broadcast. Given that there are many more hearings than in the Supreme Court, which tends to hear 1 or at most 2 cases at a time, it is to be hoped that the Ministry of Justice will consider allowing hearings to be watched after the event as is the case on the Parliament Live TV website.

Broadcasting Court of Appeal hearings, as long as the footage is accessible (that is, live streamed and available after the event) will be fantastic for lawyers and law students, who will be able to keep up to date with the latest arguments and advocacy. The public may find appeal hearings, which concentrate on points of law, boring. But as long as the footage is available any creative and knowledgeable editor will be able to make it interesting. I expect that legal bloggers may be dusting off their copies of iMovie to have a try.

The Crown Court, where the most serious criminal trials happen, is a bit more tricky. At present, the proposal is to include "judges' summary remarks only – victims, witnesses, offenders and jurors will not be filmed". Note that "offenders" are excluded, so the cameras will not be allowed to film their despondent faces as sentences are handed out. The obvious issue is whether the public, who will be shown a brief fragment of a case, will be any the wiser having seen it.

There are other arguments against broadcasting criminal trials they are, in summary,

1. Televised justice leads to soundbites and sensationalism, and edited highlights of a case lose the subtlety of legal argument 2. Television fosters disrespect for the court

3. Cameras pervert the trial process as juries become star struck and lawyers grandstand

4. Victims and witnesses are intimidated and can be less safe as a result

Mark Duggan family accuse police of operating a 'shoot to kill' policy

The family of Mark Duggan, the Tottenham man whose death in a police shooting last month sparked five days of widespread riot and disorder, believe officers were operating a "shoot to kill" policy. Duggan's brother, Shaun Hall, 42, said ahead of Duggan's funeral on Friday: "The police were clearly operating a shoot to kill policy that day. They are supposed to disable, not kill, suspects. If they hadn't shot and killed Mark there would have been no riots."

The family, in exclusive interviews with the Guardian, said they had been told that the bullet fired at Duggan's chest after officers intercepted the taxi he was travelling in, would have killed him in seven to 12 seconds, giving him no prospect of surviving. They are devastated by his loss and distraught at the misinformation initially put out that the incident in Ferry Lane in Tottenham, north London, was a "shootout". The family say they have been told there was no forensic evidence of Duggan's fingerprints on the non-police issue gun recovered at the scene of the shooting, and they have many unanswered questions. The Guardian has established from sources outside the family that the gun was found inside a sock. Scotland Yard has refused to comment on any aspect of the operation to arrest Duggan, saying it is the subject of an IPCC inquiry.

Hostages: Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, Talha Ahsan, George Romero Coleman, Gary Critchley, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Frank Wilkinson, Stephen A Young, 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 & Keith Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Timothy Caines, Ray Gilbert, Ishtiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844

MOJUK: Newsletter 'Inside Out' No 336 (11/09/2011)

21 Years Innocent - 21 Years Wrongly Convicted - 21 Years Of Struggle

Justice for Warren Slaney - Saturday 15 October 2011 will mark the 21st anniversary of Warren Slaney being held in custody for a crime he did not commit. To mark the occasion family, friends and supporters will gather in Leicester city centre and release 21 balloons, one for each year that he has been in prison. Amongst those present will be Warren's son Jake who was a baby when his dad was taken into custody for the notorious Hot Dog murders of 1990. Jake is now a young man working as a fitness instructor having grown up only ever seeing his dad on prison visits.

The protestors will also hand in a letter to the leader of the City Council highlighting the cost to the Leicester tax payers of keeping the wrong man in prison whilst the actual murderer remains unpunished for these crimes. Estimates of the cost of Warren's wrongful imprisonment well exceed £1 million. Warren Slaney has consistently contested his conviction and denied any involvement in the murder of Gary Thompson and his business partner John Weston. This has resulted in his being held for years in solitary confinement where he is being held at present on Prison Rule 46, "5 man unlock".

Warren Slaney's case is currently being considered by the Criminal Cases review Commission (CCRC) who are looking at evidence, including from new witnesses.

On a recent prison visit Warren said 'This is not my life. My life was put on hold when I was brought into custody. I want my life back.' Warren's mother Mavis Slaney says 'New witnesses have come forward and if there is anybody out there who can help with our enquiries or knows anything about the murders of John Weston and Gary Thompson then please come forward and help us to end this travesty of justice.'

Background: Warren Slaney was sentenced to a double life sentence in 1992 for the 1990 murders of Gary Thompson and John Weston. An application was made to the "CCRC" in 1999. Warren Slaney's case, whilst initially refused, is being re-examined by the CCRC following recently discovered new evidence.

Warren's campaign has the support of Dr Michael Naughton of The Innocence Project based at Bristol University. In 2002 Dr. Michael Naughton conducted a report for the Miscarriage Of Justice Organisation ("MOJO") and showed that miscarriages of justice were costing the public purse in excess of 200 million a year in the following four areas:

Costs of imprisonment/Legal aid/ Compensation/ CCRC

This does not account for other costs such as welfare payments for dependents and the loss of taxes that would have been paid in to the public purse.

Dr Michael Naughton said, 'Every wrongful conviction has far reaching implications for us all. The total waste of public resources in today's terms amounts to in excess of £1m and it is rising. It is certainly an aspect of miscarriages of justice that is largely overlooked.

'The scale of the problem indicates that each case must be investigated thoroughly. A conservative estimate for Warren Slaney's case stands at well in excess of £1m his trial, appeal, police investigation, etc. You may wonder what this means to you. People aren't aware just how much public money is being absorbed by miscarriages of justice money that

could be better used on services such as education, health and provisions for the elderly.'

Further information:

Russ Spring russtspring@riseup.net

West Midlands against Injustice, Innocence Manchester, The Innocence Project Bristol are supporting Warren Slaney

Messages of Solidarity/Support to:

Warren Slaney, A4556AE, HMP Wakefield, Love Lane, Wakefield, WF2 9AG

The Hot Dog Hit - Published by Private Eye Friday 2nd September 2011

Warren Slaney has spent the past 21 years in jail protesting his innocence of the infamous 'Hot-dog murders' of 1990. Now the CCRC has agreed to re-examine the conviction of the alleged hitman.

The review has been prompted by evidence suggesting that a key witness who helped incriminate the then 24-year-old Slaney was subsequently relocated by the police and may have received a 'reward' for her testimony - something that was never disclosed at trial.

Slaney and another man, Terence Burke, were sentenced to life for the murders of fast-Food tycoon Gary Thompson and his business associate John Weston. Thompson had built a multi-million-pound business from his fleet of hot-dog and burger vans which raked in huge sums ar rokc festivals and sporting events. Know as the burger king, with a reputation for intimidating rivals, he had inevitably made some enemies.

In 1990, when he was found with three bullet wounds and with his data's takings of around £60,000 missing his death was put down to a robbery gone wrong. But since then there have been claims that it was an intentional 'hit' by an Iraqi night club owner, Ramzy Khachik, who is now in jail for drugs and firearms offences.

Posters went up in Leicester implicating Khachik in the murders. He was also accused of being behind threats, shootings and attachs on other catering vans that tried to move in on Thompson's old patch after his death. At the height of what became know as the 'hot-dog-wars', and in a scene straight out of a Mafia movie, a stavved pig was dumped outside a rival's house.

Several friends and family of Slaney, a boxer and nightclub bouncer, said he was at a party at the time of the killings. But he convicted after Burke and another man, who admitted conspiracy to rob, blamed Slaney for the shootings.

Another witness put Slaney in the company of Burke trying on masks immediately before the murders, and said he had later boasted about them. It is this witness who is the subject of the new CCRC review.

Slaney's lawyer, Maslen Mechant, says there was no forensic evidence linking his client to the crime, and no test performed to match a partial fingerprint found on the murder weapon Slaney's slight frame did not match the figure described in original eyewitness accounts to the shootings.

Khachik belonged to a gun club, has firearms convictions and was questioned by police about the murders because his car had been spotted at the scene two hours befor the crime. Subsequent police taps on his phones, relating to other crimes, record him boasting about how important it is to case an area well in advance.

Slaney's case has now been taken up by the University of Bristol Innocence Project where law students investigate claims of injustice. Ass the CCRC looks at the possibility of rewards and incentives for witness in this murky gangland case, the only clear fact is that it is far from the simple bugled robbery depicted at Slaney's trial. [End]

Given the close relationship between the cases, the Government have sought leave to intervene in the proceedings before the Grand Chamber in Scoppola. The Government also requested an extension to the deadline set in Greens and MT to enable them to take account of the Grand Chamber's judgment. The Government were notified on 31 August that the Court has granted an extension of six months from the date of the Scoppola judgment, and on 5 September that the Government will have the opportunity to express our views on the principles in the Scoppola case.

The Government welcome the decision of the Court and believe it is right to consider Scoppola and the wider legal context before setting out the next steps on prisoner voting.

House of Lords / 6 Sep 2011 : Column WS22

Victims of Crime Directive *House of Commons / 5 Sep 2011 : Column 12WS*

The Lord Chancellor and Secretary of State for Justice (Mr Kenneth Clarke): The Government have decided to opt in to the directive on establishing minimum standards on the rights, support and protection of victims of crime. The directive meets the criteria set out in the coalition agreement with regard to EU Justice and Home Affairs measures.

In accordance with the coalition agreement, the Government have stated that they will approach forthcoming legislation in the area of criminal justice on a case-by-case basis, with a view to maximising our country's security, protecting Britain's civil liberties and preserving the integrity of our criminal justice systems. By opting in to this directive we will have the opportunity to strongly influence the text and ensure that the minimum standards victims can expect throughout the EU are clear, appropriate and affordable.

We welcome the proposed directive, which will benefit UK citizens who are victims in other EU member states. They will be afforded minimum rights, support and protection to a level similar to that they would receive as a victim of crime in the UK. The directive will allow UK citizens to move throughout the EU with confidence that should they fall victim to crime in any member state, their rights will be respected when participating in criminal proceedings and they will be able to access a minimum level of support across the EU.

The Court revolution will be televised *Adam Wagner, UK Human Rights Blog, 07/09/11*

The Justice Secretary Ken Clarke has announced that the ban on broadcasting in courts is to be lifted. Broadcasting will initially be allowed from the Court of Appeal, and the Government will "look to expand" to the Crown Court later. All changes "will be worked out in close consultation with the judiciary".

Broadcasting in court is currently prohibited by Section 41 of the Criminal Justice Act 1925 and Section 9 of the Contempt of Court Act 1981. However, the rules do not apply to the Supreme Court, the UK's highest court of appeal. Since it launched in October 2009, the court has been filming hearings and making the footage available to broadcasters. And, since May of this year, the court has been streaming the footage live on the Sky News website.

Many will have noticed that the sky has not fallen in since May 2011. In fact the broadcasting of Supreme Court hearings, almost unique worldwide, have been a boon for lawyers and law students (certainly for this lawyer). Apparently Sky's site is attracting 90,000 users per day, although it would be interesting to know how many of those users are coming to the site having searched for the US Supreme Court which does not broadcast its hearings.

The success of Supreme Court Live has made it difficult to argue that Court of Appeal hearings, which are similar in that they do not generally involve live witness evidence, should not also be

acknowledged by US Government lawyers as being “most intrusive” and “traumatic”.

While Polish officials were not involved in handling or interrogating any detainees, authorisation was obviously given at the highest political level and some assistance provided by the intelligence services. The ongoing investigation of the Polish Prosecutor has a crucial role to play in achieving accountability; its results should be tendered for public and judicial scrutiny with the minimum of further delay.

Unanswered questions: Romania has also been found complicit in CIA secret detentions. A CIA Black Site was opened near Bucharest on 23 September 2003, immediately after the closure of the Polish facility. It is known that at least one of the HVDs from Poland was delivered directly to Baneasa Airport in the middle of the night. CIA operations continued in Romania for over two years. Unfortunately, the Romanian authorities have demonstrated little genuine will to uncover the whole truth of what happened on Romanian territory. The only official response has been denial, supported by a Senate Committee report refuting all allegations. A prosecutorial investigation, or a public inquiry with the power to compel classified evidence, must no longer be avoided.

Lithuania was the last European country found to have hosted a CIA Black Site. The Lithuanian authorities have demonstrated some intent to reveal the truth, notably through a parliamentary inquiry and a one-year pre-trial investigation by the Prosecutor General’s Office. A delegation from the Committee for the Prevention of Torture (CPT) was able to inspect two detention sites identified by the parliamentary committee as having been equipped to house CIA detainees. However, the essential questions as to the timing and scope of the CIA’s use of these facilities remain unanswered.

Accountability must be established

At the height of the “war on terror”, Poland, Romania and Lithuania extended quite extraordinary permissions and protections to their American partners – while respecting conditions of total secrecy. Today, years later, darkness still enshrouds those who authorised and ran the Black Sites on European territories.

The full truth must now be established and guarantees given that such forms of co-operation will never be repeated. Effective investigations are imperative and long overdue. The purported cost to transatlantic relations of pursuing such accountability cannot be compared to the damage inflicted on our European system of human rights protection by allowing ourselves to be kept in the dark. *Thomas Hammarberg, European Commissioner for Human Rights 05/09/2011*

Prisoners: Voting [ECtHR grants 6 months stay on compliance]

In November 2010, the European Court of Human Rights in the case of Greens and MT v UK found that the UK's ban on prisoners voting was in breach of Article 3 of the First Protocol of the European Convention on Human Rights (the right to free and fair elections). In the judgment the Court prescribed a timetable for the introduction of legislative proposals to amend the blanket ban, namely a period of six months from when the judgment became final (which was 11 April 2011). The Government have since been considering the appropriate course of action in order to respond to the Greens and MT judgment.

In July, the Grand Chamber of the European Court of Human Rights accepted a referral in the case of Scoppola (No. 3) v Italy. A hearing before the Grand Chamber has been scheduled for 2 November. The legal issues that arise in Scoppola under Article 3 of the ECHR are analogous to those that arose in Hirst v UK and Greens and MT.

Police involved in the fatal arrest of Smiley Culture will not face any charges

Met officers cleared of misconduct, but IPCC admits operation to arrest reggae star David Emmanuel was 'not satisfactory' *Amelia Hill, guardian.co.uk, Friday 2 September 2011*

Police officers who carried out the raid in which the reggae star Smiley Culture allegedly stabbed himself to death are unlikely to face criminal charges, disciplinary action or be officially questioned, the Guardian has learned. The disclosure comes despite an admission by the Independent Police Complaints Commission that the operation at the singer's home in Warlingham, Surrey, on 15 March was "not satisfactory" and that the actions of at least one officer have been criticised.

In a confidential letter to the singer's family, Mike Franklin, commissioner of the IPCC, said: "The [IPCC] investigation has identified aspects of the operation which were not satisfactory, and criticisms have been made of some of the officer's actions. However, these do not meet the threshold for misconduct under the police misconduct system."

The family of Smiley Culture, whose real name was David Emmanuel, has bitterly criticised the Metropolitan police officers involved, none of whom have been suspended, and the IPCC's decision that the officers were witnesses and not suspects, meaning they cannot be compelled to submit to a formal interview. They want to know why the four officers handcuffed 48-year-old Emmanuel after his fatal injury. An independent pathologist's report has stated that the stab wound would have "cause[d] rapid collapse and death within a few minutes". They also question why the officer in the kitchen at the time of Emmanuel's death refused a direct request by the IPCC's lead investigator to give a formal interview.

"Even if foul play didn't happen that day, the officers should be being held responsible for being so incompetent that my dad died," said Shanice McConnachie, Emmanuel's 17-year-old daughter. "Whatever went wrong and led to my dad's death, it's the officers's fault for not doing their job properly. My dad was in their care. Their story just doesn't add up and until it does, I can't believe that my dad killed himself, " she added. My dad was under arrest and had an officer specifically allocated to his care. How could he walk around the kitchen and grab hold of a knife, without that officer seeing? And why would he? Even the police who were there admit he had been completely calm and cooperative up until that point." After he was stabbed, why did they police handcuff him? Our pathologist's report says he would have died almost instantly," she asked. "The police should have been focused on keeping his bleeding to a minimum and calling an ambulance. The IPCC and police don't seem to care about helping us get to the truth of what really went on."

In his letter to the family, Franklin said the IPCC cannot force the officers to be interviewed because they "have always been witnesses [and] as a witness, police officers … cannot be compelled to be interviewed about what they have seen". He added: "As they are not suspects, they will not be formally interviewed." In the absence of further information from the officers, Franklin said the IPCC has "not found any evidence which would suggest any criminal acts were committed by any of the officers in the house". Because Emmanuel's death will be the subject of an inquest, he refused to elaborate on how this decision was made.

The four officers have given voluntary accounts of what happened, but Franklin admitted these did little to clear up the mystery. They do, however, confirm initial reports that Emmanuel, who faced drugs charges, "remained calm and compliant throughout and as [the police] were clearing up and the search had concluded, [his] demeanour suddenly changed."

Franklin has refused to give the officers' accounts to the Emmanuel family, saying the

coroner "has asked that there is no disclosure at this time."

In the leaked letter, Franklin admitted there were no fingerprints on the knife found plunged into Emmanuel's chest. "Contrary to public perception, this is not unusual and can happen for many reasons," he wrote, adding that DNA matching Emmanuel's was found on the hilt.

Because the officers' actions are not classed as misconduct, the only formal disciplinary action they can now face is if the Met initiates an unsatisafactory performance procedure. The IPCC cannot direct a police force to initiate this procedure and although it can lead to dismissal, that will only happen if the officers do not improve their performance over a period of time. The Met said the force cannot comment until after receiving the IPCC report.

If the report indicated there may have been a criminal offence committed, Franklin would send the investigation report to the Crown Prosecution Service. Given his admission in the letter that the investigation did not find any evidence of criminal acts by officers, this seems unlikely.

The family hired Dr Nat Cary, one of Britain's most eminent consultant forensic pathologists to conduct a second post-mortem on Emmanuel. His report, which has been seen by the Guardian, , concurred with the official cause of Emmanuel's death: a single stab wound to the heart. "I would expect such a stab wound to cause rapid collapse and death within a few minutes," he said. He also acknowledged: "There is no evidence of any sharp type injuries to the hands, including no evidence of defensive type injuries against sharp weapon attack." But he added: "In many cases with a single stab wound, no defensive type injuries are seen, including in cases with third party involvement." Cary concluded: "Whilst it is clearly possible that the fatal stab wound was as described a self-inflicted injury, on pathological grounds alone there is nothing to determine that this was in fact the case, although it is fair to say that the site chosen is one of the sites that may be used in self-infliction."

Nurse tells of living hell after saline death charges are dropped

By Lewis Smith, The Indpendent, Saturday, 3 September 2011

All charges against a nurse accused of poisoning hospital patients by contaminating saline drips have been dropped after lawyers concluded there was too little evidence to secure a conviction. Rebecca Leighton, 27, was charged after police launched an investigation into the suspicious deaths of several patients at Stepping Hill Hospital in Stockport. She was accused of tampering with saline ampoules and saline bags.

Her release from Styal Prison, where she was held on remand, came as Greater Manchester Police said their investigation into suspected poisonings at Stepping Hill was as big and as complicated as the inquiry into the 1996 IRA bombing in Manchester. They are now treating seven deaths as suspicious. Ms Leighton had been in custody for more than five weeks while police and prosecutors prepared for a trial scheduled to take place early next year.

"I have been living in hell and was locked up in prison for something I had not done," she said in a statement read last night by her lawyer, Carl Richmond, outside her parents' home in Denton, Greater Manchester. "It was so frustrating for me knowing that the person who has actually carried out these terrible acts is still out there. My life has been turned upside down. All I ever wanted to do was pursue a profession in nursing, and care for my patients."

Her release was ordered after the Crown Prosecution Service, on the advice of leading counsel, accepted that it had such a weak case that there was no justification in allowing the charges to stand. Ms Leighton, of Heaviley, Stockport, was charged on July 23 with three counts of criminal damage intending to endanger life, three of criminal damage being reckless

outs" from answering the charges against them. So far Europe has granted effective impunity to those who committed crimes in implementing the rendition policy. An urgent re-think is required to prevent this misjudged and failed counter-terrorism approach from having a sad legacy of injustice. *Thomas Hammarberg, European Commissioner for Human Rights 01/09/11*

Europeans must account for their complicity in CIA secret detention and torture

From late 2001 onwards, the US Central Intelligence Agency developed a vast network of clandestine counter-terrorism operations to capture and detain its most wanted suspects. The CIA's partner agencies in various foreign countries – including across Europe – lent their close collaboration. The value of the intelligence produced by this network has been questioned; but one clear result was a pattern of abusive and excessive actions in flagrant violation of human rights.

Highly secure detention facilities, so-called "Black Sites", were established in at least seven different overseas locations, to which the CIA delivered its detainees for "enhanced interrogation". Detention in CIA custody meant being kept indefinitely in secret, incommunicado, solitary confinement.

US Government policy: Among the interrogation techniques authorised by the US Government were forced nudity, shackling in stress positions, extended sleep deprivation, dietary manipulation, slapping, walling and waterboarding. The CIA's interrogation methods routinely crossed the threshold of cruel, inhuman and degrading treatment, and in many cases constituted torture. The "high-value detainees" (or HVDs) were detained for periods of up to four-and-a-half years in total, but each of them was moved between locations and sometimes recycled every few months through a disorientating succession of Black Sites. In the end they were not brought to justice, but rather to further indefinite detention at Guantanamo Bay.

It took several years for the first facts to emerge regarding the countries that hosted CIA Black Sites. The US Government maintains up to now that "details concerning locations", and the "assistance of foreign liaison services in any aspect of the program" should be kept secret.

Nonetheless, through the concerted efforts of independent investigators, aided by some important declassified documents released under the US Freedom of Information Act, a much clearer picture has formed of where the key detention and interrogation activities, and the attendant abuses, took place. Several significant events, with profound implications for human rights, unfolded in European countries.

Torture documented in Europe: A CIA Black Site was opened in Poland on 5 December 2002. A rendition flight out of Bangkok brought two HVDs, Abu Zubaydah and Abd Al-Nashiri, to Szymany Airport on that day. Subsequent renditions in February, March and June 2003 brought further HVDs to Poland, including the alleged 9/11 co-conspirators, Khalid Sheik Mohammed and Ramzi Binalshibh.

Interrogations at the facility in Poland figured prominently in a 2004 "Special Review" of Black Sites undertaken by the CIA Inspector General, largely on account of the multiple "allegations of the use of unauthorised techniques". Among the most notorious incidents, a CIA debriefer tortured Al Nashiri using "props to imply a physical threat", including "an unloaded semi-automatic handgun" and a "power drill". CIA interrogators also "manhandled him while he was tied in stress positions, and stood on his shackles to induce pain".

In the case of Khalid Sheikh Mohammed, the CIA Inspector General documented "repetitive use of the waterboard" entailing "approximately 183 applications" in a single month. This torture eclipsed all of the CIA's own prior limits on waterboarding – a technique already

ticipated in CIA operations which violated fundamental tenets of our systems of justice and human rights protection.

The framework for this co-operation was the CIA policy of Rendition, Detention and Interrogation, called the “RDI Program”. Based on the official information we now possess, notwithstanding the concerted efforts of the US authorities and their allies to keep every last detail secret, there is no doubt that all three elements of this program have entailed systematic violations of human rights. Through rendition, the CIA captured individual suspects on foreign territories, often with the assistance of the local security services, and flew them to some specific third countries to be interrogated. This technique kept the suspects outside the reach of any justice system and rendered them vulnerable to ill-treatment.

A rapporteur for the Council of Europe’s Parliamentary Assembly, Senator Dick Marty, described in a 2006 report how terrorist suspects, many of them completely innocent, were becoming entrapped in a “global spider’s web”. Looking back on the past decade, we can see a clear thread of European complicity as this spider’s web has been spun out.

Individuals were handed over – and tortured

In October 2001, most European states signed up to classified blanket authorisations for overflight and access to airfields under the NATO framework. Many governments – both within and outside NATO – also engaged in separate, secret bilateral agreements or clandestine joint operations with US military and intelligence agencies.

In December 2001, Sweden handed over two Egyptian asylum-seekers to a team of masked CIA paramilitaries at Stockholm’s Bromma Airport. The team proceeded to blindfold, beat, strip naked and photograph the two men, before inserting a tranquilising suppository, putting on a diaper, hooding and shackling them and then forcing them aboard a waiting aeroplane which took them to detention in Egypt, where they were tortured.

This degrading and humiliating rendition practice was subsequently performed in other European countries from 2002 to 2004. One victim was Khaled El-Masri, a German car salesman, who underwent two renditions after being apprehended by Macedonian authorities: first to Afghanistan, where he was detained for four months in a squalid prison cell; and then to Albania, where he was dumped on a remote hillside in an apparent effort to cover up what US officials later had to concede was a “mistake”.

No proper investigations: In none of the rendition cases which took place in Europe has the government yet investigated the full circumstances of the involvement of its services. In fact, concealment and cover-ups have been more characteristic responses.

The Swedish government misled a parliamentary committee that sought to clarify the facts and furthermore gave erroneous information to a UN human rights body. The version of the El-Masri case presented by the Macedonian authorities has been evasive and lacking in credibility. Elsewhere, notably in Germany, Italy and the United Kingdom, diplomatic or judicial decisions were taken to keep unwanted revelations out of the public domain. State secrecy has been invoked as an obstacle to accountability.

Governments across the European continent have acted in line with the wishes of the US to prevent proper investigations, and particularly judicial scrutiny, of the abuses arising from rendition operations. The message is clear – good relations between the security agencies are deemed more important than preventing torture and other serious human rights violations.

A review is necessary: This approach is a grave mistake. It has undermined prospects of redress for the victims and shielded those who organised and performed the rendition “take-

as to whether life would be endangered, and one of theft of medication.

Nazir Afzal, the chief crown prosecutor in the north-west of England, admitted that "on the evidence currently available there is not a case in law which could proceed and that the charges should be discontinued". He claimed that there was enough evidence for the charge of theft but that as she had spent several weeks in prison already it was not in the public interest to proceed. The police investigation continues and if fresh evidence emerges she can be charged again.

At brief hearing at Manchester Crown Court last month Ms Leighton's QC, Simon Csoka, said the evidence was so weak that she had "no case to answer". Mr Justice Henriques, at the same hearing, said the chief evidence consisted of her fingerprints on a saline ampoul that had been punctured by a needle, and that not only were there other fingerprints on the material but that as a staff nurse Ms Leighton had "every reason" to touch such equipment.

She had come under suspicion as police investigated at least 15 deaths at the hospital, and up to 33 other patients who may have been injured. Questions were raised about the cause of the deaths because of unexplained low blood sugar counts.

Seven deaths, including those of Tracey Arden, 44, Arnold Lancaster, 71, and Derek Weaver, 83, still form part of the investigation. Police said there were two confirmed cases where there was a "high probability" that the deaths were caused by contaminated products.

Monstering of the innocent?

Rebecca Leighton's reputation has been damaged beyond repair. Though the CPS have dropped all charges they have not said and should have said, Ms. Leighton was innocent. Ms Leighton will for the rest of her life be known as the nurse who was arrested for poisoning patients under her care.

Charge on the basis of "reasonable suspicion" On Friday 2nd September, the Crown Prosecution Service (CPS) announced that criminal charges against Rebecca Leighton have been discontinued - see CPS announcement. Miss Leighton had been arrested in connection with suspicious deaths at Stepping Hill Hospital, Stockport. She was employed as a nurse at the hospital.

Police powers of arrest without warrant are set out in the Police and Criminal Evidence Act 1984 section 24. It will be noted that many of the arrest powers are expressed to be on the basis of "reasonable grounds to suspect" guilt. Certain "arrest conditions" also apply - see s.24(5).

On 22nd July 2011 she was charged: three charges of criminal damage with intent to endanger life; three charges of criminal damage being reckless as to whether life would be endangered and one charge of theft (of medication belonging to the hospital). On 23rd July the Magistrates duly "sent" her for trial at the Crown Court as they are now obliged to do under section 51 of the Crime and Disorder Act 1998 (which ended "committal proceedings" for offences triable only in the Crown Court).

The criminal damage charges arose under the Criminal Damage Act 1971 s.1(2):-

A person who without lawful excuse destroys or damages any property, whether belonging to himself or another - (a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and (b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered; shall be guilty of an offence.

Maximum sentence for these offences is life imprisonment (Criminal Damage Act 1971 s.4).

According to the CPS, the reason for discontinuance of the criminal damage charges is that Miss Leighton was charged on the basis of "reasonable suspicion" but the on-going

inquiries had not so far provided a "stronger case which would meet the test that there is sufficient evidence for a realistic prospect of conviction."

In relation to the theft charge, the CPS stated that- "While there is sufficient evidence for a realistic prospect of conviction on this charge, we have decided it is not in the public interest to proceed as Rebecca Leighton would be likely to receive a nominal penalty given the time she has already spent in custody." - She spent 45 days in custody.

It is quite remarkable that a person can be charged with such serious offences on the basis of "reasonable suspicion." Is there legal authority for this?

Legal powers of Police and CPS:

The post of Director of Public Prosecutions has existed since 1880. In 1981, the Royal Commission on Criminal Procedure (Cmnd 8092, 1981) recommended the setting up of a new and independent prosecuting authority. Hence, in 1986, the CPS came into being following the enactment of the Prosecution of Offences Act 1985 ("the 1985 Act"). The DPP became Head of the CPS but works under the "superintendence of" the Attorney- General.

The 1985 Act section 9 requires the DPP to make annual reports to the Attorney-General and these reports are to be "laid before" Parliament. Section 10 of the 1985 Act (Guidelines for Crown Prosecutors) permits the DPP to issue a "Code for Crown Prosecutors" so as to give "guidance on the general principles to be applied by them in deciding whether proceedings for an offence should be instituted or, where proceedings have been instituted, whether they should be discontinued; or what charges should be preferred; ...." The Code is to be set out in the DPP's report to the Attorney-General.

The latest "Code for Crown Prosecutors" sets out the requirements before charges may be preferred. Hence, the legal basis (if any) for charging on the basis of reasonable suspicion is section 10 of the 1985 Act and the Code made thereunder.

The Code - at paragraph 4 - sets out what is known as the 'Full Code Test'. It is clear enough (from para. 4.2) that it is this test - with its evidential and public interest stages - which should normally be applied:

"In the vast majority of cases, prosecutors should only decide whether to prosecute after the investigation has been completed and after all the available evidence has been reviewed." - However, the Code also sets out - at para. 5- a "Threshold Test" -

5.1 Prosecutors will apply the Full Code Test wherever possible. However, there will be cases where the suspect presents a substantial bail risk if released and not all the evidence is available at the time when he or she must be released from custody unless charged.

5.2 In such cases, prosecutors may apply the Threshold Test in order to make a charging decision. - When the Threshold Test may be applied

5.3 The Threshold Test may only be applied where the prosecutor is satisfied that all the following four conditions are met: - a) there is insufficient evidence currently available to apply the evidential stage of the Full Code Test; and b) there are reasonable grounds for believing that further evidence will become available within a reasonable period; and c) the seriousness or the circumstances of the case justifies the making of an immediate charging decision; and d) there are continuing substantial grounds to object to bail in accordance with the Bail Act 1976 and in all the circumstances of the case an application to withhold bail may properly be made.

It is remarkable that such powers are set out merely in a Code made under an Act (i.e. the 1985 Act) which merely enables the DPP to issue guidance. The details of the Code do not appear to be subject to any of the commonly used Parliamentary procedures such as "lay-

work, addressing the scandal of drugs being readily available in many of our prisons and toughening community sentences so that they command public respect.

And underpinning it all, the most radical step of all: paying those who rehabilitate offenders, including the private and voluntary sectors, by the results they achieve, not (as too often in the past) for processes and box-ticking.

However, reform can't stop at our penal system alone. The general recipe for a productive member of society is no secret. It has not changed since I was inner cities minister 25 years ago. It's about having a job, a strong family, a decent education and, beneath

it all, an attitude that shares in the values of mainstream society. What is different now is that a growing minority of people in our nation lack all of those things and, indeed, have substituted an inflated sense of expectation for a commitment to hard graft. That's why reform is so important and the reason we have established the communities and victims panel to explore what lessons can be learned, from the riots and the civic action to clear up the damage. We need to continue to put rocket boosters on our plans to fix not just criminal justice but education, welfare and family policy.

Addressing unemployment means making progress on the economy by getting the deficit under control and pressing ahead with welfare reform and work programmes. Building stronger families means gripping the 120,000 most problematic ones and really addressing their problems, not leaving them in touch with, but untouched by, dozens of different agencies. A decent education means liberalising our schools system so that more students can benefit from high standards and discipline.

The coalition has a renewed mission: tackling the financial deficit, for certain. But also, importantly, addressing the appalling social deficit that the riots have highlighted.

'European government authorities have been deeply complicit in the counter terrorism strategies pursued by the US Central Intelligence Agency. They permitted, protected and participated in CIA operations which violated fundamental tenets of our systems of justice and human rights protection.'

Ten years of "global war on terror" undermined human rights

The ten-year anniversary of the atrocious Nine Eleven attacks is an occasion for sombre reflection. Almost three thousand lives were ended indiscriminately by a criminal conspiracy to turn passenger aircraft into weapons of mass destruction. This was a crime against humanity, the gravity of which must not be forgotten. Respects should again be paid to those who lost their loved ones, acknowledging that their pain endures.

The anniversary is also an occasion to analyse whether the official responses to the attacks have been proper and effective. The United States built a broad coalition to ensure prompt and appropriate punishment for those responsible, and to prevent similar atrocities from occurring in the future. This unity of purpose was absolutely crucial.

The tragic failures manifested themselves not in the determination to respond, but in the misjudged choice of methods. In attempting to combat crimes attributed to terrorists, countless further crimes have been committed in the course of the US-led "global war on terror". Many of those crimes have been carefully and deliberately covered up. These circumstances call for a self-critical review – also here in Europe.

European governments carry part of the responsibility

European government authorities have been deeply complicit in the counter terrorism strategies pursued by the US Central Intelligence Agency. They permitted, protected and par-

Punish the feral rioters, but address our social deficit too

Three-quarters of the adults charged already had a conviction, which is why urgent reforms are neede *Keneth Clarke - Justice Secretary, guardian.co.uk, Monday 5 September 2011*

Penal reform means 'making jails places of productive hard work', tackling drugs and making community sentences tougher. I've dealt with plenty of civil disobedience in my time, but the riots in August shocked me to the core. What I found most disturbing was the sense that the hardcore of rioters came from a feral underclass, cut off from the mainstream in everything but its materialism. Equally worrying was the instinctive criminal behaviour of apparently random passers-by. What are the lessons for the justice system?

The first is that disorder on our streets must be met with a firm, fast and sustained response. The system was briefly caught unawares, but tested like never before, and ultimately gave a quick and definitive answer to those who thought they could commit crime without consequence. It's thanks to the police officers who cancelled leave, the staff who kept courts open all hours and the judiciary who worked through the night that rioters high on violence soon found themselves facing the cold, hard accountability of the dock. I am hugely impressed by the dedication of our staff, some of whom worked 35-hour shifts to ensure the efficient delivery of justice. These are public-spirited people, doing their duty in the best traditions of public service. The criminal justice system was itself on trial and, though it's still early days, so far it has coped well. It has the capacity – whether in courts, in prisons, in prison transit or probation – to deal with those who come before it.

The second lesson of the riots is that they reaffirm the central point of any sane criminal justice policy: where crimes have been committed, offenders must be properly punished and pay back to the communities they have damaged. The scale of the violence and looting was new, but crimes like arson and burglary are not – and our courts do deal severe punishments to serious offenders.

Needless to say, sentences have been variously attacked as too soft and too tough. I could draw the conclusion that in the main, the judges have probably been getting it about right – but, of course, only those in court know the full facts of each case. The judiciary in this country is independent and we should trust judges and magistrates to base decisions on individual circumstances. Injustices can occur in any system: but that's precisely why we enjoy the services of the court of appeal.

I reject the criticisms of a lay and professional judiciary that has risen to an unprecedented challenge superbly. What the riots really illustrate is the need to make sentencing and other areas of the judicial system more transparent so that the public can understand the decisions that have been reached.

Punishment alone though is not enough, and that's the third lesson I draw from the riots. Locking people up without reducing the risk of them committing new crimes against new victims the minute they get out does not make for intelligent sentencing.

It's not yet been widely recognised, but the hardcore of the rioters were, in fact, known criminals. Close to three-quarters of those aged 18 or over charged with riot offences already had a prior conviction. That is the legacy of a broken penal system – one whose record in preventing reoffending has been straightforwardly dreadful. In my view, the riots can be seen in part as an outburst of outrageous behaviour by the criminal classes – individuals and families familiar with the justice system who haven't been changed by their past punishments.

I am introducing radical changes to focus our penal system relentlessly on proper, robust punishment and the reduction of reoffending. This means making our jails places of productive hard

ing in draft" or "negative resolution" or "affirmative resolution," However, the Code will appear in DPP reports to the Attorney-General and these reports are "laid before" Parliament. There certainly appears to be a good case for Parliament becoming more proactive in relation to matters of such crucial importance to the liberty of the citizen.

Where does this leave Miss Leighton?

The charges have been discontinued (see s.23A of the 1985 Act). It cannot truly be said that her name has been cleared despite the paucity of evidence which was commented upon by Henriques J at a bail hearing at the Crown Court in Manchester - see The Manchester Evening News 3rd September - "Weak case against Rebecca Leighton hinged on a single fingerprint on a saline bag at Stepping Hill." It appears that Henriques J refused her bail only on the basis of her own protection. (The press applied to attend this bail hearing and Henriques J agreed). Miss Leighton was suspended from her profession on 2nd August and, at this time, remains suspended.

The case is a good example of the immense damage which can be done to a person by the processes of the law. The liberty of the citizen should only be taken away on the basis of a law passed after due consideration by Parliament. Can it truly be said that Parliament has applied itself to the Code for Crown Prosecutors?

It appears that civil action against the Police might be under consideration - see Telegraph 3rd September. Such actions are complex and, in modern times, clearly engage Article 5 of the European Convention on Human Rights. It is unlawful for a public authority in the UK to act incompatibly with Convention rights - Human Rights Act 1998 s.6. The Police and the CPS are, without doubt, public authorities. A leading text is "Civil Actions against the Police" - Sweet and Maxwell - eds. Hugh Tomlinson QC and Richard Clayton QC.

Iran: Prison Guards give condoms to criminals to rape imprisoned, political activists

Smuggled letters allege authorities are using mass rape as a weapon inside Iran's most notorious prisons. Prison guards in Iran are giving condoms to criminals and encouraging them to systemtically rape young opposition activists locked up with them, according to accounts from inside the country's jail system. A series of dramatic letters written by prisoners and families of imprisoned activists allege that authorities are intentionally facilitating mass rape and using it as a form of punishment.

Mehdi Mahmoudian, an outspoken member of Iran's Participation Front, a reformist political party, is among those prisoners who have succeeded in smuggling out letters revealing the extent of rape inside some of the most notorious prisons. Mahmoudian was arrested in the aftermath of Iran's 2009 disputed presidential election for speaking to the press about the regime's suppression of the movement and is currently in Rajaeeshahr prison in Karaj, a city 12 miles (20km) to the west of the capital, Tehran. "In various cells inside the prison, rape has become a common act and acceptable," he wrote in a letter published on Kaleme.com, the official website of opposition leader Mir Hossein Mousavi.

According to Mahmoudian and letters published on various opposition websites, political prisoners are locked up with some of the most dangerous criminals – murderers and ex-members of armed gangs. Meanwhile, 26 prominent political activists who have been in jail since the 2009 election have written to an official prison monitoring body accusing the government's intelligence ministry and the revolutionary guards of harassing inmates with unlawful tactics that included sexual assaults.

Mohsen Aminzadeh, a senior deputy foreign minister, Mohsen Mirdamadi, a leader of a reformist party and Behzad Nabavi, a veteran activist are among those who put their signatures on the letter. Speaking to Jaras, a website run by opposition activists, families of political prisoners have alleged that prison guards are failing to protect them from rape or sexual assault. "During exercise periods, the strong ask for sex without any consideration. Criminals are repeatedly seen with condoms in hand, hunting for their victims," an unnamed family member told Jaras. If the inmate is not powerful enough or guards would not take care of him, he will be certainly raped. Prison guards ignore those who are seen with condoms simply because they were given out to them by the guards at first place," the family member said.

The family members say prison guards are turning a blind eye to the systematic rape and have ignored complaints made by rape victims.

Amnesty International, which has documented rape inside Iran's prisons and interviewed victims for a 2010 report, called on Iran to launch an investigation into the recent allegations. Kristyan Benedict, Amnesty International UK's Middle East campaign manager, told the Guardian: "Rape is a terrible crime and these allegations [mentioned in the letters] should be thoroughly investigated. Amnesty International has also documented the rape of male and female detainees by security officials. Many of those detained for taking part in post-election protests were tortured and did not receive fair trials. The Iranian authorities still continue to punish and persecute those who peacefully speak up against them."

According to Mahmoudian, who has been transferred to a solitary confinement after his letter attracted attention, one young prisoner was raped seven times in a single night. "In [Rajaeeshahr] prison, those who have pretty faces and are unable to defend themselves or cannot afford to bribe others are forcibly taken to different cells each night [to be raped]," he writes. The situation is such that those exposed to rape even have an owner and that owner makes money by renting him out to others and after a while selling him to someone else."

Rape victims in Iran usually stay quiet in order to protect the honour of their family but at the time when journalists based in the country are facing strict restrictions, these letters have become one of the only sources of information about the situation of hundreds of imprisoned activists. Iranian officials have ignored the allegations and have previously denied any claims of rape inside jail. *Saeed Kamali Dehghan, guardian.co.uk, Friday 24 June 2011*

Kevin Lane murder case may be reheard as new evidence emerges

Lawyers have applied to the court of appeal for the case to be reopened after receiving documents allegedly from police files *Duncan Campbell, guardian.co.uk, Friday 2 September 2011*

Kevin Lane was jailed for life in 1996, but has always protested his innocence.

The case of Kevin Lane, jailed for life for a 1994 hitman murder, could be dramatically reopened if documents sent anonymously to his lawyers, allegedly from police files, prove genuine. The papers are at the centre of an application for his case to be reheard. Lane was jailed for life at the Old Bailey in 1996 for the murder of Robert Magill in Chorleywood, Hertfordshire. Magill was shot dead, while out walking his dog, by two men who fled in a BMW. Lane was later arrested and stood trial with another man, Roger Vincent, who was cleared. The main evidence against Lane was a fingerprint found on an item in the boot of the getaway car. The jury could not reach a decision in his first trial, but he was convicted by a 10-2 majority at a subsequent trial. He has consistently protested his innocence.

In April this year, 70 pages of documents, supposedly detailing aspects of the case against Lane and containing details on informants, was sent to his lawyers, Hodgkiss, Hughes & Beale in Birmingham. As a result of the information contained within, and other unresolved aspects of the case, an application has been made to the court of appeal for the case to be heard and for Lane to be released on bail pending the appeal.

He is now in Rye Hill prison, having served most of his recommended minimum sentence of 18 years in Frankland prison.

The court of appeal has passed the new evidence to the Crown Prosecution Service to assess whether the documents are genuine. The CPS confirmed that such a request had been made and that they have been asked to respond by 9 September.

Lane's case has been reviewed on three occasions by the Criminal Cases Review Commission (CCRC), with the latest review initiated three years ago and still to be completed. Because the case has now gone to the court of appeal, the current review has been suspended. The Commission was informed on 18 August by Mr Lane's lawyers that they have now applied direct to the court of appeal for leave to appeal against his 1996 murder conviction," the CCRC said in a statement. "We have written to Mr Lane's legal [team] to let them know what this development means for our review of the case."

Maslen Merchant, Lane's legal representative, said : "If these documents are genuine, it shows beyond doubt that Kevin Lane is innocent." The lengthy submission to the court of appeal, put forward by Joel Bennathan QC of Tooks chambers, argues that there are now "so many odd and troubling features" in the "exceptional case" that the granting of an appeal hearing is essential.

Lane has long argued that he has been the victim of a serious miscarriage of justice. His case was one of the first to be covered by the Guardian's Justice on Trial site.

Justice for Kevin Lane website http://www.justiceforkevinlane.com/

Catch22 and Turning Point to share in £250m prison contract with Serco

Turning Point and Catch22 will deliver a payment-by-results rehabilitation programme, in a new partnership with Serco, at HM Prison and Young Offenders Institution Doncaster. The new contract will commence in October and is valued at around £250m over 15 years. As part of the contract, management and staff at Serco will be working in partnership with Turning Point and the Catch22 to pilot a rehabilitation programme, on a payment by results basis, to reduce reoffending. This is the first such pilot in the UK.

It is the third prison contract which Serco, Turning Point and Catch 22 are all involved in. Last year, the group signed a £415m contract to build and run a new prison at Belmarsh West, London for the next 26 and a half years. The new prison at Belmarsh West, in London, to be known as HMP Thameside, will be completed in early 2012 and operations will begin soon afterwards. It will provide 900 prisoner places. The group also plan to build and operate a prison in Liverpool - HMP Maghull will provide 600 prisoner places.

Serco currently manage HMPs, Ashfield, Doncaster, Dovegate, Lowdham Grange

Turning Point is a leading health and social care organisation. Provide services for people with complex needs, including those affected by drug and alcohol misuse, mental health problems and those with a learning disability

Catch22 a national charity formed in 2008 after a merger between Rainer and Crime Concern. It works with over 34,000 young people in 150 communities across the UK who find themselves in difficult situations. It works with them, their family and their community to resolve the situation and keep the young person on the right track. *Civilsociety, 5 Sep 2011*