

PE1458/M

William Beck Letter of 17 July 2013

I would like the following to be presented to the Public petitions Committee hearing the petition PE1458.

At an appeal hearing in 2006:

<http://www.scotcourts.gov.uk/opinions/2006hcjac35.html>

Two judges ought to have recused themselves or at the very least declared an interest in my case.

Lord Johnston was the son of my trial judge which he did not declare.

Lord Osborne had acted as an Advocate Depute in my appeal on 7th October 1982 and did not declare this.

Both ought to have known from the court papers, namely the Charge to the jury and Interlocutor of 7th October 1982 which would have been before the court.

The charge discloses the name of the trial judge and in this instance was Lord Dunpark the Father of Lord Johnston.

I only found out that Lord Dunpark was the Father of Lord Johnston when I read the obituary for Lord Johnston when he died.

Had I known of any of these connections I would have asked them both to recuse themselves.

The interlocutor is attached above and I can produce the charge to jury should it be required.

Lord Osborne is quoted as saying had he known about this link he would have recused himself.

I cannot accept this position as it clearly states in the 2006 appeal linked above my appeal was rejected on 7th October 1982.

The only way Lord Osborne or any of the other two judges that heard this appeal would have known this is indeed by viewing the interlocutor with Lord Osborne's name attached. (See Interlocutor of 7th October 1982).

Lord Johnston made a comment (Which will be recorded) that Lord Dunpark certainly had a way with his quirky comments knowing full well he was referring to his Father.

It is my belief based on reactions around the court that others there knew of this connection although I did not.

Like I have said had I known of these connections I would have asked these judges to recuse themselves but the judges also had a duty enshrined within the Bangalore Principles to recuse themselves which they also ought to have done.

The fact they did not recuse themselves leaves me feeling I can never get a fair hearing in Scotland.

To add insult to injury I tried to raise this matter at a Nobile Officium Appeal: <http://www.scotcourts.gov.uk/opinions/2010HCJAC8.html> for the court presided over by the Lord President to ignore it completely.

How can they ignore it completely I hear everyone ask.

Simply because they can.

My defence team produced the interlocutor from 1982 showing Lord Osborne had prosecuted me yet this is not reflected in the opinion which states I did not raise any issue apart from being refused Legal Aid in 1982.

This should be recorded and I would urge the committee to ask the High Court to answer this allegation and provide the tape recording and transcript of the Nobile Officium Appeal.

So not only do I have two judges sitting on my appeal who ought to have recused themselves but when I tried to raise this issue it was ignored by our courts at its highest level.

My MSP Bill Kidd raised this issue with the Lord President (And many others within the Judiciary) asking him the meaning of the Latin Phrase "Nemo Iudex In Causa Sua" as well as raising it with Kenny MacAskill to no avail, and now after a Sunday Mail expose Lord Osborne is saying he would have recused himself if he had known. The Crown did not appear at the hearing of nobile officium petition where I tried raising this as a devolution issue referring to Hoekstra and Pinochet.

I would suggest this was a deliberate attempt to deny me not only the act of raising a devolution issue but also a fair hearing enshrined within article 6 of the European Convention of Human Rights.

I should point out that every case in Scotland are indeed indicted at the instance of Her Majesty's Advocate and this is a duty that applies throughout the history of any case including appeals.

Never in the history of Scots Law have Crown Failed to appear at an appeal. This proves that not only did two judges sit on my appeal when they ought not to have done so but there have been a concerted attempt from the Judiciary to cover this up since.

In their attempts to stop me raising a devolution issue they have created a bigger one.

This also shows how cosy the relationship is between our Courts and Crown Office.

I would welcome the opportunity to give evidence to the committee at any evidence gathering session, unlike Lord Gill.

Kindest Regards

William Beck