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Innocent Man Sat in Jail for 20 Years as Key Witness Statement Gathered Dust

For two decades, John Kamara seethed from behind bars against a system that had wrongfully locked him up for a brutal murder he did not commit. John had been jailed for life alongside co-accused Ray Gilbert for the savage 1981 slaying of betting shop manager John Suffield, 23, who was stabbed 19 times in a botched robbery. Mr Gilbert served 36 years in prison before being released on licence but also maintains his innocence. Unbeknownst to John, a witness statement gathered dust in a store-room for the entirety of those lost years, which undermined the critical evidence that helped put him in prison. The miscarriage of justice has been explored in a documentary on the Crime and Investigation Network called British Injustice, presented by investigative journalist Raphael Rowe - whom himself served ten years in prison for a crime he did not commit before winning an appeal.

After opening the Joe Coral's bookies on Lodge Lane, Toxteth, Mr Suffield was killed a short time after 9.30 am on Friday, March 13. His hands had been tied, and he was beaten by his assailants, who made off with less than £200 in cash. Police believed Mr Suffield had inadvertently angered his attackers because his stammer meant he could not respond to their demands for a code to a time-locked inner safe. After just a matter of days, Merseyside Police arrested the two men and subjected them to intense, prolonged interrogation without the presence of solicitors. After around 48 hours, detectives obtained what appeared to be a confession from Mr Gilbert, who tragically for John and his family falsely named him as his accomplice. Mr Gilbert later retracted his confession and said he was psychologically vulnerable at the time. However, along with Mr Gilbert's confession, Merseyside Police found a witness named in court documents as Ms Edmunds, whose evidence was vital in securing John's conviction. She claimed she saw two mixed-race men scuffling with a white man - Mr Suffield - outside the betting shop at around 9.30 am.

In the documentary, Mr Rowe, who met John in prison while they were serving time, takes him back to Admiral Street police station to ask about the interrogation process. John says: "Racism had a lot to do with it. Do not forget; this was a time we had the Toxteth riots. I feel the police, in those days, were out to get a quick conviction." John says he was prepared to answer questions and did not stonewall detectives. He said: "I was telling them it was not me, telling them where I was. Then, in my interviews, they told me that Gilbert has confessed, and he says you were with him. They threw the statement down. I looked at it, read a bit, threw it, and then went a bit mad. I would say I am tired. Can I sleep? They would put me in a cell; I had two hours of sleep, and then new officers would open the door and say 'interview'. Furthermore, that happened continuously for three days. The only time I saw a lawyer was when I was getting charged. It was just a bad experience being in there and thinking that they can just put you away for something you did not do."

Ms Edmunds later picked John Kamara out of an identity parade, which formed the only direct evidence in the case, other than Ray Gilbert's retracted confession. What the jury in their trial never heard, however, was the evidence of a Florence McCoy, who also saw Mr Suffield that morning. Her version of events was totally different. According to Ms McCoy, she saw Mr Suffield opening up his shop at around 9.35 am and even said 'hello' to him as he entered his shop - no mention of any assailants - meaning the attack must have come later and directly contradicting Ms Edmunds.

This vital statement was never disclosed and did not see the light of day until 1999, when the Criminal Cases Review Commission (CCRC) reviewed John's case. CCRC investigators made a shocking discovery - 201 undisclosed witness statements sitting in a storage room that defence lawyers for both John Kamara and Ray Gilbert did not know existed. The case was referred back to the Court of Appeal and formed the core of John's efforts to get his conviction quashed, but other problems were noted. The court was told police in 1981 had recycled five of the 11 volunteers used in two subsequent identity parades for witnesses, one containing Ray Gilbert and the other John Kamara, which breached procedural guidelines. In 2001, almost 20 years later, the conviction was officially declared unsafe, and John was free. However, as he told Mr Rowe, his release was the start of another battle. He said: "That is when I really panicked then. Where do I live? Where do I go? I think I was afraid of coming out." John eventually managed to rebuild a life, in part thanks to the support and friendship of another man who had been wrongfully convicted, Paddy Hill, one of the 'Birmingham Six' who were wrongfully convicted over an IRA bomb attack which killed 21 people in 1974.

New Legal Arguments Form Basis of Two CCRC Referrals of Prison Sentences

In both cases, sentencing judges concluded that the offences fell within "category 1" (the highest category) of the relevant sentencing guidelines, as the victims had suffered "greater harm" and there was "higher culpability" on the part of the offender. Richard Grant appeared at Exeter Crown Court in April 2017 and was sentenced to 12 and a half years' imprisonment for wounding with intent. Mr Grant tried to appeal against his sentence, but this was refused in 2018. He applied to the CCRC in January 2021. John Butterworth appeared at Teeside Crown Court in September 2019 and received an extended sentence of 14 years and 11 weeks' (including a 5-year extended licence period) for causing grievous bodily harm with intent. Mr Butterworth was refused permission to appeal his sentence in October 2020 and applied to the CCRC in December 2020.

Having carefully considered these cases, the CCRC has decided that there is a real possibility that the Court of Appeal would reduce these sentences on the basis that they did not involve "greater harm" and were therefore "category 2" cases. This referral is based on a new legal argument which takes account of subsequent revisions to the sentencing guidelines and decisions of the Court of Appeal on this subject. Helen Pitcher, Chairman of the CCRC said: "The CCRC is not seeking to downplay or minimise the harm suffered by the victims in these cases, but we believe that there is a real possibility that the Court of Appeal will now reduce the sentences imposed. In our view, it is arguable that Mr Grant and Mr Butterworth's offending, whilst serious, fell short of the high threshold required for a case to be within the most serious category of the sentencing guidelines."

Mr Grant and Mr Butterworth were both unrepresented in their applications to the CCRC.

Ministerial Check Introduced to Block Parole Board Recommendations

Jon Robins, Justice Gap: New rules allowing the justice minister to block prisoners moving to an open prison come into force on Monday 6th June. According to the Ministry of Justice, serious offenders will now have to pass 'a tough three-step test', including proving they are highly unlikely to abscond and that such a move would not undermine public confidence in the justice system, as part of reforms to 'restore confidence in Parole Board'. Serious offenders will face the toughest test yet to prove they have turned their backs on crime for good and are eligible for a move to open prison, following a tightening up of the rules by the Deputy Prime Minister. All indeterminate sentence offenders will face a revised Parole Board release test 'to ensure public protection is

always the overriding consideration and a new power for Ministers to block the release of the most dangerous offenders in the interests of public safety'. 'Keeping the public safe is government's first duty,' commented the deputy prime minister and justice secretary, Dominic Raab. 'That's why I'm toughening up the test the most dangerous criminals must pass before they can move into open prisons. We are also going to introduce a ministerial check on parole decisions to release the most serious offenders – to protect the public and make our streets safer.'

Sundiata Acoli Finally Free Served 49 Years

Nicki Jameson FRFI: On 10 May, the New Jersey Supreme Court ordered the release of black political prisoner Sundiata Acoli, who had served 49 years for involvement in the 1973 killing of a state trooper. Sundiata had been eligible for parole since 1993, but the New Jersey parole authorities had repeatedly refused to release him, despite his posing no continuing threat. Legal challenges to this continued refusal had been going on for ten years when the Supreme Court finally overturned a 2019 appeal court decision in favour of keeping him incarcerated, ruling that the Parole Board had failed to consider his years of prison' good behaviour', his age or his health. This victimisation was clearly in revenge both for being convicted of the murder of a law enforcement officer and for continuing to be a politically conscious black activist within the system. Prior to his imprisonment, Sundiata had been active with both the Black Panther Party and Black Liberation Army, and in 1971 was one of the Panther 21 who were acquitted of firearms and conspiracy charges after an eight-month political show trial, which attracted massive support and international solidarity. Sundiata was arrested together with Assata Shakur, who was convicted of the same killing, but who escaped to Cuba in 1979 and has lived in exile there since. The Cuban government granted her political asylum, but the US authorities have always hoped to overturn this, and since 2013 she has featured on the FBI list of 'most wanted terrorists. In addition to the other reasons for continuing to victimise Sundiata, he was the target of the US ruling class's anger and frustration at not being able to have Assata behind bars. Free all political prisoners!Whilst Sundiata Acoli is finally free, other very long-serving US political prisoners from the anti-racist struggles of the 1970s remain behind bars, including Mumia Abu-Jamal and Leonard Peltier. Just days after the New Jersey court ruling on Sundiata's case, the US Parole Commission refused to release another longstanding black political prisoner, Dr Mutulu Shakur, who has been imprisoned since 1986, is now aged 70 and has bone-marrow cancer.

Colston Four Acquittal to be Referred to Court of Appeal

The attorney general has referred the case of four protesters cleared of the toppling of the statue of the slave trader Edward Colston to the court of appeal for legal direction. In a rare move, which cannot reverse the not guilty verdicts, Suella Braverman is to ask appeal judges for clarification on whether defendants can cite their human rights as a defence in a case of criminal damage.

Jake Skuse, 33, Rhian Graham, 30, Milo Ponsford, 26 and Sage Willoughby, 22, were in January cleared of criminal damage despite admitting to helping crowds pull down the statue at an antiracism protest in Bristol in 2020. They told Bristol crown court they acted out of conscience, claiming the statue was offensive and a hate crime towards Bristol's black community. The jury returned a not guilty verdict after they were asked to decide if they believed a conviction for criminal damage was a "proportionate interference" with the defendants' rights to freedom of expression, thought and conscience – the last question in a "route to verdict" laid out by the judge, Peter Blair QC.

In a move that effectively questions the directions given by Blair, Braverman's office said she would ask the court of appeal to clarify whether defendants can use a human rights defence in a criminal damage case. She will also ask the court to consider whether it is up to juries to decide if a criminal conviction is a proportionate interference with a defendant's human rights. "Trial by jury is an important guardian of liberty and critical to that are the legal directions given to the jury," Braverman, who is also Conservative MP for Fareham, said. "It is in the public interest to clarify the points of law raised in these cases for the future. This is a legal matter which is separate from the politics of the case involved."

But Raj Chada, who represented Skuse, suggested there was indeed a political element to the decision to appeal against the case, and particularly around its timing. "This decision from the attorney general is extremely disappointing and should give everyone who cares about the integrity of our legal system cause for concern. Referrals such as this are very rare and must be made expeditiously. It is more than three months since the jury's verdict in this case," Chada said. It is of serious concern that the public announcement of this decision coincides with and appears intended to deflect from the police decision to issue FPN [fixed-penalty] notices against the prime minister and the chancellor for unlawful lockdown parties. We appear to be seeing the real-time politicisation of jury trials to stoke up culture wars."

During the trial in December and January of this year at Bristol crown court, the four defendants variously admitted bringing ropes to the protest and tying them around the neck of the bronze statue, before helping crowds wrench it from its plinth and roll it to Bristol harbour, where it was thrown into the water. Willoughby, a carpenter, told the court he had targeted the statue of Colston "because he was a racist and a slave trader who murdered thousands and enslaved even more".

'Just Stop Oil' Takes the Fight Into the Prisons

Nicki Jameson FRFI: The environmental campaign 'Just Stop Oil' (JSO) burst onto the scene in April 2022 when it launched a ten-day wave of direct action. Protesters blockaded oil terminals and locked themselves onto tankers. By the end of the month, there had been 1,000 arrests, and the protests show no sign of abating. Most of those arrested have been released pending investigation' (see Eyewitness Account on px) but have subsequently been served with injunctions forbidding them from going back to the terminals where they were arrested. It is the breach of these injunctions which has created a wave of new short-term prisoners, some of whom have now decided to bring their struggle inside the prison walls. Whereas some other environmentalists who have been imprisoned in recent years viewed incarceration as somewhere between an occupational hazard and time out to catch up on reading, the women in particular among the recent JSO prisoners, have taken a quite different approach. Building on the actions of Insulate Britain, whose activists, when taken to trial, have refused to obey the dictates of the court; instead, streaming proceedings live on social media, glueing themselves to court doors or spray-painting the outside of the court building, JSO has now taken this resistance right into the belly of the beast.

Just as the militant suffragettes of the early 20th century continued their fight for women's emancipation within the prison walls, on 9 May, eight JSO women prisoners who had been sent to Foston Hall staged a sit-down protest on the exercise yard. Although their protest was peaceful, the prison guards reacted violently, handcuffing the women and pushing them around. On 23 May, JSO announced that all but one of the 23 activists then in prison had been released. The one who remains behind bars is Michelle Charlesworth, who has been given a further term of imprisonment for contempt of court. JSO's social media says: 'Michelle has made a choice to resist the destruction of humanity and all life on Earth brought by fossil fuel companies and this government. Furthermore, she is prepared to accept the consequences. She does not need you to feel sorry for her or send her sympathy; she needs you to join her, to step up and take action.'

Muslim Prisoners' Human Rights Under Attack

John Bowden FRFI: Authoritarian populism is being stoked up by the current Tory government as it paves the way for scrapping the Human Rights Act (HRA). This is finding its worst expressions in the targeting and scapegoating of the most disempowered groups, such as 'illegal migrants' and prisoners, whose dehumanisation renders them unworthy of even the most basic human rights. Without waiting to finish analysing the responses to its phoney consultation exercise on 'reforming' the HRA, on 10 May 2022, the government announced via the Queen's Speech that it would be bringing in a Bill of Rights to 'restore the balance of power between the legislature and the courts'. This essentially means that the limited protections afforded by the European Convention on Human Rights (ECHR), which has formed a part of British domestic law under the HRA since 2000, will be scrapped.

The targeting and dehumanisation of a specific marginalised group to encourage public support for the abandonment of the HRA was exemplified by Justice Secretary Dominic Raab on 27 April when he focused his racist wrath on imprisoned Muslims. Raab claimed prisoners were using the ECHR to prevent the authorities from stopping the spread of Islamic radicalisation within prisons by the use of solitary confinement in specially constructed control units. Two types of such 'prisons within prisons' currently exist within the high-security system: Close Supervision Centres (CSC) have been in operation since 1998, and Separation Centres (SC) since 2017. Raab announced plans to construct two further such units at the cost of £7.3m, claiming that this was in response to a report by Jonathan Hall QC, the government's Independent Reviewer of Terrorism Legislation, alleging that 'Muslim prison gangs' have effectively taken over some prisons and turned them into breeding grounds for Islamic terrorism.

Raab said that the only effective way of stopping 'the most dangerous radicalising recruiters' was to totally isolate them within control units, lest they 'poison the well, if they are left in the general population, and…ultimately recruit more terrorists'. Raab said he intends to significantly increase the capacity of such prison isolation units, despite CSCs being condemned by a range of organisations as places of psychological torture. They will undoubtedly be used disproportionately against Muslim prisoners. In 2021 the Prisons Inspectorate described CSC regimes as 'the most restrictive, with limited stimuli and human contact', and Nils Melzer, the UN Special Rapporteur on Torture, has said that 'exposing prisoners to prolonged and indefinite periods of isolation is mental torture'. Melzer also said that 'when used for more than 15 consecutive days, these conditions of detention amount to torture or other cruel, inhuman or degrading treatment and, therefore, are neither legitimate or lawful'.

Amnesty International UK has previously described CSCs as 'akin to cruel, inhumane or degrading treatment. Raab said that replacing the HRA with a Bill of Rights will limit the ability of prisoners confined to CSC and SCs to use the ECHR to bring 'trivial' claims against their treatment and will 'stop the legal attrition that we are already starting to see with terrorist and extremist prisoners claiming the right to socialise within prisons when they actually want to radicalise other prisoners. Raab told right-wing LBC presenter Nick Ferrari: 'We must not allow religious or cultural sensitivities - as important as they are - to deter us from clamping down and nipping in the bud early the precursor signs of radicalisation. That can be things like the step from eating halal, which of course we want to respect, to requiring others in their wings or kitchens to follow Sharia rules.'

Racism has always played a major part in the selection of prisoners for the CSC system, and Islamophobia has overtly been the rationale for decisions to place them in SCs, reflecting the deeply institutionalised racism of the criminal justice system in Britain. A 2021 breakdown of the ethnicity of CSC prisoners revealed that 50% were black and minority ethnic, as opposed to 27% of the prison population as a whole. A 2015 report by the Prison Reform Trust found that 50% of CSC prisoners

were Muslim, although Muslims made up 16% of the general prison population.

The ECHR has never been an ideal mechanism for defending prisoners' rights. However, the removal now of any semblance of legal accountability will leave prisoners entirely at the mercy of those who enforce the system. As always, it is the most marginalised and disempowered groups in capitalist society on whom the state focuses its greatest cruelty. As the international capitalist crisis deepens and social unrest is increasingly criminalised, the reach of the carceral state will extend into the lives of the growing ranks of the poor, which is why resistance is so vitally important now.

Concern Ovefr Number ff Deaths Following Pursuit by Greater Manchester

Northern Police Monitoring Project: We are writing to register significant concerns about the rapid increase in deaths following pursuits initiated by Greater Manchester Police (GMP) and call for a 'no chase' policy for nonviolent and minor traffic offences. Since September 2020, at least eight people – Patrick 'Paddy' Connors (36), Thomas 'Tommy' Sharp (29), Shae Marlow (16), Kyle Hudson (16), Ronaldo Johnson (17), Diyar Khoshnaw (24), Devonte Scott (18), and Brandon Geasley Pryde (18) – have died following pursuits by GMP officers. To put this figure in context, the Independent Office of Police Conduct (IOPC) reported a total of twenty fatalities following police pursuit in all of England and Wales between 1 April 2020 and 31 March 2021. The majority of those who have lost their lives in Greater Manchester have been young men, disproportionately from racially minoritised populations including Gypsy, Roma, Traveler (GRT) communities.

Understanding this escalation in deaths following police pursuit is a matter of extreme urgency for those directly affected as well as for communities across Greater Manchester. However, there has been little acknowledgement of this crisis by our democratically elected representatives who recently approved a controversial increase to the police precept supported by only 23% of those consulted to fund an additional 438 police officers, with 60 of them dedicated to road safety specifically. The growing number of deaths following police pursuits indicates that police drivers constitute a real threat to road safety that requires urgent attention and action.

The College of Policing's Authorised Professional Practice (APP) guidelines indicate that when initiating a pursuit officers should determine whether it is 'justified' and 'proportionate'. According to the APP, 'The key consideration is to ask is this pursuit necessary, balanced against threat, risk and harm for which the subject driver is being (or about to be) pursued? If the decision is made to engage in pursuit because it is in the public interest to protect life, prevent or to apprehend an offender, then it must be conducted with proportionality and due regard for the circumstances.' However, these are merely guidelines and officers are afforded considerable discretion when it comes to determining whether a pursuit should be initiated. Studies show that the vast majority of police pursuits in England and Wales are initiated for minor traffic violations (IPCC, 2007; Best, 2002; Best and Eves, 2004) with a growing number resulting in unnecessary death or serious injury to the drivers, passengers, people in other vehicles, and pedestrians. Moreover, recent coroner's inquests have raised significant concerns about the inappropriate and disproportionate continuation of pursuits by GMP's officers.

Unfortunately, the IOPC – the supposedly 'independent' body tasked with investigating deaths following police contact – has repeatedly shown an inability and unwillingness to hold police drivers accountable. Of the ninety-seven investigations into road traffic incidents completed between 1 April 1, and 30 September 2018 only two officers were prosecuted for pursuit-related incidents. Despite this low prosecution rate, the Conservative Government's Police, Crime, Sentencing and Courts Bill – under intense lobbying from the Police Federation – has pro-

posed reforms to the Road Traffic Act 1988 that are likely to make it even harder to hold police accountable by further lowering the standards to which police drivers are held. In light of these inherent risks and the absence of alternative modes of recourse, we urge you to pay attention to the concerns raised by families of those killed by police pursuits in Greater Manchester, many of whom will be participating in coroner's inquest hearings over the coming months. We also ask that you consider alternatives to the current police pursuit guidelines that afford officers considerable discretion in decision-making relating to the initiation of pursuits. Studies conducted in other national contexts – including Canada, Australia, and the United States – have deemed the risks associated with high-speed police pursuit to be too great to justify the immediate physical apprehension of motorists who flee the police for theft or minor traffic offences. On this basis, public officials in major cities such as Washington D.C. and Cincinnati have revised their pursuit policies to restrict the circumstances under which pursuits can be initiated resulting in significantly fewer pursuits, collisions, deaths and injuries. We ask you to do the same and halt this dangerous escalation in deaths following police pursuit in our city.

New Inquiry Launched to Understand Public Perceptions of Sentencing

The Justice Committee has announced the terms of reference for a new inquiry to investigate the public's understanding of the current approach to sentencing in England and Wales. The inquiry will aim to get a better understanding of public awareness around how sentencing works, including how easy information is to access. It will explore public perceptions on sentencing and ask how far public opinion should influence the sentencing regime. As part of the inquiry, the Committee plans to undertake wider engagement so that members of the public, as well as those with existing knowledge of the justice system, can contribute to the evidence-gathering. Launching the inquiry, Chair of the Justice Committee Sir Bob Neill said: "For people to have confidence in the criminal justice system it is vital that its decisions are transparent and well communicated. We have launched this inquiry to examine public understanding of sentencing in England and Wales. We want to know how the public accesses information on sentencing and what the public thinks about the current system. The Committee will also examine what can be done in order to improve public understanding of sentencing.

Terms of reference:The Committee invites evidence on the following questions:

• What does the public know about the current approach to sentencing in England and Wales? • How does the public access information on sentencing? • What are the barriers to improving public awareness of how sentencing works? • To what extent does public understanding of sentencing affect public confidence in the criminal justice system? • What could be done to improve public understanding of sentencing? • What is public opinion on sentencing, and how can it be ascertained or measured? • To what extent should public opinion inform sentencing policy and practice?

Victory for Prisoner Peter Kane v Independent Adjudicator & Secretary of Justice

This is an application for judicial review by the Claimant, a Category A prisoner at HMP Whitemoor, to challenge the decision of the Independent Adjudicator (DJ Wright). At a hearing on 31 July 2020, DJ Wright rejected an objection of lack of jurisdiction which the Claimant's solicitor had founded on alleged lack of evidence that the governor had applied his or her mind to the relevant legal test in the Prison Rules for referral. The Claimant is currently serving a sentence of 14 years for supply of heroin. His sentence was extended by a total of 18 additional days by DJ Wright.

Factual Background: A witness statement before me from DJ Wright gives the gist of the events of 7 June 2020 which gave rise to the referral to the adjudicator. The witness statement was

made on the basis of evidence given by Governor Wood as supplemented by some CCTV footage viewed by DJ Wright. The Claimant asked me to take care in considering such evidence as the decision and reasoning of a judicial decision maker should stand or fall on the decision itself.

The Claimant had written a letter to a person outside prison and the Governor had asked to discuss the contents of the letter with the Claimant as the prison did not consider the content of the letter to be suitable to be sent. The Claimant was evidently very frustrated by the conversation. He left the Governor's office abruptly and then jumped over the balustrade but landed on netting strung between the floors of the prison. He picked up a wooden box and threw it at a window. He picked up a piece of wood from the debris of the box and threw it in the direction of the Governor as well as shouting offensive language. The Claimant accepted that wood was thrown in the direction of the governor but said that he did not mean to hit her. The wood missed the Governor because she ducked.

As a result, the Claimant attended the first adjudication hearing on 8 June 2020 at which the Governor decided to refer the matter to the police. The police decided to take no action. A different governor, who has been referred to as the second governor, on 10 June 2020 decided to refer four charges to an independent adjudicator giving the following reason: "due to the nature and the police returning the charge I will send to the independent adjudicator"

The charges consisted of four offences under the Prison Rules all arising in respect of the same incident and therefore referred together to an Independent Adjudicator: assault; criminal damage; using threatening, or insulting behaviour; endangering the health or personal safety of others. When the matter came before IA Day, question F of the proforma is ticked 'yes'. This question reads as follows: "Is the IA satisfied that the Governor gave proper consideration to whether the charge is so serious that added days should be awarded if the prisoner is guilty (i.e. the offence poses a very serious risk to order and control of the establishment, or the safety of those within it)?" Upon a final adjudication on 31st July 2020 by video link, the narrative record of the hearing records a submission by the claimant's solicitor of lack of jurisdiction due to a failure of the governor to address the issue whether the charge met the seriousness criteria.

Decision: It follows therefore that an assault on a member of staff would normally be referred to the police unless it were a case of little or no injury such as the present one. The fact that this assault was without injury but was nevertheless referred to the police tends to suggest that it was regarded as being at the higher end of assaults without injury. Also, Annex B suggests that adjudication is for less serious charges than those referred to the police. However, there is no suggestion that the threshold for referral to the police is the same as that for referral to an adjudicator. Mr Grandison submits that, by referring the matter to the police, it is implicit that the governor concluded that a maximum sentence of 42 additional days of additional possible imprisonment was an inadequate punishment. It does not seem to me that this necessarily follows because a referral to the police for assaults on staff is to be made, save for a few exceptional cases.

The reference by DJ Wright to the matter being "serious enough" may be capable of being interpreted as a reference to the 'nature' of the offence on which the second governor relied in making his referral to an adjudicator. But there is no suggestion by the Interested Party that all assaults on staff are without more to be referred to an adjudicator. Assaults are many and various as are the circumstances in which they occur. For example in this case, matters such as the conditions of detention applicable in this prison in June 2020 taking account of

Covid-19; the applicable visits regime in January 2020 and the nature of the Claimant's relationship with the addressee of the letter could potentially form part of the relevant circumstances. In conclusion, the reasons given by DJ Wright for considering the governor to have properly considered the threshold for referral fail to reveal any consideration of the 'so serious' threshold by the second governor. Accordingly, in my judgment, DJ Wright lacked the power to proceed with the adjudication and should have dismissed it.

I deal briefly with the irrationality challenge. This was on the basis that there was no information before the adjudicator to satisfy her that the second governor had given proper consideration to the threshold in Rule 53A. However, I must approach this on the basis that I am wrong on my first finding. On that hypothesis, the reasons given by the second governor would have been capable of satisfying DJ Wright that the Rule 53A task had been lawfully discharged. Accordingly, it seems to me that the rationality challenge has no independent force from the primary ground.

For the above reasons, I quash the adjudication decision and punishments dated 31 July 2020. The Claimant's Skeleton invited the Court not to remit the matter for a "re-trial" and, at the end of the oral hearing, Mr Grandison for the Interested Party agreed that, due to the effluxion of time, there was no prospect of this matter returning to the adjudicator. I therefore make no order in this regard.

£98m Wasted on Failed Upgrade of Offender Tagging System

Rajeev Syal, Guardian: Report says failings mean ministers still do not know if tagging criminals is helping to cut reoffending. A failed government plan to transform the system for electronically tagging offenders wasted £98m of taxpayers' money, Whitehall's spending watchdog has found. The National Audit Office (NAO) said attempts to upgrade HM Prison & Probation Service's (HMPPS) tagging system were abandoned in March after 11 years and a net spend of £153m. It says Capita, the outsourcing firm that was contracted to develop the new system, called Gemini, has contributed to severe delays and spiralling costs.

Dominic Raab, the justice secretary, announced a vast extension of the tagging system at the Conservative party conference, saying more than 25,000 criminals would be fitted with ankle tags as part of a £183m plan. Meg Hillier, the chair of the public accounts committee, said the HMPPS had once again allowed its ambition to outstrip its ability to deliver. "After years of poor performance, missed deadlines and almost £100m of taxpayer money down the pan, electronic tagging has failed to become the modern and effective service intended," she said. Despite repeated warnings by my committee on the importance of good data and evaluation, the debacle means that robust information is simply not available. The Ministry of Justice is marching ahead with more electronic tagging but is flying blind on whether it's actually effective." There were more than 15,000 tagged offenders last year, including people on bail, those who have received community orders, those on licence after their release from prison, and foreign national offenders. Tags can be used to monitor whether the wearer is at home during set periods, to track movements or to monitor alcohol concentrations in sweat. In 2011 the MoJ set out to overhaul the tagging system to make it more efficient, but the report says this has been "unsuccessful because HMPPS has failed to deliver a new case management system". It says: "HMPPS has had to rely on old and outdated technology and fundamental inefficiencies in tagging services remain unresolved. The current system requires staff to re-enter information manually, which is slower and more prone to error."

The Gemini case management system was "intended to improve data, streamline processes and save money", but a decision was taken in August 2021 to terminate the contract with

Capita. Without Gemini, information on journeys taken by offenders is limited, and "the poor quality data means that HMPPS still does not have evidence as to whether electronic monitoring is effective in reducing reoffending", the report says. According to the report, HMPPS and Capita "contributed to severe delays" for the transformation programme. "By the time the contract for Gemini was terminated, the programme was already 18 months late against its original, over-optimistic timetable." Plans for HMPPS and the Home Office to monitor foreign criminals using smartwatches that capture biometric data have been delayed because the operating system "did not meet government cybersecurity standards", the report says.

Statement on the Unjust and Racist Prosecution of 10 Boys in Manchester

We write in outrage at the unjust, racist and classist prosecution of 10 boys from our city found guilty by association for the crimes of conspiracy to commit murder and conspiracy to commit GBH. No one was killed in this case and, nearly forty days in court revealed, many of those prosecuted were never involved in or accused of direct involvement in any violence. Rather the prosecution deployed a racist 'gang' narrative drawing upon text messages, drill lyrics and videos to bind and implicate all ten in a criminal conspiracy. We recognise that the few who committed harm admitted this and accepted responsibility for hurting others. Others who committed no harm were implicated simply for sending text messages in grief following the death of a childhood friend. These boys needed support and care in dealing with their grief. All are now facing lengthy prison sentences, their lives and freedom – the years of their 20s and 30s – stripped from them. Their families and friends are facing the devastating loss of their kin and loved ones. We stand in solidarity with the 10 boys, their families, friends and loved ones and all those found guilty by association. We condemn the State's punitive response to the grief of our young people and the lack of societal care for those who needed support. The testimony given by these boys should educate us all in the interlocking structures of state violence responsible for the real conspiracy to strip young Black and working-class people of their freedom. Those structures can be tracked from draconian school exclusion policies and racist policing practices to the £2.5 million super court in which this, and many other 'gang' prosecutions, will be held. We thank Kids of Colour and their director Roxy, one of our steering group members, for supporting the boys and for telling us all about who they really are. We are grateful for your tireless reporting, keeping us all informed and challenging the racist 'gang' narrative painted by the prosecution and media. This is not the first and it will not be the last case of collective punishment. We stand with Kids of Colour and JENGbA in calling for the abolition of the Joint Enterprise doctrine and 'guilt by association' in all its forms and we back the call for the creation of healing-centered alternatives that create safety in our communities not punishment.

'Ulster Defence Regiment '(UDR) Declassified'

Tommy McKearney, The Pensive Quill: While it explores in detail the record of the Ulster Defence Regiment (UDR), this book is much more than an account of one of the most controversial units in the British army. Providing detailed evidence of grave misconduct by many members of the regiment over the decades of its existence, the reader is nevertheless left in little doubt that real responsibility for the 'UDR issue' lay with its master, the British government. Established in 1970 to replace the Ulster Special Constabulary (B-Specials) the regiment never achieved, nor was it ever likely to achieve, the level of cross community support promised at its formation by Westminster. Even the dimmest of British administrators had to be aware at the

time that a British army regiment containing a large number of former B-Specials was unlikely to be attractive to the nationalist community. The fact that all seven of the original battalions were commanded by former B-Special county commandants was more than enough to dissuade any republican and all but the most foolhardy nationalist from enlisting.

Building a cross community force was never a priority for the British government. From the outset it viewed the conflict in Northern Ireland, not as a democratic/civil rights issue but rather in a colonial context and treated it as such. Moreover, London was unwilling to alienate the unionist population and risk UDI at a time when the Cold War was still a reality. As a consequence, Britain adhered in practice to a pro-Unionist position in order to safeguard its immediate strategic needs.

Soon after the regular British Army was assigned to the Six-Counties, armed resistance to Orange violence and by extension the Orange state had become organised and evident. This in turn led the British Army to adopt procedures and thinking that it had acquired and practised during decades of retreat from empire. Central to this strategy was the recruitment and deployment of a locally based militia, in this case the UDR. The policy had both a political and military logic that cared little for local cultural sensitivities. On one hand it helped assuage Unionist fears of betrayal by Westminster and thus maintain the geopolitical status quo. At the same time it provided the regular army with access to local knowledge and manpower. However expedient this policy was from the British state's point of view, it had a decisive and detrimental impact that is felt to the present day. At a stroke, Britain had armed one section of a divided society and authorised it to police the other. A fundamental defect exacerbated by the mid-1970s policy of Ulsterisation. That factor alone would have been enough to condemn the concept as fatally flawed. The problem didn't end there though. The ease with which loyalist paramilitaries were able to join, access military training and intelligence while siphoning off weapons and ammunition was a well known and disturbing fact. That serving members of the regiment had actively taken part in sectarian murders and colluded in others was and is a matter of record and therefore a major cause of alienation.

To their shame, this situation was well known to the British government and its military advisors. To support his work, Micheál Smith has carried out extensive research in the UK's National Archives uncovering files from 10 Downing Street, the MoD and the NIO. Among the multitude of documents researched by the author, one will serve to illustrate this point. Entitled 'Subversion in the UDR' this unpublished report was compiled in 1973 by military intelligence personnel for the Joint Intelligence Committee which reports directly to the Prime Minister.

Among many startling findings in the document is one that states: It seems likely that a significant proportion (perhaps 5% - in some areas as high as 15%) of UDR soldiers will also be members of the UDA, Vanguard service Corps, Orange volunteers or UVF. Notwithstanding this devastating critique, the British government continued to deploy the UDR for a further two decades. This, in spite of the fact that its reputation had scarcely improved. Two decades after the 'Subversion in the UDR' report, Metropolitan Police Commissioner John Stevens found reason to order, in October 1989, the arrest of 28 full-time or part-time members of the regiment suspected of involvement with loyalist death squads.

Some readers of this excellent book will undoubtedly view it purely as an indictment of the UDR and its members. Doing so would be a mistake since it overlooks the fact that many thousands served in the firm belief they were upholding the law and defending their communities. It would also ignore the grief and loss suffered by so many members in the course of this service. What Micheál Smith clearly illustrates in his book, though, is the cynicism of the British state. Arming one section of the Northern Irish community to police the other, no matter the circumstance, was always guaranteed to cause alienation. To compound the error by tolerating an ambivalent relationship with loyalist paramilitaries was inexcusable. Worst of all may turn out to be the callous exploitation by the British state of the UDR itself, as London sought to control its final retreat from empire. In summary, UDR Declassified makes an invaluable contribution towards a deeper understanding of our troubled history and thus deserves the widest circulation.

Barrister Suspended From Practice for Non-Disclosure (Should he Have Been Jaied)

Sam Tobin, Law Gazette: Aleading criminal silk whose 'lamentable' failure to disclose key evidence led to a conviction for perverting the course of justice being overturned has been suspended for a year. Timothy Raggatt QC 'decided together with others in the prosecution team and/or advised the Crown Prosecution Service not to disclose' the existence of surveillance material which undermined a key prosecution witness, the Bar Tribunals & Adjudication Service (BTAS) found. The barrister, formerly head of chambers at 4 King's Bench Walk, was leading prosecution counsel in the trial of five men for the murder of 24-year-old Clinton Bailey in Coventry in 2005. The five were found guilty and jailed for a total of 146 years while a sixth man, Conrad Jones, was later convicted for allegedly threatening key witness Maria Vervoort. Jones was said to have threatened Vervoort near Nottingham station in June 2006, shortly before the murder trial began, and was jailed in 2007 for 12 years.

However, his conviction was overturned in 2014 after surveillance material showing that Jones was in Coventry around the time Vervoort said he threatened her in Nottingham, undermined Vervoort's credibility. Raggatt had been aware of the material in late 2006. The Court of Appeal said there had been 'a lamentable failure of the prosecutor's obligations' to disclose the surveillance material. Jones was reportedly paid more than £100,000 by the CPS to settle a civil claim over his imprisonment while two of the men jailed for Bailey's murder had their convictions quashed by the Court of Appeal in 2016. The disciplinary findings against Raggatt are unrelated to the two men's cases. A BSB spokesperson said: 'This case serves as a reminder to all practitioners about the need to meet their duties relating to disclosure. In the circumstances of this case, the tribunal found that Mr Raggatt's conduct had been prejudicial to the interests of justice and had failed to assist the court.'

Raggatt, called to the bar in 1972, has this week been suspended for 12 months and ordered to pay the Bar Standards Board's costs in the sum of £18,600. He 'knew, or ought to have known, that the prosecution had in its possession such material which supported [Jones'] alibi evidence and which undermined the evidence of one of its leading prosecution witnesses', BTAS found. 'It was this failure that meant the conviction was unsafe and overturned on appeal.' The tribunal found that Raggatt had 'engaged in conduct prejudicial to the interests of justice and had failed to assist the court in the administration of justice.'

Ministers' Attacks on Judges Threaten UK Democracy

Boris Johnson's government has come under fire for its repeated and unwarranted attacks on judges, which could be undermining judicial independence and threatening UK democracy. A cross-party group of MPs accuses ministers of acting in a "constitutionally unhelpful and inappropriate" manner, which may have "created the impression that the Supreme Court has been influenced by ministerial pressure". These damning conclusions were reached following a three-month inquiry by the All-Party Parliamentary Group on Democracy