logical norms. In consequence, the Court considered that the inclusion in a news report of individualised information, such as the full name of the person concerned, was an important aspect of the press's work, especially when reporting on criminal proceedings which had attracted considerable attention. The Court concluded that the availability of the impugned reports on the media's websites at the time that the applications were lodged by M.L. and W.W. continued to contribute to a debate of general interest which had not been diminished by the passage of time. As to how well known the applicants were, the Court observed that they were not simply private individuals who were unknown to the public at the time their request for anonymity was made. The reports in question concerned either the conduct of their criminal trial, or one of their requests for the reopening of that trial, and thus constituted information capable of contributing to a debate in a democratic society.

As to M.L.'s and W.W.'s conduct since their conviction, the Court observed that the applicants had lodged every possible judicial appeal to obtain the reopening of the criminal proceedings against them. During their most recent request to reopen proceedings in 2004, M.L. and W.W. had contacted the press, transmitting a number of documents while inviting journalists to keep the public informed. The Court noted that as a result of the applicants' conduct vis-à-vis the press, less weight was to be attached to their interest in no longer being confronted with their convictions through the medium of archived material on the internet. Their legitimate hope of obtaining anonymity in the reports, or even a right to be forgotten online, had thus been very limited.

With regard to the content and form of the contested documentation, the Court, like the Federal Court of Justice, considered that it concerned texts which described a judicial decision in an objective manner, the original truthfulness or lawfulness of which had never been challenged. Equally, the articles in Der Spiegel did not reflect a wish to denigrate M.L. and W.W. or to harm their reputation. With regard to the dissemination of the contested publications, the Court followed the findings of the Federal Court of Justice, which had noted that this dissemination was limited in scope, especially as some of the material was subject to restrictions such as paid access or a subscription. Lastly, the Court noted that M.L. and W.W. had provided no information about any attempts made by them to contact search-engine operators with a view to making it harder to trace information about them.

In conclusion, having regard to the margin of appreciation left to the national authorities when weighing up divergent interests, the importance of maintaining the accessibility of news reports which had been acknowledged to be lawful, and the applicants' conduct vis-à-vis the press, the Court considered that there were no substantial grounds for it to substitute its view for that of the Federal Court of Justice. The Court considered that the Federal Court had not failed to comply with the German State's positive obligations to protect the applicants' right to respect for their private life and held that there had been no violation of Article 8.

Hostages: Sally Challen, 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, Robert Knapp, 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.

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MOJUK: Newsletter 'Inside Out' No 697 (11/07/2018) - Cost £1

Rocket Launcher Snowman Case Dismissed

Charges against two Londonderry men brought after a snowman holding a rocket launcher was painted on the window of a republican support group's office have been dismissed. Patrick Joseph Barr of Sackville Court and William McDonnell of Harvey Street were charged with displaying an image likely to cause a breach of the peace. They were also charged with breaching the Indecent Advertisements Act. A judge at Derry magistrates court dismissed the charges. The men were charged after the image appeared at the office of the Irish Republican Prisoners Welfare Association in Chamberlain Street last October. The image included the message: "Wishing you an Explosive Christmas." Judge Barney McElholm said he was dismissing both charges despite "deploring" the image. "It is unfunny and has no place in a right thinking society," he added.

Francis Rice Murder: 'Doubt Cast' on Convictions

Stephen Dempster BBC: New evidence has emerged in relation to a 1970s murder, which raises serious doubts that the correct men were convicted of the killing. A BBC Spotlight NI investigation has been re-examining the murder of 17-year-old Francis Rice. Mr Rice was killed in Castlewellan, in May 1975. Six years later, Eric and Cyril Cullen and George Kirkpatrick were sentenced to life in prison for the sectarian killing of the Catholic teenager. While this murder was firmly believed to have been carried out by paramilitaries, none of those who went to jail were ever paramilitaries. The only real evidence against them was their confessions, which they always claimed were pressured and tricked out of them by RUC detectives during interviews in Gough Barracks, Armagh.

This was a case that came purely down to the confessions, how they were obtained and who was lying - the defendants or the detectives. Police always denied fabricating the confession statements and during their trial, the judge, Lord Justice O'Donnell, decided the police evidence was the truth and the defendants were the liars. But the BBC's Spotlight programme has found that some of the detectives in the Castlewellan case later went on to be found to be lying under oath in another case - that of the 'UDR Four' - in 1986. In that case, four members of the Ulster Defence Regiment confessed to killing Catholic man Adrian Carroll. But they always said their confessions were forced out of them. The court found the soldiers guilty. But later scientific testing of police officers' notes from the interview process, discovered some detectives had destroyed their original notes and re-written them later. They had lied under oath that the notes were a record taken down during questioning and not written later. As a result, three of the 'UDR Four' were acquitted because police evidence had been discredited.

It has now emerged that two of the detectives who lied under oath were detectives in the Castlewellan case. One of them was involved in taking both the confessions of both Kirkpatrick and Eric Cullen. A leading London QC Tim Moloney says that this must cast doubt on the finding in the Castlewellan case, that the police were not the liars. He told BBC Spotlight: "You would have to say in all the circumstances there are serious reasons to doubt whether or not those officers were telling the truth about what happened during that interview process" Four decades after the men were jailed, he said: "It gives, in my view, arguable grounds of appeal against conviction."

The Cullen brothers and Kirkpatrick served 14 years in prison. Cyril Cullen died in 2016.

The family of Mr Rice continue to believe they are guilty. But the two surviving convicted killers still want to clear their name four decades after their conviction. Kirkpatrick said: "I do feel for the Rice family. They have lost a son but the man they think killed him didn't kill him. They think I done it but there is a day coming I hope that Mr and Mrs Rice will know the truth." Cullen said: "Well they're victims and we're victims. I don't blame them for trying to push to get people caught for the murder of their son, I don't blame them at all for that. But all I can say is it certainly wasn't me and it definitely wasn't my brother."

BBC Spotlight also revealed other concerns relating to the murder and the convictions, including the evidence of witnesses who saw two strangers in Castlewellan on the night of the murder, and whom police said were also seen following Mr Rice. These mystery men were the chief suspects but neither of them matched the description of the Cullens or Kirkpatrick and this evidence does not appear to have been examined at the men's trial. The PSNI said it would not comment on claims that the three Castlewellan men had suffered a miscarriage of justice, because the Rice murder is currently being reviewed by the Police Ombudsman.

Damien Mclaughlin: Dissident Who's Never Far From The Headlines

Belfast Telegraph: Tyrone man Damien McLaughlin who was cleared of charges linked to the dissident IRA murder of prison officer David Black is no stranger to the front pages. He was regularly in the headlines after he was charged with having guns in 2009 and he was also one of 11 dissidents accused of wrecking their cells at Maghaberry prison seven years ago. But after he was granted bail in the Black case McLaughlin was at the centre of a major storm when it was revealed that his release conditions had been relaxed so that he could go on a luxury spa break at one of Northern Ireland's top hotels. But republicans have long claimed that McLaughlin (41), from Kilmascully Road near Ardboe, has been the victim of an unjust legal system that was biased against him.

McLaughlin was convicted of possession of guns nine years ago and in Maghaberry two years later he took part in jail protests over conditions. He and 10 other republican prisoners were charged with causing criminal damage in May 2011. Among the others accused was Lurgan republican Colin Duffy, as well as Brendan McConville and John Paul Wootton who are now serving life for the Craigavon murder of PSNI officer Stephen Carroll.

At the opening of the Black murder trial in Belfast prosecution lawyers said that the prison officer was killed on November 1, 2012 as a direct result of the jail grievances. McLaughlin always denied any involvement in the killing which was carried out as Mr Black drove to Maghaberry along the M1 from his home in Cookstown. The killers used an AK47 assault rifle fired from a Toyota Camry as it drew up alongside 52-year-old Mr Black. McLaughlin was adamant that he wasn't the man who had driven the Toyota across the border from Carrigallen in Co Leitrim. Garda and PSNI officers, however, said they recognised him from CCTV in Carrigallen on the eve of the M1 ambush, although McLaughlin's lawyer Patrick Corrigan said the evidence obtained by the Garda was significantly and fundamentally flawed from the outset. He added: "It should never have been relied upon, nor should Mr McLaughlin have been charged with these offences".

In the end, however, it was a dispute over the evidence of Leitrim garage worker Stephen Brady that led to the collapse of the case against Damien McLaughlin, who'd been accused of aiding and abetting Mr Black's murder and a number of other offences including IRA membership. The case relied "solely" on the testimony of Mr Brady who said he supplied McLaughlin with a battery for the Toyota and saw him in the vehicle. But the trial judge Mr Justice Colton said on Tuesday that the Garda interviews with Mr Brady were "oppressive, aggressive,

The applicants, M.L. and W.W., who are half-brothers, are German nationals who were born in 1953 and 1954 and live in Munich and Erding (Germany) respectively. In May 1993 M.L. and W.W. were convicted of murdering a very popular actor, W.S., and sentenced to life imprisonment by the domestic courts. They were released on probation in August 2007 and January 2008 respectively. In 2007 the applicants brought proceedings against the radio station Deutschlandradio in the Hamburg Regional Court, requesting anonymity of the personal data in the documentation on them which had appeared on the station's Internet site. In two judgments of 29 February 2008 the Hamburg Regional Court granted the applicants' requests, considering in particular that their interest in no longer being confronted with their past actions so long after their conviction prevailed over the public interest in being informed. The Court of Appeal upheld those judgments. The Federal Court of Justice quashed the decisions on the grounds that the Court of Appeal had not taken sufficient account of the radio station's right to freedom of expression and, with regard to its mission, the public's interest in being informed. In July 2010 the Federal Constitutional Court decided not to entertain constitutional appeals lodged by the applicants. A second and third set of proceedings on similar grounds brought against the weekly magazine Der Spiegel and the daily newspaper Mannheimer Morgen respectively were dealt with under the same procedure and ended with the same conclusions by the courts.

Decision of the Court Article 8: The Court noted that the applications required an examination of the fair balance that had to be struck between the applicants' right to respect for their private life, guaranteed under Article 8 of the Convention, and the right of the radio station and press to freedom of expression and the public's right to be informed, guaranteed under Article 10. The Court noted that it was primarily on account of search engines that the information made available by the media could be obtained easily by Internet users. However, the interference complained of by the applicants resulted from the decision by the media concerned to publish and conserve this material on their websites; the search engines merely amplified the scope of the interference. The Court observed that the Federal Court of Justice, while recognising that M.L. and W.W. had a considerable interest in no longer being confronted with their convictions, had emphasised that the public had an interest in being informed about a topical event, and also in being able to conduct research into past events. The Federal Court had also reiterated that one of the media's tasks was to participate in creating democratic opinion, by making available to the public old news items that were preserved in their archives. The Court agreed entirely with this conclusion.

Thus, the Federal Court of Justice had referred to the risk that a decision to grant the requests to remove identifying elements from the reports could have a chilling effect on the press's freedom of expression. An obligation to examine the lawfulness of a given news report following a request from the individual concerned entailed the risk that the press would abstain from putting their archives online or that they would omit individualised information in news reports that could subsequently give rise to such requests. The rights of a person who had been the subject of an internet publication had to be balanced against the public's right to be informed about past events and contemporary history, particularly using digital press archives. In so far as M.L. and W.W. were not asking for the removal of the reports in question, but only that they be anonymised, the Court noted that rendering material anonymous was a less restrictive measure in terms of press freedom than the removal of an entire article.

However, it reiterated that the approach to covering a given subject was a matter of journalistic freedom and that Article 10 of the Convention left it to journalists to decide what details ought to be published, provided that these decisions corresponded to the profession's ethical and deonto-

The baroness's ridiculous tweet reminds me of the famous court scene in Alice in Wonderland: 'No, no!', said the Queen. 'Sentence first—verdict afterwards.' 'Stuff and nonsense!', said Alice loudly. 'The idea of having the sentence first!' 'Hold your tongue!', said the Queen, turning purple. 'I won't!', said Alice. Off with her head!', the Queen shouted at the top of her voice.

And yet, here in Baroness Newlove, we have the modern equivalent of the purple-faced Queen of Hearts, advocating that we should turn our justice system on its head solely to recognise the pain felt by 'victims'… Baroness, some of your so-called 'victims' will be liars, fraudsters or fantasists, of this you can be sure. Fortunately, despite her very grand sounding title and generous salary, Helen Newlove has no actual power over the courts. It can only be hoped that judges and sensible politicians will continue to ignore her dangerous, misguided, unqualified opinions.

In theory, at least, the office of the Victims' Commissioner is supposed to offer: Inclusivity representing all victims and witnesses, including the most vulnerable members of our community. Yet, when it comes to the actual definition of what constitutes a 'victim', things become much more hazy. It appears that only certain victims actually qualify for such support and representation. For example, I have yet to hear the taxpayer-funded Victims' Commissioner say one single word about victims of miscarriages of justice or those whose lives and families have been, and continue to be, destroyed by malicious, false accusations, propounded by the plethora of greedy, selfish, heartless liars. Employing a victims' champion who only represents certain types of victim, while ignoring others, seems to me to be a very poor way of spending public money. What kind of message is this sending? Are those who have had their life utterly destroyed by these malignant liars and fraudsters, Baroness, the wrong sort of victims?

Journalistic freedom Takes Precedence Over Right of Convicted Persons to be Forgotten!

In Chamber judgment in the case of M.L. and W.W. v. Germany (application nos. 60798/10 and 65599/10) the European Court of Human Rights held, unanimously, that there had been: no violation of Article 8 (right to respect for private life) of the European Convention on Human Rights. The case concerned the refusal by the Federal Court of Justice to issue an injunction prohibiting three different media from continuing to allow Internet users access to documentation concerning the applicants' conviction for the murder of a famous actor and mentioning their names in full. The Court shared the findings of the German Federal Court, which had reiterated that the media had the task of participating in the creation of democratic opinion, by making available to the public old news items that had been preserved in their archives.

The Court reiterated that the approach to covering a given subject was a matter of journalistic freedom and that Article 10 of the Convention left it to journalists to decide what details ought to be published, provided that these decisions corresponded to the profession's ethical norms. The inclusion in a report of individualised information, such as the full name of the person in question, was an important aspect of the press's work, especially when reporting on criminal proceedings which had attracted considerable attention that remained undiminished with the passage of time. The Court noted that during their most recent request to reopen proceedings in 2004, M.L. and W.W. had themselves contacted the press, transmitting a number of documents while inviting journalists to keep the public informed. This attitude put a different perspective on their hope of obtaining anonymity in the reports, or on the right to be forgotten online. In conclusion, having regard to the margin of appreciation left to the national authorities when weighing up divergent interests, the importance of maintaining the accessibility of press reports which had been recognised as lawful, and the applicants' conduct vis-à-vis the press, the Court considered that there were no substantial grounds for it to substitute its view for that of the Federal Court of Justice.

hectoring and bullying". Yesterday 21/06/2018 after the prosecution said they wouldn't be offering any other evidence the judge cleared McLaughlin who left the court without saying anything. Mr Black's family also stayed silent, but his son Kyle later said they were devastated and thought it unlikely that anyone would ever be brought to account for the murder.

There was widespread criticism four years ago when McLaughlin was freed on bail. He'd earlier been refused compassionate bail to attend his child's christening in February 2013 after the PSNI said that they feared he would flee and that he had connections to dissident IRA groups. A year later, however, McLaughlin was released because of delays in the case. In August 2016 McLaughlin's bail terms in relation to his curfew were altered so that he could go on a mini-break to the plush Manor House hotel in Fermanagh. But on the first day of the new conditions coming into force he was photographed at a republican anti-internment demonstration alongside convicted terrorists Conor Casey and Sharon Rafferty. McLaughlin also acted as a steward at a dissident march in Coalisland.

The DUP responded by questioning the court's "leniency" in giving bail to dissident republicans. The family of the murdered prison officer had criticised the courts for granting bail to a man described as having played a central role in the killing. But there was even more anger from politicians in January last year when it emerged that McLaughlin had disappeared and the PSNI, who last saw him several months earlier, admitted didn't know where he was. The answer came in March 2017 when McLaughlin was arrested in Ramelton in Co Donegal He was held under a European arrest warrant and extradited back to Northern Ireland to stand trial - a trial which fell apart yesterday 21/06/2018.

Man Found Guilty of Olympic Gold Medal Raid Wins Appeal Against Conviction

Scottish Legal News: A man who was jailed after being found guilty of breaking into a museum and stealing a number of artefacts including Olympic gold medals has successfully appealed against his conviction. The Appeal Court of the High Court of Justiciary quashed the conviction after ruling that the sheriff erred in failing to direct the jury that certain comments made by a co-accused outwith the presence of the appellant could not be used as evidence against him.

Lady Paton, Lady Clark of Calton and Lord Matthews heard that the appellant Stewart Pettigrew was tried at Dumfries Sheriff Court in September 2017 on an indictment which alleged that he, along with two co-accused Charlie Walker and "LBH", broke into Dumfries Museum and Observatory and stole two gold medals, one from the 1924 Winter Games and the 2002 Winter Olympics curling gold medal belonging to Rhona Martin MBE, as well as a chain of office and a casket containing an historical scroll. The appellant was subsequently found guilty by the jury in a majority verdict and sentenced to a period of imprisonment.

However, he appealed against conviction, claiming that he had suffered a "miscarriage of justice". The court was told that there was a joint minute in which it was agreed that on 30 April 2014 at around 10.10pm the museum was broken into and various items were stolen. At the material time the appellant had the use of a silver VW Golf and the co-accused Walker had previously stolen a silver Audi A3.

Circumstantial Evidence: There was evidence that two days before the raid 28 a VW Golf, which could have been the one used by the appellant, turned onto Rotchell Road, where the museum was located, a few minutes before two men, one of whom was the co-accused Walker, entered the premises and conducted what appeared to be reconnaissance. In the evening of 30 April 2014 the appellant, who was wearing a distinctive jumper, Walker and another were seen associating in a Tesco car park, where a silver Golf and silver Audi A3 were parked close together, before two vehicles of the same description left the car park and travelled in convoy to Rotchell Road shortly before the break-in occurred.

CCTV footage from inside the museum showed one of the thieves wearing a jumper similar to the one worn by the appellant in the Tesco car park and minutes after the break-in a silver Audi A3 was seen coming from the direction of the locus travelling at high speed, and a silver Golf was later seen entering the caravan park where the appellant lived. There was also evidence that the appellant travelled to Aylesbury on 2 May with two other men and tried to sell something to a business which traded in second hand jewellery, as well as other adminicles of evidence. Further, there was an admission by Walker to his former girlfriend Lauren Davis, which was evidence against him but not the appellant. During the speech to the jury the procurator fiscal depute said that "all the evidence you have heard in the case is available for you to consider" and referred to the evidence of Ms Davis, but the sheriff gave no direction to the effect that the evidence about what Walker told Davis, insofar as it was based on what Walker said outwith the presence of the appellant, was not evidence which the jury were entitled to take into account in respect of the appellant.

'Material Misdirection': Counsel for the appellant submitted that the misdirection was a "material misdirection" in a case where the circumstantial evidence was not particularly strong and that the misdirection represented a "miscarriage of justice". But the advocate depute argued that the totality of the circumstantial evidence was "overwhelming" against the appellant and that there was no miscarriage of justice. Delivering the opinion of the court, Lady Clark of Calton said: "In considering whether the misdirection resulted in a miscarriage of justice, we note that the evidence of Lauren Davis was given prominence and the jury had a transcript of her call to the police as well as her oral evidence. It was an important breakthrough in the police investigation and was relied on in the speech to the jury by the procurator fiscal depute. The circumstantial evidence which was capable of incriminating the appellant was diffuse and capable of a number of different interpretations. "We consider that in the context of the circumstantial evidence in this case, the evidence of Lauren Davis about admissions by Walker would have been likely to have played an important part of the deliberations by the jury. Clear directions were required about what the jury required to do with her evidence in relation to the appellant. We do not accept that the evidence in this case was overwhelming or totally compelling in relation to the appellant and we note that the jury verdict was by a majority. "For these reasons, we cannot be satisfied that, if the jury had been properly directed, there was no real possibility that the verdict against the appellant would have been different. We are of the opinion therefore that the appeal should be allowed in respect of this ground of appeal...We therefore allow the appeal and quash the conviction."

UK 'Knew US Mistreated Rendition Detainees'

What is rendition? Rendering or rendition involves sending a person from one country to another for imprisonment and interrogation, probably by methods such as torture, that would be illegal in the country doing the rendering. US intelligence agencies used the process of "extraordinary rendition" to send terror suspects for interrogation by security officials in other countries, where they have no legal protection or rights under American law.

The Intelligence and Security Committee said British agencies continued to supply intelligence to allies despite knowing or suspecting abuse in more than 200 cases. Committee chairman Dominic Grieve said agencies knew of incidents that were "plainly unlawful". The findings have sparked fresh calls for an independent, judge-led inquiry. The two parliamentary reports, published following a three-year investigation, examine how far Britain's intelligence agencies were aware of the mistreatment of terrorism suspects. The ISC said it was "beyond doubt" that the UK knew how the

Mr Gauke cited figures that 70.7% of women and 62.9% of men released from custody between April and June 2016 after a sentence of less than a year went on to re-offend within 12 months. He said there was "persuasive evidence" that the new approach would help reduce re-offending rates. Mothers at the trial residential centres might be able to have their children with them, he added.

"Sentence First, Verdict Afterwards…"

Just when it seemed as though public attitudes might just be changing towards sexual allegations, following the supposed abandoning of the ludicrous 'you will be believed' dogma, along comes another example of unthinking ideologically-inspired nonsense peddled by a senior public official. This time it's the so-called 'Victims' Commissioner', Baroness Helen Newlove.

On her official Twitter account, the Baroness – or possibly one of her flunkies – has recently posted the following politically-correct twaddle, masquerading as concern for the amorphous mass known collectively as 'victims':I strongly disagree with judges who demand that rape victims are referred to as complainants. A victim is a victim from the moment the crime is committed. They deserve to be treated with respect, sensitivity & feel that their pain is acknowledged. To do otherwise is a backward step.

The Baroness obviously takes the view that everyone who claims to have been raped (or otherwise sexually assaulted) is telling the truth. She doesn't seem to believe that any sane person is capable of lying about having been abused, which strikes me as naivety in the extreme. As we have seen in a series of recent scandals over disclosure (in other words ignoring or withholding of evidence by police), the key issue is often whether any 'crime' has even been committed in the first place, or whether it merely exists in the imagination of a chancer or fantasist; the tall tale made up in a bid for revenge, or is solely a disgraceful lie emanating from the mouth of a compensation-hungry fraudster. Has it not occurred to Helen Newlove that liars, fantasists and fraudsters exist?

I put it to her in the strongest possible terms that they do and, wherever these people rear their ugly heads, it is the accused and his or her family who are the victims. Is she really advocating that we lurch back to the 'you will be believed' school of nonsense? I find it extremely concerning that this very poor example of a palpably fallacious argument is being advanced by a well-paid public official, who also has a seat in Parliament: since 2010 she has been a member of the House of Lords.

Of course, no-one is suggesting that people who complain that they have been a victim of a serious crime should be treated with anything other than professionalism, kindness and respect by the police, prosecutors and court officials. However, prejudging the outcome of a contested trial by confirming ahead of a jury's deliberations that a crime has indeed been committed is, in my view, a very backward step indeed, and one that is grossly unfair and totally unjust to any defendant.

What is the next step along this particular road to judicial hell? Judges and prosecution barristers referring to the 'as yet unconvicted rapist in the dock' rather than 'the defendant'? Then, any pretence of a presumption of innocence in sexual trials would really be dead and buried.

It seems that the whole institution of the 'Victims' Commissioner' is another of those ludicrous and expensive quangos established by the last Labour government and indulged by successive administrations. It seems that Baroness Newlove has no particular qualifications, nor expertise in criminal justice, beyond having been herself a victim of a particularly horrific crime when her husband, Garry, was murdered by drunken thugs in 2007. While having every sympathy for her loss, it does seem a strange criterion upon which to justify making a senior public appointment. And this is where the problem seems to lie: we are expecting someone with no legal background nor qualifications to act as a public watchdog and advocate.

emphasises the vital need to have mechanisms to ensure that arrangements made for people who lack capacity are in their best interests. It is also important that resources are, as far as possible, directed to care rather than to legal and bureaucratic processes.

The Deprivation of Liberty Safeguards (DoLS) scheme safeguards against the arbitrary deprivation of liberty of people who lack capacity to consent to their care or treatment, such as people living with dementia, people with autism and people with learning disabilities, providing legal authorisation for depriving a person of their liberty in a care home or hospital setting. However, there is widespread consensus that the scheme is broken.

70 per cent of the almost 220,000 applications for DoLS in 2016 -17 were not authorised within the required time frame. Consequently, many people are currently unlawfully deprived of their liberty, in breach of Article 5 ECHR. As many as 100,000 people are currently affected: the system is so broken those responsible for them have to consider how best to break the law. The decision of the Supreme Court in Cheshire West was that the “acid test” for deprivation of liberty is whether a person is under continuous supervision and control and not free to leave regardless of whether they are content or compliant. Extending the existing scheme to all those caught by this definition could cost £2bn a year. The Committee calls for Parliament to consider the definition of deprivation of liberty in the context of mental capacity law, ensuring it the safeguards of Article 5 apply to those who truly need them. Unless the fundamental issue of definition is addressed, there is a risk that the Law Commission's proposals may become as impractical as the current scheme.

A Bit of a Head Case

A man with a tattoo of a gun on his forehead has been arrested and charged with illegal possession of a gun. Michael Vines allegedly threw a fully-loaded .38-caliber revolver into the grass after being involved in a car accident. Firefighters spotted him disposing of the gun and alerted responding police, who managed to recover the weapon. Vines, from South Carolina, has also been charged with driving under a suspended license and driving too fast for conditions. Under a picture of Vines's tattoo, Greenvile Police Department quipped on Facebook: "The real weapon was placed in property and evidence."

UK Justice Minister Abandons Women's Prisons Plan

The Ministry of Justice has revealed it has scrapped plans to build five new community prisons for women as part of its new female offender strategy. Instead the department is to trial “residential women’s centres”, which would provide supported accommodation to women as they completed community sentences, in a bid to reduce the number of women in custody. As of 15 June, the women’s prison population was 3,867, accounting for 4.7% of the prison population. Female prisoners are more than twice as likely as male prisoners to report needing help for mental health problems. The reoffending rate for women released from a custodial sentence of fewer than 12 months in April-June 2016 was 71%.

Justice Secretary David Gauke said short custodial sentences had failed to halt the "cycle of offending". Campaigners and police bodies have warned the provision for women must be "properly funded". Meanwhile, a justice minister has said sentences under a year should be axed for all but the most serious crimes. Rory Stewart told the Commons Justice Select Committee that community penalties were more effective and he wanted to "significantly reduce, if not eliminate" terms of under 12 months.

US handled some detainees and rejected claims by intelligence agencies that the cases detailed were no more than "isolated incidents". But the committee found no "smoking gun" to suggest a policy of deliberately overlooking such cases. Lord Falconer, who served as Labour's lord chancellor at the time, told the BBC that the UK government failed to act quickly enough after learning of British complicity in torture. Prime Minister Theresa May said British personnel worked in "a new and challenging operating environment" which some were "not prepared" for. She added "it took too long to recognise that guidance and training for staff was inadequate", and said British intelligence and the Army were "much better placed to meet that challenge".

Speaking to the BBC's World at One, committee chairman Dominic Grieve said UK renditions were organised to countries "with very dubious human rights records, where it would have been very likely that the person would be in fact tortured or ill-treated". He said British agents working in the US reported concerns about behaviour by their American colleagues, but there "was no response at the London end" and "no questions were asked" until 2004. The reports come a month after the UK government issued an unprecedented apology to Abdul Hakim Belhaj and his wife, who say they were abducted and taken to Libya after a tip-off from MI6. Mr Belhaj, a Libyan dissident, was tortured and spent six years in prison. Mr Belhaj's lawyer Sapna Malik said there seemed to be a "real deference" to the US. "In a way, this report shows that that [Belhaj case] was not an individual, isolated case, there was a wider pattern of co-operation by the UK," she said.

The report showed no evidence of direct mistreatment by British intelligence agencies, but there were 13 cases where spies witness first-hand a detainee being mistreated by others, BBC security correspondent Gordon Corera said. Former Foreign Secretary Jack Straw, who was responsible for overseeing GCHQ and MI6 between 2001 and 2006, said he was not aware of the activities or approach of the agencies, adding: "Many lessons... have since been learnt". Ken Clarke, who chairs the parliamentary group on extraordinary rendition, renewed calls for an independent inquiry into the UK's role, "to get to the full truth". He said the ISC report's findings were "not small issues which can now be swept under the carpet - and the government must address them urgently".

Speaking to BBC's Newsnight programme, Lord Falconer said: "We took much too long as a country to work out what our red lines were." He called for the inquiry into UK complicity in torture overseas to be reopened. Labour's shadow attorney general, Baroness Chakrabarti, and human rights campaign group Reprieve also called for a judge-led inquiry, saying the ISC's report was too limited Baroness Chakrabarti said in the period after 9/11 the US was "dabbling in these most horrific practices and - to some extent - the UK government went along for the ride".

The ISC launched its investigation after plans for the independent judge-led Gibson Inquiry collapsed. It studied documents, interviewed former detainees and three ex-officials. But the government denied the committee access to officers who were involved at the time of the UK's involvement in rendition, the report says. Today's ISC reports come six years after a judge-led inquiry was scrapped and court battles failed to get to the bottom of all allegations that the UK got its hands dirty after 9/11. But did the committee get to the whole truth? By its own account, probably not, because it was barred from speaking to some key officers - and it can't entirely establish whether all lessons have been learnt.

Today, if a foreign agency is known to be torturing a detainee of interest to the British intelligence agencies, ministers must be informed - that is guidance that has been published. These new rules are being consulted more than 570 times a year - but the ISC doesn't know how many of those cases are being flagged to ministers. Secondly, the ISC was astonished there is still no policy on whether and how UK personnel can be involved in rendition.

Ken Clarke was the justice secretary who scrapped the original judge-led inquiry when new allegations of criminality took legal priority. Today he's called for a new inquiry - and other critics have long said that any alternative investigation will never uncover all the wrongdoing. British citizen Moazzam Begg, previously held in Guantanamo Bay, criticised the inquiry's scope as inadequate, saying "we still don't know the process of accountability". Speaking about his own detention, he said British agents "were there watching as I was hooded, shackled, with a gun to my head" and claimed they knew he had been led to believe his wife was being tortured.

The ISC report said in one case, Ethiopia-born UK resident Binyam Mohamed was held in Pakistan in 2002 - and that MI5 and MI6 were informed by US agents he had been subjected to sleep deprivation. The report said MI5 failed to act on that information before its own officer arrived to interview Mr Mohamed. The US then secretly moved Mr Mohamed to Morocco, where he was tortured. MI5 asked its American allies what was happening to him - but was rebuffed. Despite this, the ISC report says, the agencies gave questions to the US to be put to him. Mr Mohamed was later returned to the UK.

M16 Put Questions To Prisoner Waterboarded 83 Times by CIA

Ian Cobain and Jamie Doward, Guardain: British intelligence officers put questions to a man despite knowing he had been subjected to appalling abuse, including being waterboarded 83 times, according to damning evidence contained in a UK parliamentary report published this week. In the years after 9/11, Abu Zubaydah was the only CIA prisoner who went through all 12 of the agency's "enhanced interrogation techniques", including being beaten, deprived of sleep and locked in a small box. After a four-year inquiry, the all-party intelligence and security committee (ISC) said in its report published on Thursday that MI6 had "direct awareness of extreme mistreatment and possibly torture" of Zubaydah. Despite this knowledge, from 2002 to at least 2006, MI6 and MI5 sent questions to be put to Zubaydah, the ISC reported. This was during the period he was being waterboarded and suffering other tortures, the committee noted. While MI6 may not have known the precise details of the abuse, which resulted in the loss of an eye while in custody, the committee found evidence that one of its senior officers, who had knowledge of the conditions, had noted that "98% of US special forces would have been broken" had they been subjected to the same mistreatment.

In the lead-up to the 2003 invasion of Iraq, statements made by Zubaydah under torture were cited by the US government as evidence that there was a link between the Ba'athist regime of Saddam Hussein and al-Qaida: a connection that was said to justify the invasion of Iraq. That connection is no longer made. Zubaydah, a Saudi-born Palestinian national who is still being held in Guantánamo Bay, was also said to have confessed that al-Qaida planned to use an improvised nuclear device to attack Washington DC. This too is now accepted to be a false claim. The ISC report found evidence that UK intelligence officers had been involved in almost 600 cases in which a prisoner was mistreated in the years after 9/11, and that the British government had planned, agreed or financed 31 rendition operations.

Scotland Yard has said it is studying the report, amid warnings, that. If the UK Does not investigate, the Internatinal Criminal Court may doso. Some MPs are calling for a judge-led inquiry to be convened because Theresa May did not permit the ISC to question low- and middle-ranking intelligence officers, and did not call the then foreign and home secretaries, and David Blunkett. The committee heard that Scotland Yard had investigated one unproven allegation that a British intelligence officer had beaten a prisoner with a baseball bat. A different MI6 officer reported to London that he had questioned a prisoner at Bagram airbase, in Afghanistan, who had been deprived of sleep for three days and forced into stress positions. "He shook violently from cold, fatigue and fear," the officer reported, adding that he and the US military "agreed to maintain pressure for the next 24 hours". Another MI6 officer had admitted threatening a prisoner with rendition to Guantánamo, saying his wife might be forced to turn to prostitution to feed their children.

When a Foreign Office official heard screams coming from a hangar at Bagram in October 2004, the department agreed to raise the matter with the US government, but there is no record of this having happened. And when one MI6 officer raised concerns that prisoners at a detention facility were being kept in cells approximately 2 metres long, 1.8 metres high and 1.2 metres wide, he felt he was regarded as having "let the side down" by pointing to an "inconvenient" truth. An MI6 lawyer who visited this facility described it as "a torture centre" in which prisoners were held in wooden crates, could neither stand nor lie and subjected to white noise. The location of this US facility is not identified in the report, but it is thought to have been at Balad airbase, north of Baghdad in Iraq.

MI6 lawyers eventually formulated a policy under which nobody captured by UK forces was sent to this facility and officers would not interrogate anyone sent there. In practice, the report said, they would interrogate prisoners in a Portakabin next door to the prison, to which they would be returned once the questioning was complete. One MI6 officer is said to have submitted questions to prisoners whom she knew were being starved, dehydrated, deprived of sleep and mistreated somehow through the use of menstrual blood. Another had suggested that prisoners should be forced to parade around their cells with 14kg (30lbs) weights around their necks while being bombarded with rock music and strobe lights, but was overruled by his superiors.

The shocking details buried in the report, which have hitherto not been highlighted, will intensify calls for a public inquiry into the actions of Britain's security and intelligence services overseas. The shadow attorney general, Shami Chakrabarti, and the Conservative MP Ken Clarke, who chairs the all-party parliamentary group on extraordinary rendition, have called for an independent judge-led inquiry into the UK's involvement in detainee mistreatment and rendition. "These are not small issues which can now be swept under the carpet – and the government must address them urgently," Clarke said. However, experts have questioned whether the true picture of what happened will ever emerge. "The UK has always been reluctant to reveal liaison arrangements with other countries as this could prejudice further arrangements," said Dr Dan Lomas, an expert in intelligence and security studies at the University of Salford. "Observers shouldn't get their hopes up about many more details coming out. Nevertheless, this is an issue that will not lie down."

Scheme for Safeguarding People Who Lack Mental Capacity Is 'Broken'

Joint Committee on Human Rights: In a report published examining the Law Commission's proposals to reform the Deprivation of Liberty Safeguards scheme, the Joint Committee on Human Rights concludes that the current system is broken and that urgent action is needed. A copy of the report is attached to this email. The Committee, made up of MPs and Peers and chaired by Harriet Harman MP, recommends that legislation is brought forward to implement the Law Commission's with Liberty Protection Safeguards ('LPS') which would authorise the specific arrangements that give rise to the deprivation of liberty, but in a lighter touch way than the current scheme. It supports the proposals to extend the protection into domestic settings provided that the definition of "deprivation of liberty" is established more clearly. Different laws and rights apply to people depending on whether their disorder is mental or physical. In the long term, this must also be solved. The report