

IN THE COURT OF APPEAL FOR GIBRALTAR

Criminal Appeal No 1 of 2017

BETWEEN:

PHILIP ARUNDEL VAN DER WESTHUIZEN

Appellant

-AND-

HER MAJESTY'S ATTORNEY GENERAL

Respondent

Hearing Date: 30th March 2017

BEFORE: **The Hon Sir Maurice Kay (President COA)**
 The Hon Sir Martin Moore Bick (COA Judge)
 The Hon Sir John Goldring (COA Judge)

Philip Arundel Van Der Westhuizen (Litigant in person)

Sharon Peralta for the Respondent (Crown)

TRANSCRIPT

Kay, P Yes Mr Van Der Westhuizen, we've read all the papers that you've submitted to us, were you intending to address us orally as well? Do you have anything to add to what we've put in writing?

Mr Westhuizen Well, the writing is quite extensive.

Kay, P I know.

Mr Westhuizen So, unless you have any, unless you have any questions?

Kay, P Well I don't think we do have any questions?

Mr Westhuizen (Unintelligible) the information is, could be quite erm (Unintelligible)...

?? Mr Westhuizen you need to stand.

Kay, P He can sit down if you wants to, don't worry.

Mr Westhuizen Thank you, thank you very much...

Kay, P Well it is extensive, but we can ensure you that it has been read.

Mr Westhuizen Has it been understood, do you have any questions?

Kay, P No we have no questions. Are you content on that we deal with this on the basis on what you have written?

Mr Westhuizen Beg your pardon?

Kay, P Are you content that we deal with it on the basis of what you're written?

Mr Westhuizen Well I need to know if you, I need to know what you think of it, in fact I would appreciate to know what you think of it.

Kay, P Well, it perhaps will come as a surprise to you, that whatever it may be your beliefs...

Mr Westhuizen Yes.

Kay, P We don't find it persuasive in law.

Mr Westhuizen Okay. I don't have much to work with, because I don't know, you say that persuasive in law?

Kay, P No.

Mr Westhuizen Okay, how should approach this, I mean, can I think of it? So you don't accept the law of the bible, and you don't accept the Coronation Oath, because the whole argument is based on Coronation Oath.

Kay, P ^{TRADITIONAL} Our ~~provisional~~ view.

Mr Westhuizen Yer.

Kay, P Is that it ^{IS} (inaudible). ^{MISCONCEIVED.}

Mr Westhuizen (inaudible), let me try I need to try another point of view.

Kay, P If you could be brief, because we have read it all we promise you that.

Mr Westhuizen Okay.

Kay, P But if you just wanted 5 minutes to (Unintelligible) it or to put it in some other way...

Mr Westhuizen Yer...

Kay, P Please do so, but be brief.

Mr Westhuizen I will put it in some other way, there's one family in the British Empire, one family that is

extremely, phenomenally wealthy to the point where it's incalculable, the wealth cannot be calculated, all at the expense of everyone else. Contrary to the laws of god, contrary to ~~(Unintelligible)~~ 4 verse 2, and that includes everyone here, we every person here are slaves to that family, and that family you know as the Windsors. At the head of that family is Mrs Elizabeth Battenburg. We are slaves to her because the word register comes from ~~(Unintelligible)~~ kings, as soon as you register something you give it the king to the monarch and everyone here is registered, the children are registered, their cars, their houses everything, that's why we can be taxed, fined, imprisoned treated with impunity. All contrary to the Coronation Oath that Mrs Battenburg swore, she said "I will to the utmost of my power maintain the laws of god, the things which I here before promise, I will perform and keep so help me god". And the laws of god are the first five books of the Old Testament the laws of Moses the Pentateuch, also known as Torah, Torah is Hebrew for law. British is a Hebrew word, British is Hebrew for ~~(Unintelligible)~~ we are the ~~prevalent~~ people, ~~prevalent~~ men we are ~~prevalent~~ people, South Africans are ~~tribal~~ naturally my, on my mother's side my mother is a ~~(Unintelligible)~~, it's the tribe of ~~(Unintelligible)~~. The Gibraltarians are the tribe of ~~(Unintelligible)~~ these are all British ~~(Unintelligible)~~ people the covenant people the covenant that we swore was Moses to keep forever and it says in the law, it says in that contract, covenant is contract, and it says in that contract "This contract is not only with you here but it is with your children in

DEUTERONOMY

REX

COVENANT

* BERIT-ISH
* COVENANT-
MEN/PEOPLE

COVENANT
COVENANT
TRIBE OF NAPHTALI

ARUNDEL

EPHRAIM

GAD.

BERIT-ISH

PERPETUITY

PERPETUITY

~~(Unintelligible)~~ so here we stand in
~~(Unintelligible)~~ we are still bound by that
contract, so we haven't kept the contract and now
we are slaves. And the whole world has copied
the British by the way; the whole world has
copied the British with registration, so...

Kay, P

Well I think I can see with way your submissions
are heading, they are, you know Mr Westhuizen
they are a rehash of what you have written done,
we have already read.

Mr Westhuizen

Yes, but...

Kay, P K

There's nothing new on what you have said so
far, we have read all that.

Mr Westhuizen

Okay, that's the kind of feedback I need thank
you, so.

Kay, P

Is that it?

Mr Westhuizen

I know that its words (Unintelligible) but what
you can do is, you have the power to, ^{HELP}~~not me~~,
because I'm born British.

Kay, P

One of the things I don't understand is how you
can say we have the power when as I understand
your case is neither we or the courts below us
have any power at all because we are not ~~part of~~
~~the (Unintelligible)~~. PROPERLY CONSTITUTED.

Mr Westhuizen

You have the power because they listen to you,
that is the, I have requested a British passport.

Kay, P

Yes.

Mr Westhuizen Because I, the birth certificate says The ~~kingdom~~^{UNION} of South African but did you see that? I think the copy was not very good, copy was not good at all, so what I could do is...

Kay, P Don't worry about that.

Mr Westhuizen my birth certificate says ~~Kingdom~~^{UNION} of South African, and the Coronation Oath says "I will govern the peoples of the Union of South Africa" so even from that point of view. My body was born in 1960 and the Union of South, the Republic was established in 1962, I was even born in the British Empire, and while my mother has a British passport ~~(Unintelligible)~~^{MY BROTHER} he has a British passport he's my brother, he has a British passport, so.

Kay, P But you have an Austrian passport now.

Mr Westhuizen I have, I have an Austrian passport by my marriage so erm.

Kay, P Well speaking for myself, I think I've heard enough I think, thank you very much Mr Van Der Westhuizen, we will give judgment you won't agree with it, but we will give judgment.

Mr Westhuizen Beg your pardon?

Kay, P This purports to be an appeal to this court in a criminal case, for which no leave has been granted or sought, accordingly it can only be an appeal on law alone. The appellant was convicted by the Stipendiary Magistrate upon an

offence, the allegation was that he was a Non Gibraltarian in Gibraltar without a valid permit or certificate, Contrary to Section 62(A) of the Immigration, Asylum & Refugee Act. He had been arrested in Gibraltar at the time, he did not have a valid visa permitting him to be in Gibraltar, when the case came to court his approach to it was that he maintained that the court had no jurisdiction over him, however the Stipendiary Magistrate heard the evidence which was substantially un-contradicted as to the primary facts and the appellant was convicted. A fine of £200.00 was imposed and a Deportation Order was made. Deportation has since fallen out of the picture because subsequent to the events which we have just described, the appellant obtained first an emergency and then a full Austrian passport, it follows that his presence in Gibraltar is now lawful. I know that the appeal to the Chief Justice failed, at each stage of the proceedings including before this court the appellant the has represented himself, his stand has been and remains that he does not recognise the courts, the authority of the judges, or what he describes as "*manmade legislations*" which he which he contends is contrary to biblical authority. He places great enfaces on the Coronation Oath that was sworn by the Queen and he is critical of Her Majesty. We are satisfied that we are lawfully appointed to our positions in this court and that the law of procedure by reference to which the appellant was convicted and sentenced were and remain valid.

The so called grounds of appeal which are extensive contain nothing remotely arguable. Whatever the appellant's opinions may be his case in this court is misconceived spurious and in the legal sense of the word scandalous, we propose to say no more about it, save that we dismiss the appeal. Thank you very much.