

IN THE PROVINCIAL COURT OF NOVA SCOTIA

IN THE MATTER OF a criminal investigation pursuant to the *Immigration and Refugee Protection Act and Special Economic Measures (Syria) Regulations*

-And-

IN THE MATTER OF an Application pursuant to Section 487.3 of the Criminal code to prohibit disclosure of information filed in support of obtaining a *Section 487 Search Warrant* pursuant to the Criminal Code.

**ORDER**

UPON the *ex parte* Application made in writing this day by CBSA Investigator Jason Cannon, to prohibit disclosure of any information used to obtain the *Search Warrant* issued the 21st day of December, 2016.

AND UPON reading the Affidavit of Jason Cannon, an officer of the Criminal Investigations Division, Canada Border Services Agency, in the Province of Nova Scotia, filed in support of the aforesaid Application;

AND UPON being satisfied that the conditions set out in Section 487.3(1) of the **Criminal Code** has been met and that disclosure should, therefore, be prohibited;

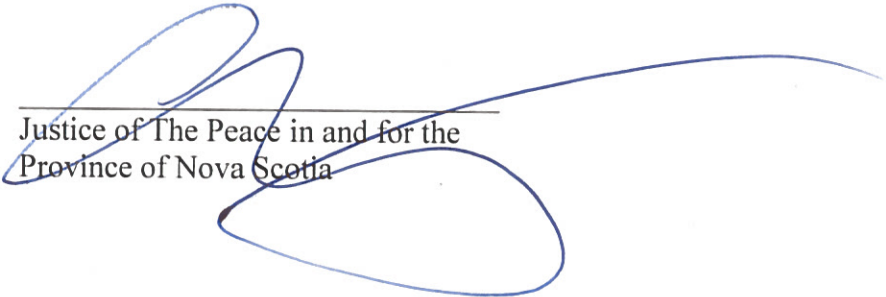
**IT IS ORDERED THAT**

- A. Any information used to obtain the *Search Warrant* and the *Search Warrant* issued the 21st day of December, 2016, by a Justice of the Peace in and for the Province of Nova Scotia, not be disclosed to:
  - (1) the persons named in the *Search Warrant*; and
  - (2) persons claiming an interest, legal or beneficial, in the information that is described in the *Search Warrant* and which is to be obtained by execution of the *Search Warrant*; and
  - (3) members of the public.
- B. The duration of the said prohibition from disclosure will be for a period as so determined by a Judge of the Provincial Court of Nova Scotia or a Justice of competent jurisdiction.
- C. All material filed in support of the application for the *Search Warrant* referred to above, including the said *Search Warrant* and all material filed in support of the Application for this *Search Warrant* shall be placed in a separate packet, sealed and stored in a secure place in the

court registry with this Order attached and shall not be disclosed except by Order of a Judge or a Justice of competent jurisdiction in accordance with Section 487.3(4) of the **Criminal Code**.

D. A copy of this Order shall be provided to the Applicant.

DATED at Dartmouth, Halifax Regional Municipality, in the Province of Nova Scotia, this 21st day of December, 2016.



Justice of The Peace in and for the  
Province of Nova Scotia

**ANGUS A. MacINTYRE**  
Presiding Justice of the Peace  
in and for the  
Province of Nova Scotia

Spc #  
16-1975

Canada  
Province of  
Nova Scotia

**Information to Obtain a  
Search Warrant  
(Section 487 Criminal Code)**



**This is the information of Jason Cannon (The Informant), a peace officer of the Criminal Investigations Division, Canada Border Services Agency (CBSA), Halifax, Nova Scotia.**

**The informant says that he has reasonable grounds to believe that there is in**

The residence at 871 Young Avenue, being a grey coloured multi-story residential home, located on the southeast corner of the intersection at Young Avenue and Atlantic Street, in Halifax, Halifax Regional Municipality, Province of Nova Scotia.

**the following things (or some part of them)**

Immigration documentation (such as immigration applications and supporting material), travel documentation (such as hotel reservations documents, car rental documents, flight itineraries, and flight records), financial transaction documentation (such as bank and investment statements, money and share transfers, portfolio documents, confirmation of investments, and receipts), business documentation (such as business ownership records and financial statements), communication documentation and records (such as phone bills, call logs, emails, text messages), device information (such as ownership information, account information, and access information) related to Nader KALAI's immigration status in Canada or Nader KALAI's business activities; dated between November 1, 2008 and December 20, 2016.

**which will provide evidence of the following offences, to wit**

That Nader KALAI, on or about November 15, 2013, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induced or could have induced an error in the administration of the Immigration and Refugee Protection Act, S.C. 2001, c.27, to wit: provide false information regarding his work/employment on a Canadian Permanent Resident card application, thereby committing an offence pursuant to section 127(a) of the Immigration and Refugee Protection Act, and punishable under section 128 of the said Act.

That Nader KALAI, between May 24, 2011 and December 20, 2016, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did anything that causes, assists or promotes or is intended to cause, assist or promote any act or thing prohibited by section 3 or 3.1 of the Special Economic Measures (Syria) Regulations (SOR/2011-114), to wit: engage in a business which is partially owned and/or controlled by entities who are listed under Schedule 1, Part 2, of the said Regulations, thereby committing an



offence pursuant to section 4 of the said Regulations, and punishable under section 8 of the Special Economic Measures Act, S.C. 1992, c. 1.

That Nader KALAI, between May 24, 2011 and December 20, 2016, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did make an investment in Syria that involves a dealing in any property, wherever situated, held by or on behalf of Syria, a person in Syria or a national of Syria who does not ordinarily reside in Canada, to wit: operate an investment business in Syria, thereby committing an offence pursuant to section 3.1(c) of the Special Economic Measures (Syria) Regulations (SOR/2011-114), and punishable under section 8 of the Special Economic Measures Act, S.C. 1992, c. 1.

**The information which follows establishes the informant's grounds to believe that the above offences have been committed, that the things listed will afford evidence of these offences and will be found in the premises to be searched.**

## INTRODUCTION

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1. I, Jason Cannon, am a Criminal Investigator with the Canada Border Services Agency (CBSA) Criminal Investigations Division, Halifax, Nova Scotia. I am a peace officer as defined in section 2 of the Criminal Code. I have worked with the CBSA since June 2010. My duties include conducting criminal investigations into suspected cases of fraud with respect to various Federal Acts including the *Immigration and Refugee Protection Act* and the *Special Economic Measures Act* (discussed below). I have been investigating various forms of immigration and customs fraud since I started with the CBSA.
2. I am investigating Nader Mohamed KALAI, a Syrian national with Canadian Permanent Resident status, in relation to his application to renew his Canadian Permanent Resident card, which he obtained in February 6, 2014. Additionally, I am investigating Nader Mohamed KALAI for his business involvement with at least two Syrian nationals who are sanctioned by the Canadian government.
3. I have been aware of KALAI since 2014, when, at the request of another CBSA investigator, I examined his immigration applications to determine if he met his residency requirements as a Canadian Permanent Resident. At the time, I did not identify any offences. The current investigation began in June 2016, when I was informed by a CBSA Intelligence Officer of a recent return to Canada by KALAI and his pending Canadian citizenship application. The Officer expressed that he had some concerns about KALAI's background. Based on this information, I initiated the current investigation. Through my investigation to date into KALAI's background, I believe that he made false statements to Citizenship and Immigration Canada (CIC) regarding his work history. By concealing his work history, KALAI was improperly granted a Canadian Permanent Resident Card. Additionally, through my investigation, I further believe that KALAI has been involved in the management of multiple businesses which have interests in Syria, Austria and the United Arab Emirates, and which are associated with at least two Syrian nationals who are sanctioned by the Canadian government for their involvement with the Syrian Regime.



4. As a result of this investigation, I believe that Nader Mohamed KALAI made false statements to CIC regarding his employment/work history on his application to renew his Canadian Permanent Resident card. This action constitutes an offence under the *Immigration and Refugee Protection Act*. I also believe that Nader KALAI has been engaged in at least one business which is partially controlled by entities which are sanctioned by the government of Canada. This action constitutes an offence under the *Special Economic (Syria) Regulations*. Further, I believe that Nader KALAI is involved in the operation of businesses in Syria which involves investment in those businesses, also, which constitutes an offence under the *Special Economic (Syria) Regulations*.
5. I am therefore seeking a search warrant to search the electronics belonging to Nader KALAI. I believe that evidence will be present in this location. My belief is based on the fact that KALAI utilizes both phone and email for business communications. I believe that this search will provide the documents described above which will provide evidence of the listed offences.

#### PERMANENT RESIDENTS OF CANADA

6. Based on my training, my work experience with the CBSA, the *Immigration and Refugee Protection Act* (IRPA), and information obtained from the CIC government website located at [cic.gc.ca](http://cic.gc.ca), which I last accessed in June 2016, and which I believe to contain reliable information, I believe the following information to be true.
  - a) As Canadian Permanent Residents, people must physically reside in Canada for a minimum period of two out of five years after they obtain Permanent Resident status. When Permanent Residents apply to renew their Permanent Resident status card, they must demonstrate to CIC that they have met that residency requirement. Permanent Residents require Permanent Resident cards to prove their status when re-entering Canada from abroad. Also, people must permanently reside in Canada for a minimum of three out of four years before they can apply for Canadian citizenship. For some time in 2014, I examined KALAI's compliance with the Canadian residency requirement, but that is no longer the focus of my investigation.
  - b) As Canadian Permanent Residents, people have the ability to obtain Permanent Resident cards. These cards are used to demonstrate status in Canada and are used for travel purposes when re-entering Canada. These cards are valid for five year periods. When a person applies to renew their card, they are required to fill out an application whereby they must answer questions regarding their personal circumstances over the previous five years. This application triggers a review by CIC of the applicant's residency in Canada and it is therefore important that the applicant be truthful in their statements. Cards are not automatically granted and therefore the information supplied on applications is necessary for CIC officers to establish that the person has complied with their obligations as a Permanent Resident of Canada. A person's employment and business associations are relevant matters for CIC's

consideration because they could affect a person's admissibility or compliance with IRPA.

- c) Permanent Residents of Canada are entitled to all the rights guaranteed under the Canadian Charter of Rights and Freedoms such as equality rights, legal rights, and mobility rights, freedom of religion, freedom of expression and freedom of association. They do not, however, have the right to vote in elections or hold a Canadian passport. As Permanent Residents people have access to all Canadian social services including health care and tax benefits.

## BUSINESS WITH SYRIA

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- 7. Based on my training, my work experience with the CBSA, the *Special Economic Measures Act*, and information obtained from the Global Affairs Canada website located at [www.international.gc.ca](http://www.international.gc.ca), which I last accessed in July 2016, I believe the following information to be true.
  - a) With respect to Syria, sanctions related to Syria were enacted under the *Special Economic Measures Act* in response to the humanitarian crises and resulting breach of international peace and security in the region.
  - b) The *Special Economic Measures (Syria) Regulations* impose sanctions against members of the current Syrian regime. In addition to the restrictions on dealings with designated persons, the Regulations prohibit multiple activities such as the export of goods to Syria, investments in Syria, and the provision of financial services in relation to a person in Syria.

## RELEVANT LEGAL CONTEXT

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- 8. *The Immigration and Refugee Protection Act (2001, c. 27)* came into force on June 28, 2002, as did the associated *Immigration and Refugee Protection Regulations (SOR/2002-227)*.
  - a) Section 127 (a) of the *Immigration and Refugee Protection Act* states that “No person shall knowingly directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act.”
  - b) Section 128 of the *Immigration and Refugee Protection Act* states that “A person who contravenes a provision of section 126 or 127 is guilty of an offence and liable on conviction on indictment, to a fine of not more than \$100,000 or to imprisonment for a term of not more than five years, or to both; or on summary conviction, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.”

- c) Based on the *Immigration and Refugee Protection Act* I believe that submitting a Permanent Resident card renewal application to CIC which contains false statements constitutes misrepresentation under Section 127.

9. The *Special Economic Measures Act (S.C. 1992, c.17)* came into force on June 4, 1992. The *Special Economic Measures (Syria) Regulations (SOR/2011-114)*, made pursuant to the *Special Economic Measures Act*, came into force May 24, 2011.

- a) Section 3 of the Regulations states that, “*Subject to section 3.2, it is prohibited for any person in Canada and any Canadian outside Canada to*
  - i) *(a) deal in any property, wherever situated, held by or on behalf of a designated person;*
  - ii) *(b) enter into or facilitate any transaction related to a dealing referred to in paragraph (a);*
  - iii) *(c) provide any financial or related service in respect of a dealing referred to in paragraph (a);*
  - iv) *(d) make any goods, wherever situated, available to a designated person; or*
  - v) *(e) provide any financial or related service to or for the benefit of a designated person.”*

[Underlining added. Designated persons are specified in the Regulations published in the Canada Gazette. I have prepared a chart of the various individuals and entities that I believe are designated persons under the regulations; See Exhibit A to this Information.]

- b) Section 3.1 of the Regulations states that, “*Subject to section 3.2, it is prohibited for any person in Canada and any Canadian outside Canada to*
  - i) *(a) import, purchase, acquire, carry or ship any goods — other than food for human consumption — that are exported, supplied or shipped from Syria after December 23, 2011;*
  - ii) *(b) provide or acquire financial or other related services to, from or for the benefit of or on the direction or order of Syria or any person in Syria for the purpose of facilitating the importation, purchase, acquisition, carriage or shipment of any petroleum or petroleum products, excluding natural gas, from Syria;*
  - iii) *(c) make an investment in Syria if that investment involves a dealing in any property, wherever situated, held by or on behalf of Syria, a person in Syria or a national of Syria who does not ordinarily reside in Canada;*



- iv) *(d) provide or acquire financial or other related services to, from or for the benefit of or on the direction or order of Syria or any person in Syria for the purpose of making an investment described in paragraph (c);*
  - v) *(e) export, sell, supply or ship to Syria or any person in Syria any goods, including technical data, for use in the monitoring of telecommunications;*
  - vi) *(f) provide or acquire financial or other related services — other than those whose provision or acquisition is otherwise prohibited by these Regulations — to, from or for the benefit of or on the direction or order of Syria or any person in Syria;*
  - vii) *(g) export, sell, supply or ship to Syria or any person in Syria any luxury goods;*
  - viii) *(h) export, sell, supply or ship to Syria or any person in Syria any of the goods set out in Schedule 2; or*
  - ix) *(i) transfer, provide or communicate to Syria or any person in Syria technical data related to any of the goods set out in Schedule 2.*
- c) Section 3.2 of the Regulations states that, *“The prohibitions set out in sections 3 and 3.1 do not apply in respect of*
- i) *(a) any activity engaged in under an agreement or arrangement between Canada and Syria;*
  - ii) *(b) any payment made by or on behalf of a designated person that is due under a contract entered into before the person became a designated person, provided that the payment is not made to or for the benefit of a designated person;*
  - iii) *(c) any goods made available, or services provided, to or by any of the following entities for the purpose of safeguarding human life, disaster relief, democratization, stabilization or providing food, medicine or medical supplies or equipment:*
    - iv) *(i) an international organization with diplomatic status,*
    - v) *(ii) a United Nations agency,*
    - vi) *(iii) the International Red Cross and Red Crescent Movement, or*

- vii) *(iv) a non-governmental organization that has entered into a grant or contribution agreement with the Department of Foreign Affairs and International Trade or the Canadian International Development Agency;*
  - viii) *(d) the importation, purchase, acquisition, carrying or shipping of petroleum or petroleum products that were exported, supplied or shipped from Syria before October 5, 2011;*
  - ix) *(e) any goods from the Embassy of Canada in Syria destined for Canada or any goods from Syria destined for the Embassy of Syria in Canada;*
  - x) *(f) personal or settlers' effects that are taken or shipped by an individual leaving Syria and that are solely for the use of the individual or the individual's immediate family;*
  - xi) *(g) personal correspondence, including lettermail, printed papers and postcards, of a weight not exceeding 250 g per item of correspondence;*
  - xii) *(h) pension payments to any person in Canada, any Canadian abroad or any person in Syria;*
  - xiii) *(i) any transaction in respect of the accounts at a Canadian financial institution that are used for the regular business of the Embassy of Syria or its consular missions in Canada;*
  - xiv) *(j) any transaction in respect of the accounts at a Syrian financial institution that are used for the regular business of the Embassy of Canada or its consular missions in Syria; and*
  - xv) *(k) any transactions necessary for a Canadian to transfer any existing accounts, funds or investments of a Canadian held with a designated person to a non-designated person."*
- d) Section 4 of the Regulations states that, *"It is prohibited for any person in Canada and any Canadian outside Canada to do anything that causes, assists or promotes or is intended to cause, assist or promote any act or thing prohibited by section 3 or 3.1."*
- e) Section 8 of the *Special Economic Measures Act* states that, *"Every person who wilfully contravenes or fails to comply with an order or regulation made under section 4*
- i) *(a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding one year, or to both; or*

- ii) *(b) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years.*"
- f) Based on the *Special Economic Measures (Syria) Regulations*, I believe that conducting activities related to the management of a business, whereby sanctioned individuals are involved, is an offence under sections 3(a), 3(b), and 4.

## SUBJECTS

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10. Nader Mohamad KALAI, born July 9, 1965, citizen of Syria
11. Miriam AL HAJ HUSSEIN, born May 8, 1974, citizen of Syria, Canadian Permanent Resident status as of January 30, 2004, Canadian citizen as of June 26, 2014, wife of Nader KALAI
- a) KALAI and AL HAJ HUSSEIN reside at 871 Young Avenue, Halifax, Nova Scotia, with their six children. All except KALAI are Canadian citizens.
12. Janet GEORGE, born September 16, 1959, citizen of Lebanon and Canada, works as the executive business assistant for Nader KALAI
13. Rami MAKHLOUF, born July 10, 1967, citizen of Syria, sanctioned by the government of Canada for his association with the Syrian Regime
14. Razan OTHMAN, born January 31, 1977, citizen of Syria, sanctioned by the government of Canada for her association with the Syrian Regime

## BACKGROUND

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15. In September 2014, I spoke with CBSA Criminal Investigator Blair MacDonald. Investigator MacDonald was involved with a 2014 investigation into KALAI regarding potential *Customs Act* offences for importing artwork from Syria. Investigator MacDonald asked me to look at Nader KALAI's immigration records to determine if he was meeting his residency requirements or had possibly misrepresented himself regarding his residency to Citizenship and Immigration Canada (CIC) when he applied to renew his Permanent Resident card in 2013. Based on this information, I obtained applications submitted by KALAI to CIC, to determine if he had omitted information to CIC regarding his residency. In September 2014, I received four applications which KALAI had submitted to CIC between 2002 and 2014. One of the applications was a Permanent Resident card renewal application<sup>1</sup> which KALAI submitted to CIC on November 15, 2013. At the time, I did not find information that KALAI had not met his residency requirements, which concluded my involvement with the matter.

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<sup>1</sup> On September 15, 2014, I obtained this application from Susan MacDonald, who works for CIC in its Sydney, Nova Scotia Permanent Resident card processing office and have since reviewed the application on multiple occasions.



16. In June of 2016, I was informed by CBSA Intelligence Officer Michael Klenavic that KALAI had recently returned to Canada and was in the process of obtaining Canadian citizenship. I was aware that Officer Klenavic had KALAI flagged upon entry to Canada for two reasons. One reason is that KALAI's wife Miriam AL HAJ HUSSAIN had been subject to a CBSA seizure for undeclared currency several years prior. The other reason is that Officer Klenavic had anecdotal information that KALAI may be or have been in business with individuals associated with the Syrian regime. Based on this information, over the course of several days in June and July 2016, I reviewed KALAI's aforementioned applications to CIC, and information found in GCMS<sup>2</sup>, and learned the following information about his immigration to Canada and status in Canada.

#### KALAI's IMMIGRATION TO CANADA

17. On January 30, 2004, Syrian citizens Nader KALAI, his wife Miriam AL HAJ HUSSAIN, their sons Bassel and Faress, and their daughters Ghazal and Aya immigrated to Canada and obtained Canadian Permanent Resident status. At the time, the family was able to immigrate to Canada via the Investors Category as KALAI had the financial capital required by that program. Prior to immigrating, the family was residing in Damascus, Syria. For approximately four years after obtaining Canadian Permanent Resident status, the family continued to reside in Syria while KALAI worked in Syria. Since obtaining Canadian Permanent Resident status, with the exception of Nader and his mother in law, all family members have since obtained Canadian citizenship. CIC and the CBSA has questioned KALAI's residency as Canadian Permanent Residents are obliged to physically reside in Canada for 730 days in a five year period. However, KALAI has insisted his place of permanent residence is in Canada and claims to have been compliant with Canadian residency obligations.

#### KALAI'S 2013 APPLICATION FOR CANADIAN PERMANENT RESIDENT CARD

18. On November 15, 2013, Nader KALAI signed his application for a renewed Canadian Permanent Resident card (CIC Form IMM5444).<sup>3</sup>
19. Question number 21 on this IMM5444 Application for a Permanent Resident Card states, "*WORK AND/OR EDUCATIONAL HISTORY: Your work and/or educational history for the past five (5) years or if you became a permanent resident less than five (5) years ago, your work and/or educational history since becoming a permanent resident. If you have not worked or studied, provide you other activity history, including location.*"

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<sup>2</sup> GCMS - Global Case Management System - is a database used by Citizenship and Immigration Canada (CIC) and the CBSA. The database stores client case information on people immigrating to Canada and/or obtaining Canadian citizenship. The ability to input information into this system is limited primarily to CIC personnel and a limited number of CBSA personnel. When reference is made to information obtained from GCMS, I believe that the information is accurate.

<sup>3</sup> A Permanent Resident card provides evidence of Permanent Resident status and enables re-entry to Canada.

- a) KALAI stated the following for employment / work history on his PR card application. *“From November 1, 2009 to November 15, 2013, TELEFOCUSCONSULTANTS INC, Halifax, NS”*. No other business or activity is listed and no business or activity was listed from November 2008 to November 1, 2009.
- i) TELEFOCUS CONSULTANTS INC incorporated in the province of Nova Scotia on February 13, 2009.<sup>4</sup> KALAI entered Canada from abroad on February 1, 2009<sup>5</sup>. His previous entry to Canada was on November 28, 2007. Based on the passports KALAI supplied with this application, from at least November 1, 2008, KALAI was travelling throughout, at least, the Middle East (Lebanon, Syria, Kuwait, and the UAE).
- (1) On this application, in the section regarding travel history, KALAI claimed to be in Damascus, Syria from February 28, 2009 to September 12, 2009 for “BUSINESS”. Subsequent trips to Syria, Beirut, and Austria were also described as trips for “BUSINESS”. KALAI stated he was outside of Canada for a total of 724 days between February 1, 2009 and November 15, 2013.
- ii) Based on the information above, from November 1, 2008 to November 1, 2009, KALAI was travelling throughout the regions where he had worked his entire career prior to immigrating. Additionally, from February 28, 2009 onward, the majority of his declared trips to Syria and Beirut were for “BUSINESS”. However, KALAI declared no work related activity for a full year. Even if KALAI claimed to working on behalf of TELEFOCUS CONSULTANTS, the business was not registered until February 2009 leaving a three month time frame of unexplained activity in the Middle East.
- b) Along with the application, KALAI supplied a number of supporting documents, including Canada Revenue Agency “Notices of Assessment” (NOA) for the years 2008 to 2012, copies of his passports, and a letter from his immigration lawyer, Susan Rix, dated January 22, 2014, as follows:
- i) KALAI submitted NOA’s for himself for 2008, 2009, 2010, 2011, and 2012. His declared income for those years was \$95,001, \$185,993, \$162,349, \$128,856, and \$132,146.

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<sup>4</sup> On July 19, 2016, I accessed the Nova Scotia Registry of Joint Stocks and retrieved this information.

<sup>5</sup> On June 23, 2016, I accessed ICES and retrieved this information. ICES is an electronic database maintained by CBSA that contains records of travelers into Canada as well as enforcement actions taken against travelers who have contravened acts enforced by CBSA. The ICES database is accessible by certain CBSA employees using CBSA computers with confidential, individual, personal identification codes and passwords. ICES only records the movement of people into Canada. ICES is not available to Citizenship and Immigration Canada. The ability to input information for this system is limited primarily to CBSA personnel and authorized persons. I have access to this database on my CBSA computer using personal identification codes and passwords. When reference is made to information obtained from ICES, I believe that the information is accurate.

- ii) KALAI submitted copies of two of his Syrian, numbers N005438150 which is valid from 26/04/2010 to 25/04/2016 and N002888544 which is valid from 03/07/2007 to 20/07/2011. Based on stamps within these passports, and his entry records to Canada, KALAI stated that he was outside of Canada for 724 days between February 1, 2009 and November 15, 2013. KALAI therefore stated that he had lived in Canada for more than 730 days (as required under IRPA) over the previous four and a half years.
- iii) In the January 22, 2014 letter from Susan Rix, which is addressed to CIC, Ms. Rix states, "*Nader Kalai is in the telecommunications business and has a Canadian company, Telefoc Consultants Inc., which was incorporated on February 13, 2009. A printout from the Nova Scotia Registry of Joint Stock Companies database regarding the company is enclosed for your reference. Nader Kalai has two employees in Nova Scotia and is looking for one more.*"

STATEMENTS KALAI HAS MADE TO THE CANADIAN GOVERNMENT ABOUT HIS EMPLOYMENT

- 20. On February 27, 2002, KALAI and his wife Miriam AL HAJ HUSSAIN signed their CIC Immigrant Applicant Form - Application for Canadian Permanent Residence in Canada. (CIC Form IMM0008)<sup>6</sup>
  - a) On this form, KALAI stated his work history as follows.
    - i) June 1984 – To Date – MHM W KALAI CO, Damascus Syria, General Manager, 25% Owner
    - ii) May 1993 – To Date – KALAI INDUSTRIES, Kisswah Syria, 100% Owner/Director General
    - iii) January 1998 – To Date – SYRIAN YACHT CLUB, 100% Owner/Director General
    - iv) KALAI provided a narrative for each of the business in which he was involved. In this narrative, KALAI stated that he had a private business with the government (Syria) in the field of communication and electricity. KALAI also stated that due to the success of KALAI INDUSTRIES, he was granted tax exempt status by the government of Syria. KALAI described KALAI INDUSTRIES as being in the fiberglass and steel manufacturing industries and being the sole agent [in Syria] for international businesses including Mercury, Bayliner, Bombardier, General Electric, and Siemens.
  - b) At the time the application was signed, KALAI estimated his personal net worth at \$7,342,616 CAD.

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<sup>6</sup> On September 15, 2014, I received this application from Ryan Christie with CIC Information Management Section in Ottawa.



21. On November 30, 2007, KALAI and his wife signed their CIC Application For Permanent Residence in Canada (IMM0008) for their son Hamza, who was born outside of Canada.<sup>7</sup> According to the Immigration Officer notes in relation to this application, KALAI stated that he had a position on the board of SYRIATEL (The primary cellular service provider in Syria). The immigration officer examining the application and supporting documentation felt that KALAI and his wife had not been residing in Canada since their date of landing and therefore had not met their residency obligations (730 days in Canada for every five year period) as Canadian Permanent Residents and were living and working in Syria. Despite this finding, the officer approved the sponsorship of their son and the son obtained Canadian Permanent Resident status on February 1, 2009. A person by the name of Janet GEORGE represented the KALAI's (both Nader and his spouse) in the submission and completion of this application.
- a) In June, 2016, I accessed an online report drafted by the accounting firm Price Waterhouse Coopers titled the Arab Human Capital Challenge whereby the CEO's of major Arab businesses were interviewed. In this document, which was based on interviews of CEO's of these businesses between 2007 and 2008, Nader KALAI is listed as the Chief Executive Officer of SYRIATEL.
- i) In July 2016, I accessed an online U.S. Department of Treasury press release, dated October 8, 2011, which states that the U.S. sanctioned SYRIATEL, the largest mobile phone operator in Syria for benefiting from corruption. The release also states that Rami MAKHLOUF, also sanctioned by the U.S. for corruption, owns SYRIATEL.
22. In 2011 (no date is listed) KALAI and his wife Miriam AL HAJ HUSSAIN signed their CIC Application to Sponsor And Undertaking (CIC Form IMM1344) for AL HAJ HUSSAIN's mother, Jidaa RAMADAN to immigrate to Canada. The application was received by CIC on February 23, 2011.<sup>8</sup> On this application, KALAI stated that he obtains a salary from TELEFOCUS INC and is self employed as a telecommunications consultant. KALAI declared his income from February 20, 2010 to February 19, 2011 with TELEFOCUS as \$60,000 CAD. KALAI declared additional income of \$75,000 CAD, in the same time frame, working as a "consultant" for KALAI INDUSTRIES in which he holds 100% of the shares. The application was approved by CIC and on September 6, 2014, RAMADAN arrived in Canada and obtained Canadian Permanent Resident status.

#### KALAI's INTERACTIONS WITH THE CBSA

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23. KALAI has entered Canada from abroad on 40 occasions between January 2004 and June 2016<sup>9</sup>. He has been referred for secondary examination by the CBSA on 30 of those 40

<sup>7</sup> On September 16, 2014, I received this application from Ryan Christie with CIC Information Management Section in Ottawa.

<sup>8</sup> On September 15, 2014, I obtained this application from Nancy McCormick who works in the CIC Centre in Mississauga, Ontario which handles sponsorship cases.

<sup>9</sup> On July 18, 2016 I accessed ICES (Integrated Customs Enforcement System) and retrieved this information.

occasions. Those examinations consist of either immigration purposes, customs purposes, or a combination thereof. During several of these examinations, KALAI stated to the examining CBSA Officer his employment. [Note this is where examinations were documented as not all examinations are documented.]<sup>10</sup>

- a) Following an April 23, 2011 arrival from abroad at the Montreal Trudeau International Airport, the Border Officer who examined KALAI for entry stated the following information, “...*SUBJECT HAS RESIDED IN CANADA FOR 456 DAYS IN THE PAST FIVE YEARS. ALSO, IT SHOULD BE NOTED THAT SUBJECT CLAIMS HE IS THE CHAIRMAN OF TELEFOCUS, A COMPANY REGISTERED IN CANADA, WHICH HAS A CONSULTING AGREEMENT WITH A SOLE CLIENT, TELEFOCUS LEBANON WHICH IS ALSO SUBSIDIARY [sic] OWNED BY SUBJECT. IT APPEARS THAT THE LEBANESE COUNTERPART OF TEELFOCUS [sic] HAS NUMEROUS CONTRACTS WITH VARIOUS MIDDLE EASTERN COMPANIES...*”
- b) Following a June 8, 2013 arrival from abroad at the Halifax Stanfield International Airport, the Border Officer who examined KALAI for entry stated the following information, “...*He stated he owns a telecommunications consulting business called "Telefocus" and he has an office in Halifax and an office in Beirut. He stated he used to have an office in Damascus but he recently closed it. - The Halifax office is located in his home at the address listed above. The Beirut office is located at; Riyad El-Solh, Lazarieh Tower, 7th Floor, P.O. Box 11-4334, Beirut, Lebanon. Phone: +9611988188. Web: www.telefocus.com - Stamps in his passport indicated that during this current absence from Canada he visited London, Vienna, Beirut, Iraq, and Syria...*”
- c) Following a July 11, 2013 arrival from abroad at the Halifax Stanfield International Airport, the Border Officer who examined KALAI for entry stated the following information, “... *PC OWNS TELEFOCUS CONSULTING INC. PC STATES THAT HE HAS NO NORTH AMERICAN CLIENTS, AND ONE EMPLOYEE....ALI FARHAT WHO IS THE OPERATION OFFICER. WHEN I GOOGLED THIS NAME AND COMPANY, (ZOOMINFO.COM) THE COMPANY ADDRESS STATES: NOVA SCOTIA, CANADA & ALI FARHAT'S CONTACT TELEPHONE NUMBER AND EMAIL ADDRESS ARE BOTH IN THE UK... PC (KALAI) CLAIMS THAT HE IS ABROAD WORKING FOR HIS CANADIAN COMPANY...*”
- d) Following a June 12, 2014 arrival from abroad at the Pearson International Airport, the Border Officer who examined KALAI for entry stated the following information, “*PAX has 2 sources of income*
  1. *Telefocus Consultants Inc. PAX is CEO and Chairman. Business is operated out of his home. Address 871 Young St Halifax NS B3H 2V8*
  - 2 *KALAI Industries. a factory producing steel structures and assemblies of items*

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<sup>10</sup> In June and July, 016, I retrieved this information from both ICES and GCMS.

*such as radio and telephone transmission towers with sales in the Middle East and throughout Africa...*"

- e) Following a June 29, 2016 arrival from abroad at the Halifax Stanfield International Airport, the Border Officer who examined KALAI for entry stated the following information, "*...Mr. Kalai has been the President of Telefocous Consulting Inc. since 2009 (registered Canadian company). The primary office location is his home address: 871 Young Ave, Halifax, NS B3H 2V8. His company primarily focuses on mobile industry. He stated that he helps with the technical rollout of telecommunication companies and may also help them on how to enhance their network/mobility and also in construction and marketing. Beside his main office in Halifax, he has one in Beirut located at Riad Alsaleh, Alazairia B. Floor 7. He stated that he has one employee, Dr. Janet George. She is the manager of business development. As for his clients, he stated he has clients in Sierra Leone, Algeria and Beirut.*
- When he goes to Beirut for work he stays in his apartment that he's owned for 30+ years: Cap sur Vill, W18, Dakuame [Beirut]. He stated that he also has a sister that lives in Beirut and the rest of his family is in Syria. Mr. Kalai also sits on numerous boards: Byblos Bank (Lebanon), Castle Holdings Investments (since 2008) to name a couple. He stated that he owns telecom towers in Syria and was once the CEO of Syriatel. He resigned from that role in 2008...*" "*...PC has 3 primary cell phones: one for Canada, one for Lebanon and one for Syria. He states that he gets most of his cell phones for free because of his work in Telecommunications. Here are the numbers of the cell phones: - Canada - (902)999-1070 - Lebanon – 99613705080.*"
- i) On July 20, 2016, I spoke with Border Officer Julie Cormier who carried out the June 29, 2016 examination of KALAI, to clarify her comments. She advised that during this examination, KALAI told her that he does most of his work at home or in Beirut and that he did not have work items such as documents on his phones, only email correspondence.

#### KALAI'S WORK AND EMPLOYMENT ABROAD

24. Based on copies of one of KALAI's passports, which he supplied to CIC with his aforementioned PR card application submitted in 2013, KALAI had obtained at least two Schengen Visas through the Austrian government. [Schengen Visas can be issued by Schengen member states (26 European countries) and are for travel by non EU citizens in the Schengen area.]<sup>11</sup> The two visas I was able to locate were issued April 24, 2013 by the Austrian embassy in Ottawa. [Visa Numbers: 007957627 valid from April 24, 2013 to November 10, 2013 and 007957626 valid from April 24, 2013 to April 23, 2014]

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<sup>11</sup> I know this from experience working as an investigator with the CBSA.

- a) Regarding the above Schengen Visa, KALAI declared on his visa application that he is a self-employed business man. The name of the company was CASTLE INVEST HOLDING GmbH located at Graben 17/7, 1010 Vienna.<sup>12</sup>
- b) On June 27, 2016, I accessed the CASTLE INVEST HOLDING website at www.comelite.us. Listed under the “Our Firm / Portfolio” section of the website, a number of businesses were listed. Some of the listed businesses were KALAI INDUSTRIES, TELEFOCUS (Lebanon), ART HOUSE (Austria), and TALISMAN HOTELS (Syria).
25. On June 27, 2016, I accessed the website wikileaks.org, where I located an email to Syrian government officials, dated February 28, 2010, regarding a guest list for some type of function. Nader KALAI’s name was listed on the list. KALAI was referenced as the Chairman and owner of KALAI INDUSTRIES Syria, the owner of ARTHOUSE – TALISMAN Syria, and the Chairman of CASTLE INVEST HOLDING Syria.
26. On June 27, 2016, I accessed the BYBLOS BANK S.A.L. website located at www.byblosbank.com. According to information on the website and annual reports posted by the business, BYBLOS BANK is headquartered in Beirut, Lebanon and is the third largest bank in that country. According to its annual reports, Nader KALAI is a listed Director for BYBLOS BANK SYRIA S.A. and has held that position since 2005.
- a) As mentioned during his June 29, 2016 examination by the CBSA, KALAI stated that he was a board member for BYBLOS BANK.
27. On June 27, 2016, I accessed a report drafted by the accounting firm Price Waterhouse Coopers titled the Arab Human Capital Challenge whereby the CEO’s of major Arab businesses were interviewed. In this document, which was drafted based on interviews of CEO’s in 2007 and 2008, Nader KALAI was interviewed and listed as the Chief Executive Officer of SYRIATEL, Syria.
28. On July 8, 2016, I obtained corporate registration documents from the Austrian Commercial Register’s office,<sup>13</sup> for the business MEDOX GmbH and the business CASTLE HOLDING GmbH. The documents consisted of Business Register excerpts and annual financial statements. I believe this to be comparable to the Nova Scotia Registry of Joint Stocks. I reviewed the documents and found the following information:
- a) With respect to MEDOX GmbH, according to the annual financial statements covering January 1, 2009 to December 31, 2011, Nader KALAI and a person by the name of Kaswarah OTHMAN are listed as Managing Directors of the business. According to the statements, MEDOX GmbH has between 12 and 16 million Euros in assets. MEDOX has 100% ownership of five other businesses listed as MEDOX

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<sup>12</sup> On June 17, 2016, I received the above information from Vera Schnirch, who works at the Canadian embassy in Vienna, Austria. Ms. Schnirch obtained this information from the Austrian authorities.

<sup>13</sup> The Compass HF Data website is a clearing office of the Republic of Austria for data from the Austrian Business Register.

IMMOBILIEN GmbH, MEDOX REAL ESTATE DEVELOPMENT GmbH, MEDOX RESTAURANT UND HOTELBET GmbH, VORLAUFSTRASSE 3 VERWERLUNGS GmbH, and WAGRAMAR STRABE 50 PROJEKTENLWISKLUNGS GmbH. These businesses have a combined capital of approximately 5 million Euros. Corporate registration documents for the business list Kaswarah OTHMAN, Ahmad MOUHANNA, and MEDOX LIMITED [Jebel Ali Free Zone Authority, #1666], as the directors for the same period as well as 2012. For 2013, Ahmad MOUHANNA, Essam Al Hage Hussein, and MEDOX LIMITED are listed as directors.

- b) According to the annual financial statements covering January, 2009 to December 31, 2013, Nader KALAI and his wife Miriam AL HAJ HUSSAIN are listed as Managing Directors of the business. The business has approximately 5 million Euros in assets. CASTLE HOLDING has 100% ownership of two other businesses, namely ART HOUSE GmbH, ART VILLAGE GmbH, and 75% ownership of SONNENHOF ZUCHTPFERD-U REIT GmbH, which have a combined capital of approximately 2.6 million Euros.

#### WITNESS INFORMATION

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29. On June 21, 2016, the Canadian embassy in Vienna received an email from a person by the name of Walid Kalai (further referred to as Walid in order to avoid confusion with Nader KALAI). In this email, Walid stated that Nader KALAI is involved with a number of businesses and holdings in Austria, Syria, Lebanon, Egypt, Great Britain, and the UAE. Walid stated that Nader KALAI is a partner of Rami MAKHLOUF and has been involved with laundering money. The email from Walid stated the following information.<sup>14</sup>

*"Dear Sir or Madam,*

*herewith we direct your attention to Mr. NADER KALAI, a current resident of Canada. Mr. NADER KALAI holds assets in the value of around 200 Million US-Dollar, which are scattered as follow:*

1. *Austria, Vienna Mr. NADER KALAI owns:*

*\* real estates properties under the name of his companies Castle Holding GmbH, Art House GmbH, Art Village GmbH, Medox GmbH and Sonnenhofzuchtpferd- und Reitgesmbh*

2. *Syria, Damascus Mr. NADER KALAI owns:*

- \* several hotels such as "Talisman 1", "Talisman 2" and "Art House"*
- \* a metal factory "Kalai Industries Limited"*
- \* many private properties such as buildings, flats and sites*
- \* an investment company "Castle Invest Holding"*

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<sup>14</sup> On June 22, 2016, this email was forwarded to me by Vera Schnirch who works at the Canadian Embassy in Vienna.



- \* *a housing and construction company "Baity"*
3. *Libanon, Beirut Mr. NADER KALAI owns:*
    - \* *a site for a housing project in the centre of Beirut*
    - \* *a trading company "Telefocus"*
    - \* *a big flat in Beirut*
  4. *Egypt, Sharm El Sheik Mr. NADER KALAI owns:*
    - \* *2 fancy flats at the Four Seasons Resort Sharm El Sheik*
  5. *Great Britain, London Mr. NADER KALAI owns:*
    - \* *a private flat*
  6. *UAE, Dubai Mr. NADER KALAI owns:*
    - \* *25 % of a furnished apartments Tower owned by Medox Limited*

*In addition he posses shares worth over 20 Million US-Dollar in several banks such as Byblos Bank, Arab bank and others. His monthly established income is around 250.000 US-Dollar.*

*Mr. NADER KALAI keeps a lot of cash in treasures in many different banks. He owns a fleet of cars and a collection of paintings and jewelry of great value.*

*Mr. NADER KALAI is a partner of Mr. RAMY MAKHLOUF, who is currently facing international sanctions for illegal activities, his support and his collaboration with the Syrian Regime. For many years Mr. NADER KALAI is laundering money. He made an illegal fortune within 2 - 3 years and has spread it in different countries.*

*Most probably Mr. Nader Kalai was involved in criminal affairs, please see the list in the following (pdf) link of the civilians who took part in such operations:*

*<http://all4syria.info/wp-content/uploads/2011/07/Final-English-List.pdf>*

*Information of Mr. NADER KALAI:*

*Address: 871, Young AVE. (Telefocus Consultants Inc)  
B3H2V8*

*Phone: +1 (902) 999 1070*

*Date of Birth: 9th of July 1965"*

30. *On June 23, 2016, I spoke with Walid, the writer of the aforementioned email, over the phone. (Walid had provided his personal contact information in the aforementioned email.) During our conversation, Walid stated the following information:*

- a) He believes the information he provided to the Embassy to be true because he personally knows Nader KALAI and has worked with him about seven to eight years. He is also a first cousin of Nader KALAI on their father's side. Nader KALAI hired Walid to provide advice on real estate investments in Austria. Nader KALAI was the person that would hire him for work and Walid would bill Nader KALAI's businesses for his services, not KALAI personally. He noted that all of the businesses he billed were owned and operated by KALAI.
  - b) Nader KALAI started the business MEDOX GmbH, in Austria some time in 2007 / 2008. He was the manager and shareholder of that business. KALAI has since stepped down as manager but is still a shareholder along with Rami MAKHLOUF.
31. On June 28, 2016, I received six corporate registration filings for businesses associated to Nader KALAI from Mr. Walid Kalai. I reviewed the documents and found the following information.
- a) The first document is an "Amendment of Memorandum & Articles of Association For An Offshore Company In Jebel Ali Free Zone" for a business named MEDOX LIMITED. The name of the company is MEDOX LIMITED. Its registered office is PO Box 7191 Dubai, UAE. The registered agent is MASTERS LEGAL ACCOUNTANTS. The company is established for General Trading. Rami Mohamad MAKHLOUF transferred 7,400 shares equally divided to Mr. Adib MHANNA and Mr. Kaswarah OTHMAN. The capital is as follows. Adib MHANNA - 11,100 shares 11,100,000 AED, and 30% of the company. Nader Mohamad KALAI - 9,250 shares, 9,250,000 AED, and 25% of the company. Kaswarah OTHMAN - 9,250 shares, 9,250,000 AED, and 25% of the company. Razan OTHMAN, - 7,400 shares, 7,450,000 AED, and 20% of the company. The first page of the document bears a signature above the name Nader Mohamad KALAI. The second page of the document lists a shareholders resolution whereby MEDOX LIMITED, being a company organized and existing in Dubai, UAE is the sole shareholder of MEDOX GmbH with its corporate seat in Vienna and the business address in 1090 Vienna, Pramergasse 31, Austria. The document further lists a resolution whereby Mr Essam Al Hage Hussein is appointed as the managing director and Nader KALAI is removed as the managing director. The document is dated December 6, 2012, Vienna, Austria and bears a signature above the name Nader KALAI. Listed further in the document, MEDOX LIMITED grants special power of attorney to Nader KALAI and bears a signature above the name Nader KALAI. [Note that the previously mentioned MEDOX GmbH corporate documentation from Austria listed MEDOX LIMITED as a director / shareholder.]
    - i) According to the Canada Gazette,<sup>15</sup> which I accessed in June 2016, Rami MAKHLOUF (spelled Rami MAKHLUF) was subject to economic sanctions by the government of Canada on May 24, 2011. According to the Canada

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<sup>15</sup> In June 2016, I accessed SOR/2011-114 May 24, 2011; *SPECIAL ECONOMIC MEASURES ACT*; P.C. 2011-594 May 24, 2011.

Gazette,<sup>16</sup> which I accessed in June 2016, Razan OTHMAN (spelled Raza OTHMAN) was subject to economic sanctions by the government of Canada on November 26, 2012. The MAKHLOUF and OTHMAN are listed individuals in PART 2 of the *Special Economic Measures (Syria) Regulations*.

- (1) According to the U.S. Department of Treasury website, which I accessed in June 2016, Rami MAKHLOUF was subject to economic sanctions on February 21, 2008 for benefitting from corruption in Syria. According to the Official Journal of the European Union, which I accessed in June 2016, Rami MAKHLOUF was subject to economic sanctions by the European Union for funding the Syrian regime. Razan OTHMAN, wife of Rami MAKHLOUF, was also subject to economic sanctions by the European Union for her association with the Syrian regime, on October 16, 2012.
  - (a) Although KALAI stated on his PR card application that he was in Beirut on business between December 1, 2012 and December 20, 2012, based on photocopies of his Syrian passport (number N009438150), the passport was stamped at London Heathrow Airport in the UK on November 30, 2012 then not subsequently stamped for entry at the Beirut Lebanon Airport on December 16, 2012 and for exit at the Beirut Lebanon Airport on December 19, 2012. Based on the MEDOX LIMITED Amendment document, Nader KALAI signed the document as Power of Attorney on December 6, 2012 in Vienna, Austria. (Based on my experience examining passports and stamps in passports, I know that once a person is in the Schengen area, passports are not always stamped by passport control. Therefore, it is possible KALAI entered Austria and did not have his passport stamped.
  - b) Walid also supplied copies of Austrian corporate filings for the following businesses.
    - i) ART HOUSE GmbH, registered in 2007, and actively registered, with Nader KALAI and Miriam Alhaj HUSSAIN listed as Directors.
    - ii) ART VILLAGE GmbH, registered in 2007, and actively registered, with Nader KALAI and Miriam Alhaj HUSSAIN listed as Directors.
    - iii) CASTLE HOLDING GmbH, registered in 2007, and actively registered, with registered in 2007 with Nader KALAI and Miriam Alhaj HUSSAIN listed as Directors.

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<sup>16</sup> In June 2016, I accessed SOR/2012-249 November 26, 2012; *SPECIAL ECONOMIC MEASURES ACT; Regulations Amending the Special Economic Measures (Syria) Regulations*.

- iv) SONNENHOF MANAGEMENT GmbH, registered in 2012 and actively registered with Janet GEORGE, CASTLE HOLDING, and Bassel KALAI (Nader KALAI's son) listed as Directors.
  - v) SONNENHOF ZUCHTPFERD, registered in 1999, and actively registered with multiple directors including CASTLE HOLDING, ART VILLAGE GmbH, Nader KALAI, and Mohamed Samir MAKKI listed as Directors
32. On July 7, 2016, I spoke with Walid on the phone. During this conversation, Walid provided me some details around the aforementioned business documents. That information is provided below.
- a) He obtained the MEDOX document from Essam Al Hage Hussein, who is Nader KALAI's brother in law. Al Hage Hussein worked for Nader KALAI and KALAI would stay with him when in Austria.
  - b) Nader KALAI was the Managing Director of MEDOX from 2007 to 2012. He also owns and operates CASTLE HOLDINGS which is involved in real estate, hotels, and restaurants.
33. On July 11, 2016, I spoke with Essam Al Hage Hussein (further referred to as Essam) on the phone. During this conversation, Essam stated the following information.
- a) He knows Nader KALAI as Nader is married to his (Essam's) sister, Miriam. He was hired by Nader KALAI and Rami MAKHLOUF in 2011 to run some of their businesses in Syria including the TALISMAN HOTEL and the SYRIAN YACHT CLUB. KALAI and MAKHLOUF have been in business together for a number of years. KALAI and MAKHLOUF have utilized people like him to hide their involvement with various businesses. They put his name as the manager of MEDOX as MAKHLOUF is "blacklisted" and KALAI was close to being "blacklisted". Together, KALAI and MAKHLOUF own approximately 46 or 47 businesses together.
  - b) Regarding the aforementioned MEDOX document, Essam stated that he and KALAI took the document to a notary in Vienna together and signed the document, in 2012. Up to that point, KALAI was the manager of the business. Also, the MEDOX business is registered in the UAE (MEDOX LIMITED) owns the MEDOX business registered in Austria (MEDOX GmbH). Kaswarah OTHMAN, also listed as a shareholder is MAKHLOUF's brother in law. Regardless of who is listed as director or manager for any of their businesses, KALAI and MAKHLOUF are the decision makers when it comes to who is hired and business transactions.

#### PREVIOUS JUDICIAL AUTHORIZATIONS

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34. On August 4, 2016, I obtained a General Warrant to examine and copy Nader KALAI's passports upon his next entry to Canada<sup>17</sup>. I was seeking this information to establish KALAI's whereabouts in the world over the previous eight years, relevant to both IRPA and SEMA offences. On September 13, 2016, KALAI entered Canada from abroad at the Halifax Stanfield International Airport carrying two Syrian passports which had been issued to him. Acting under this General Warrant CBSA Enforcement Officer Danny Sedore examined and copied the passports and subsequently provided the copies to me. Over the following several weeks, I examined the passports. I cross-referenced his passport stamps with his Canadian entry records to Canada, his aforementioned Permanent Resident card application, and his Canadian citizenship application. Based on this information, I was able to establish a timeline when KALAI was inside of Canada and found that KALAI travels regularly between the Middle East, Europe, and Canada. KALAI's passports contained records for approximately 412 entries and exits between February 2009 and September 2016.
35. Regarding phone numbers, on September 26, 2016, I obtained the results of a Production Order I served on Rogers Communications for billing records related to Nader KALAI's phone number 902-999-1070<sup>18</sup>. Based on the results of this order, I located calls to Janet GEORGE's Syrian phone number (discussed below) between 2011 and 2015, and calls to the two aforementioned witnesses. These calls were made at times while KALAI was physically inside Canada.
36. On September 23, 2016, I obtained a Production Order for communications to and from Nader KALAI's email address nk.arthouse@yahoo.com.<sup>19</sup> On October 25, 2016, I obtained the results of that production order from Yahoo! Canada Co. Over the following several weeks, I examined the emails contained in this account and found communications regarding business activities such as the payment of accounts payable, the payment of employees, decision making on behalf of businesses, and investments. These emails show that KALAI was involved in the operation of businesses in Austria, Beirut, and Syria, from 2012 onward, which he did not disclose to CIC in his application for a renewed Permanent Resident card in 2013. Examples of these emails include communications to KALAI whereby he is provided such things as financial updates, property ownership information, and information on accounts payable regarding the businesses KALAI INDUSTRIES, INTERCONSTRUCT LIMITED, CASTLE INVEST HOLDING, the SYRIAN YACHT CLUB, and the TALISMAN HOTEL. This type of activity is contrary to the *Special Economic Measures (Syria) Regulations*.

#### REGARDING KALAI'S INVOLVEMENT WITH BUSINESSES IN SYRIA

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<sup>17</sup> On August 4, 2016, I swore the Information for a General Warrant in the NS Provincial Court in Halifax for copies of KALAI's passport. The warrant was granted on the same day by Judge Gregory E. Lenehan.

<sup>18</sup> On August 11, 2016, I swore an information to obtain a Production Order at the NS Justice Centre in Dartmouth, NS for KALAI's phone records. On the same day, the order was granted by Justice of the Peace Angus A. MacIntyre.

<sup>19</sup> On September 23, 2016, I swore the Information for the Production Order at the NS Justice Centre in Dartmouth for KALAI's email records. The Order was granted on the same day by Justice of the Peace Judith A. Gass.



- a) Within KALAI's emails, including emails forwarded to him, I was able to locate communications regarding CASTLE INVEST HOLDING SYRIA. These emails lead me to believe that KALAI has been involved in the operation of a business in Syria. Several of these emails are described below.
- i) I located multiple emails from Emad AWAD (emad@castleinvest.net) to Nader KALAI (chairman@castleinvestholding.com) between 2013 and 2015. In many of these emails, KALAI's signature block lists him as "Chairman, CASTLE INVEST HOLDING M.E. & Europe".
- (1) On November 14, 2016, I spoke with Essam El Haj Hussein. According to Mr. Hussein, Emad AWAD works as a "money man" for KALAI. According to HUSSEIN, AWAD is responsible for collecting and moving money for KALAI's businesses in Syria.
- ii) In a March to August, 2013 email chain between Nader KALAI and the Canadian Department of Foreign Affairs, KALAI listed his contact information as "Nader Kalai, Chairman, Castle Invest Holding Syria, Tel:+963-11-6128861, Fax:+963-11-6128862, E-Mail: chairman@castleinvest.net".
- iii) In a March 2013 email exchange involving Nader KALAI and Janet GEORGE, KALAI lists his contact details as Tel:+963-11-6128861, Fax:+963-11-6128862, E-Mail: chairman@castleinvest.net" and Janet GEORGE lists herself as the Executive Business Manager To Chairman, CASTLE INVEST HOLDING with a phone number of +4368183158406 and +963988203040.
- (1) Emails which were sent in 2013 on August 6, August 7, August 20, from KALAI to Janet GEORGE contain documents, signed by KALAI, whereby KALAI requests that Byblos Bank Syria transfer money from his account in that bank to Mohammad Emad ALAWAD for "Managing Fees" and "Operation and Government Payments". [Note that these are dates when KALAI was inside Canada.]
- (a) Based on these emails, I believe that KALAI's involvement with CASTLE INVEST HOLDING Syria, describing himself as the Chairman, paying employees, making decisions regarding the business suggests that KALAI is operating the business, providing financial or other related services to or for the benefit of a person in Syria and making an investment in Syria where that investment involves dealing in any property held by a person in Syria<sup>20</sup>. I also believe that his ongoing involvement with this business constitutes misrepresentation under the *Immigration and Refugee Protection Act* as this business was not disclosed by KALAI in his work history on his application for a Canadian Permanent Resident card.

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<sup>20</sup> According to the Special Economic Measures Act, *entity* means a body corporate, trust, partnership, fund, an unincorporated association or organization or a foreign state, and *person* means an individual or an entity

- iv) Beyond CASTLE INVEST HOLDING, I found emails from a person named Nasser MUKDAD (Nasser.mukdad@kalai-industries.com) to KALAI and emails where MUKDAD and KALAI were recipients. These emails occurred between 2013 and 2015 and were in reference to the operation of INTERCONSTRUCT LIMITED, CASTLE INVEST HOLDINGS, and KALAI INDUSTRIES.
- (1) In an August 11, 2014 email from Janet GEORGE to KALAI and Nasser MUKDAD, titled "*Presentation of KI Management Team to UNHCR*", GEORGE wrote, "*Dear Boss , This attached is what you have approved ; Kindly check , Thanks & Regards , Janet*" Attached to this email is a document titled "*Kalai Industries Management Team*" addressed to the United Nations Humanitarian Crisis Relief (UNHCR) – SYRIA regarding offering its services to the UNHCR in Syria. Included in the document is the following information. "If we may introduce our Management Team at Kalai Industries:

*Mr. Nader Kalai – Owner & Chairman of Kalai Industries  
chairman@castleinvest.net*

*Dr. Janet George Girgi – Business Development Manager  
drjanet@castleinvest.net Cell phone: +963988203040*

*Mr. Nasr Al Mukdad – Administration Manager  
nasser.mukdad@kalai-industries.com Cell phone: +963933228362*

*...Most recent projects...*

*MEDMAK – Iranian Embassy, Damascus / Steel Structure of the whole building*

*MEDSTEEL – SYRIA, Adra*

*METKA – POWER PLANT, DEIR ALI*

*HOLIDAY INN HOTEL – OLD DAMASCUS SOUK*

*Our Clients*

*Syriatel Mobile Telecom*

*Assad Academy of Military Engineering*

*Ministry of Defence*

*Ministry of Petroleum and Mineral Resources...*

[I believe these are Syrian government institutions. I believe that the purpose of this email is that Janet GEORGE is drafting a document for KALAI's review and approval for submission to the UNHCR in order to obtain business contracts. I believe it is evidence of KALAI's business activities in Syria.]

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REGARDING KALAI'S INVOLVEMENT WITH SANCTIONED ENTITIES

- b) Beyond his ongoing involvement with at least two businesses in Syria, further emails I located, I believe show a relationship between KALAI, Rami MAKHLOUF, and MAKHLOUF's businesses. I describe several of these below.
- i) An email to KALAI from Janet GEORGE sent on April 7, 2014 about the SYRIAN YACHT CLUB contains a spreadsheet. In the spreadsheet Rami MAKHLOUF is listed as having a bill for 109,300, dated October 25, 2011.
  - ii) A May 2, 2014 email forwarded to KALAI from Janet GEORGE about MEDOX GmbH, sent from Ahmad MOUHANNA, discusses the recall of signing authority held by Essam Al Hage Hussein. A person by the name of Hussein JAIROUDI, with an email address of hussein.jairoudi@syriatel.com.sy is one of four email recipients in this email exchange.
    - (1) Note that JAIROUDI is not listed as a Director for MEDOX on the documents related to MEDOX which had been provided to me by Walid. On November 10, 2016, I contacted Mr. Al Hage Hussein. According to him, JAIROUDI is Rami MAKHLOUF's "right-hand man" and manages MAKHLOUF's business activities. Based on this, I believe this shows that MAKHLOUF continued to have involvement with MEDOX after having transferred his shares in 2012.
      - (a) On November 30, 2016, I carried out open source internet research regarding Hussein JAIROUDI. I located the "Austro-Arab Chamber of Commerce – Austria, Vienna, 2011 Trade Directory". Listed in this directory is "Hussein JAIROUDI, Investment in the Oil Sector, Damascus Syria, Hussein Jairoudi, hussein.jairoudi@syriatel.com.sy, AL MASHREQ INVESTMENT FUND". The AL MASHREQ INVESTMENT FUND is a designated person in Schedule 1, Part 1 of the *Special Economic Measures (Syria) Regulations*.
  - iii) An email to KALAI from Janet GEORGE, sent on June 11, 2014, contains an attached financial statement for the business "ABRAJ-TEC", Damascus, Syria. The attached statement is a spreadsheet which lists four shareholders for the business from 2005 to 2013. Those shareholders are listed in the spreadsheet as "Mr. Rami, Mr. Ayad, Mr. Maher, and Mr. Nader". The four shareholders hold 100% of the company's shares valued at 290 million SYP. [I believe "Mr. Rami" to be Rami MAKHLOUF I believe SYP stands for Syrian Pounds and 290 million SYP at the end of 2013 converts to approximately 2.7 million Canadian Dollars based on December 31, 2013 exchange rates.]
  - iv) In an August 10, 2014 email from badih.rafia@almashreq.com.sy, RAFIA to KALAI, RAFIA advises KALAI that the CHOUIEFAIT SCHOOL in Syria which has been partially funded by Rami MAKHLOUF, required additional

funding. [I believe, based on the manner of the email, that KALAI is also a shareholder in the school as the email writer was seeking a response from KALAI regarding the additional funding needed.]

- v) In an August 26, 2014 email from Nader KALAI to Sami BARAKAT which is titled “CHAM HOLDING AUTHORIZATION”, KALAI writes that he authorizes Sami BARAKAT to attend the CHAM HOLDINGS shareholders meeting on August 27, 2014. CHAM HOLDINGS is a designated person in Schedule 1, Part 1 of the *Special Economic Measures (Syria) Regulations*.
- vi) A September 3, 2014 email from KALAI employee Roudy BAAKLINI to KALAI regarding the collection of material for KALAI’s businesses to be audited by a Lebanese accounting firm SEMAAN & GOLAM contains several attachments of documents related to KALAI’s business interests, one of which shows that CASTLE INVEST HOLDING SAL (Lebanon), holds shares of SYRIATEL. SYRIATEL is a designated person in Schedule 1, Part 1 of the *Special Economic Measures (Syria) Regulations*.
- vii) A November 23, 2014 email to KALAI from Janet GEORGE contains an attachment which discusses a property relationship between KALAI, his wife Miriam AL HAJ HUSSAIN, and SYRIATEL for property owned by KALAI in Syria. This email contains an attachment, written on SYRIATEL letterhead, dated November 20, 2014. The document references properties which KALAI and his wife lease to SYRIATEL. Specific properties are listed as (1580-1581-1578-1579-1541-1542-1543).
  - (1) Within the previously mentioned Application for Canadian Permanent Residence in Canada, submitted by KALAI to CIC in 2002, lists such personal assets, as bank deposits, stocks, and property. In the property section, KALAI lists “FACTORY & BLDGS. PROPERTIES #1577, #1578, #1579 IN SYRIA, purchased in 1992, valued at \$1,454,545 CAD (at the time). I believe these to be the same properties which are currently leased by the KALAI’s to SYRIATEL<sup>21</sup>.”
- viii) A January 23, 2015 email to KALAI from Ahmad MOUHANNA contains a bookkeeping summary for the business MY PLACE, which is located in Vienna, Austria. When I interviewed Walid on September 14, 2016, he told me that KALAI owns a hotel in Vienna called MY PLACE. Regarding the spreadsheet, MEDOX GmbH is a shareholder and MEDOX LIMITED is paid for “Consulting Services”.

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<sup>21</sup> According to the Canada Global Affairs website which I accessed on December 7, 2016, SYRIATEL was added to the Syrian sanctions list on August 13, 2011.

- c) Based on the above, I believe these messages show an ongoing relationship between KALAI and sanctioned entities regardless of his whereabouts in the world and corroborate witness information regarding KALAI's business dealings.

## ELECTRONICS

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- 37. On the December 19<sup>th</sup>, 2016, I obtained a warrant to search the residence of Nader KALAI at 871 Young Avenue, Halifax, Nova Scotia.<sup>22</sup> On December 20, 2016, members of the CBSA executed the search warrant and seized multiple items. Several of the items were electronic and are described below.
  - a) 1) An Apple iMac computer, serial number W5953QJ25PC, grey in colour was seized by CBSA Manager Albert Price from an office area in the residence. The computer was previewed by CBSA Digital Forensic Investigator Michael Walker who found the device contained business records.
  - b) 2) A Blue Kingmax 4 GB USB stick was seized by CBSA Intelligence Officer Michel Cormier. The device was found in a brief case located in an office area of the residence.
  - c) 3) A SYRIATEL SIM card #8996301164383791655 was seized by CBSA Intelligence Officer Sheryl Hiemstra. The SIM card was found in the master bedroom of the residence.
- 38. All items were transported by CBSA Investigations Manager Dave Stewart the evidence room in the CBSA office at the Halifax International Airport, 1 Bell BLVD, Enfield, Nova Scotia.
- 39. On December 20, 2016, Nader KALAI arrived at the Halifax Stanfield International Airport from abroad. Upon completion of his examination by the CBSA he was arrested by CBSA Immigration Enforcement Officer Danny Sedore, for the offences under investigation. Officer Sedore conducted a cursory search of KALAI and found that he was carrying a grey Apple iPhone S which is grey in colour, model number A1687. Officer Sedore subsequently placed the phone in the evidence room in the CBSA office at the Halifax International Airport, 1 Bell BLVD, Enfield, Nova Scotia.
- 40. On December 20, 2016, I conducted a cautioned interview with Nader KALAI. During this interview, KALAI stated that he is able to do business from anywhere by phone, computer, through various electronic applications and has done business with his operations overseas while being inside Canada. He further stated that he has received documents electronically, while in Canada for printing and signature. Also, as previously mentioned, KALAI's phone records and email records showed communications related to his business. Also, his email records showed communications related to his immigration status in Canada. Based on this I believe these devices will hold evidence of the listed offences.

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<sup>22</sup> On December 19, 2016, I swore the information to obtain the warrant at the NS Justice of the Peace Centre in Dartmouth, NS and the warrant was granted by Justice of the Peace Debbi Bowes on the same day.



41. I will be transferring the items to a CBSA Digital Forensic Investigator so they can be searched in a forensically sound manner. I know from experience working as an investigator and formerly as a digital forensic investigator that these examinations take multiple weeks to be properly and safely carried out. I am therefore asking for the warrant to cover a two month period from December 21, 2016 to February 21, 2016.

#### ITEMS SOUGHT

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42. I am seeking the following items as I believe they will afford evidence that KALAI has committed offences under the *Immigration and Refugee Protection Act* and the *Special Economic Measures Act*.
- a) Immigration documentation (Such as immigration applications): Will show that KALAI was knowingly involved in the submission of documentation to CIC. I expect these to be in the residence as 871 Young Avenue is the address used by CIC to communicate with KALAI.
  - b) Travel documentation (such as hotel reservations documents, car rental documents, flight itineraries, and flight records): Will show KALAI's whereabouts in the world which relates to his work/employment abroad. I expect these items to be in the residence, as I have found through experience investigating immigration related offences that people either carry travel documents on themselves, or maintain those documents at their primary residence.
  - c) Financial transaction documentation (such as bank and investment statements, money and share transfers, portfolio documents, confirmation of investments, and receipts: Will show KALAI's whereabouts and will show his work/employment abroad. I expect these items to be found at his residence as this is his Canadian residential and business address. Therefore, these items being business expenses would be maintained at his business address.
  - d) Business documentation: (such as business ownership records, operational documentation, and financial statements): Will show that KALAI is conducting business overseas, clients, co-workers, the nature of his work, and will demonstrate KALAI has been involved with businesses outside of Canada. I expect these items will be found at his residence as this is his Canadian business address.
    - i) When I interviewed Essam El Hajj Hussein and Walid, in September 2016, both stated that Janet GEORGE would answer Nader KALAI's emails and advise him what needed to be signed or required answering. KALAI would subsequently provide his response back to GEORGE who would further supply the response to the necessary party. Both witnesses also stated, independently, that KALAI would make calls regarding business while he was inside Canada, from his Canadian number 902-999-1070.

- e) Communication documentation and records (such as phone bills, call logs, emails, text messages, and facsimiles): Will show communications between KALAI and family members which would indicate his whereabouts and his activities. I expect these items to be in the residence as KALAI's family resides at 871 Young Avenue, Halifax, NS and while he resides overseas they would maintain contact through various means. Also, given KALAI's operates his business out of this address, he would make communications related to his business to and from this address.
- f) Device information (such as ownership information, account information, and access information): will show such things as who had access to the devices, when, and when the devices were used.
- g) I am requesting a date range of items from November 1, 2008 to December 19, 2016 as this period covers the date range used by KALAI in his 2013 Canadian PR card application and business activities from that point forward. Specifically, KALAI submitted his application for a Canadian Permanent Resident card in November, 2013 and that application covers the five previous years of KALAI's status in Canada. Additionally, based on the fact that KALAI continues to conduct business overseas, I believe that evidence will exist of his ongoing business activities.

## CONCLUSION

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43. I believe that Nader KALAI is working for numerous businesses abroad which he has not declared to the Canadian government. Also, I believe Nader KALAI has been conducting business with individuals and entities which are subject to economic sanctions by the government of Canada and has been operating business in Syria. Therefore, I believe KALAI has committed offences under both the *Immigration and Refugee Protection Act* and the *Special Economic Measures (Syria) Regulations*. Nader KALAI has insisted to the Canadian government on repeated occasions that he permanently resides in Canada and only performs work for his Canadian business, when abroad. He is therefore alleging that when he travels abroad for business, the business he is carrying out is done on behalf of his Canadian business. However, I believe that he is carrying out work and has carried out work for other businesses. My belief is based on his declared employment/work to CIC on his 2013 PR card application, corporate documents obtained from Austria, two witnesses who provided insight into KALAI's work abroad, KALAI's emails, and business with individuals who are sanctioned by the Canadian government.
- a) Regarding the *Immigration and Refugee Protection Act* offence under section 127 for misrepresentation, I believe an offence has been committed based on the following information. On November 15, 2013, KALAI stated to CIC that he worked solely for TELFOCUS CONSULTANTS INC. However, based on corporate filings from Austria, statements from two witnesses and supporting documents from those witnesses, emails to and from KALAI's Yahoo! email account, KALAI has been engaged in activities consistent with a person who operates businesses and that these businesses exist outside of Canada. He has therefore misrepresented his actual work history to CIC. This is significant because CIC officers rely on applicants to be

truthful in their applications for Permanent Resident cards. I also know through GCMS that KALAI has applied for Canadian citizenship and that application is pending.

- b) Regarding the *Special Economic Measures (Syria) Regulations* offence under section 4, I believe KALAI has committed an offence based on the following information. Nader KALAI's emails show a relationship between KALAI and Rami MAKHLOUF, a designated person. Also, Nader KALAI was the Managing Director of MEDOX GmbH in Austria from at least January 1, 2009 to December 31, 2011. As the Managing Director, KALAI made decisions regarding the business's activities including acquisitions and hiring. MEDOX GmbH is a subsidiary of MEDOX LIMITED. Up to at least December 6, 2012, MEDOX LIMITED was partially owned by several individuals including Rami MAKHLOUF and Razan OTHMAN, a designated person. According to the aforementioned December 6, 2012 MEDOX LIMITED document, and two witness statements, Nader KALAI was the Managing Director of MEDOX LIMITED up until December 6, 2012, at which point he became the Power of Attorney for the business. KALAI had travelled to and from Canada between May 24, 2011 and November 26, 2012, when MAKHLOUF and OTHMAN were sanctioned by the Canadian government. During this timeframe, KALAI was inside Canada at a time when he was the Managing Director of businesses owned by sanctioned individuals, an action which is prohibited under the Regulations.
- c) Regarding the *Special Economic Measures (Syria) Regulations* offence under section 3.1(c) and (f), I believe that KALAI has committed an offence based on the following information. Emails located in KALAI's Yahoo! email account show that KALAI describes himself as the Chairman of CASTLE INVEST HOLDING SYRIA. The business is located and operates in Syria. The emails show that KALAI is updated on the status of the business, is asked for guidance, and is asked to sign off on documents related to the business. Based on these facts, I believe that KALAI's involvement in the operation of this business constitutes making an investment in Syria and involves dealing in any property held by a person in Syria<sup>23</sup>.
44. Based on the information I provided above, I am requesting a Search Warrant to search electronics seized from residence of Nader KALAI located at 871 Young Avenue in Halifax, Nova Scotia and seized incidental to the CBSA arrest of KALAI on December 20, 2016. I believe that evidence exists at this location. Further, I believe that the search warrant will provide evidence of the listed offences.
45. I am requesting that this information and order be sealed in accordance with Section 487.3 of the Criminal Code of Canada as I believe that any other disclosure of the content, existence or operation of this order may compromise the nature and extent of the ongoing investigation of the offences and could compromise the safety of potential witnesses.

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<sup>23</sup> According to the Special Economic Measures Act, *entity* means a body corporate, trust, partnership, fund, an unincorporated association or organization or a foreign state, and *person* means an individual or an entity.

**THEREFORE, I request that a Search Warrant be granted to search the said premises by day between 6:00 a.m. and 9:00 p.m. on December 21st, 2016 and February 21<sup>st</sup>, 2016, and search for the things listed above and bring them before me or some other justice.**

**DATED** at Dartmouth, Province of Nova Scotia, on this 21st day of December, 2016

*Sworn before me on 21<sup>st</sup>  
day of December, 2016.*

*(Justice of the Peace*

*Informant*

**ANGUS A. MacINTYRE**  
Presiding Justice of the Peace  
in and for the  
Province of Nova Scotia

## EXHIBIT A

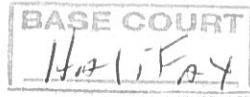
### *Special Economic Measures (Syria) Regulations*

Designated Persons referred to in the Information to Obtain a Search Warrant

The below persons and dates they were listed, under the Regulations, as designated persons, by the Government of Canada, is shown below.

May 24, 2011	Rami MAKHLOUF
May 24, 2011	Bashar ASSAD
October 3, 2011	SYRIATEL
October 3, 2011	CHAM HOLDINGS
October 3, 2011	AL MASHREQ INVESTMENT FUND
November 26, 2012	Razan OTHMAN





J.P.C. 16-1975

**WARRANT TO SEARCH  
(Sec. 487 Criminal Code)**

**TO: The peace officers in the Province of Nova Scotia**

**WHEREAS IT APPEARS ON THE OATH OF Jason Cannon, a peace officer of the Criminal Investigations Division, Canada Border Services Agency, Halifax, Nova Scotia**

**that there are reasonable grounds for believing that there are in the premises at**

The Apple iPhone S which is grey in colour, model number A1687 which was seized from Nader KALAI at the Halifax Stanfield International Airport on December 21, 2016, the SYRIATEL SIM card #8996301164383791655, the blue Kingmax 4GB USB stick, and the grey iMac computer S/N W5953QJ25PC, which were seized from the residence at 871 Young Avenue, Halifax, NS on December 20, 2016, all of which are now being stored by the Canada Border Services Agency (CBSA), located in the evidence room in the CBSA office at the Halifax International Airport, 1 Bell BLVD, Enfield, Nova Scotia.

**the following things (or some part of them)**

Immigration documentation (such as immigration applications and supporting material), travel documentation (such as hotel reservations documents, car rental documents, flight itineraries, and flight records), financial transaction documentation (such as bank and investment statements, money and share transfers, portfolio documents, confirmation of investments, and receipts), business documentation (such as business ownership records and financial statements), communication documentation and records (such as phone bills, call logs, emails, text messages), device information (such as ownership information, account information, and access information) related to Nader KALAI's immigration status in Canada or Nader KALAI's business activities; dated between November 1, 2008 and December 20, 2016.

**which will provide evidence of the following offences, to wit**

That Nader KALAI, on or about November 15, 2013, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induced or could have induced an error in the administration of the *Immigration and Refugee Protection Act, S.C. 2001, c.27*, to wit: provide false information regarding his work/employment on a Canadian Permanent Resident card application, thereby committing an offence pursuant to section 127(a) of the *Immigration and Refugee Protection Act*, and punishable under section 128 of the said Act.

That Nader KALAI, between May 24, 2011 and December 20, 2016, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did anything that causes, assists or promotes or is intended to cause, assist or promote any act or thing prohibited by section 3 or

3.1 of the *Special Economic Measures (Syria) Regulations (SOR/2011-114)*, to wit: engage in a business which is partially owned and/or controlled by entities who are listed under Schedule 1, Part 2, of the said Regulations, thereby committing an offence pursuant to section 4 of the said Regulations, and punishable under section 8 of the *Special Economic Measures Act, S.C. 1992, c. 1*.

That Nader KALAI, between May 24, 2011 and December 20, 2016, at or near the city of Halifax, in the province of Nova Scotia, and elsewhere, did make an investment in Syria that involves a dealing in any property, wherever situated, held by or on behalf of Syria, a person in Syria or a national of Syria who does not ordinarily reside in Canada, to wit: operate an investment business in Syria, thereby committing an offence pursuant to section 3.1(c) of the *Special Economic Measures (Syria) Regulations (SOR/2011-114)*, and punishable under section 8 of the *Special Economic Measures Act, S.C. 1992, c. 1*.

**YOU ARE AUTHORIZED to enter the premises by day between 6:00 a.m. and 9:00 p.m. on December 21st, 2016 and February 21<sup>st</sup>, 2016, and search for the things listed above and bring them before me or some other justice.**

**DATED** at Dartmouth, Province of Nova Scotia, **on this** 21st **day of** December , 2016

*A Justice of the Peace in and for the Province of Nova Scotia*

**ANGUS A. MacINTYRE**  
Presiding Justice of the Peace  
in and for the  
Province of Nova Scotia

BASE COURT  
Halifax

J.P.C.# 76-1975

CANADA  
PROVINCE OF  
NOVA SCOTIA

IN THE PROVINCIAL COURT OF NOVA SCOTIA

IN THE MATTER OF a criminal investigation pursuant to the *Immigration and Refugee Protection Act*  
and *Special Economic Measures (Syria) Regulations*

-And-

IN THE MATTER OF an Application pursuant to Section 487.3 of the *Criminal Code* to prohibit  
disclosure of information filed in support of obtaining a *Section 487 Search Warrant* pursuant to the  
*Criminal Code*.

**AFFIDAVIT**

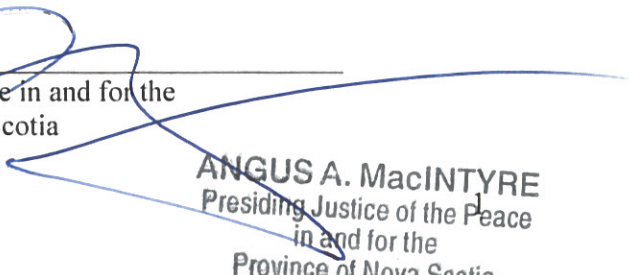
I, Jason Cannon, of the city of Halifax, Halifax Regional Municipality, in the Province of Nova Scotia, a peace officer and an officer of the Criminal Investigations Division, Canada Border Services Agency, make oath and say as follows:

1. That I have personal knowledge of the matters hereinafter deposed to, except where same are stated to be based upon information and belief and where so stated I do believe the same to be true.
2. The *Search Warrant* I am requesting this 21st day, December, 2016 at the before a Justice of the Peace in and for the province of Nova Scotia is related to a current ongoing criminal investigation into immigration offences and special economic regulatory offences taking place in the Halifax Regional Municipality.
3. That if the contents of this Information to obtain a *Search Warrant*, is revealed to the persons named in the *Search Warrant*, or members of the public, any persons claiming an interest, legal or beneficial, in the articles that are described in the *Search Warrant* and which are to be searched for and seized, or such articles which are otherwise lawfully seized, disclosure of any of this information could compromise the identity of a confidential informant and compromise the safety of a witness cooperating with the CBSA in this investigation, thereby putting those people at risk.
4. That in order to ensure that the nature and extent of the ongoing investigation is not compromised, and for the safety of potential witnesses, I request that an Order be granted pursuant to Section 487.3(1) of the **Criminal Code** prohibiting access by the persons named in the *Search Warrant*, and other interested parties, and the public in general, to the contents of any information used to obtain the said *Search Warrant*.
5. That I make this Affidavit in accordance with the provisions of Section 487.3 of the **Criminal Code** for the purpose of an Application to prohibit disclosure of any information used to obtain the said *Search Warrant* so as to ensure that the identity of people cooperating with the CBSA are not jeopardized and for no other improper purpose or motive.

  
Jason Cannon, CBSA Criminal Investigator

Sworn before me this 21st day of December, 2016, at Dartmouth, Nova Scotia

Justice of The Peace in and for the  
Province of Nova Scotia

  
ANGUS A. MacINTYRE  
Presiding Justice of the Peace  
in and for the  
Province of Nova Scotia

IPC.# 16-1975



CANADA  
PROVINCE OF  
NOVA SCOTIA

**IN THE PROVINCIAL COURT OF NOVA SCOTIA**

**IN THE MATTER OF a criminal investigation pursuant to the *Immigration Refugee and Protection Act and Special Economic Measures (Syria) Regulations***


**-And-**

**IN THE MATTER OF an Application pursuant to Section 487.3 of the Criminal code to prohibit disclosure of information filed in support of obtaining a *Section 487 Search Warrant* pursuant to the Criminal Code.**

**NOTICE OF EX PARTE APPLICATION**

**TAKE NOTICE THAT** an *ex parte* application will be made to a Judge or Justice of the Peace in and for the Province of Nova Scotia at Halifax, Halifax Regional Municipality, in the Province of Nova Scotia, for an Order pursuant to Section 487.3 of the Criminal Code prohibiting disclosure of information filed in support of obtaining a *Search Warrant* pursuant to the Section 487 of the Criminal Code.

DATED at Dartmouth, in the Province of Nova Scotia this 21st day of December, 2016.

  
\_\_\_\_\_  
Criminal Investigator Jason Cannon  
Canada Border Services Agency  
Criminal Investigations Division  
Halifax, Nova Scotia

CANADA  
PROVINCE OF NOVA SCOTIA  
HALIFAX REGIONAL MUNICIPALITY

IN THE PROVINCIAL COURT OF NOVA SCOTIA

IN THE MATTER OF:                    *A criminal investigation pursuant to the **Immigration and Refugee Protection Act** and the **Special Economic Measures Act**.*

AND IN THE MATTER OF:            *Sealing orders pursuant to section 487.3 of the **Criminal Code** to prohibit disclosure of Informations to Obtain filed in support of applications for production orders, search warrants and the like pursuant to the **Criminal Code**.*

AND IN THE MATTER OF:            *An application pursuant to s. 487.3(4) of the **Criminal Code** to terminate the sealing orders in question for the purpose of enabling the Crown to obtain copies of the supporting Informations to Obtain for the purpose of disclosure to the defence.*

**ORDER**

**UPON THE APPLICATION** made in writing this day by counsel for the Crown, applicant, for an Order allowing access to sealed affidavit material filed in support of applications for production orders, search warrants and the like;

**AND UPON READING** the affidavit of Jason Cannon, CBSA officer, sworn the 5<sup>th</sup> day of April, 2017;

**IT IS ORDERED** that the sealing orders previously made in relation to the production orders, search warrants and the like, listed below, are hereby terminated.



5. The sealing orders and sealed packets to which this Order relates are as follows:

Item	Court File #	Date	Description and Type	Issuing Authority
1	Halifax <u>16-507</u>	August 4, 2016	General Warrant	Judge Gregory E. Lenehan
2	Halifax 16-251 1251 16-525	August 11, 2016	Rogers .014 Production Order	Justice of the Peace Angus A. MacIntyre
3	Halifax 16-1252 16-526	August 11, 2016	RBC .018 Production Order	Justice of the Peace Angus A. MacIntyre
4	Halifax 16-1253 16-527	August 11, 2016	BMO .018 Production Order	Justice of the Peace Angus A. MacIntyre
5	Halifax 16-1417 16-584	September 9, 2016	RBC .014 Production Order	Justice of the Peace Judith A. Gass
6	Halifax 16-1459 16-597	September 19, 2016	RBC .014 Production Order	Justice of the Peace Allison E. Rose
7	Halifax 16-1488 16-606	September 23, 2016	YAHOO! .014 Production Order	Justice of the Peace Judith A. Gass
8	Halifax 16-1489 16-607	September 23, 2016	YAHOO! .013 Preservation Order	Justice of the Peace Judith A. Gass



9	Halifax 16-1967 16-786	December 19, 2016	Kalai Accountant 487 Search Warrant	Justice of the Peace Debbi Bowes
10	Halifax 16-1968 16-787	December 19, 2016	Kalai Residence 487 Search Warrant	Justice of the Peace Debbi Bowes
11	Halifax 16-1975 16-790	December 21, 2016	Kalai Electronics 487 Search Warrant	Justice of the Peace Angus A. MacIntyre

DATED at Halifax, Nova Scotia, this 05 day of April, 2017.

  
 \_\_\_\_\_  
 A Judge of the Nova Scotia Provincial Court  
 M. B. STELAN

CANADA  
PROVINCE OF NOVA SCOTIA  
HALIFAX REGIONAL MUNICIPALITY

IN THE PROVINCIAL COURT OF NOVA SCOTIA

- IN THE MATTER OF:                   A criminal investigation pursuant to the *Immigration and Refugee Protection Act* and the *Special Economic Measures Act*.
- AND IN THE MATTER OF:           Sealing orders pursuant to section 487.3 of the *Criminal Code* to prohibit disclosure of Informations to Obtain filed in support of applications for production orders, search warrants and the like pursuant to the *Criminal Code*.
- AND IN THE MATTER OF:           An application pursuant to s. 487.3(4) of the *Criminal Code* to terminate the sealing orders in question for the purpose of enabling the Crown to obtain copies of the supporting Informations to Obtain for the purpose of disclosure to the defence.

APPLICATION

Application is hereby made *ex parte* by counsel for the Crown for an Order allowing access to the sealed affidavit material filed in support of production orders, search warrants and the like, for the purpose of the Crown obtaining copies of the affidavit material in order to comply with its *Stinchcombe* disclosure obligation in a criminal proceeding.

The application is made *ex parte* because it is in the applicant's interests and the interests of the person charged in the related criminal proceedings, and is not contrary to any person's interests.

In support of the application the applicant relies upon the affidavit of Jason Cannon, CBSA officer, sworn on the 5<sup>th</sup> day of April, 2017.

DATED at Halifax, Nova Scotia, this 5<sup>th</sup> day of April, 2017.



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David Schermbrucker  
Public Prosecution Service of Canada  
Counsel for the Crown, applicant

CANADA  
PROVINCE OF NOVA SCOTIA  
HALIFAX REGIONAL MUNICIPALITY

IN THE PROVINCIAL COURT OF NOVA SCOTIA

IN THE MATTER OF: A criminal investigation pursuant to the *Immigration and Refugee Protection Act* and the *Special Economic Measures Act*.

AND IN THE MATTER OF: Sealing orders pursuant to section 487.3 of the *Criminal Code* to prohibit disclosure of Informations to Obtain filed in support of applications for production orders, search warrants and the like pursuant to the *Criminal Code*.

AND IN THE MATTER OF: An application pursuant to s. 487.3(4) of the *Criminal Code* to terminate the sealing orders in question for the purpose of enabling the Crown to obtain copies of the supporting Informations to Obtain for the purpose of disclosure to the defence.

AFFIDAVIT

I, Jason Cannon, an Investigator with the Canada Border Services Agency at the Halifax Regional Municipality, Province of Nova Scotia, make oath and say as follows:

1. I am the lead investigator in this matter and as such have knowledge of the matters set out in this affidavit. In furtherance of my investigation I applied for production orders, search warrants and the like as set out below.

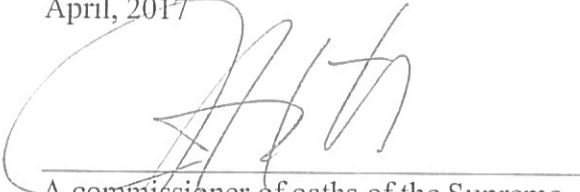
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8	Halifax 16-1489	September 23, 2016	YAHOO! .013 Preservation Order	Justice of the Peace Judith A. Gass
9	Halifax 16-1967	December 19, 2016	Kalai Accountant 487 Search Warrant	Justice of the Peace Debbi Bowes
10	Halifax 16-1968	December 19, 2016	Kalai Residence 487 Search Warrant	Justice of the Peace Debbi Bowes
11	Halifax 16-1975	December 21, 2016	Kalai Electronics 487 Search Warrant	Justice of the Peace Angus A. MacIntyre

2. The Informations to Obtain in support of these production orders, search warrants and the like were ordered sealed at the time of issuance, pursuant to s. 487.3 of the *Criminal Code*. My reason for requesting sealing orders was to maintain the covert nature of the investigation.

3. A person has been charged as a result of evidence obtained pursuant to the above orders and warrants, and it is necessary that copies of the sealed Informations to Obtain be disclosed by Crown counsel to counsel for the accused person. There is no reason why the Informations to Obtain need to be resealed after they are ordered unsealed for disclosure purposes.
  
4. I believe it is appropriate and necessary that this Court should simply terminate the sealing orders in question.

SWORN to before me at the City of Halifax,) )  
Province of Nova Scotia, this 5<sup>th</sup> day of ) )  
April, 2017 ) )



\_\_\_\_\_  
A commissioner of oaths of the Supreme  
Court of Nova Scotia

JILL HARTLEN.



\_\_\_\_\_  
Jason Cannon