

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 O R T I S
(MORNING SESSION)

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 6, 2023, at OTTAWA, Ontario

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

30 APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Ortis

In Camera

COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

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

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

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

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

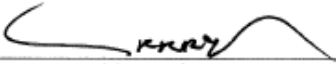
Whereas the publication of pre-trial applications is statutorily prohibited until the jury retires to consider its verdict pursuant to section 648(1) and section 645(5) of the *Criminal Code*; and

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

IT IS ORDERED THAT:

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

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


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

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

BETWEEN:

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Applicant

- and -

CAMERON JAY ORTIS

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PARTS OF THE TRIAL PROCEEDINGS
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CRIMINAL CODE AND FOR A STATUTORY
PUBLICATION DELAY OF PRE-TRIAL
APPLICATIONS**

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SUPERIOR COURT OF JUSTICE

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

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W I T N E S S E S

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

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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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Transcript Ordered:	November 6, 2023
Transcript Completed:	November 7, 2023
Ordering Party Notified:	November 7, 2023

MONDAY, NOVEMBER 6, 2023

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

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

... EXCERPTS OF PROCEEDINGS (10:02 a.m.)

10 CAMERON ORTIS: RETAKES THE WITNESS STAND

CLERK REGISTRAR: Just a reminder, you're still
under oath.

A. Yep. Thank you.

15 ... WHEREUPON JURY ENTERS (10:02 a.m.)

MR. MACFARLANE: Good morning, members of the
jury. Thank you, Your Honour.

20 THE COURT: *[Indiscernible...multiple speakers at
the same time unable to decipher words spoken]* Mr.
MacFarlane.

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

25 Q. Mr. Ortis, you testified last week that the
two conversations you said you had with this foreign agency were
about a - a company called Tutanota?

A. Correct.

30 Q. And that's - was essentially a storefront.
You were - it was explained to you it was a storefront; an
online encryption service, and that if criminals used them, then
the - the agency running that storefront could collect
intelligence or information on those targets. Is that right?

A. That's the general idea, correct.

Q. And you'd agree with me, sir, that the idea of storefronts, law enforcement using storefronts is not a new idea?

5 A. It's not a new idea in intel or law enforcement.

Q. Okay. And a group - law enforcement setting up companies and getting criminals to use those companies and then intercepting those communications, that's been done before?

10 A. That has.

Q. Okay. And we heard before when - I think it was Constable Belley was asked about Project Tornado?

A. Tornado, correct.

Q. That was an RCMP project?

15 A. It was.

Q. And the RCMP provided I believe Blackberrys to targets of investigations and then intercepted their communications, correct?

20 A. I don't think that's correct. I don't think Tornado worked.

Q. Okay. But that was the idea, right?

A. The idea was there, but it didn't work.

25 Q. And we've heard of the ANOM Project in the US where the FBI created an encrypted communication platform, and they did intercept criminals. Correct?

A. I don't have any background on that.

Q. You don't have any background about the ANOM?

A. No.

Q. No? You haven't looked into that at all?

30 A. Not recently, no.

Q. Okay. And you didn't - when you got this - after this conversation you said you had with this foreign

agency, you didn't approach your boss, Todd Shean, and say, you know, without discussing the details of what you talked about with the foreign agency, think, "Well this is a good idea, Todd. Maybe we, the RCMP, can create an encrypted communication platform and try and get criminals to start using it so we could intercept their conversations"?

A. The ability to do that in law enforcement is very different than the ability in the intelligence community.

Q. Okay.

A. There are strict limitations on what law enforcement can do as opposed to what the intelligence community can do. And no, I did not have that conversation with Todd.

Q. But the idea of the RCMP creating a storefront with encrypted communication technology and trying to get alleged criminals to use it so they could intercept them, that's possible?

A. It is possible, but it's for the purpose of collecting evidence.

Q. All right.

A. Not necessarily for the purpose of collecting intelligence...

Q. Right.

A. ...for the 5EYES.

Q. Right. And you didn't approach one of your 5EYES intelligence partners and discuss with them just generally, that idea in Canada?

A. I don't recall.

Q. You don't recall?

A. No, I do not.

Q. Okay. You didn't do that?

A. I don't recall.

Q. Okay. And you say there was this caveat this

foreign agency placed on you, and that obviously placed you in a dilemma, right? You were given this information, but you say you were told you couldn't share with anybody, and not even anybody within the RMCP?

5 A. Specifically, the RCMP, correct.

Q. Okay. And you didn't - that put you in a tough spot?

A. It's a....

Q. Okay.

10 A. It's a dilemma.

Q. It's a dilemma, and you didn't raise this dilemma with your boss Todd Shean, even as a hypothetical? "I received some information with a caveat saying I can't share it; can you give me any advice?"

15 A. So, that has happened before in my career...

Q. Uh-hmm.

A. ...and no, I did not.

Q. Okay. You didn't approach Todd Shean and speak to him about that dilemma?

20 A. No, I did not. Not this time.

Q. And the information you received was about this - you say you received was about this Tutanota account, right? And that if criminals or targets got onto that account, then law enforcement or intelligence could collect intelligence about those targets. Correct?

25 A. Not law enforcement.

Q. But how you were to get the targets that you eventually contacted to start using Tutanota was your idea?

A. Correct.

30 Q. Yes? So, they gave you the information about Tutanota, but how you were going to get these four targets to start using Tutanota was your idea, correct?

A. There was a discussion about I - ideas, but ultimately the plan was mine.

Q. And so, it was your decision to send special operational information to these four targets of investigation, correct?

A. Based on the information that I was briefed on, that's correct.

Q. You didn't say, "well, maybe I'll pose as a drug dealer or a terrorist or a transnational organized crime competitor of Mr. Ramos and try and get him to move to Tutanota that way." You didn't do that?

A. No, that's correct. That had been tried in a number of contexts a number of times, and they had all failed.

Q. And how did you know that?

A. Through various OR files in the past - or the previous two to three years. Deconfliction with security intelligence partners, and intelligence reporting that we had received on and off during the past couple of years prior to 2014.

Q. You didn't discuss that possibility with Todd Shean, so...

A. No, I did not.

Q. ...posing as a drug dealer or a competitor for Mr. Ramos, and try and you know covertly appear as being a - a customer of Mr. Ramos, and trying to get him to move to Tutanota. You didn't discuss that with Mr. Shean?

A. I did not discuss that.

Q. And I just want to be clear from - about your testimony from last week. You said you took these actions as - for the goal of a threat diminishment activity. Is that what you said?

A. Correct.

Q. Okay. And we've heard other witnesses talk about disruption where the goal of - of an operation is not to maybe end up having the accused charged, but to take steps to somehow thwart or slow down or interrupt their criminal operations. You remember that evidence?

A. Correct.

Q. And that's what you were trying to do here. You were trying to take steps to try and thwart or disrupt Mr. Ramos and the others?

A. No, I - I - I was certainly not trying to engage in a disruption. We weren't trying to thwart or disrupt their operations. It was a different kind of threat diminishment activity.

Q. You were trying to get them to use Tutanota so they could generate intelligence which would be somehow brought back to the RCMP to be used against these targets. Correct?

A. That was one possible outcome.

Q. And that was with the desire to disrupt or stop these targets from doing what they were doing.

A. The immediate goal was not disruption. Ultimately, we had hoped that it would result in different kinds of threat diminishment activities down the road.

Q. You - the ultimate goal was disruption?

A. In the broad sense, yes.

Q. Okay. And you say after you were contacted by this foreign agency, you identified four targets, correct, ultimately?

A. Ultimately, four. Correct.

Q. And there was a deconfliction process?

A. There was.

Q. And for Mr. Ramos, you testified that there were no in - active investigations against him. That's what you

testified about on Friday?

A. That's what I recall.

Q. Okay. And that for Mr. Henareh, you testified there was no viable or ongoing investigation, correct?

5 A. That's correct.

Q. And for Mr. Ashraf, you testified he was not being investigated by anyone?

A. From what I recall, that's correct.

10 Q. Well, you testified on Friday, sir. You - you recall that's what you said?

A. I did.

Q. Okay. And for Farzam Mehdizadeh, you were not targeting him. You had removed him as a target in the fall of 2014 but his - the target was his son, Masih Mehdizadeh. Is that what you said on Friday?

A. He was briefly a target, correct.

Q. But you say now the target was Masih Mehdizadeh?

A. That's correct.

20 Q. And you also testified that the Nudge was designed to be a low risk operation...

A. Low risk...

Q. ...right?

A. ...low resourced.

25 Q. And you testified on Friday about - and I put to you that - that you know, you like your to do lists, and your - your plans, correct?

A. I like them, yeah.

30 Q. Okay. And in this case, when you reached out to these four targets, you did a fair bit of preparation before you reached out to them, correct?

A. I think that's fair. Correct.

MR. MACFARLANE: If he can be provided Exhibit Number 1, please, if he doesn't have it already?

CLERK REGISTRAR: He already has it.

5 MR. MACFARLANE: Q. Okay. I'm going to ask you to turn to Tab 6, please, sir.

THE COURT: What tab was that, sorry?

MR. MACFARLANE: Tab 6, thank you, Your Honour.

10 Q. And Tab 6 at page 43, sir, is the first e-mail you sent to Mr. - Mr. Ramos on February the 5th, "You do not know me. I have information I am confident you will find very valuable." You see that, sir?

A. I do.

15 Q. Okay. I'd ask you and members of the jury to sort of keep your finger on that, and turn - turn the page, Tab 10, page 84. And - and the title of this document on page 84 was "Bootstrap 1 script" and as you see there:

20 E-mail number 1, use open e-mail account and write, [quote] 'Mr. Ramos, you do not know me. I've information that I'm confident you will find very valuable.' [As read]

And it continues. You see that, sir?

A. I do.

25 Q. And it's almost identical to the e-mail you eventually sent on February the 5th, correct?

A. Almost identical.

30 Q. Okay. And so, what is at page 84 and 85 is your plan as of February the 5th but not only your first e-mail to Mr. Ramos, but subsequent e-mails to Mr. Ramos, correct?

A. I wouldn't call it a plan. It's notes to the plan.

Q. Okay. These are the scripts you had in your

head about the - the e-mails you were gonna send out to Mr. Ramos?

A. Notes for the plan, correct.

5 Q. This is your plan as of February the 5th about how you see the communications playing out with Mr. Ramos?

A. Notes to the plan, correct.

Q. This is - I'm asking you, sir. This was your plan?

A. This is not the complete plan, no.

10 Q. Okay. But it's a pretty thorough plan, right? Page 84 and 85, about what you intended to communicate to Mr. Ramos?

A. Correct.

15 Q. Okay. Thank you. And on page 85, you had a plan under points for subsequent e-mail exchanges, "The costs for this material relating is 20k Canadian in cash to be hand delivered at a pre-arranged time and place." Correct?

A. That's what it says, correct.

20 Q. Okay. And that was what you intended to communicate to Mr. Ramos. Correct?

A. Correct.

Q. And you have down further, "They are not just interested in criminal prosecuting but also penetrating your network to get at your clients and customers", correct?

25 A. Correct.

Q. And that was what you intended to communicate to Mr. Ramos?

A. It was an idea of a line to communicate.

30 Q. Okay. And as you see further down under "proof of my cred", you said, "your corp" - the second bullet, the "your corporate land may have already been compromised" and then under that, "the DEA is working at compromising your server

in Florida". Do you see that, sir?

A. I do.

Q. And that's also what you intended to communicate to Mr. Ramos?

5 A. Some of this, these two points or three points in this paragraph were communicated. Some was not.

Q. And ask you turn now sir to Tab 7, at page 75, and that's an e-mail you sent to Mr. Ramos - Ramos on May the 11th, correct?

10 A. Correct.

Q. Okay. And again, keep your finger on that one, sir, and go to Tab 11, page 90, and this was a document under "Bootstrap 1 payload embargoed" and the document was called "follow-up questions" and you agree with me sir, this document on page 90 is exactly the same or pretty much close to the same of what you ended up communicating to Mr. Ramos on page 75?

A. It's not exactly the same, but it's close.

20 Q. Okay. And ask you, turn, sir, to Tab 13. Page 227. And that again was on your Tails USB called "Bootstrap 1 payload other documents" and that title was called what wa - that document was called, "what was sent" and you agree with me, sir, that matches exactly what was sent to Mr. Ramos on April 29th?

25 A. Correct.

Q. And back to sorry, 226 in Tab 13, and that's - that - it starts with "This readme file", you see that, sir?

A. I do.

30 Q. And again, it's in the same file folder as the previous document. That's your record of steps you had taken prior to your communication with Mr. Ramos, correct?

A. I don't recall.

Q. Well, we'll - read it through with us, sir.
"This readme files keeps a log of transactions from the start
screen archive into the Tails persistent USB key." You were
using the Tails pers - persistent USB key, right?

5 A. That's correct.

Q. Okay. It says, "December the 30th, 2014,
copied all - [copied past tense] - all non-SIGINT files to
Tails." You see that, sir?

A. I do.

10 Q. "Quite a bit of SIGINT plus OR intel
assessments still on archive. Plus, material re: Phantom's
competitors and friends." Do you see that, sir?

A. I do.

15 Q. And so, that's a note to yourself of what
you've done as of December the 30th 2014, correct?

A. No, and I can't recall who wrote this.

Q. Well, you wrote it, sir. It was on your Tails
USB, and it's talking about the steps that you took before you
start communicating with Mr. Ramos.

20 A. I don't recall.

Q. You don't recall? You don't...

A. No.

Q. ...recall what? That you did it?

A. It's not signed. I - I simply don't recall.

25 Q. Are there any other documents sir, on your
Tails USB key, where you've done things where you've signed it?

A. I haven't seen.

30 Q. Okay. January 18th, 2015, "final prep for
first e-mail underway". Right? Your first e-mail to Mr. Ramos
was on February the 5th, 2015, correct, sir?

A. Correct.

Q. "Final prep first e-mail underway. Still need

to confirm GPG through e-mail can work. Need to strip personnel information on LE employees from docs." Right?

A. That's what it says, correct.

5 Q. That's what you did. That's what you were doing?

A. I authorized that, correct.

Q. Okay. Who did you authorize to do that?

A. I would need my e-mails from that period in order to be able to answer that.

10 Q. You - you - are you saying there were other people in the OR that you tasked to prepare these documents that you sent to Mr. Ramos?

A. I don't remember this log file, and I cannot say for sure without my documentation.

15 Q. Okay. And because it's not signed by you?

A. And - and I just don't recall.

20 Q. Okay. If it was somebody in the OR, would they be keeping a log of transactions from the start screen archive into the Tails persistent USB key that was at your house, sir?

A. I do not know.

Q. You don't know? You don't recall because you didn't sign the document?

A. That's correct.

25 Q. Ask you, turn next sir, to Tab 14, and page 293. And sir, that's an e-mail, sir, right? Newvector@posteo.[dot]de. That was you?

A. That was one of the e-mail addresses used, correct.

30 Q. And you see further down, you sent an e-mail, "Jean Francois, I hope this e-mail works for you - still works for you." You see that, sir?

A. I do.

Q. Right at the bottom?

A. Yep, right at the bottom.

5 Q. February 23rd. So, you sent that e-mail to
Jean Francois Eap, correct?

A. I did.

10 Q. Okay. And if you keep your finger on that
sir, and go back to Tab 10, that's the same - in the same file
folder as your - as your - your scripts to Mr. Ramos at page 86,
sir.

A. Correct.

15 Q. And you'd agree with me, sir, that that is a -
I'll call it a script that matches the e-mail you sent to Mr.
Eap. Correct?

A. Looks like a draft, correct.

Q. Okay. And you prepared this draft?

20 A. I can't recall. There's a number of different
e-mail addresses for - in the send area, and this e-mail was
sent only to one person. So, I - I - simply can't recall.

Q. You can't recall? You se - you recall sending
the e-mail to Mr. Eap, right?

A. Correct.

25 Q. And this script on page 86 was on your Tails
USB at your house in the project file folder that you created,
correct?

A. That's correct.

Q. And you're saying you can't recall whether you
made this document on page 86?

A. That's correct.

30 Q. And ask you turn next, sir, to Tab 26. And I
- I - I can't recall - were they provided a copy? But did they
all get a copy? An exhibit was filed, sir, of the letter that

you sent to Mr. Henareh.

MS. KLIEWER: Exhibit 6.

MR. MACFARLANE: Q. It was Exhibit Number 6. If
you can provide him that document, please, if he doesn't have it
5 or if it's not in the binder.

THE COURT: Exhibit....

CLERK REGISTRAR: The letter - the - which one,
sorry? The March 19 one?

MR. MACFARLANE: Q. I understand that - ladies
10 and gentlemen of the jury, that this exhibit wasn't put in that
tab, but that's the - that's the letter that was sent to Mr.
Henareh, correct?

A. Correct.

Q. You sent that letter to him?

A. I asked that that letter be sent.

Q. Uh-hmm.

A. So, I authorized it.

Q. Well, we'll get back to that. And at Tab 9,
sir - sorry, Tab 19, my apologies, Tab 19, page 395, and this is
20 in a file fol - sorry, make sure I get that right.

File folder on your USB key called Bootstrap 4,
Hakim-subboot - subboot Sample. And you agree with me, sir,
that the document at page 395 is exactly the same as the letter
25 that was sent to Mr. Henareh?

A. I think that's correct, yes.

Q. And that that document at 395 was created by
you?

A. I think that's correct, yes.

Q. You think it's correct, or it's correct?

A. It's correct.

Q. And turn back to 393, it's a document in the

same file folder on the same USB that was found at your house, it's called "notes", has information about Rosco Trading at the top, and all the way down at the bottom and then it says:

5 Reach out to see if I can get Salim Henareh's e-mail address; 10k for the package maybe, but perhaps use this as e-mail - as material that could lay the groundwork for future business relationship. [As read]

10 You see that, sir?

A. I do see it, yep.

Q. Say something to effect:

15 I understand you to be a careful man. Reach out if you like to use the e-mail address attached. Please take precaution when doing so. Do not use an e-mail address that can be associated to you or a computer that you do not trust. I recommend using Tails Operating System. If you are not familiar with the technology, I would recommend finding someone you trust with a technical background who walk you through it. [As read]

25 See that, sir?

A. I do.

Q. You prepared that document?

A. I do not recall. It looks like notes to a scenario or the scenario.

Q. Okay.

30 A. But I simply don't recall.

Q. This was on a USB, the same file folder as the draft letter to Mr. Henareh that you do recall sending, and you

don't recall anything about this document?

A. That's correct.

Q. You saved all these documents onto your USB,
sir?

5 A. This USB is a backup of a backup.

Q. Okay.

A. So, no.

Q. The - the USB key that was found in your
house...

10 A. Correct.

Q. ...you put all the documents onto that USB
key?

A. That USB key was a backup of a backup.

15 Q. But you can't recall if you prepared this -
this document?

A. This particular one, no.

Q. Okay. You testified, sir, on Friday, that
because of the caveat from the foreign agency, you couldn't tell
Todd Shean anything about what you were doing, correct?

20 A. That's correct.

Q. And so, you could not tell anybody in the OR
what you were doing?

A. That's correct.

25 Q. Okay. So, if anybody's working on this
project, it's you. Correct?

A. Not necessarily. Need to know taskings take
place often in the intelligence...

Q. Right.

30 A. ...environment. A number of OR files required
tasking to support units within headquarters on a need to know
basis...

Q. Okay.

5 A. ...and they were only given certain amounts of information to do their job, not to - in order to not breach the need to know caveats on those particular files. So, it is not uncommon.

10 Q. Right. On this document, 393, sir, it says, "10k for the package." The - before that, it says:

Reach out to see if I can get Salim Henareh's e-mail address. All his contact information is above, say something to effect, 'I understand you to be a careful man. Reaching out - reach out if you would like to use e-mail address.' [As read]

15 It's all talking about communications to Salim Henareh, correct?

A. They appear to be notes for the scenario, that's correct.

Q. And asking 10,000 for a package?

A. That's what it says, correct.

20 Q. And you're saying somebody else in the OR would have prepared this? A script for communicating with Mr. Henareh offering - selling him information for \$10,000? Someone in the OR would have done that for you?

A. I would need my e-mails...

25 Q. Right.

A. ...from 2013 to 2015 in order to recall how the taskings for the scenario and who supported in order to be able to hazard a guess, but...

Q. Who in the OR would....

30 A. ...I don't recall this.

Q. Put your e-mails aside. Who in the OR did you task to help you with preparing all these documents to send to

Mr. Ramos, Mr. Ashraf, Mr. Henareh?

A. I would need my e-mails in order to be able to answer that question.

5 Q. Okay. And sir, you're aware of - because of your time with the RCMP, you're aware of the obligation on the police, right, pursuant to the case of *R. v. Stinchcombe* with my friend raised with a lot of the police officers.

A. Uh-hmm.

Q. You're aware of that obligation, sir?

10 A. I am.

Q. And that requires the police to provide everything in their possession that they assess to be not - clearly not irrelevant to an accused, correct?

A. That's the obligation.

15 Q. Okay. And you're aware as well, sir, that an accused has the right to ask for further disclosure, further documents from the police?

A. That's correct. But the obligation's on the police to disclose, not the accused to ask for those disclosures.

Q. Well, sir, the *Stinchcombe* disclosure requires the police, as I've said....

MR. ERTEL: I have an objection.

THE COURT: All right.

25 MR. ERTEL: It should be made in the absence of the jury.

THE COURT: All right. We'll excuse the jury.

30 ... WHEREUPON JURY RETIRES (10:33 a.m.)

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

... WHEREUPON JURY ENTERS (10:37 a.m.)

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

5 Q. Thank you, Your Honour. Mr. Ortis, I'll ask you to turn to Tab 27, please? And at Tab 27, page 450, you see that, sir?

A. I do, correct.

10 Q. And that's an e-mail you sent from your blindbat@mailbox.[dot]org account to info@finmark, correct?

A. That is correct.

Q. And that was a letter - an e-mail obviously intended for Mr. Muhammad Ashraf. It has a covering letter to Ashraf, correct?

15 A. That's correct.

Q. And we turn over to page 451, that's a copy of the attachment, the letter you sent that was intended for Mr. Ashraf?

A. It looks the same, correct.

20 Q. Well, this is the e-mail that you sent, sir. So, this is what was attached to your e-mail.

A. Attached, correct.

Q. And so, that's a letter - a two-page letter to Mr. Ashraf, correct?

25 A. Correct.

Q. Okay. And behind that letter was a- a Project Oryx, an RCMP three-page document, correct?

A. That's correct.

30 Q. And behind that is a CIAG, C-I-A-G report from September of 2014, correct?

A. It's an excerpt of a CIAG report, correct.

Q. And below the e-mail on page 451 are excerpts

and under it is some redacted material, but under the first and second excerpt it's called TS/SI, correct? On page 451, you see that, sir?

A. I do.

5 Q. Right. And we've heard that's what's referred to as high-side, that term is used for top secret signals intelligence, correct?

A. That's correct.

10 Q. Okay. And keep - keep your finger on that, sir, and turn back to Tab 15.

THE COURT: Just a moment, please.

MR. MACFARLANE: Q. And it says, "from CIAG piece from the C-237, Shorebazaar and Eastern Union are now under surveillance." The - the documents that you sent....

15 A. Sorry, where are we?

Q. Oh, sorry. I'm sorry, sir.

THE COURT: What page are we on?

MR. MACFARLANE: No, my - my apologies.

Q. Sorry, yes, Tab [sic] 298, sorry.

20 A. Page 298.

Q. Tab 15.

THE COURT: Okay.

A. I s - yep.

25 MR. MACFARLANE: Q. You see - you see that, sir? So, it says, "From CIAG Piece from the C237 Shorebazaar and Eastern Union are now under surveillance." Do you see that, sir?

A. That's correct.

30 Q. And the - the document - the RCMP document that was sent to Mr. Ashraf was a C237, right? At page 453.

A. An excerpt of a C237.

Q. And it says, "I need to get some docs to Altaf

Khanani, preferably using a se - secure point of contact." Do you see that, sir?

A. I do see it.

Q. And at your letter on page 451, the fourth paragraph, it says, "I would like to get in touch with either Khanani or Polani." You see that, sir?

A. I do.

Q. And that's what you wrote?

A. The letter?

Q. Yes.

A. On 451?

Q. Yes.

A. Correct.

Q. And it says, "First message", I'm now on page 298:

I'm looking for a way to securely communicate with Altaf Khanani directly. I have information pertaining to a large scale multinational intelligence and law enforcement effort targeting his organization. As part of this multinational effort to take down the Khanani/Polani network, Canadian authorities are currently targeting Mr. M. Ashraf, F. Mehdizadeh, S Henareh. [As read]

Correct?

A. Correct.

Q. And back to page 451, paragraph 2, it says, "Attached are some documents I believe that would be of significant value to you, A. Polani, A. Khanani, F. Mehdizadeh, and H.S. Hakimzada." Correct?

A. That's what it says, correct.

Q. Okay. And going back to - to page 298. It says, "What to send? [question mark] Snippets from SIAG", right, with an 'S'?

5 A. Yeah, that's not correct. But, yes, it's spelled S-I-A-G.

Q. That's right.

A. The acronym is C-I-A-G.

10 Q. Right. And you agree with me, you sent Mr. Ashraf snippets from a CIAG report?

A. One snippet.

Q. Okay.

A. Not multiple.

15 Q. Snippets from 2350, you sent snippets from a 2350 to Mr. Ashraf, correct?

A. No, I thought that was a C273.

Q. Okay. But the 2350 is an RCMP document, correct?

A. Yeah, but it's not a C237.

20 Q. C237 is an RCMP document?

A. It is.

Q. Okay. So, you sent him snippet from an RCMP document?

A. A C237.

25 Q. And the third one, snippets of high-side material, correct?

A. That's correct.

Q. And underneath the letter you sent were excerpts with - marked TS/SI, correct?

30 A. They appear to be marked but I - I can't confirm. As per our conversation on Friday, I can't talk about that.

Q. Well, it's marked - it's redacted in this document as Section 38 *Canada Evidence Act*, right, sir?

A. It is marked that way, correct.

Q. All right. And that's because it's been redacted - or it's pursuant to the court process to protect National Security Information, correct?

A. That's correct.

Q. And before that information that's been redacted, it says, TS/SI, correct?

A. That's correct.

Q. And you've heard repeatedly in this trial, officers refer to TS/SI as high-side, correct?

A. They do refer to that as high-side.

Q. So, this document on 298 is your script for before you sent those materials to Mr. Ashraf, correct?

A. I can't remember. These are notes to the scenario, and I can't remember if I wrote that or somebody - I can't remember.

Q. Again, you tasked someone in the OR to reach out to Altaf Khanani with snippets of CIAG 2350 and high-side material?

A. Tasks and asks almost exclusively take place on RCMP GroupWise e-mail, and I don't have the e-mail from that period. None of them. So, without that e-mail, I'm just guessing.

Q. Okay. And at the back of page 299, there's others - there's mention of Mohammad Yousuf, and a note at the very bottom, "Raza was arrested by HSI, can he be trusted? No." You wrote that?

A. I don't recall who Raza was, or if they were arrested by HSI, so, I can't recall.

Q. Okay. We'll get back to that. Okay. But it

- at page 300, in Tab 15, so, in the same file folder on the USB key found in your apartment under "Bootstrap 4", the next document is a copy of the letter you sent to Mr. Ashraf, correct?

5 A. It appears to be a copy or a draft copy.

Q. Okay. Well, take your time, sir. The - compare it to the document on page 451.

A. It says, "date goes here" at the top, so, I'm - just let me....

10 Q. So does the one on 451, sir. Take your time.

A. They're different fonts, but otherwise the content appears to be the same.

Q. And you sent the letter on - on document at page 451, right? You e-mailed it to Mr. Ashraf, correct?

15 A. Correct.

Q. And so, the document on 300 is a document you prepared?

A. I don't recall. The fonts are different. So, I sent the 451 but I don't recall the - the previous one on whatever page you're on.

Q. Well, the same one. Identical...

A. Page 300.

Q. ...to what you sent.

A. Well, they're not identical, but they're the same content.

Q. Right. I mean...

A. The font is different.

Q. ...the font is different.

A. Right.

30 Q. That's significant?

A. Well, it just means that they're different.

Q. Right. Content is the same as the letter you

sent to Mr. Ashraf?

A. The substantive words...

Q. Yeah.

A. ...in the letter are the same. The fonts are
5 different. And I can't tell for sure what is below in the
redactions, as we discussed last week.

Q. And - and you prepared this document on page
300?

A. Fucking hell. I don't recall.

Q. Okay.

A. But I sent it. I authorized it.

Q. Okay. You authorized it because you sent it.

Is that what you're saying?

A. That's correct.

Q. Okay. So, when you send something, you've
15 authorized it?

A. No. Authority comes from elsewhere.

Q. Okay. In this one, you sent the letter to Mr.
Ashraf?

A. Correct.

Q. And that's why you're saying you authorized it
20 to be sent to Mr. Ashraf?

A. Correct.

Q. Okay. So, you sent it means you authorized
25 it?

A. No, authority comes from elsewhere.

Q. Okay. Did a person authorize you to send this
letter to Mr. Ashraf?

A. No.

Q. Next, sir, if you can turn to Tab 28, page
30 461.

A. Yeah, I see it.

Q. And that's the e-mail using your blindbat@mailbox.[dot]org e-mail account that you sent to Masih Mehdizadeh on April 19th, 2015. Correct?

A. That is one of the e-mail accounts used in the scenario, correct.

Q. Sir, did you send this e-mail to Mr. Masih Mehdizadeh?

A. Yes.

Q. Okay. And then as we read through it:

I hate to reach out to you like this, but are you Farzam's son? I've got some docs that he needs to see. I can't find a way to reach out to him securely. His people don't seem to get secure e-mail methods (pgp, Tutanota). Would you happen to have a trusted contact that works for or with him that has a tech background? [As read]

You see that, sir?

A. I do, yeah.

Q. Agree with me, sir, that e-mail in April of 2015, is to Masih Mehdizadeh, but all it mentions is Farzam, which is Farzam Mehdizadeh, correct?

A. That's correct.

Q. You were trying to get a hold of Farzam Mehdizadeh, right?

A. That is incorrect.

Q. You were trying to get materials to Farzam Mehdizadeh.

A. That's incorrect.

Q. If - keep your finger on that, go to Tab 20, page 404, and that again is on your Tails USB folder, same

folder where you've received e-mails from Greg O'Hayon and others.

A. These appear to be notes to the scenario.

Correct.

5 Q. And first e-mail. "I hate to reach out to you like this, but are you Farzam's son?", do you see that, sir?

A. I do.

Q. Okay. And it continues, and that matches the e-mail you sent to Masih Mehdizadeh on April 19th, correct?

10 A. That's correct.

Q. Okay.

A. The first e-mail in the scenario.

Q. Okay. And the title of this document is entitled, "Script for Kid", right?

15 A. It's - do you see that on the document, here?

Q. It's in the index, sir.

A. Correct.

Q. Okay. And so, that's the script for the first e-mail. Second e-mail, "I need a little help getting some very sensitive documents to him. Neither him nor his staff seem able to do securely (eg. pgp, Tutanota, or even Tails. Would you be able to facilitate?". That's similar in tone to the first e-mail, correct?

25 A. Similar in tone.

Q. Okay. And third e-mail:

Perfect. Attached are samples of documents related to Canadian international intelligence and law enforcement activities that have recently started. They target Farzam, Polani brothers, Khanani, Hakimzada, Nakilhi, Andbily, and a few others. I'm in the process of trying to establish a secure

5 connection with Safwan P, but his pgg keeps failing, and I cannot share what I have without secure comms. I'm trying to get a channel open to your father so that he can review the sample docs and gauge his interest in discussing them. [As read]

Do you see that, sir?

A. I do.

10 Q. Okay. And below that, it says nar - "notes to Farzam". Do you see that, sir?

A. I do.

15 Q. "They know he is Sam." You heard a previous RCMP witness in this trial say that - I think it was Mr. Mendonca, that the DEA had identified Farzam Mehdizadeh as "Sam". You remember hearing that, sir?

A. I do remember, yeah.

20 Q. "A person in Montreal" or - redaction, sorry: ...in Montreal is starting to work with the DEA. You must think and act accordingly. You, Aria Exchange, are the targets of DEA/RCMP investigation. The ultimate goal is to get Khanani and a few others. You are on a CSIS watch list. [As read]

25 You see that, sir?

A. I do.

30 Q. Okay. And at the ba - at the back, page 405: The good news: the international investigation (US, Australia, Canada) is at very early phase - intel collection only. They seem to be having trouble cracking the

pgp phones that some are using. But some have conducted business using the regular phone. This is bad. [As read]

5 You see that, sir?

A. I do.

Q. This document, 404, 405, was your plan before you reached out to Masih Mehdizadeh on April the 19th, 2015, correct?

10 A. Before Masih Mehdizadeh?

Q. Before you sent Mr. Masih Mehdizadeh the e-mail on page 461 on April 19th, 2015, you had prepared that script on page 404, 405, correct?

15 A. I do not recall who prepared this, but it looks like notes to the scenario for exchanges with Masih to get him to use Tutanota.

Q. Right. The first e-mail matches exactly the e-mail that you sent to Masih Mehdizadeh, correct?

A. It does.

20 Q. Okay. So, this was a document prepared by you, setting out your intended communications with Mr. Mehdizadeh, correct?

A. I do not recall.

Q. Okay.

25 A. Masih Mehdizadeh was removed from the scenario due to intel that we received, and I wish I could remember what that was. But he - this scenario calls for a series of e-mails where this plan - notes to a plan, a series of e-mails over time with Masih to get him to use Tutanota, but it stopped at the
30 first one. And there was a reason for it, and for the life of me, I can't remember.

Q. Can't remember. And Tab 18, sir, page 362,

that's under a document on your USB key called "Bootstrap 4, Hakim-subboot" and because it's under Hakim-subboot, I suggest to you that was a draft e-mail that you prepared for Mr. Hakimzada.

5 A. There's no dates with this. Hakimzada was removed from the Nudge, I think it was primarily because he was not in Canada and US Treasury Intel had a viable investigation.

Q. You remember that pretty well?

A. I - I'm confident that's why...

10 Q. That's...

A. ...he was removed.

Q. Right. But I didn't ask you that, sir. I said you prepared this document for a proposed e-mail to Mr. Hakimzada.

15 A. It's a draft, and I do not recall.

Q. Okay. Tab 25, sir, on page 432. This was found in your Tutanota e-mail account. That's a draft e-mail to Mr. Khanani, right? Khanani1961@gmail.[dot]com?

A. It looks like one of his e-mail addresses.

20 Q. Okay. You prepared this draft e-mail?

A. I do not recall.

Q. Okay.

A. Again, I'd need my e-mails from that period in order to be able to confirm.

25 Q. Or your notes?

A. E-mails.

Q. Okay. You didn't make notes of any of this?

A. No, I did not.

Q. Okay. You only made e-mails, no notes?

30 A. Lots of e-mails.

Q. Okay. And you're - you're taking steps to send special operational information to targets of RCMP

investigation, and you made no notes?

A. In my regular notebooks? No, I did not.

Q. You just told me you didn't make any notes.

A. There were notes on my e-mails. There are
5 notes in documents that I created on my work CTSN share drive.
But none of those went into the notebooks that were disclosed to
me.

Q. You agree with me sir, you were disclosed your
notebooks from 2014-15, correct?

A. Correct, but not my e-mail.

Q. You didn't request those e-mails?

A. I don't recall if somebody requested, but I
believe my previous attorney wrote a disclosure request letter
to the Crown, and we did not receive those e-mails.

15 So, I have my RCMP GroupWise corporate e-mail
starting with January 2016, but nothing, zero e-mails from my
RCMP GroupWise from the period 2013 to 2015.

Q. But despite that, sir, you're saying you
20 didn't make any notes about what you were doing?

A. There are notes in my CTSN work account on the
shared drive that was in OR. I believe it was called the 'H'
drive, or the 'J' drive.

Q. Take you back, sir, to Tab 6. These are the
25 e-mails that you exchanged with Mr. Ramos, correct?

A. That's correct.

Q. You sent these e-mails to Mr. Ramos?

A. That's correct.

Q. Okay. And on February 5th, See All Things
30 newvector@posteo.[dot]de, an e-mail was sent to
vrmobilehotmail.[dot]com [sic], correct, sir?

A. That looks correct.

Q. Right? And newvector@posteo.[dot]de was - was your e-mail account, correct?

A. It was one of the e-mail accounts used on the Nudge.

5 Q. Okay. And ask you to turn sir, to Tab 9, page 81.

A. Yep.

10 Q. And that's a - a document that was found, addresses.[dot]txt on your Tails USB in your apartment, and it has a list of a number of e-mail accounts. Correct?

A. Looks like a list of e-mail accounts and passwords.

15 Q. Okay. Page 82, sir, you turn over the page.

A. Yeah, I see it.

20 Q. And you see:

1) Posteo.[dot]de can start immediately and then pay later. Login ID, newvector.

Password: Gatineau trash unexpected 61.

25 Address newvector@posteo.[dot]de, portal H-T-T-P-S-posteo-D-E-E-N. [As read]

Correct?

A. That looks correct.

30 Q. Well, it's in your - it's in your computer, sir. Is it correct or not?

A. That's correct.

Q. You cr - so, you created this Posteo account, correct?

35 A. I would need my documents and e-mails to confirm that.

Q. Right, you need that. And "password: Gatineau trash unexpected 61." That's not something the RCMP

would use to open a - a com - e-mail account, right?

A. The RCMP often uses online e-mail accounts, opens them and closes them for different purposes.

Q. You used this e-mail account to contact Mr. Ramos, and you're saying you can't recall if you opened the account?

A. I do not. I would have to confirm that with my notes.

Q. Right.

A. And my e-mails.

Q. So, you don't know who opened this account?

A. Again, I don't want to guess. I would need my e-mails and my work documents from that period.

Q. And yet, you testified on Friday, sir, that you authorized the creation of this account. Isn't that right?

A. I authorized the creation of most of these accounts. Some of these accounts aren't really e-mail accounts.

Q. Okay. You recall authorizing the opening of the accounts, but you can't recall if you opened them yourself or not?

A. I would need my notes...

Q. Right.

A. ...and my e-mails to be able to confirm that, otherwise I am guessing.

Q. Go back to page 81, sir. It says, "Anchor e-mail address, Mykolab, login, regal7@mykolab.[dot]com; password, Quebec is dirty 56". Right? You created that account?

A. I do recall creating a Kolab account for OR operations. I believe I paid for it, but I cannot recall the creation of that. Again, I would need my notes and my e-mails.

Q. It was an OR account, but you paid for it?

A. I did. There were members of OR that were

travelling overseas, and we needed e-mail addresses at the time, because our RCMP equipment would not communicate back to Canada. So, this and other accounts that aren't listed here were creating on a temporary basis in a safe jurisdiction in order to
5 allow members of OR who were traveling abroad to be able to communicate.

Kolab was paid for, I think I did that on a Saturday, if I remember, with euros.

10 Q. Well, that's a pretty good memory. You remember that, but you couldn't remember who opened posteo.[dot] - Posteo e-mail address?

A. I do, because I've never gotten euros from the bank before.

15 Q. "Tutanota free ops e-mail addresses, Tutanota.com, login, variablewinds@tutanota.[dot]de" you see that, sir?

A. Sor - sor....

Q. Page 81? Are you with me on page 81?

20 A. Yeah, I am now.

Q. "Password, Ontario sucks 57."

A. That's an unfortunate password.

Q. You opened that account?

25 A. I believe I chose the variable winds account, so, I'm confident I did that.

Q. And you knew you were gonna use this to communicate to targets of investigations including Mr. Ramos?

30 A. That's correct. I briefed my foreign counterpart on which Tutanota account was created for their essay.

Q. Right. And you didn't reach out to covert ops, backstopping unit to provide you this e-mail address?

A. No, I did not.

Q. "Openmailbox.[dot]org number 2, that's e-mail address standfast@openmailbox.[dot]org. Password: Montreal is slightly 58." You did that?

A. I don't recall.

Q. "Vmail.[dot]me login first circle, password: eastern toadies gat trash 59." You opened that account?

A. I don't recall, but vmail.[dot]me doesn't take accounts, if I remember. I'm not - it's been years since I've had access to the internet, so, I can't confirm this, but...

Q. Right.

A. ...I don't think that's an e-mail account.

Q. And page 82, sir, there's number 7, [gnunet.[dot]org, login ronin, password: bodum eastern Canada blows 63." You see that, sir?

A. I do.

Q. Right. You opened that account?

A. I did. I can't confirm that, that's not an account. So, gnu, if I remember correctly, that's not an e-mail account.

Q. Okay. But you opened that account?

A. I don't think it's an account of any kind.

Q. But you....

A. So, I can't recall.

Q. Can't recall.

A. Again, I would need my e-mails from that period...

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

A. ...in order to be able...

Q. Right.

A. ...to run this to ground.

Q. Yeah. Didn't make a note of that? It was an e-mail?

A. This, I - again, it's been years since I've had access to the internet...

5 Q. Uh-hmm.

A. ...but I do not think this is an account of any kind, frankly.

Q. Okay.

10 A. I don't think you can log in to anything on....

Q. Right. If that were the case, sir, why would you have written down, "password: bodin, eastern Canada blows"?

A. I have no idea.

Q. Okay. You wrote that though, right?

15 A. I don't think so.

Q. You don't think you made this document, addresses.[dot]txt that's saved on your Tails USB key at your house?

20 A. I can't account for why there would be a password, 'cause there's no place to log in on - at least there never used to be on gnu....

Q. That's not my question, sir. You made this document, addresses.[dot]txt and saved it on your USB Tails and - that was at your house, correct?

25 A. I can't remember that.

Q. Can't remember...

A. I'd need my no....

Q. ...doing that?

A. I'd need my e-mails.

30 Q. You need your e-mails to remember if you made this document? Further down, under mailbox.[dot]org, here we are, blindbat@mailbox.[dot]org. You used that e-mail address.

Correct, sir?

A. That's correct.

Q. Under - underneath John Smith, you see "Name, John Smith"?

5 A. I do see that.

Q. Right. And in your e-mail to Mr. Ashraf, you said, "John Smith, blindbat@mailbox.[dot]org - mailbox.[dot]org", correct?

10 A. That is the correct e-mail address that was used.

Q. Okay. "Password: awful terrible Ottawa crap 62." You see that, sir?

A. I do.

Q. You opened this account?

15 A. I can't recall.

Q. Okay. And turning back, sir, to Tab 6. That's your first e-mail to Mr. Ramos, "You do not know me. I have information that I am confident you will find very valuable. It...."

20 MR. ERTEL: Which page?

MR. MACFARLANE: Sorry, 43.

MR. ERTEL: Thank you.

MR. MACFARLANE: Q.

25 ...you will find - pertains to a multi-agency investigation targeting Phantom Secure. The file details this effort, intel about your associates and individuals using your network internationally. If you are interested, I can provide a sample and a list of the documents. But to do so, we will need to set up secure comms. I assume you have the ability to sec - use secure comms, secure

30

email for example, a separate email account
and GPG? [As read]

You see that, sir?

A. I do.

Q. All right. No mention of Tutanota there?

A. No, definitely not at the beginning.

Q. Okay. And it continues:

Once I have your key, I will need to verify
that they key is actually yours. After that
I can send a couple of samples. I have found
that in the past the recipient of my initial
contact e-mail can be somewhat suspicious
about who this is from, and what this may
mean. I assure you that this is a business
proposition. Nothing more. It is not risk
free, of course, but the risk to reward ratio
will prove to be more than acceptable.
Attached is my key. Send me an email once
you are set up. [As read]

You see, that sir?

A. I do.

Q. You sent that to Mr. Ramos?

A. I did.

Q. You knew what you were sending? You read the
e-mail before you sent it?

A. I did.

Q. Response back on page 44 from Mr. Ramos:

Thanks for your inquiry. In order for us to
entertain your business proposition, can you
please give us some more details in regards

to who you are, how you know this company and what your initiatives and business proposition is? Thanks. [As read]

5

You see that, sir?

A. I do.

Q. That's the response you got from Mr. Ramos?

A. It is.

Q. You remember receiving that?

10

A. Yes.

Q. Yes? And then you respond on page 45, sort of, further down towards the bottom:

15

Mr. Ramos, thanks for your reply. I'd be happy to answer your questions as best I can. I'll need your public key in order to secure this conversation. Once we have secure comms, I will need you to answer a couple of quick verification questions in order to ensure that I am in fact communicating with Vincent Ramos. I apologize for the precautions. They are necessary.

20

25

I'm in the business of acquiring hard to get information that individuals in unique high-risk businesses find valuable. I sell that information to them. [As read]

Ramos?

30

You - you said - you sent that e-mail to Mr.

A. I did.

Q. And then on page 46, that's an e-mail from Mr. Ramos to you on February the 27th, saying, "Hello"?

A. Yes.

Q. You remember receiving that, right?

A. Yes.

Q. These were important e-mails to you, right?

5 You've talked about your e-mails. These are very important e-mails to you in your alleged plan, correct?

A. In the plan, correct.

Q. All right. And page 47, you responded:

10 I'm still here. I reached out to one of your tech folks after I didn't hear back. I was hoping that he might have the ability to go secure using pgp or some other means to help facilitate. That didn't seem to work either.

[As read]

15

That's when you had reached out to Mr. Eap, correct?

A. That's correct.

20 Q. And that's the e-mail we had seen you sent earlier, right?

A. Sorry, which page are you on?

Q. You had sent that e-mail to Mr. Eap, right?

And...

A. Correct.

25 Q. ...after that, this is the e-mail to Mr. Ramos, right?

A. Correct.

30 Q. "I was hoping that he might have the ability to go secure using pgp or some other means to help facilitate. That didn't seem to work either", and then you pasted your key below, correct? The pgp key?

A. It's GPG, but it says pgp, but that's correct.

Q. Right. No mention of Tutanota at all in this e-mail?

A. Not yet, no.

Q. And page 49, Mr. Ramos responds, "Your e-mail is interesting. I must say you may be a good contact. I will get back to you on this in a more secure e-mail." You see that, sir?

A. I do.

Q. And at this time, he's using his Hotmail account and you're using the posteo.[dot]de account, correct?

A. That's correct.

Q. Next at page 51, sir, that's an e-mail from you to Vincent Ramos on March the 21st, 2015?

A. That's correct.

Q. At page 51. "I thought I would check in and touch base. Did Judge arrive on the 8th as planned? Let me guess, he met someone friendly while being secondaried by CBSA at the airport." Right? You sent that e-mail to Mr. Ramos?

A. That's correct.

Q. And when you said the - the - someone friendly, you knew that Mr. Judge had - or there were plans for Judge to meet with an undercover officer at the Vancouver airport on the 8th, correct?

A. I knew that there was a proposal in the works based on previous attempts to do the same.

Q. Okay. And you testified yesterday, sir, that saying this to Mr. Ramos didn't reveal - sorry, on Friday - didn't reveal the identity of the undercover operator, because to reveal an undercover operator's identity, you have to reveal their name. Is that what you said?

A. I believe that's what I said.

Q. Okay. You - you know from your time in the

RCMP sir, that an undercover officer would not be using their real name when acting in an undercover capacity?

A. That's correct.

5 Q. Okay. And you'd agree with me sir that anything, any piece of information that would reveal the identity of an undercover officer to a - a criminal, puts that officer's life at risk?

A. I would not agree with that.

10 Q. No. No, you wouldn't. "The guy that you met at the airport is an undercover police officer." That's not putting that officer's life at risk?

A. Not necessarily, no.

15 Q. Not necessarily, right? And I guess before you sent this e-mail, you reached out to Kevin Lamontagne, the head of covert ops to make sure that your understanding that this would not reveal the undercover operator's name was correct?

A. No, I did not.

20 Q. You didn't reach out to the cover officer who's overseeing the undercover ops at the Vancouver airport?

A. No, I did not.

25 Q. You didn't re - you didn't reach out to anybody in E Division whether giving this piece of information to res - Mr. Ramos would threaten the life of the undercover officer?

A. On that point, I'd need my e-mails.

30 Q. Right. Okay. You'd need your e-mails to remember whether you reached out to the investigative team, and said, "Hey guys, if I tell them that the person that Mr. Judge met at the airport is an undercover officer, is that okay?" You need your e-mails to remember that?

A. I do. Correct.

Q. You put this undercover's life - officer's life at risk, as Todd Shean testified, right?

A. I would disagree with that?

Q. And why do you disagree with that?

A. This e-mail and that information was sent to Ramos and at the time we knew that Ramos and Judge were not speaking, and there was nothing on our threat assessments done on Judge and Ramos that indicated any history of violence or any history of untoward behaviour towards police officers who they knew were investigating them.

Q. You made that determination yourself?

A. I did.

Q. Right. You didn't reach out to the cover officer for this undercover play to see if he agreed with your assessment?

A. I did not.

Q. You didn't reach out to the investigative team in British Columbia to see that - if they agreed with your assessment?

A. I would need my e-mails for...

Q. Right.

A. ...that.

Q. Sure.

MR. ERTEL: Sir, that - that editorial comment isn't necessary.

THE COURT: Fair enough. Do you want to take the morning break?

MR. MACFARLANE: Yes, Sir.

THE COURT: All right, 20 minutes.

... WHEREUPON JURY RETIRES

(11:21 a.m.)

THE COURT: Twenty minutes.

R E C E S S (11:21 a.m.)

U P O N R E S U M I N G : (11:43 a.m.)

5
CAMERON ORTIS: RETAKES THE WITNESS STAND

... WHEREUPON JURY ENTERS (11:44 a.m.)

10
CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

Q. Mr. Ortis, you testified on Friday that you recall about this undercover operation because you had accessed RCMP Ops report prior to that - to the 8th, correct?

A. I saw the proposal.

15
Q. Okay. All right. And sir, if - if you and - and the jury turn to paragraph 24 of the agreed statement of facts?

A. Paragraph 24?

Q. Yes, page 5. And paragraph 4 [sic]:

20
It's been agreed that in 2019, the RCMP determined that on March the 12th, 2015, you had accessed the RCMP NCDB, National Crime Databank database, and accessed a March 6th, 2015, RCMP report outlining a plan to have an undercover police officer approach Kapil Judge at the Vancouver airport on March the 8th.

25
30
It was further determined that you were one of four RCMP personnel who had accessed that report on that database prior to the e-mail [that we just discussed] being sent on March

the 21st asking if Mr. Judge had met someone friendly while being secondaried by CBSA at the airport.

5 It's also admitted that the undercover operation proceeded on March the 8th as planned. That the undercover RCMP officer met with and engaged in conversation with Mr. Judge at the CBS [sic] secondary examination area at the Vancouver airport. [As read]

You see that, sir?

A. I do.

15 Q. Okay. And I'm gonna take you now sir, to Tab 13 of the - of the Exhibit 1 and that's again, "Bootstrap 1, payload, other documents." That's the file folder, and at page 227, that's the list of documents you sent - ultimately sent later to Mr. Ramos, correct?

A. That's correct.

20 Q. Okay. And you made that list?

A. I don't recall.

Q. You don't recall? And page 228, you see that sir?

A. I do.

25 Q. This is - well, there's - there's the documents - supposed to be a 17-page document but there appears to be eight pages. It is a C2350, an Ops plan, dated March the 6th regarding an undercover operation on March the 8th at the Vancouver airport. This is the document you saw?

30 A. It's part of a - what looks to be like, a supplementary ops plan, but it's only a few pages.

Q. Okay. But it's part of the document you

accessed?

A. It looks like it.

Q. Okay. And again, it was saved on the Tails USB that was found in your apartment, correct?

A. Correct.

Q. Okay. And we see at page 1, at the very top, it gives a file number, the date as we've said, March the 6th, unit name E Division, FSOC Group 1. You see that, sir?

A. I do.

Q. E Division is British Columbia RCMP?

A. That's correct.

Q. Okay.

A. FSOC is in Surrey.

Q. And a little further down, it talks about synopsis. "This is a supplemental ops or operations plan following an operations plan submitted on March the 5th currently at the intellect stage." You see that sir?

A. I do.

Q. And it refer - it lists a number of people that are involved, officers that are connected to this file, correct?

A. That's correct.

Q. And further - a little further down, it talks about the - the checkbox is a minor UC, intelligence probe, national, and below that, priority organized crime national tactical. You see that, sir?

A. I do.

Q. This inves - sorry:

D) This investigation will be conducted by E Division Federal Serious and Organized Crime, E Division, FSOC, group 1 with assistance from E Division, covert ops, covert

operations and Canadian Border Service Agency. [As read]

You see that, sir?

A. I do.

Q. And at 'E' it says, subject profile, it says, "Vincent Gabriel Ramos, Kapil Singh Judge". You saw - see that sir?

A. I do.

Q. Under 'E'?

A. I do.

Q. And under 'F' it says - talks about the companies:

Phantom Secure Communications Inc. is a pgp encrypted Blackberry service provider owned by Ramos which provides encrypted communications serves to criminal elements. The business advertises on the internet and by word of mouth, [and it talks about] the business operates an unmarked storefront in Richmond, B.C. [As read]

Do you see that, sir?

A. I do.

Q. Okay. Page 229:

Occurrence, Phantom Secure Communications, Phantom Secure is a provider of Pretty Good Privacy, pgp encryption devices and suspected of selling these devices primarily to organized crime for the purpose of committing their crimes. National HQ identified the practice as being an NTIP [sic] priority.

[As read]

What's NTIP [sic]?

A. NTEP.

Q. NTEP.

A. It's a National Tactical Enforcement Priority
generated by NIOC (ph).

Q. Okay.

Phantom Secure, located in Richmond, B.C., is identified as being a pgp service provider of choice to criminals in Canada and abroad. Intelligence indicates that Phantom Secure does not accept new customers without referrals from existing clients or engage in criminal activities.

The business' only public presence is an internet website advertising its services. The website does not provide a business location. Phantom Secure distributes its devices through a network of dealers who conduct their transactions in private.

Phantom also operates an unmarked office in Richmond where persons need to be buzzed in to conduct their business.

This supplemental plan proposes an opportune meet between an undercover operator and Phantom Secure's technician, Kapil Singh Judge, Judge, when Judge arrives at the Vancouver International Airport from an

overseas trip.

A successful introduction to Judge will allow the operator to initiate further contact as required. [As read]

You see that, sir?

A. I do.

Q. Okay. "The evidence gathered will be used in support of the objectives as written in the objectives section."

So, you'd agree with me sir, that this ops plan considers - contemplates a meet at the Vancouver airport on the 8th and subsequent meetings after that?

A. That's correct. There's....

Q. Okay.

A. There were a number of attempts like this before.

Q. Well, I'm not talking about before. I'm talking about this time. The - after they meet with Kapil Judge on the 8th, the plan is to have subsequent meetings with Mr. Judge, correct? Based on what you see here.

A. That's what the stated objective is.

Q. Okay. At page 230:

Background

Law enforcement has been aware of the criminal elements use of Phantom Secure encrypted devices as means of communication since 2008. Phantom Secure has been identified as a major pgp encrypted Blackberry service provider to criminals in

Canada, the US, and Australia.

Vincent Gabriel Ramos has been identified as the President and Director of Phantom Secure through corporate documents, banking information and other investigations. Ramos is also the director of a number of other companies registered in Canada, the US and Hong Kong. [As read]

Do you see that, sir?

A. I do.

Q. And under 'I':

Objectives, what are the expected results. The longer term goals of this investigation are to make the best efforts to prosecute Phantom Secure and its guiding minds at the highest level. [As read]

Second bullet, "to disrupt and dismantle Phantom Secure." You see that, sir?

A. I do.

Q. Next page, 231:

Between October 2014 and December 2014, E Division Federal Serious and Organized Crime, FSOC 1, examined various investigations whereby suspects were believed to be using Phantom Secure devices to plan and facilitate their criminal activities. Seizures of Phantom Secure devices from known criminals, statements obtained from suspects and intelligence received from sources have all

provided the basis for this belief.

5 These investigations did not attempt to determine the extent of Phantom Secure's knowledge of its clients' criminal activities, or if the criminal element's attraction to Phantom Secure was internatio
[sic] - was intentional, [sorry].

10 FSOC Group 1 investigators determined that Phantom Secure utilizes a network of dealers to sell its products as well as selling its products through its Cambie Road office, and that a few customers - and that few if any
15 customers have direct dealings with Ramos.

20 Although Ramos does not have a criminal history, Phantom Secure's service to the criminal element has been deemed to be a National Tactical Enforcement Priority.

[As read]

You see that, sir?

A. I do.

25 Q. Continues:

E Division Criminal Intelligence Section, CIS, conducted surveillance on Ramos. Phantom Secure's business location and Phantom Secure known Richmond location at
30 various times between March 2014 and October 2014. The businesses [sic] was found to operate in a non-conventional business

manner. The business is located on Cambie Street, which is a strip mall location without markings. [As read]

5 And it continues:

Further, human source intelligence indicates that persons must receive a referral from another Phantom Secure customer to obtain a Phantom Secure device, and that service payments are made in cash.

10 Although Phantom Secure's business practices are suspiciously consistent with assisting criminals and criminal organizations, the layered structure of the business insulates Ramos from any apparent evidence of criminal organization offence.

15 Intelligence also indicates that some of Phantom Secure devices are surreptitiously sold at some otherwise legitimate cell phone stores. [As read]

20 Last paragraph on page 231:

25 Kapil Singh Judge is believed to be the person responsible for the technological infrastructure of Phantom Secure. Because of this, it is expected that Judge carries keys that would make decryption possible. A significant focus of this investigation will be into Judge as a route to decryption of communications. [As read]

Do you see that, sir?

A. I do.

Q. Okay. Page 232:

Objectives

In order to achieve the longer term goals,
the shorter term goals are to investigate and
build reasonable grounds for judicial
authorization;

To identify weaknesses in Phantom Secure's
business operations;

To identify weaknesses in the relationships
between Phantom Secure's guiding minds;

To attempt to infiltrate Phantom Secure by
whatever legal means necessary;

To identify weaknesses in Phantom Secure's
communications network, regardless of
location, perverting [sic] access to, and
decryption capabilities of, messages between
organized crime members;

To attempt to intercept and decrypt messages
between organized crime members, using
judicial authorization. [As read]

You see that, sir?

A. I do.

Q. On to the next page, 233:

On March the 5th, 2015, investigators conducted inquiries with CATSA and determined that Mr. Judge had flown out of the Vancouver airport for Hong Kong. Was to return on March the 8th, 2015, at 12:45.

The investigators requested CBSA to conduct a secondary examination of Judge upon his arrival at Vancouver airport, but to do so without arousing suspicion.

CBSA previously conducted a secondary examination of Judge in 2013 upon Judge's return from Hong Kong. The secondary examination will assist investigators with determining Judge's recent travel locations, travel companions, electric equipment he may be traveling. Such evidence is of value in determining the location and details of Phantom Secure's servers and equipment Judge may be using to service Phantom Secure's network.

Investigators are particularly interested in eventually gaining access to Judge's computers and Phantom Secure's servers, through judicial authorization, to decrypt communication of criminal activities.

Investigators will attempt to conduct surveillance on Judge from YVR. [As read]

You saw that, sir?

A. I do.

Q.

5 This supplemental ops plan proposes a minor undercover operation whereby an undercover operator would make contact with Judge during his sec - this - [sorry], this secondary examination at YVR.

10 The undercover operator will pose as a traveler who is being secondaried by CBSA, and would seek opportunity to strike up a conversation with Judge creating a reason or opportunity for future communication with Judge.

15 CBSA will be requested to assist with this scenario by placing the operator in the secondary area and conducting inquiries of the operator as required. The operator may be able to gather intelligence in subsequent meetings as to the locations of Phantom Secure's servers and opportunities to gain access to Phantom Secure's servers, through
20 judicial authorization. [As read]

25 A little bit further down under duration, "the scenario using the undercover operation is expected to complete within two months." Under that:

30 Disruption

Other ongoing projects may be impacted by

5
10
15
20
25

this project. Discussion will take place between these project teams to ensure that there is no confliction. Timing of disruption opportunities will take into account other projects that involve Phantom Secure, and will not be initiated until the timing is appropriate with all other projects. Evidence that Phantom Secure intentionally restricts its business to servicing the criminal element will support any charges of conspiracy to commit an indictable offence, Section 465(1)(c), developed in this or any other investigation into Phantom Secure.

Furthermore, such evidence may also provide reason for BlackBerry, Rogers, T-Mobile, any other wireless provider to discontinue service with Phantom Secure. These operations will also assist with possible civil forfeiture of some of Ramos or Phantom Secure's assets. These possible results would cause a severe disruption to Phantom Secure's ability to conduct business with and for the criminal element. [As read]

You see that, sir?

A. I do.

Q. And page 234:

30
The undercover operator component involves a trained UCO who will pose as a traveler being secondaried by CBSA at YVR in an effort to

5 strike conversation and develop a friendly relationship with Judge to gather intelligence regarding Phantom Secure's servers and Judge's habits to service Phantom Secure's servers. CBSA assistance will be requested in advance of the operation.

[As read]

10 You see that, sir?

A. I do.

Q. And the term, "friendly" at 234, is the same term you used when you sent that e-mail to Mr. Ramos?

A. That's correct.

15 Q. That's where you got the term friendly from and you put it in quotes in your e-mail?

A. No, I don't think so.

Q. Okay. Sir, this report dated March the 6th, 2015, describes a very active investigation into Mr. Judge, Mr. Ramos, and Phantom Secure, correct?

20 A. I would disagree with that. This all failed, which is why Todd Shean said it was an embarrassment.

Q. This was sent to you, sir, on March the 6th, 2015. It was an ongoing investigation at the time.

25 A. No, it was intelligence probe. There were no ongoing active criminal investigations by E Division into Phantom Secure.

Q. And you contacted E Division to confirm that?

A. I'd need my e-mails.

Q. Right, sure.

30 A. I had e-mail exchanges on....

MR. ERTEL: The "right, sure" isn't necessary, Your Honour. He asked a question, he gives the

answer. He could ask another question.

THE COURT: Yeah, be careful.

MR. MACFARLANE: Q. You had the names of all the connected officers with this undercover op, and with this C2350?

5 A. I had those from Saturation.

Q. You had this document on your Tails USB, right? This is the document you viewed before you sent the e-mail to Mr. Ramos?

A. I believe it is, yes.

10 Q. Right. You didn't contact any of those officers to see if this was an active investigation or not?

A. I need my e-mails from that period in order to be able to confirm or deny that. I can - just guessing otherwise.

15 Q. You would have contacted E Division about this investigation and this undercover operation that they're conducting and say, "Hey guys, I'd like to send Vincent Ramos an e-mail telling him the guy he met at the airport is an undercover officer. Is that okay?" You don't remember that
20 phone call?

A. It wouldn't have been a phone call; it would have been an e-mail.

Q. Right.

A. And I had a number of conversations with HQ
25 elements that had governance over the activities that E Division was conducting on Phantom Secure, primarily, Project Saturation.

Q. But in regards to this C2350, you can't recall reaching out to any of the members of E Division about that undercover operation, their ongoing investigation, and your plan
30 to tell Mr. Judge that the person he met was an undercover officer?

A. They would not have been briefed on that last

component.

Q. I'm sorry?

A. They would not have been briefed on the last component...

5 Q. You would not have...

A. ...about Judge.

Q. ...briefed them?

A. I would not have briefed them, no.

Q. You - you would not or you didn't?

10 A. Again, I - I'll - without my e-mails, without the e-mail exchanges - I wouldn't have flown back and forth from Vancouver to have those conversations.

Q. Right.

A. It would have happened on e-mail.

15 Q. You - you would have remembered a conversation you had with E Division saying, "You know that undercover ops you guys are doing, is it okay if I tell Mr. Ramos that the guy he met was an undercover police officer?"

A. I....

20 Q. You would remember that.

A. I have deconflicted hundreds of times over e-mail with various parts of the RCMP and other organizations, and I do not remember them all.

Q. Okay. This one would stand out to you, sir.

25 A. I....

Q. Telling the target of an investigation that the guy he met at the airport was an undercover officer. You would remember if you had a conversation with E Division about that.

30 A. I need my e-mails in order to be able to answer that firmly.

Q. And this - so, March the - the 6th, 2015,

there's - there's comment by E Division that their inves - want to investigate and/or disrupt Mr. Ramos, correct?

A. They have been trying for years.

5 Q. Okay, but in this - I'm not talking about for years. I'm talking about this document. March the 5th, 2015, March the 6th, 2015, their plans are to investigate and disrupt Mr. Ramos, correct?

A. Aspirational plans, correct.

10 Q. Well, how do you know that, sir? This report says they want to investigate and disrupt Mr. Ramos. Yes or no?

A. That's correct.

15 Q. Yes. And - and - and you claim that all of your actions were to diminish the threat of Mr. Ramos when you know by reading this document that the E Division are taking active steps to investigate or disrupt his operation?

A. Steps that all failed.

Q. And you figure that out by speaking with these people on this 2350?

A. No, not exclusively. There was a signifi....

20 Q. Well, not - not ex - not at all.

MR. ERTEL: He's in the middle of an answer there. Let him answer the questions.

25 A. OR had excellent visibility on these threats from the high-side. We had also had multiple conversations with the NICC on Project Saturation, FPCO at headquarters who was also involved in Project Saturation. So, we had a wide range of sources that completed the picture, and the conclusion was that it had all failed.

MR. MACFARLANE: Q. When did that fail?

30 A. It had been failing for a while.

Q. Okay. But as of March the 6th, 2015, obviously E Division is investigating him again, right?

A. They have an intelligence probe underway. I wouldn't call it a criminal investigation. That's not what they were doing.

5 Q. They're doing surveillance. They're doing an undercover operation. Right?

A. That's correct.

Q. They have a plan to make contact with Mr. Judge to see if they can get access to his decryption keys, correct?

10 A. That's correct, and that was a faulty plan.

Q. Okay. According to you.

A. There is other RCMP reporting about previous attempts to grab Judge's encryption keys upon arrival. They all failed. There's no....

15 Q. In the past.

A. Yeah.

Q. Right.

A. But that informed the future.

Q. Right.

20 A. So, the expectation was somehow that he would arrive and just have his encryption keys sitting on his laptop...

Q. Okay.

A. ...is at best, faulty.

25 Q. All right. You - so, you disagree with their optimism of E Division?

A. I - I disagree entirely.

Q. Right.

30 A. And including the claims that they're making in some...

Q. Right.

A. ...of this report. But we don't have the

entire report...

Q. Right.

A. ...so, it's difficult to tell.

Q. And yet, you don't recall having a
5 conversation with E Division about your differing views about
the viability of this undercover operation?

A. I had a number of conversations about Project
Saturation, which was the umbrella effort from which these
attempts were made, and I concluded from all of those
10 conversations whether in e-mail, verbally at HQ, that the effort
had failed.

Q. You concluded that?

A. I did.

Q. Okay.

A. I wasn't the only one that concluded that.

Q. But you didn't have a conversation with E
15 Division about that stance?

A. I need those e-mails.

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

A. Without any documentation from 2013 to 2015
I'm just guessing.

Q. So, all right, sir, going back to Tab 6, Mr.
25 Ramos responds to you, he says, "Hi, a bit intrigued for sure.
Give me some time...."

MR. ERTEL: What page? Sorry, what page?

MR. MACFARLANE: Sorry, at page 52.

Q. "Hi, a bit intrigued for sure. Give me some
30 time to set up this...."

Oh, sorry.

... PAUSE

5 Page 52, he responds, "Hi, a bit intrigued for sure. Give me some time to set up this e-mail or use a - an alternative form of communication such as wickr."

You respond on March the 23rd:

10 Glad you're still interested in at least taking a look at the docs. As for setting up your current Hotmail account, that won't be secure. A wickr is also - and wickr, [sorry], is also a bad idea. A lot of folks believe it is safe, but it is not.

15 Some options:

1) If you're looking for a messaging app, Pidgin with Off-the-Record Messaging OTR is one option.

20 2) If you're looking for a relatively secure e-mail account set up, check out this link: [and you talk about security in a box].

25 3) The best way to begin a secure account is to provide - is also provide anti-forensics would be to install Tails on a USB stick and use that from whatever computer you think is safe.

30 Sorry, going back to:

2) you could use this with an account from Posteo, openmailbox, or even mailbox.[dot]org

5 And 4) Finally, we could use an even easier option, Tutanota.com. Tutanota would allow us a temporary place to speak more freely. Here's my Tutanota address. [As read]

Right? That's what you sent to Mr. Ramos?

A. That's correct.

10 Q. And below that, sir, Vega, you used the term Vega for yourself?

A. Correct.

Q. "P.S. Distance yourself and Judge from the individual that he met at YVR." You sent that to Mr...

A. Correct.

15 Q. ...Ramos, right? Confirming, sir, that the person he met at the Vancouver airport was an undercover officer, right?

A. It does not confirm that, no.

20 Q. It doesn't do that, right? The - the early e-mail to be careful but the - a friendly person you met at the airport in conjunction with this, this doesn't say to Mr. Ramos, "that guy was an undercover police officer"?

A. It does not confirm that, no.

25 Q. No? Okay. And that he met at the YVR, confirming that whoever you're talking about, Mr. Ramos [sic] - Mr. Judge had - that Mr. Judge had met him, correct?

A. Sorry, say that again?

30 Q. It confirms that the meeting - the person that Mr. Judge had met that - at the airport, that had already taken place, correct?

A. Correct.

Q. And it says, "distance yourself", meaning

"watch out in the future if you come in contact with this person again, be careful, because he is an undercover police officer." Isn't that right, sir?

A. No, it just simply says "distance yourself".

Q. And y....

A. Doesn't say why.

Q. Doesn't say why, right? And you don't think that's a logical inference that someone could draw, like Mr. Ramos, from that comment?

A. It's one inference he could draw.

Q. Right, one inference. And again, you didn't reach out to the cover officer for the undercover operation in Vancouver to see if this would cause any harm to the undercover officer?

A. Not the cover officer, no.

Q. You didn't contact anybody in E Division?

A. The only way I can tell you that is if I have my e-mails from that period. Any of the e-mails. Even some of them would be helpful.

Q. You wouldn't have recalled a conversation that the undercover operator has already made place. You knew that Mr. Judge had met with the undercover officer. "If I tell him to be wary of a guy he met at the Vancouver airport, is that okay, guys? Can I say that to Mr. Ramos?" You don't recall that type of conversation?

A. I had multiple conversations about all things ppg and Saturation with E Division. I would need my e-mails to be certain about the content of those conversations.

Q. Even as something I would say as usual as potentially pointing out the identification of an undercover officer. You can't remember that from memory?

A. There were a number of very unusual issues

that we were dealing with, including all of the high-side material. So, no.

Q. You'd agree with me sir, by saying, "Distance yourself and Judge from the individual that he met at R [sic] - YVR" was putting that undercover officer's life at risk?

A. No, I would not agree with that.

Q. And you made that assessment on your own?

A. I did.

Q. And you'd agree with me, sir, that you know, looking at your e-mail to Mr. Ramos on March the - the 23rd, you gave him four options, right?

A. That's correct.

Q. Okay. And in - and you had - in option number 2 you had a Posteo account, right?

A. There was an active Posteo account. I believe it was already set up, correct.

Q. Okay. You had that? You - it's on your emails.txt account, right?

A. Correct.

Q. Document, right?

A. Correct.

Q. So, you had access to a Posteo account?

A. I did have access to that correct.

Q. You had an openmailbox.[dot]org account?

A. That's correct.

Q. And you had a mailbox.[dot]org account?

A. Yes, there was already a mailbox.org account set up.

Q. And you had a Tails USB, right?

A. That's correct.

Q. Okay. And then you had the variablewinds@tutanota account, right?

A. That's correct.

Q. And you'd agree with me, sir, I know your testimony about you know, your plan to try and - and entice him or get him to use Tutanota, but on the face of it, there's only about a 25 percent chance that Mr. Ramos would pick Tutanota, correct?

A. If this was the only e-mail that was sent, 25 percent would be accurate.

Q. And that's on March the 23rd, and he responds on March the 31st, I'm now on page 55, that, "Hi - Hello, will be contacting you on Tutanota.[dot]com later that week", right?

A. Yeah.

Q. So, he picked option number four?

A. He picked Tutanota.

Q. My understanding, sir, is that you had - sorry, if I can go to Tab 25, that's - that's when the police access your Tutanota account. Page 422 indicates that you opened the Tutanota account on January the 7th, correct?

A. This data suggests it was created on January 7th, 2015.

Q. Right, that's when you opened the account?

A. Correct.

Q. Okay. And sir, if I may have a moment. Sir, at - for you and members of the jury, I'm turning now to agreed statement of facts at paragraph 26, and it talks - 26,

It's admitted that further investigation led to the arrest of yourself on September the 12th, 2019, while you were at work at RCMP headquarters. Search warrants were executed at your apartment at 303 York Street - sorry, 303-[dash]24 York Street where you resided alone, and at your RCMP headquarter office.

5
Investigators seized a number of devices from your residence, including five laptop computers, a Toshiba protégé [sic] R600 laptop, and a Lenovo T61 laptop as well as an Asus laptop and two Dell laptops and other devices.

You recall that, sir?

10 A. Yep. All but one was an RCMP work device.

Q. And I'm gonna turn you as well sir to paragraph - sorry, paragraph 3 that says,

15 A web browsing history and Wi-fi access history extracted from devices is accurate as it appears in the reports. Web browsing history of Cameron Ortis and web browsing history of Cameron Ortis spreadsheet.

Do you see that's - that's been admitted, sir?

20 A. I do see that.

MR. MACFARLANE: I'd like to present the web browsing history of Cameron Ortis spreadsheet to the witness. Just for my friends' information it's document 11541. I can hand that up the - one for your - there should be enough hopefully one for Your Honour, one as an exhibit. This has been admitted.

MS. KLIEWER: Exhibit 14.

MR. MACFARLANE: And the rest for the jury.

30 Sorry?

MS. KLIEWER: Exhibit 14.

MR. MACFARLANE: I believe it's Exhibit Number 14.

Just before we get into the document, sir, so, Mr.
- oh, I'm sorry.

... PAUSE

5

Q. Sir, just before we get into that document,
Mr. Ramos e-mailed you on March the 31st, 2015: "Will be
contacting you on tutanota.com later this - that week." And
then you don't respond on page 56 'til April the 20th: "I
10 thought I would try it one more time." You see that, sir?

A. I do.

Q. And on - on - when you respond on April the
20th, you're using a variablewinds@tutanota.de account. Right?

A. Correct.

15

Q. Okay. And sir, I'll - I - I'll draw your
attention, just to give that - that timeframe between March the
31st and April the 20th, if we - and the - the - the numbers are
- the entries are - are numbered. Down at number 251, it's an
entry from April the 5th, 2015. You see that, sir?

20

A. Just give me a second here.

Q. Sir, there's no page numbers. It's - but it's
line 251, an entry at 2015-04-05?

A. Correct.

25

Q. You see that, sir? And that was a - a search
using the Lenovo T61. Right, sir?

A. That's correct. That was an open source
intelligence machine that came from OR.

Q. And you were on French language training at
this time, right?

30

A. Yes, I was transitioning to French language
training, but I was still doing work.

Q. Okay. But you were officially finished with

the OR, and started French language training on April the 1st, 2015. Correct?

A. Correct.

Q. And 251, you did a - a Google search of Tutanota. The same day, another Tutanota search. The same day - two - line 253, Tutanota:

254: Tuta "A" "O" at tutanota GitHub.

255: Tutanota makes e-mail encryption easy, no pri - profiling possible, open source and forever free.

256: http tutanota user invoice.com - knowledge base topics 69730.

258: What is the maximum size for e-mails and attachments?

260: How secure are my Tutanota e-mails?

261: What is encrypted and what can be - can you read?

262: Tutanota makes e-mail encryption easy, no profiling possible, open source and forever free.

263: Tutanota, an open source encrypted Gmail alternative heads out of beta. [As read]

Do you see that, sir?

A. I do.

Q. And if I would suggest to you, sir, that on April the 5th, 2013, is the first time in your web browsing history that you've searched for Tutanota, would you agree with that?

5 A. No.

Q. There's nothing else, sir, and you can look through this document, nothing else indicating that you googled Tutanota before March the 5th, 2015.

10 A. So, this is an OR - the la - the T61 is an - a unit laptop that was a multi-user laptop that was used by folks doing open source internet research.

Q. But you had not used it to search for Tutanota before April the 5th, 2015. Isn't that right?

A. Not this computer, no. We had....

15 Q. And so, what happened, sir, is not that you had a - a conversation with a foreign agency about trying to get Mr. Ramos to use Tutanota for a legitimate purpose. What happened sir, is that you were having e-mail exchanges with Mr. Ramos. He said he wanted to contact you on Tutanota on March
20 the 31st. And on April the 5th, 2015, there's a flurry of web searches by you about what the heck is Tutanota before you respond to him on April the 20th. Isn't that right, sir?

A. No, that's incorrect. My web browsing history from my office computers, my personal computer, would
25 demonstrate that I had been looking at Tutanota on its website almost a year before this.

Q. While we're on this - this document, sir....
Sir, if - if this Tutanota company that you'd spoken with a foreign agency about was a - a storefront, why would you have to
30 look at Tutanota at all online?

A. Well, I would most certainly, if somebody claimed that they had a storefront up and running online, I

would almost certainly check it out.

Q. Just going through this document is...

A. I would be irresponsible not to.

Q. ...starting at - at line 4 on page 1, you did
5 a search using your Toshiba Protégé laptop, "How to use OTR to
initiate a secure messaging session in Pidgin." Do you see
that, sir?

A. What line number?

Q. Line 4, on page 1.

10 A. So, the Toshiba Protégé was Todd Shean's OSINT
laptop that he gave to OR. And....

Q. This was found in your apartment, sir.

A. Yeah, I was cleaning out my safe before going
on French language training.

15 Q. And you used it on Feb - January the 1st -
January the 3rd, 2015, used Pidgin. Right?

A. I have never used Pidgin.

Q. But you did a search for that, right?

20 A. I can't recall individual web browsing
searches. I visit - that's impossible.

Q. Okay. At line 25, on February the 11th, "The
dark web still thrives after Silk Road." Right?

25 A. Yeah, that was in reference to - that subject
for OR was in reference to a tasking from the government in the
wake of the Snowden leaks. I did the threat assessment for that
on behalf of the RCMP.

Q. On page 50, "Dark leaks, an online black
market for selling secrets." Correct?

A. Yeah, that's correct.

30 Q. You did - you did that search?

A. I can't recall if that was a specific search
that I did. But I was - yeah, there's Snowden right there.

Q. I'm asking about line 50, sir. "Dark leaks, an online black market for selling secrets." You did that search?

A. Yeah, that was a news media article. I...

Q. That was of interest...

A. ...I have no idea...

Q. ...to you?

A. ...if I read it.

Q. I'm sorry?

A. Yeah, certainly at the time, the Snowden threat assessment that I did, on behalf of the RCMP, took me to all kinds of corners of the internet that we were told he used.

Q. And at lines 74 through 79, there's a number of internet searches on Mr. Henareh, right? And Rosco Trading?

A. That's correct.

Q. And March the 22nd, I believe, is around the same date the package, you sent the package to him. Right?

A. I don't know. I - I have no idea.

Q. Okay. Well, let's go back to that then.

A. The web searches, correct?

Q. No, I'm asking you whether the - you sent the package to Mr. Henareh on March the 22nd, 2015?

A. So, that's the same day.

Q. And so, these web searches are connected with you sending him the package, right?

A. I don't know.

Q. Okay. But we do know from the agreed statement of facts that you were on annual leave from March the 18th to the 31st, correct?

A. I took black book leave, but I was still working.

Q. You were not at headquarters?

5 A. I was on several occasions. And then, I worked out of the NOC - the National Operation Centre, on Vanier Parkway. I also had an RCMP work laptop at home, which has a virtual private network so you can work at home up to a certain classification level.

Q. And at lines 86 to 88, there's - there's talk about tails, right? You're interested in the tails 'cause you had the tails at your apartment, correct?

A. Sorry, which line are you on?

10 Q. Line 86 through 88.

A. So, that woulda been months afterwards, and I have no idea.

15 Q. You have no idea? Turning to next page, there's entries 95 through 98 about area exchange. That's connected to Mr. Mehdizadeh, correct?

A. That's correct. And a number of OR files at the time.

20 Q. And down to 123, "Philby," 124, "Kim Philby Wikipedia," 125, "Kim Philby, Wikipedia." Gimme just a moment. Mr. Philby was a British intelligence officer who was a double agent, provided intelligence to the Russians during the Second World War. Isn't that right, sir?

A. Yeah, he was a member of what was called the "Cambridge Five" or six.

25 Q. And the same for Mr. Cairncross, who's at line 126?

A. Correct.

30 Q. And 127, "Kim Philby," 128, "Kim Philby." You see that, sir?

A. Correct.

Q. Right. And this is all - all these web searches are in the exact time when you're communicating special

operational information to alleged criminals?

A. The exact time I was doing the Snowden risk assessment for the RCMP.

Q. Uh....

A. Which will be in my e-mails.

Q. In your notes or your e-mails?

A. E-mails.

Q. In e-mails. Okay.

A. Notes and assessments via notes.

Q. Right. There's no reason that that couldn't be in your regular notebook?

A. The Snowden assessment?

Q. Yes.

A. No, it wouldn't be in my regular notebook.

Q. And we continue 130, 131, 132. Or, sorry, 130 talks about no Snowden asylum. He's a CIA fraud. That's Mr. Snowden - Edward Snowden who leaked NSA documents in 2013, correct?

A. That's correct. And all agencies in the 5EYES at the time were asked to name a point person to do the risk assessment, which fed back into a central agency.

Q. And he leaked those documents in 2013?

A. That's correct.

Q. All right. And you say you're doing an assessment in 2015?

A. There were multiple assessments done.

Q. Turning now to page - sorry, number - line 205. That's a web search you did on April the 2nd, 2015, "A federal agent's guide to laundering Silk Royd [*sic*] - Silk Road bitcoin." Right? You - you did that search?

A. I don't recall.

Q. Okay. On to the next page, lines 212, on

April the 4th, when you were on French language training, "How to receive postal mail anonymously." You see that, sir?

A. I do.

Q. 213, "Is completely anonymous mail possible?"

5 You saw that, sir?

A. I do.

Q. "Online privacy. How to receive packages in the mail without revealing your identity." You see that, sir?

A. I do.

10 Q. A number of other sorta related web searches. And then, line 222, "Receive money anonymously." You see that, sir?

A. I do.

Q. You did that search?

15 A. No, I did not.

Q. Okay. It's right after all of the other web searches on the Toshiba Protégé R600 laptop.

A. That's correct. It was Todd Shean's laptop. And the OR used it as a multi-user open source intelligence
20 station.

Q. It was at your apartment, sir.

A. Yep.

Q. And so, somebody came into your apartment from OR and used it?

25 A. No, they did not.

Q. And line 250, you did a web search, "Can I travel to Andorra and open up account?" Right, sir?

A. No, that is not mine, no. Oh, actually, that's related to Skyfall, which became Dominion. Andorran
30 banks were a key feature of OR Skyfall and Dominion. So, I'm not sure if I did that, but the Andorran banking would - system would be in relation to that. And we had conversations with,

let's call them [REDACTED] about how we could get visibility on the activities of banks in Andorra.

Q. And Andorra is a country in Europe with favourable tax situation. Correct?

5 A. So, I learned that it is a - not a formal country. It's more of a territory on the border of France and Spain, I believe.

MR. MACFARLANE: May I have a moment please, Your Honour?

10 THE COURT: Yes.

... PAUSE

MR. MACFARLANE: Q. And Skyfall was the - was the project that Greg O'Hayon worked on?

15 A. No. He worked on Dominion. Skyfall was mine. And then it transitioned to him as Dominion. And then, C Division, Project Carrier. None of that was successful. So, it came back to the TOCAG group - the Transnational Organized Crime Action Group. And I'm not sure if I did this search, but I remember, let's say, asking what the art of the possible would be at a TOCAG meeting regarding getting visibility on the activities of Andorran banks.

25 Q. And Skyfall, you started working on because you didn't have many in OR. You were working on it when you started at OR, 2010 - 2012. Right?

A. Skyfall started on or about late 2011.

Q. Okay. And this web search is on April the 5th, 2015. Correct, sir?

30 A. That's correct.

Q. Okay. And it just happens to be on the same day that you're doing searches on Tutanota?

A. That's correct.

Q. Okay. 269, you see you did a web search "How to make a secret phone call"?

A. I have no idea.

5 Q. Okay. Turning over the page, 289, 290, there's a number - there's a - a search for Muhammad Ashraf, correct? Memon Financial. We see all - all those web searches?

A. Correct.

10 Q. And at the bottom, 304 to 306, Raza Yousuf. Right?

A. I remember Mohammad Yousuf. I do not remember Ra - anyone called Raza Yousuf.

15 Q. You did these web searches about Muhammad Ashraf, right? 'Cause it's connected with the e-mail you sent Mr. Ashraf, right?

A. It is likely I did those.

Q. Okay. And so, you did the searches on Raza Yousuf. Right?

20 A. So, OR had a case file on Mohammad Yousuf, which I believe was the case to be made for Project Oryx, to switch targets.

Q. Right.

A. And Mohammad Yousuf was part of that.

25 Q. Right. You'd agree with me, sir, you did a web search - three web searches for Raza Yousuf on the same day you were looking into Mr. Ashraf, correct?

A. It's likely.

Q. Okay. 318, "Top 10 tips for countersurveillance while walking." You did that search?

30 A. That was for countersurveillance training that I was putting together for the members of OR. There should be....

Q. While you were on French language training in May of 2015?

A. Yep. The transition plan with Dan was that I would finish putting together the countersurveillance training, which I was in regular contact with members in E Division, who at that time, were the only people who actually did countersurveillance training.

Q. But....

A. There was also...

Q. Sorry, go ahead sir.

A. ...notes in my notebooks. But if I had my e-mails, that would confirm that.

Q. Right. And this - this training that you say you were putting on during your French language training for countersurveillance, you didn't contact Dan Morris about that in April of...

A. So, I wasn't....

Q. ...or May of 2015?

A. I wasn't the one putting on the training.

Q. Mm-hmm?

A. During the transition meetings that Dan and I had, it was agreed that I would keep some files and finish them off. And the OR training was one of those files.

Q. You heard Mr. Morris say that when you left on French language training, you didn't come back at all to the OR. He was asked that, right? And he said, "no."

A. I did not go back into the suite at OR, no.

Q. And 322, "How to avoid video surveillance camera?"

A. That's correct.

Q. 323, "How to avoid video surveillance cameras and avoid facial recognisn (ph) - nition," right?

A. That's correct.

Q. 324, "How to trick the computers and avoid facial recognition." You did that search?

A. That's correct.

5 Q. Okay. 327, "Surveillance tips, tricks, and techniques." You did that search?

A. That's correct.

Q. 329, "How to receive postal mail anonymously." You did that search?

10 A. Likely, that's correct.

Q. 330, "Is completely anonymous mail possible?" You did that search?

A. That's correct.

15 Q. And 331, "Receive mail anonymously in the city." You did that search?

A. That's correct.

Q. Okay. Over the page - 215, May the 7th, you did web - web search on anonymous mail?

A. Sorry, which line item are you on?

20 Q. Sorry, 332?

A. Yeah, I have no idea. It looks like an article of some kind.

Q. And then, a little further down, 342, As an inbox, "camortis@gmail.com," right?

25 A. That's correct.

Q. So, you were receiving e-mails on these computers?

A. No, I was not. Oftentimes, employees will use low attribution open source computers to check their e-mail. Not supposed to, but it happens.

30 Q. Just going back to Tab 6 again, sir. After you send Mr. Ramos an e-mail on April the 20th, he responds on

5 April the 20th, same day. "Okay, we'll finally set up this account over the next few days...."

A. Sorry, which page are you on?

Q. I'm sorry. At page 57?

A. That's correct.

Q. And go over to page 58. The e-mail you sent to Mr. Ramos on April the 29th with - with all the attachments. Correct?

A. That's correct.

10 Q. And you sent that e-mail?

A. I did.

Q. Right? And - and you - you attached all the documents to the e-mail?

A. I did.

15 Q. Okay. Yesterday, you said "I authorized those documents to be sent." You remember that, sir?

A. Which documents? These documents here?

Q. Yes. You said yesterday - or sorry, Friday. I apologize. "I authorized those documents to - to be sent."
20 Do you remember testifying to that, sir?

A. That's correct.

Q. And what you meant is that you sent those documents?

A. Correct.

25 Q. So, when you used the phrase, "I authorized the documents to be sent," you actually meant, "I sent the documents."

A. Correct.

30 Q. And we'll walk through, perhaps after the lunch break, some of these documents, but there's two FINTRAC reports, two TIOS reports, two or three NICC reports that were sent. Correct?

A. Excerpts, correct.

Q. You didn't contact FINTRAC for permission to send those documents?

A. That was supposed to happen, and it did not.

5 Q. Okay. Well again, sir, "It was supposed to happen and it did not" is sorta like, "I authorized these documents" and that means, "I sent them." You didn't contact FINTRAC for permission to send the documents?

10 A. Again, I - without my e-mails from that period, there is no way I can answer that question.

Q. You didn't get permission from TIOS, even for their Secret document at page 62, to send it to Mr. Ramos?

A. I do not know.

15 Q. Okay. You didn't ask permission from the NICC to send their documents to Mr. Ramos?

A. I do not know.

Q. There are seven documents attached to that e-mail. Correct, sir?

A. Excerpts of documents...

20 Q. Right.

A. ...but there are seven.

Q. All RCMP documents, correct, sir?

A. No, I believe one is a FINTRAC document. And the other are RCMP documents.

25 Q. Right.

A. Correct.

Q. And so, you're sending all of these FINTRAC, RCMP documents to Mr. Ramos, the owner of Phantom Secure. Correct?

30 A. Correct.

Q. Worldwide 5EYES law enforcement target number one. Right?

A. Incorrect.

Q. They had been trying to get after him for years to - to get at his business, but his encryption was too good. Correct?

5 A. No, I don't think that's a correct assessment.

Q. In any event, you chose to contact him because you saw him as a threat, right?

A. I did not choose to contact him. I had a conversation with a foreign partner in September and October.

10 Q. About the Tutanota business, right?

A. Correct.

Q. Then you said on Friday, you went through a process - very careful process where you picked four targets, right?

15 A. It was whittled down from about ten to about four, but I can't remember the exact number.

Q. So, you picked the targets?

A. Correct.

20 Q. So, you did choose to pick Mr. Ramos as a target, right?

A. He remained after the assessment that was done on the 10 names or 11 names that were given to me.

Q. You did that assessment?

A. I did.

25 Q. So, it's not "an" assessment. You did the assessment of those 10 names. You came up with the list of the four people, right?

A. Correct.

30 Q. Okay. You chose to send these FINTRAC and RCMP documents to Mr. Ramos, the head of Phantom Secure. Correct?

A. The excerpts, correct.

5
Q. And it's admitted, sir, in the agreed statement of facts that the information you sent Mr. Ramos was special operational information. Correct?

A. It is.

Q. You knew that at that time?

A. I did.

MR. MACFARLANE: I don't know if now is a good time for a break, Your Honour?

10
THE COURT: All right. We'll take lunch 'til two o'clock.

CLERK REGISTRAR: Yes, Your Honour. All rise.

... WHEREUPON JURY RETIRES (12:50 p.m.)

15
... FURTHER PROCEEDINGS NOT TRANSCRIBED, AVAILABLE UPON REQUEST

R E C E S S (12:51 p.m.)

20
... THE TRANSCRIPT OF THE AFTERNOON PORTION TO FOLLOW IN A SEPARATE VOLUME

25

30

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Linda A. Lebeau

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