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FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	AOUT AUG 24 2022
D	SHERRI ALLY
TORONTO, ON	1

A-170-22

Court File No. (T-184-19)

FEDERAL COURT OF APPEAL

BETWEEN:

NAVARATNAM KANDASAMY

Applicant
APPELLANT

-And-

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF
Application for Appeal

TO THE RESPONDENT(S):

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this appeal be heard at (place where Federal Court of Appeal (or Federal Court) ordinarily sits) TORONTO, ON.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the APPEAL or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the appellant. WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the appealed from, you must serve and file a notice of cross -appeal in FORM 341B prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

August 24, 2022

Issued by:

Address of local office: 180 Queen St. W., Toronto, Ontario.

SHERRI ALLY
REGISTRY OFFICER
AGENT DU GREFFE

TO: Public Safety Canadian
269 Laurier Avenue Ottawa,
Ontario, K1G4G4.

JUDGMENT AND REASONS –KANE J, JULY 25, 2022

(NAVARATNAM KANDASMY v MINISTER OF PUBLIC SAFETY, Docket: T-184-19)

On an Appeal made pursuant to section 41 of the Privacy Act, RSC 1985, c P-21 (The ACT) of the decision of the Minister of Public Safety (Public Safety), APPEAL FOR T-184-19

THE APPELLANT RELIEF SOUGHT.

1. On an Application made pursuant to section 41 of the Privacy Act, RSC 1985, c P-21 (The ACT) of the decision of the Minister of Public Safety (Public Safety).

2. The Applicant challenges the NOTICE OF THE CONSTITUTIONAL QUESTIONS NOT CONSIDERED.

3. In experimental 24/7 surveillance torture is being systematically eroded – not consider

Government continuing the Blacklist counting the cyber torture with Laser, Microwaves beams remotely – ill-treatment under constant surveillance in Canadian soil and foreign countries

Mistreatment means torture or other cruel, inhuman or degrading treatment or punishment, within the meaning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed at New York on December 10, 1984. (*mauvais traitements*)

Review body [Repealed, 2019, c. 13, s. 49.2]

Canada SIGN “Optional protocol to the UN convention against Torture will not be optional any for Canada,

4. Intercepting all the computer and devices, cellphone device and court data evidences Deleted.

THE GROUND OF APPEAL:

1. Reforming surveillance police practice at the Federal state and local level to restore personal privacy and protection Rights to dissent. Challenging the profiling discrimination against and building the voices of Hate and Torture Human Subject. Abuses committed under Name of the National Security and counter terrorism policies of Respected HUMAN RIGHTS, CIVIL. (Same as Suresh, at para 88)

18R.s.C 1985 c.o.5) and constantly being tracked by 24/7 Domestic surveillance, and Electronic Harassment apparatus, Deploying the Laser, Microwaves Intentional Inflicts to House by the Casting neighbours.

2. Practice CONVENTION AGAINST TORTURE and Intercepting all the Communication devices and wiping out all Evidence and Data and Make the stalking and tracking by mortar bikes and other perpetrators vehicles and Man power by spying Neighbours of the Agents .
3. NOTICE OF CONSTITUTIONAL QUESTION NOT ALLOW FOR THE HARAING
 - a) National / International constitutional question (Constitutional of section 151, Act, the constitution as expounded of Canada Act.
 - b) Federalism
 - c) Democracy
 - d) Constitutionalism and the Rule of Law, Cyber Torture.
 - e) The Rights and Freedoms the Charter protects , International Covenant on Civil and political RIGHTS (ICCPR)
 - f) Respect for Minorities.
 - g) Basic principles on the Independence of judiciary.
4. Government continuing the Blacklist counting the cyber torture with Laser, Microwaves beams Remotely ill-treatment under constant surveillance in Canadian soil and foreign countries
5. Request of Independent commission Denied more over Denying or making Law obstruction any Legal assistance from any source By Financial and Muzzling or political Influencing system by the DATA profiling.
6. **Mistreatment** means torture or other cruel, inhuman or degrading treatment or punishment, within the meaning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed at New York on December 10, 1984. (*mauvais traitements*)
Review body [Repealed, 2019, c. 13, s. 49.2]

The principles of Justification and transparency require that an Administrative decision maker's reasons meaningfully account for the central issues and concerns Raised by the parties. The principles that the individual affected by a decision should have the opportunity to present their case fully and fairly underlies the duty of procedural fairness and rooted in the Right to heard: Baker at para 28, the concept of responsive reasons is Inherently bound up with this principle, because reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties.

Impact of the Decision on Affected Individual:

It is well establish that individuals are entitled to greater procedural protection when the decision in question involves the potential for significant person impact or Harm , Baker at para 25 , However this principle also has implications for how a court conduct reasonless review . Central to the necessity of adequate justification is the perspective of the individual or party over whom authority is being exercised . Where the impact of a decision on an Individual 's Rights and interest is severe, the reason provided to that individual must reflect the stakes, The principles of responsive justification mean that if a decision has particularly harsh consequences for the legislature 's intention. This includes decisions with consequences that THREATEN AN INDIVIDUAL' S LIFE, LIBERTY B, DIGNITY OR LIVE HOOD.

Many Administrative decision makers are entrusted with an extraordinary degree of power over the lives of ordinary people. Including the most vulnerable among us. The corollary to that power is a heightened responsibility other part of administrative decision makers to ensure that their reasons demonstrate that they have considered the consequences of a decision and that those consequences are justified in light of the law.

Admittedly , applying an approach to judicial review that prioritizes the decision makers 's Justification for the decision can be challenging in cases in which formal reasons have been not provided. This will often occur where the decision making process does easily lend itself to producing a single set of reasons, for example, where a municipality possess a by law or law society renders a decision by holding a vote: it is important to recall that a reviewing court must to the record as whole understand the decision, and that in doing so, the court will often uncover a clear rationale for the decision, Baker at para 44. Para 29

Where the reasonableness standard is applied in conducting a judicial review , the choice of remedy be guided by the rationale for applying that standard to begin with , including the recognition by the reviewing court that the legislature has entrusted the matter to the administrative decision makers , and not to the court , to decide : see Delta Air Lines , at para 31 . However, the questions of remedy must also be guide by concerns related to the proper administration of justice system.

Maker's justification for its decisions can be challenging in case in which formal reasons have been not provided.

However the while court should, as a rule, respect the legislature intention to entrusted the matter to the administrative decision makers. Canada (Attorney General) 2014 FCA 95, at para 18-19 (Can L.11)

Court say, No evidence before this court any mistreatment by toward Or Any Evidence submit, but Court not taking as serious any of the Administrative Discrimination crime justice system.

Rule of Law evaluates a country's Crime Justice system, As a assessment devalue Crime justice should take to consider and entire system including Police, Lawyers, prosecutors and judges.

Then I brought my urgent situation to Entire Ministry, Federal Ombudsman, Minister of Heritage, and Victim of crime Ombudsman post to pillar. These all shows foreseeable risk of mistreatment and life in Danger situation and server harm nothing any action taken up to now.

The BASIC PRINCIPLES IN THE INDEPENDENCE OF THE JUDICIARY and Article 12 and 14 declaration of human Rights and In CONFLICT WITH THE NURENBERG CODE for the experiments on unwritten human subject, However any of the my situation of voice not consider and provide the license to new method of cyber / Psychological torture.

On December 24, 2012 after my Personal call and verbal Complaint to RCMP office I brought my complaint in writing to the LONDON office In Ontario by mail post and I have not receive any reply up now.

There is link between Wireless Technologies and covert technology and apparatus are being installed very intelligence way and hid by under some perpetrators operation. This has been brought as a Complaint as a Scrutiny of Regulation below the office.

- a) Joint Clerk of the Committee of the Senate of Canada.
 - b) Canadian Environment Assessment Agency, Ottawa.
 - c) Innovation, Science and Economic Development Canada, Spectrum and Telecommunication Sector, Toronto District office.
 - d) Canadian Wireless Telecommunication Association. Ottawa (Policy Research Analyst & vice president)
 - e) The Secretary of the Treasury Board is responsible
- But more any reply for the Email and after several voice message has been left nothing
This is proves that some Executive order to Ignorance.

I brought my urgent situation to entire Ministry and RCMP, Federal Ombudsman, Minister of Heritage, for Victims of Crime (that I am facing foreseeable risk of mistreatment and life in Danger situation and server harm but No any action taken up now. Canada Legal obligation or

Victims' Rights or Internal Law or Convention against Torture not obey and Violating and abusing under the Labelling system.

This all show enter stat do not want consider any circumstance or possibility of the Scientific Data and irrefutable evidence from the criminal justice system demonstrate that coercive methods of questioning , even when not amounting to torture , produce unreliable information and false confessions , and are indeed counterproductive for public safety .

Speech delivered by the Honourable Anne Mactavish before the International commission of Jurists in Ottawa on February 4t, 2013.

The Rights of the state to take strong measures proportionate to the threats posed against it in order to protect National security is recognized in international Law , in International Covenants such as international Covenant on civil and political Rights 13 and in the jurisprudence of Supreme court of Canada in cases such as Chiarelli 14 and Ruby 15 . In the 2005 Medovarski case 16 , the supreme court held that the objectives of the immigration and Refugee protection Act indicated a parliamentary intent to protect Canada' s National Security In immigration matters.

At the same time , however , liberal democracies' such as Canada , with its entrenched charter of Rights 17, define themselves by the respects they show to the Rule of Law and the protection that provide for Civil liberties and Human Rights . Canadians expected, and are generally guaranteed open courts , transparent decision making political accountability and robust reporting by free press.

The Challenge for the court

No one can seriously dispute that maintain Canada' s National security is of considerable importance, As U.S supreme Court Chief Justice warren Burger observed in a 1981 decision, No Government interest is more compelling that the security of the Nation 12 for the simple reasons that without such security, it is not possible for the state to protect other values and interest such as Human Rights.

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At the same time, however, liberal democracies such as Canada, with its entrenched charter of Rights 17, define themselves by the respect they show to the Rule of Law and the protection that they provide for civil liberties and human Rights. Canadians expect and are Generally Guaranteed, open court, transparent decision making, political accountability and robust reporting by free press..

The tension that exists between the imperatives of the collective interest in security and individual Rights is thus readily apparent, and the challenge for us, as designated judges, is to strike the appropriate balance between legitimate National interest and security on one hand, the Rights and equality of individuals, as well as public accountability and transparent decisions making, on the other.

Finding this balance is, I have to say, an extraordinarily difficult task.

- Commission of Inquiry into the Actions of Canadian officials in Relation to Maher Arar (2006)
- Canadian Charter of Rights and Freedoms, s 7. Part 1 of the constitution act, 1982, being schedule b the Canada Act 1982 (U.K 0 1982 c11)
- Suresh v Canada (Minister of Citizenship and immigration) (2002) 1.S>C>R .3

5 Suresh, at para 88
18R.s.C 1985 c.o.5

Legal Rights.

Marginal note : Life , Liberty and Security of persons

7. Everyone has the Rights to life, liberty and security of the persons and rights not to be deprived thereof excepted in accordance with the principles of fundamental justice.

12. Everyone has the rights not to be subjected to any cruel and unusual treatment or punishment.

Equality Rights

Marginal note Equality before and under law and equal protection and benefit of law.

15(1) Every individual is equal before and under the law and has Rights to the equal protection and equal benefit of law without discrimination based on race, National or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs.

(2) subsections (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or physical disability, End notes (85)

Enforcement :

Marginal note : Enforcement of guaranteed Rights and freedoms .

24(1) Any one whose Rights of 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.

Marginal note : Exclusion of Evidence bringing administration of justice into disrepute .

(2) where, in proceeding under subsections (1) a court concludes that evidence was obtained in a manner that infringes or denies any Rights or Freedoms Guaranteed by this Charter, the Evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the Administration of justice into disrepute.

Canada's System of justice > Canada's Court system

Administrative law

Ensures that government deals with Citizens fairly and lawfully .

Constitutional law:

Body of law derived from the common law or written constitution that defines the powers of the executive, legislature and judiciary and guides the duties and Rights of Citizens

Litigation

The process of taking legal Actions.

In my case specifically all above the Canada's system of justice fail specially constitutional Law as common law judiciary and guides the duties and rights citizens not as count and justice fail all my A-z procure as follow of some examples .

The Respondent's Submissions:

1.. The Respondent notes Section 21 of the privacy Act injury exemption, 34 Act ATIA, RESPONDENT SUBMITS THAT PUBLIC SAFETY's response was reasonable and Me. Kandasamy sought access to National security Bank which include information on persons

whose activities are suspected of constituting threat to the security of Canada, and information about the passenger protect program, which identifies persons who may pose a threat to aviation security. More over Respondent seal all the Evidence seal and confidentially under Rule 369, 8(1) 151, 3 and 4 and sections 46 and 51 of the privacy Act.

28. The respondent submits that public safety' s response was reasonable, because Kandasamy sought access to National security Bank which includes information on persons whose e activities are suspected of constituting threat to the security of Canada and information about the passenger protection program, which identify persons who may pose a threat to aviation security . The respondent notes that records are created for the purpose of detecting and preventing activities as described in subsection 15(2) of the ATIA , Disclosure of such information would be injuries to detection of such activities . Releasing information that would confirm and investigation of this type would cause an Injury , Which engages section21 of the Act.

The Decision Is Reasonable:

Subsection 47 of the Act , the Arborized to refused to disclosure the information sought.

(16) in Vavilove the suprecourt of Canada held that the standard of reviews must reflect the legislature ' s intent respect to the role of the reviewing court , except where giving effect to that intent is presumption that the legislature intended the standard of review to be reasonable (Vavioov at para 23)

Exemptions 34 , injury based exemptions and say exemptions in the Act are either class –based of injury –based . An again prevention o suppression of subversive or hostile activities .

And the respondent say , detecting and preventing activities subsection , 15(2) Of ATIA , , Releasing information that would confirm an investigation of this type would cause and injury , which engages section 21 of the Act ...

43. The CSIS practice of neither confirming nor denying the Existence of Records where the information sought relates to CSIS investigative records where the information sought relates to CSIS investigative records has been consistently held to be reasonable where the information has been sought pursuant to the privacy Act (Llewellyn at Para 37 been sought pursuant to the privacy Act (Llewellyn at Para37 , Cemerlic at para 44 and 45 westerhaug at para 18) The Jurisprudents has found that confirming whether such information exists or not would be contrary to National Inters as it would alert individuals who potentially present a security risk as to whether they are the target of CSIS investigation.

49. In conclusion,

I appreciate that Me. Kandinsky may sincerely believe that records exists about him he should able to access . However, as noted he has not explained the reasons for his belief Moreover, there is no error in the decision of public safety with respect to Me. kandasamy 's request for personal information. As Explained at the hearing of this Applications , The Court' s role is determine the reasonless of decision –it is not to respond to the many other allegations regarding mistreatment' s and cyber torture . In addition, as explained to Me. Kandasamy at the hearing , In response to his request that the Court order a Commission of Inquiry into alleged mistreatment . this not the court' s role on Judicial review and there is absolutely No evidence before this court any mistreatment by toward Me. Kandasmy.

Applicant Requesting , Given that this appeal its companion cases involve a recalibration of the governing approach to the choice of standard of review analysis and a clarification of proper application of reasonableness standard, it will be necessary to briefly address how the existing administrative law jurisprudence should be treated going forward . This reasons set out a holistic revision of the framework for determining g the applicable standard of review. A court seeing to determine what standard is appropriate in a case before it should look to these reasons first in order to determine how this general framework applies to that case.

APPEAL RELIEF SOUGHT IS:

An ORDER ALLOWING THE APPEAL

APPLICATION TO MAKE THE APPEAL THE JUDGMENT AND REASONS.

Wave the respondent cost in the amount of \$ 250 for this File Application.

K. Navaratnam July Aug 24, 2022

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