

JUDGMENT

1. This short Judgment is appended to this Order to explain to Mr Ismail that his applications will not be issued. They are both an abuse of process and a contempt of court. I am not going to require Mr Ismail to attend court or to sentence him for his contempt on this occasion. However, he must understand that he runs that risk if he continues to make applications in breach of the Civil Restraint Order.
2. He seeks fee remission to bring applications and proceedings which he is prohibited from bringing. He seeks some form of ruling about the Civil Restraint Order and permission to bring actions and to apply to the Supreme Court.
3. He has written a letter dated 16th August 2013 which sets out his position. He asserts that he is fully entitled to fee exemption under the Geneva Convention of 1951. He is wrong. He asserts that Civil Restraint Orders do not override the Geneva Convention. He is wrong (the Geneva Convention has no relevance). He asserts that the Civil Restraint Order was issued unlawfully and is not valid. Again he is wrong. I can assure him – and do so now – that the Civil Restraint Order was properly issued and is valid and binding upon him. I can also tell him that, perfectly lawfully, the imposition of the CRO means that he is not entitled to fee remission.
4. He also confirms in the letter that, because he thinks the CRO is unlawful his application is NOT an application for permission to issue an application (see clauses 2 and 3 of the CRO) nor is it an application to discharge or amend the CRO. So be it. In those circumstances the CRO remains in force; it is lawful; his application is not permitted by the Order; he is in contempt of court.
5. He should understand that if he persists in attempting to pursue this or any other case (without having the permission of Master Yoxall or myself) he will run the risk of being sent to prison for contempt of court. He may be brought to court and a hearing will take place to determine the issue. He is fortunate that, at this stage, I am not going to go down that road. If he offends again, he should be ready to take the consequences.
6. He should also understand that the staff at the RCJ have been instructed that he may issue no application or cases (without the permission of Master Yoxall or myself) and that, if he attempts to do so, they may refuse to accept his papers and / or that, if he insists on handing papers to them, they may be consigned to the waste paper bin on my authority. This court has more important matters to attend to than Mr Ismail's hopeless cases and applications. If he applies properly under clause 2 of the CRO the matter can be referred to Master Yoxall. Otherwise, he is debarred from taking any further step. He should beware.

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The Honourable Mr Justice MacDuff
16th September 2013