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Haldane Society of Socialist Lawyers

**PUBLIC MEETINGS PROGRAMME**

### Spring

Full details of the Spring Programme are set out on the poster enclosed in the Christmas mailing to members. All meetings are at the London School of Economics, Houghton Street unless otherwise stated.

**5th FEBRUARY 1987**

"Developments in Judicial Review!"

*Speakers:* Stephen Sedley Q.C., Patrick McCausland, Professor of Public Law LSE.

**19th FEBRUARY 1987**

"Women’s Rights under a Labour Government!"

*Speakers:* Tess Gill and Patricia Hewitt.

**11th March 1987**

Accidents: Whose fault or No-fault?!*

*Speakers:* Dave Gee, Health and Safety Officer GMBATU; Geoff Shears, Solicitor, Brian Thompson & Partners; Greg Powell, Solicitor, Powell McGrath.

**4th-5th APRIL 1987**

"Legal Services: A socialist alternative!?"

Conference and Special General Meeting at the University of Leicester.

### Summer

Details of the Summer Programme will be given in the Easter mailing. Meetings are being planned for May and June on refugees and on the dilemmas and difficulties which many socialist lawyers experience when prosecuting in the criminal courts. The Annual General Meeting will be in June/July 1987.

### ANC BENEFIT

The Haldane Society will be holding a benefit on behalf of the African National Congress in May/June 1987. Food, drink, music and a speaker from the ANC. Full details in the Easter mailing.

If you give Advice - the ADVISER is your magazine.

The ADVISER is an exciting new bi-monthly produced by experts in welfare rights, housing, money advice, employment and computer applications. The Adviser will replace the Rights Workers Bulletin, Housing Aid and In Black as the essential source of news, features and information for Advisers, brought together for the first time by NACAB & Shelter. We will include letters, reviews, job advertisements, training news, information exchanges, your views and more.

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**Haldane News**

**EXECUTIVE COMMITTEE**

Joe O’Hara has had to resign from the EC because of his work commitments. The EC has co-opted two new members: BARBARA COHEN and PAM BRIGHTON. Barbara Cohen will be well known to many members through her work with the National Council for Civil Liberties and, more recently, the Wapping legal observer scheme. She is now a solicitor in private practice. Pam is a pupil barrister who has recently become Convenor of the Crime Sub-committee. She will be co-ordinating the Society’s response to the Criminal Justice Bill.

**WAPPING**

The legal observer scheme at Wapping is still continuing. If anyone could spare a few hours each week to help with the administration of the scheme would be pleased to contact Ben Emerson, 154, St Paul’s Road, London N1. Tel: 01 226 8696. Volunteer observers are also needed.

**INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS**

Jeremy Smith, Joanna Dodson and Rhys Vaughan attended the IADL’s 40th anniversary celebrations in Paris on the weekend of 12th/13th December.

**SOUTH AFRICAN MINeworkers**

On 16th September 1986 at the Kinross Gold Mine in South Africa, 177 miners died in an underground fire. The National Union of Mineworkers and the Anti-Apartheid Movement held a memorial service for the dead men and their families on 28th November in Sheffield Cathedral. Tributes were given by Arthur Scargill and James Mottalat, President of the National Union of Mineworkers (South Africa). Beverley Lang attended on behalf of the Haldane Society and the International Association of Democratic Lawyers.

**MANCHESTER BRANCH**

A Manchester Branch of the Haldane Society has been established for Society members living or working in the Greater Manchester area. Anyone interested in joining or receiving details of public meetings organised by the branch should contact Rhys Vaughan, 382, Dickenson Road, Longsight, Manchester. Tel: 061 224 1459.

**MEMBERSHIP**

Subscriptions: Thanks to all those who responded to the subscriptions reminder which was sent out with the Autumn mailing. There are still some members who have not brought their subscriptions up to date. This is a last reminder. Please could you make sure that you have paid your 1986/87 (October 1986 – September 1987) subscription by 31st January 1987 otherwise your membership will lapse. If you do not already pay by standing order there is a standing order form on the back of “Socialist Lawyer” which you could fill in. Although the membership year runs from October to September, annual outstanding order payments can be made at any time during the year.
Tribute to Owen Parsons

OWEN PARSONS died on August 23rd 1986 at the age of 72. A vice-president of the Haldane Society, he had been an active member since he served articles with W.H. Thompson before the war. I had known Owen since 1941 and I last talked with him in May of this year.

We worked together in W.H. Thompson's office evacuated to High Wycombe during the war and there I came to know well the kind of man he was. His training with the great W.H. Thompson, as W.I. Thomas would call him with affection, had equipped him with an acute mind to develop an outstanding industrial lawyer.

His scale of social values included strong awareness of class struggle problems and there was no doubt in his mind as to the role the law had to play in this connection - one that he was called to be an instrument to change the society in the direction of the workers. His work on the 'Trade Union Bill' and the issues under the 'Trade Union Act' were critical factors in his professional career.

At the 1986 AGM there was a heated debate on the Society's policy on legal services. The papers submitted by the Legal Profession Sub-Committee were criticised by some members for their failure to support the extension of the Law Centre movement and by others for their failure to support a nationalised legal service. Unfortunately, no other resolutions on legal services had been submitted and it was impossible for the debate to be resolved by a vote. The Resolution set out above was passed with a few minor amendments.

The new Executive Committee did not reconstitute the Legal Profession Sub-Committee. Instead it held a General Meeting on legal services: one to discuss a paper by Rhys Vaughan on proposals for a national legal service and the other to consider submissions drafted by Beverley Lang on behalf of the Society in response to the Lord Chancellor's Departmental Report on Legal Aid. It became clear at those meetings that it would not be possible for the EC to formulate a policy to present to the 1987 AGM because there were some profound disagreements within the Committee and the issues were too broad that they needed to be canvassed among a larger cross-section of members. For these reasons, the EC decided to organise a Legal Services Conference to debate the issues and to combine it with a Special General Meeting which would enable the Society to resolve its policy on the future of legal services.

The Conference and the Special General Meeting will be held at the University of Leicester on 4th/5th April 1987. A registration form with further details will be included in the Christmas mailing.

The Conference will be open to members and non-members upon payment of a registration fee. It will begin on Saturday 4th April and end at lunchtime on Sunday 5th April.

The Special General Meeting will be open to all members free of charge. It will begin at 2.00 pm on Sunday 5th April and end at about 4.00 pm.

Rules 11 and 12 of the Society's rules apply to a Special General Meeting and therefore any member intending to propose a motion at the Special General Meeting must write notice of the motion upon the Secretary no later than 15th March 1987. Motions which are not served upon the Secretary by this date may not be debated without the leave of the EC or the meeting and, even if they are taken as emergency motions, they will not be binding on the Society.

Owen Parsons was a giant in the field of industrial law and his contributions to the profession were of the highest order. His work on the 'Trade Union Bill' and the issues under the 'Trade Union Act' were critical factors in his professional career.

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"The Haldane Society reiterates its condemnation of the present organisation of the legal profession as elitist, archaic and inefficient."
Visitors to the Hague

On the 10th September a team of international lawyers including myself as the Haldane’s representative were present at the Dutch Supreme Court’s hearing of the United Kingdom’s application to extradite from Holland Brendan McFarlane and Gerard Kelly the IRA prisoners who had escaped from the Maze prison in Northern Ireland in 1983. The other observers included lawyers from the International Association of Democratic Jurists and a lawyer from Amnesty International.

The Hearing

David Chesterton, a senior Northern Ireland Civil servant, giving evidence on behalf of the UK government, agreed that the IRA was not responsible for all the political violence in the province. Other groups including the Protestant Loyalist community were, he said, responsible for the violence. He said that the IRA had successfully exploited the considerable dissatisfaction with the Stormont Government felt by all sections of the Catholic nationalist community in the 60s. Brian Palmer, head of the Northern Ireland Police service, also on behalf of the UK government said that all prisoners in Northern Ireland were treated according to the law.

“No, I have no evidence of any prisoner being badly treated in Northern Ireland”, he claimed.

The Arguments

Tony Gifford, for the IRA men, outlined to the court the principal features of the British criminal trial with the built in safeguards of the jury system; he stressed the importance of the jury in the British system which unlike the continental jurisdictions did not have an impartial judicial involvement at the pre-trial investigation stage. The split function between judge and jury preserved a proper balance between prosecution and defence.

The non-jury Diplock courts in Northern Ireland removed these vital safeguards for the accused without adding any corresponding protection to ensure that the individual received a fair trial. The recent successful appeals against the convictions based solely on supergrass evidence highlighted the grave deficiency in the Diplock Court trials of cases of a political nature.

Bernadette McAliskey, the former MP gave an eloquent account of the Nationalist community’s struggles in the 60s and 70s which resulted in the abolition of the Stormont parliament, interment without trial, direct rule by the UK and all the other consequences of the transfer of power. She also dealt with the hunger strikes. Reminding the court of the nearly successful attempt on her life by a loyalist group, she made the telling point that if those responsible were now facing extradition she would not have hesitated to plead on their behalf with equal force the political nature of the offences.

McFarlane and Kelly addressed the court at length and stressed that they had escaped without arms (prisoners) captured during the Irish struggle against British military occupation just as the Dutch had resisted the Nazi invasion. The court after reserving judgement found against the IRA men who have subsequently been extradited to the UK.

The Court Proceedings

As an observer I was struck by the following things. Unlike hearings before the House of Lords, the Dutch Supreme Court heard from both sides including expert witnesses and the persons resisting the extradition. They were all heard in cross-examination of the witnesses did not as closely as would have been the case in England.

“The witnesses were allowed to make lengthy political statements as well as to delve into Irish history.”

I looked in vain for the advocate representing the UK government until I realized that a Code of Law in which the Dutch Attorney General was sitting up on the platform alongside the appeal judges one of whom was a woman.

No immodesty!

The labour movement is far too deferential and modest in its demands. There is no reason why we should not press for entitlement to holidays and notice periods equivalent to other European countries. We should not merely meekly stand against: “no arbitrary reductions in the protective clauses of the Factories Act” (as the TUC resolution does); we should demand that the Factories Act standards are improved and applied to other workplaces.

Counter the mythology

The law works partly by imposing penalties (fines, damages, imprisonment, sequestration, receivership) and partly by creating images in people’s minds of legitimate, appropriate, acceptable behaviour. Thus for example several injunctions were granted during the miners’ strike to prevent it being called “official”. The real intention was to twist the strike in the minds of miners, drivers who might picket lines, and the public who gave money and support.

Conclusion

The labour movement must not let the debate stop with NINL. Now is the time to decide the exact laws we seek — before the next general election. NINL and the Haldane Society’s “Workers Charter” sets out suggested guidelines for all areas of employment law. More generally however there are three factors which need to be taken into account.

A vote winner

The labour movement needs a Labour government. The annual laws will be twisted by the NINL in an attempt to create anti-Labour propaganda. Nevertheless, the NINL and Labour of course support the workers charter. If properly explained it can be an electoral asset. People will be attracted by the idea of being given more protection. We should not let fear of media propaganda alter our objectives. Take an example. Much is made of the individual right not to strike and the obligations of employers. We can use the logical and persuasive argument that if there is a ballot in favour of a strike then the minority should be obliged by law to abide by the decision of the majority.
Nicholas Paul

Juries: A balanced tribunal: The peremptory challenge

1. The government has recently announced that it intends to abolish the right of peremptory challenge of juries. This proposal although the subject of much political controversy and criticism was first given official substance in the Fraud Trials Committee Report (Roskill report) published subsequently in March 1996 the government published its proposals in a white paper: CRIMINAL JUSTICE: Plans for legislation.

2. The starting point in analysing the motives and reasons for bringing about such a fundamental change must be the Morris Jury Trial in 1984/85. The white paper meticulously recognizes this by dealing with multi-defendant cases, where the defendant will be in concert to pool their challenges. As the paper puts it: "An entire jury can thereby be replaced, or new jurors can be challenged in their turn so that those who look more likely to favour the defence come along. This can still be no guarantee that the effect aimed at will be achieved, but, if the defendants can settle upon a common object, it is more likely to be achieved in multi-defendant cases."

3. In recent riot trials where all the defendants have been black, defence counsel have sought to use the challenge system to obtain a more racially balanced jury. But on the government's analysis this could just as easily be defined as an attempt to obtain a jury less respectful for the law. Clearly therefore there is a residual fear that a jury too broadly drawn from the citizens of this country can be too easily manipulated by clever lawyers.

4. The obvious recent example of the type of case that the government clearly had in mind were the trials of miners on criminal charges in the aftermath of the Miners's strike in 1984/85. The white paper meticulously recognizes this by dealing with multi-defendant cases, where the defendant will be in concert to pool their challenges. As the paper puts it: "An entire jury can thereby be replaced, or new jurors can be challenged in their turn so that those who look more likely to favour the defence come along. There can still be no guarantee that the effect aimed at will be achieved, but, if the defendants can settle upon a common object, it is more likely to be achieved in multi-defendant cases."

5. What then is the evidence that the use of the peremptory challenge along with the challenge for cause can influence jury verdicts? In their book JURY TRIALS (1979) Oxford Press Chapter 6, Baldwin McConville specifically examined the use and abuse of the peremptory challenge. They drew these conclusion: (pg 95) "It does not seem, therefore, that the opportunity to challenge jurors in those ways made much difference in Birmingham to the final composition of any jury and, where it was exercised, it proved to be an ineffective means of obtaining a noticeably sympathetic jury," and (pg 105) "the truth of the matter is that most juries in Birmingham were extremely mixed, and it is to be expected that the amalgam of personal and social attributes that make up a jury will produce verdicts which reflect that unique social mix rather than the broad social characteristics of the individuals concerned."

The Roskill committee starts from the premise that any interference by way of challenge amounts to an erosion of the principle of random selection. This is because any challenge will be by reference to superficial factors alone such as dress, manner, age and the carrying of particular newspapers. As counsel are entitled to have the names and addresses of the jury panel they can check their area to see if they might be at all antagonists. Roskill concludes that especially in multi-defendant cases this will result in rigged juries. There is no evidence cited to support these conclusions and in his dissenting report Walter Merricks makes the following points, Roskill's proposals to make challenges for cause to establish that a fairly mixed jury was beyond the realm of possibility. The exercise of the permissible grounds for making a challenge for cause are not wide enough to permit such a práctico. This is because there must be a foundation in fact for the challenge based on provable bias, disqualification on previous convictions whereas the usual issue is obtaining a jury that is balanced in the eyes of the defendant(s). Roskill proposes that the old habit of disclosing jurors occupations (stopped by the Lord Chancellor in 1973) to be restored. However even if it were done it would then mean the judge becoming involved in the process of jury selection which might very well lead to controversy.

6. The Roskill committee was set up to examine Fraud trials. Part of it's brief was to consider whether or not there was a need for fundamental changes in the mode of trial. The most controversial conclusion now rejected by the government was that in certain types of Fraud cases there should be trial by judge with expert assessors but without a jury. At the time there was doubt as to whether a modern jury had the intellectual faculties to grasp the complexities of modern fraud. It appears therefore that the Roskill committee had a vested interest in discrediting the jury system as being unreliable in certain circumstances, for example, in a case of fraud involving many juries defence counsel might make a concerted effort to remove all jurors who might have any grasp of financial detail. The evidence called by the committee did not show that juries were unable to convict in fraud cases. Indeed the argument that the role of advocates in such cases was to make the evidence and issues as simple as possible has obviously persuaded the government as well as everybody else. In other words it is accepted that modern juries are able to properly participate in such cases.

7. The issue then comes back to whether or not juries can be twisted by the use of the challenge. The proper conclusion to be drawn is that the proposed abolition of the peremptory challenge is a politically motivated device. But the feeling that in politically sensitive cases it cannot afford to allow to defendents and their representatives the time honoured right of using these rules to bring this balance as between the prosecution and the defence. There is no evidence to suggest that the use of challenges is producing reverse verdicts. However it is the case that there have been acquittals especially when the issues raised have had widespread public importance the government has felt it has lost the battle. Taking away the right to peremptory challenge is one way of undermining the subtle balance that underpins the criminal justice system. It's result will be diminished respect for the fair administration of justice.
Pritt Memorial Lecture: Politics and Justice: Can the Legal System be reformed?

I thought it only right to prepare this lecture by re-reading 'Justice in England', published for the Left Book Club in 1938 and written by 'a Barrister'. 'A Barrister' was of course D.N. Pritt. The underlying premise of the book was: 'Any system which divides the system in its separate parts, the judges, the magistrates, the lawyers, the provision for poor litigants, the law itself and its procedure, it becomes ever clearer that it is but a part of the whole, a limb of the body of capitalism, sharing with it necessarily its inequality, its social injustice, and all its symptoms of decay.'

Pritt commented on one particular obstacle to any reform - 'the deeply-held conviction of the upper and middle classes that the system is as near perfect as it can be.' He then proceeded to analyse the imperfections of each part: the judges ('incapable of understanding the problems, the difficulties, the aspirations, the emotions, the vices and virtues, the temptations, often even the speech, of nine-tenths of the people who come before them'); the magistrates ('so grotesquely unfitted for the task of truly administering justice that they seem to present the exact antithesis of every quality they are supposed to possess'); the lawyers, the arrangements for legal aid, and the law itself. Only in his chapter on juries, whom he described as 'as handy and reliable a weapon of reaction as any ruler could desire', was his judgment, I believe, at fault; though with the property qualifications as they were, jurors were not then any kind of bulwark against repressive political prosecutions.

"Ruling class interests will accuse us of disrespect of the rule of law and political interference with the judiciary. We should meet that argument head on."

We believe deeply in the rule of law, because the rule of law means that all people, however poor and unpopular, can have their rights upheld. What rule of law has black people in Britain enjoyed, whose rights have been routinely abused by officers of the law, with little redress from the courts? We do not believe in a rule of law which protects the London Police. We believe in the independence of the judiciary from Government: but today we see a judiciary which merely bows down to the dictat of Government to mention a national security issue. Where was the independent judiciary when the trade union rights were swept away from the workers at GC&I? The classic expression of the lapsdog mentality of senior judges towards the Executive was made by Lord Denning in the Rosenhall case: "In some parts of the world national security has on occasions been used as a pretended justification of the destruction of individual liberty. But not in England. Both during the wars and after them, successive ministers have discharged their duties in the service of the defence of the people at large. They have set up advisory committees to help them. Usually with a chairman who has done everything he can to ensure that justice is done. They have never interfered with the liberty or the freedom of movement of any individual except where it is absolutely necessary for the safety of the state." So do not fear that radical reform may infringe basic principles of legal fairness. Throughout history it has been radicals and socialists who have most truly understood the principles which ought to underpin the law but in practice do not.

One has to observe that it is late in the day for the Labour Party to be asked to produce a policy statement for the legal system, also that the contents of the policy are so vaguely indicated in the resolution as to leave one with little confidence that anything radical will emerge. But there is the beginning of a commitment. There could well be a Labour Government within a year. We must therefore set forth the essential elements of a policy which would achieve the aspirations of the resolution. I propose to cover four of these elements; there are several others, but these four will arouse particular opposition, and as must be argued for with particular clarity and determination.

A Ministry of Justice

First, a Labour Government should set up a Ministry of Justice, with a Minister in the House of Commons, replacing the Lord Chancellor's Department, and taking on all responsibilities relating to the protection of people's rights. There are senior Labour lawyers who say that to abolish such a venerable personage, such a long and curious chapter in the constitutional law books, would be to tamper with the sacrosanct. They hasten to change the unwritten constitution. It is necessary therefore to argue fully the reasons why the existing Lord Chancellor's Department cannot meet the needs of the people for justice.

Above all there is the argument of accountability. The responsible Minister for most legal affairs sits in the House of Commons, and the Members know next to nothing about the injustices suffered by working class people. But in the House of Commons, whose members receive direct and indirect benefits of their constituents, the only person to complain to is the Attorney General, whose department is quite separate from the Lord Chancellor. Lord Hailsham has sought to make a virtue of his place in the Lords. He argues that since the duty of the Lord Chancellor is to preserve the independence of the judiciary, he "must be immune from the day-to-day turbulence and violent in-fighting in the House of Commons." I find this reasoning misleading and somewhat arrogant. Misleading, because a Minister of Justice in the House of Commons would be there to account for the responsibilities of his or her Department, not for the rulings of an independent judiciary. Arrogant, because it seems to treat the House of Commons as a rabble who should not be allowed to question the workings of the legal system.

"In a modern democracy, the selection of judges and magistrates, the service provided by lawyers and the courts, and the protection of basic human rights under the law, are all political issues for which the responsible minister should be accountable."

An alternative has been suggested by the Society of Labour Lawyers in their draft "Charter for Human Rights", that there should be "a Minister in the House of Commons accountable for the expenditure of the Lord Chancellor's Department", the Lord Chancellor remaining in the Lords. That sort of second-hand, second-rate accountability will achieve nothing, because the person with the real power will continue to be screened from the democratic representatives of the people.

Tony Gifford, Q.C.
The Bar will never change this of its own accord. After 12 years of the Wellington Street fee-sharing system, which removes the salary of a First Four, a year, not even other members of this society have followed our lead. The change to be imposed is to unify the educational layers of the society, through a grant-aided academic course and salaried-in service training, so that we no longer employ barristers as a barrister-and-solicitor, or more simply as a lawyer with rights of audience in all the courts of justice.

At the time of writing, the rights of audience of existing solicitors would be removed, thus ending the second cause of disgrace — the feather-bedding of the barristers' protective practice which means that in case after case a barrister briefed overnight does a job which an experienced solicitor would do much better.

These proposals do not disregard the value of specialisation. It is not to the interest of specialised advocates to set up in business at any time after qualifying, taking cases on referral office, without retaining the barrister's role by choice of the client and on merit, rather than by right of monopoly. That would be one option, and the practical and restrictive practices would allow others for which sociologists would find interesting, such as the setting up of a comprehensive office with lawyers taking on every aspect of a case in a co-operated team which could give an excellent service to the client.

The First Priorities

Out of this review of four policy areas I would draw these immediate demands to be presented to a new Labour Government:

- Create a Ministry of Justice
- Set up a Parliamentary Select Committee on Legal Affairs
- Institute an overhaul of the appointment of magistrates and judges
- Take on the core funding of existing and projected law centres
- End the restrictions on the rights of audience of solicitors.

Add to that priority reforms in other areas which I have not covered, such as the setting up of a family court, the extension of jury trial, and the protection of fundamental human rights.

Will any of this happen? The challenge is on us, as socialists, lawyers, through our efforts and still more through effective and the strength of this organisation, to make it happen. To answer the question posed in the title I believe that the legal system can be radically reformed.

The second priority, for a Minister of Justice concerns the abolition of present day Lord Chancellor and the protection of people's rights. At present this is a bureaucratic mess in which people's rights are tangled up. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital.

Judicial Appointments

The second priority, in the ambitious (some might say fanciful) work of the magistrates, is to make sure "a judicial system geared to the protection of individual rights rather than the protection of property and hierarchy." This would be a radical change. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital. The Home Office which answers for the police and the immigration service, should never have responsibility for the appointment of legal professionals. The office of Lord Chancellor is vital.
Stop Press

Grenada Trials

The Committee for Human Rights in Grenada has issued the following Press Release:

The verdict and vicious sentences have come as no surprise to persons who have been closely following the kangaroo trial of the surviving leaders of the People's Revolutionary Government and the officers and soldiers of the People's Revolutionary Army in Grenada. 14 persons were sentenced to hang and 3 to imprisonment for periods from 30 to 45 years. There can have been few trials, if any, in history in which the trial in Grenada will have been equalled in terms of:

- (a) violations of the rights of the accused;
- (b) disregard for the law;
- (c) disregard for the principles of natural justice;
- (d) hostile bias of the judge and jury; and,
- (e) prejudicial reports and comments in the local and international media prior and during the proceedings.

At the present time there is no right of appeal from the Appeal Court in Grenada to the Judicial Committee of the Privy Council, as there is in most other Commonwealth countries. Grenada is to be re-admitted to the Eastern Caribbean judicial system, from which there is such a right of appeal, but the authorities in Grenada are endeavouring to delay Grenada's re-admission so that the 14 leaders of the Grenada Revolution, who have been sentenced to death, can be hung before their right of appeal to the Privy Council is restored.

Glaring Miscarriages of Justice and Abuses of Human Rights

Among the many glaring abuses which have characterised this so-called trial, the following are particularly deserving of condemnation:

1. The accused were unrepresented; defence lawyers having withdrawn from the trial given the unconstitutional nature and bias of the court.
2. The trial has been held inside the prison in which the accused have been imprisoned instead of in the regular court, with a restricted admission of members of the press and public and in intimidatory presence of soldiers and police.
3. The accused have been humiliated and made to look like convicts by having their heads and beards shaved.
4. The array of jurors, from whom the trial jury was empanelled, was selected with complete disregard for the precise requirements of the local statute governing the selection of judges. The registrar, who was insisting on compliance with the law, was dismissed and a barrister, who up to 2 days prior to the appointment was a member of the prosecution team, was appointed to replace him.
5. The jury panel from which the 12 man jury was selected had shown open hostility to the defendants and their lawyers, heckling and shouting at them in the court before the evidence had even started. Small wonder, then, that the jury took only 3 hours to return verdicts in 198 counts against 18 accused.
6. The evidence of prosecution witnesses was heard in the absence of all but one of the accused, the other seventeen being at that time confined to their prison cells. This directly violates a specific provision in the Grenada Constitution that no person who is charged for an offence for which he may be sentenced to death may be tried in his absence.
7. When the judge, as he was required to do, invited the accused to address the jury, they requested a copy of the notes of evidence which had been read to them by prosecution witnesses in their absence. The judge refused to allow them to have, saying that it would take too long to type the notes. He persisted in this refusal even when the accused pointed out that they would be in no position to prepare addresses to the jury if they had no record of what had been said about them while they were not present, commenting that they must have seen the newspaper reports.
8. One of the duties of a judge is to see that justice is done. This is his primary duty. At the Preliminary Inquiry, preceding the trial, the prosecution called two security guards of the late Maurice Bishop to give evidence. One of them stated that there was no meeting of the Central Committee at Fort Frederick on October 19th, but this was not what the prosecution wanted to hear as their whole case rested on evidence given by the other security guard that there had been an open air meeting at which a decision to kill Bishop was allegedly shouted to the assembled soldiers. At the trial the prosecution called only the security guard upon whose evidence they were relying to prove that this alleged meeting took place: and omitted, as they were entitled to do, to call the other security guard. Had the accused been legally represented, their counsel would have drawn attention to this discrepancy and probably would have called the other security guard as a witness for the defence. The judge was aware of the facts as he had a copy of the depositions from the Preliminary Inquiry before him. The judge has power at any time to call witnesses himself. This was clearly a case in which the interests of justice required that the other security guard, and possibly one or two of the hundreds of other soldier present should have been called to give evidence. The Judge was aware of the importance of evidence on the question of whether or not the alleged meeting took place because, in his summing up to the jury, he admitted that the prosecution's case against the members of the Central Committee rested on the security guard who was called. But the judge did not call for any further evidence.
9. The prosecution case, particularly against the New Jewel Movement Central Committee, was very weak. In addition to Cletus St Paul (security guard mentioned above), the only other evidence against them was "confessions" from several of the accused. Despite the defendants complaints both at the time of the investigation and in the trial that the said "confessions" were extracted by torture, the Judge allowed all these statements to be admitted as evidence to the jury.
10. Where an accused person is not legally represented and does not give evidence or call witnesses, it is not permitted in English practice (which is what the Court is supposed to be guided by in Grenada unless there is statutory provision to the contrary) for the prosecution to be given a second opportunity to address the jury. In this case, however, the judge not only allowed the chief prosecutor to make a second address to the jury, but, most improperly, did not restrain him from developing on the unsworn statements made by the accused, and distorting the meaning of what some of them had said.

It is no exaggeration, therefore, to describe what had taken place in this trial in Grenada as a complete travesty of justice.
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