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MPs Regret Government Rejecting Review of IPP Sentences

The parliamentary committee that scrutinises the work of the Justice Ministry has expressed regret that the government has rejected its recommendation to review all sentences imposed under legislation that effectively allows for indefinite terms of imprisonment, known as Imprisonment for Public Protections (IPP). IPP sentences were introduced to prevent serious offenders being released when still a danger to the public. They were scrapped in 2012, but nearly 3000 people remain in prison under the legislation, with almost half of these having been recalled to prison after earlier being released.

The Justice Committee said in a report published in September 2022 that IPP sentences were "irredeemably flawed". The Committee found there was inadequate provision of support services, both inside and outside prison, to allow for the realistic possibility of rehabilitation of IPP prisoners and called in its report for the re-sentencing of them all. The government has rejected this key recommendation in its response to the committee's report. They also found that IPP sentences caused hopelessness and despair, giving rise to higher levels of self-harm and suicide among the IPP cohort of prisoners. Another key recommendation in the Committee's report was to reduce the licence period during which released IPP prisoners can be recalled to custody for breach of their conditions, from ten years to five. However, the government has also rejected this recommendation.

The Chair of the Justice Committee, Sir Bob Neill said: "This is a missed opportunity to right a wrong that has left nearly 3,000 people behind. The Committee recognised that addressing this issue would not be easy – that's why we recommended that a small, time-limited committee of experts be set up to advise on the re-sentencing exercise. We are not only disappointed with this government response but genuinely surprised. There is now a growing consensus that a resentencing exercise is the only way to comprehensively address the injustice of IPP sentences and that this can be done without prejudicing public protection. Our report said this nettle needed to be grasped by all three branches of the State – Government, Parliament and the Judiciary. But the government has not listened. The nettle has not been grasped and, as a result, these people will remain held in an unsustainable limbo."

Defendants of Colour More Likely to be Charged Than White People

Aamna Mohdin/Carmen García, Guardian: Black and minority ethnic defendants are significantly more likely to be charged for a comparable offence than white British defendants in England and Wales, a study commissioned by the Crown Prosecution Service (CPS) has found. The findings, described as "troubling" by the CPS and experts, show that defendants from mixed ethnic backgrounds are most likely to be charged, with 79.1% of the suspects charged, almost 10 percentage points higher than the rate of white British defendants charged. Black defendants had a charge rate of 76.2%, which was seven percentage points higher than the rate of white British defendants; while 73.1% of Asian defendants were charged, 3.5 percentage points above the white British rate.

The three highest charge rates were among mixed ethnicites. When ethnicity was isolated as a variable, the researchers found that white and black Caribbean defendants were most likely to be charged, with a rate of 81.3%, a near 12 percentage point difference from white British defendants. White and African defendants had the second highest rate of charges and white and Asian defendants had the third highest, with a charge rate of 79.5% and 78.4% respectively. White British suspects had the lowest charge rate compared with all other ethnicities with 69.9% of cases resulting in a charge.

In response to the findings, the CPS has established an independent disproportionality advisory group, made up of academics and third sector specialists, to oversee further research that can establish the factors driving these disparities. The CPS commissioned the University of Leeds to examine the outcomes of charging decisions of almost 195,000 cases. Researchers used regression analysis to control for different variables, such as age, sex, ethnicity, and crime type, to find any evidence of racial disparities in decisions that had led to a charge, caution, or no further action.

Max Hill KC, the director of public prosecutions, said: "We undertook this research to ensure that in every case we uphold the highest standards of integrity. It is troubling that it has found evidence of unexplained disproportionality in the outcomes of our legal decision making. We cannot yet identify what is driving the disparities we have found, and therefore we must do further work as a matter of urgency. I am committed to taking whatever action is needed and am grateful for the scrutiny of our independent advisers as we prioritise this vital work."

Labour's Emily Thornberry, the shadow attorney general, said: "These results are deeply troubling, and must be taken very seriously. It is right that the CPS has committed to investigating immediately why this is happening, and we want to see equally swift action taken to deal with it. There is still a vast amount of work to be done to eliminate racial bias throughout the criminal justice system, but it starts with being clear and honest about where the issues lie."

Prof Leslie Thomas KC welcomed the research, and noted "One can only conclude that the triple pillars of the criminal justice system, namely the police, the prosecutors and the judges, are failing in their roles and do not appear to be upholding the rule of law if you are a person of colour. This is not an expressed opinion but is simple arithmetic.There is disproportionality in the treatment of black and brown people at every stage of the justice system from stop and searches, arrests, who get bail, who doesn't, sentencing and treatment in prisons. The question rather is what can be done and done now to address it. The good news is the CPS are aware that there is a problem. That is a step in the right direction because you cannot solve a problem if you are blind to it or in denial."

Children Born of Rape to be Legally Recognised as Victims of Crime

Red Preston, Justice Gap: Following a decade of campaigning by a woman using the pseudonym 'Daisy', the Government have announced a change to the law, which will recognise children conceived through rape as victims of the crime. As a result, access to support and entitlements for these victims will be made more easily available 'at every stage of the justice system', in the words of Deputy Prime Minister Dominic Raab. With these changes, individuals born after rape will be entitled to help from victim support services, which have seen their funding quadruple since 2010. This will involve access to therapy and counselling sessions, as well as access to advocacy groups who assist with alcohol and drug misuse amongst other issues. Dominic Raab made clear that the changes are necessary because 'no child born in these horrific circumstances should be made to suffer alone'.

The Centre for Women's Justice, who supported Daisy in her campaigning, estimate that thousands of children are conceived through rape each year. They also point out that, according to evidence they reviewed, nearly 85% of children born from rape experience behaviours including 'stunted development, unexplained physical pain, aggressive behaviour or persis-

tent feelings of sadness'. The change will result in easier access to support for victims, but also stresses the importance the change will have for documenting and prosecuting historic rape offences. And will come into force as part of an amendment made last month to the upcoming Victims Bill, following recommendations made by the Justice Select Committee in September 2022. England and Wales will be among the first countries to enshrine this definition of victim into law. The change will cover any child born out of rape regardless of the age they are when the Victims Bill comes into force. The amendment also serves to identify bereaved families and children who have witnessed domestic abuse as victims.

Leaving the ECHR: a Solution in Search of a Problem?

Nicholas Reed Langen, Justice Gap: When it comes to threatening to leave the European Convention on Human Rights, the Conservative government has form. Since the Conservatives entered Downing Street in 2010, the possibility of leaving the ECHR and its interfering court of human rights (ECtHR) has rarely been far from ministers' minds. In 2013, David Cameron, the then-prime minister, told Andrew Marr that leaving the ECtHR might be necessary in order to 'keep people' safe. Theresa May, then Cameron's Home Secretary, followed this in 2016 by making a speech in the run-up to the referendum advocating remaining in the EU but withdrawing from the ECHR.

There was a brief pause as the country reeled from the decision to leave the EU, but now the threats are coming thick and fast. In October last year, Suella Braverman, then (and currently, after a brief hiatus) the Home Secretary, called for the UK to depart, following in the footsteps of her predecessor, Priti Patel. Unsurprisingly, Boris Johnson also got in on the act after the ECtHR paused his government's Rwanda deportation policy. Add to this list Dominic Raab, Jacob Rees-Mogg, and Liz Truss, and finding a frontline Conservative politician who hasn't blamed the ECtHR for something becomes like searching for hens' teeth.

Up until now, Rishi Sunak was one such tooth. The current prime minister's proposal to leave the ECtHR this weekend was unexpected, if not, given the issue and the precedent, unsurprising. Since Priti Patel began the negotiations over the UK using Rwanda as an asylum outpost, the policy has a become a ditch the Conservative Party is willing to die in, up to and including abandoning a project partly put in place by Winston Churchill.

One common refrain that these various proposals have been met with is that the UK is overwhelmingly successful before the ECtHR. Even if the UK loses the Rwanda case, it is but one case set against the many in which the UK government has won. Why throw away all of the soft-power and influence that being a member of the Council of Europe gives the UK over an institution that barely tickles domestic policy? From a layman, this is a reasonable response. Why leave a court that, by any measure, you are overwhelmingly successful in front of?

The relationship between the UK's government and the UK's Supreme Court almost proves these critics' point. When the judiciary was countering the decisions made in No. 10, there was frequent briefing against the courts from ministers and special advisers. Threats were made about reforming the judicial system or drafting new legislation to check 'judicial overreach', with the Conservative manifesto in 2019 going so far as to promise changes to the constitution. But the moment the Court gave rulings that seemed more onside with the government, these mutterings stopped. Either they had done their job, pushing the judges back into their box, or the government had adopted more lawful methods of going about its business. There is no such concern with the ECtHR. The judges on the ECtHR already seem to be happy inside their box, so why toss it around?

What this response forgets is that the UK government is not always a party in cases before the ECtHR, but it is – in some shape or form – bound by all their decisions. Under Article 46 ECHR, the only states legally obliged to follow a ruling of the ECtHR are those who were party to the case. Any other state is free to continue to as it was without violating the ECHR. But things are not quite this simple. The almost inevitable outcome of behaving in a way that is incompatible with a ECHR judgment – but that the UK was not party to – is that someone will threaten to bring proceedings, or the civil service lawyers will advise on the incompatibility, and the government policy come into line. If the UK tried to defend the policy all the way up to the ECtHR, unless the policy in an area where countries were given some discretion, the result would be inevitable – the policy would be found unlawful.

As well as all the other shocks that the UK's departure would cause on the domestic and international planes, there is little doubt that it would broaden the policy options of ministers and their civil servants. This brings us to the more meaningful question. What policy options would the UK gain from being outside of the ECHR, and beyond the clutches of the ECtHR judges? For Rishi Sunak, the answer is obvious. If the ECtHR ruled against the Rwanda extradition policy, he would be able to continue with it anyway, and presumably hope to wrangle a few more votes from little-Englanders in the next general election. Illegal migrants and asylum-seekers would once more be deterred by the prospect of ending up in an autocratic state in central Africa.

Whether this would have any actual effect on the ground, however, is doubtful. The Rwanda policy is lawful for the moment, and it seems to have had next to no effect on the numbers crossing the Channel. Refugees massing at Calais will be lucky to have a barely functional understanding of UK asylum law, let alone a grasp of the relationship between the UK and the ECtHR. Regardless of how the Rwanda policy plays out in the courts, European or domestic, people in boats will keep coming. This is not just because the asylum-seekers don't understand questions of its legality, but because their almost sole interest is staying in the UK, lawfully or otherwise. Unless hundreds, if not thousands, of people are being shipped off to Rwanda regularly,

Such a prospect is not likely, and not just because of the courts. The UK's memorandum of understanding with Rwanda envisages a vanishingly few migrants being in Rwandan custody. Possibly a maximum of a few hundred. So long as this remains the case, people in Calais will look at the Channel and find that the odds after crossing are in their favour.

Nor does leaving the ECHR mean that the government will get a free pass in the domestic courts. While the current Supreme Court may be more deferential than I, and others, may like, this does not mean that it will always be this way, or that government policy will just get through on the nod. Many of the proposals of the Sunak government revolve around stripping asylum seekers of the right to appeal. This is almost certainly contrary to ECHR law, but is also likely to be contrary to the common law. Justices on the Supreme Court may be willing to let questions of law closely linked to political policy pass by, but they are less likely to do so on questions of law relating to the rights of due process and the right to appeal. Any attempts to shortcut this process, and get asylum seekers on flights to Rwanda, are almost certain to receive anxious scrutiny.

Much like leaving the EU, leaving the ECHR is a solution in search of a problem. Looking across the range of decisions made by the Court shows an institution aware of its position, and careful to accord respect to member states. France has been allowed to ban the burka, Hungary has seized much of the independent press, and we have immigration detention camps. Fundamental rights are not given primacy as a matter of course by the Court. Policies that the UK could pursue outside of the ECHR, but without running afoul of the domestic

courts are few and far between. Couple this with the effort and controversy over leaving – to say nothing of the succour it would give to truly rogue states like Russia – and the policy seems practically pointless. Of course, the modern Conservative party specialises in pointless, if not outright harmful policies, whether they touch on human rights, the economy, or state regulation. To Sunak and his compatriots, its futility may seem just another selling point.

Parole – Who's Making The Rules?

Peter Dawson, Prison Reform Trust: PRT recently received a response to a Freedom of Information request in which we asked for more detail about the decisions taken in the Ministry of Justice to turn down Parole Board recommendations for open conditions.The response reveals an interesting issue for people who received a recommendation from the Parole Board before the introduction of the new guidance on 6 June 2022, but a decision from the Ministry of Justice after the new guidance. Something dramatic altered how officials considered cases after 6 June

The FOI response is very explicit that in those cases officials at the Ministry of Justice were required to apply the same criteria as the Parole Board in considering the recommendation for a move to open conditions. In other words – officials should have been applying a test which historically has led to 95% of Parole Board recommendations being accepted.

But what the data shows is that in these cases the acceptance rate changes completely after 6 June, with 109 recommendations rejected and just 14 accepted. So something dramatic altered how officials considered cases after 6 June, even though they were supposed to be applying the same more generous (and rational) criteria as the Parole Board when it made the recommendation.

The FOI response also tells us that there has been no personal involvement by a minister in any of these refusal decisions. That's significant because it suggests that there has been a change in policy, but not one driven by the personal involvement of ministers in any individual case. Officials are not reacting to what they have seen a minister decide case by case. The question we have to ask then is why did officials start to reject the overwhelming majority of Parole Board recommendations before the new criteria came into force? You would expect in something of this importance that officials would only start to behave so differently if they had received a ministerial instruction to do so. So we've asked that question, and await a response.

House of Lords Vote Down Amendments to Public Order Bill

Justic Gap: The House of Lords dealt another blow to the anti-protest Public Order Bill. The Peers voted down several amendments in the controversial Bill, including one that would allow police to stop and search without suspicion. An amendment to introduce greater protection for journalists and other protesters also received significant support. The Bill will now return to the Commons.

During a debate in the upper chamber, concerns were raised about the impact the current Bill could have on freedom of speech and the ability to protest. Lord Brian Paddick, who served as Metropolitan Police deputy assistant commissioner until 2007, said: "Coupled with the power to stop and search without suspicion, this could result in many innocent people being stopped, searched and potentially arrested for being in possession of commonplace objects". The Peers did not vote on several amendments. This includes amendment 46, which allows for individuals to be stopped and searched if they appeared 'suspicious.'

In recent years, disruptive protests have raised questions about the impact protests can have on the economy and public safety. The 2022 Just Stop Oil protest cost the Police £5.9 million within only a few months. Extinction Rebellion's protest in October 2019 required over 418,000 police officer hours. Such disruption has led to calls for a tougher approach to protesters. According to the Policy paper Public Order Bill: factsheet published by the Government, current proposals will only prevent a small minority of individuals from causing serious disruption to the daily lives of the public.Still, key human rights and civil liberties organisations have strongly criticised the current Bill and its response to these events. JUSTICE, a law reform and human rights charity, pointed out that the Bill is unlikely to be compliant with the European Convention on Human Rights. In reaction to yesterday's outcome, Stephanie Draper, CEO at Bond, the UK network of NGOs, said: "At a time when the right to protest is under attack around the world, the government should be setting a positive example to countries that have clamped down on civic space".

Victory for United Sex Workers Union (USWU) - Edinburgh

Edinburgh's strip clubs will stay open after a judge ruled the city council's bid to ban them was unlawful. Strippers had been left fearing for their futures in the trade after the City of Edinburgh Council brought in what it described as a nil-cap policy last year - an effective ban on sexual entertainment venues (SEV).Clubs in the Scottish capital, alongside Unionised strippers, launched a judicial review in a bid to quash the policy set by the authority's regulatory committee, and on Friday 10th February 2023, Lord Richardson ruled it was unlawful.Strippers welcomed Lord Richardson's ruling, which came after a two-day hearing at the Court of Session in December. Rosie Walker, partner and head of litigation at Gilson Gray, which acted for the United Sex Workers (USW) union, said it was a "fantastic and very well-deserved result. If it had been upheld, the council's nil-cap decision would have resulted in the closure of all strip clubs in the city. That would have meant many of USW's members losing their livelihoods or having to move away from their homes and families to find work elsewhere."

Attorney General - Application to Increase Length of Sentence - Dismissed

1, On 8th July 2022 in the Crown Court at Stoke the respondent (45) pleaded guilty and on 25th August was sentenced in respect of the following offences: Count 1: Attempting to cause a girl under the age of 13 to engage in sexual activity (involving penetration), s 1 (1) Criminal Attempts Act 1981 and s 8 (1) Sexual Offences Act 2003, 3 years' imprisonment. Count 2: Attempting to cause a child to engage in sexual activity, s 1 (1) Criminal Attempts Act 1981 and s 10 (1) Sexual Offences Act 2003, 16 months' imprisonment. Count 3: Attempted sexual communication with a child, s 1 (1) Criminal Attempts Act 1981 and s 15A (1) Sexual offences Act 2003, 8 months' imprisonment. The sentences on counts 2 and 3 were expressed to run concurrently with the sentence on count 1. A wide ranging and detailed Sexual harm Prevention Order was imposed. The Attorney General applies for leave to refer the sentence which he regards as unduly lenient. The application is directed to the prison sentences only.

Conclusion: The test for undue leniency remains as set out by Lord Lane CJ in Attorney General's Reference No 5 of 1989 11 Cr. App. R. (S) 489. Does the sentence fall "outside the range of sentences which the judge, applying his mind to all the relevant factors, could reasonably consider appropriate," subject to authority and the sentencing guidelines. We are satisfied that this sentence, while lenient, was not unduly so. It is not a sentence with which we should interfere. Conclusion: We refuse leave and dismiss the application.

Lamar Johnson: Murder Conviction Overturned After Three Decades

Guardian: A Missouri judge on Wednesday 15th February 2023, overturned the conviction of a man who has served nearly 28 years of a life sentence for a killing that he has always said he didn't commit. Lamar Johnson, 50, closed his eyes and shook his head slightly as a member of his legal team patted him on the back when Judge David Mason issued his ruling. In coming to his decision, Mason explained that there had to be "reliable evidence of actual innocence – evidence so reliable that it actually passes the standard of clear and convincing". Johnson walked free after he was processed out at the courthouse. Beaming, he walked up to reporters in the courthouse lobby about two hours after the ruling and thanked everyone who worked on his case, as well as the judge. "This is unbelievable," said Johnson, who didn't take any questions.

St. Louis attorney Kim Gardner, who filed a motion in August seeking Johnson's release after an investigation her office conducted with help from the Innocence Project convinced her he was telling the truth, applauded the ruling. The Republican-led state attorney general's office fought to keep Johnson locked up. A spokeswoman for the office, Madeline Sieren, said in an email that the office will take no further action in the case. She again defended the office's push to keep Johnson behind bars. "As he stated when he was sworn in, attorney general [Andrew] Bailey is committed to enforcing the laws as written," Sieren wrote. "Our office defended the rule of law and worked to uphold the original verdict that a jury of Johnson's peers deemed to be appropriate based on the facts presented at trial." Johnson's attorneys blasted the state attorney general's office after the hearing, saying it "never stopped claiming Lamar was guilty and was comfortable to have him languish and die in prison. Yet, when this state's highest law enforcement office could hide from a courtroom no more, it presented nothing to challenge the overwhelming body of evidence that the circuit attorney and Lamar Johnson had amassed," they said in a statement.

Johnson plans to reconnect with his family and enjoy the experiences he was denied for most of his adult life while locked up, his lawyers said. "While today brings joy, nothing can restore all that the state stole from him. Nothing will give him back the nearly three decades he lost while separated from his daughters and family," they said. "The evidence that proved his innocence was available at his trial, but it was kept hidden or ignored by those who saw no value in the lives of two young Black men from the South Side."

Johnson was convicted of murder for the October 1994 killing of Marcus Boyd, who was shot to death on his front porch by two masked men. Police and prosecutors blamed the killing on a dispute over drug money. Johnson maintained his innocence from the outset, saying he was with his girlfriend miles away when the crime occurred. While Johnson was convicted and sentenced to life, a second suspect, Phil Campbell, pleaded guilty to a reduced charge in exchange for a seven-year prison term. Johnson testified at a December hearing that he was with his girlfriend on the night of the crime, except for a few minutes when he stepped outside of the home of a friend to sell drugs on a corner several blocks from where the victim was killed. Johnson's girlfriend at the time, Erika Barrow, testified that she was with Johnson that entire night, except for about a five-minute span when he left to make the drug sale. She said the distance between the friend's home and Boyd's home would have made it impossible for Johnson to get there and back in five minutes. The case for Johnson's release was centered around a key witness who recanted his testimony and a prison inmate who says it was he – not Johnson – who joined Campbell in the killing.

James Howard, 46, is serving a life sentence for murder and several other crimes that happened three years after Boyd was killed. He testified at the hearing that he and Campbell decided to rob Boyd, who owed one of their friends money from the sale of drugs. He also said Johnson wasn't there. Howard testified that he shot Boyd in the back of the head and neck, and that Campbell shot Boyd in the side. Howard and Campbell years ago signed affidavits admitting to the crime and claiming Johnson was not involved. Campbell has since died.

James Gregory Elking testified in December that he was on the front porch with Boyd, trying to buy crack cocaine, when the two gunmen wearing black ski masks came around the house and began the attack. Elking, who later spent several years in prison for bank robbery, initially told police he couldn't identify the gunmen. He agreed to view a lineup anyway. Elking testified that when he was unable to identify anyone from the lineup as a shooter, detective Joseph Nickerson told him, "I know you know who it is," and urged him to "help get these guys off the street". Saying he felt "bullied" and "pressured", Elking identified Johnson as one of the shooters. Gardner's office said Elking was also paid at least $4,000 after agreeing to testify. "It's been haunting me," he said of his role in sending Johnson to prison.

Nickerson denied coercing Elking. He testified in December that Elking's identification of Johnson was based on all that he could see of the shooter's face – his eyes. Johnson has one eye that looks different than the other, Nickerson said. "You can clearly see it." Dwight Warren, who prosecuted Johnson in 1995, said that beyond Elking's testimony, the main evidence against Johnson was an overheard jail cell conversation. A jailhouse informant, William Mock, told investigators at the time that he heard Campbell and Johnson talking when one of them said, "We should have shot that white boy," apparently referring to Elking. Warren acknowledged that convicting Johnson would have been "iffy" without Mock's testimony.

In March 2021, the Missouri supreme court denied Johnson's request for a new trial after then attorney general Eric Schmitt's office argued successfully that Gardner lacked the authority to seek one so many years after the case was adjudicated. The case led to the passage of a state law that makes it easier for defendants to get new hearings in cases where there is fresh evidence of a wrongful conviction. That law freed another longtime inmate, Kevin Strickland, last year. He had served more than 40 years for a Kansas City triple killing.

Health Needs of Women Serving Long Prison Sentences Neglected

Whilst the majority of women entering prison are serving short sentences, there is a small minority serving very long sentences. For instance, 372 of the 2,456 sentenced women in prison are serving indeterminate sentences. The briefing was produced in collaboration with women who will spend at least eight years in prison, across working groups in three women's prisons. These groups are part of a wider 'Building Futures Network' of over 60 women with lived experience of long-term imprisonment. The briefing highlights the key themes raised by the women: maintaining hope, access to healthcare, and staff-prisoner relationships.

In relation to health specifically, many of the women spoke about the lack of specialist support and help available to meet the health needs of long-sentenced women. Many raised concerns about diet, access to exercise and the potential for long-term health problems to go untreated. For some of the women, the constant worry of health issues felt like a secondary form of punishment, with many seriously concerned about whether they would be healthy, able-bodied, or still alive by the time they are due to be released. One woman spoke of her experience: "We are imprisoned as punishment. Our liberty is taken as the form of punishment. I don't remember the judge saying 'oh and by the time you leave you will either be morbidly obese, suffering serious health problems, osteoporosis, diabetes or a combination of some or all due to the appalling diet you will be forced to eat!'" Amelia*

Another woman said: "They just don't care. It's like they are quickening my death."

The briefing provides clear recommendations, including for HMPPS to adhere to expectations set out by Public Health England in their 'Gender specific standards for health and wellbeing for women in prison in England'. The report also recommends governors of women's prisons prioritise women-specific health issues, and, where possible, involve women who are in prison in developing resources. This briefing is the second in a series of 'Invisible Women' briefings. The briefings are part of the Prison Reform Trust's Building Futures programme, a five-year project funded by the National Lottery Community Fund to explore the distinct experiences of people serving very long sentences in prison. The first briefing introduced the Prison Reform Trust's work with women serving long sentences. These often 'invisible women' are a minority within a minority and their needs will often differ from the wider population. The briefing highlighted the far-reaching consequences of a lack of specialist, gender specific, trauma informed provision for this group. "Long sentenced women should not be an afterthought. Many of the women we spoke to said that their health needs are being neglected to a worrying degree. The prison service should better recognise the needs of this group, and make sure that the necessary resources are in place for those needs to be met."

Omran Belhadi Doughty Street Chambers Secures Acquittals In Drugs Conspiracy

Omran represented the fourth of five defendants facing counts of conspiring to supply cocaine and heroin in East London. The prosecution relied on cell-site evidence, a series of police stops and evidence of contact between the drug phones and known drug users to build their case. Working closely with Dan Sutton of Tower Forensics Ltd, his lay client and his instructing solicitor, Emma Rahman of HP Gower, Omran was able to demonstrate the cell-site evidence did not assist the prosecution theory. Omran adduced video evidence of his client's activities on a day the prosecution claimed he was co-locating with drug lines. The video showed his client enjoying a friend's boxing match. His client was acquitted after a six-week trial at Snaresbrook Crown Court.

One-Third of Prisoners in Europe Suffer Mental Health Disorders

"Prisons are embedded in communities and investments made in the health of people in prison becomes a community dividend," said Dr. Hans Henri P. Kluge, regional director of the World Health organisation (WHO) regional office for Europe. "Incarceration should never become a sentence to poorer health. All citizens are entitled to good-quality health care regardless of their legal status. When prisons are excluded from the general health system, local communities can be the hardest hit," Dr. Kluge cautioned. The second status report on prison health in the WHO European region provides an overview of the performance of prisons in the region based on survey data from 36 countries, where more than 600,000 people are incarcerated. Findings showed that the most prevalent condition among people in prison was mental health disorders, affecting 32.8 per cent of the prison population.

Convictions of Four Remaining Scientists for Extinction Rebellion Quashed

Bindmans Solicitors: Mr Knapp took part in a peaceful and non-violent action alongside 20 other scientists (eight of whom were also arrested) in April 2022. As a group, collectively known as 'Scientists for XR', they pasted scientific papers to the windows of the government BEIS building to draw attention to the latest climate science, and highlight the impact of the government's current climate policies. They also glued themselves to the windows of the BEIS building and used water-soluble chalk spray as part of their protest. Bindmans has acted for five of the nine protestors since they were initially arrested and detained in the police station for close to 24 hours in April 2022.

At their first appearance in the Magistrates' Court, the protestors were split into two groups for trial. All protestors were charged with the same offence, arising from the same set of circumstances. There was no grouping of defendants together on the basis of their role, degree of pre-planning or culpability. The split was arbitrary. The first trial eventually concluded on 21 October when all five protestors were acquitted. Mr Knapp and his co-defendants also appeared before City of London Magistrates' Court separately on 1 September 2022, where they were convicted of criminal damage. Following this, Bindmans lodged a notice of appeal on Mr Knapp's behalf, accompanied by the first of four detailed letters of representations seeking the CPS' agreement not to contest Mr Knapp's appeal. Unfortunately, the CPS failed to respond to our latest three letters of representations.

Mr Knapp's case proceeded to a contested appeal hearing at Southwark Crown Court on 9 and 10 February 2023, in which we argued that the prosecution had no case to answer. Arguments were advanced that no damage had been caused and that, in any event, prosecution and conviction would be a disproportionate interference with Mr Knapp's rights under Articles 10 and 11 European Convention Human Rights. HHJ Rimmer and the lay bench agreed with our submissions, and Mr Knapp's appeal was allowed.

Following the quashing of his conviction on Friday, Mr Knapp said: The fossil fuel air pollution that covers the windows of BEIS remains unchallenged, but spraying chalk over it in a protest to reduce fossil fuel pollution led to a year of defence in the Magistrates and Crown Courts. Today, the courts have championed protecting life and peaceful protest over prosecuting chalk spray on a window.

Solicitor at Bindmans representing Mr Knapp, Hester Cavaciuti, said: This prosecution should never have taken place, let alone proceed to a two-day appeal hearing in the Crown Court. The Court of Appeal has made it very clear that, in cases of peaceful protest and where damage is trivial or minimal, the CPS should consider very carefully whether it is in the public interest to prosecute when such a prosecution potentially interferes with an individual's human rights. We made multiple representations to the CPS that they should rethink their decision to contest Mr Knapp's appeal, however, they insisted on defending their position until the very end. The government is in the process of curtailing important protest rights which are a cornerstone of a democracy. This case shows that despite the government's attempts to curtail freedom of speech and criminalise protests, the courts are still prepared to protect the right to protest, and will act proportionately when dealing with peaceful protestors that should never have been prosecuted by the CPS in the first place.

Court of Appeal Allows Out of Time Appeal Against Detention for Public Protection

IH, in September 2007, had been sentenced to Detention for Public Protection for five offences of robbery committed when he was 15. IH was sentenced to the indeterminate sentence a week after his 16th Birthday. The application for leave to appeal was made 15 years out of time. The extension of time and leave to appeal was granted by the Single Judge. The Court of Appeal (Lord Justice Holroyde, Sir Nigel Davis) today 10/02/2023, quashed the sentence of Detention for Public Protection. The Court accepted the arguments made that the sentencing judge (Mr Justice Butterfield) had not given reasons for rejecting an Extended Sentence and had erred in imposing such a draconian sentence on a 16 year old, given the facts of the case. IH had spent 10 years in custody before his first release.

New report Led By Prisoners at HMP Rye Hill

Men at HMP Rye Hill embraced the opportunity to contribute to national discussion on the impacts of long-term imprisonment in a new report. The report shares their experiences and insights on what they believe progression is; what it should be; and what it could look like in future. Building Futures is PRT's five-year programme, funded by the National Lottery Community Fund, to explore the experiences of people serving long prison sentences. The programme aims to give a voice to people serving sentences of over ten years in custody, providing them with the space to advocate for themselves, bringing about change from within the system and shedding light on the human cost of long-term imprisonment. Through consultation, advocacy and research, Building Futures is working alongside those with direct experience of long-term imprisonment to demonstrate the true impact of ever-increasing sentence lengths.

A fundamental component of this work is the development of a network of prisoners and former prisoners with direct experience of long-term imprisonment, to allow for impactful collaboration with those the programme represents. This includes developing working groups in a number of key prison sites to allow for long-term and in-depth collaboration with prisoners. The Building Futures Working Group in HMP Rye Hill was established in June 2021 and Rye Hill working group members have been actively involved in this work

Following on from the Building Futures Making Progress report that was published in October 2022, the group members in HMP Rye Hill decided to facilitate their own peer-to-peer consultation within the prison on the topic of progression. Every stage of this work including planning, facilitating discussion groups, writing the report, and putting forward recommendations has been completed by the group. The core themes that emerged from the consultation were: Progression is about personal growth, not just risk reduction. For long-term prisoners, progression should not be structured or defined by their release date. The present system of progression is discriminatory towards prisoners with disabilities and learning difficulties.

This work culminated in a launch event held in the prison in January 2023, which brought together the working group and stakeholders to discuss dissemination and next steps. The Rye Hill group are now in the process of drafting their second report, which brings together the findings from their recent consultation in relation to ageing in prison. We will look forward to sharing more from the group in due course.

Number of Child Asylum Seekers in Hotels Soar

Huihui Zhu, Justice Gap:Pressure is increasing on the Government as evidence reveals the unsanitary physical conditions of contingency hotels and various safeguarding failures for asylum-seeking children. The Home Office has failed to end housing asylum seekers in hotels, despite its repeated pledge to end the practice. The Government's own data reflects a soaring number of asylum seekers being placed in hotels since the pandemic, from 2,577 people in March 2020 to 37,142 in September 2022.

The Government has been slow to react to concerns over the hotels' physical conditions and safety. Grassroots organisations, such as the Croydon Refugees and New Communities Forum, have campaigned to expose sites with rodent infestations, dampness, mould and leaks. Extended indefinite stays in these hotels, and the safeguarding failures therein, continue to have detrimental effects on the wellbeing and safety of asylum-seeking children. As more refugees crossed the Channel to the UK via boat, authorities have been slow to consider the asylum applications of those trapped in hotels. Recent anti-migrant protests outside of asylum seeker hotel in Merseyside continue to highlight important safety concerns.

Many asylum seekers also continue to be wrongly age-assessed as adults, and are only confirmed to be children after later social service assessments. Last year, at least 40 children were mistakenly placed in a designated-adult hotel, where one of them was stabbed. Although the incorrect age-assessment of two asylum seekers and their subsequent treatment was ruled unlawful by the High Court, some continue to defend current practice. Moreover, concerns remain for the mental vulnerability of unaccompanied children kept indefinitely in hotels. There have been a string of recently reported kidnapping and trafficking incidents, after which the government admitted that there are more than 200 missing children unaccounted for.

As put by one safeguarding expert, '[t]hese children feel despair, waiting and waiting with no end in sight and that pushes them into the arms of traffickers', with many feeling that they have 'no other option'. The Government to speed up the processing of asylum applications, raise sanitary conditions of hotels used to house asylum seekers and care for child asylum seekers' fundamental rights and mental health.

Akaki Ochigava - Subjected to Systematic Acts of ill **-Treatment - Violation Article 3**

The applicant, Akaki Ochigava, is a Georgian national who was born in 1966 and lives in Tbilisi. The case concerns the applicant's treatment whilst he was in Tbilisi Prison no. 8 ("Gldani Prison") after being convicted of robbery. Relying on Article 3 (lack of effective investigation) (prohibition of torture and of inhuman or degrading treatment) of the Convention, the applicant complains that he was subjected to systematic acts of ill-treatment in Gldani Prison between June 2011 and August 2012, and that the competent domestic authorities failed to conduct an effective investigation. ECHR decision: Violation of Article 3 (ill-treatment and investigation) on account of the applicant's ill-treatment, the certain acts of which amounted to torture, and the lack of an effective criminal investigation thereof. Plus just satisfaction: 20,000 euros

Joint Enterprise Prosecutions to be Monitored for Racial Bias

Studies indicate that joint enterprise prosecutions are more likely to target young men and black boys, particularly in so-called gang-related cases – with whole groups often convicted for a crime committed by one person on the back of allegations that they are in a gang. A 2014 study by the Institute of Criminology at the University of Cambridge found that, of young male prisoners serving 15 years or more for joint enterprise convictions, 38.5% were white and 57.4% BAME, including 37.7% black.

In 2016, the supreme court ruled that the doctrine had taken a "wrong turn" and been misinterpreted for 30 years. It said courts had been in "error" in treating the fact that a secondary, co-accused had foresight that the principal attacker might carry out a killing as sufficient proof of guilt in assisting or encouraging them. The supreme court declared that a person will be guilty of a joint enterprise offence only if they intended to encourage or assist the person who committed the offence to do it.

That landmark judgment was expected to lead to a reduction in joint enterprise prosecutions and convictions, but a 2022 report by the Centre for Crime and Justice Studies (CCJS) showed that it has had no discernible effect, while the number of black people convicted of murder under joint enterprise has risen. Liberty and Jengba alleged that by not recording and monitoring joint enterprise data, the CPS was breaching its duties under the Equality Act 2010 to have due regard to eliminating race discrimination.