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Guilty by Association Jailing of 10 Black Youth Raise Concerns!

Lucy Powell: Manchester MP is to raise concerns with the justice secretary over the conviction of ten young black men who were jailed after taking part in a group chat discussing revenge for their friend's murder. She said it was just the latest example of black youths in her constituency being unfairly drawn into a "gang" narrative because of the music they listen to and who they know. She compared the case with another violent crime in Greater Manchester, which took place in the most affluent suburb and involved a wealthy white teenager who stabbed his friend to death. 10 men aged 18 to 21 from Moston in north Manchester were jailed on Friday for between eight and 21 years for conspiracy to commit grievous bodily harm (GBH) or murder.

In 2019 Joshua Molnar was cleared of the murder and manslaughter of 17-year-old Yousef Makki in Hale Barns, Trafford, after a jury accepted that he knifed him in the heart in self-defence. Powell contrasted Molnar's case with a trial in which 10 men aged 18 to 21 from Moston in north Manchester were jailed on Friday for between eight and 21 years for conspiracy to commit grievous bodily harm (GBH) or murder. A jury found they had plotted to avenge the murder of their friend Alexander John Soyoye, who was stabbed to death on 5 November 2020 in a street fight involving some of the defendants. Supporters say these men were found "guilty by association", some after taking part in a Telegram group chat one day shortly after Soyoye was murdered, weeks before any violence was carried out by some of the other defendants. Those four 19-year-olds – Ademola Adedeji, Raymond Savi, Omolade Okoya and Azim Okunola – had no weapons, committed no violence and did not go on any "scoping missions" to seriously harm those responsible for Soyoye's death. But they took part in the group chat with boys who did, and were jailed for eight years for conspiracy to cause grievous bodily harm.

Powell said she was writing to the justice secretary, Dominic Raab, to raise concerns about the latest case, as well as to Andy Burnham, who as mayor of Greater Manchester is also the region's police and crime commissioner. Powell contrasted their convictions with the Makki case, "where two boys were at the scene when Makki was killed. They had very expensive barristers and a different demographic profile and went to private school, and the main offender [Molnar] was white and it was portrayed as a tragic accident. They were 'just playing' at being part of a gang. Now that may have been the case, but why can it not also be the case for young black men from north Manchester?" Defence barristers in the Moston case complained that their clients were unfairly labelled as "gangsters" because they had watched drill music videos on their phones. Molnar, during his trial, filmed himself in the court building making stabbing motions to the soundtrack of a drill track with the lyric "two flicks with my hand, let's see who bleeds".

The Crown Prosecution Service is reviewing the legal guidance for prosecutors on the way drill music is used in trials, amid concerns it can unfairly prejudice some cases. Its definition of drill is "a type of hip-hop often featuring lyrics referring to drug dealing and street crime" but which can include "lyrics linked to gang violence and threats to kill, which, if relevant to a case, may form part of the evidence". Some of those imprisoned were aspiring drill rappers from a loose music collective known as M40 or simply 40, named after their postcode in Moston. Others had watched videos of M40 and other drill acts. Aitch, a white rapper from Moston who has had two UK chart top 10 hits, sometimes associates himself with the M40 name, the jury heard.

Sentencing the 10 men at Preston crown court, the judge Mr Justice Goose ruled that M40 was also a criminal gang, of which the 10 defendants were either a "member or affiliate". The jury was played several M40 music videos featuring some of the defendants. One, No Hook, has had more than 180,000 views. It begins with a drone shot looking down on an Asda in Moston and shows large numbers of black youths with their faces covered, rapping and posturing outside a takeaway. The two main rappers in the video are Soyoye and Harry Oni, who was sentenced to 21 years for conspiracy to murder.

Other defendants had simply watched drill videos. Okoya had 3,019 videos on his phone, among them three M40 videos, including No Hook, watched once. His barrister, Adam Kane QC, sought to argue this did not mean he was a violent person. "Those of a certain age will recognise what I mean when I observe that Eric Clapton didn't really shoot the sheriff, any more than he shot the deputy," said Kane. Watching [drill videos], or listening to [drill], doesn't mean you intend to emulate the things spoken of in real life, any more than watching Scarface or Goodfellas or Casino or the Godfather parts 1, 2 or 3 makes you a mafioso."

In 2017, 11 teenagers were jailed in connection with the murder of one youth in Moss Side in Powell's constituency. A key piece of evidence presented by the prosecution to suggest the men were in a gang was a drill video of a track called AO (Active Only). Three defendants had been in the AO video, in non-rapping, peripheral appearances. The jury was not told that the video had been organised by a youth worker and part-funded by Greater Manchester police. Powell wrote a letter on behalf of her constituents that was given to the judge before Friday's sentencing, in which she said: "The frequent use of gang narratives in [these] prosecutions relies heavily on racialised assumptions, loose associations and outdated or inaccurate stereotypes of inner-city neighbourhoods like Moston and Moss Side.

"Regina Respondent- and - BWM - Conviction Quashed

On 23rd July 2018 in the Crown Court at Bradford before His Honour Judge Burn the applicant, a Vietnamese national then aged 24, pleaded guilty to being concerned in the production of cannabis. On the same day he was sentenced to 13 months' imprisonment. His application for an extension of time (1,217 days) in which to seek leave to appeal against conviction and leave to call fresh evidence has been referred to the full court by the single judge.

There was initially a single ground of appeal, namely that the applicant's conviction on his own plea is unsafe because he was not advised (or not properly advised) of the defence available to him under section 45 of the Modern Slavery Act 2015, when that defence would probably have succeeded. Following the decision of this court in R v AAD [2022] EWCA Crim 106, the applicant seeks to add a further ground of appeal, that the conviction is unsafe because the prosecution was an abuse of process in that, had the prosecution known at the time what is now known about the applicant's status as a victim of trafficking, it would or might well not have prosecuted him.

There is now a conclusive grounds decision dated 28th June 2021, in which the Home Office, as the competent authority under the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, determined that the applicant is a victim of modern slavery. Previously, and in particular at the date of the applicant's plea of guilty, there was a conclusive grounds decision that the applicant was not a victim of trafficking. In the light of the more recent decision it is appropriate (applying the principles summarised in R v L; R v N [2017] EWCA Crim 2129 at [7] to [13]) to grant the applicant anonymity, as ordered provisionally by the single judge. Accordingly we direct that he should be referred to as "BWM". It is

people in decision making is also essential for the full realisation of their rights. The Commissioner was concerned about the impact of an 'increasingly hostile public discourse' supported by some politicians and by certain parts of the press. 'Contrary to what some are trying to suggest, protecting women's rights and the rights of trans people is not a zero-sum game,' the Commissioner said. The Commissioner's report on her UK is forthcoming.

Parole Changes Keep Coming

Prison Reform Trust: More changes to the parole system are due to come into force from 21 July. In yet another press release, ministers announced on 30 June that Parole Board rules have been changed to allow for some hearings to be held in public. This change at least was expected. It was one of the few aspects of the "root and branch" review of parole on which the government bothered to carry out any consultation. Many concerns were raised, and these are reflected in complex rules which give panel chairs some very difficult judgements to make. But no detailed guidance has been published alongside these rules, and no information for prisoners or their families, who will understandably be concerned about the possible impacts on them if there is a request for a public hearing.

Ministers also announced another change which has not been the subject of consultation and which has created still more confusion. For some cases, it is now intended that there will be a "single view" from the Secretary of State about whether someone should go to open conditions or be released. At present, a variety of people employed by the Ministry of Justice can advise the Parole Board panel based on their professional expertise and knowledge of the person applying for parole. They may have different opinions, but they can all tell the panel what they think. Under the new rules, those professionals will not be allowed to express a view on what decision they think panel should take. Yet again, changes have been made which affect the lives of people who have been working for decades to make progress. They've been issued on the basis of no consultation, no parliamentary debate and with nothing to explain what they actually mean in practice. So Peter Dawson has written again to the Minister to try to get answers to the questions which people in prison — both prisoners and staff — will be asking.

Letter to Victoria Atkins Minister of State for Prisons and Probation

Dear Minister, Further parole changes made on 30 June I wrote to you on 16 June about major changes to the parole system announced by press release on 5 June. I explained that those changes came into effect with no accompanying information for either staff or prisoners. We are already hearing accounts from prisoners serving very long sentences who have been informed of those changes by means of a note pushed under the cell door. But to be fair to prison staff, there is still nothing that they can draw on to explain the practical implications, or what prisoners can do to meet the new tests you have set out. Your failure to prepare for such a significant change has created a risk to the safety of the people most affected by it, and distress for the families on whom they depend for support both now and in the future.

So it is deeply concerning that you should now have repeated this inadequate process in the publication on 30 June of new Parole Board rules. The majority of those new rules implement a policy on public hearings on which you consulted widely and published a detailed reasoned response to consultation. While we disagreed with the policy you chose to pursue, the process of arriving at it was transparent and resulted in detailed provision designed to meet the many concerns which respondents raised. As a result, it should at least be possible to explain to prisoners and their families what those various safeguards are, and it is disappointing that you have chosen not to do so at the moment the policy is implemented.

For the remainder of the new rules, so far as we are aware there has been no process of consultation or consideration outside the department of their practical implications. In particular, provision is made for a "single view" from the Secretary of State to inform Parole Board panels considering both release and transfer to open conditions. The only explanatory text accompanying the statutory instrument appears to be contained in the accompanying press release, which says: Recommendations for release or moves to open prison for the most serious offenders – including murderers, rapists, terrorists and those who have caused or allowed the death of a child – will also now be made by the Deputy Prime Minister before going to the Parole Board for its final decision.

Although the general public is unlikely to realise this, we assume that what it means in practice is that those recommendations will be made in the overwhelming majority of cases by officials acting with delegated authority. So, similar questions arise as in my previous (so far unanswered) letter: • To which cases will this process apply? The press release appears to imply that it will be a "top tier" of 700 or so cases annually, but of course the Parole Board rules apply to all cases considered by the board. • Who will those officials be? • How will they be trained and what will be the basis of their expertise? • What access will prisoners have to them? • What access will parole board panels have to them? • To what criteria and guidance will they work in forming a single view on the Secretary of State's behalf? The statutory instrument raises at least two other questions on which the accompanying press release is wholly silent.

First, it forbids report writers (and, on the face of it all report writers whether or not employed by the Secretary of State) to provide a view on the prisoner's suitability for either release or transfer to open conditions. Given that the reports in question are gathered explicitly to inform those decisions, it seems extraordinary that the Parole Board should be denied the professional, expert opinion of the people compiling them. So far as we are aware, there has been no explanation given for this unusual prohibition. So it would be helpful for prisoners and their families to be told: • The reason for this prohibition on the expression of a professional opinion. • To which cases it applies (all, or the "top tier", or some other yet to be defined cohort) • To which report writers it applies, and how such a prohibition will be enforced if it applies to report writers not directly employed by the Secretary of State • Whether the prohibition is compatible with the professional ethics of the report writers concerned. For example, can a report writer decline to express an opinion in a case where they believe a person's safety would be put at risk by not doing so? • Whether it will apply retrospectively, with opinions from previous dossiers excluded, or censored from dossiers currently under preparation or disclosed • Whether officials acting under the Secretary of State's delegated authority who will have the freedom to express an opinion will also be involved in explaining toprisoners in the years leading up to parole what they must do to satisfy them that either a move to open conditions or release may be recommended.

Secondly, in obvious contradiction to the statement in the accompanying press release, the new rules suggest that the Secretary of State will form a "single view" on a prisoner's suitability for release only "where considered appropriate". So it would be helpful to know: • What the test of "appropriateness" will be for the expression of a view on release by the Secretary of State prior to a parole hearing • In how many cases the Secretary of State anticipates that test of appropriateness will be met • Why, in the remaining cases, the Secretary of State would choose to reserve their view until after the Parole Board has reached a conclusion, and what the implications of that delay might be for the prisoner's ability to present their case in full knowledge of the Secretary of State's concerns • Whether the expression of a single view on suitability for open conditions will also be subject to a similar test or will, as the absence of

tion met many dedicated health professionals working hard to care for their patients. Further, it found that the material conditions in the establishments visited ranged from good to excellent and that the treatment offered to patients included comprehensive individual care and treatment plans, developed by a multi-disciplinary team with the involvement of the patients themselves.

However, the CPT considers that there are a few areas which require serious reflection and change; notably, it considers that an immediate external psychiatric opinion should be sought in any case where a patient objects to the treatment proposed by the establishment's doctors. In addition, patients should be able to appeal to an independent authority against compulsory treatment decisions. Consent to treatment safeguards also need to be reinforced. The report also addresses the high levels of use of restrictive practices, including restraining patients in the prone position and instances of long-term seclusion. In their response, the United Kingdom authorities provide information on the measures taken to implement the CPT´s recommendations. The CPT report and the response of the authorities have been made public at the request of the United Kingdom Government.

Death of Jermaine Baker - Most Damning Failures by the Metropolitan Police Service

Lucy Mckay, Inquest:The Report of the Jermaine Baker Public Inquiry has identified a catalogue of the most damning failures by the Metropolitan Police Service from the moment the operation was conceived, throughout its planning and right through to its implementation on the morning of 11 December 2015 when Jermaine was fatally shot. However, it has fallen short of expectations by concluding that Jermaine was lawfully killed and finding the failures identified did not contribute to his death. Key issues identified include the following:

Jermaine and associates had plans to intercept the transport of a prisoner, Izzet Eren. The overarching criticism is that those in command decided at the outset to allow the prison van to take Izzet Eren to Wood Green Crown Court to be sentenced in order that the police could intercept those who would be present to assist his escape. This was based on a 'delusional' idea that the operation could rid the streets of North London of firearms; The judge concluded that '…whatever lip service may have been paid to considering other options, there was never in reality more than one.'

Having made that decision the officers failed to inform agencies that were directly affected by the plan to let the escape run, namely the prison holding Izzet Eren, Wood Green Crown Court and Serco which would be involved in transporting him. The judge found that these failures involved directly misleading the Court and the prison and occurred because the senior officers did not want those agencies to thwart the plan. Unsurprsingly the judge found that the conduct of the officers "was indicative of an arrogant, dismissive attitude towards formality and a failure to appreciate the importance of accountability". This also revealed itself in his finding that the only steps taken by DCI Williams to minimise the risks to all persons potentially affected by the operation was to establish a geographical tipping point that meant that the Audi would never come into contact with the Serco van.

Equally unsurprisingly therefore he concluded that 'powers and policies and European Convention on Human Rights principles were given, at best, scant regard; "'DCI Williams had, as TFC [Tactical Firearms Commander], an agenda without sufficient consideration for Article 2 [Convention] principles; 'The planning of operation Ankaa fell short of that which would have been reasonable, in particular having regard to the need to minimise to the greatest possible extent the risk to life'.

The judge also found 'There were several instances where efforts were made – which could only be described as examples of institutional defensiveness – to justify what others might see as a blurring of roles or an extensive level of incompetence.' The judge concluded that the Control room set

up to manage the operation on the morning of 11 December was incompetently established and run and 'not fit for purpose'. The most damming finding is that the audio equipment which enabled officers to listen to what was being said in the Audi was not properly installed. Had it been it would have been known that the occupants of the vehicle were only in possession of an imitation firearm. Instead, and again through failings on the part of DC Williams and others, the message relayed to the officers left them believing that the occupants were definitely armed with a real firearm. Because the senior officers were intent on letting the operation run as long as possible they failed to recognise that they had enough evidence to make arrests an hour before the firearms officers intervened, failed during that hour to gather any evidence that would have assisted the firearms officers in understanding the environment in which the vehicle was parked and where the arrests would be made. The chair also expressed serious concern that police officers have been able to avoid disciplinary proceedings.

Ms Margaret Smith, Jermaine's mother, said: "Jermaine was dead before he got in that car. His life was taken for no good reason – as I have always said he should have gone to prison like the rest of the men in the car. I therefore cannot agree with the judge's conclusions that Jermaine did not die as a result of these failures. That is a conclusion that I can not understand and the judge has not explained why he has drawn that conclusion. After seven years of waiting and two months of evidence we deserved more."

Michael Oswald, solicitor for the family, said: "Given the extent of these failings and the obvious role they must have played in Jermaine's death, the family is at a total loss to understand how the judge can have come to the conclusion that Jermaine did not die as a result of those failures. The judge's findings in relation to W80 are ones which cause the family acute concern. They cannot comprehend how in the face of the expert evidence and common sense the judge can have found that Jermaine was moving his hands towards his man bag when W80 shot him. In light of this extraordinary finding the family can only conclude that the judge wanted to do all he could to exonerate W80."

Anita Sharma, Head of Casework at INQUEST, said: "It's difficult to comprehend how such catastrophic failings were not assessed by the judge to have contributed to Jermaine's death. As the Metropolitan Police is subject to special measures, this report is yet more evidence of the systemic failures of this force, and harmful policing practices nationally. We must see accountability for those involved in Jermaine's death, to send a message to police leadership and officers that they are not above the law. The failure to hold police to account breeds impunity which ultimately allows deaths and harms to continue. Scrutiny of previous fatal police shootings has revealed serious failings in firearms operational planning, intelligence, and communication. There has been an institutional failure to enact change, which cannot continue."

AG Accused of 'General Attack' on Juries in Colston Four Case

The attorney general has been accused of mounting 'a general attack upon the use of juries' as she asked the Court of Appeal to give guidance following the acquittal of the so-called Colston Four. Four people were charged with criminal damage after the statue of slave trader Edward Colston in Bristol was pulled down in 2020. They were all found not guilty by a jury in January, after which Suella Braverman referred the case to the Court of Appeal.

The verdicts cannot be reversed, but the attorney general has asked the court to rule that the question of whether convicting a defendant of criminal damage is a disproportionate interference with their human rights should not be left to a jury. 'No balancing exercise is appropriate,' Tom Little QC told the court today. 'Damage to property is – like violence to the person – a simply unacceptable way to engage in political debate.' He said that 'the protection of property rights … is in the pursuit

appropriate also to grant the extension of time as the application for leave to appeal was made promptly once the positive conclusive grounds decision was issued.

It seems clear that the decisive factor in the applicant's decision to plead guilty was the fact, confirmed by the judge's unsolicited indication, that the applicant had already served all or almost all of the sentence which he would receive if he pleaded. This court has made clear that such indications should not be given. They risk creating inappropriate pressure on a defendant and narrow the proper ambit of his freedom of choice, as explained in R v Nightingale [2013] EWCA Crim 405 and reiterated in T and AAD. Such indications are, moreover, unnecessary as the existence of sentencing guidelines, including as to the credit to be given for a guilty plea, makes it relatively straightforward for a defendant's lawyers (at any rate in a case such as this) to advise about the likely sentence.

Moreover, the judge's indication was particularly ill-advised as it must have conveyed the impression that, if the applicant pleaded guilty, he would shortly be released. In view of the applicant's status as an illegal immigrant, that was a matter over which the judge had no control and of which in all probability he had no knowledge. It appears that the applicant was advised, in the light of the judge's comments, that his sentence had effectively been served, but there is no indication that he was advised about what would happen to him next. This was in fact that he was likely to be held in immigration detention until he was deported.

Accordingly the real choice which the applicant faced was between pleading guilty, in which case he would be held in immigration detention and then deported, or pleading not guilty and applying for an adjournment, in which case he would be likely to be held in custody until his trial could take place, but with the prospect of improving his immigration position in the event of an acquittal. None of this, it seems, was explained to him. In these circumstances it seems to us that the applicant's guilty plea can properly be regarded as vitiated by a combination of the pressure placed upon him by the judge's comments and a lack of understanding of the consequences of the decision which he was being asked to make. This is a case where the Court of Appeal should intervene on the basis that the applicant's conviction is unsafe. It has now become clear that the applicant had a good defence under section 45 which would quite probably have succeeded if the evidence which is now available had been available at the time. His public admission of guilt was based on a false understanding of his true position.

Abuse of process: It is therefore unnecessary to say anything about the proposed further ground of appeal to the effect that the prosecution of the applicant was an abuse of process.

Conclusion: We grant leave to appeal & allow the appeal. Conviction is quashed.

Prison Ombudsman Launches Investigation After Woman Dies at HMP Styal

Holly Bird, Justice Gap: An investigation has been launched into the death of an inmate in an all-women's prison and young offender institution in Wilmslow, Cheshire. Eileen McDonagh was a resident at Her Majesty's Prison Styal and died in custody on July 2nd. The Prison Service confirmed that the death had been referred to the Prisons and Probation Ombudsman (PPO), an independent body that investigates deaths in custody.

At the time of the last inspection in autumn 2021, the Category C prison held 362 women, and was found to be facing serious challenges as a result of staff shortages – with almost a third of basic grade prison officer posts unfilled. The Prison Inspectorate found that levels of violence had risen, and that much of the accommodation was found to be 'substandard'. Inspectors also found that women with acute mental health issues often ended up in 'completely unsuitable conditions' in the 'bleak' segregation unit. Since 2001, at least twelve women have died at the prison. Six of the deaths self-inflicted.

Since 2001, at least twelve women have died at the prison, which was originally built as an orphanage in the late 1800s. Six self-inflicted deaths in the space of a year prompted the government to commission the landmark Corston Report in 2006 (available to view here). Published in 2007, the Corston Report called for radical change in the treatment of women in the criminal justice system. In response to the findings of the repor, the Ministry of Justice launched its 'Female Offender Strategy' in 2018. However, four years later, the National Audit Office found the strategy to be underfunded, with only 'limited progress' made.

The prison was also condemned by the PPO and numerous campaign groups in 2020 when prisoner Louise Powell gave birth to a baby in her cell, after staff ignored her complaints of severe pain and did not call an ambulance when asked. As previously reported by The Justice Gap, the investigation into the incident found that the birth might have taken place in hospital with proper clinical care and medication 'instead of in a prison toilet with untrained staff' had there been a proper support been provided.

European Human Rights Watchdog Warns UK of 'Backsliding On Human Rights'

Jon Robins, Justice Gap: A European human rights watchdog has warned the UK of 'backsliding on human rights' and called the high number of children living in poverty 'a serious human rights problem'. 'Legal reforms should not weaken human rights protections in the UK,' said the Council of Europe's commissioner for human rights, Dunja Mijatović, in the wake of a five-day visit to the country earlier this month.

According to the CoE, the proposed replacement of the Human Rights Act with a Bill of Rights would 'affect the human rights of everyone in the UK'. and make 'significant changes' to the way in which people can bring cases to UK courts and have their human rights enforced 'widening the gap between the protection of those rights by the UK courts and the case law of the European Court of Human Rights'. 'It is worrying that the proposed legal reforms might weaken human rights protections at this pivotal moment for the UK, and it sends the wrong signal beyond the country's borders at a time when human rights are under pressure throughout Europe,' said Mijatović. She placed the reforms in the context of other proposals 'such as the right to freedom of peaceful assembly or concerns about the rights of specific groups such as refugees, asylum seekers and Gypsy, Roma and Traveller communities. The CoE also flagged concerns over Northern Ireland and the Good Friday Agreement. 'It is crucial that this foundation is not undermined as a result of the proposed human rights reforms,' she added.

The report focuses on children's rights especially in the context of the pandemic and the rising cost of living crisis on them. 'The high number of children living in, or at risk of, poverty is a serious human rights problem affecting every other aspect of their safety and well-being,' said the commissioner. The CoE flagged the impact of the 'no recourse to public funds' policy on the rights of children from migrant families which it said 'must be addressed urgently'. Further support to mental health services is essential to protect the rights of children to the highest attainable standard of mental health. More action is also needed to tackle air pollution, and especially its impact on children in the most deprived communities, to secure their right to a healthy environment.

Other children's rights issues requiring attention are children's interactions with the police and the justice system, the protection of children from violence, and the need expressed by children and young people for better human rights education and Relationships and Sexuality Education (RSE). Strengthening the involvement and meaningful participation of children and young

a reference to it in the amendment rules implies, be supplied in all cases.

These are all wholly predictable questions and the people who are currently struggling to understand the practical implications of this chaotic series of announcements will no doubt have many more. I cannot over-emphasise the urgency of answering them, including the questions in my previous letter of 16 June. Creating this confusion for prisoners and families is both unfair and dangerous. Moreover, it puts the people whose job it is to motivate prisoners to progress in an impossible position, undermining the relationships of trust and confidence on which the system depends. Please give these matters the urgent and detailed attention they deserve. *Yours sincerely, Peter Dawson Director Prison Reform Trust*

MPs Call For Review Into Policing of Black Children

Nandini Archer, Open Democracy: MPs heard shocking testimony about the treatment of Black children in police custody today as the Met was placed in special measures following a string of scandals. "A child aged between 10 and 17 years old, left alone in a police cell for extended periods of time. One can only imagine what they're thinking and how they're feeling," said Janet Daby, MP for Lewisham East, who brought the debate to Westminster Hall. Children are detained in police cells in police stations that have primarily been built for adults. The government should be deeply concerned about all children across our nation." MPs called for a review into the policing of Black children in particular, along with better data collection about children who are strip-searched and a reduction in the time minors are kept in detention.

Safeguarding minister Rachel Maclean said in response that the government was addressing crime and working with the police – but did not directly address calls for a review into the policing of young Black people. The debate came in the wake of the horrifying case of Child Q, a schoolgirl in Hackney who was strip-searched while on her period, after a teacher wrongly suspected she was carrying drugs. Similar cases of the police strip-searching children have since been reported. The Child Q scandal is just one of a string to hit the UK's largest police force in recent years, following the violent police crackdown of mourners at Sarah Everard's vigil – who had died at the hands of a serving officer. Scotland Yard was put on notice by Her Majesty's Inspectorate of Constabulary on Tuesday evening. It must now regularly report to inspectors on specific targets.

Addressing the case of Child Q, Maclean told the Commons: "The Met Police have put a robust plan in place in light of these incidents including training on 'adultification' for all officers in the central east command unit which covers Hackney and Tower Hamlets." Adultification refers to a form of racial prejudice where Black children in particular are treated as more mature than they actually are. Maclean said the government was spending "hundreds of millions of pounds" trying to stop young people "being drawn into knife crime, gang culture and a life of crime".

But Claudia Webbe, MP for Leicester East, pointed out wider problems with the police, citing the treatment of protesters at the Sarah Everard vigil and the pair of Met Police constables who took photos of murdered sisters Nicole Smallman and Bibaa Henry in a north-west London park. She also highlighted "a police culture that no adult, let alone a child, should be faced with". "We simply cannot be prepared to expose a child to this type of policing culture," said Webbe. We're talking about police services that have already been deemed to use sexist, derogatory language when it comes to dealing with people in their custody. We know of adults being strip-searched and it being wrongly applied."

Meanwhile, Marsha de Cordova, the MP for Battersea and former shadow equalities minister, reported that a constituent of hers was kept in police custody in their school uniform for 23 hours. "Worse still, they were not charged for anything," she said, "so that child has gone through

that horrific experience and there was no charge." De Cordova said that it was "deeply worrying" to read the report from children's rights charity Just for Kids Law, which, via a Freedom of Information request, found that 21,369 children were held in police custody in 2019. She said the response only included information from 34 police forces across the country, so the number could be significantly higher. Of those who were held in custody, 44% were Black children. She said this "huge racial disparity" revealed "institutional and structural racism. The government can no longer dismiss it." De Cordova called for mandatory monitoring of strip-searched children, including those who have not been arrested. She said an "urgent root and branch review" of the policing of Black children was necessary, which should include clear recommendations on how the police can restore trust. "I hope in the minister's response she will agree with me that we do need a review, and if not, I'd like to understand, why not," she emphasised.

ECtHR - Ban on Porn in Prison Cell - Violation of Article 8

Roman Chocholáč, is a Slovak national who was born in 1989. He is serving a life sentence in Leopoldov Prison (Slovakia) for murder. The case concerns the ban on prison inmates' possessing pornographic material. In 2013 some pornographic images were seized from Mr Chocholáč. He was found guilty of a disciplinary offence. In the final domestic judgment in the case, the Constitutional Court held, among other things, that the relevant law was absolute on the matter, that prison involved isolation from the opposite sex, and that pornography could prompt sexual and violent offences. The law left no room for balancing the ban on such material against the individual's right to receive information. Chocholáč, complained to the European Court of Human Rights, he relied on Article 8 (right to respect for private life) and Article 10 (freedom of expression). The Court found in his favour that there had been a Violation of Article 8 Just satisfaction: non-pecuniary damage: EUR 2,600

Committee for the Prevention of Torture - Condem's UK Prison Regime

Persistent overcrowding/violence/insufficient legal safeguards for psychiatric patients: In a new report on the United Kingdom the Council of Europe's Committee for the Prevention of Torture (CPT) again raises concerns over the numerous cases of serious inter-prisoner violence and violence by prisoners on staff and the lack of a coherent strategy to tackle chronic overcrowding. It also underlines the need to strengthen patients' legal safeguards concerning involuntary treatment and consent to treatment.

The report contains the CPT's findings of its periodic visit to the United Kingdom from 8 to 21 June 2021, focusing on the treatment of persons held in prisons and psychiatric clinics as well as by the police in England. The CPT again highlights the cumulative deleterious effects on the lives of prisoners of chronic overcrowding, poor living conditions and the lack of purposeful regimes. Since 2016, these long-standing problems have been exacerbated by a significant escalation in levels of violence. The Covid-19 pandemic may have resulted in a temporary reduction in overcrowding and lower violence levels but the report notes that the underlying structural causes of overcrowding and violence in prison have not been addressed.

As regards violence, the report notes that it remains prevalent in all the male adult prisons visited and would no doubt be a lot higher were prisoners not confined to their cells for most of the day. The CPT delegation found that the vast majority of prisoners continued to be locked up in their cells for 22 to 23 hours a day, with far too little to do since March 2020.

In the psychiatric establishments visited, the reports notes positively that the CPT delega-

of a legitimate aim' in relation to Articles 9, 10 and 11 of the European Convention on Human Rights. 'Acts of criminal damage, whether it be that statue, whether it be other statues in many other towns or cities around the country, [they] cannot be pulled down and damaged in the way that this was in pursuit of or pursuant to the rights under Articles 9, 10 and 11,' Little added. He also said in written submissions: 'Criminal damage is within the category of offences where any proportionality balance which may arise is struck by the terms of the offence-creating provision, without more ado.'

But lawyers for one of the Colston Four said the attorney general's argument 'extinguishes the role of the courts to review the convention compatibility of a criminal conviction that restricts expression in individual cases once the offence has been deemed to be intrinsically proportionate'. Clare Montgomery QC argued in written submissions: 'This is, at its core, fundamentally at odds with the constitutional shift brought about by the [Human Rights Act 1998] in the protection of rights of expression and assembly.' She also said that juries – 'by far the most reliable arbiter of society's views on fairness and balance' – are capable of making value judgments, giving the example of where they must decide whether a defendant has used reasonable force. 'The fact that the jury may have to weigh competing values does not present particular difficulty,' Montgomery said. 'Juries are often asked to make judgments about balance in relation to moral as well as legal issues. Decisions about dishonesty, abuse of position, indecency, as well as reasonable excuse often involve difficult questions of judgment.' She added: 'The suggested difficulty of inconsistent or unreasoned decision making is no more than a general attack upon the use of juries rather than a reasoned basis for denying a jury trial to direct action protesters.'

Human rights group Liberty, which has intervened in the case, said that 'it is incumbent on the court, as a public authority, to justify an interference with the right to protest'. Jude Bunting QC argued: 'The wider concerns expressed by the attorney general (about the potential for inconsistency, the lack of reasons given for jury verdicts, the difficulty for a defendant to challenge a jury verdict on irrationality grounds) are really concerns about the jury system as a whole. Those concerns are over-stated. The constitutional importance of the jury in finding facts ought not be under-stated.' In a statement, the attorney general said: 'Trial by jury is an important guardian of liberty and critical to that is the legal directions given to the jury. 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.'

HMP Brixton: 'A Prison in Trouble'

Jon Robins, Justice Gap: Prison inspectors have called HMP Brixton 'a prison in trouble' with prisoners 'breaking the rules without challenge' from staff who either 'did not have high enough expectations or turned a blind eye'. Staff-prisoner relationships were described as 'dysfunctional' and '[lacking] professional boundaries', according to the latest inspection of the category C resettlement prison which has a normal capacity of 509 but was holding 720 men at the time of inspection. 'Prisoners were free to vape around the jail, the dress code was not enforced, and some prisoners appeared to be permitted to spend much longer on the phone than others,' wrote chief inspector Charlie Taylor. 'It took inspectors a long time to walk from one end of a wing to the other because they were stopped by so many prisoners eager to express their exasperation with life at the prison and their inability to get the support they needed to complete their sentence and prepare for release,' he continued.

Many prisoners shared 'tiny, cramped, and dilapidated cells with inadequate furniture and graffiti on the walls', inspectors found. It was reported that there were 'not nearly enough activities' for prisoners and, on G wing which holds vulnerable prisoners, there was 'even less to do'. 'If this wing

is to remain, leaders in the prison and at the prison service will have to give some serious thought to how they improve provision to this largely compliant but frustrated group of prisoners some of whom, if they are not given suitable support or access to treatment programmes, could pose a risk to the public when they are released.' The report was published on the same day as a second on HMP Mount, a category C prison near Hemel Hempstead holding about 1,000 men and both found that most men were locked in their cells for 22 hours per day and more on weekends. The report highlighted officer shortages which had been a problem 'well before' the COVID-19 pandemic and, at the inspection, 40% of staff could not be deployed to operational duties. 'As such, the regime remained severely restricted, and time out of cell was poor, with many men locked up for 22 hours a day.' 'We found a prison that was deteriorating to the extent that in every healthy prison test the establishment was judged poor or not sufficiently good,' Taylor wrote of their last 2018 visit. Inspectors reported no improvement in outcomes for respect and purposeful activity but an improvement in terms of safety, now reasonably good, and a 'slight improvement' in rehabilitation and release planning. However inspectors noted that continued failure to deliver work and activities was 'completely undermining' the prison's stated purpose as a training establishment. Inspectors pointed to staff shortages and noticed that a 'significant percentage' of new officers had resigned within their first year. 'When someone is in trouble with the law, we should do all that we can to guide them away from crime,' commented Andrew Neilson, director of campaigns at the Howard League for Penal Reform. 'Locking them in a cell with nothing to do for hours on end is never going to help them turn their lives around. Brixton and The Mount are meant to be prisons that prepare people for life after release, but today's reports reveal the gulf between this aspiration and the grim reality for those living behind bars.'

In the Cause "D" Against The Bishop's Conference Of Scotland

In the 1970s, when the pursuer was a teenager, he attended a residential school inScotland. The pupils at the school were boys who were aiming to become priests in the Catholic Church. The pursuer was sexually abused at the school, by a priest who was his Spiritual Director. After further education and training, the pursuer became a priest. He worked as a priest for a lengthy period, but eventually left the post. He now claims damagesfor loss said to have been caused by the abuse, including having to leave the post. The summons seeks payment of £2,250,000, plus interest. The defenders are the trustees of the Catholic National Endowment Trust, known as The Bishop's Conference of Scotland. The defenders admit that the sexual abuse occurred and accept liability for any loss, injury ordamage that was caused by the abuse. The key issues in dispute between the parties are: (i) causation (whether the pursuer's departure from the priesthood was caused by the abuse); and (ii) if so, the quantification of any resulting loss. The case called for a proof before answer, over eight days, conducted remotely using WebEx.

Conclusion: For many years, the pursuer carried out his role as a priest in an effective and well-respected manner. However, as a teenager in secondary education working towards being apriest, he had been subjected to vile sexual abuse by his Spiritual Director. This trauma hastormented him for many years. His personality, his ability to function and indeed his lifewere impaired by it. He did what he could to block from his mind the memories and effectsof the abuse, but there came a point in time when he could no longer do so. As a perhapsobvious consequence, remaining in his role as a priest became burdened with intolerable difficulties. The loss he sustained and continues to suffer can never adequately be addressed merely by an award of damages. However, in assessing compensation I have concluded that the award of damages should include £55,000 for solatium and £400,000 forconsequential loss arising from leaving his post as a priest.