

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 8

Date: January 31, 2025

File Nos.: T2218/4017, T2282/3718, T2395/5419, T2647/2321

Between:

Ryan Richards

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service Canada

Respondent

Ruling

Member: Jennifer Khurana

I. OVERVIEW

[1] Ryan Richards, the Complainant, is a federally sentenced inmate who identifies as a Black Sufi Muslim. He resides at Warkworth Institution, a medium-security facility. In broad terms, Mr. Richards alleges that the Correctional Service of Canada (CSC), the Respondent, subjected him to excessive physical violence, sexual harassment, retaliation and various forms of discrimination and harassment on the intersecting grounds of sex, religion, race, colour and/or disability. The individual and systemic allegations span more than a decade and involve multiple incidents alleged to have occurred in various federal correctional institutions.

[2] Mr. Richards filed four complaints that the Tribunal consolidated to be heard together on consent of the parties.

[3] Mr. Richards has already testified in this proceeding. The hearing in this case is scheduled to resume on June 16, 2025, for the remainder of Mr. Richards' witnesses. The Canadian Human Rights Commission (the "Commission") also intends to examine Mr. Richards' witnesses according to a chart they provided following a Tribunal direction requiring the parties to set out time estimates for Mr. Richards' direct examination, the Commission's examination, if any, and CSC's cross-examination.

[4] Although Mr. Richards provided a list of witnesses and brief summaries of his witnesses' intended evidence, CSC objects to two of his witnesses, Redford Ferrier and Nathaniel Williams. Section 18 of the *Canadian Human Rights Tribunal Rules of Procedure, 2021*, SOR/2021-137 requires the complainant to serve and file a list of each witness, other than expert witnesses, whom they intend to call, along with a summary of the witness's anticipated testimony. CSC submits that Mr. Richards' willsay statements do not refer to specific facts, namely details of the events they are going to testify about, the dates of the events, the institution where they took place, or the people involved. It also argues that the alleged events should be limited to the relevant 10-year period that covers Mr. Richards' four complaints.

[5] Mr. Richards and the Commission disagree and say that willsays are not affidavits, that the evidence is clearly relevant in light of the fact that these are broad, systemic allegations and complaints, and that CSC has had documents and notice of Mr. Richards' intent to call these individuals as early as 2022.

[6] The following includes directions for Mr. Richards and the Commission and requires Mr. Richards to resubmit willsay statements for Mr. Williams and Mr. Ferrier. As the Commission does not represent Mr. Richards and is a separate party representing the public interest, if it intends to lead evidence to support its claims, it must also detail its intended evidence, as set out below.

II. DIRECTION TO PROVIDE MORE DETAILED WILLSAYS

[7] I have reviewed the willsays Mr. Richards provided for Mr. Williams and Mr. Ferrier and find they lack sufficient particularity. At present, the summaries for Mr. Ferrier and Mr. Williams are insufficient to allow CSC to fairly prepare its cross-examination. They set out general statements about alleged discrimination, but do not explain what the proposed witnesses will say about specific events, their location, or the names of individuals alleged to have been involved.

[8] This proceeding is already lengthy, challenging and involves broad categories of allegations across four complaints, multiple institutions and that span a decade. In addition to being required to allow CSC to fairly prepare for the hearing, providing detailed willsays for Mr. Ferrier and Mr. Williams also favours an efficient hearing process. Detailed witness statements allow the Tribunal to structure the hearing and, in appropriate cases, adoption of the witness statements may take the place of examination-in-chief of the witness. Witness statements must go beyond general topics, unless the parties are directed otherwise.

[9] Further, alleging that a respondent has engaged in systemic discrimination does not absolve a party from this obligation to provide particulars of their intended evidence. For example, if Mr. Richards and/or the Commission allege that CSC discriminated against Black inmates beyond Mr. Richards, they are required to set out the evidence they intend to

lead in support of those claims, including the specific incidents their witnesses will testify about.

[10] A party should also know what their witness is expected to say at the hearing, and not learn this for the first time in examination-in-chief. It is not sufficient to simply state the areas or topics that will be spoken to, such as “Mr. X will speak about his experience with racism and systemic discrimination as an inmate”. If a party wants to call a witness, they must know what their intended evidence is going to be, and the Tribunal and the other parties should not discover this for the first time at the hearing.

[11] Mr. Richards must provide witness statements for his witnesses that set out the important details of what the witness is actually going to say. This will require him to set out the specific events his witnesses will speak about, including the names of individuals involved, the location, the timeframe, and any other material facts.

[12] This is not an inquiry into Mr. Ferrier and/or Mr. Williams’s allegations of discrimination. While their evidence about alleged discrimination may be relevant to the broader systemic allegations in this case, Mr. Richards and the Commission have estimated a total of 3 hours per individual for their examination-in-chief. I will review those estimates following receipt of the detailed willsays to assess whether those estimates are reasonable and whether the intended evidence is within the scope of these complaints.

[13] Finally, although Mr. Ferrier and Mr. Williams are witnesses to be called by Mr. Richards, the Commission has advised that they intend to examine them as well, for an hour each. To the extent that the Commission intends to elicit evidence from Mr. Ferrier and Mr. Williams that differs from what Mr. Richards set out in his willsays, the Commission must also provide its own summary of its evidence so that there are no surprises at the hearing and we avoid delays.

[14] Although this issue has arisen because CSC objected to the sufficiency of the willsays for two of Mr. Richards’ witnesses, the Tribunal will review the remaining witness list and the estimates at the next case management conference call with a view to determining the reasonableness of the time estimates in light of the generality of some of the summaries provided. It is difficult to justify providing the Commission significant or

matching time for questioning of Mr. Richards' witnesses that amounts to an examination-in-chief without any indication from the Commission of its intended lines of questioning for the witnesses.

III. ORDER

[15] By February 28, 2025, Mr. Richards is directed to file witness statements for Mr. Ferrier and Mr. Williams that detail the testimony he expects to be given. By the same date, the Commission must also provide a summary of any evidence from Mr. Ferrier and Mr. Williams it intends to lead not already included in Mr. Richards' willsay.

[16] If Mr. Richards and the Commission do not comply with these directions, they may not be permitted to examine these witnesses at the hearing.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, ON
January 31, 2025

Canadian Human Rights Tribunal

Parties of Record

File Nos.: T2218/4017, T2282/3718, T2395/5419, T2647/2321

Style of Cause: Ryan Richards v. Correctional Service Canada

Ruling of the Tribunal Dated: January 31, 2025

Ryan Richards, Self-represented

Ikram Warsame, Sameha Omer and Laure Prévost for the Canadian Human Rights Commission

Dominique Guimond, Sonia Bédard and Penelope Karavelas, for the Respondent