

Petitions Team

Office of the High Commissioner for Human Rights

United Nations Office at Geneva

1211 Geneva 10, Switzerland

**Fax:** + 41 22 917 9022

**E-mail:** [tb-petitions@ohchr.org](mailto:tb-petitions@ohchr.org)

From : Charles PHAM

102 Elizabeth St

Richmond, VICTORIA

Australia 3121

+61 03 9347 4857

mobile 0412 871 985

Model Complaint Form

For communications under:

- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention against Torture, or
- International Convention on the Elimination of Racial Discrimination

Please indicate which of the above procedures you are invoking: **ALL THREE (3)**

Date: Monday, April 28, 2003

**I. Information on the complainant:**

Name: **Pham** First name(s): **Charles Le Tuan**

Nationality: Australian Citizen Date and place of birth: 11 March 1972 VIETNAM

Address for correspondence on this complaint:

102 Elizabeth St Richmond,  
VICTORIA AUSTRALIA 3121  
+6 1 03 9347 4857  
mobile 0412 871 985

Submitting the communication:

on the author's own behalf: Charles Le Tuan PHAM

## **II. State concerned/Articles violated**

Name of the State that is either a party to the Optional Protocol (in the case of a complaint to the Human Rights Committee) or has made the relevant declaration (in the case of complaints to the Committee against Torture or the Committee on the Elimination of Racial Discrimination):

..... **Commonwealth of Australia**

Articles of the Covenant or Convention alleged to have been violated:

..... Article 5 plus the [Convention on the Rights of the Child](#), [Declaration on the Rights of Disabled Persons](#)

## **III. Exhaustion of domestic remedies/Application to other international procedures**

Steps taken by or on behalf of the alleged victims to obtain redress within the State concerned for the alleged violation – detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes:

..... Human Rights and Equal Opportunity Commission  
Federal Court of Australia  
High Court Registry

If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would not be effective, that they are not available to you, or for any other reason, please explain your reasons in detail: High Court Registry refuses Application under Australian Constitution with any written reasons.

Have you submitted the same matter for examination under another procedure of international investigation

or settlement (e.g. the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)?  
..... NO, I live in fear of my life for retribution for reporting Human Rights abuses from Judiciary and Human Rights bodies in Australia.

If so, detail which procedure(s) have been, or are being, pursued, which claims you have made, at  
which times, and with which outcomes: .....

**IV. Facts of the complaint**

Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of your particular case. Please explain how you consider that the facts and circumstances described violate your rights.

Denial of access to

**i) HUMAN RIGHTS AND EQUAL OPPORTUNITY ACT (“THE ACT” 1986, Cth)**

and to International Conventions to which Australia is party, namely, but not exclusive to

**a) International Convention on the Elimination of all Forms of Racial Discrimination: Article 5.**

Denial of access to basic Human Rights to Education, Health and Equal Opportunity, under:

**ii) RACIAL DISCRIMINATION ACT 1975 (Cth).**

**iii) DISABILITY DISCRIMINATION ACT 1992 (Cth).**

Unlawful discrimination by the Federal court of Australia:

a) On 30 JULY 2001, **HEEREY J** of the Federal Court denied an **ethnic** medical practitioner the chance to represent the Applicant in the Federal court of Australia, whilst the Applicant was ill with a chronic disability.

On 1 MARCH 2002, **DRUMMOND, MARSHALL AND FINKELSTEIN JJ**, denied an **ethnic** medical practitioner the chance to represent the Applicant in the Federal court of Australia, whilst the Applicant was ill with a chronic disability.

b) On 9 MAY 2002, **GRAY J** Denied the applicant access to

i) **HUMAN RIGHTS AND EQUAL OPPORTUNITY ACT (“THE ACT” 1986, Cth)**

ii) **RACIAL DISCRIMINATION ACT 1975 (Cth).**

iii) **DISABILITY DISCRIMINATION ACT 1992 (Cth).**

in the Federal court of Australia.

c) On 6 NOVEMBER 2002, **WHITLAM, NORTH AND WEINBERG JJ** labeled **HUMAN RIGHTS AND EQUAL OPPORTUNITY ACT (“THE ACT” 1986, Cth)** a “general rule”.

Denied the applicant access to

i) **HUMAN RIGHTS AND EQUAL OPPORTUNITY ACT (“THE ACT” 1986, Cth)**

ii) **RACIAL DISCRIMINATION ACT 1975 (Cth).**

iii) **DISABILITY DISCRIMINATION ACT 1992 (Cth).**

in the Federal court of Australia.

d) On 9 September 2002, **Marshall J** declared that Australians within certain financial limits are able to gain access to the Federal Court. **No limits were specified.**

e) Between January and May 2003, **Ms Musolino, Registrar of the High Court** refused the Applicant the chance to apply to the High Court against the aforementioned unlawful acts of discrimination, under the Constitution of the Commonwealth of Australia. Written reasons were sought from Ms Musolino without success.

The aforementioned facts indicate **Institutionalized Discrimination** on the part of the parties involved to deny the basic Human Rights of the Applicant to the Laws of the Commonwealth of Australia and its Constitution, if not to the Laws of Natural Justice. The power of Discretion is abused by the Judiciary in an attempt to pervert the course of justice. We believe that if you give the power of discretion to people then eventually they will remove their “Klu Klux Klan” Hoods and reveal themselves for who they are.

The Disability of the Applicant, of Post-Dramatic syndrome as a refugee, is known to the courts and is used against him in preventing his access to the Laws of Courts of Australia. The Applicant Mr PHAM is set up to fail in the Court system that is discriminatory, such that when he fails, the perpetrators can claim his inferiority and deny him access to health, education and decent living.

This is a new age form of **Slavery**, in order to oppress the defenceless, designed by the Nazis and now adopted by the Commonwealth of Australia Judiciary. This system of Institutionalised Discrimination is designed to segregate or “**ghetto**”-lise groups of people and deny them access to basic Human Rights, one of the basic is the rights to the laws and courts. Living in fear is what it means to be a slave and that is what this system is designed to do, to mentally torture and dehumanize the Applicant to the point of psychological breakdown. The Applicant is now living in fear of what the Commonwealth of Australia might do to him, given their history of extermination of a whole group of Aborigines.

It should be pointed out that the Applicant was unrepresented at all but one time; the Applicant has sought from pro bono assistance under the Federal Court rules. The Applicant was knocked back **without** reasons. On the one time the Applicant was represented, it was interesting to note that one Federal Court Judge admitted to unlawful discrimination under Australian Laws relating to indirect discrimination in requiring the disable to perform task that was beyond his capability.

It is hoped that the High Commission would help the Applicant express his concerns regarding his Human Rights in a more expressive manner, or direct him to protocols suitable to his needs. The Applicant will attempt to supply more details descriptions as needed by the High Commission.

**THE URGENCY OF THIS MATTER INVOLVES THE ABUSE OF CHILDREN IN AUSTRALIAN SCHOOLS. The Human rights Commission as well as the Federal Court of Australia is involved in a cover-up to protect abusers of children.**

Should there be any inquiries or added information needed, please contact the applicant.

Author's signature: .....Charles Pham

Attachments:

Pham v Commonwealth of Australia [2002] FCA 669 (9 May 2002)

Pham v Commonwealth of Australia [2002] FCA 203 (1 March 2002)

Pham v Commonwealth of Australia [2001] FCA 1044 [2001] FCA 1044 (30 July 2001)