



Neutral Citation Number: [2020] EWHC 2253 (QB)

Case No: QB-2019-000194

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**MEDIA & COMMUNICATIONS LIST**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 24 August 2020

**Before :**

**THE HONOURABLE MR JUSTICE NICKLIN**

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**Between :**

**Simon Oliver**

**Claimant**

**- and -**

**Javed Shaikh**

**Defendant**

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**Ben Silverstone (instructed by Government Legal Department) for the Claimant**  
**The Defendant did not attend and was not represented**

Hearing date: 27 July 2020  
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**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

THE HONOURABLE MR JUSTICE NICKLIN

**The Honourable Mr Justice Nicklin :**

1. On 10 December 2019, Julian Knowles J granted the Claimant summary judgment on his claim for harassment against the Defendant. In short, the Judge found that the Defendant was responsible for posting on various websites a vast amount of abusive and harassing material directed at the Claimant. The principal vehicle for this abuse was the website “Judges Behaving Badly” (“the JBB Website”), which the Judge found was controlled by the Defendant. The Judge granted an injunction against the Defendant to restrain him from further harassing the Claimant. The injunction required the Defendant to remove material from the JBB Website and several other websites.
2. The Claimant contends that the Defendant has breached the injunction and that his breaches are continuing. By Application Notice dated 3 June 2020, the Claimant seeks to commit the Defendant for contempt of Court for these breaches (“the Committal Application”).
3. The history of the matter is conveniently set out in the judgment of Julian Knowles J [2019] EWHC 3389 (QB). I need not repeat it.
4. The Defendant sought to appeal against the Order of Julian Knowles J. Permission to appeal was refused by Davis LJ on 12 June 2020. He held that “*there was ample evidence on which [Julian Knowles J] could properly conclude that [the Defendant] was responsible for the postings on the website... The evidence, overall, was overwhelming against the defendant’s bare and unparticularised denial*”.

**The terms of the Injunction**

5. The following are the material parts of the injunction granted by Julian Knowles J (“the Injunction Order”):
  4. The Defendant must not pursue any conduct which amounts to harassment of the Claimant contrary to the Protection from Harassment Act 1997 and, in particular, must not do any of the following or procure, incite, abet or encourage any other person to do any of the following:  
...
    - (e) Post actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant’s family, whether directly or indirectly, on the internet, including on any website, blog and/or social media site; ...  
...
6. The Defendant shall not publish or cause to be published, and shall by 4pm on 17 December 2019 secure the deletion and removal from the internet of, the posts, webpages and/or online publications at the following URLs:
  - (a) <https://judgesbehavingbadlyblog.wordpress.com>;
  - (b) <https://judgesbehavingbadlyblog.wordpress.com/uk-court-judge-hhj-simon-oliver-exposed-as-taking-bribes-using-gifting>;

- (c) <https://judgesbehavingbadlyblog.wordpress.com/british-judge-simon-oliver-exposed-as-using-rent-boys-and-tweaking-his-nipples-in-court/>;
- (d) posts dated 15.07.16 by “SimonO-25”, 28.12.17 by “LawEnforcement-1” and 28.12.17 by “PurpleIron6” on <https://www.yell.com/biz/reading-county-court-reading-7396987/>;
- (e) [https://www.youtube.com/channel/UCKaes6JxPmg5kcEDpg\\_C8WA](https://www.youtube.com/channel/UCKaes6JxPmg5kcEDpg_C8WA);
- ...
- (g) a post dated 19.09.17 by “Someone” on <http://corruptwash.com/2017/08/11/scandal-on-the-bench-judges-taking-bribes-to-fix-cases/>;
- (h) <https://www.change.org/p/harsher-penalties-punishable-by-prison-by-jury-for-british-court-judges-who-take-bribes>;
- (i) <https://www.change.org/p/the-people-vs-judge-simon-oliver-bringing-him-to-justice-for-judicial-corruption>; ...

7. The Defendant shall not publish or cause to be published, and shall by 4pm on 17 December 2019 secure the deletion and removal from the internet of, any other posts, webpages and/or online publications concerning and/or referring to the Claimant and/or any member of the Claimant’s family, whether directly or indirectly, which he has published or caused to be published on the internet, including but not limited to on any website, blog and/or social media site...”

6. In addition, the Injunction Order:

- i) contained a penal notice substantially in required form prominently on the front page of the order;
- ii) pursuant to CPR Part 81.8, dispensed with personal service of the order on the Defendant and permitted service of the order by post to the Defendant’s given address and by email; and
- iii) pursuant to CPR Part 81.10(5), permitted service of any committal application on the Defendant by the same methods.

7. The Injunction Order was served on the Defendant by email and by recorded delivery on 11 December 2019. Confirmation that the Defendant had received the Order was provided by an email from the Defendant dated 17 January 2020 in which he advised the Claimant’s solicitors (“GLD”) that he intended to appeal the judgment and Order of Julian Knowles J.

### **Committal Application**

8. Before issuing the Committal Application, GLD had written to the Defendant as long ago as 21 January 2020 to complain of breaches of the Injunction Order as a result of

the Defendant having failed to remove material from various websites as he was ordered to do and publishing further material in breach of the Injunction Order. The Defendant responded, immediately, in an email dated 21 January 2020:

“I’ve already communicated with you and your client on several occasions stating I am not responsible for the online publication. The matter is now before the court of appeal. The documentation relating to the appellant’s notice has been copied into you by post. You should receive it shortly.

Please note that your client Mr Simon Oliver is not making his request in good faith, it has recently come to my attention that media articles have been published about me claiming I am a terrorist and preparing an anthrax attack. This allegation is clearly false and defamatory. Therefore, I have no option but to pursue this matter further.

I have said previously as well, regardless of the number of applications that your client makes against me or whatever back door that he uses, I will not be honouring his request under any terms.

I hope that I have made myself perfectly clear. If that means that I have had to have my assets seized or be sent to prison then that is perfectly fine.

In the meantime, I have put a comment on this blog stating that I would like the material taken down so therefore, I have satisfied the court order from my remit. It Is now up to the blog operators to take it down.”

9. The final sentence of that email was a reference to the following posting on the JBB Website at 20.36 on 17 January 2020 under the name “J Shaikh”:

“For the attention of the blog owner,

My name is Shaikh and I would like to request that you take down the posts, blog, and the main article which relates to a complaint about Simon Oliver which was made many years ago. I believe that the complaint has been copied from a social media post which has resulted in Simon Oliver, the Government legal department and the Ministry of Justice gaining an injunction against me to remove this blog by Justice Julian Knowles. Unfortunately, I am not the owner of this blog and it is impossible for me to take it down, so therefore, I am requesting that the blog owner take down this site so that I do not have any problems coming towards me. I am completely innocent in the allegations and Simon Oliver is trying to make me responsible for something I am not responsible for. He has even gone to the lengths of publishing articles about me in the newspapers saying that I am planning an anthrax attack against him and holding his family hostage! These are false allegations and completely untrue and I have not done any of this. Simon Oliver has not provided any evidence against me apart from the fact that his word and his friends say so.

All the allegations that Simon Oliver is making against me is based on falsehood and deceit. I believe he is trying to make a scapegoat out of me so that he can clear his name the easy way.

Can all the people that have posted allegations against Simon Oliver on this page request it’s retraction because the government legal department have asked me to

do this otherwise they will blame it all on me. Simon Oliver is stating that all the allegations have been invented by me and are not genuine allegations from the public. Simon Oliver also says that none of the victims exist.

I am writing this post on this article for the following reasons:

1. Justice Julian Knowles said that I should write on this article to clear my name.
2. The government legal department and ministry of Justice have said to me that they will blame this whole blog on me if I do not do everything in my power to take it down which is impossible for me to do so. They are even threatening me with prison and asset seizure.
3. To determine whether genuine victims have written on this site or has it been invented by the genuine blog owners (as per Simon Oliver's allegation)

I solemnly declare that the statement i have made above is the truth and nothing but the truth

Mr J Shaikh”

10. The Application Notice by which the Committal Application is made, together with the supporting Affidavit evidence, were served by email and by recorded delivery on 8 and 11 June 2020 respectively (permission having been granted for this method of service – see [6] above). Receipt of these documents was confirmed in an email from the Defendant on 11 June 2020.
11. The Application Notice contained the notice in the terms required by paragraph 13.2(4) and Annex 3 of the Practice Direction to Part 81. Attached to the Application Notice seeking committal of the Defendant was an Annex setting out:
  - i) the terms of the Injunction Order relied upon; and
  - ii) 27 alleged breaches of the Injunction Order by the Defendant (reproduced in Appendix 1 to this judgment).
12. The Committal Application was supported by Affidavits sworn on 7 April 2020 by the Claimant and on 1 May 2020 by Louisa Lloyd-Jones, a lawyer with GLD. Principally, Ms Lloyd-Jones' evidence deals with the online material she discovered posted on various websites, on 29 April 2020, which it is alleged constitute breaches of the Injunction Order.
13. The alleged breaches of the Injunction Order can be grouped into two categories:
  - i) continued publication of/failure to remove material on various websites: alleged breaches (1) to (9)
  - ii) posting of new material on various websites: alleged breaches (10) to (27).
14. The committal application was originally fixed for hearing on 26 June 2020. However, having reviewed the case, by an order dated 23 June 2020, I directed that the hearing on 26 June 2020 would deal only with directions and would be heard remotely. At that stage, I was not satisfied that it was appropriate to hear a substantive committal

application by way of a remote hearing. The Order of 23 June 2020 made what have become standard directions for a remote hearing to take place on 26 June 2020. Set out in Appendix 2 to this judgment are emails between the Court, the Defendant and GLD prior to the hearing on 26 June 2020 and up to the hearing on 27 July 2020. I have set these out because they are important in demonstrating the Defendant's engagement, the information he has provided and his awareness of the proceedings.

15. In the email correspondence with the Defendant on 22 June 2020, the Defendant stated that he could not participate in a remote hearing until the end of July. When asked why, he responded: "*I am currently abroad until the end of August that's why*". An email was sent to the Defendant explaining that he could participate remotely – even if he was abroad – using a telephone or video platform, but he responded: "*I do not have the facilities to do this at the present time due to personal reasons which I do not want to disclose*". A further email from the Court explained that he could participate simply using a telephone. On 25 June 2020, the Defendant again stated that he would "*not be able to attend the hearing tomorrow in person for personal reasons*". The Defendant refused to provide any further details of these "*personal reasons*" or to explain why they prevented him from attending the hearing by telephone.
16. The hearing on 26 June 2020 took place as a telephone hearing. The Defendant did not attend. As recorded in the Court's order, I was satisfied that the Defendant had received notification of the hearing, had deliberately chosen not to participate and had provided no valid reason for his non-attendance. My order made following this hearing contained the following directions:

- "(1) The hearing of the Claimant's application for committal of the Defendant ("the Committal Application") is fixed for 27 July 2020 with a time estimate of 2 days. Subject to further order of the Court, the hearing will take place as a physical hearing (with social distancing) in the Royal Courts of Justice.
- (2) Pursuant to paragraphs 14.1 and 14.2 of the Practice Direction to Part 81, the Defendant may not rely on written evidence in response to the Committal Application, unless such evidence is given by affidavit and is filed and served by 4.30pm on 10 July 2020 or the Court otherwise permits.
- (3) Any application by the Defendant:
  - (a) to vary these directions; and/or
  - (b) for any evidence to be given by video-link at the hearing of the Committal Application

must be made by Application Notice filed and served on the Claimant by 4.30pm on 3 July 2020. Any application must be supported by evidence and, insofar as it seeks to vary these directions, must provide a full explanation for why the Defendant did not participate in the hearing on 26 June 2020."

17. The Court's order contained the following prominent notice to the Defendant:

"The Court has power to send you to prison, to fine you or seize your assets if it finds that any of the allegations made against you are true and amount to a contempt of court. You must attend court on 27 July 2020. It is in your own interest

to do so. If you fail to attend, without good reason, the Court may proceed in your absence. You should bring with you any witnesses and documents which you think will help you put your side of the case. You have the right to remain silent, but if you wish to rely on evidence in answer to the allegations made against you, you must comply with Paragraph 2 above. If you consider the allegations are not true you will have the opportunity to tell the court why. If it is established that they are true, you will have the opportunity to tell the court of any good reason why they do not amount to a contempt of court, or, if they do, why you should not be punished.

LEGAL AID IS AVAILABLE FOR THOSE FACING COMMITTAL PROCEEDINGS. YOU ARE ADVISED TO SEEK ADVICE FROM A SOLICITOR.”

The final paragraph was shown in bold red text.

18. On 1 July 2020, the Defendant filed with the Court a letter dated 30 June 2020 together with a witness statement also dated 30 June 2020. The letter confusingly referred to a hearing in the week commencing 22 June 2020, which by then had taken place. Subsequently, the Defendant stated that the witness statement was his affidavit. That is not correct. Affidavits and witness statements are different forms of producing written evidence. Nevertheless, the material parts of the evidence contained in the Defendant’s witness statement, included the following:

- “1. I deny all the allegations made by the claimant Simon Oliver (SO) in these proceedings.
2. I deny all 27 contempt’s alleged
3. The underlying matter is currently being progressed through the Court of Appeal because of errors identified which will be discussed later.
4. In the initial proceedings by SO, no evidence was supplied by SO in support of his accusation. He still has not provided any evidence to this date and still relies upon an accusation.
5. The matter is currently under appeal as the claimants barrister Ben Silverstone (BS) and Justice Julian Knowles (JK) did not disclose to the court and myself that they knew each other prior to the hearing commencing...
- ...
7. The allegations relied upon in the initial case was false in several areas. SO makes several ‘findings of facts’ but he does not state that the recordings have gone missing off the dart server. Not only the main recordings but the backup too. Therefore, the findings of facts identified are not accurate and are being challenged even until today.
8. SO regularly uses the word ‘belief’ in his statements and never provides evidence of any issues...
- ...

11. The claimant SO has not sued me for libel and is still to make an application for libel. The reason he has not sued for libel is because the case will be heard by a jury and a jury would not give the same conclusion that a compromised judge would.

...

15. I have satisfied the injunction as it stands by commenting on the blog asking them to contact the Government Legal Department to sort the issues out. This was at the request of JK at the hearing of 29th November 2019. Whether the blog operators have contacted the Government Leal Department or not is unknown. I do not personally have the power to take the blog down or any of the other material identified in the original injunction.

16. As a result of the committal application being made, I forwarded the correspondences to third parties who have now provided a statement on the blog in support of the contempts identified... Contact details have also been provided by the hosting site operators so the Government Legal Department can now contact them directly.

...

21. I therefore, request the court to dismiss this application for committal because SO has provided no evidence of his underlying claim at any hearing. Therefore, he has not satisfied his claim beyond a reasonable doubt. There is also an appeal ongoing in the court of appeal and any committal outcome would be a miscarriage of justice until the appeal is not heard.

22. If the matter does progress to a committal hearing, I would like a trial set for a duration between 5-6 weeks possibly in the 2021. I am preparing to bring 21 witnesses, 8 of which are already confirmed. I will require 4-6 hours of examination of each witnesses. Each of these witnesses will produce their own bundle as part of their case.”

19. Included within the documents attached to the Defendant’s witness statement was a post on the JBB Website, headed “Public Statement” and dated 11 June 2020, under the name “Penelope Sinclair”:

“Due to recent events of which I have been made aware of via email, I have chosen to post here, as I know the legal team of HHJ Oliver monitor this site. I need them to read this and take serious note. I also want Ms. Louisa Lloyd-Jones (and Mr Javed Sheikh) to note, that in court it can be proven that Judge Oliver and his team are reading everything here, and they will certainly read this and will have no excuse to continue with at least 2 allegations made against Mr. Sheikh contributing to the grounds for the warrant they are seeking for his arrest.

Facts;

HHJ Oliver recently made an application for the arrest and imprisonment of a Mr J Sheikh. The application was made by Louisa Lloyd-Jones. Senior Lawyer at Government Legal Department.



The application includes a statement of “facts” with allegations as to why HHJ Oliver and Lloyd Jones are asking that Sheikh be imprisoned. While I can not make comment on many of the allegations, I can however make a public statement as to at least two of those allegations being absolutely false.

I vehemently oppose the fact Mr. Sheik is being accused of contempt of court on two counts which have nothing to do with him whatsoever;

False allegations on court application prepared by Ministry of justice Lawyer Louisa Lloyd Jones and HHJ Simon Oliver;

1/ that Mr. Sheikh is responsible for the Oliver Eight website. An absolutely false allegation which has been included as fact and as a stand-alone point of contempt of court, within court documents against Mr. Sheikh.

‘The Oliver eight’ website was set up by me and other colleagues as a platform to prepare to present Judicial victim allegations against HHJ Oliver with supporting DOCUMENTARY EVIDENCE. Mr. Sheikh has absolutely no connection to TheOliverEight website and has absolutely zero influence over its content or in having it removed from the web. <https://www.theoliveireight.online/>

2/ Mr. Sheikh has also been falsely accused on another stand-alone point of contempt of court, as being responsible for the online “Survey Hero HHJ Oliver questionnaire” for possible victims. <https://surveyhero.com/c/0170b856>

The first paragraph of the survey web page states;

“This questionnaire has been created to support an investigation into abuse of power, errors of law, obstruction of Justice and possible unlawful and/or criminal activity by the British Judge, HHJ Simon Oliver. The questionnaire will be used to gather information from legitimate victims and witnesses. If you have sufficient evidence of any wrongdoing by HHJ Simon Oliver, which would stand up in a court of law, or before police enforcement, you will be invited to participate in a group preparing to formally challenge HHJ Oliver along with other victims in a class action. We were seeking at least 15 strong cases/victims, but due to the positive response may take more”

Apart from the fact this is not illegal or libelous, the false allegation included in the arrest application as fact, that Mr. Javed Sheikh is responsible for this online survey is ABSOLUTELY FALSE. Mr. Sheikh has absolutely NOTHING to do with the Surveyhero Simon Oliver survey. It was set up in August 2019 to gather legitimate evidence from possible victims of HHJ Oliver for the evidence database being set up for the Oliver Eight website.

I and my colleagues are not involved or ‘collude’ in anyway with Mr. Javed, although we have naturally taken an interest with his case , as with all those that feel they have been judicially abused by HHJ Oliver. Neither are we involved with this Blog its moderators (we do not even know who they are) and the same goes for any other platform on this topic, apart from the Oliver Eight and the survey hero page to support the Oliver Eight with an evidence database.

I find it startling that senior Government attorney Louisa Lloyd-Jones is making two provably false allegations in the application to have Mr. Sheikh imprisoned. If a Judge and a senior Government attorney can make two glaringly false allegations against a member of the public to have them imprisoned, how many other allegations for the request for the arrest of Mr. Sheikh are false?

This just absolutely proves how HHJ Oliver is prepared to nefariously make absolutely false allegations and statements about members of the public in court documents without any accountability. I have seen these false allegations and will swear before an 'honest' Judge that this is the case and is a total abuse of power and the law. It also proves extreme bullying by a heavy government attorney and a Judge who is starting to trip over his bloated sense of immunity to the law and accountability. Bear in mind it is we the public who is funding this TOTAL ABUSE OF POWER AND CORRUPTION OF THE LAW.

I invite the Police to contact me at; Penelopesinclair9@gmail.com

Where I am happy to make a formal police statement over the phone and in writing. I will only give information to a documented senior Police officer outside of the Thames Valley police catchment area, due to probable Thames Valley police collusion with HHJ Oliver.

I also invite; Press, Government officials or pro bono human rights attorneys or similar to contact me at the same email address Penelopesinclair9@gmail.com

Where I will give them evidence that Louisa Lloyd Jones of the UK Government legal department and HHJ Simon Oliver have made totally false allegations in an application for an innocent member of the public to be arrested and imprisoned with the sole attempt to silence that person. It's time to stop this! And make Judge Simon Oliver accountable for his disgraceful behavior towards members of the public.

20. Also included in the documents was a response, on behalf of the operator of the JBB Website, posted at 21.19 on 11 June 2020:

“Dear Penelope and Mr Sheikh

Thank you very much for your comment above. We can also confirm that Mr Sheikh is not responsible for this blog either. Our material is gathered from several reliable sources which is evident from the comments here. Mr Sheikh has had no contribution to this site or has been involved in it in any way whatsoever. If 'worshipful master' Louisa Lloyd Jones or the Government Legal Services have a problem, please contact us directly on this blog and we will respond to you. If the police or any other government department wants to contact us, please comment and we will respond to you directly.”

21. On 8 July 2020, the Court received an Application Notice from the Defendant. It appears that he had not paid the necessary fee, and was subsequently granted a fee remission certificate on 13 July 2020. The Application Notice was finally issued on 20 July 2020 (“the Adjournment Application”). The Defendant sought to “*set aside / reschedule the hearing date for the Committal application of the 27 July 2020*” and stated, as follows (with errors as they appeared in the original text):

“I am submitting this appellants notice to request the court to set aside the order of Justice Nicklin on the 26th June 2020. I have attached a separate witness statement clarifying my position. If the hearing cannot be set aside, I would like to request it be delayed for a further date in the future. I could not attend the hearing on 26th June 2020 as I am abroad and will not be back until the end of August. I already clarified this with all parties days before the hearing on the 26th June 2020.

The reason i request the trial date be set aside is given in my attached witness statement.

The reason i request the trial date be delayed to another date is for the following reasons:

1. Legal firms are closed during the Covid-19 pandemic and I have not secured legal representation which is legal aid funded.
2. I am not in the country so will not be able to make the date in question.
3. I am not satisfied with the courts response on social distancing at trial in the current period. As a medical professional, the social distancing is guidelines and not law. I could not put myself at risk in the current climate.
4. The claimant has previously claimed he's the president of the Queen's Bench Division, therefore, any judge hearing this case at the Royal Courts of Justice will be severely compromised. I would like the hearing relocated to allow impartiality.
5. The claimant works as a judge in the Royal Courts of Justice and any judge listening this case even in normal circumstances would be compromised. I would like the hearing relocated to allow impartiality. This will be at the expense of the claimant and the court. I am willing to travel anywhere in the UK.
6. The time limit given to collect witnesses and get statements is inappropriate (1 week). I have requested nearly 21 witnesses will want to give evidence, to date, 8 are confirmed and 4 require video link. More will follow in due course once a lawyer is instructed to represent me. Therefore the trial date of 2 days needs to be reviewed. Consideration needs to be given to at least 3-4 weeks for trial.
7. The clamant has still not put forward any evidence that I am guilty of creating or maintaining anything against him online. The evidential threshold has not been satisfied at the civil standard, let alone the criminal standard of beyond a reasonable doubt.
8. The website the claimant is complaining about has been copied several times by several different people. There would no need to commit me to prison because the matter has gone too far and he would not benefit from removing the original website.
9. The matter is currently being appealed to Europe under Human Rights legislation.

For the reasons stated above, I request the court set aside the order of 26 June 2020 or fix trial for another date (possibly the New Year) when social distancing rules have eased and witnesses can come and give evidence safely)...”

22. The Adjournment Application was referred to me for directions on 21 July 2020. The Defendant had indicated, on the Application Notice, that he wished it to be dealt with without a hearing. I asked to receive any observations or submissions on behalf of the Claimant by close of business on 21 July 2020. GLD provided written submissions by email in accordance with this deadline. The full response is set out in Appendix 2, but in summary, the Claimant objected to any adjournment of the hearing on 27 July 2020. The Defendant had deliberately failed to attend the hearing on 26 June 2020 and had failed to issue his Application to set aside or vary the Order made in accordance with paragraph 3 of the Order. It was contended that the reasons advanced by the Defendant in support of the Adjournment Application were inadequate.
23. I directed that the Adjournment Application would be heard on 27 July 2020. As the Defendant had indicated that he would not be able to attend in person, arrangements were made for him to attend the hearing remotely by telephone. As set out in more detail in Appendix 2, the Defendant refused to provide a contact telephone number to enable his participation. The last email from the Defendant was one sent at 18.02 on 22 July 2020. He failed to respond to three emails sent to him by the Court on 23 and 24 July 2020. The final email again warned the Defendant that he had not provided any explanation as to why he could not attend the hearing on 27 July 2020 by telephone and that if he failed to attend the hearing, then there was a risk to that the Court would refuse his application to adjourn and would proceed to hear it and the Committal Application in his absence.
24. The hearing on 27 July 2020 proceeded as a physical hearing in the Royal Courts of Justice. Arrangements had been made for the hearing to take place in a Cloud Video Platform enabled courtroom so that the Defendant could attend the hearing remotely. However, the Defendant did not attend the hearing, either physically or remotely using the facilities provided by the Court. As noted above, the last communication received by the Court (or the Claimant’s solicitors) was his email of 22 July 2020. There has been no communication from the Defendant since the hearing.

### **Proceeding in the Defendant’s Absence: Principles**

25. In respect of the Adjournment Application, the Defendant’s failure to attend the hearing means that the Court may proceed to hear and determine the application in his absence: CPR Part 23.11(1).
26. The general power to adjourn a hearing is provided under CPR Part 3.1(2)(b). This is a case management decision, and the Court must have regard to the overriding objective. Of particular importance is the fact that the hearing sought to be adjourned is the trial of the Committal Application. The Court’s power to proceed in the absence of a party at a trial (CPR Part 39.3) extends to the trial of committal applications, but as the proceedings are quasi-criminal in nature, continuing in the absence of a party is an exceptional course that requires justification: *Lamb -v- Lamb* [1984] FLR 278.
27. In *JSC BTA Bank -v- Stepanov* [2010] EWHC 794 (Ch), Roth J applied, by analogy, the principles from criminal cases concerning proceeding in the defendant’s absence:

[12]-[19]. See also *JSC BTA Bank -v- Solodchenko* [2011] EWHC 1613 (Ch) [13]-[14] *per* Briggs J.

28. To be balanced against that, there is an important public interest, reflecting the rule of law, that orders of the Court must be obeyed and contempt proceedings concerning alleged failure to comply with orders should be dealt with swiftly and decisively: *Barnet LBC -v- Hurst* [2003] 1 WLR 722 [33] *per* Brooke LJ; *M -v- M (Contempt: Committal)* [1997] 1 FLR 762, 765 *per* Lord Bingham LCJ. That principle applies with even greater force where what is alleged is a continuing breach or failure to comply, rather than an isolated historic breach.
29. Drawing upon these authorities, Spencer J set out a useful summary of the approach to be adopted by the Court when considering whether to proceed with a committal application in the absence of a party in *Calderdale and Huddersfield NHS Foundation Trust -v- Atwal* [2018] EWHC 961 (QB):

[37] Contempt proceedings are quasi-criminal. It is, therefore, appropriate to have regard to the principles which a judge in the Crown Court would apply in deciding whether to proceed with a trial in the absence of the defendant. These principles are conveniently summarized in *R -v- Jones* [2003] 1 AC 1. The relevant factors which the court should consider are:

- (i) the nature and circumstances of the defendant's behaviour in absenting himself from the trial and in particular whether his behaviour is deliberate, voluntary and such as plainly waived his right to appear;
- (ii) whether an adjournment might result in the defendant being caught or attending voluntarily;
- (iii) the likely length of such an adjournment;
- (iv) whether the defendant, though absent, is, or wishes to be, legally represented;
- (v) the extent of the disadvantage to the defendant in not being able to give his account of events, having regard to the nature of the evidence against him;
- (vi) the general public interest that a trial should take place within a reasonable time of the events to which it relates.

[38] I have also had regard to the helpful checklist suggested by Cobb J in such circumstances in *Sanchez -v- Oboz* [2015] EWHC 235 (Fam), derived in part from *R -v- Jones*, namely:

- (i) whether the defendant has been served with the relevant documents including notice of the hearing;
- (ii) whether the defendant had sufficient notice to enable him to prepare for the hearing;
- (iii) whether any reason has been advanced for his non-appearance;

- (iv) whether by reference to the nature and circumstances of the defendant's behaviour he has waived his right to be present; i.e. is it reasonable to conclude that the defendant knew of and was indifferent to the consequences of the case proceeding in his absence;
- (v) whether an adjournment would be likely to secure the attendance of the defendant or at least facilitate his representation;
- (vi) the extent of the disadvantage to the defendant in not being able to present his account of events;
- (vii) whether undue prejudice would be caused to the applicant by any delay;
- (viii) whether undue prejudice would be caused to the forensic process if the application were pursued in the absence of the defendant;
- (ix) take account of the overriding objective, including the obligation of the court to deal with the case justly, doing so expeditiously and fairly, and taking any step or making any order for the purposes of furthering the overriding objective.

30. Finally, the Practice Direction to Part 81 provides:

15.5 In dealing with any committal application, the court will have regard to the need for the respondent to have details of the alleged acts of contempt and the opportunity to respond to the committal application.

15.6 The court will also have regard to the need for the respondent to be –

- (1) allowed a reasonable time for responding to the committal application including, if necessary, preparing a defence;
- (2) made aware of the possible availability of criminal legal aid and how to contact the Legal Aid Agency;
- (3) given the opportunity, if unrepresented, to obtain legal advice; and
- (4) if unable to understand English, allowed to make arrangements, seeking the assistance of the court if necessary, for an interpreter to attend the hearing.

### **Proceeding in the Defendant's Absence: Decision**

31. At the hearing on 27 July 2020, I refused the Adjournment Application and I proceeded to hear the Committal Application in the Defendant's absence. These are my reasons for those decisions.

32. The Defendant's witness statement and the correspondence between the Defendant, GLD and the Court demonstrate that he is fully aware of the basis of the Committal Application and the breaches of the Injunction Order alleged against him.

33. The only reason advanced for his non-attendance at the hearing was that he was “abroad”. He did not explain why he could not attend the hearing remotely using the facilities that were provided by the Court. Indeed, the Defendant’s refusal to provide information as to his whereabouts has been deliberately obstructive. Dismissively, in his email of 21 July 2022 (18.49), the Defendant stated: “*if I’m abroad, it means I’m abroad and the country that I am present in has no effect on this litigation*”. On the contrary, where the Defendant was located is an important consideration. It is relevant to whether it is reasonable to expect the Defendant to return for a hearing of the Committal Application. If he was in France, then it would have been relatively straightforward, and inexpensive, for him to return to the UK. At the time of the hearing, there was no requirement for people moving between the two countries to observe any quarantine period. However, if the Defendant was in the United States, then the logistics, quarantine restrictions and the cost involved in returning to the UK might be prohibitive. Nevertheless, I have been deprived of the ability to assess these considerations by the Defendant’s refusal to tell me where he is. Indeed, beyond statements to this effect in his emails, I have no evidence corroborating that the Defendant is actually abroad.
34. This is the second time that the Defendant has refused to participate in a hearing, and his non-attendance on 27 July 2020 is contrary to his previous statements that he would be able to attend a remote hearing at the end of July (email of 22 June 2020) and, subsequently, that he would be able to participate in the hearing on 27 July 2020 by telephone (email of 21 July 2020 (18.49)). As the communications between the Court and the Defendant demonstrate, the Defendant was given the fullest opportunity to participate in the hearing on 27 July 2020. In respect of his Adjournment Application, it was explained to him (in the email at 16.21 on 21 July 2020) that the Court expected to be provided with “*a detailed explanation – supported by evidence – why [the] hearing should be adjourned*”. The email identified areas on which the Court needed further information: details of the legal firms the Defendant had attempted to contact but found that they were unable to assist; details of the country where he was; and an explanation for why he contended the Court’s arrangements for hearings during the pandemic were inadequate. The Defendant has failed to provide answers to any of those questions, still less any evidence to support them. He failed to respond to three emails from the Court requesting a telephone number on which he could be contacted for the hearing.
35. Insofar as the Defendant’s communications could be said to evidence a desire to be represented by solicitors and/or counsel, I am satisfied that this is just a further effort at delay and avoidance. In the absence of some supporting evidence of his attempts, the claim that the Defendant has attempted to contact “*several legal firms based in London, Manchester and Maidstone*” but that they were closed or unable to provide assistance is not credible. Legal aid is available for advice and representation for a defendant facing committal proceedings (and the Order of 26 June 2020 prominently stated so). Any firm that considered it had insufficient time to prepare for the hearing on 27 July 2020 could have asked for it to be adjourned. Put shortly, if the Defendant was serious about obtaining legal representation, he could have provided evidence of any genuine attempts to do so.
36. The documents that the Defendant has received do not, in terms, advise him of how to contact the Legal Aid Agency. Nevertheless, I do not consider that this has

disadvantaged the Defendant. Had he made genuine efforts to obtain legal representation, his solicitors would have known how to progress an application for legal aid on his behalf. Further, as noted by Warby J in *Pirtek (UK) Limited -v- Jackson [2018] EWHC 1004 (QB)* [34], this is not a mandatory requirement. The real question is whether the Defendant has been advised of his eligibility for legal aid and provided with an adequate opportunity to obtain legal representation.

37. I am therefore satisfied that the Defendant has:
- i) been served with the relevant documents in support of the Committal Application;
  - ii) had adequate notice of the hearing;
  - iii) had an adequate time to prepare for the hearing;
  - iv) been advised that legal aid is available for legal representation in relation to the Committal Application;
  - v) had an adequate time to seek legal representation (had he made genuine efforts to do so); and
  - vi) chosen not to attend the hearing of the Adjournment and Committal Applications: this behaviour is deliberate, voluntary and with full knowledge that, if he failed to attend, the Court could proceed in his absence.
38. On the basis of this history, and the Defendant's engagement with the Court and the Claimant's solicitors, I am not satisfied that any adjournment would be likely to secure the attendance of the Defendant in any reasonable timeframe. The Defendant's emails, his witness statement and the information provided in his Adjournment Application very strongly suggest that he is simply prevaricating. He seeks to dictate the terms on which he will participate in the proceedings and has made a series of unrealistic demands (e.g. that the committal application should be heard by a jury; that no High Court Judge should hear the case, that the case should be heard outside London; that the time estimate for the Committal Application should be increased to up to 6 weeks (although even that estimate has varied) and fixed for a hearing in 2021; and that the Committal Application should not be heard until the Defendant's application to the European Court of Human Rights (complaining about the original decision of Julian Knowles J) has been determined).
39. I am satisfied that any adjournment would prejudice the interests of the Claimant and the administration of justice overall. The Injunction Order was granted to protect the Claimant from further harassment by the Defendant. The allegations of contempt, if proved to the required standard, represent ongoing breaches of the Injunction Order. This is not a case of an historic breach of an order with no continuing breach. Harm is caused for each day that the publications remain online. There is therefore a need for these proceedings to be progressed with all due expedition consistent with proper respect for the Defendant's rights.



40. In assessing the disadvantage to the Defendant and the forensic process by continuing without his participation in the hearing, I am satisfied that the Court has a sufficient understanding of the Defendant's case from his witness statement.
- i) In respect of the alleged breaches (1) to (9), the case is straightforward. The Injunction Order required the Defendant to remove the material from the websites identified in Paragraph 6(a) to (e) and (g) to (i). He does not dispute the Claimant's evidence that this material has not been removed; he instead renews the denial that he was responsible for publication of this material that was rejected by Julian Knowles J (and the Court of Appeal).
  - ii) In respect of the newly posted material – alleged breaches (10) to (27), the Defendant denies responsibility for each of these publications. Beyond the suggestion that “Penelope Sinclair” (whether alone or acting with others) is responsible for the publications on the websites alleged to represent breaches (26) and (27), he does not maintain a positive case as to who is responsible for the newly posted material on the JBB Website. Although the Defendant has suggested that he would wish to call as many 21 witnesses, he has identified only 4 (see email of 21 July 2020 at 18.49). One of those is identified as Penelope Sinclair, and it can be inferred, perhaps, that the Defendant seeks to rely upon evidence from her to the effect of the posting on the JBB Website (if it is the same person) (see [15] above) that the Defendant is not responsible for the publications said to amount to alleged breaches (26) and (27). Another witness was identified as John Abbott. According to the Defendant's email on 22 July 2020, Mr Abbott claims that the Claimant referred to himself as “President of the Queen's Bench Division” in another case. That evidence could have no relevance to the Committal Application, and it is unclear what, if any, relevant evidence the other two identified witnesses could provide for the Defendant.
41. Further, I am satisfied that, having regard particularly to the facts (1) that the burden is upon the Claimant to demonstrate the alleged breaches to the criminal standard of proof, and (2) that Mr Silverstone, as Counsel acting effectively *ex parte*, bears a burden to refer the Court to all that can fairly be said on behalf of the absent Defendant, that proceeding in the absence of the Defendant would not in this case represent such a disadvantage to him as, in justice, to require an adjournment. In some cases, the injunction alleged to have been breached contains a prohibition that has an exception (e.g. “without having given 24 hours' notice beforehand”). In such a case, depriving the defendant of the opportunity, if s/he wishes, to demonstrate that the relevant exception applied may be more significant. Such issues do not arise here. It is for the Claimant to demonstrate the alleged breaches of the Injunction Order, to the criminal standard. The Defendant's case is a denial. Save in the limited respect I have identified, he has not advanced a positive alternative case.
42. When considering any other factors relevant to the overriding objective, it is to be noted that the Defendant did not comply with the directions in the Order of 26 June 2020 requiring any application to vary the directions for the hearing on 27 July 2020 to be filed and served by 4.30pm on 3 July 2020. The Adjournment Application was served late and, even when it was served, the evidence failed to provide any explanation for why the Defendant had not participated in the hearing on 26 June 2020.

43. There is a further final consideration – which emerges from the decision of Briggs J in *Solodchenko*. The Judge considered that a further safeguard for the defendant, if the Court proceeded to hear a committal application in his absence, was for the Court to deal only with the decision on liability and to adjourn consideration of penalty (if it arose):

[16] In a case where a serious contempt has been proved in a respondent's absence, it is, in my judgment, appropriate for the court to pause before proceeding immediately to sentence and to consider whether the matter should, in the alternative, be adjourned. There are a number of reasons for this:

- (a) In ordinary criminal proceedings, a decision to proceed to trial in the defendant's absence by no means leads automatically to sentencing in his absence, as well. Although I profess no expertise in criminal procedure, my understanding is that, in such circumstances, a criminal court will frequently afford a defendant an opportunity to attend to mitigate, all the more so where a custodial sentence is on the cards.
- (b) The balance of factors which, as here, lead to a conclusion that an absent defendant will suffer no injustice if contempt is proved in his absence may well not lead to the same conclusion in relation to sentence. Liability may, as here, be straightforward, but the possibility of purging contempt or other mitigation may well mean that an immediate sentence could cause, or at least risk, injustice or unfairness.
- (c) An adjournment during which the respondent is notified that a serious contempt has been proved and that there is a real likelihood of his being imprisoned may serve the beneficial purpose of bringing him to his senses and ensuring compliance. Alternatively, it may simply be fair to afford him that opportunity.

This was the course adopted by Warby J in *Pirtek* and, in the event that I find the Defendant in contempt of Court, I shall also proceed in this way.

### **Committal Application: Procedural requirements**

44. I am satisfied that the following procedural requirements have been met:
- i) As required by CPR 81.9(1) and Part 81 PD §1, the Injunction Order contained a sufficient penal notice advising the Defendant of the consequences of a breach of or failure to comply with the Injunction Order: see [6(i)] above.
  - ii) In accordance with CPR 81.5 and 81.8 and the permission to serve the Injunction Order by alternative means, the Injunction Order has been validly served on the Defendant and he is aware of its terms: see [7] above.
  - iii) As required by CPR 81.10(3), the Application Notice making the Committal Application identified separately the 27 alleged breaches of the Injunction Order alleged against the Defendant, and was supported by the two Affidavits that contained the evidence relied upon by the Claimant: see [11]-[12] above.

- iv) In accordance with CPR 81.10(4) and the permission to serve the Application Notice by alternative means, the Committal Application has been validly served on the Defendant and he is aware of its terms: see [6(iii)] and [10].

**Committal Application: the alleged breaches of/failures to comply with the Injunction Order**

45. The 27 breaches/failures to comply are set out in Appendix 1. Paragraph (8) is duplicative of Paragraph (7) and was withdrawn by the Claimant. Alleged breaches (1) to (7) and (9) relate to the failure to remove material posted on the internet. The balance of the alleged breaches relate to new material that the Claimant contends the Defendant has subsequently posted in breach of the Injunction Order.

*Alleged breaches (1) to (7) and (9)*

46. Paragraph 6 of the Injunction Order required the Defendant to remove the identified material identified in sub-paragraphs (a) to (i) from the internet by 4pm on 17 December 2019. Julian Knowles J was satisfied that the Defendant had sufficient control over the relevant websites to remove the material.
47. On the basis of the Affidavit evidence of Ms Lloyd-Jones, I am satisfied so that I am sure that the websites and/or material identified in Paragraphs 6(a), 6(c), 6(d), 6(e), 6(g), 6(h) and 6(i) continued to be available on 29 April 2020 when they were checked by Ms Lloyd-Jones. Copies of the material available on that date are exhibited to Ms Lloyd-Jones' Affidavit.
48. In consequence, I am satisfied so that I am sure that:
- i) the Defendant is in breach of the identified sub-paragraphs of Paragraph 6 of the Injunction Order; and
  - ii) Paragraphs (1) to (7) and (9) in Appendix 1 have been proved.
49. The Defendant has not claimed that he cannot delete the material he was ordered to remove from the various websites. Arguably, even if raised, that would be relevant only to penalty not liability for contempt. However, Ms Lloyd-Jones has demonstrated in her Affidavit, and exhibits to it, that for most of the websites, in particular the JBB Website, the owner/operator/poster does have the ability to delete the material.

*Responsibility for the JBB Website*

50. Before turning to consider the remaining alleged breaches, I need to consider whether I am sure that the Defendant controls the JBB Website or, to use a shorthand, whether he is its "Webmaster". Although this has been established to the civil standard following the decision of Julian Knowles J, that does not determine the issue for the purposes of the Committal Application.
51. The JBB Website is hosted by WordPress and has a simple structure. It consists of text, which has been posted (or at least controlled) by the Webmaster of the JBB Website ("the Key Text") followed below by a series of comments (which can be posted by any user of the Internet) ("the Comments Section"). The Webmaster of the JBB Website can (and does) post in the Comments Section under the name: "HIS HONOUR JUDGE

SIMON OLIVER – EXPOSED AS TAKING BRIBES IN COURT”. The total website is presented as a single screen of scrolling text. If printed out, it would represent several hundreds of pages of text. As a result, it is difficult to navigate.

52. Early in the Key Text there is an account of a hearing that took place in the Upper Tribunal Administrative Appeals Chamber between 23 and 26 June 2014 (“the AAC Hearing”). The Claimant was the chair of the panel that heard the Defendant’s appeal against a decision of the Disclosure and Barring Service. The background to this is set out in Julian Knowles J’s judgment ([20]-[23]). The Defendant’s appeal was dismissed.
53. The Defendant complained to Charles J, the President of the Administrative Appeals Chamber of the Upper Tribunal, about the conduct of the Claimant at the AAC Hearing. Details of the complaint are set out in a letter dated 19 October 2015 (“the Charles J Letter”), which has been exhibited to the Affidavit of the Claimant for the Committal Application. I note that, in his judgment, Julian Knowles J records (at [111]) that, when the Defendant was asked about the Charles J Letter, he denied that he had written it and told the Judge that it was his case that the letter had been written by the Claimant. At an earlier interim hearing on 18 February 2019, the Defendant also told Nicol J that he had not written the Charles J Letter, but later in the hearing he said that he had written “80% of it” (see [2019] EWHC 401 (QB) [22]).
54. I am sure that the Defendant wrote the Charles J Letter. It is a lengthy and detailed first-person account of the AAC Hearing. The suggestion that the Claimant had written the Charles J Letter I am sure can be rejected. This claim is ludicrous and fanciful. However, in my judgment, this lie importantly demonstrates that the Defendant has recognised the evidential significance of the Charles J Letter in demonstrating that he is also the Webmaster of the JBB Website and has therefore sought to distance himself from the Charles J Letter.
55. In summary, the similarity between the Charles J Letter and the Key Text on the JBB Website is striking and compelling. This is most easily demonstrated by placing the text of the two side by side in a table. Errors in the text appear in the original.

| <b>Charles J Letter</b>  | <b>Key Text on the JBB Website</b>   |
|--|--|
| On day 1 of the oral hearing<br><br>- Within 5-10 minutes of the oral hearing initiating, HHJ Simon Oliver puts his hand over the microphone and says ‘Do you have anything for me?’. His head was down at this moment and i believe he was talking to the other side but no one specifically. The DBS barrister Ben Jaffey also putting his hand over the microphone (Only after Simon Oliver directed he do so) says ‘My client has something for you from The Trust’. Kevin Brooks from the TSOL approaches the judicial bench with a box | On day 1 of the oral hearing:<br><br>• Within 5-10 minutes of the oral hearing initiating, HHJ Simon Oliver puts his hand over the microphone and says ‘Do you have anything for me?’. His head was down at this moment and we believe he was talking to the other side but no one specifically. The DBS barrister ‘BJ’ from Blackstone chambers in London, also putting his hand over the microphone (Only after HHJ Simon Oliver directed he do so with hand gestures) says ‘My client has a gift for you from The Trust’. Kevin Brooks from |

|   |   |
|---|---|
| <p>(the size of a book) in an orange Sainsbury’s carrier bag. Simon Oliver immediately puts his other hand up whilst his initial hand was still on the microphone and stops Kevin Brooks in his tracks. Simon Oliver directs his hand to his left to which Kevin Brooks puts his head down and follows to the end of the judicial bench. Mr Brooks tucks the box in a carrier bag neatly under or behind the bench or a table at the end of the bench away from sight although i could still see a piece of the carrier bag appearing from the area it was placed in. At this moment, a gasp appears in the courtroom about the incident and apparently the way Mr Brooks approached the judicial bench. Michael Flynn continued writing something whilst he clearly noticed the event June Funnell laughed at the incident. Simon Oliver had an embarrassed smirk on his face. After this, Ben Jaffey and Simon Oliver took their hands off the microphone. I am not sure if Michael Flynn or June Funnell had their hands on the microphone at this time as i was not observing them or their hands at this time.</p> | <p>the Treasury Solicitors (TSOL), now called the Government legal department, approaches the judicial bench with a box (the size of a book) in an orange Sainsbury’s carrier bag. HHJ Simon Oliver immediately puts his other hand up whilst his initial hand was still on the microphone and stops Kevin Brooks in his tracks. HHJ Simon Oliver directs his right hand to his left to which Kevin Brooks puts his head down and follows to the end of the judicial bench. Mr Brooks tucks the box in neatly under or behind the bench or a table at the end of the bench away from sight although we could still see a piece of the carrier bag appearing from the area it was placed in. At this moment, a gasp appears in the courtroom about the incident and apparently the way Mr Brooks approached the judicial bench. Michael Flynn (Norwich magistrates court judge), a specialist panel member whom also had his hand on his microphone during this period continued writing something whilst he clearly noticed the event. Janice Funnell (child psychologist from Merton council), another specialist member laughed at the incident. Simon Oliver had an embarrassed smirk on his face as in ‘Have i been caught?’. After this, BJ and HHJ Simon Oliver took their hands off the microphone. We are not sure if Michael Flynn or Janice Funnell had their hands on the microphone at this time as we were not observing them or their hands at this time.</p> |
|---|---|

56. The text is practically identical. There are additions (and some corrections) in the Key Text. Beyond that, the incorrect use of the lower case “i” for the first-person pronoun is a distinctive hallmark. The striking similarity between the text of the Charles J Letter and the Key Text is replicated over several pages. I need not set out further passages to demonstrate the point, the above suffices. There are, however, some further sections of importance.

| <b>Charles J Letter</b>   | <b>Key Text on the JBB Website</b>   |
|---|--|
| <p>In 2015, i asked the tribunal to reconsider the case under ‘errors of law’. I received a somewhat concerning letter and response from Simon Oliver basically stating he will</p> | <p>In 2015, the appellant asked the tribunal to reconsider the case under ‘errors of law’. The appellant received a somewhat concerning letter and response from</p> |

|   |   |
|---|---|
| <p>in future consider issue a civil restraint order that i do not agree with his judgement when my appeal was on errors of law. Once again, Simon Oliver did not respond to my grounds of appeal under errors of law but rather ignored it just like he ignored it at the hearing and at the review of the decision. Simon Oliver was using his professional powers for personal gain by trying to push me around once again.</p> | <p>HHJ Simon Oliver basically stating he will in future consider issuing a civil restraint order that the appellant does not agree with his judgement when the appeal was on errors of law. Once again, HHJ Simon Oliver did not respond to the grounds of appeal under errors of law but rather ignored it just like he ignored it at the hearing and at the review of the decision. HHJ Simon Oliver was using his professional powers for personal gain by trying to push the appellant around once again.</p> |
|---|---|

57. Beyond the similarity in text, there is a further matter of evidential significance. As recorded in Nicol J's judgment ([30(v)]), when the matter came before him in February 2019, there were in evidence two screen shots of the text that appeared in the Key Text on the dates of 3 July 2018 and an amended version as it stood on 30 January 2019 (both screen shots have been exhibited to the Affidavit of the Claimant for the Committal Application). In the 3 July 2018 version, the Key Text was written in the first person:

“... i do not agree with his judgment when the appeal was on errors of law”

This was amended in the 30 January 2019 version to read:

“... the appellant does not agree with his judgment when the appeal was on errors of law”

58. That series of changes is highly significant. The use of the first person shows that the 3 July 2018 version was written by the Defendant (using again the distinctive lower case “i”). The subsequent amendment to the 30 January 2019 version replaced the “i” with “the appellant”, but this word was originally misspelled. This misspelling of the word “appellatt” appears in other documents written by the Defendant, again providing a distinctive hallmark of authorship. The text was subsequently amended to the correct spelling of “appellant” after this had itself been pointed out in evidence submitted by the Claimant as demonstrating that the Defendant was the author of the Key Text.
59. It is also of some significance to note that the introduction to this passage in the Key Text appears as follows:

“On June 24th, 2014, **our team** were sat in the Upper Tribunal located in the Breams Buildings in London for a case involving an unrepresented member of the public against a government department called the Disclosure and Barring Service (DBS)...” (emphasis added)

60. This text is an amendment of an earlier version which stated:

“On 24th June 2014 **my team** were sat in the Upper Tribunal located in the Breams Buildings in London for a case involving an unrepresented member of the public against a government department called the Disclosure and Barring Service (DBS).” (emphasis added)

61. The use of “my team” in the earlier version of the text had been highlighted by Nicol J (at [30(v)]) as one of the pieces of evidence that satisfied him, at the interim stage, that the Claimant was likely to show that the Defendant was the person responsible for the JBB Website. The conclusion I reach is that the Defendant noted the Judge’s reliance on this piece of evidence, and so he changed the text that appeared on the JBB Website.
62. When considering whether this evidence satisfies me to the criminal standard, I have reflected whether there could be another explanation that could be true. The only one I can identify is that the similarities between the Charles J Letter and the JBB Website are as a result of the Webmaster of the JBB Website having been provided with a copy of the Charles J Letter. However, I reject this explanation as fanciful. It has not been advanced by the Defendant as the explanation; he does not claim to have provided the Charles J Letter to the Webmaster of the JBB Website or suggest any other way that the Webmaster could have obtained it. The Defendant appears instead to have opted to deny that he was the author of the Charles J Letter in an effort to neutralise what he must appreciate to be the importance of this evidence. Also, this alternative hypothesis does not explain why the Webmaster would make the series of amendments to the text of the JBB Website in response to developments in the litigation that I have identified. The textual similarities between the Charles J Letter and the JBB Website, and the series of changes to the text that I have identified, drive me to the sure conclusion that the Defendant is the Webmaster of the JBB Website. The Defendant also has a clear motive to post material that harasses the Claimant. Whilst motive alone would not have been sufficient to prove the Defendant’s guilt, it is consistent with and adds support to my conclusion that the Defendant is the Webmaster of the JBB Website.
63. I turn therefore to consider each of the further alleged breaches of the Injunction Order.

*Alleged breach (10)*

64. This alleged breach concerns a posting on the JBB Website at 19.01 on 10 January 2020. The post was under the name “Jacob Calvert” in the following terms:

“I was also advised by 3 paper buildings barristers 3PB that to win my case that I would need to give the judge Simon Oliver £10,000. I couldn’t believe what I was hearing. When I went to court, it became quite common knowledge that Simon Oliver was casually asking whether anyone has anything for him but not specifically stating what. I don’t believe anything or anyone who speaks for Simon Oliver because this corrupt bastard has been at it for very long time ruining people’s lives by colluding and taking bribes and I have seen it with my own eyes.

I certify that’s what I have said above is the whole truth and nothing but the truth.

Mr Jacob Calvert”

65. The Claimant contends that this was posted by the Defendant. In support of this, he relies upon (1) the reference to “corrupt bastard”; (2) the similarity of the allegation that the Claimant had solicited a bribe; and (3) the similarity of the final sentence of the posting, and a similar form of words used by the Defendant in a posting by the Defendant on 17 January 2020 (see [9] above).
66. I cannot be sure on this evidence that the Defendant was responsible for this posting. The JBB Website is publicly accessible. Anyone can post comments on it.

The similarity of language may be coincidental. As juries in criminal cases are directed, circumstantial evidence may be powerful evidence, but a conviction can only be sustained if the jury is driven to the sure conclusion that the evidence demonstrates the defendant's guilt. I am not driven to the conclusion that the Defendant posted this message.

67. In the light of my conclusion that I am sure that the Defendant is the Webmaster of the JBB Website as a whole, I have considered whether he could be in breach of the Injunction Order by allowing the post of "Jacob Calvert" to remain on the JBB Website. I have reached the conclusion that liability on this basis cannot be sustained, at this stage.
- i) As a matter of procedural fairness, the case against the Defendant was not put on this basis. It would not be right, particularly given the Defendant's absence from the hearing, to move the goal posts.
  - ii) The breach relies on the posting being a breach of Paragraph 4(e) and/or Paragraph 7 of the Injunction Order. Paragraph 4(e), in terms, prohibits both the posting of "information concerning and/or referring to the Claimant, whether directly or indirectly, on the internet" or "procuring, inciting, abetting or encouraging" any such posting. If "Jacob Calvert" is not the Defendant (and if there is no evidence of procuring, inciting, abetting or encouraging), then I am not satisfied that simply *permitting* others to post material that would otherwise be caught by the restriction in Paragraph 4(e) is caught by the terms of the injunction. Arguably, the restriction in Paragraph 7 of the Injunction Order on "causing" the publication of posts that refer to the Claimant is wide enough to embrace permitting posts that breach Paragraph 7 to remain on the JBB Website. This may be academic given the Defendant's failure to remove the entire JBB Website, as required by Paragraph 6(a) of the Injunction Order.

*Alleged breach (11)*

68. This alleged breach concerns a posting on the JBB Website at 12.20 on 14 January 2020. The post was under the name "SH". I need not set out its terms. Mr Silverstone submits that the allegation of paedophilia made in the post is the hallmark of the Defendant. In this respect, he relies upon a subsequent posting on the JBB Website on 2 April 2020 (see Alleged breach (24) – see [94]-[95] below). Mr Silverstone argues that the Defendant has previously been found in separate civil proceedings to be someone who turns allegations made against him back on those he attacks. However, the short point is that findings against the Defendant reached in separate civil proceedings cannot be admissible in evidence in these committal proceedings.
69. I cannot be sure on the evidence that the Defendant was responsible for this posting. Allegations of paedophilia may be something that the Defendant has previously made, but this evidence alone does not prove to the criminal standard that the Defendant wrote this posting.



*Alleged breach (12)*

70. This alleged breach concerns a posting on the JBB Website at 20.36 on 17 January 2020. It is set out in [9] above. It is alleged that the Defendant posted this and that it is a breach of Paragraphs 4(e) and 7 of the Injunction Order.
71. The Defendant has admitted that he is responsible for this posting (see [8] above).
72. Although this may not be the most serious of breaches, I am satisfied so that I am sure that posting the suggestion that the Claimant had published articles alleging that the Defendant was planning an anthrax attack against him and holding his family hostage was a breach of Paragraphs 4(e) and 7 of the Injunction Order. I am therefore satisfied that breach (12) has been proved.

*Alleged breach (13)*

73. This alleged breach concerns a posting on the JBB Website at 17.48 on 18 January 2020. The post was under the name “Anon” in the following terms:

“When I read in the newspaper that Simon Oliver claimed that he was a victim of an attempted anthrax attack and having his family held hostage, I was shocked to say the least. Surely if this corrupt bastard was a victim of an attempted anthrax attack that he would go to the police! But no because it’s not true and even if it was, he would have to prove it to a jury to the criminal standard which he can’t do. So he decided to go to the high court so he can get one of his friends to make a favourable judgement for him. Doing a simple Google search will show you the Oliver’s barrister and the judge were both from matrix chambers! What a joke and a kangaroo court once again.”
74. Again, Mr Silverstone’s submission is that the contents of this posting demonstrates that it can only have been the Defendant. In this case, I am sure that it was the Defendant. The reference to the suggestion that the Defendant was planning an anthrax attack is not only something that the Defendant had mentioned in the posting on 17 January 2020 (see [9] above) (and I am sure that that was posted by the Defendant), it also features in the Key Text of the JBB Website (for which I am also sure the Defendant is responsible) and it was also an issue that was raised by the Defendant in his email to GLD on 21 January 2020 (see [8] above); indeed it is a repetitive theme of the Defendant’s postings. Finally, the complaint about Julian Knowles J being a former member of Matrix Chambers and Mr Silverstone also being at that chambers is one that featured in the Defendant’s application for permission to appeal. These points cannot reasonably be explained as coincidences. They compel the sure conclusion that the Defendant is responsible for this posting. It contravenes Paragraphs 4(e) and 7 of the Injunction Order. I find breach (13) proved.

*Alleged breach (14)*

75. This alleged breach concerns a posting on the JBB Website at 10.17 on 19 January 2020. The post was under the name “Anon” in the following terms:

“I’m not interested about the fact that Oliver is going to sue someone for libel. The corrupt bastard should also be sued for several libels for the amount he lies about everyone in his judgements and the ruining people’s lives. Other people have

far more serious allegations against him online than the speculation that he can't sit criminal cases. He's now been lying about anthrax attacks!"

76. For similar reasons as for breach (13), I am satisfied so that I am sure that this was posted by the Defendant. The final sentence is a clear demonstration of authorship by the Defendant. The alternative explanation that someone else has decided to include a reference to the issue of the anthrax attacks in his/her posting is fanciful. The post breaches Paragraphs 4(e) and 7 of the Injunction Order. I find breach (14) proved. My finding of liability in respect of this breach is fortified by my finding that breaches (15) and (17) are also proved.

*Alleged breach (15)*

77. This alleged breach concerns a posting on the JBB Website at 00.23 on 22 January 2020 by the Webmaster of the JBB Website in the following terms:

"We wonder where someone would get anthrax from as well. It tells you that you can't trust anything Oliver or his stooges say"

78. I have already found, to the criminal standard, that the Defendant is the Webmaster of the JBB Website (see [62] above). I am sure that he made this post. The anthrax theme is reprised. The post breaches Paragraphs 4(e) and 7 of the Injunction Order. I find breach (15) proved.

*Alleged breach (16)*

79. This alleged breach concerns a posting on the JBB Website at 12.50 on 22 January 2020. The post was under the name "J Shaikh" in the following terms:

"To the blog owners, i got this email and letter from the government legal department. They continue to make wild unsubstantiated allegations against me which are completely false and inaccurate. Simon Oliver is now accusing me of the 'oliver eight' site and the survey. He does not provide proof, just his word. Can the blog owners contact the government legal departments Louise Lloyd Jones and clarify why this blog is live because Simon Oliver says its my fault and he will have me committed.

[the letter dated 21 January 2020 from GLD to the Defendant is set out verbatim]

I hereby solemnly declare what i have said above is the truth and nothing but the truth.

Mr J Shaikh"

80. This post is made under the same name as the post of 17 January 2020 (which the Defendant accepted was posted by him (see [9] above)), it is written in the first person and it quotes a letter that the Defendant received from GLD. I have no doubt that the Defendant is responsible for the post. It is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (16) proved.

*Alleged breach (17)*

81. This alleged breach concerns a further post by “J Shaikh” on the JBB Website at 23.48 on 26 January 2020 in the following terms:

“Hi Len

Worshipful master Simon Oliver falsely accused me of plotting an anthrax attack against them in the media! These allegations are false and completely untrue. Has anyone ever wondered where someone would get anthrax from! Maybe from a military bioweapons unit. Nonetheless, it was not true. All Simon Oliver is doing is trying to find someone to blame all of his problems on and unfortunately he has chosen me! So far, he has used £40,000 of taxpayers money to assist his campaign when all he is doing is colluding with high court judges to make himself look like a bag of sugar. This £40,000 of taxpayers money could have been used to finance cancer drugs for 6 months for 3 patients in stage 4 cancer in the NHS. Well done to the ministry of justice for signing all this off. When his worshipful master Simon Oliver first started targeting me, I thought he may possibly be going through the menopause but then I realised down the line that he’s just a complete dick.

All but very sad.”

82. Again, this post is made under the same name as the post of 17 January 2020 (which the Defendant accepted was posted by him (see [9] above)), it is written in the first person and it cites information about the costs of the proceedings. The figure of £40,000 is mentioned in the Defendant’s witness statement. I have no doubt that the Defendant is responsible for the post. No other explanation is remotely credible. The post is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (17) proved. The theme of anthrax in the post also supports my conclusions on liability for breaches (13), (14) and (15).

*Alleged breach (18)*

83. This alleged breach concerns a posting on the JBB Website at 23.54 on 28 January 2020 under the name “James K”. It is highly offensive, and I am not going to set out its terms. The subject matter is of an entirely different nature from earlier posts.

84. I am not satisfied to the required standard that this post was made by the Defendant. The links to other known posts of the Defendant are tenuous and there is no other evidence to demonstrate involvement by the Defendant. I cannot be sure that someone else was not responsible for this post.

*Alleged breach (19)*

85. This alleged breach concerns a posting on the JBB Website at 01.11 on 27 February 2020 under the name “Chaz” which included the following:

“The only thing that the police have done about this website and the comments written on it about Simon Oliver is that they have gone out and kicked other people’s doors in and seized computer equipment so that they can get to the bottom of how to remove this website. They have not done anything to actually investigate and prosecute the bastard that it concerns who is judge Simon Oliver... I have

never seen one person involved in so much corruption and criminality and still living to do his job until today. Well done to the ministry of justice. Where would we all be without them. Probably happy! The ministry of justice ignore all public complaints against judge Simon Oliver and send you around in circles but when the corrupt bastard wants justice, the ministry of justice and it's senior director sir Richard Heaton dig in very deep into their pockets and use taxpayers money to protect and cover up Freemason judge Simon Oliver.

The reason I have written the above is because I also had personal contact with Simon Oliver in court. He said to me that he likes stocks and he only accepted cash on Wednesdays and Fridays. I did not know what any of this meant until I read this website.”

86. Mr Silverstone has relied upon several features of this post which he argues demonstrate that the Defendant wrote it. The reference to the police is consistent with an investigation by Thames Valley Police into the JBB Website which led to the arrest of the Defendant in June 2018. The complaint about the use of taxpayers' money is similar to the post on 26 January 2020 (see [81] above), which I am sure was posted by the Defendant, and is a point also made in the Defendant's witness statement. Finally, the allegation of acceptance of cash by the Claimant is similar to the allegations made in the Key Text of the JBB Website and which I am sure was posted by the Defendant. Although these might be regarded as strong pointers to the Defendant, I cannot be sure that he is responsible for this post. It is possible that someone else has posted this message and has drawn on this material from other postings on the JBB Website. The Defendant is entitled to the benefit of the doubt. I do not find alleged breach (19) proved.

*Alleged breach (20)*

87. This alleged breach concerns a further post by “J Shaikh” on the JBB Website at 15.13 on 28 January 2020 in the following terms:

“Thanks Len, these will come in handy. I am just one of many victims accused by his worshipful master Simon Oliver.

P.S. are you able to come and act as a witness in the committal hearing and say all this in person? Same with anyone else? Let me know please. This will be the first public hearing in front of journalists in the high court.”

88. Again, this post is made under the same name as the post of 17 January 2020 (which the Defendant accepted was posted by him (see [9] above)), it is written in the first person and it cites information about the committal proceedings that had been threatened in GLD's letter of 21 January 2020. I have no doubt that the Defendant is responsible for the post. No other explanation is remotely credible. The post is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (20) proved.

*Alleged breach (21)*

89. This alleged breach concerns a posting on the JBB Website at 5.42 on 9 February 2020. The post was under the name “JS” in the following terms:

“I feel so bad for Len, not only did that disgusting so called of a judge strip him of his assets and left him out on the streets to die but for all these years poor Len has to go through all of this to get Justice. It goes to show you that Royal Navy serviceman and national health service employees are not good enough for Simon Oliver because he knows best. It’s Simon Oliver who is going to be working in the hospital as my replacement saving other people’s lives. Hes also going to be defending our country using the Royal Navy network.

It’s a good dream but obviously that’s not going to happen. In reality he will be colluding with the Ministry of Justice and Thames valley Police to bring harm to the public by lying and fabricating. Because of Simon Oliver, I was put onto a barred list under false allegations preventing me from working in the NHS to ultimately save people’s lives. This occurred when Simon Oliver received a bribe from the Royal Brompton and harefield NHS trust at the oral hearing in the upper tribunal. I saw him physically with my own eyes doing it. I will certainly not be gagged into silence from any gagging order because everything I say is the truth.

I hereby solemnly declare that everything I have said above is the truth and nothing but the truth”

90. This is a first-person account of the events that have formed the theme of the JBB Website. The initials “JS” are those of the Defendant. The reference to the “gagging order” is clearly a reference to the Injunction Order. The final sentence is similar to earlier posts that I am sure were written and posted by the Defendant. I am sure that the Defendant was the author of the post. It is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (21) proved.

*Alleged breach (22)*

91. This alleged breach concerns a further post by “J Shaikh” on the JBB Website at 15.13 on 28 January 2020 in the following terms:

“Thank you guys for all your support. You are all amazing! Simon Oliver destroyed my medical career by falsifying accounts because he took a gift on the morning of the hearing in front of my eyes! He said that i should not work in the NHS because i can harm children and vulnerable adults when i never did no such thing. This ultimately affects the patients and the community who need my good work and training, not for judges and lawyers to make money out of my misfortune. I saved thousands of lives on minimum wage and my government let me down because we have a joke of a justice system. Why do you think the Ministry of Justice is hiding behind the hidden veil? If im guilty, challenge me but no they won’t because they have no balls. I was a cardiology technician who would save anyones life without a hesitation, not just in a hospital but even if i was in the shopping centre, the coffee shop and in the community and i would not be expecting money in return. But the justice system runs of amazing amounts of money, all of it funded by our taxes.

Just to clarify, Simon Oliver has never denied any of these allegations on this site, he says he feels ‘harassed’. Im not too interested in his feeling when children are being raped, vulnerable adults having their assets seized and hospital workers falsely labelled as abusers.

I WAS INNOCENT IN 2014 WHEN I CAME BEFORE THIS PAEDO SIMON OLIVER AND IN 2020 IM STILL INNOCENT AGAIN. I DONT HAVE TO CATER TO HIS TANTRUMS, EVERYONE KNOWS WHO I AM AND KNOW I SAVE LIVES, NOT DESTROY THEM.

All my patients that have supported me, Len and everyone that have spoken for me, i love you all.

Thank you very much from the bottom of my heart

Mr J Shaikh”

92. Again, this post is made under the same name as the post of 17 January 2020 (which the Defendant accepted was posted by him (see [9] above)), it is written in the first person and it sets out the account that forms the main theme of the Key Text of the JBB Website. It contains the familiar lower case “i” that is a hallmark of the Defendant’s writing. I have no doubt that the Defendant is responsible for the post. No other explanation is remotely credible. The post is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (22) proved.

*Alleged breach (23)*

93. This alleged breach concerns a further post by “J Shaikh” on the JBB Website at 10.13 on 25 March 2020. I am not going to set out the terms. The contents are a detailed and strident narrative of the Defendant’s complaint (entirely consistent with the Key Text) again written in the first-person with an abundance of details which demonstrate that he was the author. The post is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (23) proved.

*Alleged breach (24)*

94. This alleged breach concerns a further post by “J Shaikh” on the JBB Website at 19.51 on 2 April 2020 in the following terms:

“I don’t think David Staples was responsible in my persecution because Simon Oliver took a bribe on the morning of the hearing in the upper tribunal from the disclosure and barring service and the royal brompton and harefield NHS trust to dismiss appeals against me. Judge Simon Oliver openly did it with his hands placed on the microphones to prevent any recording taking place but then again, the recordings went missing in the end anyway. Simon Oliver distributed the defamatory judgement that he gave and sent it to everyone in the NHS so that I could never get back on track ever again. He basically named and shamed me in the NHS as a paedophile when I wasn’t one.

In his recent high court litigation against me (paid for by taxpayers money), he said that he never called me a paedophile and he accepts that I am not one but his judgement is based on the fact that I am ‘unsuitable’ to work in the medical profession and the NHS. He does not base it on evidence but bases it on lies which he made up himself. The reason I was banned from working in the medical industry and the NHS was because the government department the disclosure and barring service which runs the CRB system, judges and lawyers as well as case workers wanted to make money out of public funding by falsely accusing me of anything

they could. This was exacerbated and also funded by the royal brompton and harefield NHS trust because they wanted to make an example out of me because I challenged them on corruption that they were doing in the hospital where judges in the high court were taking bribes in medical negligence cases and wrongful death claims bought by patients families against the hospital and organised fraud was taking place at harefield hospital by certain staff members using false job descriptions to get more money. Racist items were also being carried around by certain staff members in the form of golliwogs because they were trying to make a political point. When I complained about this, they made an example out of me instead because they wanted to keep their good reputation in the public. The hospital trust that I worked at basically wanted Simon Oliver to say that I am a serial forger of documents and someone who lies unrelentlessly to cover themselves up. Simon Oliver took a bribe on the morning of the hearing in front of me and was more than happy to do this because 'gifts' speak louder than the truth.

When I was banned from working in the NHS, the disclosure and barring service are supposed to use a 5 step procedure in order to ban me.

Step 1 is initial case assessment

Step 2 is gathering background information and determining relevant conduct in relation to harming a child or vulnerable adult.

Step 3 is the structured judgement process and satisfying the harm test and deciding how a child and vulnerable adult has been harmed.

Step 4 is sending the information to me and getting me to answer to the allegations

Step 5 is making a decision whether I should be banned or not.

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

The disclosure and barring service did not carry out step 1-3 and went straight on to step 4 and proceeded to step 5 to ban me. They did not even consider my response in step 4. THIS IS ILLEGAL AND AGAINST THE LAW AND THIS WAS THE BASIS OF MY APPEAL IN THE UPPER TRIBUNAL. The relevant case law is the 'royal college of nursing v independent safeguarding authority' which confirms that my human rights have been breached under article 6 which is a right to a fair trial in front of impartial judge with legal representation.

SIMON OLIVER IS FULLY AWARE THAT THE JUDGEMENT HE MADE IS ILLEGAL AGAINST ME BUT CONCEDED TO DOING SO.

I MADE AN APPEAL TO THE EUROPEAN COURT OF HUMAN RIGHTS WHO CONFIRMED THAT ARTICLE 6 HAS BEEN BREACHED AND THAT I HAVE TO EXHAUST DOMESTIC REMEDIES BUT BECAUSE SIMON OLIVER THREATENED ME WITH THE CIVIL RESTRAINT ORDER, I COULD NOT DO THIS.

Despite Simon Oliver's judgement against me, calling me a paedophile when I'm not one and then falsely distributing it in the media that I'm a terrorist plotting an anthrax attack against him, it's fair to say that the medical industry needs to unite

against this corrupt bastard because everyone in the NHS is at risk because of him. I was very concerned when he claimed I harmed children and vulnerable adults or have the potential to do so when in fact he is a paedophile in real life and has been harming children and vulnerable adults, including Len Lawrence for decades.

I think everyone should send a referral to the disclosure and barring service against Simon Oliver and do everything they can to ban him from working with children and vulnerable adults because let's face it, he actually deserves it.

The link to the referral document is here if anyone is interested but don't expect miracles because Simon Oliver colludes with that government department too. Members of the public are allowed to make referrals and there is nothing wrong with it. You can even print this site and send it as background information...

From my case, I have been illegally barred and the courts are nowhere to be seen or found and neither is the ministry of justice getting involved apart from protecting Freemason Simon Oliver. There is also no legal aid available so therefore, the government can do whatever they want and get away with it at the expense of the public which is not getting any doctors or health professionals to do what they do best

AND THAT IS SAVE PEOPLE'S LIVES! WHICH IS MY PASSION AND WHICH I DID EVERY DAY!"

95. Again, this post is made under the same name as the post of 17 January 2020 (which the Defendant accepted was posted by him (see [9] above)), it is written in the first person and it sets out the account that forms the main theme of the Key Text of the JBB Website. The detail provided leaves no room for doubt that it was authored by the Defendant. The post is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (24) proved.

*Alleged breach (25)*

96. This alleged breach concerns a further substantial post by "J Shaikh" on the JBB Website at 20.19 on 10 April 2020. I am not going to set out the terms, not least because it contains serious allegations against other third parties. It starts: "*Summary of my case*" and then sets out, in 29 paragraphs, the familiar first-person narrative of the Defendant's allegations against the Claimant. It ends with a statement, "*I am appealing the decision of Simon Oliver's injunction to the court of appeal and it's currently progressing in the court of appeal.*" The Defendant's application for permission to appeal was, at that date, pending. It was subsequently refused on 12 June 2020 (see [4] above). Again, I have no doubt that this post was written and posted by the Defendant and that it is a breach of Paragraphs 4(e) and 7 of the Injunction Order. I find breach (25) proved.

*Alleged breach (26)*

97. This alleged breach concerns material posted on a website [www.theolivereight.online](http://www.theolivereight.online). The introduction to the website gives a flavour of its contents:



“The Oliver Eight;

a group of eight indignant members of the public who have suffered injustice at the hands of one English Judge... While seeking justice for themselves, The Oliver Eight represent a much larger group of victims and all have one thing in common, they have been subjected to Simon Oliver’s grave misconduct and probable judicial corruption...”

98. One of the side-bars of the website appears to identify the members of Oliver Eight, by descriptive title: (1) “Airline Pilot, Royal Navy Rtd.”; (2) “I.T. Mother”; (3) “Business Executive”; (4) “Media Executive”; (5) “Medical Professional”; (6) “Former Civil Servant”; (7) “Grace Accountant Mother”; and (8) “Business Woman”. Mr Silverstone submits that “Medical Professional” is capable of being a reference to the Defendant and the Claimant relies upon sections of the website that appear to recount the Defendant’s complaints about the Claimant. In particular, he relies upon similarities with the language used on the JBB Website that can be attributed to the Defendant, e.g. references to “gagging orders” and the investigation by Thames Valley Police. The website also contains a link to the online survey that is the subject of alleged breach (27) and provides an email address, hosted by Gmail, to contact the “Oliver Eight”.
99. I asked Mr Silverstone whether there had been any investigation either in relation to the website (host and IP address) and the Gmail address provided as a contact point for the website. He confirmed that there had not. His case therefore rests simply on the similarities between the “Oliver Eight” website and the JBB Website. It is possible that the Defendant has played some role in the publication of this website, but that would be speculative and is insufficient to satisfy the criminal standard of proof. On the basis of the evidence as it stands, I cannot be sure that the Defendant is responsible for the “Oliver Eight” website.

*Alleged breach (27)*

100. This alleged breach concerns an online survey on the website “Survey Hero”. The opening words of the survey are: “*This questionnaire has been created to support an investigation into abuse of power, errors of law, obstruction of justice and possible unlawful and criminal activity by British Judge, HHJ Simon Oliver*”. As already noted, there is a link to this survey on the “Oliver Eight” website, which is the subject of alleged breach (26). It is a reasonable inference, therefore, that the survey has been set up by the same person(s) who set up the “Oliver Eight” website. Again, there has been no investigation into the website that might yield evidence of IP addresses or other technical data that could shed light on who set up the survey. The Claimant’s case rests on the similarity with the JBB Website and the Defendant’s complaints about the Claimant. Mr Silverstone has relied upon the survey questions that ask whether there has been bias demonstrated based on membership of a Masonic Lodge and whether the survey respondent has “*irrefutable documentary evidence*” of “*taking a bribe be it money, gifts or services*” and “*covering microphones or blocking audio recordings of hearings*”. There can be no doubt that those are issues repeatedly raised by the Defendant, but they are amongst a large number of other questions. It is possible that the survey has been set up by people who are sympathetic to the Defendant’s case. In short, I cannot be sure that the Defendant is responsible for posting this survey on the Survey Hero website.

## **Conclusion**

101. For the reasons I have set out above:

- i) To the criminal standard of proof, I find that the Defendant has breached the Injunction Order in respect of the breaches identified in Appendix 1 numbered: (1), (2), (3), (4), (5), (6), (7), (9), (12), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24) and (25).
- ii) I dismiss the alleged breaches: (10), (11), (18), (19), (26) and (27).

102. I am sure that the Defendant's denials that he is the Webmaster of the JBB Website are false. Several comments posted on the JBB Website by the Defendant (e.g. the post on 11 June 2020 – see [20] above) are a deliberate miasma designed by the Defendant to provide him with a platform falsely to deny that he is responsible for the JBB Website. It is an elaborate dishonest theatre. I am sure that, at all times, it has been within the power of the Defendant to comply with the Injunction Order and close down the JBB Website. He has deliberately refused to do so and has posted further comments in breach of the Injunction Order. In this respect, the Defendant's breaches of the Injunction Order have been deliberate, calculated and flagrant.

## **Next steps**

103. As indicated above (see [43]), I intend now to fix a date for a further hearing at which the Court will consider the penalty to be imposed for the findings of contempt against the Defendant. A copy of this judgment, and consequent order, will be provided to the Defendant. Pursuant to CPR 23.11(2) and/or CPR 39.3(3), the Defendant has the opportunity to apply to the Court to ask for the Committal Application to be reconsidered and/or the order set aside. I will direct that any such application must be made within 14 days. The Defendant remains eligible for legal aid for the purposes of obtaining advice and representation.
104. The Defendant should consider his position very carefully. The Court has found him to be in contempt of court. The continued publication of the JBB Website represents an ongoing defiance of the Court. If, by the time of the penalty hearing, the JBB Website (and other material the Defendant has been ordered to remove) has not been removed, that will be a serious aggravating factor.

## **Appendix 1 – Breaches of the Injunction Order alleged to have been committed by the Defendant**

- (1) First Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL <https://judgesbehavingbadlyblog.wordpress.com>, contrary to paragraph 6 of the Order.
- (2) Second Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL <https://judgesbehavingbadlyblog.wordpress.com/british-judge-simonoliver-exposed-as-using-rent-boys-and-tweaking-his-nipples-in-court/>, contrary to paragraph 6 of the Order.
- (3) Third Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post dated 15 July 2016 by “SimonO-25” at the URL <https://www.yell.com/biz/reading-county-court-reading-7396987/>, contrary to paragraph 6 of the Order.
- (4) Fourth Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post dated 28 December 2017 by “LawEnforcement-1” at the URL <https://www.yell.com/biz/reading-countycourt-reading-7396987/>, contrary to paragraph 6 of the Order.
- (5) Fifth Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL [https://www.youtube.com/channel/UCKAes6JxPmg5kcEDpg\\_C8WA](https://www.youtube.com/channel/UCKAes6JxPmg5kcEDpg_C8WA), contrary to paragraph 6 of the Order.
- (6) Sixth Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL post dated 19.09.17 by “Someone” on <http://corruptwash.com/2017/08/11/scandal-on-the-bench-judges-takingbribes-to-fix-cases/>, contrary to paragraph 6 of the Order.
- (7) Seventh Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by 17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL <https://www.change.org/p/harsher-penalties-punishable-by-prison-byjury-for-british-court-judges-who-take-bribes>, contrary to paragraph 6 of the Order.
- (8) [duplicative of (7) and withdrawn – see [45] above]
- (9) Ninth Act of Contempt/Breach of the Order. On 29 April 2020 the Defendant committed an act of contempt/breach of the Order by publishing, causing to be published and/or failing, by

17 December 2019, to secure the deletion and removal from the internet of the post, webpage and/or online publication at the URL <https://www.change.org/p/the-people-vs-judge-simon-oliver-bringing-him-to-justice-for-judicial-corruption>, contrary to paragraph 6 of the Order.

- (10) Tenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 10 January 2020 and timed at 07.01pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (11) Eleventh Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 14 January 2020 and timed at 12.20pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (12) Twelfth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 17 January 2020 and timed at 08.36pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (13) Thirteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 18 January 2020 and timed at 5.48pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (14) Fourteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 19 January 2020 and timed at 10.17am), contrary to paragraphs 4(e) and/or 7 of the Order.
- (15) Fifteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 22 January 2020 and timed at 12.23am), contrary to paragraphs 4(e) and/or 7 of the Order.
- (16) Sixteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 22 January 2020 and timed at 12.50pm), contrary to paragraphs 4(e) and/or 7 of the Order.

- (17) Seventeenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 26 January 2020 and timed at 11.48pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (18) Eighteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 28 January 2020 and timed at 11.54pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (19) Nineteenth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 27 February 2020 and timed at 1.11am), contrary to paragraphs 4(e) and/or 7 of the Order.
- (20) Twentieth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 28 January 2020 and timed at 3.13pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (21) Twenty first Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 9 February 2020 and timed at 5.42am), contrary to paragraphs 4(e) and/or 7 of the Order.
- (22) Twenty second Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 17 March 2020 and timed at 2.30pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (23) Twenty third Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 25 March 2020 and timed at 10.13am), contrary to paragraphs 4(e) and/or 7 of the Order.
- (24) Twenty fourth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt / breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the

internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 2 April 2020 and timed at 07.51pm ), contrary to paragraphs 4(e) and/or 7 of the Order.

- (25) Twenty fifth Act of Contempt / Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt / breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://judgesbehavingbadlyblog.wordpress.com> (in an entry dated 10 April 2020 and timed at 08.19pm), contrary to paragraphs 4(e) and/or 7 of the Order.
- (26) Twenty sixth Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://www.theolivereight.online>, contrary to paragraphs 4(e) and/or 7 of the Order.
- (27) Twenty seventh Act of Contempt/Breach of the Order. On or before 29 April 2020 the Defendant committed an act of contempt/breach of the Order by posting, publishing and/or causing to be published actual or purported information concerning and/or referring to the Claimant and/or any member of the Claimant's family, whether directly or indirectly, on the internet, at the URL <https://surveyhero.com/c/0170b856>, contrary to paragraphs 4(e) and/or 7 of the Order.

## Appendix 2 – Emails from the Court, Defendant and the Claimant’s solicitors

[The Defendant’s surname appears both as “Shaikh” and “Sheikh” in the emails below. He has signed off various emails using both spellings.]

| <b>Date</b> | <b>Time</b> | <b>Details</b>   |
|-------------|-------------|--|
| 18 Jun 2020 | 18.08       | <p>Email from the Defendant to the Court (and Claimant’s solicitors (“GLD”)):</p> <p>“I have sent several emails detailing that I am not available for the hearing on the 26th of June 2020. I have yet to receive a response back from the listing office in regards to this. I would like this oral hearing to be vacated and consideration given to the case be heard on papers. I am unavailable for the hearing and I have not agreed with the government legal department or Matrix chambers that I am available! This is false. I would also like prior knowledge of who the judge is so that I can determine whether their recusal is needed. On a previous hearing, a judge who had extensive personal dealings with Matrix chambers was present without informing me of this personal interest. I cannot be present at the hearing due to personal reasons.</p> <p>I would like this to be urgently passed on to the appropriate persons for it to be actioned.”</p>                       |
| 19 Jun 2020 | 10.40       | <p>Email from the Court to the parties:</p> <p>“[Mr Justice Nicklin] has been passed Mr Sheikh's email of 18 June 2020. The Judge will be presiding over the hearing on 26 Jun 2020.</p> <p>The Judge has noted the suggestion in the email from Matrix Chambers on 15 June 2020 that the hearing should be conducted remotely, but does not presently consider that a substantive committal application is suitable to be dealt with remotely (or on the papers) and that a physical hearing would be required.</p> <p>The Judge’s present view is that the hearing on 26 June 2020 should be listed a directions hearing, which can be conducted remotely. The Judge has noted that Mr Sheikh has said that he “cannot be present due to personal reasons”. What are those reasons and why would they prevent participation in a Remote Hearing (either by telephone or a video platform)?</p> <p>The Judge invites the parties’ observations and submissions by 10am on Monday 22 June 2020.”</p> |
| 22 Jun 2020 | 16.56       | <p>Email from the Defendant to the Court (and GLD):</p> <p>“I would only be able to take part in a remote hearing towards the end of July.”</p>  |
|             | 17.03       | <p>Email from the Court to the Defendant (copied to GLD):</p>  |

| <b>Date</b> | <b>Time</b> | <b>Details</b>   |
|-------------|-------------|--|
|             |             | “Before I pass your email to the Judge, please can you give reasons to why you cannot attend a remote hearing until the end of July?”  |
|             | 17.03       | Email from the Defendant to the Court (and GLD):<br><br>“Apologies for the error in my previous email. Can you please arrange a hearing on the third week of August onwards as this is my availability. A remote hearing would be perfectly fine. I will not be able to take part on the 26th of June 2020. Can the court note that some of the witnesses I intend to bring at any future committal hearing require video link. 4 out the present 8 witnesses will require video link to give evidence. However, this can be discussed at a later date.”   |
|             | 17.05       | Email from the Defendant to the Court (replying to the Court’s email at 17.03):<br><br>“I am currently abroad until the end of August that's why.”   |
|             | 17.19       | Email from the Court to the Defendant (copied to GLD):<br><br>“Thank you for your quick response.<br><br>The Judge would like clarification as to why you cannot attend a remote hearing this Friday. A remote hearing will be via a telephone (BT MeetMe) or using a video/audio program like Skype for Business.<br><br>The Gov.uk website has published a guide on how to attend a remote hearing: <a href="https://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak">https://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak</a> .” |
|             | 17.30       | Email from the Defendant to the Court:<br><br>“I do not have the facilities to do this at the present time due to personal reasons which I do not want to disclose.”   |
|             | 18.27       | Email from the Court to the Defendant:<br><br>“The Court has listed a hearing for Friday [26 June 2020].<br><br>The Judge is willing to explore ways in which you can participate remotely, for example one option would be a telephone hearing.”  |
| 23 Jun 2020 | 13.03       | Email from the Court to the parties forwarding the Order of 23 June 2020:<br><br>“Please find attached an Order Mr Justice Nicklin made today.   |



| Date        | Time  | Details   |
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|             |       | <p>Please note that this is not a sealed copy. You will receive one in due course.</p> <p>As mentioned in paragraph 3, please can you send me the name, role (Claimant/Defendant, Solicitor, Counsel etc), phone number and email address of all attendees for the hearing by midday, 25 June 2020.”</p>  |
| 25 Jun 2020 | 11.05 | Claimant’s skeleton argument for the hearing on 26 June 2020 emailed to the Court and the Defendant.  |
|             | 12.55 | <p>Email from the Court to the Defendant:</p> <p>“... Further to Mr Justice Nicklin’s order of the 23 June 2020, paragraph 3 states that parties are to let me know attendees, their capacity in which they attend (Claimant, solicitor, barrister etc) as well as their email and telephone number. I was meant to receive this information by midday today, 25 June 2020.</p> <p>I haven’t yet received this information. If you have already informed the Court, I apologise and ask if you could forward me the details as soon as you can.”</p>  |
|             | 17.30 | <p>Email from the Defendant to the Court:</p> <p>“I was not informed of this. As this is an application hearing, any witnesses that would be coming would be coming at the trial. I will not be able to attend the hearing tomorrow in person for personal reasons. I have already informed the court of this.”</p>   |
|             | 17.59 | <p>Email from the Defendant to the Court and GLD:</p> <p>“After reading the skeleton argument, I would like to clarify the following.</p> <ol style="list-style-type: none"><li>1. I did respond to Miss Lloyd Jones's draft order proposal. I said I do not agree with it. The delay in responding was because I need more than 31 minutes to respond. Ms Lloyd Jones email was sent at 15:29 with a request that I reply by 16.00.</li><li>2. Mr Silverstone has stated that I have not provided an affidavit of any of the witnesses. As this is an application stage and not an actual hearing, the documents will be provided in due course after a directions hearing has concluded. I would require more time to obtain such documents.</li><li>3. I would also like to request get a jury case. the reason I make this request is because the claimant is a judge in the high court himself and it would be completing inappropriate that he is allowed to manipulate the proceedings as is so evidentially obvious from what he has done so already.</li><li>4. I would also like to request that the application to commit be dismissed because the claimant has not provided any evidence for his case against me,</li></ol> |

| <b>Date</b> | <b>Time</b> | <b>Details</b>   |
|-------------|-------------|--|
|             |             | let alone providing evidence beyond a reasonable doubt. He talks about other cases but not his own case.”  |
| 26 Jun 2020 | 11.24       | Email from the Court to the Defendant and GLD:<br><br>“Please find attached a copy of the Order, Mr Justice Nicklin made today.<br><br>Please note that this is not a sealed copy. You will receive one in due course.”  |
| 1 Jul 2020  |             | Defendant uploads letter and Witness Statement (both dated 30 June 2020) to the Court CE-File system. The letter stated:<br><br>“I received a letter from the Government Legal Department for an application they have made to the court to commit me to prison. I will not be able to attend any hearings for the time being as I am self-isolating and the timing of this application is inappropriate considering the position we are all in. Nonetheless, I am supplying a statement on my behalf to assist the court for the hearing which is apparently taking place week commencing 22nd June 2020 (warned list). Can it be noted on file that the judge who hears this case should not have any history or any affiliations with Matrix chambers, the Government Legal Department or The Freemason lodge in; Berkshire as this is all associations that impacted [the Claimant] receiving a judgement in his favour in the first place.” |
| 8 Jul 2020  |             | Court Office received a copy of an Application Notice from the Defendant seeking to “ <i>set aside / reschedule the hearing date for the Committal application of the 27th July 2020</i> ” (see [18] in the judgment).   |
| 21 Jul 2020 | 09.26       | Email from the Court to the Defendant and GLD:<br><br>“The Judge has today received an Application Notice issued on 20 July 2020 by the Defendant seeking effectively to adjourn the committal application on Monday. The Defendant has asked for the application to be dealt with without a hearing.<br><br>Please can you let the Judge have any observations or submissions by the close of business today.”  |
|             | 15.34       | Email from GLD to the Court and the Defendant:<br><br>“I act on behalf of the Claimant and write to provide submissions in accordance with your email and in response to the Defendant’s Application.<br><br><b>Introduction</b>   |

| Date | Time | Details  |
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|      |      | <ol style="list-style-type: none"><li data-bbox="470 300 1412 398">1. The Claimant opposes the Defendant’s application for an order by which the hearing of the committal application should be “set aside” or “reschedule[d]”.</li></ol> <p data-bbox="470 432 900 465"><b>Summary of relevant background</b></p> <ol style="list-style-type: none"><li data-bbox="470 499 1412 801">2. The hearing of the committal application was originally fixed for 26.06.20, as communicated by an email from the Listing Office on 15.06.20. Both before and after 15.06.20, the Defendant sent a series of emails by which he requested that the hearing of the application should variously be adjourned, held in his absence or dealt with on the papers. A number of different, and unsatisfactory, reasons were given by the Defendant, including in response to questions raised by Mr Justice Nicklin, via the Judge’s clerk: see paragraphs 7-17 of the Defendant’s skeleton argument for the hearing on 26.06.20 (attached, for ease of reference).</li><li data-bbox="470 835 1412 902">3. By Order of 23.06.20, Mr Justice Nicklin directed that the hearing of 26.06.20 would take place by telephone as a directions hearing.</li><li data-bbox="470 936 1412 1059">4. The Defendant did not attend that hearing. As recorded in the recital to Mr Justice Nicklin’s Order of 26.06.20 (“the Order”), the Court was satisfied that the Defendant had received notification of the hearing but had chosen not to attend.</li><li data-bbox="470 1093 1412 1429">5. By paragraph 1 of the Order, the committal application was fixed for 27.07.20 as a physical hearing (with social distancing) in the Royal Courts of Justice. By paragraph 3 of the Order, any application by the Defendant to vary the directions in the Order and/or for any evidence to be given by video-link at the hearing of the committal application was required to be made by application notice filed and served on the Claimant by 4.30pm on 03.07.20. Any such application was also required to be supported by evidence and, insofar as it sought to vary the directions, must provide a full explanation for why the Defendant did not participate in the hearing on 26.06.20.</li><li data-bbox="470 1462 1412 1630">6. The Order also contained a notice headed “IMPORTANT NOTICE TO THE DEFENDANT”. This explained, among other things, that the Defendant was required to attend court on 27.07.20 and if he failed to do so, without good reason, the court may proceed in his absence. It also referred to the Defendant’s entitlement to legal aid.</li></ol> <p data-bbox="470 1664 772 1697"><b>The present application</b></p> <ol style="list-style-type: none"><li data-bbox="470 1731 1412 1899">7. The Defendant’s application notice is dated 30 June 2020, although it appears to have been stamped as received by the Queen’s Bench Division Action Department on 8 July 2020. The application notice was not served on the Defendant by the Claimant and was only received by the Claimant only after it was sent by the clerk to Mr Justice Nicklin today.</li><li data-bbox="470 1933 1412 2022">8. The application does not comply with paragraph 3 of the Order of 26.06.20. The application notice was not filed and served on the Claimant by 4.30pm on 3 July 2020: it appears that the application notice was not filed until</li></ol> |

| Date | Time  | Details  |
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|      |       | <p>8 July 2020 (although it is dated 30 June 2020) and, in any event, was never served on the Claimant. Further, it does not provide a full explanation for why the Defendant did not participate in the hearing on 26.06.20.</p> <p>9. Moreover, the reasons given by the Defendant in support of the application are inadequate. They do not set out what, if any, steps the Defendant has taken to secure legal representation. Nor does the Defendant state where he is currently located and why if he is abroad he could not return to the UK for the hearing. His assertion that he is “not satisfied with the courts response on social distancing at trial” contains no particulars and no explanation of why a socially distanced hearing could not properly proceed. No details are provided of the asserted witnesses whom the Defendant claims to wish to call; nor of any steps taken to secure such evidence and why it has not been possible to serve it to date.</p> <p>10. As set out above, the Defendant has also had several prior opportunities to engage properly with the issue of the listing of the committal application, but has repeatedly failed to do so.</p> <p>11. Committal proceedings should, by their nature, be dealt with without delay: <i>Barnet LBC v Hurst</i> (Practice Note) [2002] EWCA Civ 1009; [2003] 1 W.L.R. 722, CA; <i>Lomas v Parle</i> [2003] EWCA Civ 1804; [2004] 1 W.L.R. 1642, CA. Where committal proceedings are brought in relation to civil proceedings for breach of court order they should be promptly determined, as it is important to demonstrate that orders cannot be flouted with impunity: see the White Book, paragraph 81.28.2 (p 2361).</p> <p>12. For the reasons set out above, the Claimant submits that it would be contrary to the overriding objective, having regard to its particular application to committal proceedings, for the hearing of the committal application to be adjourned or “set aside”. The Court is therefore invited to dismiss the Defendant’s application.”</p> |
|      | 16.15 | <p>Email from the Court to the parties:</p> <p>“The Judge has considered [the Defendant’s] Application Notice and Ms Lloyd-Jones’ email of this afternoon.</p> <p>He has directed that [the Defendant’s] Application will be heard on Monday 27 July 2020. If Mr Sheikh cannot attend the hearing in person, a remote platform will be made available to enable him to participate in the proceedings.</p> <p>Mr Sheikh, the Judge notes that you have not filed any affidavit evidence pursuant to Paragraph 2 of the Order of 26 June 2020. You have also not provided an explanation for why you failed to participate in the hearing on 26 June 2020. The Court would ordinarily expect a detailed explanation - supported by evidence - why a hearing should be adjourned. On your application notice, you state that you have not secured legal representation because legal firms are closed during the pandemic. Which firms have you attempted to contact and found that they are closed? When did you attempt to contact them? You state that you are not in the country. Where are you? When did you leave</p>  |

| Date | Time  | Details   |
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|      |       | <p>the UK? When are you due to return? Do you have evidence to confirm your answers? To what are you referring when you say that you are not satisfied with the Court's response to the pandemic? Physical hearings have now resumed in the Royal Courts of Justice observing social distancing and other safeguarding measures. Finally, what are the names of the witnesses upon whose evidence you intend to rely?</p> <p>The Judge has indicated that it would be helpful to have answers to these questions to enable him on Monday to consider your application to adjourn the committal application. In the meantime, please confirm how you would like to participate remotely in the hearing on Monday, by telephone or video platform, and I will make the necessary arrangements.”</p>   |
|      | 18.49 | <p>Email from the Defendant to the Court and GLD:</p> <p>“I answer your questions as detailed below</p> <ol style="list-style-type: none"><li>1. I can confirm that I have filed an affidavit and I uploaded it on your website. I have confirmation by email of this. It was uploaded before the 3rd of July 2020. a paper copy was also sent recorded delivery to the royal courts of Justice.</li><li>2. I have already clarify the position why I was not available on the 26th of June 2020. There is no debate about it. I have already confirmed that I was abroad and remain abroad.</li><li>3. it is somewhat strange that you were asking for detailed evidence as to my circumstances when in fact the claimant in the proceedings who is in fact a judge in the same Court has not provided any evidence to support his application. I still am expecting the claimant to provide evidence with his application.</li><li>4. I have contacted several legal firms based in London Manchester and Maidstone. the majority of them have reduced work hours and are not accepting new applications. They also have backlog. Several legal firms have also said that they are not sure whether legal aid is available.</li><li>5. I contacted the legal firms after the 26th of June 2020 until the present day.</li><li>6. I do not believe I need to clarify which country I am at present. please can you clarify why you require this information? Certainly if I'm abroad, it means I'm abroad and the country that I am present in has no effect on this litigation.</li><li>7. When I say I'm not satisfied with the courts reasons about social distancing during covid-19, I have put my position very clear in my appellant's notice. The guidelines that have been provided by the court are just guidelines and not law. It would not be appropriate that I put my personal health on the line just to attend a hearing because the claimant has arranged it behind closed doors with his work colleagues in the high court.</li></ol> |

| Date | Time  | Details   |
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|      |       | <p>8. I have several witnesses that would like to attend the hearing in person or by video link. These witnesses are Leonard Lawrence, John Abbott, Ella Ophelia, Penelope Sinclair as well as several others. Witness statements have not been taken from them yet because I have not secured legal representation.</p> <p>I would like to attend the hearing in person and this is the reason why I requested an adjournment to a later date.</p> <p>A telephone hearing would be acceptable but I have never actually done a telephone hearing through the court process. Please can you consider that I do not have a smartphone phone or Skype access. If there is any other method, please let me know and I can accommodate this.</p> <p>I will also be sending separate emails confirming that I have already emailed Miss Lloyd Jones the appellant's notice and the affidavit within and before the deadlines but what I received were error notice is that her mailbox was not receiving emails from me. I assumed that she blocked my email address and therefore it was not going through.”</p>  |
|      | 19.02 | <p>Email from the Defendant to the Court and GLD:</p> <p>“You will now have received 4 emails from myself which were error messages from Miss Lloyd Jones's email account. I have attempted to resend the messages twice each. In addition, I will be sending an additional email confirming that I have uploaded the signed affidavit on to your website by e-uploading it. I have received confirmation from the court that they have received it and it's been filed.</p> <p>Can you also forward my application to the judge either on Monday or before Monday asking him to strike the claimants application to commit out as he has not provided any evidence to support his claim. I am within my right to make this application and I'm also within my right to request that the hearing be rescheduled to a completely different Court in a different part of the country (if it's still allowed to proceed under the current circumstances) because the claimant is a high court judge himself. It would certainly not be appropriate that my liberties are on the line and a work colleague of the claimant is hearing his case. Mr Julian Knowles has already been dishonest in his judgements and is nowhere to be seen or heard since the date he made the order. The court of appeal has also made its final order refusing my permission to appeal within 5 months of me making my application for it. The usual process is that the matter takes around one year to be considered. With covid-19 in place, this takes even longer because backlog is in place. It would not be appropriate that the claimant in these proceedings is colluding with the high court and the court of appeal in an attempt to bring harm to me. The claimant Simon Oliver has already got a history of criminal activity using the court system as is so highlighted by doing Google searches.</p> |

| Date        | Time  | Details  |
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|             |       | Can this matter be passed on to a completely separate judge to have the claimants application struck out because it does not satisfy the evidential threshold and the court that it is being heard at will not be impartial to me.”  |
| 22 Jul 2020 | 12.45 | Email from the Court to the parties:<br><br>“Thank you for your emails yesterday.<br><br>The hearing will take place on Monday, with the Claimant’s attending in person and Mr Shaikh attending via telephone.<br><br>Mr Shaikh – Please can you let me know your telephone number so the Court can dial you into the hearing on Monday?”  |
|             | 18.02 | Email from the Defendant to the Court and GLD:<br><br>“I would like to inform the court that an application has been made to the European Convention of Human Rights Court in Strasbourg in France 2-weeks ago. I'm appealing the decision of the court of appeal under human rights breaches. I would also like to make an informal application to Justice Nicklin that be recused from this case because the claimant is a High Court judge himself and allegedly the president of the Queen's Bench Division. Any judge that would be hearing this case in the Royal Courts of Justice would be severely compromised in their position. I also have evidence of this claim as the claimant has passed judgement in a case involving an individual called John Abbott when he referred to himself as the President of the Queen's Bench Division. I would like the committal application to be heard in a completely different Court outside of the jurisdiction of England and Wales to allow impartiality to me. Previously Justice Julian Knowles has already failed miserably when he granted a final injunction but refused to disclose his relationship to Mr Silverstone. I now have further evidence that Mr Silverstone and Mr Knowles were heavily involved together in the past even in High Court proceedings, such as the News Group International phone hacking trial where both lawyers were working together...<br><br>Please can you consider the above application. If in any case, no committal application should be heard until the European Court of Human Rights has come back with a decision as this is also a right and a channel of appeal and is essential that this be heard before any committal application is progressed.” |
| 23 Jul 2020 | 10.06 | Email from the Court to the Defendant and GLD:<br><br>“If you wish to make any applications, you must do it by issuing an Application Notice and serve it on the Claimant. The Court does not deal with applications by email.<br><br>Please could you provide me with a telephone number so that you can be connected to the hearing on Monday.”  |

| Date        | Time  | Details  |
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| 24 Jul 2020 | 15.33 | <p>Email from the Court to the Defendant:</p> <p>“Further to my email yesterday, 23 July 2020 at 10:06, I would just like to ask if you could kindly let me know your contact number in advance of the hearing this Monday, 27 July 2020.”</p>   |
|             | 16.52 | <p>Email from the Court to the Defendant and GLD:</p> <p>“The Judge is concerned to note that you have not yet provided a telephone number to enable you to participate in the hearing on Monday. Ordinarily the Court would expect a litigant to attend a hearing in person. You are being granted a concession in being offered the facility to participate on the telephone. You failed to participate in the hearing on 26 June 2020 without providing a satisfactory explanation. In accordance with the directions the Judge gave on 26 June 2020, the committal application has been listed to be heard on Monday. As the Order warned, if you fail to participate in the hearing, the Court may proceed in your absence.</p> <p>You have applied for the committal application to be adjourned. The Court has directed that your adjournment application will be heard on Monday. You will need to participate in the hearing to make that application. It is opposed by the Claimant, and you will be given the opportunity to make your submissions in support of your application. So far, you have failed to answer several questions that are likely to have a bearing on whether an adjournment should be granted and you have provided no reason why you cannot attend the hearing on Monday by telephone.</p> <p>The Judge very much hopes that you will participate fully in the hearing on Monday, but if you fail - again - to attend the hearing, you should be aware that you are at risk of the Court refusing your application to adjourn and proceeding to hear the committal application in your absence. That is unlikely to be in your interests and you should think carefully before you refuse to participate in the hearing on Monday.</p> <p>The hearing is listed for 10.30am on Monday. If you provide a telephone number on which you can be contacted to enable your participation in the hearing on Monday, I can make the necessary arrangements to connect you to the hearing.”</p> |