

# Improve the accountability of judges in Canada

## Judicial Abuse of Power

In the May 6<sup>th</sup> 2021 edition of the Valley Voice I wrote a letter to the editor regarding a petition to Parliament to improve accountability of judges. This petition might disappear and never be presented to Parliament as the sponsor of the petition recently crossed the floor and joined the Liberal Party.

My involvement began when I witnessed criminal acts by lawyers and judges. A lawyer created a fraudulent court order. I requested that he correct his error but he refused. I presented the matter with the transcript at Trial to prove the fraud.

**The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript.**

The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of justice and ensure that improper conduct met with proper discipline. In my complaint to the CJC the Chief Justice of the Quebec Supreme Court found nothing wrong with the conduct of the Judge, and dismissed the matter. I requested that the decision be reviewed by Parliament and they refused.

The CJC claims that their word is above the law. We have the Rule of Law and the Charter of Rights to prevent this abuse of power historically claimed by dictators. Their decision contradicts the rules that the CJC determined for their own conduct.

**"Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?"**

and

**"Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve."**

A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights



Page sponsor Trevor Holsworth believes that we need mechanisms to hold judges accountable to the rule of law and the Canadian Charter of Rights and Freedoms.

is an empty promise, our right to Appeal is arbitrary, and the foundation of Democracy is destroyed.

I made the appropriate complaints to the BC Law Society about the conduct of the lawyers involved in the case. In addition to fraud a lawyer refused to comply with a court order to provide monthly trust account statements, admitted the crime in writing, and requested mercy. The complaint was dismissed, but written reasons for their decision were refused, contravening their governing statute.

**I made a Charter of Rights claim in March 2020**

Section 24(1) of the Charter reads: "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."

Since Parliament offers the only method for a removal of a judge I wrote

**"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."**

In November 2020 I wrote to

the office of the Prime Minister Justin Trudeau and received a reply from the Minister of Justice in February 2021 where he regretted the delay in his response, claimed he was bound by the decision of the CJC, told me he is not able to provide legal advice to the public, and to get legal advice from a lawyer. But on the Ministry of Justice website they state:

"The Minister is not bound by the CJC's recommendation; the option to seek a judge's removal by Parliament exists whether or not the CJC recommends that the judge be removed....If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest."

I attempted to get legal advice on the matter from lawyers but received few replies. The alternate to silence was "we are not taking on new clients at this time", "it is not my area of expertise", and "Given the information in your email I am not able to assist you now or in the future."

The Canada Revenue Service through the RCMP served me with a notification alleging that I had not complied with the Income Tax Act and threatened imprisonment unless I attended court. I informed the court of the problem presented by the CJC's letter as it affected my security of the person and pled Not Guilty.

I reported the conduct of the

Minister of Justice to the RCMP anti corruption squad in early 2020 failing in his duty to protect the public and the charter. Their response was "we will destroy evidence". I requested that the RCMP stop arresting the public whilst our rights were not being respected by the Courts. No reply.

I was reminded of the presence of the Commissioner of Parliamentary Ethics by the SNC-Lavelin corruption scandal. I alleged to the Commissioner that the Minister of Justice is attempting to improperly protect the investigation of lawyers and judges and in April 2021 they accepted the complaint. At the pre-trial hearing on May 20<sup>th</sup> 2021 I requested protection of my right to life. My drivers licence and passport had been removed by the government and in this time of business closures by Covid and without the CERB benefits, I needed food to eat so that I could survive to trial. DENIED. The Judge made it clear he was not interested in legal rights and intended to deny everything. I face the possibility of being incarcerated for up to a year as well as a hundred thousand dollars in fines. The stress of course is intolerable and abusive. In the CRA's notes on my file they include statements like "non-cap losses will reduce this to NIL, leaving no tax potential"

**Judges claim a right to ignore everything we say, to solicit perjury and plant that evidence at trial to protect lawyers. The BC Law Society does not discipline lawyers**

**for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.**

In 1999 the conduct of Judge Shaw was debated in Parliament after he dismissed a self-represented accused of possession and distributing child pornography. The Judge protected him by claiming he had a "freedom of expression". The Minister of Justice argued in Parliament for the justice system to self-regulate and Judge Shaw was not disciplined but left on the bench where three years later in my case he completed his destruction of the Charter. Shaw did "retire" soon after but not before the Canadian Judicial Council protected and approved his conduct.

**Quotes from the debate in Parliament:**

"We want people like Mr. Shaw to know that Canadians do not respect him, that parliament does not respect him," "Our citizens, men and women and children, are at risk because of this judge's decision." "the courts are already dismissing charges as a result of the present ruling."

**"Who is on the hook if a judge screws up? It is the Prime Minister and the justice minister" "we see the ultimate consequences of a completely unencumbered, unaccountable judiciary."**

"The whole issue of trusting the judicial process to address this tragic situation is wrong."

"If we are ever going to send a message to the judiciary that parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people."

**You can view the evidence and more details at [www.fundamentaljustice.com](http://www.fundamentaljustice.com) Please write a letter of support to [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)**

**Protect YOUR democratic rights and provide witness by attending the Nakusp Court at the Nakusp Arena at 9:30 am on July 15<sup>th</sup>, 2021. Your participation will make a difference.**