

At 17, Jailed for A Murder I Didn't Commit – Spent Seven Life-Changing Years In Prison

Simon Hattenstone, Guardian: Basic police checks would have shown Sam Hallam wasn't at the scene of the crime, but these weren't carried out until he had spent much of his youth inside. He explains why he is still fighting for justice, years after his release. The first Sam Hallam heard of the crime that would cost him seven years of his life was when two girls approached him in the street. They told him that they knew what had happened – there had been a street brawl two days earlier in east London involving about 40 people and he had attacked a young man who was now dead. Hallam, then 17 and with no criminal convictions, was bewildered. He hadn't even been there, let alone attacked the victim, a popular 21-year-old trainee chef called Essayas Kassahun. It worried him enough to ask his brother whether he should talk to the police. His brother told him it was just a groundless rumour, and advised him that there was no need to go to the police but he should steer clear of the area.

It was a week after the incident in October 2004 when four or five police officers turned up at his mother's flat. He told them that he knew why they were there and that it must be a mix up. He was arrested and taken to Belgravia police station. "That was devastating for me," Hallam says. But he wasn't worried about the outcome. He simply wasn't there. He would explain everything, tell them what he was doing and be released in a couple of hours.

But that didn't happen. It turned out he was mistaken about his alibi – he had said he thought he'd been playing football with his friend Timothy Harrington, but Harrington told the police he'd not seen him that week. The police said he had deliberately provided a fake alibi. He was held at the station for two days, then charged and remanded to Feltham young offender institution, where he spent a year. "I got charged and that was more devastating. Then I got remanded and that was even more devastating. It was just devastating event after devastating event." What kept him going was the knowledge that his case would come to trial and he would be cleared. There was no evidence, no CCTV footage, and he'd heard that witnesses who claimed to have seen him at the scene had changed their story.

Eight people stood trial for the murder of Kassahun. The jury at the Old Bailey heard that the attack was an act of revenge by a group of youths, known as the Hoxton Biker Boys because they rode BMX bikes, against another group who lived a mile away in Whitecross. The murder was a tragedy in multiple ways. Kassahun, whose fatal head injuries were caused by a knife or a baseball bat with a screw protruding at one end, was not the target of the attack. He had simply tried to save a friend who had apparently "stared down" one of the group in an earlier incident. In court, the prosecution called two witnesses who had placed Hallam at the scene in statements given to the police. One of the girls who had confronted him in the street said she had seen him walking away from the fight, but under cross-examination she admitted that she couldn't be sure it was Hallam. A friend of the victim, she said that somebody had mentioned Hallam's name and she "just wanted someone to blame". In 2012, a play was made about Hallam's case called *Someone to Blame*.

The second witness was also a friend of the victim. In his first police statement he described a white boy on a silver BMX who pulled out a baseball bat with a protruding screw. Hallam did not even own a bike at the time. This witness later gave a second statement also naming Hallam. But in court he repeatedly said he had not seen the attacker's face because he was wearing a hoodie or top wrapped tight around his face, and all he knew was that he had blondish hair. (Hallam's

hair is brown.) When asked why he had named Hallam, he said he was upset because his friend had just died and he'd been given Hallam's name by the first witness.

Harrington, called as a witness for the prosecution, told the court he had made a mistake and now thought he actually had been with Hallam on the night of the murder. The prosecution then treated him as a hostile witness, cross-examining him and exposing his inconsistencies. Hallam still believed he couldn't be found guilty – the case against him was nonsense. But after seven weeks he was convicted of murder, conspiracy to commit grievous bodily harm and violent disorder and sentenced to a minimum of 12 years in prison. Twenty-year-old Bullabek Ringbiong was also convicted of murder. "My legs collapsed after the first verdict," Hallam says. "I can't remember anything else that was said. That night I started to process it in Feltham. I was thinking: I'm going to be here for a long time." Eighteen years later, we meet at the offices of Appeal, a charity and law practice that fights miscarriages of justice. He is accompanied by his lawyer Matt Foot, a co-director of Appeal. Hallam is wearing a smart jacket, has a sharp haircut and at 36 could pass for a man in his mid-20s. He admits he is young for his age – he never got the opportunity to grow up as he should have done.

As a 17-year-old in jail, he was small and naive, the perfect target for bullying. "I was a kid, just out of school. No life experience at all. People saw my vulnerability when I got there. That made it worse for me because they preyed on the vulnerable. People take advantage of that, try to get stuff out of you – for example in the canteen. I got beaten up a lot." How did he cope? He didn't initially, he says. For the first time in his life, he experienced depression, though he didn't know what it was back then. "I wouldn't eat, wouldn't get of my bed, wouldn't wash." Then he started to fight back – literally. That was the only way. "I got jumped in the first two months I was there, and that's when people said: 'You need to say sorry,' and I was like: 'I'm not going to say sorry for being jumped!' Once I stood my ground nothing happened to me after that. If you give in to them, they've got you where they want you."

Hallam had another advantage – his fellow prisoners believed he was innocent. Some of those who had been at the fight that ended in Kassahun's murder were now in jail alongside him. They knew Hallam hadn't been present and spread the word. Over time, he made friends. Initially he had assumed his fellow inmates were "the worst of the worst" but his opinion changed. "Many of them committed bad crimes but were good people. You can't judge them for the crime they committed otherwise you wouldn't have anyone to talk to. If I hadn't had other people around me when I was in there, I wouldn't have been able to survive. I got through because of the friends I made in there." It's not surprising that people looked out for him. Hallam is likable, ebullient, polite and funny. Whenever he gets the chance to laugh (telling me how his nine-year-old son Thierry, named after the Arsenal legend Thierry Henry, has just become a Manchester City fan; or explaining that his cat Jéff's name is pronounced with a soft J and has an acute accent because he looks French) he explodes into a joyous cackle.

Away from prison, family and friends fought for him, led by the miscarriage of justice campaigner Paul May, whose investigations helped get the convictions of the Birmingham Six and Bridgewater Four overturned. They did all they could to keep the case in the news. When Hallam was moved to Aylesbury prison in Buckinghamshire, they turned up outside the prison in an open-top bus to celebrate his birthday. "That didn't go down well at the prison. It rained that day, too!" The actor Ray Winstone, an uncle of his best friend, fronted an episode of ITV's *Tonight* programme in 2007, insisting Hallam was innocent. He interviewed witness after witness who confirmed Hallam wasn't at the scene and explained how easy it is to get your alibi wrong. The thing is, Foot says, Hallam didn't even say he was definitely playing football with his friend. "Sam said in the statement: 'I believe I was playing football with my friend Timmy.' I don't think it was a bad statement, but then he's portrayed as a liar by the prosecution."

Did Hallam think the campaign to free him would be successful? “By now I was not fully confident I was going to go home. I couldn’t be after everything that happened to me. I’d already been arrested, charged, convicted and lost an appeal.” His first appeal, a year after conviction, was on the grounds of lack of evidence and witnesses changing their story at trial. The appeal court judges believed that the witnesses had been telling the truth initially despite what they said in court. At the age of 21, Hallam was moved to Bullingdon prison in Oxfordshire. He says the environment was less violent than at previous jails. “People took me under their wing. Older men in their 40s and 50s such as my friend Bez, who’s 55 now. Me and him did everything together – we got a job together and went to the gym together.” He got an NVQ Level 3 in printing and worked as a lithographic printer for three years in prison. The routine – food, work, gym – helped him get through the days.

But it was a struggle. While he was in prison both his grandmothers died. In October 2010, Hallam hit rock bottom when his father, Terry, took his own life aged 56. For Hallam, the timing made the tragedy even worse. The previous day, the Independent had reported that Hallam was likely to be cleared at a second appeal; his father was found with the newspaper cutting in his pocket. Sam’s mother, Wendy Cohen, has said that the suicide was a result of the pressures of dealing with their son’s wrongful imprisonment. Hallam was told of his father’s death by the prison chaplain and he attended the funeral. “He was breaking his heart and couldn’t even wipe his eyes or nose, because he was handcuffed both sides,” Wendy told me in 2013. Hallam can’t find the words when I ask him about his father’s suicide today. “Just confusing ... confusing ... Yeah.” He comes to an anguished stop. “I don’t know if I’ll be able to talk about this. Sorry.” A month after his father’s death, astonishing information was uncovered. Although the police had taken Hallam’s phone for evidence, they had not bothered to search through it. The new investigation by Thames Valley police did the basic work that the Metropolitan police failed to do in the first place. The phone contained photos that Hallam had taken at his grandmother’s house on the afternoon of the murder and photos of him with his father at the local pub in the evening. Neither Hallam’s father nor his grandmother had remembered this, making Winstone’s point about alibis all the more pertinent. His phone also revealed that he and Harrington had been playing football that week – but one night later. Finally, the phone showed that while his co-defendants had been in touch with each other multiple times just before the incident, Hallam had spoken to only one of them over a three-month period. The campaign to free him uncovered nine witnesses who said he was not at the scene.

On 16 May 2012, the case finally returned to the court of appeal for a second time. In the morning Hallam’s team, led by Foot and barrister Henry Blaxland QC, argued that the convictions were unsafe. Immediately after lunch, at 2pm, the prosecution announced it would not contest the appeal. “It was a very dramatic moment,” Foot says. “The whole of the public gallery just went ‘Yeeeeeeeeaaaaah!’, like some football roar. I’ve never heard anything like it in court – a mix of anger and relief – and it went on for ages.” He smiles at the memory and looks at Hallam. “Do you remember?” “Yeah. Just by his body language, I knew what the prosecution barrister was going to say,” Hallam says. “The judge asked if I knew what was going on. I was aware, but I was just in bewilderment really.”

His convictions were overturned. Within a week he had found himself a job and seemed to be coping well. But gradually the enormity of what had happened began to sink in. He had spent seven years imprisoned for a murder he didn’t commit; his father had killed himself while he was in prison; he no longer knew how to function in the free world. Often, he wished he was back in prison where life was less complicated and everybody appeared to be on his side. “This is the weird thing. When I talk to friends who I was inside with, often we’re laughing: ‘Do you remember this, do you remember that?’” There was a camaraderie? “Yes. Yeah, yeah, yeah.” He asks if there is something wrong with a person who misses prison.

Then he was hit with another injustice. By 2014 he still hadn’t been paid compensation for his wrongful conviction. Although the CPS had thrown in the towel at the appeal, justice secretary Chris Grayling had refused any payment under a new test that required proof of innocence “beyond all reasonable doubt” – an impossibly high bar for almost anyone in Hallam’s situation to clear. His legal team is challenging the test on the basis that it breaches the presumption of innocence. Despite having his conviction quashed, he has come to feel that the establishment does not really believe he was innocent. The money would be useful, he says – he lost seven years of income in prison, he’s not in a fit state to work now, he needs money for therapy and he has to support Thierry. But, he says, the compensation is about so much more than money. “For me it’s more an acceptance of the wrongdoing and what they need to put right.”

After his release, Hallam’s mental health deteriorated. His post-traumatic stress disorder intensified, he suffered from depression again, became withdrawn, struggled with relationships and was unable to work. “I’ve got really low,” he says. “I have never tried to take my life but I’ve had suicidal thoughts.” Sometimes he only feels understood by people who have also suffered a miscarriage of justice. He mentions Paddy Hill of the Birmingham Six and Patrick Maguire, who was jailed at 14 as part of the Maguire Seven – both had their convictions overturned in 1991. “I can speak to them because I know they’ve been through it.” Last year he went to Scotland to meet members of the Miscarriages of Justice Organisation (Mojo), a support group. “We had a group therapy session and you just feel a connection with everyone there.”

But back home, he says, he has become dysfunctional in ways that he didn’t even realise until it was pointed out to him. “You’ve painted your room grey, like a cell, haven’t you?” Foot says. “Yes, and I sleep in my living room. I never go to bed. My friend said to me: ‘You’ve recreated that environment to put yourself at peace because that’s become a part of you.’” But it’s more complicated than that. He has created a cell that he’s desperate to escape from. “I didn’t lock my front door for six months. I took my doors off, too. I did it without noticing.” Hallam says he will only feel free once the government accepts that he deserves compensation. He has now been to the court of appeal twice, and to the supreme court. In July he went to the European court of human rights, supported by Foot and the eminent civil rights lawyer Marcia Willis Stewart; they expect the judgment next year. “This happened to me in 2004. I’m still going to court for the same case 19 years later.”

To go through what Hallam has been through and to retain your humanity takes some doing. I could imagine him going around the country educating people about miscarriages of justice, I tell him. He smiles. “In the long run that’s what I want to do. If I can possibly make something positive out of what I’ve been through, talking and stuff.” But first of all, he says, he’s got a fight to win. “Until this whole court thing is over I can’t move on.”

Conviction for Handling Stolen Goods Referred to the Crown Court

A woman’s conviction for handling stolen goods has been referred to the Crown Court by the Criminal Cases Review Commission (CCRC). Magda Krol was convicted of handling stolen goods and six other offences at Uxbridge Magistrates’ Court in August 2017. In July 2018, Ms Krol was convicted of a further five offences. In light of new evidence, a judge quashed 11 of Ms Krol’s convictions in February last year but was unable to consider the single remaining conviction of handling stolen goods as this had been the subject of an earlier appeal. It was suggested that an application be made to the CCRC. The judge confirmed that should the CCRC refer the single conviction, the Crown Court would quash it. Following a thorough case review, the CCRC has decided to refer the conviction to the Crown Court.

ECtHR Changes to the Procedure for Interim Measures (Rule 39 of the Court)

Under the Convention system, interim measures (Rule 39 of the Rules of Court) are applied in exceptional circumstances, in cases where there is an imminent risk of irreparable harm. They play a vital role in avoiding irreversible situations that would prevent national courts and/or the Court from properly examining Convention complaints and, where appropriate, securing to the applicant the practical and effective benefit of the Convention rights asserted. The Court may indicate interim measures until further notice, or for a limited period of time, depending on the circumstances of the case. Parties to the proceedings may request the Court to reconsider its decision to indicate interim measures or may lodge a fresh request where the initial request has not been granted if the circumstances change. A failure by a respondent State to comply with interim measures undermines the effectiveness of the right of individual application guaranteed by Article 34 of the European Convention on Human Rights and the State's formal undertaking in Article 1 to protect the rights and freedoms set forth in the Convention. When issuing interim measures, the Court exercises its jurisdiction to ensure observance of the engagements undertaken by the High Contracting Parties in the Convention and Protocols thereto, in accordance with Article 19, which jurisdiction extends to all matters concerning their interpretation and application, as provided in Article 32.

Following the aforementioned decisions of the Plenary Court, certain proposed amendments to Rule 39 have been submitted today to Contracting Parties for written comments, in accordance with Rule 116 of the Rules of Court. Similar consultations will be launched with a number of organisations with experience in representing applicants before the Court as well as relevant Bar associations. An updated Practice Direction accompanying the amended Rule 39 will be prepared and published following the consultation process. Practice directions are issued by the President of the Court to on aspects of the courts procedure. An updated Practice Direction may seek to provide further details on the decision-making process when requests for interim measures are lodged.

Extradition Precluded When No Effective Means for Challenging Trial That Was Flagrantly Unfair:

In 2021, the High Court discharged Mr Popoviciu from a Romanian extradition request because the evidence demonstrated that there were substantial grounds for believing that Mr Popoviciu's trial judge in Romania had an "improper, corrupt and criminal" relationship with the complainant and chief prosecution witness. In turn, the High Court found that there was a real risk that Mr Popoviciu had "suffered an extreme example of a lack of judicial impartiality", contrary to Article 6 ECHR. Mr Popoviciu had to be discharged as to return a person to serve a sentence based on a trial that "may well have been" flagrantly unfair exposed him to a real risk of flagrantly arbitrary detention, contrary to Article 5 ECHR. On 8 November 2023, the Supreme Court ruled that it was not enough for Mr Popoviciu to demonstrate that his trial and conviction "may well have been" based on a flagrant denial of justice. Rather, he needed to demonstrate – on the balance of probabilities – that the trial was flagrantly unfair in order to make good the proposition that extradition exposed him to real risk of flagrantly arbitrary detention. Importantly, the Supreme Court further held that because there is evidence that Mr Popoviciu's Romanian trial may well have been flagrantly unfair, Article 5 ECHR demands that he is entitled to an "effective means of challenging the legality of his detention" in Romania. The Supreme Court would have remitted the case to the High Court "with a direction that it consider the availability to [Mr Popoviciu], if returned to Romania, of an effective legal procedure which would enable him to make his case concerning the fairness of the Romanian proceedings and the legality of his detention".

The Last Thing The UK Needs Is More Rightwing 'Reforms'

Polly Toynbee, Guardian: Here we go again, tightening the screw and lengthening prison sentences to please that insatiable appetite among some voters for locking up more criminals ever longer. It is a British disease – born of public ignorance of the fact that for many decades, the UK has had the harshest sentencing in western Europe, with more people imprisoned per head of the population than China. That's an ignorance that both Tory and Labour governments have pandered to, cynically, for political gain. A despairing justice select committee, chaired by Tory MP Bob Neill, found 70% of the population think sentencing is too lenient. The committee implored the government last month to "actively engage the public on sentencing policy". People know next to nothing about how sentences have been lengthened time and again, often underestimating existing prison tariffs for crimes.

There is something touching and a bit desperate about the committee's plea: "It is incumbent on all policymakers and opinion-shapers to play a role in shaping a more constructive debate and to seek greater consensus on the issues." Instead, we get rants and scares from grandstanding MPs, and a rightwing press stoking demand for more punishment, using any exceptionally shocking crime as a sign of the country going to hell in a handcart. After the unique James Bulger horror, the then Tory home secretary, Michael Howard, set the age of criminal responsibility at 10. This government, as all governments do, has joined the clamour, using tougher sentences for political gain.

Straight after the committee reported, the king's speech revealed (yet another) sentencing bill imposing whole-life orders for the worst murders and rapes, leaving judges with no discretion. All criminals who commit rape and other serious sexual offences will now spend every day of their sentence behind bars: they usually spend half their term on probation. That fills up prisons fast – but worse, it means dangerous criminals are no longer let out on licence, closely supervised under threat of recall. Now they will be released later, but with no supervision to help regularise their lives outside. You don't need to be soft on criminals to reckon that's a more dangerous plan.

This new toughening up, destined to send prison numbers up yet again, comes despite hair-raising government projections. With a record 88,225 people in prison in England and Wales, the justice ministry projects numbers will rise by up to 106,300 by March 2027. This year alone, it's up by 7%. Why? Surely there must be a rampaging crime wave? No, the government itself says it's due to changes to sentencing, and even longer queues of prisoners on remand waiting for court cases delayed in the great austerity backlog: 16,196 prisoners, according to the latest figures. That's the most for 50 years, says the Prison Reform Trust.

Bursting, unsafe prisons caused panic last month, so the justice secretary, Alex Chalk, announced that most prisoners would be released 18 days early, in order to free up cells. Good news, you might think, that he says nobody should get sentences of under a year, to stop the rapid churn that does no good, with no time for treatment and prisoners at risk of losing contact with jobs and family. But with only 3,833 on these short sentences, that barely touches the overcrowding problem. Besides, Richard Garside of the Centre for Crime and Justice Studies warns that courts will just raise the sentence to above a year when they want to lock someone up. The Prison Reform Trust reports ever worsening conditions, despite the vast expense. The Institute for Government's annual public services survey says bluntly that "prisons are in crisis", reporting acute staff shortages, escalating squalor, violence and incidents of women self-harming, with rehabilitation programmes sunk to virtually zero since 2010.

Far from any crime wave, the government boasts that some crime has fallen by 50% since 2010 – and so it has, according to FullFact. Murder is down, but knife and gun crime are up.

Some try to claim crime only falls because so many criminals are locked up, but there's no link, says the National Audit Office. The crime rate has fallen similarly over recent decades in countries with high and low lock-up rates.

Labour is right to say 90% of crimes go unsolved, a huge rise since 2010. But Labour has nothing much to boast about. In power, it, too, could rightly claim a dramatic fall in crime. Right across the western world, crime is on a downwards trajectory, despite TV dramas and press reports feeding on crime horrors. Reasons for this fall proliferate among sociologists: more education, a change in teenage fashion? Yet under Labour, prison numbers also escalated as crime fell, with home secretaries David Blunkett and Jack Straw delivering the "tough on crime" policy with ferocity, while programmes on youth employment and Sure Start family support delivered "tough on the causes of crime".

In our book *The Verdict*, about Labour's 13 years in power, David Walker and I recorded exactly the same shameless political misuse of crime and punishment. The prison population swelled by 32,500, to 83,887 as Labour introduced 19 new crime bills – with identical Queen's speech posturing and the same "eye-catchers". In 2000, Tony Blair demanded the police frogmarch jobs to cash machines to pay instant fines. The police politely told him jobs didn't have bank accounts, and it disappeared.

Next time, Keir Starmer, a former head of the Crown Prosecution Service who knows all this better than anyone, will surely not repeat the low politics of appeasing the ignorant, though Tory election strategists threaten a firestorm of bogus Jimmy Savile-type allegations on any cases from Starmer's time at the CPS. They go low, so he should go high. In office, as the justice committee implores, dare Labour this time educate the nation with some basic truth-telling about crime and punishment?

Domestic Abuse Victim Convicted For Naming Alleged Abuser, Acquitted on Appeal

In November 2022, Rochelle Bakhtiari, a student, was convicted before Wimbledon Magistrates Court for harassment against her former partner by naming him on social media as having subjected her to domestic abuse both during and after their relationship. Prior to the prosecution against her, Ms Bakhtiari had previously reported the complainant to the police five times for abusive behaviour including coercive control, threat of physical violence, and persistent unwanted contact via multiple platforms over the course of several years. She had also reported him to authorities within the Brazilian jiu-jitsu community, where they had met and where he continued to teach and operate as a senior figure; and to a professional regulator. Following serious failures to investigate both by police and by the various BJJ bodies, and in the wake of Sarah Everard's murder by a man in a position of power, Ms Bakhtiari felt compelled to speak out about her experience for the benefit of other women in the BJJ community. Thereafter, Ms Bakhtiari was reported by him to police for her online posts and threatened by her alleged abuser with civil proceedings (which did not materialise).

Following flawed police investigations which failed to recognise the context of Ms Bakhtiari's previous police reports and the domestic abuse she alleged, she was charged and tried before Wimbledon Magistrates' Court. She was prosecuted on the basis that – whilst her account of his domestic abuse was not challenged, and unwanted contact post-relationship was accepted - her posts identifying her abuser nevertheless amounted to harassment because they were said to contain some minor technical or semantic inaccuracies, and because they had led to the complainant receiving unwelcome messages from other members of the public (albeit not at Ms Bakhtiari's request or invitation). At various times in the civil litigation pre-action correspondence and during the criminal investigation and proceedings (and in comments made online), Ms Bakhtiari's mental

health and stability were called into question, unsupported by any evidence.

Ms Bakhtiari appealed to the Crown Court. She maintained her belief in the truth of her posts, and argued that her conduct in naming her abuser, could not reasonably amount to harassment and was also undertaken in good faith in order to prevent harm to others (including other young women in the BJJ community). During the appeal proceedings an application to stay proceeding was submitted on Ms Bakhtiari's behalf arguing that the prosecution against her amounted to an abuse of process because it was infected by clear and manifest failures adequately to investigate the domestic abuse she had experienced at the hands of the complainant. In those circumstances, it was argued that the prosecution had been pursued in breach of: CPS policy in relation to domestic violence and prosecution of alleged victims; the state's obligations towards victims of gender-based violence (including domestic violence) under Article 3 ECHR – which include a duty to investigate allegations of gender-based violence; Ms Bakhtiari's rights under the ECHR to freedom of speech, and in particular her right to speak about her experience of gender-based violence.

It was argued that similar protections should be afforded to potential victims of article 3 mistreatment, as those which are applied in the context of victims of human trafficking (under Article 4 ECHR). As such, victims of domestic violence should not be prosecuted for conduct potentially relating to or arising from their mistreatment in the absence of adequate investigation into their abuse. In the absence of such an investigation, any decision to prosecute would not comply with relevant policies or with the Crown's operational duties under Article 3 which exist both to protect victims from further harm, and to facilitate their recovery.

Following receipt of the defence's abuse of process application the Crown Prosecution Service indicated that the case would no-longer be pursued and that they would offer no evidence on the basis that there was "no realistic prospect of conviction". No evidence was offered on 5th October at Kingston Crown Court and Ms Bakhtiari's wrongful conviction was quashed. The CPS have thereby recognised that the prosecution against Ms Bakhtiari was flawed and should not have been brought. This outcome is a welcome one, both for Ms Bakhtiari who has been caused significant hardship as a result of these proceedings, and for victims of domestic abuse whose right to speak publicly about their experiences should be respected and protected.

'Ineffective' Stop and Search Powers Disproportionately Used Against Black People

Priyanka Seepaul, Justice Gap: A report on new stop and search powers has found they fail to reduce violence, and police use them disproportionately against Black people. These findings, from a report by the Runnymede Trust, are the first review of Serious Violence Reduction Orders (SVROs), introduced in 2022. SVROs enable the police to stop and search individuals subject to them without needing a 'reasonable ground of suspicion'. The court can make someone subject to an SVRO where it believes the individual 'used or was in possession of a bladed article or offensive weapon' when an offence was committed. Currently, the scheme is being piloted in Thames Valley, West Midlands, Merseyside and Sussex.

The report indicates that Black people are 'just over six times more likely to be stopped under stop and search powers compared with white people' in the UK. Furthermore, that there is a disproportionate impact on young Black men who are not only targeted more, but also experience high levels of force from officers as a result of these discretionary powers. Dr Tim Head, who authored the report, said: 'the vast majority of rigorous evidence on SVROs' shows that these high discretion police stop interventions do not work but instead 'produce harm, anxiety and misery among the communities they purport to protect'. The Runnymede

Trust recommends scrapping SVROs and calls for the repeal of the Police, Crime, Sentencing and Courts Act 2022 due to their ineffectiveness and institutional racism in police forces across the UK. This was highlighted by Baroness Casey's report into the Met Police earlier this year where it called for a 'fundamental reset' on stop and search policing. It found that for too long, the Met has 'over policed' and 'under-protected' Black Londoners through its disproportionate use of stop and search powers. Other forces face similar indictments.

The SVRO scheme, first set out by the rightwing Centre for Social Justice thinktank, was backed by Boris Johnson in 2019 in order to tackle knife crime. However, justification for SVROs 'breaking the cycle of offending' is refuted by the Runnymede trust due to the lack of 'meaningful impact on the prevention of violence'. The erosion of trust in the police detailed in the Casey report was echoed by the Runnymede Trust and alternative recommendations were emphasized for their importance in looking to fund community led and grassroots organisations to try to prevent violence.

Mother: Responds to Lack of Recommendations After Death of Baby in HMP Bronzefield

Inquest: The senior coroner in Surrey has announced that he will not be making any recommendations to prevent future deaths, following the death of baby Aisha Cleary in HMP Bronzefield. Baby Aisha Cleary was born and died in the prison during the night of 26 September 2019, and was not found until the following morning. Earlier this year, an inquest found that serious operational and systemic failings contributed to her death. Since Aisha's death, NHS England and the MOJ have accepted that all pregnancies in prison are "high risk", echoing the finding of the Prisons and Probation Ombudsman, Sue McAllister (see below).

Concluding the month-long inquest into Aisha's death the coroner stated that Aisha "arrived into the world in the most harrowing of circumstances" given that her mother, Rianna Cleary – a Black teenage care leaver – was left to give birth alone in a prison cell without any care or assistance, despite asking for help and pressing her cell bell twice.

After an inquest, coroners can issue recommendations on the Prevention of Future Deaths (PFDs) to organisations, local authorities, government agencies or person in order to try and stop similar deaths. The senior coroner stated that while the evidence he received at the inquest hearing did give rise to concerns on his part that circumstances creating a risk of other deaths may still continue, his concerns had now been addressed by the prison and other interested parties. Campaigners are continuing to call for an end to the imprisonment of pregnant women.

Rianna Cleary, Aisha's mother, said: "I have lost Aisha forever, so the most important thing is that no pregnant woman ever goes through what I did again. I understand that the Senior Coroner is not making a Preventing Future Deaths Report because of all the changes that have been made since Aisha died. But when it comes to prison, what's written on a piece of paper is never what happens in practice. The way the prisons are run, it is all about power and control. They will never be caring places. Prison officers do not always follow policy – look what happened to me when I pressed my cell bell twice – nobody came. And I still don't know whether the prison officer who refused me medical help has been sacked. The system is cruel and will never be a safe place to have a baby. Everybody now accepts that all pregnancies in prison are high risk, so why was I sent there? This is why I now support the campaigns of Level Up and No Births Behind Bars to stop sending pregnant women to prison."

Selen Cavcav, Senior Caseworker at INQUEST, said: "We are disappointed that the coroner has decided not to issue a Prevention of Future Deaths report following this inquest which exposed one of the most damning failures in our prison system. We have no faith that the

changes which have been made by the prison will save further lives. There is a depressingly huge gap between policy and what happens behind closed doors. There is no reliable system for checking how these changes are implemented and essentially no proper accountability when policies and procedures are completely ignored like they were when Rianna was pregnant in prison. INQUEST knows this only too well. Prison is a disproportionate, inappropriate, and dangerous response to women in conflict with the law, let alone those who are pregnant. We must urgently dismantle women's prisons and redirect resources to holistic, gender responsive community services. Only then can we end the deaths of women and their babies in prison."

Elaine Macdonald of Broudie Jackson Canter, said: "While significant changes have been made to policy relating to perinatal care in prisons in general, which must be acknowledged, it remains to be seen whether prisons, including HMP Bronzefield, will implement the changes sufficiently. It is staggering that, prior to Aisha's death, there was no policy in place to care for pregnant women in prison. The previous MBU policy was overly focussed on the rules and processes around MBU admissions and not on looking after pregnant women. Additionally, the cell bell failures in this case had catastrophic consequences (despite expectations on response being in place) and whilst we note that Bronzefield has upgraded its cell call system, only time will tell whether prison officers are adhering to it."

Janey Starling, Co-Director of Level Up, said: "The only way to prevent further deaths of babies in prison is to end the imprisonment of pregnant women. There are no amount of reforms that will ever make prison a safe place for pregnant women when they remain trapped behind several sets of locked doors, inherently harsh conditions where care is substandard, and at the mercy of prison officers decision-making.

Since Aisha's death, the Prison Ombudsman, NHS and Ministry of Justice have declared that all pregnancies in prison are high-risk. So why can courts still send pregnant women there? Without a change in our court system, it is only a matter of time before another death like this happens. The government must stop sending pregnant women to prison. Courts are effectively sentencing women to high-risk pregnancies, if not emergency births and stillbirths. This urgently has to stop."

Naomi Delap, Director of Birth Companions, said: "The systems interrogated in this inquest - prison, maternity, and local authority social care services – are in crisis. It is dangerous to assume that promised improvements, and better written policies, can address the deep, systemic issues flagged by Aisha's death. Fundamental change is needed if we are to prevent the deaths of more women and infants, and this decision from the coroner is a missed opportunity to drive that change. We are not confident that women and babies are safe. There is a real risk that more lives will be lost."

ECtHR: Albanian Authorities Should Identify and Punish Those Responsible for Shooting

In the Chamber judgment in the case of Nika v. Albania (application no. 1049/17) the European Court of Human Rights held, unanimously, that there had been: two violations of Article 2 (right to life and investigation) of the European Convention on Human Rights.

The case concerned the death of the applicants' husband and father after he had been shot in the head in 2011 during a demonstration in front of the Albanian Prime Minister's office. The protest had resulted in violent confrontations between demonstrators and the authorities. The applicants alleged in particular that the commander-in-chief of the National Guard, in charge of protecting the Prime Minister's office, had ordered his men to open fire on the protestors.

The Court found that the question of possible command responsibility had not been answered in the ensuing investigation, which had focussed on individual responsibility of the National Guard

officers and not on the sequence or nature of any orders given by those in their chain of command. There had also been a series of other shortcomings in the investigation, including the deletion of video recordings of the incident and no follow up of key lines of enquiry such as bullet marks found at human height on the iron fence surrounding the Prime Minister's office. Such deficiencies raised doubts as to whether the authorities had been attempting to divert or inappropriately interfere with the investigation. It also found shortcomings in the then legal framework governing the use of firearms in the context of crowd-control operations and serious defects in the planning and control of the protest. The authorities had not shown that the use of lethal force by the National Guard officers that had resulted in the death of the applicant's relative had been absolutely necessary. Indeed, the Albanian Government itself accepted that the use of force had been excessive. Lastly, it held under Article 46 (binding force and implementation) that the authorities should continue to try to elucidate the circumstances of the death of the applicants' relative and to identify and punish those responsible.

Probation Service 'Crisis' Allowing for Reoffending

Joshua Nash, Justice Gap: A report leaked to the Independent has revealed that 59 people were convicted for murders committed whilst they were under probation or had recently left their care in 2022. A further 400 serious offences were committed by such individuals between January and April of 2023. Problems have been attributed to staff having 'unmanageable' high workloads, which have resulted from staff shortages with figures suggesting that, as of June, the probation service is functioning with a staff shortfall of 35%. There is also a deficit in experience as two-thirds of resignations have come from staff who have been working there for five or more years. High workloads have led to an increase in staff stress with reports from inspectors finding that, in the last year, 55 percent of staff sick days have been due to mental health issues, which is 43 per cent rise from five years previously. Speaking with the Independent, Ian Lawrence, head of the probation union Napo, described of hearing 'harrowing' accounts from new staff who felt scared of going to work and were handling double the cases they should have been. He further stated: 'If senior politicians – who have now woken up to the fact that probation matters – want staff to help them out of the hole that they've dug for themselves on prison overcrowding, then they need to engage with us in a way that motivates staff to undertake this work.' He called for increased support from the government and said it was time for 'the government to work with us to find ways to reduce workloads and motivate experienced staff.' Failings in the probation service have been linked with high profile murders, such as that of Zara Aleena, who was killed last year by a man with a violent background who had been incorrectly released from prison. The murders of Terri Harris and her children and their friend also raised concerns about the functioning of probation services. They were killed by Damien Bendall, who had previous convictions for violence and was serving a 17-month suspended sentence for arson when he committed the murders. It was reported in the Guardian that the inquest found the murders resulted from 'stark' failures on the part of the probation services who mistakenly categorised Bendall as low risk.

Top General Locked Away Evidence of SAS Executions

One of the UK's most senior generals was warned in writing in 2011 that SAS soldiers were claiming to have executed handcuffed detainees in Afghanistan. BBC Panorama can reveal that Gen Gwyn Jenkins, who is now the second most senior officer in the British armed forces, received accounts of conversations in which members of the SAS described extrajudicial killings. But instead of referring the evidence to military police, Gen Jenkins placed it in a classified dossier and locked it in a safe. The failure to refer the evidence to military police has previously been disclosed in court, but the identities of the officers involved were withheld from the public by the Ministry of Defence.

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Six in 10 Women Sent to Prison Serve Sentences of Less Than Six Months

Over half (58%) of prison sentences given to women in 2022 were for less than six months, despite a widespread recognition that short prison sentences are harmful and ineffective, a new analysis of local court area data published today by the Prison Reform Trust reveals.

The analysis shows that 'theft from shops' was the most frequent offence, accounting for more than a third (36%) of women's prison sentences of less than six months in 2022. This is in comparison to just 16% of men. The government's Female Offender Strategy Delivery Plan, published earlier this year, reaffirms a commitment to see fewer women in prison. The analysis shows that there was a welcome reduction of 44% in the overall use of imprisonment for women, down from 7,418 prison sentences passed in 2014 to 4,120 in 2022.

Yet despite these encouraging signs, there are concerns that this trend has reversed following the end of the Covid-19 pandemic and its impact on courts. The women's prison population on 6 October 2023 was 3,604—a rise of 15% since January—almost 500 more women. The latest Ministry of Justice prison population projections predict that the women's prison population will rise to 3,800 by November 2024. This analysis of local data also reveals significant geographical variations between police force areas. For example, in Nottinghamshire 73% of prison sentences given to women in 2022 were for less than six months. Whereas in Merseyside, 43% of prison sentence given to women in 2022 were for less than six months.