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The Rt Hon Mr Jack Straw
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
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7th October 2008

Dear Mr Straw,

Serious faults of the UK civil justice system, violating HRA/ECHR Article 6

ECHR Article 6 and thereby HRA Article 6 stipulate that:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing by an independent and impartial tribunal established by law.”

The Statement of Facts appended herewith shows that the UK civil justice system is unfit for purpose, and drastically violates the above Article 6. (That statement cites the also accompanying Statement of Facts of my application to the ECtHR (5604/08) in respect of case 6BM74906 in the Birmingham County Court).

I would be grateful if you would ensure that timely measures are taken to correct these damning deficiencies, so that my Article 6 right to a fair and public hearing by independent and impartial tribunal is not breached in respect of the associated very important counterclaim for harassment by the claimants (who pretend to be the “community-building” legitimate management of a housing co-operative RSL).

Yours sincerely,

Robin P Clarke

Statement of Facts indicating that the UK civil 'justice' system is unfit for purpose, seriously in breach of the requirements of HRA/ECHR Article 6 (fair, public, independent, impartial)

Summary and remedies required

1. There exists clear proof that the UK civil 'justice' system is pervaded by powerful motives for corruption (paras 12-16) and by ready opportunities for acting on those motives (paras 16-17). There exists clear proof that perversion of the course of justice has indeed been committed by at least three civil judges (paras 18-19). Police have so far responded to this information with conspicuous lack of sufficient action (paras 20-21). The rules of the civil system can be shown to be systematically designed to needlessly undermine justice and instead produce an unnecessary systematic secretisation to assist in concealment of the aforementioned corruption (paras 4-11).
2. While any one of these facts could be enough to show the system as inadequate, the conjunction of all of them makes clear to an objective observer that the system has been systematically contrived to function as a fraudulent scam scheme only pretending to produce justice.
3. To remedy this situation all of the following are required.
 - a) Reports of judicial corruption must be followed up with proper investigation and prosecution.
 - b) Real (as per para 22) reasons must be provided for judgments.
 - c) Parties must have opportunity to require judges and opposing parties to respond to challenges to their falsehoods, at all stages of proceedings.
 - d) In most civil cases (and certainly housing and family), taxpayer-sucking career judges must be replaced by rough sleepers dragged in from the streets who could not possibly do a worse job.
 - e) Parties and public must be permitted to make audio recording of hearings.
 - f) Parties and public must be permitted to listen to the courts' own recordings and obtain copies thereof (at reasonable cost).
 - g) Parties and public must be permitted to freely obtain transcripts of reasonable quality at reasonable cost, and copy them unrestrictedly.
 - h) There must be published listings of all county court judgments rather than only monetary ones.

Unnecessary systematic secretisation

4. Parties and members of the public are prohibited from making audio recordings of hearings, or even bringing in recording means, with criminal penalties.
5. Parties and members of the public are not permitted to obtain copies of the courts' own audio recordings of hearings (such as they are).
6. Parties and members of the public are not permitted to even listen to the courts' own audio recordings of hearings – even after paying for transcripts.
7. Transcripts are only available from a small cartel of permitted transcribers, at extortionate prices for which legal aid is not available. Even at such prices they are of abysmally low quality. There are not even any page or paragraph numbers.
8. The transcripts are only available subject to vetting by the judges involved.
9. Even if a transcript has been obtained at that extortionate cost, parties and members of the public are still prohibited from making further copies.
10. While a tiny proportion of cases (high-profile in Lords, High Court and CofA) are treated with reasonable openness, the vast majority of cases such as all of those in County Courts, are for all meaningful practical purposes rendered utterly invisible to the public, with no access even to indexes of cases or judgments, let alone fuller details. In practice a list of “CCJs” – County Court judgments – means precisely nothing more than a commercially-purchasable list of debtors and their debts; lists of non-monetary CCJs are non-existent as far as the public is concerned.
11. It is far from obvious quite how the above rules and policies serve the interests of justice. But it is very obvious how they combine together as if deliberately designed to undermine justice, aiding the concealment of judicial abuses, and rendering their exposure and demonstration needlessly difficult. (It might be asserted that there are sound arguments justifying these restrictions. Their fallaciousness is made clear in a first appendix below.)

Total control of proceedings by a closed clique of far-from-disinterested judges

12. Barristers and solicitors (individually and as a profession generally) have a very strong financial interest in having the public believe that conducting a case without a lawyer must be a false economy, that only fools represent themselves, and that such litigants-in-person rarely if ever have the competence to win their cases. They have a strong interest in having their clients and the public believe that money spent on legal advisors/representatives is an important or even crucial factor in success in the courts.
13. For this reason these lawyers have a very strong group interest in ensuring that litigants-in-person lose cases even if their case is sound and soundly presented.
14. Besides the financial interest lawyers also have an egotistic interest in that their profession's prestige would be undermined by their being equalled at their own trade by unqualified persons.
15. Judges also have a prejudicing interest, in that their prestige is likewise affected, along with their justification for high salaries for their supposedly exceptional talents and expertise.

16. Furthermore, judges in the civil courts have very close connections with the barristers who are paid by clients. It is in the nature of their work that members of these two categories regularly come into private contact in court, to the extent of familiarity, especially within a provincial county court such as in Birmingham. They belong to a common social set, of people who have all attended the Inns of Court and so on. Judges are just about always barristers, and barristers often sit as judges. These close relationships tend to generate an emotional our-team bias in favour of barristers against litigants-in-person. And it can also aid in potential for bribery and other improper relationships. If a judge “wins” the case for a barrister then in exchange that barrister is more likely to co-operate with and speak well of that judge such as may easily aid that judge’s promotion. And equally perniciously in reverse – the judge who “loses” too many barristers’ cases soon falls victim to hostile gossip and non-co-operation.
17. Once a judge has falsified a judgment, the system enables them to easily close off the victim from any effective means of challenge of that judicial crime. In the present case, Truman capped off her 35 lies with the declaration that she was refusing permission to appeal because “I think I’m right”. And thereafter it only took one further lie from MacDuff followed by a couple more from McKenna and the case was wholly closed off from further challenge, without ever getting outside of the intimate circle of colluders of the Birmingham Civil “Justice” Centre.

Decisive proof of Perversion of the Course of Justice, and wanton failure to prosecute even when presented with such decisive evidence of serious crime

18. As more fully detailed in the herewith Statement of Facts for my ongoing application to the ECtHR, judges Truman, MacDuff and McKenna deployed in excess of 35 cheap falsehoods in my case, all 35-0 against the unrepresented victim, of which the probability of being due to chance is less than 1 in 3.4 billion.
19. That Statement of Facts furthermore details how these liar-judges deliberately abused the hearings in order to prejudice against the unrepresented victim, and also how the judges, far from giving assistance to the severely-ill unrepresented victim instead indulged in conspicuous unhelpfulness such as time-pressuring.
20. I reported the relevant parts of the same information to West Midlands Police as proof of the Perversion of the Course of Justice which these judges had committed. The police headquarters then assigned this extremely serious case to a detective of lowest rank (DC Andy Smart) and he stated that he would let the matter rest pending a decision from the ECtHR.
21. And that pending on the ECtHR application is manifestly inappropriate and unacceptable as made clear in the second appendix below.

No reasons given for judgments and no opportunity for challenging of falsehoods

22. Here are just two examples of this. Truman refused me permission to appeal against her pack of lies for the “reason” that “You won’t be surprised that I think I’m right”. MacDuff thereafter refused permission to appeal for the “reason” that my case was supposedly “wholly devoid of merit”. In neither instance are these in any honest sense really reasons, rather they are mere assertions, of at best opinion or more frankly patent falsehood. I was told by one solicitor whom I tried to engage that my drafts were useless because if he were to feature such mere opinions the judge would most certainly throw out his case. And yet that is all we see here in these “reasons” from Truman and MacDuff – rather than what would be genuine honest reasons such as counterfactuals or counterarguments showing some genuine faults in any of my six defences or numerous grounds for appeals. Absolutely anyone can pseudo-dismiss absolutely anything with such cheap “reasons” as “I think I’m right” or “Your case is wholly devoid of merit”.
23. Furthermore, it remains the case that not the slightest genuine fault has been shown in any of my six separate defences to the eviction proceedings. And yet at no point have any of these criminals been required to answer my challenge to show so much as one genuine fault (let alone the six faults required to dispose of all six defences as would be required to genuinely justify their “judgments”). And your system fails to provide any way I can make such a challenge. This alone is a scandalous damning defect of your system of so-called justice.

Severely ill victim given no assistance but on the contrary oppressed

24. As explained in the case documents, as the severely-ill victim of harassment I obtained no assistance from those controlling the “co-operative” (which after all was the clique of harassers themselves). And no assistance from the associated BCHS due to its domination by the same clique. And no assistance from the Housing Corporation as explained in my book filed with the defence. And no assistance via the Protection from Eviction Act s.3 / s.3A, which as the legal textbooks say is a waste of time, ignored by both police and local authorities.
25. But I reckoned I could at least put my trust in your civil “justice” system to give some assistance and give recognition to the truth. Yet on the contrary, again I found that far from being assisted I was constantly being oppressed by that system too. Due to the abysmal policies affecting legal aid, I was unable to obtain any professional assistance with my case, despite a huge amount of effort. I had to spend a whole year of my life on drafting, typing and printing the necessary documents at my own expense and then Truman just abused this as supposed grounds for complaint about there being too many documents from me. Truman repeatedly made time-pressuring comments (and with no good reason), which is the last thing a judge should be doing with an unrepresented victim.

26. Then at the hearing with McKenna, besides his inappropriately hostile manner, rather than any thanks for the fact that I had spent so much time on unpaid carefully drafting and typing out so much evidence and reasoning, on the contrary he intemperately shouted “show me” and “you should be helping me”. Surely this circuit judge specialising in housing should not need unqualified me to be showing him the basics of the HRA and Lord Bingham’s comments on it. Surely the whole point of paying these “learned” professional pomposities is that they should already know these things for themselves without needing to shout at unrepresented untrained novice victims to “help” them. And what’s the point of “helping” McKenna anyway given that he immediately thereafter told barefaced lies about those very paragraphs right there before him anyway.

No cause of action arising from outrageous callous harassment by “housing co-operative”

27. I was obliged to prepare my counterclaim with no professional assistance and under conditions of extreme adversity, namely the continuation of the original harassment scheme operated by the claimants themselves, plus my pre-existing severe illness of which the claimants had been aware, plus the threat of improper eviction from my home of 16 years (not having had to search for a home in the preceding 28 years), plus extreme pressure of time as explained in my ECtHR application.
28. I was later obliged to “amend” my counterclaim under conditions of even more extreme adversity, with all the preceding factors compounded by the shock of encountering the outrageous criminality of Truman and shock of her granting of the wholly improper eviction from the home I had invested so much money and work in over the previous 17 years.
29. I nevertheless laid out clearly enough in those documents that I was making a claim for harassment offences by the claimant clique. The harassment clearly fell within the definition of harassment specified in the Protection from Eviction Act s.3 / s.3A. No specific types of act need to be involved and they do not need to be criminal or tortious of themselves individually.
30. The claimant clique’s advisors nevertheless would have the court consider that no valid cause of action in respect of harassment arises from my counterclaim document. If your system of “justice” really does insist on considering that to be the case, then it makes the law an ass, indeed makes the law an outrageously indecent ass, in denying proper redress against a most serious, callous, unprovoked crime of sheer greed and abuse of entrusted powers. It is self-evident that any crime of harassment must generate a tort against its victim. Well, self-evident except in your halls of filthy deceit I can only suppose.

Other critics of the UK civil system

31. I draw to your attention recent publications from Civitas condemning the injustices arising from your secretive courts not least in family cases.
32. I further draw to your attention a growing chorus of outrage from individual victims of this most evil of organisations in our land, including from many eminently sensible and reasonable persons, clearly not only paranoid crackpots imagining they have been wronged.

Appendix 1 - Vacuity of supposed justifications for the secretisation of hearings

33. It may be proposed in defence of the secretive policies blanketly applied to all civil proceedings that they are necessary to prevent (1) abusively falsified publicity, (2) breach of privacy of minors, (3) breach of privacy of others, or (4) prejudice to ongoing proceedings.
34. In considering these defences it must be borne in mind that these secretisation policies come at the very great cost of aiding and encouraging the perversion of justice as aforementioned. So the defences must raise genuine problems which are of a weight sufficiently substantial to outbalance those alternative costs.
35. In respect of abusively falsified publicity, the suggestion is that malice-makers might broadcast or otherwise circulate maliciously-edited versions of audio recordings, in order to promote false notions either about the reasoning or evidence, or about participants or about the hearing conduct in general. The prospect of such scenarios is not a reasonable justification for the secretisation policies for the following reasons.
 - a) The practice of sophisticated editing of both sound and video is now so widespread, well-known and conspicuous that there can be hardly anyone on the planet who is not familiar with the tricks it can produce. So even if one or more persons are presented with a false audio they will still be well aware that it might be false.
 - b) There is not really any conceivable circumstance in which any genuine problem could arise from open access to audio recordings of hearings. The only conceivable motives for abuse are: (i) to change the outcome of the case; (ii) to slander a judge; (iii) to slander another participant; (iv) to give a falsely negative perception of the justice system. It is inconceivable that any of these motives could be aided by the secretisation policies; indeed on the contrary the fact that people cannot check the reality for themselves, and are prevented from doing so by your policies, can only add to (valid as it happens) suspicions that there really is some filth your system is trying to hide.
 - c) If a publisher of any significance were to broadcast a falsified audio, then they would of course be laying themselves open to a straightforward legal action for that falsification. So there is no need to pre-empt that prospect. And in the alternative possibility where the publisher is not of any significance, then that publicising is by definition trivial, and it would not be worth their bother anyway to produce a seriously-falsified audio for that trivial outcome.

36. In respect of breaching the privacy of minors or of other parties, even if (very questionably) such privacy were a supremely important consideration, the objection here is a mere leaf blowing against the concrete pillar of the need to prevent abuse of those same minors (and others) via the secretised corruption of justice.
- a) Privacy is already breached in all cases anyway, inevitably. The last people I would choose to have peering into my private affairs are crooked liars such as Truman, MacDuff and McKenna. Plus the other lying criminals who initiated the case.
 - b) About the only way that further breaching the privacy of a minor could have any significant impact on that minor would be if the major media wished to turn it into a Madeleine-type money-spinner. And that could easily be prevented by restrictions specifically on media publicity of such cases rather than by more fundamental secretisation.
 - c) Civitas have published a book about the serious abuses which proliferate in the family courts thanks to the secretive system. Judges who enjoy entertaining themselves by nasty bullying of already-unfortunate parents and children have the reassurance that their callous criminality can be neatly covered up.
37. In respect of ongoing proceedings, about the only conceivably significant hazard could be that a later witness may have notice of what an earlier witness has said and concoct false testimony accordingly. But the secretisation is most unlikely to make the slightest difference given that in civil proceedings the witnesses can easily collude to a common false account anyway, and indeed the CPR normal practice is for witness statements to be shared in advance anyway.

Appendix 2 – Inappropriateness of pending prosecution on my ECtHR application

38. It would be inappropriate to pend the prosecution on a response to my application to the ECtHR because that application addresses fundamentally different questions than of perversion of the course of justice. In the first stage of the ECtHR the issue is of whether the admissibility criteria are fulfilled, such as the time limit, whether breaches of ECHR articles are alleged, and other procedural criteria. Nothing to do with perversion of justice. In the later stage the issue is whether my ECHR rights have been breached, which again is not the same as whether perversion of the course of justice has occurred or is proven.
39. Due to the backlog of cases at the ECtHR, it is likely to take at least a year for just the admissibility to be determined, and at least a further year for the breaches of charter to be adjudicated on. Can it seriously be acceptable for judges Truman, MacDuff and McKenna to continue being paid to commit callous crimes in abuse of office, and nothing to be done by way of prosecution in the meantime for several years? Would you allow for instance any murderers, burglars, muggers etc to continue unchecked for so long? Would you even grant this indulgence to a person who troubles no-one but merely conceals a knife for his own peace of mind and deterrence of thugs in his locality? (Or openly brandishes nuclear weapons?)

Remedies required

These are listed on the first page of this Statement.