

The Fair Trial Project

Newsletter

Date Published: 15th of August 2020

Issue Number: 1

Contents

| | |
|--|---|
| In This Issue..... | 1 |
| Fair Trial: Featured Campaign - Open Justice | 2 |
| Fair Trial: Upcoming Campaign – Judges with a conflict of interest | 2 |
| Questions and Correspondence..... | 3 |
| The Front Line – Tom Muirhead reports on campaigning. | 4 |
| Way out in left field | 4 |
| Next Month... .. | 5 |
| Please Like and Share | 5 |

In This Issue

This issue starts by looking at our first two campaigns ('Open Justice' and 'judges with a conflict of interest'). Next, we list the latest news before moving on to the Questions and Correspondence section. Our Chief Executive, Tom Muirhead, reports on what has been happening on 'the front line'. The last segment of this section criticises Greenpeace's £80,000 fine for contempt of court...

Fair Trial: Featured Campaign - Open Justice

The Open Justice Campaign is 'live' and available to view on the web-site. It asks: Is it possible to hold a fair trial when the press and public are excluded from the court?

The constitutional principle of 'Open Justice' has existed for centuries. The principle states that the courts are open to the press and public (and therefore open to public scrutiny). The campaign claims that the exclusion of the press and public during the Covid-19 pandemic was unnecessary, as all the courts have public galleries. It would have been possible to place a limit on the number allowed in the viewing gallery of each court, with social distancing and screening measures in place.

The exclusion of the press and public means that all trials and hearings are unlawful. All decisions made are void. All people involved, from defendants in criminal cases to the parties in civil cases, have not received justice. All can claim compensation.

Do you know anyone who did not get a fair trial during this time? Or anyone involved as a juror or a witness? Please pass this newsletter to them.

Please visit the Open Justice campaign on our web-site (<https://fairtrialproject.org/open-justice/>) and share the campaign on Facebook.

Fair Trial: Upcoming Campaign – Judges with a conflict of interest

The primary responsibility of the Scottish Courts and Tribunals Service (SCTS) is to ensure the smooth running of Scotland's courts and tribunals. Scotland's judges control the management board.

This campaign explains that judges, when resolving disputes between citizen and citizen or citizen and the state, must be free from bias. It will show that any conflict of interest will make a judge biased, and therefore unable to resolve a dispute fairly. It will contend that a duty to ensure the smooth running of Scotland's courts and tribunals interferes with a judge's duty to decide a case or appeal.

What do you think? Can a judge decide fairly when they have a conflict of interest?

A summary of the campaign is available on the web-site: <https://fairtrialproject.org/judges-with-a-conflict-of-interest/>

Fair Trial Project News – The latest news...

The Fair Trial Project made several complaints in early August. The first was to the Scottish Legal Complaints Commission. The complaint was against all advocates, solicitor advocates and lawyers and complained that their taking part in trials and hearings with the press and public excluded was civil and criminal fraud. We can't see how these legal professionals allowed this to take place.

The second complaint was directed to the Scottish Courts and Tribunals Service for allowing trials and hearings to take place with the press and public excluded.

Questions and Correspondence

Please email questions, suggestions, comments, hints and tips, about the web-site or any campaign to: info@fairtrialproject.org

The Front Line – Tom Muirhead reports on campaigning.

The web-site launched on the 27th of July 2020 with the Open Justice Campaign. The site is being regularly updated and will stay in a pre-release mode until October.



Campaigning took place at Glasgow's Sheriff and High Courts on the 28th and 29th of July on the Open Justice Campaign.

Merchant City Print (<https://merchantcityprint.com/>) made a banner and printed 1000 leaflets. The distribution of the leaflets went well. Everyone who took one agreed that the exclusion of the press and public from the courts is a bad idea.



The Fair Trial Project has made several complaints (see the news section above). Later this month we will make a complaint against the Crown Office and Procurator Fiscal Service for prosecuting people at trials with the press and public excluded. Next month's newsletter will give an update on the progress of these complaints.

Way out in left field

On the 3rd of July 2020, with the press and public excluded, Greenpeace received a fine of £80,000 for contempt of Court. They allegedly breached an order of the Scottish Courts not to go within 500m of an oil rig in the North Sea. The hearing took place in the Court of Session and the question we ask is, did they get a fair trial? It's not only the exclusion of the press and public that is at issue. The judge who made the order is Lady Wolffe QC, who is the wife of the Lord Advocate.

In their defence, Greenpeace made some human rights arguments. Usually when this happens the Scottish Government are invited to join proceedings. Why was this not done here? Note: The Lord Advocate (Lord Wolffe QC) represents the Scottish Government and if they were invited to join, he would have to appear in front of his wife.

Did the QC acting for Greenpeace fail to inform them of this? Did Lady Wolffe disclose this? There are other issues with the fairness of this hearing that will be explored in next month's newsletter.

The view of the Fair Trial Project is that Greenpeace did not get a fair hearing and the £80,000 fine is unlawful.

If you know anyone in Greenpeace? Please forward this newsletter to them. We would love the opportunity to make a complaint on their behalf.

Next Month...

A detailed article on the problems encountered when the Lord Advocate's Wife is a senior judge. This will concentrate on why it was unlawful for Lady Wolffe to find Greenpeace liable for £80,000 for contempt of court.

Progress reports on campaigns and complaints.

A report on the inevitable fair trial problems that will arise after the Lord Justice Clerk, Lady Dorrian (Scotland's second most senior judge), gave a seminar on the law relating to the questioning of alleged rape victims. It is possible that Lady Dorrian can no longer act as a judge...

An article on the requirement of judicial 'independence and impartiality'.

Please Like and Share

As we build the site, it would be a great help if you can forward this newsletter, and details of the web-site, to everyone you know. Please 'Like' our Facebook page and Share our web-site or campaigns on any social media site that you use.