**B.C. Court finds RCMP organized terrorist plot**

By

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At the end of July, the Supreme Court of British Columbia found that agents of the Royal Canadian Mounted Police engaged in the planning of, preparation and funding for, and facilitation of a terrorist offence. By cruelly exploiting two impoverished, recovering heroin addicts with clearly obvious mental health challenges, the Mounties did what any state security agency does: when there are no terrorist plots to justify their existence, they simply create them. It's great PR, because the Mounties -- an organization built on human rights abuses within and without the outfit, from systemic misogyny to complicity in torture -- always need some positive publicity, and when they can orchestrate an easy-peasy takedown of the hapless plotters they have set up, it's a no-risk affair.

But thankfully, Judge Catherine Bruce is having none of it. In a [decision](http://www.courts.gov.bc.ca/jdb-txt/sc/16/14/2016BCSC1404.htm%22%20%5Ct%20%22_blank) that should be required reading for everyone in this country, she stayed the proceedings against John Nuttall and Amanda Korody, the alleged Canada Day pressure cooker plotters of 2013, when she concluded:

"[T]he world has enough terrorists. We do not need the police to create more out of marginalized people who have neither the capacity nor sufficient motivation to do it themselves*....* The [police] were clearly overzealous and acted on the assumption that there were no limits to what was acceptable when investigating terrorism."

While Bruce's decision runs into the hundreds of pages, it is nonetheless an incredibly valuable primer on how the RCMP has always operated -- without regard for the very laws it is supposed to enforce -- and without a care for the human rights of those it targets. The decision reveals an organization that, despite numerous judicial inquiries recommending significant changes when it comes to state security investigations, remains wedded to the same old ways in which anything goes. Clearly, Canada's iconic horsemen expect that they will be protected by a culture of impunity.

Indeed, none of the Mounties who coerced, browbeat and threatened Nuttall and Korody have been charged with an offence, even though they led the two hapless individuals to believe that they would be killed if they did not go along with the RCMP-led plot to plant pressure cookers on the lawn of the B.C. legislature.

**Baseless foundation for investigation**

From the very beginning, the Mounties' "Operation Souvenir" operated on the same utterly baseless foundation that the Mounties have relied upon in other so-called national security cases (see for example, the cases of Abdullah Almalki, Ahmad El Maati, Muayyed Nureddin, Maher Arar, Abousfian Abdelrazik, Benamar Benatta, Omar Khadr, among numerous others). Things began with a "tip" from the notoriously incompetent Canadian Security Intelligence Service (CSIS) that Nuttall was a threat to public safety based on "unverified general concerns." When a CSIS representative met with B.C. RCMP Superintendent Bond, he said Nuttall "might" be a recent Muslim convert wanting to recruit others to violence, but did not provide any sources for the contention. Without any evidence that Nuttall was involved in criminal activity, and proceeding on the assumption that Nuttall "posed no imminent threat," the RCMP nevertheless commenced an investigation that rapidly evolved at National Headquarters into a major case, with the direction to Superintendent Bond that he "work hard on this file and treat it as a priority investigation." Judge Bruce says it was apparent that Ottawa considered the investigation "urgent and a national priority."

Souvenir was largely driven by a Sgt. Kalkat, whose manner the Judge found to be "both dictatorial and designed to eliminate dissenting views," especially any opinions raising concerns about entrapment and illegal activities conducted by the Mounties. Kalkat was also someone who, like other Mountie-led state security disasters, equated Islam with national security threats. As Judge Bruce writes:

"When questioned why he believed there was a risk in light of the lack of recent evidence that Mr. Nuttall was expressing extremist beliefs, the sergeant testified that … Mr. Nuttall's cellular telephone usage and blog were associated with the registered name of 'Muhammad Muhammad.' He also referred to Ms. Korody's wearing of the hijab and her conversion to the Muslim faith. Apparently Sgt. Kalkat associated terrorism with adherence to the Islamic faith in general."

Kalkat was called on the carpet by Judge Bruce for an incredible lack of credibility. "I found it astounding that he kept so few notes of meetings and conversations with his team about the project and yet purported to have a detailed recollection of the events favourable to the Crown's position," she found, echoing the findings of even the weak-kneed review committees of the RCMP and CSIS who have regularly documented similarly sloppy, lazy work. Significantly, neither the original operational plan for Souvenir nor an application for an extension "sought authorization to include undercover officers passing themselves off as part of a terrorist group." Perhaps it was simply assumed that the Mounties could do as they pleased, because they never seem to be held to account when they do break the law.

**Targets were isolated, vulnerable drug addicts**

Nuttall and Korody were both were isolated, vulnerable individuals who relied on daily deliveries of methadone to help them with their heroin addiction. They rarely went out save for coffee and cigarettes or the odd round of paintball, preferring to stay home and play video games. Korody was often ill, constantly throwing up. While Nuttall was apparently known by some for spouting off what are labelled "extremist" views, especially with complete strangers, even Sgt. Kalkat agreed in court that "this is not the usual behaviour of a serious terrorist."

But Kalkat and a group of undercover RCMP officers were determined that Nuttall's "extremist" views meant he posed a threat to national security, and they committed enormous resources into encouraging Nuttall to compose a "feasible" terrorist plot for which they could then arrest him. Indeed, while the ultimate budget has not been released, the Mounties [paid](http://www.cbc.ca/news/canada/british-columbia/project-souvenir-john-nutall-amanda-korody-investigation-overtime-1.3468323%22%20%5Ct%20%22_blank) almost $1 million in overtime to some 200 officers on this pork-barrel project.

An objective observer would have concluded that Nuttall's grandiose talk, while perhaps disturbing, was just that: talk. Nuttall believed that in addition to his capacity to spark a U.S. civil war, he could hold the world hostage by hijacking a nuclear submarine at Nanoose Bay simply by swimming up to it. He also bragged that he could hack into the Israeli government's server while he discussed storming the Esquimalt military base with AK-47s, and building Qassam rockets to shoot towards the Parliament buildings in Victoria. But the Mounties wanted badly to take his word for it. Nuttall was the kind of perfect "low-hanging fruit" that [the FBI regularly sets up](http://www.motherjones.com/politics/2011/08/fbi-terrorist-informants%22%20%5Ct%20%22_blank) and entraps to claim U.S. victories in the war against terror.

By February of 2013, the "Special O" group of the Mounties discontinued Project Souvenir surveillance. Judge Bruce found that "it is apparent that had there been any indication that Mr. Nuttall was an imminent threat, Special 'O' would not have been re-assigned elsewhere." The project nevertheless remained a national priority for the RCMP's E-INSET Division in Ottawa, based on, among other things, a CSIS "advisory letter" which alleged Nuttall had been attempting to purchase potassium nitrate from pharmacies, but again, no source was revealed for the tip, and no investigation was undertaken to determine whether Nuttall knew that potassium nitrate could possibly used in the production of explosives.

The RCMP never bothered to ascertain whether he was in fact purchasing the product on his meagre welfare cheque or doing anything beyond what the Mounties' surveillance did report: that Nuttall was picking up prescriptions for his grandmother. No Mounties reviewed video surveillance of the Nuttall residence until very late in the game to confirm what was alleged by CSIS either, and at no time did the RCMP interview neighbours or associates, nor did they monitor the couple's Internet use to determine if they were communicating with people alleged to be involved in terrorism (a post-arrest computer search confirmed no such communication had ever occurred). The Mounties also installed surveillance pole cameras outside the residence, but did not even keep them on 24 hours a day.

**Cooking up a plot**

The well-paid Souvenir team cooked up 28 different scenarios designed to entice Nuttall into coming up with a terrorist plot. But their introduction of an undercover officer (Officer A) who played the role of a well-connected, high-functioning terrorist and alleged Islamic spiritual adviser with major international connections did little to push Nuttall beyond his grandiose imaginings. All it did was make Nuttall and Korody feel like they finally had a true friend, and they relied on him for many things in their daily life. But endless efforts by Officer A to get Nuttall to write out a terrorist plan on a laptop proved fruitless; indeed, the only time Nuttall talked about extremist activities was in the presence of Officer A, who encouraged him to think about how to put his ideas into action.

Korody was never one to talk about such plans, but the Mounties insisted on bringing her into the mix as well, figuring that you need two people to fall under the definition of a terrorist group. Hence, Officer A insisted that Nuttall order Korody to attend meetings and RCMP-arranged reconnaissance missions even when Korody was way too ill to leave the house. As Judge Bruce found, "[t]he command team discussed ways of involving Ms. Korody in the scenarios, expressing the belief that 'the only way to get charges [against her] is from her mouth,'" given that this recovering heroin addict would often say things that mirrored what Nuttall was talking about.

Concerns raised internally by some within the Mounties were generally dismissed, including the undercover team's assertion that "Officer A had overly excited Mr. Nuttall about doing jihadist acts and was giving him the capacity to carry out terrorist acts for which he lacked the resources and contacts." As early as March, 2013, Souvenir team members were expressing concerns about entrapment as well. But this did not stop Kalkat and team members from pressing Officer A to get Nuttall to stop talking his grand schemes and to focus instead on a simple plot like the placement of three pressure cooker bombs at the provincial legislature building for Canada Day. Indeed, the RCMP was committed to making it happen by that deadline, despite every effort by Nuttall to step away from the plans, despite his incessant callout for spiritual advice, and his persistent doubts that this was the right thing to do. Officer A prevented him from getting advice from an imam, preferring to refer him to the very "extremist" conclusions that are rife on the Internet.

The RCMP often expressed frustration at the slow pace of Souvenir. Simple things like downloading a map of Victoria proved impossible for Nuttall; he never thought to purchase a paper map. Judge Bruce concluded:

"[I]t was only the RCMP that was interested in a cheap, quick and easy means of carrying out violent jihad. Mr. Nuttall continued to express a desire to carry out several grandiose schemes that, even if possible, would take years to organize and far more resources and know-how than he or Ms. Korody possessed or could reasonably acquire."

In May, Kalkat updated his superiors by reminding them Nuttall posed "no public safety concerns" and that Officer A had complete control of Nuttall, who would do nothing without the say-so of his "friend." Officer A continued to provide Nuttall with incorrect interpretations of Islam (telling him, among other things, that the duty of every Muslim is to die a martyr).

As Officer A kept working on Nuttall to come up with a simple terrorist act, Nuttall continued to dream big, with plans to shut down Guantanamo Bay by, among other things, hijacking a VIA passenger train that no longer existed. As Judge Bruce notes in her decision, much of Nuttall's understanding of the terrorist world came from watching Hollywood movies like *Rambo III*.

As the Mounties' self-imposed Canada Day deadline loomed large, the undercover operatives:

"[d]iscussed creating a challenge scenario where Officer A would essentially take away Mr. Nuttall's dream of being part of this jihadist organization if he did not focus on a real plan and show some dedication and initiative….[Superintendent Bond] agreed that the next scenarios were designed to focus Mr. Nuttall on a feasible plan even though he recognized the entrapment issues would be challenging to avoid if this occurred."

One member of the team, Corporal Matheson, raised doubts, writing:

"The last thing we want to tell the target is that he needs to go away and come back with a real plan. There may come a time for that when we want to decisively challenge the target's intentions. At this stage, however, the target may come back with another plan simply because we told him to. This would be coercion at best, and at worst it would be us making a terrorist out of someone who might not otherwise be."

**Planning a press barrage**

As May headed into June, the Mounties were already preparing press conferences for the July 1 scenario, even though, as Judge Bruce points out, "Curiously, these discussions occurred prior to any concrete plan emerging from the undercover operation." There was still no indication that Nuttall was prepared for, or about to engage in, a terrorist act beyond all of his big talk, with no potential for action absent the prodding and participation of the undercover team.

The RCMP, meantime, was seeking legal advice on how best to set Nuttall up to meet the requirements of terrorism charges. Kalkat asked for legal advice on whether the Mounties could simply establish a checklist to determine whether they would be able to meet all the elements of the offences. The answer from one legal adviser in Ottawa, as summarized by Judge Bruce, was "a checklist could not be provided and the undercover shop's request for one demonstrated their lack of understanding regarding the complexity of the terrorism offences." With respect to Nuttall's partner, Korody, the legal adviser posited that the Mounties' attempts to bring her into the mix, thereby creating a "terrorist group," was "not a particularly compelling situation given the nature of their relationship. You require evidence to satisfy the statutory definition of terrorist group: one or more persons whose objective is to commit or facilitate a serious violent act, to intimidate the public, for a religious, political or ideological purpose." At that point, the only group that satisfied the elements of the offence was composed entirely of RCMP officers.

While Nuttall continued to express serious doubts, especially with respect to the potential for killing innocent people, and requested spiritual advice, Officer A reassured him that he should just follow his heart. Their troubling relationship and the role of the RCMP is summed up by Judge Bruce:

"Officer A told Mr. Nuttall that if a good plan was formulated he would finance it and take care of all of the logistics. Effectively Officer A was counselling Mr. Nuttall to come up with a better terrorist plan. This promise of help did not seem to placate Mr. Nuttall who broke down in tears. Officer A consoled him and said that all would be fine and they would do it together 'by baby steps one at a time.' Mr. Nuttall responded that he needed direction from Officer A and he asked what he should be doing between now and the next time they met. Significantly, Mr. Nuttall said that he was not going to carry out any jihad until he had the spiritual guidance he was looking for in regard to whether killing was prohibited or permitted by the faith. In response, Officer A refocused Mr. Nuttall on working towards a jihadist plan and Mr. Nuttall became newly infused with enthusiasm about coming up with a good plan this time and wanted his hard drive back to begin working on it."

**Cult-like RCMP practices**

While some within the RCMP felt this was going nowhere fast and should be shut down, others continued to press for a plan that Nuttall could embrace. Officer A engaged in cult-like practices, isolating Nuttall by preventing him from being with family and acquaintances and advising against attending the mosque. As Nuttall worried about killing people, he was equally concerned that Officer A, portraying the big terrorist whose organization has invested time, blood and money into this operation, would be displeased. And so he tried to meet Officer A in the middle with plots that sounded significant but would not shed blood. When he came up with scenarios like "symbolic" Qassam rockets without warheads that would cause minor property damage but little else, Officer A was not pleased. Instead of embracing a less lethal plan like this, Officer A of the RCMP:

"[r]eminded Nuttall about his earlier statement that killing all taxpayers was part of the plan…Mr. Nuttall agreed that soldiers were fair game but insisted the recon would help to ensure no innocents were harmed by the rockets; and he commented that everyone was a potential Muslim convert and this caused him to doubt his plans for jihad. In the end, he maintained a need for spiritual guidance from someone who was qualified to interpret the Quran on these issues."

But Officer A continued to divert Nuttall away from any opportunity to receive the kind of advice that would have once and for all addressed his real concerns and, perhaps, stopped him from spouting the rhetoric that the Mounties found so problematic to begin with. Officer A continued to provide inaccurate religious justifications for violence, a particularly vile tactic that exploited vulnerable people who had given him complete trust. As the B.C. court decision found:

"The defendants were recent converts to the Muslim faith and constantly struggled with issues of what was permitted and what was prohibited by Allah and the Quran. On several occasions Mr. Nuttall had demonstrated indecision about whether it was prohibited to kill anyone even apart from innocents. He often said that the rockets could be symbolic only and not contain any warhead. Yet he was now being counselled towards violent extremism by the police."

As this farce went on, the RCMP should have confirmed what Judge Bruce identified as:

"Mr. Nuttall's ineptitude even for the simplest tasks and Ms. Korody's detachment from what was going on. It should have been readily apparent to the RCMP that Mr. Nuttall was incapable of crafting a plan of action to support a terrorist plot…. it should have been apparent to the police that Mr. Nuttall had the gullible nature of a young child."

But the Mounties wanted a big takedown and the gratitude of millions of Canadians for saving the day on a national holiday. They continued to set up further scenarios, including badly botched "reconnaissance" missions and shopping trips that were frustratingly bizarre. In addition, one Mountie's report to the National HQ "mentioned the possibility of obtaining an authorization for the commission of offences such as participation in and facilitation of a terrorist activity," something that the Mounties got free reign with in the subsequently passed, Trudeau-supported C-51.

**Pressure for pressure cookers**

The Mounties continued to pressure Nuttall into accepting a pressure cooker scenario, which he seemed to reject literally right up until the last minute, when he and Korody appear to have gone through with the placement of the devices (rendered inert by the undercover team that helped put them together!) because they feared they would be killed if they pulled out of the plot. Judge Bruce confirms that their fear, in the context of the relationship with Officer A and other members of the team portraying themselves as dangerous terrorists, was credible and real.

But the Mounties still had to gather some kind of evidence. They insisted Nuttall draw up a plan on his computer, which he never had the focus to do. They removed them from the "distractions" of their home to a hotel to focus on the plot. Every time Nuttall came up with obstacles to the plot, he was assured that all details would be handled by Officer A. They also continued to deflect from Nuttall's doubts, with Judge Bruce writing that "Mr. Nuttall expressed concern about targeting women and children and both Officer C and Officer A assured him that they would take care of that problem."

Meantime, memos from within continued to express doubts. Corporal Matheson wrote:

"Within the preceding few hours we learned that the targets had access to money and had chosen not to use it for bomb parts. Providing more money to get the targets past their reluctance to purchase bomb parts would not provide good evidence. Secondly, if we were to give the targets money for a fictitious purpose with the belief that the money would actually be used for bomb parts, we ourselves might be breaking the law in so far as we might be financing terrorism."

While internal memos indicate Sgt. Kalkat knew the pair could now be arrested prior to July 1 based on suspicion they posed an imminent risk, they were not picked up. That would have taken away from the drama of planting the harmless devices under the RCMP's watch, and certainly watered down the news angle that resulted in the banner headlines that recalled the Boston marathon bombing of earlier that spring.

**Desperate to get the plot going**

Desperate to get the plot going, the Mounties then proceeded to be part of what Judge Bruce describes as:

"[t]he most chaotic and disorganized shopping trip conceivable in spite of several specific directions passed on to the defendants about where to buy items on their list. Even though Mr. Nuttall's shopping list consisted of a relatively small number of ordinary objects and supplies (batteries, pressure cookers, nails, an electric drill and a driver set), it is quite apparent that absent Officer A's constant prodding and refocusing Mr. Nuttall could never have completed the job. Over and over he would forget what he needed and what he already had. Officer A was required to make pointed suggestions and give specific directions in regard to the shopping list to ensure that Mr. Nuttall moved forward with the required purchases. Mr. Nuttall was easily distracted and needed to be continually reminded about what had to be done. Ms. Korody was of very little assistance; for the most part she slept in the rear seat of the vehicle. At one point she left the vehicle to vomit….It also became apparent during the shopping trip, as well as during the private time the defendants spent alone at the Sundance Motel, that there were serious impediments to their carrying out this terrorist plan that were only resolved because of what the RCMP did for them."

In another sign of the cruelty of targetting the extremely vulnerable and gullible Nuttall and Korody, Bruce notes Sgt. Kalkat:

"[g]ave no thought as to how the defendants' dependence on methadone would impact their ability to think clearly about their actions. In my view, both Ms. Korody and Mr. Nuttall often appeared to be in a dazed state during the videotaped scenarios. Ms. Korody commonly slept through most of the meetings with Officer A. Their state of consciousness should have been a real and substantial concern during the undercover operation but it was ignored by the police."

In essence, the Mounties devised a plan for which they choose the date, the means, the location and the logistics. There had been no pre-existing plot that needed to be infiltrated and stopped. But the state cannot be allowed to conduct such sting operations, and as the Supreme Court of Canada notes (in the landmark "Mr. Big sting operation" [Hart](https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14301/index.do%22%20%5Ct%20%22_blank) decision that the Mounties clearly refuse to accept):

"The state must conduct its law enforcement operations in a manner that is consonant with the community's underlying sense of fair play and decency. It cannot manipulate suspects' lives without limit, turning their day-to-day existence into a piece of theatre in which they are unwitting participants. Such an approach does violence to the dignity of suspects and is incompatible with the proper administration of justice."

Ultimately, Judge Bruce found:

"[t]he defendants had proven themselves to be marginalized, isolated people who espoused extremist jihadist views but were neither motivated to act on their beliefs nor capable of taking steps to accomplish acts of violence in support of their beliefs. Some of the officers involved in Project Souvenir appeared to hold this view of the defendants and advocated a different course of action than the one spearheaded by Sgt. Kalkat."

**Mounties counselled extremist views and violence**

Judge Bruce was also appalled at the role the Mountie splayed as "spiritual advisers" to Nuttall, noting:

"The fact that Officer A chose to give religious advice at all is objectionable; however, preaching ideas that promoted the use of violence and allaying the defendants' doubts about killing people makes his conduct far more sinister. When Mr. Nuttall said that he and Ms. Korody had serious doubts that killing people would please Allah, Officer A gave him the same spiritual advice about pre-determination that violent extremists use to radicalize people…. Knowing that Mr. Nuttall had serious doubts about carrying out a mission that could kill innocent people, Officer A told him that there was no time to obtain spiritual guidance."

Like good capitalists who wanted the bang for their buck, she notes:

"The RCMP would not have been willing to abort their plan for the July 1 planting of the devices at the last minute after so much preparation had gone into getting the operation to this point and after many thousands of dollars had been invested in the project….There is no evidence that on their own or when they were alone Mr. Nuttall and Ms. Korody crafted plans to carry out jihadist plots. It was only when they were with Officer A and the other undercover officers that they talked about committing acts of violence for a terrorist purpose. For months during the undercover operation Mr. Nuttall did nothing but talk about jihadist plots and the police became very impatient and frustrated with his apparent inability to take any positive steps towards accomplishing anything."

**RCMP: Fraud, deceit, threats, exploitation**

From the beginning, the RCMP engaged in deceit, fraud, implied threats in the absence of an ongoing criminal venture, exploited vulnerabilities and friendship, and engaged in clearly illegal conduct. Judge Bruce writes that:

"In my view, Sgt. Kalkat's decision to push ahead with the operation despite the lack of motivation shown by the defendants, his concerted efforts to eliminate any dissenters from his team, and his desire to bring the project to a speedy conclusion without due regard for the criminal nature of the acts committed by the undercover officers, cannot be regarded as good faith... The RCMP's preoccupation with motivating the defendants to commit an act of terrorism appears to have distracted them from more important considerations such as the legality of their actions. All of these circumstances render the illegal acts committed by the police more egregious and, in combination with the overall conduct of the police, an abuse of process. One must not forget that there was little risk to the public to justify illegal acts by the police. The RCMP did not act to break up a pre-existing plan to carry out a terrorist plot. There was no evidence that the defendants had taken steps to formulate a terrorist plot; were in communication with known terrorists or terrorist organizations; or possessed any expertise that would have been of value to a terrorist organization. The police were not infiltrating a sophisticated terrorist organization. The illegal acts committed by the police were not directed at the defendants or designed to frighten them into committing the offence. However, it is equally offensive for the police to commit illegal acts that enable an offence in circumstances where they knew the defendants could not have committed the offence absent police assistance."

When the 2013 arrests occurred, RCMP Assistant Commissioner John Malizia crowed:

"These arrests are another example of the effectiveness of our integrated national security enforcement team, who worked tenaciously to prevent this plan from being carried out. We detected the threat early, and disrupted it."

While this is a sickening, sad plot, Canadians may expect more of the same under the Trudeau government, which supports the very C-51 that legalizes such abominable behaviour. Indeed, the Trudeau government wasted no time in showing its support for the RCMP creating and organizing terror plots. It immediately appealed Judge Bruce's decision, re-arresting Nuttall and Korody following their brief release from three years in custody, and placing them under a terrorism peace bond.

Meanwhile, the people who plotted the terrorist act are running Canada's national police force.

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