

SUPERIOR COURT OF JUSTICE

5 C O N F I D E N T I A L H E A R I N G

IN CAMERA

HIS MAJESTY THE KING

10 v.

CAMERON JAY ORTIS

15 E X C E R P T S O F P R O C E E D I N G S A T T R I A L
E V I D E N C E O F C A M E R O N J A Y O R T I S
(MORNING SESSION)

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 2, 2023, at OTTAWA, Ontario

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**INFORMATION CONTAINED HEREIN IS PROHIBITED FROM
PUBLICATION PURSUANT TO AN ORDER UNDER SECTION 486 OF
THE *CRIMINAL CODE OF CANADA* BY THE HONOURABLE JUSTICE MARANGER
OF THE SUPERIOR COURT OF JUSTICE, DATED: SEPTEMBER 28, 2023
(PLEASE SEE FULL ORDER DETAILS ATTACHED HEREIN) AND SECTION 517
OF THE *CRIMINAL CODE OF CANADA* BY JUSTICE OF THE PEACE S.
LEGAULT OF THE ONTARIO COURT OF JUSTICE,
DATED: OCTOBER 17, 2019**

30 APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Ortis

In Camera

COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

**ORDER EXCLUDING THE PUBLIC FROM PARTS OF THE TRIAL PROCEEDINGS
PURSUANT TO SECTION 486 OF THE *CRIMINAL CODE*
AND FOR A STATUTORY PUBLICATION DELAY OF PRE-TRIAL APPLICATIONS**

Whereas the Accused, Cameron Jay Ortis, is charged with offences contrary to the *Criminal Code* and *Security of Information Act*; and

Whereas the Federal Court has ordered certain information in relation to those charges cannot be disclosed due to injury to national security that would be caused by disclosure; and

Whereas the Respondent has brought an application pursuant to section 486 of the *Criminal Code*, that the public be excluded from the courtroom during parts of the trial against Cameron Jay Ortis, and that access to transcripts of those proceedings be made available to the public after review and redaction of any information that is subject to an order made by Justice Norris of the Federal Court of Canada pursuant to s.38.06(3) of the *Canada Evidence Act*, and any information that may be subject to an objection to disclosure pursuant to s.38.01 of the *Canada Evidence Act*; and

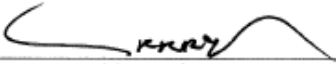
Whereas the publication of pre-trial applications is statutorily prohibited until the jury retires to consider its verdict pursuant to section 648(1) and section 645(5) of the *Criminal Code*; and

After hearing the submissions of the parties and considering the materials filed;

IT IS ORDERED THAT:

1. Pursuant to section 486 of the *Criminal Code*, the public be excluded from the courtroom during the testimony of witnesses Dan Morris, Gregory O’Hayon, Walter Mendonca, and the accused, Cameron Ortis.
2. Transcripts of the witnesses’ testimony shall be made available to the public as soon as possible after having been reviewed and redacted to ensure that Justice Norris’ Order prohibiting disclosure has been complied with, and that no sensitive information or potentially injurious information that has not yet been subject to a determination by the Federal Court is made public. Transcripts can be obtained by contacting PPSC media relations at media@ppsc-sppc.gc.ca or 613-954-7803. Audio of morning sessions shall be made available to the transcriptionist at lunchtime to allow for expedient preparation of transcripts.
3. All information regarding this and any other pre-trial application, and any decisions made, shall not be published until the jury retires to consider its verdict or the case otherwise concludes. When the persons named in paragraph 1 testify, the media are free to report to the public that they have been excluded from the courtroom, after a consortium of the media opposed this measure, and that they are reporting from transcripts as well as to indicate whether the transcripts have been redacted.

DATED at the City of Ottawa, Ontario, this th 28 day of September, 2023.


The Honourable Justice Maranger of the
Superior Court of Justice of Ontario

**COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)**

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

**ORDER EXCLUDING THE PUBLIC FROM
PARTS OF THE TRIAL PROCEEDINGS
PURSUANT TO SECTION 486 OF THE
CRIMINAL CODE AND FOR A STATUTORY
PUBLICATION DELAY OF PRE-TRIAL
APPLICATIONS**

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In Camera

SUPERIOR COURT OF JUSTICE

T A B L E O F C O N T E N T S

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W I T N E S S E S

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<u>WITNESSES</u>	<u>Examination- in-Chief</u>	<u>Cross- Examination</u>	<u>Re- Examination</u>
ORTIS, Cameron	1	-	-

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Legend
<i>[sic]</i> - Indicates preceding word has been reproduced verbatim and is not a transcription error.
(ph) - Indicates preceding word has been spelled phonetically.

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Transcript Ordered:	November 2, 2023
Transcript Completed:	November 3, 2023
Ordering Party Notified:	November 3, 2023

THURSDAY, NOVEMBER 2, 2023

... WHEREUPON MATTER COMMENCES (10:00 a.m.)

5 ... FURTHER PROCEEDINGS RECORDED AND NOT
TRANSCRIBED, TRANSCRIPT AVAILABLE UPON REQUEST

... EXCERPTS OF PROCEEDINGS (10:22 a.m.)

10 ... WHEREUPON JURY ENTERS (10:22 a.m.)

MR. ERTEL: Call Cameron Ortis to the witness box,
please.

CAMERON ORTIS: AFFIRMED

15 EXAMINATION IN-CHIEF BY MR. ERTEL:

Q. Sir, there's a binder behind you. I
understand that's a copy of your notes that you made while you
were in the - the Director of the OR?

20 A. That's correct.

Q. And is it possible that you might need to
refresh your memory from those notes from time to time?

A. It is possible, yeah.

25 MR. ERTEL: I don't know if my friend has any
objection to that, but, just....

MR. MACFARLANE: No, Your Honour.

MR. ERTEL: ...they're there. He could use them
if necessary.

30 Q. Deputy Commissioner Shean said you often spoke
about the mission. What - what - what's the mission?

A. The mission was to meet the threats to the
security of Canada head on.

Q. Did you ever have a different mission as the Director of Operations Research?

A. Never.

5 Q. Did you act in some criminal way at some point?

A. I did not.

Q. Did you betray the RCMP?

A. Absolutely not.

10 Q. Are you responsible for the e-mails and the packages that were shown to Deputy Commissioner Shean?

A. I am responsible.

Q. Did you have the authority to act?

A. I did have the authority.

Q. Do you regret acting now?

15 A. Well, I don't make decisions based on my career or career prospects, but I couldn't have envisioned or imagined that all of this would transpire.

20 So, it's - of course, in some sense I regret everything that's happened over the last four years to everyone, but what I did was not wrong.

Q. I'm gonna take you in - in - in due course to the - the ultimate events that - that Deputy Commissioner Shean was talking about, but first I'm gonna take you to a little bit
25 of background and then we're gonna get - we'll get back to that.

So, starting point was this, where were you - where were you born?

A. I was born in Chilliwack, British Columbia.

30 Q. And when were you born?

A. April 24th, 1972.

Q. So, you're 51 years old now?

3.
Cameron Ortis - in-Ch.

A. I am 51.

Q. Any siblings?

A. I have one sister.

Q. And does she have any children?

5 A. She has two daughters. So, I have two nieces.

Q. And what did your dad do for a living?

A. For a number of years, my dad was a pastor and then he became a counselling psychologist for the rest of his career.

10 Q. And what about your mom?

A. My mother was a healthcare administrator in British Columbia.

Q. Where did you grow up?

A. Mostly in the lower main - lower mainland of British Columbia, but I spent some time in the United States when my dad was going to graduate school. Little bit of time in Saskatchewan after that, but the rest of the time in British Columbia.

20 Q. And where did you - did you go to high school in British Columbia?

A. I did. I went to high school in Abbotsford B.C.

Q. And what about university?

A. I did my undergraduate degree at the University of Northern British Columbia, in Prince George.

Q. And what was your degree in?

A. International relations and political science.

Q. And did you get further education after that?

A. I did. I went on to do a master's degree at McMaster University in Hamilton, Ontario.

30 Q. Okay. What was the - what - what subject was the master's degree in?

A. So, the master's degree was in political science, and I focussed on the Asian financial crisis.

Q. Okay. And would that be a - a financial crisis that took place in the 90s in Asia?

5 A. It was the late 90s, correct.

Q. And what - what were you studying about the financial crisis, sir? What was your....

A. So, I studied how State and non-State actors adapt to new threats.

10 Q. And then did you get further education after that?

A. Yes, I did. I went to - I moved back home to Vancouver and went to the University of British Columbia to do a PhD.

15 Q. Okay. And what was the - and I guess you have to write a thesis for a PhD?

A. Yes, that's right.

Q. And what was the subject matter of your PhD thesis?

20 A. I looked at the intersection between international security and cyber security and how State and non-State actors were adapting to those new threats.

Q. And how - how long were you enrolled at - at UBC for the PhD program?

25 A. I was there for about six years. And I also did a certification in systems administration at the same time.

Q. And what - what is that, systems administration?

A. Cyber security related.

30 Q. And did you leave UBC after you completed your PhD, or did you stay there for some period of time?

A. No, I stayed for an extra year to do a post-

doctoral fellowship.

Q. Getting paid?

A. Sort of. A little bit, yeah.

Q. And how old were you by that point?

A. I want to say 35, 36.

Q. So, essentially, you had been going to school until you're about 35 years old?

A. Yep, that's correct.

Q. And did you have any other employment before you left B.C.?

A. I did a little bit of private sector consulting, and some other research work at UBC.

Q. And what was the - the topic of the consulting that you did?

A. Cyber security related.

Q. And is that related to addressing cyber security type threats or something like that?

A. Correct. Yes.

Q. And - but that was for private industry?

A. It was, yeah.

Q. So, when do you wind up coming to Ottawa to work for the RCMP?

A. I was approached by two senior executives from the RCMP in 2006, and asked if I would consider doing a year or two in Ottawa, working in the Critical Infrastructure Intelligence Program.

Q. And would that be related to the work that you had been doing and the PhD that you had worked on?

A. It was directly related.

Q. So, they recruit you. They recruited you in 2006 and asked whether you'd come for a couple of years, or a year or two, and what - what did you finally decide?

A. After a year or two in the RCMP, well I decided while I was in Vancouver to take a chance and move to Ottawa, and after a year or two of employment in the RCMP, I decided to stay.

5 Q. Okay. So, your first role at RCMP was what?

A. I was a Senior Intelligence Research Specialist.

Q. Okay. And what - what - what did - branch or unit was that for?

10 A. So, I worked in the National Security Operations branch for a unit that was at the time titled Critical Infrastructure Intelligence Team.

Q. CIIS?

A. There is an acronym, yeah.

15 Q. I don't know if it's on the list, but if it is, we can - we can add it. But anyway, what was your job there? Like, were you - were you - you're - you're talking about critical infrastructure. What is critical infrastructure, or what was it for you?

20 A. So, Government of Canada at the time divided Canada's critical infrastructure, so, everything from dams to roads to telecommunications up into various sectors, and I was responsible for two of those sectors. The cyber sector, as it was called, and the passenger rail and urban transit.

25 Q. And what - what kind of work would you do for that - those sectors?

A. So, it was a counterterrorism intelligence mission, and my job was to go out and meet with the owners and operators of those critical infrastructure sectors. Ninety
30 percent of Canada's critical infrastructure is owned and/or operated by the private sector.

So, my job was to go out, meet with them, help them build suspicious incident reporting systems, and convince them to share that with the RCMP.

Q. And how did you convince them to share their reportings with the RCMP?

A. Well, the private sector doesn't give up data for free. The idea of the model was, if they gave us suspicious incident reports, that we would then in turn process that into intelligence that could be shared back with those owners and operations of the critical infrastructure, so, that they could be aware of threats and take measures to protect their infrastructure.

Q. Okay. So, is this - does this fit loosely under - go ahead.

THE COURT: Sorry, I just - I noticed she was coughing.

MR. ERTEL: Yeah, yeah. She might not be the only one. That time of year.

Q. Is this critical infrastructure work, does this sort of fit generally under the heading of the mission that you talked about earlier?

A. Yes, it does. It was at the time the counterterrorism threat environment, one of the primary concerns were attacks against critical infrastructure in North America in Western Europe.

Q. Is this related to the events of 9/11, or....

A. It's directly related to the events of 9/11.

Q. So, this critical infrastructure group that you were working for, was it actually created in response to the events of 9/11?

A. Yes, it was. Yeah.

Q. And did you also work there with Mr. O'Hayon?

A. I did, yeah. That was the first time I had met Mr. O'Hayon, and we worked together on the telecommunications and cyber infrastructure sector.

5 Q. And in your time there, without obviously divulging anything that you can't divulge, were there potentially significant threats to Can - Canadian infrastructure...

A. There were.

10 Q. ...from terrorism?

A. There were.

Q. And were those threats addressed by the RCMP and other agencies?

A. They were.

15 Q. So, you're at CIIT doing this work, and what is your like, job classification at that time?

A. I was a temporary civilian employee, which is a - essentially a public servant on contract with the RCMP.

Q. And how long were you in that role before you're switched to something else?

20 A. I was in that role for about two years, and I took on extra duties on some intelligence analysis related to counterterrorism.

Q. So, when - when did you take on those extra duties related - related to counterterrorism?

25 A. It was the end of 2008, beginning of 2009.

Q. And how did you become involved in that?

A. I was tasked by the management at the time to look at a particular counterterrorism threat that had a significant nexus to Canada.

30 Q. It involved another country or a terrorist group or something?

A. It was involving a threat from another

country, and a terrorist group.

Q. And - and who tasked you with that work?

A. At that time, it was Chief Super - or Superintendent Larry Tremblay.

5 Q. Okay. Superintendent Larry Tremblay was filling what role at that time?

A. He worked for what was then Chief Superintendent Bob Paulson.

10 Q. Okay. So, in 2008, beginning of 2009, Bob Paulson is Chief Superintendent in charge of what?

A. I - National Security Criminal Operations.

Q. Okay. And I gather, this isn't controversial or anything, that...

A. No.

15 Q. ...within a few years, Bob Paulson goes from Chief Superintendent to Assistant Commissioner to Deputy Commissioner to Commissioner of the RCMP?

A. That's correct.

20 Q. And was that, at the end of 2008, 2009 was that the first time that you had work assigned to you sort of indirectly by....

A. That was the first time, yes.

Q. And did you meet with then-Chief Superintendent Bob Paulson about these matters?

25 A. I did.

Q. And also, with Larry Tremblay?

A. Yes, that's correct.

Q. Who you were reporting to?

A. That's who I was reporting to directly, yeah.

30 Q. Now, were you reporting to Larry Tremblay in the other aspect of your work as well?

A. Later, as the Officer in Charge of Operations

Research, I would be reporting directly to Larry Tremblay.

Q. Okay. And when you were doing the CIIT work....

A. CI - yeah, critical infrastructure, yeah.

Q. Yeah. Who did you report to then?

A. I reported to a civilian member, whose name was Francine Lavert.

Q. Okay. So - so....

MR. MACFARLANE: Sorry, I didn't catch that, Your Honour.

MR. ERTEL: Francine Lavert. L-A-V...

A. Francine.

MR. ERTEL: ...E-R-E [sic].

A. No, L-A-V-E-R-T.

MR. ERTEL: E-R-T. The green.

A. Yes.

Q. Okay. So - so, I guess at that point in time, it sounds like you're actually reporting to two different places. Your - your ordinary work, you're reporting to Ms. Lavert?

A. Yes, correct.

Q. And the other work you're reporting to Mr. - or to Superintendent Tremblay who reports to Chief Superintendent at the time, Paulson?

A. That's correct.

Q. And was that what's been called in the trial, like, high-side intelligence that you were doing at that point?

A. Not with the Critical Infrastructure Intelligence Team, but the - let's call it the off the corner of my desk tasking to Larry Tremblay was when I was first - I first started using high-side material.

Q. Okay. And like, the terms are all thrown

around, high-side material and everything else, but high-side material, what is high-side material?

A. So, it's shorthand for anything classified. So, it could be human intelligence collected by various three-letter agencies that collect human intelligence.

Q. So, I'm just going to stop you there.

A. Sure.

Q. And when - when you say human intelligence, that's sometimes shortened to H-U-M-I-N-T?

A. HUMINT.

Q. HUMINT?

A. HUMINT.

Q. So, and when you - when you're talking about three-letter agencies you're talking about agencies in Canada, or elsewhere or....

A. Throughout the 5EYES.

Q. Okay. And the 5EYES, we've already defined a being a - a collaboration between some English-speaking countries, Canada, United States, the United Kingdom, Australia and New Zealand?

A. That's correct.

Q. Okay. And each of those countries - do each of those countries have what you describe as three-letter agencies? Agencies that investigate matters and supply high-side information?

A. That's correct. Each - each country has its own, let's call it lead HUMINT agency that then collects information and feeds it into the 5EYES community.

Q. Okay. And how do you access that information?

A. So, the primary access is through the Canadian Top Secret Network, or CTSN, and there are applications that you can, let's call it, click on, that open up other programs that

allow you to connect into the 5EYES system.

Then there is also - at the time, there was another system in the RCMP called the classified environment or the RCMP CE environment which went to top secret. It was
5 internal only to the RCMP, and that's where all of the 5EYES HUMINT came in.

Q. Okay. And so, you - you talk about HUMINT and then I probably got you off track there, because there's also
10 SIGINT, right?

A. That's correct.

Q. And that's S-I-G-I-N-T?

A. That's correct.

Q. And what is SIGINT?

A. So, SIGINT is shorthand for a much broader
15 term with an acronym called communications intelligence, or COMINT, but it's generally referred to specifically as SIGINT, and it's collected through technical means deployed around the world by the 5EYES agencies responsible, who have the mandate to
20 collect that information.

Q. Right. So - so, it's signal intelligence?

A. Correct.

Q. And when you say it's collected, it's like, what - wiretaps, that sort of thing?

A. Everything that has an electron or a photon
25 you can think of the internet, you can think of radio communications, telephone communications, and everything in between, is collected by those agencies.

Q. And this material that's collected, is this
30 material that's available on open source? Like, would I be able to go and find it?

A. No.

Q. Okay.

A. No.

Q. So, when did you first get access to that type of material?

5 A. So, in the course of my duties, in late 2008, early 2009, I required the ability to send and receive classified e-mail from the RCMP's partner organizations, and the classified e-mail to connect to other 5EYES agencies is done on the CTSN using very s - the very same software that we would
10 normally use to send and receive e-mail.

Q. But it's secured in some way, or something?

A. It is. At the - at the time, the RCMP's national security program was in an old headquarters on Vanier Parkway in Ottawa.

15 Q. Okay. Was that Vanier Parkway - corner of Vanier Parkway and McArthur there?

A. Yes, that's correct. Yeah.

Q. Sort of kiddy corner to the Loblaws?

A. Right next to the Queensway.

20 Q. And so, that's where the headquarters was...

A. Correct.

Q. ...before it moved out to Barrhaven?

A. Before it moved out to Leiken Drive.

Q. Right.

25 A. And the entire national security program was in a very old building on that compound, and the only SCIFs that were available were closets.

Q. Okay. So, let me just stop you there. A SCUF is an acronym that will be on the list...

30 A. Sorry.

Q. ...that they have, but just...

A. Correct.

Q. ...SCIF means?

A. A secure compartmented information facility.

Q. Okay. So, and what was the - why was that important, the - the SCIF? What was the significant of that in relation to this CTSN e-mail that you're talking about?

A. So, in order to have access to a terminal, a CTSN terminal, or a computer that you can access your e-mail on, it has to be in a room that has special walls and special doors, and spe - special features that bring the - let's call it the - the internet of the 5EYES into the room.

Q. Okay. And you said that the room was a - there was a room that was a closet where - at the headquarters?

A. Correct. There were two rooms, or two closets, only one closet SCIF room had a CTSN terminal.

Q. Okay. Now - well, how did you even become aware that it existed, I guess?

A. So, my requirement to send and receive e-mails from a partner agency in - in support of the work that I was doing, I had to find out where the CTSN terminal was, and where the closet was located. And then I had to get permission to create an account, or an e-mail account on the CTSN closet system, and - in order to be able to start using it.

Q. Okay. Now, the - and did you then create an account and start using it?

A. I did. I got permission to create the account, yeah.

Q. Okay. And did you maintain a CTSN e-mail account during the rest of the time that you were employed by the RCMP?

A. Same account. Same address.

Q. And have you been provided with access to that account, so, that you can use the e-mails in that account to

defend yourself?

A. No, I have not.

MR. MACFARLANE: Your Honour, if I could ask for the jury to be excused...

THE COURT: Yeah.

MR. MACFARLANE: ...please?

... WHEREUPON JURY RETIRES (10:46 a.m.)

... FURTHER PROCEEDINGS RECORDED AND NOT TRANSCRIBED, TRANSCRIPT AVAILABLE UPON REQUEST

... WHEREUPON JURY ENTERS (10:48 a.m.)

EXAMINATION IN-CHIEF (CONTINUED) BY MR. ERTEL:

Q. Just a matter to clarify on the CTSN e-mails.

A. Sure.

Q. I - I'm gonna lead, because I think it's gonna be easier, but my friend can object if it's a problem.

I gather you were given a spreadsheet that outlines, like who the e-mails were sent to or something like that?

A. So, I was provided a spreadsheet of my CTSN e-mail account. There are significant gaps in the time and the - and the e-mails, and much of the subject line and the recipients are - is redacted. But I do have a - like, it's like, a - yeah, it's a spreadsheet, essentially.

Q. And - and I gather at your previous lawyer's request, the 12 e-mails were released with some redactions?

A. That's correct.

Q. And so, then just to clarify then, what I was

asking you about was whether you've been able to look at your e-mails, or have access to your e-mails in the CTSN, in order to prepare your defence?

A. Some of them, yes.

5 Q. Okay. And was that the only e-mail that you had - address that you had in the time that you were at the RCMP? The CTSN e-mail?

10 A. No. So, in the national security program, you have three e-mail addresses. You have your CTSN e-mail, which allows you to speak with and communicate with 5EYES agencies up to the top secret signals intelligence level, or TS/SI.

15 Then you have another e-mail account on the RCMP classified environment, CE, which allows you to communicate with members in the RCMP up to the top secret level.

20 Then you have what's called ROSS e-mail. It's essentially the RCMP's corporate e-mail that everybody uses about 95 percent of the time. So, I had a ROSS e-mail account that I used heavily and primarily.

Q. Okay. And you were arrested for these offences in 2019, in the fall, right?

A. That's correct.

25 Q. So, I - I'm gonna come back to your - your progress in the RCMP by just dealing with this. After you were arrested, were you frozen out of all your access to RCMP computers and e-mails and that sort of thing?

A. That's correct.

30 Q. And maybe just before we move on just - or go back to your progression at the OR. Has the arrest for these offences had any impact on your career?

A. It's been devastating.

Q. Do you have a pension or any possessions or anything left?

A. No. All gone.

5 Q. Your reputation in the media and that sort of thing?

A. Completely destroyed.

Q. Friends, colleagues, family?

A. Family stood by me. Friends did not.

Q. All your friends?

10 A. Friends from the old days in British Columbia who I've known for a long time have stood by me, but friends and colleagues in Ottawa and professional contacts have not.

Q. After you were arrested, were you released on bail?

15 A. I was briefly arrested - or briefly released on bail for about 10 days in October of 2019.

Q. And after the 10 days?

A. The Crown brought a bail review....

MR. ERTEL: The Crown's objecting again.

20 MR. MACFARLANE: If I could ask for the jury...

THE COURT: Yeah.

MR. MACFARLANE: ...to be excused?

... WHEREUPON JURY RETIRES (10:53 a.m.)

25 ... FURTHER PROCEEDINGS RECORDED AND NOT TRANSCRIBED, TRANSCRIPT AVAILABLE UPON REQUEST

... WHEREUPON JURY ENTERS (10:56 a.m.)

30 EXAMINATION IN-CHIEF (CONTINUED) BY MR. ERTEL:

Q. So, before the jury was asked to leave, you

were asked about bail, and you said you were out for 10 days and then you said the Crown brought a bail review, and what happened?

A. I was - my bail was revoked, and I was
5 returned to the Ottawa-Carleton Detention Centre, here in Ottawa.

Q. And how long were you there before you were eventually released on bail?

A. Just over three years.

10 Q. And during the time that you were there, were - were you able to meet with your lawyer to prepare your defence?

A. Not for the first six months.

15 Q. Okay. So, for the first six months, you were unable to prepare your defence because of....

A. So, I was not legally allowed to speak with my attorney about the classified nature of the case, and so, when I went to have my first bail hearing, and for the bail review, and then for a number of months afterwards, I was not allowed to
20 speak with my attorneys.

Q. And was that remedied by some type of court order at some point.

A. Correct. In March of 2020, six months later, an Ontario Superior Court Justice issued an order allowing me to
25 speak with my attorneys, and outlining a place where I could speak with them.

Q. Okay. And that place, was that a SCIF?

A. It was a SCIF.

30 Q. And was it required that your lawyers get a special clearance so that they are able to speak to you about the....

A. That's correct. So, they had to get both a

secret - or a security clearance, and they had to also be indoctrinated.

Q. And your - your lawyer, the - the lawyers that you've had at the beginning, I gather both of those lawyers got appointed to be judges at some point?

A. Yeah, they got promotions, both of them. Or - promotions, yeah.

Q. Well, they think it's a promotion.

THE COURT: *[Indiscernible...speaking low...unable to isolate speakers due to audio set up].*

MR. ERTEL: Q. But - but anyway, your - your lawyers that you have now also they had to get a security clearance to be able to talk to you about these things?

A. That's correct.

Q. Okay. So, and this secure location that was created, what - was it - was it at the detention centre or somewhere else?

A. No, they tried to, I think, build it at the detention centre, but they ended up [REDACTED]

MR. ERTEL: Oh. Sorry, Your Honour, I - apparently the location of the SCIF...

THE COURT: Okay. Let's not get into the details.

MR. ERTEL: ...is covered by Section 38. So, we're not allowed to reveal that to you. There was a location, I'll just lead through this...

A. Okay.

MR. ERTEL: ...and obviously the transcript will have to be - that's my fault. Hopefully I won't do it too often.

Q. So, the - the secure location was set, and you

would be transported to and from the secure location where you could meet with counsel and review disclosure?

A. That's correct. So, it was a unique feature of this case that I had to go to a different location outside of OCDC in order to both do the work and review disclosure, but also meet with my attorney. And so, staff at the Ottawa-Carleton Detention Centre would pick me up in the morning, and the RCMP would arrive to escort me [REDACTED]

Q. I'm just gonna leave that alone for now. We may come back to - to it somewhat later. But in any event, that was the way that you prepared for the three - well, the two and a half years, once you got permission while you were incarcerated?

A. Correct. I did that for five days a week for approximately three year - two and a half years, I would say.

Q. And then once you were released on - on bail, where were you required to live?

A. I was required to live with a surety, which was my parents, in Abbotsford, British Columbia.

Q. And were you prepared - were you able to communicate with counsel by e-mail or anything like that?

A. No, I was not.

Q. So, do you have restrictions about using the internet and that sort of thing?

A. I cannot use the internet.

Q. And....

A. Or a computer.

Q. I'm sorry?

A. Or a computer.

Q. And when you say, you can't use a computer, is that every computer or just any computer that could access the internet?

5 A. The only computers I was allowed to use were the ones provided to me by the RCMP in order to review disclosure on one, and then make my notes on the other RCMP computer.

Q. And so, I gather that you've - you've now made arrangements so that you can be in Ottawa, and you're allowed to be in your lawyer's office to prepare for the trial before the trial and during the trial?

10 A. That's correct. So, I arrived in Ottawa mid-September of this year.

Q. And you're staying so - in some location and - and you're required to remain in that location unless you're accompanied by someone from my firm?

A. That's correct.

15 Q. Okay. Okay. So, I'm gonna go back now to the development of the OR, and you - you described the first project that you were doing that involved counterterrorism, and where you got access to the CTSN?

A. That's correct.

20 Q. Now, when you got access to the 5EYES, I guess, you called them apps?

A. You can think of them as apps.

Q. Yeah.

25 A. Think of them as icons on a desktop that connect to various 5EYES systems that you can click on, and it brings up - let me think if I can say this. It brings up what you would normally see as a new program that can connect to those 5EYES systems.

Q. And access information in different places?

30 A. In different places, yeah.

Q. Okay. So, when you did that, when you - when you discovered that or when you saw that for the first time, was

somebody training you on that, or....

A. No, I clicked on the icon. The icon brought up a window. The window said, "you do not have access to this but if you want access, call this number." And so, I called
5 that number.

Q. Okay. Did you know whether other RCMP either members or civilian members or - or employees were accessing this information at the time that you accessed it?

A. At the - at the time, I was the only one.

10 Q. So, this is a few years after 9/11, obviously, right?

A. It is a number of years after 9/11, yeah.

Q. Did that strike you as odd that nobody at the RCMP was looking at that?

15 A. It was surprising.

Q. From - from what you knew at that time when you were looking at that information, did it seem like it - it should have been within the RCMP's mandate to be looking at that information?

20 A. Given its mission and its reemergence into the national security world after 9/11, tasked with counterterrorism, I was surprised that the information from the 5EYES, all of the information, was not being utilized.

Q. Did you bring that to anyone's attention that
25 there was information on there that was not being utilized?

A. I did, yes. I brought it to - I recall a conversation with the then Superintendent Larry Tremblay.

Q. Yes.

30 A. I provided with - him with some examples, and asked him if I could begin to summarize or paint a picture of what the threat reporting was on this system, this CTSN system, and how we might see the RCMP's mandate and mission within that

reporting.

Q. Okay. So, just - I'll come back to the RCMP's mandate and mission and how that information is connected with it, but I guess the - the starting point is this: what were the
5 - or after 9/11, who's responsibility was it to deal with counterterrorism? Which agencies in Canada had an obligation or a duty to assist with that?

A. So, there were - there's a - there was a large number of agencies that had some sort of national security or
10 counterterrorism mandate, but the four key pillars as it's often referred to, would be Global Affairs Canada, the Department of National Defence, the Canadian Intelligence Security Service, and the Communications Security Establishment, sometimes referred to as the Communications Security Establishment of
15 Canada.

Q. And what about the RCMP?

A. Became the other pillar.

Q. Like the fifth pillar?

A. Something like that, yeah.

Q. Okay. And what wa - what was the - if there
20 was a unique role, what was the role - the unique role of the RCMP in counterterrorism, as you understood it back then in 2008, early 2009?

A. Yeah. So, after 9/11, one way to look at the
25 RCMP's role is to consider how the Western world responded to the attacks after 9/11, and the way they decided to meet the continuing threat. And one of the ways was to criminalize the threat.

30 So, instead of the threat being managed purely in let's call it the spy world, or purely through military tools, there was a concerted effort to adapt and create new

legislation, help the courts understand how to prosecute terrorism offences. And so, throughout the Western world, many federal law enforcement agencies, you can think of like, the FBI and the RCMP, took on a large counterterrorism mission and mandate with the objective of prosecuting. First, discovering the threat, making arrests, and then prosecuting suspected terrorists in open courts.

Q. So - so, the - when you say that it - it - that it became something that was prosecuted, the *Criminal Code* was amended so that terrorism offences could be prosecuted. That's what you're talking about?

A. *Criminal Code* was amended; the Canada *Evidence Act* was amended, and some other federal legislation to support that.

Q. Okay. And so, you talked about the first counterterrorism file that you were working on. Did you work on any other files before the OR pilot project began?

A. Correct. So, I had two counterterrorism files that I was working before the pilot program, or the pilot project of the Operations Research was created.

Q. How did that affect your ability to do your other duties? The CIIC duties?

A. The Critical Infrastructure Intelligence? I worked long hours.

Q. So, you continued to do your original job, but you had these other two files that you were working on?

A. That's correct.

Q. And wa - was there a project called Samosa?

A. That's correct.

Q. And was that a prosecution of some Canadian people for terrorism offences?

A. That's correct.

Q. And were you involved in - in the intelligence that led to that prosecution?

A. I was responsible for the intelligence that began the RCMP's efforts that would eventually lead to the prosecution.

Q. Okay. And was that as part of the OR?

A. It was not part of the OR at the time, no.

Q. Is that the second of the counterterrorism projects that you were talking about?

A. Files, projects, I don't want to use the word project, but files, yeah.

Q. Okay. And who were you reporting to on that?

A. Superintendent Larry Tremblay.

Q. And was that also like, high-side intelligence, or a combination?

A. So, both of those two files were what we would call all source intelligence files. So, it wasn't restricted just simply to information that law enforcement was collecting, but it was all of the source of intelligence that the RCMP had access to, including the top secret signals intelligence.

Q. If - does working on those files have any - excuse me - anything to do with the creation of OR, as far as you know?

A. It did. So, the picture - let's call it the picture I was able to paint for decision makers in National Security Operations with my access to the, let's call it 5EYES high-side, led to the idea of creating a pilot project that would see more type - more files like that get produced for a period of one year, and then assessed at the end of that period.

Q. Okay. And whose - who gave birth to the OR, or who gave approval to the OR?

A. That was the then Assistant Commissioner of

National Security Criminal Investigations.

Q. Okay, and who was that?

A. Bob Paulson.

5 Q. And you said by now he's the Assistant
Commissioner?

A. Yes, he was, yeah.

Q. Okay. Of Criminal - sorry, of....

A. So, it's the old National Secur - there's been
a lot of reengineering and reorganizations. It's...

10 Q. Yeah.

A. ...the National Security Criminal
Investigations, which was the RCMP entity that worked on
counterterrorism.

15 Q. And what about intel? Did he have any - did
he have any supervisory role in intel as that Assistant
Commissioner?

A. Yes. So, he would have been responsible for
any intelligence that was being collected and produced by the
RCMP on the national security mandate.

20 Q. Okay. Now, I'm gonna come back to the pilot
project in just a few minutes, but I just wanted to ask sort of
generally about some terms that have come up.

One term was primacy of operations.

25 A. Yes.

Q. And what did that term primary of operations
mean to you? First of all, was this a term that was - that was
current in the RCMP in the 2009...

A. No, the primacy..

30 Q. ...[indiscernible...multiple speakers at the
same time unable to decipher words spoken...unable to isolate
speakers].

5 A. ...of operations was introduced to employees circa 2009, 2010.

Q. Okay. And who was it introduced by?

A. Bob Paulson.

Q. And what was his role at that time?

A. Either the Assistant Commissioner Natio - I think he was the Deputy Commissioner of Federal Policing at the time.

10 Q. And was it long after that that he became the Commissioner of the RCMP?

A. It was not long after that.

Q. And what is primacy of operations mean?

A. So, it's a - it's a term that encourages the RCMP to think about doing things differently. It is a term that encouraged RCMP employees to think about taking smart risks as opposed to avoiding risks. And it's a term that also tried to shift the RCMP at the time from being process driven, to being performance driven, and focussing entirely on meeting the threat to the security of Canada.

20 Q. And - and what about the term intelligence-led policing?

A. Intelligence-led policing is an older concept, that had been around at least in Canada, for a number of years before, and it essentially compels law enforcement to use intelligence to lead their operations or drive their operations as opposed to the older more traditional model of using intelligence simply to support their operations.

25 Q. And do - do those two concepts, primacy of operations and intelligence-led policing, do they have any connection, or do they fit together in any way that you could....

A. I think they do fit together. I think the

primacy of operations, especially on the national security front, was only possible both in theory and in practice if the RCMP became an intelligence-led organization.

5 Q. In 2008 and 2009, when you were doing these first couple of counterterrorism proje - files.

A. Files, yeah.

Q. Was the RCMP an intelligence-led policing organization at that time, in your view?

A. No, it was not.

10 Q. Is this something that you ever spoke to, ultimately, Commissioner Paulson about?

A. Yes, I think we've had - we had a number of conversations about how to bring about change within the RCMP and the way it does intelligence.

15 Q. Okay. And in your estimation in the - in the - the years after 2009, did high-ranking officers support this sorta change in policing to primacy of operation and - and - and an insistence on an intelligence-led policy?

20 A. I think the highest ranking officers in the RCMP responsible for national security and federal policing supported that vision.

Q. And who - who would be - who would be those?

A. Well, I would start with Larry Tremblay. Another name would be Gilles Michaud, G-I-L-L-E-S, M-I-C-H-A-U-
25 D.

Q. Yeah, what - what - what - what was his role?

A. He would become - he was an Assistant Commissioner responsible for national security, I would say circa 2011, 2012. He would become the Deputy Commissioner of
30 Federal Policing later on.

Q. And when he - and who else would you put in that category of high-ranking individuals committed to this new

style of policing?

A. I would put Bob Paulson squarely in that as well. I would put a civilian member, a senior ranking civilian member named Liam Price, who was also pushing for that change.

5 Q. Just - just maybe generally, did there seem to be any sense of opposition to changing the way things were done at the RCMP?

A. I think change always comes with some resistance. With respect to changing the way intelligence fit
10 within the RCMP especially within federal policing, many people raised some concerns about that.

So, for example, if you're gonna take intel from behind and supporting, and put it out front and leading, that's
15 gonna create some tension between those who might perceive themselves to be behind, and those who might perceive themselves to be moving out in front at the thin edge of the ledge.

Q. Okay. So, in the context of all of this, it's, as I understand it, it's Bob Paulson's idea - he's an
20 Assistant Commissioner - that the OR be created?

A. That's correct.

Q. Okay. And like, when you create a pilot project in the RCMP, what do you have to do to create a pilot
project?

A. There are forms to fill out. There are documents that need to be produced outlining the objectives of the pilot project, how long it will run, what kind of resourcing is required, how much it will cost, and what the measures of success would be. And then some reporting that goes along the
25 way.
30

Q. And would that reporting be reporting on whether the measures of success have been met, or something like

that?

A. not just the measures of success, but some of the problems that been - have been encountered, be that with policies or tools or technology, as well as some of the risks moving forward, and the opportunities.

Q. And would - would that be something that would be documented?

A. It was. Correct.

Q. And I guess, would it - would it also have to include like a request for finan - funding, or...

A. Yeah. There were requests for funding, prospective budgets. In the Government of Canada and the RCMP, you sometimes present options as the Cadillac option, the middle of the road option, and the lowest cost option. And that same model was used toward the end of the pilot project in 2009.

Q. And how long was the pilot project for?

A. It was approximately one year. Twelve months.

Q. Okay. So, you described an - an initial document that was set out, all of these items and some reporting, would that be documented as well?

A. It should be, correct.

Q. And would there be some kind of analysis at the end whether the project was successful or not?

A. There was an assessment, a concluding assessment towards the end, yeah.

Q. Have you been disclosed any of those documents...

A. No. No, I....

Q. ...in preparation for the case?

A. No.

Q. Did you have access to Operations Research documents, so, that you could produce those documents for the

Court yourself?

A. I do not.

Q. Do you have any information about where - like, the OR is not in existence anymore as I understand it, right?

A. That's correct. I believe it's been shut down.

Q. And do you have any information as to where the documentation - this type of documentation might be found at the RCMP?

A. Well, I don't have any current information. I can only speculate on where it was stored originally.

So, it would be in three different places. On the CTSN network share, and this is an additional feature of CTSN, we also have network shares where we can store files, keep records. Each person that has a CTSN account in the RCMP has also a personal account or a work account that they can store their backups and archives and documents.

There would also be documents on what we call the classified environment network share. So, that would come in the form of e-mails, other kinds of documents.

And then finally, the main RCMP system called ROSS. It would be in the form of Protected A and B documents, as well as e-mail.

Q. At the con - at the conclusion of the pilot project, OR was made more permanent, somehow?

A. It was. Yeah. So, there's a formal human resources process or HR process that comes with more documentation that gets formally signed off by a senior

executive with a tentative design of what the unit might look like. And that was done in early 2010.

Q. And would that also be documented?

A. It would be, yes.

5 Q. Have you seen any of that documentation in what's been disclosed to you?

A. No, I have not.

Q. And who would have signed off on that? You said somebody would sign off on it?

10 A. It would have been the Assistant Commissioner at the time, or - and/or the Deputy Commissioner of Federal Policing.

Q. And the Assistant Commissioner at the time was who?

15 A. I think that was Bob Paulson. It was Bob Paulson.

Q. And the Deputy Commissioner?

A. I can't recall.

Q. Was it possible that it was Mr. Mike Cabana?

20 A. It is possible, yeah.

Q. And I guess at some point in time, Mike Cabana was replaced in that job by someone else?

A. He was replaced by a man named Gilles Michaud. Yeah.

25 Q. So, would the Deputy Commissioner at that time have been one of those two people?

A. I believe so, but I'm not sure.

Q. And what was the in - during the pilot project, what was the mission of the OR as you recall it?

30 A. To meet the national security threat to Canada.

Q. And did the OR start with just you?

A. For the first 10, 15 minutes, it was just me. And when I left that very first meeting on that very first day when it was formally created, I went in search of Greg O'Hayon, who I had previously worked with on the Critical Infrastructure Intelligence team, and who we've heard here at this trial.

Q. And why did you pursue Mr. O'Hayon?

A. For two reasons. My experience working with him in CIIT, and his reputation within the existing intelligence program in the RCMP. And I think a third reason might be, I was confident that he would understand immediately what we were trying to do.

Q. And did he?

A. He did. Yep.

Q. And did you work closely with him during the pilot project?

A. I did. Side by side, day after day.

Q. And how would you have rated his performance during that pilot project?

A. I would say it was outstanding, and Operations Research wouldn't have been successful without him.

Q. I gather this is not controversial that the next person that began to work for the OR was Mr. Morris?

A. Yeah, that's correct. When your pilot project turns into a formal sort of sanctioning to create a unit, you're given the task of then trying to find people to put in that unit while at the same time doing your day job.

So, Greg and I realized quite quickly that we were going to need some help, and we were going to have to find a way to fill the - that org chart, those boxes on that org chart, with people who also understood what we were trying to do, and were as keen to carry out the mission as we were.

And so, I remember asking Greg and - for some names, and he looked at me and said, "I have only one name for you", and that was Dan Morris.

5 Q. And was it a good recommendation?

A. Oh, it was - hit it out of the park. Dan Morris is probably the finest intelligence professional that the RCMP has, and OR most certainly would not have even come close to the success that it had without his work.

10 MR. ERTEL: Is this a good time to take the morning break, Your Honour?

THE COURT: Yeah, 20 minutes.

... WHEREUPON JURY RETIRES (11:27 a.m.)

15

R E C E S S (11:27 a.m.)

U P O N R E S U M I N G : (11:45 a.m.)

CAMERON ORTIS: RETAKES THE WITNESS STAND

20

... WHEREUPON JURY ENTERS (11:47 a.m.)

EXAMINATION IN-CHIEF (CONTINUED) BY MR. ERTEL:

25 Q. So, at the be - at the beginning of OR, I guess even starting with the pilot project, what was the sort of general mandate of OR?

A. So, the mission of OR was primarily a counterterrorism mission, and the mandate was to consume all of the intelligence that was available to the RCMP to paint a picture of the threat, in order to help the RCMP make decisions to posture the organization with respect to that threat.

30

THE COURT: Sorry, I missed the last part of that.

A. Posture the RCMP.

THE COURT: Okay.

A. Sorry, am I not speaking loud enough, here?

MR. ERTEL: Q. And in terms of - in terms of
5 like, the latitude that you had looking at this high-side
information for potential threats.

A. Yep.

Q. Was there a limit on it?

A. No, there was no limit. At the beginning of
10 OR, we had to understand the RCMP's mandate with respect to the
consumption of highly classified material.

We had to adapt, draft, and evolve OR policies and
business rules with respect to keeping what we were doing far
15 away from what the criminal investigations were doing against
the counterterrorism threat.

Q. And so, you - you said that there wasn't a
limit for you in terms of identifying a threat - what you access
- OR accessed?

A. That's correct. So....

Q. And how does that - so, that's for the high-
side type of information, right?

A. Correct.

Q. And how does that apply to holdings of the
25 RCMP, generally? Criminal investigations, that sort of thing?

A. So, in theory, we had access to all of the
criminal holdings within the RCMP, and we also had the ability
to do open source research to supplement that. And we also had
the mandate to make contact with RCMP partners in order to share
30 information with them, so that they would share information back
with us.

Q. So, when you first began to look at this

information, was the RCMP sharing with partners?

A. No, it wasn't. Certainly not on a regular systematic consistent basis. So, another part of the OR's mission early on, was to understand what we can share from the RCMP back into the 5EYES world.

So, a simple way to think about this would be, there's no jeopardy for RCMP information or information from any Canadian law enforcement agency going into the 5EYES community, but there is legal jeopardy when that information comes back out of the 5EYES intelligence community into the RCMP for use in criminal investigations.

Q. And what - what does that mean, that there's jeopardy when it comes back into the RCMP for use in criminal investigations?

A. So, the jeopardy is around disclosure. Much of the information that we were working with could not be disclosed in open court, and had to be kept away from the criminal investigations that were running on the ground if you - if you will, that would eventually lead to a prosecution where all of the information that was gathered during that criminal investigation has to be disclosed to the person that might be charged with an offence.

Q. Right. So, there's - there's rules that the person who's charged with an offence is entitled to the fruits of the investigation in order to defend themselves?

A. Correct.

Q. And you're saying that there was some need for information from the 5EYES not to leak into the disclosure process?

A. Correct. So, it wasn't a matter of simply hiding information. It was a - a manner of coming up with

business rules, procedures, protocols, concept of operations for Operations Research that would allow us to work with that information but not let it be disclosed or influence the way an on the ground criminal investigation was running.

5 'Cause as soon as you let something influence in any way, that criminal investigation, the investigators are then seized with it, and they have to disclose that.

Q. Okay. Now, just backing up there.

10 A. Sure.

Q. I'll get back to that in a minute, but just backing up there a little bit. You mentioned business rules, protocols, and concept of information?

A. Concept of operations.

15 Q. Operations.

A. Yeah.

Q. Sorry.

A. Yeah.

20 Q. And was that - were you - were you talking about business rules, protocols, and concept of operations for the OR?

A. Right from the beginning.

Q. Okay. And so, are these things that are written down?

25 A. They are written down. They were written down. And it also included a, let's call it support unit, that was created, called the Sensitive Information Handling Unit or SIHU, which was a unit that actually was created out of the Arar Commission years earlier, that would be responsible for keeping
30 the files. And at that time, they were all paper files, but they would keep the files of OR's work so that should there be a need to look over the relevancy of that work, let's say by

prosecuting attorney or the Crown, to see if there was anything that was relevant in our work that might be required to be disclosed to somebody who's been the subject of an investigation.

5 Q. Okay. And so, that's SIHU, and maybe I'll ask you a little bit more about that in a minute, but these business rules, protocols and concept of operations are written down, and are they stored in SIHU, or something?

10 A. They were - some of them were stored in SIHU. Some of them were stored on the OR's CTSN shared drive. Some were stored on the RCMP's classified environment shared drive, and some exist in e-mails from that time period.

15 Q. And those rules - business rules, protocols, and concept of operations, who prepared those at the beginning of - you said it started right from the beginning of OR?

A. Correct.

Q. Who - who prepared those?

20 A. I prepared many of them both for the SIHU unit and for Operations Research. Dan Morris and Greg O'Hayon also prepared some of them.

Q. Okay. SIHU. It was in place before OR?

A. It did. It did exist before OR. It was created by the O'Connor recommendations - Justice O'Connor in the wake of the Maher Arar Commission.

25 Q. And it - it - it's a - it's a - it's a sensitive information handling unit?

30 A. Handling Unit. Correct. So, it's staffed by police officers and civilian analysts, and their job primarily is to ensure that files that are being built using this highly classified material are stored in a way that somebody could come later and look through them.

Q. And do they have to be stored according to

some - some rules or guidelines or...

A. Correct.

Q. ...policy?

A. So, there were nascent or early policies about
5 the way the SIHU would work on a day to day basis, and
essentially, they were given a number of large safes by another
entity in the RCMP, where they could put the files - the paper
files in, and take them out when they were adding to them or
removing documents from them.

10 Q. And while OR was working on files, was the OR
working on paper files?

A. In the early days, there were some paper
files, that's correct.

15 Q. Okay. And when you say in the early days
there were some paper files, were paper files replaced with
something else?

A. They were replaced by digital files using
different kinds of software.

20 In the beginning, we had to go from a - let's call
it, less secure area, into the closet that I was telling you
about. OR in 2010, when it was first created, didn't have
access to a SCIF for our offices, but we had access to cubicles
in the National Security Operations branch, which was next to
25 the closet or further down to that closet where that CTSN
terminal was.

30 So, members would go in and out of that closet,
come back to their desks, work on the material, and then if they
required to communicate with partner agencies or perhaps get
more material, they would go back into the closet, do some work,
and then the next person would come in behind them.

Q. The - and so, they - you - you would literally have to take turns using the....

A. That's correct. The strict interpretation of policy made it problematic for OR to operate in the early days, because TS/SI material has to stay within the SCIF and be worked on in a SCIF. But a closet is a closet, and you can only fit so many people in a closet.

So, the OR in 2010 and 2011 worked outside of the SCIF on that material.

Q. So, would that then have been like, a violation of some rule or something?

A. It would have been, yes.

Q. Okay. So, that would be handling sensitive information not in a secure SCIF?

A. Not in a SCIF, that's right. But as the Officer in Charge, which was my title and rank at the time, I had the authority under certain exceptions and certain situations to approve the use of that material outside of the closet, as long as we took risk mitigation measures to try our best given the tools, technology and recourses that we had, to minimize the risk of working on that material outside of the closet.

Q. So, the - but the - the physical I guess, operation of OR changes when you move to Leikin?

A. That's correct. So, we moved to Leikin Drive, or the Nadon - the new RCMP headquarters out in Barrhaven, 2012. When we first moved, we were also not in a SCIF.

As all of the units of federal policing were arriving and getting settled into the new facility, some units were spread around in headquarters, and for the first six months

or so, we worked in a different location in headquarters. So, we would have to make a - a walk to a CTSN SCIF, which was a much larger closet, but it had three or four terminals where were available to anybody in federal policing to use, and then
5 six to eight months afterwards, we moved into what would become the permanent OR suite, and that suite was an entire SCIF. So, it was - it was completely let's call it SCIF'd, and we had the CTSN and other systems access on our desks.

Q. Okay. And you were able then to be in
10 compliance with....

A. We were in compliance with policy at that point, yeah.

Q. Okay. So, let's talk about then - about products or the product that the OR would prepare. We've heard
15 evidence about charts or infographics or something like that?

A. Yep.

Q. When was the first one of those - did - first of all, what did you call them?

A. I called them infographics. We also called
20 them charts for shorthand.

Q. When was the first one of those prepared?

A. So, very early versions that were very bad and not very good were produced by me on those two first projects during the pilot project phase. And when Dan Morris came on
25 board in 2010, he took that early let's call it, concept of an infographic, and made it into something that would become the sort of signature product of Operations Research.

Q. And it's been described as maybe the size of the desk where the court reporter is typing there, something
30 like that?

A. It's a bit bigger. Correct.

Q. Okay. And does it like roll up, or is it

flat, or how do you - how do you move it from one place to another?

A. You can do two things with an infographic. You can use the CTSN terminal to send it as an attachment like you would an ordinary e-mail.

Q. Yes.

A. After converting it and making it small enough so you could send it across CTSN. Or you could print it off using a very large plotter printer, and you would roll it up, fold it up, scrunch it up, and stick it in a secure briefcase, if you had it.

But we also were the pilot program, if you will, for TS/SI USB sticks at the time. So, we were permitted to use those USB sticks in lieu of carrying big briefcases with rolled up charts folded up and scrunched into the briefcase.

Q. And what would - what did those - what was the - what special features if any did those TS/SI USB sticks have?

A. So, they were hardened USB sticks, which if you think of a normal USB stick that I'm sure most of you are familiar with, and you stick about five pounds of metal on it and wrap it up and you turn it into a USB stick that's about that long.

Q. Okay, just hold your fingers there. Fifteen inches apart, something like that?

A. A foot.

Q. A foot.

A. Something like that. And it weighs about - I thought it weight about five pounds. And it has a little tiny bit of the USB plug sticking out of the clump of metal and you can plug that in to a CTSN terminal or CTSN laptop.

Q. And did you use those?

5 A. We did for a while, but the design and the weight of those USB sticks started to break the USB ports on our CTSN machines at the time.

5 Q. So, I got a little bit I guess further afield than I intended, but essentially, these infographics you would brief others on these infographics?

10 A. That's correct. It's a - it was also called a briefing chart, and it was designed in such a way that it had in a digital form, layers.

10 We had a top layer that was all of the information. Then there was another layer that could be printed off that was at a lesser classification, sometimes with lesser material. And then often times, a lower layer that was at the
15 Protected B or Protected A level, if it was possible to generate a Protected A or B version of that infographic.

Q. Okay. So - and the reason for making the three layers would be what?

20 A. So, at times, OR received information that it was asked not to share widely within the RCMP. And so, all of the information at the highest level of classification would go at that top layer that we could use to brief people who had a need to know and the appropriate clearance.

25 And if we were required to brief other folks who might also have a need to know, but not necessarily all of the information that OR had, we could do that with a slightly less classified version with fewer datapoints on it.

30 And then on occasion, and this was very rare, but on occasion when we were required to or asked to see if we could expose a division or a field unit, some place in Canada to some

of the ideas that we were working on, we could sometimes produce a chart at the Protected B or Protected A. That would have much less information, but would hopefully be able to tell enough of the story for the audience, or the consumers, to be able to use it.

Q. Okay. And who do you brief? You said you would brief people with a need to know and with the appropriate clearance. Who do you ordinarily brief with these infographics?

A. Ordinarily, 80 percent of the time, it would be my superior, the Deputy Commissioner and the Commissioner. And sometimes, the CrOps officer or the criminal operations officer in the divisions, who is the senior executive responsible for all of the operations taking place in their area of responsibility. But they're high enough to make some decisions, but they're not low enough to impact the criminal investigation that's taking place underneath them.

Q. Right. So, we heard Guy Belley testified about not receiving high-level information while he was in a command triangle. Is that the ordinary - cour - or sorry, I guess a - an investigation. What do they call that? Command triangle.

A. Yeah. So, the RCMP uses what's called the major case management model, which can be visualized as a triangle, and each point on the triangle has a job title, and that job title comes with responsibilities that each person that's nominated to the point in the triangle is responsible for.

So, there's a lead investigator, a team commander, and something called an affiant, who is responsible for ensuring that the evidence is properly gathered and ready for disclosure.

Q. Okay. But the point is, that your information

- the high level of information will not go to the command triangle, it'll stay at a higher level?

A. That's correct. And it's not just the command triangle, but any individual in the RCMP or program area, whether at headquarters or in the divisions was - could not be exposed to the work that OR was doing.

Q. Now, how did that reporting - so, that's like, sort of like reporting up or maybe across...

A. Uh-hmm.

Q. ...but not down. Is that fair?

A. That's correct.

Q. And how did that compare to the reporting for the NICC?

A. So, the National Intelligence Coordination Centre had a very different mission and mandate, and they had very different ways of producing intelligence. They were not an all source intelligence entity. They focussed almost exclusively on law enforcement information and open source.

They could, in the course of ordinary business where they would produce Protected A and B reports, could send that directly to a division or some other entity in - in RCMP headquarters, and that information could be used right away without jeopardy.

Q. And when you say without jeopardy, what you mean is, it could be disclosed in a criminal investigation or in a criminal prosecution, because it's not high-side information?

A. That's correct. So, the NICC, during the course of building its - its files, would sometimes meet with its partners, and those partners were almost exclusively law enforcement entities. As opposed to OR, who has the mandate to meet with all different kinds of entities.

Q. Okay. Now, this is - this is - that's the infographic...

A. Yep.

Q. ...product that you were talking about. Were there - was there any other products that would be regularly prepared by you or the OR?

A. Correct. So, right from the beginning of Operations Research, I believe it was late in the pilot, I was tasked to create a - let's call it a special kind of classified briefing binder, that could be used by certain senior executives to provide them with a kind of intel on individuals and organizations that they might be coming in contact with, especially in overseas travel abroad.

Q. So, a senior member of the RCMP would include who?

A. At that time, it could include Superintendent - Chief Superintendent Larry Tremblay. It could include Assistant Commissioner Shean, or perhaps even other Assistant Commissioners who work on federal policing matters. The Deputy Commissioner of federal policing, and the Commissioner of the RCMP.

Q. Okay. So, they're gonna travel someplace and meet someone, and what do you provide to them in these briefing binders?

A. Ordinarily, the RCMP is mandated to use intelligence to advance against a criminal threat. So, there has to be some kind of criminal nexus in order for the RCMP to engage in any intelligence activities. And the crimes are - are broad and it runs across the RCMP's mandate.

Sometimes the executives in the RCMP were - especially in the national security mandate, were in

environments overseas during the course of their ordin - their duties on behalf of the RCMP where they needed information provided to them that wouldn't strictly be on the criminal mandate.

5 So, these - I called them "Cam's Classified Briefing Binders". I should have come up with a nice acronym for them, but it stayed just, briefing binder, would be something that you might see in a security intelligence
10 organization, as opposed to an organization with a criminal mandate.

15 So, these binders were designed to be quickly consumed, and provide snapshots of perspectives that were accessible to OR, through the CTSN environment, but also through open source work, that could be placed in tabs in certain ways, sometimes just snippets of information or - almost looked like a collage, with a short covering letter. And then on top of the binder the usual classified classification level and what to do
20 with it, "do not store it here, and return it to Cam when you've done reading it."

Q. Okay. And did you - and - and was that a regular feature of your - of the OR?

25 A. No, it wasn't. It was something that I did, because they're a lot of work and we were a small team, and I didn't want to burden guys - guys like Dan Morris, Greg O'Hayon who were doing fantastic work.

30 So, I took on the responsibility for those binders myself, and I would say that those requests for that special kind of product, OR product, came down once a year, twice a year.

Q. And when they came, would they come through your supervisor?

A. Not always, no. Sometimes they would come direct from - what I would call, the client. So, they would be preparing for imminent travel overseas on the national security mandate. So, the tasking would come directly through me - to me.

Q. And so, you said that there'd be all different types of information in there, but there would be high-side information from time to time in those briefing binders?

A. Every briefing binder that I produced had high-side material in it.

Q. And was that high-side material you said you've - you'd use an excerpt or a snippet or something from it?

A. Yeah. So, one of the issues about doing intelligence in the RCMP in a new way, was to avoid writing reports. Senior executives are busy people. Reading long reports, 20, 30 pages, wasn't something that was appealing for them. And so, I, in different ways and in different formats and in different manners, I would create tabs within those binders that would sometimes simply be a cut-out of a high-side report with a handwritten note beside it that said, "Must read this before making decision like this."

Q. So, I guess then the - the question then is, you said that's outside of the usual mandate for the RCMP to use this information.

A. For that purpose.

Q. Okay. And what was in your - well, in your mind, did you have the authority to prepare these briefing binders even though it was outside of the usual mandate of the OR and the RCMP in dealing with that type of information?

A. One of the questions on the very first binder

was that the RCMP does not do security intelligence. My response to that fair question was to read the Arar Commissions or the Justice O'Connor's recommendations in the wake of the Arar inquiry which - and I'll just distill it down and
5 paraphrase perhaps, one was to begin - the RCMP to begin to use as much intelligence as it could to make better decisions.

One of the criticisms that came out of that inquiry was that the RCMP was not yet - how do I say this? As
10 sophisticated as it could be in making decisions about what was happening in foreign countries, where often times the threat was coming from. And that's a - that wasn't to criticize the RCMP sort of at - at its core, it's just that it had very little capability to do that in the past.

And so, one of my sources of authority was to sort
15 of say, these recommendations paint a sort of picture of how the RCMP should proceed in the world, and one of those would be to do intelligence in a different way for a purpose that it might
20 not have used or done before.

Q. Okay. And when you produced those briefing
binders for a senior official in the RCMP and give that senior
official in the RCMP the binder, you - you put a note on it that
it's supposed to come back to you, or something?

A. Correct. So, it's like a normal sort of big
25 thick black binder. There's a place where you can stick a piece of paper on the front, and I would write at the top, the classification level of that binder. It was usually TS/SI, Canadian Eyes Only.

I would write to whom it was for, my name at the
30 bottom, well plus OR - Operations Research, and then handling

instructions. So, keep this, or return it - keep this and destroy it after reading, or return it to me.

Q. And were you delivering these briefing binders in a SCIF?

5 A. No, I was not.

Q. Does that breach the rules or policy?

A. It was a breach of the policies.

Q. And did - did you have any authority for breaching the policy by delivering these binders outside of a SCIF?

A. I believed I had the authority to make exceptions as long as it made sense, and there were other risk mitigation features. I had the authority to make that decision.

Q. And would the - the rank of the person that you were preparing it for have any impact on whether you had authority, in your view?

A. Not - no, it wouldn't.

Q. And what would be like the - the - the lowest rank that you would have prepared them for?

A. The lowest would be an Assistant Commissioner, but it was - 90 percent of those binders were to Deputy Commissioner level or to the Commissioner.

Q. Okay. So, those - those products you've described, the - the - the infographic and the briefing binders, are those the two principle products of - of OR?

A. That's correct. Those are the two.

Q. So, at the - at the end of the - the pilot project, OR is approved and up and running, and is there a timeframe on it or reporting or anything?

30 A. A timeframe on....

Q. On how long it's gonna be up for, or is it become permanent after the pilot project?

A. It becomes permanent after the pilot project.

Q. And your job is....

A. At the beginning, the first two years, I was the - what was called the Officer in Charge of Operations Research. So, if you think of that in RCMP rank levels, it's
5 somewhere between an Inspector and a Superintendent. In the public service the - it would be the equivalent of a - like, an EC7.

Q. Okay. And - and then you said after two
10 years, there was a change?

A. Yeah. I became a civilian member of the RCMP. So, I was no longer a temporary civilian employee. And then in 2012, I was promoted to the rank of Director, or EX1, which is in the RCMP equivalent rank structure is somewhere between a
15 Superintendent and a Chief Superintendent.

Q. Okay. And when you were - for the first two years, when you were the Officer in Charge, you reported to whom?

A. I reported to the then Chief Superintendent,
20 Larry Tremblay.

Q. And that - did that change when you became a civilian member and a Director?

A. No. I continued to report to Chief Superintendent Larry Tremblay until, I want to say, 2013 - 2012,
25 2013.

Q. So, late 2012 to 2013?

A. Early 2013, yeah.

Q. And that's when you began to report to Todd Shean?

A. Correct.

Q. So, the - the - the beginning, the - the mandate is counterterrorism. At some point in time, does the

mandate expand to include transnational organized crime or TOC?

A. It did expand to transnational organized crime with a nexus to national security.

Q. Okay. And what does that mean, a nexus to national security?

A. So, one of the ways to think about the difference is, transnational organized crime, can be let's - I don't want to use the term too loosely, but ordinary organized crime that spans countries' borders, but doesn't necessarily rise to the threat of a national security threat.

Some of those transnational organized crime actors for a number of reasons, rise to the threshold of becoming or potentially becoming or are a threat to national security of either Canada or one of our 5EYES partners.

Q. And what's the first project for OR related to transnational organized crime?

A. So, the first project that sketched out what we were seeing on the high-side, in terms of transnational organized crime, and the nexus to national security was called Project Skyfall or, OR Skyfall. I shouldn't say project.

Q. Okay. And OR Skyfall was investigating what type of crime?

A. It was money laundering that was threatening the integrity and the fabric of the Canadian financial system.

Q. And when you say the - the Canadian financial system, are you talking about the operation of the financial system?

A. I'm speaking specifically about the operation of the banking system.

Q. And was it perceived by you that the Canadian banking system itself was in jeopardy by this money laundering?

A. It was.

Q. And what - when did that project start?

A. 2011.

Q. And how was it that the OR mandate expanded to
5 include this special, I guess, threatening level of
transorganized [*sic*] - transnational organized crime that you
described. How was it that the OR evolved to that in 2011?

A. So, I think the easiest way to explain it is,
when we go onto the CTSN system during the course of ordinary
10 business, OR has a function in business rules around a process
called triage. And what that means is that all members of OR
including the OIC spends time every day scanning as much of the
security intelligence coming from the 5EYES to ensure that we
are identifying threats to the security of Canada at a cursory
15 level and looking for the RCMP's mandate within that reporting.

'Cause all that reporting is also going to our
security intelligence partners, and they have their own mandate
when they scan through and read through, let's - they say the
20 daily reporting that's coming in from all of the 5EYES
collectors.

Q. So, that would include I guess, CSIS, for
example?

A. CSIS and another agency.

Q. Another Canadian agency?

A. Another Canadian agency, that's correct.

And....

Q. And that's a Canadian agency that you're not -
you can't disclose the name of it?

A. I would rather not disclose the name of it,
30 yeah.

Q. Okay. So, there's triage, and you find

something in there...

A. Correct.

Q. ...that - and what is it about this - or how is it that - that you start looking at transnational organized crime as opposed to pure terrorism investigations?

A. I saw some unique reporting during the ordinary course of triage that explained, described, and outlined, a threat to Canada and the banking system. An extraordinary amount of money that was being laundered through Canada and its closest partners, and the actors that were involved with that money laundering.

And when I say actor, I'm simply referring to the entities that were involved, which included State actors, hostile State actors, high-level transnational organized crime individuals, and compromises to financial institutions in three of the 5EYES countries. And the nexus or the big piece of that threat as I read it, was here in Canada, and operating in Canada.

Q. So, the - the - the - the - the money laundering is transnational, but there's a nexus to Canada and actual operations in Canada?

A. That's correct. Yeah.

Q. And when you say hostile State actor, what do you mean by a hostile State actor?

A. So, that's a - that's a phrase that's sometimes used to describe enemies of the Western world, and in particular the 5EYES countries.

So, hostile State actors could include - well, should I be saying this? Iran, Russia, China, and several other countries.

Q. At the time that you were doing this investigation, 2011, Iran was a hostile State actor to Canada?

A. That's correct.

Q. And it - it seems from what's being reported
5 sorta generally in the media, like, it's sorta commonly accepted that Iran is funding Hamas in the Israel Hamas war.

A. It seem - that's the media that - it's commonly accepted in the media, correct. Open sources. Yeah.

Q. And was there also back in 2011, the open
10 source information about Iran funding terrorism and that sort of thing?

A. There was. We have to think back to geopolitical events of that era, 2013, 2014, where the Western world was entering into an agreement with Iran about how to get
15 the Iranian government to stop developing nuclear weapons. And it was doing so in the context of another country threatening to strike the Iranian facilities.

The - not just Iran but certainly Iran at the time
20 was under sanctions. Very strict sanctions both in terms of the technology that it was allowed to have, and the money it was allowed to have. So, the government of Iran did a lot of work to try and circumvent those sanctions in order to get that technology and get the money so that they could use it.

Q. And did you see some connection between that
25 and the money laundering?

A. There were a number of connections to a number of hostile State actors, but the Iranian nexus was prominent, and it had to do with corporations that were fronts for what was
30 called - what is called the Iranian Revolution Guard Corps - there's another acronym, the IRGC, which was responsible for Iran's activities overseas.

But there were also other State actor entities that were involved with this, including individuals, named individuals in foreign governments that were participating in it.

Q. And so, when you - when this comes to your attention, this information, without maybe going any further into what the information was, we have a - a general picture. But when it comes to your attention, how does it become part of OR's mandate to do this OR Skyfall intelligence work?

A. I decided at the time it was worth working up this picture in a infographic, not as good as the ones Dan Morris produced, but my own, and I briefed it up the chain of command in the RCMP for their situational awareness. This was right on the RCMP's mandate in terms of high-level organized crime carrying out money laundering that at least in my experience had a scale and scope that I had never seen before.

And so, because OR had the authority to choose its targets and do its own targeting, I wanted to bring awareness to my immediate chain of command about what was happening.

Q. And did you bring this infographic to someone?

A. I did. At the time, it was Chief Superintendent Larry Tremblay, I want to say Mike Cabana, and Bob Paulson.

Q. Okay. So, it was briefed right up to the top, to the Commissioner?

A. It was briefed to the top, yeah.

Q. And did the name of Skyfall change at some point in time?

A. Yes, it did.

Q. What did it change to?

A. It changed to OR Dominion.

Q. Okay. So, there - so, the - the im - the investigation of the international money laundering - or not investigation. What - what do you call it? The research....

5 A. We told - we called them intelligence case files.

Q. Okay. The intelligence case file on international money laundering started in 2011?

A. Uh-hmm.

10 Q. Was there any point in time when OR stopped working on that case file before you left as the Director of OR?

A. That - what do you mean by stopped working on that case file?

15 Q. *[Indiscernible...multiple speakers at the same time unable to decipher words spoken].*

A. OR carried on with Dominion throughout my tenure as the Director of Operations Research. It made an attempt in I would say 2015, early 2015 to transition that file over to an enforcement unit to take action. That was not 20 successful, and my understanding is that file, for lack of a better way to describe it, petered out.

Q. Okay. And what was the name of that - or sorry, which - which division was it that you took - tried to turn it over to?

25 A. It's called C Division, and that is essentially the RCMP in Quebec.

Q. When you briefed up the information to the - to the Assistant Commissioner, the Deputy Commissioner and the Commissioner, without saying what they told you, did you have 30 the impression after meeting with them that it was something that they wanted you to continue to pursue?

A. That's correct. I was told, I can paraphrase

to...

Q. Without even...

A. ..."get on this."

5 Q. ...paraphrasing it, at - whatever the conversation was.

A. Yep.

Q. So, we don't get into hearsay. Whatever the...

A. Fair enough.

10 Q. ...conversation was, did you draw the conclusion afterwards that it was something you should continue with?

A. Yes.

15 Q. And although it's described as transnational organized crime, you - you - your evidence seems to be that you saw it as a threat to the actual national security of Canada?

A. That's correct.

Q. And possibly other 5EYES partners?

A. That's correct.

20 Q. Now, you said that you obviously could triage information and try and identify the next threat, and - and brief up on the next threat to your superior officers.

25 Did you also get direction from any place else about what priorities there might be for OR?

A. Yeah.

Q. *[Indiscernible...multiple speakers at the same time unable to decipher words spoken...unable to isolate speakers]* threats?

30 A. We had a number of sources of priorities that we were expected to work towards.

After Project Skyfall, the RCMP took that file that I had been working on and briefed government on what we were....

Q. Just let me stop you there.

A. Sure.

Q. When you say Skyfall took the file to brief government...

A. Yeah.

Q. ...were you involved in that briefing?

A. No, I wasn't.

Q. Did - did you give your presentation to someone to take to that briefing?

A. I did. So, within the RCMP, there was a unit at the time that worked directly for the Deputy Commissioner and the Commissioner of the RCMP that managed strategic operations for the RCMP, primarily on the national security mandate. And at the time, the Government of Canada has a semi-annual - or every two years process by which it hears from the intelligence community about what threats are evolving, what threats are changing, and what threats should be a priority.

And the Government of Canada then decides via a Memorandum of Cabinet.

Q. Okay. Just let me stop you there.

A. Sure.

Q. There's a Memorandum of Cabinet, and this Memorandum of Cabinet, what does it do?

A. It gives the marching orders to the Canadian intelligence community on what to work, in which priority, and in some cases, how to work it.

Q. And was there a direction given with respect to the work that you were doing on Project

Skyfall/[slash]Dominion?

A. Yes. Project Skyfall was, let's call it, taken to those meetings, and presented to the decision makers in government. And in the wake of that presentation with some
5 other information, for the first time, transnational organized crime was included in that intelligence priorities Memorandum to Cabinet or MC, which formalized the idea that certain types of transnational organized crime were now considered by the Government of Canada to be threats to national security.

10 Q. Including that type, the money laundering that was involved there?

A. Money laundering that rises to a certain level, and is being used by certain actors.

15 Q. So, that's a Memorandum of Cabinet, and you said that that's a source of priorities for you?

A. That's correct.

Q. And what other sources of priorities for you would there be?

20 A. As we've heard, there is a 5EYES gathering for 5EYES law enforcement agencies with responsibilities on national security and kind of federal policing matters called the 5EYES law enforcement group.

Q. F-E-L-E-G?

A. FELEG, for sure.

25 Q. FELEG, yeah. Okay. And do they have priorities?

A. They do have priorities.

Q. And those would be priorities, I guess, shared by the members of the 5EYES?

30 A. That's correct. On the other side of the 5EYES world, there is a similar gathering or group on - for the pure intelligence agencies.

So, you can think of the 5EYES, and you can use sort of a Hollywood-esque perspective the 5EYES is dominated by the pure intelligence community, not by the law enforcement agencies, and they too have their own gathering, and they too produce priorities. It's done in a slightly different way that the national security communities of all 5EYES countries are to work on, or try to work on.

Q. In the time, 2011, 2012, was international money laundering one of those priorities?

A. It was.

Q. Were priorities set by officials in the RCMP for OR?

A. Yes. So, there is another priority setting layer that exists just within the RCMP. At the time, it was - went by the acronym of NTIP, National Tactical Intelligence Priorities, and that was set by a group or a - or a semi-annual meeting of the most senior officers in the RCMP, and they would table intelligence priorities for most of the intelligence entities in the RCMP.

OR would look at those NTIPs but we would not necessarily work on them, because those priorities were being worked largely on what would then become the National Intelligence Coordination Centre.

Q. And how would you determine whether you would work on NTIP priorities, or not?

A. We would read the NTIPs from the perspective of the national security world. So, if an NTIP let's say, became a - a terrorist organization became a - or individuals involved with the terrorism organization became an NTIP, OR would work on that.

5 If it wasn't a national security issue, even non-traditional national security issues like transnational organized crime or cyber or proliferation, if it didn't include that, then we would not work on it, but we would keep our radar on if we came across information that we could share directly with the NICC to help them in their priorities.

10 Q. And was international money laundering one of the NTIP priorities in 2011...

A. It was.

Q. ...2012?

A. Yeah.

15 Q. Would it be fair to say that international money laundering is - has been a fairly constant priority of investigation for the RCMP at basically all levels?

A. All levels, certainly in federal policing, for many years.

20 Q. And from your point of view, leading up to 2011, 2012, that timeframe, had the RCMP been successful in criminal investigation - excuse me - of these - of these international money launders' connection to Canada?

A. No, it had not been successful.

25 Q. There's - there's also been some reference to Blackberry PGPs.

A. Correct.

Q. Was there some point in time where you started - when the OR, or you yourself started inquiring into intelligence about Blackberry PGP - Ps [sic] in Canada?

30 A. PGP Blackberry or secure encrypted Blackberrys first started to become an operational concern for OR on Project Skyfall. But OR had concerns on the counterterrorism mission as well, because the fear among many folks in both government, law

enforcement and even the intelligence community, was that non-State actors like terrorist organizations individuals would start to use secure communications technology like PGP-encrypted Blackberrys to carry out and communicate during operations.

5 So, OR had sort of twin concerns during the course of its work.

Q. Okay. So, there was - there was a connection between Blackberrys and international money laundering?

10 A. Yeah, it was - there was a strong connection. Yeah.

Q. And was there a nexus in the Blackberrys to Canada?

15 A. So, unfortunately, the innovation in the - both the criminal space using secure communications technology all came from Canada. It was Canadian companies that started to use encryption on top of Blackberrys, and then sell those Blackberrys to their clients.

20 Q. *[Indiscernible...multiple speakers at the same time unable to decipher words spoken...unable to isolate speakers]*.

25 A. Almost all of those - I think all of those PGP-encrypted Blackberrys that we were seeing in our intelligence reporting at the time, were from a number of Canadian companies, and those Blackberry devices were proliferating or spreading to our 5EYES partners.

Q. Did that - so, we - we've already heard that - that you - you formed the opinion that international money laundering was a national security threat to Canada.

30 A. Correct.

Q. Were these Blackberry PGPs and the distribution of them also seen as a national security threat to

Canada?

A. Not in the RCMP. The RCMP treated the problem as a criminal threat. Criminal threat that was impacting their criminal investigations against traditional targets or
5 traditional organized crime targets, those who could afford to buy these Blackberrys.

But from the OR side, we saw a slightly different picture in the sense that we were tracking the evolution and the
10 proliferation of those devices looking at how they were able to assist and enable transnational organized crime with a national security threat, but also trying to track how much of a risk and problem it was causing to our 5EYES partners.

MR. ERTEL: If the witness could have Exhibit 1
15 please? I'll just ask another question, then I'll...

THE COURT: Sure.

MR. ERTEL: ...wrap it up.

Q. So, if you turn in there to page 292 which is
20 at the back almost - or the very back, actually, of Tab 13, so, just before the tab for Tab 14.

A. Just before Tab 14.

Q. Just before Tab 14.

A. Got it.

Q. There's a heavily redacted document at page
25 292, do you see that? Page 292? It's the previous page, I'm sure.

A. Yes, I see it.

Q. Okay. So....

A. Oh, it says 292 right at the bottom.

Q. Yeah, so....

A. Sorry about that.

Q. Yeah, that's why it says....

A. Two-ninety-two.

Q. You have a PhD but you...

A. That's....

5 Q. ...needed me to tell you that page 292 will
say 292.

A. It doesn't always make you smarter.

Q. So, if you look at page 292...

A. Yeah.

10 Q. ...there's a heavily redacted document. And
then if you flip over to the - the next page, that's actually
Exhibit 1(b) as I understand it, and this looks like a review of
Phantom Secure prepared for you by Gregory O'Hayon?

A. Correct.

15 Q. And it says there that - that - that Mr.
O'Hayon has looked at the past two years related to organized
crime's use of secure Blackberry devices?

A. Yeah. I see that.

Q. Did you....

20 A. That's correct.

Q. Did you task him with preparing this report?

A. I did task him.

25 Q. And was the reason for doing that because of a
concern that Blackberry devices were having an impact on
national security or could be impacting national security?

A. It was primarily as a result of a tasking from
the Assistant Commissioner Todd Shean.

30 Todd was representing the RCMP and all Canadian
law enforcement at the 5EYES law enforcement group meetings, and
he was being asked, how should I put this, pointed questions,
about what the RCMP was doing about these Canada-based PGP or

5 secure Blackberry providers. And so, Todd asked me to prepare a
- a document that summarized the perspective coming from the
other parts of the 5EYES. So, let's call them the three-letter
agencies on the nature of the threat.

5

And he was also in the position unfortunately,
when he was going to meetings at the FELEG on this matter - his
counterparts from other law enforcement agencies were arriving
at the meeting, those meetings, fully armed and fully situated
10 and briefed by pure security intelligence on this threat. So,
he felt hat he wasn't necessarily ready to have that
conversation with people how had better information and more
information that he did.

15 Q. So, on his direction, you had Mr. O'Hayon
prepare this document?

A. I had him prepared this document and the
document was to succinctly answer a few questions about the
national security nexus related to the Canada-based PGP
companies.

20 MR. ERTEL: Thank you. This would be a good time
to break for lunch, Your Honour.

THE COURT: All right. We'll come back at five
after 2:00.

25 ... WHEREUPON JURY RETIRES (12:52 p.m.)

R E C E S S (12:52 p.m.)

30 ... THE TRANSCRIPT OF THE AFTERNOON PORTION TO
FOLLOW IN A SEPARATE VOLUME

In Camera

67.
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15 November 3, 2023

Linda A. Lebeau

Date

Linda A. Lebeau (ACT #8097321162)

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