

Coroner Criticises Delays Transferring Prisoners to Mental Hospitals

Inside Time: Prisoners undergoing mental health emergencies face “inequity” in the way they are treated, a Coroner has said. Dorset Senior Coroner Rachael Griffin said there were major delays in sending prisoners to hospital, compared to the time taken for those outside in the community. She submitted a Prevention of Future Deaths Report after an inquest into the death of Frazer Williams, 28. She said he had been waiting for more than three weeks to be transferred from HMP Guys Marsh, a prison without a healthcare unit, to a mental hospital when he was found dead in his cell. The cell was “in an extremely poor state, littered with rubbish and with an unflushed toilet”.

The inquest heard that Williams had been saying that flushing the toilet and watching the television would harm his family. The inquest jury found that Williams “took his own life following inadequate assessment and monitoring”. Ms Griffin also criticised the lack of information passed on when he was transferred from HMP Winchester, which has 24-hour healthcare, to Guys Marsh, which does not. In February this year, a Prison Inspectorate report found that the average wait for a hospital transfer for those in prison was 85 days, with one person waiting 462 days. The Prison Service stated: “Our thoughts remain with Frazer Williams’ friends and family and we will consider the Coroner’s findings carefully, and respond.....in due course.”

Beatings, Electric Shocks, Dog Attacks: Ukrainians Recount Hell Of Russian Prisons

Former prisoners of war, freed in an exchange, told Le Monde about the violence and degrading treatment they suffered during their time in prison. Cared for in a discreet hospital far from the cities, they are gradually regaining a taste for life. These men were freed in the exchange of 75 prisoners of war organized by Kyiv and Moscow on May 31 – another exchange of 90 soldiers took place on June 25. They experienced horror twice: first on the front lines, with fighting, sometimes wounds, then defeat and capture; then in Russian prisons.

As the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) reported on June 26, the International Day in Support of Victims of Torture, being held captive in Russia is tantamount to a descent into hell. “Every single interviewee from this recent exchange has given accounts of torture, from brutal beatings to prolonged stress positions, to electric shocks on genitals and to dog attacks,” wrote the HRMMU, which has met around 600 of the 3,300 Ukrainian POWs exchanged since the Russian invasion of 2022. The UN also reported prisoners were “constantly hungry” and “deprived of proper medical care.”

Criminal Court Statistics Delayed Over Quality Concerns

Quarterly criminal court statistics have been delayed for quality assurance following ‘concerns about the quality of key data inputs’, it has emerged. The Ministry of Justice was due to release the latest statistics into the volume of cases received through the criminal court in England and Wales, including figures on case timelines, on 27 June. But the evening before the data, covering January to March 2024, was due to be published, an announcement was made stating cancellation of the release and giving no date as to future publication. In a statement the MoJ said: ‘The release of these statistics has been postponed for further quality assurance following concerns about the quality of key data inputs. This is in line with the Code of Practice for Statistics.’ An MoJ spokesman said: ‘In line with the Code of Practice for Statistics, we have delayed publication while HMCTS reviews the data that underpins the criminal court statistics. We will publish the statistics when the review is complete.’

MOJUK: Newsletter ‘Inside Out’ 1011 (10/07/2024) - Cost £1

New Research Reveals ‘Trauma’ and ‘Missed Opportunity’ of Inquests

Samantha Dulieu, Justice Gap: Inquests are ‘alienating and disempowering’ for families, with the trauma of an inquest comparable to the trauma of the death of their loved one. New research has revealed the psychological toll of the inquest system on people whose loved ones die in contested circumstances, including struggling with a complicated legal process and suffering due to cuts to the system. Researchers for the Voicing Loss project undertook 89 interviews with family members who had been involved with inquests and the coronial process, as well as professionals including coroners and lawyers. It forms the largest study of its kind into how inquests and coroners courts operate.

Inquests examine all deaths which have happened in an unnatural or unexplained way, including all deaths in prisons and at the hands of the state. In 2023 almost 200,000 deaths – 34% of all registered deaths in England and Wales – were reported to the coroner, and almost 40,000 inquests were completed. Many interviewees were critical of the inquest process, particularly when there was a ‘Prevention of Future Deaths’ report which is issued to public bodies to learn lessons from these deaths. Many families of those who die in contentious circumstances want lessons to be learned from the death and these reports are intended to achieve that. However, interviewees spoke of ‘profound frustration and disappointment’ that these reports didn’t work, or didn’t go far enough.

The father of a young man who took his own life while at university said he wanted ‘most of all’ for lessons to be learned to prevent the unnecessary deaths of other students: ‘But it didn’t deliver that – we’ve seen this from so many other grieving families, with similar stories. It is systemic failing.’ He added that the prevention of future deaths notice ‘might as well be thrown in the bin’, describing them as ‘a false promise and a missed opportunity’. He told researchers that the inquest made his family’s situation even worse. The project lead, Professor Jessica Jacobson, said the research has revealed an ‘under-resourced, over-stretched service’. She said many of the interviewees recounted experiences that fell far short of their expectations: ‘The answers and accountability they sought were not forthcoming. Opportunities to learn lessons were missed. Even basic decency and compassion were sometimes lacking.’

Deborah Coles, the director of the charity, INQUEST said: ‘Bereaved families describe how they cannot begin to grieve until they find out the truth about how their loved one died. Families participate in the inquest process in the hope of establishing the truth, to hold those responsible to account and for learning and change so that future deaths are prevented. Instead, they are faced with protracted, complex, and distressing processes and a culture of denial and defensiveness.’ She described how inquests are often ‘retraumatising’ processes, and the experience of hearing about another similar death after a promise that lessons will be learned ‘cannot be overstated.’ Coles also criticised what she has previously described as the ‘inequality of arms’ between families and public bodies during inquests, in which families are out-resourced by large organisations with access to expensive legal representation. She said ‘We must urgently see families’ legal rights upheld in the inquest process and oversight of inquest recommendations to ensure that their preventative potential can be realised and lives can be saved. The voices of bereaved families are too strong and their stories too compelling to be ignored.’

Violence and Self-Harm in Women's Jails Hits Record High

Maya Oppenheim, Independent: The number of assaults and self-harm incidents in women's prisons in England and Wales has hit record highs, new figures show. Analysis of Ministry of Justice data reveals the number of assaults in the female prison estate has almost tripled between 2010 and 2023 – increasing from 653 to 1,781 incidents. The number of assaults shot up by 32 per cent last year – up from 1,346 incidents in 2022.

Government data also shows the number of sexual assaults in women's jails – which includes assaults among prisoners and against staff – hit a record high last year, with offences doubling. Some 27 sexual assaults were reported in 2022 but this rose to 54 in 2023, a substantial rise on the 11 incidents documented back in 2010. The rise in violence has occurred alongside a surge in self-harm, with almost 20,000 incidents recorded last year and the numbers almost tripling in a decade.

Pavan Dhaliwal, chief executive of criminal justice charity Revolving Doors, told The Independent: “Shocking statistics like these emerge against a backdrop of overcrowded, chaotic and crisis-ridden prisons. “[Prisons] are failing to rehabilitate or provide women with the support they so desperately need – instead contributing to further trauma and misery which will trap more women in the cycle of crisis and crime.” She called for a “fundamental reconsideration” of whether prison is the right place for many women as she warned many are victims and are “too often criminalised after offending that’s linked to trauma, abuse, poor mental health and poverty. “Tackling these issues starts outside of prison with targeted support and long-term efforts to divert women away from the justice system.”

It comes after The Independent reported on the surge in the number of women being jailed – despite a government pledge to cut the number of female prisoners – as a wider overcrowding crisis grips the sector. A previous report by the Prison Reform Trust found that 80 per cent of women in jail were there for non-violent offences. And an NHS report on health and social care in women's prisons from last year said “acutely mentally ill women are still being sent to prison”, with gaps in mental health services for “primary mental healthcare” and a dearth of “specialist interventions for women who have experienced trauma, including sexual and domestic violence”.

Emily Evison, women's policy lead at Prison Reform Trust, said the shocking figures demonstrate why the approach to women's offending must be overhauled “with a much greater focus on treatment and support in the community with prison reserved only for serious and violent offences”. She added: “Violence in prison often occurs when severely distressed women are having to live in conditions which retrigger histories of abuse and neglect which many of them have experienced. “Despite their best efforts, prison staff are not equipped to provide the specialist, trauma-informed services which many of these women so clearly need. We are failing these women and the staff who work with them.”

It comes after an independent inspection of women's prison HMP Eastwood Park in 2022 found “appalling” cells, which were “dilapidated and covered in graffiti, one was blood-spattered, and some had extensive scratches on the walls which reflected the degree of trauma previous residents must have experienced”. The inspection concluded that “no prisoner should be held in such conditions, let alone women who were acutely unwell and in great distress”. A Prison Service spokesperson said: “All staff receive training on suicide and self-harm and female offenders are also able to access a range of programmes and support to address their complex needs and reduce their risk of reoffending.”

down by deploying ‘precision’ policing strategies like hot-spots policing; investing in evidence-led prevention; diversion to keep children away from crime and gang involvement; and legislating to tackle the sale of zombie knives, machetes, and swords.

Suggestions also included slowing the revolving door of prolific offending by investing in high-quality drug treatment; spreading community supervision for prolific offenders including shoplifters; diverting women away from short prison sentences; prioritising early intervention, including swiftly resolving more anti-social behaviour cases out of court; providing improved alternatives to remand; piloting intensive supervision courts for children; and an independent commission into drugs policy, with citizens’ juries making recommendations to Government.

Joint Enterprise Convictions at Highest Rate in a Decade

Bradley Young, Justice Gap: Almost 1,000 people have been charged and over 600 convicted since 2019 under the highly controversial joint enterprise doctrine in England and Wales. 36% of murder charges, and 28% of murder convictions, were those of ‘secondary participants’ under joint enterprise. A decade ago, only 19% of murder convictions were under joint enterprise. The increase comes despite the Supreme Court decision in Jogee in 2016, which said the law had taken a ‘wrong turn’, and use of joint enterprise was ‘overextended’ to include those who had minimal involvement or limited knowledge of the crime.

These disproportionately affect young Black men: 31% of secondary convictions are of Black people, despite their comprising 3.7% of the population. Nearly 93% of all joint enterprise defendants are male, with 14% aged 14-17 and 40% aged 18-24. One recent case involved the tragic killing of teenage boy Kennie Carter in Manchester. Four teenagers were found guilty, including one who wielded the knife and three others who had no weapons or active role in the murder. Critics argue that such prosecutions criminalise mere presence at a crime scene, punishing young people who may not have fully understood the consequences of their actions.

Helen Mills of the Centre for Crime and Justice Studies highlights the ongoing issues with the doctrine. ‘The laws regarding joint enterprise are still vague, wide in scope, operate without clear thresholds, and have racialised outcomes...they over-criminalise and over-punish, particularly young Black men and boys.’ Labour MP Kim Johnson has been a vocal proponent of reform in Parliament, proposing a bill in February which sought to amend the law and limit liability to those making a significant contribution to a crime. At the time, the government rejected the bill, citing difficulties in directing juries and securing convictions. The Labour frontbench indicated a willingness to review the doctrine's laws should they come to power.

Ukraine Offers Prisoners Release if They Join the Army

At a rural penal colony in southeast Ukraine, several convicts stand assembled under barbed wire to hear the army recruiter offer them a shot at parole. In return, they must join the grueling fight against Russia. Ukraine is expanding the draft to cope with acute battlefield shortages more than two years into fighting against Russia's full-scale invasion. And its recruiting efforts have turned, for the first time, to the country's prison population. More than 3,000 prisoners already have been released on parole and assigned to military units after such recruitment was approved by parliament in a controversial mobilization bill last month, Ukrainian Deputy Justice Minister Olena Vysotska told The Associated Press. About 27,000 inmates could potentially be eligible for the new program.

tion was racist, a suggestion Greater Manchester police rejects. In another trial, in 2022, 10 young Black men were jailed for conspiracy to murder or cause serious harm, based on a Telegram chat group. None of those mentioned in the chat group were actually harmed. Six of the young men convicted are expected to ask permission to appeal at the Royal Courts of Justice on 12 July. Legane said: "There is so much sadness in these cases. A young person's life may be taken, and then in response to interpersonal violence we respond with even more violence through the cruel punishment practices we see taking place in Manchester. Everyone who could do something about the injustice of joint enterprise knows its horrors, and yet here we are."

Thousands of Children 'Trapped' in Family Justice System

Monidipa Fouzder, Law Gazette: The Law Society is urging the next government to restore legal aid for early advice after latest government figures showed 27,445 more children were trapped in limbo in the family justice system at the start of this year. Family court statistics published by the Ministry of Justice yesterday reveal 6,510 children were involved in public law applications and 20,935 children in private law applications between January and March. A total of 103,676 children were caught up in the family justice system last year.

Society president Nick Emmerson said: 'It is distressing that thousands of children have fallen victim to record backlogs in the family courts. The family courts are in a dire state. Children are forced to wait almost a year in limbo, as they are failed by a system that should aim to protect them. This has a damaging impact on the families and especially the children, as crippling stress and anxiety of an uncertain future is completely overlooked.' Emmerson said the children must not be allowed to become collateral damage to a justice system in crisis.

'Restoring legal aid for early advice in family matters would mean more families could resolve their matters outside the courts and those who still need to go to court would be better prepared for what will happen there. 'The next government must also commit to taking forward the early advice pilot, which will help people resolve their problems earlier and therefore reduce the court backlogs. These measures would go a long way to relieving the pressures on the family courts and protecting children.'

'Release Prisoners After 40% of Their Sentences'

Inside Time: The Centre for Justice Innovation (CJI) think-tank has produced a 10-point plan for the new government to ease the crisis within the criminal justice system that has overloaded courts and filled prisons to capacity, and improve the system in the medium and long term. It says that in the first three months after the general election there should be emergency measures to reduce the prison capacity crisis, including re-setting the automatic release point for most prisoners sentenced to four years or less, releasing them after they have served 40 per cent of their sentence in prison, rather than 50 per cent. It has been reported that prior to the election being called, the Government was looking at releasing people after 43 per cent of their sentence, as an alternative to making sentences under 12 months be served in the community, which Right-wing Conservative MPs opposed.

The CJI said that once adequate prison capacity is achieved, immediate action will be needed to reduce the Crown Court backlog, setting a clear ambition in partnership with the judiciary to speed up Crown Court cases by introducing temporary measures to deal with outstanding cases, prioritising serious crimes. Also within three months, the CJI called for improve responses to sexual violence and domestic abuse, by police and prosecutor joint working, and the fast-tracking of rape cases. Next, the think-tank said, violent crime should be driven

Persistent Race Discrimination Found in Prisons in England and Wales

Holly Greenwood, Justice Gap: A new report has revealed that Black, Asian, and Minority Ethnic prisoners continue to experience persistent race discrimination within prison. The report calls for an 'an urgent reprioritisation of equalities and diversity work' by the Ministry of Justice and HM Prison and Probation Service. The research was carried out by the Prisoner Policy Network, which is an organisation hosted by the Prison Reform Trust, and involved discussion groups with prisoners and staff along with written contact and telephone calls with individuals in the community.

Some of those spoken to described experiencing extreme incidents of racism during their time in prison. One prisoner of Chinese nationality discussed his experience of racism during the Covid-19 pandemic which involved being called 'China man' by officers or 'Chinese virus' by others, as well as being told not to breathe to 'stop spreading coronavirus' when collecting food. Another extremely concerning example was given by a prisoner of Muslim nationality who said the 'staff think I'm a terrorist' and explained how feeling under 'suspicion puts you on edge all the time.' He also described staff as overthinking-everything and recounted having once asked for eggs and being told 'you can make a bomb with eggs.'

Other prisoners from minority ethnic groups also described experiences of racial bias being prevalent. One prisoner who had previously worked in the NHS as a healthcare professional said he was not prepared for how much his race or ethnic group would impact upon his treatment in prison. He went on to explain, 'I can now say with conviction that, as a BAME prisoner, the bar is set higher for me /us compared to the white Caucasian inmate in every respect,' which included access to jobs, healthcare and programmes.

He continued, 'The issue is underlying, imbedded and institutionalised, and it's looming. You can feel it, see it but you can't put a finger on it or even question it.' Other concerning comments from prisoners included one saying he feels 'like a slave' but that 'instead of getting whipped we get basic,' whilst another explained their view that 'prison is designed to make black people fail.'

Significantly, those prisoners affected by racism also accepted it as a 'depressing normality' and described having little faith in the robustness or independence of the internal complaints system at prison, particularly where the incident involved staff. One prisoner explained, 'I don't bother with their processes, they mark their own homework don't they, so they always get straight As.' A significant contribution to the continuing problem of racism was considered to be a lack of diversity amongst staff due to staff shortages and difficulties recruiting staff members from BAME backgrounds.

This was particularly seen to be problematic in rural areas and the North of England. One staff member commented on the lack of diversity amongst the staff saying: 'We know that overall BME groups are disproportionately overrepresented in prison. However that certainly doesn't seem to be reflected in staff. In my time here (seven years), I have encountered a few non-white staff but they are rare this cannot be good for the staff prisoner dynamic.'

Paula Harriot, Head of Prisoner Engagement at the Prison Reform Trust, explained that the insufficient staff numbers and lack of officer diversity in prisons was 'not only leading to unequal treatment—and in some cases overt racism' but was 'crucially...limiting the support and reporting mechanisms which would help to restore confidence amongst prisoners that staff will address incidents.' She called for urgent action to 'address these issues and prioritise equalities work to ensure a fair and inclusive environment for all prisoners.'

Ex-Officer Jailed For Perverting Justice Over Killing

Cormac Campbell, Catherine Moore, BBC News NI: 'A former police officer has been sentenced to 12 months in prison for conspiring to pervert the course of justice in connection with a sectarian killing in 1997. Robert Hamill, a 25-year-old Catholic, died after he was beaten by loyalists in Portadown, County Armagh. Mr Hamill died of his injuries on 8 May 1997. Robert Cecil Atkinson, 71, from Brownstown Road in Portadown, appeared before Craigavon Crown Court on Friday 14th June. The former reserve constable admitted giving false information to police who were investigating a phone call made from his home on 27 April, the day of the attack. On Friday 14th June, the judge said Atkinson had been "a disgrace to [his] uniform".

'Wrong Doing and Cover Up' After the sentencing, Mr Hamill's family called for a date to be set for the release of the findings of a public inquiry into his death. His sister, Diane Hamill, said there has been "a lot of wrong doing and cover up", adding that "hopefully the inquiry will shed more light on that". She said: "This could have been over decades ago if people had been honest about what they did." Ms Hamill added that the family is "somewhat content with the conviction and sentence" but "there is a lot of sadness with us. We lost our mum a few weeks ago and this would have meant so much to her. We're pleased that justice, some, minimal, a bit of justice has been seen to be done."

What Happened to Robert Hamill? Mr Hamill and a friend were attacked and beaten by loyalists as they walked along Portadown's Market Street after a night out. Mr Hamill, a father-of-three, suffered serious head injuries and died 11 days after the attack. Prosecution barrister Toby Hedworth KC previously told the court that when the attack occurred at about 01:45 BST "an RUC land rover was parked nearby" and "one of the crew was Robert Atkinson". Atkinson was a reserve constable at the time. He had pleaded guilty in April 2024 to conspiring with Andrea Louise McKee and James Michael Robert McKee, who have previously been convicted, as well as others to do an act which had a tendency to pervert the course of justice. This related to giving false information in relation to the identity of the person making the phone call.

'The Public Inquiry' Mr Hamill's murder was the subject of a public inquiry, because it was alleged that police officers were positioned in the police vehicle but did not intervene. In 2004 the then Northern Ireland Secretary Paul Murphy announced the terms of reference for the inquiry into the death of Mr Hamill. That inquiry ran for 77 days between 13 January and 17 December 2009. However, the report from the inquiry will not be published until the conclusion of any legal proceedings. Allister Hanvey was one of six people later charged with murder but this charge was later withdrawn due to insufficient evidence. Mr Hedworth said that police had received information that Atkinson had tipped Mr Hanvey off about the investigation. He was interviewed about it at the time and denied making the call. The court heard that subsequent enquiries revealed a call had been made at 08:37 and that a second call was made a week later. Mr Hedworth had told the court that Atkinson "was interviewed again and gave an explanation". Mr Hedworth said: "He said a young couple, Andrea and Michael McKee, had been staying at his house and that Michael McKee had called the Hanvey home to enquire about the wellbeing of his niece – Hanvey's girlfriend - because he had heard 'about a commotion the night before'." The court heard that the second call related to a discussion about martial arts.

You Have Been a Disgrace to Your Uniform' The court heard that at the time, this version of events had been supported by the McKees but after their marriage broke down Ms McKee provided a fresh statement in 2000 saying they had not been in the house and that Atkinson had asked for a cover story. Mr McKee then agreed that this second statement was correct.

Both Andrea and Michael McKee were convicted in May 2002. In mitigation, Atkinson's

yet, Boy A was found guilty of murder and another three convicted of manslaughter after the Crown Prosecution Service argued that, through their presence at the scene, they intentionally assisted or encouraged Boy A in his actions. All nine boys had denied that suggestion. The six who were acquitted have had the threat of a murder conviction hanging over them for more than two years.

Campaigners and family members have asked whether it was appropriate to try all 10 boys and young men for the actions of one of them. "It's collective punishment," said Gloria Morrison, the founder of the campaign group Joint Enterprise Not Guilty By Association (JENGbA). "It messes with the whole idea of what young people, or anybody, thinks justice is. What benefits can there be of locking up a child who hasn't actually done the crime?"

The prosecution argued that the 10 boys had travelled to Stretford to seek revenge for an attack on a friend the previous day. Many of those in the dock contested that idea, with several saying they had never heard of the boys involved in the fight the night before, and that they had travelled to the area only to meet girls or steal bikes. Bikes were stolen but the boys stayed in the area afterwards. CCTV footage shows them passing Kennie Carter as he walked along the street. Kennie was connected to one of the groups of friends involved in the confrontation the night before.

After he was recognised by someone in the group, several boys followed Kennie down Thirlmere Avenue, where Boy A confronted him. Within 18 seconds of the confrontation starting, Kennie was stabbed in the chest and left to die as the others ran away. It was in those brief moments that the prosecution said the group acted as one. "By sharing with [Boy A] the common purpose of retaliation, sharing with him his intent and encouraging him by their very presence ... each signalled to Boy A that they were still all in it together," the prosecution lawyer Jaime Hamilton KC told the jury. The defendants did not agree: many said they had no idea there was a knife present and no way of knowing what Boy A would do. One after another they said they never intended nor did anything to encourage him.

All 10 of the boys on trial were Black teenagers. Data uncovered by the Guardian found that in Manchester a quarter of those indicted and convicted of murder as a secondary suspect over a five-year period were Black. Given their young age, only three of those on trial can be named. Jabriel Ferguson, now 19, was found not guilty of either murder or manslaughter; his brother Latif Ferguson, 18, was found guilty of manslaughter; and Rashaun Williams, 18, was acquitted of murder and manslaughter. Of the seven other boys who cannot be named, two were convicted of manslaughter and one was found guilty of murder. They were all aged 14 at the time. Two of the other boys, then aged 16 and 12, had IQ levels significantly lower than their peers, registering in the 98th and 94th lowest percentiles respectively. Both were found to have reduced cognitive functioning in reasoning and comprehension.

Roxy Legane, the founder of the anti-racist youth work organisation Kids of Colour, said: "When you come to their identities, alongside the so-called vulnerabilities of many in the dock, what we see is a reflection of those imprisoned in the youth injustice system more broadly. We know that that system is disproportionately made up of Black and brown young people, young people who are care-experienced, or who have various different needs. Young people who in different areas of their lives will have already been targeted, oppressed or failed. "We need to recognise that that is purposeful, these systems have always existed to oppress racialised and working-class people."

The case had echoes of another murder trial in Manchester, in 2017, in which 11 defendants, all Black, were convicted of murder and manslaughter despite clear evidence that only one had wielded the knife. Three of those convicted are attempting to appeal against their convictions, backed by the campaign group Liberty, which argues that supposed evidence of gang affilia-

Prosecution Offer no Evidence Following Argument to Stay Proceedings

The Crown Prosecution Service (CPS) 28th June, offered no evidence following an application to stay proceedings as an abuse of process. AA was an acutely disabled youth of good character, living in specialised assisted accommodation. Police has been called to the accommodation unit following a complaint that AA had damaged items in his bedroom. When arresting AA, the police deployed OC spray and pinned him to the ground by his neck. The strangulation was captured on police body worn video. AA was subsequently charged with assault emergency worker. The Crown was asked to review the case by defence solicitors and the court on six separate occasions.

Following public disagreement between counsel for the Crown and the CPS concerning the prospect of conviction, an application was made to stay the proceeding as a 'category 2' abuse of process. It was argued that to continue with the prosecution would offend the court's sense of justice and propriety. Following a line of authority from Hamza, Bloomfield and R (on the application of Smith) the failure to explain the public disagreement between the two arms of the prosecution team was an affront to public justice. Following service of the skeleton argument the Crown urgently reviewed the case again, and promptly offered no evidence. Verdicts of acquittal were directed by the Court.

How Were 3 Boys Who Played No Active Role in a Killing Convicted of Manslaughter?

Maeve McClenaghan, Guardian: Trial over stabbing of Kennie Carter was latest of several high-profile joint enterprise prosecutions involving groups of Black youths in the city. Murder and manslaughter charges under joint enterprise rise despite concern On 22 January 2022, 11 boys entered a CCTV blind spot at the intersection of two roads in Stretford, Manchester. Only 10 left alive. Sixteen-year-old Kennie Carter was stabbed, his last words heard by his older brother to whom he was on the phone at the time: "They've stabbed me in my heart, bro." What happened in that CCTV blind spot has been the focus of a six-week trial at Manchester crown court, at which 10 Black boys, ranging in age from 12 to 16 at the time of the killing, stood accused of murder.

Described as "a jigsaw with pieces missing" and "a net that had been cast wide" by lawyers defending the boys, the trial was the latest of several high-profile joint enterprise prosecutions involving large groups of Black youths in Manchester. The controversial legal doctrine allows prosecutors to charge multiple people with the same crime. It can be applied even if a defendant played no active role but is found to have encouraged or assisted the main perpetrator. What it means to assist or encourage can fall to the the jury to interpret. New data obtained by the Guardian shows that the number of people being charged and convicted as secondary parties in murder has significantly increased in the past 10 years, despite clear warnings that the doctrine had "taken a wrong turn".

The contention surrounding the legal doctrine was not lost on the judge. Before the jury was even sworn in, Judge Julian Goose was heard warning the lawyers present about the term. "I'm not a fan any more of the words 'joint enterprise'; it raises concern amongst people interested in these matters," he said. But while the phrase was avoided, the principle behind the doctrine was clear. Despite the lack of CCTV at the moment of the stabbing, there was no question over who had caused the death. Everyone involved in the trial, including the defendant himself, agreed that the fatal blow was struck by Boy A, then 14, who cannot be named for legal reasons. He argued he was acting in self-defence after Kennie produced a knife. The prosecution said the knife was his own.

There was no evidence that any of the other nine defendants ever had any weapons or played any active role in the killing. Three of the boys said they were around the corner on another street and so did not even witness the events. Two of the boys, one of whom was just 12 at the time, were described as having abnormally low IQs. Another, who was 13 at the time, was autistic and had ADHD. And

defence barrister Barry Gibson KC had said that the court had not established what the content of the call was, that there had been a 27-year gap since the offence and that Atkinson's health was poor. Judge Patrick Lynch KC said the court could draw inferences from the failure to disclose what the exact nature of the call was. "It is a disgrace that you, as a serving police officer, should stoop so low as to deliberately mislead an investigation which you knew concerned a serious assault that you had witnessed. Ultimately it turned into a murder inquiry in which a son of the household you contacted was a suspect. The public are entitled to the highest degree of probity in those entrusted to police and enforce the law. You have been a disgrace to your uniform and have continued to serve as a police officer for years afterwards as a criminal - for there is no other description for you."

Court Overturns the Death Sentence Given to Iranian Rapper Toomaj Salehi

Decision welcomed by Toomaj Salehi's Family, Index on Censorship, Human Rights Foundation and Mr Salehi's International Legal Team. On the 22nd June 2024, Iran's Supreme Court overturned the death sentence handed down in the case of rapper Toomaj Salehi, on the basis that it was contrary to Iranian law and excessive. Mr Salehi had been sentenced to death for alleged crimes including "corruption on earth," but his conviction and sentence arose from him using his music and his voice to stand in support of Iranian women and to speak out about his treatment in prison. The Supreme Court's decision means that Mr Salehi will not be executed for exercising his fundamental rights. This verdict is the culmination of more than three years of judicial harassment - including arrest, imprisonment, and torture - directed at Mr Salehi, whose music and activism have supported protest movements across Iran, called out corruption, and pursued greater human rights for all Iranians.

The decision to sentence Mr Salehi to death was handed down by Branch 1 of the Isfahan Revolutionary Court on 23rd April 2024. His death sentence was handed down for crimes including "participating in rebelling against state", "gathering and colluding against national security", and "propaganda against state". The charges were said to amount to "corruption on earth" which is punishable by death under the Islamic Penal Code. The ruling also includes a two-year travel ban and a two-year ban on practicing art. The verdict flew in the face of the principles underpinning a functional and independent judiciary.

On 3rd May 2024 an urgent appeal was filed with two United Nations Special Rapporteurs by an international legal team at Doughty Street Chambers, on behalf of the family of Toomaj Salehi and Index on Censorship. The international legal team is led by Caoilfhionn Gallagher KC, working with barristers Jonathan Price, Sam Jacobs and Nikila Kaushik. The legal team, Index on Censorship and the family are now working together with the Human Rights Foundation to ensure protection of Mr Salehi's rights. Index on Censorship, the Human Rights Foundation and Mr Salehi's international legal team at Doughty Street Chambers welcomes today's decision by the Supreme Court. It is a clear demonstration of the injustice of the lower court decision, and we are delighted that Mr Salehi no longer faces the threat of execution. The Supreme Court found that the death sentence delivered to Mr Salehi was excessive and failed to comply with Iranian law.

Whilst the Supreme Court's decision is an important correction to Mr Salehi's cruel and unlawful treatment, it is critical that his rights are properly respected. Mr Salehi's case has been returned to Branch 1 of the Isfahan Revolutionary Court for resentencing. Even a shorter period of imprisonment would be an injustice: Mr Salehi has done nothing other than to call for his, and other Iranians', fundamental rights to be respected. He must be free to continue his music and seek the necessary medical care he needs following his imprisonment, free of any continued imprisonment, harassment or persecution.

Background: Mr Salehi was first taken into custody on 30th October 2022, after posting videos of himself protesting. After an extended period of pre-trial detention, including significant time spent in solitary confinement, Mr Salehi was sentenced to six years and three months in prison for “corruption on earth,” as well as being banned from leaving Iran for two years. He was also banned from preparing, singing, and producing music for two years.

In November 2023, Iran’s Supreme Court struck down Mr Salehi’s six-year prison sentence and referred the case back to the court of first instance. It has since held that that sentence was excessive and unlawful. On 18th November, Mr Salehi was released on bail only to be rearrested days later, after he uploaded a video to YouTube documenting his treatment while in detention. On 18th April 2024, Branch 1 of the Isfahan Revolutionary Court held a new trial for Mr Salehi following the Supreme Court’s earlier decision. Nearly a week later, on 23rd April, the court sentenced Mr Salehi to death.

Responding to the Supreme Court ruling, Mr Salehi’s cousin, Arezou Eghbali Babadi, and his friend and manager of his social media accounts, Negin Niknaam, made a joint statement, saying: “The international community’s solidarity and support have played a crucial role in the release of Toomaj Salehi. We extend our heartfelt gratitude to all who contributed in any way to this outcome. However, we must not lose sight of the unlawful and oppressive rules that continue to exert severe psychological pressure on freedom seekers, their families, and society as a whole in Iran. While we urge for Toomaj’s unconditional freedom and look forward to seeing him as soon as possible, we cannot forget the injustices we faced during this period. Our struggle continues as we seek justice for those prisoners who remain under the threat of the death sentence. It is imperative that we remain vigilant and persistent in our efforts to support all who bravely stand against oppression and demand a just and fair legal system in Iran.”

Jemimah Steinfeld, CEO of Index on Censorship said: “While of course we welcome the Supreme Court’s decision today it should not have been needed as Toomaj should never have been arrested in the first place. His courageous music, standing for women and fighting for the rights of everyone in Iran should be celebrated. Instead the Iranian authorities have done everything they can to target, isolate and persecute Toomaj. We hope that this decision today will allow Toomaj to seek the medical treatment he needs and continue his vital work. And we’d like to take this moment to highlight all the others who remain imprisoned in Iran simply for calling for freedom. We call on Iran to release them immediately.”

Claudia Bennett, a legal and programs officer, Human Rights Foundation said: “Toomaj’s case is emblematic of the brutality of dictatorships. They use arbitrary detention to silence dissidents and those advocating for democracy and human rights. Toomaj’s crime was singing a song and posting on social media. Something that we in democracies take for granted.”

Caoilfhionn Gallagher KC, international counsel for Mr Salehi’s family, Index on Censorship, and the Human Rights Foundation, added: “Toomaj Salehi uses his powerful art – his rapping, his music, his words – to support human rights, democracy and freedom for the Iranian people. For this, the Iranian authorities have targeted him for years, attempting to silence him through arrests, imprisonment, torture, assaults, and even a death sentence.

The Iranian Supreme Court’s decision is a welcome correction to the most recent injustice imposed on Mr Salehi, and we welcome the fact that his life has been spared. But this is not enough. Mr Salehi’s immediate and unconditional release must follow. We urge the international community to keep the pressure up at this critical time, to secure Mr Salehi’s freedom and hold Iran to account for its egregious violations of international human rights law.

Success for MA facing 10 Years’ Imprisonment in Italy

24th June 2024, MA was finally discharged on the last of three Italian arrest warrants totalling 10 years’ imprisonment. MA was wanted under three warrants based on three convictions, each issued in absence. After his arrest in mid-2022, a first round of argument resulted in a concession that it could not be established that he was present at trial for two of three of warrants. The Italian authority instead relied on the right to apply for a retrial or appeal. The matter was adjourned several times, in part due to complications arising from Italy’s response to a mutual assistance request for the remote hearing of the defence expert on the sufficiency of Italian retrial rights (surprisingly Italy had dealt with request as a European Investigation Order, which no longer applies to the UK).

By the time the matter came to be heard, the Supreme Court judgment in *Merticariu v Romania* [2024] UKSC 10 had overruled the previous case-law, establishing that a right merely to apply for a retrial does not satisfy s 20. The Italian authority sought to reverse course and seek to prove deliberate absence, but ultimately had to recognise the previous concession and MA was discharged by District Judge Cieciora under s 20 at the hearing in May 2024. The judge adjourned for judgment on the last warrant, representing a tenth of the total sentence. District Judge Cieciora’s decision today discharges MA on the final warrant, on the basis of Article 8 ECHR given the age of the offences; delay; rehabilitation; and the impact on MA’s wife and young son, discussed a report of an expert psychologist.

18 Year Old Found Not Guilty Of Murder At The Old Bailey

Liam Walker KC and Rabah Kherbane represented SH, who admitted the killing of a local drug dealer with a knife, and was acquitted of both murder and manslaughter. SH was 17 years old at the time of the incident on 28 July 2023, and asserted he acted in self-defence. The Crown relied on CCTV evidence, including of the incident which captured the deceased in his car as he was stabbed, and eyewitness testimony from members of the public. The case engaged bad character of the deceased, disclosure issues in relation to the deceased’s mobile phone and social media use, and expert medical and toxicology evidence. The Defence case pursued lines of inquiry on issues of fact, which allowed SH’s account on self-defence to be corroborated at trial.

Young Man Found Not Guilty Of Joint Enterprise Murder

Benjamin Newton KC, leading Alexia Nicol and instructed by Claire McGrath of Bullivant Law, represented AC who was acquitted at the conclusion of a three-month trial at the Old Bailey. AC had been part of a group of young people who attended a party in North London in the early hours of 13th April 2023. Tensions emerged with another group, leading to a stand-off in the street and a fatal shooting. AC maintained that he had no knowledge of the firearm and had not given any assistance or encouragement to the shooter.

Laura Stockdale’s Client Acquitted of Causing Grievous Bodily Harm With Intent

A unanimous jury found Ms Stockdale’s client not guilty of causing GBH with intent following a five-day trial at Inner London Crown Court. The complainant had suffered two fractures to the jaw following an incident at bus stop witnessed by three off-duty police officers. The Crown case was that the defendant had attacked the complainant in an unprovoked and sustained manner. The issue at trial was self-defence and lack of intent to cause really serious injury. During the trial, Ms Stockdale successfully opposed the Crown’s application to adduce the defendant’s previous conviction for a violent offence.