gations of corruption made against Erdogan and his ministers in December 2013, the report – based on documentary evidence rather than visits to observe trials or interview witnesses in Turkey – records what it says are repeated breaches of human rights.

"We have analysed the actions taken by the Turkish government and its agents since December 2013 and have unanimously concluded that there has been a distinct reversal in the reform process that had been taking place since Turkey began accession talks with the European Union in 2005," the four British authors state. We regard this as a serious setback for Turkish democracy and its respect for human rights, in particular for the freedom of speech and the rule of law. From the perspective of international human rights law, we consider that the Turkish government has perpetrated significant human rights violations against supporters of the Gülen movement that would justify legal action before the European Court of Human Rights, in the absence of suitable remedies in Turkey."

The media and criminal justice system in particular, the report says, have been targeted. Radio and TV stations have had broadcasts suspended. Social media have been subject to bans which authorise removal of content from websites in some cases without having first obtained a court order, it states. The arrest and detention of journalists, media executives, police officers, public prosecutors and judges who are perceived to be supporters of the Hizmet movement, and their treatment in custody, has raised serious concerns about violations of their right to liberty and security," it notes.

One of the most prominent victims the report identifies is Hidayet Karaca, chief executive of Samanyolu Media Group, who was arrested last December on the "dubious allegation" of establishing a terrorist organisation. Karaca, Ekrem Dumanlı, editor in chief of Zaman newspaper, and other newspaper journalists, producers and scriptwriters of a television drama are accused of conspiring against an Islamist group. Karaca and 63 detained police officers remain in prison, the report said, "notwithstanding that an order was made by a competent court" for their release on bail.

The report estimates that approximately 40,000 police officers, civil servants, judges and public prosecutors have been removed from their posts since the December 2013 corruption investigation into Erdogan's close circle. Sir Edward Garnier told the Guardian: "Given the way the [Turkish] courts are being undermined ... there's an absence of any realistic prospect of a remedy in the domestic courts." The constitutional court remains "a last beacon", he added, but is overwhelmed with cases. "It's possible, we believe, for those who are aggrieved to go directly to the European Court of Human Rights (ECHR). They would have to take legal advice but the situation is not too optimistic in Turkey."

Last year, the ECHR handed down to Turkey 101 judgments confirming violations of human rights; only Russia lost more cases at Strasbourg. The report dates the worsening of human rights in Turkey to the government's "repressive" response to the 2013 popular Gezi Park demonstrations against the government in Istanbul.

Hostages: Mark Alexander, Anis Sardar, 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 Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, 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 Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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Prison As A Political Battleground

John Bowden, HMP Barlinnie

Either as a political issue or personal experience prison repression isn't something the radical left in Britain is particularly familiar with or much inclined to mobilise against. Prison remains largely a working class experience targeted against the poorest and most marginalised of that class. However in a society increasingly polarised and divided between rich and poor in a political climate of growing repression and authoritarianism prisons are being refashioned more and more into instruments of political as well as social control. This will eventually find reflection in the nature and composition of the prisoner population as political activists increasingly supplement the imprisoned poor.

What should characterise the behaviour and attitude of imprisoned political activists towards the prison system? How should those imprisoned for political offences against the system in the "free world" behave and respond once incarcerated in the Belly of the Beast, the steel and concrete inners of the state?

In Britain imprisoned political activists tend to view their time behind bars as a period of uneventful neutrality, as a passive killing of time before returning to the "real" struggle beyond the walls and fences that temporarily enclose them. Of course in places like Northern Ireland where conflict and repression was woven into the fabric of people's lives prisons were not just a commonly experienced reality but also important political battle grounds in the struggle for freedom and liberation.

For Irish Republican prisoners their confinement within the notorious H Blocks did not mean the termination of their struggle for Irish national liberation but rather an intensification of that struggle to the extent where their lives were sometimes sacrificed through hunger strikes. Like imprisoned revolutionaries in fascist states throughout the world Irish Republican prisoners responded to prison repression just as they had responded to repression in the broader society, by resisting and fighting back. They believed it their political duty as revolutionaries to respond to repression with political integrity and defiance, no matter what the inevitable personal consequences.

In Britain, however, most of those imprisoned for political offences, including "terrorist" activity, tend to conform to prison life and acquiesce to the authority of those enforcing their imprisonment. The spread of what the government and media have described as "Islamic radicalisation" within British prisons has not been accompanied by a serious destabilisation of prison regimes or increased collective unrest within prisons; on the contrary, solidarity and collective resistance amongst prisoners has significantly diminished over the last 10 to 15 years, suggesting almost an inverse relationship between the alleged "radicalisation" of prisoners and their propensity and inclination to collectively resist and fight back.

Whilst it is undoubtedly true that the spread of Islamic beliefs amongst young black prisoners, in particular, has been considerable over the last decade it would seem that this "radicalisation" has been more of a personally transformative experience than a collective commitment to organising and resisting prison repression, unlike, for example, in U.S. prisons during the 1960s and 70s when Nation of Islam or Black Muslim prisoners organised and fought

back against the prison system. Significantly, a hero and source of inspiration for prominent black power prisoners in the U.S. during the 1960s was Sergey Nechayev, a 19th century Russian anarchist and author of "Catechism of a Revolutionary", who believed that once politically conscient the revolutionary had an absolute duty to commit and if necessary sacrifice ones entire life to the struggle. Nechayev, imprisoned by the Russian tsarist regime for "terrorist activities", would eventually die chained to the wall of his cell in the notorious fortress of St Peter and Paul in Moscow.

In a more modern context possibly social class itself is a significant determinate in how those imprisoned for political activity respond to that imprisonment. IRA prisoners and militant black prisoners in the U.S. were generally from poor working class origins and places where police harassment and brutality was a common experience, alongside an intimate knowledge of places of incarceration, often from an early age. In prison such activists naturally bonded with ordinary working class "offenders" and shared with them a common life experience of poverty and repression; prison was simply another front of struggle as far as these imprisoned revolutionaries were concerned.

For the political activist from, say, a more middle-class social background prison is much more a completely alien experience and a place largely populated by those from the other side of the track and with whom they share absolutely no personal or cultural affinity or experience whatsoever. The relationship of the imprisoned usually white middle-class activists with those who wield absolute power in jails, the guards and senior managers, also tends to be significantly different from how most working class prisoners relate to those enforcing their imprisonment. In prison to resist and fight back inevitably is to invite even greater repression and pain, and yet amongst many working class prisoners there exists an almost instinctive propensity to fight and challenge the absolute authority of their jailers.

On the other hand, for those originally radicalised by revolutionary theory, as opposed to personal experience, and thrust suddenly into an enclosed world of sharp edged repression where the power of those enforcing it seems unassailable and resistance to it pointless, the priority becomes one of adjusting to the prevailing reality and doing whatever is required to get oneself through the experience as quickly and painlessly as possible before returning to the real struggle outside. It obviously makes no tactical common sense to confront a manifestation of institutionalised state violence from a position and condition of total disempowerment. From such a perspective prison is not a place of struggle but simply a place to quietly sit out one's time and put on the psychological blinkers.

Some not accustomed to the reality of prison are badly traumatised by it and the first real experience of naked repression; an academic understanding and knowledge of repression is no preparation for a direct personal experience of it. For the "lumper-proletariat" however and the politically conscious of them prison repression is a familiar experience and like oppressed people everywhere their response to it is characterised by resilience and fortitude.

Beyond the walls of the micro-fascist society of prison the illusion of "freedom and democracy" is being increasingly replaced with the reality of a class divided society no longer mediated by consensual rights and liberties – authoritarianism and coercion are the weapons increasingly used to maintain order. In such a political climate more and more activists and libertarians will experience and suffer imprisonment, and more will have to learn that prison is simply another front in their struggle.

John Bowden – September 2015 HMP Barlinnie

to be a joint public and privately funded enterprise which will share information and intelligence from both sectors for the first time. Mr Head said: "I think crime has changed. I don't believe crime is falling; traditional crime is falling, but criminals have moved to embrace the internet. We are increasingly living our lives online — why would I break into your home when I can break into your home through the internet? It's easier, harder to detect and I am not sure that the criminal justice system treats it as seriously as traditional crimes." He said police were seeing a rise in cyber fraud attacks from criminals based in Eastern Europe and the Far East: "This is one of the real challenges for this country. We have to find a way of addressing the fact that you have got criminals sitting in some very difficult countries who are doing nothing but targeting the citizens and the companies of this country. This is a crime that reaches out to you — you don't have to go anywhere or do anything, it comes to you, it comes to your home through the internet."

Officers are closing down 4,000 phone lines and websites associated with fraud each month and preventing about £369 million pounds a year leaving the country in so-called "mule" bank accounts. Mr Head said: "The internet has taken fraud to a new dimension. If you send out 100,000 emails and only 500 people come back that's still 500 victims. We are now looking at crimes where you have hundreds of thousands of victims and they all deserve a good service."

Inquest Into Death of Andrew Pimlott to Open Set Alight After Police Tasered Him

32 year old Andrew Pimlott suffered fatal injuries following deployment of a Taser by police officers. On 18 April 2013 Andrew attended his parents' address in contravention of a restraining order. Andrew collected some possessions from his parents' house and left without incident. An hour or so later Andrew knocked on the window at his parents' house and his father saw him outside the house holding a jerry can which he recognised from his garage. Andrew's father called the police and alerted them to the fact that Andrew was on the premises and that he was holding a jerry can. Two officers from Devon & Cornwall Police Constabulary attended the scene. Whilst Andrew was holding the jerry can, one of the police officers deployed their Taser and Andrew was set alight. The inquest is expected to consider the appropriateness of the use of Taser by the police officers, the standards of professional behaviour in relation to deployment of Tasers and, specifically, whether current training and guidance is appropriate in relation to situations where there is a risk of ignition.

Human Rights Violations In Turkey *Owen Bowcott, Guardian*

Turkey's government is inflicting "systematic human rights violations" on its judiciary, police and media, according to a scathing report by senior British lawyers that was commissioned by one of president Erdogan's exiled opponents. The critical, 95 page-long survey alleges that the AK party government has interfered to produce "supine" courts, censored websites, restricted freedom of expression, stifled corruption investigations and subjected detainees to degrading treatment.

It has been written by Lord Woolf, the former lord chief justice, Sir Edward Garnier QC, the Conservative MP and former solicitor general, Prof Sir Jeffrey Jowell QC, the director of the Bingham Centre for the Rule of Law, and Sarah Palin, a barrister specialising in media law. Their inquiry was funded by the US-based Journalist and Writers Foundation, whose honorary chairman is the Islamic cleric Fethullah Gülen – a former ally of Erdogan who has become a fortright critic. Last year, a Turkish court was reported to have issued a warrant for Gülen's arrest.

The lawyers' report focuses on Gülen's Hizmet movement and claims that his followers have suffered systematic purges that have removed as many as 40,000 employees from public positions, led to mass arrests and in some cases periods of detention. Beginning with alle-

Two Men & a Woman - Convictions Quashed – Non Disclosure *BBC Northern Ireland*

Two men Sean Francis & Francis Taggart, jailed for alleged involvement in a plot to defraud a drinks firm out of more than £1m have had their convictions quashed. The charges related to an alleged money-laundering operation at St Brendan's Irish Cream Liqueur company in Londonderry. Court of Appeal judges in Belfast also quashed the conviction of a Mary Ferguson. The trio, all from Derry, had been sentenced for conspiracy to defraud offences in 2000. The charges related to an alleged money-laundering operation involving cheques drawn on the St Brendan's bank account.

Lord Chief Justice Sir Declan Morgan, sitting with Lord Justices Gillen and Weatherup, ruled that Sean Francis and Francis Taggart were denied a fair trial due to issues of non-disclosure and potential entrapment. Mr Francis, formerly of Bishop Street in the city, was given a five-year prison term after being convicted. Mr Taggart, with a previous address at Glendermott Road, was jailed for three years. Mary Bernadette Ferguson once of Chamberlain Street, was given an 18-month suspended sentence. They had both pleaded guilty to the offence.

'Deprived of a fair trial' - In an appeal against the convictions defence lawyers produced a statement prepared by a detective sergeant named 'z' in December 2001. That statement suggested a named police informer provided information about the alleged offence. It also raised the possibility that he may have been given "participating informant status" over criminal activity linked to the money-laundering, the Court of Appeal heard. Sir Declan expressed no view on whether the detective sergeant's account was correct. But he said: "We are satisfied that the information contained in the statement ought to have been disclosed to the defendants. If disclosed, it would have raised issues around entrapment which could have given rise to a real possibility that the prosecution would have been stayed or relevant evidence excluded." It was confirmed that the Public Prosecution Service agreed that the appeals should be allowed. "In the absence of such disclosure we are satisfied that the applicants were deprived of a fair trial and that their convictions were unsafe," Sir Declan said

Cyber Crime A Bigger Threat Than Drugs *Evening Standard*

Cyber crime is now more of a threat to Britain than the trade in illegal drugs, the country's former top fraud detective warned today. Commander Steve Head, who stepped down last week as the UK's national co-ordinator for economic crime, challenged the idea that crime in Britain was falling — saying criminals had simply moved online. Speaking on his retirement from the City of London Police, he also warned of a "vast increase" in the number of foreign criminals targeting people and companies in the UK. His comments came after it emerged that crime will soar by 40 per cent when cyber and fraud offences are added to the official figures next month. Fraud detectives believe about three million offences are going unreported each year.

Mr Head, whose role oversaw Action Fraud, the national fraud reporting centre, said police alone could not tackle the scale of threat. Fewer than one in 100 reported frauds are now investigated by police. He said: "Because there is this hidden element to cyber crime we are not having a sensible debate about it because we do not understand what a huge threat it is. My view is that cyber crime is more of a threat to this country than drugs. This is not a problem that policing can solve. We cannot investigate our way out of this issue, we have to look at it in a different way. We need to do more to protect victims, to help people protect themselves online in the same way that 10 years ago they learned to protect their homes."

Mr Head said the Government and police forces should give more priority to fighting and preventing cyber offences. Senior City of London officers are now working with banks and the Home Office to establish a National Fraud Taskforce to tackle cyber crime. The squad is set

Criminalisation – A Failed Policy Of The Past

The IRPWA have been informed today, 21st September 2015, that the Maghaberry Jail Administration have imposed 5 days on the boards on Roe 4 Republican Prisoner, Nathan Hastings. This was at the conclusion of a so called adjudication process that the Prisoner Ombudsman has previously described as "flawed". His "offence" was to have refused an order to move from his cell on Roe 3 landing on the night of the 20th August 2015. On this occasion he and fellow Republican Prisoner Conal Corbett were attacked by the notorious Riot Squad and dragged from their cells; while Conal was forced into a bare cell on Roe 4 landing, Nathan was taken to the boards where he was subject to a forced strip search and held for 24 hours on the orders of the Security Governor, David Savage.

This most recent attack on Republican Prisoners is but the latest such action to occur since the installation of "National Security" Governor Phil Wragg. Under Wragg's tutelage the tentacles of the reactionary Security Department have spread to all aspects of the Jail Administration. Governors such as David Kennedy, key to the MI5 isolation policy, that is overseen by NIO Permanent Secretary Jonathan Stephens, has been promoted to "Functional Head 3 ". Pat Gray, also of the Security Department has been elevated to Wragg's No 2 Governor. The outworking of their reactionary loyalist policies has seen ever more blatant efforts to provoke and degrade Republican Prisoners. In the case of Nathan Hastings the so called adjudication was overseen by Governor Andrew Tosh, who himself fabricated a conflict situation together with Governor David Savage the previous week, which he used to bring the notorious Riot Squad to Roe 4 before having Nathan charged for supposedly saying " button your lip".

The IRPWA strongly condemn today's action by the Maghaberry Administration. Republican Prisoners are being brutalised at the behest of the British Government in pursuance of its criminalisation policy; a failed policy of the past doomed to fail yet again. All attempts to quell Republican resistance within the prisons will flounder on the walls of those same prisons just as they did on the walls of Long Kesh, Crumlin Road and Armagh gaols. The IRPWA call for an end to such attacks on Republican Prisoners! Join with us today in our fight against these policies of the present!

New Inquests Into Deaths Of Eight Members of IRA

Soldiers opened fire on the IRA men who were preparing to bomb a police station in Loughgall in 1987. The incident is viewed as one of the most controversial of The Troubles. The law firm representing those who died said it was a "welcome development" to address the "unanswered questions" that remained. Advocate General for Northern Ireland Jeremy Wright QC had been asked by the government to decide whether new inquests should happen. "Following careful consideration of a huge amount of material I have come to the decision that new inquests into the Loughgall deaths are justified," Mr Wright QC said. "The new inquests will establish who has died, and how, when and where the death occurred. The Coroners Service for Northern Ireland will now take this forward." Solicitor Darragh Mackin said: "We now request that the Coroner's Office for Northern is granted appropriate funding to undertake these inquests - and all other conflict-related legacy inquests as soon as possible and a timetable for these inquests to be set. "We remain concerned that this decision was taken by an English law officer who is an elected politician and not the Attorney General for Northern Ireland. "Clarity on this matter remains so that it can be avoided in the future and such important decisions are taken in Belfast and not London." Advocate General for Northern Ireland Jeremy Wright QC had been asked by the government to decide whether new inquests should happen. "Following careful consideration of a huge amount of material I have come to the decision that new inquests into the Loughgall deaths are justified," Mr Wright QC said.

PSNI Deliberately Delayed Progress of Inquest Into Death Of Pearse Jordan

Summary of Judgment: On 17 November 2014, the Court of Appeal directed that a fresh inquest into the death of Patrick Pearse Jordan should be held. Today the Court gave judgment in two related appeals against the decision of Mr Justice Stephens in which he determined that the coroner was not responsible for the delays which occurred in the conclusion of the inquest but that the Police Service of Northern Ireland delayed progress of the inquest. Mr Justice Stephens made an award of damages of £7,500 against the PSNI. Pearse Jordan's father, Hugh Jordan, appealed the finding in respect of the coroner and the PSNI appealed the award of damages.

Appeal by Mr Jordan: The Court of Appeal said that the issue of delay in this case has been addressed in a number of earlier proceedings: in May 2001 before the European Court of Human Rights; and in 2009 before Mr Justice Hart and subsequently the Court of Appeal. In his judgment, Mr Justice Hart conducted a review of the progress of the inquest from January 1995 to June 2009. He concluded that in the period up to 2007 the delay had been caused by deficiencies in the Coroners Rules, inaction on the part of the government in making changes in the Rules, the non-availability at the early stages of legal aid for inquests, the steadfast resistance of the Chief Constable to making available to Mr Jordan various categories of documents which he sought and frequent, complex and protracted litigation over those issues. He concluded that none of those matters could properly be considered to be the responsibility of the Senor Coroner.

Mr Justice Hart then looked at the period between March 2007 and June 2009. He was satisfied that the repeated delays in commencing the inquest during that period were entirely due to the "continuing efforts" of the PSNI to avoid providing to the next of kin the documents they sought. He said that the Senior Coroner had made every effort to ensure, so far as within his power, that the inquest was heard.

In the proceedings before the Mr Justice Stephens, Mr Jordan complained about delay caused by the coroner who held the inquest, Mr Sherrard. He claimed that the coroner failed to proceed with the inquest until 2012. In his decision, Mr Justice Stephens largely adopted the conclusions of Mr Justice Hart but also noted in particular the over-redaction of documents by the PSNI and the failure to put in place a memorandum of understanding with the Security Service in relation to threat assessments as a result of which further adjournments were required. The Court of Appeal further noted issues that came to light after 2009 including the coroner's decision to view material relating to previous shooting incidents concerning some of the police officers in this case, and to search the Stevens database on the basis of the real possibility that it contained material which was potentially relevant to the inquest.

There was also a further delay due to late disclosure concerning two police witnesses and the failure of the Security Service to produce risk assessments necessary for the determination of anonymity and screening applications. The Court of Appeal did not accept that any of this showed a lack of expedition on the part of the coroner. It did, however, support the views of Mr Justice Hart and Mr Justice Stephens that there had been "considerable delays as a result of obstacles and difficulties created by the PSNI". It dismissed Mr Jordan's appeal.

Appeal by PSNI on damages: Section 7(5) of the Human Rights Act 1998 provides that proceedings for award of damages against a public authority which has acted in a way which is incompatible with a Convention right must be brought before the end of the period of one year beginning with the date on which the act complained of took place or such longer period as the court considers equitable having regard to all the circumstances. Counsel for the PSNI contended that Mr

James Sullivan – Conviction Quashed – Judge Gave A Bad, Bad Character Direction

1. On 10 March 2015 in the Crown Court at Plymouth before Judge Darlow and a jury the appellant was convicted by a majority of 10 to 2 of producing a controlled drug of class B (cannabis) (Count 1) between 1 December 2012 and 21 February 2013.

•2. On 8 June 2015 he was sentenced to 4 years' imprisonment.

•3. Joseph McKenna, his co-accused, was convicted on Counts 1 and 2. Count 2 related to the production of cannabis at 17A Tarraway Road, Paignton, an address to which the appellant was not linked. McKenna was sentenced in total to six years' imprisonment. He applied for leave to appeal against both conviction and sentence. Those applications were refused by the single Judge and have not been renewed to the Full Court.

•4 The appellant appeals against conviction by limited leave of the single judge: Ground 3, as set out in Part 6 of the Grounds of Appeal.

52. However, if admissible as bad character evidence, the jury required a careful direction as to how to deal with these text messages that broadly accorded with the direction identified in R v Lowe 2007 EWCA Crim 3047, a case that (as with the present appeal) concerned allegations – rather than convictions – demonstrating relevant earlier bad behaviour.. In formulating this approach we have drawn a ready parallel between it and the approach to evidence as to lies, that is, the Lucas Direction. Just as the latter imposes a two stage consideration (are you sure that he did lie? If so, why did he lie — were the reasons consistent with guilt or were they or may they have been innocent?), we have here in a case not involving previous convictions, a need to make a finding as to the fact of the incident alleged before proceeding to a further stage of assessment of significance in accordance with the burden and standard of proof.

53. When evidence of bad character is introduced the jury should be given assistance as to its relevance that is tailored to the facts of the individual case. Relevance can normally be deduced by application of common sense. The summing up that assists the jury with the relevance of bad character evidence will accord with common sense and assist them to avoid prejudice that is at odds with it.

If the jury is told in simple language and with reference, where appropriate to the particular facts of the case, why the bad character evidence may be relevant, this will necessarily encompass the gateway by which the evidence was admitted …. It is of course highly desirable that the jury should be warned against attaching too much weight to bad character evidence let alone concluding that the defendant is guilty simply because of his bad character.

54 In the instant case, as set out above, the jury was not given a direction of this kind. Having reminded the jury of the prosecution case as regards this evidence – "The Crown say what you are looking at here is a picture of someone who is involved and interested in those various factors tending towards the cultivation of cannabis" – the judge failed to add the warning as to the steps that the jury needed to follow when evaluating this material. Instead, the judge merely said "A matter entirely for you, as you read through those, what it is you make of it".

55. Did that failure to give a bad character direction render the conviction unsafe? We are satisfied that the answer is 'Yes'. This was a strong case against the appellant, but he had a clear and credible defence. This evidence, which tended to demonstrate previous involvement in the production of cannabis, was potentially very damaging to his case, and accordingly it was crucial that it was addressed appropriately during the summing up. It follows that this conviction has to be quashed. The court will hear submissions as to whether there should be a retrial next week. http://www.bailii.org/ew/cases/EWCA/Crim/2015/1565.html

the staff were on detached duty and many of them did not know the work, the institution or the boys. Faced with a larger, more challenging population and significant staffing issues, it was not surprising that outcomes for the boys held had deteriorated overall. The level of risk in YOIs holding children is now such that they are inspected annually, although the degree of scrutiny Cookham Wood receives from inspectors and other bodies is itself a pressure. Despite the difficulties, Cookham Wood had made important progress in some areas in a comparatively short period of time.

Inspectors were concerned to find that: 37 recommendations from the last inspection had not been achieved • 41% of boys said they had felt unsafe at some time compared with 27% at the last inspection; • boys reported more negatively about relationships with staff than at the last inspection;• the number of violent incidents remained very high and in the six months leading up to March 2015 there had been 61 assaults and 92 fights, some of which were very serious; • staff assaults had almost doubled since the last inspection with 21 in the preceding six months, some resulting in serious injury; • behaviour management processes were weak and low-level poor behaviour was not promptly challenged and so it escalated, while good behaviour was not publicly recognised so there was little incentive to behave well; • the establishment relied heavily on procedural security measures and, as a consequence, movement around the establishment was severely restricted which limited access to education and other activities; • pain compliance techniques were used but not all were recorded; • discussion with staff often revealed low expectations and inspectors saw staff backing off from dealing with difficult issues; • boys had much too little time out of their cells, and staff shortages meant the establishment was running a restricted regime; • inspectors found 36% of boys locked in their cells during the core day, some of whom were too frightened to mix with others, some activities were cancelled and other boys had restrictions placed on what they could do because they had to be kept apart from other boys; • there were too few opportunities for boys to do paid work in peer mentor or orderly roles and security restrictions restricted the level of vocational training offered; • 41% of boys said they had been in local authority care, but absences in the establishment's social worker posts meant that liaison with these boys' home local authority were not fully effective and it was difficult to ensure they had appropriate accommodation when they left. • Inspectors made 92 recommendations

Nick Hardwick said: "Cookham Wood reflects the systemic problems we have identified across the YOI estate. The welcome fall in the number of children in custody means that those who remain represent a more concentrated mix of very challenging young people, held in a smaller number of establishments that are increasingly unsuitable to meet their needs, and cared for by a staff group beset by shortages and a lack of training for their complex and demanding role. This report makes recommendations about what Cookham Wood could and should do to improve, but a much wider political and policy response is needed if we are to fulfil our responsibilities to care for these, our most damaged children, safely and help them to grow into adults who are valued, not feared."

Michael Spurr, Chief Executive of the National Offender Management Service, said: "As the inspector noted, Cookham Wood manages an increasingly complex group of boys. Since the inspection, staff numbers have increased; a new education contract has been introduced; staff have been trained in new restraint techniques and safeguarding measures have been strengthened, all of which have had a positive impact on safety and behaviour. Tackling violence and providing a safe environment remains the Governor's biggest challenge and top priority and work will continue to improve standards even further."

Jordan was outside the limitation period as he should have presented his damages claim when he instituted his proceedings in 2009. Counsel for Mr Jordan submitted that it would not have been open to him to make a claim for damages in 2009 because at that time the law was that the Article 2 obligation did not arise in domestic law in respect of deaths occurring prior to the commencement of the Human Rights Act 1998 (this position did not change until May 2011). She also contended that there has been a catalogue of continuing failures in disclosure by the PSNI and that the time limit in relation to a failure does not start running until the failure is corrected.

The Court referred to case law which supported the preposition that in the case of a continuing breach time runs from the end of the period rather than from the beginning. The Lord Chief Justice, delivering the judgment of the Court of Appeal, said it was apparent that delay as a result of failures of disclosure has been a recurrent problem in this case and in other legacy cases. He questioned whether, in such cases, it should be necessary for the applicant to issue proceedings within one year of the end of the particular failure to disclose or whether the applicant is entitled to include earlier distinct periods of failure of disclosure where proceedings are issued in respect of the latest failure.

He said that if each case had to be pursued within one year of the end of each particular element of delay that would have introduced a proliferation of litigation in respect of which periods of delay justified an award of damages against public authorities: "Practicality and good case management point towards ensuring that all of those claims against each public authority should be heard at the same time".

The Lord Chief Justice noted that the Court of Appeal has ordered that the inquest in this case should now proceed before a different coroner: "If that if that inquest does not take place within a reasonable timeframe that would constitute a fresh breach of the Convention for which a remedy, including damages, may be available. It is when the inquest has been completed that it will be possible to examine all of the circumstances surrounding any claim for delay and the court will then be in a position to determine whether adequate redress requires an award of damages and if so against which public authority and in which amount."

The Court of Appeal considered, therefore, that in legacy cases the issue of damages against any public authority for breach of the Article 2 obligation ought to be dealt with once the inquest has finally been determined. The Lord Chief Justice said that each public authority against whom an award is sought should be joined. He said that the principle that the court should be aware of all the circumstances and the prevention of even further litigation in legacy cases are compelling arguments in favour of it being equitable in the circumstances to extend time if required: "Where the proceedings have been issued within 12 months of the conclusion of the inquest, time should be extended".

The Lord Chief Justice commented that legacy cases have been characterised by multiple reviews, skeleton arguments, rulings and recordings. He said that all of this material will assist in the determination of any disputed issues of fact which will moderate considerably any prejudice. He said the Court finds it difficult to envisage any circumstances in which there should be an exception to its suggested approach as the available materials and the involvement of legal assistance in the preparation of the inquest should ensure an ample basis for consideration at the end of the inquest of the responsibility of each public authority for any breaches alleged. The Court of Appeal concluded that the claim for damages for delay in this case should be assessed after the completion of the inquest but should be made within one year of the completion. As the Court had previously ordered a fresh inquest in this case, that period has not yet commenced.

Sharp Rise in Women Prisoners Worldwide

More than 700,000 women and girls are being held in prisons around the world, a report suggests. The number has risen 50% since 2000, outstripping the growth among men, the study from the London-based Institute for Criminal Policy Research said. Just three countries – the US, China and Russia – make up around half the total female prison population.

The researchers say their study should be of "profound concern" to governments worldwide, "(Women and girls) are an extremely vulnerable and disadvantaged group, and tend to be victims of crime and abuse themselves," said Dr Jessica Jacobson, co-director of the institute, which is part of Birkbeck College. The report is based on data from 219 countries and dependant territories. The total number for women and girls in jail is likely to be higher, researchers say, as some countries did not supply figures and the Chinese data is incomplete. African countries have the lowest proportion of women in jail, while El Salvador, Brazil, Cambodia and Indonesia have all seen sharp increases.

Jury Finds Neglect Contributed to Death of Natasha Evans at HMP Eastwood Park

Avon Coroner Bristol, Before HM Senior Coroner for the District of Avon Ms. Maria Voisin

After 3 weeks of evidence about the multiple failures leading up to the death of Natasha Evans at HMP Eastwood Park, an inquest jury has found that neglect contributed to her death. On 27 November 2013, Natasha Evans died of kidney and heart infections which caused her to develop sepsis, whilst she was a prisoner at HMP Eastwood Park. The jury heard about multiple missed opportunities throughout the day to identify her dangerously deteriorating condition. The jury, reaching their conclusion, noted "serious" failures on the part of the nurse who attended to Natasha around lunchtime after she had become so unwell that she was incoherent. His assessment of Natasha's condition was inadequate. He failed to call an ambulance or alert a GP but instead asked a fellow prisoner to monitor her condition.

At a subsequent nurses handover meeting there was "inadequate" discussion about Natasha and no plan was made for her care. Later that afternoon, Natasha was found collapsed in her cell. She was eventually seen by a doctor who requested an 'emergency blue light' ambulance: despite this, Natasha waited a further 59 minutes for an ambulance, a wait which the ambulance trust accepted, in evidence, was too long. Unfortunately by that time it was too late to save Natasha, and she died whilst being treated by paramedic and ambulance crew.Further failings were identified in relation to lack of record keeping and, systemically, alack of clear process or systems for identifying which nurses were responsible for which patients at handover meetings.

Suzanne Davies, Natasha's mother, said on behalf of the family: "Listening to 3 weeks of evidence about how my daughter was failed repeatedly on the day of her death, by the very people who were meant to look after her, has been incredibly hard. The expert evidence was that had Natasha received the care she deserved around lunchtime, she would have survived. All I can hope now is that lessons will be learnt so that another mother might be spared what I have had to endure"

Clare Richardson, the family's solicitor, said: "The evidence in this inquest raised serious concerns about healthcare practices within Eastwood Park. The exposure of poor practice during the inquest, culminating in a critical narrative conclusion and a finding that neglect contributed to Natasha's death, is a tribute to the tenacity and bravery of our clients since Natasha's death nearly 2 years ago."

Deborah Coles, co-director of INQUEST said: "Natasha was sentenced to four months imprisonment for a non-violent offence. Evidence at this inquest showed that her death could have been prevented if she was provided with adequate healthcare. 8 years on from

me about their positive involvement with cardiac awareness since Alistair's death. This is a testament to their strength of character at a very difficult time. By raising awareness of heart screening for young people I am certain Alistair's legacy will mean that good can come out of tragedy."

Alistair, from Sidcup, died on July 26. Officers and paramedics were called to Wolvercote Road, in Abbey Wood, south London and found the teenager suffering a cardiac arrest. A post-mortem examination held at Princess Royal University Hospital on July 28 concluded that Alistair died of natural causes. Bexley Borough Commander, Chief Superintendent Jeff Boothe said: "Despite the best efforts of my officers and attending paramedics he sadly could not be saved and died in hospital a few hours later. "Any suggestion that his death was in any way connected with the use of alcohol or nitrous oxide is completely false. Our thoughts and prayers are with Alistair's family at this difficult time.

Our initial statement issued to media inferred that this death may have been connected with the ingestion of nitrous oxide and alcohol; this has been proven to be false and I have apologised to the family for the distress this statement has caused. All subsequent press statements offered to media regarding this matter, including the detailed statement offered a few hours later, did not include this inference. Furthermore, there is no foundation in reports that the party Alistair had attended is in anyway connected to his death. No inaccurate coverage should be allowed to tarnish the memory of Alistair. He deserves to be remembered for the fine, upstanding member of the community that he was."

Alistair's family also released a statement saying: "Following the recent death of our son, grandson and brother Alistair Calvert, known as Ally to his family and friends, we would like to express our sincere gratitude for the love and support that we have received since his sudden passing. As a family, we have always been aware that Alistair did not take nitrous oxide nor excessive alcohol at a party on the night that he died. We were also advised, following his post mortem examination, that his death was due to an un-diagnosed significantly enlarged heart which caused sudden arrhythmia death syndrome. Any reference that Alistair's death was due to nitrous oxide is completely false." Chief Superintendent Boothe, Bexley Borough Commander, has visited our family and discussed the incorrect information released to the press on the night that Alistair died; he has advised that the police made a mistake regarding the false information that was given and he has apologised for this error. We have since met with The Commissioner, who expressed his apologies for a comment that inferred Alistair's tragic death was linked to the use of nitrous oxide and alcohol. The subsequent harassment that our family and friends of Alistair were subjected to by the media, has caused significant distress and we hope that once the truth regarding Alistair's death has been reported then all links connecting him to nitrous oxide will be removed.

HMYOI Cookham Wood – Some Improvements but Concerns have Grown

Although some improvements had been made at HMYOI Cookham Wood, overall concerns had grown, said Nick Hardwick, Chief Inspector of Prisons. As he published the report of an unannounced inspection of the young offender institution in Kent. At the time of this inspection, HMYOI Cookham Wood held 166 boys, most aged 16 or 17. Successive inspections have noted the very challenging and vulnerable profile of the boys held, but now, for the first time, about 10% of the boys held had been convicted of or charged with murder or manslaughter and faced many years in prison. The challenge of managing all these boys safely and positively was great. Staff required significant skills and experience in working with this age group and needed to know the boys in their care very well. About 25% of

and seek redress." Her barrister Mr Milsom, of Cloisters, said "the government's original rationale for refusing explicit prohibition of caste-based discrimination was that there was no evidence of it taking place in the UK". He said the tribunal's "damning findings" had left that stance "untenable", adding: "Where such discrimination exists its victims must be protected."

HMP Altcourse Prison Officer Stole Inmate's Bank Card

A prison officer at HMP Altcourse stole an inmate's bank card and used it to spend more than £300. Gary Humphrey, 51, took Marcin Kowalski's Halifax card and PIN, which was meant to be posted to the prisoner's family to support his children. But the officer was caught on CCTV at the Fazakerley jail and when later using it to withdraw £260 in cash and buy £52 of petrol. Humphrey - who had worked at the G4S privately run prison for nine years - has since quit his job.

Liverpool Crown Court heard that Kowalski's property was taken from him when he was brought into the prison on February 9 this year. Mike Stephenson, prosecuting, said the inmate wanted his bank card to be sent to his sister - who was looking after his children - so she could withdraw cash. He wrote down his PIN number and saw the note and card being put in an envelope, but did not see it being sealed. Two days later when his sister signed for the envelope, there was no bank card inside.

The court heard that Humphrey used the card that same day to make two cash withdrawals from ATMs and to buy fuel at a petrol station. He was tracked by his car's registration number and admitted the offence when he was arrested by police. Mr Stephenson said: "He said he had given way to impulse. He said he could not explain why he did what he did."

Humphrey, of Wainfleet Close, Wigan, admitted three counts of theft and a charge of fraud. The bald defendant, wearing glasses and a suit in the dock, had no previous convictions. Kyra Badman, defending, said her client understood that he had abused a position of trust and was remorseful. She said he could not explain why he did it and was not under stress at the time or in any financial difficulty. Miss Badman told the court: "He said it was a spur of the moment action." She added that he was a man of previous good character and was now retraining as a HGV officer. Judge Thomas Teague, QC, jailed Humphrey for 12 weeks and ordered him to pay £312 in compensation to Kowalski. The judge said: "I cannot overlook this breach of trust." Director for HMP Altcourse, Dave Thompson, said: "There is no place at Altcourse for any member of staff who undermines the good work of their colleagues by acting without integrity or unprofessionally. As soon as we became aware of Humphrey's dishonesty we reported him to Merseyside Police. I am grateful to the police and prosecutors for their work leading up to today's conviction."

MET was Wrong to Link Teenager's Death to Nitrous Oxide *Martin Buhagiar - Police Oracle*

False claims led to Alistair Calvert's family facing unwanted media harassment. Sir Bernard has apologized. A force has apologised to a family for mistakenly linking the death of a teenager to the use of nitrous oxide. Following the death of 18-year-old Alistair Calvert in July, the Metropolitan Police initially inferred his death was connected to the use of nitrous oxide and alcohol. During a radio interview where Commissioner Sir Bernard Hogan-Howe was discussing the use of nitrous oxide and whether it should be outlawed, he even referred to Alistair's death as a 'terrible outcome'. A post-mortem examination has since concluded Alistair died of natural causes.

Sir Bernard said: "On behalf of The Met I extended my condolences to the family and apologised for upset caused by the statements we made about Alistair's death. I have apologised personally for the comments I made which inferred Alistair's tragic death was linked to the use of nitrous oxide and alcohol. I was incredibly moved when meeting Alistair's family last week during which they told

Baroness Corston's report recommending a fundamental overhaul of the way women are dealt with in the criminal justice system, it is absolutely tragic to see that women are continuing to lose their lives in prisons in this way. The family had to wait almost two years for this inquest to be heard and it was once again through representation funded by legal aid that has enabled them to properly explore all of the issues surrounding this tragic death."

INQUEST has been working with the family of Natasha Evans since May 2014. The family is represented by INQUEST lawyers Group members Clare Richardson of Bhatt Murphy Solicitors and barrister Maria Roche of Doughty Street Chambers.

Kenneth Noye Recommended For Open Prison By Parole Board

Final decision as to whether 68-year-old should be transferred after serving 15 years in jail for stabbing rests with Ministry of Justice. Kenneth Noye has been recommended for transfer to an open prison, the parole board has said. Noye, 68, stabbed electrician Stephen Cameron, 21, to death in a road-rage attack in 1996. He went on the run after the murder on the M25 in Kent but was captured in Spain in 1998 and jailed for life with a minimum tariff of 16 years in 2000.

A parole board spokeswoman said: "We can confirm that a panel of the board has not directed the release of Kenneth Noye but has recommended to the Ministry of Justice that he is suitable for a move to open conditions. It is up to the Ministry of Justice whether or not to accept this recommendation." She added: "In considering a recommendation for open conditions, the parole board is required to make a balanced assessment of the risks and benefits of such a move; the emphasis should be on risk to the public. A prisoner can be returned to closed conditions at any time if there are adverse developments that make it no longer safe for the prisoner to be held in open conditions." In a previous incident, career criminal Noye stabbed an undercover officer to death outside his mock-Tudor mansion, after the £26m Brink's-Mat bullion heist, but successfully pleaded self-defence.

US Extradition Request Challenged on the Basis Charge was Politically Motivated?

On 30 April 2015, in a landmark decision, Judge Christoph Bauer of the Regional Court in Vienna refused to order the extradition of Dmitry Firtash to the US, finding that the evidence was insufficient and, more significantly, that the US request was politically motivated. Firtash, the most political of the Ukrainian 'oligarchs'. was arrested in Vienna in March 2014 following a US extradition request. Bail was set at 125 million Euros (US$178 million).

This unique ruling took place against the backdrop of the ongoing conflict in Eastern Ukraine, and the continuing battle between the USA and Russia for greater influence in the region. The case has attracted global media attention because of its geopolitical context and Firtash's victory has been reported across major media outlets, including the BBC, Deutsche Welle, Financial Times, New York Times .The latter reported: "The ruling, by Judge Christoph Bauer of the Landesgerichtsstrasse Regional Court in Vienna, amounted to a scathing rebuke of the Justice and State Departments, and reflected the diminished credibility of the United States authorities, even in the eyes of a European ally. At a hearing that stretched late into the evening, Mr. Firtash's defense team sought to demolish the American case and discredit the Justice Department's extradition request.

The main thrust of the team's arguments, and the issue that clearly dominated the attention of Judge Bauer, was that the case was directed by the State Department in pursuit of larger American foreign policy goals. In oral arguments, and in testimony by a parade of high-profile witnesses, the lawyers described the American prosecution as an effort to punish Mr. Firtash for his ties to Mr. Yanukovych and his support of Russia, and to sideline him from future political activity in

Ukraine. 'America obviously saw Firtash as somebody who was threatening their economic interests', Judge Bauer said, explaining his decision from the bench. But he also said the United States had not provided coherent evidence of a crime either: 'There just wasn't sufficient proof."

While the Financial Times reported: "The ruling is a major victory for Mr Firtash, who in the witness box described bribery charges related to an Indian titanium venture that never materialised as "absolutely untrue". His defence team accused the US of waging a politically-motivated witch-hunt linked to the continuing standoff over Ukraine. The Austrian judge ultimately accepted that argument, in an embarrassment to the US that could be seized on by Russia. At times, the hearing focused heavily on Ukrainian political intrigues and Mr Firtash's claims that the US was trying to sideline him rather than on the Indian business dealings for which justice department officials were seeking to prosecute him." The Austrian Prosecutor stated that she would appeal the decision.

Scottish Insurrection - EDM 485 Honouring the Sacrifice of the 1820 Martyrs

That this House recognises the sacrifice of the 1820 martyrs, who gave their lives in the name of equality and democratic reform at a time when ordinary people were denied the vote; remembers James Wilson of Strathaven who was hanged and beheaded in Glasgow for leading the march from Strathaven to Glasgow under the banner of Scotland Free or a Desert; commemorates John Baird of Condorrat and Andrew Hardie who were executed in Stirling having led the march to the Carron Ironworks and were later reburied at Sighthill Cemetery in Glasgow; recalls Hardie's words on the scaffold that he was a martyr to the cause of truth and justice; congratulates the 1820 Society for honouring the martyrs every September in Sighthill in Glasgow; and believes Wilson, Baird and Hardie should be honoured across the UK for making the ultimate sacrifice for the democratic rights and liberties of ordinary people.

Background: The Radical War or also known as the Scottish Insurrection of 1820, was a week of strikes and unrest, a culmination of Radical demands for reform in the United Kingdom of Great Britain and Ireland which had become prominent in the early years of the French Revolution, but had then been repressed during the long Napoleonic Wars.

An economic downturn after the wars ended brought increasing unrest. Artisan workers, particularly weavers in Scotland, sought action to reform an uncaring government. Gentry fearing revolutionary horrors recruited militia and the government deployed an apparatus of spies, informers and agents provocateurs to stamp out the movement.

A Committee of Organisation for Forming a Provisional Government put placards around the streets of Glasgow late on Saturday 1 April, calling for an immediate national strike. On Monday 3 April work stopped in a wide area of central Scotland and in a swirl of disorderly events a small group marched towards the Carron Company ironworks to seize weapons, but while stopped at Bonnymuir they were attacked by Hussars. Another small group from Strathaven marched to meet a rumoured larger force, but were warned of an ambush and dispersed. Militia taking prisoners to Greenock jail were attacked by local people and the prisoners released. James Wilson of Strathaven was singled out as a leader of the march there, and at Glasgow was executed by hanging, then decapitated. Of those seized by the British Army at Bonnymuir, John Baird and Andrew Hardie were similarly executed at Stirling after making short defiant speeches. Twenty other Radicals were sentenced to penal transportation. It became evident that government agents had actively fomented the unrest to bring radicals into the open. The insurrection was largely forgotten as attention focussed on better publicised Radical events in England. Two years later, enthusiasm for the visit of King George IV to Scotland successfully boosted loyalist sentiment, ushering in a new-found Scottish national identity.

explain how we will seek to ensure that human rights protections are retained in Scotland, and how we will do everything we can to ensure that they are retained across the UK. And finally, I will point out that – far from being a burden on government - the European Convention of Human Rights sets out minimum standards for civilised societies that we should actually be looking to build on. *Nicola Sturgeon, Scotland's First Minister, 23/09/2015*

Woman Awarded £184k in 'First Caste Discrimination' Case

Permila Tirkey, 39, was discriminated against because of her "low caste", her lawyers said, describing it as the first successful case of its kind. She worked 18-hour days, having been recruited because her employers wanted someone "servile", a tribunal heard. The employment tribunal upheld a number of claims against her employers. Ms Tirkey's barrister Chris Milsom said she could now receive a substantial amount in compensation.

'Violation of dignity':He said the case represented a legal landmark because caste was considered an aspect of race by the tribunal. Caste is a hereditary division rooted in Hindu society, based on factors such as wealth, rank or occupation. "Effectively, she was ill-treated because of her inherited status," said Mr Milsom. The hearing, in Cambridge, was told Ms Tirkey worked for Pooja and Ajay Chandhok in Milton Keynes for four and a half years, during which time: - She worked an 18-hour day, seven days a week - She slept on a foam mattress on the floor - She was prevented from bringing her Bible to the UK and going to church - Her passport was held by the Chandhoks and she had no access to it - She was not allowed to call her family - She was given second-hand clothing instead of choosing her own clothes - She cooked and cleaned for the couple, as well as looking after their children.

The tribunal found the conditions in which she was forced to live and work was a "clear violation of her dignity", adding "it created an atmosphere of degradation which was offensive". It upheld several claims, including that she was harassed on the grounds of her race, subjected to unacceptable working conditions and was the victim of indirect religious discrimination.

'Now I am free' Ms Tirkey said: "I want the public to know what happened to me as it must not happen to anyone else. The stress and anxiety that this sort of thing creates for a person can destroy them. I have not been able to smile because my life had been destroyed. Now I am able to smile again."

The tribunal heard Ms Tirkey was recruited from Bihar in eastern India in 2008 because her employers wanted "someone who would be not merely of service but servile, who would not be aware of United Kingdom employment rights". It concluded Ms Tirkey, who could not speak English, was considered "ideal" by the family because of her position as a member of the Adivasi caste, described as the lowest class in the "caste pyramid". She described herself as being from the "servant class". The tribunal found "the claimant was acceptable to the respondents as their domestic servant, not because of her skills but because she was, by birth, by virtue of her inherited position in society, and by virtue of her upbringing... a person whose expectations in life were no higher than to be a domestic servant". No-one based in the UK would have accepted the conditions of work, it concluded.

'Damning findings': Ms Tirkey ended up leaving the Chandhoks after a row, in which the couple gave her an ultimatum to stay or go, the hearing found. A charity found her emergency accommodation. Mr and Mrs Chandhok have been ordered to pay £183,773, to make up the total she should have been paid if she had received the national minimum wage. Ms Tirkey's solicitor Victoria Marks, from the Anti-Trafficking and Labour Exploitation Unit, said: "This is a very useful judgement for victims of modern day slavery. We hope that it will give other victims the courage to come forward

punches with reinforced gloves, kicks with knees and feet, and truncheon blows. The delegation collected information in a number of medical files which were consistent with these allegations. It seems that most often these cases were disproportionate reactions aimed to punish inmates involved in violent incidents. The Committee also received allegations of ill-treatment in Târgşor women's prison, where apparently staff had warned inmates not to speak to the CPT delegation. In all three prisons inmates seemed reluctant to speak out of fear of reprisals.

Prosecutor Can be Sued for Presenting False Information to Grand Jury

The US Second Circuit has ruled that a prosecutor can be held to a standard above "qualified immunity," and thus can be sued, for knowingly presenting false information to a Grand Jury. This quote from the court: "It ought not to be difficult, even for the most single-minded of prosecutors, to avoid misconduct of the scope and seriousness of that in which the defendants engaged: Creat[ing] false or fraudulently altered documents in the course of their performance of "investigatory functions," knowing that such information was false or fraudulent; where "false" is defined as "untrue when made and . . . known to be untrue when made by the person making it or causing it to be made" and "fraudulent" as "falsely made with intent to deceive". It does not seem to us to be a danger to effective law enforcement to require prosecutors and their aides to abide by these rules even when pursuing the most complicated of cases with the utmost determination."

Met Police Pay £50k Damages to Hilliard Brothers *Daily Mail, 23/09/2015*

Christopher and Andrew Hilliard have accepted an apology and £50,000 in an out of court settlement of their claims for assault, false imprisonment, malicious prosecution and breaches of the Human Rights Act. The brothers were beaten with police batons and arrested at the student demonstrations in Central London on 9 December 2010, wrongly accused of pulling a mounted police officer from his horse. They were prosecuted for violent disorder and faced two criminal trials before being cleared of any wrongdoing. At the time, David Cameron was quoted as saying police had been "dragged off horses and beaten" and those responsible should face the full force of the law, which was taken to refer to the brothers. But they were cleared of violent disorder and their family are now calling on him to apologise. Jennifer Hilliard, the mother of the two boys who has campaigned for their innocence from the outset, told Channel 4 News: "I think he does [owe an apology]. I think there was an assumption of guilt. There were a number of officers who clearly saw the boys engaging with the officer on the horse and made assumptions. Cameron did the same thing. He made an assumption that these boys were guilty."

The Cause of Human Rights is Also the Cause of Social Justice

Human rights are founded on the recognition, on the belief that all human beings have equal worth, and that all of us are entitled to the same fundamental protections and freedoms. And so today I want to talk about the importance of the protections granted by the European Convention of Human Rights and by the Human Rights Act. In doing that, I am going to make three, what I consider to be, fundamental points. - The first is that repealing or weakening the provisions of the Human Rights Act - as the current UK government says that it intends to do - would be a monumental mistake. It would remove important protections from people within the UK, but it would also deeply damage the UK's reputation overseas - Secondly, I will talk about how the Scottish Government will respond to any UK Government proposals. I will

IPCC Reform: the Challenges *Daniel Machover, Hickman and Rose*

Keen observers of UK policing issues will be forgiven for having missed one of the biggest stories of the year so far: the planned complete overhaul of the police watchdog, the Independent Police Complaints Commission (IPCC), including the introduction of a national police ombudsman supported by regional ombudsmen. Since the 12 August announcement the only media outlet to have reported on this is an online magazine Police Oracle for police that requires a subscription. A further Home Office review of the governance proposals due in the autumn was announced on the same day, but has also received no media attention.

That the much-criticised watchdog is proposing major structural changes should be cause for celebration. Its past failure to secure criminal convictions and disciplinary findings against the officers it is charged with overseeing is well documented, as is the disproportionate number of ex-police on its payroll. Indeed, a 2013 report by the home affairs committee found that the IPCC was so ineffective at doing its job that the public are often left to investigate their own cases. With this in mind, the lack of media attention surrounding the announcement comes as something of a surprise. Some of the proposals, which are largely intended to ensure high-quality independent investigations in the face of the watchdog's rapid growth (it soon expects to see the number of investigations it conducts increase five-fold), are actually quite radical.

So how to explain the media blackout? Perhaps it is because the reform proposals did not emanate from one of the many critics of the IPCC, but from the watchdog itself, or perhaps it is a disturbing reflection of the media's lack of understanding of the significance of the IPCC's role in addressing public concerns about police misconduct. Complainants need a police watchdog that does a really effective job of scrutinising the complaints system run by the police itself and of carrying out robust independent investigations into deaths in police custody, police shootings and serious or systemic misconduct allegations. This is essential for achieving accountability that deters wrongdoing and produces sustained learning to avoid repeated errors and malpractice.

The detail of the proposed reforms, which emerged as part of the IPCC's response to a Home Office review published in March 2015, requires public debate and close scrutiny, particularly as no one has yet to canvass the views of complainants regarding the model preferred by the IPCC. As far as I am aware, families bereaved following deaths in custody continue to harbour serious well-founded concerns about the quality of IPCC investigations, even though the IPCC claims that it has taken to heart the criticisms set out in the Casale review into the now well-known shortcomings of the August 2008 investigation into the death of Sean Rigg.

Who can say the IPCC won't again fail to properly secure and analyse photographs from witnesses as it did in that case, where it failed to check the time difference between two photographs of police restraint of Mr Rigg, leaving the family to have to find this out at an inquest four years later. Tony Herbert and Barbara Montgomery are two such concerned family members. Their son James was mentally ill and in need of medical attention but he was forcibly restrained on the street and then transported on a 45-minute journey under heavy restraint to a police station. His collapsed state on arrival was allegedly ignored and he went into cardiac arrest shortly thereafter. Mr Herbert is puzzled by the IPCC's statement that: 'We have long argued that the police complaints system is too focused in apportioning blame... .' As Mr Herbert rightly notes: 'With around 1,000 deaths in police custody since 1990 and no successful prosecutions, it would appear to families and to impartial observers that the "complaints system" does not have a problem with blame, rather the opposite.' The lack of consultation with Mr Herbert and other bereaved families is against a background of sidelining mem-

bers of the public in the process leading up to these proposed reforms: you only need to look at the make-up of the eight-strong 'challenge group' whose 'time, expertise and wisdom' was drawn upon for the Home Office review.

The group, which included Her Majesty's Chief Inspector of Constabulary, the North Yorkshire police and crime commissioner and a handful of Home and Cabinet Office officials hardly seems very challenging, and is certainly not representative of the public. Even those consulted as 'stakeholders' during the review were, with very few exceptions, aligned with the police or police representative bodies. In short, the IPCC's shortcomings from the complainants' perspective were obviously ignored by the review, as otherwise it would never have included the remarkable conclusion at paragraph 79 that there was 'no evidence to suggest that there are ongoing issues with the way that the IPCC conducts investigations and casework'. Too many complainants would beg to disagree with this.

Sadly, there continue to be examples of substandard investigations, with deep-seated problems ranging from inexperienced interviewers to a total lack of communication with the complainants throughout. And so while in theory a much-needed restructuring of the watchdog is very welcome, without any input from the public it is difficult to be optimistic about the end result.

Those who can draw on their own experiences have a lot to offer and need to be heard and heeded, such as Mr Herbert when he says: 'You can't resurrect a dead person and so the corrective action that families and society needs to see is a transparent investigation that highlights everything that went wrong and that everyone involved is being held to account for what they did and did not do that caused or may have caused the death. Every fudged investigation is an opportunity lost to make changes.' Will the proposals result in a significant qualitative change? Hopefully, that and the need for high-quality investigations will be the focus of the debate that will eventually take place. And since the IPCC is already vastly increasing its caseload, it is a debate that needs to happen sooner rather than later.

New powers for Scotland's Appeal Court Come Into Force

Legal appeals in civil cases from Scotland decided from today (22 September) will now need permission from judges before they reach the UK's highest court, following changes made in the Courts Reform (Scotland) Act 2014. The provisions mean that a party wishing to overturn decisions of the Inner House of the Court of Session, Scotland's upper appeal court, made after 22 September 2015 must now ask that Court for permission before seeking to bring a further appeal to the UK Supreme Court. If the Inner House refuses permission, a party can then ask the Supreme Court directly for permission to appeal. Such permission will normally only be given if the appeal raises a point of general public importance, and in deciding whether it does, the Supreme Court will benefit from the Inner House's view on whether an appeal should be given permission to proceed. Previously, appellants from Scotland had an automatic right of appeal in civil matters, provided that two advocates certified an appeal as reasonable. In effect, the changes – passed by the Scottish Parliament in October 2014 – mean that appeals from Scotland to the Supreme Court will now be subject to the same rules as appeals from other parts of the UK.

In the financial year 2014/15, the Supreme Court received ten appeals or references from Scotland 'as of right', and received five applications for permission to appeal where the appellant needed to seek such permission (typically in relation to 'devolution issues'). In 2013/14, the figures were 13 appeals as of right, and three applications for permission to appeal. The changes do not alter the position regarding appeals in criminal matters: the High Court of

Justiciary remains the final court of appeal for such matters, except in limited circumstances where the appeal raised questions of compatibility with European law or the European Convention on Human Rights. Even in these cases, once it has settled the point of law, the Supreme Court must remit the matter to the High Court of Justiciary for the case to be concluded. Similarly, the reforms do not affect civil devolution issue appeals, the procedures for which are set out in the Scotland Act 2012.

'Beware Narcissists and Fantasists' Met Told. *'Inside Justice'*

Lord Ken Macdonald QC, a former director of public prosecutions, has warned detectives investigating historical child abuse allegations not to indulge "narcissists and fantasists", according to the Guardian. His comments came as pressure mounted on the Metropolitan Police to shelve Operation Midland, the inquiry into an alleged Westminster paedophile ring, after doubts were raised about the key witness. The broadcaster Paul Gambaccini also renewed his attack on Scotland Yard and the Crown Prosecution Service for failing to apologise over their handling of sexual abuse allegations made against him.

"An understandable modern concern for victims' rights is now in real danger of morphing into a medieval contempt for the accused and a shocking disinterest in the basic norms of justice," Macdonald said. "Child sex abuse is an appalling crime and we shouldn't do anything to discourage people who have suffered it from coming forward, but it is the job of the police to conduct impartial, objective investigations, not to indulge narcissists and fantasists, and certainly not to hand over the right to determine the truth to people on the sole basis that they claim to be the victims of crime."

Live investigations across the UK include Operation Yewtree, launched in the wake of the Jimmy Savile scandal, Operation Athabasca, looking at claims of abuse at Elm Guest House in south-west London, and Operation Midland, which is examining claims that politicians, intelligence officials and senior military figures abused and murdered children. Operation Midland is based on the allegations of one witness, known only as "Nick", who senior detectives described as "credible and true". Nigel Evans MP, the former Commons deputy speaker who was acquitted of rape and sexual assault charges last year, criticised police on Tuesday for playing "judge and jury" over Nick's allegations before the investigation had concluded.

"[The police] really do need to get off this position whereby anybody who comes to them with an allegation is immediately believed and their evidence is seen as compelling," Evans said. "It should be treated as an allegation which needs to be tested. It shouldn't be 'we believe you' straight away because they don't believe the person who didn't do it. What they fail to recognise is that in an investigation which either leads to no further action – or indeed in an investigation that leads to trial and acquittal – the real victim is the person who has to stand trial and be a defendant in the full glare of publicity. There's no recognition in the police or Crown Prosecution Service that that is the case."

Anti-Torture Committee Calls on Romania to Combat Ill-Treatment in Prisons

In a report on Romania published today 24/09/2015, the Council of Europe anti-torture committee (CPT) expresses its concern about numerous credible allegations of ill-treatment by persons held in prisons, although it also points out significant progress in reducing such practice in police stations. The CPT, which visited Romania in June 2014, received the most serious allegations from inmates held in high security conditions in the Arad and Oradea prisons; where even beatings to inmates by special intervention forces were reported, including