staff and prisoners were particularly strong. The promotion of equality and diversity was, however, unsophisticated and required attention, although most outcomes were reasonable. Gaining a better understanding of the concerns of some minority groups who, when surveyed, were less positive across a range of issues, was something the prison needed to do. Health services were good and mental health provision impressive. More women than usual said the food was good and all could dine in association. Some women were also able to prepare their own meals, which was another impressive feature of the prison. Prisoners had a good amount of time out of cell, and reasonable access to the prison's well kept, clean grounds. Learning and skills provision was well managed with timetabling that sought to balance education and work and meet individual need. There was sufficient education, vocational training and work for all the women held with more courses planned. Some provision, however, was still not used efficiently. Achievement was high on most programmes but required improvement in functional skills such as English and maths. The library and gym were accessible, and provided good learning opportunities.

Resettlement services were much better than we often see, and offender management arrangements were good. While the backlog in assessments was well managed, this had increased since our previous inspection and needed ongoing attention. Women benefited from good opportunities for release on temporary licence, and assessment arrangements for this were suitably robust. Resettlement planning began on arrival and was followed up to the point of release with a good range of appropriate resettlement services offered. Support to maintain contact with families and friends was good, but family visits were over-subscribed and a specialist family support worker would have facilitated more bespoke and proactive support. Support for women who had been victims of domestic violence or involved in sex work was embedded in some of the resettlement work offered, but nevertheless needed to be improved with more specific and identifiable interventions offered. Perhaps the key feature of Send and the work that best defined the institution were the excellent range of interventions offered to address offending behaviour. These included the only therapeutic community for women prisoners currently available, and the psychologically informed physical environment (PIPE) unit, a facility seeking to address the needs of those with personality disorder. Other interventions addressed substance misuse, restorative justice as well as a range of other issues relevant to the risk of offending and harm. In our report we highlight a number of relatively minor concerns that will assist the prison, but overall this is an excellent report that describes the work of a very effective prison. Women, some of whom are dealing with long sentences and considerable personal challenges and risks, are kept safely and in a prison that affords them respect. They use their time usefully and their risks are addressed meaningfully. This is not only a good prison; it is a useful and effective prison.

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,

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 481 (12/06/2014)

Judicial Review: How it works *ILPA Briefing, June 2014*

Judicial review is the name for the process whereby a Court examines decisions made by the Government or public bodies to ensure that they have been made in a lawful way. Judicial review is focussed on the manner in which decisions are made, not whether the decision was the right one or not. The Government is currently proposing a number of changes which will impact upon the availability of judicial review and its operation in practice. Taken together, the changes are likely to reduce the ability of individuals to be able to rely on judicial review to redress unlawful public decision making.

When is a judicial review brought? - Judicial review can only be brought when there is no other way to challenge a decision; for this reason it is called a remedy of 'last resort'. For example, if there is an official complaints procedure in place, or if there is a right of appeal to another body, such as a Tribunal, then it is not possible to bring an application for judicial review: you must first exhaust all other possible remedies.

Who can bring a judicial review? - Judicial review claims may be brought by individuals, groups or organisations, as long as they can show that they have sufficient interest in the decision they wish to challenge. The person (or group) applying for judicial review is known as the Claimant and the public body that they are bringing the case against is known as the Defendant.

What is the procedure involved? - In most cases judicial review is a two-stage process1. The Claimant must first apply for 'permission' from the Court to proceed, and will only get through this initial filter stage if s/he can show that the case is arguable – i.e. that there is some merit to the case.

The Claimant applies for permission by filling out an application form and setting out their arguments in writing. The Defendant is given an opportunity to respond in writing with an Acknowledgement of Service (within 14 days) before both sets of written arguments are considered by a High Court judge. The judge will either (a) grant permission – in which case the case will be given a date for a full hearing in Court; or (b) refuse permission. If permission is refused the Claimant must decide whether to give up entirely at this point, or to renew their application at an oral permission hearing. This is a short hearing in open court (i.e. in a courtroom open to the public) at which the Claimant must convince the judge that despite their argument not looking strong on paper, they do have an arguable case. Again, the Judge can either refuse or grant permission.

If permission is granted, a full hearing will follow. At this hearing both sides present legal argument and the judge will decide whether or not the decision under challenge was lawful. It is possible for both sides to come to an agreement on the dispute and stop the proceedings on the basis of an agreement between them; this is known as 'settling' the case. Judicial reviews are subject to tight timescales: you must make an application promptly, and in any event not later than three months from the date of the decision you wish to challenge.

Grounds for Judicial Review - In a judicial review case, the Court looks at the lawfulness of the decision-making process. If the Court finds that the decision was unlawful, it will be 'quashed' (struck down) and the decision-maker will have to take the decision again, this time in a lawful way. Some of the common errors of decision-making that lead to the Court striking down a decision are as follows: • error of law: the decision-maker misunderstood or misapplied the law • relevance: the decision-maker wrongly took irrelevant considerations into

account or failed to have regard to relevant information • ultra vires: the decision-maker acted with an improper purpose beyond their statutory powers • unreasonableness: that the decision-maker behaved so unreasonably that no reasonable decision-maker would have reached the same decision • bad faith: the decision was affected by dishonesty, corruption, bribery • breach of natural justice: e.g. a failure to give someone a reasonable opportunity to be heard by the decision-maker • bias: the decision was not free of bias or the appearance of bias

Remedies - If you are successful in bringing a judicial review then the decision-maker will usually be forced to re-make the decision properly or cease its unlawful conduct.

Increased Court Fees - Court fees for judicial review (as well as many other types of case) were increased in April. The fee increases affect judicial review cases in both the High Court and the Upper Tribunal (Asylum and Immigration Chamber)1. The box below sets out the relevant figures. - The fee for making an application for judicial review has more than doubled, rising from £60 to £135 - The fee for proceeding with a judicial review to a full Court hearing has tripled from £215 to £680 - The total fee for bringing a judicial review case is now £815

Court fees are, however, only part of the cost of bringing a judicial review; in most cases they will be much less than the major cost involved: legal fees. A person who does not qualify for legal aid is entitled to represent him/herself, known as a 'litigant-in-person'. However judicial review is a complicated area of law, difficult for non-lawyers to navigate. By bringing the case, a person also risks being required to pay the cost of the lawyer(s) for the other side if they lose. If s/he is able to secure legal aid for their case the State will pay both the Court fees and the costs of their lawyer and they will not risk of having to pay the legal costs of the person against whom they have brought the case. However the Government is pressing forward with more cuts to the legal aid budget and in future fewer people will be able to secure legal aid for judicial review.

Cuts to Legal Aid - Recent years have seen successive cuts to the legal aid budget and more are planned. As of last month, legal aid has been restricted at the 'permission' stage of a judicial review: this is the initial stage where the person must show that they have an arguable case. If they cannot show that they have an arguable case they are refused 'permission' by the Court and the matter stops there. Previously, legal work done at this stage was paid for by the Legal Aid Agency, regardless of outcome. However from now on, a lawyer working on a legally-aided case will only get paid if they are successful in getting permission to proceed. This is likely to make it more difficult for those who cannot pay to find a lawyer to take on their case because lawyers will (understandably) be more reluctant to take on cases from legally-aided clients, as these are now cases which carry the risk of no payment whatsoever. Legal Aid would also be affected by the introduction of a proposed 'Residence Test', which would made it more difficult for persons subject to immigration control to get legal aid across a whole range of civil (i.e. non-criminal) matters, including judicial review. For further information see the Information Sheet: Legal Aid 18. This is proposed for August, although currently the subject of a legal challenge (itself a judicial review).

Combined effect - Overall, the increases in Court fees, combined with the cuts to legal aid provision, will result in judicial review being less accessible to members of the public who cannot afford to pay for lawyers to defend their rights. The changes to judicial review will operate as a means of insulating the Home Office from legal scrutiny, meaning that more unlawful decisions will be left unchallenged with the consequent injustice for the individuals affected.

Immigration cases make up the largest proportion of judicial review cases; this remedy is often the only one available for people subjected to poor decision-making by the Home Office.

The fee increases will thus affect large numbers of people who are no longer able to

Wycombe and is arrested and charged and will be due in court in just over TWO WEEKS. In 2008 my brother died during a stop and search involving four officers, and the family have been waiting almost SIX YEARS for a decision to be made to charge the officers involved and bring them to trial. The justice system does not seem to work when the police are the perpetrators.' Justice4Paps also note the recent IPCC report on police failures to respond to complaints particularly those involving racial discrimination. Whilst the report does not refer to Thames Valley Police it echoes the frustration of many of the cases and complaints that we have been dealing with particularly over the last 18 months. In many cases police have failed to record incidents as being racist, have refused to take statements and in a few cases themselves have been racially abusive. 'These are complaints from those that have persisted with their complaints; there are no doubt countless others where people are left to feel so powerless that many simply don't bother. This leaves no trust in the police, the length of the investigation following a complaint and the lack of a resolve further depletes any confidence in the police'. Zia Ullah, Justice4Paps Recently we have met with Supt Ed Mclean and the Chief Constable Sara Thornton to address these issues and hope that six years on from Habib's death lessons will be learnt but the evidence from the litany of complaints and grievances does not give us much confidence in the process. The Justice for Habib 'Paps' Ullah/Justice4Paps campaign was set up in July 2008 after the death of Habib during a routine stop and search in a car park in High Wycombe.

Report on an Unannounced Inspection of HMP Send

Inspection 3/14th February 2014 by HMCIP, published 03/06/14: Introduction from the report

Send prison in Surrey holds just over 280 convicted women prisoners, well over half of whom are serving very long or indeterminate sentences, often for quite serious offences. We last inspected in 20 I I when we reported that Send was a settled institution with impressive features to aspects of its regime. This inspection has found that improvement has continued and Send is now a very successful prison. It is one of the few prisons to achieve our highest grading for outcomes across all four of our healthy prison tests.

We found Send to be a very safe institution and women were properly received and inducted when they arrived. In our survey most women told us that they felt safe and violent incidents were very rare. Problems when they occurred were usually restricted to verbal conflict, but the prison was not complacent and intervened to deal with such issues. Levels of self-harm continued to reduce and care for those who were vulnerable was good. There had been no self-inflicted deaths since our last inspection. Women with very complex needs were well managed but greater scrutiny was needed of the few occasions when women who threatened self-harm had been subject to force or placed in protective strip clothing. Safety was further underpinned by adult safeguarding arrangements that had been developed in conjunction with the local authority and other partners.

Security was applied with proportion and there was little evidence of significant illicit drug use, which was even more commendable given the number of women being released on temporary licence each day. It was also notable that women with alcohol issues now received appropriate support. Incentives and earned privileges (IEP) arrangements supported the safety of the prison but some requirements, notably that the hoods be cut off women's coats, were ridiculous. There was only limited need for formal disciplinary processes and there was little use of force. Commendably there was no segregation unit and the few women who occasionally required separation were supervised successfully on the wings.

Living conditions and the environment were generally very good and relationships between

may in the final analysis rebound to the disadvantage of the child." Munby concluded: "I propose to adjourn this matter for … a short time, inviting the Ministry of Justice – or it may be the secretary of state for justice or it might be the minister for the courts and legal aid – to intervene in the proceedings." Their submissions, he suggested, should address who should pay if funding for legal representation for the father is necessary.

The ministry has defended successive cuts, arguing that the legal aid system in England and Wales costs £2bn a year and is one of the most expensive in the world. An MoJ spokesperson said: "We have only just received this judgment. However, it is clearly a complex case that requires careful thought. In his judgment, Sir James Munby references expert evidence that the child would not be safe in the father's presence and that, given these circumstances, the father's legal aid was terminated." The Guardian, 09/06/14

David Mitchell Pleads Guilty to Murder of Robert Hind *BBC News, 09/06/14*

A convicted killer has admitted murdering a sex offender in West Yorkshire less than 18 months after being released from a life sentence. At Leeds Crown Court, David Mitchell, 46, of Manchester Road, Cowlersley, admitted killing Robert Hind, also 46. Police said Hind's body was found in a river after he went missing from Dewsbury in December while on licence. Mitchell, who was jailed for life for killing his partner in 1991, will be sentenced for murder at a later date.

Police were alerted to Hind's disappearance on 11 December 2013 when he was recalled to prison having breached the terms of his licence. The last CCTV sighting of him was at Huddersfield bus station on the morning he went missing. He was with a man police later identified as David Mitchell. Police at the time had warned Hind posed a risk to the public and told people - especially children - not to approach him. A post-mortem examination showed Hind, also known as Dack, had died of head injuries and strangulation.

Mitchell was arrested and charged with murder several days after Hind's remains were found in the River Colne in Milnsbridge, Huddersfield. Mitchell was jailed for life in 1991 for the murder of his estranged partner. In July 2012 he absconded from HMP Kirkham in Lancashire, where he had been held since March of the same year, but was recaptured three days later.

MoJustice was unable to confirm the date Mitchell was released from his life sentence. Following Mitchell's guilty plea, a Probation Service spokesperson said: "We are determined to have the best possible systems in place to supervise offenders in the community and work hard to manage risk but it can never be completely eliminated. "As with any case involving a serious further offence, a detailed review has been carried out to identify if any lessons can be learned for the future."

Vigil - Justice for Habib 'Paps' Ullah

To coincide with Father's day which falls that week and the impending 6th anniversary of the death of Paps we are holding a vigil outside High Wycombe Police Station on the 19th of June between 5 and 7pm. We normally hold the vigil in an around the July 3rd but we have brought it forward due to Ramadan and to mark Father's day.

The family of Habib 'Paps' Ullah have gone through another difficult year where the only positive was that the IPCC finally referred the case to the Crown Prosecution Service .They are still waiting to hear if a decision will be made to put the police officers on trial or not and desperately want to move on with their lives. In the meantime the recent story reported about the police being assaulted in the town shows how differentially the criminal justice system applies when an officer is a victim. As Nasrit Mahmood, sister of Habib said: 'A man assaults police officers in High

secure legal aid (either because immigration has gone out of the scope of legal aid, or because the cuts mean that they are unable to find a lawyer willing to take on their case). The imminent loss of immigration appeal rights with the passing of the Immigration Act means that judicial review will be the only possible means of challenging an unjust Home Office decision for an even larger group of people, giving these changes a heightened significance.

Raising the threshold for challenge - The Criminal Justice and Courts Bill, which is currently in progress in the House of Commons, contains provisions which would restrict the scope of judicial review. At present the Government has a defence to a judicial review challenge if it can show that had the decision been made in a lawful way the eventual outcome would inevitably have been the same. This is called a 'no difference' defence and is illustrated by the below example. - The Home Office decides to deport someone because of criminal conduct - The decision fails to take account of the fact the person has a pending Family Court hearing to determine whether he would be able to gain contact with his British child whom he has never met - The decision is unlawful, because relevant information was not taken into account (this is a common ground for judicial review) - However, the Home Office can show that, even if it had factored in the custody hearing it would still have decided to deport the person (for example because the application to gain contact was ultimately refused) - Judicial review will not be granted; the Home Office can rely on a 'no difference' defence and show that the decision was inevitable

The Bill would widen the scope of this defence, such that if the unlawful part of the decision-making process is "highly unlikely" to have affected the outcome, then judicial review will be refused. Thus in cases where there is a possibility of a different result (for example, a possibility that the decision to deport the person would not have been made), the Government will be allowed to rely on the unlawful decision-making. In practice, what this means is that the Government will be insulated from challenges against its unlawful decision-making in a wider range of circumstances than before. This provision is also likely to mean that there will be more protracted argument at the early "permission" stage which is being subjected to legal aid cuts.

New costs for interveners - The Bill also contains provisions on costs which would make it more difficult for charities to intervene in judicial reviews. At the moment, a charity or other group acting in the public interest, may apply to the High Court to intervene in a judicial review: they are then known as an 'intervener'. The Court will only permit this if it is of the view that the intervener can provide it with useful information which will assist in its determination of the case. For example, the United Nations High Commissioner for Refugees (UNHCR) sometimes intervenes in cases involving important points of refugee law. The provisions will mean that an intervener may be required to pay the costs of the Government department or public body that arise from their intervention in the case. Charities intervening often rely on lawyers representing them free of charge ("pro bono") who prepare a written submission on their behalf relevant to the case. These proposals mean that the intervener may have to pay the cost of the lawyers for the parties in the case reading this submission and responding to it. Such costs are difficult to estimate in advance; charities may be unable to afford their own lawyers, let alone be able to pay the costs of expensive Government legal teams. This change is likely to deter charitable interventions in cases with a wider public interest.

Joint-Committee on Human Rights has released a report covering the changes: "The implications for access to justice of the Government's proposals to reform judicial review" (30 April 2014). This report is highly critical of the changes. It essentially recommends that none of the Government's planned reforms be implemented, or that, if they are, their impact be mitigated.

California Inmates on Contraband Watch Accuse Officials of Human Rights Abuse

In 2009, California High Desert state prison inmate Michael Bloom was put in a small cage and told to strip naked. Two correctional officers put his boxers on backwards and taped them to his body, wrapping the tape around his waist and thighs numerous times. Then they put a second pair of underwear on him, facing the front, and taped those to his body. They dressed him in a jumpsuit and wound tape around his ankles, waist, thighs, and biceps. Then they put another jumpsuit on him, backwards, and taped it the same way. His legs were chained to one another at the ankles and his wrists were shackled to a chain around his waist.

Thirty-three year old Bloom, imprisoned in 2007 for assault with a firearm and first-degree robbery, was then put in a cell, empty of everything but a metal bed. A correctional officer sat directly in front of his door and watched him constantly. At night, he was brought a thin mattress, but the bright lights were left on. He wasn't given a blanket or anything to cover his eyes. He remained shackled as he tried to sleep. His chains dug into his back and wrists. "By the second day I was already getting sores on my ankles since the leg cuffs were cutting into my skin," he wrote. "At times I wanted to separate my legs so bad to stretch out that I would use all my strength to do it but the cuffs just dug deeper into my ankles." He remained like this for eight days. Some nights, correctional officers would force him to stand every 15 minutes and turn in a circle, preventing him from sleeping. At meal times, some guards refused to loosen his chains, so he had to bend over to eat directly off the tray with his mouth. This is how Bloom recounted his experience, via written correspondence with the Guardian. He is one of hundreds of California inmates subjected to "contraband surveillance watch", a routine procedure the state authorities say is essential to check the smuggling of drugs, weapons and other illicit items in prisoners' digestive tracts, but which critics say is "cruel and unusual" punishment akin to torture.

Corrections department records show that California prisoners underwent the procedure at least 524 times last year. The state's corrections department declined to comment on Bloom's case, but his account is similar to that of more than 20 other inmates who described their experience of the process. Most of the details of Bloom's recollection also align with the state's official guidelines for the procedure. In fact, he was not subject to the full range of restraint devices authorized for use, some of which make it impossible for inmates to use their hands at all. Bloom recounts that, when he had to defecate, guards took him to a small concrete yard where the tape was cut off his body, his clothes were brought down to his ankles, and he was surrounded by several guards, male and female, as he attempted to defecate into a receptacle. "As I would be standing there naked I felt violated, and I times I could not even go to the bathroom," he said.

When he was successful, the guards would dig through his feces in search of contraband, in keeping with corrections department policy. For the eight days he remained on contraband surveillance watch, he was never allowed to bathe. The ordeal was much the same on an earlier occasion when he was put on contraband surveillance watch for 14 days. Bloom says in the end he was not found to have ingested any contraband. According to records, less than half of California inmates who underwent contraband surveillance watch last year were found to have ingested illegal substances, most of which were drugs. One inmate last year was kept on contraband surveillance watch for 52 days before he was determined to be contraband-free. "Being completely chained and taped up, placed in an empty cell with only a metal bed and a bright light that remains on 24 hours a day for numerous days. This is torture, no matter how you look at it," Bloom wrote.

It is common for prisons around the country to have "dry cell" procedures that require suspected inmates to pass stool a number of times before they are released back into the gen-

scene and the post incident procedures involving the firearms officers, where first accounts were obtained from 25 officers. Further accounts were taken the following day from three senior officers who were involved in the police operation. The IPCC's independent investigation will look at whether the decision to shot the man was proportionate and justifiable, as well as the use of distraction devices and CS Gas when officers entered the property. Investigators have established that one shot was fired. They have secured the firearms officers' weapons and accounted for the distraction devices and CS gas canisters. Footage from the force helicopter has been collected. The officers involved in the incident are being treated as significant witnesses and this will be kept under review as the investigation progresses.

IPCC Commissioner James Dipple-Johnstone, said: "The public expect the highest standards of professionalism and judgement from police firearms officers, and our investigation will look at what happened when officers entered the property. As well as gathering evidence to see if any officer needs to be held to account, we will also see if there is any learning to help inform how the police respond to similar incidents in the future."

Family Judge Adjourns Father's Contact Case Amid Legal Aid Impasse

The most senior family judge in England and Wales has asked the justice secretary, Chris Grayling, to explain how a case involving a father's contact with his son can proceed without legal aid. In a judgment that in effect challenges the Ministry of Justice's policy of removing public funding for most matrimonial and separation hearings, Sir James Munby has had to adjourn a case because he has reached a legal dead end. The decision, made last month but only published on Monday 09/06/14, comes shortly after a serious fraud case collapsed owing to cuts in legal aid; the court of appeal subsequently reinstated the trial.

Restrictions imposed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 have resulted in the family courts being inundated by unrepresented claimants because legal aid is no longer available for their claims. In a family case identified only as Q v Q, the lack of legal aid for a convicted sex offender who wants to maintain contact with his son has emerged as a crucial factor preventing the court delivering a fair hearing. The unrepresented man speaks little English and requires an interpreter. The MoJ disputed whether the removal of legal aid for the father had anything to do recent cuts. It may have been due an earlier policy on merit tests which may have been affected by the father's conviction. The decision to remove legal aid is understood to have been upheld by an independent adjudicator.

After considering submissions, the president of the family division indicated that for justice to be delivered the father may need to be represented and possibly call expert witnesses. Munby said precedents from the European court of human rights showed "that there could be circumstances in which, without the assistance of a legally qualified representative, a litigant might be denied [their right to a fair hearing]. "The question then is what is to be done because, on one view, we have … reached an impasse, which is unthinkable. This case raises, in quite an acute form, a problem which is increasingly troubling judges sitting in the family court at all levels." Either the mother, who is publicly funded, or the court itself might have to pay, he suggested, "in order to ensure a just and fair hearing".

He continued: "It seems to me that these are matters which are required to be investigated in justice not merely to the father, but I emphasise equally importantly to the son, as well as in the wider public interest of other litigants in a similar situation to that of the father here … there is the risk that, if one has a process which is not fair to one of the parents, that unfairness

terise attacks by Muslims as 'terrorism' than attacks by far-right extremists. This, they say, results in discriminatory sentencing and cements popular perceptions of terrorism, at least in Great Britain, as crime perpetrated overwhelmingly by Muslims." Lawyers for the six men will also argue that the sentences they received were discriminatory by breaching Article 14 of European Convention on Human Rights - which prohibits discrimination on grounds of religion - and by being contrary to common law.However, a Home Office study found that that perception was not supported by the statistics. The men will argue that the study itself is problematic because the basis for categorising offenders into a religious or non-religious group is voluntary self-reporting, so it may be that some Muslims are counted as having no religion.

Terror Trial to be Heard In Secret in Break With Tradition *Paul Peachey, Indpendent, 04/06/14*

Two men – who have been identified only as AB and CD – are set to stand trial in a few weeks, with the press and public barred from the courts on the grounds of national security, the court was told. AB and CD had been arrested in "high-profile circumstances" last year and faced allegations of preparing terrorist acts and possessing bomb-making instructions.

The media had been banned from reporting the existence of an order allowing anonymity for the defendants and restricting access to court. Today, the media challenged the order made by Mr Justice Nicol on 19 May at the Old Bailey, and that hearing can be reported. If the media challenge fails, it would be the first time that a criminal trial has been held both behind closed doors and that the defendants' anonymity has been protected, according to lawyers.

In 2008, part of a murder trial was held in secret on the grounds of national security, but the defendant was named and much of the case was heard in public. However, prosecutors said that if the trial was not held in public there was a "serious possibility" that it would not go ahead. "The Crown has sought and obtained an unprecedented order that the trial of two defendants charged with serious terrorism offences should take place entirely in private, with the identity of both defendants withheld and a permanent prohibition on reporting what takes place during the trial and their identities," said Anthony Hudson, representing the media. We submit that the orders mark such a significant departure from the principle of open justice that they are inconsistent with the rule of law and democratic accountability."

The prosecution said the decision to hold the case in secret was exceptional and the complete ban on reporting would not necessarily last. There is a justification for defendants to be anonymous and there is jurisdiction for the court to sit in private," said Richard Whittam QC, for the Crown Prosecution Service. The three judges, Lord Justice Gross, Mr Justice Simon and Mr Justice Burnett, will give their decision in the next few days.

Shami Chakrabarti, director of the civil rights group Liberty, said: "Transparency isn't an optional luxury in the justice system – it's key to ensuring fairness and protecting the rule of law. This case is a worrying high-water mark for secrecy in our courts."

IPCC Outline Investigation Into Non-Fatal Police Shooting In Liverpool

On Thursday 22 May firearms officers from Merseyside Police attended a house on Shellingford Road, Dovecot after being called to reports that a man was holding a woman hostage and threatening her life. Officers subsequently entered the property and a man was shot once in the left shoulder region and a Taser was discharged. He was taken to hospital and was initially in a serious condition but has subsequently been discharged.

IPCC investigators were deployed to the house and oversaw the examination of the

eral population, but not even Texas keeps inmates chained and shackled during the process like California does. California corrections department spokesperson Jeffrey Callison says the practice has been in effect for at least 40 years. Over the years, a number of California prisoners have sued to challenge the practice, claiming it violates the eighth amendment ban on cruel and unusual punishment. But every case has failed so far.

Among those upholding California's procedure is ninth circuit judge Jay Bybee, who signed off on a controversial Bush administration "torture memo" that said acts only constitute torture if they produce the sort of severe pain associated with organ failure or death. In 2013, Bybee served on a three-judge panel that reversed a federal judge's ruling in a case where Rex Chappell, an inmate at California state prison in Sacramento, claimed he was subject to cruel and unusual punishment while on contraband surveillance watch for seven days. Chappell claimed he was chained to a bed and "forced to eat like a dog" since his restraints were not loosened for mealtimes. A district court had ruled that he was subject to unconstitutional sleep deprivation, since he was forced to sleep in shackles with no mattress and under bright lights that were never turned off. Bybee disagreed.

"I think it's interesting that a guy who has notoriety for approving very similar practices [by US interrogators] approved what happened to Mr Chappell," says Chappell's lawyer Caleb Mason. "The world seems to universally decry these practices as unconstitutional but with respect to Americans at home in our own prisons, the courts continue to uphold them. I find that troubling." Mason says prison officials get a "carte blanche" when it comes to combating drug trafficking. "Contraband watch has been upheld everywhere it's been challenged … If what they did to my client is consistent with the eighth amendment, then prisoners have no protection against such treatment if there is contraband around, which in prison, there always is."

In letters, other prisoners frequently complained of sleep deprivation and dehumanizing treatment. One 34-year-old Pelican Bay state prison inmate, Brandon Brasier, wrote: "The cells you are placed in are small and have no air circulation (the air vents are covered with tape and no air escapes.) At times, the tape is removed and ice cold air is pumped in full blast to the point where you are literally shivering … No sheets or blankets are provided. "You are lucky to get 15-20 minutes of sleep at a time due to the restraints … Whenever you want some water, they stick a straw through a small hole in the door and you are forced to drink it like some kind of animal or go without."

The California corrections department would not permit the Guardian to visit a contraband surveillance watch cell. "The practice is the worst I've seen of prison abuses," said Laura Magnani, a program director at the American Friends Service Committee (AFSC). Her organization, a Quaker human rights group, has lobbied for tighter regulations of the practice in California. A particular issue that AFSC pressed was Pelican Bay State prison's use of restraint devices known by inmates as "hellboys". The devices were made by correctional officers, Magnani said, fashioned out of large PVC tubes which were put over an inmate's arm and extend from their fingers to their elbows. The tubes would be removed only for the inmate to eat and wipe himself after defecating. After the AFSC worked with state legislative staff to pressure the corrections department, the device was discontinued in 2011.

Many inmates say they formally requested to be X-rayed rather than be subject to contraband surveillance watch, but were routinely deniedCalifornia corrections department spokesperson Jeffrey Callison says X-rays are intended for use in a medical setting, as they are not reliable surveillance tools and are potentially unsafe with repeated use. He also says that any use for involuntary contraband surveillance would require a search warrant from the state. Yet alter-

natives exist. Prisons and county jails around the country are implementing low-dose X-ray machines similar to those used in airports that can detect foreign objects inside the body. Such machines can reportedly be used safely hundreds of times per year for each person.

Inmate Brent Taylor, 46, was denied an X-ray exam at High Desert state prison in 2008, he wrote in an internal prison complaint. Instead, he and his cellmate were dressed in a diaper, then a pair of underwear, then double jumpsuits and were taped up tightly with fiberglass strapping tape at the waist, thighs, ankles, and arms. “We were put in a cell for four days taped up like this with waist chains and leg shackles and no mattress,” Taylor wrote. “We were given no bedding at night and in the day the heat of the two jumpsuits and all the tape was sometimes unbearable. The strapping tape was so tight it would cut off circulation. Often times it was taped directly to our skin and would rip hair and skin when in the process of taking it off. When we did use the bathroom we were only uncuffed long enough to get the jumpsuit down then cuffed back up. To wipe ourselves we had to do the best we could with our wrist chained to our waist. Often times we couldn’t get completely clean and the fecal matter would eat our skin. We were denied our psych medication.”

Callison, the California corrections department spokesperson, contends that contraband surveillance watch is justified because “contraband can undermine the safety of the facility and the community”. Yet the proportion of inmates found to have ingested weapons is low – only 6% of people who underwent contraband surveillance watch last year. And metal should be even easier to detect than drugs. Corrections departments in other states and the federal system use special metal detecting chairs to find weapons. Callison said he was unaware of them.

Northern Ireland Police Chief Accused Over Inquiry Into Killings

Northern Ireland’s outgoing Chief Constable Matt Baggott faces criminal action over claims that he obstructed police ombudsman investigations into 60 murders during the height of the Troubles. Michael Maguire, the police ombudsman, is attempting to force the Chief Constable to hand over sensitive intelligence material relating to deaths, a move that he insists is “enshrined in law and accepted across the community”.

Mr Maguire said he had no option but to mount legal action as he had received more than 100 refusals for information and that Mr Baggott was making it impossible to investigate allegations of serious criminal activity and misconduct. “The many thousands of people who make complaints to us every year do so on the basis that we have access to all the police information we need to investigate independently their complaint. At this point in time, the police have refused us access to 100 pieces of information involving investigations surrounding in the region of 60 murders,"I find that unacceptable and we have no other choice but to take legal action against the chief constable. We're talking about complex investigations into over 60 murders where there have been allegations of police criminality and misconduct in relation to their failure to investigate those murders; the fact that they may well have been protecting individuals involved in those murders. Answering those questions requires access to quite a range of intelligence and other sensitive material. I need access to that in order to be able to come to a view, in order to determine whether they are right or not."

Mr Maguire said he was legally entitled to the information. The Police Ombudsman's office does not do investigations by negotiation," he said. "This is fundamental to the independence of the office and the requirement for me to undertake a very clear and robust, independent

to victims of crime across the board, with the aim to double what we currently spend.

More than 4,800 people have received some form of help following the establishment of the current Homicide Service in 2010. As of February this year around 2,600 were still receiving support through the service. The funding will be made up of £2.75 million per year provided by the Ministry of Justice and £100,000 from the Foreign and Commonwealth Office to help those bereaved by a homicide abroad.

Victims’ Commissioner Baroness Newlove said: The grief and pain of losing a loved one to homicide can never be fully healed. But this service can help those bereaved regain the strength they need to keep going - a day at a time. Victims tell me they want support at the right time and in the right way, both at home and overseas. I will be looking closely at whether this service is up to the standard they expect.

Jeff Gardner, Director of Victim Support’s Homicide Service, said: Families bereaved by murder or manslaughter need specialist support to help them cope, to recover and ultimately to rebuild their lives. The decision to commission our charity is recognition of the expertise and commitment of our staff and volunteers. Their skills and compassion have already helped hundreds of families to cope in the aftermath of losing a loved one, and they will go on to help thousands more people. Victim Support will continue to work closely with its partners to ensure the support we give in each tragic case is tailored to the needs of the individual and that we provide a seamless service for them across the criminal justice system.

'Muslim surcharge' - Men Jailed for EDL Bomb Plot Challenge Sentences

Six men jailed for planning to bomb an English Defence League rally are challenging their jail terms, saying they were treated more harshly than non-Muslim extremists. The West Midlands men were jailed for between 18 and 20 years for plans related to the June 2012 rally, in Dewsbury, West Yorkshire. The men are Omar Khan, Jewel Uddin, Zohaib Ahmed, Mohammed Hasseen, Anzal Hussain and Mohammed Saud.They were sentenced in June last year.

'Muslim surcharge' - Judge Nicholas Hilliard QC carried out the sentencing at the Old Bailey. Five of the men had taken a bomb, knives and sawn off shotguns to the rally in June 2012 in Dewsbury, West Yorkshire. The case raises the issue of what some lawyers have called a "Muslim surcharge" on sentences for this type of offence. Khan, Uddin and Ahmed were sentenced to 19-and-a-half years in prison. Hasseen, Hussain and Saud were given 18 years and nine months. All of the men received an extra five-year extension to their terms "on licence". These were what are known as "extended sentences", which means that the men will serve at least two thirds of their principal sentence in prison. Once they are released, they remain on licence for the remainder of their prison sentence, and for the licence period.

The BBC has learnt that the men's lawyers will argue that comparisons with prison terms given to non-Muslims found guilty of similar offences shows a persistent pattern of much lower sentences. They will point to cases such as that of Nazi sympathiser Ian Forman, who was sentenced to 10 years in prison last month for offences under the Terrorism Act 2006. Forman developed a home-made bomb, packed with nails and ball bearings, following months of online research in which he identified two mosques he described as "targets". They will also refer to a 2011 report by the Independent Reviewer of Terrorism Legislation, David Anderson QC, in which he identified a perceived link between religion and sentence length for those arrested for terrorism-related offences. He said: "Some Muslims believe that there is a greater readiness on the part of press, politicians, police and law enforcement officers to charac-

reports.

The escapees were identified as Yves Denis, 35, Denis Lefebvre, 53, and Serge Pomerleau, 49. They were being held at the detention center waiting to stand trial. It was not immediately clear what charges they were facing. Police released photos of the three men on social media and appealed to the public for help, but warned anyone who spotted them not to approach and immediately contact police.

Audrey-Anne Bilodeau, another police spokeswoman, said on Saturday that police were working with surrounding airports and Quebec's Valcartier military base to help track down the helicopter. The Orsainville Detention Centre, about six miles from the center of Quebec City, can hold up to 710 offenders. In March 2013, a helicopter pilot was forced at gunpoint to pluck two inmates from the St-Jerome prison on a quiet Sunday afternoon. Two inmates climbed up a rope ladder into the hovering helicopter and fled. Police caught the two escapees and the two suspects who hijacked the helicopter within a few hours of the escape.

Police Pay Compensation To 'Kettled' Young Football Fan

Darren White of Deighton Pierce Glynn obtained £3,500 in compensation for a young football fan who was forced into an empty nightclub and held there for two hours. The Portsmouth fan, who was 14 at the time, travelled with his friend and friend's dad, to Portsmouth's game at Shrewsbury in April 2013. He became separated from them and was forcibly marched by the police, with other fans, to an empty nightclub, where he was searched and made to stay int the club for two hours before being allowed out and to go to the game. The fan consulted the Football Supporters' Federation, who referred him to Deighton Pierce Glynn and we brought a claim against West Mercia police on his behalf. The police accepted he should not have been treated in this way and agreed to pay him compensation. Darren said "this is another example of the police treating innocent fans as if they were criminals and I am pleased that the police have recognised that what they did was wrong and have agreed to compensate our client".

£2.85 Million Announced for Families Bereaved by Homicide

Thousands of people bereaved by homicide will be able to access unprecedented levels of expert support, following the award of the £2.85 million Homicide Service grant. The Homicide Service has been specifically designed to help families cope with the loss of a loved one through murder or manslaughter, and will ensure a range of emotional, practical and specialist support is available.

Run by Victim Support the service will assess each individual's needs and offer specialist, practical and emotional help – from dedicated counselling to liaising with schools and employers, financial advice or help with childcare arrangements. The grant also, for the first time, includes peer support where people who have suffered a similar trauma can draw upon their own experiences to give first-hand support and assistance. The Homicide Service will also provide support to families where the homicide has occurred abroad, including liaison with foreign judicial processes. Combined together, this will ensure the greatest level of care for bereaved families, both in the immediate aftermath and longer term after a death.

Victims' Minister Damian Green said: Homicide is a most heinous crime that rips the heart from families, and often from a whole community. It is vital that there is specialist help and support available immediately after the death, but also moving forward to help those bereaved move on with their lives. In addition to making more money than ever before available to victims of homicide, both here and on foreign soil, we have increased the amount available

investigation. In order to be able to do that, I need access to all areas of police activity to allow my investigators to come to a judgement about what happened. This gets to the core of independence, it gets to the core of accountability. We cannot have a situation where those who are the subject of investigation will determine what information is given to those who are undertaking that investigation."

It is understood the files relate to killings including the UVF's murder of six Catholics in the County Down village of Loughinisland in 1994. The Police Service Northern Ireland's reluctance to release the material is thought to be related to fears of exposing agents inside republican and loyalist groups. The PSNI said it believed it had responded appropriately to each request on a case-by-case basis. A spokesman added the organisation has a legal responsibility for the care and management of all information it holds. *Kunal Dutta, Independent, 04/06/14*

Police Bury Files of Unsolved Murder for 95 Years *Don Hale, Daily Star, 01/06/14*

Questions over why the police files on an infamous murder case have been sealed for almost a century have prompted a rethink. Now the police case files are to be reviewed by an independent barrister from the Crown Prosecution Service (CPS) following appeals against the ban. One researcher who asked the CPS if he could see the files was told he would have to wait for 95 years, while Derbyshire police have insisted on a 30- year block. The internal inquiry follows complaints against the CPS and the Derbyshire force from Mr Downing and former cold case detective Chris Clark, asking why such severe bans have been imposed on an unsolved murder case.

'Stateless' Asylum Seeker Found Dead in The Verne IRC *Chris Green, Indpendent, 04/06/04*

A young asylum seeker has been found dead at a Victorian jail which is still being run as a prison despite only housing people seeking refuge in Britain, The Independent has learnt. Bruno Dos Santos, who was in his 20s and has a child in the UK, was discovered in his cell at around 7.30am this morning at HMP The Verne, which is on the Isle of Portland in Dorset and dates back to the 1840s. The prison has been used solely by the Home Office to house asylum seekers since March, but plans to convert it into an immigration removal centre have been put on hold until the autumn - meaning that it is run as a jail and detainees are kept under harsher conditions than normal. Their access to legal advice to advance their cases is also reduced. It is understood that Mr Dos Santos had been detained for a long time as he was regarded as "stateless" and could not be sent back to his country of origin.

Sources said the prison authorities "strongly" believed that he died of natural causes, but Dorset Police would only say his death had been "sudden" and that the matter had now been referred to the coroner. A spokeswoman for the force said: "At 8.13am Dorset Police received a report that a sudden death had occurred at HMP The Verne on Portland. Officers attended together with the ambulance service where sadly a man in his 20s was found to have died at the scene. The death is not being treated as suspicious."

Campaigners warned that prisons are not suitable places to house vulnerable asylum seekers. They said that while those housed in immigration removal centres are given freedom to move around and speak to others, those in prisons spend more time locked up in their cells. Imprisoned detainees are also only able to speak on landlines for short periods instead of being allowed mobile phones, they added, with family visits also more limited.

Pierre Makhlouf, assistant director at the charity Bail for Immigration Detainees, said: "Placing immigration detainees under prison conditions such as at HMP The Verne is

inappropriate and against international guidelines. Yet the Government detains immigration detainees in about 80 prisons around the UK. “The prison regime makes it difficult to contact the outside world, to access legal advice and representation or to communicate with their family and friends. These communication difficulties also make it harder for detainees to contact the Home Office in order to progress their immigration case. Such isolation and the denigration detainees feel at being incarcerated for prolonged periods simply because they are foreign nationals leads to desperation.”

In September last year the Government announced that The Verne was to be converted into an immigration removal centre housing up to 580 detainees, with all ordinary prisoners being relocated. But in March, with building work already underway and shortly before the first detainees were due to arrive, it backtracked and said it would remain a prison with the same officers in charge. The jail was last inspected in October 2012, when it still housed convicted prisoners. In its report, HM Chief Inspector of Prisons said there was “no independent immigration advice available” to inmates despite its high foreign prisoner population. “Prisoners from black and minority ethnic communities and Muslim prisoners were more negative about the prison than the rest of the population,” it added.

A spokesperson for the Prison Service said: “Bruno Dos Santos was found unresponsive by staff at HMP The Verne at approximately 7.30am on Wednesday June 4. As with all deaths in custody, the Independent Prisons and Probation Ombudsman will conduct an investigation.” The Verne Prison opened in 1949 on the site of a former military barracks known as the Verne Citadel, which was first constructed in 1847. It is surrounded by cliffs and a moat and is only accessible by tunnel or bridge.

'Drug Dealer' Wins Government Payout Following Head-On Collision

Sean Delaney, 40, was travelling in a Mercedes SL500 sports car with a stash of drugs when it was involved in a head-on collision near Nuneaton in November 2006. He had to be cut from the wreckage of the vehicle being driven by acquaintance Shane Pickett - emergency workers at the scene discovered a 240g bag of cannabis under the front of his jacket, as well as a smaller amount in Pickett’s sock. The crash happened after Pickett, aged 34 at the time, attempted to overtake a car and smashed head-on into an oncoming people carrier on a bend. The Mercedes lifted off the ground and landed in a cottage garden. Delaney was left with broken legs, arm and pelvis, a punctured lung and bleeding to the brain. He spent several weeks in a coma and was unable to remember details of his wife and five children when he came round. He also had no recollection of getting into the Mercedes with Pickett, who was “more an acquaintance than a friend”, according to the Lexology legal website.

Criminal proceedings were successfully brought against Pickett in relation to his dangerous driving and the possession of cannabis but the police never interviewed or charged Delaney probably because of the severity of his injuries and traumatic amnesia, said Mr Justice Jay in London. Pickett was jailed for 10 months at Warwick Crown Court and banned from driving for five years after admitting dangerous driving and possession of cannabis.

However, Delaney's bid to obtain compensation from Pickett's insurers failed because of an exclusion clause - although the Court of Appeal said that the claim was not barred on grounds of public policy as criminality was only the occasion, and not the cause, of the accident. Delaney then launched a damages action against the Secretary of State for Transport, on the basis that the exclusion under a clause of the Uninsured Drivers' Agreement 1999 was

were mistreated in British custody. Further abuse came after the International Criminal Court announced last month that it would start a preliminary investigation into claims of British war crimes in Iraq. It followed complaints made by Mr Shiner and a Berlin-based charity.

Mr Shiner cited comments by Mr Hammond in the House of Commons in May 2014, when the minister spoke of “an increasing spate of costly actions have been brought against her Majesty’s Government by contingent-fee lawyers on behalf of foreign nationals”. They’re deliberately having a go, personalising it about me. It’s a well known tactic,” said Mr Shiner. “If they didn’t do it, these knuckleheads wouldn’t have anything to go on. There’s been a huge spike. We’ve had everything: people phoning up and being abusive. A concerted Government attack on me has contributed to it. They are stirring it up.”

A statement on behalf of both ministries said: “We totally condemn any threats of violence which may have been made, but it is ridiculous to blame Government ministers. It is only right that the department robustly defends the reputation of the Armed Forces and seeks to make sure no taxpayers' money is wasted, especially where dubious cases are brought.” West Midlands Police met twice with officials at the firm, Public Interest Lawyers, in the last week after the messages targeting Mr Shiner and his company, his practice manager said.

Nicholas Fluck, the president of the Law Society, said: “All lawyers should be able to carry out their legitimate work freely and without fear of reprisal. As such, the Law Society has today written to the Chief Constable of West Midlands Police Force and the Home Secretary urging them to address Mr Shiner’s case promptly.” UN principles about the role of lawyers states that “Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”.

Mr Shiner represented the family of Baha Mousa, the Iraqi man who died in British army custody in 2003 after being beaten and abused by British troops. The case resulted in the jailing of Corporal Donald Payne in 2007 at a court martial, making him the first member of the British armed forces to be convicted of a war crime. Mr Shiner said that some of those that targeted the firm through emails, social media and phone calls had left names which have been passed to the police. His family has previously been targeted and a prosecution against one man was dropped in 2011 because of delays, he said. West Midlands police said: “We are currently investigating allegations of malicious communication whereby 17 emails have been received by the company. One of the malicious communications is being dealt with as racially motivated.”

Inmates who Escaped by Helicopter From Quebec Prison Hunted by Police

A search widened on Sunday for three inmates who escaped with the help of a helicopter from a detention center in Quebec City as dusk approached on Saturday. It was the second helicopter-aided inmate escape in Quebec province in two years. The three men escaped from the Orsainville Detention Centre in suburban Quebec City around 7.45pm, with the help of a green-colored helicopter. The chopper landed in the courtyard of the detention centre, which has barbed-wire fencing and a watch post, and then quickly took off with the three inmates, heading west toward Trois-Rivieres or Montreal, police said.

Authorities were put on alert across Quebec, in the rest of Canada and in the United States, according to provincial police. "We have cooperation with all the police forces across the country and abroad also," said Sergeant Gregory Gomez. "We have many, many officers who are scattering all the areas possible. Investigators are, of course, checking every lead." Police were reluctant to provide many details about their investigation for fear the escapees could be monitoring media

in Putney where he remains in a hypoxic coma.

IPCC Commissioner Mary Cunneen said: "This is clearly a difficult time for Mr Collins family and I have offered to meet with them to explain our investigation. My decision to independently investigate follows an assessment of complaints we have received, on behalf of Mr Collins, against the available evidence. Our investigation will examine the use of force, includingng handcuffs, by the officers who attended the scene, the intelligence and information provided to the two initial attending officers and whether the arrest of Mr Collins was justifiable in the circumstances as they presented themselves. We will also look at the first aid provided by the officers prior to the arrival of the ambulance service."

IPCC also considered complaints from Mr Collins' family relating to the alleged failures of Kent Police to investigate the injuries sustained by Mr Collins, the information they provided to his family after the incident and the actions and decisions of the police once Mr Collins was in hospital. The decision has been taken that these matters can be investigated by the Kent Police themselves. Kent Police referred the matter to the IPCC on 15 December 2013. IPCC investigators were immediately sent to Gillingham to carry out an initial assessment of the evidence available at that time.

Hundreds of Foreign Criminals Escape Deportation on Human Rights Grounds

More than 630 foreign criminals have escaped deportation since 2011 purely on human rights grounds, Home Office figures show. In two thirds of these cases, involving some 410 individuals, the criminals successfully fought against the Government's attempts to deport them in the courts. In the other 220 cases, the Home Office gave up trying to deport them after learning that they intended to launch a human rights legal challenge. Foreign criminals are liable to be deported automatically if they have been sentenced to one year or more in prison. However, they are free to lodge an appeal if they believe they should be exempt from deportation.

Many such appeals are brought under human rights laws which offer protection against sending individuals back to their home countries if there is a threat that they would face torture or other mistreatment. A significant proportion however, are brought under Article 8 of the European Convention on Human Rights which gives individuals the right to a "private and family life". Most offenders appealing against deportation are also entitled to legal aid because they are unemployed after serving a prison term. Ian Austin, the Labour MP for Dudley North, said voters would want to be reassured that "dangerous foreign offenders are being deported wherever possible".

Government 'Stoking Tensions' Against Human Rights Lawyer *Paul Peachey, Indpendent*

The Law Society has demanded action from the Home Secretary, Theresa May, over a string of violent threats dating back a decade against the human rights lawyer who brought cases against British soldiers over alleged brutality in Iraq and Afghanistan. Security has been stepped up at Phil Shiner's Birmingham-based law firm after a string of abusive messages. The messages spiked once his team withdrew claims that British troops killed unarmed civilians at an army base, following a year-long £22m public inquiry. One of the emails said: "Pick a lamppost you scum, we'll bring the piano wire."

Mr Shiner blamed the Government for stoking the tensions and specifically identified the Defence Secretary Philip Hammond and Justice Secretary Chris Grayling. The lawyer, who represented Iraqi families, has since been the subject of hostile articles during the Al-Sweady Inquiry into the most serious allegations faced by British troops during the Iraq war. Despite the concession made by his firm, the inquiry is continuing to consider claims Iraqi civilians

incompatible with relevant EU directives. Ruling in favour of Delaney on Tuesday on the issue of liability, the judge said that the law was clear and the minister was in serious breach of it.

He added: "Many readers may be wondering how it comes about that a drug dealer is entitled to compensation against Her Majesty's Government in circumstances where he was injured during the course of a criminal joint enterprise. The understandable reaction might be: there must be some rule of public policy, reflecting public revulsion, which bars such a claim. The short answer is that there is not. The Court of Appeal held in terms that the insurer's public policy defence failed on these facts, and that must be the end of that matter in terms of domestic law. The relevant European Directives clearly state that there are only limited exceptions to liability in these circumstances, and that too must be the end of the matter as a matter of Community law."

The amount of damages due to Delaney, who suffered life-threatening injuries and some "intellectual blunting", will be assessed at a later date. A Department for Transport spokesman said: "We are disappointed with the judgment of the court despite the fact its effects will be very limited. We are looking closely at the judgment and are minded to appeal. Even if the judgment were to stand, claims will be excluded from compensation where serious criminality and a close connection between the crime and the accident can be shown." The driver of the people carrier, Peter Houston, was left with dislocated ribs and bruised kidneys, while his wife suffered a broken ankle, a broken collarbone and five broken ribs. Their daughter and two sons were also injured, two with broken collarbones, and suffered psychological trauma. *Antonia Molloy, Indpendent, 04/06/14*

Mark Duggan Coroner: Police Created Perception Of Collusion *Vikram Dodd, Indpendent*

An official report into the police shooting of Mark Duggan says "a perception of collusion" was created by officers sitting together in a room for hours writing up their accounts of the incident. The report by the coroner, Keith Cutler, raises concerns about the Metropolitan police and the police watchdog over their handling of the shooting in August 2011 in Tottenham, north London, which triggered the worst riots in England in recent times. The report contains recommendations aimed at preventing future deaths. In January, an inquest jury decided Duggan was not holding a gun when shot by police but also found the decision by marksman "V53" to open fire was lawful. The inquest heard that officers wrote up their accounts of the shooting over an eight-hour period, sitting together in a room. They were allowed to confer about the lead-up to the confrontation with Duggan, but not the actual incident itself.

In his report published on Wednesday 4th June 2014, Cutler writes: "The fact of the officers gathering in a room together for many hours to compile statements created a perception of collusion." Cutler said a number of aspects of the way police wrote up their accounts "caused me concern". This included omissions from initial accounts and delays in making statements abut what officers had witnessed. The judge compares the fact that armed officers are given 48 hours before making their statements to the way a civilian witness is treated, saying: "It is not immediately obvious why a trained firearms officer should require what a civilian is not given." Conferring by officers after a shooting and the way they write their accounts has long been controversial. Police say it gives the most accurate evidence.

The Independent Police Complaints Commission wishes to stop officers conferring at all under new plans which police have criticised. In a statement following the publication of

the coroner's concerns, the Met police said it had strengthened warnings given to officers about not conferring. The Met said its firearms officers exercised huge restraint, opening fire only rarely, and said: "No officer sets out at the start of the day to run an operation that results in someone dying. But the task our officers face in making split-second decisions when confronting armed criminals and protecting the public means there is a risk – a very small risk – that this will happen. We want to ensure that we are doing the best job we can in difficult circumstances and we will now carefully consider and speak to other agencies about the concerns of the coroner. "There is still an ongoing IPCC investigation and we await their findings and do not wish to be drawn into debating publicly the coroner's concerns at this time."

The coroner says law enforcement may have missed the chance to seize the weapons before Duggan collected one, and thus, it became necessary for armed police to challenge him. The shooting set off a series of events that rocked the country and saw several days of disorder that started in London but then spread across numerous cities and towns. The intelligence for the operation came from the Serious and Organised Crime Agency (Soca), which is now the National Crime Agency. The intelligence, which proved accurate, said Kevin Hutchinson-Foster was storing guns for Duggan.

The coroner said the Met either had details to locate Hutchinson-Foster or could get them as he was on parole. "I am therefore concerned that there may have been the opportunity for better liaison between the MPS and Soca, and for more focus on intelligence about Mr Hutchinson-Foster, with a view to locating the guns prior to Mr Duggan collecting one," Cutler said. The MPS and Soca did not devise a strategy which focused on Mr Hutchinson-Foster and the guns and which was capable of leading to them being seized before one was collected by Mark Duggan." He said no law enforcement witness realised deficiencies in the planning and added: "If lessons are not learned I believe that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future."

The coroner also raised concerns that although the aim of the operation in which Duggan was killed was to take guns off the streets, little attempt was made to seize weapons believed to be held by Hutchinson-Foster. "The operation then came to a halt. No attempt was made to retrieve other guns from Hutchinson-Foster, who was only arrested months later," Cutler said.

Distrust of police put off independent witnesses, he added and said the aftermath of the shooting should have been video-recorded. He also raised concern about the handling of key exhibits, such as the shoe box the gun had been in, and the moving of the minicab Duggan had been using when police forced it to stop.

Christodoulou and Others v. Greece

The case concerns the conditions the detention of Mr Christodoulou, whilst on remand in Salonika priso, (his three children were part of the application), he is registered as 90% disabled and suffers from numerous medical conditions including kidney failure, which obliged him to go to a public hospital outside the prison three to four times a week for haemodialysis, and the fact that the indictments division did not examine speedily his appeal against his detention order.

Mr Christodoulou was remanded in custody on 2 October 2012 and placed in Salonika prison, charged with a number of offences related to white-collar crime. On 5 October 2012 he lodged an appeal against the detention order, arguing that his 90% disability and his four haemodialysis sessions every week ruled out any risk of his absconding. The indictments division deliberated in his absence on 16 November 2012 then dismissed his appeal, without referring to his

request to appear in person. He was released on 4 February 2013 by a decision of the Court of Appeal. On 4 March 2013, Mr Christodoulou was sentenced to eight years' imprisonment for tax fraud with a stay of execution of the sentence subject to a surety payment of EUR 200,000. Mr Christodoulou fled and went into hiding to avoid arrest. He claimed that he could not afford to pay the sum requested and that his family was living on benefits.

Relying in particular on Article 5 § 4 (right to a speedy decision on the lawfulness of one's detention), Mr Christodoulou complained that the indictments division had failed to rule speedily on his detention order, and that he had not been allowed to appear in person before the indictments division or to apprise himself of the public prosecutor's submission.

Two violations of Article 5 § 4 – in respect of Ioannis Christodoulou, as regards the requirements of speediness and equality of arms and adversarial principle (Court declared the remainder of the application inadmissible) Just satisfaction: The Court awarded EUR 3,000 in respect of non-pecuniary damage and EUR 1,000 costs/expenses to Ioannis Christodoulou.

Akopyan v. Ukraine

The case concerned a woman's involuntary confinement and treatment in a mental hospital. The applicant, Zenfira Akopyan, is a Ukrainian national who was born in 1953 and lives in Kharkiv (Ukraine). She was admitted to Kharkiv Regional Psychiatric Hospital in December 1994 following a deterioration in the relationship with her now ex-husband, which resulted in her leaving and him eventually taking their two daughters to live with him.

She was diagnosed in hospital with paranoid schizophrenia and given treatment. From January 1995 onwards, she repeatedly asked to be discharged, without success. She eventually escaped in November 1997 and found shelter with some friends.

She voluntarily admitted herself to Kharkiv Municipal Psychiatric Hospital requesting a psychiatric assessment. She was discharged soon after, the doctors having concluded that her mental health was normal. In the ensuing criminal and civil proceedings brought against the doctor who had treated her, the domestic courts concluded that Ms Akopyan had been wrongly diagnosed and treated in the hospital.

Ultimately, in January 2007 she was awarded 7,000 Ukrainian Hryvnia in compensation for non-pecuniary damage. Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), Article 5 § 1 (right to liberty and security) and Article 8 (right to respect for private and family life and the home), Ms Akopyan complained about her confinement for nearly three years in a psychiatric hospital without effective review of her mental state, alleging that, during that time, she had been forced to take neuroleptics, which had caused her severe suffering, and had damaged her private and family life. Violation of Article 5 § 1, Violation of Article 8, Just satisfaction: EUR 12,000 (non-pecuniary damage)

IPCC Investigate Kent Police After Man is Left in a Coma

The IPCC is independently investigating Kent Police in relation to an incident which has left 38 year old Denby Collins in a coma. Kent Police were called to a house in Gillingham on 15 December 2013 at around 3.20 am after an emergency call from the residents. When officers arrived they found that at least one of the residents was restraining Mr Collins, who the police arrested as a suspected burglar and handcuffed. Mr Collins was unresponsive and the South East Coast Ambulance Service attended and Mr Collins was taken to Medway Maritime Hospital. In May 2014, Mr Collins was transferred to the Royal Hospital for Neuro-disability