

THE PEOPLE'S PROTECTION FORCE



This is the inaugural document of The People's Protection Court, a grass-roots legal organization formed to address state and institutional abuse against individuals and to safeguard the principles of justice.

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30 December 2011

THE PEOPLE'S PROTECTION COURT

People protecting people from state abuse and safeguarding the principles of justice.

JUSTIFICATION

Canada's justice system is too dysfunctional to be trusted with our rights and freedoms. It lacks checks and balances, is prohibitively expensive, too slow, too rigid, too patronizing, too punitive and too archaic to be just. It has arrived at this stage of decay because it lacks the ability to self-correct and it lacks this ability because it has been gradually deprived of democratic oversight through an independent institution rooted in the people and empowered by an effective mechanism to address judicial abuse and to give overbearing courts and self-serving lawyers and judges the citizen's humble perspective, the wisdom of the collective and a bill for their negligence, incompetence or plain abuse of power.

The need for people protecting people arises also from the erosion of independence between the three branches of government – executive, legislative and judiciary – the subservience of the media to corporate interests, and the annihilation of civil society through financial dependence on government handouts. In this environment the notion that lawyers could pass objective judgment over lawyers is as flawed as that of criminals passing judgment over criminals and leads to absurd sentences and procedures that violate the principles of justice. Justice delayed is justice denied. Justice unaffordable is not justice at all. Justice without oversight is justice decayed. Justice whose punishment does not fit the crime is fraudulent justice.

Justice cannot be abandoned to the flaws of a self-serving system staffed by bureaucrats who willingly abandon their judgements and consciences to safeguard their positions and to jurists who abandon fairness to easy compromise and who put profit above people. If justice comes too late, if it comes at all, at too great a cost and too disfigured than it is not justice at all but a fraud and that is what often occurs in Canada's courts.

The People's Protection Court is necessary to ensure that the principle of the rule of law is safeguarded by the people and for the people and not abandoned to self-serving elites and a deeply flawed system incapable of recognizing its shortcomings and admitting mistakes and faults.

The Canadian Charter of Rights and Freedoms is supposed to ensure that *“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 Canadian court system, everyone will agree, falls gravely short of this goal and needs The People's Protection Court to act as a counterforce by being the place where victims of the criminal justice system can take courts to court and obtain proper remedy, the absolution of the community and swift exoneration.

MECHANISM

The victim of state or institutional abuse, henceforth referred to as *the claimant*, will call upon five members of the community of his or her choosing to form the trial jury. Family relations, friends and acquaintances are not only acceptable but desirable because they are in the best position to know the character of the victim, the history of the case, and the suffering and damage inflicted on the victim by the court system and/or by the State through its institutions.

The trial jury will request from the court and police full Crown Disclosure once the claimant files a summons or a complaint form with The People's Protection Court. Should the authorities refuse to hand over the documentation of the case, the trial will convene and a verdict will be issued based only on the victim's evidence.

The trial jury will invite a representative of the court or the state agency being accused to present their perspective and defense. Should the court/agency refuse to send a representative the trial will convene and issue a verdict in absentia.

The trial jury will convene at a private residence and will set aside ample time to hear the evidence, examine the facts and issue a verdict.

The trial will be free of cost as all parties will donate their time to The People's Court.

A verdict will be reached by majority vote and a 3/2 decision will suffice to be binding.

The proceedings will be videotaped and a copy sent to the agency or person on the defence as well as to the claimant.

ENFORCEMENT

The verdict will be written down and mailed to the defendant if that person is not present at the trial.

The court does not claim authority to incarcerate defendants found guilty of abuse, but only to order that compensation be paid to the victim in the amount determined to be commensurate with the damage caused.

Should the defendant refuse to pay the compensation amount ordered by the People's Protection Court or to recognize its authority, an enforcement body called The People's Protection Force will be organized to enforce the Court's decisions.