

# On the Ethics, Philosophy and Politics of Maurice J Kirk BVSc v South Wales Police

**IN THE CARDIFF COUNTY COURT**

**BS614159-MC65**

**CF101471 & CF204141**

**Maurice Kirk**

**Claimant**

**and**

**The Chief Constable of South Wales Police**

**Defendant**

**Claimant's submissions in response to Defendant's submissions concerning Action 2, paragraph 11**

**South Wales Police caught on their own overhead cameras**

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## Introduction

This document has been produced by an 'onlooker' who has been disturbed by watching Maurice's health condition get worse and worse. Instead of getting access to his medical records to get his hip replaced, this has become yet another fight with yet another 'national authority'.

When the Defendant's lawyers noted £800,000 as their costs which either the taxpayer or Maurice will have to pay, it may be worth thinking the kind of arguments that follow.

It appeared as if only Maurice could hold all the strings to all the actions that he won in some 90% when he challenged South Wales Police. But his onlooker holds the strings to legal arguments, which relate to the ethics, philosophy and even politics of law and justice in the UK and Wales.

They deserve to be published in their own right, while they were served as an introduction to Maurice's list of facts and details relating to incidents of harassment and violent harassment, leading to covert surveillance and 13 months of imprisonment and stay in a psychiatric clinic.

## Some Legal Framework

1. The Claimant believes the Defendant's lawyers are again drawing on legal argument not relevant to the Claimant's case being "unusual, extreme and indefinite".
2. In addition, the UK as a Member State of the European Union must be seen to constantly re-evaluate whether the ever new and changing understandings of EU law (and proportionality) allow traditional UK case law to be rigidly applied for all situations.
3. The Claimant understands that where referral to EU Courts may be sought by the Claimant, the UK Court will need to hear all sections of the case, all avenues and all grievances.

## Human Rights Law changed one of the UK's Strongest Legal Traditions

4. The Claimant understands that ultimately it was the effect of Human Rights laws that ended the double jeopardy rule for serious crimes.
5. If, in the interest of justice, (ECHR Article 6) something as heavily enshrined in the UK administration of justice as the double jeopardy rule, can be changed by human rights, so can human rights also bring about a Remedy for the Claimant in his unusual, extreme and indefinite case.

## New - Information and Evidence can be viewed as New eg now able to explain Oppression by police to plead guilty. Also other developments since and indefinite.

6. Because of the approach of His Honour to try to be helpful and other persons trying to help with preparations, the Claimant is better placed to explain the nature of oppression by police to plead guilty, when being innocent.
7. His Honour will have noticed a certain change in the Claimant presenting argument and evidence and the Claimant feels certain that what he will present regards convictions will be new. The Claimant believes His Honour will only know whether what the Claimant says is new by hearing the issues. In such an unusual case, what the Defendant's lawyers argue risks bringing the justice system into disrepute?

8. Unlike case law of one criminal case before a court, because of the Claimant's case before the civil case being unusual of many and indefinite incidents of harassment by Police, the plea of guilty can be to try to stop or reduce the next wave of, now, violent harassment by police.
9. By not looking at the conviction it can be as if the Court rewards criminality by Police, and leaves the Claimant too vulnerable.
10. There is no danger of opening the doors to something undesirable by precedent, because the facts of this case are both so unusual and errant conduct of Defendant is indefinite.
11. In such unusual and exceptional circumstances the Claimant believes the Court has jurisdiction to revisit issues to look at the new information and evidence.

### **Defendant seeks to avoid Fair, Proportionate & Proper Administration of Justice**

12. The Defendant's lawyers avoid that the strongest legal traditions of a Member State can become out dated, if not unlawful, compared to European Law concepts of the fair and proper administration of justice.
13. It is noteworthy that the Defendant's Lawyers do not seek a stay of proceedings in order to prosecute in the Criminal Courts, those officers in the video now before the trial judge.
14. The Claimant believes the Defendant's lawyers are not to be believed as how can the Defendant's lawyers be interested in the fair, proportionate and proper administration of justice when the Defendant's lawyers choose to quite needlessly run up huge disproportionate costs, and so make profit from denying the Claimant his human rights. The Claimant is not a lawyer, cannot get a lawyer, has been acting for himself alone, and is most unwell. When the Defendant's lawyer could so very easily have prevented wrongdoing against the Claimant, addressed all issues, and brought Remedy, years ago.

### **Defendant's lawyers attitudes towards Claimant help show a conspiracy of 'nowhere to turn to' for an 'honest and competent' response**

15. Regards the major oppression by police to plead guilty the Defendant's lawyers demonstrate a contempt for the Claimant and his belief of conspiracy that can be used as proof that attitudes exist where the Claimant is unable to raise valid issues.

### **Onlookers Assist Claimant as a way to Disagree with Defendant's Lawyers' Submission**

16. The wider information is also seen as sufficiently new, to mean that increasing numbers of professional people, who are non lawyers, see this case as credible, unusual and special enough to be committing time to assist the Claimant in responses.

### **Hearing the All of the Past as Protection for the Future**

17. The Claimant believes the Court needs to do a full examination, of all, including past convictions, (where there is a guilty plea from oppression by police), so to protect the proportionality of Claimant's well being and absolute human rights in future.

## **Human Rights & Proportionality in a Democratic Society: The decisions of the Court should avoid encouraging the emergence of an unaccountable ruling class**

18. As we are aware EU law on proportionality regards “the power of state over individual” has a high emphasis on “in a democratic society”. In the constitutional debate regards democracy that spans USA, Europe and indeed globally, there is the critical point of consideration of whether democracy will be undermined by the constant risk of the emergence of a new ruling class, (a ruling class, as they are in reality unaccountable) so that there is only an appearance of democracy.
19. The high level of power given to professionals who give advice, state officials, police, (and their secretive information systems), who can subtly abuse their power (even through the Courts), and cannot easily be challenged, are seen as the main threat to the existence of a democratic society.
20. Textbooks such by Helen Fenwick suggest there is no Remedy via police complaints systems, where Fenwick suggests leaving the civil courts as the only other option. Yet as we are aware the Defendant’s lawyer tactics are to be playful in their use of law, so that cases rarely get as far as the Courts examining facts and wrongdoing by errant police. Yet EU law gives a clear right to a Remedy in these issues.
21. The Claimant believes the Defendant’s lawyers and the Defendant need to be viewed as trying to manipulate, if not corrupt the Law and administration of justice to be a part of a trend that is contrary to EU law, in establishing a ruling class, (professional advisors, state officials and police) that is unaccountable. It may be that European Law can bring an authority to the UK Courts to deem such as the Defendant’s submission an unlawful outlook designed to bring an imbalance in the power of the state over the individual that is not proportionate or not consistent with a democratic society.
22. The Claimant believes that proportionality can mean reject all or most argument by the Defendant’s lawyers, in that the Court does not want to be seen to encourage an unreasonable imbalance of power of the state over the individual to also deny remedy in such an unusual, extreme and indefinite case.

## **Explanation of unusual, extreme & indefinite, as a context to revisiting a conviction**

### **Unusual**

23. Whereas actions against a Chief Constable can be a single inaction or miscarriage of justice. The Claimant brings a case very different as he also seeks proportionate Remedy and protection for the future, given so very many incidents of action and inaction, and targeted malice, spanning decades, where a normal person cannot be expected to be able to go about their normal business and life. Additionally the complainant and/or prosecution witnesses are only the Defendant or their associates (even the Crown Prosecution Service), and constant indication that the Defendant may be less than honest and indefinitely and unremittingly venting targeted malice on the Claimant, so that the Claimant often has no fair trial.
24. A normal person is unlikely to cope with the oppression, constant time consuming legal issues and/or psychological strain that will come from sustained targeted malice as alleged

in this case. Sustained target malice denies opportunity to a fair trial and past trials need to be explored to examine proportionality and Remedy.

25. Statistically, some targeted malice will succeed in wearing down the Claimant, and so due to unusual situation is justification that in terms of reasonableness, balance and proportionality to revisit a conviction to see if that conviction is due to the problems complained of as central in the Claim.
26. The Claimant believes the Court has jurisdiction given the unusual circumstances, to see revisiting a conviction as not a 'back door' measure, but an essential means to exploring manipulations and wrongdoing of errant police officers and their lawyers to unremittingly aim to deny the Claimant justice and a fair trial.

## Extreme

27. Extreme - clearly far beyond not being proportionate, reasonable and balanced, – so that the inference in rights can involve a dominion and power that is an extreme contrast with convention rights ECHR Article 1, 2, 5, 6 & 8 by postulating towards torture (cruel inhumane & degrading) and the control not unlike a master over a slave.
28. A slave, from early civilisation in Babylon to the western world just before abolition, are not normally prisoners but rather often skilled people who can walk the streets amongst normal people, but are subject to high levels of control so that they are not free to plan a career, are sometimes undermined from maintaining a relationship with a wife, friends or have associates. Are usually not allowed to own property and wealth, and are subject to be submissive to the whims of a dominant master, by irrational unfair episodes of oppression and violence, that can be public.
29. The Claimant believes that although the Defendant and their lawyers are not imposing the sustained servitude of a slave, the Defendant and their Lawyers are achieving too close to the above image of the oppression and dominion that slave is subject to, and that it would seem such oppression and dominion is intended to be seemingly indefinite and unremitting.
30. The Claimant believes the Defendant and their lawyers act to undermine the Claimant being a pilot, vet or manage his properties. The Claimant also believes the defendant indefinitely acts in a way to try to stop him having a driver's license that is important for the Claimant's work, property management and his lifestyle. The Defendant endlessly interferes with the Claimant in the street, on the road, or in his home in ways that can sometimes be that violent and intrusive to make it not realistic to have a wife alongside the Claimant or else she would be subject to the same pressure. Or the Claimant cannot easily maintain relationships with children, friends and associates as they could be drawn in, and be affected. The Claimant believes the Defendant's lawyers seek to finish the aim of targeted malice by pushing up cost of a full team of two barrister parties and junior lawyers as a way to counter an unwell, worn out and therefore so often muddled litigant in person, who has difficulty responding and to explaining the sheer volume of wrong doing by the Defendant and their lawyers. The Claimant believes that the Defendant and their lawyers behave this way as "Get Kirk" now means to abuse their position in legal proceedings to mischievously and quite needlessly run up disproportionate costs, and then aim to recover cost to deny the Claimant property and moderate wealth.
31. As stated previously, seemingly insignificant incidents, are a way for the Defendant and their lawyers to asset the ability of indefinite oppression and dominion, and so seemingly insignificant incidents cause major distress and hardship for the Claimant.

32. Although not seeking to prove the high thresholds of Article 3 and Article 4, but rather regards what is the proportionality and Remedy for Article 1 (property), Article 2 (Life), Article 5 (Liberty), 6 (fair trial), Article 8 (Private Life).

### **Indefinite and unremitting**

33. There is no indication that this unusual and extreme conduct by the Defendant and their lawyers towards the Claimant will ever stop.
34. The Claimant believes the case law and argument provided by the Defendant's lawyers is not relevant to such an unusual, extreme and indefinite case.

### **Remedy and the Defendant's lawyers' attempts at the erosion of democracy**

35. If the UK court has no jurisdiction or way to counter arguments and conduct of the Defendant's lawyers there would be no Remedy, so to not only bring the administration of justice into disrepute, but be an erosion of democracy from an imbalance of power of the state over the individual.

### **Civil Procedure Rules and European Law**

36. Despite the case law cited by the Defendant's lawyers, the authoritative Civil Procedure Rules (CPR) remain quite clear that that convictions stand unless proved otherwise. The nature of unusual, extreme, exceptional, indefinite, unremitting conduct of errant police, where each new day brings new meaning to past events, also means a need for the Court to examine/re-examine all actions.
37. European Law does not allow UK Courts rely on UK case law as a way to "look the other way" regards important issues in the past, so to put the Claimant at risk for the future, and thereby with reasonable foresight, allow the power of the state to unlawfully inflict on an individual, that which is extreme, indefinitely and unremittingly.

### **Remedy - Defendant's Information Systems and EU Law**

38. Information systems are becoming more effective and so have new meaning. There is need to know to what level the police information systems details (as in police only systems) about the Claimant are misleading, malicious or false so to provoke an average or errant police officer to behave less fairly, provocatively, or in bad faith, or to use targeted malice.