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 767 (13/11/2019) - Cost £1

Robert Ekaireb Convicted for a Murder That Never Happened

Well and truly Shafted at trial by his barrister, shafted by CoA, doubly shafted by the CCRC.

On 19 December 2013, at the Central Criminal Court before Judge Nicholas Cooke QC and a jury, the Claimant Robert David Ekaireb was convicted of the murder of his wife, Li Hua Cao also known as Lisa Ekaireb ("Lisa"), on or about 23 October 2006. On 7 January 2014, he was sentenced to imprisonment for life with a minimum tariff of 22 years.

No corpse was ever found (Lisa Ekaireb could still be missing, not wanting to be found), no forensic evidence of any kind, no direct evidence of foul play, all the evidence, and not disputed by the CPS, judges involved, was purely circumstantial.

Robert's barrister Michael Wolkind QC was condemned as inadequate at trial, Robert dismissed him, halfway through his summing up to the jury. At his appeal, the judges were clear that Mr Wolkind was "patronising" and his behaviour "ill-judged." However, despite their condemnation, they upheld the conviction, 22 years for Robert and not even a slap on the wrist for Wolkind.

At the very least the appeal judges should have quashed the conviction and ordered a retrial.

They further confirmed what MOJUK has always said, barristers are under no legal obligation to argue their clients' case in a proper and fitting manner, nor obliged to follow the client's instructions.

Lord Thomas of Cwmgiedd, CJ, presiding appeal Judge said: "There is, in our view, no basis upon which an advocate can be instructed as to what to say in his closing speech by his solicitor or by his client or when to conclude it".

Robert then made two applications to the CCRC; both were rejected. Not happy with this, he sought a Judicial review of the CCRC decision. This was heard on Friday 29 October. The CCRC did not attend and were not represented. Despite compelling arguments by his QC Phillippa Kaufmann, the court found in favour of the CCRC and dismissed the review.

Both the appeal against conviction and appeal against the CCRC, make grim reading for all those fighting Miscarriages of Justice.

['Boastful Barrister Fined and Reprimanded': A barrister whose website contained the assertion he could 'get Stevie Wonder a driver's licence' has been fined for making inappropriate boasts online. Michael Wolkind QC, of 2 Bedford Row, was fined £1,000 following a two-day hearing at the Bar Tribunals and Adjudication Service. According to the judgment, Wolkind's boasts were 'likely to diminish the trust and confidence which the public placed in him or in the profession'. The website, topcriminalqc.co.uk, contained statements including that Wolkind QC was 'the UK's top criminal barrister'. The site also claimed he was 'widely recognised as the UK's top murder barrister and QC; top protest case barrister and QC; top terrorism barrister and QC; top property householder self-defence rights barrister and QC and top regulatory, inquest health and safety and tribunal barrister and QC.' According to the tribunal, these comments were made in circumstances where he was 'unable to substantiate the assertion'. The tribunal ruled that the Steve Wonder comments, left as a testimonial by a lay client of Wolkind's, would also diminish the public's trust in the profession. Wolkind's website came to the attention of Lord Thomas of Cwmgiedd, the lord chief justice, during an appeal against the 2013 murder conviction of Wolkind's former client Robert Ekaireb. At the 2015 appeal Thomas upheld the conviction but the tribunal heard Wolkind had made 'completely unprofessional' personal criticism of prosecution barrister Brian Altman QC during his closing speech. Law Gazette]

The Appeal: Regina Respondent - and - Robert David Ekaireb - 16/12/2015

1. On 19 December 2013 the appellant was convicted of the murder of his wife Li Hua Cao on or about 23 October 2006 at the Central Criminal Court before HHJ Nicholas Cooke QC and a jury. On 7 January 2014 the appellant was sentenced to imprisonment for life with a minimum term of 22 years less 209 days in respect of time spent on curfew. The appellant was ordered to pay £120,815.05 towards the costs of the prosecution.

2. His application for leave to appeal was made on several grounds. The single judge refused leave on three grounds of appeal and referred two grounds of appeal for consideration by the Full Court. One ground alone was pursued in respect of conviction which relates to the conduct of Michael Wolkind QC. He appeared for the appellant with Michael Skelley, instructed by Michael Kaye. Mr Wolkind was dismissed on 16 December 2013 after he made his closing speech in the circumstances we set out at paragraph 43. It was the case for the appellant that Mr Wolkind's conduct was incompetent to a degree that rendered the conviction unsafe in accordance with the principles set out by Buxton LJ in R v Day [2003] EWCA Crim 1060.

3. No criticism was made of junior counsel or of the solicitor. Each was called by the appellant to give evidence. Mr Wolkind provided a statement and was called by the court at the request of both parties and in accordance with the practice of the court he was cross-examined.

40. On 4 December 2013, Mr Wolkind opened the defence case. The speech was in large part a criticism of the prosecution case and entirely unfocussed. It also contained unwarranted and unjustifiable specific criticism of both Mr Altman and Mr Little. We return to this at paragraphs 59 and following. However, we need not consider the speech further as it is not said to be incompetent.

41. (The evidence of the appellant) Mr Wolkind told us that it was a difficult decision as to whether to call the appellant; he was worried as to the impression he would make. We understood and appreciated that concern. Indeed that risk eventuated. Mr Wolkind said he had to fight hard to "rescue him". As we have set out at paragraph 21, the appellant commenced his evidence after the conclusion of the opening speech for the defence. Mr Skelley told us that he felt by that time Mr Wolkind was engaged in the case; he had therefore commented to Mr Wolkind that, "You have had a good day at the office". No criticism is, as we have said, made of the examination of the appellant.

42. (Events after the closing speech) Evidence was given to us by Mr Skelley that during the cross examination Mr Wolkind, whilst half listening to the evidence, was sending e-mails on other cases.

43. Before turning to the closing speech, it is necessary to refer to Mr Wolkind's conduct during the summing up. Very little of the summing up was delivered on Friday 13 December 2013, as a juror became ill. When the judge resumed on Monday 16 December 2013, Mr Wolkind arrived part of the way through the morning and then left during the course of the afternoon. The appellant decided in those circumstances to terminate his instructions to Mr Wolkind and to continue with Mr Skelley alone. Mr Wolkind told us that he had been late because of a delay in a video conference he had arranged, according to his diary, for 10:00 for another case, where the defendant was held in prison. His diary showed that at 15:00 he had a meeting in another case. The consequence of Mr Wolkind's dismissal was that he was not present on the following day when there was an exchange between Mr Altman and the judge about the answers of the defence to the detailed case made by the prosecution. We refer to this at paragraph 48 below.

The closing speech (a) The instructions not to complete the closing speech

44. As we have set out at paragraph 21 above, the defence speech began at 12:15 on Thursday12 December 2013. Mr Wolkind had had no real discussion with his junior and no discussion with his solicitor or the appellant before the speech. In consequence, Mr Kaye

spoke to Mr Wolkind at 13:55 and asked him not to close his speech that day. Mr Wolkind did not reply but Mr Kaye looked on this as an instruction and assumed Mr Wolkind would not finish that afternoon. When the speech came to an end, towards the close of the day, Mr Kaye, as he told us, was very angry. He spoke to Mr Wolkind who agreed that he would say a little more on the following morning. He did so.

45. Although this was a matter of complaint against Mr Wolkind, it was misconceived. Mr Wolkind was under no duty to act on instructions of this kind. In R v Farooqi [2014] 1 Crim App R 8, [2013] EWCA Crim 1649, Lord Judge CJ in giving the judgment of the court set out the duties of the advocate in relation to instructions given by a defendant in a trial at paragraphs 107 to 109. He made clear that the conduct of the case was the responsibility of the trial advocate. His instructions were contained in the defendant's account of what had happened; it was the advocate alone who remained responsible for the forensic decisions and strategy. "That is the foundation for the right to appear as an advocate, with the privileges and responsibilities of advocates and as an advocate, burdened with twin responsibilities, both to the client and to the court."

46. There is, in our view therefore, no basis upon which an advocate can be instructed as to what to say in his closing speech by his solicitor or by his client or when to conclude it. That is the advocate's responsibility. Thus, although we understand the concern of Mr Kaye and the appellant, no criticism can attach to Mr Wolkind for disregarding what was said as to the time when he should conclude his speech. That was a matter for his judgment, bearing in mind his duties to the appellant and to the court. That was, however, a very minor part of the complaint against the way in which Mr Wolkind had dealt with the closing speech.

47. (b) The case made on appeal about the speech; We have referred at paragraph 26 to the case made by Mr Pownall on behalf of the appellant. It was further submitted that during the trial Mr Wolkind had led the appellant, Mr Kaye and Mr Skelley to believe that he had been "harvesting" or "gathering" points to make in his closing speech and that he would make a detailed closing speech in rebuttal of the detailed closing speech that had been delivered by Mr Altman. The complaint was that Mr Wolkind had not made a closing speech which would rebut the points that had been made by the prosecution and explain the case properly to the jury. As was put in advice to the appellant on 8 January 2014: "We agree that he had all of the ammunition but then did not fire it."

54. (Safety of the conviction)Although we grant leave to appeal against conviction, we are satisfied that the sole ground on which it is advanced fails. We have considered the entirety of the evidence and see no reason to doubt the safety of the conviction. There were very telling points against the appellant such as the inherent unlikelihood of the wife leaving the flat on an October night with a suitcase given the location of the flat in Hampstead, the failure of the appellant to make inquiries about his wife though she was bearing his child, the refurbishment of the flat and the finding of the ring.

56. (Concluding directions observations (a) Websites) Our attention was drawn to Mr Wolkind's personal website. We were surprised at its content and tone. However whether it is within the proper bounds of professional conduct for a member of the bar, particularly one who has had since 1999 the status of being one of Her Majesty's Counsel, is a matter which we direct be referred to the Bar Standards Board for their consideration.

57.*(b) Carrying out other work* We have had to make some express findings in relation to other work that Mr Wolkind was carrying out during this very complex murder trial. The fact that Mr Wolkind was doing so plainly caused the appellant very considerable concern and led to his dismissal of Mr Wolkind. However, it would not be right for us to make any observations. The terms upon which any barrister, particularly one of Her Majesty's counsel, is free to engage on other work during the conduct of a case is a matter for the Bar Standards Board, subject to an overriding duty to the court in respect of the case before the court. We therefore direct that general issue be referred to the Bar Standards Board for their consideration.

58. *(c) Defence closing speeches*Unsurprisingly we were not referred to any decided case in which an incompetent defence speech has provided the grounds for a successful appeal. As was demonstrated in Farooqi the trial judge has the responsibility and ample scope to ensure that a defendant's case is accurately before the jury. That task may involve correcting or amplifying a closing speech. Should that prove impossible it may, in an extreme case, be necessary to discharge the jury. In the present case no such criticism has or can be made.

59.*(d) Personal criticism of opposing advocates in addresses to the jury* Finally, there is one feature of the conduct of this case which judges must ensure ceases immediately and not be repeated in any case. That conduct is making in an address to the jury personal criticism of opposing advocates in contradistinction to criticism of the prosecution case.

60. We were told that the practice of making personal criticism of prosecution advocates has become a feature of some addresses to the jury made by defence advocates. In this case the personal criticism of Mr Altman and Mr Little by Mr Wolkind should not have been made in his addresses to the jury.

61. If any advocate has a criticism of the personal conduct of an opposing advocate that is a matter that should be raised before the judge who will deal with it then and there, though, in what we hope would be the rarest of circumstances, it could be referred to the professional disciplinary body.

62. The conduct of a trial before a jury requires proper and professional conduct by all advocates in speeches to the jury. As any personal criticism of the conduct of an opposing advocate is a matter for the judge, it can form no proper part of an address to a jury. The regrettable departure from proper standards of advocacy by making personal criticisms of advocates of an opposing party in an address to the jury must therefore cease. No court will tolerate its continuance.

Robert David Ekaireb V Criminal Cases Review Commission

Phillippa Kaufmann QC and Mark McDonald (instructed by Swain & Co Solicitors) for the Claimant. The Defendant CCRC neither appearing nor being represented

Hearing date: 29 October 2019, Lord Justice Hickinbottom presiding:

1. On 19 December 2013, at the Central Criminal Court before His Honour Judge Nicholas Cooke QC and a jury, the Claimant Robert David Ekaireb was convicted of the murder of his wife, Li Hua Cao also known as Lisa Ekaireb (“Lisa”), on or about 23 October 2006. On 7 January 2014, he was sentenced to imprisonment for life with a minimum tariff of 22 years.

2. He appealed against conviction. Although several grounds of appeal were initially advanced, by the time of the hearing before the Court of Appeal (Criminal Division) only one remained extant, namely that the conduct of his Leading Counsel at trial (Michael Wolkind QC), whom the Claimant dismissed following delivery of his closing speech, was incompetent to a degree that rendered the conviction unsafe. On 16 December 2015, the appeal was refused ([2015] EWCA Crim 1936). Although the court considered that some of the criticism of Counsel was well-founded, on the entirety of the evidence, it concluded that the verdict was not unsafe.

3. On 30 June 2017, the Claimant made an application to the Defendant (“the CCRC”) for remittal of his case to the Court of Appeal on the basis of new medical evidence regarding his mental health, notably a diagnosis of Asperger’s Syndrome and the effects of that condition on his evidence and presentation at trial. On 18 October 2018, the CCRC issued a provi-

sional decision refusing the application but inviting any further representations; and, on 2 April 2019, after consideration of further submissions and evidence, it issued a final decision on the application not to refer the case to the Court of Appeal.

4. In this claim, the Claimant seeks to challenge that decision. On 1 August 2019, Sir Duncan Ouseley sitting as a Judge of the High Court, refused permission to proceed with the claim on the papers. Phillippa Kaufmann QC and Mark McDonald of Counsel on behalf of the Claimant now renew that application.

5. (The Background Facts) The Claimant was a wealthy jeweller and property developer.

6. Lisa was a Chinese national, who had gone to Ireland with her brother in 2003 to learn English. She had stayed on, working as a waitress. The Claimant met her in November 2005 in a Dublin lap dancing club where she worked. She soon moved to London, where she moved in with the Claimant. They married in China in July 2006, going through a second marriage ceremony in London on 4 October 2006 by when Lisa was pregnant. They made their home at Flat 9, Pavilion Court, Mount Vernon Estate, Hampstead, which the Claimant owned together with a number of other properties close by.

7. Lisa went missing overnight on 15 August 2006, which the Claimant reported to the police, referring to a text message from her suggesting she might endanger her own life. When the police found Lisa, she said that she was scared of the Claimant; but, following repeated calls and texts from the Claimant, she agreed to be collected by him and taken home.

8. She went missing again in October 2006. On this occasion, the Claimant did not contact the police; but, in February 2007, Lisa's brother (who lived in Denmark) contacted the police to say that neither he nor any other member of her family had heard from her since she had telephoned him on 23 October 2006. A police enquiry was commenced, with which the Claimant cooperated giving four interviews. He told the police that his wife had left in mid-November 2006 as she had done on previous occasions. She had not told him where she was going. He said he thought she had returned to lap dancing in Ireland. In any event, by December 2007 the police had concluded that Lisa was "a free spirit… used to travelling… [and] had many short-term relationships". The investigation was no longer actively pursued.

9. However, her family not having heard from Lisa in the meantime, a full murder investigation began in February 2012, with the Claimant as the main suspect. The Claimant voluntarily attended an interview, and answered questions under caution. He was charged with Lisa's murder on 7 June 2012.

10. (The Trial) Lisa's body has never been found. There was no relevant forensic evidence: none as to any place or cause of death, none at the Claimant's properties or in his vehicles, none at all. CCTV recordings on the Mount Vernon Estate were only kept for 14 days, and had long since gone. The Crown was thus unable to make any case as to precisely how or when Lisa was killed. Its case against the Claimant was based entirely on circumstantial evidence.

11. The circumstantial evidence relied upon by the prosecution, and the Claimant's response to it, was set out in detail in the Court of Appeal judgment, as follows:

12. (The case for the prosecution) The case for the prosecution was based on circumstantial evidence. Many witnesses were called, including [Lisa's] brother and two sisters, those who had known her in Ireland, members of the Chinese community in London, those who dealt with her in relation to her pregnancy and its possible termination, private investigators, those who worked on the Mount Vernon Estate, those who had let Flat 9 Pavilion Court after 2006, those who conducted the missing person inquiries in 2007 and 2012….

13. In terms of seeking to prove [Lisa's] death the prosecution relied generally upon:

i) [Lisa's] lack of contact with her family and friends after speaking to her brother on 23 October 2006. That was out of character. Her brother's evidence was that they were very close and in contact by phone and text. ii) Her landline, mobile telephone, e-mail account and bank accounts had not been used after October 2006. iii) Her failure to attend appointments relating to her pregnancy. iv) The fact that all enquiries seeking to establish proof that she was still alive came to nothing. v) The failure of the [Claimant] to make any enquires about her or the child which she was carrying. vi) Lies told by the [Claimant].

14. The prosecution relied upon specific evidence relating to the period before her last telephone call to her brother on 23 October 2006. i) The [Claimant] had a 'nasty temper'. He was said to be controlling and disapproving about his wife's past. She had told police in the past that she was afraid of him and that he had assaulted her in August 2006, though she subsequently retracted the allegation. ii) He was said to be a controlling man who restricted her access to money and to other people. Her brother's evidence was that there had been a change after the wedding as he would not allow her to work and she felt she had no freedom and no friends. The evidence of her sister… was to the same effect; she was afraid of him; she was unhappy and wanted to return to China. iii) They had a loud argument in China in July 2006, which resulted in bruising to her arm and scratches to his chest. The argument was overheard by [Lisa's] sister…, and was said to be about her desire to leave possessions the [Claimant] had bought her, at her family home in China. Her evidence was that the police had been called, but the case was dropped after it was agreed that monthly payments would be made to her parents. iv) The [Claimant] was obsessed by her lap dancing past and whether she had continued lap dancing after she became his girlfriend. In late August 2006 he hired a private investigator and in October 2006 contacted polygraph companies. v) There was evidence of a previous report to police of [Lisa] going missing. The [Claimant] had called police on 15 August 2006 and referred to a text message which suggested she was considering suicide. When police made contact with the wife she told police that she was scared of the [Claimant]. The [Claimant] repeatedly called and texted; she did later agree to be picked up by him and taken home. In contrast in October 2006 he made no effort to telephone her and did not contact the police.

15. The prosecution relied on the following evidence of matters that had occurred on 23 October 2006 as pointing to the killing having occurred then or thereabouts: i) At 20:00 on 23 October 2006, [Lisa] spoken to her brother. About 3 hours later, a telephone call was made from 9 Pavilion Court to the [Claimant's] mobile telephone. At 23:07, the [Claimant's] key fob was activated allowing access to the car park. At 23:44 and 23:58 the [Claimant] telephoned his parents. ii) The [Claimant] went out in the early hours of 24 October to a nightclub in London's West End having telephoned the manager of the nightclub at 01:08 from 9 Pavilion Court. A parking ticket was issued to the [Claimant's] father's car at 03:15, near to the nightclub. iii) The [Claimant] accepted that he was the last person to see her. iv) The inherent implausibility of the [Claimant's] account of her leaving Flat 9 on the Mount Vernon Estate on a night in October 2006 with her packed bags and no one having heard from her after that time.

16. The prosecution then relied on events after 23 October 2006 as confirming the appellant had killed her: i) After that night the [Claimant] went to live with his parents and never used the flat again. ii) He sent text messages pretending to be his wife and asking for the contact details of her former roommate. iii) He sent a series of text messages to his previous girlfriend; the prosecution suggested he was trying to rekindle the relationship. iv) There had been 'unusual key fob activity' showing repeated access from one of the car parks to Flat 9 on 8 November 2006 between 21:45 and 00:04. v) There was a sighting of the [Claimant] being

driven by his father from Flat 9 by one of the security porters in a 'zombified' state possibly on the same date. vi) On 17 November 2006 a midwife telephoned and said that [Lisa] had not attended for a scan. The [Claimant] said that he was not sure why this was and that he would ask her to telephone later that evening. v) A series of works were undertaken on Flat 9 prior to it being rented out on 21 December 2006. These included replacing the original carpets with new carpets of the same colour, the cleaning of the marble floors and a new partition between the bedroom and living area, from which the inference might have been drawn that he was anxious to remove incriminating traces. vi) [Lisa's] wife's wedding ring, purchased as part of a matching set, and other possessions were recovered from a storage unit being rented by the [Claimant] and his father in June 2012. The [Claimant] had previously told police that his wife had taken all of her possessions with her when she left. (The defence case)

17. (The defence case) The defence case was that [Lisa] was not necessarily dead and, if she were, the [Claimant] was not responsible for her death. His case was that on 23 October 2006, she had told him that she was leaving him because her family needed her. She packed her bags and left the flat. He never saw her again. She was unhappy in her marriage and bored by his life-style in London. He gave evidence to that effect at the trial.

18. In supporting that case, and responding to the prosecution case he relied on the following: i) [Lisa] had quickly become unhappy in the marriage, bored in London and had not wanted the baby. She left him on 23 October 2006 for those reasons. ii) She had not been as close to her family as the prosecution evidence suggested. Her parents had divorced when she was young and she lived with an aunt for 7-8 years. She had never lived with her family for any sustained period. iii) She resented her brother who lived in Denmark because he did not send money home to her parents as she did. iv) In August 2006, she had been reported missing. She had telephoned in response to a call from the police, but said she did not want her whereabouts disclosed as she was frightened of her boyfriend. This information had been passed on to the [Claimant]. v) On 15 August 2006 she had sent him a text message saying: 'I hope you can get good life with your money you are a bad boy in the world – I do not need money I am still can get good life after few year I will show you.' vi) She had withdrawn £1,800 from her Lloyds account on 10 October 2006. If she wanted to disappear and not be traced she would not use the known accounts after this as it would allow her to be traced. vii) She had spoken of terminating the pregnancy. She had attended an initial consultation with the British Pregnancy Advisory Service, but did not attend on 19 September 2006 for a scheduled termination. At the time of her disappearance she was 19 weeks' pregnant and was therefore approaching the time limit for a legal termination. vii) In August 2006 after she had left the [Claimant], she had told… a prosecution witness who helped Chinese people find work, that she would be prepared to work as an escort to make money. viii) She had no links with the UK other than her marriage to the [Claimant] and therefore it was likely she would have gone to China or Ireland.

19. As to the prosecution's circumstantial evidence against him relating to matters before 23 October 2006, the [Claimant's] case was that: i) Although he had a temper, he had not been violent towards her. He accepted that there had been an altercation in the street on 28 August 2006, but he did not assault her. She made a formal withdrawal of the statement she had given to police, stating: 'My husband Robert … has never been violent towards me.' ii) He did not restrict her, beyond restricting (a) her cooking because his Jewish faith involved restriction on his diet, and (b) her working, because she was pregnant and he did not want her to work. iii) They argued in China because she wanted to give away gifts that were sentimental.

She had scratched him and he had restrained her by the wrists. iv) He had only hired a private investigator to establish whether she was still lap dancing as she had said that she was not. v) They had argued over the pregnancy, as he had wanted her to have the baby.

20. In respect of the evidence of events after 23 October 2006, the appellant maintained: i) He had telephoned his parents on 23 October as he was upset that she had left him. ii) There was no record of anything unusual in the security log at the Mount Vernon estate on the night of 23 October 2006. iii) He had decided to move out of Flat 9 prior to the disappearance as he and his wife were moving into a different flat in Heathview Court in any event, and he had already started to furnish the new home in September. iv) He wanted to let Flat 9 for a commercial rent. The carpets, cleaning and modifications were undertaken in furtherance of renting out the flat. The carpet changing was negotiated by his father and was a £1,500 investment which made sense since the flat could be rented for £3,000 per month, professional cleaning is standard and a partition was erected as that was a term of the lease with an incoming tenant. The evidence of a letting agent was to the effect that the new tenants wanted modifications. v) The attempts to contact Ireland and [Lisa's] friends in late October represented an indirect attempt to trace her by finding out the whereabouts of previous flat mates. vi) If he had been trying to lay a false trail by pretending to be her, he would not have used his own phone vii) He had contacted his ex-girlfriend in November 2006 as a 'shoulder to cry on'. viii) The key fob activity of 8 November 2006 was him moving personal belongings out of the flat. ix) He admitted that he had not been frank with the midwife. This was due to embarrassment at being left by his pregnant wife and not knowing where she was. x) As for the wedding ring, it was found along with his own in the suitcase because neither of them regularly wore them and they were put in the suitcase in their presentation boxes after the UK marriage on 4 October 2006. The suitcases would have been placed in storage at some point in 2008. His suggestion in the 2012 interview that she had taken the ring with her, would have been an assumption, and the mistake therefore owed to a lapse of memory due to the passing of time rather than a lie. xi) He had not contacted police after his wife's disappearance because she had been angry on previous occasions when he had involved the police. He believed not that she was missing but that she had left him as she had done before. xii) He had been depressed after his wife left and did not report her missing because to him she was not missing, but had left of her own free will. xiii) Although he had been identified as the last person to see his wife on 23 October 2006, no one else would necessarily remember something as mundane as a person leaving the estate where they lived on foot."

21. At the time of the trial, it was known that the Claimant had been diagnosed some years previously as suffering from chronic Obsessive Compulsive Disorder ("OCD") and depression; but there was no evidence – and certainly no medical evidence – put before the jury as to his mental condition, other than a reference by the Claimant himself during his own evidence that he suffered from OCD.

22. The jury unanimously found the Claimant guilty of murder. In refusing the Claimant's appeal, as I have indicated, the Court of Appeal found Mr Wolkind's closing speech was ill-judged, inappropriate and poorly structured; but it did not reach the level of incompetence that called into question the fairness of the trial or the safety of the jury verdict. Concluding, the court said (at [54]): "[W]e are satisfied that the sole ground on which [the appeal] is advanced fails. We have considered the entirety of the evidence and see no reason to doubt the safety of the conviction. There were very telling points against the [Claimant] such as the inherent unlikelihood of [Lisa] leaving the flat on an October night with a suitcase given the location of the flat in Hampstead, the failure of the [Claimant] to make inquiries about his wife though she was bearing his child, the refurbishment of the flat and the finding of the ring."

23. (The Application to the CCRC) The Claimant's application for a referral to the Court of Appeal under section 9 of the Criminal Appeal Act 1995, received by the CCRC on 30 June 2017, was based on new medical evidence that the Claimant has Asperger's Syndrome within the broader category of Autistic Spectrum Disorder ("ASD"). The nature of the condition is such that he would have been suffering from it in 2006. The evidence at the time of the application comprised: i) A report by Dr MEC Alcock, a Consultant Forensic Psychiatrist, dated 30 April 2017. ii) Reports by Professor Susan Young, a Registered Clinical and Forensic Psychologist, dated 11 November 2017 and 6 February 2018 iii) A report by Professor Penny Cooper on the participation of the Claimant at trial, dated 20 December 2017.

24. The Claimant submitted that this fresh evidence went to the core of the prosecution case at trial, and there was a real possibility that the conviction would not be upheld as it was unsafe if the CCRC were to refer the matter to the Court of Appeal. In particular, it was submitted that: i) The defence erred in not having the Claimant psychiatrically assessed prior to trial, which would have disclosed that he suffered from Asperger's Syndrome; and consequently in failing to put before the jury evidence as to his true mental health and the effect that his condition might have upon his evidence and presentation. In the event, no psychiatric and psychological evidence as to the Claimant's mental health was put before the jury even as to his OCD, which prevented the jury from putting the prosecution evidence into its proper context. That in any event gave a misleading impression of the Claimant, and his evidence. As a result, the jury were told that the Claimant was "odd" and "not normal" – and the jury would have seen that his behaviour was unusual – which, in the absence of evidence to explain his behaviour and presentation, went unanswered and unexplained. Indeed, the Claimant's own Leading Counsel made light of his mental illness before the jury, which compounded the impression. ii) As a result of his now-diagnosed Asperger's Syndrome, the Claimant was vulnerable at the time of his trial, in particular when he gave evidence. The defence erred in failing to have special measures put in place, including an intermediary who would have ensured that there was appropriate control over cross examination. As a result, the Claimant was denied a fair trial. iii) The prosecution relied on inconsistencies between his police interviews, which were five years apart. In the light of the fresh medical evidence, the Claimant's police interviews (which took place without an appropriate adult present) should have been excluded under section 78 of the Police and Criminal Evidence Act 1984.

25. (The Statutory Test) The test for a referral which the CCRC must apply is well-established and uncontroversial. By section 9(1) of the Criminal Appeal Act 1995, the CCRC may refer a conviction to the Court of Appeal at any time, if the conditions of section 13(1) are met. Under that section, where an appeal to the Court of Appeal has already failed, the power to refer arises if (so far as relevant to this application) the CCRC "consider that there is a real possibility that the… conviction… would not be upheld were the reference to be made… because of an argument, or evidence, not raised in the proceedings which led to it…". In R v Criminal Cases Review Commission ex parte Pearson [2000] 1 Cr App R 141 at page 149F-G, this court (Lord Bingham LCJ and Ognall J) explained the "real possibility test" in section 13 as follows: "The [CCRC] must judge that there is at least a reasonable prospect of a conviction, if referred, not being upheld".

26. Where the application depends upon fresh evidence, the CCRC must have in mind the provisions of section 23 of the Criminal Appeal Act 1968 which governs the reception of fresh evidence on an appeal, which requires the Court of Appeal to have regard to (amongst other things) whether it appears that the evidence may afford a ground for allowing the appeal. In Pearson, it was thus said (at page 150C-D): "In a conviction case depending on fresh evi-

dence, the [CCRC] must ask itself a double question: do we consider that if a reference is made there is a real possibility that the Court of Appeal will receive the fresh evidence? If so, do we consider that there is a real possibility that the Court of Appeal will not uphold the conviction?"

27. As this court (Simon LJ and Farbey J) indicated in the recent case of R (Cleeland) v Criminal Cases Review Commission [2019] EWHC 1175 (Admin) at [20]: "Lord Bingham's double question… requires a refinement in the light of the decision in R v Pendleton [2001] UKHL 66; [2002] 1 WLR 72. In that case the House of Lords held that the Court of Appeal can only ever have an imperfect and incomplete understanding of the process which led a jury to conviction; and while it can make its own assessment of the evidence that it has heard, it is (clear cases apart) at a disadvantage in seeking to relate that evidence to the rest of the evidence that was before the jury. It is for this reason that it will usually be wise for the Court of Appeal to test its own provisional view by asking whether the evidence, if given at trial might reasonably have affected the decision of the jury to convict." Before us today, Ms Kaufmann properly emphasised that the CCRC must have regard to that observation when performing its function of considering whether to refer a case to the Court of Appeal.

28. Ms Kaufmann accepts that the CCRC in this case posed the correct questions that it was required to address at [32] of its report (paragraph 48 of the Statement of Facts and Grounds). However, she submits that its response to those questions was irrational and thus unlawful (paragraph 49).

29. The hurdle for such a submission to be successful is high. Whether to refer a case to the Court of Appeal requires an assessment or exercise of judgment in respect of predictive questions as to what the Court of Appeal might do if a reference were made. It is well-established that the CCRC enjoys a wide margin of appreciation in exercising that power, and this court will only interfere if the CCRC's conclusion is legal perverse or irrational under public law principles.

30. However, Ms Kaufmann did not flinch from her task: she submits that the CCRC's conclusion not to refer was indeed irrational in that sense.

31.(The Grounds of Challenge) Foremost, Ms Kaufmann submits that the CCRC's findings in relation to the relevance of the new evidence to key issues at trial were irrational. In particular, the CCRC erred in two fundamental respects.

32. First, it erred in proceeding on the basis that the Claimant's presentation was not a significant issue in the trial. The CCRC accepted that, on the basis of such cases as R v Mulindwa [2017] EWCA Crim 416; [2017] 2 Cr App R 10 especially at [34] and [36], expert evidence on presentation can be admissible if it properly goes to the issue of a witness's credibility; and the Claimant's credibility was a central issue at trial. The Crown's case was based upon purely circumstantial evidence, built brick-upon-brick. For his part, the Claimant gave an explanation for almost all of the pieces of circumstantial evidence relied upon, each explanation on its face innocent. Each of the three experts whose evidence is now available identifies difficulties in social communication and interaction features that are common with people who suffer from ASD – and features that are peculiar to the presentation of people suffering from ASD such as poorly modulated eye contact, reduced or exaggerated facial expression and gestures and difficulty engaging in conversation by (e.g.) talking excessively or giving minimal responses. Referring to objective data (such as those discussed in Maras et al: Mock Juror Perceptions of Credibility and Culpability in an Autistic Defendant; Journal of Autism and Developmental Disorders (2018), to which Professor Copper refers in her supplemental report dated 11 November 2018), it was submitted that the unusual presentation of those who suffer from ASD might be mistakenly construed as indicating evasiveness or even dishonesty, without appropriate, medical explanation as to typical presentations by those who suffer from ASD. The

Claimant's presentation was apparently a matter of concern to his own legal team at trial; but they took no steps to address it from a medical point of view. In any event, Ms Kaufmann submits that the CCRC's rejection of the significance of this expert evidence on how those with ASD (and notably, of course, the Claimant) present, on the basis that there is no evidence on the transcript of any adverse effect of presentation (where it would not in any event appear) and no point as to presentation was raised by the Claimant's own legal team at the time, was irrational.

24. However, in my view, this complaint does not fairly reflect the CCRC report as a whole. The report clearly acknowledged that the Claimant's credibility was "a central issue in this case" (paragraph 179), and that the new medical evidence was relevant to the Claimant's presentation at trial. The CCRC of course had the evidence of Professor Cooper (including the reference to Maras et al) before it. There is no reason to believe that the CCRC did not take that evidence properly into account. It accepted both that expert evidence might have assisted the jury in understanding the Claimant's presentation whilst giving evidence (paragraph 224), and that he would most likely have qualified for special measures including an intermediary and giving evidence by livelink (paragraph 223).

25. But, in the context of the question that the CCRC had to pose itself (i.e. whether there was a real possibility that the conviction would not be upheld on a reference to the Court of Appeal), the CCRC went on to consider the extent to which there was evidence of specific examples of unfairness that arose as a result of the absence of this new medical evidence, e.g. examples of inherent unfairness as a result of the nature of the cross-examination to which he was subject, or evasiveness on the part of the Claimant in giving his answers. Having considered that evidence, notably in the transcripts, it found no such examples. I do not accept that the CCRC was wrong to proceed as it did. It took into account, as it was entitled to do, that it was the job of the trial judge to deal with specific communication issues as part and parcel of the trial process – and no complaint is made about the manner in which he did so.

26. In my view, in preparing its final report, the CCRC clearly had in mind all of the presentation issues raised by the new expert evidence, and made its own assessment of adverse impact on the trial that such issues may have made; before concluding, on the basis of all the available evidence, that the impact of the new medical evidence on both the credibility and presentation of the Claimant at trial was not such that there was a real possibility that the Court of Appeal would overturn the conviction. Ms Kaufmann submitted that that was a conclusion to which, on the evidence, the CCRC could not properly draw: but, to the contrary, in my view that was a conclusion, based on the judgment or assessment of the CCRC, to which it was fully entitled to come. It is not arguably irrational.

27. Second (and relatedly), Ms Kaufmann submits that the CCRC also erred fundamentally in proceeding on the basis that there was a significant amount of evidence upon which the new medical evidence would have had no bearing. She used as an example the "telling matters" referred to by the Court of Appeal in [54] of its judgment (quoted at paragraph 13 above) as matters which reinforced its view that the conviction was safe, namely the inherent unlikelihood of Lisa leaving the flat on an October night with a suitcase as she did, the Claimant's failure to make inquiries about her though she was bearing his child, the refurbishment of the flat and the finding of Lisa's ring. As I have described, the CCRC (at paragraph 176) accepted that possible innocent explanations of those "telling matters" had been proffered by the Claimant; and so, Ms Kaufmann submits, the question of whether the jury accepted those explanations by the Claimant depended vitally upon their assessment of his credibility. The

CCRC's finding that the jury assessment of these matters would have been materially unaffected by the new evidence is (she submits) simply an irrational conclusion; or, to hang the same substantive point on another public law peg, by taking into account the Court of Appeal view of these factual matters without the benefit of the new medical evidence which undermined them, was to take into account an immaterial consideration. In any event, she submitted that it is not possible rationally to conclude (as the CCRC did) that there is no real possibility that the new evidence might have affected the jury decision to convict.

28. However, it seems to me that this second ground of challenge is merely a subset of the first: it too concerns the possible impact of the fresh evidence on the credibility and presentation of the Claimant, but with special focus on the matters which the Court of Appeal considered were particularly potent in favour of the prosecution at trial. The response is the same: in my view, the CCRC was entitled to conclude that the fresh evidence about the Claimant's mental health would not have had a material effect on the conclusions with regard to the Claimant's credibility to which the jury must have come in convicting him. The CCRC took into account the alternative explanations offered by the Claimant in this context; and it concluded (at paragraph 176) that, even if the new evidence were in full deployment, given the strength of the circumstantial case against the Claimant, it would not have such a bearing to raise a real possibility that the Court of Appeal might not uphold the conviction. That, again, was a conclusion to which the CCRC was entitled to come on the evidence. It was not arguably irrational.

29. Ms Kaufmann made incidental submissions concerning observations made in the CCRC report (at paragraph 204 of the report and following) to the effect that at the very least it is arguable that the "Halperin therapy notes" would be admitted on a retrial in which the Claimant's mental health played a more central part. A word of explanation is required. Dr Judith Halperin is a clinical psychologist to whom the Claimant was referred for cognitive behaviour therapy, and who saw the Claimant for therapy sessions between 2002 and 2011. Her notes for the clinical sessions were provided to the police, and served on the Claimant's defence team, prior to trial. The notes for the session on 26 September 2006 – a month before Lisa disappeared – records the Claimant telling her that he was "totally preoccupied with [Lisa]". He had thoughts of stabbing her; and could not categorically say that he would not harm her. He had had violent fantasies of stabbing children and teachers as a child, and now had new fantasies most mornings, seeing himself as being violent. The trial judge excluded this evidence as having been obtained unlawfully and on the basis that it was disproportionately prejudicial to the Claimant; but the CCRC indicated that one possible reason for the defence team not focusing on the Claimant's medical health at trial was that it might have resulted in the trial judge reconsidering the admissibility of this evidence (paragraph 122) and it may be regarded as admissible in any retrial (paragraph 208).

30. However, when the CCRC report is read fairly and as a whole, none of this is determinative of its view as to what the Court of Appeal might do. Paragraph 208 makes it quite clear that the possible admission of the Halperin therapy notes – potentially very damaging for the Claimant – merely reinforced the CCRC's view, already concluded, that there was no real possibility of the Court of Appeal overturning the conviction.

31. As her second ground of challenge – although again intertwined with the first – Ms Kaufman focused on the Claimant's need for special measures as a result of his Asperger's Syndrome. Dr Alcock's report said that special measures ought to have been put in place at trial to protect the Claimant as a vulnerable defendant: and, Ms Kaufmann submits, not to have such measures in place inevitably led to the Claimant's trial being unfair and his conviction being unsafe.

32. The CCRC report deals with this issue at paragraphs 222-230. It accepted that it is

most likely that, had the new medical evidence been available at trial, the Clamant would have qualified for special measures including an intermediary, livelink and the other measures referred to in Professor Cooper's report (see paragraph 223).

33. However, the CCRC reminded itself that, whilst in an appropriate case an intermediary may well improve the trial process, that is far from saying that, wherever that process would be improved by the availability of an intermediary, it is mandatory for an intermediary to be available and the trial will be unfair if he is not (see R v Cox [2012] EWCA Crim 549 at [29]). The same is true of other special measures. Having considered the evidence (including of course the transcript), the CCRC concluded that no unfairness was evident (paragraph 228) and, taking all of the evidence into account, the absence of the measures set out by Professor Cooper did not impact on the safety of the verdict to the extent that there is a real possibility that the conviction is unsafe. Again, that was an assessment or exercise of judgment by the CCRC which is not arguably impeachable.

34. Those were the matters pursued in the judicial review, the Claimant not contending that the CCRC dealt unlawfully with other matters raised in his application, such as his interviews.

35. (Conclusion) The CCRC report was lengthy and well-considered. It took into account all of the evidence, including the evidence and submissions made after the provisional report had been sent to the Claimant. It accepted most of the new medical evidence – almost all – but came to a view on the effects of that evidence on the possible safety of the conviction different from that put forward on behalf of the Claimant. However, such disagreement does not make the CCRC's view irrational or unlawful.

36. For the reasons I have given, despite the substantial efforts of Ms Kaufmann, I do not consider that the CCRC report is irrational in any of the ways submitted on behalf of the Claimant: I do not consider any strand of the challenge is arguable.

37. Subject to my Lord, Sweeney J, I would consequently refuse this application.

38. Mr Justice Sweeney, I agree.

If anyon knows location and prison number of Robert Ekaireb, please contact MOJUK.

INQUEST Response 'Disturbing' Statistics on Deaths of People in Prison and After Release

The Ministry of Justice has today (31 October 2019) released the latest statistics on deaths and self-harm in prison custody and deaths of people ('offenders') in the community after release from prison. Safety in custody statistics The statistics highlight historically high levels of self-inflicted deaths as seen over the past six years. In the 12 months to June, self-harm reached a record high of 60,594 incidents, up 22% from the previous 12 months. The key statistics on deaths in prison in the 12 months to September 2019 include: 308 deaths in prison in total, which represents six deaths every week in prisons in England and Wales. Of these deaths, eight were of women in prison. 90 self-inflicted deaths. This represents one self-inflicted death in prison every four days. 158 deaths which the MOJ categorise as due to "natural causes". INQUEST's casework and monitoring show that many of these deaths are in fact premature, avoidable and far from 'natural'. 58 deaths recorded as 'other', 56 of which are awaiting classification. 2 homicides.

Deborah Coles, Executive Director of INQUEST said: "These statistics are more than numbers. They represent real people in extreme distress, leading to preventable deaths and traumatic bereavement for families. As a society we should not accept this endless cycle of systemic neglect and political indifference. Bereaved families deserve more than repetitive platitudes that 'lessons will be learned', when they consistently are not. The lack of accountability for these deaths, and the abject failure of the system to prevent them, is a moral and political disgrace. The lack of any

oversight body to monitor and follow up on actions taken after prison inspections, investigations and inquests into prison deaths reinforces this accountability gap. Any incoming government must radically transform sentencing policy, reduce the prison population and redirect resources to community services." Data on 'Deaths of Offenders in the Community' looks at deaths of people supervised by the probation service both on post-release supervision and serving court orders. The number of deaths of people under post-release supervision in the community increased drastically by 38%, from 374 in 2017/18 to 515 in 2018/19. Unlike deaths in prison, deaths in the community after release from prison are not automatically subject to an independent investigation.

Deborah Coles, Executive Director of INQUEST said: "These figures are deeply disturbing and require urgent scrutiny due to the current lack of independent investigation. What is known is that people are being released into failing support systems, poverty and an absence of services for mental health and additions. This is state abandonment. This is the violence of austerity." The Justice Committee published its report into prison governance today. The report highlights concern about the lack of follow up of recommendations following a death in custody. INQUEST submitted evidence calling for the establishment of a 'national oversight mechanism' an independent, public body with the duty to collate, analyse and monitor recommendations and their implementation arising from post death investigations, inquiries and inquests. A joint report by the Prison Reform Trust, Pact (the Prison Advice and Care Trust) and INQUEST, also released, reveals that most prisons in England and Wales are failing in their duty to ensure that emergency phone lines are in place for families to share urgent concerns about self-harm and suicide risks of relatives in prison. This is in serious breach of government policy that families should be able to share concerns 'without delay'. This new report maps the provision of safer custody telephone lines across the prison estate - dedicated phone lines which enable family members and others to pass on urgent information when they have concerns. The report finds just one in ten safer custody departments in prisons answer phone calls from concerned family members.

Vulnerable People Unable to Get the Legal Advice - or Decisions - They Need

The Justice Committee reports serious concerns that the courts and tribunals modernisation programme risks excluding the most vulnerable in our society from access to justice. The modernisation programme, led by the Ministry of Justice and senior Judges, aims to modernise court processes, introducing more IT and video hearings while closing existing magistrates court and other court buildings. But MPs have heard that court users with limited access to computers, poor literacy or limited understanding of how the law works could be disadvantaged and potentially left going through a court or tribunal case with no legal advice. The Committee calls, in its Report on Court and Tribunal Reforms, for more face-to-face advice for those who need it. It supports retention of paper-based processes for people who don't have access to a computer or phone, and says the Ministry of Justice should re-think new guidelines on how long victims and witnesses can be expected to spending getting to and from and attending trials: this can currently be up to 12 hours a day. The Committee recognises the great potential that electronic systems have to deliver more efficient and effective outcomes for those that can access them, and that modernisation is desperately needed. But it cannot be at the expense of shutting off justice for those who might be left behind. The cross-party Committee says instead it is time for remaining court buildings to be improved and repaired, particularly for disabled court users, and notes that even for those able to use it, video equipment and WiFi cannot be relied upon to the end of serving justice.

Committee Chair Bob Neill MP said: "We understand that courts and tribunals are strained to breaking, with systems that ever more people are having to try to navigate for themselves. Court staff and the judiciary are trying hard to improve services in the face of underfunding and cuts. But

we are concerned that a vulnerable person – a victim of crime, a woman seeking an order to protect her children, a person with learning difficulties – could be left trying to negotiate enough time at a library to file papers or tune in to an evidence hearing where they are trying to get justice. In the kinds of cases heard in many courts, both victim and perpetrator may have recognised vulnerabilities and find it difficult to understand or participate in the process or exercise their right to be heard. The Ministry must halt planned deep staff cuts in court buildings until it is confident it can provide a proper alternative service, and end further court closures until the past effect of closing courts on the people who use them has been properly assessed. It is the heart, an essential and fundamental principle of our entire justice system that it is open to all. That must be a reality, not a nice idea. We understand and support the principle that modernisation is overdue. But we ask the Government to pause for breath to make sure that everyone of us who needs the court system - to manage a divorce, to seek fair payment, or to get through family cases and criminal cases, must be able to get to court, to access justice, where and when they need to."

Poverty is Not a Crime: End Imprisonment For Debt

Tara Casey: As the country prepares to enter into a new legal and political era, marked by novel and complex constitutional challenges, some of the most vulnerable members of society, and particularly women, are facing legal battles which would not be out of place in Victorian times. Many people are entirely unaware and rightly shocked to find out that you can end up in prison for owing council tax or for not paying TV licence fines. Debtors' prisons are alive and well in 2019. Take council tax for example. In September 2019, independent think-tank, the Social Market Foundation, published a scathing report of Regulation 47 of the Council Tax Regulations 1992 which empowers magistrates to commit an individual to prison for up to three months for non-payment of council tax. Owing council tax is not a crime, and yet this civil debt lands roughly 100 people a year in prison. With a number of councils employing aggressive enforcement tactics and magistrates routinely misapplying the law, many have been wrongfully sent to prison in circumstances where they had to choose between paying the council or paying for food.

The criminalisation of debt disproportionately affects women, and nowhere is this more clearly seen than in the prosecution of TV licence fee evasion. In 2018, 72 per cent of all prosecutions for licence fee non-payment were against women, despite women being half of licence holders. It is the most common offence for which women are prosecuted, accounting for an astonishing 30 per cent of all female prosecutions. So why the disparity? To date, we still haven't seen a good enough answer. The Gender Disparity Report published by the BBC in 2017 failed to take responsibility for this glaring inequality, claiming that it was 'the higher number of female-only households, the increased availability of women to answer the door whenever we visit, and the increased likelihood of women to open the door and engage positively' that caused the problem. The report fails to address, however, the serious lack of transparency in TV Licensing and their privately contracted enforcement firm, Capita's policies and procedures, which potentially conceal insidious sources of gender discrimination.

TV licence prosecutions are also in the category of cases which are now being dealt with via a mechanism known as the Single Justice Procedure (SJP). Cases are taken out of the courtroom and moved either online or to the postal service. A defendant is meant to send their plea to the court remotely and a single magistrate decides the case aided by a legal advisor without ever meeting the defendant in person. The SJP has received considerable criticism since its inception, since over 60 per cent of these 'fast track' defendants never enter a plea, leaving a large number of people at risk of automatic conviction. There have been a number of instances where the notice was sent to the wrong address, the case decided in the defendant's absence and a criminal record created in their name without them ever being made aware. Unlike owing council tax, TV licence fee evasion is a crime and the idea that people, overwhelmingly women, may be getting criminal records without their knowledge, is of grave concern.

Power of Magistrates: More worrying still, defaulting on your TV licence fine can land you in prison. Magistrates have the power to send someone to prison for the non-payment of a court fine handed down after a TV licensing conviction. Similar to council tax, magistrates are supposed to ensure that the individual is 'wilfully refusing' or 'culpably neglecting' to pay what is owed, but as 1 in 5 of council tax committal orders have been made unlawfully without, for example, appropriate means testing, it is not unlikely that similar abuse of process is occurring in TV licensing cases.

Criminalising debt is an ineffective and unnecessary method of ensuring debtors keep up their payments. Two thirds of councils do not use their powers to commit to prison under Regulation 47 and are still running efficiently. Wales recently announced the abolition of imprisonment for council tax debt, leaving England as the only country in the UK retaining the power.

Disproportionate burden on women: We should be scandalised by the disproportionate burden of TV license fee enforcement on women and asking ourselves how that system can possibly be just. We need increased commitment from the government to legislatively address the criminalisation of poverty and its disproportionate effects on women, and assurance that the issue will not be side-lined in policy reform moving forward.

Poverty is Not a Crime and Should Never be Treated As One

CCRC Refers Firearms Offences of Gary Lee Williams To Court of Appeal

Mr Williams pleaded not guilty but was convicted in May 2007 at Wolverhampton Crown Court of Possession of a Firearm with Intent to Endanger Life, Possession of a Prohibited Firearm, Possession of Expanding Ammunition, Violent Disorder and Wounding with Intent to Cause Grievous Bodily Harm. The charges related to two separate incidents. He was sentenced to Imprisonment for Public Protection (IPP) with a minimum of seven years to serve for the wounding and the possession of a firearm with intent, and to five years' imprisonment, to be served concurrently, for possession of a prohibited firearm and possession of expanding ammunition. No separate penalty was imposed for the violent disorder. The Court of Appeal declined Mr Williams' application for leave to appeal in January 2011. He applied to the CCRC for a review of his case in July 2017.

Having considered the case in detail, the Commission has decided to refer for appeal Mr Williams convictions for Possession of a Firearm with Intent to Endanger Life, Possession of a Prohibited Firearm and Possession of Expanded Ammunition, because it believes there is a real possibility that the Court of Appeal will quash the convictions. The referral is based on new evidence that Mr Williams did not bring the firearm to the scene of the first incident.

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.