

# Current Criminal Law

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## **Rosdeep Kular and her young family**



## **Rosdeep Kular and her young family**

**by**

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**This is the third paper I have written on this case.**

**In Scotland, the mother of a three-year-old boy reported him missing on 17 January 2014. The 33-year-old mother of five young children told police that she put her son to bed at her Edinburgh home at 9pm on Wednesday, but when she went to wake him at 7.15am the following morning he was missing.**

**Scotland is part of the United Kingdom ('UK'). Feudalism led to a growing sense of Scots independence from England. Scotland has a strong sense of nationhood, seeking complete independence from the UK at present. Geographically, the rivers Tweed and Solway became accepted natural divisions between Scotland and England, although Berwick-upon-Tweed on the north bank of the**

**Tweed remained English and has become evidence of Scotland's statehood.**

### **The mother's initial story**

**Mikael's mother has acquired British Nationality by naturalisation, as did her sister and mother. She said that on the night he disappeared, he was sleeping alone in the bedroom he normally shared with his twin sister, Ashika. Dozens of local people contacted the police to assist them after police advertised for help.**

### **Mother soon told police what really happened and whilst crowds searched elsewhere, mother took police to son**

**The mother then told police everything and went to where her son was, near where she used to live in family property. Police then detained the mother of the boy and later she was charged with his murder.**

## **Community group search team could have turned into Crime and Disorder or even murder**

**In past times, crowds have been known to change to become riotous on hearing such news, baying for blood. Police Scotland immediately detained her.**

## **Jurisdiction of Scotland: Local Authorities including Police Scotland**

**Scottish law is not the same as English law in many respects and the study of Scots Criminal law will enable better understanding of why and how the events progressed in this particular murder Scots case of alleged homicide. Although we say that Scotland is in the United Kingdom, the United Kingdom is known as the 'the United Kingdom of Great Britain and Ireland, whereas in fact it should be correctly called United Kingdom of Great Britain and Northern Ireland.**

## **Scottish Courts**

**District courts were created by the District Courts (Scotland) Act 1975, and they are an amalgamation of the previous burgh police**

**courts and the justice of the peace courts. Scotland has Sheriff Courts, which are local courts with very wide jurisdiction, both civil and criminal, and with legally qualified judges. There is a sheriff court in every city and most towns in Scotland. The Secretary of State has overall responsibility for the efficient organisation and administration of the courts.**

### **The High Court of Justiciary**

**The Kular murder case is expected to be tried at the High Court of Justiciary, the trial court for major crime, and the appeal court for all crime in Scotland. As a trial court, the High Court of Justiciary has jurisdiction over all offences in Scotland (unless excluded by statute). Its jurisdiction overlaps that of other criminal courts, and it is the prosecutor's decision in most cases whether a case goes to the High Court or elsewhere. In the High Court of Justiciary, prosecutions are brought by Advocates Depute, that is, Crown counsel, or in very serious cases, The Lord Advocate or Solicitor General for Scotland in person, to prosecute on the Crown's behalf. It is to be noted that the Criminal Court cannot aware expenses: and therefore the**

**expenses of the prosecution are paid by the prosecution and the expenses of the defendant is usually paid for by Legal Aid.**

### **Scotland's adversarial common law system**

**The Crown, through the public prosecution system, almost always brings criminal proceedings. Criminal proceedings are adversarial and so it is for the prosecution to decide what crime it considers may have been committed and the prosecution bears the burden of proof. This is largely the same as for the English common law system. The defence is entitled to the following from its opponents: (a) to have the case against it proved; (b) to cast doubt on prosecution evidence; and (a) to bring evidence, by calling witnesses, if it chooses; or, move that: (b) 'There is no case to answer, ' at the end of the prosecution evidence, seeking to have the case dismissed for want of proper evidence.**

**After the evidence and the addresses by the prosecution and defence, the judge will then charge the jury before they retire, to consider their verdict. There is legislation and there are three rules of statutory interpretation, all based on English caselaw, but applied without comment in Scotland.**

### **The 'mischief' rule; the 'literal' rule, and the 'golden' rule**

**If a provision is unclear, the judge should look to the mischief the Act was designed to overcome and interpret it in order to suppress the mischief and advance the remedy. (See *Leadbetter v Hutcheson* [1934] JC 70). The literal rule is that the judge should apply the literal meaning of the legislation. (See *Keane v Gallagher* [1980] SLT 144). The golden rule implies that the literal meaning should be applied unless it produces an inconsistency or absurdity. (See *Strathern v Padden* [1926] JC9).**

## **The landscape of Scotland**

**The total area of Scotland is 78,133 square kilo metres and this includes its 186 islands. Its population is over 5 million. Scotland covers 32.1 of the total area of the United Kingdom, of which it is still a part. The Secretary of State for Scotland has overall responsibility for the Scottish legal system, including specific duties. Administrative responsibility is discharged largely through the Scottish Courts Administration. The senior Law Officer is the Lord Advocate. The junior Law Officer is the Solicitor General for Scotland and an advocate.**

## **Police Scotland**

**Police Scotland has enjoyed handsome pension schemes since the Social Security Act 1985 came into force. Then, occupational pension schemes were introduced and the employer, not the employee, owned the pension scheme. By the twentieth century, pension schemes became commonplace, none more so than Strathclyde Pension Fund which, by 1998, had assets of £5.2**



**billion, the second largest Local Authority Pension Fund in the United Kingdom ('UK'). (See the National Association of Pension Funds Yearbook, 1999). By 1998, Scottish Unitary Authorities owned 13 of the highways in the UK; 12 of the UK schools and colleges; 6 of the UK libraries; none of the UK's museums, galleries, cemeteries or crematoria; 4 of the UK police stations; no rubbish dumps; almost no parks or allotments and no sports facilities. (See CIPFA statistics 1997-8. See 'Secret list of rogue Scots social workers booted for crime, corruption and porn-2009'.<sup>1</sup>**

**Scotland's Corruption, cronyism, drug dealing, money lending and vote rigging**

**With regard to housing as where the Kulars lived in Edinburgh, housing associations own most housing that used to be council owned housing. As for schools, local authorities still own several thousand schools and colleges in the UK, but about one third**

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<sup>1</sup> See <http://www.dailymail.co.uk/news/scottish-news/exclusive-secret-list-of-rogue-social-1031355>

**part is voluntary - aided schooling. As for government employees, some of the worst problems of corruption are in Scotland where the Labour Party was the 'politics of choice' for decades.**

### **Corrupt Scottish Local Authorities**

**Historically, links between local councillors, officials and local businessmen had caused embarrassment to the government in Scotland, where three constituency Labour Offices in Renfrewshire were shut down after Scotland on Sunday exposed a web of drug dealing, money laundering, and vote rigging mostly occurring in Paisley and Monklands District Council. There were also allegations of nepotism and sectarianism.**

**In July 2014, the Edinburgh and Fife Scottish local authorities announced to the world's media that an independent 'inquiry' has been ordered into the case of Mikael Kular's death.<sup>2</sup>**

**Rosdeep Kular had assaulted her child because he had eaten ice-cream and had vomited several times and she lost her temper and assaulted him; he had become unwell but she hesitated to take him to a doctor fearing that the authorities would as a consequence of his bruises, take him away from her. She thought that he would rest in bed and become better but he died as a consequence.**

**After the court trial ended on 24 July 2014, which sentence on conviction will be announced on 23 August 2014, the chief officers of Fife District Council and City of Edinburgh announcement came as no surprise. They have now had some six months since the child died to get their story plausible; concoct evidence; re-write their unqualified social workers' notes and**

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<sup>2</sup> See, for example, Editor, 'Scotland to probe Indo-British boy's death following confession by mother', *The Link Paper in Canada*, 2-8-2014.

**rewrite their external and internal policies with no one being the wiser, as did the police forces involved in the football disaster and deaths all those years ago.**

**John Myles, chairman of Fife Child Protection Committee told the media at a Press Conference:**

*‘...This inquiry will be led independently and will take place in two phases. The first phase will look at information available from files, records, and policies and procedures that were in place before Mikaeel Kular’s death on 14 January 2014. Work on this phase has already started. Phase two will take into account any new information that has come to light during the criminal proceedings and will involve interviews with relevant staff.’*

**The report to be published on this so-called Scottish Child Protection inquiry is expected to be ready for publication by December 2013, some four months AFTER the court would have**

**sentenced Rosdeep Kular Adekoya, irrespective of the findings of the negligence or otherwise of the Fife District Council and the negligence of Edinburgh County Council expected to be found.**

### **Illegally leaked social services information on the Kular family**

**Social workers involved with the Kular family have already illegally leaked gossip to the national newspapers stating that it was Rosdeep Kular's fault because she fooled them and persuaded them that she was getting back with her estranged husband. If nothing else, this is a breach of client information and probably lies.**

**Once again, another local authority of the United Kingdom will have found itself totally free of blame and no doubt, as in other similar cases, the Local Government employees will have assuaged themselves of guilt, as if by going to a Church Service – feeling better and pushing even more paperwork.**

## **Media announcement of Local Authority (Whitewash) Inquiry**

**The Fife and Edinburgh Local Authorities' announcement of an 'inquiry' brought a sense of déjà vu. One expects, like all of the local authorities in the United Kingdom, that they will undoubtedly find themselves blameless; they will blame the mother of the deceased child; nobody employed by the local authorities will suffer any pecuniary disadvantages; and life will go on as before- knuckles wrapped and no legal punishment of any social workers, racist or incompetent.**

**The thing is- this is not an 'inquiry' as per the UK Inquiries Act 2005. This word 'inquiry' in this instance is being used in a loose way. This is not a Public Inquiry. Public inquiries are expensive and time-consuming but the type of inquiry being held in Scotland will provide very little public accountability.**

**Intuitively, it is felt that we do not know the whole story. Could it be that we only know half-truths and that the court trial was based on false premises? Would it not be wiser to hold an**

**Inquiry as per the UK Inquiries Act 2005 and let the sentencing wait until we know the fuller truth? Mikael Kular looked like an intelligent boy. What if his mother did go out one night and he did climb on a chair and went out and God knows where he was but she searched for him when she returned and hit him for running away? Could he have done it several times? But then, where did he go? Who had him? Was he sexually abused? We do not know. Why, oh why, did not the social worker make twice weekly visits? Why? Why did the other children not say anything to teachers?**

**Or was it the case that all the authorities are lying and that little Mikael did tell his teachers that ‘mummy goes out at night and leaves us alone’ and they did follow up which was when she assaulted him, because it was now in the open?**

**Neighbours peeping through curtains make me feel sick. If one sees a young mother go out at night in a taxi, would one not wait**

**up all night to see if she has returned or not and call the police or even knock on the door to see if the children are all right.**

**One neighbour talked to newspapers of her two rotweillers which terrified Mikaeel when he saw them on his way to school and hid behind his mother's skirt in fear.**

**Rosdeep Kular took the children for a treat at the *Nando* chain restaurant. If indeed Mikaeel vomited and continued vomiting, it may be that something was wrong with his health before the Nando's trip. One cannot vomit continuously from eating an ice-cream.**

**Local Government corruption will continue as before.**

**Corruption is a frequently observed and well documented event in many Government Procurement Auctions. Any *abuse of power* which results in what most people would regard as unfairness should be recognised as corruption.**



**It has been well documented that the United Kingdom has been found in the past to have police corruption and Local Authority corruption. Nepotism for Local Authority jobs with their lush Final- Salary Pension Schemes will continue without a single hiccup.**

**In 1997, the Local Government suspended nine members of Glasgow City Council amid allegations of cronyism and *votes-for-holidays*. In 1998, CIPFA<sup>3</sup> accountants found that the Direct Labour Organisation at North Lanarkshire Council had accumulated a deficit of almost £ 5 million pounds (currency - Sterling) in the 1997/98 financial year by systematic under-bidding for contracts. This is a serious fraud known as ‘bid-rigging’.**

**The UK newspapers made much profit from relating tales of the death of the young black boy, Stephen Lawrence, killed on the streets of the United Kingdom as he made his way home. Decades later, after many lies, frauds and cover-ups, the courts decided that Stephen Lawrence was indeed stabbed to death in a racist**

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<sup>3</sup> CIPFA is the Chartered Institute of Public Finance Accountants. Also, it is the world’s only professional accountancy body to specialise in public services.

**attack as his parents insisted, but that inquiries were obfuscated by corrupt police officers. The literature views some forms of corruption- manipulation of the quality assessment in complex bids, as bid rigging. As to how to tackle Scotland's police corruption as regards drugs, one would be well advised to study the case of *The Queen v Rogerson [1992] 174 CLR 268 FC 92/021 (1992) 60 A (Crim) R.429*, a case of police corruption in a drugs crime prosecution. Similar frauds were uncovered at East Ayrshire council. Posts were allegedly filled according to political affiliation.**

### **Incitement to racism**

**This background of the jurisdiction in which this boy's death occurred- leading to the concealment (and prevention from burial) of the three year old, attempts to clarify the true politics of Scotland rather than support the incitement of newspaper reports which attempted to instil in readers' minds that Scotland in over-run by black, gun-toting drug- dealers and drunken black women murderers.**

## **Racism in Scotland**

**Scotland is racist and getting worse, as is the rest of the United Kingdom. This is not an overnight phenomenon. It has been going on for a century.**

**In 2012, former chart star Finley Quaye slapped a woman on the head and spat in her face during a vicious racist attack. Quaye has admitted repeatedly hitting and spitting on Jobely Flores, aged 36, at the time (2012) in Edinburgh.<sup>4</sup>**

**Rather, it is widely known that Scotland had much drug dealing, drunkenness; unemployment and persistent youth offenders and sex offenders. (See, Ashworth, A., Clive, E.M., Chalmers, J., and Leverick, F. (2010) *Essays in Criminal Law in Honour of Sir Gerald Gordon* (Edinburgh Studies in Law); Edinburgh: Edinburgh University Press).**

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<sup>4</sup> Kevin Duguid and Douglas Walker, 'Shamed Finley Quaye in Edinburgh race rap', *The Sun*, 1-8-2012.

## **The family background: mother of the deceased boy**

**Rosdeep Kular went to school in Kirkcaldy in Scotland.**

**Kirkcaldy is a town and former royal burgh in Fife, on the east coast of Scotland. It is about 11.6 miles north of Edinburgh and 27.6 miles south-southwest of Dundee.**



Photo: Kirkcaldy in Scotland

**Rosdeep Kular is Scottish by upbringing and culture. Her surname Kular is a Hindu name and her parents originated from India. Her parents were qualified medical doctors and she and her older sister had a typical middle-class upbringing. She was not forced to study medicine because her mother is a medical doctor and she is to be differentiated from the millions of unemployed, drunken, council house tenants who take and deal in drugs.**

**(See some You Tube videos of drunken people in the streets of  
Scotland**

[https://www.youtube.com/watch?feature=player\\_detailpage&v=MXh\\_Hf6XsiA#t=9](https://www.youtube.com/watch?feature=player_detailpage&v=MXh_Hf6XsiA#t=9) )





Drunks



Drunks





UK Drunks





## UK Drunks







**UK Drunks- UK's future**



## UK Drunks- UK'S future



**BRITAIN'S DRUNKS- BRITAIN'S FUTURE**

### **Rosdeep Kular- Qualified Beauty Therapy Graduate**

**Rosdeep Kular studied beauty therapy at Fife College, and, becoming pregnant at the age of 24, she later married out of her religion to a Nigerian man, a taxi-driver, a former overseas student whose name is Omotoso Adekeyo who can now permanently reside in Britain, having established through Rosdeep Kular, permanent citizenship through marriage and her childbirths.**

### **The Twin children Mikael and Ashika Kular**

**Rosdeep bore five offspring, namely, a son named Tarun Adekeyo; a second son named David Adekeyo; a daughter named Renuka Adekeyo, and twins, born on 7 May 2010, a son Mikael Kular and daughter Ashika Kular, the latter two carrying her maiden name, as is her legal right to withhold their father's name on their birth certificates.**

**The genetic father of the twins, a chef by employment, after she became pregnant, told her that he was returning to his former partner and that she was just an affair, causing Rosdeep to become depressed. Mr Saheed never paid child support for the twins nor acknowledged nor visited them in the three years of their lives.**

**Mikael is the correct spelling because Mikael is a Muslim name found in the Kuran, meaning 'an angel of God' and Mikael's twin Ashika carries a Hindi name meaning 'no sorrow'. Rosdeep named them thus because the twins' genetic father is a Muslim man, Saheed, who at present, works as a chef,**

**but who had no contact, financial, or by sight, with the twins.**

**Their natural father never wanted to see them and never contributed financially or by access his twin children.**

**Rosdeep eventually found a boyfriend, Mohammed Abdi, a young man who was murdered in Edinburgh at age 25, in an alleged shooting in 2013, allegedly by a drug gang.**

**Mr Mohammed Abdi was a good father- figure to Rosdeep Kular's children, assisting her whilst she worked full time.**

**Mohammed Abdi and his own father had recently been charged with drug dealing police raided his parents' home and allegedly found money. They were due to be tried in court around the time that Mikaeel Kular's body was found.**

**There is much more to this case than meets the eye**

**The mother of Mikaeel Kular herself must have been suffering, undiagnosed, from post-traumatic stress disorder when her father died in 1994 and again when her boyfriend and helper was suddenly killed in 2013. See Joti Samra and Deborah A**

**Connolly, “Legal compensatability of symptoms associated with Post-Traumatic Stress Disorder,” *International Journal of Forensic Mental Health*, January 2004; 3(1), pgs 55-66.**

### **Traumatic events**

**Traumatic events can lead to psychological (emotional) problems and to physical problems (in addition to any that occurred at the time of the trauma). These symptoms can last for a relatively short time after the event, can last for months or years, or can surface months or even years later.**

**Scholars state that epidemiological studies help us to understand more fully how our society and culture function, giving us normative information about the presence and absence of certain problems. The range of issues examined can be health, mental health, opinions, occupation, habits, personal characteristics, etc. Data on these variables commonly appear in our scientific literature, but also appear regularly in the mass media. Studies on health and behaviour, and the consequences of life experiences, are inherently of interest to members of Western societies.**

**Epidemiological studies provide this information and thereby afford us the opportunity to better understand ourselves and others, while providing the justification for societal action on specific issues.**

### **Rosdeep suffered extreme stress on seeing her GP father die suddenly**

**The 'baby' in the family when her father died and her mother remarried, it seems that Rosdeep Kular was never again able to cope fully. Post Traumatic Stress Disorder ('PTSD') can occur following a range of stressful, life-threatening experiences. She had five childbirths in seven years and it is almost a certainty that she was suffering from post-natal depression also.**

### **What should the Edinburgh Social Worker have done?**

**The most important thing is that this person MUST BE A FULLY QUALIFIED SOCIAL WORKER, HOLDING AT LEAST ONE SOCIAL WORK UNIVERSITY DEGREE.**



## **How did the trial court decide to convict Rosdeep Kular on 24 July 2014?**

**It is sincerely hoped that no shenanigans took place; that it was Rosdeep Kular's solicitor who told her to plead guilty; that a solicitor was present at all times she was interrogated by police; that there was no entrapment by way of an alleged 'confession' to a set-up prison inmate placed in Rosdeep Kular's prison cell; that she received the best legal counsel to defend her as is her legal right; that she was not starved or tortured to say anything, etc.**

### **Hearsay evidence**

**Did the Scottish social workers collect hearsay evidence to be used at Kular's court trial? This is an important issue because some evidence which at first sight appears to be relevant, is not admissible because it falls short of the legal rules excluding it.**

**Character evidence in criminal trials was one such rule. A person's bad character, including previous crimes, was by law, not relevant as evidence in a present case, with few exceptions.**



**Intrinsically unfair evidence is also excluded under section 78 Police and Criminal Evidence Act 1984. Evidence obtained by trickery or an illegal search are examples.**

**The hearsay rule excludes a witness's evidence being given without the witness being available to be questioned on it. For example, if A has first-hand knowledge of a fact in issue, the courts want to hear that evidence from A himself.**

**Suppose B came to court to state A's evidence and says:**

***'I know the facts because A told me.'***

**Here the court can only test whether A really did tell B.**

**B's memory as to what A said cannot be tested.**

**The court cannot test the honesty of B.**

**The court cannot test the accuracy of what B relates.**

**However if A relates the fact himself, and A has first-hand knowledge of a fact in issue, the courts must hear it from A.**

**The court calls what B states as hearsay. The social worker must follow a code of ethics and the government regulates the conduct and training of social care workers. (See <http://www.basw.co.uk/>).**

**The General Social Care Council regulates the conduct and**

**training of social care workers and also social workers. (See**

**<http://www.gsc.org.uk/>).**

**The qualified social worker would know that only in child protection cases, where the child says that the parent abused/assaulted him, is hearsay evidence allowed, this being a Family Court situation, under section 96 of the Children's Act, not the Court of Justiciary. Even in the Family court, a social worker repeating some hearsay can find it thrown out in the Court of Appeal.**

***Re D (Sexual Abuse Allegations: Evidence of Adult Victim) (2002)***

**The Court of Appeal angrily rejected conclusions drawn by magistrates about abuse allegations put before the court by a social worker when the adult witness had neither given the evidence in court herself [but could have done so] nor did she make a statement, because, although the rules allowed hearsay evidence, the court should never have relied on it in the form of hearsay by the social worker.**

**Similarly, in this criminal trial, the court should have robustly rejected such flimsy and untested evidence when serious matters fall to be decided.**

### **Court advice to Social Workers**

**In another case, the judge told social workers that APART FROM THE ETHICS CODE THEY MUST FOLLOW, the following principles should be borne in mind:**

- 1. Every social work file should have as the top document, a chronology like lawyers' files have, etc.<sup>5</sup>**

### **Local Authority (Social Services) Act 1970**

**With regard to Rosdeep and her five children, they are culturally sensitive and so any social worker who attended them must have been aware of the British Association of Social Workers ('BASW') Code of Ethics which states that cultural awareness is a necessity**

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<sup>5</sup> The case name and the principles are not revealed here should Edinburgh and Fife Social Services run off to now tamper with the evidence in their social workers files in order to please the results of the Mikael Kular inquiry they announced in July 2014.

**for cultural practice. The BASW Code of Practice states that social workers will give priority to service users' interests when ill-health or impairment requires the social worker to act on their behalf and to seek to safeguard and promote the rights of service users and ensure service users maximum participation in decisions about their lives. A Social worker's legal obligations (Local Authority (Social Services) Act 1970) are to have respect for human rights and anti-discrimination legislation; to have awareness of users' statutory entitlements to services; to be aware of Family Law; Housing Law and homelessness; to respect confidential information and the limits to confidentiality (see Public Interest Disclosure Act 1999); to be aware of their statutory powers; to be aware of criminal law offences such as violence and harassment; to be aware of their own legal powers and duties including legal processes; inter-agency working and the workings of the UK courts.**

**Under the UK Children's Act 1989, there is provision which deals with exercising of parental responsibility once an Emergency**

**Protection Order has been applied for and granted. The Community Care (Delayed Discharges) Act 2003 penalises Local Authorities which cannot provide for a discharged hospital patient. The Children's Act 2004 is concerned with child protection.**

**Cultural differences are acute in Scotland where even white Scots Catholics hate white Scots Protestants**

**Especially in Scotland, social workers must be aware of cultural differences which might require independent, qualified interpreters where necessary. Working in a multi-cultural and multi-racial society requires qualified social workers to be committed to equality in meeting the needs of all children and families and to understand the effects of racial harassment, racial discrimination and institutional racism, as well as cultural misunderstanding and misinterpretation. Social workers should be trained to guard against myths and stereotypes, positive and negative, of black and minority ethnic families, which Rosdeep Kular and her children fall under.**

### **Unexpected murder of Mohammed Abdi**

**Rosdeep Kular must have been utterly devastated to learn of the death of her boyfriend Mohammed Abdi, the man who helped her with her children and was obviously protective of her. Her young son Mikaeel who was close to Mohammed (who used to take him to his kindergarten school whilst Rosdeep Kular held down a full time employment as a fully qualified graduate beauty therapist).**

### **A stalwart full-time employee and young mother**

**There are few British women who can hold down full-time employment with five children under ten to care for. In this respect she was a stalwart and to be praised. This may be the reason for the child to begin to behave in an un-cooperative way and why, he was taken in the care of the Local Authorities for a short while in 2013. The shooting dead of her boyfriend in 2013, allegedly by gangsters dealing in drugs, must have terrified her**

**personally, especially as Mohammed Abdi was a source of emotional and practical support to her.**

### **Rosdeep's almost ex-husband Omotoso Adekeyo**

**In 2003, aged 24 pregnant Rosdeep Kular married Omotoso Adekeyo, a Nigerian taxi driver, and gave birth to son Tarun three months later. They had another son, David, in 2006 and daughter Renuka in 2008. Their relationship unfortunately broke down. The couples, not yet legally divorced live close to each other for access purposes. Mr Adekeyo lives in a flat near Rosdeep in Edinburgh. She married an African taxi-driver, Omotoso Adekoya, and she bore him three children, after which time the Rosdeep Kular had moved back to Fife to live in a family bungalow and be near her own family but had recently moved to Edinburgh to presumably allow her separated husband access to the first three children. She eventually had a boyfriend, although her marriage to Adekoya had not yet been dissolved. NONE of**

**this is unusual behaviour for British women, but for Hindu women, Rosdeep Kular broke many taboos.**

### **Stalwart full-time employee and mother of five young children**

**On a positive note, Rosdeep Kular managed to hold down full-time employment and always looked immaculate as did all five of her young children- this she accomplished with no home-help; no servants; no child-minder and no family to support her, even with five young children solely in her care; a fantastic feat since most Western women find it difficult to hold a full-time job with one child, much less five young children. She kept all her five young children well dressed, well- groomed and in good health. Who among her council-flat neighbours are even in employment, with or without children?**

### **Post Natal Depression and Post Traumatic Stress Disorder**

**What happened to Rosdeep Kular was a mixture of Post Traumatic Stress Disorder and Post-natal Depression which was**



**prolonged and left untreated. Her relatives were harsh with her and called in Social Services Department but unfortunately, most so-called social workers in the United Kingdom are totally unqualified and are no more than automatons doing a job they do not really understand because they have not been educated to UK University degree level on sociology and social care.**

### **SCOTLAND'S RACIST AND INCOMPETENT SOCIAL SERVICES AGENCY**

**A professional social worker must conduct themselves by ethical codes, values, competence and responsibilities. Legally, a Social Worker appointed by the government must have a professional identity and this implies legal responsibilities and carries with it particular powers. So often these unqualified social workers use their powers without the full understanding of the legal consequences of the use of these powers, notwithstanding that social workers are accountable to society in a number of ways. It is the law that creates and controls the practice of social work. The social worker is a state agent who should be qualified to**

**carry out statutory functions, with particular responsibilities for caring for the vulnerable on behalf of society.**

### **Murdered in 2013: Rosdeep's Boyfriend**

**Her boyfriend was Scottish, and also of Asian origin, and he was seven years younger than she was, and Mohammed Abdi, a Muslim whose father was an Imam at the Edinburgh Central Mosque, and who was shot dead on 26 May 2013 by a drugs gang. A trial of 6 suspects is due in Edinburgh in April 2014.**

**Rosdeep was left with the two twin children and no father figure for them. Rosdeep's sister in Fife, who herself is the mother of a young child, now care for Rosdeep's remaining four children in Fife, Scotland. A gang of men who were drug dealers murdered Mohammed Abdi because he told police who the drug dealers were.**

## **THE SCOTTISH GOVERNMENT**

**News of the missing three-year-old child brought the community together in widespread searches for him and when his body was shown to police by the mother Rosdeep in the woods in Fife. It is to be noted that British society today shows peculiarities of emotional behaviour. A young and beautiful Asian woman with five tots to take care of by herself and none of the neighbours ever invited her or her children in for even a cup of tea, yet they effuse flowers and teddy bears when a child dies whom they never cared to converse with before. It is the same hysteria as was illustrated at Princess Diana's death. People who never cared to brush one's hair or make tea for one, come together in hysteria, the streets still full of drunks and drug addicts and dealers, thieves, etc.**

## **A Christian memorial service to assuage the Scottish public**

**The community where Rosdeep and her five kids lived, never ever invited those children into their homes, gave them a cup of tea, babysat for her, or asked after the family. They were and are**

**frankly racist. They attended a Christian memorial service for the child for their own selves. Nevertheless, one wonders if they would have attended a Hindu/Sikh service! One wonders if SCOTLAND POLICE CHECKED THEM OUT BEFORE ALLOWING THEM TO GO ON A SEARCH FOR THE CHILD- HOW MANY THEIVES, DRUG ADDICTS, AND OTHER CRIMINALS WERE OUT THERE WITH POLICE BLESSING. I for one would not like to cross their path on a dark night and if I were Rosdeep Kular in those circumstances, I would have been so scared I would wet myself every time I left the flat. The criminal proceeding was brought by the Crown through the public prosecution system and it must be said that structurally, the Scots law of homicide resembles the law of England and Wales. In Scotland there is now a single offence of murder, where previously there was murder and culpable homicide.**

**This was not murder- this was a very sick mother in need of Social Services and neighbourly help with five young children?**

**Those living in the six-flat building said the children often played in the stairwell, indicating that Rosdeep Kular was protective of her children in this rough neighbourhood she was now forced to live in, to appease the social workers by agreeing to move near her almost divorced husband. Mikael Kular, his mother and his siblings, lived in Kirkcaldy for a period of time before moving to Edinburgh with his mother. Police Scotland search teams found the child's body and sealed off an area of woodland behind the house of a relative in Kirkcaldy, Fife, Scotland, whilst a major incident team investigated the house. Police also sealed off the Kular family apartment in Edinburgh in order to complete their investigations.**

## **Rosdeep Kular's arrest**

**Under Scottish law a person detained can only be held for 24 hours before police must decide whether to release charge or arrest them.**

## **Family have custody of Mikaeel Kular's siblings**

**Rosdeep Kular's older sister is Pan deep Kular, aged 37, and Pan deep Kular lives at the house near where Mikaeel Kular's body was found. Rosdeep and Pandeeep's mother is widow Harjinder Kular, a retired General medical Practitioner, who lives near her. Pity that Police Scotland cannot rid its streets of guns, knives, alcohol and drugs using those same communities!**

**Local people joined specialist teams searching parks and gardens as coastguards combed Edinburgh's north shore. Police contacted ports and airports nationwide amid fears he could have been taken out of the country. There soon followed a large search**

**operation involving hundreds of members of the public who travelled from all over Scotland in a bid to find the youngster, who was described by nursery staff as a 'happy wee boy'. PITY SHE DID NOT PHONE ABOUT HIS WELL-BEING AFTER THE CHRISTMAS HOLIDAYS.**

### **Not a wee happy boy but a disturbed boy**

**In fact, he was not as so described, having had lots of emotional problems and having recently spent a period of time of the care of Social Services as his mother was unable to cope with his behaviour since Mohammed Abdi, his father-figure had been suddenly murdered and never came home again.**

### **Missing from Kindergarten School he attended**

**If my child had missed school the head-teacher herself would have telephoned me, and not given loving words too late. Working full-time as a beauty therapist, Mikael's mother sent him and his twin sister to nursery school whilst the three older siblings**

**attended primary school in Edinburgh, but the last time that Mikaeel had attended his nursery classes before Christmas 2013. Mikaeel Kular was absent from school from 6 January 2014 to 14 January 2014. He had eaten ice-cream on 10 January 2014. So why was he ill in bed from 6 January 2014 to 14 January 2014? Did he actually go to Nando's with the other siblings that weekend before he died? I noticed that somebody illegally took a photo of Rosdeep Kular during the Court trial in July 2014. Apart from this being a contempt of court offence with punishment of immediate imprisonment, Rosdeep Kular actually looked completely insane, in my opinion.**



Rosdeep Kular during trial in July 2014



**Had she been insane for some time – say- soon after Mohammed Abdi was murdered in 2013? Has there been a psychiatrist expert witness report at trial?**

**Dunvegan Avenue, Kilcardy, Fife, Scotland**

**After the body was discovered, because Rosdeep Kular told police, Police Scotland interviewed the neighbours in Fife (since Rosdeep Kular had lived in Dunvegan Avenue with her older sister from the time after her separation from her husband until the middle of 2012, when she moved to a flat in Edinburgh near where her estranged husband lives, leaving the bosom of her own family, her sister and her mother Harjinder Kular, aged 59, who lived nearby). Police Scotland also interviewed the Kular's neighbours in Edinburgh. The newspapers also did their own investigations, muddying the waters and one wonders if they paid people to speak to them.**

## **Forensic examination of the crime scene**

**Forensic teams scoured the woodland where Mikael Kular's body was found. There is a gate at the bottom of the back garden of the bungalow in Dunvegan Avenue which opens into the woodland where police investigated. Officers were drafted in to assist Police Scotland. It is believed Kular lived there 18 months ago before moving to Edinburgh. A private ambulance arrived at 3.25pm and drove into the woods and it drove away shortly after 4pm with the three-year-old boy's body believed to be inside.**

## **Mob rule could have caused Kular's own murder**

**What Police Scotland did not say was that it was Rosdeep Kular herself who told them what happened and where the child's body was. Nevertheless Police Scotland let the local residents who volunteered to look for the child to continue to search on that cold night instead of calling off the search immediately that Rosdeep Kular took them to the place where Mikael Kular's body was! It was not an informer then but the mother, yet police**

**did not say, inciting more public outrage which could have led to a mob murder of Rosdeep Kular herself.**

### **Charged with murder**

**Rosdeep Kular was charged with the murder of her three year old son Mikael Kular, and the trial took place in July 2014 in Edinburgh, Scotland. The Prosecutor accepted that Rosdeep Kular did not intended to murder her youngest son and offered her a charge of culpable homicide instead of murder, to which she pleaded 'guilty'. Sentence was deferred until 25 August 2014 at the High Court in Edinburgh.**

### ***Galbraith v H.M. Advocate***

**In my previous paragraphs I have illustrated how it is that Rosdeep Kular suffers from diminished responsibility and that the charge of murder must have been a tactical one in order that she pleads guilty.**

**The law on diminished responsibility in Scottish law is found in the Full Bench decision of Galbraith v H.M. Advocate. The opinion of the court in the Galbraith case illustrates the largely unsettled and confused terminology in the concept of diminished responsibility. Before the Galbraith case a plea of diminished responsibility was unsuccessful unless there was mental disease or a state of mind almost bordering on insanity.**

### **No previous criminal convictions**

**By the Act of Adjournal (Criminal Procedure Rules) the prosecution must show a certificate relating to previous criminal convictions and Rosdeep Kular has no previous criminal convictions as per section 285(2) (certificate relating to previous convictions) and section 285 (5) (certificate relating to fingerprints of previously convicted person).**

## **The law of diminished responsibility**

**Diminished responsibility: The concept of diminished responsibility has been recognised in Scots law since the second half of the nineteenth century as a means of reducing murder to culpable homicide as, for example, in the case of Alexander Dingwall.**

**Diminished responsibility entails a recognised mental abnormality which impairs to a substantial degree a person's ability to control and determine his or her acts of omissions when he or she kills another human being as per Galbraith. The mental abnormality relied on has to be recognised by medical science (such as post traumatic stress disorder) but it is the lawyers who must accept this as suitable for a plea. Abnormality of mind can spring from a variety of causes of diminished responsibility, yet the court decided that it is not necessary for the law to insist on conditions bordering on insanity or to restrict the**

**concept of diminished responsibility to mental disease, as listed in some medical text. Since 2001, the law on this issue has been settled.**

## **Edinburgh Social Services Department**

**SCOTLAND'S SOCIAL WORKERS ARE MOSTLY UNQUALIFIED AND IGNORANT OF CULTURAL TREATMENT OF CLIENTS.**

### **BASW CODE OF ETHICS**

#### *'1. Challenging discrimination*

*Social workers have a responsibility to challenge discrimination on the basis of characteristics such as ability, age, culture, gender or sex, marital status, socio-economic status, political opinions, skin colour, racial or other physical characteristics, sexual orientation or spiritual beliefs.*

#### *2 Recognising diversity*

*Social workers should recognise and respect the diversity of the; societies in which they practise, taking into account individual, family, group and community differences.*

### *3 Distributing resources*

*Social workers should ensure that resources at their disposal are distributed fairly, according to need.*

### *4 Challenging unjust policies and practices*

*Social workers have a duty to bring to the attention of their employers, policy makers, politicians and the general public situations where resources are inadequate or where distribution of resources, policies and practice are oppressive, unfair, harmful or illegal.*

### *5. Working in solidarity*

*Social workers, individually, collectively and with others have a duty to challenge social conditions that contribute to social exclusion, stigmatisation or subjugation, and work towards an inclusive society. ...'*

## **Conclusions**

**The final conclusion of this case of the death of Mikael Kular and the negligence of the health of the mother of the small family stands out like a sore thumb.**

### **(i) Negligent Local Authority of Edinburgh**

**The Local Authority of Edinburgh, Scotland, has been negligent to Rosdeep Kular and to all her children and Kular should sue them for not caring for her properly, thus causing the loss of her beloved toddler.**

### **(ii) Negligent Social Services in Edinburgh, Scotland**

**The Edinburgh Social Services were very negligent in first using draconian powers against this young mother and her children, scarring them for life, rather than showing the family gentle and caring treatment, contrary to the UK Human Rights Act 1998, of which Articles 6 and 8 guarantee to every parent and every child fairness, which imposes heavy burden on Local Authorities. (See the case of *Re L* [2002] 2 FLR 730. See also the case of *Re S* [2003]). Rosdeep Kular's parents or sibling must not be allowed to**



**take decisions on her behalf. (See the case of *R (on the application of M) v Secretary of State for Health* (2003)).**

**(iii) Rosdeep Kular's Right to a Fair Trial as per the HUMAN RIGHTS CONVENTION 1948, ARTICLE 6, has been crushed by scurrilous newspapers/**

**Rosdeep Kular's right to a fair trial is constantly being eroded by scurrilous and unverified statements made in the media, despite legislation that prohibits this. The newspapers in the United Kingdom have already breached legislation on unlawful disclosure and so it appears have the medical profession and/or its operatives. Newspapers made huge profits for many days as they and television channels, using telescopic lens, showed dramatic pictures of police searching undergrowth close to where the body of three-year-old Mikael Kular was found, as his mother Rosdeep is charged in connection with his death. To make profits from sale of their newspapers, the crime scene area had been said to be totally contaminated because of the many lay persons solicited by police to search. No newspaper has yet to be prosecuted for inhibiting the Human Rights of a Fair Trial or for breach the Crime and Punishment (Scotland) Act 1997. They**

**remain a 'law unto themselves' and have perhaps bribed someone for this information, whether the information is true or untrue.**

**(iv) Crime and Punishment (Scotland) Act 1997**

**By the Crime and Punishment (Scotland) Act 1997, section 44, which inserts section 41D, there must be no unlawful disclosure of information by any medical officer who had provided medical services to Rosdeep Kular nor from any person under his supervision. Sections 44 (2) and (3) state:**

*‘(2) Any person to whom this section applies who discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information relating to any particular prisoner which he has acquired in the course of carrying out his duties shall be guilty of an offence.*

*(3) A person guilty of an offence under subsection (2) above shall be liable*

*(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;*

*(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both.'*

Since Rosdeep Kular was arrested and before that time, she never spoke to the Press. Rosdeep Kular, 33, attended a two-minute hearing held behind closed doors at Edinburgh Sheriff Court. She never spoke, according to newspapers reports, yet who told newspapers that her legal team spoke on her behalf.

**(v) Local Authorities announce Inquiry**

The reason that Scotland has decided to hold an Inquiry into this case is because the Equal Opportunities Commission and the Commission for Racial Equality both have powers to hold investigations, to require persons or bodies to answer questions about their practices and if necessary, to appear before the commission.

The EOC can issue non- discriminatory notices to require Scotland to desist from specified discriminatory practices, enforced by injunction in the high court.

**A Tribunal can order compensation to be paid to the family and this can include a sum for distress to feelings, even if there was no financial loss.**

**(vi) Any tampering and rewriting of social workers records might have already taken place**

**Since the whole Kular family have been affected, they can use the Data Protection Act 1998 to find out what scurrilous information has been written in Social Services records about each of them because this will impact on their whole future lives and probably scar them for life.**

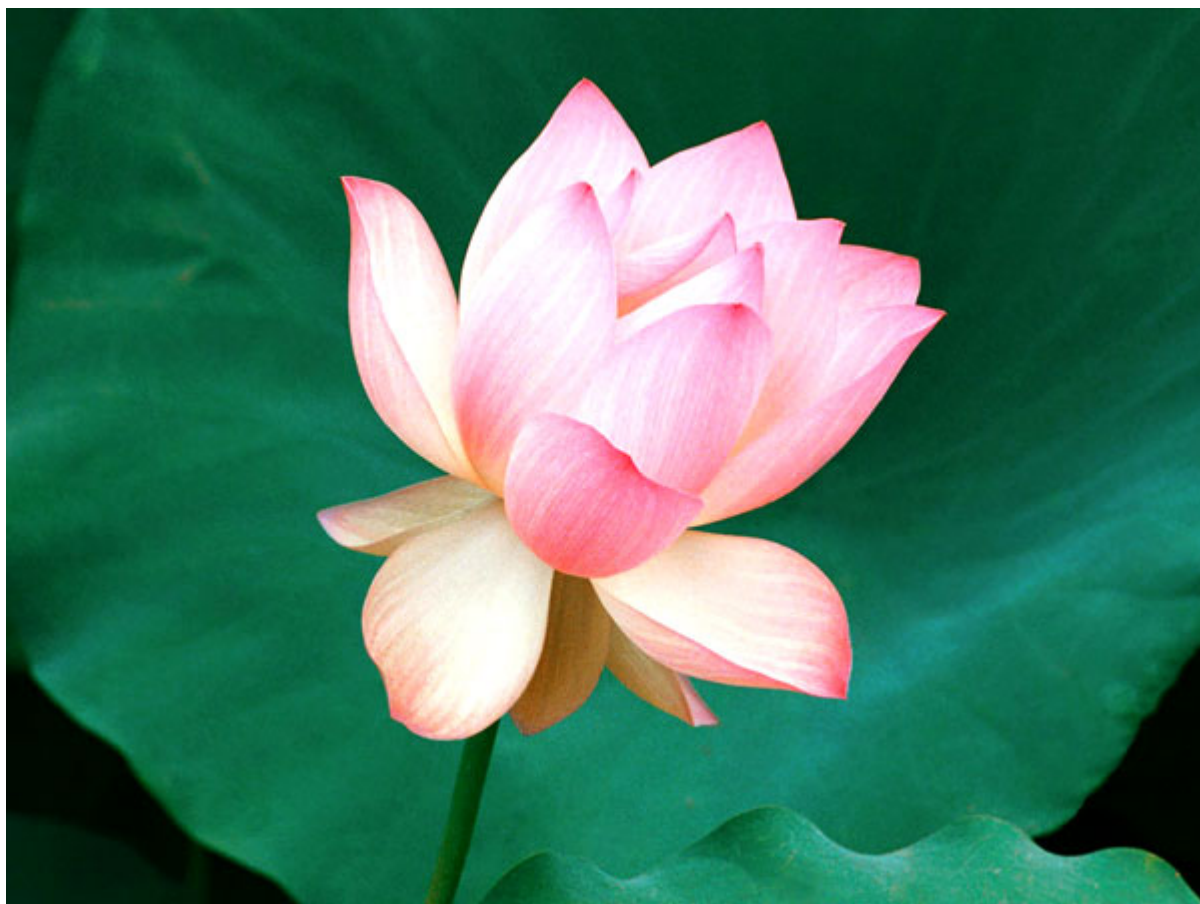
**The Kular family should be able to use the services of criminal lawyers to examine the documents for recent alterations in light of the forthcoming Inquiry and criminal charges will have to be brought by Police Scotland on anybody who has altered this family's records as well as civil litigation.**

**(vii)Data breaches by Government employees**

**The data protection principles state that data must be fairly and lawfully processed; processed for limited purposes; must be adequate relevant and not excessive; accurate; not kept longer**

**than necessary; processed in accordance with the data subject's rights; and be kept secure.**

**Ends+**







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