Court File #: _____

Form 301

IN THE FEDERAL COURT OF CANADA

BETWEEN:

Nathan Kirk Dempsey

APPLICANT

AND:

Office of the Public Sector Integrity Commissioner

RESPONDENTS

APPLICATION UNDER SECTION 18.1(2) OF THE FEDERAL COURTS ACT

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at;

The Law Courts Building
1815 Upper Water Street
Halifax, Nova Scotia
B3J 1S7
Courtroom # 501

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

March _____, 2024 Issued by: _____
(Registry Officer)

ADDRESS OF LOCAL OFFICE
1801 Hollis Street, 17th Floor, Suite 1720
Halifax, Nova Scotia
B3J 3N4

TO: Office of the Public Sector Integrity Commissioner
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K1P 5Y7
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Application

This is an application for judicial review of a February 19th, 2024 decision by the Public Sector Integrity Commissioner concerning my request to investigate an evidence-based matter of state-sponsored oppression, criminal interference, obstruction of justice, and preclusion of customary avenues beginning with the RCMP in November 2021, all of which are immensely impactful to myself, and involves a robust public interest in the conduct of Canadian agencies and institutions which were installed to protect the Constitutional rights of Citizens. This scandal, for lack of a better term, has been ongoing for over two years.

The foregoing is related to an alleged account non-consensual human experimentation concerning invasive brain-computer-interface ("BCI") technologies, sometimes referred to as fourth industrial revolution ("4IR") applications, as it relates to a clandestine program sponsored by the Canadian Federal public sector, and international private sector stakeholders.

Furthermore, this scandal evidences misappropriations of public funds in the hiring and retention of more than 50 social media influencers to conduct criminal mischief in a manner consistent with the dictates of CAF PsyOp, Social Influence ("IO"), and CIMIC programs.

OPSIC was approached on January 2nd, 2024 after all typical and customary recourse avenues had been exhausted; the same having dismissed these matters in ways antagonistic to their mandates. The Commissioner subsequently issued a decision and report on February 19th, 2024 which advised that an investigation would not be conducted.

The Commissioner's February 19th decision is suffused with palpable errors of fact, and likewise ignores the jurisprudence mated to the Applicant's evidence in manners that occasion miscarriage of justice. These errors, coupled with the gravity and importance of the matters involved, necessitated this Application for judicial review, made pursuant to sections 18.1, 18.2, and 18.4(2) of the Federal Courts Act.

Specifically in the February 19th, 2024 Decision, the Commissioner determined that the scandal did not qualify for an investigation as provisioned under section 33(1) of the *Public Servants Disclosure Protection Act*; stating that its contents are entirely housed within the context of a civil proceeding related to a Commercial and Government Entity ("CAGE") that is sponsored by the Federal Government. This is false.

While the CAGE entity and related civil proceedings are instrumental components in the scandal, it was clear in the materials presented to OPSIC that gross negligence by the RCMP preceded civil proceedings with the CAGE, and whereas, this same negligence, coupled with ongoing criminal mischief related to the CAGE, had shaped events that led to the opening of a civil file in the Supreme Court of British Columbia. The criminal mischief itself was and is conducted by social influencers in addition to physical actors as detailed in Affidavit records, and is inexorably linked to public-sector sponsorship. The Commissioner's Decision omits further accounts germane to the OPSIC mandate concerning the conduct of Federal public sector employees, which had occurred within the context of civil proceedings involving the CAGE. This

conduct had obstructed justice in the civil files in ways that are palpable to casual observers. AG Canada is likewise named as a party in the CAGE proceedings. I have been unsuccessfully fighting for relief of these impacts for the past two years.

Consequently, the Commissioner miscategorized the scandal as limited to a "*personal nature*"; thereby ignoring its factual basis in the materials presented alongside their corresponding legal tests, which reveal clear and serious gaps in the integrity of the public service. Likewise, the Commissioner overlooked submissions pertaining to settled Constitutional law, germane to sections 2, 7, 8, 15, 24, 32, and 52 of the Charter of Rights and Freedoms. Whereas the evidentiary record presented to OPSIC is rich and palpable in its subject matter, it can be contemplated that the Commissioner had wilfully obstructed justice in its dismissal.

The Commissioner advised that matters concerning this scandal should continue to be addressed through procedures available to deal with such concerns, irrespective of evidence indicating that these same avenues of customary recourse had been exhausted, and likewise stymied in ways antagonistic to their mandates (ie., police complaints commissioner, appellate courts, the CJC, and the SCC), and in manners that are, for lack of a better term, unnatural.

Because the Commissioner's Decision failed to regard factual evidence and corresponding legal tests, it is antagonistic to the OPSIC statutory condition, and is unreasonable in equal measure.

The Applicant makes application for:

a) An order declaring the Commissioner's Decision unreasonable and therefore invalid;
b) An order in the nature of certiorari quashing the Commissioners' Decision;
c) An order pursuant to section 18.1(3) of the Federal Courts Act to compel OPSIC to conduct an investigation of the matters as outlined in accordance with its mandate;
d) An interim order in the nature of injunction to stay costs related to the scandal pursuant to section 18.2;
e) Directions as it relates to the investigation of matters beyond OPSIC's mandate, in further consideration of section 18.4(2) of the Federal Courts Act;
f) An order that each party shall bear its own costs, regardless of the outcome of the application; and
g) Such further and other relief as may be requested, and that this honorable Court may see fit to order.

The grounds for the application are detailed in the forthcoming sections:

The Parties

1. The Office of the Public Sector Integrity Commissioner, ("OPSIC") is an independent federal organization created in 2007 under the Public Servants Disclosure Protection Act, and is the Respondent party in this Application. Its office is led by Commissioner Harriet Solloway, who reports directly to Parliament and who has jurisdiction over most

federal public sector organizations, including the Royal Canadian Mounted Police and Crown Corporations. OPSIC investigates wrongdoing in the federal public sector and helps protect from reprisal whistleblowers and those who participate in investigations.

2. Applicant Nathan Kirk Dempsey is a Canadian Citizen domiciled in Halifax, Nova Scotia. Up until 2021, Mr. Dempsey had lived an innocuous and normal life as a Canadian Citizen. Mr. Dempsey had built a life considered successful in his own estimation, living quietly as a law-abiding citizen and consistently earning a 6-figure income in a sales capacity for well over a decade. In his own estimation, Mr. Dempsey has made smart choices in life, was never in debt, avoided drugs, and had maintained simple interests and hobbies aside from work. At the time of this Application, Mr. Dempsey has no criminal record and has not at any time been convicted of any criminal offenses. Mr. Dempsey considers himself a political centrist and has historically minded his own business. An expanded treatment of Mr. Dempsey's BIO is furnished in his first Affidavit of S-229680. Whereas the events outlined in this Application demonstrate nothing less than the destruction of the life Mr. Dempsey once enjoyed by means of public sector resources and authorities, it is important for adjudicators and inspectors to understand that the events chronicled herein and on https://www.refugeecanada.net are true events, and whereas no reasonable person would willingly destroy their own life, especially persons demonstrating a history of careful and rational decision-making.

The Entirety of the Scandal

3. The Commissioner cited RCMP and CRA in its Decision as realms within its jurisdiction, but made no mention of other agencies cited herein which are likewise under its umbrella, or relevant Federal Public Sector employees. This Application cites the entirety of the elements in the scandal regardless of OPSIC jurisdiction limits. The entirety of context is included in consideration of the precedent in *Coast Foundation v. Currie*, 2003 BCSC 1781 @ paragraphs 13-15, in cautioning courts from precluding any related components from consideration, and from adjudicating matters in a piecemeal fashion. Furthermore, the entirety of the scandal must be brought forward in consideration of the causal impact of negligence from agencies under the OPSIC umbrella such as the RCMP, and the refusal of the Commissioner to address it.

4. The Applicant, in consideration of the same and pursuant to his letter submitted on the same date, seeks direction on related entities in this matter relevant to the case contents, some of which may not be under OPSIC jurisdiction. The Applicant likewise seeks injunctive relief pertaining to damages related to the scandal.

Overview & Background

5. The conduct of adjudicative agencies and institutions is among the most paramount facets of a democratic state, and likewise, among the most paramount of concerns to its Citizens (*JR. v. Lippé*, [1991] 2 S.C.R. 114). Public sector agencies which fail to act in accord with their Constitutional mandates occasion an existential threat to the imperiled

Citizens that rely on them. Similarly, when police agencies fail to investigate crime and grant safe avenue, Citizens are left to fend for themselves, and often remain victims.

6. Human history is suffused with examples of governments conducting unlawful experiments on their own people in the name of a perceived greater good. The same is contemplated in the scandal this Application details.

7. In late November 2021, in the wake of a shareholder dispute with the CEO of a federally-sponsored Canadian Commercial and and Government Entity ("CAGE") that resulted in a troubled settlement, the Applicant began experiencing progressive disruptions in his life on a day-to-day basis.

8. These disruptions included daily on-heels stalking, vehicle break-ins, home invasions, cybercrime (remote computer hijackings), unauthorized bank transactions, and threats of abduction, torture, and death. These threats were delivered both online through hijacked PC events, and in person through strangers who approached. Depictions of the CAGE CEO were delivered through these remote computer intrusions alongside a host of consistent actors. These same actors made a regular appearance in youtube channels following the initial event, likely delivered via algorithm, whether the Applicant was logged into my google account or otherwise. Day-to-day events were telegraphed by the same actors. Alarmingly, one occasion of remote access featured a prominent actor showing video footage of the interior of the Applicant's residence in Surrey, BC.

9. Attempts were made to implicate the Applicant in public during that time, including an attempt to collect fingerprints and implicate him at a local church in New Westminster, BC in mid-December 2021. On a given day, he could not walk through his condo building, walk down the street, or go anywhere in public without being stalked and photographed. These events were further telegraphed by the online group. Concurrently, his Mother back in Nova Scotia began receiving phone calls from people purporting to impersonate his nephew, seeking bank and personal information while using proprietary language only known to family, and not used or known elsewhere.

10. Concurrent with the same events were disruptions to the Applicant's ability to secure contract and full-time work. Typical business engagements began to consistently run awry between meetings without any triggering events the Applicant was aware of. Beginning November 2021, and amid daily online and on-heels stalking, every source of income he had, including any pending opportunities in the pipe, had collapsed disruptively without due explanation. The Applicant has been out of work and out of income since November 2021.

11. A similar and consistent trend manifested in the Applicant's efforts to obtain legal counsel in consideration of these events, including ProBono support. A wide variety of rejections from private law firms were *a priori* in nature, and prior to any engagement that disclosed subject matter. An account of these events was first sworn in an Affidavit on

May 20th, 2022.

12. From December 2021 through February 2022, the Applicant made diligent attempts to seek recourse to the Surrey RCMP detachment. Eventually upon meeting, an officer wearing a mental health badge asked to speak with the Applicant outside the detachment and listened to his account, but declined to open a file or offer further investigation and support. Record of the Applicant's RCMP outreach is furnished in a FOIPOP report later obtained from Halifax Regional Police. It became evident that the Applicant would not receive customary relief in this capacity, and whereas he was living alone in Surrey, BC under terrifying daily conditions.

13. On February 8th, 2022, following a series of home break-ins, and following a remote PC access event which took control of the Applicant's laptop that featured a caricature of the CAGE CEO uttering threats of death and identity theft, the Applicant opened S-220956 at the Vancouver Registry with a draft petition, and an Affidavit he had sworn a few weeks prior on January 24th, 2022 regarding two accounts of perjury in the CAGE CEO's September 22nd, 2021 settlement Affidavit. While ethics demanded a review of the initial shareholder settlement at some point, and whereas the caricature of the CAGE CEO constitutes breach of section 3.2 of the settlement agreement, the Applicant did not intend to open a file (S-220956) without legal representation and as an unemployed person beset by sophisticated and ongoing criminal mischief. Whereas local RCMP refused to assist and/or investigate and whereas harassment events continued escalating, including several break-ins per week amid online death threats, the Applicant understood the opening of S-220956 to be an act of prudence through the creation of a new formal record. In other words, if any of the aforementioned severe threats were to unfold, there would be a record on file that might reasonably provoke questions when coupled with his reports to local RCMP. The Applicant was satisfied that those conducting the ongoing harassment were cognizant of the same.

14. Several days later on February 16th, 2022, again having failed to secure customary recourse from the RCMP, and following a series of break-ins, PC hijack events, and continued harassment, with one such threat claiming the Applicant would be abducted that night because maintenance workers had covered his windows and adjacent units with opaque tarps, the Applicant decided to abandon his Surrey, BC residence. He collected what belongings he could into his car, including a hardcopy of his Affidavit in S-220956, and began a trek across Canada in mid-winter. Four days and three tow truck rescues later in blizzard conditions, the Applicant was fortunate to have arrived in Halifax, Nova Scotia, where he currently resides with his Mother. The Applicant made arrangements with his landlord for an early termination of his lease.

15. Two days following his arrival in Halifax, the owner of a local computer specialty shop preemptively referred to the Applicant as a "*political target*", and within the same 40-minute conversation, suggested it would be a waste of time to remove a "*specialty program*" from his laptop. Online harassment followed the Applicant to Nova Scotia,

whereas on-heels activity resumed within two weeks after his arrival in March 2022.

16. In early March 2022, the Applicant was approached and threatened by a plainclothes individual claiming to be a member of the Canadian Armed Forces ("CAF"). This individual, holding a smartphone on a live call, placed the Applicant on speakerphone while another individual, likewise identifying as CAF, disclosed personal and private details concerning harassment incidents in British Columbia. The events and more are detailed in the Applicant's May 20th, 2022 Affidavit.

17. Online harassment narratives, at times coupled with strangers approaching the Applicant in person, closely followed the events in proceedings and included relevant themes germane to the Applicant's day-to-day activities. Certain insights expressed would only be possible through a careful review of record materials the government would reasonably have on file. Certain other insights would only be possible through invasive surveillance methods, such as 4IR adaptations. By mid 2022, it had become reasonably clear that the Applicant was the subject of a non-consensual trial involving invasive Fourth Industrial Revolution ("4IR") technologies. This became evident by means of an assessment of the characteristics of criminal mischief involved, a review of key events since February 2021, and an acute experience involving what might be best described as an electronic weapon in January 2022. The same is treated in the pages accessible through https://www.refugeecanada.net/4irportal, which approaches this matter through a variety of angles using copious evidentiary exhibits, information exhibits, and as guided by inference test promulgated in *Sherman Estate v. Donovan,* 2021 SCC 25 at paragraphs 97 and 98. Also see https://www.refugeecanada.net/testimony.

18. The Applicant's May 20th, 2022 Affidavit, containing the first notarized account of these events besides RCMP records, was sent from Halifax to Vancouver BC via courier the same day it was notarized. While enroute to BC, counsel for the CAGE entity threatened to strike Petition S-220956 with no apparent explanation. Neither CAGE counsel or any other third party was made aware of the existence of this Affidavit besides the Applicant's notary (see https://www.refugeecanada.net/censorship). At that time, S-220956 was three months old with an outstanding order to provision audit discovery. The Applicant withheld the filing of the May 20th, 2022 Affidavit, which linked the CAGE CEO to the events that initiated the filing of the Petition. CAGE counsel did not subsequently act on their threat to strike. Once these materials were added to the file in July 2022, CAGE counsel quickly insisted on a seal of the entire file, including public exhibits. This was granted. Treatment of these events were muted in chambers.

19. The Applicant refers to the term *Zersetzung* as defined in Wikipedia in regard to the aforementioned criminal mischief which remains ongoing. Initially and at face value, the Applicant contemplated an inference that the CAGE CEO had engaged in retaliatory actions in the wake of the shareholder dispute settlement with the help of social influence contractors. Yet, the scope, sophistication, consistency, and characteristics of these components of the scandal preclude an ability to consider the same inference

independent of the other components of the scandal. The evidence in fact suggests the CAGE CEO had acted as a participant in support of another overarching perpetrator.

Zersetzung *(pronounced [t͡sɛɐ̯ˈzɛt͡sʊŋ], German for "decomposition" and "disruption") was a psychological warfare technique used by the Ministry for State Security (Stasi) to repress political opponents in East Germany during the 1970s and 1980s. Zersetzung served to combat alleged and actual dissidents through covert means, using secret methods of abusive control and psychological manipulation to prevent anti-government activities. People were commonly targeted on a pre-emptive and preventative basis, to limit or stop politically incorrect activities that they may have gone on to perform, and not on the basis of crimes they had actually committed. Zersetzung methods were designed to break down, undermine, and paralyze people behind "a facade of social normality" in a form of "silent repression".*

20. Many of these activities are comparable in nature to the admissions by Canadian Armed Forces ("CAF") leadership as furnished in the *Gosselin Reports*; first referenced in the Ottawa Citizen in 2021 in regard to social listening, PsyOp, CIMIC, and information warfare operations ("InfoOps" or "IO") conducted against Canadian Citizens. By means of the nature of the harassment in its own right, these actors are subject to criminal prosecution under section 83.22 of the Canadian Criminal Code ("CCC");

CCC 83.22 (1) *Every person who knowingly instructs, directly or indirectly, any person to carry out a terrorist activity is guilty of an indictable offense and liable to imprisonment for life.*

CCC 83.22 (2) *An offense may be committed under subsection (1) whether or not* ***(a)*** *The terrorist activity is actually carried out;* ***(b)*** *the accused instructs a particular person to carry out the terrorist activity;* ***(c)*** *the accused knows the identity of the person whom the accused instructs to carry out the terrorist activity; or* ***(d)*** *the person whom the accused instructs to carry out the terrorist activity knows that it is a terrorist activity.*

21. The RCMP failed to provide a safe avenue and investigate the reported criminal conduct in accord with its mandate, and whereas, the same negligence necessitated two milestone actions which the Applicant would not have otherwise considered.

22. OPSIC was informed of the foregoing factual account and likewise failed to conduct an investigation pursuant to section 33(1) of the *Public Servants Disclosure Protection Act (S.C. 2005, c. 46)*.

23. It should be noted that the same pattern concerning police negligence was replicated in Nova Scotia with respect to Halifax Regional Police ("HRP"). An audience was held with HRP ten months following the Applicant's return to Nova Scotia, following repeat follow-ups. During a 79-minute meeting on December 8th, 2022, an HRP Constable

acknowledged actionable evidence meriting investigation, as is saved in an audio recording of the same meeting and related unedited audio transcripts. HRP instead filed a false report which mischaracterized the meeting, claimed no evidence was presented, and characterized the Applicant in a pejorative fashion. This cover-up was replicated by the NS Office of the Police Complaints Commissioner ("POLCOM") in a manner which is obvious to casual observers. POLCOM might be under OPSIC jurisdiction.

24. Civil proceedings involving the CAGE CEO, which subsequently involved the Attorney General of Canada as shown at https://www.refugeecanada.net/litigation, provide a two-year account of systemic and palpable obstruction of justice which is obvious to casual observers as a scandal that could readily decouple their trust in Canadian justice and law enforcement. Abuses took the form of rampant and wilful procedural violations, extrajudicial authorizations, censorship, and the authorization of pre-drafted orders which were written and approved irrespective of the substance of the file, including an initial order on April 1st, 2022 provisioning the discovery of privileged audit data. This likewise includes an egregious example of BCSC staff refusing to enforce nine (9) procedural rules governing the Style of Proceedings, following an email from AG Counsel instructing them to do likewise. SCC Registry staff refused to act in accordance with its rules, as is detailed in my March 1st, 2024 Affidavit. OPSIC has jurisdiction concerning the conduct of federal employees. All of this is palpable, and none of this was addressed through customary recourse mechanisms when presented. The Applicant again underscores the events which led to the opening of BCSC S-220956 in February 2022, whereas at that time he had an expectation of a properly-functioning judicial system, and whereas, criminal mischief related to the CAGE was not expected to resolve independently.

25. The corpus of evidence concerning the scandal in civil proceedings is suffused with subject matter that easily meets the criteria outlined in *Canada (Attorney General) v. Bedford*, 2013 SCC 72 (CanLII), [2013] 3 SCR 1101 at paragraph 76. Highlights include references from the Applicant's November 22nd, 2023 Affidavit as linked at https://www.refugeecanada.net/nov2023affidavit, unless otherwise denoted. Highlights include but are not limited to the following bullet points in no particular order. None of these issues were corrected at any stage in the judicial process, nor through escalation to regulators.

    - Workplace harassment (Exhibit G);
    - An order by the BC Registrar to disclose shareholder records (pages 117-119);
    - Shareholder fraud (pages 98-116, 120-153);
    - Collusion, bad faith, and negligence in retained counsel in the initial CAGE shareholder dispute (pages 123-127);

- Sophisticated online criminal harassment and physical mischief beginning in the wake of the shareholder dispute and prior to S-220956, including disruption in day-to-day life and business, and continuing thereafter, facilitated by third-party actors and persons identifying as CAF personnel (Exhibit A and pages 68-83);

- A threat to strike S-220956 while the May 20th, 2022 Affidavit was enroute to British Columbia via courier yet still undisclosed, which first chronicled external mischief related to the CAGE CEO and the proceedings (pages 39-41, August 23rd, 2023 Affidavit);

- Proof of perjury in the September 22nd, 2021 CAGE settlement Affidavit (pages 115, 128-153);

- Systemic refusal of police to address criminal mischief and obstruction related to and impacting the matter, including the publication of false reports obtained via freedom of information request ("FOIPOP") vs. audio recording (Exhibit B);

- Encounter in early March 2022 in Sambro, NS by individuals claiming to be members of the Canadian Armed Forces ("CAF"), with the same having expressed *a priori* details concerning these matters, accompanied by a threat (page 36, August 23rd, 2023 Affidavit, exhibiting the May 20th, 2022 Affidavit);

- Violation of rules governing the style of proceedings, abuse of process, and obstruction of justice in chambers at the request counsel for the Attorney General of Canada (pages 154-204, 220-252, 267-277, 300);

- Extrajudicial authorizations (pages 163-165, 172, 179, 202, 220-222, 300);

- Protection orders made in the absence of evidence and/or perceived risk, and in violation of settled Constitutional law (pages 157-158);

- *Res judicata* through the signing of unfounded pre-drafted order templates provided to the court by CAGE counsel (pages 159-160, 166-174);

- Ignored contextual evidence and legal tests (Exhibits B, D, and E);

- Denial of the existence of filed Affidavit evidence (pages 61-62);

- Unfounded biased and disproportionate resistance from DOJ counsel (pages 160, 163-164);

- *A priori* preclusion of access to fiduciary legal counsel, including ProBono support, to the extent that the Applicant has been forced to represent himself at all times since November 2021 (pages 116-121: August 23rd, 2023 Affidavit);

- Undue preclusion of support from CJC, CBA, and legal advocacy groups (pages 256-266, 278-282);

- Unlawful and arbitrary doubling of costs by a BCCA Registrar (pages 220-222);

- An egregious BCCA cost certification in an amount eighty-three (83) times the customary amount certified in the NSSC for a comparable matter; **$41,217.53 vs. $500** (pages 223-252);

- A BCSC cost certification of **$376,201.97** in a matter that began with an order to introduce CRA testimony against the CAGE Director, which was later obstructed in the manner as outlined in this Application. The BCSC awarded costs at 100% despite this, and on the advice of CAGE counsel that four (4) lawyers had overlapped the same work (March 1st, 2024 Affidavit, pages 45-46);

- Unfounded contempt declarations made irrespective of criminal interference, denial of safe avenue, and related necessitating factors, and a consistent denial of the existence of these issues in all courts, irrespective of the legal tests in *R. v. Ruzic*, [2001] 1 S.C.R. 687, 2001 SCC 24, *R. v. Hibbert,* [1995] 2 S.C.R. 973, *Carey v. Laiken*, 2015 SCC 17, [2015] 2 S.C.R. 79 (Exhibit B, pages 16, 21 August 23rd, 2023 Affidavit, criminal mischief exhibits in all Affidavits);

- An unfounded vexatious declaration in direct contradiction to the jurisprudence in *Pintea v. Johns*, 2017 SCC 23, [2017] 1 S.C.R. 470, *Jonsson v Lymer*, 2020 ABCA 167, and *Girao v. Cunningham*, 2020 ONCA 260 against a litigant forced to self-represent, and further used to obstruct access to justice (Exhibit F);

- Admission by a BCCA judge that a trial of the common issues in S-229680 might create "*social unrest*", the imposition of an unjust reverse onus to preclude trial at the appellate level, a suggestion that it is best that the Applicant accept ownership for state crimes, and a refusal by the BCCA Registrar to grant access to the same audio record (June 12th, 2023 Affidavit pages 33-46, August 23rd, 2023 Affidavit page 135; also see *Charkaoui v. Canada (Citizenship and Immigration)*, 2007

SCC 9 (CanLll), [2007] 1 SCR 350 at paragraphs 22, 23, and 27);

- The sealing of the entire August 23rd, 2023 Affidavit containing evidence of state interference by a panel of NSCA judges in response to a consensual motion for modest redaction, in addition to the sealing of peripheral materials which make reference to the same, and whereas these judges demonstrated a double-standard in other matters and precedents concerning settled Constitutional law (Exhibit C);

- The extrajudicial sealing of the entirety of S-229680 prior to the acceptance of service of its originating pleadings by the CAGE Respondents (page 300);

- The refusal of Federal employees at the Supreme Court of Canada to process the Applicant's motions to stay costs in the lower courts, and to expedite the same, in violation of SCC Rules 51(1) and 54(4) (March 1st, 2024 Affidavit, page 13).

26. Thus, in closing this section, it is important for this court to understand the scope of what had happened. The Applicant underscores the events which led to the opening of S-220956, whereas, the RCMP refused to address his requests for help that preceded it. The Applicant's attempts to locate a solution through civil proceedings had been severely obstructed and weaponized, and whereas, no other avenues of recourse were evident. The proceedings served to provide a two-year evidentiary corpus demonstrating a compromised institutional framework, or on the alternative, a properly functioning framework that is able to be unjustly compromised for certain purposes and/or parties at the behest of certain stakeholders, at any time. Compelling questions are occasioned by means of the consistency among agencies and institutions in acting against their Constitutional mandates to weaponize their powers and obstruct justice. The Applicant's notary suggested the evidentiary account as chronicled is "*capable of questioning the validity of the state*".

Precedents in Organized Online Criminal Mischief & State-Sponsored Crime

27. Online harassment can destroy careers, and is likewise attributed to the cause of countless suicides. Recently, Gatineau's first female mayor, France Bélisle, felt compelled to resign as a result of relentless targeting on social media which included death threats;
https://www.saltwire.com/atlantic-canada/news/gatineaus-first-female-mayor-steps-down-due-to-political-culture-death-threats-100941223/

According to Pew Research, Roughly four-in-ten Citizens have experienced online harassment, with half of this group citing politics as the reason they believe they were targeted. Pew indicates growing shares face more severe online abuse such as sexual harassment and/or stalking.

28. The first comprehensive study concerning organized harassment, *Sheridan et al*., 2020, gleaned its initial study group from over twenty million (20,000,000) online references to sophisticated and organized online and on-heels mischief which was believed to be sponsored through public sector channels. According to the study, this initial corpus was parsed against a basket of criteria which formed the basis of its conclusion that sophisticated online harassment, likewise attributed to public sector and/or influential third-party stakeholders, was a "*widespread phenomenon that has been subject to little scientific examination".*
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7178134/

    An examination of the characteristics of the online criminal harassment group as it relates to this scandal is exhibited at https://www.refugeecanada.net/guide.

29. The *Gosselin Reports*, initially released in 2021 in the Ottawa Citizen and at times referenced in other media venues, detail compelling admissions by CAF senior leadership of ongoing civil liberties violations, and likewise admissions by members of parliament dating back to 2005. In the reports, these violations of Canadian civil liberties are based on an intent to shape public opinion and behaviors using unlawful and covert means. CAF publications on https://www.canada.ca denote its Influence Operations, CIMIC, and PsyOp programs as an enablement arm in state political interest, which includes domestic operations according to the same contents;
https://www.canada.ca/en/department-national-defence/maple-leaf/defence/2022/06/cimic-psyops-new-qualification-badge.html
https://ottawacitizen.com/news/national/defence-watch/documents-related-to-canadian-forces-propaganda-program-have-disappeared-investigation-is-under-way

    The confluence of these materials, in addition to the Applicant's testimony on https://www.refugeecanada.net, should invoke grave concern in a country historically known as a beacon of civil liberties, whereas the matter deserves much more scrutiny than was given by media outlets. Canadians are used to hearing of programs like this conducted by oppressive regimes overseas. This government is evidenced to have made widespread investments in using its military to shape public affairs in Canada.

30. In further consideration of the foregoing, it is essential to mention that we are not considering outliers. Dozens of reports exist dating from 2005, with frequent reports over the past three years. Despite numerous admissions and apologies, new reports indicate these efforts continue with ongoing budgetary support. The most recent known transaction involves a $10M investment in social listening technologies as was published in the Ottawa Citizen in January 2023.

    https://ottawacitizen.com/news/national/defence-watch/canadian-military-finances-technology-to-collect-social-media-data-despite-claims-it-was-shutting-down-such-efforts

    The aforementioned article details nothing short of state-sponsored social listening and

Citizen profiling. The investigation by retired CAF Major General Daniel Gosselin discovered that CAF support for the use of such information operations targeting Canadian Citizens was "*clearly a mindset that permeated the thinking at many levels of CJOC*." The *Gosselin Reports* cite admissions by CAF leadership that domestic PsyOp operators understand themselves to be "*information warriors*" championing an unwritten ideological mandate.

31. The implication of CAF resources and actors became apparent in early 2022 as chronicled in the Applicant's Affidavit dated May 20th, 2022, first through a face-to-face encounter in March 2022 with persons identifying as members of the Canadian Armed Forces ("CAF"), who threatened him alongside *a priori* details concerning the events in British Columbia, and through logical inferences predicated on Affidavit evidence concerning the scandal. Per the inference test in *Sherman Estate v. Donovan, 2021 SCC 25* @ paras 97 and 98, henceforth known as the *Nicholas Kasirer test*;

"This Court has held that it is possible to identify objectively discernible harm on the basis of logical inferences (Bragg, at paras. 15-16). But this process of inferential reasoning is not a license to engage in impermissible speculation. An inference must still be grounded in objective circumstantial facts that reasonably allow the finding to be made inferentially. Where the inference cannot reasonably be drawn from the circumstances, it amounts to speculation (R. v. Chanmany, 2016 ONCA 576, 352 O.A.C. 121, at para. 45) [...] Where the feared harm is particularly serious, the probability that this harm materialize need not be shown to be likely, but must still be more than negligible, fanciful or speculative."

32. An application of the foregoing test (let's call it the "*Kasirer test*"), may resemble the following when forming a reasonable inference concerning a state or state-sponsored perpetrator. These components preclude less-likely conclusions of an independent perpetrator, the CAGE CEO acting alone, or any suggestion that they be dismissed as fictitious or frivolous. Contributing factors include:

    a) The scope, breadth, and persistence of criminal mischief activities, both online and on-heels. This includes the breadth of actors, a varied geo footprint, and a persistence in conduct, observed from November 2021 to present;

    b) The sophistication of operations, which includes surveillance modalities such as hacked devices, and a reasonable if not inexorable probability of Fourth Industrial Revolution ("4IR") technology applications;

    c) The sophistication of direct cyber intrusions, including video depictions of the interior of the Applicant's Surrey, BC condo residence in early 2022, and tailored

messaging telegraphing physical events (break-ins, etc.);

d) The relevance, timing, and coherence of messaging and narratives by a consistent taxonomy of online actors (https://www.refugeecanada.net/guide);

e) The implication of local residents including estranged blood relatives, as contemplated in the Applicant's May 20th, 2022 and August 23rd, 2023 Affidavits;

f) The Applicant's encounter with CAF members in March 2022 in Sambro, NS, whereas the same individuals voiced an *a priori* account of his experiences in BC;

g) The Applicant's meeting with the owner of a Halifax-based computer speciality shop, preemptively identifying him as a "political target", and declining his request to investigate malware;

h) Repeat precedents in whistleblower reports by senior CAF leadership concerning the unlawful use of PsyOp programs against Canadian Citizens over the past three years, including confirmation of Federally-funded programs concerning the same;

i) The account published on https://www.canada.ca concerning the prevalence of CAF CIMIC (Civil & Military Cooperation) training programs involving domestic Canadian residents, with a descriptor acknowledging the objective of domestic PsyOp operations as a vehicle of political interest, and identifying targeted Canadian Citizens as "*enemies*";

j) Ongoing funding into CAF InfoOps and Citizen surveillance programs, including a $10 million injection of Federal funding in January 2023 to support social listening technology for domestic operations.

k) The unwillingness of law enforcement agencies to prosecute criminal actors implicated in this (including the CAGE CEO, identified by a HRP Constable as a criminal offender by name), and the efforts by the BC Bench to conceal related police misconduct;

l) Widespread procedural misconduct by the BC Bench to preclude a trial of the common issues in S-229680;

m) CAGE head counsel in British Columbia, Emily MacKinnon of Osler, Hoskin, & Harcourt LLP, is a uniformed CAF member, and senior legal counsel to the same;

n) The scope of characteristics concerning systemic harassment and mischief occasion no other reasonable inferences with respect to an overarching perpetrator (ie., a private actor or the CAGE CEO alone).

Health Canada, mRNA Vaccines, & Social Influencers

33. The Trudeau administration has demonstrated previous precedents in contracting support from social media influencers in a manner untoward of the public service. In 2021, the Trudeau cabinet held that public servants and RCMP officers were required to accept vaccination as a requirement to earn their living. Various vaccination mandates were accompanied by IO support from social media influencers who were relatively unknown; not unlike those involved in this scandal. Blacklock Reporter posted a Health Canada invoice on its website amid further details in consideration of over $682,000 in public funds were allocated to calm public concerns over mRNA vaccines, which were untested and expeditiously distributed to the public;
https://www.blacklocks.ca/feds-paid-twitter-stars-682k/
https://www.ctvnews.ca/politics/feds-spent-more-than-600k-hiring-influencers-in-2021-1.5842024

    It was likewise shown that this government had set aside $199 million for the enforcement of the vaccine mandate for Public Sector employees, including amounts set aside for legal services;
https://www.blacklocks.ca/budgeted-199m-for-mandate/

34. Studies by MIT and Lund Universities demonstrate that Health Canada's statements on mRNA genome entry are incorrect (see scientific review citations at https://www.refugeecanda.net/vaccine and below).

    Health Canada Statement on mRNA genome entry (Covid-19 mRNA does not enter the genome)
https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines/type-mrna.html

    Lund University Research (Covid-19 mRNA enters the genome)
https://www.mdpi.com/1467-3045/44/3/73

    MIT Research (Covid-19 mRNA enters the genome)
https://www.biorxiv.org/content/10.1101/2020.12.12.422516v1.full

    MIT Scientists defend research findings on mRNA genome integration
https://www.genengnews.com/insights/eminent-mit-scientists-defend-controversial-sars-c

ov-2-genome-integration-results/

35. A Canadian study confirmed the existence of DNA in Covid-19 mRNA vaccines; https://osf.io/preprints/osf/mjc97.

36. Scientists have likewise consistently discovered unusual artifacts in the blood samples of vaccinated individuals. These appear in Covid-19 patients who had received injections of the Pfizer and Moderna mRNA vaccines (BNT162b2). Reuters published a disclaimer article, though the same is bereft of any substance as it relates to an investigation of the samples themselves. Links are below;
https://livebloodcourseonline.com/unusual-artifacts-in-the-blood-possibly-attributed-to-covid-19-vaccine/
https://www.researchgate.net/publication/362708465_Dark_-Field_Microscopic_Analysis_on_the_Blood_of_1006_Symptomatic_Persons_After_Anti-COVID_mRNA_Injections_from_PfizerBioNtech_or_Moderna
https://www.semanticscholar.org/paper/Foreign-Materials-in-Blood-Samples-of-Recipients-of-Lee-Park/84a70ea9240e0217e8e6f486eb997793b998b26f

    Per Hammarström, professor at the Department of Physics, Chemistry and Biology (IFM) at Linköping University, opined as follows;

    "We have never seen such perfect, but scary, fibrils as these ones from the amyloid-producing SARS-CoV-2 spike protein and pieces thereof. The fibrils starting from the full-sized spike protein branched out like limbs on a body. Amyloids don't usually branch out like that."

37. Reuters responded to these concerns in a manner that did not match the standard used by researchers who initially made the findings;

    "These guys look at dust particles and fabric fibers and other bits of mess under the microscope, take some blurry pictures and pretend they found something amazing," said Matthias Eberl, professor of translational immunology at the University of Cardiff, who spoke to Reuters over the phone. "They look like things like fabric fibers, cotton fibers or house dust. If you don't keep your microscope or cover slides clean, this is what it'll look like."
    https://www.reuters.com/article/idUSL1N2RT1IG/

38. Research conducted at Spain's University of Almeria, using micro-raman spectroscopy, determined the existence of crystalline graphene oxide as "*conclusive*" in mRNA Covid-19 vaccines. Graphene Oxide ("GO") is a non-metallic biocompatible superconductor one million times thinner than human hair, and is capable of forming the aforementioned nanostructures;
https://www.cnn.com/2013/04/29/tech/graphene-miracle-material/index.html

https://www.researchgate.net/publication/355979001_DETECTION_OF_GRAPHENE_IN_COVID19_VACCINES

39. The European parliament, in response to the same research, sought support for further testing, which was subsequently refused; https://www.europarl.europa.eu/doceo/document/P-9-2022-000303_EN.html

40. In 2020, Microsoft was granted patent WO2020060606 for a "*cryptocurrency system using body activity data*.". An excerpt from the article reads as follows;

"Microsoft's patent alludes to the possibility of coupling nanotechnology with vaccinated individuals, effectively turning them into antennas or transmitters. This intriguing concept raises questions about the extent of integration between technology and the human body, blurring the line between biological and technological systems."

The original Linkedin article was deleted, whereas archived copies are available here; https://web.archive.org/web/20230531174152/https://www.linkedin.com/pulse/cryptocurrency-system-using-body-activity-data-merging-keith-brown, and here; https://archive.ph/FfOVM

41. Recent questions have been raised concerning Covid-19 itself, whereas debate has ensued concerning its impact. A significant portion of the scientific community that investigated the matter maintains Covid-19 might be comparable to the flu, and whereas, common medications such as ivermectin provide an efficacious relief of symptoms; https://www.npr.org/sections/health-shots/2022/09/16/1122650502/scientists-debate-how-lethal-covid-is-some-say-its-now-less-risky-than-flu#:~:text=Hourly%20News-,COVID%20may%20be%20no%20riskier%20than%20the%20flu%20for%20many,it's%20too%20soon%20to%20tell

"At the beginning of the COVID pandemic, ivermectin was tested in vitro against SARS-CoV-2 and showed a highly significant reduction (99.8%) in viral RNA after 48 hours."
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9135450/

42. The use of public funds to spread misinformation concerning a public health matter is an egregious scandal in its own right. Likewise, it is clear by the foregoing that the response of this government was disproportionate, especially when inexpensive, safe, and readily-available alternatives existed to the Covid-19 mRNA vaccine. Vaccines typically require ten years of testing before their introduction to the public.

43. The Health Canada InfoOps scandal details over a dozen social influencers. The scandal related to this Application involves well over fifty (50). Per the Applicant's January 2nd, 2024 letter to OPSIC, misappropriation of funds as it relates to government

contracts involving social media influencers is cited as a component to the matter which the Commissioner did not reference in her Decision.

Fourth Industrial Revolution ("4IR") and Biodigital Convergence: "Never Again"

44. The Fourth Industrial Revolution ("4IR") concerns an interface between biological and digital worlds, whereas adaptations concerning 4IR must involve people. It includes but is not limited to transhumanism, otherwise known as "human 3.0", "human+", or posthumanism, and includes the acronym NBIC *(Nanotechnology, Biotechnology, Information technology and Cognitive science*). Per the voluminous articles cited in https://www.refugeecanada.net/4ir, the innovations of the Fourth Industrial Revolution are proposed to address "*health and social challenges*", and whereas, this consideration is much more broad than piecemeal neuromodulation apps used in the medical industry, by way of example, as is shown in this 2018 clip by Abbott Laboratories; https://www.youtube.com/watch?v=P0jFen9FeNA.

45. Influential private sector stakeholders, namely the World Economic Forum ("WEF"), which became enablement partner to the United Nations as a result of its 2019 agreement with the latter, predicate 4IR as the foundation upon which a "*reimagined and restricted society*" can be built, in keeping with a "*new social contract*". Its proponents speak of the same in terms of a utopian construct that seeks to address the core tendencies in human nature, to the extent that atrocities in past centuries will *"never again be repeated"* by means of meaningful adaptations through NBIC.

46. Prolific political scientist and author Klaus-Gerd Geisen, in collaboration with a host of academic researchers, published an article that examines transhumanism from the perspective of political science. In consideration of current sociopolitical trends, it demonstrates that transhumanism can be regarded as a *"true political ideology that aims to bring about a new human being*." The text shows that by adopting a "*solutionist*" strategy, transhumanism fractures into numerous discursive fields, one for each specific context, in order to achieve its goals. An analysis of transhumanist discourse shows that it supports and justifies a further commodification of human life, as the fourth industrial revolution leads to mass adoption of NBIC technology convergence, giving rise to a significant rupture in the evolution of capitalism. Hence, transhumanism, having grown into a political "*grand narrative*", advances the interests of multinational tech giants, which in turn support its large-scale dissemination. The complete Geisen article is cited below, and likewise supports this Application as an information resource; https://www.cairn-int.info/journal-international-de-bioethique-et-d-ethique-des-sciences-2018-3-page-189.htm

47. According to proponents, the technologies of the Fourth Industrial Revolution are designed to change who we are as humans, at our fundamental core. Kristel Van Der Elst, Director of the Trudeau administration's policy foresign engine, Policy Horizons Canada ("PHC"), describes it this way;

"In the coming years, biodigital technologies could be woven into our lives in the way that digital technologies are now. Biological and digital systems are converging, and could change the way we work, live, and even evolve as a species. More than a technological change, ***this biodigital convergence may transform the way we understand ourselves and cause us to redefine what we consider human or natural.****"* https://horizons.service.canada.ca/en/2020/02/11/exploring-biodigital-convergence/index.shtml

Further in the same article, PHC describes innovations capable of "*Monitoring, altering and manipulating human thoughts and behaviors*", and "*Altering the human genome – our core biological attributes and characteristics*". These innovations are couched in a context of opportunity and progress. At face value, these adaptations contravene section 2 of the Charter. In addition to her leadership role at Policy Horizons Canada, Ms. Van Der Elst is CEO of The Global Foresight Group, Special Advisor to European Commission Vice-President Maroš Šefčovič, and a fellow at the Center for Strategic Foresight of the U.S. Government Accountability Office. She is likewise the former Head of Strategic Foresight at the WEF.

48. Y-Combinator CEO, in a now-deleted article published in collaboration with a host of other influential private-sector stakeholders, made exuberant claims concerning 4IR;

"*The very nature of the human race is about to change. This change will be radical and rapid beyond anything in our species' history. A chapter of our story just ended and the next chapter has begun. [...] Before CRISPR, genetic engineering was slow, expensive, and inaccurate. With CRISPR, genome editing is cheap, accurate, and repeatable. [...] What will stop people from attempting to drive desirable characteristics into a population? Continuing the example above, what happens if and when scientists develop a solid understanding of the genetic underpinnings of advanced intelligence?* ***What will stop a government from mandating those changes in their population?*** *And what will competing governments then choose to do?"* https://web.archive.org/web/20230608123957/https://www.ycombinator.com/library/4C-on-the-history-and-potential-of-crispr-and-gene-drive and here, https://archive.is/IBs7K

49. Defense Research and Development Canada promulgated a paper in 2021 which was approved for public disclosure. This paper opines on the rapid advancement of 4IR applications, and a need to dispense with historical precedents in policymaking. Similar departures were considered in the formation of the UN's Agile Nations Charter, which Canada adopted along with a host of other countries in 2020. This includes "*agile regulatory doctrines*", to the extent that certain ethical safeguards must be dispensed with in view of emergent technologies in order to "*understand what will be regulated*".

"On a societal level, enhancement to Defence and Security personnel may be rejected by

sections of society, particularly where radical augmentation is perceived. This may further exacerbate the distance of understanding from a civilian population to its serving military. Such resistance could influence the pace of technological development or national adoption. It will be the role of local government to facilitate ongoing discourse and engagement reaching across state and society. [...] However, more invasive technologies, likely also permanent with potentially greater gains in efficacy but greater risks (e.g., implanted brain computer interfaces or genetic editing) will necessarily require new legal definitions for adoption or prohibition depending on the ruling of domestic and international bodies. [...] In addition, ***more radical approaches to policy development may be required in order to keep pace with technology development*** *and ahead of adversarial adoption. [...] Where domestic law may vary, it will be the onus of international bodies (such as NATO and the United Nations) to provide an agreed legal framework for the use of biotechnologies for human enhancement. [...] The issue is not only that technology is evolving faster than regulatory frameworks but the exacerbation with differences in ethical, moral, and legal perspectives across nations in regard to human enhancement and augmentation."*
https://cradpdf.drdc-rddc.gc.ca/PDFS/unc386/p814643_A1b.pdf

50. WEF Chairman Klaus Schwab, in his 2020 book, **Covid-19: The Great Reset**, opined;

    "*upcoming technology will allow authorities to "intrude into the hitherto private space of our minds, reading our thoughts and influencing our behavior."*

51. WEF Top Advisor Dr. Yuval Noah Harari, in his book, **Homo Deus: A Brief History of Tomorrow**, wrote at page 305;

    "We are about to face a flood of extremely useful devices, tools and structures that make no allowance for the free will of individual humans. Will democracy, the free market and human rights survive this flood?"

52. Dr. Nita Farahany, another WEF advisor and guest at its Davos23 conference, claimed in a Harvard Gazette article that Cognitive Liberty, defined in Wikipedia as "*right to mental self-determination*", and the "*freedom of an individual to control their own mental processes, cognition, and consciousness*", is expected to be among the most important human rights of the 21st century, and whereas, "*corporations and governments*" are already active in violating this right in "*hacking into people's brains*". Dr. Farahany likewise claimed at Davos23 that the technology to collect brainwave data remotely is "*already here*". She claimed in 2014 that the same could be achieved through smartphones, being capable EEG readers in their own right;
    https://news.harvard.edu/gazette/story/2023/04/we-should-be-fighting-for-our-cognitive-liberty-says-ethics-expert/

https://www.weforum.org/videos/davos-am23-ready-for-brain-transparency-original/

53. It is crucial for adjudicators and investigators to set aside 20th century normalcy bias in considering these rapid advancements. Likewise, due consideration must be given to the fact that 4IR technologies address existential and social sustainability questions. To that end, if wealthy and influential groups believed they could solve "death and taxes" through 4IR adaptations as some have claimed, and if the same required a host of human test subjects (ie., "guinea-pigs") over the course of a private discovery cycle, why might they fail to prioritize it, and likewise, prioritize it in such a way that is not disruptive (or visible) to a potentially resistant public consensus?

54. The same is applicable to ideological policymakers who believe 4IR may mitigate the more visceral tendencies in human nature, which many might suggest are responsible for tragic trends in human history. Leaders of this persuasion would justify their violation of Constitutional rights for the "greater public good", irrespective of the fact that the same is never permissible (*Charkaoui v. Canada [Citizenship and Immigration]*, 2007 SCC 9 (CanLII), [2007] 1 SCR 350 at paragraph 23). For these reasons, and in the minds of some, ideological and/or personal interests in 4IR innovations might overshadow any due consideration that must be given to privacy and identity rights.

55. Prominent individuals involved in the online criminal harassment group have frequently broached 4IR and utopian themes alongside their more visceral narratives as is detailed at https://www.refugeecanada.net/bci and https://www.refugeecanada.net/guide. These utopian and political topics are unnecessary if the only objective in the PsyOp is to derail the target. https://www.refugeecanada.net/qa2 contains further relevant commentary concerning postmodern assumptions as they relate to utopian foresight.

56. In regard to human experimentation, astute readers might point out that there would be no shortage of volunteer test subjects. While brain-computer-interface ("BCI") research has been conducted since the 1950s, the value in an unaware test subject is the avoidance of placebo. Per the Applicant's testimony at https://www.refugeecanada.net/testimony, this scandal is evidenced to have begun as early as 2006 by means of an invasive surgery which the hospital later advised were unnecessary. The same procedure was referenced *a priori* by criminal actors involved in ongoing mischief.

57. Whereas it might be reasonable to posit that criminal mischief related to the CAGE CEO in the wake of a troubled shareholder dispute is the result of a retaliatory hate crime, the Affidavit evidence precludes this inference as an isolated consideration in view of the the overarching corpus of evidence. One CEO could not have weaponized a basket of agencies over two years. Publications by human rights group PACTS International and other sources, including *Sheridan et al*., 2020, suggest state-sponsored clandestine programs involving non-consensual test subjects might be widespread.

58. Finally, clandestine programs by governments concerning these themes are by no means a new reality. They have manifested throughout history in one form or another in various regimes. A research paper by the United States Library of Medicine details 15,754 victims of WWII Nazi Experiments which were documented. That happened only two generations ago, and whereas, the basis for that conduct was built upon utopian aspirations that exist in re-branded formats today, as suffused in influential multi-stakeholder groups and political circles. https://www.refugeecanada.net/qa2 contains further relevant treatment. Exhibits in https://www.refugeecanada.net/guide demonstrate that the criminal group involved in this are likewise steeped in the same esoteric and occult interests that fueled these interests in Nazi Germany.

An Unnatural Consistency

59. Returning again to the comments above concerning consistency at paragraph 26, a compelling question concerning this scandal is, "***How and why did five courts and three police agencies in three provinces act against their Constitutional mandates to weaponize their powers and obstruct justice, without the same being checked?***"

60. The foregoing observation is unnatural. Canada has developed a sophisticated framework of checks and balances among its institutions which are reasonably expected to address problems as they arise which might infringe on the Constitutional rights granted to Citizens, and/or might occasion egregious injustices that can ruin lives. By way of example, three levels of recourse are available to litigants (ie., a Provincial Supreme Court, a Provincial Appellate Court, and finally, the Supreme Court of Canada). Likewise, regulatory bodies exist to support Citizens in an event of police misconduct, such as the NS Office of the Police Complaints Commissioner, by way of example. Yet, as the Applicant's evidentiary record indicates, these safety nets were bereft of any efficacy. Conversely, they had in fact worked to obstruct justice in favor of the CAGE.

61. Can an inference be made concerning external influence? It can, and whereas, failure to make such an inference would be to categorically reject the existence of a glaring problem. The next question then is, what manner of inferences may be made? The standard set by the SCC in *Sherman Estate v. Donovan*, 2021 SCC 25 @ paragraphs 97-98 provides this guidance;

"This Court has held that it is possible to identify objectively discernible harm on the basis of logical inferences (Bragg, at paras. 15-16). But this process of inferential reasoning is not a license to engage in impermissible speculation. An inference must still be grounded in objective circumstantial facts that reasonably allow the finding to be made inferentially. Where the inference cannot reasonably be drawn from the circumstances, it amounts to speculation (R. v. Chanmany, 2016 ONCA 576, 352 O.A.C. 121, at para. 45) [...] Where the feared harm is particularly serious, the probability that this harm materialize need not be shown to be likely, but must still be more than

negligible, fanciful or speculative."

62. The Applicant's article in https://www.refugeecanada.net/bci provides a detailed framework made in consideration of the foregoing legal test as coupled with the entirety of the evidence concerning the scandal. Without repeating its entirety, it is sufficient to conclude that, under normal conditions, the provisions made available through checks and balances (ie - appellate courts, regulators, and advocacy groups), could reasonably be expected to prevent any manner of unfounded destruction as the result of weaponized agencies and institutions. However, this has not happened. The Applicant's article argues the reasonability of external influence in the form of 4IR adaptations affecting public servants, in a manner that could affect their choices and behaviors. In further support of the same, the foregoing references concerning 4IR and enabling technologies are coupled with a two-year track record of decisions and milestones that would be, for most reasonable people, near impossible to believe under ordinary conditions.

63. The court is directed back to the long list detailed at paragraph 25 in consideration of palpable violations of Constitutional law, the object of fundamental justice, and settled legislation concerning the conduct required of Canadian adjudicative institutions and agencies.

64. The Applicant would further add that the various stakeholders encountered appeared to demonstrate a disproportionate interest in erecting roadblocks. By way of example, the Applicant recently brought a motion before the NSSC to stay an Execution Order requiring a payment of $300,000; representing a portion of the amount certified at the BCSC. The motion was addressed to a Prothonotary in consideration of her ability under NS Civil Procedure Rules to grant a stay in view of the evidence presented. The motion further requested that the matter be referred to a judge if appropriate. The Prothonotary dismissed the Applicant's motion but refused to refer it to a judge, despite her citation of a rule indicating that it should be. The Prothonotary was likewise privy to the evidentiary accounts concerning obstruction of justice, criminal interference, and abuse, and was mindful of their corresponding impacts. Small callous decisions like this are suffused throughout the scandal, and whereas, significant unlawful decisions such as extrajudicial protection orders, unfounded draft orders, false police reports, and weaponized costs had caused events to migrate to where they are currently.

65. The Applicant cannot provide proof that the public servants involved in this scandal were beset by unnatural influences related to 4IR adaptations. The Applicant is limited to providing an inference that meets the requirement of the Sherman Estate test, which relies on an irrefutable three-year track record concerning the conduct of persons involved which are diametrically antagonistic to their Constitutional mandates and fiduciary obligations. The Applicant further underscores the paragraphs which detail pervasive interests in 4IR adaptations and the existence of enabling mechanisms. A

scandal such as this would never be permitted under normal conditions in a civil society.

66. In the Applicant's own account, NS health records will confirm a visit to the emergency room in February 2021 via ambulance as a result of acute, localized pain which had persisted almost two hours. The Applicant received several doses of IV pain medication. Shortly thereafter, events began unfolding in earnest regarding the initial CAGE shareholder dispute. The Applicant can admit to acting in a manner that might be best described as out-of-character. The Applicant made two trips across Canada by car, in pursuit of a shareholder dispute that he could have easily managed remotely. This is remarkably out-of-character for the Applicant, who often finds it a chore to drive across town, even in anticipation of activities he enjoys. The Applicant has a lifelong history of careful decision-making and has never been in debt, in danger, nor preoccupied with interests disproportionate to their value. Per https://www.refugeecanada.net/guide, actors involved in criminal mischief have made palpable references to 4IR adaptations involving deep brain stimulation (neuromodulation). The same must be considered.

67. The court, investigators, and any other relevant personnel are asked to consider BIO as much as the prevalence of 4IR technologies as considered, in addition to the efficacy and interest in remote deep brain stimulation. This is a factor in 2024, whereas experts in this field have opined that adjudicative frameworks are struggling to catch-up with these rapidly emerging capabilities. As denoted previously, these crimes appear to be happening, often with little recourse afforded to victims. https://news.harvard.edu/gazette/story/2023/04/we-should-be-fighting-for-our-cognitive-liberty-says-ethics-expert/

The Assessment and the Commissioner's February 19th, 2024 Decision

68. As a nascent consideration, the Commissioner reviewed the contents of https://www.refugeecanda.net in a manner sufficient to identify various entities and agencies involved in the scandal, to the extent that it had identified the CRA and RCMP as the sole entities under its jurisdiction in regard to the file. The Commissioner had not considered the conduct of federal employees under its jurisdiction, though notwithstanding, it can be reasonably gleaned that OPSIC had read the materials. Review of these contents was assisted by a detailed email sent by the Applicant on January 2nd, 2024 which matched evidentiary components to the OPSIC mandate.

69. The Commissioner demonstrated a palpable error of fact in disregarding a clear and resonating account of denial of service and safe avenue by the RCMP. Whereas denial of service is an egregious violation of civil liberties under the OPSIC mandate which would apply under any circumstances, the Commissioner advised its mandate did not apply because the denial of service was "*related to civil proceedings involving the CAGE entity*". As denoted previously, criminal mischief precluded civil proceedings, but this is immaterial to the fact that criminal activities must be investigated, and safe harbor granted when sought. The same denial of safe avenue necessitated extraordinary precautions on behalf of the Applicant, including the filing of a premature civil matter, an

immediate relocation from Surrey BC to Halifax NS later that same month in the midst of multiple break-ins and death threats, and had likewise shaped the Applicant's life over the past two years, as what can only be described as a Citizen subject to state-sponsored oppression.

70. The RCMP failed to act in accordance with its mandate, which translates into an action item under the OPSIC mandate. The same pattern of police obstruction occurred in Nova Scotia, which likewise occasioned the publication of a false report later obtained via Freedom of Information Request ("FOIPOP"), and a subsequent obstruction of the same through the Office of the NS Police Complaints Commissioner ("POLCOM").

71. The Commissioner ignored glaring evidence concerning the conduct of social media influencers inexorably evidenced to be sponsored by public sector stakeholders. The Applicant's January 2nd, 2024 email connects this evidence to the Commissioner's mandate as promulgated in section 8 of the *Public Servants Disclosure Protection Act (S.C. 2005, c. 46)*, and its obligation under section 33(1) of the same Act.

72. The Applicant has compiled a copious and egregious account of systemic obstruction of justice involving five courts and three police agencies across three provinces, spanning over the course of the past two years. The same account is of sufficient gravity that the efficacy of Canadian Democracy can be called into question. This evidence-based account likewise invites further consideration of the 4IR component as contemplated in the paragraphs above, and as accessible via https://www.refugeecanada.net/4irportal. The conduct of government employees under the OPSIC mandate is thus contemplated.

73. The Commissioner ignored consideration of enforcement mandates under section 222 of the Income Tax Act as relevant to the scandal, coupled with the conduct of CRA counsel Nicole Johnson in seeking extrajudicial authorization from the BCSC to "bow out" of a matter containing a prima facie account of tax fraud, enforceable in any court of competent jurisdiction under the same statute.

74. Finally, the Commissioner was tone-deaf to the impact of these evidentiary accounts on the Applicant, which include endangerment to the Applicant's life and well-being, the destruction of his career, preclusion of his income, and a pending loss of over a half-million dollars through the weaponized powers of the bench. Likewise, the Commissioner was tone-deaf to the relevance of these matters to the public.

75. In reaching the Decision at issue, as with other similar decisions, the Commissioner was required to carefully consider the factual evidence as presented on January 2nd, 2024 in accord with customary jurisprudence and its mandate.

76. The Commissioner's Decision was **unreasonable**. It did not refute any of the allegations made on the website including its redacted Affidavits, nor its accompanying jurisprudence. The Decision exhibited palpable errors in fact and had instead imposed

an incorrect version of the contextual background presented to OPSIC. The Decision suggests the evidence was simply skirted, with a false factual interpretation imposed in its stead. The Decision likewise ignores key statutory constraints and fails to grapple with the submissions and evidence presented. Finally, the Commissioner fails to justify her failure to consider the effects of the allegations on the Applicant, and on other Citizens who have a stake in the same categories, either at present or in the future.

77. The Commissioner's Decision was **callous**. It refused to acknowledge, determine, quantify, assess, or mitigate the impacts of the allegations as presented. The scandal brought before OPSIC is sufficient to dissipate the trust most reasonable people would have in Canadian institutions were they to review its contents. Likewise, the effects of this scandal has destroyed the Applicant's reputation, his ability to earn income, his privacy, and, without corrective intervention from a court of competent jurisdiction, will inexorably relieve the Applicant of his life savings through weaponized cost certifications. Absent intervention and corrective proceedings, the Applicant expects to be robbed of everything he had worked for during the past twenty years as a law abiding citizen.

78. The Commissioner's Decision was **unlawful**. The Commissioner ignored the tenets of the OPSIC mandate as guided by the *Public Servants Disclosure Protection Act (S.C. 2005, c. 46).* The matter occasions and necessitates correction by this court in view of the foregoing palpable errors in fact and law.

Jurisprudence

79. The Applicant has compiled a copious library of jurisprudence that, when applied to relevant evidentiary records, reinforce the reality of a scandal concerning obstruction of justice, access to justice, and criminal interference. These citations include but are not limited to the following.

Police Duties

80. The necessity of police investigations and law enforcement must thus be reinforced in this file. Paragraph 35 in *R. v. Beaudry*, [2007] 1 S.C.R. 190, 2007 SCC 5 states;

> *"There is no question that police officers have a duty to enforce the law and investigate crimes. The principle that the police have a duty to enforce the criminal law is well established at common law: R. v. Metropolitan Police Commissioner, [1968] 1 All E.R. 763 (C.A.), per Lord Denning, M.R., at p. 769; Hill v. Chief Constable of West Yorkshire, [1988] 2 All E.R. 238 (H.L.), per Lord Keith of Kinkel; P. Ceyssens, Legal Aspects of Policing (loose-leaf ed.), vol. 1, at pp. 2-22 et seq."*

81. How should the same mandate be interpreted? An exceptionally low threshold is applied to the overarching policing mandate. An oft-cited example is cited in *495793*

Ontario Ltd. (Central Auto Parts) v. Barclay, 2016 ONCA 656 (CanLII). Juriansz J.A. states at paragraph 51;

"The function of police is to investigate incidents which might be criminal, make a conscientious and informed decision as to whether charges should be laid and present the full facts to the prosecutor: Wong, at para. 56. Although this requires, to some extent, the weighing of evidence in the course of investigation, police are not required to evaluate the evidence to a legal standard or make legal judgments. That is the task of prosecutors, defense lawyers and judges: Hill, at para. 50."

82. Juriansz J.A. elaborates at paragraph 52;

"Nor is a police officer required to exhaust all possible routes of investigation or inquiry, interview all potential witnesses prior to arrest, or to obtain the suspect's version of events or otherwise establish there is no valid defense before being able to form reasonable and probable grounds: Kellman v. Iverson, 2012 ONSC 3244 (CanLII), [2012] O.J. No. 2529, at para. 16; Wong, at para. 59."

83. The SCC has underscored the critical importance of diligence in police investigations. McLachlin C.J. states in paragraph 1 of *Hill v. Hamilton-Wentworth Regional Police Services Board*, [2007] 3 S.C.R. 129, 2007 SCC 41 ("*Hill*");

"The police must investigate crime. That is their duty. In the vast majority of cases, they carry out this duty with diligence and care. Occasionally, however, mistakes are made. These mistakes may have drastic consequences."

84. Paragraphs 44 and 140 in *Hill* further underscore the public interest;

"The effective and responsible investigation of crime is one of the basic duties of the state, which cannot be abdicated. [...] The enforcement of the criminal law is one of the most important aspects of the maintenance of law and order in a free society. Police officers are the main actors who have been entrusted to fulfill this important function."

Institutional Bias and Negligence

85. The SCC has addressed matters of police negligence by way of bias. The same may be applied to bias with respect to favoritism, ideological bias, or undue third-party influence, so long as the police duty itself is impaired. In *R. v. Beaudry*, [2007] 1 S.C.R. 190, 2007 SCC 5 ("*Beaudry*"), Charron J. writes at paragraph 1;

"The appellant police officer, Alain Beaudry, is charged with obstructing justice under s. 139(2) of the Criminal Code, R.S.C. 1985, c. C-46. It is alleged that he deliberately failed to gather the evidence needed to lay criminal charges against a suspect who he had

reasonable grounds to believe had been operating a motor vehicle while intoxicated. In answer to the charge, Mr. Beaudry contended that his decision was a proper exercise of police discretion. The Crown argued that the decision was founded not on police discretion, but on preferential treatment of a fellow police officer. Mr. Beaudry was tried by a judge sitting alone and was convicted."

86. Charron J. outlines the test in Beaudry at para 16;

"According to Judge Beaulieu, when a peace officer claims to have exercised his or her discretion as in the present case, the court must determine the underlying intention of the exercise of the discretion in order to ascertain whether the peace officer exercised it honestly, and not arbitrarily, out of favoritism or with any other dishonest intention. He therefore concluded that the outcome of the trial turned entirely on whether the court was satisfied beyond a reasonable doubt that Alain Beaudry had decided not to have Mr. Plourde take a breathalyzer test because Mr. Plourde was a Sûreté du Québec officer. In short, if Sergeant Beaudry was lenient because Mr. Plourde was a peace officer, the exercise of his discretion was unacceptable."

87. The SCC has likewise treated matters concerning bias in adjudicative institutions, where lower courts fell short of standards provisioned by the Charter of Rights and Freedoms. Gonthier J. writes in the preface of *J.R. v. Lippé*, [1991] 2 S.C.R. 114 and subsequently in the decision to allow the appeal;

"The respondents were charged with various infractions of municipal regulations and of the Highway Safety Code. They brought motions for evocation, certiorari and prohibition before the Superior Court, alleging that certain provisions of the Cities and Towns Act and the Municipal Courts Act violated their right to a fair hearing before an independent and impartial tribunal guaranteed under s. 11(d) of the Canadian Charter of Rights and Freedoms and s. 23 of the Quebec Charter of Human Rights and Freedoms. The Superior Court found that the municipal court system failed to meet the standards of judicial independence and impartiality under both Charters and granted the motions."

88. The SCC recognized an overarching concern in the efficacy of Charter rights, to which Canadian courts and police agencies are established to uphold. Gonthier J. continues;

"If a judicial system loses the respect of the public, it has lost its efficacy. As Proulx J.A. expressed in his judgment below, public confidence in the system of justice is crucial to its continued existence and proper functioning (at pp. 61-62): [TRANSLATION] Other values contribute to maintaining public confidence, such as the most democratic access to justice, equality before the law, the independence and professionalism of the Bar, a hearing within a reasonable time, to only name a few. Throughout the course of a trial

and at the time judgment is rendered, the parties to a case know that while the tribunal will have to decide in favor of one and to the disappointment of the other, they ultimately accept this because he or she who has the responsibility for deciding has nothing to gain by finding in favor of one party rather than the other and also because his decision is rendered freely and according to his conscience. Therefore, I conclude that the issue in this appeal should be characterized as one of "institutional impartiality".”

89. In Lippé, this court further characterizes its legal test for bias as being predicated on sound logical inferences;

“If the Canadian Charter does not guarantee "ideal" institutional impartiality, what is the test for determining when there is an infringement? The parties agree that the test for both "independence" and "impartiality" should be that set out by de Grandpré J. in Committee for Justice and Liberty v. National Energy Board, 1976 CanLII 2 (SCC), [1978] 1 S.C.R. 369, at p. 394, a test adopted in Valente, supra, as applicable to both the issue of independence and impartiality (at p. 684, citing de Grandpré J. and at p. 689):

> *“The apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is "what would an informed person, viewing the matter realistically and practically -- and having thought the matter through -- conclude".”*

90. The SCC has likewise recognized logical inferences based on circumstantial facts as an appropriate test in *Sherman Estate v. Donovan*, 2021 SCC 25 @ paragraphs 97-98, whereas, an inference need not be shown to be likely, but must be more than negligible, fanciful, or speculative.

91. Finally, as delivered by the Chief Justice in *Committee for Justice and Liberty v. National Energy Board*, 1976 CanLII 2 (SCC), [1978] 1 S.C.R. 369 @ para 391, the seriousness of proper disposition in our institutions invites an exceptionally low threshold to police any manner of misconduct. This decision is not recent, but the fundamentals governing our democracy and its enforcement mechanisms remain constant, and likewise, our rights under the Charter;

“This Court in fixing on the test of reasonable apprehension of bias, as in Ghirardosi v. Minister of Highways for British Columbia, and again in Blanchette v. C.I.S. Ltd., (where Pigeon J. said at p. 842-43, that “a reasonable apprehension that the judge might not act in an entirely impartial manner is ground for disqualification”) was merely restating what Rand J. said in Szilard v. Szasz, at pp. 6-7 in speaking of the “probability or reasoned suspicion of biased appraisal and judgment, unintended though it be”. This test is grounded in a firm concern that there be no lack of public confidence in the

impartiality of adjudicative agencies, and I think that emphasis is lent to this concern in the present case by the fact that the National Energy Board is enjoined to have regard for the public interest. For these reasons, the appeal is allowed and the question submitted to the Federal Court of Appeal is answered in the affirmative."

Principles of Fundamental Justice & Right to a Fair Trial

92. The civil proceedings involved in this scandal were denied the principles of fundamental justice under section 7 of the Charter. The SCC in *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, 1999 CanLII 653 (SCC), [1999] 3 SCR 46 upheld Charter rights irrespective of the civil / criminal / family distinction at paragraph 58, albeit this matter further concerns matters of personal security and privacy under the same section.

"*Although these cases considered the right to security of the person in a criminal law context, I believe that the protection accorded by this right extends beyond the criminal law."*

93. Notwithstanding criminal violations impacting the proceedings, the following principles apply in any court of competent jurisdiction outside the criminal context and are applicable to the scandal;

    a) The SCC recognized the right to a hearing before an independent and impartial court in *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267 at paragraph 38;

    "It should be mentioned at the outset that the right to be tried by an independent and impartial tribunal is an integral part of the principles of fundamental justice protected by s. 7 of the Canadian Charter (see, inter alia, R. v. Beauregard, [1986] 2 S.C.R. 56, Pearlman v. Manitoba Law Society Judicial Committee, [1991] 2 S.C.R. 869, and R. v. Généreux, [1992] 1 S.C.R. 259)."

    b) The Applicant was jeopardized through negligence in retained counsel during the CAGE shareholder dispute that predated the onset of criminal mischief. Likewise, the Applicant could not obtain new counsel thereafter, either via private representation or ProBono. This same trend is related to state-sponsored influence and mischief as is outlined in Affidavit records. Also see:
    https://www.canada.ca/en/department-national-defence/maple-leaf/defence/2022/06/cimic-psyops-new-qualification-badge.html
    https://www.cbc.ca/news/politics/psychological-warfare-influence-campaign-canadian-armed-forces-1.6079084
    https://ottawacitizen.com/news/national/defence-watch/documents-related-to-canadian-forces-propaganda-program-have-disappeared-investigation-is-under-way

The Applicant was later declared vexatious by BCSC justice Andrew Majawa for filing "*prolix and voluminous materials*". The SCC in *New Brunswick (Minister of Health and Community Services) v. G. (J.*), [1999] 3 S.C.R. 46 at paragraphs 73 through 75 and 119 recognized a constitutional right to present one's case effectively;

New Brunswick at paragraph 73: *"For the hearing to be fair, the parent must have an opportunity to present his or her case effectively."*

New Brunswick at paragraph 74: *"If no legal aid is available, as in this case, the parent is forced to participate in the proceedings without the benefit of counsel. The majority of the Court of Appeal nevertheless held that the procedural rights provided by the Family Services Act, if complied with, would have been sufficient to "ensure reasonable compliance with constitutional standards" (p. 98)."*

New Brunswick at paragraph 75: *"In the circumstances of this case, the appellant's right to a fair hearing required that she be represented by counsel. I have reached this conclusion through a consideration of the following factors: the seriousness of the interests at stake, the complexity of the proceedings, and the capacities of the appellant. I will consider each in turn."*

New Brunswick at paragraph 119: *"It is the obligation of the trial judge to exercise his or her discretion in determining when a lack of counsel will interfere with the ability of the parent to present his or her case. I also agree with him that this discretion was not properly exercised here. The trial judge was in error in not adequately considering the values of meaningful participation in the hearing affecting the rights of the child or the complexity of this case and the difficulty the appellant would face in presenting her case."*

c) The Applicant's lower court Affidavits in British Columbia were sealed in their entirety, including public social media content and case descriptions containing no biographical information. Likewise, his Affidavit in S-228567, containing no body of statements and comprised solely of data available via google search, was also permanently sealed. His August 23rd, 2023 Affidavit, in NSCA file 525687 was sealed through extraordinary means by a panel of judges against the requirements of Constitutional law. The SCC has strongly rejected unlawful censorship, and maintained a constitutionally-enriched right to the availability of court records to the public to ensure public accountability. *Ruby v. Canada (Solicitor General)*, [2002] 4 S.C.R. 3, 2002 SCC 75 at paragraph 53 states;

"The concept of open courts is deeply embedded in our common law tradition and has found constitutional protection in s. 2(b) of the Charter. This Court

confirmed in Canadian Broadcasting Corp. v. New Brunswick (Attorney General), [1996] 3 S.C.R. 480, the importance of this principle, which is inextricably linked to the rights guaranteed by s. 2(b). As stated by La Forest J. at para. 23:

> *Openness permits public access to information about the courts, which in turn permits the public to discuss and put forward opinions and criticisms of court practices and proceedings. While the freedom to express ideas and opinions about the operation of the courts is clearly within the ambit of the freedom guaranteed by s. 2(b), so too is the right of members of the public to obtain information about the courts in the first place."*

d) The Applicant's opportunity to be heard on all relevant evidence, and right to a decision on the facts and the law has been denied, and most certainly concerning contempt hearings. This is not because he was not permitted an opportunity to file materials or make oral submissions. Conversely, compelling evidence has been simply ignored and pushed aside, despite initial acknowledgements by both the court and law enforcement officers. The same triggers attention under CCC 139. The SCC wrote in *Charkaoui v. Canada (Citizenship and Immigration),* [2007] 1 S.C.R. 350, 2007 SCC 9 at paragraph 29;

"This basic principle has a number of facets. It comprises the right to a hearing. It requires that the hearing be before an independent and impartial magistrate. It demands a decision by the magistrate on the facts and the law. And it entails the right to know the case put against one, and the right to answer that case. Precisely how these requirements are met will vary with the context. But for s. 7 to be satisfied, each of them must be met in substance."

At paragraph 48 in Charkaoui; *"To comply with s. 7 of the Charter, the magistrate must make a decision based on the facts and the law. In the extradition context, the principles of fundamental justice have been held to require, "at a minimum, a meaningful judicial assessment of the case on the basis of the evidence and the law. A judge considers the respective rights of the litigants or parties and makes findings of fact on the basis of evidence and applies the law to those findings. Both facts and law must be considered for a true adjudication. Since Bonham's Case [(1610), 8 Co. Rep. 113b, 77 E.R. 646], the essence of a judicial hearing has been the treatment of facts revealed by the evidence in consideration of the substantive rights of the parties as set down by law" (Ferras, at para. 25). The individual and societal interests at stake in the certificate of inadmissibility context suggest similar requirements."*

Likewise at paragraph 41 in *Canada (Citizenship and Immigration) v. Harkat,*

2014: "Pursuant to the principles of fundamental justice, a named person must be provided with a fair process: Charkaoui I, at paras. 19-20. At issue in the present appeal are two interrelated aspects of the right to a fair process: the right to know and meet the case, and the right to have a decision made by the judge on the facts and the law. The named person must "be informed of the case against him or her, and be permitted to respond to that case": Charkaoui I, at para. 53. Correlatively, the named person's knowledge of the case and participation in the process must be sufficient to result in the designated judge being "exposed to the whole factual picture" of the case and having the ability to apply the relevant law to those facts: ibid., at para. 51."

e) The Applicant was denied the right to receive written reasons detailing the original BCCA decision which denied him an opportunity for a trial of the common issues in S-229680, after the BCSC ignored nine (9) procedural rules germane to its Style of Proceeding (*Suresh*, supra, at paragraph 126). The original decision, which required the judge twenty minutes to read immediately following oral submissions (suggesting it was written prior to the hearing), included remarks from the judge that a trial of the common issues might "*create social unrest*".

f) The Applicant was denied the right to protection against abuse of process (*United States of America v. Cobb,* [2001] 1 S.C.R. 587, 2001 SCC 19). The SCC wrote at paragraph 52;

"By placing undue pressure on Canadian citizens to forego due legal process in Canada, the foreign State has disentitled itself from pursuing its recourse before the courts and attempting to show why extradition should legally proceed. The intimidation bore directly upon the very proceedings before the extradition judge, thus engaging the appellants' right to fundamental justice at common law, under the doctrine of abuse of process, and as also reflected in s. 7 of the Charter. The extradition judge did not need to await a ministerial decision in the circumstances, as the breach of the principles of fundamental justice was directly and inextricably tied to the committal hearing."

g) Further, at paragraph 53 in Cobb;

"In my view, the extradition judge had the jurisdiction to control the integrity of the proceedings before him, and to grant a remedy, both at common law and under the Charter, for abuse of process. He was also correct in concluding as he did that this was one of the clearest of cases where to proceed further with the extradition hearing would violate "those fundamental principles of justice which underlie the community's sense of fair play and decency" (Keyowski, supra, at pp. 658-59), since the Requesting State in the proceedings, represented by the

Attorney General of Canada, had not repudiated the statements of some of its officials that an unconscionable price would be paid by the appellants for having insisted on exercising their rights under Canadian law."

h) Germane to section 2(e) of the Canadian Bill of Rights, the Applicant was denied the right of protection against misconstrued law; evident in the proceedings themselves and in draft orders presented by the CAGE counsel which were contemptuous of prior rulings, including commentary in the same hearing (August 12th, 2023 MacNaughton ruling in S-220956).

Testimony of CRA Officials

94. Testimony of CRA officials can help OPSIC investigate most if not all matters in the scandal, including the criminal involvement of third-party actors related to the CAGE CEO.

95. In April 1st, 2022, the BCSC ordered service on Canada Revenue Agency ("CRA") as a result of hard evidence implicating the CAGE Respondents, in accord with jurisprudence in *Hawitt v. Campbell*, [1983] CanLi 307 @ paragraph 19, and *Slattery (Trustee of) v. Slattery*, [1993] 3 S.C.R. 430 ("*Slattery*"). The basis of the April 1st, 2022 discovery order was predicated on sections 241(3) and 222 of the Income Tax Act. Slattery is essential because it sets the context under which ITA 241(3) is to be understood. Iacobucci J. outlines in its preface;

"I agree with the respondent that, in Glover, the proceedings in question had no connection whatsoever with the administration or enforcement of the Income Tax Act. As a result, this Court's decision must be read to mean that the confidentiality provisions apply to any legal proceeding of a civil character which is not covered by the exception provided in s. 241(3). In other words, ss. 241(1) and (2) apply to civil proceedings which are not related to the administration or enforcement of the Income Tax Act. In my view, Glover does not inform the issue already set out: the essential question is whether or not the bankruptcy proceedings taken herein are related to the administration or enforcement of the Income Tax Act. As I will now discuss, I think they are."

96. In Part 2 of Slattery, notwithstanding an automatic right to CRA testimony in criminal proceedings under ITA 241(3.1), and notwithstanding the criminal components impacting the Applicant's file, this court has outlined the context by which the testimony of CRA Officials may be introduced in Civil proceedings;

"Disclosure of information obtained through tax returns or collected in the course of tax investigations may be necessary during litigation in order to ensure that all relevant information is before the court, and thereby to assist in the correct disposition of litigation. But this necessity is sanctioned by Parliament in a very limited number of

situations. Disclosure is authorized in criminal proceedings and other proceedings as set out in s. 241(3). Certain other situations are specified in s. 241(4), which have been described by the Ontario Court of Appeal as being "largely of an administrative nature" (Glover v. Glover (No. 1), supra, at p. 397).”

97. Iacobucci J. clarified the meaning and context in s. 241(3) with respect to proceedings which are related to the enforcement of the Income Tax Act;

“As already noted, s. 241(3) provides, inter alia, that the confidentiality provisions in s. 241(1) and (2) do not apply "in respect of proceedings relating to the administration or enforcement of" the Income Tax Act. The appellant argues that the only proceedings covered by this exception are those which are expressly provided for in Part XV of the Act, entitled "Administration and Enforcement". The appellant's argument would require the words in s. 241(3) to be read as meaning that the confidentiality provisions do not apply "in respect of proceedings taken pursuant to the administration or enforcement provisions" of the Income Tax Act. Neither the text nor context of s. 241 supports this argument. The connecting phrases used by Parliament in s. 241(3) are very broad. The confidentiality provisions are stated not to apply in respect of proceedings relating to the administration or enforcement of the Income Tax Act. The phrase "in respect of" was considered by this Court in Nowegijick v. The Queen, [1983] 1 S.C.R. 29, at p. 39: The words "in respect of" are, in my opinion, words of the widest possible scope. They import such meanings as "in relation to", "with reference to" or "in connection with". The phrase "in respect of" is probably the widest of any expression intended to convey some connection between two related subject matters. [Emphasis added.] In my view, these comments are equally applicable to the phrase "relating to". The Pocket Oxford Dictionary (1984) defines the word "relation" as follows: ... what one person or thing has to do with another, way in which one stands or is related to another, kind of connection or correspondence or contrast or feeling that prevails between persons or things;... So, both the connecting phrases of s. 241(3) suggest that a wide rather than narrow view should be taken when considering whether a proposed disclosure is in respect of proceedings relating to the administration or enforcement of the Income Tax Act.”

98. By way of the foregoing, ITA 241(3) should be understood as any type of civil proceeding which involves content that CRA Auditors should be reasonably concerned with. This theme is further supported in continued commentary by Iacobucci J. in Slattery;

“The next question to ask considers what type of administration or enforcement proceedings are contemplated by s. 241(3): only proceedings brought under the Income Tax Act itself, or both such proceedings and others? To answer this question, one must look first to the wording of s. 241(3). That provision contains no language which

confines the concept of proceedings relating to administration or enforcement to the boundaries of the Income Tax Act. This conclusion is buttressed when one considers the context of s. 241. Section 241 is found in Part XV of the Income Tax Act, which deals with administration and enforcement as previously noted. It is obvious, but the fact must nonetheless be highlighted, that the collection of money owing to Revenue Canada is an important part of the Act's enforcement. This proposition is confirmed by s. 222 of the Act which reads as follow:

> ***S. 222:*** *All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and recoverable as such in the Federal Court of Canada or any other court of competent jurisdiction or in any other manner provided by this Act. [Emphasis added.]*

Section 222 is a clear statement that, in addition to the procedures specified in the Income Tax Act, the Minister may resort generally to the courts to institute civil proceedings to collect taxes as debts. But, in order to take full advantage of this power, the Minister must be able to disclose in court otherwise confidential information in order to prove the cause of action in debt. It must therefore be possible to disclose such information to establish the amount owed and to prove related matters. Absent the ability to disclose as required to prove a debt, s. 222 would be deprived of part of its meaning. The absurdity of such a result strongly suggests that the collection proceedings specified in s. 222 are proceedings "relating to the... enforcement" of the Income Tax Act within the meaning of s. 241(3).”

99. The Applicant’s BC court Affidavits include sworn statements by the CAGE CEO in his September 22nd, 2022 settlement Affidavit inviting tax audit. This concerns two conflicting accounts in the same Affidavit concerning the termination of the CAGE entity’s revenue partnership with a partner company, and the disposition of former CAGE entity employees as it relates to CSR records, their employment tenure, and sworn statements in paragraph 12 of the same Affidavit. In Slattery, this court has mirrored the Applicant’s right to due diligence via testimony by CRA officials by way of the shareholder evidence presented, and further, by way of criminal code violations related to the proceedings, a number of which have directly threatened the Applicant’s life and well-being, including home invasions forcing relocation from British Columbia to Nova Scotia in February 2022. Likewise, this right should certainly be upheld prior to allowing an enforcement of **$376,207.97** in costs at the BCSC, and another **$41,217.53** from the Outerbridge ruling for a grand total of **$445,489.50**, resulting in irreparable harm, an estate conflict with estranged relatives implicated in harassment alongside the Respondents as early as December 2021 (see August 23rd, 2023 Affidavit in NSCA file 525687, and May 20th, 2022 Affidavit for the latter), and a new life in a tent city, while hard evidence concerning the Respondents and related criminal actors is ignored. Those dollar amounts, attributed to the overlap of seven (7) lawyers as admitted by

CAGE counsel, equate to an amount 83 times more than comparable proceedings in another matter out of province.

State Interference & Constitutional Rights

100. The SCC has outlined test criteria concerning the likelihood of state interference in *Canada (Attorney General) v. Bedford*, 2013 SCC 72 (CanLII), [2013] 3 SCR 1101 ("Bedford"). Per the Chief Justice at paragraph 76;

"A sufficient causal connection standard is satisfied by a reasonable inference, drawn on a balance of probabilities (Canada (Prime Minister) v. Khadr, 2010 SCC 3, [2010] 1 S.C.R. 44, at para. 21."

101. Likewise, this court in *Canada (Prime Minister) v. Khadr,* 2010 SCC 3, [2010] 1 S.C.R. 44 has promulgated a test concerning a balance of probabilities at paragraph 21;

"An applicant for a Charter remedy must prove a Charter violation on a balance of probabilities (R. v. Collins, [1987] 1 S.C.R. 265, at p. 277). It is reasonable to infer from the uncontradicted evidence before us that the statements taken by Canadian officials are contributing to the continued detention of Mr. Khadr, thereby impacting his liberty and security interests."

102. In the matter of *Charkaoui v. Canada (Citizenship and Immigration)*, 2007 SCC 9 (CanLII), [2007] 1 SCR 350 ("Charkaoui"), the SCC has maintained that national security, political, and/or state-sponsored third-party interests cannot be used to excuse procedures that do not conform to fundamental justice at the section 7 stage of (Charter) analysis. Delivered by the Chief Justice, the SCC in Charkaoui wrote at paragraphs 22, 23, and 27;

"The question at the s. 7 stage is whether the principles of fundamental justice relevant to the case have been observed in substance, having regard to the context and the seriousness of the violation. The issue is whether the process is fundamentally unfair to the affected person. If so, the deprivation of life, liberty or security of the person simply does not conform to the requirements of s. 7. The inquiry then shifts to s. 1 of the Charter, at which point the government has an opportunity to establish that the flawed process is nevertheless justified having regard, notably, to the public interest." [...]
"*It follows that while administrative constraints associated with the context of national security may inform the analysis on whether a particular process is fundamentally unfair, security concerns cannot be used to excuse procedures that do not conform to fundamental justice at the s. 7 stage of the analysis. If the context makes it impossible to adhere to the principles of fundamental justice in their usual form, adequate substitutes may be found. But the principles must be respected to pass the hurdle of s. 7. That is the*

bottom line." [...] "The procedures required to conform to the principles of fundamental justice must reflect the exigencies of the security context. Yet they cannot be permitted to erode the essence of s. 7. The principles of fundamental justice cannot be reduced to the point where they cease to provide the protection of due process that lies at the heart of s. 7 of the Charter. The protection may not be as complete as in a case where national security constraints do not operate. But to satisfy s. 7, meaningful and substantial protection there must be."

103. Ongoing criminal mischief and harassment related to the CAGE CEO, evidenced to be conducted by state-sponsored contractors, meets the threshold of a Section 7 Charter violation as exemplified in *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, 1999 CanLII 653 (SCC), [1999] 3 SCR 46. Lamer C.J. writes at paragraphs 58, 59;

"This Court has held on a number of occasions that the right to security of the person protects "both the physical and psychological integrity of the individual": see R. v. Morgentaler, 1988 CanLII 90 (SCC), [1988] 1 S.C.R. 30, at p. 173 (per Wilson J.); Reference re ss. 193 and 195.1(1)(c) of the Criminal Code, 1990 CanLII 105 (SCC), [1990] 1 S.C.R. 1123, at p. 1177; Rodriguez v. British Columbia (Attorney General), 1993 CanLII 75 (SCC), [1993] 3 S.C.R. 519, at pp. 587-88. Although these cases considered the right to security of the person in a criminal law context, I believe that the protection accorded by this right extends beyond the criminal law [...] Delineating the boundaries protecting the individual's psychological integrity from state interference is an inexact science. Dickson C.J. in Morgentaler, supra, at p. 56, suggested that security of the person would be restricted through "serious state-imposed psychological stress."

104. Paragraph 71 of the Applicant's NSCA 525687 Factum details fourteen (14) factors which support an inference concerning the involvement of CAF InfoOps and CIMIC activities, to the exclusion of less reasonable alternatives. These include recent whistleblower reports by retired CAF Major General Daniel Gosselin in the Ottawa Citizen (the "*Gosselin Reports*"), the CBC, and other media venues, the CAGE CEO's state sponsorship and NATO designation, the relationship of lead counsel Emily MacKinnon to the CAF among other circumstantial modalities, and the scope and sophistication of the events themselves. This evidentiary framework surpasses the inference test in *Sherman Estate v. Donovan*, 2021 SCC 25 @ paragraphs 97 and 98 beyond its ability to be dismissed as fanciful, and whereas the circumstantial evidence in its own right precludes alternative inferences suggesting private actors.

Onus of State Responsibility in Matters Evidencing Miscarriage of Justice

105. McLachlin C.J. outlines that the state should accept responsibility for miscarriage due in part to errors in investigation in *Hill v. Hamilton-Wentworth Regional Police Services Board*, [2007] 3 S.C.R. 129, 2007 SCC 41 at paragraph 37;

'As Peter Cory points out, at pp. 101 and 103: If the State commits significant errors in the course of the investigation and prosecution, it should accept the responsibility for the sad consequences. Society needs protection from both the deliberate and the careless acts of omission and commission which lead to wrongful conviction and prison."

The Legislative Framework

106. By means of section 18.1(2) of the *Federal Courts Act Federal Courts Act (R.S.C., 1985, c. F-7)*, a Citizen can file an application for judicial review before the Federal Court within 30 days after the time the decision letter was first communicated.

107. Pursuant to section 18.1(3) of the Federal Courts Act, on an application for judicial review, this court may;

> ***(a)*** *order a federal board, commission or other tribunal to do any act or thing it has unlawfully failed or refused to do or has unreasonably delayed in doing; or*
>
> ***(b)*** *declare invalid or unlawful, or quash, set aside or set aside and refer back for determination in accordance with such directions as it considers to be appropriate, prohibit or restrain, a decision, order, act or proceeding of a federal board, commission or other tribunal.*

108. Pursuant to section 18.1(4) of the Federal Courts Act, this court may grant relief under subsection (3) if it is satisfied that the federal board, commission or other tribunal;

> ***(a)*** *acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;*
>
> ***(b)*** *failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;*
>
> ***(c)*** *erred in law in making a decision or an order, whether or not the error appears on the face of the record;*
>
> ***(d)*** *based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;*
>
> ***(e)*** *acted, or failed to act, by reason of fraud or perjured evidence; or*
>
> ***(f)*** *acted in any other way that was contrary to law.*

109. Section 33(1) of the *Public Servants Disclosure Protection Act (S.C. 2005, c. 46)* maintains;

If, during the course of an investigation or as a result of any information provided to the Commissioner by a person who is not a public servant, the Commissioner has reason to believe that another wrongdoing, or a wrongdoing, as the case may be, has been committed, he or she may, subject to sections 23 and 24, commence an investigation into the wrongdoing if he or she believes on reasonable grounds that the public interest requires an investigation. The provisions of this Act applicable to investigations commenced as the result of a disclosure apply to investigations commenced under this section.

110. Section 4 of the foregoing Act maintains;

The President of the Treasury Board must promote ethical practices in the public sector and a positive environment for disclosing wrongdoings by disseminating knowledge of this Act and information about its purposes and processes and by any other means that he or she considers appropriate.

111. Section 8 of the foregoing Act applies in respect of the following wrongdoings in or relating to the public sector;

> ***(a)*** *a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;*
>
> ***(b)*** *a misuse of public funds or a public asset;*
>
> ***(c)*** *a gross mismanagement in the public sector;*
>
> ***(d)*** *an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;*
>
> ***(e)*** *a serious breach of a code of conduct established under section 5 or 6; and*
>
> ***(f)*** *knowingly directing or counseling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).*

112. Section 18(a) of the *Royal Canadian Mounted Police Act (R.S.C., 1985, c. R-10)* maintains it is the duty of members who are peace officers, subject to the orders of the Commissioner;

..to perform all duties that are assigned to peace officers in relation to the preservation of the peace, the prevention of crime and of offenses against the laws of Canada and the laws in force in any province in which they may be employed, and the apprehension of criminals and offenders and others who may be lawfully taken into custody;

The OPSIC Decision Fails to Satisfy the Condition Precedent Under Section 18.1(4).

113. The Commissioner's February 19th, 2024 Decision, when measured against the mandates outlined in sections 4 and 33(1) of the *Public Servants Disclosure Protection Act*, invites a response pursuant to section 18.1(4) of the Federal Courts Act, with attention to subsections (b), (c), (d), and (f) of the same statute.

114. In other words, the Commissioner failed to observe the principles of natural justice; erred in fact; erred in law in applying an erroneous factual basis; did not act in diligence in reviewing the materials, mischaracterized the evidence; and dismissed the file in a manner antagonistic to its mandate, irrespective of the harm the same negligence will cause to my life, other victims affected by similar crimes, and the strong public interest in the conduct of Canadian institutions and the allocation of taxpayer money.

No Costs to be Awarded

115. The Applicant has raised issues of public importance within the OPSIC submission, related proceedings, and in bringing this application for judicial review. This application makes possible judicial scrutiny of the Commissioner's refusal to consider the evidence and its impacts, and likewise, the conclusions that Citizens might glean concerning the efficacy of Canadian Democracy. The Applicant respectfully requests an order pursuant to Rule 400 that no costs should be awarded to any party, regardless of the outcome of the judicial review application.

116. Costs in related matters had pushed forward irrespective of the investigative work which was required to unfold as a result of the evidence presented to the RCMP and HRP. These costs were weaponized in an amount 83x higher than standard court fees, as is shown in the Applicant's March 1st, 2024 Affidavit. Federal employees at the SCC, contrary to Rules 51 and 54, failed to process a motion to stay costs pending investigation and treatment.

117. Pursuant to section 18.2 of the Federal Courts Act, on an application for judicial review, this court may make any interim orders that it considers appropriate pending the final disposition of the application. To that end, and in view of the foregoing, the Applicant requests an interim order be made in the order of certiorari or by way of injunction, to stay costs in matters related to the scandal.

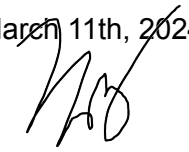
This application will be supported by the following material:

1. The contents of the https://www.refugeecanada.net web domain, as is likewise archived on https://archive.org and https://archive.ph. These include the Redacted Affidavits as linked on https://www.refugeecanada.net/links. Namely, the Affidavit of Nathan K. Dempsey made May 20th, 2022; the Affidavit of Nathan K. Dempsey made August 23rd, 2023; the Affidavit of Nathan K. Dempsey made November 22nd, 2023, and the Affidavit of Nathan K. Dempsey made January 5th, 2024;
2. The Affidavit of Nathan K. Dempsey made March 1st, 2024;
3. The Applicant's email submissions to OPSIC dated January 2nd, 2024;

4. The Commissioner's Decision Statement of February 19th, 2024;
5. The Applicant's letter to this for Directions, dated March 11th, 2024;
6. This document;
7. Other Affidavits and evidence that the Applicant may seek leave to file, and that this Court may see fit to consider.

Signature

March 11th, 2024



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