Questioning 'Affects Children's Evidence' *Terri Judd, Indpendent, 18/02/13*

Cross examining child witnesses in court fails to get to the truth, reports a new study published today. The findings by psychologists come after years of debate as to whether small children should be put through the often harrowing process of having their evidence challenged by barristers.

There have been repeated calls for a gentler system which allows youngsters to give evidence prior to a trial but these have been rebutted by those who insist it is the best way of getting to the truth.

However, the new research published in the British Journal of Legal and Criminological Psychology today suggests that adversarial challenging of very young children can be detrimental to the accuracy of their testimony. The results showed that cross-examination negatively affected the children's accurate reporting of neutral events, and in contrast to the legal assumption, did not promote truthful reporting of wrongdoing.

Furthermore, older children were more likely to provide a truthful account of any transgression when asked direct questions rather than when challenged under cross-examination. Researchers studied the effects of direct questioning as well as the more leading cross questioning on 120 children aged between six and eight.

"Our findings indicate that cross-examination does not help children provide truthful testimony and may even jeopardise older children's testimonies. We know giving testimony can be very distressing for children and these results suggest that cross-examination may not be the best method for promoting truthful testimony in children aged five to eight," said Kay Bussey, who co-authored the report from Macquarie University, Australia.

In 1989, the Pigot Committee proposed a scheme which would allow children to give evidence before a trial in England and Wales. Ten years later a provision to that effect was included in the Youth Justice and Criminal Evidence Act, but it has not yet been brought into force.

However, the act did bring in special measures such as lawyers removing intimidating wigs and youngsters being allowed to give evidence behind a screen or in a recorded video with cross-examination by live link to the court. An intermediary may also be appointed to help them give evidence and explain questions.

A spokesman for the Ministry of Justice said: "Children are only required to give evidence when absolutely necessary in the interests of justice. In these cases we strive to ensure that everything is done to support child witnesses and make the criminal justice process less intimidating. This includes providing familiarisation visits, children giving evidence from a separate room by video-link and being supported by an intermediary to help them give their best evidence".

Hostages: Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, 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, 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.

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Police Powers Increase as MPs declare IPCC useless

The Home Affairs Select Committee report reveals that 1 in 4 police officers (33,000) faced a complaint over the course of last year. Although some were trivial, some were extremely serious including sexual assault and deaths in custody. As well as London, complaints were up in all police areas with the greatest increase occurring in the Hampshire Constabulary. The vast majority of complaints were made against police constables, though all ranks up to Chief Constable received a significant number of complaints.

Most complaints are handled locally by the police themselves. For minor complaints, an apology is often all that is necessary but once the complaint becomes more serious, the police start to build barriers to effective investigation of the complaint, trying desperately to hide the truth and to avoid criticism or even prosecution.

This comes naturally to the police who always protect their own and are not afraid to delay, obfuscate, intimidate and lie in order to protect themselves. This has been seen very recently in cases involving Hillsborough, phone hacking and the latest "Plebgate" row where once again, the police appear to have tampered with evidence in an attempt to hide the truth.

We have seen Detective Chief Inspector April Casburn, 53 being jailed for having unlawful dealings with the now defunct tabloid, the News of the World. The case should have been dealt with years ago and, given that the woman was head of a counter-terrorist unit, you would have thought that someone would have done something sooner. In fact, the police didn't even bother to admit that there was a problem until News International's own Standards Department effectively forced them to investigate. If such willingness exist to hide the truth in a case involving such a senior officer in such a sensitive position, why should anyone doubt that the police regularly cover up or change evidence when police constables, the main stay of front-line policing are accused of wrongdoing? The select committee refers to the police as a body that "…are warranted with powers that can strip people of their freedom, their money and even their life." TheOpinionSite.org would suggest that is the real problem.

The police in the UK are simply much too powerful and have been made so by successive Home Secretaries that have delegated more and more power to the police whilst telling the public, "It is what the police have asked for in order to do the difficult job they do." However, those same Home Secretaries fail to mention the fact that by giving the police more and more power, the politicians themselves cannot be blamed if something goes wrong.

If the police act outside the law, ministers do nothing. They don't have to. If a senior MP – such as the former and ousted Home Secretary, Jacqui Smith who fiddled £166,000 in expenses and was let off with an apology – breaks the law, the police are usually leant on and persuaded not to investigate, let alone prosecute. It is the perfect reciprocal deal in which wrongdoing by those with the most power goes unpunished while the police work secretly to enforce their own position of power over the rest of us. The public can do nothing about it as its only recourse is to the utterly useless and truly pathetic IPCC.

The police regularly monitor private communications, Facebook, Twitter and other social networking sites, use covert detection without proper authority and regularly give misinfor-

mation to offenders under their control, frequently stating that the offender is subject to some restriction or other when in fact they are not. If the matter later comes to court, the judge will give in to the police and CPS and still allow such evidence to be used, even though it was often obtained unlawfully. Police routinely target those groups that are unpopular with the public and are easy to convict with very little, if any evidence; groups such as released drug users, released sex offenders, members of the black community and those who follow the Islamic faith. These people may in fact be doing nothing wrong at all and be completely innocent but, if they complain against the police, they can expect some kind of reprisal.

Every day, completely innocent people are arrested, intimidated, photographed, have their DNA and fingerprints taken, are put on multiple databases and held in custody in the vague hope that something that the police can use against them will present itself. If released, they are repeatedly stopped on every possible occasion by the police under the guise of "public protection". All of this is possible with no evidence and no witnesses, as the police officer concerned can use his so called "professional judgement" to demonstrate "reasonable suspicion"; a meaningless phrase that is as ambiguous as it is dishonest.

An effective police watchdog with real powers is therefore even more necessary now than ever before. At present though, it simply doesn't exist. The select committee report sums up the problems with the IPCC in its introduction: 'Compared with the might of the 43 police forces in England and Wales, the IPCC is woefully under equipped and hamstrung in achieving its original objectives. It has neither the powers nor the resources that it needs to get to the truth when the integrity of the police is in doubt. Smaller even than the Professional Standards Department of the Metropolitan Police, the Commission is not even first among equals, yet it is meant to be the backstop of the system. It lacks the investigative resources necessary to get to the truth; police forces are too often left to investigate themselves; and the voice of the IPCC does not have binding authority.' TheOpinionSite.org was not therefore surprised when the police came out and said they did not agree with calls for Statutory Powers enshrined in Law to be given to the IPCC; the very powers it needs most.

At present, the IPCC is utterly toothless and has no powers at all. Anything it "recommends" can simply be ignored by the police. In a huge understatement, Keith Vaz, the Chair of the Commons Home Affairs Select Committee said that public confidence was being 'undermined': "When public trust in the police is tested by complaints of negligence, misconduct and corruption, a strong watchdog is vital to get to the truth: but the IPCC leaves the public frustrated and faithless. It is woefully under equipped to supervise the 43 forces of England and Wales, never mind the UKBA, HMRC, NCA and all the private sector agencies involved in policing.

Nearly a quarter of officers were subject to a complaint last year. Many were trivial, but some were extremely serious, involving deaths in custody or corruption—it is an insult to all concerned to do no more than scratch the surface of these alleged abuses. The IPCC investigated just a handful and often arrived at the scene late, when the trail had gone cold. The Commission is on the brink of letting grave misconduct go uninvestigated. It is buried under the weight of poor police investigations and bound by its limited powers. The public are bewildered by its continued reliance on the very forces it is investigating. The complaints and appeals process is frustrating, time-consuming and frequently flawed. We must end the complaints roundabout and give the Commission the powers and resources it needs to restore public faith in policing."

In response to the report, Dame Anne Owers, who heads the IPCC and was formerly the Chief Inspector of Prisons, said her organisation needed more resources and more power.

detention, rather than detention with education as an afterthought.

To help me implement this change I want to seek ideas from the market on how it would deliver a secure college, drawing on the innovation and diversity of provision that characterises the free schools and academies reforms to education. If the consultation demonstrates that the market can deliver improved education and reoffending outcomes while driving down costs, I will seek to move quickly to launch a competition that will be open to all sectors. I am today laying before Parliament "Transforming Youth Custody: Putting Education at the Heart of Detention", copies will be available in the Vote Office and the Printed Paper Office. House of Commons / 14 Feb 2013 : Column 67WS

R v Moore and Burrows - Entrappment

This appeal is about the issue of entrapment. It is submitted on behalf of the appellants that they were entrapped by undercover police officers into supplying cocaine. Their two cases are very different. Mia Moore was charged with six counts of supplying cocaine (in amounts of one ounce), two counts of being concerned in the supply of cocaine (again in amounts of one ounce), 2 counts of handling stolen goods, and one count of delivering counterfeit £10 notes. The offences took place over a period beginning on 8 September 2010 (the first of the supplies of cocaine) and ending on 28 February 2011 (the counterfeit notes). Ben Burrows, however, was simply caught up in one of the supplies of cocaine, that of 11 February 2011, because he happened to be with Mia Moore that day, went with her to fetch the drugs and actually handed the drugs over (while Ms Moore was in the bath) to the police officer. So he was charged with supply (the only count against him) and she was charged with being concerned in supplying on that occasion.

Both appellants applied at trial to have the indictments against them stayed for abuse of process on the ground of entrapment. Mr Burrows' case is entirely dependent upon Ms Moore's. Ms Moore's case is premised on the role played by the undercover police officers in supplying her with cheap goods from whose on-sale she could profit. It is submitted that, although she was not a target of the undercover operation and was not suspected of any relevant offending, she had been groomed into a situation of dependence on such cheap goods; that she was poor and vulnerable, and it was in this context that one of the undercover police officers first asked her about where he could obtain cocaine. That was the vital first question, from which all else followed. It is submitted that in this context she was "lured" into the commission of crime in the sense described by the leading authority of R v. Looseley, Attorney-General's Reference (No 3 of 2000) [2000] UKHL 53, [2001] 1 WLR 2060.

Held: Appeals dismissed. Moore had responded immediately and resolutely to involve himself in offending. 5 principles as outlined by Professor Ormerod in "Recent Developments in Entrapment", (2006) Covert Policing Review 65 were applied to the facts of the case.

Subhan Anwar Murdered in HMP Long Lartin

A man jailed for torturing and murdering his partner's two-year-old daughter has been killed in prison. He died on Thursday night 14th February at HMP Long Lartin. Gary David Smith and Lee William Newellaged have been arrested on suspicion of murder and are currently in police custody. "West Mercia Police are working closely with the Ministry of Justice to establish the exact circumstances surrounding this man's death." Anwar is understood to have been held hostage before he was killed.

Anwar was jailed for a minimum of 23 years in 2009 for the murder of his partner's daughter Sanam Navsarka. His partner Zahbeena Navsarka was cleared of her daughter's murder but found guilty of manslaughter and jailed for nine years. Anwar and Navsarka, from Huddersfield, West Yorkshire, were condemned for their cruel and selfish treatment of Sanam.

Resettlement work was generally good. The prison had one of the better needs assessments we have seen, and strategy was well founded, although not yet embraced throughout the prison. Offender management was satisfactory and, importantly, prisoners felt helped as they sought to address their offending behaviour and resettlement needs. However, backlogs in offender assessments and the paucity of sentence planning boards were gaps that needed to be addressed. Work across the resettlement pathways was good, and the prison was using temporary release well to support reintegration. The prison's resettlement unit was an important initiative providing useful support to prisoners as they progressed.

Overall this is a good report. Channings Wood is safe and respectful, and useful work is being done to support the resettlement of offenders. However, the inadequacy of the regime is very poor in the context of a training prison and something we have highlighted before. We urge that the prison adopts a clear strategy to improve and deliver what is, after all, its core function.

£50,000 Bloody Sunday Offer 'A bloody Insult' *Indpendent, Thursday 14 February 2013*

The authorities have offered compensation to the families of 13 people shot dead in Bloody Sunday in 1972 and to those who were injured in the incident, it has emerged. Sums of £50,000 have been offered to people in both categories by the Ministry of Defence, but the amounts appear unlikely to satisfy those involved. One family has already described the offer as an insult. Negotiations between the ministry and families have been going on for months, in the wake of David Cameron's 2010 apology and declaration that the shootings by paratroops were "unjustified and unjustifiable". Meanwhile, the possibility of a political crisis was reduced in Belfast when a one-time IRA bomber was released by police after being held for questioning about a recent shooting. High-profile republican Sean Kelly was convicted of the Shankill bombing of 1993, when nine Protestant civilians and an IRA member died when an IRA bomb exploded prematurely.

Transforming Youth Custody

The Lord Chancellor and Secretary of State for Justice (Chris Grayling): The Government are today launching their consultation "Transforming Youth Custody: Putting Education at the Heart of Detention". This forms the next step in delivering the Government's rehabilitation revolution following publication of the "Transforming Rehabilitation" consultation last month. Much has been achieved in the youth justice system. Overall crime and proven offending by young people are both down, fewer young people are entering the criminal justice system and the number ending up in custody has fallen. This is testament to the important work done by a range of passionate people working with young people to prevent offending.

But there remains a hardcore of serious and persistent young offenders for whom custody is the right place, and at present custody is delivering poor outcomes both for this group and for society. Seventy-five per cent of young offenders who leave custody reoffend within a year; education provision is patchy, meaning that many young people leave custody still lacking basic skills; and too often the support provided in custody falls away when an offender is released back into the community. On top of this, we are paying far too much for youth custody, close to £100,000 a place per annum, and in some cases more than £200,000.

Custody punishes by depriving offenders of their liberty, but we must also use that time constructively. It is an opportunity for young people to get help to tackle their offending behaviour and acquire the skills and self-discipline to secure placements in education, training or employment on release. My vision is for secure colleges which refocus a young person's time in custody as education with

"We can't do enough independent investigations, we can't exercise sufficient rigorous oversight about the way that the police deal with complaints. To do that we need more resources, more power. In short we cannot do the job the public expect us to be able to do, and if we are to do that job then we need to be properly resourced to do it, and we need to be given the powers to be able to do it." Having met Anne Owers several times, this writer is not surprised at her genuine frustration.

At present the IPCC cannot even compel officers to answer questions. If the officer decides not to cooperate, he can choose to simply not turn up. TheOpinionSite.org therefore implores the government to gives the IPCC the statutory powers it needs before it is too late. It is totally hypocritical of ministers to accuse other countries of human rights abuses when a huge abuse of power is happening in Britain itself and is happening every day.

Whilst police forces around the country, sensing likely public unrest in the months to come, continue to stockpile rubber bullets, make arrangements to use water-canon, train more officers in the use of automatic weapons, arm all officers with tazer guns and illegally monitor communications of law abiding people -all with the full knowledge and support of the government – the lack of any ability to keep these out of control, uniformed thugs in check is being conveniently ignored.

When he was appointed, the head of the Metropolitan Police, Bernard Hogan-Howe said, "I want people to be afraid of the police." Well, he has at last got what he wanted. A police service that is often hated, distrusted, massively arrogant, out of control, over powerful and positively dangerous to the very citizens the police are warranted to protect.

Without effective control of the police and the ability for ordinary people to bring them to book, the 43 police forces in Britain will soon become so powerful that democracy will be replaced by tyranny. Only an ignorant fool would believe that this could not happen today, especially given the awesome powers the police already have and the likely effect of new powers that they are asking for.

Whether British people like to or not, they should now open their eyes as wide as possible. This week on the BBC, a Chief Superintendent referred to his rank as being "…the equivalent of a colonel or brigadier in the army."; just one example of the police seeing themselves as a military force but there have recently also been many others.

The last European country to have a police force like ours was Germany in 1933. Six years later, Germany's police force had been transformed and the Gestapo was terrorising civilians. It should be noted that nearly all the Gestapo officers had previously been ordinary policemen. Wake up Mr Cameron – before it really is too late.

There's Nowt Folk so Queer as Bent Yorkshire Coppers

1) Police Who Allowed 'Supergrass' Drink, Drugs And Sex

The Yorkshire Post has began a special three-part investigation into one of the darkest chapters in the history of West Yorkshire Police which led to disgrace for the force but not a single officer being held accountable for what they did. The exposé details how officers brazenly corrupted criminal prosecutions by misleading courts over a vast array of improper inducements to a "supergrass" – a convicted criminal being used to give evidence against other criminals. The supergrass, Karl Chapman, was allowed drink, drugs and sex, all of which became an accepted part of how he was treated. It can be revealed that files on at least 10 West Yorkshire officers were prepared for potential prosecution and many more dossiers for

disciplinary action were drawn up but no officer faced a single charge or was disciplined. MPs have now called for officers to be held accountable and for the authorities who oversaw the criminal and disciplinary inquiries to account for why they took no action.

2) Wrongfully Convicted, Danny Mansell And Gary Ford Sue Police

Taxpayers are facing a huge bill for the shocking misconduct of West Yorkshire Police officers which led to convictions in serious criminal cases being quashed, it can be revealed today. Two men have launched claims for damages after spending a total of 20 years in prison on the basis of tainted evidence procured by officers who concealed a vast array of improper inducements to a supergrass.

Both Danny Mansell, whose conviction for murder was overturned, and Gary Ford, who had the majority of his convictions for robbery and burglary quashed, have formally served civil claims on West Yorkshire Police. It can also be revealed that Mr Mansell's solicitor is to formally challenge the Crown Prosecution Service (CPS) over its decision not to prosecute any police officers despite a withering Supreme Court judgment which flatly stated officers had committed crimes. Matthew Gold said he was prepared to take the CPS to court if no adequate explanation was provided.

3) Supergrass: Brothel Provided 'Tender Loving Care' After Court

Supergrass Karl Chapman was taken to a brothel just hours after making what a detective described as a "historic statement" implicating a suspect in a murder investigation. Documents compiled by North Yorkshire Police indicate he was taken to a massage parlour in Leeds just hours after making his first statement providing information about the murder of 85-year-old Joe Smales in Wakefield. Chapman was given £475 but returned to prison the next day with just £6.73 in his pocket.

4) Papers Vanished After Detective's Home Burgled

Documents relating to the inquiry into serious misconduct by West Yorkshire Police officers were stolen during home burglaries. The thefts were one of a series of obstacles North Yorkshire Police ran into when trying to uncover the full scale of wrongdoing at the neighbouring force which also included missing paperwork and prolonged delays in handing over evidence.

Challenges Custodial Settings Place on an individual's Ability to Practise Their Religion

Lesson 1 - Prison Service Instructions regarding religion should be clear and interpretable

The most significant lesson to be drawn from these collective complaints is that the transition from PSO 4550 to PSI 51/2011 has not been smooth. The introduction of the Equality Act 2010 left NOMS in need of updating its instructions with regard to religion. At the same time, other Instructions were being introduced, seemingly without any reference to the fact that PSO 4550 was being replaced. Consequently, there has been the absurd situation of an Instruction on searching of the person referencing a PSO that was replaced two days later. PSI 51/2011 was not a like for like replacement of PSO 4550 and some of the clarity of the original has been lost to no good purpose. Some of the complaints discussed in this bulletin would not have required recommendations if there had been a more unified approach to the issuing of Instructions, or if that guidance had been set out in a more user friendly manner.

Lesson 2 - A fair balance should be sought between security considerations and religious observance. The tension between religious observance and the security needs of the prison is one that will always be present. However, maintaining the balance between clear policy at local and national level, and individual risk assessments helps ensure that decisions are

Report on an Announced inspection of HMP Channings Wood

Inspection 17–21 Sept 2012 by HMCIP, report compiled Nov 2012, published 12/02/113

Inspectors had concerns: - more prisoners indicated that they felt victimised, particularly among the vulnerable population and those who said they had a disability, and although inspectors found little to explain this, the prison should do further work to understand and address prisoners' concerns;

- far too many prisoners thought it was easy to obtain illegal drugs and there was evidence that the diversion of prescribed medication was a problem;
- there were not enough activity places for the size of the population and not all those that were available were used efficiently
- the strategic management of learning and skills was weak.

Introduction from the report: Channings Wood is a medium-sized training prison near Newton Abbot in rural Devon. It holds just over 700 convicted adult prisoners, a significant proportion of whom are classified as vulnerable, largely due to the nature of their offence. At recent inspections we have found Channings to be a reasonably good establishment although, at our last inspection, we did refer to some emergent concerns over safety. At this full announced inspection we again found an establishment that continued to perform reasonably well against most of our tests but with caveats - most notably on the provision of activity.

Security at Channings Wood was proportionate to the establishment's role and risks managing a category C population. The prison was calm, prisoners mainly felt safe and levels of recorded violence were low. However, in our survey, more prisoners than we would have expected indicated that they felt victimised, particularly among the vulnerable population and those identifying themselves as having a disability. Aside from some evidence of name calling and some verbal intimidation, we found no other evidence to provide an explanation for this, but the prison should do further work to understand and address prisoners' concerns.

Work to support those in self-harm crisis was reasonable, and better for more complex cases. Far too many prisoners thought it was easy to obtain illegal drugs, and results from mandatory drug testing were just within target. There was also evidence that the diversion of prescribed medication was a problem. Interventions to tackle the supply of drugs needed to improve, although treatment regimes, including the therapeutic community, were effective.

The general environment in the prison was good with the grounds, in particular, providing a calming and civilised setting. In contrast, the buildings were varied with some housing units needing refurbishment. Overall relationships between staff and prisoners were good, and the promotion of diversity was reasonable, despite negative perceptions among some minority groups, particularly prisoners with disabilities. The provision of health care was satisfactory but with some gaps, and again a number of concerns raised with us by prisoners.

Of greatest concern was the provision of education and purposeful activity, which was not good enough for a training prison. Longstanding weaknesses in provision had still to be addressed, and the strategic management of learning and skills was weak. There was no adequate assessment of need, and the allocation of prisoners to activity needed to improve. There were not enough activity places for the size of the population and worse, not all those that were available were used efficiently. The consequence was that too many prisoners were locked up or on the wings doing nothing. For those who did engage, they experienced generally good instruction and good achievement of accreditation. But too many vocational qualifications were low level, progression was limited and there were missed opportunities to record work skills acquired.

Inquests calls into question the decision making process of the coroner. Since the suspension at the end of last year the families have had to endure unnecessary stress and anxiety, which we now know was completely unjustified. The families have been waiting for over forty years for proper Inquests, the decision by Mr Leckey to suspend them without consulting the families was a bad decision.

At a recent meeting with the Secretary of State for Northern Ireland Theresa Villiers, she confirmed to the families that there was no legal barriers to prevent the Inquests from proceeding and that she had communicated this to the coroner John Leckey.

The Advocate general Dominic Grieves also wrote to the coroner's office stating: "The view held here is that there is nothing in section 14 of the 1959 (Coroners NI) Act, as amended, that prevents the Attorney General for Northern Ireland from directing a new inquest, if on the basis of what he has seen, he considers a new inquest advisable. The test imposed by the section has a very low threshold and the degree of discretion given to the Attorney General very broad. We believe in the absence of a certificate from the Secretary of State, issued under sub-section 2, any direction given by the Attorney General is on the face of it lawful. We agree that if the Attorney General for Northern Ireland in reaching a decision to direct a new inquest does so knowing that there is information relevant to his decision that he has not taken into consideration then, in keeping with general public law considerations, his decision may be subject to challenge but we do not think section 14, as amended, can be read to place a duty on the Attorney General to draw cases to the attention of the Secretary of State. I would also add that whilst the test, sub section 2, imposes on the Secretary of State requires her to consider whether the disclosure of information "may be against the interest of national security"that is not a matter that the Advocate General could take into account if the matter was transferred to him."

The families are looking forward to the preliminary hearings and are confident that the Inquests will start soon. The families continue to demand justice.

Coroners Can Now Move Inquests *Ministry of Justice, Tuesday 12 February 2013*

Coroners will be able to hold inquests at different locations in England and Wales following a law change put in place by Justice Minister Helen Grant. The change to the Coroners Act 1988 means coroners will no longer be restricted to holding inquests within their own district. Coroners will now be able to relocate an inquest if it is in the best interest of the bereaved family and others, such as witnesses. The move is part of a series of reforms to create a coroner system that puts the needs of bereaved families at the heart of the process and ensures consistently high standards across the country. Justice Minister Helen Grant said: "The anguish of losing a loved one in circumstances that require an inquest is unimaginably heartbreaking for any family. We want to ensure inquests can happen without unnecessary delays so families can find closure. That is why I am granting coroners the power to move inquests – at their discretion - to the most suitable location. This will bring about greater flexibility, more timely hearings and some relief to families."

The inquest process: An inquest is a fact-finding inquiry into a violent or unnatural death, a sudden death of unknown cause, or a death which has occurred in prison to establish who has died, and how, when and where the death occurred. The inquest is conducted by a coroner, and s/he hears evidence relating to the body and the circumstances of the death of a deceased person. The inquest is a form of public inquiry to determine the truth. It is not a trial so there are no formal parties. The inquest verdict cannot be framed in such a way as to appear to determine matters of criminal liability on the part of a named person or civil liability. Section 8(3) of the 1988 Act sets out the circumstances in which an inquest must be held with a jury.

made in a fair and transparent manner.

The PPO Annual Report 2011·2012 noted a rise in complaints about religious issues (17 compared to 8 the previous year). Moreover, many more cases that the PPO investigates may have a religious aspect to them even though not specifically categorised as complaints about religion. The majority of complaints with a religious aspect come from prisoners. A few come from immigration detainees. No complaints about religion have been received from those under probation supervision in the past two years. This bulletin explores the challenges facing prisoners or immigration detainees as they seek to practise their faith in the way that they would wish, and the challenges facing staff as they seek to accommodate these needs.

1 See for example Article 9 of the European Convention on Human Rights and rules 29.1-29.2 of the European Prison Rules, 2006. Many of the complaints received were about the provisions made to enable the prisoner or detainee to practise their faith.

Case study 1: Mr N.s complaint was of the most fundamental kind. He complained that he had been told that the Prison Service did not recognise Rastafarianism as a religion. When we investigated, it became clear that the Prison Service was relying on outdated policy that had been superseded by the Equality Act 2010. This sets out nine protected characteristics, one of which is "religion or belief". Home Office guidance on the Act cited Rastafarianism as a religion.

We were satisfied that the relevant NOMS policy group was aware that it needed to bring out new instructions and that this was in hand but we were concerned that in the interim, prisons might be leaving themselves open to action to enforce compliance, including judicial review. We recommended that NOMS headquarters issued guidance to all Governors reminding them of the need to comply with the provisions of the Equality Act. Since issuing this report, NOMS has included Rastafarian festival dates in its annual Religious Festival Dates instruction (PSI 35/2012) for the first time.

The PPO periodically receives complaints about the provision of faith ministers. Two recent examples have been about difficulties in obtaining a Spiritualist minister and a Sikh chaplain. In both cases, we were satisfied that every effort was being made to facilitate visits and that contact had been made with the relevant faith group and chaplaincy headquarters. Consequently, while we were sympathetic to the predicament of the individuals concerned, we did not uphold these complaints.

The PPO also received complaints about the accommodation of religious diets. It appeared from the complaints received by the PPO that prisons made real efforts to provide for a range of diets and to ensure that food was correctly labelled.

Case study 2: For example, when a prisoner complained about the lack of non-Halal chicken available to purchase from the canteen, it was added to the list. Mr B's complaint about the incorrect labelling of non-Halal chicken as Halal was also properly investigated by the prison. This resulted in the Muslim minister providing training to staff so that they could recognise the symbols notifying if food was Halal, even though it appeared the error originated with the prison's supplier rather than the canteen.

Many complaints arise when security considerations affect the ability of the individual to practise his or her religion in the way that they would wish. We received several complaints from prisoners held in segregation units that they were unable to attend corporate worship. Corporate worship by its nature often involves the gathering of large numbers of prisoners, it is therefore right that particular care is taken to ensure the safety of prisoners and staff during acts of worship. In each of the cases we investigated, the key factor was that the decision

to exclude the prisoner had been based on an individual risk assessment, rather than simply because they were being held in the segregation unit. In many cases, arrangements were in place to allow the relevant faith minister to visit the prisoner in the segregation unit. None of these complaints were upheld.

Searches are an integral part of prisons' security strategies and are necessary to maintain safe and secure prisons. Religious items and clothing are not exempt from security requirements. However, it is important that such searches are conducted sensitively and with respect.

Case study 3: Mr C complained that his statue of the Buddha had been lifted by the head during a cell search. On this occasion, we considered that a thorough investigation had been carried out by the prison, which had upheld Mr C's complaint and taken a number of actions to ensure that staff conducting cell searches were better trained in the future. We were satisfied that no further action was necessary.

Case study 4: Mr D complained that he was asked to remove his religious headwear when being searched. Mr D was held in a high security prison whose local security strategy required all prisoners' religious headwear to be searched when leaving an area. Mr D's concern was that he wore a turban which was time consuming to put on, only to have it searched a short while later. He felt the prison was not complying with PSO 4550 which had said that religious headwear should not be searched as a matter of course unless there had been a positive indication from a hand-held detector. The investigation established that the guidance on searching of the person was contained in PSI 67/2011 issued on 1 November 2011. It referred the reader to PSO 4550 for further guidance on the searching of religious headwear. However, on 3 November 2011, PSO 4550 had been replaced by PSI 51/2011 which allowed headwear to be searched at any time, 'taking into account security concerns'. We did not uphold Mr D's complaint because it was clear that the local security strategy did not contravene any national policies, and we did not consider the policy to be unreasonable.

Nevertheless, we were concerned by the inconsistencies between the new PSis and PSO 4550. We considered that this was a sensitive area with the potential to cause problems in prison and recommended that clear instructions about the searching of religious headwear were issued.

One of the noticeable effects of the replacement of PSO 4550 with PSI 51/2011 is that it is not as easy to find the relevant guidance on individual religions as was previously the case. In particular, whereas previously all the information about a particular faith was contained in an annex to PSO 4550, now there are annexes for each religion. However, the list of religious artefacts allowed in possession and exempt from volumetric control is contained in a summary document at the end of the PSI with no separate annex number. Although it suggests that these items will have been listed under each faith annex, this is not the case. Consequently, important guidance for staff is no longer signposted and can be easily overlooked. The effects of this have been clear in the number of cases that the PPO has investigated about items necessary to a prisoner's religion, notably ablution jugs for Muslim prisoners. It is difficult not to think that some of these complaints could have been resolved earlier, without recourse to the PPO, had relevant guidance been easier to locate within the PSI.

The PPO investigated a number of other cases concerning religious property that prisoners complained they were not allowed in possession. In some cases, these items had been sent in from outside, in contravention of the prison's Incentives and Earned Privileges (IEP) scheme. We supported the prisons' wish to maintain the integrity the IEP scheme. In one case, a prisoner had been sent two books by his religious adviser outside the prison to help him

she agrees with Lee that "society has learnt nothing". McNutt points to the 2009 case in Edlington, South Yorkshire, where two brothers, aged 10 and 11, brutally burnt, stabbed and sexually assaulted two boys, aged nine and 11. "The Edlington children who, like the Bulger murderers, were among the most damaged and vulnerable members of our society, were damned as the 'devil brothers', 'hell boys', 'Savages' and 'Torture bruvs'," she said. This matters, said McNutt, because "as long as the media and politicians continue to talk about children in this way, the public take their lead from them and think it's OK to do likewise. The result is we've created a culture of fear around children and young people. We've created a fractured, scared and defensive society."

England and Wales now spend 11 times more on locking children up than on preventing youth crime, according to the Home Office. It costs about £215,000 a year to keep a child in one of the UK's 10 secure units. Yet about 75% of young people leaving custody will reoffend, and 27% of adult prisoners have been in care. Reoffending by these former children in care costs about £3bn a year.

Professor Barry Goldson, Charles Booth chair of Social Science at the University of Liverpool, agreed that "the significance of the Bulger case – in influencing the mood and trajectory of subsequent youth justice policy in England and Wales – can hardly be overstated." Goldson believes the case was "cynically and shamelessly hijacked by politicians and the media". He said: "By exploiting – if not manufacturing – public anxieties and emphasising 'evil' and corrosive moral malaise, politicians promised to introduce ever-more repressive youth justice policies and offer confident assurances that they would re-install discipline, decency, standards and order."

The result is a contemporary youth justice policy in England and Wales "in which the rights of children and the imperatives of justice – both social and criminal – are seriously compromised". The criminal justice system for juveniles in England and Wales is now the most punitive in Europe, if not the western world, based on sentences and age of legal responsibility – aged 10 compared with the average in Europe of 14. It is repeatedly criticised by the UN Committee on the Rights of the Child. "While it's too much to say reactions to the Bulger case are the cause of this hardening," said Goldson, "the case was a watershed moment that certainly served to concretise a percolating harshness in the governance of youth crime that, despite a change of government in 1997, has endured."

Venables and Thompson were detained for eight years and released with new identities in 2001; Venables was recalled to prison in 2010 after being caught with child pornography on his computer. This week, James Bulger's mother, Denise Fergus, who two years ago set up the James Bulger Memorial Trust charity to help children victims of crime and bullying, said Venables should not be released. "I'm not saying he should never be released, I don't believe that. But now is not the right time because he is a danger," she said.

Ballymurphy 11 Massacre Campaign

The Ballymurphy 11 were murdered by the British Army during the first 3 days of Internment in 1972. No one was ever brought to justice and the victims have never had the focus of the Bloody Sunday victims. The Ballymurphy victims were shot over 3 days in their own back streets.

On Monday 11th February the Ballymurphy Massacre families were in The High Court Belfast to hear that the suspension of their Inquests has been lifted. In November 2012 the coroner John Leckey suspended the Inquests on the grounds that the Attorney General did not have the legal authority to grant them, he referred the matter to the Secretary of State for Northern Ireland Theresa Villiers and The Advocate General Dominic Grieve QC.

Monday’s decision by the coroner to formally abandon his previous decision to suspend the

Early Day Motion 1057: Prison Population And Short-Term Sentences

That this House is concerned that the prison population is too high and that there continues to be a worrying number of largely overcrowded prisons in the UK that are housing up to 83 per cent over their certified normal accommodation numbers; and notes that consideration should be given to a move towards alternative rehabilitation methods, such as usingcommunity sentences to replace costly short sentences of up to six months, not only to tackle the prison population but to benefit communities, improve prison conditions and reduce the fiscal burden of housing the current prison population which currently stands at an estimated 13 billion per year. *Sponsors: Swales, Ian/ Bottomley, Peter / Farron, Tim / Meale, Alan*

James Bulger Killing: 20 Years on *Amelia Hill, The Guardian, Monday 11 February 2013*

Society's view of young people still as venomous as 1993 says the lawyer who represented one of the two-year-old's killers James Bulger's mother Denise Fergus hopes to address a parole hearing for Jon Venables, arguing he remains a psychopath and a danger to society.

Sentencing 11-year-olds Robert Thompson and Jon Venables to detention without limit for the murder of two-year-old James Bulger 20 years ago on Tuesday, Judge Morland surrendered to public pressure to name children and condemned them as guilty of "unparalleled evil and barbarity". Outside Preston crown court, a mob threw stones and bayed for their blood. A Daily Mirror headline said the boys were "Freaks of Nature"; the Daily Star asked: "How Do You Feel Now, You Little Bastards?". The Sun's front page stated that the "Devil Himself Couldn't Have Made A Better Job of Two Fiends". Politicians, meanwhile, damned the boys as "Nasty little juveniles", "Hooligans", "Worthless" and "Evil".

According to Blake Morrison, who studied the case in his book, As If, the murder and the subsequent events "shamed Britain in the eyes of the world – not because the murder itself was so shocking (though it was) but because of the media circus, the court process, the inability of the boys to instruct their lawyers and the public's opposition to the possibility of them being rehabilitated." Understandably, the Bulger case began a nationwide wave of shock and moral panic. But people had no sooner started to ask what kind of world is it where children could kill children, when Michael Howard, the then Home Secretary, exercised his power – now abolished – to extend the children's minimum tariff from the original eight to 15 years: a move that was reversed by the European Court of Human Rights in 1999.

The soul-searching continued. As the lynch-mob mentality calmed, some of those at the heart of the case began to question the degree to which they had become caught up in the wave of panic. A juror, Vincent Moss, said as the case progressed in Europe: "We should have gone back into court and said yes, we do have a verdict: our verdict is that these boys are in urgent need of social and psychiatric help."

How much has changed in the 20 years? Laurence Lee, the lawyer who represented Venables, is bleak. "Despite all the questioning about how society failed Venables and Thompson, as well as James Bulger, and how the mob, media, courts and politicians behaved during and after the trial, nothing has really changed," he said. "Sentencing of children is more sympathetic," he concedes, "but society is still as venomous as it was back in 1993. Mob law was on the point of winning back then. If we look at more recent cases involving children, we can see nothing has really changed."

Helen McNutt, an author, has studied the newspaper coverage of cases from the Bulger trial to contemporary cases to trace the development in the way we view young people today, and

gain a greater understanding of his faith. On this occasion, the books themselves raised no concerns and a compromise was reached whereby the books were donated to the prison library. The prisoner was then able to access them without any compromise to the IEP scheme. This is a resolution that the PPO has successfully negotiated on other similar occasions and one that prison governors might wish to consider as a resolution in such circumstances.

In general, prisons try hard to accommodate the religious needs of prisoners.

PPO investigators have seen evidence that staff treat complaints about religious issues with seriousness and sensitivity and this is to be commended. There is no need for the PPO to carry out in depth investigations or make recommendations if all the learning from an incident has already been identified and implemented.

Prisons & Probation Ombudsman, Independent Investigations February 2013

Corpus delicti (Latin for: "body of crime") referring to the principle that a crime must have been proven to have occurred before a person can be convicted of committing that crime.One of the key aspects of the Scottish law of evidence is that no person may be convicted of a criminal charge on the evidence of a single witness.

Sheriff's Anger As She Scraps Dundee Meat Cleaver Attack Trial *The Courier, 24/01/13*

Sheriff Elizabeth Munro told members of a jury that she was "extremely angry" before apologetically sending them home. She was at the end of the two-day trial of Chun Long Lin, who was accused of attacking a Dundee woman with a meat cleaver. Chun (35) was found not guilty of the assault, which was alleged to have taken place at a flat on Dens Road nearly seven years ago. Sheriff Munro told jurors there was insufficient corroboration to proceed with the trial — and she spoke of the sequence of events that led to the alleged victim, Rong Ling (35), having to give evidence.

She said: "I'm extremely angry about this. That poor woman was put through an ordeal yesterday afternoon that she should never have been put through. I will be making a formal complaint. A victim should not be treated in that way."

Dundee Sheriff Court had heard that Mrs Ling was attacked in her home in April 2006, leaving her with a number of wounds to her head and face and a badly-broken nose. Sheriff Munro ruled there was nothing to corroborate the suggestion Chun was responsible for the assault, however. She said: "There is a very important principle of Scots law, one of which we are very proud, that says no person can be convicted on the evidence of one person alone. No matter how credible or reliable the source of the evidence, there must be corroboration. There is sufficient evidence here that a crime was committed. However, there is no corroboration at all that the person in the dock was the person who committed the crime."

Mrs Rong wept as she told the court she and her husband had taken Chun, her cousin, into their home and found him a job. She said Chun had been a "good man" until he became addicted to gambling and had been acting normally before allegedly launching the attack. Neighbour Fiona Malloch (38) described how Mrs Rong turned up at her door with her face and head "sliced open" at about 11pm on the night in question. Mrs Rong was taken to Ninewells Hospital, where accident and emergency staff stitched her wounds and treated the open fracture to her nose. The court heard from Dr Sarah Gotts (32), who said the injuries — photographs of which were shown to the jury — were likely to have been inflicted by a sharp implement. The trial was cut short at the conclusion of the Crown's evidence when Sheriff Munro ruled the matter of the attacker's identity could not be corroborated. Prosecutors had hoped to use Chun's disap-

pearance after the alleged incident as corroboration of Mrs Rong's evidence.

Chun, who was described as a prisoner at HMP Perth, had denied a charge of seizing Mrs Ling by the neck, grabbing her hair and forcing her face into a pillow, pulling her and repeatedly striking her on the head and body with a meat cleaver or similar sharp instrument to her severe injury, permanent disfigurement and to the danger of her life.

László Károly v Hungary (no. 2) (no. 50218/08) - Complaint Against Police Brutality

The applicant, László Károly, is a Hungarian national who was born in 1950 and lives in Budapest. The case concerned his complaint about police brutality. He alleged that he had got involved in a fight with some plain-clothed police officers in September 2000 and had been taken to the local police station where he had been repeatedly beaten and insulted. Mr Károly immediately filed a complaint against the police officers involved but the Hungarian authorities discontinued the investigation. Simultaneously, Mr Károly was charged with drunken driving and violence against an official. He was acquitted. In November 2008, he was awarded compensation following an official liability case he had brought against the Budapest Police Department and the Attorney General's Office in which the national courts found, without addressing the issue of police brutality, that he had not resisted arrest and had been unlawfully prosecuted. Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Károly alleged excessive use of force. In particular, he claimed that the multiple bruising he had sustained could not be justified by his alleged resistance to arrest as the domestic courts themselves had found – in the liability case – that his behaviour had not warranted the force used by the police. - Violation of Article 3 (inhuman treatment) Just satisfaction: EUR 5,000 (non-pecuniary damage) and EUR 3,000 (costs and expenses)

D.G. v. Poland (no. 45705/07) - Care in Prison Incompatible With Medical Needs

The applicant, D.G., is a Polish national who was born in 1980 and lives in Siedlce (Poland). He was tried in various criminal proceedings and sentenced to a total of eight years' imprisonment. A paraplegic confined to a wheelchair and suffering from a number of health problems, he complained that during his three terms of detention – in January and February 2001, from September 2003 to May 2004 and from September 2005 to June 2008 – the care given to him and the conditions of his detention had been incompatible with his medical needs. In particular, he alleged that the prison facilities were not adapted to the use of a wheelchair, which had resulted in problems of access to the toilet facilities, and that he had not received a sufficient supply of incontinence pads. Furthermore he maintained that his cells had been overcrowded and dirty and he had had to share them with smokers. He relied on Article 3 (prohibition of torture and of inhuman or degrading treatment). - Violation of Article 3 (material conditions of the applicant's detention in view of his special needs) Just satisfaction: EUR 8,000 (non-pecuniary damage)

Justice minister, Chris Grayling, Accused of Legal Interference

Chris Grayling, the Justice Secretary and Lord Chancellor, was at the centre of a major legal row last night amid accusations that he politically interfered with a judicial decision taken by his own department. Senior officials acting on behalf of Mr Grayling, in his official capacity as Secretary of State, signed a "consent order" granting anonymity to a prisoner who is applying to be moved to an open jail after serving decades of a life sentence for murder.

A High Court hearing last month heard how the anonymity order was approved by the Secretary of State and the Parole Board after the man's lawyers argued he could be attacked, or even killed, in the new prison if his identity was revealed, as the nature of his crime was so horrendous. The order prevented reporting of the man's identity and his victims. Yet when the court hearing was reported by the Daily Mail, which voiced outrage that the prisoner's rights were being put before the feelings of his victims' families, a spokesman for Mr Grayling claimed he had never approved the order.

As Labour called for an inquiry into the affair, the Ministry of Justice stated that the order had been signed on behalf of Mr Grayling because of a "misunderstanding" by officials, and that the minister had no personal knowledge of the decision. The minister has ruled that the order must be overturned. Yet sources close to the case question how the Lord Chancellor, who is the first non-lawyer to hold this post, could later overturn a legally binding decision signed off by the Treasury solicitor – one of the most senior legal officials in government – on the minister's own behalf.

A House of Lords ruling in 1994 made clear that when a Secretary of State is a party to litigation and is represented by the Treasury solicitor, undertakings on his behalf in his official capacity are binding, regardless of whether the minister knew about the case personally. This means, legal sources say, that Mr Grayling could be acting in breach of his powers in trying to overturn his own department's decision.

The leading QC Geoffrey Robertson, whose chambers are representing the prisoner, said in a letter to government officials, seen by this newspaper: "It is in consequence a simple fact that the Secretary of State was a consenting party to the Anonymity Order and it was wrong for his department to deny this fact." In a separate letter to Mr Grayling, Mr Robertson said it was a "blatant and readily demonstrable lie" that the minister did not support the ruling, since his own officials were present at the court hearing on 23 January.

Legal sources also question how a "misunderstanding" could have happened when the case involving the prisoner, known only as "M", is a well-known and sensitive one inside the Ministry of Justice. The shadow Justice Secretary, Sadiq Khan, who is to table questions in Parliament calling for an inquiry into the affair, said last night:

"Playing politics with a very sensitive and important legal issue, and allegations that false information was fed to the [press] which may have smeared the reputation of the barrister involved, is not the behaviour the public expect of the Lord Chancellor. "If the facts of the case show that the offender's anonymity was approved on behalf of the Secretary of State, then he must immediately retract his statement that attacked the decision, and issue a swift apology to those whose reputations are being damaged.

We need... an inquiry into how this happened, and questions I am asking about... whether [the Secretary of State] authorised his spokesperson or special adviser to issue a statement need answering immediately. To be in a situation where the Lord Chancellor is attacking a court's decision, yet that very decision was approved on his behalf, calls into... doubt Mr Grayling's appropriateness to be in charge of our legal system."

The Constitutional Reform Act 2005 removed the judicial functions of the Lord Chancellor, which are now taken by the Lord Chief Justice. In 2011, Lord Phillips of Worth Matravers, a former Lord Chief Justice, said he was "very committed to the independence of the judiciary from the executive". A Ministry of Justice spokesman said: "A consent order was signed by the Treasury solicitor in the case of R(M) v Parole Board. This was as a result of a misunderstanding between government officials. The Secretary of State did not give his approval for the anonymity order. We have applied to have the order set aside."