owing to staff shortages; and the quality of teaching needed improvement; and • staff shortages were undermining offender management with heavy caseloads, a backlog of risk assessments and some limited sentence planning. • Inspectors made 89 Recommendaions

Nick Hardwick said: “The population at Aylesbury presents risks but it is reasonably stable. The purpose and function of the prison was clear but the prison was uncertain about how to set about delivering its core functions in a coherent and joined-up way. For example, there was some good work taking place to address violence but this was undermined by poor data, or by a very poor regime that fostered inactivity and indolence. The prison held long-term prisoners and yet many practices were punitive and regressive. Trust was too limited and relationships unpredictable. There was too little to motivate young men, or to encourage their personal investment in their futures while at the prison. Staffing shortages were a chronic weakness but it was hard to see how HMYOI Aylesbury could progress until there was a fundamental improvement in the quality of learning, skills and work offered.”

Michael Spurr, Chief Executive of the National Offender Management Service, said: "Staffing shortfalls have had a serious impact on the quality of the regime provided at Aylesbury. We are recruiting more staff and have put an action plan in place to address the recommendations made by the Chief Inspector in this report. The Governor will receive the support he needs to urgently improve the prison over the coming months."

US Police Shooting: Family Agrees $6.5m settlement *BBC News*

A city in the US state of South Carolina has reached a $6.5m (£4.2m) settlement with the family of an unarmed black man shot dead by a white police officer in April. North Charleston City Council approved the deal in a unanimous vote. Walter Scott, 50, was shot in April by officer Michael Slager while running from a routine traffic stop. It was one of several cases across the US in which unarmed black men died during encounters with police officers. Michael Slager was charged with murder and dismissed from the police force. A police dashboard camera caught the moment Mr Scott ran from his car, while footage from a bystander's mobile phone showed the officer firing eight shots at him as he fled.

"This is a very difficult period for the Scott family. I know they are glad to have this part behind them so their healing process can continue," said North Charleston Mayor Keith, "As a result of this tragedy, important issues have been discussed, not only in North Charleston, but around the country. Citizens have become engaged in this process and government officials are listening." In July, New York City agreed to pay $5.9m (£3.8m) to the family of Eric Garner, who died after allegedly being put in a chokehold by a police officer. And in

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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MOJUK: Newsletter ‘Inside Out’ No 551 (15/10/2015) - Cost £1

Home Office Compensates Pregnant Asylum Seeker for Unlawful Detention

Diane Taylor, Guardian: The Home Office has offered a formal apology and will pay compensation to a pregnant asylum seeker who was unlawfully arrested and detained at Yarl’s Wood immigration removal centre. The government admitted the woman, a Congolese asylum seeker who was arrested in 2014 when she was five months pregnant, should not have been detained and has announced that it will review its existing policy on the detention of pregnant asylum seekers. Under current guidelines, pregnant women are treated as vulnerable people who are unsuitable for detention and should only be detained “exceptionally”. But according to a report by Her Majesty’s Inspectorate of Prisons, there were 99 expectant mothers detained in Yarl’s Wood in 2014 and only nine were removed from the UK. Details of the current number of pregnant asylum seekers in detention have not been released by the government.

The solicitor acting on behalf of the woman, Jane Ryan at Bhatt Murphy, hailed the settlement as “groundbreaking”. “This is a great victory and a strong basis on which to argue that the detention of pregnant women should be ended altogether. The Home Office has been repeatedly criticised about its practice of detaining pregnant women. The apology and agreement to review both the policy and practice is an extremely important recognition that the system must change.” In the apology, the Home Office accepted that it had breached its own policy. The apology, from an unnamed assistant director of the Home Office legal team, states: “I apologise on behalf of the Home Office for unlawfully detaining you while you were pregnant.”

The woman, who was subjected to no notice arrest in Cardiff on 3 February 2014, was held for 10 hours at Cardiff Bay police station and then transported to Yarl’s Wood in an eight-hour journey. She was due to have her 20-week scan but was not given this check during the month she was held in detention and was seen by a midwife just once. The Guardian interviewed the woman while she was detained in Yarl’s Wood. She was in a distressed state and said she had been denied antenatal care. “I am very worried about what is happening to my baby,” she said. “I feel like I am being treated like a criminal here although I have not committed any crime.” In the settlement, the Home Office accepts that the woman was unlawfully detained in breach of the government’s published policy and that antenatal care “did not meet the standards expected”, especially in the failure to provide the 20-week scan.

Human rights campaigners and health professionals, including the Royal College of Midwives, who have repeatedly raised concerns about the detention of pregnant women at Yarl’s Wood, welcomed the settlement. The Medical Justice charity, which has documented the problems experienced by pregnant women in detention, described the settlement as “momentous”. “Despite our medical evidence and damning reports by HM Inspector of Prisons and the Independent Monitoring Board, the lobbying of the Royal College of Midwives, and shameful depictions of Yarl’s Wood guards’ treatment of pregnant detainees caught on Channel 4 News undercover cameras, the Home Office have repeatedly failed to admit the harm inflicted on pregnant detainees,” said Emma Ginn, coordinator of Medical Justice. The charity’s dossier, Expecting Change, exposed the harm done to pregnant women in immi-

gration detention, including at Yarl's Wood.

Louise Silverton, director for midwifery at the Royal College of Midwives, said: "The Royal College of Midwives has for some time now been calling on the Home Office to end the detention of pregnant women at Yarl's Wood. Home Office guidance states that pregnant women should only be detained in exceptional circumstances and this guidance is still not being adhered to. The centre was home to 99 pregnant women in 2014 and this is completely unacceptable. Some pregnant women have reported receiving inadequate healthcare, which clearly puts their unborn baby at risk as well. The women detained at Yarl's Wood have a right to be cared for in a dignified and respectful way, just like any other pregnant woman. Yarl's Wood and other immigration removal centres are unsafe for many vulnerable detainees including pregnant women. Pregnant women are only supposed to be detained if their removal is imminent and at Yarl's Wood this is not the case, which is most concerning."

California: New Hope for Young Offenders *Human Right Watch*

A landmark California law giving thousands of young adult offenders the chance to earn parole recognizes their potential to mature and rebuild their lives, Human Rights Watch said today. On October 3, 2015, Governor Jerry Brown signed into law Senate Bill 261, which will make over 12,000 prisoners in California eligible for relief. "California's new law acknowledges that young adults who have done wrong are still developing in ways that makes a real turnaround possible," said Elizabeth Calvin, senior children's rights advocate at Human Rights Watch. "This law gives imprisoned young offenders hope and the motivation to work hard toward parole." In 2014, California established a youth offender parole process for people who were under 18 at the time of a crime but who were tried as an adult and sentenced to an adult prison term. That law provides the possibility of earlier parole for several thousand young offenders currently in California prisons, and approximately 250 have been found suitable for parole thus far. The new law extends eligibility under the 2014 statute from age 18 at the time of the crime to 22.

The youth offender parole process requires strong evidence of rehabilitation, but also requires the parole board to take into consideration that young people are still developing and that their level of culpability is less than older adults. Extending the law through age 22 reflects the conclusions of neuroscientific research, which shows that the brain is still developing into the mid 20s, and several recent US and California Supreme Court cases that have found that juveniles have less responsibility for their actions than adults and greater prospects for reform. The new law makes individuals who were 18 to 22 years old at the time of their offense eligible for youth offender parole. Fully 10 percent of the state's current prison population will probably be eligible for a youth offender parole hearing.

Since 2004, Human Rights Watch has conducted numerous interviews and carried out in-depth data analyses to investigate the use of extreme prison sentences for people under 18 in the United States, including the sentence of life without the possibility of parole. It has examined the circumstances and conditions of confinement for youth sentenced to life without parole throughout the US, and in particular in California and Colorado. This research has found stark racial disparities in the imposition of sentences, with black youth serving life without parole at a per capita rate 10 times that of white youth. Human Rights Watch has worked to end disproportionate sentences for young people, and to stop the unfair transfer of youth from the juvenile system to adult court. "The effect of this new law should not be underestimated," Calvin said. "Thousands of young people have entered California's prisons believing they would never get out. This law tells them that they have a real chance if they work hard

reduce many federal drug sentences and begin to chip away at the huge federal prison population, while protecting public safety. In the bloated and harsh American criminal justice system, the release of 6,000 prisoners is just a small step toward more efficiency and justice.

Met Police Officers Sacked Over 'Racist' Text Messages *BBC News*

Two Metropolitan Police officers have been sacked over "racist" text messages found on their mobile phones. PC George Cooper, who worked for an armed unit which protects Parliament and politicians and PC Stephen Newbury were caught during an investigation into the 2012 "Plebgate" row. The pair had more than 30 messages which were "racist and discriminatory in tone and content", the Met said. The men were sacked following a disciplinary hearing on Wednesday. The Met said it expected "the highest possible standards of behaviour". The men were investigated by the force's Directorate of Professional Standards (DPS).

PC Cooper, who worked for the Parliamentary and Diplomatic Protection Unit (SO6), was found to have 24 improper text messages, while PC Newbury, who was based in Lewisham, had eight. PC Newbury was also found to have asked another officer to conduct a police computer check on his car for personal reasons, Scotland Yard said. Deputy assistant commissioner Fiona Taylor, from the DPS, said: "The content of the text messages being exchanged between these officers was not only highly inappropriate and discriminatory but in direct contradiction of the values of the MPS. There is no place for officers who hold racist views in London's police service." The force said both officers breached its standards in relation to authority, respect, courtesy, equality and confidentiality. Former cabinet minister Andrew Mitchell resigned in 2012 after a row with police officers who would not let him cycle through the gates of No 10 Downing Street. The Conservative MP admitted swearing during the incident but denied swearing at officers or calling them "plebs". The incident also resulted in a police officer being convicted of misconduct in public office and the dismissal of a number of other officers.

HMYOI Aylesbury – Not Safe Enough,Inadequate Work Training and Education

HMYOI Aylesbury had deteriorated, with particular failings in safety, decency and purposeful activity, said Nick Hardwick, Chief Inspector of Prisons. Today Tuesday 6th October 2015 he published the report of an unannounced inspection of the young offender institution in Buckinghamshire. HMYOI Aylesbury, a training prison, holds up to 444 young adult men aged 18 to 21 who are serving among the longest sentences for this age group in the country. Over 80% of those held are serving more than four years and 30% are serving more than 10 years to life. The risks the prison manages are significant. At the time of this inspection, debilitating staff shortages required the ongoing deployment of temporary staff from other prisons.

Inspectors were concerned to find that: • 25 Recommendations from the last inspection had 'Not been Achieved' • Aylesbury was not safe enough: levels of violence were high and some incidents were serious; • although some useful work was being done to address gang affiliations and to combat violence, much more needed to be done to ensure an evidence-based effective strategy; • the long periods of lock-up and inactivity most prisoners experienced caused frustrations that contributed to the likelihood of violence and aggression; • many prisoners suspected of involvement in violence were managed through an excessively punitive incentives and privileges scheme which was ineffective; • the quality of the environment was mixed and too often inadequate, and the quality of staff-prisoner relationships was similarly mixed, undermined by the numbers of temporary staff; • between 30 and 40% of young prisoners were locked up during the working day; • the management of learning and skills was weak, many classes and workshops were closed

put to the complainant and to be present when his case is put. He was deprived of that opportunity. He was convicted. There can be no complaint that the summing-up was other than careful and well-structured, but we are so concerned as to the fairness of the procedure adopted prior to trial that we come to the conclusion that the lack of due process leads us to conclude that it would be wrong to uphold this conviction. We cannot be sure on the basis of the facts contained within the ruling that all due regard was had to the particular circumstances of this case. In those circumstances, the trial should never have commenced on the day it did, and when it did commence it should have ensured all due regard to the Article 6 rights of this appellant.

24. For the reasons we have given, and on the very fact-specific nature of the circumstances, we intend to allow the appeal. [CPS did not seek a retrial]

USA - Release of 6,000 Prisoners a Step Toward Justice

When a nation locks up as many people as indiscriminately as the United States does, even big numbers start to lose their meaning. Take 6,000. That's how many federal prisoners are to be released over a four-day period beginning Oct. 30 by the Justice Department, following a decision last year by the United States Sentencing Commission to reduce sentencing guidelines for many nonviolent drug crimes. It is being called one of the largest discharges of inmates from federal prisons in American history. If this sounds frightening, perhaps a little perspective would help. For starters, more than 2.3 million people are behind bars in America. More than 10,000 of them are released from state and federal prisons every week, and more than 650,000 every year.

The department's announcement is just a small part of a much broader effort to shrink overcrowded prisons and scale back unjustly long sentences. After conducting multiple hearings, the commission voted unanimously in April 2014 to reduce sentencing guidelines for many lower-level drug offenders. In July 2014 it voted to apply reductions to inmates serving unjustly long sentences, many of which were based on the weight of drugs involved, rarely a good measure of the seriousness of someone's role in a drug-selling operation. This reduction — for which an estimated 40,000 current prisoners will be eligible over the next five years — was supported by, among others, the Justice Department, Republican and Democratic members of Congress, and police chiefs in major cities. For the past year, federal courts have been reviewing every case individually and weeding out inmates whose early release would pose a safety risk. According to the commission, inmates who are approved will get an average of more than two years cut off their sentences, which means average sentences will still be nine years long. (About one-third of the 6,000 are noncitizens whose deportation proceedings will begin immediately.)

Despite the clear necessity of reforms like these, there is still firm resistance from many in law enforcement, who refuse to believe that shorter sentences and lower crime can coexist, despite abundant evidence to the contrary. Concerns about recidivism, however, are legitimate. More than one-third of federal inmates go back to prison within five years. This is a serious problem which reflects, among other things, the failure of prisons to prepare people for life on the outside and the lack of support for inmates once they return to their communities. Even so, releases like this one pose no added threat to public safety. After the commission in 2007 reduced sentencing guidelines for crack-cocaine offenders, who were punished far more harshly than powder-cocaine offenders, it found no difference in recidivism rates for those inmates released early.

American prisons are bursting at the seams with inmates who are locked up for far too long, or should not be locked up at all. Many states, where the vast majority of prisoners are held, have already succeeded in cutting both prison populations and crime rates. And last week Democrats and Republicans in Congress announced bipartisan legislation that would

at rehabilitation. Hope is a powerful tool for change."

Confession Made During Police Interview Should Not Have Been Admitted

In Chamber judgment in the case of Turbylev v. Russia (application no. 4722/09) the ECtHR held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, both on account of Mr Turbylev's ill-treatment and on account of the ineffective investigation into the related complaints, anda violation of Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance). The case concerned Mr Turbylev's complaint of having been ill-treated in police custody and of the unfairness of the criminal trial against him, in which his statement of "surrender and confession", made as a result of his ill-treatment and in the absence of a lawyer, was used as evidence.

The Court found that the admission of the statement as evidence had rendered Mr Turbylev's trial unfair. The absence of a requirement, under Russian law, of access to a lawyer for a statement of "surrender and confession" had been used to circumvent Mr Turbylev's right as a de facto suspect to legal assistance. This situation had resulted from the systematic application of legal provisions, as interpreted by the domestic courts. Moreover, in failing to conduct an independent careful assessment of the "quality" of the statement as evidence, and instead relying on the investigative authority's findings, the domestic courts had legalised the police officers' use of a statement of "surrender and confession" to document Mr Turbylev's confession obtained as a result of his inhuman and degrading treatment after his apprehension on suspicion of having committed a crime.

Record Number of Complaints Against Police in England and Wales

Jamie Grierson, Guardian: The police watchdog has warned that public satisfaction with the police continues to fall as fresh figures revealed a record number of complaints against forces in England and Wales last year. The Independent Police Complaints Commission (IPCC) received 37,105 complaints in 2014/2015, a 6% rise compared with the previous year and the highest figure since the body was formed in 2004. A public confidence survey published by the IPCC last year showed that satisfaction following contact with the police was falling and the latest round of statistics, particularly the increasing numbers of complaints recorded, suggest this trend has continued, according to a report from the watchdog. Within the complaints received last year, 69,561 allegations were recorded. Of these, 31,333 allegations were investigated, of which 14% or around 4,386 were upheld. The most common allegation recorded was "other neglect or failure in duty", comprising 34% of all allegations.

UK Admin Court: Government of the United States of America v Giese

• This is an appeal pursuant to section 105 of the Extradition Act 2003 ("the EA") by the Government of the United States of America ("the Government") against the order of District Judge (Magistrates' Courts) Margot Coleman ("the DJ") on 21 April 2015 refusing a request for the extradition of the Respondent Mr Alan Giese ("Mr Giese").

• California is one of twenty States in the USA which have a system of "civil commitment". This is a form of indeterminate confinement in a secure facility which may be imposed in civil proceedings against a person who has been convicted of, and who has served his sentence for, certain types of sexual offence and who is deemed to be mentally ill and dangerous. The details of the system, and the criteria used to determine whether an order should be imposed, vary as between the different States which operate it. In the context of extradition requests, the courts in this country have previously had to consider the civil commitment systems in

Minnesota (see Sullivan v Government of USA [2012] EWHC 1680 (Admin)) and New York State (see Government of USA v Bowen [2015] EWHC 1873 (Admin)).

• The questions on this appeal are whether there is a "real risk" that Mr Giese would be made subject to an order for civil commitment under the system which operates in California and, if so, whether there is a "real risk" that such an order would be a "flagrant breach" of his rights under Article 5(1) of the European Convention on Human Rights ("ECHR"). If so, as the DJ concluded, Mr Giese must not be extradited and is entitled to be discharged pursuant to section 87(1) and (2) of the EA.

Conclusion and disposal: • The DJ was correct to conclude that there is a real risk that Mr Giese would, if extradited, be made subject to a civil commitment order. The DJ was also correct to conclude that, if he was, that would be a "flagrant denial" of his Article 5 rights. Accordingly, the DJ was correct in concluding that the extradition of Mr Giese would be inconsistent with his Convention rights, so that, in accordance with section 87(2) of the EA, he must be discharged.

• In these circumstances, if things remain as they are, the appeal would have to be dismissed. However, the extradition of Mr Giese is not sought in order that he should be made the subject of a civil commitment order. It is sought so that he should stand trial in respect of 19 serious charges of sexual offences against a person who was, at the time, a 13 year old boy. A civil commitment order is only a real risk if Mr Giese is convicted of at least one such offence. Given our conclusions above, it seems to us that, as in the case of Sullivan, the Government should be given a further opportunity to decide whether or not it will offer a satisfactory assurance that, should Mr Giese be found guilty of any of the offences charged, there will be no attempt to make him the subject of a civil commitment order. We therefore propose, subject to any further arguments from counsel, that the Government should be given 14 days from the date that this judgment is handed down, to state, in open court, whether such an assurance will be given.

• We will hear argument on what order should be made when this judgment is handed down if such an assurance is to be given in due time. If it is not, then this appeal must be dismissed.

Read the full Judgment: [2015] EWHC 2733 (Admin) (07 October 2015)

Conviction For Illegal Publications Found In Office Unjustified

In Chamber judgment in the case of Müdür Duman v. Turkey (application no. 15450/03) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 10 (freedom of expression) of the ECtHR. The case concerned the complaint by a local leader of a political party that his conviction on account of illegal pictures and publications found in the office of his party had amounted to an unjustified interference with his right to freedom of expression. The Court noted that although Mr Duman had denied any knowledge of the material found in his conviction by the Turkish courts could not be considered relevant and sufficient. In particular, Mr Duman's conduct could not be construed as support for unlawful acts and there was no indication that the material in question advocated violence, armed resistance or an uprising.

Long Prison Sentences for Organisers of Protests Were Unjustified

Case of Karpyuk and Ors v. Ukraine (application nos. 30582/04 and 32152/04) concerned, in particular, the trial against seven opposition activists following their participation in mass protests in Kyiv in March 2001. In Chamber judgment1 in the case theECtHR held, unanimously, that there had been: a violation of Article 6 (right to a fair trial) of the European Convention on Human Rights in respect of two of the applicants on account of the non-attendance of a number of witnesses dur-

already been served and apparently ignored, Miss Wolfe was to raise two matters which she said should dissuade him from doing so. First, she said there was the difficulty in locating the complainant. The information then before the court was that she had disappeared with her two young children. Secondly, she asked, if the warrant is served, what happens then?

16. As regards that second point, we are unable to contemplate anything other than a pragmatic approach to ensure that the warrant was executed at a time when the court was sitting to enable this particular complainant to be brought to court. To do so would have given her some protection physically, but also have provided her with an appropriate response to any suggestion by members of her community that she had acted incorrectly or inappropriately in co-operating with the trial process against her partner. However, that solution was not contemplated and the judge was persuaded not to embark upon that course.

17. As it transpired, during the course of the following evening, after the judge had acceded to the application on behalf of the prosecution to adduce the evidence of the complainant before the jury, social services rang the police to inform them of their concern as to the welfare of the complainant. The complainant had actually phoned them in distress. She indicated that she was going away for a few days. There is no suggestion in either that information or the information before the court that this particular witness would be unavailable in the long term.

18. There are many practical measures that could have been adopted in our view to ensure, first of all, that this complainant was located in a timely fashion, that her attendance at court was ensured, to protect her welfare and the welfare of her children and, importantly, to ensure the rights of this appellant, however fanciful his defence, to cross-examine the complainant on the matters that she alleged against him. The fact that to embark upon those measures would have meant a delay in the commencement of the trial or would otherwise have imposed upon the police officers concerned the necessity to track down the complainant does not provide, in our opinion, a sufficient basis upon which the prosecution could legitimately have made this 'hearsay' application to the court.

19. We stress that there will be many cases of domestic violence where it may become inevitable and absolutely necessary for a court to ensure justice is done and to admit the statement of the complainant. In such cases it often will be the case that the complainant is the only witness, but this in itself is not a good reason necessarily to refuse such applications. What we do stress equally, however, is that if such an application is to be made, it should be properly based, it should be properly evidenced, and the court has a responsibility to properly investigate the matter. We regret that in this case that investigation does not appear to have taken place. We cannot be satisfied from the transcript of the ruling that the judge did take into account appropriately all matters concerning this complainant's absence, nor take all necessary steps as would ensure her welfare and the fairness of the trial by obtaining her attendance.

20. Miss Wolfe, in the respondent's notice filed in this appeal, first deals with the distinction drawn on behalf of the appellant to the application that should have been made, it is said, pursuant to section 116 as opposed to 114.

21. We have indicated that this is not the issue in this appeal. An investigation into the facts pursuant to section 114(2)(g) or in pursuance of any of the gateways under section 116 would have soon revealed that there were steps open to the court that should have been weighed in the balance before reaching the conclusion here.

22. Miss Wolfe's secondary position is that, regardless of the deficient procedure, we can be sure that this conviction is safe.

23. We have referred to the somewhat fanciful nature of the defence, but it is nevertheless the right of this defendant, if no reason to admit hearsay evidence is found to exist, to have his case

before trial due to start the following Wednesday had expressed "concern for her welfare". However, it is clear that, despite that concern, they had taken no pro-active steps to involve social services, nor it appears had they attended at the place of the complainant's residence on the morning of the trial to ensure that she attended or otherwise to provide practical means of support.

10. The appellant attended court with members of his own family and also with the complainant's father. Through his counsel, Miss Pattison, who appears before us today, the court was informed that the complainant had departed her residence with her two young children and their whereabouts were unknown. The police had not checked this fact, as I have indicated before, and quite clearly the judge was justified in indicating some cynicism about that state of affairs.

11. The prosecution wished to continue to trial. Consequently, an application was made to adduce the evidence of the complainant before the jury pursuant to section 114 of the Criminal Justice Act; that is, on the basis that the admission of what would be her hearsay evidence was in the interests of justice.

12. The judge was not asked to consider an application pursuant to section 116 of the Act, he at no time considered the requirement to do so, and neither Miss Pattison nor Miss Wolfe do anything other than to accept that they failed to bring the judge's attention to this particular provision of the Act, which may at least have given rise to further investigations being made.

13. As it is, the judge considered the application upon the information provided by both counsel, not all of which coincided, and without seeking to hear evidence from police officers who were advising Miss Wolfe or members of the complainant's family who had attended at court who were advising Miss Pattison. On the basis of those representations, the judge was to conduct a balancing exercise as to the admissibility of the hearsay evidence of the complainant. In doing so, he addressed the issues found in section 114(2) from (a) to (i). He reminds himself that these are not exhaustive indications as to the merits and justification for admitting the evidence, but in doing so specifically said this: "'Whether oral evidence of the matter statement can be given, and if not why it cannot'. That is [subsection] '(g)'. I do not need to deal with that." In fact, the judge did need to deal with this issue. It is quite clear to us that if he did so he would have necessarily articulated the reasons why he considered that the complainant was not present in court and was not able to give evidence in accordance with her statement before the jury, and which in turn would have informed an application for the admission of hearsay evidence pursuant to section 116 of the Act. That is, to say if he was satisfied that the complainant could not be located and the reason for her not being located was, as it subsequently transpired could have been the case, a deliberate attempt to prevent her from doing so by or on behalf of the appellant, whether the appellant had been personally responsible instigating that situation or not.

14. We have expressed our concern during the course of discussion with both counsel, that no adequate consideration was given when dealing with an application of this nature, whether made pursuant to section 114 or pursuant to section 116, to the evidence necessary to establish the pertinent gateway. The rationale behind the safeguards which surround such an application make clear that the court must take sufficient care and exercise all due diligence in investigating the circumstances of the application. We therefore questioned Miss Wolfe as to why evidence was not called before the court, why it was that there was no up to date information that could be provided since the enquiries made by police officers the previous Sunday, three days before, despite their obvious concern as to the welfare of the complainant and her young children.

15. Miss Wolfe had informed the judge that the complainant belonged to the travelling community and that there was difficulty of access to the site. When invited by the judge, rhetorically, that perhaps he should consider the issue of a warrant since a witness summons had

ing the trial; no violation of Article 6 as regards one applicant's removal from the courtroom and as regards the appointment of a legal aid lawyer for one of the applicants; a violation of Article 11 (freedom of assembly and association) in respect of three of the applicants who were involved in organising the protests and no violation of Article 11 in respect of the remaining applicants.

The Court was not convinced that there had been valid reasons for the decisions of the domestic courts to admit the pre-trial statements of a number of witnesses whose testimonies were significant for the applicants' conviction and not to hear those witnesses at trial. As regards the conviction of the three applicants involved in organising of the protests, the Court found in particular that, although a sanction for the applicants' role in organising an obstructive gathering and subsequently inciting violence in the course of clashes with the police might conceivably have been warranted by the aim of maintaining public safety, the long prison sentences – of between two and a half and four years – imposed on them had not been proportionate to that legitimate aim.

Prisoner Education is Not a Panacea. Gove Should Give Governors Real Power

John Attard, Guardian: So, Michael Gove is going to give prison governors more flexibility and make them more accountable. He is also going to force prisoners into education. It would seem the justice secretary views the education of prisoners as a panacea. It is not. The reasons people commit offences are complicated and what society does to rehabilitate offenders is even more complicated. Making people smarter will not prevent them from committing further offences if, when they leave prison, they are still involved in gangs, have drug or alcohol problems, have nowhere to live, return to deprived areas, have no or poor role models, cannot earn enough or simply choose a criminal lifestyle.

The prison service has been subjected to unprecedented change and pressures over the past few years. Prisons have been starved of resources resulting in debilitating staff shortages and curtailed regimes. To deliver education that is fit for purpose, we need to ensure there is a stable environment. Prisons are only safe when the staff make them safe and, in the absence of staff, this is difficult to do. How does a prisoner concentrate on learning when he or she is worried about being mugged on the way back from their lessons because staff cannot provide sufficient supervision?

Governors have, for too long, been dictated to from the centre. Gove is right when he says the National Offender Management Service is behind the curve compared with some other public sector organisations, but that has been of the government's making. Unlike in the NHS or school academies, recruitment, budgets, procurement, pay, reward, recognition, attendance and performance management are all centrally controlled or prescribed. How does a governor drive necessary improvements if he or she is fettered in this way?

The excruciating savings made in the past few years have been possible largely as a result of a centrally imposed staffing benchmark, which saw operational staff stripped out of many prisons. Governors cannot, for example, recruit to a post they want to introduce as an innovative idea. Let's not forget about payment by results. With prisons running at 90% capacity, the need to transfer prisoners is a constant issue. But there is a strong possibility that movement between prisons will stagnate as governors try to keep hold of the prisoners they have invested time and money in, fearing a transfer will stop them getting the credit or, more importantly from a commercial perspective, payment for the rehabilitation work. This is a hindrance to governors' flexibility.

The length of sentences is also a key constraint. Sentences of less than 12 months (six months in custody) make it very difficult to make a sufficient impact on an individual.

Prisoners with short-term sentences are entering a dystopian environment. They will almost always be made homeless, lose their jobs (if they had them) and become more desensitised to criminality. It is well accepted that prisoners serving longer sentences, particularly those over four years, are less likely to reoffend. A community sentence for less serious offences will not only provide an immediate payback, it will also free up much needed space and resources so governors can get on with their jobs of keeping prisoners in custody and addressing their offending behaviour.

Education, education, education – to quote a certain former prime minister – most certainly has its place in prison and governors will be able to tailor a curriculum and regime to meet the needs of their population – if they are allowed to. Gove cannot expect governors to do it while they're bound to policies and regulations that make them accountable without giving them the freedom or resources to exercise sufficient autonomy. The Prison Governors Association (PGA) welcomes decentralisation but we urge caution. By all means give governors more autonomy but also give them more control, access to more resources and clear targets they are solely responsible for.

Arlene Arkinson: Murder inquest Delays Entirely Caused by PSNI *BBC News*

A coroner has expressed frustration at "the constantly shifting sands of disclosure" in the case of Castlederg teenager Arlene Arkinson. The 15-year-old County Tyrone girl vanished after a night out at a disco in County Donegal in August 1994. Her body has never been found. On Friday 2nd October, the only suspect in the case, Robert Howard, 71 died. At a preliminary hearing, the coroner directed files be made available to the Arkinson family next week.

In eight years since the preliminary inquest process began, a number of fixed hearing dates have been scrapped due to delays in disclosing papers. The process of security vetting dozens of case files before disclosure has been further complicated as the Police Service of Northern Ireland has applied for Public Interest Immunity (PII) on three of the files, in a bid to stop their contents being outlined in court. At the hearing at Belfast's coroner's court, Coroner Brian Sherrard warned that PII takes the case outside his remit and into ministerial hands. A barrister for the family pointed out that there have been 30 previous preliminary hearings. Criticising the allocation of police resources to preparing files, he told the court: "I have said before that this case was being prepared on the never never. It is being prepared on a part-time basis."

A lawyer for the Prison Service Northern Ireland (PSNI) said that while one officer - the officer in charge of the case - is out of the country at the moment, others have been working on it. "This is an ongoing, very detailed and comprehensive process for the police," he said. Mr Sherrard asked if there was a mechanism by which the court could alert the Secretary of State, Theresa Villiers, to the urgency of the case, given that a date of 1 February, 2016 has been set for the inquest. "I'm sure she will understand there is an expectation that we will proceed on February 1," the coroner said. He stressed that the set deadline would be met. "We need to have this in a very, very timely fashion if we are going to keep to a February date and we are going to keep to a February date," he said. "It is not in anyone's interests, particularly the family or the public's interests, to have any further delays."

Doctors Without Borders Airstrike: US Alter Story Four Times

Spencer Ackerman, Guardian: US special operations forces – not their Afghan allies – called in the deadly airstrike on the Doctors Without Borders hospital in Kunduz, the US commander has conceded. Shortly before General John Campbell, the commander of the US and Nato war in Afghanistan, testified to a Senate panel, the president of Doctors Without Borders – also known

have made bombing much easier than it used to be, and the consequences harder to resolve.

Kane Jones - Conviction Quashed - Lack of Due Process

1. Lady Justice Macur: : This is an appeal against conviction brought with the leave of the single judge. 2. On 26th February 2015 this appellant was convicted of two counts of assault occasioning actual bodily harm. He was sentenced to two years' imprisonment on each count concurrent and a restraining order was made pursuant to section 5 of the Protection from Harassment Act 1997 for a period of three years.

3. The nature of the offence was in the context of domestic violence. The complainant was the appellant's long-term partner. They had two young children together. One of those children at the time of the alleged offending was aged ten weeks old, the other barely 12 months. It appears that late at night on 22nd June 2014 an argument had commenced between the two. This soon transgressed to physical violence, even on the admission of the appellant, who was to allege subsequently that he had been called upon to defend himself against the complainant, who was jealous and had thought him to be unfaithful to her.

4. There was independent evidence that the complainant had sustained a number of injuries. They were significant. She had widespread and diffuse bruises, including to her back. There were scratches, welts which she said had been caused by being whipped by a cable charging the baby alarm, and a burn which blistered. That burn was accepted to have been caused by a cigarette lighter, since on the case of the appellant, the complainant was approaching him with a cigarette lighter and he turned it against her in his own defence whereby she suffered the burns.

5. The complainant made a statement to the police detailing the injuries that she had suffered and making her accusations against the appellant. It was clear that she stated that he had beat her and burnt her. She returned to the police station just short of a month later and told officers that she no longer supported the prosecution, but she confirmed that the allegations that she had made were an accurate account of the events of the evening in question.

6. The appellant had been arrested. His response in interview was dismissive. He was not in any sense co-operative but suggested that the complainant's account was a complete exaggeration of the situation. Significantly, he accepted he was present at the time that at least some of the injuries were inflicted.

7. For a time the appellant was remanded in custody, and during the course of his remand it appears that the complainant sent a letter of reconciliation to him, indicating her continuing affection for him and her wish that he should return home. Subsequently he was bailed, but a condition of his bail was that he should not have contact with her, and consequently neither did he have contact with his two young children. There is no evidence, we make clear, that directly supports any suggestion that he personally was in breach of those conditions.

8. However, on the day of the trial he attended, she did not. The court was informed that the complainant had been seen some three days before. She had indicated her intention to attend and give evidence at trial, despite the other indications to the contrary: those indications being, in short, first, the letter that she had written to this appellant, secondly, the statement that she had prepared saying that she no longer wished to support the prosecution and, third, the fact that she and her father had apparently visited a local police station on several occasions confirming the fact that she did not wish to support the prosecution.

9. Miss Wolfe, who appears on behalf of the respondent and was prosecution trial counsel, informs the court that the police officers who had visited the complainant on the Sunday

need for a demonstration of moral difference.

An analysis published last year by the human rights group Reprieve revealed that attempts by US forces to blow up 41 men with drone strikes killed 1,147 people. Many were children. Some of the targets remain unharmed, while repeated attempts to kill them have left a trail of shattered bodies and shattered lives. Because the US still does not do body counts – or not in public, at any rate – the great majority of such deaths are likely to be unknown to us.

As the analyst Paul Rogers points out, the US Air Force dropped 1,800 bombs while helping Kurdish fighters to wrest the town of Kobane in northern Syria from Isis. It used 200kg bombs to take out single motorbikes. Of the civilian population killed in this firestorm, we know almost nothing, but they do not appear to have been the cause of much grief, or even reflection. An air force major involved in the bombing enthused that "to be part of something, to go out and stomp those guys out, it was completely overwhelming and exciting". Sometimes this professed battle for civilisation looks more like a clash of barbarisms.

Every misdirected bomb, every brutal night raid, every noncombatant killed, every lie and denial and minimisation, is a recruitment poster for those at war with the US. For this reason, and many others, its wars appear to be failing on most fronts. The Taliban is resurgent. Isis, far from being beaten or contained, is growing and spreading: into north Africa, across the Middle East, and in the Caucasus (a development that Vladimir Putin's intervention in Syria will only encourage). The more money and munitions the west pours into Syria and Iraq, the stronger the insurgents appear to become. And if, somehow, the US and its allies did succeed, victory over Isis would strengthen the Assad regime, which has killed and displaced even greater numbers. What exactly are the aims here? By invading Iraq in 2003, destroying its government and infrastructure, dismantling the army and detaining thousands of former soldiers, the US, with Britain's help, created Isis. Through bombing, it arguably helps to sustain the movement. Everything it touches now turns to dust, either pulverised directly by its drones and bombers, or destroyed through blowback in the political vacuums it creates.

There are no simple solutions to the chaos and complexities western firepower has helped to unleash, though a good start would be to stop making them worse. But a vast intelligence and military establishment that no president since Jimmy Carter has sought to control, the tremendous profits to be made by weapons companies and military contractors, portrayals of these conflicts in the media that serve only to confuse and bamboozle: they all help to ensure that armed escalation, however pointless and counter-productive, appears unstoppable. Russia's involvement in Syria is likely to provoke still greater follies. There are no clear objectives in these wars, or if there are, they shift from month to month. There is no obvious picture of what victory looks like or how it might be achieved. Twelve years into the conflict in Iraq, 14 years into the fighting in Afghanistan, after repeated announcements of victory or withdrawal, military action appears only to have replaced the old forms of brutality and chaos with new ones. And yet it continues. War appears to have become an end in itself.

So here comes the UK government, first operating covertly, against the expressed will of parliament, now presenting the authorisation of its bombing in Syria as a test of manhood. Always clear in his parliamentary strategy, never clear in his military strategy, David Cameron seeks to join another failed intervention that is likely only to enhance the spread of terrorism.

Astonishing advances in technology, in military organisation and deployment: all these

as Médecins sans Frontières (MSF) – said the US and Afghanistan had made an "admission of a war crime". Shifting the US account of the Saturday morning airstrike for the fourth time in as many days, Campbell reiterated that Afghan forces had requested US air cover after being engaged in a "tenacious fight" to retake the northern city of Kunduz from the Taliban. But, modifying the account he gave at a press conference on Monday, Campbell said those Afghan forces had not directly communicated with the US pilots of an AC-130 gunship overhead. "Even though the Afghans request that support, it still has to go through a rigorous US procedure to enable fires to go on the ground. We had a special operations unit that was in close vicinity that was talking to the aircraft that delivered those fires," Campbell told the Senate armed services committee on Tuesday morning.

The airstrike on the hospital is among the worst and most visible cases of civilian deaths caused by US forces during the 14-year Afghanistan war that Barack Obama has declared all but over. It killed 12 MSF staff and 10 patients, who had sought medical treatment after the Taliban overran Kunduz last weekend. Three children died in the airstrike that came in multiple waves and burned patients alive in their beds. On Tuesday, MSF denounced Campbell's press conference as an attempt to shift blame to the Afghans. "The US military remains responsible for the targets it hits, even though it is part of a coalition," said its director general, Christopher Stokes. Campbell did not explain whether the procedures to launch the airstrike took into account the GPS coordinates of the MSF field hospital, which its president, Joanne Liu, said were "regularly shared" with US, coalition and Afghan military officers and civilian officials, "as recently as Tuesday 29 September". AC-130 gunships, which fly low, typically rely on a pilot visually identifying a target.

It is also unclear where the US special operations forces were relative to the fighting, but Campbell has said that US units were "not directly engaged in the fighting". Campbell instead said the hospital was "mistakenly struck" by US forces. "We would never intentionally target a protected medical facility," Campbell told US lawmakers, declaring that he wanted an investigation by his command to "take its course" instead of providing further detail.

But Jason Cone, Doctors Without Borders' US executive director, said Campbell's shifting story underscored the need for an independent inquiry. "Today's statement from General Campbell is just the latest in a long list of confusing accounts from the US military about what happened in Kunduz on Saturday," Cone said. "They are now back to talking about a 'mistake'. A mistake that lasted for more than an hour, despite the fact that the location of the hospital was well known to them and that they were informed during the airstrike that it was a hospital being hit. All this confusion just underlines once again the crucial need for an independent investigation into how a major hospital, full of patients and MSF staff, could be repeatedly bombed." Campbell suggested but did not say that the Afghans were taking fire from the Taliban from within the hospital grounds, a claim the Afghan government has explicitly made. MSF unequivocally denies that the hospital was a source of fire. It has also noted the precision of the strike that hit only the main hospital building and not its adjuncts.

Mary Ellen O'Connell, a professor of international law at the University of Notre Dame, said that according to international humanitarian law, the critical question for determining if US forces committed a war crime was whether they had notified the hospital ahead of the strike if they understood the Taliban to be firing from the hospital. "Any serious violation of the law of armed conflict, such as attacking a hospital that is immune from intentional attack, is a war crime. Hospitals are immune from attack during an armed conflict unless being used by one party to harm the other and then only after a warning that it will be attacked," O'Connell said.

The US account has now shifted four times in four days. On Saturday, the US military

said it did not know for certain that it had struck the hospital but that US forces were taking fire in Kunduz. On Sunday, it said that the strike took place in the "vicinity" of the hospital and suggested it had been accidentally struck. On Monday, Campbell said that the Afghans requested the strike and said US forces in the area were not "threatened". On Tuesday, he clarified that US forces called in the airstrike themselves at Afghan request. Meanwhile, the defense secretary, Ashton Carter, said in a statement on Tuesday, that the Department of Defense "deeply regrets the loss of innocent lives that resulted from this tragic event".

Doctors Without Borders has demanded an independent inquiry, rejecting the three current investigations – by the US, Nato and the Afghans – as compromised by their partiality. "This attack cannot be brushed aside as a mere mistake or an inevitable consequence of war. Statements from the Afghanistan government have claimed that Taliban forces were using the hospital to fire on coalition forces. These statements imply that Afghan and US forces working together decided to raze to the ground a fully functioning hospital, which amounts to an admission of a war crime," Liu said on Tuesday.

In the past, the US has upbraided both allies and adversaries over the indiscriminate use of aerial strikes. On Thursday, the US defense secretary said Russia was pouring "gasoline on the fire" of the Syrian civil war after it launched a campaign of airstrikes against opponents of Moscow's ally Bashar al-Assad. A day later, the National Security Council spokesman, Ned Price, said the White House was "deeply concerned" that its Saudi ally in the Yemen conflict had bombed a wedding party, something the US itself did in Yemen in 2013. When Israel shelled a UN school in Gaza housing thousands of displaced Palestinians in August 2014, a State Department spokesman said the US was "appalled" by the "disgraceful" attack.

Addressing Tuesday's committee hearing, Campbell confirmed that he has recommended to Obama that the US retain thousands of troops in Afghanistan beyond Obama's presidency – reversing a plan to reduce the force to one focused on protecting the US embassy in Kabul.

He argued for "strategic patience" in the longest war in US history, which has now stretched five years longer than the failed Soviet occupation of Afghanistan.

West Cumbria Gang Clashes Prompt 43 arrests *BBC News*

than 40 suspected gang members have been arrested on suspicion of a string of offences including possessing weapons and assault, police said. Machetes, a knuckle duster and axes were recovered as part of a probe into the rival gangs, known as "Moorclose" and "Mandem" in west Cumbria. Cumbria Police said it had "nipped the problem in the bud" but still needed help to arrest more suspects. It set up Operation Rodeo to tackle the disorder in Workington and Whitehaven. Forty-three people have been arrested, aged between 13 and 40, who are all going through the court system, police said. Det Insp Dan St Quintin said: "The criminality our communities have experienced is totally unacceptable and police have nipped this in the bud. "I would like to reassure the public that we have a team of dedicated detectives working full time to detect and prosecute anyone found committing criminal behaviour."

Substance User's Bid To Get His Drugs Back Fails

Cain McCarthy asked Belfast County Court to overturn a decision not to allow him to have his legal highs back after police seized them in early 2014. Her Honour Judge P Smyth said it would be "utterly repugnant to compel the police to return dangerous products which have caused harm to the appellant, members of his family and the community in which he lives".

On 17 January 2014 Mr McCarthy was stopped and searched by an officer from the Police

abusers. Today, there are real individuals being sexually abused by living people. Where are the police? Chasing more dead men of course, and listening to stories from decades ago, often related by confused, vulnerable people who are perhaps being led on by campaigners, MPs, charities and wealth-seeking law firms. Whether or not there was a VIP paedophile ring at the heart of the British establishment, is perhaps the least important thing. Far more important is the fact that vested interests and politically correct dogma has allowed innocent people to be accused of child sexual abuse on next to no evidence, their name mysteriously released into the public domain, while the police and compensation lawyers sit back and wait for all manner of people to walk through the door claiming to be 'victims'.

The BBC Panorama investigation successfully lifted the lid on the practices employed by all those who benefit from Britain's child abuse paranoia. The BBC Panorama producers were brave to air the programme; the police and others are entirely wrong to criticise it. Meanwhile, Tom Watson MP and other campaigners have decided to lay low and say little or nothing.

William Blackstone, perhaps England's greatest legal commentator, once said, "…the law holds that it is better that ten guilty persons escape, than that one innocent suffer." British Law also insists that an accused person is "innocent until proven guilty beyond reasonable doubt".

Nato's Bombs Fall Like Confetti, Not Containing Conflict But Spreading It

George Monbiot, Guardian: 'The strike may have resulted in collateral damage to a nearby medical facility." This is how an anonymous Nato spokesperson described Saturday's disaster in Afghanistan. Let's translate it into English. "We bombed a hospital, killing 22 people." But "people", "hospital" and "bomb", let alone "we": all such words are banned from Nato's lexicon. Its press officers are trained to speak no recognisable human language. The effort is to create distance: distance from responsibility, distance from consequences, distance above all from the humanity of those who were killed. They do not merit even a concrete noun. Whatever you do, do not create pictures in the mind.

"Collateral damage" and "nearby" also suggest that the destruction of the hospital in Kunduz was a side-effect of an attack on another target. But the hospital, run by Médecins Sans Frontières, was the sole target of this bombing raid, by a US plane that returned repeatedly to the scene, dropping more ordnance on a building from which staff and patients were trying to escape. Curiously, on this occasion, Nato did not use that other great euphemism of modern warfare, the "surgical strike" – though it would, for once, have been appropriate.

Shoot first, suppress the questions later. The lies and euphemisms add insult to the crime. Nato's apparent indifference to life and truth could not fail to infuriate – perhaps to radicalise – people who are currently uninvolved in conflict in Afghanistan. Barack Obama's promise of an internal investigation (rather than the independent inquiry MSF has requested) is as good as the US response is likely to get. By comparison with both his predecessors, and his possible successors (including Hillary Clinton), Obama is a model of restraint and candour. Yet his armed forces still scatter bombs like confetti.

There are hardly any circumstances when bombs – whether delivered from planes or drones, by the US, UK, Russia, Israel, Saudi Arabia or any others – improve a situation rather than exacerbate it. This is not to say that there is never an argument for aerial war, but that if such a step is to be contemplated the consequences must be examined more carefully than anything else a government does. Yet every month we see reports of airstrikes that appear reckless and impulsive. Of course the Taliban, Isis and al-Qaida not only kill civilians carelessly, but also murder them deliberately. But this surely strengthens, rather than weakens, the

under scrutiny – as they should – they go against the rules. When politicians, lobby groups and money-makers put pressure on the police, the position of investigators becomes almost impossible. If police decide not to follow up accusations, they get a critical letter from self-serving MPs, often themselves driven by fantasists and gold-diggers. When police get it wrong, they are criticised by the press and the media.

Of course, none of this excuses the appalling police practice of allowing the suspect's name to be leaked to the public in the hope that other 'victims' will somehow be tempted to come forward. Nor does it excuse the unacceptable and lazy practice of indiscriminately 'trawling' for potential offences instead of properly investigating only reported allegations. Nor is there any excuse for the blind faith of senior officers in their own delusions, such as demonstrated by at least one very senior policeman the morning after the broadcast. He was following a now very familiar script:

Speaking on BBC Radio 4's Today programme, Chief Constable Simon Bailey, who oversees child abuse investigations for the National Police Chiefs' Council, refused point blank to address the issue of police 'trawling', preferring instead to talk about the 'confidence of victims' and his 'belief' that the police were now dealing with 70,000 allegations of child abuse, with 'hundreds of thousands' more 'victims' out there. If he's right, better build a hundred more prisons; the current prison population being 86,000 already! Bailey's apparently uncorroborated figures are almost as bad as the "credible and true" statement by his MPS colleague. If what Bailey says is in fact true, let the public see the evidence for these figures. In short, prove it.

Peter Spindler, the police chief in charge of the Savile investigation said in the BBC Panorama programme, that when so many people come forward and all say the same or similar things, "…they can't all be making it up." Really? Thousands of people believe Tony Blair is a war criminal. Should the police investigate? After all, these people are also all saying broadly the same thing. Surely they cannot all be making it up? When the joint police/NSPCC report into Savile was published, Spindler also said, "…they can't all be making it up." However, the report confirmed that none of the allegations against Savile had been corroborated or proved. In fact, the report was little more than a long list of allegations; nothing more; no evidence. The police and NSPCC said they had adopted "a pragmatic approach".

Spindler, and many other officers were either knowingly dishonest or at best, naïve. The promise of financial compensation was already being touted around long before the report was published, and no one should ever discount the lure of easy money. It was simple for people to come forward with 'similar' stories when the lurid details of Savile's alleged offences had already been in every newspaper for days and weeks. The same thing happened with the discredited 'Satanic Abuse' scandal years before. It is perhaps also interesting that Spindler jumped ship and went onto 'other duties' shortly after the report was published.

Vested interests: Unlike most EU states, the US and other countries, Britain has no Statute of Limitations on criminal offences, though many believe there should be such a time limitation. The police therefore insist that they must investigate every allegation of child sexual abuse, no matter how long ago it may have allegedly taken place. However, they are unlikely do the same for physical assault unless it is connected with a sexual abuse investigation. Nor will they investigate 'non-recent' burglary or other crimes that have affected people over the years. Only child sexual abuse and possibly murder apparently have the distinction of being investigated perhaps half a century after the offences were allegedly committed. The distasteful truth is, such a distinction has the stench of political manipulation all over it.

Whilst children were being abused in Rotherham, police were investigating dead, alleged

Service of Northern Ireland who found a quantity of tablets that later turned out to be prohibited substances as well as aerosols and alcohol. At the time Mr McCarthy had been classed as a "priority offender" who was known to behave aggressively while under the influence and was considered potentially dangerous to himself and others. Dismissing the applicant's appeal, the judge said: "I consider that this case falls within one of the narrow public policy exceptions which justifies the police withholding the appellant's property."

Bishop Evaded Prosecution After Intervention of Lord Chief Justice and Royal Family

Nicola Harley, Telegraph: A disgraced Bishop evaded prosecution for decades after intervention by a member of the Royal family, Cabinet Ministers and a Lord Chief Justice, a court heard. The former Bishop of Gloucester, now aged 83, groomed and abused 18 aspiring young priests over a period spanning 15 years. Mr Justice Wilkie, sitting at the Old Bailey, jailed Ball for two years and eight months for his offending on Wednesday.

But, before being sentenced, the court heard how Ball escaped justice over the same charges years earlier after he was given support by a member of the Royal family and Establishment figures. Ball was first reported to Gloucester Police by novice monk Neil Todd and others in 1992. But no charges were brought against him after police received supportive telephone calls from "many dozens of people- including MPs, former public school headmasters, Jps and even a Lord Chief Justice", the court heard yesterday. It was also revealed that there had been "two thousand letters of support...including letters from cabinet ministers and Royal Family". The member of the Royal family was not named. While Ball has in his past described Prince Charles as "a loyal friend", a spokesman for Clarence House said last night: ""The Prince of Wales made no intervention in the judicial process on behalf of Peter Ball."

The court has previously heard how the former Archibishop of Canterbury, Lord Carey had personally contacted the Crown prosecution Service (CPS) about the case in 1993. Last night Lord Carey denied a "cover-up". He said: "I greatly regret the fact that, during my tenure as Archbishop of Canterbury, we dealt inadequately with Peter Ball's victims and gave too much credence to his protestations. Allegations by some that my actions amounted to a cover-up or collusion with the abuser are wrong. I have always insisted upon the highest standards of holiness of life from all who are ordained." Ball accepted a caution for indecency in 1993 and resigned his position as Bishop of Lewes. He was then given accommodation in a cottage on the Prince of Wale's Duchy of Cornwall property. Once there he was given permission to officiate as priest for six months in the Diocese of Truro in 1995, which was extended for three years by the then Archbishop Carey from September 1995.

Reverend Graham Sawyer, the vicar of Briercliffe, in Burnley, was abused by Ball in the 1980s. He has labelled the Establishment as "corrupt" in light of the support received by Ball in 1993. Speaking after the sentencing, he said: "It is terribly sad he was not prosecuted in 1993 and it has not served anyone well. There needs to be a full investigation. "Unfortunately the Establishment in this country is still strong and there is an element of corruption and the relationship between the church and the establishment needs to be looked at. We cannot allow the Establishment to collaborate in this way, it is corrupt and is not fit for purpose."

More letters of support written for Ball in 1993 came from cabinet ministers, Lord Chief Justice, magistrates and former public school headmasters. Prosecutor Bobbie Cheema QC said the court: "He was highly regarded as a godly man who had a special affinity with young people. The truth was that he used those 15 years in the position of bishop to identify, groom and exploit sensitive and vulnerable young men who came within his orbit. For him, religion was a cloak behind which he

hid in order to satisfy his sexual interest in those who trusted him."

In 2008 the Church reviewed the case and in 2012 referred it to Sussex Police, who reopened the investigation which saw him arrested and charged. Ball attempted to avoid justice by pleading unfit to stand trial, and argued his role as a bishop was not a "public office" he finally admitted his years of offending last month. He pleaded guilty to two counts of indecent assault and misconduct in public office between 1977 and 1992, while he was Bishop of Lewes. Ball groomed 18 vulnerable victims to commit acts of "debasement" in the name of religion, such as praying naked at the altar and encouraging them to submit to beatings. He told many of them he would not approve their applications to become priests unless they participated.

Victims said he used "power and control" to manipulate them and said they had looked up to him and regarded him as "a living saint". Mr Justice Wilkie told him he had misused his position to "persuade selected individuals to commit or submit to acts of physical or sexual debasement under the guise of being part of their austere regime of devotion when they were not". He said the delay in victims getting justice was also due to the "protection" given to him by the Church and its "continued acceptance" of him as a priest. The current Archbishop of Canterbury, Justin Welby, has commissioned an independent report into how the Church dealt with the allegations against Ball. It has issued an "unreserved apology", saying: "There are no excuses whatsoever for what took place and the systematic abuse of trust perpetrated by Peter Ball over decades." The Church of England has also begun proceedings under its disciplinary code which is expected to see Ball formally barred from ministry for life.

But it has no power to defrock him as a cleric meaning that it cannot strip him of the right to call himself a bishop – and even to use the honorific Rt Rev before his name. The Church formally abolished defrocking - officially known as "deposition from Holy Orders" – more than a decade ago amid an attempt to modernise its disciplinary process – a move the Bishop of Durham recently said the Church should consider reversing. It will also continue to pay his pension.

VIP Paedophiles: BBC Panorama Should be Congratulated, not Criticised

Opinion Site: The BBC's Panorama programme investigating Operation Midland, the Metropolitan Police Service (MPS) inquiry into an alleged VIP paedophile ring, has finally been broadcast; albeit, after a 6 month delay and much internal fighting between the Panorama team and the self-confessed 'pro-victim' BBC Newsroom. Even before the programme had been aired, the MPS issued a statement expressing 'serious concerns', supposedly regarding the possible impact the programme may have on witnesses and 'victims'. Is there however, another reason for their concern?

Why is the word 'victims' in quotes? Let us be clear from the start: a person only becomes a victim when it has been proved, beyond reasonable doubt, that some injury – physical or otherwise – has been inflicted upon them. Until that point, such individuals are either witnesses or accusers – and should be described as such. The MPS and police generally have now adopted the premise that anyone who makes an accusation of child sexual abuse, whether that abuse is current or 'non-recent', is to be believed; even before anything has been investigated.

BBC Panorama illustrated this well by quoting Det. Superintendent Kenny McDonald, the lead officer in Operation Midland, who stated publicly that he believed the principal witness, known only as 'Nick', to be "…credible and true." Perhaps unsurprisingly, the MPS have now distanced themselves from this highly damaging assertion; though it took them considerable time to do so. McDonald already had form in this area. At the launch of Operation Midland,

he was reported as saying, "I appeal to men who were subjected to abuse 30 years ago to come forward." Notice that his words portray unqualified belief. He does not say, '…may have been abused'; he states clearly, '…were subjected to abuse'. No doubt; no equivocation. According to McDonald, the abuse took place and the accuser was, without doubt, telling the truth – even though nothing had yet been investigated or proved.

The former Director of Public Prosecutions, Lord Ken MacDonald QC, was appalled at the "credible and true" statement and at the position of the police in general. The current, recently criticised DPP, Alison Saunders, also quickly moved to cover herself by saying, "…you don't just take somebody's word as it is". This however, comes from a woman who forced a new code of practice on police officers responsible for investigating rape and abuse cases. According to Ms Saunders, no longer should the accusers be thoroughly scrutinised by police; only the accused.

And therein lays the true value of the BBC Panorama programme: Whether or not there was – or is – a VIP paedophile ring centred around Westminster, the real point of the programme was to reveal and question the current practice of unqualified belief in those who accuse others of the most awful crimes; often with nothing to substantiate such claims other than personal recollections of what may – or may not – have occurred many years ago. The whole VIP paedophile ring inquiry, Operation Midland, which includes allegations of child rape, torture and even murder, has been predicated on the memories of just three, apparently vulnerable, possibly confused individuals. Unfortunately for the believers – including the police – two of these witnesses have now apparently been discredited and one even says in the BBC Panorama, he may have been pressured by others to provide police with VIP names, including that of former Home Secretary Leon Brittan.

Peter Saunders of NAPAC (a child abuse support charity) speaking on the BBC Today programme the morning after the broadcast, admitted that 'survivors' [his word] can sometimes "get things wrong" and that, when they do, it can be "disastrous" for innocent people who have been accused. Saunders also maintains that he would not want innocent people to be accused, be put under scrutiny nor have their reputations trashed as that, "…doesn't help survivors." He fails to mention that it doesn't help the innocent either. Mr Saunders then destroyed his own, seemingly reasonable argument when he was asked if the trashing of innocent people's lives was a price worth paying: "There will always be casualties…", he said; thus making it clear that in his view, no matter how many innocent people may have their lives destroyed by false allegations of child sexual abuse, as long as the 'victims' are believed, that's ok by him.

How is it then that the police, MPs, campaigners and charities all subscribe to the same, flawed dogma of unqualified belief? Perhaps it is down to the actions of ambitious but weak politicians (some may think of Tom Watson and Simon Danczuk), money-oriented children's charities, feminist lobby groups and of course, highly organised, greedy lawyers; plenty of those have now clambered onto the abuse band wagon before it passes – all proffering the lure of compensation and/or 'justice'. Whilst all the above may be more interested in themselves than genuine victims, the police have their own reasons for subscribing to today's politically-correct, fundamentally dishonest and unjust mantra of belief; a reason that, to some extent at least, may forgive their latest – and premature – tantrum over the BBC Panorama programme:

According to Her Majesty's Inspector of Constabulary, Tom (now Sir Tom) Winsor, when recording crime, "The police need to institutionalise a culture of believing the victim. Every time". In fact, a presumption of belief is now written into National Crime Recording Standards, unless there is 'credible evidence to the contrary'. The police are therefore in a difficult place. If they subscribe to Winsor's requirements, they ditch any objectivity. If they put accusers