are usefully employed and that they get the literacy and numeracy and other skills they need for success in work." Gove cited the US conservative social policy guru, Arthur Brooks of the thinktank the American Enterprise Institute, as influencing his change of policy, saying that all human beings should be seen as assets not liabilities. "People who are currently languishing in prison are potential assets to society. They could be productive and contribute. If we look at them only as problems to be contained we miss the opportunity to transform their lives and to save ourselves and our society both money and pain," said Gove. All of us suffer when people leave prison and then reoffend, all of us benefit when individuals are redeemed," he added.

The original restrictions provoked a high-profile campaign organised by the Howard League for Penal Reform, which attracted support from a pantheon of literary figures including the poet laureate, Carol Ann Duffy, David Hare, Salman Rushdie and Jeffrey Archer. The successful test case was taken to the high court by a prisoner, Barbara Gordon-Jones, who has a doctorate in English literature and had been reading Alan Bennett, Monica Ali and the dialogues of Marcus Aurelius while serving her sentence for arson. The announcement by Gove was greeted by Frances Crook of the Howard League as another success for its books for prisoners campaign, adding "as Mr Gove recognises the importance of reading". Crook, who described the announcement as a "fantastic final coda" to its campaign, added: "It is particularly welcome to hear the secretary of state describe prisoners as assets and not liabilities. Prisoners are indeed people who can have positive futures and who can contribute to society. Relaxing access to books as tools of education and change is just one of the ways we can ensure that the justice system works with prisoners, rather than against them."

The ban on sending books to prisoners other than in exceptional circumstances was part of new rules imposed in 2013 amid an overhaul of the incentives and privileges scheme. The Ministry of Justice said the regulations banning packages containing anything other than books will remain in place to improve security and prevent contraband entering jails.

The rules lifting the restrictions on sending books put in place on January 31 will now be amended to make clear that family, friends and others will no longer have to send books ordered from four specified retailers. Instead they will be able to send packages directly. They will however remain subject to full security checks including using sniffer dogs and being scanned before they are passed. The ministry added that a current limit of no more than 12 books in each inmates' cell will be lifted: "Prisoners will be able to keep more than 12 books in their cell so long as they observe overall limits on the volume of personal possesions." Governors will retain their discretion to ban any title they deem inappropriate. The further changes will come into effect on 1 September.

**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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**MOJUK: Newsletter 'Inside Out' No 538 (16/07/2015) - Cost £1**

**Mother of Azelle Rodney - Still Seeking Apologies Form Met and IPCC**

Azelle Rodney was shot dead while seated in the back seat of a car, during a police hard stop in North London in April 2005. The court heard that Anthony Long shot eight times while no more than two metres from Mr. Rodney, shooting him in the right arm, back, twice around his right ear, and twice into the top of his head. He said the reason he shot Mr Rodney was because he believed that Mr Rodney was reaching for, and preparing to fire, a machine gun. This was after Mr Long saw movements from Mr Rodney as his unmarked police car came alongside the Golf car Mr Rodney was seated in. However, the prosecution claimed during the trial that such movements could not have happened in the very short space of time (0.2 of second at most) that the police car was alongside the Golf before Mr Long opened fire.

This trial followed the Public Inquiry, which took place in 2012 and reported its findings in July 2013 (over 8 years after the death), in which the Chairman said that he was 'sure and satisfied' that there was no lawful justification for the fatal shooting of Azelle Rodney.

Susan Alexander, Azelle Rodney's mother said: "Almost exactly two years ago, I welcomed the thorough and excellent Pubic Inquiry report of Sir Christopher Holland published on 5 July 2013. I said then that I hoped the report would be ground-breaking and cause a shift in thinking by the police. I fear there are too few signs of any such shift and that this verdict today may be misinterpreted by officers of all ranks, and hold up needed reforms. I am still unclear on whether the police fully accept the recommendations made two years ago and that similar deaths in the future have been made less likely.

I also said in July 2013 that Azelle's death was wholly avoidable. I repeat that his death was wholly avoidable, but I of course accept that the jury has spoken, albeit there didn't seem to me to be very much of the prosecution's case in the judge's summing up and legal directions. This prosecution was completely justified. Clearly, Mr Long had a case to answer, but now that the jury has done its job my family and I have to draw a painful line under the last 10 years; I need some time to myself to grieve properly for the loss of my 24 year old son. I said two years ago, and repeat now, that I do not seek to justify what Azelle was doing on the day he died. But he was entitled to be apprehended, and - if there was evidence - to be charged and brought before a court of law to face a trial before a jury, but not to die at the hands of the police. We do not have the death penalty in this country. I still seek an unreserved apology from the police and IPCC. The police owe me an apology for the avoidable killing of my son, including the way tactics were decided on 30 April 2005.

The IPCC still owe me an apology for the wholly inadequate investigation in 2005. A better investigation may have resulted in a trial nine years ago – I can never get those years back – the IPCC must stop failing families in this way. Having said that, I thank those at the IPCC who worked on this case with commitment from 2013 onwards and those at the CPS who during the same period made considerable efforts to prepare the case for trial – and I particularly thank the barristers who prosecuted the case with courage and determination, Max Hill QC and Alison Morgan.

Daniel Machover, the family solicitor said: This verdict does not change the outcome of the Inquiry, which found that the fatal shooting violated the right to life of Azelle Rodney. The

CPS and the legal team that prosecuted this case has demonstrated that the criminal justice system applies to all those suspected of crime, including police officers, and the verdict should not be taken as a sign that such prosecutions are wrong or in any way inappropriate – the evidence should determine charging decisions according to the Code for Crown Prosecutors and, if justified, the jury should then be given the opportunity to hear and give their verdict.

Helen Shaw, Co-Director of INQUEST said: "The experience of Susan Alexander in trying to find out exactly why her son was shot dead by Metropolitan Police in 2005 has exemplified all that is wrong about the way deaths involving police use of force are investigated. A democratic society needs a criminal justice system that ensures scrutiny and accountability of the police and ensures that timely prosecutions are brought in appropriate cases."

There has never been a successful prosecution for manslaughter or murder in any case in the UK, even where an inquest jury has returned a finding of 'unlawful killing'. Since 1990 there have been 995 deaths in police custody or following police contact and 55 fatal shootings by police officers. Whilst the number of deaths involving the use of force by the police is a small proportion of the total number of deaths in custody, these deaths have often been the most controversial. Since 1990, there have been 9 unlawful killing verdicts/findings returned by juries at inquests into deaths involving the police and 1 unlawful killing finding recorded by a public enquiry none of which has yet resulted in a successful prosecution.

The family was represented by INQUEST Lawyers Group members Daniel Machover and Helen Stone from Hickman and Rose solicitors, and barristers Leslie Thomas QC, of Garden Court Chambers, and Adam Straw of Doughty Street Chambers

**New Psychoactive Substances a Factor in Some Prisoner Deaths**

The use of new psychoactive substances (NPS) is suspected to have played a part in the deaths of some prisoners, said Nigel Newcomen, the Prisons and Probation Ombudsman (PPO). As today Tuesday 7th July 2015 he published a bulletin on the lessons that can be learned from PPO investigations into deaths of prisoners where the use of NPS-type drugs was suspected. The report looks at 19 deaths in prison between April 2012 and September 2014 where the prisoner was known, or strongly suspected, to have been using NPS-type drugs before their death. NPS are difficult to define precisely but broadly refer to drugs intended to imitate the effects of cannabis, stimulants or hallucinogens. This report focuses on synthetic cannabinoids, including 'Spice' and 'Black Mamba'. The use of such drugs is proving difficult to detect and manage, with hundreds of variations in chemical make-up. Hundreds of compounds used in the drugs are now banned, but even when legal in the community, possession of NPS is against Prison Rules.

PPO investigations have found that: - the strength and effect of NPS are unpredictable and can vary considerably. There have been reports of prisoners, including at least one of the men who died, being given 'spiked' cigarettes by others who wanted to test new batches of NPS to gauge the effect before taking it themselves; - there have been examples of erratic, violent and out of character behaviour when prisoners had been using NPS. One prisoner became physically sick, behaved strangely, and then died of a heart attack later the same day; - for some people, NPS can be a trigger for self-harm, and although it is difficult to establish any direct causal links with self-inflicted deaths, a number were believed to be among prisoners using synthetic cannabis; - other prisoners suspected of taking NPS were found incoherent and unable to stand up properly, and there are published reports of patients needing emergency treatment for heart problems, high blood pressure, psychosis and seizures following



deranged. This argument was essentially accepted by the CA. The Defendant said that Vince had neither the ability to make an informed and reasoned decision nor the ability to control his own actions. The CA riposted that the answer in the criminal courts had no purchase on the answer to the present problem.

The judgments are long, but perhaps the most useful passage is in the judgment of Vos LJ at [130] – is there some principle that requires the law to excuse from liability in negligence a defendant who fails to meet the normal standard of care partly because of a medical problem. In my judgment, there is and should be no such principle. The courts have consistently and correctly rejected the notion that the standard of care should be adjusted to take account of personal characteristics of the defendant. The single exception in respect of the liability of children should not, I think, be extended.

The judge had erred. He decided that Vince's capacity to think and act rationally was "wholly eliminated" one he had taken the petrol out of the car. But, as Vos LJ pointed out, a person can still be acting if he acts irrationally [135] – indeed, it is a matter of regret that even the most intelligent in our society sometimes do act irrationally. Nobody would suggest that they should be excused from liability for their negligence whilst so acting. Arden LJ thoughtfully added at [153] There will be hard cases, as this case may be one, where a person does not know what action to take to avoid injury to others. However, his liability is no doubt treated in law as the price for being able to move freely within society despite his schizophrenia.

So the CA found no difficulty in deciding that Vince fell below the proper standard expected of him by the law of negligence. Now to the insurance policy point. The CA had to consider whether the injury suffered by the claimant was accidental bodily injury. Arden LJ concluded: In my judgment, the injury was accidental because on the evidence Vince had clearly lost control of his ability to make choices and therefore he could not be said to have intended to cause injury to the claimant. So not only liability was established, but also liability falling within the scope of the applicable insurance policy.

Conclusion: Our man with the dog committed a brave (and probably instinctive) act to save both his uncle and himself from a conflagration, which left him grievously injured. The CA was plainly right to limit the circumstances in which a defendant can say that, I might have been driving badly, but I was ill or mad at the time. I recall a case many years ago in which a man dying of a heart attack kept on driving, in circumstances where it was obvious to the car behind that (a) something was wrong but (b) there was enough use of the steering wheel until, alas, he went round the corner and collided with my client's husband. The case was quite rightly settled on favourable terms. We are quite right to have serious arguments in such cases as to whether there is criminal liability, but we should be very sparing of the circumstances in which illness, mental or physical, can excuse the tortious liability which should otherwise apply.

**Ban on Friends and Family Sending Books to Prisoners Lifted** *Alan Travis, Guardian*

Inmates will also be able to keep 12 books in their cells without permission as Michael Gove further eases ban imposed by predecessor Chris Grayling. Family and friends will now be able to send books directly to prisoners instead of being able only to order new books via four approved retailers, after a further relaxation of the official policy by the new justice secretary, Michael Gove. The substantial ban on friends and family sending books to prisoners imposed by Gove's predecessor, Chris Grayling, was lifted in February after a high court judge ruled that restricting their access to books was unlawful and said they were essential to a prisoner's rehabilitation.

Announcing the further policy changes, Gove said: "We have more than 80,000 people in custody. The most important thing we can do once they are in prison is to make sure they

tel turn the idea of some line the sand between criminality and legality into a brazen lie. Just as Guzmán and the new cartels operate within the logic of the "legal" economy, and become major investors in it, so the "legal" economy and polity embrace the cartels.

Whether Guzmán will continue to run his cartel from hiding again is arguable, but he is hardly likely to abdicate having pulled off a coup like Sunday's escape, whatever it was. He may try a run to Guatemala, where he was arrested for the first time in 1993, or just return to where the "biggest manhunt in history" supposedly failed to find him for 13 years, right where he would obviously be, at home in his villa. Right there in Sinaloa, where Guzman's mother was found and interviewed by British film-maker Angus McQueen for his movie The Legend of Shorty, and where the army, Guzmán's bodyguards told McQueen, was paid to turn a blind eye.

In Tijuana and Juárez, meanwhile, the product keeps rolling, and the killing has abated; last April counted the lowest murder rate in Juárez for nine years. Bars and shops have re-opened along Juárez Avenue, including the one in which the Margarita was invented; people on the streets and families head out for dinner for the first time in ages. Meanwhile, Guzmán, free again, counts the money. In Italy, it was always known as Pax Mafiosa – mafia peace – and, according to the twisted logic that admits the lie of a line between legal and criminal, it works.

**How Mad Must You Be, Not To Be Responsible For Your Actions**?

Dunnage v. Randall & UK Insurance Ltd [2015] EWCA Civ 673, 2 July 2015

This is an extraordinary case, and one which goes deep down into why the law of wrongs (or torts) makes people compensate others for injury and losses, whereas the criminal law may decide that a crime has not been committed. Imagine this. Your uncle (Vince) arrives in your home. He is behaving very hyper. Unbeknownst to you he is in the middle of a florid paranoid schizophrenic episode. He suddenly announces that he will go and fetch a copy of Autotrader from his car. He returns without it, but with a petrol can and a lighter. He sits down and becomes all aggressive and paranoid about you and your partner. He knocks over the petrol can and starts rolling the lighter trigger. After more incoherent accusations by him (e.g. "Why have you got my Hoover?"), you try to drag him clear to save him, but he ignites the lighter. You are badly burned and jump off the balcony. You are very brave. Vince dies at the scene.

You (the man with the dog) sue Vince's estate, except you don't really, because you are really suing his household insurers. You try to pursue a tightrope between arguments. Vince may have been mad-ish, but not that mad, so that he is still civilly responsible for his actions. But the household policy only applies to "accidental" injury, and excludes wilful or malicious actions. So he cannot have been too sane and capable of deliberate and malicious actions. The judge disallows your claim, on the basis that Vince lacked volition. The Court of Appeal allows it. Why?

Psychiatrists advised in the case but did not give evidence, because they reached written agreement. Part of the struggle the CA had was that the agreement was set out in answers to voluminous questions, but the gist was that Vince was not of sound mind. He was so delusional that he was not in control of his actions. He was not capable of forming a rational intention to carry out a reasoned deliberate act. Rafferty LJ set out the law of insanity. As all law students know, you cannot be guilty of a crime if you are insane (think the M'Naghten rules), in that you do not know that what you are doing is wrong. But the civil cases are a little more complicated, as her tour d'horizon of domestic and Commonwealth cases makes clear. The Claimant argued that all he had to show was that Vince had failed to measure up to the standard of the reasonable man. There was a mind governing Vince's actions, albeit that it was



NPS use; - as well as the possible physical and mental effects of taking NPS, there are associated problems of debt and bullying.

The lessons from the bulletin are that: - prison staff should be given information about NPS and be aware of the signs that could indicate a prisoner is taking them; - governors need to make sure that NPS are addressed by effective local drug supply reduction and violence reduction strategies; - drug treatment services should identify prisoners with issues arising from the use of NPS, then treat and monitor them; - co-ordinate and investigate information indicating bullying and intimidation, challenge perpetrators and support victims and take into account the impact on the risk of suicide and self-harm; - the Prison Service should put in place an education programme for prisoners outlining the effects and risks of using NPS.

Nigel Newcomen said: "The use of New Psychoactive Substances is a source of increasing concern, not least in prison. As these substances are not allowed in prison, and also because they are difficult to test for, it is possible that there are additional cases of prisoners who had used such drugs before their death. NPS covers a range of substances and the precise health risks are difficult to establish. However, there is emerging evidence that there are dangers to both physical and mental health, and there may in some cases be links to suicide or self-harm. Staff and other prisoners may be at risk from users reacting violent to the effects of NPS. Trading of these substances in prison can also lead to debt, violence and intimidation. Once again, this creates the potential to increase self-harm or suicide among the vulnerable, as well as adding to the security and control problems facing staff. I hope that by sharing the lessons from the few deaths where we know that use of such drugs was a factor, this will further support efforts in prison to address the supply of these substances, respond better to the threats they pose and help educate prisoners so as to reduce demand."

**Legal Aid Restrictions Delaying Prisoners' Rehabilitation** *Owen Bowcott, Guardian*

Thousands of prisoners are being prevented from starting rehabilitation because they are denied legal aid for parole board hearings, the court of appeal has been told. In a challenge to restrictions imposed by the coalition government, lawyers for two charities said the present system was "inherently unfair" and provided no support even for inmates who are incapable of representing themselves. The appeal, brought jointly by the Howard League for Penal Reform and the Prisoners' Advice Service, is the latest in a series of attempts to reverse cuts that have removed more than £600m from the criminal and civil legal aid budget. It is argued that taxpayers are now having to pay to keep prisoners inside for longer than is necessary.

Concerns over the removal of legal aid from internal prison hearings have focused on problems that inmates have in moving to open prisons so they can begin courses that pave the way to eventual release. It particularly affects prisoners serving indeterminate sentences. "Without a move to open conditions, a standard indeterminate-sentence prisoner will almost certainly never be released," the charities' submission to the court said. "At the heart of parole board decisions in relation to indeterminate-sentence prisoners is the question of risk. To assist the parole board in reaching a decision on risk, expert evidence from psychiatrists or psychologists is always presented by the secretary of state. Equality of arms [equal representation] can only be secured if the prisoner can present his own independent expert report, the parole board having no power or funds to commission its own."

Phillippa Kaufmann QC, representing the Howard League for Penal Reform and the Prisoner Advisory service, said: "This is systematic unfairness. All areas of prison law have

been removed from the scope of legal aid. “Many prisoners cannot access the process themselves. Prisoners live in a closed world. They can’t access outside resources. They can’t go to the Citizens Advice Bureau. The complaints systems and the ombudsman system do not provide the fairness that is lacking [in the current system].” She said there was no provision for funding in exceptional cases. “There’s no flexibility here. Nothing can be done.”

Outside the court, Deborah Russo, from the Prisoner Advice Service, said: “Prisoners are ending up spending more time inside, so it costs the taxpayer more. Pre-tariff prisoners cannot get legal aid and therefore can’t be represented at parole board hearings. It can hinder their progress. Life-sentence prisoners are unrepresented and get stuck in the system.” Simon Creighton, of the law firm Bhatt Murphy Solicitors, which is representing the charities, said: “Restrictions to legal aid for prisoners are deeply unfair as there is no safety net of ‘exceptional funding’. However, they also unlikely to save costs or enhance public protection as they will result in people spending longer in prison and missing out on offending behaviour courses and rehabilitative work.”

The Legal Aid Agency argues that inmates who have not yet served their sentence tariff are not entitled to legal aid because their liberty is not at stake. The Ministry of Justice maintains that the internal prison complaints system and the prisons ombudsman are capable of dealing with the problem. The court of appeal reserved judgment.

**Justice for Sheku Bayoh Campaign and Conference on Deaths in Custody**

11:00am/5:00pm, 25/07/2015 Renfield Centre, 260 Bath Street, Glasgow G2 4HZ

The official launch of the Justice for Sheku Bayoh Campaign is being combined with a conference organised by SACC on the wider issues surrounding deaths in police custody. Sheku Bayoh died in Kirkcaldy on the morning of Sunday 3 May after having been restrained by police responding to calls from members of the public. He was on the ground in less than two minutes of police arriving on the scene. CS spray, pepper spray and batons were used on him. Handcuffs, leg and ankle restraints were applied as he was face down and it is claimed he lost consciousness in less than a minute. He was pronounced dead at Victoria hospital within 2 hours of the start of the incident. The officers who detained Sheku Bayoh failed for some 32 days to provide essential information to the Police Investigations and Review Commissioner. The failure created a real difficulty in pathologists determining the cause of death. Decisive action is needed to restore confidence and satisfy the need for a robust and demonstrably independent investigation.

Speakers include: Colette Bell, partner of Sheku Bayoh (died 3 May 2015, Kirkcaldy); Adeyemi Johnson, brother-in-law of Sheku Bayoh; Aamer Anwar, lawyer for the Bayoh family; Deborah Coles, co-Director of Inquest; Janet Alder, sister of Christopher Alder (died 1 April 1998, Kingston upon Hull); Marcia Rigg, sister of Sean Rigg (died 21 August 2008, Brixton); Saqib Deshmukh, campaigner for justice for Habib Ullah (died 3 July 2008, High Wycombe); Harmit Athwal, researcher for the Institute of Race Relations; Margaret Woods, Glasgow Campaign to Welcome Refugees; Carlo Morelli, NEC member of the University & College Union (UCU), Graham Campbell, Secretary, Ethnic Minority Civic Congress (EMCC).

The event is free and open to all. Register online at: www.sacc.org.uk/sheku -You will also be able to register on the door (subject to availability), but interest is likely to be high and we strongly recommend that you register in advance. The event is organised jointly by SACC and the Justice for Sheku Bayoh Campaign, and is sponsored by The Ethnic Minority Civic Congress (EMCC), Glasgow Campaign to Welcome Refugees, and the STUC Black Workers’ Committee. More information: <mailto:enquiries@sacc.org.uk> 07518 947 204



Although Mexico’s attorney general has called for a “full investigation” into Guzmán’s escape, we may never know exactly what happened. But if there is a level of complicity by the state, or state agencies, this would not be illogical. Friendly relations between the state and Guzmán would have a rational motive. Not for nothing did the Sinaloa cartel, until recently, have its own hangar at Mexico City airport, not far from the President’s. In matters mafia, one of the dilemmas is whether it is harder for a state to live with an organised, patriarchal pyramid of power, like Guzmán’s, or the myriad mini-cartels, street-gang micro-cartels, so-called combos and super-combos, that arise if the pyramid is smashed. Which is worse: a formidable power with which some kind of accommodation is possible, or a narco-nuclear-fission reactor of electrons and protons charging into one another?

Colombia had to opt for smashing the pyramid, in the form of Pablo Escobar’s Medellin cartel, because it was becoming a a state within a state that threatened to take over. In the improving situation for Colombians, the problem is now the miasma of uncontrollable combos. But the Mexican experience is different. The worst violence has ravaged the country since December 1996, when President Felipe Calderón sent the army into Tamaulipas and Michoacan to deal with insurgencies in those states by the Zetas and a cartel called La Familia, which were breaking up the prevailing order of things. Once the hornet’s nest was kicked, the killing accelerated as Guzmán laid claim to the whole frontier (previously allocated by his predecessor Gallardo) and the army and police established mafia systems of their own, often in league with one cartel or another.

In this war, Guzmán and the state have a common cause against the insurgents and new-wave cartels, and it is no secret that Mexico’s best bet in bringing down the violence is to back the strongest and biggest against its rivals, or at least to act in tandem. An official of the ruling PRI party, when it was fighting the last election, talked to me about the need for “adjustments” with the most powerful cartel. The figures speak for themselves. For a while, in 2008, Tijuana was the most violent city in Mexico, as Guzmán assailed the local Arellano Felix cartel. Soon afterwards, Ciudad Juárez became the most dangerous city in the world, as Guzmán, the local Juárez cartel, army and police factions fought over local drug markets and smuggling routes to the US. The military went into both places, followed by the Federal police, with Guzmán’s cartel gunmen on the slipstream of both, recruiting local gangs. Now, both cities are relatively quiet; no one knows quite why, but the most common (and terrifying) explanation is that Guzmán now runs the drug business – domestic and export – in both cities, with official or semi-official blessing.

All this falls within a crucial context. The great writer on matters mafia, Roberto Saviano – author of Gomorrah and Inferno – visited the Guardian last week to talk about international organised crime. Among his points were that “we must not think about what is happening in Mexico as far away in some distant land”, and indeed we must not. For a start, it is thanks to the 120,000 dead and 20,000 missing in Mexico’s narco-war that mountains of cocaine go up British, European and American noses. Everyone wants to forget that Britain’s biggest bank, HSBC, was caught, and admitted, laundering Chapo Guzmán’s giddy profits, as was Wachovia bank, a subsidiary of Wells Fargo: hundreds of billions of dollars of Sinaloa cartel blood money, handled with effective impunity inasmuch as no one in either instance was prosecuted, let alone jailed – indeed, most were promoted.

The logical conclusion is what Saviano, his Mexican counterparts Lydia Cacho and Hernández (and I for that matter) have been arguing for years: that the “cops and robbers” model of reaction to events like Guzmán’s escape – indeed, the whole farce of the “war on drugs” – is bankrupt; the idea of our healthy society fighting outlaw criminals is fantasy. The antics of HSBC and tradition of conviviality between the Mexican state and Guzmán’s car-

**Truth About Jailbreak of the Millennium** *Ed Vulliamy, Guardian*

The Mexican drug lord's escape from a top-security prison looked audacious at face value, but Guzmán has benefited from inside jobs before. In this bankrupt 'war on drugs', the state has more common ground with world's biggest mafia boss than it likes to admit! At face value, this is the jailbreak of the millennium, and will take some beating. The world's biggest mafia boss, Joaquín "El Chapo" Guzmán, jailed in Mexico's top-security prison near Toluca after what the US called "the biggest manhunt in history", slips out after only 16 months inside, through a mile-long tunnel complete with ventilation and conveniently parked motorbike. Guzmán, recently rated by Forbes as the 14th richest man in the world, is boss of the Sinaloa cartel, the world's mightiest criminal syndicate, named after the Pacific state of that name, and now proves himself to be arguably the most powerful man in México, whatever beleaguered president Enrique Peña Nieto may think as he scrambles back from a state visit to France.

The escape already looks unconvincing: after all, this has happened before, in 2001, when Guzmán broke out of another top-security jail, Altiplano, reportedly in a laundry truck. Guzmán ran this previous jail, just as he ran the cartel: a book by one of Mexico's leading writers on the mafia, Anabel Hernández, reveals that he held extended family Christmas parties inside over several days and that the story that he got out in a laundry truck is a myth – Guzman actually escaped in police uniform, with a police escort, a day after the minister for justice arrived on the scene to react to the "break out". This latest escape is also, almost certainly, an inside job at some level (prison governor Valentín Cárdenas has been arrested), but the question is: which level? How deep inside was the escape planned, and how high up the echelons of power?

Guzmán is the last of the old-style mafia dons, nephew of the Mexican godfather Pedro Avilés, founder of what would become the first serious modern Mexican syndicate, the Guadalajara cartel; Avilés was killed in a shootout in 1978. As such, Guzmán commands a pyramid of power as a matter of heredity as well as ruthless violence. Guzmán is the subject of countless narcocorrido ballads about his gall and banditry. One, by a band called Los Buitres (The Vultures) goes: "He sleeps at times in houses / At times in tents / Radio and rifle at the foot of the bed / And sometimes his roof is a cave / Guzmán is everywhere." He is the last of the dons who might donate electricity for a local school, flowers to the church on Mother's Day.

The kind of don who arrived in a smart restaurant while on the run at Nuevo Laredo, deep in the territory of an enemy cartel, had the doors locked by his men, who took all mobile phones from those dining, asked them to continue at his expense while he ate, then left with his posse. Loyal subjects in his native Sinaloa gush their gratitude for – in one case – flying a peasant's sick child to hospital in his private plane; there were angry demonstrations in the Sinaloan capital of Culiacán when Guzmán was arrested in February last year. This baronial mafia style is in sharp contrast to the new generation of cartels with which Guzmán does battle, and who rule their terrain with sheer, brute terror; new, leaner and meaner cartels like his main rivals, the insurgent paramilitary Zetas, based in the northeastern state of Tamaulipas, and the smaller Knights Templar in Jalisco. These organisations would rather spend money with less old-style patrimony and more savvy in the vagaries of modern markets.

Cartels are, after all, like any other corporation and follow the same trends as the legal economy; they were never adversaries of capitalism, more pastiches of the "legal" system and often pioneers of it. And in that paradigm, Guzmán, who hails from a cattle-ranching family in the heroin-poppy-growing wilderness of Sinaloa, is old-school. All this is crucial to understanding why the Mexican state has an interest in conviviality – if not co-operation – with the Sinaloa cartel, just as it did with its predecessor under Avilés and his successor, Félix Gallardo.



**The Long Shadow of the Troubles** *Dominic Ruck Keene, UK Human Rights Blog*

In Finucane's (Geraldine) Application [2015] NIQB 57 the Northern Ireland High Court dismissed a challenge to the decision by the British Government to carry out a 'review' by Sir Desmond Da Silva rather than a public inquiry into the murder of Belfast solicitor Pat Finucane on 12 February 1989. Mr Finucane, a Belfast solicitor who had represented a number of high profile IRA and INLA members including Bobby Sands, was murdered in front of his family by loyalist paramilitaries in one of the most notorious killings of the Troubles. His death was mired in controversy due to the collusion between the security forces and his killers. Mr Justice Stephens stated at the outset of his judgment that

It is hard to express in forceful enough terms the appropriate response to the murder, the collusion associated with it, the failure to prevent the murder and the obstruction of some of the investigations into it. Individually and collectively they were abominations which amounted to the most conspicuously bad, glaring and flagrant breach of the obligation of the state to protect the life of its citizen and to ensure the rule of law. There is and can be no attempt at justification.The Judge went on to summarise the core allegation being that the army, through a branch of army intelligence (the FRU) and one of its agents, deliberately manipulated loyalist paramilitaries to carry a murder-by-proxy campaign against suspected republican terrorists. The FRU allegedly knew of the plan to murder Pat Finucane and either took no action to prevent his death, or was complicit in it.

Sir Desmond da Silva's review of the murder had similarly concluded that there had been "an extraordinary state of affairs in which both the army and the Royal Ulster Constabulary Special Branch had prior notice of a series of planned Ulster Defence Association assassinations yet nothing was done by the RUC to seek to prevent those attacks… Overall… a series of positive actions by employees of the State actively furthered and facilitated his murder…in the aftermath of the murder, there was a relentless attempt to defeat the ends of justice."

A series of investigations have taken place into the circumstances of Mr Finucane's death, including one led by a retired Canadian Supreme Court Judge, Justice Cory. This had followed on from the 2001 Weston Park agreement between the UK and Republic of Ireland for a through investigation into allegations of collusion in various deaths, including that of Pat Finucane. Justice Cory's review of the documents concluded that "the documents raise serious and perplexing questions regarding the extent to which FRU had advance knowledge of the targeting of Patrick Finucane… these questions can only be answered by a public inquiry."

The various investigations culminated in the 'independent review' led by Sir Desmond da Silva, who was tasked to produce a full public account of any involvement of any UK Government body in Pat Finucane's murder. Sir Desmond later stated that he was given access to all relevant documents, including documents that had not been available to previous investigations, in particular those conducted by Sir John Stevens.

However, the British government's decision in October 2011 to commission Sir Desmond's review rather than to hold a public inquiry was challenged by Pat Finucane's widow in this application. Mrs Finucane based her challenge on the following grounds: (1) a substantive legitimate expectation that a public inquiry would be carried out; (2) a procedural legitimate expectation that she would be consulted in advance about whether there should be an independent 'review' in lieu of an inquiry, and on the nature of such a review; (3) the decision making process did not properly take into account the promise made to Mrs Finucane to hold a public inquiry; (4) the consultation process was a sham as the Government was intent on not holding a public inquiry from the outset and/or that the decision was made in compliance

with a set policy that there would be no more open ended and costly inquiries into historic Northern Ireland deaths and/or that the decision was in reality driven by the Prime Minister's personal determination not to hold any more inquiries rather than by application of the published criteria; (4) the decision of the Secretary of State for Northern Ireland was unlawful as it took irrelevant factors and/or failed to take relevant factors into account; and (5) the refusal failed to comply with the United Kingdom's procedural obligations under Article 2 of the ECHR.

Mr Justice Stephens considered the applicable case law regarding legitimate expectation at §§9 to 21. In respect of the first stage of the test for substantive legitimate expectation he held at §161 that there had been a promise made by the British Government, which amounted to a clear and unambiguous representation devoid of relevant qualifications that a public inquiry in Pat Finucane's death would be held if it was recommended by Justice Cory following his review. That promise was made to Mrs Finucane, to the government of the Republic of Ireland, to the political parties at the Weston Park conference, and to the general public of both Northern Ireland and the Republic as an integral part of the peace process.

However, Mr Justice Stephens held at §§167 to 186 that the frustration of Mrs Finucane's expectation and the decision to set up an independent review rather than a public inquiry was not so unfair as to amount to an unlawful misuse of power. In reaching that decision Mr Justice Stephens held that the Government had identified five public interest factors that could justify frustrating the legitimate expectation, including political developments that had taken place in Northern Ireland since 2004, and the potential cost of any inquiry and the current pressures on the Government's finances. He held that the case was clearly concerned with macro political issues, including the impact of the decision on relations with the Republic of Ireland, with the political parties in Northern Ireland and on the peace process generally, and the cost of previous inquiries into historic Northern Ireland deaths. He concluded that "this is a classic case of wide ranging issues of general policy with multi-layered effects." Consequently the intensity of any review of the overall unfairness of the decision was necessarily limited. Mr Justice Stephens accepted that that any public inquiry would be likely to be prolonged, costly and with a significant risk of attendant judicial review applications. He also accepted that the government was entitled to take into consideration the financial downturn since 2008 and consequent financial restrictions.

Mr Justice Stephens summarily dismissed the claim for procedural legitimate expectation, holding at §182 that Mrs Finucane had been adequately consulted. He also rejected at §194-201 the argument that the decision was taken on the basis of a sham process and/or that the Northern Ireland's Secretary's mind was closed. He held at §195 that while there was a policy generally against open ended, long running and costly public inquiries into the past in Northern Ireland (which had been clearly articulated both by the Prime Minister and by the Northern Ireland Secretary), that policy was "not an absolute policy evidencing a closed mind." The policy in itself was legitimate, and the relevant decision was taken following "anxious consideration of the impact of the various policy options." Mr Justice Stephens held in respect of the impugned involvement of the Prime Minister in the decision making process that "there is nothing inappropriate about a decision of the Secretary of State being taken on a collective basis, on behalf of the entire government, by a group of interested Ministers, including the Prime Minister."

With respect to Article 2, Mr Justice Stephens at §25 repeated his summary of the nature of the requirements imposed on procedural obligation from his judgment last year in Jordan's Applications [2014] NIQB 11. With regards to whether the Article 2 procedural obligation applied in this case where the relevant death occurred after the United Kingdom's ratifica-



saying "Guidelines for using probability theory in criminal cases are urgently needed. The basic principles are not difficult to understand, and judges could be trained to recognise and rule out the kind of misunderstanding that arose in this case." He went on to point out that "It is possible to be an extremely good doctor without being numerate, and not every eminent clinician is best placed to give epidemiological evidence. Doctors should not use techniques before they have acquainted themselves with the principles underlying them." This is, obviously, good advice for lawyers as well.

That said, lawyers cannot and should not be expected to turn themselves into expert statisticians. However, an awareness of the need to question how statistics are formulated and how they can be abused can lead us to question seemingly damning figures such as "a chance of one in seventy-three million"—and may help to prevent further wrongful convictions and tragic consequences. (Clark was eventually exonerated and released after serving three years of her sentence, but never recovered from the experience, and died in 2007 as a result of alcohol poisoning.) Given the prevalence of probabilities used in, for example, DNA test results, an improvement in the ability of lawyers to understand statistical evidence, to be able to present it clearly to juries, and to challenge accurately the formulation of suspicious statistics can only be of benefit to the justice system as a whole.
*Claire Horsnell, Association in Defence of the Wrongly Convicted*

**Under Attack Again - Republican Prisoners HMP Maghaberry**

Once again security governor Brian Armour has taken the opportunity to attack the rights of Republican Prisoners. Republican Liam Mc Donnell has been isolated by the Maghaberry Administration intent on creating conflict. Liam is a Republican Prisoner who was sentenced recently. He was on the Republican wing before getting released on bail. Normally, because of him already having spent time on Roe 4, he would have been moved straight to Roe after sentencing. This has been blocked via a security driven agenda with the intention of destabilising the Republican wing. This most recent incident of isolation is the tail-end of a relentless campaign involving security governors such as Armour.

For the past number of months there has been an upsurge in vindictive actions including multiple charges, and PSNI arrests; when Republican Prisoners were taken from the wing to Antrim Barracks as well as men taken to the punishment block on contrived and trivial charges. Along with this, there has been an orchestrated campaign to further restrict movement which is already excessively controlled. Wing screws are being directed by security governors to refuse to let men onto landings in a further restrictive reinterpretation of the failed Stocktake of November 2014. Families are being forced to spend hours each day-for days at a time-on the phone, simply to book a visit. When they finally get to the visit they are told the Parcels and Letters Office is closed, and so, such as what happened on Father's Day- children and partners cannot leave in cards or mail for their loved ones. Republican Prisoners wait 2, 3, or 4 weeks on a Birthday or Father's Day card that is sitting in an office 200 yards away.

Legal visits are being systematically interfered with. Solicitors are regularly told that Republican Prisoners are refusing to see them. Republican Prisoners are similarly told that their solicitor is with other clients, only to be told by solicitors that this was lies. Governors, including the number 1 Governor have been told of this, yet it continues; with staff on legal visits stating that they take their orders from Head of Security Brian Armour. This vindictive behaviour cannot be allowed to continue. If the Maghaberry Administration truly want a conflict-free environment then its time to reign in the dogs.

Statement from Roe 4 Republican Prisoners HMP Maghaberry 09/07/15

**Lies, Damned Lies, and Conviction** *Misuse and Misunderstanding of Statistical Evidence*

It is now well established that bad lawyering, bad expert evidence and bad police work can contribute to wrongful convictions but do innocent people spend time in prison owing to bad math? The truism, originally attributed to nineteenth-century British prime minister Benjamin Disraeli and popularized by Mark Twain, about there being three kinds of lies—"lies, damned lies, and statistics"—nods ironically toward the ways in which statistics can be manipulated to support a speaker's point. However, for non-statisticians, the use of impressive-sounding numbers to support a contention can be very convincing; numbers, of course, are a fundamentally reliable way to quantify and understand the world around us. However, an error in calculation or misunderstanding—or worse, a deliberate misrepresentation of statistical evidence—in a courtroom can have dire consequences.

Probably the most notorious instance in which statistics played a part in a wrongful conviction is the case of Sally Clark, a solicitor based in Manchester, was not only a victim of an egregious miscarriage of justice, but also of tragic circumstances. Her first son, Christopher, born healthy but passed away at the age of two-and-a-half months, after falling unconscious in the family home. Clark's second son, Harry, was born two years later—and died at the age of eight weeks, after he was found unconscious, and attempts to resuscitate him failed. Clark and her husband were arrested shortly afterward; the charges against Steve Clark were dropped, but Sally Clark faced two counts of murder. The most controversial element of Clark's trial was the testimony by then eminent paediatrician Professor Sir Roy Meadow. Meadow testified on the stand that the chances of two cot deaths occurring in the same family were around one in 73 million. He followed up by asserting that, since there were over 700,000 live births every year in England, Scotland, and Wales, such an instance of double cot death would only take place once every hundred years. This was pretty damning evidence— Clark was convicted and received a mandatory sentence of life imprisonment. The problem was that the statistic was—predictably—incorrect. Meadow had arrived at "one in 73 million" by squaring the figure of 1 in 8,543—the chance of one cot death in a household similar to that of the Clarks, according to a government-sponsored study which ran from 1993–1995, and for which Meadows wrote the preface. The problem was that to square the original statistic effectively meant treating the two deaths as independent events, without considering the possible effects that genetics and even environment could have had on the two children. But the calculation wasn't the only significant problem. Meadow had unwittingly been blinded by the infamous Prosecutor's Fallacy. Gerd Gigerenzer has summarized the fallacy as follows: The prosecutor's fallacy is to reason that the probability of a random match is the same as the probability that the defendant is not guilty, or equivalently, that the guilt probability is 1 minus the probability of a random match. For instance, assume that the p(match) is 1 in 1,000. The person who commits the fallacy reasons that, therefore, the chances that the defendant is not guilty are 1 in 1,000 or, equivalently, that the chances that the defendant is guilty are 999 in 1,000. In fact, these probabilities are not the same.

In other words, the fallacy states that the chances of a particular set of circumstances occurring at random are the same as the possibility that the defendant is innocent—which is not actually the case. The errors in the Clark case drew the ire of the Royal Statistical Society, which issued a press statement in October 2001 raising its concerns. The Society did not mince words: "The case of R v Sally Clark," it said, "is one example of a medical witness making a serious statistical error, one which may have had a profound effect on the outcome of the case. The Society urges the Courts to ensure that statistical evidence is presented only by appropriately qualified statistical experts, as would be the case for any other form of expert evidence."

Steven J Watkins, writing in the British Medical Journal, also drew attention to the problem



tion of the ECHR, but before the coming into force of the Human Rights Act, Mr Justice Stephens reviewed the relevant ECtHR decisions in Silih v Slovenia [2009] EHRR 99 and Janowiec and Others v Russia [2013] ECHR 55508, as well as the domestic decisions in Re McCaughey [2012] 1 AC 825 and R(Keyu) and others v Secretary of State for Foreign Affairs and Commonwealth Affairs [2014] EWCA Civ 312.

The Government argued that the decision in McCaughey was both restricted to inquests commenced before, but substantially processed after October 2000, and that the reasoning in McCaughey had been overtaken by the decision in Janowiec. However, Mr Justice Stephens held that he was bound by the reasoning in McCaughey and accordingly the procedural obligation as much of the investigation had taken place after the critical date of October 2000. He went to consider in the alternative the Government's argument that the decision in Janowiec applied an absolute limit of a ten-year lapse between the death and the 'critical date' of October 2000 for the procedural obligation to apply unless an exception was required to protect the guarantees of the ECHR. Mr Justice Stephens held at §34 that Janowiec did not lead to an absolute limit, stating that:

The purpose of a temporal time limit is to draw a line but not necessarily to draw a line in the circumstances where positively those on behalf of the State have obstructed an investigation. In this case the RUC and the Army positively obstructed and thereby initially prevented and ultimately delayed investigations. I consider that the genuine connection test has been met as the period of time between the triggering event and the critical date is reasonably short given the obstruction of the investigation by the RUC and the Army. Accordingly I consider that the genuine connection test has been met. Furthermore the test for an exception was in any event met where "the murder of a solicitor involving collusion by State agencies negates the very foundations of the Convention... the adoption of a regime of "murder by proxy" whereby the murder of individuals within a state's jurisdiction was facilitated by agents of the state does negate the very foundations of the Convention, and indeed of a democratic society." Lastly, the procedural obligation was 'revived' in circumstances where the new documentary material obtained by Sir Desmond da Silva contained new and significant evidence that was not available to Sir John Stevens or Justice Cory.

Mr Justice Stephens held at §211 that he agreed with the ECtHR in Finucane v UK [2003] 37 EHRR 29 that the investigations up to March 2009 did not constitute an effective investigation as there had been insufficient independent inquiry into the allegations of collusion by the RUC or other parts of the Security Forces and where documents containing new and significant information were not available to or considered by either PSNI or the DPP(NI). He held at §214 that the Article 2 procedural obligation would be met if the de Silva report and its underlying documents were considered by the PSNI and by the DPP(NI) and if the reasons for any subsequent decision not to prosecute were given publicly. He concluded that the procedural obligation did not require a public inquiry.

*Comment:* Apart from Mr Justice Stephens's useful summaries of the principles behind substantive legitimate expectation and the requirements imposed by the Article 2 procedural obligation, the main interest in this judgment lies in the rejection of a strict 10-year limit on the application of Article 2 to historic Northern Ireland deaths as well as the comments as to the applicability of Article 2 to non inquest investigations into such deaths. While the upholding of the decision not to hold a public inquiry could be seen as a victory for the Government against an 'inquiry culture,' this judgment may well be of some assistance to those seeking to revive or supplement earlier investigations into Troubles-related deaths, in particular those looking to hold fresh Article 2-compliant inquests.

**Just Another Day in the Life of Paul Blackburn**

Its funny how the Police always raid me as I'm having a morning dump? Anyone would think that they're watching me? Though I never did manage to catch the name of the guy in the Balaclava & black overalls I found creeping around in my garden at 2/3 am it was a rather impressive blind dive over the edge, down a heavily overgrown embankment & into the river, all without uttering a single sound! Apparently as I was to be arrested that morning, an 'air rifle barrel was seen poking out of my front door', sounds alarming unless you explain that my front door is facing the river while the path to it is at a 90' angle & around the side of the house!

Anyway armed response were called! A couple of hours later as I was taking a break from mowing my lawn, totally unaware of the Police Launch on the river & the 3 or four cars parked up the top outside my gates, a Policeman with a giant 'spud gun' crept past the side window & looked round to see me watching him! Saw you first!?? Seems I was being arrested for breaches of a restraining order on the 24/27th of 'whenever'? When I was cuffed a young pup felt brave enough to approach to say 'Oh by the way & arrested me for not appearing in court' then gaily skipped off saying 'lets go searching' Ahhh so this is all just to harass me, search my house, get a bit more revenge, shut me up? Or maybe as the pup said, I've always wondered what its like inside one of these big houses' out of curiosity or maybe just because they can? Or is the message that if I don't shut up armed police will shut me up permanently??

No charges were brought, but another night in the cells! I was in & out of Lewes Crown the next day & got off the train at just after 10pm & walked home. It had not gone 10pm when the ex girlfriend who keeps getting me arrested walks past in front of me laughing & her boyfriend videos it to record my reaction, none! So then they send a car full of young men up the road after me shouting 'smackhead'? (a reference to drug paraphernalia found at my house) Funny that as id been called that by pc 118118 only a few days ago when he had turned round after passing me & driven like a lunatic for 6/8 miles to catch up with my car to stop me for 'speeding' but issued no ticket?

Well I'm sure it will all get straightened out at trial on 28th October, nearly 2 1/2yrs after being charged for sending texts calling the ex a thieving ****! Well at least I hope it will because I'm not being allowed to defend myself! A lawyer is to be imposed! I am to be declared 'unfit to plead' at a 'mention' hearing on September 4th where I'll be represented by 'somebody' who has no idea what my argument is! Should go well then!

Wish me luck!, Paul Blackburn, Thursday 9th July 2015

**Early Day Motion 263: Surveillance of Family Justice Campaigns et al**

That this House remains deeply concerned about the extent and conduct of undercover police surveillance and the use of covert human intelligence sources; deeply regrets the distress caused to women by undercover officers forming intimate relationships and even fathering children with them; is concerned that police surveillance extended to covert monitoring of anti-racist and family justice campaigns, together with other civil society and political groups; is shocked by the revelations of Peter Francis, former member of the Metropolitan Police Force's Special Demonstration Squad, in relation to the unit's covert state surveillance of trade unions and their members, including Unison, the Fire Brigades Union, the Communication Workers Union, the National Union of Teachers and the construction workers union UCATT; commends the ongoing campaign of the National Union of Journalists over the surveillance of union members; welcomes the inquiry to be conducted by Lord Justice Pitchford into covert police surveillance; and calls on the terms of reference of the inquiry to include an investigation into the practice of covert surveillance of lawful trade union activities.



the horrors he saw in Iraq traumatised him and made him a quieter, more thoughtful man. His family are launching a legal appeal and a campaign to clear his name. “We’ve all been so shocked at the conviction, we couldn’t understand how it could happen. Everyone who knows Anis is shocked. I know this is not who he is, he’s a good guy,” said Sadia, adding that their daughter will be 40 by his release.

Peirce said the case should never have been brought to court, and especially to a British court. “We are in a similar place to the IRA trials. If you look at them, it was English juries, English prosecutors and English police proceeding with complete ignorance of culture or religion. If you look at the Birmingham Six, they were seized when they were going to a funeral of an IRA sympathiser, and there was incomprehension that you could have a friend but not be in the IRA yourself, that you might have no money, that you could be Catholic and not be in the IRA, that incomprehension of how a different community worked,” he said.

“Now juries have to be educated about Islam. Anis was in Damascus because that’s where you went to study pure Arabic then. He saw the refugees coming in from Iraq and he went with a friend to try to get his family out. He talks about the situation there, how he saw the dead bodies lying in the street, in the canal, he described people coming out to the morgue at night looking for family members. Those IEDs were found in the exact spot where Shia militia came sweeping into the Sunni villages. He said, ‘I was present.’ It was an honest defence, but without context how could a jury in Woolwich grasp it? This all took place during one of the most disturbing periods of world history, in effect the aftermath of years of illegality and ambiguity where even the Iraqi army itself was a militia under another name. “This trial proceeded amid complete ignorance, and it was utterly wrong to prosecute and wrong to convict him.”

**Michael Gove Scraps £100m 'Secure College' Plan in U-Turn** *Rowena Mason , Guardian*

The justice secretary, Michael Gove, has scrapped plans for a giant £100m “secure college” for teenage prisoners, in a U-turn that will be embarrassing for his predecessor Chris Grayling. The government had already awarded a contract to build the prison to hold 320 young people, spent almost £6m on preparations and passed enabling legislation at the end of the last parliament. However, Gove has decided not to proceed with the project on grounds of cost and practicality. Labour and charities welcomed the news, having described it as a giant “modern-day borstal”, but said plans for the Leicestershire prison should never have got off the drawing board. Lord Falconer, the shadow justice secretary, said it was a “victory for common sense” and called on the government to start improving conditions in the existing prison estate rather than wasting more taxpayer cash on a “vanity project”.

Gove’s decision to scrap the plans are the first big U-turn of the new government. The prison plan was announced with great fanfare by Grayling and the Lib Dem former deputy prime minister Nick Clegg in 2014. The Guardian revealed last month that Gove was wavering about the plans, as departments faced pressure to make deep spending cuts. The prisons minister Andrew Selous confirmed the retreat in answer to a parliamentary question, blaming the original policy on the “coalition government”. “The nature of the challenge has changed,” Selous said. “The youth custody population has fallen from 1,349 in January 2013 to 999 in April 2015, a fall of 26%. A secure college could have been desirable with a larger population, but it would not be right to house one-third of the entire youth offender population in one setting. It would also be a mistake to press ahead with such a development when resources are so tight. We are therefore not going ahead with the creation of a secure college pathfinder. All work on the proposed secure college pathfinder at Glen Parva has now ceased.” Children’s charities had criticised the plan.

CPS victims' right-to-review scheme allows victims to seek a review of a CPS decision not to prosecute in certain circumstances. "In this case, the complainant's bereaved family were eligible to apply and the case was referred to me to decide if the original decision not to prosecute was correct. After careful consideration of the evidence, I have decided that there is sufficient evidence to provide a realistic prospect of conviction and that it is in the public interest to charge Paul White with one count of perjury, which relates to the evidence he gave at Mr Rigg's inquest and therefore the original decision should be overturned. I also considered evidence against another police officer but agreed with the original decision not to prosecute due to insufficient evidence."

**UK Courts Need to be Educated About Islam, Says Birmingham Six Lawyer**

*Tracy McVeigh, Guardian:* Gareth Peirce warns of prejudice in British justice system, and highlights campaign to free Anis Sardar, who was found guilty of murder. A British black-cab driver who was sentenced to 38 years for a murder during the Iraq war should never have been prosecuted, according to the lawyer who helped overturn some of Britain's most notorious miscarriages of justice. The trial of Anis Sardar at Woolwich crown court in May is an example of how British justice is prejudiced against Muslim defendants – in the same way it was in the 1970s against Irish Catholics, dozens of whom ended up wrongfully convicted, said human rights lawyer Gareth Peirce, who represented the Guildford Four and the Birmingham Six. A jury found Sardar, 38, guilty of the murder of US serviceman Sgt Randy Johnson, who died in Baghdad in 2007 after his vehicle went off-road and hit an improvised explosive device (IED). There was no evidence to connect Sardar to the bomb that killed Johnson, a father of two who lived in Germany, but his fingerprints were on a different type of device that was found in the same suburb of Iraq's capital city.

Sardar's account was that he had indeed picked up a homemade bomb when he went to the country with an Iraqi friend, and wrapped tape around it. He said neither he nor the bomb-makers were targeting Americans. At that time, Iraq was engulfed in a sectarian war between Sunni and Shia and the bomb-making Sardar witnessed was by a group of Sunni citizens planning to put them in the path of marauding Shia militias who had been coming into their neighbourhood to abduct and kill civilians. In court, the US army accepted both that its vehicle had been in an area soldiers had not been in for six months, and that it was on a dirt area, not the hard road surface where armoured vehicles travelled, when it hit the IED, making it unlikely Americans were the target. Peirce said that "extremely powerful potential witnesses", who would have helped the jury understand the Iraqi conflict, were not allowed anonymity, leaving them afraid to give evidence for fear of reprisals on families still in Iraq.

Sardar is in Belmarsh prison. His wife and two-year-old daughter are in a small terraced house in Wembley, north London, where the living room is his library, wall-to-floor shelves of books of Islamic learning and history, their titles picked out in golden ornate Arabic letters. "He loves his books," said his wife Sadia with a smile. "He knows a lot about marriage laws, and as far as war is concerned, he believes it is a last resort and innocent people should never be involved." His father was a civil servant who had left India for England as a child, so when Sardar decided he wanted to study Arabic he went abroad, to Damascus, in 1997. His eventual mastering of the language was a love-hate struggle of his younger years, but he completed the final year of his degree in England and returned to the UK for good in 2007, marrying, becoming a London cabby and well known in his community for his deep knowledge of Islam, which made him a popular unpaid adviser. "He's a learned man, an intellect, he wanted to better himself – they are not the characteristics of a terrorist," said his wife, who believes that



**Police Officers Guilty of Assault** *Cambridgeshire News*

PCs John Richardson, 50, and David Littlemore, 35, both based at Thorpe Wood Police Station, Cambridgeshire, were convicted today, Tuesday 7th July 2015 following a trial at Luton Magistrates' Court. The officers were found to have used excessive force when engaging with a 58-year-old man in Peterborough on August 18 last year. The court heard how the officers were out looking for a man in his 70s with Alzheimer's who had disappeared from his home. They saw victim John Morgan, 59, who was sitting on a park bench as he was out with his Jack Russell Winston. Littlemore, 35, approached him and Mr Morgan, who has poor sight and diabetes, told him he was not the right man but refused to give his name and address Magistrates heard that Littlemore was suspicious that Mr Morgan was putting on an accent because he spoke with a Welsh accent. Mr Morgan told the court he was then 'dragged to the floor' by Littlemore and Richardson, 50, who twisted his arms behind his back. His phone and glasses fell to the ground and he said Richardson repeatedly stamped in his right hand.

Mike Humphreys, prosecuting, told magistrates in Luton the Pcs had "no legal authority to do what they did." He said: "They had no lawful authority to stamp on his hand and push him to the ground. He was simply walking his dog in the park. Mr Morgan refused to give officers his name. Mr Morgan will give evidence that both officers got hold of him and took him to the ground. It was clear that Mr Morgan was not the missing person. Again there was no legal authority to do what they did."

Retired engineer Mr Morgan told the court: "Officer two on my right [Richardson] wrenched my thumb back from my index finger and tried to get the dog lead out of my hand. He then stamped on my hand repeatedly and a lot of pressure was put on my back by officer one [Littlemore]. It could have killed me. I remember asking them about my human rights and taking their collar numbers which I forgot and being very disorientated. I remember officer two [Richardson] saying he 'did not care' repeatedly about my vulnerability."

Mr Morgan was only released when Littlemore confirmed via his radio that the missing man's dog was a Staffordshire Bull Terrier type - not a Jack Russell, the court heard. The missing man, Bill King, was described as wearing a hat, check shirt, brown cord trousers, brown shoes and had a black and white dog with him. Mr Morgan was described as wearing a similar outfit also with a black and white dog, but wearing but black combat trousers.

Detective Superintendent Mark Hodgson, head of Bedfordshire, Cambridgeshire and Hertfordshire professional standards department, said: "We want the public and our own employees to feel confident about raising concerns about the conduct of our officers and staff and we will always investigate these cases thoroughly and ensure prosecutions are brought where appropriate. All our officers must act within the lawful execution of their duties and on this occasion these officers clearly did not. The force will now consider the position of the officers and will await sentencing before considering internal misconduct proceedings."

**Teenage Boy Found Dead In Prison Cell @ HMP Cookham Wood**

*Sandra Laville, Guardian:* A 15-year-old boy has been found dead at a prison where staff shortages, violence and use of force were highlighted in a recent inspection. The boy, who has not been named, was found in his cell by staff at Cookham Wood prison in Kent on Saturday morning. The prison houses young males aged 15-18 who are on remand or have been sentenced. The Ministry of Justice said: "A Cookham Wood young offender was found unresponsive in his cell at approximately 6.40am on Saturday 4 July. Staff attempted resuscitation and paramedics attended but he was pronounced dead at approximately 8am. His next of kin have been informed. Every death

in custody is a tragedy and we always seek to improve our procedures for caring for prisoners, including young offenders, where possible. As with all deaths in custody, there will be an investigation by the independent prisons and probation ombudsman. Additionally, as he was under the age of 18, there will be a serious case review commissioned by the local safeguarding board."

The youth justice board said: "On Saturday the youth justice board was informed of a death in custody at Cookham Wood YOI. The cause of death will be formally determined by inquest but, at the present time, we have no indication that the young person took their own life or that the circumstances were suspicious. We offer our condolences to the family for their tragic loss. The relevant agencies are already undertaking inquiries into the circumstances and cause of death, and we want to ensure that any findings are acted on as they arise."

The findings of an inquiry published last week into the suicides of 18- to 24-year-olds in prison said staff shortages had been a contributory factor. The report, by the Labour peer Lord Harris, made 108 recommendations, including a requirement that young adults spent eight hours a day outside their cells, and said prison should be a last resort for young people. Harris said understaffing had clearly contributed to many of the deaths and it would be of enormous concern if current resource levels were cut back. The most recent published inspection of Cookham Wood, in June last year by the chief inspector of prisons, found debilitating staff shortages and significant challenges in recruiting staff, and a deterioration in safety. The number of violent incidents were high and rising, the report said, and programmes to tackle violence had lapsed. During one lockdown, 30 weapons were discovered hidden in cells. Deborah Coles from Inquest said the death of a child in the care of the state was deeply concerning. "There must be a robust inquiry into what happened, not least because it was in a prison that has only recently been criticised over concerns about safety," she said.

**HMP Pentonville 'Did Not Appear To Know' It Had Prisoner In Its Cells**

A high court judge has raised concerns after saying prison bosses did not appear to know that a prisoner was in their jail. Mr Justice Newton said on Wednesday he was "less than impressed" about what had happened at Pentonville prison in north London. He said a man may have been falsely imprisoned, that court time and public money had been wasted, and described the episode as "chaotic". Problems emerged on 3 July when salesman Mohammed Chaudhry, of Kettering, Northamptonshire, failed to appear at a hearing in the family division of the high court in London, where the disappearance of a child was being investigated. Newton had remanded Chaudhry in custody for five days the previous Monday, during the latest phase of investigations into the disappearance of his nephew Mani Dad, who turned seven this week. Chaudhry was brought to court on Wednesday and released on bail pending a further hearing on 16 July.

"I am less than impressed with what went on at Pentonville prison," said Newton. "Pentonville prison did not appear to know he was in there. It seemed to be chaotic and caused a great deal of court delay and court time and public expenditure to be wasted whilst the prison staff tried to identify where he was." The judge said Chaudhry may "effectively" have been "kept falsely in prison". "It is most unsatisfactory," he said, "and it is not an isolated incident. It is necessary for those that are responsible for people in custody to understand that court orders must be complied with. Prisoners must be produced."

Newton had asked the governor or deputy governor of Pentonville prison to appear before him and offer an explanation, but he said no one had been able to attend the hearing for "emergency operational reasons". Lawyers have told Newton that Chaudhry was arrested



at an address in Bedford by high court security staff after attempts to serve paperwork requiring him to come to court failed. The judge has been told that Mani was living with his Polish mother, Leyla Dad, 33, in Kielce, Poland, when he disappeared six months ago. He is thought to be in the UK with his British father, Dad's estranged husband, Zayn Dean, 47, who is also known as Dholtana Dad, lawyers say.

Leyla Dad has launched family court proceedings in a bid to find her son. Her lawyers have suggested that Chaudhry, who is also known as Aslam Yousuf and Mohammed Nawaz and has links to Bedford, knows where his brother and Mani are. Barrister Emily Rayner told Newton that Chaudhry's family had "managed to conceal" Mani. Newton has spoken of his "grave anxiety" for Mani's welfare. He has been told that Dean has links to Kettering, Bedford, Birmingham and Manchester. Dad, who uses her middle name, Paulina, has made a direct appeal to Dean and written an open letter to Mani, saying: "I promise we will be together again soon, my baby." Lawyers say she has begun legal proceedings under the terms of the 1980 Hague convention on civil aspects of iternational child abduction. Judges have given permission for detail of the case to be released to the media.

**Met Criticised for not Suspending Officer Facing Charges in Sean Rigg Case**

*Jamie Grierson, Guardian:* Scotland Yard has been criticised for failing to suspend a police officer after he was charged with perjury over evidence he gave at the inquest into the death of a man in custody. Sean Rigg, 40, a musician who suffered from paranoid schizophrenia, died of a heart attack at Brixton police station in 2008 after being arrested on suspicion of attacking passersby and officers. Sgt Paul White faces the charge over evidence he gave at the inquest into Rigg's death in July 2012, the Crown Prosecution Service (CPS) said on Wednesday. White, who will appear at Westminster magistrates court on 8 September, has been placed on restricted duties but not suspended. The inquest jury found police used "unsuitable" force when they arrested Rigg, who was held in a police van for 11 minutes before being taken to the station. The CPS had said last year it would take no further action after considering allegations against White and PC Mark Harratt concerning statements made about Rigg. It has now decided to charge White, but maintained that there is not enough evidence to charge Harratt. The decision comes after Rigg's family applied for a review of the case under a recently introduced scheme that gives victims the right to request that the CPS reconsiders decisions not to prosecute.

Rigg's family, led by his oldest sister Marcia Rigg-Samuel, have long fought for answers over his death. Rigg was living in a south London hostel in August 2008 when his mental health deteriorated. One afternoon, he smashed up a gazebo and made karate moves that staff viewed as threatening, so they called police. The inquest jury in 2012 found officers failed to uphold Rigg's basic rights as he collapsed after being pinned down, and concluded that the Metropolitan police made a series of errors which "more than minimally" contributed to his death. Rigg-Samuel initially welcomed the decision to charge White but later called on Scotland Yard to "urgently" reconsider keeping the officer on restricted duties.

Daniel Machover, a solicitor representing Rigg-Samuel, said his client had called on the Metropolitan police commissioner, Sir Bernard Hogan-Howe, to "urgently change his mind". Inquest, a charity that advises people bereaved by a death in custody and detention, also criticised the decision to keep White on restricted duties. Deborah Coles, the charity's co-director, said: "It is outrageous that a police sergeant accused of lying on oath has not been suspended."

Sue Hemming, the head of the CPS's special crime and counter-terrorism division, said: "The