cases. The IPCC has always been concerned about this, as we consider that it is an in-force review, not an independent appeal. These figures add to that concern. It is clear that forces uphold a much lower proportion of appeals than the IPCC. For example, during this period, forces only upheld 22% of appeals against their own investigations, only half the proportion that the IPCC upholds. These are different and less serious cases, but these figures will not inspire public confidence that those appeals were dealt with robustly and fairly. We will be working with forces to look at the reasons that lie behind this considerable difference.

"Thirdly, the number of complaints itself continues to rise, by 15%. That would not be a cause for concern if it reflected a greater public confidence in the complaints system, or improved access to it. This is unlikely to be the case: in a recent survey commissioned by the IPCC, 38% of those surveyed did not have confidence in the fairness of the police complaints system, and that was even higher among young people. The rising number of complaints makes it all the more important that the system is, and is seen to be, fair, accessible and transparent. Better public confidence in policing crucially depends on confidence that, where things may have gone wrong, appropriate action will be taken as soon as possible. It is clear from these statistics that forces still struggle to get it right first time, and there are now serious questions about whether they get it right the second time either. We will continue to work with them to improve complaints handling. But that is not enough. We urgently need radical reforms to the system as a whole, to make it more accessible and straightforward, and to strengthen independent oversight. That is why the current review of the system is welcome and overdue."

UK Whole Life Orders Compatible with European Convention on Human Rights

Hutchinson v. the United Kingdom (application no. 57592/08) the European Court of Human Rights (ECtHR) held, by a majority, that there had been: no violation of Article 3 (prohibition of inhuman or degrading treatment)of the European Convention on Human Rights. The case concerned the complaint of a man serving a whole life sentence for murder that his sentence amounted to inhuman and degrading treatment as he had no hope of release. In a previous judgment, in the case of Vinter and Others v. the United Kingdom, of 9 July 2013, the ECtHR had found that the domestic law concerning the Justice Secretary's power to release a whole life prisoner was unclear.

However, in its judgment in R v. Newell; R v. McLoughlin, of 18 February 2014 the Court of Appeal had explicitly addressed those doubts and held that the Secretary of State for Justice was obliged under national law to release a person detained on a whole life order where "exceptional grounds" for release could be shown to exist, and that this power of release was reviewable by the national courts. Having regard to this clarification, in today's judgment, the ECtHR concluded that whole life orders were open to review under national law and therefore compatible with Article 3 of the Convention.

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 515 (05/02/2015) - Cost £1

Letter from Brendan McConville & John Paul Wootton HMP Maghaberry

'Inside Out' 513 carried an article: Inquiries Into Destruction Of Northern Ireland Shoot-To-Kill Evidence: We acknowledge with interest the decision by Barra Mcgrory (director Public Prosecution Service (PPS) N. Ireland) to investigate the circumstances surrounding the murder of Michael Tighe in 1982. This was clearly a case of injustice in which vital evidence (a recording device) was destroyed to cover the realities of an RUC shoot-to-kill policy.

It would be difficult to ignore the glaring parallels that exist between this case and our own with regards to the destruction of key evidence. This is especially so given the conclusion reached a director of the company responsible for manufacturing the device which contributed to our wrongful convictions. At trial he stated the wiping of data "Would no have been something that could have happened purely accidentally."

The question must be asked: how can Mr McGrory attach such significance to the wiping of evidence in the Tighe case while at the same time ignoring similar misconduct in our case? Mr McGrory's expressed concern that the case of Michael Tighe could potentially undermine the credibility of the N. Ireland Public Prosecution Service, could equally apply to our own case.In denying the truth, Mr McGrory's predecessors withheld justice from the family of Michael Tighe for over 30 years. Does he intend to mimic what he now condemns and wait for his successor to address his current wrongs or is he now prepared to accept that justice was similarly perverted in a case in which he continues to be instrumental?

Investigation of Data loss, in 3 Independent Judge-Led Inquiries

The government takes information security extremely seriously, and this incident is a breach of the arrangements that should be in place. The independent inquiries in question are the Azelle Rodney Inquiry, the Robert Hamill Inquiry and the Mark Duggan Inquest. All 3 have completed their work, although the Hamill Inquiry has yet to publish its report. At this stage there is no evidence to indicate that the information loss arose from malicious intent. Nevertheless, it is essential to take the most precautionary view and to take all necessary steps to safeguard the interests of anyone whose information could be disclosed. Police and other agencies have undertaken their own risk assessment, and have identified and taken any steps necessary to ensure the protection of officers. The Rodney, Hamill and Duggan families and the 3 judges who conducted the inquiries and inquest have been informed. So too has the Information Commissioner's Office.

Government officials became aware on 8 January that 2 discs containing documents relating to these inquiries were missing, having been dispatched by post. Immediate steps were taken, including intensive searches to locate the discs. These searches continue, with police assistance. The discs have not, as yet, been found. Treasury Solicitor's lawyers were commissioned to undertake a review of all the documents in question, to identify any confidential or sensitive information relating to individuals or agencies and enable any risks to be assessed. Individuals will be contacted, where appropriate, to inform them of any personal information relating to them.

As well as safeguarding individuals' interests, the government has undertaken urgent investigations into how this incident was able to happen, and further investigations continue in

relation to both the conduct of individuals and the organisational safeguards against information security breaches of this kind. A member of staff has been suspended to facilitate the investigation. Once concluded disciplinary action will be taken if appropriate.As part of this, an independent review has been commissioned to look at all the circumstances of this loss and identify lessons learned. The review will report jointly to the Ministry of Justice and Cabinet Office to identify any wider lessons to be learned and shared that pertain to inquiries and other independent processes. The government will continue to work closely with the Information Commissioner, and will welcome any investigation that his office may wish to undertake.

Ched Evans Submits Further 'Fresh Evidence'

Former Sheffield United footballer Ched Evans has submitted “fresh evidence” which he hopes will get his rape conviction overturned. The submission to the Criminal Cases Review Commission (CCRC) was made on Evans’ behalf on Friday 23rd January 2015, according to a statement on his website which claims the details “strengthen” his case. An appeal application to the CCRC was originally submitted on 15 July 2014.

Do You Need a Defence Barrister Against Your Defence Barrister? *Source: Safari*

Defence barristers sometimes try to include, (or exclude) certain evidence at trial for 'tactical' reasons... often in direct opposition to their clients' wishes. Safari knows of one case when a defendant was falsely accused (and convicted) of rape when his step-daughter fully supported his defence going as far as to confirm that she didn't believe he could commit the offence against anyone. He went on to be convicted anyway and some time later, that same step-daughter went on to make historical rape allegations against him herself. The defendant wanted her original statement to be presented at trial but his defence team refused on the 'tactical' basis that this would bring his prior conviction to the jury's attention.

Cases like these are difficult to take to appeal because the CCRC and Appeal Court generally consider that defendants are only allowed 'one bite of the cherry', which means their legal team picks their defence strategy and if it doesn't work, the defendant is not allowed to just try a different strategy at appeal. This is mainly to stop defendants constantly trying different defences until one 'works'. If you are preparing for a trial and believe your legal team are using a strategy that will actually harm your case, be vocal about your opposition. Put it in writing. Explain why you feel that it is a bad decision. Ask for confirmation in writing of their reasons for the decision. At least that way if you are wrongly found guilty at trial, you can present copies of your concerns at your appeal or to the CCRC thus demonstrating how your legal team did not act in your best interests, as they are required to do by law.

Mark Wixey has been jailed for six years after falsely claiming he was raped by four gay men he met on dating websites. Initially denying the allegations, Wixey eventually pled guilty to all charges. DC Zoey Carter, the officer in the case for West Mercia Police, said: "It's because West Mercia Police take sexual offence allegations so seriously that the investigation team were determined to ensure Mr Wixey was brought to justice and couldn't ruin any other lives. I am thrilled that we have achieved justice for all the victims concerned and I truly hope that they are now able to put an end to this chapter in their lives and move on. In fact, I received a message from one of the victims this morning thanking us and explaining that he felt like a huge amount of pressure had been lifted and that he felt like he'd been given his life back."

Young Offenders: Speech and Language Disorders

Lord Quirk to ask Her Majesty’s Government, given the Royal College of Speech and Language Therapists' assessment that over 60 per cent of young people in the youth justice estate have speech and language problems, what plans they have to provide time for such needs to be addressed in addition to the 30 hours per week for education in the forthcoming contract for young offender institutions and (from 2017) the new secure colleges.

Lord Faulks: Young offenders’ time in custody should be an opportunity to turn their lives around and prevent them reoffending. Education contracts have now been awarded in public sector young offender institutions (YOIs) for young people under 18. They will more than double the current average number of hours of education provided for young people in YOIs each week, and focus on providing a quality of education equivalent to mainstream schools and colleges that meets the individual needs of young people including those with special educational needs. From April 2015, local authorities will be under a duty to arrange the special education provision set out in a young person’s Education Health and Care (EHC) plan, including speech and language therapy, while a young person is detained in custody. Those in charge of secure establishments and health service commissioners will work with the local authority in fulfilling their duty to arrange appropriate provision. A request for an EHC plan assessment can also be made while the young person is detained and the assessment can begin in custody.

Alongside the improved education contracts, a new core day will be implemented in YOIs over the coming months. This will support the increased education hours and schedule other daily activities around learning as happens for young people in the community so that the full range of their needs can be addressed. Secure Colleges will for the first time offer a fully integrated, multi-agency approach to tackling the offending of young people. The regime will be integrated with health, substance misuse and wider services. The operator procurement will focus on ensuring that the provider has the skills and experience to achieve improved outcomes by delivering this holistic regime to meet the individual needs of each young person accommodated there. The first Secure College has been carefully designed with flexibility in mind to support an integrated regime which effectively addresses individual needs, and the principal health and education centres are located in a single building to facilitate ease of access and reduce interruptions. We will finalise expectations on Secure Colleges in respect of children and young people with special educational needs following further engagement with educationalists and prospective providers

15% Rise In Police Complaints and Appeals in England and Wales *Anne Owers IPCC*

“The 2013/14 complaints statistics show three important things. First, during this period, police forces were not handling complaints sufficiently well. The IPCC upheld 49% of appeals by those whose complaints were not even recorded in the first place. We also upheld 44% of appeals from those whose complaints had been investigated by the local force. Overall, that amounted to a 46% uphold rate – a figure that has steadily risen over recent years. There are also considerable differences between forces, in the number of initial complaints they uphold, and the number of their decisions we overturn. As we have said many times, this reflects a complaints system which is complex, bureaucratic and over-focused on blame. We welcome the fact that the government is reviewing the whole system, and will be responding to its consultation soon. In the meantime, we have been working with forces and their professional standards departments to try to improve initial complaints handling, and the most recent figures appear to show a slight but welcome decrease in the proportion of appeals we uphold.

“Secondly, these figures for the first time reveal the outcome of appeals dealt with in forces themselves. Since 2013, forces have dealt with some of their own appeals, in less serious

range of health care provision, although the absence of on-site speech and language services was a deficit. Most children were unlocked for approximately eight hours a day and, as with other similar establishments, this was significantly lower than our expectations. Too many were locked up during the core day and although the amount of time boys could spend in the fresh air had increased, it was still less than in other establishments. Work to support children with resettlement at Werrington continued to be good. The assessment and planning arrangements worked well and public protection and looked after children arrangements were effective. Obtaining suitable accommodation for boys who were 'hard to place' remained difficult. Inspection took place 1st to 12th September 2014 - Inspectors made 56 recommendations

Protest on Republican Political Prisoners Wing HMP Maghaberry

[The Northern Ireland Prison Service (NIPS) has confirmed an incident involving dissident 'Republican Political Prisoners ' in Maghaberry Prison has ended. It is understood there was a stand-off over what inmates claim are "repressive measures" at Roe House in the high-security jail, where republican prisoners are held separately from other inmates. It is believed around 20-30 prisoners were involved. NIPS director general Sue McAllister said in statement: "I can confirm the incident involving separated prisoners in Roe House has ended with no injuries to staff or prisoners." Supporters of the inmates gathered outside the prison gates on Monday night to stage a protest. They have claimed the authorities are trying to debase the prisoners. On Friday a *statement was issued by "Republican Political Prisoners", criticising plans by the prison service to "further entrench conflict through regressive structural changes to our landings".]

*Republican Political Prisoners (RPPs) release this statement regarding plans made by the Jail Administration to further entrench conflict through regressive structural changes to our landings. These changes have been made and have as predicted further reduced our already limited space and further impeded our movement within our wing. Corridors and doorways leading from our landings into areas such as the canteen and yard have been replaced with obstacle courses of multiple turnstiles and steel doors. Furthermore, steel birdcages have been erected to cage us like animals in certain areas of the landing. Following protestations from RPPs the Jail Administration responded belligerently by covering the bird cages with darkened Perspex and sheets of wood. This set up would be hard to imagine for those who have not experienced Roe House. The purpose of these developments however is clear; to debase and disempower Republican Political Prisoners.

Governors on Roe House were challenged regarding these latest repressive measures. Governor Malcolm Swarbrick responded to these challenges by directing jail staff to continuously use an alarm system which effectively closes down the wing as occurred on 3 occasions on 29-01-15. Other Governors present were Alan Longwell, Colin Ward, Thomas Ferguson, David Savage and the notorious Security Governor Brian Armour. The irony is not lost on RPPs when it was Armour's cousin Brian (the red rat) Armour who directed terrible beatings and acts of degradation against Blanket Men in the H Blocks and who was executed by the IRA for such acts. These structures like other measures before them will fail to deter RPPs from pursuing our objectives. Those overseeing and implementing these policies would do well to use history as their guide to see where their actions will lead. Republican Political Prisoners and our supporters are determined and confident that we will overcome all obstacles and achieve all our aims regardless of the time or consequences.

Republican Political Prisoners - Roe House, HMP Maghaberry, 30-01-15

No Convictions of State Agents for Northern Ireland Killings Since Peace Deal

No member of the British security forces has been tried and convicted since the Good Friday agreement of 1998 in connection with state killings during the Troubles, a human rights organisation has found. In a comprehensive report into human rights violations during the conflict from 1969, the Committee on the Administration of Justice said it was unable to locate a single case where a police officer, soldier or MI5 agent had been sentenced over state crimes since the agreement.

Echoing complaints from the victims of violence such as the Bloody Sunday massacre of 1972, the CAJ report noted that even though David Cameron and the government had apologised for the atrocity, not a single soldier has been charged with killing 13 civilians in Derry. Launching its 144-page report in Belfast the human rights group, which has monitored abuses in Northern Ireland for several decades, also accused police and security officials of obstructing subsequent inquiries and investigations into deaths caused by state forces.

"Many investigations and court proceedings into pre-1998 human rights violations have faced recurrent problems of obstruction and non-cooperation from state agencies and former personnel. This has included concealment, non-cooperation, withholding and delaying the disclosure of records, with repeated examples of material being put beyond the reach of investigators, going 'missing', being destroyed, or being overly redacted," CAJ concluded.

In certain historic inquiries, CAJ said there had been "recurring questions of conflicts of interest regarding personnel in key positions in the investigative chain. This includes rehired RUC (Royal Ulster Constabulary) officers in key roles responsible for disclosure to external legacy investigations." The report also claims governments and security forces are hiding behind "national security" to conceal vital intelligence material relating to certain crimes, including those committed by paramilitaries who were secret agents of the state.

On the question of the use of agents within terror groups and crimes they committed, CAJ said the doctrine of "neither confirm nor deny" was being used to withhold information. For both informers working for the state and British soldiers, the report states: "There is evidence that at times during the conflict a level of immunity was afforded to soldiers and informants who could otherwise have faced prosecution." It adds: "The evidence points to a common purpose between the UK government and elements within the security establishment to prevent access to the truth and maintain a cover of impunity for state agents." The report also criticises the fact that MI5, which now has the primary role in counter-terrorist operations in the region, is not accountable to local politicians or public bodies, unlike the Police Service of Northern Ireland. "The security service MI5 has a blanket exemption from disclosing information under freedom of information legislation," the report said.

Jail 'Wrong' for Half of Women Inmates *Nigel Morris, Guardian*

Half the women in jail should not be behind bars, the Justice minister will admit today, as he launches fresh moves to tackle the vicious cycle of imprisonment and reoffending faced by many female inmates. Simon Hughes's admission comes as a report warns that women are three times less likely to find a job upon release from jail because of poor qualifications, the stigma of being in prison and problems finding childcare. Mr Hughes will today 29/01/15 back a programme in Greater Manchester for minor female offenders to receive specialist help for drug, drink and mental health problems instead of ending up in custody. He will also visit a new open unit at a women's prison in Cheshire designed to ease offenders' return to the community. Mr Hughes, who will call for the Manchester initiative to be extended across England and Wales, told the BBC: "There are so many women who ought not to be in prison. About half ought not to be there at all."

The women's prison population more than doubled between 1995 and 2010. It now stands at 3,811, a fall of 81 over the last 12 months. Research by the Prison Reform Trust (PRT) found that just 8.5 per cent of women freed after short sentences are in steady work within a year of release, compared with 26 per cent of male ex-offenders. Nearly half (45 per cent) of women leaving prison are reconvicted within a year of release. The PRT reported that four in 10 mothers in custody said their offending was linked to "a need to support their children". Single mothers are more likely to cite a lack of money as the cause of their offending than those who are married. Juliet Lyon, the PRT's director, said: "Without a job and somewhere safe to live, how can women break a cycle of debt, drugs and despair?"

Child Crime Records 'Can Be Reviewed' Under New Plans *BBC News*

People with a childhood criminal record could be able to ask for a review under new plans revealed by David Ford Northern Ireland justice minister. A campaign group had called for people convicted of minor offences as children to be allowed to apply to have their criminal records wiped. Mr Ford said eligible cases would now be "automatically referred for review". The Northern Ireland Association for the Care and Resettlement of Offenders (Niacro) called for change earlier this month. Niacro members visited Stormont in the hopes of changing how the criminal records disclosure service, Access NI, deals with records containing offences committed by someone under 18. They said old convictions could have a "lasting negative impact" Access NI already operates a "filtering" system, where some old and minor convictions are taken off records. Mr Ford said the measure will be included in the forthcoming Criminal Justice Bill. If people still felt that "inappropriate convictions" remained on their records, even after the filtering process had been applied, they could request a review. "They will get the opportunity to request a review, so that there is a second examination to see the appropriateness of those specific instances being kept on a criminal record for a period of time," he said.

Circumstantial Evidence: One of the case references used by the CCRC date back around 150 years! R v Exall And Others; [1866] in which it was decided: "It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if anyone link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength." So circumstantial evidence - if there is enough of it, can be considered strong enough to demonstrate innocence or guilt.

Family of Murdered Teenager - Ask Far Right Not to Hijack Inquest *Kashmira Gander*

The family of Alice Gross, the teenager murdered by a recent migrant to Britain, have urged anti-immigration groups not to exploit their daughter's death for political gain. In a statement, Alice's family said that while they wanted an inquest to consider whether her killer should have been allowed into Britain despite having a previous murder conviction, they did not want anti-immigration groups to hijack the case. Their comments come after Scotland Yard said they would have charged Latvian builder Arnis Zalkalns with the 14-year-old's abduction and murder, had he been alive today. Zalkalns's was found dead shortly after Alice's body was discovered in the River Brent, West London. He was allowed to enter the UK in 2007, despite having served seven years for murdering his wife Rudite in Latvia. In a statement, Alice's family said they had "serious unanswered questions" about what the authorities knew about Zalkalns,

rience domestic abuse than their able-bodied peers. Critics of the new offence, including Refuge, the domestic violence charity, say that controlling behaviour can be subtle and disguised to look like concern and that providing evidence to prove coercive control is likely to be difficult. Refuge say the way to tackle domestic abuse is to implement existing laws, citing reports such as that by Her Majesty's Inspectorate of Constabulary last year, which condemned police in England and Wales for treating domestic abuse as a "poor relation" to other police activity.

The new amendment further highlights the complexities of investigation and prosecution involved. However, Neate said because coercive control is a "complex area" it is important to get it right. "Agencies have to understand domestic violence and the power play that happens," she said. "It's not just an argument, or a woman saying 'he's controlling me'. It needs investigation: getting text messages, phone recordings, evidence from friends and family, testimony from doctors." When similar laws were introduced in the US, they led to a 50% rise in the number of women coming forward to report domestic abuse. The amendment, introduced this month, adds a defence for carers of partners accused of the new crime of coercive control, subject to two tests; A, if they believe they were acting in their partner's "best interest" and B, if their behaviour was "in all the circumstances reasonable". A second amendment reduces the maximum sentence for the crime from 14 to five years.

Elfyn Llwyd, MP who spearheaded a bill to criminalise coercive control, said he too was concerned by the changes, but hoped that early training of the police, the CPS and the courts would ensure the law was robust. Llwyd said: "I'm still concerned about it but the Solicitor General has said it would not come in until the police and CPS are fully trained and that would happen within one or two years. "I have discussed it, but I didn't want to vote my amendment [to the Serious Crime Bill] down, just because that was included." He said it was important, where such a defence is used, that the courts recognised their duty to investigate whether it was reasonable in all circumstances. During government consultation over the bill, 85% of respondents felt that the current law does not provide adequate protection to victims of abuse. Non-violent coercive and controlling behaviour is also captured by stalking laws, but they do not apply to such behaviour in intimate relationships. Crime statistics and research show that domestic violence is most commonly experienced by woman and perpetrated by men.

HMYOI Werrington - Significant Shortcomings Remain

The Young Offenders institute, located near Stoke-on-Trent in the West Midlands, can hold up to 160 boys under the age of 18. At the time of this inspection the population was just over 100, which was slightly lower than when we last inspected in September 2013. At the previous inspection we found an establishment where improvements had taken place but where significant shortcomings still remained.

The number of fights and assaults had reduced slightly, but it was concerning that the overall level of violence remained high and many children reported feeling unsafe. While most incidents were relatively low level, some resulted in serious injuries. Although the number of boys held at Werrington was relatively small, the space available to separate individuals who were in conflict with each other was limited. Sometimes mediation was used to resolve this, but there was too much reliance on formal measures of discipline. Children did not regard the rewards and sanctions scheme positively but there were plans to try to make it work more effectively. The overall approach towards security was proportionate, staff used de-escalation techniques well and force was used sparingly.

Work on diversity was weak and a more strategic approach, along with better consultation, was required to ensure outcomes were consistently good. Boys had good access to a wide

has insisted the version used by Israel's armed forces is not powered by its engines. The CPS told The Independent it had been forced to discontinue the case after it was informed that two witnesses from the company were no longer prepared to give evidence, and that documentation – understood to be the arms export data – would not be forthcoming. "We deemed that there was no longer a realistic prospect of conviction," the CPS said.

Lawyers for the protesters criticised the failure to obtain the export data, saying the information would have cast crucial light on whether weaponry produced in the UK was deployed by the Israeli Defence Forces (IDF) in Operation Protective Edge – the assault on Gaza which cost more than 2,000 Palestinian and 73 Israeli lives. The protesters from London Palestine Action had been granted permission by a district judge to obtain disclosure from the CPS of "any and all" material held by public bodies, including the Department for Business, Innovation and Skills (BIS), about export licences granted to UEL and Elbit Systems since 2003. It is understood that the CPS itself made no effort to obtain the data from the Whitehall department.

Mike Schwarz, a partner with law firm Bindmans, said: "The information would have shed light on the links between UK arms companies and Israel's assault on Gaza. With no court date, there's no public scrutiny. Indeed, that seems to be what the affected business desperately wants and the Government is more than content to let happen." Britain's lucrative defence trade with Israel has proved controversial for the Coalition. The refusal of the Government to suspend 12 export licences last summer led to the resignation of the Foreign Office minister Baroness Warsi. UEL did not respond to requests to comment. BIS said none of the export licences granted to UEL were for use in Israeli military drones but it confirmed that licences had been granted to an unnamed supplier for engines used in IDF drones as recently as 2010.

Women With Disabilities Excluded From Domestic Abuse Law *Karen McVeigh, Guardian*

A new law on domestic violence that criminalises "coercive control" could exclude women with disabilities, who are particularly vulnerable to such abuse, say campaigners. The new legislation, part of the Serious Crime Bill, will make it illegal for someone to exercise psychological, emotional or financial control over their partner. The law has been welcomed by women's groups, who have long called for coercive control, which they say is often a prelude to violence, to be a crime. However, a fresh amendment introduced by the government earlier this month will allow a defence for carers who say they believe they are acting in their partners' "best interests". A court would then decide if such behaviour was reasonable.

Women's Aid fear the changes could exclude women with disabilities, who they say are particularly vulnerable to crimes of domestic abuse. The defence is unnecessary and too subjective, they say and are calling for safeguards to ensure perpetrators who are carers do not escape justice. Polly Neate, the chief executive of Women's Aid, said she wants the language "tightened up" ahead of the bill's report stage to ensure a more objective test. "We're not totally happy with the defence," said Neate. "It's already been built into the legislation. A doctor or a mental health professional would have to say: 'This behaviour is legitimate for the following reasons. We are not saying there should be no defence. But it can't be up to a man who is accused of coercive control to determine what is in a woman's best interest. Neate added: "We know disabled women are more vulnerable to domestic violence than non-disabled people. Very often people see a caring relationship when a man is looking after a woman. But women with disabilities are vulnerable people and there are those who will use that disability to further their control."

A study funded by Woman's Aid in 2008 found that disabled women are more likely to expe-

41, and hope an inquest will look at the wider circumstances surrounding her death. But they added: "Alice believed in the free movement of people and so do we. For her sake we are determined to ask these questions responsibly and sensitively."

Emma Norton, legal officer for civil rights group Liberty, which is representing Alice's family at her forthcoming inquest, said the group has asked for the coronrer to consider the cause of her death as well as wider circumstances. "In particular, the family wants to know what the authorities knew or ought to have known about Zalkalns when he travelled to the UK from Latvia," said Norton. "The family is aware that this is a sensitive and difficult subject, and is concerned to ensure that it is not hijacked by groups with an anti-immigration agenda. The family believe in freedom of movement and human rights. That is why they approached Liberty and asked us to help them. "We hope the coroner will agree that there are important questions that need to be answered, and we are waiting to hear from him." An inquest into Alice's death has been opened and adjourned, but a date has not yet been fixed for it to be resumed.

Nine Men Cleared of Running Drugs as 'Magic Phone' Trial Folds *North Devon Journal*

Two men from Exeter and seven Londoners have been cleared of running a drugs gang which trafficked thousands of pounds worth of heroin and crack cocaine into Devon. The long running trial at Exeter Crown Court collapsed when the Judge discharged the jury because of technical problems over the mobile phone evidence. The prosecution case relied heavily of evidence about the use of a so-called Magic Phone which they said was used to set up thousands of drug deals. They alleged it was used by a London-based gang who sent group text messages offering BOGOF, Buy one Get One Free, offers to users in Devon before driving down with wraps of drugs hidden in their body. The operation was alleged to have used the home of Drew Morgan in Wynford Road as their operating base in Exeter and employed local man Alex Driscoll as a driver during their trips to the city. Judge Phillip Wassall discharged the jury and recorded verdicts of not guilty on the seven men in the dock after problems emerged over the service of the phone evidence by the Crown. The trial had been running for two weeks and was due to run for another six to eight weeks until the problems over the phone evidence came to light during the evidence of a police analyst.

Family of Woman Killed by Ex-Partner Loses Battle to Sue Police *Steven Morris, Guardian*

A family has lost its battle in the supreme court for the right to sue police for negligence over the death of a young mother killed by her ex-boyfriend in fit of jealous rage. Joanna Michael, 25, from Cardiff, dialled 999 twice, but "individual and systemic failures" by police meant the emergency services arrived too late to save her life, the highest court in the land heard. The Michael family asked the supreme court to overturn an appeal court ruling that the police have an "immunity" from being sued for negligence under common law for the actions of officers during "the investigation or suppression of crime". But the supreme court justices decided by a 5-2 majority on Wednesday 28th January that the judges were right and dismissed the family's appeal. In a separate ruling, the seven justices cleared the way for the family to proceed with a claim that their Article 2 right – the right to life – under the European convention on human rights was breached by a police failure to protect Joanna's life.

Nicholas Bowen QC, appearing for Michael's family, told the court the case was "desperately important", particularly with regard to cases of domestic violence. He said: "There is a need for a heightened accountability of the police in the light of recent scandals and investigations which have had a very serious detrimental affect on public and political confidence in police

services." Bowen described how Michael was brutally killed in August 2009 by ex-boyfriend Cyron Williams, 19. Williams broke into her home "in a mad fit of jealous rage after he discovered she was in a new relationship some weeks after they had finished seeing each other". There was a history of domestic abuse, and Williams is now serving a life sentence with a 20-year minimum tariff, which means that he will remain in prison at least to 2030.

Michael made her first 999 call on a mobile phone to the police at 2.29am on 5 August2009 and told the Gwent police operator that Williams had come to the house and found her with someone else. He had bitten her ear hard and taken the other man away in his car – saying he would return to kill her. Bowen said the "urgency was absolutely plain" and an immediate response could have meant police reaching her in five minutes. But the call went through Gwent – "the wrong police force" – and not South Wales, as it should have done. The Gwent operator told the mother of two to "stay put" in the house and keep the phone free as South Wales police would want to call her back, said Bowen.

According to the appeal court judgment, the Gwent operator spoke to her South Wales police counterpart and said Williams had threatened to return to "hit" Michael but did not refer to the threat to kill. The call should have continued to be graded as requiring an immediate response, but was instead graded at the next level down. A further 999 call was received by Gwent police from Michael at 2.43am and she could be heard screaming before the line went dead. Police officers arrived at 2.51am. Michael was found to have been stabbed by Williams 72 times. Bowen argued that officers had failed to arrive in time and possibly save her life because of unacceptable delays. These were caused by individual and systemic errors of the police, which justified them having to face damages claims for negligence. Bowen said the police were claiming immunity from being sued, largely relying on the 1989 case of Hill v Chief Constable of West Yorkshire – the "Yorkshire Ripper" case. The Independent Police Complaints Commission (IPCC) has already ruled that Michael was failed by both South Wales and Gwent police. South Wales police has come under scrutiny over a string of cases involving domestic abuse in recent years.

The anti-domestic violence campaign group Refuge, which had intervened in the case, said it was "deeply disappointed" that the panel majority had decided the police could not be held liable for negligence. It is calling for a public inquiry into the way in which the police and other statutory agencies in the UK respond to victims of domestic violence. But the group said it was encouraged by the finding that the Michael family was entitled to pursue its Article 2 human rights claim against the police for failing to protect Michael, saying that should give hope to "hundreds of recently bereaved families of domestic homicide victims".

Refuge said it intervened "because we strongly believe that the police's current immunity from negligence claims is preventing improvements in police practice and enabling dangerous, lax and ineffective policing of such crimes to prevail". Refuge's chief executive, Sandra Horley, said: "Joanna Michael, the mother of two young children, died a needless death. "No court ruling will change that. Two women are killed by a current or former partner every week in this country. And just like hundreds of other victims of domestic violence Joanna was failed by the police when she reached out for help." Horley said: "We are delighted that Joanna's family may now, at least, progress one step further down the long path to justice and that their Article 2 claim, seeking a declaration and compensation from the state, may now proceed. "This judgment has wider, positive, implications for abused women and children. It secures a small increase in police accountability and widens a previously very narrow doorway to justice for hundreds of recently bereaved families of domestic homicide victims." Liberty's lawyer, Rosie Brighouse, said: "Time and time again, police are failing victims of domestic violence – but, thanks to these archaic rules, even the most breath-taking police negligence goes unchallenged."

to "reinforce the prison estate's zero tolerance approach to contraband". The penalties for prisoners found smuggling in forbidden items, including legal highs, range from curbs on visits and longer confinement to cells to the withdrawal of privileges or a longer sentence. Where illegal drugs are concerned, a prisoner could be prosecuted under the law as it pertains "outside".

This bravura statement of ministerial intent was preceded by the disclosure (in response to a parliamentary question) that drug seizures at prisons in England and Wales had risen from 3,800 in 2010-11 to 4,500 in 2013-14 – a statistic presented as evidence of success, but which could equally be seen as evidence of failure. It was accompanied by a long list of measures, such as more sniffer dogs, a new "project" to extend urine testing and "a major push on prison communications" to impress upon inmates and their visitors the consequences of being caught with drugs.

Forgive my scepticism, but if an additional 700 seizures is what "the prison estate's zero tolerance approach to contraband" achieved over three years, it is hard to have much faith in the latest clampdown. Grayling's announcement has set off a slanging match of sorts between those who claim that corrupt prison officers are the chief source of drugs in prison and those who mainly blame visitors. Others let both off the hook, citing the incidence of drugs and mobile phones thrown over prison walls – the accuracy of the "drops" assisted, apparently, by Google Earth.

For most people on the outside, however, the actual mechanics of how drugs get into prisons is probably of less concern than the incontrovertible fact that they do – in sufficient amounts to dictate the hierarchy of inmates in some jails. Is it really so difficult to stem the flow of drugs into prison, or does it rather reflect weakness of will? Whatever view you take of drugs – to legalise, decriminalise or stiffen enforcement of existing laws – more than half of those in prison, according to the Ministry of Justice, have some prior history of drug use. Others – in a truly shocking indictment of the system – become addicted while they are there.

Lax enforcement, however, is all too understandable in a system where the biggest mark of failure for a prison governor is not the proportion of prisoners who reoffend or leave with a drug habit, but a riot that makes the national news. No wonder then if staff turn a blind eye to drug use, if it is deemed to help keep often overcrowded establishments quiet. If legal highs are now being blamed for increasing violence, could the interests of the prison authorities and the expectations of the public at last converge? An early promise from the next government should be to purge – initially just a few – prisons of drugs, and mean it. There are prisoners and their families who would surely welcome some real zero tolerance, too.

Outcry as CPS Drops Trial of Anti-Drone Protesters *Cahal Milmo, Independent*

The prosecution of arms-trade protesters who occupied a British drone engines manufacturer has been dropped at the last minute, after the company refused to hand over evidence about its exports of weaponry to Israel, The Independent can reveal. The nine demonstrators had been due to go on trial next month for aggravated trespass after they halted production during a sit-in at the Staffordshire factory of UAV Engines Ltd, a subsidiary of the Israeli defence giant Elbit Systems – one of the largest manufacturer of military drones. The activists were arrested after they targeted the company at the height of last summer's assault by Israel on Gaza, to highlight claims that British-made weaponry was being used by Israeli forces.

But charges against them were dropped by the Crown Prosecution Service last week, just hours before a deadline expired to provide the defendants with details of arms export licences granted to UEL to send its hi-tech engines to Israel for use in the Hermes 450 – a drone widely deployed by the Israeli military. Although the drone was used in the Gaza campaign, UEL

dence but also to cases where there is new evidence. Would it result in an avalanche of cases being referred to the Court of Appeal? It is likely that the new approach would initially result in referrals of a number of cases (maybe two dozen) that were seriously considered for referral by the CCRC but which were not referred because of the Court of Appeal's restrictive attitude both to jury decisions and to fresh evidence. Because of the extensive work always undertaken by the Commission before a referral is made, that would however happen gradually, a few per year. Once the backlog had been dealt with, one can confident that the flow of cases referred by the CCRC as a result of the new approach would reduce to a small and manageable number, probably as low as one or two cases per year.

The CCRC has shown itself to be a very cautious body. Section 13(2) of the 1995 Act gives it the power to refer a case to the Court of Appeal "in exceptional circumstances" even though there is nothing new. In the twenty years of the CCRC's existence this power has never once been used. The Commission, equally has never used its power under s.16(2) to refer a conviction case to the Home Secretary for exercise of the royal prerogative of pardon. Its non-use of ss.13(2) and 16(2) suggests that the worry should be of under rather than of over-use. But the proposed new power should embolden the Commission to refer troubling verdicts. If the Court of Appeal rejects the appeal and the Commission feels strongly about the case, the new power should embolden the Commission to refer the case back and if that fails, and the Commission still feels strongly, to ask the Home Secretary to grant a pardon.

The Runciman Royal Commission's Report said (para.46, p.171) that where on reading the transcript and hearing argument the Court of Appeal had a serious doubt about the verdict, it should exercise its power to quash. It added: 'We do not think that quashing the jury's verdict where the court believes it to be unsafe undermines the system of jury trial. We therefore recommend that … it be made clear that the Court of Appeal should quash a conviction notwithstanding that the jury reached their verdict having heard all the relevant evidence and without any error of law or material irregularity having occurred if after reviewing the case, the court concludes that the verdict is or may be unsafe.' I was a member of the Runciman Royal Commission. I regard that one of the most important of our 352 recommendations. The proposal is simple: the CCRC should be given the power to refer a case to the CA where it considers that the conviction is against the weight of the evidence heard by the jury, but taking into account also any fresh evidence that has since emerged. The Court has been extremely resistant to reconsidering the evidence. Legislation strengthening the position of the CCRC as the filter for the Court of Appeal in these especially difficult cases could be a game-changer.

Just how Hard can it be to Purge Prisons of Drugs? *Mary Dejevsky, Guardian*

When I returned to the UK after almost a decade abroad, one aspect of 21st century Britain astonished me more than almost anything else. This was the prevalence of illegal drugs in prisons, and what seemed the resigned tolerance on the part of politicians and prison authorities alike. If the powers-that-be either would not, or could not, prevent prisoners zgetting hold of drugs, what use were many custodial sentences at all?

That was in 2002. More than 10 years on, prison walls seem as porous as ever, with the traffic in illegal substances now augmented by so-called legal highs. These are being blamed for an upsurge in prison violence, prompting new calls for "something to be done". Now, on paper at least – and, of course, unrelated to the imminence of an election – something is being done. This week, the justice secretary, Chris Grayling, is issuing new guidance to prison governors

Remembering Gerry Conlon *Jck McGinn, Justice Gap*

We live in a system which 'at its heart has collusion', said the radical human rights lawyer Michael Mansfield QC to a packed auditorium at St. Mary's College in Belfast last week. 'Collusion between higher politics, the upper echelons of the police, and the media.' Mansfield was delivering the first annual Gerry Conlon memorial lecture, entitled 'Democratic Bankruptcy', just metres from where Conlon had grown up on the lower Falls Road. The human rights lawyer paid tribute to Conlon who, along with three others, was wrongly imprisoned for 15 years for an IRA bomb attack in Guildford in 1974. Following his release from prison in 1989, Conlon campaigned tirelessly for the rights of other victims of miscarriages of justice, including the Birmingham Six. He died of lung cancer last year at the age of 60.

Mansfield illustrated the momentous impact that Conlon and his comrades had delivered with their successful fight for justice by listing subsequent cases where the marginalised had taken 'mental sustenance from what had gone before.' Examples included the families of the victims of the Marchioness disaster in the Thames, where '50 people died because of corporate greed,' but the resolute demand of the families for an inquiry resulted in changes to safety standards, and the family of Stephen Lawrence, whose perseverance led to two convictions for the murder of their son almost 20 years after his death. 'They recognised, just like Paddy Hill [of the Birmingham Six] and Gerry Conlon did, that the battle isn't over when you're out; that's when it's just beginning,' said Mansfield. Doreen Lawrence, now a Life peer in the House of Lords, regularly summons senior politicians and police chiefs to public hearings where they are asked how many of the latest recommendations to improve accountability have been implemented. 'And they all turn up, because they're worried about votes of course,' said Mansfield. 'And she's got the moral high ground.'

Mansfield also cited the Saville inquiry into Bloody Sunday, which found that British paratroopers had fired first, had shot fleeing civilians, and had concocted lies to cover their actions. 'I was in Derry the day (the Report) was broadcast – and I'm not particularly religious but for me it was spiritual,' said Mansfield. 'The whole place erupted.' The barrister said that the key word was 'accountability', which is exactly what Conlon and Hill had fought for, what the families of those murdered on Bloody Sunday had fought for, and the absence of which was the reason for the lecture's title. Mansfield read Conlon's open letter to President Obama, when he spoke out against Shaker Aamer's detention and Guantanamo Bay, which Mansfield linked to the continued abuse of the legal system and government power to cover atrocities. He cited the Chilcot Inquiry as an example, and added that the child abuse scandal has been 'another case where the families have had to set the agenda' with the government stalling. Chairs of inquiries have been appointed and then forced to stand down because of conflicts of interest.

Responding to an audience member who asked what the point of inquiries is, given that 'inquiry members are all highly paid and all we get is an apology', Mansfield said that there are longer term benefits that may not be immediately apparent. 'Those in power don't want inquiries that expose them. That's why they passed the Inquiries Act in 2005,' he said. 'But you're doing this for future generations. The next generation of politicians knows this – you're setting a democratic precedent with these inquiries.'

Mansfield ended on a positive note, noting that 'where the system refuses to rectify its own mistakes,' people's tribunals have emerged to challenge abuses, as with the ongoing Russell Tribunal on Palestine, where Mansfield sits as a member of the jury, which is assessing whether Israel's military has committed war crimes. A similar tribunal was set up by

Iranian émigrés in London, in the face of the regime and the international legal system's failures to account for massacres and mass burials in 1980s Iran. Another inspiring example, according to Mansfield, is the campaign to save 'one of the most successful hospitals in the UK, in Lewisham' from closure by Health Minister Jeremy Hunt, where 25,000 took to the streets in protest. The proposal to cut had 'nothing to do with performance, everything to do with the private finance initiative', he said, and wider legislation mandating further privatisation of the NHS was a result of 'nearly 200 members of the Houses of Parliament' having 'their fingers in the private pie.' 'I think it's what we would call in the law a conflict of interest,' added Mansfield.

'I'd give my right arm to have Gerry back,' said Paddy Hill at the memorial lecture, as he reminisced about the pair's friendship. 'I met him in prison and had heard he was a right bollocks,' he joked. Like Conlon, Hill was wrongfully imprisoned along with five others in 1974 for planting an IRA bomb in Birmingham. His conviction was overturned in 1991, after he had spent some 16 years in prison as an innocent man. Much to the delight of the audience, Conlon and Hill's time in prison was illuminated through Hill's stories and anecdotes, but Hill ended on a sombre tone: 'We have nothing to be guilty about, but we feel so guilty about what happened to our families.' Conlon felt particularly guilty because of 'what happened to his dad Giuseppe', said Hill. Giuseppe Conlon died in prison after his health deteriorated, exactly (and apparently coincidentally) 25 years before the memorial lecture took place last week. 'When Gerry died, thankfully that burden of guilt was lifted off his shoulders,' concluded Hill. 'And he's now at peace.'

CCRC and the Court of Appeal: A Better Way Forward *Michael Zander QC, Justice Gap*

On January 20th 2015 I gave oral evidence together with Lord Runciman, chairman of the Royal Commission on Criminal Justice. I was asked by the chair, Sir Alan Beith: 'How could a change be brought about in which the Court of Appeal was more ready to question the jury's decision?' I gave the Committee what, apologetically, I said was a feeble answer: 'Perhaps the Lord Chancellor could invite the Lord Chief Justice and the chairman of the CCRC to set up a committee of former or present members of the Court of Appeal, former or present members of the CCRC and independent experts, with a lay chairman, to try to hammer out a way forward. It is absolutely crucial. The whole issue of what is wrong with the system is, fundamentally, the attitude of the Court of Appeal to jury decisions.'

In a Supplementary Note of Evidence submitted this week, I withdrew that suggestion and replaced it with what I think is a more promising proposal. There is no dispute regarding the constitutional importance of the jury's decision as to whether the defendant is guilty or not guilty. That is central and fundamental. The question is only whether anything can be done if in a particular case it seems that the jury got it wrong. That depends first on whether the jury's verdict is guilty or not guilty.

The system tolerates jury acquittals against the weight of the evidence or contrary to law. There is no appeal against a jury acquittal. However, if the jury makes the wrong decision by finding the defendant guilty, the Court of Appeal is potentially there to rescue the situation. It was for that, in light of the Adolf Beck miscarriage of justice case, that in 1907 parliament created the Court of Criminal Appeal. The trouble is that the Court basically refused to play its assigned role.

Among the reasons given, the most prominent or focal one, is the constitutional centrality of the jury's decision. This is not, and has never been, a persuasive reason. Yes, no one should be convicted of a serious offence save by a verdict of the jury. But if there are solid grounds for the view that the verdict is against the weight of the evidence, there has to be a way to deal with the situation.

In declining – for over a hundred years – to play the role assigned to it by statute, the Court of

Appeal has been in serious dereliction of its principal and indeed, constitutional responsibility.

Second guessing: I believe that the real reason for the Court's restrictive approach is the understandable fear that if it showed itself willing to second guess the jury's verdict, it would be deluged with too many appeals requiring reassessment of the evidence.Whatever the reality of that fear in regard to first appeals after conviction, it has no reality in regard to appeals after a referral by the CCRC. The Commission has rightly built up a fine reputation both generally and especially perhaps for the quality and diligence of its investigations. The Court of Appeal Criminal Division, in its written evidence to the Justice Committee's present inquiry said: 'From the point of view of the CACD, the current functions and form of the CCRC work well and have led to a valuable working relationship. In the past, CACD has found the CCRC very efficient particularly in conducting directed investigations and we would be concerned if any changes (either formal or informal) to the structure affected this.'

The CCRC is an efficient, competent, responsible body.If, after investigation, the Commission believes that there is serious doubt as to whether a conviction is safe, the Court of Appeal should be required by statute to consider whether it agrees – and if so, to quash the conviction. This would not require the court to consider whether the appellant was innocent – only whether there was sufficient doubt about the conviction to make it 'unsafe'. A jury verdict about which both the CCRC and the Court of Appeal have serious doubt should not be allowed to stand. It is unacceptable in such a case that the system should say: 'The jury has reached its decision after hearing the evidence and seeing the witnesses and that is the end of the matter.'

This would not undermine or usurp the jury's role. The existence of an appeal court does not undermine or usurp the trial court. An appeal is there to review the result of the trial process. The jury's role is to decide whether the prosecution has proved its case beyond a reasonable doubt. The Court of Appeal's task is to decide whether the jury's verdict is safe or unsafe. They are different questions, involving different tests, answered by different bodies with different capacities and different responsibilities.

Fail/Safe element: The Court of Appeal – now aided by the CCRC – is the fail/ safe element in the system. For the fail/safe system, as it were, to fold its hands and look the other way is dereliction of duty. The proposed new statutory provision would put the CCRC into a very different relationship with the Court of Appeal. The Commission would be raised to a kind of partnership with the Court of Appeal. Instead of having to consider, as now under s.13(1) of the 1995 Criminal Appeal Act 1995, whether there is a 'real possibility' that the Court of Appeal will act, it would only have to consider whether, after investigation, it had a serious doubt about the jury's decision on the evidence. The Court of Appeal would then be required to give that question full substantive consideration. I believe that would give momentum to a transformation of the constitutional relationship between the Court and the Commission which could be a long-desired paradigm shift.

Establishment of what became the CCRC was recommended by the Runciman Royal Commission on Criminal Justice. The Royal Commission's main reason for recommending the establishment of the new body was that it would be an infinitely better vehicle for investigating cases than C3 Department in the Home Office. That has unquestionably proved to be the case. But at present the full benefit of the CCRC's investigatory work can be thwarted by the combination of the "real possibility" test and the Court of Appeal's historic aversion to reconsidering a jury's verdict. The proposed new statutory provision would build on and give full value to the CCRC's capacity to investigate and evaluate cases.

The new test would obviously have to apply not only to cases where there is no new evi-