

IN THE BACK



PALESTINE ACTION

Losing conviction

THE principle of jury equity – the right for a jury to acquit on grounds of conviction (sometimes interpreted as conscience) – has acted as a common law check on state power in British courts for more than 350 years.

It is inscribed on a plaque at the Old Bailey and has been cited before successful acquittals in a number of recent trials.

However, it may have just been quietly snuffed out by the judge who presided over the retrial of the Palestine Action defendants known as the Filton Six, four of whom were convicted last week for their parts in a £1m wrecking spree at an Israeli weapons factory near Bristol.

The first jury acquitted on some counts and failed to convict on the rest. At the retrial, judge Mr Justice (Jeremy) Johnson (pictured) imposed directions which limited their defence severely, including banning any reference to jury equity and any reliance on the defence of “reasonable excuse” because they acted to disrupt and expose military drones and other equipment being manufactured in the UK to commit genocide in Gaza.

Five of the six defendants reluctantly disposed of their barristers’ services and gave their own impassioned closing speeches in response.

On the criminal damage charges, the jury convicted Charlotte Head, Samuel Corner, Leona Kamio and Fatema Rajwani, who were captured in action on the patchy CCTV and body cams, but acquitted Zoe Rogers and Jordan Devlin, who were not. Corner was also found guilty of Grievous Bodily Harm. The jury acquitted him of GBH with intent, accepting that he did not mean to seriously harm the female

police officer whose spine he fractured with a sledgehammer. They had heard how he was disorientated by pepper-type spray and wrongly thought he was protecting one of his friends.

The convicted four were returned to prison to await sentencing. Corner has already served 20 months on remand and the other three almost 18 months.

Only after the conclusion of the trial could it be reported that Judge Johnson had also initiated a prosecution of the lead defence KC for contempt over the content of his closing speech in the initial trial, believed to be a first. If found guilty, respected human rights barrister Rajiv Menon faces up to two years in prison and an end to his illustrious legal career.

Johnson cited a number of alleged breaches of his directions – including Menon’s recital of the words on that plaque which sits in plain sight in the Central Criminal Court. “I had... given a specific direction prohibiting such

reference,” he said in his ruling.

On the same day that the Filton jury were sent out to begin their deliberations, Menon, who worked on the Stephen Lawrence Inquiry, Hillsborough inquests and Grenfell Tower Inquiry, was in the Court



of Appeal challenging the contempt charge, which he denies. He is now awaiting a decision on permission to appeal on the basis that the proceedings against him were initiated without proper jurisdiction.

It is, of course, mere coincidence that the conviction of the Palestine Action defendants serves the government well as it seeks to overturn the high court ruling that its ban on peaceful protests in support of the group was illegal; equally, that this erosion of jury equity comes as the government seeks to restrict the right to trial by jury.

ARMY VEHICLES



Tracking errors

DELIVERIES of the troubled Ajax armoured vehicles (*Eyes passim*) are back on, after an investigation concluded that a “multi-factor combination” of problems that left more than 30 soldiers unwell during last year’s Exercise Titan Storm are fixable. But why has it taken so long to find fixes that were already well-known on other military vehicles?

The Army Safety Investigation Team found that, among other issues, loose or missing deck bolts and incorrect track tension were factors in making it feel like operating Ajax was still a bone-rattling and dangerous experience.

In an appearance before the Commons public accounts committee (PAC) in late March, Lieutenant-General Anna-Lee Reilly told MPs that after travelling a considerable distance across country during the exercise, track tension had altered, but this could be fixed by the crew whenever the vehicle stopped. She assured MPs the army is confident the vehicles are safe so long as they are “operated and maintained correctly”.

However, she said further improvements were being sought from US-owned arms firm General Dynamics to make the ride more comfortable, “which will improve the lived experience of soldiers in the back of the platform”. Those improvements mean newer versions of Ajax are likely to feature composite rubber tracks and automatic track tensioners, she said.

While it might feel like Ajax has been in development forever, having passed preliminary design review in 2012, the project certainly does not pre-date the invention of automatic track tensioners.

Former tank commander Col Hamish de Bretton-Gordon told *Forces News* that crews having to regularly re-tension rattling tracks was something he’d dealt with on Challenger 1 tanks back in the day (which was a dangerous nuisance during combat), but the issue was solved decades ago with track tensioners for Challenger 2, which could sort out wobbles at the push of a button inside the cab. He said not including them on the original Ajax specification seemed “short-sighted”.

Following Lt Gen Reilly’s appearance before MPs, defence readiness and industry minister Luke Pollard told parliament in late April that all the personnel taken ill during the exercise have returned to normal duties. He said the Ministry of Defence “will continue to work with General Dynamics to proceed safely, responsibly and transparently to deliver an improved Ajax user experience for our soldiers” and insisted the latest changes “will be met within the existing programme scope and financial envelope”.

CHURCH OF ENGLAND

Priest holes

WHEN the new Archbishop of Canterbury Sarah Mullally (pictured) glances around the House of Bishops at its next meeting, she may be forgiven for wondering where everyone has gone.

Of the 42 dioceses in the Church of England, seven have no bishop in post, two more are suspended, one is on long-term sick leave, and a further five bishops have set a retirement date. For more than a third of dioceses to be effectively vacant is unprecedented in modern times.

The Crown Nominations Commission, which appoints diocesan bishops, is used to appointing three or at most four each year. No doubt they will find 16 ambitious clergy willing to step up to the top jobs. But finding so many at once may require scraping of the talent barrel.

Previously, retired archbishops have played a useful role in filling gaps. But the church is also in the unprecedented position that not a single ex-archbishop has a licence to minister. There are seven living former archbishops in England and Wales. George Carey, John Sentamu, Justin Welby and David Hope in England, and John Davies in Wales, have all blotted their hymnbooks with failures in safeguarding and/or governance (*Eyes passim*) and have either been refused “permission to officiate” (PTO) from their local bishops or have decided not to seek it.

In Bangor, former archbishop of Wales Andy John has no one to ask for PTO, as he hasn’t yet been replaced after resigning last year, when a culture of inappropriate behaviour was exposed at the cathedral (*Eye* 1653).

That leaves the former archbishop of Wales and Canterbury, Rowan Williams. The sainted

Williams has not sought PTO in the Church in England or Wales since retiring from academia in 2020. Now he joins his colleagues on the naughty step, having apologised in February for failing to pass on allegations of abuse against colleague and former bishop of Swansea Anthony Pierce, who was convicted of historical sexual abuse of children last year.

The archbishop of York, Stephen Cottrell, is expected to start drawing his pension within months, but he may not be much help either. He hung on to his mitre by a thread during the interregnum, fending off allegations that he had inappropriately protected errant clergy, including former bishop of Liverpool John Perumbalath, who resigned last year over allegations of sexual assault and harassment, which he denied, and convicted child abuser David Tudor.

Meanwhile, Welby has registered JPW Mediation Services Ltd, to provide worldwide access to his skills in dispute reconciliation. Some victims of serial abuser John Smyth QC, still furious at Welby’s refusal to answer questions about what he knew when, are considering booking his services. It may be the only way they can persuade him to meet with them and make peace.

