

November 28, 2016

VIA FACSIMILE: 416-327-2339

Ontario Judicial Council
P. O. Box 914
Adelaide Street Postal Station
31 Adelaide Street East
Toronto, ON M5C 2K3

To Whom It May Concern:

Re: Complaint against Justice Bernd E. Zabel of the Ontario Court of Justice

We write to support the complaint¹ of the Women's Legal Education and Action Fund (LEAF), submitted on November 14, 2016, regarding the conduct of Justice Bernd E. Zabel of the Ontario Court of Justice (Central West Region).

HIV & AIDS Legal Clinic Ontario and Canadian HIV/AIDS Legal Network

The HIV & AIDS Legal Clinic (Ontario) (www.halco.org) is the only community-based legal clinic in Canada serving low-income people living with HIV. HALCO staff practice a broad range of law, including immigration, health, human rights, tenancy, and income maintenance, and engage in public legal education, law reform, and community development initiatives. Since its inception, the clinic has handled over 50,000 requests for legal services, delivered hundreds of workshops, presented numerous briefs to various government committees, and intervened in matters at courts including the Supreme Court of Canada and Court of Appeal for Ontario.

The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) is a charitable, not-for-profit organization that promotes the human rights of people living with and vulnerable to HIV, in Canada and internationally, through research, legal and policy analysis, education, and community mobilization. It is the only national organization working exclusively or primarily on AIDS-related legal issues in Canada, and one of the world's leading organizations in the field, with an extensive body of human rights-based research and analysis on a range of legal and policy issues related to HIV.

¹ The complaint can be found at <http://www.leaf.ca/wp-content/uploads/2016/11/2016-11-14-LEAF-Complaint-re-Justice-Zabel.pdf>.

Background

This letter of support is for LEAF's complaint regarding Justice Zabel's reported conduct on Wednesday, November 9, 2016 at the John Sopinka Courthouse in Hamilton, Ontario (as reported in *The Globe and Mail* on Friday, November 11, 2016). The letter of complaint outlines the alleged behaviour.

Breach of the Principles of Judicial Office

As organizations that advocate on behalf of people living with and affected by HIV—many of whom are from historically marginalized communities, including women and girls, racialized persons, Indigenous peoples, immigrants/refugees, and individuals in LGBTI communities—we are deeply troubled by Justice Zabel's conduct. During the recent presidential campaign in the United States of America, Donald Trump made profoundly discriminatory pronouncements fuelling bigotry in relation to a number of such communities, including women, people with disabilities, racialized persons, and immigrants; repeatedly fuelled racist, Islamophobic and other bigoted sentiments and actions; and bragged about sexually assaulting women.

By seemingly strongly supporting Mr. Trump, we respectfully support LEAF's submissions, at pages 2-3 of their complaint, that Justice Zabel breached the Ontario Judicial Council's *Principles of Judicial Office*.

HALCO and the Legal Network echo LEAF's position that Justice Zabel's conduct cannot be condoned, and, along with LEAF, respectfully request that the Ontario Judicial Council thoroughly investigate this matter with an eye to imposing appropriate sanction and broader judicial training that is necessary to restore the public's trust in our judicial system.

Sincerely,



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