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 743 (29/05/2019) - Cost £1

Telephones, Trauma, Trials and Truth

Simon Warr: One step forward two steps back: this seems to be the way in which our criminal justice system usually operates. From late 2017 into early 2018, the mass media was buzzing over the shortcomings of prosecution disclosure in rape and other sexual offences trials. There was much hand-wringing and outrage over cases like that of student Liam Allen who – but for the grace of an honourable barrister, Jerry Hayes, acting on behalf of the Crown Prosecution Service (CPS) – might well have been convicted wrongly of an allegation of rape that never was. In fact, evidence recovered from Mr. Allen's accuser's mobile phone completely undermined her false accusations and revealed that he himself had been the real victim, of harassment. Understandably, there were widespread demands for major improvements with regard to the disclosure of evidence to the defence, in the interest of fair trials and justice.

Fast forward to 2019 and even a very modest proposal by the new Director of Public Prosecutions (DPP), Max Hill, and the College of Policing, seeking to achieve a uniform approach by police forces wishing to access the mobile phones and other digital data of complainants, has managed to provoke loud wails of outrage from vocal campaigners. Some have asserted that the very act of police requesting such access will discourage complainants who have alleged rape, or other forms of sexual assault, from coming forward. The shrillest responses are even likening these requests to assist the police with their inquiries as being akin to a 'digital strip search.' Nothing like a wildly emotive catchphrase to whip up an online feeding frenzy, eh?

The hot-air fuelled miasma is being stoked eagerly by certain sections of the national press, whose journalists are peddling outright lies via their sensationalist headlines. The Guardian – rarely a byword for impartiality on these matters at the best of times – wins first prize for claiming that rape victims' phones would be 'seized' by police. Notice the emotive verb 'seize'. Aside from being untrue – the new system simply allows police to request access – The Guardian felt it necessary to add fuel to the flames of 'woke outrage' by also repeatedly using the term 'victim', long before anyone has even been charged or convicted. After many complaints online, the editors backed down and amended the incendiary headline to read 'complainants'. However, the bogus claim about phone 'seizures' still remains online.

Others who should know better, including outgoing Victims' Commissioner Baroness Newlove and various 'victim' support groups, along with privacy campaigners – such as Big Brother Watch – have weighed into the debate (albeit with very different motives). It seems that everyone is entitled to an impassioned view - other than victims of false sexual allegations, of course. As usual, this category of victim is completely ignored and disregarded because such people are 'the wrong sort of victims' of crime in modern day Britain.

While the proposal for police investigators to request access to complainants' phones applies to any type of criminal case, it is entirely predictable that the only protests achieving national media coverage concern sexual allegations. I've not come across people who claim that they've experienced online fraud, car theft, GBH, robbery or burglary now demanding that their mobile phones be sacrosanct during police inquiries. In fact, I'd be willing to bet that the vast majority of genuine victims of crime would be only too happy to assist the police with their investigations – including handing over mobile phones – if it meant there might be a better chance of PC Plod collaring the vile little toe-rags who injured or robbed them. Far better, surely, than just being issued with a crime reference number and a shrug of the shoulders, as is often standard practice.

However, those alleging sexual assault seem to have an army of vocal campaigners willing to twist or misrepresent these latest modest proposals, in order to present them as 'digital strip searches.' I presume the reference to 'digital' has been chosen for reasons that are all too clear. The overwhelming message being broadcast loudly by these single issue groups is that anyone – particularly a female – who makes an allegation of rape or sexual assault MUST be telling the truth on every occasion. Their account of events, no matter how bizarre or unconvincing, MUST be believed and NEVER challenged. Police should NEVER seek to investigate the 'victim' (i.e. the complainant) and NEVER dare to make a request to download anything from their mobile phones or social media accounts. To do so, no matter how politely phrased, must be seen as an act of vile, patriarchal aggression.

There has even been criticism of the latest plans on the grounds that such searches of mobile phones and social media accounts could lead to the evidence being used to prosecute the complainant for a range of unrelated crimes. This is certainly not the purpose behind this latest proposal. It is churlish in the extreme to state that the police will use their new powers to search through online activity to seek evidence for a separate prosecution. Unless, of course, the complainant is guilty of serious criminal activity, in which case it is right and just and proper that the police carry out their professional obligations without fear or favour.

It's well worth recalling the fact that serial rape faker Jemma Beale, recently convicted and jailed for a well-deserved ten years after making a series of false rape allegations against nine different men, plus further accusations of sexual assaults against others, was brought to justice – in part – because digital evidence extracted by police from her mobile phone and social media exposed her as a sadistic fraudster and liar. Beale 'gloried' in her crimes and remains to this day utterly unrepentant. Yet, had detectives not checked her phone and gathered this damning evidence, it is entirely possible that more of her innocent victims would now be rotting in jail, while she waltzed away with many tens of thousands of pounds of taxpayers' money, courtesy of the Criminal Injuries Compensation Authority (CICA)

One thing that my own experience with compensation-grubbing liars and fraudsters has taught me is that many of these crooks are usually not very clever or sophisticated. They think nothing of allowing their masks to slip in text messages and posts in closed online chat rooms. Whole criminal conspiracies and compensation scams can be exposed if police both have access to these fraudsters' electronic communication devices AND disclose relevant evidence of such fraud to the defence.

It is also important to note that, while there are no proposals for police to 'seize' complainants' phones and other electronic devices, I can state from first hand experience it is now entirely routine practice for anyone who has simply been accused of a sexual offence (without a smidgen of actual evidence) to have his or her home raided by a squad of police officers, often in the early hours of the morning. Once the suspect has been dragged out of bed and arrested, his or her house will be ransacked from top to bottom. Every personal item will be bagged up for subsequent scrutiny: every diary, every personal letter, every family photo album will be seized and piled into police evidence bags. Cherished books will be pulled from bookcases and thrown onto the floor. All electronic devices – mobile phones, tablets, laptops, desktops, cameras – will similarly be taken, to be closely and thoroughly scrutinised for potential evidence. And all this equally applies to the devices of family members living at the same address. Goodness only knows the effects of it all on any child who happens to live in the home.

This is not a 'digital strip search' as much as a literal one. Every vestige of dignity and privacy is systematically stripped away from a suspect and his or her family. Every aspect of the accused person's life will be exposed and examined, from bank accounts to every personal piece of correspondence. And remember, this happens long before anyone has been charged, let alone tried in a court of law. A single complaint of an alleged sexual assault opens the floodgates to this devastating process.

In the course of my current research, I've spoken to victims of malicious sexual accusations who say that they will never find happiness in their own home again. Some have felt compelled to move house, so unbearable is the trauma of the initial police search, carried out in the customary ruthless manner. Imagine experiencing a burglary, while you are present, with the full weight of the law behind those who are busy ripping your home apart.

Having been through that dehumanising and humiliating process myself, I find it deeply offensive that vocal campaigners feel it appropriate to describe a request from police officers for access to a complainant's mobile phone as a 'violation of privacy' or a 'digital strip search'. I experienced both during the twenty-two months I was kept on bail before I was acquitted in a matter of minutes by a unanimous jury, who delayed returning to court immediately out of respect for the judicial process. The two evil, compensation-grubbing fraudsters whose lies subjected me to all of this have walked away unscathed, with their anonymity protected, free to lie again should the fancy take them. And, of course, none of their electronic communication was ever looked at during the so-called investigation. Perhaps, if it had have been, I wouldn't have lost my cherished teaching career.

The latest proposals regarding complainants' communication devices might not prevent the victims of false allegations from experiencing the trauma of a police investigation, but where evidence is revealed of blatant lies, or even a conspiracy to defraud or pervert the course of justice, then this might prevent unnecessary and unjustified prosecutions being launched at enormous human and financial cost. Furthermore, as in the case of serial liar Jemma Beale, such evidence could prove vital in bringing other criminals to justice. I, for one, think this is a price well worth paying.

Chelsea Manning Needs Solidarity as She Faces Revenge of US State

Chelsea Manning has been jailed again for contempt of court after refusing to testify to an inquiry into the WikiLeaks website. The former US solider-turned-whistle blower was released from jail last week, having previously refused to testify. In an extraordinarily punitive move she will be held in custody until she testifies, or until the term of the grand jury ends in 18 months' time. Manning issued a video after being released from jail last week. She had been held for 62 days, some of which had been in solitary confinement. Upon release she was immediately served with a subpoena calling her back to court. "I will never agree to testify before this or any other grand jury," she said in the video. "The government knows I cannot be coerced." Manning's treatment is linked to the US state's campaign to bring WikiLeaks founder Julian Assange to court. The grand jury is hoping to coerce her into testifying against him for helping to expose US war crimes in Iraq.

Manning told the judge, "I would rather starve to death than to change my opinions in this regard and when I say that, I mean that quite literally." In response Trump-appointed judge Anthony Trenga ordered Manning to be charged £400 a day after 30 days if she continued to refuse to testify. He ordered the fine to be increased to almost £800 a day if Manning continued to refuse after 60 days. Manning was convicted for charges including espionage in 2013 and given a 35-year sentence. Chelsea had been detained since May 2010, and held in

solitary confinement for the first year of detention. Her sentence was commuted by then-president Barack Obama in 2017. Yet Obama scandalously did not grant her a pardon, which would have erased her criminal record. Ever since her release in 2017 she has been hounded by the US establishment. "I think that this is ultimately an attempt to place me back in confinement," she said. "I think that the questions are the same questions I was asked before the court martial seven eight years ago. There is nothing new. They're not asking anything new. There's no new information they are trying to get from me. Ultimately the goal here is to re-litigate the court martial, from my perspective. They didn't like the outcome. I got out. So this is a way to place me back into confinement."

Moira Meltzer-Cohen, Manning's lawyer, said,"In 2010, Chelsea made a principled decision to let the world see the true nature of modern asymmetric warfare. "It is telling that the US has always been more concerned with the disclosure of those documents than with the damning substance of the disclosures." Chelsea's consistent argument has been that she gave all the evidence she has to give at the 2013 court martial. The US is desperate to show that people who blow the whistle on its murderous foreign policy will be broken. Chelsea's courageous stand against the might of the US state is a reminder that ordinary people can strike a blow against the most powerful institutions of capitalist society. She deserves the strongest solidarity.

No More Reasonable Doubt in Suicide Inquests

Dominic Ruck Keene: In R (Maughan) v Her Majesty's Senior Coroner for Oxfordshire v The Chief Coroner for England Wales [2019] EWCA Civ 809, the Court of Appeal conclusively held that the standard for proof for both short form and narrative conclusions concerning suicide was the civil balance of probabilities test, rather than the criminal beyond reasonable doubt.

The decision of the divisional court in R (Maughan) v Her Majesty's Senior Coroner for Oxfordshire v The Chief Coroner for England Wales [2018] EWHC 1955(Admin) to the same effect marked a significant reversal of the commonly understood position that the criminal standard of proof applied – see Owain Thomas QC's comment here.

Lord Justice Davis gave the only substantive judgment. He began by summarising that in the instant inquest concerning the death of a prisoner who had been found hanging, the Chief Coroner for Oxfordshire had followed the Chief Coroner's Guidance No 17 and also the guidance contained within the Coroner's Bench Book. The Coroner had accepted that the evidence on a 'Galbraith plus' basis was insufficient to enable a jury, properly instructed, to conclude to the criminal standard that the deceased had intended to take his own life.

However, having so ruled, the Coroner had further decided that it would not be appropriate simply to elicit an open conclusion from the jury and that they should be asked to ask a number of questions in order to elicit a narrative conclusion. In light of the way the questions were framed, the jury had for the purposes of their narrative conclusion, considered whether the deceased had intended fatally to hang himself by reference to the balance of probabilities. Their narrative conclusion included a determination that the deceased had intended to kill himself.

Lord Justice Davis began by emphasising (in a passage that is firmly in the same vein as the recent refusal to grant legal aid to families in inquests involving state bodies) that: inquests are not to be regarded as litigation. They are not. They are not criminal proceedings. They are not civil proceedings. There are no "trials" and strictly no "parties" as such at all: rather, there are "interested persons". The procedural rules and procedural safeguards which may be applicable in criminal or civil proceedings do not apply. As its name connotes, an inquest is essentially,

even if not entirely, inquisitorial in nature: the object being to investigate the particular death or deaths (conventionally: "who, when, where, how?"). Thus — whilst the position can perhaps sometimes in practice appear to be less than clear-cut in some particularly highly charged inquests — it is not an adversarial procedure, let alone a criminal procedure, at all.

Lord Justice Davis analysed the relevant authorities concerning the civil and criminal standards of proof and held that the "civil standard of proof, where that applies, is that of the balance of probabilities, without refinement" – there was no scope for a sliding scale or intermediate position or heightened standard of civil proof. However, he observed that this did not mean the criminal standard could never apply in civil proceeding, commenting that "All ultimately will depend on the context and underpinning purpose, statutory or otherwise."

He then outlined the three possible positions – that the criminal standard of proof should apply for both the short form conclusion of 'suicide' and for determinations reached within narrative conclusions; or that the civil standard of proof should apply to both; or that the criminal standard should apply to the short form conclusion but the civil for narrative conclusions.

Lord Justice Davis held that the Divisional Court was right to take the "bold approach in departing from what had been regarded as settled law and practice" and to find that the civil standard of proof applied to both the short form conclusion of suicide and to narrative conclusions This was because there "seems a very real inconsistency in adopting a criminal standard of proof for a short-form conclusion but a civil standard of proof in a narrative conclusion." There should be one standard applicable at each stage for cases of suicide at an inquest. He then held the appropriate standard should be the civil one. This was on the basis that: "The essence of an inquest is that it is primarily inquisitorial, that it is investigative. It is not concerned to make findings of guilt or liability (even though I accept that not infrequently a narrative conclusion may in practice, to an informed participant, operate to identify individuals as potentially at fault). The underpinning rationale for the need to have a criminal standard of proof in criminal proceedings simply has no obvious grip in inquest proceedings, given their nature." Suicide was no longer a crime. Civil courts generally applied the civil standard even where the proposed subject could constitute a crime – "There is no sliding scale or heightened standard. There is no discernible reason why a different approach should apply in coroner's proceedings, at all events in relation to suicide (which is not even a crime)."

The importance in Article 2 inquests of answering the question 'how' with a proper investigation of the circumstances of the death strongly supported the use of the civil standard. Fifth, the application of the civil standard to a conclusion of suicide expressed in the narrative conclusion would "cohere with the standard which is on any view applicable to other potential aspects of the narrative conclusion (for example, whether reasonable preventative measures should or could have been taken and so on).

However, and contrary to many predictions, Lord Justice Davis held that the standard of proof in unlawful killing inquests should continued to be the criminal standard. He held that firstly this was in accordance with the previous Court of Appeal authority in R v Wolverhampton Coroner, ex parte McCurbin [1990] 1 WLR 719. Moreover, as point of principle there should be a distinction between unlawful killing and all the other conclusions open to an inquest as unlawful killing constituted a crime. In reality, while s.10(2) of the 2009 CJA Act precluded a determination having the appearance of determining any question of criminal liability on the part of a named person, a conclusion of unlawful killing has a strong "head line" connotation; and quite often — as a number of decisions have pointed out — the identity of the particular alleged perpetrator(s) will in reality have become manifest from the hearing

itself. It could be thought fairer to such person(s) that the criminal standard applies. In addition, the CPS will ordinarily reconsider a decision whether to prosecute or not if a verdict of unlawful killing is reached in an inquest.

Comment: As was noted following the Divisional Court's judgment, the application of the civil standard to both determinations within narrative conclusions and also to the short form conclusion of suicide will almost inevitably result in more inquests finding that there has been a suicide. The lower standard of proof must lead to a greater potential for arguing from circumstantial evidence that the deceased intended to take their own life. Dominic Ruck Keene is a barrister at One Crown Office Row.

Prosecuting War Crimes: No One Is Above The Law

Guardian Editorial: The limelight was always going to be on Penny Mordaunt as defence secretary. A Brexiter accused by the last prime minister of lying to win, she is now touted as Theresa May's emotionally intelligent successor. She did nothing to dispel such speculation with a speech on Wednesday, promising to protect soldiers from "lawfare" – a pejorative term coined to describe the use of a country's legal system to undermine its defences. Ms Mordaunt said she would seek a presumption against prosecution for offences committed in conflict more than a decade ago – covering the wars in Iraq and Afghanistan; and seek a future opt-out of the European convention on human rights.

This is part of a familiar narrative about the hounding of British soldiers by what is claimed are money-grabbing lawyers launching ill-founded cases into alleged wartime abuse. It is true that one lawyer who acted for torture victims was found guilty of misconduct and struck off as a solicitor. But the work of the Iraq Historic Allegations Team also saw the Ministry of Defence paying out millions of pounds in compensation to victims of abuse in hundreds of cases. Modern armies have to comply with international humanitarian law and are rightly held to account if they don't. This ought not impede conflict and post-conflict operations. It should ensure they are legal. Ending violations would end the litigation. There are about 150 cases outstanding; alleged victims and perpetrators ought to see justice.

There are a number of reasons why Ms Mordaunt's consultation might not advance very far. First, Northern Ireland is excluded from the proposals. The prosecution of a former paratrooper for the murder of two people on Bloody Sunday in Derry in 1972 has angered the forces whom Ms Mordaunt, herself a naval reservist, is keen to champion. Second, an opt-out could not be sought for war crimes. Unless a genuine investigation was under way into such claims, they could be taken to the international criminal court. Third, there is no statute of limitations for the murder or torture of civilians.

Britain ought to be strengthening the international regime, not undermining it rhetorically. A report released on Thursday by Save the Children highlights how, lacking credible enforcement, the law has become a weak deterrent to criminality. The charity's Stop the War on Children campaign highlights how they are far more likely than adults to be killed and maimed. We know who is responsible for possible Saudi-led coalition war crimes in Yemen. The same is true for what appear to be genocidal attacks on the Rohingya people by generals in Myanmar. Yet it is doubtful the that perpetrators will end up in court.

In Yemen the government can be credited with brokering a ceasefire. Yet it issues export licences to British companies who arm the perpetrators of possible war crimes. Riyadh sees commercial interest trump human rights. How does Britain stand up for the rule of law when it bends it the moment its own interests and soldiers are at stake? The problem is not a lack of legal protections, it is their corrosion by double standards and non-enforcement. Ms Mordaunt will not serve her country well by fostering a moral ambivalence about Britain's human rights obligations. She'd do better by fortifying them.

Robert Kane Will Not Be Retried For Burgling Solicitors' Office After Conviction Quashed

A man found in a solicitors' office claiming he was homeless and looking for somewhere to sleep will not be retried for burglary after his conviction was quashed. Robert Kane, 41, had denied burglary and criminal damage at the office of Patrick Morrissey and Co Solicitors, on Crofton Road, Dun Laoghaire, on 3 February 2017. He was found guilty by a jury at Dublin Circuit Criminal Court and sentenced to three years' imprisonment with the final six months suspended on 22 June 2017. However, the Irish Court of Appeal quashed Mr Kane's conviction earlier this month over the trial judge's instructions to the jury concerning aspects of the defence case. The prosecution case was that Mr Kane had broken into the premises as a trespasser with a view to committing an offence, most likely theft, while the defence case was that Mr Kane was homeless and was looking for somewhere to sleep. Mr Kane had served his sentence by the time his conviction was quashed. Lawyers for the DPP confirmed to the Court of Appeal on Friday that no retrial was being sought.

No Evidence and Not Guilty Verdicts Entered in Operations Orlando and Broadus

Doughty Street Chambers: Following submissions by Rebecca Trowler QC and Jake Taylor in relation to disclosure and appointment of special counsel. Today 20/05/2019the prosecution offered no evidence in the cases of 4 defendants charged in Operation Orlando with domestic and international cocaine trafficking and money laundering activities between 2006 and 2010. All four defendants were alleged to sit at the top of organised crime groups with a geographical reach within the UK from the South West of England, to London and the South East, and to Liverpool in the north, and beyond the shores of the UK into Spain, Holland, Switzerland and Ireland.

The indictment alleged overarching conspiracies to import and supply and a number of specific conspiracies for which others lower down in the alleged hierarchy had previously been tried and convicted. The decision to abandon the prosecution came following submissions made by Rebecca Trowler QC and Jake Taylor on behalf of the first defendant, TE, in relation to inadequacy of disclosure, concerns in relation to the legality of investigatory techniques and the appointment of special counsel. In open court leading counsel for the prosecution explained that the challenges to the disclosure regime and ‘defects’ in the scheduling process had been considered ‘at the highest level’ within the Crown Prosecution Service and resulted in a conclusion that problems in the disclosure process could not be remedied and the prosecutions in Operation Orlando and the linked Operation Broadus no longer met the evidential and public interest tests for prosecution. Not guilty verdicts were entered on all counts.

HMP Guys Marsh - High Levels of Violence Driven by Drugs and Debt

Guys Marsh, a training and resettlement jail in Dorset assessed as ‘out of control’ five years ago, showed substantial improvement in the most recent inspection. Peter Clarke, HM Chief Inspector of Prisons, said the Inspectorate had considered the prison, near Shaftesbury, to be high risk for a number of years. “When we inspected in 2014 we found a prison we described as being out of control. Our subsequent inspection in 2016 saw only marginal improvements. “It is therefore pleasing to report that, following this inspection (in December 2018 and January 2019) we found a prison where improvement was both substantial and significant.”

Considerable concerns about safety remained, including high levels of violence driven by drugs and debt, and the frequent use of force by staff. Despite this, Guys Marsh was assessed as a safer prison “and our overall impression was of a calmer, more settled institution.” The prison had been slow to formulate strategies to reduce the violence but more recently had established a firmer

grip. Mr Clarke added: “We saw evidence of several useful initiatives to better understand and confront violence as well as improve support for more isolated individuals.” Staff and prisoners sought solutions to the violence in a ‘violence summit.’ Security was applied proportionately at the prison, with attention to combating illicit drug use. However, many initiatives were new and untested and with the mandatory positive drug testing rate at 27%, the evidence suggested a still considerable problem.

“There had been one self-inflicted death since we last inspected and a further four where evidence pointed to a connection to the use of illegal drugs. Recommendations following Prisons and Probation Ombudsman (PPO) investigations had been implemented but there remained a problem with increased self-harm among prisoners.” However, there was a significant amount of work being done to try to improve the situation and support for those in crisis seemed good.

Inspectors found that staff supervision and visibility were reasonable – with senior managers particularly prominent. Staff-prisoner relationships were mostly good and the key worker scheme seemed to be helping greatly. The fabric of the prison needed renewal, though this work had begun. The prison was cleaner than before and access to facilities and amenities was much improved, though there was still some overcrowding in cramped cells. Daily routines in the prison were no longer as restricted as at previous inspections and were now far more predictable. Despite this, a quarter of prisoners were still locked in cells during the working day. Ofsted inspectors assessed the overall effectiveness of education, skills and work as ‘requires improvement’. In contrast, the management of rehabilitation was much improved and robust.

Mr Clarke said: “This inspection of Guys Marsh evidenced tangible progress for the first time in many years. There was still much to correct and improve but managers were visible and there was good leadership, as well as commitment and enthusiasm among those who worked there. The prison was far more settled and there was an underpinning commitment to promoting well-being among all those held.”

HMP Exeter - ‘No Meaningful Progress’

Work to address key failings at HMP Exeter, a troubled prison found last year to suffer high levels of drug-fueled violence, has lacked urgency, according to HM Inspectorate of Prisons (HMIP). In the first of its new ‘Independent Reviews of Progress’ (IRPs) – in Exeter in April 2019 – HMIP tested progress against key recommendations from a full inspection in May last year. Peter Clarke, HM Chief Inspector of Prisons, was so concerned by the conditions in Exeter at that time that he issued a rarely-used ‘Urgent Notification’ requiring the Secretary of State to respond with plans for improvement within 28 days. The IRP visit presented a mixed picture. One of the most troubling findings was ‘no meaningful progress’ in understanding the factors underlying high levels of illicit drug use. Mr Clarke said that while there had been progress on some aspects, “the lack of progress in over half the 13 recommendations that we reviewed could be characterised by the statement ‘too little too late’.

“The purpose of the Urgent Notification Protocol, which is only used where I have serious concerns about the treatment of and conditions for prisoners, is to initiate immediate remedial action. At Exeter, in too many critical areas, this simply had not happened. It was not clear whether this was as a result of a conscious decision not to prioritise our recommendations, bureaucratic inertia, or whether managers were simply overwhelmed or uncertain as to how to set about making the much-needed improvements. Whatever the reason, there had not been a sufficient sense of urgency in the prison’s response to a number of key recommendations.”

In the May 2018 inspection, inspectors found there had been six self-inflicted deaths

between 2016 and 2018 and self-harm had risen by 40%. Despite these levels of vulnerability, self-harm and suicide, cell call bells were routinely ignored by staff. The rate of assaults between prisoners was then the highest inspectors had seen in a local prison in recent years. In April 2019, the IRP found that overall levels of violence had decreased, though they remained higher than in similar prisons. Mr Clarke said: "A number of actions had been taken to reduce violence and the strategy to reduce violence further in the future was promising." The use of unregulated segregation had been eradicated, and governance of the use of force by staff was improving.

"However, despite a rise in the already high use of illicit drugs in the establishment, there had been an inexplicable failure to develop a comprehensive drug strategy which, if properly implemented, would certainly contribute to a reduction in violence. A draft strategy was being put together and it is essential that this is now treated as a priority." Relationships between staff and prisoners were found to be improving and improvement processes were in place to monitor cell bell responses. There was progress on prisoner applications and complaints, though equality and diversity work had not been prioritized at all. Similarly, attendance at education and work, some of which remained mundane, had not been prioritized.

Mr Clarke said that after the Urgent Notification the prison was required to produce an action plan for the Secretary of State but a number of the deadlines in this plan had not been met on time. Nevertheless, there had been a proactive response to some recommendations in critical areas and there are now credible plans to make further improvements in the future. It is unfortunate that the prison had not devised and implemented some of these plans earlier as they would no doubt have led to a more positive assessment at this review of progress."

Donald Mackay V Parole Board Defendant -&-Secretary of State For Justice

1. This is an ex tempore judgment given on a claim for judicial review of a decision by the Parole Board dated 30 April 2018, following a hearing before the Parole Board on 23 April 2018.

2. In its decision, the Parole Board refused to direct the release of the claimant, Mr Mackay, from prison, or transfer him to open conditions. The application for review was given permission to proceed by His Honour Judge Saffman on 4 October 2018 and, in this application, which is brought by Mr Mackay, he seeks that the court quash the decision made on 30 April 2018, and an order that the Parole Board reconsider the matter which was before them on 23 April 2018.

3. The claimant is represented by Mr Bunting of counsel. The Parole Board and the interested party, the Secretary of State, have not appeared at the hearing. In their acknowledgement of service, they say they take a neutral stance. The consequence is that the arguments and, indeed, the evidence, has all come from one side, namely, the claimant.

4. The challenge in this case is a very narrow one. The claimant says that, on the face of the decision, it is clear that the Parole Board made findings which were unsupported by any evidence and which had a material effect upon its decision. The particular passage in the decision to which the claimant makes reference is to be found in paragraph 17 of the bundle. I will read it in full, although I will need to make further reference to it in the course of the judgment.

5. In the decision letter, the Panel said: 'The Panel found you dogmatic and vehemently antagonistic and accusatory towards the surviving victim, thus demonstrating a lack of victim empathy and generating a concern about your future attitude to sex workers and, in particular, to non-consensual sexual violence. This was a flash of the old anger which you admit to, and the moment when you threatened the Panel, quite openly, which was quite chilling to behold. You are an intelligent man and

have found a way which enables you to survive in prison, but you have not undertaken any significant risk-reducing work, you have no insight into your risk of sexual and sexually violent offending and, as a result, are still a Category A man, and held in closed conditions of the highest security and no complete risk assessment has been possible. There is still outstanding core risk reduction to be done.'.

6. In the conclusion to its decision, the Panel said: 'The Panel consider that, in view of the evidence, and particularly your testimony before it (my emphasis) your continued confinement is necessary for the protection of the public and so declines to release you.'. It went on to give an indication as to the possible steps which may be taken but none of which were a move to open conditions.

7. The claimant's case is that the notes of evidence from the Chair of this Panel do not record any evidence to support these statements.

8. There are statements from Mr Purdon, who was the solicitor representative of Mr Mackay, and Mr Matthews, a psychologist who had been instructed by Mr Purdon, to the effect that what is said as to the claimant's behaviour, in the passage which I have just read, did not happen. Neither the Parole Board nor the Secretary of State have sought to contradict what is said by Mr Purdon and Mr Matthews, or to supplement the note to evidence that something of that nature was said.

9. The first ground of challenge is that findings of fact were made which had no basis in evidence and upon which reliance was placed to reach a conclusion as to the risk posed by Mr Mackay.

10. There is a second ground, which is that the assertions that he had been dogmatic, antagonistic and made threats to the Panel, should have been put to Mr Mackay. Since, however, it is the claimant's case that nothing was said by Mr Mackay to give rise to such findings, ground 2 is somewhat superfluous. The claimant simply says, 'This was never said, it never happened.'.

11. There was a third ground of challenge to the decision based on a lack of reasons. That has been withdrawn since the reasons have been produced.

The Facts 12. The background to the claim is the claimant, who was 69 at the time of the hearing, was convicted of murder in 1989 and received a life sentence. The judge recommended a tariff of 30 years. This was subsequently reduced by the Home Secretary to 20 years, which was confirmed by Mr Justice Openshaw on 11 August 2006 as a 20 year tariff, less 10 months and six days for time spent on remand.

13. At the same time as that conviction, he was convicted, on his admission, of preventing the burial of his victim's corpse. He was also convicted by a jury of assault with attempt to commit buggery, attempted buggery, indecent assault on a female and assault occasioning actual bodily harm against another individual, who I will call Ms A, and for these further offences he was given concurrent determinate sentences.

14. The facts of the criminal case were curious in that the first matter that came to light were the offences against Ms A. She was a sex worker. Following the offences to which she was subjected, she had managed to escape from the claimant and obtain assistance. When the police were summoned, they searched the claimant's home and there they found the badly decomposed body of the murder victim wrapped in black plastic bags. She was Miss Petherick, who had also been a sex worker. The bag was found in a room adjacent to where the offences upon Ms A had been committed.

15. The condition of the body was such that the analysis as to the cause of death was difficult. There were numerous fractures, bruises and lacerations and this all pointed to Miss Petherick having been subject to a violent attack. The claimant maintained, as his defence, that Miss Petherick, which whom he had had a relationship of sorts, and whose services he had used as a prostitute, had come to his house in an injured state, having been set upon by others. He

claimed that he had gone out to buy a bottle of vodka and, when he returned, he found her dead. To this day, he maintains that he was not guilty of the murder or offences involving Ms A.

16. The Panel had before it evidence of the claimant's offences, the claimant's criminal history, which included a number of assaults and a previous conviction for manslaughter for which he had received a sentence of five years. The latter offence had arisen out of a dispute with another man. The following day he approached this man and killed him with a ceremonial Samurai sword which he had brought with him.

17. The Panel also had evidence from Adam Ottoway, the offender supervisor at the prison, Julie O'Toole, the claimant's Offender Manager, Ms Wordie, a prison psychologist and Rhys Matthews, described as an independent psychologist, but, in fact, instructed by Mr Mackay's solicitor. The Panel also heard from Mr Mackay. 18. The hearing before the Panel was a referral from the Secretary of State, the claimant by then being something like nine years past his tariff date. It was for the Parole Board to determine whether it would recommend release. Mr Purdon's stance was that his client should be moved to open conditions as a precursor to ultimate release.

19. The hearing took place on 23 April 2018. The Panel Chair was His Honour John Harrow and there was another member, Lindsay Addyman., as is apparent from the Panel Chair's note.

20. At page 45 of the bundle, we have the beginning of the note taken by the Panel Chair. It is said to be a verbatim copy of the contemporaneous notes of the hearing, but it is in note form, this is not a transcript of what was said; it appears to be a typed copy of manuscript notes taken at the hearing. It seems from the note that the hearing opened with Mr Purdon speaking about his client for it reads, 'Drunken Celt who gave up his brains and life really to the bottle, killed twice and fell asleep on the job with the third victim who ran screaming in to the street.'. That is unlikely to be anyone but Mr Purdon talking. There is then a bit of the background but it is unclear from whom. The note records that the claimant has a diagnosis of Parkinson's, he is not suitable for the remaining programmes.

21. The Panel put some questions to Ms Wordie and Mr Matthews., the two psychologists. They seems to have given their evidence in a form of hot tub-type of arrangement. They were asked questions as the same time and Mr Purdon also asked questions of Mr Matthews. The Offender Manager gave evidence, she said there was a high risk of harm. The claimant had not completed Kaizen, which is a sex offender's programme.

22. They were followed by Mr Mackay who gave his account and was asked questions. Mr Purdon asked his client questions and the burden of his answers was that he was much reformed, he had given up drinking, he could avoid future reoffending and he was, therefore, no longer a risk. Mr Purdon was then given the opportunity to sum up.

23. Seven days' later, the Parole Board decision letter, dated 30 April 2018, was produced. The letter is set out with a number of sub-headings and starts of by analysis of offending. This catalogued the claimant's previous offences. It then set out risk factors, which were alcohol abuse, pro-criminal attitudes, lack of insight in to his own risk, poor problem solving skills and lack of victim awareness. It says that these are risk factors which are likely to be present and it points to the fact that the claimant is still denying his offences so has not completed any sexual offender treatment which could have identified the full range of risk factors, most notably an interest in violent sex.

24. Next, there is a paragraph which deals with evidence of change during sentence. There the Panel compares the evidence of the two psychologists. The notes record Ms O'Toole as saying the risk of reoffending which was very much there and work had to be done before release. The panel looked at the conflict in the evidence between Mr Matthews and Ms Wordie.

25. It was Ms Wordie's view was that there was a continuing risk and work to be done with Mr Mackay. Mr Mathews thought there had been a reduction in risk and that he could be safely managed in open conditions; in part he based his on the fact that Mr Mackay was 69 and had Parkinson's disease. His view was that alcohol had been the problem but Mr Mackay recognised that and seemed to have changed his life.

26. The decision letter recorded, and this is supported by the notes, that Mr Mackay said that he had been a binge drinker in the past but he now despised alcohol. In relation to Ms A, he said that she was very big and very strong and violence against her would have proved impossible; that, in a sense, was to justify his continuing denial of guilt. He said that he had not been engaged in violence for 26 years. He added that if he was in open conditions, he would not drink, he would do everything right. This was a response he gave in reply to the question which was posed to him as to whether he would continue to use prostitutes. And it is said that he regards his life as wasted and the only important people in his life were his four sisters and their children and the risk assessments were no longer accurate.

27. The Panel looked at risk assessments and its view was that there continue to be risks. They looked at the plan to manage the risk and then they came to their conclusions and decision. In doing so, of course, they had to resolve the different pictures painted by Mr Matthews and Ms Wordie as to whether treatment was necessary and upon the level of risk. They identified that the prison professionals considered that there was still work to be done in relation to risk and this would have to be undertaken before a progressive move could be considered. They identified that Mr Matthews thought there were reductions in risk which meant that the claimant was unlikely to abscond or present any risk of harm in the future and could be moved to open conditions.

28. In the decision letter, having identified the dispute between the prison professionals and Mr Mathews, the panel then set out its findings and conclusion starting with the passage which I quoted in the beginning of the judgment. It resolved the dispute between Mr Matthews and Ms Wordie and the other professionals in this way. Having dealt with the passage I have just identified, they said, "The Panel did not subscribe to Mr Matthews' view that no further treatment was necessary. It preferred the opinion of Ms Wordie and various psychologists, which was more in tune with the body of evidence. It was concerned that your risk of sexualised violence had never been properly identified, assessed or treated." It recommended that steps should be taken towards some treatment and then it went on: "The Panel considered that, in view of the evidence, and particularly your testimony before it, that continued confinement is necessary for the protection of the public and so declines to release you.".

The Law 29. What is the role of the Parole Board? I have been provided with Section 28 of the Criminal Sentences Act 1997. Section 28(1A) applies the section to a life prisoner in respect of whom a minimum term order has been made, so that is the claimant. Subsection (5) provides that: "As soon as (a) a life prisoner to whom the section applies has served the relevant part of his sentence; and (b) the Parole Board has directed his release under this section, it shall be the duty of the Secretary of State to release him on licence.".

30. No dispute that the relevant part of his claimant's sentence was 20 years, which expired in 2008/9.

31. Subsection (6): "The Parole Board shall not give a direction under subsection (5) above with respect to a life prisoner to whom this section applies unless (a) the Secretary of State has referred the prisoner's case to the Board" which is this case, "and (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.".

32. The historical, and current role, of the Parole Board is set out in R (Brooke) v Parole Board [2008] 1 WLR 1950 at [43] to [53]. As this is an ex tempore judgment and the role there set

out was acknowledged in one of the other cases to which I was referred, R (McIntyre) v The Parole Board [2013] EWHC 1969 Admin, there is no need for me to read out those paragraphs, they are there to be read.

33. It is sufficient to say that the Parole Board now has a judicial function. It must decide whether it is necessary for public protection for the prisoner to be confined. What is necessary for the protection of the public is that the risk of reoffending is at a level which does not outweigh the hardship of keeping the prisoner detained after he has served a term commensurate with his fault. That is to be found at paragraph 53 of R (Brooke) v Parole Board.

34. The Parole Board must ensure that it has a proper record of the hearing. There are no recording facilities at such hearings and that obligation is discharged by the Chair taking a note. The Chair's note prevails as the record for use in any further proceedings. The authority for those propositions are to be found in R (McIntyre) v The Parole Board at [20] – [23].

35. Turning to the role of the Administrative Court in reviewing a decision of the Parole Board. This was recently considered by the Court of Appeal in Browne v The Parole Board of England & Wales [2018] EWCA Civ 2024. In giving the judgment of the court, Coulson LJ reviewed a number of authorities on the test for judicial review in relation to decisions of the Parole Board. Again, I am not going to go through all of the authorities because they all appear in the decision. He referred, at [47], to R (Alvey) v Parole Board [2008] EWHC 311 (Admin) and the judgment given by Stanley Burnton J at [26]. The principle which arises from that extract is that it is not for the court to substitute its own decision for that of the Parole Board. It is they who have the task of weighing up the competing considerations and assessing the risk.

36. Having reviewed the authorities, Coulson LB, at [51] of Browne v The Parole Board of England & Wales, the court said "The test applied by the Divisional Court in DSD, and in all the other authorities noted above, is whether the decision of the Parole Board could be said to be irrational in accordance with the classic test set out in Associated Provincial Picture Houses v Wednesbury Cooperation [1948] 1 KB 223 at 229." The only gloss upon that test, which he referred to at [52], is that since the liberty of the claimant is at stake, any challenge must result in the court looking at the decision with anxious scrutiny. At [53] he continued that, apart from that modification, "I can see no basis for this court to depart from the conventional approach to the review of Parole Board decisions. The relatively high threshold of irrationality is appropriate when the Administrative Court is reviewing the decisions of the Parole Board. It properly reflects the Parole Board's judicial function, its inquisitorial role, its specialist expertise, and the important and complex role that it performs.".

37. Therefore, there has to be a high threshold for irrationality and that, of course, accommodates the recognition that it is the Parole Board which has the expertise and is entrusted with the judicial function of looking at risk and balancing whether the risk is such that a prisoner should remain beyond what may be called the punitive part of his sentence. The Administrative Court, of course, not having such day-to-day experience, is not really in a position to second guess what the Parole Board should have done, and must not do so.

38. In this case, irrationality is the basis of the challenge. That is to say Wednesbury unreasonableness. Although irrationality and unreasonableness are often used interchangeably, the former is only a facet of the latter; De Smith on Judicial Review 8th Ed para 11.032. Here I am concerned with irrationality and, in particular whether the decision lacks sensible logic or comprehensible justification.

39. A material mistake as to a material fact can render a decision irrational. De Smith on Judicial Review cites a large number of examples of cases where it has been held that a finding which was based on no evidence cannot be comprehensibly justified; see paras 11.047 and 11.051. I

have not referred to this large body of cases because it seems to me axiomatic that you cannot justify a decision of fact which is based on no evidence, or a judgment based upon such findings of fact.

Discussion 40. I am, of course, required to give the Board's decision anxious scrutiny, given that the liberty of the subject is at stake. Conceptually, the fact that the protection of the public is at stake should also demand the exercise of anxious scrutiny. Therefore, I have looked at the passages in the decision about which objection is taken, and compare it with the note of evidence.

41. I consider the assertion that the Panel found Mr Mackay dogmatic and vehemently antagonistic and accusatory towards the surviving victim. I have looked, in the evidence, where this could be found. All I have found is that in the hearing note at, page 49 of the bundle, there is a record which reads as follows: "We note from Ms A's testimony what happened to her (comment of other Panel member)" and then, in what clearly must be a record of Mr Mackay's response, it says, "She lied. Lack of emotionally intimate relationships. Never been violent/take up what they say; observe the world; cigarettes, choking her something straight back, Vaseline. She was so strong". Then it goes on: 'Clinic for antipsychotic co/methadone/alcohol wouldn't trust her to run wouldn't naive superhuman. . What follows is, 'Mr Purdon Good while some violent conduct, no violence for 26 years.'.

42. This passage in the notes seems to show that the writer of the decision letter was working their his way through the notes of evidence to produce the decision as it reflects what is to be found in the decision letter at page 15 of the bundle. The decision records, 'You said that the victim was very big and very strong and violence against her would have proved impossible'. It goes on 'There has now been no violence in your life for 26 years.'. 'She lied. Lack of emotionally intimate relationships.', has been followed by "no violence for 26 years" which is almost as it appears in the note of evidence.

43. It is difficult to know what is to be made of the note 'Choking her something, straight back, Vaseline'. Clearly, that seems to be some reference to what was being said about the events of the evening at the time of the offence against Ms A. It seems to be some sort of factual narrative. It is impossible to identify in this note, that the claimant said anything to show that he was dogmatic and vehemently antagonistic and accusatory towards the surviving victim. It is right that he said, "She lied", notably it does not say that she is a liar. He is simply saying that what she said about the events of the night was not the truth and, of course, that is a feature of his denial of the offence.

44. Where the decision letter goes on to say, later in this passage, and after referring to the dogmatic vehemence and antagonism, 'This was a flash of the old anger which you admit to', There is no note of there being any flash of anger, but possibly more importantly, there is no record of any admission to there being the old flash of anger or that he is capable of maintaining the old flash of anger. Then the sentence goes on, 'and the moment when he threatened the Panel, quite openly, which was chilling to behold.'. Again, there is no record of there being any threat to the Panel.

45. Apart from these observations in the decision letter not being reflected in the notes, there is evidence from witnesses to the event, Mr Purdon and Mr Matthews, who say that this did not happen. Therefore, the finding that the claimant was dogmatic and vehemently antagonistic and accusatory towards the victim, and that he displayed a flash of anger which he admitted to, and that he made a chilling threat, or, indeed, any threat to the Panel, is not supported by the evidence.

46. Were these findings material to the decision? They clearly were because, when we look at the decision, the very last paragraph under 'conclusion and decision', records the Panel considered that, in view of the evidence and particularly your testimony before it, your continued confinement is necessary.

47. On any analysis of the notes of evidence, and, indeed, the summary of such notes, as contained in the decision, that part of the alleged testimony, and, indeed, the only part which is included in the 'conclusions and decisions' section, is highly relevant to risk and yet,

the court is faced with a situation where there is no evidence that this actually has happened.

48. The Secretary of State, who has taken no part in these proceedings or sought to contradict Mr Purdon's and Mr Matthews's statements, and the Parole Board, have not sought to explain how these words came to be included in the decision, notwithstanding that they are not reflected in the notes of evidence.

49. Therefore, all the evidence on this has been one way and the Parole Board have clearly relied upon these as facts material to its decision. That is apparent both because these behaviours are the only factual behaviours said to be taken from his testimony, which identify this risk, and because although there clearly was other evidence of risk to be found in the evidence produced by the Prison Service, the Board said it relied in particular on his testimony.

50. I recognised that one has to be careful about reaching a conclusion as to what was material, based upon the way that the decision is laid out. The fact, however, is that under 'conclusions and decisions', the Board identifies the difference of views between the two psychologists, it calls them psychiatrists, which needs to be resolved. That is by the reference to these behaviours on the part of the claimant to which it has particular regard. In the next paragraph they resolve the dispute between the Mr Matthews and Ms Wordie in favour of the latter. It looks as if they have paid particular account to what they claim the claimant said, in resolving that particular dispute and, therefore, I am sure that this was a highly material consideration in their decision that the level of risk was such that it was not consistent with public safety that the claimant be released or even moved to open conditions.

51. In those circumstances, this was a decision which was taken on facts unsupported by evidence. It is not, therefore, logically justifiable and it must be quashed and an order made for the Parole Board to reconsider the reference which they dealt with on 23 April 2018.

52. I will add this as a post script to the judgment. In a digital age, one would hope that recording equipment would be available. It would be extremely helpful if these hearings were recorded, not only because a court and the parties could be more confident as to the accuracy of what was said, which has an importance which is wider that in relation to the subsequent decision because records of what is said at one parole hearing carries forward to further parole hearings. It would also be helpful in capturing the way in which something was said and, therefore, how it should be received.

53. If, for example, an assertion is made about a victim which is coupled with an agitated or raised voice, that does give some insight in to what the prisoner is actually thinking. The danger of simply relying upon the handwritten note is that it only reflects the note taker's impression as to what was said. It is in a form which is one familiar to judges and counsel, which combines the question and answer, but often the way in which the answer is given to a particular question can be important. Further, the attention of the note taker, and thus the note, can be influenced by what they are doing at the time. For example, it is much more difficult to take an accurate note if you are the person asking the questions.

54. I only add that as a post script. The question as to whether, in the absence of a system of producing necessarily accurate notes, the ability to challenge decisions of the Parole Board is sufficiently undermined to potentially render challenges ineffective, seems to me one for consideration at a higher level. It is fairly obvious, particularly from this case, that difficulties can arise when you do not have either a verbatim transcript or a recording to work from.

55. The second post script is that it is clear that there was a gap of seven days between the hearing and the decision. A worrying feature of this case is that it may be that the author of the decision confused two different cases and that there was another prisoner who displayed the behaviours which have been ascribed to Mr Mackay.

56. That is not only worrying, because Mr Mackay may have suffered as a result of such confusion, but it may be that, if there is some other individual who behaved in this way, those behaviours were not ascribed to them when a decision was taken as to the risk which they posed. This again, it is just a post script, but it is worrying because it is so curious that something which is not in the notes appears in the decision.

57. Whether the Parole Board think this is of sufficient concern to investigate how this error arose and as to what steps it takes to allay such concern are matters for the Parole Board and I say no more about that.

58. Finally the order. That the decision of the Parole Board dated 30 April 2018 be quashed.

59. Secretary of State's referral be reheard by the Parole Board.

Accusation of Eating Stolen Biscuits Cost Shop £14,000

Three schoolchildren who sued a shop for defamation after being accused of stealing and opening a packet of biscuits have won their case. The children, cousins, claimed a member of staff had loudly accused them of stealing a multipack of Happy Hippo biscuits from an Iceland in Finglas, Dublin, The Irish Times reports. They were awarded €14,000 between them. Danny Flannagan, 13, told the president of the Circuit Court, Mr Justice Raymond Groarke that his cousins, Abbey Flanagan, 14 and her sister Rihanna had become upset after the accusation was made. They took legal action through the mother of the girls, Angelina Maguire Abbey was awarded €5,000 while Danny and Rihanna were each awarded €4,500.

Making Sentencing Simpler, Fairer And Quicker

The Sentencing (Pre-consolidation Amendment) Bill has been introduced into Parliament. This short technical Bill is necessary to pave the way for the main Sentencing Code Bill to be introduced as a consolidation Bill. Once passed, the Sentencing Code will introduce a "clean sweep" of the old sentencing law so that anyone convicted once the Code is in force would automatically be sentenced under the current law.The current law of sentencing is inefficient and lacks transparency. The law is incredibly complex and difficult to understand even for experienced judges and lawyers. It is spread across a huge number of statutes, and is frequently amended. Worse, amendments are brought into force at different times for different cases. The result of this is that there are multiple versions of the law that could apply to any given case. This makes it difficult, if not impossible at times, for practitioners and the courts to understand what the present law of sentencing procedure actually is. This leads to delays, costly appeals and unlawful sentences. The Sentencing Code would simplify the law of sentencing procedure and bring it into one statute, whilst also removing unnecessary provisions and updating the language. The changes will reduce delays by making the sentencing process easier, simpler and clearer.

Hostages: Sally Challen, 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, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, 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 Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.