"This case is confirmation that where an employee is found to have been working illegally, their employer may still be liable for a breach of contract," said Shaw. "This case was somewhat unusual as the employer had submitted false information in a visa application for her without her knowledge. The Court of Appeal found that Chikale had not known that performance of the contract was illegal, which may have influenced its view that the employer could not then argue that they did not owe the employee wages." Shaw said that the court also referred to public policy and the intention of parliament when imposing the civil penalty regime for illegal working. The court indicated that there is a general principle that an employee's rights under an employment contract are still enforceable even if they are working in contravention of the immigration rules, she said. "Many employers operate a policy of 'suspension without pay' where an employee's right to work in the UK is in question," Shaw said. "While this may assist in answering to the Home Office, employers should ensure that any period of suspension is kept to a minimum as there is a risk of liability for unpaid wages. Wages for work already completed by the employee should never be withheld."

Legal System 'beyond Point 0f Collapse' as Three Men Avoid Jail

BBC News: Judge Simon Carr gave three men suspended sentences instead of sending them to jail because of how long it had taken for the case to get to court. Abul Azad, Shahedul Bhuyia and Abul Hannan were found guilty of grievous bodily harm at Truro Crown Court. The judge said it was "a disgrace" that it had taken two years and nine months to hear the case. Azad, 49, from Wolseley Road, Plymouth; Bhuyia, 53, from the same address; and Hannan, 41, from Morshead Road, Plymouth; were each given a 15-month suspended sentence. Judge Carr said the offence had clearly gone over the custody threshold. He then said: "It's evidence of a system having gone beyond the point of collapse that a straightforward case takes so long to go before a court." In December 2016 the three defendants went from Plymouth to Truro in the early hours of the morning to try to recover a debt of £1,000 from Abdul Basit who had previously worked for Azad. The discussion became ill-tempered and Basit was left with a fractured jaw. The defendants were each given a 15-month sentence suspended for two years and ordered to carry out 100 hours of unpaid work.

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The Magic Has Gone' A man has successfully sued magicians who failed to make his estranged wife return using "magic knowledge". The man, whose name has not been made public, hired the company after it promised in a TV advert that it could "return your wife or loved woman". He hired the firm's suite of "extrasensory", "fortune-telling", "astrology" and "spiritism" services, but his wife, who left him in August 2017, never returned. The man brought the matter to the local court in his native city of Omsk, Russia, over the failure to provide the services despite his payment of over 260,000 roubles – around £3,300. The court found in his favour and awarded him 400,000 roubles – around £5,100 – in compensation.

Serving Prisoners Supported by MOJUK: 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jake Mawhinney, Peter Hannigan.

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

MOJUK: Newsletter 'Inside Out' No 754 (14/08/2019) - Cost £1

Jonathan Rees, Glenn & Garry Vian - Awarded £414,000 for Met Frame Up

"Those with previous criminal histories are more likely to be targeted for malpractice by police officers" In my judgment exemplary damages are required. This award is to highlight and condemn the egregious and shameful behaviour of a senior and experienced police officer, DCS Cook. He oversaw the investigation at the relevant time. He was warned about his behaviour on several occasions and misled superior officers. Axiomatically, honest belief in guilt cannot justify prosecuting a suspect on false evidence. Justice Cheema-Grubb

1) This is a quantum hearing to assess damages to be paid following findings for the claimants by the Court of Appeal on liability for malicious prosecution and misfeasance in public office. The judgment at Rees and Others v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587 sets out the relevant facts and procedural history. I adopt these. Wholesale repetition in this judgment would be superfluous.

2) In summary, as long ago as April 2008 the claimants were charged with murder following the investigation of an alleged contract killing in a pub car park in south London in March 1987. The high-profile case against them reached the Central Criminal Court but in February 2010 Maddison J held that the evidence of a key prosecution witness Gary Eaton ("Eaton") would be excluded. The reason was that a high-ranking police officer, Detective Chief Superintendent David Cook ("DCS Cook"), had compromised the integrity of the evidence Eaton proposed to give by initiating or allowing extensive contact with the witness in contravention of express agreements and accepted procedures. During this period Eaton's evidence, initially innocuous, expanded appreciably to include presence at the scene of the killing shortly after its commission together with knowledge of the claimants in the vicinity. Despite the ruling, at first the Crown indicated that the trial was to proceed on other evidence, but in March 2011 the judge was told that the prosecution was to be discontinued. No evidence was offered, and each of the claimants obtained not guilty verdicts.

3) They issued claims for damages. After a preliminary trial on the issue of liability Mitting J dismissed the action at Rees and Others v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB). His factual conclusions, themselves predicated on the findings and decision of Maddison J, were adopted but his decision was reversed on the law by the Court of Appeal. The central points in the appeal were whether the limited but decisive findings in favour of the defendant could be sustained. Firstly, had Mitting J been right to reject the claim on the basis that although it had been established that DCS Cook's actions regarding Eaton had led to the claimants being prosecuted, the defendant was not liable, vicariously, to compensate them for the tort of malicious prosecution because DCS Cook was not a prosecutor, had not been malicious, and there was reasonable and probable cause to prosecute. Secondly, in respect of misfeasance in public office although DCS Cook was a public officer exercising a public power and he had deliberately perverted the course of justice realising that it would probably cause injury to the claimants, the defendant was not liable to compensate them because they would have been prosecuted by the Crown Prosecution Service on other evidence.

4) The claimants' appeal succeeded. DCS Cook was the most senior police officer in the case and he presented the evidence to the Crown Prosecution Service for a decision on sufficiency of evidence for charge. He did so, knowing that he had suborned the evidence of Eaton and falsely presented him as an eye-witness to the murder scene. On analysis the remaining evidence was

weak and circumstantial and it had been rejected previously as insufficient to provide a realistic prospect of conviction, so it was inconceivable that charges would have been brought without DCS Cook's deliberate manipulation. The independent prosecutor's decision was overborne or perverted by the police officer's actions: DCS Cook was a de facto prosecutor. The Court held that he had been malicious, within the meaning of the relevant authorities, because he could not have believed that the case tainted with the evidence of Eaton was fit to go to a jury and such dishonest pursuit of the case, whether or not DCS Cook himself believed the claimants to be guilty, amounted to deliberately perverting the course of justice: sufficient malice.

5) As to misfeasance in public office, Mitting J had relied on the initial continuation of the case against the claimants after Maddison J had excluded Eaton's evidence as the basis for concluding that DCS Cook's actions did not cause loss. There was no evidence before the judge to show whether, in fact, charges would have been brought without Eaton's contribution to the case. The Court of Appeal held, on a balance of probabilities, that a prosecution would not have been brought had it been known in April 2008 that Eaton's evidence would not have been admissible at trial because of the actions of the Senior Investigating Officer in the case who had perverted the interests of justice in order to obtain it. Accordingly, there had been loss to each claimant.

46) Discussion: As I noted earlier in this judgment those with previous criminal histories are more likely to be targeted for malpractice by police officers in the first place so although I am compelled to make a reduction from the basic award and the aggravated damages for the previous convictions of the claimants I recognise this aspect in the award of exemplary damages.

47) As I have already made clear I do not accept that the failure to apologise should add to the punishment in this case. Although Fillery is not before this court the three men charged with murder on the evidence secured by DCS Cook's wrongdoing are. The court has not been informed as to the exemplary damages proportion of the settlement reached with Fillery and apart from acknowledging that during the course of oral argument Mr Johnson QC suggested a possible breakdown of the award including both aggravated and exemplary damages, whilst maintaining that he was not able to say how the award was actually made up, the compensation paid to Fillery does not inform my decision as to quantum.

48) I recognise that the defendant will be required to pay substantial damages and costs. The claimants have achieved a Court of Appeal judgment in their favour. I have considered the parties' submissions on Cairns v Modi [2012] EWCA Civ 1382. In some cases, the reasoned and extremely clear judgment of the Court would be enough to punish and publicly castigate the defendant for her ex-officer's conduct, but this is not such a case. In my judgment adequate punishment and public censure requires a separate award of exemplary damages to mark the court's denunciation of DCS Cook's unconstitutional behaviour as an agent of the state Washington v Commissioner of Police of the Metropolis [2003] Police Law Reports 35. As this part of the award has this function I bear in mind that three claimants are before the court. This ingredient of the total award is a windfall for the claimants, and it comes from public funds which will not be available to be expended for the public good. The award will be split equally between them so that there is no gratuitous punishment Riches v News Group Newspapers Ltd [1986] QB 256.

49) Determination: In setting individual components I bear in mind the total award I make in favour of each claimant and strive to avoid double-counting. My attention has been directed to many cases which are said by one party or another, to provide some assistance to me in my task in an unusual case. I refer to some of them but even those which provide guidance cannot be applied mechanistically given that the task I am engaged in is an assessment which, although broadly expressed, must be bespoke for this unusual case.

How Bad Will Priti Patel be at the Home Office?

Financial Times: Amid all the fanfare surrounding Boris Johnson's first few days in office, news that Priti Patel was being promoted from the backbenches to the role of home secretary caused perhaps the greatest stir in Whitehall. A committed Thatcherite and free marketeer, not only is Ms Patel notoriously hardline on criminal justice issues — having famously declared her support for the death penalty, before eventually backtracking — but she was forced to resign from the cabinet less than two years ago over a scandal involving unauthorised talks with the Israeli government.

Yet the ardent Brexiter and Johnson loyalist — since dubbed the "Lazarus of politics" — has returned in earnest to become the most senior woman in the cabinet, heading one of the four great offices of state. Given the prime minister's commitment to deliver Brexit by October 31, Ms Patel will have the crucial job of reshaping the immigration system when free movement ends and bringing back the "control" over incoming migrants that Leave voters were promised.

Home Office officials are already braced for a more interventionist home secretary than either Sajid Javid or Amber Rudd has been. Ms Patel's voting record shows strong support for a stricter asylum system, tough enforcement of immigration rules and restricting legal aid, while being opposed to same-sex marriage and retaining EU human rights principles after Brexit. In an interview with the Daily Mail this weekend, she said she hoped to make potential offenders "literally feel terror" when contemplating criminality. Mr Johnson's administration is expected to focus relentlessly on cutting crime and reducing immigration in response to polls showing this is what matters most to voters.

She was one of the authors of Britannia Unchained, a radical Tory pamphlet published in 2012 that prescribed shock therapy to correct what it saw as a nation beset by a workforce of "idlers", a bloated welfare state and timid approach to entrepreneurship Ms Patel's appointment to the Home Office has prompted an outcry from human rights groups concerned about her regressive stance on social issues and support for the department's controversial hostile environment policies on immigration.

Court Confirms - Illegal Workers Retain Employee Rights

Source: Out-Law News: Organisations can be held liable for breaching employment contracts even if their employees have been working in the country illegally, according to the Court of Appeal in London. The ruling by the court should prompt employers to review the policies and practices they have in place for complying with immigration rules, employment law expert Louise Shaw of Pinsent Masons, the law firm behind Out-Law, said. The case before the Court of Appeal concerned a dispute between two Malawian women.

According to the ruling, Judith Chikale was brought to the UK by business owner Ivy Okedina in 2013 to work for her as a live-in domestic worker. After being summarily dismissed from her job in June 2015 Chikale raised a series of claims against Okedina before the employment tribunal. Chikale's claims included unfair and wrongful dismissal, unlawful deductions from wages, unpaid holiday pay, breaches of working time law, failure to provide written particulars and itemised payslips, and race discrimination. Okedina argued, though, the contractual claims made by Chikale were unenforceable since Chikale had been working in the country illegally since her visa had expired on 28 November 2013.

Okedina's so-called 'illegality defence' was unsuccessful before the employment tribunal. She was ordered to pay Chikale more than £72,000 in compensation, including £64,000 for unlawful deductions from wages. The employment appeal tribunal subsequently rejected an appeal brought by Okedina against the lower tribunal's decision. Okedina then submitted an appeal concerning the application of the illegality defence to the Court of Appeal, but it has now confirmed that the defence did not apply in this case.

Man Who Accumulated 47 Convictions In Two Years Loses Challenge To Removal Order

A man who accumulated a total of 47 convictions between October 2015 and March 2017 has lost his challenge against the decision of the Minister for Justice and Equality to make a removal order and a five-year exclusion order against him. Refusing to grant the orders of certiorari sought, Mr Justice David Keane said the decision was neither disproportionate nor unreasonable when considered “in the round”. The applicant, Mr Lukasz Dabrowski, asserted that he arrived in Ireland “on 2 February 2014 or sometime in 2012”. He first came to the attention of gardaí in October 2015 in relation to a theft offence, and has since accumulated a total of 47 convictions. Between November 2016 and March 2017, Mr Dabrowski was sentenced by the District Court on ten separate offences for motoring offences, theft offences, burglaries, and failures to appear in court.

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"This case is confirmation that where an employee is found to have been working illegally, their employer may still be liable for a breach of contract," said Shaw. "This case was somewhat unusual as the employer had submitted false information in a visa application for her without her knowledge. The Court of Appeal found that Chikale had not known that performance of the contract was illegal, which may have influenced its view that the employer could not then argue that they did not owe the employee wages." Shaw said that the court also referred to public policy and the intention of parliament when imposing the civil penalty regime for illegal working. The court indicated that there is a general principle that an employee’s rights under an employment contract are still enforceable even if they are working in contravention of the immigration rules, she said. "Many employers operate a policy of 'suspension without pay' where an employee’s right to work in the UK is in question," Shaw said. "While this may assist in answering to the Home Office, employers should ensure that any period of suspension is kept to a minimum as there is a risk of liability for unpaid wages. Wages for work already completed by the employee should never be withheld."

50) As to the distress element: a murder charge is of a different order to most criminal offences. The anxiety and stress of being prosecuted for a high profile murder and the risk of a conviction with the mandatory life sentence must have a far graver impact for the period that it hangs over a suspect than the sort of offending alleged in Thompson. I do not accept that an award which is at least three times the top end of the basic damages in that case for the prosecution itself, is justified. I propose a more modest uplift namely 50%.

51) In the present circumstances a separate element of the award must recognise the period in custody on the murder charge. The first and second claimant spent 682 days in custody charged with murder, but it is conceded that they were initially lawfully detained. In due course they were transferred to category A detention with more onerous restrictions. The third claimant's position is less clear, but I am satisfied on the balance of probabilities that he some spent time as a serving Category A prisoner as a consequence of this murder charge. Nonetheless, the element of initial shock at being deprived of liberty based on a false charge is missing in the case of all three claimants. In addition, this was not the first period in custody for each claimant. In these circumstances the quantum of the claim is ambitious.

52) I do also reduce the aggravated damages award because of the claimants' antecedent history but in a balanced way as I have explained, and the reduction would certainly have been far more significant had the claimants acquired convictions for serious offences of violence. I reject the argument that I should nonetheless ascribe such a propensity because the second and third claimants were overheard on a covert probe discussing the shortening of a gun. The broad approach that the cases indicate is recognition of convictions rather than allegations.

53) In my judgment exemplary damages are required. This award is to highlight and condemn the egregious and shameful behaviour of a senior and experienced police officer, DCS Cook. He oversaw the investigation at the relevant time. He was warned about his behaviour on several occasions and misled superior officers. Axiomatically, honest belief in guilt cannot justify prosecuting a suspect on false evidence. Although the publicly available decision of the Court of Appeal provides some succour it does not replace the impact of a suitable financial award both to the claimants themselves and on the public perception that there is no place for any form of 'noble-cause' justification for corrupt practices in those trusted to uphold the law.

54) The first and second claimants are each awarded £155,000. This recognises (as set out above) the tapering effect of a longer period in custody, and incorporates an uplift for the period spent in Category A and on restrictive bail conditions. The award for distress and aggravated damages incorporates a 10% reduction for previous criminality. The previous convictions of these claimants are already allowed for in the loss of liberty figure. The constituent parts of the award for each claimant are: a. Basic award i. Distress etc from the charge £27,000 ii. Loss of liberty £60,000 b. Aggravated damages £18,000 c. Exemplary damages £50,000 (one third of exemplary damages of £150,000)

55. The third claimant is awarded £104,000. This recognises the shorter period of relevant incarceration, and the uplift for being held in Category A for a period and being subject to restrictive bail conditions. The award for distress and aggravated damages incorporate a 10% previous criminality reduction. The previous convictions are already allowed for in the loss of liberty figure. The break down is: a. Basic award i. Distress etc from the charge £27,000 ii. Loss of liberty £9,000 b. Aggravated damages £18,000 c. Exemplary damages £50,000 (one third of the total award of £150,000)

56. Interest from the date of this judgment. Costs and interest should be agreed between the parties. It is to be hoped that no further public money need be expended in resolving disputes by a hearing. Justice Cheema-Grubb, High Court of Justice, 31/07/2019

Metropolitan Police 'Making Excuses' Over Report Into Carl Beech Investigation

Martin Evans, The Telegraph: Scotland yard has claimed it cannot publish the unredacted report into its handling of Operation Midland because to do so could reveal covert policing methods and help criminals. However, the author of the report, Sir Richard Henriques, on Wednesday night insisted there was nothing in his 491-page dossier that would compromise undercover tactics, and accused the Metropolitan Police of making excuses. The force has come under mounting pressure to publish the full report following last week's conviction of Carl Beech, the fantasist whose allegations led to the Met's disastrous 18-month investigation into a VIP paedophile ring.

Operation Midland was launched in November 2014 after Beech told officers he had been raped and tortured by a gang, who had also murdered three young boys in the late Seventies. After describing him as "credible and true", the Met raided the homes of Lord Bramall, the former head of the Army; Lord Brittan, the former home secretary, and Harvey Proctor, the former Tory MP. But the investigation collapsed without a single arrest and Beech was charged with perverting the course of justice for inventing his claims. The Met asked Sir Richard, a retired High Court judge, to conduct a thorough review into its handling of the investigation, and a heavily redacted version of his report was published on the day of the US election in 2016.

Last week, Beech was jailed for 18 years and Lord Bramall, Lady Brittan and Mr Proctor, the principal victims of his lies, have since called for Sir Richard's full report to be made public. But in a statement on Wednesday night, Scotland Yard suggested doing so could breach data protection laws and also help other criminals escape justice. A spokesman said: "Our considerations regarding publication include whether each of the numerous pieces of personal information contained within the report are suitable for publication or continues to fall within the protections afforded to individuals by the Data Protection Act, GDPR or the Sexual Offences Amendments Act. We are also considering whether any descriptions of covert police methodology and tactics could assist criminals to evade justice … additionally some of the material in the report is subject to legal privilege."

But speaking to The Telegraph, Sir Richard said there was nothing he could think of in the report that could possibly jeopardise police tactics. He said: "I am racking my brains trying to think of what possible covert methodology they are referring to. There were no secret bugs or undercover officers. If you consider the length of time between the alleged offences and the investigation, it was more than 30 years, what possible covert tactics could they be talking about? There may be some areas that would need to be taken out because I looked at a number of other investigations and some information is not in the public domain, but that only constituted a tiny proportion of the … report." Earlier this week Sir Richard suggested that some of the officers involved in Operation Midland could have broken the law when they applied for warrants to search homes. The former lawyer, who prosecuted the serial killer Harold Shipman and the boys who murdered the toddler James Bulger, said he believed the detectives had misled a district judge when applying for the warrants, because they insisted Beech's testimony had been consistent, when it had not. His criticism of the officers' role in obtaining the search warrants was one of 43 mistakes he identified. But so far only around 20 per cent of his findings have been put into the public domain.

A Met spokesman confirmed that the force was considering whether more of the report could now be published, but said they had to balance a number of legal and moral issues and no final decision had yet been made. The spokesman said: "The report includes some very graphic allegations of sexual abuse. Whilst we recognise some of these are in the public domain already we are also mindful that, as these are now known to be false allegations,

were involved in a "state practice" of murder, according to their case. Family members of some of those killed by the gang welcomed the judgment afterwards. Patrick Barnard's brother Edward noted that 20 relatives of Glenanne victims had died since the initial judicial review proceedings commenced in 2015. He claimed the police had treated the families like "pestilence. For the families here today, we will keep on fighting for the truth for our dead relatives, because with the truth we honour them," he said. Tracey Mulholland, whose grandfather Arthur Mulholland was killed in 1975, said the families felt vindicated. Eugene Reavey, whose three brothers were murdered by suspected members of the Glenanne Gang in south Armagh in January 1976, said he was not interested in compensation and all he wanted was the truth.

The Magic Has Gone

BBC: A man has successfully sued magicians who failed to make his estranged wife return using "magic knowledge". The man, whose name has not been made public, hired the company after it promised in a TV advert that it could "return your wife or loved woman". He hired the firm's suite of "extrasensory", "fortune-telling", "astrology" and "spiritism" services, but his wife, who left him in August 2017, never returned. The man brought the matter to the local court in his native city of Omsk, Russia, over the failure to provide the services despite his payment of over 260,000 roubles – around £3,300. The court found in his favour and awarded him 400,000 roubles – around £5,100 – in compensation.

More Than 18,000 Prisoners 'Cooped Up' in Overcrowded Cells

May Bulman, Independent: An analysis of government figures by the Howard League for Penal Reform shows three in five men's prisons are holding more people than they are certified to look after. More than 18,000 prisoners are living in cells designed for fewer people as overcrowding fuels violence in jails, a charity has warned. The charity said this had led to thousands of inmates being "cooped up like battery hens", hindering rehabilitation and fuelling rising levels of violence. A breakdown of the data indicates that prisons with high levels of overcrowding are also likely to see high levels of violence, with HMP Wandsworth and HMP Birmingham – two jails renowned for violent assaults – among the most overcrowded.

The five men's prisons that have triggered urgent notification (UN) – a process that forces ministers to act urgently to improve conditions and reduce violence – all appear on the list of overcrowded jails. Several jails that have been placed in special measures – including Chelmsford, Elmley, Hewell, Liverpool, Winchester and Wormwood Scrubs – also feature. It comes after official figures showed self-harm and assault in prisons had risen to record levels for the seventh years in a row, with 7,968 incidents of self-injury in the year to March 2019 – at a rate of one every nine minutes.

Frances Crook, chief executive of the Howard League for Penal Reform, said: "Keeping thousands of men cooped up like battery hens in overcrowded cells is never going to help them to lead crime-free lives on release. This is an intolerable situation and, while the numbers have come down slightly in recent years, they remain frighteningly high. The figures reveal a clear relationship with overcrowding and violence in prisons.This was a challenge for new justice minister Robert Buckland, adding: "Bold action to reduce the number of people behind bars would not only ease pressure on the prisons; it would save lives, protect staff and prevent crime."

A Ministry of Justice spokesperson said: "All of our prisons are within their operational capacity which means they are safe for offenders. We are building new prisons in Wellingborough, Glen Parva and Full Sutton and have recently opened a new houseblock at HMP Stocken to help reduce crowding as part of our modernisation of the prison estate."

evidence of a system having gone beyond the point of collapse that a straightforward case takes so long to go before a court." In December 2016 the three defendants went from Plymouth to Truro in the early hours of the morning to try to recover a debt of £1,000 from Abdul Basit who had previously worked for Azad. The discussion became ill-tempered and Basit was left with a fractured jaw. The defendants were each given a 15-month sentence suspended for two years and ordered to carry out 100 hours of unpaid work. Speaking outside the court, the officer in charge of the case, Det Sgt Mark Jenkin, said there were "delays in getting cases to the Crown Prosecution Service and delays in getting cases to court". Simon Davis, president of the Law Society of England and Wales, said decades of cuts meant the whole legal system was "crumbling".

Police Failed to Conduct Probe Into State Collusion With Notorious Loyalist Terror Unit

Alan Erwin, Belfast Telegraph: Northern Ireland's new top police officer said he accepted the judgment delivered at the Court of Appeal in Belfast yesterday by Lord Chief Justice Sir Declan Morgan. Sir Declan said the police had not honoured the "legitimate expectation" of bereaved relatives of murder victim Patrick Barnard that an overarching investigation into the Glenanne Gang would be held. Former PSNI chief constable Sir George Hamilton had appealed against a 2017 judgment that found against the police's decision not to complete work being conducted by the independent Historic Enquiries Team prior to its disbandment.

Mr Byrne, who replaced the retiring Sir George earlier in the week, said he would commence work to appoint an independent team to conduct an "analytical report" on collusion. "Our thoughts first and foremost are with the Barnard family and those with them in court today," he said. "They, like too many other families, have suffered as a result of the Troubles and, understandably, they continue to seek answers in respect of the deaths of their loved ones. I accept today's judgment and, while we will take time to consider the fullness of its implications, we will now commence work to appoint the Independent Police Team to conduct an analytical report on collusion as ordered by the court."

Proceedings were brought by Edward Barnard, whose 13-year-old brother Patrick was among four people killed in a St Patrick's Day bombing at the Hillcrest Bar in Dungannon in 1976. Five years later, Dungannon UVF member Garnet James Busby received a life sentence after admitting his role in the no-warning attack and other terrorist offences.

The murder gang, based at a farm in Glenanne, Co Armagh, allegedly contained members of the RUC and UDR. Up to 120 murders in nearly 90 incidents in Mid-Ulster and Irish border areas are under scrutiny. They include outrages such as the 1975 Miami Showband Massacre, where three members of the popular group were taken from their tour bus and shot dead on a country road in Banbridge, Co Down, and the Step Inn pub bombing in Keady a year later, which claimed the lives of two Catholics. It has also been linked to the murder of 33 people, including a pregnant woman, in the 1974 Dublin and Monaghan bombings.

A draft Historical Enquiries Team (HET) report into alleged security force collaboration with the killers was said to have been 80% finalised before being shelved. Challenging the High Court ruling, counsel for Sir George Hamilton insisted the Hillcrest investigation met the "gold standard" of human rights obligations by securing a conviction. He also argued that an HET review into the bombing identified no collusion with the killers. But Mr Barnard's lawyers told the Court of Appeal a number of promises meant there was a compelling case for producing an overarching report. They claimed off-duty police officers and soldiers were connected by weapons to the "extraordinary pattern" of loyalist killings. Members of the security forces

we would need to consult with the parties affected before publication. We are not considering withholding any material because it may be embarrassing or critical of the MPS. No decisions on final redactions have been made and as indicated we will need to consult with affected parties so that they can make their representation to us."

But Sir Richard said decisions on what to release should have already been made and timed to coincide with the end of Beech's trial. He said: "They have had the report for long enough and really ought to have been ready. So much of the material was made public at the trial … there really should not be further delays." It came as Robert Buckland, the New Justice Secretary, backed a campaign by singer Sir Cliff Richard and DJ Paul Gambaccini calling for sex offence suspects to remain anonymous until charged, according to a report. The move, reported by the Times, was welcomed by Daniel Janner QC, son of the late Lord Janner of Braunstone QC, and founder of pressure group Falsely Accused Individuals for Reform (Fair). The newspaper reported Mr Buckland as saying those with reputations to protect should remain anonymous while suggesting anonymity would be less justifiable for those of worse character. He told the paper: "Let's say you are a reputable local business person who is accused of fraud. Your good name is going to be really undermined by this mere accusation. That might be a meritorious case for anonymity. Let's say you are a person with a list of previous convictions. You've committed offences. There is intelligence out there that suggests that other victims might come forward Is that a case where anonymity should be automatic?" But Chris Henley, chairman of the Criminal Bar Association, told the paper: "The law must be applied equally whoever you are. Money and apparent status should never be a card that can be played by the powerful to hide behind."

Hatton Garden Lookout Collins: 'I Didn't Fall Asleep on the Job. That's Cobblers'

Duncan Campbell, The Observer: Before being sent back to jail for failing to pay back the proceeds of crime, the 78-year-old career burglar gave his only press interview. He was the lookout man in the Hatton Garden £14 million safe deposit burglary. But on Thursday he was told that, for the foreseeable future, he will be looking out of the windows of one of HM's prisons because little of the stolen loot has been returned.

Kenny Collins, who is 78, was jailed for 2,309 days – just over six years – under the Proceeds of Crime Act and told by the judge, Richard Blake, "It was entirely [your] decision to commit this crime at a time of life when most people hope to enjoy a quiet retirement." Collins has already served his time for the 2015 burglary, and this additional "default" sentence comes because neither he nor his fellow burglars have paid back all of the £7.6m demanded of them by the court. Of those convicted, Brian Reader, 80, has been diagnosed with dementia and his case is still to be heard, and Danny Jones, 64, is already serving an additional seven years. Another, Terry Perkins, died in jail last year. As Collins's lawyer, Nathaniel Rudolf, put it delicately at a previous hearing: "Perkins is serving the ultimate default term."

While awaiting the hearing, Collins told the Observer why – as someone who had been quite successful in various forms of business, some legal, some most certainly not, for the past 30 years – he got involved in the robbery, rather than, as the judge suggested, enjoying a quiet retirement. "I didn't want to miss out. I was 74. I thought, fuck it. You're talking about 10 years maximum and you don't think you're going to get caught. The job had been around for a while. We might have done it at Christmas [2014] but Brian [Reader, the ringleader] fell out of a tree, so it had to be put off. I was the last one in. My last one, it would have been. My son,

Vincent, died a couple of years ago – I might not have went if he was alive. He was special needs. He couldn't read or write or tell the time, and he never worked. He died of diabetes – he was only 53. That's the only thing that might have stopped me."

Collins has a long criminal history. "As boys, we played in bomb sites in Tottenham [north London] and started nicking things. My first offence was in 1951 for stealing bikes when I was 11. I nicked money off the place outside the church where you got newspapers. When I was 16 I worked in the timber trade and got blinding wages – £4 a day – but when it finished I couldn't get back to what I was making before, so I started thieving. I got done for robbery in 1961 and I got five years. "I've done about 10 lots of bird. I was in borstal with James Hanratty [controversially hanged in 1962 for the A6 murder] and I've been in Wormwood Scrubs, Pentonville, Maidstone, Blantyre House, Belmarsh, Brixton, Wandsworth, Parkhurst … 1987 was my last conviction, conspiracy to rob. Since then, the last 30 years, I was selling things – fireworks from China, all sorts of things."

The judge pointed out that the individual victims of the burglary had suffered significant loss and, immediately afterwards, claims as to the value of how much was stolen ran to £200m. By the time of the trial in 2016, that had been reduced to £14m. So what does Collins claim the burglary was worth? "Nowhere near the amount that they said. They claimed about £320,000 in cash was missing, and that was about right – we each got about £80,000 but that mostly went to pay people for information. But the millions of pounds' worth of jewellery was ridiculous. I would have said it was worth about £8m retail – it was mostly old. Even if we had had £14m, the figure they claim, we would only have got about 10% for it – £1.4m. I wanted my barrister to call all the people who claimed to have lost so much as witnesses but they said, 'Who are people going to believe – you or them?'" Collins has so far paid back £730,000, and his house in Islington, north London, is being sold for £740,000, which will also be forfeited, as will an apartment in Spain, worth £90,000.

What about the suggestion that part of the plan was to break into specific boxes to extract material that might be used for blackmail? "It was complete bollocks that we were looking for a particular box. The story about some papers that John Palmer [the man known as "Goldfinger", who was murdered in Essex in 2015, not long after the burglary] had in a box that he was going to use for blackmailing the Adams [the north London crime family] – complete and utter cobblers." What else was found? "No guns, no coke but in one box, there was six passports – now why would you keep your passports in a safe deposit box?"

Collins's role in the burglary was to act as lookout from a building opposite the safe deposit centre and contact the others if there was anything suspicious. He was said to have dozed off on the job. "They said I had fallen asleep. That was bollocks. And we didn't have a walkie-talkie like they said. What really happened was that 'Basil' [Michael Seed, the electronics expert who was jailed for 10 years in March for his part in the crime], who I only knew as 'the Boffin', rigged up the phones between the place where I was and them. I had just gone to the toilet so I didn't hear it ring."

He paid credit to the honesty of the detectives in the case: "This lot of police have more or less played the game. Not like some of the ones I've had in the past … And it never occurred to us to take any weapons. You don't need them. If someone comes in, you're nicked. We wouldn't have been able to run away! After it happened, I would have left the country straight away, but the thing that stopped me was my dog." (Dempsey, a Staffordshire terrier, who has since died.) It never occurred to us to take any weapons. We wouldn't have been able to run away

He served his time in Belmarsh, the high-security jail: "The young prisoners treated me very well because I was old – and I was one of them. Most people my age are nonce [sex offender] cases. "Anjem Choudary [the radical Muslim cleric] tried to talk to us about Islam. I don't

suppose he knew who he was talking to – he don't know us from a bar of soap. We told him to fuck off." Collins has diabetes and cancer of the oesophagus. He also suffers from high blood pressure, anaemia and kidney problems, and his memory and hearing are going. He said that prison was now much more violent than in his early days behind bars, mainly because of the prevalence of the drug spice.

The burglary led to three films – King of Thieves, The Hatton Garden Job and Hatton Garden the Heist – a recent television mini-series, called simply Hatton Garden, and six books. What did he think of them all? "Most of them I never saw but I have to say the guy who played me on television [Alex Norton] did look very like me. They got that right." As for the books, he said: "In prison I'll be reading a bit – but it will be Karin Slaughter and Jo NesbØ." For Collins's next few years, crime fiction will replace true crime.

CCRC Refers Conviction of Iranian National to Court Of Appeal

Mr C is an Iranian national who was involved over a number of years with anti-government activity in his country. He was imprisoned on a number of occasions and tortured. In March 2011, in fear of his life, he fled overland to Turkey. From there he travelled by sea to Greece where agents/ people traffickers took his Iranian passport and provided him with a false burgundy coloured document. In September 2011 he used that false passport to board a flight from Greece to Manchester. During the flight he gave the false passport back to the agent.

After landing he told airport staff he had no passport and he was arrested. Four days later he appeared at Trafford Magistrates' Court, where, having been advised to do so by a solicitor, he pleaded guilty to the charge of failing to provide a valid immigration document contrary to section 2(1) of the Asylum and Immigration (Treatment of Claimants) Act 2004. He was jailed for four months. In November 2017 Mr C applied to the CCRC for a review of his case.

On arrival in the UK in 2011, Mr C said he wished to claim asylum on the basis that, if he returned to Iran, he would be killed because of his involvement in anti-regime demonstrations and online anti-government activity. Early in 2012, the Home Office granted asylum and leave to remain for five years. In January 2017, Mr C applied for indefinite leave to remain, but was refused and instead granted leave until 2020. The refusal of indefinite leave was directly related to the 2011 travel documents conviction now being referred for appeal by the CCRC.

Having reviewed the case in detail, the CCRC has decided to refer Mr C's conviction for appeal because it believes there is a real possibility that the subsequent appeal will succeed. The referral is made on the basis that Mr C had a statutory defence under section 2(4)(c) of the 2004 Act in relation to the charge of failure to produce an immigration document and that that defence is likely to succeed on a fresh hearing (i.e. an appeal at Crown Court). Mr C was not legally represented in his application to the CCRC. His identity has been concealed because of ongoing security concerns.

Legal System 'beyond Point 0f Collapse' as Three Men Avoid Jail

BBC News: Judge Simon Carr gave three men suspended sentences instead of sending them to jail because of how long it had taken for the case to get to court. Abul Azad, Shahedul Bhuyia and Abul Hannan were found guilty of grievous bodily harm at Truro Crown Court. The judge said it was "a disgrace" that it had taken two years and nine months to hear the case. Azad, 49, from Wolseley Road, Plymouth; Bhuyia, 53, from the same address; and Hannan, 41, from Morshead Road, Plymouth; were each given a 15-month suspended sentence.

Judge Carr said the offence had clearly gone over the custody threshold. He then said: "It's