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MOJUK: Newsletter 'Inside Out' No 817 (21/10/2020) - Cost £1

Ultraviolence: The Shocking, Brutal Film About Deaths in Police Custody

Simon Hattenstone, Guardian: Two decades ago the police tried to silence Ken Fero's fearless documentary Injustice. Twenty years later, his follow-up is filled with even more pain and outrage. It has taken 19 years for Ken Fero to complete the follow-up to Injustice, his unforgettable film about deaths in police custody. But perhaps the surprising thing is that he finished it at all. Injustice is the great documentary about brutality in the police – a shocking exposé of deaths resulting from beatings, shootings, teargassing, asphyxiation and neglect. The film, co-directed by Tariq Mehmood, won numerous awards, yet was never shown on television and as good as destroyed Fero's career. As he says today, no broadcaster would touch him after Injustice. Yet Fero is now back with Ultraviolence, another collaboration with Mehmood and their film-making collective Migrant Media. Like Injustice, it does far more than document deaths in custody. It follows the families who have lost loved ones on their heroic, if thwarted, fights for justice. We witness the horror of their loss, see them build up hopes of justice, and gradually see that hope pricked. Nearly all the victims are people of colour – a reminder that Britain has been every bit as contaminated by police brutality over the decades as the US.

Injustice started with the death of a Nigerian asylum-seeker, Shiji Lapite, in 1994. Lapite, 34, died in a police van shortly after being detained by two plainclothes Metropolitan police officers who claimed he had been acting suspiciously. At his inquest, PC Paul Wright described holding him in a headlock while PC Andrew McCallum admitted he had stood up and twice kicked Lapite in the head, "as hard as I could", claiming he was using reasonable force to subdue a violent prisoner. One of the officers described Lapite as "the biggest, strongest, most violent black man" he had ever seen. Lapite was 5ft 10in. The cause of death was given as asphyxia from compression of the neck, consistent with the application of a neck hold, and the jury concluded that Lapite had been unlawfully killed. No criminal charges were brought against the officers.

In May 1995, Brian Douglas, 33, died after being hit with a police baton by PC Mark Tuffey. He had been stopped in his car for alleged bad driving in Clapham, London. At the inquest, PC Tuffey claimed he had hit Douglas on the shoulder and the baton slid up. Several witnesses claim they saw the officer raise his arm and bring the baton down on Douglas's head. Medical experts testified that the impact was the equivalent of falling 11 times his own height on his head. The inquest jury delivered a verdict of death by misadventure.

And on the film goes – the inglorious roll call of lives taken by the police. Joy Gardner, a 40-year-old Jamaican mature student who died after having her face wrapped in 13 feet of adhesive tape to gag her; a Gambian asylum seeker, Ibrahima Sey, sprayed repeatedly with teargas and held face down for 15 minutes; Roger Sylvester, 30, who was mentally ill, dying after being restrained on the floor of a padded room by six officers; Harry Stanley, 46, a Scottish painter and decorator shot after being mistaken for a terrorist carrying "a gun wrapped in a bag" which was, in fact, a table leg; Christopher Alder, 37, choked to death while handcuffed and lying face down on the floor of a police station in Hull, as officers laughed, made monkey noises and accused him of acting up. All but Gardner's death resulted in inquest verdicts of unlawful killing, though Sylvester's and Stanley's were later overturned. None led to criminal convictions of police officers. (In the cases of Gardner and Alder, officers were tried and acquitted.)

The litany of deaths is horrifying. But what gives the film its power is its humanity. We learn so much about the victims and their families. Ibrahima Sey had hoped to study law, and his wife, Amie, had given birth to their baby six weeks before he died. Brian Douglas's sister, Brenda Weinberg, laughs as she describes how her handsome, popular brother would commandeer the family bathroom before a night out. Joy Gardner, portrayed by the police as feral, was a vibrant mother of two.

We see families united in grief, discovering reserves they never knew they had. Gardner's mother, Myrna Simpson, says: "I'm still fighting. I've been to universities and given talks. I couldn't talk before. I was a very shy person." We see people radicalised by an establishment determined to deny them justice. The siblings of Brian Douglas describe how they formed a protective line between demonstrators and the police to prevent a riot, and later on regretted it. At the end of Injustice, Weinberg says she will not be able to grieve until she has achieved justice for him: "As the time gets longer it's any justice. It can be legal justice or street justice. I don't really care any more."

The afterlife of Injustice was every bit as dramatic as the film. As family members accused officers of murder, the Police Federation threatened to sue anybody who showed the film. The TV networks were terrified of the consequences. Channel 4, which had shown earlier work by Migrant Media (including Justice Denied, a film about Gardner) were scared off by libel lawyers. Fero, who grew up in Malta and is 59, says he and his colleagues received anonymous phone calls. "They said we should take care, check our cars in the morning, make sure our kids don't go to school. We had all these veiled threats." After Fero was threatened with legal action by the Police Federation, he threatened to sue the officers for loss of earnings. He says he never heard from them again. The film went on a successful three-year tour, and they were never sued for libel.

The more it was screened, the greater became its impact. Even the mainstream media started to talk about deaths in police custody. Yet Fero also realised that while more people might be aware of the number of deaths in police custody – 1,000 between 1969 and 1999 (with only one successful prosecution for manslaughter) – none of his families had achieved criminal convictions. In fact, things seemed to be sliding. In 2004, narrative verdicts were introduced at inquests, recording the factual circumstances and replacing the standard short verdicts. This meant that juries were less likely to be asked to consider a verdict of unlawful killing, which in turn meant deaths in police custody were even less likely to result in criminal prosecutions (juries were told that they could only rule unlawful killing if they believed the bar for at least manslaughter had been reached). As for the film-makers at Migrant Media, Fero claims they were effectively blacklisted. "We found it impossible to get work after making that film," he says. "Financially it wiped us out." But the company wasn't destroyed. "And after 19 years I think they're going to be surprised that we've come back in this way." He smiles. Fero – cerebral, serious-minded, intense – doesn't smile lightly.

Ultraviolence continues where Injustice left off. The film focuses on two later deaths. Jean Charles de Menezes, 27, a Brazilian, was shot in the head seven times by the Metropolitan police at Stockwell tube station, south London, in 2005 after being mistaken for one of four men who had tried to carry out suicide bombings on the city's transport system the day before. Paul Coker, 32, died a month later at Plumstead police station in south-east London after being restrained by the police. The footage of the Menezes family is heartbreaking – they tell public meetings that Jean Charles was executed, that the police did not give the electrician a chance to say a word before shooting him. His cousin, Vivian Figueiredo, asks for unity because "unity will give us the strength to win." But, of course, they don't win. An Independent Police Complaints Commission report concluded that the then commissioner, Ian Blair, was not well served by his staff, that his private office had failed to keep him informed, but does not

uphold allegations of a cover-up against him. No police officer is charged. Figueiredo is left bewildered: “A man is shot in his head and yet their conclusion is no one is accountable?”

Perhaps the most disturbing footage in Ultraviolence is CCTV footage from the police station where Coker died in 2005. After serving a year in prison for burglary, Coker had a new job, a new flat and was looking to make a new start when he was arrested for a breach of the peace at his girlfriend Lucy Chadwick’s flat. She called the police when he became “a bit paranoid” after taking cannabis and cocaine. She told the inquest she heard him tell the police: “You are hurting me, I can’t breathe, you are killing me.” When the police brought him down the stairs, she said, he was making no noise, his face was lolling to one side and he was being carried by his hands and feet. In the police custody suite, we hear officers talk excitedly about the restraint: “He is high as a kite, high on crack.” “He was an evil fucker.” “He has already assaulted four officers … it’s amazing the strength of the fucker to try and do that.” It’s hard to reconcile this Coker with the one his mother talks about – no angel, she says, but a funny, compassionate, thoughtful son who loved to write poetry.

We see him lying on the floor in a police cell in his boxers, one leg twitching. Then he stops moving and is left for 15 minutes before being pronounced dead. In 2010, the inquest heard that shortly after Coker was pronounced dead, an officer in the custody suite was heard on CCTV saying: “You have to get one death in custody under your belt.” The inquest jury concludes he died of cocaine intoxication, and that poor police communication and training had contributed to his death. No officers were charged.

Since the deaths of Menezes and Coker, there have been a number of high-profile deaths in police custody of men of colour – Mark Duggan (2011) and Jermaine Baker (2015) were shot by the Metropolitan police, and Trevor Smith was shot by West Midlands police last year. Leon Briggs died after being restrained by Luton police in 2013, Sheku Bayoh died after being restrained by police in Scotland in 2015, Rashan Charles (2017) and Kevin Clarke (2018) died after being restrained by the Met.

No police officers involved in these deaths were prosecuted. (In the case of Baker, though, last week the Court of Appeal ruled that the firearms officer – known only as W80 – could face misconduct proceedings after an earlier decision to bring disciplinary proceedings had been quashed by the High Court last year.) The inquest into Clarke’s death, which concluded last Friday, heard that he told officers “I can’t breathe ... I’m going to die.” In its narrative verdict, the jury found that the way the police had restrained Clarke, a paranoid schizophrenic, “probably more than minimally” contributed to his death.

There is one small but significant fist-pump moment in Ultraviolence. In 2006, 11 years to the day after his involvement in Brian Douglas’s death, Mark Tuffey was in court facing a criminal charge. He had been reported by fellow officers after chasing a black man, kicking him and calling him a “dirty black cunt”. Tuffey was convicted of racially aggravated behaviour and ordered to pay a £400 fine and £400 costs. “We saw him stand in the dock and found guilty. It did feel good to know he would no longer be a serving officer as he had continued to be since Brian’s death,” says Douglas’s sister Brenda Weinberg. “I walked away from court that day not necessarily feeling victorious but that a little piece of justice had been done.”

While we see the same brutality in Ultraviolence as we did in Injustice, it is a very different film – more personal essay than pure documentary. After Injustice, Fero found himself teaching students how to make activist films at Coventry university and telling them about the great revolutionary film-makers. Ultraviolence feels like a homage to his heroes. There are nods to Jean-Luc Godard (Fero refuses to conform to a linear narrative – the film is as much about the brutality of the Iraq war as the brutality of the police) and Chris Marker (it opens with his statement “Rarely has reality needed so much to be imagined.”). Injustice and Ultraviolence are full of trauma but they are also full of resistance.

Fero pays tribute to James Baldwin (as the narrator he addresses the film to his son, just as Baldwin’s The Fire Next Time is addressed to his nephew). He references Susan Sontag, telling us to think about what has been left out of the image as much about as what we can see. We are shown the infamous still from Vietnam of the naked, melting child running after being hit with napalm, and Fero segues to the second battle of Fallujah in 2004, and the allegation that Iraqi children were burned with white phosphorus. At times he throws the kitchen sink into Ultraviolence. The film is didactic (a call to action, a plea to his son’s generation to resist authority), discordant (migraine-inducing sound effects) and determined to disrupt its own narrative. It is proudly, cussedly uncontainable. Ultraviolence feels both old-fashioned – it could have been made in the 1960s – and surprisingly contemporary.

For years, Fero says, he didn’t have a clue what to do with his material. He didn’t know who would want to watch a film like this. The world was vapid, depoliticised, uniform. Now he says he sees it changing by the day. “It would be impossible, six or seven years ago, to think that issues of class, race and gender would be central to the political debate in this country. In the UK, race was only used as an issue to divide people. But as a powerful force of unity, as something that white kids could get into as well, it just didn’t exist and now it does. So when you see thousands and thousands of young people marching because of the environment or marching because of racism or marching because of gender, that fills me with hope.” He offers another rare smile. “You’d have to be a cold-hearted bastard not to be filled with hope.”

His smile widens. “I can see in the eyes of these young people that they really have had enough. They’re hungry for something. Some answer, that makes sense of this mess that this government and other governments have got us in. And anything that makes them think about their position, makes them think about fighting back, makes them knowledgeable about the history of resistance and how people can say fuck off to governments can only help.”

Fero may not seem a natural optimist, but he insists he is. Why would he make these films otherwise, he asks. I give him a look. Really? Surely, Injustice and Ultraviolence are two of the bleakest films ever made. Yes, he says, the subject may be bleak, but its protagonists are beacons of hope. And he has a point. I think of the families walking united, arm in arm past the police barricade into parliament to make their point once again – to insist that they will be heard, that things will change. “Injustice and Ultraviolence are full of trauma,” Fero says. “But they are also full of resistance. Every time the families speak, every time the families show their pain, every word, every image is a fight back. That’s what people need to think about.”

Guardian View on Covert Human Intelligence Sources: Draw A Line

Guardian Editorial: It is right to draw up a clear legal basis for the conduct of undercover agents who protect us. But the current bill is unfit for purpose. On 12 February 1989, two men burst through the door of Pat Finucane’s home in Belfast as he sat down to dinner, shooting him 14 times in front of his wife and children. Twenty-three years later, David Cameron, then prime minister, apologised for “shocking levels of collusion” between security forces and the lawyer’s loyalist killers. Undercover operatives have saved countless lives, including by averting terrorist attacks. The public understands the need for them, and the fact that at times such sources may even need to commit offences to maintain their cover – joining a proscribed

organisation is an obvious example. But the risk that they will go much further than they should, and act for much less reason than they claim, is not merely hypothetical, as Mr Finucane's family can attest. So can the women who were "raped by the state", in the words of one of those deceived into a relationship by a "spy cop" posing as an activist.

This is why the covert human intelligence sources bill, which passed at its second reading in the Commons on Tuesday, is of such concern. The government appears to have been stirred to action by its narrow victory in a legal case brought by Reprieve, the Pat Finucane Centre, and other NGOs. Though the investigatory powers tribunal (IPT) backed MI5's ability to authorise involvement in criminality, two of the five judges disagreed – the first dissent in the IPT's two-decade history. One described the government's claimed basis for the policy as setting a "dangerous precedent". Seeking to put longstanding secret protocols on a statutory footing is welcome. But the legislation that has resulted currently offers astounding scope for the use of such sources. Most alarmingly, it does not rule out murder, torture or sexual offences. The argument is that otherwise criminals will be able to test those they suspect with a "checklist", as if they might not already sound them out. Other countries – including Canada and the US – spell out the limits for those operating undercover.

The government's rationale is that of course undercover sources would not breach the Human Rights Act. Yet it has previously argued that the act does not apply to covert agents. Even putting aside the long-term risks posed by the hostility of Tory zealots to human rights law, such assurances are self-evidently empty. Nor should one place faith in the complacent claims that no one would dream of behaving as they did in the bad old days. Consider too the extraordinary breadth of the bill, which covers not only MI5 and the police, but HMRC and even the Food Standards Agency. Covert intelligence can be authorised to "prevent disorder" and to promote "the interests of economic wellbeing of the UK" as well as to protect national security. This rings alarm bells for anyone who recalls that racial equality campaigners and even Stephen Lawrence's grieving parents were targeted by spy cops, or that trade unionists were blacklisted by employers after information was passed on by police.

Of the 1,000 political groups spied on by undercover police officers since 1968, only a handful belonged to the extreme right. Of further concern is the fact that authorisation is provided by those overseeing investigations, rather than by an external figure, such as a judge. Lord Macdonald, a former director of public prosecutions, has pointed out that under this legislation it will be easier for an officer to commit a serious crime than to tap a phone or search a shed. Even if these problems were fixed, however, the failure to draw a red line for agents would still render this bill unfit for purpose. Faced with the government's hefty majority, and the prospect of Conservatives portraying it as soft on national security issues, Labour has abstained – as it did on a similarly dangerous piece of legislation, the overseas operations bill, last month. The former Tory minister David Davis suggests it is highly likely that this bill could be successfully challenged in the courts. But the priority must be forthright parliamentary opposition to this shameful legislation.

Scotland Yard Pays Out to Man Fathered by an Undercover Cop

Art Badivuku, Justice Gap: Scotland Yard has agreed to pay substantial damages to a man fathered by an undercover officer during a secretive four-decade operation by the Metropolitan Police to infiltrate left-wing activist groups. The operation was exposed by female activists in 2011, with more details emerging following a year-long investigation by Guardian journalists and supported by subsequent whistleblowers from within the Met. In the years since, it has come to be known as the 'Spy Cops' scandal. The man, who has been granted anonymity by the court

and is named as 'TBS', discovered in 2011 that his father, who had abandoned him and his mother when he was two years old in 1988, was not animal rights campaigner Bob Robinson, but senior officer of the Special Demonstration Squad (SDS), Bob Lambert.

In what has been publicised in the years since, SDS officers spying on activists were often encouraged to form romantic relationships in order to gain credibility in the movement. Fellow undercover officer, and later whistleblower, Peter Francis, has talked of how Lambert, his superior, advised officers to always use contraception when having sexual relations with activists. Hellen Ball, a Met assistant commissioner, published a formal apology on behalf of the Metropolitan Police and Cressida Dick, reported in the Guardian: 'I wish to express my unreserved apology for the Metropolitan police's role in the circumstances that led to your father's relationship, as an undercover officer, with your mother, which culminated, years later, in the realisation that what you had been led to believe about your father and your home life, and the reasons given by your father for leaving the family home were based on a fundamental deceit.' TBS described how he felt that his birth and childhood had been based on a lie, which caused him severe confusion and distress.

The Met's apology and out of court settlement arrives only days after Parliament passed the Covert Human Intelligence Sources (Criminal Conduct) Bill, which has been dubbed the 'License to Kill' Bill by human rights groups. The Bill is set to make law MI5's long standing policy of allowing its informers and agents to take part in criminal activity if the criminal offences involved were proportionate to the potential evidence extracted in the process. The Minister of State for Security, James Brokenshire, has argued that it was 'important that those with a responsibility to protect the public can continue this work, knowing that they are on a sound legal footing'.

However, last month Amnesty International, alongside a coalition of human rights groups including Reprieve and the Orgreave Truth and Justice Campaign, warned that the Bill could 'end up providing informers and agents with a license to kill'. The Bill does not explicitly forbid any crimes from being committed, with the Government arguing that this would only allow informers being unmasked by criminals testing to see if they are prepared to commit a crime that has been banned by the legislation.

The Labour Party abstained from voting on the Bill, with Shadow Home Secretary Nick Thomas-Symonds arguing in The Independent that Labour will push for 'robust safeguards' at committee stage, with the caveat that the Bill does not apply retrospectively, specifically referencing the Spy Cops scandal. Left-wing Labour MPs organised in the Socialist Campaign Group defied the party whip for the second time in as many weeks to vote against the Bill, following the controversial passing of the Overseas Operation Bill in September. The Bill has passed before the Spy Cops inquiry was able to begin, with delays relating to the coronavirus pandemic. The inquiry, called by then Home Secretary Theresa May in 2014, will scrutinise undercover police tactics, and how undercover officers spied on hundreds of 'left-wing' organisations, including the family of the murdered Black teenager Stephen Lawrence. There are fears amongst activists and MPs that the Covert Human Intelligence Source (Criminal Conduct) Bill would stop potential victims of Spy Cops style scandals from getting justice in the future.

Law Society Urges Review to Protect Six Fundamental Principles of Judicial Review

Local Government Lawyer: The Law Society has set out six fundamental principles of judicial review that it says the Independent Review of Administrative Law (IRAL) "must protect", arguing that judicial review is "a pillar of democracy and a vital check on power". The IRAL was set up in July this year and is chaired by former government minister Lord Faulks QC. Chancery Lane said: "There are legitimate questions as to whether improvements can be made to judicial review so that it functions

more effectively and keeps the focus on testing the lawfulness of decisions. “However, judicial review must continue to be available to provide a vital check on executive power, whichever the government of the day, and ensure accountability of state authorities. It’s a limited but important legal process in a modern democracy.” The Law Society’s “fundamental principles”, which it said should be at the heart of any proposals for reform, are as follows:

Maintaining Checks And Balances: The fundamental purpose of judicial review is to determine whether public authorities are acting in accordance with the law. Without an effective system of judicial review, other fundamental constitutional principles, such as parliamentary sovereignty, will be weakened. Its essential contribution to upholding the rule of law and principles of democracy within the broader constitutional system must not be diminished. Guaranteeing that it remains an effective and accessible mechanism for ensuring the accountability of government, public bodies and regulators according to the laws made by parliament must be a cornerstone of any possible reform.

Judicial Independence: Judicial review brings law and politics into close contact. A mature democracy must be prepared to deal with these tensions. Judges must be free to exercise their duties in judicial review without fear or favour, away from political considerations and criticism, and without being assumed to have an agenda beyond their role in upholding the law, so that they can fulfil their constitutional role and effectively enforce the rights of individuals and organisations.

Eligibility: Judicial review is concerned with decision-making by government, public bodies and regulators, and so must be available to all who are affected by those decisions. This includes citizens and non-citizens, when relevant, such as immigration cases or when a company has business interests in the UK. Organisations such as charities or trade unions should also be able to act, within reasonable limits, in the interests of the people, bodies or issues they represent by initiating or intervening in judicial review claims.

Accessibility and Affordability: There should not be excessive procedural hurdles which act as a barrier to bringing a claim. The need for prompt resolution and sufficient opportunity to pursue a claim must be appropriately balanced. To be fully accessible, bringing a judicial review claim must also be affordable. Where individuals lack their own financial means, adequate levels of legal aid must be provided to ensure equal access to the courts to enforce their rights. Costs awards and court fees must not be so punitive or unduly burdensome that they prevent claims being brought.

Scope: As judicial review concerns decisions made by public bodies, it often touches on decisions which may be political or seen as political. As the remit of the state has expanded, so too has the breadth of decisions subject to judicial review. It is not the role of courts to second guess political decisions and judicial review should not encroach upon the legitimate use of state power. Judges are sensitive to this and they can and routinely do make decisions about what is outside the scope of judicial review. However, there should be no artificial or inconsistent restrictions upon the type of decisions that can be reviewed. Where there are legal questions the court should rightly be able to decide these and certain issues, or categories of issues, should not be precluded from this. Given the imbalance of power between individuals and the state it’s important that people have a meaningful ability to challenge decisions which affect their lives and legal rights to ensure these have been made lawfully. In order for judicial review to operate effectively as a remedy of last resort, there must be adequate alternative mechanisms in place for people to assert their rights.

Effective Remedies: The circumstances of judicial review cases are wide-ranging. What will be a fair outcome in one will not necessarily be so in another. Judges must have a range of remedies at their disposal and discretion to award these to ensure that justice is meaningfully done.

Trials Listed for 2022 as Crown Court Backlog Approaches 50,000

Law Gazette,https://is.gd/u6EP99: The backlog of cases in criminal courts shows few signs of abating, with the latest figures revealing there were 558,000 outstanding cases by the end of September, 509,347 cases were outstanding in magistrates’ courts and 48,713 in the Crown court. The numbers have come down in magistrates’ courts from a peak in July, reflecting the impact of extended and weekend hours and the opening of temporary so-called Nightingale courts. But the outstanding caseload in the Crown court shows the difficulty in trying to run trials with limited court space and rising crime numbers. The number of Crown court disposals is growing, and in the week beginning 20 September was higher (1,801) than at any time since the pandemic, but these are still being outstripped by the receipts coming in, meaning the backlog has grown almost every week since March.

It is understood the Ministry of Justice has dropped any plans to cut the number of jurors on trials and is pushing ahead with ways of accommodating a full complement. But there is uncertainty about how exactly that will be achieved: the number of Nightingale courts likely to be opened is around 60, and even not until well into 2021. This is in contrast to the statements from former HMCTS chief executive Susan Acland-Hood over the summer that 200 new sites would be required to deal with the backlog. The aim of reducing the backlog to pre-Covid levels by next spring has long since disappeared, with it likely to be nearer autumn on current projections.

Law Society president Simon Davis said the latest figures bear out warnings that years of underfunding and cuts, which had already created a significant backlog in the criminal courts, have been exacerbated by Covid. ‘Justice is being delayed for victims, witnesses and defendants, who have proceedings hanging over them for months, if not years, with some trials now being listed for 2022,’ said Davis. 'The Ministry of Justice and HMCTS should ensure that it is making maximum use of normal court hours and the existing court estate, quickly take up further building space and avoid any restrictions on judges sitting while there are court rooms (real, virtual or Nightingale) available.’ The latest figures also show that other jurisdictions face an ominous workload of outstanding cases, not least in the employment tribunal where more new single claims (1,250) were received in the week beginning 20 September than in any other week since March. In the same week the tribunal disposed of fewer than half this number of cases. The backlog of outstanding cases is now at 39,836 – the highest recorded this year.

Met Police Today Looks and Feels as Racist as it Was Before Macpherson

Leroy Logan, Guardian: After the Stephen Lawrence inquiry there were positive changes. But progress has slipped, and black people are bearing the brunt. The Black Lives Matter movement has grown in momentum in the five months since the George Floyd killing. As a 30-year veteran officer who swore to “protect and serve” the community – an oath similarly taken by the man who held his knee on Floyd’s neck for 8 minutes and 46 seconds – I was reduced to tears to see the devastating actions of a Minneapolis officer, and how they came to be seen as symptomatic of an extreme violent minority within the police.

You might think that is only a US problem and it could never happen here in the UK. Unfortunately it has happened – as recently as 2017, when the avoidable death of Rashan Charles was recorded on a grocery shop’s CCTV in Hackney, east London. Following a chase on foot, an officer used a chokehold in an attempt to remove suspected drugs from Charles’s mouth; none of the actions were compliant with Metropolitan Police Service or College of Policing policy. Directly after that incident both organisations re-emphasised that British

officers were unauthorised to use such holds and tactics in drug searches, reiterating that in those circumstances the suspect should be treated as a patient and not just as a prisoner. However, the inquest decided the officer was not responsible for his death.

Other tactics, such as section 1 stop-and-searches, also point to aggressive policing. The Met accounts for more than 300,000 of these encounters per year – half the national total – even though it is only one of 43 forces in England and Wales. The problem is not only in the volume of stops that are carried out but also the pre-emptive use of force – handcuffing people before the search is justified. Added to this is the racial profiling that has been evident for decades, where a black person is nine times more likely to be stopped and searched for drugs than a white person. For section 60 stops, pre-authorised by an inspector or above, the disproportionality is even greater: black people are stopped more than 11 times more than white people.

I recognise the increasing danger our officers face: more knives on the streets, along with anti-authority militants who direct their anger towards the police. Officers have suffered a growing number of injuries, and there have been heartrending fatalities too. Yet these tragedies cannot be used to justify punitive enforcement tactics that erode trust and reinforce many people's perception of the police, and the Met in particular, as an occupying force and not a service. In fact, when I observe Met policing today, the look and feel of it is similar to the organisation I was part of back in the 1990s. That's before the 1999 Macpherson inquiry, which uncovered institutional racism and which was supposed to have sparked an overhaul in how the Met and other constabularies were run.

Back then, policing across the country had no independent oversight, and no one with the power to make it become more reflective of the community it served. Today most forces, including the Met, are well off the pace in trying to become representative organisations, even though, in the first 10 years after the Macpherson report, the Met showed significant improvement, with the proportion of black, Asian and minority-ethnic officers rising from about 2% to 12%. This was primarily down to the independent oversight of the Stephen Lawrence Steering Group, which monitored recruitment, retention and progression. This helped to create a working environment that was more positive for minority officers to survive and strive, resulting in lower resignation rates. It also reduced the disproportionate number of disciplinary investigations that ethnic-minority officers faced. I can testify to that, having been subject to a witch-hunt for an £80 expenses claim while white officers in similar circumstances faced no action.

Improving the experiences of black police staff at work, and the service to the black community beyond, is the overarching aim of the Black Police Association (BPA), formed in 1994, of which I am a founder member. Our goals put us directly at odds with the Metropolitan Police Federation – the rank-and-file officers' statutory staff association – because they knew we were looking at making culture changes both internally and externally. Even before we launched, they opposed us – stating we were an unnecessary development, and lobbying the Met commissioner in an attempt to prevent us from forming. They saw our presence – correctly – as a sign of their failure to adequately represent and support black officers. This set the tone for our relationship with white officers, who would try and intimidate us at our workplaces.

When Macpherson uncovered the disparity between the quality of policing that white and black communities received, stating clearly it was down to institutional racism, the federation resisted the inquiry's recommendations. I observed this directly in my role at that time as the first chair of the national BPA. I was amazed how much pressure the federation used on chief constables at Home Office meetings – repeatedly stating their members felt tarnished by the term "institutional racism", and claiming their officers were frightened to use their powers

on the street in black neighbourhoods. I saw police chiefs nodding along, which made me feel the tail was wagging the dog. Thankfully, Jack Straw, the then home secretary, would not play along with their tactics and held constabularies and the federation to the recommendations, helping to improve black communities' trust in the police.

Subsequent home secretaries with a similar approach in holding the Met and its federation to account have produced similar results. Sadly, the last to do so was Theresa May, who left that office in 2016. Since then her successors have had a light touch on the constabularies and their federations, especially in the Met, and we now have a more intolerant work culture that is also toxic to the survival of black, Asian and minority-ethnic officers. This is leading to black people facing an ever more disproportionate use of force – be it the use of handcuffs, Tasers or firearms – and they are ultimately twice as likely to die in police custody as white people. The only way to modernise the police service in a sustainable way, and make it fit for the 21st century, is by ensuring it moves on from its archaic mentality. It needs to start understanding and embracing racial diversity, equality and inclusion now, and making sure its new way of thinking impacts on the way it polices all communities, every single day. • Leroy Logan is a former superintendent in the Metropolitan police and a former chair of the Black Police Association.

Regina V Joseph Karumba Wangige

[A plea of "Autrefois Convict" (Law French for "previously convicted") is one in which the defendant claims to have been previously convicted of the same offence and that he or she therefore cannot be tried for it again]

1. The doctrine of 'Autrefois Convict' is narrowly circumscribed. There is, however, a wider principle, the broad effect of which is to preclude, in the absence of special circumstances, the pursuit of a subsequent prosecution based on substantially the same facts as resulted in a prior conviction: see Beedie [1998] QB 356. The issue on this appeal is whether such principle, properly applied to the circumstances of this case, should have required the Crown Court judge to stay, as an abuse, an indictment alleging causing death by dangerous driving.

2. The judge in the present case declined to order a stay. The appellant thereafter pleaded guilty to causing death by dangerous driving. It is common ground that this is one of those instances where a defendant may appeal against conviction notwithstanding that the fact of the conviction was based on his plea of guilt. Indeed the Single Judge has granted him leave to appeal.

72. Were there, nevertheless, special circumstances which justified the bringing of the further charge of causing death by dangerous driving? The arguments to us on this issue to a considerable extent, as we have indicated, deployed the same arguments as raised on the first issue.

73. The decision of the judge on this issue at this stage, prior to any ultimate decision as to whether or not to order a stay, was not an exercise of judicial discretion as such. Rather, it was an exercise of judicial evaluation by reference to the circumstances of the case. But, that said, the appellate court will ordinarily be slow to interfere with such an evaluation.

74. In the present case, however, the judge's reasoning was, with all respect, flawed. She made clear, for instance, that one point which she relied on in reaching her ultimate conclusion on special circumstances was the very wide disparity in gravity between the two sets of proceedings. But that will usually be the case in this context. Indeed the disparity in Beedie itself could hardly have been wider: yet the Court of Appeal specifically held that that of itself could not amount to a special circumstance. Moreover, the judge had also relied for this purpose on a differentiation between what happened before and what happened after the collision: but for the reasons given above that was not an available factor to be relied upon, either.

75. However, the judge's central point was based on the new report of Mr Hague, subsequently obtained, which had identified errors in PC Hannan's report. Does this of itself sufficiently constitute special circumstances for this purpose?

76. Mr Butler was disposed to argue that there had been unreasonable behaviour on the part of the prosecution at the time of the first charging decision. If, as has since been said, PC Hannan was relatively newly qualified in his post and in particular had very limited expertise in CCTV image analysis on speed, then all the more reason, Mr Butler submitted, to have raised at the time supplemental questions on his shortly expressed conclusions on the issue of speed or to have obtained the views of a further and more experienced expert: and all the more so in the light of Mr Rashid's statement and in the light of what the CCTV had appeared to indicate by reference to the relative speed of the Astra compared to other cars captured on the CCTV.

77. We do not accept this particular point. The Crown Prosecution Service evidently had considered the matter carefully and, on the basis of the materials available to them (which included PC Hannan's Report and statements), decided not to pursue a charge of causing death by dangerous driving: explaining this to the Magistrates Court. We are certainly not prepared to find that they acted unreasonably in placing reliance on PC Hannan's report and in their initial charging decision.

78. But, that said, matters need to be looked at more widely than that. The police themselves made their investigations. The method and product of their investigations cannot be divorced from the charging process as a whole in this case. Here, they did not choose to instruct Mr Hague. They chose to instruct PC Hannan. He produced his Collision Report, which was detailed. He did not qualify his opinion on the issue of speed by indicating that he lacked the appropriate expertise or in any other way; and, notwithstanding the statement of Mr Rashid, there was no further discussion or exploration of the point at that time. The prosecuting authorities, bluntly put, have to live with that.

79. In our view, a change in position on charging made solely by reference to the new expert report obtained following initial conviction and sentence and founded on the same facts that were in existence at the time of the first charging decision cannot, in the circumstances of this case, amount to a special circumstance sufficient to justify refusing to grant a say. To hold otherwise would amount to a significant and unwarranted encroachment on the application of the principles of Henderson v Henderson and of Beedie and Phipps.

80. Mr McGuinness also sought to place some reliance on Antoine, where a stay was held properly to have been refused even where there had been an incompetent blunder as to initial charging by the prosecution and even where, as he pointed out, on no view had any fresh evidence emerged. But Antoine was demonstrably an exceptional case, very different from the present. First, in that case the erroneous charge as brought was contrary to what was really intended: the mind did not go with the act, as it were. But in the present case causing death by dangerous (or careless) driving was carefully considered as a possible charge and was consciously rejected. Further, in Antoine the defendant had from the start been expecting a sentence of 10 years and must have known, at the time he pleaded guilty in the Magistrates' Court and was sentenced on the same day, that he was the undeserving beneficiary of a complete blunder. Moreover, in that case attempts to correct the error were immediately made by the prosecution and fresh charges were very swiftly brought. In the present case, however, the appellant would, as Mr McGuinness fairly accepted, reasonably have believed that, on being sentenced in the Magistrates' Court and when it had been openly said that he was not to be sentenced for causing Mr Lee's death, that was the end of the matter. In fact, the present charges were not even

brought (as we were told, without any prior notification to the appellant) until some two years later. Overall, in Antoine it could properly be adjudged that continuance of the proceedings did not offend the court's sense of justice and propriety. That is not so here.

81. In so concluding on this aspect of the case, we make clear that we are not saying that the obtaining of fresh expert, or other, evidence designed to correct an error or oversight or omission relevant to a first charging decision can never sufficiently constitute a special circumstance. Ultimately, all will depend on the particular circumstances of the particular case. What we do say is that on such a scenario very close scrutiny indeed is called for before it may properly be adjudged that a second prosecution may fairly proceed.

82. Conclusion. The principles established in cases such as Elrington and Beedie are important ones. They are not to be circumvented, when they properly come into play, in the absence of circumstances which can properly be described as special. That is not the situation here: the prosecution have not established the existence of special circumstances.

83. The position that has arisen in the present case is particularly unfortunate, given the dissatisfaction, expressed forcibly at the time, of Mr Lee's family with the initial charging decision and given also the fact that they will no doubt have since been told that the appellant had subsequently pleaded guilty to causing death by dangerous driving. That is very regrettable. But our conclusion, applying the principles established by the authorities to the circumstances of this particular case, must be that the appeal is allowed and the conviction quashed.

Irish High Court: Surrender of Ian Bailey to France Over 1996 Murder Refused

Andrew McKeown, Irish Legal News: The Minister for Justice and Equality sought an order for the surrender of Mr Bailey to the French Republic pursuant to a European Arrest Warrant (EAW) issued by Vincent Feron, deputy prosecutor at the Cour d'Appel de Paris (Court of Appeal in Paris). The EAW seeks the surrender of Mr Bailey to serve a sentence of 25 years' detention imposed by the Cour d'Assises (Court of Assize) in Paris in May 2019, for the murder of Sophie Toscan du Plantier, a French citizen, at Schull, Co Cork, in December 1996.

The killing was investigated by An Garda Síochána and Mr Bailey, a UK national, who was a neighbour of Ms du Plantier, became a suspect. A file was sent by gardaí to the Director of Public Prosecutions (DPP) who decided there should be no prosecution against him for any charge in relation to the killing and accordingly no prosecution was brought in Ireland against him. The file was reviewed on a number of occasions and the decision not to prosecute was confirmed.

He was tried in absentia in France in 2019, and he had no legal representation at that trial.

The EAW was endorsed by the High Court on 16 December 2019. It was executed by An Garda Síochána and Mr Bailey was admitted to bail on the same day. The European Arrest Warrant Act 2003 s.45 provides: “A person shall not be surrendered if he or she did not appear in person at the proceedings resulting in the sentence" in respect of which the EAW, unless the issuing country deals with certain matters in the EAW form. France indicated that Mr Bailey would be personally served with this decision after the surrender, and that, when served with the decision, he would be expressly informed of his right to a retrial or appeal, in which he would have the right to participate and which would allow the merits of the case, including fresh evidence, to be re-examined and which may lead to the original decision being reversed. Mr Justice Paul Burns was satisfied that the requirements of s.45 were met, and that this did not in itself preclude surrender. David Conlan Smyth SC with Ronan Munro SC and Marc Thompson BL, instructed by Frank Buttimer & Company, for Mr Bailey, argued against the surrender. Mr Conlan Smyth submitted that surren-

der was precluded as the issue of his surrender to France was already determined in his favour by the Irish Courts in such a way as to amount to an estoppel or accrued right.

This was the third EAW issued by France seeking Mr Bailey's surrender. The first EAW was issued by France in February 2010, and the High Court ordered Mr Bailey's surrender, but this was overturned on appeal in 2012 by the Supreme Court in Minister for Justice and Equality v Bailey (no.1) [2012] 4 IR 1, which refused to order surrender on the grounds that there had been no decision at that stage to try Mr Bailey, and that s.44 precluded his surrender. The second EAW was issued by France in August 2016, but the High Court (Minister for Justice and Equality v Bailey (no.2) [2017] IEHC 482) refused to order his surrender on a number of grounds, including that the application was an abuse of process.

Robert Barron SC with Leo Mulrooney BL, for the Minister, submitted that the Supreme Court in Bailey No. 1 held that the surrender of Mr Bailey was prohibited under s.44 by virtue of the limited extraterritorial jurisdiction exercised by Ireland at that time in respect of murder, and in particular that such jurisdiction was limited to circumstances where the alleged perpetrator was an Irish citizen. It was submitted that such prohibition no longer applies as the basis upon which Ireland exercises territorial jurisdiction in respect of the offence of murder has been amended by the Criminal Law (Extraterritorial Jurisdiction) Act 2019 s.3(5), so that Ireland will seek to prosecute an offence of murder committed outside of Ireland where the alleged perpetrator is an Irish citizen or is ordinarily resident in Ireland. The Minister submitted that as Mr Bailey is ordinarily resident in Ireland, the State could prosecute him for murder committed outside of Ireland, and in such circumstances s.44 of the Act 2003 no longer prohibits his surrender.

Mr Conlan Smyth argued that on a proper interpretation of s.44 and the principle of reciprocity of jurisdictional bases, the fact that Ireland will now prosecute persons ordinarily resident in Ireland in respect of murders committed outside of Ireland makes no difference, as the requisite reciprocity has still not been established. France bases its extraterritorial jurisdiction on the nationality of the victim, while Ireland bases its extraterritorial jurisdiction on the nationality or ordinary residence of the alleged perpetrator. Thus, even if at the time of the hearing in Bailey no.1 Ireland had asserted jurisdiction to prosecute persons ordinarily resident in Ireland in respect of a murder committed abroad, the decision in Bailey no. 1 would not be any different as the requisite reciprocity did not exist.

The wording of s.44 was the subject of adverse judicial comment in Bailey no. 1. Mr Justice Adrian Hardiman said that that the wording was "a little difficult to understand because of the use of too many words and their deployment in a peculiar and rather unnatural order." Mr Justice Donal O'Donnell said that the task of interpretation, whether general or specific, is however particularly difficult in this case. The language of s.44 of the Act of 2003 is somewhat opaque." Despite such commentary, Mr Justice Burns noted that the wording of s.44 has not been amended and "remains in its initial unsatisfactory form." Mr Justice Burns considered the interpretation of s.44 of the Act of 2003 as set out in Bailey No. 1, and the judgment of Mr Justice Paul McDermott in Minister for Justice and Equality v Pal [2020] IEHC 143, and found that the surrender of Mr Bailey remains precluded by virtue of s.44. "One may look at it another way by reversing the circumstances. If an Irish citizen was murdered in France by a UK national, who was ordinarily resident in France, Ireland would not exercise extraterritorial jurisdiction or seek extradition of the offender. Thus, the requisite reciprocity does not exist."

Mr Justice Burns, having reviewed Tobin and Bailey No. 2, was satisfied that the principle of issue estoppel can apply in the context of an application for surrender. "I am also satisfied that a final judicial determination on a substantive issue, as opposed to a technical issue or alleged defect in the warrant, resulting in a refusal to surrender can give rise to an accrued right not to be surrendered on the part of the requested party." He noted Mr Justice O'Donnell's decision in Tobin that the "mere existence of a right does not preclude statutory interference with that right." As was observed by Lord Alan Rodger in Wilson v First County Trust Ltd (no.1) [2003] UK HL 40, the presumption is a weak one; all that the presumption requires is that the intention clearly appear and from the text of the specific words used from the context of the amending legislation. Mr Justice Burns was satisfied that Mr Bailey is "not merely someone who might have had a right to take advantage of the former legislative provision, but rather was someone in respect of whom 'something' had happened so that a right vested in him or accrued to him. That 'something' was an application for surrender hearing and a determination by the Supreme Court that he should not be surrendered. The question that then arises is whether in changing the relevant legislation to extend extraterritorial jurisdiction for murder to persons ordinarily resident in Ireland, the Oireachtas intended to deprive the respondent (or others in a similar position) of the benefit of that previous decision not to surrender and thus make him amenable to future surrender."

Conclusion: The Surrender of Mr Bailey is precluded by virtue of s.44, by reason of a lack of the requisite reciprocity required thereunder, notwithstanding the enactment of the Criminal Law (Extraterritorial Jurisdiction) Act 2019. Surrender of Mr Bailey is also precluded by virtue of an accrued or vested right to the benefit of the previous judicial determinations refusing such surrender, which he was not divested of by reason of the enactment of the 2019 Act.

4,39 Drug Deaths: Surge in Fatalities of Female Cocaine Users

Read more: BBC News: Drug-related deaths reached their highest level for a quarter of a century last year as the number of women who died after using cocaine surged. Figures showed 4,393 people died in England and Wales from drug poisoning. Cocaine deaths increased for the eighth year running, rising by 7.7% for men and 26.5% for women. The Office for National Statistics said the overall death rate for men was twice as high as for women, however. About two-thirds of all deaths from drug poisoning were due to drug misuse, the ONS said - meaning the underlying cause was drug abuse or addiction, or they involved illegal drugs. Overall, deaths rose only slightly from 4,359 registered in 2018 to 4,393 registered in 2019. But that figure is the highest since records began in 1993.

Opiates such as heroin and morphine were involved in more than half of deaths where the drug type was known. The ONS said rates of drug poisoning have been on a "steep upward trend" since 2012 due to rises in heroin and cocaine deaths. Taking age into account, the death rate for men declined slightly in 2019, while for women it increased for the tenth consecutive year. Niamh Eastwood, director of drug policy charity Release, said two Parliamentary committees - the Health and Social Care Select Committee and the Scottish Affairs Select Committee - had called for reform of drug policy to tackle these deaths. The health committee recommended "non-judgemental harm reduction" policies and called for a consultation on decriminalising drug possession for personal use. She said the prime minister and home secretary should "stop playing politics and listen to the evidence".

Death rates were highest in deprived areas, with people in their 40s living in the poorest neighbourhoods at least five-and-a-half times more likely to die from drugs than those in the least deprived, the ONS said. The north-east of England had the highest drug-related death rate, almost three times higher than the area with the lowest rate in 2019, the east of England. "Investment in these communities, adequate housing, restoring benefits to a decent level, along with drug policy and harm reduction initiatives can save lives," Ms Eastwood said. The age

at which most people died from drug use is increasing, the ONS said, from 20 to 29-year-olds from 1993 to 2002 to 40 to 49-year-olds today. It is "possible" that a generation born in the 1960s and 1970s, Generation X, has been dying in greater numbers from drug misuse over time, the ONS said. The figures include deaths from all drugs, including prescription and over-the-counter medications. They also include accidents and suicides involving drugs, as well as complications from injecting drugs such as deep vein thrombosis and blood poisoning.

Benjamin Bestgen: Power and Public Discourse (Free Speech III)

In the third of his articles on free speech, Benjamin Bestgen stresses that freedom of expression must be examined in context. In many societies worldwide, people need to be cautious with their personal expressions, be it through speech, fashion, lifestyle choices, hobbies or association. There are limits to a person's or group's ability to bring forward their ideas, concerns or needs – or even to have their identity and rights acknowledged. Government censorship, legal prohibitions, informational scarcity, propaganda, economic and educational inequalities or societal taboos all limit freedom of expression – sometimes justifiably so, sometimes not. While some argue that censorship is generally bad, many also note that largely unlimited freedom of expression could likewise be detrimental to social cohesion and a peaceful living-together: it could permit the open expression of racist or sexist ideas, help political manipulations through misinformation campaigns, incite violence and public disorder and further exclude or prosecute already marginalised groups in society. But who gets to decide what can be expressed and in what manner?

Grounding the Debate: Freedom of expression is not something to be discussed abstractly. Philosopher Anthony Leaker asserts that any debate about free speech should be situated in its social, political and historical context. Thinkers like John Stuart Mill or Joel Feinberg delivered abstract thoughts under idealised, theoretical conditions. In reality, there is no such thing as Mill's "marketplace of ideas" where all proposals get equal rational attention and are examined for their merit to society. Leaker notes that when we discuss free speech, we need to look at the society we are talking about and ask practical questions: who holds political, social or economic power enabling or suppressing expression? Who sets the discursive norms by which we judge whether an expression is acceptable to us, correctly argued, palatably presented? Are the mediums and societal structures we use for freedom of expression – various public media, laws, universities, parliaments etc. – fair and equal or tilted to favour certain interest groups?

Macro-Level Power: The scope of this article does not include "micro" situations where freedom of expression is also restricted and monitored, such as employment, political parties or religious communities. For sake of space, we will stick to states for now. We sometimes look with dismay at countries like China, Egypt, Singapore, Saudi Arabia or Cuba, where freedom of expression is quite restricted and stiff penalties can await those daring to express unapproved positions. But Leaker points out that historically and politically speaking, our Western liberal democracies too are, and have always been, selectively liberal and democratic only. Democracies are not free from hierarchical, exclusionary and selective tendencies. They are also not above punishing dissenters.

Consider debates around immigration, racial discrimination, LGBTQI+ rights, poverty, legal aid or access to quality education: they demonstrate daily which members of society get actively suppressed, ignored, fobbed off or ridiculed. They also indicate the preferences and prejudices of those who make laws, inform and educate us or have their hands on the purse-strings. Power infrastructures regulating freedom of expression differ, of course:

In 'authoritarian' China or Cuba the power to censor or endorse subjects of interest is largely centralized and politically controlled. Civil servants and powerful party members decide on policy, censorship and punishments. Punishments can include imprisonment, state harassment, house arrest, torture, even death. In the 'liberal' UK or USA, such power is more decentralised and diffuse. There is not one person or office overseeing what goes and what doesn't in public discourse. Instead, the educational backgrounds and economic, social and political beliefs and interests of various influential individuals, political factions, lobbies, religious organisations and businesses often align. This contributes to the endorsement of similar messages and joint attempts to discredit or suppress others. Personal and professional connections, social status and wealth grant the power that in other societies is rooted in political appointment, military rank or religious influence.

Punishments also tend to be more subtle. Instead of torture or imprisonment, offenders will suffer character assassination, exhausting litigation, social and professional ostracism, unemployability or marginalisation. It is worth remembering that "liberal" and "authoritarian", "permissive" and "censorious" are not separate categories in any society – they are a matter of degree and context.

Keeping a Good Balance: As discussed in previous articles, not all restrictions on freedom of expression are bad. Some are needed for a reasonably peaceful co-existence. But the question of who can legitimately make decisions on matters of public expression or censorship is even more important in a liberal society than in one where power is more centralised. The billionaire owners of newspapers and TV stations enjoy arguably even less legitimacy to shape public opinion than a civil servant apparatchik tasked with censoring public expressions. The challenge and privilege for us all is to renegotiate in good faith regularly what freedom of expression means to us and what it should cover in the society we wish to live in.

Pastafarian Facing Six Years in Prison

A leading member of the parody Church of the Flying Spaghetti Monster is facing up to six years in prison for alleged illegal political activities. Mikhail Iosilevich, the Russian head of the fake religion whose followers call themselves "Pastafarians", that "worships" a deity made of spaghetti and meatballs, is accused of links to a banned Russian opposition organisation. Prosecutors allege that Mr Iosilevich allowed the church's premises to be used for meetings of Open Russia, a proscribed movement funded by an exiled ex-oligarch. Mr Iosilevich, who denies this and insists that the meetings were organised by a legal election watchdog called Golos, has been released on bail. The church was established in the United States in 2005 and its followers are known as pastafarians. Last year Mr Iosilevich, 43, won a legal battle for the right to pose with a sieve on his head for his driving licence. He said it was a sacred symbol of his faith. Police said that the lectures were organised by Open Russia, a banned opposition movement funded by Mikhail Khodorkovsky, an exiled former oligarch. Mr Iosilevich said he had no connections to Open Russia and that the charges were in revenge for his opposition to a construction project on a local green space. Open Russia accused investigators of mixing up Nizhny Novgorod, where the group said it had no presence, with Veliky Novgorod, another city 600 miles away, where it said it held training sessions for would-be opposition politicians on the dates in question.

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.