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| **CASE NO: A2/2019/2197** | | | | |
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| **IN THE COURT OF APPEAL** | | | | |
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| **BETWEEN:** | |  |  | |
|  | **MRS T KOSTAKOPOULOU** | | | **Appellant** |
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|  | **-and-** | | |  |
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|  | **UNIVERSITY OF WARWICK**  **PROFESSOR PROBERT**  **PROFESSOR CROFT**  **MS MCGRATTAN** | | | **Respondents** |

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| **SKELETON ARGUMENT** |

**THE LAW**

1 In *Simms* ([2000] 2AC115), Lord Hoffmann commented on the principle of legality and stated that ‘fundamental rights cannot be overridden by general of ambiguous words’. In fact, fundamental rights and the values on which the European Union (Article 2 TEU) and its constituent national constitutional democracies are founded are not privileges to be ignored by public authorities and their organs. They constitute the sine qua non of democracy, equality and the rule of law. Courts and tribunals have a positive duty to respect and to promote them (Articles 2 TEU, 4(3) TEU, 19(1) TEU and 47 EUCFR).

2 The EU Charter of Fundamental Rights, which is primary EU law, requires the promotion and protection of fundamental rights and imposes on judges a clear duty to ensure that the fundamental rights of individuals are affirmed and protected. They must comply with the Charter in all their decisions and must ensure the highest level of protection of fundamental rights. As Lenaerts and Van Nullel have noted, ‘the MS and their organs are under a general duty of care in implementing Community law’ (*Constitutional Law of the European Union*, 2005, p. 117). They are obligated to deal with irregularities and infringements of EU law quickly and with reasonable diligence.

3 The Human Rights Act 1988 (HRA) is also designed to protect and empower the individual and, explicitly, requires the robust enforcement of the European Convention of Human Rights by UK courts and tribunals. The Fundamental Rights Agency of the EU has described the ECHR as an ‘especially prominent twin source’. The HRA also explicitly requires British courts and tribunals to take into account the jurisprudence of the European Court of Human Rights.

4 No national public institution or body is exempted from the fundamental obligation of complying with the HRA, the ECHR, primary EU law and the EUCFR. If senior judges repeatedly fail to protect fundamental rights and to enforce them in a robust way as required by the HRA 1998, the ECHR, primary EU law and the General Principles of EU law, they do not only commit a very serious error of law but undermine the principle of legality underpinning constitutional democracies. In other words, they are obligated to respect the ‘constitutional fundamentals’.

5 Since national courts and tribunals are the primary guarantors of EU law, if they fail to fulfil their obligations, including the obligation to respond to the EU law-based submissions of the Claimant, who is an EU Citizen, they undermine the legal obligations of the United Kingdom under Articles 4(3) TEU, 2 TEU, the Charter of Fundamental Rights and Article 19(1) TEU.

6 Common law, too, has recognised the rights to natural justice as fundamental components of the rule of law. The common law rights of procedural justice and the common law duty of procedural fairness safeguard the right of access to justice.

7 If the above requirements are not observed and senior judges act, or are perceived to act, in bad faith, that is, with the intention to favour a party who has committed human rights violations and to prevent a claim and the evidence supporting it from being heard, then they undermine the requirements of the rule of law and the rules of natural justice.

8 The ‘Overriding Objective’ also requires that Employment Tribunals must act in good faith and in a manner compatible with the right to a fair hearing and an effective remedy (Articles 6 and 13 ECHR and Article 47 EUCFR with the General Principle of EU Law pertaining to the right to a fair hearing and an effective judicial remedy). The General Principles are legally enforceable and lead to the annulment of any instrument in breach of them.

**THE DECISION**

9 Have the above legal requirements been observed, and complied with, by E. J. Choudhury (Decision of 12 August 2019) who confirmed Ms Daly’s Decision of 24 July 2019, which ordered the following:

1. EAT/0071/19, EAT/0072/19 and PA/1103/18 listed for Preliminary Hearing and Rule 3(10) hearings (submitted on 8 November and 19 December 2018) should be separated from Appeal PA/447/19, submitted in early May 2019, and that PA/447/19 should be heard alone. The remaining Rule 3(10) hearings and Preliminary hearings should be stayed until the result of the Rule 3(10) hearing in PA/447/19;
2. With respect to my two “interim applications” (9 June 2019), any appeal against paragraph 3 of the Order whereby HH David Richardson refused the Appellant’s application for further and better particulars from the Respondent should be made to the Court of Appeal;
3. The second application relates to the posting of an Employment Tribunal (ET) decision on the ET website. The EAT does not administer or regulate the posting online of ET decisions?

10. Direction 9 (a) was suggested by the Respondents on 16 July 2019 and was adopted by the Registrar by ignoring my submissions and the implications of the Respondents’ suggestion for the right to a fair hearing.

11 The Respondents had also suggested to the EAT that, ‘in such circumstances, no further action is taken in respect of UKEAT/0071/19/RN; UKEAT/0072/19/RN; and UKEATPA/1103/18/RN pursuant to paragraph 3(7) of the Employment Appeal Tribunal Rules and that the Judge or Registrar taking that decision exercises his/her discretion under paragraph 3(7ZA) to order that the Appellant is not entitled to have the matter heard under paragraph 3(10)’. (Mr. David Browne’s communication to the EAT of 16 July 2019 at 11.35 am).

12. I had objected to Mr. Browne’s recommendation for the fragmentation of the appeals and the chronological reversals of issues noting the infringement of the right to a fair hearing (Email communication of 18 July, in the Bundle).

13. Directions b and c related to the following interim applications made on 9 June 2019:

‘I now write to the EAT to request two interim orders based on the EAT's clear legal obligation to protect my fundamental rights under the HRA, the ECHR, the UDHR (Article 12) and the EU Charter of Fundamental Rights coupled with the general principles of EU law and Articles 2 and 19(1) of the Treaty on European Union.

The first application relates to paragraph 5 (on page 2) of E. J. Richardson's Order which states that:

'the further and better particulars requested are not necessary for the disposal of the appeals at the EAT; the EAT's remit is to deal with questions of law arising out of decisions of ETs, and it will only make an order of particulars in the case management of an appeal in the very rare event that it is necessary to deal with an appeal on a question of law. Here it is not.'

There is a significant question of law, here, which relates to the EAT's legal obligation to act without any delay in order to protect my fundamental rights to human dignity (Article 1 EUCFR), which is both inviolable and absolute, and personality rights under Article 8 ECHR and Article 7 EUCFR which preclude harm to my dignity, professional reputation, private and family life, health and protection from distress caused by fabricated and untrue allegations which the Respondents made about me in summer 2016 and which they continue to maintain for 3 whole years without abiding by their legal as well as moral obligations to tell me what I did wrong, when, where and to whom.

Accordingly, I would like to make the 18th application to the EAT to end the breach of my fundamental rights and freedoms without any further delay and to call upon it to protect my dignity and reputation in compliance with the law. Please find attached the Court of Appeal's acknowledgement of my rightful fundamental rights' claims and the 15th application to the ET which was refused and which contains the legal grounds in detail and the harm generated by the continuous infringement of my rights and the Tribunals' deliberate omissions to act to protect them from malicious attacks for nearly two years.

The second application for an interim order relates to the subsequent image generated by Google, which has as a source a Californian internet web address. (COPY OF IMAGE WAS INSERTED HERE)

This image has 'Kostakopoulou v University of Warwick and Others' underneath and a link to a E. J. Camp's judgment of 19th November which removed Professor Croft, Professor R. Probert and Mrs. G. McGrattan, that is, the individual Respondents from my claim without my consent, and which is under appeal at the EAT and was the subject of a complaint to the Office of Judicial Complaints.

This image appears every time an individual searches 'Dora Kostakopoulou' on the web. The link is:https://www.google.com/url?sa=i&source=images&cd=&ved=2ahUKEwiiyfrk3sLiAhWO2BQKHT7pBaAQjRx6BAgBEAU&url=https%3A%2F%2Fwww.gov.uk%2Femployment-tribunal-decisions%2Fmrs-t-kostakopoulou-v-university-of-warwick-and-others-1301587-2017&psig=AOvVaw3N\_0aMG7CWKFZBUdFQpYV5&ust=1559287775837298

I do not believe that the UK Government routinely generates Google images (in black for maximum attention on the part of billions on the world wide web) and thus would be willing to compromise its own Data Protection Law and the EU General Data Protection Regulation and to cause deliberate harm to personality rights by creating Google images of preliminary decisions. Accordingly, I would like to request the EAT to make an order for its removal within the next few days which I could communicate to the Data Protection Office of Google LLC.’

14. The Reader observes effortlessly that EAT’s directions 9(b) and (c) do not correspond at all with my two interim applications and that the fundamental rights issues raised in them are completely ignored by both E. J. Choudhury and Ms Daly.

15. Accordingly, the main legal questions brought before the Court of Appeal are as follows:

a) Did the Decision of E. J. Choudhury of 12 August 2019, and thus the initial decision made by Mrs Daly’s on 24 July 2019, comply with primary EU law (the Treaties, the EU Charter of Fundamental Rights and the General Principles of EU Law), the ECHR and the HRA (s.6(1))?

b) Did the Decision contain a breach of Article 6(1) and 13 ECHR and breaches of the general principles of EU law and the duty of the EAT to give full effect to the primacy of the EU Charter of Fundamental Rights (the principle of effectiveness), and, in particular, to Articles 1 (Human Dignity), 7 (Respect for Private and Family Life), 8 (Right to Data Protection), 20 (Equality before the Law), 47 (Right to a Fair Hearing and an Effective Remedy), 51(1) (the obligation of the Member States to respect the Charter Rights) and 52 (on the lawful limitations of Charter rights) EUCFR?;

c) Did the Decision breach the case law of the Court of Justice of the EU, which inter alia requires that EU legal grounds pleaded by the applicant must be addressed, the case law of the European Court of Human Rights and precedent in the UK legal order?;

1. Did it comply with the principles, and requirements, of natural justice?;

e) Did it breach the common law rights of procedural justice and the common law duty of procedural fairness, an aspect of the right to access to justice? Was the Decision denying me the fundamental right to a fair hearing thereby rendering the right to redress ineffective?

f) Is it sufficient for the observance of Article 6(1) ECHR, 47 EUCFR and natural justice for E. J. Choudhury to simply endorse the Registrar’s decisions and reasons given with respect to my two interim applications bearing in mind that that the appeal against the Registrar’s decision was submitted because of the insufficiency of, and errors in, her reasoning?

g) Were E. J. Choudhury, and, accordingly, Mrs Daly, acting in full compliance with my fundamental right to a fair hearing within the meaning of Articles 6(1), 13 ECHR and 47 of the EUCFR, in totally misconstruing my second Interim Application on the Removal of a Google appearing under Google image searches of my name and my publications, and misframing it in order to arrive at a conclusion which would support its dismissal?

16. In what follows, I first outline briefly the factual background, and the treatment, of my case until June 2019. I then discuss the legal issues relating to the fragmentation of appeals. The next two sections examine (i) the 18th application for further information on what I am supposed to have done wrong in the Respondents’ institution and (ii) the second interim application for an order of removal of a Google image and the fundamental rights violations ensuing from it.

**FACTUAL BACKGROUND**

17 On 30 June 2017 I submitted to the Tribunal a complaint of continuing victimisation under section 27 of the Equality Act 2010 and detrimental treatment under section 47B of the Employment Rights Act 1996 because I made a number of protected acts, as defined by 27(2)(c) and 27(2)(d) of the Equality Act 2010, and protected disclosures as defined by sections 43B and 43C of the Employment Rights Act 1996.

18 I am a professor of Law with a distinguished and unblemished employment career of 30 years in the United Kingdom. I have significant international and national reputation not only for my professional activities but also for my personal integrity and have never been issued with any disciplinary warnings or been subject to any formal or informal disciplinary proceedings.

19 I was issued with a final written warning of two years’ duration by the University of Warwick in 2016, which became my employer in September 2012, on the basis of false and malicious allegations of harassment which remain unsubstantiated to date following a suspension of four months by the Vice Chancellor of Warwick University, Professor Stuart Croft (2 August – 8 December 2016), without any prior investigation and without being given an opportunity to be heard.

20 I believe that I have been subjected to such a detriment, which is the last in a series of detrimental acts, and deliberate failures to act, by Professor Stuart Croft, Mrs Gillian McGrattan, Director of Human Resources, and Professor Rebecca Probert, the former Head of Warwick Law School, because I exercised my rights in relation to discrimination on the grounds of race and gender I have suffered in the course of my employment there and made qualifying protected disclosures in good faith and in the public interest.

21 My latest protected disclosures concerned breaches of the Data Protection Act 1998 by Professor Rebecca Probert, former Head of Warwick Law School. Professor Probert was putting false information into my employment file without my knowledge and without informing me. I discovered this and disclose it to the Information Compliance Unit and Ms McGrattan, Director of Human Resources, in spring 2016.

22 Before that time, I had made protected disclosures and complained about breaches of the Equality Act, the Public Interest Disclosure Act, victimisation and re-victimisation to the Vice Chancellor, Professor Croft, Professor Swain, Professor Thomas and Ms McGrattan. I had requested a transfer to another department from Professor Croft twice (e.g., on 19 August 2015 and October 2015) and his protection. He provided assurances on 19 August 2015 but one year later he suspended me.

23. The disciplinary hearing, chaired by Professor Gilson, was conducted in my absence despite my illness and without a consideration of my evidence on 29 November 2016, following a very protracted period of suspension of four months ordered by the Vice Chancellor and President of the University of Warwick, Professor Croft, on 2 August 2016.

24. During my unjust and unlawful (- the basic requirements of natural justice were not met) suspension of four months by Professor Croft (- I was suspended during my annual leave which commenced on 25 July 2016 and was due to end at the end of August 2016), no investigation of the allegations against me took place, no review of my suspension took place, the principles of proportionality and reasonableness were not adhered to, and I was left completely unaware of the duration of it. As a result, I suffered two psychiatric injuries in addition to severe reputational damage. My professional, personal and family lives were adversely affected during a period which I term as ‘the black hole’ of my entire life.

25 The disciplinary process was initiated on the day of the referendum on the EU’s continued EU membership (23 June 2016) and finished on 24 February 2017 with the confirmation of the final written warning and the dismissal of my appeal by Professor Ennew, Provost of Warwick University. I spent several months in suspension, ill-health and with a severely damaged reputation on the basis of fictitious allegations by unknown complainants who suffered no detriment. I was also placed under a disciplinary process lasting eight months!

26 To date, the University of Warwick has refused to submit any information and any evidence substantiating the allegations of harassment of Professor Probert, other members of academic and administrative staff.

27 To date, I do not know what I am supposed to have done that constituted harassment of Professor Probert and when and where this allegedly happened and how these allegations came about. I have not received any names of members of academic staff and any information on times, places and acts of the alleged harassment. The only two individuals, members of administrative staff, mentioned by Professor Gilson were not at the University at the time of my suspension. Mr Doran, with whom I had a very good relationship, had left the University in April 2016 and Mrs Wilson had been on maternity leave since October 2015 and therefore I had no physical or virtual contact with her for nearly eleven months prior to Professor Croft’s allegations and suspension.

28 Such malum in se can never be lawful. Nor can it ever be made lawful.

29 Nor can the unreasonable, disproportionate and serious interference with my fundamental rights under Articles 1 and 7 EUCFR and Article 8 ECHR, undermining the very substance of those rights, be ignored.

30 Yet, Birmingham Employment Tribunal has sanctioned fully this refusal by resisting 15 requests I have made for orders for further and better particulars and for the discovery of documents during a period of 12 months. I was falsely led to believe that the information would be provided.

31 The EAT has also condoned the violation of my fundamental right to human dignity (Article 1 EUCFR) and the serious, persistent and disproportionate infringements of my personality rights under Article 8 ECHR and Article 7 EUCFR for additional seventeen months (March 2018 – August 2019) by refusing unreasonably my requests for further information and by ignoring my pleas for human rights violations and the harms I have been suffering in the professional, personal and family spheres of my life.

32 The ET1 was submitted on 30 June 2017 (- Bundle document) and the case is both well-prepared and very well-documented. The Respondents’ Response (- Bundle document) did not address the facts of the ET1.

33. I had the legitimate expectation that the case would be heard within the governmentally subscribed time limit of 25-6 weeks. After all, this is a victimisation case arising out of a lengthy period of suffering and thus both justice and equality law prescribe care and an expedited attention.

34 Twenty-eight months have passed since June 2017 and the case has not been substantively heard yet. On the contrary, it has been dismembered by both Birmingham Employment Tribunal and the EAT, subsequently, so that the facts of the case could be suppressed and Professor Croft and the other two individual Respondents could be removed.

35. The removal of Professor Croft would be effected only if the Respondents and E. J. Dimbylow, initially, and then E. J. Camp could fragment the continuing victimisation and detrimental case and even split one disciplinary process which commenced on the day of the Referendum on the UK’s continued EU Membership (Professor Probert’s letter of formal Notice of Disciplinary Proceedings of 23 June 2016, communicated on 27 June 2016) and ended on 24 February 2017 into several disconnected acts.

36. Accordingly, if only the final disciplinary appeal could be made the subject of the case, Professor Croft’s decision to suspend me on 2 August 2016 and the cruel process of victimisation I experienced before and after it until the final appeal, including the false allegations by Professor Probert and Ms. Gillian McGrattan, Director of Human Resources, would not be scrutinised and thus pronounced to be unlawful.

37. In fact, the only reason explaining why the University of Warwick relies heavily on suspensions, which are unreasonable and disproportionate, is because the suspension is often the culmination of a conspiracy to induce or procure a breach of contract and thus a constructive dismissal.

38. The CPH hearing conducted by E. J. Dimbylow on 21 November 2017. What happened has been documented in the appeals submitted against E. J. Camp’s Decisions in 2018 (Documents in the Bundle).

39. When I received the Employment Judge Dimbylow’s Case Management Summary, I noticed that the notes included incorrect factual statements, errors in the legal treatment of the protected disclosures, wrong dates and orders which were impossible for me to comply with. I immediately contacted the Tribunal. I also expressed my concern that Judge Dimbylow had directed the Respondents to provide an amended response ‘in connection with the claims as now understood; in the light of the discussions in this CPH and the claimant’s case in relation to victimisation dated 25 November 2017’ without referring to my ET1 and the consolidated ET1 and further and better particulars I had provided in August 2017. This was significant because the additions he had made did not reflect my claims and the evidence that was referred to in my ET1. He had also made Orders which made it impossible for me to practically, logically and legally comply with. On 5 December 2017 I made an application for the Orders to be varied in accordance with the rules (Rule 29). I received no response from the Employment Tribunal. The Tribunal’s non-responsive approach had, in turn, a truly destabilising effect on the process of compliance and caused me severe distress. I also expressed concerns concerning the accuracy of Judge Dimbylow’s statements under paragraph 3 of the Case Management Summary (- in addition to serious concerns concerning 6.1-6.6 which had been the subject matter of previous correspondence).

40. On 28 December 2017, I referred these matters to the Regional Employment Judge ‘in the light of the ‘Overriding Objective’ and the fact that the Human Rights Act 1998 requires that the Employment Tribunal must not act in a way that is incompatible with the right to a fair hearing.

41. What happened during the subsequent twelve months concerning my denial of the right to a fair hearing, the absence of effective judicial protection and my disrespectful treatment by both Birmingham Employment Tribunal and the EAT has been documented in the Grounds of Appeal and Skeleton Argument for UKEATPA/0608/18/RN, UKEATPA/0609/18/RN, UKEATPA/0610/RN, UKEATPA/0649/18RN (received by the EAT on 22 October 2018); in the Grounds of Appeal and Skeleton Argument for A2/2019/0057 filed on 8 January 2019 and in the Appeals submitted to EAT on 8 November and 19 December 2018 (UKEAT/0071/19/RN, UKEAT/0072/19/RN and UKEATPA/1103/18/RN) (Documents in the Bundle).

42. A summary of the infringements I experienced is included in my letter to the Regional Employment Judge, E. J. Findlay on 13 July 2018 (Appeal UKEATPA/0648/18RN).

43. In that letter, I noted my serious misgivings about the Tribunal’s impartiality and willingness to observe and respect the requirements of natural justice and the right to a fair hearing.

44. In particular, I wrote inter alia that: ‘The Tribunal has denied every single application I have made for further and better particulars (more than 13 such applications during the period 19 September 2017 – 5 July 2018), for disclosure of documents which the Respondents have a legal obligation to share in the light of the standard civil procedure, for the full application of the principle of equality of arms by being given the opportunity to make applications for strike out and deposit orders since 5 December 2017, for the submission of a bundle containing my documents, for a prompt reply to my applications instead of being silent for more than 48 days, for addressing my applications fully instead of simply disregarding them and running the time down, for responding fully to the information that new evidence has been unearthed and thus that the Regional Employment Judge needs to investigate the matter urgently and to order the Respondents to provide the information on my alleged wrongdoing which they should have provided at the outset (i.e., before the 2nd of August 2016, the day of my unlawful suspension by the Vice Chancellor of Warwick University, Professor Croft), for the application of the case law and the guidance given by the EAT concerning the situation of a continuing discrimination case in its totality and its context and the refraining from ordering preliminary hearings for strike out applications when a claim of discrimination has been lodged and the Tribunal needs to hear a lot of evidence and to read a lot of documents in order to decide whether to extend time… The Tribunal has never explained why it has chosen not to order the Respondents to provide this information in advance of any hearing during the past 10 months… In the Appeal, I also argue that The Tribunal erred in law in not providing a response to my application for the Orders made in my letter dated 25 June 2018 and in treating the parties unequally by confining the issues to be dealt at the forthcoming OPH to strike out applications and deposit order applications by the Respondents only and by refusing my application for the correction of the above without providing reasons. The above actions ran contrary to the requirements of a fair hearing and of the independence and impartiality of the tribunal under Article 47 of the EU Charter of Fundamental Rights and Article 6 ECHR. The EAT will also be invited to determine whether the open preliminary hearing could proceed without the strict observance of the requirements of the right to a fair hearing and the principle of equality of arms which require that I am given an opportunity to submit my documents to the Tribunal, which Mr Browne has excluded from the single bundle Employment Judge Rose ordered on 5 June 2018. On the basis of the above grounds, I have sought an order for the remission of my case to a different tribunal for hearing. This is in the interests of justice and the Overriding Objective and therefore a stay in the proceedings is warranted. It would involve no significant prejudice to the Respondents (- they are not incurring any costs). By contrast, refusing the stay would generate injustice and would prejudice me significantly. I would be prejudiced in terms of the fairness of the hearing and in terms of costs and unnecessary further proceedings.’

45. This application was refused by E. J. Findlay and a preliminary hearing took place at Birmingham Tribunal on 8 August 2018 without my documents, without considering the facts of the case, without examining the documentary evidence and without hearing witnesses and the evidence as required by the case law before any decision on the continuing nature of a victimisation case and on striking out parts of the claim can be made. The tables, including all the relevant case law, which were distributed at the hearing, were ignored by E. J. Camp (- these are included in the bundle).

46. Because the hearing chaired by E. J. Camp operated in a serious deficit in breach of natural justice, Article 6(1) ECHR and Articles 20 and 47 EUCFR, I submitted that it should be declared null and void.

47. Substantial appeals were submitted against E. J. Camps’ decisions of 5 October, 19 November, and 6 December 2018. The EAT’s sift process lasted 76 days for the first one and 119 days for the rest. E. J. Auerbach ordered a preliminary hearing on whether E. J. Camp was correct to strike out my whistleblowing claim on the ground that it had no reasonable prospects of success, whether the claim declared by E. J. Camp was out of time was in fact in time and whether he was correct to remove the individual respondents, Professor Croft, Professor Probert and Ms McGrattan on the basis of Rule 37.

48. In addition to these three issues, which were of crucial importance to any continuation of the proceedings at Birmingham, on 17 March I wrote to the EAT stating A. J. Auerbach’s omission of 12 legal errors which made E. J. Camp’s decisions intolerable and in breach of the right to a fair hearing and natural justice. Both E. J. Auerbach’s decision and my letter of 17 March 2019 are included in the Bundle.

49. These legal errors include:

1. Breaches of superior rules of law (violation of Charter and Convention rights, general principles of EU law and natural justice) and manifest disregard of the limits in the exercise of judicial discretion in the management of a case
2. Misapplication of the case law on striking out victimisation and whistleblowing cases without a prior determination of the facts, hearing all the evidence, reading all the documents the Claimant has and by allowing the Respondents to omit important material evidence from their bundle. E. J. Auerbach did not cite the guidance in Ezsias, and in the other related cases, correctly (point 4 on page 3 of the judgment) and did not consider the tables submitted to the ET and the EAT (- these are included below for convenience) as well as the case law I included in paras 84, 88 and 94 of the Grounds of Appeal. Lord Hope’s statement in Anyanwu (para 37) which refers to the hearing of the evidence was not followed.
3. Misapplication of the case law on continuing discrimination/victimisation and continuing detrimental treatment and the legal authorities’ guidance that such issues need to be determined during a full hearing because victimisation and whistleblowing cases are fact sensitive (point 1 on page 3 of the EAT’s judgment) and the full evidence must be presented and studied. Case law also prohibits the compartmentalisation and fragmentation of a continuing victimisation claim as well as a disciplinary process, which in my case commenced on 27 June 2016 and ended on 24 February 2017 with the confirmation of a final written warning and the dismissal of my appeal by Professor Ennew, Provost of Warwick University, and which included a suspension of four months by Professor Croft, Vice Chancellor of Warwick University.
4. E. J. Camp wrongly decided to strike out my entire whistleblowing claim as out of time, while, in fact, it is in time. The EAT erred in sanctioning this by writing ‘but the Judge explained that it had been assumed in the Claimant’s favour that certain most recent complaints were in time’ (point 5 on page 4 of the Judgment). The EAT should have examined carefully the dates (24 February 2017: the last detriment was the confirmation of the final written warning by Professor Ennew, Provost of Warwick University), the clear statements of my ET1 and the relevant paras of my appeal which show that factually and legally it is in time and displayed due regard to the extraordinary and unreasonable longevity of the unfair disciplinary process (8 months), Professor Probert’s unsuccessful attempts to harm me before the disciplinary process aided by Human Resources and the case law which requires a full evidential hearing for an assessment of the continuing character of discrimination and whistleblowing.
5. The EAT erred in finding that my claims of perversity and bias are unfounded and they have ‘no other basis other that disagreement with the Judge’s reasoning’ (point 8 of the Judgment). E. J. Auerbach should have proceeded to investigate the matters raised in paras 66, 67, 68, 69, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 95, 96, 101-134 as well as why a judicial organ should proceed to strike out a claim as being out of time while in fact it is in time without hearing all the evidence and why the Claimant’s ET1 documents and other documents in the Tribunal file were not taken into account by E. J. Camp.
6. The EAT disregarded my submissions that E. J. Camp incorrectly added in his judgment that my Representative stated that he would not rely on Protected Act 8 – this is impossible because this is a protected act that led to my suspension by Professor Croft, the Vice Chancellor of Warwick University one week later. I will definitely rely on Protected Act 8 because I have challenged the lawfulness of my suspension by Professor Croft and the sanction of a final written warning of two years.
7. Judge Camp’s refusal to make a reference to the Court of Justice of the EU without giving any reasons during the preliminary hearing of 8 August 2018. This is a clear error of law and it is an additional error of law for the EAT not to address this legal ground of my appeal (breach of Article 6(1) ECHR and Article 47 EUCFR).
8. E. J. Camp erred in striking out the whistleblowing claim on the grounds that all complaints of detriment for making protected disclosures have no reasonable prospects of success (para 1 of the Reserved Judgment) and by not providing clear and intelligible reasons for this (para 87 of the appeal). Notwithstanding E. J. Auerbach’s admission that this is arguable and should be considered further, I contend that it is also unsatisfactory and amounts to an error of law for a Tribunal to simply state a conclusion or a decision without showing how it arrived at this conclusion.

Accordingly, the EAT erred (the EAT’s failure infringes the Claimant’s right to a fair hearing within the meaning of Article 6(1) ECHR and 47 EUCFR) in not examining carefully my submissions about the absence of clear and intelligible reasons and the dates noted in ET1 which show that the whistleblowing complaint is in time (that is, Paragraphs 89, 90, 91, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 of the Grounds of Appeal).

1. E. J. Camp erred in law in striking out my entire continuing victimisation claim with the exception of the final appeal hearing and the email communication of 19 December 2015 (paras 8 – 11 of the Reserved Judgment). The EAT erred in sanctioning this by writing ‘However, the Judge explains why the other claims are struck out – being because it was not sufficiently arguable that what they relied upon amounted to protected acts’.
2. Exclusion of my documentary evidence (- hundreds of pages) from the single inclusive bundle ordered by E. J. Rose and thus the preliminary hearing of 8 August 2018. This means that E. J. Camp judgments about my claims are unsafe and incorrect because he did not consider the evidence. The essence of Article 6(1) ECHR, Article 20 and 47 EUCFR (the latter is both a general principle of EU law and a fundamental right which is directly effective) is violated when a party’s documentary evidence is precluded from presentation at a judicial hearing.

1. E. J. Camp’s refusal of the application for further and better particulars on my alleged misconduct – the 15th application since 19 September 2017, by E. J. Camp. The refusal of the application on further and better particulars on what I am supposed to have done at the hearing of 8 August 2018 and following the hearing (- a fresh application was made on 15 September 2018) (Grounds of Appeal para 135, para 142 et seq).
2. No reasons were provided E. J. Camp’s Decision of 19 November 2018 which removed the individual respondents and the subsequent refusals to furnish them.

50. Because of the above irregularities, I had made an application for a stay in the proceedings pending the determination of the appeals by the EAT. This application was submitted on 20 December 2018 and was accompanied by the two appeals to the EAT.

51. There was no response by the Tribunal. This application was ignored by the ET. To date I have received no decision.

52. It was a matter of common sense that the ‘dismantled case’ by E. J. Camp could not continue since any continuation of the proceedings would fall foul of Article 6 (1) ECHR and 47 EUCFR and the principle of effectiveness of primary EU law. When Mr. Browne persisted in preparing for the final hearing of a downright intolerable remnant of the case by asking the Tribunal for an unless order for the submission of documents for the bundle preparation, I registered my objections and submitted my legal grounds. These were never addressed by E. J. Monk.

53. When E. J. Monk issued the unless order, I made an application for the order to be set aside on 9 March 2019. That application and its legal grounds were ignored again by E. J. Monk. There was no response.

54. E. J. Monk proceeded to dismiss my case on 3 April 2019 and I subsequently submitted an appeal to the EAT (PA/447/19, included in the bundle).

**FRAGMENTATION OF APPEALS**

55. Even before the UK joined the European Community, it has been accepted that a hearing can be considered as just only if the conduct of the hearing accords with the rules of natural justice. Mr Justice Slynn in referring to the comments of *Harman J in the case of Byrne v Kinematograph Reuters Society Ltd* [1958] IWLR 762 stated:

‘What then are the requirements of natural justice in a case of this kind? First, I think that the person accused should know the nature of the accusation made, secondly, that he should be given an opportunity to state his case, and thirdly, of course, that the tribunal should act in good faith. I do not myself think that there really is anything more.’

56. The above are enshrined in the right to a fair trial expressly provided for in Article 6 ECHR which Employment Tribunals must observe in the light of s. 6 of the Human Rights Act 1998 and in Article 47 of the EU Charter of Fundamental Rights, which is applicable, coupled with the General Principle of EU Law pertaining to the right to a fair hearing and to an effective judicial remedy (Case 222/84 Johnston [1986] ECR 1651; Case 222/86 Heylens ECR 4097). According to the Court of Justice of the EU, that General Principle applies to the Member States (and thus, to their courts and tribunals) when they are implementing EU law and Article 47 of the EU Charter applies to the Member States when they are implementing Union law and thus to the UK, notwithstanding Protocol 30. And General Principles must always be observed.

57. That the conduct of an Employment Tribunal litigation accords with the rule of natural justice is emphasised by the ‘Overriding Objective’ of the Employment Tribunals Regulations 2013. Rule 2 states that the Overriding Objective of the rules is ‘to enable Tribunals to deal with cases fairly and justly’ and requires that ‘the Tribunal shall seek to give effect to the overriding objective in interpreting, or exercising any power given to it by, these Rules’.

58. If a hearing takes place without the documentation of a party, as was the case on 8 August 2018, then the rules of natural justice have not been observed. And if a judicial organ is allowed to ‘dismantle’ a case and to remove individual respondents, who have harmed the Claimant and acted against the law, without the consent of the Claimant and without a full evidential hearing by citing Rule 37 and, more importantly, without reasons, then, once again, the rules of natural justice have not been observed.

59. There are recognised limits on judicial discretion and national courts and tribunals have a legal obligation to ensure the effectiveness of EU law particularly when directly effective rights need to be protected and to give primacy to the ECHR (Articles 6(1), 8, 13) which is a source of law in the EU legal order. Judicial organs have a legal duty to render EU law effective and to act in compliance with the EU Charter which is primary EU law. They have to follow the case law and to avoid making strike out decisions and removing individual respondents, who hold public office, on the basis of Rule 37 following a preliminary hearing which did not include the Claimant’s evidence, the Claimant’s documents, the evidence of the Respondents and had disputed facts and no witnesses.

60. Such actions impair the essence of the right to a fair hearing and thus prejudice any continuation of the proceedings. E. J. Camp’s hearing of 8 August suffered from fundamental defects which have not been cured and could not be cured by a subsequent hearing at Birmingham.

61. For this reason, I exercised the right to appeal under the rules to the EAT and to apply for a stay in the proceedings at Birmingham on 20 December 2019. E J. Monk had a legal obligation to examine this application and its legal grounds and to reach a decision. This never happened, despite my pleas which lasted for two and half months. This constitutes a breach of the rules of natural justice and the right to a fair hearing under Article 6(1) ECHR and 47 EUCFR.

62. The same applies to the non-consideration and the sidestepping of my objections to the Respondents’ application for an Unless Order. Silence on the part of the Tribunal does not accord with the requirements of Article 6(1) ECHR and 47 EUCFR. It also demonstrated clearly that E. J. Monk was partial and disinterested.

63. Such bias and contempt for my legal submissions and applications made my right to a fair hearing and effective judicial protection illusory. An effective right means that one does not only have the right to present one’s claims and observations which are relevant to the claim to a court or tribunal. Those claims and observations must be ‘actually heard’, that is duly considered by a trial court (Donadze v Georgia, para 35). In other words, the tribunal has a duty to conduct a proper examination of the submissions, arguments and evidence adduced by the parties (Kraska v Switzerland, para 30; Hurk v the Netherlands, para 59). In order for the right guaranteed by Article 6(1) to be effective, the authorities must exercise ‘diligence’ (Kerojarvi v Finland, para 42; Frette v France, para 49).

64. Similarly, when the Unless Order was issued under Rule 38, an application was submitted to have the Order set aside which also included a copy of the previous, unaddressed application for a stay of 20 December 2018. In other words, in full compliance with Employment Tribunal Rules of Procedure and the Presidential Guidance issued in March 2014, which states ‘the party may apply, within 14 days of the date that the order was sent, to have the order set aside or for time for compliance to be extended’, I made another legally substantiated application.

65. In such circumstances, a party awaits a decision on the application. (S)he does not expect the dismissal of the case. I never received a decision on my application for the unless order to be set aside. Nor were its legal grounds addressed.

66. For a judicial organ, E. J. Monk, to be determined to proceed to dismiss a claim pretending that no preliminary hearing at the EAT had been ordered, that there were no serious and well-substantiated grounds and doubts about the lawfulness of E. J. Camp’s decisions, no application for adjournment had been submitted by the Claimant, no objections to the Unless Order had been presented in writing and no application for setting aside the Unless Order had been made (- as E. J. Choudhury’s statements in para 4 of his decision seem to imply), then we are confronted not only with a disproportionate and intolerable interference of the rules of natural justice, Article 6(1) ECHR and Article 47 EUCFR, but the very possibility of an intentional obstruction of justice. I intend to request from the Court of Appeal a mandatory preliminary ruling reference to the CJEU (Art. 267(3) TFEU) as to whether Article 47 EUCFR (and the general principle) could be interpreted as permitting the above-mentioned actions resulting in the dismissal of a victimisation case which had not received a full hearing for 22 months.

67. For those reasons, E. J. Choudhury’s reasoning in para 4, lines 4-8 is incorrect: there is no discrete issue and the sequence of appeals, pending applications, no ET response/decision, and submitted objections leading to the Unless Order, and E. J. Monk’s non-response to my application for the Order to be set aside, are central.

68. The issues are very much encumbered and entangled, and it is profoundly problematic if E. J. Choudhury endorses E. J. Monk’s failure to reply and to address the legal grounds of two applications to the ET for several months as well as my objections to the Unless Order and the application for the Order to be set aside. Were those manifestations of professional and proportional action advancing the substance of the right to a fair hearing and respecting the essence of the Claimant’s fundamental rights? Is the right to a fair hearing respected when a Judge ignores important applications made by the Claimant and does not take into account her submissions? (There is considerable jurisprudence from the ECtHR, such as Ruiz Torija v Spain, para 30 and Hiro Balani v Spain, para 28, and the CJEU).

69. It has long been accepted that a person must pursue his/her claims to judicial protection in conditions which respect his/her fundamental rights and must be able to avail himself/herself of all legal remedies available to defend his/her individual freedoms.

70. As a matter of natural justice and in the light of the Overriding Objective, which is to deal with cases justly, the EAT could have simply ordered a hearing of all the appeals which could have taken place in summer 2019. Such a course of action would have prevented an unreasonable lengthening of the proceedings by more than one additional year in a case of continuing victimisation and detrimental treatment which continues to be unheard since September 2017.

71. Such an action would also have been in compliance with Article 47 of the Charter (a mandatory preliminary ruling reference will be requested if the CA disagrees), the right to an effective remedy and to a fair trial, which is a fundamental right and a general principle of EU law and encompasses the right to a fair hearing, the right to have one’s case adjudicated within a reasonable time and the principles of independence and impartiality of courts and tribunals (ECtHR, Artico v Italy, No 6694/74, 13 May 1980, para 33).

72. What were, then, the real reasons for Mr Browne’s suggested fragmentation strategy and the EAT’s subsequent adoption of it without regard for my submissions, the delay and for the denial of the right to a fair hearing?

73. I believe that ‘good faith’ and the ‘Overriding Objective’ did not guide the EAT’s decision. The aim of the fragmentation has been to prevent me from showing the profound illegalities of E. J. Camp’s judgments and thus the inappropriateness of E. J. Monk’s subsequent actions which culminated in the dismissal of my case contrary to the requirements of primary EU law and the general principles of EU law since the line of continuity would be punctuated and all the documents relating to E. J. Camp’s hearing would have been excluded.

74. In this way, the Respondents aided by the EAT could achieve a res judicata of both the dismissal of the case by E. J. Monk and of E. J. Camp’s decision to remove Professor Croft, Professor Probert and Ms MacGrattan from the claim. And more importantly, the appeals against E. J. Camp’s decisions, which are fundamentally legally defective, would never be heard.

75. Yet, Article 20 of the Charter stipulates that everyone is equal before the law. It corresponds to a general principle of law included in all European constitutions and is recognised by the CJEU as a basic principle of EU law. The principle that everyone should be treated equally by an independent and impartial tribunal irrespective of political affiliation, nationality, creed or status in society forms part of the essence of the right to a fair hearing and effective judicial protection. It strikes at heart of the rule of law alongside the protection of fundamental rights and freedoms (Case C-619/18 *Commission v Poland*, Judgement of 24 June 2019; Case C-64/16 *Associacao Sindical dos Juizes Portugueses*, Judgement of 27 February 2018). In fact, the rule of law encompasses not only the supremacy of the law, but also equality before the law and the protection of fundamental rights and freedoms (see A. V. Dicey, ‘Introduction to the Study of the Law of the Constitution’ [1915]). By failing to adhere to all these three principles as argued above, E. J. Choudury’s decision does not only deny me the protection of the law but it also serves to undermine the framework of recognised rules and principles which constitute the rule of law.

76. These are very important issues warranting the grant of leave to appeal. I will now turn to the two interim applications.

**INTERIM APPLICATION ON FURTHER INFORMATION**

77. The interim application for further information on the substance and facts of my alleged misconduct was a **fresh** application made on 9 June 2019. It was **the 18th application** for further information since the case began.

78. The first application citing the breach of my fundamental rights and natural justice was made on 19 September 2017. The 15th Application was submitted on 15 September 2018. E. J. Camp refused it on 5 October 2018 and I appealed. The 15th application stated:

‘*The Tribunal’s reluctance to protect my fundamental rights and to address my request in an appropriate and timely manner by making this Order since 19 September 2017 has not only disregarded my natural justice entitlements but has also infringed my interests and fundamental rights under national law (HRA), international law (Article 8 ECHR) and supranational law (EU Law; the general principles of EU mentioned in my previous letters coupled with Articles 47, 7 and 1 on the protection of human dignity of the EU Charter of Fundamental Rights in so far it has allowed false allegations which damage my reputation, career (- including career progression) and health to be maintained for more than 2 years).*

*The damage from Birmingham Tribunal’s (in)action thus far has been physical (i.e., relating to my health and well-being), reputational and professional as well as material (- economic disadvantage and financial loss resulting from my inability to apply for and/or to accept professional opportunities due to a suspension of four months and the unjust imposition of a disciplinary sanction by Professors Stuart Croft, Vice Chancellor of Warwick University on 2 August 2016, Gilson and Ennew*).’

79. The 16th application was made to the Court of Appeal on 9 January 2019 (-the decision is enclosed) and the 17th application was made to the EAT last Easter when I wished to stand as a candidate for the European Parliamentary elections and was refused by E. J. Richardson on 6 June 2019.

80. Accordingly, the 18th application was made on 9 June 2019. It was made correctly to the EAT because my claim had been dismissed by E. J. Monk at ET level. It was accompanied by documentary evidence (i.e., 15th application, Lord Lewison’s acknowledgement of the human rights issue and my communication to Professor Ennew; included in the bundle).

81. It should be noted at the outset that although the interim applications were made in circumstances giving rise to urgency and in order to prevent serious and irreparable damage to my fundamental rights, interests, and reputation, I had to involve my MP, Mr. Paul Farrelly, in order to receive a decision from the EAT.

82. Following Mr Farrelly’s letter to E. J. Choudhury, the Registrar’s decision reached me on 24 July 2019. Ms Daly’s reasoning was perfectly replicated in E. J. Choudhury’s dismissal of my appeal. No other reasons were provided.

83. One does not have to believe in either natural law and natural rights or the ten commandments in order to ascertain the depth and seriousness of the infringement of my fundamental right to human dignity.

84. Individuals have an obligation to act with honesty and integrity and to refrain from engaging in malicious attacks on the honour, reputation, standing and career of human beings. They cannot make accusations without regard to actual conduct and evidence in order to destroy members of the community. The unacceptable damage caused by Carl Beech, his lies and his actions is well-documented. This is not only a legal obligation enshrined in Article 12 UDHR, but it is also a moral and ethical obligation.

85. The Respondents infringed my fundamental right to human dignity (Article 1 EUCFR) on 2 August 2016 by claiming that I had harassed Professor Probert, members of academic staff and members of administrative staff without telling me for more than three years, how I did it, the names of individuals, times, places and so, and for punishing me cruelly for simply doing my job.

86. The ET and the EAT are also complicit in the violation of my human dignity by sanctioning this. For a whole year, they delayed the provision of such information (‘my application was premature) and then sought to find ways of refusing to order its provision. By so doing, they have imposed limitations on a fundamental right that is both absolute and inviolable thereby breaching the law. The questions whether the imposition of temporal limitations of two years to the protection afforded by Article 1 EUCFR, which is the foundation of all human rights, can be lawfully made under EU law and whether Article 1 EUCFR can be interpreted as permitting the refusal of the information I have requested, given its adverse impact on my honour, reputation, and personal and professional lives will be the subject of a mandatory preliminary ruling request under Article 267(3) TFEU.

87. The EAT has also imposed impermissible and unlawful limitations (please see Article 52(1) of the Charter and case law at the ECtHR and CJEU) on my right to respect for private and family life protected by Article 8 ECHR and Article 7 EUCFR. These limitations are unlawful, breach the principle of proportionality and the essence of my right and have made my personality rights non-existent.

88. The Tribunals have a duty to act in a manner compatible with the ECHR and primary EU law and to respect and promote the application of fundamental rights. They cannot consistently disregard my fundamental rights submissions and the urgent need for judicial protection. The question whether Articles 1, 7 and 51(1) EUCFR coupled with Articles 2, 6(1) and 19(1) TEU create a legal obligation on courts and tribunals to undertake positive actions that maintain and restore the dignity and reputation of an individual and the integrity of her private and family life so that she can pursue her life and exercise her profession with dignity will be the subject of a preliminary ruling reference request under 267(3) TFEU. Is it more than a presumption that the above mentioned provisions of EU law obligate national courts and tribunals **not to contribute to the causation of harm** inflicted on an individual by the employer’s false allegations, damaging suspension and unjustified disciplinary action?

89. E. J. Choudhury’s decision does not even mention the breach of my fundamental rights. Yet, pleas concerning the rights and freedoms guaranteed by the Convention and its Protocols must be examined with particular rigour and care (Fabris v France para 72). The same applies to my submission on the applicability of EU Charter rights. The EAT wrongly evades the application of Charter articles. By so doing, it commits an error of law since it has a distinct duty to respect, observe and promote the application of the Charter under Article 51(1) EUCFR. It also fails to respect my right to human dignity under Article 1 EUCFR. There are clear points of law which determine the grant of the interim application. National case law since 1958, including the EAT’s ruling in White v University of Manchester, also support this ground.

90 The EAT must also comply with the overriding objective and the general legal principles applying to discovery and particulars which have been formulated by appellate courts. It is an error of law not to do so. It is also an error of law for the EAT not to address the legal grounds pleaded by me concerning the particularly serious interference with my fundamental rights. By so doing, it has permitted judicial discretion to consistently override the ‘superior rules of law’ mentioned above for a period of 23 months and the rights and freedoms of a human being who was subjected to a disciplinary process for 8 months and was suspended for 4 months without being told what she had done wrong and being given any factual evidence of her alleged misconduct.

91 Additionally, it is submitted that a breach of 6(1) ECHR and 47 EUCFR has occurred because E. J. Choudhury simply endorsed the reasons in the Registrar’s decision concerning this interim when the main complaint underpinning my appeal was the inadequacy of her reasoning and her failure to address specific human rights violations.

92. The infringement of my fundamental right to human dignity continues. No judicial protection has been provided. The lack of protection of an EU citizen for a considerable period of time is contrary to the essence of EU Citizenship, that is to say, the EU citizens’ right to protection equivalent to that of one’s own national (Case C-182/15, Petruhhin, para 16). Whether the lack of protection of my Fundamental Rights deprives me of the effective enjoyment of the essence of my rights as an EU citizen under Article 20 TFEU will be the subject of a 267(3) mandatory reference request to the CJEU.

**2ND INTERIM APPLICATION ON THE REMOVAL OF THE GOOGLE IMAGE AND FUNDAMENTAL RIGHTS**

93. Both E. J. Choudhury’s decision and Ms Daly’s initial decision state that I requested the removal of E. J. Camp’s decision from the ET’s Register. This is false; I never did so.

94. As noted above, on 9 June 2019 I requested the removal of a Google image featuring under ‘Google Search Images of Dora Kostakopoulou’ which was linked to a file containing E. J. Camp’s Decision which was under appeal. This image appeared on the internet on Google LLC Search Images in May 2019. Every internet search of my image or my publications was linked to the Google image directing billions of viewers to E. J. Camp’s Judgment.

95. It is very intrusive and obvious. It was appearing at the top of Google image search results disseminating my misfortune at Warwick University and my (unjustified) disciplinary action to audiences across the world. I was in severe distress; it was, and still is, an intrusion into the inviolable core of privacy (Articles 8 and 7 EUCFR and 8 ECHR) and a violation of the data protection principles under the GDPR and DPA 2018. (If the Court of Appeal will not agree with me on this, a preliminary ruling reference under 267(3) TFEU will be requested on the interpretation of Article 8 EUCFR).

96. I did not hear from the EAT for more than one month despite my reminders. On 11 July 2019, I wrote to the EAT informing them that my search had identified the origin of the image to the US. The website is owned by a firm called ‘Fastly’ in San Francisco (SKYCA-3, PO Box 72266, San Francisco, California, 94107). I also informed them that ‘while the image pretends to be from our Government’s Cabinet Office, the hostmaster’s address is: [hostmaster@digital.cabinet-office.gov.uk](mailto:hostmaster@digital.cabinet-office.gov.uk). The IP address of this email address stems from Google and it appears to be 64.233.171.26’.

97. I attached several screenshots of my search for E. J. Choudhury’s attention and requested the EAT’s urgent action in view of the serious damage to my rights and reputation.

98. The EAT failed to respond to protect my rights. Both the Registrar and Mr Choudhury reframed my application. They did not consider my fundamental right to privacy, the requirements of the GDPR, the DPA 2018 and of Article 8 EUCFR.

99. I do not believe it is permissible, acceptable or desirable for the Registrar and the President to mis-state the grounds of my interim application and to reframe its subject matter in order to evade the fundamental rights issues pleaded by me. In my view, this is a flagrant breach of Article 6 (1) ECHR and 47 EUCFR and the related general principles of EU law as well as of natural justice and the overriding objective.

100. I believe the EAT did not fulfil its legal obligations. It failed in its duty to protect my rights and reputation as well as its duty not to knowingly assist my harming by Google’s actions and the Respondents’ corporate links and connections. It also sidestepped its public duty to behave with integrity to protect the rule of law and the administration of justice thereby refraining from undermining the trust citizens and residents have towards the judicial system.

101. My constant concern has been the fairness and impartiality of the judicial process at the ET since June 2017 and at the EAT which has rendered the protection of the fundamental rights guaranteed by the Convention, EU law and the EU Charter manifestly deficient. As the Court of Justice stated in Schrems (Case-362/14, para. 95) ‘the very existence of effective judicial review designed to ensure compliance with provisions of EU law is inherent in the existence of the rule of law’.

102. Several months have passed since the submission of the second interim application of 9 June and the serious interference with my rights to privacy and data protection continues. No judicial protection has been provided.

103. Finally, it is submitted that a breach of 6(1) ECHR and 47 EUCFR has occurred because E. J. Choudhury simply replicated the reasons in the Registrar’s decision when the main complaint underpinning my appeal was the inadequacy of her reasoning and her failure to address the violation of my fundamental rights to privacy and data protection.