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

MOJUK: Newsletter 'Inside Out' No 818 (28/10/2020) - Cost £1

Extending Custody Time Limit Will Hit BAME People Hardest

Jamie Grierson, Guardian: Extending the amount of time unconvicted defendants can await trial in prison will have a disproportionate impact on people who are black, Asian or from other ethnic minorities, according to official advice handed to ministers. The coronavirus lockdown temporarily halted jury trials in March and despite the government creating "Nightingale" courts there are close to 500,000 cases yet to be heard in magistrates and crown courts in England and Wales. The Ministry of Justice last month temporarily extended the custody time limit for those in prison waiting for crown court trials from 182 to 238 days in an effort to get a grip on the backlogs.

An equality impact statement, drawn up by officials for the justice secretary, Robert Buckland, and quietly published earlier this month, warned there would be a disproportionate impact on black, Asian and minority ethnic people. It states that "defendants who are black, mixed, Chinese or other ethnic groups, males, or children are more likely to be remanded in custody during any point in crown court proceedings". The statement continues: "Therefore, we consider that temporarily extending the CTL [custody time limit] in the crown court in respect of those awaiting a trial will also disproportionately impact on people with these protected characteristics." The statement concludes: "We recognise that defendants with the protected characteristics detailed above may experience some disadvantage from a longer period of time held on remand."

Campaigners have urged the government to withdraw the regulations, arguing the move will increase the cost to the taxpayer of keeping defendants who are ultimately acquitted in prison for longer – and lead to victims waiting longer for an outcome. Statistics from the MoJ show that in 2019 nearly one in 10 people – about 3,000 defendants – were acquitted in the crown court after spending time on remand. Griff Ferris, the legal and policy officer at Fair Trials, , a global criminal justice watchdog, said: "It's shocking that the government was aware of the disproportionate impact extended custody time limits would have on people who are black and other ethnic minority groups, and yet they went ahead with it anyway. "The government knew that its actions would directly lead to more black people being held in custody for longer, despite being more likely to be released after a trial. Extending custody time limits directly reinforces the structural inequality and discrimination that already exists in the criminal justice system." The equality impact statement was published after campaign groups, the Howard League for Penal Reform, Just for Kids Law and Liberty wrote to the justice minister Lucy Frazer.

An MoJ spokesperson said: "The statement says that our measures are a proportionate means to protect our court users during the pandemic. "It also sets out factors which reduce the impact of these measures on disadvantaged groups, including defendants' right to apply for bail and have their detention scrutinised by a judge."

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.

'Time', the Shocking Film About a Family Torn Apart by the US Jail Industry

Steve Rose, Guardian: 'This system breaks you apart. It is designed just like slavery to tear you apart. And instead of using the whip, they use mother time … The experience itself is just like when they used to hang people but barely hang them, and leave their feet just tiptoeing around in the mud." These are the words of Sibil Fox Rich, compelling subject of new documentary Time. She is talking about the US prison system, of which she has some experience. In 1997 she and her husband Robert Richardson were convicted of a bank robbery in Louisiana. She got 13 years but was released after three and a half; Robert was dissuaded by his lawyer from taking a plea deal. He got 60 years. That sentence would seem outrageously punitive elsewhere, but, for a black man in Louisiana, it is practically routine. "The white man keeps you there until he figures it's time for you to get out," says Rich's mother resignedly. But Rich refused to let the system break her family apart. Instead, she campaigned for her husband's release, in between raising her six sons, advocating for other families of the incarcerated, and building a career as a powerful public speaker and self-proclaimed "abolitionist".

America's prison system, its impact on black communities and its continuity with historic slavery, has come under renewed scrutiny in recent years, thanks to works such as Ava DuVernay's 13th, Michelle Alexander's The New Jim Crow, Douglas Blackmon's Slavery By Another Name, and Eugene Jarecki's The House I Live In. Time, directed by Garrett Bradley, is something different. Rather than giving us the big picture, it gives us the personal, emotional experience, and it shows how incarceration, like slavery, permeates every aspect of life, for those on the outside as well as those behind bars. Intimate and stirring, it is the work of an experimental artist more than a journalist – and has been recognised as such by awards juries since its premiere at this year's Sundance film festival, where it won Bradley the documentary directing prize.

The title is double-edged. As much as Time is about "doing time", it is about time itself: time passing, time wasted, time remaining. What really enables Time to explore these themes is the 18 years' worth of home videos that Rich shot while her husband was in prison, which Bradley skilfully integrates with her own footage. We see Rich's twin sons develop from a bump in her belly to college students. We see the birthdays, the playtimes and the family gatherings – things their father has missed. "They have absolutely no idea what it means to have a father in the house," Rich muses to the camera. And we see Rich herself grow from a regretful but spirited young woman into a resilient, complex older one – albeit with vulnerabilities still close to the surface. In one memorable scene, she stands before her church congregation and asks for forgiveness from all those she has made suffer. It's just one of many scenes that's missing from collective notions of crime and incarceration.

"I don't go out looking for stories; I meet people. I develop relationships with them, and that's how the projects come to fruition," says Bradley, who is currently in her native California, but has lived in Louisiana for the past 10 years. She doesn't feel her approach is any better than the

factual documentary one. The two can work in tandem to highlight the issues at hand. Besides, she adds, "don't you think that emotions are facts? Facts don't always become emotional, but I think in our bodies and our minds, the things that we feel become the truth." Had she taken a different approach, the film would never have happened. Bradley met Rich via her 2014 debut feature Below Dreams, a semi-documentary story about New Orleans millennials, cast via Craigslist. When one of her players was arrested, Bradley became close to his girlfriend, named Aloné. In 2017, she made a documentary short about Aloné, who was now engaged to her incarcerated boyfriend. That led her to Rich, who was effectively 18 years further down the same road. "She was maintaining her level of hope, but I think she was starting to feel kind of broken," says Bradley. "Her patience had been tested on an unprecedented level."

Bradley then began making another short documentary about Rich, she explains. On the final night of shooting, when she was packing up her gear, Rich said: "Hold on one second." Bradley recalls: "And she went to the other room and came back and had this small, black duffel bag that was filled with mini-DV tapes, and she said, 'I haven't watched this stuff since I shot it and I hope it's of some use to you.'" It was an emotional moment, says Bradley. Not necessarily in the context of her film (although it enabled it to become a feature), but in the trust Rich was placing in her, to safeguard her memories. In that sense, Time is more a collaboration between the two women than an orthodox documentary. That's the way she works, says Bradley. "I don't put work into the world that people who are in it haven't seen before the rest of the world has seen it. I think that's incredibly important, to get their blessing on something and it doesn't challenge the idea of authenticity at all. To have something be genuinely collaborative doesn't take away from it being authentic, or real, or even objective."

That level of trust is evident throughout Time (spoiler warning). Not least in the cathartic scene when Robert is finally released from prison, having had his sentence commuted. Fox meets him in a white limousine. They lock into a passionate embrace in the back. Next thing you know, they have no clothes on and are gazing at each other in postcoital bliss. It's tastefully handled, but you're struck by the fact that whatever has been going on, it has been going on in front of a cameraperson filming from the front seat. That was Bradley's cinematographer, Nisa East, she explains. "I was driving in my little Honda Civic right behind their car, driving and texting, and Nisa saying, 'It's getting really hot and heavy in here. You sure you want me to keep filming?' And I said, 'It's not up to me, it's up to Fox and Robert. Let them guide you.' So much of being a filmmaker is energy work. But what was most profound about that scene is that people have come to me and said it wasn't till that moment that they understood how much was lost."

There is another sense in which Bradley felt responsible when Rich handed over her home videos: "In Louisiana specifically, where Katrina obliterated a lot of family history, a lot of people don't have their past documented any more. And that feeds into ideas around the importance of the black archive in America. Oftentimes it is one of the only sources of evidence of who we are outside of an external gaze. It's a form of resistance to have your own archive." Bradley's work often crosses the boundaries between fiction, documentary and archive elements. Her 2017 film America, for example, sought to restock that lost archive of images of early 20th-century African American life, with filmed scenes of non-actors intercut with clips from 1913 silent The Lime Kiln Club Field Day – the oldest surviving feature with an all-black cast.

She has also worked in commercial film-making. She met Ava DuVernay on the set of her Louisiana-set series Queen Sugar, and later worked as assistant director on DuVernay's Central Park Five series When They See Us. "Like Fox, and like all great leaders, she has

a way of leading while also being generous and opening doors for people." She has a solo exhibition at New York's MoMA opening in November, and has been working for the past year on a documentary about tennis star Naomi Osaka. The future's looking bright.

Things have improved for the Rich/Richardson family, too. Unlike many ex-convicts, Robert had a stable home to return to. He and Fox now campaign together for families affected by incarceration and for prison reform. Technically, he is still not free, though: he will be on parole and under curfew for the next 40 years, Bradley points out. "So again, as Fox has said herself, you commit one crime in the state of Louisiana as a black family and they have you for life." What would she say to those who refuse to sympathise with Richardson? He is, after all, a criminal, and to many Americans the mantra is still: You do the crime, you do the time. "I think it goes back to forgiveness," says Bradley. "What do we gain as a society from excessive sentencing?" The sentencing is just the tip of the iceberg of an unjust system. "It's not really about the crimes, it's about many, many other things which we as a culture need to resolve if we want to live in a fair and just and equal society, and I believe that most of us do."

There are grounds for hope, she believes. One is the fact that racial injustice and America's prison-industrial complex are now mainstream topics. "They're being talked about in the media in the same way that Batman is being talked about, right?" Attitudes are changing: John Bel Edwards, Louisiana's governor since 2016, campaigned on prison reform and has granted 116 of the 164 clemency appeals made to him; his predecessor, Bobby Jindal, pardoned just 83 out of 738 during the previous eight years. Another more lasting reason is time itself. The progress that has been made over generations is visible in Time. Fox Rich's mother told her to dress nicely and try to make a good impression in court, and discouraged her from fighting for Robert's release. Fox herself chose to take on the system. Now Freedom, one of her twins, is a political science student, studying the criminal justice system with a view to having a hand in transforming it. "I'm incredibly optimistic," says Bradley. "I think we have to be. The system wins when we stop being optimistic."

What Is the Covert Human Intelligence Sources Bill?

Nadine Batchelor-Hunt, Each Other: The Covert Human Intelligence Sources Bill has received criticism from both Tory and Labour MPs – leading to 19 Labour MPs defying the party's leadership to vote against it. But why do some find it controversial? On Monday (5 October), the Covert Human Intelligence Sources Bill passed its second reading in Parliament by 182 votes to 20. Security minister James Brokenshire said in parliament that the Bill is intended to make Britain safer by ensuring that "operational agencies and public authorities have access to the tools and intelligence that they need to keep us safe", including from terrorists and serious organised crime groups. The minister added that undercover agents, known as covert human intelligence sources (CHIS), have played a "critical" role in disrupting terrorist plots, thwarting 27 terror attacks since March 2017.The proposed legislation includes protecting undercover police and MI5 agents from prosecution when they commit criminal offences as part of their work. Brokenshire has previously said of the Bill that "it may be necessary for agents to participate in criminal activity in order to gain the trust of those under investigation".

However, the Bill has been criticised for not explicitly prohibiting undercover agents from committing various serious crimes as part of their work. These include murder, torture, and sexual violence. Undercover agents have come under increasing scrutiny in recent years, after it was revealed that officers posing as activists in various environmentalist, anti-racist

and animal rights groups had formed sexual relationships with women they were spying on. A public inquiry into the actions of the undercover officers is set to begin in November. The justification behind the Bill is not entirely new as it follows a ruling in December 2019 where it was decided, albeit narrowly, that MI5 and other agencies are permitted to commit serious crimes. The Bill seeks to formally make the principle part of British law.

One of the most controversial cases regarding undercover officers is that of Bob Lambert, who fathered a child with one of the activists he was spying on when he posed as a left-wing animal rights campaigner in the 1980s. Lambert went on to desert the woman and his then two-year-old son, who recently received compensation from the Metropolitan Police. Lambert was later in charge of other undercover officers who he deployed to spy on anti-racist campaigners, including those connected with the family and friends of Stephen Lawrence. Security minister: 'It may be necessary for agents to participate in criminal activity'

In the Commons on Monday, Labour MP Yvette Cooper raised her concerns over the proposed legislation, calling on the government to use the provisions of the Human Rights Act to provide safeguards for the bill. She highlighted Article 3, which prohibits torture and inhuman or degrading treatment. Cooper added that "having safeguards is also in the interests of national security and of the intelligence agencies and the police".

Meanwhile, Labour's shadow home secretary Nick Thomas-Symonds wrote in the Independent on Sunday that the government must be "far more explicit" about the bill, and that "each and every authorisation should be notified to the commissioner in real time, so scrutiny can be robust and ongoing." Former Brexit secretary David Davis has also expressed concern over the bill, describing it as "ill thought-through", saying that Britain "shouldn't give more powers to our police than Americans give to the FBI."

Human rights organisations have expressed concern, too. Amnesty International has described the new legislation as resulting in what is effectively a "licence to kill". "[It] is deeply alarming that the proposed law does not explicitly prohibit MI5 and other agencies from authorising crimes like torture and killing," said Grainne Teggart, Amnesty International UK's Northern Ireland campaigns manager. "In Northern Ireland, we have seen the consequences of undercover agents in paramilitary organisations operating with apparent impunity whilst committing grave human rights abuses, including murder. "Such criminal acts do not become any less serious when placed on a legal footing." "[It] is deeply alarming that the proposed law does not explicitly prohibit MI5 and other agencies from authorising crimes like torture and killing."vGrainne Teggart, Amnesty International UK's Northern Ireland campaigns manager.vElsewhere, Maya Foa, a director at human rights organisation Reprieve, told the BBC: "Our intelligence agencies do a vital job in keeping the country safe, but there must be common sense limits to their agents' activities, and we hope MPs will ensure these limits are written into the legislation."

If an Englishman's Home is his Castle, his Clothes are his Suit of Armour

Dijen Basu QC, UK Police Law Blog: Pile v Chief Constable of Merseyside Police [2020] EWHC 2472 (QB) concerned what many might consider to be the tail end of just another good night out. The claimant got into a taxi on 22 April 2017, in an advanced state of intoxication, and the taxi driver rang 999 to report that she had started abusing him and 'kicking off'. She vomited all over herself and over the back of the taxi. Officers responding to this unfortunate misunderstanding found her covered in vomit, including in her hair. They arrested her for the offence of being drunk and disorderly. At the police station, Ms Pile was flailing her arms with the attention

of striking the officers accompanying her. She later accepted a £60 fixed penalty notice as an alternative to being prosecuted. For many, the story would have ended there...

The Issue: The claimant did not, however, leave it there. By the time the matter reached Mr. Justice Turner, on appeal from Mr. Recorder Hudson sitting in the County Court in Chester, he identified this important issue of English constitutional law, never before determined by the High Court, at [1: "Cheryl Pile brings this appeal to establish the liberty of inebriated English subjects to be allowed to lie undisturbed overnight in their own vomit soaked clothing. ... She had emptied the contents of her stomach all over herself and was too insensible with drink to have much idea of either where she was or what she was doing there. Rather than leave the vulnerable claimant to marinade overnight in her own bodily fluids, four female police officers removed her outer clothing and provided her with a clean dry outfit to wear."

Some have opined that this is not the right way to describe "a vulnerable claimant" but, other than her excessive alcohol consumption, there is no indication in the judgment of the claimant having been inherently otherwise vulnerable. The commentators who have leapt to her defence and who have deprecated the opening paragraph of the judgment would, no doubt, express precisely the same worthy sentiments in the case of a drunk and disorderly man who had behaved in exactly the same way, ending up in the same sorry state as Ms. Pile did, and who had been vulnerable through drink and the soiling of his clothes.

Others might, however, share Mr. Justice Turner's view. Among them might be the taxi driver, who had the pleasure and cost of cleaning the claimant's vomit from his taxi, instead of driving it in order to earn his living. He might be joined by the police officers, who had to deal with the claimant in the state into which she had chosen to drink herself, including the four female officers, doing their job, who later had to answer in court accusations of having assaulted and violated her human rights for having changed her into clean clothes.

In his judgment, Mr. Justice Turner noted, as a comment separate from his reasoning, that [3]:- "some members of the public may well have found it to have been a grotesque result if a woman who: has rendered herself insensible through drink; abused an innocent taxi driver; behaved aggressively to police officers trying to do their job and vomited all over herself should then be found to be entitled to compensation because those same officers, as an act of decency, had then changed her into clean and dry clothing at a time when she was too drunk to know or care." When a judge explains what "some" members of the public "may well" think, she or he is in fact saying that every single right-minded citizen (apart from the claimant) definitely thinks this. Happily though, when a point of high constitutional principle is at stake, the law of England and Wales is blind to such trifling concerns.

The Arguments on Appeal: The claimant complained that police officers should have "monitored [her] until such time as [she] could safely remove her own clothes". Mr. Justice Turner described this complaint as "risible". 'Risible' means 'provoking laughter through being ludicrous'. 'Ludicrous' means 'so foolish, unreasonable, or out of place as to be amusing'. Seasoned advocates know that, when a judge describes your argument in this way, it is time to think of a completely new, and far better, argument. Such a pronouncement is about a '7' on the judicial Richter scale. The claimant argued that the police have no "power" to change the clothing of a detainee incapacitated by drink, however contaminated such clothing may be by bodily fluids. She contended that this applies even where leaving the detainee in her own clothes posed a hygiene risk to her and to those coming into contact with her and notwithstanding the degrading condition in which she would otherwise be left to spend the rest of the night wallowing in her own vomit or worse. For a number of female officers to change her into clean clothing, using no more force than necessary, and without objection from her, amounted to a trespass to her person, it was argued. This, the judge said, was a "brave proposition". Seasoned advocates know that when a judge says this, he or she is not complimenting you. When a judge describes a proposition you adumbrate in this way, she or he has run out of hyperbole, short of expletives, with which to describe how 'risible' the proposition really is and you should self-isolate / socially distance from it immediately.

The claimant relied on s.54(6C) of Police and Criminal Evidence Act 1984, which provides that: "A constable may only seize clothes and personal effects in the circumstances specified in subsection (4) above" as a prohibition on removing her vomit-soaked clothing at all. The s.54(4) conditions are that the custody officer believes that the detainee may use the clothes and personal effects to cause physical injury to himself or another, to damage property, to interfere with evidence, or to assist him to escape or that he has reasonable grounds for believing that they may be evidence relating to an offence. Nowhere do the s.54(4) conditions include the fact that the clothes are vomit-soaked, ergo their removal and replacement with nice clean clothes is an assault, so the argument boldly goes. (NB: a 'bold' argument is a 'brave' or 'risible' one).

Not so, said the judge, pointing to the combined effect of ss.54(6A) – (6C), inserted by s.147(b) of the Criminal Justice Act 1988. S.54(6A) broadens the power to search those in police detention, geographically, to those not in a police station, temporally, to "any time" and, personally, to any constable, for the specific purpose of ascertaining whether the detainee has with him anything which he could use to cause physical harm to himself or another. S.54(6B) empowers a constable to seize anything found in such a search, but makes this power subject to s.54(6C). The function of s.54(6C) is therefore to circumscribe the powers of seizure in a search of a detainee other than by a custody officer on the detainee's arrival at a police station, having been arrested elsewhere. It does not create a freestanding right on the part "of inebriated English subjects to be allowed to lie undisturbed overnight in their own vomit soaked clothing", whatever the claimant's unique wishes.

The judge also pointed to para 8.5 of PACE Code C which provides:- "If it is necessary to remove a detainee's clothes for the purposes of investigation, for hygiene, health reasons or cleaning, removal shall be conducted with proper regard to the dignity, sensitivity and vulnerability of the detainee and replacement clothing of a reasonable standard of comfort and cleanliness shall be provided." Part of the care of a detainee may involve the replacement of soiled clothes.

Human Rights Violation: The claimant also argued that her article 8 right to respect for her private life had been violated by her being placed in a police cell monitored by CCTV and by the removal and replacement of her clothes. She also contended that a male inspector had violated her article 8 right in the following circumstances: after the female officers had removed the claimant's clothing, she had continued to struggle and they had left the cell with her soiled clothes in a bag, without putting clean clothes on her but leaving them out for her. The inspector had looked through the hatch of the cell door to check on her well-being, not being aware that his colleagues had had to leave her in her underwear (they later dressed her).

The judge pointed to the proviso in article 8 para 2, which permits proportionate interference by a public authority, such as a police officer, where it is in accordance with the law and is necessary in a democratic society in the interests of protection of health or the protection of the rights and freedoms of others. The claimant had required monitoring because of her behaviour and because of her intoxication. Indeed, she had lost her balance in the cell and banged her head (while monitored – so that officers were able to render assistance, seeing her fall on the remote link), sustaining injury for which she had required hospital treatment. Tellingly, although she

had (unsurprisingly) sued the force in negligence in respect of this injury, the dismissal of this head of claim by the Recorder had "remained wisely unchallenged in this appeal". Perhaps this claim was too risible and bold to persist in, even for the brave representatives of the claimant.

The claimant finally argued that the involvement of four (female) officers in changing her clothing amounted to a breach of her article 8 right in the light of annex A11(c) of PACE Code C which provides:- "When strip searches are conducted: (c) except in cases of urgency, where there is risk of serious harm to the detainee or to others, whenever a strip search involves exposure of intimate body parts, there must be at least two people present other than the detainee. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances…"

The judge found that the use of four officers (rather than two) had been justified by the circumstances and by the fact that the claimant had been struggling. Fewer officers might have found it harder to control the claimant and may therefore have sustained injury. The officers who dealt with the claimant neither assaulted her nor violated her human rights. They took reasonable care of her, including her medical needs (having fallen over and banged her head) and her hygiene and welfare needs, lying in vomit-soaked clothes. It is a pity that it took a court decision (on appeal from another) to establish something that some members of the public may well have found to have been obvious. Officers can act with confidence in similar cases to this one in the future without fear of 'brave' or 'risible' claims.

Lord Kerr: 'Respectable Arguments' for Both Jury and Non-Jury Trials

Owen Bowcott, Guardian: After reading law at Queen's University in Belfast, Brian Kerr worked first as a barrister and then a judge in Northern Ireland's courts throughout the Troubles. Serious criminal cases at the time were tried in non-jury Diplock courts, introduced to prevent intimidation by paramilitaries. The idea of using judge-only trials as a means of tackling the massive backlog of crown court cases that accumulated in England and Wales during the pandemic has resurfaced in recent months. Restarting jury trials has proved difficult because of the need for physical distancing.

Lord Kerr, while not proposing their adoption, believes there are "respectable arguments" to be made for both types. Diplock courts had two important features, he said: the judge was required to give "a fully reasoned [decision] why he or she reached a particular verdict and there was an automatic right of appeal". "In my experience, the court of appeal [in Belfast] was utterly scrupulous in examining judgments," Kerr added. "It will require the verdict of history but it was suggested by such distinguished civil libertarians as Sir Louis Blom-Cooper that the non-jury system was in some senses superior to the jury trial."

By contrast, Kerr regards the introduction of internment without trial, which ran from 1971 to 1975, as "now generally recognised as calamitous for the rule of law". It has, he added, "been said that it was the best recruiting sergeant for the IRA". He recently delivered a unanimous ruling overturning the legality of interning Gerry Adams, the former Sinn Féin leader, nearly 50 years ago. The case turned on whether or not Willie Whitelaw, then Northern Ireland secretary, had personally considered whether to intern Adams as required by the Detention of Terrorists (Northern Ireland) Order 1972. "It's ironic," Kerr said, "that some of the criticism suggested that we [on the supreme court] ought to have been aware of the political inconvenience of our decision … And this falls from the mouths of people who complain about the court being influenced by political decisions."

As lord chief justice of Northern Ireland during the Troubles, he and his family became accustomed to having armed officers from his close protection unit living in his garden 24 hours a

day, 365 days a year. Asked to choose which had been his most important case, Kerr opted for the 2018 legal challenge brought by the Northern Ireland Human Rights Commission, which ultimately led to reform of abortion laws. Four of the seven justices – Lady Hale, Lord Mance, Lord Kerr and Lord Wilson – said the restrictive law was incompatible with human rights legislation in prohibiting abortion in cases of rape, incest and fatal foetal abnormality.

Recalling the case, Kerr said: "One only has to read the dreadful circumstances of the young women who were courageous enough to give … an account of their experiences in order to be struck how dreadful those experiences were. These were young women who were told at a relatively early stage in their pregnancy that their expected baby would not survive and it was considered by the medical profession in Northern Ireland that it was not open to them to take a step to intervene in that situation. They had to experience the congratulations of people who did not know the circumstances of their pregnancy. They had to, in two cases, carry the child knowing they would not survive … It was an extremely important case and one which I was very pleased to be part of." Having stood down from the supreme court, Kerr, now 72, will do arbitration and mediation work. Unlike many of his senior judicial colleagues, he is a peer. "When this dystopian nightmare [of Covid-19] ends … I might go back into the House of Lords to make a bit of mischief," he said. "None of the [other] supreme court [justices] have translated to the [upper house], which I think is regrettable. Many would give very useful contributions."

UK Needs Judges to Limit Government Power, says Lord Kerr

Owen Bowcott , Guardian: Longest-serving supreme court justice says healthy democracy requires checks on ministers. The last thing the country needs is a government in which ministers exercise "unbridled power", the UK's longest serving supreme court justice has said. In a forthright defence of the courts system, Lord Kerr of Tonaghmore, who stood down at the end of last month, said judicial checks on the government were part of a healthy democracy. Kerr said he understood why governments became "irritated" by legal challenges but warned that attacking lawyers was "not profitable". His comments follow criticism from the prime minister, Boris Johnson, and the home secretary, Priti Patel, of "activist" and "lefty human rights" lawyers whom they blame for obstructing immigration controls and "hamstringing" the criminal justice system. The government has also created a panel of experts to examine how judicial review challenges are dealt with by the courts, saying it wants to balance the right of citizens to question government policy in court against the executive's ability to govern effectively.

Kerr, a former lord chief justice of Northern Ireland, joined the supreme court in 2009, when it was first formed, and served for 11 years. In an interview with the Guardian, he dismissed Patel's description of the profession. "Lawyers are not activists," he said. "They are re-activists. People bring problems to lawyers and lawyers decide whether they can be fitted into some sort of legal framework in which a legitimate challenge can be taken. "I can understand the government is less than pleased when challenges are made to decisions they have taken frequently after very considerable deliberations … But it doesn't seem to me that attacking lawyers who provide the services that allow those challenges to be made … is particularly profitable."

Ministers might be "irritated by legal challenges which may appear to them to be frivolous or misconceived", Kerr said. But, he added, "if we are operating a healthy democracy what the judiciary provides is a vouching or checking mechanism for the validity [of] laws that parliament has enacted or the appropriate international treaties to which we have subscribed … The last thing we want is for government to have access to unbridled power." However, for ministers, he

acknowledged, “on a day-to-day basis that’s a difficult message. They want to get on with the business of government and they don’t want the interference. “Parliament is certainly sovereign … When the government acts in excess of the powers [parliament] has decided, it’s entirely healthy and entirely appropriate that there be some institution to point this out.”

The Human Rights Act, he explained, was often an example of that process. “It’s parliament,” he said, “which has said to the judges, ‘Please look at this legislation and tell us whether it’s compatible with the European convention [on human rights].’” Kerr said he “fully agreed” with comments made by the former president of the supreme court Lord Neuberger, who last week said that the internal market bill, which enables the government to breach international law and exempts some of its powers from legal challenge, was in danger of driving the UK down a “very slippery slope” towards dictatorship or tyranny.

Empty Streets During the Pandemic Make it Harder to Follow Suspects, Says MI5 Chief

Fiona Hamilton, The Times: Spies have found it more difficult to trail suspects during the pandemic because of the empty streets caused by lockdown, the director-general of MI5 revealed yesterday. Ken McCallum, who took over the security service in April, also revealed that would-be terrorists were altering their plans because there were fewer crowds to target. Detailing how MI5’s activities had changed, Mr McCallum said his officers spent significant amounts of time on the near-empty streets and “covert surveillance is not straightforward”.

The agency’s adversaries were aware that Covid-19 had “turned the world upside down” and there was a risk that they would deploy biological, chemical or radiological materials in a future attack, he warned. The authorities had been alive to that risk for years, however, and it was not yet “upon us”. The pandemic is creating fresh work for the agency as it seeks to protect the research into a coronavirus vaccine.

In July Britain accused the Russian state of trying to hack into its vaccine research. Mr McCallum would not say whether there had been further attempts by other states but acknowledged that “the global prize of having the first useable vaccine is a large one”. Mr McCallum, 45, who studied mathematics at university and has worked for MI5 for nearly 25 years, including managing counterterrorism before and during the 2012 London Olympics, became the youngest head of the security service when he took over from Sir Andrew Parker.

He revealed that the security service was increasing efforts to counter hostile activities by China. He said Russia’s activities caused the “most aggravation” to the UK at present but that China, which had tried to steal UK intellectual property and target technology and infrastructure, represented the greatest long-term threat. Both were growing in severity and complexity. “If the question is which countries’ intelligence services cause the most aggravation to the UK in October 2020, the answer is Russia,” Mr McCallum, who led MI5’s response to the novichok attack on Sergei Skripal in Salisbury, said. “If the question is which state will be shaping our world across the next decade, presenting big opportunities and big challenges, the answer is China. “You might think in terms of the Russian intelligence services providing bursts of bad weather, while China is changing the climate.”

Mr McCallum said MI5 was using artificial intelligence to mine mountains of data on phones and computers for terrorist-related images such as the Islamic State flag. He said such use of technology was essential when police and spies had 14 days to charge or release suspects, placing them in a “race against the clock”. Artificial intelligence was also being used to comb CCTV and would be harnessed to try to predict the behaviour of suspects, he added. However, large amounts of activity still took place in the “real world”. “We spend our days and nights

planting microphones in attics, doing surveillance on the streets, meeting human sources, out and about in the real world — the kind of things I spent my twenties doing,” Mr McCallum said. “We are completely used to operating in secret and away from special buildings.”

The intelligence services faced a “nasty mix” of trying to combat increased state-backed hostile activity on top of the terrorism threat, he said. While Islamist extremism remained the largest threat by volume, the threat from the extreme right was increasing. Of the 27 late-stage terrorist plots disrupted by MI5 and counterterrorism police since 2017, eight related to the extreme right. Mr McCallum, who is from Glasgow and is married with children, said: “Whenever my phone rings late in the evening, my stomach lurches in case it is one of those awful moments.” He pledged to use social media to attract a broader range of recruits and said Black Lives Matter protests had prompted discussions about diversity.

Civilised Societies Trade the Certainty of Absolutism for the Prospect of Justice

Nicholas Reed Langen, Justice Gap: If we have learnt anything from the recent months spent oscillating between various degrees of lockdown, it is that certainty should be a touchstone of government policy. At the beginning of the first lockdown, the rules were clear and understood, so public adherence was widespread. Apart from the rogue hikers in the Peak District, hunted down by police drones, there was little to complain about, with most people diligently hunkering down and hoping to wait the virus out.

From this high point, there has been steady decline, with no one any longer truly sure what the government’s uniquely incoherent blend of legislation, regulation and advice actually requires them to do. If, as Jeremy Corbyn discovered, someone pops in to a dinner party for dessert, taking you to seven guests, do you all have to go home? Or can you pretend it’s an ice hockey game, and swap people in and out of the downstairs loo, with never more than six in the kitchen at a time?

Of the all adjectives available to describe the government, ‘uncertain’ might therefore be the least offensive, but still accurate, word left available. Given this, it is a little surprising, although not necessarily illogical, for the Lord Chancellor, Robert Buckland, to argue that it is the need for certainty that justifies the clauses seeking to curtail judicial review and international law in the Internal Markets Bill. Buckland made this argument in his appearance before the House of Lords’ Constitution Committee, responding to Lord Pannick’s concerns by saying ‘I felt, and… the government felt… that there was [a need for] increased certainty when it came to these particular provisions’.

The trouble for Buckland is that while certainty is a touchstone for government, it is not the only one. As many of the challenges to the lockdown regulations have shown, even if they have been certain in what they ordered, they have been made in a way more reminiscent of a totalitarian state than a democracy. They’ve been made by decree, without debate, and published mere moments before coming into force. Democratic governments must enact legislation but still accept that they need to be held to account- they cannot, and should not, try to grant themselves unchecked power. This is what the IMB does, with Buckland seeking to disguise the government’s pursuit of absolute authority as the more benign pursuit of certainty.

Buckland is not a stupid man, but in arguing that ‘clause 47 goes that bit further’ in trying to limit review, he is dancing on the head of a pin, fatuously claiming that the ‘qualifications… are not of a type that could be reasonably argued as creating… a fundamental ouster, or even a significant ouster’ to judicial review. As has been argued by many, including me, the IMB is arguably the most authoritarian piece of legislation ever laid before parliament. Regardless of what Buckland blusters about not ‘tolerat[ing]… any unintentional slide into tyranny…’, the fact that he has even felt obliged to acknowledge a risk of tyranny shows how far this legislation has gone beyond the pale.

Little more exemplifies the need for judicial review than the current state of our prisons. Earlier this week, the Prison Reform Trust wrote to the Lord Chancellor 'again', expressly drawing his attention to the 'rapidly developing situation in prisons in outbreaks of Covid-19'. Prisons were already in an alarming state before the pandemic, with the Prisons Inspectorate and the Howard League, among others, frequently drawing attention to the distressingly decrepit condition of the prison estate, the overcrowding of cells, and the ineffective rehabilitation programmes. Things have only got worse. Prisoners have been consistently detained in these same overcrowded cells for almost 24 hours a day, with food shoved under their doors, while they are deprived of meaningful contact with their friends and family. Prisoners are instead forced to rely on pixelated versions of their family, facing the endless frustration of dropped calls and interrupted signals, assuming that they already have the technology to contact them in the first place.

Meanwhile, for any prisoners with the audacity to show symptoms, the conditions become even more appalling, with the Prison Reform Trust reporting that 'a small number of symptomatic prisoners had been isolated in their cells without any opportunity to come out for a shower or exercise for up to 14 days'. If the government were found to be locking up dogs without letting them be cleaned or exercised, the public outrage would be overwhelming, and it would lead to the government once more reversing the vast edifice of the state, and heading in the opposite direction. Instead, because those affected are either prisoners or convicts, there is little to no public concern. Indeed, the greatest public outcry has been against those judges who have been taking into account the conditions in prisons when sentencing and reducing the length of sentence accordingly. Given this, and the public's dissatisfaction with the government already, it's hardly a surprise Johnson's not putting his neck on the line for prisoners.

In theory, the government had promised to remedy this lamentable to state of affairs by arranging for the early release of some, less dangerous criminals. Many countries took this approach, including the notoriously felon-phobic United States, improving the prospects of prisoners being treated humanely, and minimising the risk of the coronavirus spreading rampantly throughout prisons. Such an approach was not adopted by the UK's government, who, while identifying up to 4000 prisoners suitable for early release, only released 275 before suspending the programme in August. It took the Howard League's threatening of judicial review proceedings for the government to fully disclose its guidance for the scheme in April, and after the League withdrew its threat of legal action, the early release scheme ground to a halt once more.

There is plenty of certainty in these circumstances. The rules confining prisoners to their cells and banning prisoners from receiving visitors are perfectly transparent, but that does not make them any more just. It is by virtue of judicial review claims, like those filed on behalf of the children who have been deprived of any contact with their parents, that justice is provided. If the courts were prevented from considering the human rights of prisoners, much as the IBM prevents them from considering human rights in the context of the internal market, it could not be justified simply because the government wants 'as much certainty as possible', as Buckland's logic would have it. Instead, by forcing the courts to look away from such violations and perhaps give their imprimatur to them, it creates a Potemkin system of law, where the facade of legitimacy conceals the rot of injustice.

Judicial review is not an cure for all ills. The human intelligence bill currently before parliament shows this, permitting the security services to commit crimes lawfully- up to and including, its critics argue, torture and murder. Anyone affected by such crimes will find little meaningful redress in the courts. Yet despite this, judicial review is invaluable in holding governments to account, precisely because it introduces uncertainty. A government that does not have to face up to its actions is a government that becomes sloppy, willing to cut corners because it's easy, and no one can tell them otherwise. Johnson's government doesn't need any help on this front. This is why we need the courts.

Civilised societies trade the certainty of absolutism for the prospect of justice.

Falling Over Backwards, if at all: The "Slip" Rule and its Application

Allen Worwood, Becket Chambers: Every now and then, a court may make an "error" when giving judgment and making an order. There are circumstances where the judgment or order can be amended without giving notice to the other side and without the need for another hearing, but parties must be careful to ensure any amendments reflect the original intention of the court at the time the judgment and the order were given.

The "slip" rule: It is a widely known but often-misunderstood part of the CPR, but per CPR 40.12, in relation to judgments and/or orders that have been sealed, the following can apply if necessary: 40.12 (1) The court may at any time correct an accidental slip or omission in a judgment or order. (2) A party may apply for a correction without notice.

It is vital to note that the sole purpose of the rule is to allow amendments to be made to judgments and orders that are the result of typographical errors or any accidental omissions: it does not give parties scope to attempt to insert any further clauses into a judgment and order that did not reflect the thinking and the intention of the court at the time the judgment and order were given. Any substantive mistake (i.e. a mistake of law) may only be rectified by way of appeal under CPR 52 (although where the order or judgment has not yet been sealed, the Judge retains a power of review per CPR 40.3(1)).

This distinction was evident in Bristol-Myers Squibb Co v Baker Norton Pharmaceuticals Inc [2001] EWCA Civ 414 and more recently in Vucicevic & Anor v Aleksic & Ors [2020] EWHC 2236 (CH), where the applicant sought to amend an earlier order from 2007 to insert the details of the property (for land registration purposes in Montenegro) which was subject of the litigation. The court refused the application, stating that they were not asked to determine the exact details of the property for the purposes of land registration at the original hearing. In coming to their decision in Vucicevic, the court used the term "additional thoughts" (borrowed from Santos-Albert v Ochi [2018] EWHC 1277 (Ch) in justifying their decision; i.e. it was ruled that the slip rule is only applicable to give effect to the court's "first thoughts or intentions" at the time of making the order. The rule's narrow application was seen also in Re A (a Child) [2014] EWCA Civ 871, where it was ruled that the slip rule cannot be used to correct findings of fact made in the judgment and not recited or set out in the order.

Finally, a Judge can use the slip rule to make a correction to give effect to the court's intention at the time, even where the slip itself came from the accidental omission of counsel during the hearing and in drafting the order, per Riva Bella SA v Tamsen Yachts GmbH [2011] EWHC 2338 (Comm) [22-23].

Procedure: Per CPR 40BPD.4, where there is an accidental slip or omission in a judgment or order, a party can apply for it to be corrected. The application notice itself can be as informal as a letter to the court simply describing the error and setting out the correction sought. The application can be granted without the need for a hearing if either: • The applicant requests for it to be dealt with without a hearing; • Where there is consent from both parties; or • Where the court considers that a hearing would not be required.

The Judge can deal with the application without notice if the error is obvious, or they may direct that notice is given to the other party or parties. If the application is opposed, then it should be requested for it to be listed before the Judge who originally gave the judgment and order. In short, if you receive a judgment or order that appears to have a notable error in it, don't panic! It is more likely than not that the error in question can be resolved quickly without the need for another hearing.

The Hidden Lockdown Deaths

That the national lockdown had a terrible impact on the nation's health in ways other than the direct impact of Covid-19 is becoming clearer by the day. Just how bad was it? According to a study by the London School of Hygiene and Tropical Medicine, delayed and cancelled treatments will cause an extra 281 to 344 deaths from breast cancer; for colorectal cancer it will be an extra 1445 to 1563 deaths, lung cancer 1235 to 1372 deaths and oesophageal cancer 330 to 342 deaths. A University of Leeds study estimated that there have already been an extra 2,085 deaths from heart disease and stroke as a result of people not accessing timely medical help, while a study by the University Hospital of Northern Tees reveals that the number of endoscopies – used to investigate and diagnose bowel cancer – fell to just 12 per cent of their normal level between 24 March and 31 May. According to the Office for National Statistics, an extra 25,472 people have died at home than expected from the average of the past five years. Some of them, no doubt, would have died even had they reached hospital, but not all. Meanwhile, the NSPCC has reported that calls to its helpline averaged 8,287 in May compared with 5,593 in early March, as children were shut away at home with their abusers That is just a few of the effects of lockdown, and of poor messaging which led to many people failing to seek medical attention – against which the number of lives potentially saved by lockdown will eventually have to be balanced.

Police 999 Callouts to People Suffering Mental Health Crises Soar

Denis Campbell, Guardian: The police are being called to deal with soaring numbers of incidents involving people suffering from mental health crises, sparking fresh concern about lack of NHS help for the mentally ill. The number of such 999 callouts in England has risen by 41% over the past five years, with some police forces seeing more than a twofold jump since 2015, new figures reveal. Mental health experts say the increase highlights the erosion over recent years of services for people with conditions such as depression and schizophrenia who end up in crisis. Under the Mental Health Act, the police are called out to help deal with a situation because someone having a mental health emergency may pose a risk to themselves or others. Officers usually take the person to hospital for treatment and some end up being sectioned under the legislation.

"Use of the Mental Health Act has grown year on year for a decade as support to prevent crises has reduced due to funding reductions in local services," said Andy Bell, the deputy chief executive of the Centre for Mental Health thinktank. "Austerity policies that reduce funding for early help increase spending on crisis services." Responses from 23 English police forces to freedom of information requests show that the total number of mental-health-related incidents police were called to in their areas rose by 41%, from 213,513 in 2015 to 301,144 last year. Wiltshire police, for example, have seen that number jump 248% from 1,032 to 3,591 during that time. Lancashire Constabulary attended 3,981 such incidents in 2015 but that had risen to 13,640 last year, a 243% increase. Numbers also rose significantly in Humberside from 6,651 to 18,413 – a 177% rise. The British Transport Police were also called out to deal with just over double the number of incidents last year on Britain's rail and motorway system than they were five years ago – 16,234, up from 8,107.

"A mental health crisis is fast approaching and as these figures show, both the police and secondary healthcare are under enormous strain", said Tina Marshall, the UK country manager for Visiba, the digital healthcare platform provider that undertook the research. In 2018 Her Majesty's Inspectorate of Constabulary voiced "grave concerns" that officers were being called out to deal with mental-health-related incidents far more than they should. It blamed "a broken mental health system" and said the problem constituted "a national crisis". Zoë Billingham, the inspector of constabulary, warned at the time that "we cannot expect the police to pick up the pieces of a broken mental health system. Overstretched and all too often overwhelmed police officers can't always respond appropriately, and people in mental health crisis don't always get the help they need. "People in crisis with mental health problems need expert support, support that can't be carried out in the back of a police car or by locking them in a police cell."

Earlier this month the Royal College of Psychiatrists disclosed that almost two-fifths of people waiting for NHS mental health support ended up seeking help from emergency or crisis services, such as helplines and community teams. However, mental health bodies are concerned that there is too little care available for people in the early stages of a breakdown, which can deteriorate suddenly and lead to the police becoming involved. Bell added: "With up to 10 million people needing help for their mental health as a consequence of the pandemic, we must ensure resources are available locally to keep people well where possible and respond quickly whenever necessary when help is required."

HMP Birmingham: Prison Inmates' Letters Laced With Drugs

More than 300 pages of "solicitors letters" were laced with drugs and sent to inmates during a prison's Covid-19 lockdown. The letters, marked as being from inmates' legal teams, were intercepted at HMP Birmingham in June. Staff's efforts emerged in a report on standards since an inspector called the prison the worst he had ever seen. Now a watchdog hopes improvements during the virus will help reshape the prison's future. HMP Birmingham's Independent Monitoring Board (IMB) has been assessing progress for the 12 months since July 2019, when the government took over the site full time from private security firm G4S. The switch followed a raft of serious complaints over the prison which painted a picture of severe squalor, chronic danger and acute drugs misuse. But the IMB's annual report found "rising trends in standards", and that in general, inmates' experience had improved, with expectations "this upward trajectory will continue". Instances of violence and drug use have fallen, and the board concedes it is related, yet only in part, to prisoners spending most of the day in cells during the enforcement of Covid-19 restrictions. Amid national lockdown, the prison experienced an influx of letters laced with psychoactive substances (PS). They were marked as Rule 39 solicitors letters - messages between inmates and legal counsel that by law cannot be read by prisons unless contraband is suspected.Staff did suspect and found 330 pages of drug-coated paper; a move that left the board "reassured the prison is diligent in tracking down illicit items". The board added incidents of PS abuse were "much lower" than in recent years, and a body scanner was finally in place to detect drugs.

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.