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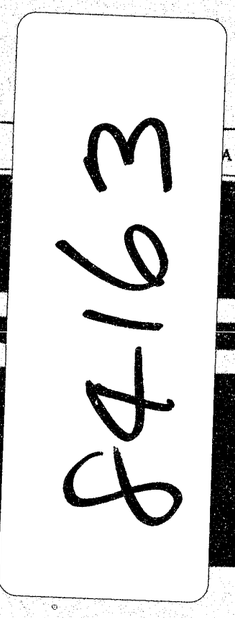
JUSTICE

25th

annual report

JUNE 1982



ANCERY LANE, LONDON WC2

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CONTENTS

Extracts from the Constitution

PREAMBLE

Whereas JUSTICE was formed through a common endeavour of lawyers representing the three main political parties to uphold the principles of justice and the right to a fair trial, it is hereby agreed and declared by us, the Founder Members of the Council, that we will faithfully pursue the objects set out in the Constitution of the Society without regard to consideration of party or creed or the political character of governments whose actions may be under review.

We further declare it to be our intention that a fair representation of the main political parties be maintained on the Council in perpetuity and we enjoin our successors and all members of the Society to accept and fulfil this aim.

OBJECTS

The objects of JUSTICE, as set out in the Constitution, are:

to uphold and strengthen the principles of the Rule of Law in the territories for which the British Parliament is directly or ultimately responsible; in particular to assist in the maintenance of the highest standards of the administration of justice and in the preservation of the fundamental liberties of the individual;

to assist the International Commission of Jurists as and when requested in giving help to peoples to whom the Rule of Law is denied and in giving advice and encouragement to those who are seeking to secure the fundamental liberties of the individual;

to keep under review all aspects of the Rule of Law and to publish such material as will be of assistance to lawyers in strengthening it;

to co-operate with any national or international body which pursues the aforementioned objects.

VICE-CHAIRMAN'S INTRODUCTION

Because of the death of our greatly loved Chairman, it falls to me to present this 25th Annual Report of the Society.

John Foster's death is a great sadness for us all. He was one of the founders of our Society, and one of its staunchest supporters throughout its life. His concern for human rights and the Rule of Law pervaded all his manifold activities—at the Bar, in Parliament, at All Souls College, in the City, in the European Parliamentary Assembly and in the many other national and international fora in which he played such an influential part. His intellect was tremendous, his energy unbounded, and he was one of the kindest and most generous men of his time. We shall miss him greatly.

At the same time, we are about to suffer a second blow: Tom Sargant, who has been our Secretary throughout our existence, has decided to retire in the autumn. He has been the kingpin of our activities for 25 years, and without him we could not have realized more than a fraction of our achievements. His devotion to our work has been total, and his remarkable combination of integrity and persistence have earned him universal respect and affection. Finding a replacement for him will be a daunting task.

JUSTICE'S Record

In the report which marked our 20th Anniversary, Sir John gave an account of the birth and early activities of JUSTICE, in which he played such a notable part. I was invited to join the Council only at a much later stage and will content myself with recording what I believe to be its major achievements, with the comment that it has given me great satisfaction to fight some of its battles in the House of Lords.

I have no doubt that its most significant and far-reaching achievement has been the introduction to the United Kingdom of the ombudsman principle through the appointment of the Parliamentary Commissioner, later followed by the Commissioner for Local Administration and the National Health Service Commissioner. The value of the principle is now being recognized in many other fields of public and private activity, where it is inappropriate and costly to resolve disputes by recourse to the courts. We nevertheless deplore the reluctance of government to widen the jurisdiction of the Parliamentary Commissioner and to introduce the principle of independent investigation to those areas in which, unbeknown to the general public and without any adequate remedy, the most serious injustices can be inflicted on individuals. I have particularly in mind here the victims of police malpractice, the inmates of Her Majesty's prisons and the casualties of the legal system.

We are however gratified that our report *Complaints against Lawyers* (1970) resulted in the appointment in 1974 of the Lay

Observer, whose function it is to monitor the way in which The Law Society deals with complaints against solicitors. The two holders of this office, Admiral Place and Major-General Allen, have both used their powers fully and effectively.

In terms, however, of relief of human suffering our successful campaign for the introduction of the scheme for compensating victims of crimes of violence must take pride of place. This scheme now pays out over £21 million a year to persons who would otherwise have received no compensation for their injuries and loss of livelihood.

At the same time it is deplorable that this is still the plight of thousands of victims of road accidents who are unable to establish at law that the accident was someone else's fault. The recommendations of JUSTICE for no-fault insurance which were endorsed in principle by the Pearson Commission now appear to have been shelved indefinitely.

Our report on criminal appeals (1964) provoked the appointment of the Donovan Commission. This resulted in a more broadly-based Court of Appeal with wider powers, including the power to order a new trial on fresh evidence. At the time of our report, the provisions for legal advice on appeal were minimal; but mainly through the persistent efforts of Tom Sargant and the enthusiastic co-operation of the Registrar, Master D. R. Thompson, the situation has been transformed and now lacks only one ingredient, namely an automatic extension of the legal aid order to allow counsel to argue an application before the Full Court after refusal by the Single Judge. It is not the fault of JUSTICE that the Court of Appeal still declines in too many cases to use the powers expressly given to it by Parliament or that counsel do not make full use of the facilities available to them.

In the 25 years of its existence JUSTICE has been instrumental in securing the quashing of the convictions, or the early release from long sentences, of as many men who were wrongly convicted. I hate to think how many more there have been of whom we know nothing, or whom we have been unable to help.

Finally, in the field of criminal justice, we pioneered and promoted through Parliament the Rehabilitation of Offenders Act and were responsible for the appointment of duty solicitors in magistrates' courts.

In the field of civil law, our report on privacy led to the appointment of the Younger Committee, most of whose proposals have still not been implemented, and later to the appointment of the Lindop Committee on Data Protection, only some of whose recommendations for safeguards against the misuse of computerized information now seem likely to be adopted.

We have published two major reports on the reform of civil procedure which have helped to bring about two-stage trial and interim payments, but still no fundamental simplification of procedure.

On the other hand our report on bankruptcy led to important reforms in the 1978 Bankruptcy Act and to the appointment of the Cork Committee on Insolvency, whose recently published report recommends many further substantial reforms.

Current Activities

In the field of administrative law, the comprehensive review undertaken in conjunction with All Souls College, Oxford, is in its final stages and it is hoped that the report will be completed and published before the end of the year. In the meantime the recommendations in our report *Administration under Law* have been implemented in part by a widening of the provisions for judicial review and the appointment of a special panel of judges to deal with administrative law cases.

We persistently pressed for amendments to the British Nationality Bill during its progress through Parliament, and have recommended substantial changes in the present procedure for determining immigration appeals.

We have recently published a report on compensation for wrongful imprisonment and we currently have committees enquiring into various aspects of prisoners' rights and the need for better provisions for investigating complaints of maladministration in the courts. Our committee on debt-counselling suspended its deliberations pending the publication of the report of the Cork Committee, but is now being reconvened. Our committee on civil procedure has submitted memoranda to the Lord Chancellor's Department on payments into court and on certain recommendations of the Oliver Committee.

Representatives of working parties have given oral evidence to the Parliamentary Home Affairs Committee on complaints against the police and to the Home Office officials on our main recommendations to the Royal Commission on Criminal Procedure. Following the completion of our submissions, our standing committee on criminal justice has been reconvened and strengthened.

We are greatly indebted to the B.B.C. for the screening of documentary films on three of the most disturbing cases in our files. The resources available to them have enabled them to trace important new witnesses, and thus provide grounds of hope for the early release and eventual pardon of the four men involved. Furthermore, they have highlighted some of the major weaknesses of our criminal trial procedure and the inadequacies of our appellate system. In two of the cases viewers have asked how it ever came about that the convictions were obtained and later upheld as safe and satisfactory. There are many other equally disturbing cases in our files, and those cited in the body of this report and of previous reports illustrate the difficulty of finding a remedy once a man has been wrongly convicted.

For historical reasons we have what I can fairly describe as an unholy trinity of a jury from which vital facts may be withheld, a Court of Appeal which is reluctant to interfere with its verdict and a Home Office which will not take into account any matters which have been or could have been determined by the courts. An additional hazard, which we cannot regard as fair, is that the Court of Appeal, as a matter of principle, holds an appellant responsible for the incompetence and errors of judgment of his defence lawyers.

The Future

Looking to the future, it is clear that a great deal of work has to be done not only to improve the workings of the legal system but also to provide remedies for provable injustice in every field. It is rare to find someone in authority with a positive will to ensure that a wrong is put right. It is so much easier to turn a blind eye to it or to cover it up. This puts a greater responsibility on practising members of the legal profession to uphold the traditional view of law as a public service in which the pursuit of justice is the overriding consideration. It is with this in mind that I would like to express the Council's warm thanks to the many barristers and solicitors who have so willingly advised and helped us in criminal and civil cases alike, or have served on our committees.

JUSTICE has always enjoyed the respect and goodwill of the legal profession, including many who hold high office in it, but it has somehow failed to obtain from them the financial support it has needed to pursue its aims as effectively as it could have done. Its work has no heart-throb appeal. The maintenance of the rule of law is vital for good government but for most people, including lawyers, it is an abstract concept. Safeguards for the proper administration of justice and the provision of adequate remedies become meaningful only to those who suffer from their absence or breakdown. We can therefore appeal only to lawyers, and those few others who really care about justice for all.

JUSTICE has at present about 1500 members of whom 70 per cent pay only the minimum subscription of £5 a year and has survived only through the generosity of the remainder, an annual fund-raising event, donations from charitable trusts and the sacrificial dedication of its meagre staff. It will I am sure come as a shock to many of our members and supporters to know that, apart from windfalls on which we cannot rely, the combined assured income of JUSTICE and its Educational and Research Trust is now only £22,000 a year, of which £6,000 goes in rent, rates and service charges alone.

The impending retirement of Tom Sargant will make our financial problems even more acute. He has been responsible not only for our general activities and much of the casework, but also for subscription gathering, membership records and accounts. He has consistently

refused to accept an appropriate salary and his main wish now is that JUSTICE should be able to carry on its work effectively. The Council has therefore decided to make a 25th Anniversary Appeal which is described in a leaflet enclosed with this report.

May I plead with all members to respond to it generously and to invite their colleagues to do likewise.

Staff

Finally, I would like to express my warm thanks to Ronald Briggs who, despite his continued secondment to the JUSTICE—All Souls Review, has found time to take part in the work of two of our committees, to Peter Ashman who has serviced our committees and given invaluable help with individual cases and to Christine Joseph who has shown herself to be a willing and conscientious office assistant.

JOHN FOOT

REPORT OF THE COUNCIL

HUMAN RIGHTS IN THE WORLD

The past year has seen the usual fluctuations in the progress of human rights in the world. There have been some important advances. The concept of human rights as a branch of international law has been strengthened through the unanimous adoption by the Heads of State of the Organization of African Unity in June 1981 of the African Charter of Human and Peoples' Rights, as well as the entry into force in September 1981 of the U.N. Convention on the Elimination of All Forms of Discrimination against Women. Work continues, albeit slowly, on the Draft Convention on the Elimination of Torture, and its Optional Protocol, at both national and U.N. levels. The U.N. Sub-Commission on Prevention of Discrimination and the Protection of Minorities has produced its first report on Guidelines and Principles for the Protection of Mental Patients.

Although these instruments contribute significantly to the expanding corpus of international law, to the man in the street they have value only to the extent that he can use them, whether before domestic or international tribunals. Here too the past year has seen some advances. By the end of 1981, 27 countries (but not, so far, the U.K.) had ratified the Optional Protocol to the U.N. Covenant on Civil and Political Rights which confers jurisdiction on an independent international Committee to receive and report on complaints by individuals. That Committee is now starting to make an important contribution to international human rights law through its reports on (so far) more than 20 decided cases against States which include Canada, Finland, Mauritius, Sweden and Uruguay. At the global level, it represents the best hope so far of applying human rights law in the face of governmental obstruction within the rest of the U.N. machinery—most notably in the inter-governmental Commission on Human Rights (not to be confused with the independent Human Rights Committee). Here, the most disheartening event during the year was the 'termination of the mandate' of the Director of the U.N. Secretariat's Division of Human Rights, Theo van Boven, whose integrity and devotion to his task had offended too many repressive governments. His enforced departure was marked by a memorable speech on his part, and an unprecedented protest to the U.N. Secretary-General from no less than 40 international non-governmental organizations, led by the International Commission of Jurists. That event has demonstrated once more that governments and their appointed representatives cannot be trusted to be the ultimate arbiters of human rights: such a task can only be left to independent, non-governmental, institutions.

In the Americas, Mexico and Barbados ratified the American Convention on Human Rights last year. This treaty entered into force in 1978 and has now been ratified by 17 Latin American and Caribbean States. Its Commission has many cases before it, and the first case was referred to its Court in 1981. A similar Commission will have international jurisdiction in Africa under the African Charter.

But the most successful procedure for protecting human rights internationally still remains that established under the European Convention on

Human Rights. The Strasbourg Commission will soon have received no less than 10,000 individual applications and the Strasbourg Court has already delivered 38 substantive judgments, binding on the States concerned, nine of them against the U.K. Four of these have been decided in the past year; as a result, changes have been or will be made in the laws regulating corporal punishment in Scottish schools, male homosexuality in Northern Ireland, and the closed shop and the protection of mental patients throughout the U.K. An increasing number of lawyers are becoming aware of these international legal provisions and are now starting to make use of them. The gradual expansion of human rights courses in our institutes of higher education leads us to hope that one day human rights law will become an integral part of the training of every lawyer in this country.

The past twelve months have also seen a number of setbacks. The situation in Iran has worsened, with few human rights now being respected there, and with the Bahais facing genocide. In Eastern Europe generally, those who have sought to monitor the compliance of their governments with their obligations under international law have faced severe repression. In Poland, martial law has brought a brutal end to developing freedom of association and expression. In Turkey, almost all constitutional legal rights and procedures have been suspended and replaced by military decrees which have drastically curtailed the rights guaranteed under the European Convention. In the United States, the Reagan Administration has preferred to turn a blind eye to human rights violations among its allies where these might inconvenience its strategic interests, thereby debasing its credibility when it expresses concern at such violations among its opponents. In Latin America—and particularly Argentina, Guatemala and Uruguay—a disturbing number of people continue to 'disappear', and in the past year several of the victims of this practice have been children.

Despite these setbacks, however, lawyers throughout the world are playing an increasingly important part in giving human rights a real and dynamic role in legal systems, both national and international. Much of the credit for this is due to the work of the I.C.J. and its national sections. But one of the unfortunate side-effects is that lawyers in many parts of the world face obstacles, repression and sometimes even death when the carry out their duties on behalf of their clients. In helping to prevent this, professional solidarity crossing national and ideological frontiers can play an important part. Last year we were happy to welcome the decision of the Bar to take appropriate steps to support the just cause of foreign lawyers and judges persecuted for doing their duty, which it has since done on at least one occasion. This year, we are very glad to record that, on the proposal of Charles Wegg-Prosser and Sir Desmond Heap, two of our Council members, the Law Society confirmed its position by passing the following resolution at its AGM on 10 July 1981:

> 'This Annual General Meeting commends the Law Society for assisting in 1977 in the setting up of the Emergency Committee of the International Bar Association, the Union Internationale des Avocats and the Association Internationale des Jeunes Avocats, for the assistance of lawyers harassed or persecuted in their professional activity in defence of their clients, and bearing in mind that the Council has committed itself to consider cases put forward by the Emergency Committee, urges it to

support such cases by public or by private representations as appropriate'.

The Law Society has taken up more than one such case since then. Regrettably, the need for such support is bound to increase in the years to come.

CRIMINAL JUSTICE

Compensation for Wrongful Imprisonment

This report deals with a much neglected area of the law in which the machinery of state can inflict serious hardships and loss on an individual without being called to account. Unlike as in other member countries of the Council of Europe, there are no statutory provisions for the payment of compensation for wrongful imprisonment. Any decision to award compensation lies entirely within the discretion of the Home Secretary and is normally made only in cases where he has granted a free pardon or a conviction has been quashed by the Court of Appeal on a Letter of Reference.

In its study of the subject our committee has had to take into account the fact that under the accusatorial system an acquittal at trial or the quashing of a conviction on appeal does not necessarily signify innocence, and that it would not be in the public interest to pay compensation to those who do not merit it. It has therefore proposed that awards should be determined by a specially appointed tribunal, with power to enquire into and take into account all the circumstances of a case. Its main recommendations are as follows:

1. It is neither right nor appropriate that decisions to grant compensation should rest with the Home Secretary, if only because he is so heavily involved in the administration of criminal justice and the conduct of the police.
2. In the light of the above, we recommend that all claims for compensation should be determined, in respect of both eligibility and quantum, by an independent tribunal to be called the Imprisonment Compensation Board. The Board would be similarly constituted and operate on broadly the same principles as the Criminal Injuries Compensation Board.
3. Persons who have been granted a free pardon under the Prerogative of Mercy, or whose convictions have been quashed by the Court of Appeal on a reference by the Home Secretary, would have an automatic entitlement to compensation, as they effectively have under existing provisions for ex-gratia payments.
4. Persons whose convictions have been quashed on appeal should be entitled to apply for compensation, but the Board would be entitled to refuse or reduce compensation if it considered that the conviction had been quashed on a mere technicality, or that it would be inappropriate in view of the claimant's conduct in respect of the matters which led to the criminal proceedings.
5. In respect of the above, the Board would be entitled to take into account matters which had come to light in the course of a subsequent investigation.
6. Persons committed for trial in custody and subsequently discharged or found not guilty should be entitled to apply for compensation if the trial judge grants a certificate or if counsel provides a written opinion in support of the application.
7. A convicted person who has had part of his sentence remitted by the Home Secretary because of serious doubts about the rightness of his conviction should be entitled to apply to the Board for compensation and the Board should have power to call for all the papers in the case.
8. In assessing quantum, the Board should have regard to:
   (a) loss of earnings in consequence of the imprisonment and any other loss or expenses incurred by the claimant or his dependants;
   (b) pain, suffering and loss of reputation suffered by the imprisoned person or his dependants.
9. Legal aid should be available to claimants for the presentation of claims and for appeals against refusals by a single member of the Board.

The committee has made no recommendations in respect of persons who are detained but not subsequently charged.

The members of the committee were:

Charles Wegg-Prosser (Chairman), Peter Danbury, John Greaves, Gavin McKenzie, Andrew Martin, Q.C., Robert Rhodes, Alec Samuels, Tom Sargant, Gregory Treverton-Jones, Christopher Wright, Nicholas Yell and Dr. S. Saeed (Secretary).

Copies of the report, which includes a resumé of provisions in other countries, can be obtained from JUSTICE, price £1.50 including postage (members £1.25).

'Rough Justice'

In last year's Annual Report we mentioned that a meeting had been held between senior officials of the B.B.C. and distinguished members of the legal profession to consider the possibility of establishing in this country the equivalent of Erle Stanley Gardner's Court of Last Resort in the United States if the necessary funds could be obtained. Encouraged by the views expressed at this meeting, the B.B.C. studied a number of files submitted to them by JUSTICE and eventually decided to produce documentary films on three of them. The choice was made and the research undertaken by Peter Hill and Martin Young. Their criteria were that there should be strong indications of innocence and a possibility of finding new witnesses. Because of the resources available to them, and their skill and determination, they succeeded beyond our expectations and there is no doubt that the programmes shown under the title *Rough Justice* made a considerable impact. We can here only summarize them briefly:

Mervyn Russell

Mervyn Russell was convicted in 1977 of stabbing a young girl who lived in the same block of flats in Deptford—mainly occupied by students and squatters. The murderer was surprised by a caller, and was seen to make his way to the back room. He was then seen by the occupant of a flat in another wing sitting astride the window ledge, from which he dropped to the muddy

ground 31 ft. below and made off. The witness clearly saw that he was wearing a waistcoat with a shiny back and buckle.

On the night of the murder, Russell was drinking with his friends in a local public house. He had left them at 8 p.m. because one of his dogs had fouled the saloon bar floor and he returned at 9 p.m. All his friends and the landlord agreed that he was behaving quite normally and was in no way dishevelled. The murder took place at 8.40 p.m. Russell was not wearing a waistcoat and had never possessed one.

He was suspected and charged with the murder solely because ten days after the murder, in response to a police poster, he voluntarily went to the police station and identified the knife found in the girl's flat as his property. It did not help that he was unable to explain who could have borrowed it. The only other evidence to connect him with the murder was that he was reported to have been telling gory but inaccurate stories about it on the following day.

In finding Russell guilty of the murder the jury contrived to overlook five matters which made it virtually impossible for him to have been responsible for it, viz:

(i) Russell never possessed a waistcoat. In the hour he was away from the public house he would have had to borrow one, change his clothing and then change back before he returned to it.
(ii) No one noticed any bloodstains or dirt on his clothing.
(iii) The dead girl was found clutching 22 strands of grey and black human hair which did not come from Russell's head. It could only have come from her killer.
(iv) Russell had broken his ankles two years before the murder and they were still weak. It was highly unlikely that he could have jumped from such a height without injuring them and a parachute expert gave evidence to this effect.
(v) According to the forensic evidence, the girl had been stabbed by a right-handed man: Russell is left-handed.

All these points were pressed in Russell's grounds of appeal but the Court of Appeal refused leave.

During the trial the defence directed the Court's attention to a Hungarian, Michael Molnar, who had been lodging in the flat of two squatters and had visited Russell's flat. Russell said that Molnar wore a waistcoat with a shiny back but the judge told the jury that there was no evidence to support this. He had suddenly disappeared on the day after the police interviewed his landlord. He was a diabetic and he left behind his injection equipment and most of his clothes. A police officer told the Court that he had been found dead in the street six months before the trial and confirmed that he had greying hair.

Russell's case was brought to the attention of our Secretary by a member of the Board of Visitors in Wormwood Scrubs. One of our members analysed all the evidence in the case and helped with enquiries that led to the discovery of the full circumstances of Molnar's death and where he was buried, and contact was made with his former landlord through the D.H.S.S.

It appeared that the only way to determine the case was to ascertain whether Molnar's hair matched the hair in the victim's hands and an application for an exhumation order had been prepared when the B.B.C. offered to take over the case. Molnar's former landlady was traced and volunteered the information that Molnar had a waistcoat with a shiny back and had greying

hair. His landlord told us that he claimed to have served in the Hungarian Air Force.

A full dossier backed by affidavits was submitted to the Home Office in November of last year, with an application for an exhumation order and an offer to bear the cost: up till now we have only been told that enquiries have not yet been completed. Where a man's liberty is at stake it should not take so long to make such a decision.

Michael and Patrick McDonagh

Michael and Patrick McDonagh were found guilty of murdering Michael's brother Francis at Manchester Crown Court in 1974 and were refused leave to appeal in the following year.

This was not strictly a JUSTICE case in that a Manchester solicitor, Mr. Robert Izard, and Mr. George Morton M.P. had done a great deal of work on it and made unsuccessful representations to the Home Office before we were asked to look into it.

The issues were not clear cut and our Secretary was forced to conclude that nothing could be done without some important new evidence. A retired High Court judge who studied the papers came to the same conclusion but helpfully pointed out the aspects of the evidence which caused him disquiet.

The case was a complex one. Michael McDonagh with his wife and son Patrick had gone to the house where his brother Francis lived in order to resolve a dispute they had had the previous evening. They had all been drinking. The landlord of the house, which was in part used for immoral purposes, refused to let them in by the back door so Patrick got a small screwdriver from his car and prised open the front door. He and his mother rushed in and encountered Francis on the stairs. In the mêlée Patrick jabbed Francis in the face with the screwdriver. A disputed issue at the trial was whether Michael also went into the house, as the prosecution alleged, or stayed outside as he himself maintained.

The police were called and treated the matter as a drunken brawl, but 12 hours later Francis' body was found on a first floor roof ledge with a fatal stab wound. No one could ever explain how it got there, and no suitable weapon was ever found. It was common ground that the wound could only have been caused by a thin-bladed knife and not by a screwdriver.

At the trial, the landlord said that Michael was dragging Francis down the stairs as he cried out 'I've killed him'. Michael and Rose McDonagh who had been arrested on the night both told the police quite separately and said at the trial that they had seen another inmate of the house, whom we will call Smith, with a knife, but they were not believed. Another witness told the police that Smith's girl friend had told her that he had stabbed Francis, but this could not be used as evidence at the trial. The heart of the matter was that Smith was a pimp who has since been convicted of wounding offences and is now on the run. The other inmates were afraid of him and gave false or incomplete evidence to protect him.

In the course of their investigations, Peter Hill and Martin Young succeeded in tracing a girl, Clare Estey, who had been in the house that evening but had not been called as a witness. She told them that she had seen Smith come out of the house with his clothes covered with blood saying 'I have killed a man'. He and his girl friend had gone to her house where they had washed his clothes. Clare Estey had been interviewed by the police but it

appeared that she may not have been asked about events in the house. Any statement she made was not disclosed to the defence.

Michael and Patrick will shortly be released on parole, but their M.P. has applied to the Home Secretary for free pardons.

John Walters

The case of John Walters was recounted at some length in last year's Annual Report.

In September 1973, he was found guilty of indecently assaulting a young French girl on a single-compartment train travelling between Wimbledon and Waterloo and sentenced to four years' imprisonment.

She had described her assailant as being of medium build, 5′8″ to 5′9″, and wearing a blue jacket and jeans. Three railwaymen who had seen him board the train gave very similar descriptions.

Walters is 6 ft. and at the time weighed fourteen stone. He did not possess any blue jeans but the prosecution adduced as evidence a transfer of fibres from a blue corduroy jacket and green trousers to the girl's clothing.

After some hesitation she picked Walters out on an identification parade in respect of which he complained that he was wearing thick-rimmed spectacles whereas all the other men on the parade had been issued with National Health spectacles. The girl was traced by the B.B.C. and stood by her identification but she admitted that she had been shown photographs which included him and had failed to recognize him: she further said that she had recognized him by his large staring eyes, while in her statement she had said that her assailant had small eyes.

The three railwaymen were not introduced to the parade and were not called as witnesses; their statements were read out and the judge said to the jury 'make of them what you will'. The defence could have called them but failed to do so. That this was an error of judgment is shown by the fact that when two of them were interviewed by the B.B.C. and shown a photograph they both said emphatically that Walters was not the man and that, if asked, they would have said so.

Walters was employed at the time by the D.H.S.S. and maintained he had been at work all the afternoon. In her first statement to the police his assistant confirmed this but in a later statement she said that he did not return after lunch. None of his other colleagues could say for sure whether he was there or not. He told his solicitors about an incident in which a claimant accompanied by a voluntary social worker had created a disturbance. The solicitors could not identify her, but the B.B.C. traced her and she confirmed Walters' account of the incident.

Walters' application for leave to appeal was refused and he asked JUSTICE to help. A long memorandum outlining the flaws in the evidence was submitted to the Home Office but the representations were rejected. He refused to settle down and his protestations of innocence led to two minor incidents which resulted in his being sent to Broadmoor shortly before he was due for release. He has been there for over five years and successive psychiatrists have refused to recommend his release or even to give him any remedial therapy unless and until he admits his guilt. Our Secretary has given evidence on his behalf at two Mental Health Tribunals and has protested strongly that this is a violation of Walters' personal integrity.

Other cases

John Covill

In last year's Annual Report we recounted the case of John Covill who in May 1979 was convicted of raping a young girl of eight in Stratford-on-Avon and sentenced to eight years' imprisonment. The girl had failed to pick him out on an identification parade, and later on a voice parade, and had described clothing which Covill did not possess. The evidence against him was wholly circumstantial and mainly consisted of a number of alleged and disputed sightings. Two witnesses called by the prosecution described in the witness box how they had been bullied by the police into changing their original statements, which would have given Covill an alibi.

Leading defence counsel had advised that there were no grounds of appeal but Covill had lodged his own application and after some delay his case was pressed on the attention of JUSTICE by his prison visitor who was a retired solicitor.

Comprehensive grounds of appeal were drafted and counsel was briefed to argue the application. The submissions included four affidavits from alibi witnesses describing how they had been made by the police to go back on their original statements.

Despite the strength of the grounds, counsel was by no means confident of success, because the Court dislikes having to deal with allegations of police malpractice. But on the morning of the hearing, Covill's solicitors were served by the prosecution with a copy of an illiterate and anonymous letter to the girl's mother, saying that Covill was innocent and describing how he had raped the girl and committed another offence which had not been publicized. The Court was informed of this and told that enquiries so far made by the police indicated that the confession might well be genuine. It thereupon expressed the view that this was not a matter for the Court of Appeal but should be dealt with by the Home Office. Knowing from previous experience that this might be the end of the matter and that the result of the police enquiry might never be disclosed, Covill's counsel argued strongly that the application should be adjourned. Leading counsel for the prosecution supported the request and the Court reluctantly agreed, setting a six week time limit for the case to be brought back to it but refusing legal aid.

By good fortune, the police investigation had been entrusted to Chief Superintendent Atkin, who not only satisfied himself and his superiors that the letter could not have been written by Covill or any of his friends or fellow prisoners but went beyond his instructions and investigated every aspect of the way in which the prosecution had been prepared and conducted. In doing this he discovered twelve undisclosed statements of which ten might have helped the defence and two described a man having been seen in the vicinity of the rape who matched the girl's description of her assailant. He further found that, while Covill was awaiting trial, three cases of rape with similar features had been reported in neighbouring counties.

After a further adjourned hearing in which leave to appeal was granted and legal aid given in retrospect, Covill was brought before a court presided over by Lord Justice Lawton. Counsel for the prosecution outlined the results of the investigation and invited the court to quash the conviction. In doing so, Lord Justice Lawton said it was fortunate that Covill had sought the help of JUSTICE. For our part we would like to pay tribute to the helpfulness of

prosecuting counsel and Chief Superintendent Atkin throughout the proceedings.

Tracey Hercules

In our 23rd Annual Report we related the case of Tracey Hercules who, in October 1978, had been convicted of malicious wounding occasioning grievous bodily harm and sentenced to life imprisonment. Hercules maintained from the moment he was arrested and charged that the wounds were inflicted by another coloured man he knew only as Bill, who had come to his rescue when he was being attacked by a group of National Front supporters and had subsequently made off. The evidence of six eyewitnesses pointed that way in that they all said that the man who wielded the cutlass was wearing a light coloured mac and the other man a black coat. Hercules was wearing his wife's old black fur coat when he was arrested and he had had no chance to change into it. On his account of the fight, it should have had blood on it but the police failed to test it. When it was later returned to Mrs. Hercules in a plastic bag, a forensic expert said that it showed signs of having been recently cleaned.

No identification parades were held, but the complainant spontaneously identified Hercules as his assailant in the dock and his counsel failed to ask the judge to discharge the jury. An alleged admission to the police was strongly disputed but admitted in evidence. Grounds of appeal were drafted and argued by experienced counsel but the Court of Appeal was unreceptive and refused leave to appeal against conviction. It did however, on its own initiative, reduce the life sentence to one of seven years on the grounds that the conditions laid down by the Lord Chief Justice for the passing of a life sentence in cases other than murder had not been met.

The Secretary subsequently arranged for a private enquiry to be made into the identity of Bill, his description and where he could be found. He then handed over all the information obtained to the officer who was investigating a complaint which Hercules had lodged. To his astonishment he later learned that Hercules was being released on parole in August of last year after having served less than half of his reduced sentence.

We have not been informed of the reasons and Hercules will never know if he was cleared by the investigation.

Colin Stapleton

Colin Stapleton was convicted at Liverpool Crown Court of a robbery committed on a Saturday in January 1981, and sentenced to four years' imprisonment. It was alleged that he had threatened a garage attendant with an air pistol and forced him to hand over £53 from his till. He had previously served short terms of imprisonment for minor offences.

The robbery took place at about midnight. It was not disputed that Stapleton had spent the evening with his girl friend and his mother gave evidence that he had returned home at about 11.30 p.m., had gone to his room and not gone out again. He said that he had played records with his brother but the brother was not called. The trial judge told the jury that the mother's evidence did not provide an alibi because she lived so near the garage and suggested to the jury that in any event her evidence could be false.

The attendant was able to give the police a detailed description of the

robber and his clothing and ten days later he picked out Stapleton on an identification parade. The description of the clothing showed six items of different colours and Mrs. Stapleton said that her son possessed no such garments. The judge mentioned this to the jury but failed to remind them that, although the police had visited and searched the house on the following day, they had not found a single garment or shoes corresponding to the attendant's description, nor could they find an air pistol or the stolen money.

The judge further failed to remind the jury that the attendant had described the robber's hair as 'flat, black, collar length, parted on the left-hand side', whereas Stapleton's hair is dull black, shortish, combed straight forward and reaching to just above the eyebrows.

The other serious cause for criticism was that the judge stressed the nearness of Stapleton's house to the garage as justification for believing him to be the robber and failed to mention two important aspects of his defence, namely that, because he lived so near the garage and frequented a betting shop on the other side of the street, he was unlikely to risk being recognized and that the attendant had picked him out because he was a familiar figure.

Stapleton's application for leave to appeal was turned down by the Single Judge. Grounds of appeal involving all the points mentioned above were drafted for him and an experienced counsel volunteered to argue them before the Full Court. The Court appeared to be receptive and conceded the force of some of the submissions, but when the Presiding Judge came to deliver the judgment he dismissed the application for a reason which in our experience is not only unique but provides a serious and dangerous precedent, viz:

> 'We have given full weight to his criticism (made, as we have already said with some justification) of the rather short and inadequate manner in which the matter was dealt with. *However we bear in mind that defence counsel at the trial did not at any time suggest that the summing-up was giving the jury an inadequate or unfair impression.'*

This dictum lays on counsel a duty far more onerous than ever has been or reasonably should be expected of them and could be invoked to turn down even the most meritorious appeal.

Our Secretary brought this judgment to the attention of the Chairman of the Bar suggesting that he might raise its implications with the Lord Chief Justice, but he has declined to do so. He thereupon forwarded the judgment and correspondence to the Registrar and has received an assurance that the Court did not intend to lay any additional duty on counsel.

Stuart Bolton

In striking contrast to the above was the way in which the Court of Appeal dealt with the very similar case of Stuart Bolton, who at Preston Crown Court in July 1981 was found guilty of robbing a garage attendant of £90 and sentenced to three years' imprisonment.

The attendant, a young boy of 16, told the police that two men, one tall and one short, had forced their way into his office and robbed the till. Two days later he picked out Bolton's photograph from books that were shown to him by the police and later picked him out on an identification parade as the taller of the two robbers. According to the rules, only the evidence relating to the parade should have been put before the jury, but the picking out of the

photographs was brought out in the course of cross-examination by defence counsel.

The trial judge told the jury that everything depended on the boy's identification, adding 'You have got to decide this case, not me, but it is quite obvious, isn't it, that he was absolutely sure there was no mistake'. But he gave none of the directions required in identification cases by the guidelines in *R. v. Turnbull* and did not even warn the jury that it should exercise care. In particular he omitted to remind the jury that the boy had said that the taller man stammered, which Bolton did not, and brushed aside the defence submission that he would surely have noticed and mentioned the prominent tattoos on Bolton's hands.

Bolton's difficulties were increased by the fact that because of domestic troubles he had provided his solicitors with a false alibi. He had also run away when approached by the police because, so he explained, he thought they wanted to question him about a bracelet which his wife had lost. In all the circumstances it was not surprising that he was found guilty.

Counsel advised him that he had no grounds of appeal and confirmed this when approached by JUSTICE. As in the case of Stapleton, new grounds were drafted and a member of JUSTICE agreed to argue the application before the Full Court. Leave was obtained without much difficulty and when the case came back to the Court prosecuting counsel said that he could not oppose the appellant's main grounds. The Court thereupon gave judgment quashing the conviction and affirming very forcibly the need for trial judges to observe the *Turnbull* guidelines.

William Smyth

Prolonged and persistent efforts on behalf of William Smyth, related in our last two Annual Reports, have finally proved abortive.

In the opinion of our Secretary and an experienced solicitor in the Isle of Wight, Smyth was wrongly convicted in December 1976 of robbery and causing grievous bodily harm and sentenced to 10 years' imprisonment. He was found guilty mainly on the evidence of a man who had pleaded guilty and incriminated Smyth in order to protect a man named Jock, who had made off before the police arrived on the scene. At the trial the police maintained that they had not been able to trace such a man. A defence witness said that he knew him well and there were indications that another witness who knew him had been dissuaded from coming to court.

After Smyth's application for leave to appeal had been dismissed by the Single Judge, he sent all his papers to JUSTICE and asked for help; but unbeknown to him the Registrar had brought forward the hearing of his appeal to fill a gap in the list and sent the notice to the wrong prison. Smyth was thus effectively deprived of an opportunity to have his appeal properly presented to the Full Court, and we were advised that it could be relisted only at the request of the Home Secretary.

A police investigation subsequently established that the main prosecution witness had conspired to pervert the course of justice, but the D.P.P. decided not to prosecute him because he was already serving a long prison sentence. Any findings against the police officer in charge were not disclosed.

Our member in the Isle of Wight then obtained extended legal aid to carry out enquiries and with the assistance of JUSTICE compiled a comprehensive dossier which was unsuccessfully pressed on the Home Secretary.

In 1980, Smyth's M.P., John Cartwright, and our Secretary were given a personal interview with the Minister of State and left with the firm impression that he would ask the Court to relist the appeal. At the end of May he informed Mr. Cartwright that he had decided against this course but would ask the Registrar to ask the Court if it would agree to have Smyth's application relisted. The difference between this and what would in effect have been a reference back is that in the latter event the appellant would have expected to be shown the statements taken in the course of the police investigation.

In March 1981, after a delay of 10 months, the Court eventually agreed to relist the application and granted legal aid for solicitor and counsel, who both devoted a great deal of time to preparing the application.

The summing-up disclosed several valid grounds of appeal, but counsel advised that it was necessary to trace and take affidavits from two important witnesses. The solicitor, acting with a due sense of responsibility, thought it right to seek the Registrar's authority for this additional expenditure. He also asked for the report of the police investigation to be made available. The reply was that these requests would be considered by the Court at the hearing of the application for leave to appeal.

When this was finally listed on 31 July last, counsel based his submissions on the importance of the two witnesses, only to be rebuked by one of the judges for not knowing that he should have produced affidavits from them. There had evidently been a failure of communication between the Registrar and the judges. The applications were found among the court papers, but the harm had been done and counsel was given no option but to argue the merits of his grounds in face of a court which had clearly regarded the relisting as a token exercise.

The interviewing of witnesses has since been carried out with legal aid obtained locally and further submissions are being made to the Home Office. In the meantime Smyth has unexpectedly been released on parole.

Disclosure of Statements

In two of our most disturbing cases, those of George Naylor and John Covill, it had come to light that the officer in charge had not disclosed to his prosecuting solicitors statements which might have cleared the accused either before or after he was brought to trial. In neither of these cases was the officer prosecuted or disciplined. We conveyed our concern at this to the Director of Public Prosecutions and he very helpfully explained the considerations which had led the investigating officer to conclude that in neither case had there been a deliberate intention to pervert the course of justice.

This raises two questions. First, would a wholly independent investigation, taking into account other unsatisfactory aspects of the officers' conduct, have reached the same conclusion? Secondly, if police officers have consistently been allowed such latitude, how many innocent persons have suffered thereby?

We can however record our satisfaction that, following these two cases and earlier representation to the Home Office, the Attorney-General has recently issued strict guidelines to all chief constables and prosecuting authorities requiring them to disclose or make available to the defence all unused statements and originals of composite statements except those which,

in the opinion of prosecuting counsel, can properly be withheld or edited for reasons of security and sensitivity.

If these guidelines are fully observed, they should have a salutary effect. But we regret, as we have in other areas of criminal procedure, that they will have no statutory force and contain no indications of what penalties will be imposed on officers who disregard them and, more importantly, whether any resulting convictions will be regarded as unsatisfactory. As long ago as 1966 we recommended that, subject to considerations of security, and the discretion of the Court, disclosure should be statutory.

Identification Evidence

We still find cause for concern over the indifferent way in which cases involving evidence of identification are dealt with in the courts and by the police. In a number of cases submitted to us the *Turnbill* guidelines have been honoured by a general warning, but the judge has failed to draw the jury's attention to the specific differences of description that may point to the innocence of the accused. These cases suggest that Lord Devlin was fully justified in recommending that the more important safeguards should be made statutory.

The police, for their part, not infrequently fail to put suspects on identification parades as the Home Office rules require unless circumstances make it impracticable, and judges rarely ask for an explanation. If the suspect is alleged to have made an admission, then absence of or discrepancies in identification evidence cease to count.

We have recently had a case of a man convicted on the strength of a disputed confession. A giant of 6'9", he had been described by the girl victim of a rape as being of average height. When counsel was asked how the judge had dealt with the matter of height he replied, 'But this is not an identification case'.

Refusals by the Single Judge

In the course of last year we were asked to help with a number of applications for leave to appeal which had been refused by the Single Judge without any reasons being given. In the majority of them, what appeared to be valid and arguable reasons had been provided by counsel. In one such case, leading counsel had approved grounds consisting of important points of law with carefully researched citations of relevant cases on which leave should have been given as of right—and subsequently was given.

All these refusals emanated from one judge and, on making enquiries, we were told that this particular judge was a quick reader and took on far more cases than any of the others.

At the request of the Council, our Chairman wrote to the Lord Chief Justice pointing out that this was contrary to the undertaking given when he had warned counsel against pressing unmeritorious applications to the Full Court, and that it was likely to lead to meritorious appeals being shut out and to create a feeling of injustice in counsel and appellants alike. He replied in cordial terms, saying that he welcomed all our representations and assuring us that he had given appropriate instructions to all the judges doing Single Judge work.

Complaints against the Police

In February of this year, Paul Sieghart, Charles Wegg-Prosser, Gavin McKenzie and Tom Sargant gave oral evidence to the Parliamentary Select Committee on Home Affairs in support of the memorandum which JUSTICE had submitted to the Home Secretary on the Triennial Review of the Police Complaints Board and which was summarized in last year's Annual Report.

Our representatives once again stressed the overwhelming need for independent direction and appraisal of investigations into all serious complaints and the need for such investigations to have two quite distinct objectives. The first is to ascertain whether the officer's conduct deserved punishment, which is a matter for the Director of Public Prosecutions. The second is to ascertain whether the investigation has brought to light any matters which cast doubt on a conviction. This is a matter for the Home Office and we have further urged that, subject to considerations of security, all statements taken in the course of an investigation should be made available to the complainant's solicitors.

The report of this committee has just been published and we are highly gratified by its acceptance, beyond our expectations, of all the major arguments and recommendations put forward by JUSTICE.

It comes out boldly in favour of a police ombudsman system, with independent complaints assessors in every region and in every major metropolitan area, and specifically recommends that, where a complainant's guilt is in issue, all statements taken during the course of the investigation, appropriately edited on grounds of security, should be forwarded to the complainant's legal adviser.

This has been a long and hard fought battle and we must now hope that the government will have the courage to implement the committee's far-sighted proposals.

Duty Solicitors for Prisons

In our report *Criminal Appeals* (1964) we pressed for the introduction of a regular legal advice service for prisoners which would cover both appeal and domestic problems. The need for this has since been diminished by better provisions for advice on appeals and the use now being made of the Green Form Scheme for visiting prisons and giving advice on criminal and civil matters.

There are, however, still many gaps to be filled, particularly in the larger prisons, and the Benson Commission on Legal Services recommended the setting-up of schemes for visits by solicitors on a rota basis. The Home Office indicated at the time that it had no objection to this in principle but when early this year a group of Manchester solicitors proposed to set up a pilot scheme, the Home Office said 'This is not a good time to take the proposal further'.

Representations against this refusal have been made by Lord Benson and the Chairman of the Parliamentary all-party penal affairs group and we welcome the offer of the Home Secretary to reconsider his attitude.

Committee on Prisoners' Rights

This committee, under the chairmanship of Sir Brian MacKenna, has been considering three main topics: general rights, complaints and discipline

in prisons. It has now completed its work and the report is currently being drafted.

Criminal Justice Committee

The Council has reconstituted the Criminal Justice Committee under the chairmanship of Peter Weitzman, Q.C. It has commenced work on the judicial summing-up, and the jury.

The members of the committee are Peter Crawford, Q.C. (Vice-Chairman), Patrick Bucknell, Anthony Burton, Christopher Critchlow, Thayne Forbes, Dulcibel Jenkins-McKenzie, Andrew Keenan, Alan Levy, Gavin McKenzie, Walter Merricks, Peter Pimm and Alec Samuels.

A Public Defender

As a result of renewed disquiet over unremedied wrong convictions, the Council has decided to set up a committee to look into a suggestion that an office of Public Defender should be set up to balance the Director of Public Prosecutions.

It is envisaged that the functions of such an office would be:

(a) to assist solicitors with difficult defences, e.g. forensic tests, discovery and authority for special investigations.
(b) to assist persons claiming that they had been wrongly convicted.

A sufficient number of members have already volunteered to serve on this committee, but it will welcome any written evidence and suggestions.

CIVIL JUSTICE

It might appear from the section on Criminal Justice that we deal only with criminal cases, but this is not so. We are asked to give advice and help by a succession of disgruntled litigants. Some of them can fairly be described as crusading litigants, but the majority are bemused by the complexity, time and cost of civil litigation. Many complain that they have been let down by their lawyers and are aggrieved to be told that they have no remedy except further litigation. Their problems are usually insoluble by the time they reach us, but from time to time we have been able to persuade Legal Aid Committees to think again about legal aid, or to obtain advice from our members, or to negotiate a settlement. What emerges fairly clearly from these cases is that for most people civil litigation remains a jungle which they enter at their peril, and as a means of settling disputes is best avoided if at all possible. We report below one case in which we were able to achieve a satisfactory outcome.

Albert Frawley

Albert Frawley, a young man of 24, had been sentenced to 5 years imprisonment in October 1977 for a very serious sexual offence against a 10 year old girl. On transfer to Maidstone Prison in May 1978, he had refused to be segregated in solitary confinement under rule 43 of the Prison Rules i.e. removal from association. On 30 August 1978, he was attacked by a fellow prisoner, Alexander Kesson, who was serving a life sentence for murder. On the same day, Kesson had attacked another prisoner and had threatened to kill a third, and he had warned the prison authorities that he could not con-

trol his violent tendencies. He was neither punished nor segregated as a result of these incidents, and Frawley himself still refused to be segregated. A week later, Kesson and another prisoner attacked Frawley again and killed him.

His parents were told that he had been killed and that they would be able to attend the trial of his murderers, but they were not notified of the date. They received no explanation from the Home Office about the circumstances of the death, and in November 1978 Frawley's father wrote to the Home Office enquiring about the possibility of compensation on the grounds that there had been inadequate supervision of his son after Kesson's first attack on him, and that they had been partly dependent on him. This letter was acknowledged but, despite a reminder, Mr. Frawley did not receive a reply until 11 months later. This expressed regret at his son's death but offered no explanation of its circumstances, and advised the Frawleys to consult a solicitor about compensation. This they did, but were told that they would not get legal aid, and they could not afford to bring an action at their own expense.

In September 1980, the Frawleys approached us for help to find out the circumstances of their son's murder and on the question of compensation. They also complained that some of his property had never been returned and that when the body had been released to them for burial it was discolouring and decomposing. A memorandum was drafted and submitted to the Home Office through the Frawleys' MP. In reply, the Minister denied any liability on the ground that Albert Frawley had not asked to be segregated after Kesson attacked him. His property could no longer be found. The Minister apologized for the delay in replying to the original letter but offered no explanation of the circumstances of the death. He advised an application to the Criminal Injuries Compensation Board for compensation. This turned out to be unhelpful as the Board does not compensate an estate for loss of life. It could have paid for the burial and a tombstone, but because of the Frawleys' poverty the Prison Department had already done so. A solicitor who serves on our Prisoners Rights Committee offered to take up the case, despite a further refusal of legal aid, and a leading counsel also offered to act pro deo. A writ was issued and the Home Office then offered £2000 compensation, plus legal expenses. This was accepted.

Bankruptcy

In December 1971, JUSTICE set up a committee under the chairmanship of Allan Heyman, Q.C. to examine certain aspects of the law of bankruptcy. Our attention had been increasingly drawn to the injustices of the then bankruptcy law, the uncertainty and the unevenness of its application, to the frequent deprivations suffered by debtors of their human rights and to the need to provide both better protection for the small debtor forced into insolvency by mischance, and better protection for creditors against the dishonest exploitation of bankruptcy procedures.

The Blagden Committee Report of 1957 had largely confined itself to the examination of the substantive and procedural law but even such recommendations as it did make were not implemented. In July 1974, the Government expressed agreement with its conclusions that the basic structure of bankruptcy law, apart from discharge, was sound and well suited to its purpose.

The JUSTICE report *Bankruptcy,* published in March 1975, was, we believe, the first study in depth ever made of the legal, social and economic aspects of bankruptcy. Our committee found much to find fault with in the existing situation and made a number of recommendations designed to reduce the number of small bankruptcies and minimize injustice. These included raising the minimum debt from £50 to £200 (a figure to be capable of increase by order), simplifying procedure and reducing the requirement for public examination. The committee recommended the introduction of a system of automatic discharge, both for existing and deserving future bankrupts, and strongly criticized the ever-increasing categories of preferential debts which injured the interests of the general body of creditors.

The Insolvency Act of 1976 implemented a number of these recommendations, in particular those relating to public examinations and automatic discharge.

The JUSTICE report had so stimulated the thinking of all the political parties that a Departmental Committee set up under the chairmanship of Mr. Kenneth Cork to study the E.E.C. Draft Convention on Bankruptcy found it necessary to make a detailed study of our own procedures and its report led to the setting-up in 1977 of the much more weighty Insolvency Law Review Committee under the chairmanship of Sir Kenneth Cork (as he now is), with very wide terms of reference. We were naturally gratified that several of our members were invited to join the committee as members or consultants.

The Cork Committee conducted an exhaustive enquiry into the wide fields allotted to them and their recently published report adopts and reinforces many of the recommendations of the JUSTICE report and pays a generous tribute to it. We for our part would like to offer our warm congratulations to Sir Kenneth and his colleagues on the completion of their massive task. We are of the opinion that some of their recommendations should be implemented by the government as a matter of urgency. They would do a great deal to make our bankruptcy procedures more simple, more intelligible, more just and more humane.

Courts Administration Committee

This committee, under the chairmanship of John Macdonald Q.C., has spent most of the year taking evidence from a wide range of individuals and bodies which use and administer the courts. The subject is a complex one on which views have diverged, but progress is gradually being made.

Civil Procedure Committee

This committee, under the chairmanship of Laurence Libbert Q.C., was set up to consider reforms in civil procedure which did not require primary legislation. It found that there were few worthwhile reforms capable of being made through changes in the Rules. However, it has produced three memoranda during the year which were approved by the Council and submitted to the Lord Chancellor's Department.

Payment Into Court

In 1968 the Winn Committee had recommended that a fairer and more rational procedure for payment into court be introduced in order to minimize the element of gamble inherent in the present system. These proposals had

never been implemented, but in the intervening years the costs of litigation had increased to such an extent that loss of the gamble in deciding whether or not to accept a payment into court worked real hardship in all monetary claims. As a result, the present procedure was too often used as a weapon to impose undue pressure to settle an action in order to avoid the risk of an adverse decision as to costs. We proposed, therefore, a modified (and less cumbersome) version of the Winn proposals applicable in all types of action for debt or damages. A system of offers and counter-offers would provide a formal negotiating framework and would allow the trial judge the maximum discretion on costs.

The other two memoranda supported proposals in the Report of the Review Body on the Chancery Division of the High Court (the Oliver Report).

(a) *Court Control*

We have long urged the introduction of a greater degree of court control in order to reduce unreasonable delay on the part of one or both parties and so prevent injustice to the lay client as well as to protect the reputation of justice. We therefore welcomed the very modest proposal of Oliver, which was itself first suggested by the Cantley Committee in 1979, that in personal injury actions the plaintiff's solicitor should be required to report to the court the stage which the proceedings had reached if, within 18 months after the issue of the writ in the High Court, the action had not been set down for trial.

(b) *Applications for Interlocutory Injunctions*

We supported the proposal, which has been made several times over the years, that the procedures for ex parte and inter partes applications for interlocutory injunctions should be harmonized between the Divisions of the High Court to ensure that procedural factors play no part in determining the substantive rights of litigants. Although the grant of an interlocutory injunction may not be a reflection of the court's assessment of the merits of a dispute, in certain cases this played a decisive part in the litigation and such a grant did involve placing the authority of the court behind the alleged rights of one of the parties.

We took the view that, apart from sensitive cases e.g. in the Family Division, it was clearly desirable that all inter partes applications should be heard in open court. However, ex parte applications were, by definition, one-sided, so we supported the view that it was fair that they should be heard in private—any objection to private justice could be met by limiting their operation to short periods in order to encourage speedy inter partes hearings. Current delays in the Queen's Bench Division could be overcome by introducing the Chancery procedure of a Motion judge sitting on Motion Days for such business.

ADMINISTRATIVE LAW

JUSTICE—All Souls Review

Responses to the Discussion Paper published a year ago began to come in in July and continued to do so until last March. The Review Committee

has considered them and found them of much assistance in identifying mischiefs and devising solutions that have a reasonable chance of being adopted.

In the time and with the resources available it would have been impossible to examine every existing institution and arrangement, and some concentration on particular aspects has therefore been necessary. The Review Committee has approached its task on the basis that it would be more useful to suggest the improvement of existing institutions than to propose radical restructuring of the whole system.

Prof. A. W. Bradley arranged a day-long seminar in Edinburgh last June on the theme of Administrative Law in Scotland at which members of the Scottish Working Group and others considered the Discussion Paper in relation to Scotland.

In December Patrick Neill, David Widdicombe and Ronald Briggs attended as observers a plenary session of the Administrative Conference of the United States in Washington. This provided a useful and interesting insight into some of the practical problems peculiar to the United States, such as those arising under the Government in the Sunshine Act, 1976 (which provides for open government), and others which bear a closer resemblance to those experienced in this country.

The Review Committee is now preparing its final Report and hopes to have that ready for publication in the autumn.

British Nationality

A small Parliamentary group, composed of some members of our British Nationality Working Party, kept track of the progress of the British Nationality Bill through both Houses. Last June, in a letter to Members of Parliament and peers sent shortly before the relevant debates, we drew attention to the simplicity of the *jus soli* in contrast to the complexity and arbitrariness to be introduced by Clause 1 of the Bill; to the contradictions in such terms as 'British Overseas Citizen' and 'Citizen of British Dependent Territories' (neither status guarantees any abode anywhere—as the Argentine Government was not slow to point out later in relation to the inhabitants of the Falkland Islands): to the need to ensure that no one was worse off under the new legislation than before it; and to the need for judicial review of certain discretions vested by the Bill in the Home Secretary.

We therefore supported the attempts to make explicit the courts' power to review the exercise of administrative discretion where race, colour or religion might have been taken into account. However, the Government was determined that these attempts should not succeed and ensured that the Commons overrode the Lords on this issue. But it has at least accepted that there may be recourse to the Parliamentary Commissioner for Administration in such cases.

Later we tried to rally support for the amendments proposed by Viscount Colville of Culross to provide for appeals in naturalization cases and to improve the mechanism for appeal in entitlement cases. We made a last appeal to the Minister of State when the Bill returned to the House of Commons in October, and expressed the hope that the new law would be operated by his department with humanity.

Immigration Appeals

Last year the Home Office published a discussion document, 'Review of Appeals Under the Immigration Act, 1971'. It at last acknowledged the fact that the immigration appeals system was under great strain, disclosing that there were nearly 18,000 appeals with average delays at some hearing centres of up to fourteen months before appeals could be disposed of. The Government proposed to reduce delays and use resources more efficiently in two particular ways: (1) the 'rationalization' of substantive rights (which would require legislation), and (2) the revision of procedure rules to concentrate resources on the more serious issues that arise. In effect, these proposals would keep the existing system substantially as it is, but would reduce the numbers who could avail themselves of it.

The memorandum submitted by JUSTICE last December in response to this document was drafted by Sarah Leigh. It proposed an alternative approach based on:

(i) informing those making immigration applications of the relevant rules;
(ii) the establishment of an Immigration Appeals Registrar to receive and process notices of appeal;
(iii) arming the Registrar with power to strike out appeals when the appellant failed to state adequate grounds within a reasonable time;
(iv) requiring the respondent to prepare a statement in reply within a reasonable time;
(v) a brief statement, in place of the present lengthy ones, written at the time of the decision by the officer who made it, with copies of supporting documentation;
(vi) a pre-hearing appointment with the Registrar for directions on the requisites of the hearing; and
(vii) parity of requirement for both appellant and respondent in such matters as the lodging of evidence.

In the matter of substantive reforms our main proposals were that:

(i) there should be an appeal *on the facts* against an adjudicator's decision to the Immigration Appeals Tribunal;
(ii) anyone alleged to be an illegal entrant should have a right to appeal, without being required to leave the country, both on the issue of illegality and on that of hardship;
(iii) anyone applying for leave to remain in this country should have a right of appeal;
(iv) adjudicators should be under a duty to consider any relevant grounds on which the appellant might be qualified to remain in the United Kingdom, including any new evidence which had come to light before the hearing;
(v) appellants should have access to lawyers of their choice; and
(vi) adjudicators should be selected by the Lord Chancellor's Office not by the Home Office.

INFORMATION LAW

Here, there has been some progress, albeit still at a snail's pace. Following the *Sunday Times* case in the European Court of Human Rights, we have reformed the law on contempt of court—though opinions differ on

whether the reform meets the Court's requirements. And the Government has now promised early legislation on data protection, and published a White Paper explaining how it will work.

The last time that happened was in 1975, but the government that promised it then fell a few months after the Lindop Committee's report was published. The new White Paper has been subjected to considerable criticism, not so much for what it says (which follows the Lindop recommendations quite closely) but for what it leaves out. JUSTICE has sent its own comments to the Home Office, and can only hope that by the time the legislation is enacted it will at long last provide the citizen in the U.K. with the protection to which he is entitled from the dangers posed by computerized personal information systems, and which the citizens of a good many other countries have now enjoyed for several years.

But much else remains to be done in this field. The technology progresses at ever-increasing speed. Viewdata (or Teletext) is coming into many homes and offices. Prestel is expanding, though not yet as fast as its sponsors had hoped. Satellite and cable television are only just over the horizon. Home and office computers multiply. British Telecom is planning a revolution in domestic and international communications. None of these things are foreseen by our existing laws, many of which will need to be modified to catch up with them. Yet, even in International Technology Year 82, there is still no sign of any plans for comprehensive reform. Though information pirates abound, we still do not know whether computer programs can be protected by copyright. Must we, as so often before, wait until the last moment and then legislate hastily and badly?

INTERNATIONAL COMMISSION OF JURISTS

During the year, the ICJ, under the expert and vigorous direction of Niall MacDermot, O.B.E., Q.C., continued to make a significant contribution to the advancement of human rights. It made submissions to the U.N. Sub-Commission on Minorities on items such as the rights of indigenous peoples and mental patients, states of emergency, detainees and prisoners, the independence of judges and lawyers, and the new international economic order.

It also made submissions to the U.N. Commission on Human Rights on gross violations of human rights in specific countries.

Interventions with governments were made on behalf of a number of lawyers, law students and Bar associations who were suffering intimidation or persecution for carrying out their duties.

In June 1981, Prof. Tremblay of Montreal University was sent as an observer to Rabat to attend the trial of 82 defendants accused of arson and riot arising out of protests in Casablanca following steep rises in the price of food. Two days into the trial he, along with other foreign observers, was arrested and expelled from Morocco. In his report, Prof. Tremblay observed that the rights of the defendants had been violated in several respects: most of them were aged between 14 and 17 and faced sentences of up to 20 years' imprisonment, but the evidence against them was of a collective nature; much of the prosecution evidence was based on forged or false statements, some of which had been obtained by torture, and the defence was not allowed to call any witnesses.

In August 1981, Prof. Virginia Leary of State University, New York, was sent on a mission to Sri Lanka to consider the human rights aspects of the Terrorism Act, introduced following communal violence directed against the minority Tamil population, and political terrorism by a few Tamil youths directed at the police. She found that violence against the Tamils was increasing and that the measures taken to control terrorism violated human rights norms as they permitted prolonged incommunicado administrative detention often resulting in violent assaults against detainees. Communal tensions were, she felt, aggravated by government policies and she recommended a number of measures to improve the situation.

A major part of the ICJ's work during the past twelve months was devoted to promoting the concept of development as a human right. It organized a consultation with non-governmental experts from major development agencies in Geneva in October 1981 as a result of which a paper entitled 'The Right to Development: Its scope, content and implementation' was submitted to the U.N. Working Group of 15 governmental experts on the Right to Development. An important seminar was also organized in Penang, Malaysia, in December on 'Human Rights and Development in the Rural Areas of the South-East Asian Region' attended by 40 participants from the region. They included lawyers, economists, development and environmental experts. The subjects discussed included: Agricultural & Economic Policies; Land Reform; the Role and Status of Women; Participation in Decision-Making; Social and Legal Services; and Natural Resources and Environmental Questions. A report of the seminar will be published later this year.

During the year two major reports of previous colloquia were published, 'Human Rights in Islam' and 'Development, Human Rights and the Rule of Law'. Both have been welcomed as making a significant contribution to public debate on the issues.

Details of the ICJ's activities, as well as articles and commentaries on international human rights issues, are fully reported in the biennial ICJ Review and the quarterly ICJ Newsletter. These are available from JUSTICE at the specially reduced members' prices of £2 p.a. for the Review and £3 p.a. for the Newsletter.

GENERAL INFORMATION AND ACTIVITIES

Membership

The approximate membership figures at 1 June were:

	Individual	*Corporate*
Judicial	72	
Barristers	494	
Solicitors	526	42
Teachers of Law	155	
Magistrates	30	
Students (incl. pupillages and articles)	84	
Associate Members	144	10
Legal Societies and Libraries		33
Overseas (incl. Hong Kong Branch)	90	24
Total.	1,595	109

These figures must be regarded as disappointing. We have enrolled only 60 members and have lost 100 from various causes. Over 100 members included in the figures have not yet paid their subscriptions which were due last October. Extensive membership campaigns might bear some fruit, but not in proportion to the time and money expended on them. The three B.B.C. programmes, one of which had a record viewing figure for a documentary of 11 million, provoked a flood of requests for help, but unfortunately only one small donation. It is our experience that new members in significant numbers can be obtained only through the efforts of existing members among their friends and colleagues. There must be hundreds of potential members waiting only for a personal approach.

Finance

As Lord Foot has indicated in his introduction to this report, we have achieved a small surplus on both accounts this year but thanks only to a profit of £4,000 on the 25th Anniversary Ball and an unexpected donation of £1,500 from a charitable trust. The outlook for the current year is therefore gloomy unless we can gather in some substantial new funds by way of capital or income.

The Council has therefore decided that it is both appropriate and necessary to launch a special 25th Anniversary Appeal, the nature of which is set out in the enclosed forms.

JUSTICE Educational and Research Trust

The Trust can receive covenanted subscriptions from members and donations from charitable trusts. Its income covers the salary of a legal secretary, a share of rent and administrative overheads and the expense of research committees.

During the past 12 months it has received donations of £1,500 from the Bernard Sunley Trust, £1,000 from the Max Rayne Foundation and £500 each from the International Publishing Corporation, and the William Goodhart Charitable Trust.

Subscriptions to the Trust, covenanted or otherwise, rank as membership subscriptions to JUSTICE.

The Council

At the Annual Meeting in July 1981, Sir John Foster, Prof. Roy Goode and Blanche Lucas retired under the three-year rule and were re-elected. Peter Archer, Anthony Lester and David Graham, who had been serving as co-opted members, were made elected members.

In the course of the year Lord Rawlinson has resigned and the Rt. Hon. Geoffrey Rippon, Q.C., M.P., has been co-opted in his place.

Officers

At the October meeting of the Council the following officers were re-appointed:

Chairman of Council	Sir John Foster
Vice-Chairman	Lord Foot
Chairman of Executive Committee	Paul Sieghart
Vice-Chairman	William Goodhart
Treasurer	Philip English

Executive Committee

The Executive Committee has consisted of the officers together with Peter Archer, Michael Ellman, Edward Gardner, Roy Goode, David Graham, Muir Hunter, Anthony Lester, Blanche Lucas, Edward Lyons, Norman Marsh, Gavin McKenzie, Michael Sherrard, Laurence Shurman, David Sullivan, Charles Wegg-Prosser and David Widdicombe. Alec Samuels, our Director of Research, is an ex-officio member.

Finance and Membership Committee

This committee has consisted of Philip English (Chairman), Paul Sieghart, William Goodhart, David Graham, Blanche Lucas, Andrew Martin, Anthony Pugh-Thomas and Laurence Shurman.

Annual General Meeting

The Annual General Meeting was held in the Old Hall, Lincoln's Inn on Tuesday 7 July 1981. Sir John Foster presided and in his opening remarks paid a warm tribute to the service rendered to the Society by Philip Kimber who had joined the Council in 1958 and had died on holiday in the previous September.

In presenting the Annual Report, Sir John welcomed the reports and memoranda published during the year and expressed his fear that the recommendations of the Royal Commission on Criminal Procedure which reflected some of the more important JUSTICE proposals would be emasculated. The discussion which followed centred mainly round this topic.

In the absence of the Hon. Treasurer, the Secretary presented the Annual Accounts. These showed that, thanks to a further increase in membership subscriptions and £2,000 raised by the Recital, the income had exceeded £12,000. Expenses had however increased alarmingly and there was a deficiency for the year of £700.

Sean MacBride's Address

Sean MacBride, S.C., a former Secretary-General of the ICJ and Chairman of the UNESCO International Commission for the Study of Communications Problems (1977-80), gave an address on 'The Freedom of the Press'.

He began by pointing out that of the 150 states in the world, only in some 40 were democracy and the Rule of Law protected, and even in these abuses of power by the executive and the administration occurred from time to time. The best protection against such abuse was freedom of information and expression, i.e. freedom of the press. It was more important now than ever, and hence more likely to be under attack.

In the past 30 years, there had been a shift in the centre of gravity of power from governments to public opinion brought about by higher standards of education and the development of the mass media which, especially via radio, kept even the illiterate informed. Public opinion had thus become much more able to assess and judge situations. Moreover, public opinion made itself heard through opinion polls which exerted an influence on policy-making in political parties. Even in one-party states 'grass-roots' sentiment had to be heeded. He regarded the change in official policies during the

Franco-Algerian and Vietnam wars, as well as the spread of the 'dissident' movement in the Communist bloc, as evidence of this. The shift in power had vastly increased the importance of those who informed public opinion, particularly investigative journalists. They played the most effective role in exposing fraud, bribery and corruption which were among the gravest threats to democracy today. They were also of vital importance in helping to protect human rights, e.g. by publicly exposing torture. The UNESCO Commission had considered it vital to safeguard this journalist function.

Freedom of the press included four separate rights: (1) the right to seek and obtain information, from both official and unofficial sources; (2) the right to receive information, free from obstacles; (3) the right to impart and publish news and information, free from unreasonable censorship and official secrecy and (4) the right to be informed, both individually and collectively. Lawyers, journalists, writers and publishers all had a special duty to ensure that these rights were adequately protected at national, regional and international levels. The exposure of the Thalidomide scandal and the subsequent legal action against *The Sunday Times* was an excellent example of this need. Freedom of the press should be paramount over all other considerations; this would be greatly helped by a comprehensive Freedom of Information Act in the U.K.

In his view, freedom of the press now formed part of customary international law by virtue of its enunciation in Article 19 of the U.N. Declaration of Human Rights. It was also collectively guaranteed in Articles 17, 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR). At a regional level, freedom of the press was guaranteed in the Inter-American Convention on Human Rights and the European Convention on Human Rights. He was concerned that Article 10 of the European Convention permitted the restriction of freedom of expression where necessary for (a) preventing disorder or crime; (b) protecting confidential information; and (c) maintaining the authority and impartiality of the judiciary. These restrictions were not included in the ICCPR and he felt that they should be removed from the European Convention. The Final Act of Helsinki was also an important instrument guaranteeing freedom of information.

Mr. MacBride regarded the concentration of the ownership of newspapers as a serious threat to the freedom of the press. In the U.S.A., West Germany, France and Britain multi-national corporations had bought large numbers of newspapers since 1945, and this threatened not only the independence and objectivity of the newspapers concerned, but also that of the journalists employed in them. Another serious problem was the provision of adequate protection to journalists in the exercise of their functions. Proportionately more journalists were killed or 'disappeared' than the members of any other profession. This fact seemed to provoke only temporary concern in governments or the general public. Protection was also needed for their work itself: journalists in many parts of the world were victimized for honest and courageous reporting. Lawyers and human rights organizations ought to support moves for such protection.

An important asset in the formation of public opinion in the post-war world was international broadcasting. Some 30 countries now broadcast regular daily programmes in over 100 different languages at the rate of 12,000 hours per week. They provided a useful multiplicity of sources of information.

Mr. MacBride concluded by pointing out that the criticism levelled at the

UNESCO Commission on Communications Problems for having drawn attention to the imbalance in the existing news services that had been catering for the Third World had emanated from those who had a vested interest in maintaining that imbalance. In his view, the Commission's report was the most advanced official document so far produced in defence of freedom of information.

Annual Members' Conference

The Annual Conference of members and invited representatives of official and professional bodies was held in the Lord Chief Justice's Court on Saturday, 27 March. The subject was 'Decriminalization'. Sir Derek Hodgson presided.

The JUSTICE publication *Breaking the Rules,* The Justices' Clerks' Society's publication *Decriminalisation: an argument for reform,* and the Consumer Association publication *Towards a Middle System of Law* together made this topic particularly appropriate.

Paul Sieghart, the chairman of the JUSTICE committee, said that everybody was entitled to know the law, and all criminal offences should be collected together and made accessible to the public. Crime should be confined to matters involving moral turpitude. The rest should be 'contraventions'. Parliament should specify in each new statute whether a crime or a contravention was being created. A breach of a contravention could be dealt with by a fixed penalty, or a compounded or negotiated settlement, or by the public authority going in and doing whatever was necessary and sending the bill to the person in breach. People would prefer to be dealt with by the administrative system rather than by the criminal law. The workload on the courts would be much diminished.

Brian Harris, President of the Justices' Clerks' Society, pointed out that the present volume of offences in the magistrates' courts led to unacceptable delays, and that the public could not distinguish between the real criminal who appeared in the court and the person guilty of an offence of strict liability who also appeared in the court. The fixed penalty system, now being extended, especially in motoring offences, was to be welcomed, with the penalty registered and enforceable as a fine. The biggest danger in decriminalization was that the rich might be able to escape prosecution by commuting payment, whereas the poor would get prosecuted. The lack of publicity would remove the deterrent effect of the criminal law. The low level of penalty could mean that the 'offender' would still make a profit out of the transaction despite payment in respect of the contravention.

David Tench, legal adviser to the Consumers' Association, advocated a middle system of law. Matters 'not criminal in any real sense' would be disposed of by warning, undertaking, and civil penalty for non-compliance. The Inland Revenue at present disposed of many thousands of cases annually by means of settlement and civil penalties, and found it necessary to bring only very few prosecutions. The middle system of law was proposed, unsuccessfully, for the Competition Bill 1980, and the Trade Descriptions (Amendment) Bill 1982.

Prof. Gordon Borrie, Director-General of Fair Trading, commended the advantages of using the criminal law in securing honest trading, e.g. trade descriptions, weights and measures, food and drugs, consumer safety, illegal exclusion clauses. Strict liability deterred and prevented breach. It overcame

the difficulty of otherwise having to prove subjective deliberate intention. There were legal defences available in genuine cases. Civil penalties did not meet the situation: they were often too small. Furthermore, private justice without control over the adjudicating agency carried obvious risks.

Anthony Brennan, Deputy Under-Secretary of State at the Home Office, drew attention to the proliferation of regulatory offences and the danger of further proliferation if enforcement were to become a matter for the administration agency rather than the courts. Administrators did not welcome being caught up in enforcement. Furthermore, a number of administrative matters of an economic and social nature were of considerable public importance and concern, e.g. tainted meat, environmental pollution, and similar matters, and moves to decriminalize such matters might be seen to be devaluing their seriousness.

In the debate from the floor, attention was drawn to the European dimension; an offence treated as a contravention in France was treated as a crime in England, e.g. to the astonishment of inter-state lorry drivers. A number of offences of strict liability involved considerable danger to the public, e.g. a vehicle with defective brakes and in an unroadworthy condition, and to decriminalize these matters would devalue their seriousness. The arbitrary nature of the fixed penalty, unlike the 'tailored' sentence, could cause hardship for the poor man and be derisory for the rich man.

In his summing-up, Sir Derek observed that there had been unanimity on the desirability in principle of separating crimes from contraventions. But there was a very proper anxiety about the possibilities of abuse in administrative enforcement, e.g. the secret and anonymous negotiated settlement and compounding by the Inland Revenue in cases of failure to make a proper tax return. Definition always presented drafting difficulties, and as a matter of policy great care had to be taken in removing activities from the ambit of the criminal law. Finally, it was important to devise effective methods of depriving the criminal and the person guilty of a contravention of the fruits of his crime or contravention.

25th Anniversary Ball

The decision of the Ball Committee to return to the Savoy Hotel after a lapse of 7 years was a happy one and handsomely rewarded. The occasion attracted over 300 guests and produced a record profit of £4,000. Of this amount, £900 came from donations, £600 from the raffle and £1,000 from the Ball programme. This was the last programme to be compiled by John Mackarness who to our great regret is going to live in the United States. For many years he has sold the advertising space and produced the programme in the spirit of a true friend of JUSTICE and we shall miss him greatly in every way.

We are also greatly indebted to the firms who took advertising space or gave prizes for the raffle.

The Council would like to express *their* warm thanks to Russ Henderson and his West Indian band, who added greatly to the gaiety of the evening in the Ballroom as he has done for so many years, and to Braves Disco who provided the music in the River Room.

The Council is deeply grateful to all the members of the Ball Committee and particularly to their Chairman, Celia Goodhart, who guided them with such enthusiasm. The other members of the committee were: Miss Rosy

Amin, Mrs. Brian Blackshaw, Miss Margaret Bowron, Ronald Briggs, Mrs. David Burton, Miss Maria Callaghan, Miss Diana Cornforth, Mrs. David Edwards, Miss Helen Evans, Miss Rosamund Horwood-Smart, Mrs. Philip Hugh-Jones, Mrs. Martin Jacomb, Miss Maria Jones, Lady Lloyd, Mrs. Michael Miller, Duncan Munro Kerr, Tom Sargant, Thomas Seymour, Christopher Summer and Bernard Weatherill.

Scottish Branch

As usual the major work has related to dealing with approaches for assistance in individual cases, and it is a matter of regret that it has not been possible to deal with most of these in any detail. While it is flattering to find that we are regarded as one of the leading bodies concerned with possible injustices it is nevertheless frustrating that we do not have the means to undertake the level of enquiry which would be necessary to discover whether the cases brought to us are in fact indicative of faults in the system. All this tends to obscure our concern for the rule of law—which involves also an interest in efficient detection and prosecution of crime and resolution of civil litigation.

We continue to maintain a presence in selected areas of law reform and for the first time in recent years have provided a speaker for a non-legal meeting.

The Branch Secretary, Ainslie Nairn, of 7 Abercromby Place, Edinburgh, EH3 6LA, is always glad to hear from members or to meet any visiting the City in order to discuss any contributions to the work in hand.

Bristol Area Branch

At the last A.G.M. in May 1981, Mrs. Jill Spruce reported on the JUSTICE Conference on the Philips Commission Report on Criminal Procedure held in London the previous month which she attended with the Chairman and Secretary. She reported the feeling of the meeting that the Commission had done a balancing act and that the report was the best we were likely to get. A discussion of the many proposals followed.

Subsequent meetings have been:

JUNE 1981: Mr. David Fletcher of the Bristol Bar spoke on 'Homelessness and the Law'.

OCTOBER 1981: Mr. Andrew McFarlane, Bath solicitor and Chairman of the newly-formed Association of Members of Boards of Visitors, gave a talk on 'Our Secret Prisons'.

NOVEMBER 1981: Mr. David Feldman of the University Law Department spoke on "Access to Administrative Law remedies—recent developments'.

JANUARY 1982: Mr. Nigel Lowe of the University Law Department spoke on the 'Contempt of Court Act 1981'.

The Secretary of the Branch is David Roberts, 14 Orchard Street, Bristol, who will be happy to send notices of meetings to any members in the area who have not yet made themselves known to him.

Membership Particulars

Membership of JUSTICE is in five categories. Non-lawyers are welcomed

as associate members and enjoy all the privileges of membership except the right to vote at annual meetings and to serve on the Council.

The minimum annual subscription rates are:

Persons with legal qualifications:	£5.00
Law students, articled clerks and barristers still doing pupillage:	£2.00
Corporate members (legal firms and associations):	£10.00
Individual associate members:	£4.00
Corporate associate members:	£10.00

The council has, however, asked members to accept the following higher rates:

Five-10 years call or admission, £10. Over 10 years call or admission, £15. Associate members, £5. Corporate members, £25–£50, according to substance (this sum includes all publications issued during the year).

All subscriptions are renewable on 1 October. Members joining in January/March may, if they wish, deduct up to 25 per cent from their first payment, and in April/June up to 50 per cent. Those joining after 1st July will not be asked for a further subscription until 1st October in the following year. The completion of a Banker's Order will be most helpful.

Covenanted subscriptions to the JUSTICE Educational and Research Trust, which effectively increase the value of subscriptions by over 40 per cent, will be welcomed and may be made payable in any month.

Law libraries and law reform agencies, both at home and overseas. Who wish to receive JUSTICE reports as they are published may, instead of placing a standing order, pay a special annual subscription of £8.00.

All members are entitled to buy JUSTICE reports at reduced prices. Members who wish to receive twice yearly the Review of the International Commission of Jurists are required to pay an additional £2.00 a year.

Acknowledgements

The Council would once again like to express its thanks to Messrs. Baker, Rooke and Co. for their services as auditors, to Messrs. C. Hoare & Co. for banking services, and to many other individuals and bodies who have gone out of their way to help the Society.

PUBLICATIONS

The following reports and memoranda published by JUSTICE may be obtained from the Secretary at the following prices, which are exclusive of postage.

	Non-Members	Members
Published by Stevens & Sons		
Privacy and the Law (1970)	80p	55p
Litigants in Person (1971)	£1.00	70p
The Judiciary (1972)	90p	70p
Compensation for Compulsory Acquisition and Remedies for Planning Restrictions (1973)	£1.00	70p
False Witness (1973)	£1.25	85p
No Fault on the Roads (1974)	£1.00	75p
Parental Rights and Duties and Custody Suits (1975)	£1.50	£1.00
Published by Charles Knight & Co.		
Complaints against Lawyers (1970)	50p	35p
Published by Barry Rose Publishers		
Going Abroad (1974)	£1.00	70p
*Boards of Visitors (1975)	£1.50	£1.25
Published by JUSTICE		
The Redistribution of Criminal Business (1974)	25p	20p
Compensation for Accidents at Work (1975)	25p	20p
The Citizen and the Public Agencies (1976)	£2.00	£1.60
Lawyers and the Legal System (1977)	£1.50	£1.00
Plutonium and Liberty (1978)	90p	60p
CLAF, Proposals for a Contingency Legal Aid Fund (1978)	75p	60p
Freedom of Information (1978)	75p	60p
Pre-Trial Criminal Procedure (1979)	£1.50	£1.00
The Truth and the Courts (1980)	£1.50	£1.00
Breaking the Rules (1980)	£2.00	£1.50
The Local Ombudsmen (1980)	£2.50	£2.00
Compensation for Wrongful Imprisonment (1982)	£1.50	£1.25

The following reports are out of print. Photostat copies are available at the following prices:

Contempt of Court (1959)	£2.30
Legal Penalties and the Need for Revaluation (1959)	£1.25
Preliminary Investigation of Criminal Offences (1962)	£2.00
The Citizen and the Administration (1961)	£4.75
Compensation for Victims of Crimes of Violence (1962)	£2.00
Matrimonial Cases and Magistrates' Courts (1963)	£1.90
Criminal Appeals (1964)	£3.75
The Law and the Press (1965)	£2.75
Trial of Motor Accident Cases (1966)	£2.00

*Report of Joint Committee with Howard League and N.A.C.R.O.

Home Office Reviews of Criminal Convictions (1968)	£2.00
The Citizen and his Council—Ombudsmen for Local Government? (1969)	£2.00
The Prosecution Process in England and Wales (1970)	£1.75
Home Made Wills (1971)	£1.25
Administration under Law (1971)	£2.25
The Unrepresented Defendant in Magistrates' Courts (1971)	£2.00
Living it Down (1972)	£2.50
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Human Rights in United States and United Kingdom Foreign Policy	£1.00
The Trial of Macias in Equatorial Guinea	£1.00
Persecution of Defence Lawyers in South Korea	£1.00
Human Rights in Guatemala	£1.00
The West Bank and the Rule of Law	£1.00
Human Rights in Nicaragua: Yesterday and Today	£1.00
Development, Human Rights and the Rule of Law	£3.75
Human Rights in Islam	£3.00

Back numbers of the ICJ Review, Quarterly Report and special reports are also available.

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