

Get to know Your RIGHTS under the LAW in Ontario!

In Ontario, under the Province's Courts of Justice Act, citizens **do have** the right to audio record their own court hearing for the purposes of supplementing their notes. This same right is also extended to members of the media and to lawyers.

Section 136 of the Courts of Justice Act states the following with Section 136(2) being the most important to citizens in court:

136.(1) Subject to subsections (2) and (3), no person shall,

(a) take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representations by electronic means or otherwise,

(i) at a court hearing,

(ii) of any person entering or leaving the room in which a court hearing is to be or has been convened, or

(iii) of any person in the building in which a court hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing;

(b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio recording or record taken in contravention of clause (a); or

(c) broadcast or reproduce an audio recording made as described in clause (2)(b). R.S.O. 1990, c. C.43, s.136 (1).

Exceptions

136.(2) Nothing in subsection (1),

(a) prohibits a person from unobtrusively making handwritten notes or sketches at a court hearing; or

(b) prohibits a lawyer, a party acting in person or a journalist from unobtrusively making an audio recording at a court hearing, in the manner that has been approved by the judge, for the sole purpose of supplementing or replacing handwritten notes. R.S.O. 1990, c. C.43, s. 136 (2); 1996, c. 25, s. 1 (22).

Just what rights do I have under Section 136(2) of the Courts of Justice Act?

While Section 136.(1) of the Courts of Justice Act prevents members of the public who are not parties before the court to record court proceedings, clearly, Section 136.(2)(b) of the Courts of Justice Act states **“NOTHING”** shall prevent a lawyer, a party acting in person or a journalist from unobtrusively making an audio recording at a court hearing, in the manner that has been approved by the judge, for the sole purpose of supplementing or replacing handwritten notes.

In an official directive to Ontario's judges by the former Chief Justice of Ontario, W.G. Howland and approved by the Ontario Courts Advisory Council, the courts were also directed that recording under Section 136(2) of the Courts of Justice Act was to be **“considered as being approved without an oral or written application to the presiding judge.”**

Very simply, if you are a party in a court hearing, then you or your lawyer have the RIGHT under law to audio record your hearing as long as it is done in a reasonable and unobtrusive manner. Your request should not be a matter of argument by any lawyer or judge. Those who prevent you from exercising your rights under law, including Judges, are obstructing justice which is a criminal offence.

In this modern day and age of small, long play, hand held electronic recording devices there is no reasonable argument that a judge can give to prevent persons from exercising their lawful right to audio record their own court hearing.

It is an obstruction of justice and a violation of your rights under Canada's Charter of Rights and Freedoms for police, court security officers or judges to prevent you from entering the court to attend your own court hearing because you have a personal recording device with you!

Why do some courts violate the rights of Ontario Citizens?

In recent years, however, citizens have indicated that their rights to record their own court hearing are being obstructed by many judges and lawyers. Misleading signs are being posted at many courthouses which attempt to fool the people into believing that they

have no rights. Some citizens tell of being threatened with arrest for attempting to exercise their lawful rights. A number of judges and lawyers are afraid to allow citizens having a separate record of what may have been said in court as this makes it more difficult to alter transcripts and hide the truth.

Those who tell the truth and conduct themselves in an honourable manner should have no fear of audio recordings made in the court. Only those judges and lawyers who are afraid and want to hide the truth will object to audio recording in the court.

If anything, audio recording helps promote the administration of justice in a number of ways. It allows citizens maintain their own accurate record of events in court and allows them to review the day's events without having to wait weeks and sometimes months for transcripts.

Audio recording will also serve as a deterrent to those who may think of lying to the court, including lawyers who often introduce evidence which is not on the official court records.

Most citizens who go to court agree that they would feel safer and be more trustful of the justice system if they were allowed to independently record their own court hearing.

What do I do if my rights are being violated?

If you are refused your rights under law to enter a court building, should a judge refuse to acknowledge your rights under the Courts of Justice Act in his/her court or should any lawyer argue against your rights in the courtroom, then it is important for you to take appropriate steps to protect your rights and freedoms by filing complaints against those responsible for violating your rights as well as the principles of fundamental justice. **If you don't exercise your rights you will lose them!**

If you are refused access to your court by court security officers then ask for their badge numbers and make a note of the date and time of the incident. If a judge refuses to recognize your rights then request that the judge issue an order to this effect. It is a good idea to have another person with you to witness any violation of your rights.

More detailed information about how to exercise your rights to record your hearing can be obtained on the website <http://www.canadacourtwatch.com>

Get Informed!

Every year in Ontario thousands of children and families are abused and battered in the family court system. Many families end up losing their homes, their children, their life savings, their jobs, their future income, and their dignity. Often many of these injustices are the lies, deceptions and unethical practices used in court proceedings.

In recent years, there has been escalating concerns from citizens over incompetence and corruption within the family court system. Many citizens claim that judges and lawyers are actually breaking the law and deliberately violating their rights with intent to subvert the administration of justice. Seasoned lawyers have even spoken up about what they plainly see as subversion of the law and cover-up of unethical practices within the family law system in Ontario.

Parties before the court tell of myriad lies and outright deception accepted without question and in some cases, unbelievably covered up by the court.

During a public speech, Justice Mary Lou Benotto poignantly revealed perjury to be rampant in Ontario's family courts; the perpetrators with very few exceptions getting away with it. Immeasurable harm to children and families is the obvious result.

Parties complain that important court transcripts having been lost by the courts. Court reporters have revealed important court records "disappearing" after having turned these records over to the court administration. Some citizens claim that important evidence has been removed from the official court record in these altered transcripts.

Judges take the liberty to read transcripts first to "approve" them before being released to any of the other parties involved. Why is it that the taxpayers of Ontario are paying exorbitant judges salaries to "review and approve" official records supposedly representing accurately what was said in court? Court reporters should be allowed to do their jobs in a more transparent manner, independent of the judiciary.

Canada Court Watch believes that in order to help shield against the lies, deception and unethical practices in court, the citizens of Ontario must be self educated concerning their rights and the steps required to protect their rights and freedoms.

Don't allow your rights to be ignored and trampled upon because of your fear of demanding them.

Recording your court hearing will help your access to justice by making the system more affordable, efficient, transparent and far more accountable to the public



"We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms."

**John Diefenbaker 1895-1979
Canada's 13th Prime Minister 1957 -1963**

This public Information brochure is sponsored by the following supporting organization

Canada Court Watch Program
The Archbishop Dorian A. Baxter, National Chairman

Tel. # (416) 410-4115

**Website: <http://www.canadacourtwatch.com>
Email: info@canadacourtwatch.com**

Protecting the public's interest in the administration of justice

Recording your own court hearing is

**YOUR
RIGHT!**

In Ontario



Don't allow your lawful rights to be violated!

<http://www.canadacourtwatch.com>

Protecting the public's interest in the administration of justice

Note: The right of citizens to record their hearings HAS been acknowledged in court by a number of experienced judges in Ontario including senior judge Mr. Justice Craig Perkins of the Superior Court of Justice in Newmarket, Ontario and Madame Justice Kendra D. Coats of the Superior Court of Justice in Milton, Ontario.