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MOJUK: Newsletter 'Inside Out' No 761 (02/10/2019) - Cost £1

Domestic Violence Falls Within Article 3 - Requiring Police Action

Elliot Gold, Police Law Blog: In Volodina v Russia (Application No 41261/17), the European Court of Human Rights has held that domestic violence falls within the description of inhuman or degrading treatment for the purposes of article 3, such that where the police receive a complaint of this, they are likely to have an obligation to launch an investigation into it for the purposes of identifying and punishing the perpetrator and, possibly, to take protective measures against such further behaviour.

History: The Claimant, a woman, and her ex-partner, a male, separated when the ex-partner became abusive. Over the course of a number of months, the Claimant made the following complaints to the police: - On 1st January 2016, her ex-partner damaged the windscreen of her car and took her identity papers. The Claimant later withdrew her report; - After the Claimant relocated to another city, her ex-partner effectively kidnapped her on 21st January 2016, when she entered a car with a person who she thought was going to interview her for a job and her ex-partner emerged from the back seat, took her phone, drove her back to where they lived and punched her in the face and stomach, resulting in a medically-induced abortion. The police declined to institute proceedings because the Claimant provided no written complaint; - On 31st March 2016, the police obtained a written statement from the Claimant withdrawing her complaints and refusing to undergo a medical assessment.

The police declined to institute proceedings in the absence of a complaint; - On 17th May 2016, the Claimant's ex-partner punched her in the face, threw her to the ground and strangled her. The Claimant complaint to the police, where her injuries were recorded. On 9th August 2016, the police asked the Claimant to undergo a medical assessment, to which she refused. The police declined to prosecute; - On 30th July 2016, the Claimant's ex-partner opened a car door and attacked her. Two days later, the ex-partner told the Claimant that he had damaged her car brakes, which the Claimant reported to the police and which they confirmed. The police declined to prosecute on the basis that the Claimant and her ex-partner maintained a common household, there was no independent assessment of the damage and that a single blow was not an offence; - In September 2016, the Claimant found a GPS tracker in the lining of her back, which she believed her ex-partner had put there; - In early 2018, the Claimant's ex-partner posted private photographs of her on social media; - On 12th March 2018, the Claimant told the police that her ex-partner had made threatening calls to kill her and had appeared in front of her home. The police declined to prosecute on the basis that there was no danger; - On 21st March 2018, the Claimant's ex-partner cut-off the taxi in which she was travelling, pulled her out the car and dragged her towards his car. The Claimant sprayed him with tear gas. The ex-partner pushed the Claimant several times, grabbed her purse and phone and drove away. The police declined to investigate when the ex-partner returned the items.

Judgment: The European Court of Human Rights held this to be a violation of article 3. It held that the court had to consider the nature and context of the treatment, its duration, its physical and mental effect and, also, the sex of the victim and their relationship with the perpetrator. It repeated that behaviour could fall within article 3 where the victim was humiliated in their own eyes, even if not in the eyes of others [73].

Here, the physical acts fell within article 3 – but also so did the psychological impact, which formed an important part of domestic violence [74]. The feelings of fear, anxiety and powerlessness experienced as a result of controlling and co-receive behaviour amounted to inhuman treatment [75].

The state was obliged to interfere with private and family life in order to protect the rights of others in certain circumstances. The risk of a real and immediate threat had to be assessed taking account of the particular context of domestic violence and of the recurrence of successive episodes of violence within a family. Measures should stop the abuser from perpetrating further violence against a victim [86]. The Claimant had reported her ex-partner's violence on seven different dates between 1st January 2016 and 21st March 2018. The police ought to have been aware of the violence to which she had been subjected and the real and immediate risk that violence might recur. They therefore had an obligation to take all reasonable measures for the Claimant's protection. As to the obligation to carry out an effective investigation into allegations of ill-treatment, the Court held that the authorities were required to take all reasonable steps to secure evidence. Special diligence was required in dealing with domestic violence cases, the nature of which had to be taken into account [92]. There had been seven episodes of violence, yet the authorities never once opened a criminal investigation into this [94]. A refusal to open a criminal investigation was indicative of a failure to comply with the article 3 procedural obligation.

Further, the failure to act promptly meant that evidence was lost. The Claimant's refusal to undergo medical examination almost two months and, later, three months after reported events was not to be held against her as they had become pointless [96]. The Court reiterated that the prohibition of ill-treatment under article 3 covered all forms of domestic violence "without exception" and every such act, even a single blow, triggered the obligation to investigate. Threats were a form of psychological violence, which did not require a direct and immediate threat to life or health [98]. Together with other systemic failures of the state to adopt legislation to combat domestic violence and tolerating the discriminatory effect of this upon women, the court awarded €20,000 in damages.

Commentary: The judgment was much wider than the above – but the interest of this blog is in the criticisms of the police and what the Court will expect of them. Plainly, the failures of the Russian legal system and legislation formed a significant part of the decision – which might not be thought to apply directly here. The state of domestic law in relation to police investigations remains as stated in DSD v Comr of Police of the Metropolis [2018] UKSC 11; [2019] AC 196, in which the Supreme Court held that laws which prohibit conduct constituting a breach of article 3 must be rigorously enforced and complaints of such conduct must be properly investigated [24]. To this can now be added the finding of the EctHR that domestic violence will fall within the definition of ill-treatment for the purposes of article 3, requiring the police to investigate such allegations.

The threshold for investigation is that stated by Green J in DSD in the High Court: [2014] EWHC 436 (QB). Namely, that the duty to investigate is triggered where there is a "credible or arguable" claim by the victim or a third party that a person has been subjected to treatment which meets the description of torture or degrading or inhuman treatment in article 3 [214]. Where there is such an allegation, the police have to investigate in an efficient and reasonable manner, which is capable of leading to the perpetrator's identification and punishment [216]..

Note also that it may not be necessary for the police to have an actual complaint in order for the duty to arise: see OOO v Comr of Police of the Metropolis [2011] EWHC 1246 (QB); [2011] HRLR 29, where it was said that the duty of the police to investigate alleged breaches of articles 3 or 4 was not limited to situations where they had received a complaint from the alleged victim; it was triggered once the police received a "credible allegation" of such an infringement regardless of how the information came to their attention [163].

It is noteworthy that in the Volodina, the Claimant made complaints and then withdrew them. The ECtHR's position is that these were valid complaints, requiring investigation and/or further action. It may be that had the police sought to interview the Claimant further and/or used specially trained domestic violence police officers to make contact with and speak to her, she might have been able to provide further information and support police action. For police forces in England and Wales, this should reinforce that where a vulnerable person seeks to withdraw a complaint, the police should consider whether still to pursue the underlying matter - with care and sensitivity.

Further to this, however, is also the separate obligation of the police to take steps in order to prevent a known risk of ill treatment. The police will have a responsibility to take protective measures with respect to a person where there is a risk of a real and immediate threat to their rights under articles 2, 3 or 4. This could, the ECtHR held, be by way of devices such as restraining orders or protections orders. As stated above, the ECtHR placed much weight upon the discriminatory effect of domestic violence upon women. An analysis of the politics of that decision is beyond this blog, rather than the implications and obligations of the police. It is, however, doubtful that such behaviour in other situations should be treated any differently – whether female to male or within same-sex relationships. Finally – this case provides another example of the value of damages for such a claim. For a series of such serious failures, which included discrimination contrary to article 14, the court awarded €20,000.

Chris Grayling's Probation Reforms Contributed to the Murder of 5 Year Old Alex Malcolm

An inquest into the death of Alex Malcolm, who was 5 years old when he was killed by his mother's ex-partner, has concluded finding his death was an 'unlawful killing'. In a detailed narrative conclusion, the jury identified a series of failures by the National Probation Service (NPS), as well as system defects following major changes to probation services under 'Transforming Rehabilitation', contributed to Alex's death.

Alex was brutally beaten in a park in Catford, South East London and died two days later on 22 November 2016. The then boyfriend of Alex's mother, Marvyn Iheanacho, was later charged with his murder. Iheanacho had been under the supervision of the NPS after being released from prison on licence on 31 May 2016, where he had been serving a sentence for an assault on a former girlfriend. It was only after Alex was murdered that his mother Liliya Breha became aware of Iheanacho's history of violence, licence conditions and high risk to partners and children.

After a twelve day hearing, the inquest jury gave a narrative conclusion which found that numerous system defects more than minimally contributed to Alex's death. These included the major changes in probation services following Chris Grayling's controversial 'Transforming Rehabilitation' policy in 2014. These changes led to higher workloads within the NPS which the jury said, "may have affected the effectiveness of the system to deal with high risk offenders".

The jury further found the NPS at the time was understaffed; there was fragmented information held by different agencies which did not appear to enable effective information sharing; and significant shortages of places in Approved Premises. The jury also noted that the 2017 inspection report on the prison HMP Wormwood Scrubs found it was not managing high risk offenders adequately at the time, joint working with the NPS was poor, and there was a shortage of Offender Supervisors.

During the course of the inquest the NPS admitted that the perpetrator Iheanacho was wrongly classified under MAPPA (Multi Agency Public Protection Arrangements) before his release from prison. The jury found that this failure more than minimally contributed to Alex's death. They noted that had the perpetrator been correctly categorised it was more likely that Liliya would have been informed of his history and risk, and that information would have been shared between other agencies, including the prison who had her details, and Children's Services who would have been able to take steps to safeguard Alex.

The jury further found that the following key issues 'more than minimally or trivially probably' contributed to Alex's death: A serious of individual failures by NPS probation officers [detailed below], coupled with inadequate support and supervision; The failure of relevant agencies to identify, request and share relevant information; The NPS failure to adequately challenge or take action to recall the perpetrator at an appropriate stage in response to his failures to comply with licence conditions.

The inquest heard evidence that the probation officer supervising the perpetrator prior to Alex's death had qualified that year but was immediately allocated Iheanacho's and other high-risk cases with minimal supervision. This was despite her having limited experience of managing perpetrators of domestic violence. The jury found that the allocation of this case to this newly qualified officer without adequate supervision contributed to Alex's death.

The probation officer was given sole responsibility over Iheanacho's case 26 days prior to his release from prison, following a brief informal handover from her colleague. She was made aware of his licence conditions, which included standard conditions such as being of good behaviour and cooperating with his probation officer. He was also subject to various bespoke conditions including that he was not to have unsupervised contact with children under the age of 16 without the prior approval of his supervising officer and social services, and he was required to notify the NPS of developing relationships. The purpose of these conditions is to protect the public from harm, and also to manage and reduce risk.

On release from prison Iheanacho was subject to MAPPA, which is used to manage the risk posed by violent and/or sexual offenders. He was assessed as presenting a high risk of serious harm to partners (current and future) and a medium risk to members of the public, staff and children. Whilst the probation officer was aware of Iheanacho's previous offences she did not look into or request further information on the details, due to the high workload. As such she was not fully aware of multiple previous incidents involving emotional and physical damage caused to children.

The officer told the inquest she found Iheanacho very challenging to manage, and said she was inexperienced and afraid of him and as such was more ready to accept what he said. The jury narrative found that the perpetrator was a manipulative and high risk offender who intimidated the officer, making it more difficult to manage the risk adequately.

On multiple occasions the probation officer was made aware that Liliya was Iheanacho's girlfriend, but she did not investigate further or make a clear record of her contact details (although she did retain her mobile phone number). In June 2016, Iheanacho informed the officer that his partner had a 3 year old child called 'Alex Breha'. The jury found the failure to identify this relationship and share information with relevant agencies contributed to his death. In June the probation officer also became aware that Iheanacho was no longer at his registered address, but he would not confirm where he was living. Failing to give information to probation officers can be grounds for recall to prison, but the officer did not pursue this.

Liliya Breha, Alex's mother, said: "I would really like to say that Alex didn't have to die for system failures to be identified and for people to start to do their jobs properly. Alex was my heart beat and I miss him so much. He should be here right now going to school, playing with his friends. Someone took this away from him for no reason and the systems meant to protect us did not. I now hope changes will be made. I would also like to thank everyone who has been supporting and helping me during this horrible time."

Selen Cavcav, Senior Caseworker at INQUEST, said: "The critical conclusion of the jury once again exposes the consequences of the rushed and ill informed 'transformation' of probation services. Multiple opportunities to protect Liliya and Alex were missed, as their safety was put in the hands of inexperienced individuals working in overstretched services. This inquest has performed a vital function in publicly scrutinising these systemic failings, which must urgently be addressed at a national level."

Sarah Kellas, Birnberg Peirce Ltd solicitors, who represented the family said: "This is a very very sad case; and another tragic and utterly preventable death which has followed Chris Grayling's 'Transforming Rehabilitation' disaster and which has left Liliya shattered. The evidence from the inquest has highlighted the lack of understanding and training, and care taken by authorities responsible for the protection of the public to safeguard women and children against perpetrators of domestic violence."

Harriet Wistrich, Director of Centre for Women's Justice, said: "This case highlights just how important it is for all those working in the criminal justice system, from police through to probation, to have a proper understanding of the dynamics and risks of domestic violence and coercive and controlling behaviour. With the necessary insight and proper resourcing this tragic death like many other domestic homicides could have been averted."

Summary of Hooded Men Judgment

The Northern Court of Appeal on Friday 20th September, by a majority of two to one, said it was satisfied that the treatment to which Hooded Men had been subjected to would if it occurred today properly be characterised as torture, bearing in mind that the European Convention on Human Rights is a living instrument, but that the test had not been met to enable an Article 2 or 3 procedural investigation to take place given the passage of time. The Court upheld the earlier decision to quash the PSNI's decision not to take further steps to investigate the question of identifying and, if appropriate, prosecuting those responsible for criminal acts arising from their interrogation. It recognised however that an investigation may be hampered by the antiquity of the events.

The appeal concerned applications for judicial review of the PSNI's decision in 2014 that there was no evidence to warrant an investigation, compliant with Articles 2 and 3 of the ECHR, into the allegation that the UK Government authorised and used torture in NI in 1971. The applications also challenged decisions of the PSNI, Department of Justice and Northern Ireland Office as constituting a continuing failure to order and ensure a full, independent and effective investigation into torture at the hands of the UK government and/or its agents in compliance with Articles 2 and 3 of the ECHR, common law and customary international law. The trial judge had dismissed the applications but declared that the PSNI's decision not to take further steps to investigate the question of identifying and, if appropriate, prosecuting those responsible for criminal acts should be quashed. The Court of Appeal said it would deal with all the issues that had been before the trial judge.

The background to the decision to introduce detention without trial and the five interrogation techniques in Northern Ireland in 1971 is set out in paragraphs [3] – [10] of the judgment. As evidence of the nature and effects of the treatment of detainees emerged there was considerable public disquiet. On 31 August 1971 the Home Secretary established the Compton Enquiry to investigate allegations of physical brutality. It considered that brutality was an inhuman and savage form of cruelty, and that cruelty implied a disposition to inflict suffering, coupled with an indifference to, or pleasure in, the victim's pain. The Committee concluded that none of the 12 complainants suffered physical brutality as so defined.

On 16 November 1971 the Prime Minister established the Parker Committee to consider whether, and if so in what respects, the interrogation procedures required amendment. The Committee reported on 31 January 1972 with the majority concluding that, subject to effective safeguards against excessive use, there was no reason to rule out the techniques on moral grounds. In his minority report Lord Gardiner found the issue of authorisation was one of some difficulty and questioned whether the Committee should recommend the enactment of legislation governing the use of the interrogation techniques in emergency conditions. On 2 March 1972, the Prime Minister announced that the government had decided that the techniques would not be used in future as an aid to interrogation.

On 16 December 1971, the Irish Government submitted an application to the European Commission for Human Rights against the UK alleging that the hooded men were subjected to treatment in breach of Article 3 ECHR. The Commission concluded that the combined use of the five techniques constituted a practice of inhuman treatment and of torture contrary to Article 3 and that violations of Article 3 had occurred. The Irish and UK Governments discussed the possibility of a friendly settlement but agreement could not be reached on the initiation of prosecutions or disciplinary proceedings against the officers who were involved in conducting the interrogations. The Irish Government then requested an order from the European Court on Human Rights (ECtHR) that the UK Government should proceed under the criminal law of the UK against the members of the security forces who committed acts in breach of Article 3 and against those who condoned or tolerated them. The ECtHR decided to review the Commission's decision and while it accepted that the use of the techniques amounted to inhuman or degrading treatment it considered that they did not occasion suffering of the particular intensity and cruelty implied by the word torture. The ECtHR also concluded that the sanctions available to it did not include the power to direct one of the States before it to institute criminal or disciplinary proceedings in accordance with its domestic law.

The issue lay dormant until documentation was discovered by researchers in 2013. On 4 June 2014, RTÉ broadcast a documentary which disclosed correspondence that had not been before the Commission and ECtHR. This indicated that in December 1976 Roy Mason, the then Secretary of State for NI, wrote to his opposite number in the Conservative Party, Airey Neave, indicating that it was preferable that the claims for damages in respect of the interrogation procedures should be settled out of court given that the procedures themselves were unlawful and because of the embarrassment or worse which could arise for those concerned at the time including Lord Carrington. The terms of the letter raised concerns in the Ministry of Defence should the letter be disclosed and it was recommended that the Secretary of State attempt to recover the letter from Mr Neave and advise him not to reveal its contents to anyone else. This appears to have been successful and an amended letter excluding the reference to embarrassment and Lord Carrington was provided.

The programme also referred to a memo written by the then Home Secretary, Merlyn Rees on 31 March 1977 to the Prime Minister ("the Rees memo") after a meeting with representatives of the Irish Government seeking to achieve a friendly settlement of the dispute which stated: "It is my view (confirmed by Brian Faulkner before his death) that the decision to use methods of torture in Northern Ireland in 1971/72 was taken by Ministers – in particular Lord Carrington, then Secretary of State for Defence." In a note in the margin of the Rees memo the Head of the Army Department of the Ministry of Defence (MoD") wrote: "This could grow into something awkward if pursued". The Rees memo was followed up by a letter from him dated 18 April 1977 in which he said: "I would accept

that in discussing the situation in 1971/72 I compressed the record too starkly". The Pat Finucane Centre also uncovered material in the National Archive in 2013 including a document from a MoD official dated 9 November 1971 entitled "Northern Ireland – Authority for Interrogation". In this document it stated: "On 10 August [1971] S of S [Lord Carrington] discussed the matter with the Home Secretary [Reginald Maudling]. Neither Secretary of State indicated any dissatisfaction with the situation. S of S consider, I believe, that he and the Home Secretary (in the Prime Minister's absence) thereby acquiesced in the provision by the Army of advisory services for the interrogations that were expected to be authorised by the Northern Ireland Minister of Home Affairs and to produce a valuable intelligence dividend. The selection of individuals to be interrogated was, however, entirely a matter for the RUC and the Northern Ireland Government. On 11 August Mr Faulkner, acting as Minister for Home Affairs, and on the advice of the RUC, signed orders … authorising the removal of each of the 12 persons … Mr Faulkner had received recommendations that these individuals should be interrogated, and he had been extensively briefed by the Director of Intelligence in Northern Ireland on the techniques of interrogation. By authorising the removal of these persons in the circumstances, Mr Faulkner must have deemed to have agreed that they should be interrogated. I believe therefore that not only would it be fair that any public answer should be in terms that interrogation had been authorised by the Northern Ireland Government with the knowledge and acquiescence of HMG; but that the legal fact of the signing of the removal order by Mr Faulkner virtually precludes any other answer. Likewise, if asked who authorised interrogation of these particular individuals, the facts permit no other answer than "the Northern Ireland Government".

The RTÉ broadcast led to a question being asked by Gerry Kelly MLA at the Northern Ireland Policing Board in July 2014 about what action the Chief Constable had taken "following the assertion in official documents that Lord Carrington authorised the use of methods of torture in this jurisdiction". The response was that "the PSNI will assess any allegation or emerging evidence of criminal behaviour … with a view to substantiating such an allegation and identifying sufficient evidence to justify a prosecution and bring people to court". The PSNI deployed a researcher to carry out an investigation at the National Archives. He was unable to locate the Rees memo and was told "it had most likely been returned to the original department" . He reviewed a range of documents and concluded that there would be no useful purpose served by taking the investigation further. This resulted in a written response from ACC Kerr on 17 October 2014 stating that the evidence to support an allegation that the UK Government had authorised torture had not been found and that it was clear that the use of torture was never authorised at any level. It was this statement that generated this litigation. On 27 October 2017 the trial judge, Mr Justice Maguire, dismissed the applications for judicial review of the PSNI's decision that there was no evidence to warrant an investigation compliant with Articles 2 and 3 must fail but declared the decision not to take further steps to investigate the question of identifying and prosecuting individuals should be quashed.

On 4 December 2017 an application was made by the Irish Government to the ECtHR requesting it to revise its judgment on the grounds that the UK Government had information demonstrating that the effects of the five techniques could be substantial, severe and long-lasting while it had alleged in the Convention proceedings that the effects were minor and short term; and that the archive material revealed the extent to which, at the relevant time, the UK Government had adopted and implemented a policy of withholding information from the Commission and the ECtHR including that their use had been authorised at ministerial level and their purpose in doing so. The majority of the ECtHR had doubts as to whether the documents on the medical effects suggested that the Commission had been misled as to the serious and long-term effects of the five techniques. The

ECtHR accepted that a number of documents demonstrated that the then UK Government was prepared to admit that the use of the techniques had been authorised at "high level" to avoid any detailed enquiry into the issue but that the relevant facts were not "unknown" to the Court at the time of the original proceedings. In her dissenting judgment, Judge O'Leary concluded that the new facts revealed that medical evidence was available pointing to the long-term serious mental effects of the five techniques and the existence, nature, extent and purpose of a policy of nondisclosure and obstruction by the UK Government. She considered that those new facts might or would have had a decisive influence when the Court considered whether it should confirm or overturn the unanimous Commission finding of torture.

Consideration: The passage of time is the most substantial issue in this appeal. It arises in two ways: • The Convention is a living instrument. The Court of Appeal said that it was clear that the approach both nationally and internationally to the conduct which would constitute torture in 1971 and the steps that should be taken in relation to it have changed. It referred to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was adopted in 1984. It provided a definition of torture, that torture should be criminalised and that alleged offenders should be subject to criminal, disciplinary or other appropriate proceedings. The UK Government gave effect to the criminalisation provisions of the Convention in s. 134 of the Criminal Justice Act 1998 which provides that "a public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties." The Court said the decision of the ECtHR in 1978 was subject to a degree of criticism because of the nature and extent of the conduct required to constitute torture before such a finding could be made. In 1999 the ECtHR reviewed its position and stated that "having regard to the fact that the Convention is a "living instrument which must be interpreted in the light of present day conditions", it considered that certain acts which were classified in the past as "inhuman and degrading treatment" as opposed to "torture" could be classified differently in future. In the domestic courts, it was accepted in 2006 that the international prohibition of the use of torture enjoyed an enhanced status which meant that in terms of criminal liability every state was entitled to investigate, prosecute and punish or extradite individuals accused of torture who were present in its jurisdiction. It was also accepted that torture may not be covered by a statute of limitations and that only in the past 25 years had international law recognised a duty on states to carry out formal investigations into at least some of the deaths for which they were responsible and which may well have been unlawful.

•The temporal relationship between the claim in this case made in 2014 and the events which occurred some 43 years earlier. In paragraphs [78] – [98] the Court reviewed the domestic and international case law on the procedural and substantive obligation on the State under Article 2 ECHR to carry out an effective investigation and the temporal jurisdiction for carrying out an investigation. The Court said that, unlike the trial judge, it had the benefit of the UKSC decision in Geraldine Finucane's Application [2019] UKSC 7 which set out the following propositions: The critical date for the establishment of Convention rights in domestic law is 2 October 2000:Where it is sought to establish procedural or ancillary Article 2 or 3 Convention rights after that date in respect of a death prior to 2 October 2000 the genuine connection and Convention values tests apply: The 10 year time-limit is not inflexible. Although it is a factor of importance its significance may diminish particularly where the vast bulk of the enquiry into the death or breach of Article 3 has taken place since the HRA came into force:The Brecknell test can provide a basis for the revival of the procedural obligation but the genuine connection or Convention values test must also be satisfied.

The trial judge had been satisfied that the materials exposed in the RTÉ documentary fell within the broad description referred to in the Brecknell judgment. The Court said it was important to recog-

nise that although Lord Carrington, Sir Reginald Maudling and Brian Faulkner are now all deceased the investigation sought by the appellants was broader than the part that those individuals played and that many of those involved in the events may no longer be available. It was necessary to review the trial judge's finding in light of the revision judgment in Ireland v UK which had not been available to him but which gives substantial guidance on the issue of how the ECtHR might interpret the circumstances. Although the overall issue for the Court was whether there was material which satisfied the very high test as to whether there were exceptional circumstances justifying a revision of the judgment, the basis upon which it was contended that the judgment should be revised required determination of what the new material was and how it was relevant to a revision of the original findings.

The Court noted that the purpose of the proposed investigation includes obtaining evidence as to the level of knowledge and understanding the persons authorising the application of the five techniques actually had. It noted there must be a trigger before the obligation to conduct a procedural investigation arises as any other approach would offend the principle of legal certainty upon which the Convention places great weight. Case law cites that any new material emerging should be sufficiently weighty and compelling to warrant a new round of proceedings. The Court said it was therefore necessary to examine what material was available by the time of the delivery of the judgment in Ireland v UK in 1978 and what difference to the obligation to investigate has been established by the material newly released into the National Archive. It noted that by 1978, as a result of the Compton Enquiry, the Parker Committee Report, the debates in Parliament, the investigations by the European Commission and the hearings before the ECtHR the following matters had been established: • the precise nature of the techniques used and the purposes for which they were used; • the persons in respect of whom they were used; • the extent of the training and preparation for their use; • the fact that a secret base was identified for their application; • the use of the techniques had been authorised at a high/senior level; • the authorisation included ministerial authorisation (referred to by Lord Gardiner); • the use of the techniques was unlawful; • the use of the techniques was in breach of Article 3 of the Convention; • the use of the techniques was an administrative practice of the United Kingdom; • the UK government had chosen not to co-operate fully with the investigation carried out by the European Commission; • that attitude persisted during the hearing before the Court; • the UK government made clear that it did not intend to carry out any investigation into the criminal or disciplinary liability of those who authorised and applied the techniques.

It said it was clear, therefore, that by 1978 there was a compelling case for the investigation of those who authorised and implemented the unlawful use of the five techniques with a view to prosecution for any criminal offences disclosed: "That investigation did not take place because of a policy decision made within the United Kingdom Government. All of that was known." The Court referred to a minute prepared by an official in the Northern Ireland Office on 13 February 1978 discussing what if any steps should be taken in light of the judgment of the ECtHR in Ireland v UK which noted: "In relation to the five techniques, there is no point in talking about evidence or investigations. It would not be a week's work to discover who was responsible if we set our minds to it. As I understand it, the decision not to prosecute was, and is, a policy decision (and no doubt an admirable one)."

The Court commented that the new material which was recovered principally from the National Archive provides further detail in relation to the circumstances leading to the authorisation of the use of the five techniques and the lack of cooperation of the United Kingdom Government in the disclosure of material, particularly in relation to the consequences of the use of the techniques. It said it does not, however, alter the substance of what has been known for the last 40 years: "The omission of any adequate investigation seeking to establish criminal responsibility in respect of the unlawful treatment of those subjected to the five techniques has been publicly recognised since at least 1978 and although the recent focus on the additional material in the National Archive emphasises the proper sense of injustice felt by those who were subjected to the techniques that material does not constitute new material raising reasons for the conduct of an adequate investigation beyond those that have been known for a long time. The jurisprudence of the Convention does not permit the simple application of new law to past facts. Taking into account the analysis of the revision judgment which was not, of course, available to the learned trial judge and applying it to the circumstances of the appeal we consider that the Brecknell test has not been satisfied."

The Court said that if it was wrong in its approach to the Brecknell test it agreed with the trial judge that the critical date is 2 October 2000 and the genuine connection test has not been met and that in any event extensive, detailed investigations had taken place during the 1970s. The Court found the application of the Convention values test more difficult. It accepted that the application of the five techniques amounted to the torture of those who endured them and that that conclusion reflects the development of the Convention as a living instrument. It also accepted that this is a feature which should be taken into account in determining whether any proposed investigation is required by Convention values. The Court, however, questioned whether this was the only feature as the Convention values test cannot apply to the period before the Convention was adopted: "That would suggest that there is at the very least a role to be played in the application of this test by considering the nature of Convention values at the time when the omission took place. That would mean taking into account the conclusions of the ECtHR in 1978. It would also require one to recognise the investigations which did take place through the Compton Enquiry, the Parker Committee, the debates in Parliament, the investigation by the Commission and the consideration by the Court. The resolution of this issue is not necessary to our decision in this case since we have concluded that the Brecknell test is not satisfied but may have to be addressed in other circumstances."

The Court then dealt with the issues of any duty at common law and customary international law. It said that if the obligation at common law is the same as that under the Convention it will similarly fail because the Brecknell test has not been satisfied. It agreed, however, with the trial judge that it could not be argued that there was an obligation to carry out a procedural investigation of a death as an aspect of customary international law before the 1990s and that that was long after the relevant period in this case.

The final issue before the Court concerned the legal consequences of the answer given by the Chief Constable to Mr Kelly at the Policing Board in 2014. The appellant advanced an argument on the basis of legitimate expectation. The Court noted the UKSC judgment in Finucane which states that where a clear and unambiguous undertaking has been made, the authority giving the undertaking will not be allowed to depart from it unless it is shown that it is fair to do so. The trial judge had characterised the narrowness of the enquiry which the PSNI researcher carried out as inconsistent with what the Chief Constable had said and that the investigation should have been aimed at identifying evidence of criminal behaviour. The Court considered that the statement made by the Chief Constable to the Northern Ireland Policing Board was a clear and unambiguous undertaking as to the nature of the investigation that should be carried out and that it created a legitimate expectation of a procedural kind to the public at large: "This is not a case in which the Chief Constable has sought to resile from that undertaking … the investigation carried out by the researcher tasked with this issue was unduly narrow and appears to have been focused solely in establishing whether there was express information given to a particular Minister [Lord Carrington] of the application of torture. It is

disappointing to note that this inadequate investigation was signed off by two more senior officers. That may raise an issue about whether there is likely to be any public confidence in an investigation without practical independence from the PSNI."

The Court agreed with the trial judge that the approach to the investigation was irrational and in its view the expectation remains unfulfilled. It made the following conclusions: • "We are satisfied that the treatment to which Mr McGuigan and Mr McKenna were subject would if it occurred today properly be characterised as torture bearing in mind that the Convention is a living instrument • We are satisfied that the Brecknell test can apply in domestic law so as to enable an Article 2 or 3 procedural investigation to take place in respect of a death occurring before 2 October 2000 but consider that the test is not satisfied in this case taking into account the conclusion of the revision judgment in Ireland v UK. • We agree with the trial judge that the genuine connection test in Janowiec is not satisfied and we question whether the Convention values test is satisfied bearing in mind the conclusion of the Court in Ireland v UK and the extent of the investigation that has taken place already. • We agree with the trial judge that there is no common law obligation identical or similar to the procedural Article 2 or 3 obligations. • We agree with the trial judge that there is no procedural obligation imposed by customary international law in this case. • We are satisfied that the Chief Constable's answer to the question posed by Mr Kelly at the meeting of the Northern Ireland Policing Board on 3 July 2014 gave rise to a legitimate expectation of the type described in the judgment. The Chief Constable has not resiled from that undertaking. • We agree that the investigation carried out by the researcher on behalf of the HET was irrational and did not honour the undertaking given by the Chief Constable. • We are satisfied that the decision made by the trial judge to quash the outcome of that investigation was well within his area of discretionary judgment. In light of the manner in which the investigation was pursued it seems unlikely that an investigation by the Legacy Investigation Branch of the PSNI or its successor is likely to engender public confidence. • We recognise, however, that the passage of time may considerably hamper the progress of any such investigation. • It is, of course, entirely appropriate in a modern democracy that civil servants should protect the political reputation of their Ministers but there is a real danger that the rule of law is undermined if that extends to protecting Ministers from investigation in respect of criminal offences possibly committed by them." [Ends]

Child Sex Abuse Victims with Criminal Records Denied Compensation

BBC News: Survivors of sexual abuse in care homes are denied compensation or have payouts cut because of their own criminal convictions, an inquiry has found. The Independent Inquiry on Child Sexual Abuse (IICSA) heard how one boy stole jewellery to survive after running away from an abusive care home. It meant his compensation years later was cut in half.

The compensation scheme should recognise abuse can directly contribute to offending, the inquiry said. It found that the criminal and civil justice systems are unable to provide redress for victims of abuse, often leaving them "retraumatised" and missing out on compensation. "For victims and survivors of child sexual abuse, the suffering does not stop when the abuse ends. In our investigation we found that the criminal and civil court proceedings for redress can be frustrating, hostile and ultimately futile," said Professor Alexis Jay, chair of the inquiry. "Many are left retraumatised and deeply unsatisfied with the often lengthy and confusing litigation."

Among the issues the inquiry identified was that the Criminal Injuries Compensation Authority (CICA) can deny or reduce claims if a victim has unspent criminal convictions.

The inquiry said the CICA used to have discretion to make full or reduced awards to people with certain criminal convictions, but that was removed in 2012 because the government believed publicly funded schemes should not benefit ex-offenders. One man, abused as a child by two men at residential schools in the north-west of England, saw a Payout of £12,000 reduced by half because of his own criminal record. He told the inquiry he had run away from the abuse and stole jewellery from a travelling family because he "needed to survive".

Paul Sinclair, a survivor of abuse at Forde Park Approved School in Devon, said he did not apply for compensation because of the rule on criminal records. "I believe that children who are abused in care often go on to offend because of the abuse that they suffered," he said. Another victim said his claim was refused. "I couldn't understand how I could be denied compensation when the things they used against me were as a result of what he had done to me," he said.

The Ministry of Justice has launched a review into the criminal compensation system, and the inquiry said the rules should be changed so applications are not automatically rejected when victims' criminal records are likely to be linked to their abuse. The inquiry also said: - Police need to be proactive and consistent about informing victims of their rights to compensation - The three-year time limit on victims bringing claims for compensation in the civil courts may need to be extended - Damages awarded to claimants should take greater account of the physical, emotional and psychiatric injuries, along with the impact on their long-term quality of life - Survivors of child sexual abuse should get the same protections in civil courts as vulnerable witnesses do in criminal cases - The Ministry of Justice should consider ways to increase criminal compensation orders - where offenders are ordered to pay money to victims as part of their sentence - in abuse cases

This report, on accountability and reparations, is one of 14 investigations being conducted by the ongoing inquiry. It heard from 38 witnesses including insurance brokers, lawyers, police officers and victims and survivors.It focused on five key case studies of abuse from the 1960s to the present day: North Wales children's homes, Forde Park school in Devon, St Leonard's children's home in London, St Aidan's and St Vincent's children's homes in Cheshire and Merseyside, as well as Stanhope Castle school in County Durham.

Family Judges Must Justify Delaying Final Decisions - Court Of Appeal

Law Gazette: Judges have been warned by the Court of Appeal not to adjourn final decisions in family cases simply to 'press the pause button'. Handing down judgment in S-L (Children: Adjournment), Lord Justice Peter Jackson said adjourning a decision 'is a positive choice that requires proper weighing-up of the advantages and disadvantages and a lively awareness that the passage of time has consequences'.

A local authority was challenging a recorder's decision made in May to adjourn applications for care and placement orders for a three-year-old and her seven-month-old brother. Jackson LJ said: 'In cases involving children, there can sometimes be good reasons for adjourning a final decision in order to obtain necessary information. The overriding obligation is to deal with the case justly, but there is a trade-off between the need for information and the presumptive prejudice to the child of delay...

'Judges in the family court are well used to finding where the balance lies in the particular case before them and are acutely aware that for babies and young children the passage of weeks and months is a matter of real significance.' Public law proceedings are subject to a 26-week statutory timetable. Proceedings for the three-year-old began on 3 September 2018 and for her brother on 24 January this year. Jackson LJ said the recorder was obliged to explain why the timetable needed to be extended. He concluded that the adjournment was wrong.

He said: 'The parents had been intensively assessed in relation to one child and there was no gap in the evidence to justify a further assessment in relation to two children for whom delay in decision-making was a pressing negative feature. The recorder did not refer to the statutory timetabling obligations or explain why further extension was necessary.' The recorder's decision was also announced 'without context or coherent explanation'. Jackson LJ ordered the matter to be remitted for an expedited final hearing 'in the light of the sensitive ages of these children'. Lord Justice Green and Lord Justice Floyd agreed.

Justice System "Unable to Deliver Redress for Victims of Child Sexual Abuse"

Local Government Lawyer: Neither the criminal or civil justice system is able to effectively deliver the redress that victims and survivors of child sexual abuse seek, with many finding the processes "baffling, frustrating, hostile and futile", the Independent Inquiry into Child Sexual Abuse (IICSA) has said. Its report on Accountability and Reparations followed 15 days of public hearings, during which the inquiry heard from 40 witnesses including insurance brokers, lawyers, police officers and survivors. The report makes seven recommendations, which are set out below. They include that the Local Government Association and the Association of British Insurers should each produce codes of practice for responding to civil claims of child sexual abuse. "The codes should include recognition of the long term emotional and psychiatric or psychological effects of child sexual abuse on victims and survivors, and acknowledgement that these effects may make it difficult for victims and survivors to disclose that they have been sexually abused and to initiate civil claims for that abuse," IICSA said.

The codes should "also include guidance that: 1. Claimants should be treated sensitively throughout the litigation process; 2. The defence of limitation should only be used in exceptional circumstances; 3. Single experts jointly instructed by both parties should be considered for the assessment of the claimants' psychiatric, psychological or physical injuries; and 4. Wherever possible, claimants should be offered apologies, acknowledgement, redress and support."

Commenting on the report's conclusions, IICSA said: "While some survivors said no amount of money could make up for what they had been through, others wanted financial compensation to recognise the abuse and to compensate for lost education or unfulfilled careers.

Teenager Hired Hitman to Kill Parents With Money Stolen From Their Bank Account

Source: Scottish Legal News: A 17-year-old girl stole money from her parents so that she could hire a person to murder them, police officers have said. Alyssa Michelle Hatcher was arrested on Monday on two counts of criminal solicitation for murder, according to The Orlando Sentinel. The teenager told detectives that she stole a debit card from her mother and withdrew $1,400 (£1,132) in cash from her parents' bank account. She also said that she paid a friend $400 (£323) to murder her parents. The friend failed to kill the pair and Ms Hatcher then paid $900 (£728) to a second person for the assassination. He also failed to commit the double murder. Ms Hatcher told police officers that she had used the remaining $100 (£80) to buy cocaine. The plot came to light when a student at a nearby school told an official about the plot. The teenager's boyfriend told detectives that she had wanted to kill her parents. Ms Hatcher's stepfather is a police officer. Detectives said the teenager's motive for the alleged crime is unclear and that they have not decided whether to charge the girl as an adult. She is being held in a facility for juveniles and is expected to appear in a Florida court.

Grave Robber Reprieved: Extradition Appeal Allowed Due to Wholesale Failures

The Hon Mrs Justice Elisabeth Laing has allowed the appeal against extradition of a man, who was wanted to serve a prison sentence for robbing graves and memorials in Poland. Convicted of committing 25 offences, valued at over £10,000, the Appellant had received a suspended 18-month prison sentence in Poland but breached it and then fled the country.

In its extradition request, the Polish judicial authorities failed to provide the necessary details of the conduct, such as the location, victims or the value of each of the 25 offences; only 7 offences had some, but not all of the necessary details. The crimes, said to have been committed over a 12-month period, were dealt with in the Polish courts as a single offence, attracting a single prison sentence and a global value. The judge agreed that the district judge was wrong to consider that a prosecution in England and Wales would have condensed 25 offences of theft into a single count indictment as justification for the omission of essential information in respect of each offence.

Even if 18 of the unparticularised offences were struck-out of the warrant, the judge held that it was impossible to rule out the risk the Appellant have to serve the entirety of the 18-month sentence. Moreover, she agreed that the Appellant would be unable to avail himself of specialty protection, which otherwise prevents states from dealing with extraditees for conduct not contained in the extradition request. The appeal judge concluded that the omission of such basic, yet mandatory information in the warrant rendered the request incurably deficient; it amounted to a wholesale, and incurable failure to comply with the minimum requirements of the European Arrest Warrant scheme.

Baffling and Hostile': Abuse Survivors Lament Civil Justice Process

John Hyde, Law Gazette: Child abuse victims find the civil litigation process 'relentless' as many simply discontinue their claims rather than take the process any further, an inquiry has reported. The Independent Inquiry into Child Sexual Abuse, set up by the Home Office in 2014, reported last week on the aftermath of abuse and the legal process for claiming compensation. The report found that neither the criminal or civil justice system is able to effectively deliver the redress that victims and survivors seek, with many finding the legal processes baffling, frustrating, hostile and futile. The conclusions came from 15 days of public hearings, during which the inquiry heard from 40 witnesses including insurance brokers, lawyers, police officers and survivors.

The report notes specifically that those who do come forward felt they were offered inadequate support during the legal process and that access to therapeutic support was generally poor. One victim told the inquiry their case 'got to the point of sheer blind panic, there was no one to turn to'. Claimant lawyers said clients need signposting to appropriate services and often treated their lawyers as counsellors as well. Claimant lawyers reported that in many if not all cases, defendants routinely rely on the limitation defence to fend off claims. This was 'appallingly difficult' for clients to understand, said one representative. Several defendant lawyers who spoke to the inquiry conceded that limitation continues to be raised in many defences to non-recent cases. But some insurers said their policy had changed so that limitation is only cited where it is considered that a fair trial would not be possible.

The report said the law of limitation should be re-examined to consider whether to make it easier for victims and survivors to bring claims for non-recent child sexual abuse. States that many claimants may have issues with funding civil cases and without some form of litigation funding they are unlikely to pursue them. Some claims may be funded by legal aid, but lawyers told the inquiry the means test for public funding is now 'very very restrictive'. The inquiry also heard there are a limited number of insurance companies offering policies protecting claimants

against losing their claims (even then the premiums may be unaffordable) and so victims and survivors find that solicitors are unable or unwilling to seek justice through litigation.

The report concludes there is a 'compelling need' for claims by victims and survivors of child sexual abuse to be treated differently from other forms of personal injury litigation. Claimants should be treated sensitively and defendants recognise that that explanations, apologies, reassurance and access to specialist therapy can be just as important to victims as financial compensation. Where redress is wanted, the report recommends that the Judicial College revise its guidelines for the assessment of personal injury damages to include a freestanding section on the damages that may be appropriate in these cases. Claims should not be prolonged or undermined by not knowing if defendants have public liability insurance to pay for successful claims, and the report backs a register to help claimants in this respect. It is also recommended that a single expert jointly instructed by claimant and defendant lawyers should be the norm rather than the exception.

HMP Hewell - Worrying Decline in Standards On Closed and Open Prison Sites

37 recommendations from the last inspection had not been achieved. Inspectors found a marked decline in treatment and conditions for prisoners at both the closed and open sites at HMP Hewell, a large male prison complex in Worcestershire. Safety and purposeful activity were classed as poor, the lowest grading, at the closed site, a category B local prison. This was the third consecutive poor for safety at the closed site, which held 870 prisoners – and was a "cause of great concern." Peter Clarke, HM Chief Inspector of Prisons, added: "At the open (category D) site we found that, extraordinarily for an open prison, it was poor in both purposeful activity and rehabilitation and release planning." Overall, at the inspection in June, four of the eight scores across the two sites were poor. This led Mr Clarke to consider invoking the rarely-used Urgent Notification (UN) process, which would require the Secretary of State to respond publicly within 28 days with plans to improve the prison.

However, he decided against using the UN after assessing that although a period in HM Prison and Probation Service (HMPPS) "special measures" had failed to improve Hewell, many of the necessary changes were within the gift of the prison management, under a recently appointed governor. The challenges on the closed site were clear: Many prisoners felt unsafe. Nearly 70% of prisoners said it was easy to obtain illicit drugs and just under a quarter said they had acquired a drug habit in the prison. Self-harm had doubled since the last inspection in 2016. Many prisoners said they were treated respectfully by staff, but far too much low-level misbehaviour was going unchallenged. Education, skills and work were assessed as inadequate. Attendance at activities was poor and those who did not attend were often locked in their cells for up to 22 hours a day. Mr Clarke added: "The award of our lowest grade of 'poor' for safety was not a consequence so much of the actual level of violence, but more of a reflection of a range of failures to provide an environment in which prisoners could feel safe, where victims of violence would be supported, where perpetrators would be challenged and where poor behaviour would lead to consistent and effective sanctions."

At the open site – in a Grade II-listed building at Hewell Grange – there was "a very unusual, and for an open prison, totally unacceptable mixture of outcomes." Though the open prison appeared to be safe, Mr Clarke said: "living conditions were the worst I have seen in this type of establishment…The dormitories were crowded, and in many cases the cubicles were untidy and dirty, and there was a great deal of food waste, dirty clothing and other rubbish." The poor living conditions were compounded by the fact that the establishment was failing in its core purpose as an open prison." There were weaknesses and failings which meant the open prison was not properly preparing prisoners for their release. This was particularly concerning as a significant number of prisoners were assessed as presenting a high risk of harm to others. Mr Clarke said his judgement not to invoke the UN process was influenced by several factors. "I believe the UN process is best reserved for when there is no other obvious or feasible solution, when the intervention of the Secretary of State is needed to bring about some strategic or significant organisational change. In the case of Hewell, it was my view that none of these interventions were necessary to bring about improvements. With the exception of the living conditions at the open site, the fabric of the buildings was reasonable. There were no staff shortages, and a new Governor had only recently been appointed. We considered the changes that were needed to bring about improvement were all within the gift of the prison itself. I also took account of the fact that the prison had already been in 'special measures' for some considerable time. I looked very carefully at the Special Measures Action Summary and came to the conclusion that it was highly unlikely to achieve the required improvements. It had not done so to date, and the prison leadership were sceptical that it ever would. At Hewell, there was no doubt that swift and effective management action was required to ensure that prisoners were no longer left angry and frustrated by failures to deal with basic day-to-day issues. But these issues were, in my judgement, largely local issues that needed local solutions. This was a very worrying inspection. The prison leadership and regional HM Prison and Probation leadership were left fully aware of what needed to be done, and I trust that they started to address our findings immediately following the end of the inspection. We shall have the opportunity to scrutinise their progress at the (Inspectorate's) Independent Review of Progress (IRP) that will follow within a matter of months."

"Pink-Eyed Terminators" and the Importance of the Right to Freedom of Thought

"You may keep secrets from your friends, from your parents, your children, your doctor – even your personal trainer – but it takes real effort to conceal your thoughts from Google." In amongst the surreal sci-fi and Greek myth references in Boris Johnson's speech to the UNGA yesterday Johnson may have made an important point about the difficulties we have keeping our thoughts secret from Google. But what is needed to address that problem is not flowery rhetoric but effective law and regulation to implement our international obligations. Unlike the right to privacy, the right to freedom of thought is protected absolutely in international human rights law and, domestically, by the Human Rights Act. This means that any interference with our ability to think freely in the privacy of our own minds is unlawful. This includes attempts to extract our thoughts against our will, to manipulate our thoughts, or to penalise us for our thoughts. There is an obligation on governments both to respect this right and to protect it from the actions of others, including companies like Google. But in practice, very little has been done to protect our right to freedom of thought either as consumers or as citizens. Data protection and privacy are important protections, but the risks posed by "surveillance capitalism" and the use of "behavioural micro-targeting" in politics go to the heart of human autonomy and the foundations of democracy. There is an urgent need for Government to address this issue with clear laws and regulations. As the Supreme Court has showed, we need the law to protect our democracy and nobody is above it.

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.