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End Police Corruption! Help Free My Son, Khobaib Hussain (Justice for the Birmingham 4)

Gareth Peirce, Human Rights Lawyer: In 2016, my son and three other men were targeted by West Midlands Police officers who ran an undercover operation alongside MI5. Together, they created a fake courier business and were lured into employment as courier drivers. The vans were supplied by the police and were fitted with surveillance equipment. However, after months of surveillance, there was no evidence of any criminal activity. In 2017, my son, alongside three other Muslim men known as the Birmingham Four, were convicted and sentenced to life in prison. The entire case hinged on a JD bag containing incriminating items that was mysteriously found in Naweed's car when a corrupt officer, Vincent, was left alone with his car at the unit. This was on Naweed's first shift at Hero Couriers and he gave his car keys to Vincent to park the car in the unit.

During the trial, lawyers uncovered numerous evidence showing the case was a miscarriage of justice based on fabrication by corrupt police officers. Officers admitted they had been accused of planting evidence in numerous other cases. Bragged about their "Oscar performance" while delivering evidence at court via text messages. Evidence emerged that undercover officer "Vincent" fabricated notes in the notebook documenting the operation, having received special permission to handwrite them rather than use the computerised system and getting dates and times wrong of events.

CCTV was withheld while "Vincent" was left alone with the car before the security services arrived around one hour and twenty minutes later. It is no doubt the lockup where the car was held had CCTV installed, but none was ever disclosed, not from inside or outside from the public CCTV on the road and its surrounding streets. Several text messages were disclosed showing officers perverted the course of justice and were in contempt of court as they were meeting secretly at service stations, hotels and pubs and speaking to one another throughout the trial discussing evidence. Other messages exposed the disturbing culture of racism, misogyny and sexual misconduct.

No conclusive DNA evidence. Despite being under surveillance for months, there was no evidence of any of the men purchasing the items "found" in the JD bag, nor were they ever seen with the multicoloured JD sports bag There was crucially no communication evidence, despite their phones and cars being bugged, from WhatsApp or anywhere else which would suggest they were planning anything.

There were many more disturbing facts during the trial. Barrister Stephen Kamlish KC recalled. 'It was just an utterly Islamophobic verdict by a jury who didn't care that the whole of the evidence was bent.' Such stories of police corruption and legal abuse aren't new for Birmingham. In the 70's, the Birmingham 6, six Irishmen, were wrongly sentenced to life in prison on the basis of police lies. They spent 16 years in prison before being exonerated.

The justice system has failed us as a family, and has failed many others like us. Please join me in calling upon the West Midlands Police Crime Commissioner, Simon Foster to conduct an urgent investigation into the undercover officers, named in the operation only as: "Vincent" and "Andy" as well as any others involved in this operation. End police corruption now.

IPP Sentences: Parole Board Invited to Review Their Terms of Guidance

R (application of Pearce and another) v Parole Board for England and Wales - On 13 October 2010, Mr Pearce was sentenced to imprisonment for public protection with a minimum term of 3½ years (less time spent on remand) after he pleaded guilty to three separate offences of sexual assault committed in 2009. Mr Pearce has been eligible for release at the direction of the Parole Board since 2013, but he remains in prison. His imprisonment has been reviewed on four occasions. Most recently, the Parole Board in May 2019 refused to direct Mr Pearce's release but recommended his transfer to open prison conditions (the Decision). In accordance with the "Guidance on Allegations" (the Guidance), the Parole Board took into account unproven allegations about other alleged sexual assaults by Mr Pearce against women and girls when assessing the risk to the public arising from Mr Pearce's release.

Mr Pearce challenged the Decision by way of judicial review. The High Court dismissed Mr Pearce's claim and held that the Decision and the Guidance were lawful. On appeal, the Court of Appeal held that the Guidance contained unlawful misstatements of the law regarding the use of unproved allegations in the assessment of risk. However, the Decision itself was held to have been proper and justified. The Parole Board now appeals to the Supreme Court, arguing that the Court of Appeal was wrong to hold that parts of the Guidance were unlawful.

The issues are: (1) When the Parole Board is deciding whether or not to direct the release of a prisoner on licence, can it only take into account allegations if they are proved on the balance of probabilities? (2) Does the Parole Board's Guidance misstate the law on this issue? The Supreme Court unanimously allows the appeal, but nevertheless invites the Board to review the terms of the Guidance.

Background to the Appeal: The Parole Board for England and Wales ("the Board") is responsible for deciding whether or not to direct the early release of prisoners serving various categories of sentences of imprisonment. When making its decision, the Board must be satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in custody. One example of that test is to be found in section 28(6)(b) of the Crime (Sentences) Act 1997 ("the Statutory Question").

In March 2019, the Board issued its "Guidance on Allegations" ("the Guidance") concerning the correct approach to take, when answering the Statutory Question, with respect to allegations made about the prisoner beyond offences of which they were convicted. Sometimes such allegations have not been proved or disproved on the balance of probabilities but, if true, could affect the Board's risk analysis. The Guidance directed the Board to "make an assessment of the allegation to decide whether and how to take it into account". The Guidance further provided that "in cases where there is a mere allegation without any factual basis… or the allegation is not relevant to the question of risk… [it] should be disregarded."

On 13 October 2010, Mr Pearce was sentenced to imprisonment for public protection with a minimum term of three and a half years (less time spent on remand) following conviction for sexual assaults. On its most recent review of his imprisonment in May 2019, the Board refused to direct Mr Pearce's release ("the Decision"). In accordance with the Guidance, when addressing the Statutory Question the Board took into account a number of allegations of other sexual assaults and Mr Pearce's responses when questioned about them.

Mr Pearce challenged the Decision and the Guidance by way of judicial review, arguing that, in the absence of findings of fact, an allegation is simply a "non-fact" and, as such, it is not

permissible for the Board to pay any attention to it at all. The High Court dismissed Mr Pearce's claim. On appeal, the Court of Appeal held that the parts of the Guidance which countenanced the carrying out of a risk assessment by reference to allegations which had not been proved were unlawful. However, the Decision itself was held to have been proper and justified on the facts. The Board appealed to the Supreme Court, arguing that the Court of Appeal was wrong to hold that parts of the Guidance were unlawful.

Judgment: The Supreme Court unanimously allows the appeal, but nevertheless invites the Board to review the terms of the Guidance. Lord Hodge and Lord Hughes give the judgment, with which Lord Kitchin, Lord Hamblen and Lord Richards agree.

Reasons for the Judgment: The Supreme Court notes that the question raised by this appeal is one of statutory interpretation. The Board's statutory remit is that it may not release a prisoner unless it is satisfied that it is no longer necessary for the protection of the public that they remain in custody. The central question is whether there is anything in the legal context of the Board's role which limits it to only taking into account proven facts of past behaviour, while excluding from consideration in any circumstance the possibility that any unproven allegations made against the prisoner might be true [14]; [29]; [72]-[73]. The Supreme Court holds that there is no such limitation. There is therefore no requirement to be implied in the statutory test that the Board must disregard the possibility that an unproven allegation may be true [73].

Firstly, the Supreme Court rejects the suggestion that the law knows only a binary approach of fact or non-fact [30]-[65]. As a general rule in civil proceedings, only "facts in issue" (those facts which it is necessary to prove in order to establish a claim or defence) must be established on the balance of probabilities [32]-[34]; [38]. Not every fact is a fact in issue. Facts which are part of the material from which a fact in issue may be inferred do not need to be proved individually [34]. Evidence which is not sufficient to establish a fact on the balance of probabilities may still be relevant when the judicial body assesses the weight of other evidence in deciding whether a fact in issue is established [35]-[38].

It is well settled law that if a care order is sought under section 31(2) of the Children Act 1989 based on an allegation that a previous child was harmed in a specific way by one or both of the parents, that allegation must be proved on the balance of probabilities. However, that rule is specific to the care order regime. It is mandated by the different language of the Children Act, and even in that context there is at least one situation in which an unproven possibility that a parent has harmed a child can be taken into account. The question whether the State is entitled to remove a child from home and family is not analogous to the question whether a prisoner who remains subject to a sentence can safely be released [47]-[64].

The Supreme Court holds that, similarly, risk may be assessed without the judicial body being able to find proven every foundation fact [34]-[46]. Depending upon the legal context, the judicial body can assess risk by weighing up the possibility that an allegation may be true having regard to the whole material before it [39]-[42]; [44]-[46]; [60]-[62].

Secondly, while the Board must comply with the requirements of procedural fairness in the conduct of its proceedings and keep in mind the consequences to the prisoner of its decision, the Supreme Court finds no basis for the contention that fairness requires the Board to have regard only to proven facts in making its assessment [66]-[67]; [69]-[71]. Substantive fairness does not require a judicial body to treat as if they were facts in issue information which, on a proper analysis, is not of that nature [68].

The Supreme Court invites the Board to review the Guidance in light of its judgment, to

make clear that the Board should, if it reasonably can, make relevant findings of fact [74]; [89]. If an allegation could, if true, affect the Board's risk assessment, the Board's task, so far as it can, is to explore the nature of that allegation and its surrounding circumstances in order to make findings of fact where it is reasonably practicable to do so [74].

Where the Board is not in a position to make findings of fact, either because there is insufficient material available, or it would not be fair to do so (because, for example, the prisoner may properly decline to respond to an allegation which is the subject of a pending criminal investigation or prosecution), but is concerned that there is a serious possibility that an allegation may be true, the Board may still take that allegation into account and give it such weight as it considers appropriate in a holistic assessment of all the information before it [76]-[77]; [87]; [90]. In those circumstances, procedural fairness would require the Board to give the prisoner the opportunity to state their position in relation to the allegation and to argue that no or very little account should be taken of it [66]-[67]; [70]; [87]; [90]. An oral hearing may also be required if the allegation is likely to be material to the risk assessment or if issues of explanation or mitigation are likely to arise [75]. The Board's assessment of the weight to be attached to an allegation is subject to the constraints of public law rationality [87]; [93].

The Board may also be persuaded that it is not safe to release the prisoner based on the surrounding facts: in some cases, the number and nature of allegations from independent sources might justify the Board in concluding that the prisoner has engaged in a course of conduct giving rise to a risk to the public even if no single one of the allegations is found proven. In other cases, a holistic assessment of all the circumstances may persuade the Board that there is a significant chance, short of the balance of probability, that an allegation is true [79]; [83]. Further, where the Board cannot make a finding as to the truth of an allegation, the allegation can also be used to test the credibility of the prisoner's account of their behaviour [78].

The Supreme Court notes that there may be circumstances where, because of the inadequacy of the information, the Board concludes that it should not take account of an allegation at all [87]. Finally, the Supreme Court finds that the concept of a "mere allegation" (and the contrast made in the Guidance between that and an allegation for which there is "some factual basis") is unhelpful. This shifts the focus away from assessing the quality of the evidence of the circumstances surrounding the allegation [93].

Three Words a "More Cautionary Approach" Turn Parole on its Head

Latest exchanges between Dominic Raab and the Justice Committee reveal that changes to the eligibility for open prisons are a solution searching for a problem. Ministry of Justice confirms that it doesn't know how often serious offences have been committed by people serving a life or IPP sentence while unlawfully at large from an open prison.

PRT director Peter Dawson explains what this new information tells us about the changes to parole. On 28 February I gave evidence to the House of Commons Justice Committee as part of its current inquiry into the prison workforce. Following that meeting, its Chair, Sir Bob Neil MP wrote to the justice secretary for further information on the recent changes to the eligibility for transfer to open conditions for prisoners serving life or IPP sentences.

Whilst that letter provides some new numbers, they confirm what our earlier Freedom of Information request revealed — a dramatic change in the likelihood of prisoners being approved for transfer to open conditions by the Ministry of Justice following a positive recommendation by the Parole Board; and that the change pre-dates the formal alteration to Parole Board rules on 6 June last year. We

think that's important because the policy basis for such a dramatic change before the new rules came into force seems to us to be pretty meagre. It really boils down to the justice secretary using three words — a "more precautionary approach" — in the Root and Branch review and in public statements.

The letter also confirms what we had assumed from earlier FOIs — that the secretary of state has only been involved personally in cases where officials have suggested that a Parole Board recommendation should be accepted. Given that so few cases have produced that result, it seems that responsibility for deciding how to interpret what a "more precautionary approach" actually means may have been left very largely to the senior official with the delegated authority to reject cases without reference to the secretary of state in person. All of this has happened out of sight of the prisoners concerned or their representatives, who will have imagined that their case was being considered under the Parole Board rules then in force.

The aspects of this that cause us concern are: • On the face of it, a very substantial change in practice has been made on the basis of just a three-word description of the policy, and before a change in Parole Board rules which fleshed out and gave statutory force to what those words might mean. • As far as we can see, the interpretation of those words leading to that change in practice has been left to a senior official. • All of this has happened without the knowledge or involvement of either the Parole Board or Parliament. • And all of this has happened out of sight of the prisoners concerned or their representatives, who will have imagined that their case was being considered under the Parole Board rules then in force, and interpreted in the way the Parole Board panel hearing the case also believed to be correct. If public confidence is so seriously undermined by a prisoner serving a life or IPP sentence going on to commit a serious further offence while unlawfully at large from an open prison, one might expect ministers to know how often that had happened.

The letter also confirms that the Ministry of Justice has no information about whether the very issue that these changes in criteria are designed to prevent has even taken place. If public confidence is so seriously undermined by a prisoner serving a life or IPP sentence going on to commit a serious further offence while unlawfully at large from an open prison, one might expect ministers to know how often that had happened. With the prison service in the midst of an acute capacity crisis, and police forces being asked to provide their cells for use, it was perhaps surprising that almost 700 places were available across the open prison estate at the end of February. These are places which ordinarily would be occupied by those life and IPP sentence prisoners who had been recommended for transfer by the Parole Board, and previously approved by the Ministry of Justice in nine out of 10 cases.

The most recent figures shared by Dominic Raab show that the prison service has been moving heaven and earth to get those spaces filled now that they are so much less likely to be used for the rehabilitation of people serving indeterminate sentences. In our view this could increase the risk to the public, given the much lower level of scrutiny that is possible for cases where the Parole Board plays no part, and the absence of incentives for prisoners with a fixed release date to comply with the requirements of living in an open prison. Only time will tell.

Peter Dawson, Director, Prison Reform Trust, https://rb.gy/5m4x

Electronic Recording/Storage Prisoners Correspondence - Violation of Article 8

The present applications concern the electronic recording and storage of the applicants' correspondence on the computer system of the National Judicial Network (UYAP) by the applicants' respective prison administrations during their detention. At the material time the applicants were detained in various prisons in Türkiye on charges of membership of an organisation referred to by the Turkish

authorities as FETÖ/PDY ("Fetullahist Terror Organisation/Parallel State Structure") following the attempted coup d'état of 15 July 2016. During the applicants' detention, with reference to letters from the General Directorate of Prisons and Detention Centres of the Ministry of Justice, the relevant prison administrations recorded the applicants' correspondence - both incoming and outgoing - on the UYAP system. The applicants objected to the above-mentioned practice of the prison administrations before the relevant enforcement judges and subsequently before the assize courts. The domestic courts dismissed their objections, holding that the practice was in line with law and procedure.

Prison Reform Trust (PRT) Comment: Victims and Prisoners Bill

Commenting on the announcement today (29 March) of the Victims and Prisoners Bill, Peter Dawson, director of the Prison Reform Trust said: "Today's announcement of legislation to give the justice secretary a power to veto Parole Board decisions to release prisoners convicted of certain offences does not come as a surprise. But despite the length of time since the justice secretary first made his intentions clear, it is wholly unsupported by any evidence of a problem that needs solving. Any dispassionate analysis of the parole process shows that it is already overwhelmingly focused on public protection and that the Parole Board takes a very cautious approach. The consequence is that any further offending by lifers released on parole is very rare — less than 2% of such releases result in a new conviction of any kind.

"It is impossible not to conclude that the proposals are driven by politics. Dominic Raab is keen to pick a fight, ideally with an opponent, the Parole Board, that is not in a position to defend itself. He can look 'tough' and challenge the opposition to do anything other than go along with him. But in the process, he undermines public confidence by his attacks on the Parole Board, and he creates an expectation amongst victims that they will have a veto over the release of particular prisoners. That will inevitably be a false expectation if the test for release is to remain about public protection rather than public outrage.

"For people who have served their punishment in prison, and are preparing for a parole hearing, this news can only cause enormous worry and distress. The justice secretary's desire to place their interests in direct opposition to the interests of victims is opportunistic and unjust. Everyone — victims, prisoners and the public — are best served by a system which takes objective decisions based on the best evidence and the most expert assessment. This bill makes that harder rather than easier to achieve. We will make sure that the deep flaws in these proposals are thoroughly exposed as the legislation makes its way through parliament."

Pakistan: Prisoners Deprived of Adequate Health Care

Pakistani authorities have systematically deprived prisoners of adequate health care, leaving thousands at risk of disease and death. Outdated and discriminatory bail laws lead to severe overcrowding, with most prisoners yet to be tried or convicted, leaving them vulnerable to communicable disease and unable to get care. Outdated Bail Laws, Corruption, Fuel Abuse

"A Nightmare for Everyone: The Health Care Crisis in Pakistan's Prisons," documents widespread deficiencies in prison health care in Pakistan and the consequences for a total prison population of more than 88,000 people. Pakistan has one of the world's most overcrowded prison systems, with cells designed for a maximum of 3 people holding up to 15. Severe overcrowding has compounded existing health care deficiencies, leaving inmates vulnerable to communicable diseases and unable to get medicines and treatment for even basic health needs, as well as emergencies. "Pakistan's prison system is in need of urgent, systemic reform," said

Patricia Gossman, associate Asia director at Human Rights Watch. “Successive governments have acknowledged the problem and done nothing to address the most critical needs to overhaul bail laws, allocate adequate resources, and curb corruption in the system.”

Human Rights Watch interviewed 54 people, including former inmates in Sindh, Punjab, and Islamabad, among them women and juveniles, lawyers for detainees and convicted prisoners, prison health officials, and advocacy organizations working on prisoner rights. The principal cause of overcrowding is the dysfunctional criminal justice system itself, Human Rights Watch found. Most inmates are under trial and have yet to be convicted. The majority facing criminal trials are poor and lack access to legal aid. A lack of sentencing guidelines and the courts’ aversion to alternative noncustodial sentences even for minor offenses significantly contributes to overcrowding. The crisis in prison health care reflects deeper failures in access to health care across Pakistan, exacerbated most recently by an economic crisis. Poor health care intersects with a range of other rights abuses against prisoners, including torture and mistreatment, and is a key symptom of a broken judicial system. Corruption among prison officials and impunity for abusive conduct contribute to serious human rights abuses.

Rich and influential inmates sometimes serve out their sentences outside prison in private hospitals, while poorer prisoners pay bribes just to get pain relief medication. Colonial-era laws enable the government and other powerful people to interfere in police and prison operations, sometimes directing officials to grant favors to allies and harass opponents.

Poor infrastructure and corruption have left prison healthcare services vastly overstretched. Most prison hospitals lack adequate budgets for medical staff, essential equipment, and sufficient ambulances. Almost all prisoners interviewed described unhealthy and inadequate food, dirty water, and unhygienic conditions. Prisoners said that often their only option for drinking water was from the tap, which is generally unfit for drinking in Pakistan due to its high arsenic content.

Human Rights Watch found that women prisoners are among the most at-risk inmates. Patriarchal societal attitudes, lack of independent financial resources, and abandonment by families contribute to additional hardships for women prisoners. Women in the criminal justice system routinely experience prejudice, discrimination, and abuse, and for these reasons face greater difficulties accessing health care.

Prisoners with disabilities are at great risk of abuse, discrimination, and mistreatment. Despite the high prevalence of psychosocial disabilities – mental health conditions – among inmates, Pakistani prisons don’t provide access to even basic mental health support. The prison system lacks mental health professionals, and prison authorities tend to view any report of a mental health condition with suspicion. Psychological assessments for new prisoners are either perfunctory or not done at all.

Pakistani governments at the federal and provincial levels should urgently adopt measures to bring health care in its jails and prisons in line with international standards, such as the Nelson Mandela Rules. Successive governments’ failure to allocate adequate resources and to monitor and efficiently utilize them has contributed significantly to the dilapidated state of the prison system. The Sindh province is the only province in the country that has enacted prison rules in line with international standards, but the rules are not enforced well.

In addition to addressing access to health care, and ensuring sanitary living conditions and adequate food, the most important reforms include changing bail laws, expediting the trial process, and prioritizing noncustodial sentences to reduce overcrowding. The United Nations Human Rights Committee has stated that governments have a “heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty.” This is because when detaining people, the government “assume[s] responsibility to care for their life“Pakistan needs urgent and

comprehensive prison reform, with a particular focus on the rights of women, children, and other at-risk prisoners,” Gossman said. “Basic health care is a fundamental right, including for prisoners.”

Waterboarded by the British Army - £1.3m Compensation

Anne Cadwallader, Declassified: The Belfast High Court has awarded over £1.3m in compensation to a man who, at the age of 18, was “waterboarded” by British military personnel into falsely confessing he had murdered a soldier – becoming the last man to be sentenced to death in Northern Ireland. The death sentence was commuted to life imprisonment but Liam Holden, who died last September aged 65, still spent 17 years in jail before being cleared ten years ago of all charges and awarded £1m in exemplary damages. Holden’s estate has now been awarded a further £350,000 against the Ministry of Defence (MoD) for the army’s waterboarding – a term which only became common after this form of torture was used against US detainees in Guantanamo.

Declassified documents found by the Pat Finucane Centre (PFC) in the National Archives, were provided to the court along with the personal testimonies of other torture victims given to the Association of Legal Justice (ALJ). The ALJ was formed in the 1970s and disbanded in the 1990s after taking over 4,000 statements from people alleging human rights abuses by the police and soldiers. The documents established that the use of electric shocks, sexual assault and other forms of torture were commonly inflicted on detainees in Northern Ireland.

Informing the PM: The PFC’s advocacy manager, in an affidavit given to Holden’s solicitor, Patricia Coyle, stated that the Irish taoiseach, Jack Lynch, had informed British prime minister Edward Heath of this use of torture in November 1972. The minutes of their meeting record that a man with epilepsy (not Holden) “had been forced to lie on his back on the floor, a wet towel had been placed over his head and water had been poured over it to give him the impression that he would be suffocated”. Lynch told Heath that Father Des Wilson, a priest in West Belfast, had informed him that local Catholics were so frustrated by the British army’s ill-treatment (amounting to torture) that “they no longer thought it was worthwhile” complaining and that he himself had been “beaten up by the Army”.

Holden, who was a trainee chef when he was arrested in 1972, was taken to a West Belfast primary school – which had been requisitioned as a base by the Paras – where he was threatened, assaulted, hooded and waterboarded by members of the regiment. At a court hearing in Belfast last week, his estate was awarded the additional £350,000 for assault, psychological damage, inhumane and degrading treatment, malicious prosecution, misfeasance in a public office and false imprisonment.

Fear of Water: The judge outlined testimony given by Mr Holden before his death last year in which he described the waterboarding and its impact on his mental and physical health. He suffered a long-term fear of water, even being scared to use it when shaving or showering. Also outlined expert medical evidence on how the state’s continuing refusal to acknowledge its role had impacted on both Holden’s mental and physical health. He had given evidence in the earlier hearing that only an apology would bring him relief. “I don’t care about the soldiers that tortured me”, he had said in court. “I don’t care about the conviction. I don’t care about the years in jail – because I can never get them back… The closure I want is the document that says, ‘We know he is innocent.’ They have the documents to prove, without a shadow of a doubt, that I am innocent, and that’s where the hate comes from… I have to fight every step of the way to get one scrap of paper. … The case will never be done for me until that comes out. I feel that they still think I am guilty. I want acknowledgement that I am telling the truth. I know they have the documents to prove I am innocent… I want a soldier to say ‘We did this.’”

‘Water Was Poured up my Nose’ - In a second case, referred to in the PFC affidavit, also found in the ALJ file, a man told of being put on top of a table and being held there by Special Branch officers of the Royal Ulster Constabulary (RUC). He said: “My head was placed over the side of the table

while water was poured up my nose. It was then I agreed to sign. They told me it was that or they would shoot me. They told me it was that or they would shoot me"

The PFC affidavit also cites the mother of another youth where four soldiers had held his arms and legs apart while they wrapped a towel around her son's face. "They then emptied water over the towel which was round his face and started putting pressure on it. He got the feeling that he was either smothering or drowning." Electric Shock Treatment: The MoD were aware at the time that such torture was being meted out. The PFC has found one declassified document dated 14 December 1976 in which it is admitted that an out-of-court settlement should be offered because a man had been subjected to "electric shock treatment". There was "extensive" medical evidence of "severe beating" and "No prospect of a successful defence".

Apart from waterboarding and electric shocks, the British army used other insidious forms of torture including those of a sexual nature documented in the ALJ files. Victims were loath to speak out about or document this particularly humiliating treatment. Nevertheless, there is documentation of men having billiard cues and other instruments – including an electric cattle prod type of device – inserted in their back passages – and even that vinegar was poured up one man's anal passage. If any of these people come forward, perhaps emboldened by Holden's success, the MoD may find itself shelling out even more public money either in out-of-court or judicially-approved exemplary compensation awards.

NI Secretary Fined £5k for Failing to Investigate Murder of Pat Finucane

Belfast Telegraph: Northern Ireland's Secretary of State is to pay a further £5,000 damages to the widow of solicitor Pat Finucane for remaining in breach of a legal obligation to carry out a human-rights compliant investigation into his murder, a High Court judge ruled today. Mr Justice Scoffield held that Geraldine Finucane is entitled to the award due to the "culpable delay" in Chris Heaton-Harris taking a new decision on whether to establish a public inquiry. It is the second time that the UK Government has been ordered to make a pay-out to Mrs Finucane over hold-ups in responding to her family's campaign for a probe to establish the full scale of security force collusion into one of the most notorious assassinations of the Troubles. Mr Finucane, 39, was shot dead by loyalist paramilitary gunmen in front of his wife and three children at their north Belfast home in February 1989. In 2019 the UK Supreme Court declared that previous investigations into the killing failed to meet standards required by Article 2 of the European Convention on Human Rights.

Since then, Mrs Finucane has mounted a series of legal battles over the Government's response to that finding. In November 2020 former Secretary of State Brandon Lewis announced there would not be a public inquiry at this stage because he wanted other police review processes to run their course. He was then ordered to pay £7,500 damages to Mrs Finucane for the excessive delay in reaching that position. A further challenge was taken against the legality of his decision to await the outcome of reviews by the PSNI's Legacy Investigations Branch and the Police Ombudsman for Northern Ireland (PONI). In December last year Mr Justice Scoffield ruled that the Government remains in breach of Article 2 by the ongoing delay in completing a probe which meets those legal requirements. He quashed the decision not to establish a public inquiry at this stage, finding that Mr Lewis unlawfully failed to reconsider that position following the conclusion of a police review process. At that stage a direction was issued for a fresh decision to be taken on how to address the continued investigative deficiencies within a set timeframe.

Describing Mrs Finucane as being in a "sorry situation" nearly four years after the Supreme Court's declaration, the judge had ordered the current Secretary of State to reconsider the

Government's response and provide full reasons. Lawyers for the widow argued she was entitled to compensation for the government's failure to act on his earlier ruling. Backing those submissions, Mr Justice Scoffield said today: I have no doubt that the applicant in this case experienced feelings of frustration, anxiety and distress occasioned by the additional delay to which the respondent's decisions (which I have found to be unlawful) gave rise." He added: "So long after Patrick Finucane's death, each further period of culpable delay likely jeopardises the feasibility of an effective investigation." The judge confirmed: "I consider an award of £5,000 for the period from November 2020 to now to represent an appropriate sum to afford just satisfaction."

Meanwhile, it also emerged today that the government is set to appeal the earlier findings and order made by Mr Justice Scoffield. Based on those legal plans, the Secretary of State made a request to be freed from a pledge to provide Mrs Finucane with a further decision on the response to the 2019 Supreme Court declaration by a deadline due to expire on Friday. However, the judge instead decided Mr Heaton-Harris should be given more time to take his case to the Court of Appeal. He said: "I have determined that, rather than releasing the respondent from his undertaking entirely at this stage, I should extend the time available for compliance for a further period of six weeks until May 12, 2023."

Information Commissioner to Prioritise FOI Complaints With "Significant Public Interest"

Local Governmnt Lawyer: The Information Commissioner's Office (ICO) has announced a "new approach" to prioritise complaints made under the Freedom of Information Act (FOIA) where there is "significant public interest". The ICO said the public interest criteria has now been "clarified and refined". It said: "The new criteria provides clear guidance and expectations about what constitutes significant public interest – for example, if the issue is likely to involve large amounts of public money, or the information may significantly impact vulnerable groups".

The new prioritisation framework will ensure that complaints where there is significant public interest in the information requested will now be dealt with "quicker than previously", the ICO announced. The ICO will aim to allocate priority cases within four weeks and fast-track 15-20% of its caseload. It will also close 90% of all the cases it receives within six months (up from its previous target of 80%). The criteria will be kept under review and cover complaints made under both FOIA and the Environmental Information Regulations (EIR). The ICO said that for the past year, it has "streamlined its processes to better handle the volume and complexity of FOI complaints it receives", so it can do more regulatory activity targeted at public authorities that are "failing systemically to meet their transparency obligations". In November 2022, the ICO launched a consultation on its proposed framework to prioritise certain complaints while also delivering a swifter response than ever to all incoming cases. The proposal recognised that FOI law is "essential to a functioning democracy" and that delays in the current system were "undermining its effectiveness".

John Edwards, UK Information Commissioner, said: "At the ICO we, like many public bodies, continue to face the long-term challenge of doing more with less in real terms. That is why we have been looking at ways to improve our FOI services, including making better choices to ensure we are delivering timely outcomes – such as prioritising issues that will have the greatest impact. "Timeliness is everything in access to information, so we need the support from public authorities to ensure people are receiving timely responses. We will be doing our part by adding pace to our work, but we need commitment from senior leaders across public authorities to drive FOI compliance within their organisations, investing time and resources where needed to ensure people are receiving clarity about what information they are entitled to within the legal timeframe." Introducing prioritisation is one

of "several recent improvements" to the ICO's regulation of the FOI Act. Edwards added: "Prioritisation will sit at the heart of our new operating model which is designed to stand up to the rigours of the modern world. With these improvements to our FOI services, we are delivering one of the first outcomes of ICO25, our strategic three-year vision, and marking a real step-change in the efficiency of FOI law and the transparency it can bring." Last week, the ICO issued its second FOI enforcement notice since the launch of its new FOI Regulatory Manual last year. The notice requires Lewisham Council to respond to hundreds of overdue requests for information. It said it is taking "more proactive action" against public authorities that are "systemically failing to comply with the law". The ICO revealed that over the last 12 months, it has reduced its caseload of 2,295 live complaints by almost two-thirds and delivered more than 2,500 decision notices.

Joshua Ball: Inappropriate Police Restraint Use of a Spithood Unlawful Killing

INQUEST: Joshua died after being restrained by Staffordshire Police on 28 May 2018. An inquest jury has now found inappropriate police restraint occurred, including the use of a spithood, and ambulance failures. Joshua was from Stoke-on-Trent. Joshua, a father of one, was a natural entertainer and regularly hosted a karaoke event at a local pub. A beloved son, his family said he "melted hearts at school, on state, on the football pitch and in any environment he found himself in throughout his life." On 28 May, police were called to an incident in Newchapel, Stoke-on-Trent after members of the public had seen Joshua acting erratically. Joshua was under the influence of cocaine at the time. He was covered in blood and appeared to have self-harmed. A member of the public threw a rock at Joshua which resulted in a mesenteric tear. At 1.45pm, Staffordshire police officers arrived. They handcuffed and restrained Joshua on the ground and placed a spit hood over his head.

Body worn video footage, shows that officers discussed whether Joshua was suffering from Acute Behavioural Disturbance (ABD). This is a set of symptoms which often arise during restraint, which police are generally trained to recognise and respond to as a medical emergency. Paramedics were called and Joshua was taken to Royal Stoke Hospital by West Midlands Ambulance Service. He suffered a seizure on the way to the hospital. There were severe criticisms made of the ambulance service in their treatment of Joshua.

Joshua arrived at the hospital at 2.40pm. He suffered two cardiac arrests and presented symptoms of internal bleeding. Joshua subsequently underwent an emergency laparotomy. During his time in theatre, Joshua suffered four further cardiac arrests and died. The inquest concluded that a rock thrown at Joshua by a member of the public combined with acute cocaine intoxication led to serotonin syndrome and ultimately caused his death. The jury also found the following issues:

*The mesenteric tear caused by a rock thrown at Joshua by a member of the public. This amounted to unlawful killing. *The officer's decisions to restrain Joshua on the ground and to use a spitguard on Joshua in the circumstances were inappropriate. *The initial patient assessment by ambulance staff was inadequate and there was a lack of fact finding and exploration of events prior to Joshua being attended by emergency services.Ambulance staff failed to recognise and manage Joshua's soiled airway, arising from the blood in the oxygen mask and failed to provide adequate ventilation. *Ambulance staff entirely missed the potential for significant trauma consideration and active internal bleeding.

Joshua's father, Stephen Ball, said: "It has been a long and hard 5 years since Joshua tragically died. I have always wanted the truth and justice for Joshua about the way he was treated on that fateful day. I am relieved and grateful that the jury has vindicated our longstanding belief about the inhumane and degrading way in which Joshua was treated by the police,

ambulance service and hospital Trust. I am also relieved that the jury have placed on record that he was unlawfully killed. I will hold Joshua in my heart forever and we as a family will not give up on our fight for justice for him."

Caroline Finney, Caseworker at INQUEST, said: "Joshua's death following the failings of both the ambulance and police services is a further indictment of the failure to treat individuals in severe mental health crisis as peoples in need of support. Indeed, despite having been physically attacked by others and bleeding, Joshua was restrained by the police and not appropriately cared for by paramedics. Acute Behavioural Disturbance is now a well-known collection of symptoms that should trigger a medical emergency. Resources need to be urgently allocated to specialist mental health responders to end the over-reliance on policing mental ill-health."

MPs Call for Prison Education to be Nationalised

Insiide Time: A group of 35 MPs has called on the Government to nationalise prison education and offer a standard curriculum and qualifications at every jail. The MPs, mostly Labour, signed an Early Day Motion in the House of Commons saying they were "alarmed by the dire state of prison education" and claiming that "the current for-profit system of prison education wastes millions of pounds of public money each year and encourages a race to the bottom between the four main providers in terms of quality of education, suitability of curricula and conditions of staff employment". The call has the backing of the University and College Union, the main trade union representing teachers in prisons, and was endorsed by opposition peers in an exchange in the House of Lords. Under the current system, each prison in England has a contract with one of four large education providers. One (PeoplePlus) is a private company, while the others (Novus, Weston College and Milton Keynes College) are public-sector college groups. The Government has said it plans to introduce a Prison Education Service to co-ordinate teaching across the prison estate, but it does not plan to alter the system of contracts with private providers.

In the House of Lords, Baroness Blower, a Labour peer and former leader of the National Union of Teachers, called on the Government to take "the launch of the Prison Education Service as an opportunity to bring all prison education back into the public sector, with standardised curriculum and qualifications, which are so important when prisoners are moved, and standardised education staff contracts to assist with recruitment and retention". Baroness Burt of Solihull, a Liberal Democrat peer, said: "The education service has been carved up by just four main providers, and governors have little or no say in who delivers education in their prisons."

Responding for the Government, Justice Minister Lord Bellamy said: "We are engaging with the market to encourage new providers to work with us to deliver high-quality prison education. We do not currently envisage fundamental change to the present system of outsourcing core delivery to specialist education providers." At Justice Questions in the House of Commons, Labour MP Mary Kelly Foy said: "We spend over £150 million a year on a prison education system that's unfit for purpose and much of that is extracted as profit for failing outsourced companies."

Prisons Minister Damian Hinds replied: "That is a mischaracterisation of how the education service runs in prisons. There are an extraordinary number of very dedicated people working in that service for providers." However, he acknowledged: "We can do better, we must do better." An enquiry last year by MPs on the Education Select Committee heard evidence that prisoners who are transferred between jails have to start courses again, because they are different at each prison. The committee's report criticised the current arrangements as a "clunky, chaotic, disjointed system which does not value education as the key to rehabilitation".