

**LIBERTY MEMBERS' CONFERENCE & AGM
2012
26 May 2012 at Senate House**

Resolutions Passed

1. Secret Justice

This AGM recognises the significance of the Government's *Justice and Security* Green Paper which comes in the wake of civil claims brought by ex-Guantanamo detainees alleging UK complicity in their rendition and torture.

This AGM believes that the Green Paper proposes to shut down the legal routes by which the darkest periods of the War on Terror were exposed by:

- (1). extending the use of Closed Material Procedures and the use of Special Advocates beyond their current exceptional and limited use to all civil proceedings;
- (2). preventing an individual from obtaining disclosure of information from the Government in circumstances where Government is associated with arguable wrongdoing of a third party;
- (3). amending the Coroners Rules to, among other things, allow for the use of Closed Material Procedures for all or part of an inquest.

This AGM recognises that impartiality and openness in the administration of justice is essential for a parliamentary democracy under the Rule of Law.

This AGM believes that if these unprecedented proposals are allowed to pass they will close down open justice across the civil law and sweep away centuries of fair trial protections. This AGM further believes that the Government will gain a permanent advantage in any civil litigation to which it is a party, effectively putting itself above the law.

This AGM condemns the proposals to expand Closed Material Procedures and the system of Special Advocates beyond their current limited scope. This AGM resolves to campaign against the introduction of the Green Paper's proposals, building on our substantial history of campaigning against secrecy in the judicial process

2. Universality of Rights

This AGM recognizes that difficult decisions must be made in times of austerity but believes that these should never compromise fundamental rights.

This AGM observes that proposed cuts to public spending are liable to have a particularly profound impact on vulnerable groups. Notably, the Government's planned cuts to legal aid and reform of the welfare benefits system are likely to disproportionately affect women and those with a disability.

This AGM believes, in particular, that Government austerity measures should never lead to:

- (1). destitution or other inhuman and degrading treatment;
- (2). the denial of access to justice for those unable to pay; or
- (3). discriminatory erosion of rights and freedoms on the basis of gender, race, disability or other protected characteristics, delineated in the Equality Act 2010, and such other characteristics as language, social standing or social class.

This AGM resolves to closely monitor the impact of public spending cuts and promote and protect the principle that human rights are universal and inalienable and where appropriate to bring cases before the courts, and if necessary before the European Court of Human Rights

3. Reform of the European Court of Human Rights

This AGM understands the Government's ambition to reduce the European Court of Human Rights' considerable backlog and encourage stronger national implementation of the Convention, but believes that progress on this front must not come at the expense of principles which lie at the very heart of the Convention system. This AGM believes, in particular that:

- (1). The right to individual petition must be protected. The right of every man, woman and child to have his or her case individually addressed by the Court is one of the great equalisers in our human rights framework and testimony to our commitment to the Rule of Law and to the universality and inalienability of human rights.
- (2). Greater respect for rights and freedoms at a national level goes hand-in-hand with the competence of the Court as the ultimate guardian of the rights enshrined in the Convention. The Government should not overlook the potential of the Human Rights Act as a model for national implementation in other member states.
- (3). Reforms of the Court must respond to a real and pressing need and the Government should not ignore signs that reforms already in train are bearing fruit.

4. Employment Rights

This Liberty AGM demands that the Con Lib coalition government harmonize the period of service required by employees to claim a remedy for ordinary unfair dismissal at one year's continuous service whether or not the employee's work started before or after 6 April 2012, and scrap its plans to:-

Transform the Advisory Conciliation and Arbitration Service ACAS into a buffer agency against well founded claims instead of being primarily a body which conciliates contractually binding settlements of claims already lodged at employment tribunals at present.

Abolish legal aid for the preparation of employment tribunal cases which employers and workers are seeking to bring.

Introduce a system of punitive fees before employees and workers can start claims.

Introduce a system whereby certain 'protected conversations' between workers/employees and employers are 'inadmissible evidence' in employment tribunals.

5. Shaker Aamer

This AGM of Liberty notes that Shaker Aamer, a Battersea man who is now in bad health, has been wrongfully held in Guantanamo Bay for over ten years without trial. We note that he has now had clearance for release for five years but has not been released despite the fact that there is no evidence that he has committed any crime.

We therefore appeal to President Obama to show courage and compassion and order his immediate release recognising Mr Aamer's continued detention is a gross breach of the principles of habeas corpus. Further Mr Aamer's release and return to the care of his family in Battersea is essential on health grounds.

Liberty's Council

The following 15 members were elected to the Liberty Council to serve a two year period from 2012 – 2014:

Camila Batmanghelidjh, Tom Cleaver, Madeleine Colvin (Vice Chair), Michael Ellman, Katherine Hardcastle, Martin Howe, Francesca Klug, Nicola Lacey, Doreen Lawrence, Sarah Ludford, Kevin McGrath, Richard Norton-Taylor, Adam Payter, Simon Sapper, Mazin Zeki.

They join the 15 members who were elected in 2011 to serve until 2013:

Frances Butler (Chair), Louise Christian, Shaheed Fatima, Alex Gask, Fiona Horlick, Peter Kosminsky, Nikita Lalwani, Jeannie Mackie, Michael McColgan, Terry McGuinness, Sonali Naik, Nick O'Shea, Rod Robertson, Jo Shaw, Hannah Slarks.

And Liberty's Treasurer

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Liberty's Conference and Appeals Committee

Alex Bailin QC was elected unopposed to serve for three years on the Conference and Appeals Committee. He joins Judy Khan QC, who becomes Chair of the CAC and is now in her second year of her three year term and Javan Herberg QC, who is now in his final year on the committee.

Liberty's Auditors

MacIntyre Hudson (formerly Gotham Erskine) were re-appointed as Liberty's auditors for 2013 – 2013.