

**COURT OF APPEAL  
SUPREME COURT OF QUEENSLAND**

CA NUMBER: 3595/13  
Number : 928/13

Applicant : Peter Markan

AND

Defendant : Bar Association of Queensland

**OUTLINE OF ARGUMENTS**

1. I am appealing the order of Judge Roslyn G Atkinson from 17.04.2013, of not disqualifying herself from hearing of the case Markan v Bar Association of Queensland and given during the unlawful 'hearing' in breach of internationally recognized legal principles.
2. The subject of my application to this Court relates to the issue of the lack of respect for the human rights in Queensland and the issue of racist attitude, discrimination and vilification of people who are not lawyers and not of anglo origin, and who represent themselves in courts.
3. All those issues and the attitude of Queensland judiciary to it is best evidenced by the fact that the person against who a formal court application was made dared to come and preside over a court hearing as it was normal and fair by any standards, including standards of anglo law which makes so many public claims of being fair, just and the example for others to follow.
4. However, in practice it says – we can ignore people who are not lawyers and not of anglo origin, we can tramp over their human rights because we are the law unto ourselves and whatever we do cannot be brought against us because we created a devise called 'immunity' for ourselves.
5. Such conduct shows dreadful attitude towards respect for human rights and the internationally recognized legal principles among Queensland judiciary – ignoring, disrespecting, insulting, denigrating, demeaning, sneering, belittling, mocking the very basic values.
6. Encouragement to such conduct seem to be emanating from the fact that in Queensland appointing a court judge is a process shrouded in secrecy and practically judiciary became 'invitation only' very exclusive club where members owe their loyalty to 'sponsors' and not to the society at large.
7. 'Immunity' combined with 'discretion'; lack of any criticism from within Legal Industry, intimidated by the licensing system; absolute lack of community control over judges selection and conduct – created the environment of arrogance and lawlessness.

---

Outline of Arguments  
Peter Markan v Bar Association of Queensland  
CA NUMBER: 3593/13

Name: Peter Markan  
Address:  
Phone :  
Email : justiceaction@gmx.com

8. The dogma of relying for the court decision on ‘authorities’ – previous cases, which are claimed to be ‘similar’; elastic ‘justifications’ instead of common sense and objective, rational reasoning is the disgrace of that pseudo ‘justice system’.
9. One of the last bastions of feudal concept of the world transposed from 16 century England to 21 century Australia serves exclusively to protect privileges and benefits of the very narrow group of puppeteers at the expense of ‘les miserables’ of this state.
10. Uncontrollable ‘discretion’ allows judges to make any judgment they want with the pretext of references to selected ‘authorities’- which is particularly effective to abuse and discriminate against non lawyers in courts and people with non anglo background.  
It became very safe operation due to ‘shielding’ among judiciary – higher courts just rubber stamp the abuse provided by lower courts.
11. The obvious evidence in this case is the use by Ms Atkinson the authority of ‘GUIDE TO JUDICIAL CONDUCT’ and conveniently ignoring much more important and internationally accepted ‘authorities’ mentioned in point 26 below.
12. After I lodged my Claim against ‘Bar Association of Queensland’ ( original Claim on 04.02.2013 and then revised Claim on 07.03.2013 ) Ms Philippides recused herself during the hearing on 14.03.2013.  
Later, she informed me that the matter will be heard before Ms Atkinson.
13. On 18.03.2013 I lodged formal court application to Supreme Court to disqualify Ms Atkinson from hearing this matter with expectation that it will be heard by an independent judge.
14. Ms Roslyn G Atkinson, although knowing that what she does is **WRONG**, she choose to preside over that court hearing (17.04.2013) where **she was a judge in her own case** and she did not express any feeling of guilt or remorse.
15. I am rejecting the motion of ‘impartiality‘ which Ms Roslyn G Atkinson attributed to herself during the hearing on 17.04.2013 as unlawful and illegal.
16. Such conduct is the **abuse of internationally recognized legal standards** preserved in Latin canon ‘Nemo iudex in causa sua’ that means, literally, no-one should be a judge in their own cause.  
That was done in spite of Ms Roslyn G Atkinson being President of Queensland Branch of the International Commission of Jurists, therefore being expected to be conscious and aware of the international standards.
17. Such conduct is also the abuse of **Article 14 of The International Covenant on Civil and Political Rights** – which is included in federal legislation **Australian Human Rights Commission Act 1986** – as Schedule 2.
18. Australia, on federal level, ratified The International Covenant on Civil and Political Rights in 1980. That covenant, which Australia has voluntarily entered in, set out in clear terms Australia's international human rights obligations.

---

Outline of Arguments

Peter Markan v Bar Association of Queensland

CA NUMBER: 3593/13

Name: Peter Markan

Address:

Phone :

Email : justiceaction@gmx.com

19. Australia is bound to comply with their provisions and to implement them domestically. Ratification of the covenant by the Australian Federal government encourages Australian courts ( including Queensland ) to take their provisions into account in their interpretations and judgments.
20. The entitlement to an impartial tribunal is one of the most important human rights and fundamental freedoms recognized by international law.  
The fact that in this **corrupt and rotten, mafia infested State**, there is officially sanctioned disgraceful abuse and discrimination affecting 99% of Queenslanders, by the shameful lack of ANY FORMAL LEGISLATION, has to be addressed.
21. The issue if such human rights are ‘officially’ recognized is irrelevant in the view that **those rights exist regardless** and are NATURAL HUMAN RIGHTS as the natural composition of human beings themselves.
22. The fact that in November 1998 Queensland government formally rejected introducing of a Charter of Rights ( seemingly after Legal, Constitutional and Administrative Review Committee recommended against it !) indicates existence of powerful forces in Queensland determined to defeat any attempt to recognize human rights for people in Queensland in spite of noises about ‘democracy’.  
( sinister role in that event was played by the Defendant in my original Claim application to the court – ‘Bar Association of Queensland’ )
23. That situation allows for widespread and systematic violations of human rights in Queensland by all elements of ‘government’ and courts.  
Such conduct can be only described as **CRIME AGAINST HUMANITY**.
24. I am requesting the Court to determine if Ms Atkinson is attempting to pervert the Charter for Australian Human Rights Commission Act 1986 ( Schedule 2 ) and I am requesting the Court to determine if Ms Atkinson conduct constitutes the offence - '**an attempt to pervert course of justice**'.
25. I am rejecting Ms Atkinson ‘justification’ of her conduct that hearing her own case is apparently ‘in accordance with the usual practice that prevails in that Court’ ( hearing transcripts p.2-24 ). This appear to be the reference to - GUIDE TO JUDICIAL CONDUCT by The Council of Chief Justices of Australia.
26. I am rejecting existence of such ‘practices’ as unlawful and not in compliance with
  - federal law (Australian Human Rights Commission Act 1986-Schedule 2)
  - Article 14 of The International Covenant on Civil and Political Rights
  - THE BANGALORE PRINCIPLES OF JUDICIAL CONDUCT
  - Latin canon ‘Nemo iudex in causa sua’ - which is the basic component of the ‘natural justice’ concept and is more widely respected than anglo ‘law’
27. **THE BANGALORE PRINCIPLES OF JUDICIAL CONDUCT**
  - 2.2. A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

---

Outline of Arguments

Peter Markan v Bar Association of Queensland

CA NUMBER: 3593/13

Name: Peter Markan

Address:

Phone :

Email : justiceaction@gmx.com

- 2.5. A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially.
- 3.2. The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

28. **The maxim ‘Nemo iudex in causa sua’** crystalized in British-tradition common law in the case *Frome United Breweries Co. v Bath*, in which British's highest legal officer, called the "Lord Chancellor" (LC), made a decision favourable to a canal company.

At the time, unbeknownst to the parties to the litigation, the LC was a shareholder in the canal company and had not told the litigants. The LC's decision was set aside because of the nemo iudex maxim.

**"The maxim that no man is to be judge in his own case should be held sacred. And that is not to be confined to a cause in which he is a party, but applies to a cause in which he has an interest...."**

**"This will be a lesson to all ... tribunals to take care, not only that in their decrees they are not influenced by their personal interests, but to avoid the appearance of labouring under such an influence."**

29. I am emphasizing that Ms Atkinson has **vital interest in the outcome** of my case against ‘Queensland barristers’, ( eg. see my Claim point 5 ) because granting me the requested relief would **NEGATIVELY** affect her as well.
30. As the result of her decision/order from 17.04.2013 the scheduled hearing of the BAQ application to dismiss my claim against them as without ‘cause of action’ took place on 24.04.2013.  
The first part of that hearing was in effect the continuation of the hearing from 17.04.2013, therefore it has to be raised in this appeal.
31. Ms Roslyn G Atkinson, during the court hearing on 24.04.2013, disregarded my request for **THE STAY OF PROCEEDINGS** in spite of being informed that I lodged the application for the Appeal from her previous decision in this matter and also I informed her that I asked the Court of Appeal for the Stay of proceedings. By doing so she showed **DISRESPECT** to the legal system she is working for, the court procedures and for her own senior judicial colleagues.
32. I am requesting the Court to determine if her conduct constitutes the offence - **‘the indirect contempt of court’**. The fact that she has ‘immunity’ protecting her from punishment does not repudiate the fact of committing a criminal offence.
33. Another issue I want to raise in this court is the matter of bullying by judiciary of people who are not lawyers and not of anglo origin, and who represent themselves in courts. Since bullying is an offence when committed in schools, offices and factories why should it be tolerated in courts?

---

Outline of Arguments  
Peter Markan v Bar Association of Queensland  
CA NUMBER: 3593/13

Name: Peter Markan

Address:

Phone :

Email : justiceaction@gmx.com

34. As the judge Ms Atkinson did what she could to disturb my submission and create confusion by interrupting, interjecting me every several seconds. Evidence is in the transcript of the hearing.
35. In case of self represented people this is a standard tactic used by judges to deprive a fair hearing by making people feel intimidated, unsettled, speechless, overwhelmed. Combined with the policy of rejecting ALL arguments presented by self represented people it is intended to deny any chance of success.
36. Clear collusion of judiciary with lawyers to protect their financial interests.
37. I am requesting the court to determine if her conduct during that hearing constitutes **bullying and intimidation as defined by law**.
38. Ms Atkinson is involved in the abuse of judicial discretion which has been exercised arbitrarily and capriciously and in bad faith. The abuse resulted in a manifest injustice.
39. Ms Roslyn G Atkinson conduct brings the administration of justice in Queensland into disrepute and has impact on the issue of integrity and respect for the law affecting Queensland legal system as the whole.  
It is embarrassingly embarrassing that a Supreme Court judge would dare to act in such disgraceful manner.
40. Denial of a neutral, impartial arbiter to preside over the court hearing deprived me the access to justice, deprived me of fair hearing, denied me recognition and equality before the law.
41. I am **demanding** that my human rights are acknowledged and respected.  
Particularly, the provisions of **Article 14 of The International Covenant on Civil and Political Rights** – ‘All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, **everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.**’

**ORDERS SOUGHT –**

42. I am requesting the Supreme Court to disqualify Ms. Atkinson to hear the case against ' Bar Association of Queensland '.
43. I am requesting the Supreme Court to pronounce the hearing on 24.04.2013 in this matter ( 928/13 ) by Ms. Atkinson as null and void – not having any legal consequences, the verdict set aside and order the new hearing.
44. I am requesting the Supreme Court to select truly neutral, independent and impartial arbiter, conforming to internationally recognized standards, to preside over the court hearing against 'Bar Association of Queensland'.

Signed: .....

*Applicant*      *PETER MARKAN*

Dated: 13.05.2013

---

Outline of Arguments  
Peter Markan v Bar Association of Queensland  
CA NUMBER: 3593/13

Name: Peter Markan  
Address:  
Phone :  
Email : justiceaction@gmx.com