

and high-risk offenders and we're currently working to reallocate resources accordingly."

Report on an Unannounced Inspection of HMP Grendon

Inspection 5 – 16 August 2013 by HMCIP, report compiled August 2013, published 28/01/14
Inspectors had some concerns: - prisoners who were not in the communities and were waiting for transfer to another prison were isolated and had a poorer regime, and potentially less safe; - support for disabled prisoners needed to improve; - night sanitation system, though more functional than at previous inspections, was still undesirable; - the prison needed to improve learning and skills to ensure it supported therapy. - Inspectors made 56 recommendations

Report on an Unannounced Inspection of HMYOI Wetherby Keppel Unit

Inspection 12/23 August 2013 by HMCIP, report compiled February 2014, published 04/02/14
Inspectors were concerned to find that: - removal from the unit was still used as a punishment and routine strip searching still took place with force sometimes used to gain compliance; - many young people struggled to maintain regular contact with their families, a key element of support working towards and on release, due to the distance they were held from home. - Levels of self-harm remained a concern but those who were at risk were well supported - Inspectors made 41 recommendations

Five Police Officers Could Face Charges Over the Death of Habib Ullah

The family of Habib 'Paps' Ullah and the Justice4Paps campaign are extremely relieved to hear the news that his case has been at last formally referred by the Independent Police Complaints Commission (IPCC) to the Crown Prosecution Service (CPS). After the collapse of the inquest in December 2010 the family have waited patiently for this next step to occur. They were aware there would be further delays given a reinvestigation into Habib's death as well as into the conduct of the officers at the inquest. The intimidation of one of the restraint experts by a Police Federation representative and discovery of a new witness also led to further delays. However none of this can excuse the lengthy delay in the process and the further anguish the family have had to go through: Nasrit Mahmood, sister of Habib Ullah said: 'This has been an extremely frustrating time for the family and hope that we will get answers from CPS and a decision that is just and does not cover up the actions of the officers. We have tried to keep faith with this process during these years but for us as a family the last five or so years have been a living nightmare.' Zia Ullah, Justice4Paps said: "The family/campaign hope that the CPS will feel that there is sufficient evidence for a trial to take place and a criminal prosecution of the officers involved. What is certain is that we have demonstrated over almost six

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 Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, 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, Carl Kenute Gowe, Eddie Hampton, Tony Hyland,

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MOJUK: Newsletter 'Inside Out' 463 (06/02/2014)

John Elam (Victim of Police Intimidation and Dirty tricks?)

Mr Gerry Sutcliffe (Bradford South) (Lab): I raise this case knowing the confines within which Ministers may speak because of operational issues and the legal process. I raise this case this evening because a number of things have happened that have made me want to put it on the record. Mr John Elam was convicted of a conspiracy to commit fraud and received a 10 and a half year jail sentence in April 2008. He has now been released on licence. He has always maintained his innocence and has sought to appeal against his imprisonment. He had an appeal in 2010 that was turned down.

A constituent of mine came to see me to raise his concerns about the safety of the conviction and the role of certain officers in West Yorkshire police. As you will know, Madam Deputy Speaker, Members of Parliament are approached by many people who feel that the legal system has operated against them. Sometimes it is difficult to unravel what the issues really are. As any other constituency MP would do, I wrote to the appropriate Departments and West Yorkshire police, and I contacted Mr Elam's then solicitors, Keith Dyson and Partners. I also had meetings with the West Yorkshire police commissioner.

My interest was stirred even more when differing accounts of the case emerged. According to West Yorkshire police, Mr Elam was an international criminal who had connections to the Russian mafia and was involved in money laundering and the drugs trade. However, according to his solicitor, Mr Elam was the victim of police intimidation and a dirty tricks campaign, which included a lack of disclosure at his appeal. I am not a lawyer, so I was unsure what legal avenues were available to resolve the conflicting stories. As MPs do, I asked around, seeking advice and receiving information from many sources. The responses led to my interest in the case deepening further.

Mr Elam had only one previous conviction, for common assault—he threw a Toby jug at a pub landlord. How did that minor criminal evolve into an alleged international criminal? According to West Yorkshire police, they were interested in Mr Elam in 2005 and sought approval to have him monitored and placed under surveillance as a dangerous criminal. Operation Teddington was set up, and a very large amount of resources was spent on the process. Covert action was used to monitor the bank accounts of the Medina Trading Company, which consisted of a restaurant and a car wash. Mr Elam has always admitted his involvement with the Medina company and its directors.

The Yorkshire bank held the accounts of the Medina company, and an employee of the Yorkshire bank at that time, Mr Richard Shires, passed on information relating to the accounts, and cheques, to DC Casey of West Yorkshire police, as confirmed by affidavit. During my investigations into the matter, I have submitted a number of freedom of information requests to West Yorkshire police, through which I have discovered that a person called Mr Richard Shires was a serving special constable in West Yorkshire police at the time the information was passed on. I have also discovered that a person called Mr Richard Shires subsequently became a paid constable in West Yorkshire police and continues to serve to this day. I have tried to discover through a recent freedom of information request whether those Richard Shires were one and the same, but at this time I have not been provided with that information. If those Richard Shires were one

and the same, there was a clear conflict of interest, and more to the point, the credibility of the information and cheques passed to DC Casey would be called into doubt. I think all would agree that it would never be appropriate for a bank employee who was also a serving special constable to assist with the inquiries of the very same police force he worked for.

At the trial, the Crown was represented by Mr Sandiford, QC. No evidence was given about the wider concerns relating to Mr Elam's criminal associations. In fact, Mr Sandiford stated: "The prosecution case here is that the conspirators sought to conceal the fact that Mr Elam was the true owner of the companies acquiring the business in order to defraud creditors."

In summing up the case, His Honour Judge Wolstenholme said to the jury that "what you must do is take the view that, well, something dishonest was going on with one or more of the defendants. They must all have been up to something, even if you are not sure what." Subsequently, Mr Elam was convicted.

Mr Elam's case, supported by his legal team, portrays an entirely different account of the chain of events. Mr Elam claims that he was approached in the summer of 2004 by a police officer demanding £150,000 in cash to be paid immediately, and £30,000 annually thereafter. In March 2005, the police investigated Mr Elam's business practices using the covert name Operation Teddington. It is alleged that, in June 2005, 49 officers were redeployed from the anti-terrorist taskforce to work on Operation Teddington. As I said, in September 2005, Mr Richard Shires was a paid employee of the Yorkshire bank. He accessed bank accounts relating to the Medina restaurant and secured more than 3,000 cancelled cheques. A written affidavit by Mr Shires confirms that he delivered a bundle of those cheques to DC Casey. The Yorkshire bank also confirms that it never received an order to produce from the courts.

In 2006, John Elam was arrested, and then the Crown court trial began. Despite a wide-ranging three-year investigation, involving more than 300 officers, Mr Elam faced a single charge of conspiracy to commit fraud. He was convicted and served his sentence in Wakefield prison as a category A prisoner, the highest security level. He had also been treated as a category A prisoner during his time on remand. Mr Elam suffered a stroke in prison and needed external medical support.

It is my contention that, whatever the true situation, a number of questions remain unanswered and there are a number of public interest concerns. First, was a production order properly served to Yorkshire bank, and what was the role of PC Shires? Secondly, what was the true cost of Operation Teddington, and were officers diverted from the anti-terrorism taskforce, who at the time were dealing with the 7/7 bombers in west Yorkshire? Thirdly, why was Mr Elam considered to be a category A prisoner, and who was the police officer that demanded money?

I know the Minister cannot respond directly to individual cases and that the Criminal Cases Review Commission will take a fresh look at this case, but I am seriously concerned enough to raise these issues and the fact that, while out on licence, Mr Elam still faces issues related to the recovery of the proceeds of crime. A hearing that was suspended in October is due in February. I have tried to contact West Yorkshire police on a number of occasions about those issues, and I will continue to do so. I was heartened today when I had a more co-operative response from West Yorkshire police because they knew this debate was taking place, and I hope to take the matter further.

These are serious allegations and this is a serious case—as I said, I do not usually promote and push issues where I do not feel that a cause needs to be looked at. This is a sensitive case, but it is important that as constituency MPs we raise such matters when they are put to us, and that we try to get the best result for the constituents we represent, particularly where justice and the work of the police are concerned. It must always be held utmost that the

The number of treatment programmes completed by sexual offenders has already dropped by around 5 per cent since 2010-11, according to a report from the National Audit Office (NAO) published in December. This has happened despite a growing number of sex offenders in the prison population. Experts say the programmes are especially vulnerable to budget cuts because they do not directly impact on prison safety. When HMP Shepton Mallet in Somerset was closed last year, places were not provided elsewhere for the sex-offender treatment programmes that it ran. This caused a drop of 34 places, or 3 per cent, in the number of places across the system, the NAO reports. An inspection report from Parc prison published last month revealed that despite having a sex-offender population of around 280, only 12 places were available on treatment programmes. Inspectors said this was "far too few". At HMP Whatton in Nottinghamshire, the average wait for sex-offender treatment at the latest inspection last year was 14 months, with some prisoners waiting over two years. The delays caused by cutting programmes are a false economy, the NAO said. The cost of keeping a prisoner inside for 14 months while they wait for treatment is more than £23,000 per person, it calculated. Treatment programmes typically cost around £5,500. Donald Findlater, director of research at the Lucy Faithfull Foundation, which works to prevent child sexual abuse, said: "The programmes make a significant contribution to reducing risk of reoffending, so not having sufficient places on programmes is likely to result in more victims." The Ministry of Justice said it is in the process of changing the way it delivers treatment for sex offenders. But Mr Findlater commented: "The programmes are being redesigned at the moment, but the volumes are just not sufficient to meet the need."

Despite sex offenders making up a third of prisoners at HMP Moorland in Doncaster, no treatment programmes were delivered at all, according to the latest inspection. Of the 41 prisoners waiting to transfer to a programme at the time of the inspection, "at least 14 would be released within the next five months without being offered a place," inspectors found. There was also "no formal strategy to manage [those who did not admit to their offences], and most went unchallenged," their report stated. At HMP Maidstone, which holds around 500 sex offenders, there were just 54 places on a treatment programme at its most recent inspection. This meant 92 prisoners were registered on the waiting list, some of whom were not guaranteed a place on the course before their release date.

Paddy Scriven, general secretary of the Prison Governors Association, said the issue was of "serious concern". She added: "If offending behaviour hasn't been addressed when [sex offenders] come out of prison, the likelihood is they'll reoffend. Then we'll have the cost of them going through the system again, but also the victim issues." She said governors were facing harder and harder decisions about funding as budgets shrink. "There isn't a single thing that governors can't look at for cuts, at the moment," she said. When Nick Hardwick, the chief inspector of prisons, visited Wakefield in 2012, he found that "almost half" of its prisoners "were in denial about their offence". He added: "There were no programmes available to tackle the behaviour and attitudes of men in denial and little effective work was done with them."

Treatment programmes are not suitable for everyone who commits a sexual crime. But there is mounting evidence that a shortage of places means those who are suitable are not being treated. A Prison Service spokeswoman said it was "simply not true" that cuts are being made to the funding of sex-offender treatment programmes. "We are working to increase the availability of these programmes and have created the Sex Offender Management Board to address this," she said. "Our strategy across all prisons is to focus treatment on medium-

chose to drop the allegation that the murder was racially motivated.

In its research paper, the IRR said there was evidence that police, prosecutors and courts did not take into account a racial motive – particularly if it was circumstantial and not necessarily the primary cause of the crime. “Where there are convictions, the racially motivated aspect of cases is often being filtered out by the police, the CPS and the judiciary, through a combination of a failure to understand the broader context within which racist attacks are carried out, an unwillingness to recognise racial motivation, [or] the reclassifying of racist attacks as disputes, robberies or other forms of hostility,” the report said. The over-strict interpretation of the legal provisions for racial motivation may be inhibiting the [racial] charging of perpetrators and in fact removing the racial basis of a crime from the courtroom.”

Jon Burnett, one of the report’s authors, said that despite attempts to improve the handling of racially aggravated crime in the wake of the Stephen Lawrence case, there were still flaws in the system. “In some of the cases we looked at, it appears that the police either didn’t understand racism or were indifferent to it as a motivating factor,” he said.

The CPS defended its handling of such cases: “We fully recognise the corrosive effect that hate crime has on both society and victims. When there is evidence to suggest that an offence was motivated by racial hatred, we will bring this to the court’s attention.

“Approximately 10,000 racially or religiously aggravated offences have been successfully prosecuted every year since we began monitoring these cases in 2007-08 and our conviction rate for these offences was 84.1 per cent in 2011-12.”

Grayling Strikes Again - Halt to Automatic Parole! *Mark Leftly, Independent, 02/02/14*

A bill to prevent child rapists and terrorists from being released automatically at the halfway point of their prison sentence will be introduced in Parliament this week, by Justice Secretary Chris Grayling. The move is one of several measures that will affect up to 500 criminals a year who will be released before the end of their custodial term only if a parole board agrees.

Mr Grayling said: "It's outrageous that offenders who commit horrific crimes are automatically released halfway through their sentence, regardless of their behaviour and engagement in their rehabilitation. We cannot have a situation where dangerous criminals have this automatic right to walk the streets." Crimes in this category include inciting terrorism overseas, possession of explosives, raping children under the age of 13 and using nuclear weapons. Convicted criminals who are currently automatically released two-thirds of the way through their sentence, such as those who committed grievous bodily harm with intent, will also be included.

Sex Offenders Freed From Prison Without Treatment Will ‘Create More Victims’

Emily Dugan, Independent, 03/02/14: Prisons across England and Wales are routinely releasing dangerous sex offenders without putting them through treatment programmes because budget cuts have left places critically scarce. The situation is so serious that prison governors say it could create more victims, as sexual predators are sent into the community before their behaviour is addressed. An analysis of inspection reports from six prisons holding sex offenders reveals backlogs of, in some cases, more than two years. Some prisoners are on the waiting list for treatment for so long they’re released without getting it, despite its being recommended. The latest inspections of Maidstone, Parc and Whatton prisons all raised serious concerns about a shortage of programmes to tackle sex offenders’ behaviour. At Wakefield, Moorland and Shrewsbury prisons, inspectors found no formal treatment programmes available at all, despite these being centres for holding sexual criminals.

police operate in a proper manner and that our legal system is operating at its best. I want to put this case on record. I am sure it will not end here and that we will have to deal with other issues. However, I believe that the other bodies involved—they know who they are—should look at this case in greater detail, and I look forward to what the Minister has to say.

Minister for Policing, Criminal Justice and Victims (Damian Green): I congratulate the hon. Member for Bradford South (Mr Sutcliffe) on securing this debate and thank him for recognising at various stages in his speech that I will inevitably be constrained in what I can say in response to the specific points he has raised. He served in a distinguished capacity in both the Ministry of Justice and the Home Office under the previous Government, so he will recognise that as a Minister in both Departments I am doubly constrained in what I can say. I will, however, respond to his points about miscarriages of justice, applications to the Criminal Cases Review Commission, and police matters.

Consideration of alleged miscarriages of justice is a matter for the independent Criminal Cases Review Commission, and ultimately for the appeal courts. I am aware that Mr Elam has made an application to the commission. It is therefore not a matter for the Government and it would be inappropriate for me to comment on that case on their behalf. I understand that Mr Elam has made a complaint to West Yorkshire police that is still ongoing and being investigated by the force’s professional standards department. Again, that disqualifies me from commenting on it.

The hon. Gentleman mentioned the background to the case, and I understand that Mr Elam and a number of co-defendants were prosecuted as a result of a major operation by West Yorkshire police. There were a number of criminal trials against Mr Elam and other defendants in 2006, 2008 and 2009. Mr Elam was convicted of offences including assault and conspiracy to pervert justice, conspiracy to defraud, and doing acts tending or intending to pervert the course of justice. Custodial sentences were imposed following conviction, which have been served, and I understand that Mr Elam has appealed unsuccessfully to the Court of Appeal, against sentence on one occasion, which was heard in 2007, and twice against conviction—both those appeals were heard in 2010.

As I have said, Mr Elam has made an application to the Criminal Cases Review Commission, which was established by the Criminal Appeal Act 1995. Its purpose is to review possible miscarriages of justice. Since 31 March 1997, the commission has operated with the power to investigate alleged miscarriages of justice and refer convictions and sentences to the relevant appeal court for a new appeal. Its remit extends to England, Wales and Northern Ireland. The commission replaced functions that were previously carried out by the Secretary of State. Parliament established the commission specifically to be a body that is independent of the Government.

A commission review is rightly a long and thorough process. If Mr Elam’s application to the commission concerns all the criminal proceedings to which he has been subject over a number of years, the review will be complex and lengthy.

It should be noted that the commission has strong statutory powers to enable it to discharge its functions. It can direct and supervise investigations; approve the appointment of officers to carry investigations on its behalf; and gain access to documents and other relevant materials. I draw the hon. Gentleman’s attention to the power in section 17 of the 1995 Act, under which the commission can reasonably require any person serving in any public body to produce to the commission any document or other material that can assist it in the exercise of any of its functions.

Of course, “public body” includes the police, so the commission’s powers pursuant to section 17 operate irrespective of any duty of confidentiality and allow the commission access to information of the highest sensitivity. Accordingly, as I am sure the House can see, the commission has the power

to obtain and review the papers and materials held by West Yorkshire police, provided the commission believes it reasonable to do so, in connection with its review of Mr Elam's conviction. I hope that that reassures the hon. Gentleman that, when the time comes, the commission can access and consider all material relevant to the review of Mr Elam's application.

The commission has confirmed that an application from Mr Elam was received in January 2013. Mr Elam is now at liberty and, as I understand it, the case is not yet under active review. The commission has informed me that it recently wrote to advise Mr Elam that the estimated date for the allocation of his case for review is January 2015. I appreciate that that is some two years after the original application was made and that, given the complexity of the case, it is likely to be some time before an outcome is reached once the review is underway.

In addition, the commission has explained to me that it operates a system of priority for applicants who are in custody. For cases requiring a substantial review, the review is generally started 12 months earlier when applicants are in custody than when somebody is at liberty. Currently, the wait for those in custody is unduly long. The commission is concentrating on allocating those cases to reduce the maximum waiting time.

As I have said, although the commission prioritises applications from people in custody, I am advised that it has a policy for affording priority to any individual case when appropriate. Perhaps Mr Elam wishes to pursue that, or perhaps the hon. Gentleman can discuss with Mr Elam whether that is an appropriate course of action in his case. I should take the opportunity to repeat that the Government should not, and indeed cannot, in any way intervene or be seen to be intervening in a matter for the commission and, if appropriate, the appeal courts.

On the West Yorkshire police investigation, I understand from them that Mr Elam's solicitor contacted them at the end of last year to make a complaint about an officer involved in the 2005 investigation. West Yorkshire police's professional standards department is currently in correspondence with Mr Elam's solicitor about the matter and currently awaits a response. As the hon. Gentleman has said, Detective Chief Superintendent Brennan, the head of the West Yorkshire police professional standards department, has spoken to him and informed him of the sequence of events surrounding the original complaint to the Independent Police Complaints Commission. The complaint was thoroughly reviewed, and the response was sent on 18 September advising that there was no evidence to support the allegation. A formal complaint was recorded by West Yorkshire police's professional standards department and, although Mr Elam and his representatives have been advised that the complaint will be subject to disapplication on two occasions, there has been no response to the letters.

I understand that the hon. Gentleman was advised that the process would not stop West Yorkshire police's professional standards department from taking action on the information, especially if there is a suggestion of misconduct or criminality. I believe that Detective Chief Superintendent Brennan has also offered to meet the hon. Gentleman to go through any outstanding allegations or suggestions of misconduct. As well as that offer—it is obviously a matter for him to decide whether to take that up—the professional standards department strongly encourages Mr Elam, or any other person, to contact it should they have information that they believe may be relevant or of value. I think that that is all I can appropriately say at this stage.

If after those stages Mr Elam is not satisfied with how his complaint to West Yorkshire police was dealt with, or how he was notified of the outcome, he can appeal a decision to the Independent Police Complaints Commission, which is the statutory guardian of the police complaints system. There are, therefore, further steps that he can take if he wishes to do so.

The hon. Gentleman raised three important specific points at the end of his speech. Let me

involved.

Omagh Bomb: Two Held Liable Bid For Supreme Court Hearing

Colm Murphy and Seamus Daly are to appeal against a civil case finding that they were liable for the Omagh bomb. Murphy & Daly want the Supreme Court to hear their appeal against a civil case finding that they were liable for the Omagh bomb. Senior judges rejected their latest appeal and lawyers for both men are now preparing to ask the Supreme Court in London to hear their case. Murphy and Daly face a £1.6m damages award made against them and two others.

Female Prison Officer Had Sex With Inmate & Supplied Drugs At HMP Birmingham

Julie Turton a female prison officer is facing a jail sentence after admitting having sex with an inmate and supplying drugs at HMP Birmingham. Turton, 53, was told by Judge James Burbidge QC: "You have admitted serious offences of misconduct in a public office. For my part I can not see any sentence other than one of imprisonment." Turton, of Hembs Crescent, Hamstead, appeared before Birmingham Crown Court and pleaded guilty to five charges of misconduct in a public office and she also admitted supplying cannabis. The offences occurred between November 2011 and May last year. Turton admitted having engaged in sexual relations with an inmate named as Danny King, communicating with prisoners via a mobile telephone as well as supplying one of lag with a stereo system. Case was adjourned until March 3 so that a pre-sentence report could be prepared on the defendant, who was allowed bail.

CPS is Ignoring Racist Motivation in Murder and Manslaughter cases

Oliver Wright, Independent, 02/02/14: Police and the Crown Prosecution Service (CPS) have "filtered out" allegations of racism from dozens of murder and manslaughter cases that have come before the courts in the last 10 years, a damning report has found. Since 2000, judges have had a duty to hand down harsher sentences for any offence that can be shown to have been racially or religiously aggravated. But researchers from the think-tank the Institute for Race Relations (IRR) analysed 93 deaths with a known or suspected racial element since the new law came into effect, and found that in more than half of cases, evidence of the defendant's motivation was stripped out during the investigation or prosecution process.

The report concludes "It [racism] has to be at its most overt and brutal – and uncontaminated by any other external factor – to be accepted by the criminal justice system," and that the criminal justice system still does not have a clear enough understanding of how racism is a contributory factor to serious crime and suggests it is too often being disregarded.

Among the 93 deaths investigated was that of Asaf Mahmood Ahmed, a 28-year-old Pakistani man killed in Bolton in 2007. Mr Ahmed died from an asthma attack brought on by an unprovoked attack from two drunken white teenagers. Such was the extent of his injuries that a woman who came to his aid could not tell the colour of his skin. The police treated the attack as racially motivated, and the judge, when sentencing the attackers, said: "I have no doubt the pleasure you derived at the time of the assault was all the greater because the victim happened to be Asian." But the CPS did not prosecute the murder as racially motivated because the teenagers had earlier attacked a white man. However, it did acknowledge that one attacker in particular had "a very nasty attitude to Asian people".

In another case, a Pakistani delivery driver was stabbed to death by a white man during a robbery in North Yorkshire. Before the murder, the killer told a witness that he "might do that Paki", and when she asked him why, his response was: "[Because] I can." The prosecution

ly 3,000 incidents since September 2008. In contrast assaults amongst adult prisoners (aged 21 and over) have increased by around 800 incidents over the same time period. The number of assaults on staff has remained broadly flat at around 3,000 incidents per year for the last 5 years. However, the number of serious assaults on staff, at 328, has increased to the highest number recorded in recent years from an unusually low 250 in the previous year.

Birmingham Six: Challenge IRA Pub Bombers To Come Forward

Henry McDonald, The Observer, Sunday 2nd February 2014

Paddy Hill has launched an online petition aimed at pressurising the government into a new public inquiry into the bombings, which killed 21 people and injured 182 others. In a speech this weekend 01/02/14 to commemorate the 1972 Bloody Sunday shootings in Derry, Hill called for the remaining IRA activists to tell the truth about what happened in Birmingham. He also said he hoped any fresh investigation would highlight the role of an alleged informer who, Hill claims, told West Midlands police that he and the five other people wrongly convicted of the murders were not involved in the bombings .

Hill said: "From what we have learned we now know that there was an informer in the IRA unit that bombed Birmingham. At the time of our arrests he told the police that we were not even in the IRA and knew absolutely nothing about the bombs. Any new inquiry has to look at the role of that informer in this scandal. "As for those behind the bombs, there are, to my knowledge, three of them still alive, walking the streets as free men. I don't believe they would do a single day in jail, due to the amnesty given under the Good Friday agreement. But I do feel they should come clean and tell any public inquiry exactly what they did 40 years ago."

"Any new inquiry should also explore the role the then Labour government played in putting him and five other innocent men behind bars. "There is a 75-year public interest immunity certificate on our case, which prevents the full truth coming out. Any public inquiry should be allowed access to all that material and overturn that bar on the full facts. Because even at the time of our arrests, we were told by police officers that they didn't care if we did it or not – that people right at the top needed convictions. That has to be looked at in any inquiry." Hill said he was "astonished" that the families and loved ones of those killed and maimed in the 1974 IRA bombings failed to get the necessary numbers to sign their own online petition. "That's why I am lending my help with my own online petition, which needs 100,000 plus people to sign." Paddy Hill and five other Irishmen – Hugh Callaghan, Billy Power, Johnny Walker, Richard McIlkenny and Gerry Hunter – spent 16 years in prison. In 1991 the court of appeal quashed their convictions for the Birmingham bombings.

HMP Oakwood Prison Disorder: Inmates 'told To Throw Excrement'

3 inmates involved in disorder at England's largest prison had been told by a jail gang to throw excrement over guards. A solicitor for the men said they were in debt to the gang and were told to throw buckets of urine and faeces during disorder at HMP Oakwood. Violence broke out at G4S-run HMP Oakwood, earlier this month. Magistrates in Cannock added extra time to the prisoners' sentences. Paul Kerrison, pleaded guilty to three assault charges against guards and was sentenced to 12 additional weeks. Christopher Cole, admitted one assault charge and received 12 extra weeks. Matthew James, received eight extra weeks for two assaults. After the disorder a prison officer told the BBC it was a "full-scale riot" with prisoners taking over an entire wing of the jail. G4S said about 15 to 20 prisoners were

address them as far as I can. The issue of the production order to Yorkshire Bank and the role of Mr Shires is specific to one or more of the criminal cases brought against Mr Elam. If that is a case he has asked the Criminal Cases Review Commission to consider, it will investigate the issues fully. It is therefore not appropriate for me to speculate on them. Information on the costs and diversion of police resources for the purposes of Operation Teddington is an operational matter for West Yorkshire police, so I refer the hon. Gentleman to it for the answer to that. On the question of where Mr Elam served his custodial sentences, the decision on which custodial facility a convicted prisoner is sent to is made by the National Offender Management Service. Its decision is informed by information and intelligence from various sources, and the directorate of high security has a responsibility to act on that information. It is not within its remit to investigate the details of the information provided by the sources it uses.

It is clear from the important matters raised by the hon. Gentleman that there are issues that need to be looked into further. As I have explained, the relevant and appropriate bodies are looking into those matters now. I therefore think that the sensible way forward is to allow the application to the Criminal Cases Review Commission to take its course. I hope that that satisfies the important points raised by the hon. Gentleman.

Offenders With Learning Disabilities Not Getting Help They Need, Say Inspectors

The needs of many people with learning disabilities are going unnoticed when they are arrested by police, go to court and are sentenced, according to independent inspectors. Today they published the report of a joint inspection into people with learning disabilities within the criminal justice system which said their needs should be recognised and addressed.

The report, A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system: phase 1 from arrest to sentence, reflects the findings of HM Inspectorate of Probation, HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate and the Care Quality Commission. The inspection covered activity at police stations, the prosecution and court process, pre-sentence report preparation and the assessment and planning undertaken at the start of the community order.

No clear definition or agreement exists across criminal justice and health organisations about what constitutes learning difficulties or disabilities. Although believed to be a sizeable minority, possibly as high as 30%, there is no way of knowing the number of people with such conditions within the criminal justice system. Adequate provision is, consequently, not always made by the agencies involved to cater for their specific needs.

Inspectors were concerned to find: - little had changed by way of effective screening of detainees with a learning disability at the police arrest stage; - few medical or psychiatric professionals were specifically trained to work with people with learning disabilities in police custody suites; - a lack of knowledge and training led to offenders with a learning disability being perceived as a problem to be processed rather than an individual with particular needs requiring individual help; - too often, offenders with learning disabilities were not receiving the support they required to reduce their risk of harm to others or their likelihood of reoffending; - in some areas police custody sergeants said appropriate adults were not always available to assist with cases; - only one of the police forces inspectors visited had a mechanism to divert offenders from custody before arrest on the grounds of identified mental health problems or a learning disability; - in other areas, diversion schemes were implemented within the court building rather than before or at arrest. Earlier interventions might have avoided the need for a costly and stressful court process in some cases; - in two-thirds of the cases inspected, the Crown Prosecution Service (CPS) was not provided at key stages with informa-

tion regarding the offender's learning disability; although all the decisions examined were correct, this information is vital to ensure they are properly informed; and - pre-sentence reports were not always based on an appropriate risk/needs assessment and in the majority of cases, the assessment emphasised the offender's need rather than any risk they may have posed to the public. As a result, these offenders were sometimes denied access to interventions to address their offending.

In his review of people with mental health problems or learning disabilities in the criminal justice system, published in 2009, Lord Bradley suggested that 'the police stage in the offender pathway provides the greatest opportunity to effect change'. The recent government announcement confirming the decision to extend the provision of mental health and learning disability nurses to police stations and courts in ten pilot areas is a positive development.

The chief inspectors made recommendations for improvement for police forces, the CPS, the Department of Health and NHS England (Health and Justice), probation trusts, and Her Majesty's Courts and Tribunals Service. These recommendations included the criminal justice agencies jointly adopting a definition of learning disability, ensuring information is shared and making effective screening tools available in custody suites.

HM Chief Inspector of the Crown Prosecution Service and Chair of the Criminal Justice Chief Inspectors Group, Michael Fuller QPM, said on behalf of all inspectorates: "Although we found some excellent examples of professionals going the extra mile to ensure that individual offenders with learning disabilities received the appropriate support they required, such instances were exceptional and these deficits were mirrored across the criminal justice system. A balance needs to be struck between the support needs of those with learning disabilities and the need to hold them to account, where appropriate, for their offending. If offender engagement is to have any real meaning it has to start with an understanding of the offender's learning ability and style based on an effective screening of all offenders. For those with a learning disability this is even more important as failure to identify and address their needs denies them their right to access services both inside and outside the criminal justice system."

Death of Ryan Clark at HMYOI Wetherby - Jury Identify Serious Failures

A jury has found a string of failures contributed to the death of 17 year old Ryan Clark on 18 April 2011 at HMYOI Wetherby. A damning conclusion highlighted the failure to extract from available documents details of his vulnerabilities and susceptibilities; that not all support that could have been available to Ryan, for example through the personal officer scheme, was implemented; and Wetherby's scheme to quell bullying and intimidation by way of a 'shout out' policy was ineffective. The jury concluded that Ryan's actions were more of a 'cry for help' due to the amount of verbal abuse and physical threats he was experiencing, and ruled by majority that his death was accidental.

But the jury's conclusions had to be limited to factors which directly caused or contributed to Ryan's death. The inquest had heard from Jane Held, Independent Chair of Leeds Safeguarding Board, that the system failed Ryan, as a 'looked after' child, who was in care since he was 16 months old. She said that during the last 12 months of his life, there was no single consistent professional responsible for him, his housing situation prior to his remand was dire, his care plan was insufficient, and he was treated as troublesome rather than troubled, vulnerable and emotionally damaged.

Sonia Daggett, Ryan's mother said: "I'm so glad the jury has recognised that Ryan never intended to kill himself. Lessons must be learned to stop pretend self-harm turning to tragedy."

Ruth Bunday, solicitor for Ryan Clark's family said: "It is welcome that the jury has recog-

Lottery Winner Flushes Thousands Down Toilet

63-year-old Angela Maier's win of 402,000 euros on the German national lottery prompted the care home where her husband died to send her a bill for his medical expenses. She downed five bottles of champagne a few days after her windfall, before opening the letter demanding payment. Sent into a fit of anger, Maier tore cash into pieces and flushed it down the toilet. Maier may have made up the story to avoid paying the bills, but it would be difficult to prove, a court heard. She agreed to pay £3,300 in compensation to the care home.

Saving Lives: Coroners' Reports To Be Made Public

The Chief Coroner's Office has announced that reports made by coroners to help prevent future deaths will now be routinely published online. 'Preventing future deaths' reports can be made by coroners at the end of an inquest for the benefit of individuals, organisations or public bodies. For the first time they will now be easily available to any member of the public on a dedicated website. <http://www.judiciary.gov.uk/about-the-judiciary/office-chief-coroner/pfd-reports>

Prisoners: Palliative Care

House of Commons: 28 Jan 2014 : Column 498W

Rehman Chishti: (1) what his policy is on end-of-life care for older prisoners; (2) what measures are in place to ensure a consistent approach to end-of-life care in prisons.

Norman Lamb Secretary of State for Health: Prisoners are entitled to receive decent and humane treatment with access to health services appropriate to their need at all times, including the end of life. As with people in the community, prisoners must be able to make choices about how they are cared for and where they wish to die. Successfully managing end of life care in prison requires officers, governors, health care staff, voluntary organisations and prisoners' families to work together to achieve the best outcomes for the individual. In 2011, the Department and the National Health Service National End of Life Care Programme published 'The route to success In end of life care—achieving quality in prisons and for prisoners', to help support prison and health and social care professionals deliver a consistent approach to end of life care in prisons.

Safety in Custody Statistics England and Wales Update to September 2013

In the 12 months to end of September 2013 there were 198 deaths in prison custody – an increase of 4 from the same 12 month period a year earlier. These deaths comprise of: 63 apparent self-inflicted deaths, up from 56 in the previous year (13% increase); 118 deaths due to natural causes, down from 129 in the previous year (9%); 2 apparent homicides, up from 1 in the previous year; 15 other deaths, all of which are yet to be classified awaiting further information. At this stage last year there were 11 deaths awaiting further information, of which 6 have since been reclassified.

Overall, the number of incidents of self-harm in prison custody fell in the last 12 months but with differing trends for males and females; 22,971 recorded incidents in the 12 months to the end of September 2013, compared with 23,305 in the previous 12 months – a fall of 1% ; 272 incidents per 1,000 prisoners in the 12 months to the end of September 2013, an increase from 268 in the previous 12 months; 6,818 recorded individuals – broadly unchanged on the previous 12 months. On average, 3.4 self-harm incidents per prisoner who self-harms.

The number of incidents of recorded assaults (including fights) in prison custody has returned to a falling trend over the medium term; falling to 13,696 in the 12 months to September 2013 compared with 15,896 in September 2008.

However, the falls occur amongst prisoners aged under 21 which have reduced by near-

PACE Breaches: Super Receives Final Written Warning

Police Oracle, 29/01/14

A detective superintendent who breached the Police and Criminal Evidence Act (PACE) to help capture a murder suspect has received a final written warning after being found guilty of gross misconduct. Det Supt Steve Fulcher breached PACE after the arrest of Christopher Halliwell by ordering he be taken to where he suspected missing person Sian O'Callaghan had been taken rather than to a custody suite. He also failed to caution Halliwell. At the time, Halliwell was only suspected of abducting Miss O'Callaghan but he led Det Supt Fulcher to her body and that of Rebecca Godden-Edwards, who had disappeared nine years earlier. Halliwell initially pleaded not guilty to both murders and his confession to Det Supt Fulcher was ruled inadmissible, because of the PACE breach, and the charge of murdering Miss Godden-Edwards was withdrawn. He later admitted murdering Miss O'Callaghan. The case prompted Miss Godden-Edwards' mother Karen Edwards to campaign for a change to PACE.

Cheltenham Lapdancers Cleared of Kidnapping

BBC News, 31 January 2014

Curtis Woodman alleged the four women and two "heavies" forced him into a car and robbed him in September 2012 in Tewkesbury, Gloucestershire. Dancers Mandy Cool, Rachel Goodchild and Stephanie Pye, and manager Charlotte Devaney, had worked for him during the Cheltenham Festival. Brothers Robert Morris, 27, and Alexander Morris, 23, were also cleared of kidnap. DJ and producer Ms Devaney, 34, collaborated with US rapper Snoop Dogg on her latest single, Flip It, and was in the Hollywood comedy film How To Lose Friends and Alienate People with actor Simon Pegg.

During the trial Ms Davaney told Bristol Crown Court Mr Woodman had concocted the kidnap story to avoid paying them more than £42,000. She said 19 women had been left unpaid. "He invented all of this," she said. "You don't make girls take their clothes off and then not pay them to work. It is not a moral thing to do." Ms Devaney recruited 60 lapdancers to work at Mr Woodman's pop-up nightclub which was closed by authorities on its third night. The court heard Mr Woodman refused to pay Ms Devaney and the dancers, claiming they had breached contracts agreeing to wear nipple tassels and bikinis, leading to the club being shut down.

Mr Woodman said six months later, the women arrived at his work in Tewkesbury. He said he was threatened with a knife, robbed of £60 cash and his £4,650 Breitling watch, and made to transfer £4,800 into Ms Devaney's bank account. He said he was then dumped on a residential street.

Ms Devaney, from London, Ms Cool, of Southampton, Ms Pye, from Sutton Coldfield and Ms Goodchild, also from Southampton, were cleared by the jury following a three-and-a-half-week trial. Speaking outside court, Ms Devaney said: "It is the right verdict. We are now looking forward to getting on with our lives now." Civil proceedings against Mr Woodman for the £42,000 are ongoing.

US Government Murder Herbert Smulls

Missouri late on Wednesday 29/01/14 executed a man convicted of killing a jewelry store owner during a 1991 robbery after the U.S. Supreme Court denied last-minute appeals that in part challenged the drug used in the execution. After the United States Supreme Court vacated three separate stays of execution on January 29, 2014, Herbert Smulls was executed for the 1991 murder of Stephen Honickman," Missouri Attorney General Chris Koster said in a statement. Smulls, 56, was pronounced dead at 10:20 p.m. local time at a state prison in Bonne Terre after receiving a lethal dose of pentobarbital, a fast-acting barbiturate. This was the third murder in the last three months by Missouri State,

nised the very serious failings in the lead up to Ryan's death. It is also clear that he was failed by those who were supposed to protect his welfare for a long time before that. Over 50% of the children held in Wetherby YO1 are 'looked after' children. Ryan's death raised serious questions about the protections afforded by the state to very vulnerable young people."

Deborah Coles, co-director of INQUEST said: "The jury's conclusion is a serious indictment of a system that fails time and again to protect children in its care. It is clear that basic safeguards that should have been implemented to protect Ryan, a vulnerable 17 year old, were either absent, ineffectual, or simply ignored. Deaths of children and young people do not just raise criminal justice issues but important issues outside the prison walls such as the role of social services, support for 'looked after' children and questions as to why a vulnerable child was imprisoned in the first place. There have been a pattern of deaths of children and young people with worryingly familiar themes which is why we are calling for an independent, wide ranging and holistic review into the deaths of children and young people in prison."

Ryan was 17 years old when he was remanded on 30 March 2011. Ryan had always maintained close contact with his mother. He had lost his father, who died in 2010, not long after he had begun building a positive relationship with him. The Personal Escort Record (PER) completed by police indicated self harm in the police station by banging his head on the cell wall. He was remanded to HMYOI Wetherby. He was generally described by all, trainees and staff, as quiet, kept himself to himself, reclusive - but on 3 April he became aggressive towards a prison officer, saying he was upset because couldn't contact his mum on Mother's day and believed the officer insulted his mother. The incident was adjudicated and he lost his privileges for 7 days and was moved to a different wing. The last few nights of his life Ryan said he was being bullied and was tearful. He talked about stringing up to the boys in neighbouring cells. No one rung their cell bell. Ryan was found dead the following morning, 18 April 2011.

Family represented by INQUEST Lawyers Group member Ruth Bunday, Harrison Bunday Solicitors.

Eighth Year of Decline in Political Rights and Civil Liberties

Worst of the Worst: Ten countries given the lowest possible rating for both political rights and civil liberties. Central African Republic / Somalia / Equatorial Guinea / Sudan / Eritrea / Syria / North Korea / Turkmenistan / Saudi Arabia / Uzbekistan

The state of freedom declined for the eighth consecutive year in 2013, according to Freedom in the World 2014, Freedom House's annual country-by-country report on global political rights and civil liberties. Particularly notable were developments in Egypt, which endured across-the-board reversals in its democratic institutions following a military coup. There were also serious setbacks to democratic rights in other large, politically influential countries, including Russia, Ukraine, Azerbaijan, Turkey, Venezuela, and Indonesia.

Findings of the 41st edition of Freedom in the World, the oldest, most authoritative report of democracy and human rights, include: Fifty-four countries showed overall declines in political rights and civil liberties, compared with 40 that showed gains. For the eighth consecutive year, Freedom in the World recorded more declines in democracy worldwide than gains. Some leaders effectively relied on "modern authoritarianism," crippling their political opposition without annihilating it, and flouting the rule of law while maintaining a veneer of order, legitimacy, and prosperity. Central to modern authoritarians is the capture of institutions that undergird political pluralism. They seek to dominate not only the executive and legislative branches, but also the media, judiciary, civil society, economy, and security forces.

CCRC Refers The Sentence Of Mr R To The Court Of Appeal

Mr R pleaded not guilty in 1997 to arson, damaging property and making a threat to kill. He was convicted and sentenced to life imprisonment with a recommendation that he serve eight years. Mr R appealed against his sentence in the same year and the minimum term to be served in prison was reduced from eight years to six. Mr R, who has been detained in hospital since 2002, applied to the Commission for a review of his sentence in November 2011.

The Commission has decided to refer Mr R's sentence to the Court of Appeal because it considers there is a real possibility that the Court would quash the life sentence and substitute a hospital order under s.37 of the Mental Health Act 1983 with restriction under s.41. The referral is made on the basis of new evidence, derived from post-appeal psychological and psychiatric assessment, of the extent and degree of Mr R's learning disability which, had it been known at sentencing, would have led to the imposition of a hospital order with restriction instead of a prison sentence.

CCRC Refers The Sentence Of Samuel Shoyeju To The Court Of Appeal

Mr Shoyeju pleaded guilty to misconduct in a public office at Basildon Crown Court in November 2011. He was sentenced to seven years' imprisonment. Mr Shoyeju's application for leave to appeal against his sentence was dismissed in March 2013. He applied to the Commission for a review of his sentence in June 2013.

The Commission has decided to refer Mr Shoyeju's sentence to the Court of Appeal because it considers there is a real possibility that the Court will reduce the sentence. The referral is made on the basis of new information that the sentencing Judge made a factual error in relation to a separate case on which he relied in his sentence calculations in Mr Shoyeju's case. Mr Shoyeju was not legally represented for his application to the Commission.

CCRC Refers The Sentence Of Dwayne Pink To The Court Of Appeal

Mr Pink was convicted after a trial at Blackfriars Crown Court in June 2009 of kidnap and of wounding with intent to cause grievous bodily harm. He received a sentence of Imprisonment for Public Protection (IPP) with a minimum term of five years minus 50 days spent on remand. Mr Pink tried to appeal against his sentence but his application for leave to appeal was dismissed. He applied to the Commission for a review of his sentence in November 2013.

The Commission has decided to refer Mr Pink's sentence to the Court of Appeal because it considers there is a real possibility that the Court will amend the sentence. The referral is made on the basis that the sentence imposed failed to deduct time spent on qualifying electronically monitored curfew (a "tag") after the coming into force of section 240A Criminal Justice Act 2003 (as introduced by section 21 Criminal Justice and Immigration Act 2008).

Pearse Jordan Inquest Findings Quashed in IRA Death Case *BBC News 31/01/14*

The findings of an inquest into the police shooting of an IRA man more than 20 years ago are to be quashed, the High Court in Belfast has ruled. Pearse Jordan was killed in disputed circumstances in west Belfast in 1992. In a verdict with potentially major implications for other cases, the judge indicated a new inquest examining his death should sit without a jury. The judge also found the PSNI responsible for a delay of up to 11 years in holding the hearing. The judge is due to make a future determination on whether the police are liable for any damages over the hold-up.

Witnesses in the case claimed the police shot Mr Jordan in the back on the Falls Road as he tried to flee, after the stolen car he was driving was rammed by officers. His death was one of several

Kingdom was not heard as the place to which the drugs would be sent'.

Another Brazilian statement, by officer Renato Prado, gives details of a surveillance operation at Santos, when police observed Simic using a high-speed inflatable boat to transfer drugs to a container ship. Yet this involved a different ship entirely, the MSC Nuria. Prado's statement says that because of what he saw a week later, 'we concluded that on May 17, drugs had been sent to the Oriane.' It does not say why. The Oriane was in Santos that day, and Simic did have an inflatable boat there. But yet another statement says: 'There were malfunctions on the motors and it could not be utilised. With this, the transaction agreed with the crew [of the Oriane] could not be carried out.' After reaching Antwerp in Belgium on May 31, the Oriane docked at Tilbury in Essex on June 4. There, Soca said, it was searched. No trace of any illegal drug was found.

As Green's sister Nicky says: 'About the only certain fact in this case is that cocaine was found in rucksacks beneath the cliffs. 'Every other supposed fact is open to grave doubt.'

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Zoran Dresic A0938AT HMP Lowdham Grange, Old Epperstone Road, Lowdham, NG14 7DA
Scott Birtwistle A0623CA HMP Swaleside Brabazon Road Isle of Sheppey Kent ME12 4AX
Jon Beere A8257AZ HMP Long Lartin Shine Hill Lane South Littleton Evesham WR11 8TZ
Dan Payne A0932AT HMP Rye Hill Willoughby Nr. Rugby Warwickshire CV23 8SZ

Merseyside Police Must Improve Safety Training For Its Officers *IPCC, 28/01/14*

Following an independent IPCC investigation into the death of a man who died in hospital after being arrested in 2012, the IPCC has told Merseyside Police it should review its training so that officers are better equipped to spot the signs of what national police guidance describes as Acute Behavioural Disorder and is sometimes referred to as 'excited delirium'.

Although the investigation into the death of Antony Hughes found no misconduct issues for individual officers it did reveal the force's training in relation to caring for people displaying symptoms of this condition was inadequate or inefficient. Witnesses described Mr Hughes, 27, as foaming at the mouth, shouting, running in and out of traffic and trying to gain access to houses in East Prescott Road in Liverpool before he was arrested on 28 February 2012. He was displaying symptoms described in the National Policing Improvement Agency (NPIA)/Association of Chief Police Officers (Acpo) Personal Safety Manual as requiring action by officers to treat the matter as a medical emergency requiring hospital intervention but none of the officers recognised them. The officers used force to restrain Mr Hughes for his own safety, before he was placed or fell on the ground* and handcuffed while a search was carried out. He was then put in the recovery position. After being examined by paramedics at the scene, while still handcuffed, he was placed in an ambulance. His condition deteriorated in the ambulance and he was taken to the Royal Liverpool Hospital where he was pronounced dead.

A post mortem examination gave the cause of death as 'cocaine toxicity with excited delirium' and an inquest at Liverpool Coroner's Court on 2 December 2013 concluded Mr Hughes died of a drug-related death. Although the police officers did not recognise the symptoms Mr Hughes' exhibited on the day, the way they handled him in terms of placing him in the recovery position and summoning medical help was found to be inline with NPIA guidance.

On that basis, and considering the information the officers had at the time, the IPCC found that the use of force used on Mr Hughes was reasonable and that there was no case to answer for misconduct in respect of any of the police officers. The IPCC recommended Merseyside Police review its training in this area to ensure there is emphasis on what officers should do to respond to the symptoms Mr Hughes showed.

'spoilt'. DC Paul Jeans and DC Andrew Dunne, the Hampshire policemen, said in the logs they dictated that day that they saw only 'six or seven items' being thrown from the boat, and that these – unlike the red and translucent rucksacks – were black.

This matched the story told by the defendants, who said they merely jettisoned rubbish in binliners. This is not the only mystery surrounding Jeans and Dunne. Having seen the 'items' being thrown, they left their spot on the Downs and the items in the water with no one observing them. After spending the night at a Cowes hotel they were about to board a ferry back to the mainland when they were phoned by a senior Soca man, Gary Breen, because the rucksacks had been found in the water. Sitting in their car with Breen, they now changed their logs, to say they had seen 12 bags the size of holdalls. After the trial, an investigation by the Independent Police Complaints Commission confirmed there were 'inconsistencies' in their evidence. But these were not sufficient to demonstrate that the officers fabricated their accounts'.

Jeans and Dunne denied the bags were pushed from the Galwad at the obvious place – the gap in the railings on the starboard side by the pot hauler. They insisted they came from the port side at the stern. But there is only a very narrow opening there, and no room behind it to stack a pile of bulky rucksacks.

The Troubled Juror: Days after the trial, one of the jurors, who had voted against convictions, wrote to the defence QC making this claim: one of his fellow jury members had been approached by Soca officers at his health club. They had given him information about Green and Beere which was never disclosed in court – that Beere had visited Green in prison before his own arrest. This, they reportedly suggested, was incriminating. They added that Soca was most unhappy with the defence QC because he usually acted for the prosecution and had taken advantage of his knowledge of Soca procedures while fighting for the defence.

QC, Julian Christopher, took the letter to the Court of Appeal, which ordered an investigation by the Criminal Cases Review Commission (CCRC). This confirmed that Beere had indeed visited Green, and that Christopher usually acted for the Crown in Soca cases. However, it could not identify who had spoken to the juror from Soca because several officers used the club.

Usually, evidence that a law enforcement officer had spoken to a juror would be enough to get a conviction quashed, and it was perhaps for that reason that this became the men's only ground of appeal. But Lady Justice Hallett ruled the juror who had written to Christopher was 'not capable of belief', and upheld the convictions. None of the issues outlined here was discussed, leaving the prisoners only one avenue – a further appeal to the CCRC.

Drug Ship That Never Was: The five men plan to lodge that appeal soon. Meanwhile, this newspaper can reveal new evidence that undermines the prosecution's starting point – the claim that the Oriane carried any drugs at all.

The basis of that prosecution claim is statements by Brazilian police which barely figured at the trial. They claim that Damir Simic, a Serbian, was in two ports where the Oriane was moored before it left to cross the Atlantic – in Navegantes on May 12, 2010, and Santos the following day. According to the Brazilians, this was when Simic met a crew member and planned how to get the drugs to the Oriane. This is vital because weeks later, Simic was arrested in a Brazilian hotel room in possession of a large quantity of cocaine.

However, an independent record derived from the Oriane's 'AIS' satellite tracking log shows every anchorage where the Oriane moored throughout May and June 2010. On May 12, the vessel was at sea, and did not reach Santos until May 17. Brazilian statements also refer to thousands of phone taps. But they add that none of them mentioned the Galwad-y-Mor, while 'the name United

high-profile cases in Northern Ireland involving allegations that the security forces had operated a 'shoot-to-kill' policy. In October 2012, a long-delayed inquest failed to reach agreement on key aspects of the case. The jury was split on whether reasonable force was used, the state of belief on the part of the officer who fired the fatal shots, and whether any alternative course of action was open to him. The dead man's father, Hugh Jordan, then mounted a wide-ranging judicial review challenge to the outcome. In Friday's 931/01/14) 129-page judgment, the judge ruled that the inquest verdict should be quashed on a number of grounds.

These included: • The non-disclosure of the Stalker/Sampson reports into other so-called 'shoot-to-kill' cases to the Jordan family • A refusal to permit the family's lawyers to deploy these reports in cross-examination of key police witnesses who played key roles in Mr Jordan's shooting and other incidents in the Stalker/Sampson probes • The decision to sit with a jury • The refusal to discharge a juror who claimed the inquest was unfair • The limited form of verdict returned by the inquest jury and the coroner's acceptance of it

Dealing with the failure to deploy parts of the Stalker/Sampson report, the judge said: "I also quash the verdict on this ground given that this evidence might have been admissible and that its potential impact could have been significant. It is a matter for the coroner at the inquest which will now have to be held."

Part of the Jordan family's challenge was to a jury sitting in such a controversial case of an alleged IRA man being killed by police. The High Court judge said: "There cannot be an effective investigation where there is a real risk of a perverse verdict or bias. In circumstances where unanimity is required, if there is a real risk of a perverse conclusion or bias on behalf of a single juror then there can be no other outcome... but that the inquest should be conducted without a jury. Accordingly, if all legacy inquests fall within the category of cases where there is a real possibility of a perverse jury verdict, then discretion should be exercised in all of them for them to be conducted without a jury."

Attributing delay to the PSNI, the judge pointed to the process around threat assessments and applications for witness anonymity. "I consider that this was an obstacle or difficulty created by the PSNI which prevented progress of the inquest," he added.

Outside court, Hugh Jordan expressed delight at the outcome. He said: "We have waited over 20 years for a proper inquest to be conducted fairly and thoroughly. Hopefully now it will be." His lawyer, Fearghal Shiels of Madden & Finucane Solicitors, said: "This is an emphatic vindication of the Jordan family in bringing this application and the judgment will provide the framework for how future controversial inquests involving the use of lethal force by the British Army and RUC shall be conducted. The Jordan family are looking forward now to a new fair inquest heard solely before a coroner or judge, and free from the real risk of perverse verdicts from jurors who may be unable to set aside political or religious prejudices and to reach a verdict according to all of the evidence."

Marion Millican Killing: Fred McClenaghan's Murder Conviction Quashed

A man jailed for shooting dead his ex-lover in a County Londonderry laundrette had his murder conviction quashed. Fred McClenaghan will now face a retrial over the killing of Marion Millican in Portstewart. No further details of the decision reached by the Court of Appeal can be reported for legal reasons. Mrs Millican, 51, was shot in the chest at her workplace in March 2011. She died at the scene. The victim had been in a relationship with McClenaghan, 51, which ended months before the killing. McClenaghan, formerly of Broad Street, Magherafelt, was found guilty of murdering Mrs Millican following a trial in 2012. He was sentenced to a minimum of 16 years in jail.

Justice for, Jamie, Jon, Zoran, Dan and Scott - The Crime That Never Was

Murky riddle of the £53m Isle of Wight cocaine job. New evidence throws into question the guilty verdicts of the five fishermen jailed for 104 years A forensic analysis of one of Britain's biggest and most daring drug smuggling operations – and a deeply unsettling question? The smugglers' audacity was breathtaking. In the middle of a black, storm-swept night, they struggled out into the English Channel, the world's busiest shipping lane, in a 39ft lobster boat. Lashed by a force-eight gale and 20ft waves, the Galwad-y-Mor, was rolling so violently that one of the crew spent most of the voyage being sick. But navigating with pinpoint precision, they found the wake of the MSC Oriane, a giant Brazilian container ship heading for Antwerp at 18.5 knots (21mph).

The lowest open deck on the Oriane sat the height of three double-decker buses above the waves, yet it was from there that members of her crew then tipped 11 rucksacks containing 560lb of cocaine with a street value of £53million into the darkness. Minutes later, the Galwad's fishermen retrieved them. Pausing en route to conceal the bags in shallower waters, they then made their way back to their home port, Yarmouth on the Isle of Wight, arriving the following afternoon. But they had been spotted. Unbeknown to them, the Serious Organised Crime Agency (Soca) had received intelligence about drugs on the Oriane and was following her up the Channel on a UK Border Agency cutter, the Vigilant. The Galwad, a quarter of a mile offshore, had also been observed by two Hampshire policemen, posted by Soca on the Isle of Wight Downs. They had even seen its crew throwing bags into the water. The smugglers had clearly planned to go back for them, or were leaving them for someone else. The next morning, an Isle of Wight fisherman noticed something snagged on a buoy below the cliffs. It was the drug-laden rucksacks, tied to a line.

Jamie Green, the Galwad's owner and captain, was arrested soon after reaching harbour, along with crewmen Daniel Payne and Zoran Dresic, a casual worker from Montenegro. A few months later, crewman Scott Birtwistle was arrested, as was Green's lifelong friend Jonathan Beere, a scaffolder. He had introduced Dresic to Green and was, Soca concluded, the gang's onshore organiser. They were charged with conspiring to import Class A drugs and were all convicted after a month-long trial at Kingston Crown Court in June 2011, a year on from that fateful night. Green, Beere and Dresic were sentenced to 24 years; Payne and Birtwistle were given 18 and 14 years respectively. It was heralded as a triumph of international co-operation and dogged pursuit. However, a four-month investigation by The Mail on Sunday has discovered one key problem with everything outlined above: it is highly unlikely that such a crime could ever have been committed

Needles In A Stormy Haystack: Isle of Wight locals were amazed by the bust. The five men made unlikely big-time smugglers. Green had been to court for fighting in pubs many years earlier. Apart from that, none had ever been accused of serious crimes before, let alone a £53million cocaine plot. They were all family men, and Green had a strong reason for wanting to avoid trouble: his wife, Nicky, had terminal cancer and was receiving chemotherapy. Beere's wife Sue is a teacher for children with special needs. Regardless of their characters and backgrounds, however, what the islanders were asking themselves was: how could they possibly have pulled it off? Assuming the drugs really were tipped into the sea from the Oriane, the prosecution's story as to how the Galwad hauled them in is incredible.

In footage of the recovery filmed by Soca, its officers did manage to retrieve the rucksacks by pulling them into a launch close to the shore in calm conditions – yet the task was so awkward it took them an hour. The Galwad is supposed to have retrieved the rucksacks in open sea during a

gale in just two minutes and 32 seconds. That's how long the vessel spent at the right position and speed, as determined by the record of its 'Olex' GPS device. This record was central to the case: the boat was in the right time and place, two miles astern of the Oriane – albeit briefly. Yet Green said he was simply looking for areas likely to be fruitful for lobster fishing. Indeed, the Olex tracks from previous voyages show he had piloted the boat on a similar course many times. On the fateful night, Green added, he could have switched his Olex off.

Both prosecution and defence lawyers instructed expert witnesses before the trial. They agreed that finding the bags would not have been easy, but according to the prosecution's expert, Paul Davidson, it would have been possible if they had been fitted with lights or beacons. No evidence of any such beacon exists: there was none when the bags were recovered. 'It would be worse than looking for needles in a haystack,' says Isle of Wight lobsterman Brian McFarlane. The restricted view from the Galwad's wheelhouse would have made the job more difficult still. According to a recent report by the Coastguard Agency, the vision is so poor that it is legally 'not sufficient to permit the vessel to be safely navigated'.

Trawling For Drugs: In an effort to save court time, the judge asked the two expert witnesses to meet before they gave evidence. The outcome was a document in which they set out their common ground. Its most important conclusion was that 'it is unlikely that the bags were discharged from the container ship in the manner that they were discovered and subsequently recovered' – in other words, tied together on a 600ft rope like lobster pots. Such a rope might easily have snared the Oriane's propellers. Moreover, once a rucksack hit the water in the churning wake of the container ship, it would have been subject to enormous forces. Any rope knotted through its straps – as with the rucksacks when they were found – would have torn them off.

Still moored at Yarmouth, the Galwad today is a forlorn sight, its paintwork cracked and rusting. A visit confirms that to reach over the side to grab a bag by hand would be impossible: between the deck and the water's surface is a vertical distance of 6ft. Could someone have retrieved the bags, each containing 50lb of cocaine and a lot of water, with a pole? Once, just maybe – though to do so would have risked being pitched into the sea. But 11 times? Hypothetically, the bags might have been thrown from the Oriane bound together in a net. But if so, says nautical equipment specialist Mike Morgan, they could not have been brought aboard the Galwad. No one could lift a huge clump of rucksacks containing 560lb of cocaine from a heaving sea with a pole. Not even the Galwad's hauler – the machine used to pull in strings of lobster pots – would be strong enough.

That leaves as the only possibility the theory both trial experts rejected: that the bags were tied together when they were thrown from the Oriane, and then recovered with the hauler. How long would that have taken? Morgan says: 'Even if you hooked the buoy at the end of the string and got it through the hauler immediately, for 11 bags on a 600ft line, you're talking at least ten to 15 minutes.' McFarlane adds: 'For a string of 11 bags, you're talking ten minutes minimum, and that's in a flat calm. You've got to maintain the exact amount of tension, because if the rope goes around your prop you're a dead man, floating like a cork. You could never do it in two-and-a-half minutes.'

The Spoiled Logs: Meanwhile, what happened to some of the most vital evidence in the case? The Vigilant, the surveillance boat that was trailing the Oriane, identified at least two other boats which spent time in the wake of the Oriane besides the Galwad. But for almost four hours after the supposed pick-up, there is no record of what the Vigilant did or what happened to these boats. The Vigilant's log, according to legal documents, was mysteriously