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 762 (09/10/2019) - Cost £1

Widow of Pat Finucane Takes High Court Proceedings Against Northern Ireland Secretary

Irish Legal News: The widow of murdered Belfast solicitor Pat Finucane has launched proceedings against the Secretary of State for Northern Ireland in the High Court in Belfast following a landmark UK Supreme Court ruling earlier this year. The Supreme Court ruled in February that the state has failed to deliver an Article 2 compliant investigation into the death of her husband, who was shot and killed by loyalist paramilitaries in collusion with UK security forces. Mrs Finucane has now lodged proceedings as a result of the Secretary of State's failure to make a decision on how the UK Government will proceed in light of the Supreme Court's findings. Solicitor Peter Madden of Madden & Finucane Solicitors, representing Mrs Finucane, said the government "should move to announce a full independent public inquiry with the powers to compel the production of documents and the public examination of witnesses". Mrs Finucane said: "In February the Supreme Court ruled that all of the previous investigations into my husband's murder were ineffective and did not meet the standards required by European human rights legislation, and that it was for the British government to decide how to proceed in light of the court's judgment. "Since that time two Secretaries of State have promised to meet with my family and our legal representatives in order to have meaningful discussions. No meetings have been offered and the Secretary of State has left me with no option but to bring court proceedings."

Inquisitorial Inquests and Barrister-Blaming

Who are these inappropriate, unhelpful lawyers who don't get that inquests are inquisitorial? Stand up anyone acting for families. Families have no automatic right to legal aid at inquests where the state may be implicated and legal aid is means tested. Thus at many such hearings, the family fends for itself while culpable public bodies are represented at taxpayers' expense. In 2017, a series of independent reports called out this unfairness and demanded an extension of legal aid. The government consulted and families confided concerns that most inquest barristers will recognise: 'It can seem as if the Government has unlimited lawyers at its disposal and that it takes advantage of this, leading to "inequality of arms" at inquests. There is also the perception that the focus of public bodies can be on minimising or denying what went wrong and handling reputational damage, rather than trying to get to the bottom of what happened.'

Final Report: Review of Legal Aid for Inquests ('the Report') was published in February 2019. It gave these concerns short shrift. The headlines are: Lawyers for public bodies are helpful, indispensable and will not be limited Lawyers for families can behave badly and more a e not required. The duty of candour is working well but we will tell public bodies about it again. There will no increase in legal aid. Tied hands? Delawyering is rejected - 'Delawyering' – reducing lawyers for public bodies, not eliminating them – was considered but rejected. (Do read paras 184-202 of the Report, 'Making sure inquests remain inquisitorial') This was because: 'It must be right that, for example, police or prison officers have representation at inquests where there is the potential for their job to be at risk.'

Three points: In such a rare situation, the family's need for equality of arms would be greater, not smaller, than it would be if the lack of care were not potentially gross. Without representation the family cannot be satisfied that any wrongdoing has been properly explored or the individual held to account. Second, the situation should not arise. In compliance with its duty to help the coroner to get to the truth, the employer ought to have concluded a comprehensive investigation, disclosed the report to the coroner and family, and taken any necessary disciplinary action long before the inquest commences. Finally, as the Report emphasises, coroners 'do not apportion blame or determine either criminal or civil liability'. On the government's own reasoning, inquests do not jeopardise jobs. "Amazing how the barrister who appears for a public body one day can understand and assist the process, and yet undermine it and be inappropriate when she represents the family the next." The Civil Service Management Code is a further impediment to 'delawyering'. It contains 'a commitment to provide staff called as a witness at an inquest with legal representation' and thus, murmurs the government, 'there is little that we can do to reduce the number of lawyers who represent public bodies at inquests'.

What is the plan? The government's plan is to neutralise the continuing unfairness for unrepresented families of unlimited lawyers for the state with… 'a protocol of key principles'. Public bodies and their lawyers are to sign this and then, wand-like, it will 'make sure that they assist the coroner in finding the truth of what happened'. Except that on its own, it won't: only financial penalties for non-compliance could work such magic. And as if a protocol wasn't enough, there's more: clearer guidance on exceptional case funding, a simplified Guide to Coroner Services, new leaflets covering post-mortems and arrangements for viewing and returning bodies and possible leaflets on deaths in prison and mental hospital are all in prospect.

Why no more lawyers for families? Money would seem the obvious answer since the Report estimates that the cost of a level playing field would be a further £30-70 million. But the Report doesn't go down that road, rather it goes in for barrister-blaming. The bad news is that in some inquests, particularly those in which an arm of the state may have been involved in the death, proceedings: 'can become adversarial with inappropriate behaviour from lawyers'. But the good news is that: 'public bodies generally (the NHS, HMPPS etc) understand the inquisitorial nature of inquests, and that their lawyers' main duty is to assist the coroner as much as possible'.

What is an inquisitorial style anyway? Who are these inappropriate, unhelpful lawyers who don't get that inquests are inquisitorial? Stand up anyone acting for families. Apparently, such has been the level of complaint by coroners to those gathering evidence for the Report, that the Ministry of Justice, Solicitors Regulation Authority and Bar Standards Board have decided to provide the judges with training on 'the behaviour of counsel and generally controlling the courtroom' and the inquest Bar is to be re-educated in the correct, inquisitorial advocacy style.

That is because of the feedback obtained during the Report's review process: 'When people raise concerns about inquests becoming more adversarial they mean that the approach adopted by lawyers representing those concerned with the death (known as 'interested persons') is more like that of the prosecution and defence in a criminal trial, which might be characterised as point-scoring – rather than assisting the coroner to get to the truth – and that this is having an adverse impact on bereaved families.' Frustratingly, the inquisitorial style isn't sketched out (although the use of appropriate language when dealing with vulnerable people is mentioned). The Report mentions an MOJ summer conference on the issue, which hasn't yet materialised. Meanwhile we are left to ruminate. It can't mean a style that is polite, appropriate and unoppressive because an advocacy style that fails to conform to that description is already unacceptable within an adversarial system.

Equally clearly, it can't involve a prohibition on closed or leading questions: there are no parties at an inquest and it is the coroner, not the interested parties, who call the witnesses.

Whilst it's all 'questioning' in an inquest (not examination and cross-examination) some inquests do require the coroner to determine which of two expert opinions to prefer and/or to resolve one or more central disputes of fact. And advocacy that, where necessary, enables the proper testing of disputed evidence is essential in a fair inquisitorial system.

The Report arrived at the fabulously Alice in Wonderland belief that at inquests, family barristers are so bad that it's really, truly, deeply better for the bereaved not to have them at all. You see: 'a significant extension of legal aid could have the unintended consequence of undermining the inquisitorial nature of the inquest system' and 'it could also reinforce the commonly held misconception that an inquest's role is to apportion blame, as opposed to finding fact and learning lessons.' Amazing how the barrister who appears for a public body one day can understand and assist the process, and yet undermine it and be inappropriate when she represents the family the next.

Whilst the Bar Standards Board confirms that it has been approached by the MOJ to consider how to ensure that barristers engaged in inquiries act appropriately and in line with the BSB Handbook, a BSB spokesperson told Counsel magazine: 'We continue to encourage the MOJ to bring to our attention specific concerns that they, or the Chief Coroner have, and when those are received we will consider what appropriate regulatory action should be taken in the light of that information.' "The Report arrived at the fabulously Alice in Wonderland belief that at inquests, family barristers are so bad that it's really, truly, deeply better for the bereaved not to have them at all."

Were coroners' complaints really about a very tiny handful of zealots who could start an argument in an empty courtroom, the Report should have said so and unnecessary training should not be funded. If there is a more widespread problem, then the Report should have asked why. If your client can't get legal aid so you have to work pro bono or on a CFA, if – because of funding problems – you're instructed late, and if you're up against unlimited lawyers for state actors whose clients are not assisting with the truth-finding remit as much as they might, in front of a coroner who has set too narrow a scope and/or won't call the witnesses the family wants to hear from or allow them an expert, and you know that the appeal mechanism is beyond your client's reach because there's no legal aid for judicial review either, you might just get a little testy.

A centralised coroner service - The Report is a missed opportunity to delawyer inquests and use the costs saved to fund equality of arms. One way would be a centralised coronial service and these requirements: Public bodies provide coroners with a public report, contributed to by the family and underpinned by statements from those involved, that states whether the death was avoidable and caused by any lack of care on the public body's part. Where the report(s) identifies an avoidable death and all its causes, a brief inquest that does not reinvent the wheel. Where a fuller inquest uncovers facts and wrongdoing that should have been but were not identified by the report(s), the reporting of that failure and imposition of a financial penalty. *Meantime this is where inquests are at: lawyers for public servants, leaflets for the bereaved.*

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 toinflict 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 recognise 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 conclu-

sions 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."

Regina v Irfan Mohammed

1. On 17 June 2019, in the Crown Court at Worcester, the appellant pleaded guilty and was sentenced in respect of the following offences: Count 1: aggravated vehicle taking, 22 months' imprisonment; Count 2: dangerous driving, 22 months' imprisonment, to run concurrently; Count 3: possession of a Class B controlled drug, one month's imprisonment, to run concurrently; and Driving without insurance, no separate penalty was imposed, other than his licence was endorsed. The total sentence was, therefore, 22 month's imprisonment. He was disqualified from driving for a period of five years and eleven months.

2.The appellant now appeals against sentence by leave of the single judge.

3. The facts: On 17 May 2019, a van which had been parked in the car park of a hotel in Birmingham was found to have been stolen. It was subsequently detected by police officers as it exited a junction of the M5 in the Droitwich area. The occupant of the vehicle was the appellant. Police officers pulled alongside the vehicle when it had stopped. An officer approached the vehicle on foot. However, the appellant manoeuvred the van over a central reservation and drove off on the opposite carriageway. Police vehicles followed utilising their sirens. The appellant stopped the van and deliberately reversed into the police vehicles, causing damage and injury to one of the officers. The police attempted to block the van, but the appellant drove the van onto a kerb and directly at a police officer who, fortunately, managed to dodge it. Police continued to follow the van which maintained its dangerous course, during which it rammed police vehicles on more than one occasion, causing injuries to officers and damage to their vehicles. The van was eventually hit by a police vehicle, causing it to move on to an embankment. When the vehicle came to a halt, the appellant exited it and ran into some woods in order to escape from the police. He was apprehended and taken into custody.

4. During the course of the chase police officers sustained injuries which included whiplash, soft muscle injury, stiffness to the neck and upper back, and a hand injury. Considerable damage was caused to the police vehicles, the value of which exceeded £70,000. When the appellant was searched by the police, two bags of cannabis were seized

5. At the sentencing hearing the appellant was aged 30 years. He had one conviction for an unrelated offence, for which he was sentenced to a community order in April 2016.

6. In sentencing, the judge stated how seriously he regarded the driving of the appellant. He took as the starting point the maximum sentence in respect of counts 1 and 2, namely, two years' imprisonment. The judge stated that the sentences should be concurrent. The only reduction given was that of credit for the guilty pleas. The appellant had pleaded guilty to the offences as the plea and directions hearing. However, the judge limited the degree of credit for the pleas because he was of the opinion that, as the appellant was under the scrutiny of the police and on camera, he had no choice but to plead guilty. The credit he allowed was in the order of eight to ten per cent.

7. There is one ground of appeal. It is that the judge failed to give the appropriate dis-

count or credit of 25 per cent for the guilty pleas.

8. We accept the submission made on the appellant's behalf that, given the stage at which the pleas of guilty were entered, the appropriate credit which should have been given following the guidance issued by the Sentencing Council was 25 per cent. The guideline specifically states that "the benefits apply regardless of the strength of the evidence against an offender. The strength of the evidence should not be taken into account when determining the level of reduction".

9. In our judgment, the judge erred in reducing the appropriate figure for credit to reflect the strength of the evidence. Accordingly, the total sentence of 22 months' imprisonment is quashed and substituted for it is a sentence of 18 months' imprisonment.

10. As to the period of disqualification imposed, the guidance set out in R v Needham and Others [2016] EWCA Crim 455 is to be followed. Given the reduction in the sentence, the extension period of eleven months is to be reduced to a period of nine months. Thus, the disqualification is for a total period of five years and nine months, comprising a discretionary disqualification of five years and an extension period of nine months.

11. Finally, pursuant to section 36 of the Road Traffic Offenders Act 1988, following a conviction for dangerous driving an extended re-test is to be ordered by the sentencing court. The judge did not make such an order. By reason of the provisions of section 11(3) of the Criminal Appeal Act 1968, this court does not have the power to impose what would be a more severe sentence than that ordered by the Crown Court. In the circumstances we do not impose a re-test.

12.For the reasons given and to the extent identified, this appeal is allowed.

Banker's Wife Escapes Extradition to Azerbaijan on Embezzlement Charges

Victoria Ward, Telegraph: Abanker's wife who spent £16million during a series of shopping sprees in Harrods has escaped extradition back to Azerbaijan on fraud charges. Zamira Hajiyeva, 55, is accused of embezzling millions of pounds from the state-owned bank that her husband ran for 14 years. But she won her extradition battle on Thursday after a judge at Westminster Magistrates' Court ruled she would not get a fair trial in her native country. Mrs Hajiyeva became the subject of the UK's first Unexplained Wealth Order last year amid accusations that she had used stolen money to fund her lavish lifestyle. The National Crime Agency (NCA) began investigating her finances following the conviction of her husband on corruption charges, using so-called "McMafia" anti-corruption laws that came into force last year. The couple purchased an £11.5million house in Knightsbridge and a £10.5 million golf club in Ascot, Berkshire. Court papers revealed Mrs Hajiyeva spent £16 million during a decade-long spending spree in Harrods from 2006, including £1million in the toy department and £5.75million at the jewellery designers Boucheron and Cartier. She spent £30,000 in one day at the Knightsbridge store's Belgian chocolate outlet Godiva and thousands on La Perla and Agent Provocateur lingerie.

Mrs Hajiyeva's husband, Jahangir Hajiyev, 57, was the chairman of the International Bank of Azerbaijan (IBA) bank from 2001 until his resignation in 2015 and he was subsequently sentenced to 15 years in prison for fraud and embezzlement. The court heard he earned a salary of around £55,000 a year when he was running the bank and there was no evidence of any legitimate source for the wealth his wife had subsequently enjoyed. Her lawyers claimed she was being persecuted for her political beliefs and would not get a fair trial if deported to the former Soviet republic. They argued that while her spending might have been offensive, "spending money is not a crime". Helen Malcolm QC, representing the Azerbaijani government, said Mrs Hajiyeva had been a part of an organised crime group which had used 28

IBA credit cards to embezzle £76million. In her written judgment, Chief Magistrate Senior District Judge Emma Arbuthnot said she agreed that there was evidence of Mrs Hajiyeva's "part in the alleged conspiracy". She added: "There is evidence from which dishonesty could be inferred. I find there is sufficient evidence of conspiracy to defraud." Arbuthnot also found that there was very little evidence provided by the defence that the case against Mrs Hajiyeva in Azerbaijan was "politically motivated". She added: "I have concluded that the request is in fact not made for the purpose of prosecuting Mrs Hajiyeva on account of her political opinions. It is being made because her husband defrauded the bank of a large amount of money over a lengthy period of time in a dishonest conspiracy involving many others." But the judge said that there was a "real risk" that Mrs Hajiyeva's trial would suffer a "flagrant denial of justice". Ben Keith, representing the Azerbaijani government said: "We will likely appeal this case." The High Court granted the Unexplained Wealth Order but Mrs Hajiyeva was granted leave to appeal. Meanwhile, her assets have been frozen. If she loses the appeal, she will be required to explain the source of her wealth and faces the prospect of having her assets seized.

Woman Bites Camels Balls to Save Herself After Freak Encounter

A woman had a freak and dangerous encounter with a camel in a field near a busy truck stop. The camel, named Casper, is penned in a field at the Tiger Truck Stop in Grosse Tete. Authorities said a woman was chasing after her loose dog when she was attacked by the camel which was spooked by the human and dog in its enclosure. A husband and wife later identified Edmond Clayton Lancaster and his wife Gloria Fraley Lancaster were tossing treats for their dog along the fence of the field, prompting the dog to run behind the fence. The camel became startled and got violent toward the couple, who fought back. "You can see they were pushing and pushing on the camel, swatting him with the hat and stuff like that," Pamela Bossier, an eyewitness, said. The woman was eventually pinned by the camel, which sat on top of her, nearly crushing her. In an attempt to save herself, the woman bit the testicles of the camel so it would jump off of her. The woman then escaped, authorities said. She was hospitalized for injuries related to the encounter with the camel. The couple, from the Pensacola area of Florida, was issued tickets for trespassing and not having the dog on a leash.

Forces Failing to Prevent Police Officers Abusing Position For Sex

Samantha Dulieu, Justic Gap: The police watchdog has warned that forces are not doing enough to prevent officers abusing their position of power for sexual purposes. A report released on Friday by Her Majesty's Inspectorate of Constabularies, Fire and Rescue Services (HMICFRS) details failings in forces' vetting of police staff, as well as the scale of the problem of sexual abuse by officers. According to the inspectorate, approximately 35,000 people did not have the required levels of vetting including officers and staff as well as contractors and volunteers. The report highlighted that vetting, described by the inspectorate as the first line of defence against corruption, was inaccurate and inconsistent. National vetting standards were put in place in 2006 in order to improve police background checks.

This latest report found that 17 police forces have unvetted staff forming more than 13% of their workforce. This rose to 37%, 42% and 52% for the Metropolitan, Thames Valley and West Midlands police forces respectively. Five further police forces were unable to provide any information about the vetting of staff members. Concerns have been raised that those who joined the police force prior to the 2006 guidelines may never have had any background checks completed.

In the three years up to the end of March there were 415 referrals to the Independent Office for Police Conduct (IOPC) relating to the abuse of position for a sexual purpose. Almost a quarter of all referrals to the anti-corruption unit at the IOPC related to sexual abuse of a vulnerable person by police staff during the same period. The National Crime Agency (NCA) has described this as a 'major threat'to UK law enforcement. 'We have been urging the police to act on this issue for some years now,'commented HM Inspector of Constabulary Zoe Billingham. 'Many forces have listened and are already making changes. But I've been deeply disappointed to find that others have, after all this time, still not put some basic measures in place.'

This report comes less than a year after a Cheshire Constabulary PC was jailed for 25 years for the rape of a 13-year-old girl. Ian Naude was being investigated for sex offences when he became a student officer in April 2017. His appointment was delayed from January to April following a rape allegation against him. Naude was allowed to join the force when no further action was taken in the case. Billingham said that it was important to recognise that 'this sort of abuse of power is thankfully incredibly rare, and the vast majority of officers and staff are dedicated public servants who would never contemplate this inexcusable behaviour'.

Meanwhile a second HMICFRS report also released on Friday graded Cleveland police as inadequate in all three areas of assessment. This is the first time a police force in England and Wales has been judged as such. The report forms part of the ongoing annual assessment of police effectiveness, efficiency and legitimacy (PEEL reports). HM Inspector Matt Parr commented that 'these results are so worrying that we have chosen to publish the report sooner than we originally planned'. The report is particularly critical of the force's handling of crime prevention and vulnerable people, and states that 'the inappropriate behaviour of senior leaders within Cleveland is so profound that it is affecting the efficiency and effectiveness of the force'. Cleveland's Police and Crime Commissioner, Barry Coppinger speaking on Radio 4 on Friday said 'there have been a small minority of people over a period of time who have not behaved appropriately and have let the force down"' This comes two years after Cleveland police were found to have unlawfully tapped the phones of two journalists under the guise of the anti-terror legislation, the Regulation of Investigatory Powers Act.

Sentencing and Release Framework

Secretary of State for Justice Robert Buckland: Our current sentencing and release framework is failing to give victims and the wider public the confidence they should have in our criminal justice system. Too often, we are told, the time offenders spend in prison does not match the severity of the crime. The Prime Minister therefore announced an urgent internal review, focusing on the sentencing for the most serious violent and sexual offenders and the rules governing when and how those offenders are released. The review also considered changes to sentencing for the most prolific offenders which could help break the cycle of re-offending.

Based on the findings of the review, we will be bringing forward proposals shortly for a comprehensive package of legislative reform. This will include amending the automatic release point for the most serious sexual and violent offenders. Under the current system, which dates back to the Labour Government in 2003, the majority of offenders receive a standard determinate sentence and must be released automatically at the half-way point, to serve the second half of their sentence in the community on licence. We want to stop this practice for the most serious violent and sexual offenders, who have committed offences such as rape, robbery and GBH with intent, so that they spend much longer in prison, protecting the public and giving greater confidence to victims. We shall therefore legislate to amend the automatic release point for the most serious sexual and violent offenders—where the offence carries a maximum life sentence—from the half-way point to two thirds of the sentence.

As part of our package of reforms, we also plan to bring forward proposals for community penalties that offer an appropriate level of punishment, while tackling the underlying drivers of offending. Our proposals to reform the sentencing and release framework complement the raft of initiatives we are taking as a Government to fight crime and protect the public from its devastating consequences. As we continue to develop policy and before legislating, we will consider fully the impact of the proposals and have due regard to the requirements of s149 of the Equality Act 2010.

Guardian View on Conservative Criminal Justice: Back to the 1980s

Editorial: The law and order policies unveiled this week by the home secretary, Priti Patel, and the justice secretary, Robert Buckland, are instructive not only for what they reveal about their party's approach to criminal justice, but also to any upcoming election. Creating 10,000 new prison places, scrapping a plan to replace short sentences with community punishments and changing sentencing rules so that violent criminals are locked up for longer, are not part of any evidence-led platform. While the reversal of cuts in police numbers is welcome, and the extension of a scheme allowing members of the public to challenge sentences perceived as overly lenient is reasonable, elsewhere victims' concerns were used as a fig leaf for a raft of measures that amount to a pitch for votes.

The UK's prisons are at breaking point, with every inspection report a litany of overcrowding, filth, drug use and violence, and last week's disturbance at HMP Long Lartin in Worcestershire was only the latest in a series of similar episodes. The courts and wider justice system face growing problems, even if these are often hidden from public view. Partly these are a consequence of cuts to police, courts, legal aid and Crown Prosecution Service budgets, but also other factors including the complexities surrounding digital evidence. The part-privatisation of the probation service by the former justice secretary Chris Grayling is acknowledged to have been a disaster – although it remains unclear whether the plan devised by David Gauke to sort it out will be any better. Reoffending rates are high. One-tenth of offenders are released not knowing where they will spend the night.

County lines drug gangs, singled out by Ms Patel as a scourge, are a complex problem. So is the falling number of convictions for rape. Yet while she offered new resources for dealing with drug gangs, her speech was notable for its lack of original ideas. Its "tough on crime" formula contained nothing that would have surprised Margaret Thatcher.

The world has moved on since the 1980s. Among European countries, England and Wales have more people imprisoned than any other country bar Poland – due in part to the approach pursued during the 1990s under New Labour. Scandinavian countries have far better records on rehabilitation and lower rates of offending. Even in the US, mass incarceration has critics on the right as well as the left. Under David Cameron and Theresa May, the Conservatives too were moving away from the most kneejerk, tabloid-pleasing reflexes, including by investing in new prisons – even if austerity undermined every attempt at progressive policymaking.

This is what makes the punitive, retro rhetoric not just misguided but shameless: after almost a decade in power, the Conservatives, and particularly the former justice secretary Michael Gove, know better. Yes, some people do wicked things and must be punished. But if part of prison's purpose is to send people back out into society with something to contribute, not only does it not work; it frequently makes things worse. Many people, as well as politi-

cians, know this. They know too about the over-representation in the prison population of ethnic minorities (particularly black men and boys); of people with mental illnesses, learning disabilities and histories of abuse, abandonment and addiction. But Mr Johnson's Conservatives appear not to care. Their overriding goal seems to be power, and they have identified a macho stance on law and order as one way to help them hold on to it. Ms Patel's ridiculous promise to terrify criminals is just one of the ways in which they threaten to take the country backwards.

Tories' Tough Talk On Crime is Shameless and Cynical

The Secret Barrister: The government is undermining public confidence by spreading misinformation about how the justice system works. In the spirit of the party conference season, let me start with a platitude: everybody wants dangerous criminals to be dealt with properly. But what "properly" actually means depends heavily on someone's political perspective. The law sets out five purposes of criminal sentencing: rehabilitation; crime reduction (including by deterrence); reparation; protection of the public; and punishment. The problem with our current system, in the eyes of Boris Johnson's government, is that there isn't enough emphasis on punishment. So it was that justice secretary Robert Buckland QC trailed his conference speech by announcing in an interview with the Daily Mail that he was introducing "proper punishment" for "the most serious violent and sexual offenders". The government has offered no evidence that [the new proposals for sentencing] will in any way make the public any safer

This will apparently be achieved by "stopping the release of the most serious violent and sexual offenders at the halfway point of their sentence". The statutory regime that has been in place since 2005, under which any prisoner serving a standard determinate sentence is automatically released on licence upon serving half of their sentence, is a popular bugbear, not only among the general public but as featured in Johnson's un-fact-checked columns in the Daily Telegraph, which took aim at "our cock-eyed, crook-coddling criminal justice system".

The reasons in favour of early release on licence are mixed. Some are noble and based on evidence, including the government's own research that early reintegration into society reduces reoffending; some are cynical and attributable to the political desire to generate tabloid headlines of long prison sentences without having to actually fund those prison places in full. And I have every sympathy with public anger at feeling misled by 10-year sentences that translate to five years minus time served on remand awaiting trial or sentence.

But the fundamental flaw in Buckland's new policy is that the "most serious violent and sexual offenders" are, under the current law, not automatically released at the halfway point of their sentences. The most serious offenders, those deemed to present a significant risk of serious harm to the public, will usually receive either a life sentence or an extended determinate sentence (EDS). With a life sentence, a prisoner will serve a minimum term set by the court before being eligible for parole, and will remain in prison indefinitely until they can convince the parole board that they no longer pose a risk to the public.

With an EDS, a prisoner is given a notional determinate term – say nine years – and has to serve two-thirds before being eligible to apply to the parole board for release. If they are not safe for release, they may have to serve the full term. Those convicted of sexual offences against children and terrorism offences who do not receive a life sentence or EDS are deemed an "offender of particular concern", and must satisfy the parole board they are not a risk to the public before they are released at the halfway point of their sentence.

So who is this policy actually targeting? The answer is a tiny percentage of defendants in the criminal justice system who are convicted of (as yet unspecified) serious violent or sexual offences, but who don't receive a life sentence or an EDS. So people who are, by definition, not "the most serious offenders". They will now have to serve two-thirds, rather than half, of their sentence before being automatically released. The government has offered no evidence that this will in any way make the public any safer. The purpose is purely punitive; red meat tossed on the Conservative party's buffet table for the salivating hang-'em-and-flog-'em brigade, with a beady eye on a nakedly populist election campaign and an increasingly authoritarian tabloid press. It's cynicism bordering on nihilism; shamelessly undermining public confidence in sentencing by spreading misinformation about how the justice system actually works.

Meanwhile, as the home secretary, Priti Patel, stands at her podium and smirks: "To the criminals, I simply say this: we are coming after you," our criminal justice system is in meltdown. It is taking years to investigate and charge offences, as the under-resourced police and Crown Prosecution Service drown in digital data. Cases I have been briefed on this week involve incidents that happened in 2018 and are listed for trial in the summer of 2020. This is because the government has taken what the senior presiding judge, Lady Justice Macur, described as a "political decision" to slash even further the number of crown court sitting days to save on the costs of running courts. This falsest of economies means that perfectly usable courtrooms sit locked and empty and judges twiddle their thumbs at home, on full pay, while the backlog of crown court cases rises to more than 32,000.

The courts themselves are literally crumbling: burst pipes and leaking sewage are par for the course. And we haven't even started on legal aid: the injustice of innocent people of modest means who are forced to pay for their own defence, and being refused their reasonable legal costs when they are acquitted, forcing them to sell their homes. As for victims of serious crime, rape crisis centres are in desperate need of funding, and the government has only offered £5m of the £195m needed to properly support victims of sexual violence. Meanwhile, the government estimates that our already grossly overcrowded and understaffed prisons – hellholes of death, violence and self-harm – will have to find another 3,000 places a year, at an annual cost of £110m. It bears repetition: the government can find £110m for an ineffective, macho prison policy, but only £5m for victims of rape. Any government that is serious about criminal justice would make the real problems in the criminal justice system a priority. But this announcement confirms that we do not have a serious government, just a gaggle of cheap opportunists charting policy based not on evidence, but on the fact-free demagoguery of Boris Johnson's Telegraph columns.

• The writer is a junior barrister who writes anonymously about the English and Welsh legal system, and author of 'The Secret Barrister' Stories of the Law and How it is Broken

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.