defence to Al-Bander who can perhaps deal with him better or Gazzawi but he is in Jordan and may not like to come back to Iraq. If Al-Bander can't do it then revert to me.'

75. The next Ir heard was the release from custody of Al-Baghdadi who went on to become the leader of Islamic State.

76. The so-called 'war on terror has raised an extremely serious legal problem for all jurists and one which I have has vented time and time again.

77. Since no one can declare a war on drugs, cancer, poverty, and like the war on terror raised a vital issue:- once terrorism is viewed as an 'enemy' rather than a criminal suspect it must follow that the status of an accused is one that is governed by military law not criminal law and issues then arise regarding how and what aspect of the Geneva Convention 1949 apply.

78. This United States of America in part has and remains parasitic, and has infected the application of the criminal law in the United Kingdom of Great Britain and N. Ireland.

79. It has diluted and continues so to do the what were thought to be unalienable rights, of an accused under the criminal law solely on the basis of the confusion that exists as to what offences are 'terror' related and what are simply criminal.

80. All of these developments emerge from the unlawfulness of the attack on Iraq which, despite my' best efforts in the case of Tariq Aziz – v – Antony Blair, not a single person involved in the knowingly flawed changed legal opinion, no one has been made accountable.

81. As of yet.

Care Home Leader Jailed For Not Giving Evidence at Teenager's Inquest

A consultant at a heavily criticised London care home where a vulnerable teenager killed herself has been jailed for four months for failing to give evidence at her inquest. Duncan Lawrence, of Sydenham in south-east London, had repeatedly refused to answer questions about the new regime he ushered in at Lancaster Lodge in Richmond, south-west London, after the death of 19-year-old Sophie Bennett in May 2016. Lawrence, 60, who had a non-medical doctorate which might have been bought from a "degree mill" university in Denmark, was said at the inquest to have introduced "a dictatorship – with 19th-century governance". An assistant coroner, John Taylor, fined Lawrence £650 in May for failing to attend the inquest. The coroner also referred the matter to the police and the Crown Prosecution Service, which charged him. n what is believed to be the first such prosecution, Lawrence pleaded guilty in August to the offence of "withholding evidence/documentation in relation to a coroner's inquest". Sentencing him at Wimbledon magistrates court on Wednesday, the district judge Andrew Sweet told him: "There is a good reason why people should attend or provide documents to a coroner when carrying out such an inquest, and that is expected to be done with full cooperation and without delay. You frustrated that process."

Serving Prisoners Supported by MOJUK: Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jake Mawhinney, Peter Hannigan.

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

MOJUK: Newsletter 'Inside Out' No 766 (06/11/2019) - Cost £1

Justice Committee Government Response to its Report on Transforming Rehabilitation

In July this year, the Committee published a follow up to its major report last year, voicing its ongoing deep concern about the failure of Transforming Rehabilitation reforms. The Committee welcomed the planned move to a new delivery model for probation - though it was well overdue - and made recommendations to enable the new system to deliver better outcomes for offenders, victims, professionals and the public.

Commenting on the Government's response to the Committee's report, published today Friday 25th October 2019,, Chair of the Committee Bob Neill MP said: "Years of underfunding and the botched Transforming Rehabilitation reforms have left the probation system in a mess. The Government recognises the risk in moving to yet another delivery model, yet this response provides precious little information on how this risk will be managed. This response says almost nothing about how the probation service is expected to cope, through this transition, with the extra demand and pressure that will inevitably flow from recent announcements about tougher sentences and more police officers. We are just told that the Government is "considering the potential impact of changes to sentencing practice on probation services". It is particularly disappointing that the Government has not provided proposals on the intensive rehabilitative approaches which should be put in place as an alternative to ineffective short custodial sentences. We want to see these as soon as possible. It gives us no confidence to discover that the Government has quietly disbanded its trumpeted Cabinet Office-chaired Reducing Reoffending Board. This was meant to support cross government work to tackle some of the main causes of reoffending, but the Government has not been able to tell us a single outcome the Board has achieved. We found that there was a national shortage of probation professionals. We are glad to see that the MOJ has finally agreed to develop a comprehensive workforce strategy for probation, something which we recommended in June 2018. We look forward to scrutinising this urgently."

CCRC Refers Arson and Manslaughter Convictions of Peter Tredget

Mr Tredget (then known as Bruce Lee) pleaded guilty at Leeds Crown Court to 11 counts of arson and 23 related counts of manslaughter on the basis of diminished responsibility. The charges related to eleven fires in Hull in the 1970s. The prosecution case was that, between June 1973 and December 1979, Mr. Tredget had set fire to 11 houses in and around the city of Hull, killing a total of 26 people. At the times of the fires, fire investigations and inquests concluded that all but one of the fires (the fatal fire at Selby Street) had started accidentally. The prosecution relied principally on confessions made by Mr Tredget who initially confessed to starting the fire at Selby Street and went on to confess to starting ten other fires that caused death and serious injury. He also confessed to starting a further 14 non-fatal fires at a range of premises including shops, warehouses and lodging houses but was not prosecuted for those.

Mr Tredget pleaded guilty at court and on 20th January 1981 he was sentenced to detention without limit of time in a secure mental hospital. Mr Tredget appealed. The Court of Appeal upheld most of his convictions but, on 9th December 1983, quashed his conviction

on one count of arson and 11 counts of manslaughter relating to a fire at Wensley Lodge old people's home in Hessle, near Hull, in 1977. In relation to the remaining convictions Mr Tredget has remained in hospital detained without limit of time.

He applied to the CCRC in 2011. The Commission has conducted a thorough detailed and extensive investigation into Mr Tredget's remaining convictions and the circumstances surrounding them. This has been one of the Commission's longest ever running cases; the investigation has involved the commissioning of reports from numerous expert witnesses, obtaining and analysing of tens of thousands of pages of casework information, and the use of the Commission's power under section 19 of the Criminal Appeal Act 1995 to appoint a police force to carry out specific enquiries on the Commission's behalf and under its direction.

The Commission has decided to refer the case for appeal because it believes that new evidence identified in the course of its investigation raises a real possibility that the Court of Appeal will quash Mr Tredget's convictions. The referral is based on a number of grounds including: expert evidence obtained from a psychologist and a forensic linguist relating to the veracity of Mr Tredget's confessions. ·Expert evidence from a specialist document examiner relating to written confessions. · Non-compliance with the Judges' Rules and with the requirements of PACE in relation to interviews with Mr Tredget · Expert evidence relating to the causes of the fires. Mr Tredget was represented in his application to the Commission by Steve Gelsthorpe of Cartwright King Solicitors – steve.gelsthorpe@cartwrightking.co.uk Mr Tredget was born Peter Dinsmore and changed his name to Bruce Lee prior to his arrest in 1980. He subsequently changed his name to Peter Mawson and then to Peter Tredget.

District Judge 'Sarcastic and Shaking With Rage' in Flawed Family Hearing

John Hyde, Law Gazette: The Family Court has overturned a district judge's care ruling after finding she 'crossed the line' during the hearing, creating a hostile atmosphere and alienating everyone appearing before her. In C (A Child) (Judicial Conduct), His Honour Judge Mark Rogers said District Judge Mian had conducted the March hearing with 'serious procedural irregularity' and made it impossible to ensure proceedings were fair. He upheld the appeal from the mother and appointed Guardian of a one-year-old child, who had been made subject to a care order rather than place with her grandparents. Taking the decision to deliver a full judgment on the appeal and name the district judge, HHJ Mark Rogers said it was a 'fundamental tenet' of fairness to listen carefully to competing argument before coming to a firm decision.

The court heard that the district judge's conduct was exemplified by, in the words of the child's barrister, 'blasphemous words, shouting, storming out of court and general intemperate behaviour'. The district judge was also described as being sarcastic, shaking with rage, turning her chair away from the court and sitting with her back to everyone for several seconds, mimicking the advocate's words and intimidating the child's guardian. HHJ Mark Rogers said he had listened to the recording of the hearing himself and heard 'with dismay, the anger and tension in the judge's voice'. Her exchanges with the child's barrister were 'sharp and substantially inhibited counsel from doing her job'.

The district judge's frustration, it was found, stemmed from her view that the guardian's analysis was deficient and did not grapple with the central issue of the case. The child's barrister submitted the district judge's treatment of the guardian was 'unacceptable'. The appeal judge agreed the handling of the hearing was 'wholly unsatisfactory and degenerated into a critique of the guardian's perceived failure of approach'.

failed to aver to itself of its final opportunity was intended to be taken otherwise than by the Security Council and a vote called?

59. Lord Alexander of Weeden QC in a lecture delivered on the 14 October 2003 (I recall the date as it is the birthday of my eldest son) called the Summary Statement and legal arguments as 'totally unconvincing.'

60. Professor Sands QC referred to the argument as 'a bad argument.'

61. Professor Lowe called it 'fatuous.'

62. In wrote to the Rt Hon Mr Jack Straw on the 30 March 2003, made it clear that the whole point of the United Nations is that when the Security Council is seized of a problem it is the sole problem of the Security Council.

63. No individual Member country, even those on the Security Council has the right to take matters in their own hands.

64. I said clearly that if the Security Council had intended that the United States of America and the United Kingdom and, in fact, other countries should invade Iraq in 2003 with its blessing and full mandate, it would without hesitation and with plenty of fanfare duly said so.

65. It did not do so.

66. As a consequence the invasion and occupation of Iraq by the United States of America and more importantly the United Kingdom of Great Britain and N. Ireland (the Parliament of which received deliberate and knowingly erroneous legal advice by the Attorney General for reasons that are contained in the deletion of 7 minutes from transcript of the meeting with the Prime Minister on 16 March 2003 and in fact, other countries also was, remains unlawful and actionable both at Government level and directed at private individual participants who are subject to the jurisdiction of the Courts of England and Wales.

67. The invasion of Iraq by the USA/UK was totally without the authority of the Security Council which would generate de facto the most serious violation of international law.

68. Making a unilateral determination undermines the whole foundation on which the United Nations was founded and as explained in the opening paragraphs of this opinion.

69. For too long now have certain members of the Security Council treated the rules of International Law as binding on others but never themselves a habit that has affected the others but never themselves a habit that has affected the Court of Appeal, Criminal Division in London.

70. One of the last phrases that can be deciphered from the transcript of the meeting between Lord Goldsmith and the Prime Minister are the statements of Lord Goldsmith saying: ''Please be sure what you are doing. Be 100% sure. I urge you to be really sure you know what you are doing."

71. Solely, on the insistence of the Rt Hon. Jack Straw the then Secretary of State for Foreign Affairs and responsible for the SIS, he forced the Prime Minister to try and obtain a clear Security Council Resolution specifically to authorise the use of force.

72. When that failed as it was opposed on the face of international opposition the United Kingdom of Great Britain and N. Ireland, were unlawfully taken to war by attacking Iraq without specific authority.

73. I, was requested by the US Military in Iraq, in 2007, to defend and represent a certain Al Baghdadi and after two meetings in Camp Cropper and Camp Victory, where the 'Al-Qaeda boys' had different colour jumpsuits, I suggested to the liaison officer for the US Military and US Marshalls that Al-Baghdadi reminded the US Military he was no 'past threat to the security of the USA.'

74. To me, this seemed a strange comment that he was no past threat and the I posted a note of the conversation to Captain W (name redacted) saying: 'Al-Baghdadi says he posed no past threat. Made a point of accentuating past. Can't say though about present or future. Give this

be made that Resolution 1441 had the capacity in principle of reviving authorisation in Resolution 678, but the case could only be put if there were 'strong factual grounds' for categorically saying Iraq had failed to take the final opportunity. The Attorney General emphasized the need for 'hard evidence.'

45. That conversation was intrusively recorded by GCHQ and passed to SIS in the usual manner and ultimately coverted, by the Director-General and without reference to the Secretary of State for Foreign Affairs to which SIS are directly accountable.

46. Lord Goldsmith was intellectually coerced into re-writing the 17 March 2003 summary statement to say that the Attorney General stated that a material breach of Resolution 687 revived the authority to use force under Resolution 678 and that in Resolution 1441 the Security Council had determined that Iraq had been and was in material breach of Resolution 687 and that Resolution 1441 had in fact given Iraq a final opportunity to comply with its disarmament requirements and had warned it of serious consequences if it did not comply and that the Security Council had also decided in Resolution 1441 that any failure to co-operate in implementing resolution 1441 would be a further breach and that it was clear and plain Iraq had failed to comply and accordingly the use of force under Resolution 678 had revived and continued to that date.

47. The Summary concluded: 'Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all Resolution 1441 requires is reporting to and discussions by the Security Council of Iraq's failure, but not an express further decision to authorise force.'

48. This was in complete contrast to the opinion of 7 March 2003.

49. The key to the complete contrast lays in the meeting between the Prime Minister and Lord Goldsmith on the 16 March 2003 recorded by GCHQ but to which I am aware 7 minutes of conversation were deleted from the transcript.

50. The Summary Statement of 17 March 2003 was, and remains, seriously misconceived and coming from the High Office of an Attorney General surprised many jurists.

51. I defended in Iraq: *H.E. President Saddam Hussein *H.E. Tariq Aziz *Barzan al-Tikriti * Awad al-Bandar *Taha Yassin Ramadan *Humad Humadi (Acquitted of all charges) *Al Baghdad (later to be leader of Islamic State) and other ex-members of the Iraqi Regime.

52. The formation and Rules of the Iraqi High Tribunal later to be known as the Central Court of Baghdad and its Statute I participated together with Salem Chalabi the first Registrar of the Court until he was removed because 'he was being too fair to the defendants.'

53. I was given totally unhindered access to all documentation Arabic and in Translation from the records kept of the Iraqi Government and unhindered access to all peripheral records of the USA and UK by the CIA and SIS and was authorised by the HM Treasury via Barclays Bank PLC to receive payment for services relating to Iraq.

54. It was amongst myriads of documents and requests that the transcript for the meeting between Lord Goldsmith and the Prime Minister came to light and the deletion of 7 minutes of the transcript.

55. As stated, there were and remain two serious anomalies and flaws to the misconceived Summary Statement issued by the Attorney General that leave Lord Goldsmith and the then Prime Minister open to civil and penal challenges.

56. First, how was it easy to see that Iraq had failed to comply in a manner justifying the last resort to the use of force?

57. Further, what were the strong factual grounds or more importantly hard evidence (as Mr Jaggers in Great Expectations refers to) to show that Iraq had failed to comply?

58. Second, there is no way or manner that any such final determination whether Iraq had

HHJ Mark Rogers added: 'The judge effectively cross-examined the guardian as if she were representing another hostile party. In my judgment, there and in many places elsewhere the judge went far beyond clarification or amplification and descended into the heart of the arena. He stated that family proceedings should not be unnecessarily adversarial: points should be questioned and tested but not to the extent that a witness is unable to fulfil her role. Here, the court heard the guardian felt 'considerably stressed and upset'. After the hearing, the child's grandparents wrote to the guardian saying parts of the hearing were 'extremely distressing' with a 'constant barrage of interruptions aimed at professional witnesses and barristers questioning them' which brought into question the impartiality of proceedings.

Charges Against Police Staff Involved In Death Of Thomas Orchard - Withdrawn

The Independent Office for Police Conduct (IOPC) have today informed the family of Thomas Orchard of their decision to withdraw directions for gross misconduct proceedings against two Detention Officers. The Detention Officers are civilian staff employed by Devon and Cornwall Police, who were involved in the detention and subsequent death of Thomas in October 2012.

The IOPC can direct police forces to bring charges against their officers and staff where the IOPC have concluded that they have a case to answer for gross misconduct. They previously directed that gross misconduct proceedings be brought against four Devon and Cornwall Police Officers and the two Detention Officers. The latter, as civilians, would have faced police staff disciplinary proceedings governed by their employment contracts, while proceedings against police officers are separately governed by statute.Withdrawal of the IOPC's original directions follows the decision of a disciplinary panel in July this year to discontinue the gross misconduct proceedings against the four Devon and Cornwall Police Officers. That panel did not accept the argument of officers that there was inadequate evidence of gross misconduct. However, they accepted arguments around 'abuse of process', including long delays which they believed caused irredeemable prejudice, and insufficient confidence in the process for disclosure of evidence.

The IOPC have not said that the two detention officers no longer have a case to answer for gross misconduct, but rather that it is no longer in the public interest to bring the proceedings. Devon and Cornwall Police urged the IOPC to review its direction requiring the Detention Officers to face disciplinary proceedings. Despite the strong opposition of Thomas' family, the IOPC has now withdrawn its earlier direction. Alongside a Custody Sergeant, the two Detention Officers were previously prosecuted for the gross negligence manslaughter of Thomas and faced two criminal trials. They were acquitted by a jury in March 2017. No police officer or relevant police staff member has been successfully prosecuted for murder or manslaughter in relation to a death in custody since INQUEST began recording in 1990.

Thomas, 32, was a fit and physically healthy church caretaker. He had a history of mental ill health and a diagnosis of schizophrenia. On 3 October 2012, he was arrested and detained by Devon and Cornwall Police Officers and taken to Heavitree Road Police Station. Upon arrival limb restraints were applied and an Emergency Response Belt (ERB) made from a tough impermeable fabric was put around his face. The ERB remained around his face as he was carried face down to a cell where he was left lying unresponsive on a cell floor. By the time officers re-entered his cell, Thomas was in cardiac arrest. He was transferred to hospital and pronounced dead on 10 October 2012. In May 2019, the Office of the Chief Constable for Devon and Cornwall Police was sentenced for health and safety breaches in relation to the use of the ERB over the face, after pleading guilty to the charges.

The family of Thomas Orchard said: "As a family we are completely unable to comprehend how people who were charged with manslaughter can now be allowed to face absolutely no scrutiny for their work practices in relation to Thomas' death. This decision feels outrageously and ethically wrong to our family; we have been let down by the IOPC. We call upon the coroner to examine the circumstances surrounding Thomas' death publicly, openly, honestly and constructively."

Deborah Coles, Director of INQUEST said: "Thomas' shocking death, following restraint by police and staff whilst he was suffering a mental health crisis, raised serious concerns about policing practices. Evidence heard at the trials and health and safety prosecution exposed criminally unsafe restraint practises. Today's IOPC decision once again calls into question the ability of the IOPC to investigate police criminality and wrongdoing and ensure that police and detention officers are properly held to account for their actions. For seven years this family have had to battle against delay, denial and obfuscation. This shameful outcome fails both the family and the public interest. It points to the impunity of the police, and a process which frustrates the prevention of abuse of power and ill treatment. Thomas Orchard's death joins the long list of deaths where the police have not been held accountable to the rule of law. Nearly two years on since the ground-breaking Angiolini policing review, the Government must spell out to the public how it will address this undeniable failure of accountability mechanisms."

Helen Stone, solicitor at Hickman and Rose who represents the family said: "Today's IOPC decision means that, despite having a case to answer for gross misconduct, these detention officers can continue to work in contact with the public, without having to account, in an employment context, for their actions towards Thomas. This follows on from a similar decision by a police disciplinary panel in July 2019, which ended disciplinary proceedings against police officers who had a case to answer for gross misconduct. These disciplinary outcomes must be a matter of grave concern to the public, and the IOPC and Devon and Cornwall police need to account for their actions which have led to neither police officers nor detention officers facing disciplinary proceedings that would have enabled them to be held to account for their actions. In the seven years since Thomas' death there has still been no judicial determination as to the cause of his death; the family trust that HM Senior Coroner will now rectify this by speedily moving towards an inquest."

Guardian View On Drug Policy: Rethink It Without Taboos

It is easier to find fault with prohibition than to design a perfect system, but there is clear evidence that the current methods are failing. Much of the harm caused by illegal drugs is caused by their illegality. Prohibition helps to turn users into criminals, and the justice system is poorly equipped to help addicts recover. This is not a controversial opinion in the fields of public health and policing – services on the frontline of the problem – but it is far from orthodoxy in Westminster. Many politicians still yield to taboos around liberal drug laws, even as social norms change and the failure of punitive methods becomes harder to ignore.

So it is heartening that a cross-party group of MPs has taken a significant step towards a more informed debate. The report by the Commons health and social care committee starts from the premise that addicts are not wicked people and that resources are most efficiently deployed aiding their recovery. Public Health England, a government agency, estimates that every £1 spent on drug and alcohol treatment saves £4 from the expense that untreated addiction causes.

A shift away from criminalisation does not have to absolve addicts of responsibility. Crimes committed in pursuit of a fix cannot be excused. Victims are no less entitled to justice. Leniency at the retail end of the market could empower gangsters higher up the drug sup-

31. Alistair Campbell the de-facto deputy Prime Minister (without ever having been elected to office, of any kind) was concerned about 'leaks' and as a result, the Attorney General published on the 17 March 2003 a summary statement with much redacted vital information.

32. The opinion of Lord Goldsmith dated 7 March 2003 went into considerable detail concerning the crossed relations between three United Nations Security Council Resolution: *Resolution 678 *Resolution 687 *Resolution 1441

33. Resolution 678 was passed way back in 1991 and it was founded on much earlier resolutions, for example, requesting Iraq to leave the territory of Kuwait. It authorised the use of force to 'eject Iraq from Kuwait and to restore peace and security in the region.' This was Operation Desert Storm which achieved the goal set out by the Security Council.

34. The unanswered question as to why President Bush refused to order troops to Baghdad was crystal clear to me, in that, President Bush accepted that the mandate did not include regime change and/or overthrowing the Iraqi Government.

35. Whilst President Bush Snr. was respectful of the 'law' and mandate of the United Nations Security Council, President Bush Jnr. took a different approach aided and abetted and, much incited by Antony Lynton Blair.

36. Resolution 687 (1991) brought military actions and active operations to an end. What it did though, however, was to impose upon Iraq the conditions with regard to weapons of mass destruction and in inspectorate regime to ensure that all weapons be destroyed.

37. Antony Lynton Blair between 7 March 2003 and the 17 March 2003 adopting his, what he termed, 'legal hat' (notwithstanding the fact that he was a failed barrister in awe of his wife Cherrie Booth QC the true legal luminary of the family but who refused to participate in any meetings) interpreted Resolution 697 to mean that Iraq did have weapons of mass destruction.

38. In fairness to Lord Goldsmith that was not his position but by that time his opinion had been diluted to suit the whims and fancies of the Prime Minister and his compact with President Bush Jnr.

39. Resolution 1441 which was adopted unanimously in November 2003, 'recorded' that Iraq had been, and continued so to be, in breach of its obligations under the relevant resolution and that included resolution 687. It made an offer to the Iraqi Regime to comply with its disarmament obligations. It imposed a much stricter inspection regime and provided that further violations would be referred to the Security Council for it: '…to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security.'

40. It did not authorise the use of force.

41. In honour to Lord Goldsmith his opinion dated 7 march 2003 and viewed by myself two days later, considered that Resolution 1441 could 'in principle' revive the authority to use force, but: '…only if the Security Council determine that there was a violation of the conditions of the ceasefire sufficiently serious to destroy the basis of it.'

42. In short, Lord Goldsmith reviewed all arguments and put the case that there was authority to use force if the Security Council reviewed the matter even if it did not reach a conclusion but it could also be argued heavily that nothing short of a new Security Council Resolution would: ' provide a legitimate basis for using force.'

43. Lord Goldsmith was more versed to caution than going to war without lawful cause. He concluded that Resolution 1441 left the position unclear but that the safest legal course would be to: '…secure the adoption of a further resolution to authorise the use of force.

44. In a private meeting between the Prime Minister and Lord Goldsmith on the 16 March 2003 in the late evening the Attorney General pressed upon the Prime Minister that a good case could

the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken in accordance with Art. 41 and 42, to maintain and restore international peace and security.'

13. Art. 51 recognised the right of a State to defend itself: 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

14. Art. 51 has caused considerable difficulties to both politicians and jurists. It seems very similar to the common law right of personal self-defence. There must, however, be an armed attack or the threat of an immediate attack and of course, the force must be proportional and strictly limited to the defence against the attack.

15. The Members of the Security Council or the Judges of fact and situation and who decide all are: *The United States of America *The United Kingdom of Great Britain and N. Ireland *France *China *Russian Federation (previously the USSR)

16. In essence, the known victors of the Second World War notwithstanding that without Australia, New Zealand, India, Canada to cite but a few the Second World War may have produced a much different outcome.

17. Nonetheless, no other country was invited to sit at the High Table of the United Nations.

18. In the past 40 years, the USA alone has been involved in some forty military actions.

19. Wars involving the United States of America include. *Grenada *Panama *Haiti *Angola *El Salvador *Nicaragua * Libya *Lebanon *Yemen *Sudan *Yugoslavia*Afghanistan *Iraq

20. There were and remain no legal justification the USA can rely upon for the actions it took in Iraq

21. Top officials in the White House made it crystal clear that it was their intention to remove H.E. Saddam Hussein as President to change the government.

22. British Government Official assured the United States of America of its unconditional support and wholehearted support for regime change.

23. Lord Goldsmith, the then-Attorney General, in his 'Advice to the Prime Minister 'Iraq Resolution 1441' dated 7 March 2003 made it clear and was consistent in his advice that while regime change might be as a result of disarming Saddam Hussein: 'It could not per se be a lawful objective of military action.'

24. That was the position of the Attorney General Lord Goldsmith on the 7 March 2003.

25. I was privileged to see the full opinion of the Attorney General on the 9 March 2003.

26. It was the view of the Government, led by Antony Lynton Blair, not necessarily shared by Lord Goldsmith, that the legality of the use of force in March 2003 rested solely on whether or not the Security Council de jure had the legal capacity to authorise the use of force and if at what level.

27. The question for Lord Goldsmith and other selected jurists was whether the Security Council had actually authorised the use of force. If it had the next question was whether it had acted ultra vires.

28. As ever it would be a question of interpretation rather than the application of the Resolutions.

29. That was the legal dilemma facing Lord Goldsmith and an ever insistent Prime Minister Tony Blair who was forcing Lord Goldsmith to deliver a legal opinion with a view to war.

30. In a letter to the Prime Minister dated 15 March 2003, I suggested that for any 'joint-adventure' with the United States of America, at the very least, the opinion of the Attorney General should be published in the House of Commons and, the House of Lords and, a copy to the Lord Chief Justice, the Chancellor and Master of the Rolls, together with the President of the Law Society, and Chairman of the Bar Council, with the usual undertaking not to reveal to any third parties or media without authorisation.

ply chain where serious violent offences abound. In theory, police resources could be retargeted at the big players. In practice, a more tolerant drug policy environment could legitimise use and boost demand – for which villains provide the supply.

A compassionate attitude towards people whose lives are ruined by drugs is not the same as a permissive attitude to recreational use, although the two issues can be hard to separate. The committee's focus is not on the lucky dabblers who escape from drug experimentation unscathed. Their experience is often a function of social privilege. Affluent white users enjoy a tacit licence to flirt with drugs that is not available to black men, who are likelier to face the stiffest penalties. But unequal application of the law is a problem distinct from the immediate emergency: an epidemic of drug-related deaths. In England, there were 2,670 deaths directly attributable to drugs last year – up 16% from 2017. The committee notes that the figure would be much higher if fatalities where drugs are a secondary factor were included.

Few European countries have a worse record and some have pioneered policies that divert drug users away from the police. Initial controversy around Portuguese decriminalisation, for example, has given way to a political consensus in favour. Likewise an experiment in prioritising rehabilitation in Frankfurt saw a measurable fall in drug-related crime compared with neighbouring regions. But Frankfurt's efforts were well-funded. In the UK many addicts rely on programmes dependent on shrunken public health budgets. Treatment services have faced cuts of 27% over the past three years. Poor resourcing provokes a costly vicious cycle: drug users turn to crime; criminality hardens users. It is easier to find faults with prohibition than to design a better model. But there is now a compelling case to treat drug use as a public health problem, not a mess for the police to clear up. MPs are understandably cautious about decriminalisation of possession for personal use. The Commons committee recommends only that government consult on the matter. It is the right question for politicians to be asking, and vital that they keep an open mind when looking for answers.

Pisică v. the Republic of Moldova

The applicant, Nelea Pisică, is a Moldovan national who was born in 1981 and lives in Ialoveni (Republic of Moldova). The case concerned her complaint that the authorities had failed to ensure that she had access to her three children who had been taken from her by her ex-husband against her wishes. Ms Pisică had three sons with P., in 2003 and 2007. In 2012 P. started being aggressive and she left the family home with the children. During proceedings for custody of the children, between July 2013 and November 2015, Ms Pisică complained nine times to various authorities that P. was manipulating the children and turning them against her. Despite several protection orders issued in the course of those proceedings, barring P. from contacting the children, he took them to his home and refused to return them to their mother. Several psychological reports were drawn up in 2014, showing that the children's attitude to their mother had changed and finding that P.'s alienation of the children from their mother constituted emotional abuse. The local welfare authorities' recommended that the children be separated temporarily from both parents for psychological assistance, but there was never any follow up. Ms Pisică was eventually awarded custody of her two younger sons in June 2015. However, the judgment could not be enforced because of strong opposition from the children.There were new custody proceedings in 2018 and the courts decided that the two younger children were to live with P. The courts found that the change of custody was in the children's best interests because of their strong ties to their father. Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Pisică complained that the authorities had failed to reunite her with her children, despite the judgment in her favour, or to take any action against the father's emotional abuse. Violation of Article 8 Just satisfaction: 12,000 euros (EUR) (non-pecuniary damage).

Safe Injection Rooms Save Lives – Yet the UK Government Continues to Oppose Them

Rick Lines, Human Rights News: Urgent action is needed to stem the UK's overdose crisis, according to a group of cross party MPs, who have called upon the government to properly tackle the issue. Drug-related deaths rose to record numbers in 2018 in England and Wales. A total of 4,359 people died due to drug poisoning – over half of them related to opiate use. MPs have urged for a number of important policy changes. These include the decriminalisation of drug possession for personal use and the the creation of supervised injecting facilities. Supervised injecting facilities – sometimes known as overdose prevention centres, or drug consumption rooms – are a critical tool in ending the overdose crisis. These are places where people are allowed to inject illegal drugs in hygienic conditions, in the supportive presence of medical staff and peer workers.

They are primarily intended to provide services for vulnerable, poor, or homeless people who would otherwise inject in public places – such as alleys or parks, circumstances that significantly increase the risk of fatal overdose and transmission of blood borne infections via unsterile injecting equipment According to the nongovernmental organisation Harm Reduction International – which monitors global developments on programmes to reduce drug-related harms – there are almost 120 such facilities operating in 11 countries. This includes Canada, Australia, France, and the Netherlands. Research by the European Monitoring Centre on Drugs and Drug Addiction found that supervised injecting sites help to reduce unsafe injecting and fatal overdoses.

Outdated Logic: Yet despite the record of success of safe injecting facilities, too many governments continue to oppose their implementation. Over the summer Dublin City Council refused planning permission to open Ireland's first safe injecting room. This came despite the Irish government changing the law two years earlier to clear legal barriers to their operation. In Canada, the Conservative government of Stephen Harper went all the way to the Supreme Court in 2011 to try to shut down the country's first safe injecting facility in Vancouver, only to have the government lose in humiliating fashion after a unanimous decision. Yet despite the court ruling in favour of safe injecting facilities, some provinces continue to obstruct their implementation. In the US earlier this month, health advocates won an important legal victory when a District Court judge blocked an attempt by the US Justice Department to prevent the nation's first legal supervised injecting facility from opening its doors in Philadelphia. The Justice Department sought to have not-for-profit project Safehouse declared unlawful under a 1986 federal law intended to shut down "crack houses".

Lifesaving Programmes: But not all efforts end in victory. In the UK in December 2016, the Advisory Committee on the Misuse of Drugs – the government's expert body – recommended implementing safe injecting facilities in response to massive increases in overdose deaths. But Theresa May's government rejected this recommendation in July 2017, and four months later the Lord Advocate in Scotland blocked plans by the City of Glasgow to open the UK's first safe injecting facility. The Conservative government has even blocked the appointment of experts known to be supportive of these lifesaving programmes. In July 2019, it emerged that the CEO of the drugs charity Release, Niamh Eastwood, had her appointment to the the Advisory Committee on the Misuse of Drugs blocked by the Home Office. Her crime? Tweeting criticism of the government's rejection of the recommendation for safe injection facilities in 2017. Earlier this month, a leading UK drug expert, Alex Stevens of the University of Kent, resigned his seat on the the Advisory Committee on the Misuse of Drugs, citing "political vetting" of appointments by the Home Office. Stevens said: "If suitably qualified experts are excluded from membership on the basis of stated disagreements with government policy, this will erode the quality of advice that the Advisory Committee on the Misuse of Drugs can give."

the boys rather than addressing them had failed to deliver a safe or rehabilitative environment. Neither boys nor staff were safe. The negative cycle of containment and separation that we have commented on in the past still dominated the day-to-day lives of those who lived and worked in the establishment. The appalling situation we found cannot be allowed to continue, and I was told that action had already been taken to ensure that improvements would follow. I hope that at long last there will be a recognition that Feltham, if it is to remain as an institution holding children in custody, must change in a more radical way than at any time in its troubled history." Short-term improvements followed by dramatic and dangerous declines should no longer be tolerated. Following the issue of the UN, the Youth Custody Service decided to 'temporarily pause new placements of young people to Feltham A'. I have recently been informed that following a risk assessment "the operational decision has been made to restart new placements at the establishment'. I hope this decision proves to be well founded."

The Illegality of the War on Iraq by the United Kingdom

Since 2003 Giovanni Di Stefano had an insight on what actually led to the invasion of Iraq and for many years has felt that he should have published what he knew then, and over the last 16 years. Although, late in giving his opinion GDS strongly feels he should publish the legality of the war on Iraq by the United Kingdom of Great Britain and N. Ireland in the interest of all.

1. War and armed conflicts exist since time began. Peace, however, is of a recent modern invention. So, stated Sir Henry Maine in 1888.

2. The Hague Conference eleven years later and the further conference in 1907, recognised the use of force to resolve disputes as an available option. The intention was thought to use such as a very last resort. That factor is important for the purpose of this opinion.

3. Subsequently, The League of Nations and its Covenant sought to discourage armed conflicts but did not extend to prohibiting such.

4. The Kellogg-Briand Pact of 1928 which was ratified by Germany, the United States, Belgium, France, and Great Britain, Italy, Japan, Poland, and Czechoslovakia, as well as Ireland' created the legal position of States renouncing war as an instrument of political policy. Italy, for example, renounces war and such is embodied into the Constitution.

5. That, however, did not stop Japan from invading Manchuria and Italy from occupying Abyssinia and, ultimately, Germany from invading almost every country in Europe.

6. The ideology of President Woodrow Wilson in the concept of the League of Nations had failed and something further was required.

7. It was not until 1945, after the Second World War, that the United Nations adopted policies that would, it was hoped, prevent armed conflicts.

8. 192 Nations joined and immediately they had to accede and accept that the resolution of disputes was to be by peaceful means.

9. Further, Article 2(4) stated that member countries had: '…to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.'

10. The Security Council, the enforcement branch of the United Nations, was given the responsibility for taking prompt and effective action for maintaining international peace.

11. Security was also conferred on the Security Council which was authorised to act on behalf of member states.

12. Chapter VII of the United Nations Charter covers threats to breaches of peace provides in Art.39 that: 'The Security Council shall determine the existence of any threat to peace, breach of

er than any other day of the week. Anything that can be done to help people move away from offending should be taken with both hands and be promoted with vigour."

A spokesperson for the Scottish Prison Service (SPS) said: "The power hasn't been used much because it just hasn't been required." A Scottish government spokesperson added that the legislation "was never intended to result in a blanket ban on Friday releases, although we recognise in certain circumstances they can present problems". The spokesperson added: "It is an option among a range of other actions that are regularly being taken, by the Scottish Prison Service and third sector organisations, to help an individual's reintegration."In 2017, the SPS reviewed how this legislation was being used, and then established an online application process to make it easier for applications to be made, and refreshed guidance to advise organisations how best to apply. "We will keep in contact with the SPS, and keep the use of this process under review – alongside the wider improvements to reintegration support."

HMYOI Feltham Young Offenders - Appalling Decline - Need ror Radical Change

An announced inspection of HMYOI Feltham, launched in response to disturbing intelligence about the establishment, found an "appalling" decline in standards in the Feltham A children's unit, according to HM Chief Inspector of Prisons. Publishing an inspection report, Peter Clarke said he hoped the Secretary of State for Justice would intervene to bring about lasting change at Feltham A, where life was dominated by a "negative cycle of containment and separation" of the children held.

Mr Clarke added that the performance of Feltham A, which holds children aged 15 to 18, either convicted or remanded, had fluctuated in recent years. But in July 2019 inspectors found "a dramatic decline across many aspects." "The decline was so acute and the outcomes so poor that for the first time in an establishment dedicated to the detention of children, I decided to use the Urgent Notification [UN] process (in July 2019)." This required the Secretary of State to respond publicly and within 28 days with proposals to improve the establishment. Violent incidents had risen by 45% since the previous inspection only six months earlier. The number of assaults against staff, some of which were very serious, had risen by around 150% since January 2019 and the levels of violence among children was higher than at similar establishments. Levels of self-harm had tripled since January 2019 and were now 14 times higher than they were in January 2017. Seventy-four per cent of children said they had been restrained, but governance of and accountability for the use of force by staff had all but collapsed.

Fewer than one in five children felt cared for by staff and a third of children said they were out of their cells for less than two hours a day during the week. At the weekend this figure rose to nearly three-quarters. Mr Clarke said: "The poor regime and delays in moving children had a highly disruptive influence on life at Feltham A. Resources were being wasted as health care staff, education facilities and resettlement intervention services stood idle waiting for children to arrive." The provision of education had fallen to a little over eight hours a week per child, and attendance rates stood at only 37%. Disturbingly, there were no plans in place to improve this. Mr Clarke said: "Not only were children not getting to education, but neither was education getting to them. In the four weeks leading up to the inspection some 800 hours had been scheduled to be delivered on residential wings, but only around 250 hours had actually materialised."

Many children were being released from Feltham A without stable accommodation, without education, training or employment in place and without support from family or friends. Overall, Mr Clarke said: "Despite the challenges facing staff, there now needs to be a fundamental change in approach at Feltham. The practice of containing the behavioural problems of

Human Rights Crisis: Since the 1970s and the start of the "war on drugs", punishment, policing, and prisons – rather than health – became the core approach of drug policy. Alongside this has been an escalation of human rights violations linked to drug control. Denial of life saving programmes, such as safe injecting facilities, is but one example. As I highlight in my book, in recent years we have seen examples of courts stepping in to defend the rights of people who use drugs against the excesses of government drug warriors. And the publication earlier in 2019 of International Guidelines on Human Rights and Drug Policy marks a significant milestone in this slow process of reform. Following the US court decision, a supporter of Safehouse described it as "a resounding defeat for Donald Trump and his minions' callous efforts to increase the suffering of people and communities struggling with addiction". With the UK experiencing the highest levels of drug-related deaths in history, how much more suffering and death will people who use drugs have to endure before the callous efforts of the UK government come to an end? Indeed, the quick and negative response of the government to the MPs call for health-centred drug reforms seems to suggest the overdose crisis will continue to escalate.

Eternal Triangle

Scottish Legal News: A woman has been charged with falsely reporting her own murder after she posed as her husband and told his alleged mistress that he had shot her. The wife - from the city of Bluffdale in Utah - was arguing with her husband about him talking to the other woman, police said. Using her husband's phone, she allegedly texted the woman and said he had shot his wife and didn't know what to do, the Salt Lake Tribune reports. The woman called 911 and emergency responders from three departments showed up and "set up containment" around the house. However, the supposedly dead wife reportedly came outside and confessed that she had sent the texts to see if her husband's mistress would have helped him cover up the crime. She has now been charged with filing a false emergency report involving an injury or death, which carries a sentence of up to five years in jail, and misdemeanour criminal mischief.

Child Sexual Abuse Inquiry Criticises Lack of Cooperation from Vatican

Owen Bowcott, Guardian: The Vatican's repeated refusal to cooperate with official investigations into paedophile priests and its delay in stripping convicted offenders of their clerical status has been condemned by the UK's child sexual abuse inquiry. In a highly critical attack on the papacy's stonewalling response to decades of complaints, the lead counsel to the inquiry, Brian Altman QC, said it was "very disappointing" that significant evidence and statements had been withheld. The approach of the archbishop of Westminster, Cardinal Vincent Nichols, was also criticised after he belatedly admitted in February that it was "sobering" when he "began to see" the problem from the perspective of the victim.

At the start of its final, two week-long hearing into abuse within the Catholic church, the independent inquiry into child sexual abuse (IICSA) detailed how it sought help from the UK Foreign Office to obtain answers from the Holy See to its questions. The inquiry is keen, in particular, to discover more about the role of the church's Congregation of the Doctrine of the Faith (CDF), which is supposed to discipline priests who commit offences. The Vatican sent some documentation but, Altman noted, "the Holy See has not provided any evidence about the role of the CDF and/or laicisation [the process of removing priests from the church] and declined to provide the inquiry with a witness statement. The papacy, he explained: "considers that the domestic laws of a foreign sovereign entity are not the proper object for a British inquiry".

In many cases laicisation takes years, the inquiry was told. For example, a Birmingham priest, James Robinson, was imprisoned for 21 years in 2010 for child sexual abuse but it was a further seven years before he was dismissed from the priesthood. Andrew Soper, a Benedictine monk who went on the run on 2011, was not defrocked until earlier this year. An earlier report by the Catholic Safeguarding Advisory Service (CSAS) and the National Catholic Safeguarding Commission found that between 1970 to 2015, there were 931 separate complaints of child sexual abuse were made to the Catholic church in England and Wales. They involved more than 3,000 instances of alleged abuse.

Cardinal Nichols, the inquiry was told, attended a meeting in Rome in February this year on protecting children in the church. After the meeting, Nichols wrote to his fellow bishops stating: "For me what happened was that I began to see what we were talking about from the perspective of the victim/survivor. That is a sobering perspective for us to take."

Altman remarked to the inquiry panel: "You may wish to consider why, apparently, it was not until February 2019 that Cardinal Nichols 'began to see' what they were talking about from the perspective of the victim/survivor."

Altman added: "The Holy See's refusal to provide the inquiry with all the evidence it has sought is very disappointing Pope Francis [recently] acknowledged the '/'physical, psychological and spiritual damage" done to the victims of child sexual abuse, and added that 'a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the church'". Altman told the chair of the inquiry, Prof Alexis Jay, that she "may consider that it is difficult to reconcile the Pope's own words with the Holy See's response to the requests properly made to it by this inquiry."

The papal nuncio, the Vatican's diplomatic representative in the UK, is Edward Adams. He was asked to cooperate in handing over evidence gathered by his office in 2011 and 2012 about allegations of abuse of pupils at St Benedict's school and Ealing Abbey in west London. "Let me make perfectly clear," Altman said, "that the inquiry went through established diplomatic channels and all proper procedures, including seeking assistance and advice from the Foreign and Commonwealth Office, despite which no statements have been provided to the inquiry by the Holy See." IICSA published a report into the "sadistic and predatory" atmosphere and culture of cover-up and denial at St Benedict's school that allowed sexual abusers to commit crimes against children for decades.

Universal Credit Failures Driving People Into 'Survival Sex'

Frank Field MP: The Work and Pensions Committee is sadly used to hearing the painful stories of those at the sharp end of welfare policy. Yet even by these standards, the stories we heard in our recent inquiry on those forced into "survival sex" by the inadequacies of universal credit were harrowing. We heard of one woman who, after waiting weeks for any universal credit payments, shoplifted to feed her children. After being caught, the store manager said that if she "gave him [oral sex]" he'd let her off. After this, he offered her £40 worth of stock if she came back next week. She turned him down but, when her universal credit payments were short the next month, she relented.

These stories matched the stories I heard on my visit to the charity Tomorrow's Women Wirral in my constituency, which sparked this inquiry. These stories show that universal credit is pushing all too many – especially vulnerable women – into survival sex, where they must turn to exchanging sex for basic living essentials. Yet when this was brought to the attention of the Department for Work & Pensions (DWP) their response was totally inadequate. When I first raised this in the House, the Government said the solution was that work coaches should "work with these ladies" to find one of the many "other jobs on offer". This comment is frankly unacceptable and suggests very little engagement by the department with the effects of their reforms.

When we raised this issue six months later at the start of our inquiry, nothing had changed, and we were told that, since claims of a correlation between welfare and sex work predates universal credit, it was wrong to suggest there was a specific problem with the benefit. Yet this contradicts the peculiar link between them that we repeatedly hear from those with lived experience of the area. In particular, our witnesses highlighted the deleterious effect of the (minimum) five-week wait, the increase in the length and severity of sanctions, and the automatic recovery of debts (to third-parties or the DWP itself to recoup advance payments).

These features increased the scarcities for claimants and increased their uncertainty about the future. It is against this backdrop that survival sex becomes the last, desperate option when measured against more debt or going hungry. Some claimants don't even get to this point. The design of universal credit to be "digital by default" causes severe problems to those who have difficulty accessing the internet. These simple barriers for claimants are particularly acute for already vulnerable groups.

Those recently released from prison also have particular difficulty, and responses from the department suggested that the specific needs of prison leavers had not been considered in the design of the system. Those with an experience of trauma or addiction often struggle to retain the information necessary to access their account. We believe that there are many improvements the DWP urgently needs to make, particularly surrounding the five-week wait and ensuring access to the benefit by those without internet access, bank accounts, or those with additional circumstances such as prison leavers.

We are grateful to the minister, Will Quince MP, for acknowledging that the DWP's response on this issue was wrong, and providing a more substantive answer to our enquiries. Yet this is not the first time that we have received inadequate responses from the department, and forms part of a disturbing pattern. This report examined just one facet of the social impact of universal credit, yet it found much suffering to which the department was blind. We have highlighted broader lessons for the DWP – to commit to better studying the implications of their policies on claimants and being more open to outside criticism. We hope that our recommendations are taken on board by the department and not reflexively rejected or ignored, as were our initial investigations.

Concerns Raised Over Friday Prisoner Release Law After Only 15 Benefit in Three Years

Scottish Legal News: A prisoner support expert has raised concerns about the function of a law aimed at offering more support to prisoners due for release on a Friday after it emerged only 15 people had benefited from it in three years. Under the Prisoners (Control of Release) (Scotland) Act 2015, prisoners due for release on a Friday can have their release brought forward by one or two days to allow them to access housing or medical services. However, just 15 people have had their release brought forward since the enactment of the law in February 2016, while 17 have been refused early release and 11,054 have been released on a Friday, according to figures released to The Herald on Sunday.

Pete White, founder of Positive Prisons? Positive Futures, said the low number of early releases will have contributed to reoffending. Mr White told The Herald on Sunday: "The prison service should hang their heads in shame because they have contributed to that reoffending. I do not know how they have the nerve to do absolutely nothing about the opportunity this might offer. "The rate of suicide, self-harm and reoffending as well as overdose for people released on a Friday is far high-