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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Why 2015 Was Record Year for the Wrongfully Convicted

Attorneys, with help from new science, debunk old testimonies and theories in cases long closed, finally proving that the person who has maintained his innocence is, in fact, innocent. But it's not fiction: It's a nuanced, sometimes controversial trend that's becoming more common across the United States every year. Since 2013, the number of conviction integrity units, a division of a prosecutorial office that works to identify and correct wrongful convictions, has more than doubled in the United States, rising from 12 counties to 26 across the country. To be sure, the number remains low – there are more than 3,000 counties in the United States. But they are having an impact.

In the wave of steadily increasing exonerations – in 2015, more people were exonerated than any other year before – conviction review units played a major role. Of the 156 exonerations that took place in 2015, a record 60 stemmed from the work of the review units, according to the National Registry of Exonerations, a project by the University of Michigan Law School. The trend is particularly evident in Texas, a law-and-order state perhaps better known for the high number of convicts that it sentences to death each year. It has the most exonerations by conviction review units of any state, the most exonerations in general and the second highest number of review units. The idea for a county-level conviction review unit originated in Dallas nine years ago – although a less official but similar effort by the district attorney's office was already under way in Santa Clara, California – in light of years' of high-profile exonerations stemming from new DNA evidence.

More than 150 defendants on death row have been exonerated nationwide since 1973, according to the Death Penalty Information Center, a nonprofit based in Washington, D.C., that provides analysis regarding capital punishment. In at least 20 cases, DNA played a substantial role in establishing innocence. A 2013 University of Texas/Texas Tribune poll showed the majority of Texans believed that death penalties are given wrongfully "occasionally" or "a great deal of the time." "Dallas had a bad reputation (for wrongful convictions), really," said Mike Ware, who was the first director of Dallas County's review unit. He now serves as executive director of the Innocence Project of Texas, a nonprofit in Fort Worth that investigates claims of innocence. But because Dallas had preserved its evidence for an unusually long time – it had DNA from cases that were decades old – it was easier for the unit to investigate defendants' claims of innocence and, in some cases, to prove they had been wrongfully convicted. "They were starting to get some sort of statewide and maybe even national attention for the DNA exonerations that were coming out of Dallas," Ware said.

Although the idea was perceived as politically risky – maybe even politically disastrous – at the time, Ware said, the rationale for a unit that reviews convictions caught on across Texas, and eventually across the country. Now, the state is rivaled in the numbers of conviction review units only by New York and California. Perhaps the primary reason for the popularity of review units in Texas, said Cynthia Alkon, a law professor at the Texas A&M School of Law, is the willingness of the state legislature to review and change laws because of the exonerations. For instance, in 2011 a man named Michael Morton, who spent nearly 25 years in prison, was exonerated for the murder of his wife after DNA evidence implicated someone

else. The prosecutor in the case was found guilty of prosecutorial misconduct, including withholding evidence, and tampering with evidence and government records.

Nearly two years later, then-Gov. Rick Perry, a Republican, signed into law the Michael Morton Act, which requires prosecutors to keep records of and turn over any evidence to the defense, Alkon said. "It sounds like a really simple thing that should've already been in place," she said. "But it wasn't." Alkon, who was previously a public defender in California, said she has not seen these types of changes in other states. "I think they were consciously and critically looking at why these people were being wrongfully convicted," she said of the Texas legislature.

Megan Henney and Christoper Huffaker Tribune News Service

Deportation of Foreign National Offenders (FNOs): The Home Office also removes FNOs using enforcement powers or via deportation. In the year ending June 2016, provisional data show that 5,891 FNOs were returned. This is the highest number since the series began in 2009 and reflects increasing use of other forms of FNO returns, including those where an offence was committed outside the UK.

PSNI Defends Investigation Linked to 'Derry Four' Case

BBC News

The PSNI has defended its handling of an investigation into alleged criminal activity within the Police Ombudsman's office linked to the 'Derry Four' case. Teenagers Gerry McGowan, Michael Toner, Stephen Crumlish and Gerard Kelly were charged with killing Lt Steven Kirby in 1979. The so-called Derry Four then skipped bail and fled across the Irish border. They remained outside of Northern Ireland for nearly 20 years before they were acquitted of all charges in 1998. Their treatment by the RUC was investigated by the Police Ombudsman and in 2012, the matter was referred to the Public Prosecution Service (PPS). In 2014, the prosecution of two former police officers in connection with the interrogations of 'The Derry Four' collapsed after the PPS received new information from the ombudsman. In the wake of that collapse, the PSNI was called in to look at how the complaint by the four men was investigated by the ombudsman's office.

As a result, the men could not be given the final Police Ombudsman's report, said Paul O'Connor from the Pat Finucane Centre. "Since the original accusation was that police were involved in the abuse of these teenagers, we thought it totally inappropriate that police would be involved in how that abuse was investigated," he told BBC Radio Foyle. "What has happened since is absolutely nothing. We've constantly been in contact with the PSNI to ask when they are going to look at this issue and there have been no moves whatsoever. As long as this situation continues, the men cannot receive their report and yet they logged their complaint 11 years ago," added Mr O'Connor.

In a statement to the BBC, Det Supt Kevin Geddes said: "The PSNI fully understands and acknowledges the concerns raised in relation to this. The PSNI is carrying out an investigation into alleged criminal activity within the office of the Police Ombudsman linked to this case. As stated before, we remain committed to carrying out a full and thorough investigation however, given the current financial and resourcing climate the PSNI is operating in, we must prioritise our resources against the potential threat, risk and harm to the public."

Mr O'Connor said: "The latter part of that statement tells you everything, that as long as there is a threat out there this will be put on the backburner. I can think of no greater priority than clearing up the issue of the abuse of four teenagers charged wrongly with the murder of a soldier. It is simply unacceptable and I can tell you that there has been no attempt by the PSNI to contact the Derry Four over the last 18 months," he said.

Extremist Inmates to be Moved Between Prisons In 'Ghost Train' Plan

Alan Travis, Guardian: A new "ghost train" system is to be set up in prisons in England and Wales to move the most troublesome Islamic extremist inmates between isolation units, the justice secretary has indicated. Liz Truss confirmed that specialist isolation units to hold the highest-risk prisoners would be created in high-security jails. She said the lessons of the Maze and Maghaberry prisons, which became hothouses for terrorists, had been studied. "We have looked at what happened in Northern Ireland and the experience of other European countries who are facing a growth threat of extremism, as we are in Britain," Truss said.

A new Ministry of Justice directorate of security, order and counter-terrorism had been set up, she added. It would be responsible for ensuring that concentrating the most dangerous Islamist extremists into separate units would not simply allow them to create their own operational command structures, as happened in Northern Ireland. "It will be the responsibility of the head of that directorate, who is a former prison governor, to make sure that we don't allow prisoners who could potentially collaborate with each other and cause problems," Truss told BBC Radio 4's Today programme. "We don't want to allow that to fester. So people will be moved around and that will be an operational decision by the people who are the experts in dealing with counter-extremism."

One prison expert called it the "ghost train" approach, in reference to prison slang for the practice of moving the most difficult prisoners from one jail to another. It is also known as the "magic roundabout" or the "shared misery circuit". The need to introduce a new system reflects the inherent problems in ending the 50-year-old policy of dispersing the most dangerous prisoners within the mainstream prison population in high-security prisons.

Truss was responding to a classified report on Islamic extremism in jails by Ian Acheson, a former Whitehall civil servant and ex-prison governor. He recently told MPs that the debate over concentration versus dispersal was the most difficult issue his review team had had to grapple with. In her official response to the review, Truss reveals that five specific extremist "texts" identified by Acheson have been banned from prison libraries. But she does not spell out what criteria have been used to decide which books should be banned. "A thorough and objective process is in place to assess the extremist nature of concerning materials against existing criteria for inappropriate material," says the official response. Truss has rejected three of the 11 recommendations made by Acheson in his classified report, of which only an 18-page summary has been published.

Acheson's proposal to ban attendance at the Friday prayers inside prisons by those who disrupt or abuse faith activity and to use innovative technology to provide an in-cell alternative has been rejected. The official response says governors can already ban subversive prisoners from Friday prayers and they do not want to "alter the provision of worship more generally or, for example, to pursue in-cell alternatives". Truss has also rejected Acheson's first recommendation calling for an independent advisor on counter-terrorism in prisons, accountable directly to the justice secretary and responsible for an over-arching counter-extremism strategy. It is thought that Acheson himself might have been a candidate for this role, and Truss makes clear she want to use existing expertise "rather than relying on the appointment of a further independent adviser".

A third recommendation calling for a review of so-called rule 39 correspondence – covering communications between prisoners and their lawyers – is also rejected. The justice ministry says the evidence of the past year is that attempted abuses of this rule have almost always been by prisoners and their criminal associates rather than lawyers. The Acheson review acknowledged that most of the 240 full-time, part-time and sessional Muslim prison chaplains were dedicated and did good and useful work. It said there was evidence of a weak under-

standing of Islamist extremists, including a lack of data on conversions and lack of management control over extremist literature and materials. The review team noted that about two-thirds of Muslim chaplains followed the traditional and conservative Deobandi denomination and said this could be problematic if non-Deobandi chaplains and prisoners felt marginalised. The justice ministry said the "due diligence" tests for recruiting chaplains would be strengthened to "ensure we have the right people in place to counter extremist beliefs".

[Satpal Ram – UK Prison Tour - 71 Appearances in 36 Locations -Ghosting: Has been in operation in UK prisons for decades: Satpal Ram spent 15 years in prison and was 'Ghosted' 71 times. Rejecting his parole application in 1997, the Parole Board admitted that the constant moving ("Ghosting") of Satpal from prison to prison ws not helping him and recommended that Satpal be allowed to stay in one prison for a significant period of time.]

Successful Compensation Appeal By Rape Victim Pritesh Rathod, UK Human Rights Blog The Upper Tribunal has ruled that, in deciding whether or not an applicant has cooperated with the prosecution of her assailant where she made and later retracted an allegation of rape, it was necessary to see why that retraction was made and whether it was done truly voluntarily, rather than simply assessing whether she was responsible for the retraction.

Background facts: The Applicant ("RT") was married to H and had four children with him between 2001 and 2008. From 2004, she was subject to physical and mental abuse by H, culminating in three incidents of rape. What followed was a somewhat protracted and complicated course of events relating to H's prosecution. Initially, H was arrested and charged with six counts of rape. He was bailed subject to certain conditions. While H was in custody, RT wrote to him saying that she missed him and wanted him back home. Over Christmas 2009, H returned home and he and RT had "something of a reconciliation", including having consensual sexual intercourse. By January 2010, RT sought to withdraw the complaint (she had commenced divorce proceedings against him). In February 2010, RT telephoned the police to ask what would happen if she had lied about the rapes. Later that month, she retracted her allegations, saying that all of them were untrue. H appeared at the Crown Court and was acquitted after the prosecution offered no evidence.

RT was arrested in April 2010 in relation to having made a false allegation of rape against H. She was charged with perverting the course of justice by making false allegations. However, when she met her defence counsel, she said that the allegations had in fact been true. In August 2010, she contacted the police and now said that she had in fact been raped. She made a sworn statement to that effect for the purposes of family proceedings. She explained that H and his sister had persuaded her to retract the allegations because the punishment that H would suffer if being found guilty of rape would be worse than the punishment that she would suffer for making false allegations. The CPS therefore charged her with an additional offence of perverting the course of justice by falsely retracting a true allegation of rape. In October 2010, she pleaded not guilty to the charge of making a false allegation (which was not proceeded with) but pleaded guilty to the charge of falsely retracting a true allegation. Her pre-sentence report stated that RT had felt immense guilt following H's arrest and thought that divorce proceedings would be punishment enough for him. She also felt under pressure from her husband to retract the statement because of the fear of repercussions. Indeed, at the end of October 2010, her husband attacked her by dragging her outside by her hair and tearing her clothes off.

She was sentenced to eight months imprisonment. This was reduced on an expedited appeal heard by a Court of Appeal which included the Lord Chief Justice (R v A [2010]

EWCA Crim 2913), who commented on the difference in culpability between making a false complaint against an innocent man and withdrawing a truthful complaint against a guilty one. Lord Judge CJ stated:- "Experience shows that the withdrawal of a truthful complaint of crime committed in a domestic environment usually stems from pressures, sometimes direct, sometimes indirect, sometimes immensely subtle, which are consequent on the nature of the individual relationship and the characters of the people who are involved in it." The Lord Chief Justice further noted that a woman who had been raped by a partner in whom she had placed her trust would have been extremely vulnerable, before commenting that it would be very exceptional for a case of this kind to be prosecuted. A supervision order was substituted. The conviction for perverting the course of justice, however, stood (A v R [2012] EWCA Crim 434). RT was also convicted, six weeks following her release from custody, of a number of driving offences, including driving without a licence or insurance and driving with excessive alcohol.

First instance decision: A claim was made to the Criminal Injuries Compensation Authority ("the CICA") under the Criminal Injuries Compensation Scheme 2008 in respect of the injuries that she had sustained as a result of being raped. The CICA declined to make an award on the basis of paragraphs 13(1)(b) and 13(1)(e) of the Scheme. Those paragraphs state:- "13. (1) A claims officer may withhold or reduce an award where he or she considers that: (b) the applicant failed to co-operate with the police or other authority in attempting to bring the assailant to justice; or (e) the applicant's character as shown by his or her criminal convictions (excluding convictions spent under the Rehabilitation of Offenders Act 1974 at the date of application or death) or by evidence available to the claims officer makes it inappropriate that a full award or any award at all be made."

RT appealed to the First-Tier Tribunal ("FTT"). The FTT allowed the appeal to the extent of finding that RT was eligible for an award but reduced the award by 40% in respect of paragraph 13(1)(b) and 30% in respect of paragraph 13(1)(e) (i.e. a total deduction of 70%). In respect of paragraph 13(1)(b), its reason for making a deduction was that despite the fact that RT was subjected to a catalogue of violence culminating in rape, she was capable of making an autonomous decision not to proceed with her complaint. The FTT found that RT had failed to cooperate in bringing her assailant to justice. The FTT also stated that it could not find that RT bore no responsibility for the retraction.

RT appealed to the Upper Tribunal. She argued that the FTT had erred by adding a gloss to the test as set out by paragraph 13(1)(b). There was no basis for requiring an applicant in RT's position to prove that she bore "no responsibility" for the retraction. Furthermore, RT argued, paragraph 13(1)(b) does not specify that an award will be withheld or reduced where there was a failure to "fully" cooperate. Instead, the CICA (and FTT) should have considered whether the failure to co-operate was reasonable. RT was joined in her contentions by submissions from Women Against Rape ("WAR"), who argued that there was inadequate consideration of RT's vulnerability and that in fact, the decision employed old fashioned value judgments by asking questions such was why she went back to H. The Upper Tribunal agreed that the FTT had erred in considering RT's autonomy rather than in focusing on the specific wording of the Scheme. The fact that RT and H appeared to have had a reconciliation over the Christmas period was not relevant and was, in any event, not untypical of the behaviour of victims of domestic abuse. Furthermore, the Upper Tribunal held that the FTT had paid no regard to the comments by the Lord Chief Justice in relation to RT's appeal against sentence.

Comment: The Criminal Injuries Compensation Scheme is designed to compensate vic-

Don't Upset the Apple Cart

A group of fruit smugglers is suspected to have moonlighted as civil engineers after a poorly-kept country road on the Russian border was mysteriously improved. Border agencies were left scratching their heads after expensive equipment was covertly used overnight to "widen and raise the gravel track, and put in more turning and passing points". The road, which runs along the Russia-Belarus border, is supposedly a high-traffic thoroughfare for fruit smugglers. Customs officers recently ambushed nine lorries using the road to transport 175 tonnes of Greek and Polish fruit worth €175,000. However, they have yet to figure out who was responsible for improving the road - and local authority chiefs have been slapped down by customs officials after joking about writing a letter of thanks to them. The Smolensk Region Border Agency says it does not have the authority to dig up the road, but now has it on constant surveillance.

Non-Implementation of ECtHR Judgments: Our Shared Responsibility

Nils Muižnieks, Council of Europe: In December last year, the Council of Europe's Steering Committee on Human Rights (CDDH) published a report on the longer-term future of the system of the European Convention on Human Rights ("the Convention"). There were two challenges which particularly struck me: firstly, prolonged non-implementation of a number of judgments of the European Court of Human Rights and secondly, direct attacks on the Court's authority. It is difficult to overstate the extraordinary contribution of the Court to the protection of human rights in Europe. This has been acknowledged in each High Level conference declaration along the Interlaken-Izmir-Brighton-Brussels reform process. The fact that so many Europeans turn to the Strasbourg Court for redress reflects the high level of trust that they place in the Convention system. Yet states must make sure that the system works. Prolonged non-implementation of the judgments of the Court is a challenge to the Court's authority and thus to the Convention system as a whole.

While the 2015 Annual Report of the Committee of Ministers on the execution of the Court's judgments shows that a new record number of cases were closed in 2015, there is a continued increase of cases pending for more than five years. In 2011 these cases accounted for 20% of the total number of cases, while by the end of 2015 that figure had risen to 55%. The number of 'leading' cases pending, those indicating structural problems, has also risen steeply from 278 cases in 2011 to 685 cases in 2015. The average time it takes to close a case is generally around 4 years, however in some States that figure is much higher: around 10, 8 and 7 years in cases concerning Russia, Moldova and Ukraine, respectively.

Indeed, last year, in its eighth report on the implementation of Court judgments, the Legal and Human Rights Committee of the Council of Europe's Parliamentary Assembly concluded that there was a rising number of judgments concerning complex or structural problems, so-called

'leading' cases, that have not been implemented for more than ten years. It expressed its concern about the approximately 11,000 non-implemented judgments pending before the Committee of Ministers. Prolonged non-implementation is problematic, even if it is true that complex problems do take time to resolve. Reforms can legitimately take time to design and implement. Nevertheless, the rule of law requires that all judgments should be implemented promptly, fully and effectively. Prompt execution of domestic court decisions is one of the hallmarks of a democratic society. The same should apply for execution of international judgments.

As Commissioner for Human Rights, I travel to many member states and push for the execution of the Court's judgments and the implementation of reforms aimed at addressing the root causes of repeat applications. This goes on in my bilateral meetings with government representatives and publicly in my reports. Sometimes my discussions with the authorities go even further. In 2013 I was invited to engage with a UK Parliamentary Committee by submitting my views on the UK's non-implementation of the Hirst (No. 2) and Greens and M.T. judgments concerning voting rights for prisoners. In that written submission I underlined that continued non-compliance would send a negative signal to other member states.

To execute or not to execute: that is not the question: Let us recall the basics. State parties to the Convention have accepted the creation of a mechanism which has the competence to examine and decide on the way they ensure Convention rights and freedoms within their jurisdiction. That mechanism is the Strasbourg Court. States have also accepted the Court's ability not merely to apply, but to interpret the Convention. According to Article 46 of the Convention, contracting parties must abide by the final judgment of the Court in any case to which they are parties. Article 46 (1) is an unequivocal legal obligation. Article 1 of the Convention does not exclude any part of a member state's jurisdiction, including the Constitution, from scrutiny under the Convention. Possible conflicts between national law and the Court's case-law cannot be settled through refusing to execute a judgment of the Court. That would be unacceptable. Moreover, a State is bound under Article 26 of the Vienna Convention on the Law on Treaties to respect ratified international agreements and pursuant to Article 27 it cannot invoke the provisions of its internal law as justification for its failure to perform a treaty, including the European Convention on Human Rights. The authority and the efficiency of the human rights protection system based on the Convention is undermined where national authorities chose not to fully comply with judgments of the Court. Member states can fully see what their peers are doing during the Committee of Ministers' meetings.

Pitting sovereignty against the Convention system: In recent years direct challenges to the authority of the Court within a handful of member states have also become more explicit and vocal. They have gone beyond prolonged non-implementation of a few of the Court's judgments. They are of particular concern because the integrity and legitimacy of the Convention system is at stake. I have been able to catalogue a number of these worrying national examples during my country visits and through my on-going discussions with civil society. Last year the first political party in Switzerland, the UDC, launched a popular initiative entitled "Swiss law instead of foreign judges". The initiative does not rule out the possibility of Switzerland leaving the Convention in the event of repeated, fundamental conflicts with Swiss Constitutional law. This is worrying even though we are still at an early stage of the procedure, with a popular vote not foreseen until 2017 or 2018.

Six years ago in the United Kingdom, the Conservative Party's manifesto set out its proposal to repeal a domestic piece of legislation which gives effect to the Convention into national law (the Human Rights Act) and replace it with a UK Bill of Rights. Consultation on those proposals is still awaited. The authority of Strasbourg judgments has also been questioned in

Russia. In December last year the Federal law on the Federal Constitutional Court was amended to allow the Russian Constitutional Court to declare some judgments of the Strasbourg Court (and other human rights bodies) unconstitutional and therefore impossible to implement. The Council of Europe's Commission for Democracy through Law (the Venice Commission) issued an interim opinion in March this year on the amendments(1). The Opinion underlined that a State does not have the choice to execute or not to execute. Only the modality of execution may be at a State's discretion.

On 19 April this year, the Russian Constitutional Court applied the amended law for the first time in the case of Anchugov and Gladkov v. Russia (2013). It found that the Constitutional provisions enshrining the ban on prisoners' voting could not be amended and therefore the general measures flowing from the judgment could not be directly implemented. While the Constitutional Court suggested legislative amendments which would give some effect to the Strasbourg judgment, the principle of review of Strasbourg judgments by a Constitutional Court is problematic and cannot affect their validity in international law. In Azerbaijan, a Draft Constitutional Law, along the lines of the Russian Constitutional Court law, has been introduced by one of the members of parliament during the 2016 spring session of the National Assembly.

The way forward: If we need reminding about what the Convention has done for us, a recent Parliamentary Assembly report provides examples from all 47 member states which illustrate how the protection of human rights and fundamental freedoms has been strengthened at the domestic level thanks to the Convention and the Strasbourg Court's case law. A member state's commitment to the implementation process sends a strong signal of continued commitment to upholding and advancing human rights globally. This is what I urge to all member states of the Council of Europe. Some judgments may be difficult to implement because of technical reasons, or because they touch extremely sensitive and complex issues of national concern, or because they are unpopular with the majority population. Nevertheless, the Convention system crumbles when one member state, and then the next, and then the next, cherry pick which judgments to implement. Non-implementation is also our shared responsibility and we must not turn a blind eye to it any longer. The way forward is through three major lines of action: improving domestic implementation of the Convention thus reinforcing subsidiarity; improving the efficiency of the procedures before the Court and improving the Committee of Ministers supervision of the implementation process. A future where each Council of Europe member state reorganises its internal constitutional hierarchy so that the Convention can be trumped is a danger to the rule of law in that state and in all other states.

Most Sentence Increases Under ULS "For Sexual Offences" Duncan Lewis

The Attorney General's Office (AGO) has announced that, in 2015, more than 100 offenders had their prison sentences lengthened following referrals by the Attorney and Solicitor General to the Court of Appeal under the Unduly Lenient Sentence (ULS) scheme. New statistics released on Wednesday (24/08/16) show that the AGO received 713 requests for sentences to be reviewed under the ULS scheme in 2015 – of those, a total of 136 were referred by the AGO to the Court of Appeal as potentially unduly lenient, with the Court agreeing to increase the original sentence for 102 offenders. Of the 102 offenders who had their sentences increased, these related to crimes involving sexual offences (38), robbery (18), firearms offences (14),murder or manslaughter (5), grievous bodily harm (6), burglary (5), drug offences (4), causing death by dangerous driving (2), arson (1) and other offences (9).

Attorney General Jeremy Wright QC MP said: "While in the vast majority of cases sentencing judges get it right, the ULS scheme is essential in ensuring victims, family members of victims and the general public are able to request that sentences they think are unduly lenient can be reviewed – and, where necessary, increased." AGO says that 102 cases resulting in sentence increases is a small proportion of the 80,000 Crown Court cases heard each year – but the ULS scheme is there to allow adjustment of those sentences where an increase is warranted. Anyone can ask the AGO to look at sentences passed in a Crown Court in England and Wales for named offences, if they think the sentence is too lenient. The number of sentences considered by the Attorney General's Office has increased by more than 108% since 2010 – from 342 sentences to 713 in 2015. During the same period, referrals by the Attorney General's Office to the Court of Appeal resulting in sentence increases rose slightly from 90 to 102.

High Court Judge Slapped On Wrist Over Delay

The wheels of justice grind notoriously slowly but some delays are too much even by the standards of the judicial system. A high court judge has been censured by the lord chief justice and lord chancellor for delaying giving a judgment. No details have been given but it is likely that the delay by Mr Justice Timothy King will have run to several months and possibly up to a year. The Judicial Conduct Investigations Office said that heads of the judiciary had concluded after an investigation that the judge's behaviour had fallen "below the standards expected of a member of the judiciary". A spokesman said in a statement that the judge had been issued with a reprimand. The statement gave no detail about the case. The judge is a repeat offender when it comes to slowness in giving judgment: in 2013 he was given a similar reprimand by the judicial complaints office, which - after an investigation - found "unacceptable delay" in handing down a judgment. Mr Justice King was appointed a high court judge in the Queen's Bench Division, succeeding Mr Justice Toulson, who became chairman of the Law Commission, in 2006. He was previously a member of Byrom Street Chambers, in Manchester.

Inquests Into The Deaths Of Liam Lambert And Jake Foxall In Hmyoi Glen Parva

20 year old Liam was born in Australia and moved to the UK in 2013 aged 18 to be with his father. Over a period of time he became homeless and involved in substance misuse. Liam was sentenced to 16 weeks arriving at HMYOI Glen Parva in February 2015. This was Liam's first time in prison. Liam was monitored following an act of self harm and with the opening of an ACCT (a procedure required for the protection of prisoners at risk of self harm) but this was closed shortly before his death. He was found hanging in his cell on 19 March 2015 and pronounced dead in hospital on 24 March 2015.

Jake was 19 years old when he was remanded into custody in June 2015. He was initially sent to HMP Bullingdon before being transferred to Glen Parva in October 2015. This was at significant geographical distance from his family impacting on his support. Jake was found hanging in his cell on 7 November 2015, but never recovered and was pronounced dead on 12 November. As with Liam, this was also Jake's first time in prison. Jake had self harmed on a number of occasions leading to the opening of an ACCT when he arrived at Glen Parva. This remained open until his death.

In the last 6 years there have been 11 self inflicted deaths of young people (24 years and younger) in HMYOI Glen Parva, the latest death being two weeks ago. Similarities across these deaths include issues of bullying and the management of the risk of self harm/suicide.

Deborah Coles, Director of INQUEST said: "Liam and Jake are two of 11 young peo-

ple to have taken their own lives in Glen Parva since 2010 raising serious concerns about the way the prison manages vulnerable people in their care. Questions must be asked about what action has been taken by the prison in response to previous deaths and recommendations." Inquests will run consecutively on Tuesday 30 August and Thursday 8 September 2016.

INQUEST has been working with the families of Liam Lambert and Jake Foxall since their deaths in 2015. The families are represented by INQUEST Lawyers Group members Gemma Vine and Charles Myers from Lester Morrill solicitors and barrister Jude Bunting of Doughty Street Chambers.

Amina Al-Jeffery: 'Locked Up' Woman Must be Allowed to Return to the UK

BBC News: A woman who claims her father has kept her locked up against her will in Saudi Arabia must be allowed to return to Britain, a UK judge has ruled. Amina Al-Jeffery, 21, who was born and brought up in Swansea, was taken to Jeddah in 2012 by her father, Mohammed, who said he did it to "save her life". Mr Al-Jeffery has denied the allegations at the High Court. But Mr Justice Holman said she had been "deprived of her liberty" and her father must facilitate her return. Ms Al-Jeffery, who has dual nationality, says her father took the action against her will after she "kissed a guy". Delivering the court order, Mr Justice Holman said Mr Al-Jeffery "must permit and facilitate the return of Amina if she so wishes to Wales or England and pay the airfare" by 11 September.

However, he accepted there was "little or nothing this court could do" to enforce the order if Mr Al-Jeffery "was determined not to comply with it". But he said Mr Al-Jeffery might face contempt of court proceedings if he returned to Britain without having complied. Mr Justice Holman added: "There are no conventions between Britain and Saudi Arabia. The courts in Saudi Arabia would not even recognise the basis of the claim, because it does not recognise dual nationality." Her lawyer, Anne-Marie Hutchinson QC, said she has been unable to take instruction from Ms Al-Jeffery, who sent her emails in December 2015.

She said she had been "physically abused" and there were times when she had not been allowed to leave her room, meaning she had to use it as a toilet. She described having her head smacked against the wall. Ms Hutchinson later told BBC Newsnight it had been a "difficult" but "compelling" case to work on. "I'm absolutely delighted that the judge has said he has got jurisdiction and that he has gone on to exercise his jurisdiction and make orders. "I'm expecting him [Mr Al-Jeffery,] to comply with the order," she said. Mr Al-Jeffery, who did not attend the case, denied his daughter wanted to return to England or Wales. He said he put up a barrier partition to stop her running away because he was concerned for her welfare, which was taken down on the advice of the authorities. He said he wanted to make sure Ms Al-Jeffery was safe and was not being mistreated.

Neither Amina nor her father were in court to hear the ruling. And the question now is what difference a ruling in the High Court of England and Wales will make in Saudi Arabia. Mr Justice Holman said he accepted that there is "little or nothing" this court could do to enforce the order if Amina's father was determined not to obey or comply with it. Certainly the basis on which it was granted, that Amina has dual British and Saudi nationality, is not recognised in Saudi Arabia. And it is perhaps telling that Mohammed Al-Jeffery's legal costs have been paid for by the Saudi embassy. However, the judge stated that to do nothing "would in my view amount to a dereliction towards Amina". The court was told that in April Mr Al-Jeffery instigated legal proceedings against his daughter in Jeddah "seeking parental control over his child for the purposes of caring and supervision". Legal documentation showed both father and daughter agreed to a reconciliation. But Mr Justice Holman said that meant if "she were to

run away the police, far from offering her protection from her father, would put her in prison".

Mr Justice Holman said: "If Amina chooses to remain voluntarily in Saudi Arabia she must of course adhere to the law and culture of that society but the current constraint is denying to her the ability to be British and to live in Britain. It is true that she is currently present and habitually resident in Saudi Arabia, but that is due to her obedience to her father in 2012. She did not travel there of her own free will." He said Mr Al-Jeffery "voluntarily chose to live for many years in Wales, to educate and bring his children up here... and to accept the constraints of the legal system of England and Wales". The judge said the fact Ms Al-Jeffery was born and brought up in Britain until she was almost 17 was a "very significant factor" in his decision. The court was told Mr Al-Jeffery's wife, from whom he is not estranged, and several of his children continue to live in the UK.

Swansea West MP Geraint Davies has written to Foreign Secretary Boris Johnson to demand immediate action over the case. The former Swansea schoolgirl has been in touch with friends in the UK and asked them to contact the British Embassy to inform them of her situation, and has also sent a picture of what she claimed was the caged room her father had kept her in. In a statement, the Foreign Office said: "We recognise that this is a distressing time for Ms Al-Jeffery. We have been providing assistance to her since the case was first brought to our attention and will continue to do so. "British embassy staff have met with her to check on her welfare and helped her speak to lawyers in the UK."

Families of Victims of Birmingham Pub Bombings to Meet UK Home Secretary

RTE News: Families of victims of the Birmingham pub bombings are to meet the UK Home Secretary weeks after appealing for Government money to fund their legal bid for answers. Relatives of nine of the 21 people killed in the double IRA blasts in 1974 are to sit down with Amber Rudd for a private meeting in London on 5 September. Julie Hambleton, whose sister Maxine died in the attacks, said she was "hopeful" the meeting could clear the way to public funding for their legal representation at recently-announced inquests into the deaths. A preinquest review into the bombings is due to be held in October but a full inquest is not expected to get under way until next year. Ms Hambleton said that, without public money to pay for solicitors and barristers at the hearings, the families would be unable to afford the legal costs to ensure they were properly represented. The families' lawyers, at KRW Law, and legal counsel who helped to successfully make the case for fresh inquests have been acting free of charge so far.

But the relatives' solicitors have said it is not realistic to continue that arrangement, handling the complex case work involved for the inquests, particularly when all other parties' lawyers, including the police and other Government agencies, will be funded by taxpayers' money. Christopher Stanley, from KRW, said he hoped the Home Secretary would have "good news" for those relatives left behind to mourn the dead, adding that it would be their last chance at getting the answers they seek. In a landmark decision for the families' Justice4the21 campaign in June, the senior coroner for Birmingham and Solihull, Louise Hunt, ruled that fresh inquests should take place into the deadly blasts on the night of 21 November 1974. Ms Hunt said "significant" new information had come to light suggesting that West Midlands Police missed two potential warnings of the bomb attacks at the Tavern In The Town and Mulberry Bush pubs.

The IRA bombings led to one of the worst miscarriages of justice in British legal history: the

wrongful convictions of the Birmingham Six. One of the men jailed, Paddy Hill, who served 16 years for a crime he did not commit, has backed the families' campaign for answers as to who carried out the attacks. The campaign has also had the support of several MPs from across the political spectrum including Labour's Khalid Mahmood, and the Conservatives' Andrew Mitchell.

Last year, Mrs Hambleton and other family members held a private meeting with then home secretary Theresa May, leading campaigners to be optimistic about their chances of legal funding. Mrs Hambleton said the Home Office had given them no clue as to what the content of the hour-long meeting in the House of Commons would be. She said: "They haven't said anything about what we're going to discuss - only to say we will meet. We don't know what the agenda will be, but we're hopeful, obviously, it will be for her to tell us what decision she has made about our funding. I cannot imagine that the Home Secretary would want to meet us to just send us away again."

The families' lawyer, Mr Stanley, said: "We hope that by meeting the new Home Secretary she will have good news. The families we represent are now at historic point of truth recovery. This is the first time an independent investigation into the Birmingham pub bombings will take place - and the last. It is important that those families who want to participate in the inquest process are able to do so effectively, which means with legal representation to examine material and witnesses. We bring a depth of experience regarding the legacy of the conflict in Northern Ireland to the bereaved families of the pub bombings. We ask the Home Secretary to allow us to continue to do so in their interests and in the interests of justice, truth and accountability."

Companies House Must Stop Protecting the Guilty

Isobel Lovett, The Brief

Recent reports that Companies House is considering reducing the amount of time the records of dissolved companies are retained, from 20 years to six, will put the cause of workers' rights back years. Given the record number of UK companies that were dissolved in the 1990s, the removal of these records could have a major impact on victims of asbestos disease. The proposal appears to be an attempt to resolve complaints made by business people linked to dissolved companies, who cite data protection and privacy issues. This has worsened since Companies House changed its web service to make information free to the general public, which has resulted in more than 2,000 complaints about the availability of online data. A similar problem was faced by Google when thousands of convicted paedophiles and fraudsters applied to have all reference to their offences removed from the search engine. This followed a European Court of Justice ruling that people have the "right to be forgotten" under provisions in the 1995 data protection directive. In both instances complaints are considered by the Information Commissioner's Office and it would seem that rather than face a mountain of correspondence and possible legal action, Companies House has decided to capitulate to those who wish to hide their past. One of the groups of people likely to be worst hit will be victims of mesothelioma. According to recent figures from the Department for Work and Pensions there were more than 3,100 compensation claims for 2015-16. This terrible disease can have a latency of more than 60 years and the search for companies that were responsible for exposing workers to asbestos has always been difficult.

Insurers rarely volunteer information and will deny employment or that claimants have correctly named former employers unless they have been able to obtain some proof; it is a common tactic even when they are fully aware of the correct identity of the proposed defendant. Removing a whole tranche of data will only exacerbate this problem for former employees and could prevent affected workers and bereaved families from pursuing negligence claims. The deletion of records also raises questions about the government's commitment to corporate

transparency. Protecting the data of the guilty should not override the rights of innocent workers suffering from mesothelioma to seek compensation from a negligent employer, no matter how long ago the negligence may have occurred. The practical impossibility of investigating a claim without access to company records will deprive many of justice.

BBC News

Judge's 'LOL' as he Jails Online Boaster Who Ducked Sentence

A man who avoided prison after being convicted of a street attack has been jailed for refusing to perform unpaid work, then boasting about it online. David Newlands, 24, was given 150 hours community service for punching a vulnerable man in Glasgow last year. He refused to perform the unpaid work and was twice given another chance. Judge Norman Ritchie jailed Newlands for nine months after hearing he posted on Facebook: "I'm out bro, easy." The judge added: "As they say, LOL (Laugh Out Loud)." Newlands, who is currently serving an eightmonth sentence for assault and breach of the peace, will serve the latest sentence when his current sentence ends. Newlands was among eight people who ended up in court after Mr Miller, an innocent man who has learning difficulties, was called "a beast" and chased until he threw himself out of a flat window. During that hearing at the High Court in Glasgow in January, judge Ritchie described the group as "a pack of animals". Newlands, from Glasgow, was given a community sentence but refused to carry out unpaid work.

Enabling a Female Prisoner to Leave Prison on Licence Conditions:

Legal Advice for Women & Disabled Prisoners: A female prisoner who was serving six years had been released on licence in 2013. She had set up a business and was doing well. Unfortunately she was arrested in January 2016 on suspicion of matters that were later dropped (and she was not charged with any offence). Although she was bailed by the police, she was recalled to prison. She contacted us from prison asking for help in getting her rereleased on licence. We took on her case and made representations to the Parole Board on her behalf. We argued that, since she had not been found guilty, or even charged, of any offence, she should not be imprisoned again. The Parole Board agreed that she should be rereleased on licence and she came out of prison in May 2016.

Pursuing a Prisoner's Claim or Damages After Degrading Treatment

Legal Advice for Women & Disabled Prisoners: We have recently settled a claim for damages on behalf of a prisoner who had been handcuffed during intimate medical procedures while in hospital for a period of some weeks. Furthermore, prison staff had been present during all of his consultations with consultants at the hospital. We argued that the former constituted inhuman and degrading treatment under Article 3 of the European Convention on Human Rights and the latter a breach of the prisoner's right to privacy during consultations under Article 8, the right to respect for his private and family life, his home and his correspondence. This prisoner had approached us through our telephone advice line.

Greater Manchester Police Fail to Record 38,000 Reported Crimes Guardian

One of the biggest police forces in the country fails to record more than 38,000 reported crimes each year, including a quarter of violent offences. Greater Manchester police (GMP) were graded "inadequate" at recording crime, and a watchdog found officers were also wrongly cancelling recorded violence, robbery and sex offences. Her Majesty's Inspectorate of Constabulary (HMIC) said GMP recorded about 85% of crimes that were reported, but that the force was under-record-

ing some serious offences. A quarter of violent crimes, equivalent to more than 16,800 offences, went unrecorded in a year. Dru Sharpling from HMIC said: "Despite making some progress following our 2014 inspection, the force is failing some victims of crime. We estimate that the force fails to record over 38,000 reported crimes each year. The reported crimes that go unrecorded include serious crimes, such as violence and sexual offences. "The failings are often a consequence of a lack of knowledge on the part of the officers and staff as to their responsibilities for crime-recording, including the cancellation of recorded crime records."

In samples of cancelled recorded crimes, 18 out of 20 rapes were found to have been correctly dropped, and 17 out of 21 other sexual offences. But only 10 out of 20 violent crimes and 15 out of 22 robberies that were audited had been correctly cancelled. GMP said recording levels had risen from 68% to 85% in the past two years, and that further progress would be made once a new IT system had been introduced. Deputy Ch Con Ian Pilling said: "Many victims of crime are satisfied with the service they receive, even when the crime is not recorded properly and the report doesn't highlight this. Whilst there are some unacceptable crime recording failings, many are simply administrative issues and do not mean we have failed the victim. A significant amount of activity has taken place to address these administrative problems and we will continue to work hard to address this." He also stressed that the majority of unrecorded violent crimes were "in the less serious categories".

Another force, Staffordshire police, was graded as "requires improvement" when recording crime. HMIC said that 91% of reported crimes were recorded, including every rape, but that the force was under-recording offences including violence, sex offences and modern slavery. Wendy Williams from the watchdog said: "The force is still not recording a large number of crimes each year properly – approximately 6,700 crimes, including some serious crimes, such as violence and sexual offences. There is a lack of knowledge amongst officers and staff about their responsibilities to record crime." Meanwhile, Sussex police were judged to be "good" at recording crime, with a rate of nearly 95%, although 5,300 offences were going unrecorded, including some serious allegations. Ch Con Giles York said: "Some victims may not have had their crimes recorded entirely accurately and if they have felt let down by that, then I am really sorry. We will need to keep working hard to maintain and improve this very high standard for recording crime to ensure that victims get the services they need."

Chicago Police Shootings: Data Reveals 92 Deaths and 2,623 Bullets Fired

Guardian, Law: After threatening to sue the city's police department, the Chicago Tribune has obtained official data tracking every time an officer has opened fire in the city over the past six years. The vast majority of those shot, the newspaper found, were black men or boys. According to the data, there were 435 police shootings in Chicago from 2010 through 2015, in which officers killed 92 people and wounded 170. In all, officers fired 2,623 bullets. "While a few of those incidents captured wide-spread attention," the paper wrote, "they occurred with such brutal regularity – and with scant information provided by police – that most have escaped public scrutiny." The newspaper's findings showed that about four out of every five people shot were African American males. It also found that about half of the officers involved were African American or Hispanic and most had years of experience. Of 520 officers who fired their weapons, the paper found, more than 60 did so in more than one incident.

Most of the police shootings took place in south and west side neighborhoods beset by gang violence and poverty. At least one of every five shootings involved plainclothes tactical officers charged with taking on gangs, the newspaper found. Dean Angelo Sr, president of the

Chicago Fraternal Order of Police, told the Tribune: "When you look at the map, 80% of narcotics arrests, gun arrests and gang arrests happen in these poor areas. Where you've got dope, you've got guns. It's not about ethnicity – it's about criminal involvement." He also said: "As a police officer, you don't wait for the shot to come in your direction. You might not get a chance to return fire."

A community activist, Charles Jenkins, told the Tribune he believes the race of those shot influences the investigations into the shootings. "It's easier to believe, because they're black, that an officer was in fear of their life and [the officer gets] off," he said. Police shootings in Chicago have caused controversy and protest, leading to pressure on the Democratic mayor, former Obama administration chief of staff Rahm Emanuel. Investigations have led to reform, including major changes to the department and various oversight bodies, the creation of an online database of police misconduct, and the firing of police superintendent Garry McCarthy. Prominent cases have included the deaths of Laquan McDonald, a black teen who was shot 16 times by an officer in 2014, and Paul O'Neal, an 18-year-old who was unarmed when an officer shot him in the back in July. Video of the Laquan McDonald shooting, released upon a judge's order in November, contradicted officers' accounts that the teen lunged at them threateningly with a knife. The officer who fired those shots has been charged with first-degree murder. The Tribune's review of the police data also found that the number of Chicago police shootings has declined since 2010, from more than 100 in 2011 to 44 last year.

Northern Ireland: Amnesty International Concern at Hate Crime Figures

Amnesty International has expressed concern at "worryingly high" figures for hate crimes and incidents in Northern Ireland. The figures come in a report just published by the Police Service of Northern Ireland (PSNI) for the year ending June 30 2016. The report shows that there were 1,333 racist incidents and 785 racist crimes recorded by the police in the last twelve months, a slight decrease on the previous year, but still one of the years with the highest recorded figures since the start of police records in 2004. In addition, there were 1,208 sectarian incidents and 874 sectarian crimes, as well as 324 incidents and 201 crimes with a homophobic motivation. The PSNI report shows that only 19.2% of racism motivated crimes resulted in "crime outcomes", such as a prosecution or police warning.

Patrick Corrigan, Amnesty International's Northern Ireland Programme Director, said: "These hate crime figures are worryingly high. Overall, there are eight hate-motivated incidents or crimes reported to the police every day in Northern Ireland. Three times a day there is a racism-motivated incident or crime – almost as high as the figures for incidents motivated by sectarianism, despite the relatively small numbers of people in Northern Ireland from ethnic minorities or from other countries. The police figures show that fewer than one in five racist crimes result in any specific outcome, suggesting that over 80% of such hate crimes result in no prosecution or even warning for the offender. Homophobic hate crime remains disturbingly high with figures almost identical to those of the last two years, the highest ever recorded by the police. Attacks on premises such as Orange Halls have grown, an ugly trend which must be ended. We welcome the publication of these figures by the PSNI and the slight decrease in some forms of hate crime they show. But overall the response must be of huge concern given that almost 3,000 such incidents were recorded by the police last year."

Scottish Daily Record

A prisoner was kept in solitary confinement for two years in one of the country's biggest jails. The inmate was put in solitary in July 2014 at Saughton in Edinburgh and was only released into the general prison population at the beginning of last month. It meant he had been imprisoned on his own for just two days short of two years. Details of the inmate, who has not been named, emerged from figures released by the Scottish Prison Service (SPS) last week under freedom of information laws. The SPS declined to name him or say why he had been placed in segregation. Figures show 639 inmates have been put in solitary confinement in the last two years – with 54 of them spending more than a month on their own. The SPS say they do not use the term solitary confinement, instead describing it as "removal from association".

An inmate selected for removal is then placed in a separation and re-integration unit (SRU), which cons have nicknamed The Digger. They are allowed out of their cell for exercise but do not normally associate with other inmates. Those in solitary can include sex offenders, prisoners who are in danger from other inmates, prisoners who misbehave or those who cannot handle mainstream prison life. High-profile inmates can also be placed in SRUs to protect them from attacks or unwelcome attention. Prisoners who have informed on or given evidence against other criminals are often put there. But segregated cons can find themselves spending up to 23 hours in their cell away from the rest of the prison population. At Grampian prison in Peterhead, one inmate spent 625 days in an SRU between October 2014 and last month. Another Saughton inmate spent 570 days in segregation and was only set free in February this year. At Glenochil jail in Stirlingshire, one inmate spent 491 days in an SRU between 2014 and 2015. And at Shotts prison in Lanarkshire, which houses Scotland's most violent prisoners, one spent 486 days in solitary confinement between January 2015 and May 2016 and another 416 days between November 2014 and January 2016. An SPS spokesman said: "Removal from association is appropriate for maintaining good order and discipline in the prison, protecting the interest of the prisoner and ensuring the safety of others. "There are restrictions about how long someone is held and special permission is needed to hold them longer than 30 days. It is not something that we like doing and it is not something that we do lightly. Our aspiration is to get people back into the mainstream as quickly as we can." The Scottish Prison Officers Association added: "We do not think there is a particular problem for prison officers with the numbers of prisoners in SRUs. "If they are there, it is usually for a good reason. The numbers in segregation are a small percentage of the prison population."

In 2009, murderers Andrew Somerville and Ricardo Blanco and armed robber Sammy Ralston won £2000 damages each from the SPS to settle a human rights case brought over segregation. They claimed to have been "disgusted" by conditions they had to endure during solitary confinement in special segregation units. Last October, the UK's Supreme Court ruled that Imran Shahid, who led a gang in the racist murder of Glasgow schoolboy Kriss Donald, had his human rights violated by being kept too long in solitary confinement. Shahid is serving a minimum of 25 years for murdering Kriss in 2004. The court said he had been unlawfully kept continuously in solitary confinement — for his own protection — for 14 months. Charles Bronson, 63, the most notorious prisoner in England, has spent 40 years behind bars — 36 of them in solitary.

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 Laen, 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.