Socialist Lawyer

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DIRECT ACTION AND THE LAW

Haldane Society of Socialist Lawyers

PO Box 64195, London WC1A 9FD
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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.

Socialist Lawyer

Editor: Nick Bano
Assistant editors: Russell Fraser & Tim Potter
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Behind the lines

This edition of *Socialist Lawyer* focuses on direct action and the law.

Can 'lawyering' ever be part of radical politics? Should we see our legal practice as a component of our political action, or is it important instead to draw a distinction between law and politics – to acknowledge that our legal work can only ever be supportive but ancillary to broader movements?

It's beyond doubt that many Haldane members who practise law do remarkable things. The day-to-day work is critically important, and recently several comrades have been involved in fantastic work stopping deportations of EEA migrants. The response of the local community law centre – and its network of supporters – to the Grenfell Tower fire was also critically important in assisting the victims of that disaster.

But the lawyers who have achieved genuine and profound political changes – Mandela, Ghandi or Castro for example – didn't achieve meaningful impact through their legal practice. Perhaps more important than them are the countless lawyers who have supported those taking political action. It's worth singling out the lawyers involved in the recent East Street 3 trial and other protest lawyers in the UK; people like Joel Joffe, Bob Hepple and Navi Pillay whose practices supported those resisting Apartheid on the ground in South Africa; lawyers supporting movements for Palestinians, climate activists, or trade unionists.

That must be because lawyers, through practising, implicitly accept the premise of the law. Although, as one contributor puts it in this edition: "to be a socialist lawyer is to be behind the lines in enemy territory". This edition encourages readers to think about the politics-law distinction.

Ali Tamlit from the Plane Stupid campaign is facing prosecution for taking direct action against charter flights. Ali explains the necessity of the action and reflects on the law's response. Luke Sheldon reports on the lengthy ordeal that three people in a south London market faced when they took action to protect their community from an immigration raid. Dr Lucy Finchett-Mattock outlines legal movement theory and applies it to the law and practice of squatting in the UK. John Hobson gives a moving account of his important work in Palestine since last autumn. A junior lawyer reflects on the impact of the job on practitioners' mental health.

This edition comes at an interesting time in British politics, as Haldane chair Russell Fraser explains in his article (p12). It certainly wasn't the first time in recent months that I've had to Google a new Lord Chancellor (David Lidington described his 2009 expenses claim for toothpaste and toiletries as 'over-generous', which, incidentally is exactly what previous incumbents said about the legal aid bill) and it seems very unlikely to be the last.

Anyone interested in whether the connection between legal practice and left-wing politics is best represented as a Venn diagram or a vacuum may want to participate in the Materialist Lawyers' Group, whose first meeting is at Garden Court Chambers on 11th July (please RSVP to *materialistlawyersgroup@gmail.com*).

Nick Bano, editor

Fighting the trolls and online violence against women

In March Olivia Piercy and Diane Abbott joined us for a special International Women's Day lecture.

Piercy spoke in her capacity as legal officer for Rights of Women, a national women's legal charity which provides legal advice and information and campaigns for equality, justice and safety. Piercy has recently produced a legal guide: 'Revenge porn, online abuse and the law', available on Rights of Women's website (*www.rightsofwomen.org.uk*).

Piercy explained that online abuse is a gendered form of abuse due to the fact that the targets of online abuse are usually women, and the subject of the abuse is normally sexualised. Research by *The Guardian* has uncovered that more abusive comments have had to be blocked against women, and that this is especially prevalent in 'male' spaces such as sports websites. The effect of such abuse, Piercy says, leads to women self-censor online.

Online abuse is defined as any abusive behaviour that happens over the internet. It is not a legal term and is already covered by existing laws prohibiting different types of criminal behaviour such as threats to kill and threats of violence, harassment, coercive control (when a person with whom you are personally connected repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared), blackmail or stalking.

Piercy gave an overview of the new law of 'revenge porn', which can be used when someone shows a private sexual photograph or film of you to another person or people, without your consent and with the intention of causing you distress, except for the purposes of preventing, detecting or investigating a crime, or for a journalistic story.

Piercy is concerned that the introduction of new offences such as revenge porn produces a 'smoke and mirrors' effect, creating the illusion that the government is making significant efforts to tackle such abuse through criminalisation. In fact, the underlying problem still exists and attention is diverted from the need for 'victim blaming' responses to be seriously addressed. In Piercy's experience, the police response to reports of online abuse is often to advise women to avoid social media outlets such as Twitter, or advising women not to make comments which will provoke a response. Currently, only seven percent of the police force are trained to deal with online abuse, which is concerning in the face of a problem on such a vast scale. Given the current crisis in police funding driven by austerity policies, and policing priorities that focus more and more on terrorism, a reallocation of resources to train police in dealing effectively with online abuse does not look hopeful.

Piercy also suggests that internet service providers have an 'occupiers liability' to take responsibility for their environments and protect users from abuse. This becomes problematic however, when dealing with different jurisdictions across different countries.

MP and shadow health secretary Diane Abbott then shared with us her own experience of online abuse, an account which now seems even more poignant in light of her recent subjection to unprecedented levels of sexualised and racist abuse during the election campaign.

Abbott spoke of the 'turbo-charging' effect of abusive speech which has come with the rise of online communications. The online environment, she says, creates a space in which internet users can post comments which are racist, sexist, otherwise abusive or just completely untrue, with impunity. The internet produces an 'echo chamber' in which abusers feel vindicated by others on an industrial scale, with few consequences for the hate speech they produce. This is exacerbated by the anonymity afforded to internet users in the online world. Abbott cites the murder of Jo Cox as a chilling example of abusers 'acting out' the harm that they speculate in online.

Abbott is disturbed that online abuse now seems to have permeated the mainstream media, having experienced such abuse even from colleagues. She worries that the potential to address this is in doubt however, with online companies reluctant to tackle the problem due to the profitable internet traffic that heated exchanges can drive.

Although there was no dissent from the audience that that there is an urgent need to drive online abuse out of the public space, it was questioned whether this is best achieved by removing anonymity of internet users. How do we reconcile this with the idea that the internet is such a powerful tool for resisting human rights abuses? 'Twitter revolutions' such as those during the Arab Spring arguably would not have come about without security of anonymity for internet users.

There are no clear answers as to how ISPs, police and governments are best placed to tackle online abuse without infringing on civil liberties. However, speakers and audience were in agreement that there is a wider need for educational campaigns to understand sexism and facilitate radical change in attitudes both within policing and society at large.

Amy Murtagh

February

21: Heterosexual couple wanting civil partnership lose in Court of Appeal. In a majority judgment, the court allowed the government more time to review the law preventing heterosexual couples from obtaining a civil partnership. However, all three judges agreed that the ban potentially breaches Article 14 and 8 of the ECHR, and that the discrimination against same-sex couples could not last indefinitely.

22: Supreme Court rules income threshold for non-European spouses lawful in principle. The rule requires a British citizen to earn a minimum income of £18,600 in order to bring a non-European spouse to Britain. The court unanimously held that Home Office rules fail to take account of their legal duties to children and are unlawful until they are amended. However, the justices ruled that the threshold itself was not incompatible with Article 8 of the ECHR.

March

14: European Court of Justice rules that companies can ban religious and political symbols. The ECJ heard cases from Belgian and French women who had been fired for wearing headscarves at work. The court ruled that headscarves could be banned, but only as part of a general policy banning all religious and political symbols.

16: Brexit Act receives royal assent. The European Union (Notification of Withdrawal) Act 2017, which officially conferred on Prime Minister Theresa May the power to 'trigger' Article 50, received royal assent.

London to host 'Brexit, the EU & workers' rights' summit

On 13th May 2017 the ELDH (European Lawyers for Democracy and Human Rights, *www.eldh.eu*) met in Florence for its annual General Assembly. The Haldane Society was one of the founder members of ELDH in May 1993 in Paris.

The most important decision of the meeting was to organise a conference on Brexit and workers' rights, the rise of neo-fascism, migrants' rights, and the future of the European Union, on 11th November 2017, at Unite the Union's Diskus Centre in London.

The conference is organised jointly with Unite and the Institute of Employment Rights (IER), whose leading officers are Haldane vice-president John Hendy QC and Professor Keith Ewing.

The conference's themes include: the impact of Brexit on workers and migrants in the UK; how to safeguard the application of European law for workers in the UK; a new Social Europe or a renewed European Union; the new 'Social Pillar of the EU', an opportunity or a fake; the kind of democracy we need in Europe; the rule of law and the state of exception in Europe; migrant law in Europe; citizenship, and culture as an instrument for democratisation. At least half of the panel will be women.

The next meeting of the ELDH executive will take place in London the next day, 12th November. All Haldane members and supporters are welcome.

Bill Bowring (front, left) addresses the ELDH annual assembly.

Representatives of ELDH member organisations in nine European countries participated in the meeting in Florence, from the UK, Germany, Greece, Italy, Serbia, Spain, Switzerland, Turkey, and Ukraine. We accepted new applications from three lawyers' organisations, from Greece (Hellenic Union of Progressive Lawyers), Macedonia (Coalition of Civil Associations 'All for Fair Trials'), and Ukraine (Ukrainian Association of Democratic Lawyers). Together with our new member organisations in Russia and Serbia, ELDH now has members in 20 countries. Haldane was represented by Rebecca Harvey, Carlos Orjuela, Declan Owens, and Bill Bowring. Carlos gave a report on the Lesbos Legal Centre. He asked for support in promoting the website, looking for volunteer laywers and funding. Thomas Schmidt (secretary general) and myself (president) were re-elected.

On 12th May 2017 we participated in an international conference organised with European Lawyers for Workers (ELW, founded by ELDH) and the Italian trade union CGIL This was the European Labour Law Conference, entitled 'Social dumping and recent challenges for labour law in Europe: regaining the initiative'. Speakers included Haldane's John Hendy QC. Specific attention was given to the role that can (still) be played by collective rights; the delicate issue of posting of workers, including the abusive practice of letterbox companies; the function of social clauses in public procurements; and the approach of European Courts (ECJ and ECtHR) towards social and labour rights, as well as examples of good practices of defending labour rights in struggle.

Future activities of ELDH include:

- The Aegean Human rights school on academic freedom, 22nd-24th September 2017, organised by our Turkish comrades from ÖHP, at Nesin Maths and Philosophy Village / Şirince, Izmir, Turkey. Speakers will include Bill Bowring and Fabio Marcelli. This will be a very important solidarity action.
- The Mediterranean Lawyers Conference on the Right to Self Determination and Human Rights, 7th-8th October 2017, Naples, Italy, organised by the Italian Democratic Lawyers. The Conference should end with the adoption of a Declaration of democratic and progressive lawyers of the Mediterranean (Charter of Naples). Partners will include Consiglio nazionale forense; Consiglio dell'Ordine degli avvocati di Napoli; Camera Penale; Comune di Napoli, Città Metropolitana di Napoli; GUE
- 25th anniversary of ELDH in 2018. Barbara Spinelli and Annina Mullis propose holding a conference in Paris on 'Gender and Law'.
- Trial observations in Turkey. The dates of the trials will be published on the ELDH website, www.eldh.eu/events/event/political-trials-against-lawyers-and-political-activists-from-turkey-250/. Our member associations in Turkey, CHD and ÖHP will indicate when trial observation is important. A specific event is likely on the anniversary of the murder of Tahir Elci on 28th November 2017.

Bill Bowring, Joint International Secretary, Haldane Society and President, ELDH

April

3: 28-day limit on police bail comes into force. Pre-charge police bail is now only to be used where "necessary and proportionate", and up to a maximum of 28 days. This can be extended for up to three months by a superintendent, and longer by a magistrate.

4: Two firms face prosecution over death in immigration detention. The CPS announced charges against GEO Group UK and Nestor Primecare Services over the death of Prince Fosu in Harmondsworth Immigration Detention Centre. Mr Fosu had been in detention for six days after he was arrested naked on the street and found to have overstayed his visa.

24: Wife of 39 years fails in divorce refusal appeal. Calls for no-fault divorce intensified after a petitioner failed to prove that her marriage of had broken down irretrievably.

30: Greece liable for damages to migrant workers after attack by employer. The European Court of Human Rights has ordered the Greek state to pay damages to Pakistani workers whose employers shot at them when they asked for their wages. The court ruled that Greece had "failed in its obligations to prevent the situation of human trafficking".

Where next for the ICC?

On 26th April two leading experts took stock of the International Criminal Court and engaged in a fascinating crystal ball gazing exercise into the future of the world's first permanent court. Wayne Jordash QC of Doughty Street Chambers, one of the luminaries of the international criminal law world, and Carla Ferstman, director of the renowned legal NGO Redress, were a class act that – unlike its subject matter – lived up to all expectations.

Jordash opened with a slew of statistics on the first 15 years of its performance – over a billion US dollars spent and a disastrous performance under the stewardship of the first prosecutor Luis Moreno Ocampo, which saw 18 cases started (four of which had been rejected at the confirmation stage) and seven arrest warrants issued which have still not been effected (Joseph Kony in Uganda, Abdullah Al-Sanussi and Saif Al-Islam Gaddafi in Libya and Sudanese president Omar Al-Bashir).

The criticisms of prosecutorial incompetence marked by the Ocampo years, such as allegations of witness tampering, exaggerated evidence, corruption by intermediaries and poor case preparation, culminated in the dismissal of the Kenyan proceedings at the preliminary confirmation proceedings for lack of evidence. With 1,200 killings, even more thousands of incidents of gender-based violence, and 600,000 displaced, this case more than any other before the ICC had all the hallmarks of an atrocity that merited international criminal justice.

Another often cited indirect benefit of the ICC – its ability to inspire the necessary conditions for consensus and peacemaking between warring parties – failed to ever crystallise in Sudan. Some of the African Union (AU) member states of the ICC (once the court's most loyal adherents) began to show real vitriol after being increasingly humiliated by the single pursuit of African leaders while non-Africans allegedly implicated in crimes in Afghanistan and Iraq were left untouched.

Jordash's picture of an abject failure of an institution was compelling and sobering. Yet, it was also a simplistic caricature, as Jordash himself cautioned. He gave us the history of the international criminal law project: the initial quagmire faced by the ICC a teething problem that is symptomatic of all courts in this area. It mirrors the trajectory of all comparable UN-sponsored *ad hoc* tribunals (for the Former Yugoslavia, Rwanda, Cambodia and Lebanon) which are painfully slow, politicised and initially incompetent. Jordash explained that – perhaps unfairly – the ICC is a victim of its own hype, the increased scrutiny it faces, and overly heightened expectations.

Jordash pointed out the court's limitations. First, there is an unrealistically small number of court rooms – three for 18 judges, and a capacity for six trials at any one time. Secondly, an unwieldy and cumbersome set of rules of procedure at every stage of the process from the preliminary investigation and examination (both which take years) to the 'mini trial' of a confirmation hearing, followed by a trial proper and any appeal. This entire process will take eight to nine years. Thirdly, there are constraints on resources due to member states' pressure. As Jordash notes, one in five members of the Assembly of States Parties have not paid their annual fees, including Italy, German and Canada.

The team headed by prosecutor Fatou Bensouda has now hit its five-year mark, but it inherited an office in complete disarray. Now, having dealt with the Ocampo legacy, she is placing her stamp on the Office of the Prosecutor. There is a more even handed geographical spread in her selection of cases: Ukraine, Palestine, Iraq, Georgia and Afghanistan.

The OTP's Policy Paper on Case Selection (2016) indicates a willingness to explore novel crimes that don't fit within the traditional canon of serious crimes. Land grabbing, illegal exploitation of natural resources, human and arms trafficking, terrorism, financial crimes and destruction of the environment are now potentially indictable crimes.

Managing expectations is now key. Jordash was cautiously optimistic, but only if the court assumes greater responsibility in encouraging and fostering a 'positive complementarity' with domestic courts. The future lies at the domestic level. This could include financial support, technical assistance and capacity building. The ICC should do everything in its power to 'assist, support, cajole and coerce' efforts at the domestic level to prosecute crimes.

The tension of the court is that it is a political beast parading as a judicial organ implementing the rule of law. While both Jordash and Carla Ferstman were broadly in agreement, one very stark and intriguing distinction between them is their attitude to law and politics.

For Jordash the court's failings are largely attributable to the fact that it cannot escape politics. There is a sense of frustration that it lacks the teeth of a UN *ad hoc* tribunal. With three Permanent Members of the Security Council who have not ratified the ICC's Rome Statute, and having to rely on state cooperation for everything from the budget to the enforcement of arrest warrants, Jordash regrets the fact that the ICC is unable to release itself from the shackles of politics.

Ferstman, on the other hand, pointed to the leadership of the ICTY assumed by the United States

April

4: Society of Black Lawyers chair disciplined over 'judicial racism' comments. Peter Herbert had said in a speech that 'racism is alive and well and living in Tower Hamlets, in Westminster and, yes, sometimes in the judiciary'. He sits as a recorder in the Crown Court and in the immigration and employment tribunals, and was issued formal advice by the Judicial Conduct Investigations Office.

8: Judge disciplined for speaking out on mandatory charge for assault survivor. Judge Jonathan Durham Hall QC offered to foot the bill himself if a 15-year-old victim of sexual assault (whom he was sentencing for attacking her abuser) was required to pay the victim surcharge. The Judicial Conduct Investigations Office issued him with formal advice.

'You can't rule out the use of nuclear weapons as a first strike'
Michael Fallon, defence secretary

9: New York approves legislation raising age of criminal responsibility to 18. Currently, 16 and 17-year-olds in New York are automatically charged as adults and sent to adult prisons. Under the new system, which will take effect over several years, children will be dealt with in family courts and new youth courts, and will be housed in juvenile detention rather than adult prison.

Young Legal Aid Lawyers

This regular column is written by YLAL members. If you are interested in joining or supporting their work, please visit their website **www.younglegalaidlawyers.org**

in securing arrest warrants and sees this lack of a political champion in the ICC as a key factor behind its lacklustre results to date. Ferstman yearned for a political animal within the Assembly of States Parties to pressure to uphold their obligations (for example Jordan's failure earlier this year to arrest Sudan's Al Bashir during its own presidency of the ASP).

Ferstman provided a detailed overview of the challenges faced by victims in the ICC. The rights of legal representation, participation, reparations and protection are beset by slow, cumbersome procedures. She argues that common legal representatives often acting for thousands of victims are modelled on defence counsel teams which makes them unfit for purpose. In particular, victims are not present at the court during proceedings. What is more critical is that counsel are adequately resourced to receive instructions from the victims directly. The other problem is the failure of the ICC to allow victims at an early stage to challenge the scope of an indictment simply because they do not have a direct interest. Clearly, some further work is required if the rights of victims are to be fully realised in the ICC.

Nevertheless, like Jordash, Ferstman is optimistic at some of the developments in complementarity, which have fostered domestic prosecutions of war crimes and violations of international humanitarian law in eastern DRC as well as the establishment of an international crimes division in Ugandan courts. She shares the view that none of this would have been possible without the ICC and that this development must be encouraged.

Joe Tan

Serial loser Grayling suffers another defeat in court

The Court of Appeal ruling that removing legal aid for prison law was unlawful, in the challenge brought by the Howard League for Penal Reform and Prisoners' Advice Service, was a victory for access to justice. It also marks yet another stain on the wretched legacy of Chris Grayling, perhaps the Lord Chancellor least capable of upholding the oath of the office to respect the rule of law, defend the independence of the judiciary and 'ensure the provision of resources for the efficient and effective support of the courts'.

Grayling became something of a serial loser in the courts while presiding over the Ministry of Justice, with notable defeats in judicial reviews concerning Exceptional Case Funding, the residence test for civil legal aid, the prison book ban, the first consultation on two-tier criminal legal aid contracts and the 'no permission, no payment' regulations for judicial review.

To this list can now be added legal aid for prison law, after the Court of Appeal ruled on 10th April that Grayling's decision to remove public funding for legal advice and representation for prisoners from all but a few types of case was inherently unfair and therefore unlawful. In July 2013, when giving evidence to the Justice Select Committee, Grayling himself had acknowledged that this decision

Picture: Jess Hurd / reportdigital.co.uk

Grayling: wretched legacy

was 'ideological' when questioned by the then-backbench Labour MP for Islington North.

In recent years, the courts have been the most successful battlefield for defenders of access to justice, as campaigners have litigated to save legal aid from an onslaught of cuts by the Coalition and Conservative governments. With any luck, the Supreme Court will give access to justice campaigners another reason to celebrate when it hands down judgment in the employment tribunal fees challenge brought by UNISON.

The Conservatives' return to government (albeit as a minority in the House of Commons reliant on support from the Democratic Unionist Party) means that, for now at least, manifesto promises by Labour to abolish employment tribunal fees, reintroduce funding for early advice in family law and for preparation of judicial review cases, as well as to consider the reinstatement of legal aid in other areas following the final report of the Bach Commission, are simply a reminder of what could have been.

By contrast, the only mention of legal aid in the Conservative manifesto being a somewhat tautological promise to 'restrict legal aid for unscrupulous law firms that issue vexatious legal claims against the armed forces'. There was no reference to the government's longstanding pledge to review the impact of the Legal Aid, Sentencing and >>>

10: Court of Appeal rules legal aid cuts unlawful. Chris Grayling's policy restricted prisoners' access to legal aid in a number of areas. The Court of Appeal called the policy 'inherently unfair' and ruled that the restrictions on legal aid in three areas of prison law was unlawful.

19: Woman unable to find a legal aid lawyer jailed for begging. A district judge in Worcester jailed Marie Baker for breaching an injunction that prohibited her from begging. The judge said 'It is wholly unsatisfactory that the system conspires against a vulnerable individual like this, so that she cannot get the legal aid and solicitor assistance that she really needs'.

21: Jobstown protestors stand trial in Ireland. A group of people protesting against a government minister over water charges in a working class district of Dublin began their trial. The prosecution is seen as heavy-handed and politically motivated and the defendants include Paul Murphy, a socialist member of the Dail.

27: High Court rules that government cannot delay air pollution plan. The government was ordered to publish its draft plans to tackle air pollution within two weeks, after attempting to delay publication until after the general election. ClientEarth, who took the case, later dismissed the draft plans as 'weak', and Mayor of London Sadiq Khan called them 'toothless and woefully inadequate'.

Young Legal Aid Lawyers

>>> Punishment of Offenders Act 2012 (LASPO) within five years of its implementation (i.e. by April 2018), which early this year the Justice Minister Oliver Heald had announced would soon begin.

During the Young Legal Aid Lawyers (YLAL) pre-election debate on access to justice on 10 May, which featured lawyer representatives of the main national parties, Mark Trafford QC, a member of 23 Essex Street Chambers and then the Conservative parliamentary candidate for Bradford East, said that the overall 'envelope' of legal aid spending is unlikely to change. Despite the appointment of a new Lord Chancellor to replace Liz Truss, it seems like wishful thinking to hope this government will improve access to justice.

Prior to the election, YLAL members across the country wrote to the parliamentary candidates standing in their constituencies to ask them to protect the most vulnerable in society by supporting legal aid and access to justice. We asked our prospective MPs to make four specific commitments to improve access to justice.

First and, we hoped, least onerously, we asked candidates to commit to reviewing the impact of LASPO, as promised by the Coalition and Conservative governments. While the Conservative manifesto was dispiritingly silent on this, the Liberal Democrats promised to conduct "an urgent and comprehensive review" of the effects of LASPO, particularly in relation to social welfare appeals, domestic violence and exceptional case funding. Labour is in effect already conducting its own review of LASPO through the Bach Commission, and committed to reinstating legal aid in some areas.

The second commitment we sought, related to the first, was for areas of law removed from the scope of legal aid by LASPO to be brought back into scope. When it seemed earlier this year that the review of LASPO would finally begin, we knew the next battle would be to convince the government to actually undo some of the damage done to access to justice.

Thirdly, in recognition of the fact that the scope of civil legal aid is meaningless if the vast majority of the population are rendered unable to receive it by overly stringent financial eligibility requirements, we asked candidates to commit to increasing the thresholds and simplifying the means tests for civil and criminal legal aid. Put simply, legal aid should be for the many, not the few.

Our fourth and final request was for a commitment to conduct and independent and comprehensive review of the impact of court and tribunal fees on access to justice. Now that the election is over and we are once again enjoying strong and stable Conservative government, we will continue to make the case for access to justice to a House of Commons now bolstered by a greater number of MPs elected on a manifesto supportive of legal aid.

Oliver Carter, co-chair of Young Legal Aid Lawyers

Hope for access to justice?

People are facing greater and greater hardship as a result of cuts in benefits, homelessness, uncertainty at work and escalating racism. Meanwhile, legal aid – an essential part of the justice system – has been cut again and again. And people facing the problems above are least able to pay for a lawyer, even if they can find one. The people most in need are most deprived of access to justice.

Younger people cannot easily become social welfare lawyers when overwhelmed by student debt – with fewer job opportunities even for those who might want to work in legal aid.

Greater Manchester Law Centre exists to challenge all this.

Across the ten districts of the county of Greater Manchester there used to be nine law centres. Following government and council cuts just two are left (Bury and Rochdale in the north). We said that the downward spiral cannot be allowed to continue. We declared publicly "With your help there *will* be a law centre for Greater Manchester".

There *is* now.

We had no funds. We had no premises. But we had the commitment of people who share our view – that free, independent, high quality advice is crucial for those in need – and who were prepared to put their own time and money towards it.

We created an email list. We established a Steering Group (including lawyers, voluntary sector managers, trade unionists). We agreed that we needed a Constitution. We wrote a Business Plan and sought start-up funding.

There were of course huge obstacles. Greater Manchester (which isn't just 'Manchester') is an area which is disproportionately poor. Child poverty rates are among the highest in the country. And Greater Manchester has become the flagship for a form of 'devolution' – joining the 10 councils to the local NHS, delegating an estimated £2billion health shortfall to the already cash-strapped local authorities. There are well-researched positive health outcomes from providing people with high quality legal advice, but there isn't so much clear money to pay for it through this 'GM' cropping.

Not everywhere has to contend with this particular mix. But our stand against cuts and closures may encourage others and, if we can do it against these odds, then....

What exactly did we do? First there was the 'inextricable circle' – without services, you don't get funding. Without funding, you can't get premises. Without premises, there aren't any services. The trick is to do it all at once. Its like telling A that B will fund you and telling B that C will fund you and then going back to C with the support of A and B. And we did it!

Second we wanted to develop

May

9: Trump fires FBI director. There is widespread suspicion that the president had tried to influence James Comey in relation to the FBI's investigation into the Trump administration's links with Russia. Comey gave evidence to congress, in which he accused the president of lying.

23: The relatives of Ian Brown and Daniel Dunkley, who killed themselves at HMP Woodhill in 2015 and 2016, lose High Court judicial review against the governor and justice secretary. The families argued that the authorities failed to comply with their legal duty to protect prisoners from suicide. The court ruled that the faults amounted to individual errors rather than systemic failures.

'If UK voters genuinely go for pro-IRA, anti-nuclear, pro-nationalisation Corbyn, they are no longer mature enough for democracy'
Andrew Lilico, Institute of Economic Affairs

26: Appeals court in the US upholds the block on Trump's travel ban. A federal appeals court upheld the nationwide freeze on Trump's amended travel ban, on the basis that it would discriminate against muslims. The administration is to appeal to the Supreme Court.

The opening event for the Greater Manchester Law Centre. 'We are not just a law centre, but a campaign for law centres, access to the legal system, and for justice.'

one particular service. Without a supervising solicitor, insurance, advice manuals or even a computer, it is difficult. Volunteer advisers may not be available during working hours. So we advertised, found part-time and retired advisers, trained them, and got a local solicitor's firm to take on supervision.

Third we had to beg a building, and furniture to go in it, and manage it. This can take over everything else. You can forget you are trying to deliver services (never mind advocating more generally) because you have to overcome the obstacles of utility suppliers and their competition companies all trying to sell the same service, alarms, intercoms, security, lift, water, refuse, sanitary, cleaning... You also need to find, induct, train and manage office volunteers, who can no only open the door but help give general information and direction to anyone calling. People started coming in with plastic bags of documents, desperate for anyone who could listen to their problems, before we were even open. Referrals to us have varied widely – the police sent someone to us because they had lost their coat.

Fourth we had to manage an organisation. There has been a huge commitment by a few volunteer managers, several of us trying to maintain full time legal aid practice at the same time. But if you say you want to do it, you can. We have sought out sessional solicitors, applied for funding (successfully gaining a Supervising Solicitor post for three years and a Development Manager for 18 months), and attracted over 500 supporters to our email list, including over 50 'core' volunteer advisers, fund-raisers, office volunteers.

Fifth, we have sought sustainability. By using *pro bono* barristers and solicitors, using students and volunteers, we intend to support the advice we give without needing to rely on the restrictive nature of declining state contracts. Volunteers are the backbone of the law centre. We will only sustain it through individual and community efforts of people doing it for ourselves.

Crucially we needed community support. We held two local public meetings in Moss Side before we moved in to see if people were in favour. They were. Unanimously. The local newsagent will not let us pay for milk when we go into the shop, and the Nubian coffee shop delivers us patties and drinks.

There were over 500 people who attended our opening event on 11th February 2017 – held at the nearby West Indian Sports and Social Centre, after a short march with banner and placards from the centre itself, where our 'Patrons' Robert Lizar (long-time legal aid lawyer in Moss Side) and Erinma Bell (community activist and prominent justice campaigner) cut the ribbon – of 'No Access to Justice' – by declaring that there WILL be access to justice, here, because we say there will.

Following this, the gathering heard from Michael Mansfield, who called for more community-led law centres, and Maxine Peake (our very own north-west lawyer as seen on TV), while the Holy Name primary school entertained us with their steel band and the choir of WAST (Women Asylum Seekers Together) called for freedom and justice for all.

We are not just a law centre, but a campaign for law centres, access to the legal system, and for justice. We aren't providing a bit of service delivery, important though that is, on the lines of foodbanks – we are a campaign for properly funded legal aid. We want that new generation of publicly funded, social welfare lawyers: that is why we have set up a Legal Academic Services Board of the five local university law departments and colleges whose students will be volunteering with us and representing appellants at the Tribunal – a scheme following the Avon and Bristol Law Centre, who, as with other law centres, have been very helpful in guiding our development. And of course we aren't just looking for pro bono lawyer support, vital though that is at present, to keep open the channel to legal aid, but also we want their structural and long term financial commitment. Our Lawyer Fund Generation Scheme calls on all lawyers in private practice in Greater Manchester to give us 0.5 per cent of their salary – and to get their own firms to do likewise. We aim to be around for a long time to come.

John Nicholson To support GMLC email: info@gmlaw.org.uk or go to www.gmlaw.org.uk

June

30: UK criticised for denying residency rights in test case. The ECJ Advocate General advised, in a preliminary opinion, that a non-EEA national could acquire residency rights from an EEA national who became a naturalised British citizen.

8: Tory government loses its majority. Having called a snap election to sure up the Conservative majority the government lost 13 seats and finished less than three percentage points ahead of Jeremy Corbyn's Labour Party. Support for UKIP collapsed.

9: Leigh Day cleared by disciplinary tribunal. The UK government had called for legal action in relation to the firm's high profile work on murders during the Iraq war. Three solicitors and the firm were cleared of the charges.

13: Threats to remove destitute migrants' children revealed. Charities working with 'no recourse to public funds' families report that local authorities are routinely threatening to separate children from their parents in a bid to deter approaches for support.

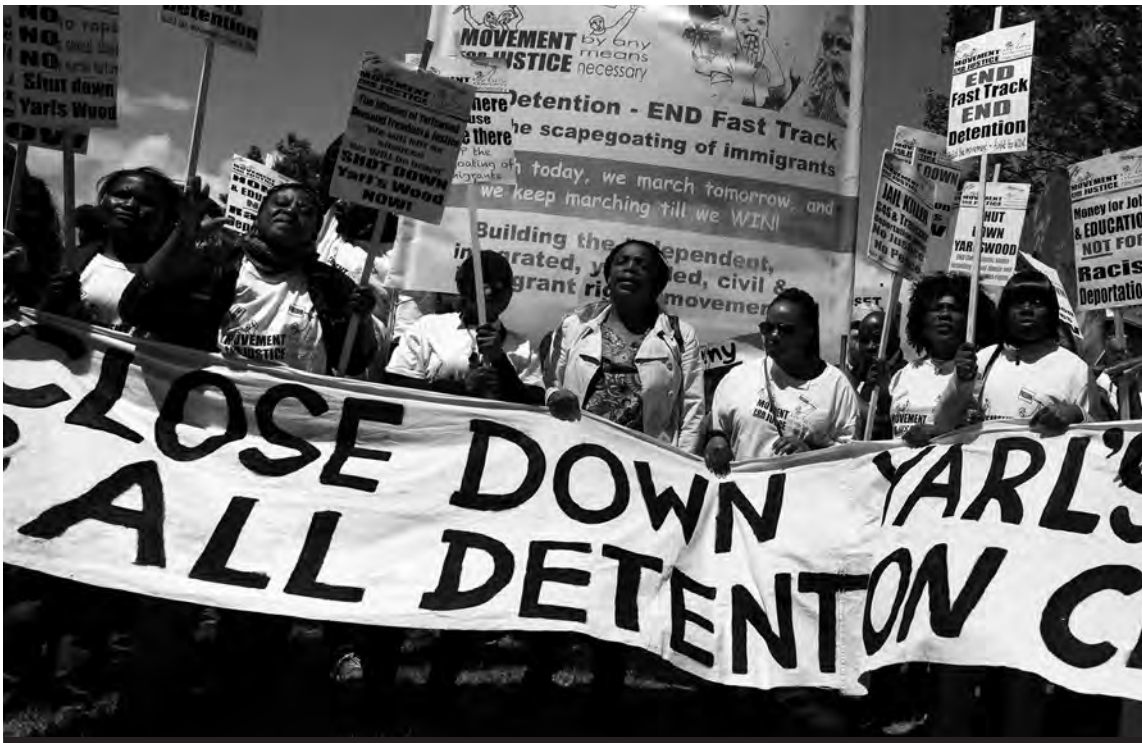
Under the radar: the impact of immigration detention

Richard has lived in the UK for 24 years. He has a British partner with whom he has a child and is step-father to her child. He has two other children by a previous relationship. He enjoys a close relationship with all his children, taking joint parental responsibility for all of them.

Richard was convicted of a crime and spent six months in prison. At the end of his sentence, instead of being released, he was handed a piece of paper saying that he was now being held under immigration powers pending deportation from the UK. He continued to be held in the same prison as a serving prisoner and under 23 hour lock-down. He had no access to legal advice and no idea when and how this period of detention could be ended. His children, who had eagerly anticipated his release were devastated.

Since the enactment of the last two Immigration Acts (2014 and 2016), and accompanied by an increasingly shrill and hostile tabloid press towards 'foreign nationals' and 'immigrants', detained foreign nationals have experienced the roughest of treatment from the Home Office. The automatic deportation regime for 'foreign national criminals' set in place under the UK Borders Act of 2007 was, in the early years, capable of being challenged by individuals through access to legal aid, enabling them to argue that deportation was disproportionate given their private and family life in the UK. In 2013 legal aid was withdrawn, leaving hundreds of foreign nationals and their families with no access to the courts to challenge their deportation. Richard, and many like him – as well as their British families – face exile from the UK with little prospect of return. A deportation order carries with it a minimum ten-year re-entry ban.

Bail for Immigration Detainees (BID) first established a 'prisons' project' to provide legal advice and representation to former prisoners being held in prisons under immigration powers to secure their release on bail. Next, BID set up a deportation project to provide legal advice and representation to foreign national former criminals held in detention to assist them with the deportation appeals. It focused on long-term UK residents with British families. In the absence of legal aid, with these projects and in BID's work generally, self-help is combined with representation, given the large numbers of individuals who have no access to legal advice or representation. BID recognises that this is far from ideal, and in its policy work pushes for the restoration of legal aid. But through BID's self-help materials, the organisation aim to ensure that those individuals who are not lucky enough to secure representation, can at least have



Protesters against women being kept in detention, outside Yarl's Wood Immigration Detention Centre in Bedfordshire.

June

14: The Supreme Court ruled by, a majority judgment, that women from Northern Ireland are not entitled to free abortions on the NHS in England. Lady Hale (dissenting) said 'to deny pregnant women from Northern Ireland the same right to choose what is done with their bodies as is enjoyed by all other pregnant citizens of the UK… is inconsistent with the principle of equal treatment which underlies so much of our law'.

15: Supreme Court rules out-of-country appeals rules unlawful. The Court was considering Theresa May's 'deport first, appeal later' regime. In a striking judgment the Court quoted two speeches from an incumbent prime minister (made while she was SSHD) before allowing the appeals against her.

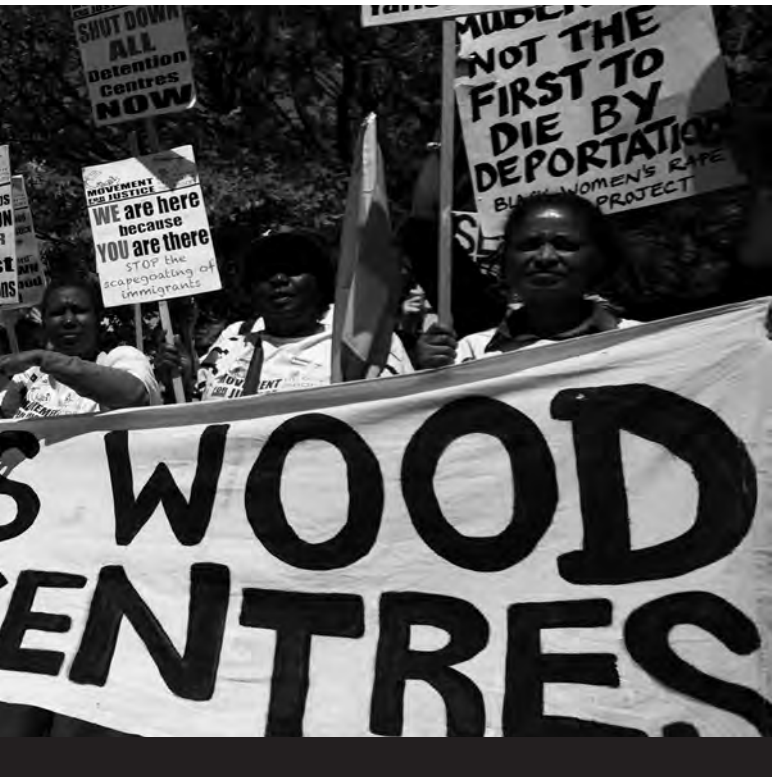
14: Theresa May demotes Liz Truss in the post-election reshuffle, replacing her with David Lidington as justice secretary. Lidington has consistently voted against gay rights since the 1990s and is in favour of repealing the Human Rights Act 1998.

20: The European Court of Human Rights rules Russian "gay propaganda law" discriminatory. The law bans giving children any information about homosexuality. Three Russian gay rights activists brought the case after being arrested for protesting against anti-gay laws. The ECtHR ruled that Russia violated Articles 10 and 14.

the tools to represent themselves. That issues of liberty and the risk of permanent exile should be left to chance is an absolute outrage. Although the advice and representation BID provides is free, the money to do that work has to come from somewhere! It's not easy to raise funds for what BID does, particularly in the current climate. Please consider supporting BID financially if you possibly can, at *www.biduk.org/donate* or by filling in the form on the right.

As for Richard, following advice and representation from BID he was released on bail, but then re-detained twice despite having faithfully adhered to his bail conditions. His youngest daughter took to following him to the bathroom and waiting outside the door for him to emerge, so fearful was she that he would be removed from the family again. Sadly, her worst fears were realised when Home Office officials raided the family home in the early hours of the morning. His daughter woke up that day to find her father gone. In May 2017 BID secured his release again and he now has a lawyer working with him to challenge his deportation. Who knows whether or not his appeal will be successful, or what long-term emotional damage his children have suffered.

Celia Clarke, BID Director



Picture: Jess Hurd / reportdigital.co.uk

22: Benefit cap on lone parents of under-twos is unlawful, court rules. The High Court ruled that the benefits cap, in its application to lone parents of children under the age of two, was unlawful discrimination contrary to Articles 8, 14 and Protocol 1 of the ECHR. He said 'real misery is being caused to no good purpose.'

23: Britain defeated in UN vote on Chagos Islands. The UN General Assembly voted by 94 votes to 15 that the International Court of Justice should examine the legal status of the Chagos Islands. The UK separated the islands from Mauritius before granting Mauritius independence in 1968, and evicted the population to make way for an air base leased to the US.

Picture: Jess Hurd / reportdigital.co.uk

The tide turns

When Theresa May announced in April that there would be a general election in June, few disputed a massive Conservative landslide was the likely result. **Russell Fraser** looks back at the extraordinary change in British politics since.

In the early hours of 9th June, Jeremy Corbyn stood alongside his rivals for the seat of Islington North as the returning officer prepared to declare the result. On his immediate left was Michael Foster, the man whose entire reason for running was to attack Corbyn and his politics. In 2016 Foster was suspended from the party after comparing Corbyn's supports to Nazi Stormtroopers. And in the same year, after the botched coup, he went to court to argue that the incumbent leader of the Labour Party should not automatically be on the ballot paper in a leadership election. Yet, despite the barbs and the abuse, as the two stood together Corbyn could be seen talking with Foster – chatty, genial, happy. Corbyn polled 40,086 votes, Foster 208.

Foster is a millionaire who can afford to launch expensive litigation when something displeases him and who is in the rarefied position of being able to air his petty grievances by means of standing for parliament. It is the kind of entitlement and misuse of power that Corbyn railed against throughout the campaign. And it was that stance which saw the Westminster establishment united in its efforts over the campaign to traduce and insult Corbyn, the shadow chancellor John McDonnell and the shadow home secretary Diane Abbott as loudly and as visibly as it could. All the more remarkable then to see Corbyn chatting so amiably with Foster given all that had preceded that moment.

'For weeks all opinion polls and all responsible commentators had been predicting that there was no hope of the Labour Party being elected on a programme like this. Ever since Harry Perkins had been chosen to lead Labour at a tumultuous party conference two years earlier, the popular press had been saying that this proved what they had always argued – namely that the Labour party was in the grip of a Marxist conspiracy. Privately the rulers of the great corporations had been gleeful, for they had convinced themselves that the British people were basically moderate and that, however rough the going got, they would never elect a Labour government headed by the likes of Harry Perkins.' An extract from Chris Mullins' 1982 novel *A Very British Coup* in which the fictional left-wing MP for Sheffield Central, Harry Perkins, is first elected Labour leader and then prime minister. The comparisons with Mullins' book since Corbyn was first elected Labour leader on 12th September 2015 have been frequent. Life mirrored art when barely a week after his election the *Sunday Times* reported that an unnamed army general threatened that the army could 'mutiny' under a Corbyn premiership.

> 'Labour's campaign energised people all across the country.'

And, of course, the doubts and naysaying were at times expressed no more audibly than by some of Labour's own MPs. The same MPs who would routinely and publicly complain about being subject to abuse from people they described as Corbyn's supporters, were themselves those who each Monday filed into meetings of the Parliamentary Labour Party with the chief intention of loudly verbally abusing their leader. Theresa May's announcement that she would ask Parliament to vote for an early general election had the effect of pausing those kinds of hostilities.

Though it did result in the bizarre spectacle of the Labour MP John Woodcock telling his constituents in a video recorded in Parliament Square that he would 'not countenance ever voting to make Jeremy Corbyn Britain's prime minister.' Following the election, I don't believe he's put on record who his vote went to, if, as we must infer, he didn't vote for himself.

May's calling of this election defined everything that people despise in modern British politics. It was clear to anyone with even the most fleeting interest in Westminster that she was doing so because opinion polls put her as far as 25 per cent ahead. She was guaranteed a landslide victory. Yet she and >>>

>>> her advisers constructed the false narrative that her noble wish to respect the will of the British people and ensure that Brexit did mean Brexit was being thwarted by almost everyone and anyone else one cared to mention. Only a sizeable majority in Parliament would ensure her the necessary heft she required to negotiate with the perfidious Eurocrats on the continent. It was, as Emily Thornberry might say, bollocks.

It was a tactic May was to stick to throughout the campaign. Presumably the brainchild of Lynton Crosby – the election strategist whose reward for Cameron's win in 2015 was a knighthood. Crosby is a man for whom no slur is too gratuitous and no subject too sensitive. And so, for seven weeks Theresa May's every answer to every question was 'strong and stable government in the national interest'. A video appeared online splicing together footage of Corbyn speaking at rallies over the years. It extracted short sentences, denuded them of context and presented them as terrifying visions of a Corbyn premiership. All accompanied by suitably sinister music. The Tory tactic was essentially to hunker down, keep May far from the press and public, and do as little as possible and wait for the votes to come piling in on 8th June.

Corbyn by contrast seized the opportunity the campaign brought. His estimable former spokesperson, Matt Zarb-Cousin, said very early in the election cycle that the strict broadcasting rules during an election campaign would ensure the balance Corbyn needed for a fair hearing. In addition, it would free him from the more stifling aspects of day-to-day life at Westminster. Here was his chance to take his message to the country. He did not decline.

Labour's campaign energised people all across the country. Like in Mullins' novel sections of the press derided Labour's policies as idealist and unworkable. Yet when the manifesto was first leaked and then published properly it was a success. Policies such as creating a National Education Service promised to ensure training and advancement for anyone who sought it at whatever stage of life. It recognised that work is more unstable now than ever. And in the past where someone who lost a job after a life of service to one organisation might be left stranded, here was the promise of a lifeline.

Pledges to create a real living wage, extend free childcare for two to four year olds, invest in the NHS, and end zero hours contracts all spoke directly to people whose lives were blighted by poverty pay and insecure work. Labour's message that people were being held back by tax dodgers, unscrupulous bosses, and property magnates cut through. John McDonnell did not shy away from making the case that the only way of properly investing in public services is to raise taxes. And he did so by committing to taxing the very wealthiest in society. A proposition which had all but

Picture: Jess Hurd / reportdigital.co.uk

become extinct from Westminster political discourse over the last 30 years. Towards the end of the campaign, Bernie Sanders praised Corbyn for taking on the establishment and for his willingness to 'talk about class issues'. Here was the explicit rejection of neoliberalism the People Who Know Best told us was doomed to fail.

But ultimately Labour didn't win. Corbyn's position appears assured for now though some MPs like Chris Leslie immediately proclaimed the result a disaster. There was a noticeable shift in the final weeks of the contest by some Labour MPs. As the polls narrowed, their agreed narrative changed from forecasting disaster to decrying anything less than a majority to be a disaster. Leslie retained his seat with 71.5 per cent of the vote, up from 54.6 per cent in 2015. It was, as one commentator wryly noted, unlikely that the increase could be explicable solely by reference to Leslie's personal magnetism. Neil Coyle, the MP for Bermondsey and Old Southwark, a long-time critic of the leadership, who had ceased his criticism during the campaign, wasted little time in reverting to type. Disgracefully he took to the pages of the *Daily Mail* to offer lukewarm praise for the campaign and to criticise the leadership for not appointing what he called 'leading lights and steady hands' to the shadow cabinet. It is this sense of entitlement which so shames some MPs in the party. No one in the current shadow cabinet deserves to be jettisoned in order to make room for these so called 'leading lights'. It's worth them reflecting on what might have been had the most quarrelsome elements of the party backed the leadership over the last 12 months.

Labour will indeed have to reflect on how it failed to win outright. Any party in its position ought so to do. The Tories amassed their highest vote share since 1983 (42.4 per cent). Labour scored stunning victories in places in places like Kensington, but also suffered painful loses in areas like Mansfield. For the most part, the Ukip vote was not transferred wholesale to the Tories, but, where it did, Labour struggled. Corbyn has pledged to go to Tory marginals to understand why. That is to his credit. If there is to be an election in the near future, Labour cannot simply run the same campaign again. It won't be against Theresa May and the 'dementia tax' will not be reprised.

Corbyn has changed the face of British politics – though he would reject any such praise – and he has grown into the role of leader. His conduct during recent national adversities has demonstrated that. At the same time, his message of changing the economy so that it works for the many and not the few has gained resonance as austerity policies have come under greater scrutiny. It's been a long time coming but a change has come.

Russell Fraser is chair of the Haldane Society

On 28th March 2017, I was part of a group of 15 activists who stopped a charter flight destined for Nigeria and Ghana. At around 9.30pm, we got 'airside' at Stansted Airport and locked ourselves to the Titan Airways plane. We stayed there for over nine hours, until the police were able to cut us free and arrest us. This delay caused the flight to be cancelled, and 57 people were prevented from being deported that night.

Direct action to stop charter flights

by **Ali Tamlit**

Why this action?

Charter flights and mass deportations are a particularly brutal part of a racist system of borders that we fundamentally oppose. Charter flights were first used by the UK government in 2001 and over the years have been used to deport people to Albania, Kosovo, the Czech Republic, Afghanistan, Nigeria, Ghana, Pakistan and (most recently) Iraq. Although the Home Office also deports people on commercial flights, charter flights are particularly sinister because they operate outside of the public gaze, taking place in the dead of night in quiet industrial parts of airports. This makes public scrutiny and resistance from deportees more difficult as each person may have up to two security guards, from the firm Tascor, accompanying them. They may also be restrained for the duration. Brutality and violence are a well known part of the deportation process. In 2010 G4S guards killed Jimmy Mubenga on a commercial flight, while nearby passengers repeatedly heard Mr Mubenga say that he couldn't breathe. This kind of violence can be inflicted on charter flights too, but without any members of the public to bear witness.

Charter flights form a part of the Home Office's policy to make the UK a 'hostile environment' for migrants, which now includes mandatory ID checks in hospitals and forcing overseas visitors to pay for non-emergency medical treatment. Due to the high financial cost of charter flights, the Home Office is under pressure to fill all available seats. This leads to immigration raids targeting particular communities prior to a scheduled >>>

"Charter flights form a part of the Home Office's policy to make the UK a 'hostile environment' for migrants."

>>> flight. In essence, there are regular racially-targeted roundups of certain nationalities. Whilst much of the world's attention is focused on the racist misogynist in the White House, in the context of a xenophobic post-Brexit referendum environment, where street violence against minorities has increased by up to 100 per cent in some areas, it is more important than ever that we resist the racist UK border regime.

On this particular flight to Nigeria and Ghana, we were in contact with many of the people facing deportation and knew that they feared for their lives. Some of their stories were published on the Detained Voices website. They included a man who has been in the UK for over 18 years, who said that if he was deported he would kill himself because he had no family and no support in Nigeria. Another woman, who is lesbian, was also due to be on the flight that night and was told that she would be killed by the man she was forced to marry in Nigeria if she was deported. These people motivated us to take direct action.

In the end, the woman in question was told at the last minute that she would not be on the flight. In fact there were no women – no coach came from Yarls Wood detention centre that evening. This shows how arbitrary the deportation system is, as huge decisions can change from minute to minute. This lack of predictability can only increase the stress of the process. It also, however, puts marginalised people without access to expert legal support at a further disadvantage as they are unable to keep up with the changing whims of the Home Office. Thus there is a further class and racial bias within the system, and one that can have life and death implications.

What's it got to do with the environment?

Our action was organised by End Deportations, Lesbians and Gays Support the Migrants (LGSMigrants) and Plane Stupid. Some people might wonder why an environmental direct action group got involved in an anti-deportation action, especially given that three of us were involved in the 'Heathrow 13' action in 2015 and nearly went to jail as a result.

Well, as Audre Lourde says 'there is no such thing as a single issue campaign, as we do not live single issue lives'. We do not see ourselves as 'environmentalists', nor do we see the fight against airport expansion or the fight against climate change as isolated from any other issue. Airport expansion is a form of violence and a form of oppression, the profits of which benefit a minority of people, while countless others will suffer from loss of community and health both locally and globally.

In September 2016 Black Lives Matter UK occupied the runway at London City Airport. They used this action to draw the links between climate change and racism. They argued that the climate crisis is a racist crisis as it is black, brown and indigenous bodies that feel the worst effects of this violence. Oppressions are connected and the different forms often share common roots. These roots include capitalism, racism, hetero-patriarchy and colonialism.

Migration and borders cannot be seen as separate to any of this. As Harsha Walia so eloquently outlines in *Undoing Border Imperialism*, borders are not mere things, they are part of a process of exploitation and displacement. This is very clear when we consider how different the rules are for corporations. Businesses are free to cross the globe at will, extracting resources, using cheap, or even slave labour, leaving behind environmental disaster, making profit and dodging tax and responsibility along the way. People who happen to have the wrong documents, the wrong nationality or skin tone are violently attacked for trying to cross these borders.

Mass deportations are closely linked to the ongoing process of colonialism. But so is airport expansion. Just as Heathrow is given a green light to build a new runway and drive up climate chaos, corporations like Shell have been free to exploit the oil fields of the Niger Delta for decades. Through this they have spilled as much oil each year as the Deepwater Horizon disaster, have been a major driver of climate chaos, and are widely believed to have borne responsibility for the murder of activists such as Ken Saro-Wiwa.

Yet when people from Niger Delta seek a better life here in the UK, a country that benefits from the cheap oil that Shell provides, their asylum claims are distrusted and they are violently deported en masse. Profit for corporations, environmental destruction, and racist migration and asylum processes are all tied together in a insidious web. As Wretched

of the Earth succinctly put it, 'your climate profits kill' and they do so in a myriad of ways.

With such intertwined roots, we cannot stop the climate crisis without stopping the processes of colonialism that corporations are engaged in, or without stopping the racist deportations that the UK government carries out to facilitate this process. To attempt to do otherwise is blind optimism at best or whitewashed environmentalism at worst.

After the action

Two days after our occupation, the Home Office rescheduled the flight to Nigeria and Ghana. A call out was quickly sent out and 20 people rushed to Stansted to disrupt the flight again. However, this time the flight went ahead. While our action showed that the deportation process is vulnerable and can be disrupted, the quick reaction time of the state showed us the power and resilience that it has. At the time this felt like a kick in the stomach.

As the details of this second flight came in to us, however, we began to realise the significance of our action. Supporters in Nigeria were expecting around 50 people to arrive on the flight, but only 23 did, and arrived there and none arrived in Ghana. Though this is still a terrible outcome for those who were deported, it is equally a huge number of people that now have a chance to have their cases heard. In fact we also heard that before we disrupted the flight at least two people were taken off, including the lesbian woman who was fearing for her life, and after the action at least one person has been granted bail. Some of us have since met up with this person who came to speak at a panel discussion organised by *Strike!* magazine. This meeting really grounded us in the reality of both our action as well as the stark reality of the racist border regime: this person has two children in the UK and his partner is pregnant with a third. If he had been deported in March he would be fighting an appeal from overseas.

We have to celebrate these victories because they are huge, and we must continue to validate the importance of taking direct action. Not only was a light shone on these shady charter flights, but some of the people affected have been able to use the extra time to use the law to fight back too.

What now?

We have all been charged with aggravated trespass and breaking an airport byelaw, and have all pleaded not guilty. Now we face a week-long trial from 22nd September and will argue that it was necessary to take this action due to the lives that were at risk if they were deported. The fact that 50 per cent of people who are due to be on charter flights are able to legally challenge their removal shows that the system is broken, and that it is the practice of charter flights that should be on trial.

It is vital that people continue to campaign against charter flights and to end deportations all together. Our action alone won't be enough. In fact, our action is just the latest in a long history of resistance. There have been countless blockades, protests and demos outside detention centres, untold hours of casework and visitations by volunteers and lawyers, but most importantly the people inside detention centres themselves have individually and collectively resisted at every step of the process. Some have continued their fight upon their release by joining groups like Movement for Justice. These people show us the importance of never giving up.

Movement for Justice holds regular demonstrations – see the Facebook page 'Surround Yarls Wood – Shut Down All Detention Centres' for information on coaches. Join us to continue the campaign to #StopCharterFlights and #EndDeportations. There's lots of work to be done: from stopping planes, buses and raids to visiting those inside detention centres and documenting their stories. We're on a journey that's building on the work of so many. We've taken this step, will you join us for the next one?

Ali Tamlit is part of the campaign Plane Stupid – see www.planestupid.com

Pupillage and the politics of mental

ill-health >>>

>>> When I was an undergraduate I went to talk about careers at the bar. The slide on the PowerPoint as we went in – which stayed there for the first portion of the talk – said 'health warning', and it briefly explained that the qualification and training process might have a detrimental impact on our mental and physical wellbeing.

For many years I thought that it was over-cautious nonsense. Politic, lawyerly. And for many years that seemed to be true: the bar course, money worries, pupillage applications and 'gaining experience' were extremely gruelling and unpleasant, but (for me at least) I was in rude health until I turned up in the Temple.

Over twelve months, for the first time in my life, I developed increasingly severe depression and anxiety. I went through three courses of therapy and began a course of SSRIs (anti-depressant medication).

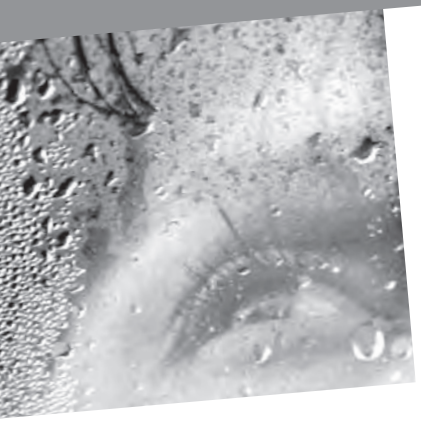
It is important that anyone considering pupillage is aware of its risks. The most troubling thing is that mental ill-health wasn't particular to me, and wasn't caused by 'weaknesses' on my part: it is a sad and terrifying fact that virtually all of my pupil friends were unwell at the time. Some had pre-existing conditions, though many had had no mental health difficulties when they started. All of them were very robust people: we had all successfully navigated various intense and destructive processes just to get where we were.

The Bar Council released a report in April 2016, which found that one in six barristers feels in low spirits most of the time. One third found it difficult to control or stop worrying, and two thirds felt that showing stress was a weakness. Prominent junior barrister Louisa Nye has publicly disclosed her own diagnosis and expressed concern that juniors are especially vulnerable given the poor pay, high cost of education and lack of work available.

It should be a matter of record that under its surface of cheery self-confidence the junior bar is deeply unwell.

"It should be a matter of record that under its surface of cheery self-confidence the junior bar is deeply unwell."

1/3
found it difficult to control or stop worrying



There are a number of reasons for this local epidemic. There is a strongly reinforced expectation that pupils won't make a fuss. I felt unable to ask for the slightest favour: to request, for example, a hearing at a local court or to be told in good time if I was likely to have a trial the next day. I certainly felt unable to disclose that I had a mental health problem. Consequently, when I was on my second and third rounds of NHS cognitive behavioural therapy (CBT) I had to just hope that I would be available to attend each session.

It is difficult for me to understand that now, having made significant progress with recovery. When friends (pupils or juniors) are talking about their problems at work I find myself thinking 'why don't they just say something to the clerk/supervisor' and I have to remind myself that I couldn't be sure that I would be able to go to my state-funded, crucially important medical appointment when I was in their position.

In his excellent piece on the politics of depression 'Good for nothing' (*Occupied Times*, March 2014), cultural theorist Mark Fisher outlines the link between depression and power. Fisher explores the symptoms of imposter syndrome and worthlessness and – while it is important remember that Fisher's analysis is rooted in class and that this is an elite profession – his description of societal oppression mirrors the pupil's experience:

'The dominant school of thought in psychiatry locates the origins of such 'beliefs' in malfunctioning brain chemistry, which are to be corrected by pharmaceuticals; psychoanalysis and forms of therapy influenced by it famously look for the roots of mental distress in family background, while Cognitive Behavioural Therapy is less interested in locating the source of negative beliefs than it is in simply replacing them with a set of positive stories. It is not that these models are entirely false, it is that they miss – and must miss – the most likely cause of such feelings of inferiority: social power. The form of social power that had most effect on me was class power, although of course gender, race and other forms of oppression work by producing the same sense of ontological inferiority, which is best expressed in exactly the thought I articulated above: that one is not the kind of person who can fulfill roles which are earmarked for the dominant group

[…]

'Someone who moves out of the social sphere they are 'supposed' to occupy is always in danger of being overcome by feelings of vertigo, panic and horror: "…isolated, cut off, surrounded by hostile space, you are suddenly without connections, without stability, with nothing to hold you upright or in place; a dizzying, sickening unreality takes possession of you; you are threatened by a complete loss of identity, a sense of utter fraudulence; you have no right to be here, now, inhabiting this body, dressed in this way; you are a nothing, and 'nothing' is quite literally what you feel you are about to become".' [quoting David Smail, *The Origins of Unhappiness*].

Many chambers openly and specifically reinforce a sense that the pupil doesn't belong in the dominant group or social sphere. Pupils are constantly called upon to justify their existence, to prove their worthiness to join the ranks. Pupils (who are increasingly older and more experienced workers) find themselves in a position where they hold no power whatsoever. They are under intense scrutiny and are assumed to be less useful than those around them. They are not even entitled to produce any meaningful work. This power imbalance is compounded by the paradox that the bar demands independent-minded, intelligent and self-motivated people, and then shoehorns them into the bottom of a highly structuralised environment where their independence, intelligence and motivation might count for very little.

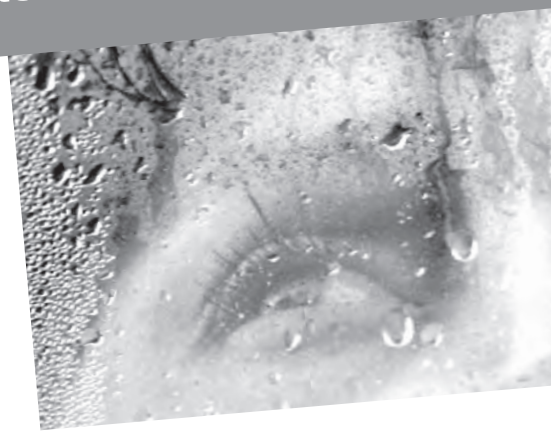
In addition, the weight of the responsibility is incredible: our clients rely on us when they are in the most desperate situations. many good barristers are exceptionally empathetic and committed, and a major source of stress is the tendency to personally adopt our clients' worries and to fall prey to guilt when we don't succeed. That can obviously lead to anxiety and depression and exacerbate existing symptoms.

Further, the things that we see are emotionally damaging. We work with people living in terrible conditions or afraid to lose their homes, people in immigration detention, those who are mentally ill and facing prosecution, and those alleged to have committed (or convicted of) sexual offences. That is particularly acute for colleagues who have themselves experienced trauma because rehearsing traumatic experiences, often in a highly charged environment, is a necessary part of the job. Inevitably there are barristers who have survived some of the very worst kinds of trauma (given the prevalence of sexual violence and domestic abuse). It is impossible to pick and choose cases – indeed it is very difficult to stay composed when faced with a potentially triggering situation. The barrister is faced with the difficult choice of outing her/himself as a survivor or breaching the rules of the profession.

All of this comes on top of the fact that pupils are learning a complicated job as they go along. In most professions that would be a tall order, but in the course of a year-long job interview it's extremely difficult.

1 in 6

barristers feels in low spirits most of the time



Another factor is that the bar retains some deeply troubling people. Despite (quite limited) progress in terms of diversity the bar is overwhelmingly white, male and otherwise privileged. There is no mandatory occupational training in respect of equal opportunities because of the nature of self-employment. So behind the closed doors of chambers and advocates' rooms the bar can descend into a hateful old boys' club. For a politically minded pupil, who judges themself and others by their moral integrity, to witness racist, sexist, homophobic, ablist attitudes in the workplace, and to be unable to challenge them, is intolerable.

Needless to say Lousia Nye is right to say that money is also a difficulty. The prescribed minimum income for pupil barristers falls well short of the poverty line. Young barristers can't afford the leisure activities and self-care on which CBT so heavily relies.

Ironically it has been exceptionally useful to undergo depression to gain a better understanding of my clients, so many of whom suffer from symptoms emanating from the class-led oppressions that Mark Fisher and David Smail describe. Clients benefit from lawyers who understand depression. But it is, of course, deeply regrettable that so many colleagues have had to undergo illness and the bar must take action (starting, perhaps, with opposing the obscene proposal for longer sitting hours in the criminal courts).

I am grateful to the friends and colleagues who helped me through pupillage. And members of the Haldane Society helped enormously, whether they knew it or not. To be a socialist lawyer is to be behind the lines in enemy territory, and it was wonderfully helpful to be among comrades from time-to-time.

Those of us who practise at the bar must apply our political principles to the way in which we work. It's critically important to change the culture of pupillage – to treat pupils and juniors as colleagues in training rather than upstarts. As socialists we recognise the toxic nature of selling our labour, and as barristers we have an opportunity to mitigate the harm that it causes to new practitioners by legitimising their presence and fostering a sense of belonging.

Notwithstanding the shocking state of mental health services in the UK, I would urge anyone to take the brave step of approaching a GP if they begin to feel unwell. LawCare can be contacted on 0800 279 6888 or *support@lawcare.org.uk*. The Bar Council has a 'wellbeing at the bar' program. The Haldane Society is an excellent source of experienced and sympathetic support – it may help to reach out to your comrades.

The author has asked to remain anonymous

2/3

felt that showing stress was a weakness

God is a centre of my home,
Alas the God of my home doesn't approve my existence
My home uses their God to justify my wanted murder
In my home – my death isn't sin but holiness
My home welcomes my death

My home raised and nurtured me as a woman
I am the seasoned girl they bore
But now, I am blamed for imitating the habits of 'a white man'
I never learned anything from anyone, I simply live to the way I identify myself
My home doesn't accept me for who I am but rather wants less of who I am
My home doesn't know me
My home is my enemy

By an anonymous LGBT+ poet in Uganda

Socialist **Lawyer**
Magazine of the Haldane Society of Socialist Lawyers
Number 76, June 2017
www.haldane.org

The home

The home – down to the land of milk and honey, Africa lies!
With the famous waters of the Nile flowing across East Africa,
Down to the pearl of Africa, my Uganda lies!
My home – where my culture was washed with hate
Far from the oceans, the seed was sowed into the fertile soils of my land
Germinated through the hearts of my neighbours
Thusly I am hated by my very own
My home where I am unwanted!

My home is discontented with my existence
I'd rather die than stay with my siblings
My brothers are ganging up their peers to 'correct' me
I don't suit their personal belief of loving
In my home, my way of loving is unnatural

A protest against an immigration raid led to riot police intervening and three protestors ending up on trial. **Luke Sheldon** tells the story, with drawings of the court case by **Matthew Meadows**

The crime of community resistance...

On 21st June 2015 I was part of a group of people from Elephant and Castle, south London, that resisted an immigration raid by the UK Border Agency (UKBA). The raid happened on East Street market, which lies between the former Heygate Estate and the Aylesbury Estate. The Heygate was once made up of a thousand council homes but has been replaced with private, 'luxury' flats and the Aylesbury estate is still standing, but hundreds of households have been forced out, and many homes now stand empty. That large-scale destruction of good quality council housing has caused the social and ethnic cleansing of the areas, and in tandem with the council and developers' forcible removal people from their homes and communities the Home Office has been carrying out immigration raids: in SE17 (the postcode that includes East Street) raids have increased by a shocking 660 per cent in the last five years.

On the day of the raid the immigration enforcement officers (IEOs) had detained a local shopkeeper in a van in a narrow alley just off East Street Market. Local people who had seen it happen stood in front of the van, and over the next hour the crowd grew as people came from the local estates and shops to find out what was going on. People discussed with anger and concern how it was the third immigration raid at the market that week, and how two people had already been taken away during the previous raids. Those present also questioned the legality of the raid: with the independent chief inspector of borders and immigration has recently found that 59 per cent of raids had been unlawful. A bike sound system arrived and people danced in the sun between the van and what was now a line of uniformed local police. >>>

The trial took place in Court 8 at Blackfriars Crown Court, finally moving to Court 4. Here Defence Counsel Lucy Wibberley cross-examines one of several dissembling TSG officers. Behind her the jury, and to the fore the Crown Prosecutor wrestles unsuccessfully with technology. He had to be helped out on several occasions by the more tech-savvy defence team.

Riot police, a bubble and arrests.

...the East Street 3

Danny being cross-examined by the crown prosecutor; his parents look on from the public gallery.
Below: Alfie.
Right: J.

J's mother Christine gave a brave and moving character reference.

Writer and social activist Izzy had attended the protest and spoke about the need to monitor immigration, quoting a recent report which found that two thirds of immigration raids were illegal. She established the moral high ground for the defence.

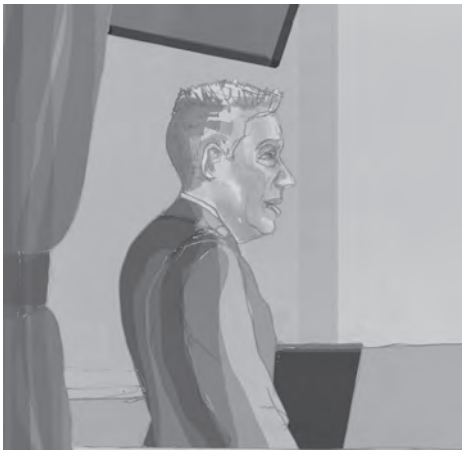
>>> However, riot police had been preparing around the corner and soon charged the crowd with dogs. They circled the van – creating what we now know after weeks in court has the misleadingly friendly name of a 'bubble' – and escorted the van from the street. Once the van was removed an arrest was made on suspicion of violent disorder, assault on police, criminal damage, and animal cruelty – the long list of offences, only half of which became charges, were a statement of the gravity that police were trying to attach to the incident. Although the protest had continued after that arrest, several others were arrested in the following months. The arrestees were charged with various offences, however during pre-trial hearings the ridiculous charge of false imprisonment (for letting down the immigration van's tyres) was eventually dropped.

That left three people who were charged with violent disorder and faced up to five years in prison, with some sort of custodial sentence being almost inevitable. It is a charge that has been repeatedly used against protesters, meaning that people who throw sticks or smash a window can receive lengthy prison sentences. These are acts that, if committed in isolation, would likely not even reach the Crown Court. Before and during the trial many of us in the informal support group, which filled the public gallery and waiting room for the trial's duration, were trying to understand how a situation that had been calm prior to a police operation could result in such serious charges: the acts committed by the defendants included moving a bin and >>>

Before the opening of the trial the prosecution indicated that they would accept guilty pleas to affray and disorderly behaviour and discontinue the violent disorder charge. This was declined, so the trial began.

The judge didn't appear to enjoy being put to right on the finer points of protest and obstruction law by the defence team. After an hour of legal wrangling about her directions to the jury she insisted on including her view that 'young men shouldn't be allowed to take the law into their own hands'. After the Defendants were acquitted she refused to grant the defendants their travel costs.

The court clerk was so like Lewis Carroll's Dormouse that the rest of the court began to resemble the Mad Hatter's Tea Party…



The Borough Commander.

>>> throwing a cone.

The prosecution attempted to construct a narrative of an orchestrated attack that had been planned at the large anti-cuts demonstration the day before (which none of the witnesses or defendants had attended) and that the defendants were on East Street that day for the purpose of a fight with the police. The defence case was that the defendants were peacefully protesting the detention of a local shopkeeper, and were simply defending themselves when the riot police and dogs stormed the narrow alleyway with no warning. This meant that the case relied on the defence persuading the jury that the acts committed by defendants, and recorded in surprisingly crisp detail by CCTV and helicopter camera, were in self-defence.

For self-defence to succeed the defendants' actions had to be 'reasonably necessary'. The actions of the police in the run-up to their charge into the alleyway were examined, which gave us an interesting insight into the way in which small decisions by police can heavily influence the lives of people who went to stop an immigration raid at their local market on a sunny Sunday afternoon.

The first tactic that the police tried sounded reasonable. They asked if the IEOs could street bail the detainee, which would effectively mean that everyone could go home. The IEOs refused because the Home Office needed to 'save face' and because 'immigration is of high importance' to the government. Therefore, from an early stage of the trial it was clear that the whole situation existed because the Home Office could not face the embarrassment of releasing someone from detention – even >>>

Although the legality or otherwise of the immigration raid was not within the purview of the trial, contradictory evidence from the two immigration officers present during the protest supported the picture of peaceful protest as seen in CCTV and police helicopter film footage.

The TSG Inspector.

This TSG officer proved surprisingly amenable to Questioning from J's counsel Lucy Wibberley.

This TSG officer saw missiles being thrown at the immigration van including large stones. We all watched the CCTV and police helicopter film footage again and again. They were invisible – no wonder the van was unmarked.

Owen Greenhall of Garden Court Chambers represented Danny. He is co-author of **The Protest Handbook.**

Raj Chada of Hodge, Jones and Allen was Alfie's advocate.

Beside him sits the ever-present police liaison officer.

J's defence counsel Lucy Wibberley from Garden Court Chambers. The crown prosecutor is sitting to her left.

>>> with strong community support. The IEOs also said they did not want to leave as it would create a 'no-go area' that they could not return to. However, that is exactly what happened: they have not come back to East Street Market since (they had normally conducted raids on East Street a couple of times a year).

After the IEOs' refusal of street bail it was revealed that the commanding office did not consider any other intermediate options, such as dispersal powers. The police officer in control of the operation, whose last experience of a public order situation was the poll tax riots of 1990, then called in 'all the resources available' to her. This included police dogs, a helicopter and the Territorial Support Group. She ordered a charge down the street, with no prior warning and no explanation of the consequences of not leaving.

The informal support group was also concerned by the use of acts by unknown people in the crowd to allow the use of the charge of violent disorder, which has to be at least three people, instead of affray, which can be committed by one person. The maximum prison sentence almost doubles. While (as the trial demonstrated) defendants can justify acts that appear from CCTV footage to be violent disorder as self-defence, there is no opportunity for the unnamed defendants to explain or defend the footage of their actions. It seems particularly unfair to rely on the undefended actions of unnamed people to increase the charges against the defendants, especially in a case where self-defence is critical.

It was in this context that the jury had to consider whether the defendants' particular actions were in self-defence or violent disorder. Luckily no one was convicted. Two of the three were acquitted and the jury could not reach a verdict on the third. On 6th April 2017 – almost six months after the trial – the CPS announced that it would not seek to re-try him.

This is the second time that one of the acquitted defendants has had to defend himself against violent disorder charges in front of a jury. Both times his presence at the incidents was because he was standing up for something that he believes in. He has had to spend months of his life in court defending actions that juries have found to be in self-defence from the police. The East Street trial and many like it show the massive power imbalance on protests. The police have little accountability for the physical force they use on demonstrations, which is clear from the lack of consequences in respect of the death of Ian Tomlinson at the G20 protests in 2009. Conversely, as we saw from the East Street trial, a protestor's act of self-defence can result in a two-year ordeal under the threat of prison, which culminates (if acquitted) with an intense trial where 12 strangers have to be convinced that the actions carried out many months previously were reasonable under the circumstances.

The public gallery was full throughout the trial; supporters spilled out onto the courthouse concourse, numbering 30 to 50 every day.

For more information go to https://trialoftheeaststreet3.wordpress.com

Eyewitness: nort

Azzun, main gate closure, February 2017. Photo: EAPPI/JohnH.

hern West Bank

John Hobson reports from his work in Palestine

Azzun is a Palestinian town in the Northern West Bank, situated several kilometres to the east of Qalqiliya, a city surrounded on three sides by the Separation Barrier (which runs deep into occupied Palestine), and beyond the Green Line (the internationally recognised *de facto* border between Israel and the West Bank).

In common with many towns and villages throughout the West Bank, Azzun faces the expansion of Israeli settlements on its historic lands.

Long deemed unlawful according to international law, in December 2016 UN Security Council Resolution 2334 reaffirmed that settlements are a 'flagrant breach' of international law and a major obstacle to a lasting peace.

Notwithstanding the consistent position of the international community, in January 2017 the Israeli Knesset passed a law that retrospectively recognises even unlicensed settler 'outposts' in occupied Palestine, themselves previously said to be unlawful by Israel itself.

As volunteers with the Ecumenical Programme for Palestine and Israel (EAPPI; *www.eyewitnessblogs.com*) part of our remit has been to monitor settlement activity and expansion and carry out a protective presence role, with the agreement of local human rights activists. Operationally that can mean responding at short notice to incidents as they arise.

On one such occasion we are informed of the imminent uprooting of olive trees near Azzun by the Israeli authorities, who were seeking to build a court-approved road that will ease access between two of the nearby settlements. On our way to observe we were stopped by the military and prevented from reaching the site, as were journalists from the Ma'an news agency. A few days later we returned to the area and watched as bulldozers carve the route of a road across the land. Olives trees, damaged and destroyed, lay cast to one side.

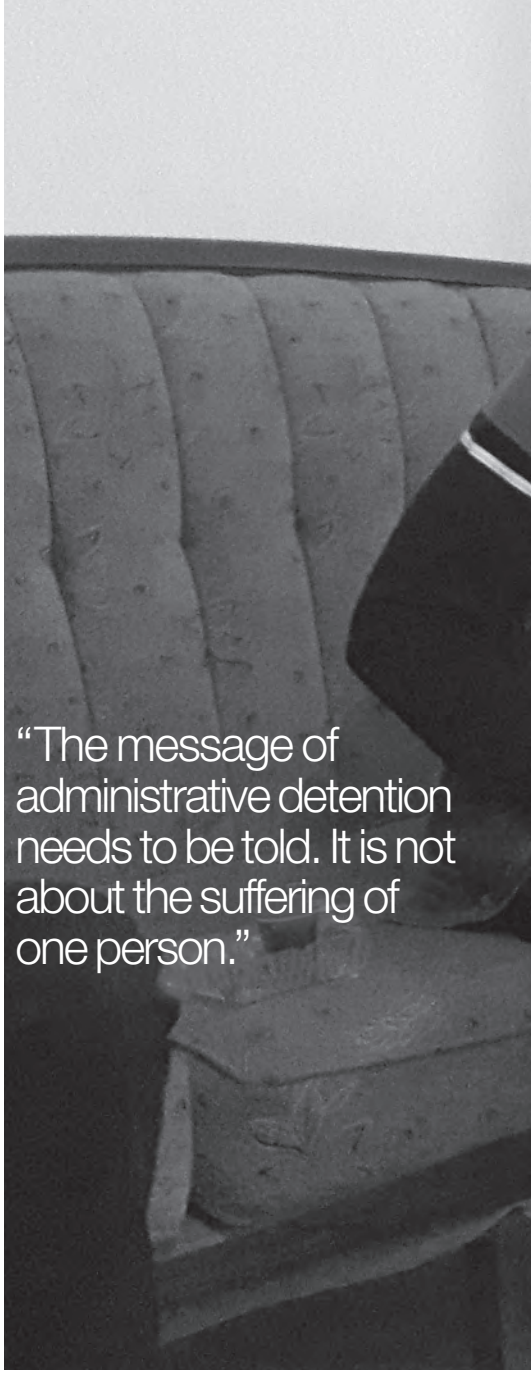
Azzun itself has been the subject of military incursions and closure for many years. The Azzun municipality has a history of night raids of local homes. We were taken to one such home and listened as the family described their experiences. Together with the Women's Centre for Legal Aid and Counselling in Ramallah, female colleagues later arranged a space where the testimonies of the women impacted by such house raids can be facilitated and recorded.

On another occasion we attended a homecoming party for a 20-year-old man who had been released from prison, having been arrested at 15 for stone-throwing. His friend, arrested at the same time, has another year >>>

Israeli soldiers in Azzun, December 2016. Photo: EAPPI/JohnH.

"EAPPI places importance on supporting the work of Israeli human rights organisations and peace groups committed to ending the military occupation."

Photo: EAPPI/MikeA.



"The message of administrative detention needs to be told. It is not about the suffering of one person."

>>> left in prison. While Palestinian minors face military law, children from neighbouring settlements are dealt with under Israeli civil law. The disparity in treatment and sanction has been long-documented by organisations such as Defence of Children International [*www.dci-palestine.org/*] and Military Court Watch [*www.militarycourtwatch.org*], and in 2012 a delegation of family lawyers from the United Kingdom mandated by the Foreign and Commonwealth Office made a plethora of core and specific recommendations to ensure compliance with the framework of international law as it relates to the treatment of children in prison and military detention [*http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Child*].

A request to return to the region to follow up the report has been repeatedly prevented by the Israeli authorities, notwithstanding regular questions in Parliament [*www.parliament.uk*; Israel: Palestinians: written question – 27341; February 2016].

On another afternoon we were called to Azzun. The military were suddenly present, having set up a flying checkpoint across the town's main street. As we arrived the tension was palpable and rising. Young Israeli soldiers squared up against local shops and fired tear gas towards young men who had started to gather at both ends of the street. We retreated to the foyer of a local money exchange. The military eventually left, though more tear gas and a sound bomb were fired as the jeeps drove away.

We prioritised our presence in Azzun, distilling information for use by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). We observed the flying checkpoints set up at the town's two main entrances. The pattern indicated increasing military attention, and then one day we found the main gate padlocked shut, which further disrupted everyday life.

The military said that the action was necessary in view of a nearby shooting incident. Collective punishment of communities is unlawful according to international law, (article 33 of the 4th Geneva Convention).

EAPPI places importance on supporting the work of Israeli human rights organisations and peace groups committed to ending the military occupation. The Israeli group Breaking the Silence is one such organisation. Set up by Israeli soldiers conscripted after the second Intifada of 2000-2005, Breaking the Silence felt compelled to speak out about their experiences and their testimonies contribute to the understanding of a military occupation that is now 50 years old. They told us that the objective of night raids – while ostensibly to gather evidence – is to engender a state of perpetual uncertainty amongst the Palestinian civilian population so that no family goes to sleep at night without the attendant anxiety that their house might be raided, their sons arrested, or their daily routine disrupted.

Known as 'mapping', the details of this particular form of operation were compellingly set out: 'we used the most basic Arabic during a night raid', Breaking the Silence told us. 'You only need a limited number of words, because

Majd Abu Shamleh, Ya'bad, February 2017. Photo: EAPPI/JohnH.

you can get anyone to do anything if you point a gun at them'.

In January 2017 the Israeli government moved to ban Breaking the Silence from taking part in educational work in Israel as part of a generalised clampdown on free speech and the further narrowing of the public space in which Israelis can question the legitimacy of occupation and the conscription of its young people.

Ya'bad is a town in the northern West Bank that faces similar difficulties to Azzun. We were invited by our local contact to attend a homecoming party from prison for a young man called Majd Abu Shamleh. A cavalcade of cars arrived. Fireworks lit up the sky and the street outside Majd's home was packed. Music played, and lifted upon the shoulders of the crowd, Majd arrived and was propelled onto a stage. A few days later we returned to the family home. Majd's young daughter clambered on his lap, and was passed across to her grandfather and back again as he told us his story.

In January 2016 he returned home from work to find Israeli soldiers in the house. Asked about his mobile phone, he was assaulted when he refused to hand it over. He was taken by the army to a settlement and then transferred to the al-Jalameh interrogation centre in Israel, where he stayed for 48 days before being produced in the Salem courthouse (in the most northerly part of the West Bank).

There was no initial contact with his family, and it was three months before they had permission to visit. He was then transferred to a prison in the Negev desert in Israel.

Under Israeli Military Order 1651 an individual can be detained for six months if the authorities have 'reasonable grounds to presume that the security of the area or public security require the detention'. Often a detention order is renewed and that process may continue indefinitely. Those detained are not informed of the reasons for their detention. Neither are their lawyers.

After the first period, Majd's detention was renewed. At that point, like many other Palestinian prisoners before him, Majd decided to go on hunger strike.

After three days he was transferred from the main prison into isolation. After 16 days his mattress and clothes, aside from his t-shirt, were taken from him. 'It was very cold' he said. After 20 days he was transferred again, this time to Ashkelon prison in Israel.

Back in Ya'bad the community galvanised, setting up a tent in the town centre with a daily sit-in,supporting the family, publicising the case and inviting international observers to visit.

After 27 days on hunger strike a compromise was eventually reached between Majd's lawyer and the Israeli authorities: if he ended the strike his detention would not be renewed after the second six months. A date was fixed for his release and the community in Ya'bad began to prepare for his return.

It took time for Majd to adjust. His young daughter asked who he was when he came home. One morning he heard his mother chopping food in the kitchen and found >>>

>>> himself back in the prison kitchen, the sound being so like that of a fellow inmate doing the same thing. I reflected on that passing comment: it's the kind of information that a lawyer might recognise as adding credibility and gravity to his account.

In 2016 the Palestinian Addameer Prisoner Support and Human Rights Association set out the legal framework of international law as it pertains to Israel's continuing use of administrative detention. While permitted under international law with strict conditions upon imperative reasons of security, Addameer's careful work shows how Israel's systematic use of administrative detention falls short of a plethora of accepted international standards – from the transfer of Palestinian prisoners into Israeli jails, the restrictions on movement that obstruct family visits, to the holding of individuals for prolonged periods and in contravention of the 4th Geneva Convention [*www.addameer.org*].

We tentatively asked Majd's permission to share his testimony. 'The message of administrative detention needs to be told. It is not about the suffering of one person' came the straight-forward reply.

For three months my colleagues and I lived in a remote part of the Northern West Bank, listening to people's stories and observing the daily impact of this grinding military occupation: the normalisation of settlement growth; children facing checkpoints as they go to school in their own communities; night raids and detentions; settler-only roads constructed across ancient Palestinian land; routine checkpoint humiliation of men and women as they seek to farm their own lands and go to work; settler violence and the impunity granted to its perpetrators; widespread destruction of Palestinian homes and of agricultural animal shelters – all matters long-documented in the research of UNOCHA; the closing-down of the public space within Israel where groups of young people such as Breaking the Silence can operate; the year long detention of Majd Abu Shamleh, without charge or trial.

As international accompaniers/observers we discussed many times how we might process our experiences, marshal our thoughts and feelings, but above all articulate to those who wish to listen, and also to those who don't.

Taking a principled stand, EAPPI makes a clear call for advocacy where breaches of international humanitarian and human rights law are identified: put simply, to nurture awareness and to take action in support of the end to the occupation and a just peace for Israelis and Palestinians that has a basis in international law.

I think again about Majd's final comment to us. And I recall the concluding words of a Palestinian poet, recorded in the newly-opened Arafat Museum in Ramallah, articulating the living history, collective memory and narrative of Palestine: "Tell the world…tell it".

I feel the responsibility, my very real privilege. And insofar as one is able, resolve to do so.

John Hobson spent three months in the Northern West Bank as part of the Ecumenical Accompaniment Programme for Palestine and Israel (www.eappi.org www.eyewitnessblogs). He writes in a personal capacity.

Ya'bad, homecoming party, January 2017. Photo: EAPPI/JohnH.

SQUATTERS' RIGHTS:

A CASE STUDY IN 'LEGAL MOVEMENTS' THEORY

by Lucy Finchett-Maddock

In 2010 the Library House, a social centre in Camberwell, London, was evicted. Out of concern for the previous tenant (a black single mother) the centre's collective used their knowledge of the law to ensure that she could return to her home (the council had illegally evicted her while she was in prison). The collective argued 'you are not entitled to evict us because you evicted the previous tenant illegally, and she is the one who should take us to court'. The council dropped the case and took her back as a secure tenant. The squatters' experience of the law's interference their daily lives had given them the ability to use the courts to pursue an outcome that was in line with their beliefs.

This is an analysis of the path that the law relating to squatting has taken in the UK over the last forty years. The aim is to highlight the experiences of squatting movements, looking in particular at the interplay between changes in the law and the actions of squatters on the ground. Is there what can be described as a 'legal movement' expressed through the actions of the squatting movements? What do the developments in the law reflect? Does the illegality of squatting affect squatting practices, and how do squatting practices affect the law?

The Law

On 1st September 2012 it became illegal in England and Wales to squat a residential building (section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012). Previously it was a civil matter, not a criminal offence, and traditionally the UK has had 'squatters' rights.' Squatters first relied on the Forcible Entry Act 1381, although this was repealed by the Criminal Law Act in 1977 and the offence of 'violent entry' replaced that of entry alone. Section 12 of the Criminal Law Act 1977 (amended by the Criminal Justice and Public Order Act 1994) laid out a distinction between trespassers and squatters, defined by whether the person had knowledge of there being a resident living in the property. As long as there were no clear signs of the owner living there squatters could rely on section 6 of the Criminal Law Act 1977 (section 6 was printed out and pinned to the doors of squats). Avoiding damaging the property would ensure that entering the property was a civil, not a criminal matter. Occupants had to ensure there was someone in the building at all times as it was illegal for the owner (or anyone else) to enter a building while it was occupied. Squatters had to have sole access to the property, and thus had to replace the locks and fully secure the building. Eviction could only legally take place by way seeking of a possession order through the courts.

Squatting as a legal right has not always been controversial. Time limits on claims to land date back to as early as the Limitation Act 1623 and earlier, and possession based on effluxion is one of the foundational concepts of English land law. Under the Limitation Act 1980, if the squatter applied for possession after 12 years, the property could rightly become their own unless the owner objected prior to the twelfth year. Adverse possession remains a central paradox: it mixes seizure of land (which is the basis of individual property rights), with labour and the curtailment of the true owner's rights.

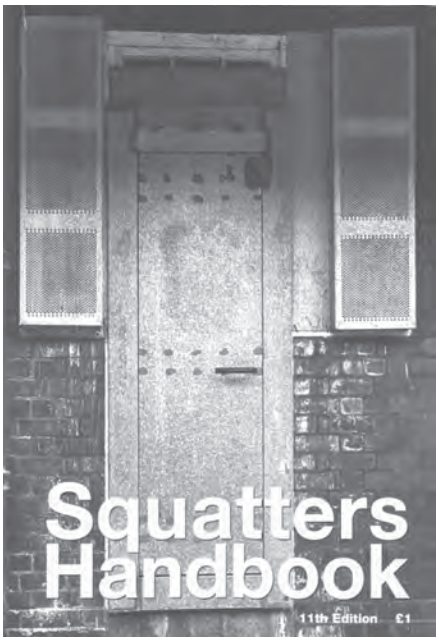
Legal movements

The concept of 'legal movements' concerns the relationship between changes in the law and societal or other non-legal developments. The critical issue is whether the law can be said to 'mirror' contemporary realities. A good example is the criminalisation of squatting: it is now illegal to squat in a residential building in England and Wales, and yet there is a very strong tradition of squatting in the UK's major cities. Does it really matter that one cannot squat legitimately in the eyes of the state? And was that law really a reaction to squatting practices and attitudes towards them?

There are two ways of understanding 'legal movements':

- The way in which squatting movements – through their presence in political, social and sub-cultural occupations – affect legislative and policy changes emanating from Parliament and the courts; and
- Squatters' practices and actions (or reactions) to changes in law: whether their legal awareness and organisational practices change depending on legal developments. This could be seen as an expression of 'legal activism.'

Legal movement theory takes inspiration from social movement theory. Legal theorist Gary Minda analogises trends within jurisprudence that have been affected by theories from economics, sociology, philosophy, literary criticism, and anthropology. This is a helpful way of seeing how the movements within squatting law and squatters can be seen to operate. Speaking of the way in which legal movements have been changed by supposedly 'outside' events, Minda states: 'Academic trends in legal scholarship do not occur in a vacuum, nor are law schools and legal scholars autonomous. To understand what has been going on in contemporary legal theory, one must look to what has been going on [elsewhere]'. There is a symbiotic relationship between legal and non-legal thought. >>>



Pictured: The Squatters Handbook, produced by the Advisory Service for Squatters (courtesy of Interference Archive); a squat in Brixton, south London in 2013.

>>> Throughout history legal movements have changed the way in which we deal with the social and political, through legislation and policy change. Without legal movements the law cannot accurately 'mirror' society. But is this mirror possible at all? And is it desirable? German constitutional theorist Carl Schmitt argued that a constitution must be constantly upheld; if it ceases to be it no longer has its constituents, or its 'constituent power'. This is a very abstract understanding of legal movements, and it is widely acknowledged that law does not reflect, indeed cannot reflect, the will of everyone at the same time. And thus when there are legal movements, they are in effect, 'keeping up' with the social, political, and social machinations that have taken place outside the legislature and the courts.

Squatting is a controversial area of law, and adverse possession has developed as a result of the synchronous development of the regime of property rights overall. The task is to ascertain whether there is a cyclical motion of the development and recession of the regime of squatters' rights in English law, and to look at the effects on the social and political (squatting itself). Do squatters themselves 'practise' the law on the ground, so to speak, and are there are legal movements within their practices and actions, which equate to a form of 'legal activism'?

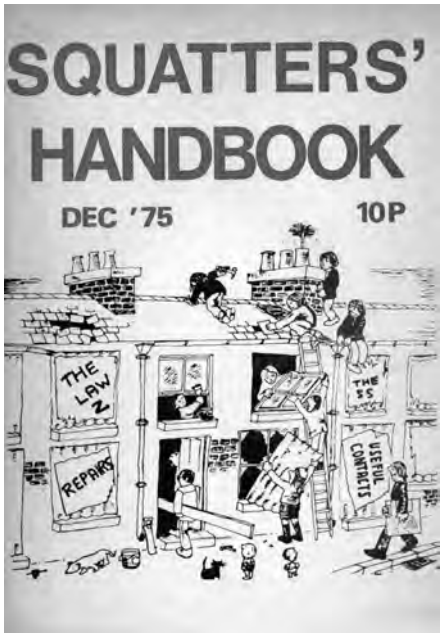
Legal movements are fuelled by the practices and actions of given sets of actors and participants. In order for squatters to gain access and produce their space, a squat must be sought within the realm of the law, thus they must have knowledge of the relevant law in order for the space to be 'legitimate'. According to a recent opinion, 'the new generation of squatters has a greater understanding of the law and how it can protect them, helped in part by sophisticated legal advice available on the internet'. In order to ensure that the regime of squatters' rights is kept legal in the UK, squtters are aware of a need to respect the law, and therefore it is important to understand whether and how those involved in squatting movements (either for political reasons or out of need) have a sound or 'professional' knowledge of squatting-related law (or are aware of the need for good legal advice by the likes of the Advisory Service for Squatters (ASS) and Squatters' Action for Secure Homes (SQUASH)).

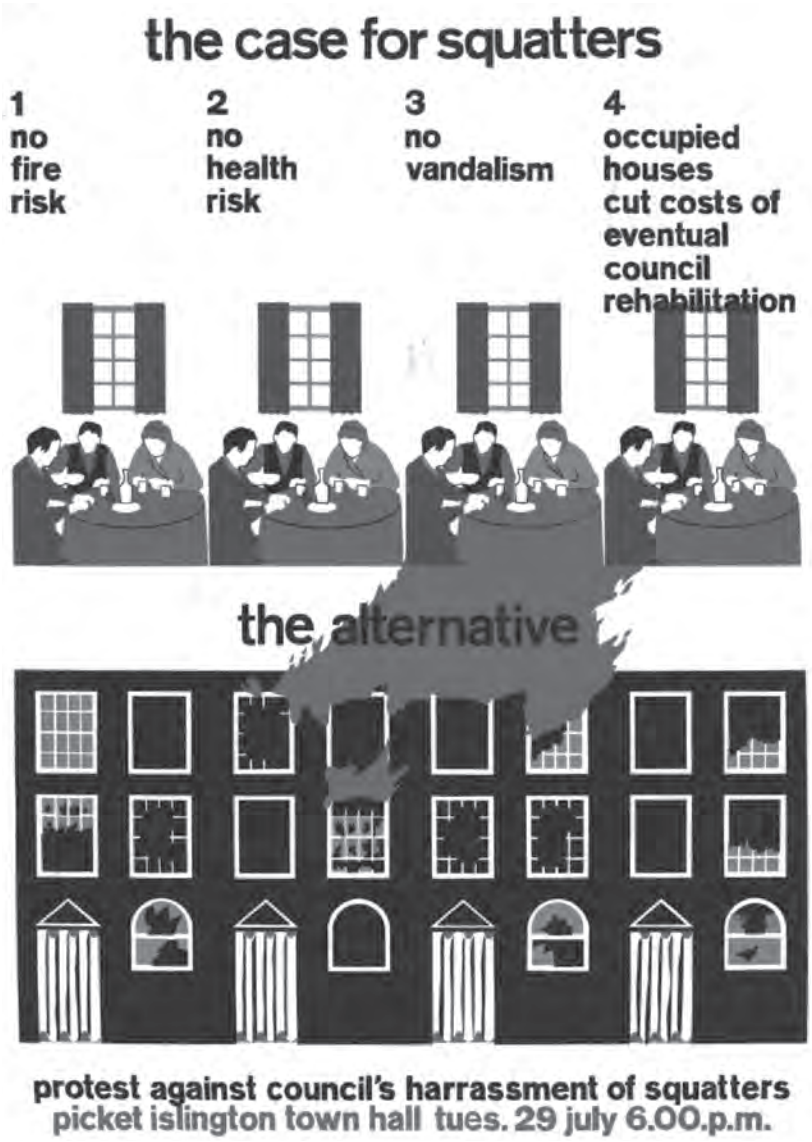
Historical background

The squatting movement in the UK that began in 1945 was directly linked to the housing shortage after the Second World War. It began as more of a direct housing action movement for the homeless, the levels of which were heightened due to the effects of the war on population and the lack of social housing for returning soldiers and their families. In the words of Ron Bailey, there was 'enough to say that "homes for heroes" just did not exist; returning servicemen successfully seized empty properties to live in – to the astonishment and rage of the government of the day'. It was clear that houses were not going to be provided unless militant action was taken. According to political and moral theorist Gerald Dworkin, the 'Ex-Servicemen's Secret Committee' (one of the many groups of ex-servicemen who installed homeless families into properties by night) had got so desperate they resorted to the adage: 'If you see a house, take it and let the law do its damnedest'. As the movement spread it became an attack on speculation, 'on the right of landlords to keep property unoccupied for any reason'. Old army camps started to be occupied, and squatters' protection societies and federations were formed.

The post-war squatting movement was quashed in 1946 due, among other reasons, to political alignment with the Communist Party and lack of support from the trade unions. But in 1968 a new wave emerged. According to Steve Platt its main impetus 'came from a loosely knit group of radicals, many of whom had been involved with the Committee of 100 [British anti-war group] and the Vietnam Solidarity Campaign'. Squatting became 'a harbinger of a new style of social and political activity that changes demoralised and helpless people from being the objects of social policy to becoming active fighters in their own cause'. The 'London Squatters Campaign' was set up in November 1968 with the aim of 'the re-housing of families from hostels or slums by means of squatting', in the hope of sparking off a 'movement' in radical re-housing. This was a response to the continuing shortage of housing and the dire work of councils in re-housing the homeless. Direct housing action became a viable – perhaps the only viable – option.

After the 1960s and 1970s, there was a move away from families to individual and group squatters. During the 1970s,





Above: Pro-squatting poster from Islington, London, 1975. Courtesy of Interference Archive. Opposite page: The Squatters' handbook 1975 cover; and an inside spread.

the Family Squatters Advisory Service (FSAS) was set up. And as well as squatting in response to the social needs and deprivation of the time, there was the prevalence of punk squats and autonomist movements within London.

Legal movements in the 1970s

The legal movements surrounding the squatting reforms under the Criminal Law Act 1977 Act (which included a Law Commission report and a working paper by the Lord Chancellor) were a reaction to the housing actions on the ground, and the London Squatters Campaign (among others) taking the housing shortage into their own hands. According to barrister David Watkinson, until the end of the 1970s, there was no duty on local housing authorities to secure accommodation for the homeless. Continuing homelessness and substantial numbers of empty properties played a role. The housing crisis and changes in the law were further propelled by the delayed compulsory purchase schemes that had been ambitiously started in the 1960s, together with landlord profiteering (forcing out established tenants in order to sell) and the housing boom of the early 1970s.

The legal moves included changes to the procedure for obtaining a possession order, making it quicker. The courts had not been able grant possession orders against persons whose names were unknown (the owner had to take 'reasonable steps' to discover the names) but in 1975, in *Burston Finance v. Wilkins* the High Court ruled that even if names were unknown, if squatters knew of the proceedings they were impelled to come to court whether or not 'reasonable steps' had been taken. By 1977 the procedure were shortened once again and the 'reasonable steps' requirement entirely removed. On top of this, possession orders against squatters were made to take effect immediately: *McPhail v. Persons Unknown* established that there was no power to suspend a court order once it had been made without the landowner's express agreement. The Criminal Law Act 1977 made evictions easier because a squatter who resisted a request to leave on behalf of a 'displaced residential occupier' (DRO) or a 'protected intending occupier' (PIO) could be arrested and removed without a court order. Resisting a court bailiff was also defined as 'obstruction', but squatting as an act still remained a civil and not a criminal offence. .

How did squatters respond? There was widespread discontent and worry about the proposals to criminalise squatting. The Campaign Against a Criminal Trespass Law (CACTL) emerged from an All London Squatters (ALS) meeting in 1974. CACTL framed the proposals as an attack on workers' occupations and attracted a great deal of support from workers and students. CACTL used a combination legal knowledge and political support to oppose criminalisation. There were those who – due to the visibility of CACTL and the unclear nature of the Criminal Law Act 1977 – were not sure whether squatting remained legal. Therefore, in 1978, the ASS launched the Squatting Is Still Legal campaign.

It was also as a result of big actions, such Redbridge in February 1969 (where homes were occupied and barricaded in response to the council deliberately leaving them empty) that changes were achieved on the ground. Redbridge and other occupations paved the way for a degree of protection through the court process: according to Steve Platt, 'the London Squatters Campaign's adroit legal defence established precedents which benefitted squatters for many years and many people involved in Ilford went on to promote squatting in other areas'.

Organised squatting declined more as a result of landlords' concessions than costly repression tactics: during 1977 five thousand squats in London were formalised when landlords or councils grated them licences (this has been described as a 'repressive-integration-cooptation' model of relations between states and social movements'). In response, some pushed for unlicensed squatting as licensing contradicted the philosophy of self-management .

The GLC faced the choice of either evicting 7,000 squatters or granting amnesty. They decided to offer >>>

>>> tenancies to every squatter living in GLC dwellings, as long as they registered within a month. Otherwise 'all measures which the law allows' were to be used against future squatters and those who chose not to take up their tenancies. This was an electoral policy by the Conservatives. According to Platt, 'The GLC adopted imaginative and flexible policies at [that] stage merely to facilitate implementing totally rigid and reactionary policies at a later date'.

The Legal Movement of 1980: the ASS

By 1980, the government was dealing with the effects of the legal changes of the 1970s. The ASS was born out of splits between (and within) the two major squatting organisations in London (the FSAS and ALS). The ASS supports both licensed and unlicensed squatting, and still gives legal and general advice on squatting. They have just released the 14th edition of their *Squatters Handbook*. The ASS' advisory work was extremely useful, and arguably exemplified a professional and legalistic understanding of adverse possession, court procedures and in-depth knowledge. Many cases were won and many squatters successfully resisted attempts by police to con them out of their homes. The ASS' tactics suggest an acknowledgement that legal knowledge is necessary for squatting, and therefore could be seen as a manifestation of a 'legal activism' (and the same could be said for CACTL's impact on the legal changes of the 1970s).

Squatting was on the increase again in 1980. The cost of living was increasing and it was difficult to find housing after the recession of the 1970s. The ASS was overwhelmed. One member of the ASS stated that the changes in the law made very little difference to the existence of squatting, and this is something that resounds today as the laws on squatting have been altered once again. The ASS was dealing with laws that dealt with 'non-existent' situations: the law had been altered due to fear and miscommunication.

As well as the ASS, there were other legal movements in operation during 1980, such as Release and the prison movement, who also sought an understanding of law in order to affect resistance. 1980 can be seen as a year in which the effects of the direct action of the previous years, in synchrony with the legal movements in the courts and parliament, were felt, but had reached a plateau.

What does this lack of coincidence between the structures of squatting movements, and the remit of law speak to in regard to the supposed 'mirror' of the law?

Legal Movements in 2011–12

After 1980 there was an encroaching shift towards the repeal of squatters' rights. The Criminal Justice Act 1994 made substantial changes, introducing interim possession orders (which considerably reduced the amount of time that squatters could remain). Measures to deter squatters were devised. Towards the end of the 1980s the Law Commission once again considered reforms in land, and again the changes tabled were seen to limit security. The Land Registration Act 2002 fundamentally altered the law of adverse possession: after ten years of physical possession a squatter has to apply to the Land Registry to have their title recognised. The Registry notifies the original owner, who can defeat the application, simply by raising an objection. Adverse possession will become a thing of the past.

In May 2011 the government launched a consultation on the criminalisation of squatting. Their plans were set out in a number of alternative proposals including creating a new offence, amending the scope of the 1977 Act, improving enforcement measures, or doing nothing. Despite 96 per cent of those who responded to the consultation in favour of doing nothing, the government fast-tracked the criminalisation of squatting and its amendment passed by 283 votes to 13.

In September 2011 legal academics and practitioners had written a joint letter expressing concern that a significant number of recent media reports had been exaggerating and misrepresenting squatting in the UK, which, they said 'has created fear for homeowners, confusion for the police and ill-informed debate among both the public and politicians on reforming the law'. This triumph of misinformation arguably led to the assumption that all squatting (including non-residential squatting) was criminal. According to the ASS 'It will be difficult for those squatters who are using commercial properties to remain where they are despite the fact that they are still perfectly in their rights to do so, as the public will assume that squatters' rights have been outlawed entirely'. The social utility of squatting was removed by swift, undemocratic changes to the law and misrepresentations of squatting on the ground.

2011 Legal Movement: SQUASH

SQUASH was originally formed out of a network of squatters, named Squattastic, in London in December 2010 to counter government and media condemnation. It is made up of squatters, activists, researchers, charity workers, lawyers, and academics, and has a legal and research group. In November 2011 they tabled urgent recommendations to amend the proposed changes to the (then) clause 26 of the LASPO bill. Labour MP John McDonnell worked with SQUASH to get their recommendations through the parliamentary processes and put forward the amendment to clause 26, which proposed that there be no offence if a building has been empty for six months or more.

SQUASH represents a clear awareness of the necessity of a legal understanding and knowledge, but does this say anything about the law they are reacting to? Only that the legislators' response is the slow encroachment on squatters' rights, and they return to the issue cyclically in times of economic difficulty.

In comparison to SQUASH, CACTL had the workers' movement behind them. Just as it was in 1980, there were national protests in the form of student occupations during 2010-11, riots in 2011, and the Occupy movement. The anti-criminalisation movement perhaps did mot make the most of the support that they could have gathered. SQUASH did work meticulously with MPs and the Lords to try and put forward the legal argument for not changing the law.

Legal Activism

In Ron Bailey's account of the squatting movement in London, the squatters had to make sure that they were not

breaking the law in order to involve families in the movement: 'We thought that if we could say to families that squatting was only civil trespass and not an offence for which they could be prosecuted, then we were far more likely to be able to involve them in squatting activities'. In fact, there was one instance during the Redbridge occupation in 1974 where the squatters used the law in their favour, tricking the police by moving a family out of a building (in compliance with a possession order) and replacing them with another family. When the bailiffs attended there was not a great deal that they could do.

ASS' *Squatters Handbook* advises on how to comply with the law in order to secure and occupy a building correctly. There are also 'practical squatters evenings' around London. By acknowledging the legality of squatting, and through an awareness of the law (and sometimes through an admiration of the law), squatters have discovered loopholes and practised legal activism.

The courts have sometimes been sympathetic towards squatters, showing an admiration in turn. In a recent freedom of information case brought against Camden Council Judge Fiona Henderson stated, 'the public interest lies in putting empty properties back into use' and argued that publication of the data in question would 'bring buildings back into use sooner and the housing needs of additional people would be met.' Indeed, legal academic Robin Hickey has argued that the common law almost always uphold the rights of the squatter.

Conclusion

Squatters have always had a close relationship with the law. Many squatters have regarded the law as a source of protection, but the law has only fulfilled this role sporadically and to a diminishing extent. However, squatters have certainly had an impact on the law, and their adroit use of the law has frequently delayed evictions and provided time for organisation and negotiation.

So is there interaction in the form of legal movement between the law on squatting and the actions of squatters on the ground? And does the direction of the politics in the background make any difference at all? There is certainly at least one cyclical motion in that squatters learn the law in response to the threat of draconian changes, but it seems that the law does not learn from the squatters. This one-sidedness is, of course, embedded in a global system of property transfer and appropriation.

Social movements have been recognised for their potential to reorder order. To be part of a squatting movement is to be part of 'a network of small groups submerged in everyday life which require a personal involvement in experiencing and practising cultural innovation'. It also comes from a desire to take hold of law itself, to be autonomous, create law, to self-legislate, which is characteristic of the drive of the ASS and SQUASH.

As in any other movement, there is always the role of violence, and none is more powerful than that wielded by the state through the use of law. Any squatter will understand the violent force of property rights. Landlords deter squatters by destroying basic amenities. Land ownership, according to Andrew Corr's summary of the anarchist-tinged literature on property, 'exists when an individual has the violent forces necessary to evict or subdue the inhabitants of a given piece of land and claims "ownership"'.

According Jeremy Bentham, 'Property and law are born together, and die together. Before laws were made there was no property; take away laws, and property ceases'. The role of law and violence, and the force of property rights, saturates all accounts of squatting.

Perhaps this analysis has provided an insight into how one can utilise law in order to counter law. It is hoped that by going beyond national law and making use of European Court of Human Rights decisions on adverse possession (despite the fact they are nearly always in favour of the proprietor), the development of the right to housing could create a viable obstacle to the encroachment of anti-squatting laws.

It will be interesting to see the effect of section 144. In the words of the All Lambeth Squatters: 'Remember – trying to stop squatting is like stamping on a greasy golf ball'.

Dr Lucy Finchett-Maddock is a lecturer in law at the University of Sussex. This article is based on the author's chapter in *The City Is Ours: Squatting and Autonomous Movements in Europe from the 1970s to the Present* (PM Press, August 2014). A fully referenced version is available upon request.

How the system treats survivors of abuse

Three Girls, BBC TV, Director: Philippa Lowthorpe; Scriptwriter: Nicole Taylor

This hard-hitting and powerful drama is based on the true story of three teenagers at the heart of the child sexual exploitation scandal in Rochdale. It is told with sensitivity and insight and was shown in three hour-long episodes on consecutive nights on peak time BBC in May.

You must get onto iPlayer now and watch it if you have not already done so. Forget *Line of Duty*. This is the best law-related drama this year by a mile. It reminded me of Ken Loach's seminal 1966 TV drama about homelessness, *Cathy Comes Home*, in the way it grabs the viewer and also has the potential to make social change.

The drama focuses on the deep damage abuse leaves behind and how the authorities treat victims, but it is not hopeless. It shows that people who have suffered abuse are not simply victims.

It starts as Holly (played amazingly well by Molly Windsor) arrives in the town, falls out with her parents and befriends head-strong, rebellious and naive sisters Amber (played by Ria Zmitrowicz) and Ruby (Liv Hill). Through them, Holly meets a circle of older men. As they have done to Amber and Ruby and other vulnerable young girls, they befriend Holly and give her food and vodka. They groom her.

Holly first reported that she had been raped in 2008 to a yawning police officer. The lawyers decided no-one would believe her in a courtroom so her case was forgotten, brushed under the carpet.

You cannot help being angry as hell when watching it at the extent to which these girls were let down by the police, by social services, by the CPS and a criminal justice system that simply doesn't believe a particular kind of person. In other words, they were let down by everyone who should have been helping to protect them. You would not believe some of the courtroom questioning from the defendants' lawyers in the third episode if you hadn't been told that it was all based on trial transcripts.

Greater Manchester Police (GMP) returned to the issue 15 months later to save face. Lesley Sharp plays the good cop who is given the job of coaxing the girls into giving evidence again. The bitter reaction of the girls and their parents is powerful and, not surprisingly, they refuse. So she goes to see if the sexual health workers will hand over evidence they have.

She asks Sara Rowbotham (a real-life character, played superbly by Maxine Peake) who had flagged up the abuse. Their meeting is a brilliant, memorable scene. When Peake is shortlisted for a Bafta early next year as she surely must, I really hope the clip they show is her reaction to the detective's request for her files. An unbelieving stare for several seconds, then 'Fuck off.'

Ruby (played by Liv Hill) and Holly (Molly Windsor) – two of the Three Girls.

Maxine Peake, left, as Sara Rowbotham in Three Girls.

Rowbotham had seen what was going on, had meticulously recorded it and reported it. As Sara herself has written: 'My calls to the police were ignored and social workers told me the girls were making lifestyle choices. At the time I thought I was going mad. How could no one see we were in the midst of a major crisis where girls were being raped on an industrial scale?'

She eventually hands over the files, in fact several huge filing cabinets of it, helps convince the girls to help the prosecution and the GMP's wheels start turning. At this point I had a sinking feeling that the show would let the police off the hook, especially when you see them securing the successful convictions of nine of the abusers in 2012. But it twists again when Amber is refused her day in court. Instead the police named her as a defendant, treating her as a perpetrator, so they could still refer to her evidence. Sharp's DC resigns from the force in order to defend her and ensure she is not thrown to the wolves.

Amazingly, instead of being lauded, Sara was made redundant soon after the court case. She and her colleagues were able to reach out to the girls because they had a non-judgmental approach, and were able to win their trust in a way that police and social services could not. Their centre became something of a refuge and if their service wasn't available, half the evidence that led to mass convictions would never have come to light.

The race angle is explored well, although I am not sure that the abuse is really explained. Not that the abusers are cartoon characters; there are fine performances from Simon Nagra as Daddy and Wasim Zakir as Tariq, roles that cannot have been easy to take on. In the final episode a community meeting becomes heated with Asian people rightly asking why they should be held responsible for the actions of a minority.

Social change is the main lesson. As Sara says, 'we should be ashamed that there are still too many places with poor life chances, lacking in basic community facilities where girls go without dinner at school to save their money to buy a bottle of vodka on a Friday night. These places have been ignored for too long and this neglect makes them fertile territory for criminals. Better-resourced agencies, properly trained police and stronger laws around child abuse are just the beginning. Only when we start strengthening communities, building people's confidence and giving marginalised kids a proper future can we finally say we are delivering on child protection.'

Nina Kennedy

‘Trial of the century’ is no soft soap affair

The People v OJ Simpson: American Crime Story
FX/BBC2; DVD

Spoiler alert – they found him not guilty. ‘If the glove don’t fit, you must acquit’.

This TV series (of ten hour-long episodes) revolves around the infamous OJ Simpson murder case in Los Angeles in the mid-1990s – the most talked about, most written about, most argued about, most polarising American trial ever. If you missed it earlier this year on BBC2 it is out now on DVD.

I must admit I groaned at the thought of this, especially when I heard that Ross from *Friends* and John Travolta would be among the leading actors. I remained unconvinced as I reluctantly watched the first episode but was hooked by the second.

Widely acclaimed for most of the performances, directing and writing it has scooped up Emmy, Golden Globe and Bafta Awards aplenty. Cuba Gooding Jr plays the former American football star and actor ‘the juice’ and Sarah Paulson is superb as prosecuting lawyer Marcia Clark. Even Travolta is pretty good as defense attorney Robert Shapiro.

Unbelievably, despite the blood trails, OJ’s DNA everywhere and the previous 62 recorded incidents of domestic abuse, the jury found Simpson not guilty of the murder of his ex-wife Nicole and her friend Ron Goldman.

That’s because Simpson’s wealth allows him to bring together a ‘dream team’ of experienced and influential defence lawyers with both the resources and ability to challenge any submissions and assertions made by the prosecution. For the vast majority of blacks, Hispanics and working class whites who find themselves on the receiving end of the LA police department there is no such luxury.

The first episode starts a couple of years before the murders with the brutal beating by the LAPD of Rodney King, firmly putting the trial into the context of a city full of anger and divided by race.

Then come the tragic murders. It’s unimaginable now that tens of LAPD officers could be running around a neighbourhood, as they did on the night of Nicole Simpson’s murder, without it being broadcasted live – but this was long before smartphones and social media.

The police tries to serve a warrant for the arrest of OJ, only to find that he and a friend (who was also a former football player) have escaped in a white Ford Bronco. Twenty police cars and lots of helicopters take off in hot pursuit on LA’s Interstate 405. The slow-speed pursuit of the Bronco is played out on live television. Simpson later surrenders to police.

As each episode unfolds it rapidly becomes clear that this series is not your typical procedural court room drama (although the court room scenes are skilfully presented, tense theatrical affairs) but rather it is an intelligent examination of the complex relationships between racism, sexism and domestic violence in American society with particular focus on the media, law enforcement agencies and the justice system, and although the events depicted occurred over 20 years ago the issues explored here retain their relevance and still resonate.

The role of the jury in the American justice system is fascinatingly explored, such as the selection process, where both the prosecution and defence use focus groups to try and second-guess the attitudes and possible final decision of each juror, as they attempt to manipulate the verdict. Then there is the episode focusing on the jurors themselves, as their confinement and isolation begins to take its toll. The trial lasted such a long time yet the jury, predominantly female and non-white from downtown LA reached a verdict after just a few hours of deliberation.

Cuba Gooding Jr plays former American football star and actor ‘the juice’.

It was a media circus from beginning to end.

David (‘Ross’) Schwimmer plays OJ’s pal Robert Kardashian. Recognise that surname? The room at his house, where OJ is seen holding a gun to his own head before changing his mind and taking the Bronco for a spin?

Sarah Paulson is superb as prosecutor Marcia Clark.

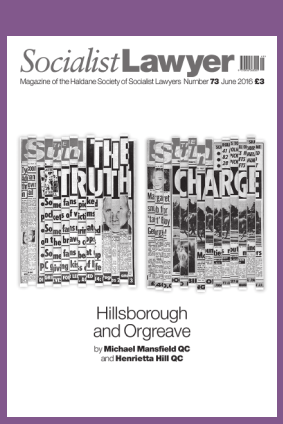
That’s young Kim Kardashian’s bedroom. I am not making this up.

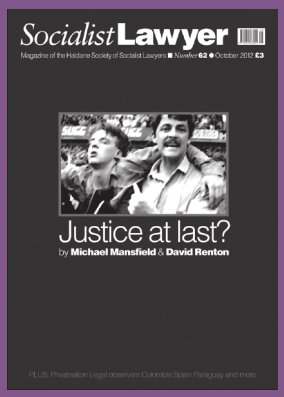
The trial was airing on live television across the US, so the announcement of the verdict became a nationally shared experience, similar to the assassination of John F Kennedy or the moon landings. So when the show flashes to the coverage of the case being broadcast in Times Square, it is absolutely accurate. People even leaned out of their office windows and taxi drivers stepped out of their cars to watch what was happening.

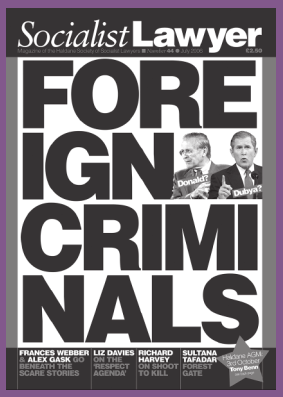
Across the west coast, the LAPD was prepared for the worst, still vividly remembering the 1992 King riots when 53 people died. But the 24-hour news media, which had come of age during the ‘trial of the century’ was just as prepared. NBC had forty camera crews ready to roll for reaction to the verdict and ABC had assigned four producers to each juror.

It beautifully and concisely portrays the racism, sexism, police corruption, celebrity dazzle and mid-1990s attitudes. Without directly mentioning them, the creators evoke the Cosby scandal and Black Lives Matter, the debate about Hillary Clinton’s ‘likeability’ and Obama’s legacy, the rise of reality TV and the expansion of cable news.

Fred Addison







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