

**FEDERAL COURT OF CANADA**

BETWEEN:

**Radu Hociung**

Plaintiff

and

**Minister of Public Safety and Emergency Preparedness**

Defendants

**ADDITIONAL WRITTEN REPRESENTATIONS**

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**In response to the Court's request** dated October 30, 2019 that additional written submissions be served and filed following the Federal Court of Appeal's Judgments dated August 7, 2019, please find within the Plaintiff's Additional Written Submissions. Both the amendment appeal and the summary judgment appeal are addressed here.

### **Introduction**

1. In its Reasons on the summary judgment appeal, the Federal Court of Appeal disagreed with the Federal Court's reason for determining that a contravention of the Customs Act has occurred, and substituted its own reason. It judged that on the basis of its own reasoning, the Federal Court must redetermine the Motion for Summary Judgment.
2. With respect to the claims of criminal nature, the Federal Court of Appeal recommended that the Federal Court dismiss them for lack of inherent criminal jurisdiction.
3. With respect to the

### **Customs Act contravention claim**

4. With respect to the
5. Debunk World Customs Organizations list

### **Claims of fraud by CBSA employees**

6. At paragraph 62 of its A-102-18 reasons, the FCA states that the Federal Court does not have inherent criminal jurisdiction. This is untrue. Both Federal Courts have explicit civil and

criminal jurisdiction as superior courts of record, as stated plainly in the *Federal Courts Act*, sections 3 and 4:

## The Courts

### Federal Court — Appeal Division continued

**3** The division of the Federal Court of Canada called the Federal Court — Appeal Division is continued under the name “Federal Court of Appeal” in English and “Cour d’appel fédérale” in French. It is continued as an additional court of law, equity and admiralty in and for Canada, for the better administration of the laws of Canada and as a superior court of record having civil **and criminal jurisdiction**.

R.S., 1985, c. F-7, s. 3; 1993, c. 34, s. 68(F); 2002, c. 8, s. 16.

### Federal Court — Trial Division continued

**4** The division of the Federal Court of Canada called the Federal Court — Trial Division is continued under the name “Federal Court” in English and “Cour fédérale” in French. It is continued as an additional court of law, equity and admiralty in and for Canada, for the better administration of the laws of Canada and as a superior court of record having civil **and criminal jurisdiction**.

R.S., 1985, c. F-7, s. 4; 2002, c. 8, s. 16.

## Les cours

### Maintien : section d’appel

**3** La Section d’appel, aussi appelée la Cour d’appel ou la Cour d’appel fédérale, est maintenue et dénommée « Cour d’appel fédérale » en français et « Federal Court of Appeal » en anglais. Elle est maintenue à titre de tribunal additionnel de droit, d’équité et d’amirauté du Canada, propre à améliorer l’application du droit canadien, et continue d’être une cour supérieure d’archives ayant compétence en matière civile **et pénale**.

L.R. (1985), ch. F-7, art. 3; 1993, ch. 34, art. 68(F); 2002, ch. 8, art. 16.

### Maintien : Section de première instance

**4** La section de la Cour fédérale du Canada, appelée la Section de première instance de la Cour fédérale, est maintenue et dénommée « Cour fédérale » en français et « Federal Court » en anglais. Elle est maintenue à titre de tribunal additionnel de droit, d’équité et d’amirauté du Canada, propre à améliorer l’application du droit canadien, et continue d’être une cour supérieure d’archives ayant compétence en matière civile **et pénale**.

L.R. (1985), ch. F-7, art. 4; 2002, ch. 8, art. 16.

7. The defendant made no representations in his Motion for Summary Judgment relating to the criminal charges, while the Plaintiff did make numerous representations in his Responding Record, so it cannot be said that the defendant proved that there is no genuine issue requiring trial. As a result, the charges must proceed to trial.
8. As the persons charged with criminal conduct are Crown Servants, it follows in common law that the Crown may liable for their actions, whether directly or vicariously. As a result, the addition of Her Majesty the Queen as Defendant should be allowed.
9. At paragraph 63, the FCA implies that since it decided a contravention of the *Customs Act* occurred, there is no basis for a fraud claim. The falacy in this reasoning is that at the time the officers were making their representations to the plaintiff in 2014-2015, they did not invoke the reason that the FCA gave. If they had given either the Federal Court's reasoning (definition of

“money” from the Excise Tax Act), or the Federal Court of Appeal's reasoning (inclusion in the Compendium of Classification Opinions to the Harmonized Commodity Description and Coding System, published by the World Customs Organization binds Canada's Parliament to require reporting under its Customs Act), the plaintiff would have readily debunked both reasons as shown above at paragraph 5. no con 5.

**Claim of money laundering by the Minister/CBSA organization**

10. In

**Claim of threats of violence by CBSA employee**

**Other claims (declaratory, Prime Minister)**

**Amendment appeal**