both the evidential and public interest stages of the Code for Crown Prosecutors have been met, a private prosecution should only be taken over if there is a particular need for the CPS to do so. “In this case we do not consider there is a particular need for the CPS to take over the prosecution.” Mr Doherty will now resume his prosecution, which will be led by an independent professional barrister. Mr Doherty told The Independent: “This has been a long and very stressful battle. The failure of public institutions like IPCC and the CPS forced me to take this unusual route. The proper place for this matter to be adjudicated is before a jury, not in a back office.”

Drug Baron Told to Pay £185M – or Face a Further 10 Years in Jail

One of Britain's most notorious drug smugglers has been told to pay up – or face another 10 years in jail. Curtis Warren, the only drug dealer to make it on to the Sunday Times Rich List, faces trial this week in Jersey where he was jailed in 2007 over a £1m cannabis-smuggling plot. Authorities believe the 50-year-old has benefited to the tune of £185m from a global empire of drug trafficking that once saw him named as Interpol's most wanted. Warren, a former bouncer from Liverpool, who has spent all but five weeks of the last 17 years in jail, says he does not have anything like that amount of money. Speaking exclusively to the Guardian, he said: "It's pathetic. I've been in jail 17 years. It's such a fantastic figure that it can't be met in any currency unless they are expecting Turkish lire or [old] Italian money, which is a million-note job.". He believes authorities in Jersey, working closely with the UK's National Crime Agency, simply want to keep him behind bars. If he loses the case and doesn't pay up, he will be given an extra 10 years in jail.As things stand, Warren could be released as early as January next year, after serving half of his 13-year Jersey sentence. Ever since his arrest in St Helier in the summer of 2007, he has been shuttled around various prisons, including Belmarsh in south London, Full Sutton in the East Riding of Yorkshire and La Moye, Jersey's only jail.

Prisoners: Back Hammer Restraint *House of Lords / 21 Oct 2013 : Column WA134*

Minister of Justice (Lord McNally) (LD): The back hammer restraint is an approved technique for use in NOMS establishments involving holding of the arm behind the back. It is used to ensure the safe relocation within the prison of a violent and non-compliant prisoner in order to minimise the risk of harm to both the prisoner and staff. The technique enables the safe withdrawal of staff from an area such as a cell where the prisoner is threatening staff. As with any type of force, it must be used only as a last resort and when used must be necessary, reasonable and proportionate to the circumstances of the incident. The techniques used by staff have been specifically developed in order to take account of both the safety of staff applying the techniques and that of the prisoner on whom the techniques are used.

Hostages: Jamie Green, Dan Payne, Zoran Dresic ,Scott Birtwistle, Jon Beere, Chedwyn Evans, 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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MOJUK: Newsletter ‘Inside Out’ No 448 (24/10/2013)

Lord Neuberger - Justice In An Age Of Austerity -

Introduction: Rule of Law: 1. Good evening. It is an honour to have been asked to deliver this year's Justice Tom Sargant Memorial Lecture. I have taken as my subject 'Justice in an Age of Austerity' . It is a topic which is as unoriginal as it is important and topical, but I make no apologies for its unoriginality because it is so important and topical. Without justice there is no rule of law, and the present economic crisis presents all those who are concerned about the rule of law with both problems and opportunities. And it is not just lawyers and litigants who should be concerned about the rule of law. Because it is so fundamental to our lives, every citizen should be concerned about the rule of law.

2. Of course, the rule of law can mean different things. At its most basic, the expression connotes a system under which the relationship between the government and citizens, and between citizen and citizen, is governed by laws which are followed and applied. That is rule by law, but the rule of law requires more than that. First, the laws must be freely accessible: that means as available and as understandable as possible. Secondly, the laws must satisfy certain requirements; they must enforce law and order in an effective way while ensuring due process, they must accord citizens their fundamental rights against the state, and they must regulate relationships between citizens in a just way. Thirdly, the laws must be enforceable: unless a right to due process in criminal proceedings, a right to protection against abuses or excesses of the state, or a right against another citizen, is enforceable, it might as well not exist.

3. The rule of law is a topic which is often discussed in ringing terms, with inevitable rhetorical references to the Magna Carta, Human Rights, and Tom Bingham's brilliant book. Everyone agrees that it is essential for any modern civilized democratic country to have the rule of law. But in a country where we have had parliamentary democracy, uninterrupted by invasion, revolution, or tyranny for over 300 years, it is difficult to strike a real chord with most people outside the legal world when talking about the rule of law. Most non-lawyers take it for granted and think of it as some abstract idea which may have had some relevance in the UK long ago.

4.That is to make the same mistake as Francis Fukuyama, when he wrote of 'The End of History'in 1989. He suggested that we should be seeking what he called 'the universalization of Western liberal democracy as the final form of human government', as it was the culmination of humanity's social and cultural evolution. It was the same mistake as many leading physicists made towards the end of the 19th century when they thought that they had got all the answers. Just as those physicists were shown to be quite mistaken by quantum physics and relativity within a couple of decades, so was Fukuyama shown to be wrong, as, to his credit, he effectively conceded, within a very short time.

5. I am not being alarmist, but there is a deep truth in the adages that the price of liberty is eternal vigilance, and that all it takes for wrong to triumph is for good people to do nothing. The media may concentrate on the government’s health, social security and education programmes, but these are both secondary, and rather recent, functions of government. The defence of the realm from abroad and maintaining the rule of law at home are the two sole traditional duties of a government. More importantly, they are fundamental. If we are not

free from invasion, or the rule of law breaks down, then social security, health, and education become valueless, or at any rate very severely devalued.

6. Like the rule of law, my topic this evening, justice, is an expression which can mean the same thing as the rule of law, or it can have the narrower meaning of effective access to the courts for citizens to protect and enforce their fundamental rights. It does not, I think, matter which of those meanings you give it in the present context, so let me assume that it has the narrower meaning.

7. Overall, justice in the United Kingdom is in pretty good shape, in the sense that we have a society which is governed by the rule of law, and which is reasonably civilized and successful. Hence, it may be said, the risk of complacency to which I have referred. But, while things are generally not too bad, I detect two real problems in relation to justice. Both those problems may be summarised in one word, accessibility: accessibility to the law and accessibility to the courts. And it is to those problems that I now turn.

(2) Law Must be Accessible: 8. Citizens cannot get justice if they cannot find out relatively easily what their rights and their duties are. That means that the law, which, in our system of parliamentary sovereignty with an overlay of common law, means statutes, statutory instruments and judicial decisions, should be properly accessible. In terms of physical availability, the situation is pretty good, at least for those with access to the internet.

9. The Government's freely accessible website has all statutes and SIs. But the incorporation of insertions, amendments, repeals is often very slow, which is unacceptable because there are many such changes, and a significant proportion of them are quite radical in their effect. It seems to me self-evident that any changes to legislation must be easily and promptly available to everyone. Despite the welter of legislation, which I shall shortly turn to, it would not cost very much money to keep the statutes and SIs promptly updated: even in an age of austerity, I believe that serious consideration should be given to making this improvement.

10. So far as case-law is concerned, the freely available bailii.org website does a magnificent job at trying to ensure that all significant decisions of the High Court (and its Scottish and Northern Irish equivalents) and appeal courts are very promptly reported, as well as the Luxembourg and Strasbourg court decisions. The Ministry of Justice, and indeed many others, deserve thanks for the financial support they give to the website. It would be a disaster if it shut down.

11. And if one uses a search engine to look for information on cases, there is often a wealth of disparate material about the more significant judicial decisions, most of it pretty accurate ˆ and much of it on the websites of the firms and chambers of the lawyers involved in the case. (You can normally tell if they were on the winning side: their websites say if they were, but merely record their involvement if they were not. As a judge, you worry when both sides claim that they won.) And the Supreme Court website has all our decisions, including those of the Privy Council, in an easily accessible form.

12. We do less well on the equally important issue of accessibility in terms of substance, because of the sheer complexity and sheer volume of current legislation and case-law

13. The quantity of legislation has increased beyond recognition in the past thirty years, and it is getting ever more complex. Governments seem to suffer from what might be called the Mikado syndrome. In the second Act of that operetta by Gilbert and Sullivan, Koko is trying to explain why he has not executed Nanki-Poo despite the Mikado,s order that he do so. He says: "It's like this: When your Majesty says, Let a thing be done" it,s as good as done practically, it is done - because your Majesty's will is law. Your Majesty says, Kill a gentleman, and a gentleman is told off to be killed. Consequently, that gentleman is as good as dead; prac-

Appeal Act 1995 to obtain from various sources previously unseen material relating to the case, the Commission has decided to refer Mr Butler's conviction to the Court of Appeal. The referral is based on new evidence, including information showing that the complainant made a substantial number of sexual allegations against different men and that some of those allegations were subsequently retracted and others were found to be untrue or unsubstantiated.

Some of the information on which the Commission's referral is based is of a sensitive nature. For this reason, certain details have been set out in a confidential annex that will be provided to the Court of Appeal and to the Crown Prosecution Service but not to Mr Butler and his representative. It will now be for the Court of Appeal to decide what, if anything, it considers it appropriate to disclose to Mr Butler and his representatives.

Mr Butler is represented by Wells Burcombe LLP, 5A Holywell Hill St Albans AL1 1XU

MOJUK note: Once again the CCRC are referring a case to the Court of Appeal but are not telling Carl Butler or his legal representatives, why they are referring the case. Evidence will be given in secret to the court, leaving it up to the judges, whether they will disclose anything to Mr. Butler.

Private Citizen Wins Right to Prosecute Met Police Worker *Tom Harper, Indpendent, 18/10/13*

Unprecedented criminal action by an individual against police worker gets go ahead from CPS. Scotland Yard is facing fresh embarrassment after a citizen won the right to launch what is thought to be an unprecedented private prosecution of a police employee for perverting the course of justice. Michael Doherty has triumphed in his five-year battle to personally bring criminal charges against a Met civilian worker, Tracey Murphy, who is alleged to have made false claims about the former aircraft engineer in a sworn witness statement. It is believed to be the first time in UK legal history that an individual, rather than the Crown Prosecution Service, has managed to launch a private prosecution against a police civilian worker. The news raises fresh questions about police conduct – days after the IPCC criticised the "honesty and integrity" of three officers implicated in the "Plebgate" conspiracy. Ms Murphy, who is the secretary to the Hounslow borough commander, Carl Bussey, made a police statement alleging that Mr Doherty called her ten times over two days and made her feel "upset" and "harassed". The father-of-three then decided to bring a private prosecution against her, alleging that the witness statement was false.

The bizarre case erupted in 2008 when Mr Doherty, who lives in Hillingdon, passed the Met an 86-page dossier of evidence that he claimed showed a relative had been the victim of a crime. Frustrated by a lack of progress, he says he phoned Hillingdon police station five times to try to speak to a senior officer and establish the status of the investigation. During these calls, Mr Doherty spoke to Ms Murphy. Three days later, officers arrested him at home on suspicion of harassing their colleague. Ms Murphy then made a police statement alleging that Mr Doherty had called her repeatedly and made her feel "upset" and "harassed", which the Met relied on to justify his early morning arrest. Mr Doherty was later cleared at trial and reported the matter to the Independent Police Complaints Commission. However Deborah Glass, the deputy chair of the IPCC, decided that a "proportionate and appropriate outcome" would be a reminder to officers to keep "accurate and detailed notes". Unperturbed, Mr Doherty launched a private prosecution of Ms Doherty, and the Crown Prosecution Service took over the case in November 2011. The CPS later tried to drop the case, leading Mr Doherty to launch a judicial review.

Now, in a signed consent order agreed last week, CPS lawyers have conceded there is "enough material to provide for a realistic prospect of conviction" and that it is in the public interest for the prosecution to proceed. A CPS spokesperson said: "In accordance with CPS legal guidance, where

positive relationships with their children and families. Telephones lacked privacy, visits often started late and women had to wear bibs to identify themselves during visits. As at our last inspection, work to support prisoner's families and help women with their relationships was underdeveloped.

Purposeful activity was the weakest area of the prison. Time out of cell was reasonable for those in activities but much poorer for women who only had a part-time or no activity place and for those on the basic IEP level. Outside exercise periods were too short.

While there were enough activity places for the population, too few were used. A revised process to move prisoners to activities was not working - there was no shared understanding of where women were supposed to be and when, or of whether they actually got there. Consequently, punctuality and attendance were poor. Achievement levels and the quality of teaching also needed attention. There were too few vocational training places.

There was an impressive range of partner organisations involved in delivering the reducing reoffending pathways. Women had their needs assessed on arrival and pre-release, and although planning and coordination required improvement, the sheer scale and variety of provision usually meant women could access the support they required. The offender management unit had recently reformed and was still settling down, but work with women who posed the highest risk was sound.

Some of Holloway's most significant strengths and weaknesses are outside its direct control. Its location is a major strength, its size and design a major weakness. However, there are things it can do to mitigate its weaknesses and build on its strengths. More needs to be done to ensure that the impressive progress on safety is securely embedded, and women's remaining and real anxieties better understood and addressed. Better provision of activity would make the prison a safer and more respectful place. Family support work is surprisingly underdeveloped and yet it is of critical importance to the women held, and something that Holloway should be well placed to deliver effectively. Nevertheless, overall, although there is still more to do, this remains the most positive inspection this inspectorate has yet made of HMP Holloway.

CCRC Refers the Rape Conviction of Sajid Ali Court of Appeal

Criminal Cases Review Commission has referred the rape conviction of Mr Ali to the Court of Appeal. Mr Ali pleaded not guilty but was convicted of rape at Birmingham Crown Court in January 2009 and sentenced to five years' imprisonment. He tried to appeal against the conviction but the appeal was dismissed in 2010. He applied to the Commission for a review of his case in 2010. Having considered the case in detail, the Commission has decided to refer Mr Ali's conviction to the Court of Appeal because it believes there is a real possibility that the court will now quash his conviction. The referral is made on the basis of new evidence identified by the Commission that the complainant had previously made a demonstrably false complaint the circumstances of which were sufficiently similar to the complaint about Mr Ali that it is relevant to the credibility of the complainant in Mr Ali's case.

Mr Ali is represented by Rafiq & Co, 291 Roundhay Road, Leeds LS8 4HS.

CCRC Refers the Rape Conviction of Carl Butler Court of Appeal

Criminal Cases Review Commission has referred the rape conviction of Carl Butler to the Court of Appeal. Mr Butler pleaded not guilty but was convicted of rape at Sheffield Crown Court in May 1998 and sentenced to life imprisonment with a minimum term of six years. The following year Mr Butler sought to appeal against his conviction but the Court refused leave to appeal. In 2011 Mr Butler applied to the Commission for a review of his conviction.

Having reviewed the case in detail, and having used its powers under Section 17 of the Criminal

tically, he is dead, and if he is dead, why not say so?" The Mikado replies "I see. Nothing could possibly be more satisfactory!" In the same way, many politicians appear to believe that, if Parliament passes legislation to deal with a problem, then the problem is dealt with.

14. Contrary to the Mikado's view, nothing could be less satisfactory. Partly because there are so many perceived problems in society, there is a welter of ill-conceived legislation ˆ poor in quality and voluminous in quantity. The result is little more than the illusion of action without much in the way of the reality of achievement, coupled with uncertainty and confusion about the law. Self-evidently, this is not conducive to justice, and, furthermore, it brings the legislature, even the rule of law, into disrepute.

15. I mean no criticism of parliamentary drafters or of MPs or Peers. The pressure on them is such that they cannot do their jobs properly, as they themselves have made clear. Let me take a very recent example. Exactly a week ago, the House of Lords considered the Financial Services (Banking Reform) Bill, in what was optimistically described on the Parliamentary website as "the first chance for line by line scrutiny, in the Lords". Lord Turnbull, a cross-bencher, pointed out that the "total amendments [run to] 116 pages and government amendments accounting for 95 pages of that: more than three times the length of the original Bill. That tells us something about the process of legislation. We are dealing with amendments to amendments to amendments which are in turn amending statutes that have already been amended more than once". Lord Higgins, a Conservative, said that "the way that the Bill is drafted makes it extremely difficult for the House to work out what is happening from moment to moment on an unbelievably complex matter".

16. Lord Phillips of Sudbury, a Liberal Democrat, described "the complexity of both the Bill and the amendments as "quite barbaric:, and Lord Barnett, for Labour, said that he had "enormous sympathy" with the view of Lord Turnbull "that he has never seen such a shambles presented to any House[9]". He immediately went on to say'"As Chief Secretary to the Treasury, I had the misfortune for five years to take two Finance Bills a year through, mainly because the first Bill had to be amended because it had not been properly scrutinised; it had been guillotined by all successive Governments. Yet I have never seen anything remotely like this Bill".

17. So here we have a Parliamentary debate on a Bill whose importance could scarcely be greater, a debate and a Bill which are condemned from all sides of the political divide as plainly unsatisfactory, and where a former Minister indicates that the problem is not new. Examples abound. With almost every recent outgoing Chancellor of the Exchequer, the already enormous and convoluted volume of revenue statutes and SIs has increased. The state of criminal statute law is remarkable in its extent and complexity. Ten years ago, the recently retired Law Lord, Lord Steyn, referred to there being "an orgy of statute-making". A 2006 Law Commission report recorded the total number of pages of statutes and SIs in 1965 as 7,567, whereas in 2005, it was three times as extensive 20,800 pages which were more than 10% bigger than in 1965. It is fair to say that the 2005 figure incorporates European directives and regulations, which no doubt has an impact.

18. I appreciate that life gets ever-more complex, but that reinforces, rather than undermines, the need for simplicity in legislation. Legislation is often introduced because the present state of the law is less than perfect. But it is too easy to see the problems with the status quo, and too unappetising and too difficult to see the equally great, or even greater, problems which would arise if the law was changed. It is wrong to see reform as inherently good ˆ it costs a lot of money, it increases uncertainty, and it causes confusion and loss of morale. Our ever changing world is a challenge, but our reaction to it should be principled, thoughtful and cautious.

19. We need legislation which is more critically and expertly considered and which is significantly less in quantity. Steps to that end such as Parliamentary post-legislative scrutiny, which are being taken in this regard, are to be applauded. Less and better legislation will not only mean better justice, as the law will be clearer and simpler. Because such a change will involve fewer statutes and SIs, it will also reduce costs ˆ an important factor in the age of austerity. And not only the direct costs of producing legislation, but also indirect costs, because less legislation means less change, and change is expensive.

20. When it comes to court judgments, we Judges could do better as well. We are often pretty prolix. When we deal with the facts of a case, that is understandable, and it doesn't normally matter, because only the parties in the case are interested, and they often want the Judge to say precisely what he or she thinks happened, or who is to be believed and why. But when Judges deal with the law, we are often setting out principles which strangers to the particular case, lay people, lawyers and other judges, should be able to understand and apply. We seem to feel the need to deal with every aspect of every point that is argued, and that makes the judgment often difficult and unrewarding to follow. Reading some judgments one rather loses the will to live and that is particularly disconcerting when it's your own judgment that you are reading.

21. Electronic media have a lot to answer for. It's not only the word processor, which encourages prolixity, but it's also the easy electronic availability of almost every decided case. Advocates feel under a duty to cite any conceivably relevant judicial decision, and the judge then feels that the decision must then be referred to in the judgment. In addition, in this increasingly open and competitive world, many judges want to show the parties, an appellate court or the academics that they have understood every aspect of every argued point. Many of us Judges should, I suggest, be more self-confident, more ruthless, when we write our judgments.

22. And it is also important that we judges ensure, as far as we properly can, that the common law, like statute law, is as simple and clear as possible. The desire to develop the law so as to produce what the judge might feel to be a fair result in the particular case is understandable, indeed laudable. However, if we bend the law to produce what seems a fair result in the case we are deciding, we risk making the law more confusing, more uncertain, less accessible, and, ultimately, less just. It is all very well to be concerned to be fair, but such an approach has two potential problems. First, fairness is a rather subjective and emotional yardstick by which to judge a case. Secondly, and more relevantly for present purposes, it is all very well to be swayed by the interests of the two parties in a particular case, but what about the potentially hundreds of parties who may be in an analogous situation, and who will want to know their legal rights and obligations from their legal advisers. Their concerns and interests militate firmly in favour of keeping the law simple and clear, even at the cost of producing a harsh result in the case in issue.

(***3) Courts Must be Accessible:*** 23. The rule of law requires that any persons with a bona fide reasonable legal claim must have an effective means of having that claim considered, and, if it is justified, being satisfied, and that any persons facing a claim must have an effective means of defending themselves. And the rule of law also requires that, save to the extent that it would involve a denial of justice, the determination of any such claim is carried out in public. So citizens must have access to the courts to have their claims, and their defences, determined by judges in public according to the law.

24. There is currently an insidious idea, which started in the 1990s, around the time that the Woolf reforms were mooted, that civil litigation is not merely the option of last resort, but that it is actually a bad thing. The point was well made a few years ago by Dame Hazel Genn, when she said that it was ".hard not to draw the conclusion that the main thrust of modern civil

lematic behaviour. The incentives and earned privileges (IEP) scheme was used robustly to tackle bullies, and multi-disciplinary complex case meetings discussed individual women whose problematic behaviour was often linked to their mental health needs. Similarly, support for those who self-harmed or who were otherwise vulnerable was better than we normally see. The number of self-harm incidents had dropped from 143 a month at the time of our last inspection to 63 a month at this inspection. It was notable that there had not been a self-inflicted death since 2007. Levels of self-harm had decreased considerably but, as with most women's prisons, the actual number remained high. Where women did require high levels of support this was given sensitively; there was no use of strip clothing and there was interactive engagement with women who required continuous monitoring, rather than the bleak, passive observation through the bars of a gated cell which we saw too often in the past. The Timeline initiative, which involved the consistent, detailed analysis of wing observation books to identify risks to the safety of individual women from others or themselves, was good practice and should be used elsewhere.

Security arrangements were generally proportionate and discipline processes well managed. Use of force was low and women in segregation were well looked after. A large number of women were held in segregation while on an open assessment, care in custody and teamwork (ACCT) case management document for prisoners at risk of suicide or self-harm, and this needed better scrutiny to ensure the 'exceptional circumstances' criteria were always met.

The use of illicit drugs was relatively low and the potential for misuse of diverted mediations well managed. Work to develop a recovery focus around substance misuse was developing, and support for those with substance misuse problems was good, although some prescribing issues needed to be resolved.

Despite all this, although most women told us they felt safe, more than at similar prisons told us this was not so. This was not surprising. Over half the women held told us that they were in prison for the first time. Holloway has a fearsome reputation and the unwieldy layout of the buildings make them difficult to supervise. The dormitory accommodation, now shared by a maximum of four, while welcome by some for the companionship it provided, was stressful if those sharing were not compatible. Although levels of physical violence were low, verbal aggression, thefts and bullying could be very intimidating. Some women undoubtedly resented the robust use of the IEP scheme, although we accepted this was in the interests of the majority of women held.

Staff-prisoner relationships were generally good and personal officer work much improved, although links to resettlement were still limited. Equality and diversity work needed to improve for disabled and older women. Help was poorly coordinated, information was not effectively shared and there were significant limitations in the physical building for those with mobility issues. Health care was reasonable and access good, although limited sometimes by the lack of escort staff. Mental health services were good but women had to wait too long for transfers to hospital.

Pregnancy and the care of children was a critical issue for many of the women held. The mother and baby unit was underused but decent and safe. Its environment was not as good as we have seen elsewhere but the central location of the prison facilitated the mothers' contact with their family, friends and community. During the inspection, one woman and her baby were released on temporary licence for the day so that they could visit her own mother; an important family contact that would have been much more difficult if the woman had been held further away from her home. Although health and social care planning for pregnant women was good, some practical matters - such as the provision of a comfortable mattress - were overlooked.

Although its location helped, the prison did not do enough to help women maintain or rebuild

West Mids Police Officer Arrested in Corruption Inquiry

A police officer has been arrested in connection with a large-scale corruption inquiry into the leaking of confidential information. The employee of West Midlands Police was arrested on Thursday on suspicion of misconduct in a public office.Officers have also detained two men, aged 57 and 58, and a 51-year-old woman, all from the West Midlands.

Report on an Unannounced Inspection of HMP Holloway

HMP Holloway is the largest women's prison in Europe. Its size and poor design make it a difficult establishment to run and in which to meet the complex needs of the often very vulnerable women held. Over many years, repeat inspections have been very critical of the treatment and conditions of the women held there. However, this inspection was the most positive yet. At a time when the women's custodial estate is being reviewed, the significant advantages of the prison's location should be set against its poor design. Most women, particularly the most vulnerable, were held safety and treated decently. Women said they valued being held close to their families and a wide range of community agencies provided good support.

Inspection by HMCIP 28May/7June 2013, report compiled August 2013, published 15/10/13

- inspectors were concerned to find that:
- women spent long periods in escort vehicles shared with men before arriving at the prison;
- the unwieldy layout of the buildings make them difficult to supervise and although most women said they felt safe, more than at similar prisons said otherwise;
- the prison did not do enough to help women maintain or rebuild positive relationships with their children and families;
- while there were enough activity places for the population, too few were used and a process to move prisoners to activities was not working; and
- achievement levels/quality of teaching needed attention, as did punctuality/attendance.
- Inspectors made 80 recommendations

Introduction from the report: HMP Holloway is the largest women's prison in Europe. Its size and poor design make it a very difficult establishment to run and in which to meet the complex needs of the often very vulnerable women held. Over many years, repeat inspections by this inspectorate have been very critical of the treatment and conditions of the women held there.

However, this inspection was the most positive we have yet made. Despite the constraints of the physical environment and its size, most women, particularly the most vulnerable, were held safely and treated decently - although some significant shortcomings remained. At a time when the women's custodial estate is being reviewed, the significant advantages of the prison's location should be set against its poor design. Women told us they valued being held close to their families and communities, and an exceptionally wide range of community agencies provided good support.

Escort arrangement vividly illustrated the need for services specifically commissioned to meet the needs of women. Women spent long periods in escort vehicles shared with men before arriving at the prison. Some vehicles did not have privacy screening, exposing women to the possibility of intimidation and abuse. Male prisoners were delivered first because the receptions at men's prisons had a fixed cut-off time; Holloway accepted women at whatever time they arrived.

Once at the prison, reception and first night arrangement were good: staff stayed until all women were processed and had settled down for the night. The content of induction was satisfactory but some women needed information to be reinforced.

There were few serious violent incidents and the prison was very proactive in managing prob-

justice reform is about neither access nor justice. It is simply about diversion of disputants away from the courts. It is essentially about less law and the downgrading of civil justice."

25. Of course, a negotiated or mediated settlement of a claim is likely to be cheaper, quicker, and less stressful than a court case fought to the end. If successful, negotiation and mediation are therefore better for the parties. Accordingly, the encouragement of mediation as a means to resolve disputes amicably is justified. In a utilitarian sense, I suppose, it could be argued that litigation is bad, at least as between the parties to the particular dispute.

26. But this only applies where the negotiation or mediation succeeds, and, anyway, our society is not based on a primary commitment to utility. It is fundamentally based on the rule of law, and its is therefore essential that all its citizens have fair and equal access to justice.

27. Courts exist to resolve disputes, and also to vindicate rights ˆ and to do so in public. Thus, criminal trials cannot be held behind closed doors. Even where the defendant pleads guilty in a criminal trial, the public has the right to know what happened. And where national or local government has overreached itself or treated someone unfairly, the public interest often requires it to be held to account in court in public.

28. But it is not merely fundamental principle which requires any citizen with a genuine possible claim to have access to the courts. Practicality demands it as well. I referred earlier to the fact that rights are valueless if they cannot be realised, and such realisation inevitably carries with it access to the courts. Frederick the Great supposedly said that "Diplomacy without arms is like music without instruments". So is the rule of law without access to the courts. If there is no, or only restricted, access to the courts, the fundamental underpinning to all forms of dispute resolution systems, such as mediation, and even arbitration, falls away.

29. Where the defendant is reluctant to mediate, the only way in which a claimant with a good case can get justice is to go to court, and any civilized system should ensure that he or she is able to do so. By the same token, if the defendant knows that the claimant can go to court, the defendant will be much more likely to negotiate or mediate constructively. And this applies both ways. The only reason that strong or rich parties (whether potential claimants or defendants) will negotiate or mediate with their weaker and poorer opponents is the knowledge that ultimately there is the authority and power of the justice system standing behind their opponents. Quite apart from this, without the court's enforcement system, a negotiated or mediated settlement would be pointless: a mediated or negotiated settlement would be as unenforceable as the original claim itself.

30. Furthermore, unless there is a healthy justice system, with judges developing the law in reasoned judgments given in public to keep pace with the ever accelerating changes in social, commercial, communicative, technological, scientific and political trends, neither citizens nor lawyers will know what the law is.

31. Access to justice has a number of components. First, a competent and impartial judiciary; secondly, accessible courts; thirdly, properly administered courts; fourthly, a competent and honest legal profession; fifthly, an effective procedure for getting a case before the court; sixthly, an effective legal process; seventhly effective execution; eighthly, affordable justice.

32. I can pass over most of these requirements fairly fast. First, the judges: I believe that all parts of the United Kingdom enjoy a first class judiciary. While I would say that, it seems to me that the benefit of having many of the best and most experienced practising lawyers on the bench is enormous, although the degree to which they have monopolised the upper echelons may be questionable. Widening the pool would improve things, and greater diversity among the judges would, as Lady Hale has said, ensure greater public confidence in the judiciary, and hence in the rule of law.

33. Secondly, the courts; although there have been a regrettable number of court closures in England and Wales over the past few years, the reason is understandable and the Ministry of Justice has not been inflexible or unreasonable in its approach. With the increasingly wide use of IT, it is to be hoped that accessibility will increase despite these closures.

34. As for the third factor, court administration, this has also come under pressure for obvious financial reasons. In my three years as Master of the Rolls until October 2012, I visited many courts and would like to pay tribute to the hardworking court staff across the country, who often go way beyond the call of duty to ensure that members of the public are helped, lawyers, needs are accommodated, and judges are properly looked after.

35. As for the fourth factor, the legal profession, I believe that the public are generally well served by legal executives, solicitors and barristers, who maintain high professional standards. Not for the first time, I would criticise the unwieldy and expensive regulatory system of the profession that currently exists. Surely, the time has come to reduce the complexity and the consequent cost of regulation, and hence the consequent cost of legal services.

36. I turn to the fifth and sixth factors, getting a case into court, and the legal process once a case has got to court. The pressures on the criminal courts is severe, and our criminal processes are getting better than they were, although the bigger criminal cases still seem to get bogged down on occasion. Until recently, family justice was attracting significant criticisms from the media, but it is improving thanks to the recent reforms proposed by Sir David Norgrove, which are being implemented throughout England and Wales under the leadership of Sir James Munby. So far as our civil system is concerned, it is pretty good by international standards, largely thanks to the Woolf reforms, now reinforced by the Jackson reforms, in England and Wales, and the Gill reforms in Scotland, although there is always room for improvement.

37. I should mention the Government's recent paper on judicial review in this context. It contains proposals intended to cut down the cost and delay involved in JR applications. The desire to discourage weak applications is understandable, even, laudable, and the desire to reduce delay and expense is plainly right, at least in principle. However, one must be very careful about any proposals whose aim is to cut down the right to JR. The courts have no more important function than that of protecting citizens from the abuses and excesses of the executive ˆ central government, local government, or other public bodies. With the ever-increasing power of Government, which now commands almost half the country's GDP, this function of calling the executive to account could not more important. I am not suggesting that we have a dysfunctional or ill-intentioned executive, but the more power that a government has, the more likely it is that there will be abuses and excesses which result in injustice to citizens, and the more important it is for the rule of law that such abuses and excesses can be brought before an impartial and experienced judge who can deal with them openly, dispassionately and fairly.

38. While the Government is entitled to look at the way that JR is operating and to propose improvements, we must look at any proposed changes with particular care, because of the importance of maintaining JR, and also bearing in mind that the proposed changes come from the very body which is at the receiving end of JR.

39. As for the proposals themselves, I would make three short points. (i) The cause of the delays complained of is largely historic, thanks to the very recent removal of asylum and immigration cases from the Administrative Court to the Upper Tribunal, which the judges proposed in 2009. (ii) Cutting down time limits for JR applications may actually increase the work, due to rushed applications and many more requests for extensions of time. (iii) The cost-cutting proposals risk deterring a significant number of valid applications, and will save a pathetically small sum.

they will tackle the stigma. If you don't tackle it, you tar every patient with the same brush."

A month before the Simelane trial, the chief executive of the Birmingham and Solihull Mental Health Trust, John Short, said that "despite popular perceptions, evidence actually suggests that people with a mental illness are no more prone to acts of violence than the general population". In fact, according to the Manchester study, about 15 per cent of all homicides in 2011 were committed by recent NHS mental patients, even though they make up only about 2 per cent of the population. Around a quarter of all homicides were committed by people with mental illness. Mr Short was giving evidence to an inquiry on mental health and criminal justice launched by Birmingham city council last month amid mounting concern about violence by and against mentally ill people in the city.

Even before the Edkins killing, Birmingham had seen a number of controversial cases involving patients of the mental health trust, including Glaister Earle Butler, who killed a police detective, Michael Swindells, in 2004. The inquiry, which took five years to report, found that staff of the trust had visited Butler in his home shortly before the killing. They found a large knife on the sofa, damage to a door and 432 unused doses of a medicine prescribed for his disorder, but concluded there was no cause for concern. The trust promised to "learn lessons" after the killing, but was again criticised in the case of Jarvis Ford, who killed his 84-year-old mother after moving from Birmingham to live with her in Pembrokeshire. An official inquiry found that Birmingham and Solihull sent inadequate information about Ford to his new carers in Wales.

There has also been controversy over numerous suicides and deaths in care by patients of the trust, including Kingsley Burrell, who died in an incident involving police officers called to one of its units; Mark Willis, who committed suicide after what a coroner called "significant failures" by the trust; and three patients who tried to kill themselves in a suicide pact after the trust "forced them out" of a residential home it wanted to close, according to psychiatrists treating them. The trust received 35 complaints about inadequate care for patients in the community last year, official figures show, and its jail service, which failed Simelane, had previously been strongly criticised by the prison service's independent monitoring board. "There has been a number of high profile cases in Birmingham, but I did not know about the [patient homicide] figures you have given me," said Waseem Zaffar, who is leading the council inquiry. When you actually hear those statistics, it does shock you. I understand why the trust chief executive was trying to play the issue down — it is sensitive — but the figures are concerning."

A spokesman for the Birmingham and Solihull trust said: "Comparing serious incident figures, and in particular serious harm and homicide figures, from different trusts is not straightforward, as these are affected by population size, the number of patients engaged and type of services provided. In-depth reviews have been or are being conducted into each instance and no obvious trends have been identified." The trust promised a "thorough investigation" into the "very tragic death of Christina Edkins," saying it would "seek to learn from and fully implement its findings across all health care providers involved in [Simelane's] care."

Essex Police Officer Charged Over Rape Inquiry

A former Essex police constable has been charged with failing to properly investigate a rape claim. Hannah Notley, 30, is accused of falsely informing her superiors, and the victim, that prosecutors had decided to take no further action. The Crown Prosecution Service claims the case had not been submitted to them by the Essex force. Ms Notley is due before Westminster magistrates charged with misconduct in public office. The offences are alleged to have taken place between July 2011 and February 2012. Ms Notley was based at Rayleigh Police Station and was trained in handling sexual offences.

there's a problem and people end up getting killed for no reason."

A number of recent cases have involved astonishing failures of care and empathy by some NHS bodies. In May 2011, Jennifer Mills-Westley, a 60-year-old British grandmother, was beheaded in a shop in Tenerife by Deyan Deyanov, 29, a Bulgarian immigrant who believed he was Jesus Christ. Deyanov had recently moved to the Canary Islands from North Wales, where he was an involuntary inpatient at the mental health unit of the Glan Clwyd hospital, near Rhyl. He had been sectioned at the request of his family because of the danger he presented. He was released a few months before the killing without any treatment plan, monitoring or support, according to his relations.

The local NHS board, Betsi Cadwaladr, held an inquiry into its failings but refused to share it with Mrs Mills-Westley's family, saying that to do so would breach the killer's "patient confidentiality". "I was told that I needed to write to Deyanov and ask him for permission for his medical records to be released," said Mrs Mills-Westley's daughter, Sarah. "It's quite laughable, really. It's not about patient confidentiality, it's about the risk to the public. "The [hospital] is still operating today. They can't prove to us that they've done anything to change the way they've operated and whether, if they were presented with another Deyanov today, they would treat him any differently. He has done one of the most atrocious deeds, and yet he has more rights than I have as a victim." After months of pressure from the family, the Health Inspectorate of Wales has now agreed to hold a full inquiry.

Mr Hendy said that his father's killer, Stephen Newton, was a psychotic who had been known to the mental health services for 17 years. Four days before the killing, he said, Newton's family had asked for him to be sectioned, but the assessment team sent by the local NHS mental health trust, Avon and Wiltshire Mental Health Partnership, refused. The first thing the NHS trust did after the attack was write to the perpetrator's family to say how sorry they were," Mr Hendy said. My dad had a family too, and children, and friends. He was chairman of his local allotment society. His death touched a lot of people. When I asked the trust whether there was going to be an investigation into his killing, they said, what makes you think there's going to be an investigation?"

According to provisional figures from an NHS-funded project at Manchester University, there were 46 homicides in England in 2011, the latest year given, committed by people who had been mental health patients of the NHS in the previous 12 months. This was a 40 per cent rise on 2010, though is still below the levels seen for most of the previous decade. Most victims are not strangers to the killers. Mr Hendy said the figures still understate the problem, since they count only convictions, not victims. Nor do they include a further 29 homicides by people who were mentally ill, but whose condition was not known to the NHS.

NHS managers and mental health activists have repeatedly attempted to downplay the issue, saying that to draw attention to it risks "stigmatising" the mentally ill. Accusing the media of exaggerating the problem, Paul Jenkins, chief executive of the mental health charity Rethink, claimed "you are more likely to be struck by lightning than killed by someone with schizophrenia". The number of people killed by lightning strikes is around three a year, according to the Royal Society for the Prevention of Accidents, though there are more strikes which cause only injury. This compares with an average of 32 homicides a year by schizophrenics, according to the Manchester University project.

"Nobody is asking the NHS to predict whether Mr X will kill someone," Mr Hendy said. "They talk about stigmatisation to conceal their own failures in basic acts of care, like listening to the concerns of the patient's family and getting patients to take their medicine. If they tackle the violence,

40. I turn to the seventh factor, enforcement of judgments: there have inevitably been complaints, but nobody has seriously or convincingly suggested that our courts are failing on that ground.

41. It is when one turns to the eighth and last factor, affordability, that serious problems arise. This is attributable to two reasons: first, legal advice and representation cost a lot more than most people can afford, and, secondly, the Government is increasingly reluctant to pay what the legal profession charges.

42. So far as the Government is concerned, most people would have no difficulty in understanding, indeed in accepting, the desire to cut costs on every possible front. As a country, the UK has been, and apparently still is, spending more than it can afford, and it must make cuts. However, some aspects of expenditure are ring-fenced, and those aspects whose financial allocation is reduced are not all reduced equally. Given the fundamental importance of the rule of law as discussed earlier in this talk, I would suggest that any proposed cost-cutting in that area should be scrutinised particularly carefully.

43. Cutting the amount available for the courts risks increasing delays and decreasing the quality of justice. Although there have been such cuts in the past few years, they have been just about manageable. Cuts in the amount available for legal aid are of greater concern. Such cuts are sadly not new. Since the introduction of legal aid, eligibility has been progressively reduced: at its inception in 1950, around 80% of the population was eligible, whereas by 2008, the proportion was down to about 30%.<outbind://287/#_ftn16>[16] It is true that, over that period, the average person's wealth and income had significantly increased in real terms, but so had the cost of legal advice and representation. And the 30% figure applied before the austerity-related reductions made by the 2012 reforms.

44. Cutting the cost of legal aid deprives the very people who most need the protection of the courts of the ability to get legal advice and representation. That is true whether one reduces the types of claim which qualify for legal aid or increases the stringency of the requirements of eligibility for legal aid. The recent changes have done both. If a person with a potential claim cannot get legal aid, there are two possible consequences. The first is that the claim is dropped: that is a rank denial of justice and a blot on the rule of law. The second is that the claim is pursued, in which case it will be pursued inefficiently, and will take up much more of the court staffs, time and of the judge's time in and out of court. So that it means greater costs for the court system, and ideally for other litigants.

45. The Government cites the high cost of lawyers. It is true that lawyers acting for multi-national companies and wealthy individuals can earn a great deal of money; it is also true that there are one or two lawyers who make quite a bit of money out of legal aid work. But the great majority of lawyers who do government-funded work do not make very much money especially when one allows for their expenses. And comparisons with the cost of legal aid in other countries is dangerous. Our trial lawyers do much more work than most of their European counterparts, because the mainland European judges are much more hands-on than they are here. So it is unsurprising that the judicial system costs more in Europe while the legal aid system cost more in the UK.

46. It is not only the Government which has a duty to ensure that all citizens have genuine access to justice. There is just as much of a duty in this connection on the members of the legal profession and the judiciary. Lawyers are far more commercially minded and profit-orientated, at least openly, than they were forty years ago when I started my legal career. That is unsurprising, as the legal profession reflects national trends, and the UK has become more commercially minded over the past few decades.

47. However, practising lawyers of all types play a vital part in the rule of law and therefore have a public duty which other people, even other professionals, do not have. Thus, the Bar Council and the Law Society, indeed individual lawyers, are well qualified to warn publicly about the dangers to the rule of law of proposals which are being put forward by the Government, and frequently do so. Often, such proposals are to the disadvantage of the legal profession freezing or even reducing legal aid rates are an obvious and topical example. There are two points to be made about this. The first is that virtually every human being finds it very hard not to believe that any measure which is contrary to his or her interests is contrary to the interests of society generally. I readily accept that this is also true of the judiciary: contrary to what some of you may think, we are also human beings. This means that one should be very careful to check before invoking the public interest against a proposal which is contrary to one,s own interests.

48. More relevantly, the very fact that lawyers rely on the public interest when challenging proposals to change the law, in particular changes which affect their income, highlights the fact that they perform a fundamental public duty. That duty is not always satisfied by simply observing the rules of one,s profession. Sometimes it involves making financial sacrifices, but that does not mean that the Government should take unfair or unrealistic advantage of lawyers. Judges also have a public duty essentially for the same reasons, indeed, as some of us like to say, a fortiori.

49. In that connection, the legal system, by which I mean judges, practitioners and rule makers, have an overriding duty to ensure that legal advice and litigation are as cheap and speedy as is consistent with justice. What a service-provider charges a client should not normally be interfered with by the state. However, where the service is legal advice or representation, there is a public interest in keeping the charge as low as possible. In this connection, the centrality of the hourly rate appears to me to be malign. It is, I acknowledge, difficult to value legal services, and the number of hours is a relevant factor, but it is one of many, and it has a meretricious precision. But I suggest that it is often wrong to give it a central role. As a matter of principle, it confuses cost with value. And it encourages inefficiency or worse: if a lawyer is short of work, it can be surprising how much time a particular task takes. And paying by reference to the hourly rate rewards the slow and the ignorant lawyer at the expense of the speedy and knowledgeable lawyer.

50. Whether you agree with that or not, there can be no doubt but that the judges and rule-makers should ensure that the costs of legal proceedings, in terms of the work which a lawyer has to do and the time that that work needs, are kept to a minimum. Further, the court should also be closely involved in deciding what a losing party has to pay a winning party by way of costs. Justice requires that any award of costs must be proportionate to what is at stake in the proceedings, and logic suggests the proportionality also applies to the way in which the proceedings are conducted. Unless, perhaps, both parties freely agree, it seems to me that, in a small case, such as a plumber claiming £5,000 for work done and the householder counterclaiming for £10,000 damages for defects, the procedure before and during the hearing cannot be allowed to be the same as in a building contract dispute where the amounts at stake are £5 million and £10 million.

51. In many smaller cases, there must be a serious argument as to whether disclosure should be ordered or whether cross-examination would be appropriate. Time limits are standard in many arbitrations, and they are rightly starting to be agreed or imposed for trials, and they should reflect what is at stake. It is hard to challenge the view that a three day case costing, perhaps £100,000 on each side cannot possibly represent justice when there is no more than £15,000 at stake between the parties.

52. There is no perfect answer in every case, and it is inevitable that justice can only be

never admitted to Broadmoor. Novelist Pat McGrath, whose father was medical superintendent at the hospital, says: "My father refused to take Ian Brady into the hospital. He struck my father as being an evil man." Broadmoor, now in its 150th year, was envisaged as a place where mentally ill people would be helped back to full health. But now synonymous with Britain's most dangerous and disturbed criminals, with inmates ranging from Ronnie Kray to Robert Napper.

The West London Mental Health NHS Trust, which runs Broadmoor, declined to comment about Sutcliffe but said in a statement: "Each patient is reviewed by an independent mental health tribunal every three years to determine whether they continue to require conditions of high security or can be referred out. It is absurd to say Broadmoor seeks to treat patients who are 'high profile'." The average patient stay is just over five years, it insists, adding: "We are proud of the work our committed staff perform every day.... but until society can prevent mentally disordered offending, we will continue to have an important role to play."

High-security hospitals such as Broadmoor are part of a wider issue, according to Sean Duggan, chief executive of the Centre for Mental Health: "Some 60 per cent of prisoners have a personality disorder and few receive any help or support... We need to look again at the whole system of secure mental healthcare in England and make sure it provides the best possible value for its £1.2bn cost." Jonathan Owen, Indpendent, Sunday 06 October 2013

Truth About Dangerous Mental Patients Let Out To Kill

The NHS trust that left a dangerous schizophrenic to kill a Birmingham schoolgirl allowed six other patients to kill people last year alone, The Telegraph has learnt. Patients of Birmingham and Solihull Mental Health NHS Trust killed a total of 13 people between 2010 and 2012 — by far the biggest number of homicides committed by patients of any local mental health trust in the country. Two months ago, the trust's governance rating was downgraded to "amber-red" after the Care Quality Commission, the NHS regulator, raised "major concerns regarding the safety of health care provision", it can also be revealed.

The homicide statistics, released under freedom of information laws, come after the trust admitted that there were "lessons to be learnt" about its treatment of Phillip Simelane, who was sentenced to indefinite hospital detention last week after stabbing 16-year-old Christina Edkins to death on a bus. Simelane was a patient of the trust during a previous spell in prison. The court heard he was released in December without any care plan, treatment or monitoring, despite experienced psychiatrists at least twice insisting that he needed in-patient treatment.

The figures show dramatic variations in homicides between patients of England's 58 NHS mental health trusts. Nine, including the trust serving Leeds and York, with a population similar in size and nature to Birmingham and Solihull, had no homicides at all by their patients in the three years to 2012. Others with similar populations had only a small number of cases. The only trust with a higher number of patient homicides than Birmingham, the South London and Maudsley, has a national specialist role caring for severe psychotics.

The figures were obtained by Julian Hendy, whose father, Philip, was stabbed to death in Bristol by a man well known to mental health agencies in a random killing similar to the Edkins case. Mr Hendy, who runs Hundred Families, a support group for victims of violence by the mentally ill, said the figures showed that many mental health professionals were "denying" the problem. "They always say that lessons will be learnt. But the same problems keep coming up time and time again, and they don't learn," he said. There are some people who get it, but there is a culture of always trying to report positives in the NHS, nobody wants to admit

their cell after unlock and went onto the wing. When they returned to their cell they found personal items missing and blamed Mr. Rafiq and set out to give Rafiq a hiding. "The violence was ferocious. He (Mr Rafiq) suffered extremely serious injuries to his skull, to the bones of his face and to his brain." According to Linehan only two people attacked Mr. Rafiq, Mr. Mundle and Mr. Christie, Jahnel Four's involvement was to allegedly prevent Mr. Rafiq escaping. Interviewed by the police shortly after the incident, Christie said he was involved in a melee but did not attack Rafiq, he claimed Mundle was the attacker in an event of which he had no control.

Well that was day one, day two was postponed till Wednesday as the Judge has something better to do. The court won't sit on Friday 26th as the Crown Prosecutor wants to be somewhere else and doesn't trust his Junior to conduct the case in is absence. No sitting next Tuesday 29th as judge wants to spend the day in London. All this stopping and starting is bad for the defendants and will probably piss the jury off. The trial is scheduled to last five weeks.

Prisoners: Mental Illness

The number of prisoners directed to hospital for treatment under the Mental Health Act 1983 in each of the past 4 years, 940 in 2009, 945 in 2010, 953 in 2011, 979 in 2012. The proportion of prisoners transferred to hospital has remained stable in recent years.

Broadmoor High-Security Hospital too Keen to Retain Celebrity Patients

The high-security psychiatric hospital, where some of Britain's most notorious offenders are treated, has been criticised as an "expensive anachronism" which holds on to "celebrity" patients when they should be back in prison. Patients such as Peter Sutcliffe, the so-called Yorkshire Ripper, jailed for 20 life sentences after being convicted of murdering 13 women and the attempted murder of a further seven, should be returned to a prison, according to Tony Maden, former head of the Dangerous Severe Personality Disorder (DSPD) unit at Broadmoor, in Berkshire.

Professor Maden, professor of forensic psychiatry at Imperial College London, said: "We are far too ready to keep mentally disordered prisoners in places like Broadmoor indefinitely, particularly if they are famous. I think it's about celebrity, I can't think of any other reason why a hospital would want to hang on to somebody when essentially the condition is stable."

Professor Maden said Sutcliffe was not unique. "The other one I have in mind is Ian Brady, who I don't think has got schizophrenia either. If the name of either of these two were Joe Bloggs they would have been back in prison a long, long time ago." He said the fact that Sutcliffe and others could face attacks in prison was not an argument for keeping them in Broadmoor, or in one of the UK's other two secure units at Ashworth on Merseyside, which houses

Brady, and Rampton in Nottinghamshire. "They are not unique in facing attack and it is pointless to keep personality-disordered offenders in hospital for years when they can be managed better in prison for a fraction of the cost," he said. Broadmoor is "increasingly inefficient" and "out of step with a lot of modern ideas on treatment," according to the psychiatrist. Recruitment and retention of nurses is a "massive problem" and "the general quality of nursing staff in Broadmoor is low". He added: "I would much rather see the money that goes on Broadmoor spent on improving treatment facilities in prisons."

Professor Maden makes the claim that Sutcliffe is fit to return to prison "My understanding of Sutcliffe is that he's no longer acutely mentally ill," he said. He added that he agreed with the decision to shut down the DSPD unit, which closed last year: "It was horrendously expensive, and for that reason the project was wound down after about five years."

The documentary revealed how, contrary to popular opinion, moors murderer Ian Brady was

done in some cases by each side spending far more by way of legal costs than is at stake in the proceedings. I accept that a disclosure-free, or at least disclosure-lite, pre-trial procedure, and a cross-examination-free, or at least cross-examination-lite, hearing is less good justice, at least in the abstract sense, than a hearing with the full monty. However, in many cases, quick and dirty justice would do better justice than the full majesty of a traditional common law trial. Parties to many disputes, particularly where small sums are involved, often just need a definitive answer, or to have their day in court. And, although the outcome of some cases is changed as a result of disclosure or cross-examination, I wonder how often that happens. And it is not even as if any system gets the right answer in every case.

53. What is required in civil cases is strong proactive judicial control to ensure proportionality, and, while my experience is more limited in family and criminal trials, I believe that this is true across the legal system. That carries with it five requirements. The first is a first class cadre of trial judges. The second requirement is that the court rules give them the necessary powers. The third is that judges have time to read the papers to enable them to give the necessary directions. The fourth requirement is that, so far as is consistent with their professional duty, the lawyers in the case should support the judge. The final is that appellate courts refrain from interfering with muscular directions given by trial judges.

(4) Conclusion: 54. I am conscious that it is easy for an appellate judge to lose touch with aspects of the world of legal advice and litigation, which is such an important aspect of the rule of law, and that the risk of losing touch now that I am in the Supreme Court, is even greater than when I was in the Court of Appeal. I am not so far gone as to believe that there are any easy answers to the question of how to ensure justice at any time, let alone during a period of austerity. All I can do is to make proposals in the hope that they will produce an improvement, although the law of unintended consequences suggests that any improvement may turn out to be very different from the original proposal. *Lord David Neuberger 15 October 2013*

Final Day of Appeal - 'Justice for the Craigavon Two' *Fra Hughes, October 17th 2013*

Present at the final days evidence and submissions which were presented in the Craigavon Two Appeal trial at Belfast High Court were Constable Stephen Carrolls widow Kate Carroll the police officers involved in the original investigation and subsequent trial along with the the families of both the men seeking through their appeal to have their convictions quashed for the murder of Constable Carroll, Brendan McConville and John Paul Wootton.

Detective Chief Inspector Harkness retook the stand this morning to continue to be cross examined by Queens Counsel for the defense Mr Barry McDonald . DCI Harkness proceeded to produce a document that he wished to read from which had not been previously been disclosed to the court the defense team or the prosecution.

This document related to a timetable of events which he (Harkness) believed proved he had been supplied with covertly recorded intelligence on April 12 2013 at 17.03 material which had been received on April 11 2013 by intelligence officers and then passed onto him ,that led him to believe that witness Ms father his family and indeed the community were in danger and this is the basis upon he which he tasked one of his officers to open a discreet investigation into witness Ms father at 17.10 on April 12 2013. The timeline 16.30 DCI Harkness is informed of the new signed witness statement by witness Ms father for the defense team.17.03 he learns of intelligence information that indicates witness Ms father his family witness M himself and the community at large were in danger.Seven minutes later he tasks one of his team to begin discreet enquiries into witness Ms father.

The defense QC asked is it not standard police procedure to issue a PN1 notice of threat to those over whom the police had concluded there was a credible threat. DCI Harkness confirmed that no such PN1 document was given to witness and that this decision was taken by intelligence officers . He confirmed that witness Ms father and family were not contacted for another 10 days . Before leaving the witness box DCI Harkness stated My integrity has been attacked my professional reputation has been sullied i have been accused of sabotage and nobbling the witness. On departure he left the court hurriedly and returned later as proceedings continued.

The defense summed up their appeal case as follows.

The note in Brendan McConvilles cell. Why was DCI Harkness and his team put in charge of this investigation. When Lisburn CID should have been detailed to do this? Why did DCI Harkness fail to investigate claims made by Brendan McConville that this note containing the car registration of the then Govenor Steve Rodford had been planted in his cell these suspicions were confirmed to police by both Steve Rodford and Pauline McCabe the then Prison Ombudsman. Harkness denied that the police had encouraged the Public Prosecution Service to prosecute Brendan McConville for possession of materials likely to be useful to terrorism when in fact there was documented evidence before the court that is exactly what the police requested?

The failures and delays in passing on the report prepared by the Prison Ombudsman that indeed on the balance of probability concluded prison staff had indeed planted the evidence? When the PPS decided not to proceed with a case against Brendan McConville for possession of the governors car registration details it is noted that police claimed the Ombudsman report clouded the waters thus implying if it wasn't for the Prison Ombudsman Report a prosecution could have been possible? The lack of fairness and impartiality in the investigation by the police in this case had called into question the integrity in this prosecution and the process undermined.

The evidence by the new witness the father of witness of M upon whom the prosecution relied on so heavily in the first case discounts his sons his evidence of the route he took on the night of the murder. It is the evidence this evidence from witness M that places Brendan McConville at the scene Witness Ms fathers testimony was not challenged on the core elements of his evidence that witness M was a dishonest fantasist who believed his own lies. Witness M was a pitiful character to be pitied whose evidence had unravelled. Abuse of process through the arrest detention interrogation of witness Ms father represents a subversion of the appeal process(witness Ms father should only have questioned about his affidavit and any of its contents by the prosecution and not prior to the court case by the police) Witness M had not been abducted or held against his will.

Officers refused to accept the possibility that witness Ms father evidence was true. No PN1 issued to persons under threat. No attempt for 10 days to alert the witness Ms father to this threat. All members of the family confirm no abduction no kidnapping no threat. Police actions had a chilling effect on both witness Ms father and any other persons who might to come forward against the prosecution case. Witnesses frightened off or potentially putting other witnesses off The original appeal postponed in April by six months No evidence to justify the appeal delay resulting in Mr McConville(and John Paul Wootton) being detained for another several months. The police manipulated the appeal in more ways than one. QC Mr Barry MacDonald then asked the court to Quash The Convictions based on an unsafe conviction and abuse of process.

QC Mr Ciaran Murphy for the Crown believed that witness Ms fathers affidavit could have been submitted at the original trial and indeed some of the evidence used in the original trial came form witness Ms statements to the defense. The draft affidavit given to defense solic-

itors and the final affidavit submitted in court were different The nature of the evidence of witness Ms father was his unreliability of particular events.

A real danger that the witness had no facts of anything that happened on that night. Pressure on witness Ms father. Untruthful about evidence made by him The witness was suffering intimidation harassment underlying pressure to help his community. He just signed the affidavit because he was between a rock and hard place. The prosecution claimed the original Conviction Is Safe

The Appeals Judges retired to consider the evidence in a reserved judgement.

Angela Nelson an Independent Councillor at Lisburn Council who has attended the case said she is quite confident that justice will prevail, however past experience of British Justice had sometimes failed its citizens. Packy Carty one of the Justice for the Craigavon Two Campaigners said This case highlights the unaccountability of the PSNI and the murky grip of MI5, whose malignant presence can be felt throughout this case from the initial arrest to the planting of evidence in Brendan McConvilles cell to the erroneous explosive charges against Brendan which were withdrawn on the first day of the trial in late 2012. Basically this case from start to finish is an indictment of the current judicial system

HMP Oakwood Prison Officers Injure Themselves During Training

Two prison officers have been injured, one sustaining a broken arm, at HMP Oakwood in the West Midlands. The officers were practising "control and restraint" at the jail, near Wolverhampton when the injuries occurred, a G4S spokeswoman said. She said a trainee instructor had "landed awkwardly, resulting in a fracture to his arm" while an officer had "aggravated a pre-existing injury".

Ministry Fined After Cardiff Prisoner Details Emailed to Families

The Ministry of Justice has been fined £140,000 after the details of more than 1,000 inmates at Cardiff prison were emailed to three prisoners' families. They included sensitive information including prisoners' names, ethnicity, addresses and release dates. The breaches were only discovered when the third recipient alerted the prison to the fact they had received a file. The ministry said the prison had now altered its procedures since the incidents in August 2011. The fine was imposed by the Information Commissioner's Office (ICO).

HMP Hewell Murder - Trial Opens

The trial of Barry Mundle, Jermaine Christie and Jahnel Foure, for the murder of Adnan Rafiq, in HMP Hewell, opened in Birmingham Crown Court today Monday 21st October 2013. Adnan Rafiq, 25, from Moseley in Birmingham, suffered serious injuries at HMP Hewell in Redditch on Monday afternoon 28th January; he was rushed to hospital but died three days later on Thursday 31st January 2013.Originally four people were charged with murder but Paul Coulter, was not in court as his present mental state, makes him not fit to stand trial at the moment, he is still in the prison system, awaiting transfer to a Psychiatric hospital.

Before the jury were empaneled the Crown Prosecutor (CP) Stephen Linehan QC, informed the judge that it would require a heavy security presence in the witness box as there had been fighting between the Mr. Mundle and Mr. Christie (the CP did not elaborate as to when, were the fighting took pace). They were each escorted into the witness box by three guards; Mr. Foure had only one attendant. All in all there were three defendants in the witness box and nine guards.

Mr. Linehan in opening, said on the morning of the 21st January 2013, Mundle & Christie left