Violent Partner Arrested as he Walks Free from Prison *Crime & Justice, 11/04/14*

Marvin Trevis was detained as he set foot from Oakwood prison, Wolverhampton, on 28 March when it emerged he d breached a restraining order by contacting a former girlfriend he d previously been jailed for assaulting. The 24-year-old, formerly of Latelow Road in Stechford, wrote several letters to the woman " who he once left black and blue after a curtain pole beating " under a different prisoner s name in an attempt to avoid detection. And in one call to her new mobile phone " a number that didn t feature on a banned list he was prohibited from dialling " he made numerous threats of violence. Police obtained a recording of the call and prison staff intercepted several of the letters " and at Birmingham Crown Court on Friday 4th April, he admitted breaching the restraining order and was jailed for another 51 weeks

Six More Years for Death Threats

Feroz Khan and Fuad Awale, already serving life for murder have been sentenced to six more years each for threatening to kill a prison officer days after the murder of Fusilier Lee Rigby. Both were found guilty at the Old Bailey in April this year,following the incident at HMP Full Sutton in North Yorkshire on May 26 last year. Khan was also convicted of inflicting grievous bodily harm on prison officer Richard Thompson after relations between Muslim inmates and guards "became strained" in the days following Fusilier Rigby's death. Judge Michael Topolski QC sentenced Khan to six years for threats to kill and three years for GBH, to run concurrently at the end of his life sentence with a minimum of 20 years. Awale was also sentenced to six years for threats to kill, to be served at the end of his life sentence, which carries a minimum term of 38 years. Passing sentence, the judge said: "This was a premeditated, well planned and carefully orchestrated attack on a single and previously identified prison officer, who was, as such, performing a public duty and upon whom it has had a significant impact. The events as a whole formed part of a joint enterprise involving force and weapons, committed by men with convictions for murder. Both of you carried weapons to the cleaning office. Given the context, the level of threats uttered and repeated were truly appalling, causing great anguish, not just to prison officer Thompson but also his colleagues who were convinced he was going to die in horrific circumstances." The men were cleared by the jury of charges of false imprisonment during the four and a half hour stand-off along with co-defendant David Watson, 27. Khan was also found not guilty of assault occasioning actual bodily harm against another officer.Their trial earlier this year heard allegations that t he defendants called for the release of Abu Qatada and Roshonara Choudhry, a student who attempted to stab MP Stephen Timms to death in 2010. They were also accused of demanding to be flown to Afghanistan.

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, 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, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 473 (17/04/2014)

Miscarriage of Justice Ched Evans to Rejoin Sheffield United *Birmingham Mail, 13/04/14*

Convicted rapist Ched Evans has been asked to re-join his Sheffield United team mates on the pitch by manager Nigel Clough and co-chairman Kevin McCabe who visited him behind bars. Evans' agent, the Professional Footballers' Association and Sheffield United have been negotiating his return for months, with representatives of all parties making frequent visits to HMP Wymott, near Leyland. The 25-year-old was sentenced to five years in jail for raping a 19-year-old woman in a Premier Inn room in Rhyl in April 2012. He admitted having sex, but has always claimed it was consensual, and is planning to appeal his conviction through the Birmingham-based Criminal Cases Review Commission.

Ex-Wales international star Evans is due to be released in October this year, when he will return to Bramall Lane to bid for a lucrative new three-year deal. An insider at the Blades told the Sunday Mercury: "Cloughie and Kevin McCabe have seen Ched in prison. The club have kept in touch. Kevin McCabe made the contact and then asked the manager about a comeback. Saudi Arabian Prince Abdullah bin Mossad bin Abdulaziz Al Saud, one of the world's richest men and co-owner of Sheffield United, has also given a nod of approval for Evans' return to the club. Pete Whitney, 78, the long-serving chairman of the executive committee of the Supporters' Club, also confirmed: 'Ched is coming back.' He said: "I was talking with a member of Kevin McCabe's party who is a close friend of his. He asked McCabe about Ched and he replied that everything was in hand. He confirmed that he and the manager Nigel Cough went to see him and he's definitely coming back. Ched has his prime years ahead of him. I am sure he will get a good reception but of course there might be a small minority who will object for obvious reasons. His return was even discussed at the Club's AGM last December with McCabe present and received generous approval."

The Professional Footballers' Association (PFA) said: "We have visited Ched in prison and have always supported him. We do not however condone in any way the offence for which he was convicted. "We are aware of current developments but he has done his time irrespective of any appeal, and we will try to obtain his re-instatement but this is a very sensitive issue." McDonald who now plays for Skrill Premier side Grimsby Town, said: "Ched is serving time for something he didn't do. I should know because I was there. I am aware of his return to Sheffield. They are a great club and have looked after him. They have been visiting him in prison and have been very helpful. They know of his love for the club and that he wants to return. He just wants to get on with his life again."

Clough is preparing to rebuild his squad for a major promotional push from Division One next season. Sheffield United refused to comment on Evans' return directly. But last week Clough emphasised the need for three or four quality players for next season and agreed the acquisition of a marksman was 'top of his list'. He claimed: "They're always the hardest to get. They usually cost money but it is something we are investigating."

Evans was transferred to Sheffield United in July 2009 from Manchester City for £3million following a successful loan spell at Norwich City. He soon became a fans favourite scoring 35-goals in his last spell and was elected into the PFA team of the year.

Ray Gilbert 19 Years Over Tariff - Recommended for Open Conditions

Now in his 34th year in prison, originally sentenced to a minimum of 15 years, the 'Parole Board' have recommended Ray for open conditions, subject to the Minister of Justice agreeing to the 'Boards' proposal. Doesn't mean he is any nearer release, will have to spend the next tranche of his incarceration, walking on eggs!

Ray Gilbert: A6806AJ, HMP Guys Marsh, Shaftesbury, SP7 0AH

Feed Back, Kevin Nunn - Supreme Court Hearing *Louise Shorter - Insidetime April 2014*

The much anticipated legal challenge to a police force's refusal to allow new forensic testing on murder exhibits was heard at the Supreme Court on the 13th March. It is a case which will have far-reaching implications for anybody protesting their innocence for years to come as the historic practice of police forces releasing key information and exhibits post-conviction could be forced to end. A panel of five Law Lords, sitting in the highest court in the land, heard a full day of legal argument around the issue of whether there is a duty to disclose information and exhibits post-conviction to anybody convicted of a crime which they claim they did not do. The action has come following Suffolk Constabulary's refusals, over the past nine years, to release key forensic exhibits to Kevin Nunn who was convicted in 2006 of the murder of his former girlfriend Dawn Walker.

The court heard the force initially refused requests by Mr Nunn's legal team for items such as the victim's clothing and intimate swabs on the basis that all relevant work had been done. The force further stated at that time that specific exhibits, such as sperm found on the victim which had not yielded a result at the time of the trial, should be retained and preserved until such time that scientific advances would allow the killer's DNA to be found. On behalf of Kevin Nunn, Queen's Counsel Hugh Southey submitted a forensic report in which it was stated that new work with a high probability of success is now possible and said "that time has now come."

Suffolk Constabulary and the Criminal Prosecution Service argued that no prisoner should have the right to access information and exhibits post-conviction claiming that the Criminal Cases Review Commission (CCRC), which has the power to refer cases back to the Court of Appeal, already has statutory powers to secure exhibits. In response the court heard the Commission, which in 2012-13 received over 1500 applications, is widely known to be under-resourced and over-stretched. The case of Victor Nealon, who recently had his conviction for a sexual offence quashed was put before the court. The CCRC in that case had twice refused Mr Nealon's requests for new scientific work to be done. The new evidence which secured his release after serving 17 years for the crime he did not commit was only found when his solicitor secured access to exhibits and commissioned the work himself.

Historically solicitors, journalists and campaigners have frequently made requests to police forces for disclosure of exhibits and information. The court heard that in the vast majority of cases police forces had co-operated with such requests and it was suggested that Suffolk Constabulary has been the exception, rather than the rule, in its catalogue of refusals. Inside Justice has in recent months had murder exhibits released by South Yorkshire Constabulary and the Metropolitan Police. On behalf of the Crown Prosecution Service, it was suggested that early applications from Mr Nunn's former legal team had been too broad and far ranging leading the force to conclude that it would not comply on the grounds that they would not facilitate what amounted to a 're-investigation' of the crime by Mr Nunn's own team. Speaking outside the court Brigitte Butcher, Kevin Nunn's sister, said "Kevin knows he has right on his

than in other local prisons, although much was low level, and there was evidence of drug and debt-related bullying; - There was inadequate support for victims, many of whom were moved to the vulnerable prisoners unit for their own protection. - vulnerable prisoners were frequently placed on the first night unit, which had an adverse impact on the regime of both groups of prisoners held there. - Vulnerable prisoners continued to be intimidated when they came into contact with the main population and had less access to activities. - Levels of self-harm were relatively high but good work was being done with a few prolific self-harmers. - more needed to be done to ensure that lessons from previous deaths in custody were embedded; - the unit often took prisoners who had been relocated from other establishments. - However, the location of the unit, in an area previously used for health care, was not suitable for managing prisoners with very challenging behaviour. - cleanliness and hygiene standards in the kitchen were unacceptably poor and required urgent improvement. - a new health provider, Leicestershire Partnership NHS Trust (LPT) was in place, but further improvement was still needed; - a third of prisoners were on remand and arrangements for them to access legal advice and resettlement support were inadequate; - HMP Leicester had a lot of work to do to prepare for its new role as a resettlement prison, as offender management was poorly organised and there were weaknesses in public protection arrangements; and - practical resettlement support was inconsistent and little was done to address the attitudes and circumstances that lay behind many prisoners' offending. - Too many prisoners therefore left the prison likely to return, with little done to address the attitudes and circumstances that lay behind their offending. - Inspectors made 99 recommendations

£3,000 in Damages After Being Struck by a Police Baton

Nicola McAleer was part of a crowd that subjected officers to abuse described by a High Court judge as "vile". The judge said while her alcohol-fuelled behaviour was unacceptable, the officers had used excessive force and awarded her £3,000 in damages. Delivering his verdict, the judge said: "I have no doubt that this was a highly-charged incident in which vile abuse was heaped on the police officers who were doing their duty to the best of their ability. They were subjected to gross and obvious hostility." He found Ms McAleer's behaviour in showing aggression towards police was "unacceptable", but the policewoman had used excessive force by not effectively controlling her strikes and limiting them to the lower legs.

The verdict came in an appeal against a County Court decision to dismiss the personal injury claim over the incident in Omagh, County Tyrone. The judge had told the High Court in Belfast that the award would have been cut by up to a half because of Ms McAleer's behaviour if the law had allowed him. Ms McAleer had been out drinking in the town with friends in September 2012 when she emerged from a pub where a crowd was watching a man she knew being arrested. She alleged that a female officer hit her twice on the upper thigh, inflicting pain which lasted for weeks and affected her emotionally. According to the policewoman who used the baton, a crowd of up to 20 people had surrounded four officers at the scene and were shouting abuse. It was claimed Ms McAleer was among those acting aggressively. The policewoman accepted she was the only officer to hit people that night but denied having lost control.

Police Federation chairman Terry Spence said the ruling would "make it even tougher for police officers to deal with hostile groups. Officers acted in a graduated, proportionate manner and showed remarkable restraint, and this staff association is clearly disappointed with this decision," he said. These officers are to be commended for their courage and commitment in what was obviously a very threatening situation."

Ballymurphy deaths and an Irish National Liberation Army killing from 2004 that had been due to be brought before the court that week, were adjourned without hearings. While coroners courts in England and Wales conduct hearings that are essentially inquisitorial, some of the proceedings at the Belfast court had an adversarial air about them. In between hearings, lawyers were heard chatting about other inquests: "Ah, that one's been adjourned for another year."

Meanwhile, disquiet about the way in which the inquest system is operating in Northern Ireland is growing. This year, a case at Belfast's high court that heard a litany of complaints about the inquest of an IRA member led to a judgment that could have huge implications for the coroner's courts system in Northern Ireland. After a judicial review of the inquest into the death of Pearse Jordan, who was shot in the back by police in 1992, Mr Justice Stephens found police had "created obstacles and difficulties" that led to the inquest being delayed up to 11 years and had redacted documents so heavily they were left unintelligible. The judge also said that lawyers for the dead man's family should not have been denied access to the Stalker report, and that coroners should not sit with juries when there is a risk of bias. The coroner and chief constable are appealing against this ruling.

Asked about the views that delays in disclosure of relevant material was causing inquests to drag on for decades, the MoD had no comment. The PSNI said: "The PSNI is working closely with the coronial service to try to progress these legacy inquests." It would say nothing further.

In a post-conflict society that remains deeply divided, and in which there is little agreement on what happened during the Troubles or why, many unionists say they are uneasy at the prospect of inquests being turned into mini public inquiries at which former soldiers and retired police can be compelled to give evidence, but former paramilitaries cannot. The Ulster Unionists' position paper on dealing with the past warns that historical inquests "run the risk of establishing a narrative of actions by security force personnel, without a reciprocal narrative concerning terrorist motivation and activity, or any due attention to the security and political context of the time".

The PSNI has been holding "information evenings" to give retired officers advice on giving evidence at inquests. There is no agreement about how Northern Ireland can confront its past, or even the language that should be used to describe it. The former Northern Ireland secretary Peter Hain suggested last week that it was time amnesties were granted to all those who had committed terrorist crimes, but the idea was dismissed by David Cameron and the Irish president, Michael D Higgins, who made the first state visit to Britain by an Irish head of state. He said: "There are a lot of very difficult memories and it would be, to my mind, wrong to suggest to anyone that you should, as it were, wipe the slate clean." *Ian Cobain, Guardian,13/04/14*

Report on an Unannounced Inspection of HMP Leicester

Inspection 4/15 November 2013, published 15/04/14: HMP Leicester is a small Victorian prison which at the time of its inspection held 387 men, 80% more than its certified normal accommodation. One cell held six inmates, they were confined to the cell for at least 16 hours a day on Mondays to Thursdays and 20 hours a day on Fridays to Sundays.. The high level of overcrowding, the age of the building and the high level of need of its population created real challenges. Few prisoners stayed at the prison for more than six months. The prison also had to adjust to some significant reductions in staffing levels. The prison faces some significant challenges and had a lot to do to become an effective resettlement prison

Inspectors were concerned to find that: - despite the prison's efforts to tackle violence, more prisoners than in comparable prisons said they felt unsafe, - recorded levels of violence were higher

side. He has always pushed for new forensic work. Why would he put himself out there in this way if he had something to hide?" Counsel on behalf of Suffolk Constabulary confirmed exhibits relating to the murder of Dawn Walker had been properly retained and added "the CCRC is acting in the public interest and will take on all the work. The door is not closed to this appellant."

Judgment was reserved and is expected to be handed down sometime before the Court breaks for the summer recess at the end of July 2014. Speaking on Radio 4's Today programme solicitor James Saunders reminded listeners that while legal arguments continue over the legal framework impacting on all prisoners who may wish to unearth new evidence capable of clearing their name; this began and remains one man's fight for justice. If the Supreme Court rules that Kevin Nunn does not have the right to ask Suffolk Constabulary to release exhibits, he will have to apply to join the CCRC's waiting list. The last Inside Justice case submitted to the Commission waited in a queue for almost a year before a case-worker was even assigned.

Passive Smoking in Prison Not a Breach of Human Rights

Rosalind English, UK Human Rights Blog, 14/04/114

Smith, R (on the application of v Secretary of State for Justice and G4S UK Ltd [2014] EWCA Civ 380: This case raises the question of whether it is a breach of a non-smoking prisoner's Convention right to respect for his private life and to equality of access to such rights (ECHR Articles 8 and 14) to compel him to share a cell with a smoker The appellant, a convicted sex offender serving a long sentence, was required between 21st and 28th March 2012 to share a cell with a fellow prisoner who was a smoker. It was known to the prison authorities that the appellant was a non-smoker, and the requirement to share with a smoker was contrary to his wishes. The sharing complained of ended when the appellant was transferred to another prison on 28th March 2012.

This application for judicial review was not a blanket attack on smoking in prisons. It was concerned with what was said to be a conflict between two policies: firstly a policy that non-smokers should not be exposed to second-hand smoke in prisons, and secondly, a policy that all cells are to be certified as rooms where smoking can take place within prisons. Mostyn J in the court below had dismissed the application on the basis of his conclusion that Article 8 was not engaged on the facts of the case, and and therefore the arguments under Article 14 fell away too. Policy PSI 09/2007 was issued by HM Prison Service, an agency of the Ministry of Justice, on 2nd April 2007. It it is still in force and permits prisoners over 18 to smoke in single cells or cells shared with other users, although it also states that "non smokers must not be required to share a cell with smokers who are actively smoking".

Arguments before the Court: G4S contended that the cell-sharing had taken place because of operational needs on a temporary basis due to the high turnover of inmates of the particular prison, and the need to maintain safety, discipline and good order within the prison.

The appellant argued, inter alia, that: his right to a private life under Article 8(1) was infringed by the failure of the respondents to protect his health, in the sense that there was a failure to safeguard him against the risk to his health from second-hand smoke whilst he was held in custody. the first respondent's policy was defective in that a cell would remain a designated smoking area notwithstanding the fact that a non-smoker might have to share with a smoker for operational reasons. Prison governors should have discretion under this policy to change the designation of a cell in these circumstances so as to prevent smoking within it. without this discretion, the policy unfairly prioritised the wishes of smokers over non-smokers, and put non-smokers, against their will, at the risk of damage to their health. the appellant had been treated differently to the public at large because he was being required to share a cell with

a smoker. The difference in treatment came within the scope of Article 14 because being a prisoner amounts to a “status” within Article 14. The Court of Appeal dismissed the appeal.

Reasoning behind the decision: Several complaints about smoking in prison have been made to the Strasbourg Court, but have all been rejected as inadmissible. So the appellant sought assistance from the successful complaint in Fadeyeva v Russia [2007] 45 EHRR 10. That was a case involving environmental pollution resulting from toxic emissions from an industrial plant. The Strasbourg court held that the fact that the state was well aware, both of the existence and scale of the problem, and was in a position to prevent or reduce them was sufficient to engage the positive obligation under Article 8. The pollution was found to be responsible for a huge increase in the number of children with respiratory and skin diseases and an increased number of adult cancer deaths. Treacy LJ, giving judgment in the instant case, noted that the level of harm involved in Fadeyeva was in a “wholly different league” from exposure to passive smoking over a period of seven days. Relying on the Court’s observation there that - ;the adverse effects of environmental pollution must attain a certain minimum level if they are to fall within the scope of Article 8’ - his Lordship did not consider that there was anything in Fadeyeva which enabled it to be said that, in the circumstances of this case, a sufficient level of severity was attained so as to constitute interference with this appellant’s rights. The absence of a consensus amongst member states in relation to passive smoking in prisons was no doubt a major factor militating against favourable reception by Strasbourg of these sorts of complaints. Put another way, the Court accords a particularly wide margin of appreciation applying in the area of preventive measures for prisons, in which considerations of priorities, resources and social policies come into play. Although the Strasbourg Court has acknowledged the potential for exposure to second-hand smoke to engage Article 8 rights, that question was not to be viewed in a vacuum, but was to be assessed in the light of the facts and circumstances of the case:

It seems to me that there is nothing in the European jurisprudence which would suggest that on the facts of this case, involving a relatively short exposure of a non-smoker to passive smoking, the necessary minimum level for interference has been attained. I am unpersuaded that the appellant’s experience was of an intensity, duration and effect to amount to interference with his Article 8 rights. There is no clear and consistent jurisprudence of the European Court to suggest otherwise, and I am mindful of the principle that the Convention should not be interpreted or applied in our domestic courts more generously than the Strasbourg jurisprudence clearly requires. [para 48]

Justice4the21 Devastated as West Mids Police Refuse New Investigation

A leading Birmingham pub bombings campaigner has revealed she is ‘ashamed to be British’ after West Midlands Police (WMP) refused to launch a fresh investigation into the terror atrocity. Julie Hambleton from Justice4the21 - who lost 18-year-old sister Maxine in the deadly blasts - met with WMP Chief Constable Chris Sims on Monday (Apr 7). They had hoped a review of the evidence by the force would lead to a new investigation into the murder of 21 people in 1974.

But they were left angry and disappointed as Chief Constable Sims told there would not be a new probe. Speaking in WMP’s Lloyd House headquarters a visibly shaken Julie said: “I really have to say I am ashamed to be British today. Our own judiciary has let us down in the most appalling and diabolical manner. For us this is the utter nadir of our judiciary.” Brian Hambleton, Julie’s brother, added: “Police have confirmed that the bomb has been lost since 1991, along with 35 items. We are disgusted with the decision of the force. The biggest

rights group, said: "We retain concerns about protracted delays by the security forces in disclosing information, and limitations on the inquest system itself." In particular, the organisation said, the law that prevents inquests in Northern Ireland from recording unlawful killings and requires jury verdicts to be unanimous, needs urgent remedy. Without an unlawful killing verdict, many families hoped for forceful narrative verdicts.

The delayed inquests include the decision about the death of Roseanne Mallon, 76, shot dead in May 1994 by a Loyalist Ulster Volunteer Force gunman while she was sitting on a settee at her-sister-in-law's home in Tyrone. The inquest began eight years after her death but was adjourned more than 20 times over the following two years as lawyers representing her family tried to discover more about two army surveillance cameras overlooking the scene. The lawyers in this case also faced problems as they tried to get information from the MoD about six soldiers who had been hiding nearby and who said they were ordered not to react to the shooting. The inquest was reopened again last year, then adjourned until next month, the 20th anniversary of her death. Six of the delayed inquests concern the deaths in 1982 of Republican paramilitaries allegedly shot dead when they could have been arrested. The deaths are said to have happened owing to the "shoot-to-kill" policy that was later investigated by John Stalker, deputy chief constable of Greater Manchester. His report (completed after he was removed from the inquiry in controversial circumstances) has never been made public, and the reluctance of government lawyers to disclose it to the dead men's solicitors is said to have added to delays.

The reopened inquests include five that will examine the shooting dead of 10 people in Ballymurphy, west Belfast, during two days of disturbances triggered by the introduction of internment without trial in August 1971. One of those who died was a priest shot while giving the last rites to a young man; another was a 50-year-old mother of eight, shot in the face from a distance of about 200 metres. Five months later, on Bloody Sunday,, soldiers from the same unit, the 1st Battalion, the Parachute Regiment, shot dead 13 people and wounded 13 others, one fatally, in Derry. Another reopened inquest is to look again at the deaths of 10 Protestant workmen who were lined up against their van and mown down by gunmen in January 1976. The killings were claimed by a group calling itself the South Armagh Republican Action Force; a renewed police inquiry concluded in 2011 the IRA was responsible.

This month, at one Belfast coroner's court, a series of opened and adjourned hearings briefly touched upon, but did not illuminate, some of the tragic deaths of the Troubles. Court staff said the schedule was entirely typical. Monday morning began with a brief hearing in the case of Francis Rowntree, 11, who died in April 1972 after being shot in the head by a rubber bullet fired at close range by a soldier. This case was followed by brief proceedings about Manus Deery, 15, who died in Derry in May 1972, hit by fragments of a bullet fired by an army sniper. He was carrying home his family's fish-and-chip supper. Next came a brief hearing in the case of a man shot by soldiers during a fracas in a Belfast dance hall in December 1971.

As with other cases, lawyers for the Police Service of Northern Ireland (PSNI) told the court that officers were busy dealing with other historical cases, and it was unclear when they might find time to locate and disclose files on the killing. Later that week there was a brief hearing in the case of a teenage member of the IRA who bled to death after being shot in disputed circumstances in Derry in July 1972. This was followed by a hearing – quickly adjourned – into the deaths of four members of the IRA shot dead by the SAS in County Tyrone in January 1992. Their families' lawyers allege that the way in which they were ambushed amounted to a breach of their right to life under Article 2 of the European convention on human rights. Further proceedings concerning the 10

charge of their case," Morales said. "These decisions should be handled by Florida's juvenile judges, who can ensure fair treatment, not by prosecutors who have a vested interest in getting defendants to plead guilty or in punitive outcomes."

The US Supreme Court, in a series of four recent cases, has underscored what every parent knows – that children are developmentally less mature, and more capable of rehabilitation. Their punishment should take into account their diminished culpability and their capacity to change, Human Rights Watch said. Judgments about punishment are best made by the juvenile system, which takes these factors into account. "Florida should stop its widespread practice of saddling children with adult felony records that offer no recognition of their capacity to change," Morales said. "Children, including teens, can be held accountable without subjecting them to treatment as harsh as that which the state of Florida is handing out."

Delay, Delay, Delay': Northern Ireland Troubles Inquests Still Outstanding

Inquests into more than 70 killings during Northern Ireland's Troubles have still to be concluded, owing to delays that are causing anger among relatives of the dead and raising concerns about the ability of coroners courts to cope with the conflict's legacy. The unfinished inquests stretch back decades and largely concern gunshot killings by police and troops in circumstances that are bitterly disputed, or killings by paramilitaries suspected of having links with the security forces. The average time families have waited for a conclusion to adjourned inquests is 20 years and seven months. Many of the reopened inquests waiting to be heard concern deaths that occurred as far back as 1971. The majority of the cases have not led to prosecutions. Coroners and lawyers representing the families of the dead have complained about repeated failures by lawyers representing the police and Ministry of Defence to disclose documentation that would allow the inquests to be completed.

The families, who are mostly nationalists, say hearings are being delayed to conceal the truth about the killings. Unionist politicians and retired police officers, meanwhile, say they fear the inquest system is being manipulated in the service of a new narrative of Northern Ireland's past in which killings by paramilitaries are overlooked, and the difficulties and dangers once faced by the security forces are largely forgotten.

What is not disputed is that 16 years after the Good Friday peace agreement was struck, 46 inquests into the killings of 74 people remain outstanding in Northern Ireland. About half the inquests were opened shortly after the deaths happened but were adjourned and never concluded, while half were reopened in recent years on the orders of John Larkin QC, the attorney general of Northern Ireland, following complaints that the original hearings were fundamentally unfair.

Northern Ireland's senior coroner, John Leckey, has expressed exasperation at the length of time some inquests are taking. Comparing the time taken to conclude some cases from the Troubles with the inquests into the 7/7 London bombings and the death of Diana, Princess of Wales, he said in February: "Looking at how difficult inquests have been held in England, I feel embarrassed." Mark Thompson, director of Relatives for Justice, a non-governmental organisation that works with many of the families, believes police are determined that some of the key documentation about the killings should never see the light of day. "It's initially a case of deny, deny, deny, then delay, delay, delay," he said. Last year a judge at the European court of human rights said that police and soldiers responsible for killings in Northern Ireland could "benefit from virtual impunity" because of the length of the delays.

Meanwhile, the Committee on the Administration of Justice, a Belfast-based human

injustice is for the 21 innocent people who lost their lives that night. I don't believe that West Midlands Police has the desire to find the people who did this. The case is effectively closed and they are totally indifferent. We are going to consider a number of potential legal actions and our fight for the truth will continue."

Weasel words: Chief Constable Sims said: "I have real sympathy for the emotion and agony endured by the families of those killed. I want to be clear that I admire the dedication shown to keep the tragedy in the public eye. The bombings and those who died should never be forgotten. The assessment we are undertaking began in June 2012. We have collated and preserved some 18,500 items, including information from the original investigation in 1974 and the 1991-1994 investigation. In excess of 9000 items required assessment and we have also commissioned an independent review of the potential forensic evidence." He added: "Nothing would give me more satisfaction than to bring those responsible for this atrocity to justice. However we have found no new evidence that would assist us in bringing anyone to justice for the pub bombings. I have been able to share with these families further details regarding the tragic events of that night. I am sorry that families were not kept up to date or engaged with as is standard practice today. 40 years ago was a different era and a different force. However, I make this pledge today – I would like to offer families of those who died or people who were hurt on the night to be given as much information as possible to answer the questions that we can. I would ask them to contact us so we can start that process." Mr Sims concluded by reassuring the families that the investigation remains open: "It is always possible that brand new and significant information could become available to us – let me be clear – this case is not closed." *Birmingham Mail, 07/04/14*

Duggan Inquest: Judge Grants Limited Permission for a Judicial Review

The family of Mark Duggan have won the right to challenge a coroner's directions to the jury before it concluded that the shooting by the Metropolitan police was lawful. In a ruling just released, the high court said it could be arguable the lawful killing verdict cannot stand because of alleged errors the coroner made when he directed the jury about the law. A jury in January concluded Duggan did not have a gun in his hand when he came face to face with armed officers, but found the police shooting of Duggan in August 2011 was lawful. That finding angered Duggan's family and caused furious scenes in court – the jury fled from the courtroom. Duggan was shot twice by a police marksman, called V53 in court, after police gained intelligence that the 29-year-old had collected a weapon. The shooting sparked riots across England.

In a judgment, Mr Justice Mitford said he would grant limited permission for a judicial review: "The coroner's direction to the jury about the conclusion of lawful killing was arguably inadequate in two respects: it failed to make clear to the jury that they must conclude, on the balance of probabilities, that • V53 [the police marksman] did honestly, even if mistakenly, believe that Mark Duggan held a gun in his hand immediately before he was shot. • If V53 had that honest belief and it was mistaken, the mistake must have been a reasonable one for him to have made." The high court ruling continues: "The coroner's direction did not address either of these questions. If it should have done, it is, in consequence, arguable that the conclusion of lawful killing can not stand." The high court rejected other arguments the Duggan family were pursuing as they seek to challenge the jury's finding of lawful killing. The application was brought in the name of Pamela Duggan, the mother of the shot man. The coroner was Keith Cutler. A full judicial review hearing will take place later. No date has yet been set for the judicial review hearing. *Vikram Dodd, theguardian.com,*

Refusal to Hold Inquiry into Finucane murder to be Judicially Reviewed

A Northern Ireland High Court challenge to the Government's refusal to hold a public inquiry into the murder of solicitor Pat Finucane will be heard in December. The lawyer's widow, Geraldine, is seeking to judicially review the decision not to order a full, independent probe into the killing. Judge Mr Justice Stephens today agreed to set aside a full week for the case. Mr Finucane was shot dead by the Ulster Freedom Fighters in front of his wife and children at their north Belfast home in February 1989. His assassination has been surrounded by claims of security force collusion with the loyalist killers. In December 2012, a report by lawyer Sir Desmond de Silva confirmed agents of the state were involved in the murder and that it should have been prevented. However, it concluded there had been "no overarching state conspiracy". The Finucane family have rejected the findings as a sham and a whitewash.

Prison Chief Urges Investigation After Spike in Jail Suicides *Source: IBT, 06/04/14*

In 2013-14 there were 89 suicides in jail, up from 51 in 2012-13. Among the deaths last year were 37 prisoners on suicide watch. In 2013, there were also four alleged prison homicides, the highest number since 1998, according to Ministry of Justice figures. The chief inspector of prisons has called for an urgent investigation into the sharp rise in the number of suicides in UK jails. Nick Hardwick said that unless action is taken, the prison service could face a scandal on the scale of that faced by Mid Staffordshire NHS Foundation Trust, where poor care was held to be responsible for patient deaths. In an interview with the Sunday Times, he described the deaths as a "warning sign" and urged ministers to look "objectively and very hard" into the cause of the rise. "I am not satisfied that this is being given the urgency and priority it needs. Were these increases in deaths to happen in any other area, there would be an outcry. "It is really important the system doesn't try to explain this away," he said. Hardwick said that a reduction in the number of prison officers, sweeping reforms, and the removal of inmate privileges could all be playing a role.

Mother of Murdered Stephen Lawrence 'Most Powerful Woman' *BBC News, 09/04/14*

Baroness Lawrence has been named the most powerful woman in the country in a list drawn up for BBC Woman's Hour. She headed the 10 women 'Game-Changers' list, which included activists and chief executives, involved in issues such as child poverty, female genital mutilation &and internet safety. Lawrence said she would give up all her achievements to have an ordinary life with family around her. "I know I have worked extremely hard over the years to bring to the attention of the authorities what happened to my son. But I would give all of those things up just to have an ordinary family life and to have my family around me. So it's fantastic that this is it, but I would rather not." Accepting the honour, an emotional Baroness Lawrence said her fight for justice was not over. She urged young people to have the confidence to challenge racism and called for the Metropolitan Police to "hold up their hands" and admit their wrongdoings. The Home Secretary, who came second in the inaugural list last year, said Baroness Lawrence had been faced by a "terrible tragedy", yet picked herself up and carried on fighting to ensure that justice could be done. "What is most striking about this woman is the great strength that she has shown over decades - strength to carry on, to keep on going, even in the most difficult times when all seemed impossible," Mrs May said. "Also striking is the persistence that she has shown, because she has never given up. And finally, what is most impressive about this game-changer is that throughout it all, over the years, despite blow after blow, she has dealt with everything with absolute dignity."

prosecutors full discretion to decide which children to prosecute in adult courts. More than 98 percent of the 1,500 cases of children charged as adults between 2012 and 2013 were brought by prosecutors under the direct file statute. The law offers no opportunity for a judge to review or reverse the prosecutor's decision, no matter how unsuitable the case is for criminal court.

"The children caught up in the 'direct file' law cannot legally vote, drink, or buy cigarettes in the state of Florida," said Alba Morales, a US researcher at Human Rights Watch and the author of the report. "Yet they can be tried as adults with no judge evaluating that decision, and branded as felons, While children who commit crimes can and should be held accountable, doing so in adult courts and prisons is both unnecessary and harmful to society and youth, Human Rights Watch said. Rather than enhancing public safety, studies indicate, trying children in the adult criminal justice system produces higher recidivism rates for these offenders than for those who are kept in the juvenile justice system.

Children are less mature in their judgment and self-control than adults, and above all, are still developing and have great potential to change. The juvenile system is intended to rehabilitate and to balance the needs of society and the best interests of the child, while the adult criminal justice system emphasizes punishment over all else. Children prosecuted as adults lose access to age-appropriate education and programming provided under the juvenile court system. Young people describe feeling confused and abandoned in adult court. Many encounter violence in adult jails and prisons. "In adult court, they want to lock us up," one youth, a boy, told Human Rights Watch. "In juvenile court they want to help us make better choices."

For nearly every child charged and convicted in adult court in Florida, the end result is an adult felony record that will harm him or her for life. A few cases result in misdemeanor or other non-felony convictions. Those with felony convictions are barred from many types of employment and suffer many other deprivations, including permanent loss of the right to vote. Prosecutors may contend that they transfer young offenders to adult court for only the most serious crimes. But of the children tried in adult court in Florida in 2012 and 2013, 60 percent had been accused of nonviolent offenses, according to data Human Rights Watch analyzed. Human Rights Watch spoke to over 100 youth and family members of youth charged directly in adult court by Florida's prosecutors. Among the cases reviewed were: "Oliver," prosecuted in adult court at age 16 for stealing two laptops from a classroom "Matthew," charged with burglary as an adult at age 17 for breaking into the back porch of a home and taking a printer that was stored there; "Karl," who said the 25-year sentence he faced for the adult court charges of criminal mischief and assault for offenses committed at age 15 and 16, was "a long time to be away from my grandmother"; and "Scott," who was wrongfully arrested and charged as an adult, but who has not been able to attend one of Florida's firefighting academies as he planned because his arrest as an adult remains on his record even though the charges were dismissed.

The report also includes new statistics developed by Human Rights Watch showing that the overwhelming power Florida has handed to prosecutors is playing out in arbitrary and unjust ways. Florida's judicial circuits send arrested children to adult court and impose harsh adult punishments at vastly different rates, though the differences cannot be explained by the seriousness of offenses, the size of youth populations in the various circuits, or any other neutral criteria Human Rights Watch examined. In some circuits, evidence suggests that racial bias may affect who is sent for an adult trial. "The same child, accused of the same offense, may receive vastly different treatment based on nothing more than which prosecutor is in

dictatorial and treacherous behaviour. I was constantly under this sort of pressure and people trying to do me down for what I was trying to bring about," he said in an interview at the organisation's £26m headquarters in Leatherhead, Surrey. "I'd been verbally, personally criticised publicly. I've been blanked, I've had emails, I've had texts. I've had some phone conversations. If I'm honest, it grinds you down. It was continual pressure."

MPs published a previously unseen email this week written by Mr Williams in February in which he complained to senior colleagues that he felt he had been "gratuitously and cruelly bullied and humiliated". The email followed an emotional and particularly bruising encounter with top officials over his plans but was never sent after a weekend's reflection. Mr Williams said he was disappointed that the email – shown to his former head of communications – had come to light as it raised questions about the pressures faced by his predecessor who died just before he was due to hand over the reins, aged 57. I was feeling very battered and bruised, I was feeling very emotional. I had had a tough time and a continual feeling of being under this immense pressure," said Mr Williams of the email. "It was heartfelt at the time. I was just at a low point in my career. It was one of the worst days ever. It was a bad day and a bad weekend."

Worn down by his bruising encounters and a weekly 550-mile round-trip to his family home in north Wales, where his wife and three young children live, he decided to quit last weekend. "I woke up on Saturday morning, bolt upright. I woke my wife up and said, 'I've come to my decision: I'm going to retire from policing.'" Mr Williams took over the organisation in December 2012, two months after the former Tory Chief Whip Andrew Mitchell resigned following a ferocious campaign by sections of the federation, which had accused the MP of swearing at a Downing Street officer and calling him a "pleb".

The scalp of Mr Mitchell – who had denied using the toxic phrase – was seen as payback after government changes to the service and the appointment of Tom Winsor as Chief Inspector of Police after he had championed the changes. It subsequently emerged that a witness to the row was a Metropolitan Police officer who had lied about what he had seen. The officer, PC Keith Wallis, was jailed for a year in February. Despite internal resistance, Mr Williams commissioned a review headed by Sir David Normington, a former Home Office permanent secretary, as his first act on taking over. It called for greater control on branch officials, financial transparency and a number of other measures, reigniting simmering battles within the federation.

Sir David said this week that the departure of Mr Williams and the general secretary Ian Rennie marked a "dangerous moment" for the organisation in which blockers of reform could take hold of the organisation again. But Mr Williams said yesterday that he was confident that with his resignation the battle for reform had been won and that his colleagues would back it at their annual conference in May. "I think it [the resignation] has helped push the reforms a little bit further along – 'Look, gosh, Steve Williams is going' – and that attitude has perhaps helped to make the change. It's time for me to hang up my helmet and move on and let someone else see through the inevitable changes." *Paul Peachey, Indpendent, 11/04/14M*

US: Florida Arbitrarily Prosecuting Children as Adults *Human Rights Watch: 10/04/14*

Every year, the state of Florida arbitrarily and unfairly prosecutes hundreds of children as adults, Human Rights Watch said in a report released today. If convicted, these children suffer the lifelong consequences of an adult felony record for what are often low-level, nonviolent offenses. The 110-page report, "Branded for Life: Florida's Prosecution of Children as Adults under its 'Direct File' Statute," details the harm that results from the state's practice of giving

HMP/IRC The Verne [Immigration Detainees will be subject to Prison Rules]

Lord Roberts of Llandudno to ask Her Majesty's Government whether migrants detained in HM Prison The Verne from 24 March will have access to (1) Rule 35 procedures to determine whether their health would be damaged by detention, for example, due to a history of torture, (2) mobile telephones and the internet, (3) the ability to receive telephone calls from solicitors, family and friends, and (4) on-site legal advice surgeries; and if not, why not.[HL6241]

Minister of State, Ministry of Justice (Lord Faulks) (Con): HM Prison The Verne started taking immigration detainees as scheduled from 24 March 2014. The National Offender Management Service (NOMS) will retain The Verne as a prison in the short term. Its designation as a prison will be reviewed later this year, with the intention of completing the redesignation to an immigration removal centre by the end of September 2014. While The Verne retains its designation as a prison it will be governed by Prison Rules rather than Detention Centre Rules. As The Verne is not governed by Detention Centre Rules, Rule 35 of those rules is not applicable. Detainees held at The Verne will be treated in the same way as other detainees held within the prison estate. As such they will not have access to mobile telephones or the internet, nor will they be able to receive telephone calls. They will, however, be able to make telephone calls and will have access to both social and legal visits. There is a dedicated Home Office Immigration Enforcement Team on site who will see detainees routinely on induction and upon request. In addition, independent immigration advice will be provided by Migrant Help. *House of Lords / 7 Apr 2014 : Column WA250*

Troubles Crimes Should be 'Left Unsolved', says Former NI Secretary *theguardian.com*

Speaking on the eve of Irish president Michael D Higgins' state visit to the UK and Martin McGuinness' planned attendance of the state banquet alongside the Queen, Peter Hain said that a de facto amnesty was needed in order to allow Northern Ireland to put the past behind it. "I think there should be an end to all conflict-related prosecutions. That should apply to cases pre-dating the Good Friday agreement in 1998. This is not desirable in a normal situation. You would never dream of doing this in England, Scotland and Wales – but the Troubles were never normal," he said. In an interview with the Times, Hain added: "You can keep going back all the time and you can keep looking over your shoulder or turning around all the time, but what that does is take you away from addressing the issues of now and the issues of the future." The call for an amnesty by the former minister comes after the collapse of the trial of suspected IRA bomber John Downey in February. Hain said at the time that he was "astonished" that case even made it to court. In March, he said that a similar amnesty should be put in place in relation to the Bloody Sunday killings. His latest comments, however, go further. He said that the same should be extended to everyone allegedly involved in violence during the Troubles. "A soldier potentially liable for prosecution who's being investigated for Bloody Sunday has got to be treated in the same way by whatever process emerges as a former loyalist or republican responsible for a terrorist atrocity," he said.

Similar proposals have not proven popular in the past. Seamus McKendry, the son-in-law of Jean McConville who was abducted and murdered in 1972, said that, while he could understand, he did not agree with Hain's suggestion. He told the Times: "I don't agree but I understand where he's coming from. You have to let things go at some time, but people just can't forget that easily. Jean McConville has become such an iconic figure, a tragic figure. And there are other such cases, like Bloody Sunday. I think if you can resolve some of those bigger cases, at least it lets the people know they haven't been forgotten about."

Chief Inspector Arrested After Son Is Jailed For Child Sex Offences *DailyMailOnline*

A top officer from a scandal-hit force has been suspended after his teenage son was jailed for sexually abusing underage girls. Chief Inspector Mick Williams has been taken off duty by Cleveland Police following his arrest on suspicion of perverting the course of justice. He and his wife were arrested late last year, but the news only emerged following their son's sentencing on Friday.

Darryl Williams, 19, wept in the dock at Newcastle Crown Court as he was sentenced to two years and nine months behind bars. The court heard the 'predatory' youth had exploited 'young and impressionable females'. He pleaded guilty to six offences against five girls aged between 12 and 15, over three years. A Police spokesman last night confirmed his father's arrest, saying: 'He is currently suspended and the file is with the CPS awaiting their decision.'

Local Authority Seeks New Identities for Two Children In Care

In London Borough of Haringey v Musa [2014] the court heard applications concerning a sibling group of seven children. The parents are Nigerian, but have lived in England and are currently in prison serving sentences after convictions of ill-treatment of all or some of their children. The five eldest children are all in the care of Haringey, but adoption has not been contemplated for any of them. They are currently all placed in long term foster homes in three different homes. In May 2012 placement orders were made in relation to the two youngest children. In the latter proceedings, in the view of the guardian, then representing all seven children, there needed to be "high priority" to long-term direct contact between all seven children. Haringey sought leave to change the surname of the youngest two children to a new surname and, whilst not expressly referred to in the formal application, made "absolutely plain" that it desired to change the forenames of both those children. The local authority was fearful that unless the two youngest children were en completely new identities with completely new names, they would be tracked down by the parents and the placement potentially destabilised.

Holman J, hearing the application, said: "To change now the forenames by which a child, now almost four, has been known and has known herself throughout her whole life obviously raises considerable issues with regard to her sense of identity and self-esteem. She is old enough to appreciate that some rather radical change is being made in relation to her identity, but nowhere near old enough to understand the reasons why that is proposed. It seems to me, therefore, that in relation both these children (and especially the older of the two) the application to change their names, and particularly their forenames, is one of considerable delicacy and difficulty which will require very careful consideration by the court." The local authority also sought permission to terminate all direct contact between the five oldest children on the one hand and the two youngest children on the other hand. Holman J, refusing to consider either matter in the single day which had been estimated for them, said: "Until today it does not seem to have occurred to anyone that this is an application upon which a guardian needs to be appointed, not only for the two youngest children, but also separately for the eldest children." Later he said: "It is patent that this application, in particular in relation to contact, directly engages and impacts upon both the rights and the welfare of all of them. They are currently regularly seeing their youngest two siblings. There is patently, therefore, a "family life" between all seven of them, and the rights of the five eldest children under Article 8 of the European Convention on Human Rights are patently engaged by this case (as also are the rights under Article 8 of the two youngest children)." He added: "They [the local authority] need to pause for thought and to recall that at the time of the making of the placement orders the expert, ... the children's own guardian, and also the judge himself all clearly and strongly considered that high priority must be given to long-term direct contact between all seven siblings." Noting the delay which had already occurred, the judge fixed a further hearing specifically for directions only in just over three weeks' time.

have committed suicide while in custody. It is easy to understand why many people deem IPPs to be 'life sentences via the back door'."

Former UK Supreme Court President, Lord Phillips of Worth Matravers, said the indefinite detention of IPPs for want of resources was "manifestly objectionable". In a Lords debate he said their situation was "unjust" and "economically absurd". He said rehabilitation could sometimes be better provided outside of prison. The Justice Secretary at the time of the abolition, Kenneth Clarke, acknowledged IPPs were "unclear, inconsistent and have been used far more than ever intended" and were inconsistent with the policy of punishment, reform and rehabilitation.

As part of the need for IPPs to demonstrate that they no longer pose a risk to the public, prisoners are required to take rehabilitation courses. However, insufficient funding means the cash-strapped prison service cannot provide them or else they are inaccessible to prisoners within the period of their minimum tariff. The European Court of Human Rights has already ruled that Britain's failure to detain individuals beyond their tariff without providing rehabilitation was "arbitary and unlawful". The UK is expected to be set for further criticism as several more cases are being lined up for the Strasbourg court.

Lawyers argue it is costing more to keep IPPs in prison without rehabilitation than the Government is saving in cuts to the legal-aid budget. Peter Weatherby, QC, estimated it is costing £250m a year to keep IPPs in detention – £30m more than the £220m legal-aid savings. The Justice Ministry insists the Parole Board is independent from Parliament and that the Justice Secretary has no plans to retrospectively alter sentences that were lawfully passed before the abolition of IPP.

I Worked With Hardened Criminals, But Nothing like the Police'

One of the country's most powerful police leaders has revealed how political intrigue, personal attacks and sustained opposition to long-delayed reforms forced his premature departure from the once all-powerful body brought low by the Plebgate saga. Steve Williams, a 30-year career detective, said that his work had brought him into confrontation with hardened criminals – but it had not prepared him for the hostility he experienced from colleagues within the Police Federation of England and Wales.

Mr Williams said that his unexpected decision to quit this week had finally provided the key moment in persuading battle-hardened "blockers" to agree changes to an organisation that had repeatedly gone toe-to-toe with the Government over budget cuts and changes to the service – and lost. "I'm a seasoned cop, I've been around the block. I've dealt with an awful lot of people, bad people, in my time but it's not how I would expect to be treated by colleagues," the 53-year-old told The Independent in his first interview since he announced his resignation.

The two most senior figures and leading reformists of the organisation – that represents 127,000 rank-and-file police officers – said on Monday they were leaving after months of damaging attacks on the group, which had been damned for a "serious loss of influence" and incompetence in an independent report. Mr Williams commissioned the review in the teeth of opposition from senior colleagues following a series of reversals over pay and condition negotiations, criticisms of lavish spending by senior figures and lack of influence over decision-makers. The battle continued this week after it emerged that rebellious branches had refused to tell the national leadership how much they had stashed in secret accounts.

His position had been precarious since he took charge. He said he had faced "hurdles, blockers and resistance" from within an organisation whose members had accused him of

bombing, was halted. The trial judge said the case could not continue because Mr Downey had received a government letter, mistakenly saying he was not wanted for questioning by police. It later emerged about 200 letters had been sent to republican paramilitary suspects. Mr Baxter told the committee's inquiry that in 2007, the Sinn Féin president had put pressure on Downing Street to ask for the release of McGeough and another suspect. However, Mr Adams dismissed the claim and former PSNI chief constable Sir Hugh Orde said no such phone call from Downing Street was received.

A Supreme Court spokesman said: "I can confirm that a panel of three Supreme Court justices has granted permission to appeal in this case, on the issue of whether admissions made in the course of an asylum application can be relied upon in criminal proceedings."

Indefinite Detention Must Be Ended, Argue Campaigners *Laura Wilkinson, Indpendent,*

Some refer to it as the waiting game; others call it limbo. Jodie Prin didn't know much about Imprisonment for Public Protection when her partner John was sentenced to a minimum prison term of 21 months for GBH with intent. She remembers thinking that he would be out soon afterwards; she felt positive. "He's the first person to say that he's done something wrong and that he must be punished; you know, 'do the crime, do the time'." But nine years later, and six years past his minimum tariff, John is still in prison. He is waiting to go before the Parole Board in May, to have his case reviewed for release. The couple have been here before; for every parole hearing over the years, Jodie has been hopeful that John will eventually come home. "There is no end in sight," says Jodie. "He hasn't got a release date. If it warrants 10 years, they should have given him 10 years. Then at least we know what we're facing. But I've got to stay hopeful."

Her partner is just one of the thousands of prisoners in indefinite detention under Imprisonment for Public Protection. Introduced in 2003 but abolished in 2012, IPP sentences were given to those convicted of a serious specified violent or sexual offence and who in the court's opinion, posed a significant risk of harm to the public. It was intended to cover the less serious cases where a life sentence would not be justified. IPP prisoners have no automatic release date. For their release to be considered after they have served their minimum term, the Parole Board must be satisfied that they are no longer a risk to the public. Widely recognised as a mistake, the IPP scheme trebled the lifer population overnight and quickly swamped the Parole Board's ability to cope. The Prison Reform Trust says more than 5,000 prisoners are currently serving indeterminate sentences despite the abolition of IPP. By the end of last year, more than two-thirds – 3,561 prisoners – had passed their tariff expiry date, and are still waiting to have their case heard by the Parole Board. Of these, 958 were originally given a tariff of less than two years. Experts estimate it will take at least nine years for the backlog to be cleared.

Now legal experts and politicians have called for the Justice Secretary Chris Grayling to speed up the release of IPP prisoners. Lord Lloyd, a former Law Lord, urged Mr Grayling to exercise his power to vary the conditions for release that the Parole Board follows. "How much longer, one can surely ask, will these people have to wait?" he said. The Prison Governors Association has warned that IPP sentences were demoralising both prisoners and staff. One governor said that IPP prisoners "could see no chance of release as they struggled to access appropriate [rehabilitation] courses... this led to anxiety, resentment and discipline problems".

Lord Wigley, who has campaigned against IPP sentences, has called for IPP prisoners given tariffs of less than two years to be released immediately. He described the situation of IPPs and their families as "grotesque and totally unfair. They have no idea of how many years they will remain incarcerated. It is hardly surprising that as many as 24 people on IPP sentences

"A Gilded Cage is Still a Cage" *Rosalind English, UK Human Rights Blog*

Supreme Court on deprivation of liberty for the mentally incapacitated - Surrey County Council v P and Others, Equality and Human Rights Commission and others intervening

Mentally incapacitated people have the same rights to liberty as everyone else. If their own living arrangements would amount to a deprivation of liberty of a non-disabled individual then these would also be a deprivation of liberty for the disabled person. So says the Supreme Court, which has ruled that disabled people are entitled to periodic independent checks to ensure that the deprivation of liberty remains justified.

The majority ruling goes further than any existing Strasbourg case law. As Lady Hale points out, Strasbourg has not yet ruled on a case which combines the following features: (a) a person who lacks the mental capacity to decide upon their own placement but who has not expressed any dissatisfaction with or objection to it; (b) a placement, not in a hospital or social care home, but in a small group or domestic setting which is as close as possible to "normal" home life; and (c) that placement having been authorised by a court as being in the best interests of the person concerned.

Background: This was an appeal by two mentally incapacitated sisters MIG and MEG, and a mentally incapacitated man, P, appearing by their litigation friend, the Official Solicitor, against the finding of the Court of Appeal that their living arrangements did not constitute a deprivation of liberty. Neither P, MIG or MEG were able to care for themselves or give effective consent. P and been born with cerebral palsy and Down's syndrome and required 24 hour care to meet his personal care needs.

All appellants were cared for in non-institutional accommodation arranged by the local councils, although because of P's behavioural difficulties, he was in supervised local authority accommodation and was subject to occasional restraint inside his accommodation. But he did not live in a care home; he inhabited a spacious bungalow, described by an independent social worker as "cosy and with a pleasant atmosphere", and close to P's family home. In addition, P received 98 hours additional one to one support each week, to help him to leave the house whenever he chose. He went to a day centre four days a week and a hydrotherapy pool on the fifth. He also went out to a club, the pub and the shops, and saw his mother regularly at the house, the day centre and her home. He could walk short distances but needed a wheel chair to go further. The Court of Protection concluded that although P was being deprived of his liberty, it was in his best interests. The Court of Appeal found that he was not being deprived of his liberty.

None of the appellants had expressed any dissatisfaction with the accommodation or shown any wish to leave, although had they attempted to do so they would have been restrained for their own safety. In neither placement of the sisters was there, in the Court of Protection's view, any 'confinement in a restricted space for a not negligible length of time'. One of them was living in a foster home and the other in a residential home. Both go to college during the day. In the evenings they return to their respective homes. The Court of Appeal upheld the CoP's decision that the sisters' living arrangements were in their best interests and did not amount to deprivation of their liberty, referring to the "relative normality" of their lives compared with the lives they might have had if still living with their family. Their appeals, that they were in fact being deprived of their liberty, were upheld by a majority of the Supreme Court, Lords Clarke, Carnwath and Hodge dissenting.

Reasoning behind the judgment: It was axiomatic that people with disabilities, both mental and physical, had the same human rights as the rest of the human race. It might be that those rights had sometimes to be limited or restricted because of their disabilities, but the starting

point had to be the same as that for everyone else. That proposition flowed "inexorably" from the "universal character" of human rights, founded upon the "inherent dignity of human beings" (see my post on this concept). Far from disability entitling the state to deny such people such human rights it placed upon the state and others the duty to make reasonable accommodation to cater for the special needs of those with disabilities.

These rights included the right not to be deprived of physical liberty, which was guaranteed by Article 5 of the Human Rights Convention. Lady Hale observed that if it would be a deprivation of her own liberty to be obliged to live in certain place, subject to constant monitoring, only allowed out with close supervision, and unable to move away without permission even if such an opportunity became available, then it had also to be a deprivation of the liberty of a disabled person. The fact that those living arrangements had been rendered as comfortable as it could possibly be, should make no difference.

The test was whether the person concerned "was under continuous supervision and control and was not free to leave", HL v United Kingdom (45508/99) (2005) 40 E.H.R.R. 32. The person's compliance or lack of objection was not relevant, nor was the relative normality of the placement or the reason or purpose behind a particular placement. On that test, all three appellants' living arrangements constituted a deprivation of liberty and so had to be subject to periodic independent checks to whether the arrangements made for them were in their best interests. The need for such checks did not in any way stigmatise such persons or their carers. Rather they were a recognition of their equal dignity and status as human beings like everyone else. The Court ordered that the CoP decision in P's case would be restored and made a declaration that X and Y's living arrangements constituted a deprivation of liberty within the meaning of s.64(5) of the 2005 Mental Capacity Act.

The dissents: Lords Carnwarth and Hodge accepted that the comparator should in principle be a person with unimpaired health and capacity for the reasons which the judgment advanced. They also saw "real value" in the clarity of a focused test as it would greatly assist the psychiatrists and other professionals who have to administer the Mental Capacity Act 2005. On the other hand, there was no warrant in Strasbourg law, which was important for the determination of the 2005 Act, for the extension for which the majority settled. Short of a clear indication from Strasbourg, UK judges should be "cautious" about extending a concept as sensitive as "deprivation of liberty" beyond the meaning which it would be regarded as having in ordinary usage.

All the cases cited in the Supreme Court's review of Strasbourg jurisprudence related to people living in institutions of some kind, not in ordinary homes. Conversely, their Lordships had been referred to no Strasbourg case in which detention has been found in comparable circumstances to the present. We are concerned that nobody using ordinary language would describe people living happily in a domestic setting as being deprived of their liberty. We recognise that the concept in the Convention may be given an autonomous meaning by the Strasbourg court. But we are struck by how the judges in the courts below, with far more experience than we ourselves can claim, have laboured to keep the concept of deprivation of liberty in touch with the ordinary meaning of those words. [para 99]

Whether in each case P and the two sisters had been deprived of their liberty was a question of fact and degree, essentially a jury question and thus a question for the trial judge. Given that it involved a balancing of many different considerations, the decision of the judge should not be interfered with by an appellate court unless it concluded that the judge has erred in principle or that the judge was wrong: An appellate court should not simply substitute its own

interviewed hotel staff members who remembered seeing Fleming that evening. It was not presented at his murder trial. Fleming's attorneys recently re-interviewed witnesses to the murder. And a source said prosecutors are now aware of a person who is believed to be the real killer. "It could not have possibly been a mistake," Taylor Koss, one of Fleming's lawyers, said on Tuesday, explaining that Fleming had asked about the receipt during his initial trial and a detective who was questioned about it said he did not remember it.

Brooklyn's former district attorney, Charles J. Hynes, created the Conviction Integrity Unit after criticism of wrongful convictions. Brooklyn's new district attorney, Kenneth P. Thompson, is looking at 50 other murder cases. He has already been credited with the release of two people who were serving time for murder when new evidence came to light, the Times reported.

Gerry McGeough to Appeal IRA Murder Bid Conviction *BBC News, 11/04/14*

A former IRA man who was convicted of trying to murder a soldier more than 30 years ago has been granted leave to appeal to the UK's highest court. Gerry McGeough was jailed three years ago for the attempted murder of off-duty UDR soldier, Sammy Brush. Mr Brush, who is now a DUP councillor, was shot in an IRA gun attack in Aughnacloy, County Tyrone, in 1981. McGeough was given a 20-year prison term but served less than two, under the terms of the Good Friday Agreement. He was convicted in February 2011 and released in January 2013.

McGeough is challenging his conviction and has been granted leave for a Supreme Court appeal. The court will be asked to rule on whether admissions made by McGeough during a Swedish asylum application should have been relied upon during his 2011 trial. The former IRA man is at the centre of separate claims that Downing Street asked police to release terror suspects in 2007, following pressure from Sinn Féin president Gerry Adams. A retired senior detective, from the Police Service of Northern Ireland, has described the government's alleged intervention during McGeough's questioning as an attempt to pervert the course of justice. McGeough was arrested in March 2007, 26 years after the murder attempt, while he was taking part in an election campaign as an independent republican candidate.

Speaking about the appeal, his solicitor said: "In addition to the new headline facts disclosed about Gerry McGeough's case, there are important aspects of European and domestic law which say his conviction is unsafe. Not least, the evidence adduced at Gerry McGeough's trial from an alleged asylum application made 30 years ago in Sweden. The receipt of such evidence at his trial was a breach of common law rules and Article 6 of the European Convention on Human Rights (right to a fair trial). EU law recognises the need for a common policy of protection for asylum seekers yet in Gerry McGeough's case this was repeatedly ignored."

On The Runs - McGeough's jailing prompted calls from some republicans, including a former member of the Irish government, for him to be set free, but generated fury from unionists and victims angered at the length of his sentence. Those convicted of paramilitary offences that took place before the signing of the 1998 Good Friday Agreement can only serve two years of their sentences, as part of measures agreed for dealing with prisoners.

Retired PSNI detective Norman Baxter gave evidence about McGeough's arrest to the Northern Ireland Affairs Committee of MPs, which has begun an inquiry into the government's process for dealing with On The Runs (OTRs). On The Runs is the term used to refer to people who are suspected of, but who have not been charged or convicted of paramilitary offences during the Troubles.

Claims dismissed - Controversy over the On The Runs scheme came to light in February, when the trial of John Downey, the man charged with carrying out the 1982 IRA Hyde Park

Fish Thief Stashes Swag in Sports Bag *Police Oracle, 14/04/14*

Shoplifting is a diverse, challenging and not to mention illegal vocation. There are as many fertile terrains for the shoplifter as there are shops, each requiring a different approach to pilfering their wares. One needs to adapt a strategy accordingly. Stealing a packet of crisps from a supermarket would require a different approach to stealing an aquatic animal from a garden centre display, something which one rather light-handed fish lover failed to realise. While taking a visit to the Elm Ridge Garden Centre in Darlington, the thief in question spotted a Ghost Carp. Clearly disagreeing with the £70 price tag, he removed the carp from its cold water habitat into his sports bag. Luckily, the thief was caught before he left as he was detained by staff. But when quizzed on his apparent disregard for the law and the animal's welfare, he failed to see the potential detrimental effect on the animal's life by denying it water.Thankfully, the staff then seized the unharmed fish and returned fish to the pond. The thief was subsequently ordered to shell out £90 and to write a letter of apology, presumably addressed to his primary school biology teacher.

Jonathan Fleming Convicted of Murder Freed — After 25 Years *Washington Post,*

It was the summer of 1989. Jonathan Fleming and his family left their New York home and headed for Disney World in Orlando, Fla. On vacation, he accumulated seemingly insignificant things: plane tickets, a few postcards and a hotel receipt for an $81.92 phone bill, which he says he slipped into his pocket. That receipt was reportedly still in his pocket when police arrested him for the murder of a friend, Darryl “Black” Rush, who was shot to death in Brooklyn on Aug. 15, 1989, in what authorities suggested was a dispute over stolen money. That receipt was time-stamped about five hours before the shooting, showing he was more than 1,000 miles away at the time. But that receipt was never given to his attorney and never presented at his trial.

Fleming was convicted and sentenced to 25 years to life. Just a few months shy of a parole hearing, a New York judge on Tuesday vacated Fleming’s conviction after prosecutors determined he was indeed innocent. After serving 24 years and 8 months in prison for a crime he never committed, Fleming, now 51, walked out of a Brooklyn courtroom. “The day is finally here. I’ve dreamed about it many nights,” he told reporters. “I’m finally a free man.” Last month, a Louisiana man was released from death row where he had served nearly 30 years for murder. And like Fleming, he wasn’t even placed at the scene of the crime.

During Fleming’s trial in 1990, his attorneys presented evidence — plane tickets, video footage and vacation photos — to show that he was at Disney World at the time of the murder. Prosecutors argued he could have flown from Florida back to Brooklyn, shot Rush and then traveled back to Florida. They also doubted his family’s testimony. That hotel receipt never surfaced. A woman who said she was an eyewitness identified Fleming as the murderer. She retracted her statement before his sentencing, saying she lied so authorities would dismiss her felony charges, but the prosecution insisted the statement was true. Police reports have since confirmed that charges against her were dropped after she falsely identified him, The New York Daily News reported.

Last year, New Y0rk’s Conviction Integrity Unit looked into the case after investigators and attorneys for Fleming brought in new witness accounts. That’s when they found in his case file the key piece of evidence needed to prove his innocence — the Orlando Quality Inn receipt stamped at 9:27 p.m. Aug. 14, 1989. The shooting was in Brooklyn at 2:15 a.m. Aug. 15, The New York Times reported. In addition, investigators found a report showing Orlando police

view for that of the judge. In these cases the judges of first instance, Parker J in P and Q [the sisters] and Baker J in P, were very experienced in this field so that their opinions deserve great respect. [Lord Clarke, para 106]

It is one thing to take a principled stand on the content of the right to liberty, but the majority judgment may well have the unfortunate consequence of burdening private and informal arrangements for care outside institutions with further bureaucratisation.

Anonymity Protection For Under Age Defendants Expires when they are 18

JC & anor v the Central Criminal Court [2014] EWHC 1041 (QB) (08 April 2014)

This case raises the question whether an order made under s. 39 of the Children and Young Persons Act 1933 … prohibiting the identification of (among others) a defendant under the age of 18 years, can last indefinitely or whether it automatically expires when that person attains the age of 18 years. It has wide implications not only for young defendants but also for victims, witnesses, others concerned in proceedings and, of course, the media. [Sir Brian Leveson P, giving the judgment of the court , opening the case at para 1]

Background: On 15 November 2013, the claimants JC and RT, then 17 years of age, each pleaded guilty at the Central Criminal Court to an offence in early 2012 of joint possession of explosives. In both cases, the Crown accepted that they obtained this property without any intention of endangering life or causing serious injury to property.

A third defendant, also 17 years of age, admitted similar offences but faced more serious charges, including under the Terrorism Act 2000 in respect of which he was tried. All three had the benefit of an order under s. 39 of the 1933 Act restricting any newspaper or broadcast media outlet from reporting the name, address, school or other identifying particulars that might identify them.

The trial then proceeded against the third defendant alone but the jury could not agree on verdicts and a retrial was ordered. By the time of the retrial, all three defendants had, in fact, attained that age. The third defendant, then facing his re-trial, had been named as Michael Piggin: he was over 18 and a defendant in a criminal trial and there was no basis upon which his identity was entitled to protection. As for JC and RT, whose involvement with Michael Piggin was relevant to the latter’s trial, they sought to argue that they remained entitled to the protection of the 1933 Act. They thus sought judicial review of the decision of the Recorder that the order expired on their 18th birthdays.

The intermeshing legislation on this issue is extremely complex and it is set out as clearly as possible in the judgment. Suffice it to say here that the net effect of various anonymity provisions means that this kind protection only extends to those under the age of 18 and not beyond. As Sir Brian Leveson observes, It is truly remarkable that Parliament was prepared to make provision for lifetime protection available to adult witnesses in appropriate circumstances (because the witness has to be over the age of 18: s. 46(1) of the [Youth Justice and Criminal Evidence] 1999 Act) but not to extend that protection to those under 18 once they had reached the age of majority even if the same qualifying conditions were satisfied.

In other words, this kind of anonymity direction lasts for life but does not assist anyone under the age of 18. Thus, however much in need of protection a young person might be, the only presently operative statutory mechanism to protect identity in criminal proceedings is s. 39 of the 1933 Act. This was one of the reasons why, in Venables v News Group Newspapers [2001] Fam 430, arising out of media interest in the new identities of the child killers of James Bulger, Dame Elizabeth Butler-Sloss P accepted a concession from both counsel that a s.39 order

would expire upon maturity, and so, relying on the inherent jurisdiction of the High Court, granted an injunction to protect any new identity which they might assume.

Arguments before the court: The claimants argued, inter alia, that the plain reading of s.39(1) identified that it spoke only of the conditions precedent for an order being made, at the time such an order is made, and was silent on its expiry. They submitted that any order was therefore indefinite unless discharged or set aside. They also contended that the true purpose of the legislation was (or, in light of social change and the influence of the Human Rights Act 1998, is now) to support the rehabilitation of youth offenders. Children and young persons should, they argued, be allowed to 'leave their past behind them'. Article 8 should be properly balanced against Article 10 of the ECHR and to the analogous measures contained within the definitive guidelines on sentencing youths and the provisions of the Rehabilitation of Offenders Act 1974. They pressed their point by referring to the practicality of the construction for which they contended: rather than children needing to apply for injunctions in the High Court before an unfamiliar judge, the burden would fall on the wealthy institutional media corporations, who would be applying (primarily, at least) to the trial judge familiar with the facts so as to avoid imposition of an order.

The BBC (interested party) on the other hand contended that penal sections of statutes are to be construed narrowly, in favour of the defendant where there is ambiguity, and it was conceded by the claimants that s.39 was at the very least ambiguous. The BBC argued that both a literal and a purposive interpretation of s. 39 favoured the construction that an order could not cover an adult after the conclusion of proceedings, even though that adult had been under the age of 18 when the s. 39 order in the proceedings was made.

Reasoning behind the judgment: In the President's view, the purpose of the 1933 Act was to protect young people from publicity during the currency of their youth, and not into adulthood. The glare of publicity arising from contemporaneous reporting of proceedings that themselves are highly stressful is a heavy burden even on adults, and it is sensible that children should usually be protected from that combination. But once the proceedings are over, news reports of proceedings are and always have been less likely and there is no reason to provide the same protection. He did not accept the claimants' contention that the true purpose behind the 1933 Act was to aid the rehabilitation of young offenders, allowing them 'to leave their pasts behind them'. One of the significant features of s. 39 was that it made no separate provision for the treatment of three entirely different classes of children involved in adult criminal courts: as defendants, as victims, and as witnesses. Whilst there may be many reasons for defendants to be concerned with later reports of their criminality (although, as I have said, the point never seems to have been taken), victims and witnesses do not need protection for rehabilitative purposes or to leave their pasts behind them in the same way.

As for the Article 8 versus Article 10 balancing argument, that was nothing to the point: s.39 does not mandate any protective anonymity order but allows a discretion in the judge: it is the judge who will balance Articles 8 and 10 at and immediately after the trial. There was thus no reason to 'read in' or 'read down' the words of s. 39 using this court's power under s. 3 of the Human Rights Act 1998. There was "no incompatibility of the legislation with human rights, whichever construction is to be preferred". My conclusion is straightforward. An order made by any court under section 39 of the Children & Young Persons Act 1933 cannot extend to reports of the proceedings after the subject of the order has reached the age of majority at 18. The Recorder of London was correct so to rule and did not make an error of law. Accordingly, this claim for judicial review fails.

Krishna Maharaj Wrongfully Convicted of Murder

Date of Birth: 26 January 1939. Nationality: British. Arrested: October 1986. Sentenced to death: 1987. Legal status: Sentence quashed; resentenced to life imprisonment in 2002. Currently held: South Florida Reception Center Convicted of a murder that was almost certainly carried out by the Medellín drug cartel, 74 year old Krishna Maharaj is the victim of poor representation and prosecution misconduct. Kris was born in Trinidad when it was in British possession and has been a British citizen all his life. In 1987, Kris was convicted of the murders of Derrick and Duane Moo Young in Miami, Florida, and was sentenced to death. Kris has always maintained his innocence. He has six alibi witnesses all of whom place him more than 30 miles away at the time of the murder, but none of whom were called to testify at his trial. The original trial judge was led away in handcuffs for taking bribes in another case, and the new judge ordered the death penalty to be drawn up even before a verdict of guilt had been given. Subsequent investigation revealed that the victims had been laundering money in the Caribbean (to the tune of $5billion), and that the murders were almost certainly carried out by the Medellín drug cartel.

Reprieve has achieved partial success in Kris's case - but it was a bittersweet victory. In 2002, due to the violations in due process at his trial, his death sentence was quashed; but instead of being released, he was resentenced to life imprisonment. Kris is now 74 years old. There is overwhelming evidence of Kris's innocence and Reprieve continues to work to have him exonerated. Despite the rejection of attempts to secure a retrial in 2006, in December 2012, Reprieve counsel Clive Stafford Smith – working with Florida co-counsel Ben Kuehne and Susan Dmitrovsky – filed a further challenge to Kris's convictions. Utilising the fruits of ongoing investigations, this challenge builds on the revelations in Stafford Smith's recent book Injustice, and reveals a slew of additional evidence displaying Kris's innocence.

Highlights of the new evidence include: admissions by former Miami police and those closely associated with law enforcement that they framed Maharaj and had a deal to help cover up Colombian cartel murders proof that the only other occupied room on the 12th floor on the day of the murders – Room 1214 directly opposite the murder scene – was occupied by one Jaime Vallejo Mejia, a Colombian then wanted for his involvement in a cartel laundering case involving $40 million in cash. Mejia was deported to his native country where there is further proof of his drug associations; evidence that Tino Geddes, the witness who changed from alibi to incrimination, did so because he had been linked for years with the Shower Posse, the main drug cartel in Jamaica, closely associated with the Colombians; documents that show how 'eyewitness' Neville Butler was himself involved in the murders, failed a lie detector test, and has – on a number of other occasions – committed perjury in court to promote his own interests.All of this comes on top of Kris's six alibi witnesses and overwhelming evidence concerning the Moo Youngs' own role in laundering drug money. Write to: Krishna Maharaj, 109722, Location C 1131 S, South Florida Reception Center, 14000 NW 41st Street, Doral, Florida 33178

UDA Murder Victim Teresa Clinton's Family to Sue Government *BBC News*

The family of a Catholic woman shot dead by loyalists 20 years ago are to sue the government for alleged collusion in her murder. Teresa Clinton was killed in a UDA gun attack on her south Belfast home in April 1994. Lawyers for her widower, Jim, said High Court writs have been issued against the Ministry of Defence and the PSNI. They claim damages for misfeasance, negligence, breach of statutory duty and conspiracy to injury. Mrs Clinton, 34, was watching television when gunmen smashed a window at her house off the lower Ormeau Road and opened fire.