

SUPERIOR COURT OF JUSTICE

CONFIDENTIAL HEARING
IN CAMERA

HIS MAJESTY THE KING

v.

CAMERON JAY ORTIS

EXCERPTS OF PROCEEDINGS AT TRIAL
EVIDENCE OF CAMERON JAY ORTIS

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 14, 2023, at OTTAWA, Ontario

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

APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Jay 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

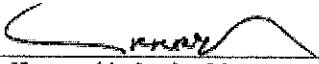
After hearing the submissions of the parties and considering the materials filed;

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.

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DATED at the City of Ottawa, Ontario, this 29 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

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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

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SUPERIOR COURT OF JUSTICE

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15 W I T N E S S E S

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

20 E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>ENTERED ON PAGE</u>
15 Cameron Ortis Access Logs	
25 16 E-mail Exchange March 10, 2018	

30

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Legend

[sic] - 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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15

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25

30 Transcript Ordered: November 14, 2023
Transcript Completed: November 15, 2023
Ordering Party Notified: November 15, 2023

TUESDAY, NOVEMBER 14, 2023

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

COURT SERVICES OFFICER: Order, please. All rise.

CLERK REGISTRAR: Court is now resumed. Please be seated. Good morning, Your Honour.

THE COURT: Good morning.

CAMERON JAY ORTIS: RETAKES THE WITNESS STAND

... WHEREUPON JURY ENTERS (10:01 a.m.)

THE COURT: Good morning, members of the jury.
Welcome back.

Mr. MacFarlane?

MR. MACFARLANE: Thank you, Your Honour.

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

MR. MACFARLANE: If the witness, please, can be provided Exhibit Number 1.

Q. Sir, I've ask - I'll ask you to turn to Tab 27, please. At page 448, sir, that's an e-mail that you sent from your blindbat@mailbox.org e-mail to info@finmark.ca.

Correct?

A. That was almost 10 years ago, and I would need my e-mails to be able to confirm that. But it looks correct.

Q. We went through your e-mail addresses dot .text - e-mail account where you kept all your e-mails. And this was one of your e-mails, right? Blindbat?

A. This was one of the e-mails used on the Nudge, correct.

Q. And I think you've admitted before, you've sent all these communications to the persons that received them? Is that correct, sir?

A. It's almost 10 years ago. In order to be a hundred percent certain, I would need my e-mails. My attorney has asked for those e-mails on a couple of occasions. So, I can guess, but that's as far as I can go.

Q. I thought you had indicated in examination in-chief, to Mr. Ertel, that you took responsibility for sending all of these communications?

A. I take responsibility for everything that took place on the Nudge.

Q. Including sending this e-mail to info@finmark?

A. I take res - full responsibility...

Q. Okay.

A. ...for everything that happened on the Nudge.

Q. Did you send this e-mail, sir?

A. In order for me to be certain about that, at the very least, 10 years ago - almost 10 years ago - without my e-mail, it's going to be almost impossible for me to answer that with certainty.

Q. You wouldn't remember apart from your e-mails, recalling sending e-mails to Mr. Muhammad Ashraf with attachments of RCMP information? You wouldn't recall that from your own memory?

A. So, I need to answer that in the following way. Let me take you back to the RCMP's [REDACTED] the RCMP's classified environment network. [REDACTED] Houses all of the most important information that the RCMP has; everything from witness protection files to [REDACTED] [REDACTED] Really important.

What's important to understand about that netw -
those two networks is that they're what's called, a "client-
server model," which essentially means that at RCMP
headquarters, for people who have access to those networks, they
5 have personal computers at their cubicles that they work on that
connect to those two networks. It's a personal computer like
you would find at home or in your office. They're not terribly
fancy. They're bought on government procurement contracts. And
that's what's used.

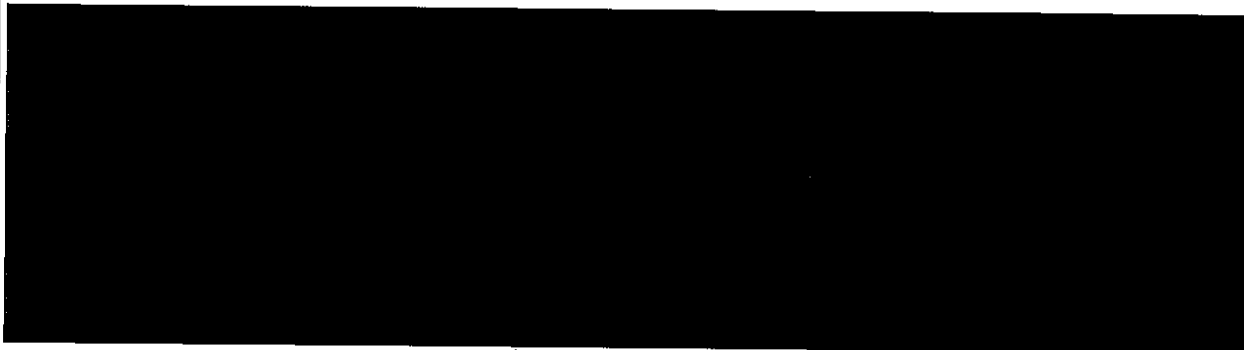
10 Q. Sir, I put to you - you've said the repl....

A. I - I'm not finished. Sorry, if I could
just...

Q. ...repeatedly during your
*[indiscernible...multiple speakers at the same time, unable to
15 decipher words spoken, unable to isolate microphones].*

THE COURT: Let him finish answering. I mean you
answer - he's answering your question.

A. Trying to answer a question about my memory
from that period with respect to specific operational details.



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So, you can imagine when I got briefed on that - it was called [REDACTED] - that that was a pretty big deal. And I was responsible for it. And it links back to the Nudge. So, prior to that file, you can imagine that I can - ha - memory of details of other big files. But this file - this file was right out of orbit.

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Q. Right. And so, you would remember this project.

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A. Yeah. I'm not finished yet.

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So, the need to know on this file - I've talked about the need to know on - on the Nudge, but now the need to know is extraordinarily more complicated. Like, it's very difficult to know how to think through this because you've essentially got now, when the final piece of the puzzle is put

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together, by a very smart fella, you've got two problems on your hands.

The first problem is - how did this possibly happen? And the only explanation - one of two explanations in general terms that you can come up with is complete failure and incompetence. Or they had insider help.

Now, never attribute to malice what can otherwise be attributed to just simply incompetence. But when you're

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Q. Who was...

A. So....

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Q. ...who was the analyst who briefed you?

A. That was Brian (ph) Fedor (ph). And he's - in his witness statement, because he was interviewed immediately....

25

MR. MACFARLANE: *[Indiscernible...multiple speakers at the same time, unable to decipher words spoken]* Your Honour.

THE COURT: Yeah, don't repeat...

A. Oh.

THE COURT: ...anything he said.

30

A. Okay, sorry. Yeah.

MR. MACFARLANE: Q. And so...

A. So....

Q. ...obviously, briefed this up to the top...

A. So, I'm not...

Q. ...chain - your - your...

A. ...I'm not quite finished yet...

Q. ...boss, correct?

A. ...if I - if I could - if I could just finish.

There's - there's more to this than just a simple statement.

You can imagine the dilemma I faced. And I reflected deeply on the conversation I had with that foreign partner in September of 2014. [REDACTED]

So, you can imagine that that took the issues that I was briefed upon by that foreign partner, and brought clarity to the point where, I think it's fairly safe to say no one thought that was gonna happen. And that became the only thing I thought about because that fella who briefed - that very smart senior intelligence research specialist who briefed me, who put the pieces together, which he didn't do sitting in front of a computer screen. He left, went on pat leave and then took a promotion, which was well deserved, and left me with that file.

And so, I thought back to that conversation, I thought, you know what? [REDACTED] - that's kinda like other forms of high-level [REDACTED] - they need to

[REDACTED] In - in addition to...

MR. MACFARLANE: Your Honour?

A. ...purchasing.

THE COURT: Yes. Mr. Ortis? I think the question was whether you sent that e-mail.

A. Whether I remember sending that e-mail.

THE COURT: Yeah, whether you remember sending the e-mail. So, I - maybe answer that question. And then we can move on to other

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

A. Given everything that evolved out of 2014 to 2015, sir, without my e-mails, I cannot be a hundred percent who dropped - sure about who dropped off the e-mail, who dropped off the mail, or what Google searches were done on which laptop - which RCMP work laptop. And I can't be certain without at least some of the documentation to help refresh my memory.

Because in terms of scale and scope - and I think you - you were hinting at this last week - the Nudge, according to you, was the biggest thing I'd ever done. Well, no, sir. It was not the biggest thing that I'd ever done.

MR. MACFARLANE: Q. So, you were....

A. So, that is the answer to the question about whether or not I can remember specific details about specific e-mails.

Q. You, of course, would have reported your concerns about the [REDACTED] to Todd Shean?

A. Eventually that was reported to everybody in my chain of command.

Q. Todd Shean?

A. Todd Shean was briefed on this.

Q. I don't recall him being asked about that,

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sir.

MR. DOODY: Okay...

A. He wasn't asked about it.

MR. DOODY: I'm objecting to that. If the jury could be excluded then I'll - I'll state my objection. That was an improper [indiscernible...mumbling].

THE COURT: All right.

10 ... WHEREUPON JURY RETIRES (10:15 a.m.)

... WHEREUPON JURY ENTERS (10:19 a.m.)

15 Q. Sir, I put it to you, your - your ROSS e-mails that you've spoken of, those - those are unclassified e-mails on the RCMP system, correct?

A. No, they're not necessarily unclassified. They can be classified Protected A or Protected B. And they use, I think, what's called Entrust encryption, which is essentially, a button that you can push when you send the ROSS e-mail and it encrypts the e-mail. And it allows you to send e-mails that are encrypted to people who don't have access to other types of e-mail systems.

25 Q. Sir, I put it to you if this alleged Nudge proj - project of yours was so secret that you couldn't even tell your boss, Todd Shean, about it, you would not be sending ROSS e-mails around the RCMP asking for assistance. Isn't...

A. I...

Q. ...that true?

30 A. ...I would disagree with that a hundred percent.

Q. And in fact, you did save important e-mails on

your Tails USB. Ask you to turn to Tab 19, sir. Page 363. That's an e-mail between you and Walter Mendonca and you saved it on the Hakim-subboot sample on your Tails USB. Isn't that correct, sir?

5 A. I don't - this is an e-mail. It was regarding deconfliction of the various targets. I would need the metadata associated with this file, found on the USB stick, which would identify the dates and times in order to confirm whether this e-mail - when it was saved, where it was saved. Without that
10 metadata, which goes along with absolutely every single file on any kind of computer, there's no way to tell that. All you can tell, basically, is you've got February 2015 - almost 10 years ago. So, I can't....

15 Q. That was saved on the Tails USB that was found in your apartment...

A. Correct.

Q. ...in September of 2019. Correct, sir?

A. Along with other RCMP work devices. Correct.

20 Q. Tab 20, sir. Page 400. Another key e-mail that we've heard others testify about from February the 25th of 2015. You saved that on your Tails USB. Correct?

25 A. Again, basic common practice is to include the metadata that's associated with this type of printout from any kinda device, whether it's a laptop, or a USB stick, or a - or even CTSN. There would be metadata that would show when this was saved, and oftentimes, who it was saved by. And there's
nothing here. So, I can't remember 10 years ago about an e-mail that's fairly insignificant, and who saved what to what device.

30 Q. It was saved on the Tails USB, sir, found in your apartment, in September 2019. Correct?

A. It was a work device that was found in my apartment. That's correct.

Q. Was this e-mail found on the Tails USB found in your apartment in September 2019? Yes or no, sir?

A. It was found on that device.

Q. Thank you. And as you indicated to Mr. Ertel, when he was examining you in chief, in regards to your CTSN e-mails, you'll agree with me, sir, you were provided a 55-page spreadsheet of all your CTSN e-mails from 2008 through 2019. And you were given the opportunity to ask for any or all of those e-mails. Correct?

A. That is incorrect. Not all of the CTSN e-mails are on that spreadsheet. In fact, if you look at a number of pages, there are week-long gaps where there appears to be no e-mails, CTSN, on that spreadsheet. In fact, one particular gap, which is almost a week, is the third week of September 2014.

Q. Sir, I'll repeat my question. You were provided a 55-page spreadsheet of CTSN e-mails between 2008 and 2019, and you were provided the opportunity to request any or all of those e-mails. Isn't that correct, sir?

A. Some of the e-mails were provided. Many of the e-mails were redacted. So, I could not tell what was actually under those e-mails. And I can't remember all the e-mails that have been sent back and forth. So, I was asked to identify the e-mails that I could see that weren't redacted. But which ones would be important - but everything under those redactions, I couldn't see.

Q. So, sir....

A. And there were gaps in the data, long gaps, which either meant that I somehow deleted all that - that's possible. But I can't see how. And/or the spreadsheet that was provided, based on the CTSN e-mail account, was incomplete. So, I did the best I could with the data that I had.

Q. Sir, I'll repeat the question again. You were provided a 55-page...

MR. ERTEL: Well, he - Your Honour...

Q. ...spreadsheet.

MR. MACFARLANE: He's not answering the question.

MR. ERTEL: I - I'm objecting. He has answered the question.

THE COURT: It has been an - answered. He agrees he - he was provided with it. And then he - he mentioned that some of the e-mails he received were redacted. So, he's - he's responded to the question. It's been asked and answered.

MR. MACFARLANE: Q. Going back, sir, to Tab 27, page 448 is where were were. You ind - you agree with me, sir, the e-mail on April the twenty-se - 23rd says, "Hi, I'm looking for contact e-mail address for Muhammad Ashraf. I have some docs need to get to him. Any help would be appreciated." That was the e-mail that was sent, sir?

A. That looks like an e-mail that was sent on Nudge. That's correct.

Q. Okay. Page 449, sir, it's continued. Another e-mail from blindbat@mailbox.org. "Thanks for the quick reply. The docs are highly confidential. I don't suppose you have a public GPG key or secure account of some kind like Tutanota that I could send to? If not, I'll use the info@finmark.ca account." Do you see that, sir?

A. I do.

Q. Okay. So, in that e-mail, sir, you were providing a number of options. But at the end, you said if he can't use Tutanota, you're - you were ready to use the info@finmark account that he had. Isn't that right sir?

A. That looks correct.

Q. Okay. And that's the e-mail you sent him?

A. Again, with - I authorized this to be sent, without any of the documentation related to that I'm not gonna be able to answer who sent what to whom.

5 Q. You're...

A. I can't.

Q. ...you're claiming, sir, that you tasked somebody else in the RCMP to send an e-mail to Muhammad Ashraf - this e-mail?

10 A. That's not what I'm claiming at all. What I'm claiming is 10 years ago, I do not have the memory to give you a hundred percent answer on who sent what mail to whom.

Q. You'd agree....

15 A. This, I authorized. But I'm not gonna be able to answer that on the stand.

Q. You - you can say you authorized it, but you don't know who sent it?

A. That's not what I'm saying. I'm not saying I don't know who. I'm saying I cannot be a hundred percent
20 certain, without even the basic documents that I would need to answer the question about both this operation and how it's connected to an even bigger issue that came later. So, I - I - I - I'm gonna need those documents.

25 Q. You didn't task anybody to send this e-mail, sir. There's nobody in the RCMP that would accept a task to send a direct e-mail to Muhammad Ashraf, all these e-mails offering to send him police information.

A. I'm not gonna answer that without my e-mail. E-mail that was repeatedly asked for by my attorney at the time.

30 Q. And sir, I would put to you that if you were gonna task anybody, it would be your closest trusted people in the OR - Mr. Morris, Mr. O'Hayon, and Mr. Mendonca - if you had

asked - tasked somebody to send such e-mails.

A. That's not the way OR worked. That's not the way the SIHU framework worked. And it's not the way OR and the SIHU unit tasked other units in the RCMP to support our operations. So, no, that's not correct.

Q. Sir, you're claiming that you tasked somebody else in the RCMP to send this e-mail?

A. That's not what I'm claiming. That's not what I said. I can't answer that question without even the basics, like my e-mail. There is no e-mail before January 2016. Nothing. It's gone. Poof. And it was repeatedly asked for.

Q. Sir....

A. So, I don't know how many times I can say that. I'm not gonna sit on the stand and just start rippin' off answers if I'm not confident, and I can't point to at least something from that period. It was almost 10 years ago.

Q. And page 450, sir, at Tab 27. Agree with me, sir, it's another e-mail from your account, blindbat@mailbox.org....

A. Sorry, I'm on page four fifty - 457?

Q. Four-fifty.

A. Four-fifty. Sorry.

Q. It says, "Hi. This e-mail contains attachments that are confidential and should be hand-delivered to Mr. Ashraf. The attachment, 'Covering Letter [dot] .doc' should go on top. Please confirm when you get a chance. Thanks." You sent that e-mail?

A. I don't know how to keep answering this in multiple different ways. I take full responsibility for everything that happened on the Nudge. It was my responsibility, nobody else's. I authorized it. It's on me.

I've been extremely clear about this since the very beginning. So, I can answer this using a different form of words, a different way, as I've answered these other questions about other e-mails, about who dropped off the mail, who sent e-mails. And I'm not gonna do that unless I've got at least the bare bones documentation from that period. Like it's - it's e-mail, man.

Q. Sir....

A. They're - e-mails kept for years and years and years.

Q. Last week, sir, you said you recall dropping off the mail for Mr. Henareh.

A. I'm 80 percent confident I dropped off the mail. But I can't be a hundred percent confident - you're looking for a hundred percent confidence. And I - I - I don't know how to answer the question. I - I....

Q. On page 451, sir, the - the letter that was sent to Mr. Ashraf said - it says:

Degausier (ph), I was hoping I could get your staff to set up an account so we could do this securely. I do not have a PGP BlackBerry yet, so I tried to see if they could use a method that I've used in the past. That did not work. So, I have to risk sending this in the clear, unencrypted. Attached are some documents I believe would be of significant value to you A. Polani, A. Khanani, F. Mehdizadeh, and H.S. Hecumsadeh. These are samples of the full documents. [As read]

So, sir, you, when this e-mail was sent, it was

In Camera

the - the information was not only for Mr. Ashraf, but also for Mr. Khanani. Correct?

A. No, that's incorrect. And I think we addressed this last week. I can't tell whether or not the sanitization - what the form of words was done on this using the X process. So, I can't - can't tell you what's underneath all of this. And I was told - instructed - that we're not allowed to talk about that, sir.

Q. I'm asking you what the paragraph - it says, "Attached are some documents that I believe would be significant value to you, A. Polani, A. Khanani." Right? So, the documents you attached to this letter, you knew were of interest to Mr. Khanani. Correct?

A. There was never any intention to reach out, contact, deal with Altaf Khanani. That was being dealt with by a separate operation, in a separate part of the 5EYES.

Q. You knew that Mr. Ashraf was part of Mr. Khanani's circle of money launderers?

A. Some people referred to it as the Khanani syndicate. Some people referred to it as an org - organization. It was more like a professional community of global money launderers connected to, at the time, the Polani brothers. There's actually two of them - and Altaf Khanani. But they didn't work for them. They were - it's like a - in the private sector, you do business with clients and services and - so, you can't really call it an organization. And it definitely was not targeted. There was no objective. There was no plan to ever engage Khanani.

Q. You continued, sir, "This is not a trick. I do not work for law enforcement or intelligence adis (ph) - agency. I demonstrated I think, by the attached documents..."

A. Right.

Q. ...I do, however, have the ability to access a wide variety of information. I would like to get in touch with either Khanani or Polani." That's what you said, sir, right?

A. That's what's written. And the documents that are attached are directly related to the sanitization that was done with using the X process. So, whatever's underneath here that I can't see, they're related.

Q. Sir, and then you conclude: "I look forward to hearing from you. I can be contacted either - at either blindbat@mailbox.org or variablewinds@tutatnoda if you do not have the ability to use GPG." Do you see that, sir?

A. Correct.

Q. So, you'd agree with me, sir, the first option for Mr. Ashraf is to contact you by GPG. Isn't that right, sir?

A. No, it is not. If you've ever tried to use GPG for any reasons involving e-mail or any kind of communications, you will quickly realize that it's almost impossible to use. But it's there because you don't wanna just simply say, "Just use Tutanota." You wanna at least sorta hide that in there. And eventually, they'll - they might look at briefly three options. And they very clearly see that Tutanota was the easiest because it's free. And you just have to sign up.

Q. Sir, I turn your attention to page 453. This is the excerpt of the C237 that Staff Sergeant Martin testified about.

A. It is an excerpt, yep.

Q. And you agree with me, sir, this is an excerpt of the Project ORYX C237 that was - and Project Oryx - Oryx was the O Division investigation into the persons listed on 453 and 454?

A. I would disagree with that. The only person

that was the subject of Project Oryx after OR had tried to convince them to change targets was Mehdizadeh - Farzam Mehdizadeh. They put these list - this list here because it was simply the list that was given to them by the NICC many moon
5 before this.

So, they weren't actually actively investigating any of these targets, which was the whole point of OR trying to get them onto a different target. If they were actively being
10 investigated, OR wouldn't have had to come down over the top, through the CrOps officer to get them to move off onto another target.

Q. Sir, you heard the testimony of Staff Sergeant Martin when he testified that they were doing surveillance in
15 all these pro - all these targets. You heard that, right, sir?

A. I would have to go back to my notes and my e-mails surrounding the pole cam incident, which is the one thing I do remember, where they were gonna see whether or not organized crime was going in and out of the front doors of some
20 of these money service businesses. Now, I dunno. Organized crime generally doesn't pick up a duffle bag and stroll on through the parking lot, in through the front door.

So, there are other e-mails that talk about this particular C237, the problems that O Division was having. And
25 in the documentation and the disclosure, it's clear that even though O Division put together a C237 and set up a pole cam to do surveillance on the front door, they decided not to proceed.

Q. Sir....

A. OR came in, tried to convince them 'Don't give up. Try Farzam Mehdizadeh.' And that's how I remember it rolling out. But there are a ton of e-mails that haven't been
30

disclosed, not just from me, but from others that discuss this in depth. And the...

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

A. ...reasons why it was so important that O Division not give up yet again, after 10 years of trying.

Q. Sir, you saved this document that indicates that these persons were under an investigation, and yet you're saying you didn't save a document that said they stopped being targets of investigation? You didn't save that on your very important USB?

A. That's not what I'm saying at all.

Q. Well, you didn't save those documents...

A. That's....

Q. ...on your USB, did you, sir?

A. They would be in my e-mail. Somethings get saved to USB sticks by somebody, but they don't have all the e-mail. And unless we have all of the e-mail traffic around this particular case, and the way it was dying, I'm not gonna be able to say one way or the other. It's - it's almost - almost 10 years ago. There's no way.

Q. Sir, you'd agree with me that this C237, the excerpt on 453 and 454 and 455, disclosed to Mr. Ashraf, not only that he was under RCMP investigation, but others who were under investigation by the RCMP. Correct?

A. They already knew they were under investigation. So, it wasn't disclosed on the C237, I can assure you of that.

Q. This C237, sir, confirms to Mr. Ashraf that he's under RCMP investigation and the others that are under RCMP investigation. Yes or no?

A. It did not disclose but it would confirm. But I'm sure they - I'm confident that they had confirmation from other sources. That was the whole point of the Nudge.

Q. And the - on page 455, it - it goes on, it
5 says:

10 Details of the investigation. Current investigation. CIAG 5EYES Law Enforcement Group has identified a common target involved in a worldwide money laundry network, Altaf Khanani. Intelligence received from the Australian Federal Police has demonstrated the global movement of illicit funds linked to organized crime, as well as terrorist organizations and its connections to Canada.
15 Khanani currently residing in the UAE is listed as the Dubai based employee of Al Zarooni Exchange, a money service business. Intelligence had identified a number of Canadian subjects that act as agents of
20 Khanani. Databases and FINTRAC have identified links between Al Zarooni Exchange and several.... [As read]

You'd agree with me, sir, that confirms to Mr.
25 Ashraf that Mr. Khanani, the - the - the lead of his group is a common target, not only of Canada but the CIAG 5EYES Law Enforcement Group. Isn't that right, sir?

A. Yeah, that's strange. There's errors in this. He was never the employee of Al Zarooni; he was the owner and
30 operator, so I'm not sure why they call him an employee. But in general, yes, I would agree with that.

Q. And it also indicates that their connections,

agents for Mr. Khanani, and that their databases and FINTRAC reports that have identified links between Al Zarooni and those persons.

5 A. That was known to them, but this would confirm that.

Q. Right. And you'd agree with me, sir, I think its been admitted, that this information is Special Operational Information. Correct?

10 A. Under the definition of *Security of Information Act*, that's correct.

Q. Okay. It continues, sir, the document continues on to describe in detail how this will unfold and other details. This being the current investigation. Correct, sir?

15 A. I would disagree with that. By the time that the last chunks of the C237, and we could - it's in the disclosure - the investigation was all but finished, shut down. And I think by this time they had shifted to Farzam Mehdizadeh. So, I'm not sure on the exact sequence of the events between the
20 two. Patrick Martin's e-mails would be worthwhile taking a look, and as would mine.

Q. Well, it would be worthwhile at the time that this e-mail were sent to contact Patrick Martin to see - to de-conflict to see if he is in fact investigating Mr. Ashraf.

25 A. Never contact anybody if that's a part of the Command Triangle, and the criminal investigation, OR doesn't go anywheres near that.

Q. Right. It didn't stop you from contacting the targets of in - his investigation.

30 A. I would disagree that they were the targets of in - of his investigation, sorry. I think there's enough documentation between OR, the NICC, FPCO, and O Division CrOps

at that time that that's not the case.

Q. And so, as part of your alleged de-
confliction, you had reached out to the Staff Sergeant Margin
[sic] Martin...

5 A. No.

Q. ...nor did you task others.

A. Nobody - nobody would reach out to the Command
Triangle. That's the whole point of having OR structured the
way it was. It was supposed to be as insulated and as far away
10 from the Command Triangle as possible. But there were
conversations within headquarters. I know people don't like
that, 'cause its within headquarters, but unless I have the e-
mail traffic, even mine would be great, I can't tell you one way
or the other.

15 Q. So, your last de-confliction didn't involve
anybody reaching out to Staff Sergeant Martin?

A. It would never involve anybody reaching out to
the Command Triangle. The criminal investigation is completely
separate from the intelligence operations that we were running.
20 It was done so by design. It had to be legally. And that was
the governance model that was put - brought down by the SIHU
framework. So, no. Not even close.

Q. And you didn't contact Staff Sergeant Martin
or anybody at home division about sending this excerpt to Mr.
25 Ashraf?

A. There were de-confliction meetings, I would
call them more like briefings, between OR and the CrOps officer
at the time, and there were a ton of meetings between OR, the
NICC, and FPCO. But I cannot answer one way or the other that
30 particular question without my e-mails. I just - I - you're
asking me an unfair question about 10 years ago.

Q. You - you can't recall a conversation you

would've had with anybody in the RCMP, 'Is it okay if I send an excerpt out of a C237 of - of an O Division project to Mr. Ashraf?' You don't recall that?

5 A. So, let me - let me try to explain my memory. Such that it is. [REDACTED]

[REDACTED] by the way, I didn't get a chance to finish that, [REDACTED]

[REDACTED] And I can assure you that that was a issue on orders of
10 magnitude greater than what we're dealing with here. So, no. I don't have detailed memories about what happened 10 years ago. And it's unfair to ask me without the documentation. Not just my e-mails, but all the other documentation that we didn't get. I'd - I just don't know how I'm supposed to do that.

15 Q. Sir, I ask you to turn to page 456. And that's a - a NICC report. It's prepared by the NICC, but it has to do with the CIAG that we've heard about, right? The - the 5EYES Law Enforcement Group that - the intelligence arms of those 5EYES Law Enforcement Agencies, correct, sir?

20 A. Criminal Intelligence Advisory Group.

Q. Right.

A. And it was the intel of the FELEG, but it was also called the - it was the father working group. It's...

Q. And page four -...

25 A. ...technical.

Q. ...457, sir.

A. Yeah.

Q. It says, it talks about a result of the CIAG 5EYES law enforcement meeting held in Vancouver, British
30 Columbia, in separate - September, 2014. "Member agencies came to an agreement to share intelligence and information on a common target, Altaf Khanani." You see that, sir?

A. That's correct.

Q. And that's what Todd Shean testified about, right? He was your boss, but he was also a chair of CIAG, and this was his brainchild, right? He talked about the meeting in Vancouver, and bringing all of the 5EYES together to target Mr. Khanani?

A. He did that. I don't know if it's his brainchild. I think he was referring to the analyst deployed overseas and some of the other things that he started. And I don't remember who started this. Whether it was the Aussies, or the DEA, or....

But he gathered everybody together in - in Vancouver. CIAG rotates. So, the working groups rotate between each 5EYES city. The host country gets to choose what city, and he was the one that set up that meeting in Vancouver. That's correct.

Q. He was the chair of the meeting in Vancouver, and he spearheaded the effort for all the 5EYES agencies to focus on Altaf Khanani.

A. So, he was the chair, I wouldn't call him the spearhead for the - for the 5EYES. That came from [REDACTED] working with [REDACTED] what they called their [REDACTED] That was the spearhead operational effort against Khanani.

Q. Hence....

A. And Nudge had nothin' to do with that, because we had all of the [REDACTED] on this target for years.

Q. Sir, it continues:

The National Intelligence Coordination Centre, the NICC, conducted a rudimentary

analysis of the Khanani network, links, [and] and potential activities associated to Canada. Although the result presented required further analysis.... [As read]

5

THE COURT: There's a - there's an issue. Do you wanna address counsel? Or do you want the jury - yeah. Mr. [indiscernible...noise in background]....

10

... PAUSE

A. That's my fault.

15

MR. MACFARLANE: So, we should excuse the jury, sir.

THE COURT: Just step out for a moment.

COURT SERVICES OFFICER: All rise.

20

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

... DISCUSSION REGARDING SECURITY ISSUES NOT TRANSCRIBED

25

COURT SERVICES OFFICER: Order please, all rise.

... WHEREUPON JURY ENTERS (10:51 a.m.)

30

CLERK REGISTRAR: All members of the jury are now present. Please be seated.

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

Q. Sir, I'm still at page 457. Sorry.

The last line in the request, it says, "[Khanani] Khanani network" - sorry.

5 Although the results presented required further analysis to ascertain the various layers of the intricate Khanani network of money launderers, the information provided will assist FELEG members' agencies in selecting the most appropriate and effective means of law enforcement action to disrupt Khanani et al. [As read]

You see that, sir?

A. I do.

15 Q. So, you agree with me, sir, that Canada and its 5EYES law enforcement partners were taking active steps when this report was written to disrupt this Khanani et al, meaning his Canadian counterparts in - in - that were being investigated by O Division. Correct?

20 A. All of the 5EYES agency, not just the law enforcement agencies. Yes, they were - how do I explain it. Yeah. It's - let's just leave it at disrupt Khanani, yeah.

Q. Okay. And he - et al. And his associates.

25 A. The et al is in reference to people at his level that were doing things in another country that a 5EYES agency was actively working on.

Q. Right. You didn't write this...

A. So....

Q. ...report, sir?

30 A. No, but I saw the streams of information that the authors of this report did not in fact see. So, I had, at least at the time, much better visibility. That's what I can

remember.

Q. You remember that from 10 years ago.

A. I do.

Q. It continues, sir:

5 Background Project Zanella is an Australian
Federal Police Investigation into a global
movement of illicit funds on behalf of
organized crime groups as well as terrorist
organizations. The FP indicate Australian
10 organized crime groups are directed to
transfer money overseas to represent
represents based in [the U] the United Arab
Emirates and Pakistan, then to redirect cash
back to the Australian counterparts. The FP
15 infers that a similar process is happening in
Canada. Altaf Khanani believe based on the
OA's belief to head up the multi-billion-
dollar international money laundering
syndicate. [As read]

20 You see that, sir?

A. I do.

Q. So, that's confirming to Mr. Ashraf that not
only the Canadians, but the Australians are interested in Mr.
25 Khanani. Correct?

A. I don't think it conf - well, he knew that
already, but yes, it would confirm it.

Q. And that's Special Operation Information,
right sir?

30 A. Under the *Security of Information Act*, yes it
is.

Q. And going to page 458, the second bullet on
In Camera

page 458, goes on that:

5 An analysis of Al Zarooni's financial transactions out of Canada identifies money transfers primarily to entities in the UAE, Pakistan, and India, unlike information gleamed from Operation Zanella, Southeast Asia, does not appear prominently in the preliminary analysis of the Canadian Intelligent holding. [As read]

10 Do you see that, sir?

A. I do.

15 Q. So, that's confirming to Mr. Ashraf that there's a blind spot. There's a lack of information that the Canadians have in regards to Al Zarooni. Correct?

A. I don't think it confirms a blind spot. It simply confirms the status of the visibility that they were able to claim in this bullet.

20 Q. And it's important to people being investigated by the RCMP to know both what the RCMP know, so they can avoid continuing that behaviour and what the RCMP does not know, so they can continue that behaviour. Isn't that right, sir?

25 A. Most targets of the RCMP, as far as I know, want to avoid the RCMP at all costs. Correct.

Q. And the third bullet, sir, says that, it identifies that:

30 Lower-level coordinators based in Canada act as agents of Khanani. These lower-level coordinators would operate for the large Zanella money-laundering network by placing and layering funds from Canada. Mohammad

Cameron Jay Ortis - Cr-Ex.

Yusuf, and Muhammad Ashraf are of particular interest to the RCMP. [As read]

5 You agree, sir, that you were confirming to Mr. Ashraf that he was connected to the Khanani network, and of particular interest to the RCMP.

A. That's what it says, correct.

Q. Okay. And that's what....

10 A. Although, I don't think he would consider himself low-level coordinator. But the essence of the paragraph, that's correct.

Q. You spoke to him about that?

A. No, I saw a lot of intelligence on him.

15 Q. I'm sure. And the - the fifth bullet, sir: Canadian-based MSBs in this report are largely compliant with the Canadian regulations as set forth by FINTRAC legislation. However, numerous deposits just under the FINTRAC reporting threshold of
20 \$10,000 Canadian, and multiple smaller deposits have been noted by banking institutions as a possible means of regulation avoidance. [As read]

25 You see that, sir?

A. I do, and they - it wasn't that they were largely compliant, they were completely compliant.

30 Q. Here, sir, its saying that deposits under \$10,000, that's a way of tipping off to Mr. Ashraf and others that that's a possible blind spot for the RCMP. These - these deposits, just under \$10,000. Correct?

A. No, that's incorrect. That's available from

Government of Canada websites. You can go onto banking institution websites. Everybody knows about that \$10,000 threshold, which is - excuse me, which is kind of why they use it. And it's not illegal. Or at least it wasn't back then.

5 Q. Bullet number six, sir, the very last line. "The topic of collectors remains largely an intelligence gap and is not included in this report." And then the next bullet, "Information on controllers in Canada is an intelligence gap." That's what was sent to Mr. Ashraf?

10 A. That is correct. And the information is incorrect.

Q. And you'd agree with me, sir, that's telling Mr. Ashraf that the police have a blind - again a blind spot. They don't have much intelligence on controllers in Canada.

15 A. No, that's - that's telling him something that's completely false. The RCMP had access to large volumes of intelligence reporting from a particular 5EYES agency that made it very clear who the controllers were in Canada, what they were doing, how sophisticated they were, and how their operations worked.

20 Q. And this is a NICC report?

A. Yes - yes.

25 Q. And at page 459, sir, you continue, "This intelligence report goes on for 40 pages. It lays out the intelligence gathered so far in a range of firms in Canada working on Khanani/Polani network." And that was correct, sir?

30 A. No. The intelligence - the report did not come even close, this particular report written by the NICC, because they had limited visibility for the purposes of writing this report. The rest of the report did not lay out all of the intelligence, even close, with respect to the Canadian footprint of both the Khanani syndicate, it's called the syndicate, and

the Polani network.

Q. It did include intelligence on those people.

A. It did include intelligence.

Q. Okay.

5 A. But definitely nothing close to all the intelligence gathered so far.

Q. It says, "It lays out the intelligence gathered so far." Right?

A. That's not correct, though.

10 Q. Okay. Turn to Tab 17, sir. And that's the - at page 322, that's the full report, the full NICC report?

A. It appears to be, but we don't see most of it because its under redactions, right?

15 Q. And you saved that document onto your Tails USB?

A. Just looking for the metadata here. I don't know.

20 Q. And at - your e-mail continued on page 459, that in particular, "That document contains an appendix with pages of tables outlining companies and transactions." That's what you wrote at four - page 459, right, sir?

A. Just hang on, here. That's what is written here, that's correct.

25 Q. And that's what is contained in the CIAG report at 322, right? There are tables at - at the back of that document? An appendix with pages of tables?

A. I can't really tell. I would imagine there is. There's usually appendices attached to strategic reports like this. But you can't really - can't really tell.

30 Q. And at page - you continue at page 459, sir, that the document that you were referring to concludes with an outline of "Next steps on the domestic level." Canada, one

presumes. And that's what you were - at page 331, that's what you were referring to, right, sir? Page 331 has, "Next steps at the domestic level."

A. Sorry, page 331?

5 Q. Three-thirty-one. "Next steps at the domestic level."

A. In bullet-point form, that's correct.

10 Q. Okay. And so that was correct, when you said, "This document, it includes an outline of next steps on the domestic level." That was true - that was true, wasn't it?

A. Definitely not all the next steps, but some of the analytical next steps. That's correct.

15 Q. And sir, you didn't ask Warren Coons, the head of the NICC, to be able to send this excerpt of the CIAG report to Mr. Ashraf?

A. I do not recall doing that, but I also don't have all of the e-mail exchanges with Mr. Coons from that period. So, I can't be a hundred percent sure - certain.

20 Q. Okay. And you didn't speak with your boss, Todd Shean, the chair of the CIAG about sending this CIAG report to Mr. Ashraf?

A. No, I did not.

25 Q. And you didn't have that - such conversation with Todd Shean, 'cause you know that he would say, 'Are you crazy? Sending a CIAG report on Mr. Ashraf to Mr. Ashraf?' You knew he would say that, and you didn't wanna tell him what you were doing.

30 A. That's incorrect. As I testified over and over and over, I made an agreement with the 5EYES partner that I had a conversation with in September of 2014, on a number of need-to-know points, and that was one of them. And I agreed at the time to oblige them. That's why. And it turned out, and

that's....

Q. Sir, I turn your attention to page 451, 452. The excerpts that are - are on page 451 and 452, you'd agree with me, sir, they've been redacted. And this process by the Federal Court, pursuant to Section 38 of the *Canada Evidence Act*, because it contains information pertaining to National Security. Correct?

A. So, this was supposed to go through a sanitization process, using the X process. And I can't tell, based on the redactions, whether that was done or not. That's all I know about what's underneath this. So, I wasn't present during the Federal Court proceedings. I don't know what happened there. But without that documentation, I can't tell you one way or the other.

Q. But you labeled these excerpts, sir, "TSSI." Right, sir?

A. They are labelled that way, correct.

Q. You labelled them?

A. As part of the sanitization process, you get all of your form of words. So, that's what can be said in a title. Sometimes its what can be said in a paragraph, a sentence. Whether or not a selector or the name of somebody, or [REDACTED] can be released. So, without that documentation, I can't tell you one way or the other. I just can't.

Q. You can recall if you labelled it "TSSI?"

A. No. No, I'm not gonna be able to - in order to be a hundred percent certain, I'm gonna need at least the e-mails with the Sensitive Information Handling Unit to be able to piece that together.

Q. And those e-mails would be on ROSS, even though you're talking about TSSI information?

A. Taskings has noted in the Project Ace

disclosure, 90 percent of those took place on ROSS. Not everybody has access to CTSN on their desktop. And where SIHU sat at the time, at national headquarters, half of them did not. So, we risk-managed by sending taskings to various units that could've been consider classified, using Entrust encryption on the ROSS e-mails. That was common practice. I authorized it. So, without that, I can't - I can't tell you.

Q. You'd agree with me, sir, that the - that the sanitization process has to be run through CSE. Correct?

A. It eventually, the X process, ends up in a multi-stage process at CSE, that's correct.

Q. You would not be sending ROSS e-mails to CSE.

A. You can send ROSS e-mails to CSE. Before - before the X process migrated to a - a - a fancy online system, where you could watch the status of your X process requests stepped through each of the X process points, had a graphical image, and you can actually see where they were at, you could send the office responsible for the X process an e-mail on ROSS, simply inquiring about the status of a particular X process, without divulging classified information, in order to get an update on where that was at. At this time, I do recall, vaguely, com - not complaints about the X process, but backlogs of the X process. And so, we were trying to make adjustments as to how to make it all more efficient. But you can send information on ROSS, as long as you refer to it in almost coded or abstract ways.

Q. Sir, I turn your attention to page 460 at Tab 27. And that's an e-mail, on May the 21st, from blindbat@mailbox.org to info@finmark.ca, saying:

Good morning. When you get a chance could you please pass the message below the line to Mr. Ashfar (ph). [And then below the line,

Cameron Jay Ortis - Cr-Ex.

5 it says] Sir, its been a little over a week since I sent you the proposal and attachments. I thought I would check in to see if you had a chance to consider. Thank you and I hope to hear from you. [As read]

You sent that e-mail?

A. I authorized this e-mail, and I take responsibility for it.

10 Q. Okay. And again, no mention of Tutanota in this e-mail. You're using blindbat, and he's using info@finmark, correct sir?

A. Yeah, that's correct.

15 Q. I turn you back, sir, to Tab 7. At page 73, sir.

A. Yeah, I see it.

Q. And that's an e-mail from Mr. Ramos, the city@tutanota (ph), so by then he's using the Tutanota e-mail to you at variablewinds@tutanota.de. Is that right, sir?

20 A. To the variablewinds account, that's correct.

Q. And by then he says in the e-mail, he's set up an account, presumably Tutanota, "How can we obtain additional information?" Do you see that, sir?

A. I do.

25 Q. Okay. And then on page 74, it reads - the - the e-mail that you sent on May the 7th.

30 Glad to read you're interested [As might] As you might expect, the unembargoed full documents come at a cost of \$20,000 Canadian in cash, firm. If you decide to accept, I will also share additional information that I have about your teams' operations that is not

full document form, but I was able to acquire nonetheless. [As read]

That's what you wrote?

5 A. That was what was sent, but no additional information on various topics was ever sent...

Q. Okay.

A. ...to Mr. Ramos.

10 Q. And at page 75, there was a - a follow up e-mail by you on May the 11th. And the fourth paragraph down, "What can you expect? If you agree to the price and we can come to terms on how to arrange payment, I will send you half of the embargoed documents, unembargoed, plus some additional intel [that I high] that I have which is not in document form."

15 That's what you sent to him?

A. And no additional information was ever sent. And no money was ever discussed.

20 Q. And - and you say the purpose of your e-mails was either in - to entice Mr. Ramos with further communications, or to show your bona fides. Correct?

A. This would be a consolidation.

Q. Consolidation, right.

25 A. Not demonstrating necessarily bona fides anymore, or enticement. He's already using it, so, success. But you want him to keep using it, and you're hopin' that maybe he might forward an e-mail or two to somebody in his professional network. That's the way the G model - G mail model works. And I think he does at....

30 Q. And you'd agree with me, sir, if he had responded, 'Yes, I'll forward the \$20,000 to your account. Please send me the unembargoed documents.' To keep up this consolidation you would've had to do that, right?

Cameron Jay Ortis - Cr-Ex.

5 A. No, not at all. 'Cause you can see he starts to e-mail other people in the traffic. And at some point, you gotta break off.

Q. I'm sorry, he started e-mailing others?

5 A. Yeah. Is - I believe it's a guy named Beetle (ph), Beel (ph), his lawyer, at some point in this traffic.

Q. So, you think he's getting his lawyer involved in this?

A. Well, lawyers, you know.

10 Q. I don't know what that means, sir.

A. Withdrawn.

Q. Sir, you've testified that you didn't believe what you were doing was an undercover operation in your opinion, because you did not collect intelligence or evidence. That was
15 your answer?

A. That's correct. So, if you read the policy of the time, it states very clearly that in order for it to be a capital C Covert, capital O, Op, and fall under their policy, you have to be collecting evidence or intelligence. What it
20 doesn't say but it implies for the purposes of a criminal investigation. The Nudge had none of those objectives. Neither implied or explicit.

Q. So....

A. So, it was an intel op.

25 Q. Tell you - ask you to turn to Tab 33, please. The - sorry, just after the first - I believe it's the first document, "30 General." You see that, sir?

A. "Law enforcement justification provisions?"

Q. No. Sorry. Page - Tab 33.

30 A. Yeah.

Q. After the first - the - the - the blue cover, there's a - a one-page document called, "Operation Manual 30

General?"

A. Yes.

Q. Okay.

A. Amended in 2013.

5 Q. And it says at number one - you were asked about this. "An undercover operation is an [investigation] investigative [sorry] technique used by a peace officer or agents to seek or acquire criminal evidence or intelligence through misrepresentation, pretext or guise." Isn't that what
10 it says?

A. That's correct. We were neither seeking it nor acquiring it.

15 Q. The goal of your Project Nudge, was to direct targets onto this Tutanota, with the expectation that the foreign agency would gather intelligence and feed that back to Canada. Isn't that - wasn't that what you told us the goal of Project Nudge was?

A. That's correct.

20 Q. Okay. So, it was to seek intelligence, wasn't it?

A. No. Not even close. The intelligence that we had on these targets was - let's call it exquisite and it came from a particular 5EYES agency. We had no need for intelligence. We didn't need to seek it, didn't need to require
25 it. It was to simply to introduce or nudge these targets onto a - a different encryption service than what they were using. That was it. That was the whole point.

30 Q. To generate intelligence to be collected by the foreign agency to be returned back to the RCMP. Isn't that right?

A. In general, that's the way the intelligence cycle that OR worked on, worked.

Q. So, that the pro - the purpose of Project Nudge was to seek intelligence.

A. No, it was not.

Q. Okay. And you'd agree with me, sir, you had
5 zero experience in undercover operations?

A. I would not say I had zero experience, no.

Q. Okay. You were not an undercover - a coded
undercover police officer?

A. I was not a coded operator, nor did I ever
10 seek to be a coded operator.

Q. And so, when you read that number one, you
didn't reach out to Kevin Lamontagne, head of Covert Ops, to
sort of get his view on what you were doing, whether it was an
undercover operation or not?

A. Kevin Lamontagne and his predecessor and OR,
including me, had a number of conversations over the years about
the definition of Covert Operations and the policy coverage that
it applied. Most of those conversations, if I recall correctly,
had something to do with what's called open-source work at Level
15 2 and 3, which also eventually came under the Covert Ops policy.
20 But I don't recall, and again, I - I don't have any e-mail
exchanges on this, having a conversation with Lamontagne
specifically about Nudge. I do not.

Q. Well, I put to you, sir, you'd remember a
25 conversation with Kevin Lamontagne, 'I'd like to reach out to
Mr. Ramos, Mr. Ashraf, Mr. Henareh, you know, is - is this an
undercover operation or not?' You would remember that
conversation, sir.

A. I would never have that conversation with
30 Kevin Lamontagne.

Q. And why not if it's unclear as to whether its
an undercover operation?

5 A. It wasn't unclear, and he had no need to know that information. And he was part, beating heart, of the criminal investigations being run out of HQ and in the Divisions. And we simply don't share OR information with folks involved with criminal investigations. We just don't do it.

10 Q. Had a general conversation with him without giving him the details, 'This is what I'm thinking. I'm thinking of contacting targets of RCMP investigations, sending them Special Operational Information. Is that an undercover operation or not?' You didn't have that conversation with Kevin Lamontagne?

15 A. We had a number of conversations about Covert Ops policies, especially in 2013. And I seem to recall the online components being discussed over and over and over at HQ. OR wasn't the only entity in HQ that had issues with the policies of Covert Ops. But I don't remember a specific conversation about specific details around whether or not an intelligence operation could take place, all of the Nudge, according to the definition that's clear in policy.

20 Q. The reason you didn't have that conversation with Mr. Lamontagne, is because you wanted to keep your actions secret from the RCMP. You didn't want anybody to know that - what you were doing, because you knew it was illegal.

A. No, that is incorrect.

25 MR. MACFARLANE: Sir, I have a little bit longer. I don't know if this is a good time for a break, if you [*indiscernible...poor audio set up; channel recording levels not functional - unable to isolate speakers*].

30 THE COURT: Yeah, we'll take a 20-minute recess.

COURT SERVICES OFFICER: All rise.

Cameron Jay Ortis - Cr-Ex.

... WHEREUPON JURY RETIRES (11:21 a.m.)

CLERK REGISTRAR: Court is in recess for 20
minutes.

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

U P O N R E S U M I N G : (11:41 a.m.)

CAMERON ORTIS: RETAKES THE WITNESS STAND

... WHEREUPON JURY ENTERS (11:42 a.m.)

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

15 Q. Mr. Ortis, if you could take Exhibit Number 1,
Tab number 1, please, sir. That's the position description.
I'd ask you to turn to page 3, please, sir.

A. Yes.

20 Q. In the fourth paragraph, sir, about halfway
down the paragraph, the, one, two, three - fifth line. It says:
Given its operating context, the Director
must ensure that the work unit's operations
confirm to strict Government of Canada
standards for the handling and use of highly
sensitive information. [As read]

25 You see that, sir?

A. I do.

Q. And you were bound by that requirement?

A. I was bound to follow the standards.

30 Q. And I'll ask you to turn to Tab 29, please,
sir. And just after the - the first blue page, there's a policy
called organizational and administrative security. You see

that, sir?

A. No.

Q. Okay. I apologize, Your Honour.

A. It says, "Departmental Security Branch".

5 Q. I have it's - it's - our notes indicate it's at Tab 29, the first document says, "Security Manual", the next - next document called, "Guidelines for *Security of Information Act*" and then after a blue page, there's a document called, "Organizational and Administrative Security"?

10 A. Yes, I see it.

Q. And you agree with me, sir, you were bound by this policy?

A. They are guidelines and looks like Commissioner standing orders, that's correct.

15 Q. You were bound by this policy?

A. I was.

Q. Okay. And at D-4, sir, it says:

20 An employee will be responsible for safeguarding classified/[slash]protected information in his/her keeping and will not make personal use of it in any way. They will not disclose such information to unauthorized persons, or persons who do not have a need to know. [As read]

25 You see that, sir?

A. I do see that. That's correct.

30 Q. And you'd agree with me, sir, that Mr. Ramos, Mr. Henareh, and Mr. Ashraf, were not authorized persons, and they did not have the need to know?

A. I would disagree with that.

Q. They had a need to know the contents of an

RCMP investigation into their organizations?

A. I used my authority under these guidelines and policies to determine who had a need to know, and who did not have a need to know. It's an exceptional circumstance, but it does happen in the RCMP.

Q. In this case, you determined yourself, that Mr. Ramos, Mr. Henareh, Mr. Ashraf, alleged criminals, had a need to know special operational information involving them?

A. I used my authority, given my position, and the authority instruments that I had at the time to make the determination that the Nudge was required and that the design of the Nudge disclosed excerpts, snippets, if you will, of that kind of information.

Q. You'd agree with me, sir, D-4 doesn't have an exception. It says that, "classified protected information will not be disclosed to persons who do not have a need to know", correct?

A. No rule or guideline or policy or standard in the Government of Canada or the RCMP, is absolute. There are exceptions.

Q. And you chose to ignore this policy without consulting anybody in the RCMP, isn't that correct?

A. I did not ignore the policy, but I made a choice that the intelligence operation was justified, and the particular or peculiar design of that operation was essential for its success.

Q. You agree with me, sir, there's nothing in D-4 that says, "except when an RCMP personnel decides that it's in the interest of an operation"?

A. There's nothing in D-4 that provides exceptions for any operations in the RCMP. So, if I recall from previous witness testimony, there are operational manuals,

policies, rules, norms, and principles, that allow for a commander to make a decision in certain circumstances.

Q. So, I'm gonna ask you to turn to Tab 3, please. And SM, Chapter 4.2, Security Responsibility for RCMP Personnel, new chapter February 15 [sic] - February 27th, 2015. You see that, sir?

A. I do.

Q. And you'd agree with me, sir, that that policy was in place for the majority of the communications you had with Mr. Ramos, Mr. Henareh and Mr. Ashraf?

A. This policy was not in place when the Nudge was designed and began. It came into effect on - February, so, that would have been at the beginning of the operational phase.

Q. That's not my question, sir. The policy was in place when you sent the majority of the communications to Mr. Ash - Mr. Ramos, Mr. Henareh, and Mr. Ashraf, isn't that right?

A. That's correct.

Q. And you were bound by this policy?

A. I was bound by it, that's correct.

Q. And General 1.1, "All personnel must comply with RCMP information and communication technology security policies." That - you see that, sir?

A. That's correct.

Q. Okay. And 1.1.1, "The absence of a specific statement for an action does not imply permission or approval for that action." Do you see that, sir?

A. I do.

Q. Okay. And that means that if - if there's some - some - something that's not in the policy, doesn't mean you can read in your own authority and do whatever you wanna do. Isn't that, right?

A. No, that does not cover the commander's

authority to be able to make exceptions for operational purposes.

Q. And 1.1.2, "Individuals must consult departmental security section or departmental security branch for direction in the absence of a policy." See that, sir?

A. I do.

Q. And you didn't do that?

A. No, I did not.

Q. Turn to page 15, please, sir. Heading 8, "Appropriate Control of Protected B Information", 8.1, General, 8.1.1., "Protected B Information must not be released into the public domain." Do you see that, sir?

A. I do.

Q. And you sent - much of the information that you sent to Mr. Ramos, Mr. Henareh, and Mr. Ashraf, was Protected B, wasn't it?

A. Some of that information was Protected B, that's correct.

Q. And so, you knowingly chose to ignore this policy?

A. I did not ignore the policy. There are exceptions to all policies, guidelines, and standards in the RCMP. I chose to exercise that authority for the particular purpose of the Nudge.

Q. There's no exception in 8, is there, sir?

A. There are exceptions implicit in all the policies, especially administrative manuals, in the RCMP.

Q. Implicit, the absence of a specific statement you were supposed to consult with departmental security. You didn't do that?

A. Under certain circumstances that would be correct. This was not one of the circumstances that would fall

under that provision.

Q. Nine, on page 16, Corporate Control of Protected C and Classified Information, General, 9.1.1., "Protected C, confidential, secret, and top secret information must not be released into the public domain." Do you see that, sir?

A. That's correct.

Q. And you'd agree with me, sir, that some of the documents you sent were secret, and were sent to the targets of these investigations?

A. So, the override on this section of policies has to do with the X process, whereby, you can engage in correspondence and conversation with a close intelligence agency partner for the purposes of releasing, disclosing, or sending classified information. So, there are provisions within the intelligence community that provide for exemptions under this. Otherwise, this is strictly what you're supposed to follow.

Q. You agree with me, sir, Mr. Ramos, Mr. Henareh, Mr. Ashraf were not close security partners?

A. That's correct.

Q. Okay. So, that override wouldn't have applied or didn't apply when you chose to ignore this policy, isn't that right, sir?

A. No, that's not correct.

Q. And specifically, sir, I'll turn - if you could turn to Tab 6, on page 62, that's a - page 62, that's a TIOS report, classified as secret, correct, sir?

A. That's correct, but the classification is incorrect, and Project Ace, the investigation's - the investigators themselves acknowledge that that classification is actually incorrect.

Q. You agree with me, sir, you didn't have the

authority to reclassify documents?

A. In general, I do have the authority - or did have the authority to reclassify documents, but in specific terms, not this document.

5 Q. You didn't reclassify this document?

A. It was incorrectly classified by....

Q. You didn't reclassify this document?

A. No, I did not.

10 Q. So, you sent this secret document, contrary to 9.1.1, isn't that right, sir?

A. It's not a secret document, but I authorized it to be sent.

Q. And you breached that policy, right?

15 A. I did not breach that policy. I had the authority to make exceptions under all the operational policies and administrative manuals in the RCMP, as does all commanders, people with command authority working in the RCMP.

20 Q. Sir, at paragraph 16 of the agreed statement of facts, it's page 4 of the agreed statement of facts, paragraph 16:

25 It's admitted that the CSC SIGINT security standards principally require that SIGINT must be circulated, worked on, discussed and stored so that it is inaccessible to non-indoctrinated persons. Past access to SIGINT information by RCMP personnel is restricted to a number - limited number of indoctrinated persons whose official duties require consumption of such information on the basis of need to know principle.

30 Indoctrinated persons are responsible for

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5 protecting SIGINT, to which they have access. Specifically, this information can only be accessed and handled via dedicated CTSN terminals located in highly restricted locations referred to as SIGINT secure areas where no mobile devices capable of transmission are permitted.

10 SIGINT information may only be communicated with other indoctrinated persons having to need to know, and who have access to SIGINT secured area with authorized storage containers. [As read]

15 That's true, right, sir?

A. That's true, but on a number of occasions, when I was the Director of OR, and then in later years, I used my authority to make exceptions under that policy in order for deconfliction meetings to take place, for briefings to Todd
20 Shean and the Commissioner, which has been acknowledged by other witnesses.

Q. So, because they breached TS/SI protocols, it was okay for you to breach TS/SI...

A. No, no.

25 Q. ...protocols?

A. No, no. I gave them the authority to exempt certain rules so that they could get their jobs done.

Q. You gave Todd Shean...

A. We took risk....

30 Q. ...the authority?

A. No. I gave folks who worked for me, when they had concerns about briefing senior executives or other

government departments in a not SCIF area, I gave them my authority to do that. On a case by case basis, as long as certain risk management protocols were in place, other steps were taken, I did that a number of times in my career.

5 Q. And you agree with me, sir, when that happened, those documents were left at the RCMP headquarters, correct?

A. Not all the time, no, but I would need my - I would need to go back to my e-mails on that, like...

10 Q. And...

A. ...for specific briefings, specific exchanges with partners, or specific meetings that somebody might have been having outside of the RCMP, I would certainly need my e-mails for that.

15 Q. And those documents were left with indoctrinated persons like Todd Shean, correct?

A. I - again - I - I'd have to go back to my e-mails.

Q. Sure.

20 A. Todd Shean's staff were not always indoctrinated, neither were the Commissioners, but we took steps specifically over time to get them indoctrinated eventually. But there were instances when Todd Shean and other senior executives might have been briefed by OR, that there weres [sic]
25 - there was unindoctrinated staff nearby. But I can't be specific, I'd have to - my e-mails would have specific examples of that.

Q. Okay. Turn your attention, sir, to Tab 13. Those are documents found on your USB under the file Bootstrap
30 1, Payload, Other Documents. You see that, sir?

A. Tab 13?

Q. Yes.

A. I'm there.

Q. And you see at Tab - sorry, at page 227, that's a list of the embargoed documents that were sent to Mr. Ramos, correct?

5 A. That looks like it, a list of the snippets of those documents with a readme file referenced at the bottom.

Q. In the same fo - file folder, sir, at page 292, that's another file - document that you saved on your USB in the same file folder, Report from Mr. Greg O'Hayon on Phantom
10 Secure as classified as TS/SI Canada Eyes Only. Isn't that right, sir?

A. Page 292?

Q. Yes.

A. So, this was a tasking, I believe, at the
15 instruction of Todd Shean. Beyond that, the details, I'd have to go back to my e-mails to re - to make any specific comment about that, I'm sorry.

Q. This was a TS/SI document saved on your USB that was kept at your apartment in downtown Ottawa until it was
20 found by the RCMP, isn't that right?

A. I had work devices at home, that's correct.

Q. And those were not CTSN or CSC approved devices?

A. [REDACTED] on behalf of
25 the Departmental Security Branch, [REDACTED]

[REDACTED] But the particular USB devices which were RCMP devices - yeah, I'd - I'd have to go back to my documents to be able to confirm that.

Q. Well, you know that it was a Tails USB in your
30 apartment that was found by the RCMP in September of 2019, isn't...

A. That's....

Q. ...that right, sir?

A. It was a backup of another OR work device, that's correct.

Q. That was not a CSC approved device to store
5 TS/SI information in your house?

A. It was not explicitly approved by CSC, that's correct.

Q. Okay. And so, again, sir, you knew the rules and you chose to ignore them. Isn't that right?

10 A. I did not choose to ignore them. I made decisions based on the operational contingencies, using my authority.

Q. And sir, the majority of your communications with Mr. Ramos, Mr. Henareh, Mr. Ashraf, were done after you
15 left the OR on March the 12th, 2015. Isn't that right?

A. I left on black book leave for a number of weeks, and then on language training, that's correct.

Q. You'd agree with me, sir, the last active day that you had in the OR was March the 12th, 2015, isn't that
20 right?

A. That was the last formal day, but not the last active day. No, that's not correct.

Q. And in fact, in your notebook, sir, on the last page of your notebook, March the 12th, 2015, you wrote,
25 "last day! [exclamation point]". Isn't that right, sir?

A. Absolutely. I was excited to get out.

Q. Right. And you're saying that you chose to send the most sensitive of communications to Mr. Ramos, Mr. Henareh, and Mr. Ashraf when you were on annual leave, and on
30 French language training?

A. I worked a number of files as a result of the transfer from myself to Dan Morris. At least one

counterterrorism file. A number of HR files, and I chaperoned the end of Nudge because the window was closing June 1st.

Q. You chap....

5 A. And there could have been other - other files as well, but I would need my e-mails to be able to talk about that.

Q. You chaperoned who?

A. The file. Nudge.

10 Q. And I'll ask you to turn, sir, to Tab 6, page 51, and that's the e-mail you sent, we've gone over this before, about when you indicated to Mr. Ramos, "Did Judge arrive on the 8th as planned? Let me guess, he met someone friendly while he was secondaried by CBSA at the airport?". That was sent on March the 21st, when you were on annual leave. Isn't that
15 right, sir?

A. Still at work, though. Still working. But I was on leave, that's correct.

20 Q. And the next page, page 52, confirms in fact you sent that e-mail sir, further down the page, you sent that e-mail on Saturday March the 21st?

A. That's correct.

25 Q. Okay. You're sending these sensitive e-mails to targets of RCMP investigation on a Saturday while you're on annual leave?

A. Seven days a week, and if you actually look at the CTSN e-mail from that period, that was disclosed, you can see I continued to send and receive CTSN e-mail past the "last day! [exclamation point]" and into June-ish of - of 2015.

30 Q. Right. While you're on French language - full-time French language training?

A. I was still working. I didn't slow down until I would say the middle of June, but I would need all of those e-

mails to be able to confirm that.

Q. Right. On March the - on page 53, that's when you sent the e-mail to Mr. Ramos about the four options and indicated for him to distance himself and Mr. Judge from the individual he met at the Vancouver airport. That again was sent while you were on annual leave, right?

A. Black book leave, correct.

Q. And we've gone through this before, the - the letter package that you sent to Mr. Henareh was mailed from the Rideau Street UPS Store on March the 23rd, again, when you were on annual leave. Correct?

A. Correct.

Q. And these were all sent from your apartment, isn't that right, sir?

A. That is incorrect.

Q. You weren't working at the OR.

A. I was working at the RCMP National Operations Centre on Vanier Parkway, and the T-Pass logs should show that clearly, and you can also see CTSN e-mail traffic during that period, and I don't have access to CTSN at home, and I didn't go into OR.

Q. It's - sir it's been agreed at paragraph 6 of the agreed statement of facts....

A. Sorry, which page?

Q. Sorry, at page 2 of the agreed statement of facts? "The RCMP records obtained pursuant to production orders are admissible, accurate, and copies of the records." You see that, sir?

A. Which point are you on?

Q. Page 6.

A. Number two? Page two-six, RCMP records, yeah, I see that.

MR. MACFARLANE: Your Honour, I'll be seeking to tender an exhibit. I've brought a copy to my friends, and the copy for the witness and one for Your Honour.

Q. Sir, at Tab 1 of this exhibit...

CLERK REGISTRAR: Fifteen. Exhibit 15.

EXHIBIT NUMBER 15: Cameron Ortis Access Logs - produced and marked.

MR. MACFARLANE: Q. ...is a production order obtained by the RCMP during this investigation, and at Appendix A, one of the items sought by the RCMP was "8) Electronic records of RCMP access control systems for ORTIS between 2013 and the date this order was executed."

Tab 2 is the affidavit of a Sylvie Nicole Bourassa-Muise at the City of Ottawa in the Province of Ontario, who did an affidavit that in her capacity as Deputy Security Officer for the RCMP, she received a production order and - ordering the request to produce Appendix A, Item 8, Electronic Records of RCMP access control systems between 2013 and the date the order was executed. At three, she indicates that the records named were obtained and attached in the - at exhibits 3 through 5.

Exhibit D - and unless my friends object, I'd like to provide a copy to the jurors of Exhibit D as opposed to them getting the whole exhibits, which is quite voluminous. I'll let my friends - it would be the - sorry, of Tab 3. Copy of Tab 3. No, sorry, I apologize. Tab 2, my apologies. Tab 2.

THE COURT: Just the affidavit?

MR. MACFARLANE: And she has a
[indiscernible...speaking low].

THE COURT: Oh, yeah.

MR. MACFARLANE: Of course, the jury will have the full exhibits in the jury room, but just to save some paper, I didn't print out 20 copies of the....

THE COURT: Which tab - which tab is it in the binders?

MR. ERTEL: Oh, it's not in the binders.

THE COURT: Not in the binder.

MR. MACFARLANE: This is a new exhibit, Your Honour.

THE COURT: Okay, sorry. Sorry. This is - this is an independent document of the....

MR. MACFARLANE: Correct, Your Honour.

THE COURT: Oh, okay. Go ahead, then. Sorry. I was confused.

MR. MACFARLANE: That's okay. Okay. Just for - for the record, so, I've shown my friends, and they don't have an issue of me handing to the jurors, the affidavit and appendix noted at Tab 2 of Exhibit 15.

... PAUSE

MR. MACFARLANE: Q. And sir, attached is Exhibit D to Ms. Bourassa-Muise's affidavit. It - and these are at Tabs 4 and 5 of Exhibit number 15. Sorry, Exhibit number 15, it has the a - full access card logs from March of 2014 to March of 2015 at Tab 4, and the access card logs from March of 2016 to August of 2019. And below, it says:

NB, there are no logs for Cameron Ortis between March the 13th, 2015 to March the

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18th, 2016, meaning he did not gain access to access, control physical property of the RCMP. [As read]

5 Isn't that right, sir?

A. No, that's not correct, and I've seen this in the disclosure. She's referring to the RCMP badges that we were newly issued at the time. She is not referring to the T-Pass badge access to the McArthur - McArthur RCMP National Division
10 headquarters a few blocks away on the Vanier Parkway, kitty corner to the Metro. And also, these logs in the disclosure make very clear that it contains none of the T-Pass or what we call turkey badges, for the RCMP National Operations Centre at the old headquarters on Vanier Parkway.

15 So, it is not a complete record, by your own disclosure.

Q. Okay. It indicates that the order was for "electronic records of RCMP access controls systems for Ortis
20 between 2015 and the date this order is executed." No reference to T-Passes or otherwise?

A. T-Passes are logged separately by Commissioners who sit at the front desk of each RCMP facility. When I left on language training, I used the turkey badges to
25 access both the NOC, and a number of times, the RCMP national division headquarters a few blocks away on McArthur and Vanier Parkway. Including on Saturdays on numerous occasions, 'cause I like to use the gym there, and it's free.

Q. Sir, why would you need to use a T-Pass if you
30 had your badge from headquarters?

A. Jogging. I run every day, and when you run to the headquarters, the old headquarters, or to the McMillan [sic]

building - McArthur building, I carried a driver's licence and my bank card and that was it.

Q. That's not what I asked you sir.

A. It's - you don't....

5 Q. Why didn't you use your headquarters - national headquarters access card as opposed to this T-Pass?

A. Doesn't fit in my pockets.

Q. Sir, turn you to Tab 5. The - the - the main - the main building at the old campus, is it the Nicholson Building, correct, sir?

A. Yeah, it's referred to the - as Nicholson Campus, that's correct.

Q. And turn to page 286 of Tab 5, sir, I'm - I'm on Exhibit number 15, so, ladies and gentlemen of the jury you won't have this tab.

THE COURT: Two-eighty-six?

MR. MACFARLANE: Two-eighty-six.

Q. You'd agree with me, sir, on June the 6th, 2017, you used your pass to access the Nicholson building?

20 A. If I wasn't running, it's entirely possible that I would have used my regular big RCMP badge.

Q. It fit in your pocket that day?

A. Sorry, what page are you on?

Q. Page 286.

25 A. Okay. I'm there.

Q. And you'd agree with me sir, you used your regular badge to access the Nicholson building on June the 6th, 2017?

30 A. Yeah, I sometimes used the Nicholson building and the McArthur building after school, French language training, to check on another file related to that [REDACTED] file that I mentioned. And sometimes I used

simply turkey passes, because when you run back and forth from the market to the headquarters, you just need to carry small driver's licence and bank cards. So, I - I used it....

5 Q. In June of 2017, your pass fit in your pocket that day?

MR. ERTEL: That's not...

A. My briefcase.

MR. ERTEL: ...what he said. That's not what he said.

10 A. I carry a briefcase. A satchel. It's big, it's brown, I usually brought....

MR. MACFARLANE: Q. Sir. Sir, you'd agree with me, sir, that you kept your actions hidden from Dan Morris, your second in command at the OR?

15 A. I was working under a pretty strict need to know principle, so, I did not tell Dan Morris about the Nudge, no, I did not.

Q. And you kept your actions hidden from Greg O'Hayon, who as we just mentioned, had provided you a briefing -
20 a TS/SI briefing on Phantom Secure?

A. That's correct.

Q. You kept your actions hidden from Walter Mendonca, although he had worked on Project Whipsaw, which was used on Project Oryx?

25 A. That's correct.

Q. You kept your actions hidden from Todd Shean, although you'd agree he testified that he was a big fan of yours?

A. That's correct.

30 Q. Okay. And although he was the Chair of the CIAG who had Khanani on their priority list, as - as well as those in his money laundering network?

A. That's correct.

Q. And I believe you testified, sir, the reason you didn't tell Mr. Shean was this alleged caveat that was attached to the information you - you received, as well as a concern about an insider threat. Is that right, sir?

A. That's correct.

Q. And that you testified that if somebody found out about your efforts, they would tip off the four subjects. That was your testimony?

A. It would put the Nudge at risk, that's correct. And it became clear - the full scale and scope of that risk not shortly after, with [REDACTED]

Q. You'd agree with me, sir, you're not alleging Todd Shean was a mole?

A. No.

Q. No.

A. After [REDACTED] the idea of a mole sort of faded into the background.

Q. You'd agree....

A. We had a much bigger compromise, much bigger than what I was briefed on, and much bigger than what would ordinarily be expected by anybody working an insider corruption file.

Q. So, Todd Shean was not a mole?

A. Not as far as I know.

Q. Okay. And you'd agree with me, sir, if you had this concern about there being an RCMP mole, you wouldn't have briefed Todd Shean on anything. You would always have the concern that whatever you told Todd Shean might get passed on to the bad guys, isn't that right?

A. Weeks after [REDACTED] when we began to develop - well, significant clear, visibility on what the threat

actually was, I think we arrived at the conclusion that Todd Shean and the rest of the executive command chain at least straight above me, were not involved with that. But we couldn't be 100 percent certain.

5 Q. You determined that. You investigated your upper management?

A. We took a long hard look in [REDACTED] how this might have unfolded, who might have been in the decision making, to allow [REDACTED]
10 [REDACTED] at headquarters. So, we did do initial assessments. That's correct.

Q. And [REDACTED] was something you investigated while you were on French language training?

15 A. I was made aware of the general problem that would eventually become [REDACTED] before language training...

Q. Okay.

A. ...during that very first conversation in September of 2014. But I had no idea of the full scale and
20 scope, and the only way we did find out was by some very clever intelligence work by intel research specialists that worked for me.

Q. But at the time you're communicating with Mr. Ramos, Mr. Henareh, Mr. Ashraf, if you - what you're saying is
25 true, and you're worried about a mole, you wouldn't have been briefing Todd Shean on anything that the OR was doing, if you were concerned?

A. No, that's not true. That's not how you respond behaviourally if you're made aware of a compromise
30 within an organization like the RCMP. You don't wanna stop business as usual. You unfortunately have to make a decision about allowing business as usual to unfold.

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Q. And you kept your actions hidden from Kevin Lamontagne [sic], head of covert ops, correct?

A. That's correct.

Q. You kept your actions hidden from Staff Sergeant Martin, the lead investigator in Project Oryx, correct?

A. That's correct.

Q. You kept your actions hidden from the E Division undercover team, despite knowing that they were taking active steps to have an undercover officer reach out to Mr. Judge?

A. That's correct.

Q. And all of these communications, as you said, were in February to May of 2015, correct?

A. I believe so, but I'd need my e-mails to be able to confirm that.

Q. Well, we've gone through the e-mails you sent Mr. Ramos, Mr. Henareh, and Mr. Ashraf, right? And they're between February and May of 2015, correct?

A. I have none of my e-mails, my corporate RCMP GroupWise e-mails for any date prior to January 1st, 2016.

Q. You'd agree with....

A. So, it's gonna be difficult for me to agree with that.

Q. The - Mr. Khanani, who was the target of the 5EYES at paragraph 54 of the agreed statement of facts, was arrested in Florida on October the 27th, 2015. Pled guilty to conspiracy to commit money laundering, was sentenced to 68 months in jail. You didn't tell anybody - you kept hidden from everybody what you had done, even after Mr. Khanani was arrested, correct?

A. I believe that's correct, yes.

Q. Okay. You didn't tell anybody in 2016 what

you had done?

A. In - in 2016?

Q. You did not tell - you kept hidden from everybody, until your USB was found in your apartment in the -
5 in September of 2019, you kept your actions hidden from everybody, correct?

A. That's incorrect. There was brief conversations as a result of [REDACTED] regarding the Nudge and its connection to [REDACTED] but I don't remember
10 anything else. Unless we have the [REDACTED] in front of us, it'd be difficult for me to say.

Q. But you - sir, you didn't tell anybody in 2016 about your alleged project Nudge?

A. Not explicitly, no.

15 Q. You didn't tell anybody in 2017 about what you were doing, either?

A. No, the Nudge was long supplanted, surpassed by [REDACTED] No. So, no, that wouldn't have come up in any conversation.

20 Q. You didn't tell anybody you kept - I put to you, sir, you kept your actions hidden in 2018, isn't that right, sir?

A. I wouldn't have - that's correct.

25 Q. Okay. Paragraph 22 of your agreed statement of facts. Sorry, we'll just stop there. We - we heard about the arrest of Mr. Ramos in Las Vegas of 2018? You recall that evidence, sir?

A. I do, yes.

30 Q. Okay. And by then, you were working at the NICC, you were the Director of the NICC?

A. Twenty-eighteen? That's correct.

Q. And your 2IC, your second in command was an

Eric Gordon?

A. Eric Gordon arrived as my 2IC, I would say, mid-2018. Early summer 2018.

Q. And I'm gonna show you sir, and for my friends' in - information, disclosure document 5427. I can pass up one for the - an exhibit, one for Your Honour and one for the jury, please.

... PAUSE

EXHIBIT NUMBER 16: E-mail Exchange March 10, 2018
- produced and marked.

MR. MACFARLANE: Q. Sir, you agree with me, this is an e-mail from Eric Gordon to you on March the 10th, 2018, isn't that right?

A. That looks correct.

Q. Okay. And the attachment is the news that Phantom Secure owner Vincent Ramos had been arrested, correct?

A. That's correct.

Q. And he e-mailed you that attachment, and your answer was, "Before my time. Good read though." You were lying to Mr. Gordon, pretending you didn't even know about Phantom Secure?

A. No, that's correct. I was responsible for Project Nightspot, which started in 2016 as a result of another [REDACTED] complaint to the RCMP which explicitly targeted all secure comms providers in Canada. Nightspot was stood up by me, it was tasked to me, stood up by me, so, I had a lot of activity not specifically related to Phantom Secure necessarily, but related to all secure comms providers in Canada.

Q. Sir, that's not my a - not my question. He was asking you specifically about Mr. Ramos and Phantom Secure,

and you're feigning ignorance in 2018. "Before my time. Good read though." You were lying to Mr. Gordon, weren't you?

A. I don't believe so, no.

Q. Okay. You knew....

5 A. I had no reason to lie to Superintendent Eric Gordon.

Q. You knew about Phantom Secure. You e-mailed Phantom Secure.

10 A. I had been involved with Phantom Secure even before Project Nudge. OR had a number of files derived mostly from other sensitive 5EYES agencies on everything to do with PGP and the security threats that many felt as a result of these Canada-based entities.

15 Q. So, you want us to believe that you honestly don't remember sending the e-mails to Phantom Secure?

20 A. I didn't say I don't remember. The details around what happened, who did what, when it happened, I can only speak to if I had disclosure around the documents and the e-mails that were never provided to me, but were repeatedly asked for.

Q. And sir, at paragraph 22 of the agreed statement of facts it confirms that in "May of 2019, Mr. Ramos was sentenced to nine years in prison." You see that, sir?

A. Sorry, which paragraph are you on?

25 Q. Paragraph 22.

A. That's correct.

30 Q. So, Mr. Ramos is in jail. Mr. Henareh is in jail. The two biggest targets of - of your Project Nudge are in jail, and despite that, you chose to continue to keep your actions concealed from the RCMP, isn't that right?

A. I don't recall Henareh - Henareh going to jail.

Q. My apologies, Mr. Khanani was in jail. Mr. Ramos was in jail. The two biggest targets of your Project Nudge were in jail, and you continued to conceal what you had done from the RCMP. Isn't that right?

5 A. Incorrect. Khanani was never a target of OR Nudge, and Mr. Ramos was not the most important target within the Nudge. So, that's not correct, no.

Q. But the fact that they're in jail for a long time, you still didn't come forward and tell your RCMP bosses or
10 coworkers what you had done?

A. I didn't tell Superintendent Gordon about
[REDACTED] either, which was a much bigger more serious threat, an existential threat to the RCMP.

15 So, when you work in these operational environments, you have to be mature about the fact that you're not always gonna be told everything about everything somebody's done in the past. Eric Gordon didn't tell me about a lot of the operations that he was involved with. That's the way it works.

20 Q. Sir, the reason you kept your actions hidden for over - or almost four years, and your actions were not uncovered until the police executed a search warrant at your apartment, because you didn't want anybody to know because you knew what you had done was illegal, isn't that right?

25 A. Absolutely incorrect.

MR. MACFARLANE: Thank you. Those are my questions, Your Honour.

MR. ERTEL: No Re-Examination, Your Honour.
That's the case for the defence.

30 THE COURT: That's the case for the defence. All right. Thank you.

... END OF EXCERPT OF PROCEEDINGS

(12:32 p.m.)

... MATTER ADJOURNED TO NOVEMBER 15, 2023

(2:02 p.m.)

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66.
Certification

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5 I, Linda A. Lebeau, certify that this document is a true and accurate transcript of the recording of R. v. Cameron Jay Ortis in the Superior Court of Justice, held at 161 Elgin Street, Ottawa, Ontario taken from Recording No. 0411_CR31_20231114_091237__10_MARANGRO.dcr which has been certified by Fabio Scheibler in Form 1.

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November 15, 2023

Linda A. Lebeau

15 Date

Linda A. Lebeau (ACT #8097321162)
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