

Delays in bringing cases to trial were the most common reason for critical judgments. In some EU countries pre-trial detention can last for up to four years; others have no legal maximum. The figures, collected by the London-based organisation Fair Trials International and the international law firm Clifford Chance, cover a five-year period between 2007 and this summer. The problems appear to be getting worse. There were 37 violations of the right to a fair criminal trial in EU states in 2007, and 75 in 2011 – an increase of more than 100%.

Greece had the highest number of violations – 108 – for breaching both articles over the five-year period. Most relate to chronic delays in bringing cases to trial. Interpreters are not always available and concerns have been raised about judicial corruption in Greece, the study, Defence Rights in the EU, warns.

Bulgaria had 92 violations recorded by the ECHR, most of them also due to inordinate delays. Those detained are often not given sufficient access to lawyers or their family, the report finds.

Poland, with 67 breaches, fell foul of the Strasbourg court's requirement that there should be legal advice for defendants and because of lengthy legal postponements. Too many people are routinely detained in custody and denied access to court files during investigations, the study adds.

Romania, with 49 violations, was criticised for failing to allow detainees to challenge the legality of their detention, be presumed innocent until found guilty and question witnesses giving evidence against them. The UK figures of 12 violations over the five years, with fewer recorded breaches than Italy and France, is relatively low. That figure will confound eurosceptics who claim that the Strasbourg court is unreasonably critical of British justice. Conversely, it will bolster the UK government's argument that the court should concentrate on those countries whose legal systems consistently cause the most problems.

Adjusted for population size, the United Kingdom in 2011 had one of the best records in adhering to acceptable standards set out in article five (the right to liberty) and article six (the right to a fair trial) of the European convention on human rights. Tiny Malta and Latvia stand as the worst two offenders.

The pattern of legal failures roughly reflects the economics of the continent, with poorer states least able to deliver fair and timely justice. Fair Trials International has used the information to produce a map which assesses each EU state in terms of its criminal law difficulties.

Jago Russell, chief executive of the charity, said: "Suspects' rights are being violated in police stations, courtrooms and prisons across Europe. In a European Union founded on the rule of law and respect for basic human rights, these abuses cannot be allowed to continue.

"The EU has a crucial role to play in raising standards of justice in Europe, but if it fails to act now, citizens' faith in EU laws like the European arrest warrant will be undermined."

Fair Trials International is calling for a common EU standard on how long anyone can be remanded in custody before being brought before a court. *Owen Bowcott, guardian.co.uk, 10/10/12*

Hostages: Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

Met's Secrecy Over Shooting That Killed My Son is an Insult

Susan Alexander the mother of an unarmed man shot dead by police officers seven years ago has slammed the inquiry into his death for allowing what she sees as unnecessary secrecy and a failure to hold the Metropolitan Police to account. The criticism comes as the Met moves to prevent disclosure of helicopter footage of its surveillance operation against Azelle Rodney, 25, who was shot six times at point-blank range in west London in April 2005.

Susan Alexander, his mother, told The Independent in an exclusive interview that she has lost some confidence in the public inquiry, which started five weeks ago after years of political and legal wrangling about sensitive police material. Mrs Alexander said that the current fight to see the helicopter footage is just one example of how the Met has made repeated efforts to have multiple pieces of evidence redacted or excluded from the inquiry during its opening weeks: "They said it was going to be fully open and transparent, but after all of this time to have more redacted information put in front of us, well I find it quite an insult." "This is my only opportunity to find out what happened," she added. "I've been gagged for years and I've played my part by keeping quiet. Now it's time to stop the secret hearings and for everything to be heard publicly."

A police helicopter filmed Mr Rodney and two other men in a car for several hours as they were suspected of planning an armed drug heist. The family only became aware of the footage six weeks ago. The chairman of the public inquiry, Sir Christopher Holland, last year decided this footage, which captured the hours before the "hard stop" and fatal shooting of Mr Rodney, was not useful and did not inform the family of its existence. However, he ruled on Tuesday that it should be seen by lawyers acting for Mr Rodney's family. This would allow them to make submissions to the inquiry about why the material should be part of the evidence.

The inquiry has heard that police officers on the ground were in communication with those in the air during the operation. The family's lawyers believe it is essential to explore whether Mr Rodney's vehicle could have been intercepted at an earlier point in a safer location, rather than outside a busy pub on a high street. The barrister acting for the Met said they would challenge the ruling as such sensitive and secret police material should not be seen. The Met are expected to make an application to the High Court to judicially review Sir Christopher's decision.

Mrs Alexander's solicitor, Daniel Machover, said: "We are not satisfied that everything that has been withheld historically or currently has been legitimately withheld; it is important now for any unnecessary secrecy to stop."

The inquiry team declined to comment. A Met spokesman said it was trying to stop the family lawyers from seeing the evidence for "genuine operational reasons" because of "the sensitive nature of the material".

Justice and Security Bill - Will Allow Even More Cover Ups

If passed, the Government's Justice and Security Bill will extend controversial Closed Material Procedures (CMP) to the ordinary civil law. Part 2 of the Bill allows Ministers to trigger this secret court procedure when defending any claim which may engage 'national security'.

This will mean that claimants, their lawyers, the press and public will be shut out of the

courtroom during ordinary civil claims against the State. Part 2 will also oust the court's jurisdiction to hear certain Norwich Pharmacal applications (requires a respondent to disclose certain documents or information to the applicant) for disclosure.

The Special Advocates, on whose co-operation this Bill rests, have rightly described Part 2 as "inherently unfair and contrary to the common law tradition". They have been clear that the Bill is not required and that the Government has made no case for it. Indeed the Government has been unable to point to one case where the current framework – the law of Public Interest Immunity – has failed to protect national security. Statement from Liberty

Norman Grant to Court of Appeal Tuesday 20th November 2012

Your application for leave to appeal against conviction and application for leave to appeal against sentence has been listed for hearing before the Full Court on Tuesday 20 November 2012 at 10.30 a.m. in Court 5. You will be represented by Counsel only (and Solicitors if privately funded or covered by a representation order). You are not entitled to attend the hearing, other than by leave of the Court of Appeal Criminal Division, and will not be brought to court. Norman Grant: A8832AM, HMP Whitemoor, Long Hill Road, March, PE15 0PR

Inquest into the death of Tony Doherty at HMP Wormwood Scrubs

Tony Doherty was found hanged in his cell in the segregation unit of Wormwood Scrubs prison on 3 December 2010. He had rung his cell bell several times prior to his death but it had been ignored by the prison officer on duty. The family hopes the inquest which began on Monday 8th October, will answer questions concerning the events leading up to Mr Doherty's death, and whether a swifter response to his cries for help could have saved him.

Jacob Michael Death Inquest - Died 45 Minutes After Ringing 999 For Help

A young man who died in police custody less than 45 minutes after ringing 999 for help was captured on CCTV pleading for mercy, an inquest into his death has been shown. Jacob Michael, 25, died in a police cell after being pepper sprayed and restrained by police officers in Widness, Cheshire in August last year. On the first day of the inquest, the 10-person jury was shown harrowing CCTV footage of Mr Michael lying face down in the cell with his hands cuffed and his legs restrained – moments before the police realised he was unwell.

Mr Michael called police in an agitated state on 22 August 2011 after telling his father that he had been threatened by somebody with a gun, the inquest at Warrington Coroner's Court heard. The police forced their way into Mr Michael's bedroom, restrained him after a struggle and sprayed him with pepper spray to try and incapacitate him, but he ran out into the street, the jury was told. He was pursued by two officers who restrained him using batons and then loaded him into a police van. The jury saw CCTV footage from the police van and Runcorn custody suite in which Mr Michael is repeatedly heard saying "please, please" and "I'm sorry". A police officer can be heard saying "stand up" and "shut up" On arrival at the police station, an officer is heard saying "Are you going to behave yourself. Stand up mate. I'm not carrying you." The court could hear groans as Mr Michael was led away by two officers. The CCTV shows that he was left face down on the floor of a police cell for several minutes with an officer standing on his legs. His breathing appeared heavy and laboured. Minutes later the footage shows that Mr Michael had stopped moving and there are attempts made by police officers and a nurse to resuscitate him.

On 7 October last year, a Fegarmy 9mm pistol and ammunition was found at the address of Laing's friend Janine Francis following a planned police operation. The firearm was examined revealing that it was one of the weapons used on the evening of 9 August and also Gray's DNA was found on the gun. A second firearm was seized on 19 October when Laing was handed a bag by Nadeen Banbury near to Burlington Street. The bag contained a St Etienne revolver and ammunition which was also identified as one of the other weapons used that August night.

Detective Inspector Andy Bannister, the lead investigator, spoke following the verdicts: "On the night of 9 August, approximately 40 people were on the streets near the Bartons Arms pub in Aston. They had planned an orchestrated attack on police officers who were deployed on the night. A number of individuals are already serving lengthy sentences following a trial earlier this year regarding this investigation and today we have secured further convictions against other people involved. Despite the culmination of this trial, the work does not stop here. We are continuing to look at using different methods of intervention to address the behaviour of other individuals who were part of that group on that August night."

The dedicated investigation team of 20 officers examined over 300 hours of footage, spoke to numerous members of the community and gathered intelligence to bring the case to trial. Neil Fielding, special casework lawyer from the West Midlands Crown Prosecution Service (CPS) Complex Casework Unit, said:

"These individuals are dangerous men - supported in their criminality by the two women convicted today - who used last year's disorder as an opportunity to put the public and the emergency services at risk. They deliberately targeted unarmed police officers putting their lives in grave danger in a calculated and cowardly manner. "The conclusion of this case demonstrates that the partners working together within the criminal justice system will do everything in their power to bring dangerous offenders such as these to justice."

States Should do More to Protect Women From Violence

Around the world – and indeed across Europe – women are beaten and threatened. Domestic violence is the most common form of abuse of women worldwide, irrespective of economics, religion or culture. There is a strange acceptance of the prevalence of domestic violence and violence against women in every country. Far too often the problem is pushed aside, and far too often the woman herself is blamed. The question "why doesn't she leave?" seems more frequently asked than "why does he hit her?"

One-fifth to one-quarter of all women in the Council of Europe member states are estimated to have experienced physical violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force. Figures for all forms of violence, including stalking, are as high as 45%. The majority of these acts are carried out by men in the women's immediate social environment, most often by partners and ex-partners.

Every year approximately 3 500 deaths related to intimate partner violence occur in the 27 member states of the European Union

Nils Muiznieks, Commissioner for Human Rights

Human Rights Violations in EU Courts Double in Five Years

Greece, Bulgaria, Poland and Romania are the worst European Union countries at delivering justice through criminal trials, according to an independent survey of the union's courts. States on the eastern fringes of the union emerge as serial offenders in a comparative study of breaches of individuals' right to liberty and a fair trial recorded by the European court of human rights (ECHR).

only been responsible for the deterioration of Bilal Çoşelav's problems by detaining him with adult prisoners, but had manifestly failed to provide any medical or other specialist care, in violation of Article 2.

Effectiveness of investigation into Bilal Çoşelav's death

The Court reiterated that an important requirement of an effective investigation was that it was sufficiently open to public scrutiny – involving in all instances the next-of-kin of the victim in the proceedings – to ensure accountability. However, the applicants had only been informed of their son's death 13 days after the event, thus preventing them from taking part in the investigation at its early and crucial stages. Moreover, during the investigation itself, no attempt had been made to enquire about Bilal's reasons for committing suicide or whether the prison authorities had been responsible in any way by what they had done or indeed not done. It had simply been established that Bilal had taken his own life without anyone inciting him to do so. Nor have those failings in the criminal investigation been remedied in the compensation proceedings, which, brought in 2006, are still pending. The Court therefore concluded that the Turkish authorities had failed to carry out an effective investigation to establish who had been responsible for Bilal's death and how, in further violation of Article 2.

Severe Sentences Continue for Offences Relating to 2011 August Riots

Birmingham News Central, 9 October 2012

Lengthy sentences have this afternoon been handed out to two men following their part in last year's disorder in Birmingham where shots were fired at police officers and the force helicopter. Beniha Laing (29) was sentenced to 35 years and Wesley Gray (27) sentenced to 29 years after they were found guilty of riot, possession of firearm with intent to endanger life, possession of firearms.

Two women were also sentenced following their links to the firearms used on the night of 9 August 2011. Nadeen Banbury (25) was given a seven-and-a-half year sentence and Janine Francis (25) sentenced to five years for possession of a weapon and ammunition.

Over the last few weeks, Birmingham Crown Court heard how the men, who were part of a larger group of people and have been linked to a criminal gang, planned and orchestrated an attack on police on the ground as well as the force's helicopter at the height of the disorder in the city when they knew that police resources were stretched. Officers were lured to The Bartons Arms pub on the night of Tuesday (9 August 2011) – a place of local historical interest - at the same time that other areas of Birmingham and the West Midlands were experiencing pockets of disorder. The pub was broken into, ransacked and spirits and petrol were used to set fire to the building. The furniture from the pub was then used to barricade the main High Street. The group, all wearing black clothing and masks, were intent on causing serious disorder and impacting on local people and emergency services. Local CCTV showed the group also attempting to break into nearby entertainment venue 'The Drum'. The footage shows them hammering through glass in an attempt to obtain more furniture to block the roads.

A police unit, of unarmed officers trained to deal with disorder, arrived and attempted to disperse the crowd. The officers were confronted by the group who threw missiles and goaded the officers. Some of the group then discharged at least 12 shots, using a number of different firearms in the direction of the officers.

The force's helicopter was deployed to film the disorder and help officers on the ground, the subsequent footage showed the group as it moved across Aston. On two occasions individuals within the group appeared to take aim and shoot at the helicopter. The incident ended when firearms officers attended the scene and a number of arrests took place. Six men were found guilty and given sentences ranging from 12 to 30 years in June this year.

Nicholas Rheinberg, the coroner for Cheshire, told the jury that two police officers claim that they used pepper spray after Mr Michael threatened them with a hammer. The inquest will examine questions about the level of force used against Mr Michael, the restraint itself, the failure to take him to hospital as a medical emergency and the overall attitude of the police towards a man who appeared confused and frightened.

Mr Rheinberg told the jury they must determine if witnesses are telling the truth. He said: "It will be necessary to look at the possibility of deficiencies in Jacob's care... You have got to decide whether the force used was reasonable and lawful." He added that the authorities have "a duty to protect" people in custody. He also told the jury that Mr Michael had taken cocaine the weekend before his death.

The inquest, which is sitting at Daresbury Park Hotel, will hear evidence from more than 50 witnesses and is expected to last between four and five weeks. *Nina Lakhani, Independent, 01/10/12*

Birmingham Murder Suspect 'in Good Spirits' Before Death in Prison

A man accused of murdering a Birmingham couple was "in good spirits" before he was found hanged in his prison cell, an inquest has heard. Rimvydas Liorancas, 37, died at HMP Woodhill in Milton Keynes in January. He was awaiting trial for the murder of Avtar Kolar, 62, and wife Carole, 58, whose bodies were found at their home in Handsworth Wood on 11 January.

Prison officer Mark Cairns told the Milton Keynes hearing he had had "no concerns" about Mr Liorancas. He had conducted a "first night interview" with the suspected murderer and told jurors that he did not seem to be upset after his transfer from HMP Birmingham to Woodhill.

Describing Mr Liorancas' behaviour during a second follow-up interview, Mr Cairns said: "He was fine, he wasn't distressed in any way "He was calm, he was in good spirits. I had no concerns at all about him."

Prison staff told the inquest that Mr Liorancas was receiving methadone to wean him off heroin when he was transferred to Woodhill on 21 January. Seven days later, Mr Liorancas was found dead in his cell. HMP Woodhill health care worker Deborah Simons said Mr Liorancas was not "showing any withdrawals from substance misuse", adding that "there was absolutely nothing significant about him at all".

The inquest heard that a suicide note and a letter to a relative, both written in Lithuanian, were recovered from the inmate's cell after his death. Staff found him hanged at 08:50 GMT on 28 January and, despite efforts to revive him, Mr Liorancas was pronounced dead at 09:30 GMT. Acting Det Sgt Philip Walsh, who attended the prison, said Mr Liorancas had been checked on five times during the night before his death, in accordance with standard procedure. Asked by Coroner Elizabeth Grey to summarise the contents of the letters, Mr Walsh said: "Once they were translated it became clear that one was a suicide note and the other was just explaining the situation to a family member - that Mr Liorancas was not happy with the situation at that time." *BBC News, 03/10/12*

Ian Brady furious at Being Resuscitated

Kate Morris, Independent, 08/10/12

Moors murderer Ian Brady's heart stopped for several minutes after he suffered a fit in hospital but medics resuscitated him against his wishes, it was reported yesterday. Brady's advisor Jackie Powell told the Sunday Mirror that Brady, 74, was furious when he discovered what had happened in July at Ashworth Hospital, a secure psychiatric unit in Liverpool. He has long campaigned for the right to starve himself to death.

Babar Ahmad and Talha Ahsan - Have Left the UK

Extradited from Britain last week, Babar and Talha pleaded not guilty Saturday in a Connecticut court to federal charges that they provided terrorists in Afghanistan and Chechnya with cash, recruits and equipment. They were arraigned amid heavy security in U.S. District Court in New Haven hours after arriving in the U.S. after years long extradition fights in England. They were kept detained while they await trial in Connecticut.

"Today, more than at any other time in U.S. history, terrorism investigations involve the identification, disruption and dismantling of material and financial support systems," said FBI Special Agent in Charge Kimberly K. Mertz. "Without those support systems, terrorists and terrorist groups simply cannot survive.

This investigation underscores Homeland Security investigations and the FBI's enduring commitment to combating terrorism by uprooting these global and often complex support networks." The men are charged with conspiracy to provide material support to terrorists, providing material support to terrorists and conspiring to kill persons in a foreign country. Ahmad, who was held without trial for eight years in a British prison, also is charged with money laundering.

Attorneys for the men declined to comment after their brief arraignment. If convicted, they could face life sentences. Ahsan spoke so softly the judge asked him to speak louder at one point. Both men have beards and wore yellow prison uniforms with green sleeves.

The men are accused of operating websites under the name of Azzam Publications, which authorities say provided support to Afghanistan's ousted Taliban regime, Chechen rebels and associated terrorist groups. The men provided money, military items, communications equipment, training, safe houses, personnel, transportation, false documentation and identification and other supplies, authorities said. The men used the Internet to promote and raise money for violent jihad, recruit terrorists and solicit items such as gas masks, prosecutors said. The websites provided instructions to help people transport money from the United States to Pakistan, where it would be delivered to the Taliban, authorities said.

Ahmad and Ahsan recruited and arranged for individuals to travel to Afghanistan to train for violent jihad, prosecutors said. Ahmad made efforts to secure GPS devices, Kevlar helmets, night vision goggles, ballistic vests and camouflage uniforms, prosecutors said.

Both men also possessed a classified document discussing a U.S. Navy battle group's movements and vulnerability to attack, authorities said. A former Navy sailor, Hassan Abu-Jihaad, was sentenced to 10 years in prison in 2009 for leaking the details about the battle group to the website. The group was never attacked.

The two men are being tried in Connecticut, where an Internet service provider was allegedly used to run one of the websites. "This has been a lengthy process, but the government's commitment to presenting this case to a jury during a fair and open trial has never wavered," said U.S. Attorney David Fein.

Ahmad's case has raised concerns among legal experts and human rights advocates. Some lawyers and lawmakers have expressed concerns because Britain agreed to extradite him even though his alleged crimes were committed in Britain and British courts declined to prosecute him for lack of evidence. In an interview that took place after the BBC won a legal battle to speak with him, Ahmad insisted he did not condone terrorism and urged authorities to put him on trial in the U.K. Ahmad acknowledged he had visited Bosnia several times during the 1990s and had been involved in the conflict there.

Turkish authorities Responsible for Juvenile's Suicide in Adult Prison

Chamber judgment in the case of *Çoşelav v. Turkey* (application no. 1413/07), European Court of Human Rights held, unanimously, that there had been: a violation of Article 2 (right to life) of the European Convention on Human Rights, and a violation of Article 2 (lack of an effective investigation) of the Convention. The Court found that the Turkish authorities had not only been indifferent to the applicants' son's grave psychological problems, even threatening him with disciplinary sanctions for previous suicide attempts, but had been responsible for a deterioration of his state of mind by detaining him in a prison with adults without providing any medical or specialist care, thus leading to his suicide.

The applicants, Hanife and Bekir Çoşelav, wife and husband, are Turkish nationals who were born in 1957 and 1961 respectively and live in Istanbul. On 17 December 2004 their 16-year-old son, Bilal, hanged himself from the iron bars of his prison cell with his bed sheets. He had made two previous suicide attempts. The first was on 29 December 2003 when he tried to hang himself in the courtyard of Kars Prison juvenile wing. He was resuscitated and returned to his cell. He subsequently had disciplinary proceedings brought against him for "setting a bad example to other inmates". On 19 January 2004 he tried to commit suicide again by taking an overdose. He was taken to hospital for treatment and then transferred on 28 January 2004 to Erzurum Prison, where he was placed a few days later in the adult wing.

Between February and December 2004 Bilal sent 22 letters to the Erzurum prison authorities requesting to meet the prison governor urgently to discuss his personal problems. On one occasion, after meeting the deputy governor on 15 December 2004 and his request for a transfer was refused, he tried to attack a prison warder with a razor blade, kicked and broke the sink in his cell and set fire to his mattress. On the day of his suicide, he was taken to the infirmary at 10 a.m. after repeatedly hitting his head against his cell wall. His head injury treated, he was taken back to his cell where he killed himself at 1.30 p.m. A criminal investigation was immediately brought into the death with the Erzurum prosecutor being called to the prison. A post mortem examination was carried out on the same day, which reported that the cause of death was asphyxia. The prison officers and prisoners questioned all claimed that they knew that Bilal had had problems. On 30 December 2004 a prosecutor instructed the prison governor to inform Bilal's family of his death. The criminal investigation was closed on 29 April 2005 when the prosecuting authorities decided that no one had incited or encouraged Bilal to commit suicide. His parents' objection was rejected by the Oltu Assize Court on 7 February 2006.

Responsibility for Bilal Çoşelav's death

The Court considered that the authorities had had ample warning that Bilal Çoşelav had been a suicide risk (two suicide attempts, self-harm and other alarming incidents such as the attack on a prison warder). The fact that Bilal had psychological problems had been documented by almost every national authority who had dealt with him or his death. Similarly, every prisoner and prison officer had been aware of his problems. Despite having been aware of such a risk, the authorities had not taken the necessary precautions to prevent such a tragedy. It was indeed striking that on the day of Bilal's death, although obviously in a particularly serious and critical state of mind (to the point that he had hit his head repeatedly against his cell wall), he had been taken back to his cell and left on his own without supervision. What Bilal Çoşelav had needed had been urgent help for his grave psychological problems – not disciplinary sanctions or indifference (unfortunately referred to by the Government as "patience"). The Court therefore concluded that the Turkish authorities had not

Wakefield Prison Nurse Karen Cosford Jailed for Affair With Prisoner

A nurse who had an affair with a rapist at Wakefield Prison has been jailed for three years. Karen Cosford, 47, of Normanton in West Yorkshire, had a sexual relationship with Brian McBride, who was serving a life sentence, over several months. Three other prison healthcare workers were also jailed, for between 15 and 21 months, for covering up the affair.

Judge David Hatton QC told Bradford Crown Court that they had "abused their position of trust". During the four-week trial the court heard how Cosford sent McBride intimate text messages on a phone which had been smuggled into the high-security prison. The messages told the rapist he was "dead sexy" and that she loved him. Cosford also performed a sex act on McBride, while two colleagues guarded his cell, the nurse's trial had heard.

A love letter sent by Cosford which was found hidden in a jar of sugar in McBride's cell described him as a "knight in shining armour". Cosford, who worked at the prison medical centre, had denied misconduct, claiming McBride raped her and intimidated her so she would not report it. The jury rejected her claims. The affair was revealed when McBride's cell was searched and he told Cosford's husband, who was a prison officer, that he had been having sex with his wife. Cosford, who denied charges of misconduct through engaging in a sexual relationship with an inmate, was found guilty on Thursday.

Healthcare officer Carolyn Falloon, 50, from Wakefield, and nurse Jacqueline Flynn, 46, from Pontefract, were both found guilty of failing to report the relationship and not reporting the mobile phone which had been smuggled into the prison. Falloon was also found guilty of supplying McBride with mobile top-ups. The judge jailed them for 21 months and 15 months respectively.

One of their colleagues, healthcare officer Kevin Wilson, 56, also from Normanton, pleaded guilty to failing to notify the authorities of Cosford's relationship, failing to report that McBride had a mobile phone and supplying McBride with a Sim card. Wilson, who appeared as a witness during the trial, was granted credit for his guilty plea. But Judge Hatton said the evidence he gave was "unconvincing and in parts untruthful" and jailed him for 15 months.

The judge said: "It's a sad business indeed when four people of mature years and previous good character, public servants who have devoted several years to their vocation, should find themselves to be sentenced for having abused their position of trust." Following the hearing, a Prison Service spokesperson said "the vast majority" of staff were "honest and hardworking". There is no place for corrupt members of staff in the Prison Service and we work closely with the police to identify them and will always press for the most serious charges to be brought against them."

Chamber Judgment in the Case of X v. Turkey (application no. 24626/09)

Turkish authorities should not have placed a prisoner in solitary confinement because of his sexual orientation in conditions that did not respect human dignity: The European Court of Human Rights held: unanimously, that there had been a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the European Convention on Human Rights, and by six votes to one, that there had been a violation of Article 14 (prohibition of discrimination) of the Convention taken together with Article 3.

The case concerned a homosexual prisoner who, after complaining about acts of intimidation and bullying by his fellow inmates, was placed in solitary confinement for over 8 months in total. The Court took the view that these detention conditions had caused him mental and physical suffering, together with a feeling that he had been stripped of his dignity, thus representing "inhuman or degrading treatment" in breach of Article 3 of the Convention. The Court further found that the main reason for the applicant's solitary confinement had not been his protection but rather his sexual orientation. It thus concluded that there had been discriminatory treatment in breach of Article 14.

UK Police Secretly Handed the FBI Evidence on Babar Ahmad

While claiming their own case against him was collapsing due to lack of evidence

Metropolitan Police detectives agreed to nine separate requests from FBI agents to provide information on Babar Ahmad at a time when the case against the long-imprisoned terror suspect was collapsing because of a lack of evidence, The Independent can reveal.

Court documents unearthed in the United States reveal how senior detectives involved in the initial investigation of Mr Ahmad regularly carried out searches and enquiries on behalf of the FBI and even sent American agents two encrypted floppy disks that were found at the south Londoner's home. The data set, including the disks, forms part of a dossier of evidence that was sent across the Atlantic but was never seen by the Crown Prosecution Service which dropped the initial charges against Ahmad paving the way for his long battle against extradition to the United States. Critics of Ahmad's extradition say not enough was done to make sure that the 58-year-old was tried in a British court and that his prosecution has been effectively outsourced to the United States.

Both the Metropolitan Police and the Government have refused to be drawn on the exact nature of the cooperation between British and American detectives following Ahmad's arrest in December 2003. But documents filed in a Connecticut court reveal how multiple requests were made by an FBI agent under mutual legal assistance laws which allow foreign governments to ask British police to conduct investigations on their behalf. The papers come from a trial four years ago in the city of New Haven in which Hassan Abu-Jihaad, a US navy sailor, was convicted of espionage charges. Abu-Jihaad, a convert to Islam, was found guilty of leaking classified ship movements to Azzam Publications – a series of pro-jihadi websites that American prosecutors allege was run by Babar Ahmad and another British man facing imminent extradition Syed Talha Ahsan. The alleged offences took place from late 2000 to late 2001.

At the trial Detective Sergeant Ian Vickers and Detective Sergeant Ian Elgeti, two Met Police officers involved in the original British investigation into Babar Ahmad, gave evidence. During his testimony DS Vickers stated that he was first alerted to the FBI's interest in Ahmad in late December 2003, a few weeks after his arrest on 2 December. His first point of contact was special agent Craig Bowling, who spoke to him via teleconference and later made a trip to the UK around February 2004. Asked to describe how the mutual legal assistance treaty system worked he explained that the United States needed to contact to Home Office and request help. "As a result of that," he added, "If everything is correct and it's being applied and asked for in the correct manner, then a letter of request goes through to a case officer, normally a detective, to make inquiries, seize exhibits on behalf of the United States." Asked how many times such requests were made he replied: "I think there were a total of nine". He added: "I coordinated that and organized that myself. In the same testimony DS Vickers also confirmed that he personally oversaw the transfer of multiple exhibits to the United States including the floppy disks found on Babar Ahmad's desk.

The decision by the Met Police to send evidence to detectives in the States has been both controversial and shrouded in secrecy. The Attorney General has refused to "confirm or deny" whether dossiers were passed abroad whilst the Metropolitan Police have declined to comment while Mr Ahmad is continuing to fight his extradition to the United States in the UK courts. Neither the Met Police nor the CPS were willing to comment on the new details uncovered in the American court documents when contacted by The Independent.

Mr Ahmad's legal team had long argued that the CPS should have seen all the evidence

against their client before deciding to drop the case. That decision not to press charges against Mr Ahmad was further complicated by the fact that he was viciously beaten by his arresting officers – an incident which the Metropolitan Police later admitted during civil proceedings. It was only in November 2011 that the CPS admitted to Mr Ahmad's legal team that they were never shown the entirety of all the evidence seized in the raid on their client's house. After sending a team to the United States, Mr Ahmad's lawyers forwarded a new dossier of evidence to the CPS in the spring of this year in the hopes that they might initiate a new prosecution that would keep him in Britain. At the same time a businessman from Newcastle who campaigns against Britain's extradition laws tried to launch his own private prosecution of Mr Ahmad and Mr Ahsan. However the Director of Public Prosecutions has rejected both attempts citing a lack of evidence as the reason for his decision.

Green MP Caroline Lucas, who has campaigned for Babar Ahmad, called on the CPS and Met Police to provide a full account of the cooperation between American and British law enforcement following his arrest. "Last year I exposed the fact that the CPS hadn't even seen, let alone investigated properly, evidence against Babar Ahmad," she said. "Now we have this extraordinary confirmation that, at a time when the CPS was arguing he couldn't face trial in the UK because of an "absence of evidence", British police were in thrall to the FBI and handing over that very evidence without even looking at it themselves. We urgently need to know who directed and authorised this scandalous circumvention of the CPS - and I reiterate my call for a full public inquiry into what has occurred." *Jerome Taylor, Independent, Friday 05 October 2012*

Return of the Supergrass

Emma Slater, Independent, 08/10/12

David Rice was shot dead in broad daylight at a seaside car park in 2007. One of the men involved in his killing was jailed for 12 years but had his sentence cut to just 30 months soon afterwards, one of scores of criminals who have been let out early for turning...

Murderers, gangsters and international drug dealers are among the serious offenders having their time in prison cut by up to 90 per cent in return for turning "supergrass", an investigation by BBC Panorama with the Bureau of Investigative Journalism has found. The rewards have been handed out despite the fact that on a number of occasions, the informer's reliability has been questioned in court.

In one case in February this year, life sentences for two murderers were reduced to just three years in return for information, despite their testimony being described by the judge as "infected with lies" In another, a minimum 18-year jail term for murder was cut to eight years, even though the jury did not believe the supergrass and failed to convict. In a third instance, in 2007 a major cocaine dealer's sentence was reduced from 17 years to five, despite the case in which he was due to give evidence collapsing before he took the stand.

The revelations raise serious concerns about the deals being done under the Serious Organised Crime and Police Act 2005 (Socpa). Speaking to Panorama, the Crown Prosecution Service (CPS) stated that informers' jail terms would be cut by more than two-thirds only in a "very exceptional case", following guidance issued by the judge in leading supergrass trials. The CPS stressed that the extent of the sentence discounts was left to the discretion of the judge, and prosecutors could not promise offenders that their jail terms would be cut. Yet in 49 cases involving supergrasses analysed by the bureau, nearly half of the supergrasses' jail terms were cut by more than two thirds. In more than a quarter of cases, offenders received a discount of more than 80 per cent on their time in prison. In most

Judicial Review Update From Terry Smith

The application was rejected by HHJ Davis, Recorder of Birmingham on 11th September 2012. The Judicial Review focused upon the way the IPCC unfairly and unlawfully granted permission to British Transport Police (BTP) and Essex Police to dispense with serious complaints with concrete evidence of a police-Loomis constructed fit-up.

The claimant sought Judicial Review proceedings into the way the IPCC unjustly and unfairly breached their own Statutory Guidance codes of practice and also the Disability Discrimination Act 2005 and/or Equality Act 2010. This is where the IPCC allowed BTP to avoid a "mandatory referral of the complaint to the Police Watchdog in order to decide how the complaint should be conducted and confusingly allowed Essex Police to seek "dispensation" to the complaint after it had already sought "discontinuance." This is not only a confusing and contradictory pathway to resolution --- which resulted in an apology from the IPCC --- but it also impacted upon the claimant's~ chronic and incurable neurological condition of Trigeminal Neuralgia.

It was argued that in breaching their own rigid Statutory Guidelines, the IPCC treated the complainant "less favourably" than it would a non-disabled person and failed to make "reasonable adjustments". This is where the IPCC advised the complainant to seek legal advice for Judicial Review and then penalized the complainant when no solicitor could be found to take on legal action against the police saying he was "out of time" to initiate legal proceedings.

Moreover, in correspondence from the IPCC (28/06/12) it proclaimed: "The IPCC accepts that it would have been appropriate for us to inform you that the discontinuance application was not going to be processed so that you understood what was happening and we apologise for this." If this does not represent a blatant breach of IPCC Statutory codes then I do not understand the English language.

In the ruling HHJ Davis stated: 1. The Claimant has no proper grounds for an extension of time, the relevant decisions have been made some 5 and 8 months respectively prior to the issue of proceedings. His ignorance of the time limit, his difficulty in obtaining legal advice and the fact that he is acting in person do not amount whether singly or in combination to provide any basis for permitting the claim to proceed out of time." 2. The substantive complaints made are without substance. There was opportunity given (and taken) to make representations about the Defendant's decisions before they were made. Mr. Smith's illness has not prevented him from presenting lengthy grounds. Either he did not need reasonable adjustment or, insofar as he did, it was given." The judge then ordered the Claimant to pay costs to the Defendant (IPCC) of £690.

As for the substantive complaints being without substance, how can the complainant make representations in relation to the decision-making process that is being conducted in secret and without consultation with the complainant? If, in fact, "reasonable adjustment" was considered and given, how is it the application was ruled "out of time" And lastly, it is absurd that a genuine disabled person on strong medication can be penalized for being able to present lengthy grounds to the legal debate.

All is not lost, however, as a fresh complaint into the original complaint was unexpectedly activated by the Judicial Review application and the IPCC this time have rejected BTP's application for dispensation and the identical complaint in regard of Essex Police has been put back six and half months (26 weeks) due a shortage of casework managers. Vital exculpatory stored on the national Automatic Number Plate Recognition (ANPR) database is due to expire in February 2013, and the IPCC want to investigate the complaint after it has been deleted in March 2013.

Is this another rank injustice I see developing before my eyes? Will keep you informed.

Terry Smith, A8672AQ, HMP Swaleside. Sheerness. Kent, ME12 4AX

prison your day to come out must and will come. Prison will only be a chapter in your life, and no matter how long and hard it is, it's never all doom and gloom.

You will encounter lots of human mediocrity and wickedness, selfishness, greed, arrogance and pettiness. But there is also kindness, humour, some friendship, some humanity. No matter how bad are your conditions and treatment, don't let anyone take away your humanity.

Prison is a negative experience to be avoided! If you're in prison because of 'politics' then don't regret your commitment (but always review your actions!). Be prepared for a new struggle, new different serious sacrifices. No matter who you are there is a lot of daily 'wear and tear' and waste of energy and time. A lot of restrictions, crazy rules and contradictions etc. All the time something tests your patience or tolerance. Lots of frustrations, also lots of ignorance, cynicism and maybe some provocations if you're 'politically motivated'. But then you must 'fight back', learn to be patient, let go of a lot of worries, demands, expectations etc. Compromise but don't compromise your basic principles or yourself. Avoid unnecessary battles and arguments. Don't trust easily, let go your guard except in the fewer cases. Defend yourself and answer back, or fight them only on major important issues. Don't let the system wear you out, use its strengths! We each have different circumstances and 'lines' to draw.

At the same time prison can be a positive experience, an opportunity to 'win' and 'grow' despite 'the costs'. As I said you can learn to be patient and tolerant, let go of a lot-of worries- Learn about yourself and others. Reflect on your life, on your case, on your actions. Think about your future, and our future.

Learn/try new things or do things you've always wanted to do. Try to concentrate on what you can do rather than can't do. Develop your own mini routine or program, e.g. read 1 book this week or month, do cell workouts etc, try hobbies, writing, reading etc. Go to the gym, get fresh air when possible. Do something creative like art, craft, music or writing. Try to maintain health and mind. Maintain relations through phone, letters, visits, live mind. Altogether continue life though a different one. Never give up faith and hope. Enjoy the little things, maximize use of whatever is possible and available, but keep an eye out for changes for the better and remember there is a world much bigger than prison and just as real. And keep some 'bridges' to that.

One can find a lot of inspiration from prison writings (there are some anthologies) and books like Mandela's 'Long Walk to Freedom', poems like 'Reading Gaol' by Oscar Wilde, books by Steve Biko, and R. Lovelace. It's good to remember you're part of struggles and traditions worldwide defending humanity/ for justice. No matter why you're in prison remember you're not alone. You will always matter to your loved ones and they will always matter to you.

If you were engaged in some struggle you remain so but in different ways. You can and should maintain dialogue and interaction about the issues and concerns with others. Use the time to review and reflect.

If you're in prison for other reasons still prison is a phase of struggle and possible positive change. Issues about your family, friends and community are much the same. It's a social and psychological 'learning pot'. Indeed no matter why you end up behind bars, one needs to try to reconnect to our common humanity. Stay strong, be proud (but not arrogant or self-important). Be humble, learn to give and take from others. No matter how small your world becomes and limited your livelihood you can still broaden your horizons and keep your mind open and heart free.

It's a victory to survive prison without too many scars or 'distortions'. You must and can do it - even though it does take its toll. It is also possible to emerge better and undiminished.

That's a challenge! Samar Alami, HMP Send circa 2003

cases the informants had pleaded guilty to very serious crimes.

The use of supergrasses has always been controversial. In the early 1980s, the system was largely discredited when evidence surfaced that both informants and the police had abused the system, resulting in wrongful convictions and serious offenders getting off lightly. But informers are seen as a necessary tool in the fight against organised crime. In a move aimed at improving the system by increasing transparency, and enhancing "the credibility of the testimony", so-called "supergrass" deals were formalised as part of Socpa.

Under the Act, informers can receive total or partial immunity from prosecution. Classed as "vulnerable witnesses", they may also be given new homes and identities when they leave prison. Taxpayer-funded protection can amount to more than £500,000 over the course of a typical scheme. The recent collapse of a number of high-profile Socpa cases has led to doubts that the new system improves on the old. One of the key problems, say critics, is that vast, unprecedented sentence reductions give offenders a huge incentive to manipulate the justice system.

Leading QC Michael Mansfield said supergrasses were "inherently dishonest" witnesses acting in "self-interest because they want some kind of reward", and were sure to be enticed by the discounts on offer. "These people will know about crime, but in order to inveigle their way into their favours they dress it up," he said. "They dress it up in a way that they put people at the scene who weren't there... and of course they have axes to grind, they have vendettas to settle."

The CPS revealed that 158 supergrass deals were signed between January 2006 and June 2011. In 140 of these cases, offenders received reduced sentences. In 18 cases, offenders received total, or partial immunity from prosecution. The CPS did not disclose details of the cases, but the bureau independently found and analysed 49 cases which took place across the six years that the Act has been in force. Two of the 49 involved full immunity, while in 47 cases the offenders had their jail terms severely reduced.

In one of the first cases under the system, the court outlined that sentence reductions should generally be between one-half and two-thirds. In that case, a getaway driver called Derek Blackburn gave evidence against two men who gunned down gangland rival David "Noddy" Rice in a seafront car park in South Shields, Newcastle. Blackburn received a much larger discount – 79 per cent. This was justified on appeal as he provided information leading to several convictions, and because he was on the periphery of the crime. His 12-year sentence was cut to two years and six months.

But in some cases the supergrass appears to be at the centre, rather than the periphery of the offence. In one case involving the 2007 murder of Edward "Teddy" Simpson in Bradford, Socpa witness Sonny Stewart implicated eight people, including himself, in the killing. In an unprecedented move, he had his charge, rather than sentence, reduced. Under the deal he pleaded guilty to manslaughter, not murder. This resulted in a life sentence, with a potential 35-year minimum term, being substituted by a maximum of seven years. The trial judge told Stewart he was "lucky" to have signed the agreement, and warned the jury: "You may think that if he had been in the dock you would have been asking whether he was guilty of murder." The case has now been passed to the Criminal Cases Review Commission, which is considering evidence that Stewart may have been a main perpetrator.

However, the investigation also found instances where the use of a supergrass was very successful. In one, a teenage gang member known only as "Boy X", gave crucial evidence against gunman Sean Mercer in the murder of schoolboy Rhys Jones. His evidence was judged to be so important that he given full immunity from prosecution under Socpa for

his role in helping to hide the murder weapon after the killing.

CPS spokesperson Alison Levitt defended Socpa deals, saying they "may sometimes be the only way to convicting very serious people". "There are some extremely serious criminals who are now serving very long sentences as a result of these," she told Panorama.

158 supergrass deals were signed between January 2006 and June 2011 - 25 per cent of the cases examined involved the offender's jail term being cut by more than 80 per cent. The cost of protecting a vulnerable witness can exceed £500,000

Christopher Nudds was convicted of Murder in 2006 on an alleged cell confession! He now faces another conviction for a different murder on the same alleged cell confession

Col 'Riley' Workman 'shot dead at front door' BBC News, 03/10/12

An 83-year-old retired Army officer was killed by a single shotgun blast after answering a knock on his cottage front door, St Albans Crown Court has heard. Christopher Docherty-Puncheon, 33, from Stocking Pelham, was a pest controller and had recently worked at Col Workman's home, the prosecution said. Mr Docherty-Puncheon denies murder. At the time, the defendant, formerly known as Christopher Nudds, was 24 and living with his parents in the neighbouring village of Stocking Pelham. According to the prosecution, he knew Col Workman, having visited his home just months before his death to deal with a wasps nest.

Richard Latham QC, prosecuting, told the jury that during the trial they will hear about two murders. One, he said, was Col Workman and the other was the murder of a man called Fred Moss. Mr Latham said: "They are linked killings and we allege both men died at the hands of this defendant. You have to try this defendant on the allegation that he murdered Col Workman." The court was told that Mr Moss was killed in 2004 and, in February 2006, the defendant was convicted of his murder and his subsequent appeal against conviction was dismissed. Mr Latham said that Mr Docherty-Puncheon's conviction for the murder of Mr Moss was a fact and he said it might help them conclude that he was capable of "cold-blooded murder". He said: "The allegation is that that is precisely what the killer of Fred Moss and the colonel was, a cold-blooded killer." He then told the jury: "This is a whodunnit trial. There is no dispute that someone murdered colonel Workman, the question is "are you sure it was this defendant?"

The court heard Mr Docherty-Puncheon owned dogs and, from time to time, had access to firearms. He had owned a shotgun certificate between 1994 and 1997 but, at the time of Col Workman's murder, did not have a certificate and therefore could not hold a firearm legally. Mr Latham said the defendant's uncle had discovered a sawn off shotgun in the defendant's Range Rover prior to the killing of Col Workman. The court heard that at the time of his death, Col Workman had a woman carer who visited him every day. On the evening of 7 January 2004 she had left him sitting in the downstairs lounge area, where he slept. The court heard that witnesses heard a bang at between 20:15 GMT and 20:30 GMT that evening. Mr Latham said that early the next morning the carer, Josette Swanson, returned to the victim's cottage, called Cock House in The Causeway, to find him lying dead in the hallway. At first it was thought Col Workman had died from natural causes but, later that morning when undertakers moved his body, it was discovered he had been shot. The court heard a murder investigation began and it was established that he had been shot from a distance of between 11 and 13 ft with a sawn off shotgun. Mr Latham said: "He was shot from outside his home as he stood in his doorway and you may think the killer must have knocked on his door. "It's a form of execution isn't it?" The prosecutor said that despite the sound of a gunshot being heard in the village, no-one had heard the sound of a car driving away.

The jury was told it was possible to walk from Stocking Pelham, where the defendant lived, to Furneux Pelham across open fields. They were then told how hours after the shooting, but before the carer had discovered Col Workman's body, a 999 call was made from a telephone box in the nearby village of Braughing, asking for an ambulance. The caller asked for an ambulance to go to The Causeway in Furneux Pelham, but gave the name of the cottage not as Cock House, but Hollyhock Cottage. Mr Latham said that as a result, the ambulance crew could not locate the address and put the call down to a hoax.

But, Mr Latham said, Col Workman's cottage had been known as Hollyhock Cottage "many years before". The court heard that the day after the shooting, the defendant was arrested by police and initially claimed he did not know the victim. Later he claimed he had worked for him on three previous occasions.

Pest controller guilty of murder (Circa February 2006)

A pest controller has been found guilty at Northampton Crown Court of the murder of a 21-year-old traveller whose body has never been found. Christopher Nudds told a cellmate he shot Fred Moss in the head before burning his remains, the court heard. Nudds, 27, of Stocking Pelham, Herts, was sentenced to a minimum of 30 years. The BBC understands the cellmate also told police that Nudds admitted being involved in the killing of retired Lt Col Robert Workman. Lt Col Workman, whose killer has never been found, was shot on his doorstep in Furneux Pelham, Hertfordshire.

The court heard that Mr Moss was last seen on 30 November 2004 when he left his aunt's home in Essex to go hare coursing. It was claimed Nudds admitted to a cellmate while on remand in jail that he killed Mr Moss. Convicted paedophile Darren Horner told the court that the murder was described to him as "100% personal". Nudds denied making that confession and said the last he saw of Mr Moss was on 30 November 2004 - when he was driven away in a Mercedes car with three other men. He said Mr Moss had met the men to buy heroin and he had gone along to act as look-out.

The prosecution alleged Nudds killed the traveller on isolated farmland near Royston, shooting him in the head, dismembering his body and burning it. It is understood that police are now investigating claims that Nudds confessed to being involved in another murder while in prison. His former cellmate Mr Horner is believed to have told them that Nudds admitted being involved in the killing of retired Lt Col Workman who was shot in January 2004. Hertfordshire police said they had spoken to Mr Horner but would not comment further.

Be Free Wherever You Are!

Prison is one of the worst human inventions. It is an alienating place and negative experience (better not tried first hand!), it's anti-human - it intervenes or restricts every movement you make, every choice you could make, intercepts the air you breathe, how much sky you can see. Loosing one's liberty is indeed one of the most painful experiences and dear losses besides loosing life. At least to me. As well of robbing you of liberty, in prison you need to forget about privacy and things like proper rest. Your time and space are always interfered with or interrupted.

In the face of all this, one has to search for and dig deep in and hold tight and firm to your inner freedom and dignity. Nothing and no one can take these away or compromise them no matter what. Respect yourself (and others) everywhere and always and everything will be better. Free your mind and spirit. Rise above and beyond your physical hardships and realities and a whole new world and possibilities open up. Always remember no one can stop the time and just as you came in to