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MOJUK: Newsletter 'Inside Out' No 901 (01/06/2022) - Cost £1

High Court Orders CCRC to Look Again at Two Convictions

The 2009 manslaughter convictions of a father and son have been referred to the Court of Appeal by the Criminal Cases Review Commission (CCRC). Martin and Nathan Winter were convicted at Lewes Crown Court of two counts of manslaughter by gross negligence in December 2009. Their convictions related to the deaths of two East Sussex Fire and Rescue Service employees in an explosion at a fireworks business at Marlie Farm in Ringmer, Sussex on 3 December 2006. The victims were killed after a metal shipping container on site exploded.

Martin Winter, who was the director of the fireworks business, was sentenced to 7 years' imprisonment. Nathan Winter, who also worked there, was sentenced to 5 years' imprisonment, later reduced to 4 years' on appeal. As part of their case, the prosecution alleged that Martin and Nathan Winter had been storing extremely explosive Hazard Type ("HT") 1 fireworks in the shipping container, in contravention of their explosives licence. In their police interviews, Martin and Nathan Winter had both said that there were no HT1 fireworks in the container.

The Court of Appeal dismissed appeals against these convictions in 2010. In 2011, Martin Winter applied to the CCRC. The CCRC decided not to refer his case to the Court of Appeal in 2013. In 2015 Martin and Nathan Winter again applied to the CCRC and the CCRC again decided not to refer their convictions to the Court of Appeal.

In January 2020, the Administrative Division of the High Court granted Martin and Nathan Winter permission to challenge that decision by way of Judicial Review. The CCRC agreed to take another look at the case.

Now having carefully reconsidered this complicated case, the CCRC has decided that expert evidence not heard at trial may undermine the prosecution's case that there were HT1 fireworks in the container. And have now referred the Convictions to Court of Appeal

Belfast: Coroner Finds Soldier Was Not Justified in Killing Thomas Mills in 1972

Senior Coroner, Joseph McCrisken, on Friday 13th May 2022, delivered his findings into the death of Thomas Mills who died after being shot while working as a night watchman in Finlay's factory on the Ballygomartin Road in West Belfast on 18 July 1972. He concluded that a soldier M4 was not justified in opening fire and the force used was disproportionate to the threat perceived and more than was absolutely necessary in the circumstances. His death was blamed on the IRA until recent years. The Coroner said he will send a copy of his findings to the Director of Public Prosecutions (DPP).

His death was blamed on the IRA until recent years.

In 2019, his family told BBC News NI a draft Historical Enquiries Team report informed them the Army was responsible. Earlier this year An ex-soldier failed to appear before an inquest into the death of Mr Mills. An Army veteran, known as M4 and referred to at the inquest as "the shooter", had previously challenged a subpoena to attend the hearing, citing his privilege against self-incrimination. The case went as far as the Court of Appeal and senior judges ruled that sufficient legal safeguards were in place for him to take part as a witness at the hearing. M4 was due to appear before an inquest in March last year, but he failed to appear, in breach of the subpoena.

Priti Patel Brings Back Controversial Stop and Search Powers (SuS)

Zaina Alibhai, Indpendent: Priti Patel is lifting restrictions placed on police in the use of controversial stop-and-search powers as part of the government's strategy to tackle violent crime. The new measures will see officers able to stop people without suspicion in areas where serious violence "may" occur, rather than "will" occur, a loosening of the guidelines which the government claims will help prevent knife crime. In a letter sent to police forces on Monday, the home secretary will set out how restrictions on section 60 of the Criminal Justice and Public Order Act, which have limited when officers could use stop and search and have been in place since 2014, will be removed. Ms Patel's initial plan to remove restrictions placed on section 60 searches was met with criticism, leading her to backtrack on the plan, although she is now pressing ahead with it. The government said officers will have "full operational flexibility" to "rid the streets of dangerous weapons and save lives".

Police Monitored Blair Peach's Partner For Almost Three Decades After His Death

Georgia-Mae Chung, Justice Gap: The police monitored the partner of anti-racist campaigner Blair Peach for almost three decades after his death as a result of being struck by a police officer at demo in 1979. The Undercover Policing Inquiry has heard from Celia Stubbs' representatives who stated that the surveillance 'commenced in the 1970s and continued at least into the 1990s'. According to , Sam Jacobs of Doughty Street Chambers instructed by Bhatt Murphy, surveillance 'followed Celia's campaign on the death of Blair & other justice campaigns, including in founding INQUEST and her involvement in the Hackney Community Defence Association and Colin Roach Centre'. Blair Peach died in April 1979 after attending a demonstration against the National Front in Southall, West London after being struck on the head 'with an unauthorised weapon such as a lead-weighted cosh or police radio'. No officer was prosecuted over his death. But, in 2010, it was revealed that the police had concealed a report of an internal investigation that said it could 'reasonably be concluded that a police officer" struck the blow to the head which killed Peach in 1979'.

Jacobs described both Stubbs and Peach as 'law-abiding' and said there 'was never any justification for the covert policing'. The Inquiry was presented with heavily redacted documents to evidence the surveillance which were gained by Bhatt Murphy through a Data Protection Act application to the Metropolitan Police. Jacobs stated that the police had not submitted the documents to the inquiry themselves and tried to resist the application.

The documents included a 1978 Special Branch report containing details of Peach's car and his relationship with Stubbs, as well as a police report following his death which concerned individuals who had made statements to the police about Peach's death. Jacobs also described how one undercover officer recalled that 'one of management' had asked him to attend Peach's funeral. 'A useful propaganda tool for the left-wing publicity machine'

Sam Jacobs described the Special Branch narrative as revealed by the documents as 'disturbing'. An undated report described Stubbs coming to notice in 1976. 'Celia Stubbs became a useful propaganda tool for the left-wing publicity machine,' the report said. '… She would appear to be a member of the pressure group Inquestpurely because of association with Peach.'

Sam Jacobs said: 'Celia Stubbs' partner had been killed by a police officer and the circumstances of her death were known to the police but concealed until April 2010… Her campaigning was valiant and it was dignified. For Special Branch, however, she was "a propaganda tool for the left-wing publicity machine". We say it reveals the utterly misplaced disdain for justice

campaigns that drove this policing. It was this institutional mentality or mindset which left the SDS and Special Branch more broadly willing to engage in the gross invasions of privacy that it was committing to obtain information that had no legitimate purpose.'

Another document was the Special Branch report of a 1982 meeting of INQUEST attended by 12 people. 'There seems to be little doubt that INQUEST has sprung out of Celia Stubbs' desire to keep the Blair Peach affair in the public gaze. She realises interest has waned and she has hit upon the idea of revising it and linking it up with other notorious cases of recent years. Most of the others involved are merely looking for a cause to adhere. Without Stubbs, the group would simply not exist however they are articulate and committed types and it does not seem beyond the bounds of possibility that they would eventually achieve quasi-respectable status of groups such as NCCL (now Liberty).'

Jacobs stated that the actions of the police had been twofold: first 'reporting on the activities of groups which sought to hold officers to account for their actions' and second 'destruction or withholding of evidence […] that would have been reputationally damaging and of assistance to those groups in their campaigns'. Overall, he submitted that the aim was 'to protect the police themselves from having to account for their actions', rather than to protect the public. His statement concluded with a quote from Celia Stubbs: 'To put it bluntly, police officers took my partner's life & then concealed the truth. The concluding job of this Inquiry is to uncover the truth.' The Undercover Policing Inquiry was launched in March 2015 and will continue until at least 2023.

Police Clash With Locals as Officers Attempt to Arrest Man on 'Immigration Offences'

Thomas Kingsley, Indpendent: people were arrested in east London after protesters clashed with officers attempting to arrest a man on "immigration offences" on Saturday. Videos shared on social media showed scores of protestors clashing with police, with some clips showing officers hitting locals who tried to stop the arrest on Kingsland high street in Dalston. Protesters lined the street and could be heard shouting "let them go" in response to the people who had been detained by officers. The Metropolitan Police said it was carrying out a "pre-planed operation targeting e-scooters and moped-enabled crime" in Dalston at 7pm on Saturday when officers identified a man who was wanted for immigration offences. After officers sought to arrest the man, protesters gathered to stop them, the Met Police added.

Witnesses at the incident described "horrendous" scenes as violence broke out. Journalist Samir Jeraj who was at the protest said "police and protesters periodically clashed with police" and said he saw someone "hit multiple times with a baton." The Metropolitan Police claim officers were also "assaulted" during the clash but none required hospital treatment. In one video a group of over half a dozen officers can be seen pushing into the protesters knocking some of them to the ground before one protester is seen being beaten with a baton and pushed to the ground. In another video, one of the protesters is seen on the ground surrounded by police while onlookers shout "he's punching him."

Jamaican 'Wrongly' Detained for Deportation Takess Legal Action Against Home Office

Nadine White, Indpendent: James Matthews was awaiting the outcome of his application to remain in the UK when he was unexpectedly swooped upon by seven immigration enforcement officers. James, 33, was awaiting the outcome of his application for leave to remain when seven immigration officers stormed into his home, claiming that he was in the country illegally, before he was taken to Harmondsworth Immigration Removal Centre (IRC).

The former banker at Jamaica National Bank had applied for leave to remain on the basis of his relationship with a British citizen in July 2020, but the Home Office said this application was refused in February. However, Mr Matthews says neither he nor his previous legal representatives were notified about this or served with the refusal decision. In light of this, his solicitors argue that he is still lawfully resident in the UK with an in-country right of appeal. This means Mr Matthews' detention is unlawful, as would be his removal from this country, according to his legal representatives. In a pre-action letter sent to the Home Office on Thursday 12th ay 2022, by MTC Solicitors, which represents Mr Matthews, they request the immediate removal of their client from detention, the cancellation of his deportation order, a copy of the refusal decision, details of where, how and when the refusal decision was served on their client - and a response by 5pm on Friday.

British Colonialism Still Rules in Trinidad and Tobago

Dominic Casciani, BBC News: Nine of the UK's most senior judges have refused to ban the mandatory death penalty in Trinidad and Tobago. The law dates back to when the country was a British colony. The judges expressed concerns but said the nation's constitution meant they could not intervene. A death sentence is a mandatory punishment for every person convicted of murder under Trinidad and Tobago's Offences Against The Person Act 1925. The new ruling comes from the Judicial Committee of the Privacy Council - UK Supreme Court justices who also rule on complicated legal questions from some former British colonies. The JCPC is the final court of appeal for a number of Commonwealth nations and British overseas territories.

After Trinidad and Tobago became an independent country in 1962, its constitution stated that any existing law from the days of empire would remain in force unless its parliament decided to remove or reform it. In practice, this means that many of the country's laws, as with some other Commonwealth nations, are closely rooted in rules that were in place in the UK and across the British Empire in the early 20th century.

In a highly unusual case heard in London last November, lawyers for convicted murderer Jay Chandler argued that the mandatory death penalty he received under a 1925 law - passed during the British Empire - was unconstitutional. They told the hearing in London that the wording of Trinidad and Tobago's constitution meant that a mandatory death penalty should be ruled to be a cruel and unusual punishment - and therefore banned. In 2018, judges at the Caribbean Court of Justice, the senior court for many countries in the region, outlawed automatic death sentences in Barbados - adding pressure on Trinidad and Tobago to abandon the 1925 law.

But in a ruling handed down on Monday 16th May 2022, Lord Hodge, one of the most senior judges on the UKPC and Supreme Court, said that it was not a question for judges in London - but for Trinidad and Tobago's parliament. The 1976 Constitution saves existing laws, including the mandatory death penalty, from constitutional challenge," said Lord Hodge. "The consequence of that is that the state of Trinidad and Tobago has a statutory rule which mandates the position of a sentence, which will often be disproportionate and unjust The sentence is recognised internationally as cruel and unusual punishment. The state does not dispute that characterisation."

He said that despite those concerns, the judges in London could not legitimately interfere as there was no constitutional law question for them to settle. "It is striking that there remains on the statute book a provision which, as the government accepts, is a cruel and unusual punishment because it mandates the death penalty without regard to the degree of culpability," he said. "Nonetheless, such a provision is not unconstitutional. The 1976 Constitution has allocated to Parliament, as the democratic organ of government, the task of reforming and updating the law, including such laws."

The Death Penalty Project, a legal campaign group that represents Jay Chandler, said there were 45 people on death row in Trinidad and Tobago. It is not clear what their fate will now be. No one has been sent to the gallows since 1999 amid huge delays to appeals. Parvais Jabbar, the group's co-executive director, urged the country's parliament to re-examine the continued existence of historical laws that are out of step with the modern world. He said: "Trinidad and Tobago remain the only country in the Commonwealth Caribbean to continue using a mandatory death penalty and it is imperative that the government now take the necessary measures to ensure that a punishment, that they themselves accept to be cruel and inhuman, is removed."

Reject the Immigration Enforcement Migrant Victims' Protocol

Southall Black Sisters brought the first ever super-complaint in UK history. The super-complaint was submitted against both the National Police Chiefs Council (NPCC) and the Home Office and challenged the harmful practice whereby police share victim and witness data with the Home Office for immigration enforcement purposes. This complaint was grounded in a long-recognised concern that prioritising immigration enforcement over safeguarding puts victims and witnesses at risk, causes serious distress and is wholly counterproductive to the prevention of crime. In response to the super-complaint the investigative 'Safe to Share?' report was published by a group of police watchdogs. The report reaffirmed that Home Office and police practice was causing victims and witnesses of crime with insecure or uncertain immigration status to be fearful of coming forward, worsening the risk of abuse and exploitation. Further, it concluded that significant harm is being caused to the public interest and that there is no evidence that data sharing arrangements safeguard victims of domestic abuse. The independent report asked the Home Office to produce a review of this practice and its legal framework. The Government laid its review of data sharing on migrant victims and witnesses of crime (the Review) before Parliament at the close of 2021. While recognising that data sharing for immigration enforcement can be a contributing factor to victims not reporting crime and that exploiters and perpetrators 'often use the victim's immigration status to exert fear or control' the Home Office failed to implement the changes that could prevent this. Instead, disregarding the evidence put forward by victims/survivors, by the anti-trafficking sector, and the ending violence against women and girls (VAWG) sector, the Home Office proposed an Immigration Enforcement Migrant Victims' Protocol (the Protocol). The Protocol, which is yet to be implemented, will prevent immigration enforcement action against victims only while criminal investigations and proceedings are ongoing, and while the victims are being supported. It is unclear how victim status will be determined and there is no process for people who are witness to crime

Covid Recovery Prisons Are Not Back to Normal

Commenting on the findings of Criminal Justice Joint Inspection report on 17th May, Peter Dawson, director of the Prison Reform Trust said: "This report exposes as a complete fallacy the idea that the criminal justice system is back to 'normal', or anything close to it. In prisons, the Covid crisis has simply morphed into a wholly predictable staffing crisis. The outcome for prisoners is the same — endless days spent behind a cell door, with all the disastrous consequences for both health and public protection that the report sets out. In that context, the government's insatiable appetite to have ever more people in prison is more irrational than ever. The report correctly remembers that the justice system was on its knees before the pandemic struck. What it needs now is fundamental reform, not an obsession with simply looking tougher than your political opponents."

Prison Education

Commenting on the findings of a report report by the House of Commons Education Committee, Peter Dawson, director of the Prison Reform Trust said: "Yet again, a select committee is calling out the government's chronic failure to deliver on its promises where prisons are concerned. The report lists six years' worth of eloquent policies about prison education, all of them still to be implemented.

"It's time for action, not words. Informed by the realistic wisdom of over 50 responses from prisoners, the report makes many practical recommendations that the government should accept and put into effect. A defined purpose for education that recognises how much longer prison sentences have become, secure broadband in every prison, more opportunities to study in the community, simple continuity in recording achievement — these are just some examples of long overdue reforms.

"But the committee also shines a light on the corrosive impact of an overcrowded and understaffed prison estate. Prison education cannot flourish where prisoners spend all day locked up, and are moved from prison to prison just to fill the available spaces. Our national addiction to imprisonment cannot be reconciled with the ambitions ministers repeatedly describe. Without a fundamental change in how we use prison, more reports like this can be guaranteed."

Prison Reform Trust - Provision of Custody for Children in Disarray

"The government's promise of a new strategic approach, with a commitment to 'secure schools' made as long ago as 2016, has simply not been delivered. This latest, shocking, inspection report about an institution once held up as a model of good practice shows how urgently a coherent plan is needed. It is deeply worrying that ministers appear content with a forecast that the number of children in custody will increase, at a time when so much of the provision to hold them — public or private — is in crisis. Nothing could serve public protection worse than continuing to send children to places that are clearly failing in their rehabilitative mission."

HM Chief Inspector of Prison's Said: HMYOI Werrington is a facility for boys under the age of 18, located near Stoke-on-Trent. Capable of holding up to 118, at the time of our inspection just 64 children were in residence. The status of these children ranged from those recently remanded to some who were facing long and sometimes indeterminate sentences. Overall, this was a disappointing inspection which recorded a deterioration in three of our four healthy prison assessments – most notably in safety and purposeful activity, which we now judged to be poor.

Despite the prison making significant progress in reducing the amount of self-harm, the perceptions of safety (as recorded in our detainee survey) were worse than any other young offender institution (YOI). Nearly 40% of children told us that they had felt unsafe at some point during their stay. Incidents of violence were higher than any other establishment in England and Wales and a significant number were serious in nature. Force was used more frequently than comparable institutions and over 400 weapons had been discovered in the preceding 12 months. Work had begun to reduce bullying and violence, but this was only recently initiated and was disorganised. Children had limited confidence in the ability of staff to keep them safe.

The only consistently applied strategy to try to maintain order was a process of creating 'keep apart' lists that sought to separate individuals or groups. We found an incredible 263 such non- associations among a population of just 64 individuals, and the requirements were constantly changing. This ineffective and harmful arrangement was, in effect, a reactive process of risk avoidance, rather than risk management and had come to totally dominate life in Werrington. Our colleagues in Ofsted found that, among many other failings in the education and regime provision, children were allocated to learning not on the basis of need, but on the basis of who they could or could not mix with at

any particular moment in time. The approach was corrosive and completely undermined the purpose of the institution. Despite this, Werrington remained a reasonably respectful prison, although only 60% of young people felt respected by staff. The staff we observed were enthusiastic, if inexperienced. They wanted to do a good job, but their engagement with young people was too often merely transactional. Limited time unlocked, restrictive practice and risk aversion all impeded the vital goal of helping staff to engage more purposefully with the children they were supposed to be supporting. We were left with the sense that Werrington had lost its way and needed to rediscover a sense of purpose. Charlie Taylor HM Chief Inspector of Prisons

'MPs Call For 10 Year Investment For 'Clunky, Chaotic' Prison Education

Nina Pulimood, Justice Gap: There has been a 90% decrease in the number of prisoners studying on courses equivalent to AS-levels or above since 2010, according to a new report by the House of Commons' education committee. MPs highlight the 'cracks in a clunky, chaotic, disjointed system' which does 'not value education as the key to rehabilitation'. This is, the report argues, despite data showing that prisoners who participate in education whilst in prison are 7.5% less likely to reoffend than those who don't. In December 2020, Ofsted reported that nearly two-thirds of inspections showed poor management of the quality of education. Francesca Cooney, head of policy at the Prisoners' Education Trust, said the new report amounted to 'a call for immediate action'. 'Prison education has been underfunded for many years and is at the bottom of the class when providing outcomes for prisoner learners,' she commented. 'The report rightly states that prison education is in a "perilous state due to a continual decline in funding" and calls on the MoJ to set out a budget for the next ten years by the end of the year.'

'The digital divide between prisoners and the community is ever increasing and the committee is clear that we cannot let that continue,' Cooney continued. 'We strongly support the call for the Government to set a date for prisons to provide restricted broadband and for prisoners who are studying to have in-cell access to security-approved laptops.' The report follows the 2016 Coates Review which highlighted the need for prison education to be at 'the heart of the prison system'. 'Six years later, we are concerned that this aspiration has still not been realised,' MPs said. 'There have been a number of missed opportunities to effect major change and to change the culture surrounding prison education.'

The new report calls for a deputy governor of learning in every prison as part of the senior management team as part of a 'culture shift'. MPs also recommended a more individualised curriculum with stronger support for those with special educational needs and learning difficulties. According to the data over 30% of prisoners have learning difficulties. 'However, we heard that this figure is likely to be an underestimate and that the true scale of the issue is not known, as prisons rely heavily on prisoners declaring themselves to have learning needs,' the MPs wrote; adding that the screening process was not adequate to identify prisoners with leaning needs. The report proposes personalised individual learning plans linked to sentence plans for all prisoners. These should include a needs assessment at the point of entry for all prisoners to the prison system and should be updated to reflect a prisoner's progress and development over time. It makes the case for greater emphasis on improving future employability and building links between employers and prisons, and incentivising and encouraging businesses to employ former prisoners. Digital education passports are proposed so that a prisoner's progress is not interrupted on transfer. MPs pointed out that the government had not increased funding for prison education for the last five years. Learning environments have been seen to have 'rotting walls and doors, mould, leaking roofs requiring buckets' and a 'lack of adequate heating', MPs noted.

Crown Court Cases Waiting Longer Than Year up by 340% Since 2020

Jon Robins, Justice Gap: One in four Crown Court cases was now waiting for a year or more before coming to court, according to a damning report by four HM Chief Inspectors published today. The Chief Inspectors of Police, CPS, Probation and Prisons, in a joint report, say that none of the risks identified in their 2021 'state of the nation' joint report had been 'mitigated in their entirety' and claim 'recovery remains elusive'. 'The system is getting by because of an artificially supressed level of activity and reduced performance management and quality expectations – which cannot go on,' the repot states.

According to the inspectors, the number of cases waiting longer than a year has increased by more than 340% since March 2020 and, by the end of December 2021, 25% of cases had been waiting for a year or more to come to court. When Crown Court trials get under way, the average that a case has been outstanding is 282 days. The latest CPS figures reveal a Crown Court caseload 54% higher than its pre-pandemic caseload with 'trial effectiveness' rates not as good as before the pandemic leading to more cases being adjourned.

The inspectors noted that the pressures on the justice system had to be seen in the context of increasing demand. In the year ending September 2021, the overall crime rate increased by 14% compared with two years previously fuelled by a significant increase in fraud and computer misuse cases but also the highest number of rapes and sexual offences ever recorded in a single 12-month period. Whilst 'good progress' had been made towards the government's ambition to recruit 20,000 new police officers by March 2023, the report predicted this would 'do little to address the lack of experienced detectives and digital forensic specialists that are much needed today'. 'Workloads remain high, and the thin blue line stretched,' they added.

Recovery in prisons had been 'slow and inconsistent', according to inspectors. Many prisoners were left 'frustrated as their life remains unchanged while restrictions in the community have been lifted'. 'Apart from the small proportion in work, for many prisoners, spending 22.5 hours a day locked in their cell is not unusual, nor is having to choose between completing basic domestic tasks or exercising.' Almost half of prisoners (49%) said that they spent fewer than two hours out of their cell on a typical weekday and more than two-thirds (67%) at weekends.This compares to 19% and 26% respectively in 2019/20.

Defendants Incorrectly Remanded Through Widespread Misuse of Bail Act

Jon Robins, Justice Gap: Defendants are being incorrectly remanded in custody as a result of a widespread misuse of the Bail Act, according to the law reform group JUSTICE. In a new report, the group highlights the problem of 'biased' decision-making leading to a disproportionate amount of black and ethnic minority people on remand .

When someone is brought before a court accused of an offence, they must be granted bail without conditions unless there are specific exceptions bail under the Bail Act 1976. According to written evidence provided by JUSTICE to the House of Commons' justice committee, courts are not applying the requirements of the legislation consistently and, instead, there was 'a clear pattern' of magistrates, district judges, prosecution, and defence lawyers 'failing to make appropriate reference to the Act during bail hearings'. Recent research from Fair Trials revealed that as of June last year, 3,949 people have been held on remand for more than six months, a 10% increase since December 2020, with 1,523 of those people having been held on remand for over a year.

JUSTICE sent law students and lawyers to observe 158 bail hearings in seven magistrates' courts to ascertain 'if and how' the exceptions to bail in the Act were referred to when

deciding bail. It was revealed that magistrates and district judges referred to the test in the Act in just over a third of cases (36%) – magistrates referred to the legislation in only one in five cases. In a third of cases where someone was ultimately remanded in custody, the legislation was not referred to at all. Where references were made to the Act, they tended to be 'generic' – with only 'a tiny proportion' of district judges and magistrates specifically setting out the exceptions by reference to the facts of the case.

JUSTICE point out that the project is in its early stages, the data set 'relatively small' and 'geographically limited' (six of the seven courts were in London) and draws on observational research. '[Our] analysis so far has revealed a clear pattern of magistrates, district judges, prosecution, and defence advocates failing to make appropriate reference to the Act during bail hearings,' the group says. It is currently looking into ways to widen the geographical scope of the project, by working with universities and law firms outside of London.

'Individuals should not be remanded in custody unless one of the exceptions in the Act applies,' JUSTICE says. 'However, our data shows that individuals are being remanded in custody without reference to this test and potentially in instances where this test would not be satisfied. This is particularly worrying given the increased lengths of time individuals are now spending on remand.' Remanded defendants are spending longer in custody as a result of increasing court backlogs caused by the pandemic. As JUSTICE point out, the number of ethnic minority people on remand has 'disproportionately increased over recent years'. The group highlights 'biased decision making' in courts as 'a potential factor' in that increase and note that in 71% of bail cases the decision was made by an all-White bench or a White district judge.

French Police Officer Shot Prisoner Dead - No Violations of Prisoners Human Rights

Use of armed force by gendarme against prisoner who attacked his colleague during transfer from prison to court: no violation of Article 2 of the Convention. In the case of Bouras v. France (application no. 31754/18) the European Court of Human Rights held, unanimously, that there had been: no violation of Article 2 (right to life) of the European Convention on Human Rights. The case concerned a complaint, under the substantive limb of Article 2 of the Convention, about a gendarme's use of armed force resulting in the death of a prisoner who attacked another gendarme in the vehicle that was transferring him from Strasbourg Prison to the Colmar tribunal de grande instance.

Like the national courts – whose decisions, the Court noted, had contained particularly comprehensive reasoning – the Court found that the gendarme had acted in the honest belief that his colleague's life was in danger and had genuinely believed it was necessary to use armed force. The investigation had not cast any doubt on the genuineness or honesty of that belief. The Court observed that the decision to use the weapon had been preceded by verbal warnings and other unsuccessful attempts to stop the attack. The danger to the gendarmes was borne out by the forensic ballistics report, whose conclusions were endorsed by the Investigation Division of the Court of Appeal. Noting that the administrative inquiry conducted by the internal affairs department of the national gendarmerie had found no breach of regulations, the Court likewise held that the transfer could not be regarded as not having been prepared and managed in such a way as to minimise any risk to the prisoner's life or the lives of the gendarmes. In the circumstances, the Court concluded that the gendarme's decision to use his firearm could be considered justified and absolutely necessary "in defence of any person from unlawful violence" within the meaning of Article 2 § 2 (a) of the Convention.

Taxpayers Fork Out £8m to Subsidise Lords' Food and Drink

The House of Lords has spent £8m of taxpayers' money subsidising its own bars and restaurants in the last three years, openDemocracy can reveal. It comes on top of the £17m bailout of catering facilities in the House of Commons – bringing the total to a staggering £25m. Every one of the 26 bars and eateries across Parliament made a financial loss over the last three years. The bailout includes a £3m subsidy for the exclusive Members' Dining Room in the House of Lords, which can be used only by current and retired peers – and their personal guests. The restaurant was once described by a peer as the place "where this country is governed from". While the rest of the UK faces a growing poverty crisis, taxpayer subsidies across Parliament have allowed politicians to access cheap food and drink.

UK Supreme Court Justice Warns Partisan Experts Can be Fatal

A Supreme Court justice on the 20th May, told experts that they must avoid the risk of taking sides and advocating for their instructing party. Lord Hamblen told the Expert Witness Institute that cases where experts were admonished for being partisan by the court had occurred 'far too often' in recent years – each time to the detriment of those they speak for.

Hamblen said witnesses should refrain from becoming an advocate themselves and give evidence in such a way that you would not know which side has instructed them. 'There is nothing more fatal to the acceptability of an expert's evidence than the questions of independence and impartiality,' he said. 'It will taint all [and] it is therefore vital to avoid any hint of partiality. 'It is counsel's job to argue a case – that is not the role of an expert. If you give evidence in an argumentative manner that will undermine your independence. Never get into an argument with counsel however provoked you might be.' Hamblen said there had also been cases in the High Court where 'experts' appeared without having specialist expertise in that particular field, adding: 'It is not the experience of giving evidence in court that makes you an expert.'

His words were endorsed during a panel session of judges working in the civil and criminal courts. Senior Master Fontaine said there was concern that witnesses losing their impartiality might cause relevant evidence to be left out of reports. She told experts to reject any attempts from solicitors to put the case more strongly and added: 'Don't allow your enthusiasm to assist your client to cross the threshold into an unacceptably partisan approach.' Recorder Simon Jackson also expressed concern about experts being 'paid by results' which was not consistent with their duties to the court.

Meanwhile, Her Honour Judge Sarah Munro warned against experts instructed in criminal courts from speaking in complex or technical language. She added: 'Ensure the expert speaks to their audience. In my sphere that is a jury of 12 people, and an expert really needs to pare down what they are saying and make it very easy to understand – sometimes experts are inclined to show off their knowledge and complicate [matters] rather than helping the jury.'

Britain Plotted Propaganda Campaign Against Amnesty International

Declassified files from the early 1970s show the UK government secretly sought to discredit the human rights organisation's investigation into British torture in Northern Ireland and its notorious 'Five Techniques'. A Foreign Office official privately wrote that Amnesty's investigator in Northern Ireland was "a prize pain in the neck" Amnesty tells Declassified: "These damning files reveal a shameful determination to keep human rights abuses hidden." In order to suppress an Amnesty International report on Britain's use of torture in Northern Ireland, the Foreign Office plotted a secret propaganda campaign to discredit the report's author.

Declassified after 50 years, a British file unveils a sinister plan to target a future Nobel Peace Prize recipient, and shows how UK officials marked civil society for covert information operations. The 'Five Techniques': In August 1971, at the height of the Troubles in Northern Ireland, the unionist government in Stormont launched Operation Demetrius. Signed off by British home secretary Reginald Maudling, the operation involved the mass arrest and internment (imprisonment without trial) of 342 people from Catholic and nationalist backgrounds. The intelligence used to make the arrests was seriously flawed; many of those arrested had no connection to the IRA. Fourteen of those arrested were then subjected to the "five techniques" – hooding, sleep and food deprivation, white noise, and being spread-eagled in an intense "stress position". If the men failed to maintain this "stress position", they were introduced to a sixth technique – severe beatings. The "interrogations" were carried out by Special Branch officers from the Northern Irish police, Royal Ulster Constabulary (RUC), and took place in a purpose-built unit at Ballykelly army barracks in County Derry.

How the Police Try to Suppress Protests - Warrington Orgreave Welling

Charlie Kimber, SWP: After the Brixton riots of 1981, Lord Scarman's review encouraged more liberal community policing. Scarman's report received the public support of Margaret Thatcher's government including home secretary, William Whitelaw. However, secretly behind the scenes, Whitelaw's Home Office instigated and implemented a police manual for public order that gave the police paramilitary powers. Published in 1983 it was available only to senior police officers. The private sanctioning of the manual meant the line between police operational independence and government had been crossed. Parliament had no idea it existed or this shift had occurred. Yet "operational independence of the police" has since been repeated by successive home secretaries. Six months after the manual's creation the secret powers were first deployed at Warrington during a printworkers' dispute. This involved new police formations to split the protest, snatch squad arrests and police in Range Rovers chasing pickets in the dark across waste land. Such tactics were as shocking as they were a surprise to the trade unionists involved.

Colin Bourne, the National Union of Journalists organiser, remembered, "They drove at high speed at us, lights on full, I ran like hell. I didn't think the vehicles would follow, it was terrorism. It was designed to terrorise those people who were there. It could have had no other purpose. The manual first came to light during the 1985 trial of miners for rioting following the Battle of Orgreave in June 1984. It was one of the most violent days of a year-long strike. The police could now use short shields and batons together and at Orgreave they did. The new tactics sanctioned police to "incapacitate" protesters, apparently just for being there. From then on tactics were developed and others introduced. A number from the original manual—horse charges, dogs and shields with truncheons—are still deployed today. During the Miners' Strike the government encouraged increased criminal charges, and 95 miners at Orgreave were charged with rioting. They had gone from jobs for life to facing a life sentence.

Their trial collapsed when the police evidence was deemed "unreliable". The Orgreave Truth and Justice Campaign are fighting to this day for an inquiry to uncover the truth for the victims. Solicitor Gareth Peirce made a prophecy after the treatment of miners at Orgreave about the future impact of these secret rules. She said, "It is probable that by next year Parliament will have abolished any absolute right to peaceful assembly in this country." Charged shows how that prophecy played out up until the present day with the Extinction Rebellion and Black Lives Matter protests.

New 'Action Plan' Won't Change Cops' Racism

The police assured us this two weeks ago, that they really, really are going to tackle their own racism. Their Race Action Plan is supposed explain why, for example, black people are nine times more likely to be stopped and searched than white people, and five times more likely to have force used against them. The 1999 Macpherson Report, written after the racist murder of Stephen Lawrence, found that the Metropolitan Police was "institutionally racist". But during a briefing with journalists the officers introducing this week's new scheme refused to say whether policing is institutionally racist. That means the new plan is already weaker than the findings from 23 years go.

And there was plenty of other evidence this week of the true nature of the cops. We learned that while spending time with friends, Olivia, a 14 year old girl with autism and learning difficulties, was brutally strip-searched by police. She was discovered to be in possession of a sharpened stick which she used to self-harm, her mother said. Officers then handcuffed Olivia, before pinning her down, cutting her underwear and strip-searching her in the presence of male officers. The child, who is mixed race, later tried to commit suicide after the terrifying ordeal. Olivia later appeared in court accused of possession of a bladed weapon and was acquitted.

As Sue Fish, the former chief of Nottinghamshire Police, admitted recently, a series of revelations have shown "the toxic racist and sexist culture which is endemic in policing". And when they are not busy murdering women or assaulting children, the police help to defend a Downing Street that's corrupt to the core. Then only effective police action plan is to abolish them. *Despite their very best efforts the Metropolitan police can't hid the fact that they are racist and sexist to the core*

Around 50 Children Strip Searched by the Police Every Week – and Most Are Black

Approximately 50 children a week for the last five years have been strip searched by the police, according to a BBC investigation into the practice following the outrage over the intimate search of 15-year old Child Q. 31 out of 43 police forces responded to freedom of information requests by Radio 4's File on 4 revealing that over 13,000 children under the age of 18 have been strip searched since 2017. More than half of these searches were conducted by the Metropolitan Police and a disproportionate number of black and mixed-race children were subjected to this process. According to File on 4, separate data revealed that two-thirds of children who had been strip searched by the Met over the past three years were from ethnically diverse backgrounds. Reporter Jane Deith said 78 girls were strip-searched in London police stations last year – 32 were black or mixed race.

Courts Need To Tackle Ethnic Disparities in Sentencing

Further guidance could be provided for courts to better deal with ethnic disparities in sentencing, according to an expert sentencing advisory group. In a new report published by the Sentencing Academy, Julian V. Roberts and Andrew Ashworth analysed the Sentencing Council's guidance on how sentencing laws and information contribute to ethnic differences in outcomes. According to the 2017 Lammy Review into race and the criminal justice system, Black, Asian and other ethnic minority men were greater than 50% more likely than White men to plead 'not guilty' at Crown Court. According to 2019 data, 37% of BAME defendants who were tried in the Crown Court pleaded 'not guilty' compared with 27% of White defendants meaning BAME defendants were 35% more likely than White defendants to plead 'not guilty'.