

9TH MARCH 2012

Prior to his most recent arrest counsel was in the process of drafting an Amended Consolidated Particulars of Claim which is still in Draft form. It is an important part of Mr Kirk's case that there is a very real connection between the earlier events 1992 – 2002 and his arrest in 2009 insofar as the purpose of his arrest in respect of 'the machine gun case' was to put Mr Kirk in custody (and ultimately in a secure psychiatric hospital) so as to interfere with his ability to pursue the claims against the police that were then due to come to trial imminently. He considers that his current arrest and remand in custody is calculated to serve the same end. Mr Kirk drafted the Particulars of Claim in Case No 1CF03546 (civil actions resulting from the machine gun case) himself and it is counsel's view that it needs to be significantly amended to join in the South Wales Police (or, rather, consolidate the claim with Claim No 1CF03361, the ongoing claim against the South Wales Police in respect of the machine gun case) and emphasise that Dr Williams and Prof Rodgers were essentially acting to further the aims of the South Wales Police Force in keeping Mr Kirk in custody. The intention, then, was to make an Application for consolidation of the three Civil Claims due to be heard in April, Claim number 1CF03361 and Claim No 1CF03546. Hearing all matters together is likely to take considerably less time than hearing the matters separately, particularly when extensive reference to the Police's alleged interference with Mr Kirk's capacity to pursue the three civil cases will be referred to in the trial of Case No. 1CF03546.

Mr Kirk has rather, 'jumped the gun' by making this current Application, which is materially incomplete insofar as Dr Williams and Professor Wood are not parties to any of the actions against South Wales Police and it is difficult to see a compelling case for consolidating Case No 1CF03546 with the three civil actions against the Police, without also consolidating Case No 1CF03361. We are not on the record in respect of the three actions to be heard in April and so have had no correspondence in relation to timescales and must assume that Mr Kirk became worried about the amount of time available to make an Application and did so himself. We have not, however, been able to take further instructions at short notice because, of course, Mr Kirk is in custody and communication is difficult, to say the least.