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

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Imprisonment of an Innocent Teenager? The Ongoing Case of Luke Mitchell

This article relates to the Scottish Criminal Cases Review Commission (SCCRC), the 2nd such post-appeal body to be established after the Criminal Cases Review Commission (CCRC). In it, Dr Sandra Lean, a prominent expert on wrongful convictions, provides a compelling critical analysis of the ongoing struggle by Luke Mitchell to overturn his conviction for the murder of 14-year-old Jodi Jones. Regular readers of CCRC Watch will relate to the facts of Luke Mitchell's alleged wrongful conviction, which tallies with other cases featured on this site in terms of a failure to conduct a full, comprehensive, fair and transparent investigation into the facts of the murder of Jodi Jones. CCRC Watch supports the call for an independent and impartial review of Mr Mitchell's conviction and for truth and justice to prevail. "Appeal judges would later refer to this 'interview' being a 'hostile and overbearing interrogation' and branded the behaviour of the officers involved 'outrageous and to be deplored'. They did not, however, conclude that a miscarriage of justice had occurred as a result of such outrageous and deplorable behaviour"

When 14 year-old Jodi Jones was found murdered on the night of June 30th 2003, police suspicion immediately fell on her boyfriend, Luke Mitchell, who was also 14. The foundation of that suspicion was based on a mistaken belief by the first officers at the scene that Luke, and Luke alone, had found Jodi's body, in darkness, in a woodland strip behind a large stone wall. What those officers failed to realise was that there had been another three searchers with Luke looking for Jodi, and three of the four had been over the wall to where Jodi lay. That critical error, within 15 minutes of the searchers finding Jodi, was to set the scene for a blinkered, tunnel-visioned approach to a case, which would ultimately turn into a modern day witch hunt involving a 14 year-old schoolboy.

Initially, investigators were confident that DNA results would prove their 'main line of enquiry' (as stated by a police spokesperson at the time). But, when those results came back, there was no forensic evidence linking Luke Mitchell to the murder or the crime scene. There was, however, other male DNA – a full profile from Jodi's t-shirt originated from her sister's boyfriend, Steven Kelly (who was also one of the searchers who found Jodi). A condom, filled with what scientists called 'fresh' semen was found 20 yards from the body, but the full profile from this did not match anyone in the national database.

Police handling of the crime scene was appalling – Jodi's body was left out, uncovered, in the rain for more than eight hours. The original forensics officer was unable to climb the wall and left the scene in the early hours of the morning. In the meantime, other offices cut down overhanging branches, moved Jodi's body onto a plastic sheet (still without covering it), moved other items at the crime scene and gathered up Jodi's clothing, which was strewn around where her body lay. There are no records of who authorised these actions, or how they were carried out. There were no forensics officers present while all of this was happening. A purse was found, 12 days into the investigation, under a large rock which had been used as a stepping stone for those going over the wall – it is still unclear how that purse entered what was supposed to have been a secure crime scene, almost two weeks into the investigation. Specialist dogs were brought in from Yorkshire in an effort to discover which way the murderer had escaped, but were unable to carry out their work because the crime scene had already been bleached. Again, there are no records to say when the scene was bleached, or who authorised the bleaching.

Meanwhile a massive, relentless and entirely negative media campaign was in full swing. Luke Mitchell's home was searched and he was taken in for questioning in a blaze of publicity on July 4th, just four days after Jodi was murdered. Six weeks later and just three weeks after he turned 15, he was again paraded through the media as he was again taken in for questioning. In Scotland in 2003, what were known as 'Section 14 interviews' were legal – anyone, including children, could be taken by police and held for six hours for questioning without access to legal advice or assistance. Appeal judges would later refer to this 'interview' being a 'hostile and overbearing interrogation' and branded the behaviour of the officers involved 'outrageous and to be deplored'. They did not, however, conclude that a miscarriage of justice had occurred as a result of such outrageous and deplorable behaviour.

For almost ten months, the media named and pictured Luke Mitchell, until he was finally arrested in April 2004. Then, they referred to a 'youth who could not be named for legal reasons' – but only for three months – when Luke turned 16 that July, they were free to name him again, as he was no longer a minor. The trial – the longest of a single accused in Scottish history at that time - threw up some stunning information. The three searchers with Luke that night were Jodi's sister, the sister's boyfriend and Jodi's grandmother. They all said, in statements for the first month, that Luke's dog started jumping up and scrabbling at the wall, which was what alerted the searchers that there might be something behind the wall. By the time they came to give evidence at trial, their stories had changed.

The dog, they said, did nothing – Luke just went straight through a V-shaped break in the wall, indicating (according to the prosecution) that he already knew where Jodi's body lay. Two boys who had been seen riding a moped close to the murder scene at 5pm, and whose vehicle was propped against the break in the wall without them at the exact claimed time of the murder (5:15pm) were Jodi's cousin and his friend. They had taken five days to come forward at the beginning of the investigation – one of them said his grandmother (also Jodi's grandmother) had told them not to go to the police. Later still, in 2006, the owner of the condom was traced – James Falconer, who was 20 at the time, claimed he had gone into the woodland strip to masturbate, because he had no privacy at home. He said he saw and heard nothing that night, even though the route he described taking in the woodland strip would have taken him right up to – and perhaps past – where Jodi's body lay.

In January 2005, Luke Mitchell (now 16) was sentenced without limit of time, with a minimum punishment period of 20 years. He has always protested his innocence and, over the years, more and more evidence has been uncovered supporting his stance. Both Luke and his mother passed polygraph tests, independently of each other. Medical records revealed a person with close links to Jodi was extremely psychotic at the time of the murder and had been known to attack people with bladed instruments. He was never considered a suspect and, on closer inspection, the alibi provided by his mother does not stand up to scrutiny. A number of witnesses have come forward to say the police would not take statements from them about other people behaving suspiciously.

Many witnesses, who were only children at the time, have told how they were bullied and terrorised by police investigators trying to force them to agree with incriminating statements about Luke. At the end of 2021, with a further application being prepared for the SCCRC (Scotland Criminal Cases Review Commission) and the intention to apply for samples for re-testing with more modern methods being public knowledge, it was discovered that police had begun secretly destroying evidence – evidence the law says should have been preserved until at least 2026. The destruction was halted, but to date Luke's lawyers have not been informed as to why the destruction was ever authorised, or by whom, nor have they had any indication of what was destroyed and what still remains.

A petition containing over 25,000 signatures was delivered to the Scottish parliament on November 16th 2021, calling for an independent review of the case. On December 29th it was reported that the Lord Advocate had rejected the petition, saying: 'COPFS considers that there is currently no basis for a review of this conviction', claiming that extensive work by investigators and prosecutors had tested the evidence. The Lord Advocate, Scotland's highest legal authority, is the wife of the man who prosecuted Luke Mitchell. As of January 2022, the fight to have this case independently reviewed continues – the person calling most stridently for all of the forensic evidence to be re-tested is Luke Mitchell himself.

Dr Sandra Lean's goal is to help share stories of people who have suffered injustice and in so doing, to alert an unsuspecting public that the same could happen to any one of them. Since 2003, she has researched and written about cases of wrongful conviction and factual innocence. She has tried to assist a number of people over the years and campaign, write articles, etc, wherever she is able to help. Following the completion of her Honours degree in Social Sciences (Psychology and Sociology) in 2000, she obtained a Specialist Paralegal Qualification in Criminal Law in 2010, via Criminal Law Training and Strathclyde University. She completed a PhD in 2012, (the thesis title being "Hidden in Plain View,") which studied the factors which lead to wrongful convictions and why ordinary people are completely unaware of these factors. Her first book, "No Smoke, the Shocking Truth about British Justice," was published by Checkpoint Press, Ireland in 2008. Her second book, "Innocents Betrayed" was published by NGU Books in 2018. She is currently working on her third book.

Amendment to Criminal Justice Bill Seeks to Reform 'Flawed' Joint Enterprise Law

Samantha Dulieu, Justice Gap: A potential change to controversial 'joint enterprise' law has been tabled in Parliament as Labour MP Kim Johnson continues her fight to amend this 'flawed' legislation. Johnson's amendment to the Criminal Justice Bill seeks to stop people peripheral to crimes – particularly murder – being considered 'guilty by association'. Under the current law, people can be convicted for murder just by being present at the crime scene, even if they didn't commit the crime, or even have a weapon. This amendment would tighten up the existing law, as only those who make a 'significant contribution' would be held criminally liable.

Speaking to a meeting of the All Party Parliamentary Group on Miscarriages of Justice in April, Kim Johnson said: 'Joint enterprise is a massive miscarriage of justice when you've got 13 year old boys being incarcerated for 13 years for a crime that they haven't committed'. She said would continue fighting to raise awareness of joint enterprise and has committed to the campaign group, JENGbA, that she would continue working on their behalf. The Prison Reform Trust has urged MPs to support this amendment on Wednesday to address concerns that the law is being used far more widely than intended. They say the current legislation, which dates from the 1860s, operates as a 'drag net', sweeping up large numbers particularly young people from black and minority ethnic groups, into criminal prosecutions.

According figures from the Criminal Prosecution Service (CPS), Black people are 16 times more likely than white people to be prosecuted under joint enterprise. The Supreme Court ruled in 2016 that the law had taken a 'wrong turn' on joint enterprise for over 30 years. It was widely anticipated that there would be successful appeals in the wake of this ruling. So far only one conviction has been overturned and there is evidence that the police and prosecution have re-committed to using joint enterprise despite growing concerns over its legitimacy as well as evidence of racist targeting.

Government Considering Proposal to Ban 'Persistant' Protest Groups

Jack Sheard, Justice Gap: Ministers are considering a proposal to ban 'extreme' protest groups, in a mirror of proscribed terrorist organisations. The proposal comes from the government's advisor on political violence, Lord Walney. A banned group would be restricted from fundraising, and its members would be prevented from assembling. The proposal would not be limited merely to organisations which commit criminal offences; it would also include those who 'cause serious disruption to influence the government or public debate'. 'Persistant' action, or political motivations, would 'count against' the groups.

The proposals target organisations such as Palestine Action and Just Stop Oil, described as 'militant' groups by Lord Walney. Banning terror groups has made it harder for their activists to plan crimes – that approach should be extended to extreme protest groups too'. This proposal follows last year's Public Order Act, which created 'serious disruption prevention orders'. These orders could be applied to anyone convicted of a protest related offence, potentially prohibiting them from associating with other protestors. These proposals form part of a review into tackling political violence. The review is not yet published, but the Home Office is considering its recommendations 'extremely carefully'.

Charles W – HMP Lewes - It's all About Risk

Risk, the phrase that is thrown around by anyone in probation to justify their stupefying actions. Whether that be blatantly lying, or making things up, or covering up their own incompetence with innuendo and bluster, they appear to be free to cause harm to anyone they see fit with zero justification. I have experienced this with an unfounded recall. But this is not just an isolated situation, it is widespread and to me speaks of prejudice within the system against prison leavers. That is when they throw around the word 'risk' as a reason to do anything they want.

No evidence required, just a gut feeling or suspicion. Words that seem to litter all recall forms, with zero account taken of individual circumstances. I have a life, we all do. I also accepted responsibility for my actions, as many others have. I served my time and got out and did everything that was asked of me. Apparently, this was not good enough for the people at probation, who instead felt the need to lie and clutch at straws to put me behind bars. They claim to have credible intelligence, which, by the way, turns out to be far from correct, by their own admission. They will happily use anything, no matter how trivial, to put people behind bars, and the only justification they have is the word 'risk'. Why do they ruin people's progress and reform? Risk. Why do they torture and tear families apart? Risk. Why do they take away all the support networks from prison leavers? Risk.

It seems to me that probation is forgetting that they are part of the justice system and therefore their actions should be justifiable. Everyone is one mistake away from being behind the wall. But we all are also individuals with our own stories that should be taken into account. We should not be subjected to lies and deceit on the notion of risk.

Lift Court Order Blocking New Yorker Article on Letby Case

Jon Robins, Justice Gap: A former government minister has called on the Lord Chancellor to lift a court order blocking the availability to UK readers of an article raising 'enormous concerns' about the safety of the conviction of Lucy Letby on the grounds that the ban offended 'open justice'. Yesterday the New Yorker magazine published a 13,000 word investigation by staff writer Rachel Aviv into last year's trial in which the former neonatal nurse was convicted of the murder of seven infants and attempted murder of six others.

Relying on parliamentary privilege, the Conservative MP David Davis raised the issue on Tuesday 15th May. 'Yesterday the New Yorker magazine published a 13,000-word inquiry into the Lucy Letby trial, which raised enormous concerns about both the logic and competence of the statistical evidence that was a central part of that trial,' David told MPs. 'That article was blocked from publication on the UK internet, I understand because of a court order. Now, I'm sure that court order was well intended but it seems to me in defiance of open justice. Will the Lord Chancellor look into this matter and report back to the House?' Justice Secretary Alex Chalk replied that court orders 'must be obeyed and court orders can be displaced by someone applying to court for them to be removed'. 'I will just simply make a point on the Lucy Letby case – that jury's verdict must be respected.' Letby is attempting to appeal her convictions at the Court of Appeal. She also faces a retrial next month on a single count that she attempted to murder a baby girl known as Child K. A New Yorker. spokesman yesterday explained to the Press Gazette: 'To comply with a court order restricting press coverage of Lucy Letby's ongoing trial, The New Yorker has limited access to Rachel Aviv's article for readers in the United Kingdom.' UK readers trying to access the article are met with a message: 'Oops. Our apologies. This is, almost certainly, not the page you were looking for.'

Solicitor General to Appeal Trudi Warner Decision

Sandra Laville, Guardian: The government's most senior law officer is to appeal against a decision not to allow a contempt of court action against climate campaigner Trudi Warner for holding a placard on the rights of jurors outside a British court, the Guardian can reveal. Mr Justice Saini ruled at the high court last month there was no basis to take action against Warner, 69, for holding up the sign informing jurors of their right to acquit a defendant based on their conscience. He said the government's claim that her behaviour fell into the category of criminal contempt was "fanciful". Saini in his ruling accused the government's solicitor general of "significantly mischaracterising" the evidence, when his lawyers alleged Warner behaved in an intimidating manner, confronting potential jurors outside the court. His ruling also reiterated that there was a well established principle in law of jury equity; a de facto power to acquit a defendant regardless of directions from the judge. But lawyers for the solicitor general, Robert Courts, have informed Warner's lawyers they are appealing against the decision.

It is another chapter in a year-long legal action against Warner for her lone protest outside the court at the start of a trial of Insulate Britain protesters for a peaceful roadblock. Warner's sign was in reference to a 1670 landmark case which cemented the independence of juries, known as "Bushel's case", in which a jury refused to find defendants guilty despite having repeatedly been instructed to do so by the judge. Warner's placard read: "Jurors, you have an absolute right to acquit a defendant according to your conscience." She acted after judge Silas Reid forbade protesters from mentioning climate breakdown as part of their defences. On learning of the further legal action by the government to pursue her for contempt of court – which could carry a two year prison term or a fine – Warner said: "It feels really shocking, to be honest. They clearly want to make an example of me. In a sense I am not surprised, but this is just more public money, and it is shocking." Warner stood outside inner London crown court last March for 30 minutes holding the placard as members of the public, lawyers and potential jurors filed into court. She held the sign on the first day of a trial for public nuisance of members of the climate campaign group Insulate Britain. The following day she was handcuffed outside the court, and put into the dock before the judge. He referred her action to the attorney general who sought permission at the high court last month to pursue her for contempt of court. A spokesperson for the solicitor general has been contacted for comment.

Detailed Breakdown of Use of Imprisonment for Women

The Prison Reform Trust on the14 May published factsheets showing a detailed breakdown of the criminal justice response to women in each of the police force areas in England and Wales. The factsheets have been compiled from analysis of 2022 local court data. These factsheets follow on from the publication of data resources in October last year of 'at a glance' data tables summarising the use of custody for each local police force area between 2014-2022.

This analysis of local data reveals significant geographical variations between police force areas. This variation may, in part, reflect areas with more effective coordinated approaches to women in the criminal justice system. In some areas, such as Manchester and London, there have been concerted local efforts to develop more effective responses to women's offending through joined up working between police, courts, and women's services.

However, in many police force areas, women continue to be sent to prison on short sentences, for non-violent offences. 'Theft from shops' accounted for more than a third (36%) of all prison sentences for less than six months in 2022*. This is despite widespread recognition of the ineffectiveness of these sentences. The government's own Female Offender Strategy aims to reduce the women's prison population and its national concordat provided a framework for cross-government working to improve outcomes for women.

These strategies, while welcome have been backed by little action on the ground, and this local area data shows that four years after their publication, there is still a long way to go to reduce the number of women being sent to prison on short sentences.

The government has recently announced it is pausing plans to build 500 new prison places in the women's estate. HMPPS says this is, in part, because "our Female Offender Strategy and Delivery Plan makes clear that we want fewer women serving short sentences in custody and more being managed in the community". Whilst the announcement is welcome, the latest prison population predictions continue to predict an increase in the number of women in prison. The number of women in prison is projected to climb from 3,642 today to as high as 4,800 by November 2027. These predictions are unable to consider any future impact of the Female Offender Strategy or Delivery Plan because "work is still on-going to assess the impacts of this policy".

Climate Change Protester Placed Under Home Curfew Violation of Article 2 ECtHR: By a majority (six votes to one), that there had been a violation of Article 2 of Protocol No. 4 (freedom of movement) in respect of Joël Domenjoud. The case concerned home-curfew orders issued against two French nationals, Cédric and Joël Domenjoud, on the basis of state-of-emergency legislation. The measures were taken in the context of the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change ("COP21").

The Minister of the Interior justified the home-curfew orders by the need to ensure security at the COP21 event, against the backdrop both of a serious terrorist threat and of violent incidents at other major events in neighbouring countries in 2015. His decision was also based on information brought to his attention by the intelligence services in "white note" memos, which indicated that activists were preparing violent protests around the summit and that the two applicants were likely to take part.

As regards Cédric Domenjoud, the Court found that the measure, although restrictive, had been based on relevant and sufficient reasons and on specific aspects of his behaviour and criminal record, which had pointed to a serious risk of involvement in highly violent disruptions. The measure taken against him had not therefore been disproportionate to the aims pursued (protecting national security and public safety and maintaining public order). The Court further held

that adequate procedural safeguards had been in place for the judicial scrutiny of the measure, particularly concerning the consideration to be given to the Minister's "white notes".

As regards Joël Domenjoud, the Court observed that there was nothing to suggest that he had personally envisaged taking part in violent protests or helping to organise them. Nor had it been established that he had encouraged or even supported such acts. There was no solid evidence to support the intelligence service's claim that the applicant was a violent activist. It thus did not appear that the preventive measure taken against him had been the result of an individual and detailed assessment of his behaviour or actions that had made it possible to substantiate the risk that he might contribute to the disruptions feared by the domestic authorities. The Court further found that the judicial scrutiny of the measure taken against the applicant had not been accompanied by adequate procedural safeguards. Lastly, it held that the measure was not covered by the derogation notified by France to the Council of Europe under Article 15 of the Convention.

Last-Minute Delay to Hundreds of Court Hearings Due to Prison Overcrowding

Rajeev Syal , Guardian: Hundreds of court hearings were postponed at the last minute after ministers introduced emergency measures to deal with overcrowded prisons. Operation Early Dawn, triggered on Wednesday 15th May, meant some suspects would be released on bail, rather than sent to a cell, because their trial will be put off. Suspects' first appearances before magistrates after they have been charged with a crime are also likely to be affected. Details of the measures emerged as Keir Starmer told Rishi Sunak during parliamentary exchanges to stop trying to give "get out of jail free cards" to criminals. The operation, which is expected to last at least a week, is in addition to an early release scheme under which some convicted criminals are being released to a home curfew to free up cells.

Details of the measures emerged as Keir Starmer told Rishi Sunak during parliamentary exchanges to stop trying to give "get out of jail free cards" to criminals. There were 1,238 prison places available on Friday 17th May, according to the latest figures. On Thursday 16th May, the government triggered Operation Safeguard, a crisis measure to use police cells to house prisoners. Tom Franklin, the chief executive of the Magistrates' Association, said his members were very concerned about the further delays and the lack of information from the Ministry of Justice. "Every case that is delayed has real-life consequences for victims, witnesses and defendants – and leads to magistrates and court staff sitting around waiting, rather than administering justice. That is a waste of resources, at a time when there are already large backlogs. It demonstrates the parlous state of the criminal justice system and the need for an injection of more resources at every stage of the justice process."

The Law Society of England and Wales president, Nick Emmerson, said victims, witnesses, defendants and lawyers had turned up at courts across England only to find out that their cases have been delayed. "What is crystal clear is the prison spaces crisis is a consequence of the government's approach to justice including over a decade of underfunding of our criminal justice system, which also sees chronic shortages of judges and lawyers, huge backlogs of cases and crumbling courts," he said. At prime minister's questions, Starmer asked Sunak for assurances that serious offenders would not be freed from jail early as part of a government effort to cut overcrowding. Sunak defended the scheme, saying there was an "absolute governor lock" on who was put on it. "No one should be put on this scheme if they are a threat to the public," he said. "Let me be crystal clear. It does not apply to anyone serving a life sentence, anyone convicted of a serious violent offence, anyone convicted of terrorism, anyone convicted of a sex offence."

Labour said Sunak should correct the record, given Taylor found that high-risk offenders had been released. A spokesperson for Starmer said: "I think it's perfectly reasonable for people to expect to get a straight answer from the government as to exactly who is being released, what the criteria are and to be transparent … we still haven't had that provided. I'm sure the prime minister would never want to [mislead the house] and would want to look to correct the record as soon as he can." Labour would look to scrap the government's early release scheme, a party spokesperson said, while adding it was "under no illusion" it could do this immediately if it won power. Downing Street denied reports claiming that prisons were officially full and defended government measures to cut overcrowding. Asked whether it was fair to say the estate had run out of space for offenders, the prime minister's spokesperson said: "No. This is an existing operation that is used from time to time to manage immediate localised pressures on the prison estate." He said the government was "clear and categorical" that the worst offenders should be locked away for "as long as it takes to protect the public".

Electronic Monitoring of Migrants on Immigration Bail Unlawful

In a lengthy judgment handed down on the 15th May, the High Court has found that a number of aspects of the Home Office's GPS tagging of four migrants on immigration bail was unlawful. Mr Justice Lavender ruled: "I have found that the defendant acted unlawfully in three different ways. I have found that: (1) The defendant acted unlawfully in ADL's and PER's case by not considering whether the imposition of an EM condition would be impractical or contrary to ADL's or PER's Convention rights. (2) The defendant also acted unlawfully in ADL's case by not considering the representations made on behalf of ADL. (3) The defendant acted unlawfully in BNE's and ADL's case by not giving reasons for rejecting the representations made on behalf of BNE and ADL. Moreover, had their claims been brought in time, I would have found that the defendant acted unlawfully in Mr Dos Reis', BNE's and PER's case by not conducting a quarterly review of their EM conditions in time."

In an initial reaction following the judgment, Privacy International commented on X: "The judgment reveals significant issues of procedural fairness, including failures by the Home Office to explain why it was imposing or maintaining GPS tracking. The court also found that the Home Office unlawfully failed to carry out reviews of multiple claimants' GPS tracking conditions in breach of the right to private life of two of the claimants. In two of the cases, the court also found that the Home Office had breached the claimants' right to privacy on the basis that it continued to impose GPS tracking even though it was no longer 'necessary in a democratic society'."

Netiporn "Bung" Sanesangkhom -Thai Youth Activist Dies in Custody

Thai anti-monarchy activist Netiporn "Bung" Sanesangkhom, 28, died in custody in Bangkok Tuesday 14th Maymwhile on a hunger strike she began in January. Netiporn brought attention to Thailand's cruel use of its lese majeste (insulting the monarchy) law, which punishes critics of the monarchy with up to 15 years in prison. Thai authorities had paused lese majeste prosecutions for nearly three years until November 2020, when then-Prime Minister Gen. Prayut Chan-ocha ordered prosecutions resumed, purportedly due to growing criticism of the monarchy.

Authorities have jailed thousands under this law in recent years, and hundreds have been sentenced to lengthy prison terms. Hundreds of people accused of criticizing the monarchy are currently in pretrial detention without access to bail. Thailand's current prime minister, Srettha Tavisin, has vowed to continue strict enforcement of the lese majeste law. The Constitutional Court in January ruled that attempts by the opposition Move Forward Party to amend the law would amount to treason, which could result in the party's dissolution and a ban on its leaders from politics.

Netiporn was one of about 270 activists charged with lese majeste after pro-democracy demonstrations broke out in Thailand in 2020. Her alleged crimes were related to a peaceful campaign to survey inconveniences to the Thai public from royal motorcades. Human Rights Watch and several United Nations human rights experts, including the Office of the High Commissioner for Human Rights and the Working Group on Arbitrary Detention, have repeatedly voiced concern over the Thai government's use of arbitrary arrest and pretrial detention to punish critics of the monarchy.

Netiporn began her hunger strike to demand the right to bail for detainees like herself and to protest such prosecutions in general. Authorities met her demands with silence and have shown no interest in reforming the law or leniency for critics. Prime Minister Srettha has now been in office 10 months, saying he would strengthen the rule of law and make Thailand a more rights-respecting country. But repressive government prosecutions remain the norm, reminiscent of when Thailand was under military rule. Netiporn's death should be a catalyst for Thai government reform. Authorities should engage with UN experts and civil society groups to amend the lese majeste law and bring it into compliance with human rights standards. The Thai government should permit all peaceful expression of political views, including issues about the monarchy.

CoA Quashes Sentence of Imprisonment for Public Protection Passed in 2008

Doughty Street Chambers: On 9 May 2024, the Court of Appeal granted a 15-year extension of time and quashed a sentence of Imprisonment for Public Protection ("IPP"). Hayley Douglas appeared for the appellant who was sentenced to the IPP in June 2008 for an offence of s.18 GBH committed when he was 19 years old. On appeal it was argued that the appellant was not dangerous and the sentence should never have been imposed. In particular, it was argued that the sentencing judge failed to take into account the appellant's young age at the time of both the index offence and previous specified offence. It was also argued that the judge was wrong to derive a pattern of behaviour from the appellant's previous offence. The Court of Appeal agreed, quashing the indeterminate sentence and replacing it with a short determinate term which resulted in the appellant's immediate release.

75th Anniversary of the 'European Court of Human Rights'

The President of the European Court of Human Rights has made the following statement on the 75th anniversary of the Council of Europe: "75 years since the establishment of the Council of Europe in 1949, the founding States' reaffirmation in the Statute of "their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy"1 remains as important today for 46 States as it was then for 10. The Statute requires Council of Europe members, then and now, to demonstrate respect for these values, on pain of expulsion in cases of serious violation.

One of the principal means for achieving greater unity and safeguarding the signatory States' common heritage was and is the European Convention on Human Rights and its innovative mechanism for the collective enforcement of individual rights. Since the signature of the Convention just one year later, the European Court of Human Rights has dealt with over one million applications and handed down over 27,000 judgments. Those judgments have contributed, whether directly or indirectly, in the improvement of the democratic and social fabric of our societies, making them more inclusive, tolerant and genuinely democratic.

On this important anniversary, let us reflect on the vital role which this organisation must

continue to play in maintaining high standards of democracy, human rights and the rule of law across the 46 member States. Let us not shy away from any necessary reforms.

And at this critical point in history, when States are confronted by conflict, democratic erosion and unprecedented challenges, let us also not lose sight of our profound responsibility to pass on to future generations both the Council's values and the unique international protection mechanism which is the European Convention on Human Rights."

Who Bombed Dublin? - 50 Year Cover Up Must End

Anne Cadwallader, Declassified UK: British authorities must finally come clean over whether they helped terrorists bomb Ireland's capital city back in 1974. Fifty years ago 17th May 1974, four car bombs exploded in Dublin and the Irish border town of Monaghan. They took 34 lives, including an unborn baby. It was the greatest loss of life in any single day of the Troubles. No one has ever been charged, although the Ulster Volunteer Force (UVF) claimed responsibility. A retired Irish police officer, John O'Brien, has now published a book about the bombings. In The Great Deception, he claims British security agencies and politicians are misleading the bereaved relatives – as well as the people of both Ireland and Britain. Justice for the Forgotten, the main group campaigning for the truth, has welcomed O'Brien's contribution. They say it adds to the voices calling for London to come clean.

An inquiry by Irish supreme court judge Henry Barron found it was "neither fanciful nor absurd" to claim that UK security forces had assisted the UVF (a pro-British militia) in conducting the bombings. A huge question therefore hangs over London's relationship with the bombers, and this week for a fourth time the Dáil Éireann (Ireland's parliament) unanimously called on Britain to release all its files on the bombings. Even if the atrocity has largely been forgotten in the UK, it is a live issue in Dublin where bereaved families will hold their 50th annual commemoration today 17th May. They are to be joined by the president of Ireland, Michael D. Higgins. Leading representatives of every political party in Ireland and the chief constable of Northern Ireland's police force, Jon Boutcher, are also expected to attend. A new documentary film on the bombings, May-17-74: Anatomy of a Massacre, has sold out its first showings at The Lighthouse Cinema in Dublin with more dates added.

Women's Issues Have Seen a "Sea Change" In Parliamentary Attention

MPs and campaigners have declared there has been a parliamentary "sea change" on women's issues, as a range of topics primarily affecting women are taking an ever more prominent place in politics. Analysis of Hansard shows just how much has changed when it comes to addressing women's issues. Sexual harassment and sexual violence – women were victims of 86 per cent of sexual offences recorded by the police in the year ending March 2022 – used to only be mentioned in Parliament a few times a year. In the last 10 years, there has been an exponential rise in parliamentary discussion of both. Sexual harassment has been mentioned 880 times in the last 10 years, compared to 76 times in the previous ten years from 2004.

Similar patterns can be seen with other women's issues, including the gender pay gap, women's health, childcare – an issue where women still primarily feel the burden – girls' education, menopause, and birth trauma. Menopause had been mentioned 84 times in all the years on record prior to 2014, but has been mentioned 446 times in the ten years up to now. Some of the discussion has translated into government policy: This year, the Government has expanded childcare provisions, with eligible working parents of two-year-olds being able to access 15 hours of free childcare support from April 2024.

Just in the past week, a number of women's issues have taken centre stage in Westminster. The Government announced a new restriction on sex offenders legally changing their names would become law after years of campaigning by cross-party MPs and survivors groups. On Monday, the cross-party APPG on Birth Trauma published a harrowing report that has called for an overhaul of the UK's maternity and postnatal care after hearing evidence from more than 1,300 women – prompting a national conversation on the topic. Later that day, Parliament voted in favour of a new ban from the parliamentary estate on MPs who have been arrested in connection with sexual assault.

Mandev and Others v. Bulgaria - Violations of Article 1

The applicants are 11 Bulgarian nationals born between 1940 and 1978 who live in Sliven, Plovdiv, Shumen and Pernik (all Bulgaria), and three Bulgarian companies based in Plovdiv. The case concerns the forfeiture of the applicants' assets as proceeds of crime. It also concerns the allegedly excessive court fees that they had to pay in the forfeiture proceedings. Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and Articles 6 § 1 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention, the applicants complain that the forfeiture of their assets was unfair and unjustified, and that the court fees in the forfeiture proceedings were too high. Violation of Article 1 of Protocol No. 1 concerning applications on account of the forfeiture of the applicants' assets as proceeds of crime. Violation of Article 1 of Protocol No. 1 in all cases on account of the high level of court fees paid by the applicants.

Suella Braverman Acted Unlawfully by Making It Easier to Criminalise Protests

Daniel Boffey, Guardian: The former home secretary Suella Braverman acted unlawfully in making it easier for the police to criminalise peaceful protests, the high court has ruled. She was found to have both acted outside her powers and to have failed to consult properly over regulations that would be likely to increase prosecutions of protesters by a third. Hundreds of protesters have been arrested since the government redefined the sort of protest that could be restricted by the police, allowing it where there is merely a "more than minor" hindrance to people's daily lives. Those prosecuted included the climate activist Greta Thunberg, who was acquitted of all charges in a hearing in February 2024. In their judgment, Lord Justice Green and Mr Justice Kerr said the government had overreached in defining "serious disruption" as merely "more than minor" and that it had been wrong to consult only with law enforcement agencies about the repercussions of the change. The Home Office said it would appeal against the ruling. The high court has suspended the reversal of the measures until after the outcome of the appeal.

Shortly before her resignation last year, Braverman used so-called Henry VIII powers to lower the threshold for the police to impose restrictions on protests. Regulations brought in by such means, named in reference to the monarch's preference for legislating directly by proclamation, are subject to minimal parliamentary scrutiny and decided on an "all or nothing" basis without amendments. The change, redefining what could be regarded as "serious disruption" and therefore liable to conditions, had been made after the House of Lords had rejected the same change, proposed months earlier in a heavily debated and scrutinised new Public Order Act.

In their legal challenge to the regulations, the National Council for Civil Liberties, also known as Liberty, argued that they represented "a constitutionally unprecedented attempt on the part of the executive to achieve by the back door through delegated legislation what it was unable to achieve by the front". In justifying the government's move, the current home secretary, James

Cleverly, had argued that no new offences or powers of a criminal nature had been created. Green and Kerr said that while "technically correct", the home secretary's regulations had increased the risk to protesters of being judged to have acted criminally. They found that the "government was aware that this was likely to increase the number of conditions imposed by the police by up to 50% and that prosecutions would increase by circa one-third". They wrote: "We find no sensible difference between amending a criminal offence in a manner that increases the number of people likely to be prosecuted and amending the legal framework for the application of an offence which has the effect of increasing the number of people likely to be prosecuted."

Inmates Dug Through Winchester Prison Walls With Plastic Cutlery

Kevin Rawlinson, Guardian: If you are one those people who turns up their nose at the plot of the Shawshank Redemption for being a little too far-fetched, this may come as a surprise. Some jails have become so decrepit that, in one case, Winchester prison inmates were able to tunnel through the walls using only plastic cutlery, a damning report on facilities in England and Wales has found. The latest annual assessment from the independent monitoring boards (IMBs), which audit prisoner treatment, comes after the chief inspector of prisons separately said one in 10 facilities were barely fit for purpose. The latest report found that conditions in Victorian prisons were particularly bad. "At Winchester, there were several occasions throughout the year where prisoners were able to damage and attempt to dig through cell walls, on one occasion through the wall to the landing, using simple implements such as plastic cutlery," it noted.

The report found that conditions in such prisons were "exacerbated by the fact that many of these prisons have a reception function. The increased churn experienced by reception prisons made it more difficult to maintain cells to an acceptable standard." The report said their age made it "difficult to keep buildings functional and decent – for example, Winchester IMB reported crumbling walls and roofs all over the prison, leading to leaks, flooding, and slip hazards". Last year, the chief inspector of prisons, Charlie Taylor, told the Guardian that about 14 Victorian jails were so poorly designed, overcrowded and ill-equipped that they could not provide proper accommodation for inmates. As a result, thousands of prisoners were being held in vermin-infested buildings with too few staff and inadequate facilities for retraining and education, Taylor said.

But the IMB report noted that the problems were not restricted to the Victorian prisons, saying many of the boards monitoring more modern facilities also had "serious concerns". The IMB report said: "At Woodhill, built in 1992, the showers were of an unacceptable standard and the concrete flooring in many cells was breaking up, making it impossible to clean. "At Five Wells, built in 2022, the board reported significant design faults that had yet to be corrected; these included poor airflow on landings, leading to uncomfortably hot temperatures in summer months, and low mobility cells which could not be occupied for safety reasons. In some prisons, maintenance was delayed even when it gave rise to security concerns. At Pentonville, a window-replacement scheme deemed extremely important for escape prevention had to be halted because the prison was too crowded for the cells to be taken out of use." A Ministry of Justice spokesperson said: "We are delivering an additional 20,000 modern prison places – including opening two new prisons in two years – to help rehabilitate offenders and keep our streets safe. "At the same time, we're investing unprecedented amounts in education, employment and other support to put more offenders on the straight and narrow. And our £100m security crackdown – including measures such as X-ray body scanners and specialist sniffer dogs – is helping stop more of the contraband that fuels violence behind bars."