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MOJUK: Newsletter 'Inside Out' No 775 (08/01/2020) - Cost £1

UK Police Out-Of-Court Settlements Total £30m in Four Years

Ben Quinn, Guardian: Dozens of police forces have made out-of-court settlements totalling more than £30m in the past four years, according to recent figures, which were described as "the tip of the iceberg" in terms of people on the receiving end of unlawful police behaviour. Payments range from small sums for loss of property, or the £100 paid by Sussex police for "embarrassment and humiliation", through to hundreds of thousands of pounds paid for wrongful arrest, records revealed under the Freedom of Information Act show. The Metropolitan police were responsible for the lion's share (£19.6m) of the settlements. Of that, the force paid £7.9m to settle 479 claims categorised as being for "malfeasance". The FOI figures did not include the large amount of legal costs that police forces had to also cover, pushing the figures still higher. In a climate of increased scrutiny of police conduct, experts said the disclosures indicated inconsistent standards and inadequate accountability mechanisms.

Mark Stephens, the lawyer for the former Conservative MP Harvey Proctor, who has been awarded £500,000 in compensation by the Met after their bungled investigation into allegations of a VIP paedophile ring, warned that the figures revealed wildly differing standards in how police forces dealt with complaints and that some forces appeared to fight even difficult cases "to the bitter end". "The Metropolitan police is known for picking the fights that they are going to win and settling the cases they know they will lose, with a little margin in between," said Stephens, of the firm Howard Kennedy LLP. Then if you take a force like Sussex, they fight everything to the bitter end, incur huge legal costs – which are a complete waste of money because the victim wants compensation and a settlement, while the only people who gain are the lawyers. You tell the client going in this is what they are going to do in response, and we know that this particular police force behaves in this ridiculous way … as a consequence we are likely to issue a writ, which is likely to cost up to £10,000 just for the fee. So, there is £10,000 for every writ that is issued, because they have not entered into sensible and meaningful negotiations, nor do they enter into mediation or dispute resolution, which might obviate the need to incur legal costs."

Dr Waqas Tufail, a senior lecturer in criminology at Leeds Beckett University and co-founder of the Northern Police Monitoring Project (NPMP), said that existing accountability mechanisms, whether internally within police forces or those of the Independent Office for Police Conduct (IOPC), were clearly not effective or robust enough. "Questions should now be raised as to the extent to which police forces are using compensation in order to protect both their reputations and to protect officers who may have abused police powers," he added.

As well as the Met and Sussex, 32 other UK police forces provided figures, including additional detail on pay-outs. More than £800,000 in payments have been made in the past four years by Thames Valley police, which included more than £300,000 for 60 cases categorised as being for "injury/loss liberty/reputation" following arrests. The largest pay-outs in that category were one for £30,000 and three for £20,000 each. Like other forces, dog bites led to five pay-outs by Thames Valley, which included two £10,000 each last year. Sussex police paid out £878,777 in the past four years, including one payment of £128,349 for negligence and one for £5,500 for data protection failures. Others included seven for false imprisonment, with one for £15,000 and another for £13,500. Elsewhere, the £63,000 paid by Gwent police in the past four years included a £10,000 payment following a breach of the Data Protection Act. The £420,000 figure for Police Scotland included cases such as £2,000 for "alleged failure to investigate" and £12,000 for "alleged used of excessive force".

Some forces refused to reveal their out-of-court settlement figures in response to the Guardian's request by saying it would be too costly or, in the case of Greater Manchester police, failing to provide any reason why they could not. Cambridgeshire constabulary said they could not do so because they had "outsourced" their legal team.

Dr Joanna Gilmore, an academic at the University of York's Law school and a co-founder of the NPMP, said the overall figures "were likely to be the tip of the iceberg in terms of those who have been on the receiving end of unlawful police behaviour". She added that it was increasingly difficult to access legal aid to bring a civil action against the police, and that access to specialist legal advice could be difficult to obtain, particularly outside London. The reality is that most people who experience unlawful police behaviour do not bring a civil action against the police," said Gilmore, whose own research on protest-related cases had shown it could take years to settle claims.

The Met did not respond to a request for comment. Sussex police said: "Every claim that is received by Sussex police, whatever its value and circumstances, is fully and objectively investigated by a dedicated civil claims team. Where any liability exists, we work with claimants to ensure a fair and as swift as possible resolution to their claim, also ensuring that the public purse is protected from disproportionate, unreasonable and sometimes false claims. More often than not, this does not require the intervention of the courts, as shown in the figures for 2016-2019 – 21 cases settled in court, compared to 332 outside. If no liability exists, it is right and correct that it should be defended robustly to ensure only claims that have merit are settled at the cost of the taxpayer." Among other forces who have spent significantly on out-of-court settlements since the beginning of 2016 were Lancashire constabulary (£1.96m), West Midlands police (£1.7m) and Warwickshire police (£1.19m).

US Saw Highest Number of Mass Killings on Record In 2019

BBC News: The US suffered more mass killings in 2019 than any year on record, according to researchers. A database compiled by the Associated Press (AP), USA Today and Northeastern University recorded 41 incidents and a total of 211 deaths. Mass killings are defined as four or more people being killed in the same incident, excluding the perpetrator. Among the deadliest in 2019 were the killings of 12 people in Virginia Beach in May and 22 in El Paso in August. Of the 41 cases in 2019, 33 involved firearms, researchers said. California had the highest number of mass killings per state, with eight. The database has been tracking mass killings in the US since 2006, but research going back to the 1970s did not not reveal a year with more mass killings, AP reported. The year with the second-highest number of mass killings was 2006, with 38. Though 2019 had the highest number of incidents, the death toll of 211 was eclipsed by the 224 people who died in mass killings 2017. That year saw the deadliest mass shooting in US history, when 59 people were gunned down at a festival in Las Vegas. Many mass killings in the US fail to make headlines because they involve family disputes, drug deals or gang violence, and don't spill into public places, the researchers said.

The number of mass killings in the US had risen despite the overall number of homicides going down, said James Densley, a criminologist and professor at Metropolitan State University in Minnesota. "As a percentage of homicides, these mass killings are also

accounting for more deaths," he told AP. Prof Densley said he believed the spike was partly a consequence of an "angry and frustrated time" in US society, but he added that crimes tended to occur in waves. "This seems to be the age of mass shootings," he said.

Gun ownership rights are enshrined in the second amendment of the US constitution, and the spike in mass shootings has done little to push US lawmakers towards gun control reforms. In August, following deadly attacks in Dayton, Ohio, and El Paso, Texas, President Donald Trump said "serious discussions" would take place between congressional leaders on "meaningful" background checks for gun owners. But Mr Trump quietly rowed back on that pledge, reportedly after a long phonecall with Wayne LaPierre, the chief executive of the National Rifle Association - a powerful lobby group which opposes gun control measures. Speaking to reporters after the call, the president said the US had "very strong background checks right now", adding that mass shootings were a "mental problem".

Earlier this month, presidential candidate and former US Vice-President Joe Biden used the seventh anniversary of the Sandy Hook school shooting to renew a call for tighter regulations. Mr Biden's plans include a ban on the manufacture and sale of assault weapons and mandatory background checks for all gun sales. Another Democratic presidential hopeful, Elizabeth Warren, outlined plans earlier this year to reduce gun deaths by 80% with a mixture of legislation and executive action. Ms Warren has also called for stronger background checks, as well as the ability to revoke licences for gun dealers who break the law.

Prisons Chaos Fuels Massive Legal Costs as Violence Surges

Michael Savage, Guardian: Boris Johnson is under renewed pressure to deal with the prisons crisis after it emerged that the chaotic conditions are behind a £30m-a-year bill for legal claims. Figures obtained by the Observer reveal that the prison and probation service in England and Wales has paid out more than £85m over three years for issues such as attacks on staff and prisoners, lost and damaged property, accidental personal injury and delays to inmates being released. Lawyers and prison experts blamed fewer and inexperienced officers struggling to cope with overcrowded and often violent jails. They also warned that the government's plans for more police and harsher sentences risked making the prisons crisis even worse. Some 14 officers had to be treated after an outbreak of violence at Feltham young offender institute in west London on Friday 27th December 2019. The Ministry of Justice said the disturbance lasted about 25 minutes. A report on the centre published in the summer identified high levels of violence and self-harm.

There have been repeated warnings about conditions inside many prisons, with violence against prison officers at a record high. There were 10,424 assaults on staff in the 12 months to June, an increase of 10% on the previous year. Recent cases include a new officer requiring stitches in the neck after being attacked with a razor blade, another being doused with sugared boiling water, and an officer's car being torched in a prison car park. Staff have been attacked with weapons fashioned from food trays, toilet brushes and wood screws.

Nick Hardwick, a former chief inspector of prisons, said: "The prison system is in crisis. The awful level of violence and self-harm, and the extraordinary compensation figures, are signs that significant parts of the prison system are out of control. "Boris Johnson's promises of longer sentences for serious offences and more police will lead to a new surge in the prison population and pile more pressure on an already struggling system. They will not be able to get new prisons built or suitably experienced staff in place in time to cope with these additional pressures. I know that senior staff in the prison system are extremely concerned. They are right to be."

Her Majesty's Prison and Probation Service resisted a lengthy campaign that tried to force it to reveal the cost of legal action taken by officers and inmates as a result of prison violence. However, the service did reveal the overall amount it had paid out in litigation claims. The bill came to just over £26m in 2016-17, rose to £29.3m in 2017-18 and increased again to £29.7m in 2018-19. Prison officers and reform campaigners suggested this was further evidence of a service under intense strain. The most recent annual review of prisons found that violence against both staff and prisoners had increased at more than half the jails inspected over the previous year, while in some prisons the figures had doubled.

The prison service said that litigation costs covered a range of areas outside of violence, including lost property and personal injuries as a result of accidents. It added that the government had committed to spend £2.75bn to help improve safety and create 10,000 extra prison places. The figures included data relating to claims brought over a number of years, which were settled in the past three years. "We are taking action to reduce the cost of compensation to the taxpayer by addressing issues in prisons that can lead to claims and improving our case handling," a spokesman for the prison service said.

A huge reduction in prison staff ordered by the coalition government of 2010 to 2015 has been blamed for the deterioration in the conditions inside prisons. While officer numbers are increasing, Nick Davies, from the Institute for Government, said that the inexperienced workforce was a "likely cause" of the rising legal bill. Mick Pimblett, from the Prison Officers' Association, said there was now a "vicious circle" within prisons and called for more protection for staff. "They can't recruit staff or retain staff," he said. "That means you have to lock the prisoners up for longer without purposeful activity. They then become frustrated. When they become frustrated, they become violent."

Hardwick said: "The main cause of the crisis has been the loss of experienced staff. Prison security depends much more on relationships between staff and prisoners than it does on locks and bars, and effective relationships require experienced staff. Staff numbers were cut by 25% after 2012. The cuts are now being reversed but new staff are leaving almost as fast as they are being recruited." The prison service spokesman said: "We successfully defend two-thirds of claims, and when prisoners are awarded compensation we make sure they pay their victims back first. We are spending an extra £2.75bn to improve safety in our jails – creating 10,000 additional prison places and introducing tough airport-style security to clamp down on the illicit items which fuel violence."

Legal Aid Tussle Over Grieving Families Who Crowdfund Inquests

Owen Bowcott, Guardian: MoJ documents show an official denied legal aid to all bereaved relatives who use crowdfunding. Photograph: Oli Scarff/Getty Images Internal Ministry of Justice documents revealing an official denying legal aid to any bereaved relatives who resort to crowdfunding for inquests have opened up a dispute over who pays for lawyers to expose the truth of what occurred. Email trails obtained by the organisation Inquest, which supports families at coroners' courts, highlight conflict over the department's refusal to pay automatically for representation in cases where state agencies have been involved in a death. The documents also show officials explaining the difficulties of making consistent decisions about paying for travel to court as well as a Legal Aid Agency (LAA) caseworker admitting rules impose a "burden" on some bereaved individuals. Elsewhere, officials were reminded they must take an official review "seriously".

Although taxpayers' money is available for lawyers representing police and prison officers during death in custody cases, for example, relatives are not always provided with legal help to guide them through complex processes at a time of grief. The advent of online crowd-

funding has complicated the already protracted procedure. A Ministry of Justice spokesperson told the Guardian: "There are cases where we have given legal aid where people have crowdfunded. It depends on how much they have raised." But the MoJ emails, released in response to freedom of information requests submitted by Inquest, show a different response. In one email, a senior official observed: "There is a trend of crowdfunding now for some high-profile inquests – so if that happens we don't fund."

That assertion appeared to be an outright rejection of any applications where families are reduced to seeking help online to pay for legal representation – so that they can find out what happened to loved ones – whether or not they raise any funds. The documents, dating from late 2018, show civil servants gathering evidence to defend the LAA's position. The review, published in February, came down against introducing "non-means-tested legal aid for inquests where the state has representation". The cost of provision was estimated at between £30m and £70m a year; Inquest has argued it would cost closer to £5m. That decision was reached despite a review of the Hillsborough inquest by the Right Rev James Jones, a former bishop of Liverpool, which backed awarding funding for the bereaved to have full legal representation at inquests in which public authorities were represented.

Both the previous chief coroner, Peter Thornton QC, and the current chief coroner, Mark Lucraft QC, have supported calls for legal aid to be provided to families at inquests in which the government pays for lawyers to represent police officers or other state employees. The Labour party has also pledged to grant automatic legal aid in such circumstances. One email exchange between civil servants on 12 December last year noted that the minister, Lucy Frazer, "has asked for more substantial responses to the evidence below. Please can you provide some suggestions for further lines on this. It just needs to be baulked [presumably 'bulked'] out so that it's clear we're taking it seriously…"

There has been criticism of alleged inconsistency in LAA decision-making. One official insisted cases were decided on each one's "individual facts" but then went on: "There should not be cases where there is inconsistency but often two cases are not identical. We do, however, sometimes grant travel expenses to one family member if we consider it to be reasonable to do so in all the circumstances of the case – it is about allowing the family to participate in the process." A damaging admission was contained in answers to a survey filled out by an LAA caseworker in which he or she was asked to recommend improvements to the process. The response read: "The process of the means assessment [for legal aid entitlement] is generally for single-party action and does not encapsulate the fact that the majority of inquests are class actions as families are involved in the process by way of their parents, siblings and children. If one family member isn't eligible it can fall on them to shoulder the burden of contributions or pay for the legal advice themselves…"

INQUEST argues that the application forms for exceptional case funding certificates are unduly complex and intrusive. Applicants are required to disclose their ethnicity, marital status, property ownership, mortgages, value of their home, savings, income, partner's income, childcare costs, tax liabilities, benefits and maintenance payments. Wage slips, bank statements, pensions, rent books and student loans can all be inspected. The forms also require applicants to agree that any "contracted solicitor [has] a first charge on any money or property (or costs) which I recover … in relation to the matter for which I am being advised". There are both means and merits tests. Because the means-test thresholds for legal aid entitlement has not been raised for years, increasingly few applicants qualify. Often they are required to make contributory payments which are so high that they go without representation or opt to pay privately. In one recent case the family of Charlie Nokes, who died in Peterborough prison in 2016, found the application process for exceptional case funding for legal aid so difficult that they resorted to crowdfunding to pay for a lawyer. The MoJ said some payments were made on the merits alone of some cases. Asked about the specific comments in emails, an MoJ spokesperson added: "These comments have been taken out of context and misinterpreted."

Deborah Coles, the director of INQUEST, said: "These documents are illustrative of the Ministry of Justice's cynicism and lack of respect to the testimony of bereaved families and those working with them. Those involved appear content with maintaining an unjust system, rather than properly considering the overwhelming evidence on the need for fundamental reform. Crowdfunding is a response to the desperate and uncertain position bereaved families are left in by the Legal Aid Agency and Ministry of Justice, not an alternative to a fair system. It is particularly shocking to see officials wishing to penalise families who have been able to fundraise. Non means tested public funding of inquests into state related deaths has the potential to make a real difference to the bereaved, the quality and preventative potential of inquests, and the administration of justice. The incoming government must act to end this injustice."

The Open Justice Principle – the Clue is in the Title

Lucy Reed, Transpararency Project: A little while ago we wrote about a case called Cape v Dring. It wasn't a family case at all, in fact it was something to do with asbestos, and the reason we wrote about it was because it dealt with the principles that apply to applications for sight of documents produced in the course of a court case under the 'open justice principle'. Although it didn't apply directly to family court cases, where the privacy rules make the context rather different, we thought that it might have some potential relevance in family court cases where a journalist wanted to see documents to help them understand, scrutinise and report upon a case that raised issues of public interest.

We haven't yet seen Cape v Dring being directly used in this way, but in a judgment recently published we can see how a judge dealing with a Court of Protection matter has had to wrestle with it. The Court of Protection deals with decision making where a person may lack capacity to make that decision – in this case the issues were about the management of a family trust by Z (the person the court had accepted lacked capacity). The case is called Re Z [2019] EWCOP 55, and although the case was dealt with in private, the judgment was published by the judge because it was an example of the Cape v Dring guidance being applied in a different context.

The acts of Z are somewhat unusual and not obviously about the principles of open justice at all. The open justice principle and the Dring guidance can potentially be applied in cases heard in private, but usually one would expect applications for access to documents to be made on the basis that the documents would be used for some public purpose, such as the reporting of the case – and that either the documents or the contents of them would be made more widely available in some way, so that the process was more transparent. Here though, a family member (JK) who had elected not to take part in the case, and who had rejected efforts to give him information about what had happened to his father and why by those who were involved, decided after it was all done and dusted that he wanted to see the documents after all. There were several types of document the son wanted to see :

Firstly, JK wanted to see the medical reports which had formed the basis of the decision that his father Z lacked capacity. It isn't entirely clear why he wanted access to these documents, since he apparently didn't want to challenge the decision his father lacked capacity, and

even though the medical expert was available for cross examination, JK didn't take that opportunity. The judge seems to have thought this was more about making a point and the son feeling like he'd 'won' the point, and didn't think there was any real justification for imposing an order on the parties to the case, since they had been and continued to be willing to give *the son information about his father's condition. The judge said, I also suspect that this application for disclosure is being brought and resisted for reasons which go beyond the legal arguments deployed before me. JK plainly feels excluded and wants the court to make orders in his favour and against AB, EF and GH which he will be able to see as a vindication of his position. However, when I am asked to make a compulsory order, an applicant must establish the grounds for such an order. In relation to the medical evidence which is sought by JK, he has not persuaded me that I should make that order. As regards the continuing relationship between JK and his family, I do not consider it is appropriate for the court to make an order, which is not otherwise justified, just for the purpose of allowing JK to claim vindication.*

Secondly, JK wanted to see documents relating to the orders made about powers of attorney (concerning the management of Z's affairs, including the family trust). Here matters were agreed and so the evidence was never tested, but the court had to formally approve the order. The judge didn't accept this application either, largely because it would be likely to exacerbate family conflict, which had already badly affected Z, but also because the son had not really managed to articulate why he needed it. Here, the judge said the open justice principle was just not engaged at all and *Although I could order disclosure of these documents if there were strong grounds for thinking that such an order was necessary in the interests of justice, there are no such grounds and, indeed, JK's application was not put that way.*

Finally, JK said he wanted to see some documents concerning the matters that were resolved by agreement, and which didn't require an order of the court – so he could better understand why the case was originally held in private. This was odd, because JK himself had asked for his application to be held in private, and the judge thought he understood very well why that was appropriate – because his father was vulnerable. He said,…it is obvious why the original proceedings were in private. *It was for the same reason as all parties, including JK, asked for the hearing of this application to be in private.*

He then argued he wanted to see documents in order to scrutinise what happened in the original case, which the judge took to refer to scrutiny of the court's decisions – but the judge noted the decisions the court made were really very limited and in any event they were explained in the judgment on JK's application. JK wanted to see documents produced by one of his siblings, it appears because JK wanted to see what had been said about him by the sibling and why he had been excluded from a committee involved in managing the trust. However, this didn't cut much ice because it was clear the court had played no role in JK's exclusion from the committee, which had happened before the court case had even started – and so that had nothing to do with the court or open justice either.

In short, the court declined to make any orders that JK should be provided with documents from the court case. Although the judge manages to avoid having to make findings on many matters of factual dispute concerning JK's conduct it is very clear from the judgment that the judge was not impressed by JK's conduct towards his father, or his application – on any basis, the judge thought, JK's conduct were not creditable and did not reflect well upon him. In particular the court was concerned about an incident where, notwithstanding his father's vulnerability to influence, he had attempted to secure a large sum of money from the trust for

legal fees, by flying his father to Switzerland in order to authorise that payment.

It is submitted on behalf of JK that it is in Z's interests to reduce conflict in the family. I am sure that is right and that is the wish of AB, CD, EF and GH also. However, I do not see how disclosure of a substantial number of documents to JK will serve to reduce conflict. The way to reduce conflict, so far as the subject matter of this application is concerned, is for JK to engage in a mature way with Professor Howard [the expert in old age psychiatry who the court had relied upon and who was treating Z] and if he genuinely wants to know more about the course of the earlier proceedings, for JK and his solicitors to ask Macfarlanes [solicitors] for information. It is not good enough for JK to say that he wants something and when that is not agreed by others for JK to say that the court must make an order in his favour to avoid conflict. JK can only obtain a court order in his favour if he demonstrates proper grounds for such an order.

In essence the court told JK that he should grow up and engage 'in a mature way' with those looking after his father's health and affairs, and those who were responsible for running the trust, who were quite willing to provide him with information. JK's suggestion that he needed the report to explain the court's decision to his father was also dismissed as being contrary to Z's interests. He didn't have the capacity to understand his illness any more.

This seems then to have been an application that was more about conflict between family members, and about a son who felt he had been wrongly excluded, than it ever was about open justice. JK wanted the documents for his own (unclear – but essentially private) purposes, not to further the wider interests of open justice, and although the judge quite properly gave detailed consideration to the facts before dismissing the application (particularly since JK could have been entitled to the documents if he'd asked to join the proceedings at the outset), his application after the conclusion of a case dealt with entirely in private just didn't bring with it the sort of justification that the Dring guidelines make clear is necessary in cases where the court has not ruled on disputed matters at trial. There is a strong sense throughout the judgment that JK's pursuit of his application had the effect or intention of making mischief for the family, that he had lost focus on the interests of his father – and that the court was reluctant to allow the process to be used to fuel the conflict or give JK any sense of righteousness that might spur him on to take further action that might cause further stress or distress to Z.

Justice for Walid Habib

My brother, Walid Habib is currently serving a 33 year sentence in prison. He was wrongfully convicted in 2015. Walid was set up by Essex police, his case was flawed start to finish. Essex police fabricated and planted evidence. The Judge, HHJ Christopher Ball QC, was very biased and not fair towards Walid. He cannot read or write and was not provided with any help from the court to follow the court proceedings and the case involved lots of paperwork and he did not know what was going on.

HHJ Ball QC summarised in a wholly biased and unfair way towards Walid to the extent that the barristers of the co-defendants actually left the court in disgust stating they were shocked by the tone and content of the summation. There has been a big miscarriage of justice and Walid has been convicted for crimes that he did not commit and received excessive consecutive sentences for those offences. At the very least the Judge should have run both cases concurrent as they both relate to the same case and the sentences should have been concurrent.

There are many people who have committed horrific crimes who have received lower sentences. Essex police were corrupt, planted fabricated evidence, tampered with witnesses and ensured Walid did not have a fair trial. Essex police need to be investigated by the police complaints commissioner

as they have not acted in the way they should. The Judge was very unfair and very biased towards Walid and seemed to be working in collusion with Essex police, who are the most corrupt police force that I have come across. This case raises many questions and concerns as to why a crown court Judge and Essex police conducted the trial the way they did. The sentence he has received is barbaric and very excessive. The trial was prosecution lead and Walid had no chance. Please take out a few seconds to Sign this Petition https://www.change.org/p/uk-parliament-justice-for-walid-habib

The Trial: HHJ Ball QC summarized in a wholly biased and unfair way towards Walid to the extent that the barristers of the co- defendants left the court in disgust stating they were shocked by the tone and content of the summation. One of the co-defendants {Mohamed Suleman) had a finger - print on the gun but this was not even mentioned in the summary and he was found not guilty. Walid who only had one finger-print on a DVLA document for a car that he purchased was found guilty on purely circumstantial evidence and the biased conduct of the judge and sentenced to 15 years.

He was subsequently sentenced for conspiracy to pervert the cause of justice on 31/07/15. He was further sentenced to 18 years by HHJ Shorrock, this sentence is to run consecutive to the Chelmsford matter although the offences are directly related and it seems to be extremely prejudicial to have run this trial and sentencing separate to the earlier case. Walid appealed this second case and had 4 years reduced {total 14 years) to run consecutive with the 15 years. The Chelmsford case was appealed claiming the sentence was excessive and I believe that the judge was biased. This appeal was not taken beyond a single Judge who denied the appeal.

Grounds for appeal which weren't put before this judge are: • The fact that evidence in Walid's favour was tampered with -this was proven in court e.g. a tenancy agreement that the police had handwritten Walid's phone number on was presented to the jury as evidence that the document was Walid's. • A defence witness (Keeley Bowden, a girlfriend of one the co-defendants) who was vital to the case - her address was used for the DVLA paperwork by Anthony Hames - was taken into 'protection' against her will by Essex police and was deliberately prevented from appearing at the trial. The prosecution claimed she was scared to appear and give evidence, yet she had tried to attend of her own accord but the prosecution told the court ushers she was not required - this was not the prosecutions decision to make and the defence team were not advised that she was at the court. Her evidence should be deemed 'new evidence' as she wasn't allowed to give it in the first trial and thus this provides grounds for the appeal.

• New evidence of Tony Terry who was not called to give evidence at the trial. He was convicted for car ringing at Danes road; he is the business partner of Anthony Hames (Walid's co-defendant on the Chelmsford case). He would have confirmed that he and Anthony Hames were running the business and that they used Walid's details without his knowledge. • Walid is not able to read or write so he could not have filled out the DVLA paperwork. • Rajiv Kundra {owner of the Danes road industrial estate) - He gave evidence and said he did not know Walid was and he only dealt with Hames and Tony Terry. This was not given the weight it should have received at trial.

• There was no evidence linking Walid to drugs, cars or firearms. The Citroen Berlingo (car that the drugs were found in) belonged to the co-defendant Mohammed Nadeem. He was found in that car with 77 wraps of cocaine prior to the trial but he was NFA'd because Essex police did a deal with him to go QE on Walid. His wife {Attia Ahmed) and landlady confirmed the car belonged to Nadeem, it was parked on his drive way. His wife and landlady did not give evidence; this is new evidence which would have gone in Walid's favour. Mohammed Nadeem was never charged with the drugs or firearms offences even though the evidence showed that the car belonged to him.

• Conflicting police evidence - on scene the police gave different versions of events, one said there was a helicopter and the other said there wasn't. The evidence they gave was not reliable and demonstrated a tendency to make things up. • One police officer said that Walid was working on a car and that his hands were greasy; however, that same police officers note book confirmed that his hands were clean when he was arrested. • Walid was unable to follow and understand the trial due to his inability to read or write. There was a lot of paperwork which he could not follow. The court should have offered him assistance to help him follow the trial.

• Suleman Mohammed {Walid co-defendant) address was used to send DVLA paperwork. His father Claudio Mohammed had an interest in the business and was more involved. He has previous convictions of supplying class A drugs and received a 3-year sentence. This was not brought up in court. • Suleman Mohammed's neighbors address was used by Anthony Hames to send DVLA paperwork- She was not bought to court to give evidence, this is also new evidence that would confirm his tendency to use acquaintances addresses. • The Citroen Berlingo was taken to a garage by Mohammed Nadeem to get fixed. Essex police intimidated the garage owner and told him to give a different version of events and to implicate Walid. They threatened him with harassment and that they would ensure his business was closed down.

• Essex police gave all of Walid's co-defendants a deal that if they stuck together and gave evidence against Walid they would receive a reduced sentence because they would give a letter to the Judge telling him that they have helped with the investigation and the Judge would give a lesser sentence. The judge was given that letter and they did receive reduced sentences. • Anthony Hames had the firearms charges dropped in return for his evidence against Walid. Anthony Hames received four years and all other co-defendants got five years or less and Walid had an excessive sentence of 15 years.

There has been a big miscarriage of justice and Walid has been convicted for crimes that he did not commit and received excessive consecutive sentences for those offences. At the very least the Judge should have run both cases together as they both relate to the same case and the sentences should have been concurrent. There are many people who have committed horrific crimes who have received lower sentences. Essex police were corrupt, planted fabricated evidence, tampered with witnesses and ensured Walid did not have a fair trial. Essex police need to be investigated by the police complaints commissioner as they have not acted in the way they should. The Judge was very unfair and very biased towards Walid and seemed to be working in collusion with Essex police. This case raises many questions and concerns as to why crown court Judge and Essex police conducted the trial the way they did. Walid has a total of 33 years to complete, his release date is 21/02/2028. The sentence he has received is barbaric and very excessive. The trial was prosecution lead and Walid had no chance.

Messages of Solidarity/Support to:

Walid Habib, A8669DE, HMP Lowdham Grange, Nottingham, NG14 7DA

Mexico Prison: Cieneguillas Riot Leaves 16 Dead

BBC News: At least 16 inmates have been killed after a riot broke out at a prison in central Mexico, authorities say. Five others were wounded in clashes at the prison facility in the town of Cieneguillas, Zacatecas state. During the riot, which lasted for about two-and-a-half hours, officials say prisoners fought each other using handguns and knives. Violence is often reported at Mexico's prisons, many of which are overcrowded and dominated by drug gangs. The state security agency said the fight broke out at Cieneguillas' Regional Center for Social Reintegration at about 14:30 (20:30 GMT)

on Tuesday 31st December 2019, and was under control by 17:00. One prisoner was arrested with a gun still in his possession, and three other handguns and knives were later found inside the prison. Fifteen of the victims died at the prison and one died later at hospital. Zacatecas state security secretary Ismael Camberos Hernandez told local reporters that some victims had suffered gunshot wounds, while others were stabbed or beaten with objects. No guards or police were wounded into the riot. Details of how it started were not immediately clear, but the state government said it had launched an investigation to find out who was responsible and how the weapons got into the prison. The incident is just the latest deadly clash to break out among inmates in Mexico, where prisons are notoriously overcrowded and corrupt. In October, six people were killed in a riot in a facility in the central state of Morelos.

Levels of Child Criminal Exploitation 'Almost Back to Victorian Times'

Vikram Dodd, Guardian: The criminal exploitation of children is at its highest level in modern times as gangs capitalise on a lack of youth facilities and school exclusions to groom children, a police chief has revealed. Chief constable Shaun Sawyer said that as state provision for children receded in the last decade, driven in part by austerity, criminals had exploited the space between "the school gate and the front door". Sawyer is the national police lead for modern slavery and human trafficking and he said exploited children were "almost back to Victorian times", and called for a gender bias against seeing boys as victims of criminal exploitation to end. He said more police officers promised by Boris Johnson's government was welcome but more needed to be done to look after and protect children. "We are seeing more exploitation than before in modern times. They are UK nationals. More police officers will make a dent, but it won't stop the causes," he said. "One of the solutions to the causes is the gap between the dysfunctional home and the school."

Sawyer said most of those youngsters subjected to modern slavery and human trafficking were British nationals, up 73.7% on the previous year, at about 726 people. He said that while in previous years, sexual exploitation or labour exploitation were the biggest reasons to class someone as a modern slave, it was now criminal exploitation driven by drug gangs, and including the county lines model of distributing and selling illegal narcotics. Under county lines youngsters are groomed by urban gangs operating phone lines for customers to buy drugs, and travel to take supplies up and down the country, and deal them.

According to police figures, in one three-month period 638 children under 18 claimed to be criminally exploited and the majority was because of county lines, Sawyer said. That was 94.5% higher than the previous year. The number of adults claiming criminal exploitation in one three-month period this year was 376, up 142% on the previous year. For adults and children there are 1,739 live modern slavery operations. In January 2016 the figure was just 180 operations. Some of this is due to improved reporting, while some is because of increased exploitation.

Sawyer said: "For these children they are almost back to Victorian times and are being criminally exploited. These kids are looking for family and security. This is the vacuum of youth diversion schemes. "For understandable reasons of austerity, state youth services have been vacated. This gap of youth provision between the school and family is the void that the exploiters are filling." Sawyer, the chief constable of the Devon and Cornwall force, said criminals wishing to groom and exploit children portrayed themselves as charismatic, aspirational, and could seem powerful: "We've seen our schools in Devon and Cornwall work so hard, but more can be done."

"If you exclude a kid you are immediately putting them in this space. The state has walked away, where do you expect them to go? The exploiters go thank you very much, that kid is mine. Youth diversion services need to be hard wired in. Child criminal exploitation, it's all about family, creating feelings of security, self-worth and power. This gap between the school gate and the front door is where the exploiters are attractive to youngsters." Sawyer said attitudes to young boys being exploited needed to change. Girls being sexually exploited will be seen as victims, he said, but it is less likely the authorities will see boys pressed into working for drugs gangs as victims and not criminals. Sawyer said: "We accept that a 14-year-old girl does not make a choice to sleep with multiple men. I don't think it is an informed choice to choose repeatedly to steal or deal drugs, and then hand over the profits. "We've learned that girls who are exploited can be victims, but we seem unable or unwilling to learn the same lessons for boys where criminal exploitation is concerned."

European Court of Human Rights Rules on Article 10 Freedom of expression

Gherson Immigration: Article 10 of the European Convention on Human Rights is a cornerstone of the Convention. It enshrines the right to freedom of expression, but as can be seen from paragraph 2 it is not an absolute right. The Convention provides: Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The extent of Article 10 rights was considered by the European Court of Human Rights in the recent case of Zarubin and Others v. Lithuania (applications nos. 69111/17, 69112/17, 69113/17 and 69114/17). The case concerned Lithuania's expulsion and ban on re-entry of four Russian journalists working for Russian state-owned broadcaster Rossiya-24 after their actions at a conference in Vilnius. In its decision, the European Court ruled by a majority that the applications were inadmissible. The decision is final. The Court was prepared to accept that the measures taken against the applicants had constituted an interference with their right to freedom of expression under Article 10. However, it further held that the authorities had demonstrated that the measures had been necessary in the interests of national security and had been proportionate. In particular, the applicants' behaviour at the conference – characterised by the authorities as aggressive and provocative – had not been in accordance with the tenets of responsible journalism.

Serving Prisoners Supported by MOJUK: Walib Habid, Giovanni Di Stefano, 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, Peter Hannigan.