Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 983 (27/12/2023) - Cost £1

Miscarriage of Justice Watchdog Reviews Murder Conviction of ex-MI6 Informant

Duncan Campbell/Richard Norton-Taylor, Guardian: The case of Wang Yam, a former MI6 informant convicted of the murder in 2006 of Allan Chappelow, a reclusive author and photographer, is being re-examined by the Criminal Cases Review Commission. The move comes after developments in forensic DNA analysis, which led to the successful appeal of Andrew Malkinson, whose 2004 conviction for rape was overturned in July.

Wang, who is serving a life sentence, says he is hopeful that new DNA evidence from the murder scene could point towards the people he claims are responsible for the killing. He also hopes that evidence of shoe prints at the scene, which are neither his nor Chappelow's, can back up his claim that a Chinese gang he had infiltrated with the knowledge of his MI6 handlers was responsible for the killing. It is understood that none of the DNA found at the murder scene is traceable to Wang or anyone on the existing DNA database. If the new evidence indicates that it belongs to someone else of Chinese origin this could back up Wang's claims. Forensic evidence, which the Guardian has seen, about how many different pairs of shoe prints were found at the crime scene concluded that "the safe answer is … there may be five". A CCRC spokesperson said: "An application has been received related to this case. It would be inappropriate for us to discuss the application or make any further comment at this stage."

Chappelow, who was 86, was found dead in his crumbling home at Downshire Hill near Hampstead Heath in north London, after police had been alerted by his bank about suspicious transactions. He had been beaten and there was evidence of melted wax on his body. Use of his stolen credit cards was traced to Wang, who lived nearby. He was later arrested in Switzerland. In a recent letter to the Guardian, he claims that he never knew anyone had been murdered until the Swiss police told him. At his trial in 2008, the prosecution suggested that Wang could have been confronted by Chappelow when stealing mail and credit cards from his letterbox and could then have entered the house and killed him. At his trial the judge, in an unprecedented move in an English court, ordered that his evidence be heard behind closed doors in the interest of national security. No reporters were permitted to attend. In his first trial he was convicted of theft and fraud but the jury could not reach a decision on murder. At a second trial he was convicted of murder and jailed for a minimum of 20 years. He is currently in Highpoint prison in Suffolk.

Now 61, Wang, a grandson of one of Mao Zedong's deputies and a graduate in computer technology, fled China via Hong Kong in 1992. He worked initially as a researcher at Imperial College and ran his own computer company, Quantum Electronics Corporation, from 1997 until it folded in 1999. From prison he contacted the Guardian claiming he was innocent. After the Guardian's re-examination of the case in 2014, new witnesses came forward. A close neighbour of Chappelow's later gave evidence in the court of appeal that, soon after the murder and with Wang already in custody, he heard a rustling noise at his front door and saw "a glimpse of a knife". An intruder told him: "Do not call the police or we will kill your wife and baby." He told officers about the incident but the information was never passed on to Wang's defence team. As a result, the CCRC referred the case to the court of appeal in 2014.

Another witness also emerged who told the appeal court that Chappelow was a regular visitor to the "spanking bench" on Hampstead Heath and on occasions had left the bench with young men.

In 2017 Wang's conviction was upheld by the court of appeal, despite the evidence against him being, in the words of the court "entirely circumstantial". Wang has also written to the Investigatory Powers Tribunal (IPT), which is responsible for examining complaints about the activities of the security and intelligence agencies. The tribunal neither confirms nor denies whether it is considering individual cases unless there have been open hearings.

Bloody Sunday: Soldier F Will Face Murder Trial

BBC News: A former British soldier will stand trial for two murders and five attempted murders on Bloody Sunday. Among the charges, he is accused of murdering William McKinney and James Wray in Londonderry on 30 January 1972.

Mr McKinney's brother, Mickey McKinney, welcomed the decision to send Soldier F to trial. He said "the development has been a long time coming" and that the trial should get under way as soon as possible. "Witnesses are dying and becoming unavailable, it is therefore incumbent upon the Crown to bring this prosecution to a swift and successful conclusion." He said his brother is missed every single day by his family and that today is another step in the right direction in a long process in getting justice.

Chairperson of the Bloody Sunday Trust Tony Doherty said they welcomed the decision, but criticised the length of time it has taken to get to this point. "It is over 13 years since the Saville Report was published. It remains a constant source of anger amongst the families that it has taken this long to get to the stage where one soldier is to be prosecuted. We welcome today's decision and look forward to the beginning of the trial."

How Did We Get To This Point? The decision on whether to prosecute Soldier F has been more than four years in the making, and involved several legal challenges and U-turns. Having weighed up 125,000 pages of material, prosecutors said in March 2019 that they would send Soldier F to trial for the murders of Mr Wray and Mr McKinney, as well as several attempted murders. However, in 2021, prosecutors dropped the case after the collapse of the trial of two other Army veterans who were accused of another Troubles-era killing. At the time, the families of the Bloody Sunday victims said the decision was a "damning indictment of the British justice system" - their legal challenge against the decision was successful. The court then rejected a bid by the Public Prosecution Service (PPS) to have its own appeal referred to the Supreme Court. Prosecutors subsequently announced that they had decided to resume the prosecution in September last year.

What happened after Bloody Sunday? The UK government announced there would be an inquiry led by the Lord Chief Justice, Lord Widgery, the day after the killings. The Widgery Tribunal report, released in April 1972, largely cleared the soldiers and British authorities of blame, although he described the soldiers' shooting as "bordering on the reckless". The report was seen as a whitewash by families of those killed and injured, who commenced a decades-long campaign. In 1998, the then prime minister Tony Blair announced that a new inquiry would be held, headed by judge Lord Saville. It took 12 years to build a report, becoming the longest-running inquiry in British legal history and costing about £200m.

The inquiry found that none of the casualties were posing a threat or doing anything that would justify their shooting. Then prime minister David Cameron apologised for the killings, describing them as "unjustified and unjustifiable". The Police Service of Northern Ireland (PSNI) began a murder investigation into Bloody Sunday after the Saville report was released. It took a number of years to complete and detectives then submitted their files to the Public Prosecution Service towards the end of 2016.

Order For Provision of Bail Accommodation for Vulnerable Victim of Trafficking

Shu Shin Luh and Agata Patyna, Doughty Street Chambers: ER suffers from schizoaffective disorder and has been detained under the Mental Health Act 1983 several times. He is an "adult at risk" within the meaning of the Home Secretary's policy. He is a victim of trafficking for forced labour and the Home Secretary has accepted (pending her further investigation of his case) that there are reasonable grounds to suspect that he has been subjected to modern slavery. He had been granted bail by the First-tier Tribunal (Immigration and Asylum Chamber) but his release from detention was prevented for months because the Home Secretary had not provided him with bail accommodation. The SSHD had erroneously refused ER's applications for accommodation under schedule 10 Immigration Act 2016 but did not communicate those refusals to him or his representatives until after proceedings were issued.

In granting interim relief, the Court identified five 'very concerning features' of the case which included: 1) Delays in arranging access for ER's solicitors to see him in detention. The Court described the apparent lack of a system in place to respond promptly to request for legal visits as 'wholly unacceptable', 2) Failure by the Home Secretary to engage in pre-action correspondence challenging the lawfulness of ER's detention, which the court described as 'offhand and unacceptable', 3) Failure by the Home Secretary to set out his position as to whether he considered that ER's detention had been lawful, even after the Court had directed him to file evidence. 4) The Home Secretary's suggestion that ER could make yet another application for schedule 10 accommodation despite the previous refusals. It was 'strongly arguable' that the refusals of schedule 10 accommodation were unlawful, including because one of them was based on a 'straightforwardly false' statement that ER had not been granted bail. The Secretary of State was ordered to pay ER's costs of the application for interim relief on an indemnity basis.

High Levels of Violence/Self-Harm HMP Bedford/HMP HMP Swaleside

Irfanah Imnaz Haja Sahabudeen, Justice Gap: Inspection reports released into two prisons, HMP Bedford and HMP Swaleside, both found there to be high levels of violence and self-harm among inmates. In respect of HMP Bedford, the report from the Independent Monitoring Board (IMB) revealed high levels of self-harm in comparison to other similar prisons. High levels of violence towards staff, and prisoner-on-prisoner violence were also found, with HMP Bedford having, proportionally, the highest number of assaults on staff of 29 similar prisons. Prisoners were also found to be spending far too long in their cells of up to 20 hours a day. This was reported as contributing to poor mental health, self-harm, and increasing levels of violence, as many would be 'coming out fighting.' Poor resourcing of the prison's mental health team was also seen to be problematic in preventing it from providing an effective service.

HMP Bedford was also reported to have poor living conditions and problems of overcrowding. Prisoners were sharing cells designed for one, which also meant two people were sharing the same toilet with minimal privacy. The main prison wings were found to have 'ancient infrastructure' and were plagued by pigeon droppings, cockroaches and occasional rats. Prisoners also reported ongoing problems with broken showers and tumble dryers and having no washing powder available for over a month.

Similarly, a report released yesterday by the HM Inspectorate of Prisons also found high levels of violence and self-harm at HMP Swaleside in Kent. Fourteen prisoners had died at Swaleside in the previous two years, which included seven prisoners who had taken their own life. Whilst some improvements had been made with the rate of self-harm reducing 56% since 2021, it still remained comparatively high to other similar prisons. It was also found that investigations into violent incidents were often delayed and of poor quality. There were also insufficient opportunities for work and education and 39% of prisoners were locked in their cells during the day. Drugs were also reportedly easy to obtain and the measures which had been taken to reduce supply had not been effective. In relation to HMP Swaleside, Charlie Taylor, HM Chief Inspector of Prisons, said 'This was our sixth visit to Swaleside since 2016. During that time, we have repeatedly raised significant concerns about the prison.' He concluded that: 'Overall, this was a concerning inspection. Swaleside is a prison that continues to struggle and where outcomes still need to improve dramatically.'

Both inspection reports found that inadequate staffing was contributing to problems at HMP Bedford and HMP Swaleside. Whilst HMP Bedford should have been relatively fully staffed, up to 35% of staff were 'non-effective' due to sickness, training, secondments, or restricted duties. At HMP Swaleside, the report discussed 'chronic difficulties in recruiting officers and more specialist staff' which prevented the prison from providing the required level of service. Inadequate staffing levels had forced the prison to rely upon sourcing temporary staff from other prisons in order to sustain operations.

Police Watchdog Refuses to Back Use of Stop and Search Without Suspicion

Vikram Dodd, Guardian: MIC finds forces fail to follow safeguards and leaders cannot explain disproportional stops of black people. The official inspectorate has refused to back police use of powers to stop and search people without suspicion, finding that chiefs cannot explain why black people are 12 times more likely to be targeted. Critics have claimed stops carried out under section 60 cause "more harm than good". The power is used when police fear that there may be serious violence, and Her Majesty's Inspectorate of Constabulary found that the power was disproportionately used against the young – especially black males – and that some safeguards are not being followed, risking damage to trust and confidence. It said police leaders need to take disproportionality more seriously and needed to do more to ensure children are treated as children. The Conservative government has pressed police to use stop and search more.

In a 2021 super-complaint, the Criminal Justice Alliance argued that the power to stop and search without suspicion – brought in under section 60 of the 1994 criminal justice act partly to combat raves – should be scrapped. Its use has declined among forces, as has the racial disparity. But police believe it is a vital tool, especially for combating serious youth violence. The report found data on ethnicity was missing in 26% of cases examined, and in some examples those stopped without suspicion were handcuffed unnecessarily. It also found examples of good practice, citing among others the Suffolk and Northumberland forces for praise.

HMIC said: "We found that forces take different approaches when deciding whether to use section 60, taking into account the impact on the community and on their crime-fighting efforts. "There is a lack of clarity about what constitutes success after a section 60 authorisation. They also have different approaches to evaluating its use. All these factors mean that forces don't always know if their use of section 60 has caused more harm than good. This means that we do not have enough information to assess whether forces' current use of section 60 causes more harm than good.Young black men are more likely to be stopped and searched than other demographic groups. This disparity is greater for section 60 searches than powers that require officers to have reasonable grounds to search for offensive weapons. None of the forces we spoke with could fully explain why the police's use of section 60 results in disproportionality."

Lead inspector Wendy Williams said the findings were "concerning" and believes a re-inspection is needed to see if improvements have been made and 10 recommendations fol-

lowed. Williams said this new report adds to concerns uncovered in a previous report about stops when officers require reasonable suspicion. “This is part of a broader piece about stop and search. Policing needs to understand disproportionality and either explain it or change it,” she added. Section 60 stops numbered 4,341 in 2021-22, with three out of every 100 leading to something potentially illegal being found. They are a small fraction of the total stops carried out by police in England and Wales, which reached 530,365 in 2021-22. For section 60, almost two-thirds of those searched were aged under 25. One child under 10 and 1,297 children aged between 10 and 17 years were searched under the power in 2021-22, with another 1,533 young adults aged between 18 and 24 years searched.

Rules are followed in most cases reviewed by the inspectorate, but it found in too many they were not. In one search an officer said “we are going around searching everyone”, and despite the person correctly explaining they were in the area because they worked there, they were searched. No weapons were found. In another case, three men outside a restaurant explained to officers that they worked there. They were detained and searched, and no weapons were found.

The Criminal Justice Alliance detailed a case of Josiah, 16, stopped in south London while returning home from playing football. He said: “They stopped me and they said I matched a description; they were stopping me under a section 60. And I said: ‘Why?’ And they said: ‘Oh, because you fit a description.’ “And then they tried to put me in cuffs, and I said: ‘No, I don’t want to go in cuffs’ … they started using force. Three, four, five of them tackled me to the ground. And then they got me to the ground eventually, and they put me in cuffs. And the feeling was … I was so angry. I couldn’t control any of my feelings.”

HMIC said: “Too many officers do not give enough importance to the safeguarding needs of children who are searched. This should not continue.” Annette So, interim director at the CJA, said:“The report is an important step in acknowledging the failures in current policing practices Conversations we have had recently only confirm the truly traumatising impacts these powers have.” The National Police Chiefs’ Council lead for stop and search, Andrew Mariner, said: “We welcome the HMICFRS (His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services) scrutiny of police use of stop and search and the recommendations provided within their report. The negative impact stop and search can have on individuals and communities, especially among Black people, has been stressed and we acknowledge that policing must do more to improve these experiences for the public.

Acquittal of Man Accused of Sending Malicious Communications

AF stood trial at Southwark Crown Court on a five-count indictment alleging malicious communications between January-June 2023 against his mother, father and sister who the Crown relied on as witnesses. The defence successfully argued that the messages, including alleged death threats, were not intended to cause anxiety or distress but were a cry for help and after a five day trial, AF was unanimously acquitted on all counts.

SAS Sought to ‘Cover up’ Killings of Unarmed Afghans

Richard Norton-Taylor, Declassified: Evidence given to the Afghanistan inquiry reveals the army’s special forces unit deleted key data related to the killing of over 50 Afghans. The new findings further shatter the myth that the SAS is a highly professional, law-abiding fighting unit. The SAS destroyed information that could provide crucial evidence about the suspicious circumstances surrounding the killing of unarmed Afghans, some, it is alleged, in cold blood. The shocking admissions emerged in hearings of the inquiry set up in the wake of claims that SAS soldiers unlawfully killed more than

50 Afghans between 2010 and 2013. New evidence, largely unnoticed, revealed last week how the SAS deleted data held on its computers in breach of repeated promises it made to the Royal Military Police (RMP). The inquiry heard that SAS soldiers faced most serious allegations of wrongdoing and of perverting the course of justice by attempting to cover it up.

Richard Hermer KC, counsel for Afghan victims, told the inquiry that “the defiance of an unequivocal direction to retain evidence is at best highly suspicious and at worst a patent and criminal attempt to pervert the course of justice in a multiple homicide investigation”. In response, Oliver Glasgow KC, the Inquiry’s counsel pointedly noted: “That observation is not without foundation”. The allegation before the inquiry, Glasgow added, was that the data was “forensically wiped as part of a cover-up to prevent the Royal Military Police from recovering evidence relating to extra-judicial killings.”

Arrests For Breaches of Coronavirus Restrictions - Unlawful

Both applicants were charged with non-imprisonable offences pursuant to the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020 (“the 2020 regulations”). Pursuant to Article 39(1) of the Criminal Evidence (Northern Ireland) Order 1989 (“the 1989 Order”) the custody officer in each case was required to order their post charge release from police detention, either on bail or without bail, unless the conditions in either subparagraph (a) or (b) of the 1989 Order were satisfied. In each case the reason the custody officer refused to release was because they considered that they had reasonable grounds for believing that their detention was necessary to prevent her from committing an offence. However, pursuant to Article 39(i)(a)(ia), this reason applies only in the case of a person arrested for an imprisonable offence. As the offence for which each applicant had been arrested was not an imprisonable offence, it was, as the PSNI now accept, unlawful for either of them to be detained for the reason relied upon.

Accordingly, the court declares as follows: “The court declares that as the offence for which JR310 and Ms Corrigan were arrested was not imprisonable, under Article 39 of the Police and Criminal Evidence (NI) Order 1989, the police did not have lawful grounds to detain either of them post charge and, accordingly, they were both unlawfully detained when brought before the magistrates’ court.” The court further declares in the circumstances of each applicant the district judge was not lawfully empowered to impose any bail conditions and each should have been discharged without bail conditions.

Victims and Prisoners Bill Enters the House of Lords

The Prison Reform Trust is concerned by many of the proposed changes to the parole system put forward in Part IV of the Victims and Prisoners Bill. We also acknowledge that the government has listened to concerns and introduced amendments at the House of Commons report stage to mitigate some of the worst aspects of the proposals. It also introduced welcome changes to the process for the review and termination of IPP licences.

In the remaining stages of the bill, we hope that the government can be persuaded to address some of the outstanding concerns regarding Part IV, particularly relating to provisions which disapply the human rights act and interfere in the independence of the Parole Board. On IPPs, we hope the government will build on its welcome proposals and introduce reforms, including on resentencing, to further improve the prospects for the progression of people on IPP sentences. We have prepared a briefing to assist peers for the upcoming second reading debate of the Victims and Prisoners Bill in the House of Lords on 18 December.

The briefing focuses on the following: Clauses 44 and 45: Referral of release decisions: Clause 48 Imprisonment or detention for public protection: termination of licences: Clauses 49–52 Disapplication of section 3 of the Human Rights Act to prisoners as a group: Clause 53 New powers for the secretary of state to prescribe particular Parole Board members to particular cases: Clause 54New powers for the secretary of state to remove the chair of the Parole Board if the secretary of state considers it necessary to do so for the maintenance of public confidence in the board: Clauses 55 and 56: New provisions to stop whole life tariff prisoners getting married or having a civil partnership.

Russia Responsible for Unlawful Arrests and Detention of Two Men in Abkhazia

In Chamber judgment in the case of O.J. and J.O. v. Georgia and Russia (applications nos. 42126/15 and 42127/15) the European Court of Human Rights held, unanimously, that there had been: - a violation of Article 5 § 1(a)(c) (right to liberty and security), and - a violation of Article 6 §§ 1 and 3(c) (right to a fair trial) of the European Convention on Human Rights by the Russian Federation. It found no violation by Georgia.

The case concerned the arrest, detention and sentencing of two men on spying charges in the Autonomous Republic of Abkhazia -- the region in Georgia which is currently outside the de facto control of the Georgian Government. The Court found that, while Georgia had exercised no control over Abkhaz territory at the time (2012-2016), it had jurisdiction by virtue of the events having taken place on its territory recognised under public international law. As regards Russia, referring to its findings in Georgia v. Russia (II) ([GC], no. 38263/08, §§ 174, 175, 295 and 312, 21 January 2021), the Court concluded that Russia had exercised continued effective control over the area and thus had jurisdiction in respect of the matters complained of.

In terms of apportioning responsibility for the violations of the Convention, the Court found Russia responsible for the violations and not Georgia. The Court specifically considered that the Georgian authorities had taken pertinent measures within their power to continue to guarantee the rights and freedoms under the Convention to those living in Abkhazia. Furthermore, they had enabled Mr O.J.'s and Mr J.O.'s release following ten months of targeted and intense negotiations, the Russian authorities having made no effort to address the applicants' complaints once they had been notified of them.

Not Guilty Verdicts on Allegations of Grievous Bodily Harm and Sexual Assault

Jessie Smith, instructed by Ellie Bird of Birds Solicitors, secures not guilty verdicts on allegations of grievous bodily harm and sexual assault in relation to three complainants. After a 4-day trial at Hove Crown Court the jury unanimously acquitted NH after 31 minutes. The case encountered challenging issues of police disclosure. These concerned the way evidence was collected and recorded in the context of sexual offences.

700 A Day Dying From Small Arms Fire; Weapons of Choice' for Criminals @ Terrorists

Amidst a multitude of global crises and escalating of armed conflicts, small arms and light weapons remain a silent killer, having claimed over 260,000 lives during 2021, amounting to 45 per cent of all violent deaths.That's according to Izumi Nakamitsu, High Representative for Disarmament Affairs, who briefed the Security Council on Friday, quoting the latest figures available. "This is more than 700 people a day, or one person dying from small arms every two minutes, small arms and light weapons are the weapons of choice in initiating, sustaining

and exacerbating conflict, armed violence, terrorism and other forms of organized crime".

Acquittal for Man Accused of Rape and Other Serious Sexual Offences

Erim Mushtaq was instructed to defend by Rizwana Mahmood, solicitor and Kamran Hussain, managing partner from Whiterose Blackman Solicitors in Leeds in a case involving serious allegations of sexual offending. The defendant and complainant met via a dating app and the alleged incidents were said to have happened at the defendant's home. The defence case involved issues of consent, reasonable belief in consent and a factual denial of some of the acts alleged. The evidence included messages which the prosecution alleged amounted to confessions to the offences, multiple sources of complaint evidence including an immediate complaint. The defendant who was 21 years old at the time of the allegations was 24 years old when he was acquitted of all offences following a trial lasting over a week. The complainant was cross examined under the S.28 CYCEA 1999 provisions.

Prisoners: Foreign Nationals Repatriation

Any foreign national who is convicted of a crime and given a prison sentence is considered for deportation at the earliest opportunity. Where appropriate, the Government will also seek to permanently remove foreign criminals from the UK via the Early Removal Scheme once they have served the minimum required of their sentence. This is our best performing removal scheme with 5,262 FNOs having been removed between January 2019 and June 2022. The Home Office removed 16,676 foreign national offenders since January 2019 to September 2023. Published figures show that FNO returns have increased in the latest 12-month period (ending September 2023) by 19% when compared to previous 12-month period. Our new Prisoner Transfer Agreement with Albania entered into force in May 2023 and we have signed a new Prisoner Transfer Agreement with the Philippines.

"They Used to Say Crime Never Sleeps - Now It Apparently Knocks Off at 7pm"

David Clegg: Police and the Press: a Fractured Relationship? A newspaper editor argues that poor communication between the police and the media can have 'devastating real-world consequences' On February 1 an imposter posing as a nurse walked into St Andrews Community hospital in Fife, helped provide treatment to a patient, and then left with the confidential records of 14 people. This extraordinary invasion of a healthcare facility was immediately recognised as a potential crime and reported to the police. At the time of writing, the culprit has not been identified and the records have not been recovered. I can't tell you anything further about the police investigation into this matter of the utmost concern, however, because there has been a media blackout. The public only became aware the incident had happened at all on November 28 – 10 months after the event – when the Information Commissioner's Office (ICO) released a damning report criticising NHS Fife for its glaring security failures. Indeed, the Police Scotland press office initially said they could not give journalists any details at all without being provided with the precise address listed in the crime report. I promise I am not making that up. It is presumably their position that there are so many bogus nurses wandering around Scottish hospitals that they need a postcode to narrow it down.

In the grand scheme of things this instance of secret policing may seem like small beer for a force bludgeoned by budget cuts and facing unprecedented challenges on a whole variety of fronts. It is also far from unusual: merely the most recent example to cross my desk of frustrated journalists trying and failing to obtain information which would once have been routine. But the severing of the relationship between the media and the police over the last 15 years has benefited nobody – not the journalists endeavouring to produce accurate copy, the overworked officers trying to solve crimes,

or the public desperate for evidence of a transparent justice system. At The Courier and Dundee Evening Telegraph we have three objectives when it comes to covering the police – to gain a better understanding of the crimes blighting our communities, publish information that can help protect our readers, and assist rank-and-file officers to catch those responsible. "This disconnect between the police and press is particularly pronounced outside the central belt"

In a functioning system the police would want to do everything in their power to help on all three counts. That is unfortunately not the situation we find ourselves in. In a country with some of the most stringent contempt of court laws in Europe, reporters covering a particular case often find it impossible to confirm if an arrest has been made and proceedings are live. Updates on serious crimes are regularly issued after a court appearance has already taken place. This disconnect between the police and press is particularly pronounced outside the central belt. When I began as a fresh-faced reporter on The Courier in 2007, Tayside Police had a fully staffed press office attuned to the region's policing priorities and the local media climate. Reporters spoke to these press officers every day, regularly went for coffee with them, and a mutual trust was built up. This filtered through to local officers, who also got to know the journalists on their patch and were able – and allowed – to have grown up conversations with them. This is now sadly a thing of the past.

It is quite often the case that when a serious incident occurs in Dundee, the nearest press officer on duty is based in Glasgow and all interactions with our journalists are conducted through email. Many of my colleagues have taken to referring to it as Greater Strathclyde Police. This is not a criticism of the press officers, who do a diligent job whilst hamstrung by shrinking budgets and a pervasive post-Leveson mindset that there is something improper about co-operating with journalists. An atmosphere of mutual distrust has been allowed to develop not through malice, bad will or corruption but simply through neglect.

Crime Never Sleeps; Now It Apparently Knocks Off At 7pm". The latest staging post in this slow decline came on November 13, when "ongoing staffing pressures" saw Police Scotland cut the opening hours of its news desk for media inquiries. They used to say crime never sleeps; now it apparently knocks off at 7pm. Of course, all of this may sound like simple self-interest from a story-hungry newspaper editor – but poor communication between the police and the media can have devastating real-world consequences. The recent report from the College of Policing into the tragic circumstances around the death of Nicola Bulley is a case in point. Lancashire Constabulary has faced fierce criticism for going public with the details of the 45-year-old's personal problems in a bid to halt frenzied public speculation about her fate. The review found senior officers should instead have provided the information to accredited journalists on an off-the-record basis. This didn't happen because of the "fractured" relationship with the media.

Dr Iain Raphael, who led the review, said: "A professional, trusted, and appropriate working relationship between the police and the media is vital for public confidence… without this speculation can run unchecked and result in an extraordinary explosion of media and public interest in the case." The review also highlighted the role unregulated social media platforms played in the tragedy, with a vast array of shadowy 'influencers' promoting all kinds of unfounded conspiracy theories which caused deep distress to Nicola's family. Ironically, those very same social media platforms are often the police's first port of call when they want to put out a story. Journalists who expressed dismay at the latest cuts to the press office were sent a curt reminder that Police Scotland "would continue to encourage members of the media to follow our social media channels". There is no doubt that some decision makers at Police Scotland have decided posts on Facebook and Twitter are now the best way to get their message out to the public. As an alternative to engaging properly with professional journalists it is the equivalent of the bogus nurse providing healthcare to unwitting Fifers.

1984–1985 Miners' Strike (Pardons)

Owen Thompson MP: I welcome the opportunity to speak about a matter of great importance to me and many others in my Midlothian constituency and beyond. A miners' pardon would be a powerful symbol of reconciliation. It would show we are prepared to put the past behind us and move on. The miners' strike of 1984-85 was one of the most bitter and divisive events in British history. It was a time when miners, who were fighting for their jobs and their communities, were met with the full force of the state. Thousands were arrested and many were convicted of offences such as breach of the peace, obstruction of the police and breach of bail conditions. Those convictions were a travesty of justice. The miners were heroes, not criminals; they were fighting for their livelihoods.

Numerous clashes between striking miners and police officers resulted in injuries and arrests. The UK Government imposed tight restrictions on picketing, making it difficult for miners to gather and protest, leading to frustration and anger among many communities. The Government brought in non-union workers, which was seen by many miners as a betrayal and led to further violence and unrest. The carnage of that time saw jobs lost forever, and the economic hardship caused by the strike led to social problems such as poverty, unemployment, social deprivation and alcoholism. That has had a hard knock-on effect on other communities, as industries and businesses that relied on coal were also forced to close. Many struggled to make ends meet. In some ways, it all resembled a civil war, creating huge divisions and strife among families and communities.

The strike was seen as a full-scale attack by the Government and police on miners and their communities. It is only right that The House of Lords now takes the chance to recognise the solidarity that miners and their communities had, and still have to this day, by bringing forward a pardon. It would be a lasting symbol of recognition of what went wrong during the decline of the coal industry, of the destruction of towns, villages and their way of life by the Government of the day. The strikes are still remembered with a great deal of bitterness in communities like mine. We could do the right thing by righting the wrongs of that time. I encourage all Members to support the Bill. It is never too late to right the wrongs of the past.

The miners' strike was a watershed moment in British history, and it had a profound impact on Scotland especially. The strike was a national dispute, but it was particularly hard-fought in Scotland, where the coal industry was a major employer and a significant part of the culture and identity of many communities. I have spoken several times about the merits of a UK-wide inquiry into the miners' strike of 1984-85. Over that time, I have gathered the views and memories of many of those who were involved at the height of the strikes.

I moved to my now hometown of Loanhead at the height of the strikes in 1985. Criminal records, lost pensions and social stigma are now the real-world consequences of the actions that many took. Many are still living with the aftermath today. A pardon, and indeed a public inquiry, could be a step on the way to get answers and redress for those affected by the many injustices caused by those events. We need to heal the wounds of the past in order to move forward. Do we learn from injustice and listen to the lessons, or would we do it all again given the chance? Those are the questions that need answered for the sake of communities across the country, especially my own in Midlothian.

By the 1980s, mines meant miners' strikes. A token picket of six was maintained at Monktonhall, but Bilston Glen and Loanhead saw mass picketing and some of the most bitter conflicts of the strike in Scotland. According to Professor Jim Murdoch, miners' stories "showed without doubt that the criminal justice system all too often reacted in an arbitrary and disproportionate manner." A former miner at Monktonhall colliery, and a former council colleague of mine, Alex Bennett, who sadly

passed away in January this year, told the inquiry in Scotland: “I was snatched by one of the snatch squads. They went for the union officials and they knew our names. The original charges were for rioting but that wasn’t going to stick so they changed it to breach of the peace.” The tactic was simply to use whatever means necessary to get miners, especially union officials, off the picket line and into the cells. Breach of the peace, obstructing a police officer, breach of bail and theft—all those charges and more were twisted to justify the snatch squad style of policing. These tactics would not look out of place in North Korea or Putin’s Russia. Serious questions remain about the extent of alleged political interference in the policing of the strike. Arrested strikers were sacked and denied redundancy payments and pension rights.

The Scottish Government rightly recognised the scale of the injustice back in 2018 when they commissioned an independent review, led by John Scott KC, of the impact of policing on communities, but the campaign did not start only then. I pay tribute to former MSP Neil Findlay, who was campaigning as far back as 2012 for an inquiry and compensation for the miners who were caught up in this. That baton was picked up by Richard Leonard, who ensured that the Bill passed through the Scottish Parliament with the support of the Scottish Government. I have already mentioned former councillor Alex Bennett from Danderhall, who sadly died in January. My predecessor, David Hamilton, did so much to support the cause. Then there are those who took part in supporting the Scottish Government’s inquiry, including independent review advisory panel members Dennis Canavan, Jim Murdoch and Kate Thomson.

Police Disproportionately Target Black Rough Sleepers Under Archaic Law

Ruby Lott-Lavigna, Open Democracy: Not only are you more likely to experience homelessness if you are Black, you’re also more likely to be arrested for it under an archaic law still being used by police. According to a Freedom of Information (FOI) request sent to 35 police forces in England and Wales, 8% of people arrested under the Vagrancy Act are Black – twice as high as the proportion of Black people in the total population. The Vagrancy Act is a law dating back to 1824 that criminalises rough sleeping. It was introduced to deal with ex-servicemen who had become homeless after returning from the Napoleonic Wars. The government finally vowed to repeal it in February 2021, later acknowledging it was “antiquated and no longer fit for purpose”. Former housing secretary Robert Jenrick even said it should be “consigned to history”. But instead of just scrapping the law, ministers want to replace it in the new Criminal Justice Bill, which campaigners say would still criminalise rough sleeping. Until that happens the Vagrancy Act remains in force.

Grassroots group the Museum of Homelessness told openDemocracy it was “dismayed but not surprised” to see that “racism is baked into how homeless people are treated in the UK”. The FOI request, sent by tenants advocacy group Generation Rent, found there have been at least 4,200 arrests under the Vagrancy Act between 2018 and 2022. Of the people arrested, 3,274 (78%) were white, lower than the 82% total population of white people. And 327 – 8% – were Black. According to the Office for National Statistics, 5% of people sleeping rough in England in 2021 were Black. Two police forces account for over half of all arrests under the act in England and Wales over the last five years. Merseyside Police and the Metropolitan Police made 55% of all arrests – 1,154 and 1,143 arrests respectively.

There has, however, been a decline in usage of the act. Generation Rent’s research shows arrests in 2022 are nearly a third of what they were in 2018 – down from 1,213 to 443. While the government has admitted the act needs binning, some senior Conservatives are still aligned with the 200-year-old law. In November, former home secretary Suella Braverman

claimed rough sleeping was a “lifestyle choice” and that we “cannot allow our streets to be taken over by rows of tents occupied by people”. Days after her comments, enforcement officers in London were seen tossing tents belonging to people experiencing homelessness into bin lorries. Ben Twomey, chief executive of Generation Rent, said: “Any continued use of this pre-Victorian law to criminalise people who are already suffering on our streets shames our country, and to see it used in a discriminatory way shows even more clearly that it needs to go. The Vagrancy Act turns 200 years old this coming year, and we call on the government to end this cruelty. It is vital that any new laws do not simply re-introduce the criminalisation of homelessness and that the government focus instead on measures to end homelessness.” We know that the government is bringing in pernicious legislation to replace the Vagrancy Act which, based on their policy record will no doubt make the situation worse,” Museum of Homelessness co-founder Jess Turtle told openDemocracy. “We are seeing increased harassment on the streets and this is indicative of a broader arc of crackdowns, cuts and criminalisation of poverty. This is not the answer and nor is institutional racism. We call on all homelessness charities, outreach teams and grassroots organisations to step in and challenge racism when they encounter it on the streets or in homelessness settings. It has to end here.”

Greater Manchester Police Ordered to Clear FOI Backlog

The Information Commissioner's Office (ICO) has issued Greater Manchester Police with an enforcement notice for "repeated failures" in responding to requests. It said it had 850 requests awaiting a response, some dating back to 2021. GMP has 35 days to publish an action plan and clear the backlog by July or it could be held in contempt of court. The force said it had a "robust" action plan in place to improve its response time. The enforcement notice comes after the ICO issued a practice recommendation to GMP in February 2023 after it was found to be the most complained about police force for timeliness over the previous 12 months. Phillip Angell, of the ICO, said: "Greater Manchester Police has currently done little to address the response backlog. Whilst we recognise an action plan has been put in place and some progress has been made to improve its timeliness since the issuing of the practice recommendation, we are not seeing the improvement both we and the public need to see at the pace we need to see it. Improved response times to incoming requests should not be made at the expense of clearing the existing backlog - they should go hand in hand."

'Transparency is key' He added: "There is nothing more important than the police maintaining the trust and understanding of the public, but this is not the way to earn that trust. "Transparency is key, and compliance with Freedom of Information requests is a vital part of that." Ian Cosh, senior information risk owner at GMP, said the force will take the enforcement notice "incredibly seriously" and the action plan was already in motion to speed things up. He said GMP was "committed to transparency", and the plan includes new practices and processes as well as recruiting new staff. "As a result, our compliance rate has improved significantly, exceeding 80% consistently over the last four months and the national average for police forces which currently stands at 76%," he said. "I want to provide the public reassurance that I'm confident our action plan will result in us managing outstanding requests in a timely manner." The Freedom of Information Act 2000 provides public access to information held by public authorities, through publication schemes and the public making requests. Under the legislation, public organisations are required to respond to requests within 20 working days or explain why it will take longer to do so.