

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

le plaignant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

la Commission

and/et

BOBBY WILKINSON

Respondent

l'intimé

BEFORE/DEVANT:

ATHANASIOS HADJIS

THE CHAIRPERSON/
LE PRÉSIDENT

KATHERINE JULIEN

REGISTRY OFFICER/
L'AGENTE DU GREFFE

FILE NO./N° CAUSE:

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

HEARING HELD IN HEARING ROOM NO. 2 OF THE CANADIAN HUMAN RIGHTS
TRIBUNAL, 11TH FLOOR, 160 ELGIN STREET, OTTAWA, ONTARIO, ON
WEDNESDAY, JANUARY 24, 2007, AT 9:30 A.M. LOCAL TIME

CASE FOR HEARING

IN THE MATTER of the complaint filed under section 13.1 of the
Canadian Human Rights Act by Richard Warman, dated December 21,
2003, against Bobby Wilkinson. The complainant alleges that the
respondent has engaged in a discriminatory practice on the
grounds of disability, religion, race, colour, sexual
orientation, and national or ethnic origin in a matter related to
the usage of a telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Richard Warman	on his own behalf
Judith Parisien	for the Canadian Human Rights Commission

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Ottawa, Ontario

--- Upon commencing on Wednesday, January 24, 2007
at 9:30 a.m.

THE REGISTRAR: Good morning.

The case for hearing today is in the matter of the complaint filed under section 13.1 of the Canadian Human Rights Act by Richard Warman, dated December 21, 2003, against Bobby Wilkinson.

The complainant, Richard Warman, alleges that the respondent has engaged in a discriminatory practice on the grounds of disability, religion, race, colour, sexual orientation, and national or ethnic origin in a matter related to the usage of a telecommunication undertaking.

The presiding member of this inquiry is Athanasios D. Hadjis.

The Tribunal now calls for appearances, please.

THE CHAIRPERSON: Yes.

MR. WARMAN: Good morning. My name is Richard Warman. I am the complainant, and my last name is W-A-R-M-A-N.

THE CHAIRPERSON: Thank you, sir.

MS PARISIEN: Good morning. My name is Judith Parisien from Heenan Blaikie. I am appearing

1 on behalf of the Commission.

2 THE CHAIRPERSON: Thank you. I see
3 no one in the chair for the respondents. Has anyone
4 appeared?

5 THE REGISTRAR: Is Bobby Wilkinson or
6 a representative of Bobby Wilkinson in attendance at
7 these proceedings today?

8 THE CHAIRPERSON: Does anyone in the
9 room represent him?

10 THE REGISTRAR: Let the record show
11 that no response was received.

12 THE CHAIRPERSON: I would ask you
13 then, Ms Julien, to step outside to see may be if he is
14 seated in the hallway or somewhere. Would you please
15 announce his name or any representative.

16 Did you announce his name?

17 THE REGISTRAR: Let the record show
18 that no response was received outside in the hallway.

19 THE CHAIRPERSON: There is no one who
20 responded?

21 THE REGISTRAR: No.

22 THE CHAIRPERSON: Okay. Under the
23 circumstances, I think what I will do is adjourn for 15
24 minutes and see if he is may be late or there may be
25 some other reason.

1 Would you verify with the
2 receptionist to see if there are any telephone calls.
3 Otherwise, we will return at 10:10. Thank you.

4 THE REGISTRAR: Order, please.

5 --- Upon recessing at 9:55 a.m.

6 --- Upon resuming at 10:10 a.m.

7 THE REGISTRAR: I will check again.

8 Is Bobby Wilkinson or a
9 representative of Bobby Wilkinson in attendance at
10 these proceedings today?

11 THE CHAIRPERSON: He does not seem to
12 be. I see the two individuals who announced themselves
13 earlier to be in the room.

14 There is one individual who stepped
15 in. She is not a representative of Mr. Wilkinson, I
16 understand.

17 THE REGISTRAR: That's right. Let
18 the record show that no response was received.

19 THE CHAIRPERSON: Go ahead, please.

20 THE REGISTRAR: Okay. I have a
21 series of documents to be filed which were sent to
22 Bobby Wilkinson by the Canadian Human Rights Tribunal,
23 copies of which I have distributed to the parties.

24 THE CHAIRPERSON: You also checked
25 with the reception, you indicated?

1 THE REGISTRAR: Yes, I did.

2 THE CHAIRPERSON: Go ahead, please.

3 THE REGISTRAR: The first series of
4 documents, which will be filed jointly as Tribunal
5 Exhibit No. T-1, which is an Affidavit of Attempted
6 Service indicating that Jenny Dunslow, Process Server,
7 from Ottawa, Ontario attempted to personally serve
8 Bobby Wilkinson on August 29, 2006, as well as on
9 August 30, 2006, September 5, 2006, September 6, 2006,
10 September 9, 2006, and September 12, 2006; and an
11 Affidavit of Attempted Service indicating that Mark
12 Simpson, Process Server, from Ottawa, Ontario attempted
13 to personally serve Bobby Wilkinson on September 9,
14 2006, as well as September 10, 2006, with the following
15 documents: The Tribunal letter dated August 29, 2006,
16 enclosing two letters from the Tribunal; one dated July
17 7, 2006, which inquired about interest in participating
18 in mediation with the Tribunal, and enclosing mediation
19 procedures and requesting a response by July 27, 2006;
20 and a letter dated July 31, 2006, which extended the
21 date for Mr. Wilkinson to respond to the Tribunal
22 letter to August 14, 2006.

23 The next series of documents, which
24 will be filed jointly as Tribunal Exhibit No. T-2, is
25 an Affidavit of Service indicating that Mark Simpson,

1 Process Server, from Ottawa, Ontario, attempted to
2 personally serve Bobby Wilkinson on November 24, 2006
3 with the following documents: The Tribunal letter
4 dated November 23, 2006, enclosing one letter from the
5 Tribunal, dated November 23, 2006, which invited Mr.
6 Wilkinson to participate on a case conference call with
7 the Tribunal, and enclosing the Canadian Human Rights
8 Act, the Tribunal's Rules of Procedure governing the
9 practice of the Tribunal, and the Tribunal publication,
10 "What happens next?" A guide to the Tribunal process."

11 The next series of documents which
12 will be filed jointly as Tribunal Exhibit No. T-3, is
13 Attempted Affidavit of Service indicating that Mark
14 Simpson, Process Server, from Ottawa, Ontario,
15 attempted to personally serve Bob Wilkinson on December
16 6, 2006, as well as on December 7, 2006, and December
17 8, 2006, with the following documents: The Tribunal
18 letter dated December 5, 2006, enclosing one letter
19 from the Tribunal dated December 4, 2006, which
20 summarized a case conference call with the Tribunal
21 which was held on November 28, 2006.

22 The next series of documents which
23 will be filed jointly as Tribunal Exhibit No. T-4, is
24 an Affidavit of Service indicating that Mark Simpson,
25 Process Server, from Ottawa, Ontario, attempted to

1 personally serve Bobby Wilkinson on January 5, 2007,
2 with the following documents: The Tribunal letter
3 dated January 4, 2007, enclosing one letter from the
4 Tribunal dated January 4, 2007, which includes a Notice
5 of Hearing, setting out the hearing dates, establishing
6 the exact location for the hearing.

7 The last series of documents which
8 will be filed jointly as Tribunal Exhibit No. T-5, is
9 an Affidavit of Service indicating that Mark Simpson,
10 Process Server, from Ottawa, Ontario, attempted to
11 personally serve Bobby Wilkinson on January 16, 2007,
12 with the following documents: The Tribunal letter
13 dated January 12, 2007, enclosing one letter from the
14 Tribunal, dated January 12, 2007, which encouraged Mr.
15 Wilkinson to participate in the hearing of the
16 complaint.

17 Mr. Chair, this concludes the series
18 of documents sent to the respondent Bobby Wilkinson by
19 the Canadian Human Rights Tribunal.

20 EXHIBIT NO. T-1: Affidavit of
21 Attempted Service indicating
22 that Jenny Dunslow, Process
23 Server, from Ottawa, Ontario
24 attempted to personally serve
25 Bobby Wilkinson on August 29,

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1 2006, as well as on August 30,
2 2006, September 5, 2006,
3 September 6, 2006, September 9,
4 2006, and September 12, 2006
5 EXHIBIT NO. T-2: Affidavit of
6 Service indicating that Mark
7 Simpson, Process Server, from
8 Ottawa, Ontario, attempted to
9 personally serve Bobby Wilkinson
10 on November 24, 2006 with the
11 following documents: The
12 Tribunal letter dated November
13 23, 2006, enclosing one letter
14 from the Tribunal, dated
15 November 23, 2006, which invited
16 Mr. Wilkinson to participate on
17 a case conference call with the
18 Tribunal, and enclosing the
19 Canadian Human Rights Act, the
20 Tribunal's Rules of Procedure
21 governing the practice of the
22 Tribunal, and the Tribunal
23 publication, "What happens
24 next?" A guide to the Tribunal
25 process."

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1 EXHIBIT NO. T-3: Attempted
2 Affidavit of Service indicating
3 that Mark Simpson, Process
4 Server, from Ottawa, Ontario,
5 attempted to personally serve
6 Bob Wilkinson on December 6,
7 2006, as well as on December 7,
8 2006, and December 8, 2006, with
9 the following documents: The
10 Tribunal letter dated December
11 5, 2006, enclosing one letter
12 from the Tribunal dated December
13 4, 2006, which summarized a case
14 conference call with the
15 Tribunal which was held on
16 November 28, 2006.

17 EXHIBIT NO. T-4: Affidavit of
18 Service indicating that Mark
19 Simpson, Process Server, from
20 Ottawa, Ontario, attempted to
21 personally serve Bobby Wilkinson
22 on January 5, 2007, with the
23 following documents: The
24 Tribunal letter dated January 4,
25 2007, enclosing one letter from

1 the Tribunal dated January 4,
2 2007, which includes a Notice of
3 Hearing, setting out the hearing
4 dates, establishing the exact
5 location for the hearing.
6 EXHIBIT NO. T-5: Affidavit of
7 Service indicating that Mark
8 Simpson, Process Server, from
9 Ottawa, Ontario, attempted to
10 personally serve Bobby Wilkinson
11 on January 16, 2007, with the
12 following documents: The
13 Tribunal letter dated January
14 12, 2007, enclosing one letter
15 from the Tribunal, dated January
16 12, 2007, which encouraged Mr.
17 Wilkinson to participate in the
18 hearing of the complaint.

19 THE CHAIRPERSON: Thank you. Given
20 that Mr. Wilkinson's absence and these exhibits that
21 have been filed, I can only reach the conclusion that
22 we will have to proceed without him, in spite of all of
23 this Notice, to not appear at the hearing today.

24 So, I would then ask the parties, Ms
25 Parisien or Mr. Warman, if you would like to make

1 opening remarks.

2 MS PARISIEN: Certainly. I will have
3 a short opening statement. I understand Mr. Warman
4 will also have a few words to begin.

5 Afterwards, the way we propose to
6 proceed, Mr. Chair, subject to your views, is for me to
7 lead the oral evidence by calling Mr. Warman to
8 testify, and then at the appropriate time, both Mr.
9 Warman and myself will make different legal
10 representations in this matter.

11 THE CHAIRPERSON: Okay.

12 MS PARISIEN: The issue in this
13 complaint, as you know, is whether the respondents
14 communicated or caused to be communicated by way of the
15 Internet material that is likely to expose a person or
16 persons to hatred or contempt on the basis of
17 disability, religion, race, colour, sexual orientation,
18 and national or ethnic origin.

19 Given the strong public interest
20 considerations with regard to combating hate on the
21 Internet, the Commission deems it important to fully
22 participate in such cases.

23 The purposes of the Canadian Human
24 Rights Act is to promote equality of opportunity and to
25 protect individuals from discrimination.

1 It is clear that the prevention of
2 hate messages and the related harm caused to victims is
3 of considerable importance, and section 13 addresses
4 the issue which significantly advances the purpose of
5 the Act.

6 As you know, the Supreme Court of
7 Canada in the Taylor decision referred to the Cohen
8 Committee. That committee noted that individuals
9 subjected to racial or religious hatred may suffer
10 substantial psychological distress, the damaging
11 consequences, including the loss of self esteem,
12 feelings of anger and outrage, and strong pressure to
13 renounce cultural differences that mark them as
14 distinct.

15 The Cohen Committee also observed
16 that hate propaganda can operate, convince listeners,
17 even if subtly, that members of certain racial or
18 religious groups are inferior.

19 This is especially true of hate
20 propaganda on the Internet, which is instantaneous and
21 borderless.

22 Mr. Warman will set out in more
23 detail the background of the complaint in his
24 testimony; however, in a nutshell, this complaint deals
25 with the respondents, Mr. Wilkinson and the Canadian

1 Nazi Party, communicating or causing to be communicated
2 messages of hate on the Internet.

3 The complaint covers a period from
4 June 2003 to early 2004.

5 However, although in this case the
6 respondents' web site was ultimately shut down in 2004,
7 the Commission considers it is in the public interest
8 to seek an Order that Mr. Wilkinson and the Canadian
9 Nazi Party cease communicating messages of hate over
10 the Internet, and that a penalty be imposed.

11 The Commission will, therefore, lead
12 evidence to demonstrate that on the balance of
13 probabilities, the respondent administered and
14 maintained the Canadian Nazi Party web site from
15 Canada.

16 The respondent did, in fact,
17 communicate or caused to be communicated repeatedly the
18 material at issue in this complaint, and that material
19 is likely to expose mentally disabled persons, Jews,
20 Hispanics, Blacks, Gays, Lesbians, gypsies, Pakistanis,
21 Arabs, Chinese, Japanese, and other non-whites to
22 hatred or contempt, contrary to section 13 of the Act.

23 Mr. Warman.

24 THE CHAIRPERSON: Thank you.

25 MR. WARMAN: Good morning.

1 As you know, section 13 of the
2 Canadian Human Rights Act makes it illegal for an
3 individual or group of persons to post hate messages to
4 the Internet that are likely to expose people to hatred
5 or contempt on the basis of race, religion, national or
6 ethnic origin, disability, et cetera.

7 At its core, section 13 of the
8 Canadian Human Rights Act is simply a modern day
9 extension of the golden rule:

10 "Thou shall not use the Internet
11 to spread hate propaganda
12 against thy neighbour."

13 After witnessing the horrors of the
14 Holocaust and World War 11, Canada and the
15 international community came together in an attempt to
16 establish the legal frame work through documents such
17 as the Universal Declaration of Human Rights, and later
18 agreements like the International Convention on the
19 Elimination of all forms of racial discrimination, to
20 attempt to ensure that such carnage would never again
21 take place.

22 Article 1 of the Universal
23 Declaration of Human Rights states:

24 "All human beings are born
25 equal, free and equal in dignity

1 and rights."

2 Article 7 holds that:

3 "All are equal before the law,
4 and entitled without any
5 discrimination to equal
6 protection of the law. All are
7 entitled to equal protection
8 against any discrimination, in
9 violation of this Declaration,
10 and against any incitement to
11 such discrimination.

12 Concerned with the enduring
13 plague of racism, the United
14 Nations later enacted the
15 International Convention on the
16 elimination of all forms of
17 racial discrimination.

18 Under Article 4 of the
19 Convention, Canada is a party
20 (a), shall declare an offence
21 punishable by law all
22 dissemination of ideas based on
23 racial superiority or hatred,
24 incitement to racial
25 discrimination, as well as all

1 acts of violence or incitement
2 to such acts against any race or
3 group of persons of another
4 color or ethnic origin, and also
5 the provision of any assistance
6 to racist activities, including
7 the financing thereof.
8 (b), shall declare illegal and
9 prohibit organizations and also
10 organized and all other
11 propaganda activities which
12 promote and incite racial
13 discrimination, and shall
14 recognize participation in such
15 organizations or activities as
16 an offence punishable by
17 law." (AS READ)

18 The citation for that is the
19 International Convention on the elimination of all
20 forms of racial discrimination, UN General Assembly
21 Resolution 2106A(XX) 21 December 1965.

22 Section 13 forms part of Canada's
23 efforts to fulfil these obligations. The process we
24 will undertake, I believe, today represents an integral
25 part thereof.

1 THE CHAIRPERSON: Thank you.

2 I just want to clarify, because I
3 know that the service was conducted always with
4 respect -- the attempts of service were done with
5 respect to Mr. Bobby Wilkinson.

6 I do note that the complaint itself
7 was made against Robert P. Wilkinson, the Canadian Nazi
8 Party. So they are being treated as two distinct
9 parties in the complaint, Mr. Warman?

10 MR. WARMAN: They are. And if I may,
11 Mr. Hadjis, there will be evidence led with regard to
12 the service of both named respondents.

13 THE CHAIRPERSON: And this Nazi
14 Party.

15 MR. WARMAN: Indeed.

16 THE CHAIRPERSON: Go ahead, Ms
17 Parisien.

18 MS PARISIEN: If I could at this
19 point perhaps hand over to the registry officer the
20 Book of Exhibits that we propose to use.

21 THE CHAIRPERSON: The policy we have
22 been following lately would be that we would introduce
23 the entire book -- are there tabs inside that book or
24 page numbers?

25 MS PARISIEN: Yes.

1 THE CHAIRPERSON: Okay. So what we
2 will do is introduce it as one exhibit, and I will ask
3 you as you bring to the Tribunal's attention a certain
4 document under a tab, and it gets properly identified,
5 that you ask the Tribunal at that point to allow it to
6 be produced. I will say so, and it will be noted by
7 the registry officer.

8 At the end of the hearing, if any
9 documents have not been produced, it will be identified
10 to you by the registry officer, and we will have them
11 removed from the binder, so that then the binder is
12 complete of everything that was produced at the
13 hearing.

14 MS PARISIEN: Okay, so each tab will
15 be introduced?

16 THE CHAIRPERSON: Each tab will be
17 introduced but we will just keep it under one number.
18 It makes it convenient instead of interrupting the
19 hearing constantly to give it a new number.

20 MS PARISIEN: Thank you.

21 THE CHAIRPERSON: You will just have
22 to get into the habit of asking me each time, can I
23 have it produced, can I have it produced, and I will
24 just acknowledge yes or no.

25 MS PARISIEN: Yes.

1 THE CHAIRPERSON: It consists of only
2 one book, correct?

3 MS PARISIEN: Correct. Shall I also
4 provide the Book of Authorities at this point?

5 THE CHAIRPERSON: I think we can
6 leave that until the end.

7 MS PARISIEN: Sure.

8 THE REGISTRAR: The Book of Exhibits
9 of the Complainant and the Commission will be filed as
10 Commission Exhibit HR-1.

11 EXHIBIT NO. HR-1: Book of
12 Exhibits of the Complainant and
13 the Commission

14 THE CHAIRPERSON: So we are treating
15 this as the Book of Exhibits from the Complainant and
16 the Commission, is that what it says?

17 THE REGISTRAR: Yes.

18 THE CHAIRPERSON: It does say that.
19 Okay.

20 MS PARISIEN: Thank you.

21 THE CHAIRPERSON: But it will be
22 marked as HR-1.

23 MS PARISIEN: Thank you, Mr.
24 Chairman.

25 THE CHAIRPERSON: Just a second.

1 AFFIRMED: RICHARD WARMAN

2 THE REGISTRAR: Would you please
3 state your name for the record.

4 MR. WARMAN: My name is Richard
5 Warman.

6 THE REGISTRAR: You may be seated.

7 MR. WARMAN: Thank you.

8 EXAMINATION IN CHIEF BY MS PARISIEN

9 MS PARISIEN: Mr. Warman, to orient
10 the Tribunal to the evidence that we are about to hear
11 today, can you please tell us who you are, and how you
12 became to be involved in this area?

13 MR. WARMAN: Yes. Essentially I
14 began monitoring the activities of white supremacists
15 and neo-Nazi groups that are active here in Canada and
16 abroad approximately 15 or 20 years ago.

17 Over the past roughly 6 or 7 years,
18 that interest has focused largely on the Internet as
19 the predominant current means used by such groups to
20 disseminate hate propaganda.

21 The specific material that is before
22 us came to my attention through postings on a US
23 neo-Nazi web site called Stormfront.org. The spelling
24 of that is S-T-O-R-M-F-R-O-N-T.ORG.

25 They have a Canadian section on it.

1 There were postings in there that led me to the
2 subsequent web site that will also be discussed.

3 I was able to identify Mr. Wilkinson
4 as the person responsible for the postings both on
5 Stormfront and on the Canadian Nazi Party web site
6 through a number of different means that I believe will
7 become clear as the evidence progresses.

8 And because it was my belief that the
9 material violated section 13 of the Canadian Human
10 Rights Act, I subsequently filed a formal complaint
11 with the Canadian Human Rights Commission, and that, I
12 believe, is in summation what brings me here today.

13 MS PARISIEN: Thank you, Mr. Warman.

14 At this point I would like you to
15 turn to Tab 1 --

16 MR. WARMAN: Yes.

17 MS PARISIEN: -- of HR Exhibit No. 1.
18 Can you identify this document for us, Mr. Warman?

19 MR. WARMAN: Yes. This is a copy of
20 the complaint that I filed with the Canadian Human
21 Rights Commission. That is my signature on page 3, and
22 the date that it was filed with the Commission was the
23 21st of December 2003.

24 MS PARISIEN: Mr. Chair, if I could
25 introduce this Tab 1?

1 THE CHAIRPERSON: Yes.

2 MS PARISIEN: Mr. Warman, can you
3 tell us the general contents of your complaint?

4 MR. WARMAN: Yes, it is a complaint
5 against the two-named respondents; the first is Bobby
6 Wilkinson; the second is against the Canadian Nazi
7 Party.

8 The complaint alleges that Mr.
9 Wilkinson and the Canadian Nazi Party are
10 discriminating against persons or groups of persons on
11 the basis of disability, religion, race, colour, sexual
12 orientation, national or ethnic origin, by repeatedly
13 communicating messages through an Internet web site
14 that would likely expose the mentally disabled, Jews,
15 Hispanics, Blacks, Gays and Lesbians, Roma, Pakistanis,
16 Arabs, Chinese, and Japanese to hatred or contempt in
17 contravention of section 13.

18 The date of the alleged conduct is
19 marked as 7 June 2003 and ongoing.

20 The next few pages provide excerpts
21 of the kind of hate messages that I found and it closes
22 with my signature and the date of the complaint.

23 MS PARISIEN: Thank you. Can we
24 continue by getting you to turn to Tab 2?

25 MR. WARMAN: Certainly.

1 MS PARISIEN: I will get you to
2 identify the document we are seeing here.

3 MR. WARMAN: This is a member profile
4 of an individual member of the web site called
5 Stormfront.org.

6 The individual member pseudonym is
7 MeinStruggle. That is spelled M-e-i-n-S-t-r-u-g-g-l-e,
8 and it is all one word.

9 It was printed off by me on the 13th
10 of September 2004 and submitted to the Commission
11 pursuant to my complaint.

12 MS PARISIEN: Thank you, Mr. Warman.
13 Mr. Chair, if I can introduce Tab 2?

14 THE CHAIRPERSON: Yes.

15 MS PARISIEN: Thank you.

16 MS PARISIEN: Mr. Warman, can you
17 tell us how you found this document?

18 MR. WARMAN: Yes. As I mentioned,
19 Stormfront.org was essentially the first and has now
20 become the largest neo-Nazi forum in the world.

21 It is based in the United States, but
22 it has forums that are dedicated to a variety of
23 geographic regions; one of those is Canada.

24 MeinStruggle was an individual that I
25 had noticed posting on the Canadian forum, and those

1 subsequent posts will demonstrate I believe why I
2 became interested in this individual.

3 MeinStruggle is essentially -- simply
4 a mixed translation of Mein Kampf, the text by Adolf
5 Hitler.

6 As I noted, this was printed off in
7 September 2004.

8 If you look at just below the name
9 MeinStruggle, there is an imagine there of a skull and
10 cross bones. That is the symbol used by the Nazi Party
11 Schutzstaffel, the group dedicated to the protection of
12 Adolf Hitler and the operation of the concentration
13 camps during World War 11.

14 THE CHAIRPERSON: How do you spell
15 that, Schutzstaffel.

16 MR. WARMAN:
17 S-c-h-u-t-z-s-t-a-f-f-e-l.

18 THE CHAIRPERSON: Is that one word?

19 MR. WARMAN: Yes, it is.

20 If you look to the far right of that,
21 it states that the last activity for the person using
22 that pseudonym was yesterday at 1:41 a.m, so
23 yesterday -- that would have been the 12th of September
24 2004. Below, the person's name is the date that they
25 joined the forum, and that is indicated as 10-02-2003.

1 Immediately below that it indicates
2 the number of posts that they have made to date.

3 Immediately below that there is a
4 line that says:

5 "Find all posts by
6 MeinStruggle."

7 THE CHAIRPERSON: Yes.

8 MR. WARMAN: Essentially why that is
9 important is because by clicking on that you could then
10 obtain a list of all of the postings that that
11 individual had made to date to the forum.

12 I believe those are the items that
13 are important in that document.

14 MS PARISIEN: Thank you, Mr. Warman.
15 Still referring to Tab 2, do you have to be a member to
16 access this page? How would a member of the public be
17 able to access it?

18 MR. WARMAN: No. You don't have to
19 be a member of Stormfront to view any of the postings
20 therein. In fact, any member of the public can do so
21 without difficulty. In order to make posts, you do have
22 to sign up, but it is a fairly rudimentary procedure of
23 providing an email address and then confirming, sending
24 you a confirmation link that you then click on and you
25 then become a member.

1 In this case, no, anyone could see
2 any of the subsequent postings that will be identified
3 from Stormfront.

4 THE CHAIRPERSON: Did you manage to
5 see it as a non-member at this time?

6 MR. WARMAN: This particular page was
7 viewed as a member.

8 THE CHAIRPERSON: I see the word
9 "member" at the bottom.

10 MR. WARMAN: I am sorry.

11 THE CHAIRPERSON: When we see the
12 word "member" that appears at the bottom of the sheet,
13 does it show you come in as a member?

14 MR. WARMAN: No, that identifies --

15 THE CHAIRPERSON: You are in the
16 member section, the listings of members?

17 MR. WARMAN: Yes, exactly. So, I
18 believe, that all of the postings that will be
19 submitted were viewed as members. I can just as easily
20 say that during the entirety of my time of monitoring
21 this web site, all of the postings have been available
22 without any difficulty, whether I was signed in as a
23 member or not.

24 THE CHAIRPERSON: You have personally
25 been able to view them as a non-member?

1 MR. WARMAN: Yes.

2 MS PARISIEN: Mr. Warman, if I may
3 ask you, still in reference to this document, how long
4 would it be available on the Internet?

5 MR. WARMAN: This document in its
6 current form would be available until either the member
7 themselves changed it, or someone who had editing power
8 over the web site, such as a moderator or an
9 administrator removed or changed it.

10 MS PARISIEN: Can you tell us why it
11 is that you forwarded this particular document to the
12 Commission?

13 MR. WARMAN: Yes, because this was an
14 individual that subsequent documents will show was
15 attempting to organize a group entitled "The Canadian
16 Nazi Party" and this is the profile of the pseudonym
17 that that individual was using on Stormfront.

18 MS PARISIEN: Thank you, Mr. Warman.

19 Perhaps we can continue by turning to
20 Tab 2(A). Can you identify this particular document
21 for us?

22 MR. WARMAN: This is a three-page
23 document that was printed off from Stormfront by me on
24 the 13th of September 2004 and that I submitted to the
25 Commission pursuant to my complaint.

1 It is the search results for all of
2 the postings by the individual using the pseudonym
3 MeinStruggle.

4 MS PARISIEN: Thank you, Mr. Warman.
5 Mr. Chair, if I can introduce this
6 document?

7 THE CHAIRPERSON: Yes.

8 MS PARISIEN: Mr. Warman, how did you
9 find this document?

10 MR. WARMAN: Referring back to Tab 2,
11 I clicked on all the "Find posts" by MeinStruggle.

12 What it does is it does a quick
13 search of the web site forum and brings you this back,
14 and then you can go through and click any of the
15 relevant postings that you then wish to view.

16 This provides a listing of his
17 postings from 10/02/2003 to the last date on this
18 posting which is 09/09/2004.

19 The way their dates operate are
20 month, day, year on the Stormfront forum.

21 MS PARISIEN: Do you have to be a
22 member to access this material?

23 MR. WARMAN: No, you do not.

24 MS PARISIEN: In terms of a member of
25 the public then accessing the document, how do they go

1 about doing that?

2 MR. WARMAN: Well, they would simply
3 go to the members profile and click on "Find other
4 posts" and then this would be brought up for them.

5 MS PARISIEN: Again, how long would
6 this material be available on the Internet?

7 MR. WARMAN: Until such time as it
8 was modified by either posts being removed, so that
9 would change the nature of the posts that would be
10 listed.

11 So, essentially, forever until it is
12 changed or the web site is shut down.

13 THE CHAIRPERSON: Do you have any
14 personal knowledge of that? I mean, I understand there
15 is some logic to that. Do you have any personal
16 knowledge of why that is the only way the material can
17 change?

18 MR. WARMAN: Well, essentially
19 because all it does is does a search.

20 THE CHAIRPERSON: No. I meant the
21 ability to change the material -- the same question was
22 asked with regard to the first document -- the second
23 of you, Mr. Warman.

24 MR. WARMAN: Yes.

25 THE CHAIRMAN: It would make sense

1 the person who puts the material on can also remove it.

2 But do you have any additional
3 personal knowledge of how it functions and why the
4 administrative can also remove it?

5 MR. WARMAN: Yes, having viewed this
6 web site over approximately the past 6 or 7 years, the
7 only times that I have ever seen anything changed have
8 been after an individual member makes a post to the web
9 site forum. There is a limited period of time within
10 which they can edit that posting. So they can go back
11 and say they misspelled some things and go back and
12 change the spelling. Say they made statements that
13 they are warned may contravene the Criminal Code, they
14 can go back and remove those portions or what-have-you.

15 I have also seen moderators and
16 administrators remove materials in the form of -- they
17 can delete an entire posting, if they wish, and remove
18 it.

19 THE CHAIRPERSON: Does it say appear
20 such? Does it say "posting no. 3 removed by
21 administrator or moderator" or something to the effect?

22 MR. WARMAN: No. But what will
23 happen is that the postings are numbered sequentially
24 in the threads. You will see that in the next exhibit.

25 THE CHAIRPERSON: Okay.

1 MR. WARMAN: If I recall correctly,
2 what usually happens is that there will be a hole
3 there, so it will go one, two, and instead of having
4 three, it will go to four, if the third post has been
5 removed.

6 I have seen individual posts removed
7 from a web site subsequent to my having viewed them in
8 the first place.

9 THE CHAIRPERSON: This web site or
10 other web sites?

11 THE WITNESS: This web site.

12 The reason Tab 2(A) is of relevance
13 to this complaint, if you look at the first one -- the
14 first posting that is listed, it states, "Stormfront
15 posts in Human Rights complaint", it is a posting by
16 MeinStruggle dated the 9th of September 2004, and what
17 you get is the little summary of the opening of the
18 posting. It states:

19 "I CAN'T BELIEVE IT"

20 -- all in capitals with a number of
21 exclamation marks afterwards --

22 "I myself just last month
23 received a human rights
24 complaining from one Richard
25 Warman!!!!!!! This loser

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1 scowers the net looking for any
2 racialist comments and then..."

3 I can indicate that I personally
4 viewed that posting on Stormfront forum, but that for
5 reasons that are unclear to me, I don't have a copy of
6 it to submit to the Tribunal.

7 But the summary that is provided
8 there is an accurate summary of what the initial
9 posting said.

10 MS PARIEN: Thank you, Mr. Warman.

11 If we can turn to Tab 3 of Exhibit
12 HR-1, I will ask you to identify the document here?

13 MR. WARMAN: This is a Stormfront
14 thread entitled "All Canadians Read." It was printed
15 off by me on the 13th of September 2004 and submitted
16 to the Commission pursuant to my complaint.

17 THE CHAIRPERSON: Did we produce the
18 last one? I am not sure that we did.

19 MS PARIEN: I believe we did.

20 THE CHAIRPERSON: I just missed it.
21 Do you wish to produce this document as well?

22 MS PARIEN: Yes, we would.

23 THE CHAIRPERSON: I am sorry, I
24 missed this. This is the printout from 13th of
25 September?

1 MS PARISIEN: That's correct.

2 MS PARISIEN: Mr. Warman, how did you
3 find this document?

4 MR. WARMAN: I cannot remember where
5 I found it, but essentially because I monitor the
6 Canadian sections of the Stormfront forum from time to
7 time I would have just found it by going through the
8 various threads that are contained therein.

9 MS PARISIEN: Again, can a member of
10 the public access this document?

11 MR. WARMAN: Yes. In fact, that is
12 the same for all of the Stormfront documents that we
13 will be tendering today.

14 MS PARISIEN: Mr. Chair, perhaps --
15 do I have to ask the question for every --

16 THE CHAIRPERSON: No. On that point,
17 yes. I did ask the question myself earlier. It is
18 noted any print from Stormfront.org, it is your
19 evidence it can be accessed by any member of the
20 public?

21 MR. WARMAN: Yes.

22 MS PARISIEN: Thank you. Can we also
23 do the same for how long the material would be
24 available on the Internet?

25 THE CHAIRPERSON: Right. Your

1 answers apply to all of the documentation in question?

2 MR. WARMAN: Yes.

3 MS PARI SIEN: That's great. Thank
4 you, Mr. Chair.

5 MS PARI SIEN: Mr. Warman, can you
6 tell us why you forwarded this particular document to
7 the Commission?

8 MR. WARMAN: Yes, it is a posting on
9 the October 2, 2003 by the person using the pseudonym
10 MeinStruggle.

11 If you look at the top-left corner,
12 just below where it says, "Stormfront Town Hall", the
13 Stormfront web site is set up in sort of a pyramid
14 fashion, if you will. So there are -- at the very top
15 there is the broadest Stormfront forum.

16 If you go down, you can go to the
17 international section. And then within that there will
18 be a number of regions around the world, one of which
19 is Stormfront Canada, and then within Stormfront Canada
20 there will be a wide number of threads discussing
21 different topics of conversation.

22 Within that section, one of those
23 threads was "All Canadians Read".

24 If you look at the first posting on
25 this page, the top-right corner of that posting, there

1 is a "#1" there. That is indicative that the person
2 using the pseudonym MeinStruggle is the person who
3 initiated that thread within the forum.

4 So the reason this was of interest to
5 me is because the thread was titled "All Canadians
6 Read," and MeinStruggle states:

7 "I'm attempting to start my own
8 movement. Please visit the
9 board for more info".

10 It then gives a URL link to the
11 Canadian Nazi Party and then says, "Thanks".

12 MS PARISIEN: Can you point out for
13 us, Mr. Warman, the location of the posting member?

14 MR. WARMAN: Yes. It is indicated as
15 being in Canada.

16 MS PARISIEN: We see there are seven
17 pages in this post. Is there anything else of
18 relevance in this posting, Mr. Warman?

19 MR. WARMAN: No, there is not.

20 MS PARISIEN: Perhaps if we can
21 proceed to Tab 4. Mr. Warman, may I ask you to proceed
22 to the document seen her.

23 MR. WARMAN: This is a two-page
24 document from the Stormfront forum entitled "Please
25 read." It was printed off by me on the 13th of

1 September 2004 and submitted to the Commission pursuant
2 to the complaint.

3 MS PARISIEN: Thank you, Mr. Chair,
4 if we can introduce it.

5 THE CHAIRPERSON: Yes.

6 MS PARISIEN: I understand your
7 answers in terms of the public access and availability
8 of the material is the same.

9 Can you tell us, Mr. Warman, why you
10 forwarded this particular document to the Commission?

11 MR. WARMAN: Yes. This is a
12 virtually identical posting to the previous one, but it
13 is posted in a different location on the Stormfront
14 forum.

15 If you look at the top left, this
16 one, instead of going international Canada, all
17 Canadians please read, it goes:

18 "Stormfront White Nationalist
19 Community>Activism>eActivism and
20 Stormfront Webmasters"

21 And then the thread title is "Please Read,", again,
22 this is a posting on the same date the individual using
23 the pseudonym MeinStruggle initiated the thread.

24 And, in addition to saying that they
25 are attempting to start their own movement, visit our

1 board for more info, and then giving the link to that
2 web site, that person states:

3 "It's a work in progress, much
4 more to come. Thanks."

5 MS PARISIEN: Thank you, Mr. Warman,
6 I think we can proceed to Tab 5 right a way. If you
7 can take a few minutes to look at this document and
8 identify it for us.

9 MR. WARMAN: This is a two-page
10 document from Stormfront. The thread is entitled:

11 "Users awaiting moderation".

12 It was printed off by me on the 13th
13 of September 2004 and provided to the Commission
14 pursuant to my complaint.

15 MS PARISIEN: Mr. Chair, if we can
16 introduce?

17 THE CHAIRPERSON: Yes.

18 MS PARISIEN: I see, Mr. Warman,
19 there appears to be only a few pages of this document.
20 Can you tell us why that is?

21 MR. WARMAN: Yes, because it was only
22 the first two pages that were relevant for the purposes
23 of my complaint.

24 MS PARISIEN: Thank you. What is it
25 about this document that caused you to forward it to

1 the Commission?

2 MR. WARMAN: Basically what this is,
3 when people are awaiting the activation of their
4 account from Stormfront, they can make little posts in
5 here asking that their account be manually activated if
6 there has been some problem or if there is a delay.

7 So on the second page, on the 29th of
8 August 2004, MeinStruggle posts:

9 "I require a manual
10 activation... It's been quite a
11 while and I still can't see my
12 posts. Thanks, Bobby:.."

13 THE CHAIRPERSON: If I can just find
14 that. Okay.

15 MS PARISIEN: Thank you, Mr. Warman.
16 If we can flip over to Tab 6. Again,
17 I will ask you to identify this document for the
18 Tribunal?

19 MR. WARMAN: This is a Stormfront
20 thread entitled "

21 "Re: Black teen hugging and
22 making out with Mexican girl
23 today."

24 It was printed off by me on the 13th
25 of September 2004 and provided to the Commission

1 pursuant to my complaint.

2 MS PARISIEN: Thank you, Mr. Warman.
3 Again, if I can introduce this
4 document?

5 THE CHAIRPERSON: Yes.

6 MS PARISIEN: Thank you very much.
7 By looking at this document, Mr. Warman, can you tell
8 us why it is that you sent it over to the Commission?

9 MR. WARMAN: Yes, it is a posting by
10 MeinStruggle and it begins:

11 "In Canada Black male/White
12 female is becoming disturbingly
13 popular, I believe it has some
14 sort of relation to the
15 popularity of Rap music, and top
16 40 in high schools, so our young
17 White women see it as the cool
18 thing to do.

19 The Black media influence is
20 extremely strong these days,
21 something must be done to
22 educate young White women, and
23 it must start at an early age to
24 counter all of the strong media
25 influences they are sure to

1 encounter.
2 What's disturbing, and at the
3 same time interesting is how
4 99.9% of music genres come and
5 go within a decade, so far Rap
6 music has been steadily growing
7 stronger since the 80's. With
8 the incorporation of
9 Nu-metal/Rap metal
10 (Limpbizkit, Linkin Park) It's
11 almost as if it some sort of ply
12 to convert whites to Rap."
13 I presume that should be "ploy."
14 "Something must be done to
15 counter media influences.
16 On one hand it's ok to flash
17 guns, drugs and money, and to
18 encourage violence, and crime in
19 a Rap video, yet how dare a WN
20 " --
21 And through my experience in
22 monitoring these web sites, that is used for a white
23 nationalist, someone who desires an all white community
24 or nation --
25 "... say anything in defense of

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1 his race... or god forbid
2 anything in defiance of
3 Blacks/Jews etc..."

4 MS PARISIEN: Are there any other
5 postings in this document at Tab 6 that are done under
6 the pseudonym MeinStruggle?

7 MR. WARMAN: No.

8 MS PARISIEN: At this point, I would
9 ask you then to turn to Tab 7 and to identify this
10 document for the Tribunal, Mr. Warman.

11 MR. WARMAN: Thank you. Yes.

12 MS PARISIEN: Can I get you some
13 water?

14 MR. WARMAN: Mr. Chairman, I have a
15 request, there is an extra copy of the exhibits. There
16 is a journalist in the room. I am just wondering if it
17 is acceptable -- I have my own copy -- if that is
18 acceptable, to provide that to the during the
19 testimony.

20 THE CHAIRPERSON: I think we have a
21 policy on that that may prevent me from doing that, am
22 I not?

23 I am going to ask you. You have to
24 understand, although it resembles very much a court
25 process, it is, nonetheless, an administrative process,

1 and the Privacy Act, I think the Information Act
2 provisions may apply with respect to material at our
3 hearings as well. So there may be a process that needs
4 to be followed with the Tribunal administration in
5 order for that material to be disclosed to non-parties.

6 MR. WARMAN: Sure.

7 MS PARISIEN: We were proceeding to
8 Tab 7, Mr. Warman?

9 MR. WARMAN: Yes.

10 MS PARISIEN: If you can look at that
11 document and identify it for us.

12 MR. WARMAN: This is from the
13 Stormfront web site, a thread entitled:

14 "CALLING ALL ARYANS IN CANADA,
15 PLEASE HELP ".

16 It was printed off by me on the 13th
17 of September 2004 and provided to the Commission
18 pursuant to my complaint.

19 MS PARISIEN: This is the next
20 document we would like to introduce, Mr. Chair.

21 THE CHAIRPERSON: Yes.

22 MS PARISIEN: Thank you.

23 Can you tell us, Mr. Warman, why you
24 forwarded this particular posting to the Canadian Human
25 Rights Commission?

1 MR. WARMAN: Yes, on the 28th of
2 August 2004, the posting is by MeinStruggle.

3 As I indicated, it is entitled:

4 "CALLING ALL ARYANS IN CANADA,
5 PLEASE HELP"

6 And it states:

7 "Hello all, My name is Bobby, I
8 formerly ran the Canadian
9 Nazi/Socialist forum off of
10 eZboard until it was shutdown
11 due to "Hate Speech." This was
12 early last year, and the forum
13 was shutdown around January of
14 this yr."

15 The third paragraph states:

16 "This morning a letter arrived
17 addressed to my grandfather
18 (whom which the home in which I
19 operated this site belonged to)"

20 Now, here is the good part:

21 "... addressed to my grandfather
22 but flat out accusing me of
23 being a bigot, and uttering hate
24 speech, which violates section
25 13(1) of the human rights act.

1 Remember "addressed to my
2 grandfather" the internet
3 connecting is in my name, and
4 the email address used for
5 correspondence on the forum was
6 in my name, as well as the user
7 name on ezboard. All
8 allegations pertaining to this
9 case are directed at me, but
10 addressed to my grandfather?"

11 And at the very end it is signed
12 "Bobby", and underneath that there are the initials
13 "wpww". And, based on my observations of this web site
14 and other neo-Nazi forums, those letters are usually
15 used to stand for either "white pride" or "white power
16 worldwide".

17 MS PARISIEN: Thank you, Mr. Warman.
18 If you can switch over to Tab 8.

19 MR. WARMAN: Yes. Perhaps the last
20 paragraph before he ends, states:

21 "Anyone who can give me any
22 advice, both moral or legal, or
23 any moral/legal support on this
24 issue ...it would be greatly
25 appreciated. I am hoping I can

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1 counter claim some sort of
2 defamation of character, or take
3 action against these Zionists
4 trying to silence my god given
5 right to protest what is
6 unnatural."

7 MS PARISIEN: Thank you, Mr. Warman.

8 If we can move over to Tab 8. I will
9 get you to identify the document there for us.

10 MR. WARMAN: Sorry, there is one more
11 thing, and I apologize -- one more thing I would like
12 to point out.

13 The second to last full paragraph on
14 that exhibit states:

15 "I opened a public forum for
16 Canadians (such as myself) to
17 hopefully organize, ban
18 together, and address these
19 issues by making peaceful
20 protests."

21 That is the only other thing I would
22 like to point out about that.

23 THE CHAIRPERSON: That last excerpt
24 was on the second page?

25 MR. WARMAN: Yes, the second page.

1 It is the second full paragraph from the bottom.

2 The second sentence there begins:

3 "I opened a public forum for
4 Canadians..."

5 THE CHAIRPERSON: Oh, yes.

6 MS PARISIEN: Thank you for pointing
7 that out, Mr. Warman. I do not mean to rush you.

8 MR. WARMAN: Not at all.

9 MS PARISIEN: If you can flip over
10 now to Tab 8 and identify the document that you see
11 there.

12 MR. WARMAN: This is a document that
13 was provided to me by the Commission pursuant to
14 disclosure in the case. It is dated -- entitled:

15 "Memorandum to File, Note au
16 dossier"

17 And it is dated November 3, 2004. It is a Memorandum
18 by Hannya Rizk to the file of Warman v. Wilkinson,
19 20040058."

20 MS PARISIEN: Mr. Chair, if we can
21 introduce this as a document?

22 THE CHAIRPERSON: Yes, it was
23 disclosed to you?

24 MR. WARMAN: Yes.

25 THE CHAIRPERSON: And it emanates

1 from the Commission.

2 MR. WARMAN: Yes.

3 THE CHAIRPERSON: Yes, go ahead.

4 MS PARISIEN: As you said, it was
5 disclosed to you. This is how you came about to
6 receiving this document?

7 MR. WARMAN: Yes.

8 MS PARISIEN: Can you tell us,
9 generally, what this Memorandum to File is about?

10 MR. WARMAN: Yes. It states Hannya
11 Rizk I know to be an investigator at the Canadian Human
12 Rights Commission. The memo states:

13 "I spoke with Mr. Doraty, Robert
14 Wilkinson's legal rep. He
15 indicated that Robert P.
16 Wilkinson is not the correct
17 respondent, but that Bobby James
18 Wilkinson is. Mr. Doraty
19 explained that Bobby Wilkinson
20 is the grandson and that he
21 lives at the same address. Mr.
22 Doraty wants to know what he
23 should do now. I asked him if
24 Bobby Wilkinson is of age of
25 majority and he said that he is

1 and that he is born in 1983. He
2 also explained that Bobby
3 Wilkinson lives in his
4 grandparents' basement and has
5 been living there since he was
6 sixteen. He has his own
7 computer in the basement.
8 Mr. Doraty said that the
9 grandparents spoke with Bobby
10 Wilkinson and that the site is
11 shut down. I asked Mr. Doraty
12 if Robert Wilkinson had anything
13 to do with the complaint or the
14 site and he said that he had
15 nothing to do with it and that
16 he was taken by surprise when he
17 received our letter of
18 notification.
19 I told Mr. Doraty that I would
20 notify the proper complainant
21 and would send him something in
22 writing so that he can close his
23 file."
24 I presume that should be the proper
25 respondent.

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1 "I called the complainant and
2 informed him that we had the
3 wrong respondent and would be
4 notifying the correct one."

5 THE CHAIRPERSON: Now, I note this
6 document, of course, is hearsay?

7 MR. WARMAN: Yes, it is.

8 THE CHAIRPERSON: For the record, our
9 Tribunal is not bound by the rules when it comes to
10 evidence, but I am mindful of some issues as to the
11 probity of evidence and the weight to be given to
12 evidence based on hearsay, but I will allow it to be
13 entered.

14 MS PARISIEN: Thank you, Mr. Chair.

15 If we can now to Tab 9, Mr. Warman,
16 and get you to identify this document.

17 MR. WARMAN: This is a fax consisting
18 of a cover page and a one-page letter, originating with
19 Doraty & Ferris, Barristers and Solicitors.

20 It is listed as being to Sonia Rizk,
21 which I believe should be Hannya Rizk. It is dated
22 November 8, 2004.

23 It was, again, disclosed to me
24 pursuant to the Commission's disclosure in this case.

25 MS PARISIEN: Under the same

1 circumstances, I would like to introduce this document,
2 Mr. Chair?

3 THE CHAIRPERSON: Yes.

4 MS PARISIEN: Mr. Warman, can you
5 tell us what Mr. John Doraty's letter states?

6 MR. WARMAN: Yes. It states:

7 "RE: ROBERT P. WILKINSON
8 Further to our recent
9 conversation, this will confirm
10 that you will be reviewing the
11 file in view of my advising you
12 that my client, Robert P.
13 Wilkinson, is not the same
14 person as Bobby James Wilkinson
15 whose website and on whose
16 computer the material complained
17 of originated. You advised that
18 no further action would be taken
19 on this matter until you had
20 contacted me.

21 Yours truly,

22 DORATY & FERRIS

23 John A. Doraty."

24 MS PARISIEN: Mr. Warman, can you
25 tell us whether both Tab 8 and 9, that we have just

1 reviewed with the Tribunal, are consistent with your
2 understanding and involvement in the matter?

3 MR. WARMAN: Yes, they are.

4 MS PARISIEN: Thank you. Can I ask
5 you to flip over to Tab 10 and identify the one-page
6 letter that you see.

7 MR. WARMAN: This is a one-page
8 document from Bouchard & Associates Process Inc. It
9 was disclosed to me pursuant to the Commission's
10 disclosure in this case.

11 MS PARISIEN: If we can introduce
12 this document, Mr. Chair.

13 THE CHAIRPERSON: What I am mindful,
14 this is emanating from the party that is
15 interrogating -- asking the questions at this point.
16 So I will allow it.

17 MS PARISIEN: Thank you.

18 Again, Mr. Warman, if you could
19 generally review the contents of this document for us?

20 MR. WARMAN: It is a document that is
21 addressed to the Canadian Human Rights Commission to
22 the attention of an individual who is counsel -- that I
23 know to be counsel at the Canadian Human Rights
24 Commission. It states:

25 "Further to your request, please

1 be advised that I have located
2 Bobby James Wilkinson, d.o.b.
3 December 6, 1983 residing at
4 #11-401 Millcraft Crescent,
5 Vanier, Ontario, KLL 6R5.
6 I trust that the above meets
7 with your approval and I
8 remain..."

9 It is signed by a person on behalf of
10 Bouchard & Associates.

11 MS PARISIEN: Thank you, Mr. Warman.
12 Those are my questions for Tab 10.

13 If we can flip over to Tab 11. There
14 are two pages here. If you could tell us what they
15 are, Mr. Warman.

16 MR. WARMAN: These are two affidavits
17 of service that were provided to me by the Commission
18 pursuant to their disclosure process.

19 The first one is dated as having been
20 sworn on January 12th and the second as well.

21 MS PARISIEN: Mr. Chair, if we can
22 introduce this?

23 THE CHAIRPERSON: Of which years.

24 MR. WARMAN: 2007. excuse me.

25 THE CHAIRPERSON: Yes.

1 MS PARISIEN: We will introduce this
2 as --

3 THE CHAIRPERSON: Well, it is
4 introduced. Fantastic.

5 THE CHAIRPERSON: Remember.

6 MS PARISIEN: Yes. Can you just go
7 over these documents for us, Mr. Warman?

8 MR. WARMAN: Certainly. The Style of
9 Cause in this case is at the top of the first Affidavit
10 of Service. It sates, "I", and then it gives the name
11 of the Process Server, of the City of Ottawa:

12 " MAKE OATH AND SAY: On JANUARY
13 11TH, 2007, at 5:38 p.m. I
14 Served THE CANADIAN NAZI PARTY
15 with the JOINT STATEMENT OF
16 PARTICULARS OF THE COMPLAINANT
17 AND THE COMMISSION by leaving a
18 copy with BOBBY JAMES WILKINSON,
19 PUBLIC LEADER at 11-401
20 MILLCRAFT CRESCENT, VANIER,
21 ONTARIO. I was able to identify
22 the person by means of verbal
23 acknowledgement."

24 And then it is signed and it has a
25 stamp from a Commissioner for the taking of oath.

1 The second document is essentially
2 identical to this, except it states that:

3 "I Served BOBBY JAMES WILKINSON
4 with the JOINT STATEMENT OF
5 PARTICULARS OF THE COMPLAINANT
6 AND THE COMMISSION by leaving a
7 copy with BOBBY JAMES
8 WILKINSON".

9 And it states, again:

10 "I was able to identify the
11 person by means of verbal
12 acknowledgement."

13 MS PARISIEN: And, again, referring
14 to both Tabs 10 and 11, Mr. Warman, are these
15 consistent with your involvement and understanding in
16 the process of your complaint?

17 MR. WARMAN: They are.

18 MS PARISIEN: Thank you. If we can
19 flip over to Tab 12, and get you to identify what we
20 see here?

21 MR. WARMAN: This is a two-page
22 document that I printed off from the Canadian Nazi
23 Party web site on the 29th of November 2003, and it was
24 provided to the Commission pursuant to my complaint.

25 MS PARISIEN: Mr. Chair, can we

1 introduce this next document?

2 THE CHAIRPERSON: It was printed off
3 by you?

4 MR. WARMAN: It was, yes.

5 THE CHAIRPERSON: November 29th?

6 MR. WARMAN: Yes, 2003.

7 MS PARISIEN: This one appears to be
8 different than the others we have seen, Mr. Warman.
9 Can you tell us how you found this document?

10 MR. WARMAN: Yes. Tabs 3 and 4
11 provide a web site URL link to a web site for the
12 Canadian Nazi Party. And by clicking on that link, you
13 are able to go to this web site.

14 Essentially it was a free web site
15 through a larger company called eZboard.com. This
16 particular web site is entitled "Canadian Nazi Party".

17 It has at the centre top of the first
18 page a flag of the World War 11 era Nazi Reik. And I
19 can say although this is a black and white photocopy,
20 that on the web site it was a colour -- had the
21 appropriate colours, a black Swastika on a white
22 background in a red border.

23 This particular web site had a forum
24 that was set up in the same way as the Stormfront
25 forum, so if you look at approximately 4 inches down

1 from the top left, it states:

2 "National Nazi And Socialist
3 Forum", and then there is a sub
4 forum on "Fascism"

5 -- and then there is a sub forum or a
6 thread entitled,

7 "we need some help! We're
8 italian nazi guys and ..."

9 So the first post purports to be by
10 individuals from Italy who claim to be Nazi's and who
11 want to move to Canada and who are seeking the
12 assistance of the Canadian Nazi Party to do so.

13 An individual using the pseudonym
14 rocket440 replies on November 26, 2003, stating:

15 "Send me an email-
16 obby.wilkinson@sympatico.ca"

17 And then right beside it is the email
18 address:

19 "bobby.wilkinson@sympatico.ca"

20 And the poster rocket440, Forum

21 Administrator.

22 THE CHAIRPERSON: Where does that
23 appear?

24 MR. WARMAN: Excuse me, just
25 immediately beneath "Send me an email." It is

1 equivalent to a signature line.

2 THE CHAIRPERSON: When it says, "Forum
3 Administrator", then there is always a connection where
4 the name will appear on the left side, and if the forum
5 administrator appears there, it automatically means the
6 name that appears on the left side is the forum
7 administrator?

8 MR. WARMAN: Exactly. You will see
9 that being consistent throughout the postings.

10 MS PARISIEN: Mr. Warman, because
11 this document is different than the Stormfront postings
12 that we have seen, can you tell us whether a member of
13 the public can access this document?

14 MR. WARMAN: Yes. This web site, as
15 well, was completely accessible to the public and could
16 be viewed without becoming a member whatsoever.

17 MS PARISIEN: How long would it be
18 available on the Internet?

19 MR. WARMAN: Again, and to the best
20 of my knowledge and understanding, until it was changed
21 or shut down by those with the power to do so.

22 MS PARISIEN: Perhaps for
23 consistency, can we ask you whether those answers would
24 be the same for all of the postings on the eZboard web
25 site?

1 MR. WARMAN: Yes, they would be.

2 MS PARISIEN: I will simply get you
3 to look at the dates. I see a date at the bottom where
4 you told us this was printed on November 29, 2003?

5 MR. WARMAN: Yes.

6 MS PARISIEN: Can you tell us what
7 the date underneath rocket440 indicates?

8 MR. WARMAN: Yes. That is the date
9 of the actual posting.

10 If you look at the first posting, it
11 is listed as having been made on November 23, 2003 and
12 the reply by rocket440 is listed as having been made on
13 November 26, 2003.

14 MS PARISIEN: Why is it, Mr. Warman,
15 you forwarded this particular posting to the
16 Commission?

17 MR. WARMAN: Because I believe that
18 it identifies the individual who is both responsible
19 for controlling the web site and it also identifies
20 them as the person using the pseudonym rocket440 and
21 that individual is identified by virtue of them asking
22 the first posters to send them an email and that email
23 address that is given is bobby.wilkinson@sympatico.ca.

24 MS PARISIEN: Thank you. If we can
25 flip over to Tab 13. Can I get you to identify this

1 document for us?

2 MR. WARMAN: Yes, this is a print off
3 from the sympatico.ca web site that was done by me on
4 the 8th of December 2003. It is the index of
5 bobby.wilkinson that was provided to the Commission
6 pursuant to my complaint.

7 MS PARISIEN: Thank you. If I can
8 introduce this document?

9 THE CHAIRPERSON: How does this one
10 read, August 12th or December 8?

11 MR. WARMAN: December 8th -- the 8th
12 of December 2003.

13 THE CHAIRPERSON: So the month is in
14 the middle.

15 THE WITNESS: Yes. The bottom right
16 for the dates that were printed off on mine are always
17 day, month and year.

18 THE CHAIRPERSON: There is a
19 confusion sometimes.

20 MR. WARMAN: Exactly.

21 MS PARISIEN: Can you tell us how it
22 goes that you found this document, or this type of
23 information?

24 MR. WARMAN: Yes. Based on my
25 experiences in the Winnicki case, I knew that customers

1 for Bell Sympatico's Internet service were provided
2 with a small amount of space on a Sympatico web site
3 where they could establish their own small Internet web
4 site, if you will.

5 So, what I did was, as the email
6 address was listed as being
7 bobby.wilkinson@sympatico.ca, in order to try and
8 verify if that was an accurate email, what I did was I
9 went to the www3.sympatico.ca, and then typed in that
10 name in the same way that I knew had been present in
11 the Winnicki case.

12 What it came up with was this:
13 essentially the space allotted to that customer is
14 empty, meaning they have not put anything up there.
15 But, if you used anything other than the correct name
16 of a Sympatico customer, it would come back with an
17 error message.

18 So based on that it was my belief
19 that the person identifying themselves using the
20 pseudonym rocket440 as forum administrator and Bobby
21 Wilkinson, there was increasing evidence that that was,
22 in fact, a real person and was, in fact, their actual
23 identity.

24 MS PARISIEN: Can you tell us why it
25 is you forwarded this document? If there is any other

1 reason, Mr. Warman?

2 MR. WARMAN: It was simply for the
3 purposes of attempting to establish the identity of the
4 person responsible for the Canadian Nazi Party web
5 site.

6 THE CHAIRPERSON: I just want to be
7 clear by your evidence, if you were to punch in under
8 www3.sympatico.ca. a name Joe Blow, a fictional name,
9 what would appear on your screen?

10 MR. WARMAN: An error message. It
11 would say "not found" or "error" or something to that
12 effect.

13 THE CHAIRPERSON: So when there would
14 be a person by a name that you would request, a page
15 like this would show up?

16 MR. WARMAN: Yes, or the actual
17 material that they had put into it would show up.

18 So if Mr. Wilkinson had, in fact,
19 posted some things -- in Mr. Winnicki's case, there
20 were pictures of robots that he had up on his personal
21 little space.

22 THE CHAIRPERSON: Mr. Winnicki, in
23 the case of Winnicki that was before the Tribunal at an
24 earlier time.

25 When you punched in his name, you saw

1 the robots appear as a web page on your screen; is that
2 what you mean?

3 MR. WARMAN: Yes. Well, initially
4 there was sort of a drawing of a variety of material,
5 along with text, and then you could go through that and
6 find the little pictures of the robots that he had
7 designed.

8 THE CHAIRPERSON: And Mr. Winnicki
9 was a Sympatico customer?

10 MR. WARMAN: Yes, he was. Yes. But
11 in this case, because he has actually not posted
12 anything, the page is essentially blank.

13 THE CHAIRPERSON: Because Mr.
14 Wilkinson has not posted them, as you allege?

15 MR. WARMAN: Yes. For the record,
16 Winnicki is spelled W-i-n-n-i-c-k-i.

17 MS PARISIEN: Thank you, Mr. Warman.
18 If we can flip over to Tab 14, and get you to identify
19 the document for the Tribunal.

20 MR. WARMAN: This is a two-page
21 document that I downloaded from the Canadian Nazi Party
22 web site on the 29th of November 2003 and that I
23 provided it to the Commission pursuant to my complaint.

24 MS PARISIEN: Mr. Chair, I would like
25 to introduce this document.

1 THE CHAIRPERSON: Yes.

2 MS PARISIEN: I understand, Mr.
3 Warman, because this is an eZboard posting, your
4 answers in terms of public access and the length of
5 material being available to the public are the same.
6 Can you tell us why it is that you forwarded this
7 document to the Commission?

8 MR. WARMAN: Yes. It provides the
9 person using the pseudonym rocket440 provides -- what
10 they indicate is their location; they state in response
11 to a person who has just become a member of the forum,
12 the Canadian Nazi Party forum, they state:

13 "welcome! I'm from ottawa, but I
14 visit t.o. regularly.

15 Forum Administrator."

16 And the person using that pseudonym
17 who makes that post is rocket440. I submitted that to
18 the Commission both because it is further evidence of
19 hate messages in that there is the large Nazi Swastika,
20 but also because it goes to the question of identity of
21 the person responsible for the web site.

22 MS PARISIEN: Thank you, Mr. Warman.
23 Flipping over to Tab 15. If you could identify this
24 document for the Tribunal.

25 MR. WARMAN: This is a two-page

1 document downloaded from the Canadian Nazi Party web
2 site that I printed off on the 29th of November 2003
3 and provided to the Commission pursuant to my
4 complaint.

5 MS PARISIEN: Mr. Chair, if we can
6 introduce this?

7 THE CHAIRPERSON: Yes.

8 MS PARISIEN: Thank you.

9 Mr. Warman, can you tell us a little
10 bit about this document?

11 MR. WARMAN: This is in effect what
12 is the home page, the first page you would come upon by
13 going to the Canadian Nazi Party web site.

14 Again, you have the Swastika, World
15 War II era flag, front and centre, and underneath it it
16 states "National Nazi and Socialist Forum".

17 To the right of that on the
18 right-hand side of the page, it states there are 30
19 registered members. Beneath that it states:

20 "Ten hearts, one beat, One
21 hundred hearts, one beat. Ten
22 thousand hearts, one beat. We
23 are born to fight and to die and
24 to continue to flow, The flow of
25 our people. Onward we will go,

1 onward to the stars high above
2 the mud, the mud of yellow,
3 black and brown. So kinsmen,
4 duty calls. The future is now.
5 So stand up like men and drive
6 the enemy into the sea! So
7 stand up like men, and swear a
8 sacred oath upon the green grass
9 of our sires, that you will
10 reclaim what our forefathers
11 discover, explored, conquered,
12 settled, built, and died for.
13 Stand up like men and reclaim
14 our soil. Look towards the
15 stars and proclaim our destiny.
16 Defet, never ... Victory,
17 FOREVER! Meinstruggle."

18 And based on my experience in
19 monitoring these kinds of web sites for a number of
20 years, when they use the term "mud" and then "yellow,
21 black and brown", anyone who is not of the white or
22 Aryan race has been or is referred to as the "mud"
23 peoples. Thus the reference to mud, yellow, black and
24 brown means persons of those particular colours.

25 Beneath that -- and it is hard to

1 make this out on this photocopy -- is a little treasure
2 chest. It states:

3 "Make a contribution. Direct
4 Payment - or - Accept Offer!
5 View Contributors! We currently
6 have \$0.00 in our chest. Any
7 contribution's will be greatly
8 appreciated, they will go
9 towards paying for a Gold
10 Community:: Meinstruggle::"

11 A "Gold Community" was simply a
12 better forum version with more bells and whistles, if
13 you will.

14 Below that it lists the forum topics,
15 the number of posts in each of those, when the last
16 comments were made in those particular forums and the
17 moderators, the persons responsible for sort of
18 monitoring the conduct in those forums.

19 The first thread is entitled:

20 "Welcome
21 Just a place to introduce
22 yourself, and meet the other
23 member's of the board."

24 It is listed as having 21 posts. The
25 moderators for that are MeinStruggle and landser88.

1 Below that is a thread entitled:
2 "Join The National Nazi Movement
3 Information on joining the
4 National Nazi Socialist
5 Movement."

6 Below that is:
7 "The Peoples Voice
8 Hate submission's, sent in to
9 various Pro-semitism, Nazi, and
10 Multi-cultural site's. Some of
11 these people have good points,
12 others not so good. Remember,
13 just because they're in here
14 doesn't mean we think they're
15 right."

16 Beneath that are threads on Nazism
17 and Fascism and then there is a thread for Members,
18 which states:

19 "Members of the Nazi/Socialist
20 Party. This is a read only
21 forum. No posting please."

22 Then there is a thread on Hitler.

23 Beneath that there is a thread for
24 Administrators and Moderators entitled:

25 "Administration Discussion::

1 You must be an Admin, or Mod to
2 enter - "

3 And then if you go -- there is sort
4 of a very large box with a dot, which looks like a dot
5 matrix printing on it, and then immediately below that
6 there is a little text that says:

7 "-Contact Administrator - "

8 So the reason I felt this document
9 was important for the purposes of my complaint was
10 because it, again, shows the posting of the Nazi flag.
11 It demonstrates that there is sort of a call to arms
12 for persons of the white race to fight back against
13 those who are not of the white race or the skin colour
14 white, as it is generally known.

15 There was posted by MeinStruggle. It
16 demonstrates that they have the capacity to accept
17 financial contributions. It demonstrates that they
18 have 30 members on that date.

19 MS PARISIEN: Excuse me, if I can
20 stop you there, where do we see they have 30 members?

21 MR. WARMAN: That is on the first
22 page, approximately five or six inches down on the
23 right-hand side of the page.

24 MS PARISIEN: Thank you, Mr. Warman.

25 MR. WARMAN: It demonstrates they are

1 attempting to recruit by stating, giving the
2 possibility of joining their party. It indicates there
3 will be a thread which will contain postings that were
4 obtained from other web sites. That is the people's
5 voice section. It demonstrates that they have
6 moderators or persons who have a degree of control over
7 the web site, and the party.

8 The last point is, the contact
9 administrator on the section, on the second page, when
10 you click on that, it would come up with the email
11 address of bobby.wilkinson@sympatico.ca.

12 MS PARISIEN: So that is when you
13 click contact administrator on page 2, Mr. Warman?

14 MR. WARMAN: That's correct.

15 THE CHAIRPERSON: Sorry. You did
16 that?

17 MR. WARMAN: I did, yes.

18 THE CHAIRPERSON: What comes up
19 exactly?

20 MR. WARMAN: The email address
21 bobby.wilkinson@sympatico.ca.

22 THE CHAIRPERSON: How does it come
23 up? You would click it and your Outlook would come
24 up -- your email program would come up and that would
25 be the address for the two?

1 MR. WARMAN: Exactly.

2 MS PARISIEN: Thank you, Mr. Warman.
3 Perhaps you can specify what is the name of this forum
4 or party and what is the address to find it?

5 MR. WARMAN: Certainly. The full URL
6 address is HTTP:\\pub68.ezboard.com\bcanadiannaziparty.

7 MS PARISIEN: So you are saying this
8 is the proper URL to access the Canadian Nazi Party web
9 site?

10 MR. WARMAN: Yes, that's correct.

11 MS PARISIEN: Thank you, Mr. Warman.
12 If we can flip over to Tab 16?

13 MR. WARMAN: Certainly.

14 MS PARISIEN: If you can identify
15 that document for the Tribunal?

16 MR. WARMAN: This is a two-page
17 document that I printed off from the Canadian Nazi
18 Party web site on the 29th of November 2003 and
19 provided to the Commission pursuant to my complaint.

20 MS PARISIEN: Thank you, Mr. Warman.
21 Mr. Chair, if I can introduce this exhibit, please?

22 THE CHAIRPERSON: Yes.

23 MS PARISIEN: Can you tell us, Mr.
24 Warman, what it is about this document that made you
25 send it to the Commission?

1 MR. WARMAN: Yes. Pursuant to the
2 threads provided on the previous exhibit, you can see
3 at the left-hand side of the first page, approximately
4 five inches down, it states:

5 "INFO ON JOINING THE NATIONAL
6 NAZI MOVEMENT:."

7 So, if you clicked on that thread
8 from the first page, this is where it would bring you.

9 Rocket440 provides the info about how
10 to go about joining their party, and then gives a quote
11 from Adolf Hitler saying:

12 "At a time when only deeds count
13 and words are of little
14 importance".

15 And then it continues:

16 "In a time when racism is so
17 considered an act of utter
18 atrocity, and the thinkings of
19 narrow minded people, why does
20 the white race allow so much of
21 it to be directed towards us?"

22 Two paragraphs after that, it
23 continues:

24 "It's time to take a stand, the
25 last stand. It's time for the

1 4th coming. Are you not tired
2 of interracial relationships?
3 The white race is being sullied
4 and in a matter of time will be
5 completely wiped out. Are you
6 not tired of immigration laws?
7 Simply being angry will not stop
8 these great annoyances. We must
9 band together as a single nation
10 of Whites, and reclaim what is
11 due as the master race."

12 It then gives the prerequisites for
13 joining the National Nazi Movement.

14 And then on the second page it states
15 that you must be at least 17 years of age, you must be
16 of pure white background, you must be a supporter of
17 the Nazi and socialist movement, and you must be
18 prepared to take action and you must love your race.

19 At the bottom of that page, it
20 states:

21 "Heil Hitler, Forum
22 Administrator".

23 Again, that was all posted by
24 rocket440.

25 MS PARISIEN: Thank you, Mr. Warman.

1 If we can flip over to Tab 17, and to get you to
2 identify this document for the Tribunal.

3 MR. WARMAN: Yes. What this is, is a
4 "Moderator Tutorial" from the general eZboard web site,
5 a web site where the Canadian Nazi forum was located.

6 It was printed off on the 10th of
7 January 2007 by me and submitted to Commission through
8 their counsel in this complaint.

9 MS PARISIEN: If I can introduce this
10 document, Mr. Chair.

11 THE CHAIRPERSON: I note it was
12 printed off quite recently.

13 I think I saw in the material that
14 came to the attention of the Tribunal, the copies that
15 were sent from parties, that the Commission had done a
16 recent disclosure.

17 Did this form part of that resent
18 disclosure?

19 MS PARISIEN: Yes. I have to tell
20 you, Mr. Chair, I don't believe this particular
21 document was accompanied.

22 What was sent was the Joint Statement
23 of Particulars, as well as other postings in here. But
24 this particular document from the eZboard web site was
25 not provided to Mr. Wilkinson.

1 THE CHAIRPERSON: This has not
2 previously been disclosed?

3 MS PARISIEN: No, it has not.

4 Subject to your views, we would like
5 to introduce it?

6 THE CHAIRPERSON: Mr. Wilkinson is
7 not present to object. He has been notified of the
8 hearing, and in the circumstances, I will allow it to
9 be entered.

10 MS PARISIEN: Thank you, Mr. Chair.

11 MS PARISIEN: Mr. Warman, if we can
12 get you to discuss the general contents of this
13 document with the Tribunal?

14 MR. WARMAN: Yes. What this is, this
15 is for individuals who are moderators.

16 It outlines what moderators can do.
17 It is essentially a tutorial on moderators, on how they
18 can control the material within the web sites/forums.

19 I can state that I looked at this
20 document, I believe, back in 2004, and it was the same
21 or very similar at that time as well as it is currently
22 reproduced here.

23 Essentially all it is, is it lists
24 what a moderator can do.

25 On the second page of 16, it states:

1 "A moderator, in the forums in
2 which he or she has powers, can
3 delete whole topics and replies,
4 edit posts,"

5 -- et cetera.

6 At page 4 of 16, it gives the
7 moderators instructions on how to edit posts, and it
8 states:

9 "Why Edit a Post?"

10 Reasons for editing a post will
11 vary from board to board. Some
12 boards don't allow offensive
13 language,..."

14 -- et cetera.

15 On page 7 of 16, it gives moderators
16 instructions for deleting replies. And included in
17 that is the statement, if a post contains some relevant
18 content, you may want to edit out the offensive content
19 rather than delete it. It then gives instructions on
20 how to delete a reply.

21 Towards the bottom it states:

22 "Note: If the post seriously
23 violates the ezboard Terms of
24 Use, do not delete it. Please
25 save the post intact as evidence

1 for ezboard legal."

2 On the next page, page 8, it gives
3 instructions on how to delete entire topics.

4 Under the heading:

5 "Why Delete a Topic?

6 It states:

7 "Some administrators do not want
8 moderators to ever delete
9 topics, "

10 I believe that indicates that
11 administrators are, in fact, the ones who actually
12 control and appoint the moderators. They are, if you
13 will, the super moderators.

14 THE CHAIRPERSON: Where did you read
15 from just now?

16 MR. WARMAN: Page 8, under the
17 heading, stating "Why Delete a Topic?", and it states:

18 "Again, this depends on the
19 rules of the board. Some
20 administrators do not want
21 moderators to ever delete
22 topics,"

23 And that is consistent with my
24 observations of every other Internet forum that I have
25 seen that the administrators are the highest on the

1 totem poll, if you will, of that particular forum, and
2 that they select moderators for either the whole forum
3 or individual parts thereof.

4 MS PARISIEN: Yes.

5 MR. WARMAN: On page 10 of 16?

6 THE CHAIRPERSON: Yes.

7 MR. WARMAN: Under the heading

8 "Closing Topics", it states:

9 "Why Close Topics"

10 You might also need to close topics
11 that get out of hand with arguments, and then it states
12 how to close a topic.

13 Then at page 12 of 16, it gives
14 instructions for post screening. It states:

15 "The administrator may set the
16 forum security so that posts
17 that are screened by a moderator
18 before they can be viewed by the
19 public. Only moderators and
20 administrators will be able to
21 see new topics/replies until a
22 moderator "releases" the
23 topics/replies to the public."

24 So, in essence, you can have a system
25 of prescreening of postings so that you have to -- a

1 moderator or an administrator had to approve them
2 before they will actually appear on the forum.

3 MS PARISIEN: What was the general
4 reason for you providing this document to the
5 Commission, Mr. Warman?

6 MR. WARMAN: Because it demonstrated
7 the methods by which an administrator or moderator had
8 the ability to control the material that appeared on
9 the Canadian Nazi Party web site forum.

10 MS PARISIEN: Thank you, Mr. Warman.
11 If we can proceed to Tab 18, and, Mr. Warman, if we can
12 identify this document for the Tribunal?

13 MR. WARMAN: This is a two-page
14 document that I printed off the Canadian Nazi Party web
15 site on the 29th of November 2003 provided to the
16 Commission pursuant to my complaint.

17 MS PARISIEN: Thank you, Mr. Warman.
18 Mr. Chair, if we can introduce this document?

19 THE CHAIRPERSON: Yes.

20 MS PARISIEN: Mr. Warman, if you can
21 tell us the general contents and why you forwarded this
22 to the Commission?

23 MR. WARMAN: Yes. This is the member
24 section of the web site. If you look at the left-hand
25 side of the page, approximately 6 inches down, it

1 states:

2 "Welcome to our newest member!"

3 Rocket440 makes a post saying:

4 "Welcome to our newest member!"

5 He gives the personal details of that
6 individual, and then states, and it is signed off with
7 rocket440 signature line of "Forum Administrator".

8 MS PARISIEN: Thank you, Mr. Warman.
9 If we can move to Tab 19. If you can identify this
10 document for the Tribunal?

11 MR. WARMAN: This is a two-page
12 document that I printed off the Canadian Nazi Party web
13 site on the 29th of November 2003 and provided to the
14 Commission pursuant to my complaint.

15 MS PARISIEN: Mr. Chair, I would like
16 to introduce this document to the Commission?

17 THE CHAIRPERSON: Yes. If I can ask
18 you to back up, the members that they refer to,
19 "Welcome to our newest member!", is that the member to
20 the forum or something else? Is it someone who has now
21 been allowed to post on the forum? Is that what it
22 means?

23 MR. WARMAN: I would presume that
24 that is, in fact, the case. To me what that signifies
25 is that they have now become a member of the forum/the

1 party.

2 THE CHAIRPERSON: Why do you say
3 "/the party".

4 My understanding is that anyone who
5 becomes a member of the forum can post on that forum.
6 How does that make one a member of a party?

7 MR. WARMAN: Just give me a second.
8 I will just find the -- because at Tab 16, if you look
9 at the prerequisites for joining the National Nazi
10 Movement, at the bottom.

11 THE CHAIRPERSON: It begins at the
12 bottom, yes. Okay.

13 MR. WARMAN: It gives the
14 qualifications that you need in order to become a
15 member of the movement.

16 THE CHAIRPERSON: Right.

17 MR. WARMAN: It then says:

18 "Please post the following
19 vitals in this forum."

20 THE CHAIRPERSON: Okay.

21 MR. WARMAN: And those are what are
22 listed by rocket440 on that page at Tab 18.

23 THE CHAIRPERSON: I see your point.
24 I mean, it is not entirely clear it was saying member
25 of the party. It doesn't say welcome to the party.

1 I understand forums are populated by
2 members as well, correct?

3 MR. WARMAN: Yes.

4 THE CHAIRPERSON: It is possible one
5 can be a member of a forum and not necessarily be a
6 member of a party.

7 Your point, I guess, this individual
8 at Tab 18, has provided the information, as requested
9 at Tab 16.

10 MR. WARMAN: Yes.

11 THE CHAIRPERSON: To take you back a
12 bit, when one of the earlier -- I think it was the home
13 page of this web site.

14 THE WITNESS: Yes.

15 MS PARISIEN: Tab 15, I believe.

16 THE CHAIRPERSON: Yes. You said 30
17 registered members at the top-right corner.

18 MR. WARMAN: Yes.

19 THE CHAIRPERSON: That, again, could
20 be 30 registered members of the web site, could it not?

21 MR. WARMAN: It could be. But, then,
22 I believe, there is evidence to support the contention
23 that there are, in fact, members of the party that are
24 available on that home page, the first one being the
25 thread, inviting people to join the National Nazi

1 movement, and the second one being an actual section
2 for members, which underneath it states, members of the
3 Nazi and Socialist Party, as opposed to simply saying
4 members of the forum.

5 THE CHAIRPERSON: I want to make
6 sure -- "Join the National Nazi Movement", is that the
7 one you are saying?

8 MR. WARMAN: Yes, that is the first
9 one in the general section.

10 THE CHAIRPERSON: Yes. Okay.

11 MR. WARMAN: And if you look in the
12 "Miscellaneous" section at the bottom, there is a
13 section entitled "Members".

14 THE CHAIRPERSON: Yes.

15 MR. WARMAN: And if you turn the
16 page, it states, "Members of the Nazi/Socialist party".

17 THE CHAIRPERSON: Right. I am not
18 quite sure what that means.

19 "This is a read only forum. No
20 post please."

21 MR. WARMAN: My interpretation of it
22 is it is a section devoted to the members of the
23 Nazi/Socialist Party, in other words, the Canadian Nazi
24 Party.

25 THE CHAIRPERSON: Could be.

1 Is there anything else that would be
2 indicative in the existing exhibits of that connection,
3 between members of the forum and members of the Nazi
4 Party?

5 MR. WARMAN: To date, I believe I
6 have pointed out everything.

7 THE CHAIRPERSON: To this point.

8 MR. WARMAN: Yes.

9 MS PARISIEN: Perhaps, Mr. Chair, if
10 I can point out, if we look at Tab 18, we do see that
11 this particular forum, if we look where it says:

12 "National Nazi And Socialist
13 Forum"

14 The sub forum is "Members", so that
15 does refer that it was here, a posting --

16 THE CHAIRPERSON: My question to the
17 witness is, forums are made up of members, too.

18 My understanding is if one were to go
19 to the Honda owners forums, they would all be called
20 members as well, right?

21 MR. WARMAN: Yes.

22 THE CHAIRPERSON: Go on, please. I
23 understand.

24 MS PARISIEN: I believe we were
25 turning to Tab 19.

1 THE CHAIRPERSON: Yes, I already
2 allowed you to produce it.

3 MS PARISIEN: Fantastic. Yes.

4 MS PARISIEN: Mr. Warman, if you can
5 tell us the general contents of this document and why
6 you forwarded it to the Commission?

7 MR. WARMAN: Yes. This thread is
8 entitled:

9 "Alberta's need for a strong
10 nazi party".

11 It is posted by someone who complains
12 of the good old days when there was more neo-Nazi
13 activity in Alberta.

14 Rocket440 responds by saying:

15 "Niggers are becoming a
16 household object...but no matter
17 what, parents will always cringe
18 when their sons/daughters bring
19 home a Nigger. Why is it it's
20 ok to openly advertise the fact
21 that you love Niggers, but a
22 mortal sin to even dare put down
23 a black.

24 Forum Administrator".

25 MS PARISIEN: Why did you forward

1 this to the Commission, Mr. Warman?

2 MR. WARMAN: Because, I believe, it
3 is evidence of both the postings of hate messages by
4 the Canadian Nazi Party and Mr. Wilkinson using the
5 pseudonym rocket440.

6 MS PARISIEN: Thank you, Mr. Warman.
7 Turning to Tab 20. Can you take a moment to look at
8 this document and identify it for the Tribunal?

9 MR. WARMAN: This is a three-page
10 document that I downloaded on the 29th of November 2003
11 from the Canadian Nazi Party web site and provided to
12 the Commission pursuant to my complaint.

13 MS PARISIEN: If we can produce this
14 document?

15 THE CHAIRPERSON: Yes.

16 MS PARISIEN: Thank you, Mr. Chair.

17 MS PARISIEN: Can you tell us, Mr.
18 Warman, why it is you forwarded this document to the
19 Commission?

20 MR. WARMAN: This thread is entitled
21 "Heil Hitler!"

22 A person who is making their first
23 posting states:

24 "I am a High school student who
25 believes in Nazism, and has

1 Adolph Hitler as his Hero."

2 Rocket440 responds, "great".

3 Then on the next page, at the bottom,
4 there is a posting by an individual who signs in as:

5 "hitler is like a father i never
6 had".

7 The title to their post is:

8 "i hate the nigger juws to".

9 The posting then states:

10 "to all the niggers and juws
11 (and this is the way u spell juw
12 u stupid nigger juw) who are
13 seeing this message...

14 I hope you all die and go to
15 hell...

16 Hitler will be waiting to get
17 the juws like you and your
18 stupid c*nt mother that got
19 away.

20 And the holocaust never
21 happened, its jewish/nigger
22 propaganda."

23 MS PARISIEN: Why is it, Mr. Warman,
24 you forwarded this document to the Commission?

25 MR. WARMAN: I believe it reflects

1 Mr. Wilkinson's activities in the forums and presence
2 there, and also the presence of further hate messages.

3 THE CHAIRPERSON: You are not saying
4 this was necessarily posted by Mr. Wilkinson?

5 MR. WARMAN: No.

6 THE CHAIRPERSON: The administrator
7 tolerated its presence.

8 MR. WARMAN: Yes.

9 THE CHAIRPERSON: Can I point
10 something out to you?

11 MR. WARMAN: Yes.

12 THE CHAIRPERSON: I notice the
13 previous entry is by someone who clearly disagrees with
14 the opinions that are being expressed.

15 He claims to be from someone who is
16 black and Jewish. I do not want to repeat some of this
17 language here.

18 It does say you should all go to
19 hell, you Nazi, blah, blah.

20 MR. WARMAN: It does.

21 THE CHAIRPERSON: So, could it be the
22 administrator is tolerating statements made on both
23 sides of this debate?

24 MR. WARMAN: I believe it will become
25 abundantly clear in short order that that is not, in

1 fact, the case.

2 In this circumstance it is self
3 evidently the case, but I believe the attitude of the
4 administrator, Mr. Wilkinson, as I allege, will become
5 abundantly clear, in very short order.

6 MS PARISIEN: Thank you, Mr. Warman.
7 Moving to Tab 21.

8 MR. WARMAN: Mr. Chairman, I note, it
9 is 11:30. I wonder if this would be --

10 THE CHAIRPERSON: Yes, it will be a
11 good time to take a break.

12 Just a second. How long do you
13 estimate you will be Ms Parisien?

14 MS PARISIEN: Together, with
15 submissions, probably another two hours.

16 THE CHAIRPERSON: Right, I mean to
17 say in terms of evidence.

18 MS PARISIEN: In terms evidence, we
19 are at Tab 21 of 29, so probably another half hour to
20 45 minutes.

21 THE CHAIRPERSON: We will take a
22 10-minute break, until 20 to, from this clock, and then
23 we will continue with your evidence.

24 And then if it ends at that point, we
25 will take our lunch break. Then you can organize your

1 material and make legal submissions at that.

2 MS PARISIEN: Yes.

3 THE REGISTRAR: Order, please.

4 -- Short recess

5 -- Resuming after the recess

6 THE REGISTRAR: Order, please.

7 THE CHAIRPERSON: Yes.

8 MS PARISIEN: Thank you, Mr. Chair.

9 I believe we were proceeding to Tab
10 21, of Exhibit HR-1, Mr. Warman. If I can get you to
11 identify that document for the Tribunal?

12 MR. WARMAN: This is a six-page
13 document from the Canadian Nazi Party web site that I
14 printed off on the 29th of November 2003, and submitted
15 to the Commission pursuant to my complaint.

16 MS PARISIEN: If I may introduce this
17 document?

18 THE CHAIRPERSON: Yes.

19 MS PARISIEN: Thank you.

20 Can you go through this document for
21 us, Mr. Warman, and tell us why you submitted it to the
22 Commission?

23 MR. WARMAN: This is from the forum,
24 the section "The Peoples Voice, Where do you stand?"

25 So it started off by a poster using a

1 pseudonym 1488 EffeKt 1488.

2 The question -- the poster uses the
3 same Swastika, World War 11 Swastika flag as his --
4 what is called an Avatar, there little sort of image
5 that they use with their posts. It states -- and I
6 apologize -- part of the words on the right-hand side,
7 the last few sort of letters get cut off, so I can
8 indicate what I recall the words being.

9 But the question runs:

10 "I was just wondering where you
11 all stand in regards to the 3
12 main "enemys" of our
13 movement..."

14 To my recollection it said:

15 "... by the way..."

16 "I'm just curious..."

17 The first one is "Jews? Colored's?
18 Gays?"

19 And then below that, they respond to
20 their first -- or they make a subseq

21 uent post by saying:

22 "Blacks: its a known fact they
23 brings crime, they are nothing
24 but trouble. Kill em all I say.
25 Jews: Do I even need to say

StenoTran

1 of 5, at the top:

2 "The link is not broken you
3 ass-hat. I, and a few others
4 can see it fine."

5 The next posting they made, just
6 underneath that, states:

7 "You're a fucking moron. That
8 image is from my personal site
9 from like 3 yrs ago."

10 And it then continues:

11 "I dont understand why you're
12 still here? You contribute
13 nothing to the board, you dont
14 know about... you're not even
15 racist for fucks sake. GET LOST
16 PECKER-NECK!
17 Forum Administrator".

18 There is then some further back and
19 forth, until, at page 4, at the bottom, rocket440 makes
20 a posting stating:

21 "Alright ass-crack.... CAN YOU
22 SEE THIS??!"

23 "CAN YOU SEE THIS" being all in
24 capitals, followed by question marks and an exclamation
25 mark.

1 On the next page, although it is very
2 difficult to make out, is a picture of what appears to
3 be a singer for a band who is what -- would be
4 described as morbidly obese, totally nude, urinating on
5 the stage.

6 Then rocket440 indicates:

7 "It's what i'd like to do on
8 your face, you ungodly sack of
9 shit.

10 Forum Administrator".

11 So, in response to your earlier
12 question, I believe those passages amply demonstrate
13 that, in fact, dissenting opinions are not welcomed or
14 tolerated.

15 THE CHAIRMAN: They may not be
16 welcomed or tolerated, but they are not -- this
17 document does not demonstrate that he expressed the
18 opinions that were expressed by the others.

19 MR. WARMAN: No, that's correct.

20 THE CHAIRPERSON: You see, my point
21 on that, if I can -- and we are getting into argument
22 so I will leave it for later perhaps.

23 My question to you is, he may take a
24 side that differs with that of the other person's
25 opinions, but, nonetheless, the other person's opinions

1 were left on this web site, were they not?

2 MR. WARMAN: Yes, that's correct.

3 MS PARISIEN: Mr. Warman, can you
4 tell us why it is that you forwarded this document to
5 the Commission?

6 MR. WARMAN: Because I believe that
7 it contains extensive material that shows a couple of
8 things; the first one is, there are further hate
9 messages contained on the web site of the Canadian Nazi
10 Party; there is extensive use of the World War 11
11 Swastika flag, images of Hitler, including an
12 individual calling himself the fuhrer; and that
13 subsequent to posts that call for the genocide of Jews,
14 non-whites, and homosexuals. Rocket440, whom I allege
15 to be Bobby Wilkinson, makes a number of replies
16 throughout the posting. Thus, material that calls for
17 genocide is tolerated and known to the forum
18 administrator.

19 MS PARISIEN: Thank you, Mr. Warman.
20 If we can proceed to Tab 22. If you can identify this
21 document for us, Mr. Warman?

22 MR. WARMAN: This is a three-page
23 document that I printed off from the Canadian Nazi
24 Party web site on the 29th of November 2003, provided
25 to the Commission pursuant to my complaint.

1 MS PARISIEN: If I may introduce this
2 document, Mr. Chair?

3 THE CHAIRPERSON: Yes.

4 MS PARISIEN: Can you go through this
5 document for us, Mr. Warman?

6 MR. WARMAN: This is a posting under
7 the heading of:

8 "Anything goes
9 America's Media controlled by
10 Jews".

11 Rocket440 posts saying:

12 "America's Media controlled by
13 Jews

14 Three Jewish Newspapers".

15 It states:

16 "The suppression of competition
17 and the establishment of local
18 monopolies on the dissemination
19 of news and opinion have
20 characterized the rise of Jewish
21 control over America's
22 newspapers. The resulting
23 ability of the Jews to use the
24 press as an unopposed instrument
25 of Jewish policy could hardly be

1 better illustrated than by the
2 examples of the nation's three
3 most prestigious and influential
4 newspapers: the New York Times,
5 the Wall Street Journal, and the
6 Washington Post. These three,
7 dominating America's financial
8 and political capitals, are the
9 newspapers that set the trends
10 and the guidelines for nearly
11 all the others. They are the
12 ones that decide what is news
13 and what isn't, at the national
14 and international levels. They
15 originate the news; the others
16 merely copy it. And all three
17 newspapers are in Jewish hands."

18 MS PARISIEN: On page 2, Mr. Warman,
19 what is -- how is this posting signed?

20 MR. WARMAN: It is signed by the
21 forum administrator.

22 MS PARISIEN: Why is it, Mr. Warman,
23 that you forwarded this document to the Commission?

24 MR. WARMAN: Because consistent with
25 the Tribunal's decision in the Warman v. Kouba

1 decision, I believe that this reflects one of the
2 indicia of the Tribunal member's decision in that case,
3 being that the media is controlled by Jews; indicia
4 being indicia of hate messages.

5 MS PARISIEN: Thank you, Mr. Warman.
6 If we can move to Tab 23, and if you could identify
7 this document for the Tribunal.

8 MR. WARMAN: This is a two-page
9 document that I printed off from the Canadian Nazi
10 Party web site, on the 29th of November 2003, provided
11 to the Commission pursuant to my complaint.

12 MS PARISIEN: Thank you, Mr. Warman.
13 If I can introduce this document, Mr. Chair?

14 THE CHAIRPERSON: Yes.

15 MS PARISIEN: What do you see
16 appearing on this document, Mr. Warman?

17 MR. WARMAN: The first thing, again,
18 is the omni present use of the World War II era Nazi
19 flag.

20 The section is called "Anything
21 goes", and the posting is entitled, "Heil Hitler". The
22 first poster is the furhrer using a picture of the
23 Swastika and Adolf Hitler.

24 It states:

25 "In the dawn of Nordic

1 civilization, lesser races used
2 to cringe in their rude huts and
3 pray, "Lord, save us from the
4 fury of the men of the North!"
5 It was THAT kind of man who
6 built Western civilization. If
7 civilization is now to be saved
8 from the swarms of degenerate
9 Jews, their cannibal accomplices
10 and their unspeakably depraved
11 liberal friends, it will be THAT
12 kind of man who saves it, NEVER
13 sneaks!
14 WHITE MAN! The same iron blood
15 of your mighty ancestors flows
16 in your veins! The towering
17 figure of ADOLF HITLER reaches
18 out a giant hand to lift you up
19 to world-conquering POWER! You
20 have cringed long enough before
21 pygmies! Now RISE! Defy the
22 rats and vermin at your feet!
23 Let them feel the toe and heel
24 of your boot! Stamp them out!"
25 Underneath it, it states:

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1 "Join hands with the heroes in
2 America, Britain, Iceland,
3 Denmark and other White
4 countries who have raised the
5 holy Swastika banner and
6 defended it with their blood.
7 It has risen from the ashes of
8 Berlin, and never shall it be
9 hauled down again. Stand with
10 us before the altar of Adolf
11 Hitler and the world-conquering
12 White race, and pledge your life
13 as we have, to bring the order
14 and justice of Western, White
15 civilization once more into the
16 world. Let us teach the
17 traitors and rats and pygmies
18 once more to cringe in terror in
19 their huts and pray, "Lord save
20 us from the FURY OF THE MEN OF
21 THE NORTH!"

22 And then it indicates that that is a
23 quote from Lincoln Rockwell. It is my knowledge that
24 Lincoln Rockwell was the former head of the U.S. Nazi
25 Party.

1 MS PARISIEN: Why is it, Mr. Warman,
2 that you forwarded this document to the Commission?

3 MR. WARMAN: Because it is further
4 evidence, in my view, of hate messaging being present
5 on the Canadian Nazi Party web site, and
6 specifically -- especially with regard to the
7 description of non-whites and Jews as vermin, pygmies
8 and rats.

9 MS PARISIEN: Thank you, Mr. Warman.

10 MR. WARMAN: Excuse me, sorry, there
11 is one more thing.

12 Another one of the indicia in the
13 Kouba case, was that the white civilization is, in
14 fact, under threat and that, therefore, the white race
15 needs to rise up against its enemies.

16 In this case, those enemies are
17 described as swarms of degenerate Jews and their
18 cannibal accomplices.

19 MS PARISIEN: Thank you, Mr. Warman.
20 Moving to Tab 24, if you can identify that 19-page
21 document for the Tribunal?

22 MR. WARMAN: This is a 19-page
23 document downloaded and printed off by me from the
24 Canadian Nazi Party web site on the 29th of November
25 2003, and provided to the Commission further to my

1 complaint.

2 MS PARISIEN: Thank you, Mr. Warman.
3 If I may, Mr. Chairman?

4 THE CHAIRPERSON: Yes.

5 MS PARISIEN: Mr. Warman, could you
6 tell us what appears in this 19-page document?

7 MR. WARMAN: Yes. What this is, as I
8 understand --

9 THE CHAIRPERSON: Go ahead. Sorry.

10 MR. WARMAN: What this is, as I
11 understand, they are a series of postings that
12 rocket440, whom I allege to be Bobby Wilkinson, is
13 taken from one or more other web sites and then has
14 chosen to repost them here on their web site.

15 The heading of this thread is called
16 1997. If I looked through the postings that are
17 reposted by Mr. Wilkinson, they all appear to date from
18 1997.

19 So, this was posted on September 30,
20 2003 by rocket440, and the opening of the first post
21 states -- and it is all capitalized --

22 "I WAS JUST LOOKING OVER YOUR
23 VERY ENTERTAINING PAGE AND WAS
24 WONDERING HOW MANY OTHER WHITE
25 SUPREMISTS GET AS MUCH USE OUT

1 OF IT AS ME. THERE IS A GOOD
2 BOOK PEOPLE SHOULD TRY TO ORDER
3 ITS CALLED (LIES OF ULYSSES) THE
4 STORY OF THE HOLOCAUST BY PAUL
5 RASSINIER. PAUL WAS THERE AND
6 HE SAYS THAT THE HOLAHOUX WAS A
7 FRAUD. THERE WAS NO WAY TO
8 FILTER OUT GAS FROM THE GAS
9 CHAMBERS, SO WHEN A GUARD OPENED
10 THE DOOR IT WOULD HAD TO HAVE
11 KILLED PEOPLE IN THE CAMP AS
12 WELL. A FEW 3ft x 6ft OVENS IS
13 NOT A VERY EFFICIENT WAY TO KILL
14 6MIL. WORTHLESS PIECES OF SHIT".

15 If I turn to page 6 of 19, the very
16 bottom posting states:

17 "You MORON! I can tell you this
18 much, you buttfucking jewlover,
19 you'll burn in hell. By
20 protecting the jewish scum, that
21 we know Our Lord Jesus Christ
22 hated so much, you act like the
23 devil himself. You know as well
24 as I do that no one was "gassed"
25 in Auschwitz, and most of the

1 LIE they call "Holocaust" is
2 just that, a lie. One day we
3 will rule the world!
4 White proud Aryan".

5 I turn to page 10 of 19, at the very
6 top, the posting begins:

7 "First of all, I spell like a
8 fucking dyslexic 3 year old
9 nigger on crack, so fuck you you
10 have a problem with that. Now
11 for the reason why I am writing
12 a race betraying piece of shit
13 like you in the first fucking
14 place. So you believe that we
15 are all equal huh? Here in
16 America, we have Niggers who
17 don't want to get a fucking job,
18 their lazy black asses do
19 nothing but collect social
20 security, welfare, and food
21 stamps! We put those monkeys in
22 fucking houses, we pay for their
23 fucking bastard kids, we buy
24 their cars! You think that I am
25 biased? You're fucking right!

StenoTran

1 I bust my ass 6 days a week,
2 make \$800.00 before taxes, and a
3 lowsy \$300.00 after!!!! Where
4 is that money going? The
5 NIGGERS! Those porch monkeys
6 don't want to fucking work, they
7 just smoke crack, and leech off
8 an already oxidised system.
9 They don't give a fuck, as long
10 as they get their cheese, and
11 walk around getting places to
12 sign papers stating that there
13 is no job available, and 90% of
14 them, DO NOT EVEN FILL OUT AN
15 APPLICATION! You sit there on a
16 pedistool of understanding, hold
17 sympathy for the cancer of the
18 nation. Sure, a few kikes fried
19 in Hitlers rule, who says they
20 didn't ask for it? They served
21 a devine perpase in the war,
22 their skin made nice boots, and
23 they help the medical field out
24 tremendasly! What do the
25 niggers help us do? Name one

StenoTran

1 thing! They drove in gangs,
2 robbing and looting the hard
3 workers of this great nation!
4 They kill our familys and
5 children in drive by shootings,
6 because they can't even fucking
7 aim right! They move into our
8 neighborhoods, open crack
9 houses, lower property value.
10 They drive down the road with
11 their fucking jungle bunny music
12 blasting away. They are the
13 scourge of the nation, and yet,
14 nothing is done. You want to
15 kill a nigger? Stop welfare!
16 You want to scare one? Take the
17 bastard to an auction! You want
18 me to accept one as an equil?
19 Wait for the day that hell
20 freezes over! We sit back, we
21 let them over run us, the ones
22 that do work, use color as a
23 crutch. You fire one for doing
24 a shitty job, when they do
25 finnaly decide to fucking work,

StenoTran

1 and they call the NAACP on you!
2 Affirmative action is a niggers
3 law giving them the right to be
4 a worthless pice of jungle bunny
5 shit! They are all the time
6 talking about "Free Africa" send
7 those fucking niggers back
8 there, we don't need them!
9 Fuck, send back all the towl
10 heads, kikes, spics, wetbacks
11 send them all in a big boat,
12 then sink the fucking thing!
13 Watch them scurry like rats
14 fighting each other for
15 survival, then shoot each one
16 who just about makes it! Am I a
17 racist? I think I am just
18 stating a fact, the only race
19 that I know of that does not
20 leech of the rest of us is the
21 Whites! We work, we support the
22 rest of them as they ride the
23 wav, and fuck us even more! And
24 to all those liberal, nigger
25 loving activists... take you

StenoTran

1 racial out looks that are hidden
2 in a veil of fake sympathy as
3 you try to fit in with a crowd
4 that does not want anything from
5 you other than your money, and
6 shove those self justified views
7 up your understanding ass! It
8 is people like you that make
9 this great nation crumble
10 beneath the wheels of injustice!
11 You are a trator to your race
12 and your country if you think
13 that the niggers will ever do
14 shit to benifit mankind other
15 than dieing!"

16 Then if you can turn to page 13 of
17 19, the message begins:

18 "Message from the KKK-Colition
19 of USA, Niggers we own you... we
20 owned your grandfathers coons
21 and grandmother coons, and they
22 had your nigger parents and your
23 counsive nigger selfves and
24 therfor I own all you niggers
25 and nigglits so bow down and

StenoTran

1 suck my cock!!!... Ohh yah and,
2 don't mistake my cock f or a
3 HUGE watermellon rine!!! We
4 know you niggers thrive off the
5 shity sensation of niggermellon
6 but you don't have to imagine
7 every thing is watermellon,
8 gravy, and chitlins
9 (Shitlins)... I have noticed one
10 thing about you coons you fucker
11 s smell like SHIT!!!!!! and i
12 mean all the fucking time!! big
13 buckets of shit!! oh h and you
14 fucking monkeys have the
15 smallest IQ known to man trough
16 extensive resu rch you
17 african-monstlicolis (In words
18 your non-educated coons can
19 grasp "NIGGER"!!!!) you coons
20 have a 10 he didn't live in
21 niggerville, he lived by the
22 meditraine... you niggers can't
23 stand the sun nor work ...
24 FACTS!!!
25 and i tell you what we don't owe

StenoTran

1 you shit you should thank us for
2 even taking you black asses out
3 of other niggers slavric needs
4 all you a re are slaves, we just
5 bought you from other nigger
6 slave masters "John Dough Ni
7 gger Master" sold you all black
8 fucking asses to us,.. you all
9 were never free... because of
10 Martin Nigger King Jr.. And his
11 i have a dream that all coons
12 will be equal to whites is a
13 bunch of shit!!!!!"

14 -- and this is all capitalized --

15 "AND NIGGERS THE GOVENMENT MIGHT
16 SAYS THEY ARE FOR YOU BUT DO YOU
17 SEE A NIGGER PR EEDINT!!!!!! OHH
18 AND FOR YOUR INFACIOUS NON
19 NIGGER UNDERSTANDING MINDS THE
20 CONST ITUTION OF THE "WHITE"
21 UNITED STATES OF AMERICA WERE
22 WROTE BY WHITE MEM FOR WHIT E
23 MEN! AND NOT YOU EVIL NIGGERS!
24 SO I DECLARE INDEPENDECE DAY IS
25 THE OPENING DAY FOR NIGGER

StenoTran

1 HUNGING DAY OHH AND THE CLOSEING
2 DATE IS JULY 2 SO YOU GET ONE
3 DAY OF PEACE... MAYBE OHH NO
4 JEWS AND SPICKS GET THAT ONE DAY
5 TO SHOOT, FUCK YOUR NI GGERS
6 BITCHES, AND BLOW YOU UP! ...
7 Ohh and we plan on floting your
8 coons back to africa then
9 a-bombing it !!!
10 HAHAHAHAHAHAAAA!!!! SO HAVE A
11 FUCKING MARRY CHRISTMASS
12 NIGGERS!!!!!"

13 And then at the bottom, there is the
14 symbol for the KKK. Then it states:

15 "And coons try not to e-mail me!
16 I don't like have to disenfect
17 my computer shit! you A.I.D.S
18 enfic ious coonicus niggusious
19 FAGGITS NIGGER FUCKERS!!!!!!!"

20 THE CHAIRPERSON: That is pleasant!
21 MR. WARMAN: Yes, and unfortunately
22 there is more of it.

23 On page 14 of 19, at the top, it
24 states:

25 "Listen you fuckin Bastard, i'm

1 a skinhead from Canada and i'm
2 tired of all you left-wing
3 motherfuckers makin us look bad.
4 We're not the only ones who go
5 around and smash people because
6 of the colour of their skin,
7 ever hear of the black panthers.
8 So why the fuck don't you shut
9 up and get the fuck out of our
10 countries and go back to your
11 homeland where ever that may be,
12 because i'm tired of seein my
13 country go to the jews, niggers
14 and gooks. listen you have the
15 right to your opinion and i have
16 the right to have my country
17 back so get the FUCK OUT!!!!
18 P.S.: What's the difference
19 between a jew and a pizza. Give
20 up pizzas don't scream when you
21 put them in the oven."

22 THE CHAIRPERSON: I think I get the
23 message, Mr. Warman.

24 If you would like, just indicate the
25 particular passages and paragraph numbers.

1 MR. WARMAN: I have no difficulty
2 with that whatsoever.

3 Page 16 of 19, the second last
4 message from the bottom, which begins with:

5 "White Power For ever, kill all
6 niggers, jews and faggots...
7 they all can burn in hell....."

8 THE CHAIRPERSON: Go on.

9 MR. WARMAN: Mr. Chair, perhaps I
10 should explain that these sections are replete with
11 these kinds of messages. In fact, the examples I was
12 using were simply indicative examples of the kinds of
13 materials contained throughout that section.

14 THE CHAIRPERSON: All of it appears
15 to be a pasting of something that was on a previous web
16 site, correct? It is all one continuous posting?

17 MR. WARMAN: It appears to be, yes.

18 The important thing, from my
19 perspective, as complainant, is that it was reposted by
20 rocket440.

21 THE CHAIRPERSON: Right, I
22 understand.

23 MR. WARMAN: And is present on the
24 Canadian Nazi Party web site.

25 MS PARISIEN: Thank you, Mr. Chair.

1 Mr. Warman, I will have you turn to
2 Tab 25, when you have a minute, Mr. Warman. If you can
3 look at Tab 25 and identify this document for the
4 Tribunal?

5 MR. WARMAN: This is a 10-page
6 document that I printed off from the Canadian Nazi
7 Party web site on the 29th of November 2003, and
8 provided to the Commission pursuant to my complaint.

9 MS PARISIEN: Mr. Chair, if I may
10 introduce this document?

11 THE CHAIRPERSON: Yes.

12 MS PARISIEN: Mr. Warman, can I get
13 you to generally go through the parts, as you said,
14 that you find indicative in this document?

15 MR. WARMAN: Yes. This is a posting,
16 again, by rocket440, on September 30, 2003.

17 This particular collection of
18 material is dated 1999. You will note this is from the
19 Peoples Voice section.

20 THE CHAIRPERSON: Okay.

21 MR. WARMAN: And that back in the
22 home page, it indicated that the "Peoples Voice" was
23 going to be a place where a lot of other material would
24 be reposted.

25 So, it is simply that it is

1 consistent with that explanation.

2 So, if I can turn to page 6 of 10,
3 the first two full postings there, that includes
4 material:

5 "DEATH TO ALL THE JEWS AND
6 NIGGERS."

7 The second posting states:

8 "... i hope you burn in a nazi
9 jew burning oven with the rest
10 of those inferior jews and
11 niggers".

12 THE CHAIRPERSON: Yes.

13 MR. WARMAN: If I turn to page 8 of
14 10, the first full posting there --

15 THE CHAIRPERSON: The long paragraph
16 there?

17 MR. WARMAN: Yes, it is all
18 capitalized.

19 The next page, page 9 of 10, below
20 the Scandinavian language, the first posting in English
21 that states:

22 "Hi!!! My name is Jorge Costa,
23 I'm portuguese racist.I hate
24 niggers, old men,gypsies,little
25 children,dogs,gays and

1 minorities...."

2 And that concludes that document.

3 THE CHAIRPERSON: Okay.

4 MS PARISIEN: Mr. Warman, can you
5 tell us why you forwarded this particular document to
6 the Commission?

7 MR. WARMAN: Again, on the basis that
8 it is extensive content that is replete with hate
9 messaging. It was posted by a person that I allege to
10 be Mr. Wilkinson and it is present on the Canadian Nazi
11 Party web site.

12 MS PARISIEN: Turning to Tab 26, if
13 you can identify this document, Mr. Warman?

14 MR. WARMAN: This is a 15-page
15 document that I printed off from the Canadian Nazi
16 Party web site on the 29th of November 2003 and
17 provided to the Commission pursuant to my complaint.

18 MS PARISIEN: Thank you, Mr. Warmam.
19 Mr. Chair, I would like to introduce this document?

20 THE CHAIRPERSON: Yes.

21 MS PARISIEN: Mr. Warman, if you
22 could raise the parts of this document that you find
23 are indicative of hate messaging?

24 MR. WARMAN: This is, again, a
25 posting by rocket440. The year in question in this

1 example is 2001. If I turn to page 2 of 15 --

2 THE CHAIRPERSON: Yes.

3 THE WITNESS -- the first posting at
4 the top, the specific portion of that that I would
5 refer you to is five lines from the bottom that begins
6 with "... niggers are no better than my dog..."

7 The next posting, towards the bottom
8 section, the section that I would point to you would
9 be:

10 "... I pray one day soon that a
11 fuhrer will come and lead our
12 people and rid of all the
13 fucking kikes, niggers, spics,
14 chinks, japs etc.. and our world
15 will be once again "the
16 fatherland."

17 Page 3 of 15, the first posting, in
18 the middle, urging the genocide of Arabs, Africans,
19 Indians, Asians and any other non-white person in the
20 world.

21 The next posting immediately after
22 that, the first sentence, describing:

23 "... arabs, they are sub-humans
24 who do not deserve to share this
25 planet with us."

1 Page 4 of 15, the last posting on
2 that page and the small portion that continues over
3 onto the next page.

4 Page 9 of 15, the first full posting,
5 the last paragraph which begins:

6 "I'm white & 100% Aryan...
7 exterminating
8 Jews, Blacks, Retards, Homosexuals
9 & Communists..."

10 Page 14 of 15, the last lines of the
11 last post, hoping that the

12 "... KKK and White Power groups
13 all across the nation will fix
14 this terrible mess with
15 genocide."

16 We did do our best to be judicious in
17 pointing out specific examples.

18 MS PARISIEN: Mr. Warman, can you
19 tell us why you forwarded this document to the
20 Commission?

21 MR. WARMAN: Again, for the same
22 reasons, it is posted by rocket440, it is present on
23 the Canadian Nazi Party web site and it contains
24 extensive examples of hate messages.

25 MS PARISIEN: Thank you, Mr. Warman.

1 Moving to Tab 27, if you can identify this document for
2 the Tribunal, please?

3 MR. WARMAN: This is a four-page
4 document, printed off from the Canadian Nazi Party web
5 site on the November 29, 2003, and provided to the
6 Commission pursuant to my complaint.

7 MS PARISIEN: Mr. Chair, if I can
8 introduce this document?

9 THE CHAIRPERSON: Yes.

10 MS PARISIEN: Mr. Warman, can you
11 perhaps go through this document, as you have done in
12 the past for us?

13 MR. WARMAN: This is a posting by
14 rocket440. The years in question are 2002-2003. It
15 was a posting on the 30th of September 2003.

16 I refer you to page 3 of 4. It is the
17 bottom posting -- essentially the entire bottom section
18 of that posting on that page.

19 MS PARISIEN: Again, Mr. Warman,
20 simply for clarity sake, why is it you choose this
21 document to be forwarded to the Commission?

22 MR. WARMAN: It was posted by
23 rocket440, it is present on the Canadian Nazi forum and
24 it contains examples of hate messages.

25 This specific example that we have

1 addressed goes to the question of indicia of the white
2 societies under threat; it is the non-whites that pose
3 that threat. It harkens back to mythical glory days
4 when there were no non-whites, and states that hate
5 groups are merely a reaction to the threat that is
6 posed to white society.

7 MS PARISIEN: Thank you. If we can
8 move to Tab 28, if I can get you to identify this
9 document?

10 MR. WARMAN: This is a two-page
11 document, printed off from the Canadian Nazi Party that
12 I printed off on the 21st of December 2003, and it is a
13 forum thread entitled "Ah Bliss."

14 MS PARISIEN: How is it that the
15 Commission came about to having this document?

16 MR. WARMAN: I printed it off and
17 provided them with a copy pursuant to my complaint.

18 MS PARISIEN: Thank you, Mr. Warman.
19 If I can produce this document?

20 THE CHAIRPERSON: Yes.

21 MS PARISIEN: Mr. Warman, can you go
22 through the general contents of this document?

23 MR. WARMAN: Yes. This is a thread
24 entitled:

25 "Ah Bliss"

1 The first poster states:

2 "We need to elect a
3 Nazi/socialist party, get rid of
4 all the foreigners (niggers,
5 paki's, jews etc...) and restore
6 Canada to a country that is not
7 just sitting idly bye and
8 waiting for others to make
9 decisions for us. Canada needs
10 a good kick in the nickers to
11 get itself out of the rut that
12 democracy and equality of
13 peoples has dug us into."

14 Rocket440 replies stating:

15 "Couldn't have said it better
16 myself!
17 Forum Administrator".

18 I believe that is important, because
19 it displays rocket440 responding to a call for
20 genocide, or ethnic cleansing, by saying:

21 "Couldn't have said it better
22 myself!"

23 MS PARISIEN: Thank you, Mr. Warman.
24 We will be moving to the last Tab of HR-1, and that is
25 Tab 29, and if you could identify this document for the

1 Tribunal.

2 MR. WARMAN: Yes. This is a one-page
3 document from the Canadian Nazi Party web site that I
4 printed off on the 3rd of February 2004, and provided
5 to the Commission pursuant to my complaint.

6 MS PARISIEN: Thank you, Mr. Chair.
7 If I can introduce this document?

8 THE CHAIRPERSON: Yes.

9 MS PARISIEN: Thank you. Can you
10 tell us, Mr. Warman, the significance of this document?

11 MR. WARMAN: Yes. At that time, what
12 I attempted to access the web site of the Canadian Nazi
13 Party, what comes up here is a message from ezboard,
14 the company that was hosting the web site. It states,
15 under their logo:

16 "SYSTEM MESSAGE, Banned and
17 Locked Down,"

18 And it then states:

19 "(canadiannaziparty) has been
20 locked down in accordance with
21 ezboard's Terms of Use. Reason:
22 hate speech."

23 MS PARISIEN: Although it may be
24 obvious, Mr. Warman, can you tell us the reason you
25 forwarded this document to the Commission?

1 MR. WARMAN: Because it indicates
2 that the company that was previously hosting their web
3 site had terminated their use of that space for the
4 reason that it was hate speech and, therefore, in
5 violation of their service.

6 THE CHAIRPERSON: Do you know how it
7 came about to shut it down, by any chance?

8 MR. WARMAN: No, I am sorry, I don't.

9 MS PARISIEN: Mr. Chair, subject to
10 your questions, those are my questions for Mr. Warman.

11 THE CHAIRPERSON: Okay. How will we
12 deal with the issues of remedy? You will addressing
13 them in your final submissions?

14 MR. WARMAN: Yes.

15 THE CHAIRPERSON: So that will be all
16 the evidence that Mr. Warman will be leading?

17 MS PARISIEN: That is correct.

18 THE CHAIRPERSON: I don't have any
19 questions. I have asked them along the way. I see no
20 reason to ask any further questions.

21 MR. WARMAN: No. Thank you.

22 THE CHAIRPERSON: You have no other
23 witness at this time?

24 MS PARISIEN: No.

25 THE CHAIRPERSON: Well, we will take

1 our lunch break at this time.

2 Your submissions will not be long?

3 MR. WARMAN: Mine will be probably no
4 longer than 15 minutes.

5 THE CHAIRPERSON: I don't know how
6 long yours will be.

7 All I am saying, I have one small
8 time restriction, because I think I have to leave the
9 office around 4:00 to catch a flight.

10 MS PARISIEN: That should be plenty
11 of time, Mr. Chair.

12 MR. WARMAN: If we are still here at
13 4:00 o'clock, there is a problem.

14 THE CHAIRPERSON: Do not
15 underestimate the level of my questioning.

16 MR. WARMAN: That's true.

17 THE CHAIRPERSON: You are familiar
18 with that, Mr. Warman?

19 MR. WARMAN: Yes.

20 THE CHAIRPERSON: We can take an hour
21 and a half. Is that a problem for you?

22 MR. WARMAN: I am in your hands.

23 THE CHAIRPERSON: How about an hour
24 and 15 minutes, and come back at quarter to two; is
25 that fine?

1 MS PARISIEN: That is fine with me.
2 Thank you, Mr. Chair.

3 THE REGISTRAR: Order, please.
4 -- luncheon adjournment at 12:31 p.m.

5 -- resuming after the luncheon adjournment at 1:45 p.m.

6 THE REGISTRAR: Order, please.

7 THE CHAIRPERSON: Okay. Good
8 afternoon, Mr. Warman.

9 MR. WARMAN: We have decided to split
10 up our closing submissions in order to attempt not to
11 repeat anything and to ensure everyone is out of here
12 in due time.

13 THE CHAIRPERSON: That is not an
14 issue. The hearing must be completed.

15 MR. WARMAN: What I will be doing is
16 addressing the question of a group of persons acting in
17 concert.

18 My friend for the Commission will be
19 addressing a number of other points. To that extent, I
20 would just indicate I am adopting all of her
21 submissions in respect to the areas that she will touch
22 upon.

23 So I would like to briefly go through
24 the cases that deal with -- with your indulgence, I
25 will get some water as well.

1 THE CHAIRPERSON: Now, there was a
2 Book of Authorities referred to earlier.

3 MR. WARMAN: Yes, sir.

4 THE CHAIRPERSON: Why don't we get
5 that handed up.

6 MS PARISIEN: Yes, certainly.

7 THE CHAIRPERSON: So I have been
8 handed up a joint Book of Authorities, Commission and
9 complainant. I have been handed up a joint Book of
10 Authorities.

11 MR. WARMAN: Yes. The cases I will
12 be referring to are within the Book of Authorities and
13 have been highlighted appropriately.

14 THE CHAIRPERSON: Let me verify, just
15 to make sure. Yes, they have been highlighted.

16 MR. WARMAN: The first case, dealing
17 with the question of the ability to issue orders
18 against them, an incorporated group of persons, is the
19 CHRC v. Taylor Case.

20 I know, Member Hadjis, you have dealt
21 with this question previously. I am not sure to what
22 extent you would like me to go through the cases
23 dealing with that question or simply to deal with the
24 indicia as the Tribunal and the courts have found in
25 the past, and then refer them directly to this case.

1 THE CHAIRPERSON: I am not sure what
2 question you are asking of me. Do I want to see
3 Taylor? I don't mind seeing Taylor again, but on what
4 point?

5 MR. WARMAN: Just on the question of
6 the ability of the Tribunal to issue orders against a
7 group of -- an unincorporated group of persons.

8 THE CHAIRPERSON: Make the statement
9 so we can say you have made it. I have certainly made
10 a finding against an unincorporated group in the past,
11 but I still think you should make all the points for
12 the record.

13 MR. WARMAN: Then I will make that
14 point. In support of that proposition, I will refer
15 you to the cases of CHRC v. Taylor, (1979) C.H.R.D.
16 No.1/79, which was made up of a three-member panel,
17 which stated at paragraph 41:

18 "Specifically, with respect to
19 s. 13, we believe that on the
20 balance of probabilities, which
21 is the burden of proof upon the
22 Complainants, all of the
23 essential ingredients have been
24 met. The Respondents constitute
25 a person or a group of persons

1 acting in concert. The
2 Respondent, the Western Guard
3 Party is not incorporated but
4 there is no question that it
5 constitutes a group of persons
6 who have organized themselves
7 under this name."

8 The Tribunal then goes on to list a
9 number of indicia that support that finding.

10 They state:

11 "They have a symbol. They have
12 a letterhead. They have a post
13 office box number. They have
14 telephone lines in their name.
15 They are listed in the telephone
16 book. They have a bank account
17 and infrastructure with officers
18 and leaders. They hold
19 themselves out as a unit. They
20 therefore come within the
21 meaning of the phrase "group of
22 persons acting in concert".

23 Similarly, CHRC v. Taylor, (1980),
24 F.C.J No. 119, the Reasons of Justice Dube, paragraph
25 13 states:

1 "The Western Guard Party is not
2 incorporated but does constitute
3 "a group of persons acting in
4 concert", as provided for under
5 subsection 13(1) of the Act."

6 It then continues and gives the
7 reasons why it is possible to issue an Order against
8 that group.

9 In the case of Nealy et al v.
10 Johnston, Long, and the Church of Jesus Christ
11 Christina-Aryan Nations, (1999) case of the Tribunal,
12 again, a three-member panel.

13 The Tribunal stated in a nutshell --
14 the respondents did not appear either.

15 That the Church and Terry Long are
16 closely linked is also evident from the statements
17 attributed to Mr. Long.

18 Features on Long and the Church from
19 the Edmonton Journal, The Calgary Herald and the
20 Toronto Sun were introduced into evidence, all of which
21 featured interviews with Long in which he asserted his
22 role as the leader of the church in Alberta.

23 They continue later:

24 "The Tribunal is satisfied that
25 there exists strong

1 circumstantial evidence linking
2 both Terry Long and Randy
3 Johnston with the messages. The
4 messages are put out under the
5 name of the Aryan Nations Church
6 which uses the same postal
7 address as Terry Long."

8 Later on, the church was also named
9 as a respondent. Its status, therefore, has to be
10 considered.

11 There was no evidence led that the
12 church has been incorporated and thus has any formal
13 legal status, and no information was produced as to the
14 character and size of its membership in Alberta, let
15 alone in Canada.

16 Direct evidence was introduced
17 through the tapes and transcripts to the effect that
18 the telephone messages were communicated under its
19 name.

20 Later, based on the evidence led
21 before the Tribunal, pointing to the existence of a
22 group of individuals in Alberta, led by Terry Long, who
23 subscribed to the values and views of that section of
24 the "identification church movement", which operates
25 under the name of the Church of Jesus Christ,

1 Christian-Aryan Nations, the members of the Tribunal
2 are satisfied that the church in Alberta was correctly
3 named as a respondent in this hearing.

4 Although Terry Long is clearly the
5 driving force in the organization, it is not limited to
6 and synonymous with him.

7 Despite the absence of evidence that
8 it has formal legal status, it does represent a group
9 of people accepting a common religious, political and
10 social agenda, who see themselves as part of an
11 institution or movement.

12 In the case of Manitoba Coalition
13 against Racism and Apartheid v. Marcus, and the
14 Manitoba Knights of the Ku Klux Klan, -- and Marcus
15 being spelled H-A-R-C-U-S -- (1992) decision of the
16 Tribunal, a three-member panel.

17 The respondents did not attend the
18 hearings. The telephone hate messages in question
19 identified the group as the Manitoba Knights of the Ku
20 Klux Klan.

21 There was a recruitment poster
22 circulated in Winnipeg bearing the name of the Manitoba
23 Knights of the Ku Klux Klan, and giving their PO Box
24 and telephone number.

25 The telephone number and PO Box were

1 registered to Mr. Harcus.

2 The Tribunal found that Mr. Harcus
3 acted individually or in concert with the Manitoba
4 Knights of the Ku Klux Klan to communicate the hate
5 messages complained of.

6 The Tribunal issued cease and desist
7 orders against both of the respondents.

8 In the case of CHRC v. Canadian
9 Liberty net, a (1992) case in the Federal Court, and
10 handed down by Mr. Justice Muldoon.

11 He states that the

12 "Canadian Liberty Net is not
13 shown to be a corporation."

14 It was composed of unknown numbers
15 but appeared to be more than one person, thus
16 constituting, "a group of persons" contemplated in
17 section 13 of the Act.

18 That is found at paragraph 12 of his
19 decision.

20 Justice Muldoon issued orders against
21 both respondents, as well as the servants, agents,
22 volunteers, co-operants or otherwise.

23 Similarly, in the case of CHRC v.
24 McAlear, Canadian Liberty Net et al, which is a (1994)
25 decision of the Tribunal --

1 THE CHAIRPERSON: Do I have it in my
2 binder? I don't think I have it here.

3 You can still reference it for me. I
4 don't seem to have it in the list here. So it is
5 McAlear. You gave us the cite?

6 MR. WARMAN: Yes. It is (1994), CHRD
7 TD4/94.

8 THE CHAIRPERSON: Yes.

9 MR. WARMAN: In the decision, it
10 notes that Mr. McAlear, in his evidence, stated he
11 operated the Canadian Liberty Net and that it had no
12 members.

13 Despite this, the Tribunal issued
14 cease and desist orders against all respondents.

15 I won't go into any depth of the
16 Heritage Fund cases because they simply deal with the
17 issue of issuing injunctions against an unincorporated
18 voluntary association.

19 But I will note the case of
20 Chilliwack, being C-H-I-L-L-I-W-A-C-K, Anti-Racism
21 Project Society v. Scott and the Church of Christ in
22 Israel, a (1996) Tribunal decision, again a
23 three-member panel.

24 At paragraphs 27 and 28, the Tribunal
25 states:

1 "There was no evidence before
2 this Tribunal as to the legal
3 status of the respondent Church
4 of Christ in Israel. Whether it
5 is a legal entity or a mere
6 business style, the Tribunal is
7 satisfied, based upon the
8 circumstantial evidence before
9 it, that it is an entity closely
10 related to the respondent Pastor
11 Charles Scott, and is one
12 vehicle used by him for the
13 expression and promotion of his
14 views.
15 On all of the evidence, the
16 Tribunal is satisfied that the
17 respondent Pastor Charles Scott,
18 both personally and through the
19 auspices of the respondent
20 Church of Christ in Israel did
21 "communicate telephonically or
22 caused to be so communicated
23 repeatedly" the messages which
24 are the basis of these
25 complaints."

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1 Again, the Tribunal issues a cease
2 and desist order against both of the respondents.

3 Thus, from all of these cases, we may
4 take it that the Tribunal and the courts have found
5 that, at least in the telephone hate-line era, the
6 following are indicia of whether what is encountered on
7 the evidence is a group of persons acting in concert.

8 The indicia are one, whether there is
9 a group name; two, whether there is a symbol; three,
10 the question of letterhead; four, a PO Box; five, the
11 telephone number or listed in the telephone book; six,
12 a bank account; and, seven, if they have officers or
13 leaders; and, eight, whether they hold themselves out
14 as a unit.

15 I would submit that in the era of the
16 Internet, some of those indicia have changed and that
17 further indicia that should be taken into
18 consideration, rather than necessarily having a
19 telephone number, the question should be whether they
20 have an email address, or that it is another indicia
21 that may be considered.

22 Also, whether they have a web site or
23 forum, as the case may be.

24 Perhaps with regard to holding
25 themselves out as a unit, there would also be

1 consideration of whether they undertake recruiting
2 efforts in order to expand their group.

3 I would like to just begin by going
4 through those indicia and indicating to you what my
5 submissions are with regard to the individual tabs of
6 the evidence that you have before you in this case.

7 With regard to the group name, I
8 believe that that is abundantly clear that it is shown
9 in Tabs 3, 4, 14 to 16, 18 to 20, and 22 to 28, that
10 the groups name is the Canadian Nazi Party.

11 Similarly, with regard to the symbol,
12 that it is displayed prominently at the front and
13 centre of every page on the Canadian Nazi Party web
14 site; the symbol is that of the World War 11 era, the
15 Swastika flag of the National Socialist Government.
16 That is at Tabs 12, 14 to 16 and 18 to 28.

17 The next indicia is that of an email
18 address. The evidence at Tabs 12 and 15 are that the
19 email address provided for contacting the group was
20 that of bobby.wilkinson@sympatico.ca.

21 With regard to the question of
22 whether the group has a web site or a forum -- and/or
23 forum, Mr. Wilkinson on Stormfront advertises the web
24 site, at Tabs 3 and 4.

25 There is evidence of their web site

1 at Tabs 12, 14 to 16, and 18 to 28.

2 The next question is that of bank
3 account. And in this Internet age, again, some of
4 these items have to be taken into consideration that
5 they may change in forum, if not substance.

6 In this case, Tab 15 demonstrates
7 quite clearly there is a way to donate money to this
8 group, and that they intend -- Mr. Wilkinson, using the
9 pseudonym MeinStruggle, indicates to what end they
10 propose to use any funds that are, in fact, donated.

11 The next consideration is that of
12 officers and leaders. Consideration of that is
13 available at Tabs 3, 4, 7, 12, 14 to 16, 18 to 22, and
14 24 to 28.

15 By that, especially with Tabs 3 and
16 4, Mr. Wilkinson holds himself out as the leader of the
17 group. He says, I am attempting to start a movement.
18 Please go to my web site or our web site, and lists the
19 Canadian Nazi Party web site link.

20 And, then, within the Canadian Nazi
21 Party's forum, there are moderators and an
22 administrator.

23 So, there are clearly those in a
24 superior position to normal participants.

25 The next question is whether these

1 individuals hold themselves out as a unit and/or, I
2 would submit, members. I would submit to you that Tabs
3 7, 15, 16, 18, 19, 23 and 28 make that clear. And
4 that, in fact, the most -- I hesitate to use the word
5 "eloquent", but the most direct statement of that is
6 perhaps that which is contained on their home page of
7 the Canadian Nazi Party web site.

8 That is located on the first page of
9 Tab 15. Mr. Wilkinson states:

10 "Ten hearts, one beat. One
11 hundred hearts, one beat. Ten
12 thousand hearts, one beat. We
13 are born to fight and to die and
14 to continue the flow, The flow
15 of our people. Onward we will
16 go, onward to the stars high
17 above the mud, the mud of
18 yellow, black and brown. So
19 kinsmen, duty calls. The future
20 is now. So stand up like men
21 and drive the enemy into the
22 sea! So stand up like men, and
23 swear a sacred oath upon the
24 green grass of our sires, that
25 you will reclaim what our

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1 forefathers discover, explored,
2 conquered, settled, built, and
3 died for. Stand up like men and
4 reclaim our soil. Look towards
5 the stars and proclaim our
6 destiny. Defeat, never...
7 Victory, FOREVER! MeinStruggle."

8 That is clearly what the purpose of
9 the unit or group was. It was, as in traditional Nazi
10 philosophy, that there is a war, that the war has been
11 brought on by the Jewish and non-white communities, and
12 that it is the duty of all Aryans -- in this case, the
13 members of the Canadian Nazi Party -- to fight back and
14 to win this war.

15 Specifically with regard to holding
16 themselves out as a unit as well, at Tab 15, in the
17 member section, it states:

18 "Members of the National
19 Nazi/Socialist Party."

20 It also gives instructions on how to
21 join the National Nazi and Socialist movement.

22 And then at Tab 18, it says:

23 "Welcome to our newest member"
24 -- who then is listed giving the same
25 elaborated headings of information that were required

1 to become a member of the Canadian Nazi Party.

2 Even if there were nothing else, I
3 would submit to you, that the fact there was Mr.
4 Wilkinson and, in this case, an individual who is
5 described as Mr. Reese, that constitutes more than one
6 person and, therefore, constitutes a group of persons
7 acting in concert.

8 The last indicia I would like to draw
9 your attention to is whether they make recruiting
10 efforts. I submit to you that is present at Tabs 3
11 and 4.

12 Again, Mr. Wilkinson exhorts people
13 to join his movement, the Canadian Nazi Party.

14 And then Tabs 7, 12, 15, 16, 18 to 20
15 and 28, without going into the question and without
16 delving into the question about whether it was a group
17 of persons, Member Jensen in the Winnicki decision took
18 note of the fact that Mr. Winnicki did not, in fact,
19 rest content with simply littering the Internet with
20 his hate propaganda, but, rather, she took note of the
21 fact that he exhorted people to join him in his
22 misguided struggle.

23 Having heard the evidence put before
24 you today, I am confident that the material before you
25 is sufficient to find that it constitutes matters that

1 are likely to expose the mentally disabled persons,
2 Jews, Hispanics, Blacks, Gays and Lesbians, Roma,
3 Pakistanis, Arabs, Chinese and Japanese to hatred
4 and/or contempt.

5 I am also confident that the evidence
6 supports a finding that Bobby Wilkinson, as an
7 individual, and the Canadian Nazi Party, as a group of
8 persons acting in concert, were responsible for the
9 communication of these messages.

10 No segment of our society should have
11 to suffer the kind of vilification that is present in
12 this case.

13 As an impediment, as my friend Maitre
14 Parisien noted, the "tell us," the goal of the Canadian
15 Human Rights Act, which is that people should have the
16 ability to make for themselves the lives which they are
17 able and wish to have.

18 I would close by quoting Justice
19 Corrie in the Andrew's(ph) judgment, when he cited the
20 Cohen Committee Report regarding the importance of
21 preventing the dissemination of hate propaganda.
22 Justice Corrie stated:

23 "Canadians who are members of
24 any identifiable group in Canada
25 are entitled to carry on their

1 lives as Canadians without being
2 victimized, by the deliberate,
3 vicious promotion of hatred
4 against them. In a democratic
5 society, freedom of speech does
6 not mean the right to vilify.
7 The number of organizations
8 involved, the number of persons
9 hurt is no test of the issue.
10 The arithmetic of a free society
11 will not be satisfied with
12 over-simplified statistics,
13 demonstrating that fewer are
14 casting stones and not many are
15 receiving hurts.
16 What matters is that incipient,
17 malevolence and violence, all of
18 which are inherent in hate
19 activity, deserves national
20 attention." (AS READ)

21 Subject to any questions you may
22 have, those are my submissions.

23 THE CHAIRPERSON: Perhaps I do have
24 one question which relates to the designation of the
25 parties, as you have come to raise them.

1 I noted that the complaint itself was
2 made against Robert P. Wilkinson, who, from the
3 evidence you led, would have been the relative of Bobby
4 Wilkinson, the grandfather; is that what you said?

5 MR. WARMAN: No. Perhaps, if I may,
6 to be specific?

7 THE CHAIRPERSON: Sure.

8 MR. WARMAN: The confusion arose at
9 the Commission stage.

10 THE CHAIRPERSON: Correct. The
11 complaint was filed on December 22, 2003. I am looking
12 at the Commission document, agreed.

13 MR. WARMAN: Yes. The complainant
14 itself --

15 THE CHAIRPERSON: The complaint
16 itself says Bobby Wilkinson.

17 MR. WARMAN: Yes.

18 THE CHAIRPERSON: Fair. You have
19 always used the term "Bobby Wilkinson" in your
20 complaint. This was simply the form that constitutes
21 the summary of the complaint, something that was
22 drafted by the Commission, correct?

23 MR. WARMAN: Exactly?

24 THE CHAIRPERSON: I understand.
25 Consequently, the letter, for the record -- it has not

1 been filed in evidence -- the letter that was
2 referred -- signed by the then Commissioner Mary
3 Gasella(ph) of the Commission, dated November 8, 2005,
4 referring the complaint to this Tribunal, stated quite
5 clearly that the Commission has reviewed the complaint
6 of Richard Warman against Bobby James Wilkinson is what
7 it says. That is what was referred to us.

8 Bobby James Wilkinson is the name of
9 the individual that you are raising today.

10 MR. WARMAN: That's my understanding.

11 THE CHAIRPERSON: The only confusion
12 acrose is when the Commission drafted this summary of
13 the complaint?

14 MR. WARMAN: I believe so.

15 THE CHAIRPERSON: That was my
16 question. Thank you.

17 MR. WARMAN: I have the sense you are
18 letting me off easy. I had such hopes.

19 THE CHAIRPERSON: No, that may arise
20 later.

21 MS PARISIEN: I was going to say,
22 you are saving it for me, then.

23 THE CHAIRPERSON: Well, there are
24 still some points to look at.

25 MS PARISIEN: Perhaps I can start by

1 saying, Mr. Chair, that the Commission adopts Mr.
2 Warman's submissions on the issue of a group of persons
3 acting in concert.

4 I will proceed to speak to other
5 issues.

6 The main issue in this complaint, as
7 you know, is whether on a balance of probabilities, the
8 respondent communicated or caused to be communicated by
9 way of the Internet material that is likely to expose a
10 person or persons to hatred or contempt, on the basis
11 of disability, religion, race, colour, sexual
12 orientation, national or ethnic origin.

13 The Commission submits that the
14 evidence led before you today clearly establishes the
15 respondent administered and maintained the Canadian
16 Nazi Party web site from Canada; the respondent did, in
17 fact, communicate or cause to be communicated the hate
18 material at issue, and that material is likely to
19 expose mentally disabled persons, Jews, Hispanics,
20 Blacks, Gays and Lesbians, Roma or gypsies, Pakistanis,
21 Arabs, Chinese, Japanese and other non-whites to hatred
22 or contempt contrary to section 13 of the Act.

23 To break it down, I will start by
24 addressing the fact that Mr. Wilkinson administered and
25 maintained the Canadian Nazi Party web site from

1 Canada, and that the respondents communicated or caused
2 to be communicated repeatedly the messages in issue.

3 The Commission submits the evidence
4 before the Tribunal shows the respondent Mr. Wilkinson,
5 Mr. Bobby James Wilkinson, has lived in Canada at all
6 relevant times and maintained the Canadian Nazi Party
7 web site which is a group of persons acting in concert.

8 Here I refer you to Exhibit HR-1,
9 Tabs 8 through 11.

10 I am referring you as well,
11 specifically, to Tab 15. This is where the general
12 forum page for the Canadian Nazi Party web site
13 appears.

14 If you turn to page 2, you see
15 "contact administrator." We discussed this through Mr.
16 Warman's testimony.

17 You will recall he explained that
18 when he clicked on "contact administrator" on the
19 Canadian Nazi Party web site, the email address that
20 appeared was that of bobby.wilkinson@sympatico.ca.

21 He also explained that he was able to
22 confirm that Bobby Wilkinson was, in fact, a Bell
23 Sympatico user and customer, by pulling up the empty,
24 yet accessible, web site, at
25 www.3.sympatico.ca\bobby.wilkinson. This is shown at

1 Tab 13 of Exhibit HR-1.

2 Mr. Warman testified that had he
3 typed the name of someone that was not a Sympatico
4 customer, he would have obtained an error message.

5 As well, Mr. Chair, if you turn to
6 Tab 12 of Exhibit 1, you see that rocket440 signs as
7 the Canadian Nazi Party forum administrator and he
8 indicates to members that they can send him an email to
9 bobby.wilkinson@sympatico.ca.

10 There is also further evidence that
11 Mr. Wilkinson uses the name rocket440 for his postings,
12 and that he is the forum administrator, at Tabs 14, 16,
13 and 18.

14 In his testimony, Mr. Warman
15 indicated that Mr. Wilkinson, under another pseudonym,
16 the one of MeinStruggle, posted messages on the
17 www.stormfront.org web site; and specifically stated
18 that he was setting up his own movement and web site.

19 If we turn to Tab 2 of Exhibit HR-1,
20 the posting by MeinStruggle says:

21 "I am attempting to start my own
22 movement. Visit our board for
23 more info."

24 And then he refers to the address
25 "<http://pub68.ezboard.com/bcanadiannaziparty>".

1 We have seen and heard the evidence
2 of Mr. Warman and the Commission in this regard. But,
3 for your reference, there is also additional evidence
4 at Tabs 3 to 5.

5 In terms of identifying Mr.
6 Wilkinson, I would like to bring your attention to Tab
7 7.

8 There we see a posting by
9 MeinStruggle on the Stormfront web site that says:

10 "My name is Bobby, I formerly
11 ran the Canadian Nazi/Socialist
12 forum off of ezboard until it
13 was shut down due to "Hate
14 Speech". This was early last
15 year, and the forum was shutdown
16 around January of this yr."

17 Just for your reference in terms of
18 positioning us in time, this was posted on August 8,
19 2004.

20 In the third paragraph, the posting
21 goes on to say:

22 "This morning a letter arrived
23 addressed to my grandfather
24 (whom which the home in which I
25 operated this site belonged

StenoTran

1 to)... now here's the good part
2 "addressed to my grandfather but
3 flat out accusing me of being a
4 bigot, and uttering hate speech,
5 which violates section 13(1) of
6 the human rights act. Remember
7 "addressed to my grandfather"
8 the Internet connecting is in my
9 name, and the email address used
10 for correspondence on the forum
11 was in my name, as well as the
12 user name on ezboard."

13 If you also turn to the next tab --
14 sorry, to Tab 2(A), there is another posting by Mr.
15 Wilkinson under the name MeinStruggle, which states:

16 "I CAN'T BELIEVE
17 IT!!!!!!!!!!!!!!!!!!!!!!"
18 I myself just last month
19 received a human rights
20 complainting from one Richard
21 Warman!!!!!!!!!!!!!"

22 In sum, the Commission submits it has
23 shown on a balance of probabilities that Mr. Bobby
24 James Wilkinson, the administrator of the Canadian Nazi
25 Party, and the person posting under the pseudonym

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1 rocket440 on the Canadian Nazi Party web site are one
2 and the same.

3 In the Kouba Decision, the Tribunal
4 decision, at Tab 11 of the Book of Authorities, the
5 Tribunal indicated at paragraph 121 that:

6 "It is not a requirement in law
7 that facts in issue in a case be
8 proved by direct evidence. In
9 many cases, the facts may only
10 be established through the proof
11 of other facts... This is what
12 is known as circumstantial
13 evidence."

14 Continuing at paragraph 122, the
15 Tribunal goes on to say:

16 "As has often been noted in
17 human rights jurisprudence,
18 discrimination is not a practice
19 that one would expect to see
20 displayed overtly.... In fact,
21 rarely are there cases where one
22 can show by direct evidence that
23 discrimination is being
24 practised. The Tribunal
25 therefore, is often required to

1 consider all of the
2 circumstances in determining if
3 discrimination has occurred. An
4 inference of discrimination may
5 be drawn where the evidence
6 offered in support of it renders
7 such an inference more probable
8 than the other possible
9 inferences..."

10 The Commission here submits that the
11 most probable conclusion in this case, in the light of
12 all the evidence, is that the Commission and the
13 complainant have correctly identified the respondents.

14 With respect to the issue of Mr.
15 Wilkinson as the administrator of the Canadian Nazi
16 Party web site, I would like to turn your attention to
17 the evidence of Mr. Warman and the evidence at Tab 17
18 of Exhibit 1.

19 This is the document printed off the
20 eZboard web site, where it is shown that administrators
21 have the power to edit, screen, delete postings made on
22 their forums.

23 I will also refer you, Mr. Chair, to
24 Mr. Warman's evidence of the supportive attitude of Mr.
25 Wilkinson towards the hate messages posted on the

1 Canadian Nazi Party web site and, to that effect,
2 specifically to Tab 21.

3 If we turn to the Kyburz decision in
4 the Book of Authorities at Tab 10, there, at paragraph
5 9 --

6 THE CHAIRPERSON: Just a second.

7 MS PARISIEN: Yes.

8 THE CHAIRPERSON: Yes.

9 MS PARISIEN: At paragraph 9, the
10 Tribunal states that:

11 "The fact that a web site is a
12 somewhat passive medium,
13 requiring the reader to take
14 positive steps in order to
15 access the posted material does
16 not detract from the fact that,
17 in up-loading the material to
18 the web site..."

19 -- here I will call it -- the respondent communicated
20 the material in issue.

21 You have also heard evidence and were
22 able to see the printout of postings showing that the
23 postings at issue were communicated by way of the
24 Internet.

25 As such, by virtue only of being on

1 the Internet, the communication can be deemed to have
2 been repeated.

3 If we turn to the Kulbashian, at Tab
4 9, rendered by yourself, at paragraph 62, the following
5 was noted -- so that is paragraph 62.

6 "According to s. 13(1) of the
7 Act, the communication of hate
8 messages must occur "repeatedly"
9 to constitute a discriminatory
10 practice. I note that in the
11 present case, Mr. Warman and Mr.
12 Wilson had no difficulty
13 "surfing" their way to the
14 websites in question, and
15 receiving successive instalments
16 of the Hate Messages on their
17 computers on an ongoing basis
18 over a period of several months.
19 In my view since the Hate
20 Messages could be viewed at any
21 time by anyone using the
22 Internet, they were indeed being
23 communicated "repeatedly."

24 THE CHAIRPERSON: And the hate
25 messages in question were web sites. They were on web

1 sites. Were they on forums?

2 I don't think they were on forums.

3 MS PARISIEN: I believe you are
4 correct to say they were on web sites, in this case.

5 THE CHAIRPERSON: Are we to make
6 anything of the fact that forums that I see see here
7 consist of individual postings?

8 MS PARISIEN: Well, the fact that
9 both the forums and the web sites are available to the
10 general public at large and that you can access them at
11 any time, I would split to you, Mr. Chair, there is, in
12 fact, no distinction between accessing a web site and
13 going to a web site and, then, sub forums within that
14 web site.

15 THE CHAIRPERSON: I suppose you are
16 making a distinction -- well, you are pointing out that
17 Mr. -- it is alleged that Mr. Wilkinson was the
18 administrator of these forums or fora -- we will stick
19 with forums -- and, as such, he played the role more as
20 a manager of this web site, if I can use this term, as
21 opposed to an individual placing postings thereon.

22 MS PARISIEN: Precisely. So, as the
23 administrator of the web site, he had powers that
24 regular members would not have, in terms of deleting,
25 editing, messages either within the forums on the

1 general web site itself.

2 In terms of the distinction between a
3 web site and the forums, I can also refer you to the
4 Kyburz decision.

5 In that case, it was a question of
6 whether messages being posting in forums.

7 I am also told, Mr. Chair, in a
8 decision of Warman v. Harrison, that deals explicitly
9 with postings being done by an individual on forums.

10 THE CHAIRPERSON: That is where the
11 respondent was found in breach of section 13 for having
12 placed individual postings on the forum.

13 MS PARISIEN: Yes.

14 THE CHAIRPERSON: Is that the
15 situation you are alleging?

16 MS PARISIEN: Yes.

17 THE CHAIRPERSON: I raise the
18 points -- as you may recall, I raised the question on
19 at least one or two other occasions where we saw a
20 debate going on, a vulgar debate on both sides, but a
21 debate nonetheless.

22 MS PARISIEN: Right. And the
23 Commission's submission on that issue is that, as the
24 administrator, Mr. Wilkinson had the power over the
25 postings that appeared in the forums and on the web

1 site, the power to either delete them, remove them, or
2 edit them.

3 Again, on the question of repetition,
4 I guess I could add that in this case there were
5 several examples of hate messages as well put into
6 evidence, which underscores another type of repetition.

7 All things considered, the
8 Commission's respectful submission is that the evidence
9 shows that Mr. Wilkinson both administered and
10 maintained the Canadian Nazi Party web site from Canada
11 and that the respondents communicated or caused to be
12 communicated repeatedly the postings before you.

13 Subject to any questions, what I
14 would do now is turn to the effect of those postings,
15 in that whether they can be considered to likely expose
16 a person or persons to hatred or contempt, contrary to
17 section 13 of the Act.

18 We submit that the test to be used in
19 determining whether or not certain material is likely
20 to expose people to hatred or contempt pursuant to
21 section 13(1), is as set out by the Canadian Human
22 Rights Tribunal in Nealy v. Johnston, and cited with
23 approval by the Supreme Court of Canada in Canada Human
24 Rights Commission v. Taylor.

25 This decision is in the Tribunal's

1 Book of Jurisprudence, but there is an excerpt at Tab 8
2 of the Book of Authorities.

3 At Tab 8 the test is set out, at
4 paragraph 60, where it says that:

5 "... With "hatred" the focus is
6 a set of emotions and feelings
7 which involve extreme ill will
8 towards another person or group
9 of persons. To say that one
10 "hates" another means in effect
11 that one finds no redeeming
12 qualities in the latter. It is
13 a term, however, which does not
14 necessarily involve the mental
15 process of "looking down" on
16 another or others. It is quite
17 possible to "hate" someone who
18 one feels is superior to one in
19 intelligence, wealth or power.
20 None of the synonyms used in the
21 dictionary definition for
22 "hatred" give any clues to the
23 motivation for the ill will.
24 "Contempt" is by contrast a term
25 which suggests a mental process

1 of "looking down" upon or
2 treating as inferior the object
3 of one's feelings."

4 The Supreme Court of Canada ruled
5 that the approach taken in Nealy gives full force and
6 recognition to the purpose of the Canadian Human Rights
7 Act, while remaining consistent with the Charter.

8 In other words, the Supreme Court of
9 Canada ruled that the language employed in section
10 13(1) of the Act extends only to an expression giving
11 rise to the evil sought to be eradicated and provides a
12 standard of conduct sufficiently precise to prevent the
13 unacceptable chilling of expressing activity.

14 Again, this is at paragraphs 61 and
15 62 of the Taylor decision at Tab 8.

16 Therefore, as long as the Tribunal
17 applies the test, as cited above, there is little
18 danger that subjective opinion regarding offensiveness
19 will displace the proper meaning of the question.

20 In the light of the test set out in
21 Nealy and Taylor, expose means to leave a person
22 unprotected, without shelter or defense, to lay open to
23 danger, ridicule or censure.

24 Expose is a more passive word than
25 incite.

1 Again, on the basis of Nealy and the
2 majority in Taylor, the use of the word "likely" in
3 section 13(1) means that it is not necessary that
4 evidence be adduced to prove that any particular
5 individual or group took the messages seriously and
6 directed hatred or contempt towards others, nor is it
7 necessary to show, in fact, that someone was so
8 victimized.

9 And, like the other sections in the
10 Act dealing with discrimination, section 13(1) provides
11 for liability where there is no proven or provable
12 discriminatory impact.

13 I will refer you to paragraph 41 of
14 the Taylor decision, where the court explained that
15 hate messages by their very nature caused harm in two
16 significant ways:

17 First, they undermine the dignity and
18 self-worth of target-group members; and, secondly, they
19 erode the tolerance and open-mindedness that must
20 flourish in a multicultural society that is committed
21 to the idea of equality.

22 Therefore, messages that fall within
23 the definition of hates messages, in section 13, do
24 cause harm. Proof of harm is simply not required.

25 Moreover, because the Canadian Human

1 Rights Act is a quasi-constitutional law, addressing a
2 fundamental objective of equal opportunity in our
3 society, it must be given a broad and liberal
4 interpretation.

5 I would like also to turn to Tab 11
6 of the Joint Book of Authorities, where is inserted the
7 Tribunal decision in Kouba.

8 In that decision, Member Jensen, at
9 paragraph 22 -- that is Tab 11 at paragraph 22, the
10 Tribunal indicated there that:

11 "An analysis of the growing body
12 of s.13 jurisprudence reveals
13 there are a number of hallmarks
14 of material that is more likely
15 than not to expose the members
16 of the targeted group to hatred
17 or contempt. It may be useful
18 at this point to provide a list
19 of these hallmarks ... with some
20 examples."

21 In the following pages, from pages 6
22 through to 21, the Tribunal sets out 11 hallmarks of
23 the material that is likely to expose members of the
24 targeted group to hatred or contempt.

25 What I propose to do is to go through

1 most of those hallmarks and give you references to the
2 messages put in evidence where they have those
3 characteristics of hate messages.

4 The first one is that the targeted
5 group is betrayed as the powerful menace that has taken
6 control of major institutions in society and depriving
7 others of their livelihoods, safety, freedom of speech
8 and general wellbeing.

9 Messages with this indicia can be
10 found at Tabs 22 and 27 where the postings speak of the
11 rise of the Jewish control over America's newspapers
12 and over the news generally, and where non-whites are
13 shown to be the cause of drugs, prostitution, rape and
14 murder.

15 So that was a reference to Tabs 22
16 and 27.

17 THE CHAIRPERSON: Those are both
18 authored -- at least posted by -- it says "author" on
19 the paper. It may be copied from somewhere else, but
20 they were posted by rocket440?

21 MS PARISIEN: Right. Another
22 hallmark used by the Tribunal is that the messages used
23 true stories, news reports, pictures and references
24 from purportedly reputable sources to make negative
25 generalizations about the targeted groups.

1 Still looking at Tab 22, we submit
2 where reference to statistical and historical
3 information, this type of hallmark is contained in the
4 message or the posting at Tab 22.

5 Another hallmark referred to by
6 Member Jensen in the Kouba decision is that the
7 targeted group is blamed for the current problems in
8 society and the world.

9 I will submit to you, Mr. Chair, that
10 there can be no doubt that this is an omni-present
11 theme in the messages before the Tribunal today.

12 In terms of examples, I can refer you
13 to Tabs 21, 25, 26, 27 and 28.

14 I will now speak of four hallmarks
15 together, because I find they are often altogether in
16 the same postings.

17 One of them is that the targeted
18 group is portrayed as dangerous or violent by nature.

19 The other, that the messages convey
20 the idea that members of the targeted group are devoid
21 of any redeeming qualities and they are inanely evil.

22 Another hallmark, the fact that the
23 messages communicate the idea that nothing but the
24 banishment, segregation or eradication of this group of
25 people will save others from the harm being done by

1 this group.

2 Another hallmark that calls to take
3 violent action against the targeted group are contained
4 in the messages.

5 I submit to you, again, that the
6 messages in evidence today are replete with these four
7 hallmarks mixed in together. I will refer you to Tabs
8 16, 19, 20, 21, 23, 24, 25, 26, and 28.

9 Another hallmark of hate messages is
10 that the targeted group is dehumanized through
11 comparisons to and associations with animals, vermin,
12 excrement, and other nauseous substances.

13 If we turn to Tab 10 of the Kyburz
14 decision in the Book of Authorities, there is a
15 discussion there, where, at paragraph 49, Mr. Chair,
16 where the Tribunal found that the use of terms such as
17 sub-human, scum, vermin and low-lives to describe a
18 group -- in this case it was Jews -- could most
19 certainly lead some readers to view that group as
20 inferior being, causing them to hold that group of
21 people in contempt.

22 The Tribunal's decision was supported
23 in that case by the testimony of a psychologist who is
24 qualified as an expert in discrimination,
25 anti-semitism, racism, and hate material.

1 This can be found at paragraph 43.

2 The psychologist testified that this
3 tactic of the dehumanization of the Jewish people was
4 common in Nazi propaganda since by making Jews appear
5 as something less than human it became easier to kill
6 them.

7 If we turn to Exhibit No. 1, Tab 23,
8 in the first paragraph, about halfway, the second
9 sentence of paragraph one --

10 THE CHAIRPERSON: Tab 23, second
11 sentence. Okay.

12 MS PARISIEN: It starts:

13 "If civilization is now to be
14 saved from the swarms of
15 degenerate Jews, their cannibal
16 accomplices and their
17 unspeakable depraved liberal
18 friends, it will be THAT kind of
19 man who saves it, NEVER sneak."

20 A little further down, at the end of
21 paragraph 2, you see:

22 "Now RISE! Defy the rats and
23 vermin at your feet! Let them
24 feel the toe and heel of your
25 boot! Stamp them out!"

1 The use of dehumanizing comments also
2 appear, for your reference, Mr. Chair, at Tab 24.

3 THE CHAIRPERSON: I note for Tab 23
4 the author listed is not rocket440 or the other names?

5 MS PARISIEN: That's correct, but yet
6 it is still on the web site administered by Mr.
7 Wilkinson.

8 THE CHAIRPERSON: Yes.

9 MS PARISIEN: So if we can proceed to
10 another hallmark mentioned by Member Jensen in the
11 Kouba decision, is the indicia that the messages
12 trivialize or celebrate past persecution or tragedy
13 involving members of the targeted groups.

14 This type of indicia can be found in
15 the materials before us at Tabs 20 and 24.

16 The last hallmark that I would like
17 to address is that highly and inflammatory and
18 derogatory language that is used in the messages to
19 create a tone of extreme hatred and contempt.

20 Now, again, the Commission submits
21 that simply browsing through the materials in evidence
22 before you show extremely derogatory language and tones
23 of hatred.

24 This specific hallmark can certainly
25 be found, I would say, in almost all of the messages

1 and evidence.

2 The postings here portray members of
3 the targeted group as dangerous, violent sub-humans who
4 are worthy of nothing but the highest degree of
5 contempt and hatred.

6 They use racist epitaphs and slurs to
7 create a tone of profound denigration and disgust.

8 The messages advocate the exile or
9 segregation of members of the targeted groups and
10 exhort readers to take action to stop the evil menace
11 created by these people.

12 In terms of messages, enticing people
13 to take action, I would refer you to Tabs 3, 4, 7, 12,
14 15 and 16, 18 to 20 and 28.

15 In conclusion, Mr. Chair, the
16 Commission submits that there can be no doubt that the
17 various postings in issue have several of the hallmarks
18 referred to in Kouba and are, therefore, likely to
19 expose targeted groups to hatred, contrary to section
20 13 of the Canadian Human Rights Act.

21 Subject to any questions you may
22 have, I would proceed to make submissions on the
23 remedies that are sought.

24 The Commission and the complainant
25 request that the following remedies be granted; first,

1 an order that the respondents' pay penalties pursuant
2 to sections 54(1)(c) of the Canadian Human Rights Act;
3 secondly, that an order that the respondents', both
4 Mr. Wilkinson and the Canadian Nazi Party, cease the
5 discriminatory practice pursuant to section 54(1)(a) of
6 the Act.

7 In regard to the cease and desist
8 order, I bring your attention to the Tribunal decision
9 in the Kyburz -- I believe Kyburz is at Tab 10 -- and,
10 specifically, I refer you to paragraph 82, while
11 referring to the Zundel case, the Tribunal noted that a
12 cease and desist order can have both practical and
13 symbolic consequences.

14 Specifically, the Tribunal explained
15 that:

16 "On a practical level, such an
17 order should prevent the
18 respondent himself from
19 continuing to communicate
20 material of the nature described
21 in this decision. Further,
22 there is an important symbolic
23 value to the public denunciation
24 of the actions which form the
25 subject matter of Mr. Warman's

1 section 13 complaint. We adopt
2 the observation of the Tribunal
3 in Zundel, that "Parliament", on
4 behalf of all Canadians, has
5 determined that the telephonic
6 communication of hate messages
7 is not to be tolerated in our
8 society....(T)he victims who
9 hate are entitled to obtain the
10 benefit of the full weight of
11 {the Tribunal's} authority."

12 That was at paragraph 82.

13 In this case, although the Canadian
14 Nazi Party web site has been shut down, the Commission
15 considers that it is in the public interest to seek an
16 order that both Mr. Wilkinson and the Canadian Nazi
17 Party cease and desist from communicating or causing to
18 be communicated material that is likely to expose
19 mentally disabled persons, Jews, Hispanics, Blacks,
20 Gays and Lesbians, Roma or gypsies, Pakistanis, Arabs,
21 Chinese, Japanese and other non-whites to hatred or
22 contempt, contrary to section 13 of the Act.

23 As you know, in terms of penalty,
24 sub-section 54(1)(c) of the Act allows the Tribunal to
25 order a respondent in a section 13 complaint to pay a

1 penalty of up to \$10,000.

2 THE CHAIRPERSON: Please give me the
3 statute.

4 MS PARISIEN: That was 54(1)(c).

5 Now, in deciding to order the payment
6 of the penalty, Parliament has directed that the
7 Tribunal take several factors into account. This is at
8 54(1.1)(a) and (b).

9 These include the nature,
10 circumstances, extent and gravity of the discriminatory
11 practice, as well as the wilfulness or intent of the
12 person who engages in the discriminatory practice, any
13 prior discriminatory practices, and the persons ability
14 to pay the penalty.

15 I will address each of these factors
16 in turn.

17 First, insofar as the nature,
18 circumstances, extent and gravity are concerned, the
19 Commission submits that Mr. Wilkinson repeatedly
20 communicated or caused to be communicated messages
21 regarding the group subject to the complaint which were
22 both vicious and extreme; not only did the messages
23 attribute numerous and varied criminal acts to the
24 groups, described them as corrupt and devious, but some
25 messages went so far as to openly advocate the

1 extermination of Jews, Blacks and other non-whites.

2 The Commission submits that this
3 ought to weigh heavily in favour of the assessment of a
4 significant penalty.

5 THE CHAIRPERSON: Now, should any
6 distinction be drawn from the fact that I have raised a
7 couple of times, that much of the material we are
8 looking at in here was not penned by rocket440 or
9 MeinStruggle, but there was the administrative role
10 that you mentioned earlier?

11 MS PARISIEN: Yes, that's right. He
12 is still communicating. He is the one who is
13 communicating those messages, by posting them on the
14 Internet or forum within the web site.

15 THE CHAIRPERSON: So no distinction
16 should be drawn, is your submission, in terms of the
17 conduct of that nature vs. the conduct of the person
18 who is actually posting the material and drafting it
19 and adopting it as his own?

20 MS PARISIEN: Ultimately the decision
21 will be yours, but I would submit that the test is
22 still proven where Mr. Wilkinson is the one
23 communicating or causing to be communicated those
24 messages, whether he penned them or not.

25 In this case, if we look at the Kouba

1 decision, again, at Tab 11, at paragraph 141, it is a
2 similar situation where here -- I will let you turn to
3 it.

4 THE CHAIRPERSON: Kouba, 141.

5 MS PARI SIEN: That's right. I am not
6 going to quote from it. I will draw the similarity
7 between the two.

8 THE CHAIRPERSON: Yes.

9 MS PARI SIEN: Where here we submit
10 that the respondent encouraged readers to participate
11 in a campaign to convince the white world that members
12 of the targeted groups are worthy of nothing but the
13 highest degree of hatred and contempt, and that this
14 active promotion of hatred and contempt towards members
15 is fundamentally at odds with the goal of the Canadian
16 Human Rights Act.

17 With respect to the ability to pay,
18 the Commission submits that the burden, in this regard,
19 does not rest on the Commission to show that Mr.
20 Wilkinson has resources, but rather on Mr. Wilkinson to
21 show that he is unable to pay, since this type of
22 information would be in his control. I note that Mr.
23 Wilkinson is not here in this context, but perhaps I
24 can refer you to the Kyburz decision, at Tab 10, and
25 specifically to paragraph 99.

1 In that case, the Commission had made
2 a similar argument. The Tribunal noted that the
3 jurisprudence supported the Commission's position.

4 At paragraph 99, the Tribunal quoted
5 from the Noseworthy decision, where the Newfoundland
6 Court of Appeal considered the issue of the burden of
7 proof with respect to an individual's ability to pay.

8 I believe here I am quoting from the
9 end of paragraph 99, that:

10 "... any position that is
11 pleaded or relied upon is dealt
12 with on the basis of the normal
13 principle that the party
14 pleading are relying upon a
15 specific factual circumstance
16 has the burden of leading the
17 evidence necessary to establish
18 it."

19 THE CHAIRPERSON: Now, in this file,
20 it is your submission that the Tribunal found
21 evidence -- it still was before the Tribunal, and
22 indication to solve and deliver of paying to the
23 respondents.

24 In this file, what is your
25 submission? There is absolutely nothing.

1 MS PARISIEN: There is absolutely
2 nothing, no evidence all in regard to the ability.

3 THE CHAIRPERSON: We know that the
4 gentleman apparently lived -- in some of that material
5 that you introduced, the gentleman apparently lived in
6 his grandfather's basement home.

7 MS PARISIEN: That was initially back
8 in 2003. But the latest Affidavits of Service, and the
9 evidence, I believe, at Tab 10, show that he is now
10 living on Millcraft Crescent, in Vanier and,
11 specifically, it is number 11-401, whether that -- he
12 is now living on his own, or otherwise, there is no
13 evidence to that.

14 THE CHAIRPERSON: Certainly the level
15 of information is significantly less than what was
16 available before the Tribunal in the other case that I
17 indicated?

18 MS PARISIEN: That's correct.

19 Now, again, in regard to the Kyburz
20 decision, the argument of the Commission, the Tribunal,
21 at paragraph 100, in Kyburz conceded that decision was
22 made in the criminal law context.

23 However, the Tribunal was,
24 nonetheless, of the view that the court's comment
25 regarding the burden of proof relating to the ability

1 to pay were equally applicable to section 54 of the
2 Canadian Human Rights Act.

3 So, we have already discussed -- in
4 this case, there is simply no evidence of inability to
5 pay.

6 In the Kyburz decision there was a
7 penalty in the amount of \$7,500.

8 In this case, the Commission and the
9 complainant request a penalty of \$6,000.

10 The Commission cannot point to any
11 prior discriminatory practices, but submits that the
12 respondent, in this case, communicated the postings at
13 issue wilfully.

14 Furthermore, although the material
15 was only available for approximately one year, the
16 postings in this case conveyed powerful messages
17 advocating for the extermination of several groups and
18 were particularly hateful. We submit these
19 circumstances justify a penalty of \$6,000.

20 Subject to your questions, Mr. Chair,
21 those are my submissions.

22 THE CHAIRPERSON: Just to complete
23 this, the site was shut down. I asked about the
24 circumstances of how the site was shut down. All we
25 know is the letter that what appeared on the screen of

1 Mr. Warman when he tried to access the web site again.

2 MS PARISIEN: That's correct.

3 THE CHAIRPERSON: We don't know
4 whether it was voluntary; it would seem to be
5 involuntary based on the language that appeared on the
6 screen.

7 MS PARISIEN: That's right, in terms
8 of contravening the Terms of Use of the eZboard web
9 site, and the reason given, hate speech.

10 THE CHAIRPERSON: We have no other
11 evidence that this individual or the group in question,
12 the responding group, have reposted web sites since
13 then?

14 MS PARISIEN: I do not have any of
15 that evidence.

16 THE CHAIRPERSON: Okay. Thank you.
17 Mr. Warman, do you have anything to
18 add? I told you the questions would come at some
19 point.

20 MR. WARMAN: Very, very brief.

21 THE CHAIRPERSON: Yes, sir.

22 MR. WARMAN: Yes.

23 THE CHAIRPERSON: Would you like a
24 small break of five minutes? I see you discussing. It
25 is up to you.

1 MR. WARMAN: Perhaps if I could.

2 THE CHAIRPERSON: It is up to you.

3 MR. WARMAN: Two minutes.

4 THE CHAIRPERSON: Sure. I will be
5 right outside.

6 THE REGISTRAR: Order, please.

7 --- Short recess

8 --- Resuming after the short recess

9 THE REGISTRAR: Order, please.

10 MR. WARMAN: Thank you. I have four
11 very short points.

12 The first one is, I should have been
13 perhaps a little more explicit with regard to the other
14 individual who is explicitly mentioned as a member who
15 is the individual found at Tab 18 by the name of Matt
16 Reese.

17 THE CHAIRPERSON: Yes. Matt Reese,
18 there it is. Okay.

19 MR. WARMAN: You will note that the
20 email EffeKt88@hotmail.com.

21 It is my submission, if you turn to
22 Tab 21 --

23 THE CHAIRPERSON: Let me just take
24 note of this, please.

25 MR. WARMAN: Yes.

1 THE CHAIRPERSON: You would like me
2 to go where?

3 MR. WARMAN: Tab 21, please.

4 THE CHAIRPERSON: Tab 21. Yes.

5 MR. WARMAN: So the individual there
6 who is posting as EffeKt 1488, the first two postings
7 are explicit in their participation in the
8 communication of hate messaging.

9 I say that, just to be clear, in not
10 only was there more than one member of the Canadian
11 Nazi Party, but that both of those individuals were
12 involved in the communication of hate messages.

13 THE CHAIRPERSON: I am mindful of my
14 question to you during this part of your evidence, that
15 a member may have two notions.

16 MR. WARMAN: Yes.

17 THE CHAIRPERSON: In this context of
18 Internet forums?

19 MR. WARMAN: Of course. And on that
20 I would rest on my submissions that it goes to the
21 question of Member Kwaugh(ph), what he established as
22 member for the Canadian Nazi Party.

23 The second point I would make is I
24 would ask for a slightly different order from that of
25 my friend of the Commission. She may, in fact, adopt

1 this submission. I will leave it to her to decide
2 that. But the Tribunal has in the past rendered sort
3 of two orders.

4 The first one prohibits future
5 conduct relating to the conduct that has already
6 transpired which is just the explicit targets that are
7 the subject matter of the complaint in question; and
8 the other decisions of the Tribunal make a broader
9 order that prohibits messages likely to violate section
10 13(1) of the Act.

11 I would submit that pursuant to the
12 broad and liberal interpretation of the Act that an
13 order of the Tribunal, similar to that of paragraph
14 113(1) of the Kyburz decision would be appropriate, in
15 that it prohibits messages that are likely to expose a
16 person or persons to hatred or contempt by reason of
17 the fact that that person or persons are identifiable
18 on the basis of a prohibited ground of discrimination,
19 contrary to section 13(1) of the Canadian Human Rights
20 Act.

21 The purpose of that, again, is to
22 ensure that you don't have this sort of subsequent
23 vadance(sic), which argument, that, well, before I was
24 only promoting hatred of homosexuals, so now I can
25 promote hatred of a group lie or --

1 THE CHAIRPERSON: I missed a group.
2 Let me catch this other group now.

3 MR. WARMAN: Exactly.

4 MS PARISIEN: Perhaps it is easier if
5 I just stand up and right away adopt this --

6 THE CHAIRPERSON: Yes, I must say the
7 thought did cross my mind when you were making your
8 request.

9 MS PARISIEN: In the light of the
10 Commission's public interest, certainly we adopt the
11 submissions for a more broadly-worded order.

12 THE CHAIRPERSON: One that is in
13 accordance with section 13.

14 MS PARISIEN: Yes.

15 MR. WARMAN: Yes.

16 THE CHAIRPERSON: And that reflects
17 the language of section 13. I understand.

18 MR. WARMAN: Exactly, and that is
19 consistent with the purpose of intent with the Act and
20 the Human Rights legislation in general.

21 The third question was you had asked
22 my friend with regard to the question of Mr. Wilkinson
23 actually penning the material or simply the reposting.

24 I would submit there are two factors
25 to consider in relation to that.

1 The first one is the very nature of
2 the forum or web site itself. This was not a forum
3 established to discuss puppies or bicycles.

4 Mr. Wilkinson established a national
5 socialist forum where he put the Swastika emblem of the
6 World War II era and the Nazi regime as the extremely
7 large, front and centre emblem of that web site.

8 I submit the Tribunal is entitled to
9 take judicial notice of the genocidal nature of
10 Germany's World War II era, national socialist
11 government.

12 Secondly, I would ask you to turn to
13 Tab 28, please.

14 THE CHAIRPERSON: Tab 28 here.

15 MR. WARMAN: Yes. I would submit to
16 the Tribunal respectfully that this is a circumstance
17 where the first poster indicates -- that was required,
18 is either genocide or ethnic cleansing of the named
19 groups, being "foreigners, niggers, pakis, Jews", et
20 cetera, here in Canada.

21 And that Mr. Wilkinson's response is
22 "Couldn't have said it better myself!"

23 This is not a web site or a forum
24 where Mr. Wilkinson takes umbrage at these kinds of
25 suggestions.

1 THE CHAIRPERSON: Mr. Warman, on a
2 narrow analysis here -- because I know there is other
3 material throughout the binder that you have provided
4 -- but on this narrow analysis, if an individual says,
5 here, here -- and essentially that is what is going on
6 here -- is that person then communicating a message in
7 breach of section 13? I don't want to go through the
8 whole language of section 13. Is that communication
9 going on?

10 The statement was made by someone
11 else. He just said, here, here.

12 MR. WARMAN: It was. I would submit
13 that if it were a circumstance where there was one
14 posting, and that was all that was done, and it was
15 done on a web site forum - - a web site or a forum that
16 was dedicated to puppies or to bicycles or to flowers,
17 or anything else that you like, that that would be one
18 thing.

19 But, in this circumstance, it is Mr.
20 Wilkinson who is the creator of the forum or web site,
21 he is dedicated to Nazism, and, unsurprisingly, it is
22 topics that are related to Nazism, including which
23 incorporate its history of not just the abdication but
24 the implementation of genocide that are subsequently
25 discussed within that web site and forum.

1 It is not a circumstance where the
2 topic has somehow wandered far off the garden path.

3 It is an integral part of the message
4 that was intended to be conveyed through this web site
5 and forum.

6 Lastly, with regard to the question
7 of ability to pay, I would ask, if I could draw your
8 attention to Exhibit T-2, which is an --

9 THE CHAIRPERSON: I have these as
10 separate files.

11 MR. WARMAN: -- Affidavit of
12 Attempted Service.

13 THE CHAIRPERSON: Yes.

14 MR. WARMAN: Paragraph number 2.

15 THE CHAIRPERSON: Okay.

16 MR. WARMAN: The Process Server
17 states that he attended at the given address and found
18 there was no answer at the door. He spoke to a
19 neighbour, an adult male, who confirmed to him that
20 Bobby Wilkinson does reside at the said address, and
21 that he had just spoken with Bobby and confirmed with
22 him that Bobby Wilkinson is at home, and that he does
23 not answer his door.

24 The said male described to me Bobby
25 Wilkinson's car which matches a description of a

1 vehicle in the yard.

2 For what it is worth, it indicates
3 Mr. Wilkinson has a vehicle.

4 THE CHAIRPERSON: Could it be a
5 jalopy? It could be something better. I see your
6 point.

7 MR. WARMAN: It could be. But to the
8 extent that the Tribunal has taken account of
9 non-explicit evidence, then I submit that that is
10 another factor to take into consideration.

11 And, unless my friend has reply,
12 reply, I --

13 THE CHAIRPERSON: You adopt the order
14 request?

15 MS PARISIEN: That's correct.

16 MR. WARMAN: Thank you very much.

17 THE CHAIRPERSON: Thank you very
18 much.

19 THE REGISTRAR: Order, please.

20 --- Whereupon the hearing adjourned at 3:15 p.m.

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I HEREBY CERTIFY, to the best of
my skill and ability, that the
foregoing is a true and accurate
transcript of the proceedings

Lynda Johansson
C.S.R., R.P.R.

StenoTran