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'Unrealistic' Appeals System Fails Prisoners Who Have Been Victims of Abuse

Hannah Summers, Guardian: Women who have been unfairly convicted or sentenced to jail are being denied the chance to redress miscarriages of justice because the appeals system in England and Wales is not fit for purpose, the law group Appeal has alleged. In particular, those who have been victims of trauma or domestic abuse are unable to make a legal challenge due to the "unrealistic" 28-day window allowed to make an application to the criminal Court of Appeal, the report highlights. Its author, Naima Sakande, Appeal's women's justice advocate, said innocent women who had experienced trauma were left to languish in prison because the time limit had expired by the time they were able to disclose the abuse.

Women make up 5% of the prison population and three quarters of those sentenced to custody receive less than 12 months in jail. "Six months in prison is enough time to lose your job, your house and custody of your children but is not enough time for rehabilitative work," said Sakande. "So it's really important that we can challenge those short, life-changing sentences." She analysed letters seeking advice from 132 women in custody as well as surveys of 33 women in prison and 20 barristers and solicitors who had experience of appeals. One woman wrote: "I suffered domestic abuse from my partner and was told nobody, not even the judge, believed me." Another said: "The first judge ordered a psychological report prior to sentencing and that this should be reviewed by probation … The probation report advised against a custodial sentence."

Many found it difficult to disclose abuse until well after sentencing, so the details were absent from their defence. Those who had suffered trauma tended to prioritise their mental illness and only revealed their full circumstances at a later date. Of those who wrote to Appeal, 86% were already outside the 28-day limit. Of those seeking advice about an appeal, 45% claimed to be innocent. One wrote: "I fully appreciate that saying I'm innocent isn't a valid reason grounds-wise. But innocent I am."

Nicola Padfield, professor of criminal and penal justice at the University of Cambridge said: "What this research shows with heart-breaking clarity is the impossibility for so many women of processing an application for appeal in the first weeks of a custodial sentence. [The findings] make a clear case for changing the tight time limits imposed by current law." Black women, in particular, are significantly disadvantaged in the criminal justice system, the report found. Sakande said: "Following a conviction, black women are 29% more likely than white women to be remanded in custody and 25% more likely to receive a custodial sentence." As they are over-represented in the women's prison population, you would expect more black women to seek redress, said Sakande, yet black and other minority ethnic women are less likely to complain. "There is a real fear that the system won't take them seriously and will protect those in power over their own rights," she said.

Between 2011 and 2019, appeals to the Court of Appeal dropped by 36%. While the number of prosecutions and convictions also fell during this period – by 15% and 12% respectively – the figures do not account for a drop in cases of more than a third . "There is a real concern about caseload at the Court of Appeal so that drop has been deliberate in order to reduce the number of cases judges are hearing", Sakande claimed. Cuts to legal aid have not helped and the report found a sense of futility among lawyers who take on appeals.

Harriet Wistrich, a human rights lawyer and founder of the Centre for Women's Justice, said: "The majority of crimes, particularly violent crimes, are committed by men. However, women are disproportionately prosecuted and convicted." She said victims of domestic violence are frequently criminalised when they take desperate measures to survive. Wistrich said: "In my experience of representing women convicted of murder when they killed a man who was violent, there are usually miscarriages of justice – but the avenues for appealing are extremely limited. If their [lawyer] did not provide a proper context for the killing, leading a jury to a manslaughter verdict, there may be no grounds for appeal even though on the facts of the case it appears to be a grave injustice."

The report recommends replacing the 28-day window with a six-month deadline and setting up regional courts to increase the volume of appeals that could be heard. A Ministry of Justice spokesperson said: "While the right of appeal is a central pillar of our justice system, it is only right that victims and witnesses have certainty when a case closes, which is why the appeal window is time limited. Judges can extend this in individual cases. We spend £1.7bn on legal aid but are reviewing the way it is administered in criminal cases, to make sure people can access the support they need at the earliest opportunity."

France: Children Face Abusive, Racist Police Stops

Human Rights Blog: Ethnic Profiling Fuels Distrust, Exclusion: French police use overly broad stop-and-frisk powers to conduct discriminatory and abusive checks on Black and Arab boys and men, Human Rights Watch said in a report released Thursday 18th June 2020. Curbing these powers is key to addressing biased policing, including racial or ethnic profiling, and repairing police-community relations. The 44-page report, "'They Talk to Us Like We're Dogs': Abusive Police Stops in France," documents repetitive, baseless police stops targeting minorities including children as young as 10, older children, and adults. These stops often involve invasive, humiliating body pat-downs and searches of personal belongings. Most stops are never recorded, the police don't provide written documentation or usually tell people why they were stopped, and measures to improve accountability have been ineffective. Several of the children and adults interviewed said police used racial slurs."There is ample evidence that identity checks in France, in particular because they have a discriminatory impact, drive a deep and sharp wedge between communities and the police, while doing virtually nothing to deter or detect crime," said Bénédicte Jeannerod, France director at Human Rights Watch. "The authorities shouldn't keep ignoring the calls for change."

Human Rights Watch interviewed 90 French men and boys belonging to minority groups, including 48 children, between April 2019 and May 2020 in Paris, Grenoble, Strasbourg, and Lille. Many said they were stopped because of what they look like and where they live, not their behavior. Ethnic profiling – stopping people based on appearance, including race and ethnicity, rather than the person's behavior or a reasonable suspicion of wrongdoing – is unlawful and harmful to individuals and society at large. Human Rights Watch found that police often target minority youth, including young children, for the stops. Children as young as 12 described being forced to put their hands against a wall or car, spread their legs, and submit to invasive pat-downs, including buttocks and genitalia. These stops can take place in front of or near schools, and on school field trips. Abusive and discriminatory identity checks are a longstanding problem in France and are at the heart of concerns around institutional racism and discrimination, Human Rights Watch said. Tens of thousands of people have demonstrated in France in the wake of the killing of a Black man, George Floyd, by a white policeman in Minneapolis on May 25. Many have drawn parallels to the 2016 death in police custody in a Paris suburb of 24-year-old Adama Traoré, which began with an identity check.

In response to these protests, Interior Minister Christophe Castaner announced on June 8 a "zero tolerance" approach and measures to hold individual officers accountable for racist behavior. On identity checks, Castaner simply reminded officers of their duty to display their tag numbers and called for reinforcing the use of body cams. In a speech to the nation on June 14, President Emmanuel Macron condemned all forms of racism but did not specifically address police abuse, saying only that law enforcement deserve "the support of public authorities and the gratitude of the nation." While the authorities have consistently rejected calls to collect and publish statistics about police stops, data released about stops to enforce lockdown measures amid the Covid-19 pandemic showed a bias involving minorities in poor neighborhoods. In late April, government statistics showed that police had conducted more than double the national average of stops in Seine-Saint-Denis, the poorest area of metropolitan France. Numerous videos have circulated showing police stops that appear abusive, violent, and discriminatory. International and French law prohibit discrimination, unjustified interference with the right to privacy, degrading treatment, and violations of the right to physical integrity. International and national standards require respectful treatment by the police.

Despite increased awareness and modest advances, the law and practice of identity checks in France remain deeply problematic, Human Rights Watch said. The law gives the police overly broad discretion to carry out stops without any suspicion of wrongdoing, leaving too much room for arbitrary and biased decisions. The police appear to use these powers as a means to exert authority, particularly in disadvantaged neighborhoods. The lack of written documentation and systematic data collection about identity checks makes it very difficult to assess their effectiveness or lawfulness. While the June 8 announcements represent a step forward, they are insufficient to end and redress abusive and discriminatory police stops, Human Rights Watch said. The French government should adopt legal and policy reforms to prevent ethnic profiling and abusive treatment during stops. All identity checks and pat-downs should be based on a reasonable, individualized suspicion. Anyone stopped should receive a written record, including the legal basis for the stop. The authorities should develop specific guidelines for stops involving children. "Cleavages between communities and law enforcement make neighborhoods less safe and the police less effective, and discrimination is damaging to individuals and to entire societies," Jeannerod said. "The French government should urgently reform police powers to stop, search, and frisk."

Temporary Exclusion Orders and the Right to a Fair Hearing in the UK

Sapan Maini-Thompson, Oxford Humand Rights Hub: In QX v Secretary of State for the Home Department [2020], the UK High Court reached a landmark preliminary decision that ECHR Article 6 applies to the judicial review of obligations imposed under a Temporary Exclusion Order (TEO). The Court further held that the claimant is entitled to the level of disclosure outlined in SSHD v AF (No 3) [2009]. This judgement sets a welcome precedent for applying Article 6 to closed material proceedings under the Counter-Terrorism and Security Act 2015. It is also consistent with the procedural protections applied to the former regime for control orders, now succeeded by TPIM notices. The reasons given for applying the AF (No 3) standard of disclosure, however, demonstrate the persistence of a limited and discretionary approach to disclosure obligations in national security litigation. In this case, which now continues to a substantive hearing, QX is suspected of having travelled to Syria and associated with a group that is aligned to Al-Qaeda. Under the 2015 Act, the Secretary of State may temporarily stop a British citizen from returning to the UK if she "reasonably considers" that it is necessary to protect members of the public from a risk of terrorism.

Upon his return to the UK, per section 9(1) of the 2015 Act, QX was placed under a series of "permitted obligations". QX is challenging two of those obligations on grounds that they disproportionately interfere with his right to private life under ECHR Article 8. Those obligations are i) reporting to a police station each day and ii) having weekly appointments with a mentor and a theologian. Judicial review proceedings under the 2015 Act are subject to statutory closed material procedure. According to QX, his application for judicial review engages Article 6 because the proceedings will determine his "civil rights and obligations" i.e. the lawfulness of the interference with Article 8. By contrast, the Secretary of State submitted that section 9 obligations fall within the "hard core of public-authority prerogatives" and do not engage Article 6 at all.

Farbey J held that Article 6 applies. She reasoned that human rights (such as Article 8 rights) are civil rights under Article 6(1). Of late, the ECtHR has applied the civil aspect of Article 6(1) to cases which have "direct and significant repercussions on a private right" (De Tomasso v Italy), even if the procedures are domestically classified as relating to public law. The English authorities on control orders have also held that Article 6 applies to judicial review claims. In SSHD v MB [2007], the House of Lords ruled that review proceedings fell within the civil aspect of Article 6(1) because they were, at least in some respects, decisive for civil rights. That concession was maintained in AF (No 3), where the same court articulated principles relating to the "minimum level of disclosure" necessary for a fair trial.

In SSHD v BC and BB [2009], moreover, Collins J held that the control order's interference with the individuals' rights to private life inevitably gave rise to an interference with their civil rights. This judgement was binding authority for Farbey J's conclusion that a breach of Article 8 is a breach of a civil right in the form of a statutory tort. In QX's personal situation, the Court found that the obligations under his TEO considerably circumscribed his freedom of movement. The obligations are "sufficiently onerous" to interfere with his private life. Importantly, however, this conclusion was fact-specific. The Court expressly refused to decide whether section 9 obligations will always engage a person's private life.

The authorities show support for a spectrum of disclosure obligations. The precise level of disclosure depends on the "context and all the circumstances of the case" (Kiani). Part of that holistic evaluation involves assessing the degree of interference with the claimant's human rights. The Court ruled the significant restrictions on QX's movement are comparable with those described by Lord Mance in Home Office v Tariq as "virtual imprisonment". This entitles QX to the type of disclosure Lord Phillips underscored in AF (No 3): "the controlee must be given sufficient information about the allegations against him to enable him to give effective instructions" [59] to his lawyers. This justification for applying AF (No 3) to the present case follows a consistent – albeit unduly narrow – pattern in the jurisprudence on statutory closed material procedure. Essentially, since Tariq, the courts have limited the application of AF (No 3) to a narrow class of human rights claims, which include challenges to detention, restrictions to liberty sufficient to engage ECHR Article 5(4) and financial restrictions.

How Dopey Can You Get! A thief who approached police officers to ask for a lift home while still carrying stolen goods has been jailed. Gary Gibson, 32, grabbed a bizarre range of items while raiding a home in Stobswell, Dundee in March. As well as stealing an iPod and a video games console, he grabbed coffee, a yoga mat, a beard trimmer and a pair of women's gloves. Hours later, he flagged down a police car, claimed to have been assaulted and asked for a lift home, the Evening Telegraph reports. Officers instead searched the serial offender and found a number of stolen items, leading to his arrest and prosecution. He admitted the thefts and was sentenced in Dundee Sheriff Court to 16 months' imprisonment.

Death of Baby in Cheshire Prison Prompts Investigation

Diane Taylor, Guardian: The prison service has launched an investigation following the death of a baby in prison, the Guardian has learned. The stillbirth of a baby at Styal prison in Wilmslow, Cheshire, on Thursday has been confirmed by the Ministry of Justice. It is the second stillbirth of a baby born to a woman in prison in the space of nine months. A spokesperson for HM Prison Service told the Guardian: "Our thoughts are with the woman who endured this tragic ordeal. She is being fully supported by prison and healthcare staff during this difficult time." It is understood that neither the woman nor the prison service was aware that she was pregnant until she went into labour on the toilet. She had complained of severe stomach pains over several days, but was only given paracetamol. When it became clear that she was about to give birth, she was assisted by prison and healthcare staff.

Every year, about 600 pregnant women are held in prisons in England and Wales, and about 100 babies are born there. HMP Styal is a women's prison which accommodates around 480 female inmates. It has a mother and baby unit. Dr Kate Paradine, CEO of the charity Women in Prison, said: "This is the second time a tragedy like this has happened in nine months. How many times do we need to address this avoidable sadness and pain before the government ends the harm and violence inflicted by our prison system? The government must act now, starting with the immediate release of women from prison. Only investment in community support will keep our communities safe from harm." Lucy Baldwin, senior lecturer and researcher at De Montfort University, said: "It is devastating to hear of the stillbirth of another baby in prison. The death of a child in any circumstances is traumatic and distressing, but to lose a baby whilst in prison, away from family and friends to offer support and comfort, is particularly harrowing."

Only 23 women have been released under the scheme for pregnant prisoners and new mothers under the Covid-19 pandemic. It was initially understood that larger numbers of all prisoners would be freed. Prison sources say that finding suitable accommodation and support in the community has been a barrier to releasing larger numbers of pregnant women and mothers in prison with their babies. The Prison and Probation Service began a fundamental review of the operational policy on pregnant prisoners, those on mother and baby units and those separated from children under two in July 2019. The review seeks to improve their care and management. At the same time, NHS England and NHS Improvement are reviewing perinatal healthcare provision in prisons across the country. Eleven separate investigations were launched following the death of the baby at HMP Bronzefield last year.

Boris Says We Shouldn't Edit Our Past. But Britain Has Been Lying About It For Decades

George Monbiot, Guardian Opinon: When Boris Johnson claimed last week that removing statues is "to lie about our history", you could almost admire his brass neck. This is the man who was sacked from his first job, on the Times, for lying about our history. He fabricated a quote from his own godfather, the historian Colin Lucas, to create a sensational front-page fiction about Edward II's Rose Palace. A further lie about history – his own history – had him sacked from another job, as shadow arts minister under the Conservative leader Michael Howard. But, Johnson tells us: "We cannot now try to edit or censor our past. We cannot pretend to have a different history". Yet lies and erasures are crucial to the myths on which Britain's official self-image is founded, and crucial to hiding the means by which those who still dominate us acquired their wealth and power.

Consider the concentration camps Britain built in Kenya in the 1950s. "What concentration camps?" you might ask. If so, job done. When the Kikuyu people mobilised to reclaim the land that had been stolen from them by British settlers and the colonial authorities, almost the entire population – over 1 million – were herded into concentration camps and fortified villages. One of these camps, as if echoing Auschwitz, had the slogan "Labour and Freedom" above the gates. Even Eric Griffith-Jones, the attorney general of the colonial administration in Kenya, who was complicit in these crimes, remarked that the treatment of the inmates was "distressingly reminiscent of conditions in Nazi Germany".

Thousands, perhaps tens of thousands, of prisoners died. Many succumbed to hunger and disease, including almost all the children in some camps. Many others were murdered. Some were beaten to death by their British guards. One, as the governor of Kenya, Sir Evelyn Baring, acknowledged in a secret memo, was roasted alive. Others were anally raped with knives, rifle barrels and broken bottles, mauled by dogs or electrocuted. Many were castrated, with a special implement the British administration designed for the purpose. "By the time I cut his balls off," one of the killers boasted, "he had no ears, and his eyeball, the right one, I think, was hanging out of its socket". Some were rolled up in barbed wire and kicked around the compound until they bled to death. If you know nothing of this history, it's because it was systematically censored and replaced with lies by the British authorities.

Only in 2012, when a group of Kikuyu survivors sued the British government for their torture and mutilation, was an archive, kept secret by the Foreign Office, discovered. It revealed the extraordinary measures taken by colonial officials to prevent information from leaking, and to fend off questions by Labour MPs with outright lies. For example, after 11 men were beaten to death by camp guards, Baring advised the colonial secretary to report that they had died from drinking dirty water. Baring himself authorised such assaults. In implementing this decision, Griffith-Jones warned him, "If we are going to sin, we must sin quietly". When questions persisted, Baring told his officials to do "an exercise … on the dossiers", to create the impression that the victims were hardened criminals.

As it happens, Baring was the grandfather of Mary Wakefield, the wife of Boris Johnson's chief adviser, Dominic Cummings. Last month, her own truthfulness was called into question as an article she wrote in the Spectator, discussing her experiences of coronavirus, created the strong impression that she and Cummings had remained in London, rather than travelling to Durham, against government instructions. Perhaps unsurprisingly, Baring's family fortune was made from the ownership of slaves, and the massive compensation paid to the owners when the trade was banned.

The hidden Kikuyu documents that came to light in 2012 were part of a larger archive, most of which was systematically destroyed by the British authorities before decolonisation. Special Branch oversaw what it called "a thorough purge" of the Kenyan archives. Fake files were inserted to take the place of those that were expunged. "The very existence" of the deleted files, one memo insisted, "should never be revealed". Where there were too many files to burn easily, an order proposed that they "be packed in weighted crates and dumped in very deep and current-free water at maximum practicable distance from the coast". So much for not editing or censoring our past.

The same deletions occurred across the British empire. We can only guess at what the lost documents might have revealed. Were there more details of the massacre of civilians in Malaya? Of Britain's dirty war in Yemen in the 1960s? Of the catastrophic famine the British government created in Bengal in 1943, by snatching food from the mouths of local people and exporting it? Of its atrocities in Aden and Cyprus? One thing the surviving files do show us is the British government's secret eviction of the inhabitants of the Chagos Islands in the Indian Ocean, to make way for a US airbase. The Foreign Office instructed its officials to deny the very existence of the indigenous islanders, so that they could be removed without compensation or parliamentary objections. The erasures and deletions continue. In 2010, the disembarkation cards of the Windrush generation of immi-

grants from the Caribbean were all destroyed by Theresa May's Home Office. Many people suddenly had no means of proving their right to citizenship of this country, facilitating May's cruel and outrageous deportations. In 2013, the Conservatives deleted the entire public archive of their speeches and press releases from 2000 to 2010, and blocked access to web searches using the Wayback Machine, impeding people trying to hold them to account for past statements and policies.

This week, the prime minister asked the head of his policy unit, Munira Mirza, to set up a commission on racial inequalities. She is part of a network of activists whose entire history is, in my view, confused and obfuscated. It arose from the Revolutionary Communist party and Living Marxism magazine. As these names suggest, they purported to belong to the far left, but they look to me like the extreme right. In 2018 I discovered that one of its outlets, Spiked magazine, had been heavily funded by the US billionaire Charles Koch. Other sources of funding remain obscure. In common with some of her comrades, Mirza has cast doubt on institutional racism. Her new role has caused dismay among anti-racist campaigners, who fear yet more editing of history.

Lying about history, censoring and editing is what the political establishment does. The histories promoted by successive governments, especially those involving the UK's relationship with other nations, are one long chain of lies. Because we are lied to, we cannot move on. Maturity, either in a person or in a nation, could be defined as being honest about ourselves. We urgently need to grow up.

Barrow Rape Claims Trial Faces Long Delay Due to Coronavirus Backlog

Helen Pidd, Guardian: A 19-year-old woman from Barrow accused of making up allegations of sexual exploitation against five men may not stand trial until August 2021 because of legal delays caused by the coronavirus pandemic. During the woman's appearance at Preston crown court on Friday, the judge explained that the lockdown was leading to huge backlogs in the judicial system. If a vaccine were found and physical distancing guidelines were relaxed, the court would try to find an earlier date for the 10-week trial, the judge, Mark Brown, honorary recorder of Preston, said. The woman, from Walney Island in Barrow, appeared in court charged with seven counts of perverting the course of justice between October 2017 and October 2019. She did not indicate a plea but her barrister, Louise Blackwell QC, said she denied the allegations. About 40 people gathered outside to support her, chanting and wearing T-shirts and hoodies demanding "justice". No bail application was made to release the woman from custody, where she has been held since breaking her bail conditions on 20 May.

Summarising via video link, the prosecutor, Jaime Hamilton QC, said the case involved a number of separate but connected incidents. The first was in October 2017, in which the woman allegedly made a false allegation of rape and sexual assault against a man and then manufactured evidence to support the claim, he said. Three allegations of a similar nature were made against a second man, which the Crown said were supported by fabricated evidence in text messages and social media posts by the defendant. The woman faces two further counts in relation to an "extensive" allegation of being trafficked to Blackpool and sexually exploited by two men, which the prosecution will say was "wholly false" and supported by fabricated messages, Hamilton said. In a separate incident she is alleged to have invented another account of sexual exploitation and trafficking against a man she met on a night out in Preston.

The barrister urged caution to anyone commenting on the case on social media, and warned that publishing anything that could prejudice the trial would be contempt of court. The woman is expected to enter her pleas in a hearing at the same court on 23 or 24 November. A provisional trial date of 2 August 2021 was set, with the judge saying the delay was "due almost

entirely to the current circumstances we face due to this dreadful pandemic". He added that he hoped it would be brought forward at some point, for example "if a vaccine has been developed and introduced". Blackwell described the date as "shocking but not unexpected". All trials were halted in England and Wales on 23 March, with some resuming last month.

Racism and the Rule of Law

Michael Paulin, UK Human Rights Blog, : "In the end, we will remember not the words of our enemies, but the silence of our friends" said Martin Luther King in the context of White America's silence with respect to the struggle for civil rights. The Prime Minister considers it relevant that the murder of George Floyd occurred thousands of miles away – "in another jurisdiction" – yet the former colonies that now compose the United States of America is a jurisdiction which owes its common law legal system and heritage to the United Kingdom. St. George Tucker, in the appendix to his 1803 edition of Blackstone's Commentaries, wrote that *the common law of England, and every statute of that Kingdom, made for the security of the life, liberty, or property of the subject … were brought over to America, by the first settlers of the colonies, respectively; and remained in full force therein".*

The Black Lives Matter movement illuminates an incontrovertible chasm in the application of the rule of law in liberal democracy. The basic premise of the rule of law, which in Joseph Raz's conception is that it should be capable of guiding behaviour, includes the necessary restriction on crime-preventing agencies from perverting the law. A society in which those tasked with upholding and applying the law – under the powers of stop-and-search and arrest – are instead themselves regular perpetrators of racist discrimination and violence, is one in which the rule of law is at best a randomised hope that is more or less likely to be realised depending on the race of the citizen in question.

As yet another British Asian professional is hailed as the exemplar of our government's diversity, one might be forgiven for forgetting that the foundational struggle is not for diversity as such – but instead for something antecedent and more basic – namely equality. *"Most British people today would, I think, rightly regard equality before the law as the cornerstone of our society", Tom Bingham (former Lord Chief Justice and Senior Law Lord) wrote in The Rule of Law, citing Somerset v Stewart (1772) 20 St T 1.*

James Somerset was a man who was enslaved and brought to the United Kingdom via Virginia. He applied for a writ of habeas corpus, directed to the Captain of the vessel upon which he was detained. His captor – Charles Stewart – who had purported to purchase Mr Somerset from an unspecified place in the African coast, argued that since slavery was permitted in the plantations and the destination of the vessel was Jamaica, Mr Somerset ought not to be freed. Lord Mansfield, the Lord Chief Justice, disagreed: *From the submission of the negro to the Laws of England, he is liable to all their penalties, and consequently has a right to their protection.* While Somerset v Stewart was a helpful step in the long walk to freedom, it did not have the effect of ending slavery in England or the colonies. Over two centuries after Somerset v Stewart, Sir William Macpherson found that the Metropolitan Police was institutionally racist. Institutional racism was defined by the Inquiry as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic

people. There are those, of varying degrees of governmental competence, who assert that the murder of George Floyd was something that ought to be regarded as out of place and out of mind. And so follow the same soul-sapping conversations between White and Black people as one party purports to convince the other that, in fact, "we" are a country of freedom and equality of opportunity such that the horror of Mr Floyd's murder ought not to be seen as infecting the social contract within our more benign jurisdiction.

It is true that in the United States the police owe their origins to the largely private slave patrols that sought to further the captivity and disfranchisement of people who would become classed as 'African-Americans' once post-colonial liberal democracy was in full swing. In the United Kingdom, by contrast, the policing by consent model that was instituted by Robert Peel was an expression of the democratic social contract: "the police are the public and the public are the police" according to Peelian principles.

The former Prime Minister David Cameron asked David Lammy MP to undertake a review of the criminal justice system, and Mr Lammy made 35 specific recommendations; there are 110 recommendations in the Dame Angiolini review into deaths in police custody; there are 30 recommendations in the Home Office review into the Windrush scandal; there are 26 recommendations following Baroness McGregor's review into workplace discrimination. At the time of writing that is a grand total of 201 recommendations that have not been implemented. It would appear that we are not so much at the end of the beginning, but rather still at the beginning of the beginning as far as racial equality is concerned.

A study of more than one million court records found that black offenders were 44% more likely than white offenders to be sentenced to prison for driving offences, 38% more likely to be imprisoned for public disorder or possession of a weapon and 27% more likely for drugs possession. There is greater disproportionality in the number of Black people in prison in the United Kingdom that in the United States. Latest statistics published by the Sunday Times on 14 June indicate that Black citizens are nine and a half times more likely to be stopped and searched than White citizens, and 49 times more likely to be stopped and searched in 'suspicionless' stop and search under s.60 of the Criminal Justice and Public Order Act 1994. As Marcus Rashford has written, while he may not have had a similar education to those who are elected to Parliament, he has had a social education. A social education that has involved the area of autonomous development, interaction, and liberty that is meant to have been free from excessive and disproportionate state intervention under Article 8 of the ECHR.

It is hard to sell the truth from statistics, and so the truth has required personal narratives from 'lived experience'. For Black people, interactions with the police and the criminal justice system are so detrimental to their mental and physical health that parenting necessarily involves preparing Black children for the unfreedom that will inevitably follow as they go about their private and family lives: the walk to and from school; the purchasing of goods in a store; driving for the first time after having passed one's driving test; attending a registry office for the purposes of obtaining a marriage certificate; being interviewed for a place at university or a job; renting an apartment – are all to varying degrees overshadowed by the legacy of an ideology according to which savagery is to be expected, and thereby pre-emptively punished. Servitude, on the other hand – in that pedestrian version of liberal compromise and so-called 'tolerance' – is to be both permitted and praised.

In Somerset, Lord Mansfield acknowledged this reality: *[I]t has been said by a great many authorities, though slavery in its full extent be incompatible with the natural rights of mankind, and the principles of good government, yet a modern servitude may be tolerated; nay, sometimes must be maintained.*

Our former Lord Chancellor and Justice Secretary, Michael Gove, once paid a visit to the then president-elect, Donald Trump. "My colleague Kai Diekmann, of the German newspaper Bild, and I were whisked up to the president-elect's office in a lift plated with reflective golden panels and operated by an immensely dignified African-American attendant kitted out in frock coat and white cotton gloves," Mr Gove wrote in his piece for the Times. White cotton gloves were not on display when Nelson Mandela met with Neville and Doreen Lawrence. "We are very used to this type of thing where life is regarded as cheap in South Africa. But nevertheless it is a sign of deep concern that it should happen in a country like Britain", Mr Mandela said to the BBC on 6 May 1993.

Last week Neville Lawrence acknowledged the industrial failure of institutions like the police to reform, stating that in the United Kingdom today Black people are treated as second-class citizens by a system that is meant to protect them. In a country in which Black children comprise 51% of the prison population of young offender institutions, the submission of the Windrush generation to the laws of England has led to ample opportunity for penalisation, but rather less when it comes to protection from those laws. A new deal is long overdue, and it must be one based upon reality not the Churchillian fiction of higher and lower order races.

When the English want to avoid doing something they set up a committee, as the saying goes. And so we now have a Commission that was announced behind the Daily Telegraph's paywall and is led by a British Asian who has argued that institutional racism is a matter of perception more than reality. The steady churn of systemic inaction continues. There is a word for that, I suppose. Michael Paulin is a barrister at 1 Crown Office Row. . . . .

Loughinisland Murders: Police Watchdog 'Overstepped Mark' - So Fucking What!

The police ombudsman "overstepped the mark" by accusing police of criminal collusion with loyalists in six murders at Loughinisland, a court has ruled. But judges refused a bid by two retired policemen to quash the watchdog's whole public statement on the 1994 gun attack in which six Catholic men were killed. The victims' families alleged corrupt links between police and the killers. Judges accepted the ombudsman was right to acknowledge what he had uncovered was in line with the families' views.

The victims were in a pub in the County Down village of Loughinisland on 18 June 1994 when gunmen from the loyalist paramilitary group, the Ulster Volunteer Force (UVF), entered the bar and opened fire. The families later asked the Police Ombudsman to look into their concerns over the police investigation which was carried out by the Royal Ulster Constabulary (RUC). The ombudsman publicly criticised the RUC investigation, but two retired police officers subsequently took legal action over his findings.

In Thursday's (18/06/20) Court of Appeal ruling, Lord Chief Justice Sir Declan Morgan identified three sections in the disputed report where the ombudsman went beyond his powers in reaching emphatic conclusions. "The determinations he made in the three offending paragraphs... overstepped the mark by amounting to findings of criminal offences by members of the police force," Sir Declan said. The verdict was delivered on the 26th anniversary of the Loughinisland murders. The victims were watching the Irish football team play in a 1994 World Cup match when the pub was targeted by the UVF gunmen.

In June 2016, the then Ombudsman, Dr Michael Maguire, said collusion between some RUC officers and the loyalist paramilitaries "was a significant feature of the Loughinisland murders". The ombudsman found no evidence police had prior knowledge of the attack, but identified "catastrophic failings" in the investigation. Michael Maguire served as Police Ombudsman for seven years from 2012 to 2019

Raymond White, representing the Northern Ireland Retired Police Officers' Association, and Ronald Hawthorne, a former sub-divisional police commander, have been involved in a long-running legal challenge to the published findings. A first hearing resulted in a ruling in 2017 that the report was procedurally unfair and had failed to make clear it conclusions did not apply to Mr Hawthorne. At that time the watchdog agreed to remove any references to him to ensure he is not connected to any alleged wrongdoing - a move seen as complete vindication for the former police commander. A limited re-hearing before a different judge focused only on issues around the extent of the powers to publish the findings. In November 2018, a High Court judge rejected the retired officers' case that Dr Maguire had exceeded his legal remit and refused to quash the report. Mr White and Mr Hawthorne mounted an appeal against that ruling.

'Barbarous attack: The former policemen's barrister stressed their complete support for the Ombudsman's role in scrutinising and holding officers to account. He argued, however, that the watchdog lacked the legislative authority to publish such "conclusive findings" in the Loughinisland report. Judges were told that an organ of the state was effectively finding police officers guilty.

Lawyers for the ombudsman countered that the legislation allowed him to express an opinion on the alleged collusion. Ruling on the appeal, Sir Declan acknowledged the anniversary of the Loughinisland killings, as well as the loss and hurt suffered due to the "barbarous attack". "Compared to that, this judgment is relatively unimportant, but I hope it will provide a basis for all to understand what victims and police can expect from the proper conduct of complaints by the Ombudsman pursuant to the Police (Northern Ireland) Act 1998," he said. The Lord Chief Justice set out how the dispute centred on comments in a summary chapter of the report. He confirmed: "We consider that the emphatic conclusions reached by the ombudsman in the three offending paragraphs go beyond mere modes of expression and exceed his powers. "We do, nevertheless, uphold the decision of the judge at first instance not to strike down the public statement because of what was written therein.

The Court considered that the determinations made by the Ombudsman in the paragraphs on collusion were not decisions or determinations to which the 1998 Act applied and “overstepped the mark” by amounting to findings of criminal offences by members of the police force. The Court did, however, accept that in light of the families’ complaint in the context of Article 2 it would have been appropriate for the Ombudsman to acknowledge that the matters uncovered by him were very largely what the families claimed constituted collusive behaviour. The Court concluded that it did not dissent from the view of Keegan J that she was not minded “to step into the territory of critiquing modes of expression” in exercising her supervisory jurisdiction but said it considered that “that the emphatic conclusions reached by the Ombudsman in the three offending paragraphs go beyond mere modes of expression and exceed his powers. It did, nevertheless, uphold the decision not to strike down the PS because of what was written in it:

Pain-Inducing Restraint in Child Custody Must be Exception

Eric Allison and Simon Hattenstone: Pain-inducing restraint techniques should only be used on children in custody as an “absolute exception” to save life or prevent serious harm, a long-awaited review has concluded, though it has stopped short of calling for an outright ban. The review, led by the former chair of the Youth Justice Board Charlie Taylor, examined the inclusion of painful techniques in the minimising and managing painful restraint (MMPR) syllabus, the key training programme for officers in youth custody in England and Wales. Among 15 recommendations, the report stated the training programme “should be amended to remove the use of pain-inducing techniques from its syllabus” and that “pain is not permitted to be used to end long restraints”.

The report, commissioned by the Ministry of Justice (MoJ), does recommend that pain-inducing techniques can be used in exceptional circumstances to prevent serious physical harm to either children or adults. Taylor criticised the inclusion of such techniques in the MMPR programme, stating: “I believe that this places the use of pain-inducing techniques on a spectrum that makes it an acceptable and normal response rather than what [it] should be, the absolute exception.” He said this had “contributed to the overuse of these techniques that I so frequently witnessed during this review”. Taylor also recommended that restraint not be permitted for “good order and discipline” during children’s journeys to and from custodial institutions, though he did say there may be exceptional circumstances “when a member of staff is acting in self-defence and in an emergency”.

A charity, Article 39, started legal action over the authorisation of escort officers from the contractor GEOAmey to use pain-inflicting restraint techniques on children as young as 10 when escorting them to and from secure children’s homes. Such techniques are banned in the homes themselves but can be used in secure training centres (STCs) and young offender institutions (YOIs). The charity said the policy was discriminatory, and it also challenged the lack of legal protection for children who could be restrained during their journeys simply for not following orders. Taylor said this should no longer be allowed.

In 2018, the Guardian reported MoJ figures showing that in 2017 there were 97 incidents in which children in custody showed signs of asphyxiation or other danger signs after being restrained, and four serious physical injuries that resulted in hospital admissions. In 2016, the Guardian revealed that an internal risk assessment of restraint techniques had found that certain procedures approved for use against non-compliant children in custody carried a 40-60% chance of causing injuries affecting the child’s breathing or circulation, the consequences of which could be “catastrophic”. A year ago, the independent inquiry into child sexual abuse said these techniques were a form of child abuse that must be prohibited by law. The government has yet to respond to that recommendation. In Hassockfield secure training centre in County Durham in 2004, Adam Rickwood, 14, was restrained for non-compliance using a tactic called nose distraction technique – a karate-like chop to the nose. Adam killed himself shortly afterwards, leaving a letter saying: “What right do they have to hit a child?”

Carolyne Willow, the director of Article 39, said Taylor’s report was “a major milestone in child protection, one we have waited 16 years for since Adam Rickwood hanged himself in a Serco-run child prison. It has taken our legal action to finally bring some promise of justice for Adam and other children who have suffered needlessly over many years. “We need to see the detail of the legal protections which will be put in place to ensure pain-inducing restraint is genuinely prohibited, and that any emergency, self-defence use of pain complies with common law and the UK’s children’s human rights obligations.” The MoJ has accepted all of Taylor’s 15 recommendations.

Reasonable Requirement For Expert Evidence

Civil claims increasingly raise technical and scientific issues that require evidence from experts who can assist the court in understanding the key issues. However, the parties do not have a right to adduce expert evidence and the court’s permission will be required. Rather, the court will control the use of evidence. It will do this by restricting the use of expert evidence to that which is reasonably required to resolve the proceedings (CPR 35.1). The underlying policy consideration in restricting the use of expert evidence is to reduce the inappropriate use of evidence. The recent decision of Alexander Brothers Ltd (Hong Kong SAR) v Alstom Transport & another [2020] EWHC 814 (Comm) serves as a useful reminder of the approach the courts will adopt when determining whether expert evidence is reasonably required.

CPR 35.1 provides that expert evidence is restricted to that which is reasonably required to resolve the proceedings. Judicial guidance on applying the test in CPR 35.1 was provided in British Airways v Spencer [2015] EWHC 2477 (Ch). In that case, Warren J held that the following questions should be asked by a court when determining whether expert evidence should be permitted: (i) is it necessary for there to be expert evidence before the issue can be resolved? If it is necessary, rather than merely helpful, then it must be admitted; (ii) if the evidence is not necessary then would it be of assistance to the court in resolving that issue? If it would be of assistance, but not necessary, then the court would be able to determine the issue without it; (iii) since, under (ii) above, the court will be able to resolve the issue without the evidence, the third question is whether, in the context of the proceedings as a whole, expert evidence on that issue is reasonably required to resolve the proceedings.

Children Facing 'Endless Delays' in Justice System Convicted as Adults

Claire Friel, Justice Gap: Delays within the criminal justice system are leaving children awaiting court dates in limbo with the prospect of being convicted as adults, according to a legal charity. The Youth Justice Legal Centre (YJLC), part of Just For Kids Law, has called the delays a 'travesty of justice' and highlighted the serious consequences on children on the cusp of their 18th birthday who are 'in limbo between offence and prosecution' due to long delays in the process. According to Just for Kids Law, approximately 2%-3% of offences are committed by children who turn 18 prior to conviction. 'This corresponds to 2,500 offences for the twelve months ended March 2017 and 1,400 offences for the twelve months ended March 20183,' the report says.

One of the main causes for delay is the significant length of time it can take the police or Crown Prosecution Service (CPS) to come to a charging decision, taking months or even years with no 'fast-track' or express route for certain cases, including for those children turning 18. The group argues delays are increased due to the coronavirus pandemic leaving many children and their families, as well as their victims in an uncertain position awaiting these important decisions 'Timely justice is crucial for children, families and victims,' comments Enver Solomon, chief executive at Just for Kids Law. 'Young adults who committed offences as children must be given the opportunity to build meaningful futures and be treated fairly.'

Whilst the age of criminal liability in England and Wales is ten years of age, by turning 18, children lose out and have different treatment to their younger counterparts. The group argues that, whilst the Court of Appeal have emphasised that turning 18 is not a 'cliff edge' and is a relevant factor, this change does result in serious consequences. For example, 18 year olds lose anonymity in court proceedings and are eligible for adult sentences which are more likely to be longer and more intense, preventing these young people from moving on with their lives. They also lose access to youth diversion schemes which are based on the principle of avoiding the criminalisation of children.

Since changes to the use of police bail in 2017, which mean suspects can only be on police bail for a maximum of 28 days, most suspects are 'Release Under Investigation' (RUI) and Just for Kids is calling for a three month time limit in which a child is released under investigation. 'We need to strike the balance between ensuring that there is adequate time for securing fair and proper outcomes while avoiding a detrimental impact on a child's rights and well-being,' the groups says. They are also pushing for more accurate data to be published regularly on children who are RUI and offend prior to the age of 18.

What, Legal Liability Does the UK Government Have For Deaths Caused by Corona

'The government has faced sustained criticism of many aspects of its handling of the pandemic. Central to that criticism has been the question of whether the government's decision making has made the requirement to protect life secondary to economic considerations. What has to be faced is the shockingly high fatality rate in the United Kingdom among care home residents and those working on the front-line, including transport workers. That in itself establishes a prima facie case against those responsible for taking critical decisions as the pandemic has engulfed us. All the indications are, however, that any question of legal liability at a governmental level will be firmly resisted'

Henry Blaxland Q.C, Garden Court Chambers: "If the government were an employee of mine I would have sacked them for gross negligence" – so said Anita Astley, manager of Wren Hall nursing home in Nottinghamshire, where 10 residents died from Covid-19 and 48 carers caught the virus in a three week period[1]. Ms Astley's complaint poses in stark terms a question which has been circulating since the full and devastating extent of the consequences of the pandemic have become clear: what, if any, legal liability does the state have for deaths caused by Covid-19?

The government has been doing its utmost to deflect any suggestion that it may bear responsibility for the consequences of its handling of and failure to prepare for the pandemic. Principally this has been achieved through a call for unity in a time of crisis, to the extent that even muted questioning of government actions by the opposition has been criticised, as witnessed by the Health Secretary Matt Hancock's suggestion to Rosena Allin-Khan M.P. that she change her tone when, as a front line A & E doctor as well as a shadow minister, she had the temerity to ask direct questions about the government's strategy for contact tracing and testing on the floor of the House and the Prime Minister's rebuke to criticism of his handling of the pandemic by Keir Starmer, that this amounted to undermining trust in the government. There have also been indications that the buck is going to be passed to the government's scientific advisers. More sinisterly, there is a suggestion that the government's decision taken on 19th March to reclassify Covid-19 from a High Consequence Infectious Disease to a Low Consequence Infectious Disease[2], while at the same time the Health and Safety Executive downgraded the classification of Covid-19 under the Control of Substances Hazardous to Health Regulations 2002 from a Group 4 to a Group 3 biological agent, was taken in order to facilitate the decanting of elderly Covid-19 patients from hospitals into care homes.

But, as the death toll among health care and care home workers continues to rise and the United Kingdom's overall death rate per capita has become the highest in Europe, the pressure for a public inquiry is beginning to mount. If it happens such an inquiry will no doubt focus on the extent to which the high incidence of Covid-19 was avoidable and, if so, how should those responsible for failing to take steps to avoid it be held to account. Three issues are likely to loom large: Whether the Department of Health and Social Care (DHSC) failed to act on the NHS's own operating framework for responding to a flu pandemic; The failure to provide PPE for health and care staff; The practice at a critical time in the onset of the virus of discharging patients from hospital to care homes.

The starting point for consideration of governmental liability in England is the statutory duty under S.2A of the National Health Service Act 2006, which provides that the Secretary of State must takes such steps as he considers appropriate for the purpose of protecting the public from disease. This includes the provision of services or facilities for the prevention, diagnosis or treatment of illness and includes a requirement to consult with the Health and Safety Executive. In this context the overarching duty of the Secretary of State and state agen-

cies in general (extending throughout the United Kingdom) is that provided for by Article 2 of the European Convention on Human Rights to take all appropriate steps to protect life.

In an article in the Law Society Gazette Lord Hendy Q.C. and Jane Deighton have drawn attention to the provisions of the Health and Safety at Work Act 1974 and the Personal Protective Equipment at Work Regulations 1992 and make the point that it is a criminal offence for an employer to fail to provide a safe place of work. They go on to note, however, that the Health and Safety Executive and local authority Environmental Health officers have so far failed to bring any prosecutions for failure to provide PPE. Indeed, because criminal liability falls on the employer, it would be the relevant NHS foundation trust or individual care home provider, who would face prosecution, rather than the DHSC or Public Health England.

Alex Bailin Q.C. has commented that a failure to provide PPE may amount to a criminal offence under the Corporate Manslaughter and Corporate Homicide Act 2007. But that again poses the question of whether liability would extend beyond the immediate employer of those affected. The offence under S.1 CMCHA is committed where the way in which an organisation's activities is managed or organised causes death and amounts to a gross breach of a relevant duty of care. The DHSC is listed as an organisation to which the provisions of the Act apply. The DHSC has a 'relevant duty of care' under S.2 on the basis that it has a duty to persons who are 'performing services for it.' There is a question, however, as to whether the provision of PPE would fall within the terms of S.3(1), which provides that: 'Any duty of care owed by a public authority in respect of a decision as to matters of public policy (including in particular the allocation of public resources or the weighing of competing public interests) is not a "relevant duty of care"'. It is difficult to imagine that a decision about whether to provide life-saving equipment could properly be construed as a decision as to a matter of public policy, but then S.3 is intended to protect government departments from criminal liability for political decision making.

The question of criminal liability is currently under consideration in the case of at least one care home. Northamptonshire police are conducting an investigation into Temple Court care home in Kettering, run by Amicura, where 15 residents died of Covid or suspected Covid following the discharge of patients from hospital to the care home on 19th March. In determining the criminal liability of the care home for the neglect of the safety of its clients, it is likely to be impossible for the investigation to avoid considering the broader question of the liability of Public Health England and the DHSC for decisions concerning the transfer of patients from hospital.

In general, before any decision about criminal liability would be made, a decision will have been taken as to whether an inquest should be opened into the cause of death. That raises the critical question of the circumstances in which inquests will be opened in cases where the cause of death is Covid-19. The approach of the Coroners Courts is governed by guidance from the Chief Coroner and in Guidance 34 of 26 March, which followed immediately from the enactment of the Coronavirus Act 2020, specific advice was provided that for the purpose of the Notifications of Deaths Regulations 2019, Covid-19 is considered to be a naturally occurring disease with the result that there will be no need for a referral to a coroner. Further, where a decision is taken to open an inquest, S.30 Coronavirus Act removes any requirement for it to be heard with a jury where the coroner has reason to suspect the cause of death was Covid-19. Guidance 37 was issued on 28 April under the heading 'Deaths and possible exposure in the workplace'. The guidance notes that a workplace death from Covid is reportable to the Health and Safety Executive under the relevant regulations. The guidance goes on to state that a death may be reported where it has been caused by a disease contracted in a workplace setting and that this may include frontline NHS staff as well as public transport workers, care home employees and emergency service personnel. It recognises that in determining the question of whether there is reason to suspect that the death is 'unnatural' for the purpose of the requirement to open an inquest, that it may be so if the death occurred as a result of a naturally occurring disease, but where some human error contributed to death.

The Guidance then goes on to refer to higher court authority to the effect that an inquest is not the right forum for issues of general public policy to be resolved leading to the comment: '…an inquest would not be a satisfactory means of deciding whether adequate general policies and arrangements were in place for provision of PPE to healthcare workers in the country or a part of it.' Advice is then given about the power to suspend the inquest in the event that the coroner considers that evidence should be obtained in relation to matters of policy and resourcing, such as obtaining adequate supplies of PPE, together with a cautionary note about the limitations on the ability to pursue enquiries as a result of the effect of the pandemic and the lockdown. In other words the Chief Coroner has sought to steer coroners away from addressing the critical question of the organisational failure to protect lives, prompting Deborah Coles, the director of the charity INQUEST, to write to him stating that the Guidance will stymie and limit investigations into Covid-19 deaths. However, as the Guidance recognises, once the low threshold of a reason to suspect that human error contributed to death is passed then coroners will be under a duty to open an inquest. If as a result of that enquiry the coroner concludes that a failure to provide PPE was a contributory cause of death then this will need to be recorded, whether or not it is accompanied by any observation on how the question of public policy impacted on the lack of sufficient PPE.

Finally, whether or not there are criminal prosecutions or a public inquiry, there is likely to be private litigation brought by those affected by the pandemic. That would not be confined to health service workers and others who have either died or suffered long term physical and mental health consequences as a result of culpable failures by their employers, but could extend to those avoidably exposed to risk, such as residents in care homes to which those infected by Covid had been discharged from hospital. Indeed a doctor whose father died in a care home is reported to be crowd funding for a legal action "to hold the government to account".

Conclusion: The government has faced sustained criticism of many aspects of its handling of the pandemic. Central to that criticism has been the question of whether the government's decision making has made the requirement to protect life secondary to economic considerations. What has to be faced is the shockingly high fatality rate in the United Kingdom among care home residents and those working on the front-line, including transport workers. That in itself establishes a prima facie case against those responsible for taking critical decisions as the pandemic has engulfed us. All the indications are, however, that any question of legal liability at a governmental level will be firmly resisted.

Serving Prisoners Supported by MOJUK: Walid Habib, 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.