

Court File No. : A-130-22

Online ID:#1

FEDERAL COURT OF APPEAL

BETWEEN :

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	16-JUN-2022
Ahmed Lagrani	
MONTRÉAL, QC	1

ALLEN TEHRANKARI

Appellant

-and-

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPEAL

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at *(place where Federal Court of Appeal (or Federal Court) ordinarily sits)*.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

(Date) June 16, 2022

Issued by: Ahmed Lagrani

(Registry Officer)

Address of local office:

30 McGill St.  
Montreal, Quebec H2Y 3Z7  
Tel. : (514) 283-4820  
Telecopier : (514) 283-6004

TO: (Name and address of each respondent)

(Name and address of every other person required to be served)

## Appeal

THE APPELLANT APPEALS to the Federal Court of Appeal from the order/*Decision* (“*the Decision*”) of Her Honour, M<sup>me</sup> Justice Martine St-Louis (“Her Honour”) dated May 17<sup>th</sup>, 2022 by which Her Honour dismissed the Appellant’s *Application for Judicial Review* (AJR – T-1225-20, “the AJR”) which was heard by Her Honour on May 5<sup>th</sup>, 2022 (“the *Hearing*”) with cost in favour of the respondent.

THE APPELLANT ASKS that *this Honourable Court of Appeal* to find that the Her Honour, in dismissing the Appellant’s AJR, has made errors in law and or in facts in re the following grounds.

THE GROUNDS OF APPEAL are as follows:

Please note that all of the *Exhibits* refer to in this Notice of Appeal refer to the Appellant’s Application Record at the AJR.

- i. The Appellant respectfully submits that Her Honour erred in saying that the Appellant did **not file an complaint** at the *Office of the Privacy Commission of Canada* (OPCC) as prescribed under the section 29 of the *Privacy Act* (PA);
- ii. Her Honour either, as she indicated during the *Hearing* of the AJR, did not read the Appellant’s materials that were presented in his Application Record in support of his AJR (“the *materials*”) or disregarded the *materials* (namely Exhibits-7A1 – the Appellants complaint number PA-058308) which were filed under section 29<sup>th</sup> of the PA, at the OPCC, on August 31<sup>st</sup>, 2020, and was acknowledged to had been received by the OPCC on September 11<sup>th</sup>, 2020 (namely Exhibit-7A12). The fact is that on October 31<sup>st</sup>, 2020, the Appellant had received the x 6 files that he had listed in his Notice of AJR, T-1225-20. He read and noticed tremendous amount of the irregularities; *inter alia*, lack of

translation of French-language documents to the English – “the *translation(s)*”. On November 5<sup>th</sup>, 2020, during a telephone conversation, expressed his concerns in re these irregularities to the OPCC’s Investigator, Mr. Pascal Lacroix Piché. He advised the Appellant to file the details of the irregularities in written form and sent it as an *addendum* to the OPCC. The Appellant complied and filed his *Addendum* to PA-058308 (“the *Addendum*”) on November 23<sup>rd</sup>, 2020, where at least four out of the 6 files in the **Appellant’s Notice of AJR** were named (**Exhibits-7A1 to -7A11**):

- a. *Case Management* file (P-2019-01632) **Annexe-A1** and **-A2**;
  - b. *Grievance* file (P-2019-01636) **Annexe-B**;
  - c. *Specific Information* (P-2019-01638) **Annexe-C**;
  - d. *Case Management File* (P-2019-01635) **Annexe-D1** and **-D2**;
- iii. That Her Honour erred in saying that there remained ***no*** **adversarial disputes** in the subject matter of the Appellant’s AJR, hence, refraining from reviewing the Appellant’s AJR – despite its supposed *mootness*;
  - iv. That Her Honour either did not read all of the Appellant’s *materials*, or disregarded the evidence presented in his **Application Record** in support of his AJR (namely the entirety of the **Exhibits-2; -3; -4; 7A1 to 7A12 ...**);
  - v. That Her Honour erred by stating that the OPCC made a decision in re the Appellant’s complaint, which may have implied his complaint number PA-058308, while, in fact during the *Hearing* of the Appellant’s AJR, Her Honour was reading from the decision of the OPCC with respect to the Appellant’s complaint number PA-056491 which was with regards to his 13 complaints that had been decided by the OPCC to have been **Well Founded** (**Exhibit-6A1**);

- vi. That Her Honour, erred in either not reading the Appellant's *materials* (namely the entirety of the Exhibits-2; -3; -4; -7A1 to -7A12 ...) in re the Respondent's **egregious display of bad faith** throughout the proceedings; or, Her Honour disregarded such overwhelming evidence of *profound bad faith* on the part of the Respondent – which included *misinforming* this Honourable Court to obtain at least two **Orders** for unwarranted suspensions of the *judicial proceedings*, and, extending it, that were falsely alleged to had been requested and or consented by the Appellant;
- vii. Her Honour disregarded the fact that the Respondent's Record, Volume 1, page 898, paragraph C has falsely alleged that *there was no evidence of missing three (3) files (Sentence Management – CSC 075; Education and Training – CSC 055; and, Preventive Security – CSC 065)*, despite the fact that evidence was provided to the contrary in the *materials*, and it was pointed to, during the *Hearing (Exhibits-2H1 – ATIP Request; -Acknowledgement – 2R and -2S)*;
- viii. That Her Honour, either erred in not reading the Appellant's *materials* in re CSC brutal and lawless record as was supported by the decades-long research and conclusion of many experts – including *Correctional Investigator, the Senate Committee Inquiry on Human Rights of the Federally Incarcerated Persons, Other Inquiries, including that of Mme Justice Louise Arbour's Inquiry and the Appellant's his own cases against the CSC* (Appellant's AJR, Exhibits-G1; -G2 and -G3) – or, Her Honour disregarded CSC lawless behaviour that has been continuing to this date in misleading the this Honourable Court, the Canadian Public – including the families of the prisoner that were murdered in the *care and custody* of the CSC; in that, Her Honour erred in saying that the Appellant made allegation of murder on the part of the CSC – while the evidence is clear that the

CSC has INDEED murdered inmates and was declared so during the inquiries conducted for the said murders, *ibid*.

- ix. That Her Honour, erred in either reading the Applicant's *materials* (namely **Exhibit-3A**, page 9), or, disregarded the fact that the Respondent had asked the Appellant (then the Applicant) to discontinue his AJR in exchange for no fees, as well as the fact that, during the *Hearing*, the Respondent's Counsel, Me. Mathieu Laliberte admitted that on December 22<sup>nd</sup>, 2021, the Respondent had offered a sum of \$750 to the Appellant to discontinue his AJR – in the Appellant's respectful submission, it was an admission of guilt on the part of the Respondent. Despite this, Her Honour, *dismissed* the Applicant's AJR *with cost in favour of the Respondent* – especially when the Respondent never asked for the cost;
- x. That Her Honour, erred by disregarding the *Principles in re Judicial Economy* as provided in the said cases (**Respondent's Record, Volume 1, inter alia, TABs 9:** *(Borowski v Canada (Attorney General), [1989] 1 SCR 432)*, pages 345, 360, 363 and 366);
- xi. It is respectfully submitted that left as it is, the *decision* of Her Honour will set a very **dangerous precedence** indicating that every single ATIP request must go through complaint *and then* a JRA and, *even then*, the responding party(ies) could play the game of "*mootness*" regardless of the overwhelming evidence showing *presence of numerous tangible and concrete dispute that are identical and are continuing to occur*. For example:

- a. The dental *X-rays* that have not been provided to the Appellant, in addition, which also the Respondent misinformed this Honourable Court that they *X-rays* were provided, *supra* (Exhibit-2L2);
- b. The *X-ray* from the Appellant's left leg that have not been provided to the Appellant, in addition, the respondent misinformed this Honourable Court that the *only one* photocopy of the *X-rays* was provided, *supra*; as provided in Exhibits-2A; -2B1; -2C; and -2H1) as well as ongoing ATIP requests (January 20<sup>th</sup>, 2021 – P-2017-05229; and July 3<sup>rd</sup>, 2019, P-2019-01633);
- c. The *translations* of the documents that have not been provided to the Appellant, in addition, the Respondent misinformed this Honourable Court that the *translations* was offered – despite evidence showing otherwise (*supra*, Exhibits-7A1 to -7A12 – also Applicant's Record, page 403);
- d. P-2017-05219, received by CSC's NHQ on February 22<sup>nd</sup>, 2018, and acknowledged on January 21<sup>st</sup>, 2021 –The “Education and Training File” page 17-38 and 24-53 Exhibits-2J1 to -2J4);
- e. Later filed ATIPs and or those that did not appear in the Appellant's Notice of AJR requests:
  1. Later Well Founded complaints x 39, October 27<sup>th</sup>, 2021;
  2. P-2021-04459, received by CSC's NHQ on December 22<sup>nd</sup>, 2021, and acknowledged on January 21<sup>st</sup>, 2022 – “A complete clear copies of the X-Rays (torso/back/side) and al medical records related taken on December 14<sup>th</sup>, 2021 at Leclerc Prison.”;

3. P-2021-04336 – received by CSC’s NHQ on December 15<sup>th</sup>, 2021, and acknowledged on January 19<sup>th</sup>, 2022 – **“A complete copy of all information recorded about me in the institutional charge log from March 19, 2009 to present”**;
4. P-2021-03985, received by CSC’s NHQ on November 22<sup>nd</sup>, 2021, and acknowledged on, January 14<sup>th</sup>, 2022 – **“Sentence Management File from October 2020 to present”**;
5. P-2021-04335, received by CSC’s NHQ on December 15<sup>th</sup>, 2021, and acknowledged on January 14<sup>th</sup>, 2022 – **“All OS/ORs (Officers statement/observation reports) related to December 5<sup>th</sup>, 2021 at 10:30 p.m. on 2MN, unit KLMN at Federal Training Centre by CX2 (Yazza) and (P. Bergeron)”**;
6. P-2021-03981 to P-2021-03990, received by CSC’s NHQ on November 22<sup>nd</sup>, 2021, and acknowledged on, December 22<sup>nd</sup>, 2021:
  - i. **Admission and Discharge File P-2021-03981;**
  - ii. **Disciplinary and Dissociation File P-2021-03982;**
  - iii. **Education and training File P-2021-03983;**
  - iv. **Employment File P-2021-03984;**
  - v. **Sentence management File P-2021-03985;**
  - vi. **Visits and Correspondence File P-2021-03986;**
  - vii. **Case Management File P-2021-03987;**
  - viii. **Offender Health Care File P-2021-03988;**
  - ix. **Preventive Security File P-2021-03989;**



x. **Offender grievance File P-2021-03990;**

7. P-2021-03900, received by CSC's NHQ on November 15<sup>th</sup>, 2021, and acknowledged on, November 24<sup>th</sup>, 2021 – **"Copy of all information about me in the officer's Log Book from Jan 25/2021 to present (November 17, 2021) at the CFF EFGH unit and the KLMN unit."**
  8. P-2016-03214, received by CSC's NHQ on August 8<sup>th</sup>, 2016, and acknowledged on, January 25<sup>th</sup>, 2021 – **"Health Care File (update)";**
  9. P-2017-05229, received by CSC's NHQ on January 2<sup>nd</sup>, 2018, and acknowledged on, January 20<sup>th</sup>, 2021 – **"A clear copy of original of Allen Tehrankari's dental x-ray pictures dated: May 10/1994; January 4<sup>th</sup>/ 2012; and May 11<sup>th</sup> 2017";**
  10. P-2020-05576, received by CSC's NHQ on February 11<sup>th</sup>, 2021, and acknowledged on, May 21<sup>st</sup>, 2021 – **"Complete copy of all entries about me in the staff's log book at the Visiting & correspondence department of the Federal Training Centre between November 24, 2016 and the day this request is processed."**
- xii. Therefore, it is respectfully submitted that as it stands, Her Honour's decision disregards the principal of *judicial economy* all together. In that implying that the Appellant has to file a complaint *and* an AJR for *each and every one of ATIP requests* that seeks remedy for despite that facts that there is overwhelming evidence showing *presence of numerous tangible and concrete dispute that are identical and are continuing to occur.*
- xiii. Considering the facts presented in the sub-paragraphs "xi, 1. to 10", it is the Appellant's respectful submission that the Her Honour, erred in facts and / or the law by either not

- reading the Appellant's *materials* or disregarding the facts and – at the minimum – the principals of precedence *Case Laws* provided in the *Respondent's Record, Volume 2* – especially (*Borowski, supra*, that was cited in “Page 3” last paragraph of Her Honour's *Decision*;
- xiv. The fact that Her Honour dismissed – albeit in ambiguity – the Appellant's *Notice of Constitutional Question* and he presented with respect to the inadequacy and inoperability of the certain section of the following Legislations:
- a. *Corrections Conditional Release Act (CCRA)*;
  - b. *Privacy Act (PA)*; and,
  - c. *Access to Information Act (ATIA)*.
- xv. In addition, the Respondent raised another issue (**Respondent's Record, Volume 1**, page 893) that would further validate the Appellant's *Notice of Constitutional Question*; the Respondent points out that the Appellant is *not entitled to copy of his requested information – much less translation of it*. This raises another question that would requires this Honourable Appeal Court to consider, which was disregarded in Her Honour's *Decision*.
- xvi. The Appellant will respectfully rely on the provisions of the sections 4(2.2), 12, 14, 15, 17(b)(b) 29 and 41 of the PA; as well as the *Commissioner's Directives (CD's)* 001, 060, 084, 085; *Corrections Conditional Release Act (CCRA)* sections 3, 4, 5; *Corrections Conditional Release Regulations (CCRR)* section 3, 4; and the sections 7 and 24(1) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”).
- xvii. The Appellant had for 12 hours of oral presentations during the *Hearing*; he was given only 2 hours that was further truncated;

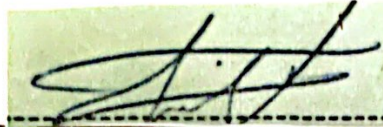
xviii.

xix. As prescribed, at the end of the *Federal Court Form (FCF) 301*, and under the provisions of the *Federal Court Rules* (the "Rules") 317, the Applicant requests that the Respondent (CSC) to send a certified copies of the following material that are not in the possession of the Applicant but are in the possession of the Respondent (CSC) – as the FTC's Preventive Security Officer, Mr. Dale Ovaskainen has informed the Applicant on February 26<sup>th</sup>, 2018 (AJR, T-1225-20, Exhibits-2I1-1; 2I1-2; 2I1-3; 2I2; 2I3; 2I4; 2I5-1; 2I5-2; -2I6) – to the Applicant and to the Registry:

- a) **The audio-video recordings on April 2<sup>nd</sup>, 2011 at the *Kingston Penitentiary* (KP) Lower-F Range;**
  - b) **The audio-video recordings on April 12<sup>th</sup>, 2011 at the *Kingston Penitentiary* (KP) Lower-H Range;**
  - c) **The audio-video recordings on April 12<sup>th</sup>, 2011 at the *Kingston Penitentiary* (KP) Post-Use of Force, Lower-H and Healthcare Centre;**
  - d) **The audio-video recordings on April 12<sup>th</sup>, 2011 at the *Kingston Penitentiary* (KP) Post-Use of Force, Segregation Unit, going and returning to and from outside hospital, from 11 am to 6 pm, including the recording that was done during the transportation to and from the outside hospital and the recording that was done in the outside hospital;**
  - e) **The audio-video recordings on May 24<sup>th</sup>, 2011 at the *Kingston Penitentiary* (KP), 10pm Segregation Unit;**
  - f) **The audio-video recordings on January 13<sup>th</sup>, 2013 at the *Kingston Penitentiary's* (KP's) *Regional Treatment Centre* (RTC), 2A-Range, between 4pm to 8pm**
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16/06/2022

Date



*Signature of Allen Tehrankari  
The Appellant,  
self-represented, incarcerated  
6099, Boul. Lavasque, Est  
Laval, Quebec, H7C 1P1*

CC to: The Respondent  
Commissioner of the Correctional Services of Canada

The Applicant consents and confirms that because of his self-represented state, Me Amélie Morin is helping the Applicant with the logistics of filing and receiving the former's documents and communications with this Honourable Court and with the Respondent(s). Ergo, in case that this Honourable Court and or the Respondent(s) have difficulty communicating with the Applicant, any and all correspondence(s) / communications to him may be provided to Me [Amélie@matelavocat.ca](mailto:Amélie@matelavocat.ca), (Office Telephone Number (450) 394-5599; address: 467 Boul. Ste-Anne, Joliette Quebec, J6E 5A1) to be forwarded to the Appellant, please.