Three Men Convicted Of Murder Under Joint Enterprise To Appeal

Convicted under the controversial law of joint enterprise three men have won the right to appeal – after a fellow gang member confessed he was the one who actually stabbed the victim to death. All four were jailed for life for the murder of a man who was found with more than 30 stab and slash wounds – even though they had not been armed with knives when they turned up for the prearranged fight between rival Sri Lankan Tamil groups in London. The four – Aziz Miah, Asif Kumbay, Kirush Nanthakumar and Vabeesan Sivarajah – lost an appeal against their conviction in 2009. They had all denied murdering Prabaskaran Kannan, 28, and accused each other of doing it. Since the ruling, the oldest of the group, Sivarajah, claimed that he alone wielded the knife and was responsible for stabbing Mr Kannan some 20 times in June 2007.

The case is the first referred to the Court of Appeal after MPs from the Justice Committee called this month for a review of the use of joint enterprise – which allows several people to be charged with the same offence even though they may have played very different roles. The MPs said that they were concerned that "minor players" had been convicted of murder. The Criminal Cases Review Commission (CCRC) said the admission meant there was a "real possibility" the Court of Appeal would consider the convictions unsafe.

"The referral is made on the basis of new evidence relating to who inflicted the fatal wounds on the victim and which, if it had been available at trial, might have led the jury to come to different verdicts," in relation to the three, the CCRC said. The use of the joint enterprise principle in this case was extreme and in my view most unjust," said Michael Birnbaum, QC, who represented the three men. "Here the attackers intended to use only a cricket bat and bottles. It was the victims who seized two large knives. "But by defining the joint enterprise as being a plan to use 'whatever weapons came to hand', the Court of Appeal was able to uphold convictions of four people regardless of whether any of them had actually done anything to assist in the stabbing."

The four were part of a nine-strong group who travelled from Croydon to their rivals' turf in nearby Tooting, south London. The Croydon group arrived in Tooting in the early hours in two cars and found a group of three of their rivals coming out of a shop. As they were being chased through a chicken shop, the three jumped over the counter and grabbed two knives from behind it and fled out the back of the shop. They were cornered in a yard and disarmed. One of the knives was turned on Mr Kannan, who was stabbed and slashed. The four men – all aged between 18 and 22 at the time of their trial – all pleaded not guilty but were convicted and sentenced to life in prison. Two other men were cleared of murder. The Government says it is examining the recommendations of the Justice Committee, which said lesser charges should be considered against those who played a lesser role in a murder.

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.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 510 (01/01/2015) - Cost £1

Hidden Despair - Deaths of Foreign National Prisoners

There has been considerable media interest in the recent huge rise in prison suicides, described by chief inspector of prisons Nick Hardwick as 'unacceptable in a civilised society'.' But among this growing toll, the suicides of foreign national prisoners (FNPs or FNOs foreign national offenders), attract virtually no attention. The media tend to make vast generalizations, lumping all FNPs together. But there are vast differences amongst offenders, some of whom may have been victims of human rights abuses in their own country and are terrified of return. Foreign national prisoners are subject to a prison regime which can exacerbate risks of self-harm and suicide through despair, which is by far the greatest killer of this group. Statistics are not easy to access, but according to the Prisons and Probation Ombudsman (PPO), 17 percent of self-inflicted deaths in prison were of FNPs from 2004-13 (they comprise around 13 percent of the prison population)." In this Briefing Paper, we examine some of these deaths since 2000, as part of an IRR project on BME and migrant deaths in custody which includes a forthcoming report, Dying for Justice.

Until 2006, foreign prisoners were largely invisible in British prisons. Most prisons did not know which of their prisoners were British and which foreign. But at the end of their sentence, FNPs, unlike British prisoners, can be (and often are) held under Immigration Act powers for deportation, sometimes for lengthy periods. They are often excluded from rehabilitation or pre-release programmes. The specific additional problems foreign prisoners bring with them - language difficulties, lack of family ties, issues around their immigration status and perhaps fear of return home - combine to create isolation, depression and confusion. The 'care and awareness of others' said to be at the heart of a healthy prison.' has too often been lacking, for vulnerable FNPs. And when there is a death, there is often no family in the UK able to hold the prison service or the Home Office to account for failures of care.

Of the six deaths in Lewes prison in 2001-2002, three were of foreign national prisoners with English as a second language. One of these was Iranian Nariman Tahmasebi (27), who had fled to the UK after detention in Iran for his political beliefs. Refused asylum here and fearful of return, he was caught trying to board a plane to Canada using the forged travel documents he had arrived with. He was sentenced to six months imprisonment, arriving at Lewes prison on 14 February 2002. He hanged himself from the bars of his cell with a sheet on 20 February. At his inquest, the jury heard that all his interviews with prison staff - on arrival, an induction interview the next day and a health care interview - were conducted in English with no interpreter, although Tahmasebi's English was poor. Despite his telling guards that he had overdosed in Iran after being beaten by prison guards, and that he would contemplate harming himself if he was threatened with return to Iran, they did not treat him as a suicide risk. The inquest did not investigate whether the guards knew he was liable to deportation at the end of his sentence. In any event, he was put in a single cell and found hanged the following night, dying five days later in hospital without regaining consciousness." The jury returned a verdict of misadventure.

The 'Foreign National Prisoners' Scandal: In April 2006, a political and media scandal erupted over the revelation that, since 1999, just over a thousand foreign national offenders had been released at the end of their sentence without the Home Office considering whether

they should be deported, in accordance with powers of deportation of foreigners committing offences. The fact that many others had been detained for months or sometimes years beyond their release date because of Home Office dilatoriness was not considered scandalous.' Home secretary Charles Clarke, who had given a parliamentary committee inaccurate figures underestimating the numbers, was forced to resign, and under his replacement John Reid, the law was changed to make deportation mandatory for those serving sentences of over a year (except those with a valid asylum or human rights claim). Deportations following a criminal conviction increased five-fold between 2005 and 2008. Most offenders had committed minor drugs offences or immigration-related document offences. But the tabloids were focusing on the 'foreign rapists and murderers' roaming our streets'. A secret policy was devised, involving the detention of all time-served FNPs for as long as it took to deport them - which could be years - regardless of their mental state. The policy was ruled illegal in March 2011 - but in the meantime, thousands of offenders were rounded up and detained, and those already in prison stayed there. By January 2011 over 1600 FNPs were stuck in prison beyond their sentence, a quarter of them for over a year."

The proportion of foreign national prisoners in the total prison population tripled in a decade to 10,000 in April 2006, or 13 percent of the prison population. But the increase in numbers did not lead to a commensurate concern about FNPs' treatment in prison. An HMIP thematic report of July 2006 - the first to look at foreign prisoners as a group - condemned the prison service' rejection of national standards for the conditions and treatment of FNPs, who were not given support or coherent planning for release or deportation, or help with their specific vulnerabilities - lack of family ties, language problems, fear of return. On the contrary, HMIP found prison staff to be intolerant of language and cultural differences, and Muslims and BME prisoners reported discrimination. Non-English speakers had the greatest problems.

The crackdown on foreign offenders took its toll in a dramatic rise in prison suicides of FNPs: from an average of three to four a year to eighteen or twenty-three in 2007 (the number went down to eight in 2008.) Avtar Singh, a 39-year-old Indian Sikh, died on 13 November 2007 at Canterbury prison, a prison which specialised in FNPs. He had incurred a debt of £10,000 for travel to the UK and had lived undocumented for several years, working as a building labourer, paying off the debt and sending money to his parents and children in India, but had had to return to India when his mother was diagnosed with cancer. On his return in September 2007 he was arrested at Stansted for using a false passport, sentenced to fifteen months and recommended for deportation. The prison sentence was like a torture to him; it prevented him both from working to earn more money for his family, and from returning home before his mother's death. He told his cellmate his life was over; he had no idea how he was going to feed his children or repay the remaining debt. He hanged himself in his cell. The PPO's investigation" found that the Home Office kept FNPs at the prison uninformed about their status, exacerbating frustration and distress.

The service of a deportation notice on Christmas Eve led directly to the suicide of a teenage Darfuri refugee, Abdullah Hagar ('Joker') Idris the following day. Idris was fifteen when he arrived alone in Britain in 2005 seeking asylum from the massacres in Darfur, Sudan, but Essex social services assessed his age as seventeen. He was arrested for affray in 2007 and remanded to HMP Chelmsford. Convicted in July 2007, he was due to be released in January 2008, but was given a notice on 24 December telling him he would be detained for deportation at the end of his sentence. He was not told that Darfuris were not being removed to Sudan at that time and that it was highly unlikely he would be deported. There was no one he could talk to; he had an uncle in the UK but could not contact him as his number was stored in Idris'

There is extensive evaluation in Keehan J's judgment of the Human Rights considerations involved in publicising the names of the men but none when considering the substance of the injunctions. There can be little doubt that the Orders represent a major interference with private life (Article 8) and freedom of Association (Article 11). One could imagine circumstances in which the same could be justified but the Birmingham case raises questions as to whether the injunctions are proportionate and – more importantly – in accordance with the law. At the very least, the legal foundation of such injunctions is obscure and calls into question whether it meets the requirements for legal certainty provided for in Article 7. If it turns out that these injunctions do not have a proper legal basis, they may end up bringing the use of the inherent jurisdiction into disrepute. Jackson LJ in James (above) raises the question whether injunction proceedings like this may blur the line between criminal and civil proceedings and engage Articles 6.2 and 6.3. This is not addressed in this Judgment either

There is no doubt that Birmingham City Council were seeking to address a serious problem with these proceedings. However, the fact that those representing the Respondents appear to have put up no real resistance and that the Judgment is otherwise almost devoid of reasoning would tend to call into question how much of a useful precedent the judgment of Keehan J will be for Local Authorities facing the same dilemma.

It is likely that Local Authorities may be more tempted to use the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014) which are about to come into force which create Sexual Harm Prevention Orders and Sexual Risk Orders. The promised Home Office Guidance on these provisions are awaited.

HMP Highpoint: Joseph Bone Left Dead For Hours Before Anyone Noticed

Lessons have now been learnt following the death of Joseph Bone, 44, who also suffered due to "inadequate healthcare". An inquest into the death of Mr Bone, held in Bury St Edmunds, heard that he had several health problems, including diabetes and a previous heart attack. He died from a second heart attack on August 11, 2013, after being transferred back to HMP Highpoint, from the open prison at HMP Hollesley Bay, due to deteriorating mental health. Referring to a report from an independent clinical review, written by Amanda Muter, Suffolk Coroner Dr Peter Dean, said: "The night care had been inadequate and there had been insufficient monitoring. "(She) was unable to determine whether increased care would have reduced the risk of the death happening. The evidence we have suggests that Joseph Bone had not always been compliant with (taking) medication."

Prison officers carrying out a roll check at 6.30am on August 11 and opening the cell doors at 9am failed to get a response from Mr Bone. t was only at lunchtime, when Mr Bone failed to attend, officers discovered him in his cell. Dr Dean said: "The officers in the morning did not follow the local and national guidelines." Giving evidence, Richard Lombardo, head of operations at the prison, said: "Following the death of Joseph Bone…the then governor issued a notice to staff that outlined the requirement to carry out an effective roll check."

Talking about the changes to the provision of healthcare at the prison, Ashley Maund, healthcare manager, said that an electronic system and new policies meant the same failures would not happen again. The changes included increased monitoring of patients that do not attend appointments and more awareness of those with long term medical conditions. The family of Mr Bone, who lived in Billericay, welcomed the changes. His sister, Susan Pickett, said: "There will be other people in prison with similar health problems, it will save lives. It is something positive to come out of his sad death." Spource: Ipswich Star

PD12D which states that, “the court may in exercising its inherent jurisdiction make any order or determine any issue in respect of a child unless limited by case law or statute.”

The Judgment asserts that the applicable standard of proof that applies is the civil one pursuant to Re B [2013] UKSC 33. Nothing is said about rules of evidence. Hearings under the inherent jurisdiction are normally summary in nature but other equivalent civil injunctive relief (e.g. ASBOs) would at least have involved the service of Civil Evidence Act Notices.

It is striking that Keehan J states that the injunctions he has made are based on those that would normally be made under the Sexual Offences Act 2003 such as a Sexual Offences Prevention Order or a Risk of Sexual Harm Order (ROSHO). This begs the question as to why these Orders were not applied for. Given the serious nature of the problem faced by many Police Forces and Local Authorities, others may be tempted to apply for similar injunctions under the inherent jurisdiction. However, whilst being able to rely on the Judgment of Keehan J for comfort, they will find that it provides virtually nothing by way of legal rationale. In particular, a number of questions are raised which are not dealt with in this Judgment: It is surprising that Keehan J has found that these powers are vested in the High Court. It implies that Parliament acted in ignorance of this when it passed the Sex Offenders Act 2003 (and its predecessor, the Crime and Disorder Act 1998) as the power to make equivalent injunctions were already part of the inherent jurisdiction- without the necessity for a person to have been convicted of any sexual offence or proving two or more qualifying acts. Indeed it appears to have been unaware of the existence of this power when they enacted the Anti-Social Behaviour, Crime and Policing Act 2014 ;

The Court of Appeal, when dealing with a previous attempt by Birmingham City Council to use the civil jurisdiction to prevent crime (Birmingham City Council v Shafi & Ellis [2008] EWCA 1186) had concluded that the existence of other civil remedies would appear normally to be grounds for a Court to refuse to exercise its discretion to make an injunction;

Parliament reversed the decision in Shafi by enacting the provisions of Part 4 of the Policing and Crime Act 2009 which created a statutory scheme to apply for and obtain injunctions to prevent gang related violence. When this was considered by the Court of Appeal in Birmingham City Council v James [2013] EWCA 552 they just decided that in circumstances where conduct is covered by a series of statutory schemes, there is no principle that the “closest fit” should be adopted – albeit that the Judge could still exercise his discretion to direct that a different application should be made;

Keehan J just asserted that the civil standard of proof applies but he does not address the case law which has developed concerning ASBOs (e.g. R (on the application of Cleveland Police) v Haggas [2009] EWHC 3231; [2011] 1 WLR 2512 which emphasised that whilst these are civil proceedings, because of the seriousness of the matters to be proved and the implications of the resulting Orders, the criminal standard of proof or something virtually indistinguishable from it should be used;

There is also the question of the applicability of rules of evidence. The advantage of a SOPO or SOSHO is that there are now well established principles and procedures – including the necessity for the service of Civil Evidence Act Notices where appropriate and the prior service of a properly drafted proposed minute of the injunction. It is unclear whether the same restrictions would apply using the inherent jurisdiction (whose procedures are generally described as summary); The Court of Appeal in R v Smith [2011] EWCA 1772 cautioned about the need for Orders to be precise, proportionate and not oppressive. It noted that that most offences relating to children are committed only when the child is under the age of 16 (save where an individual stands in a position of trust), restrictions should relate to those under 16 and not under 18. This would tend to militate against such orders covering girls who are over 16 (Keehan has made orders covering young women up to 18);

mobile phone, to which prison staff had refused him access. He told other prisoners that he would rather die here than be killed by the government in Sudan. The PPO found that the needs of FNPs were not being met in the prison, and that the notice - its content and the way it was served - triggered Idris' death." In 2010, an inquest jury returned a verdict which was highly critical of the prison's failure to have a formal and managed system for the delivery of deportation documents to prisoners."

Within two months of Idris' death, another young foreign national prisoner, 18-year-old Sri Lankan Tamil Vinith Kannathasan, hanged himself at the same prison. Kannathasan and his mother had come to the UK as asylum seekers when he was eight. He had had serious mental health problems from the age of eleven, with spells in young offender institutions and psychiatric hospitals. Despite his telling staff on his arrival at Chelmsford in December 2007 (on remand for sexual offences) that he had bipolar disorder but did not need medication, he was never given a formal mental health assessment or a clinical risk assessment. He was difficult and disruptive and experienced bullying, and he was found hanged in the early morning of 12 February 2008. The prison officer who entered his cell initially thought he was 'playing up'; he was 'on tiptoes' with a bed sheet round his neck and 'a smirk on his face':" it was only when he touched the freezing cold, stiff body that he realised Kannathasan had actually hanged himself.

The PPO investigation of the death found mental health provision to be 'woefully lacking'," An inspection in July 2007 had criticised the mental health provision at Chelmsford, but so far as FNPs were concerned this reflected a wider national picture: an October 2007 thematic review of mental health care for prisoners had reported on the increasing emotional and mental vulnerability of foreign nationals across the prison estate, which was not being addressed by health care staff."

Another suicide, this time in Pentonville prison in March 2008, revealed a failure by prison staff to take seriously enough threats of suicide by those facing deportation. 24-year-old Ghanaiain Delaili Kwadzo Abusah (known to everyone, including his fiancee, as US citizen Alfredo Costano Fuentes), had been arrested for a passport offence in August 2007, and he was known to be a suicide risk since letters he wrote in November 2007 talked of suicide. Served with a deportation notice in January 2008, he said he could not remain in prison after his sentence and would kill himself if he was not either deported or released on his conditional release date in February. His appeal, listed for 27 March, was adjourned; he was taken to court on new fraud charges in early March; temporary admission was refused and the immigration officer who was due to meet him to discuss his case on 28 March didn't turn up. His wish to be moved to an immigration removal centre (IRC), where conditions were not so harsh, was not granted. After two serious attempts in February and March, after which he was not properly risk-assessed owing to staff shortages, he hanged himself on 30 March 2008.

Similar failure led to failures, exacerbated by a prison's to address language difficulties, the suicide of 25-year-old Indian Satnam Singh at HMP Birmingham 23/02/10, while on remand on a rape charge relating to his estranged wife. Singh, a Punjabi speaker, was not provided with a professional interpreter for a risk assessment after he was seen chewing electrical cables and exhibiting distress and agitation. During his 37 days in prison he was subjected to 'control and restraint' procedures several times. His parents tried repeatedly to visit, and were repeatedly refused (there was no interpreter, or they had brought the wrong form, or come on the wrong day, or had brought no ID). A mental health nurse who said Singh should be under constant supervision in the healthcare unit was overruled by the deputy governor, and despite two unsuccessful suicide attempts, he was not placed on suicide watch before hanging himself on the third attempt. An inquest jury was critical of the lack of professional interpreting, the lack of communications within the prison and inadequate mental health care."

Most of those who killed themselves in prison are young men. Riliwanu Balogun was only

twenty-one when he died. Sexually abused as a young child, he had been brought to the UK aged seven and left at Southwark social services after his mother died in Nigeria. He had no contact with his father, who was in Africa, or with any siblings, and grew up in care, in different children's homes, where he suffered physical abuse. He was, as the PPO found, deeply troubled, with unresolved grief for his mother and a history of self-harm and suicide attempts. Following a second conviction for a serious assault in 2010 he was given an extended sentence at HMP Woodhill. The Home Office took a decision to deport him, although he had lived for two-thirds of his life in Britain and had nothing in Nigeria. He was transferred to Glen Parva YOI in Leicestershire after becoming infatuated with a female prison officer at Woodhill, but information about self-harm and suicide attempts, and about his immigration status, was not passed on. He was denied a visit from his best friend, Harry Barnard, on 6 May 2011. He cut his neck superficially with a razor blade on 7 May, and then, although on suicide watch, hanged himself on 8 May, the day after his 21st birthday, after telling a prison officer he had nothing to live for. He died from his injuries on 16th May.

The fact that a significant number of young people who have lived for most of their lives in Britain are so distressed at the prospect of deportation that they kill themselves has not led policy-makers to question the propriety of removing such vulnerable young people from the country. In the 1990s, deportation was widely (although not officially) acknowledged to be a double punishment for foreign prisoners, coming on top of the prison sentence. It was very rare for people, particularly young people, who had spent the best part of their life in the UK and had put down roots here, to be deported. Home Office policy acknowledged that children's roots were generally too well-established after seven years for removal to be appropriate.

The European Court of Human Rights set out a balancing exercise to be performed by officials and judges in deciding whether to deport offenders, which took account of family, language, cultural and other ties in the host and proposed destination country, the gravity of the offence and the hardship removal would bring. Some judges went further, stating that children remained the responsibility of the state which had educated them and could not be discarded for bad behaviour. The phrase 'virtual nationals' was coined to describe young people educated in the host state. But the 2006 furore over offenders' non-deportation marked the seizure of the agenda by the political Right, and the Daily Mail, the Sun and the Telegraph took up with glee the 'scandal' of human rights for foreign offenders. After 2007, the automatic deportation provisions for offenders meant that appeals could only be fought on asylum or human rights grounds, but the right-wing press excoriated those judges who accepted that respect for the family or private life of an offender (private life being defined as all the person's ties to Britain) precluded his or her deportation." So thorough has been the media demonization and lumping together of all foreign offenders, no matter how vulnerable, that it has become virtually impossible to resist their deportation unless they can prove it will lead to a real risk of torture or death.

Young trafficking survivor Tuan Ho, a Vietnamese national, hanged himself at HMP Chelmsford on 4 July 2011. At the time his age was reported as 18, although the PPO investigation concluded that he was by then 22. He had recently accepted a 'voluntary return' to Vietnam after being convicted of production of cannabis, but on the day of his death his Vietnamese cellmate was transferred to an immigration removal centre (IRC). Although the PPO found no issues with translation or healthcare and decided that there were no prior indications of suicidal intent, it is questionable why a young trafficking survivor was in prison at all.

Home Office policy not to use Immigration Act powers to detain vulnerable people including trafficking victims and those with serious mental illness is routinely violated when it comes to FNPs. The secret policy of blanket detention of all FNPs after the breaking of the FNP 'scandal' in 2006,

the gun from its holster," according to an LAPD statement. "The officer yelled out to his partner that Mr Ford had his gun. The officer's partner then fired two rounds striking Mr Ford. At about the same time, the officer on the ground while on his back grabbed his backup weapon, reached around Mr Ford and fired one shot at close range striking Mr Ford in the back," the statement read.

Ford's family and witnesses cited by local media deny that Ford had been aggressive. The autopsy was published only after residents complained of a lack of transparency in police investigations and Mayor Eric Garcetti promised to publish it by the end of the year. In recent months, demonstrators have taken to the streets across the United States to protest what they say is disproportionate police violence against unarmed black people, including the July choking death of Eric Garner in New York and the August fatal shooting of Michael Brown in Ferguson, Missouri.

Birmingham's Grooming Injunctions: What Does the Judgment Say?

Using the inherent jurisdiction against Child Sexual Exploitation: Birmingham City Council v Riaz & Ors, 15/12/14, Keehan J has handed down a public Judgment explaining how he used the inherent jurisdiction of the High Court to make novel and far-reaching Orders against ten men. The inherent jurisdiction is the power vested in the Higher Courts to maintain their authority and prevent their processes being obstructed and abused. Traditionally this has also included the exercise on behalf of the sovereign as parens patriae of particular powers concerning children – most commonly wardship.

Birmingham City Council were addressing a real and significant issue. This had been highlighted in Rotherham. The gold standard response is to secure criminal convictions as occurred in Bristol. However, in some instances, the evidence will not secure jury convictions and hence the search is on for alternatives.The facts of this Birmingham case centred on a particularly vulnerable 17 year old [AB]. Originally Birmingham City Council had sought to keep her safe by obtaining a Secure Accommodation Order. However, as Andrew Pack has pointed out, this is arguably a strategy of locking up the victim

To seek orders in wardship to protect a named young person (who is the subject of proceedings) from undesirable associations is relatively common and was done here However, the Court also went on to make what appear to be extraordinary injunctions – which the Court stated that they were modelled on ASBOs and Sexual Offences Prevention Orders and Risk of Sexual Harm Orders forbidding the Defendants from: approach any female, under the age of 18 years, not previously associated with him on a public highway, common land, wasteland, parkland, playing field, public transport stop/station causing, permitting or allowing AB or other female previously unknown to him and who may be under the age of 18 years to enter into or remain in any private motor car or taxi in which he is driving or travelling as a passenger.

These Orders appear to be for a period of nine months. Ingeniously they seek to cover some possible Article 8 arguments by not covering existing relationships but the Orders would still represent a drastic curtailment of their freedom of association. Only two of the ten Defendants were represented. It is unclear whether they would be entitled to legal aid. The judgment states that no party sought to argue about the terms of the injunctions which is highly surprising. Very detailed reasoning is given for naming the Defendants (covering a quarter of the whole Judgment). Much of this is conventional and is not analysed here beyond commenting that the decision to allow the press to name the men involved does increase the importance of these proceedings for the ten men concerned.

No precedent is cited for an order under the inherent jurisdiction which prohibits contact with a whole class of persons (females under the age of 18) as opposed to a particular ward of Court. Instead the Court relies on the wording of a Practice Direction, namely FPR 2010

North Carolina in 1984. McCollum spent 30 years on death row, and Brown was serving life after his conviction was thrown out. The North Carolina Innocence Inquiry Commission found that DNA at the crime scene belonged to another man, Roscoe Artis, who was sentenced to death for a similar crime. In half of cases involving DNA exonerations, the real perpetrator is identified. Moreover, in half of cases, the real perpetrator went on to commit other crimes after the exoneree was arrested and convicted. McCollum and Brown became free men this year.

Meanwhile, based on these troubling statistics, the NAACP adopted a resolution at its national convention in July, 2014 and ratified in October, to prevent wrongful convictions by improving access to DNA testing and accuracy in eyewitness interrogation techniques. The civil rights organization now advocates for states to "adopt core procedural reforms to improve the accuracy of eyewitness identification including blind administration of lineups, proper composition of lineups, proper instructions to the witness and taking statements in the witness' own words at the time of the identification." Further, the NAACP wants all states to electronically record all felony-related interrogations in their entirety, and remove all restrictions to post-conviction DNA testing. As for the federal government, the group advocates for the promotion of forensic science research and scientifically developed, uniform standards to ensure the scientific evidence is valid and so that true justice will be served.

As the unsavory and problematic aspects of America's "justice" system come to light--wrongful convictions, police and prosecutorial misconduct, racial injustice, sloppy lawyering and the like--two things are clear. First, communities of color do not trust the justice system because its institutions continue to betray, humiliate and brutalize them, and cripple their families and communities. Second, white Americans--who have a markedly different perception of a system that generally has worked in their favor--believe the police treat everyone fairly. A recent NBC/Marist poll found that whites are four times more likely as blacks to trust the police, and believe law enforcement will treat blacks and whites equally. Further, while 21 percent of whites have more confidence in the legal system following the grand jury decisions not to indict police officers for killing black men in Ferguson, Missouri and Staten Island, New York, 70 percent of African Americans have lower confidence in the courts. The wrongful convictions data coming from the Innocence Project provide all the proof we need that all things are not equal in the application of American justice. Justice is color coded, and truly a matter of black and white. Now is the time to change that.

Autopsy Shows US Police Shot Unarmed Black Man in Back *Telegraph, 30.12.14*

The August 11 death of Ezell Ford is among a string of cases in the United States this year in which black men have been killed by police officers under contentious and contested circumstances. The highly anticipated autopsy report, released by the Los Angeles County coroner's office, shows that Ford was shot once in the back, once in the arm and once in the abdomen. The wound to his back left a "muzzle imprint" on his skin, suggesting Ford was shot at very close range. Steven Lerman, the lawyer for Ford's family, told AFP that the autopsy report was horrifying. "What they did to Mr Ford is nothing short of criminal," Lerman said. Ford, who was 25 and apparently suffered from mental illness, was killed during a confrontation with two patrol officers - Sharlton Wampler and Antonio Villegas - in southern Los Angeles. At the time of the incident, Ford was alone, unarmed, and walking on the sidewalk.

The autopsy report does not provide a narrative of the shooting, but the Los Angeles Police Department says the incident unfolded with Wampler and Villegas attempting to talk to Ford. He walked away, however, and was "attempting to conceal his hands." The officers followed Ford and as one of them tried to grab him, "Ford grabbed the officer's handgun and attempted to remove

referred to above, led to the detention of many very vulnerable people, often for months or even years." But even after the policy was declared illegal, FNPs were still detained for deportation after completing their sentences, despite clear psychiatric evidence that detention was very damaging and could cause suicide. High Court judges have ruled on several occasions that continued detention of extremely vulnerable individuals was inhuman or degrading, violating basic human rights. In one case staff at Harmondsworth removal centre drew up an end of life plan and plans to manage press coverage in the event of a man's death, rather than release him as psychiatrists were demanding.

Conclusion: The link between the deportation drive and suicide among foreign national offenders was demonstrated by the huge spike in self-inflicted death in 2007 and their continuing high incidence, particularly in young men. Failure by prisons to tackle language difficulties, to facilitate communication with family or friends, to have decent mental health-care provision or effective communications, internally and with other prisons and agencies, have all played their part. But what stands out in our sample, as in other studies, is the failure of prison staff to recognise the high vulnerability of some foreign offenders, especially young men. Sometimes they have not even been aware of a prisoner's immigration status. These prison deaths have been caused by a profound lack of human awareness towards the particular vulnerabilities of FNPs - manifested by conduct such as reliance on bureaucratic rules (refusal to allow access to a mobile phone on which the number of a prisoner's only UK relative was stored); refusal of visits by family or close friends; failure by immigration officers to communicate decisions promptly, sensitively or (sometimes) at all; unexplained transfers; failure to recognise the genuineness of distress, marking it as 'disruption', 'not genuine' or 'not serious'; failure to act on indications of suicidal intent including earlier attempts. It is hard to avoid the conclusion that these issues are heightened by the political attitude which deems FNPs the scum of the earth.

IPCC Admits to Being Toothless *Source: Guardian, 22/12/14*

A police chief’s gross misconduct hearing over claims he made inappropriate advances to female colleagues and leaked internal emails will not be held in public, the Independent Police Complaints Commission (IPCC) has said. Following a consultation, the IPCC said the hearing for the chief constable of Avon and Somerset police, Nick Gargan, will be held in private in order to ensure the “best evidence” is heard. Gargan was suspended from his role in May. The Avon and Somerset police and crime commissioner, Sue Mountstevens, found he had a case to answer for gross misconduct, but an initial IPCC investigation determined that he should not face criminal charges.

Rachel Cerfontyne, the deputy chair of the IPCC, said: “I consulted on whether there should be a public hearing in this case, because of the significant public interest in ensuring the greatest possible openness and transparency in a gross misconduct hearing for a chief constable. Having considered all the responses I received, I have decided that no part of the hearing for Nick Gargan should be held in a public forum. I have had to pay particular regard to the responses from those likely to provide evidence as witnesses, because as the regulations currently stand, I do not have the power to require specific protection for vulnerable witnesses. Following our thorough investigation, my priority now must be to ensure that the best evidence is put before the panel.”

The law requires the IPCC to consult witnesses who may be required to give evidence, Mountstevens, Gargan and those it designates as interested parties. The police watchdog originally investigated allegations that Gargan had “abused his senior position by making inappropriate advances to junior female colleagues”. As part of the investigation Gargan was interviewed regarding allegations of gross misconduct and under criminal caution for alleged breaches of the Data Protection Act.

G4S No Convictions – But Does it Have Blood on its Hands? *Simon Hattenstone/Eric Allison*

The number of deaths linked to G4S employees, some with racial overtones, means this company must have a problem. When will it be held to account? The racist texts found on the phones of two of the three G4S security guards who escorted Angolan deportee Jimmy Mubenga to his death in 2009 required a double take. One text, written by defendant Stuart Tribelnig, read: "Fuck off and go home you free-loading, benefit-grabbing, kid-producing, violent, non-English speaking cocksuckers and take those hairy-faced, sandal-wearing, bomb-making, goat-fucking, smelly raghead bastards with you". Meanwhile, 76 racist texts were found on the phone of G4S guard Terrence Hughes, which were targeted at black Africans, Asians and Muslims.

Ultimately, the judge, Mr Justice Spencer, decided the texts were not relevant to the prosecution of the guards, and the jury subsequently ruled that they were not guilty of manslaughter, after forcing Mubenga's head down and restricting his breathing as the flight prepared to take off at Heathrow airport. More than 20 people had heard Mubenga say over and over "I can't breathe." Whether the judge was right is another matter. But it does leave us with a number of unanswered questions. What kind of company would employ such individuals? What checks were done before they were employed? And how can transnational companies such as G4S be held accountable for their employees' actions?

It is tempting to believe that the Mubenga case is a one-off. The reality is very different. While G4S employs many guards who do a professional job and abide by the terms of their contracts, it has a disturbing record of employing people with a history of racism, violence and/or criminality. It has an equally disturbing history of employing individuals who kill while in their employ, or restrain people in a manner that results in death. Last October, G4S security guard Clive Carter was jailed for life after killing female conference delegate Khanokporn Satjawat at Glasgow's SECC conference – he followed her into the ladies toilet and bludgeoned her to death with a fire extinguisher because she complained about him using her security pass. Every bone on the left side of her face and neck was broken and her skull was shattered. Carter had a record of getting in a rage with women who contradicted him.

This June, G4S was also accused of violently removing protesters from its own AGM at London's ExCeL Centre (an allegation the company has denied). A couple of months ago G4S, alongside Serco and the Youth Justice Board, had to pay out almost £100,000 for unlawfully restraining youngsters in secure training centres. In 2011, double amputee Palaniappan Thevarayan died when his unsecured wheelchair tipped over backwards as he was being transported to hospital in a G4S ambulance to St Helier hospital in Surrey. Last year's inquest found that the driver and G4S staff had not received sufficient training to move patients safely between their homes, hospitals and clinics.

Earlier this year we spoke to the family of Danny Fitzsimons, a former soldier who was employed by G4S in 2009 when he had post-traumatic stress disorder, a criminal record and a history of racism, and was on bail and not allowed out of Britain. Within 36 hours of arriving in Iraq to work for G4S subsidiary ArmorGroup he had shot dead two colleagues, Scottish security guard Paul McGuigan and Australian Darren Hoare. His stepmother, Liz Fitsimons, told us she blamed G4S for both the murders and the fate of her son – if G4S had checked his records it would not have employed him. G4S told the Guardian it accepted that on that occasion: "His screening was not completed in line with the company's procedures."

In 2004, 15-year-old Gareth Myatt, who was mixed race, died after being restrained by three officers in Rainsbrook Secure Training Centre. Myatt was 1.47m (4ft 10in) and weighed 41.3kg (6st 7lb). One of the restraining officers, David Beadnall, was 1.85m (6ft 1in) and 101.6kg (16st). When

achieve that. For that reason, the Government have sought to find a practical way to allow the use of intercept as evidence in criminal proceedings.

I am today publishing the findings of the Government's review of intercept as evidence as a Command Paper (Cm 8989). This review considered whether it would be possible to introduce intercept as evidence in a way that was consistent with the right to a fair trial. The costs of translation, transcription and retention in order to disclose material to the defence would be substantial, diverting considerable resources away from investigative work.

The review found that the benefits—measured in additional convictions—would be highly uncertain. On some assumptions, the use of intercept as evidence would lead to a small increase in convictions. On others it would lead to a significant decrease. The review concluded that the costs and risks of introducing intercept as evidence are disproportionate to the assessed benefits. This conclusion was unanimously endorsed by the advisory group of Privy Counsellors who have overseen the review from its inception. Based on the outcome of the cost-benefit analysis, the review concluded that intercept as evidence should not be introduced at this time. However, the Government will keep this position under review. This review has benefited from the experience and advice of the advisory group of Privy Counsellors, chaired by the right hon. Sir John Chilcot and comprising my noble Friend the right hon. Lord Howard of Lympne, my right hon. Friend the Member for Berwick-upon-Tweed (Sir Alan Beith), and the right hon. Member for St Helens South and Whiston (Mr Woodward), who replaced the right hon. noble and learned Lord, Lord Archer of Sandwell. The Government are indebted to them for their hard work, which is now complete.

Dealing With the Racial Nature of Wrongful Convictions *David A. Love, Huffington Post*

The vast majority of the wrongfully convicted who are exonerated through DNA evidence are people of color. The numbers don't lie. At a time when the killing of innocent black men by police is causing many to question the fundamentals of America's criminal justice system, we are reminded that black lives matter. However, we should also remember that the same flawed system that allows for the fatal shooting of Michael Brown or the choking death of Eric Garner also places innocent people behind bars and sends them to death row.

The Innocence Project and the NAACP have partnered to address the problem of wrongful convictions, and prevent them from occurring in the first place. The Innocence Project has compiled data on the 324 people who have been exonerated through DNA evidence in the United States. Of these wrongfully convicted individuals, 70 percent are people of color, and 63 percent are African-American. They spent an average of 13.5 years in prison, collectively a total of over 4,339 years. And 6 percent received a death sentence.

In 43 percent of the cases for which data are available, the underlying crimes involved cross-racial identification, where the witness--such as the victim--and the suspect are of different races. Eyewitness misidentification was a factor in about three-quarters of these exoneration cases, and studies have demonstrated that people are less able to identify people of a different race. Believe it or not, in 31 percent of the wrongful convictions leading to DNA exonerations, the wrongfully convicted person confessed, admitted guilt and/or pled guilty. Jailhouse snitches and informants--an unreliable source of information, as the testimony typically is provided in exchange for leniency or some other type of deal-- had a hand in 15 percent of these convictions, while improper or unvalidated forensic science was used 48 percent of the time.

Henry Lee McCollum, 50, and Leon Brown, 46, are prime examples of the problem here. The half-brothers, both intellectually disabled, confessed to the rape and murder of an 11-year old girl in

800 Racist Police Officers Avoid Sack *David Lumb, BBC News*

Though almost 800 complaints were upheld against officers in the UK since March 2010, only 20 were dismissed. Forces in the UK received complaints against more than 6,600 officers, the Association of Chief Police Officers said. It said forces used various tactics to tackle racism. The details were revealed after Freedom of Information requests to 48 UK police forces: 43 in England and Wales, Police Scotland, Police Northern Ireland and three national forces. Of the 20 officers sacked in the past five financial years starting 2009-10, 10 came from the MET, the largest force in UK.

One victim said there should be a zero tolerance approach. Former Clash roadie Don Lorenzo, from Birmingham, was awarded £17,000 in damages in October 2011 after he claimed he was racially abused and assaulted by West Midlands Police. "I don't think the police want to face the prospect of having to sift out the bad apples," he said. It's the three blind monkey thing. If you want to be part of this, there are certain things you see and certain things you don't see. The police need to get tough. They need to start dealing with the stereotypes."

Protesters Muzzled by Police Using Pre-Charge Bail *Kevin Rawlinson, Guardian*

Police are being accused of trying to muzzle protest movements as figures obtained by the Guardian reveal the widespread use of bail to ban hundreds of innocent people from attending lawful demonstrations. The data shows that around 85% of those barred from protesting when bailed have not been subsequently charged with any crime. Civil liberties and protest groups accused police of dealing out their own justice and called for a change in the law. The figures show that a least 732 people have been banned by police forces in England and Wales since 2008 but then never charged. They come as the government confirms it is considering overhauling the police bail rules.

"Bail is becoming an instrument that is being used by people without recourse to the judicial process. It is to essentially punish protesters and curb their right to demonstrate," said Rachel Harger of leading human rights law firm Bindmans. "It is effectively the police conducting their own extra-judicial justice without going to court." Rachel Robinson, Liberty's policy officer, said: "The lack of limits on police bail make it liable to abuse and misuse, and can act to frustrate, rather than further, prosecutions. Its use against protesters raises particular concerns, potentially chilling peaceful dissent for protracted periods without any prospect of criminal conviction." The Network for Police Monitoring, a group of activists and lawyers who are compiling evidence of police strategies, said: "Police bail is used a means of disrupting protest activity without the inconvenience of dealing with a formal legal process. As a result of the police's long track record of misusing pre-charge conditions against protesters in an irresponsible way, we believe the only solution is the complete withdrawal of this power for all protest-related offences."

Intercept Evidence *House of Commons / 17 Dec 2014 : Column 99WS*

Minister for Security and Immigration James Brokenshire: Interception of communications plays a vital role in preventing terrorist attacks and tackling serious and organised crime. Interception is used in some form in the majority of MI5's top priority counter-terrorism investigations. It plays a crucial role in the work of the police and the National Crime Agency to bring serious criminals to justice.

The prohibition on the disclosure of warranted intercept in court is a long-standing one. It has served to protect the most sensitive capabilities of the security and intelligence agencies. And it has set the context in which the current interception regime has evolved. The Government are committed to securing the maximum number of convictions in terrorism and serious crime cases. The experience of other countries is that the use of evidence gathered through interception may help to

Myatt told the restraining officers he could not breathe, one replied: "Well, if you are shouting, you can breathe." No officers were charged. The inquest found that Myatt's death was an accident, but it also concluded that Myatt might still be alive if the Youth Justice Board, which oversees privately run centres like Rainsbrook, had carried out adequate safety checks into the types of restraints G4S staff were using on the children in their care. Beadnall was subsequently promoted to safety, health and environmental manager at G4S Children's Services. The female officer involved in the restraint, Diane Smith, tried to get damages for PTSD after the incident. Her claim was rejected in the high court and she went to the appeal court. Her claim was again dismissed.

These controversial incidents are by no means restricted to the UK. Earlier this year, G4S confirmed that company staff were involved in violent riots at the Manus Island detention centre in Papua New Guinea when Iranian asylum seeker Reza Barati was beaten to death. In 2009, an Australian coroner blamed the company for the heat-related death of a 46-year-old Aboriginal man who "cooked to death" in the G4S prison van transporting him. Racist practice by G4S employees has been frequently exposed – but to little effect. A 2007 report by the charity War on Want claimed that some black employees in South Africa had been forced to use different toilets to white employees, and that white supervisors had referred to them as "kaffirs" and "monkeys". It also said that G4S, which had a turnover in excess of £4bn that year, paid some black staff "poverty" wages. (G4S denied the accusations, saying allegations of racism are thoroughly investigated and insisting it paid its African workers far higher than the minimum wage in the respective countries.)

In 2011, the chief inspector of prisons, Nick Hardwick, issued a report based on the findings of inspectors accompanying detainees guarded by G4S staff on flights back to Jamaica and Nigeria. Hardwick said some security guards on the flights raised tensions by using force and restraint unnecessarily, while others used "highly offensive and sometime racist language" when talking to each other. (In response, G4S said it does not tolerate offensive and racist language among its staff, and that it had "received no complaints from the detainees on either of these flights".)

And on it goes. It appears to be a shocking litany of negligence, abuse and indifference, reinforced by a lack of accountability. Mark Scott, the lawyer who represented Mubenga's family at his inquest, says such tragedies are made more likely because the company uses zero-hour contracts. "Guards have to be seen to get the job done, to get the deportee on the plane, otherwise they are not employed the next day." Although G4S subsequently lost the deportations contract, he says it had little impact on the working practices of guards who were simply transferred to a new employer.

So how can organisations such as G4S be made accountable for their failings? Employing security is always going to be a tricky issue – a certain kind of person is likely to be attracted to these jobs – which makes it all the more important that staff are thoroughly vetted and the company subsequently held to account. "There needs to be a mechanism for state institutions and the private companies they employ to be held to account when people die," said Deborah Coles, co-director of campaigning group Inquest, after the Mubenga guards were cleared of manslaughter last week. "Neither G4S nor the Home Office were prosecuted for its failings to act on the well-documented concerns about the use of excessive force and racism."

These tragedies have happened too many times in too many different situations in too many countries to not believe that G4S has a systemic problem. Is it systemically racist or systemically incompetent? Yes, in extreme cases individual employees will be charged (and inevitably cleared) of manslaughter. But perhaps it is only when G4S knows that it will be charged with corporate manslaughter if somebody in their care dies unnecessarily, that they will ensure they recruit responsibly and learn how to look after people in their care without killing them

Admin Message From MOJUK

Welcome to Issue 510 of 'Inside Out, first of the New Year 2015, 51 copies to follow. Y'all may have noticed that the masthead of 'Inside Out', now carries, top right, 'cost £1'.

MOJUK has no secure funding and I am now retired from gainful employment and my attempts in the past at un-gainful have been piss poor. When I was earning I was getting good money, enough to produce 'Inside Out' free of charge. Probably over fifty thousand free copies of 'Inside Out' have been distributed around the prisons since January 2000.

Stamps alone for 52 copies is £27,56 and does not include 52 weeks production costs, envelopes, copier paper, toner ink, line rental for Broadband/Internet subscriptions.

1) Those of you inside, with no support outside, just continue to send 2nd class stamps (do not send 1rst), best to send a book of 12 but doesn't matter if it is less than 12 or more.

2) Those of you inside who have outside support and wish to continue receiving copies of 'Inside Out', ask family/friends to make a donation of £40 to MOJUK, which will cover copies up to January 2016.

Jordan Cunliffe, CCRC to Review Joint Enterprise Conviction *Telegraph, 29/12/14*

Jordan Cunliffe was jailed for life for his role in the brutal murder of Mr Newlove, who was kicked to death after confronting a group of youths outside his home in 2007. His murder sparked a national outcry and his wife, Helen Newlove, became a high profile campaigner over drunken violence and is now the country's Victims' Commissioner.

However, Cunliffe's mother has long campaigned that her son should not have been convicted under joint enterprise – where members of a group can be convicted of murder even if they did not deliver the fatal blow. Janet Cunliffe claimed an eye condition her son suffers meant that while he was present he could not even have witnessed the notorious murder. The Criminal Cases Review Commission has confirmed it is to now examine Cunliffe's case including the issues surrounding his eye sight and his role in a joint enterprise. The investigation is to begin in February and is likely to take several months to complete – at the end of which the CCRC will decide whether there are grounds for an appeal.

Prostitution, Illegal Drugs Help UK Overtake France In Global Wealth League

Britain's multi-billion pound sex and illegal drug industries have helped the UK leapfrog France to become the world's fifth largest economy. The latest global economic league tables includes a £10bn boost in UK earnings from drugs and sex – which earlier this year led to Brussels issuing a £1.7bn bill to the Treasury. New figures from the Centre for Economic and Business Research (CEBR) also forecast that the UK economy will pass Germany's after 2030, for the first time since 1954, with a declining population identified by researchers as a "likely weakness" for the European industrial powerhouse. While the Chancellor George Osborne may cite the new rankings as further evidence of the success of his financial strategy, the UK's jump up the table comes with a caveat – as the French do not include prostitution or narcotics income in gross domestic product (GDP) calculations.

Investigation Into Deaths Resulting From Actions of State Agents

Articles 1 and 2 of the European Convention on Human Rights, when read together, require a proper and adequate official investigation into deaths resulting from the actions of state agents, both from the use of lethal force, and also in situations arising from the negligence of agents that leads to a death. The article considers the extent of the obligation to carry out an effective investigation

since its explicit recognition by the European Court of Human Rights in the case of McCann and Others v. United Kingdom. The article assesses the jurisprudence of the duty to investigate in order to determine whether the obligation is now placing too onerous a burden on member states in order to comply with their duties under the Convention, or whether the duty does indeed secure the right to life, as is intended. To assess the original proposition, the article considers the jurisprudence of the duty to investigate in relation to the following applications: early forays into the application of the duty; fatalities arising from non-lethal force; the influential quartet of cases arising out of the Northern Ireland troubles; recent judgments concerning cases arising out of the conflict in Chechnya; and finally through to a critical review of the effectiveness of the European Court.

Body to be Exhumed in inquest British Army 1971 Ballymurphy Massacre

The body of a man who died from wounds in the mass shooting of civilians by British troops in west Belfast in 1971 is to be exhumed, it has been confirmed. Northern Ireland's coroner, Jim Kitson, told a preliminary hearing of the inquest into the deaths of ten people who were fired upon by the Parachute Regiment in August 1971 that due to the exceptional circumstances of the Ballymurphy massacre 43 years ago he was ordering the exhumation of Joseph Murphy's body. The father of 12 died thirteen days after he was shot by British soldiers in the area. Kitson said if he had not ordered the exhumation the family would "forever be left wondering if an important piece of evidence" had been missed. "They have waited more than 40 years. They are entitled to expect that the investigation will be conducted with rigour," the coroner added.

Murphy's daughter Janet Donnelly, who was eight at the time of his death, said: "I am shaking. I am glad that he (the coroner) made the right decision. As the coroner said, we have waited over 40 years. My father always said he was shot inside the army barracks. Hopefully, if we can retrieve this bullet, we can move forward. My father stated from his hospital bed that he was shot into his open wound. There was only one entrance wound and an exit wound.

The shootings happened during the mass arrest of republican suspects during the imposition of internment without trial on 9 August 1971. Thousands of people, many politically uninvolved civilians from nationalist areas across Northern Ireland, were rounded up by the security forces. Among those arrested were 11 men who were subjected according to the European court of human rights to "inhuman and degrading treatment". The detainees became known as the "hooded men" and have recently persuaded the Irish government to press the court to revise its judgement with a view to labelling their treatment as outright torture. The Ballymurphy massacre was carried out by the same British army regiment that was involved in the mass killings of civilians a few months later in Derry, which became known as Bloody Sunday.

New Inquests Into British Army 1972 Springhill Massacre *BBC News, 24/12/14*

Northern Ireland, Attorney General John Larkin has directed that a new inquest be held into the deaths of people killed by the British army in west Belfast in 1972. Five people were killed in 1972 in the Springhill estate in Ballymurphy. The Attorney General has directed inquests to be opened into the deaths of Margaret Gargan, John Dougal, David McCafferty and Patrick Butler. Another man, Father Noel Fitzpatrick, was also shot in the attack. Sinn Féin PM for west Belfast Paul Maskey has said the announcement that inquests are to be held is "welcome news the families have campaigned tirelessly for the truth and I commend their dignity and fortitude in bringing the campaign to this stage. The holding of the inquests is a step forward in getting to that truth and I hope that it will help bring justice to the families concerned" he added.