

1: OPEN JUSTICE EXTERNAL AUDIT

In employment and equality tribunals and in high court small claims procedure cases, litigants in person without legal support are on the one hand expected by the legal system to research, shortlist and select legal authorities to reference in court submissions but on the other hand the legal system has made the task all but impossible.

ACCESS TO JUSTICE requires EQUALITY OF ARMS.

If a litigant in person is forced to compete against a legal representative lawyer, the legal system must properly consider the EQUALITY OF ARMS legal principle.

Isle of Man employment and equality tribunals fail to achieve any version of equality of arms in public sector whistleblower cases with a litigant in person against multiple employment law specialists and other lawyers in a clearly conflicted HM AG Chambers civil litigation team with team players.

The same HM Attorney General Chambers heavily conflicted, criticised and discredited in the Dr Ranson case appears to have supplied illegal iniquitous legal opinion to install special programmatic techniques to stop Google search indexing the full text of judgments. It amounts to obstruction of ACCESS TO JUSTICE.

UK Parliament (2022)

<https://committees.parliament.uk/committee/102/justice-committee/news/174004/court-system-failing-to-support-public-understanding-of-justice-system/>

*The Justice Committee has warned that the court system needs to do more to support open justice in the digital age. In a report published today, it calls for a renewed focus in the court system to remove barriers to the media and members of the public coming to court proceedings. It also calls for more work to be done **to support digital platforms to cover court decisions**.*

UK Bar Council (2022)

<https://www.barcouncil.org.uk/resource/open-justice-court-reporting-and-the-rule-of-law.html#:~:text=The%20open%20justice%20principle%20%2D%20that,principle%20of%20our%20legal%20system.>

The open justice principle - that justice must be seen to be done as well as done - is a fundamental principle of our legal system.

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*One of the hot topics is likely to be the recent Justice Committee Select Committee Report that highlighted an openness deficit, stating more needs to be done so that the media and **the public can access court documents** and online proceedings - and a decline in regional newspapers and dedicated court reporters.*

UK Ministry of Justice (2023)

<https://www.gov.uk/government/consultations/open-justice-the-way-forward/call-for-evidence-document-open-justice-the-way-forward#:~:text=The%20principle%20of%20open%20justice,impartial%20tribunal%20established%20by%20law'>

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Under our common law system judgments are a source of law, and access to them is a fundamental right central to the rule of law and the principle of open justice. In August 2019, the Supreme Court reiterated this importance in the case Cape Intermediate Holdings Ltd v Dring, emphasising that, at the very minimum, the public should have access to court judgments and tribunal decisions.

In April 2022, The National Archives and the Ministry of Justice launched Find Case Law (FCL), a service which publishes freely accessible court judgments and tribunal decisions. The purpose of FCL is to increase public access to judgments, ensure their preservation and enable reuse. Reuse of judgments published on FCL is governed by the Open Justice Licence. Importantly, judgments published on FCL are machine readable and therefore can be processed and analysed computationally.

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As seen in evidence submitted to the JSC inquiry on open justice, non-parties can experience difficulty when seeking access to documents. As such, we continue to work with the judiciary to look at ways we can improve the public's ability to understand and scrutinise the justice system.

2-1: SCOPE EMAILS

An email thread from 5th April 2024 to 12th April 2024 between the injustice victim and the relevant court clerk (APPENDIX A) included some key points:

1. the "special programmatic techniques" installed on the judgments website www.judgments.im to deliberately block search results despite the EU GDPR open justice exemption to include all judgments except certain judgments such as cases related to children and sexual offences
2. incomplete content uploaded to the judgments website
3. inadequate search functionality
 - a. an example in relation to the "iniquitous legal advice" issue and similar keywords and keyphrases
 - b. an example in relation to a very important costs order legal precedent in a small claims procedure case
4. inadequate judgments meta data such as claim type, applicable legislation, legal authorities cited, judge and outcome to allow a litigant in person to productively filter search results -- and the same issues would result in the same low productivity by any judges and by any court officers and by any private sector paralegals involved in legal research tasks without access to high cost legal database services
5. the published judgments policy and/or judgments website upload policy requested on 5th April and the 8th April [answered only with a statement that the published judgments policy has not changed rather than the published judgments policy]
6. the scale of judgments not uploaded implies an anti-competitive legal services market reinforced by the justice system that interference with equality law and with access to justice, clearly an OFT equality issue
7. serious concerns about a normalised abuse of process indicative of a very broken system
8. serious concerns about an exclusive contract with Lexis Nexis from 2011

On 7th May 2024 the injustice victim asked to inspect the public register of judgments at the Isle of Man Courts public counter.

An officer explained that there are 2 desktop computers in the foyer with access to a searchable index.

the injustice victim explained that they needed a copy of a specific judgement material to an appeal but that they needed the case reference number to supply to the relevant court clerk.

The public counter officer then suggested that the relevant court clerk might be able to assist with the task.

The relevant court clerk arrived at the public counter and patiently discussed the task and related issues.

the injustice victim explained interest in a specific SCP case with a specific respondent Barrowman (actually perhaps Bellamy) but an unknown claimant with perhaps the judge Jayne Hughes (actually perhaps Deemster Roberts) that resulted in an exceptional small claims procedure costs order against a respondent due to unreasonable conduct. The judgment was material to their appeal case.

2-2: FAMILIARISATION ISSUE

The employment and equality tribunal explanatory notes specifically recommend that litigants in person familiarise themselves with the allocated judge with relevant previous judgments (impossible with the present **SEARCH FUNCTIONALITY ISSUE**) and attendance at 1 or more existing listed cases (possible but potentially no other cases before their case).

2-3: INCOMPLETE WEBSITE CONTENT ISSUE

The public register was analysed to consider case meta data to productively search and filter the most relevant cases and to consider the relative percentage of case judgments uploaded to the website.

YEAR	PUBLIC REGISTER	WEBSITE
2010	2307	1
2011	2261	2
2012	1813	1
2013	2021	1
2014	1185	1
2015	1563	0

2016	1370	2
2017	1292	0
2018	1046	6
2019	1287	0
2020	612	3
2021	682	0
2022	830	0
2023	788	0
2024	136	0

It is unclear on what basis judgments either are or are not uploaded to the website.

The percentage of judgments uploaded to the public website is obviously woefully incomplete and a disservice to any brave litigant in person willing and able to try to stop wrongdoing in line with the government whistleblowing policy and in line with the government anti-corruption strategy.

Any meaningful ACCESS TO JUSTICE requires compliance with the open justice legal principle. The EU GDPR specifically excludes judgments from personal data rules to actively support open justice and to allow a consistent rule of law.

The situation is not helped by the lack of a free law centre with perhaps a lawyer with remote access to legal database services.

Judgments cost 6.00 pounds per digital copy in PDF file format judgment or 0.60 pence per printed page.

A litigant in person with inadequate or with relatively low financial means is not able to speculatively order copy judgments in the hope they might obtain relevant or the most relevant judgments.

2-4: BENCHMARK WITH UK

<https://www.nationalarchives.gov.uk/about/news/the-national-archives-to-publish-court-judgments/>

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The new service, known as Find Case Law, will begin by publishing court and tribunal decisions from the superior courts of record – The Supreme Court, Court of Appeal, High Court, and Upper Tribunals. Going forward, The National Archives will continue to work with the Ministry of Justice and the Judiciary to include judgments from more courts and tribunals and to add historical judgments to the service. As this is a new service, we will continue to

improve it over the next few months and years, please help us to improve the service by giving us feedback.

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The initial collection of judgments and decisions will total 50 000 dating back to 2003 for court judgements and 2015 for Tribunal decisions. Users will be able to search by neutral citation, party name, Judge's name, court / chamber and date.

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We know that speed is important for many of our users so we are aiming to publish judgments and decisions quickly.

The documents are published using an international open standard, the Legal Document Mark-up Language. That makes them machine-readable, opening the way for further processing and computational analysis.

The available judgments increased from 50,000 to 60923 judgments from April 2022 to May 2024 equivalent to more than 5,000 new judgments per year or almost 100 new judgments per week.

Court	Years	Judgments
Supreme Court	2012-2024	699
Privy Council	2009-2024	593
Court of Appeal: Civil	2001-2024	14123
High Court: Family Division	2003-2024	2577
High Court: Senior Courts Costs Office	2003-2024	368
Lower Court: Family	2014-2024	933
Employment Appeal Tribunal	2021-2024	378

2-5: BENCHMARK WITH JERSEY

As a comparable jurisdiction benchmark, the free BAILII Case Law Search tool includes JERSEY unreported decisions and law reports but excludes any ISLE OF MAN cases. The observation helps quantify the scale of human rights issues in the Isle of Man such as equality of arms, access to justice and intransigent resistance to 1 free independent appeal mechanism:

https://www.bailii.org/form/search_cases.html

2-6: SEARCH FUNCTIONALITY ISSUE

The search functionality is woefully inadequate.

Claims and judgments are only searchable by case type (SCP etc) or by party.

Civil Summary and Small Claims listings published on **03 Apr 2020 at 17:15**
The information below is believed to be correct as at the date and time above.

Civil Summary & Small Claims procedures								
Date	Time	Reference	Claimant	Defendant	Purpose of Listing	Type of claim (indicative only)	Duration	Presiding Deemster/Judicial Officer
06-Apr-20	09:30	SCP18/0257	Peter-Alan-Douglas-Joughins-Wendy-Jane-Joughin	James-Ronald-Grogan-Sheila-Rosemary-Grogan	Vacated	Case-stated	2-days	Deemster-Roberts
08-Apr-20	12:45	SUM20/0011	Jan-Michael-Abrahams---	Susan-Cramer	Vacated	Possession	10 mins	Deputy-High-Bailiff-Arrowsmith
08-Apr-20	12:55	SUM20/0012	Robert-Paul-Davis---	Stargate-Developments-(rom)-Ltd	Vacated	Possession	10 mins	Deputy-High-Bailiff-Arrowsmith
08-Apr-20	13:05	SUM20/0022	Angela-Heather-Taubitz---	Michael-Murphy-&-Belinda-Murphy	Vacated	Possession	10 mins	Deputy-High-Bailiff-Arrowsmith
14-Apr-20	09:15	SCP18/1011	Clifton-&-Kearnsy-Management-Limited	Richard-David-Bellamy	Vacated	Debt-Recovery	1-day	Deemster-Roberts
14-Apr-20	09:15	SCP19/0011	Swales-Electrical-Limited-t/a-Heistline	STQS-Project-Management-Limited	Vacated	Debt-Recovery	45 mins	Deemster-Roberts
14-Apr-20	10:00	SCP18/1028	Melanie-Smith	Heather-Delany	Vacated	Debt-Recovery	1-day	Deemster-Roberts
15-Apr-20	09:30	SCP19/0127	John-De-Roeck-t/a-Unique-Boutique	Arragon-Constructon-Ltd-	Vacated	Debt-Recovery	1/2-day	Deemster-Roberts
15-Apr-20	10:00	SUM16/0044	Judith-Rachel-Clepton---	Auto-cycle-Union-Ltd	Vacated	Personal-Injury	2-days	Deemster-Needham
15-Apr-20	10:00	SUM16/0044	Judith-Rachel-Clepton---	Auto-cycle-Union-Ltd	Vacated	Case-stated	2-days	Deemster-Needham
15-Apr-20	13:30	SCP19/1060	Richard-Robert-Christian	Department-of-Enterprise	Vacated	Personal-Injury	1-hour	Deemster-Roberts
20-Apr-20	09:15	SCP20/0042	Karen-Gaddy	Martin-Logan	Vacated	Building-Dispute	45 mins	Deemster-Roberts
20-Apr-20	10:00	SCP19/1054	Michelle-Sara-Kennedy	Nicholas-McDonald;-Stephanie-McDonald	Vacated	Debt-Recovery	1-day	Deemster-Roberts
21-Apr-20	09:15	SEP19/0553	Janet-Radcliffe	Melton-Grange-Ltd	Vacated	Landlord-&-Tenant	1-day	Deemster-Roberts
24-Apr-20	10:00	SUM17/0111	Kimberley-Cherie-Anne-Collister	Craig-Richard-Douglas	Case-Management	Personal-Injury	10 mins	Deemster-Needham
24-Apr-20	10:10	SUM17/0121	Onchan-District-Commissioners	Kerry-Louise-Rothwell	Case-Management	Possession	10 mins	Deemster-Needham
24-Apr-20	10:20	ORD19/0017	Richard-Anthony-Lombard-chibnall	Department-Of-Health-And-Social-Care	Case-Management	Damages	20 mins	Deemster-Needham

An online Google search located a document named "civil.pdf" with other useful searchable information:

- (1) listing purpose
- (2) indicative claim type such as:
 - (a) breach of duty/trust
 - (b) building dispute
 - (c) case stated
 - (d) contractual disputes
 - (e) damages
 - (f) debt recovery
 - (g) debt recovery (rates)
 - (h) Inheritance Act claims
 - (i) landlord and tenant
 - (j) personal injury
 - (k) possession
 - (l) wills and estates
- (3) presiding deemster or judicial officer

Effective analysis requires upgraded SEARCH FUNCTIONALITY as per a Freedom of Information request to General Registry #2610257 dated 4th September 2022 (APPENDIX B):

- (1) by standardised claim type
- (2) by legislation
- (3) by legal authority
- (4) by case type such as "appeal", perhaps "further appeal" and "costs order"
- (5) by case with dissenting opinions although that could be produced by automated or manual external analysis of more comprehensive open justice judgments

2-7: LEGAL AUTHORITIES ISSUE

It is clearly important to lawyers to be able to effectively search, shortlist, review and select relevant cases to reference as legal authorities in skeleton legal arguments and other submissions.

Interpretation of such an unexpected and unacceptable situation depends on who made what decisions, how, when and why.

2-8: UNAFFORDABLE FEES ISSUE

A simple interpretation of copy judgment fees could be that printed black and white copies of judgments on low cost pages charged at 60 pence per page without an equivalent free online option is operated on a profit centre basis to offset inadequate budget and to subsidise any internal low productivity issues. It is important to discuss any such policy with an undoubtedly lower total cost with free or with subsidised or with cost recovery basis.

The lack of a free law centre and the lack of pre-action protocols at the very least in the public sector simply shifts higher costs to other parts of the justice system and to other public authorities. A more holistic consideration of total cost would allow the government to significantly decrease total costs.

2-9: ACCESS TO JUSTICE ISSUE

The European Court of Human Rights considers open justice relevant to the right to a fair trial (Article 6). Equality of arms requires that there be a fair balance between the opportunities afforded to the parties involved in litigation. For example, each party should be able to call witnesses and cross-examine the witnesses called by the other party. In some circumstances this may require the provision of financial support to allow a person of limited means to pay for legal representation (Airey v Ireland (App no 6289/73) [1981] ECHR 1).

A public sector whistleblower as a litigant in person deserves respect and absolutely deserves LEGAL AID to rebalance any probability of access to justice.

#WhistleblowerLivesMatter

2-10: EQUALITY OF ARMS ISSUE

Any member of the Isle of Man Law Society or any lawyer at HM Attorney General Chambers has access to legal database services such as Westlaw and Lexis Nexis to filter cases down to only the most relevant cases to research, shortlist and select as legal authorities with high productivity unmatched by a litigant in person.

It follows that a litigant in person requires effective access if not equal access (clearly ironic in an equality tribunal) to the most relevant case law.

It is unclear how the legal database services obtain copy judgments with meta data and with fully searchable text if the same information is not available online at all or at the same cost or at unaffordable cumulative cost to litigants in person.

the injustice victim would estimate that a first time litigant in person needs to allocate up to 10 times the hours of a specialist employment lawyer in HM AG Chambers or in a private sector law firm to achieve the same output with a logically structured timeline, legal points and legal authorities and without extensive evidence gaps backfilled by online research, business as usual requests, disclosure orders, Data Subject Access Request (DSARs), Freedom of Information requests (FOIs) and Access to Government Information requests.

2-11: LEGAL AID ISSUE

Every public authority in effect has access to free unlimited LEGAL AID but without any meaningful merits test and without any meaningful costs management. The separate legal entity HM AG Chambers is illegally funded as a third party by the separate legal entity Treasury to supply legal support (oftentimes illegal iniquitous legal opinions that automatically loses legal privilege but the Isle of Man courts refuse to accept in extreme prejudice to the injustice victimised party).

2-12: CASE MANAGEMENT SYSTEM ISSUE

The claims public register and the judgments public register are both converted from a Microsoft Excel spreadsheet to a read only Adobe Acrobat PDF documents.

The relevant court clerk explained that all case management of public matters and private matters is processed in a Microsoft Excel spreadsheet but that a shift to a case management system is a pending project.

A litigant in person does not have a case management system.

The police already have a case management system.

HM AG Chambers already have the Civica Prescient+ case management system. The system is cloud based and the system functionality already includes remote access to external users.

Law firms already have a case management system.

The courts with responsibility to operate the justice system do not have a case management system.

2-13: CORPORATE GOVERNANCE ISSUES

The unexplained failure to do anything meaningful in any reasonable timeline with a very important civil legal aid report completed in November 2021 by the former HM Attorney General John Quinn undermines reform credibility and lower costs claims. the injustice

victim ended up in a battle to obtain a copy of the report as similar fact evidence to their case but they were blocked by HM AG Chambers and by the [Treasury] Legal Aid Committee.

Equally the injustice victim ended up in a battle to obtain a Freedom of Information response to large payments from HM AG Chambers to a tribunal member in the Dr Ranson case at the same time as HM AG Chambers were the DHSC legal representative. The General Registry does not appear to believe that such perceived issues bring the Isle of Man justice system into international disrepute. The Appointment Commission knows everything the injustice victim knows but failed to act.

2-14: RULE OF LAW ISSUE

Ultimately there appears to be a very real logical risk that an increased number of victims could take the law into their own hands within a generation due to systemic failures in the Isle of Man legal system not present in other comparable jurisdictions and due to social media and anecdotal word of mouth.

3: RECOMMENDATIONS

In order of priority as urgent relief to litigants in person disadvantaged by a very broken system in some cases:

R01: The Chief Registrar should accelerate key process maps for litigants in person and in particular anyone that struggles to visualise the process with thousands of case documents and with thousands of pages of legislation, rules, policies, explanatory notes and reports.

R02: The Chief Registrar should clarify and justify any published policy (or any unpublished policy) on online judgments and compatibility with the open justice legal principle and with the equality of arms legal principle to litigants in person without access to legal support and rightly expected by the UK Privy Council and the European Court of Human Rights. The Chief Registrar should proactively supply any policy or meeting agenda items or relevant documents considered or meeting minutes on online judgments policy with a timeline of policy versions and start dates.

R03: The Chief Registrar should clarify on what basis the very limited judgments were uploaded such as:

- (1) the same case officer
- (2) judgments referenced as a legal authority in other subsequent cases
- (3) judgments referred to the judicial conduct officer
- (4) judgments subject to civil legal aid
- (5) other

R04: The Chief Registrar should clarify how the Westlaw and the Lexis Nexis legal database services obtain copy judgments via the Isle of Man Courts:

- (1) ad hoc fee at the same cost as a litigant in person
- (2) either at a fixed or variable monthly subscription fee

(3) either at no cost or a front-loaded fixed annual cost related to the exclusive contract with Lexis Nexis from 2011 with an implied volume discount

R05: At present, the Employment and Equality Tribunal and Isle of Man Courts disproportionately help legally represented parties. The Chief Registrar should require the maximum number of judgments to be uploaded to the website, the judgments should be machine readable and arrange to reconfigure the judgments.im url to redirect to www.judgments.im url to assist AI and lawtech and other researchers trying to help litigants in person with the present dysfunctional civil legal aid system without a duty advocate rota to allocate legal support in the needlessly short deadlines to wrongfully exclude victims with inadequate financial means.

R06: The claims public register and the judgments public register are a PDF document and appear to be an automatically generated standardised document filename saved each day into a standardised network directory. The same documents should be uploaded to the website on the same update schedule at no additional operational cost to the General Registry. It would mean that any litigant in person outside Douglas, Braddan, Union Mills and Onchan would not have to waste time and money and carbon emissions in line with the government digital transformation strategy and the government climate change policy solely to access an already digital document not available via the digital website or any app.

R07: It is unclear if there are any delays to access the public registers on the 2 desktop computers at peak court times. The Chief Registrar should clarify with anecdotal evidence from the security officers located next to the desktop computers.

R08: The Chief Registrar should explain the divergence from UK best practice that court clerks are legally qualified in the UK but not legally qualified in the Isle of Man as a CORPORATE GOVERNANCE issue.

R09: The Chief Registrar should explain any understanding on why the scale of small claims submitted has decreased so dramatically in a relatively short timeline of legal history even if the COVID 19 pandemic impact is filtered out. It appears to the injustice victim that the implied decrease in access to justice is perhaps explained by:

- (1) unaffordable court fees
- (2) the related unjustifiable court fees with a cost of living crisis
- (3) a collapse in trust and confidence in court processes and an unaffordable rule of law based only on relative financial means
- (4) indifference to public sector evidence non-disclosure issues
- (5) normalised abuse of process such as aggressive applications to strike out despite a clear conflict of facts
- (6) the potential scale of costs risk without any costs management orders to achieve any sense of equality of arms

R10: The Chief Registrar should clarify the maximum age for judicial officers and for tribunal members and the transitional arrangements to include any contractual or similar dementia test requirements.

APPENDIX A: EMAILS

E01: On 5th April 2024 the injustice victim emailed the relevant court clerk:

I note that outrageously blocked judgment.im search results and incomplete content to search are serious issues that have caused serious issues in employment tribunal cases and high court small claim cases, something highlighted in my 2nd appeal.

A brief review of the judgments.im website and the extensive gaps entirely supports the serious issues I have highlighted. Is the previous policy to upload judgments revoked or has the policy been amended to something that allows wrongdoing and a selective rule of law?

On what basis are judgments not uploaded to judgments.im in line with the open justice policy and the access to justice legal principle and the requirement for a litigant in person to identify and cite relevant Isle of Man legal authorities and the lack of access to such legal authorities?

E02: On 8th April 2024 the relevant court clerk explained that the policy had not been amended:

There has been no change to the policy in respect of publishing judgments.

If you are looking for a judgment in a specific case please let me know and we will endeavour to assist.

E03: On 8th April 2024 the injustice victim further explained:

If there is no index to ALL cases/judgments by parties, by legal issues (as per legislation etc), by legal authorities cited, by judicial officers (it is an existing recommendation to look up previous relevant cases/judgments by the same judicial officer but it is impossible to achieve with definitive results), by outcome, by directly linked cases/judgments (appeals, costs orders), etc I do not understand how you believe I am able to itemise the cases/judgments I would wish to consider.

For example, I knew statistically there had to be at least 1 case/judgment that referenced "iniquitous legal advice" or similar. It was impossible to achieve by a litigant in person entitled to rely on legal system best efforts to try to achieve equality of arms and access to justice and justice. I was eventually able to locate a case/judgment but only via a third party.

It is my understanding that costs were ordered against Doug Barrowman in a small claims case for unreasonable conduct a few years ago (it is directly relevant to an unwarranted costs order application against me given I have supplied meticulously documented evidence of blatant corruption by HM AG Chambers) but that his lawyer successfully managed to stop a published judgment despite the open justice policy and human rights legal principle. I think it could have been with Jayne Hughes. Anyway, I'd certainly like a copy of that judgment.

The issue with a high percentage lack of judgments is that it reinforces a clearly unlawful anti-competitive monopoly with access to justice, an Office of Fair Trading matter, exacerbated by the severe civil legal aid issues, a duty advocate system is clearly absolutely required similar to the criminal legal aid scheme, given the unfair 7 days limit to react to a meticulously researched and documented and logically presented appeal dismissed with 1 word "incoherent" and 1 phrase "abuse of process". The irony is that I have highlighted

abuse of process after abuse of process after abuse of process after abuse of process after abuse of process after abuse of process after abuse of process after abuse of process. A broken system does nothing about reported concerns.

E04: On 8th Apr 2024 at 13:17 the injustice victim further explained:

To clarify the "unlawful anti-competitive monopoly with access to justice" issue, the only option in the absence of reasonable access to complete information is a lawyer with what I suspect must be complete information in Lexis Nexis. I note an implied exclusive contract with Lexis Nexis from 2011. If Lexis Nexis have pressured the Isle of Man courts to not upload all judgments in line with open justice as per European Court of Human Rights expectations then such unconstitutional acquiescence to such undue influence and commercially conflicted requests should be disclosed.

On 8th April 2024 the injustice victim further explained the issues and requested clarification on the open justice legal principle and the online judgments policy:

What exactly is the policy to publish judgments in line with the open justice legal principle and ECHR compliance expectations?

Is there a published policy or something in the rules of high court similar to the employment and equality tribunal rules?

If there is an unpublished policy, the relevant UK Supreme Court judgment on an unpublished policy should apply and I hereby formally request the Isle of Man courts to cease and desist opaqueness incompatible with open justice. A litigant in person has no way of knowing if specific requests for specific judgments are trackable by other parties or by parties on behalf of other parties.

<https://www.ft.com/content/f43a2a98-69f4-401b-bb7b-f73c9122d7f5>

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Referring to a 2011 Supreme Court ruling, he added that the Home Office's "operation of an unpublished or 'secret' policy contrary to its published policy has been found to be unlawful in the past".

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In 2011, the Supreme Court ruled that the Home Office unlawfully detained three foreign nationals pending deportation as the actions were carried out in accordance with a "secret policy".

It is my understanding that judgments are only to be redacted or unpublished in specific and limited circumstances such as children in family matters, sexual offences and embarrassing disability issues and a low percentage not the very high percent at present with 100 percent unpublished in some years.

Isle of Man courts are required to "take account" of ECHR compliance expectations and non-compliance judgments.

E05: On 12th April 2024 the relevant court clerk helpfully signposted the injustice victim to what they interpreted as an offline public register of judgments via the Isle of Man Courts public counter:

You can search cases in High Court Civil matters, by party name, free of charge using the court indices available at our public counter. Such search will provide you with the Court

reference number and party names and thereafter, if you require any further information, you can make a request for copy documents under Rule 2.21 and/or 15.18 of the High Court of Justice 2009. Please note that requests made under these Rules will attract photocopying or scanning fees and, in instances where the Courts permission is required, an application fee may also be payable.

APPENDIX B: FREEDOM OF INFORMATION REQUEST #2610257

Freedom of Information request to General Registry #2610257 dated 4th September 2022: Please confirm that the Isle of Man Judgments online service includes all employment tribunal judgments in a specified timeline except ongoing cases and cases exempt from publication.

Please confirm how many case judgments were exempt from publication in each calendar year 2017, 2018, 2019, 2020, 2021 and 2022 to date given brief reference by the chair in one case to another concluded case with disclosure, meta data, concocted documents and expert witness issues that was not published but that appears very relevant (even if only by limited extract) and material to the relevant case and other recent and ongoing cases with exactly the same issues.

Please confirm that dissenting opinions are a mechanism and reason for 3 person employment tribunals as per England and Wales and that such dissenting opinions should be properly included in judgments given a keyword search on "dissent" with 36 results includes 0 results re employment tribunals. The clear statistically implausible implication is that every single employment tribunal has unanimously agreed a decision without any examples of dissenting opinion.

On 9th September 2022 the injustice victim explained further: Specifically employment tribunals not any other case types. Ideally month by month and then with itemised case reference numbers in 20/152 yy/nnn format and then with parties.

I have not been able to find even 1 example of a dissenting opinion included in an employment tribunal judgment in the entire year range included in the online judgments system and it implies that the Isle of Man employment tribunal process has diverged significantly from UK Ministry of Justice expectations. The most important aspects of tribunal prehearings and hearings are largely undocumented despite the duty to ensure equality of arms and that unequivocally and significantly disadvantages any litigant in person against the overwhelming resources of HM AG chambers with or without the alarming coincidence of ethical conduct concerns expressed independently in a large number and a high percentage of public sector whistleblowing cases and it is important to understand what if any dissenting opinions were expressed rather than misleadingly present every judgment as a unanimous decision of all 3 panel members. The complete absence of any dissenting opinions in perhaps 20+ years indicates a groupthink issue and that more diverse panel members or perhaps 5 panel members may now be required in the Isle of Man.

On 3rd October 2022 the injustice victim received the following response to question #1:

Provisions regarding the publication of the judgments of the Employment and Equality Tribunal are made within the Employment and Equality Tribunal Rules 2018 (“the Rules”), which provide for the maintenance of a publically accessible Register (“the Register”). The Register is to contain various prescribed information and documents, including judgments, in relation to proceedings before the Tribunal. The Rules also provide that all or part of the Register may be published on a website.

The term “judgment” is defined at Rule 29(1)(a) of the Rules as meaning “a final determination of the proceedings or of a particular issue in those proceedings”.

The Rules do contain provision precluding the publishing of information on the Register in terms of:

Rule 34(4) – provides that written reasons for a judgment must be omitted in any case in which evidence has been heard in private and the Tribunal or Chairperson so orders.

Rule 34(5) – provides that “The Tribunal, the Chairperson or the Clerk must omit from the Register, or delete from the Register or any judgment, document or record of the proceedings which is available to the public, any matter which is likely to lead members of the public to identify –

(a) any person affected by or making an allegation of the commission of a sexual offence;

(b) any child or young person who is a party to, or gave evidence in, the proceedings; or

(c) any person with a disability, in respect of whom evidence of an intimate and significantly embarrassing nature was heard.”

There are also certain provisions with regards to proceedings concerning National Security.

In addition, the publication of a judgment may be delayed where a party successfully applies to the Tribunal on the basis that there is either an application for a review of the Tribunal’s judgment, or an appeal in respect of such to the Island’s High Court.

Subject to the above provisions, Isle of Man Judgments Online does indeed contain all of the Tribunal judgments since November 2006, which was when the Tribunal’s Centralised Administration was established.

On 3rd October 2022 the injustice victim received the following response to question #3: In accordance with Rule 29 (5) of the Rules “Any order or judgment of the Tribunal may be made or issued by a majority”, however majority decisions of the Tribunal are extremely rare. In the event that such a judgment were to be reached then it is considered good practice for the views of the dissenting member to be set out within the judgment.

One such judgement can be viewed at

<https://www.judgments.im/content/ET%2013-05%20various-bus-drivers-v-the-department-of-community-culture-and-leisure%20small.pdf>

On 4th October 2022 the injustice victim received additional information:

*Regarding the Google search. Under the advice of the ICO we ported all tribunal decisions to the Judgments Online website. This was done to allow us to prevent haphazard internet search engine enquiries made against an individual's name returning results that may indicate (with little examination of the actual data) that they were a party to the tribunal (it all came to light from an Employment Tribunal formally filed on the Gov.im website, General Registry page) and this could form part of the job application searches made by a prospective employer. The ICO did not like this and **we moved all Tribunal decisions and added some trick coding that tries to prevent search engines from searching the decisions on the Judgements Online site**. It's not perfect, but seems to work for the well-known search engines like Google and that change made satisfied the ICO.*

On 2nd May 2023 the injustice victim updated the tribunals manager that the ICO fully rejected any explanation contrary to the open justice legal principle and the EU GDPR open justice exemption:

The Information Commissioner has now confirmed that:

- *all notices issued by the Commissioner have been published on the official website*
- *no enforcement notice has been given to General Registry since the Applied GDPR came into effect on 1 August 2018*
- *no such notices existed prior to that date*

On 17th July 2023 the tribunals manager indicated relative indifference to EQUALITY OF ARMS and any sense of urgency to injustice victims:

I have now had the chance to liaise with a couple of my colleagues who have more knowledge in this area. We appreciate your comments and concerns and plan to build on your specific concerns surrounding Search Engines as we currently progress with our changing systems. We are working on a new Courts Management System and subsequently changes to our judgements online function. That said, we feel that we covered all that we are able to in our email to you in October 2022.

We understand your frustrations but hopefully our improved systems will assist all users greatly, I'm sorry that we couldn't be of more help to you on this subject.

The injustice victim is unaware of any significant upgrades to percentage uploaded content or to search functionality since extensive emails in late 2022 and mid 2023 and we are now in mid 2024. The injustice victim has very clearly suffered extreme prejudice to their case research and submissions as a direct result.