

David Lametti, Richard Cannings

Sept 5th 2019

Dear Sir,

I made a complaint to the Canadian Judicial Council regarding a judge accepting the hearsay evidence of what a judge said over my evidence, the official transcript of trial. The Canadian Judicial council responded saying it was a matter of judicial discretion and not a matter of judicial conduct. Sounds a lot like a proposal to accept arbitrary justice to me which mankind has been fighting since the beginning of time. Let me know how the champions of justice, the Canadian legal system and protectors of the Canadian Charter of Rights resolve this situation.

At this point I am firmly of the understanding that I have zero rights in Canada.

Trevor Holsworth

Sept 29th 2019

David Lametti

Dear Sir,

The Canadian Judicial Council has written me a letter stating that federal judges in Canada have the right to accept or reject any evidence up to and including their own official transcripts of trial. I believe that this removes all of my rights contained in the Canadian Charter of Rights up to and including the right to a fair trial and obviously the right to appeal. Their reply was in response to my complaint about a judge who preferred the hearsay evidence over my evidence the official transcript of trial. I dont believe that Canadians have agreed to live under the injustices of arbitrary justice. In order to bring this matter to the attention of the legislature I have made a complaint to the Canadian Judicial Council in regards to this letter but they are ignoring my complaint completely. Obviously I am currently living in a state of fear for my life.

Yours sincerely,

Trevor Holsworth

Department of Justice, Minister Correspondance Unit.

Feb 28, 2020

I am involved in a dispute with the Canadian Judicial Council (CJC) regarding their infringement of my charter of rights. They are claiming the right to dispense arbitrary justice contrary to the principles of fundamental justice of which a lack of arbitrariness is the primary factor. They claim that the Federal Judges do not have to accept the official transcript of trial as the highest form of evidence possible, that they have the discretion to accept other evidence such as personal testimony in preference. A large number of problems follow from that position. I have requested from the CJC that they explain how they can hold that position with regards to my Charter of Rights or submit my complaint in regards to their position to Parliament to get confirmation of its legality but they have denied both requests.

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 logical 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.

Jun 20, 2020

Mr Lametti,

I have previously emailed and have also sent a registered letter to your department to which I have received no response whatsoever. How do I communicate with your department?

Trevor Holsworth

Sept 12, 2020

David Lametti
Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
Canada K1A 0H8

Federal Judges through the Canadian Judicial Council (CJC) are claiming the right to dispense arbitrary justice contrary to the principles of fundamental justice of which a lack of arbitrariness is the primary factor. The CJC claim that Federal Judges do not have to accept the official transcript of trial as the highest form of evidence possible, that they have the discretion to accept other evidence such as personal testimony in preference. A large number of problems follow from that position and have effected my rights personally and continue to do so. I have requested from the CJC that they explain how they can hold that position with regards to my Charter of Rights or submit my complaint in regards to their position to Parliament to get confirmation of its legality but they have denied both

requests.

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.

Yours sincerely,

Trevor Holsworth

I have received no further communication from you in this regard. I have sent a similar email to the attorney general of British Columbia. I also sent a registered letter to attorney general of Canada and have a signed receipt. The letter follows the enforcement of the charter s24 and I have requested that the matter be heard by parliament as the only court of competent jurisdiction to resolve an issue of the courts claiming a power that does not belong to them. Obviously applying to a federal court with a federal judge of which the Canadian Judicial Council, the statutory governing body of federal judges claims the power to disregard every piece of evidence that I can ever have is not a competent jurisdiction. I have received no reply. I have read the attorney general's principles guiding charter challenges which states

"The Charter is part of the supreme law of Canada, and any law or **government** decision inconsistent with it is of no force or effect. Both in the provision of legal advice and in litigation, the Attorney General demonstrates the greatest possible commitment to respecting constitutional rights."

I cannot see how the complete absence of communication on this issue is respecting my constitutional rights. It certainly does not demonstrate trust and good faith. I know that it is a difficult issue but government should act in good faith with the citizens and not stonewall a difficult issue. Of course I will stand my ground on this issue forever until resolved. I am making the issue public and will confront the issue at every court hearing that I am forced against my will to attend.

Trevor

Nov 15th 2020

Dear David Lametti,

I have in my possession now two transcripts of trial. one from before a complaint to the Canadian judicial council and one from this month. It seems problematic that the recent one has been altered. Which one is the more valid form of evidence; the earlier one, or the later one, or is it simply whatever a judge claims arbitrarily to create, like perhaps by calling up someone and asking what they heard the judge say, somewhat like a policeman planting evidence and that you feel it appropriate to not respond to problems of corruption at the highest level. This will come out. I am spreading the documents that I have as well as the legal arguments regarding abuse of process which are applicable to every citizen in Canada. I will not have control over who or how these documents will be used in criminal defenses throughout the country. I have attempted to communicate in a respectful manner in an effort to solve this issue according to the rules of justice. I remain open to solve this issue according to those principles however it is your role to maintain public confidence in the judicial system. Requesting that I deal with this through the courts is akin to requesting a member of the public abused by a priest to return to his abuser and ask for salvation.....

Obviously, this email and all the other documents have been distributed so that others will know if something untoward happens to me. Your silence is damning.

Trevor Holsworth

to PM's office Nov 15, 2020

I have been attempting to communicate with the Attorney General of Canada Mr David Lametti regarding problems with the administration of justice and getting zero response. There is a substantial breach in fundamental justice in the administration of Justice which poses a problem for all Canadians. The Canadian Judicial Council claims that federal judges have discretion to disregard the transcript of trial if they wish, like if they have the evidence of the plaintiff testimony on what she heard the judge say 6 months previously. I have pointed out to the CJC and to the Attorney General the problems that this has with 'fair and impartial' and 'fundamental justice'. The desire to protect ones colleagues is of course admirable however when it compromises every ethical position it causes more damage than resolving the situation. I have submitted a charter of rights claim, it has been received (but ignored) and requested that parliament to resolve the situation of judges claiming constitutional authority that does not belong to them. They do not have the right to dispense arbitrary justice and they do not have the right to claim the power of the gods - that their word is better than the transcript of trial. It is abusive on the same level as priests abusing little boys - and the government treatment of the situation, ignoring the problem is the same as the clergy closing ranks and ignoring the situation. I did also send briefs to the Parliamentary Committee on Justice and Ethics but they were removed from the system and not distributed to the committee members. I have attempted to communicate appropriately but ignoring me is abusive and shows a complete lack of integrity. I have also recently discovered that one of the transcripts of trial has also been altered which is interesting because I now have two transcripts of trial clearly demonstrating the attempt to remove evidence of wrongdoing. There is a well documented procedure to follow for resolution.

Trevor Holsworth

Nov 18th, 2020

Hello, Mr. Trevor Holsworth;

Thank you for your interest in the Department Of Justice Canada. The Public Enquiries unit has received your correspondence of November 15, 2020.

Please note that the Department of Justice does not provide any direct legal assistance or advice to the general public nor does it assist in legal research.

For your enquiry below, you may wish to seek legal counsel.

Best regards;

Public Enquiries | Demandes du public
Justice Canada

Justice Dept, PM office

Nov 18th, 2020

Thank you for your response. However I have served the Attorney General with a charter of rights claim and it has been ignored. It has been received by your office. I have multiple emails reminding the Department of Justice of this fact and they have been ignored. This is the first email that you have responded to and only because the prime minister's office wrote to your office. I am not looking for legal counsel I am reminding you of your duty to respond to my charter of right claim amongst many other things. Your ignoring of my claim is in itself a breach of my charter of rights and shows a massive disregard for the rule of law.

Yours sincerely,

Trevor Holsworth

to PM's office Nov 21, 2020

I think it important for me to state that given the seriousness of the matters that I bring up and my treatment thus far it is very fair for me to be extremely fearful of the government's lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.

Trevor

PM Office

Nov 25, 2020

I have filed a charter of rights application and it is being ignored. Due to the fact that it involves problems at the highest level of our judicial system and involves the Canadian Judicial Council's in an abuse of power situation it is simply not a case that can be heard by a Canadian Judge because of their obvious impartiality as it is a well established principle of justice that noone can judge himself. This is a matter of the courts overstepping their constitutional authority and that matter needs to be corrected and Parliament is the only appropriate body to deal with the situation. If someone has a different answer, defense or solution I am yet to hear it.

Trevor Holsworth

REPLY FROM DAVID LAMETTI

Feb 11th 2021

Dear Mr. Holsworth:

Thank you for your correspondence concerning your personal situation. The Office of the Prime Minister has also forwarded to me a copy of your correspondence. I regret the delay in responding.

I hope you will understand that I am not able to provide legal advice to members of the public or to become involved in the matters you describe.

As you may be aware, there are several safeguards in place to ensure that the Canadian judiciary remains fully independent from the executive and legislative branches of government. These include the judicial complaints and conduct process managed by the Canadian Judicial Council (CJC).

The CJC is an independent body established by Parliament. Pursuant to sections 63-69 of the Judges Act, it alone is tasked with investigating complaints about the conduct of federally appointed judges. In the ordinary course, the CJC considers and disposes of such complaints pursuant to its publicly established procedure, which includes an assessment of whether a matter warrants the establishment of a formal inquiry.

I recognize that you are dissatisfied with the CJC's disposition of your complaint. However, to ensure respect for the fundamental principle of judicial independence, it would not be appropriate for me to intervene with the CJC on your behalf, nor, as a matter of law, would it be possible for me to do so.

While I note your concerns, I have every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate.

The Canadian Charter of Rights and Freedoms authorizes the courts to provide a remedy where fundamental rights and freedoms are infringed by government action. If you feel that your Charter rights have been infringed, it may be helpful for you to speak to a lawyer in private practice to determine the course of action that will best serve your needs. A lawyer may also be able to assist you in pursuing an appropriate administrative remedy. Most provincial and territorial law societies have a lawyer referral service, which can refer you to a lawyer who can provide you with an initial consultation for a small fee or at no charge. The Federation of Law Societies of Canada website has a listing of these societies.

Respectfully,

The Honourable David Lametti, P.C., Q.C., M.P.

(he/him)

Minister of Justice and Attorney General of Canada

Feb 14th 2021

Minister of Justice and Attorney General

David Lametti,

Thank you for your response. I want you to know that I do understand the very difficult nature of this problem and the serious problem that it does present for the Canadian legal system. I appreciate you stepping forward to confront this incredibly sensitive issue and hope that we can foster a relationship based on respect for our common values and move forward in the right direction to improve the quality of our legal system for the future.

There have been numerous attempts to contact you through your office as well instances where communications have been blocked so that elected officials do not receive the appropriate communication. I am not sure what communications that you have received. It appears that you have received my Charter of Rights application as served to the Deputy Attorney General. I am not sure if you are currently in possession of the United Nations Human Rights complaint that I made on behalf of all Canadians because your office ignored the Charter of Rights application. It may help our understanding if you could confirm the communications that you have received. In the spirit of open government, I have previously requested that ALL communications dealing with this matter, include me.

I am aware that there is a division of powers between the executive, legislative and judicial branches of government as well as constitutional safeguards in order to prevent the abuses of those powers. Parliament, through your office, has the responsibility to ensure that the judicial branch of government does not overstep its constitutional boundaries, which it has, by claiming a right to dispense arbitrary rather than judicial rule....

You cannot possibly have "every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate" when

- a) the CJC is claiming that Judges are above the law - that their word can overrule the official transcript, which contravenes The Rule of Law as well as Fundamental Justice as required by the Charter of Rights.
- b) whilst the CJC has previously maintained that their decisions are not open to appeal that was altered in 2019 by the federal court and the CJC was stated by that court to be "abusive" in the treatment of a judge. If the court finds the CJC abusive in the treatment of a fellow judge how can a regular citizen of Canada expect better treatment?
- c) The CJC itself is asking for more clarification on its powers from Parliament.

In regards to your statement that you have no legal right to pursue the action that I propose I refer you to The Ministry of Justice website,
(<https://www.justice.gc.ca/eng/cons/fjdp-pdmf/3.html#sec311>)

"Possibilities for further reform of the Federal Judicial Discipline Process
Department of Justice Canada, JUNE 2016

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.

.....

The roles of the Minister of Justice and of Parliament at the end of the judicial discipline process are critical. As noted, Parliament's role as the body tasked with actually removing a judge from office is set out in s. 99(1) of the Constitution Act, 1867

.....

By contrast, the Minister of Justice's role at the end of the judicial discipline process is nowhere set out.

It is commonly accepted that the Minister's role is to receive the report required of the CJC by s. 65(1) of the Judges Act and to decide whether to ask Parliament to remove the judge. In *Cosgrove v. Canadian Judicial Council*, 2007 FCA 103, at para. 64, the Federal Court of Appeal described the Minister's role in the following terms:

As explained above, the Council has no power to remove a judge from office. That can be done only by the Governor General on the joint address of the Senate and House of Commons. 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.

.....

CJC inquiry committees and Councils of the Whole have taken the approach that if the judge's conduct is determined to fall within any of (a) to (d), the following question, usually called the "Marshall test", should be posed: 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? Only if the answer to this question is yes will a recommendation for a judge's removal from office follow."

Please explain how it can be appropriate for a judge to dispense with allegations of corruption and breaches of the criminal code by calling up the Plaintiff to refute the official court transcript. Would it also be appropriate conduct for a Judge to fabricate evidence in order to penalize a Canadian disclosing corruption, rather than merely ignoring evidence to protect a lawyer?

The Canadian Charter of Rights authorizes a 'court of competent jurisdiction' to provide a remedy where fundamental rights and freedoms are infringed by government action. Parliament is named in the Constitution as the ONLY body authorized to dismiss a judge. It would be completely inappropriate as well as abusive to compel me to appeal to the courts to judge their own conduct when their own governing body has overstepped its constitutional guarantee and claimed rights that are not theirs. Parliament is the appropriate court to make this decision. I have on numerous occasions requested the CJC do so but they have refused ultimately calling my request an abuse of process.

To be absolutely clear I am not seeking legal advice, and whilst there is an unwanted personal component to this situation it is more important to emphasize that this situation applies to ALL Canadians. I am also now clear in my understanding that a lawyer would be detrimental to the protection of my rights, in complete contradiction to their statutory duties. I have however contacted numerous lawyers, including the Canadian Civil Liberties Association, and legal academics, like Adam Dodeck specializing in Constitutional Law and the Charter of Rights and every single one either does not respond further upon receiving the evidence or claims that they are "no longer taking new clients". I understand this exactly for what it is - a closing of ranks within the legal profession in direct contradiction of the Rule of Law, that no-one is above the law. If Canadians cannot trust the legal system to administer Fundamental Justice and the Rule of Law then the system collapses.

The United Nations Charter of Human Rights Preamble outlines this problem succinctly, "Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion

against tyranny and oppression, that human rights should be protected by the rule of law,"

Your DUTY is to be the Light and protect the Integrity of the Canadian legal system and the Rule of Law. History will be the final judge. At this time I have advised numerous government departments of the current problems and they are waiting for you to do your job. I am available to assist in this matter, but in fairness, like you, I should be paid for doing this job. Canadians would expect nothing less.

It is simply abhorrent that the Canadian Judicial Council maintains a position that is in complete contradiction with the guarantees provided by the Canadian Charter of Rights.

Yours Sincerely,

Trevor Holsworth

PM's office, Justice Canada

March 28th, 2021

I dont want your advice to hire a lawyer.

I do want your response to my charter of rights claim that I have served upon the Attorney General and have a receipt of the service.

the lack of an immediate response is a problem. In the face of a serious charter of rights accusation that goes to the highest levels my rights should have been protected at the highest level and that includes receiving an immediate phone call to assure me of my security of the person would be respected. Instead communications were had with other members in the government without sharing their communication with me which would demonstrate open government. Since all forms of communications that I have experienced thus far has been ignore, delay, deny, alter documents, remove documents, and refuse to address any issues whatsoever. Of course as I in fear of my life as I put it in my charter claim. Your first response should have been to ensure that I was being given assurances that I would be safe but instead the first priority has been to protect your own, and there is the problem.

I provided this information on my charter of rights to the ag office over 6 months ago, they should have prepared a defence to my position at this time or failing that to concede. This should be communicated to me. I should not be having to go to such extraordinary lengths in order to protect my rights.

What legal rights do I have if you are telling me that to assert my legal rights I need to go to a court which claims it can ignore everything and anything I can provide including the transcript of trial. And has already done exactly that when I presented the transcript of trial to establish a fraud on the court and it was defeated by the judge calling up the plaintiff to have her refute the transcript with her recollection of events 6 months previously. Cant beat that. And that behavior is supported by the Judicial Council! Then Im told that my only recourse is to go back to the CJC. Then I'm told by the CJC that my complaints were an abuse of process. So I went to the judge and made an abuse of process application and he ignored it. I presented a charter of rights application and delivered it as specified for service upon the crown. The Attorney General ignored it. Then when the PM's office requests a response, after refusing to respond to my emails for weeks, tells me that they do not give legal advice to the public. I write to the PM and tell him that I have already served the ag with my charter of rights application and it is not their advice I am seeking. I am seeking that they enforce the charter of rights as his office mandates that he do. Their choice is to defend the court's position that judges should have the right to reject their own transcript of trial without alleging fraud or that Canadian's are to be provided

with fundamental justice and fair and impartial hearings. I cannot see how they can defend that position given that No Canadian is going to accept that judges should have the right to reject their own transcript of trial. The other option is to embrace the situation as a soul searching continuation of mankind's search for balancing justice and to strive for perfection. What other choice is there. Isn't this obstruction of justice.

Trevor Holsworth