



Palestine Action Scottish Judicial Review: Stitch-Up Incoming?

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Palestine Action

The [proscription of Palestine Action](#) was sold to MPs and the media on the basis of a deliberate campaign of lies, fronted by [Yvette Cooper](#), then Home Secretary, and [Mark Rowley](#), Commissioner of the Metropolitan police. Both have deep commitment to Israel. Cooper is [owned by](#) the Israel lobby.

What is worse, they then attempted to reinforce these lies by fitting up young activists [with false charges](#) and corrupting [all principles of justice](#) in an effort to obtain [false convictions](#). This was brought home to me most forcefully in examining thousands of pages of documents released to me by the Home Office as disclosure in the Scottish judicial review of the legality of the proscription of Palestine Action.

Redacted documents and lies

I am not allowed to reveal these thousands of pages to you, even though they have already been redacted, with large sections blacked out, and in some instances gisted, or given in precis, removing sensitive information.

But I shall reveal one single paragraph of one single document because I think it is overwhelmingly in the public interest to do so. It is an essential illustration of the appalling behaviour which our Israeli controlled Establishment has been exhibiting throughout this attack on Palestine Action – an organisation which, I would remind you, is trying to prevent the provision of arms to a genocide:

The criminal offences of Aggravated Burglary (s.10 *Theft Act 1968*) and Violent Disorder (s.2 *Public Order Act 1986*) have been applied to the majority of offenders identified as being directly involved in each of these incidents, while more specific criminal offences have

been applied to individual subjects for: Administering a Noxious Substance (s.24 *Offences against The Person Act 1861*); Threats to Kill (s.16 *Offences against The Person Act 1861*); Actual Bodily Harm (ABH) (s.47 *Offences against The Person Act 1861*); Grievous Bodily Harm (GBH) with intent (s.18 *Offences against The Person Act 1861*); and Participating in Activities of an Organised Crime Group (s.45 *Serious Crime Act 2015*).

That paragraph is from the Proscription Advisory Group, prepared by the Counter Terrorism Police, recommending proscription. It is part of a narrative they seek to build of an "escalating pattern of violence". The claim is in essence that Palestine Action has moved from violence against property to violence against people.

The problem is, it is not true.

The Filton 25

In the [Filton trial](#) the attempts to convict activists of violence against people "the aggravated burglary and violent disorder cases" all failed before a jury. There were twelve charges between aggravated burglary and violent disorder and twelve acquittals. In the other incident referenced in the above paragraph "the [Sandwich action](#)" charges of personal violence have all quietly been dropped.

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So let us go through the extremely alarming list of serious charges involving violence given in that essential paragraph, from the internal Home Office documents arguing for proscription. And let us mark up the actual truth.

Aggravated Burglary "no convictions"

Violent Disorder "no convictions"

Administering a Noxious Substance "no convictions"

Threats to Kill "no convictions"

Actual Bodily Harm "no convictions"

Grievous Bodily Harm "no convictions"

Participating in Activities of an Organised Crime Group "no convictions"

The only footnote to this is that there is one single conviction of GBH, but [the jury specifically found not guilty of intent](#) in relation to the melee that developed at Filton after the security guards attacked the activists.

This is an astonishing, lengthy list of fabrication "offences in which the jury found as a matter of fact against the Crown. Non-existent offences were listed by the Police to recommend the proscription.

The proscription was based on an entire litany of offences that never happened.

Enforcing convictions under false pretences

But much worse than this is the attempt to enforce convictions under false pretences in the Filton trial. The catalogue of how this was done is now well known:

- Judge Johnson ruled that the defendants were not permitted to refer to their motives. He ruled that the jury may not be informed of their absolute right to acquit.
- He attempted to have the leading defence barrister, Rajiv Menon KC, [prosecuted for contempt of court](#) for informing the jury of their rights.
- He ruled that terms including ["genocide"](#) and ["ethnic cleansing"](#) may not be used in court.
- He ordered that the notebooks and other writings of the accused be redacted to withhold from the jury any information related to Elbit's supply of weapons to Israel.
- He enforced the concealment from the jury of [the nature of the weapons and equipment](#) that had been damaged.
- He granted anonymity to senior Elbit staff and admitted their evidence without the defence being able to cross-examine them.
- He ruled that the trial had [not been prejudiced](#) by the Secretary of State and the Commissioner of the Metropolitan Police stating the offences throughout national media.
- He allowed the release to the media of highly edited and selective prosecution video footage during the trial, which gave a false impression of events.
- He permitted the admission of Metropolitan Police video evidence, which they had given over to Elbit's sole custody for an entire year.
- He ruled that the jury must not be told of his stated intention to consider [adding a "terrorist" aggravation](#) to any convictions.

That is an astonishing list of nefarious actions by Judge Johnson. Read it again. Many people will surely conclude that it is Judge Johnson who should be in jail.

Crown failures further undermine proscrition

Despite all of Johnson's attempts to rig the trial, despite the state trying the defendants twice when it failed to achieve convictions the first time, the Crown failed to attain its convictions on Aggravated Burglary, Violent Disorder and GBH with Intent.

But my God, they tried. How they tried!

Yvette Cooper specifically relied on the specific police litany of lies in [her article](#) for the *Observer* to promote the proscrition, where she wrote:

Palastine Action has claimed responsibility for " " and promoted on its website " " attacks that have seen those allegedly involved subsequently charged with violent disorder, grievous bodily harm with intent, actual bodily harm, criminal damage and aggravated burglary. Charges that include, in the assessment of the independent Crown Prosecution Service, a terrorism connection.

The "independent" Crown Prosecution Service is of course [a joke](#) the independence of both the prosecutor and of judges like Johnson being a polite fiction of the British Establishment. The executive does not issue direct orders to judges like Johnson nor to the Director of Public Prosecutions. They don't have to issue direct orders. Those people are only in their positions because they know what is expected of them.

The one thing they cannot reliably control is [a jury](#) however much they may try to manipulate the information available to them. The charges in the Filton trial of aggravated burglary (which means going equipped with a weapon intending to use it against a person), of violent disorder and of GBH with Intent were always massive, politically motivated overcharging.

They were never likely to be got through a jury given the total lack of evidence for them no matter how much Judge Johnson attempted to manipulate the trial.

Yvette Cooper was prepared to [disregard legal advice](#) that her article would prejudice the trial, safe in the knowledge that Johnson would only ever bring contempt of court charges against the defence and not against the State.

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Deproscription in Scotland

Our hearing in the Scottish Court of Session tomorrow will hear [our motion](#) that the proscription in Scotland should be suspended pending the Scottish judicial review, because in the meantime hundreds of people are having their civil liberties restricted, are facing possible arrest, and [scores are facing charges for terrorist offences](#) merely for exercising their right of free speech.

The UK government is opposing with a counter-motion to sist (postpone) the entire Scottish judicial review until [all English proceedings](#) are concluded, including a probable eventual Supreme Court decision. Their key argument is that it is constitutionally undesirable for English and Scottish courts to reach opposing decisions in a matter of "national security".

That Scottish courts should respect English decisions they present not as colonialism but as "comity".

They state that the constitutional argument is so important that the Advocate General herself, Catherine Smith KC, will represent the UK government in person. Indeed, this hearing was delayed two weeks to fit her diary.

Their argument is, of course, disingenuous. They are not seeking to postpone the Scottish hearing; they are seeking to stop it altogether. If it is constitutionally unacceptable to reach a different decision from the English court, then what would be the point of a Scottish judicial review at any stage?

Furthermore, they are entirely illogical because the status quo is that the government has lost to Palestine Action in England at the High Court. It is the government that is appealing there. So if they really believed in "comity", they would drop the government case in Scotland to achieve the same position as England!

An establishment stitch-up?

Most of the argument we have submitted to court consists of analysis of the effects of the proscription and the impact of suspending it.

The government, by contrast, have not addressed the proscription at all. They are depending entirely on the constitutional argument that the court should not be hearing the case. But these exact arguments were already dismissed by the court at the permission stage. They do not become any more compelling just because a UK government minister is stating them.

Why is the government so confident it will win on the constitutional point and does not need to address the proscription?

I fear the appearance of the minister is evidence of an establishment stitch-up. My hackles rise particularly at the remarkable fact that, while the permission hearing was livestreamed and in Court No 1, this much more important hearing is not being livestreamed and is relegated to court No 6, with a much smaller public gallery. This case is, as the government itself states, of such constitutional importance that the minister must appear in person, why is it being hidden from the public gaze?

Unfortunately, I can't think of any answers to that question which are not deeply troubling.

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Support the campaign

We desperately need more money to continue this legal case. Each stage of hearing like this costs about £30,000 and the eventual judicial review will cost much more.

Again, please contribute if you can, but do not contribute if it causes you difficulty. If you know people who are able to afford to help and likely to be sympathetic, please do contact them and ask their assistance. We are trying to keep a lot of very good people out of prison.

You can [donate through the link via Crowd Justice](#) which goes straight to the lawyers, or [through this blog](#)

Featured image via the Canary

By [Craig Murray](#)

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