

Petition to United Nations Human Rights Commissioner:

For an international Judicial Council Protocol for dealing with Judges that deliberately act without jurisdiction in order to commit a crime.

Whereas institutionalized judicial council discrimination against anyone, indigenous or white, black or brown etc. is equivalent to institutionalized governmental discrimination, which is tantamount to a crime against humanity that should engage the International Court of Justice.

Whereas acts without jurisdiction cannot be judicial acts, therefore deliberate no jurisdiction falsehoods in order to use interests of justice public power to steal the constitutional right to a hearing to set aside Conservative Party brass racial discrimination decision to exclude a black African immigrant politician from the opportunity to compete against highly accomplished caucasians, because even though the membership electorate was about 98% caucasian, he was likely to win by a margin of 7 to 1, is the type of white collar criminal misconduct that should trigger a Canadian Judicial Council request for a police investigation.

Whereas the conflict of interest status quo of judges that lied about jurisdiction, abusing Her Majesty The Queen In Right Of Canada Canadian Judicial Council public power to decide if to request an investigation of themselves, engages agents of the Attorney General (police) constitutional duty to enforce criminal law.

Whereas all judicial councils of member countries should refer criminal misconduct complaints to the police and whereas all judicial councils of member countries should retain the power to recommend a reprimand or removal of a judge based on the result of the police investigation.

Whereas the lack of an international protocol for dealing with criminal misconduct by judges is a root cause for Chair of Canadian Judicial Council Right Honourable Richard Wagner ongoing refusal to comply with below mentioned common law duty to request a police record of investigation for bad faith, without jurisdiction, criminal misconduct complaints;

a) Alberta Provincial Courts Act 2000 Chapter P-31 9.51(1) .. unless it is proved that the judge acted maliciously and without reasonable and probable cause. ...

b) Manitoba The Court of Queen's Bench Act; 15 .. unless the act is malicious and is done without reasonable grounds

c) Prince Edward Island Provincial Court Act, RSPEI 1988, C P-25 (1) .. unless the act was done maliciously or without reasonable cause.

d) *Bourbonnais v. Canada (Attorney General)*, [2006] 4 FCR 170, 2006 FCA 62 (CanLII) ... judicial immunity does not apply where it is shown that a judge knowingly acts beyond his jurisdiction....[28].. "Of course, if the judge has ...has perverted the course of justice, he can be punished in the criminal courts." ...[30]It is clear from some of the cases discussed above, however, that the immunity of judges from criminal liability is not total. In this respect the law of England is the same as that of the USA. Excepting the general principles of immunity discussed above, any judicial officer who violates the criminal law would be as liable therefore as any other private person. According to Woodhouse J. of the New Zealand Court of Appeal, "a judge can, of course, be made to answer, and in a proper case, pay dearly, for

any criminal misconduct. Like any other citizen criminal proceedings may be brought against him." This is because "criminal conduct is not part of the necessary functions performed by public official"

e) *W. Abernethy Management & Consulting Ltd. v. 705589 Alberta Ltd. and Trillium Homes Ltd.*, 2005 ABCA 103 (CanLII) [24]... The only exception is when a judge "knowingly acts outside of official capacity; without a good faith belief of jurisdiction":

f) *Royer c. Mignault*, 1988 CanLII 445 (QC CA) Immunity of Superior Court Judges ... Nothing will make him liable except it be shown that he was not acting judicially, knowing that he had no jurisdiction to do it....

g) *Morier et al. v. Rivard et al* (1985), [1985 CanLII 26 \(SCC\)](#), 23 D.L.R. (4th) 1 (S.C.C.), .. liability only where a judge is shown to have knowingly exceeded his jurisdiction in bad faith.

h) *Verge Insurance Brokers Limited et al. v Richard Sherk et al.*, 2015 ONSC 4044 (CanLII)"[T]he inherent jurisdiction of the Court of Queen's Bench is not such as to empower a judge of that Court to make an order negating the unambiguous expression of the legislative will":

i) *Pierson v. Ray*, 386 U.S. 547, 554 (1967) Powell noted that the *Bradley* Court accepted the injustices the doctrine of judicial immunity sometimes imposes because those injustices are usually mitigated by the availability of appeal. But where a judicial officer acts in a manner that precludes all resort to appellate or other judicial remedies that otherwise would be available, the underlying assumption of the *Bradley* doctrine is inoperative...

j) *Piper v. Pearson*, id., 2 Gray 120. ... the U.S. Supreme Court focused upon the nature of the act: .. an act done in complete absence of all jurisdiction cannot be a judicial act. It is no more than the act of a private citizen, pretending to have judicial power which does not exist at all.

k) *State use of Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So. 2d 697. When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction.

l) *Ableman v. Booth*, 21 Howard 506 (1859). "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

m) *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872) "Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction."

n) *Rankin v. Howard*, (1980) 633 F.2d 844, cert den. *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

o) *Ashelman v. Pope*, 793 F.2d 1072 (1986), the Ninth Circuit, en banc .. Rankin's ultimate result was Judge Howard had been independently divested of absolute judicial immunity by his complete lack of jurisdiction.

p) *Stump v. Sparkman*, id., 435 U.S. 349 .. But in a jurisdictional vacuum, (that is, absence of all jurisdiction) the second prong necessary to absolute judicial immunity is missing.

q) *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938) judge must be acting within his jurisdiction

as to subject matter and person, to be entitled to immunity from civil action...

We, the undersigned, call upon Prince Zeid Ra'ad Al Hussein United Nations Human Rights Commissioner to develop an international legislative protocol for separating judicial council power to investigate criminal misconduct by judges and judicial council power to recommend reprimand or removal of a judge.

<https://adeolumideonline.files.wordpress.com/2018/03/unitednationshumanrightscomplaint.pdf>

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