

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Citation: 2025 CHRT 109

Date: November 17, 2025

File No.: HR-DP-2999-24; HR-DP-3025-24

Between:

Ryan Richards

Complainant

- and -

Canadian Human Rights Commission

Commission

- and -

Correctional Service of Canada

Respondent

Ruling

Member: Jennifer Khurana

I. OVERVIEW

[1] Ryan Richards, the Complainant, is a federally sentenced inmate who is currently incarcerated at Warkworth Institution. He alleges that because of other complaints he filed against the Correctional Service of Canada (CSC), the Respondent, they are retaliating against him, contrary to section 14.1 of the *Canadian Human Rights Act*, RSC 1985, c H-6 (the ‘Act’).

[2] Mr. Richards seeks production of a video recording related to alleged incidents at Donnacona Institution, and copies of documents he alleges were shared with other government agencies in retaliation for his human rights complaints.

[3] The Canadian Human Rights Commission takes no position on the motion. CSC opposes the requests. It says the video Mr. Richards seeks does not exist, and that the other request has no connection to the complaints and is a fishing expedition.

II. DECISION

[4] The motion is dismissed, however CSC must disclose any internal maintenance logs, reports or records pertaining to the camera malfunction in the cell where Mr. Richards was placed following the April 3, 2020 intervention or confirm that no such record exists.

III. LEGAL FRAMEWORK

[5] Parties must be given a full and ample opportunity to present their case (s. 50(1) of the Act). The purpose of pre-hearing disclosure is to ensure each party knows the evidence they are up against and can prepare for the hearing. The *Canadian Human Rights Tribunal Rules of Procedure*, 2021, SOR/2021-137 (the “Rules”) require parties to disclose a copy of all documents in their possession that relate to a fact, issue or order that is sought by any of the parties in the case. This obligation is ongoing (Rules 18, 19, 20 and 24 of the Rules).

[6] At the pre-hearing stage, the Tribunal may order disclosure of arguably relevant materials. A finding that material is arguably relevant does not imply that it will be found to be relevant or admissible at a hearing. A party seeking production has the onus of establishing that there is a rational connection between the material it seeks and the issues raised in the complaint (see, for example, *T.P. v. Canadian Armed Forces*, 2019 CHRT 19 at para. 11). Requests must not be speculative or amount to fishing expeditions (*Liu (on behalf of IPCO) v. Public Safety Canada*, 2025 CHRT 90 at para 91 [*Liu*]). The Tribunal may deny ordering the disclosure of information where the prejudicial effect on the proceedings would outweigh the likely probative value of the requested information. The Tribunal will not order production for purposes which are speculative, fanciful, disruptive, unmeritorious and time consuming or where the documents are related to a side issue rather than the main issues in dispute (see *Liu* at para 91 and *Brickner v Royal Canadian Mounted Police*, 2017 CHRT 28 at para 5 [*Brickner*]).

[7] The Tribunal's role is to inquire into complaints referred to it by the Commission (see sections 40, 44(3) and 49 of the Act). The substance of the original complaint and the Commission's mandate must be respected (*Casler v. Canadian National Railway*, 2017 CHRT 6 at para 7).

IV. ANALYSIS

The April 5, 2025 video

[8] Mr. Richards seeks a video of himself in an observation cell on April 5, 2020 in relation to complaint HR-DP-2999-24. He argues that CSC's claim that it could not find any video matching that description is insufficient. He says CSC should have someone swear an affidavit explaining in detail the searches they undertook for the video, including the databases or systems they checked and that they should explain why the video cannot be located. He wants to have the opportunity to cross-examine the affiant.

[9] CSC disclosed 11 videos of an April 3, 2020 intervention at Donnacona institution involving Mr. Richards that led to a transfer at his request to a camera-monitored cell. This disclosure occurred in March 2025 and CSC sent copies to Mr. Richards and his

representative. Mr. Richards seeks an April 5, 2020, video which he says is from when he was placed in a suicide observation cell. CSC advised Mr. Richards in April 2025 that no such video could be found and conveyed the same information to his legal representative in August 2025. In its Statement of Particulars (SOP), CSC explained that on April 4, 2020 (not April 5, as alleged), Mr. Richards was transferred at his request to a camera-monitored cell where the camera was not functioning properly. He was then transferred to another cell with a correctional officer posted at the door.

[10] CSC submits that it has informed Mr. Richards multiple times that it cannot find any video of him in an observation cell on April 5, 2020. It argues that Mr. Richards' request for a detailed affidavit and to cross-examine the affiant is unsupported, unjustified and not proportionate to the issue.

[11] I agree. All parties have an obligation to disclose arguably relevant materials according to the Tribunal's Rules. Mr. Richards has not provided a basis for me to conclude that CSC has failed to comply with the Tribunal's Rules and its ongoing obligations to disclose arguably relevant materials. I cannot order production of materials that CSC says do not exist. Mr. Richards' claim that CSC's search is insufficient is without foundation and is speculative. Should Mr. Richards wish to ask questions at the hearing of a witness regarding the video, and how or why it could not be found, he may do so.

[12] Mr. Richards argues in reply that if the camera had not been functioning properly, it is reasonable to assume that CSC would have produced a "malfunctioning video" or evidence demonstrating the malfunction such as maintenance logs, reports or technical records. He argues that in the absence of such documentation, it can be presumed the camera was working and that a recording could have been produced. He submits that the lack of any video raises questions about whether the footage was withheld or selectively disclosed, rather than unavailable due to a legitimate technical reason.

[13] While I am denying Mr. Richards' request, I do accept Mr. Richards' reply submissions that there may be internal maintenance logs, reports or records that the institution keeps, or is required to keep, when a camera malfunctions. Parties are not

required to create records, however, and the Rules only require them to produce documents and other materials that are in their possession (Rules 18-20).

[14] To help ensure efficient and informal proceedings, parties are expected to raise disclosure requests among themselves before seeking the Tribunal's intervention. In this instance, they were directed to do so both in case management and in a previous ruling (see 2025 CHRT 93 at paras 37 and 40). Mr. Richards does not indicate whether he requested these logs or reports from CSC. However, to ensure this file advances efficiently and to the extent that such records documenting the video malfunction on the relevant date exist and have not already been disclosed, CSC is ordered to produce them or confirm that no such record exists.

Information collected and allegedly shared with CSC's partner agencies is not connected to Mr. Richards' complaints

[15] Mr. Richards seeks materials he thinks CSC shared with Public Safety Canada and other agencies such as the RCMP, CSIS, and CSE in retaliation for asserting his rights under the Act, and for questioning his continued incarceration, length of sentence and mistreatment while in custody. He believes CSC has assessed him as a risk and threat because he is Black and a practicing Sufi Muslim. He says that if partner agencies received or exchanged information about him, those records are relevant and probative to his complaints. In support of his motion, Mr. Richards relies on a copy of a Government of Canada website which refers to Canada's Security Intelligence Program, as "the heart of CSC's intelligence and information network", that allows "CSC staff to receive and share vital intelligence information with partner agencies – provincially, nationally and internationally".

[16] CSC submits there is no connection between the documents Mr. Richards wants and these complaints, which are all centered on alleged retaliation by CSC staff and not other agencies or entities. It argues Mr. Richards' request is a fishing expedition, is not limited in scope, and is unrelated to the remedies he seeks in these complaints. CSC further argues that the requests relate to protected grounds of discrimination and other allegations beyond

retaliation, which are outside the scope of these proceedings, per the Tribunal's ruling in 2025 CHRT 93 at paras 15-16.

[17] In reply Mr. Richards submits that when he filed his complaints he made allegations about what was within his personal knowledge, but he could not conceivably foresee or know things he was not aware of at the time of his complaints. He argues that he needs "complete disclosure" to be able to raise additional actions or communications that may have occurred beyond his knowledge. He says the documents may reveal further conduct relevant to the alleged retaliation and could show how CSC communicated about him and reveal whether its actions were retaliatory in nature. He says this disclosure is necessary to assess the scope and nature of the alleged retaliation.

[18] Mr. Richards' request is denied. It is neither proportionate, nor relevant to the specific allegations. Mr. Richards has made specific allegations of retaliation at Cowansville, Donnacona and Warkworth Institutions over discrete periods in 2020, 2021 and 2022. Yet Mr. Richards' motion does not identify any connection with the specific incidents at issue in the complaints that are before me. His request is not limited in time and extends beyond the limited temporal scope of these complaints. Granting the motion would require a far-reaching search that will take time and divert attention from the main issues in this case, which I have already addressed and circumscribed in two rulings that denied Mr. Richards' attempts to expand the scope of this proceeding (2025 CHRT 93) and that struck elements of particulars exceeding the four corners of these complaints (2025 CHRT 5).

[19] I have already warned that Tribunal complaints are not ever-expanding generalised inquiries, moving targets or roving commissions of inquiry. Similarly, broad, generalised requests for disclosure cannot be used to expand the scope of a complaint. The Tribunal must proceed expeditiously and fairly and requiring parties to expend time and resources to undertake searches for irrelevant, or at best, tangentially relevant matters will add delay and prejudice the proceedings. Pre-hearing disclosure does not give parties another chance to go beyond the complaints they filed, or to search for documents in the hopes that they may uncover something that could allow them to amend and broaden their complaints.

[20] Finally, Mr. Richards' reply submissions confirm that the request has the hallmarks of a fishing expedition, which is not the purpose of pre-hearing disclosure. He acknowledges that he does not know what he might find, or even what else he may want to allege, writing that CSC employees *may* have engaged in other alleged retaliatory conduct. These are the speculative, fanciful and time-consuming purposes that *Brickner* warns against. Ordering production of this nature is contrary to the notion of proceeding in a fair, efficient and proportionate way so that the Tribunal can start the merits hearing three months from now.

V. ORDER

[21] Within 14 calendar days of this ruling, CSC must disclose any internal maintenance logs, reports or records pertaining to the camera malfunction in the cell where Mr. Richards was placed following the April 3, 2020 intervention or confirm that no such record exists.

[22] Mr. Richards' motion is otherwise dismissed.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
November 17, 2025

Canadian Human Rights Tribunal

Parties of Record

File No.: HR-DP-2999-24; HR-DP-3025-24

Style of Cause: Ryan Richards v. Correctional Service Canada

Ruling of the Tribunal Dated: November 17, 2025

Motion dealt with in writing without appearance of parties

Written representations by:

Christopher Karas, for the Complainant

Jean-Simon Castonguay, for the Respondent