Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Eddie Gilfoyle: Police Cover-Up Exposed 23 Years After Husband's Murder Trial

Part 1. A police force covered up evidence of flaws in its investigation into a convicted wife-murderer who has spent almost a quarter of a century fighting to clear his name. Newly uncovered documents about Eddie Gilfoyle, who was given a life sentence in 1993 for killing his pregnant wife Paula, show how Merseyside police officers deliberately withheld an internal report from his defence team. The report recorded serious institutional failings by the force at the scene of Mrs Gilfoyle's death. Officers failed to seal off the area, resulting in potential forensic evidence being lost. The force also repeatedly misled the Police Complaints Authority when it tried to uncover errors in the murder investigation, the document states. Gilfoyle's wife, who was 32, was found hanged in the garage of their home in Upton, on the Wirral, in 1992. She was eight-and-a-half months pregnant and had left a handwritten suicide note. Prosecutors convinced a jury that her husband, a hospital orderly, tricked her into writing the letter and hanged her. Gilfoyle served almost 18 years of a life sentence before being released on licence. Now 54, he remains a convicted murderer.

The suppressed report of the inquiry by Chief Superintendent Ted Humphreys details how the force flagrantly breached its own rulebook at the scene of the death, with even basic instructions ignored. No photographs were taken of the body or garage. Instead of sealing the scene, officers were said to have trampled through sand, destroying potential footprint evidence. A record has now emerged suggesting that it was the head of Merseyside CID, Detective Chief Superintendent Tom Baxter, who decided to withhold these findings from the defence. He had been involved with the Gilfoyle case. Shortly before the trial in 1993, a lawyer for Gilfoyle asked police for the internal report. According to a force record written by another officer, Mr Baxter "felt it inappropriate to supply a copy of the report, and that the defence were on a fishing expedition and if they wanted a copy of the report they would have to apply for a production order".

Observers suggest the suitable procedure would have been for police to give the document to the Crown Prosecution Service to decide whether the defence should receive it. Mr Baxter, now retired, told The Times: "I have got no recollection of it so I can't really comment." He pointed out that he had not been the senior investigating officer. After Gilfoyle was convicted, his relatives made a formal complaint about the handling of the investigation. The PCA sent Detective Superintendent Graham Gooch from Lancashire police to look into the investigation. Mr Gooch was alarmed by the mistakes made by Merseyside and became convinced that Mrs Gilfoyle took her own life. In a statement provided to the defence three weeks ago, Mr Gooch outlined the obstacles put in his path. At first the force denied the existence of the Humphreys report. When it finally provided him with a copy, it wrongly denied that any notes from the inquiry existed. The notes came to light only after he finished his investigation.

Many errors arose because the local coroner's officer took charge of the death scene. Mr Gooch was never told by the force that this was a policy peculiar to the Wirral division of Merseyside. Unknown to the Gilfoyle family, an officer who had enforced this policy was handling their complaint. Freshly uncovered documents show that the officer in charge of the murder investigation, Detective Chief Inspector Paul Baines, continued to have access to sensitive material after the family had lodged their complaint. He collected an envelope containing the Humphreys notes although he has stressed he never viewed its contents. Merseyside police said that it had provided all its documentation to the Criminal Cases Review Commission. A spokeswoman said: "The matter is still being considered by the CCRC as a result of the concerns put forward by Mr Gilfoyle's representatives and therefore it would not be appropriate to comment further at this stage."

Part 2 Times Investigation - Honest copper who was thwarted at every turn. Much has happened to Graham Gooch since he was sent to look into concerns about shortcomings in the investigation that led Eddie Gilfoyle to be convicted of the murder of his wife. The detective became convinced that Paula Gilfoyle, who was eight and a half months pregnant, had committed suicide rather than being murdered. When she died in 1992 she left a handwritten suicide note but prosecutors convinced a jury that her husband tricked her into writing the letter and then hanged her. Gilfoyle, who has always protested his innocence, served 18 years of a life sentence before being released on licence but remains a convicted murderer and is still fighting to clear his name. Mr Gooch was the trusted detective dispatched by the Police Complaints Authority (PCA) in 1993 to look into a complaint by Gilfoyle's relatives about the handling of the murder investigation.

One ambition the policeman failed to achieve was to see, read or hold the notes taken by Merseyside police during an internal inquiry into its own copious blunders at the scene where Mrs Gilfoyle was found hanged on a Thursday afternoon in June 1992. That is because the force told him, untruthfully, that the notes did not exist. Mr Gooch, from Lancashire constabulary, sought information from Chief Superintendent Edward "Ted" Humphreys, who had led the force inquiry into errors at the death scene and produced a report. Mr Humphreys told him: "We spoke with pertinent police officers regarding their order of attendance at the scene, its condition and control, who was requested to attend from other agencies and their role. We did not take any statements at all and to the best of my recollection no notes were taken." Detective Inspector Andrew McDiarmid, who had assisted Mr Humphreys, said: "No statements were taken although I made notes either during the interviews [or] at the end of the interviews. I used these notes in collaboration with Detective Superintendent Humphreys to compile a report on the above. After the compilation of the report the notes were disposed of." Twenty-two years later, in the handsome Victorian splendour of County Hall in Preston, Lancashire, Mr Gooch was finally presented with a copy of the notes, about 50 pages of them, in neat cursive handwriting. They were handed over by Matt Foot, the current solicitor for Gilfoyle.

Mr Gooch's experienced detective's eye quickly fell on what he has described in a statement as "many pieces of evidence relevant to the murder inquiry". The notes included timings of Gilfoyle's movements and his wife being "OK" when he left home. There was also discussion of paternity because there was "doubt about child, admitted he not father a while ago. Pressure building up as birth gets nearer . . . she had marital problems and was upset." Mr Gooch said: "All these matters were pertinent to the investigation and should have been available to me in my inquiry into the complaints. They should also have been offered to the defence." Surprisingly, the notes state: "Cut rope in two places." Mr Gooch said: "That is not seen anywhere else in the inquiry. How was that information obtained? When that is coupled with the note of PC Tosney's interview where it is noted that he saw a rope in DC Jones' [from the coroner's office] pocket, it does raise concern.

"There is probably an innocent explanation but this really needed further investigation to see whether a section of rope had been removed for some purpose and why an exhibit had been put in an officer's pocket instead of an exhibit bag. Had I been in possession of the notes

at the time of my inquiry this would have been done." Mr Gooch only discovered about the Humphreys report by chance. "One of my officers made the enquiry of a senior Merseyside officer and was told that no such report existed. My officer was persistent and insisted he would not leave the building without being provided with a copy."

After Mr Gooch completed his inquiry, he was informed that the elusive notes to the inquiry did in fact exist. He alerted the Police Complaints Authority to this, which contacted Merseyside police. The Merseyside assistant chief constable, David Westwood, wrote back, making the apparently misleading claim to the PCA that Mr Gooch "has been asked to look into and report on the circumstances of their recovery". Mr Gooch denies this account, saying: "I was never asked to make enquiries into the Humphreys saga." He added: "The Humphreys report included statements made by officers who were prosecution witnesses in the case and the defence should have been made a gift of the information contained therein. The notes should have at least been revealed to the [Crown Prosecution Service] and if any doubt arose submitted to counsel."

Mr Gooch said: "One of the main causes of the problems with the investigation at the scene was that the coroner's officer, [in the form of] DC Jones, assumed the role of an investigating officer, a role for which he was not qualified." Mr Gooch was never told that it was policy on the Wirral for the coroner's officer to attend all suspected suicides. Mr Gooch has now been shown newly released internal documents including one he described as "an unusual memorandum" in which Chief Superintendent Tony Isaac, who handled the Gilfoyle family's complaints about errors in the murder investigation, "appears to be writing to himself". In the document, addressed to Mr Isaac and signed by him on behalf of the deputy chief constable, he states that the Gilfoyle family complaint had been seen. Mr Gooch said this raised doubts as to whether the senior officer had actually seen it. Another document shows that Mr Isaac had previously reminded staff to follow the policy of calling the coroner's office to all suspicious deaths. Mr Gooch stated: "In the circumstances of these complaints where the main problem seems to have stemmed from the policy he promulgated it looks like a professional conflict for Isaac not to have distanced himself from this complaint." Mr Gooch retired as a detective superintendent in 2001 and became a lecturer in policing and criminal investigation and is an elected county councillor.

Unravelled: the Gilfoyle Case -June 4, 1992 Paula Gilfoyle was found hanged in the garage of her marital home in Upton, Merseyside. She was eight and a half months pregnant. Police called to the scene made mistakes by losing or damaging evidence, failing to take photographs and cutting down the body before the CID arrived. - July 3, 1993 Jury finds Gilfoyle guilty of murder. The trial was told by 17 family and friends that Paula seemed bubbly and was looking forward to her first baby. Gilfoyle was jailed for life. -October 20, 1995 Court of Appeal dismisses Gilfoyle's first appeal, based on a witness who said she had seen Mrs Gilfoyle in the post office later than the time her husband was supposed to have killed her. - December 20, 2000 Court of Appeal rejects Gilfoyle's second appeal, dismissing new pathological findings and expert evidence about the rope. - July 29, 2010 After the Attorney General apologises to MPs for parliament being misled on the case by Merseyside Crown Prosecution Service, openness is promised.

Police accede to Gilfoyle lawyer's request to see the unused exhibits in the case and he discovers a box containing Mrs Gilfoyle's diary which had not been provided to the defence. It showed that she had a troubled mind. Her first boyfriend was a sex killer, she had previously tried to kill herself, two of her ex-lovers threatened suicide and one wrote a suicide note which

she kept until her dying day. It used similar wording to her own, supposedly dictated, note. - December 22, 2010 Gilfoyle released from prison on licence. The parole board gags him from saying that he is innocent — a decision reversed after an outcry. He protests at a House of Lords press conference: "I didn't kill my wife and I didn't kill my baby."

Part 3 Analysis: How System Closed Ranks to Uphold 20-Year Injustice

Has a more tangled web ever been weaved by British police than that around the case of Eddie Gilfoyle? His family, former police officers, journalists, academics, campaigners and lawyers have all raised questions. They have been met with untruths, half-truths and misleading statements as the criminal justice system has closed ranks. When The Times asked Merseyside police, under the Freedom of Information Act, for notes of an internal inquiry into police blunders at the death scene, the force wrote back: "There are no notes. The newspaper discovered the notes through a different route, and found that they contained a potential alibi for Gilfoyle.

The papers had been withheld by the force from the prosecution, judge and jury at the trial. Chris Huhne, who was then a Liberal Democrat MP, tabled a parliamentary question to Vera Baird, the solicitor general, in 2009 seeking details about the handling of the crucial police report. The Crown Prosecution Service, without contacting her, fed the wrong information to parliament. Dominic Grieve, who was then the attorney general, apologised to MPs; the CPS said sorry to Ms Baird.

When The Times complained to Christopher Graham, the Information Commissioner, about Merseyside police's conduct, he accused the force of "seeking to question the authority of the commissioner to conduct this investigation and repeated lengthy delays in responding to correspondence from the commissioner's office, the lengthiest of which was several months". The newspaper then overturned a key assumption at Gilfoyle's murder trial: that pregnant women hardly ever take their own lives, especially in the later stages of pregnancy. That conclusion was based on the evidence available at the time. However, a study of official British statistics by The Times showed that suicide is the main cause of deaths of pregnant women, hanging is the favoured method and the period of late pregnancy is as dangerous as early motherhood.

The Parole Board, in an unprecedented move, gagged Gilfoyle and his supporters when it finally released him on licence after 18 years in custody. It imposed a condition that neither he nor anyone on his behalf could protest his innocence. The Parole Board eventually reversed its ban. After a 20-year delay, Mrs Gilfoyle's diaries were released to his lawyers for the first time. Shockingly, they showed that she had previously attempted suicide and that two of her former boyfriends threatened suicide. Until her last day she kept close to her a suicide note, one of which contained similar words to those in her last missive, which prosecutors claimed that Gilfoyle had dictated to her.

Q&A - What mistakes were made in the murder investigation? Nine early blunders were made: control room called out the coroner's officer and police surgeon before the Criminal Investigation Department; stepladders used to hang Paula Gilfoyle were moved; sand was trampled removing possible footprint evidence; the body was cut down before detectives arrived; no photographs were taken; wrong information passed between officers; the noose was destroyed; Eddie Gilfoyle was allowed to leave the scene; Mrs Gilfoyle's advanced state of pregnancy failed to ring alarm bells.

Did Eddie Gilfoyle dictate the suicide note that was found in his wife's handwriting?

David Canter, a pioneering criminal profiler, said research into real and faked suicide notes showed Mrs Gilfoyle's had all the hallmarks of being genuine. Has anyone been punished for shortcomings in the investigation? Merseyside police held a disciplinary hearing in 1998, which cleared two officers of misconduct. A third had retired. No further action has since been taken.

Part 4 Trial and Errors - The murder conviction of Eddie Gilfoyle is looking more unsafe with every new revelation that emerges about the conduct of Merseyside police It has long been obvious that Eddie Gilfoyle's conviction for the murder of his wife is unsafe. Since Gilfoyle's trial in 1993, seasoned observers drawn from the ranks of the local police, press, political class and legal profession have been aghast at the guilty verdict. The list of sceptics swiftly lengthened to include the former Conservative cabinet minister Baron Hunt of Wirral, the area of Merseyside where Mr Gilfoyle's supposed crime took place. Alison Halford, a former assistant chief constable of Merseyside police, has said the case "is screaming out for justice". We agree. The fact nonetheless remains that a jury found him guilty of murder. Duly sentenced to life imprisonment, his two appeals subsequently rejected, he served 18 years before his eventual release on licence in 2010. His conviction, however, still stands. He continues to protest his innocence. The case is currently being considered by the Criminal Cases Review Commission (CCRC).

Paula Gilfoyle, her husband insists, committed suicide. She was eight-and-a-half months pregnant at the time. While it was argued at the trial that this made it highly unlikely she would take her own life, statistical evidence emerging in the years since recognises suicide as the leading cause of death in late pregnancy. Mrs Gilfoyle, furthermore, left a note. While the Gilfoyles' marriage had become an unhappy one, that situation no more supplies a motive for murder than for suicide. Mrs Gilfoyle died by hanging, having (the prosecution alleged) been manhandled up a ladder by her husband against her will. No forensic evidence either supported this theory or implicated her husband in its purported enactment. Indeed, forensic evidence in the case is sorely lacking. That is largely because the officers who initially attended the Gilfoyles' marital home in Upton, having instantly concluded that what they were witnessing was the tragic aftermath of a suicide, failed to preserve the location as a crime scene. No photographs were taken. Exhibit bags were not used to collect possible clues. Potential footprints were casually obliterated. Responding officers cut down the body before CID arrived. The rope supporting that body was allowed to be incinerated by a mortuary assistant.

Police procedure was, to put it charitably, amateurish. Merseyside police itself appeared to recognise the shambolic nature of its efforts at an early stage. The force took the highly unusual step of instituting an internal inquiry into what had by then, in the summer of 1992, become an ongoing murder investigation. Before Eddie Gilfoyle had even been arrested — let alone charged, tried, convicted or sentenced — the relevant police force had already become sufficiently anxious about its conduct to set up a review. A Times investigation has now established that this review, which included evidence of serial police blunders, were never made available to Mr Gilfoyle's defence lawyers. This obstructive attitude was sanctioned by the head of Merseyside CID. Nor, years later, when the Police Complaints Authority instructed a senior officer from a neighbouring force to conduct a further study of the investigation, did Merseyside police see fit to acquaint him with the results of the review until his team refused to leave a building without it. The force denied, falsely, that any original notes gathered by that review even existed. This latest revelation follows a 2010 admission that Mr Gilfoyle's defence team was denied vital exhibits in police possession. These exhibits included a diary his wife had kept as a teenager which, among other germane information, included details of a previous suicide attempt.

The Criminal Cases Review Commission (CCRC) must act swiftly and decisively to right what is clearly a shocking miscarriage of justice, and clear Eddie Gilfoyle's name.

Roger Khan: Defendant Who Represented Himself Gets New Case Review Hope

Owen Bowcott, Guardian: A dyslexic defendant who represented himself in a crown court trial – after being handed 790 hours of CCTV footage to review in prison to support his alibi – is challenging his conviction for attempted murder. The highly complex case involving Roger Khan, who was found guilty of taking part in an attack that shattered the skull of a Newton Abbot restaurant owner, is currently being considered by the Criminal Cases Review Commission (CCRC). Khan, 62, is serving a 30-year sentence. The victim of the attack was Nasim Ahmed, a restaurant manager who was attacked outside his home with the evening's takings on 27 October 2010. As he approached his front door, he was assaulted by two men – one armed with a metal pole. Ahmed was beaten about the head and his face was slashed. None of the cash was taken. A blue baseball cap was recovered from the scene.

Khan's experience highlights the difficulties the legal system faces when dealing with defendants who do not have a lawyer to argue their case in a criminal court – a predicament that campaigners claim is becoming more common due to cuts in legal aid entitlement. In Khan's case, however, he was unrepresented because he had dismissed two sets of lawyers following disagreements over how it should be handled. Khan said the dispute was over the failure to obtain video evidence supporting his alibi. The judge ruled that the trial should, nonetheless, proceed. The case has been taken up by a new legal charity, the Centre for Criminal Appeals (CCA) in London, which has submitted a second set of submissions in an attempt to persuade the CCRC to refer it to the court of appeal. The CCRC initially indicated there were insufficient new grounds for the case to be reopened but is now re-examining the evidence.

The day after the attack, Ahmed's brother-in-law, Abdul Ali, was arrested. Khan had travelled down from London with Ali on the day of the attack. In November that year, Khan, who is Ali's uncle, was arrested. Both men were charged with attempted murder. Their attack was said to be connected to a family feud involving the victim and Ali. Ali later admitted meeting two other unidentified men who had been hired to intimidate Ahmed. Both Khan and Ali were eventually convicted. In their latest submission, the CCA points out: "Before trial, [Khan] was handed 790 hours of [municipal] CCTV footage to review to see if he could find himself on camera. He was not given a map of the town and had only an hour a day in the prison library to review the footage.

"Given these strictures, [Khan] could not raise a formal alibi defence. Instead he suggested that three figures spotted on film could have been him." The police, it is claimed, had not studied all the municipal CCTV footage and were wrong therefore to leave the jury with the impression that they could not find Khan on it. Additionally, more useful CCTV evidence from shops and pubs, the CCA says, was never obtained in time by the police or defence and was later recorded over. DNA traces from the baseball cap were matched to Khan but the hat belonged to Ali. Lawyers from the CCA representing Khan told the court he wore it on the journey down from London but left it in the car. DNA testing shows that another person's DNA was also on the cap. Khan was unable to obtain expert assistance to examine the evidence. The trial had several other irregular features: one of the jurors was dismissed three weeks into the trial because it emerged she knew some of the participants' family. Her presence, it is alleged, had by then significantly contaminated the jury. Lawyers for Khan at the CCA also point to the fact eyewitness reports said two white men, whose descriptions do not match Ali or Khan, were seen running from the scene of the attack.

Emily Bolton of the CCA, who has worked on death row cases in the United States, said Khan had to carry his case papers "in garbage bags up and down to the cells" during the

trial. “As in all English cases, there was no transcript,” she added. “We were eventually given the digital trial recording.” Volunteers spent hours transcribing the tapes. Bolton said: “Complete trial transcript has been available as a matter of right in the US since 1956. British lawyers have been parachuting into death row cases in Mississippi and bewailing the injustices they see there – but such injustices are only visible when you have an actual transcript of the trial to see what was really going on. “So how do we know similar casualties of justice are not taking place here in Britain? The Centre for Criminal Appeals, which relies on grants and donations, wants to change this ... by going the extra mile to bring a complete picture of a case to the court of appeal, not just the tip of any particular iceberg.”

In an opinion supporting the reopening of Khan’s case, Francis FitzGibbon QC, who is on the advisory group of the CCA, said that the CCRC had failed to give sufficient importance to the fact that Khan was a “vulnerable defendant”. He said: “The nature of [Khan’s] vulnerability impeded his decision-making, so that his decision to dismiss his legal representatives was the product of his vulnerability. He was unable to participate effectively in his trial as a litigant in person. His remand status would have made it exceptionally difficult for anyone to engage properly with the voluminous documentary material, but it was especially onerous for him. He had limited access to the extensive CCTV material, some of which he was only able to view during the trial. His dyslexia must have made dealing with the case still more difficult.”

Khan only learnt to read at the age of 17, starting off with comic books he found in a borstal. He tried to put his criminal record, for an armed robbery he still denies, before the jury at his trial to demonstrate that he was pursued by the police on the basis of his past. At the time of his arrest he had been out of trouble for 15 years and had settled down with a partner. In its provisional finding declining to refer the case to the court of appeal, the CCRC said: “Many of the submissions made are on the basis that [a barrister] could have made points more eloquently or more forcefully than was done by Mr Khan. However, such submissions do not constitute either new evidence or new argument.”

The CCRC will now examine the CCA’s further report before making a final decision on Roger Khan’s case. More and more cases involving unrepresented defendants are coming before the courts because the financial threshold for eligibility for legal aid has been raised, according to Penelope Gibb, director of the charity Transform Justice. The Ministry of Justice has denied there is a rise in the number of people representing themselves in crown court, saying there has been no increase in the number of self-represented defendants since 2010. A spokesman for the CCRC said: “We are alert to the issues of [changes to eligibility for] legal aid but have not seen any increase in [claims of miscarriages of justice] as a result so far.”

Police Colluded in Loughinisland Murders in Northern Ireland *Ian Cobain, Guardian*

Senior loyalist paramilitaries who were employed as police informers at the height of the Troubles smuggled an arsenal of weapons into Northern Ireland that were used in at least 70 murders and numerous attempted murders, according to an ombudsman’s investigation. In a devastating report that is likely to challenge previous official narratives of the nature of the conflict, Michael Maguire, the police ombudsman for Northern Ireland, said that during this period special branch detectives concealed information about loyalist terrorists from colleagues who were investigating those crimes. Furthermore, Maguire said he had “no hesitation” in concluding that police colluded with the men responsible for a loyalist gun attack on a bar in the village of Loughinisland that was packed with men watching Ireland play Italy in the 1994 World Cup. Six men – including an 87-year-old – were killed and five were wounded. Twenty-four hours before members of the gang were to be arrested, they received a tipoff from a police officer; this leak was not investigated. Further acts of collusion in that case included “the protection of informants through wilful acts and the passive turning a blind eye; fundamental failures in the initial police investigation and the destruction of police records”, Maguire said. The automatic rifle that was used in that attack was part of the arsenal that had been bought, imported and distributed with the help of police informers, he said. One police file of information about the Ulster Volunteer Force gunmen who were responsible for some of the subsequent killings was marked “NDD/Slow Waltz”, which Maguire said meant no downward dissemination, share slowly – if at all.

Inadequate investigations: The attack on the Heights bar at Loughinisland came two days after gunmen from the Irish National Liberation Army shot three members of the Ulster Volunteer Force in Belfast. Two masked men stood at the entrance to the bar, hurled insults at the customers, then opened fire with an automatic rifle. Such was the worldwide horror that the Queen, Pope John Paul II and Bill Clinton all sent messages of condolence to the victims’ families. Those murdered were Barney Green, 87; Adrian Rogan, 34; Malcolm Jenkinson, 53; Daniel McCreanor, 59; Patrick O’Hare, 35; and Eamon Byrne, 39. Although the purpose of Maguire’s investigation was to examine the failures in the police investigation that followed those murders, his 160-page report also examines the way in which loyalists were able to smuggle enormous numbers of weapons into Northern Ireland in late 1987, and the way in which they were then used in a series of other killings, many of which were inadequately investigated. He concluded that police were aware of loyalist plans to import weapons from South Africa and were also aware that the arsenal of assault rifles, handguns, grenades and other weapons had arrived in Belfast. “I also believe that there were informants involved in the procurement and distribution of the weapons, including individuals at the most senior levels of the organisation(s) responsible for the importation,” Maguire said. But the officers investigating the murders were not informed of this, as special branch detectives were more concerned with the strategic value of intelligence than the prevention or detection of crime.

The weapons were kept for a while at a farm owned by James Mitchell, a former police reservist who had been convicted of terrorist offences eight years earlier, and who had told police that the property was being used as an arms dump. Mitchell was tipped off that his farm was about to be searched, two hours before police arrived, and was able to move the arms. One of the suspects in the Loughinisland attack was also a police informant, Maguire said, and continued in this role for a number of years after the murders. With many in Northern Ireland unable to agree about the true nature of the conflict – or even the language that should be used to describe it – the Northern Ireland secretary, Theresa Villiers, spoke in a speech earlier this year of a “pernicious counter-narrative” that falsely claimed that misconduct by the police and armed forces was rife. While Maguire’s report stressed that many in the police have worked tirelessly to bring the Loughinisland killers to justice, its damning conclusions will be seized upon by those who condemned Villiers’s comments, and who argue that security forces collusion with loyalist terrorism was a central feature of the conflict.

Paddy McCreanor, nephew of victim Daniel McCreanor, said: “Collusion is no illusion and collusion happened. The truth has come out and that’s all we ever wanted.” Emma Rogan, whose father was also killed, said: “We finally have a report by the police ombudsman that at last vindicates our long-held suspicions and belief that the truth about these murders was being covered up by the very people – the police – who were supposed to be protecting

us, be on our side and investigate and bring to justice those responsible." The families' lawyer, Niall Murphy, said Maguire had exposed a terrifying degree of collusion. "This report is one of the most damning expositions of state collusion in mass murder that has ever been published," he said. George Hamilton, chief constable of the Police Service of Northern Ireland, said: "This report makes uncomfortable reading, particularly in relation to the alleged actions of police officers at the time. The ombudsman has stated that collusion was a feature of these murders in that there were both wilful and passive acts carried out by police officers. This is totally unacceptable and those responsible should be held accountable."

Saber Mohammed Ali Ahmed

Saber Ahmed 31, was tried for murder in the Crown Court at Birmingham in 2006 before HHJ Matthews and a jury. On 3 August 2006 he was acquitted of murder and convicted of manslaughter on the grounds of diminished responsibility. • On 20 October 2006 HHJ Matthews sentenced him to life imprisonment with a minimum term of 3 years and 6 months, less 462 days spent on remand. The judge recommended deportation. • This application referred to us by the single judge is for permission to appeal out of time against sentence and for permission to rely on fresh evidence. We give leave to appeal out of time and we permit the appellant to rely on fresh evidence for reasons we shall give later in this judgment.

Facts • On 12 July 2005 the appellant, then 21, went to a police station in Digbeth, Birmingham and volunteered that he had killed his friend, Mr Harun, by stabbing him. Evidence at trial revealed that he had stabbed him three times in what the judge was to describe as a brutal killing. There was no provocation. Mr Harun was described as a peaceful and gentle man. • Dr Maganty, a consultant at Reaside hospital, gave evidence at trial on the central issue in the case namely the appellant's mental state at the time of the offence. His evidence no doubt contributed to the jury's decision that the appellant's responsibility for the killing was diminished. Dr Maganty and Dr Kenny Herbert also gave their opinions as to the nature of the appellant's illness as at the date of trial. Before sentencing, the judge considered further reports from Dr Maganty and Dr Moholka, forensic psychiatrist. They confirmed that the appellant was suffering from a severe depressive episode with psychotic symptoms but it was not of a nature or degree which made it appropriate for him to be detained in hospital. As of the end of September 2005 while on remand in prison he was being treated with a high dose of Olanzapine, an anti psychotic drug. Before that medication was prescribed he had attacked a female member of the prison staff. By the time of sentence he was complying with his regime of medication and had some insight into his illness. When he was not given his medication his condition relapsed. • Very little was known about the appellant beyond the facts of the offence and his conduct in prison He had left his home in Sudan and entered this country illegally in about 2004 and his application for leave to remain had been refused. By his own account he had no previous convictions and had not previously been in trouble with the police either in this country or in Sudan. • It is plain that the judge carefully considered the appellant's mental health. He said "This is not a case where the court can make an order for your admission to and detention in hospital because the mental illness from which you are suffering is not presently of a nature or degree which makes it appropriate for you to be detained in hospital". The judge was there referring to one of the conditions for the imposition of a hospital order under section 37 of the Mental Health Act 1983.

Section 37 reads: Powers of courts to order hospital admission or guardianship 37.-(1)

Where a person is convicted before the Crown Court of an offence punishable with imprisonment other than an offence the sentence for which is fixed by law … and the conditions mentioned in sub-section (2) below are satisfied, the court may by order authorise his admission to and detention in such hospital as may be specified in the order (2) The conditions referred to in subsection (1) above are that - (a) the court is satisfied, on the written or oral evidence of two registered medical practitioners, that the offender is suffering from mental disorder and that either - (i) the mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and appropriate medical treatment is available for him; or (ii) …and (b) the court is of the opinion having regard to all the circumstances including the nature of the offence and the character and antecedents of the offender, and to the other available methods of dealing with him, that the most suitable method of disposing of the case is by means of an order under this section • The judge concluded, correctly, that an order under the Mental Health Act was not open to him. Manslaughter being a serious offence within the meaning of the Criminal Justice Act 2003, he considered first the provisions of part 5. He found the appellant dangerous and concluded that only a life sentence would protect the public. There was no arguable error in the judge's approach or in the sentence he imposed in the light of the seriousness of the offence and the evidence about the appellant's mental illness. Unsurprisingly there was no appeal.

Conclusion • We are satisfied that in all the circumstances of this case it is appropriate to impose a hospital order with a restriction order. This is no reflection on the sentencing judge who passed the only sentence available to him on the evidence at the time. We quash the life sentence and we impose orders under Sections 37 and 41 of the Mental Health Act 1983, the latter without limit of time. To that extent the appeal is allowed. • We direct that i) a copy of this judgment be provided by the appellant's advisers to Dr Bourne, to be held on the NHS file of the appellant and that ii) a further copy be provided by the CPS to the relevant officials dealing with the appellant's immigration status at the Home Office and to those dealing with his case at the Ministry of Justice.

AS v TH (False Allegations of Abuse) [2016] EWHC 532 (Fam) (11 March 2016)

1. This is very troubling case. In Re E (A Minor)(Child Abuse: Evidence) [1991] 1 FLR 420 at 447H Scott- Baker J observed: "It is disappointing that, despite the passage of time since the Cleveland report, several witnesses had either not read the report at all or, if they had, they ignored its conclusions in many respects. Permeating the whole case is the underlying theme of 'the child must be believed'. Of course what any child says must be listened to and taken seriously, but the professionals must be very careful not to prejudge the issue".

2. Seventeen years later Holman J felt compelled to make similar observations in the case of Leeds City Council v YX & ZX (Assessment of Sexual Abuse) [2008] 2 FLR 869 at [143] as follows: "I wish only to stress…the very great importance of including in any assessment every aspect of a case. Very important indeed is the account of the child, considered, of course, in an age appropriate way. An express denial is no less an account than is a positive account of abuse. It is also, in my opinion, very important to take fully into account the account and demeanour of the parents, and an assessment of the family circumstances and general quality of the parenting…Even 20 years after the Cleveland Inquiry, I wonder whether its lessons have fully been learned."

3. Eight years after the decision in Leeds City Council v YX & ZX and nearly 30 years after the Cleveland Inquiry I have found myself during the course of this hearing asking myself the self-same question as that posed by Holman J.

4. In this matter I am required to determine whether, on the balance of probabilities, certain alleged incidents of serious emotional, physical and sexual abuse have taken place. Those alleged incidents centre on the lives of two children, NC, who is now aged 10, and SH, who is now aged 6, and their mother, AS, the applicant in this case.

5. The findings sought by the mother are set out in the form of a Scott Schedule prepared for these proceedings. In summary, it is alleged that TH, the father of S, has raped the mother on two occasions, perpetrated domestic violence against her and has emotionally, physically and sexually abused both N and S. TH has filed and served replies to the Scott Schedule. He denies each allegation levelled at him. TH currently faces criminal charges in Scotland arising out of the allegations made. He is due to be tried on those criminal charges in July of this year.[1] I make clear at the outset that I have found none of the findings sought by the mother to be proved.

6. The father of N is BC who is also a party to these proceedings. No findings are sought against BC.

7. At the conclusion of this hearing counsel for TH put the parties and the court on notice that findings would be sought with respect to the mother. In summary, the findings are that each of the allegations made by the mother and the children are false; that N and S have each been coached or influenced by their mother into making allegations; that the mother has told lies to a series of professionals; that a number of professionals have acted in breach of their professional duty by failing properly to investigate the allegations; and that, in consequence, the children have suffered significant emotional harm. Once again, I make clear at the outset that I have found each of the findings sought by TH to be proved.

8. I have before me and have read seven lever arch files of documentary evidence. I have heard oral evidence from the mother, TH, BC, from a number of family members and from certain of the professionals who have been engaged with the family. At a hearing on 18 December 2015 I decided that it was not in N's best interests to give evidence at this hearing.

9. The applications before the court comprise the mother's application for wardship dated 28 January 2015 and TH's cross application dated 11 March 2015. On 28 January 2015 Newton J determined that the children were habitually resident in this country for the purposes of founding the jurisdiction of this court.

10. I regret that this judgment is, of necessity, lengthy. Its length reflects the factual complexity of this case and the plethora of matters that the court has been required to consider within that complex context in coming to its conclusions.

Conclusion: 228. Standing back to survey the broad canvas of the evidence, I am satisfied for the reasons I have given that not only were the allegations made by the mother and the children false, but further that the allegations made by the children were generated by the mother placing unwarranted emotional pressure on the children by herself making false allegations regarding TH and making them known to the children, by inappropriately involving the children in adult discussions and by, on occasion, actively coaching the children to make allegations against TH.

229. In the case of Re W (A Child) [2014] EWCA Civ 772 Ryder LJ (as he then was) observed as follows with respect to the significance of parents who make or cause to be made false allegations of physical and sexual abuse: "Given the prevalence of false allegations made by parents against each other in private law proceedings, conduct at this level by a parent should be understood to be serious child abuse that will usually necessitate intervention by a court."

230. Within this context, and having regard to the extensive matters set out above, I am satisfied that that N and S have been the subject of emotional abuse by their mother by reason of her conduct towards them as set out above. I am satisfied that as a result of the conduct of

the mother detailed in this judgment both children have suffered significant emotional harm.

231. As I stated at the outset of this judgment, this is a very concerning case. In August 2014 the mother manufactured alarm using a falsified version of past events in an attempt to avoid returning the children to Scotland. Using a combination of emotional pressure, inappropriate exposure to adult discussions and, on occasion, coaching, the mother proceeded to recruit the children to her cause. With the aid of repeated and persistent poor practice by a range of professionals the mother further succeeded in enclosing the narrative she had created within a hermetically sealed bubble, thereby succeeding in preventing professionals carrying out the checks that would have revealed that the allegations that were being made first by the mother, and then by the children required, at the very least, a critical and questioning appraisal. Indeed, by reason of their almost entirely unquestioning approach towards the mother, a number of professionals simply acquiesced to their confinement in that bubble. Had professionals adhered to well established guidance and procedure they would have discovered that the allegations lacked credibility.

232. It is important to recognise that the professional failures I have set out have had consequences. By reason of the failure of the relevant agencies to follow the clear and well established guidance and procedure the children were not only left in a situation where a parent was permitted to persist in conduct that was harmful to their emotional welfare but, by their omissions, those agencies actively contributed to that harm.

233. Child abuse, including child sexual abuse, exists as a terrible reality in society. Professionals charged with safeguarding the welfare of children must be constantly vigilant. As Ms Lot rightly pointed out to me, professionals are trained to adopt an approach by which they recognise that such abuse can happen anywhere. However, in circumstances where false allegations of abuse are also a reality in society, it is essential that this professional vigilance is allied firmly to the rigorous application of practice and procedure designed to ensure the proper investigation of allegations of abuse if injustices are to be avoided.

234. Within this context, this case suggests that it is once again necessary to re-iterate the importance of the principles set out at Paragraphs 22 to 52 above. When investigating allegations of child abuse, including allegations of child sexual abuse, it is imperative that all professionals involved adhere to the law and guidance set out in those paragraphs so as to ensure the rigorous and fair investigation of allegations that is the foundation of ensuring the children concerned are safeguarded.

235. The Children's Guardian attended each day of this fact finding hearing. Having listened to the evidence in this case the Children's Guardian told the court that she considered this case to be "quite extraordinary". Surveying the conduct of professionals in this case she concluded that "it is as if a sort of hysteria took over and prevented people from asking certain questions". I cannot help but agree. That is my judgment.

Parole For Murderers Who Refuse To Reveal Where Remains Of Their Victims Are Hidden

That this House notes the recent campaign by Marie McCourt, whose daughter Helen was murdered in 1988 and whose body has never been found, for the law to be changed to prevent convicted murderers who refuse to disclose the location of their victims' bodies from being released on parole; further notes that proper burial can help to provide closure for victims' families and help to ease their suffering; believes that it is right for the law to be changed to ensure that deliberately prolonging the suffering of victims' families by preventing a burial counts against murderers who apply for parole; notes that more than 330,000 people have

supported Marie's campaign; notes that as a result of this campaign the Prisons Minister asked the Parole Board to review its guidelines on such cases; is concerned that this review still has not been completed; is further concerned that the Minister for Criminal Justice and Victims assured Marie that he would discuss this issue with the Justice Secretary and respond to her, but that more than two months later she has not received a reply; and urges the Ministry of Justice to respond to Marie as soon as possible and consider whether to change the law to strengthen provisions to ensure that refusal to reveal the location of remains is fully taken into account when deciding on parole for convicted murderers.

Early Day Motion 166 Sponsor: Godsiff, Roger

Scandal of G4S-run Medway Youth Jail Deepens As Five More Arrested

Ben Quinn and Eric Allison, Guardian: A police investigation into the G4S-run child jail in Kent at the centre of allegations of abuse and use of excessive force by staff deepened after five new arrests were made, this time on suspicion of misconduct in public office The three men and two women, all from the Kent area, were detained on Wednesday. Four men who were arrested in January on suspicion of child neglect, as well as a fifth over accusations of assault, remain on police bail as the investigation into the Medway secure training centre in Rochester continues. The latest arrests suggest a ratcheting up of the seriousness of inquiries as misconduct in public office carries a maximum sentence of life imprisonment. Eleven staff were suspended or sacked from Medway secure training centre (STC) in January after a BBC documentary alleged staff were inappropriately restraining inmates and falsifying statistics to improve the jail's record.

The Guardian has also revealed that serious allegations of abuse and bullying at the youth prison were made more than a decade before the current controversy. The STC, operated by G4S since it opened in 1998, is to be taken over by the National Offender Management Service, which runs public sector prisons and probation services. Sources have said that the date of the transfer has been brought forward by a number of weeks and will take place by the end of this month. The latest arrests are of a 41-year-old woman from Rochester, a 33-year-old man from Rainham, a 25-year-old man from Sittingbourne, and a 24-year-old woman and a 35-year-old man both from Maidstone. Peter Neden, G4S's president for the UK and Ireland region, said in a statement on Wednesday that the company had given Kent police its full support in pursuing any members of staff who may have broken the law. "The behaviour exposed by some members of our staff at the Medway Secure Training Centre in January was completely unacceptable and as a consequence we immediately dismissed the individuals directly involved," he said. "Since the allegations came to light, a great deal of time has been focused on understanding how such behaviours came to be condoned in one of our businesses and Kent police can expect our continued cooperation."

Man Must Tell Police 24 Hours Before He Has Sex *Irish Examiner*

The single man, in his 40s, admitted to previously having an interest in sado-masochistic sex and used to visit a Fifty Shades Of Grey-style fetish club with an ex-partner. He also said he used to go on Tinder and "played around". But the man, a father, denied having any criminal convictions, "not even a parking ticket", when he spoke to reporters following an adjourned hearing at York Magistrates' Court. He accused North Yorkshire Police of "sour grapes" in applying for a Sexual Risk Order (SRO) after he was acquitted of rape. He was cleared at a retrial, having spent 14 months on remand. The terms of the order has a list of conditions attached.

Among them is the requirement for him to inform police 24 hours before he has sex with a new partner. The effect has been to devastate his personal life, he said, and contravened his human rights. "It puts an end to your life. I had more freedom in prison. The severity of the restrictions exceed what convicted criminals would get on a Sexual Offence Prevention Order."

He said there was "no prospect" of a relationship at the moment. He said: "Can you imagine, 24 hours before sex? Come on." He gave the example of chatting to a woman and saying: "There's a nice French restaurant I'd like to take you to, but first the police are just going to come around for a little chat." The man, who cannot be identified by the media, said the SRO was made after he was cleared of raping a woman — different from the one with whom he visited the fetish club. He said the jury at the retrial took an hour and six minutes to unanimously clear him. He had been accused of biting and scratching the complainant, but he said the scratching came during a massage, "post-coitally", and there was no biting. His history of S&M sex was brought up at the trial, including evidence from a doctor with whom he had discussed his past. He claimed the doctor misunderstood what he was discussing, saying she was confused about what was just fantasy. Police thought what he told the doctor was a confession. "Thank God 50 Shades of Grey came out when it did, it helped my barrister normalise that," he said.

Snooper's Charter: 'A Grim Watershed Moment For Privacy'

Caterina Franchi, Justice Gap: The Investigatory Powers Bills that passed its finals stages in the House of Commons early this week, has been damned as 'deeply flawed' by privacy campaigners. The final version of the so-called Snoopers' Charter was passed in the Commons with 444 MPs voting in favour and 69 against after the Government won over the Labour vote following a series of concessions. Of the 870 amendments to the Bill that charities and campaign groups, including Privacy International, had proposed, only 18 were accepted by the Commons. All the accepted amendments had been proposed by the Government.

'The overwhelming vote by MPs last night in favour of massively intrusive new state surveillance powers represents both a failure of the democratic process and a grim watershed moment for the privacy of every one of us', said Harmit Kambo, campaigns director of Privacy International. Kambo criticised the 'deeply flawed Bill' which was 'stubbornly pushed through' by the Home Office 'with little more than some tinkering at the edges' and will give a 'wide range of public bodies… the right to access our private data and communications even if we are not suspected of any crime'. He said that he was disappointed that the Labour had 'acquiesced and voted in favour of the Bill, despite none of the amendments they proposed having been accepted'. 'The only significant concession Labour received was an independent review of the operational case for the "bulk powers" – but it's yet to be seen how effective that rushed review will be,' he added. Public bodies should not have this kind of power. As we've seen, it will inevitably be abused, used to target minority groups, and enable public bodies to go on fishing expeditions. This was supposed to be a crucial moment to shape world-leading surveillance legislation that balanced security and privacy but it is an abject failure on both counts.'

The Labour MP Diane Abbott argued in the New Statesman that the new powers would become 'the stop-and-search of the digital age', pointing out that black Londoners are now '28 times more likely to be stopped than white Londoners'. Muslim citizens would 'bear the brunt of arbitrary surveillance', she argued. Anyone with a name that suggests they might be Muslim, will be more likely to be targeted amid a climate where millions of law-abiding British Muslims are treated with suspicion on the basis of the crimes of a handful of people.

Last month, the Investigatory Powers Tribunal decided it would not review 650 claims of

unlawful spying unless claimants could justify why they thought they had been spied on – a decision that Privacy International deemed 'unacceptable'. The claims followed a February 2015 judgment in the case brought by a number of civil liberties groups including Privacy International, Liberty, and Amnesty International which resulted in a finding that that British intelligence agencies acted unlawfully in accessing personal communications collected by the US National Security Agency and that GCHQ had unlawfully surveilled Amnesty International and the South African Legal Resources Centre. The Tribunal also held that claims for unlawful spying under the European Convention on Human Rights could only be brought by UK residents. 'When a member state to the European Convention on Human Rights commits a human rights violation on its own territory – whether by unlawfully suppressing free speech rights, expropriating property, or conducting surveillance – the victims are entitled to judicial relief no matter where they live', commented Privacy International's legal officer, Scarlet Kim.

HMP/YOI Moorland – New Psychoactive Substances Threatening Stability Of Prison

The availability of new psychoactive substances was threatening to undermine recent progress at Moorland, said Peter Clarke, Chief Inspector of Prisons. Today he published the report of an unannounced inspection of the South Yorkshire resettlement prison. HMP/YOI Moorland holds around 1,000 prisoners, of whom around 250 are foreign national offenders and 340 are sex offenders. The prison is in the process of adapting to its new role as a resettlement prison for the area. The recent history of the prison has been one of uncertainty and disruption and at one point the prison had been earmarked for privatisation.

Inspectors were concerned to find that: • 20 recommendatons from the last inspection had not been achieved and 11 only partly achieved • the threat posed to the stability of the prison by new psychoactive substances (NPS) is severe and despite some positive initiatives, the situation appears to be deteriorating and needs to be addressed; • forty-eight per cent of prisoners now say it is easy to get drugs at Moorland compared to 28% at the last inspection; • the number of violent incidents, fights and assaults had increased since the last inspection in 2012 and levels were also higher than at similar prisons; • almost one in five prisoners surveyed said they felt unsafe at the time of the inspection; • staff often struggled with the many demands made of them and, while most contacts with prisoners were polite, they were also mostly brief and often superficial; • work on diversity continued to be weak and had been undermined by chronic understaffing in the area; and • the overall strategic approach to resettlement lacked focus and too much of the work of the offender management unit was process-driven. However, inspectors were pleased to find that: • care for prisoners at risk of suicide or self-harm was generally good; • there had been substantial improvements in the management and availability of work, training and education, with places for 87% of the population; and • the prison had successfully introduced a sex offender treatment programme in response to being re-roled as a national resource for holding sex offenders. Inspectors made 75 recommendations.

Peter Clarke said: "There are real opportunities at Moorland to make progress, but the issues of NPS and inefficiencies in routine transactions that have such a negative impact on prisoners' experiences need to be addressed. In particular, there is a real opportunity to make progress in embracing the prison's new role as a resettlement prison, and in delivering treatment programmes for sex offenders. We saw evidence that many staff wanted to build constructive relationships with prisoners and to address the challenges facing Moorland. It will be the task of a focused and visible leadership team to inspire the staff to grasp the opportunities provided by the new roles that Moorland has assumed."

UN Commission of Inquiry on Human Rights in Eritrea Geneva (8 June 2016)

Crimes against humanity have been committed in a widespread and systematic manner in Eritrean detention facilities, military training camps and other locations across the country over the past 25 years, according to the UN Commission of Inquiry on Human Rights in Eritrea. Crimes of enslavement, imprisonment, enforced disappearances, torture, persecution, rape, murder and other inhumane acts have been committed as part of a campaign to instil fear in, deter opposition from and ultimately to control the Eritrean civilian population since Eritrean authorities took control of Eritrean territory in 1991. "Eritrea is an authoritarian State. There is no independent judiciary, no national assembly and there are no other democratic institutions in Eritrea. This has created a governance and rule of law vacuum, resulting in a climate of impunity for crimes against humanity to be perpetrated over 25 years. These crimes are still occurring today, there is no genuine prospect of the Eritrean judicial system holding perpetrators to account in a fair and transparent manner. The perpetrators of these crimes must face justice and the victims' voices must be heard. The international community should now take steps, including using the International Criminal Court, national courts and other available mechanisms to ensure there is accountability for the atrocities being committed in Eritrea," said Smith. "Eritreans also continue to be subjected to indefinite national service, arbitrary detention, reprisals for the alleged conduct of family members, discrimination on religious or ethnic grounds, sexual and gender-based violence and killings." The indefinite duration of military and national service programmes are frequently cited by Eritreans as the main reason for fleeing the country. In 2015, 47,025 Eritreans applied for asylum in Europe, many making the dangerous journey across the Mediterranean in unsafe boats, exploited by smugglers in search of safety. The report notes that no improvement was found in the human rights situation documented in Eritrea during the first Commission of Inquiry report published in June 2015. The report identifies that "particular individuals, including officials at the highest levels of State, the ruling party – the People's Front for Democracy and Justice – and commanding officers bear responsibility for crimes against humanity and other gross human rights violations." The report further states that "the National Security Office is responsible for most cases of arbitrary arrest, enforced disappearance and torture in official and unofficial detention centres."

Dossiers of evidence have been compiled on individuals the Commission has reasonable grounds to believe bear responsibility for crimes against humanity. This evidence will be made available at the appropriate time to relevant institutions, including courts of law, following strict witness protection requirements. The patterns of conduct described in the report are based on 833 testimonies by Eritreans, including 160 written submissions received during the first term of the Commission of Inquiry, from mid-2014/mid-2015. The Commission received some 45,000 written submissions in the course of its 2nd investigation. The vast majority of these were group letters/petitions critical of the Commission's first report. These submissions contained common themes, similar content and were the direct result of an organised Government campaign to attempt to discredit the Inquiry. A thorough analysis of these written submissions was conducted and the Commission concluded that they added no substantial information relating to its investigations. The report states that "the façade of calm and normality that is apparent to the occasional visitor to the country, and others confined to sections of the capital, belies the consistent patterns of serious human rights violations." The report further states "that the types of gross human rights violations in Eritrea documented by the Commission … are not committed on the streets of Asmara, but rather behind the walls of detention facilities and in military training camps. Torture and rape are not normally perpetrated in the open." Despite requests to the Government of Eritrea, the Commission was denied access to visit the country. The Commission remains open to visiting Eritrea to present its latest findings and recommendations directly to the Government.

PSNI 'Blind' to Undercover Metropolitan Police Officers Operating in NI
BBCNews

Undercover officers from the London Metropolitan Police operated in NI in the 1990s without the knowledge of local police, the PSNI has confirmed. The undercover unit, called the Special Demonstration Squad (SDS), infiltrated protest groups. Ass Ch Const Mark Hamilton told the Policing Board nobody in the Royal Ulster Constabulary or the PSNI was aware of them. He said they were "completely blind to their activities" and their presence. "In October last year, the Metropolitan Police advised us that there was a potential that the SDS, as it was then known, had operated in Northern Ireland, unknown to us," said Mr Hamilton. "We can't find any record that anybody in the Royal Ulster Constabulary or the PSNI were aware of the presence of these officers in Northern Ireland. Nor were we aware of any information gathered being passed back to us for our use. We appear to be entirely blind to this."

The PSNI is currently working with the Metropolitan Police to assess whether or not the material that the SDS officers gathered has any relevance to historical or current investigations in Northern Ireland. Mr Hamilton said he could reassure the Policing Board and the public that such a situation could not happen again. He said that, from now on "the chief constable will be made aware of any police officer, from any jurisdiction, who's operating here" because any such officer, as well as their operation, would need to be risk-assessed. "Those two risk assessments have to be carried out. Anybody who's deployed here without those assessments would be, in my view, an act of madness."

Mr Hamilton said that the PSNI do not know the reasons why the SDS were deployed in Northern Ireland. He said that, to his understanding, the Northern Ireland SDS deployment is not currently part of the terms of reference for Sir Christopher Pitchford's inquiry into the role of undercover police officers in the Metropolitan Police. "We wait to see where this goes. We were as surprised as you are," he added. Sinn Féin policing board member Gerry Kelly asked how Mr Hamilton could be sure the situation could not arise in the future. Mr Hamilton replied that "the landscape for covert policing has dramatically changed in the last 15 to 20 years" and that there are now procedures in place that did not exist in the 1980s and 1990s.

Sharmila Ullah: Officer Lied About Checking on Mother Before Death In Police Cell

Sharmila Ullah was taken into police custody in July 2014 after being arrested for shoplifting. The 30-year-old, of Fourth Avenue, was admitted to Walsall Manor Hospital from Bloxwich Police Station after suffering abdominal pain and vomiting. The mother, known as Millie, was returned to her cell the following morning where a doctor certified her as fit to be detained. But shortly after 11.50am on July 10 she was found unresponsive and pronounced dead at hospital less than an hour later. It has now emerged a detention officer had made simultaneous entries on the police system stating he had visited Ms Ullah and other suspects being held in the cells when he had not. The officer had instead checked on the detainees via CCTV. The officer has since been dismissed by West Midlands Police for gross misconduct.

The force has also vowed to ensure steps are being taken to prevent misreporting in the future. The findings come as the Independent Police Complaints Commission, which investigated the case, identified police failings and has now published its full report on the death. IPCC Commissioner Derrick Campbell said: “Our thoughts are with Ms Ullah’s family at this sad time for them. "We carried out a thorough investigation as is right when someone dies in such circumstances. We have taken the family through our findings and hope they can take some

comfort from the fact that the force has taken measures to address the issues identified.”

Last year Ms Ullah’s family declared they were ‘disappointed’ following the outcome of an inquest which concluded police failings did not contribute to her death. In delivering his verdict Senior Coroner Zafar Siddique said her sudden death was down to long-standing alcohol misuse and alcohol withdrawal. Ms Ullah's arrhythmia and liver damage were also taken into consideration as possible factors. Following the hearing Sharmila's mother Beanto Ullah said: "She very sadly lost her life while in police custody in July 2014. The IPCC conducted a thorough investigation. They identified failings of the police relating to her detention. We are very disappointed the coroner did not similarly identify such failures when he set out his conclusions. We were particularly keen these matters were identified so the police could ensure all detainees in future are provided with the highest levels of care."

Chief Inspector Brian Carmichael, of the West Midlands Police Professional Standards Department, said: “West Midlands Police has accepted the findings of the independent IPCC investigation.We offer our sincere condolences to Ms Ullah’s family.” The IPCC's full 55 page report on the case revealed the officer failed to visit Ms Ullah on three separate occasions. He also did not conduct personal checks on ten other detainees that day as required. "It is the opinion of the lead investigator that he has a case to answer for gross misconduct. *Expres & Star, Wolverhampton*

HMP Forest Bank – Prisoners Too Frightened To Come Out Of Their Cells

HMP Forest Bank continues to manage the challenges it faces well and had improved further, said Peter Clarke, Chief Inspector of Prisons. However, the needs of some marginalised groups of prisoners merited further attention, he added. Today he published the report of an unannounced inspection of the local prison in Greater Manchester. Forest Bank holds just under 1,500 prisoners, a small number of whom are young adults aged between 18 and 21. It experienced a significant throughput of prisoners with over 100 new arrivals each week, many with complex personal needs. At its last inspection in 2012, inspectors reported positively on a well-run prison. This more recent inspection found that Forest Bank had continued to maintain some very good outcomes for prisoners and had introduced improvements, despite the challenges that it faced in common with other establishments.

Inspectors were concerned to find that: 6 only partly achieved; * 15 recommendations from the last report had not been achieved and • despite the prison’s proactive approach to improving safety, some prisoners were too frightened to come out of their cells and levels of self-harm were high; • prisoners in crisis held on normal location said they received good support but too many were isolated, held in segregation or subject to other restrictions; • there had been two self-inflicted deaths since the last inspection, although the prison was seeking to learn from those tragedies; • mental health services were poor; and • the incentives and earned privileges scheme was punitive and ineffective.* Inspectors made 56 recommendations

Peter Clarke said: “Forest Bank manages big challenges and risks. It has a large population and turnover of prisoners, an inner city profile with high levels of need among its prisoners, and the destabilising influence of NPS. The experience most prisoners had of Forest Bank was reasonable. However, those who were more marginalised due to poor behaviour, self-harm or mental health issues had a much less positive experience and this required attention. This inspection found that the prison was well led, competent and confident in its approach and it coped well. A focus on continuing improvement suggests our concerns will be addressed and the effectiveness of the prison will be sustained.”

Riahi v. Belgium - Refusal to Call Proscution Witness Violation of Articles 6 & 3

The applicant, Soufiane Riahi, is a Belgian national who was born in 1985 and lives in Brussels. The case concerned the refusal of the national courts to call the prosecution witness whose statements constituted the decisive evidence on which Mr Riahi's conviction was based. During the night of 13 to 14 August 2005 D. was attacked in Brussels by four people who robbed him of his mobile telephone and wallet. D. called the police, who arrived promptly at the scene and looked round the area with him in an attempt to find the attackers. D. recognised one of his alleged attackers amongst a group of people, and the police arrested three suspects, including Mr Riahi. The suspects were shown to D. behind a two-way mirror. D. identified the three people, including Mr Riahi, as his attackers, describing the role played by each one during the attack and recognising their physical appearance, dress and voice intonation. Having been sentenced to 18 months' imprisonment on 13 March 2008 by the Brussels Criminal Court, Mr Riahi was put in prison on 2 February 2010. D., who had joined the proceedings as a civil party seeking damages, did not appear at the hearing. On 27 April 2010 the Brussels Court of Appeal upheld the conviction without hearing evidence from D, considering that Mr Riahi's guilt had been established by the detailed, specific and nuanced statement provided by D. to the police and the confirmation of his statements during a hearing before the investigating judge. Mr Riahi appealed on points of law, arguing that he had been convicted on the basis of D.'s statement without having been able to examine him or have him examined. The Court of Cassation dismissed his appeal on 30 June 2010. Relying on Article 6 §§ 1 and 3 (right to a fair trial) of the European Convention on Human Rights, Mr Riahi complained that he had been unable to examine the only prosecution witness. Violation of Article 6 §§ 1 and 3 (d) Just satisfaction: 3,000 euros (EUR) (non-pecuniary damage) and EUR 400 (costs and expenses)

QC in Row Over Alleged Police Corruption - *The Times, Online Subscripion*

One of the country's leading QCs has returned all instructions from the Crown Prosecution Service after becoming embroiled in allegations that police corruption in a major fraud case was suppressed. A row developed involving Sasha Wass, QC, of 6KBW College Hill chambers in London, and defence barristers in the case of James Ibori, a former Nigerian politician. His fraud convictions have been overshadowed by claims that police were paid for information about the case. The CPS confirmed that Wass, who acted for the Crown in the Rolf Harris prosecution, had voluntarily returned cases she was listed to prosecute while a review into the safety of Ibori's conviction, and his solicitor Bhadresh Gohil, is conducted over the summer. Allegations that Wass had misled the court were aired this week in a series of hearings. The Crown was also accused of "inflating" the confiscation order against Ibori in order to make money for the state. The confiscation of money Ibori stole and laundered through the UK has not been dealt with for years because of defence allegations of police corruption and prosecutorial misconduct. Jonathan Kinnear QC, who has taken over the case from Wass, told Southwark crown court that "serious allegations of prosecutorial misconduct" had been made. Among them include a claim from Nicholas Purnell, QC, Ibori's former counsel, that there was "no word of truth" in an assertion that Wass made about him years ago before a judge. But one source told The Times that it was easy for defence counsel to turn up the heat by making claims in court about misconduct by prosecutors. Wass has denied any wrongdoing or inappropriate behaviour and, during hearings this week, a judge indicated his scepticism about some of the claims. Wass, who also successfully prosecuted the rogue UBS trader Kweku Adoboli, has provided a full witness statement to the CPS which denies wrongdoing. Wass told The Times: "Prosecuting counsel are not rogue agents and act only on CPS instructions based on the evidence provided to them."

Court Rule Changes 'May Drive Innocent Defendants Into Making Guilty Pleas'

Source: Independent: Changes to court rules to encourage more defendants to plead guilty earlier may lead to more miscarriages of justice as well as increasing the prison population, MPs warn today. The Justice Select Committee said draft guidelines by the Sentencing Council could result in up to 4,000 more prisoners a year being jailed as they opted to go to a full trial rather than pleading guilty at the first opportunity. At the same time it warned that the "systemic and personal pressures to plead guilty" could lead to innocent people declaring their guilt – especially suspects with learning difficulties. Under the guidelines a defendant who pleads guilty at the first opportunity should get one third off their sentence. But if they plead guilty before going to trial they will only be entitled to a sentence reduction of a fifth compared to the current discount of a quarter. The point at which a defendant can benefit from the maximum reduction is also more tightly defined: they must plead guilty the first time they are asked for their plea in court. The committee pointed out the some defendants, having missed the full one-third discount, might opt to go to trial and – if found guilty – could serve longer prison terms by losing credit for an early plea.

Cardiff Three - Lynette White Murder: Police Officers Lose Civil Case

Police detectives were within their rights to investigate colleagues involved in the notorious Cardiff Three miscarriage of justice murder case whom they suspected of framing the innocent men, a senior judge has ruled. Eight former South Wales Police officers involved in the Lynette White murder investigation have lost their civil case against the force. They brought civil action after being cleared of corruption allegations when their trial collapsed in 2011. Graham Mouncher, Thomas Page, Richard Powell, John Seaford, Michael Daniels, Peter Greenwood, Paul Jennings and Paul Stephen sued for malicious prosecution, false imprisonment and misfeasance. Their case was dismissed on Tuesday. Following the decision, handed down at the High Court sitting in Cardiff, a solicitor representing seven of the officers said they would consider the possibility of an appeal. A spokesman for South Wales Police said the force needed time to look at the judgement and would make a statement later on Tuesday. Ms White, a prostitute, was stabbed more than 50 times in the Cardiff docklands flat where she worked. Tony Paris, Yusef Abdullahi and Stephen Miller - who became known as the Cardiff Three - were wrongly jailed in 1990 for Ms White's murder. They were sentenced to life but were freed in December 1992 after their convictions were overturned. In 2003, new DNA technology led police to Ms White's real killer, Jeffrey Gafoor, who confessed to stabbing her in a row over £30. The quashed convictions of the Cardiff Three led to the failed trial of the eight former officers.

Hostages: 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, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, 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, 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.