

**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

ROCH LEVAC

THE REGISTRAR/  
LE GREFFIER

**FILE NO./N<sup>o</sup> CAUSE.:**

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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  
WEDNESDAY, NOVEMBER 17, 2004, AT 2:10 P.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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ADDENDUM

Exhibits originally entered on Vol. 10, Nov. 12, 2004  
Exhibits removed from record Vol. 12, Nov. 17, 2004

EXHIBIT NO.

HR-11	Four-page colour print-out.
HR-12	One-page document from the Tri-City Skins message board.
HR-13	Three-page document entitled: A Warning for Americans, a message from a south African.
HR-14	Three-page document entitled: Rants & Raves.

1 Oakville, Ontario

2 --- Upon commencing on Wednesday, November 17, 2004

3 at 2:10 p.m.

4 REGISTRY OFFICER: Order, please.

5 All rise.

6 Please be seated.

7 THE CHAIRPERSON: Mr. Kulbashian?

8 MR. ALEXAN KULBASHIAN: I'm done.

9 THE CHAIRPERSON: Ah...

10 --- (Laughter)

11 MR. ALEXAN KULBASHIAN: I had time to  
12 review a lot of things, so...

13 THE CHAIRPERSON: So, even from  
14 yesterday's conversation you've reviewed your material  
15 and you feel no further questions are necessary?

16 MR. ALEXAN KULBASHIAN: It was just  
17 kind of pointless at this point, so...

18 THE CHAIRPERSON: I want you to be  
19 clear, I want you to be comfortable in your decision.

20 MR. ALEXAN KULBASHIAN: Well, we are  
21 comfortable at this point.

22 It's like, if we're going to get  
23 answers like, I don't remember, so it's like, you know,  
24 kind of some of the questions we were going to ask, so  
25 there was no point.

1 THE CHAIRPERSON: I want you to be  
2 comfortable in your decision, that's --

3 MR. ALEXAN KULBASHIAN: We're  
4 comfortable in our decision.

5 THE CHAIRPERSON: Fine.  
6 So then, re-exam.

7 MS MAILLET: We won't object to that  
8 decision.

9 --- (Laughter)

10 THE CHAIRPERSON: No, but I have a  
11 duty here to be sure that the parties are not motivated  
12 by anything else, that they're comfortable in their  
13 decisions.

14 MR. ALEXAN KULBASHIAN: Oh, we're  
15 comfortable.

16 THE CHAIRPERSON: Okay.

17 MR. ALEXAN KULBASHIAN: Thank you.

18 MS MAILLET: This will be a short  
19 afternoon then, Mr. Chair.

20 THE CHAIRPERSON: Fine.

21 DR. FRANCES HENRY, Resumed:

22 RE-EXAMINATION BY MS MAILLET:

23 MS MAILLET: Dr. Henry, you conclude  
24 in your report that the material you reviewed  
25 constituted hate material, hate messages.

1 DR. HENRY: Yes.

2 MS MAILLET: Now, there was a  
3 suggestion during cross-examination that the material  
4 was simply political in nature.

5 Now, having reviewed the material  
6 through your cross-examination, my only question is,  
7 has your opinion changed regarding the nature of the  
8 material in these websites?

9 DR. HENRY: No, not at all.

10 MS MAILLET: That's it.

11 THE CHAIRPERSON: That's really it.

12 Mr. Warman?

13 MR. WARMAN: I have no further  
14 questions.

15 THE CHAIRPERSON: Well, thank you for  
16 coming today, but it's not really -- I don't want you  
17 to think that your return was in vain because, I mean,  
18 we took advantage of the one-day break for everyone to  
19 review all of their material and examine all the  
20 issues, and that's the result.

21 So, I thank you very much.

22 It's up to you if you'd like to leave  
23 or not. We have a couple of outstanding issues we need  
24 to resolve, dates and venue and so on.

25 Let's go through the formalities.

1                   My understanding, from what I heard  
2           yesterday during the case management meeting that we  
3           conducted, was that the Commission has no further  
4           evidence to lead; correct?

5                   MS MAILLET: That's correct, this  
6           closes our case.

7                   THE CHAIRPERSON: As for the  
8           complainant?

9                   MR. WARMAN: Yes.

10                  THE CHAIRPERSON: And the  
11           respondents also indicated that they did not intend to  
12           lead any evidence either; is that correct?

13                  MR. ALEXAN KULBASHIAN: That's  
14           correct.

15                  MR. RICHARDSON: That's correct.

16                  THE CHAIRPERSON: So, evidence is  
17           closed then?

18                  MS MAILLET: Yes.

19                  THE CHAIRPERSON: Now, so what we  
20           need to do - and I will also say for the record,  
21           although our conference call yesterday was recorded,  
22           there was a mutual understanding, consent on  
23           everybody's part, that we do not proceed to legal  
24           submissions immediately, that everyone receives copies  
25           of the transcript.

1 I also encouraged everyone to prepare  
2 something in writing in advance of people's submissions  
3 in order to organize their own thoughts and to assist  
4 the Tribunal.

5 MR. RICHARDSON: Sorry to cut you  
6 off, Mr. Chair.

7 THE CHAIRPERSON: Yes.

8 MR. RICHARDSON: Would that be  
9 submitted to you or submitted to everybody?

10 THE CHAIRPERSON: I don't require  
11 that they be submitted to each other, this is not that  
12 type of process.

13 It's helpful that the Tribunal look  
14 at the material in advance of your arguments, if you  
15 can. I'm not talking a long time in advance, maybe a  
16 day or two - we've been using e-mails, for instance -  
17 so, if you choose to e-mail the Tribunal, let's say,  
18 three working days prior to give me some time to look  
19 at it, it will help me understand where you're going in  
20 your arguments and we can engage, perhaps, in a more  
21 informed discussion if any questions arise, rather than  
22 my trying to sort of learn where you're going as you  
23 submit each legal submission.

24 So, I think that would be  
25 appreciated.

1                   We need to find some dates now and  
2                   the issue of venue.

3                   Now, on that point -- Mr. Warman?

4                   MR. WARMAN: I was just going to get  
5                   my calendar, sorry.

6                   THE CHAIRPERSON: I don't know  
7                   whether I will deal with dates first or venue. I guess  
8                   I'll deal with venue.

9                   I took some notes here on this  
10                  question. I heard both parties. At one point Mr.  
11                  Warman said he was going to make a written submission,  
12                  but then in light of our discussions yesterday, he made  
13                  it clear that it wasn't necessary.

14                  I think I understand his perspective,  
15                  I understand everyone's perspective.

16                  In effect, I think the complainant,  
17                  I'll say at least suggested or requested at the close I  
18                  think of the last day that the legal arguments take  
19                  place in Ottawa, and I heard from the two respondents a  
20                  resistance to that request.

21                  And my understanding from the  
22                  Commission's perspective is that it will appear,  
23                  Commission counsel will appear wherever the Tribunal  
24                  may be holding the hearing.

25                  MS MAILLET: That's correct.

1 THE CHAIRPERSON: The complainant  
2 noted the expenses related to his having to attend the  
3 hearing in the Toronto area.

4 He also put into question a reference  
5 to a statutory provision that may limit the ability of  
6 the Tribunal, the authority of the Tribunal to  
7 compensate for those expenses.

8 Although, perhaps, that issue does  
9 not end right there, I think there is certainly one  
10 recent decision in, I think it was the Brown case, that  
11 may perhaps touch on this point, so it may not be the  
12 final word -- section 54 may not be the final word on  
13 that question.

14 Both respondents, on the other hand -  
15 and I want to be clear and I want this issue to be  
16 addressed, by the way. I often refer to respondents,  
17 in parentheses here, as the two individuals before me,  
18 and yet the complaint talks about websites.

19 I would like that issue to be  
20 addressed somehow, particularly by the complainant and  
21 Commission, I'd like to know what we are dealing with  
22 exactly, but the reality is that I have in front of me  
23 two physical respondents, Mr. Richardson and Mr.  
24 Kulbashian; so when referring to the respondents in the  
25 course of this discussion or ruling, if you will, I'm

1 really speaking about the two individuals before me.

2 So, the two respondents reside,  
3 broadly speaking, within the Greater Toronto Area; one  
4 gentleman is in Hamilton, but it's at least within a  
5 commuting distance, if I can say.

6 The venue that's been used until now,  
7 which has been Oakville, has not prevented either of  
8 them, or neither of the parties, for that matter, from  
9 attending.

10 I'm also mindful that in matters  
11 involving the Internet the place, or \*\*\*lieu of a cause  
12 of action is not necessarily simple to determine but,  
13 in this present case, based on the evidence that I have  
14 heard to date, all of the evidence, I would suggest at  
15 this point, it is clear that the alleged groups  
16 involved in the making of the websites - alleged  
17 groups - were in southern Ontario, that the computer  
18 that was seized in a previous case, the contents of  
19 which are at issue in the present case was located in  
20 southern Ontario, and that the key lay witness for the  
21 complainant and the Commission, aside from the  
22 complainant himself, was a police officer from London,  
23 Ontario, at the time at least. He's since retired from  
24 that force.

25 The respondents also assert personal

1 factors that prevent them from attending a hearing in  
2 Ottawa, including issues of personal health and child  
3 care.

4 They also note that they have very  
5 modest means. One respondent indicates that he is a  
6 recipient of financial aid and the other is a full-time  
7 student.

8 They have both offered to drive to  
9 Ottawa and return in the evening of the same day in  
10 order for legal submissions to occur, but it is my  
11 opinion that legal arguments may exceed one day, based  
12 on what I have seen to date, and I do not think it is  
13 proper to expect a party to drive five or more hours  
14 and then properly be in a position to plead a case.

15 In order to resolve this problem,  
16 therefore, I feel it necessary to turn to technology -  
17 considering that the case turns so much on technology -  
18 and, namely, that of the technology of video  
19 conferencing.

20 We are dealing with legal argument  
21 here and I do not have any concern about conducting  
22 this part of the hearing in such a manner.

23 Some Tribunal members, and I myself,  
24 would feel perhaps that certain witnesses should not be  
25 heard by video conferencing, but I have used video

1 conferencing in the past for, let's say, less important  
2 witnesses and I have used it for legal submissions, and  
3 I am quite satisfied with the process.

4 That still leaves the question of  
5 where the Tribunal itself will sit. I feel that the  
6 Tribunal member should sit where his physical presence  
7 can be of greatest assistance.

8 The respondents are not represented  
9 by counsel, and from their frequent questioning of the  
10 Tribunal, it is evident to me that their familiarity  
11 with the legal submissions process is fairly limited.

12 On the other hand, it is my  
13 understanding - I could be corrected on this point -  
14 that the complainant's profession is that of a lawyer.  
15 He has also participated in at least one previous Human  
16 Rights complaint process of which I'm aware, which led  
17 to a final decision from the Tribunal.

18 Taking all the circumstances into  
19 account, I believe that it would be fair and just for  
20 this Tribunal to conduct the closing argument phase of  
21 the hearing in the Toronto area, in the presence of  
22 video conferencing facilities.

23 The images would be re-broadcast to  
24 the Tribunal's offices situated in downtown Ottawa,  
25 where the complainant, and anyone else for that matter,

1 would be free to attend.

2 I have even verified with the  
3 Tribunal, as far as I'm concerned, the Tribunal's  
4 registry, the cost for such facilities would be borne  
5 by the Tribunal for the usage of the video conferencing  
6 facilities. I would expect, however, that Commission  
7 counsel would attend the hearing in Toronto.

8 The facilities in Toronto are not  
9 determined, but one option that apparently is  
10 available, assuming there is availability of the space,  
11 would be, for instance, the Federal Court building in  
12 downtown Toronto, but that has to be determined.

13 So, that is the option I put forth.

14 Now, I will also be clear on this.  
15 Mr. Warman indicated yesterday that his own preference  
16 would be to be physically present, even if this option  
17 was afforded to him, but I leave the option open to  
18 you, Mr. Warman.

19 I think the Tribunal would appreciate  
20 knowing in advance if it is your intention to come to  
21 Toronto, in any event, so that we do not just rent  
22 facilities or book facilities here at least - in Ottawa  
23 it is not a problem, in Ottawa there is no question -  
24 but it would be just the Toronto portion.

25 But I leave the option open to you.

1 I don't want you to make any rash decisions.

2 I think it is one where, I am of the  
3 opinion, that it is a question of principle, which is  
4 just fine, but from the perspective of a fair hearing,  
5 I don't think that your interests would be harmed in  
6 the slightest by your being present in Ottawa for that  
7 portion of the hearing.

8 I really feel that my presence  
9 physically before the respondents would give greater  
10 assistance to the proper functioning of the Tribunal  
11 process. I think it would be the most efficient way to  
12 run this portion of the hearing.

13 And I guess that covers that point.

14 Now, that means dates.

15 Now, I do want you to have time to  
16 review the material, and I'm also mindful of at least  
17 one respondent's issues with late November, early  
18 December for exams, and I myself am quite full in my  
19 schedule, so realistically I believe we would be  
20 looking at post-New Year, a hearing date some time in  
21 the New Year, but I'm willing to hear from others.

22 It is not many days, of course, I  
23 think logically two days may seem sufficient. I don't  
24 know. I'd like to hear from you.

25 But Mr. Levac was suggesting,

1           nonetheless, we book three just to be safe. We have  
2           run long before in this case.

3                        So, I think I turn to you now. If  
4           anyone wants to suggest dates or number of days, I  
5           would be glad to hear you.

6                        MS MAILLET: Mr. Warman can correct  
7           me if he isn't of the same view, but I believe that the  
8           Commission and the complainant together would not be  
9           more than a day. We may even be done in half a day,  
10          maybe a little longer, but...

11                      THE CHAIRPERSON: The advantage now  
12          is that we know that you will have time to do your  
13          homework, so to speak, and prepare something in writing  
14          in advance, so that may quicken things if I have  
15          something before me, I mean, you can just follow it, I  
16          think it should allow things to progress more quickly  
17          that way, so...

18                      MS MAILLET: And as far as  
19          Commission's dates, towards the end of January to  
20          mid-February I am unavailable. Other than that, at the  
21          beginning --

22                      THE CHAIRPERSON: End of January to  
23          mid-February. Allow me to look, please. This is my  
24          schedule and Tribunal's schedule here.

25                      I was available the last week of

1 January and the first week of February, but you are  
2 not?

3 MS MAILLET: Yeah.

4 THE CHAIRPERSON: Okay.

5 So, that puts -- and I am not  
6 available the week of February 14th - another  
7 Valentine's Day spent away from my spouse, albeit, in  
8 Montreal.

9 But the week of February 21st onwards  
10 right now I am completely available right now, if we're  
11 looking at that period. I cannot look at the previous  
12 period really, the holidays is not a time that's  
13 preferred, and I see from the week of January 4th I'm  
14 available, but then I'm off to Bathurst for a week,  
15 then back to Montreal and Laval for the second week --  
16 or the third week of January and the fourth week  
17 I'm back in Bathurst.

18 I don't want to set other dates in  
19 the month of January.

20 MS MAILLET: There's always the first  
21 week of January.

22 THE CHAIRPERSON: See, that means --  
23 that overbooks me for the week of January. I do have  
24 other priorities than just hearing cases.

25 MS MAILLET: Okay.

1 THE CHAIRPERSON: I do have to be  
2 able to have some days to write decisions.

3 MS MAILLET: Well, perhaps if we  
4 could hear from Mr. Warman to see what --

5 THE CHAIRPERSON: And I point out,  
6 yes, the first week, we lose I think the Monday of that  
7 week. I don't think that's an appropriate time.

8 So, how about - well, is it too far  
9 away February 21st at all?

10 Mr. Warman seems concerned.

11 MR. WARMAN: My preference is, of  
12 course, to complete the case.

13 THE CHAIRPERSON: As soon as  
14 possible.

15 MR. WARMAN: In its fullness, as soon  
16 as possible but, you know, understanding the needs of  
17 the parties and say, I will obviously make myself  
18 available for whatever dates are determined.

19 I'm sure you are well aware of the  
20 history of the case and how long it has taken to come  
21 to fruition.

22 THE CHAIRPERSON: Yes, of course.  
23 It's not the only one.

24 MR. WARMAN: No, no, not by any  
25 means.

1 THE CHAIRPERSON: To be fair, most of  
2 these cases on my schedule are, although the dates are  
3 advancing at the Commission, the complaints are coming  
4 quicker now.

5 It's true, the only time that I see  
6 myself as being available personally, because those two  
7 weeks are not available January, February for Ms  
8 Maillet--

9 MS MAILLET: Just let me see if I can  
10 confirm that.

11 THE CHAIRPERSON: Yes.

12 MS MAILLET: If the week of January  
13 24th we could start on the Monday --

14 THE CHAIRPERSON: 24th I'm in your lovely  
15 province of New Brunswick.

16 MS MAILLET: Because the week of the  
17 31st to the 1st I'm away, so...

18 THE CHAIRPERSON: We have no choice.  
19 It's only the January 4th period.

20 Well, how are you on the January 4th?  
21 It really upsets my schedule, but...

22 MR. ALEXAN KULBASHIAN: January 4th.

23 THE CHAIRPERSON: That's the first  
24 days right after the holidays.

25 MR. ALEXAN KULBASHIAN: It would be

1 right before our holidays.

2 THE CHAIRPERSON: Oh yes, so you  
3 celebrate with the other calendar.

4 MR. ALEXAN KULBASHIAN: Or right into  
5 our holidays.

6 THE CHAIRPERSON: No, that's right,  
7 Christmas falls on the 6th.

8 It appears to me we're looking at the  
9 February 21st period, Mr. Warman.

10 Are you available that far away, Mr.  
11 Kulbashian?

12 MR. ALEXAN KULBASHIAN: Yes.

13 MR. RICHARDSON: (nodding)

14 THE CHAIRPERSON: Maybe, let me just  
15 go off the record.

16 ---Discussion off the record

17 THE CHAIRPERSON: So, it appears  
18 everyone is available February 21st, the week of  
19 February 21st, and we will finalize the exact dates of  
20 that, depending on availability of hearing rooms, and  
21 so on.

22 When can you advise us, Mr. Warman,  
23 about which option? I mean, you have already advised  
24 me, but I really want you -- are you really in a  
25 position to make a definitive decision at this point?

1 MR. WARMAN: Yes.

2 THE CHAIRPERSON: You are. You will  
3 attend?

4 MR. WARMAN: Yes.

5 THE CHAIRPERSON: Even if you change  
6 your mind--

7 MR. WARMAN: I appreciate that.

8 THE CHAIRPERSON: --around Christmas  
9 time, we can still adjust for it.

10 So then, we have venue then. For the  
11 time being it looks like, how about Oakville, does  
12 anyone have any objection to returning to Oakville?

13 Do you?

14 MR. WARMAN: Major centres are  
15 easier, so Toronto, but Oakville being between Hamilton  
16 and Toronto is fine with me.

17 MR. RICHARDSON: Actually Oakville is  
18 probably a lot more convenient, like, Mr. Warman  
19 probably doesn't know Ontario very much.

20 THE CHAIRPERSON: I think he's from  
21 Ontario.

22 MR. RICHARDSON: Any time you get  
23 stuck in Toronto, I mean, you're looking at a lot more  
24 expenses, plus...

25 THE CHAIRPERSON: I'm aware of the

1 traffic problem.

2 I think Oakville has turned out quite  
3 well actually. I mean, all things considered, I think  
4 it's easy to get here from the airport and parking is  
5 easy and so on, so I think Oakville is fine.

6 All right. So, that leaves us -- so,  
7 we will determine a location, maybe the same hotel and  
8 the exact dates also we will inform you about.

9 Now, we have a number of documents  
10 that were Exhibit R-2, correct, that were - this is  
11 important to me now - some of them were not referred to  
12 at all, so those will have to be removed.

13 There are others, if you recall, Mr.  
14 Kulbashian, that were marked for identification.

15 MR. ALEXAN KULBASHIAN: Yes, I  
16 remember those too.

17 THE CHAIRPERSON: And, as I indicated  
18 to you, if there was no independent or other testimony  
19 properly identifying the documents, they would also be  
20 removed, and the associated testimony.

21 Now, I know that you were just  
22 putting them really to the witnesses and the witnesses  
23 were giving answers that may or may not have been  
24 directly linked to the documents themselves.

25 I think I will take their answers in

1 context when I review their answers on those documents,  
2 because on occasion it was just to put a proposition to  
3 a witness, if I recall.

4 MR. ALEXAN KULBASHIAN: Yes.

5 THE CHAIRPERSON: I think for the  
6 record I'm going to be more selective in terms of how I  
7 treat the questioning relating to those documents.

8 Perhaps if the parties want to draw  
9 my attention to anything specific in their arguments,  
10 they can do so, but it's not entirely evident to me  
11 that the mere fact that documents were referred to had  
12 any effect on the nature of the answer that was  
13 provided by the witnesses, but the documents will be  
14 removed.

15 MR. ALEXAN KULBASHIAN: We're aware  
16 of that.

17 THE CHAIRPERSON: You're aware of  
18 that?

19 MR. ALEXAN KULBASHIAN: Yes.

20 THE CHAIRPERSON: So, Mr. Levac has  
21 provided me with a list of what those documents are, if  
22 you would like to take note.

23 From appendix I of R-2, pages 14 to  
24 22, that's inclusive I assume, right, are to be  
25 removed -- oh, have been produced.

1                   REGISTRY OFFICER: Yes.

2                   THE CHAIRPERSON: These are the ones  
3 that have been produced, all right. It's the inverse.  
4                   So, pages 14 to 22 have been  
5 produced.

6                   And then in appendix II, pages 1 to  
7 16 have been produced, as has page 18, as have pages 23  
8 to 29 inclusive.

9                   Oh, okay, also add page 3 of appendix  
10 I which is the photocopy of the notebook of the police  
11 officers.

12                   Then we have appendix III, pages 3  
13 and 4 have been produced, page 18 has been produced and  
14 page 21.

15                   Nothing from appendix IV was  
16 produced.

17                   And as I've indicated, all documents  
18 marked for identification are going to be removed from  
19 the official record.

20                   Mr. Levac points out to me that many  
21 of the documents that were in the last appendix are  
22 also found in HR-1; right, but that's fine then.

23                   MR. ALEXAN KULBASHIAN: Right. So,  
24 in the situation -- was anything identified from  
25 appendix IV, or sorry, it was just, like, marked for

1 identification purposes?

2 THE CHAIRPERSON: I think you make a  
3 point there.

4 MR. ALEXAN KULBASHIAN: If it was  
5 stuff that was found in HR-1, would it just be --

6 THE CHAIRPERSON: I doubt anything  
7 would have been identified that we would have produced  
8 somewhere else, I think someone would have pointed it  
9 out.

10 MR. ALEXAN KULBASHIAN: Okay.

11 THE CHAIRPERSON: As long as  
12 something has been produced it's in the record. I will  
13 consider all documents that have been produced.

14 If it so happens that we did not  
15 include another copy that came out of R-2, it doesn't  
16 pose a problem.

17 MR. ALEXAN KULBASHIAN: Okay.

18 THE CHAIRPERSON: Okay. Is there  
19 anything else?

20 My understanding is that all the tabs  
21 of HR-1 were produced.

22 MR. ALEXAN KULBASHIAN: All the tabs.

23 THE CHAIRPERSON: All the tabs were.  
24 That's what we said yesterday, correct.

25 I've also had occasion -- there is

1 something I do want to ask you about.

2 I decided to look at the CD Rom which  
3 is HR-2, it's in evidence, on my computer and I was  
4 able to click and open just about everything, even the  
5 ones that were Outlook Express documents would open up  
6 the Outlook Express in my computer and I was able to  
7 see them, but I was not able to view what appear to be  
8 the Microsoft Outlook Documents.

9 It would say - I don't know what  
10 technique would have been involved in opening it, maybe  
11 changing my own Microsoft Outlook to adopt the  
12 directory that was in the CD to do so. I don't want to  
13 get too much into the technicality.

14 MR. ALEXAN KULBASHIAN: It's possible  
15 that it might have just not been used, it might have  
16 just been like a dummy document.

17 THE CHAIRPERSON: There were a lot of  
18 files that seemed to be associated with it.

19 So, maybe it's something that you  
20 could look into from all sides perhaps. I mean, in  
21 effect, I have a piece of evidence in front of me that  
22 I cannot consult.

23 Because it was HR-2, it's a document  
24 of the Human Rights Commission, maybe the Commission  
25 could inquire into this and, if there are pages, if

1           there are numerous pages that this entails, maybe they  
2           could be photocopied and provided, or converted into a  
3           format that we could all read.

4                       I don't know if that was the case for  
5           the respondents' inability to read those documents.

6                       Now, I don't even have my CD drive  
7           with me at the moment, but there's at least one folder  
8           that's called Outlook and I think you click in it and  
9           there's what looks like an in-box and an out-box file,  
10          which when I followed a similar procedure with the  
11          Outlook Express files I was able to view the e-mails  
12          that were sent in and the e-mails that went out, but I  
13          was not able to view, in a similar way what occurred  
14          with Outlook.

15                      So, perhaps I should have advised the  
16          parties earlier on, we may have dealt with this in  
17          evidence, but I was working under the assumption when I  
18          realized this problem only a few days ago that it was  
19          just my computer and not the others because I didn't  
20          hear any comments from the respondents about this.

21                      So, if someone could look into this  
22          and see what's in there?

23                      MS MAILLET:   Yes.

24                      THE CHAIRPERSON:  And advise the  
25          Tribunal.

1 MS MAILLET: Yes.

2 THE CHAIRPERSON: And if it provokes  
3 any sort of additional questions from the respondents,  
4 we'll deal with it.

5 If there's an issue that arises out  
6 of it, inform Mr. Levac and maybe we'll do a conference  
7 call.

8 But it appears to me it just might be  
9 my computer's inability to open it up. The Outlook I  
10 have on my computer is the one that links into the  
11 networks at our office. So, maybe that's the reason  
12 why it refused to look into that out-box.

13 All right.

14 MS MAILLET: Yes.

15 THE CHAIRPERSON: I think that's  
16 about it.

17 Is there anything else? We're all  
18 done?

19 Okay. So, we'll see you next time,  
20 next year.

21 REGISTRY OFFICER: All rise.

22 ---Whereupon the hearing adjourned at 2:45 p.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.