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Harry Turner Conviction for Murder Quashed - Retrial Ordered

On 22nd February 2023, following a trial in Crown Court at Teesside before His Honour Judge Adkin and a jury, Harry Turner (HT) was convicted of the murder of his wife, Sally Turner. He was sentenced to life imprisonment, with a minimum term of 17 years and 120 days. Around Easter 2022 the relationship between HT and Sally was at a very low ebb. On Good Friday Sally returned her wedding rings to the appellant and told him that their marriage was over. HT subsequently told a friend that he and Sally were splitting up as she was having an affair with one of the taxi drivers. That he was devastated by this development and was having suicidal thoughts. At around this time HT also sent messages to other friends in which he spoke of beginning to hate his wife, though his evidence at trial was that he did not mean it and had always loved her. He also asked friends to assist him in his attempts to note Sally and Phil's movements and to record what was happening in the house when he was not there. THT nonetheless continued to live in the matrimonial home, albeit that he slept in a different room, and he and Sally continued to have a sexual relationship.

On the morning of 22nd June 2022 HT and Sally went together to a café. CCTV captured them holding hands as they went. At exactly the same time, Phil was sending a sexual message to Sally. From the café, HT and Sally went to the matrimonial home. All appears to have been well between them. Sally trimmed HT's beard for him. A witness who spoke to Sally on the telephone around 10 am described her as sounding normal and not distressed. Just before 11 am, the next door neighbour heard a woman's voice screaming very loudly for several seconds. The neighbour then heard footsteps within the house, followed about a minute later by another scream. The house then went quiet. It was the prosecution case that the screaming marked the time of HT's fatal attack on Sally. HT's evidence was that the killing occurred about an hour later.

HT's case was that at the house he and Sally had sat together in the sitting room and had kissed. Sally then prepared to leave to meet the older child, but she then whispered in the HT's ear that he would never see the children again. HT said that this took him by surprise and that he did not know why she said it: it came out of nowhere. He said that he could not remember what happened then. He said the next thing he remembered was that he was standing over Sally's body, not knowing whether she was dead or alive. He did not remember anything about a knife, although he accepted from the evidence that he must have stabbed Sally repeatedly. Nor did he remember ever taking off his wedding ring. He changed his clothes, washed his hands and left the house to meet Ronnie nearby. He rang the police. Police officers quickly attended the scene. Shortly afterwards Sally was declared dead.

As the trial date approached, the HT served a defence statement in which he admitted inflicting the fatal injuries, but raised the partial defence of loss of control. He asserted that Sally had told him that he would never see the children again. At the start of the trial, the indictment was amended by adding a count of manslaughter. HT pleaded guilty to that count. The plea was not accepted, and the trial proceeded on the charge of murder. The fact that the appellant had admitted manslaughter was before the jury.

HT had been seen by psychiatrists instructed by both prosecution and defence. No medical issues were raised at trial, but there were agreed facts before the jury which included the fact that HT had said to both psychiatrists, when each had asked why he might have stabbed his wife, that "maybe she said something". HT accepted in cross-examination that he had not told either psychiatrist that Sally had told him he would never see the children again. Further agreed facts stated that the appellant had described to both psychiatrists the importance to him of caring for the children. It was also an agreed fact that the appellant had no previous convictions or formal cautions. At the conclusion of all the evidence, including the evidence given by HT, the judge gave a detailed ruling in which he held that insufficient evidence had been adduced to make out the partial defence of loss of control, because in his opinion the jury, properly directed, could not reasonably conclude that the defence might apply. The judge considered in turn each of the three elements of the partial defence, taking account of submissions made to him by both counsel. Having concluded in relation to the first element that there was insufficient evidence of a loss of control, the judge acknowledged that he was not required to say more. Nonetheless, he went on to indicate his conclusions on the second and third elements. In relation to each, he similarly concluded that there was insufficient evidence to go to the jury. Thus the only issue which the jury had to decide was whether, at the time of the repeated stabbing, HT intended to kill or at least to cause grievous bodily harm to Sally. The judge declined to give any direction to the jury about the fact that HT had no previous convictions. As we have said, the jury convicted HT of murder.

Judge Was Wrong to Withdrew From the Jury Partial Defence of Loss of Control

Mr Ford submits respectfully that the judge fell into error at each stage of his ruling. Mr Ford emphasises very properly that he seeks only to argue that there was sufficient evidence for the partial defence to be left to the jury for their consideration, not to argue that it would be bound to succeed. He points out that there was no evidence of any history of violence between the couple, save for one row between them. HT was a quiet man, described by witnesses who knew him as "unflappable" and a "gentle giant". Given those facts, and the evidence that the appellant and Sally had been on good terms only a short time earlier that morning, Mr Ford submits that the circumstances pointed to a loss of control as the explanation for the fatal attack. He further submits that, in giving his ruling, the judge made findings and drew inferences in relation to matters which should have been decided by the jury. Moreover, he submits that the judge's ruling was an inappropriate dismantling of HT's case of loss of control, rather than a rigorous evaluation of what findings a jury might properly make on the evidence. Mr Ford went on to argue that the result of the judge's ruling was that HT was deprived of the only defence which he had put forward. Given the nature of the attack upon Sally, he suggests that it was highly likely, if not inevitable, that the jury would find the necessary intent proved.

With all respect to the judge, we see force in the criticisms made of some of his reasons. Later in his ruling, the judge acknowledged that the jury might properly find that Sally had said words to the effect that the appellant would never see the children again. We have no doubt that he was correct so to acknowledge. In the reasoning which we have just summarised, however, the judge may have lost sight of that point when considering what inferences the jury might properly draw: for example, as to the frenzied nature of the attack. Further, it seems to us that in a number of his findings, the judge, in seeking to make the necessary rigorous evaluation of the evidence, fell into the error of focusing on his own assessment of the evidence rather than on the findings which it would properly be open to the jury to make. It seems to us that the jury could quite properly have differed from the judge's views in their conclusions as to whether the appellant had paused in his attack to collect a second knife after the first had been damaged, rather than having had both knives in his hands from the outset; or as to whether the cutting of Sally's throat had been a targeted blow rather than one of

the many wounds inflicted to various parts of Sally's body during the attack; or as to whether HT's wedding ring had been symbolically positioned rather than simply discarded; or as to whether the HT's demeanour after the attack may have been explained by the fact that he had suffered a loss of control and did not fully appreciate what he had done. Those were all matters which in our view the jury should have been able to consider, whatever their ultimate decisions may have been. After careful reflection, we have concluded that the judge fell into error in his ruling, and ruled against HT on matters which ought properly to have been considered by the jury, again whatever findings they might have made. It follows that we accept the submission that the judge reached a wrong decision in ruling that sufficient evidence had not been adduced to raise an issue with respect to the partial defence of loss of control. The conviction is, accordingly, unsafe and therfore must be quashed and a fresh trial should take place.

Zara Aleena Murderer Alleged to Have Had Sex With Belmarsh Prison Worker

Amelia Sharples, Justice Gap: The murderer of Zara Aleena, killed while walking home in east London, has allegedly been caught having sex with a prison worker. Jordan McSweeney serving a 33 year sentence for Aleena's murder, and now in Belmarsh prison. Belmarsh is one of only three high-security prisons in England and Wales. In June 2022, Zara Aleena was walking home in Ilford, east London, when she was sexually assaulted and murdered by Jordan McSweeney. Farah Naz, the aunt of the murdered law graduate, said she is 'deeply troubled' by the news of McSweeney's conduct in prison. Two months into McSweeney's sentence, an alleged relationship between McSweeney and a prison worker is said to have begun. The Independent reported that the 32-year-old female prison worker who was detained in April 2023 was not a prison officer, but was employed in another capacity. If found to be having inappropriate relationships with prisoners, prison staff may be charged with misconduct in public office. The Me confirmed it was aware of an allegation of 'inappropriate conduct' involving a serving member of staff at Belmarsh. In 2022 staff in HMP Lincoln were accused of having inappropriate intimate relationships with prisoners and in 2023 a total of 18 women working at HMP Berwyn have been sacked or resigned after crossing relationship boundaries with prisoners. Ms Naz spoke to Radio 4: 'Why was a self-confessed sexually motivated murderer, allowed proximity to a female worker lacking training and capacity for such situations?'. In light of the ongoing investigationsr.

UK: Kids Referred to Counter-Terror Police Amid Crackdown on Palestine Support

Nandini Archer, Open Democracy: More than a hundred schoolchildren and university students have faced "harsh repression and censorship" – including referrals to the government-led counter-terrorism programme Prevent – for displaying support for Palestine in the last three months, campaigners say. OpenDemocracy has been alerted to reports from across the UK of schools allegedly telling pupils to remove badges, stickers and t-shirts that have "free Palestine" on them; alleged retaliatory measures against college students for tweeting support or joining pickets for Palestine; and claims about university exclusions, suspensions and investigations, as well as the cancellations of pro-Palestinian events. Anas Mustapha, head of public advocacy at the group CAGE International, said the organisation had witnessed "high levels of repression of Palestine solidarity, with employers, teachers and police acting upon prejudice and increasingly disturbing levels of irrational intolerance". CAGE works with communities impacted by the so-called 'war on terror' and says that, since the Hamas attacks on Israel on 7 October, 130 people have contacted them concerning Palestine censorship in schools, colleges and universities – a 455% increase from their last report in 2021. The figure includes alleged referrals to Prevent.

Hero or Murderer? UK General Who Terrorised the Colonies & Northern Ireland

Anne Cadwallader, Declassified UK: General Sir Frank Kitson, saw the people of Kenya, Malaya and Northern Ireland as little more than laboratory rats to test his brutal military theories. "Controversial" was the euphemism most commonly used in obituaries describing the life and legacy of General Sir Frank Kitson – the most highly decorated British soldier of his generation who died, aged 97, on 2 January. "No general in recent times has provoked more intense and sustained controversy than Frank Kitson, a short and ramrod-straight figure with a jutting chin, nasal voice and dislike of small talk," said The Times obituary. The Daily Telegraph opined: "He was regarded as one of the most capable and controversial soldiers of his generation, and his expertise in counter-insurgency operations was probably unrivalled".

Little focus in the many plaudits from the predictable sources was directed at the politicians and government spooks who unleashed him onto the people of Kenya, Malaya, Oman, Cyprus and Northern Ireland – all of whom he appears to have viewed as little more than laboratory rats to test his military theories. His 1970s role in the early days of the violence in Northern Ireland has had most attention. But as recently as 2006 US General David Petraeus (then commander of US Central Command and coalition forces in Iraq) visited Kitson at his home in Devon, apparently for advice. For those of a right-wing persuasion he was a far-seeing prophet of counter-terrorism. For those on the left, he was a bogey-man: one left-wing journal went as far as describing him as the "Failed Boot Boy of Empire". This, however, fails to hold his masters in London to account.

Nairobi to Belfast: As early as 1972, Kitson's fame in Belfast was such that the now defunct This Week (describing itself as "Ireland's Quality News Magazine") featured a broadly smiling Kitson on its front cover, with the headline "Kitson's War Against The IRA" and a seven-page inside feature. Paddy Devlin, a founding member of the moderate nationalist Social Democratic and Labour Party (SDLP), said Kitson "probably did more than any other individual to sour relations between the Catholic community and the security forces" in Northern Ireland. Kitson brought to Belfast his experiences in Kenya, fighting the Kikuyu Land and Freedom Army (exotically dubbed the "Mau Mau" by the British) in the early 1950s where he honed a practice of using "turned" or "converted" rebels into "counter-gangs". In his book Gangs and Countergangs Kitson wrote: "There are innumerable ways in which the principle [of counter-gangs] can be applied and it is up to those involved to invent or adapt such methods … as may be relevant to the situation".

An estimated 90,000 Kenyans were slaughtered in the Kikuyu uprising while just under a hundred were hanged on a portable gibbet. Some 160,000 were detained in internment camps where torture was routine. One of Britain's victims was US President Barack Obama's paternal grandfather, Hussein Onyango Obama, who was arrested in 1949, and tortured by having pins inserted under his fingernails.

Wild animals - Kitson later wrote in his memoirs, Bunch of Five, "Most soldiers [regarded the] finding and disposing [of Mau Mau] in the same way as they would regard the hunting of a dangerous wild animal". In Northern Ireland, Kitson sought to duplicate his Kenyan experience, forming the Military Reaction Force. This consisted of covert units liaising with local "proxies" to carry out deniable murders and foment internal dissent within republican paramilitary groups – along with mass screenings of the "suspect community". Former SAS man Tony Geraghty claims that, in Northern Ireland by the spring of 1971, the British authorities, desperate to penetrate the IRA, did so by adopting Kitson's counter-gang tactics. Kitson himself wrote in December 1971 that successes against the IRA would be hard to achieve without radical change and "we are taking steps to do so in terms of building up and developing the MRF". Deadly lesson

The outcome, however, was not the defeat of the IRA (its campaign continued for a further

30 years) but the killing of uninvolved civilians, including women and teenagers, and the further alienation of the Catholic community from Britain's security apparatus. In April 1975, Father Denis Faul, a Catholic priest antipathetic to the IRA, wrote that the British are teaching: "a deadly lesson to the people – that power came out of the barrel of a gun … that police and army can betray their trust and not be the impartial servants of government and people". In Low Intensity Operations Kitson infamously wrote that, although the law must be respected when fighting opponents, it can be changed to fit the circumstances so that it equates to "little more than a propaganda cover for the disposal of unwanted members of the public".

Even more sinister is a further quote from the same book, that if "the fish [terrorist] has got to be destroyed" but it proves impossible to do so "directly by rod or net" then "conceivably it might be necessary to kill the fish by polluting the water". This appears to be a generalised justification for terrorising an entire community, such as the nationalist community in Northern Ireland, hoping it will repudiate its presumptive defenders — republican paramilitaries such as the IRA.

Jolly good men: When called to give evidence to the Saville Tribunal of Inquiry into Bloody Sunday, Kitson said the soldiers of the First Parachute Regiment's Support Company, who killed 14 unarmed civil rights marchers, were "jolly good" men who "exhibited a natural compassion, comforting and assisting the victims of bombs and riots". Kitson described as "total rubbish" a report suggesting he was involved in a plan for the illegal march to come under attack, forcing the IRA to defend it so that military "snatch squads" could then be sent in to arrest suspect paramilitaries.

It is impossible to say whether an ageing Kitson considered his own career a success or failure. Although he reached the top of the military greasy pole and a state memorial in his honour is to be held in due course, could he have avoided hearing the words of King Charles on a recent visit to Kenya? At a state dinner, Charles did not apologise for British atrocities – but did express his "deepest regret" for what he called "abhorrent and unjustifiable acts of violence" committed against Kenyans during the country's independence struggle.

CIA Secret Detainee Programme - Multiple Violations Against Lithuania

The case al-Hawsawi v. Lithuania (application no. 6383/17) concerned a national of Saudi Arabia who is currently on trial before a US military commission in Guantánamo Bay on suspicion of being a facilitator and financial manager of al-Qaeda. In his case before the European Court of Human Rights Mr al-Hawsawi raised multiple complaints of torture, ill-treatment and unacknowledged detention in 2005-06 when he was held at a secret facility in Lithuania run by the US Central Intelligence Agency (CIA). Those alleged events took place against the background of the so-called "War on Terror".

In today's Chamber judgment1 in the case the European Court held, unanimously, that there had been: Violations of Article 6 § 1 (right to a fair trial within a reasonable time), and Articles 2 (right to life) and 3 taken together with Article 1 of Protocol No. 6 (abolition of the death penalty), because Lithuania had assisted in Mr al-Hawsawi's transfer from its territory in spite of a real risk that he could face a flagrant denial of justice and the death penalty; and,

Violations of Article 5 (right to liberty and security), Article 8 (right to respect for private life), and Article 13 (right to an effective remedy) in conjunction with Articles 3, 5 and 8.

The Court noted that Mr al-Hawsawi had been subject to a virtual ban on his communication with the outside world since his capture in 2003 so it had had to establish the facts from various other sources. In particular, it had gained key information from one of the most credible sources available, a US Senate Committee report on CIA torture released in December

2014. That report had specifically named Mral-Hawsawi as having been detained at the CIA secret detainee site codenamed "Detention Site Violet". That site, in light of evidence gathered by the Court, was located in Lithuania.

The Court went on to find that although he had probably not been subjected to the harshest interrogation techniques there, he had to have experienced blindfolding or hooding, solitary confinement, the continuous use of leg shackles, and exposure to noise and light, which had been standard CIA practice under the secret detainee programme at the time. The Lithuanian authorities had to have been aware that the CIA would subject him to such treatment at the secret prison located on their territory, given the information widely available at the time on torture, ill-treatment and abuse inflicted on terrorist-suspects in US custody. They had also permitted him to be moved to another secret CIA detention site (in Afghanistan), exposing him to further ill-treatment, and to the USA where he faced the risk of a flagrant denial of justice and the death penalty.

The Court concluded that Mr al-Hawsawi had been within Lithuania's jurisdiction and that the country had been responsible for the violations of his rights under the Convention. In coming to those conclusions, it specifically referred to the evidence in a similar case previously brought before it, Abu Zubaydah v. Lithuania of 2018, as well as five other rulings: El-Masri v. "the former Yugoslav Republic of Macedonia" of 2012, Al Nashiri v. Poland and Husayn (Abu Zubaydah) v. Poland of 2014, Nasr and Ghali v. Italy of 2016 and Al Nashiri v. Romania of 2018. Under Article 46 (binding force and implementation of judgments) it repeated the recommendations made in some of those previous rulings that the respondent State undertake a full criminal investigation as quickly as possible and, if necessary, punish any officials responsible. Lithuania also had to make further representations to the United States to remove or limit the effects of the violations of Mr al-Hawsawi's rights.

Extradition to Colombia for Kidnap and Extortion Convictions Discharged

Doughty Street Chambers: An extradition request from the Government of Colombia for Mr Vallejo to serve a sentence of 38 years imprisonment for kidnapping and extortion offences was discharged after the Government of Colombia failed to establish a prima facie case to the English court in support of its conviction. Mr Vallejo marshalled a formidable body of evidence to demonstrate his extradition gave rise to a flagrant breach of his Article 5 ECHR rights due to it being premised on a flagrant denial of his Article 6 ECHR trial rights when he was convicted in absence. He also prepared extensive expert evidence to establish that his extradition would violate his Article 2 Convention right to life and that his removal was prohibited by his Article 3 Convention protection against inhuman treatment and that the prosecution was brought in bad faith. The Chief Magistrate of England and Wales agreed the Court could take an exceptional course by ruling that Mr Vallejo could be discharged on prima facie evidence grounds alone.

Police Failed Child Victims in Rochdale

Justice Gap: A mayorally-commissioned review has concluded that child sexual exploitation was low-priority and under-resourced by Greater Manchester Police. The review focusesdon multiple failed investigations by GMP and 111 cases in Rochdale from 2004 to 2013. Malcolm Newsam, author of the review, said that 'GMP and Rochdale Council failed to prioritise the protection of children who were being sexually exploited.' Following the airing of BBC documentary, The Betrayed Girls in 2017, Mr Burnham commissioned a series of independent reviews. The latest review found substantial evidence that at least 74 children were being sexually exploited yet 'there were serious failures to protect the children in 48 cases.' The Mayor of Manchester, Andy Burnham

said that 'This report reveals the same problematic institutional mindset in public authorities that we have seen elsewhere: young, vulnerable girls not seen as the true victims by those whose job it was to protect them but instead as the problem.'

Health worker Sara Rowbotham and former GMP Detective Maggie Oliver raised concerns about a gang of men engaged in child sexual exploitation in 2007. According to the review, GMP and Rochdale Council 'chose not to progress any investigation into these men.' Mr Newsam described Ms Rowbotham and colleagues as 'lone voices' in raising concerns, despite facing criticism from authorities. Maggie Oliver resigned from the GMP to expose their failings. 'They've criminalised them, they've blamed them, they have ignored them,' Ms Oliver said when speaking to BBC North West Tonight. She described the numbers in the report as 'shocking' yet criticises it, she explains: 'terms of reference meant they were only allowed to look at what happened up to 2013.' The review identified 96 men who 'potentially pose a risk to children,' and this was 'only a proportion' of those involved in CSE over this period. Successful convictions have been made in recent years, but the report found that these only relate to 13 of the 74 children believed to have been sexually exploited.

Prison Officer Wins Payout Over Exposure to Inmates' Drugs

BBC News: Prison bosses have paid compensation to a warden who was left hallucinating and became violent after inhaling drugs which were being taken by inmates. The officer was taken to hospital after the incident at Shotts Prison and also suffered long-term health problems. A civil claim brought against the Scottish Prison Service (SPS) by the officer was later settled out of court. The SPS said it was working hard to safeguard staff and prisoners from the harm of illicit substances. The problem of inmates taking drugs is an issue in most of Scotland's jails. There are ongoing concerns about prison officers being exposed to second-hand smoke from substances such as Spice. There was a surge in prison drug seizures during the Covid pandemic, with stoppages of psychoactive substances nearly doubling.

BBC Scotland understands that the incident which led to the compensation pay-out took place at Shotts Prison in North Lanarkshire in 2019. The officer was dealing with inmates who were under the influence of psychoactive substances. The warden was overcome by toxic fumes from the drugs and became aggressive and badly disorientated, before then being taken to hospital. It is understood the officer had short-term physical and long-term mental health injuries as a result of the incident. The SPS settled the case just before it was due to come to court last year, with compensation paid to the officer.

Alan Calderwood - a partner with Thompsons Solicitors, who handled the case - said it had been "complex".The health, safety, and wellbeing of all those who live and work in our establishments is a key priority for SPS," said a spokesperson. The presence of illicit substances in the wider community is a constant challenge and we continue to work hard to safeguard staff, and those in our care, from the harm they cause." The most common way to smuggle psychoactive substances into jails used to be by spraying them onto pieces of paper posted to prisoners.

In 2021, the SPS started photocopying mail being sent to inmates to try and close down this route. Prison bosses said the move had reduced drug overdoses behind bars. However, illegal substances are still getting into Shotts and other prisons. The methods can include inmates being passed drug-soaked clothing or through packages being delivered to the grounds of jails by drones. Last year a guard caught smuggling cocaine into Shotts was jailed for more than six years. Heather McKenzie, 31, secretly brought drugs and mobile phones to inmate Zak Malavin at the top security jail.

'Considerable Challenges' Remain at HMP Maidstone

Rehoboth Ogunjimi, Justice Gap: The latest annual Independent Review of Progress (IRP) report conducted at HMP Maidstone found that, whilst improvements had been made within the prison, there remained 'considerable challenges ahead'. This latest report details findings from an inspection in November 2023 which was a follow up from an earlier inspection in September 2022. The prison was found to have made reasonable progress in some areas but there were no areas where good progress had been made. Significantly, in September 2022, HMP Maidstone was found to have a high number of foreign national prisoners which was recorded as approximately 600. This presented unique challenges for the prison, with the 2022 report concluding there was a lack of focus on the vulnerabilities that affected foreign national prisoners with uncertain immigration status.

Crucially, the latest report found that, whilst some improvements had been made by rolling out a foreign national prisoner training package, this was still in its early stages and ongoing issues with safety remained. This was tragically highlighted by two self-inflicted deaths in the previous five months, and it was found that prisoners remained anxious about their immigration status. Despite this, some early success was found in systems created to identify and remedy problems faced by the prisoners. There were now more opportunities for prisoners to speak to the Home Office about their cases, which was an improvement from previous reports of frustration due to ineffective systems in place.Also found that living conditions in the prison had improved since 2022. Whilst prison conditions remained variable with some cells still in a poor state, the shower areas had been refurbished and no broken furniture was found. The units were also being painted and many were 'generally tidy, clean and well maintained.'

There were some positive improvements found by OFSTED in relation to the prison education as there were now sufficient staff to deliver a suitable curriculum and qualification rates were good. However, it was found that overall improvement in the quality of education, learning, and skills had been 'too slow' and there was not enough full-time purposeful activity. The report also found that prisoners were being held back and unable to progress with their sentences because of a failure to offer offending behaviour programmes that were a requirement of many sentence plans. HM Chief Inspector of Prisons, Charlie Taylor, recognised in the report that the governor had a 'clear sighted' view of the considerable challenges ahead at HMP Maidstone. He said that whilst there had been steady progress, it was now time 'to speed up the pace of change.'

Mental Health Services: Prisoners

Lord Bradley to ask His Majesty's Government how many people entering prison underwent reception screening for mental health issues; and how many of these were undertaken by a person with a recognised mental health qualification, in each of the last five years.

Lord Markham, everyone coming into prison either from courts or transfer from another prison or on remission from a psychiatric unit receives the first reception screening. This screening is based on National Institute for Health and Care Excellence guidelines and includes questions on a person's mental health. The clinicians undertaking the initial reception screening could be either a general nurse or a mental health nurse. We do not have the breakdown of those that undertake reception screenings when seeing prisoners and their qualifications. Any patient that requires further support or investigations for physical or mental health conditions is appropriately referred on to the relevant team. It is important to note that the initial health screen on reception is to keep people safe in the first few days. A more comprehensive second screening is undertaken within seven days of arrival.

Half-Century Convictions Linked to Racist Officer Quashed

Dominic Casciani, BBC News:Two men jailed on the testimony of a corrupt police officer have had their convictions posthumously quashed after almost 50 years of campaigning. The Court of Appeal formally exonerated Saliah Mehmet and Basil Peterkin. The men were jailed in 1977 thanks to evidence that police chiefs now accept was racist and corrupt. Basil Peterkin and Saliah Mehmet were British Rail workers who were convicted of conspiracy to steal tens of thousands of pounds worth of mail order parcels from a railway yard. They were sentenced to nine months in prison and later died in 1991 and 2021 respectively. The men's families say the law must be changed to ensure that all cases linked to corrupt officers are reviewed in the future.

At the heart of their prosecution had been Detective Sergeant Derek Ridgewell. He was brought to justice in 1980 when he and two other detective constables - Douglas Ellis and Alan Keeling - were convicted of stealing £364,000 of property from the same depot that Mr Peterkin and Mr Mehmet had been accused of targeting. Ridgewell, who died in prison, was later found to have been responsible for a series of infamous and racist miscarriages of justice in London, including the 'Oval Four' and 'Stockwell Six'. Instead of being sacked in 1973 after the first allegations against him emerged, British Transport Police (BTP) moved him to another team.

Lord Justice Holroyde - one of the most senior judges in England and Wales - said both the men were innocent and posthumously quashed their convictions. "We cannot turn back the clock," said the judge. "But we can, and do, quash the convictions." Ridgewell's framing of the two men was not referred back to judges to be reconsidered until now - and was only uncovered thanks to work on another of the officer's victims by the official miscarriages review body.

Regu Saliah, Mr Mehmet's oldest son, said: "This judgment today brings some relief from an injustice that has lasted nearly half a century and for this we would like to thank our legal team and the Criminal Cases Review Commission for making it possible. Regrettably, our father doesn't get to experience this judgment today, he passed away two years ago having lived as a victim of Ridgewell, a corrupt, racist police officer for over 43 years. What he was put through over those years left a traumatic legacy that stayed with him his whole life. The injustice he suffered he never managed to comprehend - but even harder for him was knowing that his incarceration left my mother and I penniless and homeless in 1970s London." Janice Peterkin, Mr Peterkin's daughter, said she had been determined to clear her father's name. "He didn't deserve to spend time in prison, he was a law-abiding citizen and a family man. Basil was unfairly targeted and framed by the ex-policeman Ridgewell who was clearly racist and corrupt. Our dad was not given the chance to prove his innocence either at trial or when he appealed."

The long battle to clear the men has raised questions about how police forces investigate their own officers after an allegation of corruption has been proven. In 2021, BTP said they had completed a search for any other potential wrongful convictions linked to Ridgewell - but did not submit the 1977 case to the Criminal Cases Review Commission, the body that investigates potential miscarriages of justice.

"As a family we find it extremely difficult to understand why BTP failed to initiate a review into my father's case when Ridgewell was convicted so soon after," said Regu Saliah. "We are bitterly disappointed that to this day we have had no contact from the BTP to explain their actions and, more importantly, their inactions regarding what we consider to be a crime perpetrated against our father, and by extension us as a family."

Mr Matt Foot, the men's solicitor from miscarriages campaign group Appeal, said their case showed the law must be changed to prevent other such injustices. He and the families are now calling for an automatic review of the corrupt officer's case files to avoid the same mistake being made again. "There is no excuse for the hideous delay of nearly 50 years," said Mr Foot. We need [Justice Secretary] Alex Chalk to introduce an immediate change in the law so that miscarriages of justice caused by corrupt police offices like Ridgewell are swiftly put right."

In 2021 BTP apologised for what it said had been Ridgewell's "systemic racism". Chief Constable Lucy D'Orsi, said: "I am sincerely sorry for the trauma suffered by the British African community through the criminal actions of former police officer DS Derek Ridgewell who worked in BTP during the 1960s and '70s. In particular, it is of regret that we did not act sooner to end his criminalisation of British Africans, which led to the conviction of innocent people. This is simply inexcusable and is something that my colleagues and I are appalled by."

Acquittal Following Submission of 'No Case To Answer' at the Old Bailey

The defendant was charged with three counts of possessing indecent images of a child after photographs were discovered on his laptop during a police investigation into an antiquities fraud. The defendant accepted ownership of the laptop but denied knowledge of the indecent images. He suggested in interview that the images may had been viewed by others with access to his laptop, inadvertently downloaded while using an illegal streaming site, or placed onto his laptop by malware. In cross-examination, the Crown's expert accepted that the data indicated multiple users had access to the device, that it was not possible to ascertain the date of creation in respect of any of the images, and that it was possible that website pop-ups or malicious software could imbed images onto a device without the user's knowledge. The Crown's expert ultimately accepted that he could not be sure this defendant had ever accessed or had knowledge of the indecent images on his device. At the close of the Crown's case, Sean submitted there was no case to answer. If the evidence was such that the Crown's own expert could not be sure this defendant had knowledge of the indecent images, then no jury properly directed could properly convict. Under direction of the judge, the jury returned Not Guilty verdicts in respect of all counts.

Conviction Following Claims of Mental/Sexual Harassment - Violation of Article 10

In Chamber judgment in the case of Allée v. France (application no. 20725/20) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 10 (freedom of expression) of the European Convention on Human Rights. The case concerned the applicant's criminal conviction for public defamation following her allegations of harassment and sexual assault against a senior executive of the non-profit association where she worked. The claims had been sent by email to six people from both inside and outside the association.

The Court stressed the need, under Article 10, to provide appropriate protection to individuals alleging that they had been subjected to mental or sexual harassment. In the present case, the Court considered that the domestic courts' refusal to adapt the concept of sufficient factual basis and the criteria for assessing good faith to the circumstances of the case had placed an excessive burden of proof on the applicant, by requiring that she provide evidence of the acts she wished to report. The Court also noted that the email, sent by the applicant to six people of whom only one had been an external party, had had only a minor impact on her alleged harasser's reputation. Lastly, although the financial penalty imposed on the applicant could not be described as particularly severe, she had nonetheless been convicted of a criminal offence. By its nature, such a conviction had a chilling effect, which could discourage people from reporting such serious actions as those amounting, in their view, to mental or sexual harassment, or even sexual assault. The Court concluded that there had been no reasonable relationship of proportionality between the restriction on the applicant's right to freedom of expression and the legitimate aim pursued, and held that there had therefore been a violation of Article 10 of the Convention.

MoJ/Sentencing Council Response to Justice Committee's Call for Debate

Public opinion "absolutely plays a pivotal role in shaping sentencing policy" and "demands careful consideration" the Ministry of Justice (MoJ) has said in its response to a landmark report by the Justice Committee. In its report entitled 'Public opinion and understanding of sentencing', published in November 2023, the cross-party committee of MPs warned public debate on sentencing is "stuck in a dysfunctional and reactive cycle" and recommended the Government should seek to actively engage the public on sentencing policy, but should do so in a structured and methodologically rigorous fashion. Responding, the MoJ acknowledged the Committee's recommendations for action, stating: "There are several ways that we engage on sentencing policy to ensure an inclusive, as well as robust policy making process. We are continually exploring ways to enhance current processes including ways to increasing public awareness of the existing avenues for engagement in sentencing policy discussions."

The Justice Committee said that deliberative engagement exercises with members of the public should form part of the policy development process. Policy proposals on sentencing it added should be subject to independent evaluation, so that the resourcing implications are evaluated before they are enacted. It also called on the Government to establish an independent advisory panel on sentencing to consider proposed changes to sentencing policy and to provide advice to ministers.

Reacting to the Committee's panel recommendations, the MoJ said: "The suggestion to include representatives of victims and their families is valid and aligns with our principles of inclusivity…our Ministers use the views of victims, stakeholders and the wider public to help them make decisions and develop sentencing policy. Some of these mechanisms include manifesto commitments; the views of MPs, representing their constituents; victim-focused campaigns; consultations; and via e-petitions on parliament.uk. The Government is continuing in its efforts to rebuild public confidence in the justice system. The publication of judgments and the accessibility of sentencing remarks are key components of the principle of open justice, helping to build understanding and confidence in sentencing."

Replying to the Committee's recommendation that the Government should consider adopting a structured engagement plan to gather information on the public's views on sentencing, the Sentencing Council, added: "The Council will consider, as part of its ongoing work to encourage a greater range of responses to its consultations whether structured deliberative engagement exercises, or similar, may be of benefit. The Council welcomes the report's recognition of the challenges that can be faced in promoting public confidence in what can be a complex and changing political, social and legislative landscape."

The Chair of the Justice Committee, Sir Bob Neill MP (Con, Bromley & Chislehurst), said: "The Committee welcomes the MoJ's acknowledgement that public opinion plays a 'pivotal role' in shaping sentencing policy. It is vital that policymakers adopt a consistent and principled response to maintaining public confidence in response to the challenge of the public's position on sentencing severity. Instead of simply adopting a reactive approach to sentencing policy, the Government should develop a structured mechanism for engaging the public on sentencing policy. It is encouraging to see the Sentencing Council consider the Committee's recommendation that deliberative engagement exercises with members of the public should form part of the policy development process. The Committee's report is a timely reminder that those involved in, or responsible for, the criminal justice system need to take the duty to ensure public confidence extremely seriously."

Scottish Prison Cells 'Breach Torture Standards'

There are 2,230 prisoners in Scotland whose cells are below the minimum size set down by the Council of Europe's Committee for the Prevention of Torture (CPT). The figure was revealed in the Scottish Parliament in response to a question from the Scottish Liberal Democrats, who asked how many people were in shared cells with less than 4 square metres of personal space – the floor area stipulated by the CPT. Defending its treatment of prisoners, the SNP-led Scottish Government pointed out that there is no legal requirement to meet the CPT standard, and that and in many cases the living space was only marginally below the figure.

Lib Dem Scottish justice spokesperson Liam McArthur said: "On the SNP's watch, not only are prisons bursting at the seams but the conditions inside many of them contravene basic standards for humane treatment. The problem is so acute that the Government's best justification is most cells are only marginally smaller than the internationally recognised minimum standards, but in a number of cases they are not even meeting that low level that they've set themselves. As well as posing a danger to staff safety, overcrowding makes it much harder for prison staff to focus on successful rehabilitation that is key to reducing reoffending."

Teresa Medhurst, Chief Executive of the Scottish Prison Service (SPS), said: "Whilst the Council of Prevention of Torture's minimum standard is four metres squared plus fully partitioned sanitary facilities, not complying with that does not constitute breach of the law." A spokesperson for the service added "We have a population that is rapidly increasing and far more complex due to factors such as types of offending, levels of serious and organised crime, a population growing older, and high numbers of remand prisoners. Many establishments are full beyond their design capacity which increases the pressure on space available.

Pregnant Woman's Jail Sentence Quashed in 'Landmark' UK Ruling

Diane Taylor, Guardian: The court of appeal has quashed the prison sentence of a heavily pregnant woman so that she can give birth safely, in a case hailed as a landmark by campaigners. The woman, 22, is almost eight months pregnant and has been diagnosed with potentially life threatening pre-eclampsia, which affects the mother's blood vessels and the baby's blood supply. The woman was sentenced to five years for possession of a firearm and ammunition, and was serving two and a half years in prison. She did not discover she was pregnant until she was given a routine pregnancy test on arrival in prison. Campaigners have previously argued that no pregnant women should be housed in the prison estate. In September 2019, a newborn baby, Aisha Cleary, was found dead in a prison cell in HMP Bronzefield after her mother, Rianna, gave birth alone. According to government data, in 2022-23 there were 44 births by women in custody, 98% of them in hospital.

Pippa Woodrow, counsel for the pregnant woman, told a court of appeal hearing on Thursday that the risk of the woman going into premature labour was "live", and that the management of her pregnancy in prison "does not even seem to meet the requirements of her condition". The judges quashed the sentence she had received from a criminal court and replaced it with a two-year suspended sentence with a rehabilitation requirement. Addressing the woman, who listened tearfully to the judges' ruling via a video link inside prison, Holroyde said: "This is quite an exceptional course the court is taking. We are doing it because of the exceptional features of your case." "This landmark judgment marks a sea change in sentencing practices. Several other countries do not imprison pregnant women or new mothers.