

R da Sofia, 139-2º Posterior,

3000-387 Coimbra,

Portugal.

6th & 7th & 11th & 12th & 13th & 19th & 20th & 21st & 22nd August 2017

The President of the Chamber,

Cour européenne de droits de l'homme,

Conseil de l'Europe,

F-67075 Strasbourg cedex,

França.

Dear President of the Chamber:

**Éire Can Appeal against the CASE OF INDEPENDENT NEWSPAPERS
(IRELAND) LIMITED v. [the Putative Republic of] IRELAND (*Application
No. 28199/15*), 15th June 2017**

1. I request leave à la Rule 44 § 3 and/or Rule 38 and/or Rule 110 and/or Rule 111 and/or Rule A5 and/or Rule A7 and/or whatever to submit written comments and/or whatever. I also suggest rectifying as Rule 81

does not permit me to request.

2. I first heard on 3rd August 2017 via

WWW.PressCouncil.Ie/about-us/recent-decisions-and-news/statement-by-press-council-chairman-on-defamation-awards-2756

that the European Court of Human Rights considered a case which involved Monica Leech (whom you called “Ms L.”). According to this webpage, the European Court of Human Rights judged on 15th June 2017 to favor Independent Newspapers (Ireland) Limited. However,

WWW.PressCouncil.Ie/about-us/recent-decisions-and-news/statement-by-press-council-chairman-on-defamation-awards-2756

seems to be unbalanced; dishonest; unfair; unreasonable; and inaccurate.

For example, I congratulate you on parts of Angelika Nußberger; Erik Møse; André Potocki; Yonko Grozev; Síofra O’Leary; Carlo Ranzoni; Lətif Hüseyinov; and Milan Blaško, **CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v.** [the putative Republic of] **IRELAND** (*Application no. 28199/15*), 15th June 2017, CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf —

“109. In respect of pecuniary loss, the applicant company claimed EUR 1,075,000, [. . .]

[. . .]

111. [. . .] The Court [. . .] rejects the claim in respect of pecuniary damage.

[. . .]

114. [. . .] the Court declines to [. . .] award for pecuniary loss against the respondent Government. It therefore dismisses the claim in respect of pecuniary damage.

115. To the extent that the applicant's claim for just satisfaction can be understood as including an amount for non-pecuniary loss, the Court reiterates that it is empowered to afford the injured party just satisfaction as appears to it to be appropriate subject to [. . .] Article 41[. . .] It is doubtful that those conditions are met in the present case. The Court finds, [. . .] that it would not in any event be necessary to make an award under this head in the circumstances of the case."

3. The European Court of Human Rights supposedly exhorts journalists to adhere to deontology according to *Freedom of expression and defamation: A study of the case law of the European Court of Human Rights*, 2016,

[HTTPS://rm.COE.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ac95b](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ac95b)

at Subsection **2.4.2. Good faith**. However, Independent Newspapers

(Ireland) Limited remorselessly deliberately does not adhere to the code of ethics that it coauthored and that it dishonestly falsely professes to adhere to. Independent Newspapers (Ireland) Limited is irresponsible and it dishonestly falsely boasts of being responsible. For example, Independent News & Media PLC boasts on

[HTTP://Justice.Ie/en/JELR/Independent_News_and_Media.pdf/Files/Independent_News_and_Media.pdf](http://Justice.Ie/en/JELR/Independent_News_and_Media.pdf/Files/Independent_News_and_Media.pdf)

at Page 25:

“14.2 Independent News and Media treats all complaints seriously and engages with the Press Ombudsman’s Office on complaints received by the office.”

4. Independent Newspapers (Ireland) Limited was convicted of civil defamation on Monique Leach¹. Independent Newspapers (Ireland) Limited was not convicted of criminal defamation on Mona Leach. According to *Freedom of expression and defamation: A study of the case law of the European Court of Human Rights*, 2016, [HTTPS://rm.COE.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ac95b](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ac95b)

at Subsection **3.3.1. Criminal convictions:**

“It is true that the possibility of recurring to criminal proceedings in order to protect a person’s reputation or pursue another legitimate aim under paragraph 2 of Article 10 cannot be seen as automatically contravening that provision, as in certain grave cases – for instance in the case of speech inciting to violence – that may prove to be a proportionate response.”

¹ Leech

Monca Leach has been assaulted et cetera² as consequences of this defamation. Therefore this civil judgment is lenient and the decision by the European Court of Human Rights to decide against this civil judgment exhorts Independent Newspapers (Ireland) Limited to continue to perpetrate defamation (for example on me).

5. This publisher of newspapers is a hypocrite. For example, it pleaded³ that publication (by a different publisher) of inappropriate material was against the public interest.
6. This learned trial judge was lenient on Independent Newspapers (Ireland) Limited by excusing an untimely defense against Monica Leach.
7. Independent Newspapers (Ireland) Limited published defamation on Monique Leech by many articles. Mona Leech had been unknown to the general public and she has unjustly become notorious via this defamation.⁴
8. Independent Newspapers (Ireland) Limited did not apologize to Monca Leech. (Independent Newspapers (Ireland) Limited also did not apologize to me. This company remorselessly continues to defame me via facts which this firm knows are false facts. You fail to encourage correct behavior.)
9. No defense went to this jury during this trial.

2 as reported in "What price the truth? A jury decides" of *Irish Examiner* on 8th August 2015 by Michael Clifford

3 Ms. Justice Dunne and Judge McKechnie, *Leech -v- Independent Newspapers (Ireland) Limited* [2014] IESC 78

4 Ms. Justice Dunne, *Leech -v- Independent Newspapers (Ireland) Limited* [2014] IESC 79

10. An ex-company owned by Monca Leach has ceased to exist and contracts of Monca Leach have not been renewed after this defamation on her had been published.
11. Monca Leach suffered difficulties and embarrassments for this process.⁵
12. A lawyer for Independent Newspapers (Ireland) Limited professed⁶ to care about the correct performance of justice, but Independent Newspapers (Ireland) Limited knowingly hides the facts that I was deprived of due processes of laws, including inter alia that quacks lied to judges of a court⁷ of Portugal about me; these quacks and judges⁸ did not inform me about what had been alleged about me; these judges did not ask me (they connived); and therefore these judges illegally signed a court order which protects these quacks for being prosecuted for aggravated assaults which they perpetrated against me.
13. A lawyer for Independent Newspapers (Ireland) Limited professed⁹ that secrets would not be appropriate to deprive Independent Newspapers (Ireland) Limited of information to utilize to litigate, but Independent Newspapers (Ireland) Limited obscures the facts that secrets are repeatedly utilized to prejudice me.
14. The education of a son of Monica Leech was disrupted because of this

⁵ Mr. Justice Charleton, *Leech -v- Independent Newspapers (Ireland) Ltd* [2007] IEHC 223

⁶ O'Neill J., *Leech -v- Independent Newspapers [Ireland] Ltd* [2009] IEHC 259 at 3.1

⁷ Vara de Competência Mista e Juízos Criminais de Coimbra: 3º Juízo Criminal de Coimbra

⁸ namely Sara André dos Reis Marques and Vera Cristina da Silva Gomes de Oliveira

⁹ O'Neill J., *Leech -v- Independent Newspapers [Ireland] Ltd* [2009] IEHC 259 at 3.2

defamation on Monica Leech.

15. At Angelika Nußberger; Erik Møse; André Potocki; Yonko Grozev; Síofra O’Leary; Carlo Ranzoni; Latif Hüseyinov; and Milan Blaško, **CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v.** [the putative Republic of] **IRELAND** (*Application no. 28199/15*), 15th June 2017, CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 9 and at 11 you incorrectly underestimated the period of these publications.

16. At CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 58 you declared an application for what was unjustly pleaded to purportedly be

“a disproportionate award of damages in defamation against the applicant company”

to be admissible but you refuse¹⁰ to process a complaint by me about violations of my right under Article 10 via inter alia aggravated assaults; hospitalization; and deprivations of livelihoods. This inconsistency between how you favor Independent Newspapers (Ireland) Limited and how you prejudice me is unjust. Convincingly contradict if you would not consent to publications of alleging that the European Court of Human Rights is a hypocritical sham.

17. Sorry. Assaulting me for whistleblowing was a “disproportionate” violation of Article 10. Unlike Independent Newspapers (Ireland) Limited,

¹⁰ letter by Mister A. Müller-Elschner dated 1st August 2017 with “ECHR-Ager6” and “IDF/yre” and “Betreff Nr. 54271/17” that I received on 9th August 2017

I do not have €15000.00 to pay lawyers to convince you.¹¹ I did not become homeless exclusively because of charity by a friend who knows that I am a very nice person who is a victim of many violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms. I do not have enough money to eat well.

18. I disapprovingly cite CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 61¹²:

“there was a strong and continuous chilling effect on the news media in Ireland, hindering them in reporting on matters of legitimate public concern. [. . .] In a country the size of Ireland, with relatively small press companies, awards on the scale seen in this case could threaten the financial existence of companies, to the detriment of freedom of speech and the vibrancy of democracy.”

19. As I had typed to you on an application form, Ireland is not a country. As for the putative Republic of Ireland, a recent act¹³ for protecting whistleblowers was caused by an article about corrupt police which was published by *The Independent*¹⁴. A consequence of that article is that the authoress (Gemma O’Doherty) of that article was hypocritically coerced to cease working for this company almost immediately after that article was published. That authoress had not suspected that that then employer that professes to care about legitimate public concern would threaten her finances for reporting on a matter of legitimate public concern.

11 CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 116

12 relating pleading of Independent Newspapers (Ireland) Limited instead of relating a judgment by you: this distancing would have been clear in German: why is German not a language of your court?

13 the Act of Protected Disclosures: WWW.McDowellPurcell.Ie/news/long-awaited-legislation-protection-whistleblowers-finally-arrived/

14 for example [HTTP://ClareDaly.Ie/independent-news-and-media-censorship-and-sacking/](http://ClareDaly.Ie/independent-news-and-media-censorship-and-sacking/)

20. Independent Newspapers (Ireland) Limited is an evil wealthy member of a wealthy group of companies of media across many countries. Litigation need not “threaten the financial existence” of a “small press” company. Insurance for defendants of defamation in Ireland exists¹⁵.

21. Gemma O’Doherty reported on 17th August 2017: “The terminal decline of Irish newspapers is happening much faster than predicted, not least due to public mistrust [. . .]” and she sarcastically tweeted about “Cutting-edge public service journalism from the #DenisOBrien press. No wonder paper sales continue to plummet<http://m.independent.ie>[. . .]” on the same day.

22. I disapprovingly cite CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 64:

“64. The applicant company drew a comparison with the law of England and Wales, where such a level of damages for defamation would not be permitted.”

That is untrue. 3 judges of the England and Wales High Court clearly professed that they honor a court of defamation of the (putative) Republic of Ireland.

23. I cite CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED

¹⁵ Andrea Martin, *QuickWin Media Law Ireland: Answers to your top 100 Media Law Questions* at Question 25 Is it possible to insure against defamation liability?

v. IRELAND.pdf at 65:

“[. . .] In England and Wales, it was the practice of the courts to treat awards for personal injury as a relevant comparator for assessing damages for defamation. Comparisons were also permitted in Northern Ireland so as to ensure the reasonableness of the quantum of damages in defamation cases.”

24. Such comparisons are not permitted in Scotland. Such comparisons

“**were**” permitted in Northern Ireland and England and Wales. I quote de the 12th edition of *Gatley on Libel and Slander* at 9.9:

“It is still the law [of England and Wales] that it is not possible to equiparate personal injury and defamation damages”.

25. Independent Newspapers (Ireland) Limited attempts against the public interest to overcome democracy via brainwashing via falsely imputing truth to falsehood about how other jurisdictions handle defamation. For examples Colm MacGinty, “Decision must hasten reform of defamation law”, *Irish Independent*, Pages 6 and 7, 20th October 2015 and “Libel reform now urgently required”, *Sunday Independent*, Page 30, 25th October 2015 and Niall Donald, “Victory for Truth”, *Sunday World*, Page 16, 25th October 2015.

26. Misbehavior by defendants causes damages. Independent Newspapers (Ireland) Limited fabricated a fake photograph. You referred to a case of

Denis O'Brien versus Mirror Group Newspapers at CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 28. That unwillingness of Mirror Group Newspapers to completely apologize and to pay a small amount of money caused it to be sentenced to pay a big amount of money.¹⁶ Contrast that refusal to pay a small amount of money (and that order to pay much more instead) with unfounded scaremongering by you at CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 104.

27. I refer to CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf at 77: the law of defamation of the putative Republic of Ireland does not demand a defendant to use a lawyer.

28. Alas, perverts in Portugal and England and Wales do not read what they write in documentations at courts. It seems that the European Court of Human Rights is similarly at fault. I quote de CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v. IRELAND.pdf contradicting itself —

“23. The Supreme Court gave its ruling on 19 December 2014. All three judges found that the award to Ms L. was excessive and must be set aside. The majority decided to substitute its own assessment of damages (EUR 1.25 million)[. . .]

[. . .]

47. The case of *Kinsella v. Kenmare Resources Ltd.*, which was also tried

¹⁶ Breandán Delap, *Ar an Taihead: Fis, Fuaim, Focal*, 2012 at Page 293.

under the old regime, arose out of an incident during a business trip to Africa in which the plaintiff had sleep-walked naked through the accommodation he was staying in, opening the doors of other bedrooms including that of a female colleague. The defendant company later made a statement to the press in 2007 insinuating that the plaintiff had made inappropriate sexual advances to the woman. In November 2010 the High Court jury found that the plaintiff had been defamed and assessed damages at EUR 9 million for compensatory damages as well as EUR 1 million for aggravated damages. [. . .]

[. . .]

95. The amount of the substituted award was higher than any award ever made by a jury”.

29. Much of the funding of this Press Council is paid by Independent Newspapers (Ireland) Limited. The aforementioned unbalanced prostitute webpage

WWW.PressCouncil.Ie/about-us/recent-decisions-and-news/statement-by-press-council-chairman-on-defamation-awards-2756

is dishonest; unfair; unreasonable; and inaccurate. It conceals the fact that Irish newspapers misbehave without reporting that publishers are unafraid of the High Court in Dublin, Ireland that continues to not inform me of the numbers of the records of my processes in this court against defamation. I initiated these processes months¹⁷ before Mister A. Müller-Elschner of the

¹⁷ for examples inter alia Document 121 2015-08-05b__App. A Pt. I No. 1 - Plenary Summons.pdf and Document 214 2017-01-25_Fogra_foriarratais_tionscnaimh.pdf and Document 218 2017-01-29_Ard-Chuirt_Foirm-Ghearain.pdf and Document 259 2017-07-10_Republik_Irland_verschweigt_Aktenzeichen.pdf which you connive at of my application to you

European Court of Human Rights pretended that I supposedly did not document that these lacks of helps violate inter alia Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

30. This unbalanced prostitute webpage omits the fact that you report at 100 of Angelika Nußberger; Erik Møse; André Potocki; Yonko Grozev; Síofra O’Leary; Carlo Ranzoni; Lətif Hüseyinov; and Milan Blaško, **CASE OF INDEPENDENT NEWSPAPERS (IRELAND) LIMITED v.** [the putative Republic of] **IRELAND** (*Application no. 28199/15*), 15th June 2017:

“a need for comprehensive reasons explaining the final award.”

31. Contrast this press council with the last sentence before Subsection **3.2.1. Civil damages** of *Freedom of expression and defamation: A study of the case law of the European Court of Human Rights*, 2016.

Sincères salutations

Nicolas Paul Cóilin de Gloucester

CC:

- Príomh-Oifig na hArd-Chúirte,
Bun Urlár (Sciathán Thoir),

Na Ceithre Chúirteanna,

Baile Átha Cliath 7,

Éire.

- Peadar Bán,
Rannóg Dlí,
Roinn Gnóthaí Eachtracha agus Trádála,
2 Sráid Chluain Meala,
Baile Átha Cliath 2,
Éire.
- Moncha Liaigh,
17 Plás Odhráin,
An Pharáid Theas,
Port Láirge,
Éire.
- Johnsons Solicitors,
Johnson House,
50/56 Wellington Place,
Belfast BT1 6GF,
Northern Ireland.
- Clare ní nó uí Dhálaigh,
Teach Laighean,
Shráid Chill Dara,
Baile Átha Cliath 2, D02 XR20, Éire.