be less, you're unclear.

20 DET/CST. WILSON: I think we have 10
21 of them here.

22 MR. ALEXAN KULBASHIAN: All right.
23 So, have you ever seen courts post court documents on
24 line or tribunals?

25 DET/CST. WILSON: I know that

1 coroner's inquests post results, unfortunately I feel a
2 little lost, I haven't seen Human Rights Tribunal post
3 anything. I'm not too sure if they do or not.

4 THE CHAIRPERSON: We have a website
5 with all our decisions posted.

6 DET/CST. WILSON: I will look at them
7 shortly. But I know that there is other avenues.
8 Usually criminal stuff, no, but other courts obviously
9 like the tribunal or coroner's inquest and stuff like
10 that were posted.

11 MR. ALEXAN KULBASHIAN: Okay. So,
12 would you consider that Richard Warman would have spent
13 a lot of time in courts, from what you know? Civil,
14 yes.

15 DET/CST. WILSON: Yeah, he's a
16 lawyer. I would assume so, yes.

17 MR. ALEXAN KULBASHIAN: Would it be
18 possible that people from civil cases would have posted
19 court documents on line?

20 DET/CST. WILSON: Yes, sir,

21 MR. ALEXAN KULBASHIAN: Okay. And
22 would it be possible that his address and his name
23 would appear in those court documents?

24 DET/CST. WILSON: I'm not sure.

25 MR. ALEXAN KULBASHIAN: If they were

1 blacked out?

2 DET/CST. WILSON: I'm not too sure if
3 they would or not.

4 MR. ALEXAN KULBASHIAN: Okay. Have
5 you ever seen civil court documents?

6 DET/CST. WILSON: I have been served
7 with some, yes.

8 MR. ALEXAN KULBASHIAN: Does your
9 address and name appear on those?

10 DET/CST. WILSON: They show up on my
11 door, so I don't really look to see if my address is
12 there.

13 MR. ALEXAN KULBASHIAN: I mean appear
14 on documents themselves?

15 DET/CST. WILSON: Again, I don't have
16 a copy that I've been served before. I don't believe
17 they do, but I could be wrong.

18 MR. ALEXAN KULBASHIAN: Okay. Just
19 like, is it possible that your address was listed on
20 the document?

21 DET/CST. WILSON: It could be.

22 MR. ALEXAN KULBASHIAN: Okay. Just
23 so they could serve you obviously too?

24 DET/CST. WILSON: Yes, sir.

25 MR. ALEXAN KULBASHIAN: Right. So,

1 if somebody who spends a lot of time in front of the
2 courts, who pretty much doesn't make an effort to stay
3 incognito and who -- okay, before I continue that line.

4 Do you know of any incidents where or
5 have you heard of incidents where Mr. Warman has
6 approached the media himself?

7 DET/CST. WILSON: Oh yes, sir.

8 MR. ALEXAN KULBASHIAN: And to talk
9 about cases he's starting or cases he's in?

10 DET/CST. WILSON: Yes, sir.

11 MR. ALEXAN KULBASHIAN: So, would you
12 consider him to have gone that step to expose himself
13 to the public?

14 DET/CST. WILSON: He's gone that step
15 to highlight the investigations or the complaints he's
16 made, yes, sir.

17 MR. ALEXAN KULBASHIAN: Okay. And
18 when he goes to the media, have you noticed that he
19 also exposes other people?

20 DET/CST. WILSON: He exposes -- like
21 other people he has complaints against, yes, I believe
22 so, yes, sir.

23 MR. ALEXAN KULBASHIAN: So, basically
24 -- so you wouldn't consider him to be going out of his
25 way to stay, I guess, incognito; would you?

1 DET/CST. WILSON: No, sir.

2 MR. ALEXAN KULBASHIAN: Okay. Do you
3 trust the media, this is a good question to start off
4 with.

5 DET/CST. WILSON: Not unless I can
6 confirm the information that's in it.

7 MR. ALEXAN KULBASHIAN: Okay. I'm
8 not sure if this is -- okay, I'm not sure if this is
9 included, this should be one of the four or five pages
10 from the last time.

11 THE CHAIRPERSON: Slower, slower.

12 MR. ALEXAN KULBASHIAN: It says 35 at
13 the top, it's documents --

14 THE CHAIRPERSON: These are documents
15 that you photocopied or --

16 MR. ALEXAN KULBASHIAN: These are
17 documents that I would have photocopied from --

18 Yeah, it says KA-27/1. I'm not sure
19 which document is titled that.

20 That would be from yesterday. This
21 would be from September.

22 It's not in the R binder, it would
23 have been photocopied and it's --

24 THE CHAIRPERSON: October 19th, 2004
25 in the headline?

1 MR. ALEXAN KULBASHIAN: In the
2 headlines.

3 THE CHAIRPERSON: No.

4 MR. ALEXAN KULBASHIAN: It says
5 February 23rd, 2004.

6 THE CHAIRPERSON: The one I'm looking
7 at. We don't have it.

8 MR. ALEXAN KULBASHIAN: And there's a
9 subscript that says KA-27/1.

10 THE CHAIRPERSON: Mr. Levac tells me
11 we don't have it.

12 MR. ALEXAN KULBASHIAN: This would
13 have been -- yeah.

14 THE CHAIRPERSON: Oh, it would have
15 been disclosed between the parties but not the
16 Tribunal.

17 MR. VAHE KULBASHIAN: Yes.

18 THE CHAIRPERSON: So if you want the
19 Tribunal to see it, we'll need copies.

20 Will you be asking questions on it
21 now?

22 MR. ALEXAN KULBASHIAN: I would be,
23 yes.

24 THE CHAIRPERSON: We'll take our
25 break now. 15 minutes.

1 MR. ALEXAN KULBASHIAN: Thank you.

2 ---Recess taken at 3:02 p.m.

3 ---On resuming 3:20 p.m.

4 REGISTRY OFFICER: All rise.

5 Please be seated.

6 THE CHAIRPERSON: Yes. So, is the
7 photocopy on my desk. Is this the document that you
8 referred to earlier?

9 MR. ALEXAN KULBASHIAN: Yes, it is.

10 THE CHAIRPERSON: Okay.

11 MR. ALEXAN KULBASHIAN: If we could
12 produce this document I'm going to get him to read it.

13 THE CHAIRPERSON: Well, you've never
14 seen the document before?

15 DET/CST. WILSON: No, but it appears
16 to be a London Free Press news article from the
17 Internet.

18 THE CHAIRPERSON: Okay. It appears
19 to be from February 23rd, 2004; is that correct?

20 MR. ALEXAN KULBASHIAN: Yes, February
21 23rd, 2004.

22 THE CHAIRPERSON: Any objection?

23 MS MAILLET: No.

24 THE CHAIRPERSON: Okay. So Mr.
25 Warman, no objection?

1 MR. WARMAN: No.

2 THE CHAIRPERSON: Okay.

3 REGISTRY OFFICER: Two-page document
4 from the website of the London Free Press entitled:
5 London Man Faces Rights Tribunal dated February 23rd,
6 2004 will be filed as respondent Exhibit R-8.

7 EXHIBIT NO. R-8: Two-page document
8 from the website of the London Free
9 Press entitled: London Man Faces
10 Rights Tribunal dated February 23rd,
11 2004.

12 MR. ALEXAN KULBASHIAN: Okay. If you
13 could read the first paragraph.

14 DET/CST. WILSON: It looks like --

15 MR. ALEXAN KULBASHIAN: Underneath
16 Mark Richmond.

17 DET/CST. WILSON: Looks like it's
18 produced by Randy Richmond who is a Free Press
19 reporter.

20 It states:

21 "The suggestion Canadians kill
22 "rats" from other countries has
23 landed a London man and fellow
24 white supremacist in front of the
25 Canadian Human Rights Commission

1 with a complaint seeking \$80,000
2 in fines and damages. James
3 Scott Richardson of London and
4 Alexan Kulbashian of Toronto are
5 the latest targets in a recent
6 string of legal actions against
7 the area's small but active
8 white supremacist movement."

9 MR. ALEXAN KULBASHIAN: Okay, thank
10 you. Could you also go to the second page.

11 Could you read seven paragraphs down
12 where it says, "Warman".

13 DET/CST. WILSON:

14 "Warman said he is forbidden
15 from handling similar cases at
16 the Human Rights Commission."

17 MR. ALEXAN KULBASHIAN: Okay. Could
18 you read five paragraphs down from there where it says:

19 "The sites also..."

20 DET/CST. WILSON:

21 "The sites also accuse
22 non-whites of various crimes
23 including the "extermination of
24 the white race" Warman
25 complained to the Commission."

1 MR. ALEXAN KULBASHIAN: If you
2 continue.

3 DET/CST. WILSON:

4 "He also supplied the Commission
5 with examples of racist jokes he
6 believes held non-whites open to
7 contempt and hatred.

8 The Commission can fine
9 those found guilty, but Warman
10 has also asked for damages
11 because of personal remarks he
12 says the websites made."

13 THE CHAIRPERSON: Just for the
14 record, another example of journalist not getting the
15 difference between Commission and Tribunal.

16 MR. ALEXAN KULBASHIAN: Yes, that's
17 all I've been concentrating on.

18 THE CHAIRPERSON: It happens all the
19 time, unfortunately.

20 MR. ALEXAN KULBASHIAN: Well, it's
21 actually difficult for anybody outside.

22 THE CHAIRPERSON: They should change
23 the name to Tribunal of Human Rights. So, go ahead.

24 DET/CST. WILSON: Do you want me to
25 continue, I'm sorry?

1 MR. ALEXAN KULBASHIAN: Yes.

2 DET/CST. WILSON: It says:

3 "According to Warman, the
4 Canadian Ethnic Cleansing Team
5 site posted a message making fun
6 of the Holocaust that killed six
7 million Jews.

8 Warman is seeking both fines
9 and damages totally \$80,000 from
10 the two men, and three websites
11 they operated.

12 Warman last year filed a
13 human rights Complaint against
14 Bell Canada and a website it
15 provided to Londoner Tomasz
16 Winnicki.

17 Winnicki's site warned
18 Jewish people, "We're coming for
19 you...and your..."

20 THE CHAIRPERSON: Servile.

21 DET/CST. WILSON:

22 "...servile dogs too."

23 I had my thumb over it.

24 "Warman has also filed a libel
25 suit against the London based

1 Northern Alliance over comments
2 made on the site about him."

3 MR. ALEXAN KULBASHIAN: Thank you.

4 Now, I assume you have talked to the
5 complainant and Ms Maillet before about this case?

6 DET/CST. WILSON: Yes, sir.

7 MR. ALEXAN KULBASHIAN: Do you have
8 any idea of how much money they're actually asking for?

9 DET/CST. WILSON: None whatsoever.

10 MR. ALEXAN KULBASHIAN: Do you
11 believe it to be in the range of \$80,000?

12 DET/CST. WILSON: It says so in the
13 article, so I don't doubt the article.

14 MR. ALEXAN KULBASHIAN: Okay. So if
15 you come back to -- now, if you could turn to HR-1, the
16 book.

17 Do you know what let's just turn to
18 the photocopies I gave yesterday just to keep this
19 brief, that way we don't have to read the whole
20 article.

21 Okay, just so we can refresh your
22 memory.

23 THE CHAIRPERSON: What page?

24 MR. ALEXAN KULBASHIAN: If you turn
25 to No. 4, the circled 4 at the top, the one photocopied

1 yesterday morning.

2 THE CHAIRPERSON: Just give me a
3 moment, please.

4 4 at the top of the page.

5 MR. ALEXAN KULBASHIAN: That's right.

6 It was photocopied yesterday morning.
7 I believe these ones were photocopies yesterday
8 afternoon, or printed and photocopied,
9 I'm not sure.

10 Okay. In other words I will --
11 because this is a part of the transcript from the
12 court, I guess, can I just read it to keep it brief,
13 that way we don't have to go into the article and read
14 that.

15 THE CHAIRPERSON: No problem with the
16 transcript, just tell us what page, and I'm mindful
17 that the pages may differ a little from the e-mailed
18 versions than the official text that are produced by
19 StenoTran, but we will be able to find it with a find.

20 So read it verbatim.

21 MR. ALEXAN KULBASHIAN: Okay, it says
22 -- this is about page 724, 725 region, this is
23 ballpark.

24 THE CHAIRPERSON: About page 724, 725
25 in the transcript, Okay.

1 MR. ALEXAN KULBASHIAN: It says:
2 "On December the 2nd, 2001 I
3 logged on to the Vinland Voice
4 website, it was again still
5 operating at this time and in it
6 was --"

7 THE CHAIRPERSON: Slowly.

8 MR. ALEXAN KULBASHIAN: Oh, sorry.
9 "...and in it was a reproduction
10 of an article done by NOW
11 Magazine. NOW Magazine is an
12 independent magazine in
13 Kitchener and Toronto, it deals
14 with independent news and
15 entertainment. It was weekly
16 produced and distributed in the
17 Toronto area. In this article
18 it was written by Stuart Duncan
19 and..."

20 Sorry:

21 "In this article -- it was
22 written by Stuart Duncan, and in
23 this article Alex Krause is
24 identified as a member of the
25 Canadian Ethnic Cleansing Team

1 who actually runs -- they
2 describe it as running the
3 server for the Canadian Ethnic
4 Cleansing Team, for the C.E.C.T.
5 websites, and it also
6 acknowledges the fact that Mr.
7 Richard Warman has filed a
8 complaint with the Canadian
9 Human Rights Commission
10 involving the Tri-City Skins and
11 the C.E.C.T."

12 Would you say that Richard Warman
13 approached NOW Magazine about the case that was filed?

14 DET/CST. WILSON: I know that NOW
15 Magazine spoke to Mr. Warman. I don't know who
16 approached who.

17 MR. ALEXAN KULBASHIAN: Okay.

18 So, would you believe that NOW
19 Magazine spoke to Mr. Warman?

20 MS MAILLET: I'm going to object to
21 this line of questioning because I don't know how this
22 witness ties into this information.

23 THE CHAIRPERSON: It sounds to me
24 like something that you could raise in your own
25 evidence or something that you could have

1 cross-examined Mr. Warman on. This witness--

2 MR. ALEXAN KULBASHIAN: Actually
3 maybe --

4 THE CHAIRPERSON: --is living this in
5 B. C.

6 MR. ALEXAN KULBASHIAN: That's true,
7 but he's a decorated officer and that's why I'm posing
8 some of these questions and you'll see where I'm going
9 with this. It's regarding --

10 Basically would you consider, as you
11 testified before, you would consider Mr. Warman to be a
12 public figure?

13 DET/CST. WILSON: Yes, sir.

14 MR. ALEXAN KULBASHIAN: And would you
15 consider Jean Chrétien to be a public figure?

16 DET/CST. WILSON: Yes, sir.

17 MR. ALEXAN KULBASHIAN: Even though
18 he's not Prime Minister any more?

19 DET/CST. WILSON: Yes, sir.

20 MR. ALEXAN KULBASHIAN: Would you
21 consider anybody, regardless of whether or not they're
22 working in the government any more to be government
23 figures?

24 DET/CST. WILSON: Yes.

25 MR. ALEXAN KULBASHIAN: Okay. Now,

1 as a public figure, aren't public figures open to
2 criticism?

3 DET/CST. WILSON: Absolutely.

4 MR. ALEXAN KULBASHIAN: And would you
5 consider that, I guess, fair game for public figures to
6 be open to criticism?

7 DET/CST. WILSON: Justified
8 criticism, yes.

9 MR. ALEXAN KULBASHIAN: Okay. So,
10 basically as a public figure, who takes action against
11 certain people, would you consider it out of line
12 somebody to, not necessarily retaliate but basically
13 expose the action?

14 DET/CST. WILSON: Okay. Maybe I sort
15 of lost the question. I'm sorry.

16 THE CHAIRPERSON: Mr. Kulbashian, it
17 sounds a lot like, with all due respect, it sounds like
18 you're trying to make the points that you'll be making
19 in your argument.

20 I mean, this witness, his opinion
21 doesn't count as to whether Mr. Warman made a public
22 figure out of himself or not.

23 When the objection was made by Mr.
24 Warman earlier today, or in the last hour, I allowed
25 the questioning because you said it was relating to the

1 claim by Mr. Warman of having been treated publicly by
2 allegedly by you, or the respondents, but the questions
3 have to relate to this witness.

4 That's certainly fair game in terms
5 of argument, but I don't know if this witness has any
6 knowledge of it.

7 I don't want you to lose time on
8 this.

9 MR. ALEXAN KULBASHIAN: Right.

10 THE CHAIRPERSON: If you are just
11 trying to get ideas in my head --

12 MR. ALEXAN KULBASHIAN: No, I'm not
13 trying to get ideas.

14 THE CHAIRPERSON: Do it out of your
15 own voice, not this witness.

16 MR. ALEXAN KULBASHIAN: What I'm
17 trying to do --

18 Okay. So, where do you believe this
19 article, the NOW Magazine article that was referred to
20 was published first, on the NOW Magazine or the
21 C.E.C.T. site?

22 DET/CST. WILSON: I think it was in
23 NOW Magazine first and then it was cut and pasted onto
24 the site.

25 MR. ALEXAN KULBASHIAN: That's right.

1 Thank you.

2 Getting back to some other issues
3 actually now that we've thought about it. I don't know
4 if I can get into this, now this is coming back to the
5 secret disclosure.

6 THE CHAIRPERSON: What disclosure?

7 MR. ALEXAN KULBASHIAN: The secret
8 disclosure.

9 THE CHAIRPERSON: The secret
10 disclosure?

11 MR. ALEXAN KULBASHIAN: Yeah.

12 THE CHAIRPERSON: You're referring to
13 the confidential document?

14 MR. ALEXAN KULBASHIAN: Yeah.

15 THE CHAIRPERSON: Let's hear your
16 question, then we'll see.

17 MR. ALEXAN KULBASHIAN: Yesterday, do
18 you remember when referring to documents when the
19 Chairperson talked about four pages of documents?

20 DET/CST. WILSON: I remember when the
21 Chair talked about the confidential documents, yes.

22 MR. ALEXAN KULBASHIAN: Do you
23 remember him talking about four pages of documents?

24 DET/CST. WILSON: I'm sorry, I don't.

25 MR. ALEXAN KULBASHIAN: How many

1 pages were in that document when you were first --

2 THE CHAIRPERSON: Mr. Kulbashian,
3 didn't I deal with this earlier when you raised the
4 point and I said that I felt it still fell within the
5 scope of what was written on the summary.

6 MR. ALEXAN KULBASHIAN: No, no, I'm
7 not talking about the document in this case, it would
8 be even outside of where he obtained it from, anything
9 like that, it's just like number of pages, simple.

10 THE CHAIRPERSON: That's right, and I
11 told you that I did not see anything inappropriate in
12 the manner in which item 37 was described.

13 MR. KULBASHIAN: The one thing I
14 didn't see appropriate, the document states that
15 there's four pages and I doubt that the Defence
16 Department would give them missing pages.

17 THE CHAIRPERSON: Oh, it's the four
18 pages of that document as opposed to the four
19 documents under heading --

20 MR. ALEXAN KULBASHIAN: Yes.

21 THE CHAIRPERSON: Fair question.

22 MR. ALEXAN KULBASHIAN: Oh, no, no.
23 I wasn't going to get into the content at all, anyway I
24 did before.

25 How many pages were in that document

1 when you first got your hands on it?

2 DET/CST. WILSON: There's three.

3 MR. ALEXAN KULBASHIAN: Would you
4 think that there would be missing pages in the Defence
5 Department document?

6 DET/CST. WILSON: I don't know, Mr.
7 Richardson will have to ask the Defence Department.

8 MR. ALEXAN KULBASHIAN: Okay. So --

9 THE CHAIRPERSON: Yes?

10 MR. WARMAN: It seems to me this is
11 beating a dead horse.

12 The evidence has been excluded, I'm
13 not sure what the purpose of pursuing this line of
14 questioning is.

15 THE CHAIRPERSON: Only to the extent
16 I treat it as the evidence given yesterday as to what
17 the document was and whether it was complete
18 disclosure, to that extent I was going to allow it, not
19 beyond that.

20 We have established the point.

21 MR. ALEXAN KULBASHIAN: Would you
22 consider yourself to be an officer that follows
23 procedure?

24 MR. WARMAN: Objection, asked and
25 answered already.

1 MR. ALEXAN KULBASHIAN: This is, I
2 guess -- well, it's okay. Do you consider yourself an
3 officer that follows procedure?

4 MR. WARMAN: Objection. Asked and
5 answered already.

6 THE CHAIRPERSON: Again, I thought
7 you were going to make a new question.

8 Want me to rule. Asked and answered
9 already. Go to your next question.

10 MR. ALEXAN KULBASHIAN: Do you
11 believe you followed procedure when you handed over a
12 document that was -- that explicitly stated not to
13 disclose it to anybody else over to the complainant or
14 Ms Maillet?

15 DET/CST. WILSON: I don't think I
16 committed any offence, no.

17 MR. ALEXAN KULBASHIAN: Do you
18 believe that as the document states, Ms Maillet read
19 this into the record, that the document states that it
20 should not be disclosed to anybody.

21 Do you believe that you committed --
22 like, you I guess followed the procedure that came with
23 the document?

24 THE CHAIRPERSON: Okay. This is
25 something which is outside the purview of the Tribunal,

1 I think I made that clear earlier.

2 If there is an issue about Privacy
3 Act violation, if there's an issue with the DNA?

4 MR. ALEXAN KULBASHIAN: It's not
5 about the issue, it's about whether or not he follows
6 procedure.

7 THE CHAIRPERSON: What is it? Tell
8 me what it is then.

9 MR. ALEXAN KULBASHIAN: I will get to
10 the next question.

11 Well, my question is, I guess I
12 direct it to you then.

13 THE CHAIRPERSON: Yes.

14 MR. ALEXAN KULBASHIAN: If -- now
15 there is a list of three or four documents that are
16 private; right.

17 THE CHAIRPERSON: No, their
18 privileged.

19 MR. ALEXAN KULBASHIAN: They're
20 privileged.

21 THE CHAIRPERSON: Yes.

22 MR. ALEXAN KULBASHIAN: So now the
23 fact of the matter is that both the complainant and the
24 Commission representative have seen all four of those
25 documents.

1 THE CHAIRPERSON: Yes, but privilege
2 doesn't necessarily mean that it has something to do of
3 a personal nature with you, it's things like a witness
4 list, things like a U.S. police search warrant,

5 MR. ALEXAN KULBASHIAN: But it's also
6 an issue of equatibility on the case.

7 THE CHAIRPERSON: Why?

8 MR. ALEXAN KULBASHIAN: Well, the
9 Commission themselves -- I don't understand how the
10 complainant is entitled to view privileged documents,
11 the complainant who is not involved in the
12 investigation, however, the respondents are not.

13 THE CHAIRPERSON: Well, because the
14 short answer is the person who holds the privilege is
15 entitled to waive that privilege to whomever it
16 chooses. They have chosen to not waive the privilege
17 with respect to the respondents.

18 That would I guess be the
19 understanding I have here, and that was sort of akin
20 to what I mentioned to Mr. Richardson about the DND
21 document.

22 Listen the issue is closed, all
23 right. I mean, I have dealt with the issue of the
24 disclosure of those documents and their admission, all
25 right.

1 So, if you have any other problem
2 with that you can deal with it at some other forum, it
3 won't be here.

4 MR. ALEXAN KULBASHIAN: Okay. Now
5 you testified on James' bail report that you had
6 written that screaming, because he was screaming.

7 DET/CST. WILSON: Yes, sir.

8 MR. ALEXAN KULBASHIAN: That he was
9 combative and uncooperative; right?

10 DET/CST. WILSON: Yes, sir.

11 MR. ALEXAN KULBASHIAN: Would you
12 consider screaming to be both combative and
13 uncooperative?

14 DET/CST. WILSON: I think I answered
15 it when James asked me the question.

16 MS MAILLET: Sir, this line of
17 questioning goes back to what combative is and Mr.
18 Richardson's arrest and I'm objecting to that because
19 that was --

20 MR. ALEXAN KULBASHIAN: No, I'm not
21 --

22 THE CHAIRPERSON: You're not going
23 there?

24 MR. ALEXAN KULBASHIAN: No, I'm not
25 going to ask the same question.

1 Do you consider it to be both
2 combative and uncooperative?

3 DET/CST. WILSON: I believe the
4 totality of the things he exhibited at the time of his
5 arrest and shortly thereafter, I would say, yes.

6 MR. ALEXAN KULBASHIAN: Is there
7 anything he would have done that would only fall in one
8 category or another?

9 MR. WARMAN: Objection. What is the
10 relevance of this, plus Mr. Richardson has already
11 covered this in extensive detail, in fact, in painful
12 details.

13 MR. ALEXAN KULBASHIAN: He hasn't
14 asked the questions that I'm asking.

15 THE CHAIRPERSON: Sounds familiar.

16 MR. WARMAN: Rewording a question is
17 not asking another question.

18 MR. ALEXAN KULBASHIAN: But he hasn't
19 asked a question as to whether or not -- I'm asking
20 specifically different questions.

21 THE CHAIRPERSON: I know the exact
22 details of how the point of view of this witness as to
23 what happened that day.

24 MR. ALEXAN KULBASHIAN: I understand.

25 THE CHAIRPERSON: And why he

1 associated each word with what happened that day. I
2 have heard it all from the examination of Mr.
3 Richardson.

4 Mr. Richardson in the process of
5 asking his questions frequently put in his point of
6 view of what happened, which is not supposed to happen,
7 but he did. So, we have it all, he will have the
8 opportunity to testify.

9 MR. ALEXAN KULBASHIAN: I'm not
10 asking the same questions. These are question
11 continuing from what --

12 THE CHAIRPERSON: What's new about
13 it. Combative and --

14 MR. ALEXAN KULBASHIAN: One question
15 is there any action that he could have taken that would
16 have been either combative or uncooperative, not both?

17 THE CHAIRPERSON: Look, we'll waste
18 less time if we here the answer. Is there something he
19 could have done.

20 DET/CST. WILSON: If he was just
21 uncooperative, yes, he will be just screaming.
22 Combative would be pulling away or being overt, I
23 guess, with police officers.

24 Again, he never crossed the line to
25 be resistant.

1 MR. ALEXAN KULBASHIAN: And you said
2 combative would be pulling away and overt?

3 DET/CST. WILSON: Pulling away,
4 getting told to go on the ground twice, that's
5 combative.

6 MR. ALEXAN KULBASHIAN: And you also
7 said that he had to be led; right. Did you expect him
8 to walk over and know where the police car was?

9 DET/CST. WILSON: I don't expect him
10 to do anything. I know what officers did at the time.

11 MR. ALEXAN KULBASHIAN: However, you
12 did testify that he had to be led out as opposed to
13 what, walk on his own free will?

14 DET/CST. WILSON: Yes, sir.

15 MR. ALEXAN KULBASHIAN: So basically
16 he was supposed to know where the car was parked, the
17 police car was parked?

18 MR. WARMAN: Objection. The form of
19 the question is simply abusive.

20 MR. ALEXAN KULBASHIAN: Was he
21 supposed to know where the car was parked?

22 MS MAILLET: Same question.

23 THE CHAIRPERSON: You just asked the
24 same question.

25 Listen. When you jump back in before

1 you give me a chance to deal with the objection, the
2 only reason I allow it is if you're changing your
3 question.

4 You can't just keep asking the same
5 question over and over.

6 Slow down, Mr. Kulbashian. Yes, that
7 wasn't the proper form of a question. Rephrase your
8 question.

9 MR. ALEXAN KULBASHIAN: Okay. Would
10 there be any way for him to get to the car without
11 being led to the location of the car?

12 THE CHAIRPERSON: Very nice. That's
13 the way?

14 DET/CST. WILSON: He could have just
15 walked in front of the police officers, instead they
16 had to physically touch him to take him to the police
17 cars.

18 MR. ALEXAN KULBASHIAN: Have you ever
19 arrested somebody and handcuffed them and not had to
20 physically touch them to move them somewhere?

21 DET/CST. WILSON: Absolutely.

22 MR. ALEXAN KULBASHIAN: And was I
23 being combative and uncooperative during my arrest?

24 DET/CST. WILSON: No, sir, you turned
25 around quickly.

1 MR. ALEXAN KULBASHIAN: Did you still
2 grab my arm to lead me to the elevator and down to the
3 car?

4 DET/CST. WILSON: Yes, I believe I
5 did, sir.

6 MR. ALEXAN KULBASHIAN: So, would
7 that have been uncooperative?

8 DET/CST. WILSON: No, because the
9 totality of your actions didn't equal the totality of
10 Mr. Richardson's actions.

11 MR. ALEXAN KULBASHIAN: Now, you also
12 said that he called me and that showed that I had
13 control of the server?

14 DET/CST. WILSON: I'm sorry.

15 MR. ALEXAN KULBASHIAN: You said he
16 called me during his arrest and that showed that I had
17 control of the server.

18 DET/CST. WILSON: I don't think I
19 connected the dots there.

20 MR. ALEXAN KULBASHIAN: I'll give it
21 more in detail. You said that when he called me and
22 told me to "take the shit down", right, that's what you
23 said?

24 DET/CST. WILSON: Yes, sir.

25 MR. ALEXAN KULBASHIAN: That that

1 meant that I had control over the server when things
2 came down.

3 THE CHAIRPERSON: You just asked the
4 same question twice

5 MR. ALEXAN KULBASHIAN: No, but
6 that's the question that I'm asking.

7 THE CHAIRPERSON: You said, I'll
8 rephrase the question and you asked the same question.

9 MR. ALEXAN KULBASHIAN: Oh, sorry, I
10 meant to say like, do you believe that the fact that
11 the content went down when he called me when he was
12 being arrested meant I had control of the server?

13 THE CHAIRPERSON: You mean
14 subsequently.

15 Let me ask your question.

16 Subsequent to the phone call, the
17 website went down, is that what you're saying, that the
18 website ceased being operative and did you make a
19 linkage?

20 MR. ALEXAN KULBASHIAN: The content
21 went down.

22 THE CHAIRPERSON: The contents went
23 down.

24 MR. ALEXAN KULBASHIAN: Was modified.

25 THE CHAIRPERSON: Were modified. So

1 do you see a connection between the telephone call and
2 the contents being modified?

3 DET/CST. WILSON: At that time, no, I
4 saw a connection between Mr. Richardson and somebody
5 else being complicit in making the death threats, but
6 didn't at that time make the connection that whoever he
7 had phoned and screamed at had any control over the
8 website at that time.

9 MR. ALEXAN KULBASHIAN: But now do
10 you believe that the fact that content was modified
11 after I was called meant that I was in control of the
12 website.

13 DET/CST. WILSON: Yes, sir.

14 MR. ALEXAN KULBASHIAN: Basically if
15 somebody asks a friend of his at a bank to give
16 somebody a loan; is he in control of the bank?

17 DET/CST. WILSON: Again, the totality
18 of evidence, not just that one incident led me to
19 believe you were in much more control over that
20 website.

21 MR. ALEXAN KULBASHIAN: So, can you
22 say for sure that I uploaded the content to the sites?

23 DET/CST. WILSON: What I can say is
24 that you facilitated a threat on the Internet through
25 AffordableSpace and your ability to alter the website

1 of the Canadian Ethnic Cleansing Team and Vinland
2 Voice.

3 MR. ALEXAN KULBASHIAN: How were you
4 aware that I knew of anything that was going on on that
5 site?

6 DET/CST. WILSON: Again, how did you
7 know?

8 MR. ALEXAN KULBASHIAN: How can you
9 say for any certain for that matter that I was aware of
10 what was going on in that site?

11 DET/CST. WILSON: In your interview
12 you explained me very detailed, because again I am no
13 where near an expert in Internet, detailed explanation
14 in your interview of how you had control over that
15 server and you had the ability to exclude people and
16 include websites onto your server, including the
17 Canadian Ethnic Cleansing Team and the Vinland Voice.

18 MR. ALEXAN KULBASHIAN: So, how would
19 that give me -- how would that still -- I guess you're
20 not answering my question, that's why I have to keep
21 asking this again.

22 How would that mean that I knew what
23 content was on that site?

24 DET/CST. WILSON: Because you had the
25 ability to exclude people and told me that you could be

1 include people or website from your site and,
2 therefore, that made me believe that you would know the
3 content of those websites and, therefore, have the
4 ability to exclude or include certain people on your
5 hosting company.

6 THE CHAIRPERSON: Mr. Kulbashian, I
7 think I have heard this answer many times.

8 MR. ALEXAN KULBASHIAN: It's not the
9 right answer, that's why I'm getting into this.

10 THE CHAIRPERSON: It may not be the
11 answer you're looking for.

12 MR. ALEXAN KULBASHIAN: It's not even
13 an answer for that matter. The question is, how would
14 you know that I knew the content? It doesn't matter if
15 I had the ability to exclude --

16 THE CHAIRPERSON: That's how he drew
17 the conclusion. You may see faults in that, you will
18 argue those faults.

19 Always remember, we're not talking
20 about the Criminal Code here, it's section 13.

21 MR. ALEXAN KULBASHIAN: Okay. Have
22 you ever rented an apartment before?

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Does the
25 landlord have discretion on who he allows or doesn't

1 allow to rent that apartment?

2 DET/CST. WILSON: I believe they make
3 a decision about who's in and out of their apartment
4 building.

5 MR. ALEXAN KULBASHIAN: Okay. And if
6 you had a drug lab in there, would the landlord,
7 because he had discretion, be in a position like I am
8 today where he is, I guess, alleged to have known what
9 was going on?

10 DET/CST. WILSON: If he knew that
11 drug lab was in that apartment there and he did nothing
12 and facilitated the ability of that drug lab to be in
13 that building, then yes, he would be just as a party to
14 the offence.

15 MR. ALEXAN KULBASHIAN: So, as far as
16 facilitation goes, would that be the fact that he owns
17 the building?

18 DET/CST. WILSON: No, it means that
19 he would make an overt way to, in your case,
20 disseminate hate message.

21 MR. ALEXAN KULBASHIAN: We're talking
22 about drugs, not hate, but okay.

23 So, but the fact that he has
24 discretion on who he lets in--

25 DET/CST. WILSON: Yes.

1 MR. ALEXAN KULBASHIAN: --and the
2 fact that he owns the building--

3 DET/CST WILSON: Yes, sir.

4 MR. ALEXAN KULBASHIAN: --and he did
5 not know what was going on in that lab--

6 DET/CST. WILSON: Yes, sir.

7 MR. ALEXAN KULBASHIAN: --apartment,
8 sorry, would not be held responsible for what was going
9 on in that apartment?

10 DET/CST. WILSON: He would have to
11 have three things.

12 Again, I have to rely on the Criminal
13 Code because that's where I'm coming from. He would
14 have to have knowledge, consent and control.

15 In my opinion, on your
16 AffordableSpace, you had knowledge of the threat, you
17 had consent and you had control of it.

18 MR. ALEXAN KULBASHIAN: Now, so far
19 you've told me that I had consent because I basically
20 knew about who I was allowing to lease the space as you
21 put it.

22 DET/CST. WILSON: Yes, sir.

23 MR. ALEXAN KULBASHIAN: But not
24 necessarily the content because so far when the site is
25 signed up, my involvement could be just signing the

1 person up.

2 DET/CST. WILSON: I drew the
3 conclusion that being the website server, or the
4 gentleman running the server, a member of the Canadian
5 -- a self-professed member of the Canadian Ethnic
6 Cleansing Team and the rest of the totality of my
7 investigation I drew the conclusion that you did have
8 knowledge of what was on that site, particularly that
9 site, and you did have knowledge of that threat was
10 purveyed September 14th.

11 MR. ALEXAN KULBASHIAN: So, basically
12 you wouldn't know whether or not the sites were created
13 automatically either way?

14 DET/CST. WILSON: No.

15 MR. ALEXAN KULBASHIAN: So, you
16 wouldn't know if I just extracted my discretion after
17 the fact, maybe if somebody told me there was a site
18 like that on my server?

19 DET/CST. WILSON: No, sir, the way
20 you explained it to me, you would never allow somebody
21 that is Jewish or anti-racist onto your web server.

22 MR. ALEXAN KULBASHIAN: And no
23 indication of whether or not it was after the fact or
24 before the fact of signing up?

25 DET/CST. WILSON: No, sir, you didn't

1 explain that to me.

2 MR. ALEXAN KULBASHIAN: That's fine.

3 Now, you did talk about how the
4 charges were withdrawn because of a lack of evidence --
5 not lack of evidence, lack of -- what's the word for
6 it?

7 MR. RICHARDSON: Probability.

8 DET/CST. WILSON: No, there wasn't --

9 MR. ALEXAN KULBASHIAN: What I'm
10 trying to think of is the term.

11 THE CHAIRPERSON: Why don't we let
12 the witness use the term.

13 DET/CST. WILSON: There wasn't a
14 reasonable expectation for a conviction.

15 MR. ALEXAN KULBASHIAN: Do you know
16 what a preliminary inquiry is?

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

18 MR. ALEXAN KULBASHIAN: What's the
19 purpose of a preliminary inquiry?

20 DET/CST. WILSON: To ensure there's
21 enough evidence in a case so it would go to Supreme
22 Court.

23 MR. ALEXAN KULBASHIAN: So, do you
24 believe that there is any reason why the crown would
25 skip the preliminary inquiry and just make a decision

1 on his own?

2 DET/CST. WILSON: No, the preliminary
3 inquiry is an application made by the crown attorney
4 and I believe that they didn't ever elect summarily or
5 indictable on your charges.

6 If they elected by indictment, then
7 you would have the choice to go by Superior Court
8 judge, judge and jury and/or Provincial Court judge. I
9 don't know if those elections were made.

10 MR. ALEXAN KULBASHIAN: Do you know
11 what October 12th, 2003 was as far as my case goes?

12 DET/CST. WILSON: Besides 28 days
13 after the offence, no.

14 MR. ALEXAN KULBASHIAN: Do you know
15 if that was the date --

16 THE CHAIRPERSON: October 12th, 2003?

17 DET/CST. WILSON: 2003, two years
18 after you're offence, I'm sorry.

19 MR. ALEXAN KULBASHIAN: Now, would
20 you happen to know if that was the prelim date for our
21 case?

22 DET/CST. WILSON: I have no idea,
23 sir.

24 MR. ALEXAN KULBASHIAN: Did the crown
25 let you know if that was the prelim date for our case?

1 DET/CST. WILSON: No, sir.

2 MR. ALEXAN KULBASHIAN: Would you
3 happen to know how far in advance people schedule
4 prelim?

5 DET/CST. WILSON: They can schedule
6 prelim months in advance.

7 MR. ALEXAN KULBASHIAN: And do
8 police ever show up at prelim?

9 DET/CST. WILSON: Oh absolutely, we
10 have to give evidence at a prelim.

11 MR. ALEXAN KULBASHIAN: And did the
12 crown ever notify you of the --

13 DET/CST. WILSON: I don't recall if I
14 ever got notification to go to court that date.

15 MR. ALEXAN KULBASHIAN: You don't
16 recall or --

17 DET/CST. WILSON: I don't recall.

18 MR. ALEXAN KULBASHIAN: Okay, I'm
19 sorry just the word you used.

20 So, is it possible that basically
21 that was the prelim date and since my charges were all
22 dropped October 10th, that my charges would have been
23 dropped two days before that prelim date?

24 DET/CST. WILSON: I have no idea,
25 sir.

1 MR. ALEXAN KULBASHIAN: How long
2 after my arrest were my charges dropped, if it was
3 dropped October 10th?

4 DET/CST. WILSON: 2003, two years
5 plus.

6 Was it September 14th, yes.

7 Well, just under two years, right.

8 MR. ALEXAN KULBASHIAN: A little bit
9 under two years.

10 DET/CST. WILSON: Just under two
11 years.

12 MR. ALEXAN KULBASHIAN: So, that
13 would mean that there would be about under two years of
14 time between my arrest and the charges being dropped;
15 am I right?

16 DET/CST. WILSON: Yes, sir.

17 MR. ALEXAN KULBASHIAN: Why do you
18 suppose the crown waited for two years until the
19 charges were dropped?

20 DET/CST. WILSON: I have no idea.

21 MR. ALEXAN KULBASHIAN: Were you
22 keeping up with the crown on this case while the
23 charges were still pending?

24 DET/CST. WILSON: Yes, sir.

25 MR. ALEXAN KULBASHIAN: Did he ever

1 make any requests of you throughout the case?

2 DET/CST. WILSON: No, I think the
3 package was pretty self-explanatory when he got it.

4 MR. ALEXAN KULBASHIAN: Did he make
5 any requests for further disclosure or for further
6 evidence from your end, I guess?

7 DET/CST. WILSON: I think the only --
8 the evidence that we were anticipating was breaking the
9 encryption of your computer that we seized as a result
10 of his search warrant?

11 MR. ALEXAN KULBASHIAN: And how did
12 you go about trying to break the encryption on the
13 computer?

14 DET/CST. WILSON: I have no idea. I
15 don't do it.

16 MR. ALEXAN KULBASHIAN: Does the
17 computer lab at the police department notify you of
18 what steps they tried to take?

19 DET/CST. WILSON: Several computer
20 labs looked at it.

21 MR. ALEXAN KULBASHIAN: Looked at it
22 and tried or...

23 DET/CST. WILSON: Looked at it and
24 tried to break the code.

25 MR. ALEXAN KULBASHIAN: Okay. But

1 aside from stuff that was encrypted on there, did you
2 find anything that wasn't encrypted on that computer?

3 DET/CST. WILSON: I don't recall
4 anybody notifying us that there was anything
5 unencrypted on it.

6 MR. ALEXAN KULBASHIAN: Did anybody
7 notify you of how the encryption was laid out?

8 DET/CST. WILSON: You told me it was
9 a 128 bit encryption.

10 MR. ALEXAN KULBASHIAN: I mean, like
11 what was encrypted or what wasn't, anything like that?

12 DET/CST. WILSON: Nothing like that.

13 MR. ALEXAN KULBASHIAN: Okay. If we
14 can turn to R-1.

15 THE CHAIRPERSON: R-2.

16 MR. ALEXAN KULBASHIAN: Oh sorry, R-2
17 appendix II page 55.

18 THE CHAIRPERSON: Page 55.

19 MR. ALEXAN KULBASHIAN: That's right.

20 Oh no, sorry, I'm getting confused
21 with the top and bottom numbers. Page 17.

22 THE CHAIRPERSON: It's another
23 document that's not been produced yet.

24 MR. ALEXAN KULBASHIAN: It has not
25 been produced.

1 THE CHAIRPERSON: Has not been
2 produced yes. Is it two pages or just No. 17 alone?

3 MR. ALEXAN KULBASHIAN: It would just
4 be one page.

5 THE CHAIRPERSON: One page.

6 MR. ALEXAN KULBASHIAN: There is
7 three pages which were like bills from lawyers that's
8 what it states at the bottom but I couldn't forward
9 those.

10 Do you remember any -- the name of
11 this lawyer?

12 DET/CST. WILSON: Christopher Dobson,
13 yes, sir, I do.

14 MR. ALEXAN KULBASHIAN: So, have you
15 ever I guess been in a case with him before?

16 DET/CST. WILSON: Yes.

17 MR. ALEXAN KULBASHIAN: Okay.

18 THE CHAIRPERSON: You have never seen
19 this document before?

20 DET/CST. WILSON: I don't believe I
21 have seen this document before. I recognize the name.

22 THE CHAIRPERSON: It's a fax from
23 Christopher Dobson, a lawyer, to Peter Lindsay who is
24 also the lawyer for Mr. Kulbashian.

25 MR. ALEXAN KULBASHIAN: That's right.

1 THE CHAIRPERSON: Again, shall we
2 just mark it for identification pending, or do I have
3 consent from Commission/complainant.

4 MS MAILLET: That's fine. If he's
5 going to testify he can give his evidence at that time.

6 THE CHAIRPERSON: Okay, why don't we
7 get it over with right away. We'll mark it as --

8 REGISTRY OFFICER: The one-page
9 document faxed from Christopher Dobson is produced.

10 THE CHAIRPERSON: It's just produced
11 because it's in R-2.

12 MR. ALEXAN KULBASHIAN: So can you
13 read --

14 THE CHAIRPERSON: One moment, Mr.
15 Kulbashian.

16 THE CHAIRPERSON: I have your
17 consent, right, to production or identification?

18 MS MAILLET: Yes, my understanding
19 was that this was for identification and that he would
20 produce it later, so that simply, because it's not a
21 document that Mr. Wilson can confirm.

22 THE CHAIRPERSON: So we'll just
23 identify it.

24 REGISTRY OFFICER: One-page document
25 faxed from Christopher P. Dobson dated December 16th,

1 2002 will be marked for identification as document B.

2 MR. ALEXAN KULBASHIAN: Document B?

3 REGISTRY OFFICER: B.

4 EXHIBIT NO. "B": One-page document

5 faxed from Christopher P. Dobson

6 dated December 16th, 2002.

7 THE CHAIRPERSON: What you should do,
8 Mr. Kulbashian and Mr. Richardson, when it comes to
9 your evidence later on, or maybe some other witness, I
10 can't imagine who though, it's just an expert I believe
11 is lined up, that you ask Mr. Levac to remind you of
12 what has been identified by a letter so you can make
13 sure to get them properly produced at a later point.

14 RICHARDSON: Wright down the numbers.

15 THE CHAIRPERSON: Mr. Levac will
16 provide you.

17 THE CHAIRPERSON: So, document B.

18 MR. ALEXAN KULBASHIAN: Yes. So, can
19 you read this document under message I guess.

20 Can you actually read the date first.

21 DET/CST. WILSON: The date is

22 December 16th, 2002.

23 MR. ALEXAN KULBASHIAN: Can you read
24 the document?

25 DET/CST. WILSON:

1 "This will confirm my attendance
2 in court as your agent on
3 December 12th, at which time
4 this matter is adjourned to
5 January the 14th, 2003 for
6 appearance. The crown indicated
7 that the police are diligently
8 making efforts to comply with
9 your request for disclosure.
10 This will also confirm my
11 attendance in the Ontario Court
12 of Justice to file the consent
13 bail variations. Enclosed is a
14 copy stamped on the filing date
15 of December 12th."

16 MR. ALEXAN KULBASHIAN: All right.
17 Thank you. Now, if you read the first part of the
18 paragraph, would you consider that to be consistent
19 with what was going on?

20 DET/CST. WILSON: Absolutely, sir, we
21 were making every effort to break your computer and
22 supply that as disclosure.

23 MR. ALEXAN KULBASHIAN: And so, was
24 there a hold on other disclosure to be supplied?

25 DET/CST. WILSON: No, sir, your

1 computer was the disclosure that we were waiting on.

2 MR. ALEXAN KULBASHIAN: If you could
3 turn to the next page, page 18, it's a separate
4 document.

5 THE CHAIRPERSON: Just a moment.

6 Again, it's a letter from Mr.
7 Lindsay, we'll treat it the same way then.

8 MR. ALEXAN KULBASHIAN: Have you seen
9 this letter before?

10 THE CHAIRPERSON: I assume he hasn't;
11 have you?

12 MR. ALEXAN KULBASHIAN: This is a
13 letter he testified on previously.

14 DET/CST. WILSON: I think I've seen
15 this before, sir, yes.

16 THE CHAIRPERSON: Oh yes?

17 DET/CST. WILSON: Yes.

18 THE CHAIRPERSON: Can you identify
19 it?

20 MR. ALEXAN KULBASHIAN: I ask that it
21 be produced.

22 THE CHAIRPERSON: Okay. So, you have
23 seen it before, okay. That's fine. We'll treat it --
24 go ahead it has been produced. Mr. Levac will produce
25 it.

1 It's been produced, it's part of our
2 -- okay, yes, it's produced and it consists of what?

3 DET/CST. WILSON: It is a
4 correspondence between Peter Lindsay and Mr. Peter
5 Keirluk who is the assistant crown attorney in London,
6 it looks like it's a fax copy.

7 EXHIBIT NO. R-2 (Page 18): Fax copy
8 of letter from Peter Lindsay to Peter
9 Keirluk.

10 MR. ALEXAN KULBASHIAN: Now, can you
11 read starting from the top where it says:

12 "Dear Mr. Keirluk".

13 DET/CST. WILSON:

14 "Dear Mr. Keirluk:

15 Re: Alexan Kulbashian.

16 Charges: Utter Threats,

17 Counselling, etc.

18 Next Court Date: December 12,

19 2002.

20 Occur # 01-94385.

21 OIC: D.C. Terry Wilson.

22 I write to confirm our

23 conversation today, in which you

24 advised me that, assuming (1)

25 Mr. Kulbashian has maintained a

1 Toronto residence (2) Mr.
2 Kulbashian's visit to the United
3 States is temporary (both of
4 which I understand to be the
5 case) the crown will not pursue
6 any fail to comply charges
7 against Mr. Kulbashian in
8 connection with his trip to the
9 United States Thank you for
10 your assistance.

11 Yours truly, Peter Lindsay."

12 MR. ALEXAN KULBASHIAN: Okay, thank
13 you. If you can look at the very top of the page --
14 before I continue reading, what does it say at the very
15 top, like, I mean top corner...

16 DET/CST. WILSON: December 16th,
17 2003.

18 "I write to confirm..."

19 MR. ALEXAN KULBASHIAN: Can you see
20 the time there?

21 DET/CST. WILSON: I'm sorry.

22 MR. ALEXAN KULBASHIAN: Can you see
23 the time there?

24 DET/CST. WILSON: I think it says
25 3:39 p.m.

1 MR. ALEXAN KULBASHIAN: And what do
2 you see beside that?

3 DET/CST. WILSON: It's from the
4 London Crown Office.

5 MR. ALEXAN KULBASHIAN: Do you
6 believe this to be from the London Crown Office.

7 DET/CST. WILSON: I have nothing to
8 say it's not.

9 MR. ALEXAN KULBASHIAN: Okay. Now,
10 December 16th, would I still have been in custody in
11 the U.S. 2002?

12 DET/CST. WILSON: I believe you are
13 on December 16th.

14 MR. ALEXAN KULBASHIAN: Okay. Do you
15 remember when I was arrested?

16 DET/CST. WILSON: Not exactly, but I
17 understand that you probably spent well over a month in
18 custody there, and again you can correct me because I
19 don't really have the dates.

20 MR. ALEXAN KULBASHIAN: It was almost
21 three months in total. So, basically -- or two months
22 there.

23 So basically, like, this would have
24 been - would you agree that maybe I was arrested on
25 December 13th. Okay, that's fine.

1 DET/CST. WILSON: That sounds about
2 right, yes.

3 MR. ALEXAN KULBASHIAN: Can you read
4 the handwritten part?

5 DET/CST. WILSON:
6 "December 16th/02. This is to
7 confirm that the Crown will not
8 be proceeding on any charges of
9 "fail to reside (breach of
10 recognizance)" arising from Mr.
11 Kulbashian's trip to the United
12 States in itself. Any warrant
13 based on that allegation alone
14 will not be acted upon. Should
15 any other breaches of his
16 release order come to police'
17 attention, that will be a
18 separate charge and may be the
19 subject of a separate
20 proceeding."

21 And I believe that's the signature of
22 Peter Keirluk and it says underneath it, "Assistant
23 Crown Attorney".

24 MR. ALEXAN KULBASHIAN: So would you
25 agree that that's what he wrote?

1 DET/CST. WILSON: Yes.

2 MR. ALEXAN KULBASHIAN: Would you
3 agree that to be a response to my lawyer's I guess
4 request, or confirmation request?

5 DET/CST. WILSON: Would appear to be.

6 MR. ALEXAN KULBASHIAN: You've seen
7 this document before though?

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

9 MR. ALEXAN KULBASHIAN: You referred
10 to it earlier on in your testimony?

11 DET/CST. WILSON: Yes, sir.

12 MR. ALEXAN KULBASHIAN: Did you also
13 state that he didn't state that a warrant would not be
14 acted upon on the breach of bail for recognizance --
15 sorry, for residence?

16 MR. ALEXAN KULBASHIAN: Would you
17 repeat the question.

18 MR. ALEXAN KULBASHIAN: Did you also
19 state that there was no indication of whether or not a
20 warrant would be acted upon for breach of recognizance
21 for the residence?

22 DET/CST. WILSON: I believe I said
23 that the Crown advised from your earlier affidavit of
24 Mr. Lindsay, which appears to be sort of incorrect on
25 the affidavit, is that the Crown had advised him that

1 they wouldn't proceed with charges.

2 What appears by reading this Mr.
3 Keirluk actually sent him a fax saying the warrant
4 wouldn't be acted upon, but if other similar breaches
5 came to the attention of the police, which they did --

6 MR. ALEXAN KULBASHIAN: Was the
7 warrant acted upon for the residence?

8 DET/CST. WILSON: I don't know, I
9 didn't arrest you. I assume it did.

10 MR. ALEXAN KULBASHIAN: Do you know
11 when the charges were filed for the other breaches?

12 DET/CST. WILSON: It would have been
13 somewhere around the time of your arrest in the United
14 States.

15 MR. ALEXAN KULBASHIAN: Are you sure
16 it wouldn't have been after my arrest in the United
17 States, after my return to Canada?

18 DET/CST. WILSON: I believe that
19 information was presented at your bail hearing after
20 that, whether an information was sworn prior to your
21 return or sworn upon your return, the information
22 concerning that breach was in front of the bail hearing
23 probably a week after that I believe just before
24 Christmas.

25 MR. ALEXAN KULBASHIAN: How long was

1 I in custody before my bail hearing in London?

2 DET/CST. WILSON: I have no idea.

3 MR. ALEXAN KULBASHIAN: Do you
4 remember what date?

5 THE CHAIRPERSON: The Americans, I'm
6 lost.

7 MR. ALEXAN KULBASHIAN: No, my
8 custody in London before my bail hearing.

9 DET/CST. WILSON: He was brought back
10 from the United States and we executed a warrant here.

11 THE CHAIRPERSON: Okay.

12 DET/CST. WILSON: And he was held in
13 detention here pending a bail hearing in Canada on his
14 breaches.

15 And how long you stayed in, I have no
16 idea. I don't have the court documents to tell me
17 exactly when.

18 MR. RICHARDSON: Mr. Chair, could we
19 have a two-minute recess really fast because we have
20 got to get going now. I want to confer with Alex just
21 before he goes so that -- you understand, so we can get
22 together. It won't be long.

23 THE CHAIRPERSON: Two minutes.

24 REGISTRY OFFICER: All rise.

25 ---Recess taken at 4:00 p.m.

1 ---On resuming at 4:10 p.m.

2 REGISTRY OFFICER: All rise.

3 Please be seated.

4 THE CHAIRPERSON: For the record, I
5 note that Mr. Richardson and his mother had to leave
6 for family obligations, but they have consented to
7 allow the case to proceed.

8 MR. ALEXAN KULBASHIAN: They will be
9 back tomorrow.

10 THE CHAIRPERSON: In their absence.

11 MR. ALEXAN KULBASHIAN: So coming
12 back to the issue of the bail hearing, so...

13 MS MAILLET: Sorry, to interrupt, Mr.
14 Chair, but again I would request to know where the line
15 of questioning is going with bail hearings again.
16 We've been there quite a bit.

17 THE CHAIRPERSON: Sure.

18 MS MAILLET: And just would like to
19 know what the point is to that line of questioning.

20 THE CHAIRPERSON: Mm-hmm. I would
21 like to know the relevance.

22 MR. ALEXAN KULBASHIAN: Of course.
23 Basically he stated that I was arrested for other
24 charges other than the residence. I was actually only
25 arrested for the residence and those other charges were

1 past dated.

2 THE CHAIRPERSON: Why don't just show
3 us where it says that. Put it to him.

4 MR. ALEXAN KULBASHIAN: We actually
5 did read from that, but I'm just going to ask him about
6 -- okay.

7 THE CHAIRPERSON: Make it simple.

8 MR. ALEXAN KULBASHIAN: You know, if
9 I could just actually ask him these few questions.

10 THE CHAIRPERSON: Why?

11 MR. ALEXAN KULBASHIAN: They're
12 brief.

13 THE CHAIRPERSON: I have asked you a
14 question. Show me where it demonstrates that? Do you
15 have that?

16 MR. ALEXAN KULBASHIAN: Actually I'd
17 rather get him to admit to it.

18 THE CHAIRPERSON: Because you don't
19 have the document?

20 MR. ALEXAN KULBASHIAN: I do have the
21 document, we did read to it earlier on.

22 THE CHAIRPERSON: At the very least,
23 Mr. Kulbashian, when you write those questions down in
24 advance put the document that you want to reference,
25 note it so that you can go to it.

1 MR. ALEXAN KULBASHIAN: Okay. Well,
2 I can't find the document I want, I just want to make
3 it so that we don't have to sit here for 15 minutes or
4 something.

5 THE CHAIRPERSON: So, the question
6 you want to ask, you've asked several times before, and
7 the question is, if I understand correctly, was Mr.
8 Kulbashian arrested upon his return for breach of a
9 condition other than the residence violation?

10 DET/CST. WILSON: Again, I'm not the
11 officer that arrested him and I wasn't there at the
12 time.

13 My understanding was that he faced
14 those charges on his bail hearing after that.

15 THE CHAIRPERSON: Which charge?

16 DET/CST. WILSON: The additional
17 breach charges, so the reside breach charge, the being
18 in possession of computer breach charge which was
19 contrary to his bail condition.

20 THE CHAIRPERSON: Let put it another
21 way.

22 Was he arrested for the reside
23 breach?

24 DET/CST. WILSON: I believe he was,
25 yes.

1 MR. ALEXAN KULBASHIAN: Was I
2 arrested for anything other than the reside breach?

3 DET/CST. WILSON: I don't know. Det.
4 McKinnon arrested you, so...

5 MR. ALEXAN KULBASHIAN: This is why I
6 want to ask the other charge. You testified at my bail
7 hearing; right, in London?

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: Do you know
10 how long it was before I got a bail hearing after I was
11 arrested in London?

12 DET/CST. WILSON: Again, I don't have
13 the court documents, so I don't know.

14 THE CHAIRPERSON: The arrest in
15 London post-U.S.?

16 MR. ALEXAN KULBASHIAN: Post-U.S.
17 arrest when I got back from the U.S.

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

19 MR. ALEXAN KULBASHIAN: Would you
20 agree if I said it was three weeks before I got bail
21 hearing?

22 DET/CST. WILSON: Very well could be,
23 sir.

24 MR. ALEXAN KULBASHIAN: Do you
25 remember how many times you showed up in court and it

1 was adjourned to another day?

2 DET/CST. WILSON: I can't remember.

3 MR. ALEXAN KULBASHIAN: do you
4 remember why my bail hearing was delayed for three
5 weeks?

6 DET/CST. WILSON: Well, I know that
7 you must receive a bail hearing within 24 hours after
8 being arrested, or some sort of court appearance 24
9 hours and, therefore, a bail hearing would be set
10 either with consent of the judge or consent of the
11 defence lawyer.

12 MR. ALEXAN KULBASHIAN: Is it true
13 that my bail hearing was delayed because there were
14 still charges had been pressed that were pending,
15 including the cell phone and computer?

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

17 MR. ALEXAN KULBASHIAN: Okay.

18 THE CHAIRPERSON: It still doesn't go
19 to relevance. I still don't know what the relevance
20 is, Mr. Kulbashian.

21 MR. ALEXAN KULBASHIAN: The question
22 is was I arrested for anything other than the residence
23 breach?

24 DET/CST. WILSON: Again, I wasn't
25 there. My information is that you were arrested and

1 you faced further breach charges.

2 Again, whether you were arrested for
3 those breach charges then or they were effected while
4 you were in custody on the other breach charge, I'm not
5 sure.

6 MR. ALEXAN KULBASHIAN: You said that
7 earlier on that I was arrested for not only the
8 residence breach but other breaches.

9 Are you sure about that?

10 DET/CST. WILSON: I believe --

11 THE CHAIRPERSON: He said he wasn't
12 sure.

13 Mr. Kulbashian, look, you have a pile
14 of documents in front of you. I'm losing patience
15 because if there is a document that will tell us
16 exactly what you were arrested for that day, pull it
17 out.

18 I'm letting you listen to your
19 father, for a moment.

20 Okay. Your father is finished
21 speaking to you.

22 Okay, listen. The relevance here is
23 only, you said, to contradict what the witness said
24 before. Find the contradiction, otherwise I'm not
25 interested in for what you were arrested or not

1 arrested because it's not an issue to the section 13
2 complaint before me.

3 MR. ALEXAN KULBASHIAN: Okay.

4 Do you remember talking to Peter
5 Keirluk the morning, the day I arrived back from the
6 U.S.?

7 DET/CST. WILSON: No, I don't recall
8 that.

9 THE CHAIRPERSON: Mr. Kulbashian.

10 MR. ALEXAN KULBASHIAN: Yes.

11 THE CHAIRPERSON: I asked you to find
12 me the document. Do you have it?

13 So you don't have the document? You
14 said you were digging for it.

15 MR. ALEXAN KULBASHIAN: Can you
16 actually read back which document was produced when he
17 was reading the affidavit or the summaries.

18 THE CHAIRPERSON: The affidavit, I
19 can tell you where the affidavit is. It's over here at
20 page 23 to 29.

21 MR. ALEXAN KULBASHIAN: 23, yeah.

22 THE CHAIRPERSON: Of appendix II.

23 MR. ALEXAN KULBASHIAN: So page 23,
24 okay.

25 Okay. Can you turn to page 27 of R-2

1 in appendix II.

2 DET/CST. WILSON: Yes.

3 MR. ALEXAN KULBASHIAN: Okay. Can
4 you just read the paragraph 13.

5 THE CHAIRPERSON: We have already
6 read it.

7 MR. ALEXAN KULBASHIAN: Can you read
8 the last statement, the last two sentences of paragraph
9 13.

10 DET/CST. WILSON:

11 "On February 24, 2003, Mr.
12 Kulbashian had a consent bail
13 hearing..."

14 THE CHAIRPERSON:

15 "had a contested bail hearing."

16 DET/CST. WILSON:

17 "...had a contested bail
18 hearing. He was released. The
19 Crown acting at the bail
20 hearing, after hearing about the
21 discussions...".

22 MR. ALEXAN KULBASHIAN: Wait a
23 second, I think you might be on a different one. This
24 is page 27, R-2, appendix II.

25 THE CHAIRPERSON: Yes. Page 27, he's

1 reading from No. 14.

2 MR. ALEXAN KULBASHIAN: No. 13 I
3 meant.

4 THE CHAIRPERSON: Well, just tell us
5 exactly, don't ask him to read it.

6 MR. ALEXAN KULBASHIAN: The section
7 that says he was arrested by Canadian police
8 immediately, he had read this before, so...

9 THE CHAIRPERSON: We have all read
10 it.

11 MR. ALEXAN KULBASHIAN: So:

12 "The arrest was for failing to
13 comply with the residence
14 condition in his bail, despite
15 Mr. Keirluk's assurances to me
16 that such a charge would not be
17 proceeded with and that any
18 warrant to that effect would not
19 be acted upon. Other fail to
20 comply charges were later laid."

21 THE CHAIRPERSON: There you go.

22 MR. ALEXAN KULBASHIAN: Do you agree
23 with that?

24 DET/CST. WILSON: Yes, sir, it's an
25 affidavit by your lawyer.

1 MR. ALEXAN KULBASHIAN: And
2 previously when you read it, you agreed to that too?

3 DET/CST. WILSON: Yes, sir.

4 THE CHAIRPERSON: We've been down
5 this road, that's what I'm trying to tell you.

6 And, you know, I can't allow this
7 process to be sidetracked and I have to -- there is a
8 duty under the Act to run an efficient process here and
9 I won't allow you to keep taking us all over the place
10 and wasting the time of the Tribunal.

11 Please. You've made that point,
12 don't go back to it.

13 MR. ALEXAN KULBASHIAN: Okay. In
14 that case we'll go into the chat logs, it's HR-1.

15 I'm just trying to find the
16 highlighted area.

17 THE CHAIRPERSON: Have you found it
18 yet? It's been at least a couple of minutes, Mr.
19 Kulbashian.

20 MR. ALEXAN KULBASHIAN: I'm just
21 looking for it. Give me a second.

22 THE CHAIRPERSON: You really must
23 note the page you want to refer to when starting your
24 questions.

25 MS MAILLET: If I may try to assist,

1 I see tab 50 and 51 have referred to logs. I don't
2 know if that's what --

3 MR. ALEXAN KULBASHIAN: What I'm
4 looking for is where WPCanada says "Totenkopf", I saw
5 it in here.

6 THE CHAIRPERSON: Well, 52 are the
7 logs.

8 Are you there. You're looking
9 through it; is that it?

10 MR. ALEXAN KULBASHIAN: That's it. I
11 have found the logs, I'm just looking for the section
12 where there's reference to an interview with --

13 THE CHAIRPERSON: To what?

14 MR. ALEXAN KULBASHIAN: With Brian
15 Caldwell.

16 THE CHAIRPERSON: To what?

17 MR. ALEXAN KULBASHIAN: To Brian
18 Caldwell.

19 THE CHAIRPERSON: Does anyone know
20 where the reference to Mr. Caldwell is in tab 52?

21 I see it. I see Brian Caldwell, page
22 29 at the bottom.

23 MR. ALEXAN KULBASHIAN: Page 29,
24 which one?

25 THE CHAIRPERSON: Bottom of page 29,

1 it says page 136 at the bottom right of page 29.

2 MR. ALEXAN KULBASHIAN: Which tab?

3 THE CHAIRPERSON: Tab 52.

4 MR. ALEXAN KULBASHIAN: Page 29 at
5 the top or --

6 THE CHAIRPERSON: 29 at the top, 136
7 at the bottom.

8 MR. ALEXAN KULBASHIAN: Okay.

9 THE CHAIRPERSON: Is that it?

10 MR. ALEXAN KULBASHIAN: Try and see
11 -- well the one where he talks about the fact that
12 there was an interview, not the one talking about the
13 interview.

14 THE CHAIRPERSON: The reference to
15 Mr. Caldwell there.

16 MR. ALEXAN KULBASHIAN: There was
17 another reference.

18 THE CHAIRPERSON: There's one about
19 two pages prior to that, two sheets prior to that
20 another reference to Mr. Caldwell, page 118 at the
21 bottom.

22 MR. ALEXAN KULBASHIAN: There was one
23 where there was a bragging about the interview though.

24 Here we go. If you could check page
25 27 of tab 52.

1 THE CHAIRPERSON: 27.

2 MR. ALEXAN KULBASHIAN: Page 27, 27
3 at the top, tab 52.

4 So, it says -- okay can you start,
5 just start reading at 18:46:37.

6 THE CHAIRPERSON: Instead of having
7 him read it just tell us what you want him to read.

8 They are all highlighted.

9 MR. ALEXAN KULBASHIAN: He's going to
10 read the three blocks underneath it to.

11 THE CHAIRPERSON: 18:46:37.

12 MR. ALEXAN KULBASHIAN: Yes.

13 THE CHAIRPERSON: I'll read it.

14 It says:

15 "@WPCANADA lol"

16 And then afterward:

17 "18:46:43 @WPCANADA thats funny

18 "18:46:57 TankTCS it will make
19 him think

20 "18:47:22, TankTCS

21 bcaldwell@therecord.com"

22 Do you want me to keep going?

23 MR. ALEXAN KULBASHIAN: Next one.

24 THE CHAIRPERSON:

25 "18:47:29 @WPCANADA he asked for

1 totenkjpf..." Totenkopf is
2 misspelled,
3 "...and my mom was like huh?"

4 MR. ALEXAN KULBASHIAN: Okay.
5 Basically, do you know of anywhere in these chats where
6 WPCANADA refers to me as Totenkopf instead of Alex?

7 DET/CST. WILSON: No, sir.

8 MR. ALEXAN KULBASHIAN: Do you know
9 if the person he refers to as Alex Krause is actually
10 me?

11 DET/CST. WILSON: He refers to Alex?

12 MR. ALEXAN KULBASHIAN: Anybody who
13 he refers to as Alex is actually me?

14 DET/CST. WILSON: Again, I haven't
15 been through every single chat line, but I'm assuming
16 if James is talking about an Alex it would be you.

17 MR. ALEXAN KULBASHIAN: Is it
18 possible that there is more than one Alex?

19 DET/CST. WILSON: Oh Yes, very
20 possible.

21 MR. ALEXAN KULBASHIAN: Is it
22 possible that there is another Alex that he might be
23 talking about?

24 DET/CST. WILSON: I guess it's
25 possible.

1 MR. ALEXAN KULBASHIAN: Aside from,
2 you know, what I can't even find the location so maybe
3 I should just kill this for now. I will get organized
4 at home.

5 Okay. So, in that case -- so, now if
6 you look at the picture of the tattoo on my arm?

7 DET/CST. WILSON: Yes, sir.

8 MR. ALEXAN KULBASHIAN: Do you have
9 that HR-1.

10 MS MAILLET: Tab 42, I believe.

11 THE CHAIRPERSON: 42.

12 MS MAILLET: It's 42.

13 MR. ALEXAN KULBASHIAN: You do have a
14 second page?

15 DET/CST. WILSON: Yes, sir.

16 MR. ALEXAN KULBASHIAN: The one on
17 the flip side of the first page?

18 DET/CST. WILSON: Yes.

19 MR. ALEXAN KULBASHIAN: What would
20 you say that symbol is?

21 DET/CST. WILSON: It's a swastika.

22 MR. ALEXAN KULBASHIAN: Do you know
23 what a swastika looks like?

24 DET/CST. WILSON: That's a swastika,
25 so yes I do know what a swastika looks like.

1 MR. ALEXAN KULBASHIAN: Is that what
2 a swastika looks like, is that exactly what a swastika
3 looks like?

4 DET/CST. WILSON: There are several
5 different forms of a swastika. That would be one of
6 the forms.

7 MR. ALEXAN KULBASHIAN: Have you ever
8 heard of a sun wheel?

9 DET/CST. WILSON: Yes, sir.

10 MR. ALEXAN KULBASHIAN: Does that
11 look like a sun wheel to you?

12 DET/CST. WILSON: Not with white
13 power above it.

14 MR. ALEXAN KULBASHIAN: Aside from
15 the text, does it look like a sun wheel to you?

16 DET/CST. WILSON: No, it looks like a
17 swastika.

18 MR. ALEXAN KULBASHIAN: Because of
19 the context?

20 DET/CST. WILSON: Yes, sir.

21 MR. WARMAN: Objection. He's just
22 answered that.

23 THE CHAIRPERSON: I have an answer.
24 He thinks it's a swastika.

25 MR. ALEXAN KULBASHIAN: Because of

1 the context?

2 THE CHAIRPERSON: He just answered.

3 MR. ALEXAN KULBASHIAN: Oh, sorry.

4 Mr. Kulbashian, that's what bothers me because every
5 time I tell you that's been answered you go and ask the
6 same question again.

7 MR. ALEXAN KULBASHIAN: Well, I just
8 repeated it because I didn't hear his answer.

9 THE CHAIRPERSON: No, we heard his
10 answer twice. It's a swastika he says because of white
11 power. Why do you do that each time?

12 MR. ALEXAN KULBASHIAN: Okay. Have
13 you - Okay, is it true that when you brought the
14 pictures of the tattoos to Superior Court for my bail
15 hearing that Justice Hamilton did not want to see them?

16 DET/CST. WILSON: Yes, sir.

17 MR. ALEXAN KULBASHIAN: And do you
18 know why he dismissed them?

19 DET/CST. WILSON: He didn't dismiss
20 them, he didn't want to see the.

21 MR. ALEXAN KULBASHIAN: Do you know
22 why he didn't want to see them?

23 DET/CST. WILSON: No, I asked him if
24 he wanted to see the tattoos and the pictures of your
25 removal and he said no.

1 MR. ALEXAN KULBASHIAN: Now, if you
2 look at third one, the third page, opposite to that.

3 DET/CST. WILSON: Yes, sir.

4 MR. ALEXAN KULBASHIAN: Okay. Can
5 you tell me what that is?

6 DET/CST. WILSON: That's a skull and
7 cross bones, commonly known as a Totenkopf.

8 MR. ALEXAN KULBASHIAN: Do you know
9 what a Totenkopf looks like?

10 DET/CST. WILSON: Yes, it looks like
11 that.

12 MR. ALEXAN KULBASHIAN: By the fact
13 that it's a skull and cross bones or by the fact that
14 that is an actual Totenkopf?

15 DET/CST. WILSON: That's a Totenkopf.

16 MR. ALEXAN KULBASHIAN: So didn't you
17 testify last time that that was just a skull and cross
18 bones?

19 DET/CST. WILSON: I described it as a
20 skull and cross bones for a court, but I think I also
21 described it as a Totenkopf because if I just explained
22 it as a Totenkopf very few people would know what that
23 meant.

24 MR. ALEXAN KULBASHIAN: Is it
25 possible that that's not what a Totenkopf looks like?

1 DET/CST. WILSON: There's probably --
2 there's many different versions of what a Totenkopf
3 looks like, this happens to be one of them.

4 MR. ALEXAN KULBASHIAN: Do you know
5 where those tattoos are found on my body?

6 DET/CST. WILSON: On your chest.

7 MR. ALEXAN KULBASHIAN: And the other
8 one?

9 DET/CST. WILSON: White power on your
10 shoulder, actually it's no longer on your shoulder you
11 had it removed.

12 MR. ALEXAN KULBASHIAN: Okay. So the
13 other question is are those in exposed places of my
14 body?

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

17 MR. ALEXAN KULBASHIAN: Do you think
18 that I would have gotten tattoos for any other reason
19 other than for myself for personal reasons?

20 DET/CST. WILSON: Well, my experience
21 with tattoos is that you are tattooing your body as a
22 semblance of what your belief is, especially when it
23 comes to racist tattoos.

24 So, if it is an exposed part of your
25 body, I guess it really depends on what you're wearing

1 but usually not seeing it.

2 MR. ALEXAN KULBASHIAN: Do you know
3 when I got these tattoos?

4 DET/CST. WILSON: I have no idea.

5 MR. ALEXAN KULBASHIAN: Do you know
6 if I had these tattoos during my assault case?

7 THE CHAIRPERSON: During your...?.

8 MR. ALEXAN KULBASHIAN: My assault
9 case.

10 DET/CST. WILSON: I believe these are
11 the pictures as a result of your arrest for the assault
12 and, again, you had them removed when we took pictures
13 of them in January of 2002.

14 MR. ALEXAN KULBASHIAN: Do you know
15 why I had them removed?

16 DET/CST. WILSON: I have no idea,
17 sir.

18 MR. ALEXAN KULBASHIAN: Okay. Did I
19 tell you during my questioning why I removed them?

20 DET/CST. WILSON: If you did, I
21 apologize, I can't quite remember.

22 MR. ALEXAN KULBASHIAN: Do you
23 remember me saying that people had a tendency
24 misrepresent tattoos, also label you because of
25 tattoos?

1 DET/CST. WILSON: You very well could
2 have, sir, I don't quite recall.

3 MR. ALEXAN KULBASHIAN: Okay. Now,
4 getting to the concept of -- do you consider me a white
5 supremacist?

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

7 MR. ALEXAN KULBASHIAN: How do you
8 define white supremacist?

9 DET/CST. WILSON: A person who
10 believes that the white race is supreme over any other
11 race. And, again, there's several different veins of
12 why you have that belief or why it's general belief,
13 but that's what a white supremacist is.

14 MR. ALEXAN KULBASHIAN: So, do white
15 supremacists normally write pro-Palestinian articles?

16 DET/CST. WILSON: White supremacists
17 have a tendency -- one of the main vein through the
18 white supremacist movement is anti-Jewish sentiment or
19 anti-Semitic stuff. A lot of times white supremacists
20 will side with an anti-Jewish movement,
21 pro-Palestinian, pro-Muslim movement because one of
22 their veins is, again, an anti-Semitic movement.

23 MR. ALEXAN KULBASHIAN: Do you know
24 what the word Semitic means?

25 DET/CST. WILSON: It means a Jewish

1 faith or race.

2 MR. ALEXAN KULBASHIAN: Do you think
3 Arabs are Semitic?

4 DET/CST. WILSON: They come from the
5 same area of the world, but when I'm talking about an
6 anti-Semitic statement I'm talking about an anti-Jewish
7 statement.

8 MR. ALEXAN KULBASHIAN: So is that
9 your opinion?

10 DET/CST. WILSON: I just gave it,
11 sir.

12 THE CHAIRPERSON: He just explained,
13 and I think that's pretty well-known, that the term
14 anti-Semitic is frequently meant to mean anti-Jewish
15 although technically many people, including Mr. Arafat,
16 have often said that he is Semitic himself.

17 MR. ALEXAN KULBASHIAN: So, when you
18 testified about anti-Semitism before it was purely
19 about anti-Jewish; right?

20 DET/CST. WILSON: When I testified
21 before?

22 MR. ALEXAN KULBASHIAN: When you
23 testified before.

24 DET/CST. WILSON: Concerning the
25 threat?

1 MR. ALEXAN KULBASHIAN: Yeah,
2 concerning the threat.

3 DET/CST. WILSON: Absolutely, it's an
4 anti-Jewish statement, it's a threat.

5 MR. ALEXAN KULBASHIAN: Okay. Now,
6 the question is, have you read any articles that you
7 allege were written by me that are anti-Jewish?

8 DET/CST. WILSON: Outside of the
9 threat on September 14th, I don't believe I have, no.

10 MR. ALEXAN KULBASHIAN: So, does that
11 mean you're saying that the threat of September 14 was
12 written by me?

13 DET/CST. WILSON: I believe, again I
14 will that that message was facilitated by you.

15 MR. ALEXAN KULBASHIAN: My question
16 was, have you read any articles that you allege were by
17 me, written by me that are anti-Jewish?

18 DET/CST. WILSON: No, sir.

19 MR. ALEXAN KULBASHIAN: Okay. Do you
20 believe that people have a right to heritage?

21 DET/CST. WILSON: Absolutely.

22 MR. ALEXAN KULBASHIAN: Do you
23 believe that somebody who, say, lives in a country
24 where or was born in a country where they were bombed
25 by another country might be justified in having -- I'm

1 guessing he's going --

2 THE CHAIRPERSON: I haven't heard the
3 full question.

4 MR. ALEXAN KULBASHIAN: Might be
5 justified having opinions against --

6 THE CHAIRPERSON: Can you start it
7 over again.

8 MR. ALEXAN KULBASHIAN: Do you
9 believe people from a country who have faced injustice
10 at the hands of another country might be justified in
11 having opinions against that country?

12 MR. WARMAN: Objection.

13 MR. ALEXAN KULBASHIAN: Okay, go
14 ahead.

15 DET/CST. WILSON: Mr. Wilson's
16 opinions on whether that's true or not true, whatever
17 his opinions are are really irrelevant to the issues
18 that are in the case under section 13.1 and the
19 complaint as filed before the Canadian Human Rights
20 Tribunal.

21 THE CHAIRPERSON: Okay, Mr.
22 Kulbashian?

23 MR. ALEXAN KULBASHIAN: So...

24 THE CHAIRPERSON: Do you want answer
25 to the objection?

1 MR. ALEXAN KULBASHIAN: Yeah, I do
2 actually.

3 Well, so far, since a lot of the
4 testimony that Det. Wilson has given is on his opinion,
5 so this is another opinion question.

6 THE CHAIRPERSON: I will allow it to
7 the extent that it relates to his previous evidence.

8 MR. ALEXAN KULBASHIAN: This is just,
9 that's the end of the question.

10 THE CHAIRPERSON: So ask the
11 question. Ask it again.

12 MR. ALEXAN KULBASHIAN: Okay. The
13 question is that do you believe that somebody from a
14 country that has experienced injustice at the hands of
15 another country would be entitled and rightfully to
16 feel animosity towards the people of other country?

17 DET/CST. WILSON: Animosity, yes.

18 MR. ALEXAN KULBASHIAN: Okay. Now,
19 have you ever heard of the Black Panthers?

20 DET/CST. WILSON: Yes, sir.

21 MR. ALEXAN KULBASHIAN: Have you ever
22 heard of what they are about.

23 DET/CST. WILSON: They are a black
24 separatist group.

25 MR. ALEXAN KULBASHIAN: Black

1 supremist or separatist?

2 DET/CST. WILSON: Well, just like you
3 would say white separatist, they're a black supremacist
4 group.

5 MR. ALEXAN KULBASHIAN: So, is it
6 black supremacist group as you say?

7 DET/CST. WILSON: Yes, sir.

8 MR. ALEXAN KULBASHIAN: Have you ever
9 been to the Anti-Racist Action Site?

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

11 MR. ALEXAN KULBASHIAN: Have you ever
12 seen Black Panther badges on the Anti-Racist Action
13 Site?

14 Any Black Panther references?

15 DET/CST. WILSON: Yes, sir.

16 MR. ALEXAN KULBASHIAN: Any Black
17 Panthers?

18 DET/CST. WILSON: Yep. Yes, sir.

19 MR. ALEXAN KULBASHIAN: So would you
20 consider Anti-Racist Action to be a group that would be
21 selective in what they believe is racism?

22 DET/CST. WILSON: Yes, sir.

23 MR. ALEXAN KULBASHIAN: Okay. Do you
24 believe that people who associate with groups like that
25 on a public level might also have some racist views

1 that would be selective?

2 DET/CST. WILSON: Yes, sir. And
3 again, maybe I can just clarify what my view would be
4 as a police officer.

5 MR. ALEXAN KULBASHIAN: Yes.

6 DET/CST. WILSON: At no time, at no
7 time as a police officer am I here to tell people what
8 to and not to believe.

9 MR. ALEXAN KULBASHIAN: I understand.

10 DET/CST. WILSON: Okay. But as soon
11 as you act out criminally against a statute of the
12 Federal Government or the Provincial Government, I will
13 then act out there.

14 So, again, if you're asking me if
15 there's other people with racist views throughout this
16 world, absolutely.

17 THE CHAIRPERSON: I think I
18 understand the answers on this line of questioning. I
19 don't know where else you wish to go with it, so...

20 MR. ALEXAN KULBASHIAN: Okay.

21 No, actually this might be jumping
22 back a little bit but it's on the white supremacist
23 topic, because I have a topic of like the definition
24 of white supremacist and racism and this would be
25 relating back to Mr. Warman.

1 Have you ever known Mr. Warman to be
2 associated with Anti-Racist Action, affiliated,
3 associated both?

4 DET/CST. WILSON: I believe Mr.
5 Warman is an anti-racist in belief. Affiliated to any
6 group, I don't believe so.

7 MR. ALEXAN KULBASHIAN: Have you ever
8 seen him march with any group?

9 DET/CST. WILSON: No, sir.

10 MR. ALEXAN KULBASHIAN: Get involved
11 with any group?

12 DET/CST. WILSON: No, sir.

13 MR. ALEXAN KULBASHIAN: Have you ever
14 seen him talk to any group?

15 DET/CST. WILSON: He's talked to
16 several groups, including police officers.

17 MR. ALEXAN KULBASHIAN: Has he ever
18 talked to Anti-Racist Action members?

19 DET/CST. WILSON: I'm sure he has.

20 MR. ALEXAN KULBASHIAN: Have you ever
21 seen him in protest with Anti-Racist Action members?

22 ---(reporter appeals)

23 THE CHAIRPERSON: Slowly.

24 MR. ALEXAN KULBASHIAN: Have you ever
25 seen him in protest with Anti-Racist Action members?

1 DET/CST. WILSON: No, sir I don't
2 think I have.

3 MR. ALEXAN KULBASHIAN: Okay. I'll
4 get off this topic in order not to --

5 So, do you believe that somebody who,
6 as you said, like a white supremists, have a tendency
7 to attach themselves to groups that have anti-Jewish
8 views?

9 DET/CST. WILSON: Well, an
10 anti-Jewish view through the white supremacist movement
11 is a very large vein that runs through that movement,
12 yes.

13 MR. ALEXAN KULBASHIAN: So, do you
14 believe that somebody who would write pro-Palestinian
15 articles, that would be anti-Israeli would be taking
16 that stance because of Palestinians anti-Jewish views?

17 DET/CST. WILSON: I think they would
18 align themselves with another group who has anti-Jewish
19 sentiment as well, in the position that they have the
20 same goals as having an anti-Jewish or anti-Semitic
21 belief system.

22 MR. ALEXAN KULBASHIAN: Okay. And do
23 you believe that the same people who are aligned with a
24 group with similar opinions would target both groups?

25 DET/CST. WILSON: Would target both

1 groups, I'm sorry.

2 THE CHAIRPERSON: I don't understand.

3 MR. ALEXAN KULBASHIAN: Somebody
4 would align themselves, say, with Palestinians because
5 of the Jewish Palestinian conflict in Palestine, would
6 target both Palestinians and both Arabs and Jews at the
7 same time?

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: Okay. And do
10 you believe that a person like that would probably not
11 go to middle eastern countries for vacations or...

12 DET/CST. WILSON: No, I don't - I
13 know of many white supremists and heard of many white
14 supremists that have gone to middle eastern countries
15 on vacation, again, in order to make alliance.

16 MR. ALEXAN KULBASHIAN: Try to make
17 alliances. So, I'm talking about --

18 THE CHAIRPERSON: You're mumbling and
19 I lost you.

20 MR. ALEXAN KULBASHIAN: Would you
21 believe that somebody like that would go there purely
22 for a vacation to enjoy himself, I'm not talking about
23 political or any political reason?

24 DET/CST. WILSON: I don't know, I
25 really don't.

1 MR. ALEXAN KULBASHIAN: Do you
2 believe someone like that would enjoy himself in a
3 middle eastern country?

4 MS MAILLET: I don't know how this is
5 relevant.

6 THE CHAIRPERSON: We've gotten an
7 answer already on this.

8 MR. ALEXAN KULBASHIAN: It was a
9 different question.

10 THE CHAIRPERSON: I allow the
11 objection.

12 MR. ALEXAN KULBASHIAN: Do you
13 believe that the opinions expressed in the threat are
14 any opinions that I hold?

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

16 MR. ALEXAN KULBASHIAN: Which
17 opinions specifically?

18 DET/CST. WILSON: Both of them, that
19 you purveyed this message to declare war on Muslims and
20 Jews.

21 MR. ALEXAN KULBASHIAN: Do you
22 believe I'm anti-Muslim?

23 DET/CST. WILSON: Yes, sir.

24 MR. ALEXAN KULBASHIAN: Okay. And
25 how do you believe that?

1 DET/CST. WILSON: Through that
2 threat, that would make it an anti-Muslim statement.

3 MR. ALEXAN KULBASHIAN: Would that
4 threat be the opinion of the author of the threat?

5 DET/CST. WILSON: It would be the
6 opinion of the author of the threat and the person that
7 purveyed that threat to the general public.

8 MR. ALEXAN KULBASHIAN: Assuming the
9 person knew of the threat; am I right?

10 DET/CST. WILSON: And I've already
11 said I'm of the opinion you did know.

12 THE CHAIRPERSON: Please that's
13 argument.

14 MR. ALEXAN KULBASHIAN: Do you
15 believe that I personally have anti-Muslim views?

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

17 MR. ALEXAN KULBASHIAN: And aside
18 from the threat, is there anywhere else that you can
19 think of?

20 DET/CST. WILSON: No, sir.

21 MR. ALEXAN KULBASHIAN: So, it's just
22 the threat that gives you the idea?

23 DET/CST. WILSON: Well, the threat
24 and the fact that you have white power and I believe
25 you to be a white supremacist, which would be a

1 foundation in that belie system would be an
2 anti-Muslim, anti-Jewish sentiment.

3 DET/CST. WILSON: Yes, sir.

4 MR. ALEXAN KULBASHIAN: Have you seen
5 my dad?

6 DET/CST. WILSON: Yes, I have, many
7 times.

8 MR. ALEXAN KULBASHIAN: Does he look
9 like anybody from an eastern part of the world?

10 DET/CST. WILSON: Yes, he does.

11 THE CHAIRPERSON: What part of the
12 world?

13 MR. ALEXAN KULBASHIAN: Any type --
14 person from any part of the world?

15 THE CHAIRPERSON: We're all from a
16 part of the world.

17 MR. ALEXAN KULBASHIAN: Anybody
18 specific?

19 DET/CST. WILSON: I believe --

20 THE CHAIRPERSON: Do you know what
21 part of the world he's from.

22 DET/CST. WILSON: I think his father
23 is Armenian I think, if I believe.

24 MR. ALEXAN KULBASHIAN: Do you know
25 where he was born?

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

2 MR. ALEXAN KULBASHIAN: Would you say
3 he would be born in Lebanon like myself?

4 DET/CST. WILSON: I would have no
5 information to say that was false.

6 MR. ALEXAN KULBASHIAN: Okay.

7 So, do you believe that every, as you
8 put it, white supremacist has the same views in politics?

9 DET/CST. WILSON: No, I think they
10 vary along the line too, but there are certain veins
11 that seem to be consistent across the white supremacist
12 movement.

13 MR. ALEXAN KULBASHIAN: Is it
14 possible that in an effort to categorize white
15 supremacists police, I guess, generally don't look into
16 details of their views?

17 DET/CST. WILSON: If we're looking at
18 the white supremacist population as a whole, yes, we
19 would hold them within a certain amount of themes, but
20 within those people certainly have a difference of
21 opinion.

22 THE CHAIRPERSON: Certain amount of
23 themes?

24 DET/CST. WILSON: Yeah, there are
25 some veins that run through the white supremacist

1 movement that are pretty standard in their belief
2 system, anti-Jewish sentiment, Holocaust denial and
3 then you have a religious or non-religious view of why
4 the white person is supreme over everybody else.

5 MR. ALEXAN KULBASHIAN: So European,
6 or somebody that is purely anti-Israeli be a white
7 supremacist?

8 DET/CST. WILSON: No, not
9 necessarily, sir, no.

10 MR. ALEXAN KULBASHIAN: Has there
11 been any indication that there were articles or any
12 kind of expressions that you believe are by myself that
13 are anything but anti-Israeli, let's say anti-Arab,
14 anti-Indian.

15 DET/CST. WILSON: Well, again,
16 September 14th, that statement to me makes an
17 anti-Muslim yes, sir.

18 MR. ALEXAN KULBASHIAN: Aside from
19 that, have you -- do you have anything you can
20 attribute to me in any possible way that I myself would
21 be anti-black, anti-Muslim, anti-Indian or anything
22 like that?

23 DET/CST. WILSON: I would say
24 probably from your tattoo on your arm that says white
25 power you would have some issues with other races, yes,

1 sir.

2 But, again, I would say from that
3 statement on September 14th, you have an anti-Muslim
4 and a very strong anti-Jewish sentiment.

5 MR. ALEXAN KULBASHIAN: On September
6 14th you would say. So, do you know if that tattoo was
7 removed by the time you arrested me?

8 DET/CST. WILSON: Yes, you removed
9 the tattoo but I don't believe -- sorry, I will
10 rephrase that. You removed the tattoo but the belief
11 is still there.

12 MR. ALEXAN KULBASHIAN: Why would you
13 say that?

14 DET/CST. WILSON: Because I think you
15 removed the tattoo because it was used significantly in
16 your sentencing hearing in Toronto for the assault.

17 I realize that you were eventually
18 acquitted of that, but it was used significantly in
19 that sentencing hearing.

20 MR. ALEXAN KULBASHIAN: Do you know
21 when I started removing the tattoo?

22 DET/CST. WILSON: When what?

23 THE CHAIRPERSON: When he started
24 removing the tattoo?

25 DET/CST. WILSON: No, I can just

1 assume that you started removing it after your arrest
2 in Toronto for the racial assault on a black man.

3 MR. ALEXAN KULBASHIAN: Is it
4 possible that tattoo had already seen one or two lasers
5 before my arrest?

6 DET/CST. WILSON: It's very possible.
7 It's not removed as of that date because that's when
8 this picture is from.

9 MR. ALEXAN KULBASHIAN: Can you look
10 at the top left corner of the tattoo.

11 DET/CST. WILSON: Yes, sir.

12 MR. ALEXAN KULBASHIAN: Does that
13 look solid to you?

14 DET/CST. WILSON: It looks like,
15 where it says white power?

16 MR. ALEXAN KULBASHIAN: No, top left
17 of the what you call the swastika?

18 DET/CST. WILSON: Again, we're
19 looking at a photograph that is probably a reproduction
20 of a reproduction.

21 MR. ALEXAN KULBASHIAN: Do we have
22 the originals?

23 DET/CST. WILSON: I don't have
24 originals, the Metro Toronto Police Services would have
25 originals.

1 THE CHAIRPERSON: I know where you're
2 going. Let's shortcut it. He's putting it to you that
3 he commenced removing the tattoos of the time of the
4 photograph.

5 Can you confirm or deny that?

6 DET/CST. WILSON: I can't confirm or
7 deny that.

8 THE CHAIRPERSON: There's your
9 answer, bingo.

10 MR. ALEXAN KULBASHIAN: So, coming to
11 the part where you said I allegedly called you up
12 during the James' arrest?

13 DET/CST. WILSON: Is this the call
14 that James made to you or the call --

15 MR. ALEXAN KULBASHIAN: That
16 apparently I called you up.

17 DET/CST. WILSON: Called later on
18 after that?

19 MR. ALEXAN KULBASHIAN: Do you know
20 if it was me that called you or somebody else?

21 DET/CST. WILSON: No, it was you.

22 MR. ALEXAN KULBASHIAN: How would you
23 know it was me?

24 DET/CST. WILSON: Because a third
25 telephone call made to me to the police station

1 identified yourself as Alex Krause and stated to me, I
2 was sorry about being so profane to you on the phone,
3 which was earlier on in that time.

4 THE CHAIRPERSON: I have that
5 evidence from the last time.

6 MR. ALEXAN KULBASHIAN: So did you
7 say also -- you states also at the first time I did not
8 identify myself; right?

9 DET/CST. WILSON: Yes, sir, you
10 didn't identify yourself.

11 MR. ALEXAN KULBASHIAN: Okay. What
12 profanity did I use?

13 DET/CST. WILSON: That's a good
14 question. I wouldn't be able to tell you exactly. I
15 know that you were profane because one, you apologized
16 for it, I have heard it before it doesn't really bother
17 me, and I think you said something to the effect of,
18 what the fuck have you done with James, or something
19 similar to that.

20 That's my recollection. I'm sorry,
21 sir, that's what I can recall.

22 MR. ALEXAN KULBASHIAN: Do you know
23 if the caller swore at you or swore --

24 DET/CST. WILSON: Just swore in
25 context in the statements he swore. It wasn't really

1 being directed at me.

2 MR. ALEXAN KULBASHIAN: And so you
3 say that the caller calls you back again?

4 DET/CST. WILSON: When I was in the
5 police station, yes, sir.

6 MR. ALEXAN KULBASHIAN: Okay. And
7 introduced himself as Alex Krause?

8 DET/CST. WILSON: Yes, sir.

9 MR. ALEXAN KULBASHIAN: As well as
10 being a member of C.E.C.T. and Tri-City?

11 DET/CST. WILSON: Yes, sir.

12 MR. ALEXAN KULBASHIAN: Do you know
13 me to be a member of Tri-City?

14 DET/CST. WILSON: Do I know you to be
15 a member of Tri-City?

16 MR. ALEXAN KULBASHIAN: That's right.

17 DET/CST. WILSON: You identified
18 yourself then as one.

19 MR. ALEXAN KULBASHIAN: Do you know
20 me to be a member of Tri-City, that's my question.

21 DET/CST. WILSON: Again, you
22 identified yourself there as one.

23 MR. ALEXAN KULBASHIAN: My question
24 was do you know me to be a member of Tri-City?

25 THE CHAIRPERSON: The question is

1 distinct.

2 MR. ALEXAN KULBASHIAN: Should I
3 write it down?

4 THE CHAIRPERSON: Aside from the
5 call, do you know him to be a member of Tri-City from
6 your other understanding of the evidence?

7 DET/CST. WILSON: My understanding is
8 that he's associated to Tri-City Skins. Membership,
9 again, there's a membership list for these groups and
10 they don't sign up and sign out of it.

11 So, I would say I know he's closely
12 associated to it, if that can answer the question.

13 MR. ALEXAN KULBASHIAN: How many
14 times has, I guess, hate crime intelligence monitored
15 Tri-City events?

16 DET/CST. WILSON: Lots of time, I
17 believe.

18 MR. ALEXAN KULBASHIAN: Have you ever
19 seen at Tri-City events?

20 DET/CST. WILSON: No, sir.

21 MR. ALEXAN KULBASHIAN: Have you ever
22 seen me with Tri-City anywhere?

23 DET/CST. WILSON: No, sir.

24 MR. ALEXAN KULBASHIAN: So would you
25 say I would be a pretty bad member if I was a member of

1 Tri-City?

2 DET/CST. WILSON: I don't know of
3 other members that haven't been there either.

4 MR. ALEXAN KULBASHIAN: Anywhere?

5 DET/CST. WILSON: You would be a bad
6 member, yes, sir, that's answer.

7 MR. ALEXAN KULBASHIAN: Are you sure
8 that the caller told you that he was a member of
9 C.E.C.T. and Tri-City?

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

11 MR. ALEXAN KULBASHIAN: And if you
12 say that I am affiliated or associated.

13 DET/CST. WILSON: Affiliated
14 associated.

15 MR. ALEXAN KULBASHIAN: Same thing.
16 Which one, affiliated?

17 DET/CST. WILSON: I don't know what's
18 your question.

19 MR. ALEXAN KULBASHIAN: When you said
20 that I was affiliated or associated with Tri-City.

21 DET/CST. WILSON: Yes, sir.

22 MR. ALEXAN KULBASHIAN: Would that be
23 the same as being a member?

24 DET/CST. WILSON: No, but again, you
25 have to look at membership of these groups that they

1 don't have lists and they don't sign up and you don't
2 get pass cards for it, nothing like that, so associates
3 are as closely a member as other people as well, so...

4 MR. ALEXAN KULBASHIAN: Did you find
5 any bomber jacket at my house?

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

7 MR. ALEXAN KULBASHIAN: When you
8 arrested me did I have a shaved head?

9 DET/CST. WILSON: No, sir.

10 MR. ALEXAN KULBASHIAN: So, and if
11 you didn't find a bomber jacket you didn't find one
12 with patches on it; did you?

13 DET/CST. WILSON: No, sir. If I
14 didn't find a bomber jacket I didn't find one with
15 patches on it.

16 MR. ALEXAN KULBASHIAN: Did you find
17 any boots with white or red laces?

18 DET/CST. WILSON: No, sir.

19 MR. ALEXAN KULBASHIAN: Did you find
20 any boots at all?

21 DET/CST. WILSON: I don't recall, no,
22 sir.

23 MR. ALEXAN KULBASHIAN: Was I
24 arrested in boots?

25 DET/CST. WILSON: No, you were

1 arrested in your underwear.

2 MR. ALEXAN KULBASHIAN: When I was
3 arrested and taken to the station, was I wearing boots?

4 DET/CST. WILSON: No, sir.

5 MR. ALEXAN KULBASHIAN: Was I wearing
6 anything like Nazi paraphernalia?

7 DET/CST. WILSON: No, not that I
8 know, no, sir.

9 MR. ALEXAN KULBASHIAN: Okay. So,
10 would you consider that sign inconsistent with a member
11 of a skinhead group as opposed to any other political
12 group?

13 DET/CST. WILSON: Would I find it
14 inconsistent that you wouldn't wear it all the time?

15 MR. ALEXAN KULBASHIAN: That I
16 wouldn't have a shaved head or be wearing anything.

17 DET/CST. WILSON: No, because I know
18 of white supremists with very long hair.

19 MR. ALEXAN KULBASHIAN: That's right,
20 and members of skinhead groups?

21 DET/CST. WILSON: There's a reason
22 they're called skinhead groups and they just usually
23 have to have very short cropped hair.

24 MR. ALEXAN KULBASHIAN: And don't
25 they usually also wear paraphernalia?

1 DET/CST. WILSON: At times they do,
2 other times they don't.

3 MR. ALEXAN KULBASHIAN: Would they
4 have paraphernalia?

5 DET/CST. WILSON: Yes.

6 MR. ALEXAN KULBASHIAN: And would
7 they most likely have a bomber jacket?

8 DET/CST. WILSON: Probably.

9 MR. ALEXAN KULBASHIAN: One you
10 didn't find at my house; right?

11 DET/CST. WILSON: I don't know. Was
12 that your question?

13 MR. ALEXAN KULBASHIAN: Well, I
14 guess, just recap on your --

15 DET/CST. WILSON: Objection. This is
16 becoming argumentative.

17 MR. ALEXAN KULBASHIAN: Sorry, I will
18 continue.

19 THE CHAIRPERSON: You will continue
20 with another question.

21 MR. ALEXAN KULBASHIAN: So, has
22 anybody --

23 THE CHAIRPERSON: We have heard the
24 answer.

25 MR. ALEXAN KULBASHIAN: Okay. Has

1 anybody ever called you up and given his identity, when
2 I guess when he's been associated with something
3 criminal?

4 DET/CST. WILSON: Yes, they have.

5 MR. ALEXAN KULBASHIAN: And to turn
6 themselves in?

7 DET/CST. WILSON: Yes, they have.

8 MR. ALEXAN KULBASHIAN: What if they
9 are not turning themselves in, do they usually call you
10 up and give their identity?

11 DET/CST. WILSON: Not usually but
12 it's happened before.

13 MR. ALEXAN KULBASHIAN: Do you have
14 any note of the time that James was arrested?

15 DET/CST. WILSON: The time he was
16 arrested?

17 MR. ALEXAN KULBASHIAN: Yes any
18 notes, anything?

19 DET/CST. WILSON: My statement, which
20 I believe is --

21 MR. ALEXAN KULBASHIAN: I'm not
22 talking about the statement though, I'm talking about
23 --

24 DET/CST. WILSON: I have already told
25 you that my notes are held at the London Police

1 Service.

2 MR. ALEXAN KULBASHIAN: Would you
3 have had notes at the London Police Service about that
4 time?

5 DET/CST. WILSON: Yes, that's where
6 the notes are.

7 MR. ALEXAN KULBASHIAN: Why wouldn't
8 they be inside the binders that are put over there?

9 DET/CST. WILSON: Don't know, sir.

10 MR. ALEXAN KULBASHIAN: Is this
11 binder something that was compiled --

12 MR. WARMAN: I believe the record
13 shows that those documents were, in fact, not included
14 in, that they were separate and that they were kept at
15 the London Police Service and they were separate.

16 THE CHAIRPERSON: I understood that
17 the notes were relinquished to the Police Service as
18 property of the Police Service.

19 DET/CST. WILSON: Yes, sir.

20 THE CHAIRPERSON: Upon his retirement
21 from the force.

22 DET/CST. WILSON: And I didn't retain
23 them bringing them here to this Tribunal. And to be
24 honest with you I could have and it just never did,
25 besides picking up these binders.

1 MR. ALEXAN KULBASHIAN: Were these
2 binders prepared before you got them or were they
3 prepared for this case?

4 DET/CST. WILSON: No, they were
5 prepared for your criminal trial.

6 MR. ALEXAN KULBASHIAN: And the fact
7 that these binders are missing, say, your notes --

8 DET/CST. WILSON: These binders are
9 not disclosure. The disclosure the crown got in a full
10 package that the crown got and you were supplied with
11 that disclosure as well for your criminal trial.

12 MR. ALEXAN KULBASHIAN: So, and there
13 would be nothing from my computer on there, nothing
14 from -- no police notes in there at all either?

15 DET/CST. WILSON: In the binders
16 here?

17 MR. ALEXAN KULBASHIAN: Yes.

18 DET/CST. WILSON: I don't believe so,
19 sir, no.

20 MR. ALEXAN KULBASHIAN: Transcripts
21 for the interview wouldn't be there either?

22 DET/CST. WILSON: I believe the
23 transcripts of the interview are there.

24 MR. ALEXAN KULBASHIAN: Not in the
25 binder; they're not.

1 DET/CST. WILSON: Your interview.

2 THE CHAIRPERSON: Mr. Kulbashian, you
3 had an opportunity to review these documents; right?

4 MR. ALEXAN KULBASHIAN: Yes, I did.
5 The transcripts, that's what I'm saying.

6 DET/CST. WILSON: Your statement is
7 in tab 62 of R-1.

8 MR. ALEXAN KULBASHIAN: So, like, in
9 my -- I'm not talking about -- is that the HR binder.

10 THE CHAIRPERSON: That's the HR-1
11 binder.

12 MR. ALEXAN KULBASHIAN: I'm talking
13 about the binders you brought from the police station,
14 my interview would not be in there; would it?

15 THE CHAIRPERSON: Your what?

16 MR. ALEXAN KULBASHIAN: The
17 transcript of my interview at the police station.

18 THE CHAIRPERSON: Yes, we have that.

19 MR. ALEXAN KULBASHIAN: In the
20 binder, we submitted that actually.

21 THE CHAIRPERSON: No. 62.

22 MR. ALEXAN KULBASHIAN: The
23 respondent --

24 THE CHAIRPERSON: Statement re:
25 Alexan Kulbashian.

1 MR. ALEXAN KULBASHIAN: The
2 respondent submitted both our statements, James and
3 myself, we submitted them. They were not included in
4 disclosure at the very beginning.

5 THE CHAIRPERSON: When you say
6 submit, I understood it to be produced at the hearing.
7 What went on between the parties I'm not aware of.

8 So, as far as I'm concerned I have
9 the crown brief, accused statement of Alexan Kulbashian
10 May 10th, 2002 as tab -- May 10th is the date that it
11 was typed up, right, the document appears to be January
12 30th, 2002 and that was already produced at HR-1, tab
13 62.

14 MR. ALEXAN KULBASHIAN: That's right.
15 Now, in your binder these are full
16 copies of the binders; right, the ones that we
17 received?

18 DET/CST. WILSON: These?

19 MS MAILLET: The Commission did scan
20 all the documents that were in the binders, other than
21 binder No. 2.

22 MR. ALEXAN KULBASHIAN: In your
23 binder, do you have any, I guess, what do you call
24 those, the booklets?

25 What do you call those?

1 THE CHAIRPERSON: Notebook you mean?

2 DET/CST. WILSON: I have officers' --
3 other officer' notebook notes.

4 MR. ALEXAN KULBASHIAN: What other
5 officers, the ones from Toronto, for example?

6 DET/CST. WILSON: Yes, sir.

7 MR. ALEXAN KULBASHIAN: Do you have
8 their cards sitting beside them, cards beside those
9 notes?

10 THE CHAIRPERSON: The cards?

11 MR. ALEXAN KULBASHIAN: The business
12 cards.

13 DET/CST. WILSON: Just to identify
14 their notes, they usually put their business card
15 beside it so it identifies their notes for photocopy
16 purposes.

17 ---((reporter appeals))

18 THE CHAIRPERSON: Mr. Warman?

19 MR. WARMAN: I have no real
20 understanding of what the relevance of this is and I'm
21 hoping that someone can supply me.

22 MS MAILLET: And the documents speak
23 for themselves. We have got copies of the documents,
24 the respondents have copies of the documents.

25 To have Mr. Wilson guessing at what

1 is in there, everybody has a copy, so...

2 MR. ALEXAN KULBASHIAN: I'm asking
3 because so far, like, a lot of stuff they testified
4 too, there's no papers in there.

5 THE CHAIRPERSON: Do you know what
6 that is, that's good argument.

7 MR. ALEXAN KULBASHIAN: That's right.
8 I'm just stating that there is --

9 THE CHAIRPERSON: You don't have to
10 -- if it's in your favour, I don't know why you insist
11 on going into that.

12 MR. ALEXAN KULBASHIAN: Where are the
13 rest of the papers, would it be a police station or
14 here?

15 DET/CST. WILSON: Yes, sir.

16 MR. ALEXAN KULBASHIAN: And we would
17 have no way of knowing just exactly what papers do
18 exist out of there; would we?

19 DET/CST. WILSON: The relevant papers
20 for this particular offence you have in front of you.

21 MR. ALEXAN KULBASHIAN: So you went
22 all the way to London to pick up these papers, these
23 documents?

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

25 MR. ALEXAN KULBASHIAN: Did you take

1 the binders with you when you went back to Vancouver?

2 DET/CST. WILSON: After I left the
3 Commission the first time?

4 MR. ALEXAN KULBASHIAN: Yes.

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

6 MR. ALEXAN KULBASHIAN: And did you
7 stop by London on your way back?

8 DET/CST. WILSON: No, I didn't.

9 MR. ALEXAN KULBASHIAN: So, basically
10 when you went all the way to London you just picked up
11 what you have in the binders over there?

12 DET/CST. WILSON: Yes, sir.

13 MR. ALEXAN KULBASHIAN: And so that
14 would be -- so basically would you say that before
15 myself and my co-respondent went through those binders
16 that any of those documents were included in the case?

17 THE CHAIRPERSON: I'm sorry I didn't
18 understand that question.

19 MR. ALEXAN KULBASHIAN: Sorry, never
20 mind.

21 Would you say that before myself and
22 my co-respondent went through those binders that there
23 wouldn't have been, like, very much relevant to this
24 case in those binders?

25 DET/CST. WILSON: There's everything

1 relevant to the case in the binders.

2 MR. ALEXAN KULBASHIAN: The section
3 13?

4 DET/CST. WILSON: Yes, sir. I think
5 that's the information I supplied as part of my
6 testimony was as a result of these binders I'm
7 referring to.

8 I think that's the question he's
9 asking. I'm not too sure.

10 THE CHAIRPERSON: Well, my
11 understanding, just so I'm clear on this, the binders
12 contain the material -- I heard your evidence just
13 before, Mr. Wilson, the binders were the material that
14 were provided to the crown in the prosecution of the
15 Criminal Code--

16 DET/CST. WILSON: Right, sir.

17 THE CHAIRPERSON: --offence; right?

18 DET/CST. WILSON: But not the
19 totality of all --

20 THE CHAIRPERSON: Go on.

21 DET/CST. WILSON: All the disclosure
22 for the criminal trial is supplied to the crown again.

23 THE CHAIRPERSON: Yes.

24 DET/CST. WILSON: Who then supplies
25 the documents to Mr. Richardson and Mr. Kulbashian to

1 Mr. Keirluk as well.

2 THE CHAIRPERSON: So, what I
3 understand is that those binders form part of -- the
4 results of your investigation of the Criminal Code
5 threat investigation.

6 DET/CST. WILSON: Yes, sir.

7 THE CHAIRPERSON: But you have
8 indicated that there may have been other material that
9 is still within in the possession of the London Police
10 Service that is not in those binders?

11 DET/CST. WILSON: The majority would
12 probably be my duty book notes.

13 THE CHAIRPERSON: But the question
14 is, are you listening to my questions, Mr. Kulbashian

15 MR. ALEXAN KULBASHIAN: Yes, I am.

16 THE CHAIRPERSON: You're talking
17 amongst yourselves. I'm asking questions here, please.

18 So, the question that I want to ask
19 you then is, would all of the material that was in the
20 possession of the London Police Service have been
21 disclosed in the context of the criminal charges to the
22 accused at the time?

23 DET/CST. WILSON: Yes, sir. Yes,
24 sir.

25 THE CHAIRPERSON: In conforming with

1 the Stinchcombe --

2 DET/CST. WILSON: Stinchcombe
3 argument, yes, sir.

4 MR. ALEXAN KULBASHIAN: If I told you
5 that no police notes from either yourself or Det.
6 McKinnon were disclosed, what would you say?

7 DET/CST. WILSON: They were sent to
8 the crown.

9 MR. ALEXAN KULBASHIAN: Do you
10 believe that the crown might have messed up?

11 DET/CST. WILSON: I can't make that
12 argument.

13 THE CHAIRPERSON: Mr. Warman?

14 MR. WARMAN: I'm still wondering what
15 the relevance of this is.

16 THE CHAIRPERSON: We're back to the
17 relevance, what is the relevance?

18 MR. ALEXAN KULBASHIAN: Do you have
19 anything tangible?

20 THE CHAIRPERSON: I asked you a
21 question. Every time I ask you a question, answer it.

22 MR. ALEXAN KULBASHIAN: That's what I
23 said the next question is where it's going to, it's
24 relating to --

25 THE CHAIRPERSON: Tell me what the

1 relevance is. Answer the question.

2 MR. ALEXAN KULBASHIAN: About whether
3 there is any documentary evidence of my involvement
4 with Tri-City or like, anything documentary for that
5 matter.

6 THE CHAIRPERSON: Okay, fine. Go
7 ahead.

8 MR. ALEXAN KULBASHIAN: So, basically
9 when you didn't bring your duty notes here, were you
10 relying on -- trying to rely on your memory of the
11 events in order to testify?

12 DET/CST. WILSON: I was relying on my
13 statement which is supplied in the binders as well,
14 which you have.

15 MR. ALEXAN KULBASHIAN: Did you also
16 think there was a mistake in those statements?
17 ---(reporter appeals)

18 THE CHAIRPERSON: Besides that, I
19 have an objection.

20 MS MAILLET: Just to be clear, Mr.
21 Wilson was not a party here and did not disclose --
22 there was no duty of disclosure.

23 MR. ALEXAN KULBASHIAN: It's not
24 about that.

25 MS MAILLET: The disclosure was the

1 Commission's and then as a result of him referring to a
2 document at some point --

3 THE CHAIRPERSON: I just assumed
4 that the word disclosure as used just now was in the
5 context of the criminal --

6 MR. ALEXAN KULBASHIAN: Criminal
7 Code, I should have made myself clear.

8 Where was I?

9 THE CHAIRPERSON: Be slow and clear,
10 please, because the court reporter is having difficulty
11 catching it all.

12 MR. ALEXAN KULBASHIAN: Do you have
13 any documents to relate myself to Tri-City Skins in any
14 way other than possible affiliation?

15 DET/CST. WILSON: Your statement.

16 MR. ALEXAN KULBASHIAN: What
17 statement?

18 DET/CST. WILSON: Your video
19 statement or the statement we have here included
20 wherein you describe the fact you have the Tri-Cities
21 in your apartment building, as you describe it.

22 THE CHAIRPERSON: I'm sorry?

23 DET/CST. WILSON: He describes his
24 AffordableSpace as an apartment building, just as an
25 analogy, and he describes Tri-City as being one of

1 those involved.

2 THE CHAIRPERSON: So, you're
3 referring to the transcript at tab 62?

4 DET/CST. WILSON: I'm sorry, yeah,
5 tab 62, his statement.

6 MR. ALEXAN KULBASHIAN: And so that
7 would be membership affiliation or association or what
8 would you consider that?

9 DET/CST. WILSON: You work for them.

10 MR. ALEXAN KULBASHIAN: I work for
11 them?

12 DET/CST. WILSON: I don't know what
13 you mean.

14 MR. ALEXAN KULBASHIAN: Okay. So
15 what kind of association would that be? Would that be
16 a business relationship or a social relationship with
17 the Tri-City Skins?

18 DET/CST. WILSON: Well, when I look
19 at the totality of your involvement with a white power
20 movement I believe it to be more than a business
21 relationship.

22 MR. ALEXAN KULBASHIAN: So, basically
23 how would you say it would be more than a business
24 relationship?

25 DET/CST. WILSON: Because of your

1 affiliation.

2 You identify yourself as a member of
3 the Canadian Ethnic Cleansing Team, as well as Tri-City
4 Skins you have, I guess memorabilia is a bad word for
5 it, but articles depicting the Tri-City Skins found in
6 your apartment and you supply the Tri-City Skins with
7 web space to purvey their messages on the Internet.

8 MR. ALEXAN KULBASHIAN: So, if I was
9 an avid chocolate lover and let's say there was a child
10 porn site on my server which I didn't know about, and
11 if he was an avid chocolate lover the owner of the
12 site, would that mean I would have some sort of a
13 general --

14 THE CHAIRPERSON: Talking about
15 chocolate lovers. Let me explain something to you.

16 The burden of proof is on the
17 complainant/Commission to establish that the linkage
18 between Tri-City and the websites and everything that
19 is alleged in the complaint.

20 MR. ALEXAN KULBASHIAN: Okay.

21 THE CHAIRPERSON: So, by asking these
22 questions, in effect, what you're trying to do is maybe
23 get more evidence to support their claim rather than
24 letting it lie.

25 It was their duty to lead that

1 evidence, if they haven't led it, why do you keep
2 asking what other evidence they have to support the
3 linkage between you and Tri-City?

4 MR. ALEXAN KULBASHIAN: In that case
5 then --

6 THE CHAIRPERSON: Now in a way I'm
7 playing a bit of an advisory role here to you in this
8 context.

9 I don't quite know why this question
10 is being asked over and over.

11 MR. ALEXAN KULBASHIAN: In that case
12 just then, following up on last question then, do you
13 have any tangible or any hard evidence or any kind of
14 evidence, aside from an alleged phone call to the
15 police station, that I am a member of Tri-City and I
16 was ever involved with them in anything but like,
17 business associates or --

18 THE CHAIRPERSON: I'm going to ask
19 one question once and that will be the end of it on
20 Tri-City.

21 Other than what you have already led
22 in evidence, do you have anything else to support the
23 contention of a linkage between these respondents and
24 Tri-City?

25 DET/CST. WILSON: Anything above what

1 I've already entered?

2 THE CHAIRPERSON: Yes.

3 DET/CST. WILSON: No, sir.

4 THE CHAIRPERSON: There's your
5 answer.

6 Mr. Kulbashian, I can't allow you to
7 turn this process into a marathon that tires out the
8 witness, it tires out the Tribunal, it doesn't allow
9 for it's efficient operation. You have to cooperate
10 with the process.

11 MR. ALEXAN KULBASHIAN: Can I
12 actually continue this tomorrow since we do have to
13 pick up my son, it's five o'clock.

14 THE CHAIRPERSON: How long do you
15 have because I'm going to give you some ground rules
16 now.

17 First of all, tomorrow in your
18 cross-examination you will be organized. If you don't
19 have a reference in a text immediately, I will not
20 allow you to spend time wasting the Tribunal's time
21 looking for some document in your binder or saying it's
22 somewhere, or having it photocopied, I want all
23 photocopying to occur tonight, do you understand?

24 MR. ALEXAN KULBASHIAN: Yes.

25 THE CHAIRPERSON: And this applies to

1 everyone later. This is a ground rule that I want
2 everyone to go with.

3 Everyone has displaced themselves.
4 We have picked Oakville as a venue to accommodate all.
5 We have all displaced ourselves.

6 You're coming from North York, Mr.
7 Richardson comes from Hamilton, so let's work
8 efficiently on this and I don't want to see that
9 wastage of time.

10 I don't want to see you repeating
11 questions over and over, and be mindful of my advice to
12 you just before.

13 MR. ALEXAN KULBASHIAN: Right.

14 THE CHAIRPERSON: It doesn't serve
15 your purpose to keep asking those questions.

16 MS MAILLET: May I, as well, Mr.
17 Chair.

18 THE CHAIRPERSON: Yes.

19 MS MAILLET: The respondents still
20 haven't indicated to us exactly which witness will be
21 called.

22 THE CHAIRPERSON: You're anticipating
23 my next question.

24 Witnesses, that's a separate issue.

25 My first question is how long do you

1 have, mindful of what my instructions are to you just
2 now?

3 MR. ALEXAN KULBASHIAN: We'll be done
4 tomorrow morning.

5 THE CHAIRPERSON: Tomorrow morning.

6 MR. ALEXAN KULBASHIAN: Yes.

7 THE CHAIRPERSON: So, it would be
8 reasonable to -- well, you can act accordingly then,
9 they will be done tomorrow morning. I don't know how
10 long your re-examination will be, Mr. Warman and Me
11 Maillet.

12 MS MAILLET: It probably won't be
13 that long, however, I have advised the witness that she
14 likely wouldn't be called before when we sit on
15 Thursday because I didn't want her coming here since I
16 knew they weren't going to finish today, sir, and last
17 time she came twice and had to go home and I wanted to
18 avoid that.

19 I always miscalculate how long Mr.
20 Kulbashian is going to be, so I didn't wanted to do
21 that.

22 THE CHAIRPERSON: So, Mr. Warman?

23 MR. WARMAN: Let me just add as well
24 that there has been no clear indication from the
25 respondents how long in terms of their anticipated time

1 of questioning. It's been a very moving target.

2 THE CHAIRPERSON: I know and this is
3 one of the things that I found a bit of an irritant
4 today because I was told it could be -- Mr. Kulbashian,
5 Sr., I'm talking.

6 MR. VAHE KULBASHIAN: I'm sorry.

7 THE CHAIRPERSON: I have asked you
8 several times how long. It could be a day, could be
9 two days and some of those questions are dilatory. I
10 want an efficient operation of this case, I want all
11 the evidence in, but when you go over and over and
12 over, what does it get us, frustration and nowhere
13 further,

14 Now, second point I have been asked
15 by Commission/complainant - and Mr. Richardson isn't
16 here, I understand - whom you intend to call as
17 witnesses. Of course that was part of your duties way
18 back when statements of cases were supposed to have
19 been filed for the full disclosure requirement.

20 MR. ALEXAN KULBASHIAN: Outside
21 witnesses?

22 THE CHAIRPERSON: All your witnesses.
23 Who will be testifying, yes.

24 At least for the record let's hear
25 from you, Mr. Kulbashian. It may be that Mr.

1 Richardson will have someone else.

2 MR. ALEXAN KULBASHIAN: I would have
3 to confer with James for that.

4 THE CHAIRPERSON: Tell me who you're
5 going to call?

6 MR. ALEXAN KULBASHIAN: Well, since
7 my and his case are, I guess, we're trying to help each
8 other out, so it would depend on who we decide.

9 It's nothing something we anticipated
10 we would have to answer. We did state earlier on in
11 the case --

12 THE CHAIRPERSON: Yes, I understand
13 what you're saying.

14 MR. ALEXAN KULBASHIAN: We states
15 earlier on in the case that we would most likely
16 testify.

17 THE CHAIRPERSON: You would both
18 testify.

19 MR. ALEXAN KULBASHIAN: Most likely,
20 but I'm not sure exactly, since I haven't talked to
21 him.

22 THE CHAIRPERSON: What you're allowed
23 to do is you can give the high water mark, that is to
24 say, that you intend at this time to testify, that
25 Richardson intends to testify, but is there anyone

1 else?

2 MR. ALEXAN KULBASHIAN: No, there
3 will be nobody else. We already stated that the only
4 witnesses would mostly likely probably be me and/or
5 James.

6 MS MAILLET: Mr. Richardson advised
7 last time there would be somebody by the name of Randy
8 Turner. I just wanted to -- we can ask him tomorrow.

9 THE CHAIRPERSON: Unless you can give
10 us that answer.

11 MR. ALEXAN KULBASHIAN: I actually
12 can't, I didn't talk to James about that, since the
13 address issue of Hamilton and he feels it more or less
14 cleared up with the living issue whether it was London
15 or Hamilton.

16 THE CHAIRPERSON: So the witness
17 would have testified with respect to the addresses?

18 MR. ALEXAN KULBASHIAN: That's right.
19 That's all he would know about, literally, like.

20 THE CHAIRPERSON: This is Mr. Randy
21 Turner would not -- but I can't hold Mr. Richardson to
22 this, it's Mr. Kulbashian that's speaking.

23 MR. ALEXAN KULBASHIAN: That's right.
24 I can give you some idea.

25 THE CHAIRPERSON: Your understanding

1 is he would not testify?

2 MR. ALEXAN KULBASHIAN: Not testify.

3 THE CHAIRPERSON: So, you're telling
4 us right now that the only witnesses will be you and
5 Mr. Richardson, is that correct?

6 MR. ALEXAN KULBASHIAN: Most likely,
7 yes.

8 THE CHAIRPERSON: You know, you have
9 to be mindful of something our rules require, I'll cite
10 this again, just so you know.

11 Rule 6 says that --

12 F-6(i)(f) states that within the time
13 fixed by the Panel, and in your case that was months
14 and months ago, the respondent shall give written
15 notice of the witnesses it intends to call.

16 MR. ALEXAN KULBASHIAN: We did give
17 written notice in the cover page.

18 THE CHAIRPERSON: And that's binding
19 because section -- rule 9.3 of our rules, Mr.
20 Kulbashian--

21 MR. VAHE KULBASHIAN: Yes.

22 THE CHAIRPERSON: --state that a
23 party who does not identify a witness or give notice of
24 his or her proposed testimony shall not call that
25 witness at the hearing, unless the Tribunal authorizes

1 exception, so...

2 MR. ALEXAN KULBASHIAN: So, I can say
3 at least from my end and what I can relate from James,
4 there will be no other witnesses other than maybe
5 myself and/or James, so...

6 THE CHAIRPERSON: We have the answer
7 then.

8 Okay, that's it. Remembrance Day I
9 think.

10 What have you told --

11 MS MAILLET: I had assumed simply
12 because it was going slowly, that we would be sitting
13 in the afternoon, but I guess that needs to be
14 clarified.

15 I advised her that it would be
16 Thursday afternoon at one o'clock.

17 THE CHAIRPERSON: I want to maintain
18 that policy. I think we will begin in the afternoon.
19 We will, as I say, honour the day through the morning.

20 Okay.

21 REGISTRY OFFICER: All rise.

22 --- Whereupon the hearing adjourned at 5:10 p.m.,
23 to resume on Wednesday, November 10, 2004
24 at 9:30 a.m.

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I HEREBY CERTIFY THAT the
foregoing is a true and accurate
transcript of the proceedings to
the best of my skill and
ability.

Beverley Dillabough, C.S.R.

StenoTran