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MOJUK: Newsletter 'Inside Out' No 959 (12/07/2023) - Cost £1

Guildford Four: One Trial, Two Appeals, an Inquiry an Inquest, But What Do We Know?

Alastair Logan OBE, Justice Gap: 'When it is politically costly for the British to remain in Ireland, they'll go. It won't be triggered until a large number of British soldiers are killed – and that's what's going to happen.' Danny Morrison, IRA leader 1973. By the start of 1973, the leaders of the Provisional IRA had come to believe that the British were growing weary of their involvement in the conflict and that a serious escalation of violence would push the British into withdrawal. The IRA began their first sustained bombing campaign in England, using mainly letter bombs sent by mail and firebombs planted in major cities around England. Between August 18 and September 28 more than 40 bombs exploded in London, Birmingham and Manchester. Other bombs were found and defused, and 29 people were injured from the bombing campaign. They then chose military as well as civilian targets. Police were aware that this was their intention from information seized from a safe house after a bombing of the Claro Military Barracks in Ripon in March 1974 and other intelligence.

On October 5, 1974 the IRA detonated bombs in two public houses in Guildford containing off-duty military personnel, killing five young people and wounding some 65 others in varying degrees of severity. There was no warning that preceded this bombing specifically, but the police were aware that at least one Active Service Unit was operating on the mainland targeting the military and had been since 1973. The Coroner for Surrey at the time, Lieutenant-Colonel McEwan, opened the inquest on those who were killed and then immediately adjourned it. The inquest was never closed.

Some 46 people were arrested by the Surrey Police and ultimately four people, known as the Guildford Four, stood trial in September and October 1975 based solely on the statements that they had made to police whilst in custody without access to legal advice and after suffering, as they testified at their trial, outrageous and criminal behaviour towards them by the Surrey Police. The statements of the four were false-coerced confessions which were mutually exclusive on over 100 points. They were all convicted and sentenced to life imprisonment with very long terms to be served before parole could even be considered.

The War Against Imperialism is a Just War: The arrest of four members of the IRA active service unit in Balcombe Street in December 1975 resulted in the Metropolitan Police being told by the members of that unit on initial interviews that they had committed the Guildford bombings and not the Guildford Four. Neither the Metor Surrey Police made any attempt to follow up on those confessions although curiously, you may think, Surrey Police interviewed them about the bombing of the Caterham Arms (another military target) which occurred in August 1975. By then, the Surrey Police already knew of the forensic links to the Guildford and Woolwich offences from the discovery of 'safe houses' belonging to the active service unit in February 1975.

As a result, I interviewed them prior to their trial and they made full confessions of their involvement in the Guildford and Woolwich offences, giving details which could only have been known to those who had participated, and their interviews were recorded by a stenographer. They also signed statements recording their confessions. Notwithstanding those confessions – copies of which were served on the Met, Surrey Police and the DPP – and upon which a conviction was certain, the DPP decided not to include the charges in the indictment they faced in 1977 and later tried to justify this by saying that they were already serving life sentences and it would be a waste of public money to put them on trial again.

The members of the IRA unit including Brendan Dowd gave evidence at the appeal of the Guildford Four. The Court of Appeal accepted that they had done the bombings they admitted but decided that they had done them with the Guildford Four – despite a total absence of any evidence to link the two groups together and the mass of forensic evidence that excluded the Guildford Four from offences committed both before and after their arrest in November/December 1974, and which linked the ASU to the Guildford and Woolwich offences.

At their trial the Balcombe Street active service unit refused to plead to the 100 counts on the indictment because they had not been charged with the Guildford and Woolwich offences. Joe O'Connell, one of the unit, made a statement from the dock: *'Members of the Jury: There has been an attempt by this court to isolate certain incidents which have been called "crimes". These incidents have been put completely outside the context in which they occurred in a way that is neither just nor consistent with the truth. The true context is that of the relationship between this country and our country – Ireland. That relationship is one of a state of war against the occupation of Ireland by Britain.*

No mention has been made in this court of the violence suffered by the Irish people; of the use of internment without charge or trial in the six counties; of the conviction before the European Court of Human Rights of the British Government for the torture of Irish people; nor of the brutalities of British colonial rule. The judge has attempted to restrict the reference to bombings and shootings to 'terrorist' offenses. We would like to ask the judge whether the bombing of Hiroshima or Dresden were terrorist offenses? Whether the torture carried out by British soldiers in Aden and Cyprus and Hola Camp, Kenya were acts of terrorism? Whether the British were guilty of terrorism when they forced thousands of civilians into concentration camps in South Africa where thousands of them died?

We say that no representative of British imperialism is fit to pass judgment on us, for this government carried out acts of terrorism in order to defend British imperialism and continues to do so in Ireland. We have struggled to free our country from British rule. We are patriots. British soldiers in Northern Ireland are mercenaries of British imperialism. Yet none of them has ever been convicted for the murders of unarmed civilians which they had committed in Ireland. We ask the members of the jury to consider this paradox.

We are all four Irish Republicans. We have recognised this court to the extent that we have instructed our lawyers to draw the attention of the court to the fact that four totally innocent people – Carole Richardson, Gerry Conlon, Paul Hill and Paddy Armstrong – are serving massive sentences for three bombings, two in Guildford and one in Woolwich, which three of us and another man now imprisoned (Brendan Dowd), have admitted that we did.

The Director of Public Prosecutions was made aware of these admissions in December 1975 and has chosen to do nothing. We wonder if he will still do nothing when he is made aware of the new and important evidence which has come to light through the cross examination by our council of certain prosecution witnesses in this trial. The evidence of Higgs [principle scientific officer for the Crown in the Guildford trial] and Lidstone [forensic scientist] played a vital part in the conviction of innocent people. Higgs admitted in this trial that the Woolwich bomb formed part of a correlated series with other bombings with which we are charged. Yet when he gave evidence at the earlier Guildford and Woolwich trial he deliberately concealed that the Woolwich bomb was definitely part of a series carried out between October and December 1974 and that the people on trial were in custody at the time of some of these bombings.

Lidstone in his evidence at this trial tried to make little of the suggestion that the Guildford bombs could have been part of the 'Phase One' bombings with which we were accused with the excuse, and this appeared to be his only reason, that the bombings in Guildford had occurred a long time before the rest. When it was pointed out to him that there were many clear links between Caterham and Guildford and the time between Guildford and the Brooks Club bomb with which we were originally charged was 17 days and that Woolwich occurred 16 days later, and that equal time gaps occurred between many of the incidents with which we are charged, Lidstone backtracked and admitted that there was a likely connection.

This shifty manoeuvring typifies what we, as Irish Republicans, have come to understand by the words 'British justice'. Time and again in Irish political trials in this country innocent people have been convicted on the flimsiest evidence – often no more than extorted statements or even 'verbals' from the police. Despite this often repeated claim that there is no such thing as a political prisoner in England, we would like to point out that the stress laid in Irish trials on the political beliefs of the prisoners and the fact that over the last few years convicted Republicans have been subjected to extreme brutality in English prisons. This brutality has led to prisoners being severely injured like six Republicans in Albany in September last year and to the almost constant use of solitary confinement for such prisoners. It has also resulted in the deaths of three of our comrades – Michael Gaughan, Frank Stagg and Noel Jenkinson.

We do not wish to insult the members of the Jury when we say that they are not our peers. An English jury can never be the peers of Irish men and women. We will be judged only by our countrymen. Any verdict or sentence from this court is nothing more than the continuation of the hypocrisy of British rule in Ireland and the injustice it has inflicted on our country and its people. We admit to no 'crimes' and to no 'guilt', for the real crimes and the real guilt are those of British imperialism committed against our people.

The war against imperialism is a just war and it will go on, for true peace can only come about when a nation is free from oppression and injustice. Whether we are imprisoned or not is irrelevant for our whole nation is the prisoner of British imperialism. The British people who choose to ignore this or to swallow the lies of the British gutter press are responsible for the actions of their government unless they stand out against them. As Volunteers in the Irish Republican Army we have fought to free our oppressed nation from its bondage to British imperialism of which this court is an integral part.' Signed: Joe O'Connell, Eddie Butler, Harry Duggan, Hugh Doherty: January 1977

Over 40 years later, on 31st October 2017, a firm of solicitors sent a letter to the Surrey Coroner on behalf of Ann McKernan, the sister of Gerard Conlon, one of the Guildford Four, who had died in 2014, asking that the inquests into those deaths be resumed. Ms McKernan died on 2nd April 2018 and the application was pursued on behalf of Ms Yvonne Tagg, one of those injured in the bombing, and Ms Cassandra Hamilton, the sister of one of the deceased. The Surrey Coroner, Mr Richard Travers, decided to reopen the inquests pursuant to his powers under the Criminal Justice Act 2009.

There are two types of inquest: a traditional inquest (also known as a 'Jamieson Inquest') which requires the coroner to consider by what means the deceased came to their death. There are 14 different verdicts which can be reached. The other is an Article 2 inquest (also known as a 'Middleton Inquest') in which there is a wider reaching enquiry into not only by what means the deceased died but also the circumstances surrounding the death. For traditional inquests, 'how' someone died means 'by what means' the person came by their

death. For an Article 2 inquest, 'how' also includes 'in what circumstances'. An Article 2 inquest will therefore cover more issues. The inquest into the deaths of those who died in the Birmingham Pub bombings in 1974 was also resuscitated by the tireless work of the families of the deceased. The families challenged the ruling of the Coroner on scope – specifically his decision to rule out of scope the issue of who were the perpetrators. This led to the judgment of the Court of Appeal which reversed the judgment of the Divisional Court and restored the ruling of the Coroner.

In the absence of public funding by way of legal aid, the families were unable to apply to the Supreme Court to challenge the judgment of the Court of Appeal. In part, they were refused legal aid because the Legal Aid Agency (LAA) noted that they had previously successfully used the Crowd Justice online funding platform to raise money to bring the judicial review which they had to do because there was no public funding.

The reasoning of the LAA suggests that it made both an assessment on the merits of the judicial application and decided that an applicant for legal aid who has raised money by way of public subscription should be excluded from public funding. The Hambledon judgment has narrowed the coronial jurisdiction in complex multi-death inquests. In essence the arguments advanced by the parties balanced common law tenets against European Human Rights Convention jurisprudence in this area and the law in this area remains unsettled. As solicitor Christopher Stanley put it: 'One purpose of an inquest is to allay rumour and suspicion and to restore confidence in the Rule of Law. The two are linked the exposure of one restoring the status of the other. Ruling perpetrators out of scope meant the issue could not be put to the jury and jarred with similar issues in the Northern Ireland Legacy inquests where individual perpetrators have been named.'

The government argues that legal representation for families at inquests is not necessary as an inquest is inquisitorial and not adversarial. If that were true, why do state and public agencies inevitably have legal representation at inquests paid for out of government coffers? Further, Article 2 Inquests demand the effective participation of the family of the victim, which can only be secured through independent legal representation. This position flies in the face of the government's stated policy. The 2009 Coroners and Justice Act was supposed to put the needs of bereaved people at the heart of the Coroner Service. Parity of representation and public funding are essential for that to be achieved. The Justice Committee of the Houses of Parliament stated in its 2019 Report: 'The Committee did not think that bereaved people should have to go through the process of meeting the Exceptional Case Funding (ECF) requirements and the means test for legal aid where public authorities were legally represented at inquests into the death of their loved one.' The government's policy of commitment to ensure that bereaved families are at the heart of the coroner service is hollow and meaningless in the absence of public funding for families. In the Guildford Bombings Inquest, the families were denied Legal Aid despite a plea by the Coroner that it should be granted.

Patrick Armstrong, one of the Guildford Four, was represented by Bindmans LLP and leading counsel pro bono. He sought to become an Interested Party. This was opposed by all the other participants and rejected by the Coroner despite the fact that he had been acquitted by the Appeal Court because, as the Lord Chief Justice said when quashing their convictions, 'The police must have lied.' The Guildford Four are universally acknowledged to be victims of one of the most serious miscarriages of justice and for which they spent 15 years in prison. The Coroner also rejected an Article 2 Inquest.

For the inquest, the Surrey Police engaged on a massive enterprise to recover, analyse and collate all the material that existed in relation to the bombings held by various bodies and departments. It involved 12 full time staff and took from 2017 to 2022 to complete. The cost must have been massive. A fraction of that material was used in the eventual inquest because of the Inquest's narrow scope according to the Coroner's Ruling. Nonetheless, without legal representation, the families were left to try to make sense of all the material used in the inquest, denied the ability to make critical decisions because of the absence of legal advice and assistance, and ultimately ended up not appearing at most of the pre-inquest hearings and the final hearing after their solicitor was forced to withdraw because he could no longer afford to provide pro bono representation.

The interested parties, namely Surrey Police, the Met and the Ministry of Defence, as well as the Coroner, were represented by leading and junior counsel and solicitors; a not insignificant bill for legal services. If 5% of that total legal bill had been made available to the families of the deceased and those injured in the explosion, they could have had legal representation themselves. The Coroner has refused to supply details of his legal bill although the Coroner in the Birmingham Bombings inquest was happy to do so.

Part of the material that was collected by the Surrey Police included the material generated by the public inquiry by Sir John May carried out between 1989 and 1994 into the convictions of the Guildford Four and the Maguire Seven. The part of that inquiry that related to the Guildford Four was carried out in secret because the trial of the Surrey officers had been delayed by applications by the defendants seeking a dismissal of the charges against them because they said that they could not get a fair trial. No participation in these secret sessions was permitted by Sir John by the four or their legal representatives although all other participants including those who were responsible for the miscarriages were permitted to be present and were represented by solicitors and counsel. This material had been stored in the National Archives and was being made available to public scrutiny in dribs and drabs.

The material was to be fully opened to the public in 2021. The Home Office seized all this material in 2020 and closed it to public scrutiny for a further 75 years.

So, after a trial, two appeals, a public inquiry and an inquest, what have we found out? No examination of how the Guildford Four came to be convicted. No examination of the role of the Surrey Police or the Met in those miscarriages. No examination of why, when they had full and frank confessions in statements and in oral evidence to the Court of Appeal, no charges were brought against the active service unit members in 1976/1977 and nothing has been done to investigate these matters in the last 46 years. The secrecy of the May Inquiry protected the reputations of the police officers, Law Officers, forensic scientists and others.

The absence of any investigations by Surrey Police or the Met ensured those reputations were not damaged and the Home Office delivered the coup de grace by sealing the tomb containing the evidence for another 75 years. And all the inquest managed to achieve was to tell the families, absent because they had no public funding and no equality of arms, what they already knew and not what they wanted to know which was who did it and why have they not faced justice. And that 'achievement' was at huge public expense.

Oh, and by the way the Deputy Chief Constable of Surrey Police said after the inquest closed that his force was 'assessing whether a re-investigation is a viable option'.

I'm not holding my breath. Alastair Logan OBE

Brook House Three trial: A Major Victory For Anti-Deportation Activists

Lisa Leak - RS21: On 9 November 2021, three people lay down in the road outside Brook House Immigration Removal Centre, on the grounds of Gatwick Airport. Using lockable metal tubes fitted one to the other, they secured themselves by their arms to a nearby bus stop, lay down on the hard concrete, and waited. Inside the detention centre itself – which is run for profit by Serco, and has been the site of a wide range of repulsive human rights violations – detainees were working around the clock to try to avoid deportation to a country to which many of them had no connections, far away from the friends and loved ones they had built lives with in the UK. Some were resisting being removed to a deportation van that would take them to Birmingham, where a chartered plane was waiting to deport them to Jamaica. Almost all of those due to be on the flight were working frantically on legal challenges to their deportations. As is normal in such cases, the state had given many people mere days of notice that they would be deported and they had been cynically deprived of legal advice, meaning many legal appeals were only just being lodged. Every minute counted.

It was several hours before the police were able to cut through the lock-on devices and remove the protesters from the road outside. The window had closed for transporting Brook House detainees to the flight that evening. Moreover, the protesters weren't an isolated handful of individuals, but the most visible manifestation of a broad civil society outcry against the flight, with migrant communities, activist organisations, NGOs, legal aid lawyers and a few left-wing MPs working to halt the flight and secure the release of the scheduled deportees. Minute by minute, legal appeals took shape and one person after another was told their deportation was being stalled. By the time the flight left in the small hours of the morning, only four people were onboard, of whom one was (officially) leaving the UK voluntarily.

This was a major defeat for the Tory government, and was seen as such. The flight had marked a significant political rubicon: for the first time since the Windrush scandal of 2018, the government had tried to run a deportation flight to Jamaica that was not limited to those with criminal convictions. The people due to be on the flight included the spouses and parents of UK citizens, alleged victims of trafficking and modern slavery, people with family connections to the Windrush arrivals, and many people had who had been in the UK since early childhood. You could almost read the speckles of spit on the petulant press release issued the next morning by then-Home Secretary Priti Patel, in which she said she was "absolutely galled" by the flight's failure and slurred her would-be victims as being "guilty of abhorrent crimes such as murder and child sexual offences."

In the ethical house of mirrors of UK immigration law, no good deed goes unpunished. After being mistreated and threatened for several hours by heavily armed police out on the road, the blockaders were held for 22 hours in police custody. The authorities left them in suspense for 11 months before finally charging them in October 2022 with "aggravated trespass" and "causing a public nuisance". The latter charge has long existed in English common law as an archaic and opaque offence with a maximum sentence of life imprisonment, and was converted into a statutory offence, with a maximum sentence of 10 years' imprisonment, by last year's Police, Crime, Sentencing and Courts Act. Although the defendants were to be tried under the iteration of the law that applied in November 2021, the government was clearly looking to this case to begin setting a precedent for the use of the "public nuisance" charge against dissenting activists.

The trial: The activists were ultimately brought to trial another eight months later, on 30 May 2023, for a trial lasting until 13 June. Presumably, part of the reason for the delay was to ensure that the controversies around the Jamaica flight had receded from public attention

by the time the trials began. But if the hope was that defendants would be isolated, it was badly misplaced. Every day of proceedings, a range of well-wishers were present in the public gallery, clearly demonstrating public attention to the case and investment in the welfare of the detainees. Around 50 people made the trip to Lewes Crown Court in Sussex for a solidarity rally on the first day of proceedings. At the trial, I met members of the local community in Lewes – a Tory seat and by no means a hive of left-wing politics – who had begun coming to the public gallery to show their support after learning what the case was about. Despite the government's best efforts, there is still deep respect and understanding in Britain for those who put their safety and freedom on the line for a cause of justice and solidarity.

From the get-go, the state attempted to block defendants from meaningfully expressing their reasons for taking action. Through protracted procedural wrangling relating to government trial regulations or hostile case-law precedents emanating from previous legal decisions, the defendants were prevented from admitting some of their most compelling evidence, including analysis from experts about the threats to the lives of deportees in Jamaica, and testimony about the chain of events from one of the would-be-deportees themselves. The jury were mostly kept in the dark about the actual difference that the blockade made in the event to the welfare of detainees, allowing the prosecution to make the ludicrous claim that the defendants' actions had no meaningful impact on detainees' situation.

In the courtroom, it was clear that the state prosecution effort was channelling the current right-wing ideological vogue against dissent and protest. Prosecutors repeatedly demanded to know why the defendants had not contented themselves with minor acts of civil input such as writing to their MPs, and at one point suggested that defendants could have resolved their concerns by simply informing the police of risks to the health and safety of detainees. Prosecutors wove a fanciful scene in which beleaguered police had strained to protect the activists from being run over by angry motorists; in reality, the road blocked was a quiet logistical path at Gatwick Airport, and the only vehicle directly blocked was a supply lorry for an airport café. In line with the current government's ideological template, prosecutors made the tenuous argument that the defendants' actions were both a "nuisance" and an irrelevance – an action simultaneously disruptive to the public and inconsequential in achieving its goals.

Despite the severe restraints placed on them, defendants performed magnificently, repeatedly explaining the simple, humane and urgent reasoning that motivated their actions. Time and again, prosecutors were made to look foolish by being respectfully corrected in their shoddy account of the facts, and were confronted by an unshakeable moral clarity that was humbling to witness.

Not Sorry, Not Guilty: When the jury returned from deliberation, at midday on Tuesday of the third week of the trial, they delivered a marvellous vindication of non-violent direct action and social solidarity: the Brook House Three were found not guilty of all charges. Defendants had lived under the threat of prosecution and conviction not just for two weeks, but for over 18 months. It's important not to underestimate the distress and psychological risks they were exposed to by these long months of anticipation, facing an ordeal that could end in prison. The Crown Prosecution Service went all-in on isolating and demonising anti-racists – and, not for the first time, totally failed to do so.

We should be heartened that it was possible for the defendants to present themselves to the jury with a clear, uncompromising argument that the deportation regime is an evil which must be obstructed. When the defendants took their action 20 months ago, they put their freedom and future in the hands of a group of their peers, as yet unknown to them, in order to stand with another group of neighbours, detained and under threat, likewise mostly unknown to them. We can all learn from

the leap of faith that these comrades took, as much as from their courage and commitment to their principles. The Kafkaesque brutality of the detention and deportation regime, and inspiring acts of resistance to it, are very much ongoing. The same is true of the escalating state attacks on political freedom and the right to strike and protest. We should savour moments like these that pierce the veil of propaganda generated by the Tory government and their client media, who claim a blanket mandate from "The People" for their racist agenda. Our strength and resilience as socialists and activists must be in solidarity, in our ability to stand with our neighbours and be stood with. We should remember that justice and solidarity aren't just more powerful than spite and persecution – they are also more popular.

New Figures Reveal Scale of Prison Capacity Crisis

Prison Reform Trust: Figures contained within the report 'Prison: the facts' reveal that there are nearly 3,400 more people in prison since the start of the year, and over 5,000 more people behind bars compared to June last year, as the prison population approaches 86,000. These concerning figures further support the warning issued by Andrea Albutt, President of the Prison Governors' Association, that the prison system is facing a capacity crisis. The report highlights that the government's commitment to building 20,000 new prison places by the mid-2020s remains significantly behind schedule, despite a recent increase in activity. By 5 June 2023, just 5,202 new places had been constructed. Ministry of Justice officials conceded that even if all planned capacity projects are delivered on time, there will be a shortfall of 2,300 prison places by March 2025, according to an internal memo accidentally published at the start of June. The challenge is further compounded by the closure of nearly 10,700 prison places since 2010, many of which were outdated and dilapidated following years of underinvestment in maintenance and upkeep. Around 11,000 new places have been created since 2010, a net increase of just 300 prison spaces. With government projections that the prison population will rise by a further 7,800 people to reach 93,200 by 2024, the prison service faces an extraordinary challenge simply to keep up with demand—intensifying the strain on existing infrastructure and limiting capacity within the organisation to focus on other pressing priorities, including post-pandemic recovery.

Ministers have already announced the installation of Rapid Deployment Cells—prefabricated units placed on existing prison sites, which have a lifespan of around 15 years; along with the expansion of overcrowding—"doubling up" people in cells designed for one—as they grapple with the acute shortage of available spaces. Last month, following an inspection of HMP Pentonville—one of the oldest Victorian local prisons in the country—the Chief Inspector of Prisons warned prison leaders about the detrimental impact of overcrowding on conditions and the daily prison regime. Pentonville was originally designed to hold 520. Today it holds 1,100 men. The situation has been exacerbated by a sharp increase in the number of people held on remand. Around 14,600 people—more than one in seven in prison—are currently held on remand. This represents a 45% increase in just three years, and is at near-record levels.

Recent reforms to parole introduced by the former justice secretary Dominic Raab are also preventing people from moving to prisons to work towards their release. The overwhelming majority of Parole Board recommendations for a transfer to less secure open conditions are now being rejected by the government. The latest figures reveal that nearly five in six Parole Board recommendations for transfer are being rejected by officials at the Ministry of Justice, whereas more than nine in 10 were previously approved. All of this is happening at a time when the prison service is facing an exodus of staff leaving the profession. More than one in seven prison officers left the service last year. Of those nearly half (47%) had been in the role for less than three years, and more than a quarter (25%) left after less than a year.

Punishment Without Trial: Britain's Latest Weapon in the War Against Dissent

The law in England and Wales permits corporations and government bodies to create their own system of punishment. The tool it grants them is a simple one, with massive, complex and ever-ramifying consequences. It's called the civil injunction.

George Monbiot, Guardian: Apparently, it's not enough for the police to be given powers to shut down any protest they choose. It's not enough for peaceful protesters to face 10 years in prison for seeking to defend the living planet, or to be deprived of the right to explain their actions to a jury. Now they are also being pursued through another means altogether: the civil courts. And the penalties imposed in these cases, with or without trial, legal aid or presumption of innocence, can be much greater.

A corporation might apply to a court for an interim injunction. In doing so, it doesn't need to prove any claims it makes. It can name not only people who have protested against it, but anyone it feels inclined to name. Papers are then served on the named people, who have an opportunity to contest the injunction. If, as is often the case, they don't understand the implications, they are likely to miss their chance. In any case, there is no legal aid, so people without knowledge of the law must defend themselves against companies using the best lawyers money can buy. Sometimes the final injunction is granted by a court within days; sometimes it can take years. In either case, the interim measure applies until the final injunction is granted.

These injunctions can be used to prevent any protest by the people they name at or around company property. If you break one, the corporation can apply for an "order of committal". Again, there's no legal aid and no jury. If the court finds you in breach, you can be deemed guilty of contempt, facing up to two years in prison, an unlimited fine and potential confiscation of your assets. This is on top of any penalties incurred under criminal law for the same action. In other words, you can face double jeopardy: two prosecutions for the same offence.

But this is not the worst of it. National Highways Ltd, a company owned by the government, is using a new strategy: passing on the costs of obtaining its injunctions to the people named in them. Once a company has obtained a costs order from the court, it can force the people it names to pay the fees charged by its lawyers. Yes, even if you have adhered to the terms of the injunction, you are charged simply for being named. If you cannot pay, bailiffs might come to your home and confiscate your property. The people I've spoken to, who have been injuncted by National Highways, say they have each been charged £1,500 for its legal fees, and are expecting further bills, which they believe could amount to £5,000 a head. National Highways tells me, "Cost orders are at the discretion of the court … National Highways takes seriously its duty to manage public money and to recover for the benefit of the public purse any sum which the court orders is due to be paid to National Highways." Some of the people it names also feature on injunctions taken out by other organisations, either because, as dedicated campaigners, they've protested in several places, or because they're "the kind of people" who might. Transport for London, which has taken out injunctions against campaigners with Just Stop Oil and Insulate Britain, tells me it has also obtained a costs order. Knowing how successful legal strategies spread like wildfire, environmental campaigners fear they could now face costs from multiple claimants, for having the temerity to oppose the destruction of the habitable planet.

Some companies expecting to obtain a costs order may have little incentive to limit their expenses. Quite the opposite: for some, the costlier their lawyers, the greater the hit for those the injunction names. This is how the rich crush the poor. An environmental campaigner named on several injunctions tells me she sees this tactic as "the way to wear us down". If you are pushed into poverty by legal costs, "your life becomes incredibly difficult and you don't have the time and opportunity to protest". Another injuncted protester told Yorkshire Bylines, "at least in criminal law if you're found guilty you know what the penalty is. Here, we have absolutely no idea ... What's the endpoint?" Another campaigner tells me, "many of us are feeling terrified and overwhelmed … This has become an absolute fucking nightmare and we don't know what to do about it." If companies decide they want to take you out, there is nothing to stop them from bombarding you with injunctions. Either you drown in paperwork as you apply to the courts to have your name removed, or you face the impossible and ever-growing costs of financing their lawyers.

The human rights barrister Adam Wagner tells me that while in criminal prosecutions people of limited means might have to pay only a small proportion of the prosecution's costs, in these cases there's no such protection. "The costs orders can be huge," he says. They can "hang over people's lives for years or even forever, stop them getting mortgages, loans etc. It's pernicious." This is just one of three new injunction tactics being used against people seeking to defend our life support systems. Another is injunctions against "persons unknown", meaning everyone. No one can contest such orders without having themselves named as a defendant and facing massive potential costs. Oil companies, among others, are using these injunctions to stop all protests at their premises. This "persons unknown" instrument is being challenged before the supreme court by Friends of the Earth and others, who expect a ruling soon. The third tactic is a power in this year's Public Order Act, enabling the government to bring civil proceedings against protesters: double jeopardy is now baked into the law.

These measures are a blatant injustice, a parallel legal system operating without the defences available in criminal law, that can inflict ruinous and open-ended costs. They amount to a system of private fines, to be levied at will and out of the blue against political opponents. Perhaps you aren't bothered. Perhaps you don't care about activists. But this is an attack on you, too. It's an attack on the democratic right to protest in which our freedoms are rooted. It's an attack on the living world on which we all depend.

Inquiry Finds Undercover Police Actions Were Unjustified

A Report published by the Undercover Policing Inquiry reveals actions by officers would have been brought to a rapid end had they been publicly known. An inquiry has found Scotland Yard's Special Demonstration Squad (SDS) used intrusive methods as part of police action spying on groups. Sir John Mitting, chair of the Undercover Policing inquiry has concluded in his report, that tactics by the SDS should have been addressed at the highest levels of the Metropolitan Police Service and Home Office.

Officers obtained personal information and formed close relationships including those sexual in nature. Left-wing groups were targeted as part of operations, with Witting reporting right-wing organisations were not pursued as the unit believed "existing coverage sufficed" and there was concern "about the risk of violence which such a deployment might pose."

It is a striking feature of the reporting of almost all SDS undercover officers that it contained extensive details about individuals – their political views, personality, working life, relationships with others, and family and private life.

Witting explores four key questions about the way intelligence was gathered by police officers and whether means adopted was "a legitimate exercise of police functions." He states issues arising included the use of deceased children's identities. Trade unions were also infiltrated by officers, with SDS members accepting positions of responsibility including as branch treasurers and secretaries. Witting highlights "none of these issues appears to have been addressed by senior officers within the MPS or by Home Office officials during this period."

Daniel Hegarty: Decision Not to Prosecute Soldier Who Shot Boy Quashed

Claire Graham, BBC News The family of a teenage boy shot dead in Londonderry in 1972 have successfully challenged a decision not to prosecute the soldier who killed him. Daniel Hegarty was 15 when he was shot twice in the head by a soldier. In July 2021 the Public Prosecution Service (PPS) announced it was dropping the prosecution of the veteran known as Soldier B. The Court of Appeal has now quashed that decision. In his judgment on Thursday 29th June 2023, Lord Justice Treacy said it came after "anxious scrutiny" of the details.

The appeal was put forward by Daniel's sister Margaret Brady. Speaking to reporters outside the court, Mrs Brady said she was blown away by the judgment and that her legal team welcomed the decision. She said it was a very emotional day with the family wanting to pursue the appeal "not out of revenge, not out out of anger. I thought this was going to go on for another year the lawmakers should respect the law that they're representing." Mrs Brady said she now wished for the soldier to be prosecuted.

Following Thursday's ruling, a PPS spokeswoman said the decision to drop the prosecution had been taken "after careful consideration of the highly complex legal issues encountered by prosecutors". The PPS will now take the "necessary time to consider the full detail of the written judgment". The spokeswoman added: "We recognise the enduring distress of the family of Daniel Hegarty arising from these complex legal proceedings. We are committed to deciding next steps and updating the family directly at the earliest opportunity."

Operation Motorman: Daniel, who was a labourer, was shot during an Army operation in the Creggan area of Derry on 31 July 1972. It was during Operation Motorman, the name given to a military operation by the Army to reclaim "no-go areas" set up by republican paramilitaries in towns and cities in Northern Ireland. At the time it was largest British military operation since the Suez Crisis of 1956. Daniel's cousin Christopher Hegarty, who was 16, was wounded in the same incident. In 2011 an inquest jury unanimously found Daniel posed no risk and had been shot without warning. An initial inquest had been held in 1973 and recorded an open verdict. The second inquest was ordered by the Northern Ireland attorney general in 2009 after an examination by police detectives in the Historical Enquiries Team In 2007 the UK government apologised to the Hegarty family for describing Daniel as a terrorist.

You Are Not Your Worst Mistake

Human Rights Watch: Think about the worst thing you've ever done. It's not easy to do, I know, but stay with me here. When did you realize what you did was wrong? Were you able to make amends to those you hurt? Did you find forgiveness – or at least a way to face yourself and others again? And now? Are you the same person today as you were when you committed that deed? Or did you grow? Did the experience force you to rethink and become a better, more considerate human being? If so, then somewhere along the line, you must have realized that you cannot judge yourself solely by the worst thing you've ever done. You've learned. You've grown. You've matured. That all counts for something.

Decades ago, a California judge sentenced Joseph Bell to life in prison without the possibility of parole for his role in a murder and robbery. He didn't pull the trigger. He got life under the bizarre "felony murder rule," which allows for a person to be charged with first-degree murder for a killing that occurs during a dangerous felony, even if that person is not the killer. So, that was it for Joseph Bell, it seemed: life in prison, no way out, no hope. Many in this situation succumb to despair, but Bell transformed himself, becoming active in coordinating programs within

prison like self-help, anger management, and relapse prevention classes. After 24 years in prison – nearly half his entire life – California's governor recognized Bell's personal transformation and granted him a rare commutation, giving Bell the opportunity for release. Today, Joseph Bell works full-time as a case manager and peer support specialist for a nonprofit reentry program that works with people coming out of jail. He's also a mental health rehabilitation specialist.

Bell's case is just one of many, as a new Human Rights Watch report makes clear. We looked at folks released from prison after originally being sentenced to life without parole in California. The vast majority are helpful people contributing to society. We found that 94 percent of them volunteer regularly in their communities, 84 percent are financially assisting others, and 90 percent work full- or part-time, with 43 percent working in the nonprofit sector. Almost none returned to crime, and the reason is clear enough, as Bell explains, people can age out of bad behavior and find maturity. "Over time you discover who you really want to be as a person, and how you want to make your claim in society or in history and so on. That's when I began to work harder in prison and make more of an impact with at-risk and young prisoners." People can change, and draconian sentences like "life without parole" simply don't recognize this. As Bell says – and proves through the example of his own life: "We are not our worst mistake."

Guantánamo Bay - Concerns for 30 Men Still Incarcerated

Ed Pilkington, Guardian: The US government continues to subject the 30 men held at Guantánamo Bay in Cuba to "cruel, inhuman and degrading treatment", the first UN human rights investigator allowed to visit the camp since it was set up 20 years ago has concluded. Fionnuala Ní Aoláin was granted unprecedented access as an independent UN monitor, spending four days at Guantánamo in February and meeting a range of the 34 prisoners who were then detained. The number held has now fallen to 30, including the five prisoners accused of plotting the attacks on New York and Washington on 9/11. In a 23-page report of her visit, Ní Aoláin praises the Biden administration for opening up the camp to her inspection and for being prepared to "address the hardest human rights issues". But she had searing words for the treatment of detainees, and for what she described as the continued failure to face up to the US torture program unleashed in the wake of the 2001 terror attacks.

Ní Aoláin, a law professor at the University of Minnesota and at Queens University in Belfast, told a press conference on Monday that "after two decades of custody, the suffering of those detained is profound, and it's ongoing. Every single detainee I met with lives with the unrelenting harms that follow from systematic practices of rendition, torture and arbitrary detention." During her visit, the UN special rapporteur on human rights and fundamental freedoms while countering terrorism met with the families of 9/11 victims. In Guantánamo, she was granted access to both Camp 5 where the "high-value" 9/11 accused are held as well as Camp 6 which houses the "non-high value" detainees. Living conditions in the camps have been brought up to international standards in many regards, she found, including sleeping accommodation, sanitation, food and communal prayer. But detainees continued to be vulnerable to "human rights abuses".Those ranged from labelling of detainees – who are still referred to by all Guantánamo personnel by their internment serial numbers and not by name – to near-constant surveillance and restraints being imposed on them when being transported to all attorney and other meetings. The UN inspector reserved some of her harshest criticism for the fact that 19 of the 30 detainees have never been charged with any crime, some of whom have been held in the military camp for two decades. She said their situation was a matter of "profound concern".