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Gary Walker Takes CCRC to Court and Wins

The appellant was convicted of the murder of Audra Bancroft on 22 October 2004. He was sentenced to life imprisonment with a recommendation that he serve a minimum term of 12 years and 27 days before release. He is still a serving prisoner.

In 2014 the appellant applied to the CCRC for a review of his conviction. His application was based on written documents from a pathologist and two neuropathologists, one of whom had given evidence at trial. In 2017 the ***CCRC decided not to refer the conviction***. ***The appellant successfully applied for permission to judicially review that decision.***

Consequently, the CCRC agreed to carry out a second review and then decided to refer the conviction of the appellant to the Court of Appeal on the basis that there is a real possibility that this court will find (a) that if the expert evidence, as now articulated, was presented to the jury in a fair and balanced way, the jury might have returned a not guilty verdict; (b) that the Judge's direction on causation failed to adequately draw the jury's attention to the implications of the evidence suggesting that the appellant had taken steps to ensure that he placed the deceased in a safe recovery position.

This is not a reference which is made because "scientific advances" now provide a missing link in the medical evidence or otherwise incontrovertibly undermines a previous medical orthodoxy. This was, and remains, a case with inconclusive, complex medical evidence as the judge acknowledged in his summing up to the jury in 2004. Whilst it appears clear from the evidence that the cause of death was triggered by the hypoxic-ischaemic insult to the brain and swelling, it is still not possible to be sure on the medical evidence of the precise mechanism which led to the fatal condition. It seems to us that we are left with the same three options that were posited by Professor Milroy in [23] above.

In the circumstances, we understand the CCRC's initial decision not to refer this case on appeal and, despite the compelling judgment of Ouseley J, have questioned whether we are in any different position to that when the jury were directed in 2004, or when this court determined the appellant's renewed application for permission to appeal in 2007. Ultimately, we have decided that the crucial question raised for us by this reference which constitutes the appeal, is whether the fresh perspective to be derived from the evidence now changes the landscape to such a degree that significantly compromises the summing up and thereby undermines the basis of the Court of Appeal's decision not to grant permission to appeal in 2007.

We note from the joint schedule of agreement/disagreement (See [41] – [45] above) and their previous responses to the CCRC, that Professors Rutty and Milroy defer to the neuropathologists on questions which they had answered during the trial without such qualification, and Dr Squiers' views have crystallised. In fairness to them, we note the characteristically straightforward and volunteered concession by Miss Brand QC, that they were witnesses answering the medically inexact and generalised questions of advocates who did not sufficiently distinguish between "head injuries", "brain injuries" and "insults to the brain", nor necessarily pay sufficient regard to the boundaries of the different fields of neuropathology and pathology. We think the witnesses' re-evaluated opinions are probably more accurately described as refined rather than, as Mr Emanuel QC would have it, completely changed. However, this refinement, together with the evidence of Dr Bodi, which provides important neuropathological context, and Dr Anscombe, which raises issues as to the previous interpretation of some external bruising to the head and gives a definite view as to the obstruction of the deceased's airways, enhances the evidence to a degree that cannot be described as mere 'repackaging' of that which was summed up to the jury.

We are satisfied that it is necessary in the interests of justice to admit the 'fresh evidence' in the appeal. We are satisfied as to its admissibility at trial, credibility, and expert provenance. Whilst it appears that this genus of evidence could have been adduced before the jury in 2004, and in some cases it would be entirely appropriate to reject the application to admit 'fresh' evidence on that basis alone, we are in little doubt that whatever the reason for, or oversight in, not doing so, it cannot be laid at the door of the appellant and should not be refused if it would be to penalise him from pursuing a viable ground of appeal.

To be clear, the 'fresh' evidence relating to absence (if it was) of contrecoup injury does not establish that a fall did occur, but importantly, it does not rule out an accidental fall as causative of the 'minor' brain contusions, subarachnoid haemorrhage, and nosebleed. These were not a direct cause of death but cannot be definitively excluded as causing some swelling in the brain, and/or cumulative blood pooling and obstruction of the upper airways. But, potentially, this evidence has wider ramifications, since the pathologists' evidence as summed up by the judge, would certainly be capable of discrediting the appellant's account of finding Ms Bancroft after a fall and potentially thereafter as to the nature, extent, and circumstances of his subsequent and admitted assault upon her.

The necessity to direct the jury with especial care as to intent in relation to the injuries of which they were sure the appellant had inflicted unlawfully, and whether those injuries were an operating and substantial cause of death, or rather were the context in which the act of another, namely the first paramedic, exacerbated the effect of accidental injuries and unwittingly led to the fatal condition will be crucial. The direction given in 2004 (see first italicised passage in [29] and that represented in paragraph 29 of the 2007 Court of Appeal decision included in [31] above) as to intervening act, would be insufficient in the light of the alternative possibilities of causation that the medical evidence now admits, and in the words of Mr Emanuel QC, was without any "meat".

The context against which the medical evidence was and is to be judged is inherently complicated by several factors. There is little doubt that whether she had previously fallen in the street, the deceased received injuries at the hands of the appellant and had been gripped by the throat, she was extremely drunk and at some stage she became unconscious, whether initially through drink, and at what stage from injury or the effect of positional asphyxiation, is unclear. In these circumstances, the necessity for a detailed and careful exposition of the medical issues was unavoidable. Regrettably, as the presentation of the fresh perspective upon the same evidence reveals, the trial judge's well-intentioned attempts to assist the jury in seeking to clarify the position regarding causation of hypoxic-ischaemic injury with the pathologists, (see last italicised passage in [29] above) led to an imprecise and too generalised answer, and a summing up that must now be regarded as inevitably flawed

We recognise that another jury, accurately directed on all the available medical evidence, may still be sure that if there was a fall in the street it did not result in any injury that became relevant in the medical chain of events that resulted in hypoxic-ischaemic insult to the brain. In that case, if they are sure that the trigger injury which led to brain swelling, either through trauma or eventual asphyxiation, is attributable to the appellant's assault which was unlawful and with necessary intent they will re-convict of murder.

Noting, Miss Brand QC's arguments as to the appellant's lack of credibility, as effectively

did Mr Emanuel QC in his submission to the CCRC, when describing the appellant's demonstrable lies when first taxed by the police and his unusual stage setting of various phone calls as "unattractive", we remind ourselves that we are not required to determine whether the appellant is guilty, but whether in all the circumstances, the conviction is safe. We conclude that we are unable to be so satisfied. The new perspective which the combined medical expert evidence now brings to the case militates against the broad-brush approach essentially advocated by Miss Brand QC, reveals the summing up as insufficiently nuanced to the detriment of the appellant, and would not support the approach taken by the Court of Appeal in 2007. That is, we endorse the CCRC reasoning which led to this reference. (See [40] above.)

We Allow the Appeal and Quash The Conviction.

We have heard from the parties on the question of retrial. We are satisfied for the reasons we give in [55] that it is in the public interest for this matter to be retried and see no impediment to fair process regardless of the passage of time. We therefore direct that: the appellant may be retried for murder; a fresh indictment be served in accordance with Crim PR 10.8(2) upon the Crown Court officer not more than 28 days after this order; the appellant be arraigned upon the fresh indictment within two months; the retrial to take place at a Crown Court and before a Judge to be determined by the Presiding Judge of the Midland Circuit; the appellant be remanded in custody pending the retrial subject to any release from his sentence directed by the parole board, but otherwise that any application for bail be made to the Crown Court; and, that any application for representation order in respect of proceedings in the Crown Court be made in writing to the Legal Aid Agency CAT, level 6 . Further we make an order under s 4(2) of the Contempt of Court Act 1981 postponing publication of any report of these proceedings until the conclusion of the retrial to avoid a substantial risk of prejudice to the administration of justice in those proceedings.

Official: Criminal Cases Review Commission (CCRC) Suffers From Problems

Inside Time: A Parliamentary inquiry which made recommendations to improve the way potential miscarriages of justice are investigated is unlikely to receive a formal response from the Government. The Westminster Commission on Miscarriages of Justice published its final report in March 2021, concluding that the Criminal Cases Review Commission (CCRC) suffers from problems which prevent it from taking action over some apparently-wrongful convictions. The report made a series of recommendations to the government, many of which were welcomed by the CCRC itself. In April 2021, then junior justice minister Alex Chalk offered an initial response on behalf of the government during a debate in Westminster Hall. In his speech he said: “The report makes more than 30 recommendations, covering a broad area. I hope [members] will forgive me if I do not reflect on each individually, because time does not allow for that. I can say that the MOJ will consider each recommendation made for the Department in detail.” However, asked in Parliament this month whether the Government would respond to the Westminster Commission report, Chalk’s successor James Cartlidge suggested that Chalk’s comments amounted to the government’s response, adding: “During that debate, the minister noted the CCRC’s good performance, the additional funding provided to it, and the position on the most significant recommendations in the report.”

The Westminster Commission was established in 2019 by the All-Party Parliamentary Group on Miscarriages of Justice. Among the findings of its final report were that the CCRC suffers from underfunding, lack of independence and a remit which prevents it from taking action over some apparently wrongful convictions. When the Commission’s findings were published, in an 88-page report called In the Interests of Justice, one of its co-chairs, the former Solicitor General and Conservative peer Lord Garnier QC, said: “As the last hope for the unjustly convicted, [the CCRC] must remain alert to the need to be properly equipped to deal with wrongful convictions. We believe our recommendations would lead to an improvement in the CCRC’s investigatory work, prevent it from being too wary of the Court of Appeal, and allow it to maintain its independence.”

The other co-chair, crossbench peer Baroness Stern CBE, said: “The weight of the evidence we have considered leads us to conclude that, although there is much to praise in the work of the CCRC, there is room for improvement.” The Westminster Commission questioned officials and lawyers and took evidence from 113 people who had applied to the CCRC. The CCRC welcomed the Commission’s call for a review of the “real possibility” test, the benchmark for CCRC decisions to send cases back to the Court of Appeal. Other members of the six-strong Westminster Commission were Erwin James, the Editor in Chief of Inside Time; Dame Anne Owers, National Chair of Independent Monitoring Boards and a former non-executive director of the CCRC; Michelle Nelson QC, a barrister at Red Lion Chambers; and Dr Philip Joseph, a consultant forensic psychiatrist.

HMP Channings Wood Bans Sugar - Stop Prisoners Making Hooch

Inside Time: Sugar has been removed from a prison’s canteen sheet to prevent residents from brewing ‘hooch’. The decision was taken by governors at Channings Wood, a Category C jail in Devon. It means men cannot purchase bags of sugar with their weekly grocery order from DHL/Booker – although they are still given small quantities with meals. The policy was made public by the jail’s Independent Monitoring Board, which said in its annual report published last month: “Illicit alcohol (hooch) was found to be present within the establishment for periods of the year and this has resulted in the intermittent removal of sugar from the canteen since June.” A Prison Service spokesperson confirmed to Inside Time that the sugar ban was first introduced at Channings Wood in 2019, and remains in force today. The spokesperson added: “Illicitly brewed alcohol fuels violence and crime in prisons which is why we are cracking down on it.” In 2016, a prisoner complained to Inside Time that Channings Wood had removed fresh and dried fruit from the canteen sheet, and also stopped serving fruit with meals, in a bid to thwart hooch production. The prisoner commented “Will scurvy be next on the menu here at Channings Wood?”. The Prison Service told Inside Time last week that there are no current restrictions on fruit at the jail

Prison Inspectors Stop Making Recommendations as They are Ignored by Governors

Inside Time: HM Inspectorate of Prisons (HMIP) said it was considering a new approach in which its inspection reports will include, instead of a long series of recommendations, a shorter list up to 15 “concerns”, of which between three and six will be “priority concerns”. Instead of being told how to fix their jails, governors will be told where the problems lie and required to come up with their own solutions. In a consultation paper setting out its new way of thinking, HMIP said: “One of the longstanding frustrations of HMIP has been how often inspectors have returned to establishments to find that previous recommendations have not been achieved and outcomes for detainees have not improved. “We continue to find that attention is given to recommendations that are easiest to achieve, rather than those which would have the most positive effect on outcomes for those detained. We are also told that establishments are often overwhelmed by the amount of paperwork that they have to generate in response to inspection.”

An example was given of a prison wing found to suffer from high levels of violence. The cause could involve the mix of prisoners, weak staff, problems with the regime, the structure of the building or the culture of the jail. The HMIP paper says: "With such complex concerns, we believe it will be more effective for inspectors to set out what is wrong and allow the leadership of the jail and the prison service to create a plan to put it right." However, the idea met with a mixed reaction. Consultant Rob Allen, co-founder of Justice and Prisons, called it "a puzzling move" and said: "Making recommendations is a core activity for oversight bodies." He acknowledged there could be a problem with 'initiative overload' but said: "Specifying a small number of recommendations as high priority is the way to ensure the most important changes are given the attention they need. Making no recommendations throws the baby out with the bathwater."

Rate of Unsolved Killings of Black and Asian People Has Trebled Under Dick

Fin Johnston, Open Democracy: The unsolved homicide rate for Black and Asian victims in London has almost trebled under Cressida Dick's leadership of the Met Police, openDemocracy can reveal. Since May 2017, 21% of homicides – including murder and manslaughter cases – where the victim is recorded as being Black or Asian have remained unsolved, 72 out of 344. In the five-year period before Dick's promotion to commissioner, the figure stood just under 8% (20 out of 254), according to data released by the force and analysed by this website.

By contrast, unsolved homicide cases where the victim was white have risen from 9% to 13.6% over the same period of time, suggesting killings are now 50% less likely to be solved if the victim is Black or Asian than if they are white. The Met considers a case to be solved when someone has been charged with the crime, although this does not mean that they have been convicted.

Campaigners have said openDemocracy's findings are akin to "evidence of racial inequality" and "lack of leadership" within the Met. Dick announced she would be stepping down from her role last month after losing the support of mayor of London Sadiq Khan following a string of high-profile scandals. Last year, Dick denied the Met was institutionally racist, telling the House of Commons' Home Affairs Committee that racism "is not a massive systemic problem. It is not institutionalised. More to the point, we have come such a very long way". Ken Marsh, chair of the Metropolitan Police Federation, defended Dick after her resignation announcement, saying: "She was reforming. She was changing." But the homicide data suggests the force was changing for the worse.

Three Girls in England Held in Male Offender Institution For Months

Eric Allison, Guardian: Three girls have been held in an all-boys prison for at least eight months owing to "appalling" and systemic failures in the prison system, MPs and campaigners have said. The girls, aged 15 to 18, were transferred to the UK's biggest prison for boys following the enforced closure of a privately run centre for safety reasons last year, the Guardian has learned. The teenagers have been held at the previously all-male Wetherby young offenders' institute in West Yorkshire since last June. An inspection report found that they self-harmed and were subject to pain-inducing restraint techniques on 12 occasions – a higher proportion than the boys – according to an inspection report.

Carolyne Willow, director of the children's rights charity Article 39, said it was "appalling" that highly vulnerable children were "being put into completely the wrong environment and predictably suffering harm as a result". She added: "It is unforgivable that ministers and statutory child welfare agencies were not able to work together to find a humane alternative to locking up three girls in the country's largest prison for boys." A cross-party group of MPs said the detention of the three girls alongside 140 boys represented a failure in effective planning at national level. The girls were taken to Wetherby after being moved from Rainsbrook secure training centre (STC), which was closed by the government after it emerged that children were being locked up for more than 23 hours a day.

In June last year, the government announced the immediate closure of Rainsbrook, in Warwickshire, after the contractors, MTC Novo, failed to deliver changes ordered by the then justice secretary, Robert Buckland, following a damning report that exposed serious safety concerns. At the time, the Ministry of Justice said the 33 children, boys and girls would be taken to safe and secure centres across the youth prison estate. The Guardian has learned that three girls were transferred to the all-male Wetherby prison. They are held on a wing separate from the 140 boys.

MPs Jackie Doyle-Price and Debbie Abraham, co-chair of the all-party parliamentary group on women in the penal system, said it was "unacceptable that the three girls have been placed in Wetherby because of a failure at a national level to plan effectively". They added: "Ministers must look again at this situation and come up with a sustainable long-term solution that ensures girls get the care and support they need." A report on youth jail by the chief inspector of prisons, Charlie Taylor, was published last week. Taylor found Wetherby's use of pain-inducing restraint techniques were the highest of all comparable prisons.

The three girls had been restrained 12 times in the six months they had been at Wetherby at that point, significantly higher than the rate for boys. And of the 348 incidents of self-harm in six months, 14 were suffered by the three girls. The inspection, last December, criticised aspects of the environment and regime for all inmates. It says children spent less than six hours a day out of their cells, reduced to four hours at weekends, which inspectors said was not enough, noting the accommodation on the wings as "prison like" and some of the exercise yards "resembled those in high security jails". Inspectors observed "children standing around in bare yards with nothing to do".

However, inspectors said children in crisis or at risk of self-harm had spoken positively about the support they received at the jail. One child told them:" It's the best support I have ever had, in or out of prison." The Wetherby inspection report found that three-quarters of the children had been in the care of their local authority at some point before custody. Nearly 30% had been excluded from school, and nearly a third were not in education, employment or training before custody. A Ministry of Justice spokesperson said: "Inspectors recognised that staff at HMP Wetherby have rapidly created a caring and supportive environment for the small number of girls placed there after the closure of Rainsbrook STC. "The Keppel unit is separate from the rest of the population and has been adapted temporarily to support the needs of girls."

Daniel Morgan Murder: Met Anti-Corruption Measures 'Dire', Damning Report Finds

Vikram Dodd, Guardian: Measures taken by the Metropolitan police to tackle corruption are "fundamentally flawed" and "dire", with continued failings down to arrogance, secrecy and lethargy, a devastating independent report has said. The report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services was ordered after an independent panel criticised the Met for failings over the Daniel Morgan murder, where corruption hampered the hunt for the killers of the private detective. Morgan was found dead in 1987 in a pub car park in south London with an axe in his head. No one has been convicted of his murder. The inspectorate said many of the failings it identified in its latest report had been highlighted before, and Met promises to fix them had not been kept. Thirty-five years on from the killing, the Met had still not learned all the lessons, the inspectorate found, adding it was "inexcus-

able" and showed "indifference". The inspectorate said: "In too many respects, the findings from our inspection paint a depressing picture. The force has sometimes behaved in ways that make it appear arrogant, secretive and lethargic. Its apparent tolerance of the shortcomings we describe in this report suggests a degree of indifference to the risk of corruption." The Morgan family said its 35-year ordeal fighting the Met for justice amounted to "torture" and said so ingrained were Met failings its top team needed radical reform.

The inspectors found the Met: Failed to properly supervise more than 100 recruits with criminal convictions or criminal connections, to lessen the risk they may pose. Those convictions include handling stolen goods, possession of drugs, assault and theft. The Met does not know if staff in highly sensitive posts, such as child protection, major crime investigation, and informant handling, are vetted to the right level. More than 2,000 warrant cards issued to former officers who are now not entitled to hold them are unaccounted for. Monitoring of IT systems, which helps identify potentially corrupt staff, remains weaker than it should be. Hundreds of items such as drugs, cash and exhibits are missing, with the arrangements and policies for keeping them safe branded as "dire". The security code for a store was written on its door at one police station.

Matt Parr, HM inspector of constabulary, said: "Corruption is almost certainly higher than the Met understands." Parr added: "It is unacceptable that 35 years after Daniel Morgan's murder, the Metropolitan police has not done enough to ensure its failings from that investigation cannot be repeated." The findings from the inspectorate were so serious that several weeks ago the headlines were briefed to the home secretary, the Met commissioner and London mayor.

The Morgan family, after decades in the wilderness, have found broad recognition in two official inquiries. They said: "Our experiences have taught us that the lack of will to address the sickness of police corruption is too deeply institutionalised within the Met to allow it to respond in any meaningful or constructive way to the inspectorate's report "We expect its leadership to retreat once more into its defensive shell, in denial of the evidence presented by the inspectorate's report this year, just as it remained in denial of the findings of in the panel's report last year. Unless and until we see root-and-branch changes in that leadership team, we consider we are unlikely to see any meaningful progress within the Met in relation to police corruption."

The panel set up by the government to look into Morgan's murderreported last year and found the Met to be institutionally corrupt. In part, that was because the force was slow to hand over documents requested, and was accused of trying to cover up to protect its reputation instead of doing the right thing. The inspectorate concluded the Met was not institutionally corrupt and any hampering of the inquiry was not deliberate – but it was critical. It said: "We concluded that, at least until recently, the MPS [Metropolitan police service] has often shown a reluctance to examine, admit and learn from past mistakes and failures. "We concluded that the adverse matters … bore the hallmarks of limited resources allocated to the maintenance of professional standards, professional incompetence, a lack of understanding of important concepts, poor management or genuine error, rather than dishonesty."

The Morgan family said they believed "institutional corruption" perfectly described the Met and demanded that those who oversee Britain's largest force, namely the home secretary and London mayor, stop glossing over its failings: "We call on them to stop turning a blind eye to those within the Met who – at best – deliberately turned away from the stench of police corruption; those who sought to manage the fallout from that corruption instead of confronting it." After reports into racist and misogynistic messages swapped by officers at Charing Cross, and a string of other scandals, the inspectorate's report is one of the final acts of Cressida

Dick's commissionership. She has announced her resignation, with public confidence plummeting during her five years in charge. The Met said it was improving, and added some criticisms it disagreed with: "We are determined that this report will serve as a further opportunity for us to learn and improve. In the past we have missed chances to reform more quickly, but in many other cases we have undertaken substantial changes to create a service unrecognisable to three decades ago." The deputy commissioner, Sir Stephen House, said: "I take counter-corruption work very seriously. It is well resourced and we have been praised for our work in this area. This will continue. There are some areas where our judgment is different from the police inspectorate." Both the home secretary, Priti Patel, and the London mayor, Sadiq Khan, have demanded the Met do better. Reports into potential failings that allowed Wayne Couzens to join the Met are expected later this year. While a serving Met officer, he used police powers to kidnap and murder Sarah Everard in March 2021.

Birmingham Pub Bombings: Chris Mullin Wins Fight To Protect Source

Duncan Campbell, Guardian: Chris Mullin, the journalist and former MP, has won the right to protect his sources in a historic freedom of the press case at the Old Bailey. Judge Lucraft ruled that it was not in the public interest to force Mullin to hand over data that would identify a man who had confessed his role in the 1974 Birmingham pub bombings. West Midlands police had applied under the Terrorism Act 2000 to require Mullin to disclose material dating back to his investigation in 1985-1986 that led to the successful appeal of the six men wrongly accused of the Birmingham pub bombings. Mullin had refused to divulge the information that could identify the man who had confessed his role in the bombings to him in an interview. Mullin had promised to protect the man's identity in exchange for information that would help exonerate the six. Twenty-one people were killed in the bomb attacks on two pubs in Birmingham in November 1974. In a lengthy written judgment, Lucraft concluded: "Whilst I can see the benefit likely to accrue to a terrorist investigation if the material is obtained, having regard to the circumstances under which Chris Mullin has the material in his possession, custody or power, I do not feel that the material should be procured or that access should be given to it." The judgment accepted the arguments put forward by Mullin's barrister, Gavin Millar QC, at last month's hearing that the public interest was strong. "The journalism in issue was of the highest public interest value exposing serious failings on the part of the criminal justice system which resulted in the wrongful conviction and imprisonment of six innocent men."

Outside the court, standing where he had famously stood in 1991 with the Birmingham Six after their successful appeal, Mullin said: "The right of a journalist to protect his or her sources is fundamental to a free press in a democracy. My actions in this case were overwhelmingly in the public interest. They led to the release of six innocent men after 17 years in prison, the winding up of the notorious West Midlands serious crimes squad and the quashing of a further 30 or so wrongful convictions. "This case also resulted in the setting up of a royal commission which, among other reforms, led to the setting up of the criminal cases review commission and the quashing of another 500 or more wrongful convictions, most recently those of the many sub-postmasters wrongly convicted of fraud and theft. My investigation is also the main reason why the identity of three of the four bombers is known. Finally, I am grateful to the National Union of Journalists for their unswerving support." His solicitor, Louis Charalambous, said: "This is a landmark freedom of expression decision which properly recognises the public interest in Chris Mullin's journalism which led to the release of the Birmingham Six. If a confidential source cannot rely on a journalist's promise of lifelong protection,

then these investigations will never see the light of day." The judge also lifted a restriction under section 11 of the Contempt of Court Act 1981 after a challenge by five media organisations, including the Guardian. The restriction meant that the true identity of the confessed bomber could not be mentioned in the original hearing, in which he was described as AB. He has since been widely identified in the media as a "critical suspect". Mullin had come under pressure from West Midlands police to reveal his data when they reopened the investigation into the bombings in 2019. Relatives of victims of the bombings and their organisation, Justice 4 for the 21, have attacked Mullin for refusing to hand over his unredacted notes and some have called him "scum". In his statement to the hearing last month, Mullin said: "I hold no brief for the terrorists responsible for this atrocity … I have every sympathy with those whose loved ones died, and were I in their place I, too, would want those responsible to face justice."

Responding to today's decision, the assistant chief constable of West Midlands police, Matt Ward, said: "This was a complex issue balancing the need to pursue all significant lines of inquiry related to the 1974 Birmingham pub bombings against the rights of journalists to keep the sources of their information confidential. The court has given its independent judgment, which we will now consider carefully. West Midlands police remains committed to bringing to justice those responsible for the murder of 21 innocent victims." In the hearing last month, statements on Mullin's behalf were submitted by a former lord chancellor, Charles Falconer, the former editor of the Guardian Alan Rusbridger, and the general secretary of the National Union of Journalists, Michelle Stanistreet.

'Astonishing' That Prisoners Can Serve Sentence Without Being Taught to Read,

Noah Robinson, Justice Gap: The failure to teach prisoners to read or improve literacy was 'a huge missed opportunity' and 'a serious indictment' of our jails, according to the chief prisons inspector. According to the most recent Ministry of Justice data, almost six out of 10 adult prisoners (57%) have literacy levels below those expected of an 11-year-old. According to a new joint report by Ofsted and HM Inspectorate of Prisons, those prisoners with 'the greatest need generally received the least support'. 'It is a serious indictment of the prison system that so many prisoners are no better at reading when they leave prison than when they arrived,' the report said. 'The prison service, governors and education providers should take urgent action to address the many concerns we have raised in this report.'

'At a cost to the taxpayer of around £45,000 each year, it is astonishing that prisoners can serve their sentence without being taught to read or to improve their reading skills,' wrote the chief inspector, Charlie Taylor. 'Yet this is the depressing finding… . We know that many prisoners have had a disrupted schooling and that high numbers cannot read at all or are functionally illiterate, so it is very disappointing that this essential skill is given such a low profile in prisons.' The report notes that 'little progress' has been made in the priority of education since the Coates Review of 2016.

The existing reading education, described as 'minimal at best', was increasingly hindered by the lockdown. As one teacher stated, learning to read requires face-to-face teaching: 'You can't teach phonics through a cell door.' Although prisons often provided education packs to be completed in a prisoner's cell, these demanded some reading ability and were 'far too difficult' for some to use. The need to improve the literacy of prisoners had been 'largely overlooked' and, in most prisons, fewer than 30 prisoners are enrolled in any form of English education. Whilst the report highlights that many prisoners would benefit from a distinct reading curriculum, the core education does not currently offer this. As a result of a lack of reading skills, prisoners' ability to navigate life after prisons is limited. The report describes that prisoners without employment-related skills are more unlikely to be able to access opportunities for rehabilitation upon release. This is because the majority of prisoners are enrolled in a Level 1 Qualification designed to help them access work-based opportunities. However, it was 'unsuitable' for many as it requires prior literacy. Prison staff observed that up to 50% of the prison population could not read well enough to take part in functional skills courses at Level 1 or above. Reinforced by the lack of subject knowledge seen from teaching staff, appropriate space and time, many prisoners were not simply given the opportunity to develop their reading skills.

The lack of adequate reading education means that current support heavily relies on voluntary organisations such as the Shannon Trust, which trains prisoners to mentor fellow prisoners who are learning to read. Whilst there has been success with this programme, it is not integrated with the English curriculum at any level. It is also not commissioned by the HMPPS, so it has only been possible due to use of limiting funding by prison leaders. When the programme could take place, it was 'only possible' in the limited time out of cells; at the time of observations for the report, this was as little as an hour. One prisoner observed that 'on association you're grabbing lunch, you've got to clean your cell, do laundry, shower, have a little walk around, any paperwork. In an hour and 45 minutes'. As it was "simply not a priority" for wing staff, there was "very little evidence" of mentors being able to deliver the programme effectively.

Bloody Sunday: High Court Quashes Decision to Discontinue Soldier F Case

Julian O'Neill, BBC News: The High Court in Belfast has quashed a decision by the Public Prosecution Service (PPS) to discontinue the case against Soldier F, who is accused of two murders on Bloody Sunday in Londonderry in 1972. It follows a legal challenge brought by the family of one of the victims. The PPS said in 2021 that it was seeking to drop the case after reviewing the evidence. But the High Court has said that decision should be reconsidered. It said it may be for the trial judge to rule on the issue of whether key evidence was admissible or not. Solider F had been facing trial for the murders of William McKinney and James Wray, plus five counts of attempted murder, in Derry on 30 January 1972.

In her ruling, Lady Chief Justice Dame Siobhan Keegan said the PPS must reconsider its decision, which it based on concerns over the admissibility of evidence in the case. She said: "We consider that the decision crosses the threshold of irrationality where it simply does not add up, or in other words there is an error of reasoning which robs the decision of logic. It follows that the matter should remain with the PPS to reconsider the decision". However, a separate legal bid to overturn the PPS's decision not to prosecute five other soldiers for the deaths of six people on Bloody Sunday failed.

Thirteen people were shot dead and at least 15 others injured when members of the Army's Parachute Regiment opened fire on civil rights demonstrators in the Bogside - a predominantly Catholic part of Derry - on Sunday 30 January 1972. The day became known as Bloody Sunday. It is widely regarded as one of the darkest days of the Northern Ireland Troubles. William McKinney's brother Mickey said he was delighted for his own family and for the family of Jim Wray. "It was with regret that we were forced to bring these proceedings in the first place but the PPS did not engage with us properly in respect of its decision making, but in fact came to Derry last July and presented us with a determination it had already decided upon," he said. Mr McKinney told BBC Radio Foyle there was now an onus on the PPS to reconsider their decision. He said the family and their legal team would "wait and see what happens". Solicitor Ciaran Shiels, who represents a number of the Bloody Sunday families, said the PPS must "move immediately to re-institute the proceedings against Soldier F and to secure his committal for trial in the Crown Court. The families continue to be vindicated in their long pursuit of justice," he added.

Woman Prisoner With Brain Injury Held in Solitary Confinement Over 1,000 Days

Samantha Dulieu, Justice Gap: A woman with an acquired brain injury has been held in solitary confinement in a prison near Bristol for over 1,000 days, despite interventions by prisons and health ministers. A report on HMP Eastwood Park by the Independent Monitoring Board noted in October 2021 that the woman had been held in 'inhumane' conditions since July 2018, but she has still yet to be relocated or provided with appropriate support. The same report noted other prisoners were usually only segregated for up to 28 days.

In the latest report, the watchdog highlights the woman's case in a section addressed directly to the prisons minister. 'Our concerns continue about a prisoner with an acquired brain injury who has been continuously segregated at Downview and Eastwood Park prisons for 1,202 days by the end of this reporting period. In response to correspondence your predecessor stated that "the truth is that the right environment simply doesn't exist within the prison system to cater for her unique needs". Why is it acceptable to discriminate against women when specialist facilities are available for men with a similar condition?'

The IMB first raised concerns in 2020, noting in their inspection report: 'This prisoner exists from day to day in her cell, with little outside contact. While the Governor and staff ensure that the prisoner has the mandatory daily time out of cell, we cannot imagine the effect that such solitary confinement has on a person with an organic personality disorder resulting from a long-term brain injury.' The successive reports question why specialist establishments exist for men with brain injuries, but not for women, leading to this 'discriminatory and therefore unlawful' period of confinement.

A report by the BBC in February 2021 highlighted the plight of this woman, who has had a brain injury since she was a child, and was convicted for a violent assault. An MoJ spokesperson commented at the time: 'The prisoner has extremely rare and complex needs and we are working very closely with partners across Government and beyond to ensure we are doing all we can to address them'. However, despite correspondence between the watchdog and successive prisons ministers, the woman's detention in solitary confinement continues almost four years later. Her Majesty's Inspectorate of Prisons notes in their last report in 2019 that 'there was a need for the prison to think very carefully about the arrangements for those women being segregated for extended periods, and indeed whether it was necessary to do so'.

Two Met Officers Who Strip-Searched School Girl Removed From Frontline Duties

Tobi Thomas, Guardian: Two of the five officers who were involved in the traumatic strip search of a 15-year-old black girl in her school in Hackney, London, have been removed from frontline duties, the Metropolitan police has confirmed. The admission came at a community meeting on Wednesday evening as anger over the treatment of the girl, known as Child Q, continues. The meeting was originally supposed to take place in person but had to be moved online after the police force could not find a venue. More than 250 people attended, with more wanting to but unable to join because of the meeting's limit.

Tensions were high on the call with many frustrated and angry attenders saying that the force was institutionally racist, and that they had not addressed the issue face on. The police panel, led by Hackney's Basic Unit commander, Marcus Barnett, admitted that the Met has a problem with officers viewing inner London children as "adults", adding that what happened to Child Q would probably not have happened to a child living in the Cotswolds, as an example. "I think we view inner London kids as adults, the issue we have in policing at the moment is that we view kids and we believe that kids in London are more resilient than they are," said detective superintendent Dan Rutland, who was also on the panel. It was also confirmed that two of the officers that conducted the search in December 2020 have been removed from frontline duties. The Independent Office for Police Conduct is investigating the incident. The meeting also revealed that Barnett knew about the girl being strip searched in January 2021. Officers were called due to a teacher wrongly suspecting that she had cannabis. He added that the school "probably should not have called us and we should probably have understood very quickly that we had no role to play there". Chanel Dolcy, a solicitor at Bhatt Murphy, which is representing the family in proceedings against the police, said Child Q had launched civil proceedings against the force and her school seeking to hold both institutions to account "to ensure this never happens again to any other child". She added: "The Metropolitan police has seemed incapable of reform for generations, and it is difficult to say it will ever change."

90% of Met Officers Disciplined for Racism Still Work For Force Only Four officers of the 76 who had disciplinary proceedings for racism against their colleagues upheld were dismissed without notice between 2017 and 2021, Freedom of Information (FOI) requests reveal. Three further officers resigned or retired during this period after claims against them for racism were upheld. Cressida Dick, the force's outgoing commissioner, said in May 2020: "In the Met we have zero tolerance of racism." And in November 2020, speaking outside Brixton Police Station, she claimed: "Officers that display racism are sacked. That's what we do." In all, London police officers made 300 complaints about racist colleagues between 2017 and 2021, an average of more than one a week. Of the 76 complaints that were upheld, just 14 (18%) resulted in a 'full merits hearing' – the most serious form of disciplinary proceedings an officer can face, which can lead to dismissal.

Scotland: Female Prison Visitor Locked in Cubicle

A woman who went to visit her partner in prison got more than she bargained for – when she ended up being locked in herself. According to The Scottish Sun, the 48-year-old finance worker went to HMP Edinburgh on March 11 where she had a 45-minute visit with her boyfriend in a private cubicle, with a divider separating the pair. When the visit ended at 8.30pm, he was taken back to his cell and she should have been let out – but instead staff forgot about her and she was trapped in the booth, which was only just big enough to fit two chairs. The woman said she screamed and kicked at the heavy door, yet no-one came to let her out and eventually the lights were switched off, leaving her in the dark. She said: "I had a panic attack – it was very frightening. They took him away and told me they would be back to get me. Five minutes went by and I wondered what was taking them, and it just got longer and longer.

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan