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 758 (11/09/2019) - Cost £1

Whole Life Sentences are Unnecessary and an Affront to Human Dignity

Scottish Legal Action Group (SCOLAG) sets out its views here on the Whole Life Custody (Scotland) Bill, proposed by Liam Kerr MSP. We have considered the terms of the consultation document and have followed closely the parliamentary and public debate on the bill. The consultation document itself makes an unimpressive case for its core proposal and, at times, is simply incorrect as to matters of law, such as the assertion that the Crown is able to appeal against a "not proven" verdict or that there is no basis to appeal conviction following the tendering of a guilty plea. Given the magnitude of the proposal advanced and the effect that discourse in this area has on the public's perception and understanding of Scotland's legal system, SCOLAG would urge all politicians to ensure that they articulate carefully and correctly the legal principles underlying the area of debate at all times. As to the substance of the proposal, SCOLAG does not intend to replicate the arguments advanced against the proposed bill elsewhere. It sympathises with the terms of the open letter by Dr Hannah Graham and Professor Fergus McNeill of the Scottish Centre for Crime and Justice Research.

In particular SCOLAG agrees: that the proposal is unnecessary as existing sentencing powers are already adequate to deal with those considered the "worst offenders"; that the proposal interferes unnecessarily with the existing functions of sentencing judges in the High Court, and the Parole Board; that no financial case has been made for the introduction of whole life sentences(although, for what it is worth the group would oppose the introduction of these sentences even if such a financial case had been made); and, that whole life sentences are akin to capital punishment and an affront to human dignity. We also wonder whether putting someone "beyond the law" - ie in a situation which can be made lawfully no worse, for that would be the position in which a true "whole life" prisoner would be in - is in the interests of prison staff, inmates, or visitors. In addition to these arguments, the group wishes to draw attention to the terms of the judgment of the European Court of Human Rights in Hutchinson v the United Kingdom. This is a judgment prayed in aid by Mr Kerr in the consultation document.

The Strasbourg Court set out the following general principles in relation to life sentencing:

42. The Convention does not prohibit the imposition of a life sentence on those convicted of especially serious crimes, such as murder. Yet to be compatible with Article 3 such a sentence must be reducible de jure and de facto, meaning that there must be both a prospect of release for the prisoner and a possibility of review. The basis of such review must extend to assessing whether there are legitimate penological grounds for the continuing incarceration of the prisoner. These grounds include punishment, deterrence, public protection and rehabilitation. The balance between them is not necessarily static and may shift in the course of a sentence, so that the primary justification for detention at the outset may not be so after a lengthy period of service of sentence. The importance of the ground of rehabilitation is underlined, since it is here that the emphasis of European penal policy now lies, as reflected in the practice of the Contracting States, in the relevant standards adopted by the Council of Europe, and in the relevant international materials.

43. As recently stated by the Court, in the context of Article 8 of the Convention, "emphasis on rehabilitation and reintegration has become a mandatory factor that the member States need to take into account in designing their penal policies" (Khoroshenko v. Russia [GC], no. 41418/04, § 121, ECHR 2015; see also the cases referred to in Murray). Similar considerations apply under Article 3, given that respect for human dignity requires prison authorities to strive towards a life sentence prisoner's rehabilitation. It follows that the requisite review must take account of the progress that the prisoner has made towards rehabilitation, assessing whether such progress has been so significant that continued detention can no longer be justified on legitimate penological grounds (Vinter and Others) A review limited to compassionate grounds is therefore insufficient.

We do not accept what is proposed by Mr Kerr subscribes to the spirit of the principles set out by the Strasbourg Court. We do accept that a system of executive review of so-called "whole life sentences", interpreted in line with Article 3, may be considered compliant with the Convention. We do wonder, however if, standing that position, one of Mr Kerr's key arguments holds up. He is concerned with "giving the public real confidence in sentencing". He says that "life should mean life for Scotland's worst criminals". But, as Mr Kerr must accept, given the case law in relation to Article 3, even a so-called "whole life" sentence in terms of the bill might eventually see a prisoner released. We doubt whether the release of someone sentenced to a "whole life sentence" would do anything to boost public confidence in sentencing. In conclusion, we consider the introduction of this radical change to sentencing unnecessary, unethical and regressive. We feel strongly that politicians should not seek to pander to populist sentiment in the arena of legal reform. We oppose in the strongest possible terms Mr Kerr's proposed bill.

Will Prison Become an Increasingly Common Experience of the Defiant and Rebellious Poor

During times of economic and political crisis, and potential social unrest, the scapegoating of marginalised and already demonised groups as a strategy of deflecting social anger and protest away from those actually responsible for growing poverty and austerity is a characteristic of all capitalist societies in decline. As Britain experiences the economic consequences of leaving the European Union, or the European economic imperialist block, an increasingly right-wing British government is already targeting the most demonised and oppressed groups, both as a strategy for shifting public anger away from the most powerful and privileged and onto the poorest and most powerless, and also as a cover and justification for significantly increasing the apparatus of repression in preparation for growing social unrest and rebellion.

As always the establishment media is enthusiastically assisting in the scapegoating of prisoners and those trapped by poverty, racism and disempowerment in criminalised lifestyles, and the perspective encouraged is that what impacts most negatively on the lives of ordinary people is not the increasing disappearance of public services based on social and human need, as opposed to profit, and the systematic destruction of social housing, public health care and state education, but the existence of socially alienated and marginalised groups of predominately young black men whose violence is mostly focused upon each other.

This symptom of the economic and social destruction of working-class communities is instead portrayed as the cause of that destruction. The measures advocated to deal with those portrayed as the root cause of the destruction of the social fabric are predictably repressive and militaristic: the virtual occupation of ethnic minority communities, especially, by increasingly armed police and a massively increased prison capacity. The replacement of "civil policing by consent" with colonial-style policing is reflective of a ruling class recognition that a traditionally compliant and comparatively privileged British working class exists no longer and so more colonial-style policing methods are needed to maintain "Law and Order" within increasingly deprived and desperate poor communities.

The recent appointment of Priti Patel as Home Secretary is symptomatic of a more overtly repressive approach to "Law and Order" and her remark that she intended to make potential offenders "literally feel terror" when contemplating breaking the law signals the fate of the poorest, marginalised, and most criminalised groups in Britain and an increasingly brutal policing of the communities where those groups are concentrated. Patel's openly declared support for the death penalty will no doubt manifest itself a "life means life" policy for indeterminately sentenced prisoners and the effective abolition of parole for such prisoners.

Boris Johnson's increased financial resourcing of the police and prison system and the appointment of far-right zealots to manage and administer the criminal justice system is clearly indicative of a state now seriously focused on increasing its armoury of social repression in anticipation of social unrest post-Brexit and its economic consequences for the mass of the population.

As Britain moves closer into the orbit of U.S. imperialism so its methods of dealing with marginalised communities and criminalised groups will more closely resemble those of its master and prison will become an increasingly common experience of the defiant and rebellious poor.

John Bowden, A5026DM, HMP Warren Hill, Hollesley, IP12 3BF

Are Human Rights Taking Over the Space Once Occupied by Politics?

John Tasioulas, New Statesman: By presenting political demands as human rights, we risk blurring the line between genuine rights and laudable aspirations. Human rights occupy an ambivalent place in contemporary political life – they are both objects of unbridled enthusiasm and increasing suspicion. Enthusiasm is evident in the way the language of human rights frames one vanguard political demand after another; debates around climate change, extreme poverty, and LGBTQ rights, are genuine drivers of moral progress. Other uses of the language of human rights are farcical – including the declaration by a Chinese government official in 2006 that the people of China have a “human right” to host the Olympic Games.

Often, growing scepticism about human rights is interpreted as a “populist backlash”. Recall the threat by then US presidential candidate Donald Trump to bring back “a hell of a lot worse than waterboarding” for suspected terrorists, or Brazilian President Jair Bolsonaro’s dismissal of human rights as “manure for rascals” – “rascals” designating indigenous people, the criminally accused, and members of the LBGTQ community.

One diagnosis of this populist backlash is that human rights have become an elite discourse from which ordinary people across the world are increasingly disconnected. Although there is an element of truth to this hypothesis, the reality is more complicated. Many who are sceptical of human rights claims condemn them as perversions of the true meaning of human rights. This type of criticism is often presented as an attack on human rights mounted from within – in the name of human rights themselves, which such critics argue have drifted from their true or original purpose.

A recent illustration of this phenomenon is the US Department of State’s creation of a Commission on Unalienable Rights, chaired by the eminent legal scholar, Mary Ann Glendon. The Commission’s aim is to “provide fresh thinking about human rights discourse where such discourse has departed from our nation’s founding principles of natural law and natural rights”. Similarly, in a speech delivered at Davos, Bolsonaro asserted that his government would uphold “true human rights”, among which he numbered “the right to life and private property”.

Revulsion at the policies of leaders like Trump and Bolsonaro may tempt us to interpret this sort of “internal” criticism as a cynical ploy, one that thinly veils a racist, sexist, and homophobic agenda. But even if this interpretation is correct, it doesn’t follow that there is no truth in the

idea our human rights culture has gone off the rails. After all, human rights law, and the culture it belongs to, are human constructs; nothing immunises them from the errors of overreach.

How, then, does human rights discourse overreach? Mostly in two ways. The first is substantive overreach. This relates to what we take to be human rights. There is a persistent tendency to present more and more political demands as human rights, but on very dubious grounds. We can see this if we proceed from the idea that real human rights involve counterpart obligations on others.

Obligations – such as the obligation not to torture or enslave others – impose practical demands on us. Failure to meet these demands is wrongful. In order to be genuine obligations, however, the demands have to be feasible. There can be no obligation to do the impossible, such as to give everyone a Rodeo Drive lifestyle, or to do that which would involve an excessive burden, such as to sacrifice your spare kidney for a stranger in dire need of a transplant. Moreover, obligations are stringent demands that have to be complied with except in emergency situations. They are not regularly overridden by competing concerns.

A lot of human rights talk overlooks the need for human rights to involve genuine obligations. Instead, all sorts of goods are presented as human rights entitlements simply because conferring them would be beneficial to all humans. Although resort to the language of human rights gives these assertions extra rhetorical force, the strategy neglects the vital difference between what benefits another, and what is owed to them. There are many ways I can benefit you – by giving you my money, my spare kidney, my friendship – without you having a right to these things. Nor is this tendency confined to over-enthusiastic human rights advocates. It is also present in powerful institutional settings.

One telling illustration of this phenomenon is the United Nations’ General Comment 14 on the human right to health. This imposes onerous demands for health care, which would strain the resources of even the most advanced societies. In doing so, it blurs the dividing line between a genuine right, and a laudable aspiration. The UN special rapporteur on extreme poverty, Philip Alston, has rightly argued that stemming the populist backlash against talk of human rights should involve granting more prominence to socioeconomic rights, such as those to health and work, which ordinary citizens can more readily identify with – and see themselves as having a stake in. But this requires distinguishing our interests in health and work, which generate a wish list of items whose demands are potentially insatiable, from our rights to health and work, whose associated obligations must be feasible.

Is it any wonder that people become cynical about human rights claims when those claims proliferate to cover whatever interests we happen to have? This expansionist tendency, which is replicated across many human rights, eliminates any realistic possibility of fulfilling all of them. As a result, human rights have to be endlessly compromised and traded-off against each other. They are no longer sources of obligations which can only be overridden in extremis. What the bloated human rights discourse gives with the one hand, it takes away with the other, to the satisfaction of pretty much no one.

The second form of overreach relates not to what counts as a human right, but to who gets to decide what counts. Even if we accept that all humans have a given right, it’s too easy to conclude that this right ought to be enshrined in law and enforced by courts. On reflection, at least two kinds of obstacles can stand in the way of any such conclusion.The first kind of obstacle is practical. It is an open question whether establishing a human right in law will advance its fulfilment. Perhaps judges systematically ignore the law (as they did in the USSR) or lack the necessary expertise for effective human rights adjudication. But even if they are

willing and able to uphold rights, empowering judges to do so can be counter-productive.

The right to health, for example, is a constitutional right in Brazil and Colombia. Although this empowers some litigants to assert their human rights in court, their success in accessing scarce health resources often comes at the expense of citizens with more urgent needs who are too poor, or insufficiently informed, to go to court. This outcome is hardly consonant with human rights.

Another set of obstacles is more principled in nature. Even if, as the economist Amartya Sen has proposed, we all have a right to a say in decisions that strongly affect our interests, there seems little basis for allowing children to sue their parents for failing to consult them about school moves or emigration. Similarly, we might regard certain forms of personal betrayal as human rights violations, yet resist the idea that it is the law's business to condemn or punish them. Some human rights belong to a private sphere into which the law should not intrude. And even if we think that the law should properly give effect to a human right, a question arises as to which state organ – the legislature, the judiciary, or some other – should play the lead role in determining its content.

A key theme of the recent Reith lectures, delivered by former UK Supreme Court justice Jonathan Sumption, is the increasing shift of decision-making power on human rights matters from legislatures to courts. This shift is worrying on a number of fronts. Most obviously, judges lack the legitimacy, as law-makers, that ordinarily comes from democratic election. Somewhat over-dramatically, Sumption describes judges as usurping democratic law-making powers in a way that is "conceptually no different" from what happens in fascist, communist or Islamist states.

But there is perhaps a deeper worry. How can a vital social commitment to human rights be sustained if decisions about them are increasingly transferred from the sphere of democratic contestation to that of legal experts? Denying citizens their say in human rights decisions risks fostering indifference, alienation or resentment that fuels a populist backlash. In the words of the great American judge, Learned Hand: "liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it"

The legal status of abortion is an instructive example. In the United States, where it has been decided by the Supreme Court, there is ongoing discord and rancour which finds no parallel in countries, such as the United Kingdom, where a legislative compromise has been struck.

Faced with criticisms about overreach, human rights lawyers and activists are often tempted to adopt a highly defensive posture, casting themselves as guardians of human rights against hostile forces. But this is a risky, and potentially self-deceiving, strategy. Human rights are fundamental moral and political principles, and law has a vital role to play in securing them. But we may need to learn that, as with other good things, less is sometimes more.

Fraudster who Failed to Pay Confiscation Facing Further Eight Years In Prison

Local Goverment Lawyer: A defendant convicted of defrauding the electrical waste recycling industry has been sentenced to prison for a further eight years after he failed to meet a £1.3m confiscation order. Terry Soloman Dugbo, a 48-year-old man from Leeds, is serving a 7 years and 6 months custodial sentence after defrauding the industry of £2.2m in 2016. The case was brought following an Environment Agency investigation. In February 2019, Dugbo was ordered to pay back more than £1.3m of the £2.2m he acquired through illegal activity, on top of more than £79,000 from a previous Environment Agency prosecution for exporting hazardous waste to Nigeria in 2011 and over £17,000 from a VAT fraud in 2015. The Environment Agency said that despite numerous court orders Dugbo had failed to make any payments towards the £1.3m order and insufficient payments towards the other two. So far, a total of

approximately £46,000 has been made towards an earlier order. Dugbo insists that he has no money to pay and has unsuccessfully attempted to have the orders reduced.

A Proceeds of Crime hearing was held at Leeds Crown Court last week (22 August). HHJ Jameson QC ruled that there was no realistic prospect of Dugbo paying the outstanding amount, and sent him to prison for a further 8 years for failing to pay the £1.3m order, 14 months for the older Environment Agency order (reduced from 21 months for the money already paid) and 2 months for the order relating to the other fraud. Each sentence will be served consecutively to each other. Dugbo will now have to serve the extra time after finishing his current sentence unless he pays the money owed. Dr Paul Salter, Environment Agency waste crime officer, said: "Dugbo's defiance has led to an extended jail sentence which he will be forced to serve until all the money is paid. This a clear signal that waste crime does not pay. "We take a hard line against anyone that intentionally sets out to profit from defrauding recycling systems. In recent times, we have increased resources in our waste enforcement team and are working with partners to establish a Joint Waste Crime Unit to forge stronger links between government, police forces and local councils to tackle waste crime." Dugbo was originally found guilty in 2016 after Environment Agency officers discovered falsified paperwork was used to illegitimately claim that his Leeds-based firm, TLC Recycling LTD, had collected and recycled over 19,500 tonnes of household electrical waste during 2011.

"In reality, Dugbo's company had never handled the amount of waste described and was not entitled to receive money through the government backed, Producer Compliance Scheme," the Environment Agency said. "Documents seized as part of the investigation showed that Dugbo's company claimed money for waste collections from streets and properties that did not exist. Vehicles used to transfer waste were recorded as being in Northern Ireland, England, and Scotland on the same day. Some vehicles did not exist at all, and some documents showed vast weights of waste being collected by vehicles that could not carry such loads: for example, a moped was said to have carried waste 42 times, and on one trip it was said to have carried 991 TVs and 413 fridges between Dugbo's businesses. Weights of individual items said to have been collected were also exaggerated: fax machines were logged as weighing 47kg, and drills 80kg."

The Implications Of 'Bulk Hacking'

Corporate Crime analysis: Matthew Richardson, barrister at Henderson Chambers, examines the concept of 'bulk hacking' by intelligence services and some of the legal implications, in light of the latest judicial review challenge by Liberty. What is 'bulk hacking' and what is the context and background of it being used by GCHQ and other government agencies? Bulk hacking is the colloquial name for the wide ranging powers given under the Investigatory Powers Act 2016 (IPA 2016) to the security and intelligence services, police forces and various government agencies allowing them to intercept or obtain, process, retain and examine private information of very large numbers of people—in some cases, the whole population. This includes the serious invasion of journalistic and watchdog organisations' materials, lawyer–client communications and other privileged communications.

Liberty is challenging, under the Human Rights Act 1998 (HRA 1998), by way of judicial review the compatibility of IPA 2016 with HRA 1998, art 8 (right to a private and family life) and art 10 (right to freedom of expression). The case is R (on the application of Liberty) v Secretary of State for the Home Department and Secretary of State for Foreign and Commonwealth Affairs, case no CO/1052/2017 in the High Court, QBD. The National Union of Journalists (NUJ) has joined the

claim in support of Liberty's position, particularly emphasising the freedom of expression elements of the argument and the effect on journalists. This claim follows on from another similar claim brought by the privacy rights group, Big Brother Watch, on the back of Edward Snowden's revelations, and resulted in the government conceding that the oversight regime for such data gathering and processing was insufficient and may need to be changed.

Does IPA 2016 allow for bulk hacking and why? What are the arguments in favour of bulk hacking? Are there any restrictions in place under IPA 2016? IPA 2016 does allow for bulk hacking. It gives authorisation for what it calls 'equipment interference' or what the average person would think of as computer hacking in IPA 2016, parts 5 and 6, bulk data retention and processing in IPA 2016, pt 7, bulk interception of communications, including mobile phones in IPA 2016, pt 6, and most interesting bulk acquisition of and retention of communications data, which requires, for example, mobile phone providers to hand over vast amounts of metadata associated with the use of their networks, from all users, even if they are not even suspected of a crime, in IPA 2016, parts 3, 4 and 6.

The ministers defending the judicial review contend that the powers under challenge are of critical importance to, and are effective in securing, the protection of the public from a range of serious and sophisticated threats arising in the context of terrorism, hostile state activity and serious and organised crime. There are several restrictions in place under IPA 2016 including most crucially its oversight by the Investigatory Powers Commissioner, currently the very highly regarded Lord Justice Fulford, who is assisted by 15 commissioners who are senior members of the judiciary and a large staff including a number of technical experts.

However, it is Liberty's case that the current regime has insufficient safeguards in a democratic society. Why has bulk hacking been criticised and what legal/human rights issues does it pose? Are there any potential cyber risks? Bulk hacking has been criticised for number of relatively obvious reasons which include that, as with any dragnet style data gathering exercise, a number of completely innocent law abiding citizens may find their computers hacked, their data gathered and processed, their mobile phone intercepted, and their most private and confidential information trawled through by the government, including legally privileged lawyer/client communications.

The NUJ argues that this type of surveillance can be used to the detriment of free journalism and will almost certainly have a chilling effect on the kind of journalism that should be allowed to exist unencumbered in an advanced democratic society. There are potentially cyber risks associated with this, too. Bulk hacking may, as a natural by-product of its successful deployment, leave systems vulnerable to hacks from other malicious, non-governmental actors. There is also a non-zero risk that personal data of law abiding citizens will be processed in a manner that may cause them substantial distress and result in unnecessary interference in their private lives.

What will happen if the government loses this case and what will be the legal implications? The first and most visible consequence for the government will be a huge political embarrassment. The fact that the government could produce a workable scheme for bulk surveillance even after a number of steers from the European Courts will not bode well for the new Prime Minister. Secondly, it will open the door to damages claims, from individuals who have been adversely affected by the incompatible regime, given the large numbers involved, a group action could be very costly for the government indeed. Finally, the government will have to go back to the drawing board, and try to find a regime for wide scale surveillance that will satisfy the courts, keep the people of the United Kingdom safe and maintain our obligations with our overseas intelligence partners—no easy task.

Duty of Care: Inadequate Safety Nets?

Laura Davidson No5 Barristers' Chambers: How far does the state's duty of care extend in protecting detained patients--both voluntary and involuntary--from self harm? Laura Davidson investigates It was recently confirmed in Fernandes de Oliveira v Portugal [2019] ECHR 106 (no.78103/14, 31 January 2019) that a state's positive obligation under Article 2 of the European Convention on Human Rights (ECHR) applies not only to compulsorily detained patients, but also to those in hospital. However, there was a disappointing caveat. The European Court on Human Rights (ECtHR) concluded that "a stricter standard of scrutiny" might be applied to patients detained "involuntarily" following judicial order (para.124). Indeed, no Article 2 violation was found. In a partly dissenting Minority Opinion (MO), Portugal's Judge Pinto De Albuquerque and Judge Harutyunyan describe the decision scathingly as "the result of a creative exercise of judicial adjudication for an imagined country" (MO, para.16). This article analyses the case law the ECtHR failed to apply, contends that the decision is plainly wrong, and argues that no differentiation between voluntary and involuntary patients can be justified.

AJ, a schizophrenic patient with major depression, was voluntarily admitted to the Hospital Psiquiátrico Sobral Cid (HSC) in Coimbra, Portugal, following an overdose. Several weeks later, he left hospital in his pyjamas and leapt in front of a train. His mother complained that his Article 2 right to life had been violated due to insufficient relational and physical security and an inadequate emergency procedure. The ECtHR held that HSC neither knew nor ought to have known that the risk of AJ's suicide was real and immediate. It proceeded to consider the state's positive Article 2 obligation to establish a regulatory framework. Although 'mechanical restraint' guidelines for Portuguese psychiatric hospitals were not introduced until seven years after AJ's death, it was held that an informal surveillance procedure could amount to a regulatory framework effective in protecting patients' lives (para.118). No violation of Article 2 was found in that respect either, because AJ's death had not resulted from procedural deficiencies.

Suicide risk in Psychiatric Detainees: Keenan v. United Kingdom (no.27229/95, ECHR 2001-III) emphasised that the mentally ill are "particularly vulnerable" to suicide (para.113. See also Rivière v. France, no.33834/03, 11 July 2006, para.63). Thus, arguably, every psychiatric patient should be considered at "real" risk of suicide. The ECtHR held that "a risk of suicide could not be excluded in inpatients such as AJ, whose psychopathological conditions were based on a multiplicity of diagnoses" (para.131). It is unclear why comorbidity (or perhaps diagnostic uncertainty) might be thought key in determining suicide risk. Nevertheless, the ECtHR recognised that those with "severe mental health problems", especially when hospitalised and therefore subject to inevitable restraints, were "particularly vulnerable even when treated on a voluntary basis" (para.124; all emphases added unless otherwise stated). It listed the "variety of factors" suggestive of suicide risk in other cases said to trigger "the duty to take appropriate preventive measures". These included a history of mental disorder (and its severity), previous self-harm episodes and/or suicidal ideation, threats or attempts, and signs of physical or mental distress (para.115). All of these factors applied to AJ. In particular, he was admitted to HSC following an overdose, and a few days prior to his demise he escaped to abuse alcohol. Furthermore, he suffered from co-morbid mental disorders sufficiently grave to require hospitalisation eight times. HSC was aware of all these matters, the ECtHR's conclusion that it neither knew nor ought to have known that AJ's suicide risk was real and immediate, the "immediacy" of AJ's risk might have varied (para.131).

Duty to Take Basic Precautions in Every Case: The minority judges considered AJ to be

a known suicide risk, censured the majority for declining to probe the domestic court findings, and declared the Judgment fatally flawed for failing to apply relevant case law. Eremiasova and Pechova v. Czech Republic (no.23944/04, at para.110), and Keller v. Russia (no.26824/04, at para.88) established that, even when the state neither knew nor ought to have known about a suicide risk, it had a duty to take "cert+ain basic precautions" (para.28) in order "to minimise any potential risk" of suicide or self-harm. The principle appears to have had its genesis in Mižigárová v. Slovakia (no.74832/01, 14 December 2010, para.89). It concerned LS who was shot in the abdomen by an interrogating police officer's loaded firearm when in custody for bicycle theft, and subsequently died in hospital from complications. The ECtHR held that "there are certain basic precautions which police officers and prison officers should be expected to take in all cases in order to minimise any potential risk" of death by police or prison firearm (para.89). LS's death had resulted from the negligent failure to take reasonable measures to protect his health and well-being while in custody (para.89).

Ordinarily, taking obvious "basic precautions" within the criminal justice system has little relevance to psychiatric inpatients. However, identifying what appears to be a separate duty, the ECtHR held in Mižigárová that a state "is also under a positive obligation to take all reasonable measures to ensure that the health and well-being of persons in detention are adequately secured". That duty incorporates the minimisation of "a known suicide risk" (para.86) and "clearly encompasses an obligation to take reasonable measures to protect them from harming themselves" (para.89; Keenan, para.97). This duty makes no mention of immediacy, which makes sense; the measures are safeguards against the variation in the immediacy of risk, which may be sudden and unanticipated. Of import, a violation of Article 2 was still found in Mižigárová, despite an insufficiency of evidence to conclude that the authorities knew or ought to have known that LS was a suicide risk.

In Eremiasova and Pechova v. Czech Republic, the ECtHR elided the "basic precautions" principle with the second duty identified in Mižigárová (para.117), finding that, "even where it is not established that the authorities knew or ought to have known about any such risk, there are certain basic precautions which police officers and prison officers should be expected to take in all cases in order to minimise any potential risk to protect the health and well-being of the arrested person" (para.110). VP died during police questioning for burglary. Having escorted him to toilets with barred windows in recognition of his absconding risk, the officers "should have acted with more care to prevent VP from jumping" through a closed, unbarred window on the mezzanine floor (although the boundaries of such care were not delineated). In Keller, VK also died after jumping from a police station window following his arrest for theft of two bicycles. Referring to the "obligation to protect the life of arrested and detained persons from a foreseeable danger", the ECtHR identified "basic precautions" which would have minimised "any potential risk of attempts to escape" (para.88).

Limitations on a State's Responsibility: What were the "basic precautions" that HSC ought to have taken? The minority judges list seven (MO, paras.29-39). For example, plainly, supervision was insufficient as AJ was able to leave hospital in his pyjamas several times during his last admission. After escaping to abuse alcohol a few days prior to his suicide, he was seen by no doctor, and no risk assessment was undertaken to consider any need for enhanced supervision. Further, the evidence established that AJ had not been medicated in the twenty-four hours prior to his death. Additionally, fencing and surveillance systems to prevent unauthorised leave - present in other Portuguese psychiatric hospitals. All these failures appear negligent on the facts.

Applying Mižigárová and its subsequent case law, even if HSC's alleged unawareness of AJ being at real and immediate risk of suicide was true, the state's custodial obligation to ensure his health and well-being required the taking of "all reasonable measures" to prevent self-harm. Did the hospital fail to take those reasonable measures which would have prevented AJ's death? The minority judges answer this question resoundingly in the affirmative (see paras.28-39).

Nonetheless, the precautions a state must take can only be "basic" and "reasonable". The duty to provide adequate relational security will always be tempered by resource restraints. There are necessary "operational choices which must be made in terms of priorities and resources in providing public healthcare and certain other public services" (para.111. See also Osman v. United Kingdom, 28 October 1998, ECHR 1998-VII, para.116). Thus, "such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities". Furthermore, "the unpredictability of human conduct" would make it unfair to hold states inevitably accountable where self-harm ensues. Accordingly, "not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising". Finally, bearing in mind competing rights, "the authorities must discharge their duties in a manner compatible with the rights and freedoms of the individual concerned and in such a way as to diminish the opportunities for self-harm, without infringing personal autonomy" (para.112).

Additional Measures Necessary Where Risk of Self-Harm Exists: Yet, as Renolde v. France (no.5608/05, para.83) emphasised, "general measures and precautions" exist "to diminish the opportunities for self-harm, without infringing personal autonomy". Although the ECtHR made no reference to the Mižigárová case law, arguably the phrase "general measures and precautions" has the same meaning as "basic precautions". Whether "more stringent measures are necessary in respect of a prisoner [or other state detainee] and whether it is reasonable to apply them" will depend on the circumstances of the case (Keenan, para.92), which according to the ECtHR would include "whether the patient is voluntarily or involuntarily hospitalised" (para.124). However, the need for more stringent measures (referred to as "special measures" in Renolde, para.98) to safeguard a patient ought to be contingent upon their clinical presentation and needs, regardless of hospital admission status. The ECtHR recognised the vulnerability of all psychiatric patients, given that hospitalisation "inevitably involves a certain level of restraint". Accordingly, it was entirely arbitrary to conclude that "in the case of patients who are hospitalised…involuntarily, the Court…may apply a stricter standard of scrutiny" (para.124) upon an Article 2 complaint.

The Judgment means that right to life violations are less likely to be found upon the death of an involuntarily detained patient like AJ, even though a breach of Article 2 must depend on the factual matrix. The duty to take reasonable measures to prevent a person from self-harm exists with respect to both categories of hospitalised patient. The minority judges "fail to see the reason for this differentiation of treatment", pointing out that "the majority do not even make the effort to provide one" (MO, para.1). Similarly, the unanimous decision of the Chamber was that no distinction could be warranted in terms of patient status, since "[a] voluntary inpatient was under the same care and supervision of the hospital and accordingly the State's obligation…was the same as its obligation towards an involuntary inpatient". In the Chamber's view, "[t]o say otherwise would be tantamount to depriving voluntary inpatients of the protection of Article 2 of the Convention" (para.84). Worryingly, that is exactly what the ECtHR has done in this case.

Kaizen and Horizon Courses: In SAFARI newsletter issue 125, we asked readers who were maintaining their innocence of sexual offences and who were offered a place on the Kaizen or Horizon course, to let us know how they got on. We were extremely and pleasantly surprised to learn that most people were delighted with the course they attended. Unlike the old failed Sex Offenders Treatment Programme (SOTP), which required innocent attendees to admit guilt for crimes they did not commit, Kaizen or Horizon accommodated those maintaining their innocence very well. These courses seem to concentrate more on personal development (something SAFARI thoroughly approves of). One reader said, "I attended the Horizon course and found that it was very good in that it reinforced 'New Me' things that I had already been doing in my life." He explained that staff's comments were very positive, such as: "He maintained his innocence throughout, but despite this, he was able to apply the skills and tactics learned." and "The reoffending risk he poses may have reduced due to insight and knowledge into his offending behaviour" [The prison must still assume guilt]. Another reader said: "I've been on Kaizen since April [2019]. Can't recommend it highly enough. Do it for you, even if you have learning difficulties. They will help you. You do not discuss your cases or even past offences. You discuss your life and lifestyle, really from the age of 18. I saw at first hand for 15 years the damage the SOTP did to people, and Kaizen is nothing like that."

Oddly enough, another reader said he had to sign a complete confidentiality statement agreeing not to discuss the course, and its contents with anyone, so he felt unable to comment in any way on it. So from what we've read, we would continue to recommend that, if you're asked to attend Horizon or Kaizen, you should do so. You don't have to lie about your innocence, you'll probably benefit from it, and it may well help you lower your perceived risk on release.

Justice campaigners have held a symbolic vigil outside London's Royal Courts of Justice to highlight the failures of the criminal justice system. Liam Allan and Annie Brodie-Akers, founders of Innovation of Justice (https://www.facebook.com/IoJustice), taped their mouths shut and held up a banner stating: 'The criminal justice is failing. It is time to talk.' A rape trial involving Liam Allan was abandoned following the discovery of crucial text message evidence that had not been disclosed to the defence. Mr Allan received an apology from the police and Crown Prosecution Service last year.

Protecting the innocent: The new Prime Minister, Boris Johnson, says he wants to reduce crime to better-protect innocent members of the public while at the same time rehabilitate the prisoner. The goal of rehabilitation is to ensure they are less likely to reoffend – be "a better person" – when they eventually return to society. Sadly prison currently fails to rehabilitate as can be seen by the number of ex-prisoners who go on to reoffend. The highest reoffending rates are generally among those convicted of theft, burglary, and drug-related offences. But the system fails in another way too; "protecting the innocent" needs to include protecting innocent victims of false accusations. With the Court of Appeal not even accepting full retractions from the accuser as enough to cast doubt on the safety of the original conviction, innocent victims of false accusations have less protection than ever before.

The Government must appreciate that convicting the innocent does nothing either to reduce crime or to protect victims – all it does is create more victims who seem now to have virtually no protection at all. If protecting innocent members of the public truly is a Government priority, SAFARI feels that the Government must accept just how many innocent victims of false allegations exist, and pull out all the stops to turn this situation around. In the past, what is known as Blackstone's Ratio ("It is better that ten guilty persons escape than that one innocent suffer") and other similar sentiments expressed over the centuries was the right way

to go. Nowadays, the accepted feeling within the system is that it's "better to be safe than sorry" and that convicting the innocent is just acceptable collateral damage.

In America, Vice President Dick Cheney sought to justify the fact that, in respect of the use of "enhanced interrogation techniques" (a polite euphemism for torture), 25% of the detainees were subsequently proved to be innocent. One of those innocents died of hypothermia as a result of those techniques. When questioned whether the 25% innocent who suffered was too high a percentage, he responded: "I have no problem as long as we achieve our objective. ... I'd do it again in a minute." All right-minded people must surely accept that this sentiment – that it's better to sacrifice the innocent than to miss convicting the guilty – is wrong and has no place in a civilised society or British Law. SAFARI would like the Government to confirm that this attitude is unacceptable, and we urge readers to write to Boris Johnson to press this point and get this confirmation; feel free to refer him to this newsletter.

The Police are generally supposed to provide to the defence any evidence that they seek to rely on during a prosecution. They are also supposed to provide any evidence which they are not relying upon but which might be of use to the defence. However, the Police can also legally suppress evidence under MG6D (sensitive material under the Sensitive Schedule), which can mean it's not disclosed to the defence, even if it might be of use to them at trial. SAFARI recommends defendants ask their solicitor to ask the Police to confirm in writing whether any evidence is being withheld under MG6D, and state the nature of that evidence. Knowing the nature of the evidence (example "text messages sent by the complainant") may assist the defence by pointing them in the direction of other useful evidence. (In this example, it might prompt the defendant to check their own incoming texts from that complainant.)

Carl Beech (51) – initially referred to as 'Nick' so he could retain his anonymity – has been jailed for 18 years after faking claims of abuse by an alleged Westminster VIP paedophile ring. Mr Beech had initially falsely claimed that he had been sadistically raped and abused by famous Westminster figures in the 1970s and 1980s.

Discrimination on the grounds of disability? One reader has told us that he had been advised not to give evidence at his trial as he stammers, and the jury might have interpreted this disability as a sign of guilt. We were horrified to read that this advice had been given. Our own advice (although we're not legally qualified) would be that NOT giving evidence at trial could also appear as a 'sign of guilt' even if the jury are told not to do this. Instead, we suggest that you DO give evidence, but if you suffer from any kind of disability, including stammering, dyslexia, involuntary physical movements ('tics', clonic spasm, tremor, etc.) you tell the court that you have a disability and ask that they not interpret it as a sign of anything other than having a disability.

Men in Scotland with historical prosecutions for consensual same-sex sexual activity will be able to apply to have their convictions erased from 15th October 2019 following MSPs passing legislation unanimously to grant an automatic pardon to every man in Scotland criminalised for breaching now-repealed discriminatory laws. Same-sex sexual activity between men was made legal in Scotland in 1980, while the age of consent was equalised in 2001. In general, anyone convicted of something that is no longer an offence gains an automatic release from prison.

The Westminster Commission on Miscarriages of Justice has been formed to investigate the ability of the Criminal Justice System to identify and rectify miscarriages of justice and provides an excellent opportunity to pool together all the support groups' knowledge and experience to help MPs shape a better justice system for past, present and future victims of false allegations. The Commission is now gathering written evidence and believes strongly that it is important to hear from people with personal experience of the Criminal Cases Review Commission (CCRC) and the

criminal appeals system. For this reason, it welcomes contributions from prisoners and family members with experience of CCRC applications. To take part and help improve the future legal system, please visit (or get a friend or family member to visit) https://tinyurl.com/safari-66 and print out and complete the questionnaire you find there. You can either email your responses to info@appeal.org.uk or post them to APPEAL, The Green House, 244-254 Cambridge Heath Road, London, E2 9DA. The deadline for responding is 30th September 2019.

Several support groups for the falsely accused and wrongfully convicted (including SAFARI) have also submitted their own representations outlining the issues in general and proposed solutions. Many if not all of these recommendations are expected to result in publication by the Westminster Commission.

FASO (The False Allegations Support Organisation) have asked SAFARI to let our readers know that the FASO Prison visiting Service on the Isle of Wight has now closed. This follows the retirement of their stalwart voluntary workers Bobby and Tessa who are retiring after 10 years of support to prisoners. That said, FASO continues to offer advice and information to anyone dealing with false allegations of sex abuse. They are having their annual AGM and open meeting on 20th September 2019 from 11:00 to 16:00 in the School of Law and Politics, Cardiff University, Law Building, Museum Ave, Cardiff, CF10 3AX. If you (or a family member) have any contribution or would like to attend, please eMail support@false-allegations.org.uk or contact the FASO Secretary (tel: 0844 335 1992, Mon - Fri 6pm-10pm), or by post at c/o 176 Risca Road, Crosskeys, Newport, NP11 7DH, to confirm numbers attending. Their website is at http://www.false-allegations.org.uk.

Laura Hood (27), who falsely accused taxi driver Haroon Yousaf of raping her, has been sentenced to three years in prison after being found guilty of perverting the course of justice. Ms Hood had originally claimed Mr Yousaf had raped her in the back seat of his cab in 2017 after he purportedly took a detour during the ride. Luckily for Mr Yousaf, his taxi has a route tracking system which provided vehicle path data to prove he did not take a detour as Ms Hood claimed. After Ms Hood's claims were proved to be false, she wept and said she wished she could "explain why something so clear in my head ... can't be true." A court-appointed psychiatrist, however, said there was no viable reason why Hood would believe that she was raped.

The lure of 'compensation' payments from the Criminal Injuries Compensation Authority (CICA) to alleged victims of sexual assault provides a huge incentive for people to make false allegations. On 20th May 2019, Lord Campbell-Savours said in the House of Lords (Citation: HL Deb, 20th May 2019, c1781): "I am not accusing all those who make applications of being dishonest; a great majority of people act honourably when they are a victim and make an application quite rightfully. However, there are those who abuse the system, and I will concentrate my remarks today on such people." .. "The CICA is totally unaccountable. It pays on the balance of probabilities, and it is not required to judge "beyond reasonable doubt", which means that there are cases that have not succeeded in the courts but where I understand compensation has been paid. So what can we do about this? We should look at the system that operates in the Republic of Germany. There is no tariff. Under a victims' Compensation Act, there is greater emphasis on, for example, curative medical treatment and job rehabilitation. If victims want compensation damages for pain and suffering, they claim in the civil courts directly from the offender. The Germans promote mediation. They have what they call an 'adhesive procedure' to aid the process of compensation from the perpetrator, avoiding civil action.

"The German system provides, particularly for the victim, curative and medical treatment for long-term care; prostheses, dental prostheses, wheelchairs and other aids; funeral allowances; other welfare benefits in the event of economic need, which are all means-tested against other state support; and limited compensation for victims and surviving dependants. I understand that no compensation for pain and suffering is paid in lump-sum cash. Compensation costs to the public authorities are reclaimable from the perpetrators and offenders. The Government run a 24-hour national counselling hotline 365 days a year, anonymously advising on support and directing people to the appropriate agency or service provider. In other words, there is less emphasis on cash payouts — what I would call 'Mustang money' — and more emphasis on medical treatment, mediation and rehabilitation."

One reader has asked how he can apply to receive personal data held about him so he can check it for accuracy and request corrections if it is not. Here's how. Write to the 'Data Protection Officer' at the location where your data is being stored (e.g. Your prison) asking something like this: "I am making a subject access request under the Data Protection Act / GDPR. Could you please provide me with a copy of ALL data which you hold about me. For the avoidance of doubt, this means EVERY reference on your files to myself, including (but not restricted to) digital data, handwritten or typed notes not stored digitally, records of telephone conversations, emails, and internal memoranda." This should be provided to you free of charge. They have one month to respond to your request. In certain circumstances, they may need extra time to consider your request and can take up to an additional two months. If they are going to do this, they should let you know within one month that they need more time and why.

Polygraphs: should you request one? Some readers have suggested that they apply to take a polygraph test to prove that they did not commit the crime(s) they were accused of. So is this a good idea? A polygraph test does not technically detect a lie, but rather it's a procedure that measures and records physiological indicators (skin conductivity, respiration, pulse, blood pressure, etc.) while a person is asked to answer a series of questions. If someone knowingly tells an untruth, the test can often detect subtle changes in the person being tested, which can be a strong indication that they know what they are saying is untrue. Many consider the tests to be accurate and this is why some people on licence following a conviction for an alleged sexual offence are required to take this test to 'prove' whether they have or have not complied fully with their licence since release. That said, these tests are not considered accurate enough to be used at trial or appeal, and are therefore banned from such. Think about it: if they were considered entirely accurate, we wouldn't need trials. We'd just ask the defendant whether they were guilty or not and then see whether the polygraph proved their claim to be true. SAFARI's view is this: polygraph tests are expensive and are not admissible in court (so legal aid will not be available to pay for them). This means there is little point applying for one unless you just want to demonstrate to family and friends that your guilt is certainly unlikely. And remember, even if you're innocent, a polygraph test won't necessarily back up your claim; this is because if you are telling the truth but you're nervous about the test it can still detect those body changes and then suggest you are lying. Remember too that if your accuser takes the test, but they genuinely believe the offence took place (perhaps because they suffer from 'false memories'), the test is more likely to suggest they are telling the truth. So, overall, until polygraph tests are at least admissible in court, we would not recommend using them.

Helen's Law, officially known as the Unlawful Killing (Recovery of Remains) Act, which was passed on 6th July 2019, could increase the suffering and injustice already inflicted on the wrongfully convicted. It states that killers could be refused parole if they do not reveal the location of their victim's body. The Parole Board must take into account whether or not the location of the remains has been disclosed by them. But if the accused person was innocent, how can they possibly reveal the location of remains that someone else buried? They're not "refusing" – they just have no way of knowing.

5.2% of the UK are Muslim, however Muslim's Make up 15.74% of the Prison Population

Lord Pearson of Rannoch: To ask Her Majesty's Government, further to the Written Answer by Lord Keen of Elie on 4 July (HL16559), what proportion of the prison population of HMP Belmarsh identifies as Muslim; and how this compares to the average of the proportion of prisoners who identify as Muslim in other prisons in England and Wales.

Answered by: Lord Keen of Elie: HMP Belmarsh had a population of 826 on the 31st March 2019. On the same date there were 233 Prisoners at HMP Belmarsh who identified as Muslim, which represents 28.20% of the population. Available statistics for England and Wales ending 31st March 2019 showed an overall Prison Population of 82,634. Of that Population, a total of 13,008 Prisoners identified as Muslim, which represents 15.74% of the Prison Population.

Two in Five Prisoners Who Died In Segregation In England and Wales Known To Be At Risk

Aamna Mohdin and Pamela Duncan, Guardian: Two in five prisoners who have died in segregation in the past six years were known to be at risk of self-harm and suicide at the time of their deaths, figures show. More than 50 prisoners died in prison segregation units in England and Wales due to an incident that occurred while they were in segregation in the past six years, a freedom of information request to the Ministry of Justice has revealed. At the time of their deaths, 40% of these prisoners were being supported through ACCT (assessment, care in custody and teamwork) case management, which means they were checked on regularly because they were at risk of suicide or self-harm.

These deaths occurred despite guidelines by the Prison Service that state prisoners subject to suicide and self-harm prevention procedures should be held in segregation units only in "exceptional circumstances". A Guardian analysis of the annual reports by the Her Majesty's Inspectorate of Prisons in England and Wales and figures provided by the Ministry of Justice indicate that at least 30 of the 41 deaths that occurred between 2013-14 and 2017-18 were clearly self-inflicted. Other prisoners died from drug overdoses, illness and natural causes.

A Guardian analysis of fatal incidents reports by the prisons and probation ombudsman (PPO) found some of those prisoners who died in segregation had been kept in isolation for weeks or months at a time. The 52 deaths include: A 21-year-old prisoner with psychosis in segregation in HMP Leicester who was found to have had nothing to occupy his time, "not even have a radio. Until he was given one, his only occupation seems to have been making models out of his food cartons." A 47-year-old man in Elmley. A 2014 report found that "by the time of his death, he had spent over two months segregated with a very restricted regime and would probably have remained there for at least several more weeks". A 18-year-old man who struggled to cope with prison life and found it hard to communicate in English had made five previous attempts to take his own life during the three months he had been in HM Prison Wandsworth. On the day of his death, the prisoner had rung a bell in his segregation cell but it took prison staff 37 minutes to respond – by which time he was found unconscious. A 37-year-old man who took his own life at HMP The Mount in Hertfordshire in 2015 was "held in an unfurnished cell [without any furniture or sanitation, known as special accommodation] to manage his risk. No one assessed his mental health … as Prison Service instructions require". A 42-year-old man who had a personality disorder and schizophrenia was incorrectly recorded as not having self-harmed in custody and not on antipsychotic medication. Prison managers at HMP Birmingham authorised the man's segregation using this incorrect information. He killed himself 72 hours after being held in segregation. A 2015 report by the charity Prison Reform Trust stated that segregated prisoners spent an average of 23 hours a day inside their cell.

According to the PPO, segregation involves a prisoner being removed from the general prison population. A prisoner could be segregated as a form of punishment, if their presence on a standard wing would be disruptive or unsafe for others. A prisoner might also be segregated for their own protection. The very basic design requirements for segregation units include a window, toilet and wash basin, power point, a bed or a concrete slab with a mattress, artificial light, and a call bell. Some prisoners can also placed in "special cells" – the harshest prison environment available – that do not contain basic furniture.

Donna Mooney, the sister of a prisoner who took his own life in September 2015 while in an unfurnished call in a segregation unit, said: "People in prisons don't have the right training to support people with mental health issues. Their approach is very much about being compliant. They don't know where else to put these prisoners, so they just put them in segregation, which just punishes them."

Tommy Nicol, who was serving an indeterminate sentence, was taken to a segregation unit soon after arriving at HMP The Mount and his behaviour changed rapidly. He appeared paranoiac and erratic and was moved to an unfurnished cell for 24 hours. "There's nothing in there. There's a mattress on the floor and a pot. It's horrifying. I only found this out after he died. It's heartbreaking to think about someone you love and care about and they're going through this mental health episode with little support. It's traumatising to think about that," Mooney said.

Rebecca Roberts, the head of policy at Inquest, said: "Evidence of systemic neglect and failings in the implementation of suicide and self-harm monitoring procedures are repeatedly identified in our casework and inquest conclusions. "Prisons are damaging and dehumanising environments that exacerbate mental ill-health. Too often extreme symptoms of distress are treated as a disciplinary matter, with segregation presented as the response. This is inappropriate for people in need of urgent care and is clearly putting lives at risk."

A Ministry of Justice spokesperson said: "Too many people self-harm and take their own lives in prison, which is why we have recruited over 4,700 new prison officers in the last two years and introduced the key worker scheme which means each prisoner has a dedicated officer for support." The ministry has given Samaritans £1.5m for three years to support its dedicated listeners scheme and provided training to more than 24,000 staff. "Prisoners are only segregated in exceptional circumstances as a last resort, for example when a prisoner is behaving violently and cannot be managed in any other way," the spokesperson added.

276 Deaths During or Following Police Contact in England and Wales

In the financial year 2018/19, the IOPC recorded a total of 276 deaths during or following police contact. Of these deaths 16 were in or following police custody, three were police shootings, 42 related to road traffic incidents, 63 were apparent suicides following custody and there were 152 deaths following police contact defined as 'other'.

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.