

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL
CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

le plaignant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

la Commission

and/et

MARC LEMIRE

Respondent

l'intimé

and/et

ATTORNEY GENERAL OF CANADA;
CANADIAN ASSOCIATION FOR FREE EXPRESSION;
CANADIAN FREE SPEECH LEAGUE;
CANADIAN JEWISH CONGRESS;
FRIENDS OF SIMON WIESENTHAL CENTER
FOR HOLOCAUST STUDIES;
LEAGUE OF HUMAN RIGHTS OF B'NAI BRITH

Interested Parties

les parties intéressées

BEFORE/DEVANT:

ATHANASIOS D. HADJIS

CHAIRPERSON/
PRÉSIDENT

LINE JOYAL

REGISTRY OFFICER/
L'AGENTE DU GREFFE

FILE NO./NO CAUSE:

T1073/5405

VOLUME:

26

LOCATION/ENDROIT:

OTTAWA, ONTARIO

DATE:

2008/03/25

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

HEARING HELD IN HEARING ROOM #1, 160 ELGIN STREET, OTTAWA,
ONTARIO ON TUESDAY, MARCH 25, 2008 AT 9:30 A.M. LOCAL TIME

CASE FOR HEARING / CAUSE DEVANT ETRE ENTENDUE

IN THE MATTER of the complaint filed by Richard Warman dated November 23rd, 2003 pursuant to section 13(1) of Canadian Human Rights Act against Marc Lemire. The complainant alleges that the respondent has engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour and national or ethnic origin in a matter related to the usage of telecommunication undertakings.

APPEARANCES/COMPARUTIONS

Margot Blight	For the Canadian Human Rights Commission
Barbara Kulaszka	For the Respondent
Alicia Davies	For the Attorney General of Canada
Paul Fromm	For the Canadian Association for Free Expression
Douglas Christie	for the Canadian Free Speech League
Michael Mosten	For the B'nai Brith Canada
Leo Adler	For the Friends of the Simon Wiesenthal Centre

AUDIO TRANSCRIPT

March 25, 2008

Time: 3/25/2008 12:14:08 PM

Position: 2:01

Transcribed by: MARC LEMIRE

1 MS. KULASZKA: Since the Beaumont
2 case just came up we'll go to that
3 right now, if we look at the binder I
4 just handed out. I've got -- it's at
5 tab 6.

6
7 THE CHAIRPERSON: That's the new
8 binder. Ok. That's - 22

9
10 MS. KULASZKA: and what I have
11 produced at tab 6 Mr. Steacy are just
12 a selection of pages from the
13 transcript from the case of Warman
14 vs. Jessica Beaumont

15
16 MR. STEACY: ok

17
18 MS. KULASZKA: and what happened
19 there - Mr. Warman was the person who
20 gave testimony and on the first page
21 that is reproduced there is page 66
22 and:

23
24 MR. VIGNA: The
25 materials that we will
26 be looking through
27 later in the
28 documents, before we
29 go to each one, can
30 you tell us if these
31 are documents you

1 actually printed
2 yourself, from where,
3 and tell us generally
4 the process you
5 undertook and then we
6 will go into the
7 specifics.

8
9 MR. WARMAN: Yes. As I
10 explained, essentially
11 what happened was
12 these are materials
13 that I saw on the
14 Internet myself,
15 printed off and then
16 provided copies to the
17 Canadian Human Rights
18 Commission further to
19 my complaint against
20 Ms Beaumont.

21
22 And that set the stage. If you
23 just go over a few pages. We'll go to
24 page 123 at the top

25
26 And Mr. Vigna goes to, he's
27 jumping to tab 17 and he asks Mr.
28 Warman is he recognizes the document:

29
30 MR. WARMAN: Sorry, Mr.
31 Chair, if I may,

1 there's another copy
2 of this document that
3 I will be able to
4 identify, and the
5 pages 2 and 3 of that
6 are about to come up
7 in another exhibit. So
8 I just think there's a
9 bit of -- if we could
10 just skip to tab 19 I
11 think is the next one.

12
13 MR. VIGNA: Okay, we'll
14 go to tab 19 and we
15 have a clearer copy of
16 that which I will
17 provide the Registry
18 Officer.

19
20
21 So the hearing goes on. We'll
22 skip over to the next page. This is
23 later on..

24
25 MR. WARMAN: If you
26 turn to tab 17 --

27
28 MR. VIGNA: Is this the
29 tab where we wanted
30 the clearer picture?

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MR. WARMAN: We have, it was photocopied when I was at the Commission's offices, but it doesn't appear to be in there. So I am just wondering whether we can submit this tomorrow. I can describe what it is and if we can provide the actual clear picture of it tomorrow.

THE CHAIRPERSON: So it's this document with a clearer version?

MR. WARMAN: Yes.

THE CHAIRPERSON: You can refer to it now as long as you provide a clearer document tomorrow.

And then the testimony goes on and we'll turn to the next page.

1 MR. CHRISTIE: What number are we
2 on

3
4 MS. KULASZKA: 226.

5
6 And -- There starts to be a
7 discussion about this page that there
8 seems to be two different kind of
9 pages. Mr. Warman or.. the
10 chairperson bring up the fact that
11 there seems to be a slight
12 discrepancy

13
14 MR. WARMAN: I have no
15 idea. This isn't my
16 copy. In the copy that
17 I will provide it will
18 be clear.

19
20 MR. VIGNA: We will
21 reserve, Mr. Chair,
22 the right to bring it
23 in tomorrow.

24
25 THE CHAIRPERSON: Yes.

26
27 MR. WARMAN: You can
28 tell because all the
29 information is the
30 same, the join date,
31 the location,

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Coquitlam, et cetera.
It is posting to Der
Totenkopf.

And then they go on. The next
day comes. The next day is December
12, 2006. And the corrected copies
are produced. And this is tab 17.
it's a poem. The content and the
layout appear to be different.

THE CHAIRPERSON: I do
see that the content
is similar. It's got
the poem in it, but
how come the layout is
different, as Mr.
Vigna has indicated?

MR. WARMAN: Sure. I
will happily explain.
The first one is a
Commission document.
The second one is a
document that was
printed off in my
presence on Friday.

THE CHAIRPERSON: So,
the second document
was available on the

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Internet and printed
off?

MR. WARMAN: Yes, on
Friday.

THE CHAIRPERSON: On
Friday.

MR. WARMAN: So, if
it's more appropriate,
we can withdraw the
first one and simply
tender the second one.

And there is a discussion. Maybe
they should keep both. Then they talk
again about the date. The
Chairperson. This is at the bottom
of page 241

THE CHAIRPERSON: Now
you have the second
document and this one
has been, according to
you, printed out. Is
there any indication
that you printed it
out you said
yesterday?

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MR. WARMAN: Friday.

THE CHAIRPERSON: You said Friday.

MR. WARMAN: Yes. There is no date on it, but I can testify that it was printed off on Friday.

THE CHAIRPERSON: It does refer to a radio broadcast at the top, Friday, December 8th.

MR. WARMAN: Yes.

MR. VIGNA: We can keep both, Mr. Chair.

THE CHAIRPERSON: I think it might be better for the purposes of the record to keep both. So, last Friday would mean December 8th.

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MR. WARMAN: I believe
it would be December
8th.

REGISTRY OFFICER: Yes,
it is the 8th. So, we
are adding this to tab
17?

THE CHAIRPERSON: Yes,
I think we should add
it to tab 17.

Now if we could go over - several
pages to page 273

THE CHAIRPERSON: 270?

MS. KULASZKA: 273 at the top.
Mr. Warman is examining Mr. - or Mr.
Fromm is cross-examining Mr. Warman.
He states:

MR. FROMM: Could I
direct your attention
to tab 17?

THE CHAIRPERSON:
Perhaps you should
specify which of the
two versions.

1 MR. FROMM: Yes. To the
2 one we were given
3 yesterday, one of
4 three, where it says
5 across the top,
6 "Welcome, Jadewarr."
7 Do you see that, Mr.
8 Warman?

9
10 MR. WARMAN: I do.

11
12 MR. FROMM: Can you
13 explain what that
14 is, "Welcome,
15 Jadewarr?

16
17 MR. WARMAN: It appears
18 to be a name that was
19 logged in under.

20
21 MR. FROMM: By whom?

22
23 MR. WARMAN: I'm sorry,
24 I don't know.

25
26 MR. FROMM: Would that
27 not have to have been
28 by you?

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30 MR. WARMAN: No, it
31 would not.

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THE CHAIRPERSON:
Because you indicated
earlier that this was
not a copy that you
had printed out.

MR. WARMAN: That I
produced, no. The
second copy is the one
that I produced.

THE CHAIRPERSON: Does
your name appear on
this one?

MR. WARMAN: The second
copy was printed off
in my presence.

THE CHAIRPERSON: It
was printed off.

MR. FROMM: Then who is
Jadewarr?

MR. WARMAN: I'm sorry,
it's not my document.

MR. FROMM: But it was
produced in your
presence?

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MR. WARMAN: No, the second document I printed off.

MR. FROMM: The second document, which is the clearer copy, says "Italy for Italians" at the top. You can see that. Is that the one?

MR. WARMAN: It does, yes.

MR. FROMM: The other one, the one that was given to us yesterday, which is much less clear and says to Der Totenkopf, but at the top it says "Welcome, Jadewarr..." you say that was printed off in your presence?

MR. WARMAN: No, it was not.

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MR. FROMM: It was not.
Then what's the origin
of it?

MR. WARMAN: I don't
know.

THE CHAIRPERSON: You
don't know now but you
mentioned earlier that
it was from the
Commission. That's
what I heard you say.

MR. WARMAN: It
originates in the
broadest sense with
the Commission.

THE CHAIRPERSON: So
the Commission had
produced this
photocopy?

MR. WARMAN: Yes, but
in terms of its
specific origins, I
have no idea.

MR. FROMM: Is it your
testimony, then, that

1 it's a Commission
2 document?

3
4 MR. WARMAN: It
5 originates with the
6 Commission. I do not
7 know its providence.

8
9 Are you familiar with that - the
10 Beaumont situation

11
12 MR. STEACY: yes I am

13
14 MS. KULASZKA: what happened
15 there?

16
17 MR. STEACY: to the best of my
18 recollection, Mr. Warman and Mr.
19 Vigna came over and asked to have a
20 certain posting printed off and went
21 to the computer and tried to find it
22 just going on the site and we weren't
23 able to find it. When we logged on
24 under the Jadewarr account we were
25 able to locate the poem and it was
26 printed off

27
28 MS. KULASZKA: and that the
29 document that said "Welcome,
30 Jadewarr..."?
31

1 MR. STEACY: Yes, at the time I
2 had no idea that it was specific to
3 the Beaumont procedure that was going
4 on

5
6 MS. KULASZKA: and what date was
7 that printed off

8
9 MR. STEACY: I don't recall. If
10 the testimony is saying December 8th,
11 that sounds right

12
13 MS. KULASZKA: it would be a
14 Friday

15
16 MR. STEACY: I don't remember
17 what December 8th 2006 was. It was a
18 Friday then it was a Friday. I just
19 ---

20
21 MS. KULASZKA: did you ever sign
22 on again to Stormfront after that?

23
24 MR. STEACY: probably.

25
26 MS. KULASZKA: do you know for
27 sure

28
29 MR. STEACY: I don't remember off
30 the top of my head. I think I did.

1 I don't keep track of the sites
2 that I am looking at or going on,
3 unless it very specifically during
4 the course of an investigation that I
5 can remember, but - your asking me to
6 have total recall and I don't have
7 total recall

8
9 MS. KULASZKA: You've heard the
10 testimony Mr. Warman gave

11
12 MR. STEACY: yes I did

13
14 MS. KULASZKA: Mr Warman -

15
16 MS. BLIGHT: Is my friend asking
17 whether the witness was present when
18 the testimony was given

19
20 MS. KULASZKA: oh I'm sorry I am
21 referring to the reading of the
22 transcript

23
24 THE CHAIRPERSON: the Chairperson

25 ---

26
27 MS. BLIGHT: I would like ---

28
29 THE CHAIRPERSON: the chairperson
30 in this case was Me, so I know for a
31 fact Mr. Steacy wasn't there

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MS. KULASZKA: so Mr. Warman was in fact present when you signed on to the Jadewarr account and printed off the documents

MR. STEACY: yes he was

MS. KULASZKA: So he knew who printed it off, didn't he

MR. STEACY: yes he did

MS. BLIGHT: Mr. chairman I would just like to - just so there is no confusion. The document that had been allegedly printed off has not been read to the witness and the witness has not identified which particular document --- so I just

THE CHAIRPERSON: right, but there is an illusion in the evidence that I heard at the time from Mr. Warman of that document that we were looking at that time, which I certainly recall from having done that case -- having been printed off at the commission, but your point is it may have been another document. Right. Ok.

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MS. KULASZKA: do you know who
printed off the other document, the
one that allegedly was not clear?

MR. STEACY: no