

Minutes of Liberty Council meeting 1 July 2006

Present: Tish Anderwartha, Mona Arshi, Camila Batmanghelidjh, Caspar Bowden, Richard Clayton, Madeleine Colvin, Shaheed Fatima, Carolina Gottardo, Doreen Lawrence, Michael McColgan, Edward Northcote, Rod Robertson (Chair), Lou Simans, Stephen Ward, Mazin Zeki

In attendance: Shami Chakrabarti, Doug Jewell, Gareth Crossman, Jago Russell

1. Apologies

Mohammed Aziz, Frances Butler, Louise Christian, Michael Ellman, Marion Fitzgerald, Francesca Klug, Nick O'Shea, Richard Stone, John Wadham

2. Elections to Executive Committee

Chair:

The election of the Chair was contested: Rod Robertson was nominated by Mona Arshi and Michael McColgan was nominated by Lou Simans.

Election ballot:

- Rod Robertson: Elected (10 votes)
- Michael McColgan: Not elected (4 votes)

Vice-Chair:

Richard Clayton was nominated by Tish Anderwartha and elected unopposed.

Election ballot for three places on EC:

Louise Christian was nominated by Madeleine Colvin and elected unopposed.

Richard Stone was nominated by Doreen Lawrence and elected unopposed.

Michael McColgan was nominated by Rod Robertson and elected unopposed.

3. Minutes of last meeting

Minutes were agreed subject to one minor change: Michael Ellman was not present at the meeting but had given his apologies.

Matters arising: Edward Northcote expressed serious concerns about the proposals to allow bereaved relatives to be heard in murder trials. Gareth Crossman explained that the consultation had closed and that we had raised these concerns in the consultation response.

4. Office update

Shami Chakrabarti reported that two members of Liberty staff were moving on and that the recruitment for their replacements was under way:

- Sabina Frediani (Development Officer – Lawyers for Liberty)
- Nicole Chrolavicius (Advice and Information Officer)

SC also reported that the recruitment of a Press Assistant was underway.

5. Campaign Updates

B1: Terrorism

The Extraordinary Rendition amendment was discussed and Gareth Crossman explained that the amendment is being debated in the context of the Police and Justice Bill currently before Parliament. Doug Jewell outlined other aspects of the extraordinary rendition campaign, including the recent demonstration in Grosvenor Square. GC's meeting with John Bellinger (of the US State Department) was also discussed. The importance of continued close working with other NGOs (including in the United States) was highlighted.

B2: Criminal Justice

The disappointing House of Lords' decision in *Gillan* was discussed. It was observed that, while the judicial process has not been very effective in protecting privacy rights, there was significant scope for using the political process to protect privacy. It was decided that efforts should continue, when appropriate, to use the parliamentary process to amend section 44.

Edward Northcote highlighted the importance of the efforts that have been made by Liberty regarding the Criminal Cases Review Commission. He also noted the difficulties created by the reduction in funding for defence lawyers combined with the continuous changes to criminal law and procedure.

Richard Clayton highlighted the forthcoming Carter report on legal aid which is expected to be published in mid-July. He explained that the report is likely to contain some important substantive points, such as the Government's refusal to accept a correlation between the rising costs of legal aid and the continuous changes in the law. It was observed that raising the public's awareness of the legal aid crisis will require legal aid to be described as a vital public service for the vulnerable, rather than as money for lawyers.

B3: Privacy

Caspar Bowden suggested that an FOI request should be submitted to the Home Office asking for information on the work the Home Office has undertaken/commissioned into available privacy technologies and safeguards in the context of the National Identity Register.

CB also noted the important change at the European legal level regarding the Data Protection Directive requiring ISPs and telephone companies to retain communications data. He also highlighted the need for effective protections against such information being "data mined", noting the recent decision of the German Constitutional Court in this regard.

CB explained that he was assisting with the drafting of Liberty's response to the Home Office consultation on Part III of RIPA 2000.

B4: Asylum

The reported prohibition on those in Yarls Wood detention centre keeping a diary was discussed. It was explained that Anna Fairclough had written to the detention centre and that it now appears that people are not being prevented from keeping a diary.

Other asylum and immigration issues were discussed, including: threatening people who do not have the right papers with the removal into care of their children.

B5: Culture of rights

The recent press coverage and political discussions about the Human Rights Act 1998 were discussed. In particular, David Cameron's speech about a British bill of rights was considered as well as the divergence of opinion within both the Conservative and Labour parties.

The Article 3 prohibition on deportation to torture was discussed and it was suggested that Liberty should consider the practice in other jurisdictions.

The importance of explaining the wider benefits and universal application of human rights was highlighted. The need for a public education campaign about human rights was stressed and the possibility of the DCA running such a campaign mentioned.

Shami Chakrabarti explained the varied approaches that the media has taken to the attacks on human rights.

6. Remitted motions

Police Act 1997 – Enhanced Disclosure

It was agreed that this motion should be discussed at the next Council Meeting after the Safeguarding Vulnerable People Bill has completed its parliamentary process.

Freedom of Expression and Blasphemy

Council agreed that it is unrealistic to expect that campaigning against the existing blasphemy laws would become a priority campaigning area for Liberty. Mazin Zeki highlighted the additional risk that additional speech offences might be proposed which are along the lines of the blasphemy laws but protect other faiths. It was agreed that Liberty should seek to oppose any such proposed incursions into free speech.

It was agreed that a draft paragraph for Council's report to the next AGM should be produced explaining that Liberty would continue to campaign against attacks on free expression. This would acknowledge that blasphemy laws are an example of a law which unjustifiably restricts free speech. It was agreed that the paragraph would be circulated in advance of and considered at the next Council meeting.

Proposed wording:

“Council considered the remitted motion from the 2006 AGM on free expression and blasphemy at its July 2006 and October 2006 meetings. There was general agreement that it is not realistic to expect repeal of the blasphemy laws to become a priority campaigning area for Liberty.

Nevertheless, Council expressed serious concerns about laws which impose unjustified and/or disproportionate restrictions on free expression, such as the blasphemy laws and the new offences of incitement to religious hatred and the glorification of terrorism. Council highlighted the importance of Liberty continuing to campaign for free expression and to challenge laws which undermine it.”

Council Protocols

The remitted Council protocols and the concern expressed at the AGM about the breadth of the protocols were discussed.

The proposed reworded protocols, circulated to Council in advance, were considered. Richard Clayton highlighted the need to amend them slightly to ensure that the power to expel a member from Council only relates to breaches of protocols governing the conduct of Council members. The reworded amendments read as follows (showing the amendment suggested by RC):

“Constitutional Amendment 1: Council Protocols 1 of 3

Insert new sub paragraph 7.9:

The Council shall have the power to make protocols governing the conduct of its members. Members of the Council are obliged to abide by any such protocols. Protocols must be agreed by a two thirds majority to take effect.

Constitutional Amendment 2: Council Protocols 2 of 3

Insert new sub paragraph 7.10:

The Council shall have the power to expel from Council by two thirds majority any member who has breached certain protocols approved by Council under sub paragraph 7.9 without reasonable excuse. This sanction can only apply to protocols relating to the expression of views in the media or at public events where the Council member expressly or impliedly attributes those views as belonging to Liberty. The member of Council will be given an opportunity to make representations to the Council before it makes a decision. A decision to expel a member may be appealed to the Conference and Appeals Committee within fourteen days.

Constitutional Amendment 3: Council Protocols 3 of 3

Insert new sub paragraph 12.2(f):

(f) Expulsion from Council in accordance with Clause 7.10”

Council considered that the constitutional amendments set out above should be laid by the Executive Committee at the next AGM.

7. AOB

Liberty’s rules on co-option were discussed and a number of possible areas of future work for Liberty were also considered.

It was noted that the date of the next Council meeting would be Saturday 7th October.