approximately three quarters were informed by letter delivered through a Sinn Fein representative, that at the time they received the letter, they were not sought for arrest, questioning or charge by police; but that if any new information came to light that this was subject to change.

This procedure clarified the positions of these individuals who were otherwise unsure whether they remained wanted for arrest. In the light of the recent court judgment, my Department is working with the police and prosecuting authorities to check whether anyone sent a similar letter is wanted for an offence committed before the date of the letter. As policing and justice have been devolved issues in Northern Ireland since 2010, any further requests for the scheme, or clarifications on whether particular individuals remain wanted for arrest, should be directed to the PSNI and devolved prosecuting authorities.

The Government are looking carefully at the judgment of the court. It is right that time is taken to consider its full implications. The PSNI will wish to reflect on lessons learned from this case and the circumstances that led to the serious error which has occurred.

As has been stated on a number of occasions, this Government do not support an amnesty for people wanted by the police in connection with terrorist offences. We believe in upholding the rule of law. That is why both the coalition parties strongly opposed the legislation introduced by the Labour Government in 2005 which would have introduced what was effectively an amnesty for so-called "on-the-runs". *House of Commons / 25 Feb 2014 : Column 17WS*

Woman Wrongly Arrested After Attack By Ex-Partner Wins Payout

Gwent Police must pay out £2,350 to a woman who was wrongly arrested after she was assaulted by an ex-partner, a court has ruled. Kirsty Robinson was detained when police attended her address and both she and her attacker claimed they had been attacked by each other. As there were no witnesses, officers arrested them both and she was held in custody for six hours. Her ex-partner was eventually sentenced to a suspended prison term for the assault. Now a county court in Cardiff has ordered the force pay Ms Robinson for the wrongful arrest. Though the force said it accepted the court's decision, it defended its officers which, it said, "acted in good faith". A spokesman for the force said: "While Gwent Police is disappointed, it recognises the judgment of the court in relation to this claim. The arresting officer acted in good faith and in accordance with what she considered right and proper in all the circumstances." The officers needed to act quickly in a challenging situation where those present had consumed alcohol, were making counter allegations of assault and where no independent witnesses were present." *Jack Sommers - Police Oracle*

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 466 (27/02/2014)

Prisoners' Rights to Evidence Held by the State *INNOCENT: Briefing 20/02/13*

Kevin Nunn v Chief Constable of Suffolk and the CPS - No one is more concerned about information about themselves which is held by the state than people in prison convicted of crimes they did not commit. Most people would imagine that they have a right of access to all the information produced by the investigation that resulted in their convictions for as long as they want to continue trying to clear their names. But there is no such right. Although judges and the Crown Prosecution Service (CPS) always say that any evidence which casts doubt on the safety of a guilty verdict will always be disclosed, in practice the only people who will ever look for such evidence are innocent prisoners and their lawyers, or others trying to help them, such as organisations like INNOCENT and innocence projects in universities and campaigning journalists.

Kevin Nunn was convicted of the murder of Dawn Walker in 2006. He has always maintained his innocence of any involvement in this crime. His application for leave to appeal was refused in 2007. His solicitor, Jane Hickman of Hickman Rose, subsequently sought access to items from the crime scene so that they could be further tested by an expert for possible DNA traces left by the murderer. This request was refused by Suffolk police. The decision was challenged by judicial review in 2012. The police's decision was upheld. The High Court's ruling (by Sir Brian Leveson) has been referred to the Supreme Court, which will hear the case on 13 March.

Why is this case important to us?" The Criminal Justice Act 2003 s.26 removed any continuing duty of a prosecutor to disclose. The Attorney General's Guidelines on Disclosure (2012) state: Where, after the conclusion of the proceedings, material comes to light, that might cast doubt upon the safety of the conviction, the prosecutor must consider disclosure of such material.

In the past, the police and the CPS have usually agreed to disclose material sought by lawyers acting for people who have been convicted, even after they have lost appeals against conviction, as they had done before cases went to trial. They did not make their own assessments of whether the material might help the cases of those seeking the material. But in this case, they did make their own assessment, and decided that the material sought by Nunn's solicitors would not cast doubt on the safety of the conviction, and so they were not obliged to disclose it.

The court which heard the judicial review disagreed, but ruled: Observance of the duty of disclosure in a criminal cause or matter is ultimately a matter for the court. Where a proper case has been advanced for disclosure or re-testing, it is for the court, in the event of a refusal by the police or CPS to disclose, itself to determine whether there should be disclosure or re-testing. And the judges agreed with the CPS's assessment that there is nothing in the requested materials, which, 'if tested, might reasonably be anticipated to provide a result which might affect the safety of the conviction.' In other words, the court said the CPS and the police are right to make their own assessments of whether material requested by people challenging their convictions should be disclosed, and the only way to challenge their decisions is by application to a court. The principle is likely to be applied to any request for disclosure, especially post-appeal requests.

It is necessary to show something that materially may cast doubt upon the safety of the conviction before the duty of the police and the CPS as set out in the Attorney General's Guidelines and the CPS Guidance arises.

So anyone seeking material which they think might help them in their quest to overturn a conviction, is likely to receive a negative response from the same organisations that investigated and prosecuted their case, with the reason that 'there is nothing in the requested material which might affect the safety of the conviction.'

This continues the same system of disclosure which operates from the arrest of a suspect through to conviction and now beyond, in which police and prosecutors decide what should be disclosed to the defence – a system in which convictions of innocent people regularly succeed only because evidence gathered by the police which would assist them, is withheld.

We said, when the current disclosure system was introduced following the Criminal Procedure and Investigations Act 1996, that it would solve the system's legitimacy problem posed by the high profile miscarriage of justice cases of the previous decade – the Birmingham 6, Guildford 4, Maguire 7, Judith Ward, the numerous fit ups perpetrated by the West Midlands Serious Crimes Squad – by putting disclosure decisions in the hands of police and their colleagues in the CPS, and so giving them the chance to hide anything that might show that people are regularly wrongly convicted. But we did not want our prediction to come true.

CCRC: High Court Judge Sir Brian Leveson reassured us 'the availability of the CCRC as a remedy is a very powerful consideration in limiting the duty of the police and CPS to that which we have set out' [summarised above]. CCRC has the power to view any record held by any public body, as well as to refer cases to the Court of Appeal. But - the CCRC does not have to use this power, even requested to do so, - it has a limited budget and a large backlog of applications, long waiting periods and long timescales for reviewing cases, - consequently it can be persuaded to search for undisclosed records only with difficulty, - disclosure is made to the CCRC, not to applicants, - applicants are deprived of opportunities to contribute to their own cases, - applicants may never see material about them and the cases which resulted in their prison sentences, and - the CCRC is deprived of the assistance of applicants, their lawyers, pro bono Innocence projects and support organisations like INNOCENT who help to prepare cases, and so the CCRC's budget and resources are further stretched. The CCRC is no substitute for full disclosure to those who consistently claim to be the innocent victims of a deficient criminal process. But already the police are telling those who seek disclosure in post-appeal cases to ask for it via the CCRC (Private Eye 1360 21 February 2014).

The Supreme Court: what can the Supreme Court decide?

First, it should recognise that there are no rules. Since 2003 there is no statutory duty to disclose or not to disclose. Instead there is 'not unsurprisingly ... common ground that the mark of our system of justice was that it was the duty of the State to guard against miscarriages of justice and, when things had gone seriously wrong, to do everything possible to put them right,' said Leveson.

And he acknowledged that it was not just CPS and lawyers who were involved in putting miscarriages right, citing Lord Steyn in R v Mirza [2004] 1 AC 1118, who in turn cited 'R v Secretary of State for the Home Department, Ex p Simms [2000] 2 AC 115 where, in the face of some 60 miscarriages of justice in the 1990s, the House of Lords set aside Home Office instructions denying prisoners access to journalists in their efforts to get their convictions overturned.' So if journalists could assist with this important task, why not the victims of miscarriage, their lawyers and pro bono projects? And how can they assist, if they are denied access to the materials they need in order to review cases of alleged wrongful conviction? So, the Supreme Court can, and should, accept the argument of Hugh Southey QC, counsel for Kevin Nunn, that the desire to prevent miscarriages of justice [is] the principle underlying the duty

Government Response High Court Judgment - Hyde Park Bombing

Secretary of State for Northern Ireland (Mrs Theresa Villiers): On 21 February, Mr Justice Sweeney ruled that an abuse of process had taken place in the prosecution of John Downey for offences relating to the Hyde Park bombing which took place on 20 July 1982. Mr Downey was part of an administrative scheme set up by the previous Government to deal with so-called "on-the-runs", that is, people who believed they might face questioning or arrest in connection with terrorist or other criminal offences committed prior to the 1998 political agreement if they returned to the United Kingdom. When he was arrested on 19 May 2013, Mr Downey was in possession of a letter from a senior official in the Northern Ireland Office dated July 2007 that read as follows:

"The Secretary of State for Northern Ireland has been informed by the Attorney General that on the basis of the information currently available, there is no outstanding direction for prosecution in Northern Ireland, there are no warrants in existence nor are you wanted in Northern Ireland for arrest, questioning or charge by the police. The Police Service of Northern Ireland are not aware of any interest in you from any other police force in the United Kingdom. If any other outstanding offence or offences came to light, or if any request for extradition were to be received, these would have to be dealt with in the usual way."

It has subsequently become clear that this letter contained an error. Mr Downey was in fact sought for arrest by the Metropolitan Police at that time for charges relating to the Hyde Park bombing, in which four soldiers of the Blues and Royals carrying out ceremonial duties were murdered and seven horses were killed. Tragically, later that same day another bomb at Regent's Park resulted in the murder of seven members of the Royal Green Jackets. The Government remain clear that these were terrible terrorist atrocities that had absolutely no justification.

The judge concluded that the error had been made by officers of the PSNI. The Northern Ireland Office had sought confirmation before sending the letter that the appropriate checks had been made. It was assured by the PSNI that they had been. As has been made clear by the legal proceedings relating to Mr Downey, an administrative scheme to deal with so-called "on the runs" was in operation from around September 2000. It was devised by the previous Government. The details were not fully set out to Parliament, though the scheme was referred to in July 2002 in the answer to a parliamentary question given by the then Secretary of State for Northern Ireland, John Reid.

Following the failure of the Northern Ireland (Offences) Bill in 2005-06, the administrative scheme became the only mechanism for dealing with OTRs. Under the scheme inquiries from individuals wishing to establish if they were wanted for arrest over suspected terrorist activities were communicated, by Sinn Fein, through the Northern Ireland Office, to the Attorney-General, who then referred them to the prosecuting authorities and the police. The Government communicated back the response to Sinn Fein via a letter from the Northern Ireland Office.

On the information available to the police and prosecuting authorities at the time, individuals who were not sought for arrest were informed of this. They were also advised that should new information or evidence of wrongdoing come to light at any point in the future, then they would be subjected to normal criminal proceedings. There was, therefore, no immunity from possible future arrest.

The current Government looked again at the scheme and decided that any future requests should be referred to the devolved authorities in Northern Ireland, in line with the devolution of policing and justice. The Northern Ireland Office subsequently dealt only with pending cases for which requests had been received prior to the general election.

Our records indicate that around 200 individuals were subject to the scheme. Of those,

Women Prisoners 'Coerced Into Sex With Staff'

Women in prison have different emotional and sexual needs to men and require a different approach. Their needs should not be ignored or overlooked in a prison system designed to cater for the male majority. Many of the women who enter prison are vulnerable and prison can exacerbate existing mental health problems or generate new problems.

Female prisoners in England and Wales have been coerced into having sex with staff in return for favours such as alcohol and cigarettes, a report says. The findings were published by the Commission on Sex in Prison, which was set up by the national charity The Howard League for Penal Reform. Some inmates formed relationships as a source of comfort and support, it said, but some of these became abusive. The Prison Service said it did not condone sex in prisons. The Commission, which comprises leading academics, former prison governors and health experts, is the first independent review of sex behind bars in England and Wales.

Key findings from the report: • Women in prison are particularly vulnerable and are more likely than men to have a history of being a victim of violence or sexual abuse. Many women seek comfort in prison to cope with their vulnerabilities • Relationships between women prisoners are very different to those found in men's prisons. Relationships with staff also differ • There is evidence that some women have sexual relationships with other women prisoners • Prison staff reported that women were more overt than men about their friendships and relationships with other prisoners • The Prisons and Probation Ombudsman found that intimate relationships between women could be a source of comfort or of bullying or abuse • Her Majesty's Inspectorate of Prisons found that there was a lack of tolerance in some prisons to non-sexual physical contact between women • Women are at greater risk than men of entering prison with a sexually transmitted infection including HIV • Women in prison have different sexual health needs to men in prison. They should have access to dental dams a thin square of latex that can be used to prevent the spread of sexually transmitted infections during oral sex • Some women prisoners had been coerced into sex with prison staff in return for favours such as cigarettes or alcohol • There is evidence that assaults known as 'decrotching', where women prisoners forcibly retrieve drugs hidden inside a woman's vagina, occur in women's prisons.

Chris Sheffield, chairman of the Commission on Sex in Prison, said: "Women in prison are particularly vulnerable and more likely than men to have a history of being a victim of violence or sexual abuse. It is important that policies recognise these differences and are developed in order to protect the vulnerable." He added: "It is equally important that staff in women's prisons receive specific training on working with women."

A Prison Service spokeswoman said: "Sexual relations between prisoners are not commonplace. We do not condone sex in prisons or believe that prisoners in a relationship should share a cell. Reported incidents of sexual assault in prison are rare. Where an alleged sexual assault is reported or discovered it will be investigated and reported to the police if required."

There are almost 4,000 women in prison. Women account for less than five per cent of the total prison population. Baroness Corston (2007) found that women were marginalised in a prison system largely designed for the male majority. For many women, a custodial sentence is disproportionate. Of the 7,469 receptions of sentenced women into prison in 2012, 81 per cent were for women who had committed non-violent offences. Sixty per cent (4,500) were for women sentenced to six months or less. Women in prison are particularly vulnerable and have multiple and complex needs. They have higher rates of suicide and self-harm than men.The Howard League for Penal reform said it wanted to see less crime, safer communities and fewer people in prison.

of disclosure. The reasons for that duty [are] as good before conviction as after conviction,and restore the general duty of disclosure to those who claim to have been wrongly convicted. In doing so, they would be restoring to the victims of the criminal justice system the right to see all the records about themselves held by the powerful state agencies responsible for their sufferings. We should be present in and around the Supreme Court on 13 March to show how many of us care about this issue, and how much we care about the outcome of this case. The Justice For Kevin Nunn Campaign: kevinnunn.webeden.co.uk

Forensic Recovery, Planning, & Prioritization

[Things You Should Know - Another in the series that look at various aspects of work of a Senior Investigation Officer (SIO). This includes the necessary skill sets for the successful SIO, the management of serious crime investigation and specific elements of investigative practice from initial response through crime scene examination and investigative strategies to dealing with suspects and the media. This excerpt from the 2nd edition of Blackstone's, the 'Senior Investigating Officers' Handbook'.]

Any item that is identified as being required for forensic examination should, as a general rule, be left in its original position for a decision on how best to recover it. For general items this decision is normally taken by the CSI in consultation with the CSM, it is then at the SIO's discretion to determine what items are to be made subject of a tactical meeting and generally recorded as a policy entry or in a separate strategy document. Larger or fragile items will come under this category such as vehicles, eg if the victim was murdered in a vehicle or the suspect abandoned one. Some items, such as spent/empty cartridge cases from a firearm or used condoms in an alleyway, may need a policy as to how they are to be recovered, with a consideration of what tests will be required and prioritized (eg DNA or fingerprints). These are decisions to be taken by the CSM and SIO working collaboratively. This is where an assessment and pre-examination briefing and planning process comes in. The SIO will have an opportunity to discuss recovery of items with their crime scene team, ie CSM and CSI, forensic scientists, forensic pathologist (any other required scientific advisers and experts such as environmental profilers and botanists), anthropologists etc. It will also allow all those concerned to focus on the scene as a whole and not just their own specialist areas before starting to work on the scene. The meeting and subsequent examination and recovery plans should help the SIO and their CSM maintain firm control of the proceedings.

Crime scene administration and documentation: Forms of scene administration and documentation used will vary from force to force in accordance with local procedures. However, it should generally include the following: crime scene logs; crime scene strategies/tactics and policy file entries; lists and details of all exhibits seized; correct exhibit recovery methods, packaging, labelling, transportation, and storage procedures; exhibits 'books' or computerized exhibit management systems; sketches, maps, and plans indicating scene parameters and cordons, location of victims, exhibits etc (including topographic, soils, and geological maps); search policies that stipulate precise parameters; CSM/CSI/other experts' notes and their exhibit lists; any other lists and details of exhibits recovered; still and visual imagery (including aerial and satellite imagery); any notes or sketches compiled by forensic experts; exact scene location on a map or plan (including full description); victim descriptives and body maps; crime scene reconstruction material; where legislative authorities utilized, correct and accurate documentation and appropriate forms that must be completed.

Note: All 'relevant' material must be retained and details submitted to the major incident room for processing under disclosure rules in accordance with CPIA 1996.

Response To Youth Justice Board Report On Deaths Of Children In Custody

Deborah Coles, co-director of INQUEST said: “Whilst this report offers some insight into the Board’s learning from child deaths, it can be no substitute for a wider review. INQUEST’s work on the deaths of children shows the same issues of concern repeat themselves with depressing regularity. This demonstrates that the current mechanisms, including the YJB, are not preventing deaths of children. And recent government proposals relating to restraint and secure colleges for children also call into question the extent of the impact the YJB’s learning is having on policy-making. A short report cannot be a substitute for a full, holistic, independent review of child deaths in custody that encompasses all findings and recommendations, and examines the wider public health and welfare issues and a child’s journey into the prison system. The government must extend the remit of the inquiry it is commissioning into the deaths of 18-24 year olds in prison to include children.”

Inquest Into Death Of 17 Year Old Jake Hardy at HMYOI Hindley

Jake Hardy was 17 years old when he died on 24 January 2012. He was found hanging in his cell with a ligature attached to the bars over his cell window at HMP and YOI Hindley on 20 January 2012 and died in hospital four days later. Jake was one of three children to die in Young Offenders Institutions from apparently self-inflicted deaths within a ten month period.

Jake was sentenced to a Detention and Training Order (DTO) on 6 December 2011 and arrived at Hindley later that day. It was his first time in custody. He had a number of characteristics which identified him as vulnerable, having previously been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and Conduct Disorder, he had a statement of special educational needs, and had recently self-harmed. Jake was placed on a normal location wing, where he remained throughout his time in Hindley. He was in regular contact with the mental heath team. During his time in Hindley Jake reported that he was being bullied by other young people. Jake was sentenced to a further DTO on 13 January 2012; his Youth Offending Service worker recommended he should go to a Secure Training Centre or a specialist unit at HMP and YOI Wetherby. However, he was returned to Hindley.

On 17 January, Jake damaged property in his cell and self-harmed; as a result, he began to be monitored for suicide and self-harm. Initially he was put on 5 observations an hour but this was then reduced to 2 per hour. On the evening of 20 January, Jake chose, as he often would, to remain locked in his cell. The inquest will address whether Jake was being harassed by other young people outside of his cell during this association period, which was being supervised by two prison officers. That evening Jake again damaged property in his cell and he was not allowed to make a call to his mother. His cell was cleaned by officers but no further action was taken. Later that evening, the prison officer carrying out observations found Jake with a ligature around his neck. CPR was performed and an ambulance was called. Jake was subsequently taken to hospital, however, he never regained consciousness and died on 24 January 2012.

His family hopes the inquest will address, amongst others, the following issues: *-* Whether the placements of Jake in Hindley on 6 December 2011 and 13 January 2012 were appropriate.*-* Whether Jake should have been placed and should have remained on normal location within the prison.*-* the assessments of Jake’s risk of self harm or suicide were adequate.*-* the prison dealt with the reports Jake made of bullying in an appropriate fashion.*-* Whether the emergency response was adequate.*-* Was the training of staff in Hindley regarding, bullying, the risk of self-harm and suicide, learning disabilities, and resuscitation sufficient?

Poor Management Of Prisoners' Property - Wasting Public Money

Prisons need to manage prisoners' property better to avoid claims for compensation and the cost of investigating complaints, said Nigel Newcomen, the Prisons and Probation Ombudsman (PPO). He added that if prisons paid greater attention to their responsibility for prisoners' property, this would avoid frustration for prisoners and the wasting of staff time on investigating complaints and arguing about compensation. Today he published a report (attached) on the lessons that can be learned about complaints received from prisoners about property.

While the PPO investigates some very serious complaints, including assaults and racism - as well as all deaths in custody - the most common subject of complaint is lost or damaged property. These complaints also have the highest uphold rates where the PPO finds in favour of the prisoner. Over the past ten years, property complaints made up between 14% and 18% of all eligible complaints received. This proportion increased to 21% in 2012-13. The report, Learning from PPO Investigations: Property complaints, reviews property complaints received by the PPO in the first six months of 2012-13.

The report highlights steps that prisons can take to improve: - ensure paperwork is completed correctly to record prisoners' property so it can be reviewed if disputes arise; - recognise that possessions even if low value can have great importance to prisoners and should be managed according to Prison Service instructions; - follow Prison Service instructions about which religious items prisoners are allowed in their cells; - be proportionate when destroying items; - use photography more widely to better record which items prisoners hold and to reduce compensation claims. - respond effectively to prisoners' complaints about lost or damaged property; and - accept responsibility when processes have not been followed, and when a prisoner is transferred, the sending prison should ensure that property arrives intact and undamaged at the receiving prison.

Nigel Newcomen said: “Most property complaints concern small value items, but these can still mean a lot to prisoners with little. Unfortunately, too many of the issues involved could and should have been dealt with more quickly and efficiently by the prisons concerned. Instead, despite perfectly sound national policies and instructions, prisons too often refuse to accept their responsibilities when property has been lost or damaged. This leaves prisoners in limbo, creates unnecessary frustration and tension and leads to complaints, too many of which require independent adjudication. Using up scarce staff resources in this way, both in prison and then in my office, is not a good use of public money.”

Michael O'Brien - Application for Judicial Review Dismissed

Mr O'Brien (One of the Cardiff Three) sought a judicial review of the decision not to prosecute, DI Lewis. Through his counsel, Ms Heather Williams QC, Mr O'Brien accepts that, in order to succeed in such a claim, he must show that the decision was one at which no reasonable prosecutor could have arrived. Ms Williams formulates her challenge under three heads. Firstly she submits that the prosecutor misdirected herself and/or conducted a seriously flawed analysis in relation to the evidence from the linguistic experts. Secondly, she submits that the prosecutor failed to conduct a balanced and even-handed assessment of the evidence, in particular failing critically to examine the accounts provided by Mr Lewis and his police colleagues: and thirdly she suggests that the prosecutor misunderstood and/or failed to take into account highly relevant evidence on a number of specific issues. Taken together, Mr O'Brien contends that the flaws in the prosecutor's reasoning render the decision unsustainable. However the judges didn't agree and it took them 10,000 words to say so!

can help the Spanish enforce our orders," Ms Saunders said. "But also how we can work together in relation to our legislation, our processes and procedures, to make sure that we really do maximise the amount of assets that we recover from Spain." The other asset recovery adviser will be sent to the UAE. Four remaining lawyers will be stationed in "priority countries" yet be determined. Their jobs will be to work directly with local police and partners in government to boost the amount of hidden assets stripped from criminals

Loncar v. Latvia (no. 25147/07) - Ineffective Investigation of Police Violence

The applicant, Pavle Loncar, is a Latvian national who was born in 1976 and lives in Riga. The case concerned Mr Loncar's allegation that he had been ill-treated by the police on 26 March 2004 during his arrest. He was convicted in May 2005 – upheld on appeal in December 2006 – of large-scale acquisition, possession and transportation of drugs, with the intent to sell and sentenced to eight and a half years' imprisonment. Referring to medical evidence (hospital reports and an expert report) attesting to his injuries, he alleged in particular that he had been hit on the head and back and pushed to the ground during his arrest and that the authorities' ensuing investigation into his allegations had been ineffective. He relied on Article 3 (prohibition of inhuman or degrading treatment). - Violation of Article 3 (investigation) - domestic authorities did not make a serious attempt to find out what had happened during the applicant's arrest on 26 March 2004 - Just satisfaction: 4,000 euros (non-pecuniary damage).

Gheorghe Predescu v. Romania - Unacceptable Conditions of Imprisonment

The applicant (no. 19696/10), Gheorghe Predescu, is a Romanian national who was born in 1955 and is currently serving a 17-year-and-six-month prison sentence in Romania for murder. Since his arrest in January 2007 he has been held in a number of prisons in Romania, spending on average one week in hospital every two to three months, mainly in psychiatric wards. He was diagnosed with delusional disorder, a type of psychosis, shortly after being detained. Mr Predescu complained about the conditions of his detention, alleging in particular that other inmates had tried to poison him and that he had been obliged to sleep in bath tubs and on toilet seats to protect himself. He also alleged that he had been beaten and stabbed by other inmates on 30 August 2008 and that the perpetrators of the attack had never been punished. He relied on Article 3 (prohibition of inhuman or degrading treatment), asking to be allowed to serve the remainder of his sentence in Rahova Prison Hospital. Violation of Article 3 - in respect of the applicant's conditions of detention Applicant did not claim forjust satisfaction.

Vaduva v. Romania (no. 27781/06) - Conviction With Out Evidence Unlawful

The applicant, Ion Irinel Vaduva, is a Romanian national who was born in 1973 and lives in Bucharest. The case concerned Mr Vaduva's complaint about the unfairness of his conviction in October 2005 – upheld on appeal in February 2006 – for drug trafficking following an undercover police operation into ecstasy being brought into Romania from Israel. Relying on Article 6 § 1 (right to a fair trial), he alleged in particular that he had been convicted without evidence having been heard directly from him or the witnesses against him and that he had not been given the opportunity to challenge the key evidence for the prosecution, notably records of telephone tapping and statements made by undercover police officers and their informant. Violation of Article 6 § 1 / Just satisfaction: EUR 3,000 (non-pecuniary damage) and EUR 6,379.52 (costs and expenses)

Elizabeth Hardy, Jake Hardy's mother said: "I hope the inquest will finally give us some answers as to how Jake died when he was a child. Jake should have been looked after and protected. I expected them to keep him safe."

Deborah Coles, co-director of INQUEST said: "It is vital that this inquest ensures proper scrutiny about how a very vulnerable child experiencing his first encounter with the criminal justice system was able to die in such alarming circumstances. While the inquest should shed important light on the events surrounding his death, it is limited in scope and held in isolation and will not be able to examine vital questions concerning systemic failures being repeated across the youth justice system. Jake died two days before another 15 year old also took his own life in prison and was one of three children to die in a 10 month period. What can be more serious than the death of a vulnerable child while in the care of the state? Jake's death should serve as a tragic reminder of why a full, independent, holistic review of child deaths in prison is so urgently needed."

INQUEST has been working with Jake Hardy's family since his death in January 2012. Jake's family are represented by INQUEST Lawyers Group members Helen Stone of Hickman and Rose solicitors, and Dexter Dias QC and Richard Reynolds, both of Garden Court Chambers. The first two days of the inquest will hear evidence from Jake Hardy's mother, Elizabeth Hardy, and Jake's Youth Offending Team (YOT) worker.

Suspicion is Not sufficient to Support a Conviction

R v Pace and Rogers - The principal issue raised on these two appeals relates to the mental element required for criminal attempt. It is one that, albeit in the context of differing underlying substantive criminal offences, has caused difficulties over the years. Various decisions of the courts in those years do not always reveal a consistency in approach and sometimes, it has to be said, reveal a possible inconsistency in approach. It is also an area which has attracted much academic debate; and there too considerable divergences in approach have been manifested.

Conclusion - Lord Justice Davis:

78. For the reasons we have given, we conclude that the appeals must be allowed. For the purposes of a count of attempted money laundering proof of a mental element of suspicion (only) does not suffice. We therefore think that the judge erred in his approach in his ruling on the submission of no case to answer; and, in consequence, also erred in the instruction he gave to the jury in his summing-up. In so holding, we intend no disrespect to the judge, who plainly had sought to consider the matter carefully. But since we are not able to agree with his conclusions the consequence is that we cannot consider these convictions to be safe.

79. We do appreciate the anxieties of the Crown in this context of money laundering. Such cases are by no means always easy of proof: and the choice of Parliament to set suspicion as an available mental element for the purposes of the substantive offences indicates a policy that the reach of the provisions is designed to be wide. But, as we have sought to say, the policy behind the substantive offences of money laundering cannot be allowed to distort the meaning of s.1 of the 1981 Act relating to attempts.

80. As to the pending trials and the forthcoming cases of the present kind, involving substantively impossible attempts to convert scrap metal - impossible, because the scrap metal will not have been stolen - it will be for the Crown to decide how best hereafter to proceed. We apprehend that the effect of this judgment will preclude, in such cases, the efficacy of charges of attempting to convert criminal property if (as here) the Crown considers that it is not in a position to allege more than suspicion on the part of the accused that the property was stolen.

81. That may or may not create problems for prosecutors. However, we observe that there in any event may well be, in an appropriate case, other charges potentially available: such as, for example, attempted handling. Those necessarily will, we appreciate, require proof of a higher level of mens rea than suspicion: and of course defendants can be expected to be astute to emphasise that to a jury. Even so, as observed by Lord Hope in paragraph 62 of his speech in Saik, the margin between knowledge and suspicion is perhaps not all that great, at all events where the person has reasonable grounds for his suspicion. Where a defendant can be shown deliberately to have turned a blind eye to the provenance of goods and deliberately to have failed to ask obvious questions, then that can be capable, depending on the circumstances, of providing evidence going to prove knowledge or belief. However, all this will be something for the prosecutors to consider in the pending cases by reference to the circumstances of those cases.

Deportation and 'Deterrence'

Deportation is said to include an element of deterrence to non-British citizens so as to ensure it is clearly understood that one of the consequences of serious crime may well be deportation (N (Kenya) v SSHD [2004] EWCA Civ 1094 at 83). The 'public interest' in deportation of those who commit serious crimes goes well beyond depriving the offender in question from the chance to re-offend: it extends to deterring and preventing serious crime generally (DS (India) [2009] EWCA Civ 544 at 37). A significant margin of discretion is given to the decisions of the Secretary of State as to whether the policy would, in fact, act as a deterrent. This is on the basis that the court does not have expertise in judging how effective a deterrent is a policy of deporting foreign nationals (N (Kenya) at 54; and also R v Secretary of State ex parte Ali Dinc [1999] 1NLR 256).

The question as to whether an individual deportation from the UK would be likely to act in any way as a deterrent to other would-be foreign criminals was raised in a First Tier Tribunal decision where the panel hearing the appeal against deportation 'did not accept that...deportation would act in any meaningful way as a deterrent to others, as the appellant is an individual and there is no reason why any other prospective offender would have any knowledge whatsoever of his deportation' (RU (Bangladesh) v SSHD [2011] EWCA Civ 651 at 15).

The subsequent appeal by the SSHD led to this decision being overturned and findings that the approach of the first instance Immigration Judge betrayed 'an erroneous grasp of the concept of public good and the public interest'. The Court of Appeal explained that 'the point about 'deterrence' is not whether the deportation of a particular 'foreign criminal' may or may not have a deterrent effect on other prospective offenders.' Rather, referring to N (Kenya), the court stated that any immigration system must take into account broad issues of social cohesion and must have the confidence of the public. For both of these requirements to be fulfilled 'the operation of the system must contain an element of deterrence to non-British citizens who...clearly understand that...one of the consequences of serious crime may well be deportation'. More recent decisions have confirmed that deterrence 'is a material and necessary consideration' (AM [2012] EWCA Civ 1634 at 31).

The idea that deportation of foreign nationals acts as a deterrent might be challenged on two bases. - Firstly, either the policy acts as a deterrent, or it does not: to be arguable on a policy level, surely it must be effective to some extent on an individual level. The point made in the first instance decision in RU (Bangladesh) (that the Appellant's deportation could not have acted in any meaningful way as a deterrent to other potential foreign criminals) is, for many people, a perfectly valid one. To accept, as the court appears to do, that deterrence may not actually be effective in individual cases, but that it is still valid as a broad policy objective

this week after a judge said that they were being "controlled" and cited the "bizarre" nature that they paid rents by leaving cash in a microwave for collection by unknown people. But in the latest ruling on Thursday, a judge said the two women used the flats "by arrangement with other sex workers at mutually convenient and agreed times. That does not constitute control."

Niki Adams, of the English Collective of Prostitutes, said: "These closures should never have come to court. The police misled the public and claimed that they were needed to prevent rape and trafficking. No victims of trafficking were found; instead the police threw women out of the relative safety of their flats."

Simon Hall Found Dead In Prison *Kashmira Gander, Indpendent, 23/02/14*

Simon Hall, who spent a decade claiming he was the victim of a miscarriage of justice before admitting he murdered an elderly woman, has been found dead in prison. The 36-year-old's body was discovered by staff members at HMP Wayland in Norfolk on Sunday morning. A Prison Service spokesman said: "HMP Wayland prisoner Simon Hall was found unresponsive in his cell by prison staff at approximately 5.25am on Sunday February 23. "Paramedics attended but he was pronounced dead at 5.49am. "As with all deaths in custody, the Independent Prisons and Probation Ombudsman will conduct an investigation," he added. Hall, from Ipswich, was convicted and jailed for life in 2003 after he murdered 79-year-old Joan Albert in her home in Capel St Mary, Suffolk. She was found in her hallway on 16 December, 2001, after being stabbed five times.

Hall maintained that he was innocent for a decade, and launched a series of appeals. He won backing from MPs and appeared in the BBC documentary Rough Justice. However, Hall admitted his guilt to prison authorities last year and his campaign came to an abrupt end. Hall submitted two applications to the Criminal Cases Review Commission (CCRC) to consider his case. The CCRC was informed of his prison confession and contacted him asking him if he wanted to withdraw his claim, and his case was subsequently closed.

Criminal's Overseas Assets Targeted

The director of public prosecutions for England and Wales has unveiled a new drive to clamp down on criminals hiding their assets abroad. Alison Saunders will deploy six specialist lawyers overseas to work with foreign authorities. The first two asset recovery advisers will be stationed in the United Arab Emirates (UAE) and Spain. They hope to initially recover £10m in assets from convicted tax evaders, drug barons and corrupt businessmen.

In one of her first key announcements since becoming DPP three months ago, Ms Saunders said criminal asset recovery would be a priority for the Crown Prosecution Service. "People have been convicted of crimes. They might be tax evaders, they might be drug offenders," she said. But what is really important is that we get the money back so that we can either give it back to victims - so we compensate victims for the crimes against them - or if there are no victims, that we deprive criminals of effectively what is their life blood, which is money. And it means they can't go on and put that money back into more crime."

The DPP, who is to explain the details of the new strategy in a speech in Madrid on Monday, said UK criminals have traditionally enjoyed close connections with Spain - choosing to hide their assets in Spanish property and bank accounts. She said this may be due to the fact Spain is so close to the UK. As such, a prosecutor is to be stationed in Spain - in addition to another who is already based there. "That prosecutor will be looking at not only practically how we

very happy to hear it. Allowing government to force psychiatric drugs on your neighbors, however, becomes a whole different controversy.

Stripping basic human rights from people labeled 'mentally ill' is nothing new, governments, societies and those who choose to work in psychiatric wards have been dehumanizing 'involuntary patients' for generations. In fact, hundreds of thousands of people with psychiatric labels and other disabilities were murdered in the Holocaust. For generations, forced sterilization programs existed in western countries targeting those labeled 'mentally ill', only being abolished as recently as the 1970s. But societies still haven't got used to the idea of extending equality to those considered 'mentally ill'. Around the world, laws are on the books in most states and provinces, that make it legal for psychiatrists and their staff to forcibly drug and forcibly electroshock people. Even a forced 'diagnosis' can change the course of a life. Reaching out for help from the mental health system often comes at the cost of your basic rights, and many live in constant fear of being assaulted by these coercive and violent procedures that are legalized by these laws.

It is MindFreedom's position that nobody deserves to have their body assaulted by forced psychiatric drugging or forced electroshock. The drugs or 'medications' used in forced drugging are brain function disabling tranquilizer drugs, and although they go by the name 'antipsychotics', these drugs do not target or correct any biological abnormality that psychiatry can demonstrate or prove exists inside the 'patient'. They also come with massive side effects. It is clear that for expediency, to control people, these drugs are being used as chemical restraints, not as bona fide medicines. This is deeply inhumane, and a gross violation of human rights.

People forced into psychiatry are overwhelmingly innocent people, very few are criminals, yet these innocent people lose more human rights than even a criminal loses in a prison. Losing the right to have a say over what goes into their own body, forced psychiatry is often described by many survivors of it as a form of biological rape.

These practices are not 'help', they are human rights abuses. Forced psychiatry represents dehumanizing the most distressed and overwhelmed individuals in society, during their weakest moments of life. In mistaking violence for 'help that people need' we as a society have committed atrocities for too long against those who are at their weakest. Forced psychiatry often drives people to suicide, traumatizes people for life, and crushes their sense of humanity and dignity. There are better ways to help. And if you take the time to thoroughly explore the MindFreedom website you will learn about the growing movement that fosters innovative alternative approaches to these problems.

Sex Workers Defeat Police Decision To Shut Down Their Flats

Two sex workers have claimed victory against Scotland Yard after they overturned a decision to shut down their flats after early morning police raids in Soho. The flats had been shut for a minimum of three months after police argued that the women working there were being controlled, or incited to commit prostitution. It was one of 18 addresses targeted by officers in a crackdown on a notorious crime hotspot in London’s red light district. However, the women said they were working of their own free will and it was safer to work where there was CCTV cameras in the building and where maids helped to vet customers. The women warned they would be at greater risk from harm if they had to work elsewhere or pick up trade on the streets.

The case is one of three brought by six sex workers over the controversial raids in December last year after a police undercover operation that was said to have revealed links to crimes including trafficking and rape. Separately, two women lost their cases earlier

is potentially problematic. The courts deference to the SSHD's 'expertise' in designing this policy response is in contrast to other areas of immigration and asylum law where the efficacy of government policy based on statistical evidence has been openly challenged: see for example, Quila v Secretary of State for the Home Department [2011] UKSC 45

Secondly, it is not at all clear how 'public confidence in an immigration system' or 'broad issues of social cohesion' can be assisted by deterring foreign nationals from committing crime (if there is deterrence, which is not clear). This is not explained by the SSHD in any of the leading authorities in this area. The argument takes the form of a permeating syllogism: that deportation deters foreign criminals from committing crime; less crime committed by foreign criminals is good for social cohesion and inspiring confidence in the system of immigration control; and that deporting foreign criminals is therefore good for social cohesion and confidence in the immigration system.

That deportation acts as a deterrent to long-term foreign nationals committing offences is arguably without statistical basis and there is no clear evidence to suggest that it has this effect. Despite this, it continues to form part of the public interest argument used by the Home Office in deportation cases.

Sean Bradish Back In Prison After Committing Crimes On Day Release

As one half of the [alleged] notorious Bradish brothers, Sean typically celebrated one of his many successful armed robberies with a smile for the camera and a bottle of champagne in his hand. They spent their loot on cars, Caribbean holidays and drugs. But after 10 years of austerity at her Majesty’s Pleasure following the inconvenience of being caught, Bradish, one of Britain’s most prolific bank robbers, claimed to have learned the error of his ways.

In a meeting with his probation worker in March last year, he complained about his notoriety and how the constant pressure of surveillance from the Flying Squad had dogged his life. “That was then, this is now,” he said at the meeting. He said he was a reformed man. What the probation officer did not know was that hours before, Bradish, 46, was holding a gun to the back of a bank customer’s head and threatening to kill her unless staff shoved money into his bag. It was the latest in a string of solo raids that started before he had even been released from prison.

Officers believe that he was trying to build up a nest egg to celebrate the later release from prison of his older brother, and former partner-in-crime, Vincent – to pay for the mother of all parties after a decade inside. As Bradish was sentenced to three life terms yesterday, the prison and parole system faced criticism after it emerged that the first four of his raids were committed while he was on day release or weekend leave from an open prison in preparation for his release and rehabilitation into society. In a parole board report, he was praised for taking the opportunity to “rebuild relations with close friends and family” and stated there was no evidence of concerning behaviour or association with criminal associates.

The reality was that he was about to embark on a brutal series of armed robberies. In the first, he grabbed £8,500 from a branch of Lloyds TSB on 12 April. He was on day release from prison with a 10-hour limit before he was due to return. He turned up some 12 hours late at HMP Spring Hill, a category B prison in Buckinghamshire, but few questions appeared to have been asked why he was so late and was allowed to continue on the scheme, the Old Bailey heard. Bradish went on to commit three further robberies while on short-term release, hitting the same bank four times in 10 months. In one of the raids, Bradish told staff: “You fucking bastards, you’re robbing the public,” the Old Bailey heard. In another, a small child was seen within feet of Bradish as he brandished a firearm at staff.

The raids increased in regularity with two banks hit within a week of his brother being

released. Sean and Vincent, 52, were jailed for life in 2002 after one of their gang turned supergrass and detailed how their prolific operations made them one the most wanted gangs in Britain. He told how successful raids turned into days of drink and drug-fuelled excess.

However, the decade in jail had stripped Bradish of his high-rolling lifestyle and on his release moved into a hostel in northwest London. He was identified as a suspect for the rash of bank raids after the Metropolitan Police's Flying Squad searched databases for every white man arrested for such robberies since 1995. They eventually came up with Bradish – and tied in his day release dates to some of the raids - and put him under surveillance before his final robbery two days before his brother was due to be released from prison.

Aware he might have been watched, Bradish emerged from his flat in Shoot Up Hill, Kilburn, and walked backwards to try to see if anyone was following him. He even leapt off a train just as the doors closed to try to throw police off the scent before he stole more than £13,000 in one of his swift raids. He fled in his girlfriend's Mercedes, then changed to a minicab which was stopped by armed police who discovered the money in the car. He was sentenced yesterday to three life sentences after admitting six robberies and one attempted robbery over 11 months.

Detective Sergeant Ben Kennedy said: "Bradish's offending escalated over a period of 11 months, with him becoming more brazen as time went on. Bradish showed blatant disregard for the restrictions imposed on him and had he not been caught when he did I have no doubt he would have carried on offending."

The Ministry of Justice has already launched a review over the day-release scheme after a violent career criminal on day release stabbed a pensioner to death who intervened in the robbery of an elderly neighbour. Ian McLoughlin was jailed for life last year, the third time he had been sentenced to life for killing a man. Justice Minister Jeremy Wright said: "Like everyone else, I am horrified by cases of offenders out on temporary licence who have been charged with very serious offences which is why we are reviewing the current processes as a matter of urgency. Release on licence can be an important tool in preparing offenders for their release from prison — but it must not be done at the expense of public safety."

Campaign for MindFreedom - What is Forced Psychiatry?

[@ the 31st March 2013, 22,207 people were detained under the Mental Health Act 1983 or detained subject to Supervised Community Treatment order. Many serving prisoners can find themselves, moved from prison to psychiatric units or moved from psychiatric units to prison.]

Forced psychiatry, also known as 'involuntary psychiatry', 'psychiatric commitment', 'involuntary treatment', 'forced treatment', 'assisted treatment', 'court ordered treatment', 'sectioning', 'psychiatric hold', is the forced imposition of psychiatric interventions upon an individual by the government, against the will of the person targeted. Forced psychiatry has a long and grisly history dating back a couple hundred years that most people are aware of, but today, in the modern era, this controversial government practice hides in the shadows. Behind the closed doors of psych wards, government mental health system workers carry out violent forced 'treatments' against the will of those that are undergoing mental and emotional crises. To add to the silence, the stigma of being labeled a 'mental patient' and the trauma from these horrific experiences at the hands of the system prevents more people speaking out and fighting for their rights. Many forced into psychiatry have died at the hands of the system. While forced psychiatry may be an issue society would rather keep hidden and not talk about, this doesn't make this controversy any less real, as millions of people worldwide have had psychiatry forced on them. MindFreedom envisions a society

where people no longer have to live in fear of psychiatry being forced on them, where human rights apply to all humans, not just those without psychiatric diagnoses.

Why is forced psychiatry so controversial? Nobody denies that people can become very overwhelmed with life, and experience extreme states of mind or exhibit problematic thoughts, feelings and behaviors. Everybody at some point in their lives needs support, and anybody can undergo a crisis, or periods of overwhelm that would get labeled 'madness', or 'psychosis', or 'mental illness'. Growing numbers of people who've experienced these states of mind first-hand, and growing numbers of innovative mental health professionals, are beginning to see that society's response to these problems has been part of the problem, not part of the solution.

More and more people are coming to see the importance of freedom of choice not only in the solutions to mental or emotional problems, but the importance of individuals having the freedom to define what those problems are. Any reasonable person will admit that labels of 'mental illness' are subjective, not objective, and that psychiatry, the dominant profession in this area, is an inexact science. Many would be aware also of the growing body of evidence that psychiatric drugs do cause damage to the brain and body when used long term, and do come with all sorts of risk/benefit trade-offs. Forced psychiatry is controversial because it imposes, by force, a choice made by others on the individual who is going through a crisis, this represents government forcibly defining one's problems, forcibly taking risks with one's body against one's will, and denying choice in treatment, interpretation, and solution.

Forced psychiatry represents government making the assumption that drug-based psychiatry is the 'only way' to be responding to the disparate problems that get labeled 'mental illness'. Forced psychiatry in a very real sense, hands the profession of psychiatry a monopoly on human emotional and mental overwhelm. But if we admit psychiatry is subjective, possesses no biological objective medical tests to prove its assertions that those it labels mentally ill have bona fide 'brain diseases', then it becomes orders of magnitude more controversial that government is granting this profession the power to enter your body by force, against your express wishes.

Even doctors who can prove genuine bodily diseases with objective science, like heart surgeons do, don't have the power to forcibly meddle inside your body. Yet this profession of psychiatry has reserved the right to force itself into your brain, this is at odds with every modern human rights ethic, and must come to an end.

Forced psychiatry usually involves the targeted person losing their right to own their own body. This can be a life destroying experience, and is experienced by many survivors of it, as torture. The United Nations Special Rapporteur on Torture agrees, and has as recently as 2013 called for the abolition of forced psychiatric interventions.

There can be no doubt, to reiterate, that people in mental distress and crisis can present challenges for those around them, but MindFreedom believes there is always a way to respond to our fellow human beings who are in crisis without ripping away their dignity and human rights. Sadly, across the world, mental health systems respond not with compassion and a range of choices and approaches and paradigms, but with a monopolized, psychiatric drug based paradigm, rooted in the theoretical 'medical model' of psychiatry

Millions of people around the world find mainstream psychiatry's drugs, labels and interpretations of their problems compelling and even helpful, MindFreedom acknowledges this.

But it can be difficult for many people to understand why others would object to having a popular chosen creed of 'mental help' forced upon them. MindFreedom is not against voluntary psychiatry, if you've found a solution that you've found helpful in your life, then we are