

SUPERIOR COURT OF JUSTICE

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

HIS MAJESTY THE KING

10 v.

CAMERON JAY ORTIS

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

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY  
on November 3, 2023, at OTTAWA, Ontario

(AFTERNOON SESSION)

20 **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**  
25 **OF THE CRIMINAL CODE OF CANADA BY JUSTICE OF THE PEACE S.**  
**LEGAULT OF THE ONTARIO COURT OF JUSTICE,**  
**DATED: OCTOBER 17, 2019**

30 APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Jay Ortis

COURT OF ONTARIO  
SUPERIOR COURT OF JUSTICE  
(EAST REGION)

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

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

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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*; 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](mailto:media@ppsc-sppc.gc.ca) or 613-954-7803. Audio of morning sessions shall be made available to the transcriptionist at lunchtime to allow for expedient preparation of transcripts.
3. All information regarding this and any other pre-trial application, and any decisions made, shall not be published until the jury retires to consider its verdict or the case otherwise concludes. When the persons named in paragraph 1 testify, the media are free to report to the public that they have been excluded from the courtroom, after a consortium of the media opposed this measure, and that they are reporting from transcripts as well as to indicate whether the transcripts have been redacted.

**DATED** at the City of Ottawa, Ontario, this <sup>th</sup> 28 day of September, 2023.

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

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

BETWEEN:

**HIS MAJESTY THE KING**

Applicant

- and -

**CAMERON JAY ORTIS**

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APPLICATIONS**

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Judy Kliewer  
John MacFarlane  
Counsel for the Public Prosecution Service of Canada  
160 Elgin Street  
Suite 1400  
Ottawa, Ontario  
K1A 0H8

Tel: (613) 957-7000  
Fax: (613) 957-9043

*In Camera*

**SUPERIOR COURT OF JUSTICE**

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

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**W I T N E S S E S**

<u>WITNESSES</u>	<u>Examination- in-Chief</u>	<u>Cross- Examination</u>	<u>Re- Examination</u>
ORTIS, Cameron Jay	1	11	-

**Legend**

[sic] - Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) - Indicates preceding word has been spelled phonetically.

30 Transcript Ordered: . . . . . November 3, 2023  
Transcript Completed: . . . . . November 5, 2023  
Ordering Party Notified: . . . . . November 6, 2023

FRIDAY, NOVEMBER 4, 2023

R E C E S S (11:55 a.m.)

U P O N R E S U M I N G : (1:52 p.m.)

CAMERON JAY ORTIS: RETAKES THE WITNESS STAND

COURT SERVICES OFFICER: Order please, all rise.

... WHEREUPON JURY ENTERS (1:52 p.m.)

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

THE COURT: Go ahead.

MR. ERTEL: Thank you, sir.

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

Q. We finished off around page 300, and if you could turn to Tab 16 in Exhibit 1. There's a heading there, "Bootstrap for Khanani via Ashraf embargoed samples."

A. That's correct.

Q. And the first document is a FINTRAC document.

A. That's correct.

Q. And you - that document sent?

A. Yes, it was.

Q. And the second document is, I guess, part of the CIAG document?

A. Yes, it is.

Q. And if you turn to page 318, it says, this intelligent report goes on for 40 pages.

A. Yes, it does.

Q. And so, what was provided there was a request

from CIAG and some background, on pages 316 and 317?

A. That's correct.

Q. And then under the last blue tab there, or the blue piece of paper there, and pages 319 to 321, is this part of  
5 a - of a report from Project Oryx?

A. Yes, it is.

Q. And that at the end of it, it's noted the doc - at the end, on page 321, it's noted the document continues on to describe in detail how this will unfold. It's seven pages in  
10 length, and very detailed.

A. That's correct.

Q. So, these partial - this FINTRAC document and these partial documents were sent?

A. That's correct.

Q. And what was the purpose of sending those  
15 documents?

A. The CIAG report was a particular subject for the second conversation that I had with my counterpart in the foreign agency, and I can't explain more.

Q. Okay. So, the CIAG report itself was  
20 something that was sent in part as a result of your conversation, which you're not allowed to detail.

A. That's correct.

Q. And the other documents were sent why?

A. They naturally go with the CIAG report.

Q. Okay.

THE COURT: I missed -...

MR. ERTEL: Q. And what was - what was the hope?

THE COURT: ...I missed that, sorry.

MR. ERTEL: He said they naturally go with the  
30 CIAG report.

THE COURT: Okay.

MR. ERTEL: Q. And what was the - what was the purpose of sending documents at all?

A. The same as the other cases. To try and elicit bona fides and push a target onto Tutanota.

5 Q. And was that successful with Ashraf?

A. It was.

Q. So, over at Tab 17, you have there the "Bootstrap for Khanani [versus] via Ashraf non-embargoed" document.

10 A. That's correct.

Q. Are these - are these the more complete - well, one of them at least is the CIAG report at page 322 and following a more - the more complete version of the report?

A. That's correct.

15 Q. Okay. Was that report sent?

A. No, it was not.

Q. Why wasn't that report sent?

A. There was no need to send the full report.

20 Q. Was there an intention to send the full report?

A. There was no intention.

Q. Okay. Under Tab 18, there are some - it looks like a - a draft e-mail at page 362.

A. That's correct.

25 Q. Was contact made with Hakimzada?

A. No, it was not. He was removed from the target list for the Nudge.

30 Q. Okay. And the - under Tab 19, is a - is a bunch of documents with a title page, "Bootstrap for Hakim Sub-boot sample." Were these documents sent?

A. No, they were not.

Q. And why was that?



5 A. There's internal deconfliction documents, just outlining the status at - at a high level of what the current posture was at the time with respect to one of these targets.

5 Q. Tab 20. The title page is, "Mehdiz," but I - is that short for Mehdizadeh?

A. I would assume so.

10 Q. And if you look at the documents, does that - that are attached, does that assist you? Maybe start at page 404. Looks like some draft e-mails or something there?

10 A. It looks like notes, yeah, drafts.

Q. Were these - were these e-mails, or some e-mails like those notes sent to Mehdizadeh?

A. No.

15 Q. Were those doc - those - was the forward D - "Assistance DEA Miami" document that's at page 400, or the one at 402, were those sent?

A. No, they were not.

Q. And why was that?

20 A. Like the other, these are filed deconfliction documents.

Q. And what does that mean, filed deconfliction documents?

25 A. It's part of the process of ensuring that the Nudge would not interrupt or disrupt any ongoing investigations or intelligence operations.

30 Q. Okay, I'm gonna turn - ask you to turn now to Tab 23. And what - what do we see there? Actually, I'm sorry, let's turn first to Tab 22. And what do we see there on page 419, under Tab 22?

A. It looks like a FINTRAC link chart.

Q. Do you know whether that was used or not?

A. I do not.

Q. So go to Tab 23, and there's a - something at page 420. Do you know what this is?

A. Again, it just looks like file notes.

Q. Is that your handwriting on there?

A. I didn't type the first part, but my handwritten notes are on the second.

Q. Okay. Under Tab 24, there's some notes there. "Key points from principals of clandestine meeting." You see that?

A. Yeah, I see it.

Q. Was there a plan in the Nudge for clandestine meetings?

A. No, there was no plan.

Q. So, then if we can go to Tab 25, e-mail addresses. Is this - I'm - I'm now lookin' at page 422, which is the first one - the first document under the title page. Is this a - some type of printout of the variablewinds@tutanota account?

A. It looks like a screenshot of the variablewinds account. That's correct.

Q. And if you turn over to - it's hard to read the pages, but if you turn over to like, 424, which would be the - not the page on the back but the next page, there's some - there's some e-mail history there. Do you see that?

A. Yes, I do.

Q. At the top it says, "Notice disabling of old clients, climate, [dem] demonstration." Or something like that?

A. I see it, yeah.

Q. Okay. So, if you - if you look on this page here, it looks like there's a series of - of e-mails in bold. Partnership with Tresorit (ph), Special Offer, Tutanota sneak peek, Update terms and conditions, Security update for the apps,

Update privacy statement, and Terms and conditions. Do you know what those are?

A. They look like general e-mails sent by the Tutanota company, or the Tutanota systems administrators. Just providing status updates and client information.

Q. And those - those e-mails, they look like they come from 2018?

A. That's correct, yeah.

Q. And when was the account, the variablewinds@tutanota account, last accessed before that if you can tell me?

A. It was last acc - last accessed on May 13<sup>th</sup>, 2015.

Q. So, that'll be right under the last Tutanota team e-mail...

A. Correct.

Q. ...May 15<sup>th</sup> - sorry. What is that? May 13<sup>th</sup>, 2015.

A. May 13<sup>th</sup>, yes.

Q. Okay. Now did Tutanota - you - you said before that Tutanota advertised that accounts would be closed if they're left dormant for a period of time?

A. That is correct. There are clear statements on their website and in their policy that all accounts are deleted after a short period of time. And they also purge their logs regarding the accounts, I think, every three days.

Q. Okay. Are the logs purged here?

A. No, they are not.

Q. Is the account closed here when it's dormant for four months?

A. No, it is not.

Q. Okay. Was - was - did you notify the - the -

the agency that provided you with information here, of - of what the - what your account was called?

A. I did.

Q. So, I guess, obviously you'd be speculating about what happened, but this is consistent, at least, I guess, with the possibility that your account was kept open because whoever was maintaining the account knew that it was a - an account from the Nudge.

A. It was a play, that's correct.

Q. Okay. So, Tab 26, this is a - a commu - a commute - entitled, "Communication to Henareh." And there's a FINTRAC report, it looks like, that's printed out there. And then under the blue tab, there's a copy of a DVD or CD, I guess. And then there's some shipping materials.

A. That's correct.

Q. And the admission here is that what's printed here was on the DVD and sent in the shipping materials.

A. That's correct.

Q. And did that happen?

A. It did, but it was a mistake. It should not have happened.

Q. Why was it a mistake?

A. The information should've been sanitized, or third-party requests done to....

Q. Maybe just - maybe just stop there. We're not gonna talk about sanitization as a result of - there's a limit on it.

A. Right.

Q. But what you're saying is, that it was a mistake for it to be sent in the form that it was sent.

A. In - in the full form it was sent, that's correct.

5 Q. And then under Tab 27, we have the communication to Ashraf which we talked about before in some other documents, right?

A. That's correct.

Q. All right.

Were any documents or any invitations to the Tutanota sent out to anyone else?

A. No.

10 Q. Were there any other subjects of interest in the Nudge?

A. No, there was not.

Q. Were there other projects or other investigations or whatever you call them, in which information -  
15 RCMP information or high-side information was released to any other subjects of interest?

A. No, there was not.

Q. What were the - what was the reason, or what were the reasons for not briefing your superior about the Nudge?

20 A. So, there were two key reasons. The first was the caveat, the strict caveats, that were placed on the information by my counterpart, and I agreed to those. And then the second is my significant concern about the insider threat information that I was briefed on.

25 Q. And what was - what - how - why would that concern have some impact on whether you told a superior?

A. I was concerned that it might allow somebody to thwart my efforts.

Q. And how would they be thwarting your efforts?

30 A. Well, if they found out that the Nudge was a intelligence operation run by a 5EYES law enforcement group, then they would be able to - or they would be aware not to take

the bait.

Q. They being the....

A. The four subjects.

5 Q. What did you see as your sources of authority  
for doing what you did?

A. So, I saw six sources of authority. The first  
would be my job description.

Q. And what about your job description made you  
believe that that was a source of authority?

10 A. The mission, the mandate, and the expectations  
outlined in that job description.

Q. Okay. That's the first one?

A. The second one would be the OR documentation,  
some of which we have. The policies, the procedures, the SOPs,  
15 performance metrics, and so on.

Q. And would some of what's in those OR documents  
that we've seen and not seen, be classified and the subject  
matter that you would not be able to discuss?

A. Yes.

20 Q. What - what would be the next source of  
authority that you saw?

A. Intelligence priorities MC.

Q. So, that's the....

A. Memorandum to Cabinet.

25 Q. Memorandum of Cabinet.

THE COURT: I missed that, sorry?

A. The Memorandum to Cabinet. The  
intelligence...

THE COURT: Yes, okay.

30 A. ...priority MC.

MR. ERTEL: Q. And did you believe that the  
Memorandum to Cabinet made this work one of the priorities?

A. I did.

Q. What else?

A. It would be the trust relationship.

5 Q. And when you say "the trust relationship",  
what aspect of the - or aspects of the trust relationship that  
you described?

A. The two aspects. To protect information, but  
also to act on it when required.

10 Q. And is that - was that developing trust  
relationship connected to the complaint that Canada was more of  
a taker than a giver?

A. It was connected, yeah.

Q. What else gave you authority in your view?

15 A. The threat diminishment activities, more  
specifically. With a role of threat diminishment activities.

Q. Did you believe that the Nudge could  
contribute to threat diminishment activities, if successful?

A. Absolutely.

20 Q. Did you take into account the covert  
operations policy?

A. I did.

Q. And did you feel constrained by the covert ops  
policy?

25 A. I decided that the covert ops policy did not  
apply to the Nudge.

Q. And the reason for that was what?

A. The Nudge was - had no objectives to collect  
criminal evidence or intelligence.

30 Q. Do - do you take responsibility for all the  
documents and e-mails that were sent that I've shown you today?

A. I take responsibility for it all.

Q. Did you do it because you were trying to amass

Cameron Jay Ortis - in-Ch.

Cameron Jay Ortis - Cr-Ex.

a fortune selling information to criminals?

A. No, I did not.

Q. Did you do it because you had some grudge against the RCMP or something like that?

A. No, I did not.

Q. Were you a proud member of the RCMP?

A. I was.

Q. Did you become an enemy of Canada at some point?

A. No, I did not.

MR. ERTEL: Thank you, sir. Those are all my questions.

... PAUSE

CROSS-EXAMINATION BY MR. MACFARLANE:

Q. Sir, Mr. Ortis, you - you went through in your examination-in-chief some of your background, so I won't go through it entirely. But my understanding [sic] that you received your BA International Studies at the University of Northern B.C. in 1998. Is that right, sir?

A. That's correct.

Q. And after that, you received your Masters in Political Science from McMaster University in 1999?

A. That's correct.

Q. And your thesis there was Asi - the Asian Financial Crisis?

A. That's correct.

Q. Okay. And after that, you got your PhD in Political Science at UBC. You were there from 1999 to 2006?

A. That's correct.

Q. And your - your focus on that PhD was in cyber



security?

A. Yes, that's correct.

Q. And your - your thesis was "How Nation States adapt to Non-State actors in the era of cyber security." Is that right?

A. That's correct.

Q. And while you were take - you were getting your PhD, at the same time, you - my understanding is you got a certificate in Internet Systems Administration, between 2001 and 2005. Is that right, sir?

A. That's correct.

Q. And that involved the installing and removing of software, handling of user data, building up and tearing down servers, and maintaining the stability of servers. Is that right, sir?

A. That's correct.

Q. And you did both of those, the PhD and the certificate at the same time?

A. Yes, I did, yeah.

Q. Okay. And that took a fair bit of organization to do that, I take it?

A. And money.

Q. Okay. And you'd agree with me, sir, you're a very organized person?

A. I try, yes.

Q. Okay. And you live by your to-do lists?

A. I try to.

Q. Okay. And so, you're a planner.

A. I try to be.

Q. Okay. And the reason that you or anybody else prepares a to-do list, is that you try and think forward about what you need to do. You write down, sort of anticipate what -

what's gonna happen. And then you try and execute what's on your to-do list. Correct?

A. Correct.

Q. And I - I'm gonna use the phrase, ya think  
5 twice and ya act once. Right, sir?

A. Correct.

Q. And you've gone over some of this before, but just to confirm, Greg O'Hayon, you had worked at - before you started the OR. Correct?

10 A. That's correct. He and I worked together on the critical infrastructure intel.

Q. And he was the first person you hired at the OR?

A. He was.

15 Q. And you approached him and hired him.

A. That's correct.

Q. Okay. And he did good work?

A. Excellent work.

Q. And you trusted his work?

20 A. I did.

Q. And you trusted him?

A. Correct.

Q. And the next was Dan Morris. He was recommended to you by Greg O'Hayon?

25 A. Yes, he was.

Q. And you contacted Mr. Morris?

A. We both did.

Q. But you asked Mr. Morris to join the OR. Is that right, sir?

30 A. I did.

Q. And he was your - as he said, your 2IC? Your second in command?

A. That's correct.

Q. And he worked with you, or closely with you, from 2010 to 2015?

A. Correct.

Q. Okay. And he did good work?

A. Excellent work.

Q. And you trusted his work?

A. I did.

Q. And you trusted him.

A. I did.

Q. And Walter Mendoca we heard joined the OR a little bit later on, but you interviewed and hired Mr. Mendoca into the OR?

A. I did.

Q. And after your French language training, you came back as the Director General of the NICC. You in fact, reached out and hired him from the OR to join you at the NICC. Correct?

A. That is correct.

Q. And you trusted his work?

A. I did.

Q. And you trusted him.

A. I did.

Q. And Mr. O'Hayon, Mr. Morris, and Mr. Mendoca, all had - we - we've heard they were all indoctrinated?

A. They all are indoctrinated.

Q. Right. They all had access to TSSI information, correct?

A. They did.

Q. Okay. And they were all permanently bound to secrecy.

A. They are.

Q. Okay. And at least in the OR, this was your -  
your team, right?

A. Correct.

Q. Okay. These were your guys.

A. Correct.

Q. And Todd Shean at some point, when you were  
the director of the O - OR, he was your direct report?

A. I was his direct report.

Q. You reported directly to him?

A. Sorry, could you repeat the question?

Q. You reported directly to Todd Shean when he  
was Assistant Commissioner?

A. I did.

Q. Yes, okay. And after your French language  
training, and you left the OR, and you joined the NICC, he was  
still your direct report at that point. You reported directly  
to him.

A. That's correct.

Q. Okay. And in fact, we heard that Mr. Shean put  
in a good word for you to become the Director General of the  
NICC. Is that right, sir?

A. He did.

Q. Okay. And he testified before that he was a  
big fan of yours. Right? And that's consistent with your  
interactions with him?

A. Yeah.

Q. And he supported you and the OR's work within  
the RCMP. Correct?

A. Correct.

Q. And he was also TSSI cleared. He was able -  
he was indoctrinated, able to see TSSI information. Correct?

A. He was.

Q. Okay. So, there's nothing from a classification point of view that you couldn't discuss with him.

A. Not from a classification point of view.

Q. And you trusted him?

A. I did.

Q. And we're gonna go back, I think, probably for the last time in this trial, to Exhibit 1, Tab 1, please, sir?

A. All right.

Q. That's the job description?

A. Correct.

Q. And you signed it in November of 2013?

A. November, 2013, correct.

Q. And we heard earlier you testified that there was perhaps some other documents prior to this job description.

But this job description, this document, is what you gave to Dan Morris when he took over as Interim Director of the OR in 2015.

A. I did.

Q. And the reason you gave this document to him, because in March of 2015, this accurately described the role of the director of the OR, and the mandate of the OR. Correct?

A. Correct.

Q. And I won't go through the whole document, as we've been through it many times, but on page 1, under, "Organizational structure" you agree with me that the Director of Operations Research is one of four senior positions reporting to the Assistant Director - sorry, Assistant Commissioner, Federal Police Special Services. Is that right, sir?

A. That's correct.

Q. And in 2015, that was Todd Shean.

A. That's correct.

Q. And my - my notes from your examination-in-chief yesterday, is that you were asked by Mr. Ertel in

paragraph 1, he asked you about - there's a phrase, sorry, let me have a moment. Sorry, I'll - it's one, two, three, four, five, six, seven, eight lines down, it talks about risk mitigation and identifying investigative opportunities. You see that, sir?

A. I do.

Q. And you - you were asked by my friend about that. And you informed the Court that the OR did not direct criminal investigations. Correct?

A. Correct.

Q. The OR inform those who are responsible for criminal investigations. Right?

A. Correct.

Q. And so, that's to say that the OR was to let the real police officers do the real police work. Correct?

A. Correct.

Q. And on page 3, paragraph 4, it says, "The risk associated with OR's work cannot be overstated. Members of the branch have zero interaction with those directly involved with criminal investigations." Do you see that, sir?

A. I do.

Q. And that was, in 2015, accurate?

A. It was.

Q. Continues, "It is not a unit branch that collects evidence or works in support of enforcement operations as its sources are primarily from pure intelligent sources organizations, e.g., CSIS, CSEC, Homeland Security, CIA, NSA." You see that, sir?

A. I do.

Q. And in 2015, that was correct as well, right?

A. That is. Or was, yes.

Q. Okay. And it continues, "Given its operating

context, the director must ensure that the work units operations conform to strict Government of Canada standards for handling and use of highly sensitive information." Do you see that, sir?

A. I do.

Q. And that was true in 2015?

A. That's correct.

Q. And you wrote this document?

A. I did.

Q. So, you were aware of the Government of Canada standards for the handling and use of highly sensitive information.

A. I was and am.

Q. And - and it's been walked through many times, you agree with me, sir, there's nothing in this job description about members of the OR reaching out to targets of police investigations?

A. Correct.

Q. And there's nothing in here about members of the OR taking personal involvement in criminal investigations.

A. Correct.

Q. And if you go back to page 4, the first full paragraph, and these are my notes, so I could be wrong. But my understanding from yesterday, you were asked about paragraph 1 on page 4, and you were asked about triaging of TSSI information. You remember being asked about that?

A. I do.

Q. And that's particularly when there's an imminent threat the OR as a whole triage the TSSI information. Correct?

A. Correct.

Q. And so all - all members of the OR are involved in - in accessing and reviewing the TSSI information.

A. Triage, yes.

Q. Okay. And - and your time at the OR then, Dan Morris and Greg O'Hayon would be briefed by those members of the OR?

5 A. They would, yeah.

Q. And you said yesterday, that both Dan Morris and Greg O'Hayon would then meet with the partners.

A. That's correct.

10 Q. Okay. And then - then Dan Morris and Greg O'Hayon would brief you.

A. That's correct.

Q. That's what you said under oath yesterday.

A. That's correct.

15 Q. And gonna ask you to turn to page 30 - or sorry, Tab 30. Exhibit Number 9. And I stand to be corrected, but I believe Dan Morris said he created this document, and you reviewed it. Correct?

A. I contributed to it and reviewed it.

Q. And its accurate?

20 A. Yes. For the time, yeah.

Q. And at the very first bullet, it says:

25 Operations Research is a dedicated national security intelligence branch that reports directly to the Assistant Commissioner of Federal Policing Special Services. FPSS has responsibility for international policing, covert operations, and intelligence. [As read]

30 You see that, sir?

A. I do see it.

Q. And that was correct?



A. It was correct.

Q. And so, the units reporting to Todd Shean, your - your direct supervisor, included international policing and covert operations.

5 A. That's correct.

Q. Okay. And we've heard testimony of - of Mr. Kevin Lamontagne. He was the head of covert operations, correct?

A. Correct.

10 Q. And he testified that he - I think it was mainly for the management meetings, which were quite regular, that he would be in attendance at those meetings, and you would be when you're meeting with Assistant Commissioner Shean. Correct?

15 A. Correct.

Q. And Mr. Lamontagne worked at headquarters?

A. He did.

20 Q. Right. And the fourth bullet down, says, "Our work is separate and insulated from criminal investigations. We don't collect evidence or support enforcement operations." Is that right, sir?

A. That is correct.

Q. And that was true?

A. It was.

25 Q. And the - the sixth bullet, at the very bottom of - of that bullet, says, "[We] We do this through parallel reconstruction of pure intelligence into actionable law enforcement leads. This is done in close coordination with our partners." Is - is that what it says there, sir?

30 A. Yeah, that's correct.

Q. And that was true.

A. That was true.

Q. You agree with me again, sir, that this document, "Background Operations Research" says nothing about OR members reaching out to targets of criminal investigations?

A. That's correct.

5 Q. And taking no part, you agree it says, that the OR's not to take any part in criminal investigations.

A. As far away from them as possible.

10 Q. And there were a lot of questions, some questions asked of you about LOs and ADOs working abroad?

A. Correct.

15 Q. Right. And my understanding is that the hope of the OR is that by meeting with the LOs and the ADOs, that would generate a flow of intelligence that might come back to the RCMP. Is that right, sir?

A. Yes, that's correct.

20 Q. Okay. And I believe, sir, you said it was mainly Dan Morris that made those type of trips?

A. Primarily Dan Morris.

25 Q. Okay. And you were here when Mr. Morris testified that the information - any information that came back from the LOs and the ADOs, was RCMP information. Correct?

A. That's correct.

30 Q. Okay. And he testified that it - that it was not OR information, it was RCMP information that was uploaded into PROS and SPROS. Correct?

A. Correct.

35 Q. So, when the OR met with LOs, ADOs, people of overseas, that was just not for the OR. That was for the RCMP in general, correct?

A. Correct.

40 Q. And if you can turn, sir, there's another document in that tab called, "Operations Research and the

divisions."

A. I see it, yes.

Q. And on page 2 of that, un - under the heading,  
"[Trans] Transition from intel to enforcement." Do you see  
5 that, sir?

A. I do.

Q. And under the second bullet, there's a dark  
bullet, and then there's three sort of white bullets under that.  
Do you see that, sir?

10 A. I do.

Q. And the - the third white bullet says:

In other cases, OR identified investigative  
opportunities that led to the initiation of  
or significant updates to SPROS occurrences.  
15 In at least one case, OR's engagement with  
the FBI generated a disclosure letter to FPCO  
that enabled police to police discussion on a  
possible CT threat. [As read]

20 Correct?

A. Correct.

Q. So that - that's a situation where the OR was  
involved. It - it added input. But ultimately, the information  
came back to the - I'll call it the real police, the FPCO, that  
25 enabled the FPCO to have police to police discussions with the  
Americans. Correct?

A. That's correct.

Q. And in that case, it was CT or  
counterterrorism threat.

30 A. It - it - yeah, that's correct.

Q. So, you agree with me, and - and we'll get  
into this, that - that - that counterterrorism was an OR

priority?

A. It was.

Q. It was an RCMP priority, right?

A. It was.

5 Q. Okay. There - there was - there was the document that's been gone over about the 2012, 2003, memo to - Memo of Cabinet, and the addition of transnational organized crime as a priority to the OR mandate. Correct?

A. Correct.

10 Q. Do you agree with me, sir, that in 2012, 2013, if not before, transnational organized crime was a priority for the entire RCMP? Correct?

A. Correct.

15 Q. And the same with counterterrorism. That was a priority, at least since 2012, 2013, for the entire RCMP.

A. Correct.

20 Q. And you were aware, and we've - we've heard about Phantom Secure and - and Vincent Ramos. And you were aware, sir, that the - the PGP issue including Phantom Secure was a concern for the 5EYES law enforcement community, including Canada for many years prior to 2015. Correct?

A. Correct.

25 Q. And that the Khanani money laundering network and money launderers, was also a significant concern for the 5EYES law enforcement community, including the RCMP for many years prior to 2015.

A. Many years, correct.

30 Q. So, those - those were significant concerns. The PGP issue and the money laundering issue, well before 2015.

A. Correct.

Q. And we've heard, sir, that Mr. Morris took over as interim director of the OR in - in March of 2015?

A. That's correct.

Q. And that's because you had to or you chose to take one year for French language training. Correct?

A. Correct.

5 Q. And that had been an issue that you discussed with - with Assin - Assistant Commissioner Shean and others for quite some time, right? The - the need for you to - to get your French?

A. A long time.

10 Q. Okay. And so, you know as - knew as early as 2014, that you were gonna start - needed to take leave to take the French language training.

A. That there was a possibility I would take leave.

15 Q. And there were steps as early as 2014 that there was gonna be a transition from you to Dan Morris. Correct?

A. That's correct.

20 Q. Okay. And that you would essentially step back and Dan Morris would step up as - as the Director of the OR.

A. I would gradually step back, that's correct.

25 Q. And you'd agree with me, sir, by the fall of 2014, it was agreed that you would no longer make decisions that would significantly impact the OR in 2015.

A. That's correct.

Q. And that's a conversation you had with Dan Morris.

A. One of many.

30 Q. Okay. Todd Shean?

A. Yes, I believe so.

Q. And there's been a lot of evidence about all -

alleged ties or ties between Phantom Secure, Vincent Ramos, and of transnational organized crime. Correct?

A. Correct.

Q. Alleged terrorists?

A. Correct.

Q. And as well as that, the Khanani money laundering network, including his Canadian counterparts, were also working for a transnational organized crime. Correct?

A. Correct.

Q. And ties to terrorists.

A. They had ties to terrorists.

Q. And we've heard that Mr. Ashraf, Mr. Henareh, and Mr. Mehdizadeh, were part of the Khanani network. Correct?

A. One part, correct.

Q. So, Mr. Ramos, Mr. Ashraf, Mr. Henareh, Mr. Mehdizadeh, were either themselves or worked with some very dangerous people.

A. Correct.

Q. And that's why you say you were so concerned about them.

MR. ERTEL: Well, in fairness he's not allowed to say why he's so concerned about them. There's a limit, so the cross-examination has to be fair. And has to bear in mind that he received information that he's not allowed to divulge to the Court.

MR. MACFARLANE: I think he can say why - why he was concerned. He testified about his concern about these....

MR. ERTEL: No, the suggestion is made to him, "This is your concern." He has a bunch of concerns that he's not allowed to relay....

THE COURT: Well, he - he can - he can ask that question. The way it was phrased in the last - the way you just phrased it.

MR. MACFARLANE: I'm sorry, I didn't - I have forgotten....

THE COURT: What was his concerns about these individual?

MR. MACFARLANE: Q. But you understood that they were connected to transnational organized crime and terrorists. Correct?

A. And other threats.

MR. MACFARLANE: Okay. Sir, I know I've just started, but if I could....

THE COURT: Yes. Wanna take....

MR. MACFARLANE: ...ask for a break 'til Monday, sir. I'll need to....

THE COURT: That's fine.

MR. ERTEL: 'Til Monday?

... WHISPERED DISCUSSIONS NOT CAPTURED ON AUDIO

THE COURT: Okay. All right. We're gonna back Monday, members of the jury.

COURT SERVICES OFFICER: Order, please. All rise.

... WHEREUPON JURY RETIRES (2:39 p.m.)

THE COURT: Ten o'clock.

... END OF EXCERPTS OF PROCEEDINGS (2:40 p.m.)

... MATTER ADJOURNED TO NOVEMBER 6, 2023

(2:43 p.m.)

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Certification

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Evidence Act

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10 November 6, 2023

15 Date

Linda A. Lebeau  
Linda A. Lebeau (ACT #8097321162)  
Rockland, Ontario (Canada)



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