consultations. These are often intimate and sensitive in their nature, including very personal examinations and very sensitive discussions over his life expectancy. Despite his age and immobility, when determining the security arrangements for these tests and consultations, Isle of Wight prison decided that Mr R should be handcuffed to an escort officer and for two escort officers to remain present, causing him acute embarrassment and humiliation.

According to his lawyer, Benjamin Burrows from the prison law team at law firm Leigh Day, Prison Service policy is clear. “When determining such security arrangements, the prison must not only consider the seriousness of the prisoner’s offence and the risk of harm to the public should they escape, but also their ability and motivation to escape in light of their current illnesses or immobility. This is to make sure that the need for security is balanced with the need for dignity and privacy. In Mr R’s case it seemed clear that, in light of the seriousness of his illnesses and immobility, Isle of Wight prison had failed to engage in this balancing exercise either adequately or at all. Therefore, we challenged Isle of Wight prison’s decision on the basis that it was a breach of Prison Service policy and of his human rights.“

A claim for judicial review was issued, and a Judge granted permission for the claim to go to full hearing. In granting permission, the Judge observed that: “[This] important matter should have the benefit of a full hearing. It is important for a number of reasons, but one in particular. It is well known that the prison estate was not designed for the infirm and for the elderly, and is particularly still not suitable in many cases for prisoners who are both infirm and elderly. Regrettably, for a variety of reasons that are of no concern to this court, the prison population has numbers of those who are both infirm and elderly that has grown and continues to grow. No doubt, on resource grounds, there are continuing concerns as to the appropriateness of the facilities available for such prisoners. One such facility is the need more frequently than for most younger and less infirm prisoners to attend outside the prison for consultations, including the kind of consultations in issue in this case. Therefore . . . it does seem to me to be a matter of public interest as to the decision on the full hearing, as it were, providing a potentially helpful guide for this type of problem in future cases.”

A week before the full hearing, Isle of Wight prison agreed to settle Mr R’s claim. They did so on the basis that they accepted that the security arrangements put into place for his past hospital appointments were “inappropriate” and that the security arrangements to be put into place for his future hospital appointments would be in accordance with Prison Service policy. They also agreed to pay him compensation and costs. Mr R was represented in his claim by Martha Spurrier of Doughty Street Chambers, a recognised expert in prison and human rights law. He was also in receipt of legal aid funding.

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, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, 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,

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'A Presumption Against Imprisonment'

Social Order and Social Values: Imprisonment is a very expensive practice. The financial cost to the public purse can be easily quantified. Alongside this sits a complex mix of further interdependent costs to which it is much harder to attribute a monetary value. These are the human costs faced by those who are imprisoned during their sentence and after their release; the costs faced by their dependents, family and friends; the costs faced by those who work in an increasingly pressured prison system; and the costs to society as a whole.

Data show that, over the last two decades, the use of imprisonment as a form of criminal punishment in England, Wales and Scotland has risen sharply. What is more, our reliance on imprisonment today is acutely out of line with other comparable Western European countries. We have, in a relatively short space of time, come to rely far more heavily than do many other countries on the use of custodial sentences as a means of punishing convicted offenders for their offences.

The urgent question therefore raised by this Report 'A Presumption Against Imprisonment' is whether we need to rely so heavily on imprisonment as a form of punishment. Do we need to imprison so many people, and to do so for such long periods of time? The Report argues that the answer is no.

Instead, we should presume that in the majority of cases a custodial sentence will not be appropriate - or, in keeping with the title of the Report, that we should operate with a presumption against imprisonment. We do not deny that in some cases sending a person to prison will be the most appropriate response to, and punishment for, the crimes that they have committed. But we make the case throughout the Report that this is not true in the majority of cases. Imprisonment should not be the default sentence handed down. We should instead seek to develop a clear framework for identifying the kinds of case in which imprisonment will be the appropriate sentence.

The Report is divided into three parts. The first of these -

Part I - Where We Are Now and How We Got Here - looks at how prison policies and regimes in England and Wales and in Scotland have changed in the last two decades.

Policies have moved away from a view that 'imprisonment can be an expensive way of making bad people worse' to a belief that 'prison works'. The impact on prison populations has been dramatic - the numbers almost doubled between 1992 and 2011 (rising from just under 45,000 to 88,179), despite decreasing crime levels. Statistics show that:

• the total prison population in 2013 was 84,000, up from 45,000 in 1992;

• the proportion of offenders sent to prison after conviction for an indictable offence has risen from one in seven to one in four;

• of those sentenced, a greater proportion are serving long or indeterminate sentences;

• similar trends have been seen in Scotland, despite policies to reduce imprisonment and to prevent sentences of less than three months.

Part I also looks at some of the factors behind our increasing use of imprisonment. Changes to criminal law and policy have seen progressively harsher sentencing regimes, with the introduction of cumulative sentencing, mandatory minimum sentences, indeterminate sentences and automatic life sentences.

There has been a move away from sentencing based on proportionality At the same time, prison regimes now see more overcrowding and emphasise austerity and cost reduction rather than decency and rehabilitation. There are serious questions about both the effectiveness and the morality of this situation, especially given that a high proportion of prisoners face disadvantage or challenges, such as mental health or learning difficulties, abuse, homelessness, drug problems and unemployment. Meanwhile, the costs of imprisonment in England and Wales have doubled from £1.5 billion to nearly £3 billion in the last 20 years. This Report argues that non-custodial sentences and 'justice reinvestment' usually represent a more effective and a more efficient use of resources.

Public opinion and media pressure have had a major influence on penal policy, with politicians often competing to appear tough on law and order to win votes. However, whilst opinion polls may suggest that the public typically think sentencing is too soft - perhaps linked to a climate of perceived threat in a state where 'security' is becoming a dominant theme - those exposed to real cases often find sentencing levels to be appropriate or even too harsh.

Even in Scotland, the government has in recent years found it difficult to achieve its aim of reducing reliance on imprisonment. A policy to avoid sentences of less than three months appears to have contributed to a rise in slightly longer sentences.

Part II - Why Our Imprisonment Policies Should Change - is to set out a series of theoretical, moral and political arguments as to why we should, as a matter of urgency, reduce our reliance on imprisonment and in so doing reduce the number of people in prison. It examines arguments demonstrating how hard it is to justify the use of imprisonment as a form of punishment. It sets this in the context of a prison system under increasing strain, for example through overcrowding; changes in the demographic, socio-economic and faith profiles of the prison population; and greater private sector delivery of Prison Services. All these elements have combined to put downward pressure on quality and the ultimate delivery of successful long-term outcomes for convicted offenders, staff and society as a whole.

Part II then takes brief note of some familiar kinds of argument that aim to show that imprisonment does not return enough benefit to justify the high costs of the system-the financial, material, social and psychological costs that are imposed on prisoners, their families, those who work in the system and our whole society. Such arguments, which are grounded in detailed empirical research into the effects - both the costs and the benefits - of imprisonment, suggest that imprisonment is rarely an efficient or cost-effective means to achieving the aims of a system of criminal justice, whether those aims are understood as the imposition of 'just deserts' on offenders, as deterring future crime, as rehabilitation or reform, or as incapacitation: other methods of responding to crime, other non-custodial forms of punishment, can often achieve what prison is supposed to achieve more effectively and at lower cost.

However, the main aim of Part II is not to rehearse such arguments about costs and benefits but to develop a different kind of argument, one that appeals not to empirical evidence about the effects of imprisonment but to a set of fundamental social and political values -liberty, autonomy, solidarity, dignity, inclusion and security - that penal policy should support and uphold rather than undermine. Such values should guide our treatment of all citizens, including those convicted of criminal offences: we should behave towards offenders not as outsiders who have no stake in society and its values but as citizens whose treatment must reflect the fundamental values of our society (a society in which, even if offenders have been imprisoned, they must find a meaningful life). It is, however, very hard to see how our current use of imprisonment could be said to reflect these social values, or

conspiracy. Firstly, there was a legitimate basis for leaving the finding of the money to the jury as being relevant to the visit by Loveless on 24th Jan, and as being sufficient to show criminal activity in contemplation at that time. Moreover, Wright had provided the car which was used in the importation and there emerged evidence during the trial that he had supplied €1,500 Euros to Laurent in connection with the purchase of firearms. There was also a BBM message linking him to the firearms conspiracy. We do not see that the misdirection affects the safety of the conviction on Count 1, but are satisfied that it undermines the safety of the conviction on Count 3. Accordingly, we quash the conviction on Count 3.

Wright: 67. Appeals against his sentence of 10 years with the leave of the Single Judge. Part of that appeal is rendered moot by the quashing of the conviction on Count 3. That leaves a sentence of 5 years for conspiracy to import firearms.

68. This was a lengthy trial in which the judge had ample opportunity to judge the role of those involved. He formed the view that Wright was a lieutenant of Loveless and involved in a significant role. The fact that he lent the car and provided part of the finance for the firearms justifies that conclusion. We have considered the case of R v Wilkinson [2009] EWCA Crim 1925, in which Lord Judge CJ spoke of the gravity of this sort of crime. This was an importation of no less than five firearms. It seems clear that the conspirators had in mind profiting from the importation by selling them on to criminal gang members. In the circumstances there is no justifiable ground of complaint against a sentence of 5 years after a trial.

69. The appeal against sentence is dismissed.

70. In the light of the quashing of the drugs conspiracy convictions, we considered whether to exercise our powers under Section 4 of the Criminal Appeal Act 1968 as amended to increase the sentences imposed for the firearms conspiracy. We have decided not to do so since in his sentencing remarks relating to Loveless, who received the heaviest sentence, the judge made clear that such adjustment as he made for totality in the overall sentence related to the sentence imposed in relation to the drugs conspiracy and not that imposed on the firearms conspiracy.

Retrial: 71. The Crown has applied for a retrial in all three cases on the drug conspiracy count. We refuse that application in the case of Laurent since we have held that there was no case to answer in relation to him. As to Loveless and Wright, we consider that there should be a retrial and so order. In Loveless' case we have found that there was a case to answer, and in Wright's case it was accepted that there was. Whilst we have commented on the strength of the Crown's case, it appears to us to be a matter for a jury to determine should the Crown choose to proceed.

72. Notwithstanding the procedural history of Loveless' case, which it is not necessary to recite in this judgment, it seems to us that there is a substantial public interest in the trial of serious allegations of the sort represented by Count 3 so that the interests of justice require a retrial in each case. http://www.bailii.org/ew/cases/EWCA/Crim/2014/1679.html

Prison Sued for "Inappropriate" Handcuffing and Escorting of Prisoner

An 80 year-old prisoner, who has both prostate and bladder cancer, has settled his claim against Isle of Wight prison after he was forced to be handcuffed and have two escort officers present during intimate examinations and discussions at his hospital visits. The man, known as “Mr R”, suffers from Chronic Obstructive Pulmonary Disease and spondylitis, as well as both prostate and bladder cancer. The Chronic Obstructive Pulmonary Disease means that he suffers from chronic breathlessness, and the spondylitis means that he is wheelchair bound.

Because of his illnesses, Mr R regularly needs to attend the local hospital for tests and

Lemar Loveless, Lance Laurent, Duran Cecil Wright

1. All three appellants appeal against conviction with the leave of the Single Judge. Wright also has leave to appeal against his sentence.

2. The proceedings took place at Woolwich Crown Court. There was a first trial, during the course of which Loveless was re-arraigned after the service of additional evidence by the Crown. He pleaded guilty to Count 1, conspiracy to import firearms, and Count 2, possession of ammunition without a firearms certificate. As a result of that the jury was discharged and a retrial ordered. Two days before the retrial Laurent was re-arraigned and pleaded guilty to the firearms conspiracy, Count 1.

3. The second trial therefore proceeded against all three appellants on Count 3, a conspiracy to import cocaine. All three were convicted of that count. In addition, Wright was convicted of the firearms conspiracy (Count 1).

4. Loveless was sentenced to 7 years and 18 months concurrent in relation to Counts 1 and 2 respectively, with a consecutive 7 year term in relation to the drugs conspiracy, making 14 years in all. Laurent was sentenced to 6 years 6 months on Count 1, with a consecutive term of 5 years 6 months for the drugs conspiracy, making 12 years in all. Wright was sentenced to 5 years on Count 1, with 5 years consecutive on Count 3, making a total of 10 years.

5. There were two co-accused; Trave Dyce pleaded guilty to Counts 1 to 3, and was sentenced to a total of 7 years 6 months imprisonment. Romone Marshalleck was convicted of Count 1. He was sentenced to 6 years 6 months imprisonment. - Safety of Convictions

Loveless: 60. We have found that the judge wrongly admitted the evidence of Parisi's previous convictions. That was part of the material in a relatively weak circumstantial case which sought to implicate Loveless in the drug conspiracy. The judge himself said that it provided particular support in relation to his decision that there was a case to answer.

61. Whilst we have found that even leaving the Parisi evidence to one side, there was a case to answer, we have serious concern that the Parisi convictions may have had the effect of detracting from a point upon which the defence set considerable store, namely the absence of any drug references in the extensive BBM messages.

62. The admission of the Parisi evidence, wrong as it was, could well have led the jury to supply an answer to an evidential gap in the Crown's case. There was no evidence as to at what point on its journey from Germany the drugs had been placed into the boot of the car. The provision of material to the jury linking Parisi to drugs may well have had the effect of driving them to the conclusion that Parisi was responsible for the drugs in circumstances where we have held that the evidence could not legitimately be used for that purpose.

63. The effect on the case of Loveless, and indeed Laurent, is in our judgment clearly prejudicial. We have come to the conclusion that Loveless' conviction on the drugs conspiracy cannot in the circumstances be regarded as safe, and we quash that conviction.

Laurent: 64. Our judgment is that the Parisi bad character evidence should not have been admitted and that without it Laurent had no case to answer. The Crown's argument in his case, (as in the other two cases), that involvement in the firearms conspiracy suffices to provide a case in relation to the drugs is unsustainable. Accordingly, his conviction is quashed.

Wright: 65. In his case we have upheld a submission as to the judge's directions in relation to the money found. The impact of that misdirection seems to us to relate to the conviction for the drugs conspiracy as the finding of the money was left to the jury as a factor to be considered in relation to knowledge of drugs in the boot of the car.

66. We are not persuaded that the misdirection has any impact on the conviction for the firearms

such a recognition of those whom we imprison as fellow members of our political society who must be treated consistently with its defining values.

This line of argument about the fundamental social values that should structure our penal policies, and about the implications of those values for the use of imprisonment, should persuade us that we ought not to rely on imprisonment as a punishment as heavily as we now do; we should instead operate with a strong presumption against imprisonment. That presumption can certainly be rebutted: sometimes imprisonment is an appropriate or necessary sentence. But it should not be easily overcome: in many cases we should find other ways of responding to the criminal conduct of offenders who are currently sentenced to imprisonment.

Part 111- Strategies for Reducing the Prison Population - explores some ways in which a presumption against imprisonment could be given practical force and could thus help to reduce our excessive reliance on imprisonment. It argues that real change will not be brought about solely by changes to the sentencing system. The appropriate social and political conditions also need to be in place, if change is not to be short-lived. Three overarching issues arise:

- policymaking needs to take place in a longer-term context, with greater separation of sentencing policy from the political process;
- respect for criminal justice expertise needs to be rebuilt, with aspects of policy assigned to representative and expert institutions; and
- changes must cover the whole criminal justice system (not only the use of imprisonment) and make links to wider areas such as health, education, employment and social services.

With these issues addressed, a range of strategies could be applied to reduce reliance on imprisonment and put a presumption against it into force. Six key strategies are discussed:

1. Using diversion from the courts more extensively 2. Promoting greater use of alternative forms of sentence 3. Prohibiting or restricting the imposition of short custodial sentences 4. Removing or restricting the sanction of imprisonment for certain offences 5. Reviewing sentence lengths 6. Removing mentally disordered and addicted persons from prisons

All six strategies address the problem directly, but each strategy raises challenges. These include tests of political resolve, tests of the authority of the legislature and the Sentencing Council, and the need to consider the criminal justice system as a whole, not just the sentencing system. However, if implemented, the strategies would strike powerful blows for justice and humanity and lead to a substantial reduction in prison numbers.

The Report makes specific proposals associated with each of the six strategies (see box below). In addition, we outline three further proposals. These relate to the situation of prisoners facing indeterminate sentences of Imprisonment for Public Protection (IPP) and to institutional developments to facilitate change, such as mechanisms for reviewing sentencing and reducing the degree of politicisation involved. One example is the creation of a Penal Policy Committee, which would combine wide representation and expertise and distance sentencing decisions from day-to-day political and media pressures.

Specific Proposals linked to the six strategies for reducing the prison population

i) Introduce a presumption that low-level offenders be dealt with out of court. ii) Deal with more offenders by means of financial penalties and community-based sanctions rather than incarceration. iii) Prohibit courts from imposing prison sentences below a certain length; or Create a presumption against imposing such a sentence unless there are exceptional circumstances (instead, courts would be required to impose either a suspended custodial sentence or a community sentence).

iv) Remove imprisonment as the maximum penalty for certain offences, or whole categories of offences, altogether. v) Review sentence lengths in relation to those of other European countries, including maximum penalties and mandatory minimum sentences, and for murder and drug offences. vi) Remove mentally disordered offenders, offenders with learning difficulties and those suffering from drug or alcohol addiction from prison, through investment in and transfer to more appropriate facilities, treatment and rehabilitation.

Overarching institutional proposals: vii) Consider the introduction of a new Penal Policy Committee. viii) Urgently review the case of each IPP prisoner who has served the minimum term, with a view to release. ix) Mandate the Sentencing Council to take a fresh look at its statutory duties and powers in relation to the costs and the effectiveness of different forms of sentence.

Implementation of these proposals would better integrate the values of liberty and public safety. It would mean that fewer people are imprisoned and that fewer people receive very lengthy sentences. The financial and human costs to individuals and wider society would be reduced both in absolute terms and in a way that that is consistent with the values of the liberal, cohesive and inclusive society in which we wish to live.

Totally Without Merit

The phrase "totally without merit" is now firmly embedded in our Civil Procedure Rules. It is perhaps unfortunate that the word "merit" is included in the phrase. We are familiar with the notion of a claim being meritorious or having merit, connoting the idea that the claim is just or "is in accordance with the merits", but the word "merit" in the phrase "totally without merit" does not have this meaning. Although the court always seeks to do justice, the purpose of "totally without merit" is to enable the court to root out claims which are bound to fail, and, for the reasons given by my Lord, I would construe that phrase as meaning "bound to fail". *Lord Justice Maurice Kay*

CPS to Prosecute Firearms Officer Who Shot Azelle Rodney For Murder

The Crown Prosecution Service has concluded there is sufficient evidence and it is in the public interest for the officer, known as E7, who shot and killed Azelle Rodney on 30 April 2005, to be prosecuted for murder. However, the CPS also determined that no charges should be brought against the Commissioner of Police of the Metropolis, as the corporation sole, under the Health and Safety at Work Act. The Azelle Rodney Inquiry, which was held in place of an inquest, concluded on 5 July 2013 with the Chairman of the Inquiry, Sir Christopher Holland, finding that E7 did not have a lawful justification for killing Mr Rodney. The report also found that there were serious failures by the Metropolitan Police in the planning and control of the pre-planned armed operation which led to Mr Rodney's death.

Susan Alexander, Azelle Rodney's mother, said: "I am very pleased at the CPS's decision to prosecute the officer who killed my son. I have waited a long time to see this day and hope this prosecution will lead to justice for Azelle. Whilst I am disappointed at the decision not to prosecute the Commissioner in relation to the failures which were found by Sir Christopher Holland regarding the planning and control of the operation, his report makes clear that there were significant failures on the part of the Metropolitan Police and we deserve an immediate and unreserved apology for those failures."

Daniel Machover of Hickman and Rose, solicitor for Susan Alexander, said: "Azelle's family welcomes the decision of the CPS. It is now over nine years since Azelle died and his family therefore looks forward to prosecutions taking place as speedily as possible in order that justice for

vices are required to help ease the burden. We are not exempt from that and have reduced our overall budget by 24%, through sensible and well-considered reforms, commended by the National Audit Office. As with any significant period of change - coupled with prison population increases higher than expected - it has been a challenge. We are responding to and managing the additional pressures but prisons are still running safe and decent regimes." Mr Grayling defended the 10 per cent rise in absconds, claiming the numbers are still 80 per cent lower than they were a decade ago. The majority of absconds are from open prisons.

Shadow justice secretary Sadiq Khan said: "The true scale of the growing crisis in the country's prisons is revealed by the Government's own data. Violence, deaths in custody up, number of prisoners on the run is up. The Government is trying to hide the sheer scale of the failings in the MoJ from the public by trying to pretend there's not a problem, let alone a crisis."

Nicholas West Jailed on Historic Indecent Assaults - Conviction Quashed

Jailed in 2013 for 12 years on historic indecent assault allegations - overturned on appeal 11 June 2014. The trial judge misdirected the jury on the significance of the delay in reporting the alleged abuse, and the absence of any continuing abuse and/or threats; the jury was not instructed that they must be sure that complainant was telling the truth. The following summary is culled from the SAFARI newsletter http://safari-uk.org/newsletters/No99.pdf

The Court of Appeal ruled that there had been significant problems with the trial Judge's summing-up, where he failed to remind the jury about the significance of the standard of proof required. Without a direction on the standard of proof, observations made in the summing-up "could well give the jury the impression that they simply had to decide who to believe; was it more likely that the complainant was telling the truth, or the defendant? In fact the jury had to ask itself if they were sure that the defendant was guilty, and that meant that they had to be sure that the complainant was telling the truth. Anything less than that demanded an acquittal." The trial judge had also, in the view of the Court of Appeal, failed to give adequate direction to the jury concerning the effect of the long delay before complaints were made. "… this was a case where the judge ought to have emphasised that if the jury considered that the defendant may have been prejudiced by the delay, they ought to have regard to that fact when considering whether the prosecution had made them sure of the defendant's guilt."

In addition, the trial judge had failed to draw the jury's attention adequately to a number of issues: he did not point out that there had been no intimidation or threats which would account for a delay; and he did not remind the jury that there had been no complaints of any wrongdoing of any kind in the intervening time between the alleged offences and the time the complaints were made. Although he had referred earlier to the point that nobody else living in the small house had heard anything or had any suspicions, the fact that the complainant had voluntarily remained in contact with Nicholas well into adulthood, and that the complaints had not arisen until after a long period of time had elapsed, they ruled: "where there is no independent supporting evidence and everything turns on the veracity of the complainant with respect to historic offences, it was highly desirable that the judge should, albeit briefly, have brought these points in the defendant's case together so that if the jury convicted, they would do so with a full understanding of the factors which might undermine the prosecution case." They considered that "the summing up was defective and we cannot say that the verdicts would necessarily have been the same had an appropriate summing up been given."

Case: R v Nicholas West [2014] EWCA Crim 1392

European Arrest Warrant (EAW). It is proposed under Article 82(2)(b) of the Treaty on the Functioning of the European Union. Accordingly, the UK's Title V opt-in applies. The Commission's EM accompanying this proposal explains that in the Commission's view a lack of common rules at a European level leads to a lack of mutual trust and recognition across the Union. As children are regarded as vulnerable, it argues, they require elevated and specific safeguards.

Of course the Government supports the principle that children that become engaged with the law enforcement agencies and the criminal justice systems are vulnerable and need special protection. UK laws and practice reflect this and there is a raft of protective measures in place to help and support these children. For example, the Police and Criminal Evidence Act 1984 ("PACE") and associated PACE codes set out the rules for the treatment of children accused or suspected of a criminal offence. This framework provides actions to protect children being held by the Police and other judicial authorities. However, the proposed Directive would establish different rules. The Government is not convinced those rules would represent an improvement in the support and protection of young people in the UK from those that already exist here. Some aspects of the proposed rules would require some significant changes to UK arrangements to no obvious benefit. For example, UK laws are nuanced and recognise that children of different ages may require different levels of protection. By establishing the definition of a child at one level the proposal would change that. The laws of the UK also recognise that in certain limited circumstances it is necessary to detain children for a period of time, for example if it is necessary to secure or preserve evidence relating to an offence or to obtain evidence via questioning The proposal would seem to seek to alter those arrangements. Further, the proposal suggests some new arrangements which the Government considers to be disproportionate if applied to all cases, for example the requirement to audio-visually record almost all interviews. This is not common practice in the UK; all interviews are audio recorded but there is very little routine use of audio-visual recordings.

The Government has therefore decided that the UK will not be opting in to this Directive and the UK will not be bound by the outcome. That position can of course be reconsidered at the conclusion of the instrument if there have been changes which address the above concerns.

Prison Suicides Soar by 69% in a Single Year *Source: Independent*

Prison suicides have hit their highest rates in nine years, official figures have shown, on a difficult day for the Ministry of Justice that laid bare the state of the UK's prison system. Official figures show that the number of people taking their own life while in prison has soared by 66 per cent in the 12 months to the end of March this year, marking its highest rate since 2005.

The number of suicides or self-inflicted deaths rose from 36 to 88 in the time period. The figures were published among a range of statistics showing a leap in escaped prisoners, a rise in the number of jails considered to be "of concern" and a surge in assaults on prison staff. The number of serious assaults in prisons have risen by 30 per cent while the number of offending behaviour programmes completed in and out of custody – which are designed to reduce the amount of re-offending, included those targeted at sex offenders and drug abusers, has fallen.

Prison governors have repeatedly warned that jails have been struggling to cope with a record population of over 85,000 inmates, while having to oversee budget cuts of up to 24 per cent over the past three years, the Guardian reports. Deaths in custody are also on the up, with jumping by nearly a quarter over the 12 month period, with a total of 225 inmates dying in jail.

Justice Secretary Chris Grayling said: "In this current economic climate all public ser-

Azelle can be achieved and they can then look at trying to rebuild their lives. In respect of the CPS's decision not to prosecute the Commissioner, Ms Alexander awaits the reasoning of the CPS and will consider her options accordingly. However, what is already very clear from the report of the Chairman of the Azelle Rodney Inquiry is that, through the Metropolitan Police Service's failures in the planning and control of the operation, Azelle Rodney's right to life was breached. The Commissioner should publicly apologise to Ms Alexander for these failures."

INQUEST has been working with the family of Azelle Rodney since his death in 2005. The family is represented by INQUEST Lawyers Group members Daniel Machover and Helen Stone of Hickman and Rose, and Leslie Thomas QC of Garden Court Chambers and Adam Straw of Doughty Street Chambers. Neither the family, INQUEST or the solicitors will be making any further comment at this time.

Government Ends Ban on Steel-String Guitars in Prison Cells

A ban on steel-string guitars in prison cells in England and Wales has been reversed after a campaign by rock stars including Billy Bragg and Johnny Marr. Prisoners had been unable to play the instruments outside supervised sessions since rules were changed last November. Bragg, Marr, Pink Floyd's David Gilmour and Elbow's Guy Garvey were among the guitarists who signed a letter saying the move undermined rehabilitation. The government said the rules had been relaxed after feedback from governors. However, a Ministry of Justice spokesperson said rules preventing prisoners from receiving books would remain in place.

Billy Bragg founded Jail Guitar Doors, a scheme that has sent around 350 to prisons since 2007. Most were steel-stringed, he said. "As an incentive to engage in rehabilitation individual access to steel strung guitars can really help the atmosphere on a prison wing," the musician said. "I've had a number of projects involving guitars on hold which now will be able to go ahead, and will allow those using music in prisons to get on with this important work." The ban was introduced in November as part of a wider tightening of the privileges that prisoners were allowed. Inmates will still need to earn the right to have the instruments through good behaviour. A Ministry of Justice spokesperson said: "Following feedback from prison governors, we have made a few minor adjustments to the property prisoners are allowed to have. These are still subject to individual risk assessments and can be refused by governors. As a result of this government's reforms, prisoners are now expected to engage with their rehabilitation and comply with the regime. Those who don't will have privileges withdrawn."

Prisoners: Gypsies, Romany and Travellers *House of Lords /29 July 2014 : Column WA301*

Baroness Whitaker: hat is the Government's response to the recommendations in the report by HM Inspectorate of Prisons People in prison: Gypsies, Romany and Travellers that there should be further research into the reasons why people from those communities are in prison and how they are supported; and that the number of young people of Gypsy, Romany and Traveller background in Secure Training Centres should be investigated.

Minister of Justice Lord Faulks: The Ministry of Justice is considering how best to take forward Her Majesty's Inspectorate of Prisons (HMIP) report recommendation for research into the reasons why people from Gypsy, Roma and Traveller (GRT) communities are in prison.

To address the historically low declaration rates of GRT prisoners and to improve the support received by GRT prisoners, the National Offender Management Service (NOMS) has carried out extensive work to increase the declaration rates of GRT prisoners including work

to increase the confidence of GRT prisoners to declare their ethnicity.

In March 2014, NOMS implemented a new tool to monitor various outcomes for prisoners against a range of protected characteristics, including GRT prisoners. NOMS is now monitoring outcomes for this group of prisoners.

The Youth Justice Board (YJB) commissioned and jointly published (with HMIP) the report: 'Children and Young People in Custody 2012-13: An Analysis of 12-18 year olds' perceptions of their experience in secure training centres'. This was the first published annual summary of children and young people's self-reported experiences and perceptions from surveys carried out with young people in each of the four Secure Training Centres (STCs). The YJB will continue to commission these reports and monitor the findings from this survey in future years to gain a better understanding of the representation GRT young people within STCs.

Joanna Michael Family in Supreme Court Negligence Fight *BBC News*

The family of a woman, who had made 999 calls for help before she was stabbed to death by her boyfriend, will take a negligence claim against two police forces to the Supreme Court. Joanna Michael, 25, from St Mellons, Cardiff, rang 999 twice before Cyron Williams killed her in August 2009. She was heard screaming during the second call before the line went dead. The Independent Police Complaints Commission (IPCC) said she was failed by South Wales and Gwent police. On the night of the killing, 19-year-old Williams broke into Ms Michael's home and found her there with another man. He launched an attack on Ms Michael whose young children were in the house at the time. She made two emergency calls for help but in the 22 minutes it took officers to respond she had been fatally stabbed 72 times by Williams. Williams was jailed for life in March 2010 with a recommendation that he serve 20 years, after admitting murder at Cardiff Crown Court.

Following the case, the IPCC investigated and concluded Ms Michael "was failed by Gwent Police, South Wales Police and the 999 system itself". Its then commissioner Tom Davies said: "The simple fact is that at 2.29am when Joanna called 999 an immediate police response could have got to her house in five minutes. Because of all the various failings the emergency response did not arrive until 2.50am, when she had already been stabbed, probably at about 2.45am."

In 2011, Ms Michael's family won the right to try to bring a claim for damages against both police forces. But it was thrown out by the Court of Appeal because police officers have immunity from negligence claims. Charities Refuge and Liberty are expected to claim at the Supreme Court that such immunity leaves police unaccountable "when they fail women and children". Director of Liberty Shami Chakrabarti said: "One incident of domestic violence is reported every 30 seconds and two women a week are killed by a male partner or ex-partner. Joanna could be alive if the authorities had fulfilled their duties under the Human Rights Act. They can't be allowed to hide such failings under the cloak of police immunity."

Extradition; Prison conditions; Romania

Florea v The Judicial Authority Carei Courthouse, Satu Mare County, Romania -

The present appeal raises a new point not taken below namely that return would be contrary to the appellant's human rights and thus barred by s.21 Extradition Act 2003. As this is a human rights point taken on the basis of current circumstances in Romania, no objection has been taken by the respondent to this new ground being raised. The appellant contends that in the light of present prison conditions in Romania, a return to a three year sentence in that country will con-

considered then the enforcement authority is advised accordingly.

There are four conditions: 1) Consumption of alcohol must be an element of the offence before the court, or the court must be satisfied that consumption of alcohol was a contributing factor to the commission of the offence. 2) That the court must be satisfied that the offender is not dependent on alcohol. 3) That the court must not include an alcohol treatment requirement (under section 212 of the 2003 Act) in the order. 4) That the court must have been notified by the Secretary of State that arrangements for monitoring have been made in the local justice area.

A court has the power to order an offender either to abstain from consuming alcohol for a specified period or not to consume alcohol so that during a specified period they have a level of alcohol higher than a level specified by the order in their body. An offender on whom such a requirement is imposed would have to submit to monitoring for the purposes of ascertaining whether they were complying with the requirement under new section 212A(1)(a). Section 212A(2) limits the maximum period of the new requirement to 120 days.

Government Opts Out of EU Progressive Criminal Proceedings Rights

Minister of State, Lord Faulks: The Government on 18 March 2014 decided not to opt in to any of the three EU criminal procedural rights proposals listed above which were all published by the European Commission ("the Commission") at the same time. These decisions were debated in the other place on 18 March 2014. Explanatory Memoranda for each proposal have previously been deposited in Parliament.

The Commission produced a legislative proposal on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings which aims to establish common rules in matters it has identified as relevant to "the presumption of innocence". It is proposed under Article 82(2)(b) of the Treaty on the Functioning of the European Union. Accordingly, the UK's Title V opt-in applies.

The Commission's accompanying Explanatory Memorandum (EM) explains that it considers that the issue of the presumption of innocence may have a bearing on the mutual trust between Member States and therefore on the effective application of mutual recognition measures. However, the Government does not believe that the case has been at all made to demonstrate the need for EU action in this area. Indeed the Commission's own EM suggests that there is limited evidence to suggest there is a demonstrable problem with the current arrangements. This House, on the recommendation of the European Scrutiny Committee, had expressed similar misgiving about the need for the proposed legislative instrument and issued a Reasoned Opinion to the Commission indicating that that it had failed to satisfy the subsidiarity principle.

The proposal would require some significant changes to UK laws and practice if it were accepted in its current form. For example the very limited circumstances in which adverse inferences can be drawn from a defendants silence or refusal to co-operate would likely have to be changed. Of course the presumption of innocence is a long-standing principle of the common law and UK laws that place exceptions upon this principle have been found to be compliant with the European Convention on Human Rights. The Government therefore considers the proposal to be unnecessary and unwelcome and has concluded that the UK should not opt in to the proposal. UK will therefore not be bound by the outcome.

The Commission's also proposed a Directive on procedural safeguards for children suspected or accused in criminal proceedings. This aims to establish common rules regarding the treatment of children suspected or accused of a criminal offence or the subject of a

fire because he believed his life and that of bystanders was at risk.

But some of the most notorious incidents of recent times have not ended up in a criminal court. Harry Stanley was killed in 1999 by police after reports that he had a gun in a bag. The gun later turned out to be a table leg, but the CPS said there was not enough evidence to suggest the two officers were not acting in self-defence.

Abuse Convictions Cause Leap in Prisons' Sex Offender Population

The prison sex offender population has doubled in ten years, fuelled by the jump in historic abuse convictions. One in eight inmates in British jails is a sex offender, with the population now at 11,150, the Daily Mail reported. Eight prisons in the UK now solely house sex offenders, and special treatment programmes have been set up to cope with the jump in numbers.

“Anti-libidinal” drug treatments used to suppress sexual behaviour are being tested in pilot projects in some prisons, according to the newspaper. In June Justice Secretary, Chris Grayling, suggested that sex offenders including paedophiles accounted for almost half of the increase in people in jail over the last year in England and Wales.

Contempt of Court: Juror Misconduct and Internet Publication

Minister of State, Lord Faulks: I wish to make the following Statement to the House announcing the Government’s response to the Law Commission’s report “Contempt of Court: Juror Misconduct and Internet Publication”, which was published on 19 December 2013.

The Government broadly accepts the Law Commission’s recommendations concerning juror misconduct and has introduced provisions in the Criminal Justice and Courts Bill that would implement recommendations to create new offences and provide powers for judges to require jurors to surrender electronic communications devices. The Government also accepts that the Law Commission’s recommendations concerning strict liability contempt represent a balanced and measured proposal and two clauses were included in the Bill at introduction to implement the measure. However, as announced in the former Attorney-General’s Written Statement of 30 June to the House, the Government has decided not to pursue the measure and has introduced amendments to omit the clauses from the Bill.

The Government does not intend to take forward the recommendations concerning a specific defence for disclosure of juror deliberations to the Criminal Cases Review Commission or an exception to the disclosure offence allowing approved academic research. Decisions on whether to accept the recommendations concerning juror information and education will be deferred until after enactment of the Bill so that they can be considered alongside implementation of measures in the Bill.

Compulsory Wearing of Alcohol Detention Ankle Tags Now in Force

Alcohol Abstinence and Monitoring Requirements will be available as part of community orders (or suspended sentence orders) with effect from 31st July 2014 (SI 2014/1777), but initially piloted only in the South London Justice Area (comprising Croydon, Lambeth, Southwark and Sutton). The requirement is brought in to force by section 76 LASPO 2012, which introduces a new section 212A into the Criminal Justice Act 2003. Orders will be enforced by means of a transdermal electronic tag (SI 2014/1787). These are tags fitted around the ankle of an offender that measure the level of alcohol in an offender’s sweat at set points throughout a 24 hour period. The tag provides data to a central monitoring point where it is analysed to check for compliance. If there are indications that a breach has occurred or should be

travene Article 3 European Convention on Human Rights (ECHR) because there are substantial grounds for believing that serving such a sentence in a Romanian prison, absent special arrangements, presents a real risk of inhuman or degrading treatment by reason of overcrowding.

Held: We conclude that it would be a breach of this appellant's human rights if he were to be returned to serve his sentence in any prison where he had two square metres or less of personal space. If the state were able and willing to provide undertakings that the appellant would serve his sentence in semi-open conditions in a cell where he had personal space in excess of two metres, we would not be satisfied that there where substantial grounds for believing that there was a real risk of a violation of Article 3 by reason of overcrowding. In reaching this conclusion we are merely deciding the appeal on the particular facts of the case and not attempting to set new standards for Romania or elsewhere.

The appellant is at liberty and with the imminence of the vacation we consider that we should give the respondent until 4.00pm 1 September 2014 to provide to the appellant and this court the undertaking in the terms sought. The appellant will then have until 4.00pm 8 September to inform the respondent and this court whether he disputes the sufficiency of the undertaking. If he does the case will need a further hearing; if not orders will be drawn up disposing of the appeal without a hearing. *http://www.bailii.org/ew/cases/EWHC/Admin/2014/2528.html*

Ending Violence Against Women Must Become a Top Priority

On August 1, the Istanbul Convention, a landmark treaty of the Council of Europe dedicated to preventing and combating violence against women and domestic violence, will enter into force. It could not come at a better time. Violence against women remains one of the most widespread human rights violations which takes place every day in Europe; intimate partner violence is still among the major causes of non-accidental death, injury and disability for women. This tragic situation stems from a variety of social, economic and cultural reasons, but a common background condition is glaring inequality between men and women. The Convention has the potential to become a powerful driver in making progress on this pressing human rights issue.

If we look at available data, we can better grasp the urgency of the situation. It is estimated that at least 12 women are killed by gender-related violence in Europe every day. In 2013, available statistics showed that domestic violence claimed the lives of 121 women in France, 134 in Italy, 37 in Portugal, 54 in Spain and 143 in the United Kingdom. In Azerbaijan 83 women were killed and 98 committed suicide following cases of domestic violence, while data collected by the media in Turkey reported that at least 214 women were killed by men last year, mainly because of domestic violence and often despite these women having asked the authorities for protection. Available data covering the first six months of 2014 in many European countries continue to show such alarming figures.

A recent UN study indicates that lethal domestic violence accounts for almost 28% of all intentional homicides in Europe. Women are more likely than men to be killed by people close to them: while intimate partner or family-related violence is responsible for 18% of all male homicides, the number rises to 55% when it comes to women. These rates vary from country to country, but the phenomenon is present across Europe, with 89% of women killed being murdered by a partner or family member in Albania, 80% in Sweden and 74% in Finland. If we look at non-lethal domestic violence, the picture is equally grim: in Ukraine, for example, 160,000 cases of domestic violence were registered in 2013 and a survey showed that 68% of women suffered abuse in the family. In Ireland, in 2012 almost 15,000 cases of domestic violence were registered.

Violence against women is not limited to inter-partner and family relationships, a fact largely recognised by the Istanbul Convention, which also addresses forms of gender-based violence such as stalking, sexual harassment, sexual violence and rape. As shown by a representative survey published last March by the EU Fundamental Rights Agency (FRA), one in five women (22%) has experienced physical violence by someone other than their partner since the age of 15. As concerns stalking, which nowadays includes cyber-stalking, in the EU-28, 18% of women have experienced stalking since the age of 15, and 5% of women have experienced it in the 12 months before the survey interview. This corresponds to about 9 million women in the EU-28 experiencing stalking within a period of 12 months. 45% of women in the EU have experienced sexual harassment at least once during their lifetime.

The entry into force of the Istanbul Convention is to be welcomed also because it will contribute to ending forced marriage, female genital mutilation, and forced abortion and sterilisation. Europe is not immune to these forms of violence: in its 2012 Resolution, the European Parliament estimates that around 500,000 women and girls live with female genital mutilation in the European Union while 180,000 others are at risk of being subjected to the practice every year.

However huge, these are only conservative numbers as women tend to underreport cases of violence, mainly because of little trust in law enforcement bodies. This is understandable as all too often state institutions have been unresponsive to those women who find the courage to report. As the case-law of the European Court of Human Rights shows, states not only often fail to protect them, but they also fall short of their obligations to duly investigate cases of gender-based violence, to offer effective remedies and to adopt adequate measures to prevent further violence. An illustration of this failure is a recent case where the French state was ordered by a national court to pay compensation to the family of a young woman killed by her ex-partner because the "wrongful and repeated failure of the gendarmerie (constituted) gross negligence directly and unquestionably linked with the murder".

This lack of sensitivity to victims among the police is illustrative of states' neglect of women victims of violence. A recent analytical study carried out by the Council of Europe shows that, although initial vocational training on violence against women is provided to the police in 44 of its 47 member states, only 29 of them offer further specific training to their police officers. This lack of training may well be one of the reasons for the poor record of the police in many countries in dealing with victims of domestic violence. Reports show that in some cases police officers tried to persuade women not to file a complaint. In other cases, their behaviour showed both contempt for human dignity and their own sense of impunity. A telling example is what happened in the United Kingdom, where two police officers offended in a vulgar manner a 19-year old woman who intended to lodge a complaint for domestic violence. The case prompted public outrage and political condemnation and the officers are currently under investigation. But the damage remains and an unfortunate signal has been sent to women by the police. Moreover, a report shows that the lack of police responsiveness to victims of domestic violence in the UK is far from being confined to this individual case.

This lack of responsiveness is further compounded by inadequate victim support. Places in women's shelters are largely insufficient and the austerity measures adopted in many countries have further reduced them, thus increasing women's vulnerability. In Sweden, statistics show that 60% of abused women are denied a place in shelters. In the UK, too, funding cuts risk exposing thousands of victims to new or repeated cases of violence.

Reduced resources also translate into more threats to the health of women who are victims of

for an innocent person to defend themselves once accused of medico-murder.'

Is this fiction? No it is real life. Truth is stranger than fiction. This is the true story of Lucia de Berk, Ben Geen, Colin Norris, and Susan Nelles. This can happen to another innocent nurse, somewhere in the world, today. And when I say in the world I mean: in England, Scotland, or Wales; in Canada, Germany, France; in Norway or Denmark … Perhaps even in America (they seem to have more real serial killers there, but perhaps that is because they ahve the death penalty). And here's the bad news: because of medical collegiality no medic is ever going to speak up about this. There will not be a legal 'new fact'. There is no reason whatever for the legal system to review the case. You're sunk mate, up shit creek without a paddle. Better to admit guilt and get the horror over with bit sooner.

Innocent Man Pepper-Sprayed to Death by Police *Lizzie Dearden, Indpendent*

Police pepper-sprayed an innocent man suffering an epileptic seizure and bundled him into a van without realising he was having a heart attack from which he never recovered, according to his devastated family. The 32-year-old, whose relatives wish to remain anonymous, is believed to have had cardiac arrest in the van and fell into a coma before dying two days later in hospital. Police attempted to revive the man when they realised he was unconscious.

The man's father, who did not want to be named, said his son had been spending his evening with his girlfriend and friends on Saturday in Haywards Heath, Sussex. When he fell into a complex partial seizure, a neighbour mistook his shouting for an argument and called the police. His aunt said the officers arrived while as their suspect walked out of the house into the garden, unaware of his surroundings – behaviour that was routine for her nephew and is well-known among epilepsy sufferers. "He wandered out into the garden as the police arrived and they assumed he was violent. His girlfriend told the police he was having a seizure, she shouted at them to stop, but they ignored her. They tasered him twice and pushed him to the ground and three police officers sat on his chest to restrain him, at which point he had a heart attack. But they didn't realise and put him in the van." They stopped the van in a nearby road and took the man out to administer CPR before an ambulance took him to the Princess Royal Hospital shortly after midnight on Sunday. Relatives believe he had already gone into cardiac arrest and said he was unconscious in a coma until he died in hospital on Tuesday.

Sussex Police denied tasers were used in the restraint but would not comment on other allegations, including that pepper spray was used. The force referred the investigation to the Independents Police Complaints Commission (IPCC), which launched a witness appeal and has sent officials to examine the scene and take statements from the officers involved.

Two Trials in 20 Years for Police Shootings

Fatal shootings by police are rare; prosecutions of officers rarer still – and convictions are non-existent. The only two cases where on-duty police officers have stood trial in the last 20 years for murder by shooting have resulted in not guilty verdicts.

The most recent case, in 1998, was the close-range shooting of a naked, unarmed, half-asleep man, James Ashley, at a flat in St Leonards by Sussex police. The judge ruled that prosecutors could not prove that PC Chris Sherwood was not acting in self-defence during the raid. Mr Ashley had a conviction for manslaughter but he was not armed as had been suggested during intelligence briefings. Senior officers later accepted the raid should never have gone ahead. PC Patrick Hodgson was acquitted of murder in a 1997 after opening fire on David Ewin, who was trying to escape from officers in a stolen car. The officer said he opened

months and stuck in their minds. The scary nurse had also stuck in their minds, and they connect the two. They go trawling and soon they have 20 or 30 'incidents' which are now bothering them. They check each one for any sign of involvement of the scary nurse and if he's involved the incident quickly takes on a very sinister look. Hindsight, right? On the other hand if he was on a week's vacation then obviously everything must have been OK and the case is forgotten.

5. The hurried medical conference: Another conference, gather some dossiers – half a dozen very suspicious cases to report to the police to begin with. The process of 'retelling' the medical history of these 'star cases' has already started. Everyone who was involved and knew something about the screw-ups and mistakes says nothing about them but confirms the fears of the others. Medical collegiality. That's a relief. There was a killer around, it wasn't my prescription mistake or an oversight of some complicating condition. The dossiers which will go to the police (and importantly, the layman's summary, written by the coordinating doctor) does contain 'truth' but not the 'whole truth'. And there is even more truth outside the hospital dossiers (a culture of lying, the covering up of mistakes). Anyway a lot of the information in the dossiers is wrong, corrupted; misclassifications galore, important documents are lost, important forms never got filled in properly. Medical care is not an exact science. According to recent NHS statistics many men are in NHS hospitals because of pregnancy – their own pregnancy see here.

6. The police: The police are called in, an arrest is made, there is of course an announcement inside the hospital and there has to be an announcement to the press. Now of course the director of the hospital is in control – probably misinformed by his doctors, obviously having to show his 'damage control' capacities and to minimize any bad PR for his hospital. The PR department, the management, the legal department, are all working full throttle in this damage control exercise. The whole thing explodes out of control and the media feeding frenzy starts.

A witch hunt, followed by a witch trial: Then of course there is also the bad luck. In the case of Ben Geen it was the syringe. It was alleged that between December 2003 and February 2004, at least 17 patients suffered respiratory arrests for unknown reasons, and Geen was on duty during these incidents. He was arrested in 2004 and an empty syringe found in his pocket. He had a perfectly good innocent explanation for why the syringe was there, which moreover corresponds to what was actually in it, but you won't find that reported in the media. Instead you will find statements that it contained a toxic combination of drugs … pure fantasy.

This is what Wendy Hesketh (she's a lawyer, writing a book on the topic) wrote: 'I agree with your view on the "politics" behind incidences of death in the medical arena; that there is a culture endorsing collective lying. Inquries into medico-crime or medical malpractice in the UK seem to have been commandeered for political purposes too: rather than investigate the scale of the actual problem at hand; or learn lessons on how to avoid it in future, the inquiries seem designed only to push through current health policy.' 'The establishment wants the public to believe that, since the Shipman case, it is now easier to detect when a health professional kills (or sexually assaults) a patient. It's good if the public think there will never be 'another Shipman' and Ben Geen and Colin Norris being jailed for 30 years apiece sent out that message; as has the string of doctors convicted of sexual assault but statistics have shown that a GP would have to have a killing rate to rival Shipman's in order to have any chance of coming to the attention of the criminal justice system. In fact, the case of Northumberland GP, Dr David Moor, who openly admitted in the media to killing (sorry, 'helping to die') around 300 patients in the media (he wasn't "caught") reflects this. I argue in my book that it is not easier to detect a medico-killer now since Shipman, but it is much more difficult

violence. As the World Health Organisation (WHO) warned, "violence has a range of adverse physical, including sexual and reproductive health, and mental health outcomes for women and girls". This evidence-based assessment led the WHO member states to adopt a resolution aimed at strengthening the response of health systems to violence against women last May.

All this evidence points to the need for more resolute state action in combating violence against women and domestic violence from a victim's perspective. Responding to this need, the Istanbul Convention offers a holistic set of measures to take action where it is needed, and in this sense, it is truly unique. Specifically dedicated to several forms of violence against women, it is victim-centred and contains a comprehensive array of practical tools to help improve the response of all relevant actors. It clearly states that Parties have an obligation to prevent violence, protect victims and punish the perpetrators, and measures in these regards need to form part of a set of integrated policies. This is crucial, because we can hope to end violence against women only if gender stereotypes and roles are deconstructed, attitudes are changed, laws are amended, women are empowered and justice is within reach. Crucially, the Convention also establishes a specific monitoring mechanism in order to ensure the effective implementation of its provisions by the Parties.

To date, 13 Council of Europe member states have ratified the Istanbul Convention[1]. In addition 23 indicated their political will by signing it, leaving 11 member states with no action on this at all[2]. It is my hope that this important Convention will not only be ratified by all Council of Europe member states, but by many other countries around the world and by the EU. This will not increase women's safety overnight, but it would definitely mark a turn in the right direction, giving a strong signal of commitment to millions of women.

Hounga (Appellant) v Allen and another (Respondent) [2014] UKSC 47

On appeal from [2012] EWCA Civ 609 - Justices: Lady Hale (Deputy President), Lord Kerr, Lord Wilson, Lord Carnwath, Lord Hughes

Background to the appeal: The appellant, Miss Hounga, appears to have a current age of about 21. She is of Nigerian nationality and now resides in England. In January 2007, when she was aged about 14, she came from Nigeria to the UK under arrangements made by the family of the respondent, Mrs Allen, who is of joint Nigerian and British nationality and who resides in England with her children. Pursuant to these arrangements, in which Miss Hounga knowingly participated, her entry was achieved by her presentation to UK immigration authorities of a false identity and their grant to her of a visitor's visa for six months. For the following 18 months Miss Hounga lived in the home of Mrs Allen and of her husband who, although formally a respondent to it, plays no part in this appeal. Although Miss Hounga had no right to work in the UK, and after July 2007 no right to remain in the UK, Mrs Allen employed her, unpaid, to look after her children in the home. There Mrs Allen inflicted serious physical abuse on Miss Hounga and told her that, if she left the home, she would be imprisoned because her presence in the UK was illegal.

In July 2008 Mrs Allen forcibly evicted Miss Hounga from the home and thereby dismissed her from the employment. This appeal proceeds on the basis that, by dismissing her, Mrs Allen discriminated against Miss Hounga in that on racial grounds, namely on ground of nationality, she treated Miss Hounga less favourably than she would have treated others.

In due course Miss Hounga issued a variety of claims and complaints against Mrs Allen in the Employment Tribunal. The one claim which the tribunal upheld was her complaint of unlawful discrimination but only the part of the complaint which related to her dismissal. In

this regard it ordered Mrs Allen to pay compensation to Miss Hounga for the resultant injury to her feelings in the sum of £6,187. The Employment Appeal Tribunal dismissed Mrs Allen's cross-appeal against the order. But the Court of Appeal upheld a further cross-appeal brought by Mrs Allen against it and set it aside. The court held that the illegality of the contract of employment formed a material part of Miss Hounga's complaint and that to uphold it would be to condone the illegality. It is against the Court of Appeal's order that Miss Hounga brings her appeal.

Judgment: The Supreme Court unanimously allows the appeal in relation to Miss Hounga's claim for the statutory tort of discrimination, committed in the course of dismissal. Miss Hounga's claim in relation to alleged pre-dismissal harassment on grounds of race or ethnic origin should be remitted to the tribunal to determine whether the ground identified by the Court of Appeal for possible disapplication of the grievance procedure existed and, if so, whether the complaint was established.

Lord Wilson (with whom Lady Hale and Lord Kerr agree) gives the lead judgment. Lord Hughes (with whom Lord Carnwath agrees) gives a concurring judgment.

Reasons for the judgment: The main legal issue is whether the Court of Appeal was correct to hold that the illegality defence defeated the complaint of discrimination [23]. Lord Wilson holds that the application of the defence of illegality to claims in tort is problematic [25].

The Court of Appeal has held in a previous case that the defence of illegality to a complaint of discrimination should succeed only if there is an inextricable link between the complaint and the claimant's illegal conduct. If the test applicable to Mrs Allen's defence of illegality is that of the inextricable link, Lord Wilson would hold the link to be absent. Entry into the illegal contract on 28 January 2007 and its continued operation until 17 July 2008 provided no more than the context in which Mrs Allen then perpetrated the acts of physical, verbal and emotional abuse by which, among other things, she dismissed Miss Hounga from her employment. But Lord Wilson proceeds to ask whether the inextricable link test is applicable to Mrs Allen's defence. [40]

The defence of illegality rests upon the foundation of public policy. It is necessary, therefore, first to ask what aspect of public policy founds the defence and, second to ask whether there is another aspect of public policy to which application of the defence would run counter. [42]

On the first question, concern to preserve the integrity of the legal system is a helpful rationale of the aspect of policy which founds the defence but the considerations of public policy which militate in favour of applying the defence so as to defeat Miss Hounga's complaint scarcely exist. [45]

On the second question, the facts disclose that Mrs Allen and her family were guilty – or close to being guilty – of trafficking Miss Hounga from Nigeria to England. The UK authorities are striving in various ways to combat trafficking and to protect its victims. The decision of the Court of Appeal to uphold Mrs Allen's defence of illegality to Miss Hounga's complaint runs strikingly counter to this prominent strain of public policy. The public policy in support of the application of that defence, to the extent that it exists at all, should give way to the public policy to which its application is an affront. [52]

Lord Hughes concludes that Miss Hounga succeeds in her appeal on the ground that there is insufficiently close connection between her immigration offences and her claims for the statutory tort of discrimination. But it is not possible to read across from the law of human trafficking to provide a separate or additional reason for this outcome. Even if one assumes in Miss Hounga's favour that her treatment by Mrs Allen in England amounted to slavery or forced labour, and even if one assumes, without any findings of fact, that Mrs Allen brought her to England with the purpose of so treating her, she does not appear to have been compelled to commit the immigration offences which she certainly did commit. [67]

How to Become a Convicted Serial killer (Without Killing Anyone) Richard Gill, 'Justice Gap'

Remember the t-shirt 'Join the British Army: go to interesting places, meet interesting people, and kill them'? Well it is kind of similar but a bit more sinister. You are not going to join the army. Nope, you are going to join the nursing profession.

1. Become a nurse: Make sure you are not quite the usual run-of-the-mill nurse. It doesn't matter in what way you are different as long as it's noticeable – or example, you are a guy or a bit better educated than most other nurses. Or you came to nursing after a previous career preferably in something a bit fishy. Have a big mouth, get a reputation for standing up for yourself and kindly pointing out when other people seem to be making big mistakes, even if they are (God forbid) doctors.

2. Now sit back and wait: Sooner or later you are on a ward where people often die. They do have such wards in hospitals, you know. Wait a bit longer. Wait for an unexplained cluster of cases. Actually, as any statistician can tell you, unexpected clusters of cases are exactly what you should expect when events are completely random and completely independent of one another. Remember those three airliners crashing in three days, just a few weeks ago?

Statisticians will also explain that when things are slowly changing in hospital environments the seasons, new staff with new habits regarding how to classify events on NHS forms, new policy (for example, close down one ward to save money and get a new kind of patients on old wards) etc – the phenomenon of big gaps and tight clusters is strengthened. Psychologists and neuro-scientists will tell you about cognitive biases. The events are not actually independent. One event triggers more being noticed and registered.

3. Now we need the trigger: an unexplained death and a paranoid doctor

This is like, spark and gunpowder. Let's look at the gunpowder first. The key doctor. Well, in a stressful situation, everyone is paranoid, right? It's another of those damned cognitive biases. Just because I'm paranoid doesn't mean they're not all out to get me. So let's not use the word 'paranoid'. Let's say, stressed or suggestible. Now the spark. The key event. We also need an event to trigger the doctor's thinking – the spark which causes the gunpowder to explode. This should be a notable unexpected occurrence which is associated with that equally notable nurse we were previously talking about – the odd one who always seemed to be there when there was some kind of upset. The one with the big mouth and the odd background. This is easy. What we also need is an unexpected death. That is easy too. Why unexpected? Because people had made the wrong diagnosis or were not aware of the full facts even if they were right there in the patient's dossier (had no time to go through that stack of paper yet). Notice, if someone is critically ill and about to die, they are going to die, today or tomorrow or the next day but typically the exact moment of the next crisis is not predictable. Well, in hindsight yes, but not in advance.

Doctors may have said things to family (for example, '… he/ she is doing well, should go home next week') when they really meant: '… this is close to the end, nothing more we can do, better to die at home'. That can even be hospital policy. Not everyone has full information. In fact, almost nobody does. There is no full information. Everyone has snippets, often out of context, often wrong.

Now everything has clicked in someone's mind and the link is made between the scary nurse, the disturbing event … and we had a lot more cases like that recently (for example, the 'seasonal bump' in respiratory arrests: seven this month but usually it's just one or two.

4. The hurried trawling expedition: The spectre of a serial killer has now taken possession of the mind of the first doctor who got alarmed and he or she rapidly spreads the virus to his close colleagues. They talk together and agree to do some work. They start looking at other seemingly similar recent cases and they let their minds fall back to other odd things which happened in recent