

CANADA / JUDGMENT

R. v. Alkhalil

2020 BCSC 1256

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Supreme Court of British Columbia

DECIDED

25 August 2020

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2020 BCSC 1256 R. v. Alkhalil

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Alkhalil,

2020 BCSC 1256

Date: 20200825

Docket: 27393-65; 27393-58

Registry: Vancouver

Between:

Regina

v.

Rabih Alkhalil (a.k.a. Robby Alkhalil), Dean Michael Wiwchar and

Larry Ronald Amero

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Before: The Honourable Madam Justice Maisonville

Ruling Re Application No. 65 - Project Refuge Disclosure and

Application No. 58 - Non-Disclosure Reports, Emails and Unvetting: Project Refuge Document

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Place and Date of Hearing:

Vancouver, B.C.

July 15, 2020

Place and Date of Judgment:

Vancouver, B.C.

August 25, 2020

introduction

[1] This ruling addresses two related applications. In the first (Application #65), the applicants, Rabih Alkhalil and Larry Amero (collectively, the "applicants"), seek the production of records in the hands of various police agencies that relate to Project Refuge, an intelligence gathering initiative undertaken in Montreal in 2012. In the second (Application #58, part 3), the applicants request that the Court review the vetting of a redacted Project Refuge document that has been disclosed, the Rapport Complementary (the "Report").

[2] The Crown opposes both applications.

Background Information

- [3] By the summer of 2011, the Intelligence Division of the Service de Police de la Ville Montreal ("SPVM") had become concerned about the presence in Montreal of individuals from Western Canada, particularly British Columbia. This led the SPVM to initiate an intelligence gathering project (Project Refuge) in early 2012 with a view to understanding who these people were and why they were there. A brief explanatory document prepared by the SPVM describes the mandate of the Intelligence Division as follows:

In the case of our mandate: "Criminal intelligence is the knowledge and understanding of a criminal threat. It is about acquiring and developing knowledge and an understanding of the criminal threats that can be used to by the police to prevent and respond to criminal activity, and apprehend criminals."

- [4] Thus, Project Refuge was not an investigation into a particular offence or offences; rather, its aim was to gather intelligence, which it did from a number of sources including the SPVM, the RCMP, and the Surete du Quebec.
- [5] The intelligence that was gathered was documented in the Report, which totals 57 pages. As described in the SPVM's explanatory document:

Within this framework and in the interests of sound management, a joint document entitled "Intelligence monitoring" was created, with the objective of following the steps taken by each and keeping those involved informed of the intelligence gathering plan (plan de collecte), the new information and the resulting analysis.

- [6] The explanatory document outlines features of the Report that, in the view of the SPVM, make it unsuitable for disclosure:

Nearly eight years later, this intelligence monitoring has become an issue in the upcoming trial. We firmly believe that it should not be disclosed for the following reasons:

- It contains references to the Automated Criminal Intelligence Information System which have not been validated and are useful guidance in the understanding of the problem, to formulate theories and require corroboration.
- It was maintained to follow up on the intelligence monitoring plan (plan de collecte), with a view to reporting the results to our managers and a better use of resources involved in the file.
- The entries were supplied by several members of the intelligence community and were available to all criminal intelligence personnel. It is therefore difficult to determine who inputted what. Moreover, this document, open to all, may have caused some discrepancies in pagination. Some may have made additions which, in placing them in chronological order, have changed the order of the pages.
- Source information is cited therein, all in a spirit of intelligence with a view to protecting the persons involved.

· The Intelligence Division was at the forefront of these early collection plans. The intelligence monitoring was strictly administrative, intended for managers and not for disclosure to the court.

- [7] A redacted version of the Report came to be in the hands of the applicants because two pages had initially been obtained by the Crown from the SPVM and disclosed to them. Those pages contained relevant information that an SPVM officer had added to the Report instead of her police notebook. When the defence sought the remaining pages of the Report, the Crown obtained them from the SPVM as a courtesy in an effort to avoid further litigation. After the Crown reviewed the Report for information involving the applicants--which information it says is duplicative of material elsewhere in the disclosure--the SPVM redacted the Report, and it was disclosed to the applicants.
- [8] During a search of the Montreal residence where both applicants resided in August 2012, police seized a number of BlackBerry PGP devices. Police were able to recover messages from the devices, each of which covered a different time span:
- a) WhereIsWaldo (Mr. Alkhalil's bedroom) - August 2011 to October 2011;
 - b) Sidewipe (Mr. Alkhalil's bedroom) - January 2, 2012 to January 18, 2012;
 - c) SkullBuster (Mr. Amero's bedroom) - June 2011 to October 2011; and
 - d) Birdman (Mr. Amero's bedroom) - April 29, 2012 to August 8, 2012.
- [9] Part of the Crown's case against the applicants rests on their alleged authorship of various messages recovered from these devices. This is also the primary basis upon which the applicants bring the present applications.

Positions of the Parties

The Applicants

- [10] The applicants seek the production of 25 enumerated items as follows:
1. All notes of Catherine MOREAU and Sophie REGIMBALD;
 2. All notes or other documents containing information that Mr. AMERO took a plane to Montreal on January 11, 2012, and that he possibly lived at 1625 Rue Clark (TAB 1, p. 1);
 3. The report, notes, or other documents of the officer's discussion with Sophie REGIMBALD on February 13, 2012 (TAB 1, p. 5);
 4. A copy of the email sent on February 12, 2012 to Ryan SMITH concerning the forcefield photo of Mr. ALKHALIL dated June 15, 2009 (TAB 1, p. 6);
 5. The report and all notes of the officers present at the meeting between the analysts of Division C of the Surete de Quebec [the "QPP"], the SPVM, and Sophie REGIMBALD (TAB 1, p. 5);

6. The report and all officers' notes concerning the presence of Mr. ALKHALIL and Mr. AMERO at a bar on March 7, 2012 (TAB 1, p. 10);
7. The report made by Catherine MOREAU regarding that meeting (TAB 1, p. 10);
8. The report and all notes of Sebastien PROULX mentioning that Mr. AMERO, his wife and his son were evicted from 1625 Clark, suite 701 (TAB 1, p. 6);
9. A copy of the email sent by Vincent PELLERIN on April 13, 2012 to the effect that following the observations of the QPP on April 8 and 9, 2012, Mr. AMERO's new address is confirmed to be 555 Rene-Levesque Boulevard East (TAB 1, p. 19);
10. Surveillance reports and all notes of the QPP officers from April 8 and 9, 2012 (TAB 1, p. 19);
11. The surveillance report of the QPP from February 29, 2012 on Mr. RIACH and real estate agent Mr. PATEL (TAB 1, p. 19);
12. A copy of the request made to the "Front line" to obtain Mr. ALKHALIL's phone number and the notes of the officer(s) involved (TAB 1, p. 23);
13. The surveillance report of the RCMP on April 13, 2012 at 801 Rue de la Commune (TAB 1, p. 19);
14. The F-20 Report dated April 23, 2012 concerning a meeting behind 555 Rene-Levesque Boulevard East between Mr. AMERO and ECLIPSE police officers (TAB 1, p. 20);
15. A copy of the email sent by Charles BLEMOUR (ECLIPSE officer) on April 30, 2012 concerning observations at 555 Rene-Levesque Boulevard East (TAB 1, p. 21);
16. The report and all notes of officers involved regarding the observations mentioned in the email of Charles BLEMOUR at 555 Rene-Levesque Boulevard East (TAB 1, p. 21);
17. The notes of Erick MONFETTE, James PAIXAO, and Mathieu LANDRY-FOURNIER regarding the May 21, 2012 surveillance (TAB 1, p. 25);
18. A copy of the picture used to identify Lindsey BLACK (TAB 1, p. 25);
19. The surveillance report of May 23, 2012, all notes of the officers involved, and photographs taken (TAB 1, p. 25);
20. The report and all notes of officers involved in confirming Mr. AMERO's ownership of the BlackBerry found on July 12, 2012 (TAB 1, p. 32);
21. All documents concerning the request to Hydro Quebec and Bell for the identity of the person who pays the bills at Penthouse 6, 555 Rene-Levesque Boulevard East (TAB 1, p. 33);
22. The August 6, 2012 surveillance report on 555 Rene-Levesque Boulevard East and all notes of the officers involved (TAB 1, p. 35);

23. All documents concerning bank account transactions and transfers of Mr. ALKHALIL (TAB 1, p. 45);
 24. All documents and notes of Project REFUGE officers regarding sharing of information between VPD and other police services including SPVM, QPP, Toronto, Ottawa, and Niagara, as per the email sent by James PAIXAO dated November 15, 2012 (TAB 1, p. 45);
 25. Any and all further Project REFUGE documents related to the Notice of Application Regarding Non-Disclosure Reports, Emails, Unvetting: Project Refuge (TAB 2) that are not clearly irrelevant.
- [11] One of the applicants, Mr. Amero, submits that the records are subject to both first party Stinchcombe disclosure and third party O'Connor production. He argues that steps were taken by Project Refuge to assist Project Reality (which is the investigation into the death of Sandip Duhre at the Sheraton Wall Centre in Vancouver), and that the resulting information, therefore, constitutes first party disclosure. He contends that, given the higher "likely relevance" threshold for third party production, the materials necessarily also satisfy that threshold. The other applicant, Mr. Alkhalil approaches the records application on the basis that the materials sought are third party documents. Both applicants emphasize that likely relevance is not a high threshold.
- [12] The applicants' claims of likely relevance rest primarily on the temporal overlap between the charged conspiracy (August 6, 2011 and August 8, 2012) and Project Refuge, together with the Crown's reliance on their alleged authorship of various PGP messages from the seized devices. Mr. Alkhalil says that in establishing authorship, the Crown intends to rely on surveillance evidence from a number of Montreal police officers to corroborate some of the messages on which it will rely. He says that since he was a target of surveillance conducted by Project Refuge during the time period alleged in the indictment, it is reasonably possible that those surveillance observations will confirm or refute the Crown's theory with respect to authorship of the relevant PGP messages.
- [13] Mr. Amero similarly argues that the ability to cross-reference the intelligence gathered by Project Refuge with the Crown's proposed evidence is important, and that the "whereabouts, movements, places of residence and associations" of the applicants at certain times during the period of the charged conspiracy, therefore, meet the likely relevance threshold.
- [14] Mr. Amero advances a further basis of relevance, which is the Garofoli application regarding the Montreal residence search. He has filed Application #59 in which he seeks the excision of information from the Information to Obtain that he claims was obtained in violation of the Charter. He says that such information ought to be excised regardless whether the affiant of the ITO knew or ought to have known that the information had been improperly obtained. Mr. Amero says that he already has information demonstrating that the source materials with respect to Mr. Alkhalil's address were misleading, if not fraudulent, and hopes to find information in the Project Refuge materials that will assist him in pursuing Application #59. By way of example, an entry for July 13, 2012 in the Report refers to

interactions between Cst. Monfette and Cst. Nached. However, there is no mention of Cst. Nached advising Cst. Monfette that Mr. Alkhalil was at the accident scene.

- [15] Mr. Amero's submissions apply as well to a vetting review of the Report. For example, he points to an unvetted entry in the Report that indicates that Mr. Alkhalil "possibly" resided at penthouse 6-555 Rene Levesque Blvd, whereas the source report was unequivocal about Mr. Alkhalil's residence there.

The Crown

- [16] The Crown responds that any relevant disclosure from Project Refuge has already been provided to the applicants, and that what they now seek is either duplicative or irrelevant. It says that the application is nothing more than a fishing expedition, and that the applicants have failed to demonstrate that the third party information they seek will advance any of the arguments they raise.
- [17] The Crown further argues that the applicants' delay in filing their application should weigh against its being granted. Although they received the redacted Report on November 25, 2019 and have had the PGP data since mid 2018, the applicants did not file their application until April 2020.
- [18] The Crown answers Mr. Amero's submissions with respect to the Garofoli application by noting that what he seeks is information that will assist him in cross-examining sub-affiants even though this Court earlier denied him leave to cross-examine the affiant on the issue of his residence, and he has yet to seek leave to cross-examine the affiants. The Crown says that the proposition that there can be excision of improperly obtained information in the absence of knowledge or willful blindness by the affiant runs contrary to the law, and that Mr. Amero has failed to demonstrate a basis for production of the third party documents or a review of the vetting on this basis.
- [19] With respect to the Court's review of the vetting of the Report, the applicants say that the document contains information relevant to the merits of the charges against them. They are subjects of Project Refuge, whose currency overlaps with dates of the alleged conspiracy and are, therefore, entitled to review and compare the surveillance records of the two projects. Given that much of the Crown's evidence against them is based on PGP communications, the redacted portions of the reports will contain information essential to challenging the conclusions of the Project Reality investigation.
- [20] The applicants maintain that Stinchcombe is the relevant framework for the Court's review, as the review may result in the disclosure of new and relevant information that goes to the merits of the charges against them.
- [21] The Crown takes the position that there is no obligation on the Court to undertake a review of the vetting of a third party document provided to the applicants as a courtesy. The Report is a third party "living document" that contains general background intelligence from

multiple sources, not investigative information. In disclosing to the applicants those portions that contain information referring to them, the Crown has already exceeded its disclosure obligations. The Report is irrelevant. The Crown submits that scarce judicial resources should not be used to review the vetting, particularly since the process could involve an amicus given the presence of source information in the Report.

Discussion

- [22] I will first address the application for third party records, then the application for review of the vetted Report.

Third Party Records

- [23] Although Mr. Amero appears to take the position that the Project Refuge documents are first party documents subject to Stinchcombe disclosure, the main thrust of his argument, as I understand it, seems to be that they are third party documents that satisfy the likely relevance threshold for production to the Court. I am not persuaded that the materials constitute first party disclosure, in any event. There is no evidence to suggest that Project Refuge was so intertwined with Project Reality such that Stinchcombe principles ought to apply to all of the Project Refuge materials. As the Crown has explained, where Project Refuge information was shared with the Project Reality investigation, it was disclosed to the applicants except where it was duplicative. Accordingly, this is an application for third party records.
- [24] The principles that govern O'Connor applications for third party records have been canvassed numerous times in these proceedings, most recently in reasons indexed at 2020 BCSC 445 at paras. 13-14:
- [13] The test for production of third party records is well-settled and was recently summarized in *R. v. Gubbins*, 2018 SCC 44 at paras. 25-28:
- [25] Third party disclosure is dealt with in *O'Connor*. To obtain disclosure of such records, an accused must make a court application. First, the burden is on the accused to show that the record is "likely relevant". Second, where the accused discharges this burden, the judge will examine the record to determine whether, and to what extent, it should be produced to the accused.
- [26] Information will be "likely relevant" where there is "a reasonable possibility that the information is logically probative to an issue at trial or to the competence of a witness to testify": *O'Connor*, at para. 22 (emphasis deleted). The "likely relevant" threshold has been described as significant, but not onerous: *O'Connor*, at para. 24; [*R. v. McNeil*, 2009 SCC 3] at para. 29. The reason that the relevance threshold is "significant" is to allow the courts to act as gatekeepers, preventing "speculative, fanciful, disruptive, unmeritorious, obstructive, and time consuming" requests for production: *O'Connor*, at para. 24, quoting *R. v. Chaplin* (1994), [1995] 1 S.C.R. 727 (S.C.C.), at para. 32.

- [27] Nevertheless, the burden on the accused is not onerous. "Likely relevance" is a lower threshold than "true relevance", and has a "wide and generous connotation" that "includes information in respect of which there is a reasonable possibility that it may assist the accused in the exercise of the right to make full answer and defence": McNeil, at para. 44; see also O'Connor, at para. 21. Only after information has been shown to be likely relevant will the courts assess the actual relevance of the record sought. The courts then consider competing interests at the second stage of an O'Connor application: McNeil, at para. 39. It may be apparent "upon inspection by the court that the claim of likely relevance established at the first stage of the O'Connor application is simply not borne out": McNeil, at para. 40.
- [28] There are two reasons why the threshold in an O'Connor application is not onerous. First, the only issue at this stage is likely relevance. The application judge is not determining the admissibility of records, nor has the judge reached the point at which he or she considers competing interests: O'Connor, at para. 24. Second, the accused at this stage is in the difficult position of having to make submissions without knowing the contents of the records being sought: O'Connor, at para. 25. The likely relevance threshold is a first-step inquiry designed to prevent fishing expeditions, but nothing more.
- [14] The requirement that the Applicant establish a reasonable possibility that the records being sought are logically probative to an issue does not necessitate that he demonstrate the specific use to which the information might be put. Nevertheless, the mere assertion that the content of the records may be relevant is not sufficient to justify production. Rather, an applicant must point to some case specific evidence or information to justify that assertion: R. v. Sipes, 2011 BCSC 150 at para. 16, citing R. v. Batte (2000), 145 C.C.C. (3d) 449 (Ont. C.A.).
- [25] The applicants seek the production of 25 items comprising police notes, emails, surveillance reports, photographs, and various other documents. The records are in the possession of the SPVM, the RCMP, and the Surete du Quebec. The applicants' interest in the materials largely derive from the Report. For example, an unredacted entry on p. 1 reads:

2012-01-13

- Have knowledge that AMERO Larry took a flight to Montreal on 2012-01-11. He would be residing at 1625 Clark, Montreal.

- [26] Item #2 on the list of third party materials the applicants seek is "all notes or other documents containing information that Mr. AMERO took a plane to Montreal on January 11, 2012, and that he possibly lived at 1625 Rue Clark".

- [27] Similarly, an entry on p. 5 of the Report reads:

2012-01-13

- Discussion with RCMP analyst, Sophie Regimbald 613-998-6760 from "A" Division (Ottawa). She says she is in charge to coordinate actions regarding ALKHALIL Rabih's activities. In October, they conducted surveillance on Alkhalil and Amero in Montreal. Alkhalil is

currently the subject of an ongoing investigation regarding proceeds of crime in Ottawa. She has lots of intel she could give us. She would like to organize a meeting with the "C" Division analysts from QPP and SPVM regarding the above subjects. Based on her information, all the BC subjects frequently travel across Canada (BC, Ottawa, Montreal) and Montreal is very interesting with its Port. In short, it would be essential in my opinion to assist at this meeting in order to determine who does what in this file. CM

- To follow up on a request from Det/Cst Ryan Smith whom is the investigator regarding the Sandip Duhre homicide in Vancouver, I sent him a "Forcefield" photo of Rabi Alkhalil dating back to 2009-06-15. CM
- [28] The applicants seek in Item #3, "the report, notes, or other documents of the officer's discussion with Sophie REGIMBALD on February 13, 2012" and in Item #4, "a copy of the email sent on February 12, 2012 to Ryan SMITH concerning the forcefield photo of Mr. Alkhalil dated June 15, 2009". I interject to note that the Crown advises that Item #4, as information that was shared with the Vancouver Police Department ("VPD"), has already been disclosed to the applicants.
- [29] The applicants do not identify the likely relevance of each of the individual, and disparate, items they seek. Rather, they assert broadly that, since they were targets of Project Refuge surveillance, the records are likely relevant. The focus of their claim of likely relevance is with respect to the identification of the applicants as the authors of certain PGP messages and specifically the cross-referencing of Project Refuge surveillance with PGP data to confirm or refute the Crown's theory with respect to authorship.
- [30] The Crown acknowledges that there are some text messages where corroboration of user identification can be obtained from SPVM intelligence, such as surveillance. It says, however, that where that is the case, the Crown has already disclosed the relevant Project Refuge information, which was provided to Project Reality investigators.
- [31] The Crown further submits that since no messages were recovered from the seized BlackBerry PGP devices between January 19, 2012 and April 28, 2012, records relating to surveillance observations during this period simply have no relevance. I agree and, on that basis, conclude that Items #2-11 and #13-14 are not likely relevant.
- [32] Given that the applicants have identified PGP communications as the basis for relevance, I also conclude that the likely relevance of the following materials has not been established:
- a) #1 - No basis has been provided for the likely relevance of the notes of Catherine Moreau, an SPVM analyst, and Sophie Regimbald, an RCMP analyst.
 - b) #12 - As the Crown explains, a request was made to "Front line" to determine the subscribers of certain telephone numbers. One came back associated to Mr. Alkhalil. The Crown says there are many references to this telephone number in the disclosure, and the request has no relevance to the present investigation.

- c) #15 - A copy of the email sent by Charles BLÉMOUR (ECLIPSE officer) on April 30, 2012 concerning observations at 555 René-Lévesque Boulevard East.
 - d) #16 - The report and all notes of officers involved regarding the observations mentioned in the email of Charles BLÉMOUR at 555 René-Lévesque Boulevard East.
 - e) #18 - the photograph used to identify Lindsey Black is not relevant.
 - f) #20 - an entry in the Report indicates that Mr. Amero was in possession of a locked Blackberry in relation to different file. The Crown advises the device was not, to its knowledge, seized and evidence from it is not being tendered in this case.
 - g) #21 - documents relating to the request to Hydro Quebec and Bell for the identity of the person who paid the bills at Penthouse 6, 555 Rene Levesque Boulevard Est are not likely relevant.
 - h) #23 - documents regarding Mr. Alkhalil's bank account transfers and warrants are not relevant to the PGP messages. The Crown further advises that the results of the warrants obtained for Mr. Alkhalil's bank records have been disclosed.
 - i) #24 - documents and notes regarding the sharing of information is not relevant to the issues identified by the applicants on this application. The Crown also advises that the applicants have been provided with a list in relation to information sharing between the VPD and other agencies.
- [33] I am not persuaded that the materials noted above are likely relevant to the Garofoli application (or Application #59) either. In his oral submissions, Mr. Amero gave several examples relevant to what he says is misconduct or fraud on the part of SPVM officers with respect to the confirmation of Mr. Alkhalil's address around July 20, 2012. They include a photo line-up Cst. Monfette showed Cst. Nached on July 17, 2012 and Cst. Tanguay's presence at 555 Rene Levesque on July 20, 2012 with a photograph of Mr. Alkhalil. None of the third party documents sought on this application appear to have any relevance whatsoever to this issue.

Surveillance Notes and Reports

- [34] I find, however, with respect to item #17, the notes of Érick MONFETTE, James PAIXAO, and Mathieu LANDRY-FOURNIER regarding the May 21, 2012 surveillance and item #19, the surveillance report of May 23, 2012, along with all notes of the officers involved and photographs taken, that the information in these notes is likely relevant given that there are text messages associated with the travel which are relevant to identification. With respect to item #19, this report also appears on the information before the court to be likely relevant given the text messages appear to tie into the surveillance.

- [35] Consequently, I am ordering that the record holder produce the surveillance reports and notes requested in item #s17 and 19 for inspection by the court in accordance with procedure for third party records outlined by the Supreme Court of Canada in *R. v. McNeil*, 2009 SCC 3. In accordance with *McNeil*, I will then review the records to determine if production should be ordered to the applicants.

Court Review of the Vetted Report

- [36] As I understand their position, the applicants contend that the Report is governed by *Stinchcombe* principles, and that the Crown's decision to redact information is subject to review against that standard. As is well-established in the authorities, the Crown is obliged to disclose all information, whether inculpatory or exculpatory, under its control, unless the information is plainly irrelevant or subject to privilege. Material is relevant if it could reasonably be used by the defence in meeting the case for the Crown. See, for example, *R. v. Dixon*, [1998] 1 S.C.R. 244 and *R. v. Taillefer*, 2003 SCC 70.
- [37] The Crown, however, disputes that the Report is subject to first party disclosure or that the applicants are entitled to a review of the vetting. It takes the position that there is no obligation on the Court to undertake a review of the vetting of a third party background document provided to the applicants as a courtesy. I agree.
- [38] As noted earlier, Project Refuge was an SPVM initiated intelligence gathering project regarding persons from Western Canada who were maintaining a presence in Montreal. Its subjects included not only the applicants, but also many other individuals. The Report is a compilation of background intelligence from several police forces regarding these numerous subjects, and includes information from confidential sources. The Crown only came into possession of the Report because it initially obtained two pages containing investigative notes, and then requested the balance of the pages solely as a courtesy to the applicants to streamline proceedings and avoid further litigation. The Crown reviewed the Report for information involving the applicants, which it says is duplicative of material elsewhere in the disclosure, and the SPVM then redacted the rest of the document. The Crown characterized the Report as third party disclosure at the time it provided it to the accused in this case, and I agree with that characterization.
- [39] The applicants do not identify with any precision the potential relevance of the balance of the Report. They say it is relevant because they are among the subjects of Project Refuge and they are entitled to examine any overlap between that project and Project Reality, especially in the context of surveillance and the PGP messages. The applicants further submit that the redacted portions will contain information essential to challenging the conclusions of the Project Reality investigation; however, they do not explain how. In my view, these submissions amount to nothing more than speculation and a desire to embark upon a fishing expedition.

[40] Similarly, I am not persuaded by Mr. Amero's submissions with respect to the relevance of the Report to the Garofoli application. Whatever submissions he wishes to make as to discrepancies between the Report and other materials in his possession relevant to confirmation of Mr. Alkhalil's address are there to be made from the vetted document. The Crown advises that it reviewed the Report for information involving the applicants. No reason to believe otherwise has been advanced. Mr. Amero's "hope" that the Report may contain information that will assist him in pursuing Application #59 is not a basis to review the vetting in the Report.

[41] Accordingly, I decline to review the vetted portions of the Report.

"Maisonville J."

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Prepared on 26 October 2026 · Esheria