

Petitioner Details

Full Name: Mr Caul Silford Grant

Nationality: British

Occupation: Unemployed

Residence: UK

Contact Address: JC8360, HMP Wormwood Scrubs, P.O.Box 757, Du Cane Road, London W12 OAE

Petition Of Request That The European Parliament Consider For Immediate Intervention And Urgent Action, Documented Facts Of Judicial Corruption And Irregularities Resulting In False And Unlawful Imprisonments Of Myself And Other Activist Supporters In The UK, In Contravention Of All International Obligations To Respect Human Rights And The Rule Of Law Under Articles 1, 6, 7(1)(b), 13 & 50 of the European Convention On Human Rights.

SUMMARY GROUND FOR REQUEST

In view of an overall special duty of the European Parliament to uphold the rights of citizens, it is Unlawful by nature of **Article 6 European Convention on Human Rights** for any judge to preside over any issue that is being prosecuted by his or her brother's law firm.

In light of the wholesale failures and ineffectiveness of existing institutions, monitory and supervisory in the UK, (including **Criminal Cases Review Commission, former Lord Chancellor's Department, (new) Ministry of Justice, Home Office, Local MPs, etc.,**) to act judiciously without fear or favor in accordance with both national and international obligations to respect Human Rights and the Rule of Law under **Articles 1, 6, 7(1)(b), 13 & 50 ECHR and HRA 1998 respectively**, I commit this Petition outline of my Unlawful Imprisonments, Wholesale Judicial Corruption and Procedural Abuses employed by judicial authorities in the UK to Deny me and 'Others,' access to a Court of Law.

FULL DESCRIPTION OF CIRCUMSTANCE

The violations began in August 1997 and have continued to the present date. Because of the unlawful acts or omissions of the Judiciary, I have had no recourse to my enforceable rights or protection.

In November 1994, I retained the services of Bindman & Partners Solicitors to pursue a complaint against King's College NHS Hospital Trust for negligently giving me false information about the circumstances leading up to the death of my 14 month old son.

My complaint was funded by the State.

Bindman & Partners advised me, in writing, that there was no law in the United Kingdom which gave protection against false advice. I found this very difficult to accept and sought the advice of several other law firms, who all told me Bindman's were wrong.

I tried to have my Legal Aid Certificate transferred to a firm who were prepared to properly represent my interest, but Bindman's refused to release it.

In August 1997 I issued a writ against Bindman & Partners for several breaches of the Solicitors Code of Conduct, they included a breach of contract, willfully giving false advice and failure to act in the best interest of the client.

Bindman & Partners were represented by another firm of Solicitors, Reynolds Porter Chamberlain (RPC). They offered no defence to my claim and sought only to rely on the influence of their friends or families within the Judiciary.

The Senior Partner at RPC, Alan Toulson, is the brother of a High Court Judge, Mr. Justice Toulson. Alan Toulson, or his firm, went to his brother and arranged to have my claim willfully struck out of Court. RPC also arranged, with Justice Toulson, an unlawful injunction against me contacting Bindman's directly.

The actions of Justice Toulson and his brother, or brother's law firm, is a direct contravention of Article 6, Section 1 of The European Convention (See Exhibits:

1. **Disqualification of Justices and Judges from Hearing Particular Cases.**
2. **20th January 2006 Appeal Judgment Handed Down from the High Court).**

During the abuse of process and infringement of my rights, I made several complains to Downing Street, Members of Parliament, the media and to Her Majesty the Queen. No help was forthcoming. (See Exhibits:

3. **9th January letter to David Cameron MP**
4. **20 December 2005 Oliver Held MP letter**
5. **14th April 2004 Buckingham Palace letter)**

In an effort to attract public attention to all what was taking place, I spray painted the windows of the offices of Bindman & Partners.

I was subsequently arrested and prosecuted for criminal damage. I pleaded not guilty as a result of circumstances.

Whilst I awaited trial on bail, I was subjected to several false arrests and detentions, including on the 12th August 1997 when I was arrested on an allegation of breaching bail conditions. I was taken from the home of my parents to a Police Station, where I was held in custody overnight. Whilst at the Police

Station, I was fearful for my life because of the amounts of people dying in Police custody.

As a result of my fear, I tried to avoid sleeping. However, I must have dozed off because at 2am in the night, I suddenly woke up to find a Police Officer slowly creeping into my cell. The Officer said they had just changed shifts and were wondering if I wanted something to eat. I feared that if the Officer had gotten close enough to me, he might have smothered me with the pillow in the cell.

My fears were warranted by the fact that there were no conditions attached to my bail and I had not done or committed any acts which could be regarded as a breach. The motivation behind my arrest was questionable.

The following Morning, 13th August 1997, I was brought before a District Judge, Mr. Baker and despite the documented fact that there were no conditions attached to my bail, the Judge remanded me to 4 days in prison.

At the age of 35, this was my first time to experience imprisonment, and it was frightening, humiliating, degrading and torturous. The fact that I was still mourning the loss of my son and separation from my family made it all the worse.

On the 17th August 1997 I was taken back to the same Court before a different Judge, Mr. Johnstone.

Mr. Johnstone stated, in Court, he would not become involved in what was taking place and he confirmed that there were no conditions attached to my bail and released me from custody.

The United Kingdom, through its Public Authorities, had begun my persecution.

In June 1998 I was eventually convicted for the allegation of criminal damage.

I appealed against my conviction and in July 1998 my conviction was overturned. The Appellate Court presided over by His Honor Judge Inman, accepted my defence of duress of circumstances.

Clearly not all the Judiciary was corrupt at this point in time.

However, I had received a reply to my complaint from Buckingham Palace, written on behalf of the Queen. It is clear from that letter that the Queen could not intervene directly. However, she instructed that my letter of complaint be sent direct to the former Head of the Judiciary, Lord Irvine. The letter from Buckingham Palace also confirmed Lord Irvine's awareness of my case. **(See Exhibit:**

6. 9th January 1998 Buckingham Palace letter)

Lord Irvine's failure to act on the issues raised in my complaint allowed the corruption to spread out of control and because he was the Head of the Judiciary I was denied the right to be heard by an impartial, independent Tribunal, the basic principles of fairness.

In September 1998 I reissued my writ, this time there were four Defendants, Bindman & Partners for reasons already given, the Solicitors Indemnity Fund, the Hospital responsible for subjecting me to mental torture and the Hospital responsible for deliberately over prescribing me antidepressants.

At this stage the full force of the United Kingdom stood against me.

Alan Toulson, or his firm, went back to his brother to have my writ struck out, again unlawfully.

In an effort to break me once and for all, RPC also alleged that I had breached their unlawful injunction. In February 1999 Mr. Justice Toulson conducted a hearing, in my absence, without legal representation and without my knowledge, prosecuted by his brother or his brother's law firm.

At the conclusion of that unlawful hearing, Justice Toulson ordered that I should go to Prison and serve 6 months for Contempt of Court. **(See Exhibit 7: 02 March 2001 Lord Chancellor's Department letter).**

When I found out about this I was petrified and worst of all, I had no one, in or out of authority, to whom I could complain. Out of fear I went into hiding but I soon learnt that imprisonment without bars is worse than Prison with bars.

I had appealed against the unlawful striking out of my claim in January 1999 but my appeal was disallowed.

I needed to know how far the corruption had spread, so in March 1999 I surrendered myself to Scotland Yard and again I was detained and held in Police custody overnight. I was once again deprived of my liberty without any due process of law.

The following morning I was collected and taken direct to Prison by civilian staff from the High Court.

My life was in ruins. I pleaded, I begged but no one listened. I had no recourse.

Whilst in Prison I explained to a Prison Officer how I came to be there. The Officer assisted me with a phone call to the High Court.

Sometime in April 1999 I was presented before Mr. Justice Buckley. He ordered that if I agreed to see the Prison Medics he would consider releasing me but I

was afraid and untrusting of his order. I did not, nor do I currently, have a mental problem. I had not committed any crime or been convicted for any crime. According to the Judge, my imprisonment was for contempt of Court and I did not see or understand what my stage of mind had to do with wanting my release from unlawful imprisonment.

I refused to see the Medics and was re-presented on 28th May 1999. I told Mr. Justice Buckley why I had refused and he turned and told me "Mr. Grant the background of your case is extremely tragic. There are many ways in which you can pursue it, go home to your family".

I tried my best to get on with my life. During February 2000 and May 2001 I was employed in the London Borough of Westminster as a Traffic Warden Supervisor. My responsibilities included the issuing of Penalty Charge Notices (PCN's) and the supervision of others issuing PCN's.

My employers wanted me to engage and encourage others to engage in activity aimed at targeting motorists in order to increase the number of PCN's and therefore increase revenue.

I refused to deliberately target unsuspecting drivers and refused to encourage my team members to do the same. This led to my suspension despite my employers' Lawyers, advising them to allow me back to work; my employers dismissed me from my employment.

As a direct result of the United Kingdom's failure to afford me the protection of Law, I was unable to take my employers to Court for unfair dismissal.

I have three children within my current relationship and three from my previous marriage, which was destroyed by the State.

My persecution by the United Kingdom impacted upon my ability to lawfully earn a living which would afford me the dignity to do the best I can towards the welfare of my children.

It was at this point I decided that the United Kingdom cannot deny me all protection of Law and still seek to punish me by the same Law. Rebellion was my last recourse against the flagrant abuse, total disregard and contempt of the Rule of Law by the United Kingdom.

The United Kingdom has ignored citations from its own Attorney General, Lord Goldsmith, who quoted Justice Brandeis of the United States of America who said, over 50 years ago:

"In a Government of Laws, existence of the Government will be imperiled if it fails to observe the Law scrupulously. Government is the potent omnipresent teacher. For good or ill, it teaches the

whole people by its example. If the Government becomes a Law breaker, it breeds contempt for the Law and invites every man to become a Law unto himself, it invites anarchy”.

As a direct result of the United Kingdom's contempt for the Rule of Law it has failed to secure me my enforceable rights guaranteed by the Magna Carta, The Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

I rebelled. On the 16th August 2003 I imported 44 kilos of cannabis into the United Kingdom. I was arrested at Gatwick Airport and immediately gave my reasons for my importation.

Despite the fact that the United Kingdom could not guarantee my absolute right to a fair trial by an independent and impartial Tribunal, I was prosecuted, tried and convicted by a Jury acting on the misdirection of an un-independent, partial Judge.

I gave evidence in Court and told the Jury I acted as a direct result of the circumstances described above. The Judge told the Jury:

“There is no defence of justification in English Law, nor is there any defence of justification conferred on anyone by virtue of the European Convention on Human Rights”. (See Exhibit 8:

a) **page 5, lines 13-15 of the Judge's summing up)**

This deliberate misdirection is a flagrant lie, because Section 2 of Article 2 of the Convention Rights are clearly defences of justification.

I sought permission to appeal against my unlawful conviction and detention, but was refused.

The decision to refuse me the right to challenge my detention is a direct violation of Article 5, Section 4 of Convention Rights.

I was not represented and was denied the right to represent myself. I was denied all access to Court. The denial of access to Court is a direct violation of Article 6, Section 1 and 3C of the Convention Rights.

My grounds of appeal are not reflected in the transcript of the Judgment refusing me access to Court. If I was afforded my rights in accordance with the Rule of Law I would not have been prosecuted for acting in self defence.

The United Kingdom are Judges in their own cause, as a result I am denied the basic principles of natural justice, fairness, independence and impartiality. Based on the facts I should not have faced trial and conviction. I

would therefore not be imprisoned and separated from my family and being subjected to mental torture.

Non-violent actions, (or even violent actions) carried out in the face of injustice was not invented by me. To prevent the need for such actions, the Rule of Law was established.

Every living creature, man or animal, is entitled to self defence, self protection and self preservation.

Considering that over 800 years ago the United Kingdom declared in the Magna Carta that:

"No free man shall be taken or imprisoned, or be disseisin of his freehold, or liberties, or free customs, or be outlawed or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him but by lawful judgement of his peers, or by the Law of the land. We will sell to no man, we will not deny or defer any man either Justice or right".

Considering that the United Kingdom is signatory to the aims and democratic enforcement of the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and fundamental freedoms based on the Universal Convention, and considering the United Kingdom's own Human Rights Act 1998 based on the European Convention, the actions of the United Kingdom and its failure to secure me my rights are in direct violation of its International, National and Domestic obligations to the Rule of Law.

The United Kingdom has had every opportunity to settle and resolve this matter, but has chosen, rather unwisely, to continue its violations and ignorance of the Rule of Law. As a result, the integrity and credibility of the United Kingdom and its observance of the Rule of Law is seriously damaged.

Although publicity is not and should never be a prerequisite for justice, the actions and violations by the United Kingdom is aided by a conspired silence of the media.

The issue of integrity and credibility to act without fear or favor, accountable only to the Rule of Law is now forced upon the European Court of Human Rights.

The evidence submitted with this application proves beyond all reasonable doubt that the United Kingdom has violated my rights guaranteed by the Rule of Law and by so doing, renders my current imprisonment unlawful.
I therefore submit my case against the United Kingdom before the European Parliament via the Petitions Committee and pray the Rule of Law will prevail.

The United Kingdom has breached its obligation guaranteed under Article 14 of the Convention Rights and Article 1 of Protocol 12 of the Convention Rights. The United Kingdom has denied me my right to protection against discrimination because of my political and legal status, and by so doing, has discriminated against me.

As a direct result of the United Kingdom's discrimination against me, it has violated Article 6, Section 1-2 and 3c of the Convention Rights. The United Kingdom has denied me my right to a fair, independent and impartial Tribunal and by so doing, the United Kingdom has violated Article 5, Section 1, 4 and 5 of the Convention Rights.

As a direct result of the United Kingdom's violations of Articles 5 and 6, the United Kingdom has violated Article 4 of the Convention Rights by subjecting me to compulsory labour.

The United Kingdom has shown no respect for my private and family life and by so doing has violated Article 8 of the Convention Rights.

The United Kingdom has denied me all rights of appeal, and by so doing, the United Kingdom has violated Article 2 of Protocol 7 of the Convention Rights.

As a direct result of the above violations, the United Kingdom pushed me outside the protection of law and has prosecuted and punished me for actions outside the protection of law aimed at self defence, and by so doing, the United Kingdom has violated Article 7 of the Convention Rights which guarantees no punishment without outside law.

The United Kingdom failed to secure me any of the Convention Rights and by so doing, the United Kingdom has violated Article 1 of the Convention Rights.

As a direct result of the United Kingdom's violation, the United Kingdom has violated Article 17 of the Convention Rights. The actions of the United Kingdom have destroyed the rights and freedoms set forth within the Convention Rights.

The United Kingdom has shown contempt and disregard for the Rule of Law and has subjected me and my family to years of torture, and by so doing, the United Kingdom has violated Article 2 of the Convention Rights and Article 3.

Enclosed

Documented

Evidence

BRITISH LEGAL ASSOCIATION

(Incorporating the Solicitors Association)

Administration Office: Metropole Chambers, Salubrious Passage, Swansea, SA1 3RT
DX: 92057 Swansea 3 Tel/Fax: (01792) 648096

9 January 2003

As from: Glebe Cottage
Broadwoodkelly
Winkleigh
Devon EX19 8ED

A Balogun Esq
Secretary
Campaign for Truth and Justice
32 Riverside Road
Stratford
LONDON
E15 2RG

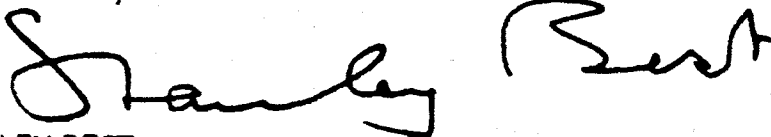
Dear Mr Balogun,

Thank you for the copy of your letter to The Attorney General dated 15 December 2002, which has only just reached me.

If you will let me have full details of the facts which are claimed to support your criticisms, I will happily look at them. My chambers, some distance away, have facilities for searching the web, but I really cannot find room for it here, so that I have to rely upon you.

The charges you make are very serious indeed, but whilst I have always shared the view of Lord Devlin, a judge of absolute integrity, that Henry Cecil (in his book Tipping the Scales) 'shows that judicial integrity in England has been painfully achieved. I think we may now say without complacency that it has been achieved; and also, which is just as important, that it is now manifestly seen to have been achieved' is correct, nevertheless, in the light of what you say, I shall keep an open mind. I do wonder, however, whether what you call corruption would be better termed a perception of bias, but I shall not make any judgment until I have considered your material. As a practising barrister, I am well aware of the concerns of members of the public from time to time, but so often the more startling the complaint, the less there is in it when examined. However, the most unlikely things do happen in this world and, as I have said, I shall keep an open mind, because if only a scintilla of what you claim was right, then it would be a matter for very serious concern indeed.

Yours sincerely



STANLEY BEST
Chairman

ORIGINAL COPY

SECTION D2: COURTS, JUDGES AND PARTIES

The duties of the justices' clerk, most of which he can delegate to his staff, include: sitting in court with the justices during the conduct of proceedings; advising the justices (whether in court or out) on matters of law, practice and procedure; organising the administration of the petty sessional division's work; processing legal aid applications; collecting fines; and preparing summonses for issue by the justices (or issuing summonses himself).

As to sitting in court, it is not necessary for the clerk himself to be there – he can delegate the task to an assistant who, if need be, can ask him to come into court and advise should any particularly difficult point arise. However, an assistant clerk in court must have certain minimum qualifications (see Justices' Clerks (Qualification of Assistants) Rules 1979 (SI 1979 No. 570)).

DISQUALIFICATION OF JUSTICES AND JUDGES FROM HEARING PARTICULAR CASES

D2.24 A justice may be disqualified from adjudicating in certain proceedings either by reason of the rule of natural justice that a member of a tribunal must not be biased, or by reason of a specific statutory provision. Where a justice sits when he ought not to have done, the decision of the court is liable to be quashed through the High Court issuing an order of certiorari upon an application for judicial review. However, the issue of a certiorari is discretionary, so, if a party knew of an objection to a justice before the commencement of the proceedings but failed to ask him to withdraw, certiorari may be refused (per Lord Alverstone CJ in *Byles, ex parte Hollidge* (1912) 108 LT 270). The same rules apply to judges sitting in the Crown Court, though the problem occurs less frequently, and is mitigated by the role of the jury in deciding the facts of the case.

One of the two commonly stated rules of natural justice is *nemo iudex in causa sua* (no one shall be a judge in his own cause). A justice may not sit if he has any direct pecuniary or proprietary interest, however slight, in the outcome of the proceedings (*Rand* (1866) LR 1 QB 230: 'There is no doubt that any direct pecuniary interest, however small, in the subject of inquiry, does disqualify a person from acting as a judge in the matter', per Blackburn J at p. 232). Thus, in *Hammond* (1863) 9 LT 423, certiorari issued to quash H's conviction for travelling on the railway without a valid ticket, because members of the convicting court were shareholders in the relevant railway company. The applicant for certiorari need not show that the magistrate was actually biased by reason of his pecuniary interest, or even that there was a real danger of bias (see *Dimes v Grand Junction Canal Proprietors* (1852) 3 HL Cas 759 where a ruling by Lord Cottenham, the then Lord Chancellor, in equity proceedings was set aside by the House of Lords because he owned shares in the canal company which benefited from the ruling, even though Lord Campbell said that: 'No one can suppose that Lord Cottenham could be, in the remotest degree, influenced by the interest that he had in this concern').

However, an indirect (as opposed to direct) pecuniary interest will not automatically disqualify a justice, although it may be sufficient to disqualify him under the principles described in *Gough* [1993] AC 646 (which is discussed in D2.25). The distinction between direct and indirect interests was drawn by Lord Denning MR in *Metropolitan Properties Co. (FGC) Ltd v Lannon* [1969] 1 QB 577, where the Court of Appeal rejected the argument that the chairman of a rent assessment committee had a disqualifying pecuniary interest in the outcome of an application to reduce the rent payable for a flat in one property owned by a large property company merely because he lived with his father in a flat in a different property owned by the same company, and any reduction of rents at the property the subject of the application might have been used as an argument for reducing the rents at the property where he lived. Such pecuniary interest as the chairman had was merely indirect. Nonetheless, the Court of Appeal held that he ought not to have adjudicated.

SECTION D2: COURTS, JUDGES AND PARTIES

Actual or Apparent Bias

If a justice has an interest other than a direct pecuniary or proprietary one in the outcome of a case, he is disqualified from sitting if there is a real possibility of bias on his part. **D2.25**

Although a non-pecuniary interest does not automatically disqualify a justice, it is not essential to show that he actually was biased. It is sufficient that there was a real danger of bias on his part. This is the test laid down by the House of Lords in *Gough* [1993] AC 646, which their lordships stated to be applicable with equal force to proceedings before the justices and to trial upon indictment. For fuller discussion of *Gough*, see D11.11. See also *Altrincham Justices, ex parte Pennington* [1975] QB 549; *Allinson v General Council of Medical Education and Registration* [1894] 1 QB 750; *Hannam v Bradford Corporation* [1970] 1 WLR 937; *Bradford v McLeod* 1986 SLT 244; *Hereford Magistrates' Court, ex parte Rowlands* [1997] 2 Cr App R 340 at p. 359.

Bench's Knowledge of Accused's Record or Pending Matters

The same principles are to be applied where facts about the accused which might cause prejudice against him are known to the justice. In *Liverpool City Justices, ex parte Topping* [1983] 1 WLR 119, T was to be tried by the justices on a charge of criminal damage to which he had pleaded not guilty. He was also charged with six offences of failing to answer bail and one of being drunk in a public place, on all of which no plea had been taken. The court sheets placed before the justices showed all eight charges (i.e. the one the justices were to try and the seven outstanding). T's solicitor submitted that the bench as constituted should not continue with the hearing since they would or might be prejudiced by their knowledge of the other outstanding matters. The justices rejected the submission, proceeded to trial and convicted T. The Divisional Court quashed the conviction. **D2.26**

However, contrary to dicta in *Ex parte Topping*, there is no blanket rule that the court sheets placed before justices must not reveal that there are other charges outstanding against the accused in the same court or that there are offences for which he is awaiting sentence. Where a submission is made that such knowledge disqualifies the justices from acting, they have a discretion to order that the case be tried by a differently constituted bench, but if, having applied the correct test, they conclude that it is proper for them to continue with the case, the Divisional Court will not interfere with their decision (*Weston-super-Mare Justices, ex parte Shaw* [1987] QB 640, in which a conviction for wasting police time was upheld even though the convicting justices knew from the court sheets that S faced six unrelated charges relating to 'an escapade with a motor scooter').

Similar considerations apply where a justice knows from previous dealings with the accused that he is of bad character. The question is whether, having regard to the circumstances of the particular case, there is a real danger of bias on the part of the justice were he to sit (see *Downham Market Magistrates' Court, ex parte Nudd* [1989] RTR 169, in which N's conviction for failing to provide a specimen of breath to ascertain whether the proportion of alcohol therein was over the prescribed limit was quashed because the chairman of the convicting bench had a month earlier passed a suspended sentence on N for threatening behaviour towards his wife and had, on that occasion, been shown N's criminal record, which included a conviction for driving while unfit through drink).

Nonetheless, there is no proposition of law that a justice who knows of the accused's previous convictions must never adjudicate (*McElligott, ex parte Gallagher* [1972] Crim LR 332 - conviction upheld even though the stipendiary magistrate had an intimate knowledge of G's record). Where a petty sessional bench is small in number it may be difficult to arrange for justices who have not had previous dealings with a local recidivist offender to form a court to try him. For example, the *Downham Market* bench, at the time *Ex parte Nudd* was decided, consisted of only 11 justices. Nudd's solicitor had



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C. Grant Esq.
32 Riverside Road
Stratford
London
E15 2RG

Your reference

Our reference

C98/363/10

Date

02 March 2001.

Dear Mr Grant

I am responding to your letter of 26 January and to your subsequent telephone conversations with my colleagues, Mr Hochfelder and Mr Coyne. I am sorry that I have not been able to speak to you myself.

You have complained about several members of the judiciary but, in particular about Mr Justice Toulson who sentenced you to a term of imprisonment in February 1999. I believe you discussed this in some detail during your telephone conversation with Mr Coyne of 16 February. As he understands it, the hearing was an ex-parte application made by Reynolds Porter Chamberlain on behalf of Bindman & Partners. You had previously taken out proceedings against Bindman & Partners and had subsequently made threats against them. They responded by obtaining an Injunction, which you subsequently breached in some way. The hearing before Mr Justice Toulson was in respect of that breach. You have complained that the Judge was unfairly biased against you because his brother, Mr A K Toulson is a senior partner with Reynolds Porter Chamberlain.

As I understand Mr Coyne explained to you on the telephone, Judges are bound by the rules of conflict of interest derived from case law. The most recent example is *Locubail (UK) Ltd v Bayfield Properties Ltd* [2000]. This case reaffirms the fundamental right of all litigants to trial by an impartial tribunal and, in order to prevent unmeritorious challenges to judicial impartiality, it gives guidance to Judges on when they must stand down. A Judge is automatically disqualified if he is shown to have an interest in the outcome of the case he is to decide. A Judge might be disqualified if, on an examination of all the circumstances, the Court concludes that there is a real danger or possibility of bias. The judgment concludes that (ordinarily) an objection could *not* be soundly based on the employment background or history of any member of a Judge's family, nor on Masonic associations. Therefore, the fact that the Judge's brother is a member of the firm of solicitors who represented Bindman & Partners in this case is not a sufficient ground for the Judge to stand down or to substantiate an allegation of bias.

In the circumstances I do not believe that there are sufficient grounds to justify our approaching the Judge for his comments.

Yours sincerely

Malcolm S Watts

Head of Division 5, Judicial Group



BUCKINGHAM PALACE

9th January, 1998.

Dear Mr. Grant,

The Queen has asked me to thank you for your letter of 3rd November, and to apologise for the delay in replying, which has been caused by the particularly large number of people, many thousands in fact, who wrote to Her Majesty following the tragic death of Diana, Princess of Wales.

The Queen was naturally sorry to learn of the death of your son, and sends you and your family her sincere sympathy. It is not possible for Her Majesty to intervene directly in this matter, but as a constitutional Sovereign, The Queen acts on the advice of her Ministers, and I have, therefore, been instructed to send your letter to the Lord Irvine of Lairg, the Lord Chancellor. I know that he is already aware of your case, but now he will also know of your approach to Her Majesty on this matter.

Yours sincerely,

ANDREW DENT
Special Assistant to the Private Secretary

27 Mr. Caul Grant

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IN THE CROWN COURT
AT CROYDON

20040028D4*1

The Law Courts,
Altyre Road,
Croydon,
Surrey CR9 5AB.

Friday 12th December 2003

Before:

HIS HONOUR JUDGE PRATT

R E G I N A

-v-

CAUL SILFORD GRANT

(Computer-aided Transcript of the Stenograph Notes of Marten
Walsh Cherer Ltd., Midway House, 27-29 Cursitor Street,
London EC4A 1LT. Telephone No.: 0207 405 5010. Shorthand
writers to the court.)

MR A WALKER appeared on behalf of the Prosecution.

The Defendant appeared in person to represent himself.

S U M M I N G U P & V E R D I C T

71

71

1 Management Act, but what is an attempt in law? Well, a person
2 attempts to commit an offence if, with the intention of
3 committing that full offence, he does an act more than merely
4 preparatory to the commission of it, and in this case, because

and has said, that he
s attempts in law.
s to this Indictment and
to this case at all
the defendant has not
sh law to these charges

tion in English law, nor
conferred on anyone by
uman Rights, now
X There are defences
None of those defences
efence, in allegations
assault, mistake, in
ss by threats or
t is it, and I am
of Blackstone's book,
e. That paragraph that
ord justifications in
ion as a generic noun
ed in detail. It is an

6 importations that the defendant says,
7 committed, they are properly charged
8 So, that is the law as it appli
9 in fact there is no legal complicatio
10 because I am bound to direct you that
11 put forward any defence known to Engl
12 as laid. *

13 There is no defence of justifica
14 is there any defence of justification
15 virtue of the European Convention on H
16 enshrined in the Human Rights Act 1998
17 which can justify a person's actions.
18 apply to this case, but they are self-
19 of assault, accident, in cases allegir
20 certain limited circumstances, and dur
21 occasionally by circumstances. But th
22 afraid Mr. Grant has misunderstood par
23 Blackstone's volume of Criminal Practi
24 he read out to you yesterday uses the
25 the plural and uses the word justifica
26 encompassing the defences later mentio

1 introductory paragraph which is entitled "Defences involving
2 other excuses and justifications" and it says: "Introduction:
3 To treat certain defences as excuses or justifications and to
4 deal with them separately from defences which deny the basic
5 elements of liability is in one sense artificial since it can
6 be pointed out, for example, that no-one commits any offence
7 unless he acts unlawfully and, if the accused has a defence of
8 justification available, then he has not acted unlawfully" --
9 and that the defence is treated here as a denial of the
10 elements of liability -- "and one of the basic elements of
11 liability is missing".

12 Let me give you an example in a case alleging assault,
13 where a person claims to have acted in self-defence, juries
14 are told that where a person is either under attack, or in
15 fear of being immediately under attack, he may use such force
16 as is reasonable to defend himself against that attack, and
17 such reasonable force used is not unlawful. So that is an
18 example of that proposition put forward in Blackstone's in
19 work, as it were. So the use of the word justification and
20 justifications in the plural in that paragraph which Mr. Grant
21 read out, is using the word as a generic noun which
22 encompasses those particular defences which, over the next few
23 pages, duress, self-defence and related matters, mistakes of
24 fact and so on, it is a generic noun encompassing those
25 matters later referred to in detail.

26 Also much has been made of Article 7 of the European

TOTAL
CONTRADICTION
CONFUSING
THE JURY

1 the as the State allowed me to".

2 As far as the taking off of the labels from the bags,
3 the suitcases, is concerned, he said: "I was deliberately
4 testing the investigation procedure.

5 Well there it is, ladies and gentlemen, a reminder,
6 albeit in precis form, of what he said to you. So finally he
7 asks you to acquit him for the reasons that he has put

8 forward. Effectively he seeks for an acquittal of these
9 charges, the sanction of a jury to have behaved in the way

10 that he admits to having done and you may think will again

11 when given the chance so to do, because if he is right no jury

12 or Court can stop him or convict him of anything. He is in.

13 your charge and if you feel that your duty is to acquit him

14 then you are entitled to do so. However if you find that your

15 duty, in accordance with your oaths, is to find him guilty on

16 those matters where you are sure that he is guilty, then that

17 is what you should do.

18 When you retire would you please appoint one of your

19 number to act as your foreman? He or she will have two jobs

20 to do; firstly to chair your discussions -- you may well find

21 them more efficient done that way -- secondly, he or she will

22 speak on your behalf and in due course deliver your verdicts

23 on your later return to Court.

24 Would you please put out of your minds anything you know

25 about majority verdicts. For now, and for a long time to

26 come, the only verdicts that the law allows me to accept from

THE REASON
FOR THE
COURT
PRACTICE

Grenville J. Walker Solicitors

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Blandford Forum
Dorset
DT11 7DX
Tel: 01258 450011
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DX90110 Blandford

Please reply to:

Direct Dial:

Your ref: WEYMOUTH

Our ref:

IG/RR/Grant.pl

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**OPEN WEEKENDS
BY APPOINTMENT
24 HOUR
ANSWERPHONES**

Rule 39
C Grant JC8360
HM Prison
The Verne
Portland
Dorset

22nd April 2004

Dear Caul,

Re: Your Appeal

I was pleased to meet with you at the prison last Friday. We discussed various matters and we outlined in some detail the circumstances leading up to your conviction.

You were sentenced to eight years for supplying 44 kg of Cannabis.

You represented yourself at that trial, running a defence of justification. Having perused all of the papers in your case, which I return to you, I am afraid to say that I am of the same opinion as the Judge at your trial.

I have considered your papers carefully but as you have been told before, there is no defence of justification in English law. You have, I am afraid, misinterpreted the law in this area and the Judge was correct on directing the jury that you should be convicted.

As regards to your confiscation hearing; unless you are able or willing to pay back some or all of the monies it is alleged you made during the course of your criminal activities, you will have to serve an additional sentence.

Principal:
G. J. WALKER*

Assistant Solicitors:
WILLIAM HAZELTON**
SIMON BRIMACOMBE*
IAN GRAHAM

Barrister:
DAVID CAMPBELL

Legal Executive:
TRUDY WAREHAM

Solicitor Advocate

* Member of the
Family Law Panel

† Duty Solicitor

Criminal
Defence Service



Community
Legal Service




Family

6
Whatever sentence you get, you will have to serve the entirety of that sentence in custody. That could in theory add significantly to the sentence you serve.

I wish you well with your appeal.

Yours sincerely,


Ian Graham
Enc.

Defences

1. Introduction

There is no accepted hierarchy of defences in English law and none is adopted here.¹ Equally, it should be noted, there is considerable debate about the precise theoretical lines between elements which ought properly to be regarded as part of the offence and those comprising defences.² For ease of exposition and convenience, the chapter is divided into two parts.

Part A deals with 'defences' or pleas based on a denial of capacity or status deserving of criminal sanction. It would be misleading to treat all of these as 'defences' in the true sense of the word since some involve a plea which simply puts the Crown to proof of the relevant issue. At the core of the topics considered in Part A – insanity, intoxication, mistake and infancy – is the basic principle of English criminal law that the defendant should be held liable only where he is of sufficient capacity. As Professor Hart famously explained, a person is only to be blamed if he has the 'capacity and fair opportunity to change or adjust his behaviour to the law.'³

DEFENCE
BASED ON
MENTAL
STATE OF
MIND.

Part B, deals with defences in the true sense – where D has caused an *actus reus* with the appropriate *mens rea*, but despite both these elements of the offence being proved by the Crown, D is entitled to an acquittal owing to some justifying or excusing circumstance or condition. There are special defences which apply to particular crimes (for example, provocation and diminished responsibility in murder), there are also defences applicable to crimes generally. They are dealt with separately although where appropriate their interrelationship is considered.

DEFENCE
BASED ON
FULL PRESENCE
OF MIND.
IE, DURESS
NECESSITY

(a) Theories of justification and excuse

The common law of homicide distinguished between justification and excuse. Some homicides, like that done by the public hangman in carrying out the sentence of the court, were justifiable. Others, like killing by misadventure and without culpable negligence, were merely excusable. In both cases the accused who successfully raised the

¹ See however the theoretical approach in P. Robinson, 'Criminal Law Defences: A Systematic Analysis' (1982) 82 Col LR 199; and for a ladder of defences see J. Horder, *Excusing Crime* (2003), 103.
² See generally G. Williams, 'Offences and Defences' (1982) 2 LS 233; K. Cambell, 'Offence and Defence' in I. Dennis (ed), *Criminal Law and Criminal Justice* (1987).
³ *Punishment and Responsibility* (1968), p 181.

défence was acquitted of felony but, if the homicide was merely excusable, his goods were forfeited. In 1828 forfeiture was abolished and, ever since, there has been no difference, so far as the defendant is concerned, between the various general defences. If successfully raised, they result in a verdict of not guilty.

There has been a revival of interest in a distinction between justification and excuse.⁴ On one simple form of the theory, an act is justified when society positively approves of it. It is merely excused when society disapproves of it but thinks it is not right to punish D. Whereas the justification speaks to the rightness of the act, the excuse relates to the circumstances of the individual actor. Clearly such a distinction exists in fact. There are examples which obviously fall into one category or the other. The nine-year-old child who deliberately kills his playmate is excused but no one would say he is justified. In contrast, nearly everyone would approve of the conduct of a man who wounds an aggressor when that is the only way he can save the lives of his family.

However, these systems of classification into justifications and excuses suffer from a number of drawbacks. First, there is no agreement on the precise model that the classifications should take. A number of sophisticated models of justification and excuse have been developed by academic lawyers.⁵ Secondly, there is no consensus as to which classification applies to which defence – for example, many see duress as excusatory but some as justificatory. Thirdly, there seems to be little agreement as to what difference, if any, would result in practical terms from classification of a particular defence into one category or another. Few suggest that there is any difference so far as the acquittal of the person relying on the defence is concerned⁶ but it has been argued more widely that the distinction affects third parties in that (i) it is lawful to resist an aggressor whose aggression is merely excused but not one whose aggression is justified; and (ii) there may be a conviction for aiding and abetting one who is merely excused⁷ but not one who is justified. Some would also argue that particular judicial decisions on excuses are not to be regarded as being of any wider significance in precedent terms.⁸ As Fletcher (whose work inspired the current interest) acknowledges,⁹ Anglo-American criminal law has never expressly recognized these (as he thinks) fundamental distinctions. The proposed distinctions bear little resemblance to the justifiable and excusable homicides of the old common law.

Applying the theory as expounded by Fletcher, a person arresting 'anyone who is in the act of committing an arrestable offence' would be justified but a person arresting 'anyone

⁴ G. Fletcher, *Rethinking Criminal Law* (1978), ch 10; S. Yeo, *Compulsion in the Criminal Law* (1990); J. C. Smith, *Justification and Excuse* (1989); G. Williams, 'The Theory of Excuses' [1982] Crim LR 732; P. Robinson, 'Criminal Law Defences: A Systematic Analysis' (1982) 82 Col LR 199; J. Gardner, 'The Gist of Excuses' (1998) Buffalo Crim LR 575; J. Horder, above.

⁵ Debate continues as to whether D who relies on a justification should be seen as having done no wrong, or as having done wrong but being justified in doing it (see G. Fletcher, 'The Nature of Justifications' in S. Shute, S. Gardner and J. Horder (eds), *Action and Value in Criminal Law* (1993), 175). As for excuses, there is debate over whether D is excused because he has acted 'out of character' or because he lacked capacity (ie he has not lived up to the standards we can reasonably expect of someone in his circumstances). See generally, J. Gardner, 'The Gist of Excuses' (1998) (above); V. Tadros, 'The Characters of Excuses' (2001) 21 OJLS 495; and J. Horder, above, ch 3.

⁶ Cf Robinson above considering special verdicts for those who are excused.

⁷ As in *Bourne* (1952) 36 Cr App R 125 and *Cogan and Leak* [1976] QB 217, [1975] 2 All ER 1059, above, p 205.

⁸ Robinson, above.

⁹ N 5, above.

SMITH & HOGAN **CRIMINAL LAW**

Eleventh Edition

David Ormerod

*Professor of Criminal Law, University of Leeds,
Barrister of the Middle Temple, 18 Red Lion Court*

OXFORD
UNIVERSITY PRESS



10 DOWNING STREET
LONDON SW1A 2AA

From the Direct Communications Unit

20 May 2004

Mr A Balogun
Campaign for Truth and Justice
25 Swinford Gardens
London
SW9 7LA

Dear Mr Balogun

The Prime Minister has asked me to thank you for your recent letter, the contents of which will be carefully noted.

Mr Blair has asked that your letter be passed to the Home Office which has particular responsibility for the matter you raise so that they are also aware of your views.

Yours sincerely

A handwritten signature in black ink that reads "AJ Knight".

MR ANDREW KNIGHT



10 DOWNING STREET
LONDON SW1A 2AA

From the Direct Communications Unit

14 April 2005

Mr A Balogun
Campaign for Truth and Justice
25 Swinford Gardens
Barrington Road
London
SW9 7LA

Dear Mr Balogun

The Prime Minister has asked me to thank you for your recent letters, the contents of which will be carefully noted.

Mr Blair has asked that your letter be passed to the Home Office which has particular responsibility for the matter you raise so that they are also aware of your views.

Yours sincerely

S JAMES



Home Office

Direct Communications Unit
2 Marsham Street, London SW1P 4DF
Direct line: 020 7035 4748 Fax: 020 7035 4745
E-mail: Public.Enquiries@homeoffice.gsi.gov.uk

Campaign for Truth and Justice
25 Swingford Gardens
Barrington Road
London
SW9 7LA

31 May 2007

Dear Sirs

Thank you for your letter of 23 May addressed to the Prime Minister and copied to the Home Office.

As you may already be aware, 9 May saw the establishment of both the new Ministry of Justice and of a remodelled and refocused Home Office. The matters raised in your letter are now the responsibility of the Ministry of Justice.

Your letter has therefore been transferred to the new Ministry Of Justice's Correspondence Management Unit at Selborne House, 54 Victoria Street, London SW1E 6QW (telephone 0207 210 8500). All telephone enquires about outstanding Ministry of Justice correspondence should be directed to them on 0207 210 8500.

Yours sincerely


Karen Rouse



Ministry of JUSTICE

Mr Ahmed Balogun
25 Swinford Gardens
Barrington Road
London
SW9 7LA

Ministerial Correspondence Unit
Selborne House
54 Victoria Street
London
SW1E 6QW

T 020 7210 8500
F 020 7210 0647
E general.enquiries@justice.gsi.gov.uk
www.justice.gov.uk

Our Reference: 160875

Date: 07 June 2007

Dear Mr. Balogun

Transferred Letter

Thank you for your letter dated 23/05/2007 address to Lord Falconer Secretary of State for the Ministry of Justice; it was received here 31/05/2007.

The issue raised is outside the remit of this department. Consequently, I have forwarded your letter to the Home Office, so that they can consider its contents.

If you wish, you can contact the **Home Office**
Direct Communications Unit
2 Marsham Street
London
SW1P 4DF
020 7035 4848

Yours sincerely

LEIGH TAPPIN
Ministerial Correspondence Unit

CCRC

Criminal • Cases • Review • Commission

Private and Confidential

Mr Caul Grant
JC8360
HMP The Verne
Portland
Dorset
DT5 1EQ

Your ref: 00439/05
Our ref:

19 January 2006

Dear Mr Grant

Final decision on your application

The Commission has reached a final decision not to refer your case. The file on your case has now been closed.

We wrote to you on 12 December 2005 letting you know the Commission's provisional view of your application for review of conviction, and giving you until 16 January 2006 to make any further submissions to us.


We have now considered the further submissions that you made to us on 29 December 2005 and 12 January 2006 and have decided that there are no grounds to refer your conviction/sentence for a fresh appeal.

Our response to the points that you raised with us is in the enclosed final Statement of Reasons. Please read this document carefully as it explains why we have reached this decision. It is signed by a Commissioner on behalf of the Commission.

Your file has now been closed. For the next six months we will keep at our offices any material you sent to us. The files will then be moved into storage for a minimum of four-and-a-half years before being eventually destroyed. If you need any of your material to be returned, please get in touch immediately.

A copy of this letter has been sent to your representative, Mr A Balogun, secretary for the Campaign for Truth and Justice.

Yours sincerely



**Ms A Wilson
Caseworker**

Enc

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