



# ADVOCATE

Spring/ Summer Edition 2015

## India's Daughter Freedom from Ill Treatment

**Solidarity and  
Resistance:  
Recovering from  
the Charlie  
Hebdo Attacks**

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# Editor's Note



Dear Advocate readers,

Welcome to the spring/summer 2015 edition of Advocate Magazine! We would like to thank all of our sponsors sincerely for their on going support and for allowing us to produce this magazine.

Writing this editorial is bittersweet as it marks the end of my fourth year working on this magazine. As such, it has been an important and constant part of my university experience, from which I have gained a great deal. I would like to extend my appreciation to everyone from Advocate, past and present, for their contributions, for helping to teach one another, and for developing the magazine into a nurturing society.

My time as President has been rewarding and challenging, and every step along the way I have been supported by my amazing Vice Presidents, and wonderful friends, Victoria Rowley and Nikhita Saggu. You are both very much appreciated. I would also like to thank the rest of my wonderful team for all your work and enthusiasm!

I shall take this opportunity to welcome Trina Tan as Advocate President for 2015/16 and wish her and her team an excellent year. I have no doubt you will do wonderfully and continue to improve the magazine and society.

Happy end of year and best wishes to all, particularly to those going abroad and to the graduating year with their onwards adventures.

Lauren Turner

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A collage of 27 numbered items representing various news events and cultural topics from 2014 and 2015. The items are arranged in a grid-like fashion, with some overlapping. The numbers are large and bold, often integrated into the background of the images. The topics include: 1. 2014: How will it be Remembered? (A black and white photo of a crowd). 2. The Media and the Perpetual Islamophobic Chant (A black and white photo of a crowd of people, some wearing headscarves). 3. Greek Debt Crisis (A photo of a hillside town). 4. 2015 According to Greece (A photo of a hillside town). 5. India's Daughter (A map of India and the Maldives). 6. HOW COPENHAGEN COPED (A photo of a person in a colorful costume). 7. China Bans Ivory (A photo of an elephant). 8. French Parents Stopped From Naming Child "Nutella" (A photo of a Nutella jar). 9. Solidarity and Resistance: Recovering from the Charlie Hebdo Attacks (A cartoon of a man with a beard and a Charlie Hebdo shirt). 10. Companies Suing for Defamation (A photo of a city skyline). 11. A Legal High? Apparently Not. (A photo of a blue sky with clouds). 12. South Korea Legalises Adultery (A photo of a wedding). 13. The Nottingham Open (A photo of a tennis court). 14. Professor Diane Birch (A photo of a woman with glasses). 15. Mooting (A photo of a courtroom). 16. The Pro Bono Negotiations Competition (A cartoon of two men in suits). 17. 2014: How will it be Remembered? (A black and white photo of a crowd). 18. The Media and the Perpetual Islamophobic Chant (A black and white photo of a crowd of people, some wearing headscarves). 19. Greek Debt Crisis (A photo of a hillside town). 20. 2015 According to Greece (A photo of a hillside town). 21. India's Daughter (A map of India and the Maldives). 22. HOW COPENHAGEN COPED (A photo of a person in a colorful costume). 23. China Bans Ivory (A photo of an elephant). 24. French Parents Stopped From Naming Child "Nutella" (A photo of a Nutella jar). 25. Solidarity and Resistance: Recovering from the Charlie Hebdo Attacks (A cartoon of a man with a beard and a Charlie Hebdo shirt). 26. Companies Suing for Defamation (A photo of a city skyline). 27. A Legal High? Apparently Not. (A photo of a blue sky with clouds). 28. South Korea Legalises Adultery (A photo of a wedding). 29. The Nottingham Open (A photo of a tennis court). 30. Professor Diane Birch (A photo of a woman with glasses). 31. Mooting (A photo of a courtroom). 32. The Pro Bono Negotiations Competition (A cartoon of two men in suits).

## Mooting

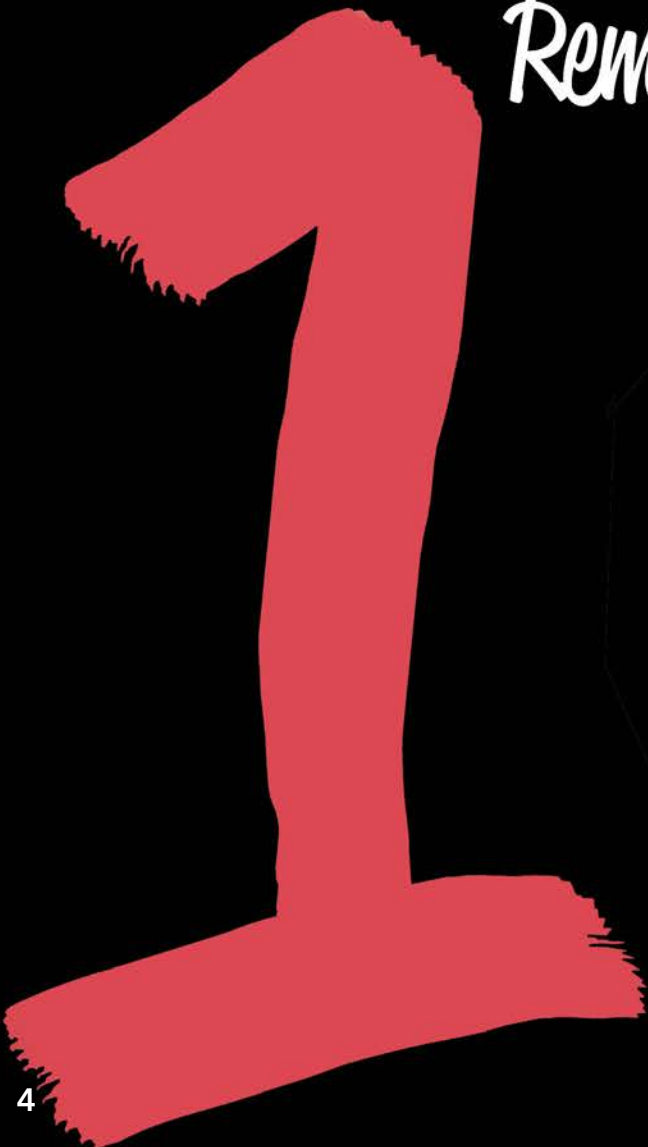
## Professor Diane Birch

## The Pro Bono Negotiations Competition





*Remembering*



# How will it be remembered?

2014 may be remembered for various reasons. Perhaps most significantly, it has been a year of political turmoil, both at home and on an international scale.

The beginning of autumn witnessed a culmination of the existential debate in the 307-year-old United Kingdom. Scottish call for independence, dating back to as early as the mid-1800s Home Rule movement, led to a referendum on 18 September.

Yet Scotland ran on a widely familiar ground. Its promise of a wealthy Scotland based on the North Sea oil mirrored the appeal made by the Scottish National Party back in the first devolution referendum of 1979. Independence supporters were not simply patriotic. The Eurosceptic and conservative mood of England, the looming prospect of the privatization of the NHS and a bad aftertaste of the "illegal" Iraq war fuelled anti-union sentiments.

The race had its share of celebrity involvement, and J. K. Rowling became the biggest individual donor by giving £1 million to Better Together. It brought together UK's three largest parties and their leaders, with David Cameron playing the "hip" leader and scoffing the "effing Tories". The campaigners united over a common enemy: during Nigel Farage's speech in Glasgow, the pro-EU Scots outside chanted: "Yes or No, UKIP must go".

On 19 September, Britons awoke to a still standing union. However, the campaign changed the face of the UK politics. 1.6 million Scots voted for independence, and 64 million Britons will be affected. The devolution pledge means that the Scottish parliament will be granted more control over education, welfare, and tax rates, while maintaining higher funding levels. For the unitary Britain, such changes will pose constitutional problems.

Thanks to the referendum, everyone in the UK now knows the advantages Scotland gets – and they want the same. The West Lothian question is once more on the top of the agenda. Most importantly, the campaign revealed high numbers of politically

engaged population, ranging across all age groups, and the decreasing ability of the mainstream parties to represent their interests.

A year does not go by without a major crisis taking place in the Middle East. Islamic State of Iraq and Syria, a Sunni extremist group, has become the "it" target of 2014 on the Western counter-terrorism radar.

ISIS rose in the anarchy of Iraq and Syria. President Obama's withdrawal from Iraq and inaction in Syria, and Iraqi Prime Minister Maliki's proto-dictatorial Shia regime, aided the "Jihadi Spring".

ISIS has set new standards of cruelty and terror amongst jihadis. Its method – terrifying people into submission – involves kidnappings, stonings, beheadings and crucifixions. Disregard for Muslim civilian casualties led Ayman al-Zawahiri, the leader of al-Qaeda, to criticize ISIS for giving a "bad name" to his organisation.

ISIS is distinctive in that it established a self-proclaimed caliphate, in which it collects taxes and imposes its own brand of justice. The so-called Islamic State forbids smoking, football, music, and unveiled women, and is determined to establish universal Sharia rule.

The seized oil fields in Iraq and Syria earn ISIS up to \$3 million a day in black markets. It helps to pay wages: ~\$500 a month for a fighter and ~\$1,200 for a military commander, an attraction not only for indigent locals, but also Western radicals. By November, ~15,000 foreigners had joined ISIS.

With the first air strikes in Iraq on 8 August, Obama became the 4th American president in succession to bomb Iraq. The anti-ISIS coalition, which includes countries like US, UK, Canada, Germany, France, Australia and Turkey, is back where their predecessors started: fighting to destroy terrorist networks and create stability in the region.

Not a single nation has recognised ISIS as a sovereign state. It has made it clear about the plans to one day target Europe and America. In the mean time, a question to be answered is: how will another intervention solve a problem that the previous one only fueled?

However, 2014 will most likely be remembered as the de facto start of the new Cold War. Euromaidan Revolution in Ukraine

and the subsequent Russian annexation of Crimea triggered the resurgence of a tense East-West relationship, resemblant of that in the 20th century.

2014 witnessed a series of widely familiar events. Tanks invading a satellite state, heated diplomatic exchanges, tit-for-tat expulsions of alleged spies, projections of fault on the opponent, not to mention the Ukrainian plans of building a 1,000-mile-long wall along its land border with Russia – all worrying signs to the world that seemingly just left the Cold War behind. According to a report by European Leadership Network, close military encounters between Western forces and Russia reached Cold War levels, with ~40 since March.

Nevertheless, Cold War 2.0 seems to differ both in scope and range from its predecessor. To begin with, it is unlikely to develop into a global conflict. The world is no longer bipolar, and there is little incentive for key actors like China or India to get involved in a conflict that is largely seen as a US-Russia confrontation. Furthermore, the ideological struggle of Marxist communism and free-trade capitalism has been replaced by a contest of values.

Most importantly, contemporary Cold War has an important economic dimension to it. Western sanctions – asset freezes, transaction bans, trade restrictions, suspension from G8 – are focused on isolating Russia from the international community. In retaliation, Russia introduced an embargo on imports of most of the agricultural production, and closed down 4 McDonald's restaurants in Moscow.

In the light of the recent developments, it has become clear that the relationship between the Western countries, particularly the US, and Russia is one of adversaries. The top priority should now be containing the conflict. Otherwise, it could divert the attention from major international security challenges, such as the new wave of terrorism.

None of the politically significant events of 2014 have been resolved. It will take 2015, and possibly years beyond, to properly evaluate the underlying implications of such changes, and arrive at effective solutions.

By Egle Kareckaite





# THE MEDIA & THE PERPETUAL ISLAMOPHOBIC CHANT

By Vincenzo Mazzone

As individuals within an ever growing, globalising community, we expect a certain level of impartiality and transparency from our media sources. However, a number of news distributors seem to afford unequal weight to certain stories. This is acceptable when dealing with situations of varying gravity. However, the issue becomes contentious when the media seemingly skews the dissemination of information unevenly to maintain a specific rhetoric.

This is perfectly exemplified by the perpetual Islamophobic chant within the media, the effect of which means relying on the main media distributors can lead to a warped view of current affairs.

The level of Islamophobia to which we are exposed is best evidenced by reference to the topics which, despite their importance, are relegated by mainstream media in favour of stories which fit a specific Islamophobic mould.

Firstly, the situation between Israel and Palestine has continued to give rise to a number of human rights violations. Indeed, these violations are serious enough to be classed as grave breaches of International Humanitarian Law, contravening Article 5 of the Rome Statute of the permanent International Criminal Court. However, the main media channels have not been consistent in their reporting on the events affecting this region. To gain a clearer picture of the situation as it develops requires reference to the knowledge of investigative journalists such as John Pilger, rather than mainstream media.

Secondly, Barack Obama, the 'leader of the free world', has both continued and increased the use of drones as a form of air warfare, began by the Bush

administration before him. While this activity has been closely followed and scrutinised by a number of organisations, specifically The Bureau of Investigative Journalism, none of the main media news channels have picked up on this story. This is despite the devastating effects of unmanned drones, the use of which has claimed scores of victims, including a large number of civilians in targeted areas such as Pakistan, Yemen, Somalia, and Afghanistan.

Finally, whilst it is undeniable that atrocities are being committed by Islamist fundamentalists in the Middle East, it is also occurring in Africa. Boko Haram, a notorious Islamist fundamentalist group, continues to wreak havoc on the African continent and indeed, according to an Amnesty International report in early January 2015, Boko Haram has recently pillaged two towns in Nigeria. Despite this, the topic received low level coverage across main media outlets – surprising considering the religious faith of the group. However, perhaps in the context of Islamophobia, this is not so surprising; Boko Haram do not fit the stereotypical image of Islamic fundamentalists which has been created over the years through the dissemination of selective news stories.

With all this in mind, it would seem as though a specific Islamophobic momentum is maintained by the media to feed a manipulated general consensus that indiscriminately attacks the Islamic faith and anyone associated with it. This media tactic has resulted in the distorted perception of Muslims generally. The media appear to utilise this stance to induce fear amongst the general population, focusing specifically on the localised events which are committed by those who meet the stereotype, but not engaging

in, or taking note of the numerous terrorist attacks which occur in the same regions which are not linked to Islamist fundamentalism.

It was noted in an article on ThinkProgress.org by Beenish Ahmed that, according to Europol statistics, of the 152 terrorist attacks in Europe in 2013 only two were religiously motivated. Perhaps more pertinently, Ahmed notes that over the last five years, only two percent of terrorist attacks in Europe were committed by Muslims.

Nevertheless, information of this kind is not picked up by the main stream news outlets, and instead the belief that terrorism is associated solely with Islamist fundamentalists is perpetuated and echoed across society at a local, national and international level.

The main news channels should be assisting society to differentiate between the elementary differences of Islamist fundamentalists such as IS, and liberal democratic Muslims like Maajid Nawaz. The adverse effects of over generalisations have led to the marginalisation of Muslims within society. This is deeply concerning considering the ever growing multicultural and globalising world we live in today.

We place a certain amount of trust on news broadcasters to bring us important information on a daily basis, but when these main media outlets require us to critique the information we are delivered there are clearly fundamental issues which require addressing.



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The recent and almost unwatchable documentary, India's Daughter by the BBC tells the harrowing tale of a young 23 year old medical student, Jyoti Singh, who was brutally gang raped by six men on a bus in New Delhi in December 2012. The gang rape incited widespread protests not only in India but all around the world calling for justice. However, the Indian Government placed a ban on the documentary immediately following its release, prohibiting networks from broadcasting it in India. In fact, the Indian Government went so far as to get an injunction against the BBC to have the documentary removed from YouTube to prevent publicity. The reason for the ban? The fact that it painted India in a negative light and that was not an image the Government wanted the world to see. But is it just a negative portrayal or the gruesome reality?

**Fact: A woman is raped in India every 20 minutes.**

The problem of abuse against women is not only widespread but is deeply rooted in the Indian culture. This is not to say that all Indian men are rapists. This would be an absurd assumption. But the fact of the matter is that female repression is a prevalent issue in Indian society that needs to be addressed sooner rather than later. Even in today's modern world, there is a high rate of female infanticide, instances of child brides and rape. The reason is based on the simple premise that a woman is not of the same status as a man - this idea is ingrained in boys and girls from a very young age. Subsequently, it is no wonder that one of the rapists featured in the documentary blames the woman for the rape. He clearly articulates that the blame for the rape lies MORE with the woman if not just as much with the man - "Clapping does not occur with just one hand" are his exact words. He further states that as a woman, Jyothi should have just laid there and "let the rape happen" instead of fighting back, and then MAYBE they would have let her go without killing her. The same views are also echoed by his defence lawyers throughout the video when they say, in essence, that a woman on the streets after six in the evening was just looking to be raped. In fact, one lawyer goes as far as to say that if it were his daughter he would gladly "pour petrol on her and set her on fire in front of his whole family." This just exemplifies the value placed on a woman, her body, her consent and ultimately her life in the Indian society.

INDIA'S D



The reality  
culture

By Nicole



# AUGHTER



To us, in the 'Western' world the statements made in the documentary attempting to justify the rape were not only offensive but incited huge cries of protest. In fact, the many instances where men have publicly stated that women should dress a certain way or not walk alone in public areas at night to avoid being raped have led to public apologies due to societal outcries. But in India, as the documentary shows that such protests led to major clashes with the law and a movement to quash the documentary pioneered by the Government. However, what needs to be addressed is not the fact that the documentary has been banned but what has been said in the documentary, not only by the rapist but his 'educated' lawyers as well. The extreme poverty levels in India combined with the lack of education and a widespread and deeply ingrained belief that boys are more valuable than girls tends to lead to an understanding, albeit not an approval, of the numerous violent incidents against women. If one is raised to believe that women are nothing, it is extremely difficult to expect such people to have any respect for a woman. This serves as the driving force behind such violence - men believe it is their 'right' to do what they want to a woman and this is clearly depicted by the documentary which is very disheartening.

The question that needs to be asked is whether a change in the cultural belief and mental attitudes can lead to a reduction of such unspeakable crimes. The optimistic view is yes; but in reality such a change cannot begin if the Government itself is leading the charge against suppressing publicity of the issue. As Nelson Mandela said, "Education is the most powerful weapon which you can use to change the world" and subsequently a change in mental attitudes can only occur through the education system, not only in India, but around the world.

## of the rape in India

Fernandes

And it is time for change.



# GREEK DEBT CRISIS

**'Don't worry - we got this'**

By Abigail Hung

To claim that opinions are divided about Greece's 300 billion euro debt is an understatement. There is an evident showdown between Greece's newly elected anti-austerity government, which is headed by none other than positive and upbeat Alexis Tsipras, and the play-ground giants nicknamed the 'Troika'; this powerful trio includes representatives of the Commission, the European Central Bank and the International Monetary Fund (IMF).

What was once a play fight in the sandpit has become a fully-fledged food war in the cafeteria. The Troika is in charge of keeping Greece in line with the EU-IMF bailment agreement, but Tsiparis both disagrees with the terms of the agenda and wants the Greek debt renegotiated and reduced. Greece's debt is currently at a colossal 175% of the country's GDP after already being reduced by creditors during negotiations in 2012. Greek unemployment now rests at 25%, with youth unemployment at a whopping 50%. These numbers are out of line with the corresponding Eurozone averages of 11% and 23% respectively. Yet fighting the Greek debt seems to be a lost cause on both sides. The principal question is of practicality: can Greece actually pay back its debt?

The consequences of Greece leaving the Eurozone are unpredictable. Certain authoritative figures such as Angela Merkel claim that a Greek exit can be contained, while other commentators claim that this departure will lead to a calamity throughout the world.

These commentators argue that similarities can be drawn between Greece's potential departure and the collapse of Lehman Brothers. In that case, nobody anticipated the effects to become so widespread; people were fixated with the direct effects of the company's collapse instead of

focusing on the wider problem – the vast global ripple effect. Given the volatile political climate, it is also important that European countries can still count on Greece as a supporter for sanctions against Russia.

It is not hard to see why the Greek population rallied support for a new anti-austerity government. Economic reforms are playing hopscotch with cuts in public spending, while low growth and looming unemployment are stealing the lunch money off Greek citizens who have simply had enough. Greece has recently repaid a loan to the IMF but this move has further depleted its cash reserves, which are at risk of running out unless a deal is reached with European partners. Tsiparis has promised his people that pensions and wages will continue to be paid at the same level and that the country will 'enhance its liquidity' in response to the further repayment deadlines that arise. Despite this optimistic front, people around the world are worried.

As a result, tensions with Germany have seriously escalated. The Germans are one of the biggest holders of Greek debt who, for obvious reasons, do not want the debt to be written off. Chancellor Angela Merkel remarked that the election results do not mean these initial terms are off the table and that the country both accepted these terms and must comply with them. German tax payers are understandably frustrated that a proportion of their tax is being poured into a country in serious financial trouble.

One native economist remarked that Greek citizens have the right to vote for whomever they want, but the country also retains the right to no longer supply them with money.

Patience and sympathy toward the Greek demands are running out, with German officials asserting that there is a need to see the implementation and progress of economic reforms. As the country is the largest contributor to Greece's twin bailouts, it is arguable that the country is within its rights to take a harsher stance against the demands. German representatives have really emphasised that aid would only be provided if the Greek government promised to implement budget cuts and economic reforms. Unfortunately, it is widely felt that they are not taking their promises seriously.

Escalated emotions such as anger, fear and hope are rife. Support from Germany has seriously dwindled; according to a ZDF poll, only 14% of the population trust that Greece will follow through with its promises. European leaders may want to keep the Eurozone together but it is impossible to ignore the very real possibility of Greece's expulsion.



# 2015

# According to Greece

By Morgan Brooks

It seems as though Greece has not been far from the headlines since the financial crash in 2008. The resultant Eurozone Crisis following 2008 has seen Greece with a bull's-eye on her head. Will there be a 'Grexit', (a clever portmanteau used in the media denoting Greece leaving the Eurozone), will they receive another bailout? Are they going to accept another bailout? The list of questions could go on and on.

The 25th January 2015 brought about a change of leadership and ideological narrative for Greece with the electoral victory of left-wing party SYRIZA. Only two seats short of an absolute majority, SYRIZA entered into a coalition with the right-wing anti-austerity party ANEL, thus giving SYRIZA and its leader, Alexis Tsipras, the majority needed to form the next Greek government. So how does a left wing, and right wing party form a coalition government together? By sharing an enemy, namely Brussels.

Calling Brussels their enemy may be a slight overstatement, considering the new government have not given any indication of a desire to leave the Eurozone, seeking instead to renegotiate

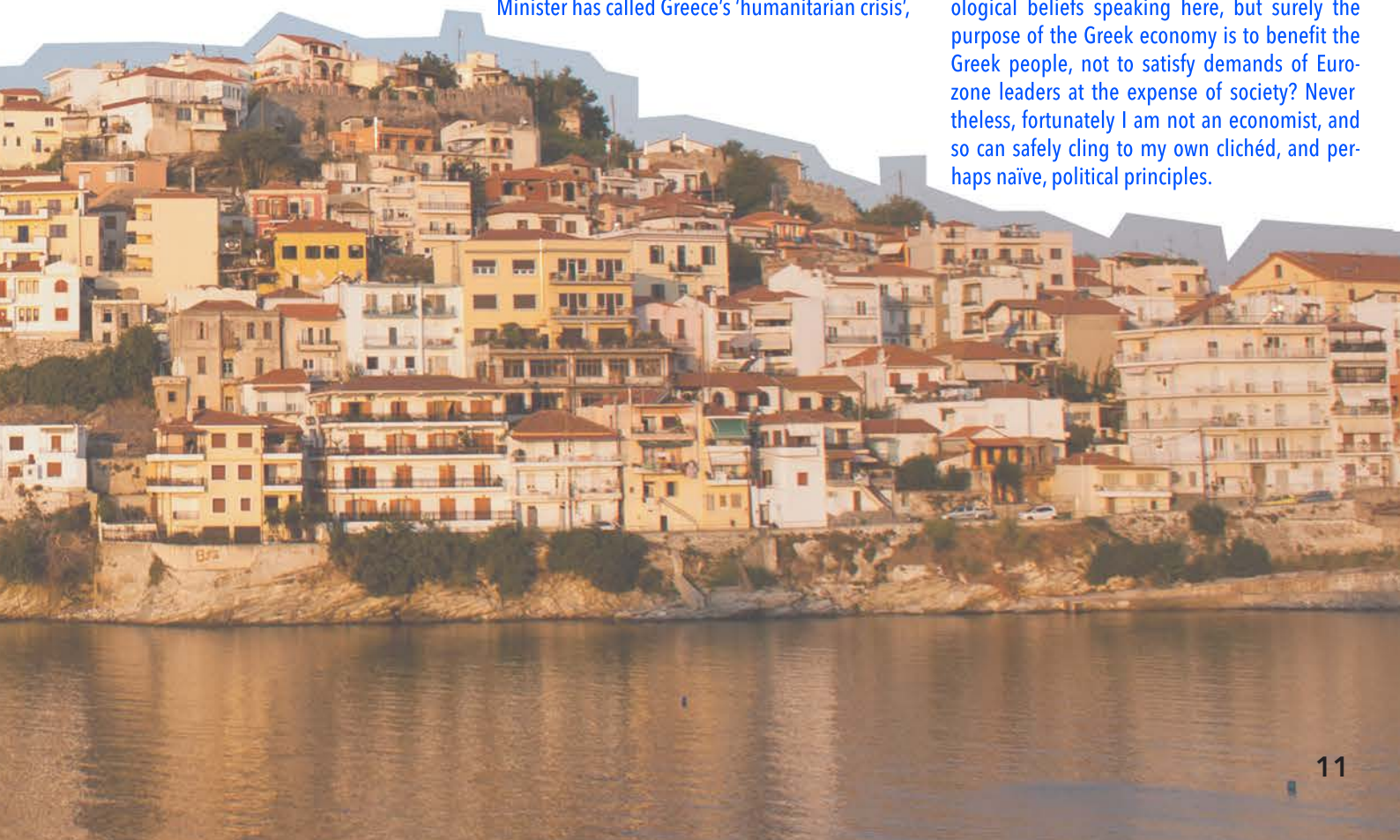
the terms of the Greek bailout. The new finance minister, Yanis Varoufakis, said two days before the election, "the cost of a Grexit would be too heavy for Greece as well as Europe". Indeed, on the 23rd February, the finance minister unveiled his outline summary of reforms required by Eurozone leaders, in order to secure an extension on their bailout. The draft plan, to secure a loan extension of 4 months, is subject to approval by international creditors on the 24th February. Measures suggested by the plan include: adjusting the Greek taxation system in a fairer manner, combating tax evasion (a measure our own government could take note of), tackling corruption, and trimming Greece's civil service.

However, the draft plan has not been received warmly in Greece. SYRIZA campaigned upon a manifesto that pledged to reverse the austerity measures that have been imposed upon Greece for the last half decade. The proposed plan certainly does not reverse austerity, and so is being seen as a 'climb-down' by the new government. That is not to say that the coalition has done a complete 180 degree turn, for the plan also includes measures to combat what the new Prime Minister has called Greece's 'humanitarian crisis',

by spending almost €60 million on free electricity for the poor, and more than €750 million euros on a meal subsidies programme.

Greece has a total debt of €323 billion, of which 60% is owed directly to the Eurozone, 10% to the International Monetary Fund, 6% to the European Central Bank, and 5% to domestic banks, with the remaining 18% owed to other bonds and loans (Source: Open Europe). With this in mind, it is of no surprise that for the last 7 years both European and international leaders, alongside economic experts, have warned against a Grexit; Greece owes a lot of money, and it owes this money to a lot of different sources.

Furthermore, Greece has an overall unemployment rate of 25%, with youth unemployment standing at 50%, and, according to the Parliamentary Budget Office, "approximately 2.5 million Greeks are living below the poverty line, while 3.8 million are in direct danger of crossing the poverty line" (Source: Greek Reporter). One has to wonder at what point the austerity measures being dictated by Eurozone leaders are too heavy a burden for Greece. It may be my own ideological beliefs speaking here, but surely the purpose of the Greek economy is to benefit the Greek people, not to satisfy demands of Eurozone leaders at the expense of society? Nevertheless, fortunately I am not an economist, and so can safely cling to my own clichéd, and perhaps naïve, political principles.







# HOW COPENHAGEN COPEd

**FROM A STUDENT ON EXCHANGE,** *Freya Claydon*

"Are you in a safe place?" As I sat watching the Six Nations in a bar with some Erasmus friends, concerned texts flooded in. This was the first we had heard of the terrorist events happening elsewhere in the city, as bizarrely the rest of the world were informed of the shootings before we were.

At 15:33 on the 14th of February 2015, an armed gunman killed Danish film maker Finn Nørgaard, and wounded three police officers at a debate on "Art, Blasphemy and Freedom of Expression". The debate, held at the Krudttønden cultural centre in Østerbro, a Northern district of Copenhagen, included discussion of the Charlie Hebdo attack in January. It is believed that the main target of the attack was Lars Vilks, a Swedish cartoonist scheduled to speak at the event, as a result of his offensive drawings of Mohammad. The gunman fired over 40 shots at the venue before hijacking a Volkswagen Polo. Police encouraged everyone to stay off the streets and called for eyewitnesses of the car as they began a full scale manhunt.

The incidents on the 14th and 15th of February enveloped the city in unease. Despite its high rates of bike theft Copenhagen is ranked as one of the safest cities in the world, and this aura of safety was palpable from the day I began my Erasmus exchange here last September. Although a capital city, pretty Copenhagen feels like a large town, one in which you would not fear harassment cycling home at night, and would trust that a Dane would hand in your lost wallet. Thus the abhorrent shootings last month were the last thing anyone expected.

Heeding police warnings, I headed back to my apartment. Cycling home through a city on high terror alert was a memorable experience. Cyclists were antsy with bike bells rang with more urgency; everyone was keen to get back to the safe bubble of their IKEA catalogue homes. Just before midnight, the second shooting took place in the city centre, right next to the law faculty buildings of the University of Copenhagen. The gunman fired nine rounds at a Synagogue within which a Bat Mitzvah was taking place, killing Dan Uzan, a Jewish security guard, and wounding a further 2 policemen. Many bars in the vicinity were locked down with customers, including many of my fellow exchange students, prevented from leaving until the police deemed it safe.

I was having a sleepless night, with the constant blaring of sirens, when they finally found and killed the suspect at 04:50. Omar Abdel Hamid El-Hussein was tracked down using CCTV footage, and in an exchange of gunfire with police, was killed at an apartment building in the Northern District of Copenhagen, Nørrebro. The 22 year old suspect, born to Jordanian-Palestinian parents, had grown up in Denmark but had been known to the Danish intelligence, having recently been released from prison after serving a 2 year sentence for a stabbing. The prison had notified the intelligence service of his extremely religious behaviour following radicalisation in prison.

The police force, having been on high alert since the January Paris attacks, were widely commended. In a speech following the shooting Prime Minister Helle Thorning-Schmidt stated: "We as a nation have lived through a day we will never forget. We tasted the fear and powerlessness that terrorism creates but

as a society we responded." France too expressed solidarity with Denmark in the wake of the shootings, with French President Francois Hollande notably expressing: "Denmark and France are the same nations, feeling the same sadness but also the same will to resist, fight and defeat terrorism."

The flowers left outside the Synagogue for the victims could have left a hundred florists bare. More controversial however, were the flowers left in memory of the killer, at the site where he was shot down. These were removed the same day by masked men, who told reporters it did not follow Muslim tradition to leave flowers for the dead. Nearly 700 people attended El Hussein's funeral on the 20th of February, and an estimated 3000 attended a mosque ceremony held in his honour. The funeral organizer, Kasem Said Ahmad, told newspaper Jyllands Posten: "It is a support for the family, not for him", and attested that the large numbers attending El Hussein's funeral ought not to be interpreted as support for the alleged gunman.

Thus this small nation, even with its lack of prior experience of terrorist attacks, coped. Nevertheless, Copenhagen does feel different in the wake of the attacks, even a month on from the shootings. Whereas before one may joke about never having seen a Danish policeman, now one will rarely board the metro without a sombre faced armed member of the force riding with you. Where before one may laugh ironically at the portrayal of Copenhagen as a rough city in the numerous Danish crime dramas, now one does not do so as wholeheartedly, and indeed, one may think twice about attending an event on free speech.

However Copenhageners know that whilst shocking, the shooting was a tragic anomaly. Cycling to lectures I pass numerous cafes filled with Danes contentedly enjoying pastries and overpriced coffee, as I observe carefree Scandinavian children in their marshmallow ski suits, and take in the relaxed air that the city has begun to exhume once again. Copenhagen has been shocked, but it will bounce back, and will continue to stand strong in the face of anti-Semitism, and threats to freedom of expression.



# A Sickening Luxury: China's One-Year Ban On Ivory Imports

By Neil McAvoy

On the 26th of February 2015 the world witnessed China's passing of perhaps its most progressive policy to date against the vastly controversial, and unequivocally environmentally damaging, ivory trade. The policy came in the form of a one-year ban on imported ivory carvings from Namibia and Zimbabwe. China's State Forestry Commission announced the ban as an attempt to reduce the demand for tusks, and promote the protection of the population of African Elephants, of which over 100,000 have been slain for their ivory in the past three years. However, whether this policy alone accounts for a serious attempt by China to refine their involvement in the ivory trade must be assessed critically.

The ivory trade exists to a legal extent in China, with domestic trading of ivory being viable through around 150 licensed domestic ivory sellers. Whilst the ban does seal the remaining methods used to transport legal ivory into China, whether it will sufficiently prevent the trade to any significant extent is another question altogether. The one-year ban does nothing to limit the sale of China's huge stockpile of legal ivory, procured through various methods, such as a 2008 auction through which Chinese bidders gained over 6 tonnes of the nauseating ma-

-terial. The decision not to act against the sale of ivory will incessantly prevent ivory's removal from the market place as a luxury item, and continue to fuel legal and illegal demand for the product throughout China. This has consequently led some conservationists, such as Mary Rice of the Environmental Investigation Agency, to criticise the ban as a 'flimsy measure' that does little to combat this deeper problem.

Whilst high levels of demand for ivory remain throughout China, there will consistently be an illegal market concerning it. Although illegally acquired ivory has been outlawed in China since 1989, the country holds its position as the world's largest importer of illegal tusks, and with only one tenth of China's ivory market coming from legal tusks, it represents a dramatically large proportion of the world's illicitly sourced ivory. The newly-imposed ban will do little to combat this area of the damaging trade, with some critics even speculating, with sufficient logic, that by reducing the levels of legal ivory entering China, the prices of ivory, both legally and illegally sourced, are due to increase. This will make the illegal trade evermore profitable and attractive to criminals importing the tusks.

The ivory trade continues to severely damage the elephant population throughout vast areas of Africa. Without mentioning the cruel and brutal means by which ivory is sought and collected, the risk to the continuity of a species should eternally outweigh the preference for, what is unarguably, a consumer good. The policy does not however address the most damaging and propagating element of the trade in question - China's taste for ivory as a luxury item. The Duke of Cambridge's very valid point, made in early March during his tour of China, that the education of the Chinese masses, continuing to view ivory as a traditionally attractive status symbol, against the hugely adverse trade surrounding the product, is absolutely crucial to reforming China's unhealthy taste for ivory. The validity of this argument increases considerably when assessing that, due to China's increasingly sizeable and prosperous middle class, a larger amount of people than ever before are able to afford the sickening, yet 'luxurious', elephant tusks.

The policy itself has been received with both praise and criticism. Some view it as evidence that China is moving toward a more environmentally friendly outlook, with the policy's main aim being to make the importation and domestic purchasing of ivory increasingly difficult. A government official, through state media, implied the measure as merely the first step, after which China will evaluate further the need to reduce its ivory consumption and the future methods it will utilise to combat this. John Scalon, of the UN Convention on National Trade, has commended China on 'being on the right track', as has Dominic Dyer of the Born Free Foundation charity. However, the Environmental Investigation Agency has critiqued the one-year ban as 'window dressing', not representing sufficient action to prevent the trade.

Whilst China's imposition of its one-year ban on imported ivory carvings is ultimately a step in the right direction, it seems that the policy fails to address the crux of the problem. Provided that ivory remains such a sought after status symbol for the majority of the Chinese population, only minimal progress in the prevention of the trade that surrounds the commodity can be forged. It seems that in China's case, and with a matter of such urgency surrounding the adverse effects of the trade, only by educating China's people upon this vastly damaging and cruel consumerism will there be a definitive movement to end China's consumption of elephant tusks.





LES « INDIGNÉS » DE NEW YORK, PAR CABU P. 15

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By Mark Dawson



# SOLIDARITY & RESISTANCE

## Recovering from the Charlie Hebdo attacks

On the morning of Wednesday 7th January at 11:30am, two gunmen – Chérif Kouachi and his brother Saïd - forced their way into the offices of the French satirical magazine 'Charlie Hebdo'. The gunmen killed 12 people (including the magazine editor Stephane Charbonnie) and injured 11 others, in what was described as a "precision execution" by the physician who attended the scene in the aftermath. The ensuing car chase through Paris and north towards Picardy led to death of a policewoman, and ended in a hostage situation in Porte de Vincennes in Paris, resulting in 4 fatalities, and a further 4 injuries. Whilst hijacking a vehicle leaving Paris, the two gunmen apparently calmly told the taxi driver that the "Al Qaeda in Yemen did this".

Following this horrendous incident, vigils took place across Paris and all over the world, honouring the memories of those who had died. The hashtag '#JeSuisCharlie' went viral, and while France was still reeling from this shocking attack, reactions across the country, and the world, were varied.

Support for the French right wing political party Front National skyrocketed – according to Facebook statistics discussion of the party increased by almost 700%. In the UK, UKIP leader Nigel Farage blamed the attacks on a "gross policy of multiculturalism", whilst also proclaiming to US broadcaster Fox News that "big ghettos" had developed in France, which were off limits to "non-Muslims". With the right-wing proclaiming that their predictions concerning Islam had come true, attacks on the Muslim community, such as the bombing of two Mosques, and a shooting at a Muslim prayer room in France, struck all over Europe. In Turkey, websites leading to 'Charlie Hebdo' have been blocked by the Courts. Various individuals throughout the United Kingdom and the USA have reported receiving death threats in connection with the incident.

Sadly, it cannot be said that this reaction is unexpected. The right-wing has been gaining traction for some time in Europe, and this event has only confirmed for some people what they perceive to be the effect of an encroaching religious culture that threatens Western values, and uses violent extremism as a means to those ends.

The short-sighted perception that extremist Islamists are using violence as their primary means to bring about their societal vision is true to an extent, but one must look at the wider implications of what groups such as Al Qaeda and ISIS aim to achieve with these attacks.

Despite the attempt by Western Governments and the media to diminish terrorists to nothing more than barbaric savages, extremist Islamic groups are very aware of the effect of these attacks on the psyche of the population. They know that support for the right wing is increasing. They know that attacks against the Muslim community are increasing. The 'Charlie Hebdo' attack was carefully planned and initiated with these knowledge in mind, and the reasoning is complex and profound. It is interesting, for

example, that this attack occurred during a time when the role of Muslim minorities in France is subject to heated debate. The question is: what do they want?

The aim is essentially to 'divide and conquer'.

Increasing anti-Islamic rhetoric will, in the long run, only serve to achieve the aims of Jihadists. Isolating the Muslim community from the rest of society will cause increasing resentment within it, and eventually, a reaction. In the midst of this internal conflict, support for extremist Muslims will increase as a method of defence and attack. Isolation will radicalise more moderate Muslims and cause severe conflict and extreme violence, destroying our society.

It is therefore imperative that we maintain solidarity with the Muslim community and resist attempts to fragment our society into factions. The violence that has occurred following the attacks cannot be supported. Violence only breeds violence. It is clear that the majority of Muslims do not support these attacks, and undermining conciliatory efforts which aim to hold us together as a community will only further our own demise.

Thus far, such splits have not occurred. Indeed, the printing by 'Charlie Hebdo' of 3 million copies of a new edition, including a depiction of the prophet Muhammad on the front cover, did not produce this result. Instead, the Muslim Council of Britain has published a list of 10 guidelines on how to respond to the publication, and has stated that even though Muslims are likely to be "hurt, offended and upset" by the publication, the reaction "must be a reflection of the teachings of the gentle and merciful character of the prophet (peace be upon him)". The Council also added that Muslims must "not allow hate to creep into our hearts due to the horrific incidents in Paris".

Furthermore, we cannot expect Muslims to apologise for these attacks. Responsibility for the work of a few lone gunmen does not lie with those they seek to harm. The Muslim community has been a victim of these attacks as much as the rest of society, and indeed current president of the French Council of the Muslim Faith Dalil Boubakeur has expressed his solidarity with the victims. "The Muslim community is dumbfounded by what happened on Wednesday," he said. "An entire section of our democracy was just attacked. This is a sensational declaration of war. Times have changed, we are entering a new period of confrontation."

We cannot let these attempts to maintain solidarity and resistance against violent extremism go amiss. If our society is to uphold its values of tolerance and mutual respect for one another, regardless of faith, creed, ethnicity, gender and sexuality, then it is vital that we demonstrate solidarity now more than ever. If we are to exist in a world where we co-exist on the basis of a common humanity, seeking to support and sustain each other, rather than on the basis of division, then we must work together to fulfil that vision. This means respecting Islamic beliefs as much as it means expressing our support. Positive steps have been taken, but it takes more than a hashtag to hold a society together.





**OFFICIAL SPONSOR**

*The trainee is Premila Patel. She is a 1st year trainee and has so far sat in Environment and is currently sat in Dispute Resolution.*



"I decided on a career in law when I was at school because I had a fascination with societal order and the rule of law. During my school years I did various pieces of work experience I became more attracted to a career in law and the corporate world so a law degree at Nottingham University felt like a good fit.

After my degree, I was undecided as to the direction I wanted to take so I decided to work in law-related organisations to identify my strengths and key priorities for later applying to law firms. First, I worked as Editor of the Gibraltar Law Reports where I enjoyed the document analysis side of things but it lacked the commercial element. Next, I worked as a Conference Producer, specialising in shipping law. From this, I identified my strengths for technical areas of the law, commercial transactions and a strong desire to be outside of the City.

Armed with a good level of self-understanding, I secured my training contract with Burgess Salmon which met the criteria that I was looking for in a future employer. I applied to lots of firms which had out-of-London offices but the combination of excellent quality work (that would rival many London based firms) and the Bristol centre of Burgess Salmon set it apart from the start. The independent strategy and the fact we are all based in one office, under one roof ensures a friendly and supportive work environment all round. Although some people may believe Burgess Salmon is a 'regional firm', it is far from this. More than 80% of the firm's work comes from outside the South West and since I have joined most of the clients I have been doing work for are nationally and internationally recognised organisations including the Nuclear Decommissioning Authority and First Group.

Burgess Salmon's ethos, values and culture always appealed. They hold themselves out as being committed to the local community and the ongoing community engagement shows that Corporate Responsibility is much more than lip service. Trainees are both valued and supported from day one and we are all encouraged to get involved in as much of the firm's outside activities as possible. I have so far sat in the Environment & Energy and Dispute Resolution departments and I have enjoyed them both equally but for very different reasons. In the Environment & Energy department, I enjoyed the niche technical aspects of energy projects and the larger corporate aspect of what we do – the firm's collaborative approach was evident when expertise from the various corporate and real estate functions of the firm were drawn together to deliver results. I have enjoyed Dispute Resolution for the sheer variety of work the department gets involved in. So far I have been involved in rail litigation, IP disputes, health and safety litigation and export controls regulatory investigations to mention but a few. Without sounding like a tired cliché, no two days are the same!"



# French Parents

## Stopped From Naming Child "Nutella"

By Joey Lim

In France, it is now illegal to name your child Nutella. On 26th January 2014, a French court ruled that parents of an infant girl could not name their child Nutella and saw fit to rename her Ella in her parents' absence from court. The judge reasoned that "Nutella is the trade name of a spread," and that "it is contrary to the child's interest to have a name that can only lead to teasing or disparaging thoughts."

The Nutella case is not the first instance where French courts have prevented parents from selecting their child's name. Previously, a couple was stopped from naming their daughter Fraise (Strawberry) on similar grounds: the judge asserted that such a name would result in the child being teased in the future.

Unlike in the United States of America (USA) and United Kingdom (UK), many countries have similar restrictions regarding the naming of one's child. In Iceland, females are not permitted have traditionally male names, while in Germany names that do not clearly indicate a gender are disallowed. In Norway, surnames cannot be used as first names. In Japan, it is illegal for a child to be named Akuma (Devil). As a matter of fact, these countries actually publish official lists of permitted names with separate categories for female and male children.



The USA, however, is known for its liberalism. Naming your child is considered a form of expression and parents often manifest this belief by giving their children unusual names. This is somewhat reflected in the names American parents have chosen: 'Post Office', 'Lettuce' and 'Mutton' to name just a few. This is generally not a controversial affair though, as children are also free to change their own names should they wish to do so in the future.

The UK is no exception, albeit less extreme. Unlike many European countries, the UK government is fairly relaxed about the naming of children and has allowed mothers to give their children unique names such as 'Ikea'. In countries where freedom of expression is so prized, particularly in the Western world, it is rather surprising to discover the existence of such strict regulations surrounding the simple naming of one's own child. Perhaps this is a reflection of how individualism is valued in various societies; in a society where nine out of ten boys are named Jack, there is inevitably some loss of individuality. Names do not shape a child's entire future, but they are a fundamental part of every human being's identity.

As a female named Joey, a traditionally male and occasionally androgynous name, I have actually grown to like my name and cannot imagine myself being named anything else. Who is to say that a child would not want to be named Nutella? Is it really for the courts to dictate the naming of someone else's infant child, and possibly alter the direction of its life?

Perhaps it is time for change.





By Iga Wojtasik

This is the last in the series of articles on the work of the Mental Disability Advocacy Centre (MDAC), an international organisation based in Budapest, which fights for the human rights of people with mental disabilities. People with psycho-social and intellectual disabilities are especially vulnerable to abuse and neglect, and this article will attempt to draw attention to some of the heinous mistreatment suffered in the recent years.



## The Problem:

Picture this: strapped to a bed, subjected to treatment without your consent, you are sedated and electrocuted. Or imagine, isolated and alone, you are kept in cold, dirty and degrading facilities, with no-one to turn to.

Sounds like a scene straight out of “One Flew Over the Cuckoo’s Nest”? Sadly, these horrors are still a reality for many people with psycho-social and intellectual disabilities. For a long time, placing people with mental disabilities in grotty, isolated institutions has been deeply etched into the public psyche. However, this treatment does not meet international requirements enshrined in the European Convention on Human Rights (ECHR), and UN Convention on the Rights of People with Disabilities (UN CRPD), which are aimed at providing protection for individuals from precisely such heinous abuses.

## The Legislation:

The absolute prohibition on torture, inhuman and degrading treatment in Article 3 of ECHR is re-iterated amongst the provisions of the UN CRPD. For example, Art 17 protects the physical and mental integrity of persons with disabilities, while Art 15 protects against torture, cruel, inhuman or degrading treatment or punishment, including consent to scientific and medical experimentation. Furthermore, Art 25 provides that healthcare treatment can be given to a person only on the basis of that person’s consent, a point made in a 2008 report of the UN Special Rapporteur. Finally, the right to be free from sexual, physical and mental abuse is covered by Art 16, which also protects against exploitation and violence.

## The Incidents:

Despite the numerous pieces of international legislation and global outcry on the subject of mistreatment, incidents of abuse are still coming to light. In June of this year, MDAC launched a report, in response to the exposition of ill-treatment in Czech Republic psychiatric hospitals dating back 10 years. After 10 years, MDAC had returned to investigate the situation to find that very little had changed; cages are still used in many institutions, and in others cages have been substituted with the use of leather straps, chemical sedation and solitary confinement. These techniques are often used as a method of management due to a lack of staff, or as means of punishment. Despite the Czech Republic ratifying the UN CRPD in 2009, such abuses are still prevalent.

A victim of a ‘cage bed’ told MDAC: “It is a feeling like you were closed, as if you were an animal. As if you weren’t human. They treat you as someone even lower than an animal.”

This problem is not limited to the Czech Republic. The UN has expressed concerns about the abuse of women in psychiatric hospitals in Moldova, where MDAC has conducted monitoring visits and training. Furthermore in May 2013, a TV programme broadcasted disgusting conditions in Romania, showing residents of facilities there tied to their beds, suffering from physical and verbal abuse, undergoing force-feeding, and being kept in the dark conditions around the clock. Sadly this abuse was not isolated, and the abuse highlighted in the programme represents part of a bigger problem relating to the segregation of people with disabilities in Romania.

Although MDAC’s activities are centred on Europe, incidents of ill-treatment are occurring across the globe. For example, hundreds of people in India are electrocuted without consent every day, often while they are fully awake. Indeed, often this electrocution includes the use of unmodified ECT (without anaesthesia or muscle relaxants). Despite widespread debate and doubt surrounding the efficacy of ECT, the Indian Psychiatric Society and the World Psychiatric Association support the view that this practice is acceptable.

## Call for change:

Ill-treatment of people with mental disabilities, both inside and outside of facilities, is a part of a broader societal problem that MDAC is striving to combat. This problem arises partially from the social stigmas and attitudes that surround mental disabilities. Therefore, MDAC promotes wider understanding of recommended treatment, noting that respect for consent and refusal is necessary, particularly when considering forced psychiatric treatment. MDAC campaigns against the use of physical and chemical restraints, and seclusion – arguing that such methods are inhumane and degrading, and that their use is often left unregulated and unmonitored.

MDAC is also asking for regular independent monitoring of services, alongside investigation into allegations of ill-treatment and death, to prevent future abuse and ensure that institutions are protecting their patients.

It is time that States, who have declared to protect the vulnerable in their ratification of international agreements, made good on their promises.

Support MDAC’s campaign to end cage beds: petition to the Czech Prime Minister [here](#): [end-cagebeds.org](#) and follow twitter updates: [#EndCageBeds](#)



# COMPANIES SUING FOR

# DEFAMATION

By Michael Calladine

## Should companies be able to sue in defamation?

The law of defamation prohibits the unjustified criticism of the claimant by the defendant to another person. In a defamation claim, the claimant must prove three things: the statement had a defamatory meaning, the statement was published and the statement referred to the claimant. For a statement to have a defamatory meaning, it must be shown to be untrue and to lower the reputation of the claimant in the minds of right thinking members of society per *Sim v Stretch*.

In *Rothschild v Associated Newspapers*, Laws LJ argued that the focus of defamation proceedings is a balance between public interest and individual right; between freedom of speech and a right to privacy. Corporations have traditionally been able to bring claims in defamation. However, the introduction of the Defamation Act 2013 has placed increased limitations on the ability of companies to sue in defamation. The balance has shifted in favour of freedom of speech.

Before the 2013 Act, the position at common law was that companies could bring a claim in defamation. In *Jameel v Dow Jones*, the good name of a company was held to be a thing of value. Any unjustified criticism of the reputation of a company can have a negative effect on the opinion of both employees and the public; people may not want to work for the company any longer or want to buy that company's products. Moreover, in 'Corporate Defamation: Reputation, Rights and Remedies', Chan argues that companies treat reputation as a type of prop-

erty. If the value of the reputation goes down, the profits of the company may also reduce. A company which has profit maximisation as its primary objective will try to maintain the value of their reputation. Any unjustified criticism may therefore have an unfair negative effect on the profits of a company. The reputation of companies is an interest which the law should protect.

However, the Defamation Act 2013 has limited the ability of companies to bring claims in defamation. Section 1(2) stipulates that a company must now show that they have suffered serious financial loss in order to be able to bring a claim in defamation. This could include a fall in turnover, the need to spend money on public relations in order to improve the image of the company or even a loss of clients. While the rights of companies to bring a claim have been limited, this is not inconsistent with the idea of reputation as property. The company must simply show that the unjustified criticism resulted in financial loss. If the criticism did not cause financial loss then the company will not have suffered any harm.

Under the 2013 Act, large corporations can still make a claim in defamation. In *Steel and Morris v UK* the European Court of Human Rights held that the acceptable criticisms of multinational corporations should be much wider than for other companies. They believed that multinational corporations are willingly and knowingly in the public sphere and so have open-

-ed themselves up to criticism. The case stemmed from the 'McLibel case' in which McDonalds sued a group of individuals who published a pamphlet criticising the practices of McDonalds. It is clearly in the public interest to be able to criticise large corporations in this way. Allowing large corporations to sue in defamation may have a chilling effect on criticism which in turn may have a negative impact on the public interest.

In *Jameel*, Baroness Hale expressed the view that modern corporations are becoming increasingly powerful and that the freedom to criticise them should be correspondingly expanded. However, she felt that the additional burden on claimant companies to prove serious financial loss has expanded the ability to criticise. This view is convincing, provided the necessary financial loss is measured relatively: the larger a corporation is, the larger the loss they must show.

Overall, the limitations imposed by the 2013 Act on companies have clearly shifted the balance of interests to allow the freedom to criticise companies. Commendably, however, the requirement to show serious financial loss has removed some of the chilling effect which a potential claim in defamation had on those wishing to criticise companies. It is in the public interest to be able to criticise companies provided that any criticism is fair and honest. If any criticism is unjustified and causes serious financial harm a company is still able to make a claim. The 2013 Act has struck a justifiable balance between the rights of individuals and the rights of companies.



# A Legal High?

## Apparently Not.

By Ammar Thair

For a decidedly difficult decade, Ryanair has been locked in a legal battle with the struggling Airbus operator, Aer Lingus. The issue dates back to the 27th September 2006, when Aer Lingus floated on the stock exchange at around €2.20, shortly after which Ryanair began to acquire shares in the business. In the following month, Ryanair launched a €1.48 billion bid at €2.80 a share to buy the entirety of Aer Lingus. In January of 2007 however, the eyes of the European Commission shone down, confirming that it was blocking Ryanair's proposed takeover on the grounds of anti-competition.

What followed was the beginning of a series of court disputes to determine whether competition rules under the EU Merger Regulation had in fact been breached, and to compound the Irish giant's problems, the Office for Fair Trading soon began to investigate Ryanair's stake in Aer Lingus. Clearly, the Airliner's plans would not be getting off the ground anytime soon. The issue primarily relates to the fact that if Ryanair were to gain control of its Irish rival, then, as Dr. Ping Wang has told us in our E.U lectures, the prospect of a monopoly or cartel is essentially upon us, if not in terms of price, then general competition at the least. For instance, at Dublin airport Ryanair and Aer Lingus are the two main operators, thus if a takeover were to occur, there is a real chance that it could lead to the "elimination of actual and potential competition, on a large number of [its] routes", as was specifically argued by the European Commission.

The result of this finding was that the European Commission originally proposed in 2007 to block the initial takeover bid. However, the Commission decided later that year that Ryanair's stake in the company- then sitting at 29%, having risen from 25%- did not breach competition rules under the Regulation. Aer Lingus immediately challenged the decision. In the meantime, Ryanair abandoned a second takeover bid, when informed that the Irish Government would not lend its support. From 2011 to 2013, the Competition Appeal Tribunal ruled against Ryanair, which was later appealed, then Ryanair made a third takeover offer, which, once again, was blocked by the European Commission.

One could be forgiven for suggesting the situation to be rather comic in nature, with the CEO of Ryanair, Michael O'Leary, commenting in January of 2013 that the row was

like a Monty Python script. Unfortunately for him, what came was not 'a flesh wound', but rather a debilitating saga, crippling his plans for his rival and ever-resistant counterpart, Aer Lingus. Perhaps the greatest analogy is that of 'a gangrenous limb that needed to be severed from the organism and tossed away', provided of course by the fictitious but spectacular Professor Sheldon Cooper.

However, after all of this turbulence, an unexpected sting in the tail for Ryanair arrived in that after 8 years into this saga, the owner of British Airways, IAG, flew into the mix and confirmed its approach to acquire Aer Lingus. Given that Aer Lingus had rejected IAG's initial two offers, the potential of humiliation for Ryanair has only just resurfaced with the confirmation of takeover talks being opened between Aer Lingus and IAG, after a third offer of €2.50 a share on the 25th January 2015 being received, with the conduction of said talks still being underway.

Meanwhile, with regards to Ryanair's stake in Aer Lingus, on the 12th February 2015 Aer Lingus had won the latest decision at the Court of Appeal, forcing Ryanair to sell down its stake in the company, from 28.5% to a mere 5%. Thus, it appears the saga is at an end. It appears that Ryanair has been not only denied a seat at the head of the table, but rather is to be pushed out of its existing seat, straight through the cabin door. After all, this was its ninth successive court defeat, and some are even pushing for Ryanair to forego its stake in Aer Lingus entirely. Alas, however, in a soap opera that refuses to roll its end credits, it appears that the gate has not yet closed, and Ryanair is determined to challenge the latest ruling to decrease its stake on human rights grounds.

So in short, now we have a situation where Ryanair will either be forced to reduce its stake in Aer Lingus, or be successful in its relentless attempts to remain and potentially expand within a company, that clearly no longer wants anything to do with it. One must wonder, is this really the final call? Well, as has been the case for the past 9 years and counting, we shall simply have to wait and see as to whether Ryanair's plans have been cancelled indefinitely, or simply delayed for take-off.

# South Korea Legalises Adultery

By Joey Lim

Following over 60 years of criminalisation, adultery was finally legalised in South Korea on February 26th, 2015. The controversial legislation was abolished by the Constitutional Court by a 7:2 majority decision of the nine-member bench.

The change has not necessarily altered attitudes held by the South Korean public, who continue to view adultery in a negative

light. However, the importance of the distinction between private and public life has increased significantly, with many beginning to feel that there ought to be less government intervention in the private lives of citizens. Even past advocates of the adultery law, such as the socially conservative, civic group "Healthy Families" have adapted to the changing times. "Adultery must be cen-



-sured morally and socially, but such a law is inappropriate in a modern society," conceded Ko Seon-Ju, an activist from the group.

Enacted in 1953, the law criminalising adultery was originally intended to protect women's rights, but its abolishment does not necessarily mean that the value of gender equality has decreased in South Korea. Instead, it is likely a reflection of the greater degree of independence women have gained through better gender equality laws; women no longer require oppressive governmental protection over their sexual lives.

Additionally, the statute itself has been subject to a decrease in application. The number of prison sentences issued under the statute has rapidly declined in modern times - only 42 prison terms were handed out in 2008, compared to 216 just four years previous, in 2004.

However, not everyone is willing to relinquish the protection offered by the act, and the values it represents. In a powerful dissenting statement, the minority justice Ahn Chang-Ho opined that the statute held an essential role in upholding family values, and that its abolition would "spark a surge

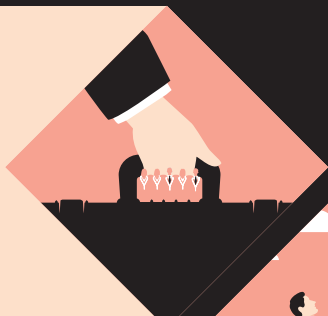
in debauchery". Interestingly, South Korea's 'Unidus Corp.', among the world's largest condom manufacturers, has seen a sharp rise of 15% on the local stock exchange.

Therefore, despite its abolishment, the continuing controversy surrounding South Korea's adultery law illustrates the obstacles faced by a traditionally conservative society undergoing rapid modernisation



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# Professor Diane Birch

By Lian Selby and Professor Diane Birch

*In the recent New Year Honours 2015, Professor Diane Birch was awarded the Order of the British Empire for services to Higher Education, a prestigious award given to an individual for having a major local role in an activity. Professor Birch, a Professor of Criminal Justice and Evidence, graduated from the University of Nottingham in 1975, and is the JC Smith Professor of Law. Not only has she made momentous contributions to the field of Criminal Law, but no student taught by her will doubt that she is also a dedicated and inspiring lecturer, teacher and mentor. We can't think of anyone more deserving of this award!*

*To mark this momentous occasion, I sat down with the wonderful Professor Birch to congratulate her on her achievement, and ask her about her thoughts on the award. She spoke about how she became 'very attached' to Nottingham, and how the forming of partnerships with her colleagues made it such that she never had a desire to move elsewhere. We spoke about how she started teaching, and she also dropped in a few pearls of wisdom for anyone interested in getting into Criminal Law.*

**Lian (L): Please tell us about your thoughts on receiving this award!**

**Professor Birch (PB) :** It was a complete surprise! I had no idea; the whole process is so secret that you are unlikely to find out what it is that you've done or who's nominated you. I still don't know who proposed that I should have it, all I know is that I've got it! It's a lovely way, as I'm coming to the end of my time here, to mark forty years. Not wanting to panic anyone in thinking 'Oh she's going!', but it's obviously coming to the end of my teaching career, so it's a lovely way to be reflective on the years gone by.

**L: Why did you decide to go into teaching instead of practising Criminal Law?**

**PB:** I had a strange introduction to teaching. When I was a final year student, my tutor David Lanner, got a chair in Australia very late in the academic year, and there was a problem with getting visas for David and his family. It was only in June 1975 that it became apparent that the Law School had a vacancy. At the time I was doing my finals, and I went to see the then Head of School, Professor JC Smith, who told me I should apply and see what happens.

By the time I graduated, I had secured the lecturing job. All I knew was that I loved the law, and wanted to do more of it. I wanted to work with legal materials, and probably wanted to write, and ultimately, if you plan your career in that direction, you're going to have to some teaching.

As soon as I started, it felt like I was being paid to have fun. You get to know so many people, and if you're a couple of steps ahead of them in working with the materials, you can be helpful and get to hear what everybody thinks. It's a wonderful work environment, working with young people. It's been 40 years of having a good time.

**L: Any advice for students thinking about going into Criminal Law in the academic or even in the practical sense? What would you say is a key thing that has gotten you through your career?**

**PB:** This is probably true of all kinds of careers, but it's important to keep fresh. If you don't actually love what you're doing, perhaps it's time to go find something else. I can't imagine life without teaching so definitely go for what you love. Always try to look for the new, as there's always something every year. For example, Professor JC Smith, when he was writing the Draft Criminal Code,

had a particular problem and he took it into the Casebook class, and one of the students came up with something that he'd never thought about before. He took it out of the class, and although he eventually decided that it didn't work, it still stopped someone as eminent as Professor Smith in his tracks and made him think. That potential is always there if you're open to it, so do not be fixed or settled in your views that you can't be taken by surprise and have a rethink. That's the great thing about Criminal Law, there are no right answers, there's always something going on that's worth debating.



# OBE



# The Nottingham Open 2015



By Lily Coulstock-Cockeram

The DLA Piper Nottingham Open 2015, organised by the Nottingham Debating Union, took place on the 28th Feb-1st March in Portland Building, University Park Campus. Debating competitions normally have four or five rounds, with a different 'motion' set for each one which teams have fifteen minutes to prepare for. Teams are comprised of two speakers that universities throughout the UK – and the world! – send in the hopes of competing to reach the 'out-rounds' (the semi-finals and final). At an Open competition, teams can be made up of speakers from different universities compared to IV competitions where speakers are institutionally representative.

Each speaker gives a five or seven-minute speech, depending on the competition, defending their side of the motion (which is allocated when the topic is announced) as well as questioning previous speakers. This may sound terrifying for those who find speaking in public difficult, but rest assured that practice does make perfect. In fact, debating is one of the best ways to actively force yourself to improve your confidence; it is a skill essential to any law career!

The motion set by the Chief Adjudicators at the competition which was most relatable to a law student was 'This House Would Allow Courts to enforce Ulysses Contracts'. Ulysses contracts are those that involve only one party binding themselves to future actions. Some examples include: someone stipulating that they must pay a fine to the state if they don't achieve a life goal (e.g. quitting smoking/achieving a degree) or to give surplus future earnings to charity. This motion was intended to make participants think about the philosophical ramifications of your past self essentially binding your future self, which 'self' had the most legitimacy to do so and how the law would function in this area.

Other motions discussed topics such as sex education in the USA, a

shared currency for the African Union and legalising polygamous marriage. The final was won by a composite team of experienced debaters, who brought compelling analysis as to why Barack Obama should have made more of an issue of his race during his presidency, as not doing this told minorities that even the most powerful man in the land had to play by the majority's rules and the perception was that he did not really care about their issues.

For law students, debating is a very worthwhile pastime as the range of topics covered is extremely wide. This leads to a much improved general knowledge which can impress at commercial law interviews and develop that mythical skill of commercial awareness which occurs through debating economic and business-themed motions. Comparatively, the skills of rhetoric, analysis and thinking quickly on your feet stand you in very good stead for a career at the Bar. Five of the six debaters who entered the European Universities Debating Championship 2014 were law students, notably the A team who advanced as far as the Semi-Finals! They were accompanied by a judge who was also a fellow lawyer.

However, beyond careers, debating is an exceptionally enjoyable hobby. There are opportunities to travel throughout the country to attend competitions, almost every weekend if you wish to, which take place at different universities. They are a brilliant way to visit friends, make new ones and get away from the textbooks for a while! The Nottingham Debating Union holds training sessions every Wednesday where the rules of BP-style (British Parliamentary) debating are taught, with specific focuses on key rhetorical skills and a practice debate at the end. Furthermore, they also hold regular socials which are always great fun, laidback and well-attended. If you want to enhance your CV, try out a new hobby or make friends with like-minded people, come along and give debating a try!

# MOOTING

## From a third party's perspective



So what is 'mooting'? If you are not already familiar with this term, let me start with a brief introduction. A moot is a simplified, mock appeal where students formulate submissions on legal issues within a hypothetical problem. A moot problem will usually be released in advance to two teams, consisting of a senior and a junior counsel, who are required to argue two separate but related grounds. One team submits the case for the appellant and the other submits the contrary case for the respondent.

The grounds of a moot are rarely 'fair'; one side usually has greater support of the law and may find clear authority in favour of it. Yet risk and reward often go hand in hand. 'Pulling the short straw' gives the mooter a greater opportunity to prove their legal prowess since they must employ a more creative approach and thereby demonstrate their good grasp of the law with strong policy arguments.

The Semi-Finals of the Second/Final Year Mooting Competition, which took place on the Wednesday 18th February, exemplifies such technique. Eight semi-finalists were arguing the fictitious cross-appeal land law case of "Re Leonard Brown" in relation to proprietary estoppel, with the ground skewed in favour of the appellants. The performances of all the mooters were truly impressive and of high quality. Tom Carter and Jack McCracken, a pair of barristers from the competition sponsor Ropewalk Chambers,

kindly attended to judge the rounds. Congratulations to Daniel Knowles, Rajvinder Chahal Singh, Trina Tan and Thomas Phillips who have progressed to the finals!

As members of the Mooting Society, we often have students approaching us to ask what is expected of mooters or how to improve their mooting skills. Details as to the creation of organised and well-labelled bundles, court etiquette and dress code can be found in our handbook on the society's Student Union page. However there is a limit to the extent of knowledge that can be condensed on paper. What better way is there to learn about advocacy skills than watching mooters in action? While observing, students can try to understand the reasoning process behind their submissions and note the techniques used to answer difficult questions posed by the judges.

We understand that, due to practical constraints, there is a limit to the mooting opportunities that can be offered. This is particularly so if students have been eliminated earlier on in the competition. There are many more ways to improve on your skills though. For example, the problems from each round of the competition are released on the Facebook Group of the Mooting Society prior to the moot, so that all interested audience members can take a glimpse of the question before attending.

The Finals of the Second/Final Year Mooting Competition will be held on Wednesday 18th March at 7pm in B55 of the Law and Social Sciences Building. The problem will be released on our Facebook Group by Friday 13th March. The First Year Tort Finals will be taking place on the following day, Thursday 19th March, at 7pm in B55 as well. To all those interested in learning more about mooting, or just itching to see some high quality mooting performance, we encourage you to come along and look forward to seeing you there!

By 'Third Party', I mean that I am neither a participant nor a judge but a Mooting Organiser. Through facilitating the moot and assisting both the judges and the mooters, I have been able to understand mooting from a new perspective. I have become more aware of what judges look for in participants and of the common errors that mooters tend to make. Although being an Organiser has had its share of heart-stopping moments, with impromptu situations, I have enjoyed my role thoroughly.

Do feel free to contact any of the Organisers on our Facebook group or via our respective emails with any questions:

By Li Weiqi

First Year Internal Competition Mooting Organiser: [uonmooting1@gmail.com](mailto:uonmooting1@gmail.com)

Second/Final Year Internal Competition Mooting Organiser: [uonmooting2@gmail.com](mailto:uonmooting2@gmail.com)

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# PRO BONO NEGOTIATION COMPETITION

The Pro Bono Negotiations Finals took place on the 13th of March at the Berwin Leighton Paisner London offices. The Pro Bono Negotiations competition is one of the many activities organised by the university's Pro Bono Society. The competition consisted of four rounds, with two separate categories for first year students and second/final year students.

During a negotiations competition, both teams are given a brief that outlines the general aims of the particular negotiation. This sets the scene and gives both parties an equal understanding of their shared objectives. Each individual team is then also given a separate document containing the objectives of the party they represent. Using the example of a negotiation concerning the sale of a start-up business, both teams would get the same brief explaining the type of business that is being sold, while also receiving separate documents that outline the buyer's and seller's objectives respectively.

Both teams are then given thirty minutes of preparation time to familiarise themselves with the interests of the parties they repre-

sent and to prepare their agendas. Following preparation, both teams then negotiate for a period of thirty minutes. The main aim of a negotiation is for both parties to work together so as to achieve their own objectives in their individual briefs. As the objectives are often opposing, compromise ultimately has to be made.

My partner and I are both debaters and in contrast, were used to adopting a point of view and holding our ground without compromise. As a result, I was initially worried that we could come across as too assertive or not be able to collaborate with the other team in the negotiation. However, we eventually learnt to seek middle ground with the issues raised so as to ultimately achieve the objectives we were given.

The final round of the Negotiations competition, which was judged by partners at Berwin Leighton Paisner, also included a question and answer session following the negotiation. This allowed both teams to explain the decisions they made during the negotiation, while giving them the opportunity to demon-

strate how their knowledge of the law applied in a business setting.

For law students interested in a career in commercial law, participating in a negotiation aids in general commercial awareness. The 'real-life' setting of a transaction allows participants to understand the commercial needs of the parties they represent. The ability to come to a mutually beneficial agreement with another team also demonstrates teamwork, flexibility and professionalism.

The Pro Bono Negotiations competition is one that I would definitely recommend to all law students. In the words of first-year finalist Lian Selby, the competition was "a great learning experience that gave her fantastic insight into a commercial environment". The winners of the competition also get the opportunity of work experience at Berwin Leighton Paisner. Ultimately, I found the entire experience extremely enjoyable and insightful. If you are looking to learn more about commercial law, definitely consider signing up next year!

By Ee Hsien Tan



I graduated from the University of Nottingham in 2010 with an LLB (Hons) law degree. I then went on to complete the LPC at the University of Law in Moorgate in 2012 and started my training contract in February 2013, after taking six months out to go travelling. I completed seats in Real Estate Disputes, Corporate, Commercial Litigation and Environment. I have recently qualified into the Real Estate team.

### **Louise Edwards**

Competition for training contracts is high and it is important to understand what types of training contract are out there and what would suit you best before you start applying. CMS is a large corporate and commercial law firm with a strong presence in Europe and a growing presence in the UAE and Latin America. The legal work we do is varied and tailored to various industry sectors, such as Lifesciences, Energy, TMT and Financial Services. Many of our clients are large, international corporations and well-known brands however we also act for SMEs and charitable organisations. This background dictates the kind of work you will be exposed to during a training contract at CMS – it is often international, complex and high-profile. From my previous work experience I knew that this type and level of work was what I wanted to do and this is what initially attracted me to CMS. From my research it soon became apparent that CMS stood out in other ways too – it is in a unique position in the legal market due to the CMS network, an award-winning business model that enhances access to CMS legal services for our clients across multiple jurisdictions. CMS is also going places, literally! We recently opened new offices in Oman and Turkey, because that is where our clients want us.

CMS offers outstanding training and guarantees all of its trainees a secondment either to one of its regional or international offices, or to a client. There is a wide range of secondments and the opportunities vary each year. As an example, trainees in my intake went to Rio de Janeiro, Munich and Prague. Others were seconded to technology, banking or energy clients. I spent six months in the Corporate department of our Moscow office.

I was the only London trainee in the office so I became the go-to person for local Russian lawyers with any English-law-related questions. I was given a lot of responsibility and high-quality work. For example, I assisted in drafting share purchase agreements, confidentiality agreements and ancillary loan agreements. I also helped one of our clients obtain EC anti-monopoly approval for a deal involving medical technology, and drafted parts of the heads of agreement for an oil and gas joint venture. Aside from work, Moscow was a fantastic place to spend six months. CMS arranged language lessons for me before I left, as well as providing me with an apartment near to the office and assisting with everything from arranging visas to putting me in touch with trainees from other law firms in Moscow. I also took advantage of being able to visit St Petersburg, Finland (there is an overnight train from Moscow to Helsinki), Suzdal and Kiev in Ukraine.

CMS is a great place to work and has featured in the Sunday Times 100 Best Companies to Work For. We have a lot of social events, including the annual Trainee Ball, trainee summer social and the Christmas party. There are many extra-curricular opportunities for trainees. For example, I have been involved in pro-bono work for LawWorks and with graduate recruitment initiatives at the University of Nottingham. Recently I took part in the CMS Three Peaks Challenge to support the Lord Mayor's Appeal. CMS also encourages us to get involved in sport; last year I attended the Annual CMS Football World Cup in Berlin with colleagues from all over Europe.



# AUTHORS

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# REVOLVER

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