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An open letter to the Lord Chief Justice of England and Wales
regarding
blatant corruption in the Birmingham High Court and misconduct of the JCIO
perverting the fair hearing of market manipulation lawsuits against investment banks.

Dear Lord Thomas,

I write to you, perhaps as the legal authority of last resort, to beg for your intervention. I believe these are your words, '*...although those who perpetrate the offence of (insider dealing) may hope, if caught, to escape route regulatory proceedings, they can have no legitimate expectation of avoiding prosecution and sentence".*

I hope the lack of context does not yield a misrepresentation - if not it appears to me that your authority is moral as much as it is formal. As I hope to prove below, it is time to impose that authority to correct an injustice, not merely to me, but to society at large.

What I ask for is not a change in the system, but discipline against three individuals whose misconduct is indisputably patent, who have collectively countenanced the ongoing fraud of market manipulation to this day. Without such discipline the world will rightly hold our legal system in contempt, and Britain will be seen as bandit territory in which one cannot do honest business.

Background

I have conducted civil claims for market manipulation of precious metal prices against the major bullion trading banks since early 2014 – particularly Deutsche Bank. This began when I read that Deutsche Bank were investigated for gold price manipulation by BaFin, the German regulator, resulting in DB quitting their chair at the London Bullion Market Association (LBMA), without explanation. I had already studied the precious metal market from 2011 to 2014, as I had been forced to sell bullion during that period to cover basic bills. For lack of diversified savings I was in the unfortunate position of having to sell into a market that I held to be suppressed. Deutsche Bank sent correspondence to me that appeared to contradict a press release they made to Reuters in June 2014 – the internal gold trading audit they told Reuters they were running was a specious bit of spin doctoring to appease the market when the regulator spotlight was upon them.

During 2015 the FCA, amongst other regulators worldwide, established universal techniques of market manipulation and documented them in the FCA reports for Libor and FX manipulation, such was posted on the FCA website against HSBC. In September 2015, Bloomberg reported that UBS, one of the defendants I am suing, had confessed to precious metal price manipulation to the US DoJ. It had confessed in return for immunity, which implies that in its confession it blew the whistle on its fellow conspirators.

The first German Lawsuit

Living in Germany, and having bought and sold bullion to Deutsche Bank, it seemed to make sense to me to bring the issue of DB's misleading correspondence to the German regulator and the German courts, and so I sued Jürgen Fitschen, the former CEO of Deutsche Bank for market manipulation. The judge in that lawsuit, Frau Lorenz, allowed Herr Fitschen's lawyer to conduct his defence in the oral hearing without Fitschen having to turn up for that hearing. The

judge also ignored the correspondence from Deutsche Bank without comment. Note that in the German system, judges act as inquisitors and should be curious enough to probe the evidence. The German lawsuit did not go well, and I had did not have the German language skills to conduct an appeal. Both BaFin and BaFin's former executive Elke Konig were informed of the evidence I had that demonstrated that DB's audit was fake, but no party would comment. It appears that BaFin's executive are whitewashing their own field agents' investigations as can be seen in the BaFin report against Anshu Jain for Libor manipulation which was kept out of the hands of the Bundesbank, a clear breach of BaFin's duties.

The first UK lawsuit via a European Small Claims Procedure (ESCP).

According to EU competition law, anticompetitive practices by any party in the EU can be litigated in any member state of the EU according to local competition laws, so I returned to England. A few months prior to my exit from Germany I used a little known procedure for small claims in one member state against defendants in another state – the ESCP. As is demonstrable in the emails from HSBC and the correspondence from the court, the Royal Courts of Justice served only half the relevant documents on HSBC, specifically it failed to deliver the particulars of the claim. Crucially the courts did not serve Deutsche Bank, a co-defendant, even though the key evidence was something that Deutsche Bank alone could address. Furthermore the courts failed to communicate basic matters to me, such as the progress of the claim or fees involved, even when I sent half a dozen emails to the courts asking what I owed. HSBC's counsel confirmed in court my assertions that it was the court that failed to implement the ESCP, rather than any litigating party failing to do their duty. (The brief was made in the hearing presided by Judge Haddon Cave).

The second UK lawsuit, judged by Simon Brown QC on the 16th July 2015: ref B40BM021

I initiated a major lawsuit against the bullion trading banks early in 2015, which eventually yielded a hearing in the summer that year. The first defendant was Anshu Jain, who was then a CEO of Deutsche Bank, but who has subsequently resigned his post following Deutsche Bank's losses for litigation costs. Just before the hearing Jain was accused by BaFin field agents of providing the Bundesbank with fake interbank lending indices – that is, he was personally instrumental in distorting German and EU economic policy. I correctly guessed that he provided the Bundesbank with understated lending costs – that Deutsche Bank's solvency issues were more severe than he was saying and so any audits led by Jain must be faked on his orders. You cannot have an honest audit producing fake statistics. I issued notices to admit facts before the hearing, to clarify whether Deutsche Bank had misled investigators during their probes (as the FCA alleged), and also to clarify whether Deutsche Bank under Jain had understated its solvency issues (in the form of understated Libor rates to the Bundesbank). These were deemed as vexatious by Judge Simon Brown and were used as reason to issue a civil restraining order against me. The day after the hearing the Wall Street Journal published the BaFin report and exposed that Libor rates were understated, as I had inferred. My demand to cross examine the defendants - defendants who had issued an oral strike out hearing against me - was also deemed vexatious. Are we to take this as a precedent for future civil litigation, where any reference to a fraudster's past misconduct is inadmissible? Or that people who ask for an oral hearing need not turn up for it and expect to win. Defendants were allowed to get away with a bare denial and non-attendance of the oral hearing they applied for. The judge at the start of the hearing told the court that he had read everything, and in the verdict revealed that the key evidence was missing. The judge waited until the hearing had started to tell me that no witnesses need turn up. At the end of the hearing I told the judge I would be appealing his decision, appealing his refusal to grant me permission to appeal, and appealing the restraining order against me. He was quite obviously a bent judge.

The second hearing of the Birmingham lawsuit judged by Lord Charles Haddon-Cave.

During the pursuit of staying costs for the appeal, the effect of the restraining order against me was to make it impossible to stay costs without having to contest the validity of the CRO at the same time. On advice from a judge, officials at the Birmingham High Court advised me to set aside the CRO. When I attempted this course I put the reasons for the appeal in the set aside application, but Judge McKenna who was assigned to the judgement ruled that the set aside application was 'misconceived' because it overlapped the jurisdiction of the Court of Appeal. While this circuit of reasoning may have had its merits, UBS's confession emerged, and it was obvious at least this one of the defendants had protested its innocence in its defence documents and in the July hearing while telling the DoJ an entirely different story – indisputable perjury. Since it was whistle-blowing, and the other defendants had a history of collusion with UBS in market manipulation, it made sense to accuse all defendants of perjury. I thus asked the court to vary its judgement in light of the new evidence which was adduced in the application to vary McKenna's judgement. Judge McKenna subsequently allowed an oral hearing for this new application. The hearing was sat by Judge Haddon-Cave. *No defendant turned up for court with a witness statement.* When the hearing began the first thing I did, perhaps superfluously, was to ask the judge permission to give a preliminary paragraph, to which he agreed, and I simply stated that no defendant had turned up for court with a signed belief statement, and that counsel were thus not giving a pleading of their clients, but an opinion of counsel divorced from liability. I wanted to thus continue that that their defences were inadmissible, the allegations of perjury thus legally uncontested, and so the validity of the July hearing completely perverted by defendants who committed obvious perjury to effect a strike-out of something to which one of their number had confessed and implicated the others in the confession. Judge Haddon Cave in that hearing immediately began interrupting me and would not let me state the obvious, instead finding issue with jurisdiction in a way that was clearly answered in the application notice to the hearing. During his opaque obstruction I demanded his recusal, but he refused recusal, refused to explain why the defendants need not be liable for their briefs, and I made it clear the whole hearing was a sham and an appeal would follow for what was obviously a perverse and unlawful hearing by a judge guilty of misconduct. This was before the defendants had spoken.

Malfeasance by the JCIO

Immediately after the July hearing I issued a complaint to the JCIO alleging misconduct by Simon Brown QC. All of the evidence at that time, and the inferences one could draw upon, were found in that July hearing, and thus documented in the transcription of the court recording. I understand that there is some overlap with the jurisdiction of the Court of Appeal, and that when it comes to their judgements, judges should only be answerable for their conduct to higher courts, rather than the JCIO. However, the JCIO does have some jurisdiction when judges show clear bias, which typically includes saying anything that is recognized as insensitive language.

The JCIO's handling of the claim was poor, failing to respond appropriately to all accusations, failing to inform me of the progress of the procedure, and most seriously, appearing to draw conclusions based on what the investigator 'imagined' that I had sent to them. This appeared to me as mere neglect by possibly overworked investigators - but it was neglect that allowed Judge Simon Brown to avoid a proper investigation. I wrote to the ombudsman, Sir John Brigstocke KCB, stating that the egregious degree of misconduct allowed Anshu Jain, the first defendant, to escape having to face liabilities for a fraud that is probably the most serious financial fraud in human history – LIBOR manipulation. The ombudsman went on to open an investigation into his own personnel, having delegated the task to his deputy, Nicholas Rose.

The deputy in the period of over three months (26 Nov 2015 to 1 Feb 2016) led me to believe he was performing a deep investigation into the matters alleged against Simon Brown QC and the results of the investigation would be passed on to yourself and the Lord Chancellor. In fact I

got a monthly email indicating the investigation was still ongoing. With the final report it is apparent the deputy is not just guilty of laxity but of largesse towards the market manipulators.

The three month investigation has resulted in a report that would take a day to type up and involve no substantial research. One might speculate that the JCIO has a huge backlog of cases, but the JCIO in my first complaint was entirely punctual. There is thus no reason to suppose there is a backlog, and this was never provided as an explanation.

Also in the deputy's final report it was stated that a point of my complaint, that the judge imposed a burdensome degree of work on my shoulders, by consolidating the eight applications for strike-out into a single hearing. The report dismisses this as 'unfortunate' - a contemptible choice of wording. *Fortune*, being a synonym of *luck*, should have nothing to do with success or failure in a court hearing. The issue was not that the burden was unlucky, but that it was unfair. When one considers that the judge failed to inform me defendants need not turn up for cross-examination, a stance that appeared to be known to the defendants in advance of the hearing, the coupling of this edict with the eight consolidated applications was clearly abusive. Nobody on Earth can prepare for a hearing in which eight defendants can choose whether to turn up at the last minute. No independent man would come to any other conclusion other than that the judge had decided to sabotage the hearing. There are something like 20 points of misconduct stated against the judge in the appeal documents.

I had also made it clear that the judge's lack of criticism of i) the defendants' bare denial, ii) the defendants' recidivist history of market manipulation, iii) their refusal to provide any evidence - constituted patent bias. The deputy refused to consider the transcript of the court recording to test this accusation, which is malfeasance: the JCIO have no business ignoring evidence that is essential to the fair evaluation of allegations of bias. The matters in the hearing are too serious to be dismissed – as defendants are escaping liabilities for ongoing financial frauds that Elke Koenig, former director of BaFin, evaluated to be in the hundreds of trillions of US dollars.

The deputy also decided to comment on the validity of the claim, asserting that it lacked Locus Standi. If the deputy is not expert on tort law, and/or not an expert on market manipulation, then he has no authority to comment on standing. His words are as contemptible and inappropriate as his investigation is wilfully negligent.

The choice he made, to ignore the transcript, in the face of accusations of bias, together with the opacity of his conclusions tells us the three months he spent to type out a paragraph were not as a result of a three month backlog of work, but a three month exercise in obstructive procrastination. It is well known that corrupt legal systems deliberately delay civil litigation so it becomes de facto to bribe officials to expedite claims. This appears to me to be the most likely explanation and thus Nicholas Rose needs to explain himself before a court in a trial for *misconduct in public office.* The redactions he made, summarizing my initial correspondence to the ombudsman, is quite obviously a distortion made to the Lord Chief Justice to whitewash my complaint.

If justice is to be seen to be done, then I ask for your intervention, and to set an example of moral authority imposed without delay, and imposed transparently.

I have reluctantly chosen to make this an open letter, but it appears to me there is an entire culture of deference to the banking fraudsters that needs taking down. It was the public spotlight that brought us to the collusion between HMRC and HSBC's Swiss tax evasion operations. The same spotlight, I hope, will illuminate the collusion between the same fraudsters and the legal system. For your information, the appeal numbers are **A2/2015/3933** and **A2/2015/2818.**

Yours sincerely,
Mark Anthony Taylor.

I believe everything in this document to be true, and no deliberate distortions have been made by omission