



Court File No.

FEDERAL COURT

e-document

F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	July 19, 2021	
Jonathan Macena		
Ottawa, ONT		1

WILLIAM IMONA-RUSSEL

Plaintiff

-and-

HER MAJESTY THE QUEEN

Defendant

**STATEMENT OF CLAIM**

**In Proceeding Under Section 48 of the Federal Court Act**

**TO THE DEFANDANT :**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Solicitor acting for you are required to prepare a Statement of defence in Form 171 B prescribed by the Federal Courts Rules, serve it on the Plaintiff's Solicitor or, where the Plaintiff does not have a Solicitor, serve it on the Plaintiff, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this Statement of Claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your Statement of defence is sixty days.

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 DEFEND THIS PROCEEDING**, judgment may be given against you in your absence and without further notice to you.

(Date)

Issued by : Jonathan Macena

(Registry Officer)

Address of local office : Thomas D'Arcy McGee Building  
90 Sparks Street, 4<sup>th</sup> floor  
Ottawa, Ontario  
K1A 0H9

**TO : THE CLERK OF THE COURT**

I HEREBY CERTIFY that the above document is a true copy of the original filed in the Court./

JE CERTIFIE que le document ci-dessus est une copie confirmée À l'original déposé au dossier de la Cour fédérale.

Filing Date July 19, 2021  
Date de dépôt : \_\_\_\_\_

Dated July 19, 2021  
Fait le : \_\_\_\_\_

## CLAIM

THIS IS A CLAIM under Rule 171 of the Federal Court in respect of the Interception of a private communication numbering five by CSC (Correctional Service Canada) at Beaver Creek Institution (Medium) between February 2020 to August 2020. BCI is under the management of CSC pursuant to the - Corrections and Conditional Release Act, S.C., c.20.

## THE PLAINTIFF MAKES CLAIM FOR :

1. An Order of Compensation for the Interception of a private communication under s. 68(2) of the Privacy Act.
2. An Order of Compensation for the Interception of a private communication under s. 60(1), (2), and (3) of the CHRA.
3. An Order of damages to the Plaintiff under Rule 182 (a) and (b) of the Federal Court.
4. An Order addressing discrimination in the circumstances.
5. An Order permitting this claim to be tried immediately by this Honorable Court notwithstanding that the Plaintiff has not exhausted all internal remedies.
6. Such other Orders as this Honorable Court seem appropriate.

## THE GROUNDS FOR THE CLAIM ARE :

1. That the Plaintiff William Inera-Russel is serving a 25 year sentence for First Degree Murder, and is currently housed at Warkworth Institution in Campbellford, Ontario. **See Exhibit 1.**
2. That the Plaintiff William Inera-Russel is "black" and of African descent.

3. That the Plaintiff is diagnosed with "Diabetes," "H.I.V.," "Depression," "High-Blood-Pressure" amongst other health problems. **See Exhibit 2.**
4. That the Plaintiff strongly believes the reason why his five privileged mails were opened illegally is based on the prohibited ground of discrimination with the fact that he filed a complaint against BCI for failing to provide his H.I.V medication for five days in January 2020 upon arrival from Dorchester Penitentiary.
5. That in February 2020, the first "two" privileged mails that arrived for the Plaintiff from the Offender Redress (National Headquarters of CSC) clearly marked, "TO BE OPENED BY ADDRESSEE ONLY" was received already opened without a letter provided to indicate why it was opened. Wade Goldthorpe, the Assistant Warden of Operations was notified and assured the Plaintiff it will not happen again. **See Exhibit 3 and 4,** a copy of the two envelopes opened.
6. That two or three weeks later, another privileged mail from lawyer Michael MacDonald was received already opened by the Plaintiff clearly marked, "MacDonald Law." Wade Goldthorpe was notified once again by the Plaintiff, and nothing was implemented to ensure it doesn't happen a third time. No letter was provided to explain why it was opened. **See Exhibit 5,** a copy of the opened envelope.
7. That on July 29, 2020, just six months after two privileged mails were received already opened by the Plaintiff from the Offender Redress, and five months after a third privileged mail was also

received opened from lawyer Michael MacDonald, the Visit and Correspondence Department of BCI intercepted and opened a fourth mail that is privileged from the Privacy Commissioner of Canada clearly marked. It was shown to CX11 Stayer to witness on Falcon Unit. **See Exhibit 6**, a copy of the opened envelope.

8. Similarly, on August 3, 2020, just days after the privileged mail from the office of the Privacy Commissioner was intercepted, a fifth and privileged mail from the Correctional Investigator of Canada - clearly marked, "By directive of the Commissioner of Corrections, this envelope is not to be opened except by addressee only" was received by the Plaintiff already opened. **See Exhibit 7**, a copy of the opened envelope.

9. That Wade Goldthorpe who was overseeing this matter not only lied that it will not happen again repeatedly to the Plaintiff, but each time it kept happening he admitted it was done in error and did not explain why they were opened in writing five different times between February 2020 to August 2020.

10. That Wade's admission that all five mails of a privileged nature were opened in error and not explaining why in writing is an indication of guilt that will not compensate for the damages done to the Plaintiff's privacy, security and health without action, and this Honourable Court may infer that because the Plaintiff was not present when his privileged mails were intercepted that the contents of his private communication was read

11. Subject to s. 94 (1) and (2) of the Corrections and Conditional Release Regulations, the Warden or designate may authorize in writing that Communications be intercepted, except when it is privileged s. 94 (2), (b) clearly stated.
12. That when a Communication is intercepted under s. 94 (1) and (2), the Warden or designate shall promptly inform the Inmate in writing of the reasons why in s. 94 (3), which did not 5 times in this case.
13. That a prohibited ground of discrimination may include a particular bias against a person's race, colour and disability, knowing fully well that the Plaintiff in this case is "black" and "disabled" according to the CHRA, R.S.C. 1985, c. H-6 (the "Act") as someone living with HIV, an inference may be drawn that the Plaintiff's Complaint against BCI for failing to provide him medication for 5 days in January 2020 is the adversarial intimidation for which BCI is guilty.
14. That s. 59 of the CHRA says no person shall threaten, intimidate or discriminate against an individual because the individual has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Part, or because that individual proposes to do so, and since BCI has contravened s. 59 of the CHRA, this Honorable Court will agree that an offence was committed to find BCI liable for the fine of \$50,000.00 as cited in s. 60 (2) of the CHRA. Therefore, the five interceptions of the Plaintiff's

Private Communication totals \$250,000.00 in the Circumstances.

15. That s. 68 (1) of the Privacy Act says no person acting on behalf of the Commissioner in the performance of duties shall obstruct the Commissioner, therefore since BCI is subject to such policies of the Commissioner at ensuring to enforce privacy within the Institution, their failing to do so is a contravention of s. 68 (2) for which the breach of 5 privileged mails at \$1,000 each amounts to \$5,000 total.
16. That discrimination as this Honorable Court will agree in this case was clearly the intent whereby the Plaintiff was provided no letter explaining why his privileged mails were opened 5 different times, including the number involved within a short period, one may infer that BCI clearly had no regard for this individual and chose repeatedly to take the law into their hands.
17. That Beaver Creek Institution took away the Plaintiff's right in s. 7 of the CCRF, the fundamental right to life, liberty and security, and failed to guarantee his equal protection and benefit of the law in s. 15 of the CCRF, based on the prohibited ground of discrimination.
18. That the Plaintiff William Inara-Russel is "hypertensive" as flowing from his depression which is alligned to CSC's discriminatory practices. He is currently placed on CITALOPRAM for "depression", and RAMIPRIL for "High-Blood-Pressure", and was advised by D. Davis of WWI HealthCare Department on

behalf of Dr-Webber dated March 20, 2021 that he is monitored for "hypertension" which at higher rates could lead to death. **See Exhibit 8.**

19. That Beaver Creek Institution (Medium) which broke the law civilly and criminally according to the Criminal Code that provides a 5 year sentence for the interception of a private communication is by reason of Section 3 of the Crown Liability and Proceedings Act, liable for the damages to the Plaintiff's health and privileged mail.

20. That this Honourable Court may deem it appropriate according to Rule 182 (a) and (b) of the Federal Court in finding BCI liable for all laws broken and damages specified in this Statement of Claim award the Plaintiff - \$ 305,000.00 in the circumstances based on the evidence.

21. That the Plaintiff William Inera-Russel would like this Honourable Court as deemed appropriate to Order the Attorney General of Canada, and Beaver Creek Institution in damages to the Plaintiff, award half the amount to the families of the victim in his case for which he is serving a 25 year sentence as restitution.

22. Such other claim as the Plaintiff may raise and this Honourable Court appear just and appropriate.

**THE PLAINTIFF REQUESTS THE DEFENDANTS** to send a Certified copy of the following material that is not in the possession of the Plaintiff, but in the possession of the defendants or of CSC to the Plaintiff and to the Registry.

1. All written records including, but not limited to notes, memoranda, or writings from CSC that are relevant to the interception of the Plaintiff's private communication by mail between February 2020 to August 2020.

**THIS CLAIM WILL BE SUPPORTED BY THE FOLLOWING MATERIAL :**

1. This Statement of Claim.
2. The Affidavit of the Plaintiff.
3. Exhibit 1-8.
4. Such further and other material as the Plaintiff may advise and this Honorable Court may permit.

The Plaintiff proposes that this claim be tried in Ottawa.

Dated at Campbellford, Ontario, this \_\_\_\_\_ day of April 2021

---

DR. WILLIAM IMONA-RUSSEL  
Warkworth Institution  
15847 County Road 29  
P.O. Box 760  
Campbellford, Ontario  
K0L 1L0  
for Plaintiff

SOR/2004-283, s.35.