A postmortem examination ordered by the Dutch prosecution service found he died of asphyxiation, apparently as a result of police handling. Five officers from the city's police division were suspended from duty on Wednesday after being identified as suspects in the case. The incident has ignited tensions in Schilderswijk, which contains three of the 10 poorest postcodes in the Netherlands and where about 85% of the population is made up of first- or second-generation migrants. Police stations in the area have been at the centre of allegations of brutality and discrimination by officers, claims senior officers have denied.

Unlawfully Detained in Prison under Immigration Powers

Legal 500 "Top Tier" firm Duncan Lewis Solicitors have successfully represented a Claimant who had been detained for over two years in prison under immigration powers. The Claimant's two years in detention followed an extraordinary period of unlawful detention of four years and eleven months in which it was found that at no point during this time period was it possible to effect removal, which in 2011, led to the landmark judgment on Sino v SSHD.

During the recent period of detention, the Claimant suffered a significant deterioration in his mental health which led to a transfer under the Mental Health Act to a psychiatric hospital. He has been diagnosed with a litany of psychiatric illnesses including paranoid schizophrenia. Following treatment, he was returned to detention at HMP Wandsworth. Following the hearing which took place on 16 and 17 June 2015, Mr Justice Hayden found that the client was unlawfully detained between 13 July 2013 and 10 December 2013.

During proceedings, it was noted that in total, the client was detained under immigration powers for a period of seven years and two months. Although there has been one man who was detained for a longer period than this, Mr Justice Hayden noted that; "These periods total seven years and two months. Such a time span is a disturbing period for the executive to detain an individual under purely administrative powers. It would appear to be one of the longest aggregate periods that HM Government has ever detained an individual for in such circumstances. […] the powers of the Secretary of State do not extend generally to permitting her to curtail an individual's liberty on these broad behavioural grounds. Hers is an administrative power of detention, circumscribed by the requirement that there be some prospect of achieving deportation. This fundamental premise is rooted in the respect for liberty and personal autonomy and traceable to Magna Carta". Duncan Lewis solicitors continues to represent the client and is considering a potential appeal in relation to the other parts of the judgment. Toufique Hossain, Director of the Duncan Lewis Public Law Department stated: "It is beyond belief that following such a landmark decision back in 2011, the Home Office would have the nerve to re-detain this mentally ill man for so many more months"

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 537 (09/07/2015) - Cost £1

Driving a Coach and Horses Through the Presumption Of Innocence

Barbara Hewson, Justice Gap: The week before last the House of Commons held a debate about the work of the Crown Prosecution Service, specifically, the impact of cutbacks on its work. Perhaps predictably, some MPs deplored the impact of delays in the criminal justice system on victims and witnesses. Of course, delay also impacts terribly on accused persons, some of whom, as the MP for Neath acknowledged, may be victims of spurious charges or allegations. In Hansard's record of the debate, the word 'victim' appears 54 times, and the word 'defendants' appears three times. Teresa Pearce, the Labour MP who opened the debate, described victims and witnesses as 'the most vulnerable participants in the criminal justice system'. Interestingly, the very same day the BBC reported the Prison Trust's findings that, while fewer than 1% of children and young people are in the care of local authorities, a third of boys and 61% of girls in custody either are in care, or have been.

This debate would not have made national headlines, were it not for the intervention of Simon Danczuk, Labour MP for Rochdale. Danczuk is a moral crusader. Like the late Geoffrey Dickens MP, he has gained fame, if not notoriety, for his relentless campaigning on the issue of child abuse. Danczuk had been on Channel 4 News only the day before, promoting his views of a particular case concerning the 86-year old Labour peer, Lord Janner. Danczuk had told C4 that historic allegations of child abuse against Janner were 'stomach-churning'. In April 2015, the DPP had declined to prosecute Janner, who has dementia and was considered unfit to plead. Danczuk and other MPs had signed a letter calling for her to change her decision. The DPP had sent the file to a QC for review, but his advice was as yet unknown. In his C4 interview, Danczuk called for Janner's expulsion from the Labour Party: 'The allegations are that serious that they should carry out a short, sharp investigation which I am sure would conclude that he should be expelled from the party.' When Danczuk stood up to address the House of Commons, he complained that the CPS had failed to prosecute child sex abuse in the past. He went on: 'These failures are not just a thing of the past. The case of Lord Janner is an interesting case study…'

The Conservative MP Anne Main, who chaired the debate, cautioned him against discussing the case of Janner in detail. She made clear that the constitutional proprieties had to be observed. As Janner had not been charged, the matter was not technically sub iudice. But another rule applied. This says that MPs must not discuss members of the House of Lords, save on a substantive motion. Ignoring her, Danczuk did discuss Janner's case in inflammatory terms: 'Returning to the case of Lord Janner, the shocking thing is that the CPS admits that the witnesses are not unreliable. It admits that Janner should face prosecution, but refuses to bring a case. I know the police are furious about this, and rightly so. Anyone who has heard the accusations would be similarly outraged. I have met Leicestershire police and discussed the allegations in some detail: children being violated, raped and tortured, some in the very building in which we now sit.'

Then he read out the draft charges, and said: 'My office has spoken to a number of the alleged victims and heard their stories. I cannot overstate the effect that this abuse has had on their lives….. why not conduct a trial of the facts? This would allow the victims to tell their stories and gain some sense of justice. The DPP has said that a trial of the facts would not

be in the public interest. Personally, I fail to see how the knowledge that a peer of the realm is a serial child abuser is not in the public interest [my italics].' Note how Danczuk pre-empts the outcome of any putative fact-finding exercise in that last sentence. The chair then feebly intervened, saying: 'Order. I caution the hon. Gentleman about alleging anything against Lord Janner and making assertions about his guilt or innocence.'

But the damage was done. - Ignoring her again, Danczuk said: 'The failure to prosecute Lord Janner offends every principle of justice. He may not abuse again, but the legacy of the abuse continues. His victims need the truth and they need to be heard [my italics].' Within 20 minutes of the debate closing, the Daily Mail had the story. The Telegraph followed shortly afterwards: 'Labour peer Lord Janner of Braunstone is a "serial child abuser" who "violated, raped and tortured" children in the Houses of Parliament, an MP has said.' The Mirror ran the story that evening. Other news outlets ran it the next day.

By June 26th, the QC's review of the DPP's decision not to prosecute Janner was leaked. The word on social media was that Janner would be tried. On Monday 29th June, the CPS formally announced a volte-face, albeit without explaining what had changed. Echoing Danczuk's closing words, the DPP gave as her justification the complainants' 'need to be heard'. The inference is plain that the DPP caved in to Danczuk's demands. This creates the impression of a prosecution service that is weak, and lacking in self-confidence. But it's worse than that. Danczuk deliberately exceeded the responsibility, which his Parliamentary privilege imposed on him.

The common law grants freedom of speech in Parliamentary proceedings, coupled with immunity from suit. But Danczuk misused this to drive a coach and horses through the presumption of innocence, and the principle of due process. The object of his crusade is an old man who was not even deemed fit for police interview. To Danczuk, accusations of child sex abuse equates with proof of guilt. The separation of powers seems to have become a dead letter: our criminal justice system is in thrall to demagoguery. In this febrile atmosphere, Stalinist show trials are the order of the day in Great Britain.

Prison Uniform Policy House of Commons/2 July 2015 : Column 1617

Philip Davies (Shipley) (Con): What recent assessment she has made of the equality implications of the way that the prison uniform policy is applied to male and female prisoners.

Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): It has long been the case that women are not required to wear prison-issue clothing. Men can earn the opportunity to wear their own clothes under the incentive and earned privileges scheme. That reflects the understanding that the experiences that lead to imprisonment and the impact of imprisonment can be very different for men and for women.

Philip Davies: I very much welcome the Minister to her position. Female prisoners do not currently have to wear prison uniforms because it might affect their self-esteem. Research by the Ministry of Justice that was supposed to back that up was so deficient that it was not even published. In the interests of real equality, not just the "equality but only when it suits" agenda, will she get on with ensuring that both male and female prisoners have to wear prison uniforms?

Caroline Dinenage: I am interested in equality whether it suits or not. The fact is that 95% of prisoners are men, and our entire prison system is largely designed with them in mind and to suit them. I make no apologies for the fact that I believe our prisons should be places of rehabilitation as well as punishment. If this small compromise helps to achieve that aim, it is well worth doing.

Fiona Mactaggart (Slough) (Lab): I thank the Minister for noticing that one of the prob-

only will every staff member in Maghaberry have to be newly kitted out, with every single new item 'numbered', but so too will every member of jail staff in all other Six County jails. Additionally, this Judicial Review will apply equally to every Healthcare staff member working in each of the jails. Republican Political Prisoners have also had success recently with another Judicial Review of the Jail 'wage' deferential. As a result the Jail Administration has been forced to concede at the first opening of the Judicial Review, and has proposed to implement an immediate review of the criteria for every Republican Prisoner. This was another basic issue of discrimination, regularly flagged up to the Jail Administration and the Prisoner Ombudsman, that could have been resolved quite easily; but, which will now cost the public purse significant expense, including legal costs.

In a worrying development, and a blatant affront to the Judicial Review Court, the Maghaberry Jail Administration has repeatedly refused to adhere to rulings made by the courts. Maghaberry staff, including Governors, have continued to refuse to identify themselves for the purposes of complaint, regardless of undertakings made during the recent successful Judicial Review initiated by a Republican Prisoner. A similar obstinate approach is also currently taking place in relation to the successful Judicial Review concerning the jail 'wage' deferential. Governors repeatedly refuse to even respond to written requests from Republican Prisoners seeking answers as to why the Judicial Reviews in question are not being adhered to, in both spirit and letter.

In consultation with legal representatives, Republican Prisoners are currently considering taking these cases back into the Judicial Review Court which unfortunately will be a further unnecessary expense. The Maghaberry Jail Administration, for whatever reason, clearly believes they are beyond the remit of the courts. A number of other (pending) significant Judicial Reviews that Republican Prisoners are presently engaged in have cleared the Legal Aid hurdle. Legal advisors have stated that they are extremely confident of success in regards to these. They relate to Unlawful Charges and Convictions; Privacy during intimate medical examinations; being Handcuffed during these same procedures and then being Forcibly Strip-Searched when brought back to the jail, regardless of being handcuffed to a jail staff member throughout. These Judicial Reviews will also have a substantial cost to the Public Purse. Such recourse under normal circumstances would be completely unnecessary. Republican Political Prisoner treatment is clearly something that is Abnormal within Maghaberry Jail, and is destined to remain so while bigotry overrides common-sense.

Mass Arrests in The Hague as Clashes Over Death in Police Custody Continue

About 200 people have been arrested after the fourth night of unrest in The Hague following the death of a Caribbean tourist at the hands of police. The arrests were for breaching a ban on public assembly in the inner-city district of Schilderswijk after three nights of clashes led to the arrest of 61 people, mostly teenagers. Police chief Paul van Musscher said protesters pelted officers with stones and fireworks and threw petrol over them. The violence first erupted on Monday night 29th June 2015, after demonstrators gathered outside a police station to protest at the death of Aruban holidaymaker Mitch Henriquez. The 42-year-old father of three died in hospital on Sunday, a day after he was pinned to the ground in a chokehold by officers at a concert in Zuiderpark.An initial statement by the prosecution service said Henriquez had fallen ill in the police van and officers tried to revive him. But within hours videos were circulating on social media in which the Aruban appeared to be unconscious as three officers lifted him into the vehicle.

come: the most centrist Democratic nominee on the court has now reached the conclusion that the death penalty is unconstitutional, which may shift how other moderate liberal justices view the Eighth Amendment. This court will not rule the death penalty unconstitutional – but the next court with a Democratic nominee as the median vote might.

The Ostrich Effect Roe 4 Republican Prisoners HMP Maghaberry 02/07/15

The Annual Report by the Prisoner Ombudsman 2014-15 has just been released. While outlining the report during an interview of little over five minutes on Radio Foyle on the day of its release (Thursday 25-6-15), the Prisoner Ombudsman spent a total of 10 seconds on Republican Political Prisoner complaints and conditions. This was a little strange given that more than four fifths of all complaints (81% of 1,429) investigated by the Ombudsman came from Republican Roe House. The Ombudsman has been understating the reality of Republican Political Prisoner (RPP) existence within Maghaberry. Of particular concern is his minimalist approach regarding commenting on RPPs, in the media, in radio interviews in particular, along with his deliberately misleading commentary regarding issues raised by RPPs, in complaints, in phone calls to his office, and in face to face meetings with him.

The Prisoner Ombudsman is only too aware that when directly dealing with his office, RPPs have primarily focused on the three core issues: Controlled Movement, Forced Strip-Searching and Isolation. This is to prevent a devious Jail Administration from deflecting focus away from the core issues. During such meetings RPPs do not concentrate on the more 'mundane' complaints because of the few time-bound opportunities we have with either the Jail Administration or the Prisoner Ombudsman's Office. However, the large volume of complaints, the vast majority of which are still in the internal Jail complaints system, is evidence that RPPs have a wide variety of issues that need urgent attention.

Some of the problems encountered by RPPs are that: the Jail Administration is intentionally and persistently constructing obstacles to progress; creating more issues; reversing, and indeed reneging on, positive arrangements previously fought long and hard for, which had been subsequently agreed on. This is a tactic on the part of the Jail Administration which is primarily aimed at wearing down the will of RPPs to carry on. This is ill thought out and has the potential to destroy any chance of building trust or a 'normal' relationship between RPPs and the current Jail Administration. The Prisoner Ombudsman has been made fully aware, in intricate detail, of the concerns of RPPs in relation to all of this. Moreover, the Ombudsman has an abundance of evidence supplied to him by RPPs. As well as this, he has uninhibited access to every facet of the Jail Administration's systems, including its Security Information Branch (SIB), which is central to and responsible for the outworking of the malign Isolation Policy, directed by MI5.

The Ombudsman's failure has forced RPPs to engage in a complex and cumbersome process to bring Judicial Reviews so that basic human rights and fairness, as well as equality of entitlement, can be brought about. As part of this process, and in conjunction with a number of high profile legal firms, Republican Political Prisoners have recently been successful in forcing the Maghaberry Jail Administration to have its entire staff wear identifiers (numbers and epaulettes). This Judicial Review was only taken when RPPs (and non political prisoners), after being regularly brutalised, exhausted every opportunity for recourse through the internal complaints mechanism and ultimately the Prisoner Ombudsman's Office. Something which should have been easily resolved by the Prisoner Ombudsman, regardless of an inflexible Jail Administration, is now going to cost hundreds of thousands if not millions of pounds. Not

lems with the prison system is that women prisoners are too often treated as though they were "not men" prisoners. Will she tell the House how far from their children the average woman prisoner is compared with the average male prisoner who has children?

Caroline Dinenage: That is a detailed question, and I will of course write to the right hon. Lady with a full answer. We take the needs of women in our prisons very seriously. Lots of schemes are being introduced to help to build and maintain bonds for women, particularly those who have caring responsibilities, not least the use of video links so that they can keep in contact. Babies and children are allowed into some parts of our prisons, and we will keep that under review.

Angela Crawley (Lanark and Hamilton East) (SNP): Rather than focusing on uniforms, what lessons does the Minister take from the work of the Scottish charity Families Outside to ensure that offenders, in particular mothers, can continue to play a role in their children's lives, which reduces the likelihood that they will reoffend, and from the measures taken by the Scottish Government towards a custody in the community approach to female offenders?

Caroline Dinenage: The hon. Lady makes a very good point, and I am very happy to look at the charity that she mentions. We have to look at the individual needs of mothers, particularly if they are sole carers, because in many cases we must consider what will happen to the children if their mothers are in prison. Judges look at every case individually and take into consideration whether mothers have caring responsibilities, and we know that they will continue to do so.

[Of the twenty female prisoners who had served the longest amount of time in custody, as of 31 March 2015, twelve had served between 14 and 18 years and eight had served 18 years or more. All bar two of those female offenders were imprisoned for violent offences against the person.]

Prisoners: Radicalism

Philip Davies: To ask the Secretary of State for Justice, in respect of which prisons he has received recent reports on the religious radicalisation of prisoners.

Andrew Selous: NOMS requires its staff to report on a wide range of extremist behaviours through well established intelligence reporting systems. This process identifies a number of prisoners, who from the behaviour they exhibit in custody, appear to hold extremist views or who may be vulnerable to radicalisation, religious or otherwise. NOMS assesses that a significant proportion of those exhibiting extremist behaviours do so to disguise or excuse anti-social or criminal gang behaviours or to attempt to manipulate the prison system. Reporting of extremist behaviour is received from a range of prisons across the custodial estate. NOMS identifies and manages extremist behaviour where it is reported and has a range of interventions available to tackle and disrupt such behaviour, whether genuine or apparent, and an established multi-agency case management approach working with partners to deal with those prisoners of greatest concern.

John Palmer: Police Failed to Spot Notorious Criminal Had Been Shot

David Connett, Indpendent: A police force has referred itself to the Independent Police Complaints Commission (IPCC) over delays in identifying the death of a notorious criminal as a possible murder. The body of John "Goldfinger" Palmer, 64, was discovered by his family at an address in South Weald, Brentwood, on 24 June and Essex Police initially recorded his death as not suspicious, believing his death was the result of complications following a recent heart operation. It is understood the bullet wounds were not discovered until Mr Palmer's clothes were removed prior to a post-mortem examination on 1 July. It was quickly determined the cause of death was gunshot wounds to the chest and a murder probe was launched.

Essex Police said it had asked the IPCC to investigate possible failings. The emergency services were called to Palmer's home and found him in his garden. He was not breathing when they arrived and was declared dead at the scene. A spokesman said: "Police and paramedics who attended the scene initially assessed the death as non-suspicious due to pre-existing injuries as a result of recent surgery. Closer inspection raised doubt and a post-mortem examination was conducted to establish the cause of death." It is understood a junior police constable did not independently check the body and instead relied on the assessment of the paramedics.

Earlier, the senior detective in charge of the murder investigation refused to comment on claims that the case had been "bungled". Detective Chief Inspector Simon Werrett said his priority was to find whoever was responsible and he would not respond to allegations made by a former Metropolitan Police chief that the force had been "utterly incompetent". When asked if the crime scene had been compromised because of the delay in starting the murder investigation, DCI Werrett said it was "challenging". "However, we do have a crime scene and we're deploying our specialist forensic and search officers around that crime scene," he said. On 2 July a police cordon was in place around the secluded property and officers could be seen inspecting the property and a wooded area adjacent to the house. One of the nearest residents said: "We had no idea there was any police activity until we saw the reports. We knew him by reputation and knew he lived there but it is a very quiet spot and we didn't see much of him or his family."

The latest IPCC investigation is a further blow to Essex Police, who were already under investigation for failures by its squad investigating child abuse cases between 2001 and 2014. The IPCC confirmed it has issued 25 notices to serving Essex Police officers and a further four notices to former officers who have resigned or retired. Twenty-two of the notices allege gross misconduct and seven relate to alleged misconduct including failing to make reasonable enquiries and progress investigations. Six of the officers are currently under criminal investigation for alleged offences including misconduct in public office and perverting the course of justice.

£125,000 Damages Award Against Home Office for False Imprisonment - Quashed

The Court of Appeal in R (on the application of Radha Naran Patel) v SSHD [2015] EWCA Civ 645 has overturned an Administrative Court award of £125,000 damages against the Home Office to an Indian visitor for false imprisonment. Mrs Patel arrived in the UK in May 2011 with valid entry clearance and a visitor's visa. She was refused leave to enter at immigration control, and detained for five days pending removal. The Immigration Officer's reasoning for denying entry and issuing removal directions were that, under interview, Mrs Patel had said she intended to work for her sister while in the UK. Mrs Patel refuted the claim that she intended to work and denied saying anything to that effect in interviews with the Immigration Officers ("IO").

Mrs Patel brought a claim against the SSHD in the Administrative Court for damages for false imprisonment. The damages were claimed for "her unlawful detention, for the malicious and deliberate bullying and ill-treatment that she suffered when she was interrogated in detention, for the concoction and fabrication of admissions that she was alleged to have made in interviews which were known by the interviewing IO to be false and the opposite of what she was answering and for her unlawful detention". In the meantime, Mrs Patel successfully appealed against her refusal of leave to enter to the First-tier Tribunal. The Secretary of State was unrepresented and simply relied upon explanatory statements and interview records.

The damages claim was heard in the Administrative Court by a judge on the papers alone (ie without an oral hearing). In his judgment, the judge found that Mrs Patel had not intended to work

Even worse is Alito's conclusion that death by torture does not violate the Eight Amendment unless defendants can identify a safer method, which Sotomayor correctly describes as "indefensible". Even assuming for the sake of argument that the US constitution permits the death penalty in the abstract, it does not guarantee that states will be able to perform executions in every circumstance. If medical personnel and drug companies – making free choices – decline to participate in the machinery of death, this does not mean that the Eight Amendment ceases to apply. As Sotomayor explained: But a method of execution that is "barbarous," or "involve[s] torture or a lingering death," does not become less so just because it is the only method currently available to a State. If all available means of conducting an execution constitute cruel and unusual punishment, then conducting the execution will constitute cruel and usual punishment. Nothing compels a State to perform an execution. It does not get a constitutional free pass simply because it desires to deliver the ultimate penalty; its ends do not justify any and all means.

Her argument is unanswerable. Boiling people in oil or killing the on the rack would not suddenly stop being cruel and unusual punishment if they were the only methods available. It is true that the condemned prisoners in the cases considered by the court committed genuinely heinous crimes – one broke an infant's back with his bare hands; another raped an killed an 11-month-old girl, as Alito was sure to mention in his opinion. Fortunately, even if Oklahoma could not execute these prisoners a remedy exists that is good enough for most American states and every other liberal democracy in the world: imprisonment.

The other dissenting opinion, written by Justice Stephen Breyer and joined by Justice Ruth Bader Ginsburg, took a broader view and concluded that "it is highly likely that the death penalty violates the Eighth Amendment." With the exception of an opinion filed by Justices Harry Blackmun and John Paul Stevens written just before their respective retirements, Breyer and Ginsburg are the first continuing justices to suggest that the death penalty is categorically unconstitutional since Justices William Brennan and Thurgood Marshall retired during the first Bush administration.

Breyer wrote that the death penalty likely violates the Eighth Amendment, because it is unreliable and the execution of innocent people cannot (unlike the imprisonment of the innocent) be remedied; he cited, among others, Carlos DeLuna and Cameron Todd Willingham, two almost certainly innocent people recently executed by Texas's trainwreck of a criminal justice system. Breyer also noted that the system is arbitrary: as Justice Potter Stewart said in 1972, it is "cruel and unusual in the same way that being struck by lightning is cruel and unusual" because a small number of people (who are disproportionately poor and disproportionately people of color) are singled out for execution, often for crimes no worse than those who are spared even by the same state. The inefficiency of the system causes the condemned the anguish of extended stays on death row, Breyer noted, and it's increasingly unusual because it is increasingly rarely used in the United States.

Not surprisingly, Justice Breyer's dissent inspired a rancorous concurrence from Scalia, who took the highly unusual step of reading his opinion from the bench. (It is rare for justices to read concurring opinions, as opposed to opinions of the court or dissents.) In one of the stale zingers that have increasingly consumed Scalia's writing, he asserts that "Justice Breyer does not just reject the death penalty, he rejects the Enlightenment." This is particularly unfortunate phrase for someone who has asserted that the Constitution does not forbid executing innocent people – which some might say was a key feature of the Enlightenment.

In the short term, neither Breyer's nor Sotomayor's opinions will not change the law: a court that essentially winks at torturous killings by the state certainly isn't about to rule the death penalty per se unconstitutional. But it may turn out to be a very important sign of things to

The Court found in particular that the applicable legal framework in the UK for ensuring a fair trial in the event of adverse publicity had provided appropriate guidance for the retrial judge. It further found that the steps taken by the judge were sufficient. Thus, he considered whether enough time had elapsed to allow the prejudicial reporting to fade into the past before the retrial commenced and recognised the need to give careful jury directions on the importance of impartiality and of deciding the case on the basis of evidence led in court only. He subsequently gave regular and clear directions, to which Mr Ali did not object. The fact that the jury subsequently handed down differentiated verdicts in respect of the multiple defendants in the retrial proceedings supported the judge's conclusion that the jury could be trusted to be discerning and follow his instructions to decide the case fairly on the basis of the evidence led in court alone.

If Execution by Torture isn't 'Cruel and Unusual' Punishment, What Is?

Scott Lemieux, Guardian" You might think that the Eighth Amendment, which forbids "cruel and unusual" punishments, clearly prohibits death penalty regimes like those currently in effect in Oklahoma: unqualified and inexperienced personnel trying experimental drug regimes that have a substantial likelihood of inflicting serious pain before death. But, if you know anything about the Roberts Court, you won't be surprised to discover that they disagree. In a 5-4 decision written by Justice Samuel Alito (appropriately, as he's the current justice with the very worst record on civil liberties) the US supreme court gave the green light to Oklahoma's method of death.

Late last year, Oklahoma horrifically botched its execution of Clayton Lockett, effectively torturing him for 40 minutes before he died (and blocking him from view from observers midway through). Its system for lethal injection relies on a three-drug cocktail, the formula invented (entirely arbitrarily) by the Sooner State itself in 1977: two of the drugs stop the heart but, as Justice Sonia Sotomayor explained in her dissent to the majority ruling, "they do so in a torturous manner, causing burning, searing pain." The first drug, then, is supposed to be a barbiturate that renders the condemned prisoner unable to feel pain (although, since the second drug is generally a paralytic, it's not really possible to tell if it works). Oklahoma, however, has been unable to obtain any of its usual drugs for the first step of the process, and has thus resorted to an alternative that carries the substantial risk of producing death by torture.

Nonetheless, to a bare majority of the court, Oklahoma's system is good enough for the Eighth Amendment, based on a series of scientifically weak defenses offered for the protocol by a single witness and the argument that the condemned prisoners themselves are required to offer the state a less risky method for their own executions. The state can, under Alito's reasoning, torture people to death as long as it cannot procure the drugs needed for a safer, less torturous method.

Justice Sonia Sotomayor's dissent methodically dismantles Alito's logic – and her closely reasoned opinion makes a telling contrast to the witless yelling at clouds in Justice Antonin Scalia's dissents last week. First, she demonstrated that the state's defense of its new system in the lower courts was extremely weak and didn't merit the extreme deference given to it by the Supreme Court. The witnesses called by the defense used actual scholarship to show that the risk of death-by-torture was substantial; the only expert witness called by the state, conversely, "cited no scholarly research in support of his opinion" and instead "appeared to rely primarily on two sources: the Web site www.drugs.com, and a 'Material Safety Data Sheet' produced by a midazolam manufacturer". As Sotomayor carefully demonstrated, "the Court disregard[ed] an objectively intolerable risk of severe pain" and relied instead on the kind of research done by an undergraduate student who starts papers on the morning that they are due.

and had not said that she did; that she had been subjected to at least five further interviews not referred to in the evidence, all conducted by one officer, who had deliberately concocted and falsified records, and that three officers had conspired to mislead the First Tier Tribunal and the Administrative Court. He found that the decisions to detain Mrs Patel were unlawful; violated Articles 5, 8 and 14 of the European Convention on Human Rights and awarded her £125,000 damages.

The SSHD then appealed the judge's decision on liability and damages, submitting that the evidence before the judge was not capable of supporting his findings. The Court of Appeal allowed the appeal. It found that this was a wholly inappropriate case to have been determined on the papers, given the seriousness of the allegations being made. It said that the protagonists should have given evidence and subjected themselves to cross-examination. The judge should have transferred the case to the non-jury list of the Queen's Bench Division or directed that it continue in the Administrative Court as a Part 7 claim. However, the Court blamed the parties, primarily the SSHD, for allowing the case to proceed in the way it did. The SSHD was lambasted for the 'unaccountably cavalier attitude towards the proceedings' and 'glaring shortcomings' in answering questions only in the most perfunctory terms and not ensuring that the officers in question were called to give evidence.

Whilst the Court found that the judge had been placed in a difficult and frustrating position, this did not allow him to draw inferences unsupported by the evidence or to justify him treating the absence of evidence as evidence to the contrary. The appeal was allowed to the extent that the case was remitted to the Queen's Bench Division to continue as a Part 7 claim.

Secret Prosecution of Terrorism Suspect Raises 'Difficult Constitutional Issues'

I*an Cobain, Guardian:* The decisions that led to a terrorism suspect being prosecuted in conditions of almost unprecedented secrecy raise "really difficult constitutional issues" about the independence of prosecutors from government, the head of the judiciary in England and Wales warned on Wednesday. The Crown Prosecution Service had initially claimed that it might be unable to proceed with the trial unless Erol Incedal, a London law student, was prosecuted anonymously and in complete secrecy. That claim was made as a consequence of "representations from the executive", the Lord Chief Justice Lord Thomas pointed out at the court of appeal on Wednesday 24th June 2015.

After an appeal from lawyers representing the media, arrangements were eventually made for a small group of journalists to be present during some of the secret evidence sessions when Incedal went on trial at the Old Bailey. The Guardian and other news organisations are now appealing against the trial judge's refusal to let those journalists report what they heard. Although much of the media's appeal has itself been heard in secret, Thomas said that the constitutional implications of what had occurred were such that he needed to raise it in open court.

The representations that had been made by "the executive", and the CPS response, "goes to the independence of the prosecutorial decision" and accountability for that decision, he said. "It is one of the really difficult constitutional issues that arises in this case." Thomas added that he did not accept that there had been any proper analysis of what had happened, and that the appeal court needed to conduct that analysis. Lawyers for the media argue that there is a "powerful public interest" in the public being permitted to know what happened behind closed doors at the Old Bailey trial.

Incedal, 27, from south London, was arrested in October 2013 after police shot out the tyres of his Mercedes when he was pulled over near Tower Bridge in central London. During the parts of his trial which were not held in secret, the jury heard that a listening device had been inserted inside the car 13 days earlier, capturing his conversations about jihadist groups,

his supposed love of the word terrorism, and a plan that he had to purchase a gun. An examination of his laptop resulted in the recovery of communications with a British jihadist called Ahmed, who was encouraging him to carry out a terrorist attack.

Incedal was jailed for 42 months after being convicted of the possession of a bomb-making manual, which was found on a memory card hidden inside his iPhone case at the time of his arrest. But one jury was unable to reach a verdict on the more serious charge of plotting a terrorist attack, and at a retrial, a second jury cleared him of the charge, despite being informed that he had already been convicted of possession of a bomb-making manual. Because of the way in which Incedal's defence case, as well as much of the prosecution case, was held in secret, the media has been unable to explain why the jury reached its decision. The media's appeal has been adjourned until October, to give time for further examination of what happened at Incedal's trials.

UK's First Specialist Miscarriage Of Justice Law Firm Goes Live

The UK's first criminal appeals specialist charity law firm is launched today Thusday 2nd July 2015, as defence lawyers take action to protest the legal aid cuts. The Centre for Criminal Appeals (CCA) combines charitable fundraising with legal aid to represented alleged victims of miscarriages of justice. 'With mounting pressures on firms causing them to no longer take on legally aided criminal appeals, an under-resourced CCRC that now takes at least 72 weeks to process an application, and our court and prison systems bursting at the seams, creative solutions are urgently needed,' the CCA says.

According to the CCA, less than a third of applicants to the Criminal Case Review Commission (CCRC) have a lawyer however those with lawyers are 'twice as likely to succeed'. The group adds that, in light of today's second 8.75% cut on fees, CCA will jointoday's boycott of legal aid cases covered by a representation order alongside many defence firms and barristers. The CCA's funding model enables it to supplement legal aid with charitable donations and fundraising to enable it to conduct proper investigations, representation and support to innocent prisoners. The group also hopes that its cases will 'highlight the necessary strategic changes to the criminal justice system'.

'Innocent people are trapped for years as they struggle to negotiate a complex legal system from prison,' says Sophie Walker, chief executive of the CCA. 'We are hoping to blaze a trail for legal service provision that others can follow to ensure the most disenfranchised in our society can find the help they need. When I came back from working on death row cases in the States to set up the CCA, I had no idea that the situation here would deteriorate to such an extent. Criminal justice in the UK is in severely under threat and we need to do whatever we can to address this, for the sake not only of the whole justice system, but for British society too.' Emily Bolton, founder of the CCA

Prisoners Doing the Work of Prison Staff

Lord Beecham: What tasks, if any, prisoners are now asked to undertake that hitherto were undertaken by staff at (1) HMP Durham, and (2) HMP Acklington.

Lord Faulks: The National Offender Management Service is committed to reducing reoffending by giving prisoners the support they need to break away from a life of crime. An important factor in their rehabilitation is providing them with the opportunity to learn new skills, contribute positively to prison life and develop a strong work ethos. As part of this, prisoners have always carried out tasks under the supervision of staff to assist the running of the prison and to gain skills in preparation for release. HMP Durham has recently added further opportunities to do this, with

fraudulent documents. As a result of the contents of the applications the Claimants were thought to have used deception in attempt to remain in the UK; resulting in the Claimants being detained for seven days and then removed from the UK. The detention and removal of the individuals should not have occurred, as they were unaware of the fraudulent documents within the application, which has been considered as an "oversight" by the Defendant, Secretary of State for the Home Department.

The brother and sister then proceeded to submit an appeal from outside the UK which were again mishandled by the Defendant resulting in documents being lost, and delays with the processing of the application. Subsequently the appeal was successful, and the Claimants were then given leave to enter the UK for a month to allow time to resolve their issues with their immigration a status in the UK. During this time the Claimants submitted applications outside the immigration rules for leave to remain in the UK. Both applications were refused and Mr Bhatt was not offered a right of appeal; however Ms Bhatt did not choose to appeal her refusal. The Claimants then applied for Judicial Review of the Defendants decision which raised a number of issues such as breach of rights and that they should be issued leave to remain in the UK and requesting compensation for a damages on several grounds.

The judge dismissed the judicial claim as she said there was "no proper basis" because the Claimants did not initially claim for false imprisonment in the claim form. It was also thought that the damages for unlawful imprisonment would fall within the limitations of a private law claim. She also stated that the claims of a breach of Human Rights under ECHR Article 8 and ECHR Article 3 were not specified in detail within the statement of facts and grounds within the skeleton argument submitted. The Claimant's various allegations of breaches of immigration law were not specifically listed in the submissions. The judge did agree that the Defendant did not deal with the Claimants' cases appropriately and that as a result the brother and sister had suffered considerably. However, that the Claimants should have attempted to resolve this through the Secretary of State's complaint system before making a Judicial Review application. The Defendant has issued an apology to the Claimants for how they were unlawfully treated; however no compensation has been offered. It is important that all individuals seeking assistance from an immigration advisors have checked that the firm is regulated; and that they are are aware of the documents which have been included with their UK immigration applications to avoid any issues similar to the above.

Adverse Media Coverage did not Prejudice Outcome Of criminal Proceedings

In Chamber judgment in the case of Abdulla Ali v. the United Kingdom (application no. 30971/12) the European Court of Human Rights held, unanimously, that there had been: no violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights. The case concerned Mr Ali's complaint that, because of extensive adverse media coverage, the criminal proceedings against him for conspiring in a terrorist plot to cause explosions on aircraft using liquid bombs had been unfair.

Following a first trial in Mr Ali's case which had resulted in his conviction on a charge of conspiracy to murder, there had been extensive media coverage, including reporting on material which had never been put before the jury. A retrial was subsequently ordered in respect of the more specific charge of conspiracy to murder by way of detonation of explosive devices on aircraft mid-flight (on which the jury at the first trial had been unable to reach a verdict) and Mr Ali argued that it was impossible for the retrial to be fair, given the impact of the adverse publicity. His argument was rejected by the retrial judge and he was convicted at the retrial. He was sentenced to life imprisonment with a minimum term of 40 years.

The provisions regarding appeals under Part 1 of the Act now read: "26(4) Notice of an appeal under this section must be given in accordance with the rules of court before the end of the permitted period, which is seven days starting with the day on which the order is made. (5) But where a person gives notice of application for leave to appeal after the end of the permitted period, the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given."

The Appellant did not appeal within the 7 days after his extradition was ordered. Neither did he appeal on 15 April 2015 when the new provisions came into force. However, the court heard that on 1 April 2015 the appellant spoke briefly with an extradition solicitor and met with her again on 17 April 2015. An appeal notice was completed and ready for service on 20 April 2015. There was a statement completed by the solicitor explaining that she was acting pro bono and explaining the delay in service of the notice. The appellant was going to serve the notice himself. In fact the appellant did not lodge the notice of appeal until 27 April 2015. There was no explanation for this delay.

The High Court noted that (once he had missed the original deadline to appeal in March) given the change in the rules it was not possible to serve notice before 15 April 2015. The High Court indicated that it would not criticise the five days it took to prepare the notice and bundle of papers by 20 April 2015. However, there was no explanation as to why the notice was not lodged at the High Court until 27 April and was not served on the CPS until 8 May 2015. In the circumstances of this case the High Court was unwilling to entertain the application under s.26(5) of the Act and his application for leave to appeal failed. The test in s.26(5) is straightforward - a person must do everything reasonably possible to ensure that notice is given as soon as possible. Nevertheless the High Court did provide some guidance in terms of its interpretation of this new provision: 1.The burden of establishing that everything reasonably possible was done rests upon the appellant. He must satisfy the court on the balance of probabilities. An application for permission to appeal to the High Court may be determined without a hearing. Therefore, ordinarily any question raised under section 26(5) will be dealt with on the papers. Given the nature of the test, it is clearly necessary for an appellant to give a comprehensive explanation covering the entire period of delay. 2.The statutory test requires the court to determine whether the appellant has satisfied it without consideration of the underlying merits of the appeal. The focus is entirely upon the reasons why the appeal is late.

3.The question is whether the appellant has demonstrated that he "did everything reasonably possible to ensure that the notice was given as soon as it could be given". This enquiry must relate to whether the appellant did everything reasonably possible to ensure that the notice was lodged with the court and also given to the respondent.

The case of Szegfu illustrates that the limited relaxation to the rules provided for in s.26(5) should not be taken as an invitation to appeal out of time. Anyone who wishes to appeal against an extradition order - particularly in a European Arrest Warrant case - must take advice as soon as possible.

Administrative Court Mishandle Case Causing Unlawful Detention & Removal From the UK

Posted by: Gherson Immigration: Prince Vijaykumar Bhatt & Dharini Vijaykumar Bhatt V Secretary Of State For The Home Department: The Claimants, a brother and sister who are nationals of India initially entered the UK lawfully on student visas, then on completion of their studies they applied for leave to remain under the post study category which were granted in 2008. The Claimants then submitted applications for further leave to remain under the post-study work route using the assistance of an immigration advisor. Unbeknown to the Claimants the immigration advisor they had instructed submitted their applications with false information and

jobs such as the receipt and recording of routine applications; the provision of general information; non-confidential prisoner record preparation; the issuing of toiletries, and the delivery of information as part of the induction programme for new prisoners. HMP Acklington merged with HMP Castington in March 2013 to form HMP Northumberland. From December 2013 HMP Northumberland has been operated under contract by Sodexo Justice Services. Since December 2013 prisoners have carried out some tasks previously undertaken by staff related to the stores department, prisoner property area, general cleaning, catering and electrical testing.

Police Can Publish Images of Children Suspected of Criminal Damage

A teenager has lost a supreme court fight over the police's use of images of children suspected of being involved in riots or of causing criminal damage. Supreme court justices considered whether police should be allowed to publish such images at a hearing in London in November and on Wednesday published a ruling. Lawyers representing the teenager said he had been arrested following sectarian disorder in Derry several years ago. They claimed that the publication of such "naming and shaming" images, in newspapers and police leaflets, was a human rights breach. Police bosses disputed the teenager's claim. They said images were captured for the purpose of identifying people involved in criminal activity and they said the images were not disseminated for any purpose other than the legitimate policing purpose of the prevention and detection of crime. The supreme court ruled in favour of the police.

Inspectors Criticise Police Over Abuse Inquiry Conduct *BBC News*

Police in England and Wales have been accused of failing to carry out effective investigations into allegations of child abuse and neglect. An Inspectorate of Constabulary report looked at 576 cases across eight forces since 2013 and suggests there was an "inadequate" response in 220 of them. The National Police Chiefs Council acknowledged that forces had to "fundamentally change" their approach. The Home Office said police would be given the resources to improve. The report - In harm's way: The role of the police in keeping children safe - found "weaknesses and inconsistencies" at all stages of the child protection system. Inspectors looked at the way the Norfolk, South Yorkshire, West Midlands, Greater Manchester, West Yorkshire, Nottingham, Dyfed-Powys and West Mercia forces had conducted investigations involving vulnerable children. Of the 576 cases, 177 were found to have been dealt with to a good standard, while 220 were viewed as inadequate and 179 were deemed as adequate.

John Gorman Cleared of Plotting To Kill ex-UDA Men *BBC News*

One of four men accused of plotting to kill two former UDA leaders in Scotland has walked free after prosecutors withdrew all charges against him. John Gorman, 58, was cleared of conspiring to murder Johnny "Mad Dog" Adair and Sam McCrory. At the High Court in Glasgow, he was also cleared of being part of a plan to murder the governor of Barlinnie jail. Three others, Anton Duffy, 39, Paul Sands, 31, and Martin Hughes, 36, deny terror-related charges against them. Advocate depute Paul Kearney, prosecuting, told the jury on Wednesday: "I am withdrawing the libel against Mr Gorman." He also withdrew the charges against Gary Convery, 34, who was accused of organised crime charges.

Outside court Mr Gorman's solicitor, Aamer Anwar, said: "All charges against Mr Gorman have now been withdrawn. He wishes to thank me, his solicitor, counsel Edward Targowski QC and Sarah Livingstone for their representation on his behalf. After 38 days of trial, Mr

Gorman stands clear from any criminal charges. However, no further statement can be made at this time due to ongoing proceedings."

The court has already heard that Mr Adair and his best friend Mr McCrory were both former members of prohibited Loyalist terror organisations the Ulster Defence Association (UDA) and its paramilitary wing the Ulster Freedom Fighters (UFF). They were involved in the Good Friday agreement in 1998 which brought peace to Northern Ireland, and both have been living in Ayrshire for a number of years. Mr Gorman was detained and questioned by police on 30 October 2013 in connection with alleged terrorism offences. He was asked by police officers about religious beliefs and replied: "One half of my family support Celtic and the other half support Rangers. We have never done any bigotry in my house. When he was asked again about his religion, Mr Gorman said: "Protestant. My daughter went to a Catholic school and my son to a Protestant school. I just went with what the best school was."

Later in the interview Mr Gorman, who is known by the nickname Piddy, said: "I can't believe I'm in here for terrorism. I don't know where this information is coming from." The jury also heard that Mr Gorman's home in Irvine was searched by police for eight hours and no literature connected in any way with the Troubles in Ireland was found there. The trial against Mr Duffy, Mr Hughes and Mr Sands on charges of terrorism and plotting to murder Mr Adair and Mr McCrory continues. Mr Duffy is also accused of plotting to murder the governor of Barlinnie Derek McGill. They deny all the charges against them.

Man Loses Tops of Fingers Whilst Detained By Essex Police

The Independent Police Complaints Commission (IPCC) is investigating an incident in which a man lost the tops of three fingers while detained by Essex Police. On Thursday 30 April the 33-year-old man was arrested and taken to Colchester Police Station. In the early hours of Friday morning (1 May) a number of officers entered the man's cell. At the time the man was standing with one foot in the toilet bowl. The man held on to the rim on the metal toilet bowl in the cell and up to six officers were then involved in his restraint. During the incident the tops of three of the man's fingers on his left hand were severed and the man was taken to hospital for treatment. The tops of the fingers were later recovered from inside the toilet and transported to hospital. The IPCC investigation is looking at the appropriateness of restraint used by officers, including whether the officers' actions contributed to the man's injuries and whether any first aid was provided before he was taken to hospital. The investigation will consider whether the man's mental health or ethnicity influenced the actions of officers involved in the incident, and examine why there was a delay of around five hours to retrieve and transport the severed fingertips to hospital and a delay of around seven hours in referring the matter to the IPCC.

Met Loses Compensation Appeal for John Worboys Assault Victims

The Metropolitan police have lost their challenge to a ruling that led to two women who were sexually assaulted by London cab driver John Worboys being awarded compensation totalling £41,250. One of the women, identified only as DSD, was the first of Worboys' victims to make a complaint to the Met in 2003; the other, NBV, contacted them after she was attacked in July 2007. Between 2002 and 2008, Worboys, who was jailed for life in 2009, carried out more than 100 rapes and sexual assaults using alcohol and drugs on his victims.

In 2013, the high court ruled that the Met was liable to the women for failures in its investigation and said last year that DSD and NBV – who brought their claims under Article 3 of the Human

Rights Act, which relates to inhuman or degrading treatment – should receive £22,250 and £19,000 respectively. DSD alleged that she suffered a depressive disorder as a result of her treatment by officers during the 2003 investigation, while NBV claimed she suffered serious distress, anxiety, guilt and an exacerbation of post-traumatic stress disorder and depression because of her treatment during 2007. In May, the Met's counsel, Jeremy Johnson QC, told the court of appeal that the challenge related to points of principle and nothing, he said, was to detract from the bravery of the women, who would keep their damages whatever the outcome. The judges dismissed both the Met's appeal and a linked appeal against a high court decision that Greater Manchester police did not violate an assault victim's human rights because of deficiencies in their investigation.

Johnson told the appeal court: "These women were attacked by a serial predatory sex offender. They did what all Londoners do: trust a black-cab driver to take them home safely. Each was drugged and sexually abused. Each took the courageous step, which most of the victims didn't, of reporting the matter to the police. They had to relive what happened to them. "In each case, my clients accept they were let down in that there were steps which could and should have been taken to investigate what happened to them, which were not taken. Neither of them or any of Worboys' victims have any responsibility for what happened to them, or the fact he was not put behind bars earlier. We accept it is due to their bravery that he is serving an indeterminate sentence, and none of the submissions I make about the law is to detract from that."

Johnson argued that the law did provide a remedy to claimants, but not that ordered by the high court. It allowed for a civil damages action and for a payment from the Criminal Injuries Compensation Authority. DSD and NBV had each received compensation through these routes. It also allowed for a complaint to the Independent Police Complaints Commission, which, in this case, resulted in officers being sanctioned and policy changes implemented. But, what the law did not allow was a right of action for damages for errors in a police investigation, the counsel said. On Tuesday 30th June2015, Lord Justice Laws, sitting with the master of the Rolls, Lord Dyson, and Lord Justice Kitchin, said it was inescapable that the high court judge was right to find a violation of the article 3 investigative duty and, under the applicable legal principles, his conclusion on liability was inevitable.

High Court Considers First "Out Of Time" Appeal Under the New Rules

Since 15 April 2015 there has been a requirement to apply for 'leave to appeal' in extradition cases. Previously there had been an automatic right to appeal. The time limits to appeal under the Extradition Act 2003 have always been strictly interpreted. It has been argued that had the potential to cause injustice in certain cases. As a result a further amendment was made to the Extradition Act 2003 to allow the High Court to overlook the failure to comply with the strict deadline in certain circumstances. On 24 June 2015 the High Court gave judgment in the case of Szegfu v Hungary. This was the first case in which this new provision regarding time limits has been considered by the court.

Under Part 1 of the Act - in European Arrest Warrant Cases - there are 7 days in which to appeal. The appellant had no lawyers representing him at the full extradition hearing in the Magistrates' Court. His extradition to Hungary was ordered on 12 March 2015. He did not appeal within 7 days. However, on 16 March 2015, he did lodge an application for asylum. No extradition can take place whilst there is an asylum application outstanding. On 15 April 2015 the new provisions regarding appeals came into force - including the subsection, which permitted an appeal out of time in limited circumstances.