

J U S T I C E

BRITISH SECTION OF THE INTERNATIONAL COMMISSION OF JURISTS

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ORIGINS OF THE SOCIETY

This first Annual Report of JUSTICE covers a period of nearly eighteen months, for it was in December, 1956, that, on the initiative of Mr. Peter Benenson, lawyers from the three main political parties formed an *ad hoc* alliance to endeavour to secure fair trials for those accused of treason in Hungary and South Africa, and took JUSTICE as their title.

The International Commission of Jurists in the Hague was found to be working on the same tasks, and co-operation was soon established between the two bodies. The Commission, which is an independent association of lawyers dedicated to upholding the Rule of Law, was anxious to form a British Section. There was also a desire among the sponsors of JUSTICE that there should be a permanent all-party organisation concerned with the proper administration of justice in British territories.

On 16th January, 1957, Mr. Norman Marsh, the Secretary-General of the Commission, met representatives of the Inns of Court Conservative and Unionist Society, the Society of Labour Lawyers, and the Association of Liberal Lawyers. These societies each agreed to suggest three of their members for inclusion in the Council of a permanent organisation, which was completed, after further consultations, by the Commission issuing invitations to a number of solicitors and professors of law. The Rt. Hon. Sir Hartley Shawcross, Q.C., the British Member of the Commission, was invited to be Chairman.

The Council was formally completed and the Constitution approved on 4th June, 1957, and it was decided to retain the original name of JUSTICE. Mr. Tom Sargant, who had given voluntary help to the Society in its

early stages, was appointed part-time Secretary. As the Council had no funds, the Commission offered it an initial loan and generously undertook to print and circulate a membership appeal to British lawyers with its own literature.

MEMBERSHIP AND FINANCE

The membership appeal was circulated during last autumn and has not yet met with the response that was hoped for. This may be because of a mistaken impression that JUSTICE is merely another international law organisation.

It is to be hoped that further knowledge of the activities of the Commission and of the British Section will dispel any misunderstanding about its aims and induce many more lawyers; laymen, and corporate bodies to support the Society. The present membership and income, which is set out below, cannot sustain even the minimum organisation required for its activities :

Judiciary	10
University Teachers of Law	33
Barristers	100
Solicitors	183
Firms of Solicitors	16
Associate Members	25
Associate Corporate Members (including four National Trade Unions)	8
Total	375

Of the above members, seventeen are in Commonwealth countries

The income of the Society in subscriptions and donations has so far amounted to £615. The minimum budget requirements are £1,500 a year, without allowing for participation in international activities and conferences.

Mr. JAMES MOULD, Q.C.

The Society suffered a great loss in January last by the death of Mr. James Mould, who was a founder member of the Council, and a wise and active member of the Executive Committee.

Mr. Jeremy Thorpe has accepted an invitation to fill the vacant Liberal seat on the Council.

INTERNATIONAL ACTIVITIES

Hungary

As a general rule, JUSTICE intervenes in situations outside Britain and the colonial territories only to assist the International Commission. In the case of Hungary, the first steps were spontaneous and independent.

Three former Attorneys-General, Sir Hartley Shawcross, Sir Frank Soskice, Q.C., M.P., and Sir Lionel Heald, Q.C., M.P., offered to go to Budapest as observers of the first trials of the leaders of the October uprising. Repeated attempts were made to obtain visas through the Hungarian Legation and by cables to the Kadar government. When these failed, an attempt was made to secure the admission of a former Indian judge.

There was no tangible response to these efforts, but confidential reports suggested that many lives had been saved and sentences reduced by these and other protests. It could not be foreseen at the time that the more lenient and fair-minded judges would later be removed and the sentences passed by them savagely increased.

In February, 1957, representatives of JUSTICE, including Sir Hartley Shawcross, Mr. Gerald Gardiner, Q.C., Mr. John Foster, Q.C., M.P., and Mr. F. Elwyn Jones, Q.C., M.P., attended a conference called by the International Commission in the Hague to discuss the continuing legal repression in Hungary. The facts collected by the Commission were reviewed, and made the basis of the evidence later presented by Sir Hartley Shawcross to the United Nations Committee of Five.

JUSTICE subsequently made these facts known through a Press Conference in London and has since made a number of attempts to secure the admission of observers to important trials.

In February of this year, Mr. Peter Benenson was admitted to Hungary, where during a week's visit he had the opportunity of meeting judges and lawyers, and of attending a part of one political trial.

South Africa

Through the financial assistance given by Christian Action, JUSTICE was able to arrange for Mr. Gerald Gardiner to attend the preliminary hearing of the mass treason trial which opened in Johannesburg just before Christmas, 1956. On his return, Mr. Gardiner gave his report to a crowded meeting of 300 lawyers in the Niblett Hall. The one encouraging feature of this report was the welcome he was given by the Johannesburg Bar, which had adopted a critical attitude to the trials.

Early this year, with the help of University law students, meetings were organised in Oxford and Cambridge at which Prof. Laurence Gower gave an account of the later stages of the trial and collections were made for the Defence Fund.

Portugal, Poland and Jugoslavia

Early last summer and with the support of the International Commission, Mr. Gerald Gardiner visited Portugal to investigate a number of political trials and the state of civil liberties in that country. His fully documented report was published in the Bulletin of the International Commission and given in part to a meeting in the Niblett Hall.

At this same meeting Prof. F. H. Lawson gave an account of legal developments in Poland and Mr. A. J. van Dal, Vice-President of the International Commission, of the Djilas trial in Jugoslavia.

A report of this meeting was broadcast throughout Europe by the B.B.C., and concluded, " This was an impressive demonstration that the International Commission of Jurists is concerned with law and human rights, and not in the least with power politics."

The recent secret trial and sentence of Capt. Galvaeo in Lisbon prompted renewed protests in Britain and elsewhere, and further trials in Jugoslavia have caused much concern.

Ghana

In the grave situation which developed from the arbitrary deportations in Ghana, the Council decided to support the protests made by the Ghana Bar Association. The legal battle between the Ghana Government and the *Daily Telegraph* was eventually resolved in a way first suggested by JUSTICE, namely the withdrawal of all actions by both parties, and an association of lawyers was later founded in Accra with similar objects to those of JUSTICE.

Vietnam

To reinforce representations made to the Viet-Nameese Government by the International Commission, a delegation consisting of Mr. E. L. Mallalieu, Q.C., M.P., Mr. P. J. Honey (of the School of Oriental and

African Studies), and the Secretary, went to the Viet-Nameese Embassy to ask for reconsideration of the death sentence passed on the distinguished Viet-Nameese scholar, Mr. Ho Huu Tuong. Other countries similarly protested, and the sentence was remitted to one of imprisonment.

Vienna Conference

In April of last year, a British delegation which included Prof. Harry Street, Prof. Philip James, Mr. Peter Benenson and Mr. Peter Webster, attended a conference organised in Vienna by the International Commission on " Political Crimes " and " Freedom of Opinion."

Other International Contacts

In July of last year, JUSTICE entertained eighty members of the American Bar Association attending their Convention in London, and discussed matters of common interest.

In May of this year, the Council invited nine leading members of the French section to London for a weekend of private discussions on " Human Rights and the Rule of Law in Colonial Territories." Both Sections gained valuable knowledge of each other's colonial legal systems and of the methods adopted to deal with emergency situations.

Human Rights

The Council has given some assistance to other international agencies concerned with human rights. Mr. J. P. Eddy, Q.C., prepared answers to a questionnaire on " Arrest, Detention and Exile " for the United Nations Commission on Human Rights, and JUSTICE organised a meeting in December, 1957, at which Mr. Anthony McNulty, Deputy-Director of the Human Rights Commission of the Council of Europe, gave the first public account in England of the work of that Commission.

Rule of Law Questionnaire

The International Commission of Jurists is at present engaged on an exhaustive enquiry into the position of the citizen in relation to the law and of the law in relation to governments in different parts of the world. A Rule of Law questionnaire is being studied and completed by some thirty national sections. The answers will be compared, and an attempt made to draw up a code of minimum judicial safeguards, at a world Congress in New Delhi in January, 1959.

The British answers to the questionnaire have been prepared in the main by Prof. F. H. Lawson, Mr. J. P. Eddy, Mr. Peter Webster and Mr. Christopher Gibbons. It is desired and hoped that a strong British delegation will be able to attend this Congress and that sufficient funds can be made available for this purpose.

COLONIAL TERRITORIES

Reports

It is the practice of the Council, when dealing with reports from colonial territories, to try to obtain reliable evidence from lawyers on the spot and only then to make representations to the Colonial Office or to the authorities in the territory.

Because it is difficult to obtain evidence and to reach a fair judgment without sending a trained observer to the territory, it is considered more useful to make constructive suggestions than public criticisms, except in the last resort.

In the course of the year, the Council has investigated complaints from Northern Rhodesia, Cyprus, Seychelles and Singapore and has taken what it considered to be appropriate action. In Northern Rhodesia, following representations made by JUSTICE. The Law Society has instituted a legal aid roster for Africans accused of political and industrial offences. The continued 'rustication' of a number of Trade Union leaders from the Copper Belt remains open to criticism and is receiving attention.

Sub-Committees

The Society's investigations have shown that a number of judicial problems in the colonies need attention and it has recently set up two sub-committees to consider (a) the appointment and conditions of service of colonial judges and magistrates, and (b) the working of native courts and the training of local lawyers and court officers. A former colonial Chief Justice is serving on each committee.

At the same time, efforts are being made to enrol members and ultimately to form affiliated sections in the main territories.

The Council considers that a most important part of its work may lie in the administration of justice in dependent territories. Where the granting of independence is still in the distant future, there is always the danger that political pressure and racial tensions may undermine the Rule of Law and endanger fundamental rights. Where independence is soon to be granted, it is vital that respect for the independence of the judiciary be built up before power is handed over. In all territories, the quality and integrity of judges and magistrates, and the standards of practising lawyers, are of the highest importance, as also is equal access to the law.

Restrictions on Movements

Following on a complaint by a Nigerian living in Britain that he had been refused a passport to go to the Continent, the Council enquired of the Foreign Office and Colonial Office the conditions under which passports are issued to or withheld from British subjects. These conditions appear reasonable, but there is some evidence from colonial territories that the power to refuse entry and exit, which is allowed to rest with the Governor of the territory, is being used without adequate explanation.

The Council will shortly be considering its attitude towards a Private Member's Bill, introduced by Mr. Dingle Foot, Q.C., M.P., to provide for the setting up of an Advisory Committee to review such cases.

HOME AFFAIRS

The Council has devoted much of its time to overseas problems because these have pressed upon it, but attention to home affairs is now increasing.

Wire-Tapping

When the Committee of Privy Councillors on wire-tapping, presided over by Lord Birkett, was appointed, JUSTICE arranged for the International Commission to collect information about the law and practice in other countries, and full reports were submitted to the Committee.

Victims of Crime

Following upon representations made to the Council by the late Miss Margery Fry and her associates, the Council considered and decided to endorse her proposals for compensation to be paid to the victims of crimes of violence.

A letter was sent to *The Times* asking for legislation to be introduced. A great deal of all-party support for the proposals has since been revealed and it is hoped that the present gap in our criminal law will be removed.

Franks Report

The Council welcomes the report of the Franks Committee, and considers the implementation of its recommendations to be a matter of great importance. The Government's legislative proposals are being studied.

Individual Cases

JUSTICE is not equipped to deal with individual cases and cannot act as a legal aid bureau. It can take up only those cases where important matters of principle are involved.

A number of the cases brought to the notice of the Secretary have concerned difficulties and harsh assessments under the Legal Aid Scheme. The present financial scales are in need of revision.

Research Projects

Early in the year a list of possible research projects was sent to all full members of the Society, who were asked to express preferences and to volunteer to serve on sub-committees. Over sixty replies were received and four sub-committees have now been set up to consider:-

- (a) The law of contempt:
(Chairman: Mr. Gerald Gardiner, Q.C.)

- (b) The need for a revaluation of existing legal penalties:
(Chairman: Sir David Cairns, Q.C.)

- (c) The right of asylum:
(Chairman: Mr. A. P. Marshall, Q.C.)

- (d) A proposal to institute a public office, similar to those established in Scandinavian countries, to which complaints against harsh and unjust acts of the administration can be made:
(Chairman: Prof. F. H. Lawson)

These sub-committees are now all fully manned, but members are invited to advise the Secretary if they would like to assist in the research work or to submit written observations on any of the subjects.

Educational and Research Work

To carry the financial burden of this research and of other educational work, the Society has now set up a 'JUSTICE Educational and Research Trust' which has the approval of the Inland Revenue for tax remission on covenants and for gifts from other charitable trusts.

Members who would like to make their future subscriptions or additional payments in the form of seven year covenants to this Trust, or who know of charitable trust funds which might be hopefully approached. Should so advise the Secretary.

Local Meetings

JUSTICE is anxious to send speakers and lecturers to local societies, including Rotary Clubs, Chambers of Commerce, Student Societies, Constituency Parties, and Trade Unions. A number of invitations have already been received and speakers are now available in many parts of the country. The Secretary will give every possible assistance to members who would like to organise meetings in provincial cities and universities.

An Appreciation

The Council desires to record its appreciation of the hard and effective work done by the Secretary, Mr. Tom Sargent, on behalf of the Society.

CONCLUSION

The year's work has fully convinced all members of the Council of the need and value of all-party cooperation in matters concerning the administration of justice and the safeguarding of fundamental freedoms. They present this first Annual Report to the members and to the general public in the confidence that it will be made possible for them to continue the work they have begun.