Inspectors heard distressing stories of inappropriate behaviour by white staff towards minority ethnic staff including instances of stereotyping, racist and sexualised language, and false allegations. In one shocking case a probation officer was propositioned by a white male colleague because "he had not had sex with a black woman before". The chief inspector, Justin Russell, said the inquiry discovered that minority ethnic staff were not always consulted or supported when assigned work with individuals who had committed race-related offences. "Proper care and attention hadn't been taken in the allocation of cases that had a hate crime or a racial motivation aspect," he said. "They would be allocated these cases … it wouldn't be until they started the supervision that [they discovered that] the person had been convicted for a crime where harm had been done to an ethnic-minority individual." He added: "There was a significant percentage of ethnic minority staff who reported those instances. There were deficits in the organisation in the impact of these types of offences."

HMIP heard that complaints of racist language were instead found to be swearing; racial slurs were characterised as just banter. Several BAME staff members said they did not feel it was safe to raise issues of racial discrimination and serious complaints had been "repeatedly downplayed, ignored or dismissed". The report said there were "systemic" issues within the service, but Russell fell short of branding it "institutionally" racist. With offenders, the inspectors found that little interest was taken in how race, ethnicity or experiences of discrimination had affected their lives. "Probation officers need to find out as much as possible about individuals to support their rehabilitation. How can you help someone if you don't know what their life is like?" Russell said.

Inspectors found that the decline in focus on race issues within probation can be traced back to the Transforming Rehabilitation reforms spearheaded by Grayling, which are set to be reversed this year. Under Grayling's widely derided shake-up, the probation sector was separated between a public sector organisation – the National Probation Service (NPS), managing high-risk criminals – and 21 private companies responsible for the supervision of 150,000 low- to medium-risk offenders. Long-serving staff told inspectors that before the reforms, issues of equality and diversity – race equality in particular – had been given a higher profile, and since then specific resources have been lost. Effective commissioning of rehabilitative services for black, Asian and minority ethnic service users proved problematic under the reforms, and some valued services that existed previously were lost, the report added. In an unusual move, Russell announced his intention to reinspect this work again in two years.

More than 222,000 people are supervised by probation services across England and Wales; approximately a fifth are from BAME backgrounds. About 14% of National Probation Service staff are from a BAME background. The director general for probation, Amy Rees, said: "This is a difficult report to read as our staff take pride in helping offenders turn their lives around. Clearly, that support needs to be better tailored for the Black, Asian and ethnic minority offenders we work with. "We are working hard to diversify our workforce so that we have greater collective understanding for the particular challenges faced by ethnic minority offenders, and I want to reassure probation staff that we are listening and acting on their concerns."

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Jack Barnes 'Let Down Again' as Manslaughter Charges Not Considered

BBC News: A man who was unlawfully killed after public transport staff restrained him has been "let down again" as no-one will face manslaughter charges. Jack Barnes, 29, shouted "I can't breathe" as Metrolink workers held him in Manchester in 2016. He suffered a cardiac arrest and died weeks later. His mother Patricia Gerrard was "hugely disappointed" after prosecutors said there was no new medical evidence from the inquest to reconsider manslaughter. Assault charges are being considered. Despite three case reviews by the Crown Prosecution Service (CPS) no-one has ever been charged over the death of Mr Barnes from Hull. Four men were arrested but the CPS said there was not sufficient evidence to prosecute. Ms Gerrard said the news that no manslaughter charges would be brought felt like her son was "being let down again" and that "his life didn't matter to others".

Nazir Ahmed Trial Collapses Due to 'Disgraceful' late Disclosure of Evidence

Tobi Thomas, Guardian: The trial of a former Labour peer accused of sexually abusing younger children has collapsed due to a "disgraceful" late disclosure of evidence by the prosecution, a judge has said. Nazir Ahmed was charged with two counts of attempting to rape a girl under 16, indecent assault of a boy under 14, and raping a boy under 16, all alleged to have occurred in the early 1970s, when he was a teenager. He went on trial at Sheffield crown court last month alongside his brothers Mohammed Farouq and Mohammed Tariq, who were charged with indecent assault of a boy under 14.

On Monday 8th march 2021, Judge Jeremy Richardson QC ruled that proceedings should be halted, criticising the conduct of the prosecution and police. A restriction preventing this from being reported remained in place until a further hearing on Tuesday. The late disclosure of material by the prosecution resulted in the subject matter of a cross-examination of a witness being "exponentially expanded", the judge said. "There is now much more to cover than ever appeared to be the case when this trial started," he said. The judge also said that he was "extremely concerned" by the alleged failure of the police to follow up "reasonable lines of inquiry" and that he was "unpersuaded" that they had done so.

He said: "It appears to me that has simply not been done in this case. It resulted in a mass of material being disclosed to the defence once the trial started. That is unacceptable in the ordinary run of cases, it is outrageous and comprehensively to be deplored in a case such as this. It has caused the trial to abort. The material recently disclosed by the prosecution raises a number of significant concerns. I have not the slightest doubt that this material should have been disclosed ages ago. It is disgraceful that it was not. I was given no adequate explanation for this calamity … The case began to falter almost the moment [the prosecution] finished [its] opening, the crisis started to unfold. It went from bad to worse. The schedule of when material was disclosed reveals a very worrying state of affairs. The trial stopped. It could not go on fairly. It sabotaged the trial. It was as if an incendiary device had been thrown in our midst."

He added: "This disgraceful situation has sabotaged this trial … I do not use that adjective lightly. It is rather more than a lamentable failure." The judge said that the prosecution lawyer

Tom Little QC had conceded that it was unacceptable and had asked for time "to put things right". On Tuesday, the order became subject of an appeal by the prosecution, and a final decision will be made by the court of appeal. A Crown Prosecution Service spokesperson said: "We are appealing this decision and have explained this to the two complainants. If our appeal is successful we will seek another trial of the defendants. "In the meantime we will consider the judgment and ensure that lessons are learned from the issues in this case. We will continue our work to drive lasting improvements in our handling of disclosure to ensure that we provide the service the public rightly expect. The issues surrounding this case do not change our commitment to prosecuting non-recent allegations of sexual abuse where our legal test is met."

Police Set to Receive Greater Powers to Control 'Lefty Protests'

Zoe Darling, Justice Gap: Police are set to receive greater powers to control 'Lefty protests' that are a 'threat to our way of life under a bill introduced to parliament yesterday which also increase the number of whole-life sentences and increase jail terms for sexual and violent offenders. The Police, Crime, Sentencing and Courts Bill confers upon police the right to dictate the start and finish times for public protests and set maximum noise levels. The bill also proposes to create an offence to catch protestors who unknowingly breach restrictions of which they ought to be aware. Obstructing entrances to parliament and the courts are set to become separate offences. Writing for the Daily Mail, Home secretary Priti Patel and Justice Secretary Robert Buckland claimed the new measures would allow police officers to 'safely manage' protests which 'threaten public order or stop people from getting on with their daily lives. A Home Office source told the Mail about the impact of protests by 'crusty eco-crusaders' on freedom of speech. '[The] disruption caused by some Lefty protests has exposed an emerging threat to our way of life, our economy and the livelihoods of the hard-working majority.'

Announcing the introduction of the Bill, Patel said: 'On becoming Home Secretary, I vowed to back the police to cut crime and make our streets safer. This Bill delivers on that promise – equipping the police with the tools they need to stop violent criminals in their tracks, putting the thugs who assault officers behind bars for longer and strengthening the support officers and their families receive.' The proposals come just six weeks after four activists accused of toppling the statue of slave trader Edward Colston pleaded not guilty to criminal damage. The statue, which was thrown into the Avon river last June, is estimated to have a value of £3,750. As it stands, the courts cannot impose a prison term of more than three months where the value of the damage caused is under £5,000. Under the new proposals, criminal damage to a memorial of any value will carry custodial sentences of up to 10 years and fines of up to £2,500. The bill also includes proposals for whole life sentences for people who kill children, and the end of automatic release halfway through prison terms for violent and sexual offenders. Peter Dawson, director of the Prison Reform Trust, accused the government of 'using sentencing legislation to play politics'. 'Sentences for serious crime have been getting much longer for two decades now, turning our prisons into places of despair', he said. 'But there is not a shred of evidence to show that this runaway inflation in punishment reduces crime'.

In response to the bill, chair of the Bar Council Derek Sweeting QC commented: ' 'The public are entitled to expect that tackling serious crime will be a priority, but politicians have to join up the dots. A crackdown on crime will mean more work for hard pressed courts and those who work in them. Decades of underfunding and mounting backlogs will not be turned around by increases in police numbers and tougher sentences.' The Bill proposes new rules to end

Newby said the new submission contains a "plethora of evidence" from the previously withheld documents pointing to a second silencer. It also includes phone logs to show Nevill Bamber did call his son 10 minutes before Bamber called the police. "If as a result of the fresh evidence, it is accepted that there were two calls including one call from his father and one from Jeremy, then it is an impossibility for Jeremy Bamber to have been at the scene at the relevant time to have committed the offences." Newby said. In total Newby said there were eight grounds for appeal including new evidence that the scene had been tampered with by Essex police and that police had seen signs of life inside the house while Bamber was with officers outside.

Newby was first approached by Bamber's supporters in late 2016. He said: "We would not have spent so much time pursuing this were we not convinced there is a significant evidence to suggest a miscarriage of justice." He added: "The evidence now supports the fact that every part of the reported case appears to be untrue, and there is now a new narrative to be told which if accepted by the commission and then in turn the court of appeal should lead to Jeremy Bamber being exonerated." The CCRC is expected to take several months to review the dossier. It has rejected two previous appeals by Bamber's former lawyers. "This is the most substantive submission by a mile," Newby said. The CCRC said it could not comment on the case until it had spoken to the family of the victims.

CCRC Refer Cleveland Davidson to CoA – a Third Member of the Stockwell Six

Mr Davidson was one of six young men (who later became known as the Stockwell Six) tried at the Old Bailey in September 1972 following an alleged attempt to rob a police officer in plain clothes. The officer in question, DS Ridgewell, led a team of officers from the British Transport Police called the "anti-mugging squad" who worked on the London Underground. Mr Davidson was one of 5 men convicted following the trial. The sixth man, Everet Mullins, was acquitted. Mr Davidson applied to the CCRC following its decision in December 2020 to refer the cases of two other members of the Stockwell Six, Courtney Harriot and Paul Green, to the Court of Appeal. All three cases will likely be heard together by the Court of Appeal in due course. The CCRC began its review of the Stockwell Six cases after it referred two other cases involving DS Ridgewell: Stephen Simmons and the Oval Four. The Court of Appeal quashed the convictions in both of these cases.

The CCRC has decided that there is a real possibility that the Court of Appeal will quash Mr Davidson's conviction on the basis of: New evidence relating to the conviction of DS Ridgewell for conspiracy to steal whilst working as an officer for British Transport Police in 1978; and The recent successful appeals in the earlier CCRC referrals of Stephen Simmons in (R v Simmons[2018] EWCA Crim 114) and the Oval 4, (R v Trew, Christie and Griffiths [2019] EWCA Crim 2474). The CCRC is still very keen to hear from the remaining members of the Stockwell Six: Texo Joseph Johnson, Ronald De'Souza and Everet Mullins. The CCRC would also like to hear from anyone else involved in a case where DS Ridgewell played a role. The CCRC can be contacted on 0121 233 1473. - Mr Davidson was not represented in his application to the CCRC.

Race Issues Sidelined Since Probation Service Shake-Up, Says Watchdog

Jamie Grierson, Guardian: Perpetrators of racist crimes are being allocated to black, Asian and minority ethnic probation officers without warning, inspectors have said, as they warned that issues of race had been sidelined in the sector. Her Majesty's Inspectorate of Probation (HMIP) found that the service's focus on racial equality had declined since disastrous privatisation changes were introduced in 2014 by the then justice secretary, Chris Grayling. This lack of interest in race issues applies to both BAME offenders being managed by the probation service, and staff who are from BAME backgrounds, the report said.

was valid law and how a positivist or natural law proponent might answer this. Equally interesting is the question underpinning Nuremberg and Tokyo: should the judgments, and the laws and precedents created by these tribunals, be accepted as valid jurisprudence, despite several blatant defects from a positivist standpoint? The legitimacy of many institutions, such as the Geneva Convention, the idea of universal jurisdiction or the International Criminal Court, depend in part on the answer to that question.

Jeremy Bamber Lawyers Hopeful for Release as Fresh Legal Challenge Launched

Who has been imprisoned for more than 35 years for murdering five members of his family, has said he is "filled with hope" of being released after submitting a fresh legal challenge against his conviction. Bamber's lawyers have compiled a dossier running to thousands of pages based on new evidence that challenges his 1986 conviction for the notorious White House Farm murders in Essex. On Wednesday the submission was made to Criminal Cases Review Commission (CCRC), which will now decide if the case should be referred to the court of appeal for a second time.

Mark Newby, Bamber's solicitor who specialises in miscarriages of justice and helped overturn the wrongful conviction of Victor Nealon after nearly 17 years, said: "Mr Bamber is going back to the CCRC because he got a significant amount of fresh evidence to show the conviction is unsafe. It is now for the CCRC to decide." The challenge is based on 347,000 pages of evidence, including Essex police logs, that were originally withheld from Bamber under public interest immunity laws that no longer apply after 30 years. Bamber said he had "multiple grounds" for an appeal. He told the Guardian: "Our comprehensive submissions contain the evidence to prove that the jury at my trial were not provided with the full facts and that they were misled repeatedly. "I am filled with hope and anticipation that the new submissions to the CCRC will achieve a speedy referral to the court of appeal." The CCRC has a duty to refer the case if it believes there is a reasonable chance the court of appeal will quash Bamber's conviction.

Bamber's adoptive parents, Nevill and June Bamber, were shot dead inside their Essex farm in the early hours of 7 August 1985, along with their adopted daughter, Sheila Caffell, and her six-year-old twin boys. Bamber, then 24, phoned the police to say his father had called him at 3.26am, saying Caffell had "gone crazy and has the gun". Initially, police believed Caffell, a 28-year-old model known as Bambi who had recently been diagnosed with schizophrenia, had fired the shots then turned the gun on herself. But then Bamber's relatives found a silencer in the farm that was said to contain blood belonging to Caffell. And in September 1985, Bamber's ex-girlfriend told police he had discussed killing his family. Days later Bamber was charged with the murders. At trial, the prosecution argued that, motivated by the prospect of inheriting the £436,000 family fortune and considerable land, he had killed all five then placed the rifle in his sister's hands to make it look like a murder-suicide. It claimed it was impossible for Caffell to have shot herself with the silencer on because her arms were not long enough to pull the trigger and that Nevill Bamber could not have called his son at 3.26am because by then he had been shot. At the end of the trial in October 1986, the jury was sent out to reach a verdict, but returned to ask the judge for clarification on the silencer and blood evidence. The judge said it contained only Caffell's blood, and instructed the jury that the silencer "could, on its own, lead them to believe that Bamber was guilty".

The jury convicted Bamber by a 10 to two majority. He has always maintained his innocence. But the jury was not told of a letter from the head of biology at Huntingdon Forensic Science Laboratories saying the blood on the silencer could have come from Sheila Caffell or another relative, Robert Boutflour who has since died. Last year a high court judge denied Bamber access to documents that may have suggested a second silencer was found at the scene, but Mr Justice Knowles said new evidence in the case should be considered by the CCRC.

the need for court parties to 'travel unnecessarily to court by allowing criminal courts to maximise the use of video and audio technology as it develops'.

The civil liberties group Liberty denounced the government's crackdown on protests as an 'assault on our rights', further stating that 'they risk stifling dissent and making it harder for us to hold the powerful to account'. David Lammy MP, Labour's Shadow Justice Secretary, said: 'A decade of Conservative cuts and failed ideology has left us with a justice system that is failing victims of crime and creating endless cycles of re-offence.' He added that the 'relatively light sentence' Thomas Griffiths received after the horrific killing of Ellie Gould 'shows that some criminals deserve tougher sentences'.

According to the government, the Police, Crime, Sentencing and Courts Bill seeks to 'equip the police with the powers and tools they need to protect themselves and the public, while overhauling sentencing laws to keep serious sexual and violent offenders behind bars for longer, and placing greater emphasis on rehabilitation to better help offenders to turn their lives around and prevent further crimes'. Measures include: widening laws to prevent adults in 'positions of trust' from engaging in sexual relationships with young people under the age of 18 'bringing sports coaches and religious leaders in line with other occupations such as teachers and doctors'; new court orders to 'boost efforts to crack down on knife crime, as well as make it easier to stop and search those suspected of carrying a blade'; whole life orders (WLOs) for child killers

* Whole life Orders for the premeditated murder of a child as well as allowing judges to hand out this maximum punishment to 18 to 20-year olds in exceptional cases to reflect the gravity of a crime (e.g, terrorism); * New powers to halt the automatic early release of offenders who pose a danger to the public; * For children who commit murder, new starting points for deciding the minimum amount of time reducing the opportunities for over 18s who committed murder as a child to have their minimum term reviewed; * Ending the halfway release of offenders sentenced to between four and seven years in prison for serious violent and sexual offences such as rape, manslaughter and GBH with intent. Instead they will have to spend two-thirds of their time behind bars; * Changing the threshold for passing a sentence below the minimum term for repeat offenders, including key serious offences such as 'third strike' burglary which carries a minimum three-year custodial sentence and 'two strike' knife possession which has a minimum 6-month sentence for adults, making it less likely that a court will depart from theses minimum terms; * Reforming criminal records disclosure to reduce the time period people have to declare previous non-violent, sexual or terrorist convictions to employers; * Introducing life sentences for killer drivers. * Tougher community sentences which double the amount of time offenders can be subject to curfew restrictions to two years; * Extended 'positions of trusts' laws to protect teenagers from abuse by making it illegal for sports coaches and religious leaders from engaging in sexual activity with 16 and 17-year-olds; * New rules to end the need for participants to travel unnecessarily to court by allowing criminal courts to maximise the use of video and audio technology as it develops; * Enshrining open justice principles by allowing for remote observers – using video and audio technology – across the vast majority of our courts and tribunals improving public access and transparency; * New stop and search powers against convicted knife offensive weapons offenders designed to ensure offenders are steered away from crime and if they persist in carrying a knife or an offensive weapon, that they are more likely to be caught and put in prison. * A legal duty on local authorities, the police, criminal justice agencies, health and fire and rescue services to tackle serious violence through sharing data and intelligence.* Doubling the maximum sentence for assaulting an emergency worker from 12 months to 2 years.

Prisoners Held in Inhumane Segregation 'Simply Wrong and Must Cease'

Kyran Kanda, Justice Gap, Prisoners at HMP Wakefield are being held in solitary confinement for periods that are 'simply unacceptable and arguably inhumane', according to the latest report by the prisons watchdog. The report published by the Independent Monitoring Board found that an informal system of 'merry-go-round' had emerged where governors negotiated for prisoners to be transferred from one segregation unit directly to another. 'This is simply wrong and must cease,' the report says.

MB a statutory body comprised of local members of the community which is responsible for monitoring prisons. One particular prisoner had served 949 days separate from other prisoners, and others had served between 100-300 days under continuous segregation. The IMB identifies an 'evident deficiency' in the prison being able to strategically manage prisoners with complex behaviours, such as those with a propensity to commit acts of violence. The practice of long-term segregation and the physical environment at HMP Wakefield was more likely than not to induce, rather than prevent, mental ill-health. The segregation was largely authorised under rule 45 of the Prison Rules 1999 which permits a governor to remove a prisoner from the general population if it is for the 'maintenance of good order or discipline or in his own interests that a prisoner should not associate with other prisoners'. The report also found issues with the quality of mental health support offered to prisoners. Long-duration segregation had a clear impact on prisoners, some of whom presented with complex behaviours, such as self-harm and violence against staff. The report recommended that a mental health nurse should attend and contribute to discussion for any prisoner under consideration for further segregation.

This situation is a deterioration of concerns that were highlighted by IMB in the 2017/18 report, when it highlighted the 'detrimental impact of prolonged segregation' on prisoners. At that time, the IMB recommended that it was a matter of extreme urgency that prisoners with serious acute mental health conditions be transferred to appropriate accommodation. The IMB cautions the minister directly that a failure to address its concerns damages its 'credibility and reputation among prisoners and staff'. It warns against the risk that ignoring concerns is to 'disregard them as intractable and to be endured'. The report makes clear that segregation should not be used where it is unlikely to improve a prisoner's behaviour, and a significant number of prisoners at HMP Wakefield should not be in segregation because of the impact on their mental health.

Giovanni Di Stefano - The Devil's Advocate

Jim Sheridan, the six times Oscar-nominated writer and director and his core documentary team has bought the exclusive rights to 'The Devil's Advocate', a biography of life with the infamous 'lawyer', Giovanni Di Stefano by his son Michael Di Stefano, and are currently in negotiations for a limited documentary series with broadcasters and major platforms. Sheridan, the acclaimed producer and storyteller has earmarked the story of the notorious lawyer, dubbed by the press as 'The Devil's Advocate, as one of his key projects for 2021 and 2022. The working title is 'The Devil's Advocate – How to Win Friends and Influence Despots'.

Giovanni Di Stefano represented a collection of dictators and major crime figures, before being jailed for masquerading as a lawyer, it transpired that he had no formal legal qualifications. Di Stefano's cast of clients was impressive including Manuel Noriega, Saddam Hussein, Tariq Aziz, Ali Hassan al-Majid (known as Chemical Ali), Slobodan Milosevic, the Warlord Arkan, Charles Manson and gangsters Charlie Richardson and Brink's Matt Heist bandit - John 'Goldfinger' Palmer, amongst many other villains, convicted murderers and despots. Sheridan said "It's very easy to see this as a dramatic feature, but I think for now - the documentary form will suit the story better. This is an intriguing story and truly unique. The lead character is simply

bombing of Japan and the continuous bombardment of civilians by the Americans. Justice Pal considered the Tokyo Tribunal an example of victors' justice, hypocrisy and revenge against Japan, which might be understandable on moral or political grounds but not on legal principle.

Lack of Fair Conditions and Impartiality - The rules and procedures for the tribunals had been written by the allied forces, predominantly the Americans. The US provided the key prosecutors, staff and equipment. Neither Germany nor Japan had been consulted as part of creating the tribunals. Each tribunals' legal approach was common law, not the civil law system which was customary in the defeated countries. German and Japanese defence counsel had to adjust to an unknown justice system with very little training or preparation time and were nowhere near as well resourced, or supported as the prosecution. No German judge sat on the bench in Nuremberg and no Japanese judge in Tokyo. Justice Bert Rölling of the Netherlands made this point in his dissent in Tokyo: a court entirely packed by appointees from the victorious nations cannot be seen to be impartial. Adding judges from neutral countries and a Japanese judge to the bench in Tokyo could have helped to create a more wholesome perception of the court and expanded its reasoning.

A*ccountability:* The role of Emperor Hirohito was highly contentious amongst the judges, especially Justices William Webb (Australia) and Henri Bernard (France). The position adopted by the Japanese accused and, for political considerations, the US military was to distance the Emperor from the Tribunal and prevent him from being charged with war crimes, due to his divine status and complex symbolic function in Japanese society. Judges Webb and Bernard were more inclined to view Hirohito as constitutional monarch in European fashion who'd be accountable for the actions of his cabinet and military. Bernard noted that a Tribunal's verdicts cannot be valid where it was permitted that the person ultimately accountable could escape justice and therefore the Tribunal's procedure had been defective.

Natural Justice: Objections like Stone's, Rölling's, Bernard's or Pal's are, at heart, positivistic ones: almost nobody disagreed that the war and actions by the Nazis and Japanese had been appalling beyond compare and there was little pity for any of the accused. But claiming that the accused received a fair trial in a legitimate tribunal, according to due process and validly enacted law rang false to many jurists. Other schools of thought had no such concerns: Justice Delfín Jaranilla of the Philippines, himself a victim of Japanese actions during the Bataan Deathmarch, criticised his fellow judges as too lenient in refraining from imposing more death sentences on the Japanese accused. His reasoning was that the actions committed were so heinous as to endanger the very fabric of what it means to be human and must therefore be regarded as criminal and harshly punished.

Justices Ivan M. Zaryanov (Tokyo) and Iona Nikitchenko (Nuremberg) of the Soviet Union expressed the purpose of the trials was to secure swift punishment for the accused, not adherence to positivist ideas about the rule of law. Being accustomed to the political courts of the Stalin era, they were also unfamiliar with the concept of dissenting judgements. The general public mood also pointed towards the need for punishment, adopting the idea that justice must give victims closure and enact retribution by giving the guilty what they rightly deserve. Indeed, most people untrained in the positivist, analytical skills of legal practice, are arguably "natural law" proponents: morality, deservingness and fairness underpin and cannot or should not be separated from positive law. So even if there is no written, pre-existing, duly enacted law that would address actions like the ones on trial in Nuremberg or Tokyo, the trials and charges would still be just and right if they cover the issues which are at stake. It is a common undergraduate jurisprudence question to ask if Nazi law (or some other terrible legal regime)

A Person Should Not be Punished For Doing Something That is Not Prohibited by Law.

Benjamin Bestgen, Scottish Legal News: Justice must be done and seen to be done – but whose justice? That is the uncomfortable question. It's said that the creation of laws sometimes resembles sausage-making: you need a strong stomach if you really want to know what goes into it. This is particularly true in international law. There are to this day no globally fully recognised authorities or institutions which can create or enforce international law with the expectation of general acceptance in the international community. But attempts to create reliable international jurisprudence are vital, as the world is increasingly interconnected. The Nuremberg Trials and the Tokyo Tribunal, which followed the end of World War II, are jurisprudentially very interesting, the latter maybe more than the former, due to the broader international composition of the judges and the number of dissenting opinions. Netflix even made a miniseries of it.

In the Nuremberg Trials, only France, Britain, the US and the Soviet Union sat in judgement over the remaining Nazi elite. In Tokyo, the bench was composed of 11 judges, one each from the US, Canada, the Netherlands, Britain, France, the Soviet Union, Australia, New Zealand, the Philippines, China and India. The Nuremberg Trials and the London Charter, which provided the rules and procedures, served in part as precedent for Tokyo. Need for a trial? In the early 1940s, discussions between the Allies took place about how to deal with the Nazis and the Japanese once the war was eventually won. Several voices recommended the summary execution of enemy leaders and officers – a sentiment both understandable and far from unusual in war. But the unprecedented scale and ferocity of World War II and the political complexity of it recommended ultimately another approach: acknowledging the irreversible impact of the war on the world, the Allies decided that a precedent should be established to demonstrate what Nazism and Japanese imperialism had led to. It was also deemed important to address, document and prosecute some of the particular atrocities and acts of aggression that formed part of the wars in Europe and Asia-Pacific. The Allies considered that the rule of law, due process and a public tribunal would be the best forum to accomplish this.

Victors' justice? Both Nuremberg and Tokyo stood on shaky ground for the legitimacy of the tribunals, with US-American military influence heavily felt in the funding, resourcing and establishment of both. US Supreme Court judge Harlan Fiske Stone called Nuremberg a "high-grade lynching party" and a "pretence at running a court and proceeding according to common law". Justice William O. Douglas was equally scathing, calling the tribunal "a substitute of power for principle". Indeed, most of the criminal charges levelled against the Nazis and the Japanese leadership didn't exist in international or domestic laws at the time. Legal concepts like "aggressive war", "genocide" or "crimes against humanity" had been created by the Allies for the purposes of the trials. The generally accepted principle of nulla poena sine lege (No penalty without a law.) was violated. The idea of universal jurisdiction had not been established jurisprudence. It was far from clear if the tribunals themselves were lawfully constituted according to any established international rule or convention.

Most powerfully, these principled objections were stated by Justice Radhabinod Pal of India in his dissenting opinion in the Tokyo Tribunal. Pal didn't deny that the Japanese army had committed terrible acts but legally, he concluded that the tribunal itself was illegitimate. He opined all of the accused should be acquitted, as in law, there was no valid basis for punishing them. He also considered that several of the new war crimes which had been created could be levelled against the Americans and other allied forces as well: note the atrocities committed by colonial powers like Britain, France or the Netherlands in their overseas colonies or the nuclear

unbelievable, and we are delighted to have the exclusive co-operation of Giovanni, his family, his long term assistant and his personal lawyer to tell the story." The producers are already in production, and have filmed with Di Stefano's wife in Belgrade, his mother in Italy, his son and lawyer in London and also interviewed Giovanni in prison in the UK. The project is targeting March 2022 to come to market. Executive Producer Jezz Vernon from co-producer Port Royal Media, said, "the subject material is jaw-dropping, we're excited to bring Jim's vision of the story to the screen. It's a huge coup that Giovanni and his family have chosen to work exclusively with us."

Giovanni will be released later this year from prison after an 8-year sentence for masquerading as a lawyer without licence or qualifications. Upon the release of Di Stefano, Sheridan's team will follow his next adventures and exploits. Di Stefano is expected to be deported immediately upon his release having served 8 years of his 14-year sentence for legal fraud.

Giovanni Di Stefano, A9460CW, HMP Maidstone, 36 County Road, Maidstone, ME14 1UZ

Police, Crime, Sentencing and Courts Bill

Commenting on the Police, Crime, Sentencing and Courts Bill introduced to Parliament March 8th, Peter Dawson, director of the Prison Reform Trust, said: "Yet again we face the depressing spectacle of a government using sentencing legislation to play politics. Sentences for serious crime have been getting much longer for two decades now, turning our prisons into places of despair. But there is not a shred of evidence to show that this runaway inflation in punishment reduces crime. Hard cases make bad law, and this confused bill repeats the mistakes of so much other politically inspired legislation with calamitous results. It will blight the lives of people living and working in prisons long after the temporary electoral considerations which inspired it have been forgotten." Many of the sentencing provisions in the Bill were put forward in the government white paper A Smarter Approach to Sentencing. The Prison Reform Trust's response to the white paper is available by clicking here. In answer to a parliamentary question on 11 March 2021, Chris Philp MP, Parliamentary Under Secretary of State at the Ministry of Justice, said that "harsher sentencing tends to be associated with limited or no general deterrent effect".

MI5 Policy Allowing Agents to Commit Crimes Was Legal, Say Judges

Dan Sabbagh, Guardian: MI5's partially secret policy of allowing agents to participate in serious crimes in pursuit of intelligence was legal, three court of appeal judges have concluded. The judges held on Tuesday 9th March 2021, that MI5 was "not above the law" because the long-established power did not equate to an immunity from prosecution, in the latest step in a long-running legal case brought by four human rights groups. At a hearing in the case in January government lawyers told a court that MI5 officers could in theory authorise an informer to carry out a murder if they were "an extremely hostile individual". But in its judgment the appeal court concluded any authorisation given by MI5 officers to informants would have been acceptable because the spy agency's internal guidance said it could only apply proportionately. The guidance, the judges stated, "stipulates that authorisation may only be given" where "the potential harm to the public interest from the criminal activity is outweighed by the benefit to the public interest derived from the anticipated information the agent may provide". As a result there was "a limit to what criminality may be authorised".

Human rights groups indicated they would seek to appeal to the supreme court. Maya Foa, the director of Reprieve, said: "The idea that the government can authorise undercover agents to commit the most serious crimes, including torture and murder, is deeply troubling and

must be challenged." Critics say agents operating in Northern Ireland have repeatedly been accused of colluding in murder, although bringing cases to court has proved complex. Last summer, prosecutors decided not to charge two former MI5 officers, among others, relating to cases involving an IRA informer, codenamed Stakeknife.

Priti Patel, the home secretary, said she was pleased the court of appeal had recognised "the vital role that undercover agents play in preventing and safeguarding victims from serious crimes". Home Office sources cited the case of Naa'imur Zakariyah Rahman, who was jailed for life in 2018 for plotting to kill the former prime minister Theresa May. He was caught following an undercover operation in which he was provided with what he thought was a jacket and rucksack packed with explosives.

The court battle applied to MI5's previous policies, which date back to at least the 1950s. The agency says it is often necessary to allow informants to commit some crimes so their cover is not blown. Fifteen months ago, a lower tribunal concluded that MI5's informants policy was legal, but only narrowly, by three to two. Ministers, concerned about the outcome of future legal challenges, introduced the covert human intelligence sources bill to put MI5's policy on a statutory footing. Labour split on whether to oppose it, but the Conservatives' Commons majority ensured it passed into law on 1 March. However, the Scottish parliament formally rejected the bill, meaning the judgment of the court of appeal is potentially more significant there. Without the legislation, the spy agency is able to rely on the powers in the guidance upheld by the court of appeal as legal.

CCRC Rarely Does the Job Effectively According to SARARI

Which was set up to look into miscarriages of justice, rarely, SAFARI feels, does the job effectively. They mostly fail to investigate anything more than paperwork presented to them – they don't look 'outside the bundle'. It's shocking that the task of actual investigation should have to be done by volunteers, such as the Innocence Project London (IPL). Funding for legal support and representation has been cut back to the extent that fewer than 20% of the population qualify for legal aid, which means that many individuals are being excluded from accessing justice for life-changing legal issues. The IPL was established in 2010 with the aim of undertaking thorough and objective investigations into alleged wrongful convictions of individuals who have maintained their innocence and exhausted the criminal appeals process. (This is what the CCRC are supposed – and funded – to do.)

The pro bono (work undertaken without charge) clinic is based at the University of Greenwich, School of Law and Centre for Criminology. In January 2016, the IPL became a member of the Innocence Network, based in the United States of America; it is currently the only one in England that is a member of this Network. They are also a member of the European Innocence Network. The IPL sits at the end of the criminal justice process, where students work to understand the evidence that convicted the individual. Students from law and criminology work in small groups on a case, alongside a practising lawyer and academics.

In nearly all cases an applicant will have already appealed their conviction or sentence, therefore the work of the project centres on submitting an application to the CCRC, having done all the investigation for them. The CCRC then can refer a conviction back to the Court of Appeal on the basis that there is a real possibility the Court will find the conviction unsafe, in the context that it would have changed the jury's decision had they been aware of it. The CCRC's requirements to do this are fresh evidence or a new legal argument, neither of which were adduced at trial or appeal. Students who work on the Project review all of the evidence and available case files in an attempt to satisfy these requirements. The cases they work on should have the prospect of fresh evidence or new legal argument to have the best possible chance for them to make an application to the CCRC.

tion of causing distress. This is a difficult element to prove. In many circumstances, without recorded dialogue or threats around the sharing of the imagery, it will simply not be possible to evidence this intent. Not only is this element difficult to evidence, it is also not always present. Private sexual images may be shared for other purposes, such as boosting the social standing of the perpetrator or making financial gains from the images.

But where such images or footage are shared without consent, that should be sufficient for the act to be considered an offence. Indeed, Ms McDermott reflects in the BBC documentary that she is unable to say for certain that either of the instances of 'revenge porn' against her were committed for the purpose of causing her distress; all she knows is that intimate images of her were shared against her consent and it had a devastating impact upon her life. This is perhaps because the sexual shaming of women which routinely takes place in society is not always rooted in revenge or malice against that individual woman, but rather a wider culture of holding women to a higher standard, policing women's sexuality and exacting punishment on women who fail to meet the contradictory expectations placed upon them.

It is relevant that in December 2020, after the New York Time revealed that videos on the pornography website Pornhub involved minors and victims of sex-trafficking, Pornhub removed all content uploaded by unverified users, reducing its material from 13 million to 4 million videos.[8] Clearly, greater emphasis needs to be placed on those sharing sexual imagery to ensure that the subjects give free, informed consent and are over 18 years of age. The intention of the person sharing the images should be irrelevant if there is no consent. Indeed, the statutory defences provided within the Act are at odds with the mens rea. It is a defence to a charge of sharing 'disclosing private sexual photographs and films with intent to cause distress' if it can be shown that the perpetrator: 'reasonably believed that the disclosure was necessary for the purposes of preventing, detecting or investigating crime' (section 3) 'the disclosure was made in the course of, or with a view to, the publication of journalistic material, and he or she reasonably believed that, in the particular circumstances, the publication […] was or would be, in the public interest' (section 4). 'he or she reasonably believed that the photograph or film had previously been disclosed for reward, and he or she had no reason to believe that the previous disclosure for reward was made without the consent of the individual [who appears in the photograph or film]' (section 5).

It is hard to envisage a circumstance whereby a person shares private sexual images without consent but with the intention of causing distress, yet can reasonably argue they thought the person in the image had given consent, or that they believed sharing the image was in the public interest. The addition of the requirement for intending distress appears at odds with the rest of the legislation and an entirely unnecessary component of the offence.

The Solution? 1. Eradicate use of the term 'revenge porn' and adopt the term 'image-based sexual abuse', which more appropriately reflects the gravity of the crime and the impact upon the victim, without engaging in victim blaming. The individual offences of threatening to share and sharing private sexual images without consent both fall under this umbrella term. 2. Remove the requirement to demonstrate an intention to cause distress, and replace it with the same mens rea used for other sexual offences: a lack of reasonable belief in consent (see, for example, Sections 1-3 of the Sexual Offences Act 2003). This would prioritise the right of women to choose who is privy to their private sexuality and place responsibility upon those sharing sexual imagery to receive informed, voluntary consent before doing sharing, regardless of the intention behind sharing the images.

In 2014, the Crime Prosecution Service published guidelines on existing legislation, in an attempt to support convictions for the crime of sharing private sexual images without consent. However, after mounting pressure from campaign groups, the Criminal Justice and Courts Act 2015 ('the Act') created the offence of 'Disclosing private sexual photographs and films with intent to cause distress', which is punishable by up to two years in prison. More recently, legislation around sharing private sexual images became the subject of a new campaign, seeking to make the act of threatening to share private sexual images a criminal offence.

This campaign was supported by organisations such as Refuge, 44,615 of whose supporters wrote to government ministers requesting a change in the legislation. A reality television star, Zara Mcdermott, added her voice to this campaign in a BBC documentary entitled 'Zara McDermott: Revenge Porn'. In the documentary, Ms McDermott recounts two instances of having private sexual images shared without her consent. The documentary also covers the harrowing story of Damilya Jossipalenya, who was at university in London when she jumped to her death from the window of her flat. Ms Jossipalenya's suicide followed a campaign of harassment by her boyfriend, who had threatened to share a video of Ms Jossipalenya with her family in Kazakhstan. This segment of the documentary ends with Ms McDermott explaining why she believes the threat to share private sexual images can be equally as damaging as the act of sharing them. The Domestic Abuse Bill will be enacted later this year and will include wide ranging reforms, such as a statutory definition of domestic abuse. Just four days ago, the government announced that it will also include the criminal offence of threatening to share sexual private images. By all accounts, this is important progress for survivors of domestic abuse.

However, there is a current of gender-based discrimination running through the legislation and language around this topic. 'Revenge porn' is a term which has been widely adopted to describe the action of sharing private sexual images of a person without their consent. Not only was it the title of a BBC documentary, but it has been used by the government itself, in material used to inform the public about the offence. This terminology is highly problematic. The word 'revenge' indicates that the victim of the crime has committed some form of trespass against the perpetrator of the offence. Indeed, 'revenge' is defined as: 'the action of hurting or harming someone in return for an injury or wrong suffered at their hands'. Use of the word 'revenge' reflects systemic sexism and victim-blaming, which implicates female victims of sexual offences in the abuse and violence they suffer. It deflects blame away from perpetrators. This is, of course, not a new phenomenon. Blaming women dates at least as far back as Adam, Eve and the apple. It is essential that we apply scrutiny to the language used to describe women, sexual offences and domestic violence, to ensure it is helping to protect women rather than contributing to damaging stereotypes.

The use of 'porn' is similarly inappropriate. 'Pornography' commonly refers to images created created for the purpose of being widely distributed. Porn actors, who are themselves stigmatised sex workers, do not benefit from their work being conflated with a criminal offence. The victims of so-called 'revenge porn' also do not benefit from images of them being conflated with those which are created and shared for profit. The reluctance to place full responsibility on the perpetrators of this crime appears to have influenced the elements of the offence itself. It is framed in the Act thus: (1) It is an offence for a person to disclose a private sexual photograph or film if the disclosure is made — (a) without the consent of an individual who appears in the photograph or film, and (b) with the intention of causing that individual distress.' The mens rea (or 'mental element') of the offence requires that the person who shared the images did so with the inten-

CCRC Response to Report of Westminster Commission on Miscarriages of Justice

The Criminal Cases Review Commission ('CCRC') welcomes the publication 5th March 2021, of the Westminster Commission's report: "In the Interests of Justice – An inquiry into the Criminal Cases Review Commission". The CCRC has been pleased to co-operate with the Commission throughout its inquiry, including by way of oral evidence to the inquiry by the CCRC's Chairman and Chief Executive on 15 July 2019, and through detailed written submissions. The CCRC recognises the importance of giving proper public scrutiny to the CCRC's performance and to the way that it discharges its vital public function, and we are grateful that so many people took the time to contribute to the inquiry. More generally, the CCRC welcomes the fact that the Commission's report will help to ensure that the important subject of miscarriages of justice will continue to receive the public attention which it deserves.

The Commission's long and detailed report makes more than 30 recommendations, some directed at the CCRC and some directed at other organisations, which cover a wide range of issues. We are pleased that the Commission recognises some of the excellent work carried out by the CCRC, but we also take seriously those areas where improvements are said to be needed. The CCRC keeps under review how it works, looking for opportunities to develop and improve how we operate. The CCRC will give detailed consideration to the Commission's recommendations, taking the opportunity to learn from the Commission's inquiry and to implement any changes which we believe will improve the CCRC and its work. At this stage, the CCRC would like to comment upon the following key points which emerge from the Commission's inquiry:

1) The number of cases which the CCRC refers to the appeal courts. The Commission's report begins by explaining that the context of the inquiry includes "the low, and in recent years declining, number of cases referred to the Court of Appeal by the CCRC" (page 11 of report). It is important to stress that the number of CCRC cases referred for appeal has not declined in the last two years, but in fact has risen significantly. In the current business year (April 2020 – March 2021) the CCRC has referred more cases to the appeal courts than ever before (69 cases to date). Whilst we must remain cautious not to read too much into annual referral statistics, we believe that the referral of 69 cases for appeal this year – particularly in view of the difficulties of working during the pandemic (as referred to in the Foreword to the Commission's report) – is a significant achievement, which is a testament to the hard work and dedication of CCRC staff and Commissioners. 2) The CCRC's funding should be increased. The CCRC welcomes this recommendation by the Commission, just as it welcomed a similar recommendation by the Justice Select Committee in 2015. Not only would increased funding enable us to protect the quality and timeliness of our casework, it could also (as the CCRC's Chief Executive made clear in her oral evidence to the Commission) enhance our stakeholder engagement programme, including our outreach work to young people in the criminal justice system. The CCRC has requested additional funding from the Ministry of Justice and has had a constructive dialogue with the Ministry on that subject. We await the Ministry's decision on funding. 3) The CCRC's test for referring cases for appeal. The Commission recommends that the wording of the statutory test be amended. The CCRC made clear to the Justice Select Committee in 2015, and again in its evidence to the Westminster Commission, that it supports there being an independent review of the statutory test for a referral. Although amending the legislation would ultimately be a matter for Parliament, the CCRC continues to support the idea of an independent review by the Law Commission. 4) Leadership and independence. The CCRC continues to keep independence at the centre of its work and the CCRC's Chairman and Chief Executive play a crucial role in protecting our

independence, both from Government and from the Courts. The CCRC's Commissioners and staff also remain fiercely protective of the CCRC's independence, and there is a strong culture of independence in the organisation. As the CCRC made clear in its evidence to the Westminster Commission, there has never been any interference from Government in CCRC casework, and the CCRC would not tolerate it if there were.

5) Review of disclosure provisions in the Criminal Appeal Act 1995. The CCRC supports such a review, as we made clear in our oral evidence to the Commission. The CCRC considers that it would be useful if the legislation provided us with more discretion to publish our reasons for decision in particular cases, where this appears to be in the public interest.

6) Sanctions for public bodies who fail to comply / delay in their compliance with CCRC statutory notices requiring material. The CCRC supports this recommendation and has done so publicly for a number of years. The CCRC uses its statutory power to obtain public body material on thousands of occasions each year, and compliance is generally very good. However, it would undoubtedly assist our work if sanctions could be applied to those public bodies who do not comply or who delay unreasonably in complying with CCRC statutory notices.

7) The CCRC should improve its communications with applicants. As the Commission reported (page 56), since Professor Carolyn Hoyle's research was published in 2019 the CCRC has – with input from its Stakeholder Forum – reviewed its policy on updates to applicants and representatives, with a renewed emphasis on providing substantive detail of activity in the case review wherever we properly can. However, we remain committed to improving further on this issue. Regarding the language used in CCRC decisions, we agree that it is essential that it is as comprehensible as possible, particularly in view of the fact that 90% of applicants to the CCRC are now unrepresented. The CCRC has already taken steps to simplify decision documents – in many cases now issuing straightforward and concise "Decision Notices" – however, we are committed to improving further, in consultation with key stakeholders.

New Proposals for Resolving Crime Without Going to Court

Transform Justice: The practice of resolving crimes without going to court is in flux. HMICFRS has suggested that usage of out of court disposals (OOCDs) has gone up in the pandemic, partly due to the court backlog. But there are also concerns that victims may not have been consulted in every case, leading to a potential diminution of trust in the system. Of course, victims should be consulted where possible on the use of out of court disposals, and their views recorded, but existing research suggests victims can be as, if not more, satisfied when crimes are diverted from prosecution than when they are sent to court. Communication is key. Most victims want something to be done to prevent a person who commits a crime from doing it again. If the police explain why it's best to resolve a crime without going to court, most victims are OK with that. And a recent Transform Justice poll of the public suggests people in general approve of diversion from prosecution – 77% of those who expressed a preference (58% altogether) supported policies to resolve crimes without going to court.

But there are clouds on the horizon. The government is bringing in new legislation to change the menu of out of court disposals. The current menu has six options including two different types of caution, penalty notices for disorder and khat warnings. The government has long wanted to narrow down the options, and has piloted a two tier system (only using the formal conditional caution and the informal community resolution) which many police force areas have now adopted. But other forces were wary of narrowing down their options and didn't adopt the two tier approach. They pointed out that the simple caution was simple and effective in reducing reoffending, and weren't keen on ditching it.

The government has been concerned by the diversity of practice across the country and wanted all forces to move to the two-tier system. Their proposals were in the white paper on smarter sentencing, which was not subject to public consultation. The government has been developing the white paper proposals into legislation and details were unveiled this week at a "national conversation" event organised by Why Me? (who also launched their new good practice guide on the use of restorative justice out of court). The proposed legislation is different to the current two tier system and to the white paper proposals.

The government are now proposing two "formal" out of court disposals rather than one and the names have changed – instead of conditional caution, the government are proposing a diversionary caution and a community caution, a new disposal. The government are not sure what will happen to the current community resolution, which might be used in addition to the two formal out of court disposals (the diversionary and community cautions), or might be phased out. So the legislation will proposing a new disposal and that police forces should run either a three tier system (if the community resolution remains) or a completely new two tier system. There are a number of challenges with these new proposals: – They have not been subject to any open consultation and the new system is very different to the current two tier system or to the white paper proposals. And there is no proposal to pilot the new disposals. – Police forces have undergone huge change programmes (and encountered some front-line resistance) to bring in the current two tier OOCD strategy. They will be faced with another big change programme to bring in the new one. – The at risk community resolution is now the police's most popular way of resolving crime out of court. The person who committed the crime needs to accept responsibility (rather than make a formal admission of guilt) and the sanction is unlikely to ever be cited in their criminal record. – There is no room in the new framework for a formal out of court disposal without conditions, despite the huge success of the simple caution (which had no conditions) in reducing reoffending.

The new framework will be particularly problematic if the community resolution is totally phased out. This informal sanction is suited to low level crime and allows for on the street restorative justice. Those from black and minority ethnic communities may be particularly reluctant to make a formal admission of guilt. The community resolution offers an alternative to prosecution which all can accept. If the government proposes getting rid of both the community resolution and the simple caution (as trailed), it will be risking confusion and ditching tried and tested options. Let's hope that the legislative proposals will be improved before being tabled. Normally I'm all for reform. But in this case I fear the proposed changes will lead to forces using prosecution rather than effective diversion.

'Revenge Porn' is a Misnomer

Ruby Peacock, UK Human Rights Blog: Why we should replace 'revenge porn' with 'image based sexual abuse' and reform the mens rea of the Criminal Justice and Courts Act 2015. The digital world is becoming an increasingly dominant part of daily life. This has been thrown into sharp relief by the current public health crisis, which has seen almost every facet of our lives move online; from socialising, to work, to healthcare, to dating and sex. However, regulation of the digital world is struggling to keep pace with technological change. Lawmakers simply cannot keep abreast of the reforms necessary to protect victims from online criminality. One area in which Parliament has made some progress is the sharing of private sexual images, or 'revenge porn', as it has come to be known.