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"Appalling" Young Offender Institution Costs Six Times More Than Eton

Inside Time: A Young Offender Institution which has been branded "appalling" by inspectors costs six times more than the UK's most prestigious public school. Taxpayers pay £275,000 to keep a boy at YOI Cookham Wood for a year. The annual cost of a boarding place at Eton College is £46,000. Cookham Wood, in Kent, employs 450 staff – including 44 managers – to look after only 77 boys aged 15 to 18. It is the most expensive prison or YOI in the country. Yet when HM Inspectorate of Prisons visited last month, it found that solitary confinement had become "normalised", while education and other interventions were almost never delivered, living units were dirty and equipment was broken. In the past six months more than 200 makeshift weapons were seized by staff.

Charlie Taylor, HM Chief Inspector of Prisons, issued an urgent notification requiring the Justice Secretary to take action within 28 days. He said: "We spoke to boys who'd had almost no human contact at all in days, and who had resorted to trying to stick up photos of home with toothpaste on the walls of the tiny cells that became their whole world. Such treatment of children is appalling. This is a scandal and it cannot be allowed to continue." The inspectorate added: "The fact that such rich resources were delivering this unacceptable service for just 77 children indicated that much of it was currently wasted, underused or in need of reorganisation to improve outcomes at the site." Eton, founded in 1440, boasts of world-class facilities for sports and the arts – while more than half the A-levels taken by boysare A* grades. Prominent Old Etonians include the Prince of Wales, Boris Johnson and David Cameron. By contrast, inspectors visiting Cookham Wood found "low morale among staff, low standards, low expectations and a lack of energy and creativity that could engage and motivate children".

The number of children in custody in England and Wales has plummeted from 3,000 in 2006 to fewer than 500 today, as judges have been encouraged to hand out community sentences instead. Other YOIs are slightly cheaper to run, with places costing £259,000 a year at YOI Werrington and £237,000 per year at YOI Wetherby, according to annual prison performance data published in March by the Ministry of Justice. Places at adult jails cost taxpayers only £47,000 per prisoner per year, due partly to their lower staffing levels.

The last inspection report on Cookham Wood identified a breakdown in behaviour management, with feuds between the boys prompting the weapon-making as they sought to protect themselves. The prison relied on keeping particular boys apart, or segregating them altogether, to maintain safety. Records showed that 90 per cent of the boys were under "keep-apart" orders, with staff logging 583 conflicts among the 77 residents. Taylor added: "Many of these children have committed serious crimes and have rightly been detained. Nevertheless, they are still children, many of whom have come from very difficult backgrounds. They ought to be receiving education and support to make better choices in the future, supporting their rehabilitation and growth into adulthood so they leave custody in a better position than they entered it." Responding to the criticism, Prisons Minister Damian Hinds said: "Cookham Wood is home to some of society's most troubled children, many with violent convictions, but the situation there is completely unacceptable as it is preventing us from helping these young offenders turn their backs on crime.

CCRC Referral James Alexander Smith - Dismissed by Royal Courts of Justice

Summary of Judgment: The Court of Appeal on Friday 5th May 2023, dismissed a reference by the Criminal Cases Review Commission seeking a review of James Alexander Smith's ("the applicant") convictions in respect of the murder of Duncan Morrison, the attempted murder of Stephen Ritchie and two counts of possession of a firearm with intent to endanger life.

The offences were committed on 13 May 2011 when two men wearing balaclavas entered a house in Bangor shooting the two men present. The attackers made their getaway in a Honda Civic driven by a third person which had been stolen in March 2011 and was later found burnt out at the Somme Centre in Newtownards. A VW Golf similar to the one owned by the applicant the applicant's co-accused, Peter Greer, was seen parked at the Somme Centre. It was the prosecution case that the men in the Civic had transferred to the Golf which was recorded on CCTV and ANPR travelling from the Somme Centre to the Ormeau Road in Belfast. The applicant was arrested in the Golf and the keys of the Civic were found inside the car as well as items of clothing which contained the applicant's DNA and a single particle of cartridge discharge residue. The prosecution was based on circumstantial evidence, and it was argued this was a case of joint enterprise. The applicant did not give evidence at his trial and was convicted on 22 March 2013 at Downpatrick Crown Court and sentenced to life imprisonment with a minimum term of 21 years' imprisonment. His co-accused Peter Greer was also convicted of similar offences and sentenced to a minimum term of 20 years.

The applicant lodged an application to the Criminal Cases Review Commission ("CCRC") in 2019 which referred the conviction to the Court of Appeal on the ground of change in the law in relation to the liability of secondary parties brought about by the judgment of the Supreme Court in Jogee , the scope of which was further clarified in R v Johnston (two later cases in this jurisdiction indicated that the NI Court of Appeal will follow R v Johnston). The CCRC submitted that as a result of the change in the law there was a real possibility that the NI Court of Appeal would conclude that it would be a substantial injustice not to quash the applicant's convictions and that his convictions are unsafe.

The UKSC Decision of Jogee: In R v Jogee the legal issue was the mental element of intent which must be proved when a defendant is accused of being a secondary party to a crime. The unanimous decision in Jogee was that the preceding cases on this issue had taken a wrong turn and that the correct rule is that foresight is simply evidence (albeit sometimes strong evidence) of intent to assist or encourage, which is the proper mental element for establishing secondary liability. It is a question for the jury in every case whether the intention to assist or encourage is shown. The decision brought the mental element of the secondary party back into broad parity with what is required of the principal. The correction was also consistent with the provision made by Parliament when it created (by the Serious Crime Act 2007) new offences of intentionally encouraging or assisting the commission of a crime, and provided that a person is not to be taken to have had that intention merely because of foreseeability.

Soon after the Jogee decision the Court of Appeal in England and Wales considered six appeals in R v Johnston and others. In those cases reliance was placed on the change of the law. The court found that the decision in any appeal must be fact sensitive and the fact that a jury was correctly directed in accordance with the then prevailing law does not automatically render the verdict unsafe. The court also held that an applicant who asserts that he suffered a "substantial injustice" as a result of being tried under the "old law" faces a high threshold. In determining whether there has been a "substantial injustice" the court identified the relevant considerations to be taken into account which include the court having regard to the strength of the case advanced that the change in the law would, in fact, have made a difference. In this

appeal, the applicant submitted that due to the purported vague and incoherent way in which the prosecution put its case, it was not possible to identify with certainty the basis upon which the jury convicted him. It was argued there was insufficient evidence for the jury to have convicted him as principal, although there was a real danger that they may have done so on an impermissible basis. The submissions in respect of the Jogee ground were made on the basis that the jury had convicted the applicant having considered he was a secondary party.

Consideration: The court dealt firstly with the alleged misdirection by the judge which it was claimed was fuelled by the confusing way in which the prosecution presented this case. It noted that the previous Court of Appeal hearing found no issue with the prosecution closing read as a whole or with the judge's charge. The court said that on appraisal of the judge's charge it did not consider it to have misled the jury as to the core aspects of this case and there was simply no fatal flaw in this case that gave it cause for concern about the charge as a whole: "The critique of the judge has been undertaken with the benefit of hindsight, divorced from the cut and thrust of a criminal case and without the perspective of the lawyers who actually conducted the case and decided on strategy. The appellate court will not allow artificial or academic arguments to blind it to the factual reality of a case. In every criminal case of this nature a holistic overview must be taken."

The court then turned to the specific question of Jogee compliance. All parties agreed that the direction given by the trial judge in relation to when a secondary party is guilty of murder and the directions in respect of the firearms offences were Jogee compliant. Where the parties disagreed was the direction in respect of attempted murder and how that could have impacted and potentially confused the jury in light of the other directions given. Issue was also taken with the relevant extracts of the prosecution closing speech on joint enterprise. The court therefore said it would focus on these aspects and whether such arguments met the substantial injustice threshold.

The Court of Appeal in the previous appeal brought by the applicant in 2014 concluded that the circumstantial evidence against the applicant and his co-accused was very strong and there was no doubt as to the safety of the convictions. The court said this was particularly relevant in light of the fact that the CCRC took into account "the weaknesses in the prosecution case and its largely circumstantial nature." Counsel for the applicant submitted that the trial judge should have directed the jury that before they could rely on an alleged primary fact as part of the circumstantial evidence, they had to be sure (beyond reasonable doubt) of that fact. This point was not raised in the notice of appeal. The court noted that the trial judge dealt with circumstantial evidence in his charge and provided an almost verbatim direction from the Northern Ireland Bench Book specimen direction on circumstantial evidence: "Nowhere in the Northern Ireland specimen direction does it require the judge to tell the jury they must be sure beyond reasonable doubt of each of the primary facts before they can be regarded as part of the circumstantial case."

The court then referred to the decision of McGreevy v DPP [1973] 1 All ER 503 which it said remains good law and serves as a reminder that circumstantial evidence does not fall into any special category that requires a special direction as to the burden and standard of proof: "The ultimate question for the jury is the same whether the evidence is direct or indirect: Has the prosecution proved upon all the evidence so that the jury is sure that the defendant is guilty?" In answering this question, the jury is required to examine each strand of the circumstantial evidence relied upon by the prosecution, decide which they accept and which they do not, and decide what fair and reasonable conclusions they can draw from the evidence they accept. They must not speculate. It is for the jury to weigh up the evidence and decide whether they are sure of the defendant's guilt.

The court also referred to the England & Wales specimen direction on circumstantial evidence and said it makes no mention of being sure on the each of the facts placed before the jury – it is a matter for the jury what weight they attach to the evidence. The court said this approach has recently been approved in the England & Wales Court of Appeal and it could see no reason to depart from that practice in Northern Ireland. The court was also influenced by the fact that there was no requisition in relation to the judge's directions relative to the case now being made. It considered that the trial judge alerted the jury to the caution they should apply to the evidence in the case and concluded that the judge's directions could not be said to have misled the jury.

Returning to the Jogee ground, which the court made clear was its main focus, the first question was whether or not this was a parasitic accessory liability case and therefore one to which Jogee relates. The prosecution argued it was not and that the CCRC had fallen into error as this was a well organised assassination in which the intention from the outset was to kill and there was no question of it being another crime "gone wrong". The court was of the view that this was not on the face of it a case to which Jogee applies and that the CCRC had erred in relation to the primary focus of this reference. It said that in contrast to the cases relied on by the CCRC, this was a case involving a pre-planned assassination. This flowed from the fact that there can be no question that persons who are together responsible for a crime are all guilty of it, whether as principals or secondary parties:

"Sometimes it is not possible to determine exactly whose hand performed the vital act, but this does not matter providing that it is proved that each defendant either did it himself or intentionally assisted or encouraged it. As the Supreme Court said in the cases it examined in Jogee cases does not affect that basic rule at all. What Jogee was dealing with was a narrower issue concerning secondary parties who have been engaged with one or more persons, others in a criminal venture to commit crime A, but in doing so the principal commits a second crime, crime B. In many of the reported cases crime B is murder committed in the course of some other criminal venture, but the rule of law is not confined to cases of homicide, or indeed to cases of violence. The question is: what is the mental element which the law requires of the secondary party?"

The court said this narrower area of secondary responsibility has sometimes been labelled "joint enterprise", but this was to misuse that expression as the Supreme Court plainly said. To speak of a joint enterprise is simply to say that two or more people were engaged in a crime together. That, however, does not identify what mental element must be shown in the secondary party. The particular, narrower area of secondary responsibility here in question – where crime B is committed during the course of crime A - has been, in the past, more precisely labelled "parasitic accessory liability". The court said that even if this was a Jogee case the direction on the murder charge and the firearms charges were Jogee compliant. Therefore, the complaint focussed on the attempted murder direction in which the judge used the word "contemplation" rather than "knowledge". The court said this was an admitted error however it was essential to consider the charge as a whole and in context:

"To our mind the jury were entitled to convict [the applicant] as a secondary party of murder on the basis of assisting in the common plan to assassinate two men. Once the jury concluded on the "very strong" circumstantial case that he participated in that plan it would have been perverse for the jury to conclude that he did not have the necessary intent. If the jury had followed the judge's Jogee compliant direction on the murder charge, which would have been the central focus of their deliberations, the jury must have concluded that the applicant had the necessary intent for murder. If he had the necessary knowledge/intent for murder, how could he not have had the necessary knowledge/intent for attempted murder? Overall, we do not think that by virtue of the mistaken language on the attempted murder charge that the entire charge is fatally flawed."

The court went on to say that, in any event, if it was of the view that Jogee applied to the facts of this case then it was for the applicant to show that a substantial injustice would otherwise occur: "There should be no ambiguity as to the test to be applied if Jogee applies. The test is that the court must be satisfied that a substantial injustice arises considering the facts of a particular case. The facts of this case are particularly stark and must dictate the outcome. The crime was a crime of planned violence which involved the use of weapons. The inference of participation with an intention to cause really serious harm is very strong. Put simply, in this case, if it is a Jogee case, we are entirely satisfied that no substantial injustice arises by virtue of the change in law. If no substantial injustice arises thus far what remains is an attempt to re-open an appeal which has already been determined by the Court of Appeal. That court was entirely satisfied as to the safety of the convictions. The circumstances in which such an appeal will be entertained are heavily circumscribed as we have discussed above. If pursued, we will consider the remaining application for leave to appeal on paper or orally as requested after counsel has had an opportunity to consult and consider our ruling on the CCRC reference." Conclusion: *The court dismissed the reference.*

Henry Fitzsimmons Colin Duffy Guilty - Alex Mccrory Not Guilty

[**Voir Dire i**s a separate hearing in which the trier of law determines whether evidence is admissible and can potentially be entered into evidence in the trial. A voir dire can also be convened to determine the competence of a witness or to determine whether an expert witness is qualified to give evidence.]

[1] On 30 September 2022, I gave a ruling on the various issues that had been raised during the ***Voir Dire***. Following that, on 14 October 2022, the prosecution closed its case without calling any further evidence. In light of the complexities of this case the parties required time to present written submissions. After they had been exchanged and considered I heard oral submissions on 10 January 2023 and indicated that I would then give this ruling on whether any or all of the three defendants has a case to answer. [2] It turned out, however, that further exchanges took place in writing in relation to the defendants, Fitzsimmons and Duffy. Eventually, on 30 January 2023, all the exchanges came to a conclusion, making it possible for me to consider them and now give this ruling. [3] It is unnecessary for me to set out in detail the law which governs applications of no case to answer because there is no disagreement as to the principles to be applied. In simple terms I must look at the evidence in the round and ask whether, looking at that evidence and treating it with appropriate care and scrutiny, this is a case in which a properly directed jury could convict any of the three defendants.

[4] At the heart of this prosecution is a recording, the Lurgan audio which was made on 6 December 2013. I have admitted that audio in evidence as being entirely authentic. In that recording the voices of a number of men are captured discussing what is obviously terrorist activity including a gun attack on the police in Belfast on 5 December 2013 and other matters including access to weapons and how difficult it has now become to murder people. [5] Although I admitted the Lurgan audio in evidence, I was not satisfied on the issue of the transcripts of the recording. I ruled that the attributions of speech to each of the three defendants were fundamentally flawed and at para [84] I admitted in evidence the transcripts of the Lurgan audio but without the attributions. [6] The precise terms of that ruling became problematic during the course of the applications of no case to answer because there are a number of different transcripts, some of which are poisoned, at least to some degree, by their origins.

[7] Accordingly, for the purposes of this ruling, I have listened intently a number of times to the Lurgan audio itself. By doing so, I have sought to avoid the issue that different transcripts include references to "Harry", "Collie/Colin" and "Alec/Alex" whereas others do not. Those references are inconsistent but the important point is that I have relied almost exclusively on the audio alone. The only exception to this approach is that I referred to the transcript prepared blind by Dr Philip Harrison, a course suggested to me by the defendants. In fact it was accepted by all sides during the oral submissions that overwhelmingly the best course for me to take is to listen to the audio. [8] There are portions of the Lurgan audio which are inaudible. I am satisfied that that is because at some points on the route taken by the speakers none of them was close enough to any of the hidden recording devices for their voices to be captured. At other points the voices can be heard but so faintly as to be of no evidential value.

[9] In the recordings it is possible to discern that there are people who are referred to by name but who are not part of the conversation, eg a "Thomas" and a "Sean." I make it clear that I have listened to the audio with a view to deciding whether I can make out the names of any individuals who are clearly, in context, part of the conversation as opposed to being people mentioned in the course of the conversation who are not themselves part of that conversation. [10] Having set out that general approach, I now turn to consider each of the three applications for a direction of no case to answer in turn. In doing so, I acknowledge the fact that the prosecution has proved significant connections between these three defendants, particularly in the Statement of Agreed Facts No.2. That is part of what the prosecution relies on as the circumstantial case. At this point, however, for there to be a case for any defendant to answer on any charge, there must be evidence on which I can connect that defendant to these specific charges.

[11] I also acknowledge that in a circumstantial case I should have regard to all of the strands of evidence relied on and look at the prosecution evidence as a whole. The caveat to that proposition is, to use the words of Treacy LJ in R v McLaughlin [2020] NICA 58 at para [23]: "Fragile threads do not make a strong rope." [12] For Mr Fitzsimmons it is submitted that the car entering and exiting Forest Glade in Lurgan on 6 December 2013 has not been proved to be the car registered to him. It is further submitted that even if it was his car, it is not a permissible inference that he was in it that day or ever got out and walked on the laneway where the recording devices were placed. In relation to the phone attributed to him, there is no evidence that he had it in his possession on 6 December 2013. It was not even recovered from him when the police later seized it. Furthermore, he was not identified in Lurgan on 6 December 2013 (unlike the defendant Duffy). [13] So far as references to "Harry" in the audio are concerned, it was initially submitted that references to a name in such common use could not be determinative of identity. That initial submission was added to by a stronger additional submission on 24 January 2023 that the name "Harry" cannot even be made out in the audio.

[14] I have considered the full written and oral submissions for Mr Fitzsimmons, and I am satisfied that he does have a case to answer on all charges. In particular, and without exhaustively analysing each aspect of the prosecution case, a judge could convict Mr Fitzsimmons on the basis that the car filmed arriving in and leaving Forest Glade at the relevant times was his car, that the phone attributed to him was active going towards Lurgan and, again, after the audio ended as the car was driven back towards Belfast and that the name Harry can be made out on the audio indicating that he is an active participant in the conversation. Even without him being visually identified, I am satisfied that he has a case to answer. [15] There is more to the prosecution case than this summary but it is not necessary or appropriate to say more at this stage. [16] For Mr Duffy it is submitted that there is not a case for him to answer that he was one of the men who was walking in the laneway discussing terrorist activ-

ity. He is the only one of the three defendants who the prosecution say can be identified, or more accurately recognised, from video evidence even if that evidence is of limited quality. The defendant challenges any reliance being placed on that video evidence and further challenges reliance being placed on the audio. In addition, issue was taken with whether I could be satisfied, even if the audio evidence provides a basis for a case for him to answer, that the elements of the separate charges against him have all been made out. [17] I have considered the full written and oral submissions for Mr Duffy, and I am satisfied that he has a case to answer on all charges. It is clear from the audio that "Collie/Colin" is an individual repeatedly referenced as being a participant in the conversation about what I have broadly described at this point as terrorist activities. I am satisfied that a properly directed court could find Mr Duffy guilty of the charges which he faces on the basis of this audio evidence and the video identification, even allowing for the case that there are issues about that identification. [18] There is more to the prosecution case than this summary but it is not necessary or appropriate to say more at this stage.

[19] For Mr McCrory it is submitted that there is no case to answer, fundamentally because there is no evidence (as opposed to conjuncture) that he was in Lurgan on 6 December 2013. While he has admitted to having associations with his two co-defendants, he is not visually identified and, in his case, the name "Alec/Alex" is just not discernible on the audio however often it is listened to. This submission is supported by the absence of his name in the transcript prepared blind by Dr Harrison. [20] In addition, it is submitted that matters relied on by the prosecution do not, in fact, amount to evidence which relates to these charges. For instance, it is submitted that the fact that he was in Lurgan on 22 September 2013 does not assist in providing a strand, even a fragile strand, that he was there on 6 December 2013, the day that matters. To take another example, the prosecution relies on Mr McCrory's presence in Laganside Courthouse in Belfast on the morning of 6 December at a case involving a Mr Kearney. There is then reference on the audio to the Kearney case and what happened in court. The defence response to that is to submit that there is no evidence to tie up what was said on the audio with what was actually said in court earlier that day.

[21] This prosecution has been brought significantly, though not exclusively, on the basis of the Lurgan audio. Having listened to the audio recordings again, I have concluded that I just cannot make a confident finding that there is any reference to Mr McCrory or to his name in that audio. That difficulty for the prosecution is insuperable and is added to by the fact that there is no identification evidence nor is there evidence of the sort referred to above in relation to Mr Fitzsimmons upon which a judge could find that he was in Lurgan on the afternoon of 6 December 2013. [22] There are very good reasons for the security services to have been suspicious of and to have investigated Mr McCrory's activities. However, in his case, and in his case alone, I find that the exclusion of the attribution evidence has had a fatal effect on the prosecution case. Accordingly, I accept the submission that Mr McCrory has no case to answer and I find him not guilty of the charges against him.

Islamic State: Hundreds of Women on Hunger Strike at Iraqi Prison

Murad Shishani & Nick Sturdee, BBC News: At least 400 women beem on hunger strike in a high-security prison in Iraq's capital Baghdad, the BBC has learned. They are in prison for being part of the Islamic State group, after what they say were unfair trials. The group is said to include foreign nationals from Russia, Turkey, Azerbaijan, Ukraine, Syria, France, Germany and the US. It is thought about 100 children are also being held at the facility. The Islamic State group, also known as ISIS, waged a brutal campaign to establish a self-declared caliphate - an Islamic nation - across Syria and Iraq, killing and enslaving thousands across a five-year period. After its fall in 2017, tens of thou-

sands of former members were rounded up. It is alleged many of the men were summarily executed, but thousands of women and children were taken into detention. Some were repatriated to their home nations, but many remain in Syrian and Iraqi jails. Videos sent to BBC Arabic from inside the Baghdad facility show emaciated women lying motionless on hard stone floors. It is thought the group have not eaten since 24 April. The BBC has been told that at the start of the hunger strike, participants were consuming just half a glass of water per day. Some women have now stopped drinking altogether. The women's sentences range from 15 years to life imprisonment. Some have been sentenced to death, but no executions have been carried out, the BBC understands. The hunger strike is a protest against both their convictions and the conditions they are being held in. Speaking on an illegally-held mobile phone, one Russian woman said she would not eat anything until she was released. She said she was given a 15-year sentence after a 10-minute trial, based on a confession she was forced to sign. The document was written in Arabic, a language she cannot read, and stated she was arrested in Mosul whilst carrying weapons, both of which she denies. It has not been possible to verify most of her claims. The women said they had had no contact with their embassies, and diplomatic representatives had not been present at many of their trials.

The women we spoke to claimed around 60 adult inmates had died inside Rusafa prison over the last six years, along with up to 30 children. One woman said the last child to die was three years old. The facility is located east of Baghdad, and holds women serving sentences for various crimes - not all terror-related. The inmates said they were held 40 to a cell, and were often subjected to beatings and inhumane treatment. Last April, the Iraqi ministry of justice announced the dismissal of the director of the prison, citing "leaked audio" from the facility. The ministry also acknowledged that Rusafa prison was four times over its capacity.

Iraq's criminal justice system has long been criticised over allegations that trials are unfair and abuse is widespread. The Iraqi government declined to answer the BBC's questions about the hunger strike or conditions in the prison. Previously, it has said it wants to help those who are innocent of any crime to return to their home countries. Amnesty International, however, has reported that long prison terms and death sentences have been imposed in IS-linked cases "following convictions based primarily on torture-tainted 'confessions'".

The Human Rights Committee of the Iraqi parliament recently urged the authorities to speed up the process of repatriation of IS-linked foreign prisoners. While some women have admitted to willingly joining IS, often participating in their crimes, others claim they were tricked or coerced into joining the group. Some insist they were forced to marry fighters and were threatened with death if they refused. One of the most high-profile is Shamima Begum, a British schoolgirl who travelled to Syria in 2015. She is still being held in a detention camp in the north of the country.

King Charles: Patron of a Disgraced Regiment

Anne Cadwallader, Declassified UK: As Charles accedes to the throne, his role as Colonel-in-Chief of the Parachute Regiment for 46 years is not forgotten in Northern Ireland where Paras have committed a shocking number of killings, some still being revealed in court. As some people across Britain celebrate the accession of King Charles III – complete with a carefully-crafted image – his status as Colonel-in-Chief of the British army's Parachute Regiment is not forgotten in Northern Ireland, despite the presence of Sinn Fein's Michelle O'Neill at the coronation. O'Neill has made it clear she is attending Westminster Abbey in her role as First Minister designate of the suspended Stormont power-sharing executive – rather than as the deputy leader of her republican party. Many of Sinn Fein's followers, however, while under-

standing her rationale – that she must represent both communities in Northern Ireland – must be scratching their heads. A recent poll found 0% of her party's supporters favour the monarchy. It will not have passed them by that Charles continues to personify the Parachute Regiment whose record in Ireland includes an eye-watering number of criminal actions, some of which are still being revealed in court. This is, after all, the regiment behind the shooting of 14 people in January 1972 on Bloody Sunday in Derry, labelled as "unjustified and unjustifiable" by former British prime minister David Cameron in his response to the findings of the Saville Tribunal. It is also the regiment behind the shootings of a further 11 people in the "Ballymurphy massacre", five months before Bloody Sunday.

An inquest verdict in May 2021 found all the dead were innocent. Victims included a priest trying to help the wounded and a mother of eight who bled to death where she lay for hours, unattended. The Coroner, Mrs Justice Keegan (now the Lady Chief Justice for Northern Ireland) concluded: "What is very clear, is that all of the deceased in the series of inquests were entirely innocent of any wrongdoing on the day in question".

There have been no successful prosecutions in either case, despite the Parachute Regiment wrongfully killing at least 25 civilians in these two tragedies alone.

Colonel-in-Chief: The regiment's ever-growing record of carrying out particularly vicious attacks on members on both communities in Northern Ireland has not, it seems, instigated any sudden crisis of conscience in the royal breast. Charles was appointed Colonel-in-Chief of the Parachute Regiment in 1977, just five years after Bloody Sunday. He went through their parachute jump course in 1978, so he could "look them in the eye" when wearing the infamous red beret. Over the last 25 years, he held at least 75 meetings with the regiment, including trips to see them in Afghanistan and Iraq, according to the Court Circular – the monarchy's official diary.

In July 2010, a few weeks after the Saville Report into Bloody Sunday was published, Charles received eight senior Parachute Regiment commanders at Clarence House, with prime minister David Cameron calling in later that day. Since Lord Saville's inquiry concluded, more damning evidence about the regiment has come to light. Just a month ago, the High Court in Belfast awarded a further £350,000 against the state for the waterboarding of a Belfast man, Liam Holden, at the hands of the Paras in a requisitioned school in the Shankill Road district of Belfast.

The Problem Behind UK Arrests of Coronation Protesters

Human Rights Watch:A Royal Distraction: Whatever you think of the monarchy, and however you feel about maybe 100 million pounds of people's taxes being spent on lavish ceremonies in the midst of an epic cost-of-living crisis in the UK, let's all agree on one thing: we all have a right to peacefully protest such things if we disagree with them. Unfortunately, this core concept was apparently abandoned on Saturday 6th, as UK police arrested at least 64 people during the coronation of the country's new king. My colleague Yasmine Ahmed, HRW's UK Director, called reports of people being arrested for peaceful protest, "incredibly alarming.This is something you would expect to see in Moscow not London."

Just as the coronation marks one key shift for the country, the arrests highlight another – one that's far more important as far as rights are concerned. A new Public Order Bill, aimed at criminalizing many protesters, passed through the UK Parliament last month, with key parts coming into force just days ahead of the coronation. The Bill is one reason why we have been warning about, "the most significant assault on human rights protections in the UK in decades." And HRW has hardly been alone. UK rights group Liberty, for example, has been calling out government moves to equate

peaceful demonstrations with extremism and says the Public Order Bill strikes at the heart of our fundamental right to protest. UN High Commissioner for Human Rights Volker Türk calls the Public Order Bill "deeply troubling" and "incompatible with the UK's international human rights obligations."He said it was "particularly worrying" police now had expanded powers to stop and search individuals "including without suspicion." And he called out "disproportionate criminal sanctions on people organizing or taking part in peaceful protests."

After this weekend's coronation, many are discussing the future of the monarchy under Charles III, but that feels more like a distraction to me. What we should all be looking at is the disturbing present reality the UK government is creating on rights. As my colleague Yasmine says, "From your right to protest to your ability to hold institutions to account, fundamental and hard-won rights are being systematically dismantled."

Scotland's Pioneering Custody Units for Women Left Half-Empty

Libby Brooks, Guardian: Scotland's pioneering community custody units – hailed as a UK first in supporting female inmates – have been left half-empty more than six months after they were opened, the Guardian can reveal. Campaigners have been left frustrated by the costly, state-of-the-art units not being filled to capacity after opening last year as part of the Scottish Prison Service's trauma-informed strategy for women. At the Bella Centre in Dundee and the Lilias Centre in Glasgow, women live together in brightly furnished house units designed to promote independent living. Trained staff aim to gradually build confidence among a prison population that experiences extensive mental ill-health, while nearly half are flagged as potentially having a learning difficulty.

Figures seen by the Guardian confirm occupancy rates for both centres have never risen above 54% over the past six months. Most recent figures available for May show the Bella Centre at 50% and Lilias at 33% occupancy. In March, Bella slumped to 38% full while Lilias peaked at 54%. At the time of opening, the Guardian was told prospective inmates would be assessed on their capacity to manage independent living and would be a mix of those on short sentences, who may serve most of their term in a community custody unit, and longer-term prisoners – including lifers – who are coming close to their parole date.

Responding to the occupancy figures, Katy Clark, the Scottish Labour community safety spokesperson, suggested the prison service needed to "urgently review" criteria for accessing the centres. She said: "For those of us who have been campaigning for better facilities for women, it's very concerning to hear that these facilities are not being used to capacity. They were very costly and took a long time to construct so the Scottish government owes us an explanation."

Emma Jardine, the policy and public affairs adviser for the penal reform body Howard League Scotland, said: "It's frustrating and disappointing that more women haven't been able to access these, potentially transformative, facilities. The CCUs were designed in acknowledgment of the need for an environment which addresses trauma and adversity – so it could be argued that they are as much an investment in reducing reoffending, as they are a bald cost. "However, if that cost is £16m and they're not being used to their full potential, we need to keep asking why there are so few women being accommodated there, and whether the criteria for access to them is correct."

When the units were first opened, campaigners said only two of the promised five centres had been built, seven years after they were first proposed in 2015 after the Scottish government shelved controversial plans for a women's super-prison to replace the notorious Cornton Vale facility. With Cornton Vale finally closed, and its new-build replacement Stirling opening soon, Jardine pointed to wider problems in accommodating female prisoners.

Seeking Justice For War Crimes in Russia Punishable by Five Years In Prison

It's increasingly difficult to even describe the level of repression in Russia today. Since Vladimir Putin launched his full-scale, atrocity-ridden invasion of Ukraine, the Kremlin's assault on fundamental rights inside Russia has been brutal, vicious, inhumane, absurd, authoritarian, paranoia-driven, extremist. The latest outrage is a new law criminalizing cooperation with international bodies "to which Russia is not a party," such as the International Criminal Court (ICC), foreign courts, or other tribunals that may be established to prosecute Russian officials.

In other words, the very idea of seeking justice for war crimes is now illegal in Russia and punishable by up to five years in prison. It's not hard to connect the dots here on why the Kremlin pushed for this one. Putin is wanted by the ICC for war crimes in Ukraine. As a fugitive from justice, he's afraid of anyone doing anything that might somehow help send him to The Hague. And it fits perfectly in the general context of the regime's increasing paranoia over – and thus repression of – any and all opposing voices since the start of Putin's latest imperialist disaster, which has accelerated the process of Russia's long-term authoritarian slide. In their all-out drive to eradicate public dissent in Russia, authorities attack political opposition, civic activism, and independent journalism. They've introduced broad censorship with long prison sentences just for criticizing the invasion. New legislation further restricts freedom of expression, and they've even added mass DNA collection to mass surveillance.

Authorities target rights organizations, for example tagging the Andrei Sakharov Foundation with the debilitating "undesirable" label, shuttering the Moscow Helsinki Group, and earlier "liquidating" Memorial, a co-winner of last year's Nobel Peace Prize. They brutally persecute prominent individuals, like Oleg Orlov of Memorial and opposition figure Vladimir Kara-Murza, who courageously still dare to exercise their right to free speech and speak out against Putin's slaughter in Ukraine. Public protest is squashed to a ridiculous degree. The police swarm on individuals just standing around with a blank piece of paper.It seems only a matter of time before "breathing suspiciously" will be a crime punishable by a long prison stint. That maybe sounds like dark humor. But it's not funny.

EDM 1142: Legal Aid Funding

This House notes that the Legal Aid Sentencing and Punishment of Offenders Act 2012 came into force in April 2013, significantly limiting the scope and eligibility for legal aid; notes that the Westminster Commission on Legal Aid's Inquiry in 2021 found that the public values legal aid as part of the state-funded safety net; acknowledges that the 2021 Legal Aid Practitioners Group Census indicates that the majority of practitioners currently working in legal aid reported that they had faced financial barriers to entering the sector, that training opportunities for new entrants are limited, and that there were poor rates of financial remuneration and challenging working conditions; further notes that, for criminal legal aid, the Government has committed to fee increases of just 9 per cent in 2023, increasing to 11 per cent in 2024, constituting a real-terms cut, contrary to the recommendations from the Independent Review of Criminal Legal Aid (CLAIR) which recommended an immediate minimum 15 per cent increase, resulting in the Law Society issuing proceedings against the Ministry of Justice; calls on the Government to urgently implement the CLAIR recommendations for criminal legal aid reform, including the recommended pay increase; further notes that, for civil legal aid, the Westminster Commission recommended a range of immediate changes to relieve pressures in legal aid service provision and workforce recruitment and retention while a national review of civil legal aid is ongoing; and calls on the Government to implement those changes with urgency.

Victory for Stephen Alan Wynne - V - Secretary of State for Justice

The claimant, Stephen Wynne, is serving a life sentence for the murder of a young woman, Chantelle Taylor, in the early hours of 13 March 2004. He pleaded guilty to murder, and also to an offence of arson reckless as to whether life is endangered, and was sentenced for both offences on 25 January 2006. For the offence of murder, the tariff ws 18 years (less 181 days spent on remand). It is due to expire on 27 July 2023. For the offence of arson, a sentence of imprisonment for public protection was imposed, with a tariff of six years which has long since expired.

Mr Wynne is currently detained in HMP Berwyn, a category C prison. On 17 February 2022, the Parole Board ('the Board') recommended that the claimant should be transferred to open conditions, a decision which accorded with the written and oral views expressed by all six of the professionals who gave evidence. By this claim for judicial review, the claimant challenges the decision of the Secretary of State for Justice, communicated on 5 April 2022, to refuse to accept the Board's recommendation.

Permission to apply for judicial review was granted by Deputy Chamber President Tudur (sitting as a judge of the High Court) on 24 November 2022. The single issue is whether the Secretary of State's decision is irrational (in a Wednesbury sense), that is, whether it is outside the range of reasonable decisions open to the decision-maker.

On 4 May 2020, following a sift in which the claimant's case was identified as one which should be referred to the Board pre-tariff (in accordance with the Policy Framework §5.4.1; see paragraph 39 below), the Secretary of State referred the claimant's case to the Board with a request for the Board to advise "whether the prisoner is ready to be moved to open prison conditions". A panel of the Board was convened, consisting of one judicial member and two independent members ('the Panel'). The Panel received a 973 page dossier. The dossier included reports from six professionals. Due to the need for updating reports following adjournments, and staff changes, in total 16 reports were gathered by the Panel over a period of more than 19 months: The consensus amongst the professional report writers, across every report, was that the risks presented by the claimant could be effectively managed in open conditions, that he did not present a risk of absconding, and that he should be transferred to open conditions.

In rejecting the Panel's recommendation, the Secretary of State's decision letter did not identify any occasion when the claimant had sought to readily explain or justify his actions. But Mr Davison's email put this factor as "his tendency to justify his actions (there can be no justification for almost decapitating [redacted] with a meat cleaver)". This indicates a misunderstanding of the Panel's findings.

There is nothing in any of the professionals' reports or the Panel's recommendation to support the suggestion that the claimant has ever sought to justify his actions in murdering Ms Taylor. On the contrary, the Panel noted that there was "long term evidence" of "a significant amount of victim empathy" and there was "no current evidence" of "failure to accept responsibility" (§3.9). In her second addendum report dated 14 October 2021, Ms Hough referred to the claimant's approach "reflecting his view that he needs to take responsibility for his past actions". In addition, as the Panel noted, the claimant confessed to the murder when arrested for arson, and he pleaded guilty

In my judgment, whether viewing the factors relied on by the Secretary of State individually, or stepping back and considering the decision as a whole, it is clear that the Secretary of State has provided no good reason for rejecting the Panel's recommendation. The lack of any good reason to depart from the Panel's recommendation is particularly striking given the Panel's depth of analysis, the clarity of their conclusion, and the consensus of opinion amongst the panoply of professional witnesses. For the reasons I have given, I conclude that the decision to reject the Panel's recommendation was outside the range of reasonable decisions open to the decision-maker.