

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 125

Date: November 8, 2024

File No.: T2458/1520

Between:

Frank Thomas Halcrow

Complainant

- and –

Canadian Human Rights Commission

Commission

- and –

Correctional Service of Canada

Respondent

Ruling

Member: Jennifer Khurana

I. OVERVIEW

[1] This ruling grants Correctional Service of Canada (CSC)'s request to vary the Tribunal's publication ban that was previously ordered in this case (*Halcrow and Awasis v. Correctional Service Canada*, 2024 CHRT 86 [the "Publication Ban"]). The Publication Ban mirrors court-ordered bans in the criminal proceedings involving Mr. Halcrow, the Complainant, as well as Johnny Awasis. Mr. Awasis was a Complainant in these proceedings at the time the Tribunal issued the publication ban. The Tribunal has since dismissed Mr. Awasis' complaint (2024 CHRT 114).

[2] CSC wants the Tribunal to vary its order prohibiting the disclosure of the audio recording of the hearing to anyone other than the parties and their counsel so that it can provide a copy to a court reporter for transcription. Mr. Halcrow and the Commission consent to CSC's request.

[3] CSC's request to vary the publication ban is allowed. CSC may disclose the audio recording of the hearing in this matter to a court reporter for transcription.

II. REASONS

[4] CSC has identified the limited purpose for which it seeks to disclose the audio recording of the proceedings. If CSC intends to use the transcript prepared by their court reporter, it must provide copies to the Tribunal as well as the other parties, at its own cost (see Tribunal's Practice Direction on recording hearings, use of court reporters and transcripts, available at <https://chrt-tcdp.gc.ca/en/about-us/practice-direction-recording-hearings-use-court-reporters-and-transcripts>).

[5] Before providing a copy to the Tribunal or to the other parties, CSC must review the transcript and redact any information that is the subject of a court-ordered ban on publication and that identifies a complainant, victim or witness from Mr. Halcrow or Mr. Awasis' criminal proceedings. Although the Tribunal's digital recording remains the authoritative record of what was said at the hearing, a transcript provided to the Tribunal is part of the record of the

proceeding and is available to the public subject to the terms of any confidentiality order (Rule 47 of the *Canadian Human Rights Tribunal Rules of Procedure*, 2021).

[6] All other orders set out in the Tribunal's Publication Ban remain in place.

III. ORDER

[7] CSC may disclose the audio recording of the hearing in this matter to a court reporter for transcription.

[8] If CSC intends to use the transcript prepared by its court reporter, it must provide a copy to the Tribunal and to the other parties at its own cost. CSC must first redact the transcript of any information that is the subject of a court-ordered ban on publication and that identifies a complainant, victim or witness from Mr. Halcrow and Mr. Awasis' criminal proceedings.

[9] This order and the rest of the Publication Ban apply indefinitely unless otherwise ordered.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
November 8, 2024

Canadian Human Rights Tribunal

Parties of Record

File No.: T2458/1520

Style of Cause: Frank Halcrow v. Correctional Service Canada

Ruling of the Tribunal Dated: November 8, 2024

Appearances:

Nicole C. Gilewicz, Sarah J. Rauch, and Chantelle Van Wiltenburg, for the Complainant

Geneviève Colverson and Laure Prévost, for the Canadian Human Rights Commission

Banafsheh Sokhansanj, Malcolm Palmer, and Andrew Scarth, for the Respondent