pronounced, and mitigating the worst effects of the legal aid cuts could be part of the process for the Liberal Democrats. “There have always been lots of litigants in person in the courts,” Hughes said, although he acknowledges the numbers have increased. The number of private family law cases where both parties were represented fell by nearly 40% in April to June 2014 compared to the same quarter the previous year. Advisers for the new service will use court premises and are expected to come from a variety of backgrounds: law graduates, those still studying and retired volunteers with professional backgrounds.

Part of the aim is to encourage claimants, particularly in separation and divorce cases, to resolve differences outside court, particularly through mediation. Working with Cafcass, the Children and Family Court Advisory and Support Service, a telephone and online advice service will be provided to help steer claimants in the right direction. “There should be no litigant in person who doesn’t have the opportunity of getting both online advice and advice in person,” Hughes said. “We are trying to grasp the nettle. It would have been needed even without legal aid changes but they have made it necessary.”

Hughes said judges in the family court had raised concerns about the large numbers of unrepresented claimants with him more than any other issue. He praised Mike Napier, a former president of the Law Society who is also the attorney general’s “pro bono envoy”, and Sir Robin Knowles QC, who has recently became a high court judge, for helping develop the scheme. Napier said: “This is an important funding initiative in response to increases in litigants in person. By collaborating with the pro bono community, it’s providing support when people turn up in court feeling lost and worried and needing legal help.”

Judith March, director of the Personal Support Unit, said: “It’s a relatively inexpensive service to run. We already have some funding from law schools, local authorities and the legal profession. Our volunteers include students, former social workers, those who have left the armed services and retired teachers. “Sometimes they sit next to people in court. Not speaking for them but assisting them to make their main points.” The PSU, a charity, already operates in Bristol, Cardiff, Birmingham, Leeds, London, Manchester and Newcastle.

Law schools at universities are increasingly taking up what is known as ‘clinical legal education’, encouraging students to help – under supervision – those who cannot afford to hire lawyers. Anthony Douglas, chief executive of Cafcass, said: “We are looking to put in place a more universal service so that people don’t automatically think first of having a [courtroom] fight but will have a try at dispute resolution.” Sometimes dealing with unrepresented litigants means that problems can be dealt with more directly, Douglas suggested. “They are going through profound emotional distress, broken-hearted, betrayed and angry. Often [what’s important] is improving their relationship capability rather than having a definitive judgment.”

**Hostages:** Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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# MOJUK: Newsletter ‘Inside Out’ No 501 (30/10/2014)

**Stop 'Double Punishment' of Foreign Nationals**

Deportation after completing a prison sentence is a secondary or 'Double punishment'. - 'Double punishment' has nothing to do with the concept of punishment fitting the crime as the crime has already been punished by the prison sentence. - 'Double punishment' offends all rules of natural justice and is not simply unjust it is blatantly racist as it only affects foreign nationals. - Double punishment, can also be used to punish the UK family of a convicted foreign national, even though they had nothing to do with the crime. There are approximately 12,000 foreign nationals in the UK prison system

It is a fundamental principle of UK law that a person cannot be punished twice for the same offence. If you have committed an offence that society deems a crime and sentenced to a term of imprisonment by a magistrate, judge or judge and jury, once you have completed your sentence, you are released from prison as it is deemed you have repaid your debt to society and that is the end of the matter - and for the great majority of people in the UK, it is: you only get punished once. However, this does not apply to 'foreign nationals' without status in the UK, or 'foreign nationals' 'with status' I.E. Humanitarian Protection, Discretionary Leave, Indefinite Leave to Remain, Exceptional Leave to Remain, are Naturalized, these grants of status are just a licence and the Home Secretary has powers to revoke the status of anyone convicted and sentenced for a crime and does so at every given opportunity.

If any of the above commit a crime and are sentenced to a prison term of 12 months or more, irrespective of how long they have lived in the UK, no matter that they have very strong family ties, are at very serious risk of automatic deportation under provisions in the Immigration Act 2014 and the UK Borders Act 2007 in addition to any term of imprisonment. They will if deported also face an automatic ten year ban from applying to reenter the UK.

Therefore any 'foreign national' having completed a prison sentence will most certainly be punished a second time by being deported from the UK. Provisions in the Immigration Act 2014 the UK Borders Act 2007, will mean that those cases where the Home Secretary has secured a deportation order the convicted foreign national can be deported before the end of their final release date.

There is no automatic right of appeal against deportation under the acts, but decision to deport can be challenged on Human Rights grounds I.E that separation from family members would be disproportionate, or that they would face torture and/or persecution in the designated country. However new powers in the Immigration Act 2014 will prevent them from using family life arguments to appeal the deportation order.

From 20/10/14 criminals will also no longer be able to appeal against a decision that their deportation is conducive to the public good. This is the most significant change to deportation appeals since 1971. Criminals will be deported and will not be able to appeal beforehand unless they face a real risk of serious irreversible harm. For those that do have an appeal right, they will only be able to appeal once.

However, those persons successfully challenging the deportation under the Immigration Act 2014 and the UK Borders Act 2007 and the Home Secretary then cannot remove them from the UK; . they and their 'families may face severe deprivation under provisions of Part Ten of the Criminal Justice and Immigration Act (CJIA), which received Royal Assent on 8 May

2008. Under the provisions of the act, any foreign national convicted and sentenced to two years or more for an offence specified as serious (Home Secretary deems petty theft, criminal damage as serious); can be designated as having a 'special immigration status' and so can any member/s of his/her family. 'Special immigration status' will strip the offenders family of their immigration status, and the whole family can be refused the right to work, access to benefits, social housing, can be subject to curfew, electronic monitoring, dispersed from their habitual residence and will receive only the minimum of support, probably vouchers but definitely no cash.

**Early Day Motion 396: Prison Crisis**

That this House is concerned by recent reports regarding the rise of suicides in prisons in England and Wales over past 12 months; is alarmed that self-inflicted deaths have risen by 69 per cent in 2013-14 resulting in 88 deaths in custody - the highest level for 10 years; notes that the latest annual report by the Chief Inspector of Prisons, Nigel Hardwick, highlights the increasing pressures in the prison system caused by shortages of experienced staff and resources coupled with the growing size of the prison population; further notes that the Howard League for Penal Reform estimate that prison officer numbers are down by 41 per cent in public sector prisons since 2010; is aware that there has also been an increase of 14 per cent in the rate of assaults by male prisoners; believes that the rise in the prison population to almost full capacity has put unsustainable pressure on both staff and inmates; and calls on the Government to launch an independent enquiry into the current crisis in the prison system and to urgently commit to further staffing in all prisons in England and Wales to ensure the safety of prisoners and staff. - Sponsors: Llwyd, Elfyn/ McDonnell, John / Anderson, David / Corbyn, Jeremy / Lucas, Caroline / Lavery, Ian House of Commons:23.10.2014

**Prisoners: Women - Targeted Education and Training Which Meets Their Needs**

Minister of State for Justice and Civil Liberties Simon Hughes: "One of my priorities is to see all women benefit from targeted education and training in prison which meets their needs. This will prepare them in the best way possible for eventual release and future employment opportunities. I have therefore set up a joint initiative between the Department for Business, Innovation and Skills and the Ministry of Justice to introduce a tailored curriculum in women's prisons. This will mean all women who are serving custodial sentences will have access to a curriculum which is designed around their needs.

Following an assessment of English and maths skills in the first week of their prison sentence, all female prisoners will have a tailored learning plan to meet their individual needs. They will be offered a mix of 'life skills' and formal educational skills, which will build on established programmes already available in women's prisons. Alongside these changes, we will expand the accredited peer mentors programme, using it to build life skills. The expanded cohort of peer mentors will be able to enhance their employment opportunities through gaining – in prison – a formal qualification and experience that supports the rehabilitation of other female prisoners.

These broader learning opportunities are a key part of our fundamental reforms of prisons for women, which will allow us to reach those women who previously have been reluctant to engage in custody with education. The tailored curriculum will mean that female offenders will be better equipped when they leave prison, will have a greater chance of finding employment and, as a result, should be less likely to reoffend. We expect that the new Community Rehabilitation Companies will work with education partners to help women continue their education and training on release." House of Lords, 21 Oct 2014: Column WS78



Mr Small was holding his car keys in a clenched fist and he believed they could have been used as a weapon against him. He said the 'worst case scenario was death with one hit'.

However, a jury rejected his self-defence claim and found the police constable guilty of one count of assault occasioning actual bodily harm after four and half hours of deliberation. The judge, Mr Recorder Peter Kyte QC, told him: 'You are a 36-year-old man now, you are married to a fellow police officer and you have a very young baby. 'In your favour is the fact that this is your first criminal offence. I also give you due credit for the fact that it seems that you have otherwise been a responsible and conscientious police officer of a period of 11 years. I have read and I am impressed by documents which include testimonials from 11 police officers and three of your personal friends. I note and take into account also the fact that there are no less than five commendations and obviously all that counts in your favour.'

However, the judge also told Harries that the 'full picture' to be taken into consideration included previous complaints made by members of the public about his conduct. He told Harries: 'It is pretty insignificant by comparison and your counsel has referred to those other matters as "low level" and they may well come into that category but the full picture includes a number of complaints from members of the public about incivility, intolerance and impoliteness.

**Initiative Promises Legal Advice for Those Without Lawyers in Courts** *Owen Bowcott*

A network of in-court advice centres providing support for unrepresented litigants in civil and family law cases is to be funded by the Ministry of Justice and expanded to cover the whole country. The initiative, launched by family justice minister Simon Hughes, is aimed at helping those no longer entitled to legal aid navigate their way through divorce proceedings and other complex claims. Hughes, a Liberal Democrat, is aware the initiative will not solve every unmet legal need but believes it will be a significant contribution in a climate of austerity. In an interview with the Guardian, Hughes said: "There are a lot of people going to court who don't feel supported enough and feel in need of legal help. There's unlikely to be money coming back into legal aid in the near future. "But people in the legal profession said they thought they could put together a package that would give support to litigants in person. We have managed to liberate money from a difficult economic situation. This will cover the whole country. It's the best value for money and where the profession thought it would be most helpful. I believe it will be the most significant difference we can make in support for litigants." The only Liberal Democrat minister in the MoJ, Hughes has stressed his party's enthusiasm for the European court of human rights.

There has been a surge in the number of "litigants in person" – those who do not have lawyers to argue on their behalf. As many as 650,000 people were deprived of support by changes to legal aid, in most cases involving family disputes, welfare benefits, clinical negligence, employment, housing, debt, immigration and education. The problem is most acute in the family courts where relationship breakdowns often require parents to take immediate action. Hearings have become protracted and judges are forced to intervene repeatedly to explain the legal process. The family law organisation Resolution has described the family courts as being at "breaking point". The new money, £1.4m a year, will be pumped into the pioneering work of the Personal Support Unit, which already provides advice in eight court centres in England and Wales. The aim is to expand the number of advisers into courts across the country and link claimants up with pro bono lawyers who can offer free legal support and, in some cases, even court representation.

In the closing months of the coalition, the task of political differentiation has become more

tion against all seven defendants." In his letter to the authorities the judge said: "On the face of it, offences of perjury and conspiracy to pervert the course of justice have been committed."

In conclusion, I am satisfied that this is a case in which there has been both bad faith and serious misconduct on the part of the prosecution. I am satisfied that officers at the heart of this prosecution have deliberately concealed important evidence and lied on oath. That bad faith and misconduct started on 4.6.2011, when two of the principal defendants were arrested, and has continued throughout the course of this trial. In my judgment, it has tainted the whole case. It has tainted the prosecution against all seven defendants.

When it comes to the balance between the public interest in ensuring that those who are accused of serious crimes should be tried and the competing public interest in ensuring that executive misconduct does not undermine public confidence in the criminal justice system and bring it into disrepute, I bear in mind Mr Lucas's submission that this is a serious case with significant public interest considerations. He does not concede there is not good evidence in relation to each defendant. However, in my judgment, the misconduct of the prosecution, and in particular the officer in the case and the disclosure officer, is so serious that these two officers have left me with no option other than to exercise my discretion to stay this prosecution.

I am satisfied that this is an exceptional case in which it would be unfair for the defendants to continue to be tried. I am satisfied that a stay is necessary to protect the integrity of the criminal justice system. If the trial were to be permitted to continue there is a real risk that public faith in the criminal justice system would be undermined. It is a case in which the prosecution should not be allowed to benefit from the serious misbehaviour of the officer in the case or the disclosure officer. It is highly regrettable that the jury will not be able to return verdicts of guilty or not guilty based upon proper evidence and that a large amount of public money, probably hundreds of thousands of pounds, have been wasted in this investigation and trial. That though is the result of the misconduct of the officer in the case and the disclosure officer. In view of my finding that there was Category 2 abuse, it is not necessary for me to consider the alternative submission that there was Category 1 abuse of process.

The Home Office said three immigration officials had been suspended following the collapse of the case, which had centred on claims that hundreds of fake marriages were being conducted at St Jude's with St Aidan's Church in Thornton Heath, south London. The matter has also been referred to the IPCC. A Home Office spokesperson described the collapse of this trial as "extremely disappointing. We expect the highest standards from all our staff, and clearly we are treating the judge's ruling that our officers acted in bad faith with the utmost seriousness," the spokesperson added. A CPS spokesperson said: "We accept the ruling of the judge that the prosecution case has been fatally undermined. We are now carefully considering the judge's comments in relation to our handling of this case, which has clearly fallen below the high standards that we would expect." *Jonathan Brown , Indpendent, 23/10/14*

**Police Officer Jailed For 'Totally Unwarranted' Attack** *Daily Mail 23/10/14*

A police officer who launched a 'totally unwarranted' attack on an innocent motorist by getting him into a headlock and punching him in the face has been jailed. Matthew Harries, 36, stopped Justin Small on suspicion of possessing drugs outside Nando's restaurant in Acton, West London. He held Mr Small in a headlock, causing him to choke, punched him in the face and then kneed him using a 'high degree of force', Southwark Crown Court heard. Mr Small was left bleeding with swollen and bruised eyelids and swelling to the spine after the attack on April 5 last year. Harries later claimed



**No Video Evidence of Man who Urinated on 'Hawk Eye' Police Van**

Police have no video footage of a man who vandalised a CCTV van in variety of ways before allegedly relieving himself on it. The van's doors and windows were subjected a dairy based attack in the form of lashings of Onken yoghurt from multiple tubs which were left strewn on the floor. As bystanders in a busy Kent street watched, the man then let the tyres down before rounding it off by allegedly urinating on it. A spokesman for Kent Police told KentOnline: "Kent Police were called just before 9am on Saturday morning about a man who had been seen by witnesses allegedly urinating on the Hawkeye van. "He had also let the tyres down and threw yoghurt over it. We don't have the damage on CCTV - it was reported to us by eye witnesses" A 30-year old man from Ashford, Kent has since been arrested on the suspicion of vehicle interference and has been released on bail.

**Investigation Into Police Restraint Death of Duncan Tomlin** *IPCC October 21st, 2014*

The IPCC has served five Sussex Police officers with gross misconduct notices as part of the investigation into events prior to the death of a man in Haywards Heath in July 2014. The 32 year old man has been named as Duncan Tomlin, a Burgess Hill resident, formerly of Woodstock, Oxfordshire. Shortly before midnight on 26 July police attended Ryecroft in Haywards Heath following a call from a member of the public. They approached Mr Tomlin and during the course of their interaction with him, restrained him, and placed him in a police van with three officers where he became unresponsive. Mr Tomlin was removed from the van on South Road in Haywards Heath at 00:10 on 27 July. He was not breathing, CPR was performed, and he was subsequently transferred by ambulance to a nearby hospital where he died on 29 July.

IPCC investigators have obtained statements from significant witnesses, obtained and viewed CCTV footage of the incident, and reviewed initial statements from officers involved which were made on the night of the incident. The IPCC's investigation is looking at potential gross misconduct matters and five officers, a police sergeant and four police constables, have been served with notices advising their conduct is subject to investigation. The officers will be interviewed in due course. IPCC investigators are examining the actions of officers, including the restraint used on Mr Tomlin in the street and in the rear of the police van, and the medical treatment provided by them. We are also examining the referral of the incident to the IPCC and whether there was a significant delay in the police contacting Mr Tomlin's family.

**German Courts Should Not Have Used Evidence Obtained by Police Incitement**

In Chamber judgment1 in the case of Furcht v. Germany (application no. 54648/09) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights. The case concerned the complaint by a man convicted of drug trafficking that the criminal proceedings against him had been unfair, as he had been incited by undercover police officers to commit the offences of which he was convicted. The Court found that the undercover measure in Mr Furcht's case - going beyond a passive investigation of criminal activity - had indeed amounted to police incitement. The German courts should not have used the evidence obtained in this way to convict him.

Principal facts: The applicant, Andreas Furcht, is a German national who was born in 1961. In 2007, Mr Furcht, who had no criminal record, was approached by undercover police officers in the context of criminal investigations against six other people suspected of drug trafficking. One of the suspects was a friend and business partner of Mr Furcht and the officers intended to establish contacts with the suspect via him. They initially pretended to be interested in

purchasing real estate and later in smuggling cigarettes.

During one of the meetings with the undercover officers, Mr Furcht offered to establish contacts with a group of people trafficking in cocaine and amphetamine (including his friend suspected of drug trafficking), while stating that he did not wish to be directly involved in the drug trafficking, but that he would draw commissions. The undercover officers expressed an interest in transporting and purchasing drugs. In a subsequent telephone conversation, on 1 February 2008, Mr Furcht explained to one of the officers that he was no longer interested in participating in a drug deal, but a few days later, on 8 February, the officer dispersed his fears and Mr Furcht eventually arranged two purchases of drugs for them in February and March 2008. In the meantime, a district court had authorised criminal investigations in his respect.

Following the second transaction, Mr Furcht was arrested and, in October 2008, he was convicted of two counts of drug trafficking and sentenced to five years' imprisonment. His appeals against the conviction were unsuccessful. In fixing the sentence, the first-instance court noted that Mr Furcht had been incited by a State authority to commit the offences and found that this was a weighty mitigating factor, leading to a relatively mild sentence. In July 2011, Mr Furcht was released from prison.

Relying on Article 6 § 1 (right to a fair trial), Mr Furcht complained that the criminal proceedings against him had been unfair as he had been incited by the police officers to commit the offences and that he had been convicted essentially on the basis of evidence obtained by entrapment. The application was lodged with the European Court of Human Rights on 9 October 2009.

Decision of the Court - Article 6 § 1: The Court had to examine two questions: whether the criminal proceedings against Mr Furcht had been unfair; and whether he could still claim to be the victim of the alleged violation of the Convention for the purpose of Article 34 (individual applications), having regard to the fact that the German courts had already acknowledged his incitement by a State authority to commit the offences, and had mitigated his sentence.

As regards the first question, the Court came to the conclusion that the undercover measure in Mr Furcht's case had gone beyond the mere passive investigation of criminal activity. The measure had indeed amounted to police incitement as defined in the Court's case law under Article 6. Moreover, the evidence obtained by the police incitement had been used in the criminal proceedings against him. In coming to the conclusion that he had been incited to commit the offences, the Court noted that Mr Furcht had had no criminal record; there were no objective suspicions that he was involved in drug trafficking; and the police had only seen him as a means to establish contacts with another suspect. It was true that he had himself later raised the possibility to deliver drugs and had been able to quickly initiate drug deals.

However, the relevant time for determining whether there were objective suspicions that a person was predisposed to commit a criminal offence was when that person was first approached by the police. Moreover, it was significant that Mr Furcht had explained to one of the undercover police officers that he was no longer interested in participating in a drug deal. Despite this, the officer had contacted him again and had persuaded him to arrange the drug sale. By that conduct, the investigating authorities had clearly abandoned a passive attitude and had caused him to commit the offences.

As regards the second question, the Court noted that it could leave open whether, by finding that Mr Furcht had been incited by a State authority to commit the offences, the German courts had acknowledged in substance a violation of Article 6. What was at issue was the question of whether the German courts had provided him with sufficient redress. Under the Court's case-law, Article 6 § 1 did not permit the use of evidence obtained as a result of police



**Mark Duggan Officer Faces Misconduct Investigation**

An officer involved in the police operation that led to Mark Duggan being shot dead is under investigation for alleged misconduct. The officer, known only by the code name ZZ46, is the first from the operation to be served with a formal disciplinary notice. Duggan was shot dead on 4 August 2011, shortly after collecting a firearm from gun supplier Kevin Hutchinson-Foster. The misconduct notice comes after claims that police could have done more to track down Hutchinson-Foster and get his weapons off the street before Duggan collected the gun. The inquiry is focusing on why ZZ46 did not seek Hutchinson-Foster's address from the probation service, which held the address of the hostel where he was staying. Duggan's shooting in Tottenham, north London, in August 2011 led to the biggest riots in modern English history.

Armed police surrounded and confronted him, correctly believing he had picked up a gun from Hutchinson-Foster. Days before police stopped Duggan, ZZ46 carried out intelligence research for an Operation Trident investigation into Duggan and others alleged to be gang members. The inquest into Duggan's death heard that ZZ46 carried out research that identified Hutchinson-Foster as the man Duggan was going to collect a gun from. But police never got an address for Hutchinson-Foster, despite it being known to the probation service.

**Immigration Officials Suspended After 'Shambolic' Fake Marriage Case Collapses**

CPS are to launch a full review of its procedures after a judge halted a case in which a vicar who was alleged to have operated a "conveyor belt" of sham marriages claimed that immigration officers concealed evidence and lied under oath. Judge Nic Madge stopped the trial against Ugandan-born Reverend Nathan Ntege and six church officials following defence submissions that the investigation had been "shambolic" and characterised by "breathtaking" failures which led to an abuse of process. He has now written to the Home Office and the Director of Public Prosecutions demanding urgent action to prevent a repeat of the handling of the inquiry and the subsequent 31-day trial, which cost tax payers hundreds of thousands of pounds.

Judge Madge said the trial had to be stopped to prevent public faith in the criminal justice system from being undermined. The seven defendants faced seventeen counts alleging various degrees of involvement with marriages of convenience entered into to facilitate breaches of immigration law. The first defendant, the Reverend Nathan Ntege also faces one count alleging fraud. Yesterday (20/10/14), Day 31 of the trial, almost at the close of the prosecution case, counsel for all seven defendants submitted that the trial should be stayed for abuse of process. I have helpful skeleton arguments from all defence counsel. Yesterday morning I heard oral submissions from defence counsel supplementing those skeleton arguments. I also have a very helpful Chronology of Service of Disclosure Before and During the Trial prepared by Ms Ertan, junior counsel for Ms Petkova. Today, I have received a Skeleton Argument in Reply prepared by Edward Lucas and Joe Plowright for the Crown. That too has been supplemented by oral submissions. The offences alleged by the prosecution are serious. So too are the allegations of abuse and misconduct made by the defence. So the reasons I am about to give are lengthy. All seven defendants were formally acquitted on all charges. In his ruling the judge said: "In conclusion, I am satisfied that this is a case in which there has been both bad faith and serious misconduct on the part of the prosecution. I am satisfied that officers at the heart of this prosecution have deliberately concealed important evidence and lied on oath. That bad faith and misconduct started when two of the principal defendants were arrested, and has continued throughout the course of this trial. In my judgment, it has tainted the whole case. It has tainted the prosecu-

**McConville and Wootton to Supreme Court - 'Clarify Joint Enterprise'**

On Friday 24th October 2014 the court of appeal in Belfast; the panel chaired by Lord Chief Justice Sir Declan Morgan refused leave for the Brendan McConville and John Paul Wootton to challenge the dismissal of their appeals in the UK supreme court. However, the judges agreed to certify a question that Sir Declan said would "get them through the door into the Supreme Court". The defence question that will go to the supreme court is "Whether, in a case which the prosecution is insufficient to establish any specified role in a crime by the appellant and there is no direct evidence of any agreement with those involved in the murder, it is proper to permit the drawing of adverse inferences against the appellant by reason of his failure to give evidence, such an inference contributing to the conclusion on the totality of the evidence that the appellant was beyond reasonable doubt involved in the crime in some undefined way?"The case against Brendan and John Paul has never been proven and indeed it relies on a dubious untrustworthy witness, discredited and contradictory forensics and an alleged military tracking device that was deliberately tampered with prior to its submission as evidence. Adverse inference was drawn many times when during questioning Brendan and John Paul where unable to answer questions about the shooting, it was again drawn when they decided as was there right not to take the stand. Justice Girvan drew a negative inference in many instances from this to paper over the lack of credible evidence.

Joint enterprise legislation which was used to secure a conviction in this case, is the centre of a high profile campaign in England seeking it be abolished, campaigners, academics, MPs, journalists and celebrities have all claimed the law inherently unjust as it is a process which ensnares innocents in miscarriages of justice. 22 percent of all appeals in the UK are against joint enterprise convictions. JENGBA the organisation spearheading the campaign recognises Brendan and John Paul's case as one of over 500 joint enterprise injustices it supports.

The JFTC2 Group welcome the decision today to grant leave to the supreme court, but are highly cautious of the system following the travesty's that was the trial and appeal, we will continue with the campaign until justice is done and seen to be done!.

Brendan McConville: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

John Paul Wootton: HMP Maghaberry, Old Road, Ballinderry Upper, Lisburn, BT28 2PT

**Failures in Care of HMP Stoke Heath Inmate Found Hanged** *BBC News 24/10/14*

A prison's mental health team failed to properly monitor a "seriously ill" inmate who went on to kill himself, an inquest has found. Mohammed Naveed Zaber, from Birmingham, was found hanged at HMP Stoke Heath on 25 March 2013. Solicitors for his family said the 26 year old had earlier smashed a TV and used the glass to harm himself. A jury ruled the prison's mental health team failed to monitor him properly after reducing his medication. In a narrative verdict the jury found the Inreach team, which looks after vulnerable inmates at the prison near Market Drayton, failed to access Zaber's full medical records. The team "failed to take a cautious approach when reducing medication", the jury found. 'Escalating behaviour' - They also identified a "failure to respond appropriately when the deceased started to deteriorate". Lawyers for Zaber's family said he harmed himself with shards from the broken TV and drank washing-up liquid in the run-up to his death. They further alleged Zaber, previously diagnosed with schizoaffective disorder, sought medical help but did not receive it. "Despite his escalating behaviour he was not seen by a psychiatrist during the period immediately prior to his death," they said. The jury said it was "unable to determine his state of mind" when he "took his own life using a ligature". Earlier this week chief prisons inspector Nick Hardwick said there had been a 69% rise in self-inflicted inmate deaths. The Ministry of Justice claimed there was no evidence linking the rise in such deaths to government policy.



incitement. For the trial to be fair all evidence obtained in such a way therefore had to be excluded, or a procedure with similar consequences had to be applied. In Mr Furcht's case, the evidence obtained by police incitement had been used and his conviction had been based on that material. The Court was therefore not convinced that even a considerable mitigation of his sentence could be considered as a procedure with similar consequences as an exclusion of the evidence in question. Accordingly, Mr Furcht had not been provided with sufficient redress and could still claim to be a victim of the alleged breach of the Convention. In conclusion, there had been a violation of Article 6 § 1. Just satisfaction (Article 41) The Court held that Germany was to pay Mr Furcht 8,000 euros (EUR) in respect of non-pecuniary damage and EUR 8,500 in respect of costs and expenses.

**Early Day Motion 374: Child Abuse Inquiry** *- Sponsor: John Leech - House of Commons:*

That this House notes the instigation of an independent inquiry into historic child abuse by the Home Office which aims to investigate concerns that public bodies and other institutions have failed in their duty to protect vulnerable children from sexual abuse; further notes that the terms of reference as set out by the Home Secretary propose that the inquiry will not take evidence from individual victims, instead collating previous reviews to produce a lessons learnt report; believes that, unless revised, this approach will severely compromise the ability of the inquiry to achieve its stated aims; calls for the terms of reference to be amended to focus on hearing evidence from survivors of organised abuse; further calls for the inquiry to include the creation of a dedicated police team at the National Crime Agency to take evidence alongside the inquiry to investigate and prosecute offenders; further calls for the inquiry to stipulate that it will hold those who have failed in their professional duty, covered up allegations, or been obstructive to account; and further calls on the Government to find a new chair of the inquiry who has palpably demonstrated its willingness to challenge all quarters of the establishment to ensure that it can achieve its aims of providing justice to the victims of historic child abuse.

**British Jihadists and treason**

*Remember Remember the Fifth of November Gunpowder Treason and Plot I see no reason why Gunpowder Treason Should-ever-be-Forgot* The news week before last,was that the Foreign Secretary has proposed a revival of a fourteenth century statute in order to prosecute British jihadists who travel to Iraq or Syria to fight. Cries of foul are coming from the usual quarters, and there's even a protest that the Strasbourg Court would object, which, given the current controversy surrounding that tribunal, may be a good reason in itself for such a move.

In the current froth over the Convention versus "home grown" human rights, there is much talk of the Magna Carta. So may be of interest to some that in the opinion of one of the greatest legal scholars in history, Edward Coke, the Statute of Treason had a legal importance second only to that of the "Great Charter of the Liberties of England", piloted by feudal barons to limit King John's power in 1215. Politics aside, how would this work? On the face of it, a law which has been on the statute books for centuries, and is found to be applicable to a current state of affairs, is an equum donatum whose dental health should not be examined too closely. Although the last person to be convicted under the 1351 Treason Act – the Nazi propagandist William Joyce (otherwise known as Lord Haw Haw)- was hanged, now any British citizen convicted of the offence could be given a life sentence.

Interpretation of the Treason Act: "Hanged on a comma" - For anyone wishing to understand the provenance of the Treason Act and its application over the past six centuries, the

Casement appeal is required reading – not least for its pellucid prose and clear exposition of the early days of the relationship of common and statute law.

In August 1914, the Irish Nationalist Roger Casement planned to persuade Germany to sell ammunition to Irish rebels and provide military leaders so that the rebels would stage a revolt against England, diverting troops and attention from the war on Germany. He himself set sail to Germany in the early months of the Great War, negotiating a deal with the Germans that should they ever arrive at the shores of Ireland, they would not come as invaders. He attempted to recruit an "irish brigade" from Irish prisoners of war in Germany to be trained to fight against Britain, although this ultimately proved unsuccessful.

On his return to Ireland, three days before the Irish uprising in April 1916, Casement was arrested on charges of treason and espionage against the Crown. There was difficulty in prosecuting him under the 1351 Treason Act as his activities had taken place on German soil and the law seemed only to apply to crimes in Britain. Nevertheless, he was convicted and sentenced to be hanged. The Court of Criminal Appeal upheld the decision by the King's Bench that Casement had committed high treason by adhering to the King's enemies elsewhere than in the King's realm, to wit, in the Empire of Germany, contrary to the Treason Act, 1351 (25 Edw. 3, stat. 5, c. 2). The words " within the realm " were of vital importance. In the fourteenth century many of the English barons held lands in France. This meant that they were subjects of the French King as well as of the English King. If the two Kings were at war with each other these " amphibious barons " had fight for their liege lord as a contingent of knights to the opposite army. It stood to reason then, that if adhering to the King's enemies without the realm were treason, these barons by rendering service to the French King would be in danger of forfeiting their lands in England. It was therefore entirely within their interest to exclude from punishment all cases of adhering to the King's enemies outside the realm and to confine treasonable adherence to cases of adhering within the realm. Which is exactly what they did, and that is why the Act was drafted as it was. So the defence argument went. It was argued on Casement's behalf that none of the authorities provided sufficient grounds to make treasonable an act committed outside the King's realm: a man who outside the dominions adheres to the enemy is outside the common law and outside the Act of Edward III. which declared it. The meaning of that statute, as of all statutes, is to be derived from the words read in their natural sense unelucidated or unobscured by the counsel of commentators however eminent.

The Lord Chief Justice did not accept this interpretation. In his view, and that of the rest of the court, the words " giving them aid or comfort within his realm " were explanatory of the words " be adherent to the enemies of our Lord the King in the realm," and the passage, omitting the explanatory words, would then read " be adherent to the enemies of our Lord the King in the realm …. or elsewhere." This was, in the Court's view, not only a possible construction, but was in truth the "only reasonable construction when it is remembered that the enemies of our Lord the King will mostly be found outside the realm". As the offence was that of adhering to the King's enemies, the words " or elsewhere " did apply to the adhering, therefore the defendant lost his case. The words " giving to them aid and comfort" may be read as a parenthesis ; yet I do not confine the application of the words " or elsewhere " to that parenthesis ; I think they apply just as much to the parenthesis as to the words which precede it. My view is, although it is not necessary to state it for the purposes of this case, that the words " or elsewhere " govern both limbs of the sentence—both the adhering to the King's enemies and the aid and comfort to the King's enemies—and that it is an offence to adhere within the realm or without the realm to the King's enemies, and it is equally an offence to adhere



**Protest Over Police Custody Deaths Takes Place in London** *BBC News: 26/10/14*

Family members and friends of people killed in police custody held a march in central London last Saturday 25th October 2014 to demand justice for their loved ones. About 300 protesters took part in the annual procession by the 'United Families and Friends Campaign'. The demonstrators marched from Trafalgar Square to Downing Street. Activists carried placards which read "No Justice No Peace" and banners in memory of those such as musician Sean Rigg, who died after being restrained at Brixton police station, south London, in August 2008. Relatives of Mark Duggan were also on the march.The protest marched behind a blue banner which read "No More Deaths In Custody".

Protesters were heard chanting; "Who are the murderers? Police are the murderers".

Ajibola Lewis, whose son died after being restrained by officers in August 2010, said "police have to be held accountable for their actions". Ms Lewis' son, Olaseni Lewis, died days after he was restrained three times - first by hospital staff and then by 11 police officers - for 45 minutes in a south-east London psychiatric hospital. She said she was still waiting for an inquest to be held, four years on. "This is happening all the time and it's not just black people, it's Asian and white, men and women," she said. The police have to be held accountable for their actions - if you kill somebody you should be prosecuted." She also called on the Independent Police Complaints Commission (IPCC) to "get a move on" with its investigation. "You have to fight every battle every step of the way is a fight," she added. "You just feel you are on your own. This procession brings the issue to the forefront, it's on the internet and television, and the powers that be know that we are watching." In a statement, the IPCC said: "The investigation, examining the circumstances surrounding police contact with Mr Lewis, together with any action taken or decisions made by police officers, is ongoing."

Deborah Coles, director for the 'Inquest' campaign group, said the procession was an "Important but poignant" day for the families. Many families feel betrayed by a system that has let them down.The same issues repeat themselves time and again despite the empty platitudes from Government ministers that lessons will be learned. This is the last demonstration before the general election and the issue of deaths in custody must be on the political agenda in the run-up to that election."

**Failures in Care of HMP Stoke Heath Inmate Found Hanged** *BBC News, 24/10/14*

A prison's mental health team failed to properly monitor a "seriously ill" inmate who went on to kill himself, an inquest has found. Mohammed Naveed Zaber, from Birmingham, was found hanged at HMP Stoke Heath in Shropshire on 25 March 2013. Solicitors for his family said the 26 year old had earlier smashed a TV and used the glass to harm himself. A jury ruled the prison's mental health team failed to monitor him properly after reducing his medication.

In a narrative verdict the jury found the Inreach team, which looks after vulnerable inmates at the prison near Market Drayton, failed to access Zaber's full medical records. The team "failed to take a cautious approach when reducing medication", the jury found. 'Escalating behaviour' - They also identified a "failure to respond appropriately when the deceased started to deteriorate".

Lawyers for Zaber's family said he harmed himself with shards from the broken TV and drank washing-up liquid in the run-up to his death. They further alleged Zaber, previously diagnosed with schizoaffective disorder, sought medical help but did not receive it. "Despite his escalating behaviour he was not seen by a psychiatrist during the period immediately prior to his death," they said. The jury said it was "unable to determine his state of mind" when he "took his own life using a ligature". Earlier this week chief prisons inspector Nick Hardwick said there had been a 69% rise in self-inflicted inmate deaths. The Ministry of Justice claimed there was no evidence linking the rise in such deaths to government policy.

Chief Constable, Geoffrey Dear. He alleged the IRA had infiltrated the Birmingham Six Campaign and 'there is no doubt that the IRA are working with the campaigners'. He provided no evidence for his lurid claim (he was no doubt hampered by the fact that none existed). Nor did he express concern that those of us in the campaign's leadership with family in Northern Ireland might be endangered by his groundless accusation.

Have the UK government, criminal justice system and media learned any lessons from the 30 year moral panic during the Northern Ireland conflict? Hardly. Not long ago, I met with Vincent Maguire who together with five relatives and a family friend was imprisoned in the 1970s for terrorist offences which never existed. Speaking of the irrational atmosphere in which the Maguire Seven were tried and convicted, Vince commented 'Back then it was Irish people on the receiving end. Now it's Muslims.' Moazzam Begg freed from months of detention on terrorism charges in October 2014 after the Crown's supposedly strong case against him seemingly evaporated without trace would doubtless agree.

**Jeffrey Deskovic Awarded $40M in Wrongful Conviction Case** *Journal News America*

A federal jury awarded exoneree Jeffrey Deskovic $40 million on Thursday after finding that ex-Putnam Sheriff's Investigator Daniel Stephens fabricated evidence and coerced Deskovic's false confession to the 1989 murder of a Peekskill High School classmate. Lawyers on both sides said they believed it was the largest jury award ever in a wrongful conviction case. Putnam County will only have to pay $10 million because of a pretrial settlement that limited damages. "I feel elated. The jury obviously saw that Daniel Stephens' testimony was not truthful," said Deskovic, who turns 41 next week. "I feel like I finally got the fair trial I never got before." Deskovic was convicted in 1990 for the rape and murder of 15-year-old Angela Correa, based solely on a false confession he gave Peekskill detectives after a polygraph examination administered by Stephens.

At the 1990 criminal trial, jurors knew Deskovic's DNA did not match semen found on the victim. But they relied on Assistant District Attorney George Bolen's spin that the victim could have had consensual sex with someone else before the killer raped her. Bolen was able to do that because Stephens claimed Deskovic told him that the killer may not have ejaculated. Deskovic maintained that he never made that statement and that Stephens came up with it only after Deskovic's arrest, when authorities learned the DNA did not match. He was sentenced to 15 years to life in prison and served nearly 16 years before being exonerated in September 2006 after new DNA testing identified the actual killer, Stephen Cunningham. The federal jury found that Stephens fabricated the ejaculation statement and, through his aggressive, hours-long polygraph examination, coerced Deskovic into confessing when he was interrogated again by Peekskill Detective Thomas McIntyre. Jurors also found Stephens conspired with detectives to violate Deskovic's constitutional rights. Stephens could not be reached after the verdict. He retired in 2000 and became a physician's assistant. He also is an elected coroner in Putnam.

The 2007 lawsuit also named Westchester County and Peekskill, but those defendants settled with Deskovic for $6.5 million and $5.4 million, respectively. Putnam wanted to settle as well, but Deskovic was determined to have a trial. He holds Stephens most responsible for his ordeal. Lawyer Nick Brustin said the jury award included $25 million for Deskovic's years in prison and $15 million for the difficulties he will continue to have as a result of his incarceration. In April, the county Legislature approved a settlement in which Deskovic would be paid regardless of the jury's ruling. Had the jury found for Stephens, the amount would have been $6 million. "My clients are very pleased we entered into a high-low settlement ... which will limit damages significantly," lawyer Stephen Wellinghorst said after the verdict. "Jeff wanted his day in court."



within the realm to the King's enemies by giving them aid and comfort without the realm.

The reason why Casement was famously said to have been "hanged on a comma" was because when the Act was read in the original Anglo-French, placing a comma in the unpunctuated prose meant that the text "in the realm or elsewhere" could be read to apply to where acts were done and not just to where the "King's enemies may be".

Treason in the "war against terror" - So what parts of this ancient statute would be most serviceable to the government in dealing with home-grown jihadists? The modern definition of treason, both here and in the United States, is broadly as follows: "to aid or comfort the state or its agents with which war is engaged, or whether a state of war exists or not, any attempt or conspiracy to harm the head of state" A person is guilty of "high treason" ("petty treason" does not concern us here) under the Act if they planned a number of things against the Sovereign, including "compassed or imagined" (i.e. planned; the original Norman French was "fait compasser ou ymaginer") the death of the King levied war against the King in his Realm; adhered to the King's enemies in his Realm, giving them aid and comfort in his Realm or elsewhere

According to the Wikipedia entry, the Act originally envisaged that further forms of treason would arise that would not be covered by the Act, so it legislated for this possibility. The words from "Et si per cas" onwards have been translated as: And because that many other like Cases of Treason may happen in Time to come, which a Man cannot think nor declare at this present Time; it is accorded, That if any other Case, supposed Treason, which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to Judgement of the Treason till the Cause be shewed and declared before the King and his Parliament, whether it ought to be judged Treason or other Felony.

We live in interesting times. In 2008 the Law Commission recommended that the Treason Act should be abolished in peacetime. But war is not what it was in William Joyce's day – a sequence of build up of hostilities, official alliances by treaty, declaration, battle, defeat, truce and reparations. Ironically, conditions prevailing at the moment are not dissimilar to those which led to the original Act being passed: large states and international alliances are not officially at war with each other, but the global threat from unpredictable acts by loose alliances of individuals becomes more pressing by the day. Going back to the Casement appeal, it is notable that one of the reasons why the Chief Justice was so convinced that this Act should have extra-territorial effect is that without it, it would have no bite - Is it probable that the law of an island realm would regard those traitors, if any, who aid and comfort the King's enemies abroad by remaining at home, and ignore that larger number who would give greater aid and comfort by joining the enemy abroad ? If it were so, adherence to the King's enemies would be punishable only when the realm was invaded by a foreign Power; for the number of traitors found at home adhering to the King's enemies abroad would be negligible compared with those who would transfer themselves and their allegiance to the enemy abroad.

In answer to the criticism levelled at the proposal, that the Treason Act is too ancient and broadly worded to have application in the modern world, we need only to look at multitude of ancient common law torts and antiquated statutes that are used in the courts up and down the land. The Offences Against the Person Act may have been passed as "recently" as 1861, but it is merely a consolidation of old offences incorporated with little or no variation in their wording. It is the foundation stone for most prosecutions for causing personal injury in England and Wales. Now the Casement case has cleared away the problem of the extra-territorial reach of the Treason Act, any prosecution thereunder would encounter no more difficulty in interpretation or application than obtains with the multitude of offences under the OAPA.

**Justice, Moral Panic and the Irish** *Paul May, The Justice Gap*

In June 2014, I attended the Belfast funeral of Gerry Conlon of the Guildford Four. Gerry's cruelly premature death made it a very sad occasion but I was delighted to be reunited with individuals who'd campaigned for innocent Irish prisoners. Among the mourners was Lily Hill – mother of another of the Guildford Four, Paul Hill. More than quarter of a century earlier, Lily and I spoke at public meetings calling for the release of innocent Irish prisoners. As we chatted outside St Peter's Cathedral, I was reminded of an incident which occurred in the 1980s.

Waiting for a train after visiting her son at HMP Winchester, Lily was arrested by Hampshire Police. At the police station, she was allowed a telephone call to inform someone of her arrest. Lawyers were contacted. The police said Lily had been acting suspiciously. This seemed highly unlikely. She was (and is) a mild-mannered and manifestly law-abiding woman. After several hours, she was released without charge. Lawyers continued to ask why she'd been arrested. Eventually, officers admitted that a member of the public had overheard Lily speaking in a Belfast accent and called the police. In those days, it wouldn't have been especially surprising if the government had added an offence of being in wilful possession of an Irish accent within designated areas of the Home Counties to the panoply of absurd, panic-stricken measures adopted in the wake of terrorist violence.

The mistreatment and discrimination suffered by Northern Ireland's nationalist minority provided neither excuse nor justification for the paramilitaries' actions. Faced with terrorism, the State was under a positive duty to protect its citizens. However, the hasty introduction of senseless legislation which demonised entire communities in Britain and Northern Ireland was almost entirely counter-productive. Nor was it reasonable to stifle democratic discussion about the conflict as typified by government media bans. Above all, it was unacceptable for the integrity of the courts and criminal justice system to be undermined and corrupted by repeated incarceration of innocent people.

Folk devils - For many decades, the British media paid scant attention to Northern Ireland. The UK government showed even less interest. Until the late 1960s, not a single Whitehall official worked full time on Northern Irish matters. The consequent reaction in Britain when paramilitary violence erupted was bewilderment swiftly followed by panic. Rather than seek any explanation of the causes of the conflict, most of the media resorted to grotesque stereotypes in which Irish people were portrayed as congenitally stupid 'folk devils' with an atavistic propensity for violence. When paramilitary bombings spread to England in the early 1970s, the public atmosphere of moral panic encouraged police from West Yorkshire down to Surrey to concoct cases against a succession of wholly innocent suspects. Prosecuting lawyers disposed of inconvenient evidence pointing to the innocence of those accused by deliberate non-disclosure and outright concealment. Government scientists falsified their findings. The courts and juries ignored manifest absurdities in the cases against the defendants. No part of the criminal justice system remained untainted.

Throughout the 1970s the majority of persons convicted of serious terrorist offences in England were innocent. Wrongful convictions in this period weren't random aberrations caused by a few rogue police officers. They were the norm. Efforts to transform Irish people into diabolic 'others' in the public mind were so successful that ostensibly normal behaviour was cited as proof of defendants' deviance.

Thus, in his opening speech for the Crown at the trial of the Birmingham Six, Harry Skinner QC pointed to five of the men on a Heysham-bound train 'playing cards and…in a jolly



mood' to demonstrate their perverse callousness after placing bombs 'in some illogical way'. Likewise, the unlikely circumstances in which some of the defendants were found when arrested weren't regarded as incongruous. No-one considered it odd that Judith (Judy) Ward should be apprehended homeless and destitute sleeping in a Liverpool shop doorway just days after she was supposed to have organised the M62 coach explosion. To establish her Hibernian 'otherness', the Crown claimed – based on no evidence whatsoever – that Judy's father was Irish (both her parents were English). When defendants in terrorism cases failed to conform to stereotype (as when the Times reported that Anne Maguire gave her trial testimony in an 'outwardly simple, homespun manner') sections of the media were almost indignant.

It's sometimes argued that hysteria and moral panic within the criminal justice system in response to Irish paramilitary violence subsided after the 1970s. This is a dubious proposition. Terrorism charges continued to be brought against innocent suspects well into the 1990s. What had changed was that defence lawyers and justice campaigners had learned to act swiftly in order to avert the fate suffered by the Birmingham Six and others. I was involved in several such cases.

In 1993, I was contacted by the aunt of a young Derryman called John Matthews. He'd been staying with her while working in London after failing to find employment at home. She'd just been released from custody after several days questioning. John was accused of hi-jacking a minicab with the intention of causing an explosion in Downing Street. Arrested at Heathrow Airport three days after the incident, he was charged despite having a water-tight alibi. John's SDLP constituency MP, John Hume had known him since birth and worked strenuously to have the charges withdrawn enlisting the energetic support of Sir Peter Bottomley MP and Labour MP Kevin McNamara. Thanks to the efforts of his estimable solicitor Gareth Peirce, charges against John were dropped after he'd been incarcerated for several months. With almost unbelievable vindictiveness, Home Secretary Michael Howard ordered that John be re-arrested as he left the court and served with an order to exclude him from Britain insisting he was a terrorist whatever the court said.

Moral panic - Elaine Moore was a Dubliner working and living in London. In 1998, she was arrested and held in oppressive conditions accused of storing explosives. Successive hearings at Belmarsh Magistrates Court took place in a decidedly surreal atmosphere. At one hearing, the prosecution claimed a pendant she possessed in the shape of a map of Ireland was the emblem of the 32 County Sovereignty Movement – a group linked to the Real IRA.

The pendant was widely available in tourist souvenir shops and had been given to her two years before the group in question had even formed. At another hearing, the stipendiary magistrate refused to accept a proposed bail surety on the grounds that the person resided in Armagh which the magistrate asserted was outside UK jurisdiction. During the lunch break, I undertook the bizarre task of visiting bookshops and newsagents in the Plumstead area in search of an atlas which would show that Armagh is indeed within the UK. Elaine was eventually released after it transpired police had known all along that she was innocent thanks to information provided by an undercover officer.

Moral panic was occasionally directed at those challenging wrongful convictions. In 1988, the Independent Broadcasting Authority (IBA) banned a Pogues song about the Birmingham Six because it might 'invite support for an organization proscribed by the Home Secretary's directive in that they indicate a general disagreement with the way in which the British government responds to, and the courts deal with, the terrorist threat.' We wrote to the IBA from the Birmingham Six Campaign asking whether the ruling also applied to our own activities and they replied that it did. More serious was a statement issued in 1990 by the West Midlands