

[Written submissions handed over in the Court of Appeal on Friday 28<sup>th</sup> July 2017, to the Honourable Ms Justice Mary Irvine, at the mention of my appeal against an order of Mr Tony O'Connor CA2017/191 in the above-mentioned matter].

### **I. PRELIMINARY ISSUES**

1. The below Preliminary Issues may have the potential to set aside many judgements made by the Courts of Ireland over the years, including every judgement relating to matters brought by a litigant in person when the other party(ies) is/are represented by Counsel.

2. I am so astonished by the last judgment of Mr. Noonan in this matter that I fear that neither the Court of Appeal nor the Supreme Court may be held impartial in such matters, as long as all of the below paragraphs are not implemented and, as long as the former Attorney [General], defendant in one of my proceedings, sits as Judge of the Court of Appeal.

3. Mention of Kyprianou v Cyprus regarding Contempt of Court.

#### **A. Conditions of Court Impartiality**

4. The need for “an independent & impartial institution before which Judges would be made accountable for their conduct”, is a prerequisite of Judges’ impartiality as stated by the Bangalore Principles of Judicial Conduct 2002, quoted by Mr. Justice Haughton at paragraph 58 of his judgement in Beades v Ireland [2016] IEHC 32;

*“These Principles [ndrl: Independence, Impartiality, Integrity, Propriety, Equality, Competence & Diligence] presuppose that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards, which are themselves independent and impartial.”*

5. In the absence of such, the Article 35.4.1 of the Constitution seems in contradiction with the article 29.4.6 of its 28<sup>th</sup> Amendment regarding compliance with the Lisbon Treaty and the inclusive Charter of Fundamental Rights.

6. Give full public & media access to the Digital Audio Recording (DAR) of all Courts Proceedings to ensure transparency of the work of Judges and re-establish confidence in the Judiciary of the Republic (this will also help with the following);

#### **B. Determination of Court Impartiality in matters brought by a litigant in person where the other party is represented by Counsel**

7. In the Republic of Ireland, Judges of the Superior Courts are former solicitors or former barristers, who have practised as such for over 15 years. As such, they have created and kept ties with their former peers and peerage.

8. As a litigant in person, it is difficult to establish such ties. In order to do so, a preliminary statement such as the one below, may be considered as appropriate for any sitting Judge in such matters:

*“I, as former member of the Bar or the Law Society, swears having no former connections with neither the barrister nor the solicitor representing the “other party”. This includes:*

- *having never met casually;*
- *having never met professionally;*
- *having not attended the same school at the same time.”*

9. In the alternative, the litigant in person should be made aware of the extent of any existing connection and be in a position to decide if he considers appropriate to ask for the judge to recuse oneself on this matter or to request an alternate declaration: *“I take oath not to favour any of the submission[s] and / or evidence[s] brought by the said barrister / [solicitor] and to take in equal considerations any submission and evidence brought in by the [party] litigant in person.”*

**C. Conclusions**

10. I am asking this Court to refer my above-mentioned submissions on Conditions of Court Impartiality (at paragraph A) to the European Court of Justice for its consideration.

11. [I am asking this Court] to identify three judges of the Court of Appeal which may comply with my submissions on the Pre-Determination of Court Impartiality (at Paragraph B).

12. [I am asking this Court] ~~The need~~ for the removal of the former Attorney General, as Judge of the Court of Appeal as [she had been a] defendant in one of my proceedings.

13. If the above-mentioned conditions at paragraphs 11 & 12 can not be met, [it will give rise to an objectively justified fear of partiality before this Court and] this matter and all associated matters will have to be transferred to the Supreme Court;

14. As the Courts Services are part of one of my proceedings, I am requesting direct access to the Audio Recording of the 3<sup>rd</sup> April 2017 before Mr. Justice O’Connor and of the 22<sup>nd</sup> & 23<sup>rd</sup> of June before Mr. Justice Noonan to prepare my appeal.

15. When the game is rigged, you have to reset the Rules. If to get Justice in this Country, I have to reform its entire Judiciary [System], so let it be!