

“CRIMINALITY IN THE IRISH COURTS”

A PROVISIONAL REPORT BY THE INTEGRITY IRELAND ASSOCIATION

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AN INTEGRITY IRELAND PUBLICATION

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SOURCES: In addition to Irish case law and Common Law sources, the author has quoted verbatim from ongoing cases in the Irish Courts, and from, *'The EU Handbook on European Law Relating to Access to Justice'* as footnoted, which said combined sources document multiple violations of the law, of the Irish Constitution, and of the collective fundamental rights of EU citizens by agents and agencies of the Irish State; as well as repeated breaches of Articles 1, 5, 6, 7 & 13 of the European Convention of Human Rights (ECHR), and of the protocols of the Council of Europe (CoE), of which Ireland is a Contracting Party.

"THE OVERRIDING OBJECTIVE"

"THAT CASES BE DEALT WITH JUSTLY, EFFICIENTLY AND COST-EFFECTIVELY." (SI 1998/3132) UK Dealing with a case 'justly' includes (abridged)—(a) acquitting the innocent and convicting the guilty; (b) dealing with the prosecution and the defence fairly; (c) recognising the rights of a claimant/defendant, particularly those under *Article 6 of the European Convention on Human Rights*; (d) respecting the interests of all parties and keeping them informed of the progress of the case; (e) dealing with the case efficiently and expeditiously; (f) ensuring that appropriate information is available to the court; and (g) dealing with the case in ways that take into account—(i) the gravity of the offence alleged, (ii) the complexity of what is in issue, (iii) the severity of the consequences for the claimant/defendant and others affected, and (iv) the needs of other cases. These rules are written to be intelligible not just to lawyers but to litigants in person also.

Lord Woolf (UK) 1996.

20+ years after the UK introduced these Rules, there is still NO 'overriding objective' – nor any similar principle – at work in the Irish justice system.

INTRODUCTION

This short report has been produced for the purposes of demonstrating to ‘all interested parties’ the shocking levels of endemic criminality and corruption ongoing within the Irish justice system. Over a period of several years, the *Integrity Ireland Association* has compiled a detailed database of sworn complaints by residents of the Irish State containing incontestable evidence and proofs of deliberate, systemic, State-sponsored criminality and corruption by a broad range of Irish officials and office holders in explicit, repeat violation of Common Law and of the Irish Constitution; in breach of European Community law; in contravention of the Charter of Fundamental Rights of the European Union (CFREU); and in open violation of internationally-recognized and agreed protocols and principles that relate to the individual’s fundamental right to access justice.

In particular, the Irish State appears determined NOT to allow any otherwise-legitimate cases to progress outside of the domestic jurisdiction to the European Courts, and is achieving this illicit objective through the deliberate criminal misuse and abuse of due process; through systemic obstructionism / concealing of information / refusing to engage / ‘stonewalling’ and documentary frauds; and is thereby denying effective access to justice. In doing so, the Irish State is not only making a nonsense and a farce of the Irish Constitution and the CFREU, but is jeopardising its membership of the European Union inasmuch as it is no longer in compliance with *the Copenhagen Protocols* which require that each current or prospective EU member State has, “*a properly-functioning justice system*” that respects, and aligns with the requirements of *the Treaty on the Functioning of the European Union (TFEU)*.

The following is a shortlist of the ‘standard’ criminal offences being committed by agents and agencies of the Irish State, along with the titles and/or positions of each of the accused.

The absence of given names in this preliminary document is to highlight in the first instance the nature and severity of the crimes being committed with overarching impunity without any due or proper responses from the so-called “Statutory Oversight Bodies” approached over several years, including the Irish police (An Garda Síochána), the Courts, the Minister for Justice, the Irish Human Rights Commission, the Office of the DPP, the various Ombudsmen and Commissions of Enquiry, and the Offices of the Taoiseach and of the President of Ireland; while ‘the State’ ruthlessly (but often covertly) deploys all manner of illicit, underhanded, unlawful, insidious & malicious tactics to cover up this criminality whilst simultaneously targeting those who would dare to speak up or speak out, with the Irish national broadcasters and mainstream media being largely complicit – or culpably silent.

This Report is being published in alignment with the reporting obligations of *the Criminal Justice Act 2011* which requires citizens to report offences, “*..where there is prima facie evidence of the commission of a relevant offence*”. Given that all efforts to secure remedies via the criminal justice system have now been exhausted, interested parties may apply by email to ‘media@integrityireland.ie’ for the key-list of named perpetrators and accused.

The following condensed particulars refer to only ONE case currently before the Irish Courts.

1. ASPECTS OF EUROPEAN UNION LAW WHICH APPLY - OR ARE BEING VIOLATED.

A. The European Convention of Human Rights Act 2003. *This was the Irish State's response to the Directive of the European Union, which Act transposed the terms and protocols of the Convention for the Protection of Human Rights and Fundamental Freedoms, into Irish law.*

- **Article 1:** The obligation on member States to respect human rights.
- **Article 5:** The right to liberty and security.
- **Article 6:** The right to a fair trial.
- **Article 7:** No punishment without law.
- **Article 8:** Right to respect for private and family life.
- **Article 10:** Freedom of expression.
- **Article 13:** The right to an effective remedy.
- **Article 14:** Prohibition of discrimination.
- **Article 17:** Prohibition of abuse of rights.

B. The Charter of Fundamental Rights of the European Union (CRFEU).

- **Article 41:** The right to good administration.
- **Article 47:** The right to an effective remedy in the Courts.
- **Article 51:** Confirms that the Charter applies when member States implement EU law.

C. "The Copenhagen Criteria"- European Council, June 1993. *The requirement that EU Member States respect the rule of law and human rights.*

D. The EU's General Data Protection Regulation (GDPR). *Member States' obligation to ensure "accuracy of the record"; that personal data is handled in a fair, lawful and legitimate manner.*

E. The EU's Law Enforcement Directive 2016/680. *Ensuring a consistent and high level of protection of the personal data of natural persons in criminal matters.*

F. Articles 1-7 of the EU Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union. *The obligation on EU member States to make 'passive and active corruption' a criminal offence complete with effective, proportionate and dissuasive penalties.*

G. The 2019 EU Justice Scoreboard Report. *Wherein it is noted that Ireland remains the only State in the EU which has NO domestic mechanism to sanction errant judges.*

H. United Nations Convention against Corruption (UNCAC) 2003. *Regarding the requisite independence of anti-corruption bodies, the codes of conduct of public servants, officials and office holders, the prevention of corruption in the judiciary, the protection of whistleblowers, and the implementation of measures to prevent the obstruction of justice.*

J. Article 267 of the Treaty on the Functioning of the European Union (TFEU) (ex Article 234 TEC). *Gives the EU Court of Justice jurisdiction to deliver preliminary rulings on the validity and interpretation of EU law. The primary purpose of Article 267 is to ensure that EU law has the same meaning and effect in all the Member States.*

2. THE MAIN OFFENCES BEING COMMITTED ON A REGULAR, SYSTEMIC BASIS by so-called 'Officers of the Court' and by other 'Irish Officials and Office Holders' [which includes State-sponsored solicitors and barristers; the DPP's Office; An Garda Síochána (Irish police); Courts Service Management, Registrars and Judges; and by the so-called 'Irish Statutory Oversight Bodies' including GSOC, IHRC, Government Ministers and TD's] are:

Conspiracies to pervert justice including: Documentary fraud; perjury; lies and deception; collusion; theft; criminal damage (esp. the erasure of evidence); forgery (backdating or recreating false documents); wholesale violations of due process and Court procedures; of refusals to access or provide justice / to enter Courts / or to participate in one's own case hearings; the failure/refusal to service valid complaints, to properly represent litigants, or investigate serious crime; the failure/refusal to comply with legitimate Court applications; the systemic political targeting and framing of activists and whistleblowers via intimidation, charge stacking and character assassination; of assaults causing harm; the issuing of false accusations, charges, and summonses; the covering-up of proven crimes; of criminal obstructionism via 'stonewalling' and refusing to acknowledge or respond to legal Notices; the selective and highly-prejudicial application of the law in favour of vested interests and 'politically connected' individuals through the denial of access to Court files, documents and information via unilateral rule-changing and arbitrary decision-making that directly contravenes Superior Court Rulings and EU and Irish (common) law; via the construction of utterly fraudulent, dishonest and factually-misleading judgment documents and Court Orders, through the unqualified rejection of appeals, and by way of multiple other abuses of procedure, position and authority in violation of Irish law and in breach of *the European Convention of Human Rights*, and *the Treaty on the Functioning of the European Union*.

* * *

This provisional catalogue of systemic wrongdoing demonstrates the disturbing lengths and depths that the Irish State is willing to travel to; to suppress legitimate complaints and Court cases; to cover up official corruption and misconduct; and to unlawfully target those who would dare to speak up in defence of our fundamental rights under EU Law. Even when these underhanded tactics are properly brought to light in official complaints, formal applications, legal appeals and judicial reviews the Superior Courts either; (a) 'selectively ignore' the salient issues; (b) they deploy suppressive, obstructive, obfuscating and 'damage control' tactics, such as blocking and refusing legitimate applications; by repeatedly adjourning, cancelling or rescheduling hearings without any notice; falsely claiming 'no jurisdiction', inventing bogus arguments; and by issuing cryptic, contradictory and inane judgments, decisions and Orders that rarely correspond with what actually transpired in Court; (c) through the unexplained 'disappearance' of Court records and even whole cases (such as has occurred in this case); (d) by inexplicably walking out of Court mid-hearing (which has happened 30+ times in these cases) or unlawfully jailing litigants for contempt, and/or by 'refusing to hear' valid arguments and challenges; and (e) by introducing into the record, false and misleading judgments and Orders, and by introducing new constructs and rules which effectively prohibits litigants from exposing these mendacities in the first place.

3. PROVISIONAL SHORTLIST OF IRISH (AND EU) LAW BEING OFFENDED AGAINST.

	Irish Legislation / Rules / Criteria A-Z – (with short explanations)
A	'QTC' Statutory Notice & Declaration No 1 of 2016: Summary of judge's obligations under the law and the Constitution, endorsed 'qui tacet consentit' by all Irish authorities
B	'QTC' Statutory Notice & Declaration No 2 of 2019: Outlining how deliberate, systemic, malicious obstructionism that causes loss or harm is a criminal offence..
C	S.10 of the Petty Sessions (Ireland) Act 1851: The right of ANY person to seek a criminal summons directly to the District Court, as endorsed by the Irish Superior Courts in 2015..
D	Irish Constitution Articles 34.6(i) & 35.2: The judicial oath of office which requires Irish judges to respect the law and the constitution; not to be biased in favour of vested interests; and to act within certain ethical, legal and moral parameters..
E	Article 40.1: "All citizens shall, as human persons, be held equal before the law." Article 40.3(i): "The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen." Article 40.3(ii): "The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen."
F	The Criminal Justice (Theft & Fraud Offences) Act, 2001 Sections, 6, 9, 25, 26, 27, 29: No thieving, deceiving, forging, defrauding, or creating or using false instrument – or any other dishonest act – with the intention of making a gain, or of causing loss..
G	Regarding 'judicial misconduct' etc: "Parties cannot be asked to tolerate bias, prejudice, ill will or mala fides in any form by the judiciary." Justice Peter Kelly, 2012.
H	Order 28, Rules of the Superior Court, S. 1-12: Strict rules for the changing or alteration of proceedings, which is being abused/ignored and/or circumvented to cover up crime..
I	The Criminal Justice Act 2011: The obligation to report offences, "...where there is prima facie evidence of the commission of a relevant offence".
J	Non-Fatal Offences Against the Person Act, 1997: No unlawful assaulting, harassing, intimidating, menacing, detaining or imprisoning..
K	Irish Human Rights & Equality Commission Act 2014: The obligation on the Commission to intervene to protect fundamental rights..
L	Criminal Justice Act, 1951: Obtaining by false pretences with intent to defraud..
M	The Criminal Procedure Act 2010, Part 3.1.7: Defines 'perjury', 'collusion' and 'attempts to pervert justice' as "Offences against the administration of justice"..
N	The Criminal Law Act 1997, S.4.(1): The right to citizen's arrest, "...anyone who is or whom he or she,.. suspects to be in the act of committing an arrestable offence."

O	The Criminal Law Act 1997, S.7.(1): Penalties for assisting offenders, or impeding the apprehension and prosecution of the accused..
P	The Criminal Law Act 1997, S.6: Referring to complicity before-or-after the fact in “aiding, abetting, counselling or procuring the commission of a criminal offence”..
Q	The Criminal Law Act 1997, S.8.(1): The prohibition on concealing offences or withholding information for ‘gain or reward’ (including enhanced promotion prospects)
R	Criminal Justice Legal Aid Act 1962: The circumstances and procedures under which a litigant is awarded legal aid – violated in this case by C.S. staff, DPP agents and 5 judges
S	Legal Aid – Custody Issues Scheme: “The Legal Aid - Custody Issues Scheme (formerly known as the Attorney General’s Legal Aid Scheme) provides payment for legal representation in the High Court and the Supreme Court for certain types of cases...
T	The Criminal Justice Act 1999, S.41.(1): No improper interference with legitimate criminal prosecutions, or by menacing, or via the intimidation of persons involved..
U	The EU’s General Data Protection Regulation (GDPR) & the EU’s Law Enforcement Directive 2016/680: Regarding the fundamental right to “accuracy of the record”..
V	The Communications Regulations (Postal Services) Act 2011 S.53: The prohibition on the unauthorised opening of private postal packets and mail bags..
W	The Common Law Offence of ‘Contempt of Court’: “..arises when what is said or done ...is of such a nature as to ..endanger public confidence in the court and thereby interfere with the administration of justice:” State (DPP) v Walsh [1981].
X	Criminal Justice (Corruption Offences) Act 2018, S.9: Prohibition on creating or using false or misleading document / instrument / file / CD / data / information..
Y	Prevention of Corruption Act 1906: Punishment of corrupt transactions with agents.
Z	Criminal Justice (Corruption Offences) Act 2018. Sections 5-8: Active & passive corruption / trading in influence / the illicit giving or receipt of gifts, rewards or advantages..

* * *

QUESTION: Is the Irish State effectively complying with the directions in, “Articles 1-7 of the EU Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union” to make ‘passive and active corruption a criminal offence’ and that, “Each Member State shall take the necessary measures to ensure that the conduct referred to.. ...is punishable by effective, proportionate and dissuasive criminal penalties..” inasmuch as the Irish State has declared the same ‘on paper’ in the *Criminal Justice (Corruption Offences) Act 2018* but is not in practice applying or enforcing the same in these, and many other such cases?

4. ADDITIONAL VIOLATIONS OF INTERNATIONAL LAW, AND OF EU DIRECTIVES, PRINCIPLES AND PROTOCOLS BY AGENTS OF THE IRISH STATE. (Shortlist A-Z)

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| A. THE RIGHT OF ACCESS TO JUSTICE | O. THE RIGHT <u>NOT</u> TO BE SUBJECTED TO 'EXCESSIVE FORMALISM' |
| B. THE RIGHT TO FAIR PROCEDURES | P. THE RIGHT TO ADEQUATE TIME AND FACILITIES TO PREPARE ONE'S DEFENCE |
| C. THE RIGHT TO A FAIR TRIAL | Q. THE RIGHT OF ACCESS TO A CASE FILE |
| D. THE RIGHT TO A FAIR HEARING | R. THE RIGHT TO LEGAL AID IN APPEAL HEARINGS |
| E. THE RIGHT TO EQUALITY OF ARMS | S. THE RIGHT TO AN EFFECTIVE REMEDY |
| F. THE RIGHT TO ACCESS A LAWYER | T. REGARDING MISFEASANCE & NONFEASANCE |
| G. THE RIGHT TO ADVERSARIAL PROCEEDINGS | U. REGARDING ABUSE OF PROCESS |
| H. THE RIGHT TO A REASONED DECISION | V. THE VOID COURT ORDER |
| J. THE RIGHT TO BE INFORMED OF PROCEEDINGS | W. REGARDING MISCARRIAGE OF JUSTICE |
| K. THE RIGHT TO THE INDEPENDENCE AND IMPARTIALITY OF 'TRIBUNALS' (COURTS) | X. THE RIGHT TO A PRESUMPTION OF INNOCENCE |
| L. THE RIGHT TO LEGAL AID IN CRIMINAL PROCEEDINGS | Y. RIGHT OF THE COURT TO OVERRULE OR OVERTURN DPP DECISION TO PROSECUTE |
| M. THE RIGHT TO BE ADVISED, DEFENDED AND REPRESENTED IN CRIMINAL PROCEEDINGS | Z. COMPENSATION FOR UNLAWFUL DETENTION |
| N. THE QUALITY OF LEGAL ASSISTANCE | |

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(The following extended quotes are taken largely from, 'The EU Handbook on European Law Relating to Access to Justice' as lodged in judicial review proceedings initiated in the High Court in 2017; which proceedings have since been 'nullified' by the overtly-fraudulent actions of a High Court Judge in collusion with the DPP's Office, the Courts Service, and a number of senior Irish Judges who are engaging in further frauds, deceptions and violations of their respective oaths and of Irish and EU Law in suppressing, denying and/or obstructing any-and-all lawful attempts to secure a valid remedy under domestic law.)

A. THE RIGHT OF ACCESS TO JUSTICE and the right to an effective remedy. Core elements of these rights include *effective* access to a dispute resolution body, the right to fair proceedings and the timely resolution of disputes, the right to adequate redress, as well as the general application of the principles of efficiency and effectiveness to the delivery of justice which should primarily be enforced at national level.

- Articles 6 and 13 of the European Convention on Human Rights (ECHR)
- Article 47 of the EU Charter of Fundamental Rights (CFR)
- Articles 2 (3) and 14 of the United Nations (UN) International Covenant on Civil and

Political Rights (ICCPR)¹

- Articles 8 and 10 of the UN Universal Declaration of Human Rights (UDHR).²

B. THE RIGHT TO FAIR PROCEDURES: The courts will protect the right of its citizens to fair procedures. The court will intervene where a procedure is unfair and oppressive.³ An accused's right to fair procedures is superior to the community's right to have crimes prosecuted.⁴ The constitutional duty to observe *fair procedures* includes the power to dismiss a charge.⁵

C. THE RIGHT TO A FAIR TRIAL: Article 6 of the ECHR and Article 47 of the EU Charter of Fundamental Rights guarantee the right to a fair trial. The right is of fundamental constitutional importance.⁶

D. THE RIGHT TO A FAIR HEARING: The right to a fair and public hearing is enshrined in Article 6.(1) of the ECHR and Article 47 of the EU Charter of Fundamental Rights. Specific safeguards for a fair trial in criminal proceedings are additionally found in Article 6.(2) and (3) of the ECHR and Article 48 of the Charter. The right to a fair hearing includes the right to equality of arms, the right to adversarial proceedings and the right to a reasoned decision.

E. EQUALITY OF ARMS: (i) Under CoE law and EU law. Equality of arms involves ensuring that each party has a reasonable opportunity to present its case in conditions that do not disadvantage either party. Any complaint regarding the absence of equality of arms, "*will be considered in the light of the whole of Article 6 (1) because the principle of equality of arms is only one feature of the wider concept of a fair trial, which also includes the fundamental right that proceedings should be adversarial*".⁷ The CJEU has similarly defined the principle.⁸

(ii) In criminal cases, the principle of equality of arms is safeguarded through the specific defence rights set out in Article 6.(3)(d), namely, "*the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him*". Article 6.(2) and (3) of the ECHR and Article 48 of the EU Charter of Fundamental Rights.. ..include the right to be informed promptly of the nature and cause of the accusation faced and the right to adequate time and facilities for preparing one's defence. The principle of equality of arms is but one example of the umbrella of rights that are now recognised as applying to all types of proceedings in which personal or property rights may be affected.⁹

¹ UN, General Assembly (GA) (1966), International Covenant on Civil and Political Rights (ICCPR), 16 December 1966.

² UN, GA (1948), Universal Declaration of Human Rights (UNDHR), 10 December 1948.

³ McGrath v Garda Commissioner [1990] ILRM 817.

⁴ Z v DPP [1994] 2 ILRM 481; [1994] 2 IR 476; Larkin v O'Dea [1995 SC] 2 ILRM 1.

⁵ DPP v Ní Chondúin [2007] IEHC 321; [2008 HC] 3 IR 498.

⁶ D v DPP [1994 SC] 1 ILRM 435.

⁷ ECtHR, Ruiz-Mateos v. Spain, No. 12952/87, 23 June 1993, para. 63; see also paras. 63–68.

⁸ CJEU, C-199/11, Europese Gemeenschap v. Otis NV and Others, 6 November 2012, para. 71.

⁹ O'Brien v Personal Injuries Assessment Board [2008] IESC 71; [2009 SC] 2 ILRM 22. See also JF v DPP [2005] IESC 24; [2005 SC] 2 IR 174.

F. THE RIGHT TO ACCESS A LAWYER: Under EU law, Directive 2012/13/EU on the right to information in criminal proceedings establishes that Member States must inform suspects and accused persons of their rights, including the right to access a lawyer and the right to remain silent.¹⁰ Under the directive, suspects and accused persons who are arrested must also be provided with a ‘Letter of rights’ containing information on additional rights, including their right to access documents relating to their specific case that are in the possession of the competent authorities – such as evidence or case files.

G. THE RIGHT TO ADVERSARIAL PROCEEDINGS: Under both CoE and EU law, this is another essential component of the right to a fair hearing.¹¹ In practice, this includes: (i) The right to have knowledge of, and comment on, all evidence filed to influence the court’s decision;¹² (ii) The right to have sufficient time to familiarise oneself with the evidence before the court;¹³ (iii) The right to produce evidence.¹⁴

The courts must consider whether the procedure applied as a whole complied with the requirements of the right to adversarial proceedings.¹⁵

H. THE RIGHT TO A REASONED DECISION: This is another core aspect of the right to a fair hearing.¹⁶ A reasoned decision demonstrates that a case has been heard properly and permits the parties to bring an appropriate and effective appeal.¹⁷

J. THE RIGHT TO BE INFORMED OF PROCEEDINGS: Where an accused does not appear at trial in person, there is no violation if the accused was informed of the date and place of the trial or was defended by a legal counsellor to whom s/he had given a mandate to do so.¹⁸ Conversely, if the accused has NOT been informed of the date of the trial, and has had NO legal representation assigned to them (such as occurred in this case) then clearly there HAS been a violation of Article 6.

K. THE RIGHT TO THE INDEPENDENCE AND IMPARTIALITY OF ‘TRIBUNALS’ (I.E. COURTS): CoE and EU law require tribunals to be independent and impartial. A tribunal is presumed to be impartial unless proved otherwise – or unless they repeatedly *demonstrate* otherwise such as in this case.

¹⁰ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ 2012 L 142.

¹¹ ECtHR, Ruiz-Mateos v. Spain, No. 12952/87, 23 June 1993, para. 63; CJEU, C-300/11, ZZ v. Secretary of State for the Home Department, 4 June 2013, para. 55. In relation to criminal proceedings, see ECtHR, Brandstetter v. Austria, Nos. 11170/84, 12876/87 and 13468/87, 28 August 1991, paras. 66–67

¹² ECtHR, Vermeulen v. Belgium, No. 19075/91, 20 February 1996, para. 33.

¹³ ECtHR, Krcmar v. Czech Republic, No. 35376/97 3 March 2000, para. 42.

¹⁴ ECtHR, Clinique des Acacias and Others v. France, Nos. 65399/01, 65406/01, 65405/01 and 65407/01, 13 October 2005, para. 37.

¹⁵ ECtHR, Rowe and Davies v. the United Kingdom, No. 28901/95, 16 February 2000, para. 62.

¹⁶ See Council of Europe, CCEJ (2008), Opinion N°11 on “the quality of judicial decisions”, 18 December 2008.

¹⁷ ECtHR, Hadjianastassiou v. Greece, No. 12945/87, 16 December 1992, para. 33. Compare with ECtHR, Jodko v. Lithuania (dec.), No. 39350/98, 7 September 1999. On EU law, see CJEU, C-619/10, Trade Agency Ltd v. Seramico Investments Ltd, 6 September 2012, para. 53.

¹⁸ ECtHR, Håkansson and Sturesson v. Sweden, No. 11855/85, 21 February 1990, para. 66; CJEU, C-399/11, Stefano Melloni v. Ministerio Fiscal, 26 February 2013, para. 49.

L. THE RIGHT TO LEGAL AID IN CRIMINAL PROCEEDINGS: (i) Under CoE law, an explicit right to legal aid in criminal proceedings is set out in Article 6.(3)(c) of the ECHR and is guaranteed under Article 48.(2) of the EU Charter of Fundamental Rights. This provides that everyone charged with a criminal offence has a right to free legal aid if they do not have ‘sufficient means’ to pay for legal assistance (the financial or means test), where the ‘interests of justice’ so require. The ‘interests of justice’ test includes consideration of the seriousness of the offence and the severity of the potential sentence, the complexity of the case and the defendant’s personal situation.

(ii) Where liberty is at stake, the interests of justice call for legal representation. The right of access to a lawyer in criminal proceedings applies throughout the entire proceedings, from police questioning to the appeal.¹⁹

(iii) Article 6.(3)(c) of the ECHR sets out the right to be defended by a lawyer of one’s own choosing, which can be subjected to limitations if the interests of justice so require. Where “*the proceedings were clearly fraught with consequences for the applicant*” and the case is complex, legal aid should be granted.²⁰ Even where applicants are educated persons who can understand the proceedings, the important issue is whether they can actually defend themselves without a lawyer.²¹ Applicants do not have to show that the absence of legal aid caused “*actual damage*” to their defence; they must only show that it appears “*plausible in the particular circumstances*” that a lawyer would be of assistance.²² Where an individual’s liberty is at stake, the interests of justice in principle call for legal representation.²³ This obligation arises even if there is only a possibility of a custodial sentence.²⁴

(iii) The Irish Citizens Information website states: “*In Ireland if your constitutional right to legal representation applies and you don't have the means to pay for legal representation, then the State (or Government) is obliged to provide that legal representation. The Supreme Court has held that there is a need to put the defendant on equal terms with the prosecution. Without legal representation, an ordinary person without any experience of criminal law and court proceedings would be at a serious disadvantage up against the legal resources of the prosecution.*”²⁵

M. THE RIGHT TO BE ADVISED, DEFENDED AND REPRESENTED IN CRIMINAL PROCEEDINGS:

(i) Article 6.(3)(c) of the ECHR and Article 48.(2) of the EU Charter of Fundamental Rights explicitly guarantee the right to legal assistance in criminal matters. Article 6.(3)(b) of the ECHR sets out the right to adequate time and facilities to prepare one’s defence. This is closely linked to Article 6.(3)(c) because adequate time and facilities are required to make

¹⁹ ECtHR, Salduz v. Turkey, No. 36391/02, 27 November 2008.

²⁰ ECtHR, Pham Hoang v. France, No. 13191/87, 25 September 1992, paras. 40–41.

²¹ ECtHR, Zdravko Stanev v. Bulgaria, No. 32238/04, 6 November 2012, para. 40.

²² ECtHR, Artico v. Italy, No. 6694/74, 13 May 1980, paras. 34–5.

²³ ECtHR, Benham v. the United Kingdom, No. 19380/92, 10 June 1996, para. 61.

²⁴ See, for example, ECtHR, Quaranta v. Switzerland, No. 12744/87, 24 May 1991, para. 33; ECtHR, Perks and others v. the United Kingdom, Nos. 25277/94, 25279/94, 25280/94, 25282/94, 25285/94, 28048/95, 28192/95 and 28456/95, 12 October 1999.

²⁵ OBLIGATION ON THE STATE TO PROVIDE LEGAL AID: <http://www.citizensinformation.ie/en/justice/legal>

effective the right to legal assistance.

(ii) The right to legal assistance applies to the entire proceedings, from the police investigation to the conclusion of the appeal. Access to a lawyer in the early stages of proceedings is particularly important. The right to legal assistance requires the provision of ‘effective representation’ and not just the mere presence of a lawyer. Waiver of the right must: (a) be established in an unequivocal manner; (b) be attended by minimum safeguards commensurate to its importance; (c) be voluntary and (d) constitute a knowing and intelligent relinquishment of a right.

(iii) Article 6 of the ECHR explicitly guarantees the right to be advised, defended and represented in criminal proceedings – which is absolute. Legal assistance can take many forms – for example, advice during questioning, representation in court, and preparation of appeals – but the right applies to the whole proceeding.²⁶

(iv) Under EU law, the right to legal assistance in criminal proceedings has been recognised as one of the fundamental elements of a fair trial;²⁷ appointed lawyers must be given adequate time and facilities to prepare their clients’ defence.

(ii) In criminal and non-criminal proceedings, a person may be self-represented unless the interests of justice require otherwise – for example, to protect the rights of the accused or suspected person or if representation is required for the effective administration of justice. Determining whether the interests of justice require the compulsory appointment of a lawyer falls within the margin of appreciation of domestic courts.²⁸

N. QUALITY OF LEGAL ASSISTANCE: (i) The right to legal assistance is a right to *effective* assistance and representation.²⁹ The presence of a lawyer who has no opportunity to intervene to ensure respect for the accused or suspected person’s rights is of no benefit to the accused or suspected person.³⁰

(ii) Under CoE law, how to conduct the defence is essentially a matter between the accused or suspected person and his/her lawyer, but if relevant authorities are alerted to a “manifest shortcoming” on the part of the lawyer, they should act.³¹ This obligation arises only where the failure to provide effective representation was “*manifest or sufficiently brought to [the state’s] attention*”.³² For example, when an appeal is deemed inadmissible due to a lawyer’s omissions, this may violate the right to a practical and effective defence.³³ Only shortcomings imputable to state authorities can give rise to a violation of Article 6 (3) (c).³⁴ For example, state liability may arise where a state is

²⁶ ECtHR, *Salduz v. Turkey*, No. 36391/02, 27 November 2008; see also ECtHR, *Yevgeniy Petrenko v. Ukraine*, No. 55749/08, 29 January 2015, para. 89.

²⁷ CJEU, C-7/98, *Dieter Krombach v. André Bamberski*, 28 March 2000, para. 39.

²⁸ Handbook on European Law relating to access to justice p.89

²⁹ ECtHR, *Imbrioscia v. Switzerland*, No. 13972/88, 24 November 1993, para. 43.

³⁰ ECtHR, *Aras v. Turkey (No. 2)*, No. 15065/07, 18 November 2014, para. 40.

³¹ ECtHR, *Daud v. Portugal*, No. 22600/93, 21 April 1998, para. 42.

³² ECtHR, *Imbrioscia v. Switzerland*, No. 13972/88, 24 November 1993, para. 41.

³³ ECtHR, *Czekalla v. Portugal*, No. 38830/97, 10 October 2002, paras. 63-65; ECtHR, *Vamvakas v. Greece (no.2)*, No. 2870/11, 9 April 2015, paras. 39-43.

³⁴ ECtHR, *Tripodi v. Italy*, No. 13743/88, 22 February 1994, para. 30.

aware that a lawyer has failed to act for the accused.³⁵ Under EU law, the Directive on the right of access to a lawyer confirms that a suspect or an accused person have the right for his/her lawyer to *“be present and participate effectively”*.³⁶ *The lawyer’s participation must be, “in accordance with procedures under national law, provided that such procedures do not prejudice the effective exercise and essence of the right concerned.”*

O. THE RIGHT NOT TO BE SUBJECTED TO ‘EXCESSIVE FORMALISM’: Excessive formalism (a strict interpretation of procedural rules) may deprive applicants of their right of access to Court. Limitation periods must be proportionate and serve a legitimate aim – such as the proper administration of justice or preventing injustice arising from old claims.

P. ADEQUATE TIME AND FACILITIES TO PREPARE ONE’S DEFENCE: Under CoE law and EU law, the accused or suspected person is entitled to adequate time and facilities to prepare his/her defence. This is because a lawyer’s ability to provide effective legal assistance may be undermined by the circumstances in which s/he can meet or communicate with a client. This right is set out in Article 6 (3) (b) of the ECHR and included in the rights of the defence under Article 48 (2) of the EU Charter of Fundamental Rights.

Q. ACCESS TO THE CASE FILE: (i) Under CoE law, the right to effective assistance implies access to the file.³⁷ The file includes all documents useful for determining the appropriate legal characterisation. Whether the time and facilities are adequate is assessed in light of the circumstances of each particular case.³⁸ A balance must be achieved between ensuring that proceedings are conducted within a reasonable time and allowing sufficient time to conduct and prepare one’s defence. The question to be addressed is whether the overall effect of any difficulties contravened the right to a fair trial.³⁹ For example, the absence of any time for consultation between the person charged with a criminal offence and the lawyer may amount to a violation of Article 6.(3)(b) because a person charged with a criminal offence cannot be properly assisted without this.⁴⁰

(ii) Under EU law, several directives impose specific obligations on EU Member States.⁴¹ E.G. Article 3.(1) of the Directive on the right of access to a lawyer requires that access to a lawyer is provided in such time and manner so as to allow the persons concerned to exercise their rights of defence practically and effectively. Article 3.(3) gives suspects or accused persons the right to meet in private and communicate with the lawyer representing them. Article 3.(4) requires EU Member States to make available general information to facilitate the obtaining of a lawyer by suspects or accused persons.

³⁵ ECtHR, *Artico v. Italy*, No. 6694/74, 13 May 1980, para. 33.

³⁶ Directive 2013/48/EU, Art. 3 (3) (b).

³⁷ ECtHR, *Dayanan v. Turkey*, No. 7377/03, 13 October 2009.

³⁸ ECtHR, *Iglin v. Ukraine*, No. 39908/05, 12 January 2012, para. 65.

³⁹ ECtHR, *Öcalan v. Turkey*, No. 46221/99, 12 May 2005, para. 148.

⁴⁰ ECtHR, *Campbell and Fell v. the United Kingdom*, Nos. 7819/77 and 7878/77, 28 June 1984, para. 99.

⁴¹ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 20143 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, OJ 2013 L 294/1.

(iii) Additionally, the Directive on the right to information in criminal proceedings imposes obligations to inform suspects and accused persons on their rights in criminal proceedings, including, for example, their right to access case materials to prepare their defence.⁴² However, the latest restrictions within *Rule 84 (Judicial Review)* and within *High Court Practice Direction 86* – which latter rule prohibits direct access to one’s own case file are two such recent examples where the Irish Courts are violating EU Directives for the purposes of enforcing secrecy and maintaining exclusive control over case files.

R. LEGAL AID IN APPEAL HEARINGS: Where substantial issues of law arise in appeal hearings, free legal assistance has been required.⁴³ Once it becomes clear that an appeal raises an issue of complexity and importance, the applicant should be given legal aid in the interests of justice.⁴⁴ The ECtHR has stated, however, that the interests of justice do not require the automatic granting of legal aid whenever a convicted person, with no objective likelihood of success, wishes to appeal after receiving a fair trial at first instance in accordance with Article 6 of the ECHR.⁴⁵

S. THE RIGHT TO AN EFFECTIVE REMEDY: (i) Individuals are entitled to redress for violations of their human rights. This means that they must be able to obtain a remedy. This is set out in Article 13 of the ECHR and Article 47 of the EU Charter of Fundamental Rights. It is also found in international instruments – such as Article 8 of the UDHR and Article 2.(3) of the ICCPR.⁴⁶ Under CoE law, Article 13 of the ECHR offers protection to individuals who wish to complain about alleged violations of their rights under the convention. *“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”*.

(ii) Article 13 permits individuals to claim a remedy before a national authority for arguable claims that one or more of their rights set out in the ECHR have been violated.⁴⁷ Article 13 therefore involves claims alleging substantive breaches of ECHR provisions. This reinforces Article 35 of the ECHR, which requires individuals to exhaust domestic remedies before they have recourse to the ECtHR – and provides an additional guarantee to ensure that rights are protected, first and foremost, at the national level.⁴⁸ Under EU law, Article 47 of the Charter of Fundamental Rights states: *“Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article”*.⁴⁹ The right to an effective remedy has long been a core element of an EU legal

⁴² Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ 2012 L142.

⁴³ ECtHR, *Pakelli v. Germany*, No. 8398/78, 25 April 1983, paras. 36–38.

⁴⁴ ECtHR, *Granger v. the United Kingdom*, No. 11932/86, 28 March 1990, para. 47.

⁴⁵ ECtHR, *Monnell and Morris v. the United Kingdom*, Nos. 9562/81 and 9818/82, 2 March 1987, para. 67.

⁴⁶ Specific protections for detainees are also found in ECHR Art. 5 (4), which guarantees a right of habeas corpus. See also EU Charter of Fundamental Rights, Art. 6, and ICCPR, Art. 9 (4).

⁴⁷ ECtHR, *Klass and Others v. Germany*, No. 5029/71, 6 September 1978, para. 64.

⁴⁸ ECtHR, *Kudła v. Poland*, No. 30210/96, 26 October 2000, para. 152.

⁴⁹ CJEU, C-402/05 P and C-415/05 P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the*

order based on the rule of law.⁵⁰ The CJEU has also emphasised the close connection between effective judicial protection under Article 47 of the EU Charter of Fundamental Rights and Articles 6 and 13 of the ECHR.

(iii) Under EU law, the CJEU has recognised Member States' obligation to provide remedies that are sufficient to ensure the effective judicial protection of rights in fields covered by Union law. This is based on the principles of effectiveness and equivalence. The principle of effectiveness requires that domestic law does not make it impossible or excessively difficult to enforce rights under EU law.⁵¹ The principle of equivalence requires that the conditions relating to claims arising from EU law are not less favourable than those relating to similar actions of a domestic nature. Thus, under EU law, Member States are legally bound to establish systems of legal remedies and procedures to ensure respect for the right to effective judicial protection guaranteed by EU law.⁵² This would be undermined by national legal provisions or judicial practices that impair the effectiveness of EU law.⁵³

T. MISFEASANCE & NONFEASANCE: (i) The Applicant maintains that there have been serial acts of misfeasance and nonfeasance throughout this case. 'Misfeasance' is defined in the legal dictionary as: "*An improper performance of an otherwise lawful act e.g. where there is an act of positive negligence.*"

(ii) 'Nonfeasance' is defined as: "*The neglect or failure to perform an act which one is bound by law to perform.*"⁵⁴

(iii) The Irish High Court has held that the tort of *misfeasance in public office* consists of a purported exercise of some power or authority by a public officer otherwise than in an honest attempt to perform the functions of his office resulting in loss to the claimant.⁵⁵ To constitute the tort (a) there must be the exercise of an otherwise legitimate public power in bad faith for an ulterior or improper motive or (b) the public officer acted in bad faith by carrying out an act in the actual knowledge that he has no legal power to do so.⁵⁶

(iv) Misfeasance in public office encompassed two forms of misconduct namely, where there was targeted malice towards an individual involving the exercise of the public

European Union and Commission of the European Communities, 3 September 2008, para. 335.

⁵⁰ CJEU, C-294/84, Parti écologiste "Les Verts" v. European Parliament, 23 April 1986; CJEU, C-50/00 P, Unión de Pequeños Agricultores v. Council, 25 July 2002; CJEU, C-222/84, Marguerite Johnston v. Chief Constable of the Royal Ulster Constabulary, 15 May 1986.

⁵¹ CJEU, C-33/76, Rewe-Zentralfinanz eG and Rewe-Zentral AG v. Landwirtschaftskammer für das Saarland, 16 December 1976. For more recent examples, see CJEU, C-415/11, Mohamed Aziz v. Caixa d'Estalvis de Catalunya, Tarragona i Manresa (Catalunyacaixa), 14 March 2013, para. 50, and CJEU, Joined cases C-482/13, C-484/13, C-485/13, C-487/13, Unicaja Banco SA v. José Hidalgo Rueda and Others, Caixabank SA v. Manuel María Rueda, Ledesma and Others, Caixabank SA v. José Labella Crespo and Others and Caixabank SA v. Alberto Galán Luna and Others, 21 January 2015.

⁵² TEU, Articles 4 (3) and 19. See CJEU, C-50/00 P, Unión de Pequeños Agricultores v. Council of the European Union, 25 July 2002, paras. 39-41. See also CJEU, T-461/08, Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE v. European Investment Bank (EIB), 20 September 2011, para 46.

⁵³ CJEU, C-213/89, The Queen v. Secretary of State for Transport, ex parte: Factortame Ltd and Others, 19 June 1990, para. 20.

⁵⁴ Murdoch & Hunt's Dictionary of Irish Law 6th Ed.

⁵⁵ Giles Kennedy v Law Society [2004 HC] 1 ILRM 178.

⁵⁶ Ibid Kennedy case, following Three Rivers District Council v Bank of England [2003] 3 All ER 1

power for an improper or ulterior motive or, where there was reckless indifference as to the illegality in question and the consequences of same.⁵⁷

(v) The Applicant further alleges various acts of nonfeasance, in particular, inasmuch as the Respondent Judge failed / refused / neglected to conduct the Appeal hearing with respect for the Applicant's fundamental rights.

U. ABUSE OF PROCESS: It has been held that the court's power to dismiss proceedings which constitute an abuse of process is an inherent power of the court. Whilst there is no time limit within which an abuse of process claim may be made, it was desirable that any such claim would be raised at the earliest reasonable stage in the proceedings to avoid time and cost implications.⁵⁸

V. THE VOID COURT ORDER:

- a) "A void order results from a 'fundamental defect' in proceedings,⁵⁹ or from a 'without jurisdiction' / *ultra vires* act of a public body or judicial office holder."⁶⁰
- b) "A fundamental defect in proceedings will make the whole proceedings a nullity."⁶¹
- c) "A 'fundamental defect' includes.. ..where proceedings.. ..fail to comply with a statutory requirement."⁶²
- d) "Failure to comply with a statutory requirement includes rules made pursuant to a statute"⁶³
- e) "A 'without jurisdiction' / *ultra vires* act is any act which a Court did not have power to do."⁶⁴
- f) "A void order does not have to be obeyed because.. if an order is *void ab initio* (from the beginning) then there is no real order of the Court."⁶⁵
- g) "If the higher Court's order" (*in this case the Circuit Court*) "is founded on a lower Court's void act or invalid claim" (*the District Court*) "then the higher Court's decision will also be void."⁶⁶ (*Parentheses and text in italics added here by the Applicant*)
- h) "If a procedure is irregular it can be waived by the defendant but if it is null it cannot be waived and all that is done afterwards is void."⁶⁷
- i) "A void order is incurably void and all proceedings based on the invalid claim or void act are also void. Even a decision of the higher Courts (High Court, Court of Appeal and Supreme Court) will be void if the decision is founded on an invalid claim or void act, because something cannot be founded on nothing."⁶⁸

⁵⁷ Kennedy v Law Society of Ireland [2005 SC] 3 IR 228.

⁵⁸ SM v Ireland [2007] IESC 11; [2007 SC] 3 IR 283.

⁵⁹ Upjohn L J in Re Pritchard (deceased) [1963] 1 Ch 502 and Lord Denning in Firman v Ellis [1978] 3 WLR 1

⁶⁰ Lord Denning in Pearman v Governors of Harrow School [1978] 3 WLR 736

⁶¹ Pritchard (deceased) [1963] Upjohn L J

⁶² Ibid.

⁶³ Smurthwaite v Hannay [1894] A.C. 494

⁶⁴ Lord Denning in Firman v Ellis [1978].

⁶⁵ Crane v Director of Public Prosecutions [1921]

⁶⁶ Lord Denning in MacFoy v United Africa Co. Ltd. [1961] 3 All ER

⁶⁷ Fry v. Moore (1889), 23 Q.B.D. 395 Lindley, L.J.

⁶⁸ Lord Denning in MacFoy v United Africa Co. Ltd. [1961]

- j) “A person affected by both a void or voidable order has the right – *ex debito justitiae* – to have the order set aside, (which means that the Court does not have discretion to refuse to set aside the order or to go into the merits of the case).”⁶⁹
- k) “The procedure for setting aside a void order is by application to the Court which made the void order, although it can also be set aside by appeal although an appeal is not necessary, or it can quashed or declared invalid by Judicial Review (where available) and where damages may also be claimed.”⁷⁰
- l) “Although an appeal is not necessary to set aside a void order, if permission to appeal is requested and if out of time the Court should grant permission because time does not run because the order is void and the person affected by it has the right to have it set aside.”⁷¹
- m) “A void act is void from the outset and no Court – not even the House of Lords (now the UK Supreme Court) – has jurisdiction to give legal effect to a void act no matter how unreasonable that may seem, because doing so would mean reforming the law which no Court has power to do because such power rests only with Parliament. The duty of the Court is to interpret and apply the law not reform or create it.”⁷²
- n) “It is never too late to raise the issue of nullity and a person can ignore the void order or claim and raise it as a defence when necessary.”⁷³
- o) “An order which can properly be described as a nullity is something which the person affected by it is entitled *ex debito justitiae* to have set aside.”⁷⁴

“Although a void order has no legal effect from the outset it may sometimes be necessary to have it set aside because as Lord Radcliffe once said: ‘It bears no brand of invalidity on its forehead’.”⁷⁵

W. MISCARRIAGE OF JUSTICE: (i) Is defined as ‘a breach of natural justice’.⁷⁶ The primary meaning of “*miscarriage of justice*” is that the person is, on the balance of probability as established by relevant and admissible evidence, innocent of the offence of which he was convicted.^{77 78} Compensation may be payable to the convicted person where a *newly-discovered* fact shows that there had been a miscarriage.⁷⁹ The court is concerned with whether the newly discovered facts were tantamount to providing a miscarriage of justice; it was not confined to the question of actual innocence but extended to the administration of justice itself.⁸⁰

⁶⁹ Lord Greene in *Craig v Kanssen* [1943].

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² In *Bellinger v Bellinger* [2003] UKHL 21

⁷³ *Wandsworth London Borough Council v. Winder* [1985] A.C. 461; *Smurthwaite v Hannay* [1894] A.C. 494; Upjohn LJ in *Re Pritchard* (deceased) [1963]; Lord Denning in *MacFoy v United Africa Co. Ltd.* [1961]

⁷⁴ *Craig v Kanssen* [1943] Lord Greene.

⁷⁵ ‘The Discipline of Law’ by Lord Denning. Butterworths 1979 – p.77

⁷⁶ *Finlay J. in the State (Healy) v DJ Ballagh* [HC - 22 April 1983]

⁷⁷ *The People (DPP) v Pringle* (No 2) [1997 SC] 2 IR 225.

⁷⁸ *DPP v Hannon* [2009] IECCA 43; [2009 CCA] 2 ILRM 235

⁷⁹ *Ibid* s.9

⁸⁰ *The People (DPP) v Shortt* (No 2) [2002 CCA] 2 IR 696.

(ii) Any proven miscarriage of justice – whether the originating charge was indictable or summary – or with or without a jury – requires a remedy from the Courts, especially when a newly-discovered fact (or evidence) demonstrates the commission of deliberate acts of *criminal* prosecutorial and judicial misconduct during the original prosecution.

X. PRESUMPTION OF INNOCENCE: (i) *“The presumption of innocence is personal to the dignity and status of every citizen”*.⁸¹ *“The presumption of innocence is a very real thing and is not simply a procedural rule taking effect only at the trial”*.⁸² The presumption of innocence in a criminal trial is implicit in the 1937 Constitution (Article 38.1) that, *“No person shall be tried on any criminal charge save in due course of law”*.⁸³ A trial held otherwise than in accordance with the presumption of innocence is not one *‘in due course of law’*; however a limitation on the presumption of innocence could be constitutionally permissible.^{84 85}

(ii) *“The presumption of innocence, thus so securely entrenched nationally and internationally, is not only a right in itself: it is the basis of other aspects of a trial in due course of law at common law.”*⁸⁶ The Supreme Court has held that an accused person was entitled to a presumption of innocence free from any inferences in media coverage that they were guilty of the crimes which they were charged which could potentially prejudice his trial.⁸⁷

Y. RIGHT OF THE COURT TO OVERRULE OR OVERTURN DECISION OF DPP TO PROSECUTE:

The Applicant has discovered a rule which applies in cases before the Special Criminal Court which, it is assumed, must equally apply in principle to a criminal case in the District Court whereby the Court may review a decision by the DPP to prosecute if the applicant can establish; (a) a *prima facie* case of some irregularity of a serious nature such as to amount to some impropriety,⁸⁸ or (b) evidence of *mala fides* (qv) on the part of the DPP or evidence that the DPP was influenced by an improper motive or improper policy.⁸⁹

Z. COMPENSATION FOR UNLAWFUL DETENTION: (i) Article 5 (5) of the ECHR sets out an enforceable right to compensation for individuals arrested or detained in contravention of Article 5.⁹⁰ According to the Explanations to the EU Charter of Fundamental Rights, rights guaranteed by Article 5 of the ECHR are protected via Article 6 of the Charter. States have a wide margin of appreciation regarding the amount to be paid, and may require proof of damage.⁹¹ However, an award cannot be considerably lower than those awarded by the

⁸¹ Murray J in *O’C v DPP* [2000] 3 IR 87 at 103.

⁸² Walsh J in *People (AG) v O’Callaghan* [1966] IR 501 at 513

⁸³ *Rock v Ireland* [1998 SC] 2 ILRM 35; [1997 SC] 3 IR 484.

⁸⁴ *O’Leary v AG* [1991 HC] ILRM 455

⁸⁵ *Harvey v Ocean Accident & Guarantee Corporation* [1905] 2 IR 1; *Ryan v DPP* [1989] IR 399

⁸⁶ *People (DPP) v DO’T* [2003 CCA] 4 IR 286

⁸⁷ *Rattigan v DPP* [2008] IESC 34; [2008 SC] 4 IR 639

⁸⁸ *Foley v DPP* [1989 HC] ICLR (25 Sep)

⁸⁹ *Kavanagh v Government of Ireland* [1996 HC] 1 ILRM 132.’

⁹⁰ See also Protocol 7 to the ECHR, Art. 3 (addressing compensation in the case of miscarriage of justice).

⁹¹ ECtHR, *Wassink v. the Netherlands*, No. 12535/86, 27 September 1990, para. 38.

ECtHR for similar Article 5 violations.⁹²

(ii) State liability arises when there has been a breach of the EU treaties attributable to the state⁹³ or a failure to follow the CJEU's case law.⁹⁴ Member State liability may also arise in cases between individuals if rights derived from EU law are at issue.⁹⁵

* * *

THE REFUSAL OF THE IRISH STATE AND THE LAW SOCIETY TO PROVIDE LEGAL AID.

At the time of composing this Report, the author is in possession of 3 authorisations for legal aid, the first of which was issued on September 6th 2016. Despite 'possession' of these certificates (in the form of authorisation from the Court and/or being statutorily qualified for the same) and despite having personally contacted 1,874 Irish barristers and ALL of the solicitors on the Irish Law Society's Legal Aid Panel, the author remains unrepresented and with no apparent prospect of representation, given that several judges have now either failed or refused to acknowledge this fundamental human right and have continued the various trials and hearings "regardless" – in open violation of EU law.

March 15th 2018

Dear Law Society Staff;

I was recently awarded a legal aid certificate for my defence in a case in Castlebar District Court where I am facing vexatious and contrived public order charges. I advised the Judge that I was being effectively 'stonewalled' by local solicitors. The Judge advised me that if I couldn't find a solicitor from the Legal Aid Panel that I should contact the Law Society. The next hearing in this case is due very shortly, and I will be returning to the said Judge without any effective legal representation - given that none of the solicitors on the Legal Aid Panel will undertake to represent me. Accordingly, I would appreciate some formal written response that can be presented to the Court.

Yours,

Dr Stephen Manning.

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

NO RESPONSE

⁹² ECtHR, Cristina Boicenco v. Moldova, No. 25688/09, 27 September 2011, para. 43.

⁹³ CJEU, Joined cases C-46/93 and C-48/93, Brasserie du Pêcheur SA v. Bundesrepublik Deutschland and The Queen v Secretary of State for Transport, ex parte: Factortame Ltd and others, 5 March 1996, para. 34.

⁹⁴ See also CJEU, C-224/01, Gerhard Köbler v. Republik Österreich, 30 September 2003, para. 56.

⁹⁵ CJEU, C-453/99, Courage Ltd v. Bernard Crehan and Bernard Crehan v. Courage Ltd and Others, 20 September 2001.

5. ADDITIONAL VIOLATIONS OF EU LAW, DIRECTIVES AND PROTOCOLS. *As drawn from a recent appeal application which Supreme Court Staff refused to even read or consider, threatening to summarily ‘dispose of it’ if it was lodged or served on that Office. A subsequent appeal challenging that unlawful refusal and a parallel appeal to the Court of Appeal have resulted in the generation of additional fraudulent documents and the absurd circumstances where the Presidents of two Courts have simply got up and abandoned their Courts instead of dealing with the black-and-white evidence that was placed before them.*

(i) Under the Charter of Fundamental Rights of the European Union (CFREU), EU citizens are entitled to “*the rule of law*”. The Charter further requires that Member States’ actions be “*within the scope of EU law*” and that EU membership is conditional on “*The Copenhagen Criteria*” as laid down at the June 1993 European Council in Denmark, regarding the stability and functioning of domestic institutions that guarantee (specifically in this case); (a) the rule of law, and (b) human rights.

(ii) The (presumed) required “statutory safeguards” and “legal remedies” within Member States’ domestic laws (as per “*The Copenhagen Criteria*”) thereby provides the basis for the inclusion of Article 51 in the Charter, which in turn allows the Charter to be invoked —only when Member States are implementing Union law. In respect of the *application* of Article 51, the *European Union Agency for Fundamental Rights* acknowledges the principle of ‘subsidiarity’ quoting that Member States, “*..shall therefore respect the rights, observe the principles and promote the application thereof (of the Charter) in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.*”

(iii) The Judgment of the CJEU (Grand Chamber) in February 2013 [Case C617/10] states: “*Article 51 of the Charter thus confirms the Court’s case-law relating to the extent to which actions of the Member States must comply with the requirements flowing from the fundamental rights guaranteed in the legal order of the European Union.*” (and) “*The Court’s settled case-law indeed states, in essence, that the fundamental rights guaranteed in the legal order of the European Union are applicable in all situations governed by European Union law, but not outside such situations. In this respect the Court has already observed that it has no power to examine the compatibility with the Charter of national legislation lying outside the scope of European Union law. On the other hand, if such legislation falls within the scope of European Union law, the Court, when requested to give a preliminary ruling, must provide all the guidance as to interpretation needed in order for the national court to determine whether that legislation is compatible with the fundamental rights the observance of which the Court ensures.*” (and) “*Since the fundamental rights guaranteed by the Charter must therefore be complied with where national legislation falls within the scope of European Union law, situations cannot exist which are covered in that way by European Union law without those fundamental rights being applicable. The applicability of European Union law entails applicability of the fundamental rights guaranteed by the Charter.*”

(iv) The Judgment of the CJEU (Grand Chamber) of 4 December 2018 [Case C-378/17] states: “*..in accordance with the Court’s settled case-law, the primacy of EU law means that*

the national courts called upon, in the exercise of their jurisdiction, to apply provisions of EU law must be under a duty to give full effect to those provisions, if necessary refusing of their own motion to apply any conflicting provision of national law, and without requesting or awaiting the prior setting aside of that provision of national law by legislative or other constitutional means.” (and) “Accordingly, any provision of a national legal system and any legislative, administrative or judicial practice which might impair the effectiveness of EU law by withholding from the national court having jurisdiction to apply such law the power to do everything necessary at the moment of its application to disregard national legislative provisions which might prevent directly applicable EU rules from having full force and effect are incompatible with the requirements which are the very essence of EU law.”⁹⁶ (and) “As the Court has repeatedly held, that duty to disapply national legislation that is contrary to EU law is owed not only by national courts, but also by all organs of the State — including administrative authorities — called upon, within the exercise of their respective powers, to apply EU law.”⁹⁷ (and) “It follows that the principle of primacy of EU law requires not only the courts but all the bodies of the Member States to give full effect to EU rules.” (and) “..Member States are to ensure that judicial and/or administrative procedures.. ..are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them.” (and) “..the principle of primacy of EU law requires [‘a body upon which the national legislature has conferred the power’] to provide, within the framework of that power, the legal protection which individuals derive from EU law and to ensure that EU law is fully effective, disapplying, if need be, any provision of national legislation that may be contrary thereto.”⁹⁸ (and) “..a ‘court or tribunal’ within the meaning of Article 267 TFEU may refer to the Court, pursuant to that article, questions of interpretation of relevant provisions of EU law and, as it is bound by the judgment in which the Court gives a preliminary ruling, it must forthwith apply that judgment, disapplying, if necessary, of its own motion conflicting provisions of national legislation.” (and) “Rules of national law, even constitutional provisions, cannot be allowed to undermine the unity and effectiveness of EU law.” (and) “It follows from the principle of primacy of EU law, as interpreted by the Court in the case-law referred to.. ..that bodies called upon, within the exercise of their respective powers, to apply EU law are obliged to adopt all the measures necessary to ensure that EU law is fully effective, disapplying if need be any national provisions or national case-law that are contrary to EU law.” (and) “EU law, in particular the principle of primacy of EU law, must be interpreted as precluding national legislation.”

(v) Notwithstanding the said stated supremacy of EU law, there is accordingly, a binding contractual requirement on the part of subsidiary Member States—in order to properly qualify, endorse and ratify the Article 51 exclusionary rule—and indeed to qualify their continued membership of the Union—that Member States are in reality and in actual fact,

⁹⁶ Judgments of 9 March 1978, *Simmmenthal*, 106/77, EU:C:1978:49, paragraph 22; of 19 June 1990, *Factortame and Ors*, C-213/89, EU:C:1990:257, paragraph 20; and of 8 September 2010, *Winner Wetten*, C-409/06, EU:C:2010:503, paragraph 56.

⁹⁷ Judgments of 22 June 1989, *Costanzo*, 103/88, EU:C:1989:256, paragraph 31; of 9 September 2003, *CIF*, C-198/01, EU:C:2003:430, paragraph 49; of 12 January 2010, *Petersen*, C-341/08, EU:C:2010:4, paragraph 80; and of 14 September 2017, *The Trustees of the BT Pension Scheme*, C-628/15, EU:C:2017:687, paragraph 54.

⁹⁸ Judgments of 22 November 2005, *Mangold*, C-144/04, EU:C:2005:709, paragraph 77; of 19 January 2010, *Küçükdeveci*, C-555/07, EU:C:2010:21, paragraph 53; and of 19 April 2016, *DI*, C-441/14, EU:C:2016:278, paragraph 35.

implementing, respecting, applying and abiding by the respective domestic laws which, (a) correspond with, (b) derive from, (c) ‘fall within the scope of’, and (d) are subordinate to – Union law. In short, that in order to ensure “the rule of law” for EU citizens within the Union, that it is clearly an indispensable and absolute requirement that any and all domestic laws—and particularly those which have derived directly from EU laws and Directives—are, (e) actual, real, authentic and effective; (f) are consistent with the Charter; and (g) are directly applicable and enforceable in each Member State via the State’s domestic institutions

(vi) Accordingly, if EU law (and by association the Treaty, the Charter and the European Court of Justice) are to claim jurisdiction and authority over Member States’ domestic laws in the circumstances as laid out under Article 51, then there *must* be some effective mechanism (other than simply being ‘on paper’ and/or posited in vague political promises and premises) that truly guarantees the rights of the EU Citizen in face of the wholesale failures and abuses of the State, such as is occurring in Ireland.

* * *

QUESTION: *Article 41 of the Charter of Fundamental Rights of the European Union (CFREU) states that, “Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.”* Given the Applicant has documented many specific and wholesale abuses of ‘good administration’ by agents of the Irish State as forbidden under the Charter including many proven incidents of fraud, perjury, criminal damage, ‘stonewalling’, the withholding of information and services due, the fabrication of spurious charges, the deliberate delivery of misinformation, and various other acts of misfeasance, nonfeasance and malfeasance; does this place Ireland in violation of Article 41 of the CFREU?

* * *

QUESTION: Given it is a prerequisite of membership of the European Union that prospective and/or existing member States have a properly-functioning justice system; and given that it has been demonstrated in this particular case that domestic justice is NOT being lawfully delivered or consistently applied in Ireland, and that other than existing merely ‘on paper’ that the respective EU laws and Directives which the Irish State is obliged under EU membership criteria to transpose, implement and apply in the domestic sphere – is NOT in fact being implemented or applied in these interconnected cases; accordingly, does the CFREU have direct applicability when a Member State such as Ireland is NOT complying with EU law in its domestic capacity, nor with the remedies and rights enshrined in the CFREU?

* * *

6. LIST OF OFFENDERS BY OCCUPATION OR OFFICE.

FIRST TIER: Offences committed by ‘Officers of the Court’ during the progress of ongoing ‘joined’ JR Cases (a) 2017/798 JR Stephen Manning vs Circuit Court Judge **
*****, & (b) 2018/432 JR Stephen Manning vs District Court Judge *****
& the DPP, plus pending appeal applications to the Court of Appeal (2019/416) and to the Supreme Court, both initiated on September 6th 2019 and since unlawfully suppressed.**

**For a full list of the names of the accused, please email ‘media@integrityireland.ie’.*

No	*Accused	Offence
1.1	DPP Senior Solicitor	Fraud, deception, contempt of Court, perjury, conspiracy to deceive the High Court, obstructing legitimate prosecutions, collusion..
1.2	Garda Detective Sergeant	Fraud, deception, collusion, perjury, failure/refusal to investigate crime, issuing fraudulent summons,
1.3	Prominent Legal Aid Solicitor	Conspiracy to deceive the High Court, including fraud, deception, collusion with the DPP & Gardai, perjury..
1.4a	High Court Judge	Fraud, deception, authored and placed ‘on the record’ two openly-fraudulent documents and then refused to correct them. Complicity in several attempts to deceive the Court and corrupt the record.
1.4b	High Court Judge	Failed/refused to ensure that STM as a EU citizen and a litigant in his Court received ‘accuracy of the record’ and ‘fair procedures’..
1.4c	High Court Judge	Failed to process valid ‘attachment & committal’ proceedings vs DPP & CSSO for contempt of Court – and then lied about it in Court docs
1.4d	High Court Judge	Failed to act on STM’s application for legal aid Feb 2018 & failed to deal with previous unlawful refusals in District & Circuit Courts
1.4e	High Court Judge	Refusal to comply with legitimate citizen’s arrest
1.5	DPP Chief Prosecuting Solicitor	Fraud /deception / obstructing justice (COA Notice & cover ltr)
1.6a	DPP solicitor	Complicity in frauds being perpetrated by High Court Judge
1.6b	DPP solicitor	Refusal to comply with legitimate citizen’s arrest
1.7	DPP barrister	Complicity in frauds being perpetrated by High Court Judge
1.8	High Court Judge	Failed to act on STM’s application for legal aid February 2018
1.9	CEO of Irish Courts Service	Chronic failure / refusal to act on reports / complaints of CS stonewalling & unlawful obstruction / missing & altered docs etc
1.10	Senior Registrar at Four Courts	Multiple instances of ‘failures of service’ and then ‘overlooked’ court-related correspondence for 30 days...
1.11a	Senior Executive Legal Officer for the Chief Justice	Opening sealed mail addressed to Chief Justice
1.11b	As above..	Making false statements in 2 letters
1.12a	Senior Registrar, Supreme Court	Failing/refusing to acknowledge or respond to correspondence
1.12b	Senior Registrar, Supreme Court	Repeat historical obstruction of STM’s SC 2017 applications and recent misleading/deceptive letter regarding current SC appeal..
1.12c	Senior Registrar, Supreme Court	(Possible) creation of fraudulent document (re here below) – Courts Service has failed to respond to repeat requests for clarification..?
1.13	S. Court Judge	Fraud, deception, composing fraudulent Ruling text
1.14a	District Court Judge	Fraud /deception / obstructing justice / refusing legitimate applications / endorsing contempt of Court and criminal damage by DPP agents

SECOND TIER: Offences relating to; (a) the unlawful obstruction of STM’s legitimate attempts to prosecute 5 Gardaí (under *S.10 of the Petty Sessions Act*) for a violent assault causing injury in a Courtroom on November 9th 2015, and for ‘criminal damage’ (unlawful erasure of evidence) and naming 2 GSOC Officers for conspiracy to pervert justice (covering up those crimes) and; (b) the subsequent unexplained ‘disappearance’ of the lay-prosecution case in the CCJ on May 11th 2017 (first initiated by STM on April 7th 2016) against 4 of those Guards, while STM was unlawfully incarcerated in Castlerea Prison. [‘C-I’ = “Common Informer” applications under *S.10 of the Petty Sessions (Ireland) Act 1851*]

No	Accused	Offence
2.1a	District Court Judge	Thursday April 7 th 2016 –exits without dealing with paperwork – without explanation or comment. Registrar refuses to identify herself or the judge.
2.1b	District Court Judge	April 20 th 2016, takes papers into her chambers over lunch. When she returns she again refuses to deal with the paperwork and exits Courtroom.
2.2	District Court Judge	Directed violent unlawful assault by 5 Gardaí on STM on Nov 9 th 2015 in Chancery Lane D-Court when STM tried to present evidence of fraud..
2.3	District Court Judge	Refused to process legitimate C-I applications v Gardaí & GSOC... Thursday April 7 th 2016
2.4a	District Court Judge	Failed to act when barrister produced clearly fraudulent documents in Court
2.4b	D-Court Judge	Misinformed STM about statutory time limits for C-I applications
2.5	D-Court Judge	Misinformed STM about statutory time limits for C-I applications
2.6	President, District Court	Failure/refusal to act on knowledge of criminality by other District Court judges – said “nothing could be done”
2.7a	District Court Judge	Fraud / deception / false statement in letter to STM saying it was ‘unlawful’ to write to judges
2.7b	D-Court Judge	Misinformed STM about statutory time limits for C-I applications
2.7c	D-Court Judge	‘Referred matters’ back to DPP’s Office instead of to Circuit Court
2.8a	DPP Senior Administrator	Conspiracy to pervert justice. Case v 4 guards – failed/refused to obey explicit directions of D-Ct Judge re liaising with STM & interviewing witnesses for May 11 th 2017 hearing
2.8b	DPP Senior Administrator	Failed/refused to account for ‘disappearance’ of STM case vs 4 guards on May 11 th 2017
2.9	Courts Service CEO	Failed/refused to explain ‘disappearance’ of 4 Gardaí prosecution for 6 months – then lied about it.
2.10a	Partner, prominent law firm	Failed (as an officer of the Court) in the pay of the State to prevent the ‘disappearance’ of the 4 Gardaí prosecution by STM, and refused to explain the same
2.10b	As above..	Stood over the botched attempt by a barrister to present fraudulent documents in Court
2.10c	As above..	Failed (as an officer of the Court) to point out all of the irregularities, errors, lies and misinformation being foisted on STM by judges & DPP
2.11	Circuit Court Judge	Conspiracy to pervert justice. Allegedly unlawfully ‘struck out’ prosecution case vs 4 guards while STM (the prosecutor) was in prison, May 11 th 2017
2.12	DPP solicitor	Complicity in ‘disappeared’ STM prosecution against 4 Gardaí, May 2017
2.13	Senior GSOC Manager	Conspiracy to cover up Garda assaults
2.14	GSOC Case Officer	Conspiracy to cover up Garda assaults, failure/refusal to collect evidence or interview witnesses

* * *

THIRD TIER: Offences relating to the initiation of false, vexatious and spurious charges against STM including 9 false traffic charges since 2015 and two contrived DPP cases in the District Court (one still in train) that falsely accuse STM of ‘threatening behaviour’ & ‘assault’ in Castlebar Courthouse.

No	Accused	Offence
3.1	District Court Judge	Had STM removed from D-Ct without reason when STM was co-defendant & lead witness
3.2a	District Court Judge	After signing a C-I summons, then conspired w others to unlawfully invalidate them
3.2b	D-Court Judge	Failed to comply with legitimate citizen’s arrest
3.3	District Court Judge	Twice failed / refused to process legitimate C-I applications x2 in Castlebar & Ballina Courthouses
3.4	District Court Judge	Tuesday April 12 th 2016* – Castlebar District Court fails to process valid C-I applications v Mooney & co
3.5	District Court Judge	Friday April 29 th 2106 exits Court without explanation, while we are standing to address him – Court Clerk aware we had C-I summonses under <i>s.10 of The Petty Sessions (Ireland) Act 1851</i> .
3.6	District Court Judge	Failed to appear In Belmullet on April 12 th 2017 to continue 4 valid C-I applications, refused to explain, and failed to follow up on the same
3.7	District Court Judge	Refused to guarantee STM safety in Court / refused to process C-I applications / threatened STM with ‘7 days in jail’& ejected from Court
3.8	District Court Judge	Multiple blatant offences against justice & facilitation of DPP criminal activity in Court
3.9	High Court Judge	Failed/refused to refer knowledge of DPP crimes to Gardaí
3.10	Administrator at DPP	Conspiracy to obstruct/pervert justice re threat letter by DPP April 7 th 2017
3.11	Courts Service Administrator	Fraud, deception, conspiracy.. Denies knowledge of, or existence of 2 High Court plenary summons cases
3.12	DPP solicitor	Obstructing legitimate criminal prosecutions by STM, using threats and intimidation
3.13a	Courts Service Manager	Conspired with Gardaí, DPP and local solicitors to erase DAR evidence / committed fraud, perjury, contempt of Court etc..
3.13b	Courts Service Manager	Lodged false accusations against STM so as to create an opportunity for more criminal charges..
3.14	Garda	Signed off on utterly fraudulent summons alleging no insurance etc
3.15a	District Court Judge	Refused to act on proofs that DPP opposition had NOT complied with a Court Order and were lying to the Court about that compliance..
3.15b	District Court Judge	Broke standard Court rules by striking out a case before ‘recusing herself’ so as to avoid dealing with applications that travelled with that case

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FOURTH TIER: Offences relating to, (a) the conspiracy to have STM jailed overnight on Jan 23rd 2017 and then, (b) unlawfully incarcerated in Castlereagh Prison for 26 days in May 2017 during which time; (i) the ongoing prosecution of 4 Dublin Gardaí in the CCJ simply ‘disappeared’ off the records; (ii) STM’s 2 appeals to the Supreme Court (about all of the

ongoing malfeasance in the lower Courts) were 'dismissed/refused' on highly dubious grounds without any appearance in Court by STM; and (iii) where 3 High Court Judges refused or denied 4 valid 'habeas corpus' applications, again, without any Court hearing or any appearance of the prisoner, and without proper explanations for those illicit decisions.

No	Accused	Offence
4.1	DPP solicitor	Conspiracy to pervert justice – moving of D-Ct case from Jan 26 th to 23 rd 2017
4.2	District Court Judge (ret)	Conspiracy to pervert justice – moving of D-Ct case from Jan 26 th to 23 rd 2017
4.3	High Court Judge	Refused valid habeas corpus using false arguments without appearance of prisoner
4.4	Irish Human Rights Commission Administrator	Refusal to act on knowledge of multiple human rights violations by judges
4.5a	High Court Judge	Conspiracy to pervert justice Knew about unscheduled C-Ct proceedings before they happened – then refused to explain how this was possible?
4.5b	High Court Judge	Failed to inform STM of his right to legal aid during 4 JR app's in 2016-17 – then awarded DPP 'costs' of €3,200 against STM
4.5c	High Court Judge	Refused 2 habeas corpus applications in contrived circumstances without appearance of prisoner
4.6a	High Court Judge (now COA)	Failed to Act on knowledge that his H-Ct Order had 'disappeared' off the CS file
4.6b	High Court Judge (now COA)	Refused habeas corpus without any explanation or judgment & without appearance of prisoner
4.7	Circuit Court Judge	Refusal to deal with 4 th formal legal aid application on April 4 th 2017
4.8a	District Court Judge	Conspiracy to pervert justice.. lies, bias, deception, violation of oath of office, acceptance of 'doctored' DAR CD - too many offences to list here..
4.8b	District Court Judge	Conspiracy to pervert justice.. failed/refused to act on proofs of criminal misconduct by DPP agents / Courts Service
4.8c	District Court Judge	Conspiracy to pervert justice – illicit moving of D-Ct case from Jan 26 th to 23 rd 2017 without notice to STM
4.8d	District Court Judge	Refusal to ensure effective legal representation – gave STM '1 hour' to get same
4.8e	District Court Judge	Refusal to accept valid Court applications proving DPP lies
4.8f	District Court Judge	False imprisonment of STM, using unsigned committal papers..
4.8g	District Court Judge	Refused to process valid C-I applications vs DPP prosecution team
4.9a	Circuit Court Judge	Conspiracy to pervert justice.. failed/refused to act on proofs of criminal misconduct by DPP agents / Courts Service
4.9b	Circuit Court Judge	Refusal to ensure effective legal representation – " <i>Case will continue regardless</i> " (while STM looks for same)
4.9c	Circuit Court Judge	Refusal to accept several valid legal applications by STM
4.9d	Circuit Court Judge	False imprisonment of STM on illegal grounds using fraudulent docs..
4.10	DPP Barrister	Conspiracy.. Date of appeal hearing was already decided upon before pretend discussion in Court w Judge
4.11	Circuit Court Judge	Conspiracy.. Date of appeal hearing was already decided

		upon before pretend discussion in Court w barrister..
4.12a	DPP Senior Administrator	Criminal conspiracy – <i>personally</i> ‘directed’ the false prosecution of STM and colleague via Mayo State Solicitor
4.12b	DPP Senior Administrator	Conspiracy to pervert justice –fore knowledge of Jan 23 rd 2016 plan to arrest and jail STM for allegedly ‘missing’ an unannounced D-Ct hearing
4.13	Garda Inspector	Lied to judge about whereabouts of a litigant so as to generate a fraudulent warrant..
4.14	State Prosecutor	Perjury, fraud, conspiracy to pervert justice
4.15	Courts Service Manager	Perjury, fraud, conspiracy to pervert justice
4.16	Garda Superintendent	Perjury, fraud, conspiracy to pervert justice
4.17	Solicitor	Constructed a fraudulent Notice so as to obstruct justice
4.18	Chief Justice (ret)	Repeated failures and refusals to address proofs of serious misconduct and criminality by Irish judges..

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FIFTH TIER: ‘Historical’ matters, especially the repeat failures and refusals of public officials and office holders to acknowledge or properly respond to alerts, reports and formal complaints of criminal wrongdoing by agents and affiliates of the State.

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|---|---|
| <ol style="list-style-type: none"> 1. Minister for Justice, Dublin. 2. President of Ireland. 3. (ret) Garda Commissioner, Dublin. 4. Taoiseach, 2011-2017. 5. Minister for Justice, Dublin. 6. President of the High Court, Dublin. 7. Registrar at the Four Courts. | <ol style="list-style-type: none"> 8. High Court Judge (now CoA), Dublin. 9. (ret) Garda Commissioner, Dublin. 10. Minister for Justice, Dublin. 11. Chairperson, IHRC. 12. RTE Crime Correspondent, Dublin. 13. Taoiseach, current (2020). 14. All Dáil Deputies & Judges in Jan 2017 |
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SIXTH TIER: Miscellaneous / other offences including various non-fatal offences against the person; including violent assault, solicitation to murder, threats to kill, defamation, harassment, and other attacks on the family, and conspiracy to cover-up these crimes.

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|---|---|
| <ol style="list-style-type: none"> 1. County Registrar, Co Mayo. 2. Barrister from Dublin. 3. President, District Court. 4. Garda Sergeant, Bridewell, Dublin. 5. Garda, Bridewell, Dublin. 6. Garda, Bridewell, Dublin. 7. Garda, Dublin Castle Traffic Division. | <ol style="list-style-type: none"> 8. Private individual, Achill, Co. Mayo. 9. Private individual, Co. Wexford. 10. Garda Chief Superintendent. 11. Garda Sergeant, Castlebar, Co. Mayo. 12. Garda, Castlebar, Co Mayo. 13. Private individual, UK. 14. DPP Chief Prosecution Solicitor. |
|---|---|

SEVENTH TIER: Family law-related matters, including; (a) three (failed) attempts by TUSLA & Gardaí to conspire to generate grounds for care orders of the Manning children on utterly fraudulent, contrived, and knowingly-false allegations using false referrals, defamatory reports and ‘anonymous’ online allegations; (b) the failure/refusal of Gardaí to follow-up on several criminal complaints of ‘official’ harassment by TUSLA and State-sponsored solicitors; and (c) the very disturbing ‘statutory processing’ of a Manning relative (whilst a minor) by TUSLA and the Department of Justice *without* the child’s parents’ knowledge or permission.

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| 1. TUSLA Social Worker, Castlebar. | 7. TUSLA Regional Manager, Dublin. |
| 2. Private individual, Co. Wexford. | 8. Circuit Court Judge. |
| 3. Solicitor, Co. Mayo. | 9. Garda Chief Superintendent * |
| 4. Private individual, Achill, Co. Mayo. | 10. Chairperson of GSOC, Dublin. |
| 5. TUSLA Social Worker, Co. Mayo. | 11. Minister for Children, Dublin. |
| 6. Area Manager, TUSLA, Co. Mayo. | 12. Minister for Justice & Equality, Dublin. |

* * *

EIGHTH TIER: Offences committed by agents or affiliates of the State in regards to ongoing frauds and collusion, and the conspiracy to obstruct justice in High Court case 2017/798 JR, since the publication of the January 2020 I-I Report on “*Criminality in the Irish Courts*”.

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|---|----------------------------------|
| 1. President of the District Court, Dublin. | 3. Minister for Justice, Dublin. |
| 2. President of the Court of Appeal. | 4. Supreme Court Judge, Dublin. |

* * *

The names of the 40+ accused in Tiers 5 – 8 above are contained in the 5-page “List of Accused” document which can be sourced by emailing ‘media@integrityireland.ie’.

QUESTION: Given that the above list containing over 100 names and criminal offences which have been committed in context of only ONE originating case before the Irish Courts are but a mere sample of the systemic violations of Irish and EU Law that are being visited on the trusting Irish public with absolute and reckless contempt for EU citizens’ fundamental rights; how much more evidence is required to establish that Ireland does NOT have a ‘properly-functioning’ justice system, and that the nation’s Courts are so plagued with appalling inconsistencies, illegitimacies, illegalities and criminal behaviour by so-called ‘Officers of the Court’ as to render the notion of genuine ‘justice’ here in Ireland to be no more than a farce and a distracting pretence which, although eminently articulated in our Constitution and in all of the domestic regulations that flow from it, have NO actual effect or substance other than to mislead the casual observer into believing that this is in fact, a genuine ‘Democratic Republic’ which is deserving of all of the respect and benefits of official EU membership?

7. CONCLUDING STATEMENT

1. **Given that the issues outlined in this Report**, as supported by the affidavits and submissions to the High Court in ‘joined’ cases 2017/798 JR & 2018/432 JR; which said documents clearly demonstrate that various ‘Irish Officials and Office Holders’ are in repeat, flagrant and systemic violation not only of their sworn ‘duty of care’ under national law but also of various Articles of the ECHR and of EU law, and that there is in fact and actual effect, ‘*no judicial remedy under national law*’ to this illicit activity, inasmuch as the various domestic Acts, Laws and Statutes that deal with corruption, criminality, fraud, perjury, criminal damage, misrepresentation and other ‘official wrongdoing’ by Irish Officials and Office Holders (and by their colleagues, subordinates, associates, lackeys and/or ‘politically-connected others’) are being deliberately and systematically ignored in these and many similar cases—with scienter and unlawful intent—by some of the very same Officials and Office Holders who are required under EU law to administer justice in this State.

2. That whilst the said, ‘*national judicial remedies*’ indisputably exist ‘on paper’ they are not, (i) in reality, (ii) in effect, or (iii) in actual practice, being properly applied or acted upon when Irish Officials (and/or any affiliates thereof) are the subject of allegations of corruption or criminality, or indeed of any other type of official wrongdoing, especially when such allegations are delivered by ordinary members of the public.

3. Accordingly, the question is raised as to the compliance of the Irish State with EU Directives that require EU Member States to effectively incorporate EU law, as required by, “*The Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union.*” That the said Convention was transposed—in part—into Irish domestic law in the form of *the Criminal Justice (Corruption Offences) Act 2018* which, at S.9 deals explicitly with ‘*the creation or use of false documents*’ for example, and emphatically prohibits the same (which offence, when committed in context of ‘matters before the Courts’ would of course also constitute an act of ‘*criminal damage*’ and/or of ‘*obstructing, perverting or interfering with the course of justice*’ which carries penalties of up to 10 years imprisonment) but which same unlawful practices continue regardless in these cases—as well as on a routine basis in the Courts—and that neither the Irish Statutory Authorities nor the Superior Courts are pursuing any lawful remedies to these criminal acts despite several formal complaints and appeals, and in spite of the relevant obligations under their respective codes of conduct, Oaths of Office and in *the Criminal Justice Act 2011* to report serious crime. In fact, the very opposite is the case, with new Court Rules being introduced (such as S.C. Order 86) that effectively reinforces the wall of secrecy and concealment of serial wrongdoing being perpetrated by so-called ‘Officers of the Courts’.

4. With sincere respect to those agents of the State with whom the Applicant has not yet had prejudicial or damaging experience; it is nevertheless a general truism that the *de facto* tactic of ‘the State’ is to try to exhaust and frustrate legitimate complainants by re-routing complaints via bogus and ineffective ‘statutory oversight bodies’ or through bespoke ‘internal review mechanisms’ or via politically-staged and staffed ‘commissions of enquiry’

whose pre-set terms of reference effectively ensure that no-one in authority is ever held fully accountable for their corrupt or criminal actions.

5. Likewise in the nation's Courts, and concerning the specific matters being dealt with in this High Court Case 2017/798 JR; that it only needs to be noted that the Applicant has already endured some 25 High Court hearings over a period of 2.5 years, ostensibly, '*seeking (mere) permission for leave to apply for a judicial review*' in an originating District Court Case that dates back to May 2015—and where the *Courts Service Annual Report for 2018* declares that the waiting time for an application for a judicial review to be only "*2 months*" ...to demonstrate how the Irish Courts are systematically abusing and corrupting legal mechanisms and procedures for improper purposes, in these particular cases.

6. As in any such cases which threaten to expose official wrongdoing; litigants' affidavits and Submissions are variously suppressed, annotated with "*Do Not Publish*" markings, or are simply secreted away in (no public access) 'State-Side' files whilst utterly contrived and misleading 'Judgment texts' are composed by compromised judges, and which said texts effectively and dishonestly 'rewrite the facts' in the absence of any contradictory arguments remaining on the public file (such as in this case) and where, because of the recent implementation of the uncontested '*Superior Courts Practice Direction HC 86*' (which came into force on 29th April 2019) and which Direction now prohibits direct access to High Court case files – meaning that litigants and their solicitors can no longer even view or inspect their own case files to ensure the accuracy, completeness and integrity of the same, whilst leaving files vulnerable to unlawful interference from any other agent of the State who may have sinister or illicit intentions – as has been repeatedly demonstrated in these cases.

7. In affidavits dated June 7th and July 26th 2019 for example (which are central to the issues under appeal in this case) the Applicant lists some 25+ incidents combined of; (i) non-compliance by the State and by the DPP opposition with High Court Orders; (ii) of wholesale failures of due process; and (iii) of apparent 'errors and omissions' and supposed 'improper record keeping' on the Courts Service lists which, if the Applicant did not have prior access to his case file, he would probably never have discovered. The recent introduction of *Direction HC 86* now places the Applicant (and indeed all lay litigants) at a great and distinct disadvantage whereby we won't even know the true contents of the file upon which the Court is purportedly 'making decisions' whereby even *the Freedom of Information Act 2014* doesn't apply in circumstances where Court records are considered to be 'under the control of the Courts', i.e. they "*belong to*" individual judges and NOT to the Courts Service, thereby creating yet another bureaucratic layer of secrecy and impediments to anyone (other than the establishment) who is seeking access to their own case files.

8. Likewise with the multi-million euro Digital Audio Recording System ('DAR') that was marketed to the Irish public with great fanfare as being "*technically incorruptible*" and "*indispensable to the proper functioning of modern Courts*" inasmuch as 'we' would now have a primary record of what was, and was not said in open Court. However, in contrast to many other modern jurisdictions "*we*" meant "*only the establishment*" because individual judges could dispense with the DAR, while parallel Court Rules ensured that the public could NOT privately record their own cases. The added prohibition on the use of cameras or

recording devices was introduced by the judiciary in November 2018 under *Rule CA11*. This might seem at first sight to be a practical measure until one considers the now well-established fact (including in these combined cases) that (on those occasions where the DAR is actually switched on); (i) that the DAR can in fact be interfered with and HAS been criminally interfered with before Court-ordered DAR files were released to litigants for example, including DAR files being deliberately rendered incoherent as evidence, and where ‘inconvenient’ or incriminating files that demonstrated prosecutorial or judicial misconduct were unlawfully erased by the Courts Service and/or by the DPP prosecution. The same difficulties exist with supposed ‘sworn transcripts’ whose integrity simply cannot be relied upon. It is clear therefore, that these prohibitions on the public having firsthand accurate recordings of their own Court cases is in effect to ensure that there is NOT ‘a level playing field’ or any genuine ‘equal access to justice’ as is required under international law, and that rogue ‘Officers of the Court’ in Ireland can continue to commit offences against the administration of justice without any immediate fear of exposure, accountability or penalty.

9. In addition, there is the alarming fact that the originating (spurious and contrived) District Court Case of May 2015 has since given rise (either directly or indirectly) to over 30 interconnected, successive, and/or sequential Court Cases where the Applicant was variously listed: (i) As the lay-prosecutor (three times). (ii) As the Defendant (twelve times) – including two malicious public order prosecutions; nine vexatious and unproven traffic charges; and a failed (contrived) attempt by a judge to shut down the *Integrity Ireland* project. (iii) As the Appellant to the Higher Courts (now eighteen times) – including five judicial reviews to the High Court; three Circuit Court appeals; four habeas corpus applications from prison; one appeal to the Court of Appeal (which remains ‘in limbo’); four Constitutional appeals to the Supreme Court (including two whose current status is unknown); plus an application to the European Court of Human Rights, which latter application ultimately failed because of alleged ‘incomplete documentation’ due to the Irish Courts Service (unlawfully) failing and refusing to provide the documentation required.

10. I further note that the above list does NOT include the 40+ unlawful refusals of the Irish District Courts to accept formal applications for criminal summonses; nor the unexplained failures and refusals of the DPP to prosecute corresponding criminal complaints; nor the refusal of the Irish Human Rights Commission to intervene; nor the various obstructive and unlawful tactics being deployed by other agents of the State and facilitated in the Courts so as to; (i) frustrate, (ii) “indefinitely suspend”, or (iii) otherwise prevent from proceeding, three civil actions in the High Court taken by the Applicant and his family in response to some truly astonishing (criminal) breaches of their fundamental rights, including three spurious applications by the Child Protection Agency (‘TUSLA’) to try to secure care Orders against the Applicant’s children based on purported ‘anonymous online allegations’ and on proven false reports by Gardaí – an increasingly pervasive and insidious tactic that is all-too-typical of the State’s sinister response to whistleblowers, anti-corruption activists, pro-justice spokespersons and independent reporters, and any and all such perceived ‘trouble-makers’. (a) That an idiosyncratic irony has emerged inasmuch as through the very process of attempting to abide strictly by the law in his dealings with the Irish establishment (beginning c.2009) that the Applicant (and his family by association) have become recurrent

victims of crime – albeit largely ‘official’ crime. “Article 2 (1) (a) (i) of the EU Victims Directive defines a victim as a ‘natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence’.” The Applicant thereby reluctantly acknowledges that of all of the qualifying terms used to define his legal status to date (e.g. ‘defendant, applicant, plaintiff, appellant’ etc.), that the most accurate, enduring and consistent designation is exactly that of, “a victim of crime”. (b) Noting that Ireland was sanctioned by the EU for its failure to transpose the Victims Directive into law by 2015, but that the corresponding *Criminal Justice (Victims of Crime) Act 2017* now provides for certain minimum rights, supports and protections for all victims of crime. “The Directive recognises that victims must be treated with respect and dignity in a professional, sensitive and non-discriminatory manner. In legislating for these principles, the Victims Directive reinforces the rights outlined in the EU Charter of Fundamental Rights. More specifically, Article 47 of the Charter provides that victims of crime have the right to an effective remedy and a fair trial which ensures victims have ‘effective access to court proceedings’.” (FRA 2015: 11). Unfortunately however, these commendable words do not reflect the reality in the Irish Courts, where the various rules, laws, oaths and EU Directives are at best, mere inconveniences to be ignored, suppressed, denied or defied at will – and in most cases, this is being one with absolute and arrogant impunity.

11. That instead of being treated as a victim of proven, recurrent crime and as a law-abiding EU citizen with inalienable rights and entitlements, that the Applicant is in fact – and in actual effect – being treated by the Irish State as a criminal alien – albeit a criminal and an alien who has no fundamental right to genuinely ‘access justice’, and who continues to risk his liberty by simply telling the truth and by refusing to willingly engage with those in the pay of the State who are occupied in unlawful or criminal conduct. Indeed, in a truly ludicrous attempt to cast a shadow of suspicion on the newly-formed *Integrity Ireland* project in 2013, a Garda Detective remarked in open Court that the *I-I Association* was considered by them to be, “a subversive organisation with suspected links to international terrorists.” One would hope that the absurdity of this startling assertion is by now self-evident to any rational person, but at least it offers some context for the catalogue of ‘official’ criminal harassment that followed – which has continued since for over 7 years.

12. In respect of the EU’s urgings for the introduction of an Irish Judicial Council to deal with allegations of judicial misconduct in the State, it should perhaps be noted that in the ONLY country in the EU that doesn’t have a mechanism to sanction errant judges, that the Irish judiciary have been actively lobbying the Irish Government to make it a criminal offence to even publicly *name* any accused judge – even in circumstances where that judge has already been found guilty of professional misconduct or worse!?! That this legislation is now being hurried through the Irish Dáil – complete with the caveat that any such ‘investigations’ be held ‘in secret’ overseen by a hand-picked selection of politically-appointed Councillors who will no doubt ensure that no matter how abysmal or shocking the behaviour, that none of these criminal judges or their collaborators will ever face any genuine accountability.

13. The author regrets any unintended or inadvertent offence that may be construed from the contents of this damning Report, but respectfully asks the reader to appreciate that

after ten years of mostly fruitless and frustrating attempts to simply receive the justice and services due to a citizen under the law and the Constitution, that the author has, somewhat sadly—and with considerable trepidation as to what this means for the future and reputation of the Irish State—come to the dismal conclusion that the ONLY way to secure anything approaching genuine ‘justice’ or ‘accountability’ under the current political regime, with its interconnected and utterly-compromised so-called ‘justice system’ comprising politically-appointed judges, toothless and bogus oversight bodies and affiliated mainstream media lackeys, is through direct, uncompromising, public exposure and accountability.

Dr Stephen Manning. EU Citizen. Ireland. January 2020.

* * *

The Judicial Appointments Advisory Board (JAAB) was set up to counteract a longstanding perception by the public that judicial appointments were overtly political. Members of the current JAA Board include the Chief Justice, the Presidents of the various Courts and the Attorney General, as well as a handful of nominees by the Minister of Justice, most of whom also serve on the Courts Service Board. Despite having the resources to advertise, interview and recommend suitable individuals for nomination by the President of Ireland, it was disclosed in the Dáil in Feb 2014 that in the ten years of existence of the JAAB to that date, that not even ONE single interview had been conducted! Meanwhile it seems, the same old ‘jobs for the boys’ system continues to work behind the scenes! The Head of the Association of Judges of Ireland has stated publicly that the creation of the JAAB in 1996, "*was done to create the semblance of independence as to how judges were appointed*" (in typical ‘official Irish’ fashion) but "*the JAAB by common consent, doesn't really work.*" So, why all the declarations of ‘real change’ ..and why all the pretences of *real* changes being made?

Meanwhile, a letter sent ‘on behalf of the Chief Justice’ informs us that ‘regrettably’ there is no facility at present via the Chief Justice’s Office to complain about judicial misconduct.. or indeed, to complain anywhere about anything worse..

* * *

An overview of the background to the cases discussed in this Report is contained in the August 2017 issue of Berlin’s Cicero Magazine entitled “Walls of Stone” appended at the end of this Report. Other supporting materials can be viewed on the Integrity Ireland website.

APPENDIX

Extracted from the Applicant's grounding affidavit which was lodged in High Court Case 2017/798 JR "*Stephen Manning v Circuit Court Judge **** **" in November 2017 – which provides a more detailed background to many of the matters addressed in this Report. Please note that the Courts Service made a number of attempts to block the lodgement of this case and the submission of this affidavit. Now, over 2.5 years later and after some 27 protracted hearings in the High Court, the DPP's Office (who adopted the defence in this case from the Chief State Solicitor's Office without due Notice in January 2018) have *still* NOT responded to this affidavit – nor to the detailed submissions which are part-listed on p.8 of this Report. This is a complete, radical and unlawful departure from 'due process'. Meanwhile, our 2018 applications to; (i) cross-examine the DPP's agents on blatantly-fraudulent affidavits, and (ii) for 'attachment and committal' proceedings against the DPP and the CSSO for fraud, deception and contempt of court, remain 'on the record' but have still NOT been activated by the High Court!

In April 2019, Justice ***** composed an utterly fraudulent judgment text and unlawfully changed the title on these proceedings. As a result, the Applicant cannot advance his case. His appeals to the Court of Appeal and the Supreme Court challenging this fraud have been refused, denied or rejected on the patently absurd basis that the title of proceedings does not now match the title on the contested Order and judgment text.

Applications for criminal summonses against those involved in this blatant fraud were then unlawfully refused by the President of the District Court – who then abandoned his Court. The President of the Court of Appeal also unlawfully abandoned his Court when asked whether he was directing us to participate in a criminal fraud. Two parallel attempts to initiate valid citizen's arrests in the High Court and a number of formal criminal complaints to Garda HQ have likewise been completely, utterly and illegally ignored.

(As numbered in the original affidavit)

16. **Background detail:** The Applicant was one of two named Defendants in District Court case 2-16/40190 'DPP vs ***** & Manning' where he was charged with a 'Section 6' public order offence which allegedly occurred in September 2015 in Castlebar District Court.

17. The Applicant and his colleague (who were acting as lay-prosecutors on the day of the alleged offence and were standing in the prosecutor's area of Court) maintain that; (i) the charges against them were utterly false and spurious; (ii) that they were the product of a provable conspiracy by agents of the State to pervert justice; (iii) that the charges were maliciously concocted after-the-fact based on provable acts of criminal damage and knowingly-fraudulent witness statements; (iv) that the advancement of this malicious prosecution was grounded in a calculated act of 'political policing' due largely to the Applicant's leading role in the pro-justice *Integrity Ireland Association* and his colleague's role in the *Anti-Corruption Taskforce*; (v) that serious improprieties were being perpetrated on the public on the day in question, and that (vi) unassailable, documented proofs demonstrate that further serious criminal acts have since been committed by the DPP

Prosecution team and by the trial Judges, including before and during the trial with foreknowledge and scienter; and (vii) that other agents of the State within the justice system were involved in unlawful collusion in the advancement of this case; in the suppression of key evidence; and in the wilful and repeated violation of the Applicant's fundamental rights in violation of the law, of the Constitution and of several ECHR Protocols.

18. **Grounds for this (JR) application:** On May 4th 2017 the Applicant was unlawfully incarcerated in Castlerea Prison and kept there for 26 days on the Order of the Respondent, Judge *****. The Respondent had been appointed to oversee an appeal hearing against the contrived decision by District Court Judge ***** to; (i) find the Applicant 'guilty in absentia' from an artificially-rescheduled Court hearing which the Applicant had NOT been notified or informed of, and (ii) to sentence the Applicant to 2-months in prison.

19. The Applicant was arrested off the train (coming from an appointment at the Supreme Court regarding this same District Court case) and held overnight in a police cell on January 23rd 2017 on the orders of Judge ***** and then coerced against his will into lodging a Circuit Court appeal on January 24th 2017 on pain of 2 months immediate imprisonment.

20. It can be demonstrated 'beyond any reasonable doubt' that the unannounced moving of that hearing from January 26th to January 23rd 2017 was a calculated deception on the part of the DPP prosecution team in collusion with affiliated persons in the pay of the State, so as to unlawfully deny the Applicant the opportunity to enter his defence. Said defence consisting in part of, (i) Court-supplied audio recordings of the events of the day in question which had been unlawfully interfered with by the prosecution and which incriminated Judge ***** as the key source of the disruption in Castlebar Court that day; and (ii) to prevent the production of multiple credible defence eyewitnesses who would publicly undermine and expose the lies and other falsehoods presented by the State in this case.

21. That the previously-appointed DPP Prosecutor ***** had been placed on verbal instructions by Judge ***** on November 23rd 2016 to inform the Defendants if there was any change of hearing dates; but Mr *****, the Mayo State Prosecutor, failed to do so.

22. It has since been established as a documented fact that; (i) the DPP's Deputy Director of Superior Court Operations (*****); trial Judge ***** and High Court Judge ***** (who was dealing with the Applicant's Judicial Review applications at the time) each had foreknowledge that the hearing dates had been surreptitiously moved without notice to the Applicant, and that the Applicant was going to be 'found guilty in absentia' and coerced into a Circuit Court Appeal or face imprisonment on January 24th 2017

23. The Applicant asserts that these acts of 'official' misfeasance and nonfeasance, and the collusion required to conspire to deny the Applicant his defence, reveals a particularly sinister abuse of power, position and due process, on the part of those involved in this case.

24. During the original District Court 'half-trial' (and subsequent appeal against conviction) the following incidents and/or omissions occurred in Castlebar Court which the Applicant repeatedly brought to the express attention of the Respondent; which the Applicant asserts

are in flagrant breach of his fundamental rights; (i) to 'fair procedures'; (ii) to 'a presumption of innocence'; and (iii) to 'unbiased decision making'; as well as breaching *Articles 1, 5, 6 & 13 of the European Convention on Human Rights*, of which Ireland is a Contracting Party:

25. Castlebar District Court Trial (between June 1st 2016 and January 24th 2017):

(i) I was denied physical access to the Courtroom by Gardaí on two occasions during preliminary hearings, I therefore could not, and did not, enter a plea. Neither was I informed of my right to legal aid. I was also physically assaulted by Gardaí on both occasions, but had committed no offence, and was not accused of any offence.

(ii) I was denied effective legal representation throughout the trial, despite qualifying for legal aid and repeatedly requesting the same. I was afforded only 1 hour to secure same.

(iii) I was denied access to evidence in my defence which was in the possession of the State; including Garda records (under data protection law) and DAR Court recordings.

(iv) I was denied access to my own case file.

(v) The State prosecution team violated Court Orders and unlawfully erased evidence.

(vi) The DPP Prosecution solicitor and the trial Judge failed and refused to identify any victim of the alleged offences.

(vii) All the prosecution witnesses were in the pay of the State. No members of the public present on September 2nd 2015 were questioned or interviewed at any time by Gardaí.

(viii) The trial Judge refused all formal applications to address any of these serious issues, or enter them into evidence.

(ix) I was denied the right to present a defence. No defence case was heard by the Court.

(x) I was effectively denied the right to call any witnesses; including the right to summon particular State witnesses.

(xi) I was then found guilty 'in absentia' from a hearing which I can demonstrate was artificially moved from January 26th to January 23rd 2017 without any notification to the Defendants, but with the full foreknowledge of the Courts and the DPP Prosecution.

(xii) The trial Judge refused all my requests for digital audio recordings (DAR) of the case hearings and refused outright my request for a 'consultative case stated' (a special appeal) to the High Court, at the time he pronounced me 'guilty in absentia'.

26. Castlebar Circuit Court Appeal (between February 10th and May 4th 2017)

(i) I was again effectively denied legal representation throughout, and the trial Judge (the Respondent in this matter) ignored my repeated objections in this regard.

(ii) I was again denied access to my District Court case file.

(iii) The newly-appointed DPP Prosecution solicitor and barrister as well as the trial Judge failed and refused to identify any victim of the alleged offences.

(iv) The trial Judge refused outright – and repeatedly – to speak into the Court's official audio recording apparatus 'for the record'.

(v) The prosecution witnesses were allowed to remain in Court during the prosecution's case, in spite of my repeated formal objections.

(vi) The Judge refused to consider or enter into the record our evidence of serious prosecutorial misconduct (see 25. 'v' above).

(vii) The Judge dismissed 3 of 5 prosecution witnesses before I had finished cross-examining them.

(viii) The Judge refused several requests and formal applications for the disclosure of State-held evidence, and refused to accept a NOTICE and application for his recusal.

(ix) The Judge unlawfully terminated the re-trial at a point where I had only called the first of 8 defence witnesses (at a point where my witness had not yet finished giving his evidence); therefore I was again denied the right to present a defence.

(x) The Judge then fraudulently signed a Court Order indicating that he had 'fully heard the District Court Appeal' (which was patently untrue) and ordered that I be imprisoned on the basis of the attached committal Order from the District Court which was NOT a genuine copy of the original (as was stated on its face), and which was NOT even signed by District Court Judge ***** – as is required by law.

27. It should be noted that throughout the progress of the preliminary hearings in the District Court beginning June 1st 2016 and the commencement of the trial proper on September 6th 2016 that the Applicant (as a named defendant) made strenuous and repeated efforts to alert the Irish authorities as to the situation including writing numerous letters and lodging formal criminal complaints with the Gardaí and the Courts, all of which were effectively refused, ignored or suppressed.

28. For example: having identified four individuals in the pay of the State who had committed acts (variously) of perjury, fraud, criminal damage, contempt of Court, and conspiracy to pervert justice during the prosecution phase of the District Court 'half-trial' - the Applicant initiated criminal proceedings in Belmullet District Court on April 4th 2017 under *The Petty Sessions (Ireland) Act 1851* only to receive a threatening letter from Mr ***** at the DPP's Office warning that if the Applicant pursued the prosecution on April 12th that the DPP's Office would consider it 'an attempt to interfere with witnesses' which carries a possible 10-year jail sentence. It may be pertinent to note that it was District Court Judge ***** who had instructed the Applicant to return to him with written statements on April 12th but Judge ***** was also absent from Belmullet Court that day.

29. The Applicant also lodged 4 Judicial Review applications to the High Court concerning this case and other directly-related matters in November and December 2016, which were, in the opinion of the Applicant and many other interested parties 'artificially suppressed' and then inexplicably dismissed by Justice ***** in the face of overwhelming evidence of serial breaches of due process; of criminal conduct by the Prosecution Team; and of overt bias on the part of Judge *****.

30. The refusal and/or dismissal of these Judicial reviews was followed by two Constitutional applications to the Supreme Court - which raised 3 crucial issues under Article 34.5.4° which requires that the matters raised are of 'general public importance', and/or 'in the interests of justice' or that there are 'exceptional circumstances' to qualify, namely: (i) That several District Court Judges in succession had failed or refused to process legitimate 'common informer' applications in clear and knowing violation of Superior Court rulings; (ii)

concerning the proofs of a criminal conspiracy by agents of the State to pervert justice in this case; and (iii) concerning multiple parallel abuses of the Applicant's fundamental rights.

31. However, these S.C. applications in turn were likewise refused while the Applicant was incarcerated (and without any written notification to him) after many, many months of delays, denials of service, obfuscations and point-blank stonewalling by the various State authorities that the Applicant engaged with - most notably by the Courts and the Courts Service; by An Garda Síochána; by the Ministry for Justice; by the Office of the DPP; by the Offices of Taoiseach **** ***** and of President ***** *****.

32. The Applicant also made five additional attempts between the end of the District Court 'half-trial' in January 2017 and the beginning of the Circuit Court 'half-trial' in May 2017 to secure a Judge's signature for a legal aid certificate to acquire the representation that he was entitled to (which he had been verbally granted on September 6th 2016), but again, despite reminding each Judge in turn that it was the State's constitutional duty to provide the Applicant with legal representation, that all of these approaches were unsuccessful with; (i) Circuit Court President ***** ***** flatly refusing to accept 2 formal applications before exiting, grinning, from his Court; with (ii) Courts Service Manager ***** ***** refusing legitimate written applications and statutory advisories and telling the Applicant (recorded) to, *"..take it up with the Department of Justice if you don't like it!"* And with Circuit Court Judge **** ***** telling the Applicant implausibly that he had, *"No jurisdiction to order the Courts Service to cooperate with the Applicant."*

33. Although sincere efforts are ongoing on the part of the Applicant to secure relevant data, records, and other evidence from agencies of the State in support of this application as well as other efforts to address the wrongs done to him; the fact of the matter is that he has become a 'targeted individual' on account of his pro-justice and anti-corruption efforts who is being subjected to all sorts of illegalities including denials of service and information; to clandestine surveillance and interference with private communications; to multiple vexatious traffic prosecutions; and to fictional charges and allegations of wrongdoing; who is being effectively 'stonewalled' by various State agencies who have adopted the tactic of completely ignoring legitimate requests and letters and/or are sending the Applicant round-and-round in endless circles of frustration through the blatant misuse of statutory powers.

34. For example, after GSOC failed and refused to properly investigate, the Applicant initiated 'common informer' prosecutions as against 4 members of An Garda Síochána for a serious physical assault that occurred in a Dublin Court on Nov 9th 2015. A number of protracted hearings were held in the Criminal Courts where it can now be proven that the DPP's Office, State-sponsored defence lawyers, and certain Judges colluded to mislead the Applicant about statutory deadlines – the only other possible explanation being that all of those implicated persons were astonishingly ignorant of a law that they were each frantically debating in open Court; and on March 30th 2017 Judge ***** ***** rescheduled the case for continuance on May 11th awaiting instructions from the DPP's Office.

35. But according to Court Service CCJ personnel as of July 24th last, there is NO trace or official record of this case ever having existed, and neither ***** or her subordinates at the DPP's Office nor the CEO of the Courts Service Mr ***** will respond to the Applicant's repeated requests for some clarity as to what has happened to this case? It has apparently, simply 'disappeared' without trace completely off the records.

36. In short, that even as the Applicant continues to search for legal representation and advice in the hope that there may be some as-yet unexplored avenue of legal recourse available to him; the fact of the matter is that without the cooperation of State agencies the Applicant is now being effectively denied access to justice across the board; and there are no real 'effective remedies' after-the-fact to the reality that he was jailed unlawfully for 26 days with all of the accompanying stigmatism and suspicion of wrongdoing after what can only be described as 'a criminal farce of a trial', and that 4 successive habeas corpus applications to the High Court during his official period of detention that detailed ALL of these alleged violations of law, of due process and of his fundamental rights were either refused or dismissed without the Applicant even being called to attend Court.

37. The Applicant can demonstrate that some of the arguments returned to him for refusing habeas corpus are inconsistent with the stated facts; are incoherent as to the rationale given for refusal; and are incompatible with any common understanding of natural justice.

38. For example, all of the Applicant's habeas corpus applications stated as central facts that; (a) he had NO legal representation whatsoever in either the District Court Trial or the Circuit Court Appeal; and (b) that he had NOT been allowed to enter a defence or call his defence witnesses. Nevertheless, in giving a detailed 6-page judgment which dismissed the 3rd habeas corpus application on May 18th 2017, High Court Judge ***** notes: "*In his first ground the applicant complains that the Circuit Court hearing was terminated improperly and unlawfully in circumstances where HE HAD NOT ENTERED A DEFENCE.*" Then, in the following paragraph Justice Binchy states: "*The decision of the Circuit Court to affirm the order of the District Court is taken ONLY AFTER A FULL REHEARING OF THE EVIDENCE.*"

39. The Judge thereby confirms he is fully aware of the specific 'abuse of process' detailed in the application, but then, in an utterly absurd contradiction uses the invalid argument of a supposed 'full rehearing of the evidence' (which clearly did NOT occur) to seemingly 'qualify' why he dismissed the application outright, without even giving the Applicant a hearing!?

40. In two other locations in the same document Justice ***** indicates that he somehow 'doesn't understand' the clear and lucid points articulated by the Applicant regarding the unlawful erasure of DAR evidence by the Prosecution (which said points are quite literal and unambiguous); yet instead of calling the Applicant to Court to clarify these obviously-critical matters in person, the Judge leaves the Applicant languishing in jail and simply fogs over the issues with vague and misleading commentary before blithely concluding: "*For all of these reasons, I dismiss the application.*"

(a) Note for the 2020 Report: Likewise, Justice ***** dealt with another habeas corpus application by simply issuing an Order that stated, "*I have read the application*

and the application is denied!” He did not even bother to construct an explanatory judgment, which I was later informed by the Courts Service “does not exist” despite the need to include that specific document in my application to the European Court of Human Rights, which was subsequently rejected partly on the premise of ‘incomplete paperwork’.

41. In the meantime, whilst the Applicant was under the strict regime of Castlerea Prison only being allowed one 6-minute phone call a day to try to coordinate efforts to secure his release, a local solicitor, Mr **** ****** lodged an advisory at the Prison gates indicating that he *‘had been approached to represent the Applicant’*. This notice was then used by the Prison authorities to deny access to a number of visitors who needed the Applicant’s signature to process legal papers. Mr ****** did NOT contact the Applicant during his time in prison and refused to explain himself when approached by the Applicant after his release.

42. That in the face of such manifest and undisguised departures from due process, common sense and natural justice, that the Applicant finds himself in the almost impossible situation of having to return to the Superior Courts for a remedy to the *proven* misconduct, obstructionism and collusion of agents of the State—including by certain named Judges—who appear quite untroubled by the callous misuse and abuse of due process; or the use of protracted obstructions, obfuscation and contrived ‘legal gobbledegook’ so as to frustrate the Applicant’s sincere efforts to address the various criminal wrongs which have been committed against him – and/or to expose further wrongdoing by agents of the State.

43. **In Conclusion:** The Applicant maintains that the ‘new evidence’ audio recordings in conjunction with the facts of this case demonstrate that the original ‘Section 6’ public order charges levied against him were conceived and born out of malice in a politically-driven prosecution which relied on a complete reversal of the facts on the day in question (September 2nd 2015); whereby the Applicant and his colleague Mr ****** were attempting to apply the law (as can be heard in the said recordings) in circumstances where various agents of the State including 2 solicitors, a Courts Service Manager, a Garda Superintendent and a District Court Judge (at very least) were engaged in various underhanded acts with the intention of preventing the legitimate prosecution of two State employees for crimes committed against the public. This renders the original summons a fraudulent and void document upon which no subsequent trial should have proceeded.

44. The Applicant further asserts that the behaviour of the Prosecution Team in; (i) pressing knowingly-false and vexatious charges; (ii) fabricating, manipulating and erasing evidence; (iii) failing to obey a Court Order; (iv) conspiring to move Court dates without notification to the Applicant; and (v) colluding to interfere with the administration of justice and to pervert the course of justice in order to secure a malicious conviction, constitutes such an abhorrent contamination and tainting of the legal process as to render the whole prosecution *‘void ab initio’* (void from the beginning).

45. That the corresponding prejudicial behaviour of several Judges in knowingly facilitating and advancing a malicious prosecution while denying the Applicant his fundamental rights to fair procedures and legal representation in the Courts is likewise such an abhorrent

departure from the Constitutional and moral obligations of the judiciary (to act in a fair, unbiased and impartial manner) as to constitute another grievous wrong which renders; (i) the whole trial process, (ii) the contrived 'conviction in absentia', (iii) the imposition of a 2-month prison sentence; (iv) the coercion of the Applicant into participating in a Circuit Court Appeal without legal representation; (v) the pre-emptive and unlawful termination of that Appeal, and (vi) the incarceration of the Applicant on foot of committal documents which were of themselves (vii) overtly fraudulent and unlawful: That all of this renders the whole trial process 'void ab initio' and tainted almost beyond belief, and deserving of being immediately struck from the record – especially in circumstances where the Applicant's repeated efforts to have the Irish authorities deal with these serious issues have fallen completely on deaf ears – or, have resulted in additional acts of overt and covert intimidation of the Applicant and his family by the Gardaí, by the Courts Service and by the Office of the DPP.

*(a) Note for the 2020 Report: That shortly after the lodging of this affidavit, that the DPP issued another spurious public order charge against the Applicant, and then took over the defence of this JR case from the Chief State Solicitor's Office (without complying with Superior Court Rules) before issuing further nonsensical traffic charges – resulting in the lodging of 'joined' JR Case 2018/432 v Judge ***** & the DPP, which, amongst other offences, alleges a premeditated conspiracy to pervert justice by the said persons.*

46. For the benefit of the Court, the Applicant hereby quotes verbatim from the law books:

*A. **The concept of presumption of innocence** is fundamental to the Irish legal system and is internationally recognised as an essential safeguard. It is the cornerstone of the criminal justice system. An accused person is **presumed innocent** until proved guilty. The burden of proving this guilt is on the prosecution and it must be proved beyond a reasonable doubt.*

*B. **The right to fair procedures:** The courts, and all other bodies or persons making decisions that affect you, **must treat you fairly**. You are entitled to **fair procedures** in how the decision is reached. This means that the decision-maker must not be **biased** and the decision-maker must give you a **fair hearing**. **You must be given an adequate opportunity to present your case.***

47. There can be absolutely no doubt that these principles have been callously, maliciously and repeatedly violated in this case, and it remains incumbent on the Irish Courts – if they are to maintain any semblance of probity or expect to sustain the ongoing confidence of the public, that these serious matters are dealt without further delay or prevarication in accordance with Ireland's solemn obligations under international Human Rights Law.

48. Additional grounds upon which such relief is sought:

(i) This Application is made in specific context of **Article 38 (1) of the Irish Constitution** which states; "No person shall be tried on any criminal charge save in due course of law."

(ii) **Article 40 (1) of the Irish Constitution** which states that; "All citizens shall, as human persons, be held equal before the law."

(iii) **Article 40 (3) 1° of the Irish Constitution;** *“The state guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”*

(iv) **Article 40 (3) 2° of the Irish Constitution;** *“The state shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”*

(v) **Article 40 (4) 1° of the Irish Constitution;** *“No citizen shall be deprived of his personal liberty save in accordance with law.”*

(vi) **Article 40 (6) 1° of the Irish Constitution;** *“The state guarantees liberty for the exercise of the following rights, subject to public order and morality: the right of the citizens to express freely their convictions and opinions.”*

(vii) **Article 35.2 of the Irish Constitution** which states that judges MUST operate within the law and the Constitution: *“Judges shall be independent in the exercise of their judicial functions, subject only to this Constitution and the law.”*

49. With so much at stake as regards (i) the Applicant’s good name and all that flows from it, including; (ii) the unsettling effects on his family (being impecunious and with a special needs son); (iii) the broader interests of the Irish public and their trust in our Courts and our justice system; and (iv) perhaps most importantly of all, in the overall interests of justice, transparency and accountability; the Applicant hereby requests the following reliefs:

50. Reliefs Sought:

(i) **An Order of certiorari** striking out the Applicant’s unlawful conviction and subsequent incarceration on May 4th 2017 at the Circuit Court Appeal of District Court Case No 2-16/40190 “DPP vs ***** & Manning” on each, any or all of the foregoing and/or the following grounds.

- That the Applicant was entitled to a presumption of innocence
- That the Applicant was denied effective legal representation
- That the Applicant was denied the right to enter a defence or call witnesses
- That the Court acted in excess and breach of its jurisdiction
- That the Court failed to observe constitutional and natural justice
- That the Court failed to act according to its legal duty
- That the trial Judges acted with extreme bias and prejudice throughout and in violation of their solemn Oaths of Office.
- That there were flaws and errors on the face of the committal orders
- That there have been multiple breaches of the Applicant’s fundamental rights as per the European Convention on Human Rights.

(ii) **An Order for compensation** for the period the Applicant was unlawfully imprisoned as per Article 5.5 of the European Convention on Human Rights.

(iii) **An Order for damages.**

(iii) **Any other Order** as deemed fit and appropriate by the Court in the overall interests of justice and in context of the fact that the Applicant is acting without legal representation.

51. In the event the above reliefs are denied or refused, the Applicant seeks the following ex-parte reliefs for the purposes of preparing a case to the European Court of Human Rights.

- A. **An Order of Mandamus** directing the Courts Service to release the **full unedited** DAR recordings of the following five District Court hearings in Castlebar regarding case 2016/40190 “DPP vs ***** & Manning”: (i) September 2nd 2015 before Judge ***** *****; and (ii) November 22nd 2016; (iii) November 23rd 2016; (iv) January 23rd 2017; and (v) January 24th 2017 each before Judge ***** ***** all of which have been either refused or denied to us without proper or lawful explanation.
- B. **An Order of Mandamus** directing the Courts Service to release the full unedited DAR recordings of the following Circuit Court hearings in Castlebar concerning the Applicant’s Circuit Court Appeal: (i) February 10th 2017 before Judge ***** *****; (ii) February 17th before Judge ***** *****; and (iii) May 2nd, 3rd & 4th 2017 before Judge ***** *****.
- C. **An Order of Mandamus** directing the Office of the DPP to withdraw the threatening letter of ***** ***** of April 11th 2017 and to respond to the issues raised by the Applicant in recent correspondence.
- D. **An Order of Mandamus** directing the CEO of the Courts Service Mr ***** ***** to respond to the issues raised by the Applicant in recent correspondence.
- E. **An Order of Mandamus** directing An Garda Síochána to properly investigate the criminal complaints lodged by the Applicant and his colleague Mr ***** ***** in respect of alleged criminal offences committed in the course of these proceedings.
- F. **An Order of Prohibition** restraining any Judges (who have not since retired) who have previously been involved in this case from adjudicating further in these matters on the grounds that it would give the public appearance of possible impropriety, bias and/or a conflict of interest.
- G. **Costs** (and/or expenses).
- H. **Further or other Orders** as this Court sees fit in respect of the fact that the Applicant is acting as a lay litigant, impecunious, without legal access or support.

Signed (etc): “Stephen Manning, October 20th 2017”

* * *

AS OF JANUARY 2020, NONE OF THE ABOVE RELIEFS HAVE BEEN GRANTED

Matters pertaining to this application have already been covered in the mainstream media in Ireland, the UK & Germany (the latter in the August 2017 edition of Berlin’s Cicero Magazine). The following online links may be helpful in assessing the merits of this case:

“[Walls of Stone](#)” article in the World Forum section of Cicero Magazine: (copy-and-paste links)

This letter was copied to all sitting TD's and serving Judges. With the exception of sympathetic acknowledgements from independent TD's Claire Daly and Mick Wallace – there were NO other responses.

Dear Dáil Deputy / Dear Judge;

Jan 27th 2017

I respectfully write to you today on behalf of myself, my young family and of thousands of concerned members of the public in context of some truly astounding acts of overt and covert criminality on the part of persons in the pay of the State. This includes the repeated abuse or denial of due process by Gardaí, by senior Courts Service Staff, by agents of the DPP's Office, by the Justice Minister and by a number of Judges – which is bringing the good name, probity and integrity of the whole Irish justice system into serious disrepute in a case which is now drawing the attention of foreign media.

Speaking as a law-abiding citizen, as the father of three school-age children (one with special needs) and as the administrator of the *Integrity Ireland Association* who has, this past week been subject to unlawful arrest and incarceration in an act of overt 'political policing' on the orders of District Court Judge ***** who subsequently ordered 'in our absence' that my colleague ***** and I be jailed for two months on the utterly contrived basis that we had not attended a Court hearing which had been artificially brought forwards by three days without ANY notice or notification whatsoever from the Courts Service or from the DPP's State Solicitor – whom, we had recently discovered, had committed several criminal acts in the attempted prosecution of myself and Mr *****, including perjury, fraud, criminal damage, breach of Court Orders and so many reckless abandonments of due process by the Courts Service and the presiding judges as to beggar belief. Indeed, not only was I never 'properly before the Court' in this matter but Judge ***** has now imposed prison sentences on myself and Mr ***** without me ever having entered a plea; without having access to legal aid; and without either of us entering a defence – which said defence would be highly embarrassing to the aforesaid persons inasmuch as our defence is rooted in the multiple improper and unlawful acts that were being conducted by agents of the State in Castlebar District Court on Sept 2nd 2015—where myself and Mr *****, acting as lay-prosecutors under *The Petty Sessions (Ireland) Act 1851*—were attempting to legitimately prosecute a Garda Sergeant and the local County Registrar for multiple unlawful assaults on the public.

The brevity of this letter does not allow me to enter into too much specific detail, but we have, literally thousands of documents, pictures, audio & video recordings and eyewitness statements that establish not only the systematic obstructionism and denial of due service by persons in the employ of the State, but also multiple deliberate acts of criminal damage (the erasure, concealment or suppression of evidence) by Gardaí, Courts Service Staff and by the Office of the DPP, and that all of our efforts to have these matters properly dealt with via the various statutory authorities, including; (i) lodging complaints to An Garda Síochána; (ii) via private criminal prosecutions; and (iii) by way of judicial review and appeals to the

Supreme Court are being likewise systematically obstructed, denied, thwarted, or otherwise unlawfully interfered with – for the apparent purposes of covering up the unlawful, unconstitutional and criminal activities of agents of the State.

To underline the grave seriousness of the issues at hand, we should emphasise that our ‘difficulties’ with the Irish justice system began 8 years ago with our issuance of a defamation lawsuit against a person whom we now know is a 2nd cousin to ***** TD; that during a virulent 2-year campaign of harassment, intimidation and death threats designed to force us to drop that Court case, that a close neighbour was violently attacked in a case of ‘mistaken identity’; that one of the perpetrators was murdered a month later; and that despite sending information to An Garda Síochána that we had information regarding those crimes, that we have never been interviewed or approached despite public announcements in various newspapers that Gardaí are still ‘seeking information’.

We believe this situation is so desperate and damaging to the overall reputation of Ireland in so many ways, that we beg and implore you to please take immediate action to defend and protect us – a law-abiding family – in these utterly appalling and unacceptable circumstances.

Yours,

Dr Stephen Manning & family, etc.

Extract from an Affidavit to the High Court, April 2019.

It is relatively easy to compose lies – something that the DPP opposition seems not only proficient at, but also well accustomed to – and I am constantly being forced to counteract and disprove those lies in these lengthy affidavits – the only alternative being to allow lies to rest ‘on the record’ with all of the resultant damage that causes. But even when I disprove those lies with all of the required proofs and details, the Court nevertheless refers to those opposition lies as if they had truth and substance – thus forcing me into another protracted round of challenges, and objections, and appeals, and of affidavits ‘on the record’ which are in effect, being treated with incredible contempt for the rule of law, and for the principles of truth and natural justice. Indeed, what has happened to the requisite ‘accuracy of the record’? Given that the Courts are our ultimate refuge and last source for justice, this is an incredibly perverse state of affairs that requires the strongest of condemnations – both of the so-called ‘Irish Justice System’ itself which allows these perversions in the first place, as well as of the various people ‘in high places’ who indulge in, promote and tolerate the same.

It genuinely offends my dignity to know that I am engaging with career liars and moral deviants in these attempts to secure justice in the Irish Courts, but it offends me even more to think of the damage being done to our culture, to the reputation of Ireland and to the prospects for future generations if we, who are living this shabby experience, do not stand up and denounce these insidious injustices whenever and wherever we are able to do so.

NOTICE & ADVISORY

Dear *****,

June 16th 2019

I regret to have to correspond directly with you again, but as you will see, there appears to be no other alternative in circumstances where I have, literally, tried each and every lawful avenue available to secure 'the appropriate remedy' via our justice system over a period of many years in the face of repeated stonewalling, lies and deception, of collusion, obstructionism and obfuscation, and of multiple fraudulent and indeed criminal acts by so-called 'Officers of the Court' including perjury, criminal damage, intimidation and assault, and various other illicit attempts to directly interfere with, obstruct or pervert the course of justice – all of which have been meticulously documented by me in dozens of affidavits before the Courts and in a series of criminal complaints and formal letters to 'The Authorities' including to your good self – most of which have been contemptuously ignored. Most alarming of all however are the mounting numbers of Judges who are at the very least in open violation of their solemn Oaths of Office, and in many cases are facilitating criminal activities by other named 'Officers of the Court' in direct violation of the law and of Superior Court Rulings, and are doing so openly, blatantly and without any apparent fear of sanction or consequences, despite my many approaches to all of the respective 'statutory oversight bodies' including to the Superior Courts, where, it seems that the primary (illicit) agenda is to protect errant office holders 'at all costs' regardless of their dishonourable activities, and in spite of all the shame and opprobrium this is bringing not only upon our justice system and our judiciary, but on the very concept of justice itself – and of the democratic rule of law in this State.

Keeping this brief and to the point ***** , and noting that in the interests of transparency I have copied a similar letter to the Chief Justice, to the Minister for Justice and to the President of the High Court; the specific matter I am bringing to your attention today concerns an 'Approved Judgment' text that was read into the record by Justice ***** on April 3rd last, unopposed and without me being allowed to comment or question the contents, and which said document simply cannot be allowed to stand 'on the record' for all of the reasons as laid out in my affidavit of June 7th 2019 (see extracts attached) which reasons I loosely summarise as; *"The wholesale abuse of due process, of flagrant misuse of the facilities of the Courts, and of serial attempts by 'Officers of the Court' to indulge in overt criminal acts, and then conspire with the Courts Service to cover up those crimes."* This includes; (i) repeat breaches of due process and procedure by the CSSO and DPP; (ii) of stonewalling, obfuscation and obstructionism by the Courts Service; (iii) of the lodgement of utterly fraudulent DPP affidavits, out of time and in open violation of Superior Court Rules; (iv) of Court Orders and other filings going inexplicably 'missing' or otherwise being conveniently 'disappeared'; and (v) the repeat failures and refusals of 'the Court' to address these matters according to the law. In short, of the wholly improper and prejudicial handling of these High Court JR cases to date, which is effectively and cumulatively denying me my fundamental right to justice.

I must therefore—most respectfully—place you formally 'ON NOTICE' that I am now seeking official confirmation that a genuinely independent statutory inquiry into the alarming levels of criminal misconduct ongoing in our Courts will be set up. To this end we have prepared files naming a number of senior office holders and members of the judiciary in the said criminal acts—complete with incontestable proofs—so you may make an urgent approach to the Houses of the Oireachtas to consider impeachment proceedings as against each of those named, on the basis of the evidence.

Respectfully Yours,

Stephen Manning, Mountain, Forthill, Ballyhaunis, Co. Mayo.

Defending Europe's values



"Honourable Members,

The cradle of our European civilisation is Greek philosophy and Roman Law. And our European continent went through its darkest period when we were ruled by dictators and Rule of Law was banished. For centuries, Europeans fought so hard for their liberty and independence.

The Rule of Law is our best tool to defend these freedoms and to protect the most vulnerable in our Union. **This is why there can be no compromise when it comes to respecting the Rule of Law.** There never will be. I will ensure that we use our full and comprehensive toolbox at European level. In addition, I fully support an **EU-wide Rule of Law Mechanism**. To be clear: the new instrument is not an alternative to the existing instruments, but an additional one.

The Commission will always be an independent guardian of the Treaties. Lady Justice is blind – she will defend the Rule of Law wherever it is attacked."

European Commission President 2019

EU nations to be vetted on their adherence to the rule of law

EU nations are to be vetted annually on their adherence to the rule of law, in a renewed attempt from Brussels to stop governments from firing independent judges and packing courts with pliable supporters.

In an effort to stop democratic backsliding, all EU countries will be subject to annual monitoring on the rule of law, the European commission announced on Wednesday, one day after its incoming president, *****, sought to assuage critics of her appointment with a pledge to uphold democratic values.

Details on that rule-of-law mechanism were spelt out in a policy paper published by the commission vice-president, ***** ..who announced the commission would publish an annual rule-of-law report, which would cover all member states to help detect "emerging rule-of-law problems wherever they appear". ***** told MEPs that the commission would "always be an independent guardian of the treaties. Lady Justice is blind – she will defend the rule of law wherever it is attacked." In a statement ***** said the rule of law had "come under attack in several ways" in the past five years, without naming specific countries. "The European commission has been fighting hard to resist these attacks with the tools available to us, and will continue to do so. Today we have decided to further strengthen our toolbox, to promote, protect and enforce the rule of law."

The Guardian, International Edition, July 17th 2019

The Integrity Ireland Website's "Citizen's Review of the Irish Judiciary"

The Good Stuff: When an Irish Judge takes office, he/she takes a Constitutional Oath (Article 34.6) and swears to uphold the following 'Ten Canons of Justice' as outlined in Article 14 of the Judicial Code of Conduct:, declaring; *"It is to these truths and ideals that I shall hold my office and no other:"*

1. *That I (a judge) shall seek to perform the duties and responsibilities of office to the best of my abilities;*
2. *That I (a judge) pledge my allegiance to the constitution of United Ireland and shall do all within my power to protect its sovereignty and integrity;*
3. *That I (a judge) pledge my honor and duty to upholding the essential rights of every human being and the values of just society;*
4. *That I (a judge) shall always uphold the integrity and independence of the judiciary;*
5. *That I (a judge) shall execute the duties of my office without fear or favour;*
6. *That I (a judge) shall never allow my personal life, relationships or beliefs to be associated with, or influence in my judgment in any matter before me;*
7. *That I (a judge) shall seek to render judgment with care, precision and without delay;*
8. *That I (a judge) shall refrain from extra-judicial activities excepting those that seek to enhance the status of law and administration of justice;*
9. *That I (a judge) shall refrain from public and political comment whilst in office;*
10. *That I (a judge) shall avoid impropriety and the appearance of impropriety;*

Inasmuch as any of our Judges genuinely and sincerely endeavour to abide by these canons, then they should undoubtedly be respected and admired, and rewarded through the full and wholesome appreciation of Irish society for their crucial contribution in maintaining a functioning democracy.

The Not-So-Good Stuff: The *Irish Independent* newspaper recently reported that five out of six newly-appointed Judges were found to have *"close political links to the current government"* at the time they were appointed. Likewise, a study of judicial appointments since 1995 found that *at least* a third of the 168 newly-appointed judges had *"personal or political connections to political parties before being appointed to the bench"*. The added fact that at a time when the country is in a financial crisis, Irish Judges are the second-highest paid in Europe; enjoy some of the most generous privileges and benefits; and share the highest number of personal assistants, makes a judicial appointment a much-sought-after career move - for those who qualify. Unfortunately, the process of 'qualifying' individuals for appointment to the bench also raises uncomfortable questions which the government repeatedly refuses to answer. An independent TD recently stated; *"Judges do not have to be interviewed or answer specific questions and it is an advantage to have political affiliations"*. The same TD asked how judges are vetted before they get the job? He said it seemed the refusal of the Government to answer the question meant, *"the old political jobbery"* was in place. Notwithstanding the requirement that newly-appointed Judges affirm their adherence to *The Judicial Code of Conduct*, it is difficult to reconcile the notion of genuine judicial independence (or judicial competence) against the backdrop of such thinly-disguised political cronyism - especially when so many apparently-unconstitutional decisions are being made in our Courts which directly or indirectly favour the often-illegitimate interests of the connected elite.

The Really Bad and Depressing Stuff: Amongst the current members of Integrity Ireland who have taken legal action in one form or another, *not one of them* would recommend the process here in Ireland. Each reports serious inconsistencies between the activities and decisions of individual Judges at various levels, so much so that the prospect of coming before any given Judge is described at best (even by some members' legal teams) as 'a lottery'. Court rules are selectively 'dismissed' by one Judge for example - and then selectively 'enforced' by another, thus causing bewildered litigants additional costs and delays. Irrefutable evidence that implicates 'connected persons' is regularly blocked, ignored or dismissed, and no direct action is taken against blatant perjury, forgery and contempt of Court. Many such bewildering, and clearly-unconstitutional decisions are being regularly made in our Courts that can only be accounted for as acts of mind-boggling incompetence (which is very hard to believe) or, as deliberate acts of intentional bias - the private motives for which remain a disquieting area of morbid speculation. Some decisions are so obviously improper and unjust - especially when lay litigants are representing themselves - that one wonders how long this malfeasance has been going on - and at what cost to our democracy? This naturally leads the concerned citizen to question the overall integrity of a justice system that allows and encourages - and apparently even rewards - those who indulge in blatant nepotism, bias and other unconstitutional activities, ostensibly whilst 'serving the interests of justice'. Whilst it is an obvious fundamental tenet of any genuine democracy that its justice system is - in the main - beyond reproach, and that its Judges are comprised of the very best and the wisest of its citizens; it is a shameful indictment of the Irish justice system incorporating the police, the legal system, the Courts and the Ministry of Justice that so many Irish citizens express resignation and dismay at the prospect of going to Court, and have little faith that they will receive a fair and equitable hearing. In the UK and other Common Law jurisdictions there is a concept called "*The Overriding Objective*" which ensures that cases are held in a fair, expedient and cost-effective manner. Not so in today's Ireland, where the opposite seems to be the norm - where cases are so burdensome, costly and convoluted as to render the concept of 'fairness' totally redundant. The question remains; how long before Judges are appointed on *moral* merit? And how long will we have to wait for the establishment of a *proper* judicial oversight body?

The Judicial Council Act 2019 is currently being signed into law. It contains several clauses that will effectively prevent the public from knowing what is going on 'behind closed doors'.

**Citizens for Justice,
Transparency & Accountability**



"One by one – together – we CAN make a difference!"

WWW.INTEGRITYIRELAND.IE

**SUMMARY OF MAIN QUESTIONS BEING PUT TO THE JOINT PETITIONS COMMITTEE IN
CONTEXT OF THIS FORMAL PETITION WHICH IS BEING LODGED UNDER THE AUSPICES OF
*the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013***

QUESTION: Is the Irish State effectively complying with the directions in, “Articles 1-7 of the EU Convention drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union” to make ‘passive and active corruption a criminal offence’ and that, “Each Member State shall take the necessary measures to ensure that the conduct referred to.. ...is punishable by effective, proportionate and dissuasive criminal penalties..” inasmuch as the Irish State has declared the same ‘on paper’ in *the Criminal Justice (Corruption Offences) Act 2018* but is not in practice applying or enforcing the same in these, and many other such cases?

QUESTION: Article 41 of the Charter of Fundamental Rights of the European Union (CFREU) states that, “Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.” Given the Applicant has documented many specific and wholesale abuses of ‘good administration’ by agents of the Irish State as forbidden under the Charter including many proven incidents of fraud, perjury, criminal damage, ‘stonewalling’, the withholding of information and services due, the fabrication of spurious charges, the deliberate delivery of misinformation, and various other acts of misfeasance, nonfeasance and malfeasance; does this place Ireland in violation of Article 41 of the CFREU?

QUESTION: Given it is a prerequisite of membership of the European Union that prospective and/or existing member States have a properly-functioning justice system; and given that it has been demonstrated in this particular case that domestic justice is NOT being lawfully delivered or consistently applied in Ireland, and that other than existing merely ‘on paper’ that the respective EU laws and Directives which the Irish State is obliged under EU membership criteria to transpose, implement and apply in the domestic sphere – is NOT in fact being implemented or applied in these interconnected cases; accordingly, does the CFREU have direct applicability when a Member State such as Ireland is NOT complying with EU law in its domestic capacity, nor with the remedies and rights enshrined in the CFREU?

QUESTION: Given that the above list containing over 100 names and criminal offences which have been committed in context of only ONE originating case before the Irish Courts are but a mere sample of the systemic violations of Irish and EU Law that are being visited on the trusting Irish public with absolute and reckless contempt for EU citizens’ fundamental rights; how much more evidence is required to establish that Ireland does NOT have a ‘properly-functioning’ justice system, and that the nation’s Courts are so plagued with appalling inconsistencies, illegitimacies, illegalities and criminal behaviour by so-called ‘Officers of the Court’ as to render the notion of genuine ‘justice’ here in Ireland to be no more than a farce and a distracting pretence which, although eminently articulated in our Constitution and in all of the domestic regulations that flow from it, have NO actual effect or substance other than to mislead the casual observer into believing that this is in fact, a genuine ‘Democratic Republic’ which is deserving of all of the respect and benefits of official EU membership?