

President Michael D Higgins
Offices of the President of Ireland
Áras an Uachtaráin
Phoenix Park,
Dublin 8

*3 pages, plus attachment
by recorded post and email
'cc' the European Court of Human Rights
and other interested parties*

Dear President Higgins

June 11th 2016

I write to you again in your role as the President of Ireland and as the guardian of our Constitution, with an urgent request for the protection of your Office from agents and agencies of the State who are engaged in the wholesale abuse of our fundamental rights; of the law and of the Constitution.

I write both as a member of the public as well as a spokesperson for the *Integrity Ireland* project which aims to encourage '*openness, transparency and accountability*' in agencies of the State. Having exhausted all other statutory options, including multiple approaches to An Garda Síochána management; to the Garda Ombudsman; to the Irish Courts, to the Minister for Justice and the Taoiseach over a period of several years, it is now beyond dispute that we are in a serious state of Constitutional crisis as regards the activities of certain senior personnel in the pay of the State who are supposedly duty-bound to uphold the law and the Constitution, yet who are engaged in serial wrongdoing, reckless malfeasance, collusion and criminal cover-ups, with apparent impunity.

I am copying this letter to each of the following so there can be no mistake or denials that each has not received the same. I am also making this letter public online in recognition of the absolute futility (it seems) of trying to get anyone in a position of authority or responsibility to simply do their jobs right and protect the Irish people from serious malefactors in the pay of the State.

- Taoiseach Enda Kenny TD
- Tánaiste and Minister for Justice Frances Fitzgerald TD
- Chief Justice Susan Denham (copies to all members of the Supreme Court)
- Garda Commissioner Nóirín O'Sullivan
- Justice Ellen Ring, current Chairperson of the Garda Ombudsman
- Policing Authority Chairperson, Josephine Feehily
- Selected TDs including Clare Daly and Mick Wallace – in recognition of their willingness to challenge wrongdoing by agents of the State and to defend the Garda whistleblowers.

The situation as it stands right now president Higgins, is that we simply cannot rely on the Gardaí to protect us, and we cannot depend on our Courts to follow due procedure; to receive legitimate applications; or to uphold the law and the Constitution in any case which involves the attempted prosecution of persons in the pay of the State. Far worse perhaps is the fact that several of our judges have engaged in activities which can only be described as outrageous breaches of their solemn oaths of office – not to mention being criminal acts in-and-of themselves inasmuch as they are clearly subverting the proper administration of justice. As a few brief examples which have happened just to myself and my wife (as Plaintiffs) during the past three years I list the following:

Ex-President of the High Court Justice Nicholas Kearns allowing a criminal from the UK to pose as 'an attorney' in his Court despite our repeated and strident objections. This criminal (a relative of Enda

Kenny TD) would continue brazenly masquerading as ‘an attorney’ and was given illegitimate audience by several Circuit and High Court Judges in no less than eighteen more such hearings.

President of the Appeals Court Sean Ryan (when he was a High Court Judge) holding hearings in our absence; hosting the same criminal ‘attorney’ – and even striking out the legitimate Order of Justice Iseult O’Malley (now a Supreme Court Judge) when he had absolutely no jurisdiction to do so.

Several Judges of the Circuit Court and the High Court holding hearings in our absence; accepting flawed or fraudulent paperwork; being abusive, biased and/or intimidating; stalling or adjourning proceedings on flawed and often contradictory grounds; and facilitating all types of abuses of our fundamental rights including denying us the right to speak; blocking our access to the Courts; and arranging for Gardaí in advance to remove us – sometimes with force and violence which was completely uncalled for in the circumstances. Many of us have suffered physical injuries including some (in my own case) for which I will require surgery. Amongst those directly or indirectly involved in these abuses were Mayo County Registrar Fintan Murphy; Judges Iarfhlaith O’Neill, Rory McCabe, Margaret Heneghan, Karen Fergus, Miriam Malone, Raymond Groarke, Alan Mitchell, James Faughnan, Miriam Walsh, Michael White, Mary Finlay-Geoghegan, Kevin Kilraine and Mary Devins – the latter being only one of several Judges who has exited the Court mid-process when we have been trying to lodge valid applications. In a recent incident involving Judge Devins, this Judge walked out of her Court at a time when I was simply seeking her assurance that I would not be unlawfully manhandled or assaulted by Gardaí. Within moments of her exit, I was surrounded by several Gardaí who ordered me to leave the Courtroom and several members of the public were again violently assaulted. I was again refused re-entry to the Court despite having legitimate applications to make.

As a collective, we have lodged a great number of formal complaints with An Garda Síochána, with the Garda Ombudsman and with the Minister for Justice – but all to no avail – other than meeting the usual wall of denials, smug deferments, cover-ups and brass-necked lies and obfuscation. In one notable example after Minister Frances Fitzgerald was handed a petition containing thousands of signatures for the investigation of the conduct of a District Court Judge, she replied with the incredible response that she had ‘no role to play in this matter’. Well Mr Higgins, I am sure you won’t be surprised to hear that the legislation clearly states otherwise, leaving us asking the pregnant question of how and why Mrs Fitzgerald – our current Tánaiste and Minister for Justice – would sign off on a blatant lie without any apparent concern that she might someday be held to account?

In absolute frustration at the outrages being committed on ordinary people by agents and agencies of the State – and in the absolute failure or refusal of ANY of our so-called statutory authorities or oversight bodies to do anything about it, we finally took the initiative ourselves and made a series of citizens’ arrests in strict accordance with the law and the legislation. But again President Higgins, no one in authority will even acknowledge those arrests, let alone accept jurisdiction for them – while the same State-sponsored malefactors continue to visit abuses on us with total impunity.

We then decided that we had to prosecute these serial wrongdoers in our own names according to the legislation set out in the *Petty Sessions (Ireland) Act 1851*, and this is where the recent farcical travesties in the Courts arose, with Gardaí assaulting members of the public at will; with certain Courts Service Staff deliberately obstructing due process; and with certain Judges acting in flagrant breach of their oaths of office; of the various Court rules; and of our fundamental human rights including our supposed ‘equality before the law’, our right to fair procedures and our right to bodily integrity without fear of interference or injury from agents of the State. But the fact is that all of these Constitutional rights (and more) are being repeatedly and systematically trampled upon by

persons in the pay of the State – and no-one in authority seems willing or capable of dealing with it.

It is in short an outrageous state of affairs President Higgins that law-abiding members of the public are being denied access to the law while those ostensibly in charge of the delivery of justice engage repeatedly in criminal behaviour. This includes multiple instances of harassment and intimidation by Gardaí; of false imprisonment; vexatious summonses; of fraud and perjury in the Courts going completely unpunished; and a whole raft of other serious abuses of the law and the Constitution by members of the establishment and by solicitors, civil servants and judges in the pay of the State.

In another disgraceful episode last week Judge Seamus Hughes ordered the immediate incarceration of two members of the public based on a comment he claimed they made while standing *outside* the Courthouse. This shocking abuse of judicial authority was utterly unlawful. These men were basically denied all of their statutory rights in contravention of the law, the Constitution and of two long-standing European Court rulings – which (one would imagine) our own Irish judges should be familiar with? Judge Hughes' statement, "*Let this be a lesson to anyone who insults this Court*" as he himself blatantly broke the law, is very telling is it not? These men spent two days in jail and would have been there a full week if we hadn't gotten them released, uncontested, on a *habeas corpus* Order from the High Court. No explanation, defence or justification was offered as to the legitimacy of the arrest and incarceration process. It rather seems does it not President Higgins that there is something of a crisis afoot when this type of judicial misbehaviour can occur unchallenged.

And unfortunately President Higgins, this is only the proverbial tip of the iceberg, with hundreds of similar complaints being lodged on the *Integrity Ireland* database by frustrated members of the public who are at a loss to understand how and why our so-called justice system is operating in effect – as if it is above the law. It should be noted 'for the record' Mr Higgins that we have written to you previously on this same topic (in January 2015) without receiving any due or proper response from your Office other than a series of fob-offs and refusals by your staff to properly engage with us.

In any event President Higgins, given that we are clearly in danger of assault whenever we enter an Irish Courtroom; and given the point-blank refusal of judges to confirm our personal safety in Court; and given Judge Seamus Hughes' outrageous behaviour in Athlone District Court last week, we are now calling on you personally to give us written assurance that we have the protection of the law and of the Presidential Office and that we will not be assaulted, manhandled, threatened, arrested, imprisoned or otherwise abused in any unconstitutional or unlawful manner by agents or agencies of the State as long as we are NOT personally or collectively engaged in any unlawful activity.

We now appeal to you directly President Higgins to intervene immediately, publicly and decisively by issuing a Presidential Order that law-abiding members of the public are NOT to be assaulted, coerced or intimidated into surrendering their fundamental rights, and until such time as we receive said guarantee, I hereby respectfully place the State on Notice that I personally cannot and will not collaborate further in any circumstance or situation whereby; (i) I am placed in physical danger, (ii) where my fundamental rights are being breached, or (iii) where I may be an unwilling or unwitting party to – or become the subject of – unlawful or criminal activity by agents of the State.

Yours sincerely,

Stephen Manning

A member of Integrity Ireland and independent candidate for Co. Mayo.



European Rights Body Warns of ‘Corrupt Ireland’

(Irish Examiner, Nov 2014)

There is growing concern about corruption in Ireland especially about elected politicians, Europe’s foremost human rights authority has warned. Various reforms recently introduced, such as the freedom of information and ethics acts are too complex and in some cases conflict with one another.

The report, from the Council of Europe in which Ireland and 46 other governments are represented, warns that there is too much political interference in the appointment and promotion of judges and has called for changes to maintain their independence.

They also want laws that threaten government ministers, elected politicians and others with six months jail for disclosing confidential information scrapped as it discourages whistleblowing.

It notes that Ireland’s reputation has been slipping with Transparency International placing it at its lowest ever ranking among the business community two years ago at 25th, behind Uruguay, Chile and the Bahamas.

The report calls for more stringent rules for politicians on conflicts of interest and asset declarations to include liabilities and those of their closest connections. More streamlined rules and more independent way of assessing politicians’ compliance was needed. They say all the rules that apply to government ministers should be extended to cover all elected politicians, and to their staff, and it should not be limited to just getting money, but should be extended to cover other advantages.

It raised a red flag over the fact that the clerk of the Dáil or Seanad can dismiss complaints against members without referring it to the relevant committee. They question why complaints are only made public if there is a negative finding. They are also concerned that a minister can face six months jail for disclosing confidential government information, irrespective of the reason for doing so. This could mean that people are discouraged from becoming whistleblowers. While the Government pointed to a range of protections, the report believes it is not sufficient and recommends that the whole issue be clarified to ensure whistleblowers are protected.

The report took on board the complaints of the judiciary that the public campaign and referendum on cutting their salaries damaged their standing. There is now a two-tier payment for judges depending when they take up their posts and the constitutional ban on changing their salaries has been scrapped. A judicial council should be established to deal with such issues in the future, to be involved in appointments of judges, establish an ethical code and judicial training practices. The report is very critical of politicians’ role in selecting judges and says judges’ promotion “is even more susceptible to political interference” and urges a judicial council to be involved.

The report, from the Council of Europe’s Group of States against Corruption to which Ireland has signed up, monitors anti-corruption laws and practices and focuses on the measures in place nationally to prevent corruption among elected politicians, judges and prosecutors. It makes 11 recommendations to the Government and has asked it to report in 18 months on the steps it has taken to implement the recommendations.

By Ann Cahill, European Correspondent

The full European Council Report entitled: “Corruption prevention in respect of members of parliament, judges and prosecutors” can be found on the I-I website under the ‘Irish Government’ tactical review tab.