

**Notice of Appeal**  
**FEDERAL COURT OF APPEAL**

<b>FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE</b>	
F I L E	Apr 11, 2024
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<b>TORONTO, ON</b>	<b>- 2 -</b>

**BETWEEN:**

**Khaliq Hussain Anwar**  
**Appellant**  
**and**

**Neil Nawaz, Social Security Tribunal of Canada Appeal**  
**Division**  
**Respondent**

*(Court seal)*

**Notice of Appeal**

TO THE RESPONDENT:

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 appellant. The appellant requests that this appeal be heard at Toronto Local Office.

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 appellant's solicitor or, if the appellant 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 order 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 APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

October 19, 2023

Issued by: *(Registry Officer)*

Registry of Toronto Local Office  
180 Queen Street West, Suite 200  
Toronto, Ontario, M5V 3L6

TO: Tribunal member: Neil Nawaz, Social Security Tribunal of Canada Appeal Division

### **Appeal**

THE APPELLANT APPEALS to the Federal Court of Appeal from an order of the Madam judge Rochester dated Oct. 10, 2023 whereby she had rejected the applicant's claim for judicial review (S. 27), viz as a person who is being tortured by the Canadian government agency csis's unlawful action on me subjecting to electronic surveillance, tracking, torture, harassment, and unlawful removals.

The details of order under appeal as follows:

Court's order is attached

THE APPELLANT ASKS that *(the relief sought)*.

Motions madam judge not allowing the motion by the applicant made under rule 399 (2b) and not setting aside the status review dismissal order dated Aug. 30, 2023 by the associate judge Horne denying applicant's judicial review notice of application for pension benefits under r 18.1 and interlocutory applications for affidavit relief under r 55 and criminal prosecution of the state actors subjecting the applicant to electronic torture, without determination of these issues. Failing which, the Court will finally decide the issues because of dismissal of judicial review notice of application in relation to pension benefits was not determined on the merits in any proceedings and in subsequent status review order dated Aug. 30, 2023 and madam judge's order dated Oct.

10, 2023, I am bringing this appeal proceedings and claiming the same relief in appeal proceedings.

Order:

- 1) allow the appeal granting applicant's appeal to allow this case
- 2) quash the order of Oct. 10, 2023 and replace it with an order that the judicial review application along with the pending interlocutory applications be allowed

Motions judge dismissed my application and gave no evidence to support her decision. I sought setting aside judge's order by way of notice of motion dated Sep.13, 2023 that judge's decision to dismiss was fraudulent and mistake under rule 399 (2b) denying judicial review notice of application for pension benefits and interlocutory applications for affidavit relief and criminal prosecution of the state actors subjecting me to electronic torture.

The judge specified the unlawful torture I have been subjected to on a daily basis over the past 17 years by the Canadian Security Intelligence Service [CSIS], through the use of a directed energy weapon, radiation, microwaves, and other techniques in her purported notice is the cause of every problem, no explanation has been for the disability, injuries, symptoms, pictures, non working, non earning capacity and then wrongly dismissed my application, therefore, her order is invalid and does not accord with any reasons given for it.

The judge has not taken into account the following matters. The court of appeal is requested to investigate the action of the judge with a view to seeing whether she has taken into account matters. Judge's decision not to prosecute is based on a perverse decision to disregard compelling evidence.

The judge's decision to dismiss my application was irrational and unlawful on the following grounds. These grounds address clearly and concisely the relevant parts of the decision, the way in which the decision is wrong, and the reasons why the decision is wrong.

THE GROUNDS OF APPEAL are as follows:

Ground 1: They want me to swear my written statement or testimony before a commissioner for oaths which I cannot because I cannot come to court due to my abnormal circumstances caused by the Canadian government's unlawful action on me subjecting to satellite based surveillance,

tracking, torture, harassment, and unlawful removals preventing me from work, income, function, coming to court to prepare affidavit and for that I have already requested affidavit relief as per r 55 because I cannot come to court to submit affidavit due to these special circumstances the way this situation of electronic aggression is preventing me from coming to court to prepare an affidavit. But the court never gave decision on the affidavit relief matter and keeps on delaying the proceedings and blaming me for the delay as a result dismissing my main application without determination.

Ground 2: If they want oath then I can give my statement and evidence on oath in court before the judge in the telephonic hearing which fulfills the purpose of the affidavit in which the statement or the evidence can be made upon the affidavit but both things the court is not doing and keep insisting on the affidavit and dismissing my application. My judicial review application is not irregular, I point to rule 56. Non-compliance with any of the rules does not render a proceeding...void, but instead constitutes an irregularity, which may be addressed under rules 58 to 60” but the court is not ruling on this matter too. I have provided all my evidence by way of documentary evidence in the form of medical reports and official’s letters from the government departments as shown in the application record, motion record, and foreign office evidence received on May 30, 2023.

Ground 3: The judge has the jurisdiction to deal with rule 56. If they refuse to give affidavit relief as per rule 55 as requested in my interim applications then they must decide this rule 56 and then to decide the main application. They cannot refuse main application on the basis of refusal of rule 55; they have this rule 56 to proceed with the main application to conclude it.

Ground 4: I told the judge about the main application matter to be determined but the judge wasted the time talking about I am frustrated, I do not understand rules, I should sue the government, I should go to police or judicial review is not the forum to criminal prosecute or we cannot provide legal assistance etc. I also told her that if she cannot solve the torture issue then she should solve DM case because that would solve the main application if she does not want verification of my situation from the government.

Ground 5: I accused the Canadian government and the respondent of their unlawful torture on me, I also informed the court and the respondent of DM case so that if this torture issue in

dispute is not resolved then both the court and the respondent can deal with the DM case , I set out this DM case in my main application but neither the court nor the respondent responded on this DM case as a result this is one sided show , only applicant is giving the clear picture of these issues in dispute whereas both the court and the respondent are silent on these issues as a result the whole proceedings have become prolonged and undetermined , they should focus on these real issues in dispute and should answer all the allegations of fact ; general denial of an allegation is not sufficient, no evidence from them to support their bare denials or non-admissions.

Ground 6: She ignored evidence of the harm caused by the electronic aggression unconnected with the applicant and ignored evidence of applicant's efforts to report this crime in order to investigate this crime so that I should be able to have free access to not only to court but also to everywhere without putting myself in danger to my life, safety and health. I told the judge in the hearing to understand in what way this situation of electronic aggression is preventing me from coming to court to prepare an affidavit. I presented to the court the symptoms, injuries, pictures, medical reports, tribunal decision letters, settlement conference letter, csis letter, letters from police ,rcmp, nisra , public safety department enabling the judge to understand in what way these abnormal circumstances are preventing me from doing anything such as work, income, function, see the attached material for list of symptoms, injuries, pictures.

Ground 7: Right from the beginning I was well aware of the time of steps involved in the proceedings as a result I was very proactive in submitting my submissions expeditiously at each step of the proceeding but instead proceedings became prolonged as well as no relief for the violations of the right to trial within time due to their inaction which caused dismissal of my application without determination on the merits using various excuses such as limited and finite public resource, it is police matter, it is not a judicial review matter, I am frustrated and does not understand proceedings , or I should sue Canadian government etc.

Ground 8: They acknowledge this csis problem in their decisions but never took any measure to stop this violation. It is criminal matter; CCC imposes an obligation the court to provide remedy for this arguable claim of unlawful torture preventing from everything. Within over one year from start of the proceedings on Oct. 4, 2022 to date , court never determined these issues of civil and human rights , did not carry out criminal prosecution as a result caused delayed

proceedings due to their constant refusal orders depriving the applicant of victim of violations despite their expressly acknowledging it. These refusal orders delayed the proceedings because no remedy was provided by the court and then blaming the victim for the delay, is irrational and unlawful.

Ground 9: They wrongly attributed this delay to me and wrongly dismissed my main application without determination, it is error of law. They prolonged this proceeding not me; they caused this delay and put it on me so as to dismiss my application.

Ground 10: Court failed to take into account symptoms, injuries, pictures, medical evidence, csis letter, tribunal letters, settlement conference letter, esdc letter, and police and RCMP letters. Judge's failure to take into account evidence, is an error of law.

Ground 11: They are deciding on the basis that I do not have this problem but they do not have evidence to prove it.

Ground 12: They did not deal with evidence received from Canadian foreign office of dated May 30, 2023.

Ground 13: They fail to understand that, the symptoms are consistent with the application of directed energy weapons using microwave radiations, which the social security tribunal and the Department of Employment and Social Development Canada (ESDC) agreed with it and accepted my disability caused by this forms of ill-treatment in use, at Toronto.

Ground 14: They did not give reasons that why respondent not stating the case, I am accusing the respondent that they are torturing me but the court is not getting respondent's position on the allegations made by the applicant and the evidence produced by the applicant so how can court issue its decisions without the verification information from the respondent, this is unlawful that the court is not doing its duty under the law.

Ground 15: No reasons were given regarding respondent's misconduct displaying two very different behaviours, one in written submissions defending csis and the other in hearing not defending. The respondent is deceiving the court and the applicant by being different in the written submissions defending the claim by saying that my claim is baseless without any

evidence to support while in the hearing he is not defending his position by not answering questions put by the applicant before the judge.

Ground 16: They failed to get evidence from the respondent in relation to exempt bank ppu045 investigation by csis on me, they failed to get my secret information under this exempt bank which csis neither denying nor confirming, see their letter for proof.

Ground 17: They failed to verify my case from the Canadian government.

Ground 18: It was the court's responsibility to solve the applicant's problems so that proceedings could finish within time and to give an effective remedy but court failed in its judicial role, court is independent from the government, they should make their decision independently but it did not happen in my case due to the involvement of the Canadian government in these crimes against me.

Ground 19: The judge was wrong to say that letters and interim relief purporting to be motions. I requested interim relief of various nature though my formal motion record filed under rule 364 (1) dated Dec. 17, 2022 and one notice of motion filed under rule 359 dated March 30, 2023 not through letters. Letters were only responses to court's and respondent's letters. She again falsify this point, the true thing is that I filed many interim applications as mentioned in her order though formal motions not through letters. This is lying and lying is fraud.

Ground 20: The judge was wrong to say that I did not satisfy the court regarding fraud committed by the Associate Judge Horne. I gave the evidence that the associate judge did not ask the respondent to state a case, did to verify the case from them, did not get my personal information from them, they did not answer to allegations and questions put by the applicant. He did not mention that tribunal accepted my disability caused by this electronic weapon but are not paying it because they did not include DM case in their decision nor gave reasons for excluding it from the final decision as the settlement conference member of the tribunal accepted this disability based on this DM case and approved my pension benefits but the final decision maker did not use it in his decision and made a decision without it. He did not mention reasons for not criminal prosecuting the csis torturing me unlawfully.

Ground 21: Case-laws brought by the judge not affected by the similar nature and content to the applicant's case, the judge drew subjective conclusions without giving equal weight to the possible causes which cast a negative light on the authorities.

Ground 22: The reason she is not convinced because she is covering up this government crime subjecting me to electronic surveillance, tracking, and torture and discredited my case. This crime is happening in front of them in this country nonstop and both the judges are ignoring csis's abuses preventing me from work, income, affidavit, access to court and blaming the victim for delay, this is false representation. They are not highlighting this issue in their orders that it is not the fault of the applicant rather it is the fault of the Canadian government who is torturing me and stopping from everything. She is just making up things by labeling my representations as disagreements so that people should not see the real issues I am pointing out in my submissions. These are all discrediting tactics used by her. The conclusion that the applicant delayed his own proceedings, despite the factual credibility of the applicant's account of torture, suggest either a misreading of applicant's reports as though I am not suffering torture or unfounded stereotyping of applicant as someone who was not to be regarded as credible on any matter because of the Canadian government's unlawful action on me subjecting to directed energy weapon torture and harassment. The reasoning process for concluding that the applicant caused the delay was irrational. It did not follow from applicant's evidence and applications that the court orders do not reflect my applications.

Ground 23: The judge was wrong regarding notice of motion. She is again lying that I insisted on notice of motion. In the hearing I explained this point that both the respondent and the court are abusing the court process by rejecting my motion record due to affidavit issue, see also my notice of motion dated Sep. 13, 2023 I detailed this point. The reason Associate Judge Michael D. Crinson granted this notice of motion because he read it and did not ask for the motion record and accepted my notice of motion as it is. I was informed by the registry about the documents referred in notice of motion and told them that all these documents are with the court and that they can use them from the court record because if I will file motion record, it will be rejected by both the court and the respondent due to non availability of the affidavit so why to waste time.

Ground 24: The judge was wrong about legal advice. She is again lying that I asked for legal advice, I only asked for affidavit relief or to provide a lawyer to prepare an affidavit so that my



application record, motion record should be accepted by the court as they both the respondent and the court were constantly insisting on the affidavit and as result found a way to reject my documents. Secondly, I never received any assistance from the registry rather they always opposed the applicant as I explained in my notice of motion dated Sep. 13, 2023 and in several emails sent to registry staff about their opposition to the applicant's case. I repeatedly requested the registry that how can I come to court if I cannot come to court due to this ongoing torture creating all kinds of injuries and symptoms including blinding eyes, attacking on the head, attacking on the whole body from head to toe , provoking all the time to get angry to fight with people or vice versa, accidents, I can fall, is very unsafe, danger to my life and health , see the list of symptoms in my documents already filed with the court but registry continuously rejected my submissions . I sent many emails requesting them to consider my situation and to cooperate with me but in vain rather they are also blaming me for the problems. I submitted my documents in response to judgment of dated June 15, 2023 but the registry did not enter them electronically on the court docket system for the particular case. This is the problem that nobody is taking any action on this torture issue but instead blaming me for the delay.

Ground 25: I sent many questions to both the judge and the respondent referred in my motion and status review letters but were never answered in the hearing, why? They must clarify their position on these questions either in writing or at the hearing. Judge did not ask any question from the respondent about the issues. It is the duty of the court to investigate human rights questions in relation to torture of the applicant and unimpeded access to the courts as required by the Universal Declaration of Human Rights as I raised in my notice of motion.

- Do I have any human rights?
- Am I considered a fully fledged human being at Canadian law?
- If I have human rights, then what is the remedy at law for me to enforce those rights?
- Do I have the common law right of unimpeded and equitable access to the courts?
- Where is the remedy, for the wrongs that I claim are being perpetrated upon my person by state authorities, who will not allow me to prepare an affidavit for court?
- If I can have no meaningful access to the courts, if I cannot function, work, cannot earn, cannot have mobility, freedom, civil and human rights, cannot have lawyer then how can I protect myself from human rights abuses?

- Do all Canadians have human rights, or don't they?
- Or do only some Canadians have human rights but not state victims?"

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the appeal:

1. Applicant's judicial review notice of application, two notice of motions, one motion record , one application record , and two status review letters previously submitted to the court
2. Medical evidence and letters
3. List of symptoms and pictures
4. Application for additional steps in accordance with court rule 312
5. Appellant's cross-examination on the Respondent's December 2 Affidavit in accordance with the court rule 308
6. Respondent's failure to answer to my cross-examination in accordance with the court rule 308
7. Social services' servicing plans
8. Tribunal decisions 14.9.22 from tribunal to Appellant
9. Invitation to Settlement Conference – Teleconference and DM case reports
10. Foreign office evidence received on May 30, 2023
11. Transcript of a hearing

These all documents already submitted at the federal court proceedings and these documents will be included in the appeal book, this is the draft table of content of the appeal book and if the respondent disagree with it as they have already disagreed in the federal court proceedings then they should make their own appeal book as they have the staff and lawyers and can make joint book on behalf of the appellant whereas I am not represented in addition to this electronic torture stopping me from everything work, income, and function. I will make my own appeal book based on this table of content contain necessary evidence to resolve the issues raised on the appeal. Since I will not include respondent's evidence then respondent can submit their own appeal book as set out in rule 343 so I am requesting the court of appeal to order the respondent to prepare the joint book in case of disagreement or allow their own separate books.

As per rule 343 (5) I am applying to the court for an order that the administrator prepare the appeal book for the appeal on the appellant's behalf based on this table of content at no cost to

the appellant because of the appellant's financial position. This record of documents already filed in the federal court which can be transmitted to the court of appeal. The court can order to be provided by the federal court.

As per rule 343 (4) the court can order the reporter of the federal court to transmit the transcript of the hearing to the court of appeal to consider what was said during the hearing as documentary evidence on appeal.

I am filing this notice of appeal form 337 along with the attached fee waiver request.

Respondent is crown; the registry will serve the notice of appeal on the crown as per rule 133.

Applicant is self-represented and resides in Toronto. At my request, I want to appear by way of telephone on the hearing of the appeal.

Regards

  
Khalid Hussain

Appellant

Date: October 19, 2023

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[SOR/2021-151, s. 24](#)