US Police Officer Charged With Murder After Shooting Man in the Back

A white North Charleston police officer in South Carolina has been charged with the murder of a 50-year-old black man on Saturday, marking a remarkably swift move for justice in a fatal police incident. Footage of the shooting, which occurred around 9.30 am after Walter Scott was pulled over for a traffic violation, shows officer Michael Slager firing eight times at Scott, who is running away. Slager initially told police he shot Scott because he feared for his life while the two fought over Slager's stun gun. After Scott is shot, the video also appears to show the police officer picking an object off the ground and dropping it next to Scott's body. Scott does not appear in possession of the stun gun at any point in the video.

The footage was posted online by Charleston's Post & Courier on Tuesday, and filmed by an anonymous bystander. It appears to show that a stun gun wire has already been deployed, but falls out as Scott runs away from Slager, who pulls out his firearm and shoots until Scott falls to the ground. The officer then walks over to the body and appears to talk into his radio. He reaches the body and shouts: "Put your hands behind your back now, put your hands behind your back". Scott is motionless, his face down in the ground. The officer then appears to shout "Put your hands behind your back" again before picking up Scott's limp arms and placing them in what look like handcuffs.

Slager then moves away from the body and picks up an item from the ground, near where he fired the shots. At this point another officer arrives on the scene and stands over Scott's body. Slager walks back over to the body and appears to drop the item he has picked up next to Scott's body. According to an incident file, reported by local TV news, Slager said over the radio that he deployed his Taser and "seconds later" he said: "Shots fired and the subject is down. He took my Taser."

Neither officer appears to be aware they are being filmed, and the cameraperson seems to place his finger over the lens a number of times. It does not appear that Slager checks Scott's pulse until three minutes and three seconds into the film. Slager had initially released a statement through his lawyer, claiming he had "followed all the proper procedures and policies of the North Charleston police department". But at a press conference on Tuesday, North Charleston mayor Keith Summey told reporters that Slager had made a "bad decision".

HMP Birmingham Prisoner Sentenced After Harassing Teenager

A prisoner who bombarded a woman with thousands of text messages has been sentenced to five years for harassment. Carlos Boente, 33, a serving prisoner at HMP Birmingham, began texting the 19-year-old in November 2013, police said. Boente was found guilty of conspiracy to burgle, harassment and possession of a prohibited item at Birmingham Crown Court. West Midlands Police said the woman "lived in fear for months". Boente, formerly of Gillott Road, Edgbaston, denied all the charges against him and he was cleared of threats to kill.

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)
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MOJUK: Newsletter 'Inside Out' No 524 (09/04/2015) - Cost £1

Grayling's 'Absconder Policy' Declared Unlawful

"It is declared that the Defendant's policy of excluding from transfer to open conditions any prisoner with a history of abscond, escape or serious ROTL failure as set out in section 1 of his Consolidated Interim Instructions dated 11 August 2014 is inconsistent with paragraph 1 of the Defendant's Directions to the Parole Board under section 32(6) of the Criminal Justice Act 1991 issued in August 2004 and set out in Annex D of PSI 36/2012 and is accordingly unlawful to that extent while such Directions remain in force." Lord Justice Bean 01/04/2015

In a judgment with implications for a series of legal challenges brought by affected prisoners, a Divisional Court consisting of one Lord Justice and a High Court judge have held that the Secretary of State for Justice, Chris Grayling's 'absconder policy', is unlawful.

The policy was introduced following high profile press reports in May 2014 of prisoners absconding whilst on Release on Temporary Licence from prison (ROTL). Whilst these 'absconder' cases were in fact isolated and rare incidents, the Secretary of State responded by introducing a policy on 21 May 2014, that 'absconders' would no longer be eligible for transfer to open conditions and ROTL save in exceptional circumstances. The scope of the 'absconder' policy was so wide that it included the Claimant, who failed to return to prison from ROTL on a Sunday evening after missing his train, but handed himself into custody the following morning.

At the time of the press reports in May 2014, Mr Grayling told Sky News, "We are tearing up the system as it exists at the moment." But the absconder policy that was introduced so hastily placed the Secretary of State at odds with his own Directions to the Parole Board, which state: "for most (but not all) indeterminate sentenced prisoner (ISP) cases, a phased release from closed to open prison is necessary in order to test the prisoner's readiness for release into the community." In a judgment handed down 01/04/15, the High Court held the absconder policy to be unlawful, and described the inconsistency between the Secretary of State's Directions and his absconder policy as "irrational".

The Divisional Court rejected the Secretary of State's argument that, since the Directions to the Parole Board were issued by him, he had the power to ignore or contradict them,<> noting: ".. so long as they remain in force ... he cannot lawfully tell the Board to ignore them or his officials to frustrate them."

The Prison Reform Trust has analysed Ministry of Justice statistics used to back up the policy and demonstrated that the system of temporary release from open conditions in order to facilitate rehabilitation back into the community has a failure rate of only 0.06%.<>

The Prisoners' Advice Service comments: "The Secretary of State's contention that he is entitled to ignore and contradict his own policy guidance demonstrates either his ignorance or flagrant disregard for basic legal principles of consistency and transparency in public decision making. The so called 'absconder policy' was introduced as a knee jerk reaction to negative press reports without adequate consideration for either existing policies, or its impact on the prisoners whose progression to open conditions was abruptly prevented."

Gilbert, R (On the Application Of) v Secretary Of State For Justice
http://www.bailii.org/ew/cases/EWHC/Admin/2015/927.html

Queen on the Application of Gourlay V Parole Board

This is a challenge by way of judicial review to the Decision of the Parole Board, dated 10th March 2014, ('the Decision')following an oral hearing on 25th February 2014, first not to direct the release on licence of the claimant, and secondly, not to recommend the transfer of the claimant to open conditions. The challenge is directed solely at the second part , namely the decision not to recommend open transfer.

@ para 40, Justice King said: "I do emphasise the narrow basis on which I am allowing this challenge. I am not allowing it on the basis that on the material before the Parole Board Panel the only conclusion which could reasonably have been reached by a Parole Board Panel properly directing itself, taking into account all factors, was one to recommend transfer to open conditions. I have reached the conclusion I have solely on the basis that I am satisfied that the Parole Board failed in its duty to take into account the entirety of the factors to be put in the balance, when assessing the risk currently posed by the claimant, for the purpose of assessing whether or not it would be safe to recommend a transfer to open conditions."

http://www.bailii.org/ew/cases/EWHC/Admin/2014/4763.html

Release and Resettlement For Disabled Prisoner

Our Community Care Caseworker has successfully obtained a direction for release on parole for a disabled prisoner who had been imprisoned for 30 years. The prisoner in question is elderly and infirm, with a heart condition, reduced mobility, and demonstrating significant cognitive decline – including a drastically impaired short-term memory. Our Caseworker secured a comprehensive community care package for him, providing a suitable release address. This enabled the parole panel to direct his release and to enable him to resettle successfully in the community. His placement is a specialist supportive care home that specifically supports those who are institutionalised. Our Caseworker has also initiated arrangements for him to receive mentoring in the community from an ex-prisoner. *Prisoners Advice Service (PAS)*

Probation Officers to be Sacked and Replaced With Machines *Alan Travis, Guardian*

The largest UK private probation operator plans to allow offenders to report in at ATM-style electronic kiosks as part of cost-cutting plans that will involve large-scale redundancies. Sodexo justice services, which runs six of the 21 newly privatised community rehabilitation companies (CRCs) in England and Wales, intends to introduce the kiosks so offenders can report in without having to see a probation officer. Staff have also been warned to expect jobs cuts of more than 30% – at least 700 posts – in the next six to 12 months.

The company's "new operating model" makes clear it intends to introduce "biometric reporting" using cash machine-style kiosks.The machines, which use fingerprint recognition technology to check identities, allow an offender to report in, to give and receive information, and to request a face-to-face meeting with a probation officer. Offenders are to be allowed to report into probation using the kiosks as a reward for good compliance with the early stages of their supervision order or prison release licence. The company also plans to set up one centralised administrative hub supporting operational staff in face-to-face contact with offenders. The probation union Napo says this will mean some low-risk offenders being supervised via a call centre despite the majority of serious further offences being committed by offenders categorised as low-to-medium risk.

Martin Graham, the chief executive of the Sodexo CRC covering Norfolk and Suffolk, told his staff to expect a 34% staffing reduction, in an email on Friday: "I'm sure many of you

March 2011, claiming he had been threatened by two armed men while with his four-year-old son. His sister Kadisha Brown-Burrell said she had visited the mental health unit at the QE Hospital later in the day and been concerned by his condition.

"When he walked over he walked over stiff. He couldn't move his head, couldn't move his body, couldn't move his shoulders. Kingsley had three lumps, one on his forehead. I said to [his partner] Chantelle 'take a photo of that'." She told the inquest when she visited the following day her brother had urinated and had been left on the floor in handcuffs for five or six hours. "He said that while he was in the QE during assessment he was on the floor, and all he wanted was a glass of water," she said. Ms Brown-Burrell said her brother, a father-of-three, had described being involved in a struggle with police officers in the back of an ambulance. "Kingsley said 'They've drugged me up in the head, they have injected me into my brain'."

Police officers told the family he had gone "berserk" in the ambulance and attacked his own son, and had to be restrained. Ms Brown-Burrell described her brother as "calm, collected and outgoing", but said he had been worried by a paternity issue with an ex-girlfriend, who claimed her son was not his. The jury was told he had been worried two men in the shop in Winson Green had come to threaten him over that issue and he had dialled 999 to say that armed gang members had "put a machine gun" to his head. CCTV footage played to the court, however, revealed no sign of armed men but showed Mr Burrell looking agitated near the counter.

Andy Gillespie, a firefighter who was one of the first on the scene, described Mr Burrell as "very distressed" and said "it was almost that he felt relieved that he hadn't been shot". The inquest also heard that Mr Burrell had been carrying a CS canister on the day he was detained, as well as claims that he was a gang member and drug dealer. His partner Chantelle Graham said he was not a heavy drug user. Many of his family wore red T-shirts to the inquest with his photo and the slogan "Justice for Kingsley Burrell". The inquest is expected to last six weeks.

Mother Has to Pay Towards Daughter's Inquest

A Derry mother has said she is being asked to pay up to £8,000 to cover her family's costs at an inquest into her baby daughter's death. Leanne Maguire's daughter Sophie died in Great Ormond Street Hospital in London two years ago. The family said they have been told they do not qualify for legal aid because their daughter died in London. A spokesperson for the hospital did not want to comment while an investigation is taking place. The findings of the chief coroner for England and Wales are due to be presented at an inquest in July.

Sophie Maguire was transferred from Derry's Altnagelvin Hospital to England after her birth but died days after surgery in April 2013. She suffered from a rare health condition called VGM, or vein of Galen malformation, which affects blood flow to the brain. Sophie underwent a brain operation at Great Ormond Street Hospital but there were complications after the surgery and she failed to recover. The family received a letter from the chief coroner of England and Wales in September last year, informing them that an investigation into Sophie's death had been ordered.

Ms Maguire said that the inquest could have been prevented had a post-mortem examination taken place. "It could cost up to nearly £8,000 and that's just a rough estimate. It will be money well spent so that we could actually grieve and even tell Katie how her baby sister actually died," she added. A spokesperson for Great Ormond Street said: "Providing the best patient care in a safe environment is the trust's number one priority and we take all concerns around the care we provide extremely seriously. However, at this time, whilst we understand an investigation is taking place, we do not feel it appropriate to comment on this patient's care."

Ainsworth. “I think what we can glean from that is this is not new, but it’s not abating in any way, and in some ways it’s increasing.” In another high-profile Indiana case, Marion County prosecutors in 2012 filed attempted feticide and murder charges against Bei Bei Shuai, a Chinese-born woman whose fetus died following Shuai’s attempt to kill herself by eating rat poison. Suicide is not a crime in Indiana, and many saw Shuai’s prosecution for feticide as contrary to established law. “I never believed the prosecution would actually charge her with murder and felonies,” her attorney Linda Pence told the Indiana Lawyer during the trial. “This is a young woman who should have been protected and taken care of instead of prosecuted … It’s nonsense.” In 2013, Shuai pleaded guilty to criminal recklessness.

O’Donnell v. the United Kingdom (ECtHR case no. 16667/10)

The applicant, Matthew O’Donnell, is an Irish national who was born in 1980. He is currently detained at HMP Maghaberry (Northern Ireland, UK). Mr O’Donnell is serving a sentence of life imprisonment for a murder committed in 2004. Mr O’Donnell’s I.Q places him amongst the bottom 1% of the population and his understanding of spoken English is equivalent to that of a six year old child. Witnesses provided evidence that Mr O’Donnell had spent most of the day before the murder drinking with the victim and another man, Samuel Houston. Following the murder the police found two sets of blood stained clothes and a knife in the flat where Mr O’Donnell was staying at the time. Mr Houston admitted to the killing and was sentenced. Mr O’Donnell was arrested in the Republic of Ireland, interviewed by Irish police officers about the murder and extradited to Northern Ireland in 2007. During his trial and at the request of the defence lawyer, the videotapes of the interviews conducted by the Irish police were excluded from evidence. The defence asked the judge to rule that it was undesirable for Mr O’Donnell to give evidence because of his mental condition. The judge refused, stating that he could manage the process in such a way that no unfairness would result and that he would tell the jury that they could draw an adverse inference if Mr O’Donnell did not give evidence. Mr O’Donnell decided not to testify although a clinical psychologist was permitted to give evidence to the jury as to his vulnerability and the difficulties he would have faced if he had testified. However, the psychologist was not allowed to share conclusions he had drawn from watching the videotaped interviews as these had been excluded from the evidence. Mr O’Donnell was convicted by the jury and his requests for an appeal have been dismissed.

Relying on Article 6 § 1 (right to a fair trial), Mr O’Donnell complained that his trial had been unfair because the judge had not allowed the clinical psychologist to share his observations on the videotaped interviews and because of the judge’s direction to the jury about drawing adverse inferences from his decision not to give evidence without regard to whether there was a case to answer. No violation of Article 6 § 1

Kingsley Burrell Death: Patient 'Injected In Head' Claim

A man detained under the mental health act was beaten by police, left handcuffed on the floor of a hospital ward and injected in the head just days before he died, an inquest heard. Kingsley Burrell died on 31 March 2011, four days after he was detained after a disturbance at a shop in Birmingham. His family has previously claimed he was restrained using excessive force. In July, the Crown Prosecution Service said there was insufficient evidence to prosecute anyone over his death. The 29-year-old died at the Birmingham's Queen Elizabeth Hospital from a cardiac arrest. An inquest at Birmingham Coroners Court heard he was taken to a mental health unit after calling emergency services to the Haymer shop in Winson Green on 27

will be shocked by such a figure but you need to remember that this figure is dependent on being able to deliver all the efficiency savings. Whatever the final agreed figures, however, it is clear that we will need to make significant staff reductions over the next weeks and months. Some of these will probably have to be compulsory redundancies.”Sodexo won the largest number of probation contracts in England and Wales when the justice secretary, Chris Grayling, announced in February the outcome of the privatisation of 70% of probation work, supervising 150,000 medium and low-risk offenders each year.

Napo says similar emails have gone out from Sodexo chief executives in South Yorkshire (36% job losses), Cumbria and Lancashire (30%), Northumbria (30%) and the CRC covering Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire (30%). A similar figure is expected in the remaining Sodexo company covering Essex. The job losses are expected to exceed 700 in total. Ian Lawrence, Napo general secretary, said: “We are angry and disappointed about this news. Probation staff have been through hell over the last 18 months dealing with Grayling’s so-called reforms and now many of them are facing redundancy and job insecurity. When we met with Sodexo earlier this year they told us there would be no reductions in workforce. The use of call centres and machines instead of highly skilled staff is downright dangerous and will put the public at risk.”

The private company has also told staff that they do not intend to honour an enhanced voluntary redundancy scheme which had been agreed between Grayling and the unions and was in place until 31 March. Sodexo has told staff that they are planning on the basis that the majority of staff exits will be on compulsory terms from September, seven months after the contracts were awarded in line with a national agreement. A Sodexo Justice Services spokesperson said: “We are in the process of sharing our future plans with employees across the six CRCs that we operate. Given that we will be formally consulting on these plans, it would be inappropriate to comment further at this stage.” Sodexo’s spokesperson also said that in relation to the enhanced voluntary redundancy scheme the company was complying with the national agreement negotiated between the unions and the national offender management service.

Shadow justice secretary, Sadiq Khan, also criticised the move: “Tory and Lib Dem ministers promised a rehabilitation revolution but this looks like supervision of dangerous and violent offenders on the cheap. Sacking experienced and dedicated probation staff and replacing them with machines and call centres goes against everything we know that makes a difference in cutting re-offending. This is exactly why experts, probation staff and Labour warned the government’s reckless and half-baked privatisation would put public safety at risk,” he said.

FAI Into Death Of Man Who Claimed Wrongful Conviction *Stuart MacDonald, Herald Scotland*

Lorry driver Young was convicted and sentenced to life, with a recommendation he serve at least 30 years. He was also found guilty of two attempted murders, two rapes, assault, robbery and theft, but always protested his innocence. The death of a man who claimed he was wrongly convicted of a murder committed by serial killer Angus Sinclair is to be probed by a sheriff. Thomas Young was jailed for the 1977 murder of 37-year-old Frances Barker - who was found in woodland after being battered and strangled. Young was never released from prison after the killing - which he always denied - and he eventually became Scotland's longest serving inmate. He died in July last year, aged 79, at Clackmannanshire Community Healthcare Centre in Alloa. He was an inmate at nearby HMP Glenochil at the time. A fatal accident inquiry into the circumstances of his death is to be held sometime in April 2015.

Young's appeal against his conviction continued after his death but three judges finally rejected

it in October last year. But his lawyer John McLeod has said he plans to take the case to the Supreme Court over claims World's End killer Sinclair was responsible. He said Frances Barker was the first in a series of six murders which many investigators now believe were committed by the same person. But that person could not be Young, who was in custody by the time the second murder was committed. Miss Barker is thought to have been abducted near her home in Glasgow's Maryhill Road - only 40 yards from Sinclair's home at the time. Her battered and strangled body was later discovered in a wood in Glenboig, Lanarkshire. She had been raped, her pants had been forced into her mouth as a gag and a ligature had been tied around her neck.

Sinclair was convicted and given a 37-year sentence last year for the murders of 17-year-olds Helen Scott and Christine Eadie after a night out at the World's End pub on Edinburgh's Royal Mile in 1977. Sinclair was the first person to be tried under new legislation which brought an end to the centuries-old double jeopardy rule preventing the same person facing trial on the same charges twice. He had been cleared of the crimes in 2007. After the collapse of the initial trial, Mark Safarki, an FBI criminal profiler, examined a series of murders and concluded that Miss Barker and three other women were killed by Sinclair. Mr Safarik took the view that there were features linking a number of cases, including Miss Barker's murder. Young was in prison when some of the later killings occurred. Young's appeal was referred by the Scottish Criminal Cases Review Commission to the Court of Criminal Appeal in Edinburgh but his case was thrown out in October.

US Man Exonerated After 30 Years on Death Row *Telegraph*

A man who spent nearly 30 years on Alabama's death row walked free on Friday 3rd April 2015, two days after prosecutors acknowledged that the only evidence they had against him couldn't prove he committed the crime. Ray Hinton was 29 when he was arrested for two 1985 killings. Freed at age 58, with grey hair and a beard, he was embraced by his sobbing sisters, who said "thank you Jesus," as they wrapped their arms around him outside the Jefferson County Jail. Mr Hinton had won a new trial last year after the US Supreme Court ruled that his trial counsel was inadequate. Prosecutors on Wednesday moved to drop the case after new ballistics tests contradicted those done three decades ago. Experts couldn't match crime scene bullets to a gun found in Hinton's home.

"I shouldn't have sat on death row for 30 years. All they had to do was test the gun. When you think you are high and mighty and you are above the law, you don't have to answer to nobody. But I got news for them, everybody who played a part in sending me to death row, you will answer to God," said Mr Hinton. "They just didn't take me from my family and friends. They had every intention of executing me for something I didn't do." Ray Hinton

He was arrested in 1985 for the murders of two Birmingham fast-food restaurant managers after the survivor of a third restaurant robbery identified him as the gunman. Prosecution experts said at the trial that bullets recovered at all three crime scenes matched Mr Hinton's mother's .38 caliber Smith & Wesson revolver. He was convicted despite an alibi: he had been at work inside a locked warehouse 15 minutes away during the third shooting. "The only thing we've ever had to connect him to the two crimes here in Birmingham was the bullets matching the gun that was recovered from his home," said John Bowers, Chief Deputy District Attorney. The Supreme Court ruled last year that Mr Hinton had "constitutionally deficient" representation at trial because his defence lawyer wrongly thought he had only $1,000 (£700) to hire a ballistics expert to rebut the state's case. The only expert willing to take the job at that price struggled so much under cross-examination that jurors chuckled at his responses.

Bryan Stevenson, an attorney who directs Alabama's Equal Justice Initiative, called it "a

who defended another Indiana woman charged with homicide for losing a pregnancy. Patel's sentence came in a shocking week for reproductive rights advocates, who said they were also blown away by the state legislature's passage of the Religious Freedom Restoration Act. The law, which was being amended on Thursday, has been criticized as anti-gay, but advocates worry it could also impact women's reproductive rights in the state. "[RFRA is] not just about wedding cakes – this very much has to do with access to non-judgmental reproductive healthcare, and that was a very big part of this case," said Sue Ellen Braunlin, the co-president of the Indiana Religious Coalition for Reproductive Justice.

Some took as evidence Republican governor Mike Pence's intent to reel-in reproductive freedom by the parties he had at a private signing of the RFRA law. Among those photographed at the private signing were Sue Swayze, the vice president of public affairs at Indiana Right to Life. Many advocates said they were also taken aback when they learned during trial that a police officer was with Patel after a surgery. She was quizzed by not one, not two, but three doctors, and then they allowed a police officer to be in the room as well," said the Rev Marie Siroky, who is providing chaplain services to Patel in prison.

Laws that start a criminal investigation into a pregnant woman's behavior have long been criticized by medical associations and physicians, many saying that cases such as Patel's could dissuade women from seeking care. "One of the most concerning [effects] is the chilling effect on women then becoming reluctant to seek care when they need it," said Kathleen Morrell, an ob-gyn in New York and reproductive rights fellow with Physicians for Reproductive Health. "Anything that restricts their desire to go and see a doctor because they think something bad could happen to them is just going to be bad for public health in general." Women's advocates said they were also shocked by the harshness with which the case was treated. The two-decade sentence – 10 years are suspended and therefore not counted toward her time in prison – is half of what St Joseph County deputy prosecutor Mark Roule requested – 40 years between the two charges, according to the Associated Press. "I know how how aggressively prosecutors in this state were going to expand the application of this feticide law. This is what they wanted so badly," Braunlin said. "I thought, 'Dammit, they got that done, can they at least not make her a scapegoat?'" she said, referring to Patel's guilty verdict.

Many observers said they hoped Patel would have received a lighter sentence because she was a caretaker for her parents and her grandparents, helped run the family restaurant, a Moe's franchise in Mishawaka, and was unlikely to be a danger to society. "I was very shocked, devastated, and I was sitting next to her mother and her dad, who were just crying all the way when they got in there," said Siroky. "We really held up hope she would have either probation or corrections."

Legally, the case focused on whether the fetus was alive at the time Patel delivered it at her home. A medical witness for the defense said the fetus, at 24 weeks, would not have been able to survive outside the womb. Nevertheless, a forensic pathologist ruled the fetus was alive at the time Patel delivered. Patel's conviction hinged on what appears to be contradictory information. Neglect requires a dependent be alive, while Indiana's feticide law requires intent to terminate a pregnancy with an intention other than live birth. Jack said that the seemingly contradictory nature of the conviction could be grounds for appeal. She is the second Indiana woman to be recently prosecuted by the state for losing a pregnancy, and is among hundreds nationwide who have been charged with abuse, neglect, assault or homicide for allegedly harming their fetuses.

From 1973 to 2012, a study published in the Journal of Health Politics, Policy and Law through the Duke University press found 413 cases of pregnant women being arrested, or other "deprivations of a woman's physical liberty," for the alleged well-being of the fetus. "We are currently tracking all prosecutions, forced interventions, etcetera, since 2005, and there have been hundreds already," said

lodged with the Parole Board in March 2010, followed by an addendum in May 2010 (see paragraphs 28-29 above), the hearing did not take place in September 2010 as planned but was further deferred until 13 January 2011, some four months later (see paragraph 31 above). The Government have provided no explanation for the delay from September 2010 to January 2011. The case-file itself provides little clarification, with reference being made to a delay in the preparation of a prison report (see paragraph 30 above). Given the delay which had already occurred, and in the absence of any explanation justifying the further delay, the Court is satisfied that this four-month period of delay was imputable to the State.

67. Thereafter, the Parole Board hearing was again deferred because the applicant's offender supervisor was unable to attend (see paragraph 33 above). As noted above, the hearing ultimately took place in April 2011. In all the circumstances of the case, and having regard to the fact that by this stage the hearing had already been delayed, for various reasons, for seventeen months, the Court does not consider, on the basis of the information available, that the non-availability of the applicant's offender supervisor justified the deferral of the hearing for a further three months.

68. The Court accordingly finds that the period of delay attributable to the State in the present case is thirteen months. In its recent judgment in Betteridge v. the United Kingdom, no. 1497/10, 29 January 2013, it established its practice concerning complaints about the violation of 5 § 4 as a consequence of a delay in a Parole Board review. The delay in that case was, as in the present case, thirteen months and the Court awarded the applicant EUR 750 in non-pecuniary damage. The sum of EUR 400 proposed by the Government in the present case is therefore inadequate to compensate the applicant for the feelings of frustration occasioned by the thirteen-month period of delay. The Government's unilateral declaration must therefore be rejected.

69. In conclusion, there has been a violation of Article 5 § 4 as regards the thirteen-month delay between August 2009 and February 2010 and September 2010 and April 2011.

US Woman Jailed For 20 Years For Foeticide After Miscarriage *Jessica Glenza, Guardian*

Legal and medical experts say women's reproductive rights in Indiana could be dramatically altered in the wake of a 20-year prison sentence handed down this week to an Indiana woman for self-aborting her fetus. In July 2013, Purvi Patel, now 33, used abortion drugs purchased online from Hong Kong to attempt to terminate her pregnancy in its 24th week. Patel delivered what she said was a stillborn fetus at home, placed the fetus in the dumpster behind the family restaurant and went to the hospital after losing a significant amount of blood. She was convicted in February of feticide and neglect of a dependent, making her the first woman in the US to be charged, convicted and sentenced for giving herself an abortion. The law was passed by the Indiana legislature in 2009 in response to a bank shooting in April 2008, in which a man shot a woman who was five months pregnant in the abdomen, killing the twin girls she was carrying. Most feticide laws are designed to be used this way – to charge a third party accused of hurting a pregnant mother or unborn fetus. Patel's conviction, reproductive rights experts said, is the first time such a law has been successfully used to convict a woman for attempting to abort a pregnancy.

"You have a woman who is accused of trying to terminate her own pregnancy, [a] feticide law being used against a woman trying to have an abortion, which we have not seen before," said Sara Ainsworth, the director of legal advocacy for the National Advocates for Pregnant Women (NAPW). "I would be shocked if there were no appeal. If it's appealed and upheld, [the conviction] basically sets a precedent that anything a pregnant woman does that could be interpreted as an attempt to terminate her pregnancy could result in criminal liability," said Katherine Jack, a Greenfield-based attorney

case study" in what was wrong with the American judicial system. He said the trial was tainted by racial bias and that Mr Hinton, an impoverished African-American man, did not have access to a better defence. "We have a system that doesn't do the right thing when the right thing is apparent. Prosecutors should have done these tests years ago," said Mr Stevenson. The independent experts hired to re-examine this evidence after taking on the case in 1999 "were quite unequivocal that this gun was not connected to these crimes," he said. "That's the real shame to me. What happened this week to get Mr Hinton released could have happened at least 15 years ago." Mr Stevenson then tried in vain for years to persuade the state of Alabama to re-examine the evidence. The bullets only got a new look as prosecutors and defense lawyers tangled over a possible retrial following the Supreme Court ruling. The state of Alabama offered no immediate apology.

Self-Harm, Drug-Taking/Sexual Abuse More Common In Privately Run Prisons

Jonathan Owen, Indpendent: Twenty-five years after the first private facility opened in Britain, private jails are performing far worse than government-operated facilities on at least a dozen counts. They account for a higher proportion of fighting, sexual assaults, drug-taking, self-harming, hunger strikes, and prisoner escapes than public-sector prisons, according to an analysis by The Independent on Sunday of new government statistics. Private prisons were supposed to be the saviours of Britain's crumbling penal system, leading by example to inspire better conditions for prisoners and safer jails. In the words of the former Home Secretary Ken Clarke, privately run prisons would bring "considerable" benefits and help "raise standards".

But the new data shows that while Britain's 14 private prisons hold fewer than one in five (18 per cent) of the country's prisoners, they accounted for 23 per cent of assaults in the first six months of 2014 alone and one in four prisoner escapes. And the jails, run by Sodexo Justice Services, Serco Custodial Services and G4S Justice Services, also accounted for more than a third of all drug seizures, half of "full close- down searches" and 32 per cent of "deliberate self-harm" incidents involving prisoners. The figures, from the Ministry of Justice (MoJ), are a snapshot of incidents in all jails between January and June last year. They include a breakdown of the incidents in publicly run prisons and those in jails operated by private companies. About a third of all cases of vandalism by prisoners and hunger strikes – dubbed "food refusal" – occurred in private prisons. Almost a third (28 per cent) of rooftop protests took place in private facilities, which also logged one in four of all "mobile phone finds" and "key or lock incidents".

The statistics do not pick out incidents such as bomb threats and attempted escapes, but these are included in a category called "miscellaneous" incidents. Of these, more than 1,200 (around 28 per cent) took place in private jails. Private jails also accounted for 21 per cent of all cases of "concerted indiscipline" and fires. The statistics were obtained by Sadiq Khan, the shadow Justice Secretary and Labour Party candidate for Tooting, south London. "This data I have uncovered is really startling," he told The Independent on Sunday (IoS). "To see such differences between public and private prisons demands answers. Private prisons provide a very important public service paid for by taxpayers' money. The public expect the same high standards from all prisons, regardless of who runs them. Yet this data suggests that the performance of private prisons in providing an environment that both punishes and rehabilitates offenders is lacking." The Government, he said, should demand an explanation from the "multimillion-pound private companies" in charge of Britain's private jails, with an "urgent plan" drafted to rectify the situation.

Privately managed prisons were introduced to Britain in the 1990s, amid criticism of the way

public-sector prisons were being run and now represent about 11 per cent of jails. Juliet Lyon, director of the Prison Reform Trust, said: "There are good and bad private prisons, just as there are in the public sector. But these statistics show a consistent and worrying pattern, with people held in contracted-out establishments more likely to be involved in an assault or to have harmed themselves."

As well as the high rate of incidents at private prisons, the MoJ figures highlight wider issues in the prison system as a whole. More than 7,700 assaults were reported in Britain's jails in six-month period under study. During this time, there were also almost 12,000 cases of self-harm, 600 "fire incidents", and almost 100 cases of what officials describe as "concerted indiscipline". And the situation could be even worse than official figures suggest, according to Frances Crook, chief executive of the Howard League for Penal Reform. "There are often anomalies in record-keeping in prisons, particularly in relation to violence and purposeful activity, and it is easy to 'game' the system. There needs to be a more impartial system for gathering information about what is going on in prisons, both private and public Figures like these indicate that there are very serious problems in both private and public prisons – problems such as high levels of violence, self-injury and drugs – and these result in there being a greater risk to the public."

This comes as a new report warns that the past two years have seen a "worrying deterioration in safety and standards in prisons". The report, by the Prison Reform Trust, was released to mark the 25th anniversary last week of one of the worst prison riots in British history with two men dead and 194 injured at Manchester (Strangeways) Prison. It warns: "Rising numbers of deaths in custody and a marked increase in violence, coupled with continued overcrowding and falling rates of purposeful activity, have called into question basic standards of safety, fairness and decency in our jails." An MoJ spokesperson said: "It is wrong to make comparisons between establishments, whether public or private sector, based on just a partial view of the data. It is totally misleading, and does not take into account the different circumstances in each prison. We have a comprehensive system for measuring prison performance, and manage private prison contracts to get the best performance for the taxpayer. Public- and private-sector prisons have comparable performance levels."

That confidence is not reflected by the latest annual performance ratings issued by the National Offender Management Service. Data based on 27 indicators reveals that not one privately run prison managed to score a 4 rating for "exceptional performance". In contrast, more than one in 10 of the publicly run prisons were judged to be in this category.

CIA Interrogations: What Have we Learned in the UK? *Rosalind English, UK Human Rights Blog*

When late last year the US Senate Select Committee on Intelligence published parts of its 6,700 page report on the CIA's detention and interrogation programme, it shed light – remarkable light – on how the 'war on terror' had been conducted by the US for some time. It very rightly prompted questions for this country. The most immediate and top level question was, if that is what the US did, what did Britain do? But one need barely scratch the surface of the matter before encountering some difficult questions about method – how do we find out what Britain did? – and about scrutiny – are there lessons to be learned about oversight and accountability? Here some of the expert opinions and highlight five issues that, if the experts are right, are likely to lie at the heart of debate for some time to come.

Early this month the Bingham Centre for the Rule of Law convened a public event that asked an expert panel to consider these issues. Headlining the event was Sir Malcolm Rifkind QC, until recently Chair of the Intelligence and Security Committee of Parliament. He was joined by two

59. In his written observations, the applicant complained about the amount of compensation offered by the Government. He argued that he was entitled to a higher level of compensation since had the review taken place earlier, he would have been released. He relied on the fact that at the review in May 2012, his release was ordered. He also argued that the period of delay had been far longer than six months. In his contention, the delay was from August 2009 until the holding of a lawful review in May 2012. He claimed that a figure of around 50,000 pounds sterling (GBP) would be more appropriate. However, if the Court did not accept his argument that he would have been released had there been no breach of Article 5 § 4, a lesser sum of around GBP 3,000 would be appropriate to reflect the thirty-three month delay which he claimed had occurred.

60. Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if: "for any other reason established by the Court, it is no longer justified to continue the examination of the application".

61. In certain circumstances, the Court may strike out an application, or part thereof, under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

62. To this end, the Court examined carefully the declaration in the light of the principles emerging from its case-law, in particular the Tahsin Acar judgment (Tahsin Acar v. Turkey (preliminary issue) [GC], no. 26307/95, §§ 75-77, ECHR 2003 VI; WAZA Spó_ka z o.o. v. Poland (dec.) no. 11602/02, 26 June 2007; and Sulwi_ska v. Poland (dec.) no. 28953/03).

63. The applicant has alleged that there was a thirty-three month delay in his case, while the Government contended that there was a delay of six months. The first matter for the Court to resolve is therefore the length of the delay in the case.

64. There is no dispute that the Parole Board hearing was supposed to take place in August 2009. It finally took place in April 2011 (see paragraph 34 above), some twenty months later. While it is true that the Parole Board's decision was the subject of a successful judicial review action, it is significant that the scope of that action was limited to the decision not to transfer the applicant to open conditions. The applicant did not challenge the decision to refuse release. It is clear from the court's judgment of January 2012 that the Parole Board was required to consider afresh only the question of the applicant's possible transfer to open conditions (see paragraph 35 above). In these circumstances, there is no basis for the applicant's submission that the April 2011 Parole Board decision did not constitute a lawful review of whether he was lawfully detained for the purposes of Article 5 § 4.

65. The second matter for examination is the extent to which the State bears responsibility for the twenty-month delay in the applicant's case. The documents before the Court show that the hearing scheduled to take place in August 2009 was deferred to February 2010 for unknown reasons (see paragraph 25 above). The Government have admitted responsibility in respect of this six-month period of the delay (see paragraph 58 above).

66. The hearing was then further deferred for seven months to September 2010 following the applicant's solicitors' intimation that they had commissioned a psychologist's report that was unlikely to be ready for the February hearing (see paragraph 27 above). While the applicant cannot be criticised for seeking to obtain evidence of his reduced risk to present to the Parole Board, he must bear the consequences when such actions result in delay (see, mutatis mutandis, Beggs v. the United Kingdom, no. 25133/06, § 264, 6 November 2012; and Jordan v. the United Kingdom (no. 2), no. 49771/99, § 44, 10 December 2002). However, while it appears that the report was timeously

Lee Anthony Hill V UK - Parole Hearings did not Comply with Required 'Speediness'

Holds that there has been a violation of Article 5 § 4 of the Convention in respect of the periods from August 2009 to February 2010 and from September 2010 to April 2011;

56. The applicant complained that the delay in holding the Parole Board review hearing, which had provisionally been scheduled for August 2009, did not comply with the "speediness" requirement in that Article. He relied on Article 5 § 4 of the Convention, which provides: "4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful."

57. By letter dated 21 February 2014, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by this part of the application. They further requested the Court to strike out this part of the application in accordance with Article 37 of the Convention.

58. The declaration provided as follows: "1. In the particular circumstances of the present case the Government wish to express by way of a unilateral declaration their acknowledgement that in light of the judgments of the Court (Betteridge v the United Kingdom, no. 1497/10, 29 January 2013) and the UK Supreme Court (R (Faulkner & Sturnham) v Secretary of State for Justice [2013] UKSC 23 and R (Osborn) v Secretary of State for Justice [2013] UKSC 61) there has been a breach of the 'speediness' requirement of Article 5(4) of the Convention. 2. The Government do so in the following circumstances:

1) The Court has asked the Government whether the delay in holding the Applicant's Parole Board review provisionally fixed for August 2009 complied with the 'speediness' requirement of Article 5(4) of the Convention.

2) The Government accept that the 'speediness' requirement of Article 5(4) of the Convention was not met between August 2009 and the date scheduled for the deferred hearing, being 9 February 2010 (i.e. a period of six months).

3) In fact, the hearing did not take place on 9 February 2010 but this was through no fault of the Parole Board. The hearing was deferred as a result of the Applicant's decision to engage an independent psychologist and (through his solicitors) to warn the Parole Board on 29 January 2010 that he would wish to rely on a report from that psychologist at the hearing but could not guarantee that the report would be ready by the day of the hearing. The Parole Board properly decided on 2 February 2010 that, as a result, it would not be possible for the scheduled hearing to take place and therefore gave directions for the filing of the expert's report and for further steps to be taken in advance of the next review.

4) As a result of recent decisions mentioned above in paragraph 1, the Parole Board is currently undertaking substantial changes to the mechanism that it uses to manage and convene hearings.

3. Accordingly, and in light of the above and the particular circumstances of this case, the Government offer to pay the Applicant the sum of € 400 to cover all pecuniary and non-pecuniary damage as well as costs and expenses, to be paid in pounds sterling into a bank account nominated by the Applicant within 3 months from the date of the striking out decision of the Court pursuant to Article 37 of the Convention. The payment will constitute the final settlement of the Applicant's case as to Article 5(4) of the Convention.

4. The figure of € 400 is calculated consistently with the approach adopted by both the Court and the domestic courts of the United Kingdom as to the amount of money that should be paid as just satisfaction for a period of delay in a Parole Board review of 6 months."

lawyers, Sapna Malik from Leigh Day and Clare Algar from Reprieve (both of whom had represented Guantanamo detainees), and John Gearson, former Ministry of Defence adviser and now Professor of Security Studies at King's College London. Sir Daniel Bethlehem QC, former principal Legal Adviser to the Foreign & Commonwealth Office, chaired the event. The panel was asked to consider three issues: the extent to which the SSCI Report contributes to our own body of knowledge about detention and interrogation programmes, the appropriate response for the UK Government and Parliament to the findings of the Report, and mechanisms for accountability and oversight of UK counter-terrorism law and practice. While a detailed summary of the presentations and Q&A is available on the Bingham Centre website, and panellists' views varied in scope and perspective, to our eyes five points stood out among the many matters discussed.

1. Torture affects the tortured and the torturers. The Senate Select Committee's Report (SSCI Report) not only focused on harm to/impact upon detainees as a result of enhanced interrogation, but it also demonstrated that negative effects were felt by the CIA agents who were involved in the torture programmes. In particular, the account of Abu Zubaydah's treatment demonstrated both the effect of torture on Mr Zubaydah and its effect on agents/officers involved in it, and their internal opposition to what was happening.

2. There are substantive questions that remain unanswered in the UK. The panel agreed that several issues in the UK public domain remained to be investigated: the questions raised in Sir Peter Gibson's Detainee Inquiry report; the extent of UK knowledge of the use of torture techniques; the monitoring and treatment of detainees involved in operations with the US; UK involvement in rendition programmes; and the extent to which UK officials may have been complicit.

3. There was little agreement about the best method for finding answers to those unanswered questions. In particular, there was disagreement about whether a judge-led inquiry or the Intelligence and Security Committee of Parliament (ISC) would be more effective. It was noted that the ISC has been criticised in the past, for example, in relation to the Binyam Mohamed case where the ISC did not discover some relevant evidence and nor was it given that evidence. This led to claims that it had been misled by MI5. However, under the Justice and Security Act 2013 the ISC acquired new powers: intelligence agencies cannot refuse to provide information, the ISC can enter premises at Thames House, GCHQ, Vauxhall, etc., to examine information; and the ISC has oversight of operations in addition to policy, resources, and administration. These changes could arguably remedy the earlier shortcomings, though considerable doubts were still expressed about whether they were sufficient to make the ISC an adequate and appropriate investigatory body. On the other hand, a judge-led inquiry would have the advantage of independence, and the perception of impartiality, plus the ability to compel witnesses. However, there was still no certainty that a judicial vehicle would solve all concerns.

4. Context does not mitigate or excuse lapses in oversight, accountability or legality, but an examination of context is important because it helps us understand policymakers at the time. The context of the situation from a policy perspective was discussed, to better understand the actions and strategies – including the failures and wrongdoings – adopted in responding to terrorism. It was suggested that desperation and lack of knowledge of the intelligence agencies concerning the nature, threat and the appropriate response contributed to the intelligence-gathering policies. Professor Gearson's contribution from a non-legal perspective added value to the legal discussion and highlighted that, although an understanding of context is clearly of great importance, context should not – the point is worth restating – serve as a mitigating factor used to excuse lapses in oversight, accountability or legality.

5. While the ISC or an inquiry should be able to look effectively at what happened in the past, there is not presently an adequate mechanism for operational oversight of current ongoing activity. Oversight and accountability of ongoing activity featured prominently in debate by the panel. Among the issues raised were the role of the media in uncovering information, whether the investigations themselves are too politicised to be truly independent, and how oversight sits with the "five eyes" intelligence system when allies (Australia, Canada, New Zealand, UK, US) have different moral and legal contexts to their powers.

Prior to an inquiry in the UK, we must first await the conclusion of a number of pending criminal investigations. It remains to be seen whether an inquiry will be judicial in nature or handled by the ISC, or indeed if such an inquiry will be held at all. But whatever the answers to the substantive questions that remain for the UK, it is very clear that questions about how we will find out about Britain's conduct – past and present – are profoundly important, but there is little agreement about how they should be answered.

Letter from Kevan Thakrar - Thank you for Your Solidarity

Thank you to everyone who turned out to demonstrate in my support in London outside Prison Service headquarters on 16 February and to all those who helped create the banners, flyers and advertised the event. Since then there have been significant developments. Firstly, the attempt to have me sectioned under the Mental Health Act failed. Post-Traumatic Stress Disorder is not something which a person can be sectioned for, so the psychiatrist refused to do the dirty work of the Close Supervision Centre Management Committee (CSCMC) and refer me to hospital. Transfer to HMP Full Sutton segregation unit turned out to be their next attack. Greeted by a full riot squad on arrival, my treatment was never going to be good, but even I was shocked at the audacity of these discriminators who stormed my cell while I was praying, to assault me and provoke a reaction: Fortunately I did not fall into their trap; however this has only led to me being subjected to a continued and increasing level of harassment.

The problem for the CSCMC is this: I have a psychological report which stipulates that I should be returned to normal location as after five years on the CSC I do not need to remain under these conditions it goes on to say that keeping me in these environments is exacerbating my PTSD, which is disability discrimination in violation of the Equality Act. The CSCMC does not want me ever to be able to return to normal location, hence their failed attempt to have me sectioned, but they know that with this report any judge in the country will rule against them if they fail to progress me. As they are unable to get me out of their jurisdiction, their core aim is to provoke an incident to justify my CSC status. At the same time they subject me to treatment intended to worsen my mental health in the hope of facilitating my transfer to a hospital.

They have now informed me of their intention to allocate me to the Exceptional Risk Unit in HMP Wakefield. This is the very end of the line, indefinite isolation, nobody ever leaves, except those who die of old age. During my 13-day stay at Wakefield seg back in 2010, almost the whole first week I was starved, and not a day went by without some kind of threat being made by the officers there, including extreme racial abuse. Targeting me through the courts, I must be the only prisoner in history facing prosecution for common assault, which stems from a false allegation by an officer by the way. Wasting hundreds of thousands of pounds of public money attempting to force through a wrongful conviction to dirty my record and bolster their other schemes, they have recruited Manchester police and the CPS to help. With legal argument due to take place on 22 May 2015 at Manchester Crown Court regarding the validity

of this case, only time will tell if this prosecution actually proceeds.

I need your support now more than ever. A protest is being organised outside Manchester Crown Court on 22 May and ask for all those who can to please attend. Maybe I will hear you if you shout loud enough! I really am in a desperate situation and the only real way out is with your support. We can stand together against this abuse and cause it to change for me and all the others who follow. The CSC system has been allowed to operate in secrecy since its creation in 1998, sending many prisoners insane. The time has come to put a stop to the ordeal. The protest on 22 May is the first real step in achieving this. I hope to see you there.

Kevan Thakrar 23rd March 2015 HMP Full Sutton

[Editors note: Kevan wrote and posted above on the 23rd March 2015 on the 24th March he was abruptly moved from HMP Full Sutton to HMP Wakefield. This was despite a pending threat of a legal challenge opposing the move from his solicitors! MOJUK feel that the solicitors have been very slack, as of today there is still no commitment to get this into court and request the court to reverse the decision to move Kevan to HMP Wakefield. At the very least they should have made a court application to stop the move and if refused, applied to the ECtHR for a *Rule 39 Interim measure. Even though now Kevan has been moved the chain of legal measures can still be actioned; and if necessary, Kevan can apply himself to ECtHR for a Rule 39 Interim Measure, the court would be swift to decide this and if ECtHR were to rule in Kevan's favour; the Ministry of Justice would be compelled to move Kevan out of HMP Wakefield.]

* European Court of Human Rights (ECtHR) Requests for interim measures (Rule 39 of the Rules of Court): By virtue of Rule 39 of the Rules of Court, the Court may issue interim measures which are binding on the State concerned. Interim measures are only applied in exceptional cases. The Court will only issue an interim measure against a Member State where, having reviewed all the relevant information, it considers that the applicant faces a real risk of serious, irreversible harm if the measure is not applied.

Veretco v Republic of Moldova (ECtHR application no. 679/13)

Fiodor Veretco, is a Moldovan national who was born in 1963 and lives in Selite . His case concerned the lawfulness of his detention and access to medical treatment whilst in detention. Mr Veretco was arrested in 2012, charged with child trafficking and detained. At the Prosecutor's request he spent approximately two months in custody based on an assessment of the risk of him absconding, interfering with the investigation or reoffending. Mr Veretco and his lawyer objected to this decision but their request to see any evidence or documents supporting the prosecutor's request was denied. Mr Veretco submitted medical records to domestic courts explaining that he needed hospitalisation for pre-existing broken ribs/pneumonia, requirement was confirmed by a doctor. However Mr Veretco claimed that he received no medical treatment whilst he in detention. This claim was disputed by the Government, which alleged that he did not complain about his health or request medical assistance whilst in custody.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security / lawfulness of detention decided speedily by a court / right to compensation) of the European Convention on Human Rights, Mr Veretco complained in particular that he had not received adequate medical care whilst in detention and that, contrary to domestic law, he had not been able to examine the evidence used to support the Prosecutor's request to detain him which had served as the basis for justifying his detention.Violation of Article 3 (inhuman and degrading treatment) Violation of Article 5 § 4 - Violation of Article 5 § 5 - Just satisfaction: 9,800 euros (EUR) (non-pecuniary damage), and EUR 650 (costs and expenses)