



Association of McKenzie Friends

voluntary public interest advocacy

www.mckenzie-friends.co.uk

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19 February 2014

Application for Leave to Appeal

GLORIA MUSA

2012/ 04509 C3

CHIWAR JOSEPH MUSA

2012/ 04506

WITNESS STATEMENT

I GENERAL OBSERVATIONS

- 1) McKenzie Friends have been helping the Musas before and during their imprisonment on various levels of assistance, ranging from accompanying them to the Police Station, to courts and the preparation of documents. This includes communications with the Nigerian Embassy and Members of the UK and Nigerian Parliament.
- 2) Assistance also included the search for lawyers able and willing to help this couple whose sixth and seventh child are supposed to be set free for adoption on 19th March 2014. The two youngest children were taken at birth, without proper justification and despite [Sir James Munby's judgement of 2003](#)¹.
- 3) This hearing date happens to coincide with the Association presenting the petition to [Abolish Adoptions without Parental Consent](#)² to the EU Petitions Committee in Brussels, together with four individual petitions by foreign mothers in the UK, whose children were taken by different Councils.
- 4) The need to assist the family arose due to the initial snatch of their five children by Haringey Police without any paper work – impossible to understand by anybody, let alone a Nigerian couple on a Christian mission to the UK: Bishop Gloria Musa was an [inspired preacher](#)³ and Joseph Musa an Apostle and PR consultant.
- 5) The shift from secret family proceedings with over 20 Lever Arch files to a public criminal trial was monitored by many supporters and members of the Association.
- 6) During the 7-week criminal trial, the support gallery was always full. Thus there is a body of knowledge and observation that we hope will assist the Court in reaching its decision regarding leave to appeal.
- 7) As Voluntary Public Interest Advocates, we don't charge for our help. However, in our view it would be advisable to have McKenzie Friends associated with every law firm – hoping that this will improve the ethics behind their practices that seem to mainly want to benefit from the 'public gravy train'.
- 8) On behalf of "the people at the back of the court" at the hearing on 12 February 2014, we are now making these submissions.

¹ <http://www.bailii.org/ew/cases/EWHC/Admin/2003/850.html>

² <http://www.change.org/petitions/eu-parliament-abolish-adoptions-without-parental-consent>

³ http://www.youtube.com/watch?v=BrO3g_zvljw

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II PRINCIPLES of JUSTICE and LAW

- 9) A simple [Google search](#)⁴ reveals that HHJ James Patrick is an ordained priest. Hence he should have been automatically disqualified due to conflicts of interest.
- a) The authority is the attached case R v Bow Street Metropolitan Stipendiary Magistrate exp Pinochet (2000i) 1AC [Evidence 1]
- 10) HHJ Patrick is also a co-founding member of the [Marriage Foundation](#)⁵ with 34 other named judges as 'Founding Supporters'.
- a) As a minimum, we believe that this constitutes a real danger of an automatic bias, even if no specific application had been made for Judge Patrick to recuse himself.
- b) In any event, the attached email was sent to the defence team on the evening before the judgement, after a telephone conversation. [Evidence 2]
- 11) During the trial it was revealed to supporters that the jury was not randomly selected but hand picked. This information came from court staff whose identity we need to protect.
- a) Furthermore, Gloria Musa recognised one of the jury members to be a Social Worker of Barnet Council. Her request to have her removed was ignored, as court records would confirm.
- b) The authority about Jury Bias is the attached Supreme Court case R v Abdroikov (2007) 1WLR. [Evidence 3]
- c) The Jury did not include a single person of the defendants' ethnicity. And all in the public gallery noted how the foreman who seemed to be the youngest person was smiling broadly as she delivered the criminal verdicts on all 6 counts. She also turned up with a gentleman for sentencing.
- d) The account of veteran McKenzie Friend Maurice J Kirk BVSc can be found on [Musa Parents Foundy Guilty of Child Cruelty](#)⁶.

III THE WORST of all CHILD SNATCHING CASES

- 12) 'Child snatching' and child 'protection' system are the terms that Christopher Booker uses in his regular column in The Telegraph. About the Musa case alone he wrote [14 articles](#)⁷.
- 13) McKenzie Friends have assisted the Musas since their first 5 children were taken in April 2010. They take the view that their case is the worst of all cases: 1,000 children a month are taken from their birth parents against the will of their parents and [children are screaming to be heard](#)⁸.
- 14) The case is worst especially since the 6th child was violently removed at birth, from a hospital where the mother had paid for her treatment. She was left unconscious and continues to suffer from the rough handling she was subjected to which her husband describes as attempted murder.
- 15) The case is also worst due to falsified Police reports regarding bail appointments where supporters attended. The defendants were also not able to get their papers returned from their solicitors, despite help by supporters.
- 16) Recent research focusing on [non-UK Kids in Care](#)⁹ revealed that Croydon alone accounts for over 1,118 children of foreign nationals. But hardly any council informs the responsible embassy or consulate.

⁴ <https://www.google.co.uk/webhp?sourceid=chrome-instant&ie=UTF-8#hl=en&q=hhj%20james%20patrick>

⁵ <http://www.marriagefoundation.org.uk/Web/Content/Default.aspx?Content=405>

⁶ <http://kirkflyingvet.com/blogs/legal/archive/2012/07/03/musa-jury-are-out.aspx>

⁷ <http://gloriamusa.wordpress.com/public-support/booker-articles/>

⁸ <http://www.childrenscreamingtobeheard.com/>

⁹ https://www.academia.edu/5709931/Non_UK_kids_in_care_report

- 17) In official Social Services meetings and secret family courts, the following international agreements that are in force, are routinely being ignored:
- the [UN Convention on the Rights of the Child](#)¹⁰;
 - the [Vienna Convention on Consular Relations](#)¹¹;
 - and [European Convention on Human Rights](#)¹², especially relating to Articles 6, 8 and 10.
- 18) At the end of a week-long protest outside Downing Street by the largest campaigning group [Stolen Children of the UK](#)¹³ [S.C.O.T. UK], a petition was lodged before the House of Commons: [Children Placed in Foster Care](#)¹⁴ – without any response so far.
- 19) [Statistics](#)¹⁵ about children in care are atrocious and McKenzie Friends have observed multi-generational abuse in ‘care’. It must be interpreted as a deliberate destruction of society.
- 20) Compared with other countries, the [UK is unique](#)¹⁶ in the following aspects:
- The UK is the ONLY State in the WORLD that gags parents whose children have been taken by Social Services, i.e. threatens with prison if they dare to complain about their pain. And these threats are enforced. Some 200 parents a year at least.
 - The UK is the ONLY State in Europe (except Croatia and possibly Portugal) to permit the horror of [forced adoption](#)¹⁷.
 - The UK is the ONLY State in Europe to allow [Punishment without Crime](#)¹⁸ i.e. the taking of children by Social Services from parents who have not committed any criminal offence.
 - The UK is the ONLY State in Europe taking children for “emotional abuse” and worse still “risk of emotional abuse” – on the basis of predictions from overpaid ‘experts’ that one day parents just might harm their children. [A commissioned report](#)¹⁹ revealed that 20% are not even qualified.
 - The UK is the ONLY State in Europe to censor conversations between parents and children in care. Children are left wondering what they have done wrong, as parents are forbidden to explain the situation, or discuss the court case in any way. Phrases such as “*I love you and I miss you*” are also forbidden under the threat of contact being stopped immediately if the parents “transgress.” Children naturally begin to think their parents might not love them or want them back any more.
- 21) Like thousands of foreign and national parents, the Appellants were punished without having committed any crime, by having been separated from their children.
- 22) They have endured appalling contact conditions to see them and finally were imprisoned when Gloria Musa overheard Sir Nicholas Wall saying “*they must not get bail.*” Since then they have not seen their children at all, even though Social Services are obliged to ensure contact.
- 23) In addition to the criminal trial as a gross miscarriage of justice, the prison conditions have been completely uncondusive to advancing any legal proceedings as Litigants in Person concerning the family matters.

¹⁰ <http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/>

¹¹ http://en.wikipedia.org/wiki/Vienna_Convention_on_Consular_Relations

¹² http://en.wikipedia.org/wiki/European_Convention_on_Human_Rights

¹³ <https://www.facebook.com/groups/scotuk/?fref=ts>

¹⁴ <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130903/petnindx/130903-x.htm>

¹⁵ <http://punishmentwithoutcrime.wordpress.com/about/statistics/>

¹⁶ <http://punishmentwithoutcrime.wordpress.com/about/this-is-the-situation/whats-unique-in-the-uk/>

¹⁷ <http://www.forcedadoption.com/>

¹⁸ <http://punishmentwithoutcrime.wordpress.com/>

¹⁹ <http://www.channel4.com/news/how-competent-are-expert-witnesses>

24) This observation applies to many prisoners the *Associaion of McKenzie Friends* has been supporting. It is therefore felt that the Court should direct the presence of the Defendants to be arranged, for justice supposedly seen to be done.

IV PARTICULAR DETAILS CONCERNING SOME of the FABRICATED ALLEGATIONS

25) Alleged accusations regarding supposed abuse:

- a) The most damning evidence was never examined graphologically and subsequently 'lost' by Haringey Police: the initial letter of accusation, supposedly written by the oldest daughter.
- b) The supposed destruction of evidence also meant that the official story of the letter having been thrown out of a window could not be tested.
- c) Strangely, all medical records held by Barnet Council, where the family was living before, also went 'missing', where the local health visitor had always been positive and never expressed any concerns.
- d) The Court will have received a new submission questioning and contradicting the medical evidence that Haringey Council based their accusations upon.
 - i) The sixth child born on 11/06/2010 was removed from her mother at birth. She remained with a foster carer for 7 months and during that time had to be taken to hospital on 2 - 3 occasions, for ill health. Neither the reasons nor the symptoms have been revealed so far. Suspicions therefore remain to be cleared up regarding the allegations and her negative reaction to her 1 year immunisation booster.
 - ii) At 7 months a sickly child, she was returned to her mother because she would not "thrive". This is not the procedure of a council that believes the mother to be a danger to her children.
 - iii) CCTV footage for St Thomas's Hospital would have been sufficient in proving the length of time Chiwar Musa left the hospital (the accusation being that he had gone all the way back to his flat in Tottenham to destroy evidence).
 - iv) Chiwar Musa recorded the goings on in the hospital, being worried about medical staff falsifying evidence, as 5 children had been taken into care by Haringey at that time. This recording was seized by the police and never seen again.
- e) Following their removal into care, the 3 elder children were interviewed for 2-3 days. Sarah the youngest was too young to be coherent and Abraham said that he had never been hit. They made general accusations that Gloria Musa smacked them with her hand and hit them with the cord of a phone charger.
- f) The next 2 interviews 18 months and 2 years later when the children had been in foster care continually, punishments had accelerated to being locked in a wardrobe, being dangled over a balcony by the feet and being hit with a broom handle. The physical evidence could clarify that the children had not been beaten or assaulted as alleged, discrediting the initial alleged punishments the eldest two children made these allegations against their mother.

26) During a contact session, the eldest daughter Favour reported inappropriate behaviour by the son of the foster parents. This was the last time the parents have seen her.

27) The second oldest daughter Tabitha reported that she and her sister were taken to dark places where there were only men.

28) The then 5– or 6-year old son Abraham asked his mother in a contact session: "*Mummy, what is paedophilia?*" He is reported to have run away from his foster parents three times.

- 29) The seventh child was taken from the mother at birth in prison where her cell was sprayed such that she was knocked unconscious. Surely there was no way of abusing a baby whose right to be breast fed was violated – contrary to the judgement of Sir James Munby in 2003.
- 30) In the spirit of the [Munby Reforms](#)²⁰, the Court could also consider the judgement that resulted in the Daily Mail headline [UK Courts must not decide the fate of foreign children, says top judge](#)²¹.

V THE PATTERNS THAT CONNECT CHILD SNATCHING CASES

- 31) Children, especially of foreigners, are being snatched by Local Councils in the following manner:
- Schools, hospitals and housing services are used as ‘honey traps’ where Social Services become aware of vulnerable parents and children. In the Musa case, [CARIS](#)²² was the trap which included actress Michelle Collins who was used by Haringey for PR purposes after the wrong judgement.
 - With the aid of Police, they are being physically removed – generally without any paperwork.
 - Police Forces admitted to the [falsification of criminal statistics](#)²³ before the Justice Select Committee on 19 November 2013, especially when they relate to rape and sexual abuse cases.
 - Subsequent allegations are fabricated to justify the removal and to keep parents busy with contact arrangements and court procedures, thereby generally ruining their marriages, jobs, financial and housing situations. An example is the Slovak Boor family whose two sons were [returned after 920 days](#)²⁴ and major demonstrations outside the UK Embassy in Bratislava as well as TV and press coverage.
 - Should parents resist any of the conditions and restrictions imposed, they risk being criminalised with the ultimate aim of deporting the parents and keeping the children. This explains the many cases listed for ‘disposal’.
 - Harriet Harman MP admitted in Parliament in 2006 that [200 parents a year are imprisoned](#)²⁵ in the privacy and secrecy of family courts.
- 32) Social Workers invent the wildest of lies and allegations. In 84 of 100 parents asked by [Stolen Children in the UK \[S.C.O.T. UK\]](#)²⁶, their children were taken due to “*risk of future emotional harm.*”
- 33) Every criminal court operates on the basis of ‘innocent until proven guilty’. But family courts rely on hearsay and are based on the balance of probabilities. Comparatively few cases result in criminal proceedings such as the Musas’. The real victims are the children whose wishes should be heard in an open, fair and appropriate manner.

VI CONCLUSION

- 34) It is hoped that Sir Brian Leveson on a panel of three judges will not only grant leave for appeal, but also recognise the importance of justice seen to be done – especially as [International Concerns about UK Law](#)²⁷ have been expressed by 59 representatives of over 30 embassies and consulates - and in the case of a certain Council that has a particularly bad track record.

²⁰ <http://pedrofamily.wordpress.com/encouraging-munby-quotes/>

²¹ <http://www.dailymail.co.uk/news/article-2539601/UK-courts-not-decide-fate-foreign-children-says-judge.html>

²² <http://www.carisharingey.org.uk/>

²³ <http://victims-unite.net/2013/11/19/cuffing-nodding-skewing-stitching-ways-of-falsifying-crime-statistics/>

²⁴ <http://victims-unite.net/2013/01/01/the-plane-landed-the-2-slovak-boys-are-back-after-920-days-in-captivity/>

²⁵ <http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060613/debtext/60613-0003.htm>

²⁶ <https://www.facebook.com/groups/scotuk/>

²⁷ <http://www.parliament.uk/edm/2013-14/345>

- 35) McKenzie Friends have observed that Local Councils prefer to commit crimes, to cover up crimes, than to admit to being guilty.
- 36) In the event that the Court should find it just to grant leave to appeal, the *Association of McKenzie Friends* would gladly offer any assistance for future investigations and recommendations.

For further information, please visit:

A Nigerian Family – destroyed by Haringey Council – Gagged from Reporting:

www.gloriamusa.wordpress.com > 64,000 visits since July 2011

FREE the Musas and send the Whole Family back Home to Nigeria!

> 500 signatures and > 8,000 views.

<http://www.gopetition.com/petitions/send-the-musa-family-back-home-to-nigeria-with-their.html>

Forced Adoption: www.forced-adoption.com – by the former local councillor in Kent and veteran observer Ian Josephs in Monaco – with law degree from Oxford

Punishment without Crime: www.punishmentwithoutcrime.wordpress.com

> 38,000 visits since April 2012

Abolish Adoptions without Parental Consent – petition to be presented on 19th March 2014 in Brussels:

<http://www.change.org/petitions/eu-parliament-abolish-adoptions-without-parental-consent>

Dossier of online Evidence:

https://docs.google.com/document/d/1NCF_XdMTNhnf947eniZ3SocOWyJ5CI6pramw4iOPY9c/edit?usp=sharing

Evidence 1: Regina v Bow Street Metropolitan Stipendiary Magistrate and Other, Ex part Pinoche Ugarte (No. 2)

Evidence 2: R v Abdroikov (2007) 1WLR

Evidence 3: Email of Sunday 1 July 2012 to the defence team