

**CANADIAN  
HUMAN RIGHTS  
TRIBUNAL**



**TRIBUNAL CANADIEN  
DES DROITS  
DE LA PERSONNE**

**BETWEEN/ENTRE:**

RICHARD WARMAN

**Complainant**

**and/et**

CANADIAN HUMAN RIGHTS COMMISSION

**Commission**

**and/et**

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

**Respondents**

**BEFORE/DEVANT:**

ATHANASIOS HADJIS

THE CHAIRPERSON/  
LE PRÉSIDENT

ROCH LEVAC

REGISTRY OFFICER/  
L'AGENT DU GREFFE

L'AGENT DU GREFFE

**FILE NO./N° CAUSE:**

T869/11903

**VOLUME:**

14

**LOCATION/ENDROIT:**

Oakville, Ontario

**DATE:**

2005/02/24

**PAGES:**

3211-3547

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

HEARING HELD IN THE LAKESHORE ROOM OF THE HILTON GARDEN INN,  
2774 SOUTH SHERIDAN WAY, OAKVILLE, ONTARIO,  
ON THURSDAY, FEBRUARY 24, 2005, AT 9:30 A.M. LOCAL TIME

CASE FOR HEARING/CAUSE DEVANT ÊTRE ENTENDUE

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

APPEARANCES/COMPARUTIONS

Richard Warman	on his own behalf as Complainant
Monette Maillet	on behalf of the Canadian Human Rights Commission
Alexan Kulbashian	on his own behalf as Respondent
Vahe Kulbashian	on behalf of Respondent (Alexan Kulbashian)
James Scott Richardson	on his own behalf as Respondent

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1 Oakville, Ontario

2 --- Upon commencing on Thursday, February 24, 2005

3 at 9:30 a.m.

4 REGISTRY OFFICER: Order, please.

5 All rise.

6 THE CHAIRPERSON: Good morning.

7 MS MAILLET: Good morning.

8 REGISTRY OFFICER: Please be seated.

9 THE CHAIRPERSON: One moment, please.

10 ARGUMENT BY MR. KULBASHIAN (Cont'd):

11 MR. A. KULBASHIAN: Okay. Actually I

12 have --

13 MR. RICHARDSON: I did a let little

14 fixing up of my closing statement yesterday.

15 THE CHAIRPERSON: I was told about

16 that, you just sort of cleaned it up; is that it?

17 MR. RICHARDSON: I cleaned it up and

18 I added my rebuttal to the top it.

19 THE CHAIRPERSON: Okay. And I

20 understand that - I have a copy. Okay.

21 MR. RICHARDSON: Okay.

22 THE CHAIRPERSON: Great.

23 MR. A. KULBASHIAN: Thanks.

1 THE CHAIRPERSON: I understand it was  
2 mostly editing; right?

3 MR. RICHARDSON: Mostly and then just  
4 the rebuttal at the top from what I had to say.

5 THE CHAIRPERSON: No objection is  
6 there?

7 MS MAILLET: No.

8 MR. A. KULBASHIAN: Actually there's  
9 a preliminary, like basically I want on the record, I  
10 think I speak for myself and both my co-respondents,  
11 that our intents and from our understanding these  
12 weren't going to make the record, our closing  
13 statements weren't going -- the actual documents  
14 weren't going to make the record from our impression.

15 The whole idea basically is just, I  
16 guess, in case Mr. Warman or somebody wants to go suit  
17 happy, I guess, just to protect ourselves from that,  
18 because we didn't expect that this would be handed out  
19 to everybody and put on the record.

20 THE CHAIRPERSON: If you are worried  
21 about the content in terms of if there's spelling  
22 mistakes --

23 MR. A. KULBASHIAN: Not spelling

1 mistakes, I mean, it's more about maybe allegations  
2 made in the content in writing that was supposed to be  
3 only a guide for us and if nobody decides, I guess, to  
4 open a lawsuit to take advantage of the situation.

5 THE CHAIRPERSON: I see what you are  
6 saying. The record -- you used the word the record.  
7 The record is really what's being said here, okay.

8 MR. A. KULBASHIAN: That's what I'm  
9 just saying, I'm saying for the record basically.

10 THE CHAIRPERSON: What you're reading  
11 into the record is what counts and I think we've  
12 already discussed the issue.

13 I think your issue is taken. It is  
14 of assistance to me to read it, but because precisely  
15 who is making the decision is consulting a certain  
16 document it has to be public. It's not an exhibit,  
17 it's just part of your authorities basically.

18 MR. A. KULBASHIAN: All right, thank  
19 you

20 Okay. I'm onto my first section  
21 after the introduction.

22 Okay. As I mentioned in my  
23 introduction, I was questioned in length and

1 extensively by Det. Wilson the night of my arrest which  
2 was pretty much testimony in effect.

3           During the whole questioning I was  
4 honest and consistent. I wasn't afraid to hide any  
5 information in my involvement or my views at that time  
6 and the documents that were produced and some of the  
7 statements of the witnesses to this court corroborate  
8 most of what I said during my questioning.

9           And I also want to basically let the  
10 court know that the respondents (sic) and the  
11 Commission did not bring any concrete evidence,  
12 documentary evidence to refute what I said in my  
13 testimony.

14           And the Tribunal has at its disposal  
15 the Crown brief and this was extensively dealt with in  
16 the examination in chief and the cross-examination of  
17 Det. Wilson.

18           And I'm going to be basically talking  
19 about, you know, taking excerpts from the transcript  
20 and commenting on them.

21           The following statements pretty much  
22 summarize the extent of my involvement and my political  
23 views -- well, political views at the time of the

1 interview, not necessarily right now.

2 I'm reading from line 783 -- these  
3 lines are according to what we received, so this is  
4 like from interview day one, line 783.

5 THE CHAIRPERSON: Yes.

6 MR. A. KULBASHIAN: So it says, okay:

7 "DET/CST. WILSON: member of,  
8 which one are we?

9 K: Well, I was a member of."  
10 I'm not sure, like it's copy and  
11 pasted, so...

12 THE CHAIRPERSON: Yes.

13 MR. A. KULBASHIAN:

14 "W: So did you start the  
15 Canadian Ethnic Cleansing Team?

16 K"W: Okay. So the Canadian  
17 Ethnic Cleansing Team which you  
18 were or are a: Um, we. It was  
19 collective."

20 And says, yeah:

21 "W: It was collective"

22 So, I never actually admitted to  
23 starting it as much as stating that it was a collective



1 unlike the closing statement by Ms Maillet suggested.

2 THE CHAIRPERSON: Okay. So, your  
3 point on that statement is --

4 MR. A. KULBASHIAN: Yeah.

5 THE CHAIRPERSON: -- that you never  
6 admitted to starting the organization, just that you  
7 were part of it; is that it?

8 MR. A. KULBASHIAN: Yeah. And I did  
9 not -- well, the idea as I stated it was collective and  
10 I didn't state that I actually started it.

11 THE CHAIRPERSON: Okay.

12 MR. A. KULBASHIAN: As Ms Maillet  
13 suggested in her closing argument.

14 And it says:

15 "W: And I understand that you  
16 on-line on the computer identify  
17 yourself as Toten Kopf as well.

18 And I stated:

19 "K: Um, actually I identify  
20 myself as Alex KRAUSE, TotenKopf  
21 is part of u, I guess...",

22 And then it just stops:

23 "... (inaudible) get into that,

1                   should I because this is  
2                   branching off."

3                   And then next line 788:

4                   "K: Yeah somebody donated a  
5                   domain to James...",

6                   Talking about the CECT domain during  
7                   my interview.

8                   "W: So now you start it, you  
9                   have a domain in the spring of  
10                  2001, okay. Um, who manages the  
11                  site or who, because it's a  
12                  pretty decent looking site.  
13                  Like when you pull it up it,  
14                  it's professionally done. Like  
15                  it really is a good looking  
16                  site."

17                  I said:

18                  "K: I, I made the layouts.

19                  W: You made the layouts.

20                  K: And designed the scripts for  
21                  it."

22                  And he says:

23                  "Okay. Basically if uh the site

1 viewed on (inaudible)  
2 perspective there is two  
3 sections to it. There is  
4 scripts that pretty much control  
5 what it looks like...  
6 W: Uh huh.  
7 K...and there's the content.  
8 W: Okay.  
9 K: I made just a template, the  
10 look.  
11 K: I had, well I had nothing to  
12 do with information. I just had  
13 to do with template right.  
14 K: No, I developed, I developed  
15 and somebody else did the  
16 content, yeah.  
17 CST. WILSON: --"  
18 THE CHAIRPERSON: And just to be  
19 sure, we are talking here about the C.E.C.T. site;  
20 right?  
21 MR. A. KULBASHIAN: Yes.  
22 "W: You love doing sites.  
23 Would you up-date this site,

1                   like the look of the site every  
2                   once in a while.

3                   K: No the look um, for the past  
4                   year pretty much has been  
5                   exactly the same.

6                   And this is in regard to the C.E.C.T.  
7                   site not the Vinland Voice site.

8                   And it says -- and this is just  
9                   commenting on Totenkopf on its own, you know, like, the  
10                  identity issue. It goes on:

11                  "K: Well the, the, if it's just  
12                  Totenkopf on it's own it  
13                  wouldn't be me but since there's  
14                  a little, this here."

15                  And as Det. Wilson testified at that  
16                  time, I was actually pointing at the symbol.

17                  "W...a little death head beside  
18                  it. So the one with the little  
19                  death head beside it that's you,  
20                  is that right? That's,  
21                  that's...

22                  K: That specific uh logo is me.  
23                  Otherwise it just says Totenkopf

1 it's not me.

2 W: Okay so that lo..that, that  
3 logo is yours.

4 K: Yeah.

5 W: Is it, is it like a copyright  
6 logo or is it just everybody  
7 knows that's you.

8 K: Everyone knows that's me."

9 As far as logo goes.

10 And this is talking about domains:

11 "K: Yeah. Um, I would register  
12 domains, um, after a while  
13 because basically everybody  
14 would register to my account.

15 W: Uh huh.

16 K: ...since I have secure  
17 account."

18 And Det/Cst. Wilson continues in  
19 reading the transcript continuing, it says:

20 "W: ...you did receive e-mails  
21 under totenkopf.

22 K: Yeah I did.

23 W: Everybody submitted the

1 contents. Did you ever --"

2 There's a typo there.

3 " -- ever submit content for it?

4 K: Yes I did.

5 W: Okay. Did you give space to  
6 the Canadian Ethnic Cleansing  
7 Team;

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

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

13 K: No. I donated that.

14 W: Vinland Voice.

15 K: I got paid for it."

16 Affordable-Space -- see, there's  
17 another issue basically that Affordable-Space as far as  
18 the evidence brought to the court there's no evidence  
19 at all as to how the sign-up procedure was of this  
20 site, nobody ever took screen shots or print-outs of  
21 how the sign-up procedure looked.

22 Basically they did, both the  
23 complainant and the Commission suggested that there was

1 a full control, I guess, method of signing up where  
2 somebody would contact me, tell me what the site was  
3 and sign up.

4 However, they brought no evidence  
5 that would show exactly how the sign-up procedure was  
6 or if they were automated scripts that the site was  
7 sign-up and I'm suggesting the sign-up was automatic.

8 THE CHAIRPERSON: Well, there's the  
9 problem right there because from what I understood no  
10 evidence was led by you either to contradict the  
11 evidence that is being suggested by the  
12 complainant/Commission.

13 MR. A. KULBASHIAN: But the idea is  
14 bringing information, just making like, I guess, bogus  
15 claims about something.

16 THE CHAIRPERSON: Well, no. You have  
17 to understand, I mean I think I explained this from  
18 very early in the case, we talked about the burdens of  
19 proof in cases and the balance of probabilities, one  
20 side may lead some evidence, the other side to counter  
21 it with its own evidence and then the scale is weighed.

22 Now, I'm sure the other side will say  
23 that they have led whatever evidence, to whatever

1 extent it is, and argue that it's credible and that  
2 there is no evidence -- no evidence has been led by you  
3 other than through cross-examination to contradict that  
4 and that, therefore, the scale remains tipped one way.

5 MR. A. KULBASHIAN: And Det. Wilson  
6 testified that it was a possibility that the site was  
7 automatic, but I'll get to that.

8 THE CHAIRPERSON: Okay.

9 MR. A. KULBASHIAN:  
10 "DW: ....In this case we're  
11 dealing with white supremacist  
12 businesses or organizations, but  
13 he has other businesses involved  
14 as well."

15 THE CHAIRPERSON: Where are you  
16 reading from?

17 MR. A. KULBASHIAN: This is continued  
18 where Det. Wilson said that I'm also involved in other  
19 business.

20 THE CHAIRPERSON: Okay.

21 MR. A. KULBASHIAN: Actually go up a  
22 bit, I just lost my track there for a second.

23 THE CHAIRPERSON: Yes.



1 MR. A. KULBASHIAN: Wilson said:  
2 "W: ...to affordablespace.  
3 K: Well, you just go to the  
4 site you can sign up on line."  
5 That's from my interview and so far  
6 no one has brought anything to refute that.

7 It says, okay:

8 "K: Where they get either, they  
9 get 10 bucks a moth or a 100  
10 bucks a year U.S.)"

11 For the cost of signing up on line.

12 It continues, Det. Wilson admits that  
13 I'm also involved in other businesses.

14 "DW: ....In this case we're  
15 dealing with white supremacist  
16 businesses or organizations, but  
17 he has other businesses involved  
18 as well.

19 K: Okay. Basically uh the  
20 concept is the reason why I got  
21 um quite a few racial people  
22 signing up is because it's  
23 affordable....

1 K: Both site, most places  
2 charge you 50 bucks a month...  
3 K: Um, but a lot of pe...racial  
4 people advertised my server."  
5 That was me during my interview.  
6 THE CHAIRPERSON: Mm-hmm.  
7 MR. A. KULBASHIAN: And also during  
8 the interview I stated:  
9 "K: I don't visit the sites I  
10 host.  
11 W: Oh okay. Okay. Um...  
12 K: Because it's like a waste of  
13 time too."  
14 That's what I state. And no one can  
15 actually say that they know of me visiting the sites or  
16 even know of me knowing of any of the content.  
17 Saying I should know the content is  
18 akin to, like, me telling them they should know what's  
19 buried in their backyard.  
20 So, when I find out about acts  
21 against my belief I resigned, so this is coming to  
22 that:  
23 "K: Because after I left I

1                   didn't, I wouldn't say I left on  
2                   very good terms because I just  
3                   got pissed off. Basically what  
4                   happened with.."

5                   The name, I wasn't okay with the  
6                   Canadian Ethnic Cleansing Team name.

7                   THE CHAIRPERSON: Can you repeat  
8                   that, please.

9                   MR. A. KULBASHIAN: This is reading  
10                  from my interview.

11                  "K: Basically after I left I  
12                  didn't, I wouldn't say I left on  
13                  very good terms because I just  
14                  got pissed off. Basically what  
15                  happened with the Canadian  
16                  Ethnic Cleansing Team is when  
17                  the name I wasn't already okay  
18                  with...

19                  W: Yeah."

20                  THE CHAIRPERSON: Okay, you were not  
21                  okay with the name?

22                  MR. A. KULBASHIAN: And:

23                  "K: ...and once, I don't even

1 know how to explain it, but once  
2 uh this whole thing with James  
3 happened..."

4 Like relating to the arrest.

5 "K:...I said Look. You take the  
6 name and what James did..."

7 And at that point it was kind of  
8 alleged because I was telling the police officer.

9 He said:

10 "Yeah."

11 I said:

12 "...the shoe fits."

13 "K: I said That's, that's fine.

14 I won't have anything to do with  
15 this.

16 W: Okay.

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

19 W: Okay.

20 K: So I got pissed off."

21 So basically because of what happened  
22 to James and, like, the allegations, I stated in my  
23 interview that I didn't want to have anything to do

1 with it.

2 And Affordable-Space, basically --  
3 being appointed on Affordable-Space is like any other  
4 server designed to generate income.

5 And this is me during the interview.

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

8 W: Yeah.

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

11 W: To make money.

12 K: It's a hosting server.  
13 Yeah.

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

17 In the following statements -- so,  
18 that was just like a comment there.

19 In the following statements I state  
20 that I don't monitor the sites that I host. So, coming  
21 back to interview:

22 "W: How do you find out about  
23 that? (anti-racists) Do you,

1 do you sort of monitor the  
2 amount of sites you have?

3 K: No, I don't. That's the  
4 thing, uh I don't and that's why  
5 I take the risk...will...where."  
6 It's just kind of from the interview.

7 And:

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

13 W: Okay....unless I'm writing a  
14 sarcastic article."

15 I'm also worried because I know that  
16 my articles can be modified, so then I state:

17 "K: And that's, that's what  
18 really worries me.

19 W: Okay.

20 K: ...because if somebody  
21 modifies what you wrote."

22 This is talking about positing stuff  
23 on line, which is also a very big possibility that

1           somebody with control of the site could modify an  
2           article before posting it.

3                                So, in the following I also explain  
4           the procedure how I contacted Vinland Voice to remove  
5           the article, you know, after I heard about the whole  
6           allegations of threats, et cetera, said:

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

11                               W: Okay.

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

14                               K: ...Yes. And I get in touch  
15                               with.

16                               W: ...right.

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

19                               W: How do you do that?

20                               K: ...editor of the Vinland  
21                               Voice. There's a e-mail address  
22                               that you click on..."

23                               On the site, so basically you contact

1 the people who are in charge of the site.

2 He said:

3 "W: Okay.

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

6 And then also this is where I state  
7 that all the articles written by Totenkopf are not me,  
8 it says, and during the interview:

9 "W: Okay. Um, and after that,  
10 after James was arrested there  
11 area a couple of more articles  
12 written by Totenkopf.

13 K: Yes.

14 W: You again.

15 K: Not all.

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

19 K: Two by Totenkopf and  
20 anything else that started  
21 identifying me as Alex Krause,  
22 that was me."

23 As in other, like, the pseudonym Alex



1 Krause.

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

6 K: Two from Totenkopf."

7 And also another thing, Vinland Voice  
8 was sponsored by CECT and it was an independent site  
9 with a different URL address, so this is where we talk  
10 about that during the interview.

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

17 I also state that Affordable-Space  
18 was located in the United States, not only like, as  
19 they suggested, the legal implications as they tried to  
20 look at it from one angle.

21 So as it says here:

22 "..Canada is horrible for  
23 co-location or dedicated server

1 services."

2 That is what I state during my  
3 interview.

4 Also the following paragraphs explain  
5 why the server was in the U.S.A.

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

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

13 W: Okay. Cheaper connections  
14 fine. And you though that  
15 you're borderline, you're  
16 borderline criminal activity...

17 K: No.

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

21 K: Another thing because  
22 Ca..Canada is horrible for  
23 co-location or dedicated server

1 services.

2 W: ...let's step back then.

3 You work at a company.

4 Politically how would you class

5 yourself?

6 K: Um, one hundred per cent

7 political just um right wing.

8 ...K: Uh, myself? I consider

9 myself more of a, right wing

10 politician. I don't know how to

11 explain it.

12 W: Okay. What do you think

13 about race mixing?

14 K: Um, I would personally not,

15 I mean uh I personally wouldn't

16 mix. I mean I wouldn't even go

17 as far as uh mixing outside of

18 my culture, but...

19 W: Okay, okay. Um, now in the

20 past --"

21 This is talking about more tattoos

22 and stuff that they were testifying to.

23 "W: ...now in the past and its

1 removed...",

2 He's stating that my tattoos have  
3 been removed.

4 "W: ...and you've had a  
5 swastika tattooed on your arm.

6 K: It wasn't a swastika  
7 (inaudible) It's a sun-wheel."

8 So, this is just me talking about my  
9 tattoos frankly with the detective.

10 And it says, okay:

11 "W: Why do you identify  
12 yourself as Alex KRAUS and not  
13 your own name because of  
14 politics?

15 K: Um, because of uh  
16 opposition. Anybody who  
17 doesn't, because opposition  
18 whose pretty I guess ruthless in  
19 uh, in carrying out all sort of  
20 attacks on people who don't  
21 agree with their polic...with  
22 their politics."

23 In the following paragraph I also

1 explain that Totenkopf is the section of public/press  
2 relations, it's not someone's name. Many people could  
3 write under that name.

4 It says:

5 "W: Okay. You, you also go by  
6 or identify yourself as another  
7 name and we've already said it  
8 Totenkopf.

9 K: Um...

10 W: How does that come about?

11 K: Totenkopf was actually a  
12 concept for CECT group. It was  
13 uh public press relations. It's  
14 the section of public press  
15 relations and basically uh  
16 initially started off to be a  
17 couple people.

18 K: ...And they would write  
19 under that name. It's kind of  
20 like the, think of it as a  
21 sub-group.

22 K: No, I'm just web master.

23 W: Okay.

1 K: I just did the design part.

2 W: You are the website master,  
3 okay. Did you get paid by the  
4 Canadian Ethnic Cleansing Team  
5 to do it?"

6 That was part of the interview.

7 Basically I also explained that  
8 Vinland Voice looks like the CECT site and also about  
9 the domain registration as far as Vinland Voice goes.

10 So, Vinland Voice took the CECT  
11 layout and modified the name. That's what I stated  
12 during my interview.

13 "K: Yeah. Um, I would register  
14 domains um, after a while  
15 because basically everybody  
16 would register to my account..."

17 That's also a key point about domain  
18 registration.

19 "W: Uh huh.

20 K: ...since I have a secure  
21 account.

22 W: What does WP stand for for  
23 you?

1 K: White Pride."

2 I also explain the following, that  
3 the system is automated. When e-mail is received it  
4 automatically forwards as far as the e-mail system  
5 goes. So:

6 "K: Right now we have  
7 totenkopf@wpcect.com right.

8 W: Yep.

9 K: When an e-mail is sent this  
10 address is tied to an account on  
11 the server.

12 W: Okay.

13 K: Right, so somebody sends an  
14 e-mail to this.

15 W: Yep.

16 K: It goes to the server:

17 W: Yep.

18 K: ...and the server determines  
19 okay, totenkopf..."

20 And it continues from there.

21 I don't want to read the entire  
22 article, so I'm just like reading segments to guide, I  
23 guess, the Tribunal.

1                   Okay. Also I was talking about how I  
2 would never dial directly and the person in charge  
3 would be in charge of that, so...

4                   "K: The person who would be  
5 able to have access to this is  
6 the person who actually uploaded  
7 the content or the people."

8                   This is as far as like Vinland Voice  
9 goes.

10                  "W: Who did that?"

11                  K: That's what, that's what I  
12 don't know. What I would do is  
13 I would..."

14                  Then it stops, it's just a  
15 continuation of the interview there.

16                  Wilson states:

17                  "W: Okay. Okay. Did you ever  
18 add stuff to the website?"

19                  K: Directly no.

20                  W: Never directly?

21                  K: No.

22                  W: Yep.

23                  K: ...um @wpcept.com is tied to



1 a certain account. It's a  
2 wpcept three or so right.

3 W: Right.

4 K: And then what we have under  
5 that account...

6 W: Uh huh.

7 K: ...was the file called  
8 .forward which had a list, a  
9 constantly changing list of  
10 e-mail addresses that every  
11 single e-mail that came here  
12 would forward to many, many  
13 other e-mail addresses.

14 W: So would it just go to one  
15 person or all those people.

16 K: It would go to all those  
17 people."

18 Now, the point as far as these e-mail  
19 problems go is the fact that I talked, that the  
20 interview was done frankly and openly with Det. Wilson  
21 and I did have extensive computer experience at the  
22 time and what I was talking to Det. Wilson, as Wilson  
23 admitted to.

1                   Neither of the witnesses that came to  
2                   the Tribunal hearing, nor the complainant nor the  
3                   Commission have any computer expertise by their own  
4                   admission and I don't believe that they can in any way  
5                   refute any of the information that was, I guess, put  
6                   into evidence from my testimony from the interview at  
7                   the police station.

8                   So anyways it continues with Wilson,  
9                   he says:

10                   "W: You don't like the Klan  
11                   very much.

12                   K: Red necks.

13                   W: So, so what you're saying is  
14                   that you, you don't really like  
15                   the people holding up the bible  
16                   saying...

17                   K: No."

18                   Although I've covered so many  
19                   subjects, it's noticeable that the following is the  
20                   only question asked by Det. Wilson regarding the  
21                   Tri-City Skins and Det. Wilson told me that -- he  
22                   had -- Det. Wilson had said that I had told him that I  
23                   was a member of the Tri-City Skins and says:

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

4 K: They're on my server."  
5 Just making a note there. And

6 Wilson:

7 "W: So they pay. They're the  
8 ones that pay you 10 bucks a  
9 month to put Tri-City Skins on  
10 there.

11 K: They have office space on my  
12 server. Well that's the way  
13 it's set up."

14 And I also state that:

15 "K: I don't visit the sites I  
16 host.

17 W: Oh okay. Okay. Um...

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

20 Then I say:

21 "K: Well I mean, well you,  
22 well: You have to understand  
23 that I don't monitor anything

1                   that goes on my server.

2                   K: I can't. I, it's literally  
3                   impossible."

4                   THE CHAIRPERSON: Is there any  
5                   evidence to explain to me the distinction between  
6                   server and Affordable-Space? I don't want you to  
7                   testify here, but is there any evidence on the record  
8                   to explain to me the distinction between server and  
9                   Affordable-Space?

10                  MR. A. KULBASHIAN: As in difference  
11                  between one being company and one being the actual  
12                  equipment. I think there was evidence.

13                  THE CHAIRPERSON: Okay. So, that's  
14                  the distinction that is being alluded to here, the  
15                  equipment versus the company that operates the  
16                  equipment, the business.

17                  MR. A. KULBASHIAN: Because there's  
18                  allegations that the single server in Cari.net belonged  
19                  to me and that was only property of  
20                  affordable-space.com, no evidence that -- there was no  
21                  other property in affordable-space.com, they brought --  
22                  Ms Maillet stated in her closing argument that  
23                  affordable-space.com was sold to Steven Weingand when

1 through evidence that was provided in court the only  
2 thing that Det. Wilson stated was that  
3 Affordable-Space's account with Cari.net was sold to  
4 Steven -- or transferred over to Steven Weingand.

5 THE CHAIRPERSON: I just want to be  
6 clear though on the distinction as you interpret it  
7 here, that server in your interpretation means the  
8 physical equipment located in California?

9 MR. A. KULBASHIAN: That's right.  
10 There was testimony to that in court.

11 THE CHAIRPERSON: Your interpretation  
12 of what's being said here server is that this is Cari  
13 Net equipment, so to speak?

14 MR. A. KULBASHIAN: Yes.

15 THE CHAIRPERSON: But I say my  
16 server.

17 MR. A. KULBASHIAN: As in like the  
18 equipment physically, because it doesn't state that I  
19 own all the servers, per se, it just states that my  
20 server, meaning it would be, I guess, the property --  
21 specific property of that company that belongs to me.

22 THE CHAIRPERSON: So, your  
23 interpretation of "my server" here is that it refers to

1 the server that you are utilizing in California  
2 physically?

3 MR. A. KULBASHIAN: The physical box  
4 itself.

5 THE CHAIRPERSON: That's where  
6 Tri-City Skin's website is located.

7 MR. A. KULBASHIAN: Right.

8 THE CHAIRPERSON: Physically.

9 MR. A. KULBASHIAN: Yes.

10 THE CHAIRPERSON: In a virtual way.

11 MR. A. KULBASHIAN: That's right.

12 THE CHAIRPERSON: And  
13 Affordable-Space means the actual business operations  
14 that you are operating, so that you're saying that this  
15 statement here suggests that Tri-City Skins did not  
16 enter into the realm of Internet through  
17 Affordable-Space's business operations, but it was to  
18 be located physically on Cari Net in California.

19 MR. A. KULBASHIAN: Kind of, in a  
20 way. Kind of confused me a bit.

21 THE CHAIRPERSON: I'm trying to  
22 understand what you're saying.

23 So, I'm putting it to you --

1 MR. A. KULBASHIAN: As in  
2 tri-cityskins.com was not, like, as in  
3 affordable-space.com didn't have policy to say, okay,  
4 we're only going to be serving, you know, hosting  
5 certain amount of sites.

6 THE CHAIRPERSON: So, let me rephrase  
7 then. Is it your submission the evidence shows  
8 Tri-City Skins did deal with affordable-space.com to  
9 enter into the world of the Internet?

10 MR. A. KULBASHIAN: It's my --

11 THE CHAIRPERSON: The information.

12 MR. A. KULBASHIAN: The information  
13 shows that Tri-City Skins --

14 THE CHAIRPERSON: Website.

15 MR. A. KULBASHIAN: -- deal with as  
16 in, like, sign up or in any way, right?

17 Yeah, it would have dealt with  
18 affordable-space.com.

19 THE CHAIRPERSON: It dealt with  
20 Affordable-Space.

21 MR. A. KULBASHIAN: To some degree.

22 THE CHAIRPERSON: Okay.

23 MR. A. KULBASHIAN: To get on line.

1 THE CHAIRPERSON: Let me just take a  
2 note here.

3 MR. A. KULBASHIAN: See the thing is,  
4 like, 'my' is like a figure of speech in essence for...

5 THE CHAIRPERSON: Yes, I know, it's  
6 like you're saying this is my hotel room upstairs.

7 MR. A. KULBASHIAN: Yeah.

8 THE CHAIRPERSON: I think I  
9 understand what you are saying by that, but I'm still  
10 not clear on why you are making a distinction.

11 You are saying that Tri-City Skins is  
12 on the server that's located in California.

13 MR. A. KULBASHIAN: That is what I'm  
14 saying in my interview, but the other thing is that  
15 what I'm stating in my closing argument is that the  
16 only information that came out about tri-cityskins.com  
17 throughout the whole interview, regardless of the fact  
18 that Wilson did at some point testify that I told him  
19 during the interview -- that somebody had told another  
20 officer that during the interview, which is a long  
21 chain, that I was part of tri-cityskins.com.

22 The only information that came out  
23 regarding TCS throughout the interview was that



1 information regarding their hosting. There was no  
2 information about my membership.

3 THE CHAIRPERSON: You said that. But  
4 you made a statement about how there's a distinction  
5 between Affordable-Space and server and I'm trying to  
6 understand that.

7 MR. A. KULBASHIAN: Well, one is  
8 company and one is property, if you think of it.

9 THE CHAIRPERSON: Yes. But then I  
10 asked you, did they go in through the company and you  
11 told me --

12 MR. A. KULBASHIAN: They would have.

13 THE CHAIRPERSON: -- they would have.  
14 There was a relationship there, according to the  
15 evidence, you said.

16 MR. A. KULBASHIAN: Yes, in a way.

17 THE CHAIRPERSON: Okay.

18 MR. A. KULBASHIAN: Like anybody does  
19 business with anybody has a relationship with that  
20 person.

21 THE CHAIRPERSON: That's right.

22 MR. A. KULBASHIAN: But doesn't state  
23 anything about the business.

1 THE CHAIRPERSON: So, are you  
2 interpreting his question: "Are they on  
3 Affordable-Space" as meaning are they on  
4 Affordable-Space's physical equipment and your answer  
5 to that was no, they're on the server.

6 MR. A. KULBASHIAN: Well, the idea  
7 is -- making a comment like, are they on  
8 Affordable-Space is a very broad statement, so I kind  
9 of narrowed it down saying -- I didn't say no  
10 necessarily, it was more like narrowing down the  
11 possibilities.

12 It was more a figure of speech but as  
13 in, like, the idea of narrowing it down from being  
14 Affordable-Space. Like some people say, I'm on the  
15 Internet, you know, in a general sense.

16 THE CHAIRPERSON: And you were being  
17 more specific?

18 MR. A. KULBASHIAN: Yes.

19 THE CHAIRPERSON: Okay. So go on  
20 then.

21 MR. A. KULBASHIAN: Okay.

22 The following like are examples why  
23 Det. Wilson had so much animosity towards me especially

1           regarding the database that was sort of threat for Det.  
2           Wilson and his colleagues.

3                           And so anyways Wilson starts off:

4                           "W: Did you wrote the Werry  
5                           Tilson site, the Wer..Werry  
6                           Tilson article?

7                           K: Um, I don't know, which one  
8                           is that?

9                           W: The one that says Terry  
10                           Wilson but it says Wer..Werry  
11                           Tilson right at the top of the  
12                           thing I think.

13                           K: Yeah."

14                           Also going down it says:

15                           "W: How do I check to see if  
16                           Alexi KULBASHIAN name is there?  
17                           How would I check that? How  
18                           would I check to see if don  
19                           MCKINNON's name there, mine or  
20                           whatever's name is there?"

21                           And this is regarding the database  
22           during the interview.

23                           So anyways, regarding the threat of

1           September 14th, it is quite remarkable that Det. Wilson  
2           asks -- Det. Wilson's questions imply that I was part  
3           of the threat.

4                                 Det. Wilson said:

5                                 "W: Did you have anything to do  
6                                 with that threat?

7                                 K: In fact the only thing I had  
8                                 to do with that threat is the  
9                                 fact it's on my server."

10                                Again, a figure of speech.

11                                And Wilson said:

12                                "W: Who wrote the editor, the  
13                                editor's voice September 14th?

14                                K: Don't know. And you have to  
15                                understand that and um, I can  
16                                assume it's James because you  
17                                arrested him for it."

18                                So, that would pretty much explain  
19                                more of the situation with saying James' name earlier  
20                                on, this was during my interview.

21                                Continuing, although Det. Wilson has  
22                                tried. to show the court that the computers were  
23                                handled in a professional manner, the following shows

1           that that was not true. They just unplugged it and due  
2           to the encryption the whole -- like, all the data was  
3           lost. I say --

4                           THE CHAIRPERSON: Here you are  
5           referring to your computer?

6                           MR. A. KULBASHIAN: Yes.

7                           THE CHAIRPERSON: Yes.

8                           MR. A. KULBASHIAN: Which could  
9           obviously translate to, like, the way they generally  
10          handle computers.

11                           I said:

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

20                           W: No.

21                           K: That's fucking stupid.

22                           W: Why? What's on your  
23                           computer?

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

5 W: No.  
6 ...."...which is encrypted..."

7 W: Yeah."

8 And I talk about the encryption  
9 there.

10 Now, I'm just going to get to the  
11 highlights of the interview.

12 Okay. I was a member of the Canadian  
13 Ethnic Cleansing Team but not Tri-City Skins and there  
14 was no evidence put in front of the court, in fact,  
15 there's no evidence that wasn't eventually taken back  
16 that I was actually a member of Tri-City Skins or had  
17 anything to do with them other than the server.

18 I state that I only designed the  
19 template of the CECT but did not control the content.  
20 I state that the Vinland Voice's template was copied  
21 from the CECT and it was sponsored by CECT but it's a  
22 different site with different address.

23 And when I talk about sponsor, I was

1 talking about a lot of members being involved in the  
2 Vinland Voice.

3 I also stated that designed  
4 Affordable-Space and that I was a major contributor,  
5 but Affordable-Space's location was in the U.S. and  
6 managed through there because of better service.

7 I did not and could not monitor sites  
8 and their content and was not required to by law for  
9 that matter.

10 I was involved in a lot of projects  
11 by admission of Det. Wilson and myself in my interview  
12 and that I had full-time employment at that time.

13 I also stated that -- and by  
14 admission of Det. Wilson too, people signed on line for  
15 Affordable-Space and also payments were done on line.

16 Also Affordable-Space would register  
17 domains because they had secure accounts.

18 And also stated that Tri-City and  
19 Vinland Voice paid affordable-space.com to have their  
20 served hosted on there, which was basically a sense of  
21 business more than, I guess, freebies for friends, the  
22 way they tried to put it, stating that I knew exactly  
23 what they were.

1                   So, anyways, I was identified as Alex  
2 Krause and I also stated that Totenkopf was a subgroup  
3 of CECT for public/press relations.

4                   I stated that many people wrote under  
5 that pseudonym and so far no evidence has been brought  
6 to suggest that it is only me or me.

7                   I also stated that I wrote two  
8 articles under Totenkopf and that I never submitted  
9 articles directly to CECT.

10                  And I also stated that all the  
11 articles were submitted on line and automatically sent  
12 to the addresses on its list.

13                  So, basically to add articles to the  
14 Vinland Voice.

15                  I also state that I wrote mostly what  
16 was under the Alex Krause pseudonym and that my  
17 articles and my views are moderate and so far no  
18 articles have been brought that can be stated that it's  
19 definitely me and that there have been any kind of wild  
20 threats or anger in there.

21                  THE CHAIRPERSON: The two articles  
22 that were written by you under Totenkopf as referred to  
23 in the transcript, is there evidence of which those



1 articles were?

2 MR. A. KULBASHIAN: There's no  
3 evidence as to which those articles were. In fact,  
4 there's no suggestion as to which those articles were  
5 either.

6 During the interview I get asked but  
7 I state that, he says he doesn't remember. I don't  
8 remember exactly which ones they are either.

9 THE CHAIRPERSON: Well, see that cuts  
10 both ways.

11 If there is an admission on your part  
12 in the interview conducted in the interrogation room  
13 that two of the articles were Totenkopf, then that  
14 opens the door for a conclusion that any number -- any  
15 two of those articles written by Totenkopf are ones  
16 written by you.

17 MR. A. KULBASHIAN: That's right.

18 THE CHAIRPERSON: And if there are,  
19 to use your word, some that are moderate and some that  
20 are less moderate, any one of those could be attributed  
21 to you and you have not led any evidence to indicate  
22 which ones are in accordance with the statement under  
23 the transcript of the interrogation.

1 MR. A. KULBASHIAN: That's right.

2 THE CHAIRPERSON: No evidence has  
3 been led to indicate which one is truly yours, as you  
4 state, and which ones are not.

5 MR. A. KULBASHIAN: Okay. The thing  
6 is that the burden of proof is on the complainant. The  
7 issue here is there's no indication as to whether or  
8 not there were hundreds or even, like, tens or even  
9 hundreds of articles written by Totenkopf.

10 Not all articles by Totenkopf were  
11 brought by the complainant by his own admission, and  
12 that just because it could have been any one of the  
13 articles under that name, I mean, it's possible that  
14 there were articles on other sites, it's possible there  
15 were articles -- the idea is that just because somebody  
16 wrote under a certain pseudonym that there could have  
17 been many other articles on, does not mean that that  
18 person necessarily wrote the articles that are an  
19 infraction.

20 THE CHAIRPERSON: That may be, but  
21 you see what the problem is here, remember we're not in  
22 a criminal court here; right.

23 MR. A. KULBASHIAN: Right.

1 THE CHAIRPERSON: So, the burden of  
2 proof is on the complainant and Commission and they  
3 have, at the bare minimum, they have an admission from  
4 you in an interview conducted by Mr. Wilson way back  
5 that at least two articles were penned by you as  
6 Totenkopf.

7 You were, of course, being  
8 interrogated at the time.

9 So they are going to argue that, with  
10 all the other circumstantial evidence, that perhaps  
11 there were more than two and you admitted to two and  
12 there may be more, and you have not led any evidence to  
13 contradict that.

14 MR. A. KULBASHIAN: Actually there  
15 was some evidence on --

16 THE CHAIRPERSON: Okay. Well, let's  
17 hear that.

18 MR. A. KULBASHIAN: The first thing  
19 is that there's no indication that those articles were  
20 on line, for that matter, the articles by Totenkopf  
21 could be articles that were posted off line or e-mailed  
22 to somebody.

23 Another thing is that Det. Wilson did

1           allege that Totenkopf wrote two articles against the  
2           police, one of them about arrest procedures and your  
3           rights.

4                         THE CHAIRPERSON:  Is that the Werry  
5           Tilson article?

6                         MR. A. KULBASHIAN:  No, just talking  
7           about articles stating that know your rights when you  
8           get arrested, et cetera.

9                         There were articles he was talking  
10          about, about police committing assault, et cetera, et  
11          cetera, and the articles they brought up about  
12          self-defence against police.

13                        THE CHAIRPERSON:  And those are what  
14          you would call moderate articles?

15                        MR. A. KULBASHIAN:  The idea is, they  
16          would not have been political or they would have not  
17          been against the Canadian Human Rights.

18                        THE CHAIRPERSON:  So, there are some  
19          articles signed by Totenkopf that are not --

20                        MR. A. KULBASHIAN:  And Det. Wilson  
21          claimed those articles are by myself, so in which case  
22          the only articles that I in a way, if anything, Det.  
23          Wilson should admit those are the articles that I

1 wrote.

2 THE CHAIRPERSON: Yes, but you see it  
3 is your own statement, which in some way may have been  
4 self-serving, during the interrogation that two of the  
5 articles signed by Totenkopf are yours.

6 I don't have any evidence, it seems  
7 to me, I'm asking if there is, to contradict that  
8 statement or to elaborate or enhance on it.

9 That is what I'm asking you, if it  
10 exists. I think I have your answer though. I think  
11 you have answered the question.

12 MR. A. KULBASHIAN: I guess I'll come  
13 back to that.

14 So, continue.

15 Also when I found out that there was,  
16 like, you know, an alleged threat posted, I resigned  
17 and where there was a complaint I used my influence to  
18 remove that article.

19 Now, but I also explain in detail  
20 that this does not mean I have control over those sites  
21 or I was aware of the materials posted.

22 I also explained in detail that my  
23 computer was not handled professionally by the police -

1 this was explained in the interview to Det. Wilson.

2 And it's also apparent that the  
3 police animosity towards me, you know, before my  
4 arrest, there is also no questions posed to me during  
5 my interview about the Tri-City Skins group aside from,  
6 you know, questions whether or not they were on my  
7 server regardless of the fact that Det. Wilson that  
8 somebody had said, et cetera, that I told him during  
9 the interview that I was part of Tri-City Skins.

10 Moreover, there's no allegation by  
11 Det. Wilson that I told him I actually was Totenkopf.

12 See and the problem is, getting into  
13 the issue of removal of contents.

14 Det. Wilson testified that every time  
15 he knew that a complaint was sent to me about content  
16 that would have been either against the law or possibly  
17 against the law, that I would take action and try to  
18 have somebody remove it, as in the owner of the site,  
19 et cetera.

20 And he testified to either somebody  
21 posting an article telling them to call the police and  
22 harass them or other articles that he would say  
23 apparently something about the Tri-City Skins, et

1           cetera, site.

2                           There is no indication -- like, no  
3           one has stated so far that any complaints posted to me  
4           have been ignored and also nobody stated that they even  
5           complained to me about the content before the court  
6           here today.

7                           THE CHAIRPERSON:   So you're saying  
8           the evidence of - which I will check - the evidence of  
9           Mr. Wilson was that when complaints were made to you  
10          personally --

11                          MR. A. KULBASHIAN:   Yeah.

12                          THE CHAIRPERSON:   With regard to --

13                          MR. A. KULBASHIAN:   Content.

14                          THE CHAIRPERSON:   -- website content  
15          on Affordable-Space?

16                          MR. A. KULBASHIAN:   No, basically  
17          content on any of the sites that were on  
18          Affordable-Space.

19                          THE CHAIRPERSON:   Sites that were on  
20          Affordable-Space, the articles were removed, promptly  
21          removed.

22                          MR. A. KULBASHIAN:   Not necessarily  
23          promptly, but I mean there is only a matter of how fast

1 people can act, but the idea is that they were, action  
2 was taken to have them removed if by notifying the  
3 owner of the site or editor or news editor or by  
4 contacting to a link on the sites.

5 And neither Det. Wilson nor Mr.  
6 Warman could testify that they actually did complain  
7 about the content on the sites.

8 THE CHAIRPERSON: Can I take you back  
9 to your comment about how the computer was not handled  
10 professionally at the top of that paragraph. Your  
11 pages aren't numbered.

12 MR. A. KULBASHIAN: Oh, sorry.

13 THE CHAIRPERSON: But that last  
14 section there, the unprofessional handling; is it in  
15 reference to what I saw in one of the excerpts before,  
16 that they pulled the plug without securing -- by  
17 pulling the plug it automatically encrypted your  
18 information.

19 MR. A. KULBASHIAN: The information  
20 was encrypted but it was accessible until the plug was  
21 pulled.

22 The other question is, I also asked  
23 Det. Wilson about kill switches on the computer and



1 possibly of computers being rigged, and that he also  
2 stated that basically all they did is they went in and  
3 pulled the plug as opposed to making sure there would  
4 be no kill switches or any kind of rigging on the  
5 computer that might destroy the data directly, which  
6 I'm not -- like, then he stated those were their  
7 practices.

8 So, in my opinion, it left the  
9 computer for, like, you know, there was danger of  
10 damage.

11 THE CHAIRPERSON: But, sir, what it  
12 sounds to me is what you're being critical here is of  
13 their police techniques for getting information and  
14 making their case.

15 MR. A. KULBASHIAN: That's right.

16 THE CHAIRPERSON: What you're saying  
17 in fact, is that you're saying they did a bad job of  
18 collecting information to make a case against you.

19 MR. A. KULBASHIAN: And handling the  
20 computer was one of them.

21 THE CHAIRPERSON: But you're not  
22 saying that what information was collected from  
23 computers is inaccurate, you're saying that they just

1 did a bad -- they could have had more information had  
2 they done their job right.

3 MR. A. KULBASHIAN: Det. Wilson  
4 testified that no information was collected from my  
5 computer whatsoever.

6 THE CHAIRPERSON: That's right, in a  
7 sense. Zero in effect.

8 MR. A. KULBASHIAN: Yeah.

9 THE CHAIRPERSON: I'm perhaps trying  
10 to see if you are - I think you did mention this - that  
11 you wish to extrapolate from this treatment of your  
12 computer to the treatment that was made of the computer  
13 that was seized in London.

14 MR. A. KULBASHIAN: That's right.

15 THE CHAIRPERSON: What I'm finding  
16 here is that your suggestion is simply that they didn't  
17 do what should have been done to keep the information  
18 accessible, as opposed to dropping the computer on the  
19 floor or something and destroying the hard drive or the  
20 other way around, which is a suggestion that perhaps  
21 manipulating the data.

22 That's not what you're condemning the  
23 police here for doing, you're condemning them for not

1           doing what a proper forensic police investigator should  
2           do.

3                           MR. A. KULBASHIAN: Well, basically I  
4           could be critical of them because had they done their  
5           job ma be they would have come here with a little more  
6           evidence in hand, rather than with the papers that he  
7           came with.

8                           Maybe he would be able to, like,  
9           corroborate his stories more or my stories more or  
10          maybe have a different view, but the fact of the matter  
11          is, my opinion is that he took the path of not knowing  
12          and then assuming what happened as opposed to the path  
13          of knowing.

14                          THE CHAIRPERSON: That begs a  
15          question. His evidence was -- Mr. Wilson's evidence  
16          was, I remember in answer to your cross-examination,  
17          that if you wanted more information, all you would have  
18          had to do was give us the encryption key and we would  
19          have been able to obtain it, but you exercising your  
20          rights as an accused --

21                          MR. A. KULBASHIAN: That's right.

22                          THE CHAIRPERSON: -- refused to  
23          provide that information.

1 MR. A. KULBASHIAN: That's right.

2 Well, the allegations -- like, going  
3 to continue. They are just basically a break down by  
4 me, I'm going to get into the breakdown of me. This  
5 the section about Det. Wilson that basically will  
6 address a lot of those issues.

7 THE CHAIRPERSON: All right.

8 MR. A. KULBASHIAN: Now I'm going to  
9 proceed to the section about Mr. Warman.

10 Okay.

11 Mr. Warman was one -- well, actually  
12 the complainant and he was also a witness at this  
13 Tribunal hearing, therefore, he was actually a party  
14 to, I guess, the complainant side and I would ask the  
15 court not to consider him as an independent witness.

16 Moreover, he has personal monetary  
17 interest in this trial. He's an experienced lawyer,  
18 involved especially in Internet hate crimes, he  
19 actually brags about that.

20 I will demonstrate that he has not  
21 done the minimum factual investigation on his own  
22 regarding these sites and the respondents and his own  
23 admittance he has based his conclusion on assumptions

1           rather than concrete facts.

2                           He states that discussion in the  
3 Canadian Human Rights Commission led him to believe  
4 certain things.

5                           He also relied mostly on information  
6 of the only other witness, I guess the only witness  
7 that could testify to the events, Det. Wilson, who is  
8 also, I guess, a collaborator during the investigation.

9                           We will be dealing with the issue of  
10 Det. Wilson's credibility in the following section, but  
11 right now we'll demonstrate that Mr. Warman has based  
12 all his case on his own assumptions and unreliable  
13 witnesses.

14                           We will also demonstrate that he's  
15 not a trustworthy witness.

16                           There is also more contradictions  
17 about his statements that we will be getting into.

18                           Also, other than his testimony he has  
19 not produced any documents to show the validity of his  
20 case.

21                           The following is a clear example of  
22 the way he tried to implicate myself. He is not  
23 talking about any concrete facts and basically just

1 discussions in the human rights milieu and reviewing  
2 websites.

3 Basically it says over here:

4 "And the documents that I was  
5 reviewing on the websites, along  
6 with discussions I had with  
7 colleagues within the Human  
8 Rights milieu in Canada led me  
9 to believe that the person who  
10 was identified as Totenkopf on  
11 the websites was in fact Alexian  
12 Kulbashian."

13 Also with regards to the Vinland  
14 Voice materials that he has produced to the court,  
15 there's not a single one which was directly downloaded  
16 from the original website and to Mr. Warman's  
17 acknowledgement they are all cut and paste by his own  
18 words and are portions of actual ones.

19 "And again, although I can't  
20 identify the exact source of it,  
21 it appears to be a cut and  
22 pasted version and I can testify  
23 that I did personally witness

1                   this document on the C.E.C.T. --  
2                   excuse me, the Vinland Voice  
3                   website."

4                   But that leaves us only with his word  
5                   to determine whether or not the content is actually, I  
6                   guess, legit.

7                   Also Mr. Warman states:

8                   "Again, I'm not a computer  
9                   expert, but what I would have  
10                  done was cut and paste the  
11                  version into a Word Perfect or  
12                  probably a Word document and  
13                  then just print that up in and  
14                  of itself, so..."

15                  I'm not sure what exactly he's  
16                  testifying on over here, but one way or another it's  
17                  his continuation that the pages were not printed  
18                  directly from the site and they were either copied and  
19                  pasted from one place or another or from e-mails that  
20                  he received, as he states.

21                  And Mr. Warman also states:

22                  "No. And in the subsequent  
23                  Vinland Voice articles, I can

1 state that that's because these  
2 were copies that were  
3 downloaded, the ones that don't  
4 have URL addresses, from the  
5 material that they sent me as  
6 e-mail."

7 Basically stating that the reason  
8 there is no URL is because they came in by e-mail.

9 "But this material itself, I  
10 can't testify as to why it  
11 doesn't actually have the URL  
12 address underneath it, but I can  
13 testify that I did, in fact, see  
14 this at the opening of the  
15 Vinland Voice website."

16 And assuming that Mr. Warman's memory  
17 is great enough to actually remember every word exactly  
18 in every article that he read, then I mean maybe he  
19 would know if that article was exactly the way it was  
20 on line, but I would suggest to the court that the  
21 articles might not have been exactly as they were  
22 posted on line.

23 And also Mr. Warman states that:



1 "Yes, although I may have gone  
2 directly to it through the  
3 Vinland Voice website rather  
4 than going all the ways through,  
5 because I knew the direct URL to  
6 the website, so I may not have  
7 spent the extra time."

8 Basically Mr. Warman states that he  
9 also knew the URL, the website site which, I mean  
10 judging by the fact that he did download a lot of the  
11 other sites, information from other sites, he didn't  
12 download information from this site, regardless of the  
13 fact that he did know the URL and he can't state that I  
14 didn't know where it was.

15 So, anyways Mr. Richardson asks:

16 "MR. RICHARDSON: Why didn't he  
17 cut and past -- I guess what I  
18 want to know is, why didn't he  
19 cut and paste the whole thing or  
20 why didn't he template the whole  
21 thing? Why the inconsistencies?

22 "MR. WARMAN: I'm sorry, the  
23 material was collected over a

1 period of seven years and I  
2 can't testify as to why specific  
3 things were collected or printed  
4 off in a certain fashion."

5 So, basically he also admits to not  
6 knowing the exact source and I guess the chain of  
7 handling of the information that was finally brought to  
8 trial.

9 So, the following statement also  
10 shows that Mr. Warman has tried to get the original  
11 version of the articles of Tri-City Skins.

12 Warman states:

13 "MR. WARMAN: Yes, because I was  
14 unable to find the original  
15 version on the Tri-City Skins  
16 website anymore. I had gone  
17 back with the intention of  
18 downloading and printing off a  
19 copy of the actual article that  
20 was present on the Tri-City  
21 Skins website but they had moved  
22 on to the next week's or  
23 subsequent week's versions of

1                   the articles that were broadcast  
2                   by William Pierce."

3                   The fact of the matter is it also  
4 does show here that as far as Tri-City goes he did,  
5 actually, in fact, go out and try and grab the original  
6 information.

7                   As to why he did not with the Vinland  
8 Voice and bring in, I guess, more like second rate  
9 copies, you know, is for the court to decide whether or  
10 not those copies could actually be taken as original or  
11 authentic.

12                   The problem is that the sites, as  
13 were testified in court, were shut down shortly  
14 afterwards, so there is no way that anybody else could  
15 have actually brought original copies of the site.

16                   And since Mr. Warman was, like,  
17 monitoring the site throughout his investigation, you  
18 would expect that somebody like that would actually  
19 download or print the pages of the site as evidence if  
20 he was going to open a human rights case.

21                   THE CHAIRPERSON: So, what are you  
22 suggesting?

23                   MR. A. KULBASHIAN: I'm suggesting --

1 THE CHAIRPERSON: That the material  
2 is fabricated again?

3 MR. A. KULBASHIAN: -- that the  
4 material, that there's no information, that he can't  
5 testify on, I guess, the chain of command on the  
6 document.

7 THE CHAIRPERSON: His evidence is  
8 that at least on a couple of occasions --

9 MR. A. KULBASHIAN: Like, how it was  
10 collected, why it was printed a certain way, he said he  
11 cannot testify on that.

12 He also testifies that he says the  
13 articles is the same because he remembers seeing it on  
14 the site but I'm sure that no one has that good a  
15 memory to remember every word in every article and that  
16 slight modifications make --

17 THE CHAIRPERSON: But his evidence  
18 is -- wait. His evidence is that he got the article by  
19 being on the mailing list, he received them through  
20 e-mails, and presumably at least for some of them he  
21 cited an excerpt where that explanation exists, where  
22 he received it as an e-mail, he cut and pasted text and  
23 put it in a text file.

1 Now --

2 MR. A. KULBASHIAN: Well, some of the  
3 articles are only like portions, I guess, they're not  
4 the entire documents.

5 It's not -- obviously Mr. Wilson --  
6 came in -- Det. Wilson came in with printed out  
7 e-mails. It's also obviously possible to print out  
8 e-mails and show --

9 THE CHAIRPERSON: Yes, it is.

10 MR. A. KULBASHIAN: -- and show the  
11 actual document rather than make a copy of it and then  
12 show a document.

13 THE CHAIRPERSON: So, the conclusion  
14 that you want me to draw from the fact that he cut and  
15 paste out of e-mails is that the document should be  
16 rejected entirely because they were done in that  
17 fashion.

18 MR. A. KULBASHIAN: Or should not be  
19 considered as complete documents.

20 In the above statements Mr. Warman  
21 also indicates that those are not the original  
22 documents from the website, that they are cut and  
23 pasted and printed. These are not complete copies of

1 the documents and are portions.

2 Mr. Warman also states that he knew  
3 the URL address of the website but he did not want to  
4 spend the extra time and downloading from the sites.

5 This is not a valid reason coming  
6 from an experienced and trained lawyer and according to  
7 him, an investigator of hate on the Internet.

8 Moreover, it is evident that Mr.  
9 Warman's selective memory in his above statements. He  
10 cannot remember certain things but he remembers that he  
11 has witnessed all the articles on the Vinland Voice  
12 site.

13 How can Mr. Warman state with so much  
14 certainty that these documents are the exact replicas  
15 of the site and remembers each detail of the articles.

16 Moreover, Mr. Warman states that in  
17 the case of articles from Tri-City Skins he had gone  
18 back to print the actual articles directly from the  
19 site. This demonstrates a double standard approach,  
20 which makes us wonder why he did it -- more like why he  
21 didn't get it from Vinland Voice but did from the  
22 Tri-City Skins.

23 Also it is evident that Mr. Warman

1           above statement shows he might not be telling the truth  
2           because in the case of the Tri-City website he has gone  
3           the extra efforts to always download the originals  
4           directly from the site.

5                           His statement proves that he used  
6           double standards. Both Det. Wilson and Mr. Warman  
7           testified that cut and paste articles can be very  
8           easily edited or modified.

9                           Regarding his motives, it is probable  
10          that he could have easily tampered with the articles.

11                          The following is another statement  
12          that shows Mr. Warman's selective memory where he  
13          states he doesn't even remember the procedure when he  
14          filed his complaint, but still remembers all the  
15          details in an article.

16                          It says:

17                                "So, how did you file your  
18                                complaint, did you go see Mr.  
19                                Stacey yourself or how does it  
20                                work, the procedure?"

21                          Mr. Warman stated:

22                                "At the time what I would have  
23                                done was submitted -- to the

1 best of my recollection, what I  
2 would have done was submitted  
3 written material in the form of  
4 perhaps a letter along with  
5 accompanying material indicating  
6 examples."

7 So, which shows there's certain  
8 uncertainty about the way a procedure works and he  
9 stated that he remembers the articles.

10 So, my submission is that he couldn't  
11 have actually remembered the exact content of the  
12 articles and that it's very possible that they could  
13 have been modified.

14 The following paragraphs show that  
15 Mr. Warman intentionally interpreted the logo on the  
16 left side of the page as being the signature of the  
17 author, although at the bottom of the article it is  
18 signed WHITE POWER CANADA.

19 Mr. Warman testified that he has  
20 gained good knowledge of the Internet during the last  
21 five years. Moreover, for the rest of the articles he  
22 has always interpreted the bottom signature as the  
23 author's name. Whether it is out of ignorance or



1 intentional, I don't believe this statement can be  
2 trusted.

3 It says:

4 "MR. WARMAN: Yes. At the let  
5 just below the sort of links  
6 that you can click on, there is  
7 the skull and cross bones symbol  
8 that is referred to as Totenkopf  
9 from the World War II Nazi era  
10 and also the word itself spelled  
11 out, Totenkopf.  
12 And it's my belief that this  
13 article was, in fact, written by  
14 Mr. Kulbashian."

15 That's what he states, and this is  
16 talking about, if you remember the layout with the  
17 little symbol on the left side.

18 THE CHAIRPERSON: Symbol on the left  
19 side.

20 MR. A. KULBASHIAN: That's right.

21 And also:

22 "MS MAILLET: And it appears  
23 that there's a signature at the

1 bottom of the first page,  
2 WPCANADA.  
3 MR. WARMAN: Yes. And, again,  
4 my belief that the person using  
5 that pseudonym is James Scott  
6 Richardson."

7 Also it says:

8 "MR. WARMAN: Thank you. Do you  
9 think it's possible then, or do  
10 you have any idea or any belief  
11 as to who might have written the  
12 article at tab 17 entitled  
13 "Intro to Racial Woes"?  
14 DET/CST. WILSON: There is no  
15 doubt in my mind that that's  
16 written by James Scott  
17 Richardson."

18 In his testimony, whether it was  
19 intentional or by accident, Mr. Warman stated that in  
20 the beginning that he believes the fact that symbol was  
21 on the left side of the page means the author of the  
22 article was myself, but he also stated later on in his  
23 testimony that an article with WPCANADA at the very

1 bottom was James Richardson, according to his opinion,  
2 and that the symbol didn't matter, regardless of the  
3 fact there was a symbol on the left side of that  
4 article.

5 So, if the question is he was trying  
6 to force an identification of the article's author or  
7 whether or not he didn't pay attention to it, I don't  
8 think that his opinion on that as an identifying  
9 factor as myself is valid, or myself writing an  
10 article.

11 Okay. Also when later confronted  
12 during cross-examination he refutes what he had said.  
13 When I ask him:

14 "Okay. So, you believe that the  
15 fact that that symbol was found  
16 on every single page of every  
17 site that you say I had  
18 something to do with, that means  
19 I wrote every article that that  
20 symbol shows up beside?

21 MR. WARMAN: No, in fact, and  
22 that wasn't my evidence."

23 Then again he contradicts saying:

1 "I'm saying that it's an  
2 indicia."

3 THE CHAIRPERSON: Mm-hmm.

4 MR. A. KULBASHIAN: More like an  
5 indication.

6 THE CHAIRPERSON: Well, both are  
7 valid terms.

8 MR. A. KULBASHIAN: The above is an  
9 indication that Mr. Warman's opinion on my identity as  
10 far as just the fact that the symbols pasted on the  
11 page cannot be trusted and, again, I suggest that due  
12 to, I guess, monetary gains that this case might bring  
13 him, I suggest that it's possible that it might have  
14 been even more intentional rather than of poor  
15 knowledge.

16 I said to get compensation because of  
17 the article Mr. Warman alleges that Totenkopf and who  
18 he alleges is me, has exposed him and put his life into  
19 danger.

20 He testified giving all sorts of  
21 reasons that according to a few documents he produced  
22 he believes that the signature Totenkopf is myself and  
23 the author.

1                   Mr. Warman makes a parallel of a  
2 newspaper article in which Alex Krause and James  
3 Richardson had an alleged interview.

4                   Following the interview, there was an  
5 article in the Vinland Voice where the author wrote  
6 about the interview and mentioned TOT as one of the  
7 people interviewed.

8                   The Vinland Voice article was cut and  
9 paste portion of the actual text which could have  
10 easily been tampered with.

11                   Although we would never know the  
12 reasons for the author using Totenkopf because  
13 Totenkopf being a public/press relations subgroup, the  
14 author might have used it in that context.

15                   But Mr. Warman does not explain how  
16 these articles are written by Totenkopf about a third  
17 party Alex Krause and still Alex Krause and Totenkopf  
18 could be the same person..

19                   Here I would like to mention that the  
20 two articles about my resignation are signed at the  
21 bottom by Alex Krause.

22                   The resignation to the C.E.C.T. is  
23 signed Alex Krause and then at the top next to Alex

1 Krause in parenthesis is written Totenkopf and there  
2 was no explanation as to what that would mean.

3 In the Vinland Voice it only states  
4 Alex Krause, no mention of Totenkopf.

5 I suggest that just as people who  
6 sign their names with their positions beside them, the  
7 Totenkopf doesn't necessarily mean that I am Totenkopf,  
8 it could also mean, as I stated in my interview with  
9 Det. Wilson, that it's a subgroup rather than an actual  
10 individual.

11 And so far there is no explanation as  
12 to how Totenkopf could have written about Alex Krause  
13 which, you know, Totenkopf alleges --

14 THE CHAIRPERSON: It all turns around  
15 the same problem, which I've said before and you're  
16 going to have to face the whole way through, the only  
17 suggestion that Totenkopf represents a group is a  
18 statement that you made in this interrogation which was  
19 transcribed by a secretary after Mr. Wilson's  
20 interview.

21 I have no evidence in front me, to my  
22 knowledge, affirming that Totenkopf represents a group.

23 You have not brought evidence, you

1           didn't bring three other members of the organization to  
2           say we all were members of Totenkopf, we all wrote  
3           Totenkopf.

4                            You haven't done any of that.  So,  
5           there is a problem here in terms of the evidence.

6                            I mean, the only suggestion that  
7           Totenkopf represents more than one person is your  
8           statements during the interview with Mr. Wilson; right?

9                            MR. A. KULBASHIAN:  That's right.

10                           THE CHAIRPERSON:  Is there anything  
11           else?

12                           MR. A. KULBASHIAN:  But that would  
13           be, since that was included as evidence and according  
14           to Det. Wilson that is what I told him, in effect, that  
15           is evidence and, in fact, what I'm bringing is other  
16           evidence -- basically using the other evidence to  
17           support that claim.

18                           THE CHAIRPERSON:  All right.  What's  
19           the other evidence that supports the claim?

20                           MR. A. KULBASHIAN:  For example,  
21           Totenkopf writing about Alex Krause in the third person  
22           and that during the resignation letter it's signed Alex  
23           Krause and Totenkopf in brackets, in one of the

1 articles which is more, I guess, consistent with  
2 somebody identifying himself as part of a group rather  
3 than an individual.

4 Just like somebody would say, I don't  
5 know, like I don't know, John Smith human relations,  
6 it's not like his name is human relations or that's his  
7 pseudonym.

8 THE CHAIRPERSON: Okay. So, the  
9 reference to Alex Krause in the third person.

10 MR. A. KULBASHIAN: Yes, by  
11 Totenkopf. Multiple references actually to Alex Krause  
12 in the third person.

13 THE CHAIRPERSON: If you will note  
14 closely, your entire closing document here is written  
15 in the third person. You're presenting it in the third  
16 person.

17 MR. A. KULBASHIAN: No, it was  
18 written in the first person. It was a collaborative  
19 thing.

20 THE CHAIRPERSON: No, I'm saying -- I  
21 understand and that is probably fine, but that is a  
22 counter argument to what you're telling me is that it's  
23 not unknown for people to refer to themselves in the



1 third person.

2 MR. A. KULBASHIAN: Yeah, but the  
3 issue is not just like -- see, this document was --

4 THE CHAIRPERSON: Read this with  
5 other things and you could draw the conclusion, is what  
6 you're saying?

7 MR. A. KULBASHIAN: Yeah, but the  
8 fact of the matter is this document isn't written by  
9 somebody who alleges to be somebody and writing about  
10 somebody else, this document is more like a narrative  
11 in essence.

12 THE CHAIRPERSON: I understand.

13 MR. A. KULBASHIAN: So, there is a  
14 difference between like Totenkopf writing about Alex  
15 Krause or just somebody in general writing about Alex  
16 Krause or Alex Krause writing about Alex Krause, which  
17 is different.

18 And so, see what it says here --

19 THE CHAIRPERSON: Well, you were went  
20 to here -- here, we would -- you were around there  
21 somewhere.

22 MR. A. KULBASHIAN: Here I would like  
23 to mention that there are two articles about my

1 resignation and both are signed -- okay, I actually  
2 read that one.

3 There is not a single article in the  
4 newspaper or elsewhere Alex Krause is referred to as  
5 Totenkopf or Alexan Kulbashian being a Tri-City Skins  
6 member, only the police and Mr. Warman allege that  
7 Totenkopf is Alex Krause.

8 Det. Wilson acknowledged that the  
9 article is a reproduction of a previous article in NOW  
10 Magazine in which it's said that the Ottawa based  
11 lawyer Mr. Warman had submitted a formal complaint to  
12 the CHRC.

13 There is no doubt that Mr. Warman or  
14 somebody else from the CHRC must have contacted the  
15 newspaper regarding the complaint, thus Mr. Warman  
16 exposed himself, like quite a bit of time before the  
17 article in the Vinland Voice wrote about it.

18 Mr. Warman also said that when he  
19 heard his name and address mentioned in the article, he  
20 said:

21 "I was shocked. I had never  
22 anticipated that they would  
23 stoop to something like that,

1           that I certainly considered it  
2           to be a personal threat and to  
3           be a threat against my personal  
4           safety.  
5           And I certainly contacted the  
6           police as soon as possible after  
7           I received that message, and  
8           without going into specific  
9           details about what the police  
10          have done, they have made what I  
11          would describe as alternate  
12          arrangements in terms of my  
13          personal security that would not  
14          be the case for an average  
15          citizen.  
16          MR. RICHARDSON: ...have you  
17          received any death threats,  
18          either verbal, through e-mail,  
19          in face or anything by anybody  
20          that you would consider in the  
21          movement since that time of the  
22          initial -- ", like I guess  
23          alleged, "-- threat?"

1 Mr. Warman states:

2 "No, you know, that I would  
3 consider --

4 THE CHAIRPERSON: "not".

5 MR. A. KULBASHIAN:

6 "Not, you know, that I would  
7 consider to be within the  
8 neo-Nazi movement, per se."

9 So, Mr. Warman is evasive regarding  
10 the police response. If this was considered as a real  
11 serious threat it would have been a criminal act.

12 Mr. Warman does not tell us the  
13 actions the police took against the alleged author and  
14 we are obviously still yet to know.

15 I'm not sure if they actually acted  
16 against the author or charged him.

17 Moreover, Det. Wilson testified that  
18 Mr. Warman is a well-known public figure that has  
19 openly acted against other people, organizations  
20 against his beliefs and opinions.

21 Mr. Warman also testified that for  
22 over 15 years he was involved in social justice and  
23 human rights issues. Was Mr. Warman's name unlisted in

1 the phone directory or not? He doesn't tell us,  
2 because it would have been possible that his name and  
3 address would have been listed in the phone book, in  
4 which case it would have been a matter of public  
5 record.

6 During the court proceedings his  
7 address should have been mentioned and, you know....

8 THE CHAIRPERSON: I don't quite  
9 understand that.

10 MR. A. KULBASHIAN: His address  
11 listing should have been mentioned, it was like  
12 public -- if he was going to make an allegation that he  
13 was exposed, then he should also made an allegation  
14 that say his address was not in the phone book and that  
15 no one knew he had done that and somebody exposed him  
16 in the media; whereas somebody who admits met to, I  
17 guess, being a front runner in the battle against  
18 Internet hate and who apparently had direct interview  
19 with NOW Magazine talk about his case, can't state that  
20 he was exposed by somebody else when he exposed  
21 himself.

22 Mr. Warman goes further and further  
23 in his exaggerations and states that he was concerned

1           about the database because it would provide information  
2           about him.

3                         Mr. Warman admits in the following  
4           paragraph that he received no threats with association  
5           of the article and damages.

6                         All this makes us wonder if this is a  
7           tactic to ask for personal for compensation. Mr.  
8           Warman has a history of asking for personal  
9           compensation with the Canadian Human Rights Tribunal.

10                        In the following Mr. Warman says  
11           according to his opinion that is a wrong address, but  
12           does not explain why P.O. Box 1061, 31 Adelaide Street  
13           is the correct address. He then states he has not  
14           checked the validity of either address.

15                        This is like a continuation.

16                        So, I'm basically saying regarding  
17           the TCS sites, Mr. Warman says:

18                                 "Yes, it is. And then, what in  
19                                 my opinion, is a false address  
20                                 that they have used to register.  
21                                 It's registered as 14  
22                                 Eight-Eighth Avenue and, again,  
23                                 you know the 88 being neo-Nazi

1                   parlance, Kitchener, Ontario,  
2                   and then the postal code is  
3                   designed to look or to imitate  
4                   the word Smarties."

5                   Mr. Warman also states:

6                   "Yes, it is. And then what, in  
7                   my opinion, is a false  
8                   address --"

9                   Wait a second, this was just -- oh  
10                  yeah, it's a double paste. It happens some time.

11                  Okay.

12                  "THE CHAIRPERSON: This Adelaide  
13                  Street address, are you aware of  
14                  what it is? Is it a postal  
15                  station?"

16                  Mr. Warman states:

17                  "Yes, my information is that it  
18                  is in fact --

19                  THE CHAIRPERSON: Information.  
20                  You haven't visited this place  
21                  yourself?

22                  MR. WARMAN: No, not  
23                  personally."

1                   With all due respect, there could  
2                   have been -- there was no evidence that this was  
3                   actually a real address and that anybody stated it was  
4                   a real address, and even during the dialogue in the  
5                   alleged chats on line the address, when there is a  
6                   question posed to WPCANADA about use of the P.O. Box,  
7                   the address wasn't actually given of the P.O. Box.

8                   So, by all means, this could have  
9                   been an fake P.O. Box address or a fake address in  
10                  general.

11                  So, then Mr. Warman tries to relate  
12                  Affordable-Space, Tri-City Skins and C.E.C.T.

13                  He says:

14                         "MR. WARMAN: Yes, there is,  
15                         although I do not have a copy of  
16                         the Whois results from  
17                         affordable-space.com, I can  
18                         state that I personally on that  
19                         same date conducted a Whois  
20                         search on register.com and that  
21                         the results -- or the address  
22                         listed as the contact or the  
23                         admin contact is registered to



1 the same P.O. Box...on Adelaide  
2 Street, the same P.O. Box that  
3 was used for the Tri-City Skins  
4 and the C.E.C.T. websites."

5 The fact of the matter is that he  
6 states that he doesn't have the copy the Whois results,  
7 regardless of the fact he had a lot of other  
8 information for Whois results.

9 I don't think that the court should  
10 rely on his memory of what he saw there, on the Whois  
11 results without him actually bringing documentary  
12 evidence and I believe that --

13 THE CHAIRPERSON: For what do I have  
14 Whois results? I have got a whole bunch of Whois  
15 results.

16 MR. A. KULBASHIAN: For  
17 affordable-space.com. He states that the same address  
18 that affordable-space.com used as a company. There's  
19 no evidence --

20 THE CHAIRPERSON: For all the others  
21 ones but I don't have Affordable-Space's Whois, is that  
22 what you're saying?

23 MR. A. KULBASHIAN: Yeah, that's

1 right, because even though he states that  
2 Affordable-Space had a P.O. Box here, right, however  
3 there was no evidence that was brought aside from his  
4 memory that Affordable-Space had an actual address over  
5 here.

6 THE CHAIRPERSON: At Adelaide Street?

7 MR. A. KULBASHIAN: Yeah. So, as  
8 most of the time again, like, Mr. Warman does not  
9 produce documents to back his statements but he expects  
10 the court to believe him and trust his memory.

11 Here we wonder what happened to those  
12 documents he doesn't give any explanations about.

13 Mr. Warman admits he has not filed  
14 any complaints with the sites or the server because his  
15 understanding I was in control of the server.

16 The Chairperson asks:

17 "Did you file a complaint with  
18 affordablespace?"

19 MR. ALEXAN KULBASHIAN: Did you  
20 file a complaint with the site  
21 at all?

22 MR. WARMAN: No, it was my  
23 understanding that you, in fact,

1                                   were in control of the company."

2                                   Now, that doesn't actually respond --  
3                                   you know, give an answer as to why but I'll continue.

4                                   So, I said:

5                                   "So, you still didn't go through  
6                                   and complain to  
7                                   affordablespace.com?

8                                   MR. WARMAN: I felt that  
9                                   considering my evidence was that  
10                                  you were, in fact, in control of  
11                                  that and that you were, in fact,  
12                                  affiliated with..."

13                                  Mr. Warman also says:

14                                  "It's my belief that you're one  
15                                  of the owners or one of the  
16                                  controlling minds of that  
17                                  corporation, based on  
18                                  information was published in  
19                                  newspapers, based on the  
20                                  information that I witnessed in  
21                                  terms of the Totenkopf being the  
22                                  contact address for a number of  
23                                  the sites, and then all being

1                   related to the same P.O. Box  
2                   including affordablespace."

3                   He still doesn't -- he's very vague  
4                   and evasive process. He does state that he did not  
5                   complain. He doesn't give a reason as to why he didn't  
6                   complain aside from the fact that he believed it was me  
7                   that was in control of the server, and if anything, and  
8                   this I feel supports the question as to whether or not  
9                   he was expecting the profits from these hearings as  
10                  opposed to actually doing a service to the community.

11                  The above statements also show that  
12                  Mr. Warman did not file a complaint to any of the sites  
13                  and Affordable-Space.

14                  If Mr. Warman's sole intention was to  
15                  stop alleged discrimination and the welfare of the  
16                  public, couldn't he have at least complained to  
17                  Affordable-Space or the websites, or myself, and wait  
18                  for their response and then act.

19                  The reason that Mr. Warman gives are  
20                  based on his assumption that he believed that I was in  
21                  charge of it.

22                  Again, he admits in the statement  
23                  that Affordable-Space was a company.

1                   Moreover, although Mr. Warman said  
2                   that Affordable-Space had a few owners and controlling  
3                   minds, Mr. Warman backtracks saying that I was in  
4                   control.

5                   You were in control, just underlined  
6                   as in like the quotes.

7                   Whether I was in control or not, he  
8                   doesn't explain what difference it would have made on  
9                   his decision not to complain,

10                  Also it is noticeable that he uses  
11                  newspaper as reliable source of information or  
12                  evidence, according to him.

13                  In the following lines I asked  
14                  specifically if Mr. Warman is an expert in the Internet  
15                  and he says he has learned quite a bit over the past  
16                  five years, sort of extensive work in it.

17                  By using extensive work during the  
18                  five years, Mr. Warman's message is that he has very  
19                  good knowledge.

20                  Then during cross-examination he  
21                  denies what I did specifically ask him and what he told  
22                  previously, saying that I asked him if he had used the  
23                  Internet or visited them and Mr. Warman replies yes.

1                   This is another example, I guess, of  
2 his poor memory during testimony.

3                   I state:

4                   "Okay. Do you consider yourself  
5 an expert in IRC or computer --  
6 internet-related, I guess the  
7 internet field in general?  
8 MR. WARMAN: I consider that  
9 I've learned quite a bit over  
10 the past five years, sort of  
11 extensive work in it."

12                   There's no yes or no answer. So,  
13 again, it's either an evasive answer or he's trying to  
14 imply that he is.

15                   Mr. Richardson asked:

16                   "Do you believe that it is  
17 possible that "X" is a command  
18 style bot, may I use, that  
19 controls the room #wpcanada and  
20 as it clearly states that it is  
21 "X" that changes topic to wpcept  
22 or vinlandvoice and not a  
23 person, not Totenkopf changes

1 topic or not #WPCANADA changes  
2 topic?"

3 Mr. Warman says:

4 "I'm sorry, that's outside my  
5 knowledge.

6 MR. RICHARDSON: But you did  
7 state in fact earlier that you  
8 have been visiting the IRC  
9 servers over the last five  
10 years. Did you not learn  
11 anything in the five years that  
12 you were visiting these sites?

13 MR. WARMAN: No, in fact, Mr.  
14 Kulbashian asked me if I had  
15 used them and I had visited them  
16 and I replied yes."

17 So, just asserting that he has no  
18 expertise, regardless of the fact that he tries to  
19 comment on it.

20 Mr. Warman has not checked the  
21 mechanism of the sites to know if someone actually  
22 controlled them and knew -- or knew about the content  
23 of the material posted, although he's blaming the

1 respondents for posting the material.

2 Sorry, there's a typo there.

3 I ask:

4 "Okay. So, did you by any  
5 chance happen to try or even see  
6 any indication on whether or not  
7 the sites were manually updated,  
8 automatically updated through  
9 scripts or whether or not they  
10 were monitored, or whether or  
11 not this site was just  
12 statically uploaded to the site  
13 and the content was just  
14 statically uploaded?"

15 Mr. Warman answers:

16 "I'm sorry, that's not within my  
17 knowledge."

18 When Ms Maillet was questioning Mr.  
19 Warman he answered with servitude, but during the  
20 cross-examination when the questions were not to his  
21 best interest he was evasive.

22 Moreover, there is no indication that  
23 Alex Krause or Totenkopf has submitted articles to the



1 Tri-City Skins site.

2 The following two paragraphs confirm  
3 that.

4 I ask:

5 "Sorry. Are there any articles  
6 on the Tri-City site by either  
7 Alex Krause, Totenkopf or  
8 WPCANADA?

9 MR. WARMAN: I would have to go  
10 back through all the evidence  
11 that I've already entered into  
12 evidence, but if there was, then  
13 it would have been indicated at  
14 the time."

15 Mr. Richardson asks:

16 "From your recollection, all the  
17 templates or all the webpages  
18 had Totenkopf on the side of the  
19 actual webpage itself, the  
20 symbol itself and the name."

21 The Chairperson asks:

22 "The webpage of Vinland Voice?

23 MR. RICHARDSON: The Vinland

1 Voice and C.E.C.T.

2 THE CHAIRPERSON: And C.E.C.T.?

3 MR. RICHARDSON: And C.E.C.T.

4 MR. WARMAN: I can't testify to  
5 that for certainty."

6 In the following - that's what he  
7 actually answers, sorry.

8 In the following Mr. Warman has not  
9 checked ownership of Affordable-Space, he has not  
10 explained or shown any evidence if Affordable-Space had  
11 any legal status or not.

12 Question is:

13 "Did you check the ownership of  
14 the company affordablespace.com,  
15 the actual ownership of the  
16 company itself, not ownership of  
17 the domain?

18 MR. WARMAN: I did not -- "

19 THE CHAIRPERSON: It didn't.

20 MR. A. KULBASHIAN:

21 "It didn't indicate that it was  
22 an incorporated company or that  
23 it had any formal legal status."

1                   The answer is not yes or no, again  
2                   evasive but you can assume from the answer that the  
3                   it's no, he did not check.

4                   So, again, it would be his assumption  
5                   as to how affordable-space.com worked.

6                   Mr. Warman has also acknowledged that  
7                   only three or four alleged hate sites are hosted on  
8                   Affordable-Space on a thousand plus sites that the  
9                   server hosts.

10                  I ask:

11                    "So, how many sites do you  
12                    believe were actually hosted, I  
13                    guess from what you read?  
14                    MR. WARMAN: I'm aware of at  
15                    least, you know, three to four,  
16                    and then after that I would have  
17                    to say that I'm not sure how  
18                    many as a total were being  
19                    hosted by the company."

20                  And then HR-1 tab 38 states:

21                    "Affordable-Space.com started  
22                    off as a private project that  
23                    turned into a business that

1                   hosts 1000+ accounts."

2                   This is from -- I believe it's from  
3           there HR, like, you know, from their exhibit list.

4                   THE CHAIRPERSON:   Their exhibit.

5                   MR. A. KULBASHIAN:   So, the following  
6           chat also confirms what I told the police that the  
7           Vinland Voice site was designed by someone else and  
8           that someone else was the founder of CECT.

9                   WPCANADA states:

10                               "Just finishing off the Voice"

11                               "its abiggie"

12                   And then:

13                               "its madness,...tonight mate, I  
14                   haven't left yet, I was  
15                   finishing the vinland voice off"  
16                   says WPCANADA.

17                   WPCANADA:   finishing the web  
18                   page for the vinland voice, a  
19                   weekly white newspaper that I  
20                   do"

21                               "...traveling and doing shit. I  
22                   founded CECT and it keeps me  
23                   busy"

1 The fact of the matter is --

2 THE CHAIRPERSON: Slow down a little  
3 bit, please.

4 MR. A. KULBASHIAN: Sorry.

5 The fact of the matter is so far as  
6 far as identification process goes, they haven't been  
7 able to bring any concrete evidence as to who is who,  
8 in fact they are going off assumptions and the danger  
9 of the court relying on assumptions over actual  
10 documentary evidence, proving somebody's identity, is  
11 that anybody could then use the Canadian Human Rights  
12 Commission as either a profit machine or some kind of I  
13 guess middleman for censoring political speech they did  
14 not agree with.

15 And if the court itself decides to go  
16 off assumptions and stating that these assumptions can  
17 actually be used as evidence, for example, saying I  
18 assume that you ran this so I didn't do anything, or I  
19 assume that this person is this or that there's no  
20 concrete evidence saying that I believe it's so, then  
21 the Tribunal becomes -- you know, is at the mercy of  
22 that person's opinion into making their judgment and  
23 also the system itself is at the mercy of that

1 person --

2 THE CHAIRPERSON: You are aware of  
3 the concept though of circumstantial evidence.

4 MR. A. KULBASHIAN: I am, but  
5 circumstantial evidence would require some sort of  
6 actual documentary evidence that would, I guess --

7 THE CHAIRPERSON: Circumstantial  
8 evidence is taking many pieces of a pie and sort of  
9 putting them together to make one pie.

10 MR. A. KULBASHIAN: Yeah, but taking  
11 many pieces of pie crusts you can't make a pie.

12 The problem is, if you don't actually  
13 have the documentary evidence to back up your claims,  
14 it is just many pieces of claims that could either be  
15 well designed or allegations that the person is --

16 THE CHAIRPERSON: So, your submission  
17 is that the circumstances -- the evidence --

18 MR. A. KULBASHIAN: The documentary  
19 evidence.

20 THE CHAIRPERSON: The evidence is not  
21 sufficient to create a case based on circumstantial  
22 evidence?

23 MR. A. KULBASHIAN: And I believe

1           that in order for an actual case to be exist there  
2           should be some form of irrefutable documentary evidence  
3           and by documentary evidence I mean not missing Whois  
4           searches on and then making claims on that missing  
5           Whois search stating, oh, I remember this or actual  
6           having originals rather than saying, well, I remember  
7           seeing it on the site.

8                                Because stuff like that is -- stuff  
9           like that actually makes it a little, I guess,  
10          dangerous for the case and it turns the Tribunal into  
11          more of a pawn for the person's like agenda rather than  
12          to actually seek justice.

13                                Okay.

14                                The following was submitted by the  
15          complainants and corroborates what I told the London  
16          Police and that I don't have time to read the websites  
17          and that Affordable-Space hosts and to get involved  
18          with -- sorry, little typo there.

19                                THE CHAIRPERSON:   Where are you?

20                                MR. A. KULBASHIAN:   Sorry.

21                                I don't have time to read the  
22          websites that Affordable-Space hosts and to get  
23          involved with CECT or Vinland Voice sites, as in like,

1 I don't have time to get involved in the CECT and the  
2 Vinland Voice and that I don't have time to read  
3 Affordable-Space.

4 Basically it says here, basically  
5 assuming that these chat logs are authentic it says:  
6 "FdaJEWS continues, he states:

7 "i ran into a few old guys in  
8 Toronto, and they were wondering  
9 about alex.  
10 like how he has so much money  
11 and shit"

12 And WPCANADA responds:

13 "too many projects"

14 FdaJEWS: "i think it is ok"

15 WPCANADA: "not enough time"

16 FdaJEWS: but he is giving all  
17 these people web space, po  
18 boxes, etc."

19 WPCANADA states:

20 "spends a lot of his personal  
21 dough on donating web space"

22 Now, the idea is that by the  
23 admission -- if you take the chats as being fact, then



1 the...of the chats are that I have a lot of projects  
2 and a lot of, you know, that I keep myself busy and  
3 that would, I guess, negate the suggestion that I  
4 should be monitoring the sites made by the Commission  
5 and the complainant.

6 In the above lines there is no  
7 mention of any particular names or organizations. Mr.  
8 Warman produced documents of the Zoom Festival site,  
9 which is a school event and apparently the hosting was  
10 donated by myself but he comes to the following  
11 assumption:

12 "MR. WARMAN: ..."spends a lot  
13 of his personal dough on  
14 donating web space" and "he is  
15 the best thing that has come to  
16 this movement in years", it  
17 further establishes a link  
18 between Mr. Kulbashian and the  
19 hosting of other racialist or  
20 racial website"

21 The following is significant because  
22 Mr. Warman comes to the conclusion on vague statement  
23 by a third party expressing his own opinion about the

1 use of an unidentified P.O. Box and he says that this  
2 indicates that I have control over the P.O. Box, you  
3 know, 1061.

4 WPCANADA replies:

5 "hmmm, e-mail Alex, I am sure he  
6 will let you use the po box"

7 MR. WARMAN: It's my belief that  
8 that is important because I  
9 believe that WPCANADA is  
10 referring to the P.O. Box on  
11 Adelaide Street, P.O. Box 1061,  
12 and that the Alex he is  
13 referring to is Alex Kulbashian,  
14 and that this indicates that Mr.  
15 Kulbashian has control over the  
16 P.O. Box."

17 Again, coming back to the whole point  
18 of assumptions, this becomes dangerous considering --

19 THE CHAIRPERSON: But it's not just  
20 assumptions, okay, that's why you have to look at the  
21 Big picture.

22 MR. A. KULBASHIAN: That's true, but  
23 I'm targeting individual parts of the big picture.

1 THE CHAIRPERSON: No, no, what you're  
2 doing, you're going into each individual item but you  
3 have to at some point deal with the big picture.

4 MR. A. KULBASHIAN: That's the point  
5 of going through this document.

6 THE CHAIRPERSON: Because there's  
7 P.O. Box here and there's P.O. Box there and there's  
8 P.O. Box there and we see a lot of P.O. Boxes and they  
9 all connect back to Adelaide and they all connect back  
10 to you, then that's how they make a circumstantial  
11 case.

12 MR. A. KULBASHIAN: That's true, but  
13 as far as evidence comes to the court, there's no  
14 direct connection to myself and the P.O. Box, there's  
15 no evidence that states that I actually owned the P.O.  
16 Box, in fact in this chat that he claims is P.O. Box is  
17 1061 it just says the P.O. Box and I'm not sure if Mr.  
18 Warman is aware that there's many P.O. Boxes in the  
19 city.

20 THE CHAIRPERSON: This by itself  
21 doesn't tell us much; does it?

22 MR. A. KULBASHIAN: That's right.

23 THE CHAIRPERSON: I agree with you.

1 MR. A. KULBASHIAN: That's why I'm  
2 getting into more -- I'm targeting every single point  
3 of what he's alleging is evidence I was involved in  
4 certain things.

5 THE CHAIRPERSON: Fine.

6 MR. A. KULBASHIAN: So, that's why I  
7 am continuing with this document.

8 THE CHAIRPERSON: Do you want a  
9 break?

10 REGISTRY OFFICER: All rise.

11 --- Upon recessing at 11:00 a.m.

12 --- Upon resuming at 11:20 a.m.

13 REGISTRY OFFICER: Order, please.

14 All rise.

15 Please be seated.

16 MR. A. KULBASHIAN: All right.

17 Continuing with the Mr. Warman  
18 section of my closing arguments.

19 Mr. Warman has not seen either Alex  
20 Krause or Alexan Kulbashian in the chat room.

21 When Mr. Richardson asks him:

22 "No. So, is it your opinion,  
23 just based on a first name, that

1 Alex Krause was Totenkopf and  
2 James Richardson is WPCANADA,  
3 even though there is nothing in  
4 the chat logs themselves that  
5 state that?

6 MR. WARMAN: No, that wasn't my  
7 evidence."

8 The following is another example of  
9 how Mr. Warman's selective memory operates.

10 Mr. Richardson states:

11 "Okay. So, taking away the  
12 alleged solicitation by myself,  
13 is it your understanding that  
14 the typical way to go is you  
15 find it, and you can either  
16 download it, I guess, from the  
17 website page, but typically to  
18 be a part of the mailing list  
19 that it was part of, you would  
20 have to sign a user name  
21 information?"

22 Mr. Warman replies:

23 "You know, this was three years

1                   ago. I don't remember exactly  
2                   what information was requested  
3                   of me when I signed up."

4                   So, the following statement concerns  
5                   a Tri-City Skins site.

6                   It says:

7                   "You don't see any articles with  
8                   his name on it, you don't see  
9                   any guestbook entries or  
10                  anything like that; is that  
11                  correct?

12                 MR. WARMAN: Not under the name  
13                 either Alex Krause or Alexan  
14                 Kulbashian or --

15                 MR. RICHARDSON: Totenkopf.

16                 MR. WARMAN: -- Totenkopf."

17                 Mr. Richardson also asks:

18                 "From your recollection, all the  
19                 templates or all the webpages  
20                 had Totenkopf on the side of the  
21                 actual webpage itself, the  
22                 symbol itself and the name."

23                 This is getting back to the previous

1 testimony where the excerpt stated that he -- sorry.

2 THE CHAIRPERSON: We have seen this  
3 excerpt before.

4 MR. A. KULBASHIAN: Yeah, we've seen  
5 this expert before.

6 Okay. Mr. Warman during the  
7 examination in chief tried to give the information that  
8 he has quite a bit of knowledge about the internet, but  
9 during his cross-examination revealed and he admitted  
10 that as Det. Wilson he knows almost nothing.

11 Mr. Warman states that he has  
12 interpreted the technical information of Execulink, the  
13 cat room and internet documents. We do not believe  
14 that he has the expertise to be able to analyze any  
15 documents which involve technicalities.

16 Also, Mr. Warman's commentary about  
17 the articles should be disregarded because he's not an  
18 expert in hate material and most importantly he is  
19 biased.

20 Mr. Warman, like his, I guess  
21 colleague as you would say in this investigation, Det.  
22 Wilson, did not have any evidence that would  
23 demonstrate the extent of my involvement in Tri-City

1 Skins and CECT websites as well as the server  
2 Affordable-Space.

3 The documents that he produced to  
4 this court were most of them downloaded from the  
5 Internet sites about articles that he claims are  
6 contrary to s. 13 or newspaper articles.

7 The rest of the documents were given  
8 to him by his witness Det. Wilson.

9 He was demonstrated to be a -- I'm  
10 going to change that part that's written over there,  
11 he's going to be demonstrated to be an unreliable  
12 witness.

13 Mr. Warman is a lawyer and is trained  
14 to collect actual facts, but again he based all his  
15 testimony on his own assumptions and analysis made from  
16 newspaper articles, which Mr. Chair told are proven to  
17 be unreliable sources.

18 Most of the time relevant documents  
19 are missing. We also demonstrated that Mr. Warman has  
20 double standards to the articles he produced, he has  
21 selective memory and he is evasive. He has  
22 contradicted himself on too many occasions and most  
23 importantly he is a party of the other side asking for



1 compensation.

2 Mr. Warman also brought forward the  
3 most dishonest witness in this case, Det. Wilson. When  
4 he tried to introduce information - just a second - Mr.  
5 Wilson's report I'm guessing - to this court the  
6 complainants -- let he just get this for a sec.

7 Okay. When we tried to introduce  
8 evidence, Mr. Steacy's report to this court, the  
9 complainants objected strongly and told that the  
10 document was not complete and was a copy thereof.

11 But Mr. Warman's documents pertaining  
12 to Vinland Voice are all incomplete, cut and paste  
13 versions of the actual articles, therefore, we ask the  
14 court to disregard all documents which are not  
15 downloaded from the actual site or sources, especially  
16 when they are incomplete, they are only portions of the  
17 originals and with no URL addresses and dates.

18 Moreover, we also demand that this  
19 court, I guess due to my allegation, like, poor  
20 character of Mr. Warman --

21 THE CHAIRPERSON: That's fine, you  
22 can go that far.

23 MR. A. KULBASHIAN: Also disregard --

1 I don't mean to, like, to be --

2 THE CHAIRPERSON: No, no, I  
3 understand. Go ahead.

4 MR. A. KULBASHIAN: Also disregard  
5 all statements unless he provides authentic  
6 documentation to back them up.

7 Mr. Warman did not provide any  
8 evidence that I myself acted knowingly or willingly  
9 contrary to s. 13.

10 Although the Chairperson reminded the  
11 complainants, you know, during a few occasions, Mr.  
12 Warman - just a sec - I have typos here, sorry about  
13 that. Let me read this here.

14 A few occasions -- oh yeah, reminded  
15 Mr. Warman on a few occasions to bring forward Mr.  
16 Warman's compensation or any other penalty for  
17 discussion, thus by their own negligence the  
18 respondents did not get a chance to deal with the  
19 validity of their request. By their own negligence  
20 they have forfeited their own claim and we ask the  
21 court to dismiss any compensation to the complainants  
22 or any other penalty.

23 THE CHAIRPERSON: Can you elaborate

1 on that.

2 MR. A. KULBASHIAN: Basically the  
3 fact of the matter is you reminded them a few times to  
4 actually bring up the issue of compensation during the  
5 hearing and they stated to leave it to the very end.

6 They didn't bring it up for  
7 cross-examination, they didn't bring it up for initial  
8 examination.

9 In fact, what they are bringing in,  
10 in a way, basically he's putting his claims and the  
11 amount of money right afterwards right now in his  
12 closing argument.

13 THE CHAIRPERSON: Well, we had to put  
14 the particulars -- the statement of cases which was  
15 referred to this morning, and from what I gather from  
16 the way the argument was made today, they are relying  
17 on evidence that was introduced into the record to  
18 support those amounts.

19 So, I think a lot of this discussion  
20 may have surrounded the whole issue of expenses, right.

21 MR. A. KULBASHIAN: Expenses, yeah.

22 THE CHAIRPERSON: And we have seen  
23 that that's been waived now, in part because the

1           legislation doesn't seem to allow them to claim the  
2           expenses, so I think a big chunk of that.

3                       MR. A. KULBASHIAN: I think it was  
4           also in the closing arguments that expenses would be --

5                       THE CHAIRPERSON: No, my  
6           understanding expenses are not being claimed.

7                       MR. A. KULBASHIAN: Okay.

8                       THE CHAIRPERSON: If I misunderstood  
9           it, I see nodding from the side there.

10                      That whole issue of expenses we  
11           thought would be an issue in this case is not there any  
12           more.

13                      MR. A. KULBASHIAN: Okay. Now,  
14           coming back to the issue of circumstantial evidence, my  
15           position is that as an unreliable witness, the Tribunal  
16           should not use Mr. Warman's evidence without any  
17           corroboration from a reliable source as any kind of  
18           evidence that could be collected in the pool of  
19           circumstantial evidence, because in order for that to  
20           be circumstantial evidence, there would have to be  
21           evidence that would be deemed, I guess, unrefutable or  
22           at least in some way reliable and I believe that Mr.  
23           Warman acting in his own best interest in this case

1       decided to interpret in some cases intentionally - or  
2       in some cases maybe unintentionally because of the  
3       ignorance on certain matters - he decided to interpret  
4       the information to his own advantage,  
5       and for, I guess, to achieve his own goal.

6                     And my opinion is that goal is not  
7       necessarily in the name of justice.

8                     Okay. Talking about Ms Maillet now.

9                     In her opening speech Ms Maillet read  
10       s. 13 of the Canadian Human Rights Act and especially  
11       she read two amended sections 2 and 3 which states:

12                     "MM:       .....and subsection 2  
13                     deals with a matter, this was  
14                     amended pursuant to the  
15                     anti-terrorism legislation,  
16                     which indicates:  
17                     "For greater certainty,  
18                     subsection 1 applies in respect  
19                     of a matter that is communicated  
20                     by means of a computer or group  
21                     of interconnected or related  
22                     computers, including the  
23                     internet, or any similar means

1 of communication, but does not  
2 apply in respect of a matter  
3 that is communicated in whole or  
4 in part by means of the  
5 facilities of a broadcasting  
6 undertaking."  
7 And subsection 3 provides for an  
8 exemption.  
9 "For the purposes of this  
10 section, no owner or operator of  
11 a telecommunication undertaking  
12 communicates or causes to be  
13 communicated any matter  
14 described in subsection 13 by  
15 reason only that the facilities  
16 of a telecommunication  
17 undertaking owned or operated by  
18 that person are used by other  
19 persons for the transmission of  
20 that matter."

21 This is the subsection. Just to make  
22 a comment here, to note that the amendments -- the  
23 interim amendments as stated, I think were 2001 from

1 her comments, am I right?

2 THE CHAIRPERSON: Yes.

3 MR. A. KULBASHIAN: And that the  
4 threat appeared briefly and disappeared September 14th  
5 which was before the amendment for Internet in  
6 December, 2001.

7 I just wanted to make that comment.

8 THE CHAIRPERSON: My understanding  
9 is, and I will here your side on this point because  
10 it's significant.

11 Does anyone have a copy of the Act  
12 prior to the 2002 amendments, 2001-2002.

13 MS MAILLET: No, sorry.

14 THE CHAIRPERSON: You don't. Okay.  
15 That's something I'll look into. It's a very  
16 significant point.

17 MR. A. KULBASHIAN: The point is  
18 we're talking about the Internet-related provisions and  
19 the anti-terrorism legislation was in December, 2001,  
20 after the anti-terrorism....

21 THE CHAIRPERSON: That's right. But  
22 I'm also concerned with ss. 3 was it altered in any  
23 way.

1                   My sense is that it was not altered,  
2           but...

3                   MR. A. KULBASHIAN: I'm talking  
4           about -- basically when was the Internet-related  
5           provisions of the Act, I guess, amended.

6                   THE CHAIRPERSON: I believe it was ss.  
7           2 that was added with the amendments.

8                   Do you have a copy of the statute  
9           yourself?

10                  MR. A. KULBASHIAN: Actually, 2001.

11                  THE CHAIRPERSON: Yes.

12                  THE CHAIRPERSON: 2002, the newest  
13           version.

14                  MR. A. KULBASHIAN: Yeah, the newest  
15           version, right.

16                  MR. V. KULBASHIAN: 2002.

17                  THE CHAIRPERSON: That's the one.

18                  That's the copy I have in front of  
19           me. Unfortunately I should have had the older one.

20                  But I'd like you to look at it. Can  
21           you look at s. 13, Mr. Kulbashian.

22                  No, I have one, I'm asking Mr. Alex  
23           Kulbashian to look at it.



1                   So, you see my understanding is that  
2 paragraph 2 or ss. 2 whatever was inserted with the  
3 amendments but what has No. 3 was originally with the  
4 No. 2 in front.

5                   Do you understand?

6                   MR. A. KULBASHIAN: I understand.

7                   THE CHAIRPERSON: Okay. And what I  
8 will try to do during the lunch break --

9                   MR. A. KULBASHIAN: That's more a  
10 question --

11                  THE CHAIRPERSON: Sorry.

12                  MR. A. KULBASHIAN: This is more of a  
13 question regarding what we were talking about yesterday  
14 about the amendments December, 2001.

15                  THE CHAIRPERSON: Well, there are two  
16 issues here. The entire article is of relevance to  
17 what is going on here.

18                  There is the business about the  
19 Internet; right?

20                  MR. A. KULBASHIAN: That's right.

21                  THE CHAIRPERSON: There is also the  
22 ss. 3 that's of relevance, particularly with  
23 affordable-space.com.

1 MR. A. KULBASHIAN: That's right.

2 THE CHAIRPERSON: Okay. So, we're  
3 clear on the legislation.

4 What I will undertake during the  
5 lunch break, or maybe the Commission could do the same,  
6 but I will contact general counsel at the Tribunal and  
7 see if I can get you a copy of the statute as it  
8 existed prior to the amendments.

9 I don't think -- I think essentially  
10 sub 2 was out, that was not there and 3 was 2 at the  
11 time, but...

12 MR. A. KULBASHIAN: Okay. Now, the  
13 above clearly indicates --

14 THE CHAIRPERSON: Hold on a sec

15 MR. A. KULBASHIAN: Sorry. Let me  
16 know.

17 THE CHAIRPERSON: We'll find it.

18 MR. A. KULBASHIAN: So, should I  
19 continue?

20 THE CHAIRPERSON: Yes.

21 MR. A. KULBASHIAN: Okay.

22 The above clearly indicates that no  
23 facility of a telecommunication undertaking will be

1           liable for any matter communicated in whole or in part  
2           through those facilities, you know, based on whether or  
3           not I knew about it, et cetera.

4                               Ms Maillet in her following  
5           statement implied that the section also applies to  
6           Affordable-Space. Ms Maillet did not state that s.  
7           13.c does not apply to servers, but according to her  
8           interpretation, it only applies to large undertakings  
9           where the owner doesn't have knowledge of what is going  
10          on by her own words.

11                              As follows, Ms Maillet says:

12                                        "It's the position of the  
13                                        Commission that in that section  
14                                        it applies to the owner of a  
15                                        telecommunication undertaking,  
16                                        for example, that doesn't have  
17                                        knowledge of what's going on;  
18                                        for example, Bell Canada or a  
19                                        large company that simply the  
20                                        only involvement they would have  
21                                        in this subsection in the  
22                                        messages being communicated is  
23                                        that they own the undertaking."

1                   In the above statements Ms Maillet  
2                   accepts the fact that s. 13 could have also applied to  
3                   Affordable-Space if it were a large undertaking, but s.  
4                   13 doesn't specify that there's a statute limiting the  
5                   size of the undertaking. It states the facilities of a  
6                   telecommunication undertaking period. There isn't  
7                   actually any size limitation or size restriction.

8                   It does describe -- or even  
9                   incorporation requirements.

10                   It does not describe the size or any  
11                   other particulars about the facility.

12                   Ms Maillet by her statement also  
13                   implies that the size of the company is an important  
14                   factor in determining the conduct of a company.

15                   This is quite a shocking statement  
16                   coming from a lawyer representing the CHRC for an  
17                   alleged discrimination case, where she herself is  
18                   clearly involved in discrimination against smaller  
19                   institutions because of their size.

20                   Moreover, she is also discriminating  
21                   against the ethics of the institution implying that  
22                   larger companies are structured in such a way that they  
23                   can be trusted more than their smaller counterparts.

1                   Section 13 exempts the owners of all  
2                   communication undertakings irrelevant to their size,  
3                   you know basically according to the subsections, not if  
4                   I was involved.

5                   THE CHAIRPERSON: I understand. The  
6                   size as I understand it is one of the elements that one  
7                   would look at.

8                   It's not a requirement.

9                   MR. A. KULBASHIAN: Her response --  
10                  exactly, but her response is the size but the fact of  
11                  the matter is --

12                 THE CHAIRPERSON: The statute doesn't  
13                 talk about it, but she's arguing that in a situation  
14                 where you have an enterprise, a large enterprise with  
15                 50,000 employees, it's not the same as an enterprise  
16                 where there's one or two or three employees.

17                 It creates -- it suggests, the  
18                 evidence would suggest that the smaller enterprise is  
19                 more likely to have knowledge of what is going on  
20                 within its clientele than the large.

21                 I think that is what is being  
22                 suggested by her.

23                 MR. A. KULBASHIAN: But that, I

1           guess, contravenes the book of authorities where she --  
2           I think it was Supreme Court judge stated that it would  
3           be impossible for a company to monitor web pages  
4           because there are so many and they are so dynamic.

5                         It has nothing to do with the size  
6           itself as much as the pages are dynamic and they change  
7           all the time and you can't keep monitoring every second  
8           that somebody could be uploading something and changing  
9           the content.

10                        THE CHAIRPERSON: Well, it all  
11           depends on the facts of every case, I think that's what  
12           the court said.

13                        MR. A. KULBASHIAN: That's right.

14                        THE CHAIRPERSON: So, what are you  
15           saying about the facts in this case?

16                        MR. A. KULBASHIAN: I'm saying the  
17           facts in this case are that, first of all, coming back  
18           to some of this information which I'm not going to be  
19           going over because it's not conclusion time, they were  
20           talking about information about Totenkopf writing two  
21           articles.

22                        If you are talking about it from a  
23           perspective of a balance of probabilities, if there's

1 15 articles out there and Totenkopf wrote two article,  
2 then the balance of probabilities is that it's possible  
3 that the one or two articles brought by Totenkopf might  
4 not be written by myself.

5 You're talking about probabilities.  
6 If it's a scale it's like who says you're going to pick  
7 the red ball if there's 15 other balls. That's the  
8 idea.

9 THE CHAIRPERSON: I understand.

10 I made to you my comment earlier  
11 about the fact that you have not led counter evidence  
12 to contradict that.

13 And the only evidence -- the two  
14 letters is your own statement.

15 MR. A. KULBASHIAN: That's right.

16 THE CHAIRPERSON: Right. And they  
17 are doing to say those were the two that you admitted  
18 and that was a very self-interested comment on your  
19 part to limit yourself to two, but they are also - and  
20 they have pointed to all these other components that  
21 point to you as being Totenkopf.

22 MR. A. KULBASHIAN: But as in the  
23 testimony so far it would be assumptions more than

1 actual facts.

2 THE CHAIRPERSON: Okay. I understand  
3 your submissions.

4 MR. A. KULBASHIAN: In conclusion, I  
5 believe that Affordable-Space as a facility of  
6 communication cannot be held accountable, you know, it  
7 has a physical presence and its size is not relevant to  
8 whether it's exempt or not from s. 13.

9 It is actually very regrettable that  
10 during the beginning of the hearing that Ms Maillet  
11 frequently put us under time constraint pressure,  
12 myself and my co-respondent. She was constantly  
13 complaining and wanted us to wrap up our  
14 cross-examination in a short period.

15 And due to our experience, we feel we  
16 were not granted enough time to cross-examine Mr.  
17 Warman in more length, in more detail.

18 And yesterday in her closing  
19 statement I believe that Ms Maillet has distorted on so  
20 many occasions, the testimony of the witnesses and  
21 interpretation of the documents. It's very shocking to  
22 witness such unethical tactics from a CHRC lawyer.

23 THE CHAIRPERSON: Yes, sir.



1 MR. WARMAN: Making an allegation of  
2 that kind, of unethical conduct of an officer of the  
3 court --

4 THE CHAIRPERSON: It's a strong  
5 allegation, sir.

6 MR. A. KULBASHIAN: In my opinion.

7 THE CHAIRPERSON: Ethics for lawyers  
8 are a big deal.

9 MR. A. KULBASHIAN: In my opinion I  
10 would say that I believe that her closing statement  
11 wasn't --

12 THE CHAIRPERSON: Instead of -- you  
13 know, here's the key, here's the key.

14 Deal with the evidence, not with the  
15 persons, all right.

16 So, what's important here is that if  
17 certain facts were misrepresented, point them out to  
18 me, and you've been doing that a lot all the way  
19 through.

20 Stick to that, don't get into  
21 personal shots. They don't help any, and you have to  
22 keep in mind, Ms Maillet is counsel, she's not a  
23 witness. It was different with Mr. Warman because he

1 was a party, yes, and a witness.

2 MR. A. KULBASHIAN: Right.

3 THE CHAIRPERSON: Deal with the  
4 witnesses, deal with the evidence, don't deal with  
5 personal attacks against the representatives.

6 I mean -- I think you understand what  
7 I am trying to say.

8 MR. A. KULBASHIAN: I understand.

9 THE CHAIRPERSON: So, if you feel  
10 that the Commission misrepresented the facts in their  
11 final submission, you should just go ahead and point  
12 out what the misrepresentations were, which you've  
13 already done, you began your discussion yesterday by  
14 referring directly to their document and pointing out  
15 areas where you disagree with qualification of that  
16 evidence, right.

17 Just stick to that.

18 MR. A. KULBASHIAN: Okay.

19 Now, to go down to Det. Wilson  
20 section, it's kind of a long section, so...

21 THE CHAIRPERSON: Yes.

22 MR. A. KULBASHIAN: I will be  
23 demonstrating that Det. Wilson is actually

1 untrustworthy Vetovec witness, and just coming up to  
2 the Vetovec -- R v. Vetovec which was --

3 THE CHAIRPERSON: What do you mean by  
4 that?

5 MR. A. KULBASHIAN: Well, it's in the  
6 classification by the court of a witness with a prior  
7 history of, I would say, unreliable actions that would  
8 make him hard, I guess -- I don't know if you actually  
9 read, I think --

10 THE CHAIRPERSON: Why don't you take  
11 me to it.

12 MR. A. KULBASHIAN: I don't actually  
13 have it with me. The problem is, I don't have access  
14 to all the legal documents as much as lawyers beside me  
15 to.

16 THE CHAIRPERSON: Somehow you got  
17 your hands onto the Vetovec decision of the Supreme  
18 Court, and that's accessible on the Internet, but...

19 MR. A. KULBASHIAN: That's right, but  
20 it's kind of not --

21 THE CHAIRPERSON: What are you trying  
22 to say?

23 MR. A. KULBASHIAN: Basically I

1 believe that he not only has a past that would make him  
2 unreliable, but he also was -- in the Vetovec case it  
3 was an unreliable past that would make it that in order  
4 for a court to take his word they would have to have it  
5 corroborated with actual direct evidence.

6 THE CHAIRPERSON: So you're saying  
7 Det. Wilson is an unreliable witness?

8 MR. A. KULBASHIAN: Yes, I am and I  
9 believe he didn't stop, I guess, misrepresenting the  
10 truth again during his testimony in this court.

11 Det. Wilson is a trained and  
12 experienced witness handling difficult situations.

13 He used many methods to elude the  
14 answers when he was in difficulty. He was evasive when  
15 the questions were not in his best interest. At the  
16 beginning, during his questioning by Ms Maillet, Det.  
17 Wilson acted to show a gentle and trustworthy character  
18 with an almost perfect memory. He pretended to be an  
19 unbiased policeman performing his duties for the best  
20 of the community. But in the early stages during the  
21 cross-examination we believe he revealed his true  
22 identity.

23 Det. Wilson and his group of police

1 in London, including the London Crown and a few bad  
2 apples from Toronto police, have been the most -- can I  
3 use that word?

4 THE CHAIRPERSON: Sir, listen, I have  
5 told you. This is strong language, it's not necessary.

6 MR. A. KULBASHIAN: It's kind of an  
7 introduction though.

8 THE CHAIRPERSON: I know. No, I  
9 know. Really you should have thought about this.

10 MR. A. KULBASHIAN: We didn't get to  
11 change it after what happened yesterday, so...

12 THE CHAIRPERSON: It wasn't because  
13 of what happened, it just makes common sense.

14 All I'm asking you guys to do here  
15 today is to present the evidence to meet the case,  
16 convince me one way or the other.

17 You don't have to start throwing  
18 words at people.

19 MR. A. KULBASHIAN: My problem is --

20 THE CHAIRPERSON: You are going to  
21 change the word on the record, I appreciate that but --

22 MR. A. KULBASHIAN: Ms Maillet's  
23 closing and as well Mr. Warman's closing did not deal

1 with evidence as much as, like a lot of, I guess,  
2 innuendo to what was going on, some dramatics, et  
3 cetera.

4 THE CHAIRPERSON: They never used a  
5 euphemism for you personally, they talked about the  
6 information out there as --

7 MR. A. KULBASHIAN: It's not  
8 euphemism not, I'm actually trying to state my  
9 position --

10 THE CHAIRPERSON: Oh, you say a  
11 person's despicable.

12 MR. A. KULBASHIAN: That's why I  
13 didn't want to use that word, that's why I stop.

14 THE CHAIRPERSON: Be careful and slow  
15 down your reading then so you can delete the words that  
16 are inappropriate and I'll write them in.

17 Like, I just took out the other word  
18 that you had there before Vetovec, I don't know, wrote  
19 unreliable.

20 MR. A. KULBASHIAN: So, during my  
21 visits to the U.S. Det. Wilson also lied to the FBI and  
22 sent his own countryman, in a sense, like a Canadian,  
23 to jail by using information from non-existent

1 documents.

2 They also went on by his own  
3 admission to the media to publicize their big catch  
4 would be my word for it and stain my reputation. The  
5 list goes on.

6 I'd like to stress to the court that  
7 what we would be able to reveal is the tip of the  
8 iceberg and that only he would know most of the facts.

9 So, basically I want to say is, the  
10 following is a typical characteristic of Det. Wilson.  
11 Although he is in the police force and should have  
12 documentation, as always he does not show any  
13 documentation to support his statements.

14 The Crown -- sorry. He states that  
15 the police have kept copies.

16 Det. Wilson -- you know what, I'm  
17 getting kind of confused here. I'm doing it on the  
18 fly, so...

19 THE CHAIRPERSON: Take your time.  
20 Slow it down. Have a drink of water.

21 MR. A. KULBASHIAN: He states that  
22 there were copies of documentation that were with the  
23 police in London, but he doesn't explain why they were

1 missing from the files that he brought with him.

2 THE CHAIRPERSON: Okay, say that  
3 again, please.

4 MR. A. KULBASHIAN: He explains that  
5 there were copies of documentation that were with the  
6 police in London.

7 THE CHAIRPERSON: Okay.

8 MR. A. KULBASHIAN: However he  
9 doesn't explain why they were missing from the file  
10 that he brought with him to the Tribunal hearing, and  
11 this is part:

12 "THE CHAIRPERSON: Can I back  
13 you up on something. All these  
14 e-mails that you received and  
15 sent along the way, did you keep  
16 copies of them?

17 DET/CST. WILSON: Yes, I did.  
18 We kept copies for the criminal,  
19 everything from the first  
20 contact with them, we kept  
21 copies of them.

22 THE CHAIRPERSON: And they were  
23 submitted to the Justice of the



1 Peace?  
2 DET/CST. WILSON: The e-mails,  
3 no.  
4 The facts that we received in  
5 the e-mails were submitted to  
6 the Justice of the Peace. I did  
7 have them as an appendix if he  
8 wanted to see them, but they  
9 were --  
10 THE CHAIRPERSON: And are they  
11 appended here to your report?  
12 DET/CST. WILSON: They are not  
13 included in this report that I'm  
14 referring to now, they are  
15 included in the criminal report  
16 that we provided the crown as  
17 part of the death threat  
18 investigation."

19 Although Mr. Warman is asking for  
20 damages in being, you know, by being exposed in Vinland  
21 Voice regarding his complaint, Det. Wilson testifies  
22 that NOW Magazine had already published an article  
23 about Mr. Warman's complaint and that there was a

1 reproduction of that article in the Vinland Voice.

2 In this article he states that:

3 "...it was written by Stuart  
4 Duncan, and in this article Alex  
5 Krause is identified as a member  
6 of the Canadian Ethnic Cleansing  
7 Team who actually runs -- they  
8 describe it as running the  
9 server for the Canadian Ethnic  
10 Cleansing Team, for the C.E.C.T.  
11 websites, and it also  
12 acknowledges the fact that Mr.  
13 Richard Warman has filed a  
14 complaint with the Canadian  
15 Human Rights Commission  
16 involving the Tri-City Skins and  
17 the C.E.C.T....On December the  
18 2nd, 2001 I logged on to the  
19 Vinland Voice website, it was  
20 again still operating at this  
21 time and in it was a  
22 reproduction of an article done  
23 by NOW Magazine."

1 Det. Warman -- sorry I'm getting  
2 mixed up DW, Det. Wilson told the court about the  
3 e-mails which would relate to Alex Krause or Totenkopf  
4 but does not produce any documents to prove it. He  
5 wants us to take his word.

6 "On December the 14th, Det. Cst.  
7 Jim Hogan of the Metro Toronto  
8 Hate Crimes Unit forwarded  
9 another e-mail to Det/Cst.  
10 McKinnon involving this  
11 investigation and Det/Cst.  
12 McKinnon had me read that. The  
13 e-mail was authored by  
14 "Totenkopf" - C.E.C.T.  
15 Public/Press relations"...  
16 Alex sends email complaining  
17 signed Tot.. But, again, in that  
18 what's relevant to this is the  
19 fact that Ms Miles has  
20 identified Mr. Kulbashian as  
21 Totenkopf, C.E.C.T. as a  
22 conversation that they had back  
23 and forth."

1 THE CHAIRPERSON: Sorry, did you just  
2 take passages from three different pages there?

3 MR. A. KULBASHIAN: No, they're  
4 copied and pasted. They are just line numbers.

5 THE CHAIRPERSON: Oh, they are line  
6 numbers.

7 MR. A. KULBASHIAN: Yeah, it comes  
8 in. The line numbers, put it beside it, it was so like  
9 difficult to keep removing the line numbers when we  
10 were copying and pasting.

11 THE CHAIRPERSON: Do we have line  
12 numbers in the transcript that are that high numbered?

13 MR. A. KULBASHIAN: Yeah, the  
14 transcripts. Yeah, they're numbered.

15 THE CHAIRPERSON: I thought it was  
16 only page numbers that were marked.

17 MR. A. KULBASHIAN: Oh no, no,  
18 there's line numbers.

19 THE CHAIRPERSON: But just two digit  
20 line numbers I thought.

21 MR. A. KULBASHIAN: No, there's -- it  
22 goes all the way to a thousand.

23 THE CHAIRPERSON: The line numbers?

1 MR. V. KULBASHIAN: Yeah, the line  
2 numbers.

3 THE CHAIRPERSON: No, it's 1 through  
4 25.

5 MR. A. KULBASHIAN: But if you turn  
6 the other page.

7 Those are the earlier ones. Look at  
8 the ones, I guess later ones because I know early on  
9 there weren't that many line numbers, that would go up  
10 this high.

11 THE CHAIRPERSON: What I want to know  
12 is this: are you taking things -- is this one  
13 continuous sentence --

14 MR. A. KULBASHIAN: Yeah, it is  
15 actually.

16 THE CHAIRPERSON: -- or is it from  
17 different pages?

18 MR. A. KULBASHIAN: No, it's  
19 continuous, continuous conversation. It's hard to  
20 explain.

21 THE CHAIRPERSON: I'm going to look  
22 at it, because I'm not sure that's what you've done  
23 here.

1 MR. A. KULBASHIAN: It's just copied  
2 and pasted and then highlighted sentences.

3 THE CHAIRPERSON: It doesn't look  
4 that way. I mean, it looks like it's cut and pasted  
5 but it looks like you have taken three different  
6 chunks -- because it doesn't close.

7 MR. A. KULBASHIAN: Where is three  
8 different chunks?

9 THE CHAIRPERSON:  
10 "Alex sends email complaining  
11 signed TOT. But, again, is that  
12 what's relevant to this..."

13 Who's speaking? I don't even know  
14 who's speaking.

15 MR. A. KULBASHIAN: Sorry, about  
16 that. That's actually Mr. Wilson, but I guess it was  
17 really -- it actually stopped and it was like, so just  
18 copy and pasted.

19 THE CHAIRPERSON: I'm going to look  
20 at it, all right. I'll look at it.

21 MR. A. KULBASHIAN: Because the thing  
22 is we don't want to put everything it's more like  
23 quotes.

1 THE CHAIRPERSON: I need to know  
2 who's talking at least.

3 The other ones you have written you  
4 have Mr. Vahe Kulbashian, Mr. Wilson, you see that?

5 MR. A. KULBASHIAN: Yeah.

6 THE CHAIRPERSON: On the later ones,  
7 but I don't have that here.

8 MR. A. KULBASHIAN: But there's a  
9 header to this, head into it, it says, I guess, he  
10 wants us to take his word and I guess we're just  
11 basically explaining what his word was.

12 I guess we'll continue and bring more  
13 information about that.

14 THE CHAIRPERSON: Yes, bring more  
15 information.

16 MR. A. KULBASHIAN: Det. Wilson shows  
17 a partial and an un-despicable -- sorry.

18 THE CHAIRPERSON: I don't even know  
19 what that means.

20 MR. A. KULBASHIAN: This shows  
21 partial documents and admits that any court would  
22 reject them and, again, expects the court, the Tribunal  
23 here, to take his word for them.

1 Mr. Vahe Kulbashian says:

2 "Yes. Now, if you look to those  
3 pictures, all of them, do you  
4 believe that any court would  
5 accept those pictures like  
6 puzzles without the full detail  
7 of each one?

8 DET/CST. WILSON: Absolutely  
9 not, sir.

10 MR. VAHE KULBASHIAN: The first  
11 page, yes. On the right side up  
12 the page we can't even read what  
13 it says...

14 MR. VAHE KULBASHIAN: So, in a  
15 way, we should take your word  
16 for this?

17 DET/CST. WILSON: Yes, sir."

18 The following paragraphs show that  
19 Det. Wilson cannot be trusted by this Tribunal. In his  
20 testimony about James Richardson there's no mention  
21 about uncut cards in James Richardson's apartments -  
22 that's line 691, that's for lines numbers by the way -  
23 and that Det. Wilson testifies that those uncut cards



1           were found in my room.

2                                 During his cross-examination by  
3           myself he contradicts himself and says that he didn't  
4           testify that the uncut cards were in my home but they  
5           were found in James Richardson's.

6                                 Although I questioned him later about  
7           the cards and he says that's not true, coming back to  
8           line 691:

9   "Also in the apartment were  
10   business cards --"

11                                 This is his testimony by the way:

12   "These business cards were  
13   Canadian Ethnic Cleansing Team,  
14   WPCANADA, and I believe it said  
15   public relations -- no, I'm  
16   sorry, he wasn't the public  
17   relations, WPCANADA was the  
18   recruiter for WPCANADA and those  
19   business cards were located very  
20   close to the computer at which  
21   Mr. Richardson was sitting."

22                                 And he's talking about my room.

23   "Also located inside the

1 apartment were -- or inside his  
2 bedroom next to the computer  
3 were business cards that were  
4 not cut out of the cardboard yet  
5 and on these business cards it  
6 said "Canadian Ethnic Cleansing  
7 Team Totenkopf Public Relations"  
8 underneath it."

9 Then I ask him:

10 "Okay. Yesterday during your  
11 testimony you also stated that  
12 found a batch of uncut cards at  
13 my house during the search and  
14 seizure.

15 DET/CST. WILSON: No, I don't  
16 believe I stated that I had a  
17 set of uncut cards from your  
18 house, I believe I said I seized  
19 a set of uncut card from Mr.  
20 Richardson's place and there was  
21 a set of cards from your place."

22 Then I continue, Mr. Kulbashian asks:

23 "I guess I should just say, is

1                   it possible that these cards  
2                   were actually seized from my  
3                   house?  
4                   DET/CST. WILSON:  No, they're  
5                   not.  
6                   MR. ALEXAN KULBASHIAN:  Could  
7                   you see if you can find a  
8                   reference to that in the  
9                   evidence list?  
10                  MR. ALEXAN KULBASHIAN:  I'm not  
11                  sure if the cards are actually  
12                  explicitly marked with their  
13                  content, but if they are, that  
14                  would obviously help.  
15                  DET/CST. WILSON:  No, the only  
16                  reference I have here is I have  
17                  an exhibit No. 14 that we seized  
18                  on the search warrant at your  
19                  place.  
20                  There are Tri-City Skins and  
21                  C.E.C.T. business cards.  
22                  I have another reference to  
23                  business cards for exhibit No.

1                   16, three business card  
2                   packages, and exhibit No. 24,  
3                   assorted papers and C.E.C.T.  
4                   business cards, none of them  
5                   express the fact that they were  
6                   an uncut version, which I know  
7                   myself is a relevant piece of  
8                   fact, that I would make sure  
9                   that would be reflected in the  
10                  exhibit list."

11                  Even though he did state earlier on  
12                  that they were uncut from my house.

13                  THE CHAIRPERSON: All of this to say  
14                  there was a contradiction in his evidence.

15                  MR. A. KULBASHIAN: See, the point is  
16                  that I'm new to this process and I'm going to do my  
17                  hardest to get every single point across just to make  
18                  sure that I don't regret anything later.

19                  THE CHAIRPERSON: No, no, I just want  
20                  to be clear, you're raising it --

21                  MR. A. KULBASHIAN: Pretty much to  
22                  show a contradiction.

23                  THE CHAIRPERSON: But the evidence --

1 MR. A. KULBASHIAN: The contradiction  
2 is that uncut cards implies they are being printed at  
3 the location.

4 THE CHAIRPERSON: Yes, I understand  
5 that.

6 MR. A. KULBASHIAN: What it would do  
7 is it would basically prejudice the court or the  
8 Tribunal against me or against Mr. Richardson. The  
9 idea is --

10 THE CHAIRPERSON: So, you are saying  
11 Mr. Wilson in his examination in chief misrepresented  
12 the facts?

13 MR. A. KULBASHIAN: That's right.  
14 This was in the cross-examination.

15 THE CHAIRPERSON: And changed his  
16 position in cross-examination.

17 MR. A. KULBASHIAN: That's right.

18 Det. Wilson admits that after his  
19 resignation -- after my resignation I wasn't involved  
20 in any articles.

21 Det. Wilson says:

22 "Yes, sir, you told me in the  
23 interview you resigned, as well

1 as posted it on the internet  
2 that you resigned at that same  
3 time.

4 MR. ALEXAN KULBASHIAN: Did you  
5 see any articles or anything  
6 that would indicate that I was  
7 actively \part of the C.E.C.T.  
8 afterwards?

9 DET/CST. WILSON: After December  
10 16th?

11 MR. ALEXAN KULBASHIAN: Yeah, I  
12 think it would have been  
13 December 16th.

14 DET/CST. WILSON: No, sir, I  
15 don't believe I did."

16 In the following he refutes Mr.  
17 Warman's testimony that the author of the article was  
18 myself, this is the article that Mr. Warman IDs as me.

19 "MR. ALEXAN KULBASHIAN: So,  
20 would you believe that, I guess,  
21 logo and template would indicate  
22 the author of the article or  
23 just, I mean, designer of the

1                   template or --

2                   DET/CST. WILSON:  On the

3                   template?  I believe --

4                   MR. ALEXAN KULBASHIAN:  The  
5                   actual Totenkopf logo with the  
6                   skull on the side.

7                   DET/CST. WILSON:  I believe that  
8                   to be the web master of the  
9                   webpage because it's found on  
10                  every page after that."

11                  Det. Wilson states that the articles  
12                  can be altered easily on the Internet.

13                  I ask:

14                  "Somebody who -- somebody who is  
15                  a middleman, basically the guy  
16                  who received the article and  
17                  would upload it, do you think  
18                  that person could modify an  
19                  article he received to upload  
20                  before he actually did upload  
21                  it?

22                  DET/CST. WILSON:  Absolutely."

23                  Again, Det. Wilson shows documents

1 with no signature or header and he accepts the fact  
2 that they could easily get forged.

3 I asked -- this is just talking about  
4 Execulink records by the way for the alleged, I guess,  
5 warrant for Execulink that he said seized Mr.  
6 Richardson's information.

7 I asked:

8 "Do you see the name Execulink  
9 anywhere, I mean as referring to  
10 company name, other than the  
11 type of information that you  
12 were talking about yesterday?

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

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

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

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

23 DET/CST. WILSON: No, sir,



1                   there's not.

2                   MR. ALEXAN KULBASHIAN:   Okay.

3                   Have you ever seen the forms  
4                   (BELL) they provide with  
5                   information that they extract  
6                   from customer accounts?

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

10                  MR. ALEXAN KULBASHIAN:   Okay.

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

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

18                  MR. ALEXAN KULBASHIAN:   Well,  
19                  yeah.

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

22                                 Again, the following is another  
23                   explicit example that Det. Warman, his word cannot be

1 trusted -- sorry, Det. Wilson.

2 Det. Wilson would say anything, but  
3 when he gets caught, he is used to react smoothly and  
4 in an evasive manner and changes his testimony.

5 Det. Wilson testified that Det. Hogan  
6 and Det. Samm met me at my address, which is not true.  
7 When he gets caught he says, that is not his  
8 information, he did not say that, he did not testify to  
9 that.

10 Det. Wilson says:

11 "Yes, sir. It says: "On  
12 December 20, 2001 Detective  
13 James Hogan (6274) and Detective  
14 Constable Samuel Samm (1297) of  
15 the Toronto Police Service Hate  
16 Crime Unit met with Alexan  
17 Kulbashian (1981/12/07) in  
18 person for the purpose of  
19 discussing some of his  
20 activities related to web sites  
21 on the Internet. At this time  
22 Alexan Kulbashian confirmed that  
23 he uses the names 'Alex Krause'

1 and 'Totenkopf' as pseudonyms  
2 for himself when working on the  
3 web.

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

7 Do you see an address in  
8 paragraph 1?

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

10 MR. ALEXAN KULBASHIAN: (ON DEC  
11 20th) On the first day you  
12 testified you had testified that  
13 Detective Samuel Samm and James  
14 Hogan met me at my house. I  
15 don't remember what date it was  
16 because I don't remember off the  
17 top of my head, but do you know  
18 when they met me at my house?

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

1 meet you at your house.  
2 DET/CST. WILSON: On December  
3 the 20th, Cst. Sam Samm relayed  
4 information to me that he had  
5 gone out and spoken to Alexan  
6 Kulbashian, it mostly had to do  
7 with an assault that he was  
8 already dealing with in Toronto,  
9 Mr. Kulbashian was dealing with  
10 an assault, and as a part of  
11 Cst. Samm's duties, he went out  
12 to speak with him concerning  
13 that...Cst. Samm  
14 attended at Mr. Kulbashian's  
15 address, and during this  
16 conversation Alexan Kulbashian  
17 admitted to being Totenkopf as  
18 well as Alex Krause to Cst.  
19 Samm."

20 MR. A. KULBASHIAN: And this actually  
21 came before, as you might notice from line number.  
22 This is what he had stated and then he said, I'm sorry  
23 if I gave out that impression, I apologize. It's a

1 little more than just impression, once, like lately put  
2 there.

3 THE CHAIRPERSON: What is the  
4 significance of that, whether it was your address or  
5 not?

6 MR. A. KULBASHIAN: The significance  
7 is contradictions. The entire document on Det. Wilson  
8 here is contradictions, and I'm not going to use any  
9 stronger words yet.

10 The following is a continuation of  
11 this problem. This is -- give me a sec.

12 They say that I have admitted to them  
13 to being Totenkopf and Alex Krause and designed those  
14 sites, which now Det. Wilson confirms is not the case  
15 in such an evasive manner.

16 Det. Wilson says:

17 "I can't read my own duty book  
18 notes sometimes, so..."

19 Okay, this is from his duty book, for  
20 the record:

21 "During interview Kulbashian,  
22 Alexan states he designed the  
23 webpage for the following

1 sites/groups:  
2 - Canadian Ethnic Cleansing Team  
3 (C.E.C.T.)  
4 - Tri-City Skins  
5 - Toronto Police Leisure Club  
6 - Vox Candidi  
7 - Vinland Voice  
8 Kulbashian further stated --"  
9 Yeah, I'm being corrected, I think it  
10 was from Samm's duty book.  
11 "Kulbashian further stated he  
12 runs a web server which --  
13 THE CHAIRPERSON: Hosts.  
14 DET/CST. WILSON: Okay. Oh  
15 yeah.  
16 "-- which hosts additional  
17 racist/white supremacist sites  
18 known as 'AffordableSpace'.  
19 MR. ALEXAN KULBASHIAN: Would  
20 you consider him (McKinnon) to  
21 be a person of integrity?  
22 DET/CST. WILSON: Yes, sir.  
23 DET/CST. WILSON: No, I believe

1 the interview stated that you  
2 had the Tri-City Skins site on  
3 your server of  
4 affordablespace.com.

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

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

12 MR. ALEXAN KULBASHIAN: Did I  
13 admit to designing the Vinland  
14 Voice site itself?

15 DET/CST. WILSON: No, you  
16 advised me, if I recall  
17 correctly, that the design was  
18 actually taken from the Canadian  
19 Ethnic Cleansing Team site that  
20 you designed and the Vinland  
21 Voice was created out of that  
22 design you created."

23 The two e-mails which they claimed

1           about my involvement and pseudonyms as always are  
2           missing.

3                           THE CHAIRPERSON: I missed entirely  
4           what you just read a mile a minute.

5                           MR. A. KULBASHIAN: These are quotes.  
6           I can make it brief. Basically in the  
7           cross-examination --

8                           THE CHAIRPERSON: Yes.

9                           MR. A. KULBASHIAN: -- where he  
10          stated that according to some documents that he  
11          believed Det. Samm and Det. Hogan stated that Det.  
12          McKinnon had told them that during my interview I had  
13          confessed to doing the following -- or admitting to  
14          doing the following things, and according to him who  
15          was actually interviewing me, during my interview at  
16          the police station, he said that I did no such thing.

17                           And this idea of trying -- you see  
18          the thing is the fact of the matter is that the  
19          complainant and the commission had brought police  
20          notes.

21                           THE CHAIRPERSON: Okay.

22                           MR. A. KULBASHIAN: And some  
23          police --



1 THE CHAIRPERSON: These police notes  
2 were contradicted by evidence during the interrogation.

3 MR. A. KULBASHIAN: That's right.

4 In a way this might show some sort  
5 of, I guess, group effort on falsifying information.

6 Okay. Now, we're also talking about  
7 the e-mails where he was talking about e-mails from  
8 Carol Miles in Arizona stating that I was Totenkopf.

9 He said there was the e-mail that was  
10 sent back stating that I was Totenkopf by me.

11 So, talking about that Ms Maillet  
12 says:

13 "I can advise the Chair that we  
14 went through three binders that  
15 Mr. Wilson has with him and we  
16 didn't see any reference to that  
17 e-mail."

18 Even though Det. Wilson testified  
19 about such e-mails.

20 I say:

21 "You also testified about an  
22 e-mail where I complained about  
23 Carol Miles and that was

1 forwarded to Det. McKinnon.  
2 Is that e-mail there too.  
3 DET/CST. WILSON: I'd have to  
4 look through the binders to  
5 ensure, but I don't believe I've  
6 come across it just yet.  
7 THE CHAIRPERSON: No one has  
8 found it. So, it's not in the  
9 possession of this witness."

10 The following shows that they went so  
11 far as to like alienate my boss to have me fired. They  
12 even implicated Mr. Weisman which was my ex-boss as  
13 being the owner of Stop Islam.com site.

14 It says two-page letter, Exhibit No.  
15 R-2 (Appendix I, page 16-17) this is our exhibit.

16 THE CHAIRPERSON: Mm-hmm.

17 MR. A. KULBASHIAN: Two-page letter  
18 on the letterhead of Weisman Consultants Inc. dated  
19 December 20, 2002.

20 And this letter from what I remember  
21 Det. Wilson said he recognized the letter and seen it  
22 before.

23 "...In addition, we get visits

1 from various Police  
2 organizations, with letters from  
3 the FBI, that Weisman  
4 Consultants Inc. is the  
5 registered owner of the hate  
6 website, StopIslam. As you were  
7 in charge of our websites, we  
8 can conclude that we were  
9 exposed to this as a result of  
10 your activity on the hosting  
11 computers."

12 So, that's actually probably the  
13 letter that he recognized.

14 Although Det. Wilson dealt with  
15 almost every subject that came into his mind during  
16 this whole questioning, I was never asked any questions  
17 about Tri-City Skins. This is during the interview at  
18 the police station.

19 Det. Wilson also admitted that he was  
20 investigating the Southern Ontario White Supremacist  
21 groups.

22 Det. Wilson knew very well that I had  
23 nothing to do with Tri-City Skins other than them being

1 on, you now, the server.

2 When I told him that his only  
3 relation with Tri-City was that they were on the serve  
4 he did not respond or continue to ask me anything.

5 Det. Wilson says:

6 "Well, I can tell you that  
7 before September 14th members of  
8 the white supremacist movement  
9 in southwestern Ontario were all  
10 being monitored by myself and  
11 many other police officers in  
12 the province.

13 MR. ALEXAN KULBASHIAN: So, and  
14 you obviously just admitted that  
15 I claimed that I was part of  
16 Tri-City Skins in that phone  
17 conversation.

18 DET/CST. WILSON: Yes, sir.

19 MR. ALEXAN KULBASHIAN: If you  
20 were investigating Tri-City  
21 Skins, did you at any part  
22 during my interview at the  
23 police station ask me about

1 membership of Tri-City Skins?

2 DET/CST. WILSON: No, and I can  
3 explain...

4 MR. ALEXAN KULBASHIAN: Do you  
5 remember asking me about  
6 anything else other than just  
7 the threat that was posted  
8 on-line?

9 DET/CST. WILSON: Yes, sir, I  
10 did."

11 Well, the idea being that he asked me  
12 about quite a few other things as we, I guess, saw in  
13 court during my interview but he didn't ask me about  
14 membership in Tri-City Skins and the only thing he ever  
15 asked me about Tri-City Skins was the hosting.

16 And he claims that we have to take  
17 his word for it that I told him during a phone  
18 conversation, even though there was messages according  
19 to Toronto officer's logs, message from the London  
20 Police to the Toronto officers stating that I told them  
21 during my interview that I was Totenkopf and I was part  
22 of Tri-City Skins.

23 So, it's a pretty serious

1 inconsistency.

2 THE CHAIRPERSON: All right. I'd  
3 like us to take our break at noon today again.

4 MR. A. KULBASHIAN: Sure.

5 THE CHAIRPERSON: So, is this an  
6 appropriate time?

7 MR. A. KULBASHIAN: What time is it,  
8 12:05?

9 THE CHAIRPERSON: Yes.

10 MR. A. KULBASHIAN: It's for lunch  
11 break.

12 THE CHAIRPERSON: But I have a  
13 commitment.

14 So, you will have to accommodate me.  
15 So, we can continue after. You say  
16 you only have half an hour.

17 MR. A. KULBASHIAN: I thought you  
18 were talking about half an hour break.

19 MR. V. KULBASHIAN: No, no, no, he's  
20 not...

21 THE CHAIRPERSON: Sorry, I call the  
22 times.

23 Okay, thank you.

1 --- Upon recessing at 12:05 p.m.

2 --- Upon resuming at 1:30 p.m.

3 REGISTRY OFFICER: Order, please.

4 All rise.

5 Please be seated.

6 THE CHAIRPERSON: Mr. Levac is  
7 handing you out copies of the statute as it was prior  
8 to the amendments of 2001.

9 So, I was a bit erroneous in terms of  
10 what I said before, there always were three  
11 subsections, but ss. 2 was a bit different as you can  
12 see, ss. 2 is a four-line paragraph in the first and  
13 now it's longer to include the reference to the  
14 Internet.

15 And you will see that ss. 2, the new  
16 ss. 2 incorporates what was in the old ss. 2, so you  
17 can refer back to that.

18 MR. A. KULBASHIAN: Just kind of a  
19 clarification issue.

20 THE CHAIRPERSON: I'm sorry?

21 MR. A. KULBASHIAN: Kind of a  
22 clarification issue from yesterday. So, that is --

23 THE CHAIRPERSON: Well, I don't know

1 I haven't heard the parties in terms of -- there was  
2 some mention from the Commission and complainant about  
3 the new legislation and it may have some application.

4 There was  
5 so ongoing existence of the websites past December,  
6 2001, I think there was a bit of an overlap you  
7 indicated, Ms Maillet?

8 MS MAILLET: That's correct. Most of  
9 the material was downloaded and viewed in the fall of  
10 2001 but there were some that were viewed as well in  
11 January and February, 2002.

12 THE CHAIRPERSON: It is your  
13 submission that the Act, the pre-amendment Act applies  
14 to this case?

15 MS MAILLET: Well, to some of the  
16 material but -- so both versions end up applying  
17 because some of it as well was viewed in January and  
18 February.

19 THE CHAIRPERSON: So, it is also your  
20 position in terms of, when one analyses the statute,  
21 that that the amendments did not have a retrospective  
22 effect, they applied from that moment forward; is that  
23 your position?



1 MS MAILLET: That's correct, that's  
2 correct. However, when the amendments came in and they  
3 indicated "for greater certainty", I believe it was my  
4 submission that that was always the intent.

5 THE CHAIRPERSON: I understood that  
6 and you also referred to a couple of our decisions to  
7 that effect.

8 MS MAILLET: That's right.

9 THE CHAIRPERSON: But pre-amendment.

10 MS MAILLET: That's right.

11 THE CHAIRPERSON: Mr. Richardson, I  
12 see you are at the microphone.

13 MR. RICHARDSON: Yes, sir. I  
14 understand that we gave the closing arguments in good  
15 faith to the court so that everybody can have time to  
16 prepare.

17 I witnessed the Commission give my  
18 closing statements to the news reporter in the back  
19 here and I have many concerns with this. (a) it being  
20 some of the stuff that I have not even put in the  
21 record might end up appearing in a newspaper tomorrow.

22 THE CHAIRPERSON: Yes.

23 MR. RICHARDSON: I'm very upset that

1 my information has been handed out like this (a)  
2 without my permission, I mean this was handed out in  
3 good faith, as far as I'm concerned, you know, and  
4 they're just really handing this out.

5 My concern is that this is going to  
6 end up in the paper tomorrow before --

7 THE CHAIRPERSON: Before you have had  
8 a chance to speak.

9 MR. RICHARDSON: I feel my closing  
10 statement is no good now and I actually want to write a  
11 new one.

12 I'm disgusted.

13 THE CHAIRPERSON: Hold on, hold on.

14 MS MAILLET: As an officer of the  
15 court, Mr. Chair, I can advise you that I have not  
16 provided Mr. Richardson's statement to the reporter  
17 that's sitting here.

18 I hadn't even read it, I gave my copy  
19 back to Mr. Levac this morning, he gave me the new  
20 version and I have no idea where Mr. Richardson is gets  
21 this information from. We can ask --

22 MR. A. KULBASHIAN: Quick  
23 clarification. He might have been using the wrong

1 term, I think he meant the complainant.

2 THE CHAIRPERSON: Okay, so I'll ask.

3 Mr. Warman, did you hand over your  
4 document to --

5 MR. WARMAN: I think Mr. Richardson  
6 may be confusing a decision of the Supreme Court that  
7 was just handed out today that I handed to Mr.  
8 Richmond.

9 THE CHAIRPERSON: To the reporter?

10 MR. RICHARDSON: All four of us  
11 witnessed it, we seen the document, it's my closing  
12 statement. I mean --

13 THE CHAIRPERSON: Well, let me  
14 clarify.

15 I mean I think it's only fair, yes,  
16 they are public but we haven't even touched upon them  
17 yet, so I think it's fair.

18 MR. RICHARDSON: He can pull anything  
19 out of his gym bag, here it was these papers he gave  
20 him. What does that matter, what he pulls out.

21 I mean, there's four people here that  
22 saw you.

23 THE CHAIRPERSON: Mr. Richardson,

1 please.

2 MR. RICHARDSON: Whatever.

3 THE CHAIRPERSON: No, don't  
4 'whatever' please

5 You know, every time there is a  
6 discussion where someone says something counter to your  
7 consequence, you state 'whatever' and you start packing  
8 your things as if you are ready to leave.

9 MR. RICHARDSON: Well, I'm you know  
10 I'm obviously a liar, I did not just see that happen.

11 THE CHAIRPERSON: I don't know. Can  
12 I find out, please, sir.

13 So, what is this document that was  
14 handed to you, Mr. Levac?

15 One thing at a time, please, Mr.  
16 Richardson.

17 It is a copy of a decision from the  
18 Supreme Court, Mr. Richardson, and Mr. Warman is this  
19 the document you handed, the decision is R. v.  
20 Cromouski.

21 MR. WARMAN: Yes, it's a decision  
22 that I just printed off from the computer and handed to  
23 Randy Richmond of the London Free Press.

1 THE CHAIRPERSON: Did you hand any  
2 other documents to the reporter from the London Free  
3 Press?

4 MR. WARMAN: No, I did not.

5 THE CHAIRPERSON: This is a statement  
6 that you are making on your oath of office?

7 MR. WARMAN: If Mr. Richardson is  
8 referring to the document that moments ago I handed to  
9 Mr. Richmond, that is exactly the document there.

10 THE CHAIRPERSON: Let me ask you a  
11 more direct question.

12 Did you hand the journalist a copy of  
13 Mr. Richardson's --

14 MR. WARMAN: No, I did not.

15 THE CHAIRPERSON: -- preparation for  
16 his submissions?

17 MR. WARMAN: No, I did not.

18 THE CHAIRPERSON: I have his answer  
19 and I have no reason to doubt it. Why Mr. Richardson,  
20 can you not accept the answer?

21 MR. RICHARDSON: Four people here saw  
22 him do it. We seen the article. I mean, it doesn't  
23 matter, you know something, it just doesn't matter

1           anymore.

2                           THE CHAIRPERSON:  Sir, those are the  
3           types of comments that I think  are inappropriate.

4                           MR. RICHARDSON:  He pulled a piece of  
5           paper out of his bag, it could have been any piece of  
6           paper.

7                           THE CHAIRPERSON:  Can I ask you,  
8           sir --

9                           MR. RICHMOND:  Sure.

10                          THE CHAIRPERSON:  -- to stand up and  
11           approach the microphone so I can resolve this.

12                          Do you have in your possession a copy  
13           of Mr. Richardson's submissions?

14                          MR. RICHMOND:  I do not, sir.

15                          THE CHAIRPERSON:  Your name, sir,  
16           just for the record?

17                          MR. RICHMOND:  Randy Richmond.

18                          THE CHAIRPERSON:  From the?

19                          MR. RICHMOND:  London Free Press.

20                          THE CHAIRPERSON:  You did not receive  
21           a copy?

22                          MR. RICHMOND:  I did not.

23                          THE CHAIRPERSON:  I'm sorry, Mr.

1 Richardson, I have three affirmations that it did not  
2 occur from the individuals and I have no reason to  
3 doubt them, and considering you say you witnessed the  
4 handing over of papers from a distance, these are  
5 people who were actually allegedly involved. I don't  
6 see any reason to question their --

7 MR. RICHARDSON: I didn't use the  
8 word distance...

9 THE CHAIRPERSON: And I should point  
10 out that eventually by the end of the day or tomorrow  
11 you will have had your opportunity to make your  
12 submissions.

13 MR. RICHARDSON: Well, I'm not using  
14 these closing statements now because they are no good  
15 to me.

16 THE CHAIRPERSON: Mr. Richardson,  
17 seriously, I have an affirmation here.

18 Do you have any proof to the contrary  
19 that they were sent. You say -- at what distance were  
20 you when you saw this transfer?

21 MR. RICHARDSON: We were all standing  
22 right here, we were right here.

23 THE CHAIRPERSON: That's a good four

1 metres away.

2 Four metres. The papers that were  
3 handed other look very similar to your arguments, I  
4 must say.

5 As a matter of fact it's being shown  
6 to me now by Mr. Levac, he's putting your submission in  
7 the left hand and the decision from the Supreme Court  
8 on the right side and they look very similar to each  
9 other from a distance and where I am sitting right now.  
10 It's possible you made a mistake.

11 I have no further reason to question  
12 the affirmation of three other individuals in this  
13 room.

14 I'm sorry, Mr. Richardson.

15 Go ahead, Mr. Kulbashian, continue,  
16 please. And I expect you, Mr. Richardson, to make your  
17 submissions thereafter and not to take positions that  
18 are extreme. There's no reason for that.

19 Go ahead.

20 MR. A. KULBASHIAN: Okay. I'm just  
21 trying to figure out where I was before.

22 THE CHAIRPERSON: Take a moment.

23 MR. A. KULBASHIAN: Okay, here we go.



1                   Another example is kind of like, I  
2           guess, irregularities on behalf of Det. Wilson are the  
3           following:

4                   Basically we're talking about the  
5           report by Dean Steacy and where we were asking him  
6           about the encryption on the computer, et cetera.

7                   It says:

8                   "I spoke with CST Wilson  
9                   concerning Alexan Kulbashian -  
10                  CECT and asked if they had been  
11                  able to un-encrypt Alexian  
12                  Kulbashian's (AK) hard drive  
13                  yet?  
14                  CST Wilson said that they had  
15                  been able to crack only a small  
16                  portion of the hard drive and  
17                  that it take upward of 1000 CDs.  
18                  I asked if he seen what was on  
19                  the dick's...", dick's -- disk's  
20                  I think.  
21                  He said that there is  
22                  information from the websites:  
23                  the Tri-City Skins; the CECT:

1 Vinelandvoice, by April 19,  
2 2002. He said that he checked  
3 on the 17th and they were closed  
4 down."

5 This is kind of information,  
6 information about the -- I don't know if you remember  
7 Dean Steacy's report about Det. Wilson telling him  
8 about the sites, et cetera because he stated he had  
9 found -- according to Dean Steacy who is an  
10 investigator at the Commission in his memo he had  
11 stated that he had talked to Det. Wilson.

12 THE CHAIRPERSON: Right.

13 MR. A. KULBASHIAN: And that some of  
14 the computer had been cracked, et cetera.

15 THE CHAIRPERSON: Yes.

16 MR. A. KULBASHIAN: And I say -- I  
17 ask:

18 "Do you remember this  
19 conversation with Dean Steacy?

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

21 MR. ALEXAN KULBASHIAN: Is this  
22 I guess an accurate portrayal, I  
23 guess a generally accurate

1                   portrayal of the conversation?  
2                   DET/CST. WILSON: Absolutely,  
3                   sir. We never got into your  
4                   computer at all because of  
5                   encryption, so at one time we  
6                   said it's 51 CDs, somebody --  
7                   other experts would tell us it  
8                   would be a thousand CDs to put  
9                   on it.  
10                  We never got inside.  
11                  MR. ALEXAN KULBASHIAN: Thanks.  
12                  Okay. Now, if you can just --  
13                  if you're talking about  
14                  paraphrasing...

15                         Because this is like a continuation  
16                         where he said it was paraphrased, and even though it  
17                         says that he had told sorry Mr. Steacy that he had  
18                         cracked the computer and even though I confronted him  
19                         on it, he said still said it was an accurate portrayal,  
20                         anyway he still said it was wrong.

21                         Anyway, now I said:  
22                         "Okay. Now, if you can just --  
23                         if you're talking about

1 paraphrasing, where would he  
2 have gotten information about  
3 what was inside the encryption  
4 if you had told him that it  
5 wasn't cracked?  
6 DET/CST. WILSON: I have no  
7 idea, sir.  
8 MR. ALEXAN KULBASHIAN: So, are  
9 you saying that he made that  
10 part up?  
11 DET/CST. WILSON: No I'm not,  
12 sir.  
13 MR. ALEXAN KULBASHIAN: Actually  
14 the flow of the conversation  
15 says:  
16 "I asked if he had seen what was  
17 on the dicks. He said that  
18 there is information from the  
19 websites: the Tri-City Skins;  
20 CECT; Vinelandvoice."  
21 This is in direct relation to  
22 what would be on the disk.  
23 THE CHAIRPERSON: That's another

1 approach.

2 MR. ALEXAN KULBASHIAN: I  
3 understand. Did you say  
4 something along the lines of a  
5 thousand CDs at all?

6 DET/CST. WILSON: Oh, I think so  
7 I did, yeah.

8 MR. ALEXAN KULBASHIAN: Okay.  
9 Now, would you agree that  
10 there's a slight discrepancy in  
11 the number?

12 DET/CST. WILSON: Absolutely,  
13 sir. Because we never got into  
14 your computer, we have no idea  
15 if it's 51 CDs, five CDs, a  
16 thousand CDs, (Just thru  
17 numbers!)"

18 Sorry, typo there.

19 I say:

20 "But according to him you did  
21 also tell him some things about  
22 what content was on the hard  
23 drive.

1 I'm just getting confused here.  
2 DET/CST. WILSON: No, I don't  
3 believe I said there was  
4 anything on your hard drive. I  
5 said it was encrypted and we  
6 couldn't get into it.

7 MR. ALEXAN KULBASHIAN: So, do  
8 you think that Dean Steacy is  
9 being untruthful in his --

10 DET/CST. WILSON: No, I don't  
11 believe he is."

12 The problem here is I believe that  
13 this is a blatant and if anything, like, a blatant  
14 attempt at covering up lies that he told Dean Steacy --  
15 I don't know if he's a detective, Det. Steacy, Mr.  
16 Steacy I guess.

17 THE CHAIRPERSON: The investigator,  
18 the special investigator.

19 MR. A. KULBASHIAN: I believe that  
20 these are blatant lies that he told him to either, I  
21 guess, raise his profile as somebody who can get things  
22 done, or he didn't have the heart to tell him that he  
23 had nothing, or he was trying to make things, or he was

1           expecting those few phrases in the investigation to go  
2           as far as the court ending up saying: Oh well, he says  
3           that he found this information. I don't think he ever  
4           expected to testify.

5                            Anyway one way or another I believe  
6           this is a blatant lie and he was being evasive.

7                            THE CHAIRPERSON: Mr. Wilson was  
8           being evasive.

9                            MR. A. KULBASHIAN: Yes.

10                           THE CHAIRPERSON: Blatant attempt at  
11          what?

12                           MR. A. KULBASHIAN: Blatant  
13          attempt -- a blatant lie. Not a blatant attempt,  
14          actually is blatant lie and I don't believe -- I don't  
15          have any reason to question Mr. Steacy's, I guess -- I  
16          don't have any reason to question Mr. Steacy's  
17          credibility and in terms of what information he filed  
18          in his report.

19                           The problem is when he gets told by  
20          an officer, you see the thing is a misunderstanding  
21          would be maybe he said it wasn't encrypted but I  
22          understood wrong but when he says that the information  
23          that we found was, I mean somebody would either having

1 to be really make up information for that to be that  
2 kind of miscommunication between Det. Wilson and Mr.  
3 Steacy.

4 And I believe that's actually a  
5 blatant lie that was told to the investigator on this  
6 case before this case reached the Tribunal.

7 And I believe that that's a part of  
8 circumstantial evidence that would have, had this not  
9 been addressed, I believe this would have been some  
10 form of circumstantial evidence saying that this  
11 information was found on Mr. Kulbashian's computer even  
12 though we don't have his computer here, but we'll trust  
13 his word for what information was found if it had been  
14 addressed in the court.

15 And I believe that is actually pretty  
16 serious, and I'm going to continue with my -- I'm going  
17 to make more commentary.

18 Okay. And he also claims that he  
19 didn't complain to the sites.

20 "DET/CST. WILSON: Did I  
21 complain to...?"

22 MR. ALEXAN KULBASHIAN: Any of  
23 the sites at all.



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

2 We have the admission of two of the  
3 witnesses that they did not complain about the content  
4 the sites to anybody.

5 In the following Det. Wilson  
6 acknowledges that my attire was not that of a skinhead  
7 and I did not resist arrest and it says:

8 "MR. ALEXAN KULBASHIAN: Okay.  
9 So when you raided my house then  
10 in relation to that, did you  
11 find any flight jackets, any  
12 boots with white laces, red  
13 laces, anything like that?

14 DET/CST. WILSON: I didn't find  
15 any flight jacket or boots, I  
16 found T-shirts.

17 MR. ALEXAN KULBASHIAN: What was  
18 I wearing when you arrested me?

19 DET/CST. WILSON: Your  
20 underwear.

21 MR. ALEXAN KULBASHIAN: Oh,  
22 pretty much.

23 What was I wearing when I was

1 walking out?

2 DET/CST. WILSON: You were just  
3 wearing normal clothes, nothing  
4 denoting any affiliation to  
5 anything.

6 MR. ALEXAN KULBASHIAN: Did I  
7 resist arrest or fight with the  
8 police officers, or get --

9 DET/CST. WILSON: No, sir. You  
10 knew we were coming because you  
11 were talking to Det. McKinnon on  
12 the phone.

13 MR. ALEXAN KULBASHIAN: But did  
14 I in any way try to run or  
15 struggle or anything like that?

16 DET/CST. WILSON: No, sir."

17 Det. Wilson is not concerned that  
18 Totenkopf is actually myself, only so far it is only  
19 the police who have identified myself as Totenkopf and  
20 there is no other allegation anywhere that I am  
21 Totenkopf.

22 It says:

23 "MR. ALEXAN KULBASHIAN: So, do

1                   you believe that every article  
2                   posted that has Totenkopf is me?  
3                   Posted under, I guess posted  
4                   under the pseudonym Totenkopf is  
5                   posted by me?  
6                   DET/CST. WILSON: I don't know."  
7                   And then further on I ask:  
8                   "Aside from Alex Krause, is  
9                   there any, I guess, any  
10                  reference to Totenkopf at all in  
11                  newspapers or any other, I  
12                  guess, non-C.E.C.T. sources that  
13                  you would l have seen?  
14                  DET/CST. WILSON: Yes, sir.  
15                  There was a confidential human  
16                  source that said you were  
17                  Totenkopf, there was another  
18                  police officer that says you  
19                  identified yourself as Totenkopf  
20                  or Alex Krause to him  
21                  personally.  
22                  So, there is other indications  
23                  that you were Totenkopf.

1 MR. ALEXAN KULBASHIAN: And to  
2 media or to anybody -- to the  
3 media, have I ever ID'd myself  
4 as anything but Alex Krause?

5 DET/CST. WILSON: No, you  
6 identified yourself -- other  
7 than Alex Krause?

8 MR. ALEXAN KULBASHIAN: Anything  
9 other than Alex Krause, I...

10 DET/CST. WILSON: Not that I  
11 know of, no, sir."

12 The problem is he goes back to the  
13 information of Det. Samm's memo that states that he was  
14 told by Det. McKinnon I told them that I was Totenkopf  
15 and he's trying to use that information that he  
16 previously read in the court in his initial questioning  
17 to state after the fact that there is a confidential  
18 human source and another police officer that says that  
19 you identified yourself as Totenkopf.

20 But, in fact, from the officer's  
21 notes, the notes don't state I identified myself to him  
22 as Totenkopf, they state that they were told by Det.  
23 McKinnon, another detective on this case, that I

1 identified myself as Totenkopf at the police station  
2 during my interview.

3 THE CHAIRPERSON: Mr. Wilson's  
4 understanding of you identifying yourself as Totenkopf  
5 is derived from hearsay he received.

6 MR. A. KULBASHIAN: I believe Mr.  
7 Wilson's opinion is not derived from hearsay, see the  
8 problem is Mr. Wilson claimed in his testimony that  
9 Det. Samm had told him that I identified myself to him  
10 or Det. Hogan as Totenkopf.

11 THE CHAIRPERSON: That's hearsay.

12 MR. A. KULBASHIAN: Exactly.  
13 However, when he refers to Det. Samm's notes, Det. Sam  
14 states I identified myself to Det. McKinnon and Det.  
15 Wilson during my interview.

16 THE CHAIRPERSON: Double hearsay.

17 MR. A. KULBASHIAN: Exactly, and no  
18 information as to me identifying myself to Det. Samm  
19 himself as Totenkopf.

20 So, basically -- and there is no  
21 evidence that I did identify myself during the  
22 interview as Totenkopf, in fact, he claims I did not,  
23 which I believe is a little more than just using

1 hearsay, it's distortion of the events and of the  
2 facts.

3 Okay. The following is another  
4 contradictions by Det. Wilson.

5 In the memo it says that the sites  
6 were shut down on April 19th, 2002 but he testified  
7 that a judge ordered Alexan Kulbashian to shut down the  
8 sites on June 6th, 2001.

9 I'm sorry, there's a typo.

10 So, this is basically in the  
11 conversations between Det. Wilson and Mr. Steacy.

12 "So, the memo says as of April  
13 19th, 2002 the websites were  
14 closed, were down; is that what  
15 it says?"

16 I say:

17 "He testified on June 6th that I  
18 was told to shut down the sites,  
19 which makes it apparent the  
20 sites were up then."

21 THE CHAIRPERSON: Let me read that  
22 again.

23 MR. A. KULBASHIAN: Basically he was

1           stating, he was trying to say that as of June 6th, I  
2           think it was actually -- oh, June 6th, 2002.

3                         THE CHAIRPERSON: 2002, right.

4                         MR. A. KULBASHIAN: 2002, right. So,  
5           he was stating that the sites were still up after the  
6           fact, even though -- as in he was trying to imply that  
7           by being ordered to shut down the sites on June 6th,  
8           even though the date was inaccurate, he was implying  
9           that the sites were still up after I was ordered to  
10          shut them down.

11                        Okay. And Det. Wilson testified that  
12          he realized that the one crouching in the picture was  
13          not me, it is in the picture of the Tri-City Skins that  
14          he claimed, and says that upon meeting with me he  
15          realized that the information was not true, however,  
16          during his testimony he admitted to telling the court  
17          during my bail condition that he had a picture of me  
18          crouching in front of the Tri-City Skinheads, as a  
19          member of the Tri-City Skinheads, and here it is.

20                        It says:

21                                 "One of the seized photos  
22                                 depicted several individuals,  
23                                 grouped together displaying the

1                    nazi salute. The male crouching  
2                    in the front portion of the  
3                    photo was Alexan Kulbashian."

4                    This information was in his brief  
5                    that was submitted during my bail hearing...

6                    THE CHAIRPERSON: I recall.

7                    MR. A. KULBASHIAN: Mr. Richardson  
8                    says:

9                    "So, back to the photo. Is the  
10                    guy crouching on the floor  
11                    Alexan Kulbashian?

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

13                    Det. Wilson says:

14                    "At the time I wrote this I  
15                    believed it to be true, but as  
16                    time went on during the  
17                    investigation I realized that it  
18                    was not, in fact, true."

19                    During his cross-examination he also  
20                    admitted to using this document during my bail hearing  
21                    to try and get them to deny me bail.

22                    Knowing that that information is not  
23                    true and filing it with the court, which would have to



1           have been filed as an affidavit for the court to  
2           obviously accept it as true information, would mean  
3           that he would have a history of lying by his own  
4           admission giving false information to the courts.

5                         So, Det. Wilson worked above and  
6           beyond his call of duty and did not ask why the charges  
7           were dropped. I believe that this is a pure lie. I  
8           believe that he knows full well why the charges were  
9           dropped.

10                        Mr. Richardson says:

11                                 "Is it safe to say that, like  
12                                 the collection of evidence that  
13                                 you spent all your own time on,  
14                                 you went above and beyond the  
15                                 call of duty to achieve this  
16                                 matter?"

17                                 DET/CST. WILSON: I believe I  
18                                 got an award because I did that.

19                                 THE CHAIRPERSON: You got a  
20                                 reward or award?

21                                 MR. RICHARDSON: He got an  
22                                 award.

23                                 Speaking of that award, you got

1                   that award for arresting Alex  
2                   and I. The people that gave you  
3                   that award, do they know all the  
4                   charges were dropped?"  
5                   And - give me a sec. Oh.  
6                   "MR. RICHARDSON:\*\*\* Yeah. Now,  
7                   getting into that, in your  
8                   opinion, Later on quoting  
9                   again,. can you ell me why our  
10                  criminal charges were dropped?  
11                  DET/CST. WILSON: I don't know.  
12                  I have never had a reply from  
13                  the crown attorney and I never  
14                  asked the crown attorney too, I  
15                  apologize.  
16                  MR. RICHARDSON: You spent three  
17                  years on the case and you never  
18                  asked him?  
19                  DET/CST. WILSON: That's not my  
20                  job. And again, the mean time I  
21                  have moved across the country  
22                  and my job is to present a file  
23                  to the crown attorney."

1 Det. Wilson also states later on:  
2 "I think I did more in this  
3 investigation than I have done  
4 in other investigations, yes. I  
5 have done in other  
6 investigations, yes."

7 In the following paragraph Det.  
8 Wilson clearly states that Vinland Voice and CECT are  
9 different sites.

10 I say:

11 "Okay. I'll get into that  
12 later.  
13 Now, do you think that the  
14 C.E.C.T. sites and the Vinland  
15 Voice sites are the same sites?  
16 DET/CST. WILSON: No, they're  
17 not the same site, they're two  
18 different websites.

19 MR. ALEXAN KULBASHIAN: So, they  
20 have different URLs, you'd say?

21 DET/CST. WILSON: As far as I  
22 know, yes, sir."

23 Okay. Now, getting into the issue

1 between my relation to the Tri-City Skins.

2 And this is his information and it's  
3 not exactly -- well, if you look at this way, it says:

4 "MR. ALEXAN KULBASHIAN: Now,  
5 it's a question, do you believe  
6 that I had anything to do with  
7 either managing, creating or  
8 administering the Tri-City site?

9 DET/CST. WILSON: The Tri-City  
10 Skin site?

11 MR. ALEXAN KULBASHIAN: Yes.

12 DET/CST. WILSON: Yeah, I  
13 believe that you hosted that  
14 site."

15 And he doesn't state that he believes  
16 there is any other involvement. He doesn't state that  
17 I believes that there is any other involvement with me  
18 and the Tri-City site, which would, I guess, if he  
19 could state that maybe there was involvement of design  
20 or maintain, maybe it would give any kind of I guess  
21 evidence to possibly that I knew what was on the site,  
22 but as the complainant and the Commission are  
23 suggesting, there is still no proof as far as the

1 witness that was investigating the alleged crime in the  
2 first place that he thought there was any involvement  
3 between me and that site and he would have been the  
4 investigator.

5 So, basically if you choose to  
6 believe his testimony, then that is what he said.

7 Okay. Now, the following is an  
8 issue, it's kind of contradiction.

9 In paragraph 1212 it says that I  
10 started the StopIslam site and that he states that I  
11 was under investigation and he had not seen the sites.

12 "DET/CST. WILSON: Because I  
13 know Alexan did, because when he  
14 fled -- when he went to the  
15 United States to Arizona, FBI  
16 and the INS had an investigation  
17 when he started a website called  
18 Stopislam.

19 THE CHAIRPERSON: StopIslam?

20 MR. ALEXAN KULBASHIAN: .com  
21 site.

22 Yeah, it's a site that Detective  
23 Wilson attributed to me last

1 time, about a couple of months  
2 ago.

3 DET/CST. WILSON: The  
4 StopIslam --

5 MR. ALEXAN KULBASHIAN: Yeah.

6 DET/CST. WILSON: -- that was  
7 run from the hosting company  
8 that put a threat on the --

9 MR. ALEXAN KULBASHIAN: That's  
10 right.

11 DET/CST. WILSON: -- University  
12 of San Francisco?

13 MR. ALEXAN KULBASHIAN: Did you  
14 ever get a chance to review that  
15 site?

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

17 MR. ALEXAN KULBASHIAN: So, you  
18 never saw it?

19 DET/CST. WILSON: No, the FBI  
20 notified us that you were under  
21 investigation..."

22 Now, the problem is -- just give me a  
23 sec, I'm just going to try to get this in order because

1 this is kind of a long section here.

2 Okay. By his admittance -- well, by  
3 his admission - I got arrested by the FBI on December  
4 13th, 2002 and by his admission Det. Wilson also knew  
5 that the server's ownership had changed hands prior to  
6 my arrest by the FBI in the U.S.

7 But regardless, he told the FBI by  
8 his own admission that I was the owner and that upon  
9 cross-examination he states that he did not tell them  
10 that Affordable-Space belonged to me.

11 Det. Wilson in this bunch of quotes  
12 goes from one lie to another.

13 Okay. After the information that he  
14 notes that Affordable-Space changed ownership on  
15 February 8th, 2004 to Steven Weingand, the questions  
16 are:

17 "MR. ALEXAN KULBASHIAN: And do  
18 you remember what you told the  
19 FBI about me?

20 DET/CST. WILSON: I told them  
21 that you were facing charges  
22 here and that because of your  
23 trip to the United States that

1 you were presently wanted by our  
2 department for breaching your  
3 conditions, and as a result of  
4 the information they supplied  
5 another breach was laid.

6 MR. ALEXAN KULBASHIAN: Okay.  
7 So, are you sure you didn't say  
8 anything about me owning that  
9 server?

10 DET/CST. WILSON: You owning  
11 AffordableSpace"... .com?

12 MR. ALEXAN KULBASHIAN: That's  
13 right.

14 DET/CST. WILSON: I very well  
15 could have, because the  
16 information on the February 8th  
17 transfer, I didn't receive until  
18 July that year when I executed  
19 the search warrant in San  
20 Diego."

21 And also, continuing on from there, a  
22 little down:

23 "MR. ALEXAN KULBASHIAN: Okay.



1 And so why would you have told  
2 the FBI that I owned the server?  
3 DET/CST. WILSON: I don't  
4 believe I ever told them..."  
5 that "...you owned the server."

6 Even though he states that he very  
7 well could have.

8 And then continuing on from there, it  
9 says:

10 "Actually, if I put it his way,  
11 the FBI actually told me that  
12 they were told by a London  
13 police officer that I owned the  
14 server, what would you say?

15 DET/CST. WILSON: Very possibly,  
16 sir. I can't recall and it's  
17 very possible that I told them  
18 that personally.

19 MR. ALEXAN KULBASHIAN: It's  
20 very possible?

21 DET/CST. WILSON: Yes, sir.

22 MR. ALEXAN KULBASHIAN: So, if  
23 it's very possible, then why

1                   would you tell them that if you  
2                   knew it not to be true?  
3                   DET/CST. WILSON: Well, I would  
4                   never sort of deceive them. I  
5                   don't know."

6                   The following shows that although I  
7                   never testified that I designed or claimed I designed  
8                   the TCS site, Det. Wilson went and told the judge that  
9                   I did during one of my cases.

10                   "MR. ALEXAN KULBASHIAN: And did  
11                   the judge make the decision  
12                   because maybe you had told him  
13                   something during your the case?

14                   DET/CST. WILSON: Absolutely,  
15                   sir, I went and spoke to him in  
16                   his chambers when he called me.

17                   MR. ALEXAN KULBASHIAN: And did  
18                   you by any chance tell him that  
19                   I admitted to designing and, I  
20                   guess, running the Tri-City site  
21                   like you had told the court  
22                   previously?

23                   DET/CST. WILSON: Yes, sir."

1                   Now, Det. Wilson admits that CECT has  
2 never promoted violence other than the article,  
3 according to him, like you know, if you can interpret  
4 it on September 14th.

5                   "MR. ALEXAN KULBASHIAN: Okay.  
6                   And now, have you ever got an  
7 indication where C.E.C.T. or  
8 Vinland Voice or anything like  
9 that, aside from what you state  
10 if threats of violence, what you  
11 allege is threats of violence in  
12 that article of September 14th,  
13 have you seen any other  
14 situations where C.E.C.T. has  
15 promoted violence?

16                   DET/CST. WILSON: I don't  
17 believe so."

18                   Although Mr. Warman is trying to, I  
19 guess, put some claim on myself for writing the alleged  
20 article or whoever, Det. Wilson confirmed that I am not  
21 the author of the article.

22                   "DET/CST. WILSON: It says:  
23 "Lots of fun "crap" has happened

1 in the past week. Alex Krause's  
2 name has appeared..."

3 This is where we're talking about the  
4 article, the one that allegedly targeted Mr. Warman,  
5 anyway.

6 THE CHAIRPERSON: Mm-hmm.

7 MR. A. KULBASHIAN: Says:

8 "Lots of fun "crap" has happened  
9 in the past week. Alex Krause's  
10 name has appeared in the NOW  
11 Magazine. He's been exposed.  
12 Oooh! Another C.E.C.T. member  
13 has been exposed too, however  
14 his name wasn't mentioned, just  
15 his charges of self defence on a  
16 transit vehicle....

17 MR. ALEXAN KULBASHIAN: And  
18 referring to him in the third  
19 person?

20 DET/CST. WILSON: Yes, sir."

21 And this is actually like a quote,  
22 and I ask:

23 "Okay, thanks. Now, can you

1 read the bottom where's there, I  
2 guess, a signature.  
3 DET/CST. WILSON: It says  
4 Totenkopf.  
5 MR. ALEXAN KULBASHIAN: In this  
6 article what would you say  
7 Totenkopf is doing in the first  
8 paragraph?  
9 DET/CST. WILSON: What would I  
10 say he's doing?  
11 MR. ALEXAN KULBASHIAN: Yeah,  
12 would he be -- is he writing as  
13 Alex Krause or referring to Alex  
14 Krause in the third person?  
15 DET/CST. WILSON: I think he's  
16 writing about Alex Krause.  
17 MR. ALEXAN KULBASHIAN: And  
18 referring to him in the third  
19 person?  
20 DET/CST. WILSON: Yes, sir.  
21 MR. ALEXAN KULBASHIAN: So,  
22 would say that I wrote that  
23 article?

1 DET/CST. WILSON: No, sir."

2 And talking about HR-1, tab 25 I ask:

3 "Okay. But you would say in  
4 this article Totenkopf is  
5 writing about Alex Krause;  
6 right?

7 DET/CST. WILSON: Yes, sir.

8 MR. ALEXAN KULBASHIAN: In that  
9 case, still I guess we'll leave  
10 it. It's just Totenkopf talking  
11 about the third person; right?

12 DET/CST. WILSON: Yes, sir.

13 MR. ALEXAN KULBASHIAN: Talking  
14 about Alex Krause in the third  
15 person?

16 DET/CST. WILSON: Yes, sir.

17 The above also contradicts Det.

18 Wilson's previous statement that Alex Krause is  
19 Totenkopf.

20 Okay. Now, Det. Wilson reading this  
21 document talking about kind of a news report about some  
22 database.

23 So, it says -- it's reading Exhibit

1           No. R-5 document from the C.E.C.T. Anti-Racist  
2           database.

3                           It says:

4                                   "DET/CST. WILSON:  "The intent  
5                                   is purely legal and we will not  
6                                   support or be held responsible  
7                                   for any illegal activity that  
8                                   may or may not benefit from the  
9                                   validity of this resource.  This  
10                                  database will, however, aid in  
11                                  the identification of a  
12                                  perpetrator in the event a  
13                                  victim wishes to press charges."

14                                 MR. ALEXAN KULBASHIAN:  Would  
15                                 you consider this a statement on  
16                                 behalf of the C.E.C.T?

17                                 DET/CST. WILSON:  Yes, I would.

18                                 MR. ALEXAN KULBASHIAN:  Would  
19                                 you consider it's a statement  
20                                 denouncing violence?

21                                 DET/CST. WILSON:  Yes, sir."

22                                 Continuing, I ask him:

23                                 "Do you know what this document

1                                   says roughly?"

2                                   And this is showing him HR-1, tab 28  
3                                   if you actually wanted to turn to it.

4                                   THE CHAIRPERSON:   Tab 28?

5                                   MR. A. KULBASHIAN:  If you like, it's  
6                                   up to you.  I just have put in the name, if you want  
7                                   to -- it's the resignation thing.

8                                   So, it says:

9                                   "Do you know what this document  
10                                  is roughly?

11                                  DET/CST. WILSON:  I've seen it  
12                                  before, yes.

13                                  MR. ALEXAN KULBASHIAN:  Do you  
14                                  know what the document is about?

15                                  DET/CST. WILSON:  Yeah, it's  
16                                  Alex Krause or yourself leaving  
17                                  the Canadian Ethnic Cleansing  
18                                  Team.

19                                  MR. ALEXAN KULBASHIAN:  Okay.  
20                                  Now, look at the bottom where  
21                                  it's signed.  What is it signed  
22                                  by?

23                                  DET/CST. WILSON:  Alex Krause.



1 MR. ALEXAN KULBASHIAN: Do you  
2 see Totenkopf anywhere there?  
3 DET/CST. WILSON: No, I don't."  
4 Okay. And next and I ask him:  
5 "Okay. Have you seen anything  
6 about -- articles about, so far  
7 I'd say, or anything you  
8 reviewed, have you seen any  
9 articles that indicate strongly  
10 that Alex Krause is Totenkopf  
11 written on the site?  
12 DET/CST. WILSON: Any articles?  
13 MR. ALEXAN KULBASHIAN: Any  
14 articles, anything published,  
15 Alex Krause, and the publisher  
16 Totenkopf would also be Alex  
17 Krause?  
18 DET/CST. WILSON: I can't recall  
19 any, no, sir.  
20 MR. ALEXAN KULBASHIAN: But you  
21 have seen many articles where  
22 Totenkopf talks about Alex  
23 Krause in the third person?

1 DET/CST. WILSON: Yes, sir.

2 MR. ALEXAN KULBASHIAN: How hard  
3 would you say you were trying  
4 to, in effect, get and my  
5 co-respondent..."

6 Wait a sec, I think we might have  
7 mixed some of the pages up here.

8 I'm just going to make a note.

9 THE CHAIRPERSON: That's why it would  
10 have been nice to put some automatic page numbering in  
11 there.

12 MR. A. KULBASHIAN: Well, actually  
13 that's a problem because we didn't expect this to  
14 actually come here and I was going to use my computer  
15 and print it out separately.

16 But this is one that got printed out  
17 for us, that's why I'm using this.

18 THE CHAIRPERSON: Oh.

19 MR. A. KULBASHIAN: Okay. So, Det.  
20 Wilson contradiction, although he previously stated  
21 that the September 14th article would cause bodily  
22 harm, before he had said that it was a threat of death.

23 So, I ask him:

1 "And so coming back to that, is  
2 there anywhere in that article  
3 that death is threatened?  
4 DET/CST. WILSON: You declare  
5 war on Muslims and Jews.  
6 MR. ALEXAN KULBASHIAN: But you  
7 previously testified that the  
8 article itself was more a threat  
9 to bodily harm than a death  
10 threat?  
11 DET/CST. WILSON: No, I --  
12 MR. ALEXAN KULBASHIAN: It  
13 didn't say anything about  
14 killing people.  
15 DET/CST. WILSON: No, I didn't,  
16 I said that I thought it was  
17 going to cause physical harm to  
18 other peoples, Jews and Muslims  
19 as relayed in your article.  
20 MR. ALEXAN KULBASHIAN: And did  
21 you put the word death anywhere  
22 in that commentary on the  
23 article?

1 DET/CST. WILSON: Did I put any?

2 MR. ALEXAN KULBASHIAN: When you  
3 were talking about the article,  
4 did you talk about death at all?

5 DET/CST. WILSON: Yes, sir.

6 MR. ALEXAN KULBASHIAN: Is there  
7 any indication that James was  
8 either involved in creating,  
9 designing, maintaining or  
10 administering the Tri-City site?

11 DET/CST. WILSON: No, sir."

12 Going down:

13 "MR. ALEXAN KULBASHIAN: Okay.  
14 Did you see anything by  
15 Totenkopf of Alex Krause on the  
16 Tri-City site?

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

19 MR. ALEXAN KULBASHIAN: Anything  
20 at all, including guest book  
21 entries, including anything?

22 DET/CST. WILSON: I don't recall  
23 that, no."

1 I say:

2 "MR. ALEXAN KULBASHIAN: Do you  
3 know anybody or did you yourself  
4 or anybody in your department  
5 ever complain about the content  
6 on the Tri-City site to  
7 AffordableSpace.com?

8 DET/CST. WILSON: No, sir.

9 MR. ALEXAN KULBASHIAN: So, you  
10 don't know of any situation  
11 where somebody would have  
12 brought AffordableSpace.com's  
13 attention to the content on the  
14 Tri-City site?

15 DET/CST. WILSON: No, sir."

16 I say:

17 MR. ALEXAN KULBASHIAN: Okay.  
18 Now, so do you know of any  
19 situations where somebody  
20 complained directly to  
21 AffordableSpace.com or myself  
22 about content that was removed?

23 DET/CST. WILSON: No, sir, I

1 have no knowledge of that.

2 MR. ALEXAN KULBASHIAN: Did you  
3 ever go through sign-up  
4 procedure?

5 DET/CST. WILSON: A sign-up  
6 procedure for what?

7 MR. ALEXAN KULBASHIAN: The  
8 sign-up procedure to sign up for  
9 an account on the website?

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

11 MR. ALEXAN KULBASHIAN: So, you  
12 wouldn't have seen any kind of  
13 automated scripts that  
14 automatically create accounts?

15 DET/CST. WILSON: No, sir."

16 The fact of the matter is no one  
17 actually -- no one testified they checked to see if  
18 there was any kind of automation built into the site  
19 when the site was up, so any allegation made that I  
20 would have to have known because every site went  
21 through me would be basically unfounded.

22 THE CHAIRPERSON: The problem is, the  
23 problem is --

1 MR. A. KULBASHIAN: Yeah.

2 THE CHAIRPERSON: -- they are making  
3 submissions on one hand, and perhaps the ideal way for  
4 that -- for what you are saying to have come into  
5 evidence is for someone to have testified on automated,  
6 whatever you call them, automated sign-ups to create  
7 accounts as part of your defence.

8 MR. A. KULBASHIAN: The problem is I  
9 don't --

10 THE CHAIRPERSON: The problem is, I  
11 don't have that evidence.

12 MR. A. KULBASHIAN: That's true.

13 THE CHAIRPERSON: I think. I'll  
14 check. Unless you can tell me that there's evidence  
15 somewhere about scripts that result in your --

16 MR. A. KULBASHIAN: I guess there was  
17 something like that in my information at the court.

18 However, the thing is that, see,  
19 coming back to what I'm doing right now, basically I'm  
20 not - I'm trying to show a consistent pattern,  
21 especially in the main witness where Mr. Warman claims  
22 to have gotten a lot of his information from, I'm  
23 trying to show consistent pattern of deceit, of -- I

1 mean, the best way to put it is lying.

2 And the fact of the matter is, if  
3 anything, what I'm trying to do is try to pick slowly  
4 at, like, the pool of circumstantial evidence to try to  
5 shrink to it down because it's coming down to, I guess,  
6 the balance of probabilities.

7 The fact of the matter, is at the  
8 very end it's the quality of information that creates,  
9 I guess, a better circumstance not the quantity.

10 THE CHAIRPERSON: I know, but you  
11 see, if to demonstrate that Mr. Wilson is "not telling  
12 the truth", on this particular point is to somehow put  
13 forth a proposition that there's an automated way to  
14 sign up and I don't know what, I don't have the  
15 evidence.

16 MR. A. KULBASHIAN: That's true.

17 But --

18 THE CHAIRPERSON: You asked a  
19 question to him --

20 MR. A. KULBASHIAN: This one is not  
21 talking about truth as much as saying did you even  
22 check, meaning that they can't deny that it was like  
23 that either.



1 THE CHAIRPERSON: I don't even have  
2 evidence what an automated sign-up procedure is.

3 MR. A. KULBASHIAN: In English pretty  
4 much. The fact of the matter is, does the complainant  
5 or the Commission have any evidence as to what an  
6 automated sign -up procedure is.

7 THE CHAIRPERSON: No, it's not that  
8 fact because that's part of your defence.

9 MR. A. KULBASHIAN: That's true, but  
10 the problem is, again coming down to, just having a  
11 giant volume of information and trying to dump a giant  
12 volume amount of information.

13 See, the issue is, like, I understand  
14 this isn't like criminal court.

15 THE CHAIRPERSON: No, no.

16 MR. A. KULBASHIAN: I understand  
17 that, but however...

18 THE CHAIRPERSON: Anyway, I think you  
19 understand what I'm trying to say, it's not what you  
20 said just now, but let me explain that again.

21 The point is that they put forth a  
22 set of evidence that supports their proposition. You  
23 are supposed to with your evidence or through the

1 cross-examination process, if you can, demonstrate your  
2 defence and if your defence on this particular issue is  
3 that there is some sort of an automated process that  
4 doesn't link -- that prevents you from knowing who was  
5 getting on line and so on, that's your defence and you  
6 have to prove it.

7                   If I don't have evidence to prove it,  
8 then it's an issue. So, either you present me that  
9 evidence in the existing record, or -- well, that's  
10 what you have to do.

11                   And the problem may be here that you  
12 did not lead any evidence in defence. So, if I don't  
13 have something to contradict it, other than your  
14 question suggesting something - which I don't even  
15 understand what we are talking about - the sign-up  
16 procedure to sign up for an account on the websites  
17 with automated scripts, I have no idea what you are  
18 talking about.

19                   MR. A. KULBASHIAN: Well, that's the  
20 idea.

21                   THE CHAIRPERSON: You can't lead  
22 evidence now to tell me what that is.

23                   MR. A. KULBASHIAN: Oh, well, the

1 fact of the matter is, in English, being in English,  
2 the idea of an automated sign-up procedure, I'm not  
3 talking about leading evidence as to what it is,  
4 meaning because there is implication that I would have  
5 known every site that was in there.

6 THE CHAIRPERSON: Sir, I have no idea  
7 what automated scripts that automatically create  
8 accounts is.

9 MR. A. KULBASHIAN: That's a  
10 description of what it does.

11 THE CHAIRPERSON: I don't know. You  
12 didn't bring me somebody to tell me what it is or you  
13 testify yourself. You did neither, so that's going to  
14 be a problem for this part of your defence, if I don't  
15 have any understanding of what this is.

16 MR. A. KULBASHIAN: I understand.  
17 Now --

18 THE CHAIRPERSON: I just want you to  
19 understand how it's going to work.

20 You asked many questions often that  
21 were very technical and they sort of were trying to  
22 suggest something that was beyond the scope of the  
23 understanding of the witness, but if you don't give me

1 affirmative evidence of what it is, the fact that you  
2 ask a really tough complicated question doesn't get it  
3 into evidence, understand? right.

4 MR. A. KULBASHIAN: Yeah, but the  
5 question is, you stated that it was beyond the scope of  
6 the technical knowledge of the witness. My point was  
7 to show that it was beyond the scope of the technical  
8 knowledge of the witness.

9 THE CHAIRPERSON: Yes, but so...

10 MR. A. KULBASHIAN: But the fact of  
11 the matter is --

12 THE CHAIRPERSON: As far as I'm  
13 concerned you could have asked him, do you know what an  
14 automated \*\*\*do-hickey that connects a muffler to a car  
15 is and he says, no, sir.

16 But is it relevant to the case? I  
17 don't know, because I don't know what automated scripts  
18 that automatically create accounts is either.

19 MR. A. KULBASHIAN: Okay. See,  
20 exactly coming back to my point.

21 Like, I understand you don't  
22 understand what it is and I know there was no evidence  
23 brought, but I guess on the same, I guess, note there

1 was no technical evidence brought by the -- see, the  
2 burden of proof is on the complainants.

3 THE CHAIRPERSON: The burden of proof  
4 is on the complainants to establish a prima facie case  
5 and then you must be able to explain it.

6 I'm thinking back to the case where  
7 Mr. Richardson, where you cited a question earlier --  
8 or an exchange in the transcript where Mr. Richardson  
9 said a whole bunch of stuff about technicalities  
10 regarding logs or chat logs or something.

11 MR. A. KULBASHIAN: Mm-hmm.

12 THE CHAIRPERSON: And it was  
13 determined the response didn't -- I believe the witness  
14 actually in question - I don't know whether it was Mr.  
15 Wilson or Mr. Warman - didn't understand the notion.

16 But if I don't know what the  
17 significance is of that technical gobbledegook that was  
18 asked of him, what good does it do me?

19 MR. ALEXAN KULBASHIAN: I understand.

20 THE CHAIRPERSON: The situation here  
21 is if -- it's up to the complainant to present a case,  
22 to build a case that's prima facie, yes, that's their  
23 burden, but --

1 MR. A. KULBASHIAN: To a certain  
2 extent, like, I guess if you wrote down, say, no to  
3 that, if you don't know what -- like as the Chair, what  
4 the technical reference is in relation to, even if it's  
5 talking about the contents of the IRC logs and the  
6 witness who came on the stand basically testified to  
7 having no expertise in computers, then how can you, as  
8 a Chair, state that any evidence presented to you from  
9 a technical, I guess, source is --

10 THE CHAIRPERSON: No. The witness  
11 came and said with the knowledge that he had of the  
12 logs, this is what he found on the computer and this is  
13 what he saw and there was evidence of certain  
14 knowledge.

15 MR. A. KULBASHIAN: Okay.

16 THE CHAIRPERSON: And then you asked  
17 questions of that witness and you say to the witness  
18 gobbledegook, gobbledegook and he says I don't know,  
19 and then that's interesting that he didn't know what  
20 the gobbledegook is, but if you don't tell me later how  
21 knowledge of that gobbledegook is important to  
22 understand the logs and how it undermines the  
23 information being presented about the logs, what am I

1 going to do with it?

2 MR. A. KULBASHIAN: Okay. Coming  
3 to --

4 THE CHAIRPERSON: No, I just want you  
5 to understand that.

6 MR. A. KULBASHIAN: I understand  
7 that.

8 THE CHAIRPERSON: And that's an  
9 important legal point here. It's one thing to  
10 cross-examine but sometimes affirmative evidence is  
11 required to contradict a prima facie case if it's  
12 established.

13 MR. A. KULBASHIAN: That's right. So,  
14 coming down to the underlying point is that I  
15 understand this isn't a criminal court, but in any  
16 court if a witness to a certain extent admits to, say,  
17 misrepresenting the truth in a court beforehand, or  
18 misrepresenting the truth beforehand...

19 THE CHAIRPERSON: You are not  
20 understanding what I'm saying, Mr. Kulbashian. I will  
21 give you an example.

22 MR. A. KULBASHIAN: Yeah.

23 THE CHAIRPERSON: If I am saying that

1 I was driving down this road and I was doing a speed of  
2 70 kilometres an hour when I saw the car go right past  
3 me, all right, that's an affirmation.

4 Now, you may ask me: Sir, what do  
5 you know about the size of piston rings and how much  
6 oil is consumed by a car, and I will say no, but my  
7 initial affirmation that I was doing 70 kilometres an  
8 hour and somebody flew past me is a valid statement.

9 Do you understand?

10 MR. A. KULBASHIAN: I understand.

11 THE CHAIRPERSON: So, if to my  
12 statement it becomes important to know what the oil  
13 pressure of the vehicle was at that moment, you have to  
14 demonstrate to me why it's important to know that as  
15 the driver of that car.

16 MR. A. KULBASHIAN: Okay.

17 THE CHAIRPERSON: So, the Internet is  
18 a widely used instrument by millions and millions of  
19 people around this world, and there were affirmations  
20 made by people about data that they witnesses through  
21 the Internet.

22 Now, if more technical knowledge  
23 serves some purpose in clarifying their evidence or



1           contradicting it even, you have to demonstrate.

2                       So, if you go back to my analogy with  
3           the car, you have to show how knowledge of oil pressure  
4           is important in knowing whether a guy sped past you  
5           while you were doing 70 according to your speedometer.

6                       MR. A. KULBASHIAN: I understand.

7                       THE CHAIRPERSON: That's what I'm  
8           driving at. I think I've mentioned enough. We should  
9           I think proceed at this point.

10                      MR. A. KULBASHIAN: Okay. So,  
11           basically although he realized the picture in the photo  
12           was not me, Det. Wilson went and testified, according  
13           to him, saying that -- first he says that he told the  
14           judge crouching was myself, then he denies and so on.

15                      From one contradiction to another,  
16           so -- it says:

17                               "MR. ALEXAN KULBASHIAN: Okay.

18                               If you could turn to HR-1, tab

19                               60..."

20                      Document, just you guys for the chat,  
21           page 6. Okay. He states:

22                               "DET/CST. WILSON: "November

23                               27th, 2001 Detective McKinnon

1 received a fax from Detective  
2 Samm of the Metro Toronto Police  
3 Hate Crimes Unit. The fax  
4 included a Metro Toronto  
5 identification photo. Det/Cst.  
6 Wilson compared the  
7 identification photo to the  
8 photo seized from Richardson's  
9 apartment. One of the seized  
10 photos depicted several  
11 individuals grouped together  
12 displaying a Nazi salute. The  
13 male crouching in the front  
14 portion of the photo was Alexan  
15 Kulbashian."  
16 MR. ALEXAN KULBASHIAN: That's  
17 good. Can you read the date on  
18 the document, very top?  
19 DET/CST. WILSON: February the  
20 14th, 2002.  
21 MR. ALEXAN KULBASHIAN: Okay.  
22 Do you remember the day after --  
23 two days after I got arrested

1 when I went for bail hearing in  
2 London, do you remember talking  
3 about my involvement with  
4 various racist groups and  
5 telling the judge that I was  
6 seen in a picture with a group?  
7 DET/CST. WILSON: It's possible,  
8 sir. Yes, I did."

9 And I said:

10 "MR. ALEXAN KULBASHIAN: So,  
11 would that be after you saw me  
12 or before you saw me?"

13 THE CHAIRPERSON: No problem.

14 MR. A. KULBASHIAN:

15 "...or before you saw me?"

16 DET/CST. WILSON: After I saw.

17 MR. ALEXAN KULBASHIAN: And would  
18 that be inconsistent with what  
19 you said previously that when  
20 you saw me you realized that  
21 that was not right?

22 DET/CST. WILSON: Yes, sir.

23 MR. ALEXAN KULBASHIAN: So, you

1 testified during my bail hearing  
2 that you had a picture of me  
3 involved with Tri-City that  
4 where I was in the front  
5 crouching, trying to prove that  
6 I was a member of Tri-City  
7 during my bail hearing.

8 DET/CST. WILSON: I don't recall  
9 that at all, sir."

10 Even though he admitted earlier on to  
11 testifying to that.

12 THE CHAIRPERSON: Oh, he admitted it  
13 in --

14 MR. A. KULBASHIAN: Yes.

15 THE CHAIRPERSON: Right up here,  
16 "Yes, I did." Are you talking about the top of this  
17 page --

18 MR. A. KULBASHIAN: Yes.

19 THE CHAIRPERSON: -- where he said,  
20 "Yes, I did."

21 MR. A. KULBASHIAN: Yes.

22 THE CHAIRPERSON: And now you're  
23 saying there's a contradiction right afterwards?

1 MR. A. KULBASHIAN: It's an immediate  
2 contradiction, like, not very far after.

3 And the Chairperson --

4 THE CHAIRPERSON: So, this is in  
5 sequence here, this is one after the other here?

6 MR. A. KULBASHIAN: Yeah, if you look  
7 at the numbers.

8 THE CHAIRPERSON: Okay. The numbers.

9 MR. A. KULBASHIAN: 1592 and 1594.

10 THE CHAIRPERSON: Okay.

11 MR. A. KULBASHIAN: Okay. And the  
12 Chairperson:

13 "Sorry, I didn't quite get your  
14 earlier answer.

15 You said that there was some  
16 discussion at the bail hearing  
17 about the photo?

18 DET/CST. WILSON: About the  
19 photo, I believe there was from  
20 my recollection, there was some  
21 discussion about the photo, I  
22 don't recall, and I don't  
23 believe I would have identified

1                   Mr. Kulbashian in the front part  
2                   of the photo, but I don't recall  
3                   and I can't recall what I  
4                   testified to concerning that  
5                   photo, but the photo was  
6                   produced. 24"

7                   See, now the problem is by his own  
8                   admission just earlier on in testimony he admitted that  
9                   he did testify getting caught in a lie, he turns around  
10                  and changes his testimony right here in front of the  
11                  court.

12                  Now, the problem is if anything the  
13                  question is showing a history where he does lie under  
14                  oath which should be, I guess, well, basically that  
15                  makes him a Vetovec witness.

16                  That's another problem, I think we'll  
17                  have to bring that tomorrow. Do you still want me to  
18                  bring the Vetovec statute tomorrow, the Vetovec  
19                  decision, sorry?

20                  THE CHAIRPERSON: Well, maybe you  
21                  should if you're going to be referring to it again it  
22                  would be a good idea, I suppose.

23                  MR. A. KULBASHIAN: So, I will have

1 it tomorrow, but I'm just referring to it right now.

2 THE CHAIRPERSON: Okay.

3 MR. A. KULBASHIAN: So, basically  
4 that would make him a Vetovec witness, having the  
5 history, having liked -- admitted to having lied on the  
6 stand, like earlier on, and admitted to having lied to  
7 the police, et cetera, makes him a person -- and by the  
8 Vetovec decision, his information would have to be  
9 corroborated by an independent source in order for his  
10 information to be, I guess, considered with any weight  
11 in the judge's decision.

12 So, I'm just going to continue from  
13 there.

14 So, for the sake of his vendetta,  
15 Det. Wilson got involved in cases that did not concern  
16 him. Even the detective in charge did not get involved  
17 in.

18 So, I say:

19 "MR. ALEXAN KULBASHIAN: Okay.

20 So, the fact that Detective --  
21 do you know who Detective Neil  
22 is?

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

1 I think maybe Detective Neil is  
2 the Internet guy from the Metro  
3 Toronto Police Service. I'm not  
4 too sure.

5 MR. ALEXAN KULBASHIAN: Just  
6 clarification, Detective Neil  
7 was the detective on my assault  
8 case.

9 DET/CST. WILSON: Oh, I'm sorry.

10 MR. ALEXAN KULBASHIAN: Do you  
11 remember him being at any of my  
12 bail hearings?

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

14 MR. ALEXAN KULBASHIAN: Okay.  
15 Getting back to the threats  
16 then, if I can remember where  
17 they were. Did you ever testify  
18 at one of my bail hearings that  
19 I was not the author of the  
20 article and that I was not the  
21 one who made the threats, just  
22 facilitated them?

23 DET/CST. WILSON: Yes, sir,



1                                   that's exactly what I said."

2                                   So, this is him testifying that he  
3 was at my bail hearing for another case, unrelated case  
4 and testified on the stand.

5                                   THE CHAIRPERSON:   Mm-hmm.

6                                   MR. A. KULBASHIAN:   Even though he  
7 had nothing to do with this case.

8                                   Anyways, for such a long  
9 investigation with so many events Det. Wilson that  
10 there are only few documents that he has about my case.  
11 He doesn't dare to give an explanation as to what  
12 happened to the rest of the reports, which I believe  
13 were shredded.

14                                   Anyways, I say:

15                                   "Are there more binders of files  
16 the police have on me or are  
17 those the only ones?"

18                                   He says:

19                                   "Oh, I'm sure there's more.  
20 There's an assault binder that's  
21 associated to an assault you  
22 had."

23                                   I say:

1 "How about London?"

2 He says:

3 "No, I believe this is pretty  
4 much your incidence in London."

5 Which is his testimony that this is  
6 pretty much all the files that London has because he  
7 said he had brought them with him.

8 And also lower down he also says:

9 "No, I don't believe I have an  
10 e-mail from Ms Myles."

11 Which also him stating -- because  
12 earlier on he testified that they would probably have  
13 it at London, at the London police station however this  
14 is a contradiction where he says:

15 "No, I believe this is pretty  
16 much the incidence in London."

17 And also saying:

18 "No, I don't... have an e-mail  
19 of Ms Myles."

20 Which is not in the binders that he  
21 had. And I say:

22 "Was it ever in that file?"

23 DET/CST. WILSON: In that

1

binder?

2

MR. ALEXAN KULBASHIAN: Yes.

3

DET/CST. WILSON: No, sir.

4

MR. ALEXAN KULBASHIAN: So, is

5

there other binders that there's

6

information regarding my case?

7

DET/CST. WILSON: No, there

8

would be a file associated to

9

your offences that you committed

10

in the United States in May of

11

that --

12

MR. ALEXAN KULBASHIAN: I'm

13

sorry, I didn't hear what you

14

said, offences what?

15

DET/CST. WILSON: That you

16

committed in the United States.

17

MR. ALEXAN KULBASHIAN: Offences

18

I've committed. What offences?

19

DET/CST. WILSON: That you were

20

arrested by the FBI and the

21

INS."

22

And this is where Mr. Chair steps in,

23

it says:

1 "THE CHAIRPERSON: I have to  
2 advise you as well, I mean  
3 unless he was convicted --"

4 And I say:

5 "Was I even charged?"

6 And Mr. Chair says:

7 "-- you had to say that he was  
8 charged."

9 Det. Wilson says:

10 "Allegedly, allegedly he was --  
11 okay.

12 THE CHAIRPERSON: The rule  
13 applies to you as well, Mr.  
14 Wilson.

15 DET/CST. WILSON: Absolutely."

16 The above also shows how  
17 irresponsible Det. Wilson can be. He can use any word  
18 irrespective of its consequences.

19 Det. Wilson admits that he lied to  
20 the FBI in this sense:

21 MR. ALEXAN KULBASHIAN: Okay.  
22 This question is then, are you  
23 sure you followed the case

1 fully, my assault case fully?

2 DET/CST. WILSON: Your assault  
3 case?

4 MR. ALEXAN KULBASHIAN: Yes.

5 DET/CST. WILSON: Do you know if  
6 the case proceeded summarily or  
7 by indictment?

8 DET/CST. WILSON: I believe the  
9 crown elected to go summarily.

10 MR. ALEXAN KULBASHIAN: And what  
11 would be the maximum sentence I  
12 would have gotten?

13 DET/CST. WILSON: Six months.

14 MR. ALEXAN KULBASHIAN: And what  
15 did you tell the FBI?

16 DET/CST. WILSON: Five years."

17 Det. Wilson acknowledges that no  
18 anti-Arab articles were authored by Alex Krause, and  
19 this is just like a point of clarification.

20 "MR. ALEXAN KULBASHIAN: Not see  
21 me, sorry. Have you ever  
22 noticed any anti-Arab articles  
23 authored by Alex Krause?

1 DET/CST. WILSON: No, the only  
2 one I've seen is the one you  
3 facilitated."

4 Well, he alleges I facilitated,  
5 anyways.

6 "MR. ALEXAN KULBASHIAN: Have  
7 you season --" okay, seen  
8 "...any anti-Arab articles  
9 authored by who you allege to be  
10 me as Totenkopf?

11 He states:

12 "No, sir."

13 And continuing on, this is about  
14 HR-1, tab 25:

15 MR. ALEXAN KULBASHIAN: That's  
16 fine. Thanks. So, would you  
17 say..."

18 This is about an article, specific  
19 article at HR-1, tab 25.

20 "...would you say this was a  
21 pro-Palestinian article or an  
22 anti-Palestinian article?

23 DET/CST. WILSON: I would say it

1 would be an anti-Jewish article  
2 myself.

3 MR. ALEXAN KULBASHIAN: Is this  
4 political?

5 DET/CST. WILSON: Very much so."

6 Det. Wilson admits the very  
7 possibility of others writing articles under  
8 Totenkopf's name.

9 My question, and I say:

10 "That's not my question. My  
11 question is, do you believe  
12 every article that's written  
13 under the pseudonym Totenkopf is  
14 authored by me?"

15 He states:

16 "Do I believe the possibility  
17 that somebody else used  
18 Totenkopf and wrote an article?"

19 I say:

20 "At cect.vinland voice?"

21 He says:

22 "Yes, sir, I believe that's very  
23 possible."

1 Det. Wilson also admits his  
2 allegations about Arizona were unsubstantiated.

3 Okay, I ask him:

4 "Do you know if any charges were  
5 pressed or if bail was pursued  
6 in Arizona?" (regarding  
7 Miles...)

8 He says:

9 "No, as a matter of fact I  
10 believe this was  
11 unsubstantiated."

12 This is talking about where he said  
13 that I was charged, and he says that no, he believes  
14 that I was not charged or any bail was pursued, even  
15 though he -- oh sorry, about Miles -- sorry, yeah,  
16 about the Miles thing I think I might have gotten  
17 confused here. I'm getting like tired.

18 THE CHAIRPERSON: Would you like to  
19 take a break?

20 MR. A. KULBASHIAN: Yeah, that would  
21 be great.

22 THE CHAIRPERSON: It's been an hour,  
23 but we'll take our break.



1 MR. A. KULBASHIAN: Oh. Shall we go  
2 a little longer, maybe.

3 THE CHAIRPERSON: It's up to you.

4 MR. A. KULBASHIAN: Okay, I'll go a  
5 little longer.

6 THE CHAIRPERSON: If you're tired --

7 MR. A. KULBASHIAN: Just kind of,  
8 like, standing up.

9 THE CHAIRPERSON: A bit longer.

10 MR. A. KULBASHIAN: Whenever she  
11 wants her break, I'll tough it out.

12 All right. It says, although Det.  
13 Wilson tried to give the impression that I fled the  
14 country the bail -- my bail condition didn't contain  
15 any clause preventing me from leaving the country.

16 And the proof is, I ask:

17 "And that there was no clause to  
18 not leave Canada, right?

19 DET/CST. WILSON: Right.

20 MR. ALEXAN KULBASHIAN: That  
21 would be correct; right?

22 DET/CST. WILSON: Yes, sir."

23 Even though he stated that the reason

1           why they arrested me on the way back earlier on, which  
2           I read, was that I was in breach of bail by going to  
3           the U.S.

4                         Okay.  Regarding the events related  
5           to the U.S., such as my arrest and accusations, Det.  
6           Wilson's lies and contradictions are numerous.  
7           Moreover, Det. Wilson did not disclose any documents to  
8           prove his allegations.

9                         The Chairperson could not have put it  
10          better, and as the Chairperson said:

11                                 "So, the big picture is that he  
12   misled the American  
13   authorities."

14                                 It would be very lengthy to go into  
15          details, but again regarding Peter Kierluk, the crown  
16          of London, Mr. Peter Lindsay's affidavit and Det.  
17          Wilson's witnessing, they did not respect his  
18          agreements and promises.

19                                 We would like the court to note  
20          that --

21                                 THE CHAIRPERSON:  Just give me a sec.  
22   Mr. Richardson, you're speaking so  
23          loud I'm having a hard time concentrating on what Mr.

1 Kulbashian is saying. So, if you are going to have an  
2 extended conversation, I would ask you to step outside;  
3 otherwise, tone it down a bit, please.

4 With the mumbling I hear on the left  
5 side, I can't concentrate on Mr. Kulbashian.

6 Thank you.

7 MR. A. KULBASHIAN: Give me one sec.

8 Okay, sorry about that.

9 Also, we would like also the court to  
10 note that a request to the Attorney General for hate  
11 crime charges to be pressed on the initial case that  
12 never say basically a day in court was rejected by the  
13 Attorney General.

14 I'm talking about the original  
15 criminal charges.

16 THE CHAIRPERSON: Is that in  
17 evidence. I see the number 1820.

18 MR. A. KULBASHIAN: Yeah, he stated  
19 that it was rejected. He was asked that.

20 THE CHAIRPERSON: Page 1820 of the  
21 transcript.

22 MR. A. KULBASHIAN; I think that's  
23 line 1820.

1 THE CHAIRPERSON: I honestly think  
2 it's page.

3 MS MAILLET: It's page.

4 MR. V. KULBASHIAN: No, no, no, it's  
5 page.

6 MR. A. KULBASHIAN: Oh, it's page,  
7 yeah. Okay, page. Sorry, I'm just getting confused  
8 here. Okay.

9 The numbers are throwing me off than  
10 anything else, trust me.

11 THE CHAIRPERSON: We have many more  
12 lines in this case than 1820.

13 MR. A. KULBASHIAN: Yeah, right.

14 Okay. Another example of Det.  
15 Wilson's lies and evasive responses and contradictions.  
16 He doesn't know how and where I got arrested but he  
17 says they kicked my door in and then when he is  
18 confronted tried to change the subject.

19 "DET/CST. WILSON: The time they  
20 kicked your door in with 50 FBI  
21 agents."

22 And he talks about that, and I say:

23 "Do you know if I was arrested

1 indoors or outdoors?

2 DET/CST. WILSON: I have no  
3 idea.

4 MR. ALEXAN KULBASHIAN: So why  
5 would you say they kicked my  
6 door in?"

7 Okay. Another one, he says:

8 "Yes, sir, in an interview, they  
9 were investigating a threat to  
10 the University of San Francisco.  
11 During their investigation,  
12 their investigation led them to  
13 Mr. Kulbashian. They - I don't  
14 now, I won't say executed a  
15 warrant, they attended his  
16 address and detained him and  
17 spoke to him concerning the  
18 threats and it was determined  
19 during that interview that he  
20 had not made those threats, that  
21 actually it was posted on a, I  
22 guess, the..."

23 It continues.

1 Det. Wilson states that Mr. Warman is  
2 a very well-known public figure and that his address can  
3 be found on civil court documents.

4 This is just getting to the point of  
5 identification and exposure, et cetera.

6 THE CHAIRPERSON: You referred to  
7 that earlier when discussing Mr. Warman, if I recall.

8 MR. A. KULBASHIAN: Yeah, that's  
9 right.

10 I ask him, I say:

11 "...say he's (Warman) a very  
12 well-known figure?

13 DET/CST. WILSON: Yes, sir.

14 MR. ALEXAN KULBASHIAN: You know  
15 his field, fighting hate crimes?

16 DET/CST. WILSON: Absolutely,  
17 sir.

18 MR. ALEXAN KULBASHIAN: Would  
19 you consider him more a public  
20 figure or a private figure?

21 DET/CST. WILSON: When it comes  
22 to fighting hate crimes, he's a  
23 public figure."

1

I say:

2

"Do you believe him to be the

3

opposite of incognito?"

4

And he says:

5

"Yes, he's not got a mask on."

6

I say:

7

"Do court documents get posted

8

on line for let's say civil

9

cases?"

10

He says:

11

"It could, and if somebody

12

posted a charge sheet of an

13

accused party or his

14

recognizance, it would have the

15

accused party's address if it

16

was posted as one of his

17

conditions to comply with."

18

And my continuation, kind of:

19

"MR. ALEXAN KULBASHIAN: Do you

20

know of any incidents where or

21

have you heard of incidents

22

where Mr. Warman has approached

23

the media himself?

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

2 MR. ALEXAN KULBASHIAN: And to  
3 talk about cases he's starting  
4 or cases he's in?

5 DET/CST. WILSON: Yes, sir.

6 MR. ALEXAN KULBASHIAN: So,  
7 would you consider him to have  
8 gone that step to expose himself  
9 to the public?

10 DET/CST. WILSON: He's gone that  
11 step to highlight the  
12 investigations or the complaints  
13 he's made, yes, sir.

14 MR. ALEXAN KULBASHIAN: Okay.  
15 And when he goes to the media,  
16 have you noticed that he also  
17 exposes other people?

18 DET/CST. WILSON: He exposes --  
19 like other people he has  
20 complaints against, yes, I  
21 believe so, yes, sir."

22 I say, in the following specific  
23 question, Det. Wilson again is evasive in his answer.



1 His answers are not relevant to the question. My  
2 question is:

3 "So, how would that give me --  
4 how would that still -- I guess  
5 you're not answering my  
6 question, that's why I have to  
7 keep asking this again. How  
8 would that mean that I knew what  
9 content was on that site?"

10 He said:

11 "Because you had the ability to  
12 exclude people and told me that  
13 you could include people or  
14 website from your sit and,  
15 therefore, that made me believe  
16 that you would know the content  
17 of those websites and,  
18 therefore, have the ability to  
19 exclude or include certain  
20 people on your hosting company."

21 Okay. The Superior Court judge -- I  
22 think there's a typo there, I think. Oh yes, the  
23 Superior Court judge dismissed the pictures, he found

1           them irrelevant for the case. This is talking about  
2           tattoos and stuff like that.

3                           And I ask him:

4                                   "Okay. Have you - Okay, is it  
5                                   true that when you brought the  
6                                   pictures of the tattoos to  
7                                   Superior Court for my bail  
8                                   hearing that Justice Hamilton  
9                                   did not want to see them?"

10                           He says:

11                                   "Yes, sir."

12                           I continue:

13                                   "Okay. So, the other question  
14                                   is are those in exposed places  
15                                   of my body?"

16                           He says:

17                                   "No, sir, they are not."

18                           Det. Wilson admits that I have not  
19           written any anti-Jewish articles. And I ask:

20                                   "My question was, have you read  
21                                   any articles that you allege  
22                                   were by me, written by me that  
23                                   are anti-Jewish?"

1 DET/CST. WILSON: No, sir."

2 Even though he stated that the  
3 anti-Palestinian articles were anti-Jewish earlier on.  
4 After so many evasive answers, Det. Wilson admits that  
5 he has not seen me with any Tri-City Skins members, he  
6 also admits that I did not have or wore any Nazi  
7 clothing.

8 Well, I guess, except for the  
9 T-shirts that he testified to. And I say:

10 "Did you find bomber jacket?

11 No.

12 Shaved head?

13 No.

14 Boots with white laces?

15 No.

16 Was I wearing any Nazi  
17 paraphernalia?

18 No."

19 That's kind of like going to the  
20 brief. So, okay, I ask:

21 "How many times has, I guess,  
22 hate crime intelligence  
23 monitored Tri-City events?"

1 He states:

2 "Lots of time, I believe."

3 I said:

4 "Have you ever seen..." me

5 "...at Tri-City events?"

6 I guess there's a missing word there.

7 He said:

8 "No, sir.

9 MR. ALEXAN KULBASHIAN: Have you  
10 ever seen me with Tri-City  
11 anywhere?

12 DET/CST. WILSON: No, sir."

13 Det. Wilson has testified previously  
14 that the transfer to Mr. Weingand was in February.  
15 This is about the AffordableSpace account with  
16 Cari.net.

17 "MR. ALEXAN KULBASHIAN: --"

18 I ask him: "Had there been any  
19 indication of any control of  
20 AffordableSpace after July 5th  
21 when there was a transfer of  
22 control from -- when you got the  
23 copy of the transfer of control?"

1 DET/CST. WILSON: You exerted  
2 some control I believe in July  
3 when you were able to transfer  
4 your, I guess, ownership to Mr.  
5 Weingand."

6 Okay. Even though he stated it was  
7 on April 16th, earlier on.

8 THE CHAIRPERSON: February?

9 MR. A. KULBASHIAN: Yeah, February.  
10 Sorry, February, sorry. You know what I'm getting the  
11 dates mixed up in my head. I guess, too much altitude  
12 right now standing up.

13 Okay. The following shows that Det.  
14 Wilson is a liar, he also -- I guess I'll take that  
15 word back -- he's a liar and of poor character.

16 Okay. And this is actually the key  
17 point.

18 "THE CHAIRPERSON: In December,  
19 2002, you don't have any  
20 affirmative knowledge of actual  
21 control?

22 DET/CST. WILSON: No, sir.

23 THE CHAIRPERSON: But you have

1 no reason to suspect that he  
2 ceased having control; is that  
3 what you're saying? You have no  
4 affirmative information --

5 DET/CST. WILSON: No, sir.

6 THE CHAIRPERSON: -- that he had  
7 control from July to December of  
8 2002?

9 DET/CST. WILSON: Yes, sir.

10 Yes, sir."

11 And my question is:

12 MR. ALEXAN KULBASHIAN: And did  
13 you state to the FBI that I did  
14 have control?

15 DET/CST. WILSON: Yes, sir."

16 And I say - this is later on:

17 "However, in that time, aside  
18 from that specific incident, was  
19 there any situation or anything  
20 that could say - any indication  
21 that I did maintain or  
22 administer or run any sites on  
23 AffordableSpace.com?

1                                   DET/CST. WILSON:  No, sir."

2                                   The danger here is that an officer,  
3                                   like, who admits to -- first of all he testified that  
4                                   the FBI arrested me based on those threats.  He  
5                                   testified that he knew nothing about that, and at this  
6                                   point in time he finally testifies that he had no  
7                                   indication that I controlled the server, had control of  
8                                   the server and he also testifies that he told the FBI  
9                                   that I did.

10                                  Completely doing a 180 off his  
11                                  testimony where he stated he had no idea why they  
12                                  arrested me, he had some idea why they arrested me, he  
13                                  said it was because of something he didn't know about,  
14                                  and now he admits to telling the FBI that I did have  
15                                  control of the server - I didn't - and he also admits  
16                                  that this is the reason why I've gotten arrested -- he  
17                                  actually admitted, sorry, earlier on that this was the  
18                                  reason why I had gotten arrested.

19                                  And knowing some information about --  
20                                  from, like, I guess people with Maher Arar which was a  
21                                  Syrian citizen who got deported from Canada -- sorry,  
22                                  from the U.S. because of Canadian, I guess, authorities  
23                                  sending information about him to U.S. and got tortured

1 in Syria, the same thing could have actually happened  
2 to me since I am a Lebanese citizen.

3 And the fact of the matter is, Det.  
4 Wilson betrayed a citizen of his own country by lying  
5 to authorities in another country to get me arrested.

6 So, I think -- and I believe that  
7 actually says a lot about his character and I believe  
8 it's not extreme to call him a liar, or if anything, I  
9 guess, in a way, his own agent when he operates  
10 outside, like, you know, the rule of the law.

11 THE CHAIRPERSON: Yes, break.

12 REGISTRY OFFICER: All rise.

13 --- Upon recessing at 2:45 p.m.

14 --- Upon resuming at 3:05 p.m.

15 REGISTRY OFFICER: Order, please.

16 All rise.

17 Please be seated.

18 MR. A. KULBASHIAN: Okay. Coming  
19 back to what we finished off last time. What I stated  
20 in my opening statement of my closing statement, my  
21 introduction that when I stated that Det. Wilson  
22 admitted to criminal activity, this is what I meant.  
23 And I also believe that the lies he told to the FBI are



1 similar in fashion to the lies that he would have told  
2 Det. Dean Steacy -- Mr. Steacy -- talking about, I  
3 don't know Steacy or Stacy, I don't know how to  
4 pronounce his name.

5 MR. CHAIRPERSON: The Commission  
6 investigator.

7 MR. A. KULBASHIAN: Okay, Commission  
8 investigator and when he talked about cracking  
9 computers, cracking CDs, et cetera.

10 Now, continuing with that  
11 information. Although in the following I am  
12 specifically asking questions about my own computer,  
13 Det. Wilson is trying to shift the focus from my  
14 computer to Mr. Richardson's computer.

15 This is kind of like the excerpts.  
16 It says:

17 "From the websites of the  
18 Tri-City Skins, the Canadian  
19 Ethnic Cleansing Team and the  
20 Vinland Voice."

21 THE CHAIRPERSON: Mm-hmm.

22 MR. A. KULBASHIAN: This is where he  
23 reads information that he allegedly told he had found

1           on my computer.

2                               "MR. ALEXAN KULBASHIAN:  And  
3                               anybody tell you there was that  
4                               kind of information on the  
5                               unencrypted portion?

6                               MR. ALEXAN KULBASHIAN:  In that  
7                               case was there any CD in  
8                               question at this time where  
9                               there was information from  
10                              Tri-City Skins, C.E.C.T. and  
11                              Vinland Voice?

12                             DET/CST. WILSON:  Mr.  
13                             Richardson's computer.

14                             MR. ALEXAN KULBASHIAN:  Is there  
15                             any information from the  
16                             Tri-City site?

17                             DET/CST. WILSON:  I'm trying to  
18                             remember if there was a  
19                             Tri-City's icon on the front  
20                             page of Mr. Richardson's  
21                             computer.  Again, I'm sorry, I  
22                             can't recall, so I'd have to say  
23                             no, there was no Tri-City

1 information."

2 Now, the thing is that in that  
3 dialogue which was actually just cut down seriously,  
4 just to save time, Det. Wilson when asked why he would  
5 tell the thing, the investigator, Commission  
6 investigator that there was

7 those three sites information on my  
8 computer, he stated that the information was on James'  
9 computer, he tried to shift the focus.

10 And when I asked him if there was  
11 that information on James' computer, he tried to  
12 confuse it until he finally came down -- you know,  
13 basically down to the wire, when I asked him was there  
14 any of that information on James' computer, he stated  
15 no.

16 If neither of that information was  
17 found on either my computer or Mr. Richardson's  
18 computer, then it's obvious there was some kind of  
19 manufacturing of information that went on between -- in  
20 that communication.

21 So, then not criticizing the  
22 credibility and I'm not even questioning the  
23 credibility of the investigator, I believe that it's

1 highly likely after all that Mr. Wilson admitted to  
2 that he gave false information to the investigator at  
3 the Commission.

4 The following statement makes us  
5 concerned as to why Mr. Warman instead of going to the  
6 source, he cut and paste the e-mails and brought them  
7 as evidence here.

8 "MR. ALEXAN KULBASHIAN: Sorry.  
9 So do you believe that  
10 information that's pasted into  
11 an e-mail is reliable?

12 DET/CST. WILSON: That's pasted  
13 into an e-mail, I'm sorry.

14 MR. ALEXAN KULBASHIAN: Yes,  
15 pasted and sent by e-mail; is it  
16 reliable?

17 DET/CST. WILSON: Just -- no,  
18 sir there's --

19 MR. ALEXAN KULBASHIAN: It's not  
20 reliable. And do you believe  
21 that it's modifiable?

22 DET/CST. WILSON: Yes, sir, it's  
23 an electronic document."

1 Det. Wilson admits also that  
2 AffordableSpace's sign-up process is automated without  
3 my knowledge. Another contradiction of his past  
4 statements. I state:

5 "Do you remember seeing any  
6 Visa, Master Card, Pay Pal  
7 symbol on the front?"

8 Referring to the AffordableSpace  
9 site, He says:

10 "Yes, sir.

11 MR. ALEXAN KULBASHIAN: Do you  
12 talk to somebody in particular,  
13 specifically when you go and ask  
14 for a product to be shipped to  
15 you when you put your credit car  
16 number in?

17 DET/CST. WILSON: No, sir.

18 MR. ALEXAN KULBASHIAN: So, is  
19 it possible the entire process  
20 was automated without my  
21 knowledge?

22 DET/CST. WILSON: The sign-up  
23 process?

1 MR. ALEXAN KULBASHIAN: Mm-hmm?

2 DET/CST. WILSON: Absolutely."

3 Det. Wilson during the examination in  
4 chief tried to give the impression that he has quite a  
5 lot of knowledge about the Internet, but during his  
6 cross-examination it was revealed and he admitted that  
7 like Mr. Warman he knows almost nothing.

8 Well, expertise wise.

9 Det. Wilson states that he has  
10 interpreted the technical information about Execulink  
11 and the chat room and Internet documents, he also  
12 admitted to not taking expert advice from experts, as  
13 he states, and he does not have the competence to  
14 interpret those materials. Therefore, we do not  
15 believe he has expertise to be able to analyze those  
16 documents and ask the court to reject his testimony  
17 which pertains to the Internet or computer materials.

18 And the chat here is, I ask:

19 "MR. ALEXAN KULBASHIAN: Did you  
20 interpret the contents of the  
21 warrant -- the contents of the  
22 information provided by  
23 Execulink?

1 DET/CST. WILSON: Did I  
2 interpret it?  
3 MR. ALEXAN KULBASHIAN: Did you  
4 do it yourself?  
5 DET/CST. WILSON: Yes, sir.  
6 MR. ALEXAN KULBASHIAN: So,  
7 would you say you are competent  
8 enough to interpret technical  
9 information provided?  
10 DET/CST. WILSON: Technical  
11 information from there?  
12 MR. ALEXAN KULBASHIAN:  
13 Provided.  
14 DET/CST. WILSON: No, sir.  
15 MR. ALEXAN KULBASHIAN: But you  
16 did just say that you  
17 interpreted it yourself. Did  
18 you run that information by a  
19 computer expert?  
20 DET/CST. WILSON: No, sir."

21 Now, this is the idea. Now, talking  
22 about more in detail about the document that was  
23 provided from Execulink. He comments on Cox88 and I

1 say --

2 THE CHAIRPERSON: The Execulink  
3 information is at HR-4, this is references to --

4 MR. A. KULBASHIAN: This is HR-4  
5 references.

6 THE CHAIRPERSON: Yes.

7 MR. A. KULBASHIAN: But I only tell  
8 him to look at it at HR-4 because in the beginning I  
9 asked him about the information then I ask him to look  
10 at it, which is why it says HR-4.

11 THE CHAIRPERSON: Okay, I'll let you  
12 finish. Go ahead.

13 MR. A. KULBASHIAN: This is him  
14 commenting on HR-4 basically.

15 THE CHAIRPERSON: Mm-hmm.

16 MR. A. KULBASHIAN: I say:

17 "Do you know what an NAS  
18 identifier is?

19 DET/CST. WILSON: No.

20 MR. ALEXAN KULBASHIAN: Do you  
21 know what an NAS IP address is?

22 DET/CST. WILSON: No.

23 MR. ALEXAN KULBASHIAN: Service



1 type?

2 DET/CST. WILSON: No.

3 MR. ALEXAN KULBASHIAN: Frame  
4 protocol.

5 DET/CST. WILSON: None of that."

6 And according to Det. Wilson he was  
7 the one that analyzed the Execulink paper.

8 THE CHAIRPERSON: Right. You see, it  
9 comes right after we see user name 'Cox88' which has a  
10 significance because we've seen it related to one of  
11 the parties in other evidence, right?

12 So, I mean, I gather that's where he  
13 drew some -- and I think it's at page -- continues on  
14 to the fifth -- somewhere in one of these later pages.  
15 Right. When one sees the customer service print-out  
16 from Execulink, one sees that the log-in and service ID  
17 for this client is Cox88.

18 MR. A. KULBASHIAN: That's right.

19 THE CHAIRPERSON: Correct?

20 MR. A. KULBASHIAN: I understand.

21 THE CHAIRPERSON: So, you asked him  
22 about all these other things, NAS identifier, NAS IP  
23 address and all that kind of stuff at the bottom.

1 MR. A. KULBASHIAN: I say the fact of  
2 the matter is --

3 THE CHAIRPERSON: He doesn't know it.

4 MR. A. KULBASHIAN: The fact of the  
5 matter -- what I'll be suggesting or saying or stating,  
6 I guess, is that according to him this document is  
7 legit, authentic and --

8 THE CHAIRPERSON: He testified that  
9 he obtained it himself from --

10 MR. A. KULBASHIAN: He testified that  
11 it was authentic. He also testified that without the  
12 help of an expert he interpreted the document himself.

13 Now, interpreting a document is a  
14 more, I guess, detailed process than just gathering --  
15 getting some information from a document.

16 THE CHAIRPERSON: I see your point,  
17 but let's --

18 MR. A. KULBASHIAN: Okay.

19 THE CHAIRPERSON: But that's what I  
20 read from the abstract. I just asked you, it says  
21 service ID for this client is Cox88. He testified that  
22 he got this information with regards to the respondent,  
23 Mr. Richardson.

1 MR. A. KULBASHIAN: Well, basically  
2 what I'm doing is, some of these topics I'm touching on  
3 assuming that the Tribunal finds that the information  
4 is admissible or the information has any weight in  
5 establishing, like --

6 THE CHAIRPERSON: Right, exactly.

7 MR. A. KULBASHIAN: So, this is  
8 assuming, assuming that it does--

9 THE CHAIRPERSON: Yes.

10 MR. A. KULBASHIAN: -- I'm suggesting  
11 that he might be lying about having interpreted the  
12 document because he states that he interpreted it  
13 himself, did not consult an expert and he also states  
14 he doesn't know what a lot of the document is.

15 THE CHAIRPERSON: I appreciate your  
16 comments on that. I understand what you are saying,  
17 but you have to keep it in the context of the actual  
18 evidence here.

19 What we saw is that on the first  
20 three pages are those technical terms that you referred  
21 to in your questioning, but right above that was user  
22 name 'Cox88' and I have the dates in question and it's  
23 related to the same user name that appears on the

1 customer service document.

2 Now, it goes back to what I asked you  
3 earlier: Is this oil pressure or is it speed? You  
4 know what I mean.

5 MR. A. KULBASHIAN: Yeah. Okay.  
6 Basically what I'm saying --

7 THE CHAIRPERSON: So, the purpose --  
8 do we need to know -- does a person need to know what  
9 account input octets means in order to figure out that  
10 the user ID is Cox88 for that phone number located at  
11 that address at London?

12 MR. A. KULBASHIAN: Okay. The  
13 problem I'm getting into --

14 THE CHAIRPERSON: Yes.

15 MR. A. KULBASHIAN: -- is more of the  
16 issue again of credibility in a sense, but the fact of  
17 the matter is, looking at the information, for example,  
18 if you read where it says dates, if you look at the  
19 dates and stuff -- like, can you just briefly read what  
20 it says there are the dates.

21 THE CHAIRPERSON: Customer service?

22 MR. A. KULBASHIAN: No, in the actual  
23 report where he's looking at the report for date and

1 time, you stated that you just read it, it says --

2 THE CHAIRPERSON: Yes, it says,  
3 Thursday, Thursday --

4 MR. A. KULBASHIAN: Right. What it  
5 actually says for time start, et cetera.

6 THE CHAIRPERSON: Various times.

7 MR. A. KULBASHIAN: Can you actually  
8 read that line where it says start something.

9 THE CHAIRPERSON: September 13th,  
10 12:26:46, 2001.

11 MR. A. KULBASHIAN: But can you read  
12 that whole line from the beginning where it says start  
13 or actually it says something.

14 THE CHAIRPERSON: Why don't you look  
15 at it instead of asking me to look at it.

16 MR. A. KULBASHIAN: Okay, I'll get  
17 into that. I'll get into that. The whole idea is that  
18 if somebody brings a document that they can't interpret  
19 and they comment on it, in fact, it basically it's a  
20 statement that they know what they're talking about and  
21 making a statement that they know what they're talking  
22 about when they don't, on the stand, is also a form of  
23 interpreting -- misinterpreting.

1 THE CHAIRPERSON: Because this  
2 individual doesn't understand the rest of the  
3 information on this sheet his interpretation of the  
4 line that appears fairly obvious, user name 'Cox88' is  
5 not as obvious as one would think?.

6 MR. A. KULBASHIAN: I would say there  
7 is a lot more information than just 'Cox88', so it  
8 might not be as obvious as one would think.

9 THE CHAIRPERSON; Fine.

10 MR. A. KULBASHIAN: The fact of the  
11 matter is this is assuming the Tribunal finds that the  
12 document is not manufactured.

13 THE CHAIRPERSON: But you see, you  
14 hear what you just said, let me back you up, I would  
15 say that this is not enough information you just said;  
16 right ?

17 But I have no evidence to indicate  
18 that to me otherwise?

19 MR. A. KULBASHIAN: No, no.

20 THE CHAIRPERSON: Did you testify?  
21 Did you bring me an expert to tell me that without this  
22 oil pressure you can't possibly draw the conclusion  
23 about the speed of this car?

1 MR. A. KULBASHIAN: But the idea is,  
2 I would suggest that this would not be not, as in like  
3 -- this is my closing statement, basically like my  
4 suggestion that, so I'm not trying to make any --  
5 that's why I'm saying -- using the word suggest rather  
6 than saying it is, as did the Commission and Mr.  
7 Warman.

8 The reason I'm using suggest so that  
9 I don't basically get, I guess, heat for not testifying  
10 and then --

11 THE CHAIRPERSON: It isn't for heat,  
12 sir, it was your decision not to testify, not lead any  
13 evidence on your own.

14 MR. A. KULBASHIAN: I understand  
15 that, so that's why I'm using the word suggest rather  
16 than saying it is.

17 THE CHAIRPERSON: Right, okay. Never  
18 mind. Go ahead.

19 MR. A. KULBASHIAN: Okay. Now,  
20 here's the thing, Det. Wilson has not done the minimum  
21 work and he still accuses Mr. Richardson of being the  
22 author of the e-mails.

23 And I ask:

1 "MR. ALEXAN KULBASHIAN: Is it  
2 possible that the IP addresses  
3 get spoofed on IRC or get  
4 mimicked on IRC?"

5 Well, the mimicked being an English  
6 term for this. He states:

7 "If that's a chat line, it's  
8 possible.

9 MR. ALEXAN KULBASHIAN: Okay.  
10 Did you get any -- did you  
11 request records of IP addresses  
12 of e-mails that you received  
13 from James?

14 DET/CST. WILSON: No."

15 Which comes back to the fact that an  
16 e-mail IP addresses were never validated.

17 Also, the following is another  
18 typical evasive method that Det. Wilson used during  
19 lengthy question. He does not answer a specific  
20 question. He also admits he has not contacted any of  
21 the sites or server again.

22 "Did you ever do an  
23 investigation...", I ask,



1 "...to see if there was anybody  
2 else involved with  
3 AffordableSpace.com?  
4 DET/CST. WILSON: Again, sir, if  
5 I did an investigation where I  
6 thought somebody else had  
7 knowledge, consent, control over  
8 AffordableSpace and had  
9 knowledge about the threat,  
10 there's be three of you here,  
11 or four of you.'

12 I guess that's what was typed up.

13 THE CHAIRPERSON: Mm-hmm.

14 MR. A. KULBASHIAN: Okay. I ask:

15 "But did you do an investigation  
16 to find out if there was anybody  
17 else that employed by --

18 DET/CST. WILSON: I didn't  
19 locate anybody else.

20 MR. ALEXAN KULBASHIAN: Did you  
21 do an investigation to try to  
22 locate --

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

1 did an investigation to try to  
2 locate more members of the  
3 Canadian Ethnic Cleansing Team  
4 as well.

5 MR. ALEXAN KULBASHIAN: My  
6 question was specifically to  
7 AffordableSpace.com? DET/CST.

8 WILSON: Yes, sir, and I didn't  
9 locate any.

10 MR. ALEXAN KULBASHIAN: Did you  
11 try to locate, let's say, tech  
12 support, representatives?

13 DET/CST. WILSON: I didn't  
14 locate any.

15 MR. ALEXAN KULBASHIAN: Did you  
16 try..." to e-mail,  
17 "...AffordableSpace while I was  
18 locked up in London?".....

19 That's kind of like probably because  
20 I didn't want to continue with the details because he  
21 does say no.

22 And I say, okay:

23 "MR. ALEXAN KULBASHIAN: Oh no,

1 I said, did you e-mail  
2 AffordableSpace.com e-mail  
3 addresses, for example, abuse or  
4 info@affordablespace.com while I  
5 was locked up in London?

6 DET/CST. WILSON: No, sir.".....

7 I said:

8 "Did you try e-mailing any of  
9 the e-mail addresses on any of  
10 the sites you were investigating  
11 during your investigation?

12 DET/CST. WILSON: No, sir.

13 MR. ALEXAN KULBASHIAN: Did you  
14 try e-mailing more than one  
15 e-mail address on the C.E.C.T.  
16 sites?

17 DET/CST. WILSON: No. Actually  
18 if..."

19 Continues. So, just the fact that  
20 it's no. I also ask:

21 "How many e-mail addresses did  
22 you see on the Canadian Ethnic  
23 Cleansing Team site as

1 @wpcect.com?"

2 And at that point he testified that  
3 he saw many and that he didn't e-mail any of them.

4 So, the following is other evidence  
5 that, I guess, could not have been Totenkopf and I  
6 stated Totenkopf was a subgroup of C.E.C.T. I ask:

7 "Okay. You stated previously  
8 that you believed I was  
9 Totenkopf; is that right?"

10 He states:

11 "Yes, sir."

12 I said:

13 "Not a member of a group called  
14 Totenkopf but just Totenkopf?"

15 He says:

16 "Yes. Just an individual yes,  
17 sir, sorry."

18 I said:

19 "Okay. If you look beside where  
20 it says, what does it say,  
21 public press relations."

22 He said:

23 "Public press relations

1 comma..."

2 I say:

3 "Does it say anything about web  
4 master or management of content  
5 or anything like that?"

6 He says:

7 "No, sir."

8 I said:

9 "Do you believe there was  
10 somebody else that was actually  
11 web master for this site other  
12 than myself?"

13 He said:

14 "Other than yourself? No, sir."

15 And Ms Maillet was also compelled to  
16 ask the following question because of the preponderance  
17 of evidence against -- sorry, the preponderance of  
18 evidence against Det. Wilson showing that, you know,  
19 he was corrupt. As the French say "qui s'excuse  
20 s'accuse".

21 Why are you objecting this time? So,  
22 go ahead.

23 MR. WARMAN: Mr. Kulbashian has just

1 accused Det. Wilson of being corrupt. Again, this is a  
2 repeated pattern of abusing the Tribunal's process to  
3 make these unfounded and unsubstantiated allegations  
4 that Det. Wilson is corrupt, he has perjured himself,  
5 he has engaged in criminal activities. It is a  
6 complete abuse of the process.

7 Mr. Kulbashian should either  
8 substantiate his allegations or he should withdraw  
9 them.

10 MR. A. KULBASHIAN; You hold a stack  
11 of documents there with quotes from his own testimony,  
12 so if you want to interrupt me at least think about  
13 what you're going to interrupt me about.

14 THE CHAIRPERSON: Direct your answer  
15 to me.

16 MR. A. KULBASHIAN: The fact of the  
17 matter is I showed Det. Wilson's own testimony where he  
18 admits --

19 THE CHAIRPERSON; And let me draw the  
20 conclusions that I would draw from those points.

21 MR. A. KULBASHIAN: Exactly.

22 THE CHAIRPERSON: You don't have  
23 to --

1 MR. A. KULBASHIAN: Just as the  
2 complainant --

3 THE CHAIRPERSON: Just move on. Just  
4 move on, please.

5 MR. A. KULBASHIAN: My point is, just  
6 as the complainant and the Commission did make  
7 allegations throughout their closing statements --

8 THE CHAIRPERSON: I just want to make  
9 one point clear to you, all of you. You can use all  
10 the dirty language that you want against an individual  
11 or demeaning language, and Mr. Warman you may object  
12 all you want, in the end it won't make any difference  
13 because I'm going to work on the basis of the evidence.

14 So, if you think you're achieving  
15 points Mr. Kulbashian by bashing individuals with  
16 strong words, you don't.

17 MR. A. KULBASHIAN: I wasn't using  
18 strong words in this one.

19 THE CHAIRPERSON: Well, you called  
20 him corrupt, that's about as strong an accusation as  
21 you can make about a police officer or any public  
22 official.

23 MR. A. KULBASHIAN: Well --

1 THE CHAIRPERSON: That's a very  
2 strong statement.

3 MR. A. KULBASHIAN: I understand  
4 that.

5 THE CHAIRPERSON: And if you say it  
6 on the street, if you said it to the press that's in  
7 this room you may find yourself in court at some point.

8 So, don't make strong statements. In  
9 fact, I'm advising you, it's in your best interest.

10 MR. A. KULBASHIAN: Mr. Chair --

11 THE CHAIRPERSON: To just simply say,  
12 this witness has contradicted himself and that,  
13 therefore, is not credible, because that's all I need  
14 for my purposes. I don't need to -- this is not a  
15 trial for a corruption charge, all right.

16 MR. A. KULBASHIAN: Okay.

17 THE CHAIRPERSON: All right. So,  
18 limit your comments, and that way you won't get  
19 objections, you won't lose your rhythm; get it?

20 MR. A. KULBASHIAN: I understand,  
21 okay. I take that back then. Okay.

22 So, Ms Maillet says:

23 "Thank you. Sir --"



1 This was in her re-direct, I guess.

2 THE CHAIRPERSON: You want to refer  
3 to this extract, this excerpt from the transcript?

4 MR. A. KULBASHIAN: Yeah, this is  
5 during the re-direct I believe.

6 THE CHAIRPERSON: Oh, during the  
7 re-direct. Okay. Go ahead, yes.

8 MR. A. KULBASHIAN: Ms Maillet says:  
9 "Thank you. Sir, there were  
10 also suggestions during  
11 cross-examination that  
12 throughout your investigation  
13 and possibly thereafter that  
14 there were times that you, it  
15 was suggested by the  
16 respondents, either misled the  
17 court, there was even a  
18 suggestion that you perjured  
19 yourself, were the words that  
20 they used, and I want to give  
21 you an opportunity as well to  
22 answer to that in  
23 re-examination."

1 Det. Wilson answers back:

2 "I can answer, at no time did I  
3 mislead a court at any time and  
4 at no time did I mislead an  
5 officer of the court at any  
6 time."

7 THE CHAIRPERSON: All right. And  
8 your point is, I read your next --

9 MR. A. KULBASHIAN: My point is  
10 that --

11 THE CHAIRPERSON: You've already  
12 identified situations where you feel he made  
13 representations to other instances --

14 MR. A. KULBASHIAN: And I believe he  
15 forgot what his answers earlier on -- I believe at  
16 this point he had forgotten all the answers he gave  
17 earlier on in the testimony in cross-examination and I  
18 think he answered that way because I guess he had  
19 forgotten what he said.

20 During cross-examination, Det. Wilson  
21 realized that -- revealed that he was an unreliable  
22 witness who would, I guess, I would suggest even go as  
23 far as criminal activity to reach his goals.

1                   To his own admission he was  
2                   implicated in many irregularities which could be  
3                   considered criminal acts in a court of law.

4                   And I believe that the personal  
5                   vendetta against myself and Mr. Richardson motivated  
6                   him to these.

7                   Basically what I have to say is that  
8                   if this is what he admitted to, I don't know what he  
9                   didn't admit to, and I only tried for sake of brevity  
10                  to include only a little bit of his information on the  
11                  testimony here and I don't believe the court has time  
12                  to go over seven days of testimony, I guess, and have  
13                  it shredded apart, so basically --

14                  THE CHAIRPERSON:   What are you  
15                  referring to?

16                  MR. A. KULBASHIAN:   Basically it's  
17                  the idea, the only reason that -- basically the points  
18                  that I made here.

19                  THE CHAIRPERSON:   Mm-hmm.

20                  MR. A. KULBASHIAN:   And I guess  
21                  quotes that I made of his testimony and noted  
22                  information from his testimony, there is probably more  
23                  and there could be more but for the sake of brevity I

1        didn't to go through every single point, and I didn't  
2        want to waste the court's time but I believe at this  
3        time the Tribunal should, I guess in my opinion, it  
4        would be hard to come to any other decision myself that  
5        he himself was anything but an unreliable witness and  
6        that his information should either be directly  
7        corroborated by, like, irrefutable evidence,  
8        documentary evidence and not evidence that he provided  
9        or evidence that's modifiable or his evidence should be  
10       thrown out.

11                    During my bail hearing when I was in  
12        appeal court, Chief Justice Morden said, if any witness  
13        gets caught with one lie, I would throw him out of this  
14        courtroom.

15                    And I believe that this is the policy  
16        that this Tribunal should adopt and I'm not saying just  
17        with one lie, there is enormous amounts of information  
18        that suggests that Det. Wilson was less than honest  
19        throughout his investigation and in the court and in  
20        the Tribunal here, as well as in other courts earlier  
21        on.

22                    THE CHAIRPERSON:    What about the  
23        documents though that have been introduced?    You may

1 take issue with his testimony, including the transcript  
2 that you've referred to extensively in order to present  
3 your side of the story.

4 MR. A. KULBASHIAN: I understand.

5 THE CHAIRPERSON: Some of the issues  
6 that you brought forth in your defence emerge out of  
7 the transcript of your interrogation too because it was  
8 filed by that witness?

9 MR. A. KULBASHIAN: That was filed by  
10 us.

11 THE CHAIRPERSON: Oh, okay. It was  
12 filed by you.

13 MR. A. KULBASHIAN: Actually it was  
14 filed by the --

15 THE CHAIRPERSON: Sorry, but it was  
16 drafted by that witness.

17 MR. A. KULBASHIAN: It was drafted  
18 by, I guess, the reporter at the police station.

19 THE CHAIRPERSON: Mm-hmm.

20 MR. A. KULBASHIAN: The fact of the  
21 matter is -- see, it's the idea of -- that's what I  
22 meant when I said, I guess, documentary and  
23 irrefutable, I guess, documentary evidence.

1                   The fact of the matter is any  
2                   evidence that he brought in and stated that I assert or  
3                   I assure the Tribunal that this evidence has not been  
4                   modified, this evidence has not been tampered, the fact  
5                   of the matter is he also did admit to certain actions  
6                   that would make modifying evidence -- small amounts of  
7                   evidence even seem trivial to somebody who admitted to  
8                   something he admitted to.

9                   And I believe the Tribunal should, I  
10                  guess in a way, decide for itself, I'm not going to  
11                  make any -- I'm not going to tell the Tribunal, you can  
12                  decide for yourself.

13                  THE CHAIRPERSON: I understand.

14                  MR. A. KULBASHIAN: Whether or not  
15                  he's a witness whose testimony should carry any weight  
16                  in this Tribunal hearing.

17                  The fact of the matter is that  
18                  according, like, to Mr. Warman's admission, a lot of  
19                  information he got during the investigation, a lot of  
20                  information that the investigator at the Commission got  
21                  were from Mr. Warman and that I believe that --

22                  THE CHAIRPERSON: Mr....

23                  MR. A. KULBASHIAN: Sorry, I'm sorry,

1 I'm getting mixed up.

2 THE CHAIRPERSON: DWs, yes.

3 MR. A. KULBASHIAN: So, we got all  
4 the DWs yeah, were from Det. Wilson, and I believe it's  
5 kind of like the information is poisoned and going  
6 through a system and spreading from one person to  
7 another, where many people say that I believe this is  
8 it without realizing that the sources are identical.

9 It all comes down to the same  
10 officer.

11 Here the remarkable fact is the  
12 scarcity of investigation documents produced to this  
13 Tribunal to back his claim such as police reports,  
14 personal notes, even the crown brief were supplied by  
15 us.

16 Det. Wilson did not disclose a single  
17 document to back up his claims about the extent of my  
18 involvement, all he told the court was based on his  
19 biased and untrue assumptions.

20 Det. Wilson is a police officer that  
21 is trained to gather factual information which he has  
22 not done. He has not contacted the sites or the  
23 server, does not have documents to support his claims.

1                   There are very few documents that he  
2                   did produced to this court -- the very few documents  
3                   that he produced to this court are incomplete,  
4                   illegible and to his own acceptance, not acceptable to  
5                   any court of law.

6                   He cannot be considered as an  
7                   independent witness.. Det. Wilson is a party brought  
8                   forward by the complainants. After knowing his true  
9                   character -- after him showing his true character, I  
10                  don't believe that the court could think it was out of  
11                  the realm of possibilities for him to tamper with  
12                  documents that he produced to this Tribunal. For  
13                  example, chat documents, Execulink documents and CDs of  
14                  James Richardson's hard drive.

15                  Coming back to the e-mail, since Det.  
16                  Wilson claimed that the e-mails were direct  
17                  correspondence with Mr. Richardson and he was trying to  
18                  identify Mr. Richardson through the chats as well, and  
19                  what I don't understand is why obscure chat logs and IP  
20                  addresses from those obscure chat logs were the only  
21                  information requested in the warrant for Execulink  
22                  rather than the IP addresses from the e-mails of direct  
23                  correspondences with the person that he claimed to be



1 was James Richardson.

2 I believe the evidence he provided  
3 was patchy at best, and I believe that the evidence he  
4 provided by his own admission would not be, I guess,  
5 acceptable in a court of law and I don't believe that a  
6 Federal Court should accept that too, or a Tribunal.

7 While Det. Wilson tried to show that  
8 I had control over documents posted on Vinland Voice,  
9 C.E.C.T. and Tri-City sites, he did not produce any  
10 document to prove it, so if you want the Tribunal to  
11 take his word, the same applies for AffordableSpace.  
12 Det. Wilson based all his testimony on biased  
13 assumptions which are contradictory and full of many  
14 flaws and lies.

15 Also, he did not produce any  
16 documents that I knowingly, willingly produced or  
17 facilitated any articles on the Internet contrary to s.  
18 13 of the Canadian Human Rights Act.

19 I believe that to help, I guess, a  
20 colleague, somebody he's worked with, Mr. Warman in his  
21 personal compensation lawsuit, Det. Wilson also tried  
22 to demonstrate to the court that I was in fact  
23 Totenkopf. but under my lengthy questions he gradually

1           retrieved his testimony. He did not have any factual  
2           evidence, he was full of contradictions. Sometimes  
3           going as far as refuting his own evidence, his own  
4           evidence a very short while later.

5                           That's the end of the section on Det.  
6           Wilson.

7                           THE CHAIRPERSON: Oh, right. Sorry?

8                           MR. A. KULBASHIAN: Just checking. I  
9           at least got that over.

10                          THE CHAIRPERSON: It's 3:30, if you  
11           could proceed directly to the next portion of your  
12           submissions.

13                          MR. A. KULBASHIAN: Okay. Now,  
14           talking about -- now, the third witness that appeared  
15           before the court is Dr. Francis Henry. She had a list  
16           of, I guess, basically a CV that she showed the courts  
17           with all her experience.

18                          I believe she had a biased approach  
19           to the way she analyzed information, a bias towards I  
20           guess Jewish people in essence and, moreover, I think  
21           she has limited knowledge in her field.

22                          Although, basically, like the way she  
23           made comments -- some of the stuff that she commented

1 on were not even in her field of expertise.

2 An example, for example, I guess is  
3 genocides and Holocaust, et cetera. And even though  
4 she admits it's due to extreme racism, she hasn't made  
5 an effort to study it.

6 The question I asked her was:

7 "...you know a lot about  
8 Holocaust?

9 DR. HENRY: I know a fair amount  
10 about it, yes.

11 MR. ALEXAN KULBASHIAN: Would it  
12 be safe to say that you studied  
13 in more detail about the  
14 Holocaust than about any other  
15 genocide?

16 DR. HENRY: That's correct.

17 MR. ALEXAN KULBASHIAN: Did you  
18 make any other efforts to study  
19 any other genocides?

20 THE CHAIRPERSON: Did you make  
21 any other efforts --

22 DR. HENRY: Any other.

23 THE CHAIRPERSON: -- to study

1 other genocides?

2 DR. HENRY: No, not in specific.

3 MR. ALEXAN KULBASHIAN: Would  
4 you happen to know anything  
5 about the Armenian genocide and  
6 what year it was, roughly?

7 DR. HENRY: Not in any detail,  
8 no.

9 MR. ALEXAN KULBASHIAN: Would  
10 you happen to know how many  
11 people died during that  
12 genocide?

13 DR. HENRY: No.

14 MR. ALEXAN KULBASHIAN: Okay.  
15 Would you know a lot about the  
16 Holocaust?

17 DR. HENRY: I know a fair amount  
18 about it, yes.

19 MR. ALEXAN KULBASHIAN: Would  
20 you consider genocide to be one  
21 of the key issues of racism at  
22 its extreme?

23 DR. HENRY: Yes.

1 MR. ALEXAN KULBASHIAN: Would  
2 you consider somebody who was  
3 against, I guess, the Jewish  
4 occupation of Palestine to be  
5 racist?

6 DR. HENRY: Not necessarily.

7 MR. ALEXAN KULBASHIAN: Would  
8 you consider that to be a key  
9 issue of politics?

10 DR. HENRY: It is at the moment,  
11 yes.

12 MR. ALEXAN KULBASHIAN: Okay,  
13 I'll go to a different  
14 question."

15 Because I was cut off at that point. And Dr. Francis  
16 finds it hard to accept the notion of Palestine.  
17 Again, she shows her biased opinion in the  
18 Palestinian/Israeli conflict.

19 And when I asked:

20 "Have you ever been to  
21 Palestine?

22 DR. HENRY: I've been to Israel,  
23 yes.

1 MR. ALEXAN KULBASHIAN: My  
2 question was, have you ever been  
3 to Palestine?

4 DR. HENRY: Yes."

5 Now, if anything it shows her  
6 reluctance to answer questions straight forward either  
7 because of her own principles or her own politics. My  
8 question was never whether or not she went to Israel, I  
9 said, Have you been to Palestine. She says, I've been  
10 to Israel, yes, in her first answer.

11 And if that was a way to try to  
12 contradict my question with her own answer, it's kind  
13 of off to a bad start.

14 So, the following is a long list of  
15 straight forward questions that require straight  
16 forward answers that Dr. Francis Henry was evading.  
17 Sorry, I keep saying Francis instead of Henry.

18 Her statement shows that she does not  
19 have the qualifications to differentiate between  
20 politics and racism.

21 I say:

22 "Would you believe politics  
23 plays a big role in racism?"

1 DR. HENRY: Everything plays a  
2 role in racism.

3 MR. ALEXAN KULBASHIAN: Well,  
4 would you be able to  
5 differentiate politics from  
6 racism?

7 DR. HENRY: I'm not sure how you  
8 use the term politics, so I'm  
9 afraid I can't answer the  
10 question.

11 MR. ALEXAN KULBASHIAN: So,  
12 would you possibly, in reading  
13 an article that would be  
14 political, lean towards  
15 interpreting it as racism as  
16 opposed to political?

17 DR. HENRY: I'm afraid I can't  
18 answer that question because I  
19 don't know what it means.

20 MR. ALEXAN KULBASHIAN: Okay.  
21 Do you think you would have --  
22 do you think you would have a  
23 bias that would make you lean

1                   towards interpreting an article  
2                   as racism, even if it was purely  
3                   political? That's a straight  
4                   forward question.

5                   DR. HENRY: Again, I --"

6                   Then the Chairperson asks:

7                   "Perhaps if I possibly could  
8                   interpret the question. Have  
9                   you ever noted in some way in  
10                  your experience when reviewing  
11                  an expression of opinion that  
12                  you find yourself more likely to  
13                  interpret it as being of a  
14                  racial nature as opposed to an  
15                  expression of a political  
16                  opinion?

17                  DR. HENRY: Well, I suppose so,  
18                  but, I mean, it's an area that I  
19                  find very difficult to  
20                  differentiate."

21                  By her own admission. In the  
22                  following Dr. Henry -- I've got to read DF --

23                  THE CHAIRPERSON: You got it right



1           there, Dr. Henry.

2                               MR. A. KULBASHIAN:  Yeah.  Dr. Henry  
3           admits that she doesn't have the qualifications to  
4           testify about articles regarding the Palestinian  
5           conflict.  I say:

6                               "Have you formed an opinion  
7                               about the Palestinian situation?

8                               DR. HENRY:  I think that  
9                               situation is so extraordinarily  
10                              complex that, I mean, obviously  
11                              have opinions, but they are  
12                              merely opinions, not based on  
13                              any degree of expertise."

14                             In the following Dr. Henry states  
15           that she has not concentrated on the Jewish people  
16           saying "not at all", but I name a whole list of books  
17           related to Jewish descent that she has authored.

18                             Dr. Henry says:

19                             "I have tended to concentrate on  
20                             racism as it is directed towards  
21                             people of colour.

22                             MR. ALEXAN KULBASHIAN:  And  
23                             people of Jewish descent?

1 DR. HENRY: No, not necessarily  
2 at all."

3 And I continue:

4 "And would you still state that  
5 you haven't done any form of  
6 research or writing in the field  
7 of racism towards Jews?

8 DR. HENRY: I didn't say that."

9 Mr. Warman says:

10 "Objection, that's not what she  
11 said."

12 I said:

13 "Would you still state...",  
14 this is after reading the list of books by the way, I  
15 just didn't want to go into the list there.

16 "Would you still state that you  
17 haven't concentrated so much on  
18 racism towards Jews?

19 DR. HENRY: No, I haven't. The  
20 majority of my writings, despite  
21 the ones you have picked up, if  
22 you do a numerical count, there  
23 are more on the area of colour

1 than there are on religion."

2 The above clearly shows that she is  
3 trying to hide her biased approach. Also she is  
4 contradicting herself. When she used the phrase "not  
5 necessarily, at all" her message is clear, she has not  
6 done any. Then she denies what she said previously, "I  
7 did not say that".

8 Dr. Henry tells that the majority of  
9 articles are not related to Jewish people but the issue  
10 here is that some of the rest of the articles seem to  
11 be more of a national and interaction related as  
12 opposed to specifically anything against blacks, as far  
13 as her books go at least.

14 Although Dr. Henry previously told  
15 that she is not an expert in politics, in the following  
16 she tells that she is qualified to give an expert  
17 opinion on politics. Moreover, she had said that  
18 racism and politics is an area very hard to  
19 differentiate and now she gives a clear list of all the  
20 factors involved in this case. This is another example  
21 of her contradictions and inconsistencies.

22 I ask:

23 "Would you consider this case to

1                   involve politics and  
2                   race-related relations?  
3                   DR. HENRY:  Oh, I'm sure it  
4                   involves politics, race, racism,  
5                   religion, ethnicity,  
6                   nationality.  You mean it, it's  
7                   involved.

8                   MR. ALEXAN KULBASHIAN:  Would  
9                   you consider yourself to be  
10                  qualified to give any expert  
11                  evidence on politics?

12                  DR. HENRY:  Yes."

13                                 Because the list is too long we will  
14                  be dealing only with a few samples of the following  
15                  articles and Dr. Henry's observations about them.

16                                 Here I would like to mention that  
17                  later on during her testimony she admitted that most of  
18                  these articles were racist by implication, not  
19                  necessarily outright racist.

20                                 The following is an explicit  
21                  statement showing Dr. Henry's very biased approach and  
22                  her lack of political qualification in analyzing the  
23                  articles and casts serious doubts about her I guess

1 position as an expert witness.

2 She admits these are reprintings from  
3 newspapers with no comments, then she admits that the  
4 article is purely against Israel, but she does not  
5 explain why this article can be considered racist.

6 Because an article is against Israel  
7 does it necessarily mean it is anti-Semitic? Could it  
8 be political?

9 Regarding the arrest of the Arab  
10 terrorist again she comes to her own conclusions  
11 without explaining why that article is criticizing  
12 Canada for his arrest.

13 If she would have gone through the  
14 whole site and read all the articles she would have  
15 found out that usually the Canadian government is  
16 blamed for letting these unchecked terrorists in.

17 Her following statement she is in  
18 contradiction of her previous statement about the  
19 arrest. She says:

20 "And essentially the message  
21 here seems to be that war should  
22 be declared on Jews and Arabs as  
23 a form of retaliation. He also

1 suggests, or advocates that they  
2 should not be allowed into the  
3 country.

4 Later during cross-examination she  
5 admits that those two articles are racist by  
6 implication.

7 Dr. Henry does not state that these  
8 articles in their own context are contrary to s. 13.

9 "DR. HENRY: Yes, it seems  
10 to be reprinting news reports in  
11 the first instance about  
12 Canada's role in supporting the  
13 view that there is anti-Israeli  
14 language expressed at a UN  
15 conference. Then it also talks  
16 about the arrest of a Toronto  
17 teacher who is believed to be an  
18 Islamic terrorist. The first  
19 two articles in the newsletter  
20 then call attention to Canada's  
21 role in fighting terrorism and  
22 in defending Israel. Although  
23 there is no particular

1                   commentary involved here, it  
2                   seems obvious that the reprint  
3                   of these items are designed to  
4                   criticize Canada for its defence  
5                   of Israel and its arrest of  
6                   suspected terrorists."

7                   I think that was an example of how  
8                   she was trying to create an issue where maybe there was  
9                   no issue. Trying to -- expert witness I believe should  
10                  be testifying on actual evidence and try to stay away  
11                  from interpreting things and saying, oh, this implies  
12                  this, this implies that, especially when these are just  
13                  reprints of news articles.

14                  Because in the following article  
15                  there are the words "Aryan" and "white" again she comes  
16                  to all sort of conclusions. Again, this shows her  
17                  state of mind and her biased approach. She does not  
18                  state that the article is contrary to s. 13. Later she  
19                  admits that this article is racist by implication.

20                  The next one is, I guess, on page 2,  
21                  which is headed WAU Canada, and that is a letter or  
22                  message from Women for Aryan Unity and the announcement  
23                  is made that a Canadian chapter of this group is being

1           formed and it tells us what this particular  
2           organization is about. It works to "unite, educate and  
3           protect our white race."

4                           It identifies itself as being made of  
5           a group of "proud mothers who believe in raising our  
6           Aryan children to strong and to fight for our cause."

7                           The organization then, Women for  
8           Aryan Unity, clearly again is a white supremacist  
9           organization based on the biological belief on the  
10          superiority of the white or what is referred to here as  
11          the aryan race.

12                          Again, Dr. Henry has not explained  
13          why the following article is contrary to s. 13.

14                           "DR. HENRY: In the middle of  
15                           page 3 and it's headed, "In  
16                           Response, ARA Report, August  
17                           24th", and it relates to the  
18                           activities of the Anti-Racist  
19                           Action Group who were protesting  
20                           outside a Montreal courthouse  
21                           where one of the warriors,  
22                           presumably one of the members of  
23                           a white supremacist



1 organization, were up on certain  
2 charges. The charges I think  
3 were unspecified in the report."

4 But she read the information anyways,  
5 she didn't state that the article itself was racist,  
6 she just read the information, either to try to create  
7 some kind of prejudice at the Tribunal, even though  
8 later on she admits she didn't read every article and  
9 that she only read articles that people directed her to  
10 read. For some reason, this was one article she read.

11 Again, Dr. Henry does not explain or  
12 state why that article is contrary to s. 13. Ms  
13 Maillet says:

14 "That would be on page 3 of tab  
15 19.

16 DR. HENRY: In the middle of  
17 page 3 and it's headed "In  
18 Response, ARA Report, August  
19 24th", and it relates to the  
20 activities of the Anti-Racist  
21 Action Group who were protesting  
22 outside a Montreal  
23 courthouse...", et cetera.

1 "The charges I think were  
2 unspecified in the report. It  
3 appears that the intent of these  
4 notices is to poke fun and mock  
5 the activities of the ARA, of  
6 the Anti-Racist Organization."

7 Even though the article had no  
8 commentary to poke fun and mock at ARA, again, she felt  
9 herself, I guess, qualified to make a decision based on  
10 what she didn't know was a mind set.

11 THE CHAIRPERSON: Let's be clear  
12 here. I didn't qualify her to make decisions that the  
13 Tribunal will be making.

14 MR. A. KULBASHIAN: I understand  
15 that.

16 THE CHAIRPERSON: And I'm saying I  
17 see your point. Let's be clear on this. The decision  
18 on what qualifies under s. 13 as a violation of that  
19 provision is the Tribunal's, not Dr. Henry's.

20 MR. A. KULBASHIAN: I understand  
21 that, but what I'm trying to show is that as an expert  
22 witness she was here to provide expert testimony, not  
23 to try to throw out as much information as possible and

1 hope one of them sticks.

2 THE CHAIRPERSON: I forgot exactly  
3 what she was qualified under. She was to provide any  
4 specific information the Tribunal may not have had  
5 regarding, I forgot --

6 MR. A. KULBASHIAN: I remember she  
7 was qualified as an expert in racism and hate  
8 propaganda, later which she admitted she was not an  
9 expert in hate propaganda during her interview.

10 THE CHAIRPERSON: But there was more  
11 to that. I specify in my ruling exactly what sort of  
12 help she may provide.

13 MR. A. KULBASHIAN: I understand.

14 THE CHAIRPERSON: I did not include  
15 her telling me how s. 13 is going to be interpreted.

16 MR. A. KULBASHIAN: I understand.

17 THE CHAIRPERSON: I see your point  
18 exactly.

19 MR. A. KULBASHIAN: But using s. 13  
20 is kind of like -- it's more like I guess a metaphor  
21 because the idea is, like, she did state it was racist  
22 or it was -- in violation of s. 13 is like more our  
23 words rather than her words that we are explaining.

1 Like, her saying it would cause violent effect in  
2 society, et cetera.

3 THE CHAIRPERSON: The decision on  
4 whether a person will be exposed to hatred or contempt  
5 by reason of the fact that those persons are  
6 identifiable - and now I'm paraphrasing s. 13 - that's  
7 the Tribunal's mandate.

8 MR. A. KULBASHIAN: I understand  
9 that.

10 THE CHAIRPERSON: Rest assured of  
11 that.

12 MR. A. KULBASHIAN: I understand that  
13 but the reason why I used s. 13 is meaning she did not  
14 state that these would actually fall under that  
15 specification.

16 THE CHAIRPERSON: I think it's  
17 possible that this witness may have gone further than  
18 is necessary. The Tribunal will exercise its own  
19 mandate and not give it up to someone else.

20 MR. A. KULBASHIAN: Okay, thank you.

21 The following statement of Dr. Henry  
22 is very noticeable. Although in her previous testimony  
23 she tried to show a neutral approach, this shows that

1 she is very biased against the Palestinians. Why did  
2 she name specifically the Palestinians between so many  
3 people.

4 Also, she used the word Palestinians  
5 instead of using Palestinian extremist or naming any  
6 organization.

7 This is a generalization of the  
8 entire Palestinian population which is discriminatory.

9 Dr. Henry in her writing says:

10 "The attack on the Twin Towers  
11 in New York is the work of...",  
12 that's what she says:

13 "...is the work of Jews and the  
14 Israeli Government rather than  
15 Palestinians...",

16 which is in her own words, this is in her, I guess --

17 THE CHAIRPERSON: She must be  
18 referring here to a text that says that.

19 MR. A. KULBASHIAN: No, no, no, this  
20 is her text when she was reading the --

21 THE CHAIRPERSON: She said this?

22 MR. A. KULBASHIAN: -- the brief.

23 THE CHAIRPERSON: She must have been

1 reading something.

2 MR. A. KULBASHIAN: It was in her  
3 brief. As it was in the paper that she submitted when  
4 she was doing the commentary.

5 THE CHAIRPERSON: Yeah.

6 MR. A. KULBASHIAN: In her brief she  
7 said, they are blaming the attack on the Twin Towers in  
8 New York and saying it's the work of Jews and the  
9 Israeli Government rather than Palestinians.

10 THE CHAIRPERSON: Okay.

11 MR. A. KULBASHIAN: Or even Osama  
12 BinLaden.

13 "And essentially the message  
14 here seems to be that war should  
15 be declared on Jews and Arabs as  
16 a form of retaliation. He also  
17 suggests, or advocates that they  
18 should not be allowed into the  
19 country and those that are  
20 already here should be deported,  
21 if not killed."

22 Dr. Henry also says:

23 "Because I suspect that by the

1                   time of September 14th there had  
2                   been speculation that these two  
3                   communities might have had  
4                   something to do with the attack.  
5                   But, again, I'm on very shaky  
6                   grounds because I don't really  
7                   know if that was the case."

8                   And this is the answer she gave when  
9                   she was asked as to why she claimed the Palestinians,  
10                  why she suggested it would have been somebody other  
11                  than Jews and she suggested that that would be the  
12                  Palestinians.

13                  Again, she does not explain how the  
14                  following can be discriminatory or contrary to s. 13,  
15                  and again used in the context that she didn't state --  
16                  say things.

17                  THE CHAIRPERSON: No, I know.

18                  MR. A. KULBASHIAN: Which is  
19                  purely -- which purely states that we should not get  
20                  trapped in other conflicts, as opposed to stating, you  
21                  know...

22                  Regarding the comments about Israel,  
23                  that's the author's opinion about the policy of the

1 country. She does not explain again how this can be  
2 discriminatory.

3 Dr. Henry says:

4 "What he's urging in that letter  
5 is that we must observe a Canada  
6 or America first policy in order  
7 not to get trapped by other  
8 people's conflicts.

9 And he notes that both  
10 countries, that is, the United  
11 States and Canada, should cease  
12 letting the Israeli tail wag the  
13 dog of foreign politics."

14 Again, does not explain why it's  
15 discriminatory. If anything, that's a political, if  
16 anything -- but she still does feel a need to comment  
17 on it and does feel a need to say there's an implied  
18 reason to the article.

19 Again, in the following she does  
20 explain why Mr. Paul Fromm's article is contrary to s.  
21 13. Is it discriminatory stating that Israel's  
22 influence is so strong or just a political statement,  
23 or facts. Moreover, in her report she calls Paul Fromm



1 a white supremacist with no explanation.

2 "This suggests..."

3 This is her words:

4 "This suggests -- I think this  
5 is a reference to a film of that  
6 name, and it suggests to me  
7 that, again, the influence of  
8 Israel is so strong that foreign  
9 policies of countries like the  
10 United States and Canada are  
11 actually being influenced by  
12 it."

13 And I think -- is isolationism  
14 contrary to s. 13, that's a question that I posed. Dr.  
15 Henry also says:

16 "And it's also in reference to  
17 September 11th. And David Duke  
18 is fairly..."

19 This is talking about the David Duke  
20 article.

21 "David Duke is fairly well-  
22 known, I think for his  
23 isolationist views, and this

1 letter also advocates an  
2 isolationist foreign policy for  
3 the United States. ... "break  
4 the grip of this Zionist power  
5 in our midst." Again, there  
6 appears to be the suggestion  
7 that behind the tragedy of  
8 September 11th is Zionist  
9 control and power."

10 That's what she states. Dr. Henry  
11 does not consider the article "You Have Made Me a Human  
12 Bomb" as a racist one. On the contrary, she  
13 acknowledges that it comes from a human being who has  
14 suffered too much.

15 Mr. Richardson asks her:

16 "Do you consider this article  
17 racist?"

18 DR. HENRY: I don't think so. I  
19 think this is the lament of a  
20 very, very sad human being who  
21 has suffered a great deal."

22 Although she had stated she found no  
23 difference between Tri-City Skins and C.E.C.T. sites

1 Dr. Henry contradicts herself again and admits that  
2 C.E.C.T. is a more civilized site with no commentaries.

3 Mr. Richardson asks:

4 "And my very last question, once  
5 again, just like the old  
6 question, in your opinion, do  
7 you find this would be the kind  
8 of article that you would see on  
9 the Tri-City Skins website?

10 DR. HENRY: I don't recall  
11 seeing any articles such as  
12 that.

13 MR. RICHARDSON: I'm sorry, I  
14 meant -- I wasn't asking if you  
15 did see it, I'm asking, in your  
16 opinion, is this the kind of  
17 article you would see.

18 DR. HENRY: No, I think they  
19 tend to deal in more blatant  
20 kind of material."

21 Dr. Henry says:

22 "Or at least if they printed an  
23 article like this, they would

1                   make a commentary perhaps on  
2                   it."

3                   Dr. Henry lacks the political  
4 expertise as well as the psychological expertise to  
5 judge the article.

6                   She also has a narrow range of  
7 general knowledge and is biased towards Israel and the  
8 Jewish population. She may know the consequences of  
9 discrimination against people or groups, but definitely  
10 on her own acceptance, she does not have the expertise  
11 to judge the messages of those articles. To her own  
12 acknowledgement, she does not have the expertise to  
13 differentiate between politics and racism, especially  
14 in the case of the Palestinian/Israeli conflict.

15                  Her reasoning shows a clear bias  
16 towards Jews and Israel, and because of he bias Dr.  
17 Henry has difficulty differentiating between the words  
18 Israel and anti-Semitism.

19                  The following statement regarding the  
20 numbers of Palestinians during Mr. Arafat's funeral is  
21 very sarcastic. This again shows Dr. Henry's bias  
22 against Palestinians, but more it shows a pathetic kind  
23 of logic.

1 Mr. Richardson asks:  
2 "Do you consider what's  
3 happening to Palestinian people  
4 today genocide, in your opinion?  
5 DR. HENRY: I think it's very  
6 difficult to use a general term  
7 to apply to all specific  
8 situations. Genocide almost  
9 always refers to, if not the  
10 total destruction of a people,  
11 the almost total destruction of  
12 a people, and I'm really not --  
13 I do not know how many  
14 Palestinians have been killed  
15 and I do not know how many  
16 Palestinians remain alive, so  
17 therefore, just as an aside,  
18 judging by the funeral of Yasser  
19 Arafat this morning, there are  
20 many, many Palestinians still  
21 alive, so I have a difficulty in  
22 applying the term genocide in  
23 that situation."

1 So, and Mr. Richardson continues:

2 "So, if Prime Minister Sharon  
3 passed away tomorrow, is it fair  
4 to say that there would be as  
5 many, if not probably more,  
6 people at his funeral?

7 DR. HENRY: I suspect so, yes."

8 Mr. Richardson continues:

9 "So, if that would be under the  
10 same following at all, then the  
11 Jewish people did not get wiped  
12 out, they did not come close to  
13 getting wiped out, so it would  
14 not be a Holocaust?"

15 I believe that the follow-up question  
16 by James tries to expose to her her own logic where she  
17 blames people of using the numbers games, saying a lot  
18 of Jews are still alive, et cetera, for blaming the  
19 Holocaust, however herself, as an expert on racism, she  
20 does not have the sensitivity to, I guess, stay away  
21 from that kind of game when trying to determine the  
22 answer to a question that Mr. Richardson asked her  
23 before.

1                   Stunned by the unexpected answer by  
2                   the above remarks of Mr. Richardson, Dr. Henry tries to  
3                   correct her mistake in an evasive way. She states:

4                                "I think we're all on very, very  
5                                murky ground here and it's  
6                                extremely difficult, you know,  
7                                to make answers to -- that make  
8                                any sense... "

9                   Now, also coupled with a news article  
10                  that she read, the fact that she had previously  
11                  referred to a genocide at Nan-king as Asian Affairs, I  
12                  believe that Dr. Henry does not have the sensitivity,  
13                  even if she is an expert on racism, I don't believe she  
14                  has the sensitivity to testify in front of a Tribunal  
15                  and give such contradicting, I guess, testimony to what  
16                  her original intention is -- original purpose is.

17                  The following clearly shows that Dr.  
18                  Henry read only partial I guess portions of the sites,  
19                  those portions that the Commission and the complainant  
20                  thought would be beneficial for their case.

21                  The Chairpersons asks:

22                                "You never actually witnesses  
23                                the site electronically then?

1 DR. HENRY: No, I did not.  
2 THE CHAIRPERSON: Only  
3 photocopies or print-outs?  
4 DR. HENRY: Only what was  
5 supplied to me by the  
6 Commission, which was text  
7 material and the CD Rom.  
8 THE CHAIRPERSON: Oh. So, did  
9 you look at the CD Rom itself?  
10 DR. HENRY: Yes.  
11 THE CHAIRPERSON: So, in that  
12 format at least you were able to  
13 see the site. So, for instance,  
14 if this site contained any -- at  
15 tab 2, contained any colour in  
16 it, you would have seen it on  
17 your screen?  
18 DR. HENRY: I don't think so.  
19 THE CHAIRPERSON: Right, we had  
20 some evidence from you, if I  
21 recall, that some of the  
22 print-outs where the letters  
23 were cut off at the end and you



1 indicated that was in the  
2 printing process that you  
3 utilized.

4 DR. HENRY: Yes, yes."

5 She also admitted to being given  
6 documents and being pointed to specific articles in the  
7 documents to read and analyze. And I believe that she  
8 didn't get the entire context when she made a general  
9 comment about the sites.

10 The following is related to her  
11 knowledge about the sites and their interconnection.

12 Mr. Richardson asks:

13 "Now, when you went over the  
14 literature, especially anything  
15 related to the Tri-City Skins  
16 website, did you see anything  
17 linking the Tri-City Skins to  
18 the C.E.C.T. or the Vinland  
19 Voice?"

20 DR. HENRY: I didn't pay  
21 attention to the links, I only  
22 paid attention to the material  
23 that was given to me."

1                   Okay. The following is  
2           self-explanatory. Mr. Richardson asks:  
3                   "Okay, thank you. Do you  
4                   believe that not every member of  
5                   a group, let's say -- we'll use  
6                   Tri-City Skins because it's the  
7                   best example we can use. Not  
8                   every member of Tri-City Skins  
9                   shares every ideology with all  
10                  the other members?....

11                  DR. HENRY: Yes, I think so."

12                  Dr. Henry has only read limited  
13                  portions of the websites. She has concentrated only on  
14                  a few articles and not on a general picture, but she  
15                  then comes to general conclusions regarding the  
16                  messages on the sites.

17                  When Mr. Richardson asks her:

18                  "You read the C.E.C.T. website,  
19                  or at least the information that  
20                  was given to you, and you read  
21                  the Tri-City Skins and you read  
22                  the Vinland Voice. Would you  
23                  say there was a difference..."

1 She asks:

2 Between the C.E.C.T. and the  
3 Vinland Voice compared to the  
4 Tri-City Skins?

5 Sorry, that's what he asks, continuation.

6 Dr. Henry states:

7 "I can't answer that because I'm  
8 not aware of any difference.

9 MR. RICHARDSON: Would it be  
10 fair to say that the C.E.C.T.  
11 site was more political, none of  
12 the pictures and all the bad  
13 stuff, where the Tri-City Skins  
14 was more militaristic and  
15 combative?

16 DR. HENRY: I did not make that  
17 observation. I was looking -- I  
18 was following a mandate of  
19 reviewing these materials in  
20 terms of the way I do analysis  
21 of racism. I was not looking  
22 for such differences between the  
23 two."

1                   The problem with the questions --  
2           with the way she answers those questions, I believe  
3           that Dr. Henry was controlling her answers and, in  
4           fact, trying to stray away from giving answers that  
5           were, I guess, blatantly beneficial to respondents'  
6           case, in fact, she would go as far as completely  
7           straying from the question itself to make that kind of,  
8           I guess, effort.

9                   To the question of the difference  
10          between TCS and the C.E.C.T. sites, contradicting  
11          herself again, Dr. Henry admits that the C.E.C.T.  
12          provides only basic test.

13                   The Chairperson asks:

14                   "The suggestion that's being put  
15                   to you by Mr. Richardson is that  
16                   there's a distinction between  
17                   the two, there's a difference, a  
18                   dissimilarity between the two  
19                   that is of some significance.  
20                   Do you see any significance in  
21                   the different nature of the two  
22                   groups of documents?

23                   DR. HENRY: Okay, as you

1                   clarified, obviously there is a  
2                   difference in that one is more  
3                   graphic, one shows pictures, one  
4                   tells jokes, the other one  
5                   perhaps only provides basic  
6                   text."

7                   For some reason Dr. Henry did not  
8                   understand the very blatant question that Mr.  
9                   Richardson asks, saying would it be fair to say that  
10                  C.E.C.T. site was more political, none of the pictures  
11                  and all the bad stuff, where Tri-City Skins is more  
12                  militaristic and more combative and she states, I did  
13                  not make that observation.

14                  If she claims she did not make that  
15                  observation, how can she provide an answer to the  
16                  Chairperson's question which was very similar and would  
17                  have obviously have had to made that observation.

18                  I believe that her testimony was  
19                  controlled and evasive as I stated before.

20                  Although previously she said there  
21                  was no difference, the following is a contradiction of  
22                  her statement. Again, the Chairperson says:

23                  "Before we looked at two

1 websites, now he's suggesting a  
2 movement that promotes violence  
3 and one that espouses the same  
4 ideas without violence,  
5 explicitly so; does that make a  
6 difference?

7 DR. HENRY: Yes, I would have to  
8 agree that that makes a  
9 difference."

10 This is again commenting on  
11 information between Tri-City Skins and C.E.C.T. and if  
12 she felt if there was a difference.

13 Again, the idea of militaristic and  
14 combative statements on the Tri-City Skins site and the  
15 other which she apparently did not look at in that  
16 perspective when she was asked by Mr. Richardson, but  
17 when confronted by the Chairperson she decided to give,  
18 I guess, more of a correct answer.

19 Ms Maillet acknowledges that Dr.  
20 Henry was only supplied with partial documents and that  
21 she was given instruction to read only certain  
22 documents, or articles. But Dr. Henry with a limited  
23 knowledge without being able to see the whole picture

1           came to a general conclusion about the sites.

2                           By consequence she could not make any  
3           distinction between the Tri-City Skins and the  
4           C.E.C.T., especially that the latter did not promote  
5           any violence.

6                           There was ample evidence given  
7           regarding that fact, and especially by her afterwards  
8           when asked again by the Chairperson.

9                           THE CHAIRPERSON: We'll try to push  
10          it as far as we can. Maybe we can finish by the end of  
11          the day your section here.

12                          MR. A. KULBASHIAN: I don't think I  
13          can. The problem is, I will be done soon enough I can  
14          say, but...

15                          THE CHAIRPERSON: You'd like to think  
16          about --

17                          MR. A. KULBASHIAN: Well, because  
18          there's some issues, there's some things I need to  
19          bring in. I will be done, but...

20                          THE CHAIRPERSON: Actually my  
21          proposition was going to be to see if we can finish  
22          your written portion --

23                          MR. A. KULBASHIAN: And bring more

1 tomorrow.

2 THE CHAIRPERSON: -- and tomorrow you  
3 can complete your thoughts, because you must give an  
4 opportunity for Mr. Richardson.

5 MR. A. KULBASHIAN: I want to bring  
6 the Vetovec case and I want to make sure that I have  
7 it all.

8 THE CHAIRPERSON: I want a good  
9 buffer there for Mr. Richardson to make his arguments  
10 tomorrow as well.

11 MR. A. KULBASHIAN: That's right.  
12 For sure, thank you.

13 THE CHAIRPERSON: And of course the  
14 reply after that. I'm assuming it wouldn't be as long  
15 as Mr. Richardson.

16 MR. RICHARDSON: I won't be more than  
17 an hour.

18 THE CHAIRPERSON: That's fine. I  
19 want to make sure there's enough time for all of you,  
20 okay.

21 MR. A. KULBASHIAN: Okay, thank you.  
22 If I can finish this today, that will be great. I will  
23 keep the rest for tomorrow, because I don't want to,



1           like, break it apart.

2                           THE CHAIRPERSON:  No, I will give you  
3           a chance to review your notes.

4                           Ms Maillet says:

5   "I believe so.  I believe so.  
6   But she was not specifically  
7   asked to go through that  
8   disclosure, there were certain  
9   documents on the websites that  
10    she was asked to review.  I  
11    didn't have her review every  
12    single piece of paper that the  
13    Commission did."

14                          The Chairperson says:

15    "Did you review closely anything  
16    else other than the material  
17    that you have referred to in  
18    your report?"

19    DR. HENRY:  No.

20    THE CHAIRPERSON:  So, that  
21    narrows down the documents that  
22    she's looked at."

23    Regardless of that fact, Dr. Henry



1           testifying on what I'm supposed to be testifying on.

2                           Dr. Henry says that she has a  
3           scientific approach analyzing the articles, but she  
4           states that she believes that an article is posted on  
5           that site for a specific reason, which is her own  
6           perception, not a science.

7                           I ask her:

8   "I lost myself there for a  
9   second there too. That  
10    situation where you would be  
11    commenting on, I guess, the  
12    availability of an article on a  
13    specific site and where you  
14    state that you believed that it  
15    would be there for a specific  
16    reason, would that be your  
17    perception of why it would be  
18    there, your opinion of why it  
19    would be there, or the real fact  
20    as to why it would be there?"

21    And that was the question I asked her  
22           and apparently I think it got cut off, sorry about  
23           that. This is something I'll complete tomorrow.

1                   In the following, Det. (sic) Henry  
2                   has admitted that she has only reviewed a portion of  
3                   the articles that were brought to her attention on  
4                   Vinland Voice and Tri-City Skins, but Dr. Henry did not  
5                   study all the materials on the site. She has read  
6                   nothing but the C.E.C.T. website. Also she has twice  
7                   admitted that without reading all the materials she  
8                   cannot give a general opinion about the intentions of  
9                   the website; namely, Vinland Voice, Tri-City Skins and  
10                  C.E.C.T.

11                  The people that control the site  
12                  cannot be held liable unless the site's main intention  
13                  is proven to be racist propaganda. Dr. Henry's  
14                  testimony was only a small section of the content of  
15                  the websites, therefore only the individual who posted  
16                  the article can be held liable, if those articles are  
17                  really in violation of s. 13.

18                  I asked:

19                         "Do you believe that you  
20                         reviewed all the pages on the  
21                         sites that were given to you?

22                         DR. HENRY: I reviewed -- no, I  
23                         didn't review all the pages, I

1 reviewed the ones that were  
2 brought specifically to my  
3 attention to review.

4 MR. ALEXAN KULBASHIAN: And  
5 doesn't context refer to the  
6 general picture..."

7 This is after she makes a comment  
8 about the content of the site. I say:

9 "And doesn't context refer to a  
10 general picture as opposed to a  
11 specific picture?

12 DR. HENRY: I believe so.

13 MR. ALEXAN KULBASHIAN: So, do  
14 you believe that the entire  
15 context needs to be evaluated in  
16 order to form a valid -- or an  
17 educated decision on whether or  
18 not something implies racism or  
19 something implies -- doesn't  
20 imply racism?

21 DR. HENRY: Yes.

22 THE CHAIRPERSON: I thought it  
23 was all. Well, did you read

1 anything on the C.E.C.T.  
2 website?

3 DR. HENRY: No.

4 The Chairperson asks:

5 "Let me rephrase your questions.  
6 We have to move this along. Do  
7 you think the ability to conduct  
8 a neutral assessment of a series  
9 of documents, for instance, an  
10 entire website can be made when  
11 only presented with excerpts of  
12 that website?

13 DR. HENRY: Yes, I do.

14 THE CHAIRPERSON: You feel you  
15 can?

16 DR. HENRY: Yes."

17 This is in contradiction to her  
18 earlier on thing talking about context, her context.

19 Dr. Henry admits that there are  
20 thousands of pages of documents and she did not want to  
21 waste her energy reading them all.

22 But again contradiction of her  
23 previous testimony, she says that a few articles are

1 sufficient to come to a conclusion.

2 Dr. Henry says:

3 "My mandate was to examine  
4 certain materials to see if they  
5 contained elements of racism and  
6 hate, and I read the articles  
7 and analyzed the materials I  
8 should say that were presented  
9 to me in that light. I think  
10 you should realize that it is  
11 virtually impossible to take  
12 time and energy out to read  
13 thousands of pages of  
14 documentation...."

15 Of which the court is aware there  
16 were thousands of pages of documentation.

17 "What was provided to me was  
18 sufficient evidence that the  
19 material contained anti-Semitic,  
20 anti-black and other..." anti-  
21 "...racist kind of ideology."

22 Again --

23 THE CHAIRPERSON: Other racist, not

1 anti. You said anti.

2 MR. A. KULBASHIAN: Sorry.

3 "...other racist kind of  
4 ideology"

5 Sorry. Again, Dr. Henry  
6 re-contradicts herself and says that the conclusion of  
7 one paragraph at the end made her change her perception  
8 about a text.

9 I ask:

10 "In reading the last  
11 article...",

12 And this is talking about the article  
13 about "You Have Made Me a Human Bomb", when she had  
14 said it wasn't racist:

15 "In reading the last article  
16 that you briefly I guess went  
17 over, I guess the Palestinian  
18 article, would you consider that  
19 one line at the very end made a  
20 difference in how you perceived  
21 the article?

22 DR. HENRY: I think it was not  
23 only the one line, I think it



1                                   was the last two paragraphs."

2                                   The article itself, as the court is  
3                                   aware -- the Tribunal is aware, is a long article. In  
4                                   the beginning she had come to the conclusion that the  
5                                   article as not racist and just by reading the last two  
6                                   paragraphs, which were like small paragraphs, she  
7                                   stated --

8                                   THE CHAIRPERSON: That was the one  
9                                   about the individual victim.

10                                  MR. A. KULBASHIAN: That's right.

11                                  THE CHAIRPERSON: The Palestinian  
12                                  victim.

13                                  MR. A. KULBASHIAN: And showing that  
14                                  by her own admission even little bits of information  
15                                  can change context.

16                                  Dr. Henry admitted that she has only  
17                                  read a very limited portion of the articles in those  
18                                  sites and she comes to the conclusion on her assumption  
19                                  that the rest of the articles were also racist.

20                                  I ask:

21                                  "So, would you believe that  
22                                  getting three -- reviewing three  
23                                  or four pages from a site, would

1 give you a general picture of  
2 what the site is about or what  
3 kind of theme it encompassed?  
4 DR. HENRY: When those three,  
5 four, five or however many  
6 articles contain racist  
7 ideological statements, then  
8 yes."

9 She admits again that Mr. Fromm's and  
10 Mr. Duke's commentaries aren't racist in the general  
11 context of the newsletter they are, but she has  
12 admitted that she has only read a tiny portion of the  
13 sites again.

14 Dr. Henry says:

15 "I didn't say, if you read the  
16 paragraph, that either the --  
17 whatever commentary of Paul  
18 Fromm or even the commentary  
19 from David Duke is racism. It  
20 is all in the context of the  
21 general context of the  
22 newsletter in which a tragic act  
23 is immediately blamed on a

1 particular group of people."

2 Again, contradicting herself when it  
3 comes down to context. I believe she's also evasive  
4 and has poor memory or claims to have poor memory when  
5 I ask:

6 "So, how many of those would you  
7 suggest are not racist on their  
8 own, however the theme of the  
9 site would indicate they were  
10 placed there for racist reasons?

11 DR. HENRY: I'm afraid I don't  
12 follow that question.

13 MR. ALEXAN KULBASHIAN: How many  
14 articles would you say you  
15 roughly commented on?

16 DR. HENRY: Really, I don't  
17 know.

18 MR. ALEXAN KULBASHIAN: My  
19 question was in and of itself,  
20 how many articles -- I'm not  
21 talking about implications or,  
22 you know, a perception that  
23 someone would get - how many

1 articles in and of themselves  
2 had racist speech in them?"

3 Dr. Henry admitted that a large  
4 portion of the articles that she read from Vinland  
5 Voice are racist by implication.

6 Dr. Henry - there's a DH - Dr.  
7 Henry --

8 THE CHAIRPERSON: At one point you  
9 figured it out. Well, better late than never, I guess.  
10 Is it the only occasion?

11 MR. A. KULBASHIAN: I'm about to find  
12 out. No, no, there's more DH. Oh wait it goes back.

13 THE CHAIRPERSON: Well, I'll know  
14 that DF or DH means one thing.

15 MR. A. KULBASHIAN: Dr. Henry always  
16 associates the word Aryan with the events of Germany  
17 which we believe is a very biased and discriminatory  
18 approach against the Aryan people, as she might have  
19 put it, I mean basically using her own words to  
20 describe what she did.

21 Moreover, her double standards are  
22 apparent in her parallel between Aryan Unity  
23 organizations and B'Nai Brith. We have demonstrated

1           that both have almost the same manifesto. The  
2           following is a biased approach based on generalization  
3           and assumptions and also we have shown that B'Nai Brith  
4           has a meaning that states, 'chosen people', in which  
5           case Women for Aryan Unity would also have, like, a  
6           parallel meaning in its name. And for some reason she  
7           could find a difference without knowing anything about  
8           WAU, Women for Aryan Unity group, somehow she was able  
9           to state a difference between one group and the other,  
10          even though their manifestos were practically identical  
11          by her own admission and that the names were very  
12          similar by meaning.

13                                "Aryan Unity in a title, it  
14                                reads white supremacy and it  
15                                reads Arianism from the  
16                                Hitlerian period and it,  
17                                therefore,, reads racism to me."

18                                That's her comment.

19                                Another example of Dr. Henry's  
20          irresponsible opinions with no facts to back them up  
21          and her poor selective memory. Before expressing her  
22          opinion, she should at least refresh her memory.

23                                I ask -- I state:

1 "Okay. What kind of -- has he  
2 (Paul Fromm) ever referred to  
3 other races in derogatory terms?

4 DR. HENRY: I'm not sure. I  
5 don't...

6 MR. ALEXAN KULBASHIAN: Do you  
7 know -- do you remember what you  
8 read in other people's analysis  
9 at all?"

10 Because she stated that it was other  
11 people's analysis that led her to believe that he was.  
12 She said:

13 "I have already said I don't.  
14 It's been quite a while since I  
15 had to review those materials  
16 and they are not exactly bedtime  
17 leisure readings."

18 Further down I ask:

19 "Now, coming back to the fact  
20 that you said the chosen people  
21 would be in Jewish scriptures,  
22 would that be, I guess, similar  
23 to the Ku Klux Klan stating that

1 in our Bible it says that whites  
2 are superior?

3 DR. HENRY: I'm not familiar  
4 with the Ku Klux Klan's Bible.

5 MR. ALEXAN KULBASHIAN: Okay.  
6 Have you ever read -- I hear you  
7 testified at Ku Klux Klan Human  
8 Rights trial?

9 DR. HENRY: Many years ago, yes.

10 MR. ALEXAN KULBASHIAN: Was  
11 there -- I guess, did you brush  
12 by any religious bigotry that  
13 they might hold?

14 DR. HENRY: I don't really  
15 remember, it was a very long  
16 time ago, but I would assume so,  
17 yes."

18 Further down I say:

19 "Okay. Do you consider yourself  
20 to have a good memory?

21 DR. HENRY: For certain things I  
22 do and for other things I  
23 don't."

1                   The questions that I asked her were  
2 all relating to her field, and I believe that expert  
3 evidence should also rely on history and experience,  
4 and if her memory is not good enough for her own  
5 history and for, like, you know for her own experience,  
6 then I believe she's not an expert witness.

7                   Another thing is, I did not as  
8 suggested by the complainant or Commission bring up the  
9 scriptures issue when questioning her in order to  
10 challenge her, I brought it up to see what distinction  
11 she made in her analysis of racism between the idea of  
12 scriptures stating that, you know, Jews are superior  
13 and the Ku Klux Klan Bible saying that white race is  
14 superior, and in no way did I imply that one -- you  
15 know, anything, but I just wanted to see how she  
16 differentiated things in her mind.

17                   Dr. Henry not only has selective  
18 memory, but she is biased and completely insensitive to  
19 other people's problems. I believe she is only  
20 sensitive to the Jewish cause.

21                   I ask:

22                   "Would you consider if somebody  
23 called the Holocaust a Jewish



1                   affair, would that be a form of  
2                   racism? Would that be a form of  
3                   mitigating the memory of the  
4                   Holocaust?"

5                   And Mr. Warman obviously objected:

6                   "Mitigating is quite an  
7                   imprecise term.

8                   THE CHAIRPERSON: I'm sorry, I  
9                   did not quite get that."

10                  And I ask:

11                  "Would that be mitigating the --  
12                  I guess the concept of the  
13                  Holocaust, in the way, like,  
14                  belittling it?

15                  DR. HENRY: Belittling it, yes,  
16                  I would agree with that.

17                  MR. ALEXAN KULBASHIAN: So, and  
18                  would belittling the Holocaust  
19                  be a form of Holocaust denial or  
20                  racism?

21                  DR. HENRY: Yes.

22                  MR. ALEXAN KULBASHIAN: Did you  
23                  refer to genocide at Nan-king

1 and all the transgressions  
2 related to it as Asian Affairs  
3 in a trial previously?

4 DR. HENRY: Not that I am  
5 familiar with, no.

6 MR. ALEXAN KULBASHIAN: Do you  
7 remember testifying in front of  
8 a panel for Doug Collins, a  
9 journalist?

10 DR. HENRY: I remember it, but I  
11 don't remember the specifics,  
12 no.

13 MR. ALEXAN KULBASHIAN: Do you  
14 remember filing a report where  
15 you referred to the genocide of  
16 Nan-king as Asian Affairs?"

17 And those are the pages that it was  
18 on. And she said:

19 "No, I don't.

20 MR. ALEXAN KULBASHIAN: Do you  
21 remember what year you testified  
22 for the Doug Collins case?

23 DR. HENRY: No, I don't.

1 MR. ALEXAN KULBASHIAN: Do you  
2 have a good memory?

3 DR. HENRY: Mr. Kulbashian, I  
4 do. I lead a very, very busy,  
5 complex, academic and research  
6 life of which testifying is one  
7 small part of what I do.

8 I do not remember the specifics  
9 of what I said or wrote in a  
10 trial that took place 12 years  
11 ago or whenever.

12 MR. ALEXAN KULBASHIAN: 12 years  
13 ago, you said?"

14 Now, the funny thing is she said she  
15 had no idea what happened. So, I think her memory  
16 comes out when she gets angry or when she gets tested.

17 I ask:

18 "Do you consider yourself to  
19 have a selective memory?"

20 Mr. Warman objects:

21 "MR. WARMAN: Objection. The  
22 question is solely objective.

23 MS MAILLET: Yes, I object. I

1 agree absolutely. No need to  
2 insult the witness.

3 MR. ALEXAN KULBASHIAN: No, it's  
4 not insults -- needs to..."

5 Obviously I didn't get that question  
6 answered. Now, the thing is that during this part, if  
7 you remember we showed an article that refreshed her  
8 memory as far as what she said.

9 THE CHAIRPERSON: During the  
10 following part?

11 MR. A. KULBASHIAN: No, during this  
12 article about the massacre at Nan-king, an article from  
13 a newspaper report on her trial where she referred to  
14 the massacre at Nan-king and the transgressions as  
15 Asian Affairs, actually genocide at Nan-king in fact,  
16 and even though she claimed in her own -- early on in  
17 her cross-examination that that's a form of Holocaust  
18 and racism and that was her acting in the capacity as  
19 an expert at a thing -- a Tribunal hearing for Doug  
20 Collins.

21 Okay. I say:

22 "Do you think that Jews are  
23 psychologically demoralized by

1 the Holocaust?

2 DR. HENRY: I don't think I  
3 understand the terms that you're  
4 using. I would prefer to say  
5 that Jews were strongly affected  
6 by the Holocaust.

7 MR. ALEXAN KULBASHIAN: I guess  
8 that's the way to put it. Do  
9 you know what effects that would  
10 have on them?

11 DR. HENRY: Yes, they are  
12 bitter, angry, sad, tragic --

13 MR. ALEXAN KULBASHIAN: Up to  
14 this date?

15 DR. HENRY: I think the older  
16 generation probably is."

17 The following is another example of  
18 Dr. Henry's double standard approach, with regards to  
19 the statue after 9/11. Without checking the facts she  
20 comes to a conclusion.

21 I ask:

22 "Do you know if the statue..."

23 This is talking about a statue of

1 three firemen that was changed from --

2 THE CHAIRPERSON: Yes, I'm aware of  
3 those facts.

4 MR. A. KULBASHIAN: Okay.

5 "Do you know if the statue was  
6 removed as a result of people  
7 complaining?

8 DR. HENRY: No, I don't.

9 MR. ALEXAN KULBASHIAN: So,  
10 would you be commenting on Dr.  
11 William Pierce's reference to  
12 this, I guess, statue purely  
13 based on what he said, without  
14 looking into what events  
15 occurred around the statue, or  
16 what opinions were expressed  
17 around the statue?

18 DR. HENRY: That's correct.

19 MR. ALEXAN KULBASHIAN: So, it  
20 wouldn't be in context -- would  
21 you agree it would be out of  
22 context, the actual statue?

23 DR. HENRY: I commented on his

1 comment in the context of his  
2 whole article which I reviewed,  
3 I did not check the validity of  
4 his facts in regard to that  
5 statue.

6 MR. ALEXAN KULBASHIAN: So,  
7 would it be fair to say that by  
8 not checking the validity of the  
9 facts, you made a decision that  
10 would not have been scientific?

11 DR. HENRY: No, it would not."

12 Although the Canadian Parliament  
13 voted to recognize the Armenian genocide, Dr. Henry  
14 still considers it a conflict, and at the same time  
15 comes to the conclusion about subjects that she has  
16 admitted of having very little knowledge of.

17 Dr. Henry says:

18 "I'm not an expert on the  
19 Armenian genocide, but I believe  
20 it was a conflict between the  
21 Turks and the Armenians."

22 And using the term conflict in the, I  
23 guess, you know, instead of genocide, I think it's

1           pretty serious in itself.

2                           I said:

3                                   "Did you just refer to the  
4                                   genocide as a conflict between  
5                                   the Turks and Armenians as  
6                                   opposed to perpetrated by Turks  
7                                   and Armenians --"

8                           I think there's a typo there, or  
9           maybe not.

10                           THE CHAIRPERSON: You said 'and' and  
11           ...

12                           MR. A. KULBASHIAN: Sorry, about  
13           that, I'm just like...

14                                   "by the Turks on Armenians?DR.

15                           HENRY: No, I believe that's  
16                           exactly what history tells us  
17                           happened.

18                           MR. ALEXAN KULBASHIAN: It's a  
19                           mitigating term, it's like a  
20                           trivializing term. A lot of  
21                           people use conflict between  
22                           Germans and Jews in order to  
23                           refer to the Holocaust. It's a





1 the September 11th attack.

2 The following is undisputable  
3 evidence that Dr. Henry was guided by the Commission.  
4 She was pointed to read a few articles from numerous in  
5 the sites. Was this intentional or by mistake, but  
6 this prevents definitely Dr. Henry from expressing her  
7 opinion about the intention or main intention of those  
8 sites.

9 I ask:

10 "But did they tell you what to  
11 read?

12 DR. HENRY: Certainly the  
13 ones -- there were some articles  
14 that were pointed, were flagged,  
15 yes.

16 MR. ALEXAN KULBASHIAN: Those  
17 were the ones you concentrated  
18 on?

19 DR. HENRY: Yes, those were the  
20 ones that I concentrated on.

21 MR. ALEXAN KULBASHIAN: Would  
22 you say you were guided?

23 DR. HENRY: Well, if you insist

1 on using the term, I can agree  
2 with you there was some sort of  
3 framework provided, but I  
4 wouldn't --"

5 I say:

6 When you -- I'm going to skip  
7 this area. That's pretty much  
8 the last one I had. When you  
9 refer to straightforward  
10 journalism, you didn't happen to  
11 refer to any of the articles  
12 that had no commentary that were  
13 taken from newspapers as  
14 straightforward journalism; did  
15 you?

16 DR. HENRY: No, I didn't'."

17 Even though the articles were as Det.  
18 Wilson testified to and I think Mr. Warman did, stated  
19 that the articles were taken straight from newspapers.

20 It is clear that Dr. Henry has not  
21 used any, I guess, science. statistics in her analysis  
22 and mostly relies on her own assumptions when she gives  
23 her opinion.

1 I say:

2 "does she -- do you have any..."

3 Sorry, statistics.

4 THE CHAIRPERSON: Statistics, yes.

5 MR. A. KULBASHIAN: My eyes are

6 blurring for some reason. I say:

7 "does she -- do you have any

8 statistics that you -- is not

9 necessarily included in here in

10 the report, but did she rely on

11 statistics to base a lot of her

12 arguments?

13 THE CHAIRPERSON: I think you

14 asked that question, but I don't

15 mind hearing it again. Did you

16 rely on statistics in order to

17 come to your findings?

18 DR. HENRY: No."

19 Dr. Henry was asked specifically why

20 she included in her report Kallen's research about the

21 impact of hate trials on people. She could not come

22 with a reasonable answer.

23 Although many times the question was

1           asked but she comes with an evasive question or an  
2           answer. Dr. Henry says:

3                                "That was one of the ideas that  
4                                was talked about in that  
5                                particular article that I have  
6                                referenced, yes.

7                                MR. ALEXAN KULBASHIAN: Do you  
8                                believe they shouldn't go to  
9                                trial and go straight to jail?"

10                              Talking about racists. I'm just  
11                              trying to wonder why she -- basically since she kept  
12                              commenting on why -- that specific articles were put  
13                              there with no commentary but they had an intention, so  
14                              my question to her was what her intentions were by  
15                              placing, I guess, Kallen's decision on there -- or  
16                              Judge Kallen's article and I stated do you believe --  
17                              you know, was the purpose that she believed that  
18                              "racists" should not go to trial and should go straight  
19                              to jail. She states:

20                                        "Do I believe?"

21                                        MR. ALEXAN KULBASHIAN: Do you  
22                                        believe -- go ahead.

23                                        MR. WARMAN: Objection. That

1 question is abusive, as many  
2 others, and irrelevant.

3 THE CHAIRPERSON: Well no, and  
4 it is abusive. Do you honestly  
5 expect the witness to say yes to  
6 your question?

7 MR. ALEXAN KULBASHIAN: I don't  
8 see the relevance of being  
9 included in her report then.

10 THE CHAIRPERSON: I am sorry.

11 MR. ALEXAN KULBASHIAN: I don't  
12 see the relevance of it being  
13 included in her report.

14 THE CHAIRPERSON: That's a good  
15 argument. Bring it up at the  
16 end."

17 THE CHAIRPERSON: There you go.

18 Okay, we'll take a quick break.

19 It's critical for us for you to  
20 complete your written statement, you submissions and  
21 then allow you to get to --

22 MR. A. KULBASHIAN: Actually, there's  
23 two more pages left on Dr. Henry before my, I guess,

1 final remarks. There's just three pages. Should I  
2 just finish them off today and then do the conclusion  
3 with the rest of the conclusion tomorrow?

4 THE CHAIRPERSON: That might be more  
5 logical.

6 MR. A. KULBASHIAN: So, we can go to  
7 break and then come back and...

8 THE CHAIRPERSON: Okay, we'll take a  
9 break. Let's not take it too long.

10 REGISTRY OFFICER: All rise.

11 --- Upon recessing at 4:30 p.m.

12 --- On resuming at 4:45 p.m.

13 REGISTRY OFFICER: Order, please.

14 All rise.

15 Please be seated.

16 MR. A. KULBASHIAN: Okay. The  
17 following statement -- should I continue?

18 THE CHAIRPERSON: Yes.

19 MR. A. KULBASHIAN: Okay. The  
20 following statements about Dr. Henry are  
21 self-explanatory. This is kind of detailed description  
22 of her knowledge regarding this case, her biased  
23 approach to the articles.

1 I ask:

2 "Okay, I believe that she does

3 not have -- that she, of her own

4 admission, dabbled in certain

5 things and concentrated mainly

6 on a specific vein in the field

7 of racism, as opposed to getting

8 a stronger general view of

9 racism. And I believe that from

10 the testimony we've got in this

11 case so far and evidence

12 presented, that there is a much

13 broader aspect -- issue in front

14 of the Tribunal today than she

15 can testify to.

16 She admitted -- first of all,

17 actually I will get into that

18 first.

19 She admitted that racism also

20 included politics, also includes

21 a whole bunch of economic as

22 well as national issues, et

23 cetera. Second of all, I



1 believe her knowledge of racism,  
2 her expertise of racism is too  
3 narrow to be able to testify in  
4 this case."

5 And I say:

6 "Narrow in the sense that, first  
7 of all, she cannot provide an  
8 opinion on the  
9 Israeli/Palestinian issue when  
10 there was lots of testimony  
11 brought that she admitted to  
12 concentrating particularly on  
13 issues with "people of colour".  
14 She also stated she had done  
15 some extensive studies in the  
16 Holocaust, however, as Holocaust  
17 specifically as opposed to any  
18 other genocides.  
19 ...she also got into an argument  
20 with me as to whether or not  
21 anything else applies as a  
22 Holocaust, which I believe to be  
23 a personal bias more than an

1 issue of technicality, because  
2 she did define the word  
3 Holocaust as annihilation of a  
4 race.

5 For example, the book Holocaust  
6 Denial, seems to be limited to  
7 the Holocaust itself as opposed  
8 to other genocides that were  
9 committed during the 20th  
10 century or even before...et  
11 cetera, et cetera.

12 I feel that she might have gone  
13 outside her field of expertise  
14 and I feel that would be in the  
15 field of psychology as opposed  
16 to the field of sociology, and I  
17 believe that there was no  
18 evidence put in front of us that  
19 she is an expert in psychology."

20 THE CHAIRPERSON: I believe that  
21 these were arguments that you submitted before she was  
22 qualified as an expert.

23 MR. A. KULBASHIAN: I'm reading from

1 my notes.

2 THE CHAIRPERSON: You're  
3 re-affirming.

4 MR. A. KULBASHIAN: Yes.

5 THE CHAIRPERSON: That's what I  
6 understand you to be doing.

7 MR. A. KULBASHIAN: Okay, coming back  
8 to certain other things. In her testimony when she was  
9 asked what kind of, I guess, hate propaganda she did  
10 research on, she stated that she didn't do research on  
11 hate propaganda and she was kind of evasive. In fact,  
12 I can actually find that -- I might be able to bring it  
13 in tomorrow. For some reason I copy and pasted, I  
14 think it got deleted.

15 THE CHAIRPERSON: Mm-hmm.

16 MR. A. KULBASHIAN: She was kind of  
17 evasive and then she admitted that she was not an  
18 expert in hate propaganda and at which point Mr. Chair,  
19 you verified that she had been tendered as an expert in  
20 racism and hate propaganda and her own admission that  
21 she was not an expert in hate propaganda, I guess,  
22 caused me to believe that she misled the court in the  
23 very beginning, early stages during the debate to try

1 to get the court -- sorry, not the court, the  
2 Tribunal -- try to get the Tribunal to believe she was  
3 an expert in those fields.

4 I mean, whether or not she's an  
5 expert in racism, I guess that's up to the Tribunal to  
6 decide at this point but I don't know about as far as  
7 her being an expert versus being an expert witness, the  
8 decision is not mine to make, it belongs to the  
9 Tribunal.

10 Another notable thing was her, I  
11 guess, her tendency to judge people and events without  
12 any information about them, without knowing anything  
13 about them, or maybe having heard some peripheral  
14 information about them from other parties, which is  
15 contrary to what, I guess, people who are anti-racist  
16 believe, that people should not be judged before being  
17 seen.

18 And also, for example, even though  
19 she stated that she didn't know very much about Mr.  
20 Fromm, Paul Fromm or Dr. William Pierce or David  
21 Duke -- she had heard a few things about Dr. William  
22 Pierce and a few things about David Duke -- and my  
23 case, strong -- as far as Mr. Fromm goes where she

1       stated she had no information at all, she still managed  
2       to call these three individuals and I believe that if  
3       the court decides that she's qualified -- I mean, the  
4       Tribunal decides that she's qualified to take the stand  
5       to talk about racism, then I don't understand why the  
6       Tribunal would also not -- would believe her word over,  
7       say, Dr. William Pierce's because Dr. William Pierce  
8       seems to be just as qualified as she is in the field of  
9       racism.

10                   My conclusion -- basically the  
11       previous questions and responses from Dr. Henry  
12       confirms that she has done the minimum research for her  
13       report. Moreover, she has come to this Tribunal  
14       unprepared. She did not want to make the extra effort  
15       to study the whole picture. To her own acceptance from  
16       thousands of pages she has studied a very few articles  
17       and through her limited scope she reaches general  
18       conclusions.

19                   During her whole process of  
20       testimony, her biased attitude and approach is apparent  
21       towards certain people, especially Israel and the  
22       Jewish population. She has very poor memory and a  
23       selective memory. She has not been able to remember or

1 explain most of the specifics on which her report is  
2 based, frequently saying that she does not remember but  
3 she still defends her views.

4 Dr. Henry has many times contradicted  
5 her own statements or refuted them.. When she is  
6 cornered in a difficult situation, she is evasive.

7 Dr. Henry acknowledges that she is  
8 not an expert in politics or psychology. She also  
9 admits that the materials include politics, but still  
10 irrelevant of her knowledge she reaches conclusions.

11 The same also applies in psychology.  
12 Although her knowledge about hate propaganda is  
13 limited - and by her own admission she's not an expert  
14 in hate propaganda - but nevertheless this did not  
15 refrain her expressing her views, opinion mostly based  
16 on assumptions rather than facts.

17 In her studies, Dr. Henry has  
18 concentrated only on limited and specific portion of  
19 her major. She has not made an effort to widen her  
20 knowledge.

21 But the following is a crucial point,  
22 Dr. Henry has only a very limited knowledge about the  
23 websites, namely, TCS< VV and CECT, to be able to

1           assert what is their main theme. But when she analyses  
2           each article her opinion is based on implications vis a  
3           vis the site, rather than analyzing each article in its  
4           own context.

5                               Therefore, we ask the Tribunal I  
6           guess not take the view that Dr. Henry is actually an  
7           expert in her field and take her for what she is, more  
8           of a civilian commenting on her opinions on racism as  
9           opposed to science and also disregard her remarks  
10          regarding the Tri-City Skins, Vinland Voice and  
11          C.E.C.T. sites. She is not qualified and, moreover,  
12          she does not have enough knowledge about those sites to  
13          be able to come to a fair opinion.

14                            THE CHAIRPERSON: Well, I did qualify  
15          her as an expert, but I think you're saying that I  
16          should re-visit her evidence.

17                            MR. A. KULBASHIAN: Yeah re-visit her  
18          evidence.

19                            THE CHAIRPERSON: And discount it  
20          for...

21                            MR. A. KULBASHIAN: Well, by her own  
22          admission she's not an expert in hate propaganda and  
23          that's by her own admission on the stand.

1 I even remember exactly where that  
2 was and I remember the questioning that led to it.

3 THE CHAIRPERSON: I have a  
4 recollection of that too. I believe -- I can find that  
5 on the transcript. Well, you can bring it to my  
6 attention tomorrow, if you wish.

7 MR. A. KULBASHIAN: Okay. So, that  
8 would be my submissions. There isn't much left, so...

9 THE CHAIRPERSON: There's a reference  
10 to Mr. Kierluk.

11 MR. A. KULBASHIAN: Yeah, we're going  
12 to go into that part.

13 THE CHAIRPERSON: Tomorrow, okay.

14 MR. A. KULBASHIAN: Well, I guess  
15 some of the reference to Kierluk rely on evidence that  
16 really didn't make it into the court, so I guess it's a  
17 better idea to just ignore that.

18 THE CHAIRPERSON: All right. So, we  
19 will start with you tomorrow, hopefully it won't be too  
20 long so as not to cut into the time of Mr. Richardson,  
21 then we'll hear from Mr. Richardson, and then we will  
22 hear reply.

23 Okay, great.



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REGISTRY OFFICER: All rise.

--- Whereupon the hearing adjourned at 4:50 p.m.,  
to resume on Friday, February 25, 2005  
at 9:30 a.m.

I HEREBY CERTIFY, to the best of  
my skill and ability, that the  
foregoing is a true and accurate  
transcript of the proceedings

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Beverley R. Dillabough, C.S.R.

