

The Guardian

Phil Shiner: Iraq human rights lawyer struck off over misconduct

Tribunal had found Shiner guilty of charges including dishonesty over false witness accounts about UK soldiers' actions



Phil Shiner was disqualified in his absence after a two-day hearing at the solicitors disciplinary tribunal in London. Photograph: Kieran Doherty/Reuters

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The campaigning human rights lawyer Phil Shiner has been struck off as a solicitor after he was found guilty of multiple professional misconduct charges, including dishonesty and lack of integrity.

The decision, made in his absence on Thursday, followed a two-day hearing at the solicitors disciplinary tribunal in central London.

The Iraq Historic Allegations Team (Ihat) said it would now reassess cases referred by Shiner and his firm, Public Interest Lawyers (PIL), to decide whether they should still be pursued.

“The evidence presented at the solicitors disciplinary tribunal casts serious doubt on the reliability of some of the remaining allegations,” an Ihat spokeswoman said.

“We are working closely with the Service Prosecuting Authority to determine which of the remaining allegations originating from PIL should now not be investigated. We will reach decisions as quickly as we can.”

PIL was instrumental in passing on about 65% of the 3,392 allegations received by Ihat, which now has fewer than 250 active investigations.

The tribunal found Shiner guilty of 22 misconduct charges. They were proved to the criminal standard of beyond reasonable doubt. Two other charges were left to lie on the file.

Shiner was also ordered to pay for the full costs of the prosecution, starting with an interim downpayment of £250,000.

The Birmingham lawyer led the pursuit of legal claims against British troops for their treatment of Iraqi detainees after the 2003 invasion.

Earlier courtroom victories over the case of Baha Mousa were followed by controversy around separate allegations, the most serious of which turned out to be wholly untrue.

Shiner claimed UK soldiers had captured, tortured and murdered innocent Iraqi civilians after the Battle of Danny Boy near Amara in 2004.

A 2014 report by the al-Sweady inquiry demonstrated that those who died had been members of the Mahdi army militia, who ambushed a British patrol and were killed in exchanges of gunfire.

Shiner subsequently admitted paying an Iraqi middleman to find claimants, a practice that is in breach of professional standards.

The tribunal was told the men’s purported witness accounts were fictitious and PIL stood to benefit from damages cases linked to the claim.

During the hearing, Andrew Tabachnik, prosecuting for the Solicitors Regulation Authority, accused Shiner of being “in a state of avoidance” in an attempt to prevent proceedings from going ahead in full.

Shiner’s defence to the dishonesty charges, Tabachnik said, was effectively: “I was not in full control of my mental faculties at this time and I didn’t know right from wrong and what I am doing.”

Shiner was sole director and 100% shareholder of PIL. The firm closed down in August after being stripped of legal aid funding for breaching contractual requirements.

Shiner had admitted eight allegations of acting without integrity, including that he made “unsolicited direct approaches” to potential clients. He also admitted another allegation of acting recklessly.

He did not attend the hearing, having written to the tribunal to say he was unwell and could not afford to pay for a defence lawyer.

Col James Coote, was the officer commanding C Company of the 1st battalion, the Princess of Wales’s royal regiment, when it was ambushed near Amara by the Mahdi army militia in 2004.

“It would be appropriate if Shiner apologised now to the soldiers and their families for what they have been through,” he told the Guardian. “I do not think that the legal profession should be allowed to operate in this manner with relative impunity.

“The last 10 years have been extremely distressing for the 200 or so soldiers who have been involved in this inquiry. They have found it difficult to understand why these allegations have been made.

“They were interviewed and cross-examined by the inquiry which is a harrowing experience particularly in the face of these allegations which were some of the most serious made since the second world war. We have been under considerable pressure.”

Coote said his unit had been attacked at the Battle of Danny Boy. “These were highly armed men, well organised members of the Mahdi army who were out to kill British soldiers.”

The verdict was welcomed by the defence secretary, Michael Fallon. “Justice has finally been served after we took the unprecedented step of submitting evidence on his abuse of our legal system. Phil Shiner made soldiers’ lives a misery by pursuing false claims of torture and murder - now he should apologise. We will study any implications for outstanding legal claims closely.”

Paul Philip, chief executive of the Solicitors Regulation Authority, said: “We welcome the [tribunal’s] decision to strike off Professor Shiner, who has been found to have been dishonest. It is important that solicitors can bring forward difficult cases, but the public must be able to place their trust in them.

“His misconduct has caused real distress to soldiers, their families and to the families of Iraqi people who thought that their loved ones had been murdered or tortured. More than £30m of public funds were spent on investigating what proved to be false and dishonest allegations.

“The lord chief justice said in 2014 that misleading court must be regarded by any disciplinary tribunal as one of the most serious offences that a solicitor could commit. He said it was not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings.

“We expect solicitors to maintain the highest professional standards in all areas of their work, to uphold the rule of law, act with integrity and act honestly. If they do not, we will take action to maintain the trust the public places in solicitors.”

A spokesperson for Redress, which specialises in pursuing justice for victims of torture, said: “It is important to recall that Mr Shiner’s professional wrongdoing and serious misconduct does not mean that all the allegations of abuse by UK forces in Iraq are tainted or that there is not a need for a full investigation.

“To the contrary: allegations of detainee abuse do not come from a single source, the Iraq Historical Allegations Team has recorded allegations from a variety of individuals and groups.”

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