



“ASSEVERATION”

NOTICE & LAWFUL DECLARATION

In the matter of the question as to: The lawful authority of the I-I Findings Commission to; (a) raise ‘Asseverations’ (‘FCA’s’) in documented form according to existing positive law; (b) as to the inherent lawful authority and jurisdiction of any such I-I FCA documents and the consequent obligations on 3rd parties; (c) as to the Constitutional scope and/or limits of the I-I Association to deal variously with civil and criminal matters; and (d) as to its standing as a ‘competent domestic tribunal’ as per the stated definitions of the European Court of Justice.

This matter being brought to the Integrity Ireland Findings Commission (‘I-IFC’) for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law; and (iii) as per the respective rights, authorities and jurisdiction granted under the Irish Constitution, the Integrity Ireland Association hereby finds as follows:

1. The Integrity Ireland Association (‘I-I’) was registered in 2012 as, “An Unincorporated Association under C.R.O. Class 45: The provision of information services pertaining to citizens rights”. Inasmuch as the raising of FCA documents by the I-IFC aligns with this purpose, then the I-I Association is clearly permitted under existing Irish law to do so.
2. Inasmuch as any FCA documents published by the I-I Association accurately refer to existing positive (written) law in strict order of precedence (as per the grounding ‘QTC 3’ Notice of March 2020 as referenced hereunder) then the contents of any such FCA’s maintain their inherent jurisdiction as literal transpositions of existing positive law, with the corresponding obligations on 3rd parties to respect, and comply with the same.
3. That Irish domestic law expressly provides for the functions of the I-I Association and its Findings Commission in alignment with the following Articles of the Irish Constitution:

“Article 40.6.1. The State guarantees liberty for the exercise of the following rights, subject to public order and morality: (i) The right of the citizens to express freely their convictions and opinions. (ii) The right of the citizens to assemble peaceably and without arms. (iii) The right of the citizens to form associations and unions.”

“Article 37.1. Nothing in this Constitution shall operate to invalidate the exercise of limited functions and powers of a judicial nature, in matters other than criminal matters, by any person or body of persons duly authorised by law to exercise such functions and powers, notwithstanding that such person or such body of persons is not a judge or a court appointed or established as such under this Constitution.

4. That the following listed publications are quoted as ‘grounding documents’ for the work of the I-I Findings Commission, and which publications establish beyond any doubt that other than ‘on paper’ and in theory, that the Rule of Law does not effectively

exist at this time in any reliable, equitable or consistent form in the Irish State. That; (i) the organs of State; (ii) numerous named officials and senior office holders; and (iii) the Irish domestic courts in particular have, over a period of many years proven themselves individually-and-specifically and/or generally-and-collectively, entirely, “*inadequate in securing the effective administration of justice*” and in applying the Rule of Law.

- CRIMINALITY IN THE IRISH COURTS – and the absence of the Rule of Law. ISBN: 978-1-906628-88-8
- INDICTMENT - & Petition for a Public Enquiry into State-Sponsored Criminality in Ireland & the case for the establishment of The Peoples Tribunal of Ireland according to the Rule of Law. ISBN: 978-1-906628-93-2

5. That concomitant with the said absence of the Rule of Law are multiple violations of inalienable and fundamental human rights – most notably the right to access justice. That no State or government can lawfully deny or refuse these inalienable human rights.

6. That the existence of the Rule of Law is a prerequisite and a condition of membership of; (i) the United Nations; (ii) The European Union; and (iii) the Council of Europe. That Ireland remains in express and recurrent breach, and open violation of those conditions.

7. That in the absence of any legitimate ‘competent domestic tribunals’ or organs of State that adhere to the Rule of Law in this State, that it is incumbent upon the Irish people to provide for the same in whatever lawful manner is possible, or available, in order to properly preserve and secure their fundamental and inalienable rights.

8. Given that the I-I Findings Commission adheres to written positive law in strict order of precedence for the purposes of ‘providing legal certainty’ in documented form according to the Rule of Law; the Commission therefore meets the criteria laid out by the European Court of Justice in Cases C-54/96 (of 1977) & C-196/09 (of 2011) to be recognised as a legitimate, functioning “competent domestic tribunal” inasmuch as the I-I Findings Commission is: (i) Independent. (ii) It is established by law. (iii) It is permanent. (iv) Its jurisdiction is compulsory (inasmuch as written, positive law has inherent compulsory jurisdiction). (v) It uses *inter-partes* (two or more parties) procedures (when such is necessary or required). (vi) It applies rules of law.

9. In respect of criminal matters: That notwithstanding the arguments and proofs in the afore-listed publications that question the fundamental legitimacy, standing and competence of the Irish domestic courts; it remains lawful for ‘any person’ agent or individual who is resident in the Irish State to avail of *Section 10 of the Petty Sessions (Ireland) Act 1851* to initiate and pursue private criminal prosecutions in their own name and/or in the name of any other resident(s), via the Irish domestic District Courts.

10. The Irish Constitution further provides for the lawful setting up of ‘special courts’ that are NOT subject to the provisions of Articles 34 & 35 [the criteria for the ‘ordinary courts’ and the qualifications, conditions, powers and jurisdiction of the judges who serve there] in circumstances where it can be demonstrated that, “*the ordinary courts are inadequate to secure the effective administration of justice*” which status is very clearly established in the aforesaid grounding publications.


“Article 38.3.(i) *Special courts may be established by law for the trial of offences in cases where it may be determined in accordance with such law that the ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order.*

11. Furthermore, **Article 38.6.** makes a specific point of excluding ‘special courts’ and ‘military tribunals’ from the same operating criteria as the five ‘ordinary courts’, thus effectively exempting any such assigned ‘judges, tribunal officers and/or adjudicators’ from the Constitutional requirements and conditions of Office that apply to sitting judges of the five ‘ordinary courts’ stating: *“The provisions of Articles 34 and 35 of this Constitution shall not apply to any court or tribunal set up under section 3 [special courts] or section 4 [military tribunals] of this Article.”* This makes further allowance for the potential lawful assignment of the term ‘Special Court’ to any other lawful body that has been specially convened ‘by law’ for the purposes of dealing with criminal matters – inclusive of the same powers and jurisdiction assigned by the law and the Constitution in circumstances whereby it has indeed been established; (a) by the aforesaid grounding publications and the evidence contained therein; and (b) by **Article 38.3(i)**; that, *“the ordinary courts are inadequate to secure the effective administration of justice..”*

Finding / Determination:

1. The Integrity Ireland Association is a lawfully-registered entity authorised to *“provide information services pertaining to citizens rights”* with the scope to provide ‘legal certainty’ in documented form, according to written positive law.
2. Inasmuch as it complies with the requirements of the same, the I-I Findings Commission qualifies as a ‘competent domestic tribunal’ in the terms described by the European Courts of Justice in Cases C-54/96 (of 1977) & C-196/09 (of 2011).
3. The Integrity Ireland Association is further endowed by the Irish Constitution, via Articles 37.1 and Article 40.6.1.(i) (ii) & (iii) to, *“exercise limited functions and powers of a judicial nature, in matters other than criminal matters.”*
4. ‘Any person’ resident in the Irish State including members of the Integrity Ireland Association may avail of existing domestic laws to initiate and pursue ‘common informer’ criminal prosecutions as against any other person in the domestic District Courts, under *Section 10 of the Petty Sessions (Ireland) Act 1851.*
5. Under the terms of Articles 38.3.1.(i) & (ii) and 38.6. of the Irish Constitution, and subject to its adherence to the operational protocols and procedures required by law, the Integrity Ireland Association and/or any discrete operational aspect of the same such as the I-I Findings Commission or any similar investigative tribunal, further qualifies as a ‘special court’ complete with the Constitutional powers, authorities, jurisdiction and third-party obligations that accrue therefrom.

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Date of	30.07.2020	Commission	JH/NM/WN/KD/SM/CSM/JM



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