

CANADA / JUDGMENT

R. v. Majcher

2025 BCSC 2553

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Supreme Court of British Columbia

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2025 BCSC 2553 R. v. Majcher

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Majcher,

2025 BCSC 2553

Date: 20251224

Docket: 37428

Registry: Vancouver

Rex

v.

William Robert Majcher

Before: The Honourable Justice Devlin

Reasons for Judgment re: Voluntariness of Post-arrest Statements

Counsel for the Crown:

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T. Chamberlain

Place and Dates of Hearing:

Vancouver, B.C.

December 8, 9, 11, 12, 15-17, 2025

Ruling given to Parties with Reasons to Follow:

Vancouver, B.C.

December 23, 2025

Place and Date of Judgment:

Vancouver, B.C.

December 24, 2025

Introduction

- [1] William Robert Majcher is charged with one count of committing "preparatory acts" contrary to s. 22(1) of the Security of Information Act, R.S.C. 1985, c. O-5 [SOIA].[1] In essence, the Crown alleges that in May and June 2017, Mr. Majcher--at the direction of, for the benefit of or in association with the People's Republic of China (the "PRC")--prepared to intimidate or threaten Hongwei "Kevin" Sun, a resident of British Columbia, for the purpose of inducing Mr. Sun to cooperate with Chinese law enforcement. Mr. Majcher's trial by jury is presently scheduled to commence in May 2026.
- [2] By way of a Notice of Application filed August 15, 2025, the Crown applies for a ruling on the voluntariness of recorded statements given by Mr. Majcher on July 18 and 19, 2023, following his arrest. The Crown says it has met its burden to prove beyond a reasonable doubt that Mr. Majcher's post-arrest statements were given voluntarily, assessed on the factors set out in *R. v. Oickle*, 2000 SCC 38 [Oickle].
- [3] Mr. Majcher resists the Crown's application. Mr. Majcher concedes that most of the factors described in *Oickle* are not at issue in this case. His sole position is that the Crown has failed to prove beyond a reasonable doubt that the voluntariness of his statements was not vitiated by a prior promise or threat. As I will describe, counsel for Mr. Majcher focuses his submissions on approximately one hour between Mr. Majcher's arrest and the start of Mr. Majcher's first post-arrest statement. Counsel for Mr. Majcher argues that an evidentiary gap in relation to this time frame raises a reasonable doubt as to whether a threat or promise was made to him by the police.
- [4] On December 23, 2025, by way of a memorandum to counsel I informed the parties of my decision that Mr. Majcher's post-arrest statements are voluntary, with Reasons to follow. These are those Reasons.

Background Context

- [5] I have previously described the charge against Mr. Majcher and the chronology of the investigation into him: see *R. v. Majcher*, 2025 BCSC 2069 at paras. 6-11. I will not repeat that description in these Reasons.
- [6] I will only state, briefly, that the investigation of Mr. Majcher was conducted by the Integrated National Security Enforcement Team ("INSET") of the Royal Canadian Mounted Police's ("RCMP") "C" Division (i.e., Quebec). The INSET investigation commenced in September 2021. The police called the investigation Project Severo.
- [7] Project Severo culminated in the arrest of Mr. Majcher on July 18, 2023, at the Vancouver International Airport ("YVR"). This brings me to the circumstances of Mr. Majcher's arrest and his post-arrest statements, to which I now turn.

The Arrest and Statements

- [8] The parties tendered an Agreed Statement of Facts ("ASF") for the purpose of the Crown's voluntariness application. The ASF was marked as Exhibit 1 on the application. The statements Mr. Majcher gave on July 18 and 19, 2023, were video and audio recorded. Attached as Appendices A and B of the ASF are transcripts of the statements.
- [9] The sole witness at the hearing of the Crown's application was the officer who arrested and interviewed Mr. Majcher, Sergeant Chady Khoury, a member of the Project Severo investigation.[2] During Sgt. Khoury's testimony, counsel played the recordings of Mr. Majcher statements, excluding the portions of the video in which Sgt. Khoury had left the interview room. At various times the Court corrected entries in the transcripts to reflect the words actually said by Sgt. Khoury or Mr. Majcher. In the following description of Mr. Majcher's arrest and post-arrest statements, I rely on the ASF (and attached transcripts), as well as the evidence of Sgt. Khoury, which I cite by date.

The Arrest, Search, and Transport

- [10] Mr. Majcher flew from Hong Kong to Vancouver on July 18, 2023. He was travelling to Canada with his wife and two children. He planned to spend three weeks in Canada, visiting friends and family in British Columbia and elsewhere.[3]
- [11] Mr. Majcher and his family landed at YVR at 13:00 on July 18, 2023. At 13:37, Mr. Majcher passed through the airport's Customs and Border primary inspection station. At 13:41, he was referred for secondary inspection by the Canada Border Services Agency ("CBSA"). At 13:42, Mr. Majcher arrived at the CBSA secondary inspection area and was directed by a CBSA officer to the waiting area. He remained in the waiting area until 13:48. Mr. Majcher agrees that he was not threatened or induced to give a statement by any CBSA officer from his arrival in Canada until 13:48.

- [12] At 13:48, Sgt. Khoury arrived in the CBSA secondary inspection area. Sgt. Khoury introduced himself to Mr. Majcher as a police officer from the RCMP's "C" Division.[4] Sgt. Khoury asked Mr. Majcher to accompany him to a private area inside the secondary inspection area. Sgt. Khoury arrested Mr. Majcher at 13:50. Sgt. Khoury advised Mr. Majcher that he was being arrested under ss. 20, 22, and 23 of SOIA. He informed Mr. Majcher of his right to silence and his right to contact a lawyer. He also advised Mr. Majcher to disregard any prior interactions he may have had with a police officer (i.e., the "police warning"). Sgt. Khoury conducted a search incident to the arrest of Mr. Majcher. The search yielded approximately \$300 CAD and a similar amount in the currency of Hong Kong.[5]
- [13] I pause the narrative of events to note that during his cross-examination, Sgt. Khoury testified that he did not record the arrest of Mr. Majcher and his subsequent interactions with Mr. Majcher, up to the first interview on July 18, 2023. Sgt. Khoury could not recall if he was carrying a recording device with him at the time of the arrest and had forgotten to turn it on, or if he had forgotten to bring a recording device altogether. Sgt. Khoury accepted in his testimony that a recording would have assisted in understanding the chronology of events in relation to Mr. Majcher's arrest and interaction with police, from the time of arrest to the start of the interview.[6]
- [14] That said, Sgt. Khoury testified that in preparation for his testimony he reviewed surveillance footage of the CBSA secondary inspection area during his interactions there with Mr. Majcher. Sgt. Khoury acknowledged that the surveillance footage did not record audio of the inspection area. However, he testified that the video refreshed his memory about Mr. Majcher's arrest and his subsequent interactions with Mr. Majcher. Among other things, he testified that he is certain, based on the surveillance footage, that he did not at any point threaten Mr. Majcher or make any promises to him.[7]
- [15] I also note that Sgt. Khoury testified in cross-examination that around the time of the arrest, Mr. Majcher made a comment indicating that he was aware he was being investigated "out of C Division". Sgt. Khoury's notes do not refer to this comment. Sgt. Khoury testified that he believes Mr. Majcher made the comment after Sgt. Khoury had arrested Mr. Majcher and informed him of his Charter rights. Sgt. Khoury testified that he did not recall saying anything to Mr. Majcher in response to the comment. He disagreed with the suggestion of counsel for Mr. Majcher that he and Mr. Majcher had a "discussion" or "conversation" about the topic at the time of the arrest. He testified that he may have had a "short exchange" with Mr. Majcher about the comment.[8] In re-examination by the Crown, Sgt. Khoury was firm in characterizing the interaction as simply a "comment" by Mr. Majcher, and not a conversation.[9]
- [16] Returning to the chronology of events, following the arrest Mr. Majcher informed Sgt. Khoury that he wanted to contact a lawyer. Mr. Majcher advised Sgt. Khoury of the lawyer of his choosing. The contact information for the lawyer was contained in a document in Mr. Majcher's luggage. Sgt. Khoury took Mr. Majcher to a private room adjacent to the CBSA secondary inspection area for the purpose of the lawyer call. Sgt. Khoury called the lawyer

at 13:59. Sgt. Khoury confirmed the lawyer's name, identified himself as a police officer to the lawyer, and advised the lawyer of Mr. Majcher's arrest. He then passed the phone to Mr. Majcher for the purpose of the call, closed the door to the adjacent room, and stepped away to provide Mr. Majcher privacy. The door to the room had a small window. At around 14:06, Mr. Majcher indicated to Sgt. Khoury that the phone call was complete, using a hand gesture seen by Sgt. Khoury through the door's window.

- [17] After Mr. Majcher finished the call with his lawyer, Sgt. Khoury escorted Mr. Majcher out of the adjacent room and back into the CBSA secondary inspection area. Mr. Majcher asked Sgt. Khoury to update Mr. Majcher's wife about the situation. Mr. Majcher also asked Sgt. Khoury to provide his wife the cash found on Mr. Majcher's person during the search incident to arrest, as well as a bottle of scotch contained in Mr. Majcher's luggage that Mr. Majcher advised was a gift for a friend. Sgt. Khoury spoke with Mr. Majcher's wife and provided her the items identified by Mr. Majcher.[10]
- [18] At approximately 14:15, Sgt. Khoury explained to Mr. Majcher that investigators had a judicial authorization to search his luggage. Another officer, Constable David Alvarez, conducted initial searches and paperwork in relation to the search of the luggage. A search of Mr. Majcher's luggage did not yield any electronic devices, apart from a smart watch. During Sgt. Khoury's conversation with Mr. Majcher's wife and during the search of Mr. Majcher's luggage, Mr. Majcher sat on a bench inside the CBSA secondary inspection area. Throughout that time, Mr. Majcher remained in the custody of Sgt. Khoury.[11]
- [19] At 14:30, Sgt. Khoury and Cst. Alvarez escorted Mr. Majcher to the RCMP detachment located at YVR. At 14:38, Mr. Majcher was placed in a dedicated interview room inside the YVR RCMP detachment. An RCMP civilian member set up equipment for an interview inside the room. At 14:55, Sgt. Khoury began interviewing Mr. Majcher, bringing the narrative of events to Mr. Majcher's statements.

The Statements and Overnight Custody

- [20] As I have stated, the first interview of Mr. Majcher on July 18, 2023, commenced at 14:55. It concluded at 19:53. At that time, Sgt. Khoury transferred custody of Mr. Majcher to Constable Rajpal Gossal. At 19:59, Cst. Gossal departed YVR with Mr. Majcher to transport Mr. Majcher to the Richmond RCMP detachment. Cst. Gossal and Mr. Majcher arrived at the Richmond RCMP detachment at 20:17. Mr. Majcher agrees that he and Cst. Gossal did not communicate during the transport. At the Richmond RCMP detachment Mr. Majcher was lodged alone in a cell.
- [21] At 07:43 on the following day (July 19, 2023), Sgt. Khoury transported Mr. Majcher from his cell to an interview room inside the Richmond RCMP detachment. Sgt. Khoury then conducted a second interview of Mr. Majcher. Sgt. Khoury ended the second interview of Mr. Majcher at 11:38. He advised Mr. Majcher that he was being released from custody. At 11:56, Mr. Majcher departed the Richmond RCMP detachment.

- [22] Since the parties agree that no issues of voluntariness arise from the post-arrest statements themselves, I will not describe their contents in detail. Briefly, I find that during the entirety of Mr. Majcher's recorded post-arrest statements, it is evident that Sgt. Khoury treated Mr. Majcher with respect and never directed any threats or promises towards Mr. Majcher. Sgt. Khoury was also attentive to Mr. Majcher's personal needs throughout the interviews, including with respect to food and drink, medication, adequate rest, and the use of the bathroom.
- [23] In addition, Mr. Majcher was clearly aware of the circumstances he was in throughout both statements. Among other things, Mr. Majcher referenced at the outset of the first interview that he was aware the RCMP was investigating him.[12] This echoed the comment Mr. Majcher had made to Sgt. Khoury shortly after his arrest, about a "C" Division investigation. Mr. Majcher attributed the source of this information to a reporter, who he later identified by name.[13] As well, during the first interview Sgt. Khoury informed Mr. Majcher that charges had been approved against him but were not yet laid.[14] With full knowledge of these circumstances, Mr. Majcher clearly exercised an operating mind when he willingly chose to speak (in considerable detail) to Sgt. Khoury about certain topics while reserving comment on other topics, advising that he first wished to speak with his lawyer.[15]
- [24] Having described the circumstances of Mr. Majcher's arrest and post-arrest interviews, I now turn to the relevant legal principles.

Governing Legal Principles

- [25] The legal principles related to the voluntariness of an accused's post-arrest statement are not in dispute.
- [26] An accused person's statement to a person in authority is presumptively inadmissible: *R. v. Beaver*, 2022 SCC 54 at para. 45 [Beaver]. The rule applies to all statements made by an accused person to a person in authority, whether inculpatory or exculpatory: D. Watt, *Watt's Manual of Criminal Evidence*, (Toronto: Thomson Reuters, 2022) at § 8:6, citing *R. v. Piché*, [1971] S.C.R. 23. The burden rests on the Crown to prove beyond a reasonable doubt that the statement was voluntary: *Oickle* at para. 30.
- [27] Assessing the voluntariness of a statement is a contextual and fact-specific exercise which requires the trial judge to examine all relevant factors: *R. v. Tessier*, 2022 SCC 35 at para. 68 [Tessier]. Among these factors are the factors identified in *Oickle*, namely: (i) the presence of threats or promises; (ii) the existence of oppressive conditions; (iii) whether the accused had an operating mind; and (iv) police trickery. These factors are informative, but they do not represent a "checklist that supplants a contextual inquiry": *Beaver* at para. 48, describing *Oickle* at paras. 47, 66-67, 71.

- [28] In addition, a reasonable doubt may arise as to the voluntariness of an accused's statement if the police failed to caution them about their right to remain silent, and about the evidentiary use to be made of anything they say: *R. v. Singh*, 2007 SCC 48 at para. 33. Again, this factor alone is not dispositive. The voluntariness of the statement must be assessed on the totality of the circumstances. (See *Tessier* at para. 89).
- [29] As stated earlier, Mr. Majcher concedes that most of these factors do not affect the voluntariness of his statements. In particular, Mr. Majcher agrees with the Crown that he was not placed in oppressive conditions, lacked an operating mind, was subjected to police trickery, or endured a violation of his right to silence while giving his statements. In any event, I readily find based on my observation of the recording of the statements, along with my reading of the corrected transcripts, that none of these factors raise a reasonable doubt about the voluntariness of Mr. Majcher's statements.
- [30] The parties only diverge on whether Mr. Majcher was threatened or induced to give a statement in the time between his arrest and first interview. I describe the parties' submissions on this point, below. At this stage, I only note that that not every threat or promise will render a statement by the accused to a person in authority involuntary. For instance, moral or spiritual inducements are unlikely to vitiate the voluntariness of a statement. In contrast, promises of lenient treatment or reduced legal jeopardy are likely to result in exclusion. As with the entirety of the voluntariness analysis, a contextual approach in relation to threats or promises is required. (See *Oickle* at para. 56 and *Watt* at § 8:9).
- [31] With these principles in mind, I will describe the parties' submissions.

Parties' Submissions

- [32] As I have stated, the burden rests on the Crown to prove the voluntariness of the statements made by Mr. Majcher. However, in this case Mr. Majcher effectively concedes that his statement was voluntary in all respects except for the possibility of a prior promise or threat. To that end, I will first describe Mr. Majcher's submissions and then set out the Crown's submissions in response to Mr. Majcher's position.

Mr. Majcher's Submissions

- [33] Mr. Majcher's only submission is that there remains a reasonable doubt about whether his voluntariness was vitiated by a prior threat or promise aimed at inducing him to make a statement to police, in the time from his arrest to the beginning of his statement on July 18, 2023. The period represents approximately one hour that Mr. Majcher spent in Sgt. Khoury's custody (from 13:50 to 14:55).
- [34] Counsel for Mr. Majcher focuses on the failure of Sgt. Khoury to record his arrest of Mr. Majcher and their subsequent interactions. Counsel emphasizes that Sgt. Khoury, along with two other RCMP members, had flown from Montreal to Vancouver to conduct an interview of Mr. Majcher and to potentially arrest him, after charges had been approved against Mr.

Majcher but not yet laid. Counsel says this represented a major investigative step. He asks the Court to infer, given the significance of this development for the Project Severo investigation, that Sgt. Khoury's failure to record his interactions with Mr. Majcher was not a simple oversight but a deliberate decision.

- [35] Whether deliberate or not, counsel submits that the failure to record this one-hour period in custody, and the failure of Sgt. Khoury to keep detailed notes or provide the Court a clear recollection of events, amounts to an evidentiary "gap". Counsel submits that in light of this gap, the Court cannot be satisfied beyond a reasonable doubt that Mr. Majcher did not receive any threats or promises prior to his first interview. I note, however, that counsel concedes the latter (a threat) is unlikely in the circumstances.
- [36] Counsel for Mr. Majcher analogizes this case to cases in which a failure to call a witness who interacted with an accused person in the lead-up to a statement raised a reasonable doubt about the voluntariness of the statement. In particular, counsel for Mr. Majcher refers to the cases of *R. v. Botfield* (1973), 28 C.C.C. (2d) 472, 1973 CanLII 1548 (B.C.C.A.) [Botfield] and *R. v. Holmes* (2002), 62 O.R. (3d) 146, 2002 CanLII 45114 (C.A.) [Holmes]. Counsel acknowledges that the facts in both authorities differ from this case but says that they are nonetheless instructive. I will return to Botfield and Holmes in my analysis.

Crown's Submissions

- [37] The Crown submits that there is no evidentiary gap in relation to the one-hour period from Mr. Majcher's arrest to the start of his first interview. The Crown says instead that the Court has a complete record upon which to conclude, beyond a reasonable doubt, that Mr. Majcher's statements were voluntary. The Crown says that Sgt. Khoury provided a clear recollection of events for the period between Mr. Majcher's arrest and the start of his first interview. The Crown notes that Sgt. Khoury had an opportunity to review surveillance footage of the CBSA secondary inspection area prior to his testimony, and that he testified that his memory was refreshed on the basis of the footage. The Crown also emphasizes that Sgt. Khoury unequivocally denied making threats or promises to Mr. Majcher. Finally, the Crown submits that nothing in the recorded statements themselves, in which it is apparent that Mr. Majcher spoke with Sgt. Khoury voluntarily, suggests that he was threatened or induced to make a statement in the lead-up to the first interview.

Analysis

- [38] At the outset, I will state that I am satisfied beyond a reasonable doubt that Mr. Majcher was not threatened to make a statement in the one-hour period from his arrest to the start of his first interview. Counsel for Mr. Majcher concedes that a threat is unlikely to have occurred in these circumstances. I have observed the respectful and professional tenor of Sgt. Khoury's interactions with Mr. Majcher during the interviews. I also accept the unequivocal evidence of Sgt. Khoury that he did not threaten Mr. Majcher at any point while interacting with him on July 18 and 19, 2023. Finally, I see nothing in Mr. Majcher's words or conduct, as

recorded during his statements, to suggest that he was operating under or responding to some prior threat while speaking with Sgt. Khoury.

- [39] The remaining question is whether Mr. Majcher was induced to make a statement from the time of his arrest to the start of his first interview, particularly in the form of a promise. I find beyond a reasonable doubt that he was not induced to make a statement during this period.
- [40] It is unfortunate that Sgt. Khoury did not record his interactions with Mr. Majcher during and following the arrest. However, I disagree with the suggestion of counsel for Mr. Majcher that Sgt. Khoury's failure to record his interactions with Mr. Majcher was a deliberate act. Sgt. Khoury presented as a sincere witness who sought to assist the Court as best as he could with the sequence of relevant events. I also had the opportunity to observe his conduct during the interviews with Mr. Majcher. As stated earlier, I would characterize his behaviour as professional and respectful. I do not accept that Sgt. Khoury would have done anything deliberately to deprive the Court of evidence necessary to determine relevant issues at trial, including the circumstances of Mr. Majcher's arrest, his access to counsel, and the search of his person and luggage. I accept Sgt. Khoury's evidence that the failure to record his interactions with Mr. Majcher was an oversight.
- [41] In any event, I also disagree with counsel for Mr. Majcher that the record adduced by the Crown on this application leaves the Court with an evidentiary gap which raises a reasonable doubt as to his voluntariness. Despite the absence of a recording, the chronology of relevant events on July 18, 2023, is clear, including the one-hour period between Mr. Majcher's arrest and first interview. Sgt. Khoury first introduced himself to Mr. Majcher at 13:48. Sgt. Khoury arrested Mr. Majcher at 13:50. Mr. Majcher was informed of his Charter rights and received the "police warning". He was searched incident to arrest. Shortly after the arrest Mr. Majcher made a comment indicating that he knew he was being investigated by the RCMP's "C" Division. Sgt. Khoury called the lawyer of Mr. Majcher's choosing at 13:59, using contact information written in a document in Mr. Majcher's luggage. Mr. Majcher spoke with his lawyer until 14:06. He was then placed on a bench at the CBSA's secondary inspection area, while Sgt. Khoury spoke with Mr. Majcher's wife, at Mr. Majcher's request, and while officers searched his luggage. At 14:30, Mr. Majcher was transported to the YVR RCMP detachment, arriving there at 14:38. His interview with Sgt. Khoury commenced at 14:55, after the interview room was set up by a civilian RCMP member.
- [42] I am satisfied beyond a reasonable doubt that the sequence of events described by Sgt. Khoury did not include a promise to Mr. Majcher. It is clear on the record before me that the interactions Sgt. Khoury had with Mr. Majcher from the time of arrest to the start of the first interview were aimed at simply fulfilling the legal and practical requirements called for in the circumstances, namely: informing Mr. Majcher of his rights; implementing his right to counsel; updating his wife about the situation and providing her with Mr. Majcher's belongings; searching Mr. Majcher's person and luggage; and transporting him to a nearby RCMP detachment for an interview. I accept Sgt. Khoury's unequivocal evidence that he did

not make any promises to Mr. Majcher during this sequence of events.

- [43] Finally, I am satisfied based on the statements themselves that Mr. Majcher did not receive a promise prior to giving his statement that influenced his decision, in any way, to speak with Sgt. Khoury. Nowhere in the hours-long interviews of Mr. Majcher do Mr. Majcher or Sgt. Khoury reference (or even imply) some prior promise or inducement, like the promise of more lenient treatment. More importantly, it is apparent from the recordings and transcripts of the interviews that Mr. Majcher--a former Inspector in the RCMP--continuously made deliberate decisions about which topics he wished to discuss and which topics he did not, without first speaking to his lawyer. Nothing in his demeanour or the content of his statements suggests in any way that he was speaking to police in response to some prior inducement.
- [44] It is helpful at this stage to contrast the evidentiary record before me with the record in the cases referenced by counsel for Mr. Majcher, Botfield and Holmes. In Holmes, the accused was arrested for arson in connection with two fires and taken into custody. He interacted with a police officer shortly after his arrest. Sixteen hours later, he was interviewed by another police officer. He provided information that tended to place him at the scene of the fires, as well as evidence of an animus between himself and one of the complainants. The trial judge admitted his statement as voluntary, despite the Crown failing to call any evidence in relation to the 16-hour period between the accused's arrest and statement. On appeal, the Ontario Court of Appeal found that the Crown had failed to affirmatively prove the circumstances surrounding the making of the statement, leaving the trial judge with a fatal evidentiary gap for the assessment of voluntariness. It followed that the trial judge had erred in finding the statement voluntary.
- [45] In Botfield, the accused was arrested at a department store for drug possession. The accused had been detained by a "store detective". When a police officer arrived at the store, the accused made an inculpatory comment to the officer. The Crown did not call the store detective to testify as part of its voluntariness application. The police officer who attended the store testified that he did not know how long the accused had been with the store detective or what had passed between them. The trial judge admitted the statement. On appeal, our Court of Appeal determined that the Crown had failed to satisfy its onus to prove the circumstances surrounding the making of the statement. In particular, there was no evidence before the trial judge as to how the accused had been detained and what conversation, if any, had taken place between the accused and the store detective, including whether any inducements, threats or promises were made to the accused.
- [46] The facts of Botfield and Holmes are clearly distinguishable from the present case. First, in both Botfield and Holmes the issue was not of a failure to record some portion of the police's interaction with the accused, but more broadly a failure by the Crown to call the evidence of persons in authority who directly interacted with the accused. More importantly, in each case the trial judge effectively had no evidence whatsoever in relation to the period of time leading up to the accused's statement (16 hours in Holmes and an undetermined amount of

time in Botfield). By contrast, in this case I have heard the evidence of Sgt. Khoury. For reasons I have already discussed, Sgt. Khoury's evidence, along with the ASF tendered by the parties, provides a comprehensive description of Mr. Majcher's arrest, contact with a lawyer, searches, and transport, up to the time of his first statement. That evidence leaves me without any reasonable doubt about the voluntariness of Mr. Majcher's statements on July 18 and 19, 2023.

Conclusion

[47] For the foregoing Reasons, I find Mr. Majcher's statements to Sgt. Khoury on July 18 and 19, 2023, to be voluntary and admissible at his trial.

"Devlin J."

- [1] Since the time of the offence alleged in this case, the title of the Act has been amended to the Foreign Interference and Security of Information Act: see the Countering Foreign Interference Act, S.C. 2024, c. 16, s. 50.
- [2] At the time of Mr. Majcher's arrest and statements, Sgt. Khoury had achieved the rank of corporal.
- [3] Exhibit 1, Tab A, p. 12 and 19.
- [4] Testimony of Chady Khoury on December 15, 2025.
- [5] Testimony of Chady Khoury on December 8, 2025.
- [6] Testimony of Chady Khoury on December 15, 2025.
- [7] Testimony of Chady Khoury on December 16, 2025.
- [8] Testimony of Chady Khoury on December 15, 2025.
- [9] Testimony of Chady Khoury on December 16, 2025.
- [10] Testimony of Chady Khoury on December 8, 2025.
- [11] Testimony of Chady Khoury on December 15, 2025.
- [12] Exhibit 1, Tab A, p. 7.
- [13] e.g., Exhibit 1, Tab A, p. 52.
- [14] Exhibit 1, Tab A, p. 61.
- [15] See Exhibit 1, Tab A, p. 55, for an illustrative example.

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