Inside:

**CIVIL LIBERTIES AND THE CON-DEM COALITION**
by Conor Gearty

**LEGAL AID AND THE IMPENDING CUTS**
by Paul Heron

plus **STUDENTS, BLACKLISTING, PHILIPPINES, LEBANON, COLOMBIA and more**
Contents

Number 57 February 2011 ISSN 09 54 3635

‘Apathy is dead’ ................................................. 4
Just one of the placards from the student protests of 2010. Michael Goold agrees...

News & comment ............................................... 6
From Turkey to the Philippines, from PCS to ELDH, and lots more

Young Legal Aid Lawyers ............................... 13
Connor Johnston wonders if ‘reform’ should imply a level of improvement for legal aid

Letter from Scotland ......................................... 14
by Sarah Collins, Claire Stevenson and Fiona McPhail

Civil liberties and the Con-dems ................. 16
Amidst the control orders squabble, Conor Gearty asks: who really runs the country?

Colombia: where lawyers dare ......................... 18
Ros Olleson reports on an international lawyers’ delegation to Colombia

Blacklisting ...................................................... 20
Dave Smith on the trade unionists still being victimised by their employers

Bush admits torture takes place ..................... 23
Ruth Blakeley shows how some memoirs can be more revealing than others

Lebanon and the Security Council .................. 24
Omar Nashabe on the UN’s investigation into who assassinated Prime Minister Hariri

Legal aid and the impending cuts .................. 28
Paul Heron outlines the attacks on legal aid and how to fight them

Philippines: justice for Morong 43 ............... 32
A victory for the National Union of People’s Lawyers, as Michael Goold reports...

Book reviews ................................................. 35
Gareth Peirce, Latin America and The Law of Public Order and Protest

Haldane Society PO Box 57055
London EC1P 1AF Website: www.haldane.org

The Haldane Society was founded in 1930. It provides a forum for the discussion and analysis of law and the legal system, both nationally and internationally, from a socialist perspective. It holds frequent public meetings and conducts educational programmes. The Haldane Society is independent of any political party. Membership comprises lawyers, academics, students and legal workers as well as trade union and labour movement affiliates.

President: Michael Mansfield QC
Vice Presidents: Kader Asmal, Louise Christian, Tony Gifford QC, Tess Gill, John Hendy QC, Helena Kennedy QC, Imran Khan, Kate Markus, Gareth Peirce, Michael Seifert, David Turner-Samuels, Frances Webber and Professor Lord Wedderburn QC.

Chair: Liz Davies (lizzdavies@riseup.net)
Vice-Chairs: Kat Craig (katherine@christiankhan.co.uk) and Anna Morris (annam@gclaw.co.uk)

Secretary: Chris Loxton (chrisloxton@yahoo.co.uk)

Socialist Lawyer Editor: Tim Potter (tim.potter@4bc.co.uk)

Treasurer: Declan Owens (declanowens@hotmail.com)

Membership Secretary (job-share): David Renton (davidkrenton@gmail.com) with Debbie Smith

International Secretary: Bill Bowring (b.bowring@bbk.ac.uk)

Executive Committee: Hannah Rought-Brooks, John Hobson, Richard Harvey, Azam Zia, Rheaian Davies, Margaret Gordon, Mike Goold, Owen Greenhall, Carlos Orjuela, Ripon Ray, Kezla Tobin, Marcela Navarette, Brian Richardson, Russell Fraser, Marina Sergides, Simon Behrmann, Dirghayu Patel, Sophie Khan, Majida Bashir, Yoshihiro Bartlett-Iimadegawa, Joanna Gilmore, Robert Atkins, Martha Jean Baker, Charlie Dobson, Angus King, Omar Khan, William Dooley, Stephen Knight, Saleh Mamon.
We face vicious public spending cuts. Haldane members have a particular responsibility to defend the legal aid budget. But we also have a duty, as citizens and consumers of public services, to fight the cuts to the NHS, to education including the rise in tuition fees, to welfare benefits and other public services including social housing.

These cuts target the poor. Potential university students from poorer families will be deterred from pursuing higher education by the prospect of lifelong debt. Housing benefit cuts condemn tenants in both private and social rented housing to moving ceaselessly from one unaffordable property to another, and to move from their neighbourhoods to areas providing cheaper accommodation. Court closures restrict access to justice, as litigants have to travel further and more public sector jobs are lost.

Proposals to give new council and housing association tenants ‘flexible tenancies’ – limited to two years, renewable only if the tenant remains unemployed and in desperate need – trap those tenants into poverty and dependence on welfare benefits. There is little incentive to look for a job if you will lose your home as a result. The supply and quality of social housing has been massively depleted by 30 years of the ‘right to buy’ and lack of public investment. These proposals will ghettoise social housing as a safety-net of last resource, only to be provided to the most desperate and inevitably at a low standard.

Despite David Cameron’s statements during the election, the NHS is not protected from cuts. NHS staff, like other public sector workers, are all subject to a two year wage freeze – a wages cut in real terms. Lansley’s pathfinder GP consortia – commissioning treatment for their patients from hospitals – will mean that decisions on treatment are dictated by cost, not what is best for the patient. GPs don’t want that. For all its inadequacies, the NHS is a glorious achievement, not least because treatment is determined by patient need. Its public nature needs defending against increasing privatisation.

The Government’s Green Paper Proposals for the Reform of Legal Aid in England and Wales proposes cuts of £350 million from the legal aid budget of £2.1 billion. The cuts fall in the area of social welfare law and civil claims – where people are enforcing their rights. Legal aid will not be available for private law family disputes unless domestic violence or child abduction issues are relevant. There will be no legal aid for housing damages claims, clinical negligence, consumer protection, criminal injuries compensation, debt, disputes over education, employment cases, welfare benefits and immigration claims (excluding asylum). Financial eligibility is slashed. So far fewer than the current 29 percent of the population could claim legal aid even when it is available. A 10 percent cut in rates, frozen over five years, might mean the end of specialist legal aid providers who can no longer make ends meet and meet their office costs. Even if legal aid remains available, there may no legal aid providers. As our friends in Young Legal Aid Lawyers put it, only the rich and the near destitute will have access to justice.

With Young Legal Aid Lawyers, The Haldane Society is holding a Commission of Inquiry into the Case for Legal Aid in Parliament on 2nd February 2011, providing testimony from those who have benefited from legal aid. Please contact us if you can help. We should all be responding to the Green Paper – consultation closes on 14th February 2011. We support Justice For All, Save Legal Aid and the other campaigns to keep legal aid and advice.

We are inspired by the resistance of students and higher education staff. Haldane members have been on demonstrations and are providing legal representation about kettling, student occupations and criminal charges. The students and lecturers are leading the way and we hope that public sector workers will join them in resistance. We support the TUC Day of Action to Stop the Cuts on Saturday 26th March 2011. Lawyers are public sector workers too. We will be on the Day of Action with the Haldane banner and hope members will march with us.

We will work with different groups opposing the cuts such as the Coalition of Resistance, the Right to Work campaign and with the trade unions. If the Con-Dems get away with these punitive cuts, we face a return to levels of poverty and social inequality last seen in the 1930s. The 1945 Labour Government built the welfare state – whilst holding down a deficit of 100 percent. The great genius of the welfare state is its universality. We are all entitled to free education, free health treatment, certain welfare benefits. That universality results in a more cohesive, collective society. We are all in it together. Sit in any NHS waiting room and you see how diverse patients are.

Over the last 30 years, that universality has been whittled away. We have been encouraged to buy our way out of public services and buy private education, private health insurance, use our homes as commodities. So it is the poor who are more dependent on public services. The Con-Dems want public services to be only for the poor – provided as a minimum and subsistence of asylum. Financial eligibility is slashed. So far fewer than the current 29 percent of the population could claim legal aid even when it is available. A 10 percent cut in rates, frozen over five years, might mean the end of specialist legal aid providers who can no longer make ends meet and meet their office costs. Even if legal aid remains available, there may no legal aid providers. As our friends in Young Legal Aid Lawyers put it, only the rich and the near destitute will have access to justice.
Tens of thousands of students, teachers and education activists took to the streets on 10th November 2010 to protest against the Government’s planned increase in tuition fees and cuts to education spending. The demonstration was touted as the largest student demonstration in a generation.

Whilst organisers of the demonstration focused their condemnation on the hypocrisy of Liberal Democrat Members of Parliament who had pledged to vote against tuition fee increases, thousands of student demonstrators showed their anger towards the Conservative majority in Government by descending on their party headquarters at Millbank. Demonstrators forced their way into the building and proceeded to occupy the foyer and roof for a number of hours. Despite attempts by organisers and the media to portray those involved in the occupation as a small group of anarchists, the reality is that most were ordinary students enraged by the Government’s attacks on education.

Two further national days of demonstration and a spate of student occupations have brought to the fore various issues on the law relating to protests. Particularly worrying has been the Metropolitan Police’s heavy handed policing at the demonstrations following the incident at Millbank. Charges by mounted police and the use of ‘kettling’ during the two most recent student demonstrations show an indiscriminate approach being taken by the police as they attempt to criminalise demonstrators exercising their right to protest.

The Haldane Society supports the student demonstrators’ right to protest and none more actively than our Chair and Vice Chair, Liz Davies and Kat Craig. Liz and Kat represented students occupying University College London premises at the time of the demonstrations. Lawyers for University College London had hoped to rush through an application for a Possession Order against the occupiers. However Liz and Kat managed to achieve something of a double victory for the students. This was done firstly by convincing the judge at a preliminary hearing that the decision merited a full hearing thus delaying any evictions by nearly a week and secondly by successfully defeating the application a Possession Order for the entire Gower Street campus, although an order for the two specific areas of the occupation were granted.

Protest and the Law Lecture, SOAS

During this time of mass student protest The Haldane Society hit a topical note with its final lecture of the year, hosted by the School of Oriental and African Studies on 1st December 2010. The speakers explored the limits of protest and direct action when considered in the context of the EDO case.

In the wake of Israel’s brutal barrage of Gaza in 2009, a group of activists from Brighton, Bristol and London decided to break into the EDO factory in Brighton on 17th January 2009 and cause such damage as to render its machinery inoperable. EDO was responsible for supplying a device to Israel in the manufacture of its fighter jets. The group were arrested at the factory on the night they broke in. Their trial took place over three weeks at Hove Crown Court during the summer of 2010. The case received coverage in the national press following comments made by Judge George Bathurst-Norman in his summing up to the jury which were perceived by some commentators to be anti-Israeli.

Henry Blaxland QC was one of the leading barristers defending the protesters. Chris Osmond, a defendant, also addressed the meeting. Henry Blaxland QC gave us a detailed exposition of the law and how the defendants came to be acquitted. Chris Osmond explained the motivation for the action taken, the trauma of his seemingly endless period of remand and the jubilation of his eventual acquittal. That he continues undeterred as a committed activist is an inspiration to a new generation of protesters rallying against the cuts to education.

Michael Goold agrees...
Manila conference stands up for ‘people’s lawyering’

The Fifth Conference of Lawyers in the Asia-Pacific was held in Manila, Philippines on 18th and 19th September 2010. Edre Olalia of the National Union of People’s Lawyers (NUPL) welcomed us to Manila and the Philippines. He read out the names of the countries present and groups of delegates stood one after another to welcome each other. Edre was followed by speakers who railed against impunity in Asia and celebrated what the Filipinos call ‘People’s Lawyering’. People’s lawyers, they told us, derive their mandate from the people; not the Government, law or selfish material desires. The nobility of the sentiment was surpassed only by its utter sincerity.

I was asked to chair one of the workshops, on the ‘Impact and Implications on Civil and Political Rights’. On the panel were lawyers from the Philippines and Sri Lanka who related their experiences in their countries before we opened the discussion to the floor.

Safe though we were from the oppressive Manilan heat, temperatures in the room peaked as delegates from across the world recounted grimly constant reports of State crimes against their people. At one point an irate gentleman from Bangladesh asked me to justify a recently uttered flippant remark delivered by Tony Blair. Discomfited by this unexpected focus, I assured him that others could provide better answers than I and solemnly advised him to look for works by Bingham and Sands.

The following day, Haldane’s Mike Goold chaired a seminar on ‘Assessing National, Regional and International Human Rights Mechanisms’, whose participants agreed that a great goal would be to see a human rights standard common to all of Asia.

In the afternoon Mike and I worked with members of the NUPL and the European Association of Democratic Lawyers in collating the findings of the various workshops and drafting the ‘Manila Declaration’. This concluded that: ‘The notion that human rights are indivisible is not merely an abstract principle. It is impossible to secure some rights without securing all. Those who do not have enough to eat cannot exercise their political rights in a meaningful way. One cannot enjoy legal equality without the means to litigate one’s case.’

An uncomfortable resonance for UK lawyers in the month our Government published its blueprint for its assault on legal aid.

We were and remain unceasingly grateful to our Filipino comrades for their hospitality and generosity.

*Russell Fraser*

Inquiry findings

On 13th October 2010 the Haldane Society held its first lecture of the new season with a discussion on the Bloody Sunday Inquiry Report by Lord Saville, Sarah McSherry, Binne Ni Ghraraigh, Jane Winter and Jean Hegarty, all leading speakers on the subject, spoke in depth about Lord Saville’s Inquiry into the 1972 massacre.

The second Inquiry into Bloody Sunday, headed by Lord Saville, was the largest and most expensive Inquiry heard to date. The long awaited report was delivered on 15th June 2010 with its findings warmly welcomed by the relatives and campaigners alike. Saville had concluded that none of the killings were justified as those killed were unarmed and therefore the British army could not have been in fear of their lives.

Lord Widgery’s ‘whitewashed’ report from 1972 was finally laid to rest along with its falsities and inconsistencies. Where Widgery had exonerated British soldiers and their shooting of innocent civilians, Saville condemned the soldiers and exonerated the victims who he said were not posing a threat. He concluded amongst other findings that:

i) the soldiers lost the discipline required in firing and there was a loss of self-control;

ii) soldiers were not threatened or attacked with nail or petrol bombs; and

iii) many of the soldiers had put forward, and still continued to do so, false accounts.

However, the speakers outlined...
closest to truth

Inquiry, much of the evidence that was lost and/or destroyed would have been more readily available. Those attending the lecture heard that a combination of delay, lies, Government barriers and policies drove the cost of the final Inquiry up and had there been a search for truth in Widgery’s Report, no second report would have been necessary. However victim’s families had stated, ‘Every penny was worth it as the wounded and murdered were exonerated’. There was a particular sense of vindication for those family members who sat in the public gallery during Prime Minister’s Question Time on 15th June 2010 to hear a Conservative Prime Minister say not only that ‘I am deeply sorry’ but that the Bloody Sunday killings were ‘unjustified and unjustifiable’.

The Inquiry was important for it made clear what happened on the 30th January 1972. In a peaceful civil rights march in Derry, British soldiers killed 13 innocent men through gunfire. A 14th man died a few months later. There was no justification for the actions of the British Army.

It seems the campaigning days are now over. The panel realised it would be difficult and almost impossible to get to the whole truth of what happened on 30th January 1972, especially after 30 years. The Saville Report is the closest we have to the truth; however some questions will forever remain unanswered.

Majida Bashir

Justice for Aafia Siddiqui

Dr Aafia Siddiqui is a 38-year old Pakistani citizen, American-educated neuroscientist, and mother of three children. In March 2003, she and her children left their family’s home in Karachi for the airport. They disappeared, never arriving at the airport. The youngest child, a baby at the time, has never been found.

In July 2008, Aafia and her oldest son, then 12, appeared outside a police station in Ghazni, Afghanistan and were arrested by Afghan police. They were taken to the US detention centre at Bagram. At some point Aafia was shot in the stomach. It was this incident that led to her being charged with and convicted of attempted murder. The American military claim that she had grabbed a gun from a soldier and tried to shoot him. In the chaos, she herself was shot, by an American soldier, using his own weapon.

The US authorities claim that Aafia had spent the intervening five years as an al-Qaeda operative in Afghanistan and that when she was arrested she had explosives and a map on her.

Her supporters believe that she was kidnapped by the Pakistan security forces, handed over to the Americans and then detained with her children at Bagram Air Base for five years. Binyam Mohamed, held at Bagram at that time, has described seeing a female detainee, Pakistani in origin, the same age as Aafia, who was shot in the stomach. It was this incident that led to her being charged with and convicted of attempted murder.

Aafia was flown to the United States after her arrest. She has been imprisoned in solitary confinement every since 2008. By the time of her trial in February 2010, she had severe mental health problems. She made a number of angry and emotional outbursts. Some of what she said was seized on by the American press as anti-Semitic, although they appear to be comments against Israel and the American Government, not against Jews. She was constantly referred to as ‘Lady Al Qaeda’ in the American media.

She was sentenced to an extraordinary 86 years on 23rd September 2010. It seems that she has been sentenced not for the offences of which she was convicted, but for the innuendo surrounding her case.

Aafia’s family and supporters are calling for her release or for her to be transferred to Pakistan so that she can serve her sentence close to her family.

More information from the Justice for Aafia Coalition can be found at www.justiceforaafia.org and from Cageprisoners at www.cageprisoners.com.

Liz Davies
Justice under the hammer

Budget cuts to the Ministry of Justice will not only have a devastating effect on legal aid and the ability of big sections of the population to access justice but they will also decimate jobs and the terms and conditions of those working in the justice system.

The Ministry of Justice took one of the biggest hits of all Government departments at the Comprehensive Spending Review. The Ministry of Justice overall budget cut is 23 percent which means reducing staff numbers by 15,000. This breaks down to 11,000 jobs to go in the National Offender Management Service and the rest from other parts of the Ministry of Justice. Of this 15,000, 11,000 are to be cut from front line services; this means those directly delivering services in prisons and courts. Between 3,000 and 4,000 of the jobs that are to go are from courts and the tribunals’ service.

As can be seen from these figures the Public and Commercial Services Union faces the fight of its life if it is to defend its members. That is why support is needed of all those working in the courts and justice sector.

The court closure programme earmarked 157 Magistrates and County Courts for closure, which amounts to 30 percent of all courts. This means experienced and dedicated staff who know how the justice system works and who currently deliver this essential service on a daily basis being lost to the court system for ever.

Even Lord Justice Goldring seems to think that those in charge of delivering these cuts are going too far. In his initial response to the court closure consultation, he said that many of the courts listed in the consultation documents should not close and he needs more information on quite a few others before he can make up his mind.

If these closures go ahead whole counties, such as Denbighshire in Wales, will be without a Magistrates or County Court. In other rural areas those needing to attend court will end up travelling miles on costly rural public transport.

As with all cuts to public services the knock on effect for other sectors of the economy will be catastrophic. Cafés, shops and other small businesses that depend on the trade a local court brings will close. Already private companies working on contracts for the justice system are warning of redundancies. There will be the added costs of travelling further to court for lawyers and the Crown Prosecution Service not to mention more delays in court listings and in dealing with paperwork.

When these cuts were first announced we all wondered how on earth they could be implemented without the justice system imploding. It is now clear that one way the Government are going to do this is simply by cutting the number of cases that go through the courts in the first place. The cuts to legal aid will mean £47,000 fewer cases going through a court.

There are other measures designed to change the way the justice system is delivered contained in various ‘modernisation’ programmes such as ‘virtual’ courts and more instant justice in the way of fixed penalty fines for more offences. From the perspective of the Public and Commercial Services Union, this amounts to the denial of access to justice for potentially thousands of people.

For union members these programmes will mean call centre and business centre working as courts become little more than hearing centres with a skeleton staff. This is a way of working which the Public and Commercial Services Union is opposed to and is campaigning against. Our message is clear; we have court buildings and a dedicated staff, the Government
On the picket line: a cuts agenda takes shape

Much of the legislative programme of the present Government still remains vague. Policy still takes the form of initiatives leaked to the media rather than concrete proposals. This is just as true of employment as it is of other areas of the law. Two ideas being trailed in the press give a taste of where the Government’s cuts agenda could well lead.

The first is the suggestion, made before his resignation, by the Government’s ‘enterprise tsar’, Lord Young, during an interview in November 2010 on BBC’s Radio 4’s Today programme, that the qualifying period for which workers have to be employed before they can claim unfair dismissal should be doubled from one year to two. The peer was forced to resign after he had suggested most Britons had ‘never had it so good’ during the ‘so-called recession’.

The second is a proposal, leaked to the Daily Telegraph that workers should have to pay an issuing fee when starting an employment tribunal claim.

Neither proposal has any justification to it beyond the simple desire to tilt Tribunal proceedings further in favour of employers.

When the Tribunal system was first established, the qualification period for unfair dismissal was six months. This was then increased twice under the Tories before being reduced to its present figure of 12 months in 1999, partly in response to the decision of the House of Lords in R v Secretary of State for Employment, ex p Seymour-Smith (No.2) [2000] ICR 244, HL that a two year qualifying period discriminated against women who were less likely to remain in work for two years.

Supporters of a longer qualifying period will argue that in the ten years since the rules were changed from 1999 to 2009, the number of Tribunal cases has increased by 64 percent. More cases have come to the Tribunal, causing the taxpayer expense. Against that it must be noted that in the previous ten years from 1989 to 1999, the number of Tribunal cases had grown by around 310 percent, suggesting that the processes driving the increasing use of litigation by workers go deeper than this tweaking of the rules.

The reason why there are now so many Tribunal claims is that litigation fills a space left by the decline of industrial bargaining and by the decreasing independence of workplace dispute resolution procedures, so that someone who has a genuine grievance about their work increasingly has no option but litigation.

As for the issuing fee, the bias of the proposal is shown by the suggestion that workers should pay a fee but employers should not have to pay a fee to defend a claim. The employers have taken up this idea, complaining that Tribunals are dominated by vexatious and unmerited complaints. But in 2009 to 2010, two-thirds of all Tribunal claims succeeded with their claim, including 72 percent of claimants in unlawful deduction of wages cases and 54 percent in unfair dismissal cases.

If Tribunal time is wasted, there is a good case to say that the primary culprits are employers running hopeless defences to reasonable workers’ claims.

Lois Austin (Industrial Officer for the PCS trade union working in the PCS Ministry of Justice Group)

24: Gay rights activist Peter Tatchell launches a campaign to overturn the bans on gay marriage and heterosexual civil partnerships. Eight couples are to file applications at British register offices over eight weeks for ceremonies they are not allowed to hold.

27: The Care Quality Commission says that mental health patients are increasingly being locked up in hospitals without legal authority. The number of people in low secure beds has increased significantly since 2006 and the regulatory body believes the practice many infringe human rights.

10: British military interrogators may be charged as war criminals. Videos submitted as evidence in a High Court case appeared to show interrogators threatening and abusing Iraqi detainees in a secret location near Basra.

10: The Members of Parliament at the centre of the expenses scandal lose their final appeal against being tried in the criminal courts. The Supreme Court ruled that claims for expenses were not covered by parliamentary privilege. Elliot Morley, Jim Devine and David Chaytor will now be tried at Southwark Crown Court.

12: Events commemorating the sealing of Magna Carta in 1215 are launched in Runnymede, with Lord Chancellor Kenneth Clarke, the Master of the Rolls, Lord Neuberger, and Justice Minister Lord McNally in attendance.
Haldane’s main international activity is through the international organisation it helped to found in 1993, the European Lawyers for Democracy and World Human Rights (ELDH). Its General Secretary is the German trade union lawyer Thomas Schmidt.

The past year has seen dynamic growth for ELDH. The organisation has been joined by the Progress Lawyers Network of Belgium, and the Alternative Intervention of Athens Lawyers from Greece, as well as individual lawyers in Austria, Finland, and Russia. This means that ELDH now unites lawyers from 16 European countries.

The most recent Executive Committee meeting took place in Sofia on 14th November 2010, hosted by the Bulgarian Union of Lawyers. The meeting was attended by Iratxe Urizar and Urko Aiartza from the Basque Country, Dimitar Gotchev, Snejana Natcheva and Vania Savova from Bulgaria, Thomas Schmidt from Germany, Yiannis Rachiotis and Gina Karpathati from Greece, Fabio Marcelli from Italy and Simone Rebmann from Switzerland.

This meeting followed a conference organised by the Bulgarian Union of Lawyers on the consequences of the Lisbon Treaty covering themes of undivided sovereignty, the new system of human rights protection, and social and constitutional aspects. This was a very well-attended and stimulating event, with many students present.

The next Executive Committee meeting will take place in Athens in May 2011 at the invitation of the Alternative Intervention of Athens Lawyers. Like Haldane, this is an organisation that unites engaged advocates who are very much involved in action on the streets. The meeting will follow a conference on ‘Legal Consequences of the Crisis’. This will be a brilliant and timely event.

A series of important events is planned for 2011. Those confirmed so far include the Annual Conference of the Progress Lawyers Network on ‘Health and Safety at Work’, to be held in Brussels on 18th March 2011, and a conference in Genoa on ‘Police Repression and the Role of Advocates in Europe’ during July 2011. The Genoa event will include a meeting organised to mark the bloody events surrounding the G8 summit in 2001.

If you are interested in coming to Athens or any other ELDH events please contact me at b.bowring@bbk.ac.uk. Haldane members are warmly invited to attend and participate.

Bill Bowring, Haldane International Secretary. For more info about the European Lawyers for Democracy and World Human Rights, see www.eldh.eu

**November**

- **17:** The Home Secretary Theresa May announces the abandonment of the legal requirement forcing public bodies to try to reduce inequalities. May called the legislation ‘ridiculous’.
- **18:** The MI5 officer who allegedly devised and carried out the torture of Binyam Mohamed will not be prosecuted. The Director of Public Prosecutions, Keir Starmer QC, said his office had advised the Metropolitan Police that there was insufficient evidence for a prosecution.
- **22:** The Government faces its bid to force the Coroner for the 7 July London terrorist attack Inquests to hear sensitive evidence in private. The Government will make an extra £6.5 billion from this – robbery council tenants will be paying for the next 30 years.

---

Euro lawyers’ body goes from strength to strength

Haldane’s main international activity is through the international organisation it helped to found in 1993, the European Lawyers for Democracy and World Human Rights (ELDH). Its General Secretary is the German trade union lawyer Thomas Schmidt.

The past year has seen dynamic growth for ELDH. The organisation has been joined by the Progress Lawyers Network of Belgium, and the Alternative Intervention of Athens Lawyers from Greece, as well as individual lawyers in Austria, Finland, and Russia. This means that ELDH now unites lawyers from 16 European countries.

The most recent Executive Committee meeting took place in Sofia on 14th November 2010, hosted by the Bulgarian Union of Lawyers. The meeting was attended by Iratxe Urizar and Urko Aiartza from the Basque Country, Dimitar Gotchev, Snejana Natcheva and Vania Savova from Bulgaria, Thomas Schmidt from Germany, Yiannis Rachiotis and Gina Karpathati from Greece, Fabio Marcelli from Italy and Simone Rebmann from Switzerland.

This meeting followed a conference organised by the Bulgarian Union of Lawyers on the consequences of the Lisbon Treaty covering themes of undivided sovereignty, the new system of human rights protection, and social and constitutional aspects. This was a very well-attended and stimulating event, with many students present.

The next Executive Committee meeting will take place in Athens in May 2011 at the invitation of the Alternative Intervention of Athens Lawyers. Like Haldane, this is an organisation that unites engaged advocates who are very much involved in action on the streets. The meeting will follow a conference on ‘Legal Consequences of the Crisis’. This will be a brilliant and timely event.

A series of important events is planned for 2011. Those confirmed so far include the Annual Conference of the Progress Lawyers Network on ‘Health and Safety at Work’, to be held in Brussels on 18th March 2011, and a conference in Genoa on ‘Police Repression and the Role of Advocates in Europe’ during July 2011. The Genoa event will include a meeting organised to mark the bloody events surrounding the G8 summit in 2001.

If you are interested in coming to Athens or any other ELDH events please contact me at b.bowring@bbk.ac.uk. Haldane members are warmly invited to attend and participate.

Bill Bowring, Haldane International Secretary. For more info about the European Lawyers for Democracy and World Human Rights, see www.eldh.eu

---

Housing bill faces fight

MPs joined angry tenants, trade unionists and disabled campaigners on 15th December 2010 in a 150-strong protest at Downing Street against Government attacks on tenancies, rents and housing benefits.

The Localism Bill aims to take away lifetime tenancies from Council and Housing Association tenants and restrict access to council housing. Austin Mitchell MP, chair of the House of Commons Council Housing group (pictured top) called on all local authorities to commit to refusing to implement these draconian reforms, and some have already refused to.

The Bill aims to impose finance reform called Self-Financing, transferring debt and risk to Councils in a settlement many say is unsustainable. Housing Minister Grant Shapps admits this Government will make an extra £6.5 billion from this – robbery council tenants will be paying for the next 30 years.
Turkey at the crossroads

I was a member of the UK independent observer team which attended the first week of the trial of 151 Kurdish politicians, mayors, lawyers, human rights defenders and activists accused of supporting terrorism, being members of a terrorist organisation – the Kurdistan Workers’ Party (PKK) – and of ‘attacking the unity of the State’. 103 of these people had already spent 18 months in prison when the trial began on 18th October 2010. Arrested, their homes and offices raided and searched, neither they nor their lawyers were given copies of the 7,500 page indictment until only three months before the case started. The trial was adjourned until 13th February 2011 yet the Judge refused to release anyone on bail. The observer team view this as a gross infringement of their human rights.

The grounds set out in the indictment are dubious in the extreme. Presumptions are made of so-called ‘terrorist activities’ gathered through unlawful intercept information – illegal bugging and phone tapping – whereby quite innocent conversations concerning, for example, buying ‘tomatoes’ or ‘bread’ are interpreted as being code for guns, grenades, and sabotage. All the quite lawful and common activities of Kurdish organisations and institutions deemed to be supportive of terrorism and the PKK, including lawyers simply doing the job they are trained to do in defending their clients, have been intervened in, their participants seized and gaolcd. Such eminent figures as Muharrem Erbey, Leyla Zana’s lawyer and head of the Diyarbakir IHD (Human Rights Commission), have been languishing in detention since December 2009.

The Judge refused to let any of the suspects answer the daily roll-call or defend themselves in Kurdish. When they did he ordered the microphones be switched off, recording ‘they spoke in an unknown language’. When one of the accused objected, saying ‘you insult my language, my culture, my identity’, the Judge ordered armed soldiers to drag him out of the court.

The first part of the trial ended on 12th November 2010. However in those four weeks, the defence lawyers had barely a chance to argue their case, for the Judge insisted on reading out the 900 page summary page by page. The accused remain in prison. Their families suffer. All they have done, as members of the pro-Kurdish political party or Kurdish NGOs, is to plead for a peaceful solution to the conflict, for their human rights, to use their own language, to enjoy freedom of association, expression, and to be able to participate in parliamentary processes.

Those human rights lawyers and MPs who attended from the UK were shocked by the procedures adopted in this trial which we judge to be a ‘political’ not a legal one. We also regret that the UK Government has remained silent on this prosecution when it speaks with the Turkish authorities. Yet there may be some light at the end of the tunnel. Informal talks are being conducted between Turkish officials and Abdullah Ocalan. The PKK has extended its cease-fire up until the next elections, and Turkey may at last realise that if it wishes to join the EU, then it must comply with international and European human rights laws, cease its military campaign against the Kurds, and establish permanently the Rule of Law, and access to justice for all its citizens.

Margaret Owen (barrister and a member of the Bar Human Rights Committee)

December

16: The High Court grants bail to Julian Assange, the WikiLeaks founder, who was wanted in Sweden for questioning over rape allegations. Mr Justice Ouseley agreed with a decision made earlier in the week to release Assange on strict conditions. Assange’s supporters include Tariq Ali, John Pilger, Jemima Khan, and Ken Loach.

18: The US Senate votes to repeal the ban on gay people serving openly in the military. President Obama said: ‘By ending “don’t ask, don’t tell” no longer will our nation be denied the service of thousands of patriotic Americans forced to leave the military...[a]nd no longer will many thousands more be asked to live a lie in order to serve the country they love.’

20: The Lord Chief Justice rules that some court proceedings could be reported by journalists using Twitter, texts and emails. Lord Judge said it would be unlikely to be allowed in cases where witnesses might be influenced. Journalists can apply for permission to use social media on a case-by-case basis.
Charges dropped

Unite Against Fascism’s (UAF) joint secretary, Weyman Bennett, was arrested at UAF’s counter demonstration against the English Defence League in Bolton in March 2010. He and Rhetta Moran faced charges of conspiracy to commit violent disorder and were briefly subject to bail conditions which prevented them attending UAF meetings. These charges were dropped in November 2010. Another demonstrator, Alan Clough, had a charge of assaulting a police officer dropped after video evidence emerged which did not support the allegation. The Independent Police Complaints Commission will be investigating this discrepancy as part of its investigation into the Bolton demonstrations.

R Russell Fraser

Tough on torturers

An Argentine judge has petitioned the Spanish Government to request confirmation as to whether Spanish courts are investigating cases of torture, murder and disappearance of Franco’s political opponents during his dictatorship.

Human rights defenders from Spain have sought assistance from Argentina since recent attempts by lawyers in Spain to investigate the innumerable allegations of human rights abuses, which date from 1936 until the dictator’s death in 1975, have so far been unsuccessful.

In 1977, two years after Franco’s death, an amnesty law was passed in Spain covering crimes committed while carrying out political repression before 1976 by ‘authorities, civil servants and agents of public order’. Judge Baltasar Garzón, the Spanish judge who famously requested the Chilean dictator Augusto Pinochet’s extradition whilst in the UK, is being tried for distorting Spanish law for his attempts to investigate the human rights abuses of the Franco dictatorship. The prosecution of Garzón led to large demonstrations in Spain and Argentina earlier in 2010 supporting the steps Garzón had tried to take.

Argentina has been a leader in Latin America in bringing successful prosecutions against the perpetrators of human rights abuses during its military dictatorships in the 1970s and 1980s. It has repealed its own amnesty laws and the country now tries suspected human rights abusers. On 22nd December 2010, the notorious military dictator Jorge Videla was sentenced to life in prison by an Argentine court for his role in the torture and murder of at least 31 political prisoners. A massive crowd of families and supporters of the victims cheered on the streets outside. The court had already sentenced a group of former military officers who had served in Videla’s Government to life in prison for crimes against humanity.

Marcela Navarrete

British complicity in horror

On 18th November last year, over 80 people squeezed into a classroom at BPP in central London to hear Gareth Peirce, one of the Vice-Presidents of the Haldane Society, speak on ‘torture’. Gareth’s calm, controlled delivery makes the horrors she is describing even more vivid.

She spoke of the Guantánamo litigation and of how disclosure of documents dragged out of the Government had shown the British Government’s complicity in torture.

She also spoke of the use by both the British and American Governments of information obtained from ‘out-sourced’ torture, sending their prisoners to brutal regimes for detention. The official use of torture in criminal
Double standards

In the context of social change the word ‘reform’ implies a level of improvement, of progression toward a fairer, more equal society. There is therefore a certain irony to the use of the word in the title of the Coalition’s Legal Aid Green Paper. One proposal in particular stands out; those who need legal aid to bring a negligence claim against a local authority must show that that authority acted ‘very far below’ the standard which the law requires.

It is by no means the most far reaching proposal but the unashamed double standard it creates is striking. To illustrate, let’s say there are two next-door neighbours, both abused as children as a direct result of social services’ negligence. Twenty years on, one can afford a lawyer but the other cannot. While the first has only to show that the local authority acted without reasonable care to succeed in court, her poorer neighbour must show that she received a standard of care ‘very far below’ that, if she is to get the funds to even reach the court door. Such overt double standards cannot be justified. Or can they?

I pointed this out to the Minister for Legal Aid at a meeting following the release of the Green Paper. The meeting was to allow groups with an interest in legal aid to express their initial views on the paper. Conscious of my own inexperience compared to others present I hesitantly offered the view that this particular proposal – among others – was anathema to the rule of law. The Minister’s cursory answer implied that I had not understood my own question. I left the meeting convinced that I was naïve to have even contemplated voicing such an idea; feeling more ‘young’ than ‘legal aid lawyer’.

Inevitably, I found myself questioning the importance of what I was arguing for. As lawyers it is easy to take the primacy of our cause for granted and forget that legal aid is only one aspect of a welfare state from which savings must be found. It is easy to forget that jobs will be lost, that teenagers from poorer families will lose out on education and that more people will be made homeless. Against this backdrop, is it blinkered to stand up for legal aid?

The answer is no. Legal aid is fundamental to the rule of law. There can be no semblance of equality before the law when only the rich can defend their rights. The rule of law has been described as ‘simple, yet profound, expression which explains almost everything you need to know about our country’. The words, ironically enough, are those of David Cameron on the sleeve of Lord Bingham’s book, The Rule of Law. A timely reminder that standing up for the rule of law is far more than youthful idealism.

The rule of law is only one aspect of the case for legal aid. There are innumerable positive examples, be they in the fields of employment, immigration or housing, that access to legal aid makes a vital difference to people’s lives. It allows individuals who otherwise would not have access to justice to assert their rights when it comes for example to claims against unfair dismissal, appeals against visa refusals, or actions against landlords who fail to carry out their duties.

Resisting cuts to legal aid can be justified. However we need to get out there and do exactly that: to persuade the public who are to blame when the axe falls. It is for this reason that the Young Legal Aid Lawyers started their campaign to save legal aid.

Visit our campaign website at www.savelegalaid.org to see how you can support us.

Connor Johnston (paralegal at the Howard League for Penal Reform and an executive committee member of Young Legal Aid Lawyers)
A Parliament for Scotland

The Scotland Act 1998 established the first Parliament in Scotland since 1707. Under the terms of this Act, the Scottish Parliament can pass laws on certain issues such as health, education and housing. These issues are known as devolved matters.
**LETTER FROM SCOTLAND**

**Cadder v HMA [2010] UKSC 43 SC**
The Scottish Parliament recently rushed through emergency legislation after a landmark judgment. The UK Supreme Court upheld an appeal by teenager Peter Cadder, whose conviction was based on evidence obtained before he had the opportunity to speak to a solicitor.

The Supreme Court condemned the High Court’s decision, which effectively held that the right against self-incrimination could be limited where other protections existed. This ruling highlights the distance that exists between some of Scotland’s courts and the European Court of Human Rights in Strasbourg.

It also exposes the priorities of the Scottish Government. Numerous organisations and individuals have spoken out against the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010, which was rushed through the Scottish Parliament and given Royal Assent two days after the judgment. This was due to concern that almost 3,500 cases could be open to appeal under the Cadder ruling.

While the emergency legislation now legally requires police to provide a detained suspect access to a lawyer and prior to any charge, it has been heavily criticised on a number of points:

Firstly, there is the proposed extension of periods of detention from six to 12 hours, or even 24 hours in some circumstances. Such an extension should only be for the purpose of addressing the delay in providing access to a solicitor particularly during the night and in remote locations. The period of extension is authorised by the police with no judicial element, which risks police abusing this power.

Secondly, the proposed process by which a custody review officer may refuse to hear representations from detainees is unduly broad and may result in discriminatory treatment.

Thirdly, the amendment of the appeals procedures in the Criminal Procedure (Scotland) Act 1995 would now appear to make it harder for extension of appeal time limits and easier for the prosecution to make a representation regarding this matter prior to it being decided upon. This has nothing to do with Cadder and has been allowed in by the back door in order to fetter any additional protection a defendant may have in appeals.

Fourthly, the new legislative framework gives authority to the High Court to reject a reference from the Scottish Criminal Cases Review Commission (SCCRC) at the outset. This risks undermining the role of the SCCRC as an independent arbiter of issues relating to alleged miscarriages of justice.

Fifthly, there are concerns that the requirement of corroboration may be repealed. This is now to be reviewed by Lord Carloway in a review of criminal evidence and procedure in Scotland.

Cadder held that there was a breach of the European Convention of Human Rights. However, remedying that breach does not entitle the Government to make rights mutually exclusive. Furthering one aspect of an accused’s rights does not mean removing other aspects – particularly when the judgment was passed because Scotland was out of step with other countries’ consideration of human rights in the first place.

**Legal Aid Cuts under the Scottish National Party**

On 18th November 2010, the Scottish National Party announced its proposed budget cuts. Despite an increase in applications to the Scottish Legal Aid Board, the budget plans cuts of almost £14 million. That is almost 10 percent of the legal aid budget. It is the largest cut to the Justice Department with substantial cuts also envisaged to the Scottish Court Service.

It beggars belief how a reduced legal aid budget will cover the legal costs of the increasing numbers of those affected by homelessness, unemployment and ill-health over the coming years.

It has been indicated that the cuts will come from further ‘inefficiency’ savings. The budget notes that emphasis will be on early resolution of cases, which implies that the block fee system may be introduced in further areas of law. It has also separately been indicated that the provision of Legal Aid in immigration and asylum cases will be reviewed.

In 2009, the Scottish Government increased the capital limit from £10,306 to £25,000 allowing an extra one million people to benefit from legal aid. This change saw a 24 percent increase in applications, again an indication that there is a need for affordable legal advice and representation. The Scottish Legal Aid Board is also providing grant funding for legal advice and representation where such needs are currently not being met. This has allowed people in more remote parts of Scotland, facing the same economic pressures as the rest of us, to gain affordable legal services.

While these decisions are to be welcomed, the Scottish Government should not be let off the hook for proposing cuts to the legal aid budget which will detrimentally affect both the service users and the providers of a system which aims to provide access to justice. A Justice for All campaign is as acutely needed in Scotland as it is in England and Wales.

**Defending the Right to Protest**

Thousands of Scottish students joined the protests against education cuts in London on 10th November 2010. On 24th November 2010, there were occupations of Edinburgh and Strathclyde universities.

Strathclyde University student activist Bryan Simpson was arrested at his home in Glasgow at 6am on 24th November 2010. He was taken to Cumbria where he was charged by the Metropolitan Police for violent disorder, under Section 2 of the Public Order Act 1986.

Already, groups of radical law students have organised and pledged to support Bryan and provide legal observers for future demonstrations. The students have created ‘Left Law Societies’ in Glasgow universities with meetings held offering a progressive perspective from speakers such as Aamer Anwar and Tony Kelly.

Socialist lawyers have a key role to play in campaigning for the right to protest and defending those who are victimised. A defend Bryan Simpson campaign will shortly be launched. The intention of the Left Law Societies as they grow in numbers is to turn their attention to many more campaigns including against the proposed cuts to legal aid.

Sarah Collins and Claire Stevenson are both trainee solicitors. Fiona McPhail is a trainee housing solicitor at the Legal Services Agency Law Centre.

by Sarah Collins, Claire Stevenson and Fiona McPhail
ow real is the Liberal Democrats' dedication to civil liberties? This may seem an odd question, given that the protection of liberty would appear to be among the very few areas on which liberals of all political persuasions agree, and to which they increasingly cling as the rest of their commitments melt away.

But to what, exactly, is the party committed? Clearly there is a strong libertarian thread, a belief that the big brother state needs to be shaken off, and this explains the hostility to identity cards, CCTV cameras and the retention of DNA samples. Another theme is a romantic dedication to the past, with promises to 'protect historic freedoms' through a return to jury trial, to 'restore rights to non-violent protest' and to act to prevent 'the proliferation of unnecessary new criminal offences'. The Tory party shares exactly these perspectives as well, so there is no real conflict between the parties on these points.

If carried forward in an unambiguous manner, however, these policies would be likely to have big implications in terms of criminal law enforcement, the safety of the general public and the administration of justice. We have already seen this with the decision apparently taken by a number of local authorities to wind down their camera controls on speeding. The Deputy Prime Minister's website consultation on which laws should be abolished, Your Freedom, gives a taste of the marauding jungle of free individuals in which it would seem many libertarians of this sort believe we should live – Hobbesians, but without a belief in any need for Leviathan. Free to lunch at the Savoy so long as you can afford to, and have the guards to stop the hungry getting in.

One of the greatest mistakes made by Labour in the run up to the last General Election was to allow the Lib Dems ownership of civil liberties. The socialist version of freedom is much deeper and altogether more universal than the desiccated individualism of the centre and centre-right parties. But trapped by an unpopular war and the perceived necessities of counter-terrorism, neither the Blair nor Brown administrations were able to stop this important part of the Party's ethic slipping out of reach.

Will the Lib Dems make similar wrong turnings, keeping only the libertarian part of the civil liberties agenda that works for the rich and powerful while losing everything else? True the Human Rights Act survives, but this owes more to Ken Clarke at the Ministry of Justice than it does to Clegg and his colleagues – the joint programme for Government made no explicit commitment to the Act. As with Brown and Blair, it may well be that it will be terrorism law that proves their undoing. It is through the threat of terrorism that the State seeks to control whatever progressive instincts various ministers may occasionally show.

This is what makes the debate about Control Orders so important to the Lib Dems. At one level, we are just talking about nine people whose lives are being badly damaged by the judgment of our security services that they are in that odd position of being a threat to the State without being open to being proceeded against in the ordinary way, under the criminal law. Even the damage that is being done to those subject to these orders has been modified by a series of cases in which the judges have insisted on a set of minimum fair procedures that were not initially in the legislation. But at a deeper level the squabble has raised one of the most important questions that can be asked in any democracy: who really runs the country?

Control Orders are a creature, twice over of reaction. First there was the infamous detention of 'suspected international terrorists' introduced by the then Home Secretary David Blunkett after the attacks on 9/11, when it had become clear to him that his preferred option, the expulsion of foreigners he did not want to have around the place, was not open to him on account of the insistence of human rights law that no one could be expelled to a country where they were likely to be mistreated, sadly invariably the case with the people Mr Blunkett

Civil Liberties and the Con-Dem Coalition

by Conor Gearty
had in mind. Then when this regime was rendered politically unfeasible by the powerful Belmarsh ruling by the law lords, now the Supreme Court, in 2004, Control Orders were introduced as a kind of internment-lite, a system of inhibitions on movement and interaction that comes pretty close to what in countries we disapprove of might be called house arrest. Crucially no crime needs to be proved for such orders to kick in; they are administrative, relying in the main on security intelligence which would not pass muster in a real court.

The Lib Dems pledged in their Manifesto ‘to scrap controls’ and also to reduce the maximum period of pre-charge detention in terrorism cases to 14 days, it is currently 28. They also promised by ‘allowing intercept evidence in court’ to make it easier to convict terrorist suspects than is the case currently. The party was planning all this because it believed that ‘the best way to combat terrorism’ was ‘to prosecute terrorists, not give away hard-won British freedoms’. The Coalition programme for Government promised to ‘introduce safeguards against the misuse of anti-terrorism legislation’ and to that end a review was established, overseen by the Liberal Democrat peer and former DPP Lord Macdonald to ‘look at issues of security and civil liberties in relation to the most sensitive and controversial counter-terrorism and security powers and, consistent with protecting the public and where possible, to provide a correction in favour of liberty.’

This is where we are now. The Review’s publication has been delayed for months. The media has been full of stories of clashes at the highest level of Government. Lord Macdonald has been reportedly rebuked by the Home Secretary for believing that his role was anything more than a merely procedural one. Former Lib Dem shadow Home Secretary and leadership contender Chris Huhne has publicly declared his desire that the orders should go, even though he is in the coalition cabinet.

The liberals are learning some hard lessons about government. First, Labour ministers did not retain these powers out of authoritarian whimsy – the pressure from the security services to keep what are essentially intelligence-led Cold War practices is intense. Already the relevant bureau chiefs have been warning ministers about the indispensability of both Control Orders and 28 day detention. Second, in this field the spectre of atrocity, past and future, hangs over all discussion. Reason will not stand in the way of public opinion if we have a terrorist attack after the Lib Dems have repealed Control Orders: even if there is no link between the two, the Party risks taking the blame for rendering the country less safe. Third, the Home Office has changed since its one-time boss John Reid broke it up, declaring parts of it ‘not fit for purpose’ when he took over in 2006. The liberal bits have all drifted off to the Ministry of Justice, where Ken Clarke is reportedly opposed to Control Orders but has little say in the eventual outcome. The authoritarians and the spooks alone remain.

So what will happen? The Lib Dems have been tamed by the Tories; are they now about to be tamed by the security services as well? This debate is not about these nine people subject to Control Orders. It is about who has the final say on freedom and liberty. Ed Miliband has given the coalition some space on this by signalling that he will not make opportunistic use of the issue by attacking any changes that are made for the better. But will this make any difference? Though I hope I am wrong, it looks very much as though in this, as in so much else, it is not the Lib Dems who run the country. It is not even the Tories.

Conor Gearty is a Professor of Law at the London School of Economics specialising in human rights law and a barrister at Matrix Chambers.

‘The Lib Dems have been tamed by the Tories; are they now about to be tamed by the security services as well? This debate is not about these nine people subject to Control Orders. It is about who has the final say on freedom and liberty’
In a hotel in Bogotá, Mercedes, a young, slight woman is implacably recounting the story of her brief career as a human rights lawyer in Colombia. In the few years since she has qualified she has had to change jobs and move innumerable times following death threats, harassment and false accusations of both professional misconduct and criminal offences, simply because she defends victims of human rights abuses. In August and September 2010 an international assembly of lawyers visited Colombia for the second Colombia Caravana. The delegation visited Colombia as guests of Acadeum, the Colombian support network of human rights lawyers. The mission was to gather evidence of the persecution of human rights lawyers in the country, to raise awareness of their situation and to provide a visible support for them.

Mercedes’ story is one heard and repeated by dozens of lawyers and human rights defenders the delegation met with in the ten days spent in Bogotá and various regions of Colombia. Amongst the accounts heard are extraordinary tales of dangers encountered at the hands of both right wing paramilitaries and the State. This is nothing which has not been reported many times before by numerous other delegations, including by the United Nations Special Rapporteur in a report from 4th March 2010. One of the curious contrasts about this situation is that whilst Colombia has an appalling record of human rights abuses and attacks on human rights defenders, it also has one of the most comprehensive legislative frameworks for human rights protection. This creates a chasm between what is claimed and what is real and a situation that can be surreal and confusing to an outside observer.

According to the Government the right wing paramilitary groups have been disbanded under Law 975 of 2005, otherwise known as the Justice and Peace Law. However, the delegation heard innumerable, well documented and in some instances officially verified accounts of their ongoing activities. Testimonies were heard of mass slaughter as well as displacement of land workers, and indigenous and Afro-Colombian communities, particularly in areas of commercial potential to multi-nationals. Accounts were heard of paramilitary infiltration into local and national government, business, the police and security forces and the judiciary. Delegates heard of paramilitary involvement in drug-trafficking, their social cleansing policies and their systematic and well orchestrated attack on human rights defenders. As the State denies the existence of paramilitarism it denies this reality. Paramilitary human rights violations reported to the State are not investigated. The paramilitaries enjoy impunity from prosecution. Evidence was gathered of this from large numbers of human rights lawyers, community, student and union organisers, displaced persons and other victims. Reeling under a weight of information about threats, attacks, harassment, and official unresponsiveness, it was galling to hear the response of a regional prosecutor when questioned on these matters. She denied any record of death threats against human rights lawyers, claimed any such as she was prepared to acknowledge were due to personal grudges and neighbour disputes and with a flick of her well manicured nails dismissed the overwhelming evidence of paramilitary activities that were presented to her.

This regional prosecutor was clearly inclined towards the establishment view, expounded up to Presidential level, which is that human rights defenders are ‘the public face of terrorism’. This has provided the State with the ideological basis for a widespread attack on human rights defenders. The extensive State intelligence and security forces harass them, hack into emails, tap phones, intercept mail, conduct illegal searches of their homes and offices, fabricate evidence to substantiate false professional and criminal charges and vilify them publicly.

Julie is another young lawyer in Bogotá who is currently on respite leave from her work with political prisoners due to State
harassment and a pending professional misconduct investigation. She described how lawyers are in constant fear of criminal prosecution for terrorism charges and professional disciplinary actions based upon fabricated evidence. Human rights defenders are often detained for up to two years without trial even where the only evidence has been ruled inadmissible by the courts, such as in the case of Liliany Obando. The case of Carmelo Agamez Berrío, as previously highlighted in Socialist Lawyer 56, should also not be forgotten.

Whilst visiting a town in the central coffee growing region, a local lawyer escorting the delegation was rushed away to deal with a case. A group of students claimed they had been innocently set upon by the special police and one had a leg broken by a baton blow. The police claimed they had been breaking up a public disorder. Not unprecedented even within our jurisdiction, but as always in Colombia, there is a twist. The student’s health insurance refused to meet the hospital bill as the policy excludes injury caused through fighting. The lawyer was anxious that by taking action against the police on behalf of the student to establish his right to claim on his medical insurance or compensation, he would be victimised by the police and face ongoing harassment and possibly false allegations of professional or criminal misconduct.

The record of human rights abuses by the State parallels those of the paramilitaries. Army and police massacres of unarmed civilians, often indigenous peoples have been sanctioned by the term of art ‘extra judicial executions’. Impunity against prosecution is again widespread. A local ombudsman within the coffee growing region visited disclosed a list of 44 instances of extrajudicial executions. These kind of extra judicial executions took place across the country and became known as the falsos positivos or ‘false positives’ scandal. Bodies would be dressed in guerrilla uniforms. The military would then claim the benefits handed out for killing guerrillas in combat and the State in turn could claim it was winning the war against the guerrillas. None of these cases has resulted in successful prosecution. The UN Special Rapporteur has stated that the level of impunity in these cases is as high as 98.5 per cent.

The disjuncture between the legal framework of human rights and the State attack on both human rights and those who defend them has created an inherent conflict. The Colombian State has answered with attacks on the independence of the judiciary and legislative reforms which restrict an effective legislative process and afford impunity. The Defensoría, loosely translated as the Ombudsman service, epitomises many of these problems. It is a State funded body which is statutorily charged with the protection and promotion of human rights, which the State abuses with impunity. The delegation met with some dedicated and fearless lawyers working within regional and national offices for the Ombudsman but they have limited power and limited resources to achieve any real results. Furthermore the Ombudsman’s office has limited statutory powers and the work of committed lawyers is stifled by institutionalised conservatism and the fear that pervades the human rights community.

You can support Colombian human rights lawyers by lobbying your MEP to oppose the proposed Free Trade Agreement between the European Union and Colombia. The organisation Justice for Colombia is running a campaign to free Colombian Political Prisoners which to date has seen nearly 1,000 people lobby the Foreign Secretary on this point (for more information and to take part in the campaign, see www.justiceforcolombia.org/campaigns/prisoners). Alternatively, those reading this are encouraged to sign up to the Alliance for Lawyers at Risk, an initiative launched in London on 10th November 2010 at a packed meeting which included the Attorney General. The meeting was addressed by the indomitable Colombian lawyer Alirio Uribe Muñoz of the José Alvear Restrepo Lawyers’ Collective (CCAJAR). Details can be found at www.colectivodeabogados.org and www.peacebrigades.org.uk

Ros Olleson is a criminal defence solicitor practicing in London as a freelance advocate. Ros was one of the UK delegates on the 2010 Caravana. A version of this article has also appeared in the journals of the South London Law Society and the LCGSA.
John McDonnell MP described it as ‘…one of the worst ever cases of organised abuses of human rights in the UK’ and has called for a full Public Inquiry. The Labour Government rushed through new Regulations in the last few weeks of office. In an almost unprecedented move, the President of the Employment Tribunal Service has ordered hundreds of separate victimisation cases to be heard together in Manchester. Submissions are being prepared for the High Court, European Court of Human Rights and International Labour Organisation. The Data Protection Act, Human Rights Act and even the Tort of illegal conspiracy are all being discussed in connection with this organisation, but what exactly is The Consulting Association?

The Consulting Association first came to public attention in March 2009. The Information Commissioners Office (ICO) published a report describing how this body had for decades been operating a covert blacklisting operation on behalf of 44 multi-national building contractors. The companies involved are all household names including: Balfour Beatty, Sir Robert McAlpine, Kier, Carillion, Skanska, Costain, Vinci, and Laing O’Rourke.

The ICO investigation discovered a centralised database that held personal sensitive information on 3,213 individuals. The vast majority of the information related to trade union membership or workers raising concerns about safety issues. The construction firms paid a £3,000 annual subscription fee to The Consulting Association, for this they were supplied information about perceived ‘troublemakers’. The written constitution makes it clear that the body was not merely a company that supplied a service to the building industry but rather it was a ‘trade association’ actually owned and controlled by its member companies. Quarterly meetings took place with representation required at Director level.

The Consulting Association was for all practical purposes a continuation of the Services Group. This was a group of construction companies within the Economic League that paid a higher subscription to subsidise League employees who specifically look after the construction industry; one of these employees was Ian Kerr. When the Economic League closed down, the Services Group of companies set up Ian Kerr in business to provide the same blacklisting services at an arms length from the companies themselves.

Blacklisting
While The Consulting Association collated the blacklist, specific entries on individual files were supplied by senior managers of the major contractors forwarding information of any employees, workers or sub-contractors.
Electrician Steve Acheson has been unemployed for eight out of the past ten years with entries on his file every time he went for employment.

‘Electrician Steve Acheson has been unemployed for eight out of the past ten years with entries on his file every time he went for employment.’

It is apparent that on some occasions individuals have been followed and telephone calls have been made to their spouses.

The mechanism of blacklisting took place by means of individual checks on job applicants. Senior managers supplied The Consulting Association with the names of workers applying for employment on their projects. If a name appeared on the database, this information was passed back to the company and the worker was simply not employed or dismissed if already engaged. This was mainly completed by telephone to avoid a paper trail but occasional faxes have been retained and supplied as Employment Tribunal evidence. Each name check cost £2.20. Between April 2006 and February 2009 the construction companies paid in total more than £450,000 to use the service. Invoices seized show that in 2008 alone, one division of the Scandinavian giant Skanska was billed £28,000. This equates to thousands of checks on individual workers.

Given the simplicity of the process and the scale of the 44 companies involved, it is hardly surprising that their systematic blacklisting had such a devastating impact upon employment prospects. During an unprecedented building boom lasting from 1996 to 2008, when the...
industry was desperate for skilled labour, many blacklisted workers found it almost impossible to gain work. Steve Acheson, an electrician from UNITE, has been unemployed for eight out of the past ten years with numerous entries on his blacklist file every time he attempted to gain fresh employment. Hundreds of blacklisted workers either suffered repeated dismissals and prolonged periods of unemployment or else were forced to leave the industry altogether in order to meet their mortgage payments.

Long periods of unemployment resulting from trade union activism put pressure on family and personal relationships. Blacklisting of union safety representatives not only affects the family life of that individual but also puts lives of work colleagues at risk by creating an environment where workers are scared to raise concerns for fear of losing their job.

Blacklisting Regulations
Following public outcry, new Regulations outlawing blacklisting of trade unionists were introduced in the last days of the Labour Government. The legislative process has been carried out relatively quickly because the Regulations were originally drafted in 1999 but not introduced because of lobbying by employers’ associations during the 2003 consultation process which managed to stop the implementation of the legislation due to ‘lack of evidence’.

Professor Keith Ewing of Kings College London has produced the definitive report on the scandal called Ruined Lives: blacklisting in the UK construction industry which provides a critique of the new regulations. Whilst the new regulations are a welcome step forward, they fall a long way short of what unions, academics and human rights campaigners have been arguing for. The limited scope of the regulations leave grave doubts as to whether workers who refused to work in unsafe conditions or who attended informal protests about job cuts would be covered by the regulations; let alone environmental or peace activists.

The blacklisting files are prima facie evidence of deliberate, vindictive discrimination and have resulted in a rash of legal activity. Ian Kerr was found guilty in the County Court for technical breaches of the Data Protection Act and fined the princely sum of £5,000. UCATT accurately described the fine as ‘a slap in the face’ for building workers.

Currently hundreds of claims are being taken to Employment Tribunals with inevitable difficulties arising out of employee status and time limits. In addition legal teams, unions and campaigners are in the early stages of preparing a myriad of legal challenges in an attempt to find some kind of justice for those workers who have been blighted by the scandal. However to date, not a single company identified by the ICO has been successfully challenged in court. No wonder blacklisted workers have been asking: ‘where is the natural justice?’

Blacklist Support Group
In July 2009, blacklisted workers from UNITE, UCATT and RMT as well as many forced to leave the industry altogether attended a House of Commons meeting hosted by John McDonnell MP. The outcome was the formation of a Blacklist Support Group that provides an informal support network for blacklisted workers regardless of which union they belong to. The Blacklist Support Group has presented written submissions to the Government consultation, held fringe meetings at the TUC and numerous union conferences, kept the story in the media with a campaign video and protests at the High Court, Employment Tribunals and the National Building Awards. The intention is to work alongside official union campaigns, to share information amongst blacklisted workers, to ensure that the voice of those blacklisted is always central in any discussion about new legislation and to expose the illegal practices of the major construction firms involved in blacklisting.

Steve Kelly, a blacklisted electrician and Blacklist Support Group spokesperson, summed up the attitude of those involved: ‘The Consulting Association files are blatant evidence of systematic victimisation but this is not about being a victim. This is about justice for honest building workers who raised genuine concerns about safety or complained if they were not paid. This is about multi-national companies not being above the law. This is about human rights for trade unionists.’

Dave Smith is a TUC tutor based at College of Haringey, Enfield and North East London. Prior to this Dave was a construction worker and an active member of UCATT. He is a member of the Blacklist Support Group.
George W Bush recently claimed the waterboarding of three suspects helped prevent attacks on Heathrow and Canary Wharf. He personally authorised the waterboarding of Khaled Sheikh Mohammed. He claimed waterboarding was ‘highly effective’, providing ‘large amounts of information’. He also insisted ‘Enhanced Interrogation Techniques’ were not torture.

These claims are completely at odds with the conclusions of the CIA Inspector General’s 2004 investigation into waterboarding, including of Khaled Sheikh Mohammed. The Inspector General knew ‘Enhanced Interrogation Techniques’ and waterboarding constitute torture: ‘The Enhanced Interrogation Techniques are inconsistent with the public policy positions the US has taken regarding human rights’. He noted the US State Department calls other states on similar practices and describes them as torture.

Furthermore, the Inspector General found that although the Department of Justice had issued rules about how frequently a detainee could be waterboarded, its use was far in excess of these. Improvised techniques were also deployed. These included threats with power drills and handguns, beatings, mock executions, and threats of sexual assault, rape and death to detainees’ families. Human rights experts have persistently argued that when permission is granted for torture it always extends far beyond any stipulated limits. British officials were quick to distance the UK from Bush’s claims. Former head of MI5, Baroness Manningham-Buller, insisted she knew nothing of Khalid Sheikh Mohammed’s waterboarding until after retiring in 2007. Kim Howells, former chairman of Britain’s intelligence and security committee, insisted he did not believe British security services would have had anything to do with waterboarding, which he defined as torture. He did not comment on British use of ‘Enhanced Interrogation Techniques’.

However the week before these statements were made, The Guardian reported that it had seen current British military training materials that encouraged techniques similar to Enhanced Interrogation Techniques, such as threats, sleep and sensory deprivation, blindfolds, prolonged enforced nakedness, and physical examinations of the rectum and behind the foreskin. The measures were intended to humiliate and provoke fear, insecurity and disorientation. Their illegality was implied when the authors of the materials insisted they be used in secret, ‘away from the media’.

The British Government outlawed the ‘five techniques’ – sleep deprivation, hooding, subjecting to noise, food and drink deprivation, and ‘wall standing’ stress positions – following their use against British IRA suspects in the 1970s. They were also deemed inhuman and degrading, and therefore illegal, by the European Court of Human Rights. Yet they have crept back in.

Given Britain’s close relationship with the US, this should come as no surprise. Britain should be scrutinised for its complicity, particularly in light of evidence that torture and cruel, inhuman and degrading treatment have been institutionally condoned, including through the presence of MI5 agents when British citizens were interrogated and tortured in the US rendition programme. Bush is liable to prosecution for violations of the Convention Against Torture and the Geneva Conventions. Elements of the British security forces may also be.

Dr Ruth Blakeley is a lecturer in International Relations at the University of Kent.

Ruth Blakeley shows how some memoirs can be more revealing than others
Former Lebanese Prime Minister Rafiq Hariri was assassinated in Beirut on 14th February 2005. The United Nations Security Council immediately launched an international justice initiative. Numerous previous assassinations in Lebanon did not attract such high level international attention. However, in this particular case, the Security Council established a tribunal allegedly ‘based on the highest international standards of criminal justice’. Several structural and procedural ills suggest otherwise. The Special Tribunal for Lebanon represents a very special kind of international justice mechanism, briefly examined below.

**Short history**

On 15th February 2005, the day after the assassination of Hariri, the Security Council requested the Secretary-General ‘to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act.’ Pursuant to this, UN Secretary General Kofi Annan dispatched a fact-finding mission to Beirut. The mission, headed by Peter Fitzgerald, an Irish deputy police Commissioner, arrived in the Lebanese capital on 25th February 2005.
The mission met Lebanese officials and politicians, from both the Government and opposition, studied the Lebanese investigation and legal proceedings, examined the crime scene, collected evidence, and interviewed witnesses. Despite the fact that the mission’s report stated that ‘accusations and counter-accusations are rife and aggravate the ongoing political polarisation’, it concluded after less than a month of investigation by a team of three foreigners with limited knowledge of Lebanon, that ‘the Lebanese security services and the Syrian Military Intelligence bear the primary responsibility for the lack of security, protection, and law and order in Lebanon’.

This accusation was to be developed by the first Head of the Investigative Commission, appointed on 13th May 2005, Berlin Prosecutor Detlev Mehlis who went on to recommend the arrest of four top Lebanese security officers and, in his public reports, to name and cite witnesses, one of whom, Gubran Jueni, was subsequently assassinated. On 11th January 2006, Mehlis was replaced by Belgian investigator Serge Brammertz who, by contrast, worked by the book. On 29th April 2009, the Lebanese security officers were released but have not had access to justice to date. In January 2008 Daniel Bellemare replaced Brammertz as Commissioner and subsequently metamorphosed into Prosecutor of the Special Tribunal upon its launch in March 2009. Although Bellemare has not published public reports in the manner of Mehlis, copious leaks to politicians and reports in the media indicate that the indictments are to concern members of Hezbollah allegedly supported by the Syrian regime.

Double standards: Beirut and Rawalpindi
Former Pakistani Prime Minister Benazir Bhutto was assassinated on 27th December 2007. On that day the President of the Security Council issued a statement condemning ‘in the strongest terms the terrorist suicide attack’ but did not request the Secretary-General ‘to follow closely the situation in [Pakistan] and to report urgently on the circumstances, causes and consequences of this terrorist act’ as was the case for Prime Minister Hariri’s assassination. When in February 2009, the UN Secretary General established an ‘International Commission’ that ‘should be fact-finding in nature’, this was on the request of the Government of Pakistan ‘and after extensive discussions with Pakistani authorities’. In the Bhutto assassination case, moreover, the UN Secretary General noted that ‘the duty of determining criminal responsibility of the perpetrators of the assassination would remain with the Pakistani authorities’.

Dubious constitutionality of the tribunal
On 29th March 2006, the Security Council unanimously passed Resolution 1664 creating an International Tribunal. It requested Secretary-General Kofi Annan to negotiate an agreement with the Lebanese Government ‘aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice’. On 6th February 2007, the United Nations and Prime Minister Fuad Sani’s Government signed an agreement establishing a Special Tribunal. However, after four months of internal political tensions no agreement was reached within Lebanon’s parliament and, the Parliament failed to convene.

Thereafter, Western powers decided to bypass the Lebanese Constitution by acting on the agreement between the Lebanese Government and the UN to establish the Tribunal in spite of the absence of a vote by the Parliament. This Security Council instruction of a founding member’s sovereignty could only be passed under Chapter VII of the UN Charter which clearly states that ‘The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations’.

Narrow mandate
What makes this tribunal even more special is its mandate as defined by Article 1 of the Special Tribunal for Lebanon Statute (Annex Resolution 1757). It is limited to investigating and then prosecuting the alleged perpetrators of the terrorist assassination of Hariri and 22 others. It has jurisdiction over other assassinations and assassination attempts committed with the Lebanese Government ‘aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice’. On 6th February 2007, the United Nations and Prime Minister Fuad Sani’s Government signed an agreement establishing a Special Tribunal. However, after four months of internal political tensions no agreement was reached within Lebanon’s parliament and, the Parliament failed to convene.

Thereafter, Western powers decided to bypass the Lebanese Constitution by acting on the agreement between the Lebanese Government and the UN to establish the Tribunal in spite of the absence of a vote by the Parliament. This Security Council instruction of a founding member’s sovereignty could only be passed under Chapter VII of the UN Charter which clearly states that ‘The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations’.

Narrow mandate
What makes this tribunal even more special is its mandate as defined by Article 1 of the Special Tribunal for Lebanon Statute (Annex Resolution 1757). It is limited to investigating and then prosecuting the alleged perpetrators of the terrorist assassination of Hariri and 22 others. It has jurisdiction over other assassinations and assassination attempts committed

‘In the Bhutto case, the UN said the duty of determining criminal responsibility would remain with the Pakistani authorities’

‘After Hariri’s assassination, the UN Security Council immediately launched an international justice initiative. Previous killings did not attract such high level international attention’
between 1st October 2004 and 12th December 2005, or a later date to be determined by the UN and Lebanon with the consent of the Security Council, only if the Special Tribunal for Lebanon (STL) finds them to be connected to the assassination of Hariri and of a similar nature and gravity. The factors which may determine such a connection include, according to Article 1, ‘a combination of the following elements: criminal intent, the purpose behind the attacks, the nature of the victims targeted, the pattern of the attacks and the perpetrators’. This is by far the narrowest of any international tribunal. It has no jurisdiction to address serious human rights violations committed in Lebanon in recent years or decades, implying that the justice being promoted is so severely politically selective that it may contribute to further disagreements among Lebanese.

Rules of Procedures and Evidence
The Judges of the STL met in a plenary session in November 2010 to consider proposed amendments to the STL Rules of Procedure and Evidence adopted on 20th March 2009. These had previously been amended twice on 10th June 2009 and 30th October 2009. Amongst these were changes to the rules ‘governing the service of an indictment by detailing the practical steps that must be taken after the confirmation of an indictment, in particular regarding the start of in absentia proceedings’. The Judges also clarified the admissibility of written statements by witnesses unable to come and testify ‘for good reasons’.

Other STL rules raise more questions. Paragraph F, under rule 118, States that ‘If the Prosecutor calls a witness to introduce in evidence any information provided under this Rule, neither the Pre-Trial Judge nor the Trial Chamber may compel that witness to answer any question relating to the information or its origin if the witness declines to answer on grounds of confidentiality’. This represents a clear breach of the basic guarantees for the attainment of justice because Judges should have the authority to question the source of ‘evidence’ collected by the Prosecutor and presented in court.

Rule 117 allows non-disclosure of information to protect ‘security interests of states and other international entities’. This rule states that where the disclosure of information ‘may affect the security interests of a State or international entity, the Prosecutor may apply ex parte to the Pre-Trial Judge sitting in camera for an order to be relieved of his obligation to disclose in whole or in part’. Rule 118 also expands on this by noting that ‘where the Prosecutor is in possession of information which was provided on a confidential basis and which affects the security interests of a State or international entity or an agent thereof, he shall not disclose that information or its origin without the consent of the person or entity providing the information’.

The rules also grant the prosecution the opportunity to rephrase his or her statements and present it in a way that may limit the defence’s prospect for efficient cross-examination.

Conclusion
In this brief compass it has only been possible to highlight a small part of the contradictions inherent in the Special Tribunal for Lebanon. A larger compass would clarify the relations between the narrow mandate, selective justice, unconstitutionality of the tribunal; its disproportionate cost, unaccountable selection procedures for judges and staff, dubious rules of procedures and evidence; and more generally, the politicisation of the investigations, impunity for arbitrary detention, and questionable indictments.

Omar Nashabe works at the Lebanese American University. He received a PhD in Criminal Justice; he serves as editor of the justice section of al-Akhbar newspaper and is an advisor on human rights and prisons to the Lebanese government.

‘Bellemare’s copious leaks to politicians and the media indicated that the indictments concern members of Hezbollah allegedly supported by the Syrian regime’
For those of us working in legal aid, the Green Paper – Proposals for the Reform of Legal Aid in England and Wales – is a massive attack not only on our jobs, but also our clients, the welfare state and the principle of justice. Hundreds of thousands of people with family, housing, welfare, education and immigration problems will, if these proposals are allowed to be introduced, no longer have access to free legal advice.

Legal Aid – part of the welfare state.
Legal Aid celebrated its 60th birthday this year. It was a major concession, which as part of the post war consensus was won by the working class hand in hand with the trade union movement and the left’s main political voice at the time – the Labour Party.

It was designed to help ordinary people secure advice and legal representation and to put them on the same footing as the rich when it came to court action. It acted in a small way to secure rights and representation in court against eviction, welfare needs, and against the threat of an unjust conviction. It was a way to try and level the playing field between the richest, who could afford lawyers, and the poorest who could not.

At the time of its launch eight out of ten people were entitled to the scheme’s assistance. The latest figures from the Ministry of Justice reveal fewer than one in three of us are now eligible.

Despite claims to the contrary the legal aid budget only represents 0.45 percent of public spending. The Government currently spends £2.2 billion on publicly funded legal advice and representation, which would barely keep the NHS running for two weeks.

What is being proposed by the Con-Dem Government amounts to a 50 percent reduction of civil legal aid. Yet a recent opinion poll conducted in November 2010 for the Legal Action Group found that 80 percent of the public believed the state should pay for legal advice services for people on or below the average annual income of £25,000.

The coalition is slashing the legal aid budget as part of a wholesale attack on the public sector. Whilst arguments by legal aid lawyers must be made that for every £1 spent in legal aid, £10 is saved for public funds, this attack is not just about saving money. The proposals contained in the Green Paper are part of an ideological offensive against the notion of a public sector, the welfare state and access to social justice.
Legal Aid cuts – the main proposals
Currently, the total legal aid budget is £2.2 billion. With 41 percent spent on civil work – this budget assists millions of people with family, welfare, housing, mental health, debt community care, public law immigration and asylum issues. The aim of the package is to reduce the annual legal aid budget by £350 million by 2014-15.

Eligibility for civil legal aid will require a client to jump over an increasing number of hurdles. Full legal aid will be restricted to people with total assets worth less than £1,000. People on benefits will not automatically be given access to legal aid. Applicants on income support with more than £1,000 in savings will be expected to contribute. Contributions made by clients are set to rise from 20 to 30 percent of weekly income. An applicant may be able to obtain a legal aid certificate but not be able to afford the contributions.

Out of the scope of public funding goes welfare rights, debt, employment, immigration issues other than asylum, and education. Other areas such as family and housing are also partly affected by these damaging proposals.

There is no other way to describe this other than as an assault on access to justice. It is a massive ideological attack on legal aid.

Fighting back
On the main issues during the General Election there was no fundamental difference between New Labour, the Tories and the Liberal Democrats. The widespread culling of public sector jobs and public sector expenditure was on the agenda of all the main political parties.

The Tories, whilst claiming to be a ‘new party’ are very much Thatcher’s children. It should not be forgotten that prior to the General Election the Chancellor of the Exchequer, Alistair Darling, advised on 25th March 2010 that Labour’s planned cuts in public spending will be ‘deeper and tougher’ than Margaret Thatcher’s in the 1980s. The same article in The Guardian went on to report that, ‘The country’s leading experts on tax and spending warned that Britain faces “two parliaments of pain” to repair the black hole in the State’s finances.’

In opposition Labour has to date performed no better. When Kenneth Clarke’s proposals were announced in Parliament, Labour had very little to say. Indeed Jonathan Freedland reported in The Guardian on 16th November 2010, ‘...Clarke’s Labour
shadow, Sadiq Khan, obligingly told the Commons that Labour too would have cut legal aid, so reducing his dispute with the Government to the small print.’

Tragically each of the main political parties agrees on the mass cuts agenda. It is estimated that cuts of 16 percent will be required. As John Lanchester commented in the London Review of Books on 11th March 2010, ‘…cuts of that magnitude have never been achieved in this country. Mrs Thatcher managed to cut some areas of public spending to zero growth; the difference between that and a contraction of 16 percent is unimaginable.’

So to those who look to Labour to reverse these cuts, certainly at this stage, they are not interested, their muted opposition and passivity has been the opposite of the direct action of students who have taken to the streets in their thousands.

The students are a barometer of the big changes in the political outlook of other sections of society, not just the middle class but above all the working class.

The turn to action by the students has been a further shot in the arm for trade unionists, tenants’ organisations and community groups. Nationally there has been a turn in every region and city in setting up anti-cuts groups, now numbering hundreds.

Where does this leave the struggle to defend Legal Aid?

The determination of the Con-Dem Government to wield the axe, needs to be matched by the determination of trade unionists, socialists, workers, community activists and students to resist these attacks.

One thing is for sure; the defence of legal aid cannot be carried out in a vacuum away from the struggles of the working class and the trade union movement.

In the last two to three years, as legal aid has been trimmed and cut, a number of strategies have been employed by the various organisations that represent legal aid lawyers to obtain some respite. The Law Society has tried judicial review action which has included the successful judicial review against the proposed new family law tenders. Lobbies of various committees and Members of Parliament have been organised. This action has to be applauded and certainly more is required.

Law Firms are pulling out of legally aided work, some concentrating on private work, some folding. There are advice deserts springing up across the country. Even where there are effective solicitors they are hampered by not having matter starts and having to turn people away.

Recently the Law Centres Federation, Legal Aid Practitioners Group and other organisations formed the Justice for All campaign. Justice for All has provided some excellent research into the many problems we and our clients face. As highlighted in other parts of this magazine, The Haldane Society together with Young Legal Aid Lawyers will be holding a Commission of Inquiry into the Case for Legal Aid in Parliament on 2nd February 2011 (see more details on the page opposite).

Justice for All can play a crucial role in uniting the various strands of the legal aid sector and other different organisations campaigning against the cuts to legal aid. There are already many national organisations involved in this, including Citizens Advice Bureaus, Mind, and importantly on a national basis Unite the Union. This is a significant step.

In order to defend legal aid, tactically it is essential that we lobby ministers as a profession and respond to the consultation on the Green Paper. We should also turn to our clients and ensure that they write letters, send in petitions and protest to their Members of Parliament. However, the strategy cannot rely solely on this, particularly with a Government that is on an ideological offensive against public services.

The fight for legal aid is also a fight to defend public services. That fight must be done alongside and through the trade unions along with the wider working class movement. It is important that resolutions be raised in individual trade union branches – let’s take the message to fellow trade unionists.

Legal aid lawyers should support the National Shop Stewards Network – National Conference, Saturday, 22nd January 2011. This body is backed by the RMT, Rail Union, and PCS, the Civil Service Union.

Lawyers must also involve themselves in the grass roots anti-cuts alliances that are being built across the UK. The campaign against legal aid cuts needs to be part of the wider programme to defend public services.

The period ahead is shaping up to be the most important since the 1980s for the trade union movement. It may yet exceed the scale of the movements then. Legal aid and its survival is also at a critical point. The Con-Dem Government has made it clear with the Green Paper that ideologically it wants to see the demise of legal aid. We have to be clear that legal aid will only be saved as part of the wider campaign to defend public services and the welfare state. This is as much a struggle against the rampant ideology of the current Government as anything else.

Paul Heron is a solicitor at Hackney Community Law Centre.
Legal aid provides a crucial safety net to make sure that everyone can access justice. It provides a key service protecting the welfare and liberty of some of the most vulnerable members of our community. Even so, the Government has announced plans to make savage cuts.

Our concern is that significant cuts to the legal aid budget will decimate the provision of publicly funded legal services across the country. We believe that if the legal aid budget is subject to extensive cuts the quality of our justice system will be totally undermined. Our interest in defending legal aid comes not from protecting lawyers’ interests, but because we see it as an intrinsic part of the welfare state and a necessary public service.

The Government’s Green Paper *Proposals for the Reform of Legal Aid in England and Wales* proposes drastic cuts from the legal aid budget:

- fewer people will be financially eligible for legal aid; anyone with equity in his or her home of more than £8,000 will be excluded, even those on benefit, and anyone with capital of £1,000 will have to pay a financial contribution;
- important areas of law will be excluded from the legal aid scheme: civil damages claims, divorce and private family law including issues involving contact with children (other than in cases involving domestic violence or international child abduction), clinical negligence, consumer protection, criminal injuries compensation, debt, disputes over education, employment cases, welfare benefits and immigration claims excluding asylum;
- legal aid rates will be cut by 10 percent and frozen for five years – a significant pay cut when legal aid firms are already struggling.

A panel of inquiry – consisting of Dr Evan Harris, Canon Nicholas Sagovsky and Diana Holland, Assistant General Secretary Unite the Union – will receive testimony from users of legal aid services and those affected by the cuts. The panel will be assisted by Mike Mansfield QC.

Please email lizdavies@riseup.net to reserve seats.

Join us on Tuesday 2nd February 2011, 2pm – 5pm, Houses of Parliament, Westminster, London SW1

Further information: [www.haldane.org](http://www.haldane.org) [www.younglegalaidlawyers.org](http://www.younglegalaidlawyers.org)
A group of health workers known as ‘the Morong 43’ were released from prison near Manila in the Philippines on 18th December 2010, having spent over 10 months being detained on false charges. This huge vindication for the Morong 43 and their supporters came at the end of a massive campaign by the detainees, their lawyers and the numerous Filipino and international human rights organisations that had given their support to the detainees and campaigned for their release.

In September 2010, Haldane Society members and other lawyers and jurists from the International Association of Democratic Lawyers (IADL) visited the Morong 43 in detention in recognition of the condemnation that the case had attracted from international human rights groups over the treatment of the detainees and the multitude of injustices surrounding their case. The visit was organised by the National Union of People’s Lawyers (NUPL) – a Filipino organisation of human rights lawyers – some of whose members represented the detainees.

The Morong 43 detainees were arrested whilst attending a training camp for health workers to enable them to give medical assistance in rural parts of a region which had recently been devastated by a severe typhoon. On 6th February 2010, the camp was stormed in a dramatic dawn raid involving armoured vehicles and almost 300 army and police personnel. Police forcefully cleared everyone from the premises and only then re-entered and conducted an unsupervised search. The search was itself illegal as the search warrant provided by the police was defective, not even being specific to the premises actually being searched. During the search police officers alleged that they discovered a cache of guns and explosives. None of the discoveries were witnessed by anyone other than police and army personnel who were the only people inside the premises at the time.

The detainees were initially held in a military compound for three months where they described having been beaten, intimidated, subjected to mock executions, offered bribes and having threats made against them and their families in an attempt to force them to confess or give evidence against their fellow detainees.

The Morong 43’s plight continued when their case moved into the courts, with a combination of a slow, protracted justice system and a judiciary who are generally loath to challenge decisions of the executive ensuring that they remained in prison. The Court of Appeal refused a habeas corpus petition, applying a precedent from a case during Marcos’s reign, when the Philippines was under martial law, that held that once a defendant is actually charged with an offence any issues regarding the legality of the initial arrest and detention are cured. The decision was appealed to the Supreme Court in the hope of having this precedent, befitting only of a military dictatorship, overturned. However at the time the delegation met with the detainees in mid September 2010, several months after the case was referred to it; the Supreme Court had still not heard any evidence. Meanwhile the detainees continued to languish in prison.

The Morong 43 were charged with various offences for possession of firearms and explosives and were accused of being communist rebels. The absurdity of these allegations was readily apparent when our delegation visited the detainees by which time they had already been in detention for seven months. The conditions in the prison were appallingly confined and unsanitary. All 23 female detainees were detained in the same cell, which would have been cramped if limited to the official maximum capacity of nine, and the 15 male detainees fared little better. The other five detainees were still detained in the military compound after allegedly confessing to certain charges. Despite these conditions, our delegation was overwhelmed by the positivity of the detainees. The delegation met with the male and female groups separately. It was apparent that the awful conditions and treatment suffered by them had had an effect on the male detainees...
Satur Ocampo addressing the demonstration outside Malacañang Palace in Manila on 21st September 2010, to commemorate the declaration of martial law by Ferdinand Marcos on 21st September 1972.
The female detainees were astonishingly high-spirited. It was truly humbling to see such passion and commitment from people who had suffered as much as they had during the previous seven months.

On arrival, they welcomed the delegation with cheers and singing. One of the detainees, Maria Elena Serato, told the delegation during a passionate and tearful speech that ‘if serving the people is a crime, so be it. We are not daunted. They could never dampen our spirits...Behind these bars, our hearts and minds are free.’ We were told that they had even started running sessions providing medical assistance to other detainees in the prison.

It was clear that the Morong 43 are simply humanitarian workers who passionately believe in the work they do. The suggestion that this group of health workers and volunteers could be a terrorist cell is farcical.

Unfortunately the case of the Morong 43 is not an isolated one. It is merely epitomises President Gloria Arroyo’s previous administration’s dire record on protecting human rights and due process. Lawyers, trade unionists, journalists and other activists have been the subjects of a myriad of abuses and attacks, often supposedly as part of the Government’s counter-insurgency programme which fails to distinguish between military targets and those who simply campaign for the rights of the citizens whom the Government itself fails to protect.

Arroyo’s successor, President ‘Noynoy’ Aquino, was elected in June 2010. So far, those who hoped that his election would help bring an end to the Government’s trend of abuses and corruption have been disappointed. Extra-judicial killings, disappearances and unlawful arrests have continued apace despite Aquino’s promises to end the previous administration’s shameful reputation.

The IADL delegation also met with the new Filipino Justice Secretary, Leila de Lima. The delegation was encouraged to hear that Secretary de Lima shared many of our concerns regarding the injustices apparent in the Morong 43 case. Further encouragement came when President Aquino ordered Secretary de Lima to compile a report on the case which she submitted to him in October 2010. However, despite these promising signs the President continued to bow to pressure from the Filipino military, dragging his heels and making no further moves to redress the injustices in the case until very recently. It was only as pressure and support for the Morong 43 continued to build, both in the Philippines and abroad, that the detainees were in the end able to secure their freedom.

The Haldane Society was just one of many international organisations that sent open letters to President Aquino expressing concern about the case and urging him to do all in his power to see that the Morong 43 were released. This 10 month campaign, spearheaded by the detainees themselves and their lawyers in the NUPL, reached a climax with a huge demonstration in Manila on 2nd December 2010. This was followed by the announcement the following day that the Morong 43 had gone on hunger strike. Eventually the pressure became strong enough to force President Aquino to act if he was to avoid massive embarrassment on both the domestic and international stage. Despite the fact that the final decision effecting their release was that of President Aquino, all credit for the release of the Morong 43 lies with the activists and human rights defenders who continued to proclaim their innocence and fight for their freedom with an unrelenting zeal. Fueling this fight was the fervent belief of the detainees themselves and their lawyers in the NUPL that the denial of basic rights is an unacceptable injustice. Without this fight the lethargic Filipino Government would never have intervened. The case of the Morong 43 is a reminder that campaigns outside as well as inside the court-room to defend people’s rights are both vital in ensuring that injustices are not met with impunity.

Michael Goold is a member of Haldane’s executive committee.
Reflections on the ‘death of justice’

*Dispatches from the Dark Side: On Torture and the Death of Justice* by Gareth Peirce

It was once dismissively said of Clement Attlee that he was a modest man who had much to be modest about. A slight, but significant variation of that thought crossed my mind as I read Gareth Peirce’s new book *Dispatches From The Dark Side*. The author is unquestionably one of the most self-effacing people I have ever had the pleasure of meeting. This outward appearance is deceptive however as it masks a razor sharp brain and a steely determination. Gareth Peirce has a well earned reputation as one of the most tenacious and successful human rights lawyers practicing in the UK today. Her clients represent a roll call of the most high profile victims of injustice over the past 30 years.

*Dispatches From The Dark Side* brings together a series of articles first published in the *London Review of Books* between 2008 and 2010. As the book’s subtitle indicates, these essays are a reflection ‘on torture and the death of justice’.

At the outset, Peirce recalls the ‘shocking images’ of ‘hooded and shackled men’ being transported in orange jumpsuits by the US military to Guantánamo Bay in January 2002. She suggests that these images were deliberately beamed around the world. The message was clear; the world’s sole superpower would stop at nothing to reassert its authority in the aftermath of 9/11.

International law, at least on paper, dictates however that there are limits on the use of State power both within and beyond one’s national borders. As signatories to numerous international humanitarian conventions, the US and its principal ally the UK are acutely aware of these restrictions.
The opening essay is entitled ‘Make sure you say you were properly treated’. This was the chilling advice given by a Foreign Office representative to Shafiq Rasul and other British detainees as they finally boarded a flight after winning their release from Guantánamo Bay. It speaks volumes about the level of UK complicity in their treatment.

In the second chapter, the most powerful in this collection, Peirce considers the framing of Abdelbaset Ali Al Megrahi, the man convicted of the Lockerbie bombing, the most deadly terrorist atrocity committed in the UK. The decision to release him to return to his home country continues to provoke a hysterical reaction. At the time of the release, the then Opposition leader David Cameron characterised the Scottish Government’s decision as ‘a betrayal of everything Britain stands for’.

As the chapter heading suggests, what is really outrageous is the conviction itself. Peirce contends that those who lost loved ones in the skies above Scotland have not received justice. Instead, their interests have consistently been sacrificed as shifting international priorities and alliances dictated that the real culprits should be appeased. Al Megrahi’s controversial release was nominally on compassionate grounds, but even here it is apparent that all is not as it should be. At the very least we know, as Government ministers have conceded, that Al Megrahi’s freedom was ‘discussed’ in the diplomatic horse trading over oil contracts that took place with the Libyan government in the months before his release.

In ‘Was it like this for the Irish?’ Peirce considers the demonisation of Muslim communities in the aftermath of 9/11. A particular focus here is upon the panoply of notorious measures including control orders, extended powers of detention and secret courts to which those accused of terrorism offences are subjected. Peirce is particularly well placed to answer this question. Her clients have included members of the Guildford Four and Birmingham Six whose appeals tore the lid off the corruption at the heart of the English criminal justice system in the late twentieth century.

It is now two years since Barack Obama was elected president of the United States amidst such hope that he would bring to an end to the abuses sanctioned by his infamous predecessor. In the final essay in this series, ‘Are We Our Brother’s Keeper?’ Peirce examines how far the US has strayed from the noble principles embodied in its constitution. She cites the ‘extraordinary statistic’ that 97 percent of US trials result in a guilty plea and she describes the appalling conditions experienced by those subjected to solitary confinement. Sadly Obama has done little to transform this terrible predicament or to deliver the changes in which so many people invested hope. Given this appalling, headlong retreat from principle, Peirce answers her own question by declaring that the UK should refuse to allow the extradition of British citizens across the Atlantic.

The ‘war on terror’ and its consequences have, once again, been catapulted to the top of the news agenda with the publication by Wikileaks of previously secret reports of the US military operation in Iraq. Words alone cannot adequately explain the scale of the brutality highlighted in those documents. It should not be ignored that whilst promoting his memoirs George W Bush proudly admitted that as Commander-in-Chief he had
readily authorised the waterboarding of terror detainees. No amount of wordplay by his ‘legal advisers’ can conceal the fact that this treatment amounted to officially sanctioned torture.

There is a clear lesson to be learnt from this which is that, far from making the world a safer place, the assault on civil liberties so graphically described by Gareth Peirce in these dispatches is simply fuelling anger and retaliation amongst a significant minority of those who are targeted.

In these desperate and dangerous circumstances, Dispatches from the Dark Side is not simply a commentary on events, but rather an ‘urgent SOS’; a call to action. The question this raises however is to whom should we be addressing our demands? The atrocities reported here happened on New Labour’s watch but that Government has now been consigned to the dustbin of history.

New Labour has been replaced by a coalition which boldly claims that it will restore the UK’s historic commitment to civil liberties. The first pledge of the coalition agreement however is a pronouncement that ‘the first duty of Government is to safeguard our national security and support our troops in Afghanistan and elsewhere’. Such a declaration is both ominous and alarming.

As voters are discovering to their cost on so many fronts, actions speak louder than words. Home Secretary Theresa May’s backsliding on the promise to repeal Control Orders is a warning as to what we can expect on the vexed issue of terror suspects. It is probably also therefore a foretaste of how this Government will approach the wider concerns raised by the security threat.

Defending civil liberties can be difficult. The general public are often, and understandably, prepared to accept restrictions on their freedoms in times of apparent emergency. There is a real challenge for proponents to demonstrate that the real, longer term danger is posed by the erosion of hard won rights and freedoms. For those reasons, progressive lawyers, activists and working class communities have an interest in standing shoulder to shoulder with those, particularly among Muslim communities who are currently embattled and demonised. The short, sharp and passionately written essays contained in this volume can play a vital role in arming us with the necessary evidence and arguments that can assist us in those struggles.

Brian Richardson

A blast of fresh air from Colombia


This extraordinary new book concludes as follows: ‘In [Latin America’s] example we also learn that the truest form of rule comes not from producing the most goods, or harbouring the deadliest nuclear weapons… rather, it concerns the human capacity to make new history.’

The author, Oscar Guardiola-Rivera, teaches Constitutional Law, International Law and Human Rights at Birkbeck College. He qualified in law in his native Colombia and after coming to the UK obtained an LLM with Distinction at UCL. In 1998 he completed a PhD in Philosophy at the University of Aberdeen, with a thesis entitled ‘Practical consciousness: Marx, mind and the problem of ethics’, on the relationship between Hegel, French Post-Structuralism, contemporary Cognitive Science and the self-institution of society.

In order to write the book Oscar travelled widely: to Cape Town, Rio de Janeiro, Lima and La Paz, Buenos Aires and Bahia Blanca, Mexico City, Miami, San Francisco and New York. In particular he visited ‘an almost inaccessible Indian village near Belalcazar in the Colombian [region of] Cauca, where Victoriana Pennakwe, a young leader of the remarkable Nasa people, taught me about their community-based model of furthering political and social transformation.’

The indigenous peoples of Latin America are a constant source of inspiration for this book. Oscar begins with the ‘Dream of the Indian’, a dream which provides a golden thread through his work: the dream is that private ownership can be replaced by access. In the midst
of the present crisis we are in fact witnessing the birth of a new economic system’. For Oscar, ‘this… also entails the legitimacy of raising once again the question of social ownership… This is precisely where the contemporary activism of native and other subordinated peoples… is being concentrated. Their focused action is helping transform the way we see the world.’

The book, which contains gems and surprises on every page, is divided into three parts, which, according to Oscar, ‘follow a more or less linear chronology’. Part One tells the story of how the dream of the Amerindian came into tragic collision with the Conquistadors’ dream of empire. As Oscar points out, this was the first episode in the history of globalisation, as well as the concepts of liberty and equality. Part Two takes the reader from 1815 to 1970, with a brave new world of independent nations and republics, struggling, succeeding and failing, in making slavery and dependency a thing of the past. Part Three is ‘a history of the present and a history of the future’. For Oscar, the future begins on 23rd February 2010, when 32 out of 35 countries of the Americas signed the Cancún Declaration on the Unity of Latin America and the Caribbean. This is where the future joins the past: Oscar links Cancún with Simón Bolívar’s calls for Latin American unity in 1815 and 1824, and with the detailed analysis of Bolivar’s revolutionary thought in the preceding chapters. Here too Evo Morales’ ‘Economics’ in Bolivia is of central importance: with the principle of “… mutual aid characteristic of traditional communities, but without their closed identifications.”

The reader may feel slight exasperation from time to time, as reference upon reference constantly deflects the central argument: but this is also the strength of a book written quickly and with passion, based on enormous and eclectic erudition. It is very much of the moment, and you should read it.

— Bill Bowring

The wave of protest that brings 2010 to an end expresses the anger felt by those who oppose the coalition Government’s cuts. In response to these protests, the Metropolitan Police has returned to more heavy handed policing after a full following the fallout from the G20 demonstrations. The kettleing of schoolchildren and students in near freezing temperatures is a reminder of the need for stringent limits on police powers before arrest is an area circumscribed by judges. A number of recent acquittals, such as the Kingsnorth Six and the EDO Seven, give hope that Lord Hoffman’s views are not going to be adopted by the courts. At the time of writing, a necessity defence is being used in the trial of 20 defendants accused of conspiracy to commit aggravated trespass at Ratcliffe-On-Soar power station.

This is an excellent book for both legal practitioners and activists alike. When recently road-tested with the legal team on an environmental demo, the text was found to be easy to navigate and accessible. Practitioners will appreciate the benefits of comprehensive coverage in a single source. With more anti-cuts protests planned, copies of this book may soon become well-used.

— Owen Greenhall

The Law of Public Order and Protest
by HHJ Peter Thornton QC, Ruth Brander, Richard Thomas, David Rhodes, Mike Schwarz and Edward Rees QC
OUP, 2010, 528 pages, 978-0-19-956614-3, hardback, £100

T he first half of the book covers the vast majority of criminal offences that arise in the protest context. It starts with offences under the Public Order Act 1986 and moves through various other protest related offences ending with chapters on marches and assemblies, and protests on the highway and land. Overall, the presentation remains clear and accessible, whilst providing more historical background than found in a standard practitioner text. It is good to see a reference to The Haldane Society raising objections to the inclusion of the statutory offence of affray in the 1986 Act.

Whilst the initial chapters would make a useful book by themselves, they are supplemented by a second half that follows the criminal justice process: from initial police contact to appeals to Strasbourg. It is the dedicated chapters on pre-arrest powers and necessity defences that set this book apart.

The murky world of police powers before arrest is an area where the legal limits on police action are hard to delineate. Many complaints from demonstrators concern the abuse of these powers, including: stop and search, Gillan & Quinton v UK [2009] ECHR App. no. 4158/05, surveillance and photography, Wood v Comm. Met. Police [2009] EWCA Civ 414, and breach of the peace, Austin v Comm. Met. Police [2009] UKHL 5. Activists are therefore encouraged to turn to these pages first.

In the chapter on defences of excuse and justification, Lord Hoffmann’s comments in R v Jones and Milling [2006] UKHL 16 on ‘the limits of self-help’ are rightly criticised. Contrary to his opinion, the question of when direct action is ‘reasonable’ ought to be determined by juries and the defence should not be circumscribed by judges. A number of recent acquittals, such as the Kingsnorth Six and the EDO Seven, give hope that Lord Hoffman’s views are not going to be adopted by the courts. At the time of writing, a necessity defence is being used in the trial of 20 defendants accused of conspiracy to commit aggravated trespass at Ratcliffe-On-Soar power station.

This is an excellent book for both legal practitioners and activists alike. When recently road-tested with the legal team on an environmental demo, the text was found to be easy to navigate and accessible. Practitioners will appreciate the benefits of comprehensive coverage in a single source. With more anti-cuts protests planned, copies of this book may soon become well-used.

— Owen Greenhall
I would like to join/renew my membership of the Haldane Society

Rate (.tick which one applies):

☐ Students/pupils/trainees/unwaged/outside UK: £20
☐ Practising barristers/solicitors/other employed: £50
☐ Senior lawyers (15 years post-qualification): £80
☐ Trade unions/libraries/commercial organisations: £100

Standing Order

Please transfer from my account no:........................................................
Name of Bank Name of Bank .................................................... Sort code □□/□□/□□
Address (of branch) ................................................................................

To the credit of: Haldane Society of Socialist Lawyers,
Account No 29214008, National Girobank, Bootle,
Merseyside L1 R 0AA (sorting code 72 00 05) The sum of £....................
now and thereafter on the same date each month/year* until cancelled
by me in writing (delete where applicable)

Signed................................................. Date..............................

Please send this form to: Membership Secretary, Haldane Society, PO Box 57055, London EC1P 1AF
Haldane Society of Socialist Lawyers

Human Rights Lectures 2011

Human rights violations by UK forces in Iraq

Thursday 17 February:
Speaker: Phil Shiner
(solicitor, Public Interest Lawyers)
Time and venue to be confirmed

Wednesday 16 March:
Philippe Sands QC on the International Criminal Court and the future of international law
Time and venue to be confirmed

All lectures free. CPD points available at £10 charge

Further information from www.haldane.org