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Michael Wolkind: I defended the BNP

Michael Wolkind QC says he 'likes getting close to people with extreme views'



By Simon Rocker, February 11, 2010



A casualty of the 1999 Soho nail bombing. Wolkind acted for the attacker in court

This week's Torah portion is clear: if a thief breaks into your house at night, you are entitled to take his life — though not in daylight.

How much force householders can use against intruders is once again under debate in Britain, following the case of Munir Hussain, the Buckinghamshire businessman jailed, then freed on appeal last month, after clubbing a burglar.

Despite calls for change, Michael Wolkind QC, the barrister who represented him, believes that the law should stand as it is.

He is “emphatically against” the Conservative suggestion to raise the bar and prosecute householders only if they used “grossly disproportionate” rather than “reasonable” force, as now.

‘Might the accused spare me if he comes across me?’

“I want it to stay as reasonable,” he said. “The test of grossly disproportionate means that anything disproportionate would be acceptable, and that is inherently wrong.”

Mr Hussain received a 30-month sentence in December after chasing and beating with a cricket bat one of a gang who had tied up his family at knifepoint. A few weeks later the Court of Appeal set Mr Hussain free after reducing and suspending his sentence.

Mr Wolkind had been confident the appeal would go his client’s way, owing to Mr Hussain’s “impeccable character” and the “extreme provocation” suffered. “We talk about it being the case of a burglar, but it was way more — people were tied up in their own home, threatened that they would be killed — not just him alone, but family, including children.”

Public support for Mr Hussain also helped, he said. “It doesn’t always. Sometimes it can irritate the court.”

It is not the first time Mr Wolkind, 56, has acted in a case involving the limits of self-defence. He successfully appealed on behalf of Tony Martin, whose 1999 conviction, for shooting dead a youth who had broken into his farm, was reduced from murder to manslaughter.

Called to the bar in 1976, he has become one of the country’s top criminal defence lawyers, having led in more than 200 murder trials — “more than any other leading counsel”, he said. The Old Bailey has become his second home.

He is the son of the late Jack Wolkind, the former chief executive of Tower Hamlets Council, and is married to a criminal barrister, Kathryn Hirst, a warden at Finchley Reform Synagogue. Jack Wolkind was the author of the 1975 Wolkind Report, which recommended a series of far-reaching reforms of the Board of Deputies.

But some of Michael Wolkind’s clients would certainly not get an invitation to the Board: Tony Lecomber, the former British National Party group development director; the nail bomber David Copeland; Parviz Khan, jailed for life in 2008 for conspiracy to kidnap and behead a British soldier; and Waheed Ali, accused of conspiracy in the 7/7 bomb, at the first, hung trial (Ali was acquitted at a second trial but convicted of planning to attend terrorist training camps abroad).

“I can’t imagine any case I’d turn down,” Mr Wolkind said. “I like getting close to people with extreme views, looking for a weakness, trying to understand why. And in these sorts of cases, wondering whether meeting me and being represented by me will make any difference at all. Does it mean I, as an individual, might be spared if he happens to come across me, or does it mean he might ever rethink his views? That’s what I find so interesting.”

He recalled Lecomber, up on explosives charges, making some disparaging remarks about black people in the dock. “Then he was asked what are your views of Jews. He said: ‘I’ve got no views’, and that was done as a sort of thank you to me.”

He cannot recall his Jewishness being a problem for his clients, though authorities in Tripoli did ask questions after he was asked to represent a Libyan accused of being part of a plot to assassinate other Libyans in Britain who were opponents of the Gadaffi regime.

When the man was acquitted, Colonel Gadaffi was so pleased that "he invited me to go to Tripoli to celebrate the glorious September 12 uprising for the next umpteen years. My mother said she'd kill me if I went."

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