



Court File No: T-1114-24

FEDERAL COURT

BETWEEN:

JOSEPH REHAN YAI REHAN

- and -

HIS MAJESTY THE KING IN RIGHT OF CANADA,
ALBERT PRICE, and ROBERT HART

F I L E D	FEDERAL COURT Plaintiff	D É P O S É
	FÉDÉRALE	
	MAY 10 2024	
	BRITTNEY CHANNER	
TORONTO, ON		

ID#1

Defendants

STATEMENT OF CLAIM TO DEFENDANTS

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 171B prescribed by the *Federal Court 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 the 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 forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the *Federal Court 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.

Dated at Toronto, in the Province of Ontario, this MAY 10 2024 day of May, 2024.

BRITTNEY CHANNER
REGISTRY OFFICER
AGENT DU GREFFE

Issued by _____
(Registry Officer)

Address of local office: FEDERAL COURT
180 Queen Street West
TORONTO, ONTARIO, M5V 1Z4

TO: HIS MAJESTY THE KING IN RIGHT OF CANADA
c/o Deputy Attorney General of Canada
Department of Justice Canada
120 Adelaide Street West, Suite 400
TORONTO, ONTARIO, M5H 1T1

AND TO: ALBERT PRICE
c/o Deputy Attorney General of Canada
Department of Justice Canada
120 Adelaide Street West, Suite 400
TORONTO, ONTARIO, M5H 1T1

AND TO: ROBERT HART
c/o The Deputy Attorney General of Canada
Department of Justice Canada
120 Adelaide Street West, Suite 400
TORONTO, ONTARIO, M5H 1T1

CLAIM

1. THE PLAINTIFF CLAIMS AS AGAINST THE DEFENDANTS:

- (a) General Damages in the amount of **Three Hundred and Eighty Thousand Dollars (\$380,000)**, for illegal arrest, confinement, torture, physical assault, physical injury, beating, kicking, mental injury, mental anguish, psychological injury, emotional injury, stress, trauma and anxiety, deprivation of sleep, deprivation of food, and humiliation, among other things, that he suffered and will continue to suffer at the hands of unknown security operatives and Police Officers at Cairo International Airport, between June 2, 2018 and June 4, 2018, due to the negligence of the employees, servants, officers and/or agents of the Defendant, His Majesty the King, in the circumstances more particularly set out in this Statement of Claim.
- (b) General Damages in the amount of **Two Million Dollars (\$2,000,000)** pursuant to section 24 of the Canadian Charter of Rights and Freedoms (“the Charter”), for violation by the Defendants, Albert Price and Robert Hart, of the equality rights enjoyed by the Plaintiff under section 15(1) thereof.
- (c) Special Damages in the amount of **Fifteen Million Dollars (\$15,000,000)**, representing past economic loss which the Plaintiff has suffered, and future economic loss which he is likely to suffer as a result of the illegal arrest, confinement, torture, physical assault, physical injury, beating, kicking, mental injury, mental anguish, psychological injury, emotional injury, stress, trauma and anxiety, deprivation of sleep, deprivation of food, and humiliation, among other things, that he suffered and will continue to suffer, at the hands of unknown security operatives and Police Officers at Cairo International Airport, between June 2, 2018 and June 4, 2018, due to the negligence of employees, servants, officers and/or agents of the Defendant, His Majesty the King, in the circumstances more particularly set out herein.
- (d) A Declaration that the Defendant, Albert Price, as the Airline Liaison Officer for the Canadian Embassy, whom Egypt Air, Police and/or other security operatives at Cairo International Airport, contacted on or about June 2, 2018, to assist in establishing whether or not the Plaintiff, was a bona fide Canadian Citizen, owed the Plaintiff a duty of care to ensure that he exercised due diligence, care and caution, when verifying the validity of Canadian passport No. GA325061, issued at Nairobi on November 19, 2014 and expiring on November 19, 2019, on which the Plaintiff was travelling as a Canadian citizen before giving advice to Egypt Air, Police or other security operatives at Cairo International Airport, about that passport.
- (e) A Declaration that the said Defendant, Albert Price, breached that duty of care when he responded to the enquiry by advising Egypt Air and/or Police or other security operatives at Cairo International Airport, that the Plaintiff was holding a passport that did not belong to him and was Canadian, Suspect imposter.
- (f) A Declaration that the conduct and actions of the Defendant, Albert Price, amount to racial profiling, and a violation of the rights of the Plaintiff as protected by section 15(1) of the Charter.

- (g) A Declaration that the rights of the Plaintiff to equal protection and benefit of the law and equality before and under the law in the application and administration of the law, including regulations, rules, procedures, guidelines, manuals and policies and all pieces of legislation, established to protect and assist Canadians aboard, have been violated by the said Defendant, Albert Price, contrary to section 15(1) of the Charter.
- (h) A Declaration that the Defendant, Robert Hart, as First Secretary and Consul at the Embassy of Canada in Juba, South Sudan, violated the Canadian Consular Services Charter, when he denied the Plaintiff emergency services, after the Plaintiff had been deported back to South Sudan by Egyptian authorities, when he knew or should have known that the Plaintiff was a citizen of Canada.
- (i) A Declaration that the conduct and actions of the Defendant, Robert Hart, including denying the Plaintiff, emergency assistance, were motivated and animated by racial profiling and racial consideration, and as well amount to violation of the rights of the Plaintiff, as protected by section 15(1) of the Charter.
- (j) A Declaration that the rights of the Plaintiff to equal protection and benefit of the law and equality before and under the law in the application and administration of the law, including regulations, rules, procedures, guidelines, manuals and policies and all pieces of legislation, established to protect and assist Canadians abroad, have been violated by the Defendant, Robert Hart, contrary to section 15(1) of the Charter.
- (k) A Declaration that the Defendant, His Majesty the King, owed the Plaintiff a duty of care to ensure that employees, servants and/or agents of the Crown, would act with reasonable skill and care in identifying Canadian citizens in the possession of genuine passports and would not act or make decisions based on racial profiling, racial discrimination and differential treatment.
- (l) A Declaration that the Defendant, His Majesty the King, breached this duty of care towards the Plaintiff, when the Defendants, Albert Price and Robert Hart, acted or made decisions towards the Plaintiff, based on racial profiling, racial discrimination and differential treatment.
- (m) A Declaration that the Defendant, His Majesty the King, breached this duty of care towards the Plaintiff, when the Defendants, Albert Price and Robert Hart, acted or made decisions towards the Plaintiff in which they failed to use reasonable skill and care in identifying the Plaintiff as a Canadian citizen in possession of a genuine Canadian passport, an instead identified him as an imposter and not.
- (n) A Declaration that the Defendant, His Majesty the King, is vicariously responsible and liable for the actions of his servants and/or agents, Albert Price and Robert Hart, in the course of their employment and within the scope of their duties.
- (o) Prejudgment interest on all sums awarded herein, pursuant to the provisions of the *Federal Court Act*, R.S.C. 1985, cap F-as amended.

- (p) The costs of this action on a solicitor and his/her own client basis.
- (q) Such further and other relief as the Court may deem just.

The Parties

2. The Plaintiff resides in the City of London, in the Province of Ontario, where he works for gain. The Plaintiff was born on January 1, 1974, in what is now known as South Sudan, before it seceded from Sudan. The Plaintiff is, however, a citizen of Canada. He became a Canadian citizen in 2004. He was 44 years of age, when the events giving rise to this action occurred.
3. The Defendant, Albert Price, is an employee or former employee, servant or agent of the government of Canada. At all times material hereto, the Defendant, Albert Price, acted as an Airline Liaison Officer, responsible for Cairo International Airport in Egypt. The Defendant, Albert Price, was the person responsible for advising Egypt Air, Police Officers and security operatives at Cairo International Airport, on whether or not the Plaintiff was a genuine Canadian citizen. He was also the person responsible for advising Egypt Air, Police Officers and security operatives at Cairo International Airport, whether or not Canadian passport No. GA325061, issued at Nairobi on November 19, 2014 and expiring on November 19, 2019, was a valid passport belonging to him. At all times material hereto as well, the Defendant, Albert Price, was governed by the **Code of Conduct for Airport Liaison Officers** established by the International Air Transport Association.
4. The Defendant, Robert Hart, is also an employee or former employee, servant or agent of the government of Canada. At all times material hereto, the Defendant, Robert Hart, was the First Secretary and Consul at the Embassy of Canada in Juba, South Sudan, and is the person whom the Plaintiff interacted with, when he sought consular services and emergency

assistance from the Embassy after he was deported from Egypt back to South Sudan. At all times material hereto, the Defendant, Robert Hart, was governed by the Consular Services Charter established by Global Affairs Canada.

Immigrating to Canada

5. The Plaintiff immigrated to Canada in 2000, as a Permanent Resident of Canada. The Plaintiff left Sudan when he was only 12 years of age. He was fleeing the country as a displaced refugee seeking shelter and security of the person, during the civil war that was raging between North and South Sudan, before South Sudan became an independent country.
6. After running from one safe village or town to another in Sudan, Ethiopia and Kenya, the Plaintiff ended up at Kakuma Refugee Camp run by the United Nations High Commission for Refugees in Kenya, in 1992.
7. In 1994, the Plaintiff left Kakuma Refugee Camp and moved to Dadaab Refugee Camp, also in Kenya, and also run by the United Nations High Commission for Refugees.
8. In 2000, Canada selected the Plaintiff as a refugee seeking resettlement, and granted him Permanent Resident status in Canada, while he was still in Kenya.
9. The Plaintiff departed Kenya for Canada as a Permanent Resident, on or about September 26, 2000, landing at the Lester Pearson International Airport, on or about the same day.
10. The Plaintiff was resettled by the Canadian government in London, Ontario, a city that has a significant number of refugees from Sudan and South Sudan, who have resettled in this country.

11. The Plaintiff subsequently left Ontario for Alberta to look for employment, and worked on the oil fields in Alberta for several years. The Plaintiff has, however, maintained London Ontario, as his principal place of abode in Canada.

Travelling to Sudan in November 2008

12. In November 2008, the Plaintiff travelled back to Sudan through Kenya and Uganda, arriving in Sudan on December 17, 2009.
13. At that time, the civil war between the South and the North of Sudan, was still raging, and South Sudan had not seceded from Sudan yet. The Plaintiff worked for the European Union Election Observer Mission in South Sudan as an Interpreter, during the South Sudan Referendum in 2011, which led to South Sudan becoming an independent country, on July 9, 2011.

Returning to Canada from South Sudan

14. In 2018, the Plaintiff attempted to return to Canada, from South Sudan. He booked a trip to Canada from Juba, South Sudan, to Toronto, Canada, travelling aboard Egypt Air. The Plaintiff held Canadian passport No. GA325061, issued at Nairobi on November 19, 2014 and expiring on November 19, 2019, which was valid. His itinerary required him to depart Juba, in South Sudan, at 4:30 PM on June 1, 2018, and travel non-stop to Cairo International Airport, in Egypt, arriving the same day, June 1, 2018, at 7:30 PM.
15. The Plaintiff was to wait at the Cairo International Airport for 6 hours, and, at 1:45 AM, was to board a connecting flight travelling directly from Cairo International Airport to Lester Pearson International Airport, in Toronto, Ontario, on June 2, 2018.

Arriving at Cairo International Airport in Egypt

16. The Plaintiff arrived at Cairo International Airport in Egypt, from Juba, at 7:30 PM on June 1, 2018, in accordance with his itinerary. He did not encounter any issues. The Plaintiff cleared immigration and all security checks required by both airport security and Egypt Air, without any concerns whatsoever.
17. The Plaintiff received his boarding pass from Egypt Air, and waited for the flight to Toronto. When it was time to board the plane, he joined the queue of passengers lined up for boarding.
18. It was a long queue and he was the only Black person in the queue. He was standing in the middle of the line.

Taken from the Boarding Queue and Questioned

19. The Plaintiff states that as employees of Egypt Air checked passengers in for boarding, an unknown man in a plain suit approached the Plaintiff, and asked to see his passport and boarding pass.
20. The Plaintiff states that he thereupon gave his passport and boarding pass to the man. The man proceeded to look at the Plaintiff's face, compared his face to the photograph in the passport and told him that "this is not your passport", or words to that effect.
21. The Plaintiff has a large and distinctive mole on his ear that is easily discernible from observing the Plaintiff and looking at the photograph in his passport, which shows the mole as well.
22. The Plaintiff states that in an effort to show that the passport belonged to him, the Plaintiff showed the man his Canadian citizenship card and other Canadian identity documents

including his driver's license, health card, and SIN card that were in his possession. However, this man told the Plaintiff that his Canadian citizenship card and the other identity documents that he held, were not genuine.

23. The Plaintiff states that the man then forced him out of the queue and took him aside. The man confiscated the Plaintiff's passport and all the identity documents that the Plaintiff had given him to examine and did not give them back to the Plaintiff. As a result, the Plaintiff missed his flight to Canada.
24. After pulling the Plaintiff out of the line, the Plaintiff was taken aside, where he was questioned by four men in suits whom the Plaintiff believed to be Egyptian Air security. The men were speaking to each other in Arabic.
25. The Plaintiff was then told to speak to someone on the telephone. The person on the telephone did not provide their identity. They asked the Plaintiff his name, whether the passport he was carrying was his, and where he came from.
26. The Plaintiff readily answered each of the questions in a cooperative manner. He stated his name and confirmed that the passport was his. He also confirmed that he was travelling from Juba, South Sudan.
27. The person on the phone asked if the Plaintiff was from Abuja, Nigeria. The Plaintiff said that he was not.
28. The Plaintiff was then asked where he was going, and where he would be staying. The Plaintiff answered that he was flying to Toronto and that he was staying at 80 King Edward Street, in London, Ontario, apartment 706.

29. The person on the telephone thereupon told the Plaintiff, that the passport did not belong to him, and asked the Plaintiff to pass the telephone back to the man who had pulled him aside.
30. At that time, the men in suits took the Plaintiff's bag, took a photograph of the Plaintiff and told him to wait on a bench for someone from the Canadian Embassy to come and identify him. This never happened.

Placed Under Detention

31. The Plaintiff states that he was then detained by unknown security operatives and taken to a small, crowded, filthy and foul-smelling room within the airport complex, which was crowded with 28 other detainees, of different nationalities, all of whom were male. The Plaintiff states that he was squeezed in with the other detainees in the cramped room which did not seem to have enough air for all of them to breathe.
32. The room had no window and had very dim lighting. It had only one toilet. The toilet was in open view of the rest of the room. There was no privacy, and there were no walls around the toilet. It was for use by all detainees in the room as needed, with every one watching.
33. There was a small door, but this door could not be opened from inside the room. The Plaintiff spent the night detained in this room sitting upright on one of the metal bunk beds with his head leaned against the wall, together with the many other detainees. It was very cold in the room, and there was no water, food or shower.

Tortured and Interrogated the Morning of the Detention

34. The Plaintiff further states that at 7:00AM, the morning of June 2, 2018, he was escorted by Police Officers and security operatives to another room, also within the airport complex.

35. The Plaintiff told the Police Officers who started interrogating him, that he was cold, getting sick with the flu, tired, hungry and thirsty. The Police Officer sat in a chair while the Plaintiff was forced to sit on the floor. The officer asked the Plaintiff where he had obtained the Canadian passport from.
36. The Plaintiff explained that he had been a Canadian citizen since 2004. He was, however, still accused of lying. The Police Officer told the Plaintiff that the Canadian Embassy said that the papers did not belong to him.
37. The Plaintiff states that he was then escorted to the Criminal Investigations Department. The Plaintiff states that he was interrogated intensely, and asked many questions by yet another man in the second room, while surrounded by armed Police Officers and/or security operatives. The particulars of the torture that the Plaintiff endured include, but are not limited to the following:
- (a) Being beaten, slapped and kicked in the back;
 - (b) Being physically restrained with an unreasonable amount of force;
 - (c) Having the mole on his ear squeezed to the point where blood oozed from it;
 - (d) Being threatened with detention in a jail at Cairo International Airport;
 - (e) Being threatened with criminal charges and proceedings in a Cairo Court that would lead to incarceration for up to nine years;
 - (f) Being threatened with deportation back to Juba, South Sudan;
 - (g) Being intimidated and pressured to admit he was an imposter;
 - (h) Being denied food and clean drinking water;
 - (i) Being forced to urinate and use a toilet in the open without privacy;
 - (j) Being deprived of sleep;
 - (k) Being humiliated and totally disrespected; and

(l) Such other particulars as the Plaintiff may provide, and this Honourable Court may allow.

38. The Plaintiff states that throughout his interrogation, he was told that he should confess and that it would be easier for him if he confessed, but that he steadfastly refused to confess to any wrong doing.

39. The Plaintiff as well states that he spent several days at Cairo International Airport as a prisoner of the various security operatives and Police.

40. During this time, he continued to be tortured, physically abused, and continually ordered to confess to falsifying his Canadian passport, and the other Canadian identify documents that were in his possession, all under the repeated threats of being sent to prison for a long time.

41. The Plaintiff states that he demanded on several occasions that the Police Officers and/or security personnel detaining him allow him access to the Canadian Embassy in Cairo, and/or consular notification, but that they refused to heed any of his requests.

Security Operatives Take Photograph of the Plaintiff

42. The Plaintiff states that at some point during this ordeal, the Police Officers and/or security operatives detaining him took a photograph of him using a cell phone. The Plaintiff was not aware of what the photograph was to be used for, and did not consent to the photograph being taken. The Plaintiff was a total prisoner of his captors.

Plaintiff gets Deported to Juba, South Sudan

43. The Plaintiff was subsequently deported back to Juba, South Sudan, on or about June 4, 2018. He was escorted to a plane and taken as a sole passenger, in the midst of very tight

security. The Plaintiff's seat on the plane, was surrounded by security operatives who sat on both sides of the Plaintiff throughout the flight.

Altercation at Juba International Airport

44. The Plaintiff states that when the plane landed at Juba International Airport, the Police Officers and security operatives who had escorted him, attempted to physically eject him from the plane, by trying to force him down the gangway ladders used for disembarking from planes, without giving him back his Canadian passport and the other identity documents that they had confiscated from him.
45. The Plaintiff states that a physical altercation ensued between him and the Police Officers and security operatives, during which the Plaintiff refused to disembark the plane and to go down the gangway ladders, without his Canadian passport and identity documents.

Teletype Communication Document

46. The Plaintiff states that when he refused to disembark the plane and to be ejected down the gangway ladders, his handlers went back in the plane, and stayed there for a long time, before they re-emerged.
47. The Plaintiff states that when his handlers re-merged from the plane, they gave him a teletype communication document.
48. The document was undated and has no name of who had written it, and there is no indication as to whom it was addressed.
49. The document, however, states, among other things, that the Plaintiff had been denied boarding the Egypt Air plane to Canada "due to holding a Canadian passport not belonging to him as per a call of Canadian Airline Liaison Officer".

Plaintiff Receives Letter From Egypt Air Station Manager at Juba

50. The Plaintiff states that he subsequently received an undated letter, from the Station Manager for Egypt Air, stationed in Juba, explaining to him on the part of Egypt Air as to why his flight was terminated.
51. The letter stated that the Plaintiff had been refused to join his flight to Toronto, on the recommendation of the Airline Liaison Officer of the Canadian Embassy, Albert Price, who had advised that the Plaintiff was a suspected imposter, because his passport did not belong to him. The letter was signed by one Mohamed Dardier, Juba Station Manager, Egypt Air.

Return of Canadian Passport and Identity Documents

52. In addition to handing the Plaintiff the teletype communication document, his handlers also handed back to him, his Canadian passport, and all the other Canadian identity documents that they had confiscated from him upon detaining him.
53. The Plaintiff states that he then left the plane and wandered through Juba International Airport, thirsty and starved, as he had no food, water, or money. The Plaintiff sought the assistance of the officials at Juba International Airport, but they refused to assist him as he carried a Canadian passport, and instead directed him to the Canadian Embassy in Juba.

Negligence of the Defendant, Albert Price

54. The Plaintiff alleges that the Defendant, Albert Price, as Airline Liaison Officer for the Embassy of Canada, owed him a duty of care to ensure that he exercised due diligence, care and caution, in advising Egypt Air, Police Officers and/or security operatives at Cairo International Airport, that the Canadian passport that the Plaintiff was holding, did not belong to him and that the Plaintiff was a "suspect imposter".

55. The Plaintiff further alleges that the Defendant, Albert Price, breached that duty of care, and committed an act of negligence, when he advised Egypt Air, Police Officers and/or security operatives at Cairo International Airport, that the Canadian passport that the Plaintiff was holding, did not belong to him and that the Plaintiff was a “suspect imposter”.

Particulars of Negligence on the Part of the Defendant, Albert Price

56. The particulars of negligence on the part of the Defendant, Albert Price, include but are not limited to the following:
- (a) Advising Egypt Air and/or Police Officers and security operatives at Cairo International Airport that the Canadian passport which the Plaintiff was holding did not belong to him and that he was a suspect imposter, without taking proper care and doing sufficient investigation as to who held the passport in question;
 - (b) Advising Egypt Air and/or Police and security operatives at Cairo International Airport that the Plaintiff was a “suspect imposter”;
 - (c) Acting in haste, and mis-identifying the Plaintiff, without due regard for the consequences of his actions and their impact on the life of the Plaintiff;
 - (d) Determining that the Plaintiff was a “suspect imposter” with no evidence upon which to base that opinion;
 - (e) Ignoring clear and highly distinguishable features that were discernible on the photograph in the Plaintiff’s passport and the Plaintiff’s face, in the event that he saw the photograph of the Plaintiff’s face, and that in his passport, before giving his advice;
 - (f) Engaging in racial profiling of the Plaintiff by coming to the conclusion that the Plaintiff was likely an imposter who was holding a passport that did not belong to him, based on the colour of his skin and the fact that he was a Black male; and
 - (g) Such other particulars as the Plaintiff may list, and this Honourable Court may allow.
57. The Plaintiff further alleges that the Defendant, Albert Price, breached that duty of care, when he identified the Plaintiff as a suspect imposter who was holding a Canadian passport that did not belong to him, without a thorough and robust investigation.

Violation of the Plaintiff's Charter Rights by the Defendant, Albert Price

58. The Plaintiff states that the conduct of the Defendant, Albert Price, in characterising the Plaintiff, who is a Black male, as a suspect imposter who was holding a Canadian passport that did not belong to him, amounts to differential treatment and discrimination in the application of the law, and in particular the application of the Code of Conduct for Immigration Liaison Officers, contrary to s. 15(1) of the *Charter*.
59. The Plaintiff further states that the Defendant, Albert Price, engaged in an act of racial profiling, when he came to the conclusion that the Plaintiff who was a Black male originally from South Sudan, was holding a Canadian passport that did not belong to him, and that this amounts to violation of the rights of the Plaintiff, as protected by section 15(1) of the *Charter*.

Seeking Assistance from Canadian Embassy in Juba

60. After the Plaintiff was deported to Juba International Airport, and the authorities of South Sudan refused to offer him assistance because he was holding a Canadian passport, the Plaintiff sought consular services and emergency assistance from the Canadian Embassy in Juba.
61. The Plaintiff was familiar with the compound of the Canadian Embassy in Juba. He had been there before on several occasions as a Canadian citizen. He knew the Canadian Embassy to be in close proximity to Juba International Airport. At the Embassy, the Plaintiff met with the Defendant, Robert Hart.

62. The Plaintiff also knew the Defendant, Robert Hart. Robert Hart was the First Secretary and Consul at the Embassy of Canada in Juba, South Sudan. The Plaintiff had interacted with Robert Hart on previous occasions.
63. The Plaintiff narrated his ordeal to the Defendant, Robert Hart. He showed the Defendant, Robert Hart, the passport that had led to his illegal arrest and detention at the Cairo International Airport. He told the Defendant, Robert Hart, that he was alleged to have been holding a Canadian passport which did not belong to him, and that he was a suspect imposter.

Showing the Defendant, Robert Hart, the Teletype Document

64. The Plaintiff showed the Defendant, Robert Hart, the teletype document that had been handed to him on the plane while it sat on the tarmac in Juba. The document clearly states, among other things, that the Plaintiff had been denied boarding the Egypt Air plane to Canada because he was holding a Canadian passport that did not belong to him as per a call from the Canadian Airline Liaison Officer.
65. The Defendant, Robert Hart, however, displayed no concern and took no interest in what was alleged in the teletype document.
66. The Defendant, Robert Hart, cancelled the Plaintiff's Canadian passport that had led to his illegal arrest and detention, on the basis of what he called "questionable actions", without indicating what those questionable actions were.
67. The Defendant, Robert Hart, then advised the Plaintiff to travel to Nairobi, Kenya, to get a replacement passport issued, but at his own expense. He did not give him any financial assistance or any consular service, other than cancelling the passport.

68. The Defendant, Robert Hart, also advised the Plaintiff to commence a law suit against those who had held him up, whenever he got to Canada.

Letter by Robert Hart To Whom It May Concern

69. The Defendant, Robert Hart, then wrote a letter on behalf of the Plaintiff, addressed “To Whom It May Concern”. The letter was undated.
70. The letter states, among other things, that the Embassy of Canada in Juba had been aware of the problems experienced by Mr. Rehan when his return trip to Canada via Cairo was suddenly stopped. The letter said, however, that the Canadian Embassy in Juba, had not been contacted, and had only learned about the problem when the Plaintiff was returned to Juba. The letter further states that as “a result of questionable actions, it was necessary for us to replace his passport at his expense as well”.
71. The letter went on to say that the Embassy of Canada in Cairo, had also not been informed “about Mr. Rehan's situation”.

Negligence of the Defendant, Robert Hart

72. The Plaintiff alleges that the Defendant, Robert Hart, as First Secretary and Consul, Embassy of Canada Juba, South Sudan, owed him a duty of care to ensure that the Plaintiff obtained full, adequate and meaningful consular assistance, when the Plaintiff sought assistance from the Embassy of Canada in Juba, South Sudan, after being illegally arrested and detained in Cairo, Egypt, contrary to the Consular Services Charter established by Global Affairs Canada, for attending to urgent needs of Canadians abroad.
73. The Plaintiff as well states that the said Defendant, Robert Hart, breached that duty of care, when he failed to offer the Plaintiff emergency consular assistance, contrary to the Consular

Services Charter established by Global Affairs Canada, for attending to urgent needs of Canadians abroad as aforesaid after he was presented with the teletype communication document, which the Plaintiff had been given by Police and security operatives from Egypt.

74. The Plaintiff further states that the Defendant, Robert Hart, as First Secretary and Consul, Embassy of Canada Juba, South Sudan, also owed the Plaintiff a duty of care, and breached that duty of care, when he failed to investigate the allegation that the Plaintiff had been denied boarding the Egypt Air plane to Canada because he was holding a Canadian passport that did not belong to him.

Particulars of Negligence on the Part of the Defendant, Robert Hart

75. The particulars of negligence on the part of the Defendant, Robert Hart include, but are not limited to the following:
- (a) Failing to provide full, adequate and meaningful consular assistance to the Plaintiff;
 - (b) Failing to look into what had happened to the Plaintiff at Cairo International Airport, and who the Airline Liaison Officer referred to in the teletype document was;
 - (c) Acting in haste, without due regard for the consequences and repercussions of his actions or lack of action, on the Plaintiff;
 - (d) Engaging in racial profiling of the Plaintiff, and as a reason thereof, failing to offer him full, adequate and meaningful consular assistance, contrary to the Consular Services Charter established by Global Affairs Canada, for attending to urgent needs of Canadians abroad; and
 - (e) Such other particulars as the Plaintiff may list, and this Honourable Court may allow.
76. The Plaintiff further alleges that the Defendant, Robert Hart, breached that duty of care, and committed an act of negligence, when he failed to provide full, adequate and meaningful consular assistance to the Plaintiff and failing to look into the allegations made by the Plaintiff.

Violation of the Plaintiff's Charter Rights by the Defendant, Robert Hart

77. The Plaintiff further states that the conduct and actions of the Defendant, Robert Hart, in denying the Plaintiff emergency assistance, and refusing to facilitate the issuing of a replacement passport for him, and as well refusing and/or failing to look into the allegation that the Plaintiff had been holding a Canadian passport which did not belong to him, were motivated, and animated by racial profiling and racial considerations, and amount to a violation of the rights of the Plaintiff, as protected by section 15(1) of the Charter.
78. The Plaintiff further states that the Defendant, Robert Hart, engaged in an act of racial profiling, and was motivated by racial animus, bias and consideration, when he failed to offer the Plaintiff full, adequate and meaningful consular assistance, contrary to the Consular Services Charter established by Global Affairs Canada, for attending to urgent needs of Canadians abroad, that his actions and omissions amount to violation of the rights of the Plaintiff, as protected by section 15(1) of the Charter.
79. The Plaintiff alleges that the Defendant, Robert Hart, treated him differently, and applied the Consular Services Charter established by Global Affairs Canada, differently in his case, than he would have done had the Plaintiff been a White Canadian.
80. The Plaintiff alleges that the differential treatment was because the Plaintiff is an African Black male.

The Damage

81. As a consequence of the negligence of the Defendants Albert Price and Robert Hart, the Plaintiff has suffered loss, damage, illegal arrest, confinement, torture, physical assault, psychological and emotional harm, self-esteem, anxiety, stress and trauma, including the

deprivation of sleep, deprivation of food, and humiliation, among other things, for which he seeks compensation by way of general damages.

82. As a consequence of the violation of the rights of the Plaintiff as protected by section 15(1) of the Charter, by the Defendants Albert Price and Robert Hart, the Plaintiff has suffered loss, damage, illegal arrest, confinement, torture, physical assault, psychological and emotional harm, self-esteem, anxiety, stress and trauma, including the deprivation of sleep, deprivation of food, and humiliation, among other things, for which he seeks general damages pursuant to section 24 of the Charter, for violation of Charter equality rights.
83. As a further consequence of the negligence of the Defendants, Albert Price and Robert Hart, and violation of the rights of the Plaintiff, as protected by section 15(1) of the Charter, the Plaintiff has suffered loss, damage, illegal arrest, confinement, torture, physical assault, psychological and emotional harm, self-esteem, anxiety, stress and trauma, including the deprivation of sleep, deprivation of food, and humiliation, among other things.
84. The Plaintiff was, for a long time unmotivated to look for work and employment. The Plaintiff seeks compensation for the past and future economic loss that he has suffered and will reasonably continue to suffer, because of the negligence and actions of the Defendants, Albert Price and Robert Hart.
85. The Plaintiff pleads that His Majesty the King, is vicariously responsible and liable for the actions of his servants and/or agents, the Defendants, Albert Price and Robert Hart, in the course of their employment and within the scope of their duties.

86. **WHEREFORE**, the Plaintiff seeks compensation and all the remedies set-out in this Statement of Claim, as aforesaid, against the Defendants jointly and severally, for the loss and damage he has suffered and will reasonably continue to suffer in the foreseeable future.
87. The Plaintiff pleads and relies upon the provisions of the *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50, as amended; the *Canadian Charter of Rights and Freedoms*; the *Code of Conduct for Airline Liaison Officers* established by the International Air Transport Association, and the *Consular Services Charter* established by Global Affairs Canada.
88. The Plaintiff proposes that this action be tried at Toronto, Ontario.

Dated at the City of Toronto, in the Province of Ontario, this 10th day of May, 2024.

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Lawyers for the Intended Plaintiff

JOSEPH REHAN YAI REHAN
[Plaintiff]

- and -

Court File No.:
HIS MAJESTY THE KING IN RIGHT OF CANADA, et al
[Defendants]

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the _____

day of MAY 10 2024 A.D. 20 _____

Dated this _____ day of MAY 10 2024 20 _____



FEDERAL COURT

**PROCEEDINGS COMMENCED AT
TORONTO**

STATEMENT OF CLAIM

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