

16.12.16

Dear Court of Appeal

There are two further matters for your consideration in case **A2/2015/2839(A)**

1. We are in receipt of your letter dated 12th December which has crossed with our formal application for recusal of Lord Justice Simon, on grounds of bias, actual and perceived, which application has been made in absence of proper direction from yourselves. We have submitted incontrovertible evidence of this Lord Justice falsely denying a major ground of our appeal and moreover one which should involve criminal sanctions on the perpetrators, involving tampering with evidence which has been in the public domain since 2011.

The statement that it is “too late”, given the number of times we attempted to respectfully address such a delicate matter with the court is petulantly inaccurate and prejudicial. As the chronology shows, we waited **two months** to even know he was involved, during which time the Respondents violently broke into our home.

We therefore submit a full chronology of the matter (below) in which it is obvious that the standards stated by yourselves as being necessary to re-open appeal have in no way been adhered to by the Court. There has been no attempt by the Court of appeal and specifically by Lord Justice Simon to avoid real injustice, and his misrepresentation of the fresh evidence, by blatantly leaving out the relevant part of the sentence, breaches our Article 6, 8, 10, 11, 14 and 17 rights.

It is not appropriate for a Judge already demonstrating bias and having a clear conflict of interest, to be able to belatedly refuse by misrepresentation, and in all the circumstances his refusal itself is clear and visible corroboration of the allegation of bias. In terms it is plainly obvious that the judge is involved in deliberate obfuscation both of the validity of the evidence submitted in application to re-open as well as of the chronology of the recusal request itself. Please re-instate justice and get fresh eyes on this case.

While we certainly feel intimidated by being forced to question his authority, which intimidation we believe is the intent, we have a duty to oppose such obvious manipulation of legal process, in contravention of all principles of justice, in the public interest. Put simply, respect must be given to the just rule of law, not its opposite. No Judge can therefore be above having to account for his actions, neither should the mantle of authority be used to perpetrate injustice and human rights abuse, and we will accordingly now elevate this matter to the maximum of our ability.

2. We **urgently request advice** about further fresh evidence that has come to light in the form of video footage of the 1st Defendant in the case threatening the Applicants in a public place in 2013. This video came to light during our recent move, as a direct result of being forced from our home.

This is therefore also a **formal request** for direction as to whether this video needs to be submitted in a further application as fresh disclosure evidence corroborating the hate-campaign.

Yours faithfully

Steve Paris and Angel Garden
and for their children

Chronology of request for Lord Justice Simon's recusal.

14th September - we applied to re-open the appeal based on fresh evidence of fraud.
23rd September - we were advised to re-apply using form n224
4th October - we re-applied urgently. the form wasn't even stamped until 3rd November, nearly two months after our first application.
17th October - we asked for advice as to whether we should submit the recently updated CPS guidelines as fresh evidence
3rd November - we were advised to serve on the respondents
11th November - Lord Justice Simon made an order. We became aware he was still involved.
14th November - We wrote to the Lord Justice with a recusal request
23rd November - V Cahill acknowledged that letter
24th November - we request clarification as to whose response that was
24th November - Respondents submission received
29th November - We made further submissions rebutting falsities of the respondents.
30th November - Lord Justice Simon made an order dismissing our application and both misrepresenting and refusing our recusal request.
5th December - formal request for recusal in absence of requested guidance from court
7th December - we followed up that request
9th December - we followed it up again
12th December - we made a formal application for his recusal
12th December we received your letter informing us that the application had been made "too late" and that Lord Justice Simon himself considered it to be "without merit".

Between 14th September and 11th November, a period of **two months** in the matter of our urgent request to re-open based on fresh evidence we did not know that Lord Justice Simon would be involved.

During that extended period, the respondents' agents broke into our home, i.e. used violence to enter, while we heard nothing about who might be looking at the matter. This is not commensurate with the need to "avoid injustice".

Immediately we became aware of his involvement we wrote to him asking for recusal on 14th November.

That letter was only acknowledged at all **nine days later** with no indication as to whether the Lord Justice had even seen it. It was not replied to. Our further request for clarification was ignored.

Yet a mere **four days** after receiving the Respondents' submissions Lord Justice Simon dismissed both the application and the request for recusal stating that we only asked for it when he asked for submissions from the respondent!. This in itself is a highly biased, inaccurate and perverse statement as he knows perfectly well that was the first we knew of his involvement.

N.B. In absence of any response to our requests for guidance on the matter, we continue to rely on redirection from the home unjustly awarded to those making credible threats to life and liberty, as we obviously cannot be expected, given the level of threat against us, to supply details which may fall into the hands of the perpetrators.