

Guilty of telling the truth!

This is the case where Australia's leading corruption author, Raymond Hoser was charged with "contempt of court" by Victorian Attorney General Rob Hulls, over what he had written in his best selling "Victoria Police Corruption" books.

The "contempt of court" was Hoser's publishing the truth about corrupt judges and magistrates in these books, which Hulls alleged "scandalised" the court.

This case was the first time in modern history that the charge had been used to suppress freedom of speech and the public's right to know.

Although the informant was Labor Lawyer, Rob Justin Hulls, that didn't stop another ex-Labor Lawyer sitting as judge on the matter. Judge Geoff Eames, was appointed Supreme Court judge in the dying days of the failed Cain/Kirner government. The former Attorney General in that government was none other than Jim Kennan, who just happened to co-author with Eames a series of political diatribes in booklet form for the Fabian Socialist section of the ALP.

Thus the suggestion that the trial and conviction of Hoser was very much an "in house" job hasn't escaped a number of commentators.

(Once appointed, judges are effectively unaccountable). Apparently deciding that jail had failed to stop Hoser from publishing his corruption books in the past, Eames decided to go for the "killer sentence" of sending Hoser broke instead. This was done by fining Hoser \$5,000, plus an estimated \$30,000 in costs.

In sentencing Hoser, Eames said he hoped to discourage Hoser and anyone else from daring to expose similar misconduct in the judiciary. He spoke about specific and general deterrence.

Thus the case amounted to the most serious assault on freedom of speech and the public's right to know, in Australia's modern history.

In an oral judgement and a 78 page written judgement replete with factual and legal errors the judge launched on an apparently unprovoked and unjustifiable character assassination of Raymond Hoser in order to justify the unjustifiable — namely a declaration that Hoser's books are in "contempt" of court, for "scandalising" the courts.

Other commentators such as Terry Lane (of ABC Radio fame) and Graeme Campbell (ex MHR for Kalgoolie) have noted that Hulls and Eames have done far more to scandalise the courts by their ruthless pursuit of Hoser than Hoser had ever done via his corruption books. They also noted that the courts would only ever obtain the full confidence of the general public by their proper judicial conduct and not by suppressing exposure of their own judicial misconduct by force and other punitive means.

Due to the vast number of glaring factual errors in the written judgement — confirmed from the government's own records and elsewhere, an appeal on the judge's findings is inevitable.

Furthermore because the judge has effectively ignored the constitutional guarantees of free speech and the public's right to know, as well as the UN treaties that Australia has signed, and other things, the matter will probably be appealed on the basis of legal argument as well.

In "convicting" Hoser, Judge Eames effectively accepted the crown case which failed to prove anything against Hoser and went further to say that they did not have to prove a single word Hoser had written was untrue.

Thus if this decision by a court is allowed to stand unchallenged, any author or journalist who dares challenge a government's version of events and/or exposes misconduct, corruption and the like, faces serious criminal sanctions, including jail for doing so.

Any fair comment on the legal system can be accidentally or deliberately misinterpreted, misquoted or quoted out of context to frame a contempt charge to have any author jailed or fined heavily as has occurred here.

Even more disturbingly, the judge has made it clear in his written judgement that any person that attempts to rectify miscarriages of justice, wrongful convictions and the like, also runs a very real risk of being jailed for "contempt", even if it is patently obvious that a miscarriage or wrongful conviction has occurred.

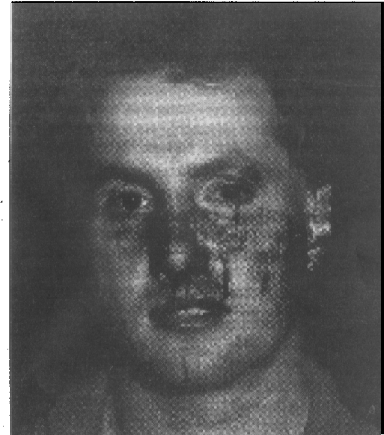
In any other country, Hoser would be labelled a "Dissident", but the Australian government is falsely trying to paint this internationally respected corruption-exposing author as a criminal.

The written decision is now available via the website server (smuggled.com).

The Victorian government has also said via a media spokesperson, that it has no concern for the welfare of Hoser's wife and two children under 3 years old who will be adversely affected by Hoser being fined, imprisoned and/or both.

Supporting the corruption within the legal system, the "Herald-Sun" newspaper used a series of defamatory quotes by Eames against Hoser to perpetuate the myth that there is no such thing as corruption within the legal system and to try to paint Hoser as an idiot for daring to suggest there is.

Among the numerous factual and other errors in his written judgement, Eames apparently falsely accused Hoser of bringing another man, Mr. Des Burke to court as a rent-a-witness in a trial in front of magistrate Hugh Adams to give perjured evidence in 1988. However in reality Burke never appeared as a witness at that case, nor did he have anything to do with it! The case was taped openly and transcripts have been widely available since, so one can only

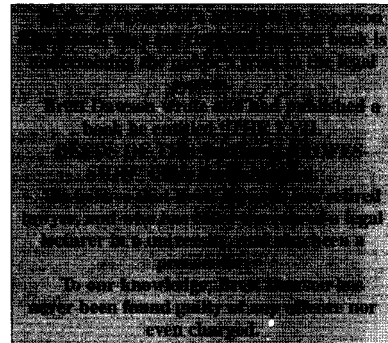


Author Ray Hoser after being bashed by corrupt police

guess how Eames came to apparently invent this false accusation.

Another similarly false accusation made by Eames in his written judgement was that Hoser withheld from readers of "Victoria Police Corruption — 2" any details of a letter from County Court Judge Tom Neesham to the Supreme Court. Eames asserted that Hoser had done this to deliberately distort the facts to readers of his book and highlighted this "fact" as proof of the difference between Hoser's perceptions and reality (his words). However, this material was in fact produced on pages 519-521 of the book, indicating that Eames had either failed to read the book in full prior to his judgement, or overlooked the letter, deliberately or otherwise.

Eames falsely accused Hoser of falsely and maliciously making up an allegedly unfounded and baseless allegation that Judge Tom Neesham had spoken with a Crown Prosecutor outside of court sitting hours in a 1995 case.



However, the official transcript of the case (page 1675) as reproduced accurately in Hoser's book (page 448) showed that this "allegation" had been an uncontested statement of fact by both judge and prosecutor, of which Hoser played no role in bringing to the attention of himself or the other (at least) 20 independent observers in the court.

Without imputing improper motives on Eames, such as bias (which on the face of the judgement seems obvious), the numerous serious errors of fact in his judgement alone, must make one question his competence for judicial office.

Any appeal heard on this matter is likely to be heard in front of three fellow Supreme Court Judges, who as fellow members of the "Council of Judges" would be close colleagues of Eames. Several high-profile lawyers have already noted that historically, judges from the same court are loathe to make judgements against their peers.

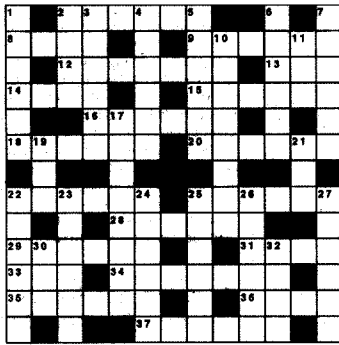
(Note: Hear is a specific instance where, and why "Trial by Jury" is so important.

The judiciary and various governments are intent on removing this most basic of our rights and in fact, the NSW Government passed legislation to this effect on (we believe) their last sitting day before Christmas.

The next edition will have quite a lot to follow-up on "Trial by Jury". T/S Ed.)

The Strategy CROSSWORD

Release No. 84 by Noel Jessop



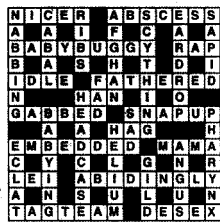
ACROSS

- 2 Steady
- 8 Every
- 9 Piano (sl.)
- 12 Made fizzy
- 13 That
- 14 Beats
- 15 Bionic man
- 16 Discharges
- 18 Maiden
- 20 Rise
- 22 Feminine name
- 25 Governess
- 28 Convent head
- 29 Bullfighter
- 31 Crustacean
- 33 International language
- 34 Ghastly
- 35 Thinner
- 36 Lubricates
- 37 Repudiate

DOWN

- 1 Defeated
- 2 Scrutinise
- 3 Long dissertations
- 4 Waterside hotel
- 5 Volcano emission
- 6 Random person
- 7 Slammed
- 10 Greek hero
- 11 And not
- 17 Police officer
- 19 Branch
- 21 Woman in orders
- 22 King of the Huns
- 23 Out and about
- 24 On board
- 25 Excludes
- 26 Legal custody
- 27 Surprise attack
- 30 Poem
- 32 Restraint

Result of Puzzle — in last edition



Result to this puzzle in next edition.

