Murder victim's family furious after detective who led bungled probe is promoted

The cop who led the bungled probe into the killing of Chinese delivery driver Simon San has been rewarded with promotion. Gareth Blair's team enraged Simon's grieving relatives by ignoring evidence that he died in a racist attack. And in August, the deputy chief constable of Lothian and Borders Police made a humiliating triple apology to the family for his officers' "significant failings". Now, just four months later, it has emerged that Blair has been promoted from Detective Chief Inspector to Detective Superintendent. A police source said: "A lot of people are mystified over how he could be promoted so soon after the force were carpeted."

Sans' lawyer, Aamer Anwar, said the family would be "horrified". "I am astounded that such an individual should receive promotion after mistakes in such a well publicised case. I don't think it's appropriate at all. It will compound the family's loss."

Shy Simon, 40, died in August last year after a pack of neds ambushed him outside his family's takeaway in Edinburgh. The yobs rocked his car and he called police and got out. He was forced against a wall, then punched to the ground by John Reid, 16. Simon suffered fatal brain injuries when his head hit the pavement. Witnesses heard the gang call Simon a "Chinky" but Blair's team refused to treat it as a racist crime. Reid got just five years for culpable homicide.

Blair angered Simon's family by insisting it was a random attack and claiming Simon was "in the wrong place at the wrong time". He also described Simon as Vietnamese, when he was in fact a British citizen of Chinese origin who was born in Vietnam.

Deputy chief constable Steve Allen issued his triple apology after a year-long fight by the San family. He told them: "I am sorry we did not record and investigate the attack as a racist incident when we should have done so. I am sorry we did not listen to you when you told us you thought the attack was racially motivated. I am sorry we did not treat you in a way that made you feel like you mattered

."Lord Advocate Frank Mulholland angered the family by refusing to order an inquiry into why the attack was not treated as racist in court. Lothian and Borders Police refused to discuss Blair's promotion.

Mark Kennedy miscarriage of justice inquiry blames prosecutors and police

The first major inquiry into the Mark Kennedy controversy has ruled that both senior prosecutors and police officers were responsible for a miscarriage of justice in which environmental activists were wrongly prosecuted.Sir Christopher Rose, a retired high court judge, said prosecutors and police had failed to ensure that crucial surveillance recordings made by the undercover policeman were given to lawyers representing the activists.

Hostages: Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,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 Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 349 (11/12/2011)

Miscarriage of Justice cases – "the cover up" A briefing from falselyaccused.co.uk

The problem, which the pre-trial disclosure attempts to deal with, concerns police paperwork. Two appeal Court decisions created the problem...

First, the Court leant over backwards to help Ernest Saunders, one of the Defendants in the share-rigging scandal which enabled Guinness to take over Distillers. The obligations of the Prosecution to disclose materials were widened, and when this was applied in the case of Judith Ward (wrongly convicted of the M62 coach bombing), the Prosecution disclosure provisions were stretched to include everything produced in the police investigation.

This led to the copying of vast amounts of paperwork to be handed over to the defence. In the Bridgewater Four case, there were over a million documents. The police made a lot of fuss, saying that much of this paperwork was irrelevant to the cases in which it was disclosed, and their time and money was being wasted!

The CPIA Act 1996 Section 3 requires "the Prosecutor to disclose, to the Accused, any previously undisclosed Prosecution material which, in the Prosecutor's opinion, might undermine the Prosecution case"[1]. Sections 23 and 24 of the CPIA Act 1996 provide for a "Code of Practice", which delegates the decision making on disclosure to police officers.

We should take the reasons given for these changes in the law on disclosure, with several large pinches of salt:

* As the problem was made by the police in the first place; photocopying documents that already exist is not a big burden to impose on the police

* What was being disclosed usually exposed bad police work, incompetent investigations, time wasting, malpractice, corruption, etc.; so the police were looking for a means of covering up, by recovering control of documents

* The result of complete disclosure was to show that a lot of people had been wrongly convicted and that the Criminal Justice system is not working very well.

* The administrative problems caused by complete disclosure fell on the Courts (defence cases could be more thorough), particularly on the appeal courts (because there were more appeals) and, worst of all, on the lawyers, who were faced with having to do their jobs properly.

We are therefore entitled to put the CPIA disclosure rules in a wider context.

All the major miscarriage of justice cases feature non-disclosure of important police records. There are two possible solutions to dealing with this potentially vast number of embarrassing cases. One is to spend a lot of money and do a lot of hard work to change police investigations, Prosecutions, defence lawyers' work. To enlarge the Criminal Cases Review Commission so that fewer Miscarriages of Justice occur and are dealt with effectively. More money would have to be spent on Courts too, or they would be clogged up even more than they are already!

The other much cheaper and simpler solution is to prevent any of us from knowing about miscarriages of justice in the first place by limiting disclosure. This has an added bonus (for the police and the Government), of making it easier for the police to "fit people up", therefore showing a better clear up rate for crime. Needless to say, passing and implementing the CPIA, unite both Labour and Conservatives in selecting this second solution.

Ambush Defences: Ambush defences are those where the defence introduces some important evidence at the last moment, just before or during a trial, so that the Prosecution has no time to respond to it. The CPIA Act 1996, Section 11, does not ban last-minute evidence, but says that the court can draw adverse inferences from it. It can count against the Defendant, as if she or he had deliberately withheld it in order to mislead the court so, in effect, an ambush defence can be turned into evidence against the Defendant.

In lobbying for this change, the police claimed that professional criminals frequently used this tactic. Independent research has shown that ambush defences are very, very rare. Needless to say, gullible ministers and MPs have believed police disinformation.

Non-disclosure before trial: The cover-up, far from hiding the problem, is bringing the whole criminal justice system into (even more) disrepute. Of course evidence of vital importance to the defence is not being disclosed, so there are more miscarriages of justice – as any of us could predict.

Pre-trial defence disclosure: In order for the police to assess whether the materials they have are relevant to the defence, they have to know what the defence case is. The defence statement, which is a written statement, sets out in general terms the nature of the accused defence. Indicating the matters on which the accused takes issue with the prosecution and sets out, in the case, each matter and the reason why the accused takes issue. Where the defence statement discloses an alibi, the Accused must give particulars of the alibi in the statement.

This is based on the principle that, if you are not guilty, you have got nothing to fear. We all know that is not true. There has long been a provision for advance disclosure by the defence of alibi witnesses. Although the defence is not allowed to interview Prosecution witnesses, the police always check up on defence witnesses, giving them the opportunity to offer these witnesses the chance of changing their story! The CPIA defence disclosure provisions give the police the chance to interfere with defence evidence; or find evidence of their own to cast doubt and, as we know, they have the resources and power to do this. One should consider Sections 5 and 11 to be the most dangerous provisions of the CPIA Act 1996.

Use of materials after trial: There has been alarm amongst campaigners and journalists that provisions in the Act effectively prevent journalists from reporting upon Miscarriage of Justice cases without leave of the Court. To report such cases would be Contempt of Court. This would apply to campaign materials, public meetings, etc.

In effect, it would restrict the whole business of challenging miscarriages of justice to lawyers and the CCRC. This interpretation may be right, in which case, it would be a major problem for us, when trying to help with cases in which the police investigation started after 1 April 1997, when the CPIA came into being.

Are these really problems? It would be wrong to say that any of these provisions of the CPIA would not cause problems in practice for suspects, defendants, witnesses, and for those of us trying to help deal with their problems. Therefore, we do not have to just give up. The CPIA does not just hand over total control of case materials to the police and CPS (The Crime Prosecution Service).

Preparing appeals: According to the Home Office's Guide to the CPIA, Section 17 makes provision for protecting unused material, that is disclosed by the prosecutor, to an accused (or to his or her legal adviser), under the new disclosure scheme set out in Part I of the Act. Such material will have to be treated by the Accused and by the Accuser's legal adviser as confidential and cannot be used. Only in exceptional circumstances, with the permission of the Court, for the purposes of the criminal proceedings to which it relates, or any subsequent associated criminal proceedings such as an appeal. Any unused Prosecution material that is read out or displayed in open Court becomes

first became a barrister, almost 60 years ago, all murderers were hanged. Now 85, he campaigned first for the abolition of capital punishment and – once that was achieved in the 1960s – an end to the mandatory sentence of life imprisonment.

His short paper takes the case for reform as read, while recognising that no government will change the law while it believes that this would be unacceptable to public opinion. That has been the position of every government in power since the death penalty was abolished.

Earlier this year, the justice minister, Lord McNally, told parliament that the coalition had no plans to change the law, while hinting that the Liberal Democrats would have supported reform if it had been up to them.

Blom-Cooper's paper does not even argue that public opinion is yet on his side. It says that a fully representative opinion poll would be too expensive for the academic research bodies to fund. So it relies instead on research published last year by the Nuffield Foundation which found no evidence of widespread public support for automatically sentencing all convicted murderers to life imprisonment. Blom-Cooper and his colleagues accept that this research is not sufficient "to overturn at a stroke established views which rely on long-held beliefs about public opinion".

However, they argue, the Nuffield findings "seriously challenge some political and policy positions so long as those involved are prepared to take an evidence-based approach to emotive policy issues". The Blom-Cooper paper recognises that a publicity campaign could help change public opinion. But that would require "very considerable effort and resources".

On the other hand, the media "have potential for maintaining the status quo" by not pushing for reform. That is because "readers and viewers tend to absorb messages which reinforce their current beliefs and ignore dissonant messages".

It would be very tempting to use this column to launch a campaign for reform. The arguments are overwhelmingly in favour: murder varies in gravity from a mass attack by terrorists to hastening the death of a terminally ill relative. It is wrong in principle to pass the same sentence in both such cases and it is misleading to give people the impression that those sentenced to life imprisonment will necessarily spend the rest of their lives behind bars. If life sentences were no longer mandatory, they could and would still be imposed in the most serious cases. Those serving fixed-term sentences would still be subject to supervision once released on parole.

We would no longer need to maintain increasingly artificial distinctions between murder and manslaughter. I am happy to explain this to anyone who cares to listen. But I'm not persuaded that I should be campaigning against a widely held belief that all murderers deserve life imprisonment. If people take comfort from believing in an illusion, is it my job to persuade them that they are wrong?

Have the police finally got the right man?

Barri White spent six years in jail and always insisted he was innocent, he always denied killing 18-year-old Rachel Manning in December 2000.In November 2007 the Court of Appeal heard fresh evidence, quashed the conviction and ordered a retrial, at the retrial he was found not guilty.

On 6th December, a man was re-arrested on suspicion of murdering Rachel Manning. He had already been questioned by police in September 2010 over the death, released on bail. Thames Valley Police say the re-arrest follows the uncovering of new forensic evidence.

not been made on whether a prosecution can go ahead in the UK.

After talking to the lawyers involved, I understand that the CPS knew all along that it had not been given all the evidence. However, it let Babar Ahmad languish in a maximum security prison with the threat of extradition to the US, under the false belief that the CPS had seen all the evidence against him. If that is the case, it is appalling and raises serious questions about why evidence that should have been given to the CPS was not produced, and why Babar was not told about it. Who directed and authorised that circumvention of the CPS, apparently in deference to and at the behest of the US?

The issue is simple: either there is evidence or there is not. If there is evidence, a prosecution should go ahead in the UK. The CPS must immediately obtain a copy of all the evidence, which was gathered in the UK by UK authorities, and it must then review that evidence together with its decision on whether to prosecute in the UK. Given the new revelation from the CPS, it seems—appallingly—that UK authorities deferred to the US, thereby subverting the process that should have been followed and denying Babar Ahmad a trial in this country. Because of the seriousness of the case, it is appropriate to call today for a full public inquiry into what has gone on.

On 10 June 2007, the European Court of Human Rights ordered the UK Government to freeze Babar Ahmad's extradition until it had fully determined his final appeal. The European Court has declared that Babar's application is partially admissible and now awaits further observations from the UK Government on the life sentence without parole, in solitary confinement in a supermax prison, that Babar faces if extradited to the United States. The final decision is expected before the end of the year.

It is astonishing that the previous Government passed an Act that does not require the presentation of any prima facie evidence by the US when they wish to extradite a UK citizen. That must be changed urgently, and the way to start such a process is by holding a debate in the main Chamber and having a vote as soon as possible.

In addition to enormous public support, this case also has cross-party backing, together with the support of the Joint Committee on Human Rights, the Home Affairs Committee, and 100 senior barristers and solicitors who wrote to the Leader of the House this week, requesting that the matter be properly debated in the main Chamber of the House of Commons. Today's revelations by the CPS make the case for a full debate with a vote even more urgent, and I hope that the Government will look favourably at the issue.

I am grateful to the Minister for giving way. Can he say whether he believes that the latest information we have—that the CPS apparently did not see all the evidence before it went to the US—changes the analysis that he is putting forward? How will his Department follow up the matter? It seems pretty shocking to me if the CPS has essentially been saying that there is insufficient evidence to try Mr Ahmad in the UK, yet now we discover that it has not even seen all the evidence.

Murder life sentence overhaul would get public backing, reformers claim

Joshua Rozenberg, guardian.co.uk, Tuesday 6 December 2011

The public would support reforming the penalty for murder to make life imprisonment the maximum sentence rather than mandatory, a group of penal reformers argue in a report to be published this week. The Homicide Review Advisory Group claims that, "with appropriate education … an already receptive public mind could develop in the general direction long favoured by legal experts and the judiciary".

One of the legal experts behind the report is the writer Sir Louis Blom-Cooper. When he

exempt from the confidentiality requirement.

This gives the impression that only lawyers and Defendants could see such case material. However, this is not exactly what the CPIA says. Section 17 (2) states: "The Accused may use or disclose the object or information with a view to the taking of further criminal proceedings (for instance, by way of appeal)."

So, if prisoners write to us asking for help in preparing an appeal, or even advice as to whether they could appeal, this would be "with a view to the taking of further criminal proceedings", and they could disclose anything they wanted to us. If we wish to tell other people about the case, using documents disclosed by the police, again "with a view to the taking of further criminal proceedings", could we do so by publishing articles, holding public meetings or broadcasting TV programmes?

The CPIA is quite clear, "as long as an accused person discloses material in accordance with Section 17, then there is no contempt of court". If we use it for other purposes, e.g. in our publicity materials, then we and the prisoners concerned would only be in contempt of court if the prisoner had agreed to this other use. (So we would not ask for prisoners' agreement to the use of case materials in preparing publicity). Bearing in mind the original purpose of the CPIA is to "prevent abuse of prosecution materials as pornography"; we should not jump to the conclusion reached by S. Wales Liberty. We have no intention of breaching the spirit, the purpose or the letter of the Act.

Preparing cases: Everyone is right to be worried about handing over total control of disclosure of police produced materials to the police themselves. The CPIA Act does not say that control has to be given to the police. It says:

" (3) (1) The Prosecutor must, (a) disclose to the Accused any Prosecution material which has not previously been disclosed to the Accused and which in the Prosecutor's opinion might undermine the case for the Prosecution against the Accused, or (b) give to the Accused a written statement that there is no material of a description mentioned in paragraph (a)". And:

"(8) (2) If the Accused has, at any time, reasonable cause to believe that (a) there is Prosecution material which might be reasonably expected to assist the Accuser's defence the accused may apply to the court for an order requiring the Prosecutor to disclose such material to the Accused."

In other words, the CPS have passed over, to the police, all the hard work of sifting out materials to be disclosed to the defence, but that does not get them off the hook. They remain responsible for disclosure, and they can get into trouble if they do not disclose relevant materials.

The difficulty here is that we have to rely on defence lawyers to force the CPS to check out whether everything that might possibly be relevant has been disclosed. We all know the problem of getting defence lawyers to do their job properly! We are not involved in pre-trial preparation of cases, at least, not yet. We do not see why CPS lawyers do not have to comply with the CPIA by lawyers preparing appeals or CCRC applications. They could go and sort through police files themselves because, of course, police officers are not qualified to assess whether the disclosure requirements of Section 3 of the CPIA Act 1996 have been met.

Opportunities: Forcing police to make enquiries

There are two basic systems of law which operate in the UK and the rest of Europe:

* the adversarial * the inquisitorial

The system in the UK is basically adversarial. In theory, the Prosecution and the defence fight it out like adversaries in battle. In the inquisitorial system the judge is supposed to direct the whole investigation, and trial, as an impartial search for truth. In practice, the systems

are mixed up. We have an adversarial system in court, but the police are supposed to provide all the materials as if they worked in an inquisitorial system.

Before anyone jumps to the conclusion that an inquisitorial system must be better than ours, it should be mentioned that many people who live in countries that have that system (like France) think our system is better. This is because it makes provision for a full defence. Defendants have lawyers, experts, etc. on their side. Many people in the UK have argued that we should have a more inquisitorial system. However the danger is that individuals are then left with no protection against the might of the whole criminal justice system. It is wise to mention these two contrasting systems, because the CPIA changes the emphasis of our system towards the inquisitorial in two ways.

First, it passes all the decision making of the case over to the prosecution, who are expected to act impartially when deciding on disclosure. Secondly, Part II of the Act states clearly that the police should have an inquisitorial role:

" 23. - (1) The Secretary of State shall prepare a code of practice containing provisions designed to secure (a) that where a criminal investigation is conducted all reasonable steps are taken for the purposes of the investigation and, in particular, all reasonable lines of inquiry are pursued."

Just imagine what a difference it could have made to almost any case we have come across if the police had in fact pursued 'all reasonable lines of inquiry'. If we could argue that, by ignoring obvious leads or evidence, the police had breached the "Code of Practice".

However, the Code of Practice is pathetically inadequate. It merely states:

" 3.4 In conducting an investigation, the investigator should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the particular circumstances."

Section 4.3 states that "negative information" is often relevant to an investigation and must be recorded. The example given is: a number of people present in a particular place at a particular time who state that they saw nothing unusual i.e. an alleged crime can not have happened. This could be applied to scientific investigations.

We should demand, directly and through our MPs, that the Code should be revised as soon as possible so as to give this Section of the CPIA some teeth. The duty of the police to investigate properly could be made very clear. For example, guidance on investigating alternative suspects, especially informers dealing with alibi and other defence witnesses (i.e. not threatening them or putting them off, or rubbishing what they have to say), looking positively for scientific evidence that shows suspects might not, or could not have committed crimes.

Changing the law: Why should this Act be repealed? We think we should support what S. Wales Liberty says, even if the third point is inaccurate. Newspapers and TV programmes employ lawyers to check their reports/programmes and these people are obviously over-cautious. They will tell the reporters not to use materials which have not been produced in court, so the effect may be the one predicted by Liberty. We should back them up with other arguments. The CPIA is not helping the police with the administrative burden, but making it worse. The CPIA encourages the police to be inefficient by giving them the opportunity to cover up their own mistakes. The CPIA requires the police to be inquisitorial, yet there is no practical means of making them impartial.

The CPS has a responsibility on disclosure, but it is still the Crown Prosecution Service, acting with the police against the defence. Defendants will never be able to trust it.

The police already routinely intimidate witnesses, and the CPIA gives them more opportunity to do this but, with less control, because they do not have to disclose all the records

general public there is a difference between Westminster Hall and the main Chamber of the House of Commons. Critically, that difference comes down to whether there will be a vote and, quite rightly, Babar Ahmad's supporters want to see their MPs take a stand on the issue.

Secondly, Babar's family have been deeply moved that, in the midst of a recession, more people have expressed their concern to Parliament about a British citizen being detained for over seven years without charge or trial, than have shown their anger about rising fuel prices. We will send a negative message to all those who have engaged with the e-petition process if we do not take the matter forward with a debate in the main Chamber.

One of our strongest tools for combating the threat of terrorism is vigorously to protect justice, democracy and human rights. Every time we undermine the values that we purport to protect, with legislation such as the Extradition Act 2003, we run the risk of adding to the sense of alienation that we know is felt by many of our young people. Over 140,000 people have told Parliament that they want MPs to engage more with such issues.

The third reason for having a debate on the Floor of a House and a vote is that we urgently need to change the law. The detention without trial of Babar and Talha undermines our democracy.

I would be happy to take advice from other hon. Members on that, but a vote should consider the design of this country's extradition treaty, so that it is not imbalanced, as it currently seems to be. I would like such a vote to refer directly to Babar but I understand why others may not. This is a point of general principle, illustrated clearly by the case of Babar Ahmad.

Members have heard the circumstances of Babar Ahmad's arrest in 2003, and the fact that he sustained at least 73 injuries, all later documented by police and independent doctors. He filed a formal complaint, stating that he had been subjected to horrific physical, sexual and religious abuse by the arresting police officers. In March 2009, the Metropolitan police force finally admitted liability in the royal courts of justice in London and said that it had carried out the assault on Babar Ahmad in December 2003. The then Metropolitan Police Commissioner, Sir Paul Stephenson, admitted that Babar had been the victim of a "serious, gratuitous and prolonged attack."

In March 2009, Babar was awarded £60,000 compensation by the High Court. He is now, however, in his eighth year at a top-security prison, even though he has been found to have no case to answer in this country. The US has alleged that Babar was running a website that solicited funds for terrorist organisations, including al-Qaeda and Chechen rebels. That is a serious accusation, and there should, of course, be a trial. Babar and his family desperately want the case to stand trial but wish that to take place in the UK, not in the US, so that he can clear his name. That is partly because Babar is a British citizen and accused of having committed crimes in the UK, and partly because going to the US would separate him from his family, friends and legal representatives, and seriously undermine his ability to mount a strong defence.

Babar's lawyers point out that other comparable prosecutions are proceeding in the UK. Nevertheless, in July 2004 and December 2006, the Crown Prosecution Service declared—as did the Attorney-General, Lord Goldsmith, in September 2006—that there was "insufficient evidence" to charge Babar Ahmad with any criminal offence under UK law, and that he should be extradited to the US. Last night, in a shocking turn of events, Babar's lawyers received a letter from the CPS, which admitted for the first time that it was never given the evidence that was sent to the US, apart from "a few documents." The bulk of the evidence was shipped straight to the US by the police. Astoundingly, although we had previously been led to believe that the CPS had viewed all the evidence and judged it insufficient to bring the case to trial in the UK, we now have a confession that it had not even seen all the evidence, let alone investigated it properly. A proper decision has

and many people suffer miscarriages of justice?

Caroline Lucas (Brighton, Pavilion) (Green): Members who have made a strong case for the radical reform of the UK's extradition treaties by citing the powerful case studies of Deborah Dark and Gary McKinnon and far too many others. Like other hon. Members, I want to use the opportunity of today's debate to raise the case of Babar Ahmad. As other hon. Members have said, Babar Ahmad, a British citizen, has been detained in the UK for seven years without charge or trial. He is fighting extradition to the USA under the Extradition Act 2003, which, incredibly, does not require the presentation of any prima facie evidence.

Babar is not alone in his ordeal. The poet, Talha Ahsan, is another UK citizen who has also been held—his case is related to Babar's—without charge and without trial under our shocking extradition arrangements. He is now entering his sixth year of imprisonment. I pay tribute to the courage and bravery of Babar and Talha's families in fighting for justice for their sons. Before I go on, I want to join others in paying tribute to Babar and Talha's MP, the right hon. Member for Tooting (Sadiq Khan). He is here today, but, as a member of the shadow Cabinet, he is not permitted to contribute to this Back-Bench debate. As we know, he stands firmly by both Babar, Talha and their families and has done so since their ordeals began.

As hon. Members know, in June this year, the Joint Committee on Human Rights urged the Government to change the law, so that Babar Ahmad's perpetual threat of extradition was ended without further delay. Since all the allegations against Babar Ahmad are said to have taken place in Britain, Babar's father has started an e-petition to call on the Government to put him on trial in the UK and support British justice for British citizens. As hon. Members will know, over 140,000 people supported that e-petition and, although today's debate is welcome, it is not enough.

There are three key reasons why we need a full debate on a voteable motion in the main Chamber. First, I am grateful to the hon. Member for Battersea (Jane Ellison), who is no longer in her place. She sits on the Backbench Business Committee, and gave an assurance that it would look again at the possibility of holding a full debate in the main Chamber. That is important because of the level of grass-roots support for the e-petition on Babar Ahmad. The campaign had no formal organisation; there were no big newspapers behind it and it was basically an outflowing of grass-roots outrage that saw the families involved going from door to door in south London, out in the cold and the rain, standing outside supermarkets, churches and mosques, and making videos of each other signing the petition—many of those videos were posted on YouTube. It was an example of democracy in action.

The petition gained astounding support in such a short time because this is a shocking human rights case. People are rightly appalled at the simple but extraordinary fact highlighted in the petition: a British citizen is being held, without charge and without trial, in a maximum security prison, and that has gone on for over seven years. I have long lobbied for the closure of Guantanamo Bay, and as we approach the 10th anniversary of its existence, the cases of Babar and Talha remind us that one of the most fearful things about it—people being held without charge and without trial—is happening on UK soil at the behest of the US.

I appreciate that the Backbench Business Committee may find it difficult to devote parliamentary time to every petition that passes the threshold of 100,000 signatures, but this was a genuine grass-roots campaign. If we do not have a full debate in the Commons, we risk alienating the more than 140,000 people who signed the e-petition following efforts by the families involved. Those families want a debate on a voteable motion in the main Chamber, as do the campaign's many supporters.

Officially, of course, all parliamentary Chambers are of equal standing, but in the eyes of the

relating to their dealings with witnesses. The effect of the act will not be to reduce the amount of time spent in Court but to increase it. This is because increased non-disclosure will mean more recourse to court to rule on disclosure applications.

Making the CPIA work for us: Realistically, this Act probably will not be repealed. Therefore, we need a strategy for dealing with it. Making sure defence lawyers force the CPS to disclose everything; making sure defence lawyers force the police to carry out impartial inquiries and preventing journalists from giving in to imaginary threats. Do they really think they are going to be held in contempt of court for exposing miscarriages of justice? After all, anyone who is jailed for helping to overturn wrongful convictions will be a hero – a major boost to a journalist's career!

Until the final victory of justice! Written by Satish Sekar

Abysmal: There are no saving graces over the collapse of the biggest ever trial over a miscarriage of justice. If you cannot prosecute public officials over a miscarriage of justice where there there is no credible doubt about innocence, then forget it – it will never happen. For the last 20 years we have championed not only the innocence of the Cardiff Five, but its potential to change the criminal justice system.

The collapse of the case against Graham Mouncher, Thomas Page, Richard Powell, Peter Greenwood, John Seaford, Michael Daniels, Paul Jennings, Paul Stephen sounds the death knell not just of police accountability, but the criminal justice system too, once and for all. It has become all but impossible to ever hold police officers responsible for their roles in securing miscarriages of justice and this was no ordinary one. It was unique.

Gregory Bull QC said that his client's innocence has been 'firmly established.' Er no it hasn't. Page is entitled to be presumed innocent because no jury was allowed to decide on his guilt or innocence, but there are some in this case who have been proved innocent. They are the Cardiff Five – the truly innocent victims of a shameful travesty of justice. The late Yusef Abdullahi, John Actie, Ronnie Actie Stephen Miller and Tony Paris have been vindicated by the conviction of Jeffrey Gafoor. Instead of acknowledging their innocence, the defendants absurdly claimed that the Cardiff Five had committed the murder along with Gafoor. That mendacious accusation disgraces the criminal justice system. This was not a defence; it was character assassination.

There is not one scrap of evidence that proves any of the Cardiff Five knew or socialised with Gafoor, let alone committed that murder together. Furthermore, the forensic science proved them innocent and did so from the beginning. The jury in Swansea did not hear from an expert who reviewed the scientific evidence. He said that the blood distribution evidence clearly established that six men did not commit that murder together – one did. There never was any credible evidence suggesting otherwise. The science proved the Cardiff innocent. They are the only defendants in this wretched case to have been proven innocent.

Disgraceful:The second trial of the remaining officers charged, Stephen Hicks, Wayne Pugh John Bryan Gillard and John Murray – Rachel O'Brien was found unfit to stand trial – will not take place because copies of a complaint by one of the Cardiff Five had not been disclosed. It had been destroyed and no note of the destruction recorded. Apparently this meant that the defence could not be confident that everything had been disclosed. When the Cardiff Five stood trial twice these same officers knew of a ore credible case against a white paedophile – Mouncher's prime suspect.

No doubt the champions of disclosure rights ensured that this was made available to the defence – er no. It emerged by accident because defence found it in undisclosed material. The

Cardiff Five lost 16 yeas of their lives. This is the travesty not the time these officers

awaited trial. Make no mistake, they have not been vindicated.

RIP: Please be upstanding and observe a minute's silence for British justice which died in Swansea on December 1st 2011. The failure of this prosecution almost certainly means there will never be an investigation of the numerous failures of the rest of the criminal justice system, especially the Crown Prosecution Service (CPS) in allowing the original travesty of justice to be prosecuted in spite of the absence of credible evidence either. It can rejoice as its Jo Moore moment has arrived.

DPP Keir Starmer has said that he is "extremely concerned." Where is the apology for the repeated failings of an atrocious original prosecution and numerous institutional failings that plagued this case – flaws which occur in many other cases too, especially. The chance to learn lessons has not been lost, it was thrown away and it will continue to leave a trail of devastated lives and cost a King's Ransom.

Appalling:I have no confidence in the criminal justice system to put this right. It has betrayed the memory of Lynette White (the victim of the horrific murder), her family, especially her mother, the late Peggy Pesticcio, the entirely innocent Cardiff Five, their families and society too. We all deserved better – far better. We have all been robbed of justice.

As a result of this decision, there are no consequences for shocking policing and honest officers will be tarred with the brush of a frankly disgraceful investigation that wrongly convicted the late Mr Abdullahi, Mr Miller and Mr Paris. That is an injustice too, especially as while the original Lynette White Inquiry, headed by Detective Chief Superintendent John Williams was an utter disgrace, the second, led by Detective Superintendent Kevin O'Neill, which found the real killer, Jeffrey Gafoor was a fantastic model of modern investigative policing. O'Neill and his team did a superb job and despite the failure of this prosecution that should not be forgotten. I will tell that story in Beyond Doubt soon.

8 years ago the Cardiff Five became the first miscarriage of justice victims in the DNA age to be vindicated in Britain – resolved by the conviction of the real murderer. It meant that there was no doubt that they were undoubtedly innocent and that the alleged eyewitnesses, Learnne Vilday, Angela Psaila, Mark Grommek and Paul Atkins had perjured themselves when they said they saw the Cardiff Five at the scene or committing the murder. Atkins escaped prosecution, but Vilday, Psaila and Gromek pleaded guilty to perjury in 2008, after duress failed as a defence. At that trial defence, judge and prosecution all agreed that the police had forced them to lie. How on earth can these verdicts be reconciled with this failed prosecution?

The CPS decided to prosecute 13 police officers and two more witnesses as a result of the trial of Grommek, Vilday and Psaila. Mr Justice Sweeney, whose other claim to fame was prosecuting Michael Stone for the murders of Lin and Megan Russell and the attempted murder of Josie Russell, ten years ago, decision to halt the trial means that the only people held accountable for a scandalous miscarriage of justice that is likely to have cost a small fortune on its own, are three witnesses who had resisted shameful bullying for months before cracking under duress and were then prosecuted successfully for telling the lies they had been forced to tell.

For the last 8 years this case – one that should have led demands for justice throughout the criminal justice system – has been hijacked by silence and apathy and yes that includes media, who ignored not just this scandal but others too. Mr Abdullahi died young, shamefully betrayed by a callous system that ignored his plight. He was denied help despite a scheme existing to help victims of miscarriages of justice.

Despite being proved innocent, no national media highlighted this scandal even after his death. It could and should have led the way for others to secure justice and society a criminal justice system that is both efficient and fair. Instead we are to get another inquiry to be conducted by agents of

to do so. The excellent report by the Joint Committee on Human Rights that was published in June deals with many of these issues; a key one is forum. We know that there is provision on the statute book that would allow a forum test to be introduced. The introduction of such a test would immediately deal with cases such as that of Babar Ahmad and resolve the issue. Again, I strongly believe that the House should have an opportunity to make a decision on that matter if the Government are not prepared to make that decision.

Babar Ahmad's situation is intolerable. It has been described by one of the judges who considered the case as an "ordeal". As I have already said, I am making no comment at all, and indeed the petition makes no comment at all, about the strength of the evidence about the nature of the offences, because that evidence has not been made publicly available. I am making a comment that somebody—a British citizen—has spent seven years in high-security prisons without any charge being brought against them. That fact alone should shock all Members who are present in Westminster Hall today.

Fiona Mactaggart (Slough) (Lab): My hon. Friend has stressed the fact that Babar Ahmad has been in prison for seven years. I do not think that everybody who is concerned about his case recognises that that is the equivalent of the time served by someone sentenced to 14 years in prison. According to the sentencing guidelines, that is the kind of sentence issued to someone who is found guilty of grievous bodily harm, or carrying a weapon that they had previously brought to the scene, and so on. Normally, it would be very serious offences that would acquire such a long time in jail.

Mr Slaughter: I entirely agree and that is why I say, notwithstanding the points that have been made about the need to address the substantive issue as well as individual cases, that Babar Ahmad's case is unusual for that particular reason. Although I have a great deal of respect and sympathy for other hon. Members who have spoken on behalf of their constituents, or about other issues that have been raised with them, I do not believe that there is any case that is as extreme as Babar Ahmad's, because of the simple fact that somebody has lost their liberty for that time, which—whatever the outcome—will never be regained.

I conclude on the point that there seems to be general agreement. The number of Members present shows that this debate is worth while, and that it needs to go further if the Government are not prepared to act. I am afraid that there has been some shuffling of responsibility between the Backbench Business Committee and the Government, particularly in relation to the Babar Ahmad petition, which, with 140,000 signatures is, I think, one of the top three.

We have had debates on the Floor of the House on important issues that have arisen from petitions with fewer signatures, so there is a clear case for Babar Ahmad's detention to be debated there too. We can then see both from Members' contributions and in a vote whether they feel the same antipathy as me, my right hon. Friend the Member for Tooting and others about how the case is proceeding—or rather not proceeding.

As things stand, more years could pass without resolution of the case, and we, as people who are here to protect the constitution of this country, should all be deeply ashamed of that. If nobody, including the Backbench Business Committee and the Leader of the House, is able or prepared to deal with the matter, Members collectively should insist that it is debated and voted upon on the Floor of the House.

Jeremy Corbyn: I understand the point that my hon. Friend makes, but is not the real problem the completely different standards of the legal systems across the European Union, and, indeed, the Council of Europe area, which, together with the virtual automaticity of the European arrest warrant, mean that we just mask the inadequacies of the current system

140,000 signatures was collected.: I first became acquainted with the Babar Ahmad case five years ago. Members of his family were constituents in my former constituency of Acton. I was going to say former and subsequent constituency of Acton, but that would be to presume many things, including the actions of the Boundary Commission and the electorate. With the Leader of the House here—he is still very well thought of in that constituency, which is quite rare for a Conservative—I will not presume in any way on those lines.

The fact that my initial acquaintance with the Babar Ahmad case was five years ago speaks volumes in itself. Although I no longer represent that area, I still receive a great deal of correspondence about the case. Again, perhaps that is not surprising, given the fact that, as has already been indicated, more than 140,000 individuals have signed the e-petition specifically relating to the case.

Jeremy Corbyn: The fact that Babar Ahmad has been in prison for so long was damaging to the image and traditions of British justice; that is absolutely true. I think that the media have missed the point; perceptions, particularly in the Muslim community across the whole country, are that Babar Ahmad has been so badly treated because of his faith and religion, suffering terrible abuse as a result. I have had a large number of contacts and e-mails from people who attend local mosques, as well as from people who attend churches and other organisations, and who are deeply concerned that somebody should languish for eight years in prison on a case that cannot be brought to court in this country, all because of the very strange arrangement that we have with the United States. Does my hon. Friend agree that if we do not mend the arrangement, this will be the image of British justice, not what we want it to be?

Mr Slaughter: As so often, I agree with everything that my hon. Friend has said, and I will discuss the length of incarceration in a moment. However, I think that my hon. Friend was also perhaps alluding to the circumstances of the treatment of Babar Ahmad: he was first arrested in 2003, and by the time he reached the police station he had sustained at least 73 forensically recorded injuries, including bleeding in his ears and urine. Six days later, he was released without charge. As we know, he was subsequently paid £60,000 compensation by the Metropolitan police for the assaults, although there was no apology and, I think, no admission. That would be shocking enough in itself, but of course in August 2004 Babar Ahmad was rearrested and he has remained in custody ever since.

I am addressing my comments effectively to the text of the petition, not to the offences alleged against Babar Ahmad but to the case that is being put by his family and the 140,000 people who have signed the petition, which I shall read as it is fairly short:

"Babar Ahmad is a British Citizen who has been detained in the UK for 7 years without trial fighting extradition to the USA under the controversial no-evidence-required Extradition Act 2003. In June 2011, the Houses of Parliament Joint Committee on Human Rights urged the UK government to change the law so that Babar Ahmad's perpetual threat of extradition is ended without further delay. Since all of the allegations against Babar Ahmad are said to have taken place in the UK, we call upon the British Government to put him on trial in the UK and support British Justice for British Citizens." That is the petition that has attracted 140,000 signatures.

The word Kafkaesque is somewhat overused in the media and in Parliament too, but it probably does apply to this case, where somebody has been arrested and held in high-security prisons for seven years without—clearly—any charge and without, as far as we are aware, any intention by the British authorities to charge. Therefore, the petition asks that the British prosecuting authorities take the lead and make a decision to go ahead and charge him here, if there is sufficient evidence

the same system that has failed miserably at every turn to deliver justice. Enough. It is time for a fully independent public inquiry into the functioning of the whole criminal justice in South Wales. Nothing less will do. They have proved that they cannot be trusted to put their house in order. The government must act now if it cares about restoring public confidence.

Rarely has there been a more disgraceful travesty of justice than this. There was no credible evidence whatsoever that proved the Cardiff Five guilty. Reams of evidence was never disclosed to their defence. The irregularities were legion, but they were never commented on, let alone acknowledged. Funny how that never mattered and they were left to rot in jail for a barbaric crime they did not commit. The prosecution of the Cardiff Five resulted in disgraceful convictions. The scientific evidence proved the Cardiff 5 innocent and did so before they stood trial.

Ms White's murder was at the time the most brutal murder of its type in Welsh history. There was no scientific evidence against any of the five men who stood trial twice in 1989 and 1990 and it was clearly saying even then that there was only one killer, whom we now know was Gafoor acting on his own.

The Cardiff Five did not know him; he did not even occur as a suspect originally. How could they have failed to prove any link between them over 23 years if they knew each other well enough to commit this murder together? How could five of them have not left so much as a single cell of DNA at the scene or on the victim or have any trace of her blood on them, while Gafoor shed plenty at the scene? Such a scenario would be rejected as utterly implausible even on television.

Abdullahi had a very strong alibi that he was working on a ship throughout the night of February 13th-14th 1988. Yet again justice has been denied by not only refusing to acknowledge the obvious, but by insisting that the wronged and entirely innocent Cardiff Five were in fact guilty. They were not.

They, unlike the 10 defendants whose case collapsed yesterday, really have been proven innocent. Gafoor said so and more importantly so did irrefutable forensic science. To accuse them again disgraces every concept of justice and those prepared to do so, because the evidence proved those claims false.

Stephen Miller's conviction was quashed in 1992 because he was bullied and hectored shamelessly by police despite the presence of a solicitor. The Lord Chief Justice at the time, Lord Taylor, said he never wanted to hear interviewing like that again, but even then a clear pattern emerged. The criminal justice system was to be protected at all costs.

The appeal judges exonerated the second trial judge the late Mr Justice Leonard because the bullying had not been played to him by Miller's thoroughly inefficient QC, the late Roger Frisby, while failing to point out that the very same bullying that 'horrified' them had been heard and ignored by the first trial judge, the late Mr Justice McNeill.

The Crown Prosecution Service ignored its own Sufficiency of Evidence criteria to prosecute an appalling case. Requests for an explanation of their decision to prosecute in spite of the lack of credible evidence have been stone-walled by the CPS for the best part of 15 years. The police had blood that had been shed by the real murderer all along. It was later identified by DNA techniques not available in the 1980s as belonging to Gafoor.

It proved that he and him alone had murdered Lynette White. Jeffrey Gafoor murdered Lynette White, Sadly every concept of justice was slaughtered afterwards. I for one, not only want a refund for the public, but those responsible to be surcharged and an independent public inquiry into the appalling performance of the criminal justice system in this case and others. Anything less is the final betrayal of justice

Judge orders review of 'explosive' documents that could clear Kevin Lane

Lawyers believe papers could provide strong grounds for appeal in case of man jailed for 1994 hitman murder Duncan Campbell, guardian.co.uk, Monday 28 November 2011

The court of appeal has instructed the Criminal Cases Review Commission (CCRC) to investigate the authenticity of "explosive" documents in the case of Kevin Lane, jailed for life for a 1994 hitman murder. Lord Justice Hughes has asked the CCRC to deliver a progress report on this and other aspects of the case by the end of January.

During an hour-long hearing, Joel Bennathan, QC for Lane, told the court that documents, which number 70 pages, had been sent anonymously to Lane's lawyers. If authentic, they would be very strong grounds for the granting of an appeal. The move was greeted by Lane's legal team and supporters as a step forward to what they hope will be an appeal.

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. Vincent and another man have since been convicted of another unconnected contract killing.

The court heard that regardless of the papers, which Lane's lawyer, Maslen Merchant, has described as "explosive", there were many other aspects of the case that merited referral for appeal. One of the investigating officers in the murder case, Detective Inspector Christopher Spackman, had subsequently been convicted of serious offences of dishonesty and misconduct. "What cannot be gainsaid is that Mr Spackman … interfered in the criminal justice system," said Bennathan. Spackman's involvement in the murder inquiry and the later conviction of Vincent in another case were the "twin pillars" of the case for Lane, he said.

Hughes also required the CCRC to investigate other aspects of the case, including what had happened to a black bin liner on which Lane's fingerprints had been found. The CCRC was asked to report on its progress by 31 January. Details were also sought of whether Vincent had ever been paid damages for false imprisonment in connection with the Magill case. The hearing was attended by many of Lane's supporters, some of them wearing Free Kevin Lane T-shirts, and by members of his family. There was a hung jury at Lane's first trial but he was convicted by a 10-2 majority at a subsequent trial. He is now in Rye Hill prison, serving a recommended minimum sentence of 18 years. The CCRC has reviewed the case three times, with the latest review initiated three years ago but not yet completed.

The Terror of Babar Ahmad

The Islamophobia behind his seven-year ordeal in prison fighting extradition can no longer be ignored Victoria Brittain, guardian.co.uk, Friday 2 December 2011

As Stephen Lawrence's parents sat in court this week, they were a reminder to us of how their son became the trigger for a self-critical look into the dark side of British institutional racism, thanks to Lord Macpherson's inquiry. Eighteen years after the Lawence murder, the case of Babar Ahmad may be poised to trigger another, equally explosive outcry into the institutional racism and Islamophobia that have allowed him to remain in a high security prison in Britain for more than seven years fighting extradition to the US. The Crown Prosecution Service has refused to prosecute him for the crimes that the US alleges he has committed here.

The Ahmad case became explosive when family and friends amassed 140,000 signatures on an e-petition for a parliamentary debate on his right to a trial here. In places like Bradford and Luton, young people mobilised by mosques, youth leaders and social networking have made their first forays into mainstream politics – deluging MPs with letters and emails.

The initial response of the backbench business committee last week was to tag this e-petition on to a pre-arranged debate on extradition to be held not in the main chamber, but in Westminster Hall. The MPs involved appeared unaware of, or impervious to, the groundswell of real anger among young people in particular, who felt disrespected by the MPs' decision. And the outrage went much broader, with more than 100 lawyers, including QCs, writing to the leader of the house, Sir George Young, asking for a full debate.

Last Tuesday backbench MPs decided that on Monday there will after all be a debate on a motion "to reform the UK's extradition laws as a matter of urgency to strengthen the protection of British citizens …". But it does not mention Ahmad and the e-petition, with Dominic Raab – the MP who was instrumental in securing the debate – refusing to insert the key phrase "pending cases" into the motion, which would have included people facing extradition. This is not the democratic outcome of listening to 140,000 people's voices.

Five other men, including three Britons, are in the same position of having been fighting extradition to the US for years from prisons in the UK, where they are accused of no crime. The stress on their lives can be gauged from the fact that one has been moved to Broadmoor after a breakdown in the special detainee unit where Ahmad is held.

Ahmad's ordeal has had particular resonance in part because of the saga of the 73 injuries he received during his arrest, and his subsequent court case against the officers involved. In 2009 the Metropolitan police made an unprecedented admission that officers subjected Ahmad to a brutal beating causing multiple injuries, and offered him £60,000 compensation. The case exposed shocking behaviour by some officers, in which racism and islamophobia were overt; and incompetence, or worse, lay behind the curious disappearance of many sacks of vital evidence.

Two years later, in a criminal case against the officers, the jury was not told of the Met's admissions, or the payment it had offered, and the four officers concerned were found not guilty.

The stigma of terrorism is behind this story of abuse and corner-cutting by police, compounded by an attempted cover-up in court – which failed once and succeeded the second time. Only last week it was revealed that the police, with extraordinary laxity, in 2003 sent material gathered from his house to the US, without showing it to the Crown Prosecution Service. Along the way, the Home Office, and regrettably some MPs, have failed to see the huge resonance of this case for Britain.

Both Babar Ahmad and Talha Ahsan remain in HMP Long Lartin

Babar Ahmad	Talha Ahsan
A9385AG	A9438AG
HMP Long Lartin	HMP Long Lartin
Evesham	Evesham
WR11 8TZ	WR11 8TZ
http://www.freebabarahmad.com/	http://freetalha.org/

[Below excerpts from the 'Extradition' debate in Westminister Hall on Thursday 24th November the general consensus of the debate was that the incarceration of Babar and Talha and others was unacceptable and that the issue needed to be debated in parliament and voted on.]

Mr Andy Slaughter (Hammersmith) (Lab): The hon. Lady has partly addressed my point. Given the number of hon. Members present today, does the hon. Gentleman not share my concern that this is a matter that should be debated on the Floor of the House? We need to debate both this issue and the issue of Babar Ahmad, for which an e-petition of more than