Socialist Lawyer

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Haldane Society of Socialist Lawyers

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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

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Perversity of British 'law and order'

According to Herodotus, the Scythians enjoyed the intoxicating effects of *Cannabis Sativa* by throwing its seed on hot stones during their saunas: 'immediately it smokes, and gives out such a vapour as no Grecian vapour-bath can exceed; the Scyths, delighted, shout for joy...'

A mere 2,461 years later, municipal and national governments around the world are backtracking on official disapproval of using hemp for pleasure. On 31st March 2021, New York legalised its recreational use with the Marijuana Regulation & Taxation Act. As explained by the newly formed 'Office of Cannabis Management', the reform is upheld by three pillars: social justice, public health and economic development. Meanwhile, Mexico is set to become weed's largest market as legalisation is debated in the senate with hopes that a bill will be passed before the end of the year. A string of supreme court rulings over the last six years have found its prohibition an unconstitutional affront to personal autonomy.

In the grand scheme of human history, official condemnation of recreational drug-use is a recent development. At pages 40-47, we interrogate two legal instruments of particular relevance. Following the Haldane Society's event marking the occasion on 30th March, I report on the 60th anniversary of the Single Convention on Narcotic Drugs, international law's embodiment of the war on drugs. We then have the privilege of publishing a piece marking the 50th anniversary of the UK's Misuse of Drugs Act from Niamh Eastwood, Executive Director of *Release*, the UK's premier expert advocacy group for drug reform.

In February this year, the Metropolitan police carried out over 25,000 stop and searches, 67.8 per cent of which were premised on the Misuse of Drugs Act. This pattern has not changed at all significantly since Theresa May (then acting as Home Secretary) told police forces to start publishing their statistics on stop and search under the 'Best Use of Stop and Search' scheme in 2014. She promised that primary legislation would be enacted if practice did not improve as research, case law and public pressure demonstrated that it was 'unfair' and 'a waste of police time'. Yet, the numbers have not significantly decreased, they have been consistently weighted against racialised communities, and the majority of those stop and searches lead to no further action. Whilst this should no longer be news, it remains a shocking indication of what society considers police time is worth spent pursuing. If New York and Mexico are catching up with rationality in 2021, how long before we can?

Beyond drug reform, this edition of *SL* continues the Haldane Society's tireless efforts in highlighting the perversity of British 'law and order': whilst recreational drug use continues to receive an astonishing amount of police attention, myths and stereotypes still pervade the prosecution of sexual offences (Grace Cowell interviews Kate Ellis of the Centre for Women's Justice at pages 4-7); the penal system dovetails with our border regime to inflict cruelty on those who do not deserve it (Charlotte McLean reports at page 8); the government's purportedly independent review of Prevent gets underway with a suspect idealogue at the helm (Saleh Mamon writes at pages 17-18); and we take time to document the victories of the Stansted 15 and the Shrewsbury pickets, as late as they may be (pages 20-24 and 38-39 respectively).

SL#87 covers much else in addition, including international despatches to remind us that the fight against such perversities is borderless. Speaking at our event on 30th March, Dr Christopher Hallam commented on the nature of the drug reform: it is difficult to envisage a fully inclusive, harm reductive and reparative system 'when everything else in society is governed like shit'. True progress on one front requires that the struggle be kept up on many. Thanks to all our contributors for documenting how this is done.

Joe Latimer socialistlawyer@haldane.org

‘David and Goliath’ judicial review brought against CPS over rape and sexual assault

Readers may be aware of the Crown Prosecution Service’s (CPS) ‘Full Code Test’ when deciding whether to charge an offence. The evidential limb of this test reads: ‘Crown Prosecutors must be satisfied there is enough evidence to provide a “realistic prospect of conviction” against each defendant’ (The Code for Crown Prosecutors, see *www.cps.gov.uk/publication/code-crown-prosecutors*).

Prosecutions of rape and sexual assault are notoriously fraught, partly due to the impact of rape myths and stereotypes. These are commonly held but incorrect beliefs and prejudices concerning rape, for example about how someone may behave after being raped. Rape myths disproportionately impact people who face additional barriers to justice. This includes people who don’t conform to heteronormative stereotypes, people from Black, Brown, Racialised and migrant communities, those from disadvantaged class backgrounds and people with mental health difficulties.

These beliefs are prevalent and the legal system is not exempt. In January 2020 in the case of *ReH v F* [2020] EWHC 86 (Fam), an appeal overturned the decision of HHJToulson QC, the Designated Family Judge and the Central Family Court. The initial judgment espoused the rape myth ‘that a complainant must and should physically resist penetration, in order to establish a lack of consent’ (Para 37).

To mitigate the insidious influence of rape myths on CPS charging decisions, the ‘merits-based’ approach (MBA) was introduced. This approach comprises a set of principles that live within the ‘full-code test’. The MBA does not and never did replace the full-code test, rather it is supplementary, necessary because of the biases which affect rape charging decisions.

In Summer 2018 the End Violence Against Women and Girls Coalition (EVAW), represented by the Centre for Women’s Justice (CWJ), launched a historic, ‘David and Goliath’ Judicial Review of the Crown Prosecution Service’s policy on rape charging decisions. The basis for the litigation was the CPS’ quiet withdrawal of the MBA. The CPS initially denied any knowledge of the removal of the approach. After a damning disclosure exercise, the CPS appeared to partially accept that there was a change in the approach, however argued that this was not a policy change, rather a ‘corrective’ measure due to fears of overcharging rape and sexual assault. When this is contextualised against the attrition rate of rape cases (that being the rate at which cases are funnelled out of the legal system from the decision to report the crime to conviction), the poorly evidenced speculation of overcharging is wholly rejected. The most recent comprehensive study of attrition found that only 5.6 per cent of reported rapes ended in conviction.

The litigation was partially successful, impacting existing policy, the CPS’ engagement with sexual violence services and generating public awareness of crucial issues associated with rape and the criminal justice system, despite the Court of Appeal ultimately ruling in favour of the CPS in March 2021.

I (**GC**)spoke to Kate Ellis (**KE**)of the Centre for Women’s Justice, and I started by asking her: how does the MBA operate?

KE: ‘In the case of *FB v DPP* [2009] EWHC 106, the High Court considered two competing approaches of the CPS to the evidential test when making a charging decision: (i) the predictive approach, which considers the likelihood or odds of whether a jury would convict, from the prosecutor’s experience of prosecuting similar cases, and (ii) the MBA , where it does not try to predict the jury’s decision but charges on the merits of a particular case, e.g. a credible account from victim. The High Court found that it was important that the prosecutor should always apply the MBA approach, focussing objectively on the evidence in the case, considering an objective and impartial jury.’

GC: *Why is it important to apply the MBA?*

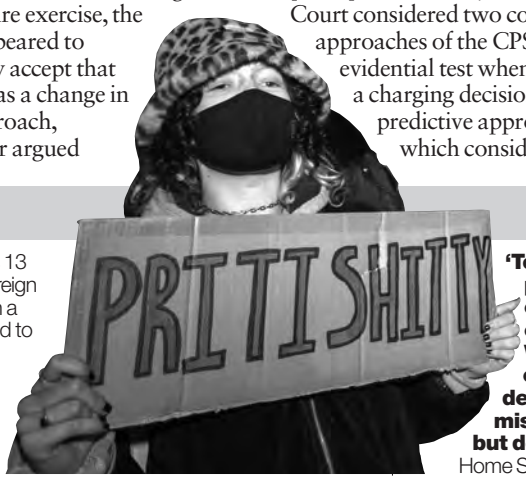
KE: The predictive approach can assume jurors subscribe to rape myths, and thereby perpetuate rape myths further by only prosecuting the ‘perfect’ case. The

Women are angry. The most recent study has

December

1: Landmark High Court ruling concludes under-16s are unlikely to be mature enough to give informed consent to be prescribed puberty-blocking drugs, in effect curtailing medical intervention for under-16s with gender dysphoria.

2: Home Office deports 13 men it called ‘serious foreign criminals’ to Jamaica on a flight on which it intended to include as many as 50 Jamaican nationals, but most were reprieved after lawyers showed they were victims of modern slavery.



‘To see ill-informed Labour politicians and do-gooding celebrities attempting to conflate the victims of Windrush with these vile criminals set for deportation is not only misjudged and upsetting but deeply offensive.’
Home Secretary Priti Patel

‘She hasn’t taken the time to meet with us or speak with us. How can she know what’s deeply offensive for us?’ Windrush victim Glenda Caesar

Pictures: Jess Hurd / reportdigital.co.uk

shown that only 5.6 per cent of reported rapes end in conviction.

MBA is aware of rape myths and doesn't simply reassert the full-code test but provides a practical approach for prosecutors to take when considering the evidence. In lots of cases, it would not make much difference, but in a lot of cases like date rape cases, if prosecutors always considered "what is my experience with these types of cases" they would be routinely dropping those types of cases which would have a disastrous chilling effect.

Training and guidance on the MBA also arose from the recognition that victims from some backgrounds were facing additional barriers to justice – including transgender and non-binary people or working-class child victims of grooming with complex backgrounds. For these children, many complaints of abuse had not been pursued partly because police and prosecutors deemed that they might not be considered "credible" witnesses, and their behaviour might not be understood or accepted by a jury.

'Rape myths disproportionately impact people who face additional barriers to justice, including people who don't conform to heteronormative stereotypes.'

GC: *How and when did the CPS incorporate the MBA?*

KE: After the case of FB in 2009, under Keir Starmer's tenure as Director of Public Prosecutions (DPP), the CPS decided to embed the MBA in all of its guidance for rape and serious sexual offences. The CPS started introducing it as routine training. DPP Alison Saunders also implemented the MBA, up until 2016. To her it was initially important that the CPS was seen not applying stereotypes and myths. There was detailed primary guidance on the MBA and a widespread feeling that the CPS had really taken on board a lot of feedback that it had received from women's organisations since 2009 or going back even earlier, and a drive to have watertight training for prosecutors.

GC: *What sparked the judicial review?*

KE: As noted in the judgment, 'there was a significant decline in the volume and percentage of rape allegations which led to a charge in 2017/18, in 2018/19 and in 2019/20. That fall is worrying, especially since the reporting of rape allegations has increased greatly during that time,' *Ibid* Para 20.

In Summer 2016 four rape or serious sexual assault cases went to trial and resulted in acquittal. There was adverse tabloid publicity to the effect the CPS was overcharging rape. This led to the removal of the MBA. The judicial review was brought to attempt to prove that there had been a change in policy at the CPS, to remove the MBA, coupled with a drive to increase conviction rates. The CPS initially denied any knowledge of the removal of the MBA and later accepted the removal but denied that this was a change in policy.

GC: *How did you attempt to prove that there had been a change in policy?*

KE: In 2016 and 2017 a number of steps were taken by senior management at CPS to remove the MBA. There were concerns that prosecutors had become more risk averse, across the CPS. In 2018 a whistleblower began sharing concerns with the EVAW coalition regarding the removal of the MBA.

The term 'merits-based approach' was excised from training materials and guidance. The MBA legal guidance was removed from the CPS internal and external websites on 3rd November 2017. The references to the MBA in the RASSO Guidance and Child Sex Abuse Guidelines were removed on 22nd November 2017.

The whistleblower worked with CWJ from early on in the process. We used anecdotal evidence, gathering case studies which showed an application of the predictive approach of charging: for example, in one case where someone had been raped at gunpoint by an acquaintance, they had admitted to trying drugs socially, and had issues around anxiety and depression. The CPS decided not to charge due to the perceived impact of this on the complainant's credibility and reliability, despite the suspect making admissions that they had drawn out the gun before the 'sexual intercourse'. In the end, however most of the most useful evidence in support of our case came from CPS itself in disclosure.

GC: *What did you discover during the judicial review?* >>>

15: More asylum seekers die in Home Office care than in crossing the English Channel, with 29 people dying in government accommodation so far this year [2020], five times as many who lost their lives on perilous small-boat crossings over the same period.

7: Four families of dead children, whose identities were stolen by undercover police officers, have launched legal action against the Met over their resulting trauma. At least 42 undercover cops created fake personas, 'assuming squatters' rights over the unfortunate's identity', as one wrote for their handbook.

24%
Reduction in funding for justice in real terms between 2010 and 2019.

14: Researchers at the University of Oxford can now use artificial intelligence (AI) to explore judicial cases after the British and Irish Legal Information Institute (BAILII) granted the AI for English Law research team access to a dataset of more than 400,000 searchable judicial decisions.

16: Judgment by the Investigatory Powers Tribunal says that MI6 and GCHQ may have authorised informants to commit crimes within the UK and raised the question 'whether that conduct was lawful'. MI6 appears to be operating the policy despite parliament having only given the spy agency powers to break the law overseas.

'David and Goliath' judicial review brought against CPS

>>> KE: The CPS was not forthcoming at all, despite being a public body with a duty of candour. One of the grounds of the judicial review was that the CPS had breached their duty of transparency. Their management of the litigation supported this ground.

At a late stage in proceedings, we found that Sarah Crew, the National Lead for Adult Sexual Offences for the National Police Chiefs Council, had written privately to DPP Max Hill. Ms Crew drew his attention to a large number of cases where decision-making seemed to show a move away from the MBA, showing that other erroneous factors had been taken into account, and expressing her concerns. Ms Crew has also spoken out publicly about her concerns in *The Guardian* newspaper.

The CPS ended up having to admit that they had tried to steer prosecutors away from the MBA; however it was justified, they said, by concerns that prosecutors were overcharging. But the evidence of overcharging that they cited was unimpressive: they primarily relied upon a single inspection, involving a very small sample of cases from some years previously, from which it was concluded that the MBA was being occasionally misinterpreted or misapplied. The inspectors who had carried out that inspection had in fact recommended that prosecutors receive more training on the MBA to ensure that they applied it correctly – they did not recommend that the MBA be withdrawn altogether.

Meanwhile, we had been able to refer to a series of reports over a number of years, all indicating that the training and guidance on the MBA remained effective, and in fact vital, in order to address common misconceptions on the part of prosecutors and ensure that they were not missing opportunities to prosecute cases successfully. A number of those reports also found that if conviction rates for sexual offences were low, there might be other reasons for this than simply that prosecutors were charging too many weak cases – including, for example, issues around the quality of trial advocacy in some cases.

One of the most troubling aspects of the decision to remove the MBA was that there was no consultation with women's groups. A key piece of disclosure was an internal communication by the Director of Legal Services from 2016, acknowledging that the removal of the MBA would likely be met with public concern by stakeholders, and that any "communication" around this would need to be very carefully managed. In the end it seems, they decided not to communicate it to stakeholders at all.

GC: *What was the CPS' position at trial?*

KE: After accepting that the MBA had in fact been excised, the CPS argued that it had been applied over-vigorously. They suggested that the full-code test was sufficient.

GC: *How did the Court of Appeal rule?*

The Court of Appeal ruled in favour of the CPS, holding that the removal of the MBA was not unlawful and that the amendments reinforced the correct test to be applied: 'the full-code test'.

GC: *What is your response to the judgment?*

KE: Judgment was released in an extraordinary week: one week after International Women's Day, and in the midst of the national outcry that followed Sarah Everard's death. It felt as if everyone was concerned about the police's response to violence against women and girls (VAWG), either within its ranks or outside, and women feeling silenced when they sought to protest. It felt particularly tone-deaf. The suggestion that there can be nothing unlawful about the CPS failing to bring suspects to justice on such a massive scale, to whatever extent you agree with court's analysis, didn't feel right.

The suggestion that the CPS were overcharging in 2016 and that a subsequent decline of over 50 per cent in rape prosecutions was merely a corrective measure … when we have seen such a collapse in the rate of prosecutions, feels complacent.

This was not a political challenge, rather a public law challenge regarding bad decisions made by public authorities without a proper evidence base, being properly tested or consulted on.

Most importantly, the MBA guidance was initially introduced due to the effect of rape myths on charging decisions. The subsequent drop in prosecutions after the MBA was removed is concerning.

There was further an extraordinary lack of transparency from the CPS. However the court felt about the substance of the litigation, the fact that the CPS had been so resistant to revealing their

Pictures: Jess Hurd / reportdigital.co.uk

There is a real sense that the authorities are not

December

16: Supreme Court overturns a judgment made in February 2020 that a third runway at Heathrow airport was illegal, meaning the project can now seek planning permission. The original ruling was the first in the world to be based on the Paris climate agreement.

16: Greater Manchester Police to be placed in special measures after inspectors expressed 'serious cause for concern' after failing to record a fifth of all reported crimes, over 80,000, up to the end of June 2020.

18: US Department of Justice files a civil lawsuit against Walmart alleging that the company 'unlawfully dispensed controlled substances from pharmacies it operated across the country', alleging this unlawful conduct resulted in hundreds of thousands of violations of the Controlled Substances Act and seeks civil penalties which could total billions of dollars. Note, Walmart faces civil penalties, but no criminal charges.

20: CPS has told Harry Dunn's parents it will continue to pursue the prosecution of their son's alleged killer, despite the High Court ruling that Anne Sacoolas had diplomatic immunity.

responding to sexual violence and harassment.

change in guidance, and the reasons for it, is very concerning. It is accepted that this was policy guidance for prosecutors and can be subject to change, however it has been published for a long time. The CPS has previously chosen to be transparent and recognises that it has duty of transparency about the way it prosecutes offences.

GC: *Has there been any remedy to the initial grounds for the judicial review?*

KE: Despite the ruling in favour of the CPS, the judicial review has been successful to an extent by putting the CPS under pressure. In October 2020 the CPS quietly reintroduced much of the guidance which had been removed. Some of that guidance has actually been reinstated, word for word.

The CPS have also engaged with women's groups around the need for improved outcomes: certainly, they have been consulting in relation to their "RASSO 2025" strategy, and we are assured by the EVAW Coalition that they have some good relationships with senior policy staff at the CPS.

Finally, we felt we had won in the court of public opinion. There was a significant amount of support, public scrutiny and concern generated by this case, particularly about the decline in prosecution rates. We do believe the CPS has felt this and been responsive, as evidenced in the reinstitution of much of the guidance, formulation of a new strategy and production of an enormous set of new guidance for prosecutors on recognising and avoiding rape myths and stereotypes, as part of their RASSO 2025 strategy.

GC: *Would you bring this challenge again?*

KE: I think in 2021 more than ever there is a real sense of collective responsibility to address violence against women and girls, and a profound feeling of anger, that authorities are not responding to, or are not properly equipped to respond to, sexual violence and harassment. This was a challenge worth bringing and we would do it again. Judicial review is a crucial tool to monitor public authorities where transparency is lacking. I hope that CWJ can serve as a "watchdog" as regards changes in state policy that affects women and girls and that it will always respond to concerns of systemic failings about violence against women and girls that may amount to illegality.

Grace Cowell

Justice for Pat Finucane: the fight continues

On 22nd December 2020, the Haldane Society was glad to host a panel discussion posing a vital question: 'Is the British State Still Colluding in the Murder of Pat Finucane?' Short answer: yes.

Pat Finucane was an Irish solicitor who was assassinated by loyalist paramilitaries in 1989. This came just a few weeks after Douglas Hogg MP, a member of the Thatcher cabinet, said that some lawyers in the north of Ireland were 'too sympathetic' to their clients. His murder was undoubtedly because of his provision of legal representation to members of the IRA.

Finucane's family and supporters have been continuously campaigning for an inquiry into his murder and the role that the British State had to play in it ever since. In November 2020 Brandon Lewis, Secretary of State for Northern Ireland, announced that there will not be a public inquiry 'at this time'. Lewis was responding to the Supreme Court Judgement of February 2019 which found that the UK was failing to uphold its Article 2 ECHR obligations to investigate state-caused deaths (*In the matter of an application by Geraldine Finucane for Judicial Review (Northern Ireland)* [2019] UKSC 7).

Peter Madden, Finucane's colleague, and comrade in the Belfast-based law firm Madden and Finucane; and Richard Harvey, a London-based barrister and Vice-Chair of the Haldane Society, who worked with and knew Pat Finucane; discussed Finucane's life and work and the arduous and continuing journey in seeking a full public inquiry into his death. We were honoured to have Pat Finucane's son, Michael Finucane, speak about why he and his family continue in their battle. His father's murder remains important, not just for them, but because it is a prime example of why state accountability is paramount. It also provides solid evidence for arguing against allowing covert intelligence agents to commit crimes in the name of what some people would define as justice. The full talk is available on our YouTube channel.

Margo Munro Kerr

22: Home Office accused of lack of transparency after repeatedly declining to provide breakdowns of deportations under the 2007 UK Borders Act by nationality. Government claims to do so was 'likely to prejudice diplomatic relations between the UK and a foreign government'.

Nearly nine out of 10 children

held in custody on remand in London between July and September 2020 were from a black, Asian or minority ethnic background, according to statistics released after FOIs.

'Discrimination perpetuates even with children who have not been convicted.'
Penelope Gibbs, director of Transform Justice

22: Good Law Project files claim against Health Secretary Matt Hancock accusing the government of operating an illegal 'Buy British' policy when it signed contracts worth up to £80m with a small UK firm (Abingdon Health) to supply Covid anti-body tests without going out to tender, when other companies were in a better position to supply tests.

30: Argentina becomes the largest Latin American country to legalise abortion after its senate approved the historic law change, the result of five years of mass protest marches by the country's grassroots women's movement.

Ain't no place like the Home Office

In light of the devastating treatment of Shamima Begum, the Windrush scandal, and the hostile environment, the racist policing of who can call Britain 'home' is an issue which has received particular attention in recent years.

These are the stories that have hit the headlines, and rightly caused public outcry (and, very occasionally, policy change). However, every day, the immigration and criminal justice systems work together to inflict countless injustices which enforce a narrow and deeply prejudiced concept of who truly 'belongs' in Britain.

Take, for example, the case of AM, the disturbing treatment of whom is documented in an Upper Tribunal decision. AM came to Britain when he was only 10 years old. He was recognised, along with his mother and siblings, as a refugee almost six years later. Delays of this nature, which are all too common in the immigration system, leave people in limbo, unable to begin to truly settle, unable to find work, and dependent on asylum support that forces people into poverty.

AM was first convicted of a crime when he was still a child, at sixteen years old. Following further convictions, culminating in a five years and six months sentence for a violent offence at the age of 25, the Secretary of State for the Home Office Department (the "SSHD") sought to revoke AM's refugee status and deport him. The SSHD relied on section 72 of the Nationality, Immigration and Asylum Act 2002 (the "Act") and Article 33(2) of the Refugee Convention. Under the Convention, the prohibition against refoulement may not apply to refugees for 'whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country'. Section 72 of the Act defines what particularly serious crimes are, including a presumption that a sentence to a period of imprisonment of two years or over in the UK meets the Article 33(2) threshold.

The SSHD sought to use this provision to return AM to a country he had not lived in since he was 10 years old, and in which he faced real risk of persecution.

AM was then subject to a string of procedural failures by the Home Office, including a failure to regard country expert evidence or a UNHCR opinion, a failure to consider the risk of AM on 'return' to a country he left as a child, a total lack of consideration of AM's article 3 EHCR claim and an incomplete assessment of AM's article 8 ECHR claim. The Upper Tribunal also found that the SSHD's assessment of section 72 was erroneous, as AM displayed remorse for his actions, had managed to get clean from drug use, had worked hard to move away from his associations, and had been a model prisoner.

'The system inflicts countless injustices, enforcing a narrow and deeply prejudiced concept of who truly "belongs" in Britain.'

Pictures: Jess Hurd / reportdigital.co.uk

The immigration system polices who can stay in the UK and who 'belongs'.

There are more disturbing takeaways from this short Upper Tribunal report than there is space in this report to cover, but at least a few of the key ones are detailed below. Firstly, refugees who arrive in Britain as children are at risk of being 'returned' to a country they may have few or no memories of or connections to. This is as grossly unjust as it is absurd. Further, for those who do come to Britain as children, with possibly no memories of life in any other country, their ability to call this island 'home' is dependent on no criminal convictions. For those lucky enough to have grown up with only a British passport, like myself, no such sword hangs over our heads. I would only be punished once if I were to commit a crime, whereas people like AM are at risk of being punished by the criminal justice system, and then punished again by the immigration system. Further, the current system takes no responsibility for the people who came here as children, and then go onto offend. Once a refugee has a 'serious' enough criminal record, they are treated as a problem to be dealt with by another country.

January

6: After rejecting a US request to extradite Julian Assange, Judge Vanessa Baraitser refuses him bail, saying Assange had 'an incentive to abscond' (despite the fact that he would be living with his partner and children and be wearing an ankle tag). She also said that 'the US must be allowed to challenge my decision'.

8: Over 1,000 people who took part in direct action organised by Extinction Rebellion are being taken to court, with many expected to travel to London during a pandemic and with courts facing massive backlog.

53,000 **number of outstanding crown court cases**

400,000 **number of outstanding magistrates court cases**

'World-class justice system'
Government boast

12: Over 200 people protested outside Cardiff Bay police station over the death of Mohamud Mohammed Hassan, who after being arrested on the Friday evening was released without charge the next morning at 8.30am. He died a few hours later, with 'lots of wounds and bruises on his body'.

This is almost always another country with fewer resources and support networks to undertake the important and necessary work involved in rehabilitating and supporting people after a period of incarceration.

Cases such as these also expose the fundamental failure of the criminal justice system to actually keep the public safe or to provide appropriate reform and rehabilitation. The fact the SSHD wants to deport people following their sentence, supposedly for public safety, is an explicit acknowledgement that the criminal justice system does not work. In addition, the litany of incompetent decisions made by the Home Office, on matters of the utmost importance to the individual, are as enraging as they are familiar. This is reflective of a culture of dismissive incredulity and lack of compassion, which depends on the depressing fact that there are countless individuals who will not be able to seek appropriate legal representation to properly fight their case. Finally, and horrifically, stories such as AM's are far too common.

As campaigning against the government's New Plan for Immigration steps up, we must remember that the immigration and criminal justice systems are inextricably linked. Further, we must also remember that the immigration system not only polices who can come into the UK initially, it also polices the sense of belonging of so many of those in our communities who arrived here as children and think of the UK as home. This conditionality is a rank injustice which must be changed.

Charlotte McLean

British parliament flirts with sex work regulation

The UK Parliament has recently attempted to introduce legislation that would criminalise the purchase of sex, and close down online advertising and sex worker support spaces.

This has led to an outcry from the decriminalisation movement but has been heavily supported by proponents of the 'Nordic model'. Interestingly, both models believe that the current UK framework for sex work is not fit for purpose but have different ideas about how the law should change. What are the arguments behind the two opposing trains of thought on how to tackle prostitution, and its ugly stepsisters – human trafficking and violence against women?

The Nordic model seeks to end demand by punishing the buyer because it is their money and usage which encourage and perpetrate sex work, and any human rights abuses within it. The Nordic Model makes a robust argument – calling for sex purchasers to face criminal charges rather than arresting sex workers themselves, along with funding for services for women to exit the sex industry. It has been eagerly adopted by many governments who wish to look progressive, including Norway, Sweden, Iceland, France, Israel, Canada and Northern Ireland. However, research consistently shows that this approach pushes sex work underground, ultimately undermining safety and leading to an increased murder rate.

The decriminalisation argument is spearheaded in the UK by Decrim Now, a collective of sex workers, trade unionists and activists. This would allow sex workers to pursue employment as they see fit, leading to harm reduction, stronger employment rights and safer conditions. Furthermore, once workers have the right to sell their services they will be able to utilise the health, justice and police systems without fear of criminal sanctions, thus benefiting society at large. Whilst the decriminalisation approach currently only operates in three places; New Zealand and the Australian territories of New South Wales and the Northern Territory; it is supported by Amnesty International, the World Health Organization and the Global Alliance against Traffic in Women.

MP Diana Johnson has been pushing for change recently with efforts to introduce the criminalisation of the purchase of sex and the websites where sex workers advertise. In December 2020 she introduced a Ten Minute Rule Bill but it was abandoned after failing to make it past a second reading. However, she continues to introduce Nordic model-style legislation via proposed amendments to the controversial Police, Crime, Sentencing and Courts Bill.

Both attempts bear strong similarities to the notorious 'Stop Enabling Sex Traffickers Act' and 'Allow States and Victims to Fight Online Sex Trafficking Acts' introduced in the USA in 2018. Their stated goal was to reduce human trafficking by amending s.230 of the Communications Decency Act. This led to widespread internet censorship by companies fearful of civil and criminal liability, further endangering workers by pushing them onto the streets.

In response to Johnson's continued attempts, Decrim Now launched an open letter on 11th April 2021. Signed by over 150 signatories, including GMB, Amnesty, Liberty, Stonewall and the Haldane Society; it highlights the momentum and consensus building that is currently taking place. Whether they will be successful in their efforts to force the UK government to take an evidence-based approach to the sex industry remains to be seen.

Billy Laser

Note: Check out Billy's podcast, 'Legally Feminist' online and via Spotify.

12: Northern Ireland's police Chief Constable Simon Byrne apologises over the handling of Black Lives Matters protests in Belfast and Derry during the lockdown, when police issued up to 70 people with £60 fines at the two demos.

12: Over 350 asylum seekers at the Napier barracks in Kent are on hunger strike in protest at the lack of information on their asylum claims and the impact of overcrowding on their risk of catching Covid-19 as well as poor hygiene and worsening conditions.

'Deeply offensive'

How Home Secretary Priti Patel described the fire which broke out at Napier Barracks refugees camp, blaming the asylum seekers.

£1bn

How much Clearsprings – the company that runs Napier – is set to grab from government contracts over the next ten years.

12: Four French environmental groups bring legal case against their government for their failure to halt the climate crisis, following an online petition signed by 2.3 million people.

'There is a crack in everything, that's how the light gets in'

Since August 2016, the Legal Centre Lesvos has provided access to legal information, assistance and representation to migrants arriving by sea to the Greek island of Lesvos.

The Legal Centre also works towards structural change as part of movements resisting Europe's border imperialism on many fronts, including through advocacy and strategic litigation. Core to its work is an open door policy, so everyone who wants it can access legal information about the violent and labyrinthine procedures people are subject to in making claims for international protection. It assists with preparation for first asylum interviews, appeals, evidence gathering for second applications, referrals for medical or psychological assistance or housing, among other services, and Dublin family reunification applications.

It also defends those charged with crimes with a political motivation, such as the Moria 35 in 2018, or the Moria 6, teenagers charged with arson, endangering human life and membership of a criminal organisation following the fires that destroyed Moria camp in September 2020, two of whom were convicted in March 2021 despite a lack of any credible evidence against them.

The Legal Centre also produces reports on systemic issues, including two large scale reports on collective expulsions in the Aegean Sea in the last year, and files strategic cases. In April 2021, the Legal Centre filed an application against Greece in the European Court of Human Rights (ECtHR) regarding a massive pushback operation perpetrated by Greek authorities in October 2020 against approximately 200 migrants over 500km from Greek territorial waters near Crete to Turkish waters. In addition, the Legal Centre engages with and supports migrant-led resistance and other political organising, demonstrations and actions on the island.

A success

The Legal Centre Lesvos sees many defeats and much grief and anger. But there are successes too. One such success followed a series of applications for interim measures filed at the ECtHR to transfer individuals off the island to the mainland.

Why is this so significant?

For migrants who have reached Lesvos wanting to seek asylum in Europe, getting from Lesvos to the mainland is almost impossible unless refugee status is granted. The island has been used as an open-air prison and holding zone for migrants seeking to cross from Turkey to the European mainland since the EU-Turkey Deal in March 2016. The COVID-19 related regulations are used in a racist manner to further restrict the freedom of all migrants, and have been used to justify failure to transfer to the mainland, as the law mandates, of 'vulnerable persons or persons who need special reception conditions' who 'cannot be provided with appropriate support' on the island – despite the fact that the restrictions contain clear exceptions for medical care and Greek and EU nationals have been travelling to the mainland in this way. The restrictions trapping migrants in Lesvos therefore currently affect two groups most drastically. These are Syrians and those requiring medical treatment not available on the island.

Syrians

The EU-Turkey Deal allows the European and Greek Asylum services to refuse Syrian asylum applications on the Greek islands as inadmissible if they have passed through Turkey, because Turkey is deemed to be a safe third country to which they can be returned.

This is a politically motivated fallacy: Turkey simply is not safe for Syrians. Unlawful deportations of Syrians from Turkey to Syria have been widely documented. They are justified chiefly in two ways. Firstly through laws allowing deportation on criminal charge, not conviction. This includes vague charges of relations to a terrorist organisation, in practice applicable to almost anyone of Kurdish ethnicity. Secondly, through the authorities forcing individuals to sign voluntary deportation agreements, often through threats or physical abuse, and often via ongoing raids on Syrian neighbourhoods in major Turkish cities.

If, on the other hand, an application for international protection is made by a Syrian national on the Greek mainland or in any other European country, the admissibility criteria are not applied and the substantive claim for asylum is examined. As such, it is

January

18: An associate of Trump lawyer Rudy Guiliani told a former CIA officer that a presidential pardon was 'going to cost $2m', as lobbyists sought pardons on behalf of fee-paying clients. It is not illegal in the US to do so.

20: Business Secretary Kwasi Kwarteng confirms a review of how EU employment rights could be changed after Brexit, after consulting 'business leaders' on the rules, including the working time directive, which sets a maximum 48-hour week.

'The British are amongst the worst idlers in the world. The UK should cut the burden of employment regulation'
Kwasi Kwarteng in the 2012 pamphlet *Britannia Unchained*.

25: The Colston Four, charged with criminal damage for the toppling of the statue of slave trader Edward Colston in Bristol on 7th June last year have opted to be tried before a judge and jury.

25: A French court is set to hear a landmark case against more than a dozen companies that supplied the US with the notorious chemical Agent Orange during the Vietnam War. Tran To Nga, a 78-year-old French-Vietnamese woman accuses the chemical firms (including Monsanto and Dow Chemical) of causing harm to her and her children.

crucial that Syrians reach the mainland. If a Syrian claims asylum on one of the Greek 'hotspot' islands, her application will almost certainly be refused. If she claims asylum on the mainland, it is almost certain that she will be accepted, given the ongoing conflict in Syria.

Medical Treatment

The second group most terribly affected by confinement on Lesvos is those requiring urgent medical treatment which they are unable to access on the islands. Many people living in the camp are very sick. A Medecins sans Frontières submission to the United Nations Committee Against Torture in June 2019 stated that migrants in Lesvos suffer not only the 'physical and mental health consequences of chronic overcrowding, lack of access to hygiene and appropriate shelter, but also the deterioration of their medical and mental health conditions due to the traumatizing experience of living in Moria camp, compounded by their pre-existing trauma from their country of origin and their journey to Europe.'

Medical facilities on the island are limited and overstretched. Many migrants are given doctor's referrals saying that they need to be transferred to the mainland for treatment. However, even with such a referral, getting transferred remains extremely rare. Transfers were being facilitated on a limited basis by the UNHCR. In 2020 the estimated wait time for 'emergency medical transfers' was eight months. However in January 2021 competency for transfers was handed over to the Greek authorities.

What did the Legal Centre do?

The Legal Centre tries differing legal approaches to try to get these two groups of people off the island. For Syrians, the Legal Centre submits memos in support of asylum applications or appeals arguing that Turkey isn't safe for that individual, because of their specific characteristics, and because the situation in Turkey had changed since the ruling by the Greek Council of State that Turkey was safe for Syrians in September 2017. There have been limited, sporadic successes.

With regard to those with medical problems, the Legal Centre has a number of clients who are very sick, many with life-threatening conditions requiring examination and treatment on the mainland, and yet have been awaiting transfer for many months. The Legal Centre: a) repeatedly referred these individuals to the appropriate authorities for transfer, b) wrote a detailed complaint to the Greek ombudsman regarding said authorities' ongoing failure to transfer these individuals and c) publicly denounced the situation. The Legal Centre then chose five test cases and applied to the ECtHR for interim measures, namely an order to the Greek state that they be urgently transferred to the mainland and adequately accommodated. This was on the basis of Article 3 ECHR, the prohibition on inhuman and degrading treatment and torture, and Article 2, the obligation on states to take positive steps to safeguard the life of those in their jurisdiction. The test cases included a very old person, a very young person, a pregnant woman, and a single man, in order to be able to apply the results to a range of others should the applications be successful.

Within days of filing each application, the ECtHR ordered the transfer of the Applicant in question and their immediate family members, and days after that, they were transferred off the island.

Following this success, the Legal Centre sent two follow up emails to the Greek asylum service. These emails listed over 35 more people, explaining how their circumstances are analogous to the circumstances of those granted interim measures. The emails demanded that the authorities act with the same degree of urgency to transfer and accommodate those people. ome individuals were transferred but it seems that this was coincidental and not owing to the representations made in the emails. The Legal Centre is now preparing a second batch of interim measure applications. The systemic problems remain, but the work makes a difference for individuals.

Nobody should be forced to live in a camp, not here in Lesvos, not anywhere. The provisions and categories that exist in both Greek and European law are manifestly inadequate. However the Greek state's failure to even act in accordance with these laws and transfer those who are disproportionately exposed to danger and death in Lesvos to appropriate medical care and accommodation on the mainland is one more attack on migrants' lives that will not stand.

Margo Munro Kerr and Maya Thomas-Davis

Justice for the Moria 6

After the infamous Moria refugee camp burned down last September, instead of laying the blame firmly with the EU, the Greek state arrested and charged six young Afghan migrants, two of whom were jailed after their 'trial' in March. The Legal Centre Lesvos is seeking international trial observers to oversee proceedings in the trial of the remaining four on 11th June. For more details email *info@legalcentrelesvos.org* or go to *https://legalcentrelesvos.org/*

28: US freezes arms sales to Saudi Arabia and the United Arab Emirates pending a review. Biden's new US Secretary of State, Tony Blinken, said: 'We will end our support for the military campaign led by Saudi Arabia in Yemen.'

28: UK urged to end its 'unlawful occupation' of the Chagos Islands by the Prime Minister of Mauritius after the UK's claim to sovereignty over the islands in the Indian Ocean is rejected by the UN's special international maritime court (ITLOS) in Hamburg.

29: Rudy Guiliani delivered a $1.3bn defamation lawsuit by Dominion Voting Systems accusing Trump's ex-personal attorney for having 'manufactured and disseminated' a conspiracy theory related to the company's voting machines.

'Dreadful'

How Home Secretary Priti Patel described the 2020 Black Lives Matter protests

From ELDH to IADL and around the world

The Haldane Society is actively involved in organisations of lawyers across Europe and the world.

ELDH

In 1993 Haldane became a founder member of the European Lawyers for Democracy and Human Rights (ELDH), with members in 21 countries in Europe. ELDH regularly co-sponsors and participates in Haldane events, and its monthly Executive Committee meetings, on Zoom, are open to all Haldane members. The President is Bill Bowring, Haldane's International Secretary, and the General Secretary is Thomas Schmidt, a German trade union lawyer based in Düsseldorf.

The last International Report was dated 6th December 2020 and Executive Committee meetings took place online on 17th January, 21st February, 21st March and 25th April 2021.

The meeting on 17th January was attended by 14 comrades, from the Basque country, UK (Wendy Pettifer, Debra Stanislawski and Bill Bowring), Germany, Italy, Switzerland, Russia and Turkey. Preparations were made for the annual Day of the Endangered Lawyer. Thomas Schmidt with the help of colleagues in Azerbaijan prepared a comprehensive report.

Events for the meeting on 24th January included online meetings and seminars: on 13th January, organised by the New York City Bar; a seminar on 21st January organised by the Law Society of England and Wales, Lawyers For Lawyers, DAV and ELDH; an event on 22nd January organised by Lawyers for Lawyers, and events on 25th January organised by the Italian National Bar association, regional Italian Bar Associations and separate webinars with Azerbaijani lawyers organised by the French National Bar Association. Demonstrations outside Azerbaijan Embassies and Consulates took place in seven locations across Turkey and also in Berlin.

Some of the delegates at a recent ELDH Executive Committee meeting.

The meeting on 22nd February welcomed our new member, Emin Abbasov from Azerbaijan, and comrades from the UK, Germany, Italy, Switzerland and Turkey. Four Haldane comrades attended: Deepa Driver, Wendy Pettifer, Declan Owens and Bill Bowring. We had apologies from the Basque country, Bulgaria and Russia.

Discussions included plans for an annual International Fair Trials Day, to be held for the first time on 14th June 2021 (see below). Deepa reported on developments in the case of Julian Assange.

The General Assembly of ELDH will take place on Saturday 29th May 2021, online. Constitutional changes have been approved so that co-Presidents and co-Secretaries-General, male and female in each case, will be elected. A proposal by Ceren Uysal from Turkey that there should be greater geographical representation was approved.

On 23rd March we welcomed comrades from the Basque country, the UK (Wendy Pettifer, Debra Stanislawski and Bill Bowring), Germany, Italy, Switzerland and Turkey. There were apologies from Bulgaria and Russia. Ceren Uysal gave a comprehensive report on developments in Turkey. Many

'A number of organisations have come together to arrange an annual International Fair Trial Day on 14th June.'

demonstrations had taken place in Turkey on 8th March, International Womens Day, but some demonstrators were detained under house arrest. LGBT symbols were forbidden. Of great concern is the fact that Turkey has withdrawn from the Istanbul Convention (the Council of Europe Convention on preventing and combating violence against women and domestic violence), which had been opened for signature in Istanbul in 2011. The convention has not yet been signed by the UK, Russia and other Eastern European countries. The ELDH advocates ratification by all member states of the Council of Europe.

It was agreed that ELDH would send a strongly worded statement to the EU in time for the European Council on 26th March on the threatened banning of the HDP. The statement can be found at *https://eldh.eu/en/2021/03/threat-of-hdp-ban-european-lawyers-demand-credible-eu-response/*.

On 3rd-5th April our Turkish comrades organised a series of events to commemorate the death in prison of Ebru Timtik. Bill Bowring made a presentation at a seminar in Paris on 'Transformation in Law and Advocacy:

February

3: Keir Starmer is urged to give evidence to the 'Inquiry into Undercover Policing'. This is to account for whether he was involved in a cover-up while he headed the CPS between 2008 and 2013, when activists were unjustly convicted of occupying a power station and what he knew about undercover officer Mark Kennedy's role and evidence that was withheld.

5: Eight arrested at a protest against Israeli arms factory Elbit in Oldham, organised jointly by Palestine Action and Extinction Rebellion North. Palestine Action then had their Facebook page cancelled. This is Israel's largest arms company, making 80% of the drones that surveil, kill and maim Palestinians. The Israeli Army's Facebook page remains online.

12: One in eight prisoners in England and Wales have tested positive for Covid-19 since the pandemic began, compared to one in 20 in the wider community.

9: *The Guardian* reveals that at least 1,062 parliamentary bills had been subject to the Queen's consent and that she on occasions used the procedure to privately lobby the government, persuading ministers to change a 1970s transparency law in order to conceal her private wealth from the public.

'I'll miss Donald Trump because he was quite a good friend to Britain' Ben Wallace, Secretary of State for Defence

Advocacy for whom and what kind?' His presentation can be found on his blog at *https://bbowring.com/2021/04/13/transformation-in-law-and-advocacy-advocacy-for-whom-and-what-kind-of-presentation-at-the-paris-symposium-for-ebru-timtik-3-april-2021/*. Thomas Schmidt brought greetings from ELDH and Deepa Driver from Haldane at the event on 5th April.

In recognition of EbruTimtik's sacrifice, and in order to focus attention on the plight of those in countries around the globe who are facing prosecution in circumstances where fair trial principles are not being observed or respected, a number of international bar associations and lawyers organisations including ELDH have come together to arrange an annual International FairTrial Day. This will be observed every year on 14th June. *https://eldh.eu/en/2021/02/international-fair-trial-day-and-the-ebru-timtik-award-hold-the-date-14-june-2021/*

IADL

Haldane was also a founder member, in 1946, of the International Association of Democratic Lawyers (IADL), which played a leading role in liberation struggles and the right of peoples to self-determination, and continues with these and other struggles all over the world.

Our dear and irrepressible comrade Roland Weyl, co-founder and first vice president of IADL, died on 21st April 2021, at the age of 102. He was all his working life a fighting communist advocate for peace and freedom. Tributes from all over the world to his life's work of principled struggle can be found at *https://iadllaw.org/2021/04/iadl-members-remember-roland-weyl/*. Many Haldane members heard Roland and his passionate commitment over many years.

Roland Weyl, co-founder of IADL, died in April 2021, at the age of 102

On 24th-25th April a meeting of the Bureau of IADL took place online with 36 comrades from many time-zones, and all continents except Australasia, with translation into several languages. Richard Harvey and Bill Bowring represented Haldane and ELDH.

The first part of the Bureau meeting on 24th January was devoted to a tribute to and reminiscences of Roland. A proposal which received acclamation is the creation of an IADL Academy of International Law named after Roland and Monique Weyl. Its first Dean will be our comrade Professor Marjorie Cohn from the National Lawyers Guild (USA), and Bill Bowring is a member of its Task Force.

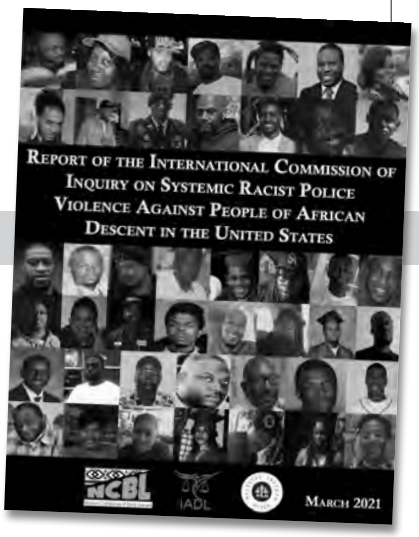
Carlos Orjuela reported on the work of the new Finance Committee which he is leading and on proposals for placing IADL on a much sounder basis financially and institutionally. Members of the Committee in addition to Carlos are Luna Martinez from Mexico and the Centre for Constitutional Rights in New York, Mohammed Randera from the South African Democratic Lawyers (NADEL), and Grace Sanguinsin of the National Union of Peoples Lawyers in the Philippines.

USA

Finally, our comrades in the National Lawyers Guild (USA) have published the report of the International Commission of Inquiry on Systemic Racist Police Violence in the United States. It has found the US guilty of crimes against humanity and other violations of international law. The report is the culmination of weeks of live hearings of cases of people of African descent killed by police, as well as months of review of relevant documents. The report also contains findings of fact and recommendations addressed to national and international policy makers.

To download the report go to: *https://inquirycommission.org/website/wp-content/uploads/2021/04/Commission-Report-15-April.pdf*.

To contact our International Secretary **Bill Bowring**, email: *international@haldane.org*



A war on arms sales

The Saudi-led bombing of Yemen has created the world's worst humanitarian crisis. The Campaign Against Arms Trade has been granted permission for its legal challenge against the UK government's decision to renew arms sales for use in the war in Yemen to proceed to the High Court. The UK has licensed at least £6.8 billion worth of arms to Saudi forces since the bombing began in March 2015, but total arms sales are far higher. Justice Jay ordered on 20th April that the case was arguable, granting CAAT's application for permission to apply for judicial review.

In June 2019, the Court of Appeal ruled that the government acted unlawfully when it licensed the sale of UK-made arms to Saudi-led forces for use in Yemen without making an assessment as to whether or not past incidents amounted to breaches of International Humanitarian Law. This followed a case brought by CAAT. The government was ordered not to approve any new licences and to retake the decisions on extant licences in a lawful manner.

In July 2020 the government announced that it was resuming arms sales. This followed a review by the Department of International Trade which concluded that any violations of International Humanitarian Law (IHL) committed by the Saudi coalition were 'isolated incidents'.

9: Home Office drops plans to house nearly 200 asylum seekers in what campaigners have described as a 'prison-style' camp on the site of Yarl's Wood immigration centre.

16: Judge in the eastern district of Virginia, US, rules that Harry Dunn's family will be allowed to pursue a civil claim in the US against Anne Sacoolas, who fled the UK after allegedly killing the 19-year-old motorcyclist.

18: Court of appeal upholds a decision that Home Office fees of £1,000 for children to register as British citizens are unlawful. The ruling found that ministers has failed to assess and consider the fees' impact on children and their rights.

15: An FOI reveals that police used unmanned drones to monitor protests in 2020 including those organised by Black Lives Matter, Extinction Rebellion and by groups for animal rights and against HS2. Forces included Surrey, Cleveland, Staffordshire, Gloucestershire, West Midlands, Devon and Cornwall and Avon and Somerset.

From Mozambique to Moss Side: fighting for Black Liberation

On 3rd February 2021, I had the privilege of delving into an oral history with Lelia Hassan Howe.

She is a community organiser, editor, and activist who was the founding member of the Race Today Collective and a worker at the Institute of Race Relations (IRR). We explored the Black radical tradition within the UK through the work of the Race Today Collective, Creation for Liberation and some of the key Black liberation struggles of the 1970s and 80s.

Race

We started the event by looking at images provided by Lelia documenting some of the campaigns she worked on and key political trials of the time. They showed vibrant cultural and transnational Black movements such as the campaign to keep Notting Hill Carnival in the streets, the Brixton Uprisings, and solidarity with the African and Caribbean liberation and revolutionary struggles.

From the outset, Leila highlighted the ongoing issue that Britain's Black Power movement is being written out of cultural history because it does not fit into the 'utopian' narrative of the UK being a nation of civilised fair play.

As a Black-British person myself, I have experienced our Eurocentric and exclusionary education system that denies us knowledge of the richness and breadth of Black radical organising in the UK. This deliberate whitewashing and omission of Black narratives from British history led to me create BLAM UK. BLAM UK is an educational, advocacy and wellbeing non-profit rooted in pan- Africanism. We are committed to teaching Black narratives in school and the community, using our cultural history as a tool for healing and resistance. The conversation with Leila serves as a reminder for why this work is so vital.

Class

During the talk, we were able to unpack specific stories that shaped the Black-British community's story such as the squatting movement on Railton Road in Brixton, where the Race Today Collective was based. We explored Black Marxism and the required communal reading lists for all members involved in the collective. We further discussed the need for a Black left movement; mainly due to the endemic racism within the British left but also due to the need to decolonise leadership. It has always been important for Black communities to move away from any form of white paternalism and

February

25: Five Thames Valley police officers are under investigation after the death of 24-year-old Brian Ringrose who died in hospital after the use of a 'flexible lift and carry system' (Flacs) to put him into a police van on 27th January.

25: Charities say the potential for miscarriages of justice arise through the use of remote legal advice and assistance during Covid. A survey between 1st September and 17th November 2020 showed it was provided in more than half of 4,700 police station interviews.

'The public were entitled to see who this money was going to, what it was being spent on and how the relevant contracts were awarded.' Judge Martin Chamberlain ruling that health secretary Matt Hancock's handing out of contracts was unlawful

25: A report from Her Majesty's Inspectorate of Constabulary castigates the police over stop and search: 'Over 35 years on from [its] introduction of stop and search legislation, no force fully understands the impact of the use of these powers.'

26: A pregnant Afghan woman who was severely injured when she set herself on fire in a refugee camp on Lesbos has been formally charged with arson and destruction of public property.

to assert ourselves as agents of change in our own realities. The creation of the Black left movement did this for our communities.

Black Internationalism

Writing in the preface to 'From Troussant to Tupac: The Black International since the Age of Revolution', the volume's editors write that, 'at the core of black internationalism is the ideal of universal emancipation, unbounded by national, imperial, continental, or oceanic boundaries.' We see a firm framing of this transnational connection in the work of the Race Today Collective, which had a global reach and published contributions from the likes of Toni Morrison, Maya Angelou and Julius Nyerere, just to name a few. Leila made it clear that they would cover a shooting in Moss Side as avidly as the Mozambique War of Independence. She said this required a lot of phone calls and post, but as internationalists, they knew that the struggles for Black liberation are diverse and interconnected, and they placed that struggle at the heart of their work.

For me, it was a refreshing and affirming conversation and I want to take this opportunity to thank Lelia for her lifelong service of love and organising within our community.

Ife Thompson

Note: You can view Ife's discussion with Leila at the Haldane Society's YouTube channel. To find out more about the legacy of the *Race Today* collective, *SL* recommends purchasing a copy of *Here to Stay, Here to Fight*, a vital anthology of *Race Today* published by Pluto Books.

Our view

by Nick Bano

Litigate to victory!

It is not very often that I agree with the Tories' political agenda. But as much as it pains me to say it, I think they have a point in criticising those that use administrative law 'to conduct politics by another means'.

To be clear, I do not agree with the government's plans to further dismantle the right to challenge the decisions of the state in court. I firmly oppose any attempt to further reduce the scope or effectiveness of judicial review, and I am as relieved as anyone that the recent Independent Review of Administrative Law did not contain the 'slash and burn' recommendations that the government was likely hoping for when they launched it in July last year. The damage done by the 2015 amendments to the Senior Courts Act 1981 was bad enough. Many of the significant cases I have worked on have been attempts to persuade the courts to quash decisions that judges have already found to be unlawful.

But I think there is some truth in the argument that there is a tendency in some quarters to see judicial review as an adequate replacement for politics. Liberal lawyers and campaigners seem to reach for the claim form whenever they see a political problem. The Good Law Project is the most significant example, whose model is to insert themselves into political debates with judicial review as their only tool). But we cannot litigate our way out of the Brexit referendum. We cannot hold back the tide of a successful general election manifesto with quashing orders. This sort of policy-making-by-barratry is bad politics, and it is bad lawyering.

The essence of public law is that the state agrees to be bound by its own rules. The state allows citizens to bring challenges where it has failed to abide by its conditions and standards (sometimes it even pays for those challenges). But the whole point is that the state agrees to that arrangement as it is optional for the state. However every other citizen and body is ultimately forced (by the might of the state) to be subject to the law.

We can't replace political activity with legal challenges.

Picture: Jess Hurd / reportdigital.co.uk

What we've been seeing recently is the state beginning to walk away from that arrangement, as the executive branch ever more confidently rejects the restrictions of law and custom that it has traditionally placed upon itself. In Priti Patel, Johnson has appointed a Home Secretary who was forced to resign from Theresa May's cabinet for clandestine efforts to funnel UK foreign aid money into the Israeli military. He failed to fire Robert Jenrick for allegations of corruption. Public procurement during the pandemic has been a continual scandal. The prime minister himself seems to delight in cocking a snook at Parliament, the courts, and the principles of public life.

'Challenging public policy in highly visible court cases may be doing the rule of law more harm than good.'

It is frightening to see a government refuse to be bound by the rule of law. The law has no power except for the power of the state, and the highest levels of the state have started to withdraw from their commitment to it. But it is also easy to see why it is taking this approach. When the government prorogued Parliament in 2019, the legal challenge against this action interrupted the Tories' pursuit of their most precious political goal. Why would the state have any reason to continue to subject itself to the courts, in the arena of prerogative powers? The more we try to use the law to usurp political processes and chip away at the power of the executive, the more tempting it is for the state to shrug off the restrictions it imposes on itself. Challenging public policy in highly visible court cases may well be doing the rule of law more harm than good.

This is not to say that there can be no political lawyering. Not only do radical lawyers bring fantastic public law challenges with important political dimensions; but capital pursues its own political aims through the courts. The outrageous anti-strike injunction granted by the High Court to the Royal Mail against the Communication Workers' Union, and upheld by the Court of Appeal last year, is an arresting case in point. Radical lawyers' must approach their jobs with vigour and ambition. But it is important to recognise the limits of lawyering, to defer to political methods for achieving social change, and not to make the mistake of conflating or replacing political activity with legal challenges.

March

26: Shamima Begum has her appeal to the supreme court against a decision to revoke her UK citizenship rejected. It means she will not be allowed to re-enter the UK to fight her case in person .

1: US civil rights groups warn that plans to force people to show photo ID to take part in British elections from 2023 amount to voter suppression and are more likely to erode confidence in the electoral process rather than reinforce it.

1: Eviction orders are being issued to tenants who have run up rent arrears after the government quietly changed its eviction ban, despite a promise by Housing Secretary Robert Jenrick that 'no renter who has lost income due to coronavirus will be forced out their home.'

2: A 'massive computer error' meant that the details of 112,490 criminal convictions held by dual nationals were not sent to the relevant EU capitals over an eight-year period. It was discovered at least in 2015 and has been covered up until February this year.

13: Inquest jury unanimously finds that the way in which police officers in Luton restrained Leon Briggs (who had drug-induced psychosis) 'more than minimally' contributed to his death.

Obituary

David Graeber and why we need to #CancelTheDebt

On 2nd September 2020, David Graeber, the academic, activist and author of *Debt: The first 5,000 years* sadly passed away at the age of 59.

Many in the campaigning community were deeply saddened by his death. Anecdotally, it is striking how many activists had met him at protests and could share stories about fruitful conversations on issues from the Rojava Revolution to Occupy Wall Street, where he was credited with contributing to coming up with the phrase 'We are the 99 per cent'.

I first read his book in the early days of the Greek debt crisis, which peaked in 2015. This was when the country was being held to ransom by the 'Troika'; the IMF, the European Commission and the European Central Bank. The Troika being the bulwarks of European neoliberalism. A whole country was being impoverished through the logic and control of financial markets and credit rating agencies. Witnessing the naked power of those institutions over any form of democracy or deference to social good was one of the things that drove me into campaigning against the poverty and inequality caused by unjust debt, to contribute to those seeking to reign in the power of global finance.

In the urgency of those days, Graeber gave a deep historical analysis of debt, and thereby the origins of money, that explained why and how this far-from-neutral institution is deeply embedded in society. The book demonstrates with robust historical analysis that there are periods of world history dominated by a surge in credit, and that when debts get out of hand, there has often been a mechanism to wipe the slate clean. An example is the biblical concept of a 'debt Jubilee', where debts are cleared every seven or 49 years. Quite uniquely, he combined incisive political-economy with an anthropological approach to break down the morality of debt. The received wisdom that when one takes out a loan, one must pay it back, has been hard wired into our culture for over 5,000 years. But with his broad and multidisciplinary perspective, Graeber demonstrates that debt is a social relationship (often based on hierarchies of power) that must always be negotiated. In doing so, Graeber arguably went further than any in breaking through the reactionary argument against debt cancellation.

'Graeber's legacy is vital: he made it clear that that we need is a social movement to help wipe the slate clean.'

David Graeber speaking at an occupation at the University of Amsterdam in 2015 along

At the Jubilee Debt Campaign, we advocate for the end of poverty and inequality caused by unjust debt. We are well aware that periods of a huge surge in credit, such as we have seen over the last forty years, lead to massive wealth inequality. Since the financial crash, we have seen both the debts of impoverished countries in the global South and personal, household debt in the UK soar. As reported in *Socialist Lawyer* #85 ('The coronavirus credit crunch: how can we avert the debt crisis?'), this has accelerated during the pandemic. Right now, there are 52 countries in a debt crisis; that is, when debt payments

March

16: The 307-page Police, Crime, Sentencing and Courts Bill goes through House of Commons, giving the Home Secretary powers to define 'serious disruption' which police can then rely on to impose conditions on protests.

'The UK media is not bigoted'
says the Society of Editors

20: Turkish president Recep Erdogan issues a decree annulling Turkey's ratification of the Istanbul convention, a European treaty protecting women from violence. Femicide has tripled in Turkey in the last 10 years.

25: Freshwater Five solicitor Emily Bolton says: 'Miscarriages of justice don't just happen in the trial courts, today one happened in the court of appeal' as two of the five jailed for cocaine smuggling in 2011 lost their appeals.

Picture: Guido van Nispen / CC

with Enzo Rossi (right).

undermine a country's economy and/or the ability of its government to protect the basic economic and social rights of its citizens. In October over 550 civil society organisations signed an open statement calling for debt cancellation. Lidy Nacpil of the Asian People's Movement for debt and development called for urgent action:

'Every day lives are shattered by debt… we are facing more debt burdens. It is deeply unjust that while millions of people need healthcare and financial support, private lenders like banks and hedge funds continue to rake in profits and refusing to play their part and cancel debt.'

Here in the UK, each day marks a growing number of people subsumed in debt. Graeber's insight into the morality of debt is also underlined. Before the pandemic, people were getting into debt because of a lack of income, low paid and precarious work, austerity and the inadequacy of Universal Credit. These factors have of course been exasperated by the pandemic and there are now 8.5 million people heavily in debt, that is one in six UK inhabitants. Further, much of the costs of bailiff enforcement is borne by debtors, as are the costs of insolvency; it costs £680 to declare bankruptcy for example. People are effectively charged for the punishment of losing their property.

Graeber's legacy is vital: he made it clear that that we need is a social movement to help wipe the slate clean. In the US, we are seeing the proof, as the student debt movement has led to the cancellation of a large amount of student debt by the Department of Education in March this year. At the peak of the last global South debt crisis, we also saw $130bn in debt written off. Change can happen and the logic of the market can be overcome. If we want a rebalancing of the books – which, in the context of the Covid recovery, will be key if relief is to go to where it is most needed – it is time to come together and demand that we #CancelTheDebt.

Eva Watkinson, Head of Campaigns at the Jubilee Debt Campaign

Prevent 'review' boycott highlights a strategy that is not fit for purpose

'Prevent' (Preventing Violent Extremism) is a government programme which began in 2003 with the aim of preventing people becoming terrorists or supporting violent extremism.

Over a decade, the bars for detecting such individuals have been lowered to 'radicals' and nonviolent 'extremists' who oppose 'British values', however vaguely these are defined. With the advent of the Counter Terrorism and Border Security Act 2019, the Government committed to setting up an independent review of the programme. On 26th January 2021, William Shawcross, former Chair of the Charity Commission, was appointed Independent Reviewer. As a result, the review has been collectively boycotted by at least 17 reputable organisations including Liberty, Amnesty and The Runnymede Trust.

Cage, a grassroots Muslim NGO, has taken a leading role in the boycott on the grounds that Shawcross, while head of the Charity Commission, oversaw a huge increase in statutory investigations carried out on Muslim charities (38 per cent of the total in his first year). He also sees Muslims as a demographic threat to Europe, a trope in the far-right European parties. Further, he has defended torture as a 'natural response' to terrorism and the detention camp at Guantanamo.

Since 1st July 2015, the Counter-Terrorism and Security Act 2015 has imposed a legal duty upon local UK authorities, prisons, National Health Service trusts, the education sector (from pre-school to university), and youth clubs to identify such individuals. Referrals of individuals were made to the Channel Programme which screened the referred cases and identified cases which needed further intervention through a tailored programme designed for 'de-radicalisation'. The surveillance regime has penetrated all segments of civil society.

Of the thousands of cases referred to the Channel Programme every year, nearly 80 per cent or so are false positives. Toddlers, school kids wearing 'Free Palestine' badges and university students on terrorism studies courses have been referred to Channel. The effect on children and young people and their families is traumatic, with socially conservative and devout Muslim families in particular fear of >>>

'Of the thousands of cases referred every year, nearly 80 per cent or so are false positives.'

25: Ministry of Justice reveals that 1,121 prison staff were sacked for misconduct from English and Welsh prisons between 2014 and 2020. Some 43 had 'inappropriate relationships with prisoners'. Others used unnecessary force on prisoners. The vast majority of misconduct investigations of prison staff don't end in dismissal.

25: Avon and Somerset Police retract widely reported claims that officers suffered broken bones during the Bristol Kill the Bill protest on 20th March.

Official figures show that black people are NINE times more likely to be stopped and searched.
■ Six per 1,000 white people
■ 54 per 1,000 black people

9

29: Human Rights Watch reports women in Qatar (hosts of the 2022 World Cup) are living under a system of 'deep discrimination' – dependent on men for permission to marry, travel, pursue higher education or make decisions about their own children.

30: Police inspectorate delivers sweeping exoneration of officers' manhandling of women mourning the killing of Sarah Everard on Clapham Common on 13th March.

>>> their children being removed from their care. It has alienated the Muslim communities as a whole and eroded trust between the public servants and the community.' The strategy has undermined children's right to freedom of thought and expression.' It is discriminatory and reinforces Islamophobia in society as a whole. 'Prevent is based on an empirically dubious theory of the existence of a radicalisation escalator whereby an individual goes through several stages which an individual progresses from belief to associations to change in behaviour to violent extremism.' There is very little evidence for that.

Launched as a partnership seeking to engage the Muslim community, Prevent has always been police led and the notion that it was a community initiative was a great deception. Prevent officers have been placed in every borough and linked to all institutions: they decide whether a particular meeting and event can take place or not. It opened the lucrative door to the ranks of CVE (Countering Violent Extremism) consultants and 'reformed extremists' to deliver strategy and training.

Picture: Jess Hurd / reportdigital.co.uk

The ultimate aim of Prevent is to discipline the Muslim community.

The ultimate aim of Prevent is to discipline the Muslim community, to silence it, to intimidate it and to make it police itself.

Teachers and social workers are deeply concerned about the dangers it poses for their pastoral and educational work and their duty to the welfare and development of children. In 2019, the UN Special Rapporteur recommended that the Government, at the very least, suspends the Prevent duty and implements a comprehensive audit of its impact on racial equality and on the political, social, and economic exclusion of racial and ethnic minorities, especially within Muslim communities.' Prevent is not fit for purpose and *Socialist Lawyer* joins the widespread calls from across civil society for it to be dismantled.

Saleh Mamon

Haldane meeting

Lawyers, revolution and the Middle East: Ten years of rebellion

Since 2011 the Middle East has witnessed popular uprisings and revolutions in a wide range of countries.

Lawyers have often been at the forefront of these radical movements for change, from Tunisia, Syria, Egypt and Libya in 2011 to Lebanon, Sudan and Algeria today.

They have also paid a heavy price during periods of repression, as the persecution of radical lawyers in Egypt by the military regime demonstrates. Join us to mark the anniversary of the 2011 uprisings.

● **Speakers:**
Roula Mourad from Syria;
Ahmad Ezzat from Egypt and
Nour Haidar from Lebanon
● **Tuesday 8th June**, 6pm-8pm BST ● Register for the meeting here: **bit.ly/10yearsRebellion**

www.flickr.com/photos/elhamalawy/ (used with permission)

Lawyer Haitham Mohammadein and activists in Cairo on May Day 2011.

April

1: Ben Hannam is the first serving British police officer to be convicted of a terrorist offence as he is found guilty of membership of the banned Nazi group National Action; of lying on his Met application form; and having terror documents on knife combat and explosive devices.

3: Two independent legal observers are amongst 107 people arrested on a Central London Kill the Bill protest. The pair (from Black Protest Legal Support) were wearing high-vis bibs identifying them as legal observers and had been complying with police instructions to move away from the police kettle.

7: More than 200 Deliveroo couriers join a demo in London organised by their union, the Independent Workers' Union of Great Britain. They were protesting against their treatment by their employers, on the day the firm began trading on the London stock market.

11: Police officer who shot and killed unarmed 20-year-old Daunte Wright said she intended to use her taser.
14: US President Joe Biden announces 10,000 American and NATO troops (including 750 from the UK) will leave Afghanistan in the run-up to the 20th anniversary of 9/11.

16: Tory MPs disgustingly vote against amendments to the Domestic Abuse Bill which would have put serial stalkers and domestic abusers on the Violent and Sex Offender Register, and also voted down amendments for training family court judges and given migrant victims greater protection.

Tribunal decides bosses saw trade unionist as the 'enemy within'

Paul Williams, a proud trade union activist within the Public and Commercial Services Union (PCS) and NEC member, has been involved in the trade union movement throughout his career as a Civil Servant of 38 years.

In 2018, whilst employed by the Drivers and Vehicles Standards Agency (DVSA), a restructuring exercise left Paul at risk of redundancy. Under the redundancy policy, Paul was entitled to be given priority when applying for other internal roles. Despite this, Paul applied, unsuccessfully, for around 28 other positions within the DVSA.

Paul's long and successful career as a trade unionist has been built on a commitment to achieve fairness, equality and decent working conditions for workers. This was sustained by his capacity to work proactively with employers with integrity.

So when, out of the blue, he received an email from RC (the Head of HR) regarding one of his applications for a role in HR, informing him that his application could only be continued on the condition that he relinquish his trade union responsibilities, Paul was shocked and dismayed.

Without evidence or explanation, RC cited irreconcilable conflicts of interest as her reason for giving the ultimatum. She said that Paul couldn't work in HR whilst also being a trade unionist because, in effect, it would mean him having to sit on both sides of the negotiating table when it came to DVSA policies.

With the support of PCS and their lawyers (the trade union and social justice law firm Thompsons Solicitors), in June 2020 Paul brought proceedings in the Employment Tribunal (ET) against his employers alleging that they, through the actions of RC, had subjected him to a detriment contrary to the *Trade Unions Labour Relations (Consolidation) Act 1992 (TULRCA) section 146(1)(b)*. It was this email that formed the crux of Paul's claim. The Tribunal had to decide whether RC's actions were for the sole or main purpose of deterring or preventing Paul from taking up his trade union activities or if there was a legitimate reason for the decision.

Following a two day hearing in February 2021 – *Williams v DVSA (Case No. 2602525/2020)* – the ET found in Paul's favour. In a scathing written Judgment, the ET unanimously held that 'anti-trade union animus' was behind RC's ultimatum and that the DVSA had breached *S 146(1)(b) TULRCA 1992*.

Paul's success was down to union organisation plus expert legal help.

Paul says: 'After a number of years of being victimised for being a trade union representative I am delighted with the outcome. I cannot thank Thompsons and my union enough for the support and advice I received. I hope that this judgment will serve to warn other employers that victimising trade unionists carries exposure and punishment via the law.'

'It is in these seemingly small actions that justice exists.'

The ET found no evidence of any real or perceived conflicts of interest but instead found that the DVSA had treated Paul as the 'enemy within'; a phrase that has long been associated with the polemic distrust of trade unionists since its first use in Thatcher's infamous 1984 speech. But, more than 35 years on, the ET's judgment is clear that, where these rights exist, this same Thatcherite sentiment will not be tolerated under the law.

Paul's long fought struggle and commitment to the trade union movement has been vindicated. With the backing of his Union, Paul had the strength and determination to stand up for workers' rights, and here the law stood up for him. It is in these seemingly small actions that justice exists. And, with potential changes to EU derived workers' rights looming, and the fall-out of the Covid-19 pandemic yet to fully be realised, trade unions feel even more indispensable to the fabric of a fair and just society than ever.

This judgment serves as a robust endorsement of the legal protections afforded to trade union members and a terse warning to employers trying to keep them out of workplaces. It should bolster the confidence of trade union activists in the workplace.

Rachel Wall

23: High Court rules that the Home Office's handling of some Windrush citizenship applications has been irrational and unlawful and it cannot refuse citizenship due to any minor historical convictions. Hubert Howard had been denied citizenship despite having lived in the UK for 59 years.

23: Dozens of former Post Office 'subpostmasters' have their convictions for theft, fraud and false accounting quashed by the Court of Appeal after one of the biggest miscarriages of justice in British legal history. 900 operators may have been wrongly prosecuted, due to errors on Fujitsu's IT system.

£12m

The amount the Serious Fraud Office has accused former Serco bosses of defrauding the Government in relation to its lucrative contract for the electronic tagging of offenders.

28: Public inquiry hears that Scotland Yard bosses authorised an undercover officer, Michael Scott, to lie in court when he used his fake identity during a trial in which he was convicted of public disorder in 1972. He pretended to be an anti-apartheid campaigner. It's the first potential miscarriage of justice arising from the inquiry.

30: A total of 192 refugee, human rights, legal and faith groups sign a public statement condemning a six-week consultation (due to end on 6th May) on the government's new plan for refugee and immigration policy as 'vague, unworkable, cruel and potentially unlawful'.

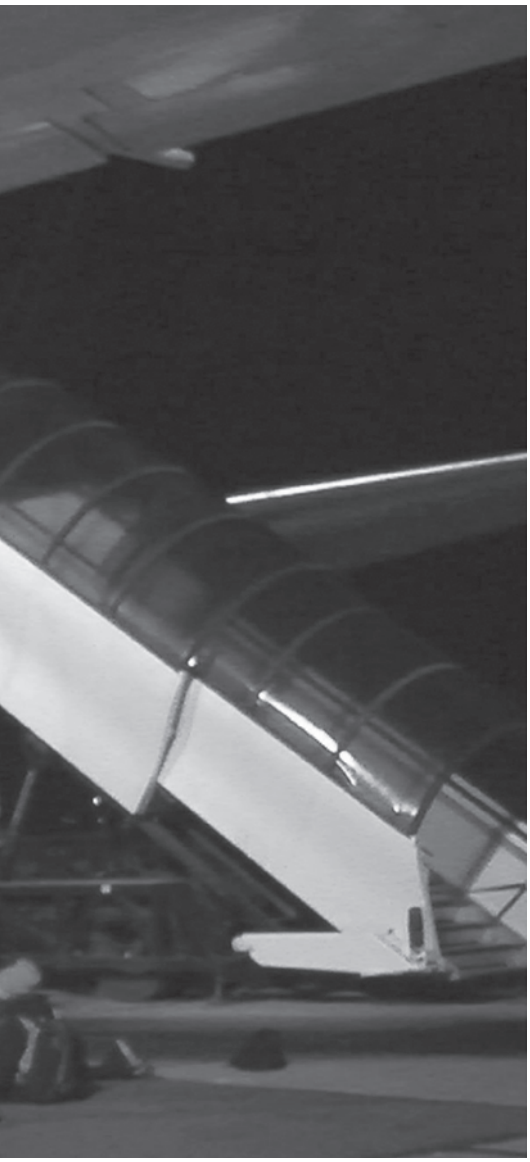
VICTORY FOR THE STANSTED 15

No depo
No borde

For 10 hours we laid down on the apron where the plane was parked, stopping the flight from leaving that night.

rtations!

ers!



On 28th March 2017, 15 people prevented a deportation flight by lying on the tarmac at Stansted airport. **Helen Brewer**, one of these activists, describes the action, their motivations and what they learned from the arduous judicial process that followed.

On 29th January 2020, nearly four years since we took direct action at Stansted airport to stop a deportation flight, myself and 14 others part of the so-called 'Stansted 15' received news of our successful appeal against our convictions. Emblematic of the world we live in, the judgement came via Zoom from our lawyer and the moment was, above all else, relief.

Following a gruelling 10 week trial at Chelmsford Crown Court, a nerve-wracking sentencing, over a thousand hours' worth of community service, innumerable meetings, and the tireless work from our legal team drafting legal arguments, the Lord Chief Justice finally gave his judgement. We should not have been prosecuted under this offence, and 'There was, in truth, no case to answer'.

This reflection on the last four years of legal proceedings, from action to trial, aims to explore the tensions, challenges and possibilities between legal sector workers and activists. Our understanding of the legal process informed the design and logistical planning of the action, and without our relationships with lawyers, caseworkers and migrant justice campaigners working intimately with people detained and vulnerable to deportation, our action would not have been possible.

The action

In March 2017, a Titan Airways charter flight was scheduled to deport 60 people from the UK to Nigeria and Ghana. On the night of the scheduled deportation, we broke into Stansted airport by cutting a hole in the fence, walking up to the plane and with lock-on equipment and a tripod, laid down on the apron where the plane was parked. We remained there for 10 hours, stopping the flight from leaving that night. We were subsequently charged, tried and found guilty of 'endangering airport safety' from the 1990 Aviation and Maritime Security Act (AMSA) legislation commonly reserved for violent terror-related offences.

As 'no border' activists, our politics are grounded in bringing about change using direct action. We recognised that these deportations were systematically and routinely used with little public accountability. We knew that these flights operated on a schedule and that there was very little chance that the flights would not go ahead. We knew that for many people scheduled to be deported on this flight, this would mean the forced separation from home, family and community.

It's essential to frame the direct action that we undertook as a strategic political >>>

STANSTED 15

'This was the first time in a direct action where two distinct working groups, one casework, one direct action, would work together.'

Right: Rally for the Stansted 15 (pictured below) in February 2019 when they appeared at Chelmsford Crown Court in Essex.

>>> intervention. In doing so, we dispel the myth that it was 'our action' that 'saved' peoples lives, when in fact we simply afforded people the time to continue fighting their case alongside their caseworkers and lawyers. Contributing to our research and knowledge of the border regime were the decades of resistance from people inside detention and subject to the UK's violent border enforcement who have successfully resisted deportation flights. Furthermore, the work of lawyers and NGOs who have managed to stop flights and get people off planes time and time again informed the specific ways in which our action could intervene in the logistics of removal.

Alongside our group of 15 undertaking the direct action, we worked with testimonies gathered by Detained Voices, of people due to be deported on the flight, these became important motivators for our action and evidence in court. Additionally, there was a separate group of caseworkers who were supporting people inside detention who had tickets for the flight. Once informed that we had successfully blockaded the plane, the caseworkers were tasked with finding legal support for anyone they could on the flight, within the time that was afforded by the action we took. To my knowledge, this was the first time in a direct action where this tactic was used – where two distinct working groups, one casework, one direct action, would work together in such a way.

As a result, 11 of the 60 people due to be deported remain in the country and at least six have status. One person who was due to be deported from his partner and kids finally managed to get legal representation (after years of trying) in the 48 hours after our action with the help of one of the caseworkers. He has since been granted leave to remain and is still in the country with his family.

The Trial

We knew we were going to be arrested and had a sense (entirely misjudged, it turns out) of what those charges might be, however, the reasons for taking action outweighed the consequences we were to face. We prepared with the incorrect assumption that we would be charged with aggravated trespass and an airport by-law, with a magistrates trial in the following September of 2017. Ultimately, we had no idea how life-changing (for us 15) this not guilty plea would be or how it would lead to a highly publicised trial and public media campaign.

Despite the new charges, there was a fierce resolve to create an opportunity to bring the stories and voices of people who were on this plane into public record. We recognised that we had to make use of the legal challenges we encountered and were prepared to use every means at our disposal. We wanted to put the Home Office on trial and to create a forum in and outside of court for the exposition and examination of the UK's deportation practice.

At the same time, there were motivations within the campaign 'End Deportations' to focus on a strategy of research, casework and direct action. While some of us were interested in using strategic litigation to set a legal precedent using direct action, we are not sure how effective this would be in reality, and it's a question for both lawyers and activists to continue to explore.

Tensions arose when navigating between our political motivations and the constraints of our trial. Not only were we unprepared for the new charge of 'endangerment', but so were our lawyers who were also new to this legislation being used. Without precedent, we found it difficult to ground our expectations and consequently could only prepare for the worst possible outcome.

This resulted in tension between taking legal advice that erred on the side of caution and what we felt compelled to say during our trial. Of course, we had to trust in our legal team and their judgement, but also in ourselves, and with heightened stress and pressure it was difficult to truly express our political beliefs and motivations. This created a dilemma for lawyers whose job it is to represent us as individuals in court, however as socialist lawyers, it is impossible to ignore the political and social realities grounded in the need to change societal perceptions around borders and migration.

The campaign was focused on abolition and ending deportations, however, our trial meant that the attention and campaign energy became focused on the 15 of us. While we aimed to steer conversations in the media towards the deportations themselves, much of our public support came from the outrageousness of the charge and the legislation used. In the end, a lot of the public focus became to get 'not guilty' and 'no prison'. Equally, there was not enough energy or capacity, for the actual campaign work we had set out to do and this small group of people unintentionally became the faces of an organisation whose real aim was to centre the injustices faced by people with lived experience of the border.

The Appeal

Following the result of our appeal, it will be essential to develop new guidance, advice and strategy to combat the effects of state repression on activists who may feel compelled to take similar action to ours. Recognising that the trial, like the action itself, will be political and only a small part of a group's wider objective.

Pictures: Jess Hurd / reportdigital.co.uk

Taking inspiration from the political trials of activists who have chosen to defy the courts logic and embedded power dynamics, means there is a need for lawyers to listen to clients and understand the tensions between balancing the objectives of the campaign and trying to win (probably unwinnable) cases.

Conclusion

It is only through abolition and direct action that we can seek to end the violence of the state. This means recognising the links between border violence, carceral regimes, policing, and the criminalisation of migration. It means recognising that the same powers that prosecute activists are the same ones enforcing the border.

As the British government continues to signal towards an alarming and ever more hostile environment for migrants in the UK, it is urgent we build alliances with people working to dismantle borders across all fronts. The blocking of a deportation flight was a collaborative action, involving End Deportations, Lesbians and Gays Support the Migrants, and Plane Stupid. These were not single-issue movements but tied to each other's resistances.

By locating our interconnected struggles and working in solidarity with people on the frontlines, we engage in movement building across communities. After all, abolition is a collective project. It needs all of us to begin envisaging new forms of living, relating and working together beyond borders.

'People must stand up against injustice. We are very proud of the protesters'

An anonymous asylum seeker wrote in solidarity with the Stansted 15

'I sought asylum in 2013, my asylum got refused. I spent five months in Harmondsworth detention centre then I was released. I was signing for three years at the immigration reporting centre, then they detained me in Scotland. Then they released me, then I was detained again and they gave me removal directions for Ghana.

I am from Ivory Coast not Ghana. I told the Home Office I'm not Ghanaian. The Home Office told me I could take a bus from Ghana to the Ivory Coast. They said they cannot take me to Ivory Coast so I must go Ghana.

The doctor in the detention centre made a Rule 35 report that said I have been tortured in Ivory Coast but they did not release me from detention.

I am part of a church in Manchester, they found me a lawyer. My lawyer sent faxes to the detention centre to stop my deportation, but the guards did not give them to me. I did not get the documents from my lawyer until this morning.

I want the church to not close their eyes to us. Justice is from the Bible. The church must not close its eyes to injustice. I am sending a message to the entire church – they cannot let injustice go on like this. The word of god is about justice and righteousness. The church >>>

>>> cannot keep its eyes closed in the face of injustice. Closing your eyes to injustice is being part of injustice. Christ died for justice and righteousness. The church needs to stand up like protesters – they need to tell the world what is going on.

Last night, they called me from my cell to say I am going on the flight. They took all of my stuff. They searched me, they took my belongings, they wouldn't give me my stuff back. They said I could have my stuff when I get to Ghana. I have it back now. Some people on the bus just have a little plastic bag – how can you be deported with just a plastic bag?

They took us to the bus. I had 1one guard beside me. They tell me we are going to another airport – I didn't know where. After more than an hour's drive we arrived. They said we have a "little problem", we did not know what was going on. Eventually they said the flight had been cancelled. I couldn't see them but we heard there was a demonstration. Police were all around. I did not know what was going on.

When something is wrong people have to stand up. The problem is with the Home Office. No-one checks on them, they have absolute power over peoples lives. They do whatever they want. People must stand up against injustice. We are very proud of the protesters. We hope they are treated well. They did the right thing.'

Originally published at detainedvoices.com.

Picture: Jess Hurd / reportdigital.co.uk

So where's the apology?

This case demonstrates the political nature of the British criminal legal system, in all its morally bankrupt glory, argues **Richard Burdon**

The Crown Prosecution Service (CPS) launched an explicitly political prosecution. As an arm of the British state, it was the job of the CPS not just to bring charges for alleged criminal conduct, but to punish the Stansted 15 for their acts of resistance against the violent border regime that the British state uses to sustain itself.

Punishment in the legal system is not reserved for sentencing: the criminal legal process itself is designed to punish. It demands the time and attention of those subject to it. It forces defendants to spend weeks detained in court rooms. It forces them, even before their trials, to spend years contemplating the violence that the state may inflict on them through prison. It saps their financial resources, dragging them from across the country to far-flung courts to waste their time in waiting for it to be ready to deal with them. No matter whether the defendant is innocent or guilty, they will be punished.

The CPS originally charged the Stansted 15 with aggravated trespass. When the case was almost ready to go to trial, the Attorney General, a politically appointed government minister, decided to increase the charge to a terrorism-related offence. Why was a charge of aggravated trespass, which had been used in previous cases, insufficient? Why was a terrorism-related offence called for? The purpose of the increase in the charge was clear: standing up to the violence of the British state deserved the most extreme of punishments. In bringing politically-motivated charges, the CPS acted as the willing political lapdog of the British state: dissenters must be punished. They must be made an example of to others who might dare to stand up to racism, imperialism, and capitalism.

The CPS was prepared to use a charge against the Stansted 15 for which there was no evidence. As the Court of Appeal belatedly noted at paragraph 113 of its judgement, 'There was, in truth, no case to answer.' But the reasoning of the CPS in bringing the charge was clear. The Stansted 15 had embarrassed the Home Office. They had brought the Home Office's often illegal – always immoral – deportation charter flights to public attention. And, unlike so much activism, they made a difference. They actually stopped a flight. They proved that direct action gets the goods.

For that, the Stansted 15 had to be punished. No matter that the punishment would be disproportionate to the 'crime'. No matter that the crime the CPS accused them of could not have been committed by them. Punishment was what was called for, and punishment is what they would get, guilty or not.

The case of the Stansted 15 demonstrates the political nature of the British state, its prosecution service, and its criminal legal system, in all its morally bankrupt glory. Let no one delude themselves into thinking that prosecution is ever politically neutral.

Border Abolition 2021

will be a two-day online event aimed at connecting organising, campaigning, activist research and academic work around border violence, racism, incarceration and abolitionism. We hope to bring together people struggling against the border in all its forms, from immigration detention, prison and militarised border sites, to the solidarity practices that resist expanding systems of everyday bordering.

Friday 18th & Saturday 19th June

https://www.borderabolition2021.com

Sessions:

- State Racism, Racial Capitalism and the Border
- Documenting Border Violence
- Practicing Solidarity for Border Abolition
- No Borders, Many Histories
- Feminist Strategies and Practices of Border Abolition
- Technologies of containment, data extraction and displacement: forging abolitionist tools?
- Global Borders: climate violence, financial extortion and imperial exchange

'The Stansted 15 had brought the Home Office's often illegal – always immoral – deportation charter flights to public attention.'

The Trial

At paragraph 112 of its damning judgment, the Court of Appeal gave the trial judge, His Honour Judge Christopher Morgan, the barest of compliments, commending him for 'the way he handled the trial'. In essence, this is a backhanded compliment for doing the British state's dirty work: 'You made a mess, but well done on turning up.'

No one who watched Morgan's handling of the trials could conclude that even this nominal praise was deserved. Indeed, from this partial observer's view, the conduct of the Stansted 15 trial was mired in judicial bias from the outset.

In the first trial, a multi-ethnic jury had been chosen who looked like the defendants, leading some to believe that an appeal to their common sense of humanity and decency might lead to acquittal. Unfortunately, Morgan took the first opportunity he could to discharge them. When a juror noticed that some of the defendants were taking notes, the esteemed judge had court staff seize the booklet, giving the impression that the notes would be destroyed. The jury was dismissed and a police investigation into the defendants for perverting the course of justice began. Whilst is unclear on what basis a defendant taking notes about a jury could be deemed illegal, Morgan felt that an application to recuse himself on the basis of apparent bias was 'unfounded'.

The sentence

As Lord Burnett noted in *R v Roberts* [2018] EWCA Crim 2739, the courts have recognised for some time that there is a 'bargain or mutual understanding' that exists in the sentences passed in protest cases (paragraph 34). Defendants get a lower sentence on account of acting on their consciences. In return, the defendant implies, 'I did what I could to stop you from doing unspeakable evil to others, so please only hurt me a bit in return. I am so grateful, so accepting, of your mercy.'

In the case of the Stansted 15, Morgan gave the defendants the impression that they would be going to prison. He necessitated the further development of a defence campaign around them to keep them out of prison. He led them to believe that they would be torn from their families, perhaps for years, to languish in Britain's decaying prisons. At their sentencing hearing, he then nonchalantly suggested that they would not be imprisoned, before listening dismissively to the mitigation advanced on their behalf.

For this, they should be grateful?

The appeal

The Court of Appeal allowed the defendants' appeal, after a lengthy wait, by which point they had all served out their sentences in the community.

Should the Stansted 15 be grateful for this? For the belated recognition that the British state screwed up? That it took months of their lives in the legal process? That although in its own eyes it may have cleared their names, it has done so without offering any form of apology?

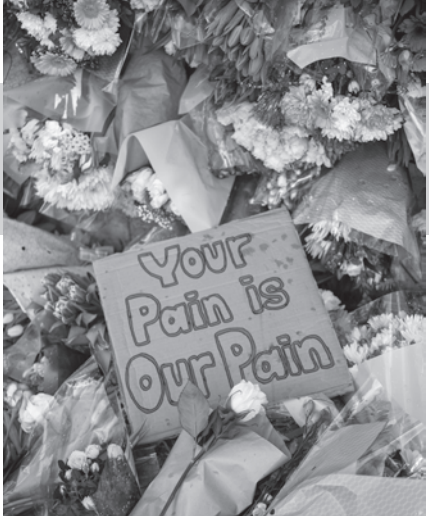
The appeal in their case was allowed on the most politically acceptable grounds: not that the British state had really done anything wrong, just that it had made a mistake about what the law was. The British state once again excuses its own violence in the face of overwhelming evidence that it is wrong, finding a politically palatable way to do something pointing vaguely in the direction of what is both legally and morally the right outcome.

Is this justice? Is it even meant to be?

Reclaiming the night

Pictures by Jess Hurd / reportdigital.co.uk

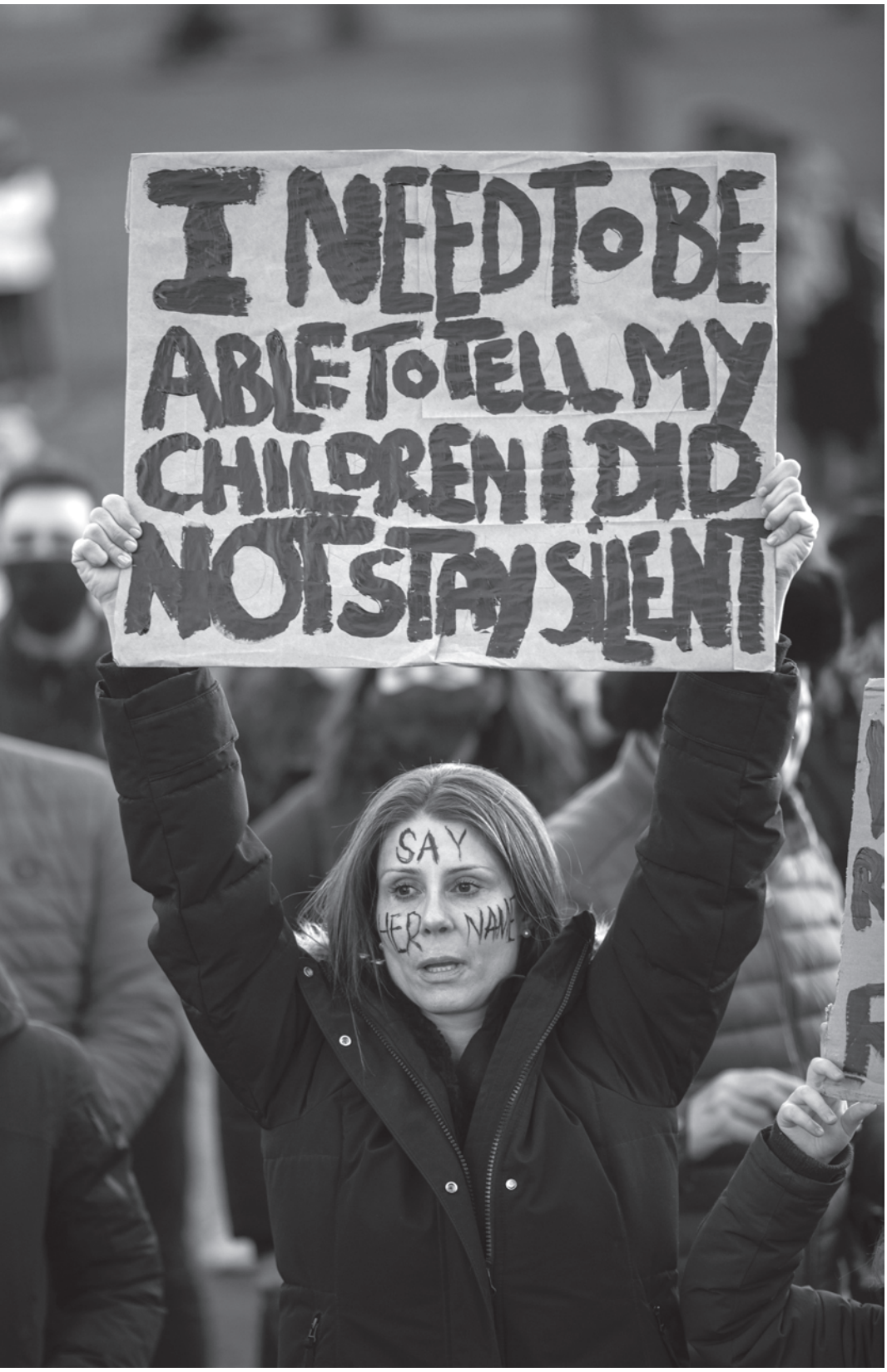
Sarah Everard disappeared from Clapham Common on 3rd March 2021. Her body was found seven days later. A serving police constable, Wayne Couzens, was charged with murder on 12th March 2021 and appeared before Westminster Magistrates' Court the following day. Upon the traumatic discovery of Sarah's body, a group of women organised a vigil to take place on 13th March at Clapham Common with the rallying call #ReclaimTheseStreets. Their preparations were extensive and included numerous measures to mitigate the risks posed by Covid-19.



The Met initially signalled that they would help facilitate the wake. Then, on 11th March, they said that their hands were tied by the Coronavirus regulations in place at the time. If the gathering were to go ahead, the organisers could face a £10,000 fine and arrest for offences under the Serious Crime Act 2007. As the Met appeared to be taking the position that no protest could take place under a 'Tier 4' lockdown, a claim was issued at the High Court seeking, among other things, a declaration that such a policy was unlawful.

However, during proceedings the Met conceded that if such a policy were to exist, it would indeed be unlawful, though they averred that no such policy was in place. No judgement regarding the legality of the vigil was sought, and the case concluded with an indication that further discussions as to how the vigil could be lawfully and safely held would take place.* But the Met did not relent and #ReclaimTheseStreets felt compelled to withdraw their facilitation of the vigil the following morning. Despite this, and as the organisers expected, many hundreds attended Clapham Common the following day in solidarity and mourning.

* Leigh v Commissioner of Police of the Metropolis *[2021] EWHC 661 (Admin)*.

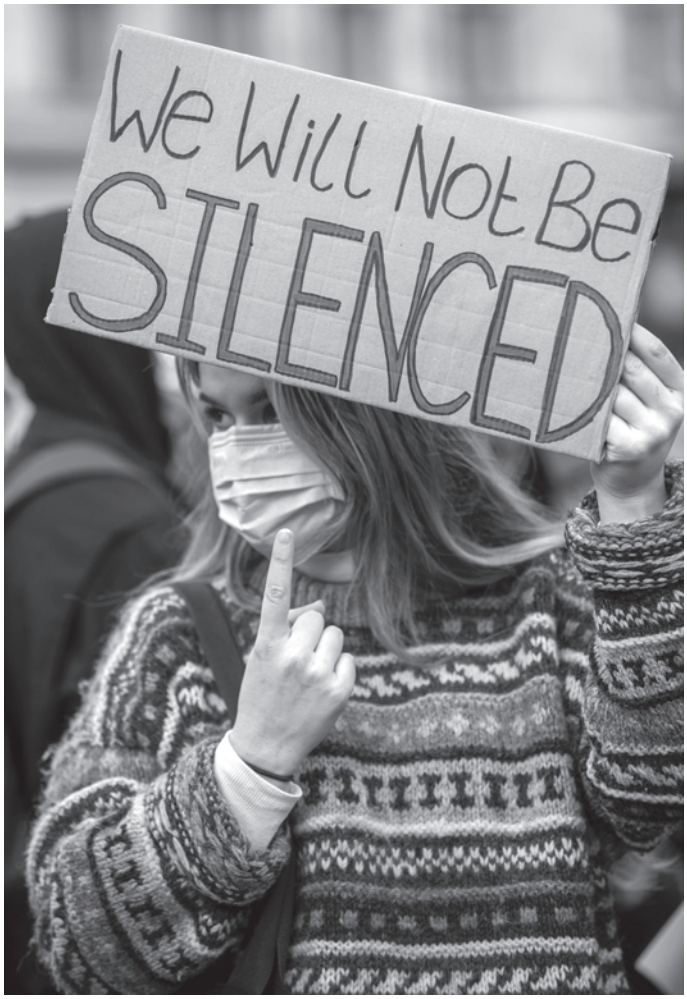

I NEED TO BE ABLE TO TELL MY CHILDREN I DID NOT STAY SILENT
SAY HER NAME


KILLED
BY THE
SYSTEM
WE'RE
TOLD
PROTECT

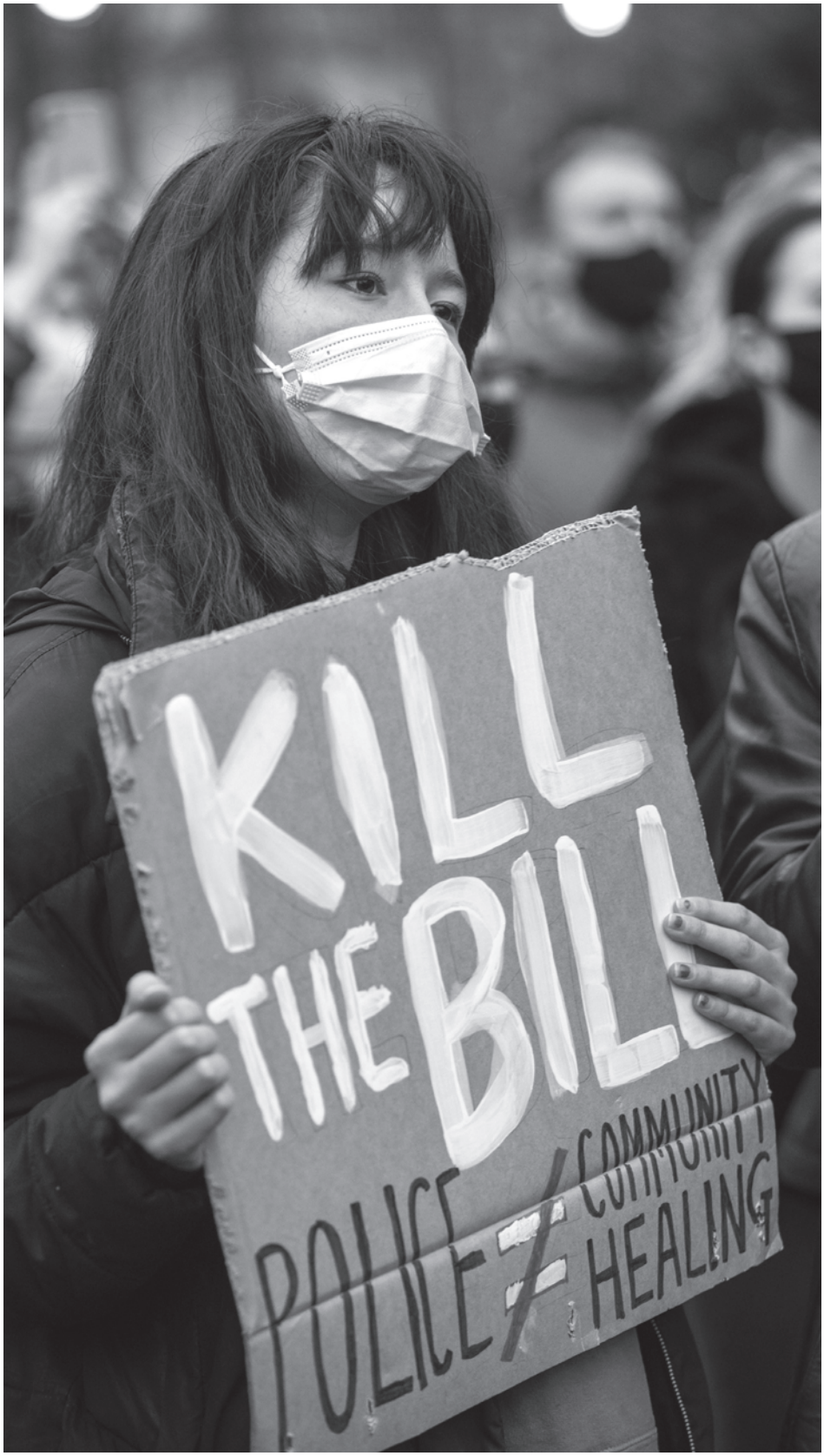
‘Be seen, be heard’

Vigils were held around the country. At Clapham Common, tensions rose throughout the day and, ironically, police ended up using arrest and physical force to bring the vigil to an end in the name of public health. Anger exploded over the following days as progressive movements united against a policing and penal system that is racist, fails women, and is increasingly hostile to the right to protest. Protests have been held consistently across the country ever since.

The draft Police, Crime, Sentencing and Courts Bill 2021 was introduced at the request of the Met, who feel that increased police powers are the requisite answer to the burgeoning movements for racial, migrant and environmental justice. So far, it seems to have been successful in bringing these groups closer together and strengthening their determination for change.



Pictures by Jess Hurd / reportdigital.co.uk

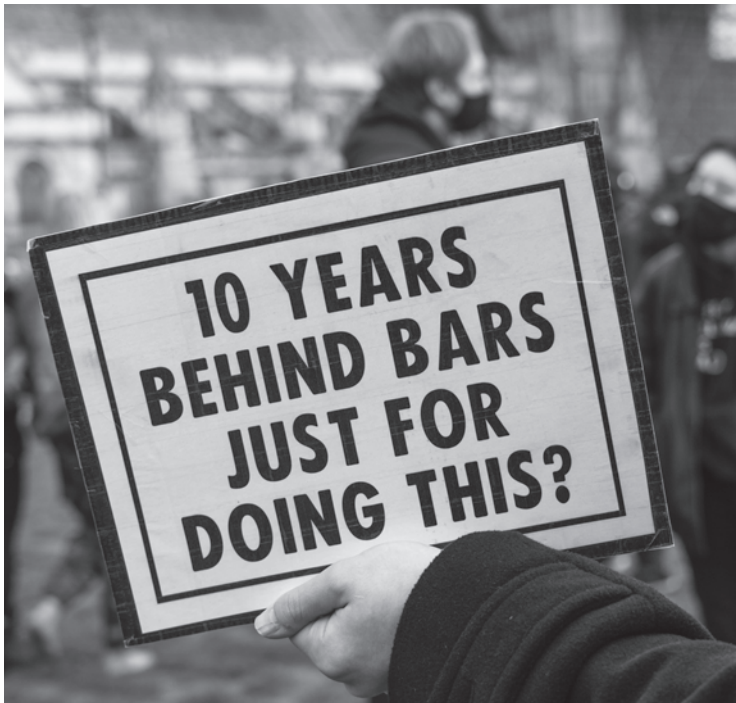


Among a plethora of concerning provisions, the PCSC Bill seeks to expand powers to restrict and criminalise protest by introducing lower thresholds by which the police can impose conditions on demonstrations and launch prosecutions if they are not complied with. For example, it would change the mental element of a failure to comply with an order from 'knowingly' to 'knows or ought to know that the condition has been imposed'. Other changes include increased penalties for low-value damage to statues and putting public nuisance on a statutory footing.


WE ARE SICK TO DEATH OF THIS SHIT
WE WILL NOT BE SILENCED
RS UNITED
EVER BE

Four Legal Observers from Black Protest Legal Support were among those arrested at the #KillTheBill protests. Shortly before publication, the charges against them were dropped and the Met acknowledged that they had 'an important role to play in providing independent scrutiny of protests and the policing of protests.'

'Hi @metpoliceuk if Kate Middleton was lawfully at the Sarah Everard vigil because she was "working", presumably you'll shortly be confirming that the Legal Observers you arrested the next day were lawfully there too, meaning you're very sorry for detaining them?'
Isaac Ricca Richardson,
31st March 2021, Twitter (over 12,000 retweets and around 12,700 likes)



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Victory for the Shrewsbury pickets

by Liam Welch

Following the recent Court of Appeal hearing, heard on 3rd and 4th February 2021, the Shrewsbury pickets have finally achieved justice and had their convictions overturned as unsafe by a ruling on 23rd March 2021.

The case will be familiar to many of us and concerns building workers from North Wales who were prosecuted for picketing during the 1972 national building workers strike. The 1972 dispute represented the first real nationwide strike by building workers seeking to improve health and safety in light of a high number of fatalities and injuries on construction sites. The striking workers also called for decent pay and an end to casual work. Five months after the strike ended 24 pickets were charged with over 200 offences. These offences included unlawful assembly, intimidation and affray. Six of the pickets were also charged with conspiracy to intimidate.

As a result of the disputed charges, six received prison sentences and sixteen received suspended prison sentences. Their sentences ranged from three years' imprisonment to four months' imprisonment suspended for two years.

The pickets have consistently maintained their innocence of all charges, and serious issues surrounding the fairness of their original court proceedings subsequently came to light. This includes original witness statements found to have been destroyed by the police and concealed

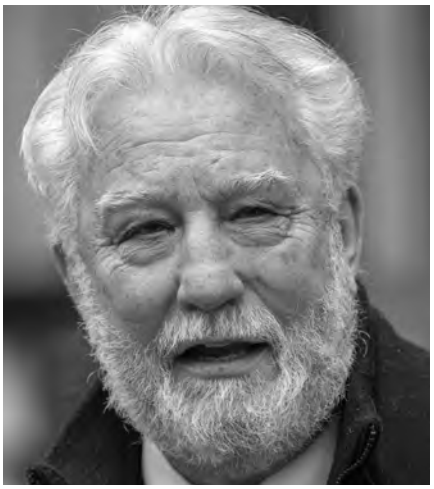
Pictures: Jess Hurd / reportdigital.co.uk

from defence counsel and the court. The destruction of the original statements by the police was uncovered only after campaigner Eileen Turnbull perused released prosecution papers held in the National Archives. Furthermore, it was argued that the fairness of their trials was undermined through the broadcast of a highly prejudicial anti-Communist documentary 'Red Under the Bed' screened on ITV during the course of the first trial, which was contributed to by a covert agency within the Foreign Office.

The pickets refused to accept their convictions and fought tenaciously against them. They were supported by the committed Shrewsbury 24 Campaign, as well as having widespread support from the labour movement. Following a long-running appeal case, the Court of Appeal havs now overturned the convictions of 14 individuals, with three judges quashing the convictions after concluding that they were unsafe.

Announcing the verdict outside the Royal Courts of Justice, Lord Justice Fulford said: "These 14 appeals against conviction are allowed across the three trials and on every count which the 14 appellants faced. It would not be in the public interest to order a retrial". Whilst the Court of Appeal did not find that the broadcast of the documentary made the verdicts unsafe, the appeals were allowed on the grounds that the original witness statements had been destroyed.

In the written ruling, Fulford LJ went on to say that had the destruction of the handwritten statements been revealed at the time of the trial then the issue could have been comprehensively investigated when the witnesses gave evidence and the judge would have been able to give appropriate directions. It was stated that had this happened the judges had "no doubt" that the trial process would have ensured fairness to the accused, which it



'It's been 47 years. I'm just so emotional. I didn't think it would hit me like this. I am no longer a criminal.' Terry Renshaw

was found is not what had happened in this case. Fulford LJ concluded that "by the standards of today, what occurred was unfair to the extent that the verdicts cannot be upheld".

Regrettably, six of the 14 individuals who brought the original action have now passed away. This includes Dennis Warren, jailed for three years, whose death, supporters allege, was contributed to by the tranquilisers that he was regularly made to take whilst imprisoned.

Speaking after the hearing, one of the pickets, actor and campaigner Ricky Tomlinson, said: "It is only right that these convictions are overturned. My thoughts today are with my friend Des Warren. I'm just sorry that he's not here today so we can celebrate." Furthermore, a number of the pickets were blacklisted by their industry and were subsequently unable to work following their convictions.

Ricky Tomlinson went on to say that: "We were brought to trial at the apparent behest of the building industry bosses, the Conservative government and ably supported by the secret state… This was a political trial. Not just of me, and the Shrewsbury Pickets, but was a trial of the trade union movement."

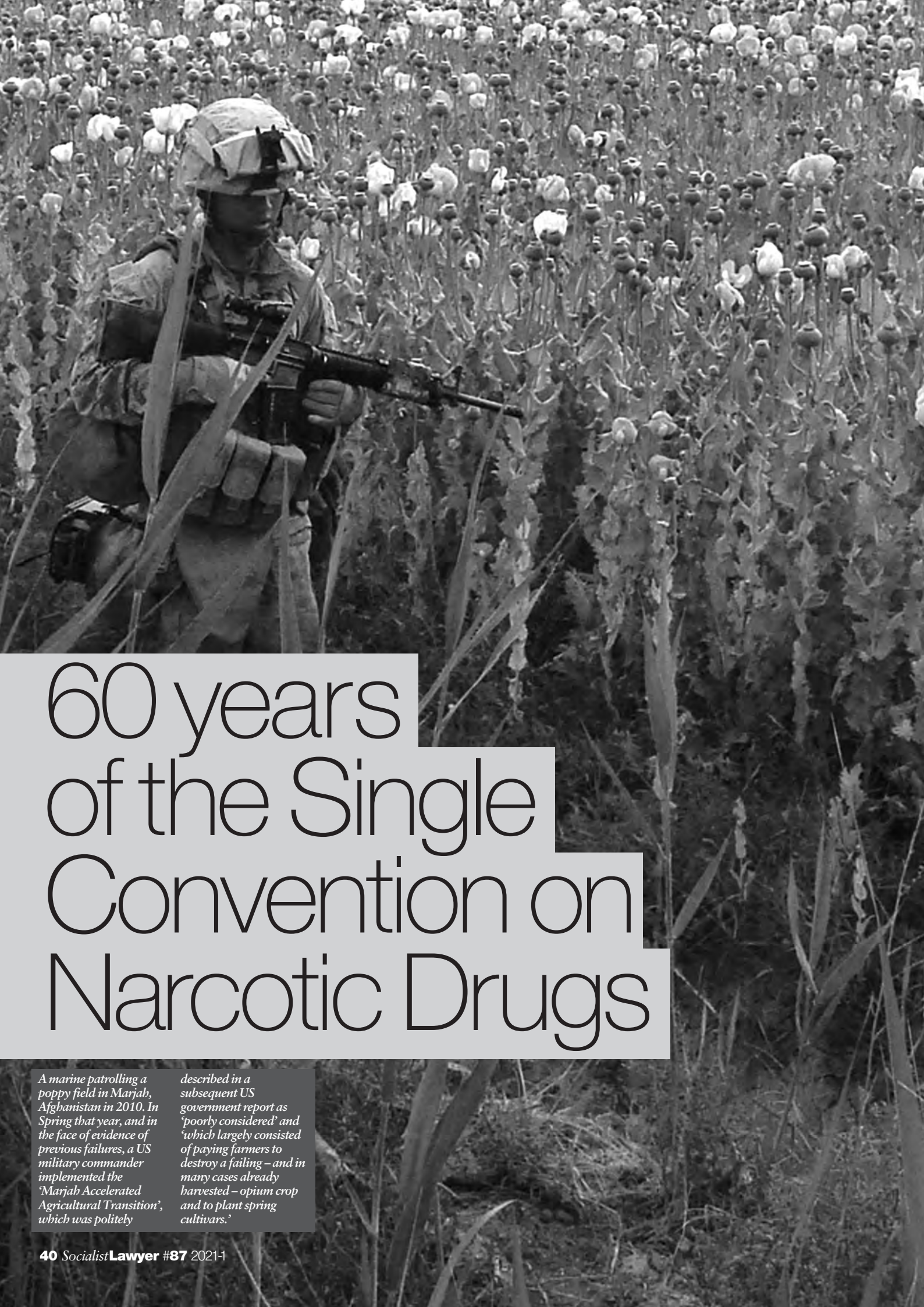
Solicitor and long-standing Haldane Executive Committee member, Paul Heron, who acted on behalf of a number of the pickets, said after the ruling: "It is important to remember that following their convictions in 1973 they were blacklisted by the building industry. Many of the men could not find work and as a result suffered more punishment. Whilst we understand that the court was unwilling to consider the wider issues regarding the involvement of the secret state, we are calling for a public inquiry into blacklisting in the industry, the role of the building industry bosses and the secret state."

Similarly, instructed counsel, Piers Marquis, confirmed: "There is no question that this was a politically motivated trial that ultimately intimidated workers and broke picket lines."

Despite the personal tragedies in this matter and the excessive timescale involved, make no mistake, this is a huge victory for the affected individuals, their families and the trade union movement as a whole. However, following the onslaught of The Trade Union Act 2016 and the recent Police, Crime, Sentencing and Courts Bill we must remain vigilant, as lawyers and as activists, in our defence of trade unionists. It is now more important than ever to stand firm against attempts by the state to criminalise, and of industry bosses to victimise, those who fight for workplace justice and the safety of themselves and others. Never again can we allow the travesty that befell these innocent men in Shrewsbury in 1972/73. It seems right that the last words here should be left to Terry Renshaw, one of the pickets convicted of unlawful assembly in 1973: "It's been 47 years. I'm just so emotional. I didn't think it would hit me like this. I am no longer a criminal."

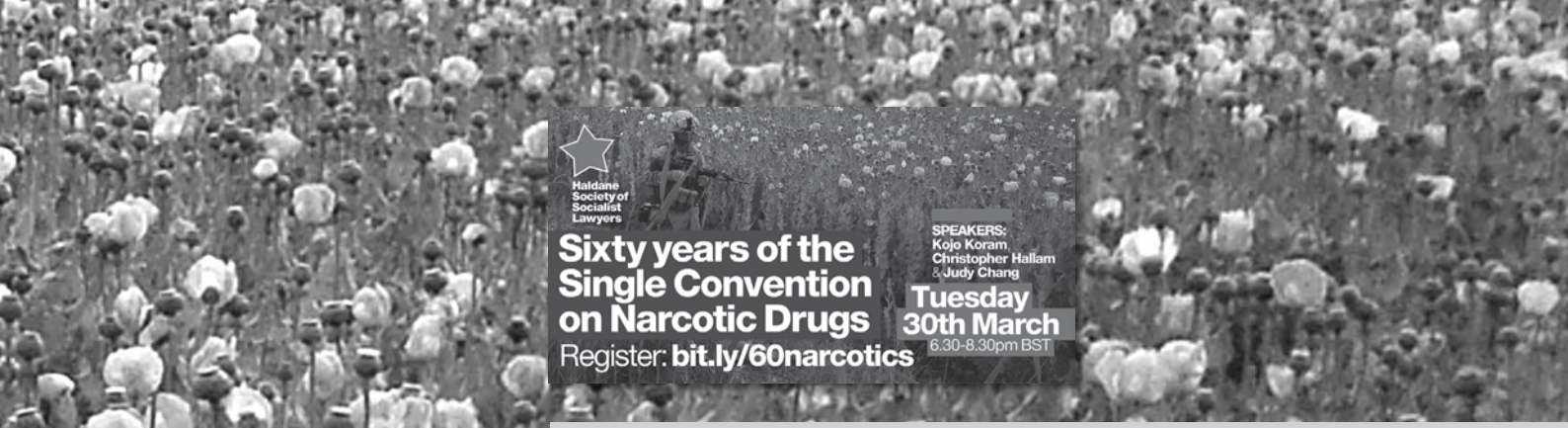
Liam Welch is a writer, lawyer and trade unionist. He is the Vice Chair of the Haldane Society of Socialist Lawyers.

Read our interview with Ricky Tomlinson in *Socialist Lawyer* #74: www.haldane.org/socialist-lawyer/2016/11/6/socialist-lawyer-74



60 years of the Single Convention on Narcotic Drugs

A marine patrolling a poppy field in Marjah, Afghanistan in 2010. In Spring that year, and in the face of evidence of previous failures, a US military commander implemented the 'Marjah Accelerated Agricultural Transition', which was politely described in a subsequent US government report as 'poorly considered' and 'which largely consisted of paying farmers to destroy a failing – and in many cases already harvested – opium crop and to plant spring cultivars.'



Joe Latimer reports on the Haldane Society's event marking 60 years of the Single Convention on Narcotic Drugs and reflects on its relevance in the context of the USA's withdrawal from Afghanistan.

On 30th March 1961 a conference of 73 states finalised the Single Convention on Narcotic Drugs and opened it for signature. Together with its sister instruments – the Convention on Psychotropic Substances 1971 and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 – it forms a vital institutional foundation for the prohibition of recreational drugs and, consequently, the strict militarised control and policing of narcotics production. On the same day, 60 years later, the Haldane Society brought together three experts to explore the social forces underpinning the treaty, its operation and what resisting the war on drugs entails.

Afghanistan and the international war on drugs

Following our event and shortly before publication, Biden announced that he will honour the previous administration's commitment to begin leaving Afghanistan on 1st May 2021. As the Afghan journalist Ali M Latifi remarked in an interview with Novara Media, the White House no longer calls for peace and freedom for the Afghan people. When Bush announced the invasion in 2001, he did so with internationalist enthusiasm to secure democracy and bomb terrorism away. In contrast, Biden's speech 20 years later was despairing. The American imperial ideology of *jus ad bellum* and 'responsible' military intervention has been humiliated.

One measure of the scale of America's defeat in Afghanistan is the extent of opium poppy cultivation. From 2004 the occupying coalition started targeting Afghanistan's opium industry in earnest; yet 17 years and at least $8.6 billion later, business is booming. According to the UN Office on Drugs and Crime (UNODC), production levels peaked in 2017 despite eradication efforts being well underway by that point. Production has since declined but this is more the result of market forces than law enforcement. In 2019, the UNODC reported that a glut in supply was leaving many farmers and labourers without a viable income. Nonetheless, the UNODC's most recent report states that last year, 'the area under cultivation was among the four highest ever measured.' Hence, even with the full weight of US military and purported policy 'expertise' backing eradication, the crop has prospered.

The endeavour to rid Afghanistan of one of its most secure exports, an effort effectively mandated under the Single Convention, has faced a fundamental problem: in an arid country whose ancient irrigation systems have been devastated by decades of imperial conflict and ecological damage, *Papaver somniferum* has proven crucial for sustaining livelihoods. It requires little water (hence its success in a country suffering climate change-induced drought), and given the global appetite for both its pain relieving and euphoric effects, its cultivation delivers a relatively decent wage for labourers.

Nevertheless, America has continued to pursue the Sisyphean task of creating a 'drug-free world'. To quote the preamble of the Single Convention, received wisdom dictates that 'addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind'. It would follow that only organisations with a certain disregard for 'mankind' would be willing to openly exploit the market for recreational opium.

The violence of the heroin economy is being compounded by the growth in production, use and distribution of crystal meth. *Ephedra sinica*, known locally as Om, grows as a weed across much of the region. The shrub has a 5,000-year history of being used for narcotic purposes and was recently identified as a good base ingredient for methamphetamine. Reporting for Business Insider, Latifi explained that as US troops withdraw, Afghanistan faces 'an epidemic of addiction fed by decades of war, displacement, and poverty'. Under the Single Convention on Narcotic Drugs, Afghanistan is obliged to apply the same failed model of law enforcement that the Marines applied to no effect in combatting the heroin industry. But if poppy crops have proven impossible to eradicate, despite being conspicuous thanks to their need of intensive labour and extensive farmland, what are the chances of successfully stamping out the production of methamphetamine, the raw material for >>>

>>> which grows as a common weed?

While the details are of course specific to Afghanistan, the general lesson has global significance. From Bogotá to Bristol, governments are pursuing the model mandated by the Single Convention: police supply and criminalise consumption under articles 4(c) and 36(1)(a), and give medical assistance to problem-drug users if you really want to (a discretion provided for under article 36(1)(b)). The outcome? The illicit market for heroin alone is estimated to be at least as big, if not bigger, than coffee or sugar, and its use remains as popular as ever.

The Single Convention and the colour line

From what social, legal and political terrain did the Single Convention emerge? How did the opium trade, a thriving imperial industry accounting for 14 per cent of the UK's state income in 1880, become the antithesis of Anglo-American power by 1980? On 30th March Dr Kojo Koram introduced our discussion by explaining that the 'war on drugs' (a phrase, he emphasised, that is not a metaphor) is as much a history of America's moral imagination as it is of organised crime.

The international system prohibiting recreational drug use emerged as the USA supplanted the European powers as the core of capitalist development in the early 20th century. While embroiled in Jim Crow laws in its south and military-industrial and consumerist-led growth generally, America began exporting and enforcing its perception of crime around the world.

The key actors promoting prohibition synthesised the fear of drugs with the fear of certain racialised groups. In railing against the evils afflicting migrant labourers at home and colonial subjects abroad, American anti-drug campaigners found a receptive audience at the

Papaver somniferum (so named for the latex of poppy seeds' resemblance to milk, and its sleep-inducing effects) has been exploited in Europe since at least the Neolithic period (5900–3500 BCE)

State Department, which installed Charles Henry Brent as chair of the Shanghai Opium Commission in 1909. Brent was an Episcopal bishop who saw prohibition as a key facet of God's work: the civilising mission in the Philippines would only be successful if American capital were accompanied by American righteousness. The Commission produced the world's first drug control convention three years later.

As the century progressed, Harry J. Anslinger took up the mantle of devout protestants in addressing the perceived evils of recreational drug use. Infamous for his vehement racism, deceitful propaganda, and draconian tendencies, he led the Federal Bureau of Narcotics from 1930 to 1962 (a term that rivals J. Edgar Hoover's at the FBI). As Johann Hari has reported, Anslinger's war on drugs was also a war on jazz, on the perceived antagonists of whiteness.

Hence, from its inception, the drug control regime was the product of prejudice, a reflection of the racial tensions endemic in America and capitalist society generally. Thanks to the fervour of these campaigners, six multilateral treaties governing the regulation of plant-based narcotics (opium, coca and cannabis) preceded the Single Convention, which brought all regulation under one regime. Of course, by the time of ratification, human ingenuity and hostility to sobriety meant that a vast array of synthetic drugs that did not fall within its ambit were widely available. Hence the Convention on Psychotropic Substances replicated the Single Convention's model ten years later, this time targeting 'synthetics'.

In his introduction to the volume, *The War on Drugs and the Global Colour Line*, Koram considers W.E.B. Du Bois' formulation that the 'problem of the twentieth century is the problem of the color line'. Speaking in 1900, Du Bois questioned the extent to which race 'will hereafter be made the basis of denying to over half the world the right of sharing to utmost ability the opportunities and privileges of modern civilization.' The statistics portrayed overleaf demonstrate that here in the UK (especially London), let alone the rest of the world, the violence of the war on drugs is in large part fought along the contours of the 'colour line'. The statistics British police forces publish do not directly reflect class dynamics, but critical research on the issue (and common sense) indicates that the war is similarly fought along class contours. In his concluding remarks on 30th March, Koram reminded us that, after all, drugs are already in large part decriminalised:

Left: Senegal Signs the Protocol Amending the Single Convention on Narcotic Drugs, 1972. As well as strengthening the penal aspects of the convention, the Protocol provided slightly more scope for 'demand-side' approaches to drug control, giving states the discretion to apply rehabilitative measures as 'an alternative… or in addition to conviction and punishment…'

Above: A view of the conference of January 1961, convened (as stated in the Single Convention's preamble), 'Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind'. According to Rick Lines, it is the only 'treaty characterising the activity it seeks to regulate, control or prohibit as being "evil".'

Right: The Inaugural Session of the International Narcotics Control Board, 1968. The World Health Organisation has always had a seat at the table, yet the punitive tendency of the drugs control regime has displaced its authority. Accused of secrecy and acting beyond their mandate, the INCB's role is to oversee and facilitate the supply of narcotic drugs and their precursor chemicals for licit purposes, and to monitor how states carry out their obligations.

the law remains largely unenforced against those rich enough.

Tension and change in an 'inflexible system'

Dr Christopher Hallam explained the operation of the Single Convention in institutional terms. The treaty serves two functions: first, to control and criminalise people using drugs for pleasure; and second, to ensure that there is access to plants like *Papaver somniferum* for medicinal and scientific purposes. It should be no surprise that the repressive role of the regime has outweighed the latter 'enabling' function.

The UNODC, which takes the technical and programmatic lead in the drug control regime, gathers data and functions as the public face of prohibition. The International Narcotics Control Board (INCB) operates more secretively and ensures compliance with the treaties among signatory states. Perhaps the most important actor is the Commission on Narcotic Drugs (CND), a political body made up of 53 states, established in 1946. It holds an annual meeting in Vienna where the key political decisions are made (that is, which drugs are legal) and in which civil society has played an increasingly important and critical role.

At the periphery, the World Health Organisation maps which substances are most dangerous and addictive – that is, which need most to be controlled. Their role in promoting a public health and scientific approach to drugs control has undoubtedly been subordinated to the repressive elements of the regime, primarily because the CND is able to override its recommendations. As research begins to emerge again about the opportunities of using (for example) hallucinogenics and amphetamines in mental health treatment, as well as increasingly robust research evidencing the comparatively low danger of using such drugs recreationally, might one begin to hope that the relationship between science and politics embodied in the drug control regime is beginning to falter?

> **"The drug control system has lost the intellectual argument, and as such is looking increasingly broken and irrelevant."**

While the international drugs control regime might seem an impressive instance of multilateralism, Hallam pointed to several key indications that consensus has in fact broken apart. The first is the increasingly persuasive logic of the 'Harm Reduction' approach to problem drug use: instead of insisting that people stop using drugs altogether (by relying on penal law), public authorities should spend their time ensuring that drugs are used safely. Switzerland is held up as a good example after it rolled out a 'Heroin Assisted Treatment' programme in the 1990s which has been highly successful in improving public health, reducing new heroin use, and reducing criminal fundraising activity among addicts.

The second is the increasing number of state parties challenging the Single Convention's model. Uruguay legalised recreational cannabis in 2013 and has been deflecting the INCB's consternation ever since. After ratifying a new national constitution in 2009 in which coca is recognised as 'cultural patrimony', then-president of Bolivia, Evo Morales (a former coca-leaf grower, or cocalero, himself) began chewing the leaves at the podium of the CND, calling for state parties to rectify the historic error banning the practice under article 49(2)(e). Amendment of this provision was blocked and Bolivia had to take the arduous step of withdrawing and re-acceding with a reservation.

Despite leading strong objection to Bolivia's moves, the USA – the prime instigator of the war on drugs – is seeing legalisation of recreational cannabis sweep through state legislatures, in contravention of the Single Convention. In its place, the Russian Federation has taken up the hard-line conservative position, meaning that system change is as hard to achieve as it ever has been, thanks to the fact that the CND operates according to consensus. In reflection of the multipolar political order, Hallam argued that the multilateral scheme instigated by the Single Convention is 'fragmenting wildly'. He concluded by observing that the drug control system has lost the intellectual argument, and as such is looking increasingly broken and irrelevant.

Resisting the war of drugs

Judy Chang is Executive Director of the International Network of People Who Use Drugs (INPUD). Drawing from their report and video series, 'Taking back what's ours! A documented history of the movement of people who use drugs' (2020), she shared insights from the drug-user rights movement, their struggles, ambitions and expertise; and thereby gave an alternate perspective on the history and jurisprudence of the war on drugs.

INPUD was founded in 2006 upon the premise that 'no group of oppressed people ever attained liberation without the >>>

Above: Former President of Bolivia and cocalero activist, Evo Morales, holds up a coca leaf at the Commission on Narcotic Drugs in Geneva in March 2009. Entering into force in February that year, Article 384 of the Plurinational State of Bolivia's Constitution states: 'The State shall protect native and ancestral coca as cultural patrimony, a renewable natural resource of Bolivia's biodiversity, and as a factor of social unity. In its natural state coca is not a narcotic. It's revaluing, production, commercialization and industrialization shall be regulated by law.'

>>> involvement of those directly affected by this oppression.' Their ambition is to harness collective action in the fight to 'formulate an evidence-based drug policy that respects people's human rights and dignity instead of one fuelled by moralism, stereotypes and lies'.

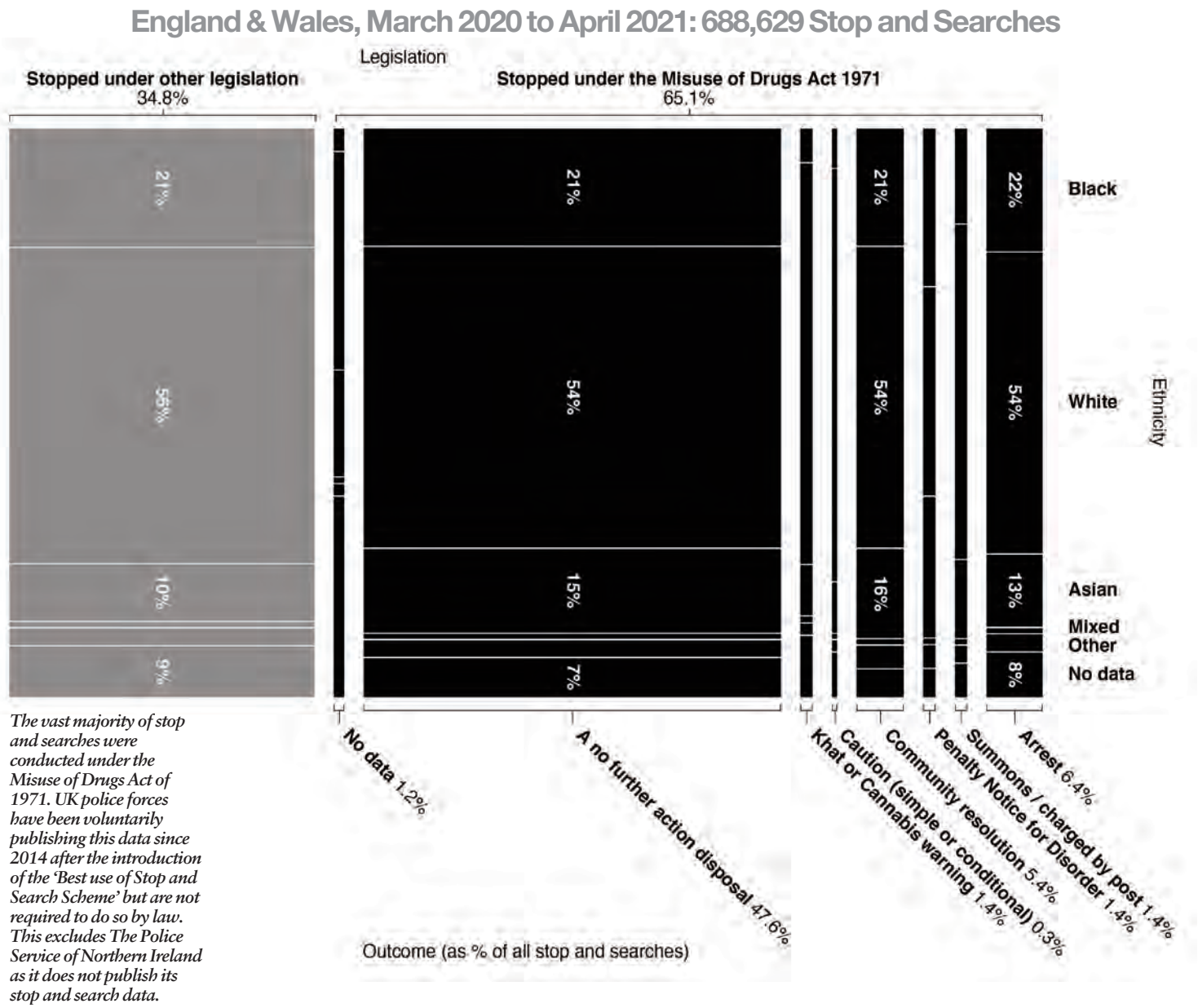
While the achievements of the drug user rights movement should not be underestimated, the challenges it faces are tremendous. Throughout the world, criminalisation poses grim danger: as one activist put it, 'The very thing that unites us puts us at risk.' Collectivisation is jeopardised by the necessary lack of a formal registration process.

But given the nature of the opposition, the continued existence of such networks around the world gives cause for celebration in itself. From the Netherlands in the 1970s to New York this year, policy has been shaped for the better by people using an 'adaptive mix of strategies'. The questions faced by people who use drugs are familiar to anyone interested in reform and progress. Protest, civil disobedience and radicalism on the one hand and strategic litigation, negotiation and collaboration with well-established organisations on the other are not mutually exclusive. Partnerships must be built around common causes. The 'relative balance' of strategies varies with historic and geographic context.

The theme was revisited during the discussion: is engagement with institutions like the CND futile? Does such work forego critical understanding of how imperialism, colonialism and racial capitalism are embodied in these institutions? Chang was not exactly optimistic about the chances of grand achievements within the UN system (there certainly is promise at the municipal and national level), but she questioned what 'non-engagement' would look like and reiterated the need (and possibility) of diverse and adaptive tactics without compromising. To quote an activist from 'Taking Back What's Ours', 'It's time we no longer allow ourselves to be invited to others' table. It's time we started inviting them to our table, right?'

We are already wrecked

Prohibition is premised on a cultural suspicion of intoxication and ill-informed, prejudicial



The vast majority of stop and searches were conducted under the Misuse of Drugs Act of 1971. UK police forces have been voluntarily publishing this data since 2014 after the introduction of the 'Best use of Stop and Search Scheme' but are not required to do so by law. This excludes The Police Service of Northern Ireland as it does not publish its stop and search data.

© The Drug Users Bible

conceptions of the 'evil' inherent to addiction. While the detriments of many recreational drugs have been wildly overblown, there is no doubt that drug abuse can claim and ruin lives. The question for lawyers should not be whether drugs cause harm, but whether prohibition is a rational or effective means of addressing those harms. However the question is addressed, the answer is consistently negative.

The questions for socialists are more ambitious. Decriminalisation offers a mitigation of the harm caused by the war on drugs. Legalisation, however, offers wealth. So, what will the political economy of legalised cannabis be? Who will own the means of production? Looking beyond cannabis, how will the rediscovery of the benefits of psychedelics affect the provision of public mental health services?

Internationally, do we have the institutional competence to foster sustainable development in (for example) Colombia or Afghanistan while maintaining the drugs war? Can the supply of coca leaves or poppy seeds be engineered to do what they already via illicit means, i.e. provide sorely needed income to the oppressed and marginalised? How will reform of narcotics law influence or be influenced by a wider revolution in our political, moral and economic life?

According to the ideology of the Single Convention, Afghanistan's woes cannot be addressed until, in the words of the INCB, its 'illicit drug economy is effectively controlled'. Yet the historical record, globally as well as within Afghanistan, strongly indicates that the demand for narcotics will persist no matter how heavily supply is policed. Further, according to the Lancet, 'the richest 10 per cent of the world's population live in countries that receive nearly 90 per cent of the opioid pain relief medications.' Inadequate supply of opiates is one driver of this shocking inequality in access to palliative care, with rich countries sitting on a hoard of the stuff. A greater number of 'off-patent medicines, particularly immediate-release oral and injectable morphine' is considered 'essential'. The world needs Afghanistan's poppies.

Joe Latimer is a trainee solicitor and editor of *Socialist Lawyer*

The Misuse of Drugs Act: 50 years of failure

Drug prohibition was predicated on social control and racist principles, a legacy that continues in the 21st century, argues **Niamh Eastwood**

The 27th May 2021 marked the 50th anniversary of the Misuse of Drugs Act. This was not the first piece of legislation in the UK to criminalise possession of certain substances, but it is the one that criminalises many of our young people today.

When the 1971 Act first came into force, Release, the charity I work for, was four years old. The organisation was established to respond to the policing of young people who were part of the countercultural movement, described at that time in parliamentary debates about the new drugs legislation as those with 'long hair and a scruffy exterior'.

The Release founders were also enraged by what they saw as the racist element of policing with newly arrived migrants, people who were Black and brown, being repeatedly searched and arrested by police. These groups were seen as a threat and the 'other', with the easiest way to harass them being through the drug laws and by being selective about the substances controlled.

A similar scene was playing out across the Atlantic in the US where President Nixon, who had just launched his own 'War on Drugs', used the drug laws to harass and criminalise civil rights activists and anti-war protestors. As we learned decades later, this declaration of war had little to do with drugs themselves. A former aide to Nixon told a journalist '[we] had two enemies: the anti-war left and Black people… We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalising both heavily, we could disrupt those communities'.

Fifty years on and communities of colour are still at the frontline of the drug war, both in the US and the UK, and in countries around the world.

In the UK, Black people are nine times more likely than White people to be stopped and searched for drugs, despite being less likely to use these substances. They are also less likely to be caught in possession of drugs when searched by police, but when they are caught in >>>

>>> possession Black people are subject to harsher sanctions.

In London, drugs stop and searches are most concentrated in areas of deprivation, whilst the highest rates of racial disparity are in affluent areas – speaking to a policy that is more about social and racial control. This all matters because drugs stop and searches dominates street policing, accounting for over 60 per cent of all searches across England and Wales – with similar patterns in Scotland (77 per cent of all searches) and Northern Ireland (65 per cent of all searches).

Beyond street policing, the racialised narratives play out in the new bogeyman of 'County Lines'; feeding the propaganda machine which legitimises the failed 'tough on drugs' rhetoric we hear from successive governments. Whilst there are new elements to the supply model – mainly relating to the use of technology and distribution patterns – the involvement of children in the drugs trade, the involvement of vulnerable drug dependent people, and the use of violence, are certainly not new.

Feeding into this narrative and failing to deconstruct what is being presented by law enforcement and policy makers allows for the good old war on drugs to continue, and we have been here before – whether it was the so-called 'crack epidemic' of the 1980s or the threat of 'lethal' legal highs throughout the last decade. A new threat to our young people emerges on a regular basis, evidence surely of a failed policy, but yet authorities continue to surveil, harass, arrest, criminalise and imprison in an attempt to reduce or eliminate the market.

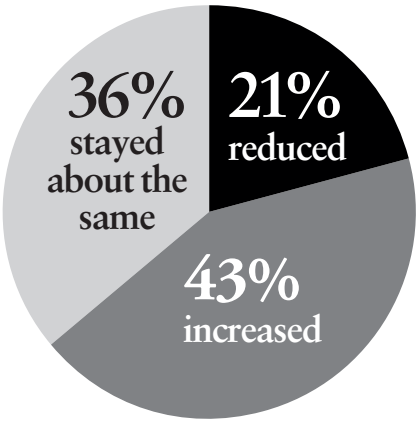
This failure is evidenced by the Government's own research which found that despite spending £1.6 billion on drug law enforcement every year it had 'little impact on availability' of drugs, and described the market as 'resilient'. This Home Office evaluation of the 2010 Drug Strategy goes on to state that current drug law enforcement, that is prohibition, creates 'unintended consequences' including: increased violence in the market place resulting from enforcement activities; criminalisation negatively impacting on employment prospects; and parental imprisonment – which can have dire consequences for children by increasing their risk of offending, mental health problems, and problematic drug use in later life.

Beyond the failure and litany of damage outlined above, our current drug policies have also resulted in significant health harms, including the highest level of drug related deaths on record, a statement that we have made for eight years in a row.

The UK accounts for a third of all drug related deaths in Europe and Hepatitis C (HCV) continues to be a major problem among people who inject their drugs in the UK, with around one in every four currently infected with HCV. Whilst the prevalence of HIV remains relatively low, there have been notable outbreaks of HIV among people who inject drugs in Glasgow. We are all currently experiencing a public health crisis as a result of the COVID-19 pandemic, but for people who use drugs – especially those dependent on heroin and crack cocaine – they have been experiencing a similar crisis for over a decade.

We cannot afford another five minutes of punitive drug laws, let alone another fifty years.

Changes in drug use compared to 'before the pandemic' (n = 2587)



Monitoring the UK drug market during the pandemic

Since the beginning of the first UK national coronavirus lockdown, Release has operated a public, online survey designed to monitor how people are buying their drugs during the COVID-19 pandemic. Release's interim report presents findings from the first 2,621 responses, received between the survey's launch on 9th April 2020 and 17th September 2020.

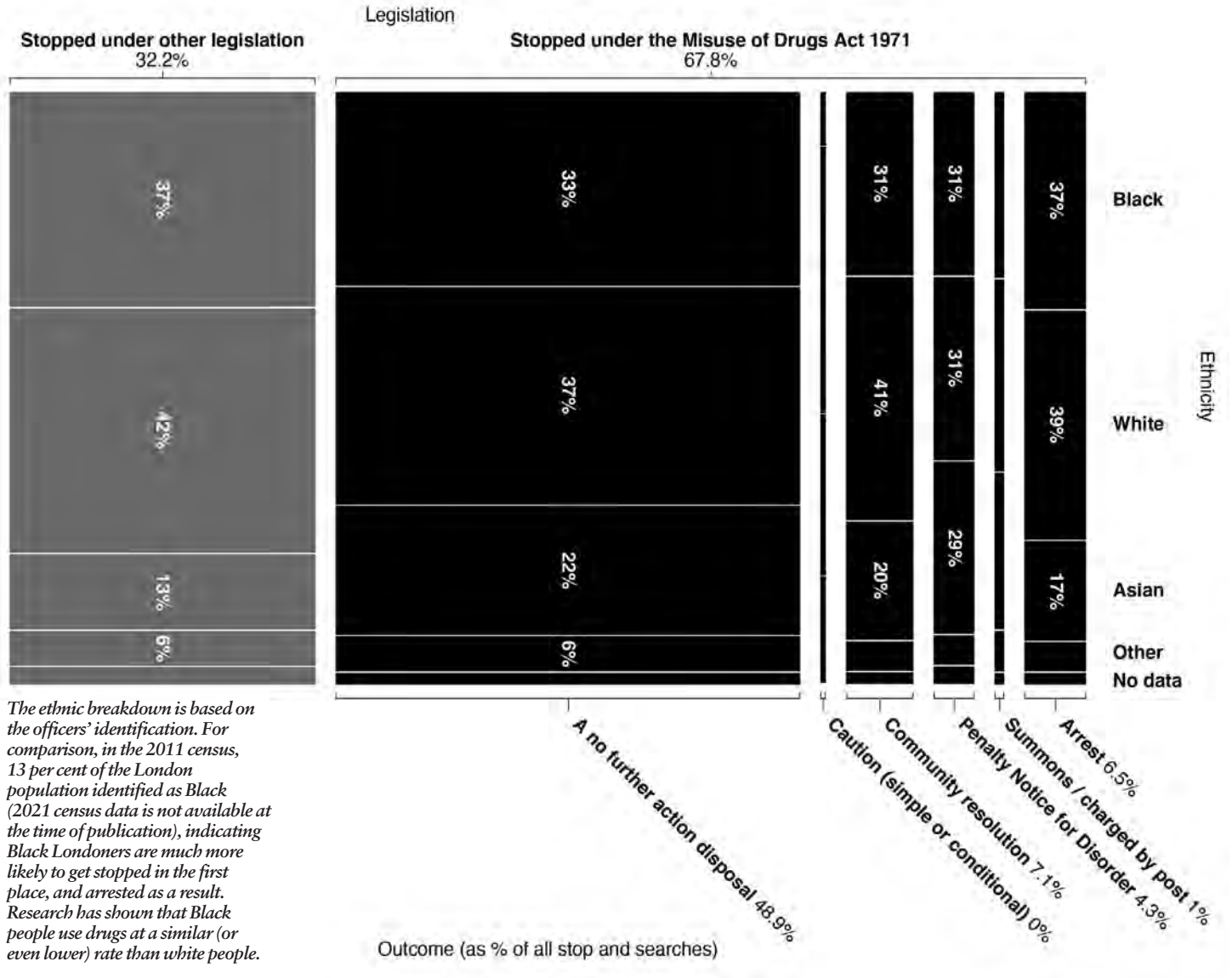
Survey findings indicate remarkable stability in the drug market during the first lockdown, in the face of unprecedented restrictions to movement. However, more difficulty finding a desired supplier, or desired drug, as well as increases in price and variations in quality, were more often reported when that first lockdown eased and lifted.

Overall, a higher proportion of respondents said that their drug use has increased as opposed to staying the same or decreasing since the start of the pandemic. People who use drugs also reported having experienced more harm – including withdrawal symptoms, non-fatal overdoses, and increased contact with the police – compared to their experiences before the pandemic.

www.release.org.uk/coronavirus-drug-purchases-impact-survey

Change in individual and social harms compared to 'before the pandemic'

London, February 2021: 25,082 Stop and Searches



The ethnic breakdown is based on the officers' identification. For comparison, in the 2011 census, 13 per cent of the London population identified as Black (2021 census data is not available at the time of publication), indicating Black Londoners are much more likely to get stopped in the first place, and arrested as a result. Research has shown that Black people use drugs at a similar (or even lower) rate than white people.

If we want to support racial justice, we have to support drug law reform to allow for one tool of oppression to be lifted. If we want to protect some of our most vulnerable, then we must have policies grounded in public health and social justice.

To start with we need to decriminalise people who use drugs, meaning that they are no longer subject to criminal sanctions for possession of drugs. However, for the policy to work effectively, we need to ensure that they are not subject to policing or any mandatory state intervention, rather, we need to provide people with routes to accessing support if they need it (and remember, only an estimated 10 per cent of people who use drugs are dependent, the rest use for fun, for relaxation, for medicinal purposes). We need to scale up harm-reduction responses including overdose prevention sites, access to substitute medications like diamorphine (heroin assisted treatment) or methadone, and drug checking.

And yes, we have to regulate and legalise drugs. Cannabis is the first drug that will be regulated in the UK for recreational purposes, despite our current Prime Minister's supposed reluctance. With a third of US states having legalised recreational cannabis use, along with Canada, Mexico, and Uruguay, trust us it is going to happen in the UK too – and when it happens we must ensure that the framework is predicated on principles of social and racial justice.

A number of US states have developed what are known as social equity models of cannabis regulation. These models expunge criminal records for cannabis-related offences in recognition that those from Black and brown communities have been disproportionately criminalised. Many of these states prioritise licenses for people from communities that have been over-policed and over-incarcerated, whilst also providing technical and financial support to facilitate market participation.

"Cannabis is the first drug that will be regulated in the UK for recreational purposes, despite our current PM's supposed reluctance."

This approach will also enable illicit suppliers to transition to the licit economy, because whether you like it or not, the drugs trade provides vital income to many families living in deprivation. Finally, taxes from the regulated cannabis market in some of these states will be used to invest in communities who have suffered at the hands of a racist war on drugs.

In recent months, the State of New York has successfully passed what has been described as the 'most ambitious reform yet' with the Marijuana Regulation and Taxation Act. Crystal D. Peoples-Stokes, the Democratic majority leader who sponsored the Bill, is quoted on the chamber floor as saying that 'equity is not a second thought, it's the first one, and it needs to be, because the people who paid the price for this war on drugs have lost so much'. This is the approach that the UK must adopt when cannabis legalisation and regulation comes knocking. Who knows, perhaps these cannabis markets will provide wider learning for how we run our economies.

Niamh Eastwood is Executive Director of Release. She is a non-practising barrister who started at Release in 2002 as a legal advisor. A fully-referenced version of this article can be obtained by email: *socialistlawyer@haldane.org*

Everything we've ever done, everything we ever do…

It's a Sin TV, 2020 www.channel4.com/programmes/its-a-sin/on-demand

Russell T Davies brings a little understood disease to the public's attention with skill and an uncanny sense of timing. Filmed before the outbreak of Covid-19, it's fair to wonder how viewing figures might have been affected if pandemics weren't the subject matter of the day.

But it is useful to Davies - in this sense alone - that they are. A skilfully crafted discussion of scientific distortion, conspiracy theory and misinformation could not be more apt. And at a time when every effort is being made to give wider exposure to the use of interventions such as pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP), raising awareness of HIV can only be of benefit. Although *It's A Sin* does not attempt to tackle modern day prevention and treatment techniques, many HIV charities have welcomed the chance to talk about the continuing problems of tackling stigma and misrepresentation around HIV.

Whatever the reasons for tuning in, it is hard to understate the impact of Davies' latest creation. *It's a Sin* creates a joyful homage to the gay community of the 1980s and 90s through pop culture and carefully crafted characterisation, set against the bleak background of the global AIDS epidemic. Olly Alexander's portrayal of Ritchie is diverting, delicate and at times breathtakingly grim – Russell T Davies does not attempt to sugar-coat the horrors of AIDS at a time when no treatment was available. The casting is diverse, the characterisation is intelligent and the script is often desperately funny. Omari Douglas, Callum Scott Howells and Nathaniel Curtis circle magnificently around Ritchie; and Lydia West as Jill, advocate and support to her dying peers, is fantastic.

'A joyful homage… through pop culture and carefully crafted characterisation… diverting, delicate and at times breathtakingly grim.'

Davies is open about the inspiration for many of his characters – the 'original' Jill, for instance, now plays her mother – which may be one reason underlying the level of candour in Davies' writing. Davies deals without fear with the most challenging aspects of the subject matter, from anal hygiene, to early onset dementia, to the effects of knowingly transmitting HIV to others.

Looking at the show through a wider lens, Davies is brief in his political commentary. This is not a political drama in the traditional sense, nor is it intended to be so. There is sporadic focus upon the political landscape of the period – a brief depiction of direct action and subsequently police brutality; fleeting commentary on Thatcher, by way of a diverting segue from Stephen Fry – but with little substance. Although the 'die-in' staged by Jill will remind some of the ACT UP protests, there is little explicit referencing to wider protest movements and many have noted the absence of Stonewall, the Terrence Higgins Trust, OutRage! and others who contributed to a groundswell of action and public health campaigns. Similarly, although this is arguably beyond the scope of the show, there is no reference to the haemophilia scandal of the same period, about which a public inquiry is still ongoing.

Solidarity in the face of oppression is at times shown as a microcosm of the wider action – supporters quietly organising in pubs, families joining marches, legal action against oppressive

hospital regimes that isolated those dying of HIV in locked wards – but there is little hint of the wider perspective. This is perhaps the show's main flaw. The result is that there is little education around the toxic environment towards homosexuality that was openly encouraged by Thatcher, culminating in the punitive regime under Clause 28. A nod to the dangers of a government promoting intolerance and bigotry might, perhaps, have been timely.

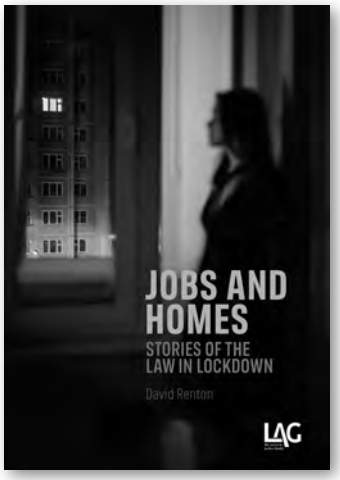
None of these omissions detract from the piercing writing, the devastating subject matter. It simply means that there is sometimes a lack of depth to the (almost universally) homophobic attitudes of the parents to the group, the vehemence behind their prejudices. It may be hard for some viewers fully to comprehend the depth to which shame was expected, and often forcibly demanded, from the gay community. Despite that, *It's a Sin* stands on its own, powerfully.
Lyndsey Sambrooks-Wright

Arming us with clarity in the struggle for a fairer Britain

Jobs and Homes David Renton, published by the Legal Action Group, April 2021, £20 print & ebook, www.lag.org.uk/bookshop

David Renton's book is an exploration of the state of the law during England's coronavirus lockdown. Renton is a committed socialist and a prolific writer on social history, law and workers' movements; he is also a barrister specialising in discrimination, employment and housing law for workers and tenants. As such, he's in a perfect position to consider how the Covid-19 pandemic has affected the delivery of justice in two major areas of struggle: jobs and homes.

Renton weaves together three narratives: reflections on his personal experiences of Covid-19's effects as the pandemic progressed, introductory information and analysis of the legal system, and anecdotes and case studies from his experience as a barrister. The personal commentary and insightful political analysis help to keep the tone light and accessible between detailed and deeply affecting stories from people who Renton has represented in recent years.



In one case study, a woman who was living in council housing with her children took in her elderly and unwell mother after she had suffered domestic violence. The property in which the family were living had neither a bath nor a shower on the ground floor, which meant basic hygiene facilities were inaccessible for her mother, who had nowhere else to live. It took repeat threats from a solicitor for the council to consider alternative housing for the family, plus evidence from external sources such as a GP and even the local authority's own third-party advisors. When they finally reassessed the family's housing situation, the local authorities' housing officers argued that it was, as Renton puts it, 'not unreasonable to expect a 76-year-old woman to sleep each night for a year on a sofa. If her mother had difficulty washing, she should not complain since there were "facilities" on the ground floor level (i.e. a sink) and she could wash herself there.' It took until the day before the hearing for the council to give in and finally offer to move the family.

This story will not be surprising to legal aid solicitors and caseworkers, but it is no less affecting for being so similar to other injustices faced by tenants in council and social housing. In fact, to me it felt galvanising – a reminder of the hard work going on synchronously across the legal system to try and achieve justice for people who have been systematically disadvantaged and disempowered. But the book also describes many losses and frustrations. Renton reminds us of the processes that are set against our work, including the historic reshaping of employment practices and the housing sector that has taken place over the last 40 years – as well, of course, as lawyers and decision-makers within the legal sector who have a very different vision to us of how the system should look.

> 'For a lawyer so concerned with justice for his clients this is a reminder of the limitations of focusing solely on legal approaches to social justice.'

Jobs and Homes peeks, Secret Barrister-esque, into the interpersonal politics and micro-injustices of courtrooms: the way pre-existing friendships between judges and barristers can change things in your favour or against you; how time limitations and silly administrative mistakes can affect how a case plays out. For a lawyer so concerned with justice for his clients – and for all of us with wider socialist commitments – this is a reminder of the limitations of focusing solely on legal approaches to social justice.

In a very helpful section towards the end of the book, Renton considers how courtroom dynamics may change as more hearings move online. Due to post-2008 budget cuts and wider neoliberal trends, the direction of travel has been digital even >>>

Thousands protested in March and April for women's safety and against the Police, Crime, Sentencing and Courts Bill.

Picture: Jess Hurd / reportdigital.co.uk

>>> before the Covid-19 pandemic. Renton points out that between 2010 and 2019, the state had already sold off 'half of our magistrates courts, a third of our country courts and three quarters of our tribunals'. But the shift to online hearings has been turbocharged in the last year due to long periods where courts could not open. Renton raises a plethora of concerns with the direction of travel and this year's contribution to the problem. He writes: 'Studies have shown that when a court system is moved online, judges make different decisions. For example, one report on bail applications in immigration cases heard by video link in 2011 and 2013, found that a mere 50 per cent of remote applications were granted bail, a significant reduction from the 78 per cent success rate when bail applications were made in person.'

I came away from reading this (and further evidence he provides suggesting similar trends) horrified by the arbitrariness of judges' power and reminded of the role of empathy in legal contexts. Justice by algorithm, 'on the paper' decisions and online hearings where clients are 'muted' by the usher, drain the humanity out of a system that is already too often inhumane. As Renton argues powerfully: 'In the absence of a chance to persuade a Judge face to face, all that remains is people with power finding excuses to ignore those without.'

The book would serve as an excellent primer for both activists and young lawyers seeking to arm themselves with arguments in favour of widening access to justice. It would also be useful in the housing and trade union movements as a glimpse into the injustices of the justice system for workers and tenants. For seasoned legal professionals, the book may tell you many things you already know, but the valuable case studies and the interesting political reflections Renton considers along the way make it well worth reading.

Clare Bradley

Handbook equips us to support those who stand up to the state

The Protest Handbook Second edition to the 2nd edition of the Protest Handbook, co-written by Tom Wainwright, Anna Morris, Owen Greenhall and Lochlinn Parker

'A short-lived disruption to your life is a small price to pay to avoid much longer lasting and damaging crises'. These words by Caroline Lucas MP in the foreword provides a backdrop as to why this book is needed. Succinctly and powerfully, she describes how civil disobedience has been utilised to bring about positive, social change.

At the time of writing, the dangerously authoritarian Police, Crime, Sentencing and Courts Bill has been delayed because of protests led by groups such as Sisters Uncut. If not for these protests bringing wider attention to the government's attempts to rush this Bill through Parliament – without effective scrutiny of its provisions designed to curb our right to protest, increase police powers, introduce tougher sentencing, and further criminalise already marginalised groups such as those identifying as Gypsy, Roma and Travellers – we may have been in a very different and concerning position.

Undoubtedly, the government's latest attack on protest is in direct response to those who caused widescale disruption and sparked national conversation as part of Extinction Rebellion in 2019 and the Black Lives Matter resurgence in 2020. As the government has used the coronavirus pandemic as a mask to severely curtail rights to expression and assembly, the release of the Protest Handbook's second edition is timely.

In the eight years since the first edition, there have been some victories for protest rights, including the recent ruling in favour of the Stanstead 15 in *R v Thacker and Others* where the Court of Appeal held that the group of activists should 'not have been prosecuted' for an 'extremely serious' terror-related offence. However, there have also been some worrying developments such as the High Court's decision in

DPP v Ziegler where it was held that rights under articles 10 and 11 of the European Convention of Human Rights could not justify obstruction of the highway. The Supreme Court heard an appeal on this in January 2021 and, at the time of writing, judgement awaits.

It is for this reason that the *Protest Handbook* is essential reading for practitioners, activists and interested persons alike. Lacking in 'legalese', this Handbook plainly outlines the myriad of common, criminal, and civil laws that relate to protest in conjunction with public law principles, local byelaws, and international instruments. Each chapter offers a clear breakdown of the case law and legislation concerning protestors' rights, police powers, criminal proceedings, common offences and defences, the law on challenging injunctions and holding the police to account.

I particularly appreciated how the Handbook presented law and policy as it was and rebutted any myths or misinterpretations. For example, individuals' right to film and take pictures of police officers during protests. Knowledge of this and how to counter possible objections is vital, especially when it comes to holding the police accountable for their heavy-handed response to protestors that we are all too familiar with.

Whilst reading the Handbook, I followed the series of webinars by Garden Court Chambers (all available on YouTube) where speakers, including the authors, shared their expertise and experiences of representing protestors in criminal and civil proceedings. Other speakers included academics and activists with personal experiences of the state's repressive approach to protest. A common thread focused on how fundamental the right to protest is in a democratic society. As Kevin Blowe of Netpol expressed in the last webinar of the series, 'Protests are the reason why we have many of the rights and freedoms we cherish.' This statement exemplifies why this Handbook is especially crucial for lawyers to equip themselves with the necessary knowledge and understanding to provide adequate representation and prevent miscarriages of justice. When individuals are brave enough to stand up to the state, they require lawyers equally brave enough to use the law creatively in defence of their right to protest.

'The government's latest attack on protest is in direct response to those who caused widescale disruption and sparked national conversation as part of Extinction Rebellion and Black Lives Matter.'

Kitan Ososami

LEGAL SECTOR WORKERS UNITED

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LSWU is a union for all workers in the legal sector, including paralegals, cleaners, barristers, trainees, solicitors, intermediaries, students, admin staff, and legal executives.

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The legal sector has numerous problems, from strict hierarchies to vast pay gaps and overworking. Many of these have been further exacerbated by COVID-19. By organising together, we can build a more just profession.

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"Thank you so much for everything you guys have done for me... the result is better than expected. Your help with my case greatly improved my life and mental health and I'll always be grateful."

"It's amazing how real and tangible the power of people united can be - I think everyone feels the energy! The sense of trust, cooperation and honesty this process of organising together has created is quite incredible."

HOW IT WORKS

We organise through multiple subgroups based around workplaces, practice areas, or groups of workers (such as "paralegals"), which democratically formulate demands to present to management. We are always members led.

Membership is confidential and you never have to disclose it to your boss. It is unlawful to subject an employee to any detriment for union activity or membership, no matter how long they have been employed, and we will always back you if this happens.

Membership fees are tiered based on salary. The only workers who cannot join are those with firing power, and in a dispute between members, LSWU will always back the one with the least power in the workplace.

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You need a union

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