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Prison Estate Transgender Female Prisoners Striking the Balance

Joe Tarbert, Carmelite Chambers, considers the issues arising in relation to the allocation of transgender female prisoners to the female prison estate. Criminal justice practitioners will be well versed on the difficulties overcrowding, gang affiliation and substance misuse pose to the safe management of prisons. However, as society gradually opens its eyes to the fluidity and diversity of gender the prison estate has been forced to confront a new challenge. In July 2019 "The Care and Management of Individuals who are Transgender" Policy ("the Care Management Policy") was published. The policies stated aim (at paragraph 1.1) is to: "provide staff with clear direction in the support and safe management of transgender individuals in our care, including managing risks both to and from transgender individuals, and enabling risk to be managed when an individual is placed into a prison which is different to that of their legal gender or where a Gender Recognition Certification (GRC) has been obtained." The extent to which the Care Management Policy succeeds in that aim was placed under the microscope in the recent judicial review of R (FDJ) v. Secretary of State for Justice [2021] EWHC 1746. This article aims to explain the legal framework for the allocation of transgender prisoners and examines the implications of the judicial review on the future of the Care Management Policy. In line with the facts of the case the focus of this article will be on transgender female prisoners, however the Care Management Policy does apply equally to transgender men and women.

The Legal Framework: Pursuant to the Gender Recognition Act 2004 a transgender person may obtain formal legal recognition of their preferred gender. As Section 9(1) states, "where a full gender recognition certificate ("GRC") is issued to a person, the person's gender becomes for all purposes the acquired gender". [Emphasis added]. The distinction between those transgender persons with and without a GRC has a tangible impact at the point of prisoner allocation. Paragraph 4.64 of the Care Management Policy makes express reference to section 9 of the 2004 Act and states: "Transgender women with GRCs must be placed in the women's estate […] unless there are exceptional circumstances, as would be the case for biological women." [Emphasis added]

While GRC certified female transgender prisoners are automatically allocated to the female estate, the position is not the same for transgender females without legal recognition. Instead, if they wish to live in their gender, their cases must be considered first by a Local Transgender Case Board ("LCB") and second by a Transgender Complex Case Board ("CCB"). Paragraph 4.18 of the Care Management Policy identifies several risk factors to be considered, including: Potential risks to the individual from others or personal vulnerabilities (g. mental health, risk of suicide, history of being attacked, bullied or victimised) Potential risks presented by the individual to others in custody (g. offending history, anatomy, sexual behaviours and relationships, past behaviour in custody); and Views and characteristics of the individual (e. strength of confirmation of their presented gender).

Although GRC transgender females bypass the need for mandatory consideration by a LCB and/or CCB, there is still provision for their risks to be considered where necessary. As emphasised above, the mandatory allocation to the female estate is subject to the caveat of "exceptional circumstances", while paragraph 4.34 allows for a CCB to convened where "a transgender individual with a GRC presents risks which are deemed to be unmanageable within the estate of their legal gender". In assessing those risks, paragraph 4.69 explains that "all risks of a transgender woman with a GRC must be taken into account" and specifically refers to the same factors at paragraph 4.18 set out above. For those GRC transgender females deemed to be too high risk for the general female population there is provision for them to be accommodated within a specialist wing at HMP Downview ("the E-wing") or, exceptionally, the male prison estate.

The Judicial Review: The Claimant was a non-transgender female prisoner at HMP Bronzefield who alleged that she was sexually assaulted by a GRC transgender female prisoner in August 2017. The Claimant challenged the lawfulness of both the Care Management Policy and a related policy governing the specialist E-wing facility at HMP Downview. For the purposes of this article the focus will be on the challenge to the Care Management Policy. The Claimant's arguments were two-fold: Ground 1: Indirect Discrimination. The Claimant argued that the Care Management Policy was indirectly discriminatory against female prisoners and therefore unlawful. At the heart of the Claimant's case was a reliance on statistics, and in particular the following: In March/April 2019 there were 163 transgender (non-GRC) prisoners, of whom 81 had been convicted or one or more sexual offences;

Between 2016 and 2019, a total of 97 sexual assaults were recorded in women's prisons. Of these, approximately 7 were committed by transgender prisoners without a GRC. It was not known whether any were committed by transgender women with a GRC; In 2020, prisoners in the general population who were serving sentences for sexual offences constituted less than 20% of the male prison population and less than 5% of the female population. Based on those statistics it was argued that the location of transgender women in the female estate exposed non-transgender female prisoners to a greater risk of sexual assault than would exist in a population of solely non-transgender women. By contrast, it was argued that the introduction of transgender men into the male prison estate did not expose the male population to the same risk. The Claimant argued that the Secretary of State could not justify the disparity between male and female prisoners and that less intrusive measures could have been used to protect the rights of transgender female prisoners. In particular, the Claimant suggested that a risk assessment could be carried out before a GRC transgender female was allocated to the female estate. Alternatively, the Claimant argued that an initial presumption should be adopted that transgender female prisoners with convictions for violent and sexual offences against women should not be accommodated in the female estate.

Ground 2: Mis-stating the Law: The second ground pursued by the Claimant related to paragraphs 2.3 and 4.64 of the Care Management Policy and the assertion therein that transgender female prisoners with GRCs must be placed in the women's estate unless exceptional circumstances apply. The Claimant argued that the mandatory language failed to account for the exemptions in the provision of single-sex-services contained within schedule 3 of the Equality Act 2010, and that as such the Care Management Policy misstated the law.

Decision: Lord Justice Holyrode dismissed the judicial review on both grounds. Although making clear that there were limits to any conclusions to be drawn from the statistics relied upon by the Claimant, he did accept that the unconditional introduction of a transgender woman into the general population of a women's prison carried a statistically greater risk of sexual assault upon non-transgender prisoners than would be the case if a non-transgender woman were introduced. However, he made clear that this limited conclusion took no account of the risk assessment which the Care Management Policy required. He noted that throughout the policy the need to assess and manage all risks was "repeatedly emphasised" and that a high-risk transgender woman with a GRC may be accommodated in the E-wing for the safety or herself or others or, exceptionally, transferred to the male estate.

He also recognised the expertise of both the LCB and CCB in assessing the relevant risks and noted that the Care Management Policy already required them to consider factors such as the offending history of the transgender woman, their anatomy, and sexual behaviours. Lord Justice Holyrode therefore concluded that the Care Management Policy required a "careful, case by case assessment of the risk and of the ways in which the risks should be managed" (at ¶ 86). Importantly, he agreed with the Secretary of State's distinction between individual application and overall lawfulness. He noted that when "properly applied" the risk assessment ensures that non-transgender prisoners only have contact with transgender prisoners when it is safe for them to do so. As a result, he disagreed with the proposition that the policies had a disproportionately prejudicial effect on non-transgender female prisoners as compared with non-transgender male prisoners.

He acknowledged that even if his conclusion on the absence of discrimination was incorrect, the policies nevertheless pursued a legitimate aim in ensuring the safety and welfare of all prisoners whilst enabling transgender prisoners to live in their chosen gender. He was not persuaded that there were less intrusive measures that could have been adopted and rejected the Claimant's presumption against transgender women with convictions for sexual or violent offences against women on the basis that previous offending history was already a factor considered within the existing policy. As to the second argument regarding mis-stating the law Lord Justice Holyrode agreed with the Secretary of State that the Care Management Policy neither is, "nor purports to be, a statement of the law." (at ¶ 93) He instead held that the policies could be characterised as guides to the implementation and operation of policies, not statements of law relating to transgender prisoners.

Conclusion: While the judgment of Lord Justice Holyrode upheld the legality of the Care Management Policy, the onus will now be on the LCB and CCB to show that it can apply that policy properly and safely in its management of both GRC and non-GRC transgender female prisoners alike. This will undoubtedly be a difficult task and, as the Claimant's own experience highlights, the consequences of getting it wrong can be devastating. Of course, the responsibility does not rest entirely on the shoulders of the LCB and CCB. Ensuring the safety of all prisoners depends heavily on the availability of adequate resources. Prisons have been the subject of significant cuts in funding since 2009/10 and have only recently seen a modest upturn in expenditure. Prisoner violence has also increased, and any incident involving transgender prisoners, whether as victim or assailant, will only heighten scrutiny of the legality and application of the policy. Only time will tell whether the LCB and CCB are able to overcome these challenges and strike a balance that ensures the safety of all prisoners whilst respecting the rights of transgender prisoners to live in accordance with their gender. As Lord Justice Holyrode recognised, this is a "sensitive area, in which it is unlikely that any policy could be devised which would be to the satisfaction of all persons affected by it" (at ¶ 73). With that in mind it would be surprising if further challenges are not forthcoming, from both transgender and non-transgender prisoners alike.

Computer Says Yes – You Will Pay a Fine And Get A Criminal Record

Transform Justice: Media about the criminal justice system is dominated by trials with judges and barristers in wigs arguing the finer points of law. But the majority of those accused of crimes in England and Wales plead guilty, and most defendants are convicted without ever entering a courtroom. The single justice procedure (SJP) is the hidden site of most criminal prosecutions in England and Wales. Under this process, those prosecuted for crimes like fare evasion, not having a TV licence and, recently, Covid 19 breaches are encouraged to plead guilty or not guilty online or by filling in a paper form. Then the case is dealt with by a magistrate sitting alone (at home during the pandemic). The JP convicts and sentences "on the

papers" or, more usually, without any papers since most people don't plead and are then assumed to be guilty. Defendants who do not respond to the postal charge are sentenced to pay the maximum fine and costs. These can be very high. Transport for London charges a minimum of £225 in prosecution costs for the crime of not having a £1.50 bus ticket – way more than the Crown Prosecution Service for much more complex prosecutions. The single justice procedure is a closed court with no access for media or public to the "hearing". No data on SJP prosecutions is published by the Ministry of Justice.

The government wants to expand the use of online pleas and automatic online convictions – the latter being SJP mark 2. In the Judicial Review and Courts Bill (tabled in July, our briefing here) they propose that defendants who plead guilty of fare evasion should go through a complete online criminal court, with no human being involved. Defendants will be sent the charge in the post and have the "option" of having the crime and the punishment entirely dealt with through filling in a computer form, including the payment of the fine. The government says the new process will initially be used for two offences, with others coming on stream through secondary legislation. This signifies a revolution in the criminal justice system – it looks as if most offences currently dealt with via the SJP will move to the automatic online conviction system. I suspect nearly all non-imprisonable summary offences will be transferred from the physical magistrates' court to the SJP/online conviction process, such that only a third of crimes will have a physical court hearing.

I am all for convenience, speed and saving money, but not at the cost of justice itself. Evidence of how the SJP has gone wrong suggests we will be paying that price many times over if we promote automatic online conviction, which has even fewer safeguards. Under the ECHR, every defendant has a right to a fair and public hearing. This means anyone who pleads online is technically waiving their human rights. The documents published with the new Bill all refer to the online court as an option, not the default. But the introductory page sent to defendants charged under the SJP makes no mention of the option of having the case dealt with in a physical court. All the nudging is towards online.

Another legal right is for the defendant to "effectively participate" in any court hearing. This means understanding the charge and being able to give your side of the story. Over 2/3 of defendants charged under the SJP do not respond to the postal charge. This is lack of participation altogether, let alone effective participation. No-one knows quite why the response rate is so low, but it could be because defendants don't actually receive the charge (send by snail unregistered mail) or because they don't understand it or because they have mental health issues. In six years of running the SJP, the government has not sought to find out. The process rides roughshod over disability rights. All disabled people have a right to equal access to services. But there are no proper reasonable adjustments in the process. The SJP relies on people being able to identify and describe their own disability, on the defendant declaring that disability in the form (which their disability may prevent them opening/understanding) and on their paying for a phone call to an HMCTS helpline. At no point in the process are they given access to free legal advice. The prosecutor of any crime should be impartial and independent. Under the SJP and the future automatic online conviction process, the prosecutor is also the victim of the crime and thus not independent. The prosecutor also decides the compensation and costs awarded.

A principle of our system is that criminal sanctions should be just. This is why courts fines are adjusted according to the means of the defendant. The automatic online process metes out the same fine to everyone who pleads guilty to a particular offence. So the rich will pay the same amount as the poor. The government says poorer defendants will be able to go to court instead but, without legal advice, will a defendant be able to judge whether they would be better off going to court?

Justice should be open. At the moment, there is no public information about the automatic online conviction process for motoring offences let alone access to the decision-making process. My colleagues at Appeal had to FOI the key documents defendants receive via the SJP. For automatic online convictions, there is no evidence of how many defendants use the system, what sanctions they receive, exactly what they online process looks like, nor what information is given about criminal records. There is no transparency. The government is already saving significant sums through using the SJP for most offences. And they estimate that automatic online conviction will actually cost more. So what price justice? The prosecution of Covid 19 offences has shown what happens when legislation is rushed through, prosecution is in the hands of those who don't understand the law, and the system is not transparent. If automatic online conviction is to become the new default court system, we need many more safeguards than are provided in the Judicial Review and Courts Bill.

PDS Employee Dismissed After Work With Murderer Awarded £100k

Neil Rose, Legal Futures: The Public Defender Service (PDS) has been ordered to pay £100,000 in compensation to an employee unfairly dismissed after suffering post-traumatic stress disorder (PTSD) due to her work debriefing a murderer. Wendy Lewis, who had worked for the PDS since 2001, was as an accredited police station representative. From 2010 to 2013, she was assigned to debrief a police informer who had been involved in terrorist activity. She said she attended nearly 1,000 interviews with 'client X', dealing with 500 individual serious offences including numerous murders, attempted murders and conspiracy to murder.

The work was so sensitive that Ms Lewis had to sign the Official Secrets Act, meaning she could not discuss it with anyone. Ms Lewis told the liability hearing back in 2018 that she had no support from the Ministry of Justice throughout the assignment, despite working in "extremely challenging conditions". She said she regularly worked 12 hours or more each day for consecutive two-week periods away from home and would be locked in a confined complex comprising of the cell where client X was housed and the interview room. She said that, as a result of the work, she experienced psychiatric symptoms and was subsequently diagnosed with PTSD. She spent much of the subsequent four years on sick leave before being dismissed in February 2017 on the grounds that there was no foreseeable return to her current or alternative role, and no reasonable adjustments that could be identified to aid a return to work. The majority of Ms Lewis's claims were dismissed. These related to whistleblowing, automatic unfair dismissal, victimisation and an unauthorised deduction from wages.

However, Ms Lewis's complaint of ordinary unfair dismissal was upheld, and the tribunal found that it was an act of discrimination arising from disability. The PDS's refusal to allow one of her colleagues to act as representative for the period of a month was a failure to make a reasonable adjustment, as was its failure to allow her to work from home instead of dismissing her. The remedy hearing was delayed until this year for a variety of reasons and the tribunal recorded that, despite the "significant passage of time" since the events that led to the claim, Ms Lewis remained "very unwell". "The claimant is not working and told the tribunal that she is not presently ready to do so. She describes having limited interaction with people including close family. "She suffers with anxiety, nightmares, flashbacks and panic attacks and cannot take pleasure in pastimes such as reading or watching television as she used to. "The claimant is anxious of crowded places and confined spaces and fearful of strangers." The tribunal said that, had it not dismissed her, the PDS would have been able to locate and offer Ms Lewis part-time project work, to be completed from home, that she would have been able to carry out despite her condition.

At the same time, her ill health would likely have remained such that, by November 2017, the PDS could have fairly dismissed her in the absence of discrimination. The tribunal made a basic award by consent of £9,580, plus £40,800 for financial loss and loss of statutory rights plus interest, and £43,800 for injury to feelings and personal injury plus interest, totalling just under £100,000. It rejected a claim for aggravated damages, saying Ms Lewis's line managers attempted to support and assist her, and the manager who would not allow her a representative believed he was acting within policy, rather than out of malice.

News From SAFARI ("Supporting All Falsely Accused with Reference Information")

(1) Keiran Vernon and Others have had their convictions for driving with cannabis in their system quashed following concerns over the accuracy of the testing lab Synlab. Prosecutors are reviewing drug driving cases after concerns over the accuracy of Synlab's tests. National Police Chiefs' Council lead for forensics, Chief Constable James Vaughan, said: "We are dealing with an issue relating to the accuracy of analysis by a sub¬contracted supplier of some drug driving samples." As a result, Synlab's accreditation for testing has been suspended and they are working on getting it reinstated.

(2) CCRC has recommended that the Law Commission should review the Criminal Appea I Act 1968 with a view to recommending any changes it deems appropriate in the interests of justice. This recommendation follows a report by the excellent All-Party Parliamentary Group on Miscarriages of Justice. The CCRC quite rightly believes that the threshold for sending cases back to the Court of Appeal is too restrictive. At present, the CCRC is only allowed to refer a case to the Court of Appeal if it considers that there is new evidence or new argument that raises a real possibility that the appeal court will quash the conviction(s). The problem with this is that it's so easy to obtain a conviction against a falsely accused person and so difficult to overturn that decision at the Court of Appeal, that there is rarely a "real possibility that the appeal court will quash the conviction".

CCRC should be allowed to refer a case to the Court of Appeal (CoA) if they have lurking doubt about the safety of a conviction. At present, they can only refer a case if there is a new argument or fresh evidence which provides a real possibility that on such a referral the Court of Appeal will quash the conviction." "In this day and age, it's absolutely vital that everything that can be done to protect the falsely accused is actually done. Far too many innocent people are languishing in our prisons." Britain might well have built up a record of a mostly wonderful legal system over the past thousand years, but it is now radically in need of an overhaul. Far too many innocent people are being convicted. Nowadays, most accusers aren't even remotely concerned about lying under oath or 'breaking a promise' in Court. People just don't take it seriously at all, and there seems absolutely nothing to dissuade people from persisting with their lies in Court. People get caught up in the system, and it's easier to carry on lying than to admit they lied in the first place. The legal system does not allow an innocent person to appeal a conviction just because they were innocent. New evidence is needed. And this is nearly impossible to find as the alleged crime did not occur in the first place."

(3) Attention-Seeker Carly Buckingham-Smith has been sentenced to six months after casting herself as the victim in a hate campaign that existed only in her own imagination. She sent herself abusive texts threatening herself with violence and scrawled graffiti on her own house. She had initially made a complaint against an Uber driver, but the police dismissed it. Then she started on her fantasy harassment story, claiming that she was being harassed by "Asian males" who were in some way linked to the Uber driver. She made eleven statements to police in all, and police fitted alarms and cameras around her house in an attempt to catch the people she had

claimed were harassing her and banging at her door in the night. However, police soon confirmed that her claims were entirely false. When they interviewed her, she made no comment. Judge Nicholas Rowland called her fantasy campaign "nasty" and made it clear that she had wasted a great deal of Police time. At first, one might think that this was a victimless crime - but what about those real crimes and real victims whose cases could have been dealt with more quickly if police had not had their time taken up by this attention-seeker?

(4) Barrister Anisah Ahmed - has been given a discretionary life sentence with a minimum term of four years and six months after falsely accusing her ex-lover and fellow barrister Iqbal Mohammed (38) of rape after discovering he was married. Ahmed then went on to orchestrate a 'malicious plot' against her ex-lover. She even stabbed herself to make it appear that he had attacked her. Ahmed's accusation of rape, claimed Iqbal Mohammed had sexually assaulted her on several occasions in a 'detailed and convincing' false report. Ahmed even created fake emails in Iqbal Mohammed's name to support her false claims. These made it appear as though the victim was threatening her, amounting to 'blackmail', it was said. But computer experts later found that the email evidence had been falsified, and police instead arrested Ahmed for harassment. The judge heard it was discovered that although Ahmed reported she had received threatening phone calls from Iqbal Mohammed, in reality, she had convinced her former boyfriend, Mustafa Hussain, to buy a phone in the victim's name. Judge Michael Gledhill said to Ahmed: 'This case clearly involved very careful planning to destroy the personal and professional life of the victim. The lengths you went to, to exact revenge on Mr Mohammed were almost beyond belief. Your actions, Ms Ahmed, were malicious, even evil. You persisted with them over a prolonged period of time and you recruited Hussain and others to assist you.'

Mohammed said: "I felt very sad at this wasted life, this prison sentence that she'd brought on herself, but also a great sense of relief that the nightmare was finally over and, with justice done, we had closure. With Ahmed now in jail, for the first time in years I feel safe. I don't have to look over my shoulder, worrying about what she might do next. I truly believe she is dangerous and there are no lengths she will not go to in order to exact revenge. ... I worry about the day she is released and whether she will come after me again."

In a further twist, records were released showing that Ahmed had been disbarred as a barrister in 2018 after it was found that her CV contained a pack of lies. She had falsely claimed she had won unfair dismissal cases on behalf of eight clients. She was also found to have produced forged references from a law firm claiming that she had gained legal experience there, but it was found that she was actually working as a receptionist. She also lied about a legal qualification she claimed she had from Cardiff University and a diploma in forensic medicine. She was debarred from working as a barrister in 2018 following a hearing by the Bar Standards Board, which described her conduct as 'dishonest or otherwise discreditable to a barrister.'

Civil Liberties Groups Demand Ban of Use of Facial Recognition Technology by Police

Liberty, Privacy International and 29 other organisations have called for Parliament to ban the use of live facial recognition technology (LFRT) by the police and private companies. In an open letter, the groups claimed that police bodies and the Home Office have failed to allow Parliament to properly consider LFRT legislation by pushing ahead with plans to roll out the surveillance tool. The organisations encouraged MPs and peers to demand the opportunity to steer the debate on the use of facial recognition technology in policing. The letter said that if Parliament was allowed to scrutinise plans to use the technology, it would become evident that the legislation attempting to regulate its use is "insufficient".

In August 2020 the Court of Appeal ruled that the use of facial recognition technology by the South Wales Police Force (SWP) was unlawful in R (Bridges) v Chief Constable of South Wales Police & Ors. Liberty, which assisted the claimant/appelllant, said that despite judges finding that the technology violated the public's rights and threatened liberties, Parliament had not debated the issue since the decision. According to Liberty, police forces, including South Wales and London's Metropolitan Police, have said they still plan to use it.

A recent public consultation on the use of LFRT carried out by the College of Policing, an arm's length body of the Home Office that sets standards for key areas of policing, was criticised in the letter. The consultation closed on 27 June 2021 and formed part of the process to develop the new Authorised Professional Practice (APP) on the use of LFRT by the police. "Despite purporting to rectify the issues identified in the Court of Appeal's Judgment in R (Bridges) v Chief Constable of South Wales Police & Ors, the APP in fact falls foul of many of the issues that in Bridges led the Court to find the use of LFRT breached privacy rights, data protection laws, and equality laws," the letter said. In the group's view, the APP also did not preclude the use of LFRT for intelligence gathering purposes, which the Court found gave too much discretion to the police.

Emmanuelle Andrews, Policy and Campaigns Officer at Liberty, said: "Whatever our background or beliefs, we all want to feel safe and be able to go about our lives freely. Facial recognition undermines these ideals. It is over a year since our case led the Court to agree that this technology violates our rights and threatens our liberties. The government can't dodge this issue and allow for this dystopian surveillance tool to quietly but fundamentally change the nature of policing and our public spaces. Facial recognition does not make people safer, it will entrench patterns of discrimination and sow division. It is impossible to regulate for the dangers created by a technology that is oppressive by design. The safest, and only, thing to do with facial recognition is to ban it." Adam Carey, Local Goverment Lawyer

Fight Goes on to Find Out Truth Behind British Army Killings in N. Irleland

Adrienne Reilly, Pat Finucane Centre: On Monday 9th August 2021, a March for Truth took place on the 50th Anniversary of the Ballymurphy Massacre and the launch of the internment raids. It rained and poured for the duration of the march but no-one was put off. It was unusually warm under the dark clouds, with the warmth matching the more optimistic and defiant mood of the hundreds of victims and survivors and their supporters, who are still waiting for justice in relation to the deaths of their loved ones. The wet and wonderful crowd left Springfield Park and walked and weaved through Ballymurphy and down to the Whiterock road into a nearby field. It was here that the families of the Ballymurphy Massacre spoke to those victims and survivors still waiting to find out what happened to their family members, still waiting for justice. In May of this year, Justice Keegan pronounced that their loved ones who died were all entirely innocent, and that 9 of the 10 were unjustifiably killed by the British Army (as Justice Keegan was unable to say who shot John McKerr). So their words had resonance and power. And not just for those present but also for those who think they can somehow keep the rest of the families who are waiting for answers quiet and cowed.

The speeches were preceded by a young girl singing ‘Something Inside So Strong’ as the families and crowd united by voice, raised their arms in solidarity, setting the mood for what was to follow. John Teggart, whose father Danny was shot 14 times and killed on August 9th 1971, asked the families still waiting for justice to keep the faith, saying ‘we will unite and fight’.

Breige Voyle, whose mother Joan Connolly was shot and left to die in the Manse field in

Ballymurphy, said that the morning's walk was different as, on the 11th of May of this year, Justice Keegan had vindicated her mummy, saying she was entirely innocent and unlawfully killed. She said to the other families…'don't give up, we will be here to support you… there have been 22 Secretaries of State and 10 Prime Ministers in the last 50 years, they have come and gone, but the families remain, and are not going anywhere'. The crowd responded with cheers, their fighting spirits reinforced.

Carmel Quinn, sister of John Laverty, read a poem that her sister Rita wrote after the Inquest findings in May. It was a very moving piece about the 50 years of pain they had to endure until John's name was cleared. Carmel said her heart was sore looking at all the banners on the day, but asked the crowd to hold them high, and send a message to the British government that their tactics will not work. Justice Keegan had found, as Carmel and her family had always known, that twenty year old John Laverty was unlawfully killed and, like all the others, was entirely innocent. Janet Donnelly, whose father Joseph Murphy was injured and died 13 days later, was resolute in her message to the other families. 'Murder is murder' she said and 'we all need our Truth, keep fighting…if it had taken us another 50 we would have done it'. The victims, survivors and supporters responded with applause and cheers.

The elderly and very refined Kathleen McCarry spoke next. Having spent nearly all of the 100 days of the Ballymurphy Inquest sitting behind Kathleen and her cousin Anne I got to know Kathleen very well. She is a lady. So if her brother was anything like her, it is totally believable when she repeatedly told the crowd 'Eddie was a Gentleman…my brother was a gentleman… ' Her brother Eddie Doherty was found by Justice Keegan on May 11th of this year to be '… an innocent man who posed no threat', and who was unjustifiably killed by the British Army. It was heart breaking to hear Kathleen describe to the crowd how their mother died 7 years later of a broken heart, and that Eddie's wife died 9 years later leaving their children with no father or mother. And yet there she stood, defiant, fighting, elegant and extraordinary.

Eileen McKeown, daughter of Joseph Corr, thanked everybody who had supported the families over their long campaign, from politicians, NGO's, community groups, to those near and far. Eileen spoke of the day to day challenges and triumphs of the 100 day inquest into the murders in Ballymurphy. Quite frankly, she said, 'no one knows the emotions we went through walking into that courtroom every day'. She was greeted however by laughter and cheers when she said 'who would have thought a small group of families from the North would take on the might of the British state and win…'. She described how Michael Mansfield QC wiped the arrogant grin off the face of General Jackson, who didn't even have the decency to look at the families when he was giving his evidence. Ciaran O'Cruadhlaoic spoke on behalf of the family of Frank Quinn. In a moving finale he said that they (British government) sent their army to' put the croppies down', but that the truth we all knew is now available. A final cheer went up when he said that while the 'British waive the rules again, just like the Olympic hero this morning Kellie Harrington, we will win'.

As the crowd stood soaked to their skin from downpour after downpour, relatives of the Kelly's Bar Bombing and the Springfield/Whiterock Massacre spoke of what had happened to their loved ones and their own ongoing fight for justice. The lilt of 'We Shall Overcome' starting lightly from the podium lifted the somewhat sombre mood after these families had been heard. As the whole field united in singing, on a wet, dark, cloudy, Sunday afternoon, 50 years after the British Army ran riot through the area, it was clear just how this group of people find the strength to continue their fight for justice, united in harmony by cause and consequence.

Undercover Policing Inquiry - First reference to the Miscarriages of Justice Panel

As part of its terms of reference, the Inquiry seeks to identify suspected miscarriages of justice that might have occurred due to an undercover policing operation or an operation not being disclosed when it should have been. The Inquiry refers any suspected cases to the Miscarriages of Justice panel, which was set up by the Home Office, who sponsor the Inquiry. The panel consists of two senior members of the Crown Prosecution Service and two from the police. Following the referrals, the panel considers whether further action is required, which could include referral to the Criminal Cases Review Commission.

The Inquiry referred one case involving 12 individuals. The case relates to an incident on 12 May 1972 when activists attempted to stop the British Lions rugby team departing the Star and Garter Hotel in Richmond. Fourteen activists, including the undercover officer HN 298 ("Michael Scott"), were subsequently arrested and charged with obstructing the highway and obstructing a police officer in the execution of his duty. Thirteen of the individuals – including HN 298, Christabel Gurney and Ernest Rodker – were convicted of both offences, one – Professor Jonathan Rosenhead – was convicted of highway obstruction only, and another was acquitted. Based on the evidence received by the Inquiry to date, it appears HN 298 pleaded not guilty in his cover name of Michael Scott, and his true identity was not revealed to the prosecutor or the Court. The Inquiry identified this case as part of its investigations into undercover operations conducted by the Special Demonstration Squad between 1968 and 1982. Materials related to the Star and Garter Hotel incident can be found on the 'Published evidence' page of the Inquiry website. Of particular relevance is the minute sheet enclosing associated reports. Further suspected miscarriages of justice may be identified as the Inquiry progresses chronologically through its investigations into undercover policing operations in England and Wales from 1968 to the present.

1. On 12 May 1972 the British Lions rugby team was due to depart from Heathrow for its South African tour. The team had been staying at the Star and Garter hotel in Richmond. They were due to depart by coach at about 4pm from the car park of the hotel. A Special Demonstration Squad ('SDS') undercover officer HN298 "Michael Scott", who had infiltrated the Putney branch of the Young Liberals, learnt of a meeting at the home of Ernest Rodker at which a group of individuals would make plans to try and stop them leaving. The circumstances in which he learnt of the meeting do not matter, save that they did not leave enough time for him to contact those in operational charge of the SDS before he attended it.

2. The meeting lasted from 1:30 pm until 3:15 pm. HN298 recorded what was discussed and what plans were made in paragraphs 1 to 7 of an intelligence report typed and dated 16 May 1972 (MPS-0526782/9). One of the two principal organisers, Professor Jonathan Rosenhead accepts that this part of the report is accurate and I have no reason to doubt that it is.

3. At 3:15 pm the participants made their way to the hotel car park. Some of them, including HN298 drove their cars and parked them there, blocking the exit. A builder's skip arrived and was left in the car park. A plan to disable the coach was abandoned due to the presence of a single uniformed police officer, who summoned additional police help. Building workers removed the cars. About 20 protesters then sat down in the path of the coach, in an attempt to prevent its departure. Precisely where they sat down was a matter of dispute: most of them said that they sat in the car park, on private land. Police officers, including the Chief Inspector in command of the police unit which attended, said that 14 of them sat down in Nightingale Lane, a public highway leading off the car park. They were arrested and later charged with obstructing the highway and obstructing a police officer in the execution of his duty. One of them was HN298.

4. All were advised by Benedict Birnberg at Richmond police station. Advice reportedly

given by him to Professor Rosenhead was discussed at private meetings of the defendants, attended by HN298 on 21 May and 11 June 1972. All pleaded not guilty at Richmond Magistrates Court on 15 May 1972. Seven, including HN298 and Christabel Gurney were tried and convicted at Mortlake Magistrates Court on 14 June 1972. She has little memory of the trial, save that it was over rapidly and HN298 cannot remember whether or not he gave evidence. The trial of the remaining seven was postponed to enable them to consider making an application to the Divisional Court. Six, including Ernest Rodker were tried and convicted of both offences at Mortlake Magistrates Court on 12 July 1972. Professor Rosenhead was convicted on the same date of highway obstruction only. The remaining defendant was acquitted on 23 August 1972. No court record of proceedings has been recovered, but their outcome is recorded in a police schedule (MPS-0737126/1-4), the accuracy of which is not in dispute.

5. No one suggests that the true identity and role of HN298 were disclosed to the prosecutor or to the Court. HN298 says that it would have been silly to have done so, because it would have compromised his undercover role. Sergeant David Smith, who worked in the back office of the SDS attended Court on 12 May 1972, when the defendants, including HN298, pleaded not guilty. He produced a report to that effect typed and dated 15 May 1972 (MPS-0526782/13-14). He has yet to give oral evidence, but has produced a witness statement, which contains a passage which is unlikely to be disputed, in which he states that to his knowledge neither the prosecutor nor the magistrates knew that HN298 was an undercover officer.

6. HN298 reported what had happened to his superior officers to seek their direction as to what he should do. His Detective Inspector, HN294, sought the advice of MD Rodger, Commander (Operations) in a memorandum dated 16 May 1972. The choice proposed was for HN298 to continue to learn more about the group which he had penetrated, in which event he would probably have to apply for legal aid and to attend meetings with all arrested to discuss tactics, or to disappear from the scene. In a memorandum to DAC Ferguson Smith dated 17 May 1972, Commander Rodger stated his view: that advantage should be taken of the situation to keep abreast of the intentions the group. He said that he had discussed the eventual Court proceedings with HN294 and Sergeant Smith, who were waiting to see what Ernest Rodker and company decided to do. It was anticipated that he would convene a meeting in the near future to discuss tactics. In a memorandum dated 18 May 1972 DAC Ferguson Smith advised that provided the charges against HN 298 and the others arrested remain as at present formulated “then we should not run into difficulties and HN 298 will have to go through with it.”

7. On 26 June 1972 HN294 reported the outcome of the case to Commander Rodger, who referred the report to DAC Ferguson Smith: the case should prove beneficial in that HN298 “has proved himself to the extremists and may well become privy to subsequent mischief”.

8. This material satisfies me, to a high standard, that HN298 pleaded not guilty in the name of Michael Scott and that his true identity was not revealed to the prosecutor or the Court.

9. Because the surviving defendants are elderly and one at least is infirm, it is, in my opinion, necessary that the outcome of the Court proceedings against them should be put right without delay. For that reason, I will express the reasons for my decision to refer their convictions to the Miscarriages of Justice panel in plain terms.

10. Home Office circular no. 97/1969 “Informants who take part in crime” (MPS – 0727104/1-2) stated, at paragraph 3 (a), “The police must never commit themselves to a course which, whether to protect an informant or otherwise, will constrain them to mislead a court in any subsequent proceedings. This must always be regarded as a prime consideration when deciding whether, and

in what manner, an informant may be used and how far, if at all, he is to be allowed to take part in an offence. If his use in the way envisaged will, or is likely to, result in its being impossible to protect him without subsequently misleading the court, that must be regarded as a decisive reason for his not being so used or not being protected.” and at paragraph 3 (g), “Where an informant has been used who has taken part in the commission of a crime for which others have been arrested, the prosecuting solicitor, counsel, and (where he is concerned) the Director of Public Prosecutions should be informed of the fact and of the part that the informant took in the commission of the offence, although, subject to (c) above, not necessarily of his identity.”

11. Although this guidance derived from the observations of the Court of Appeal in a case involving a classic informant (R v Marco (1969) Crim L.R. 205), they apply with equal force to an undercover officer who has participated in a crime for which he and others have been arrested and are to be prosecuted, whether or not the information which he has provided to his superiors is intended to be put to use in the prosecution. The guidance correctly stated a constant principle: the court must not be misled. Subsequent case law has established what is required: the prosecutor must be informed and must decide whether or not it is necessary to inform the Court; the circumstances in which he may not do so are rare in the extreme; it is for the trial Court to decide what, if any, disclosure should be made to the defence to ensure that justice is done: see R v Patel and others (2001) EWCA Crim 2505 and R v Early (2002) EWCA Crim 1904. HN298 did provide information about the offence for which he and others were arrested, albeit not until immediately after his release from Richmond police station. He did participate in the events which gave rise to the arrest. The prosecutor and the Court were deliberately misled about his identity and role in the events which it was considering.

12. Similar considerations led the Criminal Cases Review Commission (‘CCRC’) to refer the convictions of John Jordan and Michael Gracia to the Crown Court (for assaulting a police officer in the execution of his duty and being in unlawful possession of a police helmet at the offices of London Transport on 7 August 1996) on 31 July 2013 and 1 June 2015 respectively (see the confidential annex to the reference in the case of John Jordan (MPS-0721019)). The Crown Prosecution Service did not oppose either appeal and both were allowed. The reason for this outcome was one of those identified as a reason for referral in paragraph 6 of the CCRC’s published casework policy: “whether the prosecution constituted... an affront to justice”. The same reason applies in this case.

13. The permission of the CCRC will be sought for publication of the confidential annex. It will, in any event, be provided to the panel.

Yakuza Bosses Order Their Mobsters to Put Away Their Guns

David Averre, Mail-on-line: Yakuza gang members have been ordered not to use their guns 'in public' after an infamous crime boss of a rival gang was sentenced to death by hanging in what is believed to be the first death sentence for a Yakuza kingpin in Japan. Satoru Nomura, head of the Kudo-Kai crime syndicate, was sentenced to death on Tuesday 21 August for murders committed by members of his gang as long ago as 1998. The unprecedented decision by the Tokyo judge was a watershed moment in Japan, where gang membership is not illegal and the Yakuza operate openly. The sentence prompted Yamaguchi-gumi, the country’s biggest crime organisation and Kudo-kai rival based in Kobe, central Japan, to issue an order banning their members from public use of guns.

It comes at a time when membership numbers in the Yakuza are particularly low after years of mounting pressure from Japanese law enforcement, stricter regulation and the pandemic have stunted the crime syndicate's growth. But

many believe the order against guns is simply a ploy to provide gang members with legal footing so they can claim they have worked to reduce violence in future cases. Recent years have proved difficult for Japan's organised crime network after the number of yakuza members dropped to a record low of 25,900 last year, compared to 80,900 members in 2010 according to figures provided by the National Police Agency. The dramatic fall in membership is startling for the yakuza, who for years were able to operate with an incredible degree of freedom compared to the far shadier operations of developed crime syndicates in the UK. It is not illegal under Japanese law to take a gang membership, and syndicates are able to operate from public offices while running legitimate businesses as well as criminal enterprises simultaneously.

However, Japanese authorities have steadily been working to reduce the influence of the yakuza across the nation, and police departments in six different regions of Japan were granted power last year to arrest known gang members for minor offences such as loitering and even gathering in large groups. Japanese authorities have also targeted the legitimate side of the yakuza's business operations by publicly naming companies, organisations and individuals who are known to enter deals with the crime syndicate, thereby causing business partnerships to crumble and cutting the syndicate's profits. The legal offensive by Japanese authorities has certainly dented the yakuza's profits and ability to operate freely, but there are fears that mounting restrictions will simply cause crime bosses to double down on their criminal operations and boost their willingness to enact violence.

Nomura, 74, denied accusations he had masterminded the violent assaults for which he was sentenced to death. Kudo-kai is often described as Japan's 'most violent' yakuza gang. According to Japanese broadcaster NHK, there was no direct evidence that Nomura had ordered the attacks. However, in handing down the sentence, the judge said that the gang operated under such strict rules that it was unthinkable that attacks could have been carried out without its leader's authorisation. The trial revolved around attacks carried out by Kudo-kai members between 1998 and 2014. During that time, a former head of a fishing cooperative was shot and killed, and three others - including a nurse and former police officer - were injured by shooting or stabbing. When the sentence was delivered, Nomura reportedly told the judge: 'I asked for a fair decision... You will regret this for the rest of your life,' in a sinister warning of retribution.

Defence lawyers for Nomura plan to appeal the ruling, according to Kyodo news agency. Nomura's number two, Fumio Tanoue, fell just short of the death sentence but was jailed for life. The yakuza grew from the chaos of post-war Japan into multi-billion-dollar criminal organisations, involved in everything from drugs and prostitution to protection rackets and white-collar crime. With more than 100 inmates on death row, Japan is one of few developed nations to retain the death penalty, but the sentencing of Nomura is thought to be the first time a yakuza boss has been committed to death row. Public support for capital punishment remains high despite international criticism, including from rights groups.

Charges Against Bianca Ali Dropped Following Mohamud Hassan Protest

Bindmans Solicitors: The prosecution of Bianca Ali, co-founder of Cardiff Black Lives Matter, was discontinued by the Crown Prosecution Service on the eve of her trial last week. Ms Ali had faced charges alleging that she organised a protest in breach of Welsh Coronavirus Regulations outside Cardiff Bay Police Station following the death of Mohamud Mohammed Hassan shortly after his release from the custody of South Wales Police. Mohamud Hassan died on 9 January 2021 shortly after his release from Cardiff Bay Police Station. Early media statements from South Wales Police described his death as 'sudden and unexplained', and suggested '[e]arly findings by the force indicate no misconduct issues and no excessive force'. However, the Independent Office for Police Complaints (IOPC) has served misconduct notices upon six officers of South Wales Police, including one gross misconduct notice. From 12 to 14 January 2021, members of the community gathered outside Cardiff Bay Police Station to protest about the circumstances surrounding Mr Hassan's death and the role of South Wales Police. Ms Ali was given fixed penalty notices for alleged organisation of an outdoor gathering of over 30 people and for leaving home without reasonable excuse contrary to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020.

Ms Ali contested the FPNs and was then prosecuted pursuant to the Single Justice Procedure. She pleaded not guilty and was due to stand trial on 2 September 2021 at Cardiff Magistrates' Court. She denied being involved in organising the protest, although as a prominent member of the local community and the Black Lives Matter movement, she had attended and spoken at the protest. Her participation in the protest constituted a reasonable exercise of her right to protest, protected by Articles 10 and 11 of the European Convention on Human Rights, and was therefore a reasonable excuse for leaving home during lockdown. The prosecution was discontinued by the CPS on the eve of the trial following representations from Bindmans LLP and Tim James-Matthews of Matrix Chambers. Following the judgments of the Court of Appeal in Dolan (R (Dolan) v Secretary of State for Health and Social Care [2020] EWCA Civ 1605), and the High Court in the Reclaim These Streets litigation (R (Leigh) v Commissioner of Police of the Metropolis [2021] EWHC 661 (Admin)), which confirm that the reasonable exercise of European Convention rights is capable of amounting to a reasonable excuse for what would otherwise constitute a breach of Coronavirus regulations, a number of cases involving protests during lockdowns have resulted in discontinuances, acquittals and civil claims against the police.

This prosecution, like many others relating to breaches of Coronavirus regulations, was commenced under the Single Justice Procedure (SJP). Under the SJP, the police charge cases in respect of which a defendant must enter their plea before there is any review by a Crown Prosecutor. Although legal aid is potentially available for those who are eligible, defendants can plead guilty on the papers and be sentenced by a single magistrate without ever having to attend court and without any input from a prosecution or defence lawyer. Fortunately, in Ms Ali's case, the CPS did eventually reach the correct decision when asked to review the decision to prosecute. However, many others prosecuted for alleged breaches of Coronavirus regulations may have been wrongly convicted.

Bianca Ali said: "I was charged by South Wales Police for allegedly organising the protests for Mohamud Hassan. I have endured eight months of stress and worry about this. It's been a long road but today (the day before my 30th) I have been vindicated. I am so glad I took this all the way. My thoughts are with the family and friends of Mohamud Hassan as we await the findings of the Independent Office for Police Conduct".

Patrick Ormerod, solicitor for Ali, said: "South Wales Police put considerable resources into investigating and prosecuting Black Lives Matter activists – at the taxpayer's expense – when they should have been facilitating a Covid-19-safe protest and focusing limited resources on investigating serious crime and the circumstances surrounding the death of Mohamud Hassan. The case appears to be another example of a misunderstanding of the interaction between Coronavirus regulations and the Human Rights Act 1998, and another example - like Clapham Common - of the over-policing of protest relating to the conduct of the police". Bianca Ali was represented by Patrick Ormerod of Bindmans LLP and Tim James-Matthews of Matrix Chambers. Her legal team also included Hester Cavaciuti and Hermione Hill of Bindmans LLP and Pippa Woodrow of Doughty Street Chambers.

CCRC Refers "No Passport" Conviction to Crown Court

On 20 March 2012 Ms G pleaded guilty to a single charge of failure to produce an immigration document pursuant to s2(1) and (9) of the Asylum and Immigration (Treatment of Claimants) Act 2004. She was sentenced to 4 months' imprisonment by the magistrates' court. Ms G, an Iranian national, arrived in the UK at Heathrow airport on 16 March 2012. Although she had travelled on a genuine passport, she had given this to the agent who facilitated her travel, on the understanding that he needed them to obtain visas for their onward travel to Canada. The agent disappeared in the airport and Ms G had no option other than to claim asylum. CCRC has decided to refer Ms G's case for an appeal because: There is a statutory defence of "reasonable excuse" to this offence; There is a real possibility that the Crown Court will find that this defence would quite probably have succeeded in Ms G's case; and Ms G was not advised of the existence of the defence before she entered her plea. As Ms G pleaded guilty in the magistrates' court, she cannot appeal her conviction directly. The CCRC has decided that this gives rise to "exceptional circumstances" that allow a referral by the CCRC in the absence of an earlier appeal.

CCRC Refer Sentence of Gavin Trendell to Court of Appeal

On 6 July 2018, Mr Trendell pleaded guilty to causing grievous bodily harm with intent and false imprisonment. On 12 October 2018 Mr Trendell was sentenced to life imprisonment with a minimum term of 8 years. The minimum term was later reduced to 6 years on appeal. In cases, such as Mr Trendell's, where an indeterminate sentence is imposed, the minimum term must be adjusted by the judge to take into account any time spent on remand in custody, in accordance with section 82A(3)(b) of the Powers of Criminal Courts (Sentencing) Act 2000. Mr Trendell spent 203 days on remand, however this was not addressed at either the sentencing hearing or, later, on appeal.CCRC has decided to refer Mr Trendell's sentence to the Court of Appeal, on the basis that there is a real possibility that the Court will correct the legal error which has occurred with Mr Trendell's sentence and will deduct 203 days from the minimum term which he has to serve before he can be considered for release. CCRC notes the possibility that this same sentencing error may have occurred in other cases. If anyone believes that they have been similarly denied the credit to which they are entitled for time spent in custody on remand, then they should consider challenging their sentence.

Unannounced Inspection of HMP Wormwood Scrubs

Wormwood Scrubs is a famous, category B, men's local prison in west London that held just over 1,000 prisoners at the time of our inspection, of whom a third were foreign nationals, more than half were black, Asian or minority ethnic and two-thirds were unsentenced. It has had a troubled recent history culminating in our 2017 inspection, when we described the 'intractability and persistence of failure at this prison'. When inspectors returned in 2019, they found a much¬improved situation and I am pleased to say that this report shows that progress in many areas has been maintained. The prison feels calm and well-ordered and inspectors who knew the prison well noted a better atmosphere than in the past. The prison was safer than at our last inspection. Assaults on staff and the use of force had continued to fall, while the rate of prisoner-on-prisoner assaults was one of the lowest of all local prisons. Data, though routinely collected, was not being used to analyse patterns of violence and create plans to achieve further progress in a prison that often saw gang and crime-related issues imported from the community. Reductions in violence were at least partly due to the fact that most prisoners had been locked in their cells for 23 hours a day and were at the expense of access to work, education and time to socialise. This was compounded for the 118 prisoners who had to share cramped, often ill-ventilated cells that were designed for one person, though the welcome introduction of in-cell telephones had at least allowed them to stay in regular touch with family and friends. Leaders at Wormwood Scrubs had not shown the ambition that we have seen elsewhere in increasing the amount of time prisoners were spending out of their cells.

It has always been difficult to recruit and retain staff members at this jail and at the time of inspection there was a large proportion of recently recruited officers who had not yet experienced anything like a normal regime. Staff training had fallen behind during the pandemic and hard work is needed to make sure that officers are fully prepared when the regime begins to open up. The education provider had been too slow in reopening services and had done little to communicate with prisoners about the availability or range of courses. A lack of planning for a return to face-to-face education meant that classrooms were empty while prisoners were languishing behind their doors. Tutors had not made enough use of assessments to create in-cell education packs, meaning these were often of low quality and little use. Leaders had been working to improve the quality and range of key work in the prison and, though more vulnerable prisoners were being seen regularly, there was much more to be done to make sure that every prisoner had meaningful access. The Listener scheme (prisoners trained by the Samaritans to provide confidential emotional support to fellow prisoners) was particularly impressive and, where in some prisons this vital service had withered during the pandemic, at Wormwood Scrubs it had continued to thrive. Self-harm had reduced substantially and was already on a downward trend before the pandemic. Overall, the prison was a much safer, cleaner and better organised prison than it had been in the past, but prisoners were locked in their cells for too long. The most important challenge facing leaders is to maintain and improve on the levels of safety, while significantly increasing the amount of time prisoners are spending out of their cells in education, training, work, leisure and rehabilitation activity. - Charlie Taylor, HM Chief Inspector of Prisons

No Criminal Organs - Serving Convicted Prisoners Can Donate Body Parts

A medical committee's decision to refuse a kidney donation from a convicted criminal has been overturned by a court on the basis there is no such thing as a "criminal kidney". A judge in the southern Indian state of Kerala said the organ transplant authorisation committee should not have examined the donor's moral character in a secular society. According to India's Telegraph, Justice P.V. Kunhikrishnan said: "There is no organ in the human body like a criminal kidney or criminal liver or criminal heart. "There is no difference between the organ of a person with criminal antecedents and the organ of a person who has no criminal antecedents. Human blood is passing through all of us." He said the committee's decision suggested it believed that "the criminal behaviour of the donor will percolate to the person who accepts the organs", which was unreasonable.

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