

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

Dear Sir/Madam,

My name is Trevor Holsworth, a citizen of Canada by birth and Australia by Naturalization and I making this application to the United Nations personally. My contact information is Box 406, New Denver BC V0G 1S0 and my phone number is 1-250-551-6940 and my email address is trevor@kootenayexperience.com

I have in my possession a reply from the Canadian Judicial Council to a complaint that I made against a Federal Judge. My complaint was that when I presented the official transcript of trial to the Judge he personally called up my ex-wife and accepted the verbal testimony of my ex-wife of what she heard a previous Judge say 6 months earlier over what the transcript of trial indicated. The Canadian Judicial Council indicated that this was a matter of discretion and the weighing of evidence which is not a matter for discipline. I have attached their letter.

I disagree with their finding and find that the result of this determination is that we have a judicial system in Canada which is arbitrary. If Federal Judges have the right to ignore their own transcript of trial then we don't have a system of appeal. If Federal Judges have the right to ignore their own transcript of trial then we have a massive problem with the Canadian Charter of Rights as well as the United Nations Universal Declaration of Human Rights.

S7. Everyone has the **right** to life, liberty and security of the person and the **right** not to be deprived thereof except in accordance with the principles of fundamental justice.

It seems very well established that the primary component of fundamental justice is that is NOT arbitrary.

I cannot present better evidence than the transcript of trial. For a judge to decide to ignore the transcript of trial is arbitrary. For the Canadian Judicial Council, the governing body of federal judges to accept that conduct as within their acceptable standard is completely unacceptable. I have pointed this reality to the Canadian Judicial Council but they have refused to respond. I wrote and requested that the Canadian Judicial Council put this issue to Parliament for confirmation that Parliament agrees with this incredible determination. They wrote back and refused and called my request abusive. For obvious reasons it is impossible to make this appeal through the Canadian Courts to police themselves as their governing body the Canadian Judicial Council holds that they have the right to ignore everything that I have to say, and every piece of information that I can provide up to and including their own transcript of trial.

The Canadian Courts have removed my drivers licence and my passport so I cannot leave the country, cannot move from my home, and cannot defend myself in court. The Federal Police, the RCMP have attacked my rights and honor.

I have attempted to communicate with the Attorney General of Canada including an accepted registered letter (March 9th 2020) including the following.

“Section 24 of The Charter of Rights allows me to enforce my rights

(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.”

I have received zero response. I have had similar experiences in communication with The BC Attorney General, The Federal Minister of Justice, The Freedom of Information Commission, and my member of Parliament as well as numerous more local government officials.

My understanding is that the Rule of Law is that no-one is above the law, including judges. The Canadian Judicial Council simply cannot have a policy that contradicts the Canadian Charter of Rights and the United Nations Declaration of Human Rights.

The result of this policy is that there has been a massive breach in our Charter of Rights affecting thousands of Canadians as well as myself personally. I am of course in contempt of court because Federal Judges believe that they have the right to arbitrary justice contrary to our Charter of Rights. I have attempted to get my personal records held by the Canadian Judicial Council through the Canadian Freedom of Information Act but am told that the Canadian Judicial Council is not subject to the Act so I am unable to determine what kind of directions may have been made to Federal Judges regarding me. I cannot attend a court to defend myself or protect myself without further risk to my rights and freedoms.

The Canadian Charter of Rights is based on the United Nations Charter of Rights. My UN charter of rights have been violated

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial

tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.



Canadian
Judicial Council
Conseil canadien
de la magistrature

Ottawa, Ontario K1A 0W8

Our File : 07-0176

28 August 2007

Mr Trevor Holsworth
622 Front Street
Unit 203
Nelson British Columbia
V1L 5B4

Dear Mr Holsworth:

I am responding to your letter of 10 July 2007 in which you make a complaint against The Honourable D.W. Shaw of the Supreme Court of British Columbia. In accordance with the *Complaints Procedures* of the Council I referred your letter to The Honourable Robert Pidgeon, Senior Associate Chief Justice of the Superior Court of Quebec and Vice-Chairperson of the Judicial Conduct Committee of the Council.

The mandate of the Council in matters of judicial conduct is to determine whether a recommendation should be made to the Minister of Justice, after a formal investigation, that a judge be removed from office by Parliament. The reasons for removal are set out in the *Judges Act* and address situations where a judge has become incapacitated or disabled from performing the duties of a judge. This can be as a result of age or infirmity, misconduct, a failure to execute the duties of the position, or being in a position incompatible with the functions of a judge.

You complain that Justice Shaw accepted the evidence of your former spouse and her lawyer instead of accepting the transcript. You also complain Justice Shaw allowed a lawyer to not comply with an order.

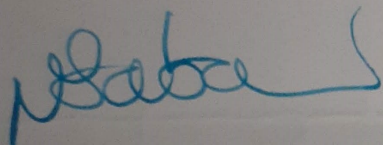
The admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pidgeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. The exercise of judicial discretion is not a matter of conduct. The failure by a party to abide by the order is not either a matter of judicial conduct.

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Given the foregoing, Chief Justice Pidgeon advises your complaint falls outside the mandate of the Council and he has directed me to close the file with this reply.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Norman Sabourin", with a stylized flourish at the end.

Norman Sabourin
Executive Director and General Counsel