

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	23/09/2024 2:25:15 PM AEST
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File Number:	VID829/2023
File Title:	JAN MAREK KANT v THE AUSTRALIAN INFORMATION COMMISSIONER
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

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Filed on behalf of (name & role of party) Jan Marek Kant, Applicant
Prepared by (name of person/lawyer) Jan Marek Kant
Law firm (if applicable) _____
Tel 0450 827 208 Fax _____
Email jmjarosz01@gmail.com
Address for service 3/33 Bewdley Street, Ormond VIC 3204
(include state and postcode)

[Version 3 form approved 02/05/2019]

DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

THE ADDRESS OF THE
MELBOURNE MAGISTRATES' COURT IS
233 WILLIAM STREET, MELBOURNE
(CNR LONSDALE & WILLIAM ST)

I, Jan Marek Kant of 3/33 Bewdley Street, Ormond VIC, litigant, affirm:

1. I am the Applicant.
2. I make this affidavit in support of my 18 Jul 2024 (amended) interlocutory application.
3. I know there exists (or has existed) a conspiracy to obtain information, from me and about me, that:
 - (a) I know to have involved members of parliament and officers of the Commonwealth; and,
 - (b) I believe to have involved one or more persons acting for the *Australian Security Intelligence Organisation*; and,
 - (c) I suspect to have involved one or more officers of the *Australian Secret Intelligence Service*; and,
 - (d) I suspect to have involved one or more officers of the *Australian Signals Directorate*; and,
 - (e) I know to have involved one or more (commissioned) officers of the *Royal Australian Air Force* acting in that capacity; and,
 - (f) I know to have involved two or more (uniformed) members of *South Australia Police* acting in that capacity.
4. I know one or more persons acting for the United States *Central Intelligence Agency* obtained information from me and about me. I believe one or more such persons acted for, or in conspiracy with, one or more Australian government or political organisations.
5. I know there exists (or has existed), since not later than April 2017, a conspiracy to obtain information, from me and about me, of a kind that may be given in evidence against me in criminal proceedings.
6. I know there presently exists a conspiracy to obtain information, from me and about me, by means of intendedly-covert (or pretendedly intendedly-covert) experimentation with me, that:
 - (a) I believe also interferes with my access to information, including legal information; and,
 - (b) I believe also seeks to keep me "*removed from the protection of the law*"; and,
 - (c) I know to have involved psychiatric experimentation on me (to which I have not consented); and,

DUNCAN O'CONNOR
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- (d) I believe to involve one or more law enforcement and/or intelligence agencies; and,
 - (e) I suspect to involve members of the *Office of the Australian Information Commissioner*; and,
 - (f) I suspect to involve officers of the courts; and,
 - (g) I suspect to have political aims.
7. I believe the aforementioned conspiracies are all one conspiracy or components of the same conspiracy. My belief is largely based on:
- (a) observed similarities of information sought to be obtained from me; and,
 - (b) observed, uninterrupted, continuation of the conspiracy (or component conspiracies) since not later than April 2017.
8. I suspect the registry of the *Supreme Court of Victoria* in Melbourne is not ordinarily located at the "old High Court" building at 442-460 Little Bourke St, Melbourne VIC.

Enclosures

9. On 18 March 2024, I submitted (via intermediary) a "communication" to the United Nations *Committee Against Torture* by email to the *Office of the United Nations High Commissioner for Human Rights*. True reproduction of my completed *submission form*, and attached *schedule of annexures* (but not the annexures to my *submission form* as listed in that schedule), is annexed to this affidavit and labelled "JMK-51".
10. On 22 March 2024, I submitted (via intermediary) a "communication" to the United Nations *Human Rights Committee* by email to the *Office of the United Nations High Commissioner for Human Rights*. True reproduction of my completed *submission form*, and attached *schedule of enclosures* (but not the enclosures of my *submission* listed in that schedule), is annexed to this affidavit and labelled "JMK-52".
11. On 17 April 2024, I submitted (via intermediary) a "communication" to the United Nations *Human Rights Committee* by email to the *Office of the United Nations High Commissioner for Human Rights*. True reproduction of my completed *submission form*, and attached *schedule of annexures* (but not the annexures to my *submission form* as listed in that schedule), is annexed to this affidavit and labelled "JMK-53".
12. On 25 April 2024, I submitted (via intermediary) a "communication" to the United Nations *Human Rights Committee* by email to the *Office of the United Nations High Commissioner for Human Rights*. True reproduction of my completed *submission form*, and attached *schedule of enclosures* (but not the enclosures of my *submission* listed in that schedule), is annexed to this affidavit and labelled "JMK-54".

DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

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JMK

13. On 29 April 2024, I submitted (via intermediary) a "communication" to the United Nations *Human Rights Committee* by email to the *Office of the United Nations High Commissioner for Human Rights*. True reproduction of my completed *submission form*, and attached *schedule of enclosures* (but not the enclosures of my *submission* listed in that schedule), is annexed to this affidavit and labelled "**JMK-55**".

Affirmed by the deponent

~~at 442-460 Little Bourke St, Melbourne~~
in Victoria

on 23 September 2024

Before me:

DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

Signature of witness

Signature of deponent

THE ADDRESS OF THE
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Exhibit "JMK-51"

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

This is the exhibit "**JMK-51**" now produced and shown to Jan Marek Kant at the time of affirming his affidavit.

DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

Signature of witness

23/9/24

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(CNR LONSDALE & WILLIAM ST)

SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

Please provide answers to **all areas of the form**. Submissions in languages other than **English, French, Russian or Spanish** will not be processed. The completed form should enable treaty bodies to determine the nature and scope of your complaint for the purposes of registration. If needed, please include as an attachment any additional, chronologically-ordered factual information. (Maximum word limit of this attachment: 10,000). Please check the **Guidelines for submission of individual communications to treaty bodies** for further assistance on how to complete this form.

1. Name of Committee to which the communication is submitted:
Committee against Torture

2. State party or States parties concerned:
Australia & others

3. Complainant:

First name	Jan
Family name	Kant
Date of birth	07/10/1988
Nationality	Australian

4. Contact details of complainant:

Email	jmjarosz01@gmail.com
Phone number	Click or tap here to enter text.
Address	3/33 Bewdley Street, Ormond VIC 3204 AUSTRALIA

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.

Date of birth

Click or tap to enter a date.

Nationality

Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name

Click or tap here to enter text.

Family name

Click or tap here to enter text.

Email

Click or tap here to enter text.

Phone number

Click or tap here to enter text.

Address

Click or tap here to enter text.

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☒ Yes☐ No8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?☐ Yes☒ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

Click or tap here to enter text.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?☒ Yes☐ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

If the treaty body can provide relevant measures, I am very interested in learning so.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual

case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below)** **Include information on domestic remedies:** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

Around April 2017, I became aware of my being subject to covert experimentation by my associates for purposes concerning law enforcement. Continuing experimentation for purposes concerning law enforcement subsequently included experimentation by two or more members of my immediate family.

Around July 2018, I became aware of my being subject to covert experimentation for purposes of national security. This became apparent on attempt to procure from me pertinent information by my associate with whom I was acquainted for not fewer than 10 preceding years. I presently believe, and believed at time of the attempt, this person to work for the state security agency (Australian Security Intelligence Organisation). Cause for my becoming acquainted with a person who works for the state security agency is unknown to me.

In August 2018, I commenced employment at the Australian "Defence Science and Technology Group" (DST). My coworkers there, and other people in and around the workplace, persistently experimented with me from time of my commencement until resignation.

In November 2018, I observed the same pattern of experimentation continued while I vacationed in Thailand, including by persons known to me before 2014 and with no apparent involvement in such experimentation before 2018. Participants included a Thai person who finally ceased to be my partner in 2014-15 and also one of my immediate family members.

In 2019, my supervisor at DST (unintendedly) confirmed to me that the matter also involved one or more elected members of the federal parliament.

Around May 2023, I sought access to relevant information at the state security agency. A letter I sent to the agency on 18 May is enclosed in annexure to this notification.

Around 09 July 2023, I made a complaint about the state office of inquiry into intelligence and security agencies (Inspector-General of Intelligence and Security) to the "national regulator for privacy and freedom of information". Relevant pages of the complaint record are annexed to this notification. The regulator refused to act on the complaint.

Beginning around 30 August 2023, I sought from Australian courts "writ of habeas corpus" with orders preventing public officials from experimenting with me. The document with which I first sought to commence relevant proceedings in the federal supreme court (High Court of Australia) is enclosed in annexure to this notification.

On 19 November 2023, I made a complaint about covert experimentation with me to the state office of inquiry into intelligence and security agencies. A record of the information I provided in my complaint (and of the complaint form) to the office is enclosed in annexure to this notification. Note that "Jarosz" was my surname before 2022.

Around 04 January 2024, I commenced a proceeding against the office of inquiry into intelligence and security agencies in the state supreme court (of Victoria). Relevant documents filed in the proceeding are enclosed in annexure to this notification. The proceeding is stalled until the "writ of habeas corpus" I seek takes effect.

On 12 February 2024, I produced an affidavit in support of my application for "writ of habeas corpus" to the state supreme court. Relevant parts of the affidavit and documents produced to the court in accompaniment are enclosed in annexure to this notification.

On 15 February 2024, the state supreme court refused to hear my application for "writ of habeas corpus". The relevant notice is enclosed in annexure to this notification.

Sometime in 2023 or 2024, the former partner mentioned above expressly confirmed that she is a "spook". This was noted in a document I enclosed in complaint to the "national regulator for privacy and freedom of information". Cause for my becoming partnered with a person who works for an intelligence agency is unknown to me, as are her reasons for confirming same when I questioned it.

I continue to seek "writ of habeas corpus" from Australian courts despite both state and federal supreme courts having refused to consider my applications on pretence of "abuse of process".

I intend to make a notification to the Human Rights Committee about related interferences if and when the need arises. The present notification treats similar matter but is constrained in scope to provisions of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Experimentation described above involved participation of all three remaining members of my nuclear family, one of whom could be induced to participate with law enforcement machinery. Machinery that could induce the other members to attempt covert experimentation with me, for purposes concerning law enforcement or national security, is unknown to me.

I'll provide further information and/or documents as required. I don't have medical reports.

11. Claim. Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) **[word limit 600]**

The relevant State(s) Party contravened CAT Articles 12 and 13, likely also Article 10, as extended by Article 16.

It is for the Committee to determine whether pain and suffering intentionally inflicted by the State(s) Party constitutes "torture" per CAT Article 1; if so, the relevant State(s) Party also contravened Articles 2, 6 and 7.

It appears the relevant State(s) Party may have also contravened CAT Articles 4 and 5.

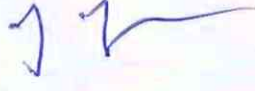
CAT Article 22 clause 5(b) is satisfied despite my continuing to seek relief by domestic remedies.

12. Date, place and signature

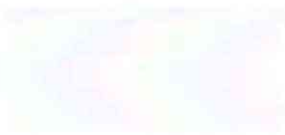
Date 18/03/2024

Place Australia

Signature of the complainant(s) and victim(s) (if different and able to sign):



Signature of the Counsel (if the complainant is represented):


Note: You will need to send two files:

- **The word document file (does not need signature) AND**
- **The signed document scanned or photographed**

13. List of documents

Please make sure all documents are ordered by date, are numbered consecutively, and are clearly labeled (Example: Annex 1 (Complaint to District Court-4 Jun 2020); Annex 2 – (Decision of District Court-8 Jul 2020)).

- ☐ Decisions of domestic courts (and administrative authorities) on your claim as well as executive summaries of such decisions if they are not in one of the four working languages indicated above
- ☐ Complaints to and decisions by any other procedure of international investigation or settlement
- ☒ Any documentation or other corroborating evidence you possess that substantiates your communication, including medical or psychological reports, if relevant.
- ☐ Relevant national legislation, if applicable.

14. How to submit individual communications

Please send the completed application form and attached documentation by email to: **petitions@ohchr.org**

If it is impossible to submit the case electronically, please explain why and send in paper (not exceeding 20 single-sided pages) to:

Petitions and Urgent Actions Section

OHCHR

Palais des Nations

Avenue de la Paix 8-14

1211 Geneva

Switzerland.

No paper complaints will be processed unless a justification is provided. Please do not include originals, but only copies. No documents will be returned.

Schedule of Annexures

No.	Item	Page
1	Letter to <i>Australian Security Intelligence Organisation</i>	8
2	Record of complaint about <i>Inspector-General of Intelligence and Security</i> , pp. 5-6 of 7 pages total.	10
3	Form submitted to <i>High Court of Australia</i>	12
4	Record of complaint to <i>Inspector-General of Intelligence and Security</i>	16
5	Forms filed in proceeding against <i>Inspector-General of Intelligence and Security</i>	18
6	Form produced to <i>Supreme Court of Victoria</i>	22
7	Parts of affidavit, of 324 pages total, produced to <i>Supreme Court of Victoria</i>	
	- pages 1-12	23
	- pages 102-106	35
8	Refusal notice	40

Exhibit "JMK-52"

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

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Registrar
Magistrates' Court of Victoria

THE ADDRESS OF THE
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233 WILLIAM STREET, MELBOURNE
(CNR LONSDALE & WILLIAM ST)

Signature of witness

23/9/24

SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

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Human Rights Committee

2. State party or States parties concerned:
Australia

3. Complainant:

First name	Jan
Family name	Kant
Date of birth	07/10/1988
Nationality	Australian

4. Contact details of complainant:

Email	jmjarosz01@gmail.com
Phone number	Click or tap here to enter text.
Address	3/33 Bewdley Street, Ormond VIC 3204 Australia

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.

Date of birth

Click or tap to enter a date.

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Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name

Click or tap here to enter text.

Family name

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Email

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Phone number

Click or tap here to enter text.

Address

Click or tap here to enter text.

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☒ Yes☐ No8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?☒ Yes☐ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

I submitted a notification in respect of similar matter to the Committee against Torture on 18 March 2024. The scope of my notification to the Committee against Torture is fully exclusive of the scope of the present notification to the Human Rights Committee.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?☒ Yes☐ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

If the treaty body can provide relevant measures, I am very interested in learning so.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below)** **Include information on domestic remedies:** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

Since 25 August 2023, I have sought from Australian courts a “writ of habeas corpus” to release me from detention by persons acting in an official capacity.

On 15 September 2023, a Judge of the federal supreme court (High Court of Australia) ordered that the court not hear my application for “writ of habeas corpus” on grounds of “abuse of process”.

Since 18 November 2023, I have sought “writ of habeas corpus” from the state supreme court (Supreme Court of Victoria).

On 07 December 2023, the High Court of Australia refused my application for leave to appeal from the order that the same court not hear my application.

On 08 December 2023, I claimed relief in the superior court of federal jurisdiction (Federal Court of Australia) in respect of the High Court of Australia having unduly denied me “writ of habeas corpus”.

On 11 December 2023, the Federal Court of Australia notified me of refusing to hear my claim to relief in respect of the High Court of Australia having unduly denied me “writ of habeas corpus” on grounds of “abuse of process”.

On 16 February 2024, the Supreme Court of Victoria notified me of refusing to hear my application for “writ of habeas corpus” on grounds of irregularity in form.

On 02 March 2024, I applied to the Supreme Court of Victoria for judicial review of a decision to refuse to hear my application for “writ of habeas corpus”.

On 14 March 2024, the Supreme Court of Victoria notified me of having on 05 March 2024 refused to hear my application for judicial review of its decision to refuse to hear my application for “writ of habeas corpus” on grounds of “abuse of process”.

On 17 March 2024, I claimed relief in the High Court of Australia in form of instruments requiring the Supreme Court of Victoria to determine my application for judicial review of its decision to refuse to hear my application for “writ of habeas corpus”.

On 22 March 2024, the High Court of Australia notified me of refusing to my claim to relief in form of instruments requiring the Supreme Court of Victoria to determine my application for judicial review of its decision to refuse to hear my application for “writ of habeas corpus” on grounds of irregularity in form.

On 22 March 2024, I applied to the Supreme Court of Victoria for judicial review of conduct of the High Court of Australia in the exercise of judicial power, seeking relief in form of orders voiding, in and for the state, federal legislation which I presently believe to interfere with access to information about my detention and which the High Court of Australia erroneously failed or refused to strike down. This is not an "available domestic remedy" reasonably within its meaning in the Optional Protocol to the Covenant.

I'll provide further information and/or documents as required.

11. Claim. Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) **[word limit 600]**

Right to uninterrupted enjoyment of human rights and freedoms as are recognised in the Covenant, unless there exists a public emergency which threatens the life of the nation and the existence of which is officially proclaimed, is implicit to Article 4, paragraph 1 of the Covenant.

Right to continuing enjoyment of human rights and freedoms as are recognised in the Covenant in time of public emergency which threatens the life of the nation, not limited to greater extent that is strictly required by exigencies of the situation, is implicit to Article 4, paragraph 1 of the Covenant.

Right to effective remedy to violation of human rights or freedoms, as are recognised in the Covenant, is implicit to clause 3(a) of Article 2.

Right to have determined a claim to remedy to violation of rights or freedoms as recognised in the Covenant, by competent authorities, is implicit to clause 3(b) of Article 2.

Right to have competent authorities provided by the State, for determining claims to remedies to violations of rights or freedoms as recognised in the Covenant, is implicit to clause 3(b) of Article 2.

Australian courts failed to decide without delay on the lawfulness of my detention. The State thus contravened Article 9, paragraph 4 of the Covenant; and,

Australian courts refused to determine my claim to remedy to failure by Australian courts to decide without delay on lawfulness of my detention. The State thus contravened Article 2, paragraph 3 of the Covenant; and,

There is no public emergency which threatens the life of the nation and the existence of which is officially proclaimed. The State thus contravened Article 4, paragraph 1 of the Covenant.

Article 5, clause 2(b) of the Optional Protocol is satisfied as to rights in Article 9 of the Covenant.

Article 5, clause 2(b) of the Optional Protocol is satisfied as to rights implicit to Article 2, paragraph 3 of the Covenant.

Article 5, clause 2(b) of the Optional Protocol is satisfied as to rights implicit to Article 4, paragraph 1 of the Covenant.

Article 2 of the Optional Protocol is satisfied as to an Article 9 right to have courts decide without delay on lawfulness of the detention of a person who seeks to take proceedings before a court.

Article 2 of the Optional Protocol is satisfied as to rights implicit to Article 2, paragraph 3 of the Covenant.

Article 2 of the Optional Protocol is satisfied as to rights implicit to Article 4, paragraph 1 of the Covenant.

12. Date, place and signature

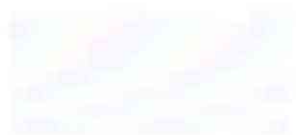
Date 22/03/2024

Place Australia

Signature of the complainant(s) and victim(s) (if different and able to sign):



Signature of the Counsel (if the complainant is represented):



Note: You will need to send two files:

- The word document file (does not need signature) AND
- The signed document scanned or photographed

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Schedule of enclosures

Item	Document	Page
1	Application to the High Court of Australia for leave concerning its 31 Aug 2023 refusal to issue a “writ of habeas corpus” – as reproduced in pages 94 to 100 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	9
2	My 25 Aug 2023 affidavit to the High Court of Australia – as reproduced in pages 115 to 124 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	16
3	Reasons for decision given by the High Court of Australia in relation to leave concerning its 31 Aug 2023 refusal to issue a “writ of habeas corpus” – as reproduced in pages 101 to 106 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	26
4	Email from the High Court of Australia concerning a requirement for leave to appeal from its decision in relation to leave concerning its 31 Aug 2023 refusal to issue a “writ of habeas corpus” – as reproduced in pages 71 to 72 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	32
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7	Documents produced to the Federal Court of Australia in claim to relief in respect of the High Court of Australia having unduly denied me “writ of habeas corpus” – as reproduced in pages 141 to 146 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	48
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11	08 Feb 2024 notice from Supreme Court of Victoria concerning refusal to consider my claim to relief including injunction and orders compelling it to hear and determine my application for “writ of habeas corpus” – as reproduced in page 169 of my 12 Feb 2024 affidavit to the Supreme Court of Victoria.	64
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14	15 Feb 2024 notice from Supreme Court of Victoria concerning refusal to consider my application for “writ of habeas corpus”.	85
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Exhibit "JMK-53"

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

This is the exhibit "**JMK-53**" now produced and shown to Jan Marek Kant at the time of affirming his affidavit.


DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

Signature of witness

23/9/29

THE ADDRESS OF THE
MELBOURNE MAGISTRATES' COURT IS
233 WILLIAM STREET, MELBOURNE
(CNR LONSDALE & WILLIAM ST)

SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

Please provide answers to **all areas of the form**. Submissions in languages other than **English, French, Russian or Spanish** will not be processed. The completed form should enable treaty bodies to determine the nature and scope of your complaint for the purposes of registration. If needed, please include as an attachment any additional, chronologically-ordered factual information. (Maximum word limit of this attachment: 10,000). Please check the **Guidelines for submission of individual communications to treaty bodies** for further assistance on how to complete this form.

1. Name of Committee to which the communication is submitted:
Human Rights Committee

2. State party or States parties concerned:
Australia

3. Complainant:

First name	Jan
Family name	Kant
Date of birth	07/10/1988
Nationality	Australian

4. Contact details of complainant:

Email	jmjarosz01@gmail.com
Phone number	+61450827208
Address	3/33 Bewdley Street, Ormond VIC 3204 Australia

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.

Date of birth

Click or tap to enter a date.

Nationality

Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name

Click or tap here to enter text.

Family name

Click or tap here to enter text.

Email

Click or tap here to enter text.

Phone number

Click or tap here to enter text.

Address

Click or tap here to enter text.

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☒ Yes☐ No

8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?

☒ Yes☐ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

I submitted notifications in respect of similar matter to the Committee against Torture on 18 March 2024 (UR/CAT/24/AUS/13) and to the Human Rights Committee on 22 March 2024 (UR/CCPR/24/AUS/22). The scope of my present notification to the Human Rights Committee is exclusive of the scope of the earlier notifications.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?

☐ Yes☒ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

Click or tap here to enter text.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below)** **Include information on domestic remedies:** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

The (federal) statute "National Security Information (Criminal and Civil Proceedings) Act 2004" (enclosed) is contrary to the Australian Constitution

"Division 104" of the (federal) statutory provision "Criminal Code" (enclosed) is contrary to the Australian Constitution.

I am substantially inconvenienced by the continuing existence of these laws.

On 03 April 2024, I attempted to commence a proceeding, in the federal supreme court, seeking that these items of legislation are struck down.

On 09 April 2024, the federal supreme court informed me of having rejected my documents because of their irregularities.

Having addressed the irregularities I was informed of, I attempted to commence a substantially similar proceeding on 09 April 2024.

On 17 April 2024, the federal supreme court informed me of having rejected my revised documents.

My understanding is the federal supreme court's refusal to consider the matter is symptom of a political conspiracy; this is how democracy works in Australia. Remedy must include the same becoming public knowledge.

Relevant documents and correspondence with the court are enclosed. Also attached, for context, is an extract of an affidavit I made on 12-FEB-2024.

11. **Claim.** Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) **[word limit 600]**

A right of having laws and other measures provided by the state, as may be necessary to give effect to human rights, is implicit to Article 2 of International Covenant on Civil and Political Rights; being a court of "common law", the federal supreme court's refusal to consider the matter is an infraction upon this right.

A right of having claims to remedy determined by competent judicial authorities is implicit to Article 2 of International Covenant on Civil and Political Rights; the federal supreme court's refusal to consider the matter is an infraction upon this right.

A right of exhausting domestic remedies is implicit to Article 2 of Optional Protocol to the International Covenant on Civil and Political Rights; the federal supreme court's refusal to consider the matter must be taken to exhaust all available domestic remedies, else this right would be violated.

The relevant items of legislation are themselves contrary to several rights and freedoms as recognised in the ICCPR.

See also the enclosed Parts VIIIB & VIIC of "Judiciary Act 1908" (highlights added) in relation to the court's 17-APR-2024 suggestion that I seek legal advice. Note that my having been employed in the "Defence Science and Technology Group" makes me a person who has been "an officer of, or a person employed by ... the Commonwealth".

I'll provide further information and/or documents as required.

12. Date, place and signature

Date Click or tap to enter a date.

17 April 2024

Place Click or tap here to enter text.

Australia

Signature of the complainant(s) and victim(s) (if different and able to sign):



Signature of the Counsel (if the complainant is represented):



Note: You will need to send two files:

- The word document file (does not need signature) AND
- The signed document scanned or photographed

13. List of documents

Please make sure all documents are ordered by date, are numbered consecutively, and are clearly labeled (Example: Annex 1 (Complaint to District Court-4 Jun 2020); Annex 2 – (Decision of District Court-8 Jul 2020)).

- ☐ Decisions of domestic courts (and administrative authorities) on your claim as well as executive summaries of such decisions if they are not in one of the four working languages indicated above
- ☐ Complaints to and decisions by any other procedure of international investigation or settlement

- ☒ Any documentation or other corroborating evidence you possess that substantiates your communication, including medical or psychological reports, if relevant.
- ☒ Relevant national legislation, if applicable.

14. How to submit individual communications

Please send the completed application form and attached documentation by email to: **petitions@ohchr.org**

If it is impossible to submit the case electronically, please explain why and send in paper (not exceeding 20 single-sided pages) to:

Petitions and Urgent Actions Section

OHCHR

Palais des Nations

Avenue de la Paix 8-14

1211 Geneva

Switzerland.

No paper complaints will be processed unless a justification is provided. Please do not include originals, but only copies. No documents will be returned.

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No.	Document	Page
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2	Affidavit filed with the federal supreme court 03 & 09 April 2024	12
3	“Notice of Demand” filed with the federal supreme court 03 & 09 April 2024	13
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Exhibit "JMK-54"

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT

Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

This is the exhibit "**JMK-54**" now produced and shown to Jan Marek Kant at the time of affirming his affidavit.

DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria

Signature of witness

23/9/24

THE ADDRESS OF THE
MELBOURNE MAGISTRATES' COURT IS
233 WILLIAM STREET, MELBOURNE
(CNR LONSDALE & WILLIAM ST)

SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

Please provide answers to **all areas of the form**. Submissions in languages other than **English, French, Russian or Spanish** will not be processed. The completed form should enable treaty bodies to determine the nature and scope of your complaint for the purposes of registration. If needed, please include as an attachment any additional, chronologically-ordered factual information. (Maximum word limit of this attachment: 10,000). Please check the **Guidelines for submission of individual communications to treaty bodies** for further assistance on how to complete this form.

1. Name of Committee to which the communication is submitted:
Human Rights Committee

2. State party or States parties concerned:
Australia

3. Complainant:

First name	Jan
Family name	Kant
Date of birth	07/10/1988
Nationality	Australian

4. Contact details of complainant:

Email	jmjarosz01@gmail.com
Phone number	Click or tap here to enter text.
Address	3/33 Bewdley Street, Ormond VIC 3204 Australia

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.

Date of birth

Click or tap to enter a date.

Nationality

Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name

Click or tap here to enter text.

Family name

Click or tap here to enter text.

Email

Click or tap here to enter text.

Phone number

Click or tap here to enter text.

Address

Click or tap here to enter text.

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☒ Yes☐ No

8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?

☒ Yes☐ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

I submitted earlier notifications in respect of similar matter (UR/CAT/24/AUS/13 & UR/CCPR/24/AUS/22 & another on 17 April 2024) via OHCHR. The scope of my present notification to the Human Rights Committee is exclusive of the scope of the earlier notifications.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?

☒ Yes☐ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

If the treaty body can provide relevant measures, I am very interested in learning so.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below)** **Include information on domestic remedies:** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

On 14 November 2023, I complained to the “National Anti-Corruption Commission” (see the enclosed Part 3 of “National Anti-Corruption Commission Act 2022”) of corrupt conduct of a federal government agency.

On 12 December 2023, the “National Anti-Corruption Commission” informed me of his/their decision regarding my 14 November 2023 complaint, and thereby committed a crime of corruption.

On 20 December 2023, I sought prosecution of the “National Anti-Corruption Commission(er)” (NACC) with a request made to the (federal) director of public prosecutions.

On 21 December 2023, the director of public prosecutions denied my request and informed that, before the prosecutor decides whether to commence prosecution, a brief of evidence must first be produced by a government investigative agency.

On 21 December 2023, I complained to the “Australian Human Rights Commission(er)” (AHRC) about the crime committed by NACC and refusal to prosecute by the director of public prosecutions. I requested (with words taken from “Australian Human Rights Commission Act 1986”) AHRC to investigate the matter and produce a brief of evidence, and to act to ensure the prosecution of NACC.

By end of 22 January 2024, it became apparent that AHRC and I differ in our understandings of his legal obligations.

Beginning 25 January 2024, I sought to commence a proceeding against AHRC in the state supreme court. Around 15 February 2024, the state supreme court informed of having refused to hear this and another matter I sought to bring before it.

On 02 March 2024, I sought judicial review of the state supreme court’s refusal decision on a ground of unlawfulness arising because of the “Charter of Human Rights and Responsibilities Act 2006” (of the state of Victoria). Around 05 March 2024, the state supreme court informed of having refused to undertake the sought judicial review because of the merits of the earlier decision.

On 17 March 2024, I sought judicial review of the state supreme court’s 05 March 2024 refusal decision by the federal supreme court. On 22 March 2024, the federal supreme court informed of having refused to hear the matter because of irregularity in form.

Having corrected the indicated irregularities, I sought judicial review of the state supreme court’s 05 March 2024 refusal decision by the federal supreme court again on 22 March 2024.

On 26 March 2024, the federal supreme court informed of having refused to hear the matter for reasons as given on 22 March 2024.

My understanding is NACC and the state and federal supreme courts are each participant in the same larger conspiracy. Remedy must include the same becoming public knowledge.

11. **Claim.** Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) **[word limit 600]**

I assert that the right to "equality before the law", as in Article 7 of Universal Declaration of Human Rights and section 8 of "Charter of Human Rights and Responsibilities Act 2006", is the same right recognised in Articles 14 ICCPR and of schedule 2 of "Australian Human Rights Commission Act 1986" with the words: "All persons shall be equal before the courts and tribunals".

Refusal to prosecute NACC is infraction upon a right to "equality before the law". All available domestic remedies are exhausted.

Article 2 of the Optional Protocol is satisfied with respect to a right in Article 14 ICCPR; and,

Article 2 of the Optional Protocol is satisfied with respect to a right to "equality before the law", as in Article 7 of Universal Declaration of Human Rights, by fact of it being the same right as recognised in Article 14 ICCPR; and,

Article 2 of the Optional Protocol is satisfied with respect to a right to "equality before the law", as in Article 7 of Universal Declaration of Human Rights, because all rights recognised in Universal Declaration of Human Rights are also recognised in ICCPR by extension of Article 5 ICCPR.

12. **Date, place and signature**

Date 25/04/2024

Place Australia

Signature of the complainant(s) and victim(s) (if different and able to sign):



Signature of the Counsel (if the complainant is represented):



Note: You will need to send two files:

- **The word document file (does not need signature) AND**
- **The signed document scanned or photographed**

13. List of documents

Please make sure all documents are ordered by date, are numbered consecutively, and are clearly labeled (Example: Annex 1 (Complaint to District Court-4 Jun 2020); Annex 2 – (Decision of District Court-8 Jul 2020)).

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- ☐ Complaints to and decisions by any other procedure of international investigation or settlement
- ☒ Any documentation or other corroborating evidence you possess that substantiates your communication, including medical or psychological reports, if relevant.
- ☒ Relevant national legislation, if applicable.

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Petitions and Urgent Actions Section

OHCHR

Palais des Nations

Avenue de la Paix 8-14

1211 Geneva

Switzerland.

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Schedule of enclosures

No.	Document	Page
1	Documents provided to AHRC on 21 Dec 2023	
	<ul style="list-style-type: none"> 21 Dec 2023 email, in reply to 20 Dec 2024 email to the director of public prosecutions 	7
	<ul style="list-style-type: none"> 12 Dec 2023 email from NACC, in response to 14 Nov 2024 webform submission 	9
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2	25 Jan 2024 Affidavit	12
3	02 Mar 2024 Affidavit	33
4	Forms omitted from 02 Mar 2024 Affidavit	
	<ul style="list-style-type: none"> 25 Jan 2024 'Charter Notice' 	82
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Exhibit "JMK-55"

No. VID829/2023

Federal Court of Australia
District Registry: Victoria
Division: General

JAN MAREK KANT


Applicant

THE AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Jan Marek Kant**
Address: 3/33 Bewdley Street, Ormond VIC
Occupation: litigant
Date: 23 September 2024

This is the exhibit "**JMK-55**" now produced and shown to Jan Marek Kant at the time of affirming his affidavit.


DUNCAN O'CONNOR
Registrar
Magistrates' Court of Victoria
Signature of witness

23/9/24

THE ADDRESS OF THE
MELBOURNE MAGISTRATES' COURT IS
233 WILLIAM STREET, MELBOURNE
(CNR LONSDALE & WILLIAM ST)

SUBMISSION FORM OF INDIVIDUAL COMMUNICATIONS TO TREATY BODIES

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1. Name of Committee to which the communication is submitted:
Human Rights Committee

2. State party or States parties concerned:
Australia & others

3. Complainant:

First name	Jan
Family name	Kant
Date of birth	07/10/1988
Nationality	Australian

4. Contact details of complainant:

Email	jmjarosz01@gmail.com
Phone number	Click or tap here to enter text.
Address	3/33 Bewdley Street, Ormond VIC 3204 Australia

5. Victim (if different from complainant):

First name	Click or tap here to enter text.
Family name	Click or tap here to enter text.

Date of birth

Click or tap to enter a date.

Nationality

Click or tap here to enter text.

6. Counsel or other representative (if the complainant is represented):

First name

Click or tap here to enter text.

Family name

Click or tap here to enter text.

Email

Click or tap here to enter text.

Phone number

Click or tap here to enter text.

Address

Click or tap here to enter text.

7. Would you like for the complainant / victim's name to be anonymized in an eventual decision by the Committee?

☐ Yes☐ No8. Have you submitted the **same matter under another procedure of regional / international investigation or settlement**?☒ Yes☐ No

If the answer is yes, please indicate the procedure or body, the date of submission, the authors and the claims invoked, and the decision adopted

I submitted earlier notifications in respect of similar matter (UR/CAT/24/AUS/13 & UR/CCPR/24/AUS/22, and two more on 17 April 2024 & 25 April 2024) via OHCHR. The scope of my present notification to the Human Rights Committee is exclusive of the scope of the earlier notifications.

9. Are you requesting **interim measures** (to avoid irreparable harm to the complainant/victim) or **measures of protection** (to avoid harm or reprisals against the complainant/victim and/or family members or representatives)?☒ Yes☐ No

If yes, indicate what kind of specific measures and justify the request. [word limit: 400]

If the treaty body can provide relevant measures, I am very interested in learning so.

10. **Facts.** Please provide a summary of the main facts of the case, in chronological order, including the dates, and information on administrative/judicial remedies. Please focus on the facts of the individual case. Information referring to a general context should be included only if relevant, and as brief as possible. **Do not include allegations of violations (these should be included in para. 11 below)** **Include information on domestic remedies:** Please describe, in chronological order, each step taken by the victim(s) to raise their claims before courts and/or administrative authorities. Please describe the date and content of each submission, the authority to which it was submitted, the date of the decision, and the reason(s) for the decision. If domestic remedies have not been exhausted, please state why [word limit 2,500]

On 19 November 2023, I complained to the "Inspector-General of Intelligence and Security" (IGIS) of an entity or group collecting information about me experimentally. I also made known my belief that it involved one or more "intelligence" agencies.

Around 20 December 2023, I commenced a proceeding against IGIS in the state supreme court. On grounds of unlawfulness of conduct of one or more public authorities arising under the "Charter of Human Rights and Responsibilities Act 2006" (of Victoria), I sought from IGIS descriptions of persons involved in covert experimentation with me and of persons involved in covert examination of me or my affairs.

I was not informed of the IGIS having decided not to inquire into, or not to inquire further into, my 19 Nov 2023 complaint.

I am unsure to what extent "intelligence" agencies continue to participate in the experimental collection of information about me; however, experimental collection of information about me continues without pause since a time I know one or more "intelligence" agencies to have participated.

I expect that going ahead with the proceeding I commenced against IGIS around 20 Dec 2023 would result in it being used to collect more information about me experimentally. I also expect that I won't be given access to the information that I want, regardless of the strength of my argument.

I can't attempt to fix the problem if I don't know who is causing it.

Relevant documents filed with the state supreme court are enclosed. Also attached, for context, are materials I produced in proceeding against the "Australian Information Commissioner".

11. **Claim.** Please explain how and why you consider that the facts and circumstances described violate your rights/ the victim(s)' rights. Please specify which rights you consider to have been violated (if possible, identify the articles under the relevant treaty) [word limit 600]

Right of effective remedy to infraction upon human rights by persons acting in an official capacity is implicit to clause 3(a) of Article 2.

Right of effective remedy to any unlawful infraction upon human rights is implicit to clause 3(b) of Article 2.

Right of making a claim to remedy is implicit to clause 3(b) of Article 2.

Right of having competent authorities provided by the State is implicit to clause 3(b) of Article 2.

Right of having claims to remedy determined by the relevant authorities is implicit to clause 3(b) of Article 2.

Right to competent enforcement of human rights is implicit to clause 3(c) of Article 2.

The relevant State(s) Party to the Optional Protocol violated rights implicit to Article 2 of the Covenant.

Right to having all domestic remedies deemed exhausted, if the application of such remedies is unreasonably prolonged, is implicit to Articles 2 & 5 of the Optional Protocol.

Nothing more can reasonably be done; all domestic remedies must be deemed exhausted and Article 2 of Optional Protocol satisfied.

12. Date, place and signature

Date 29/04/2024

Place Australia

Signature of the complainant(s) and victim(s) (if different and able to sign):

Signature of the Counsel (if the complainant is represented):

Note: You will need to send two files:

- **The word document file (does not need signature) AND**
- **The signed document scanned or photographed**

13. List of documents

Please make sure all documents are ordered by date, are numbered consecutively, and are clearly labeled (Example: Annex 1 (Complaint to District Court-4 Jun 2020); Annex 2 – (Decision of District Court-8 Jul 2020)).

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- ☐ Complaints to and decisions by any other procedure of international investigation or settlement
- ☒ Any documentation or other corroborating evidence you possess that substantiates your communication, including medical or psychological reports, if relevant.
- ☒ Relevant national legislation, if applicable.

14. How to submit individual communications

Please send the completed application form and attached documentation by email to: **petitions@ohchr.org**

If it is impossible to submit the case electronically, please explain why and send in paper (not exceeding 20 single-sided pages) to:

Petitions and Urgent Actions Section

OHCHR

Palais des Nations

Avenue de la Paix 8-14

1211 Geneva

Switzerland.

No paper complaints will be processed unless a justification is provided. Please do not include originals, but only copies. No documents will be returned.

Schedule of enclosures

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