ate treatment services, and that the police and courts are enabled to make informed decisions about charging and sentencing. We are investing £25 million in a trial scheme that will place mental health professionals in police stations and courts, and improve identification, assessment and referral services, so that access to health care and social care interventions are improved. That is not about individuals avoiding the appropriate sanction from the criminal justice system, but about tackling some of the underlying issues that can cause people to offend.

For some prisoners with severe mental illness, the most appropriate treatment setting will be a secure hospital. About 900 transfers are made from prisons to secure hospitals each year. However, not all serious mental illness needs to be treated in a secure hospital, and most serious mental illnesses are treatable within prison under the care of a consultant psychiatrist. Prisoners are considered for transfer to secure units only when a prison cannot provide appropriate treatment in the judgment of a responsible clinician. In such circumstances, good liaison between health care teams and other prison staff is essential to ensure that events and decisions that could affect a prisoner's risk of self-harm or suicide are considered and are known by others. The whole-person approach to individual case management continues into release planning. The most serious offenders are subject to multi-agency public protection arrangements, which ensure that relevant statutory partners and interested organisations are properly involved in pre-release planning.

I would like to say a few words about families, about which the right hon. Gentleman rightly spoke. We know the importance of family contact and support to prisoners. Phone calls and visits with family and friends make a huge contribution to prisoners' well-being. Close family members who are on low incomes can apply for assistance towards visits. The support of families and friends is an important component in helping someone to avoid re-offending when they are released from prison. Wherever possible, families are involved in the decision-making process when a prisoner's accommodation post-release is being considered by the MAPPA panel. I know that Members will share my concern about every death that happens in prison custody. The prisons and probation ombudsman, to whom I spoke this afternoon, has conducted a lessons learned review of deaths in custody and will publish his report next month. I look forward to seeing the report and to reviewing the recommendations fully so that we learn every possible lesson from what he has to say. We must remember that prison staff save lives, sometimes through swift intervention when a vulnerable prisoner is literally on the verge of taking his own life and sometimes—this is less easy to know about but is no less real—through the careful and caring management of some of the most vulnerable individuals in society, who have been placed in custody because of the harm they have caused to others in society. That, of course, is no consolation to the family of Mr Morgan, whose death no one was able to prevent. I am grateful to the right hon. Gentleman for securing this debate, which has allowed us to consider the

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 487 (24/07/2014)

Syed Talha Ahsan & Babar Ahmad - Returning to Britain

Babar Ahmad, a British computer engineer portrayed by US prosecutors as a pioneer of cyber jihad, has been sentenced to 12 and a half years in prison for channelling material support to Islamic terrorists. The 40-year-old Londoner, who was extradited from Britain in 2012, could be released as early as next spring with good behaviour as he has already spent a decade in detention in the UK and the US, lawyers said. Syed Talha Ahsan,34, a fellow British Muslim who admitted related offences and was extradited with Ahmad, will be freed after being sentenced to an eight-year term - the same period he has already spent in detention since his arrest in London in 2006.

Federal prosecutors had called for a 25-year sentence for Ahmad after arguing that helped develop the role of the Internet as a support network for terrorists and could return to the same conduct after he was released. But Judge Janet Hall delivered an unexpectedly lenient by the standards of US terrorism trials and described Ahmad as a "good person" who she believed posed no threat to the public. She said she had weighed the seriousness of his crime with his good character after reading thousands of letters of support and hearing from British prison officials who described him as an exemplary inmate. The sentence shocked prosecutors and was hailed by his supporters.

Ahmad, who was extradited after an eight-year legal fight, earlier admitted his role in operating Azzam Publications, a London-based website that raised cash, recruited fighters and solicited items such as gas masks for the Taliban in Afghanistan. US federal prosecutors in Connecticut brought the case because the website, which was believed to be the first such site in English dedicated to supporting jihad, used an Internet service provider in the state. But Ahmad and his family and supporters argued that he should have been put on trial in Britain for any alleged crimes there and they accused the British authorities of "outsourcing" his prosecution to the US. Much of the prosecution evidence was based on files seized from Ahmad's offices at Imperial College, London, where he worked in the IT department. Ahmad was born and brought up in Tooting, London. His father, a retired civil servant, and his mother a retired science teacher, emigrated from Pakistan in the early 1960s. He was a prize-winning student and obtained a master's degree in engineering from the University of London. No British citizen had been held longer without trial in modern times as his fight against extradition dragged through the British legal system and the European Court of Human Rights.

"It is the court's conclusion, and I hope I am not wrong, that Mr Ahmad has a low likelihood of recidivism," Judge Hall said "This is a good person who does not and will not act in the future to harm other people if they are different from him. He's not likely to engage in criminal activity again. What these two men did was, they gave material support ... they wanted material support to flow to the Taliban at a time when the Taliban was protecting Osama bin Laden, at a time when Osama bin Laden was planning and carrying out the 9/11 attacks." But she said Ahmad was not an operational terrorist and there was no evidence that he supported bin Laden's al-Qaeda network.

In a statement to the court, he admitted that for a period of months after the Sept 2001 terror attacks he continued use his websites to enlist support for the Taliban from Muslims around

the world. But he said that he now realised he was naive and misunderstood the relationship between the Talban and al-Qaeda. Ahmad's lawyers argued that he deeply regretted his support for the Taliban and publicly condemned the 9/11 atrocities.

He was first arrested in London in December 2003 in a major Scotland Yard counter-terrorism sweep after officers received information that he was providing logistical and financial support to terrorists abroad. He was released a few days later and subsequently accused the Metropolitan Police officers who arrested him of causing the injuries that were evident in his mugshot. The force admitted he had been injured and paid him £60,000 compensation, but the accused officers were acquitted of assault. In August 2004, he was arrested again, this time at the request of US prosecutors under an indictment that he headed a "terrorism support cell" that provided material support to the Taliban and Chechen mujahideen.

Gen John Carlin, acting Assistant Attorney General for National Security, hailed the guilty pleas at an earlier hearing. "This is an early example of individuals using the Internet not only to radicalise others and spread violent propaganda, but also to further the actions of terrorist groups by soliciting supplies and personnel," he said. These guilty pleas deal a significant blow to the financial infrastructure that supports terrorism around the world." *Source Telegraph*

Prisoners Transfers to Open Conditions

Sadiq Khan: Asked the Secretary of State for Justice (1) how many prisoners have been transferred to open conditions following a decision made only by the Ministry of Justice Public Protection Unit in each of the last four years; (2) how many prisoners have been transferred to open conditions without advice being sought or provided by the parole board in each of the last four years.

Jeremy Wright: There are two means by which indeterminate sentenced prisoners (ISPs-both those serving life and indeterminate sentences for public protection (IPPs))-are considered for transfer to open conditions. The principal means is by way of a positive recommendation from the independent Parole Board, which falls to officials either to accept or reject on behalf of the Secretary of State, under agreed delegated authority and in accordance with policy agreed by the Secretary of State. However, ISPs may also apply to progress to open conditions without a positive recommendation from the Parole Board being sought, where they can show exceptional progress in reducing their risk. Each application is determined on its merits under agreed delegated authority by officials in the Offender Management and Public Protection Group in the Ministry of Justice. The criteria for progression in these circumstances are as follows: - the prisoner's parole dossier must contain evidence that the prisoner has made significant progress in addressing all risk factors; and - there must be a consensus among report writers that the prisoner is suitable and safe to be transferred to open conditions; and - there must be no areas of concern identified by report writers which would clearly benefit from further exploration by an oral hearing of the Parole Board; and - the prisoner must demonstrate in his/her representations that there are clear benefits to being transferred to open conditions immediately rather than following the established process. In 2013, 20% of prisoners who applied for a transfer through this route were granted a move to open conditions.

Decisions to transfer determinate sentence prisoners to open conditions are taken by population managers within the National Offender Management Service. Only prisoners who have been thoroughly risk assessed and categorised as suitable for open conditions will be considered for transfer to open prisons. Decisions on re-categorising prisoners as suitable for open conditions are taken by experienced prison staff with input from offender managers, healthcare and other

There has been recent comment about whether population pressures, organisational changes in prisons and reductions in the number of prison officers have contributed to the rise. However, the picture is not so straightforward, and there is no clear correlation between the existence of such pressures and prisons where self-inflicted deaths have occurred. Known factors appear in a number of deaths. For example, the early days of custody are known to be a period of higher risk. Self-inflicted deaths in custody occur most often in males aged 30 to 39, and most occur by hanging. However, overlaying these known factors are reasons for each self-inflicted death, which are as individual as the person involved. It is therefore essential to support prisoners as individuals—many of them have complex needs, as the right hon. Gentleman outlined in this case—by identifying whether they have particular risk factors, and if so, responding appropriately.

Prisons use the ACCT—assessment, care in custody and teamwork—system to keep prisoners safe. Individual ACCT plans should be opened and closed in line with the assessment of an individual's risk of self-harm or suicide, and their needs. It is a dynamic process.

Alan Johnson: The Minister is a decent man, and I appreciate that he has come to the Chamber with a brief. It was kind of him to offer to write me a letter, but there is no need for that if he will give me a meeting. We need to discuss these matters in more detail. I have read all that stuff about wraparound care and all such really good stuff. We said the same thing in government, so this is not a party political point. Vince Morgan is a perfect example of how all of that means nothing when it comes to a vulnerable young man, whose parents were concerned but were ignored, and specifically when it comes to the decision not to let him go home at the end of his sentence. I am sorry that this is a long intervention, Mr Deputy Speaker. The Minister says that Vince Morgan was told of that decision a few weeks before, but I now have absolute proof—from a letter sent to this mentally ill young man back in October—that he was told in his prison cell. All that puts a new complexion on the case, and I would be very grateful if the Minister met me to discuss it.

Andrew Selous: Of course I will meet the right hon. Gentleman. If he contacts my office after this debate, I will make arrangements for us to meet as soon as possible. I want to respond to a point that the right hon. Gentleman made about Vince's move to A wing. I think that the right hon. Gentleman referred to it as solitary confinement. Vince was moved to a single cell, but not to solitary confinement. He was deliberately placed near the wing office, and the move was for his own well-being. Prisoners on C wing had complained about Vince, so there were genuine concerns for his safety. It is important to put that on the record.

It is through such individual assessment that staff can be alive to the often overlapping and interconnected factors that may contribute to an individual's distress, and which can on rare occasions lead to suicide. Those factors may include mental health needs, addressing any disabilities or disadvantages, or simply being sensitive to potential trigger or pressure points that they may experience during their time in custody.

As is well known, the prison population is not representative of the general population in a number of ways. The prevalence rates for personality disorder, psychosis, attention disorders, post-traumatic stress disorder and self-harm are notably higher than in the general population, as are problems with substance misuse and alcohol. Almost 50% of adult prisoners suffer from anxiety and/or depression, compared with 15% of the general population. Experts estimate that prisoners with a learning disability or difficulties may represent as much as 30% of the prison population.

Liaison and diversion services are a vital way in which the Government seek to ensure that when someone first comes into contact with the youth or adult criminal justice system on suspicion of having committed a crime, their health needs are identified, assessed and provided for by appropri-

Andrew Selous: The right hon. Gentleman raises a proper issue about the way in which the families and carers of people with mental health issues are treated generally in our society. Very similar issues have been raised in my constituency. If he will allow me, I will go back, make further inquiries at the Ministry of Justice about that specific point and write to him following this debate. I absolutely understand the very important issue that he properly raises.

Mr Morgan's conditional release date was 29 January 2013, and planning for his release was under way. However, on 28 December 2012, Mr Morgan was, tragically, found hanging in his cell. The emergency response was prompt, but Mr Morgan was pronounced dead.

Mr Morgan suffered from schizophrenia, and his treatment for this condition continued during his time in custody. As with all prisoners, he was assessed on entry to custody, where he was referred for assessment by the prison mental health in-reach team, and considered for any risk of self-harm or suicide. Staff kept an eye on his behaviour and potential vulnerability to bullying. An assessment for learning disabilities was requested. At the time of his death, Mr Morgan had recently moved wings and a few weeks previously had been informed that he would be required to live in an approved premises, rather than return to his parents house, when he left prison, though that aspect of his release planning continued to be kept under consideration by Humberside probation trust and the multi-agency public protection panel that considered his case.

The coroner's inquest into Mr Morgan's death concluded in November 2013. The cause of death was hanging and the jury's conclusion of death by misadventure noted that there was a failure in the system of transfer of information from health care staff to discipline staff, and that, consequently, problems regarding Mr Morgan's behaviour were treated as a discipline issue rather than medical. The coroner made two recommendations to the Secretary of State for Justice. The first was on the involvement of health providers where prisoners requiring in-reach mental health support are to be transferred between prisons. There is a "clinical hold" system in place, which can be used where there are concerns about the suitability of health care provision in the receiving prison. The second was on the information flow from and to prison officers within HMP Northallerton. As has been said, HMP Northallerton has since closed, but a review was undertaken at HMP Hull.

The prisons and probation ombudsman completed his report on Mr Morgan's death in May 2014. It identified some deficiencies in communications between staff at Northallerton about Mr Morgan's management, but concluded that it would have been very difficult to foresee Mr Morgan's action and prevent his death. No recommendations were made.

I reiterate my profound condolences to Mr Morgan's family. As I have already said, every death in custody is a tragedy for that individual and their family and friends. Safety, decency and security will always remain the priority for the National Offender Management Service. However, every year a number of people die in prison—some through natural causes and some self-inflicted. In 2013, 215 people died in prison custody. Of those, 123 were as a result of natural causes and 74 were self-inflicted.

As the House may be aware, the number and rate of self-inflicted deaths in prisons in England and Wales increased in 2013 and the Government are committed to understanding the reasons for that rise and are seeking to address it. We have put additional resources into safer custody work across prison establishments; this issue affects the whole estate of public and private prisons. The rise comes after a period of some years during which the rate of self-inflicted deaths has been relatively stable, at its lowest level in the last 25 years. In recent years, better treatment of prisoners with drug-use problems and the use of safer cells, with reduced ligature points, have contributed to the reduction in the number of self-inflicted deaths.

professional staff using recent information about the prisoner including behaviour while in closed conditions, security and intelligence information and any other risk information that might demonstrate the prisoner's proven trustworthiness. The cases of determinate sentence prisoners are not referred to the Parole Board for advice and decisions are not taken by Ministers.

Determinate sentence prisoners should not generally be moved to open prison if they have more than two years to serve to their earliest release date, unless assessment of a prisoner's individual risks and needs support earlier categorisation to open conditions. Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the governing governor.

The public have understandable concerns about the failure of some prisoners to return from temporary release from open prison. Keeping the public safe is our priority and we will not allow the actions of a small minority of offenders to undermine public confidence in the prison system. The number of temporary release failures remains very low; less that one failure in every 1,000 releases and about five in every 100,000 releases involving alleged offending, but we take each and every incident seriously. The Government has already ordered immediate changes to tighten up the system as a matter of urgency. With immediate effect, prisoners will no longer be transferred to open conditions if they have previously absconded from open prisons; or if they have failed to return or reoffended while released on temporary licence. *House of Commons / 15 July 2014: Column 607W*

Omelchenko v. Ukraine - Conviction Based on a False Confession

The applicant, Sergey Omelchenko, is a Ukrainian national who was born in 1972. He is currently serving a 15-year prison sentence in Berdychiv (Ukraine), for armed robbery and murder for profit allegedly committed in October 2004. Mr Omelchenko complained about the criminal proceedings against him, leading to his conviction which had eventually been upheld in March 2006. He maintained that he had been unable to exercise his right to mount a defence, as he had had no access to a lawyer at the beginning of the investigation, and that his conviction had been based on a false confession which had been obtained from him in breach of his right to legal assistance. He relied on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance of own choosing). Violation of Article 6 §§ 1 and 3 (c)

Prisoners' Release

Philip Davies: To ask the Secretary of State for Justice (1) how many and what proportion of prisoners who were given a life sentence (a) applied for and (b) were refused a resettlement licence in each of the last five years; (2) how many and what proportion of prisoners who were given an indeterminate sentence for public protection (a) applied for and (b) were refused a resettlement licence in each of the last five years. [204754]

Mr Vara: Temporary release can be a valuable tool in the resettlement of prisoners in the community but it must never take place at the expense of public safety. We conducted a fundamental review of the policy and practice of release on temporary licence (ROTL) after serious failures last year. We are introducing a system that enhances the assessment of serious offenders and restricts access to ROTL to cases where there is a clear, legitimate reason for the release. We have already introduced some of these changes and have additionally introduced a restriction on prisoners transferring to open conditions and having ROTL if they have previously absconded from open prisons; or if they have failed to return or reoffended while released on temporary licence. Data on temporary release applications and the outcomes of such applications is not collected centrally and could not be provided except at disproportionate cost.

Prisoners: Gender Recognition

Nick de Bois: (1) how many prisoners have self-certified gender recognition certificates; and how many such prisoners were born (a) male and (b) female; (2) how many prisoners who were born as female but now live as men, have been moved to men's prisons; and how many such prisoners have self-certified gender recognition certificates; (3) how many prisoners who were born as men have been issued self-certificated gender recognition certificates; and how many such prisoners have been transferred to women's prisons; (4) how many prisoners who were born male but now live as a women have been moved to a women's prison in each of the last 10 years.

Simon Hughes: It is not possible to report on the number of prisoners with Gender Recognition Certificates or on the number who were born male but now live as female. Section 22 of the Gender Recognition Act 2004 prohibits disclosure of the fact that someone has applied for a Gender Recognition Certificate or disclosure of someone's gender prior to the acquisition of the Gender Recognition Certificate. Individuals with a gender recognition certificate are recorded on administrative systems as their legal gender, and are not identifiable as having changed gender. To use any other source of information to identify such individuals would not be appropriate. In accordance of the Equality Act 2010 and the Gender Equality Duty, NOMS is committed to paying due regard to the need to address and eliminate the unlawful discrimination and harassment of transgender individuals.

Prisons: Discipline - Additional Days/Punishments *House of Commons / 15 July 2014*

Rehman Chishti: To ask the Secretary of State for Justice on how many occasions the disciplinary punishment of additional days was imposed on prisoners in 2013.

Jeremy Wright: The punishment of additional days arises from adjudication outcomes. Data on adjudications count the number of offences punished and the number of punishments given, rather than the number of prisoners charged with those offences. The following data gives details of the total number of offences punished, the total number of punishments given, and the number of punishments for which additional days were given for 2013 (latest available). These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Offences punished - 85,532 Number of punishments - 156,892 Additional days - 9,046

Drug Addicts 'Seeking Prison for Rehabilitation Treatment *Josh Loeb - Police Oracle*

Dr Michael Wilks, a forensic physician with Thames Valley Police, told a conference in London that people who were dependent on substances and were prescribed methadone were "not wrong" that more effective treatment than this was available in prisons. Drug addicts are actively attempting to be given custodial sentences so they can access better rehabilitation treatment than the community option, a senior medical practitioner has said. He maintained that addicts were "committing crimes with the express purpose of being sent to prison", adding: "It may only be a small number, but it is significant. "It is a significant comment on the fact that whatever treatment they are having in the community, which is diverting them from the court or the police station, is not appropriate for them at that time."

Dr Wilks – who also chairs the British Medical Association's Forensic Medical Committee, said some people prescribed methadone as a substitute for heroin continued to use illegal street drugs and saw their lives become increasing chaotic as a result. He added: "Eventually they look at a more effective way of getting treatment –and that may be going to prison, starting off with a

wasn't a hospital order made against Vince rather than a prison sentence?"

It was not just a prison sentence but an 18-month prison sentence. I echo that: why indeed? Why were not Mr and Mrs Morgan kept fully informed and involved in all the decisions that affected their son? Where is the mysterious report that never came before the judge? Northallerton prison no longer exists. That is why the ombudsman made no recommendations—there is no prison to make recommendations about. The Humberside probation trust folded in May. The chief executive is now retired somewhere.

The case of Vince Morgan is a tragic example of the appalling way mental health is treated as a poor relation not just of the NHS, as many say, but of every other public agency. The mental health professionals sit round a table with the probation service and others, and their views are discarded: they are overruled. I want to meet the Minister to discuss this case further. I hope the Government use the case of Vince Morgan as the clearest example of how to get things wrong so that we can start to get things right.

Finally, I want to read an extract from a letter that Trevor Morgan, Vincent's father, wrote to all the various agencies on 27 December, the day before his son died. He had spent the whole of Christmas composing this letter. He says: "My son is a gentle giant and is well liked by everyone who knows him. Before he became ill…he had a job as a van drivers assistant, which he loved. Since his illness started 8 years ago, my wife, Sharon, and I have looked after him ourselves. Vince very rarely leaves the house, he is a very quiet man and keeps himself to himself. What happened on that night"— the night he attacked his father— "was very out of character for him. But, if Vince had been having the right medication at the time, it would never have happened in the first place." He ends by saying: "Please forgive me if you think I sound bitter, my wife and I have never lived for so long without our son, who we love and care for so much. Please, let our son come home on the 29th January 2013. Don't put him in a hostel, which will be rife with drugs and where Vince would be at risk from others. Once again", he says in closing, "I beg you to let Vince come home to us, the people who love and will look after him." If that simple request had been granted, Vincent Morgan would be alive today, and he would be in the care of his devoted parents who remain completely devastated by his death.

Parliamentary Under-Secretary of State for Justice (Andrew Selous): Let me begin by thanking the right hon. Member for Kingston upon Hull West and Hessle (Alan Johnson) for securing this debate, which raises some very important issues. First, I would like to offer my profound condolences to Mr Morgan's parents, Sharon and Trevor, and his whole family. Every death in prison custody is a tragedy for that individual and their family and friends. Let me assure the House of how seriously the Government take such deaths, which are all independently investigated by the prisons and probation ombudsman and a coroner's inquest, as the right hon. Gentleman said.

I would like to offer a few comments on Mr Morgan before turning to some of the wider issues highlighted by this very sad set of events. Mr Morgan was serving concurrent sentences of 18 months for actual bodily harm and four months for battery—offences that he had committed against his parents. Initially remanded to Her Majesty's Prison Hull in April 2012, he served several months there after his conviction before transferring to HMP Northallerton in November 2012 as a standard progressive move. HMP Northallerton was a specialist resettlement prison that has now closed.

Alan Johnson: That, of course, raises a question for the parents. Vince was 28 coming up to 29, so he was an adult, but everyone knew that his severe, chronic mental health problems meant that, in effect, he was acting like a child. Why would the prison service not consult his parents—his mother being his registered carer—about the need to transfer him from one prison to another? How could the transfer of such a vulnerable prisoner go ahead without the parents being consulted?

borne in mind that I had been campaigning on their behalf to get him released early, but now he was being told that he would not be able to go home, even at the end of his sentence. In a further letter to me, the trust's chief executive stated: "Vincent Morgan's parents were involved in a telephone discussion as early as 6th November 2012 about the possibility of placing him in an Approved Premises. This intention was confirmed at a MAPPA meeting on 21 November 2012 and communicated to Vincent Morgan at the meeting in the prison on 7th December 2012." That is entirely wrong. I have the letter from the prison trust given to Vince Morgan in his prison cell, and it is dated 24 October 2012.

With regard to 6 November, I have the postmarked letter that Vince Morgan received—dated 5 November—and that was sent to his parents' home in Hull to inform them that he had just received a letter stating that he would be going into a bail hostel. The reason they spoke to his parents on 6 November is that the parents had rung the probation trust to ask, "What the hell's going on? Our son has just told us that he won't be coming home at the end of his sentence." That was entirely wrong. I was also told that the parents had been informed in the telephone call, but that was as a result of them ringing the probation service. That was a real failing on the part of the probation service.

The second thing that happened was that Mr and Mrs Morgan received a phone call from Vince to tell them that he had been moved to Northallerton prison. Nobody had informed them. In a statement to the coroner, the offender supervisor at Northallerton, Phil Reeve, said that nobody knew why Vince had been transferred and that "we wanted to get him back to Hull because we knew his parents were his main visitors and that they might find the travelling to Northallerton difficult." Perhaps I should mention at this point that Sharon Morgan, as well as being Vince's mum, was his registered carer. They did indeed find the travelling difficult, but they were at least pleased to discover that Vince was sharing a cell on C wing with a prisoner who became a mentor to him and who was, together with other prisoners, watching out for his welfare.

It was at Northallerton on 7 December that Vince was told again that he would have to go to a bail hostel, rather than home, when his sentence ended. As was the case with the original sentence, the mental health expert, in the shape of Vince's care co-ordinator, expressed the view that release to an approved hostel would cause him to reoffend and that, in her view, the preferred option was for him to be returned home.

The ombudsman asked the senior officer in charge of the residential unit at Northallerton whether she knew that Vince had been told that he would not be going home to his mother and father when he finished his sentence. She replied that she did not know. She told the ombudsman that she definitely should have known "because I know right now that if I'd known that, I wouldn't have made the decision that I did." What decision was she referring to? That is the final act in this tragedy. On Boxing day 2012, Vince Morgan was removed from C wing, from the mentor who had watched over him, and, once again without any contact with his parents, was transferred to what was, in effect, solitary confinement in A block, where he hanged himself two days later.

As was related again and again in the ombudsman's report and to the coroner, prison officers wondered what Vince Morgan was doing in prison. Health service professionals disagreed with the decision to place Vince in a bail hostel. The offender supervisor at Northallerton said in a report to the coroner: "Another thing that was discussed in the meeting was the accident that Vince had when he was a child and this might be a cause of his learning difficulties. I couldn't understand why that link hadn't been made earlier and why the report hadn't been completed for court. However I was told that it was done for court but none of it came to the judge. My question, based on my knowledge from working in courts was, why

detox through the medical department and then, if they are very lucky, getting onto an abstinence based treatment programme." For a whole variety of reasons, many people on a substitute treatment may find that they are continuing to use heroin or crack. It (may be said) that it is an individual's choice to stop, but actually addictive disease has a very strong association with a lack of choice." Dr Wilks made his remarks at Capita's Preventing Deaths in Police Care conference, where he also raised concerns that the commissioning process for healthcare for detainees in police custody suites was not rigorous enough and "too concerned with cost".

Prisoners: Clothing

Baroness Corston: Following the implementation of the Prison Service Instruction 30/2013, which prohibits prisoners from receiving parcels from relatives, whether any prisons have introduced measures to help women who no longer have access to sufficient underwear.

Minister of Justice (Lord Faulks) (Con): In order to ensure that women have access to sufficient underwear, there is now no restriction on the number of pairs of underwear women in prison can have in their cells (subject to standard overarching volumetric limits on property held in possession). Prisoners: Sanitary Protection: All prisons across the female custodial estate provide Interlude tampons and sanitary towels to women free of charge. Other brands of sanitary products are available for women to buy via the National Product list.

Electronic Tagging

Minister of State for Justice Lord Faulks: "I can today announce that the Ministry of Justice will be awarding contracts to four companies for delivery of the next generation of electronic monitoring services. This follows a rigorous competitive process and is a critical milestone in the programme to introduce the new arrangements. Contracts will be awarded to Airbus Defence and Space, Capita, Steatite, and Telefonica, who will work together to introduce the most advanced tracking technology in the world. Capita will manage the overall service under a six-year contract, with Airbus providing satellite-mapping and Telefonica supplying the network under three-year contracts. The new tags will be supplied by the British company, Steatite, and will be a significant improvement on the tags currently in use, exploiting the latest technology to locate and track subjects. Monitoring the movements of dangerous and repeat offenders will be vital in cutting crime and creating a safer society with fewer victims. We are confident that the new contracts will facilitate the creation of a vibrant market in electronic monitoring, encouraging innovation and allowing us to take full advantage of new and emerging technology. As well as improvements in technology, the new contracts offer better value for the taxpayer. Once fully established in the second and third years of operations, we expect the new contracts to deliver average annual savings of £20m relative to the previous contracts with G4S and Serco. The contracts will also provide us with far greater oversight over costs and charging than previously, with direct access to suppliers' systems and extensive audit rights. We will begin using the new tags by the end of the year."

Lindsay Sandiford v Secretary of State for Foreign and Commonwealth Affairs

Mrs Sandiford is a 57 year old British national. She is currently in prison in Bali, Indonesia, awaiting execution by firing squad following her conviction for drug offences. The issue in this appeal to the Supreme Court is the legality of the Foreign Secretary's policy of providing consular assistance in such cases, but not funding for legal representation.

Following her arrest in May 2012 she had co-operated with the police, leading to the arrest

and conviction of four others. At her trial she admitted the offences but claimed that she had been coerced by death threats to her son. Following her conviction and sentence in December 2012, she sought financial assistance from the UK government to pay for legal representation to prepare and present her appeal to the High Court in Indonesia. The consulate put her in touch with an experienced local lawyer, who was willing to assist on an expenses only basis. However, they declined to make any financial contribution to her legal costs, relying on their published policy, under which the government was willing to provide consular support and assistance in finding suitable local lawyers, but not to pay for legal representation.

She commenced the present proceedings for judicial review challenging the legality of that policy, both on article 6 of the European Convention on Human Rights and the common law. Her claim was rejected by the Divisional Court on 31 January 2013 and her appeal to the Court of Appeal was dismissed on 22 May 2013. In the meantime, the necessary sum for the expenses of her lawyer in Indonesia was raised by donations from the public. Her High Court appeal in Indonesia proceeded with his assistance, and was also supported by an amicus brief by the UK government, but was unsuccessful. She appealed to the Indonesian Supreme Court, again with legal assistance funded by donations, but her appeal was dismissed in August 2013. She now requires a substantial sum to pay for the legal assistance to prepare and present an application to the Indonesian Supreme Court to reopen the case and a clemency petition to the President of Indonesia. Papers must be lodged by 29 August 2014.

The issue in this case is the legality of the government's "blanket" policy to refuse to pay for legal representation in such cases, and their decision in January 2013 to refuse to make an exception to that policy in her own case. Her claim having failed in the High Court and Court of Appeal, Mrs Sandiford now appeals to the UK Supreme Court.

Judgement: The Supreme Court unanimously dismisses the appeal. However, in the light of new information (not available to the lower courts) as to the course of the proceedings in Indonesia and the steps now available to her there, the court calls on the Secretary of State urgently to review the application of the policy to Mrs Sandiford's case in the light of that information.

Reasons for the judgment: Mrs Sandiford is not within the jurisdiction of the UK for the purposes of article 1 of the European Convention on Human Rights. Jurisdiction under article 1 is primarily territorial, but there are certain recognised exceptions. One exception is in relation to the acts of diplomatic and consular agents which may amount to an exercise of jurisdiction when the agents exert authority and control over others [19].

In this case, it is not possible to identify any relevant acts of diplomatic or consular agents or any relevant exercise of authority or control by such agents over Mrs Sandiford which could bring the exception into play. Refusal to instruct or fund lawyers on behalf of Mrs Sandiford cannot constitute an exercise of authority or control over her [26].

Mrs Sandiford has been apprehended, convicted and tried for drug smuggling in Indonesia, and is under the authority and control of the Indonesian authorities. It is they who have responsibility for be ensuring her fair trial. [32]. Under domestic law, the Secretary of State has power to provide assistance, including legal funding, for British citizens facing capital charges abroad. This power is not derived from statute [49]. Prerogative powers have to be approached on a different basis from statutory powers. There is no necessary implication that a blanket policy is inappropriate, or that there must always be room for exceptions, when a policy is formulated for the exercise of a prerogative power [62].

In any event, on the evidence, the Foreign Office was prepared to consider whether the

was found in his oesophagus. Vincent Morgan had committed suicide at 29 years of age. There has since been an investigation by North Yorkshire police, a report by the prisons and probation ombudsman, a verdict of death by misadventure, and a coroner's report from which flowed a couple of regulation 28 letters to the Department of Health and the Ministry of Justice. There has been a great deal of activity with practically no light thrown on the central issue, which is why we deal so badly with young people who have mental health problems. How little respect we pay to the wishes of parents in the way we treat these young people in our criminal justice system.

Vincent Morgan was involved in a serious road accident when he was four years old. It was suspected then and is obvious now that this damaged his brain in a way that would become more pronounced as he grew older. However, it was not until 2005 that he was finally diagnosed with chronic long-term psychotic illness—schizophrenia with daily auditory hallucinations—and was prescribed drugs to deal with his conditions. In April 2012 Vince went out with his parents to a local pub and when they returned home he assaulted his father. The community psychiatric nurse allocated to Vince said that his behaviour that night was a response to a new drug he had just been prescribed. The police were called. They advised Vincent's parents to press charges against their son as the only way to get the medical help he needed. Mr and Mrs Morgan reluctantly signed statements and the case went to court.

The mental health care co-ordinator—the mental health professional—advised against a prison sentence and said that a hospital order would be more appropriate. However, a so-called independent expert, with no knowledge of Vince Morgan and without even examining him or meeting him, said that his mental health condition could be managed in prison. What I can only describe as a vicious sentence of 18 months' imprisonment was handed down and Vincent Morgan found himself separated from his loving parents for almost the first time in his young life and placed in a prison cell.

Mr and Mrs Morgan came to see me in the summer of 2012 and together we tried to get Vince released on a home detention order. His parents had redecorated his room. Having cared for their son in the eight years since his condition was diagnosed, they wanted him home for Christmas. This was refused, but the date for release was set for 28 January 2013, only a few weeks into the new year. After liaising with various parts of the NHS, Vince Morgan was receiving the mental health treatment he needed in Hull prison and his parents continued to prepare for his release.

Then two things happened. Without any consultation the probation service wrote to this vulnerable young man in his prison cell. Vince, who had a mental age much younger than his years—some have said he had a mental age of eight, some have said 10—and was known to be passive and acquiescent to any request, was told in that letter that upon his release he would not be going home, but to a bail hostel. Vince told his parents about this in a letter from prison dated 5 November. This is important because the Minister will probably have been briefed that this is not the case, but I can tell him quite categorically that the probation service has got this totally wrong.

Incidentally, I wrote to Humberside probation trust on 22 November 2013, just after the coroner's report, which is the only time I could get seriously involved in these issues. I wrote to the Secretaries of State and all the local agencies, and they all responded within weeks. Humberside probation trust replied to my letter of 22 November 2013 on 27 March 2014—over four months later. In a case such as this, with a young man killed in his cell, and when we are trying to get to the bottom of lessons to be learnt and reasons it happened, one might have thought that the probation trust would take it more seriously.

The probation trust stated in its letter, "No, that's quite wrong. Vince's parents were informed of the intention to release him to a bail hostel when he finished his sentence." It should be

said. But Nicole Westmarland, Professor of Criminology at Durham University, said: "What we essentially have is a panel of colleagues reviewing the decision of somebody who they may be personally friends with." Professor Westmarland, an adviser to the Association of Chief Police Officers and Rape Crisis, said third sector organisations should be involved in the appeals process. "I think the more that you can bring external assessment into these processes the better".

Adam Pemberton, assistant chief executive of Victim Support welcomed the scheme but said it was too limited. "We'd like to see this right to review extended so that victims can challenge a decision by the CPS to charge a suspect with a lesser offence and to challenge a decision by a police officer to use an out of court disposal, such as a caution, instead of sending a file to the CPS to consider a charge," he said.

The CPS has also set up dedicated units to liaise with victims of crime, following criticism that victims didn't get enough information on the progress of their case, sometimes had to wait too long to be contacted and weren't always dealt with appropriately. More than 70 Victim Liaison Officers will staff units across England and Wales, with around 80 completing training in handling the specific needs of victims of crime. One of those whose case faced delays, "Kate" - who did not appeal as part of the right to review scheme - said the wait was "constantly overshadowing" her life.

Ministry of Justice Recruits Redundant Prison Officers to Ease Jail Crisis

Justice secretary Chris Grayling has been accused of presiding over a "dog's breakfast" after it emerged that he has been forced to offer new contracts to 2,066 selected officers who accepted voluntary redundancy packages during the past two years. Former staff have received a letter, seen by the Observer, explaining that a Prison Service Reserve has been set up to "respond to short-term pressures in prisons", which "may be due to unforeseen increases in prisoner numbers or as a response to the operational pressures". The MoJ has spent £50m on redundancy payments at an average cost of £35,000 per officer. Bringing redundant staff back on nine-month fixed-term contracts represents a major embarrassment for the justice secretary. However, with the prison population now at 85,661, less than 1,000 off its maximum limit, there are fears some jails may have too few staff to cope with the number of inmates.

"There is a full-blown crisis in the prisons system, self-inflicted by this government's policies," said shadow justice minister Sadiq Khan. "On their watch, they've closed down too many jails too quickly and let go thousands of experienced prison staff. As a result, overcrowding is getting worse, violence is on the rise and last year saw more deaths in custody than ever before. This is leading to prisoners festering away in their cells and on landings instead of doing the courses and training needed to rehabilitate them." The letters explain that "your previous governor has indicated that, in their opinion and based on your past service, we would be happy for you to join the Reserve".

But one prison governor insisted he had not been consulted about the scheme. "Ministers know this whole process is a dog's breakfast," Khan said. "It's an outrage that they're hiding behind misleading statements about the support of the bosses of former prison staff to cover up the mess. The government needs to be open about the true situation and take urgent steps to start addressing this mess."

Death of Vince Morgan in HMP Northallerton *House of Commons / 17 July 2014 : Column 1119*

Alan Johnson MP: Vincent Morgan died on the night of 28 December 2012. He was found hanging in his prison cell in A wing of Northallerton prison. He had also swallowed a plastic knife that

policy should be modified in the face of the particular circumstances of Mrs Sandiford's case [67]. The department responded with urgency to Mrs Sandiford's unexpected death sentence, and put her Sandiford in contact with an experienced local lawyer who was willing to conduct the appeal on an expenses-only basis. Their reasons for not making an exception to their no-funding policy were not irrational...The problem at the appeal was not lack of competent representation but the apparent unwillingness of the court to take any notice of it [72]. The challenge to the decision to refuse funding and to the policy on which it was based therefore fails [73].

Although that disposes of the appeal, Mrs Sandiford remains in jeopardy and urgently in need of legal help. Circumstances have radically developed in unforeseen ways. The evidence now available as to the Indonesian proceedings appear to raise the most serious issues as to the functioning of the local judicial system and its ability to deal with Mrs Sandiford's case. The local courts seem to have ignored the substantial mitigating factors in her case, including her age and mental problems, her lack of any previous record, her co-operation with the police and the disparity of her sentence with those of the others convicted. This calls for an urgent review of the policy as it applies to Mrs Sandiford in light of the current information [74-75].

Government can Interfere with Rights of Individuals in pursuit of Social/Cultural Cohesion

The Grand Chamber of the European Court of Human Rights has rejected a challenge to a French law which prohibits the wearing of veils in public. The ruling is, of course, of great political and media interest, but it is also significant from a legal perspective. In a lengthy and detailed judgment, the Court ultimately accepts that, as a matter of principle, a government can legitimately interfere with the rights of individuals in pursuit of social and cultural cohesion.

On 11th April 2011, Law no. 2010-1192 came into force in the French Republic. Subject to certain limited exceptions, the law prohibits anyone from wearing any clothing which conceals their face when in public places, on pain of a 150 euro fine, and/or compulsory citizenship classes. Whilst phrased in general terms, the most obvious effect of the law, and its clear intention, is to ban the niqab (a veil that leaves only the eyes visible) and the burka (a loose garment covering the entire body with a mesh screen over the face).

Human rights challenge - The applicant, a young French national of the Islamic faith, challenged the law under a range of Convention Articles. Specifically, she argued that it infringed her rights Articles 3, 8, 9, 10, and 11, alone and in conjunction with Article 14 (which prohibits discrimination). The challenges under Articles 3 (prohibition on torture) and 11 (freedom of association) were deemed unarguable and were summarily dismissed, but the Court did proceed to consider in detail the challenges brought under Article 8 (protection of the private life), Article 9 (freedom of religion) and Article 10 (freedom of expression). The arguments advanced in respect of all three Articles were similar, and so the Court focused on its analysis in respect of Article 9. That made sense because most acute impact of the law is on Muslim women, who choose to wear the niqab or the burka as an expression of their faith.

The Court said that it was clear that the ban interfered with the applicant's rights. She was faced with the choice of either refraining from wearing the burka or niqab in accordance with the dictates of her conscience and beliefs, or exposing herself to the risk of prosecution. However, the important thing about Articles 8, 9 and 10 is that they are qualified rights. That means that, under Convention law, interference with a right does not amount to an unlawful infringement, provided the interference constitutes a proportionate interference in pursuit of a legitimate

aim.

In most cases, the question of whether or not an interference with a right is in pursuit of a “legitimate aim” is dealt with by the Court only in passing. The qualified Convention Articles each set out a list of broad aims, and it is usually easy to satisfy the Court that at least one of the objectives is served (or intended to be served) by the law to some extent. Not so in this case. A much more detailed examination of this question was required. In respect of Article 9, the following legitimate aims are set out in the Convention: Need to protect public safety. Need to protect public order. Need to protect public health or morals. Need to protect the rights and freedoms of others.

The first contention of the French Government was that the law aimed to protect public safety. It argued that in certain situations concealing the face could endanger safety, or facilitate identity fraud. Whilst the court accepted that argument, it went on to hold that, if that was so, then the interference was not proportionate, since the ban was general in nature, and yet there was no evidence of a general threat posed by the wearing of clothing such as veils. Moreover, insofar as specific concerns arose e.g. at security checkpoints, they could be allayed by simply requiring that the veil be temporarily removed.

The other aim cited by the French Government was the need to ensure “respect for the minimum set of values of an open and democratic society”. That was a striking argument since, as the Court recognized, such an aim is not mentioned in any of the qualification provisions in the Convention. The French Government submitted, however, that this objective formed a part of the broader aim of “protecting the rights and freedoms of others”, which is mentioned.

The Government identified three values that the ban was intended to reflect: gender equality, human dignity and “respect for the minimum requirements of life in society”. The court rejected the Government’s arguments in relation to the first two values (equality and human dignity), but in relation to the third, it accepted that concealing the face could undermine the value of “living together” in society. At paragraph 122 of its judgment it said:. . . . The Court takes into account the respondent State’s point that the face plays an important role in social interaction. It can understand the view that individuals who are present in places open to all may not wish to see practices or attitudes developing there which would fundamentally call into question the possibility of open interpersonal relationships, which, by virtue of an established consensus, forms an indispensable element of community life within the society in question. The Court is therefore able to accept that the barrier raised against others by a veil concealing the face is perceived by the respondent State as breaching the right of others to live in a space of socialisation which makes living together easier.

Proportionality - Having determined that the law did serve a legitimate aim, the Court then had to consider whether or not it was proportionate. They key finding in this respect was that in matters of State and religion, Governments tend to have a broad margin of appreciation, which means the Court is less likely to interfere with the actions of a democratically elected government. In doing so, it had to distinguish cases such as Eweida and others v United Kingdom and Ahmet Arslan and Others v Turkey, in which the Court found violations of Article 9 where other less conspicuous items of religious clothing had been banned. The upshot is that Law no. 2010-1192 was upheld. It is the court’s approach to the issue of the aim of the law, as set out in paragraph 122 (quoted above), which forms the heart of this judgment. If you unpack it, it could be read as having some significant implications.

First, the idea of the right “to live in a space of socialization which makes living together

of "an article" for a purpose connected to terrorism between 31 December 2012 and 26 February 2014. They were listed as being electronic documents with the titles Camp 1, Camp 2, Tactical Training Schedule, Camp Rules, and Fitness Training Schedule (training exercises). Finally, Begg was charged with funding terrorism by making available a Honda generator between 14 July and 26 July 2013. Begg, of Boden Road, Hall Green, Birmingham, is due to stand trial at the Old Bailey on 6 October. A further pre-trial hearing was scheduled for 1 October.

Earlier this week, it was revealed that a US Navy nurse had refused to force-fee detainees at the Cuba detention camp, where there are currently 149 prisoners. The unidentified nurse is the first known conscientious objector to speak out against the treatment of terrorism suspects still being held at the notorious prison camp. The nurse in question – who holds the rank of lieutenant – is said to have declined to administer force-feeding after deciding that the practice was a criminal act. Men held at Guantanamo Bay have used hunger strikes to protest over conditions since shortly after the prison opened in January 2002, with force-feeding starting in early 2006 following a mass hunger strike. In December last year a spokesman said that the US military would no longer make the number of inmates on hunger strike at Guantanamo Bay public knowledge.

Victims' Right of Review Scheme sees 146 Charged *Danny Shaw, BBC News*

At least 146 suspects have been charged with offences after previously being told that they would not be prosecuted, BBC News has learned. The decisions were reversed under a new Victims' Right of Review scheme which allows crime victims to appeal. It is one of a series of measures to improve the way the justice system in England and Wales treats victims. Among the successful victims' appeals were 80 cases of violence and 27 involving alleged sexual offences.

The Crown Prosecution Service (CPS) said the scheme gave victims the power to challenge and hold prosecutors to account. But one expert said it wasn't independent enough because it involved CPS lawyers. Under the system, victims can appeal against a decision not to bring charges or to discontinue a case once a prosecution has begun. The first appeal is heard by a managing lawyer from the area where the original decision was made. If the victim is still not satisfied the CPS Appeals and Review Unit, based in London, or a senior prosecutor elsewhere will review the case again. Director of Public Prosecutions Alison Saunders said: "It is hard to think of a scheme that gives more power to victims than the Victims' Right to Review. Having the right to challenge our work and hold us to account is fundamental to instilling greater confidence among victims." Mrs Saunders denied that this suggested that the system wasn't robust enough. The right to review is a crucial and an essential tool for those who want to challenge a court decision and hold the CPS to account”

Between June 2013 - when the scheme started - and this March, 1,186 appeals were lodged, of which 162 were upheld, a success rate of 13.7 percent. Sixteen of the successful appeals involved cases where charges had been brought and then dropped, so a prosecution could not be re-started. In the remaining cases, at least 146 suspects were charged with offences for which they had initially escaped prosecution. In two cases, in which charges were brought, the victims had died. One followed an alleged "road rage" incident, the other involved a pedestrian who was hit by a car while crossing a road. However, the proportion of decisions that were quashed was a tiny fraction of the total number of cases over the nine-month period. The CPS made 113,952 decisions that could have been reviewed; less than 0.14% were overturned.

Baroness Newlove Victims' Commissioner "This should be seen as a sign of confidence in our decision making and also our ability to act swiftly where mistakes may have been made," she

but he was severely criticised by a panel of judges who accused him of breathtaking arrogance.

Mr West had been representing a client who faced charges of theft and perverting the course of justice when the row between himself and the judge erupted. Judge Kelson lost patience with Mr West and ordered him to sit down in the middle of a speech. When Mr West refused to give way, the judge barked at him to sit down six times, banging his gavel on the bench as he did so. To the astonishment of the court, the judge described Mr West as an "impertinent barrister" and told him he needed to "mind his manners". He then adjourned the hearing and ordered the barrister to return to face him that afternoon. But when the barrister failed to appear, the judge called him back for a contempt hearing and fined him for “conscious defiance” of his “firm order”.

Mr West successfully appealed against the ruling and the fine after deciding that correct procedures had not been followed. But they also referred his case to the Bar Standards Board for investigation after accusing him of a total disregard of his duty to the court.

Sir Brian Leveson, who sat with two other appeal judges said: “We have no doubt that the temperature of the exchange increased as it proceeded. That was entirely the responsibility of Mr West and, on the following day, to require an apology of the judge was more than merely impertinent.” The judge, sitting with Mrs Justice Patterson and Sir Richard Henriques, added: “Mr West's conduct constituted wilful and deliberate disobedience of an order of the court and an act of defiance. He has shown breathtaking arrogance and his demand that the judge apologise to him was more than merely impertinent.” Sir Brian said that Mr West's behaviour, if it became the norm, would cause enormous damage and “cause our present system to collapse for want of sufficient funding”.

No Decision on Quashing Mark Duggan’s Lawful Killing Verdict

Mr Duggan’s mother Pamela will have to wait up to three months before she learns whether her bid to have the inquest jury’s verdict quashed has been a success. A judicial review of the verdict was heard in the High Court last week after Mrs Duggan’s lawyers were allowed to put their case to Sir Brian Leveson, the most senior coroner in the land, and senior judges Mr Justice Burnett and Judge Peter Thornton QC. At the end of the hearing they invited lawyers for the Duggan family and the coroner who oversaw the inquest, Judge Keith Cutler, to submit written answers to the following questions: - What does the conclusion of lawful killing mean in law? - What is the best way in a case of this kind for the coroner to obtain from the jury precise and public findings which explain in law, and for the public, their short-form conclusions?

Mr Duggan was shot and killed by a police marksman in Ferry Lane, Tottenham Hale, in August 2011. The 10-strong inquest jury concluded by an 8-2 majority in January this year that they were sure that Mr Duggan did not have a gun in his hand when he was fatally shot, but also that the killing was lawful as the marksman genuinely believed he was brandishing a gun. Two jurors came to an open conclusion. Michael Mansfield QC, for Mrs Duggan, argued the majority conclusion was the result of flawed directions from the coroner. He wants the ‘lawful killing’ verdict quashed and replaced with an open verdict - or a fresh inquest held. Lawyers for the coroner argue that there was no error in his summing up to the jury. *Stephen Moore, Tottenham Journal*

Guantanamo Bay Detainee Pleads Not Guilty to Terror Charges *Antonia Molloy, Indpendent*

Moazzam Begg, 45, appeared via video link from jail as a final charge sheet was read out at the Old Bailey before judge Mr Justice Wilkie. Begg sat throughout the hearing and said "not guilty" to each of the charges. The first count relates to attending a terrorism training camp in Syria between 9 October 2012 and 9 April 2013. The next five charges are for the possession

easier”. That is not a right mentioned anywhere in the Convention. Normally, when cases involve a balancing of rights, it is a matter of constraining one Convention right in order to preserve another. For example, my Article 10 right to say whatever I want about you is limited in order to protect your Article 8 right to respect for your private life. The approach of the Court in this case arguably represents a significant extension to the meaning of the legitimate aim of protecting the “rights and freedoms of others”.

Secondly, the idea that such a right may be protected where someone’s behaviour is at odds with those values which form part of an “established consensus”. What does this mean in terms of the protection of minorities, whose values and attitudes may be different in any number of ways, and at times may upset or irk the majority? Can my rights to express myself in a peaceful way be curtailed because I make you uncomfortable or cause tension? Read in that light, it is not unimaginable that this judgment could be relied upon by governments in the future as justifying legislation which is downright discriminatory.

I emphasise that these questions arise based upon a broad interpretation of the Court’s reasoning. Subsequent case law may show that the judgment in this case is tied very much to its specific facts, and in particular the fundamental role of the face in facilitating interaction in society. Interference with something less fundamental would not be treated in the same way by the Court, which is why, for example, the wearing of other items of religious clothing could not be banned, even if such clothing offended the majority (see again Ahmet Arslan and Others v Turkey).

Essentially, this was a case about the meaning of pluralism, with the court accepting that in some cases, the rights of individuals can be made subject to the goal of maintaining and improving societal cohesion. There is an inevitable paradox here, as recognised by the Court itself:. . . . as the applicant pointed out, by prohibiting everyone from wearing clothing designed to conceal the face in public places, the respondent State has to a certain extent restricted the reach of pluralism, since the ban prevents certain women from expressing their personality and their beliefs by wearing the full-face veil in public. However, for their part, the Government indicated that it was a question of responding to a practice that the State deemed incompatible, in French society, with the ground rules of social communication and more broadly the requirements of “living together”. From that perspective, the respondent State is seeking to protect a principle of interaction between individuals, which in its view is essential for the expression not only of pluralism, but also of tolerance and broadmindedness without which there is no democratic society. It can thus be said that the question whether or not it should be permitted to wear the full-face veil in public places constitutes a choice of society.

In a time when the media frequently latches on to controversial sound-bites such as “multiculturalism has failed”, the Court’s decision may be seen by some as a welcome and even necessary development. However, it is important that it is read with eyes that are also open to its potentially more troubling implications. Matthew Flinn, UK Human Rights Blog

Court of Appeal Rejects Bid For Anonymity By Notorious Killer!

A notorious murderer who brutally stabbed his ex-girlfriend and her new boyfriend to death in a “horrific” attack has lost his fight to remain anonymous as he attempts to get parole. The Court of Appeal rejected the killer’s bid for anonymity, in a unanimous decision by three judges today. They ruled that he should not be allowed to keep his identity secret from the public. But the man cannot yet be named as he is seeking to appeal to the Supreme Court in the wake of the ruling.

The double murderer, X, wants the right to remain anonymous while he seeks rehabili-

tation for his crimes - which took place in 1996 – and his lawyers argued X is entitled to anonymity because he is a hospital patient receiving treatment for mental illness. The question of whether or not his identity could be reported and known by the public arose when X challenged a decision refusing to allow him out into the community without an escort – something which would have been a key step to eventually being released on parole. X went to London's High Court earlier this year to challenge a 2013 refusal by the National Offender Management Service (Noms) to grant him unescorted community leave, and appealed against High Court judge Mr Justice Cranston's order that he could be named.

Today Master of the Rolls Lord Dyson and appeal judges Lord Justice Maurice Kay and Lord Justice Floyd unanimously rejected his appeal. Stephen Knafler QC had argued that X had the right to anonymity because mental patients who committed crimes were entitled to protection, including from press harassment, “no matter how horrific those crimes are” although he admitted that the killings “are high up on the scale of horrific crimes.”

Lord Justice Maurice Kay said in the lead judgment that Mr Justice Cranston “was not wrong to refuse an anonymity order.” Dismissing the appeal, he commented: “I accept the need to protect a released criminal from media intrusion or physical attack can be a material consideration in the context of an anonymity application.” But Lord Justice Kay added: “However, it is of limited weight in the present case. The position is not significantly different from that which arises when any notorious, violent or sexual offender leaves prison on licence or otherwise, and regardless of whether or not he has been a mental patient.”

The court heard that X was convicted 17 years ago. Both his victims received multiple stab wounds and one was sexually mutilated. While in prison, he was diagnosed with a personality disorder and other mental health problems and transferred to Broadmoor high security hospital. He has since been moved to a medium-secure mental hospital where he is often allowed to roam the grounds alone – and has been allowed out of the hospital grounds, with an escort, more than 300 times. Because X has served his 11 year minimum sentence the Parole Board can consider whether it is safe to release him on licence. *Jonathan Owen, Independent*

Death of Young Roma Man -Violation of Article 2 and Article 13

The case concerned the death of a young man of Roma origin - who was HIV positive and suffering from a severe mental disability - in a psychiatric hospital. The application was lodged by a nongovernmental organisation (NGO) on his behalf. The Court found that, in the exceptional circumstances of the case, and bearing in mind the serious nature of the allegations, it was open to the NGO to act as a representative of Mr Câmpeanu, even though the organisation was not itself a victim of the alleged violations of the Convention.

As regards the complaints under Article 2, the Court found in particular: that Mr Câmpeanu had been placed in medical institutions which were not equipped to provide adequate care for his condition; that he had been transferred from one unit to another without proper diagnosis; and, that the authorities had failed to ensure his appropriate treatment with antiretroviral medication. The authorities, aware of the difficult situation - lack of personnel, insufficient food and lack of heating - in the psychiatric hospital where he had been placed, had unreasonably put his life in danger. Furthermore, there had been no effective investigation into the circumstances of his death. Finding that the violations of the Convention in Mr Câmpeanu's case reflected a wider problem, the Court recommended Romania to take the necessary general measures to ensure that mentally disabled persons in a comparable situation were provid-

been unreasonably long, and, under Article 5 § 4 (right to have lawfulness of detention decided speedily by a court), that between March 2005 and August 2006 he had had no access to an effective procedure for review of the lawfulness of his detention. Finally, he complained, in particular, that the criminal proceedings against him had been unreasonably long, relying on Article 6 § 1 (fair trial within a reasonable time).Violation of Article 3 (inhuman and degrading treatment) - Violation of Article 5 § 3 - Violation of Article 5 § 4 - Violation of Article 6 § 1 - Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 1,300 (costs/expenses)

Obama on Downing of Malaysia Flight MH17 - What A Blatant Hypocrite

Lest y'all forget? - Think back to which countries have committed similarly 'unspeakable outrages': On the 3rd July 1988, the USS Vincennes shot down an Iranian Airbus A300, a passenger jet making a routine flight from Bandar Abbas, in Iran, to Dubai in the United Arab Emirates. There were 300 or so people on board, including 66 children & 38 foreign nationals. Many were Iranians on their way to Mecca. There were no survivors. The plane blew up six miles from the Vincennes, the wreckage falling in Iranian territorial waters. Iranian television broadcast scenes of bodies floating amid scattered debris. President Reagan called the incident an "understandable accident", said he regretted the loss of life.

Admiral William J Crowe, Jr, chairman of the Joint Chiefs of Staff, said at a Pentagon news conference that the US government deeply regretted the incident. Though they expressed 'regret', the US government never apologised for the tragedy. US warships had been patrolling the Persian Gulf since July 1987 as part of its controversial undertaking to keep the Straits of Hormuz open during the eight-year-old Iran-Iraq War (when the USA & UK were supporting Saddam Hussein!) In February 1996, the US government paid $61.8 million to Iran as compensation for the 248 Iranians killed, plus the cost of the aircraft & legal expenses, & a further $40 million to the other countries whose nationals were killed.

PS: On returning to the USA, the captain & crew of USS Vincennes were decorated for their 'bravery'! PPS: This is not an 'attack' on Americans, who have many good qualities, but I hate the hypocrisy of those who denounce wrong-doing by other (often at the wrong target), falsely assuming the mantle of virtue for themselves. PPPS: 'Wrong target'? Some think the bomb attack on Pan Am Flight 103 (the Lockerbie bombing) on Wednesday, 21 December 1988, was a retaliation for the attack on the Iranian airliner. UN Sanctions were used to force Libyan leader Colonel Muammar Gaddafi to hand over two men for trial at Camp Zeist, Netherlands including Libyan intelligence officer Abdelbaset al-Megrahi, who, at a very dodgy 'trial', was convicted, then imprisoned in Scotland. Many, including relatives of those who died, believe Megrahi was an innocent scapegoat. *Norman Scarth <againstcorruption@hotmail.co.uk>*

Judge & Barrister in Slanging Match During Trial *Martin Evans, Telegraph*

A criminal trial descended into chaos when the judge and a "breathtakingly arrogant" lawyer became embroiled in a bad tempered slanging match with one another. Barrister Ian West was accused of “appalling and monstrous” behaviour after he demanded an apology from the judge who he claimed had been rude and discourteous towards him. Proceedings had to be halted when Mr West, who was representing a defendant facing theft and perverting the course of justice allegations, refused to return to court. The judge, Peter Kelson QC, responded by finding Mr West guilty of contempt of court and fining him £500. Mr West has now successfully overturned the fine on appeal,

seeking to lead the IRA away from violence. Under its procedures Sinn Fein supplied authorities with the names of more than 200 republicans who wanted assurances that were not actively wanted by police. Assurances were given in the majority of these cases. In the case of the Downey prosecution, however, it emerged that he was in fact wanted but that Belfast police had mistakenly declared he was not, leading the judge to conclude that "one catastrophic mistake has been made and cannot be undone". Again in 2011 nothing was done to rescind the letter after police became aware of what the assurance said.

The Attorney General confirmed the scheme was lawful, Mr Hain said. While most cases were dealt with under the last government, almost 40 outstanding applications were taken on by the Coalition Government when it assumed power in 2010. The scheme ended earlier this year.

Who are the 'on-the-runs'? - They are more than 200 republican activists who were left in legal limbo after hundreds of prisoners were released from prison following the ending of the IRA's campaign. They were at liberty but unsure whether they were wanted by the law. Negotiations between the Government and Sinn Fein then continued for several years, but an attempt to resolve the matter by legislation stalled when both the Commons and Lords MPs and peers made plain their disapproval. What did the Blair government do then? -It quietly negotiated an administrative rather than legal scheme under which Sinn Fein would forward the names of people inquiring whether or not they were wanted. A police unit examined their files and in almost 200 cases they were given letters saying they were not being sought. How did this come to public notice? - The controversy broke out when republican John Downey (pictured) was acquitted of the 1984 murders of four soldiers in Hyde Park, the judge saying he had produced a letter which meant he could not be convicted. It turned out Downey should not have been sent the letter. *David McKittrick, Indpendent*

Osakovskiy v. Ukraine (no. 13406/06)

The applicant, Sergey Osakovskiy, is a Ukrainian national who was born in 1979 and lives in Kharkiv (Ukraine). The case concerned, in particular, his pre-trial detention and his alleged ill-treatment in custody. Mr Osakovskiy was arrested in June 2004 and, following his confession, was remanded in custody on charges of robbing a games-machine arcade causing fatal injuries to one of the cashiers. In July 2004, after his legal-aid lawyer had been replaced by a privately hired lawyer, Mr Osakovskiy retracted his confession, stating that he had been pressured by the police. The prosecutor refused on several occasions to open criminal proceedings in respect of his complaints. Mr Osakovskiy's dete tion was extended, and, after having been released for a three-month period, he was re-arrested in March 2005. After he was acquitted and released from custody in August 2006, a regional court quashed the judgment in October 2007 and ordered a further investigation, the proceedings remai ing pending. While in custody, Mr Osakovskiy was questioned in connection with another offence and charged with having killed a person, but the charges were subsequently dropped. Mr Osakovskiy maintains that he was forced by officers of the detention facility to make self-incriminating statements and that the officers encouraged his cellmates to threaten and ill-treat him; in particular, he alleges that they beat him up and cut him with a razor blade. Eventually no criminal proceedings were opened in connection with his complaints of ill-treatment.

Mr Osakovskiy complained of his ill-treatment by the police, officers of the detention facility and his cellmates, relying on Article 3 (prohibition of inhuman or degrading treatment). He further complained, under Article 5 § 3 (right to liberty and security), that his detention had

ed with independent representation enabling them to have complaints relating to their health and treatment examined before an independent body.

Russia: Keeping Remand Prisoners Metal Cages at Trial - Degrading Treatment

In Grand Chamber judgment in the case of Svinarenko and Slyadnev v. Russia (application nos. 32541/08 and 43441/08), which is final1, the European Court of Human Rights held, unanimously, that there had been: a violation of Article 3 (prohibition of torture and of inhuman or degrading treatment or punishment) of the European Convention on Human Rights; and, a violation of Article 6 § 1 (right to a fair trial within a reasonable time).

The case essentially concerned the practice of keeping remand prisoners in metal cages during hearings on their cases. The Court found that holding the applicants in a metal cage during court hearings on their case was a degrading treatment for which there could be no justification. Such treatment constituted in itself an affront to human dignity in breach of Article 3. Just satisfaction (Article 41) The Court held that Russia was to pay each applicant 10,000 euros (EUR) in respect of non-pecuniary damage, and it was to pay EUR 2,000 to Mr Svinarenko and EUR 4,000 to Mr Slyadnev in respect of costs and expenses.

Tories Human Rights "Car Crash" *Adam Wagner, UK Human Rights Blog*

Imagine you are on the board of large corporation. You attend the Annual General Meeting and asked the chief executive about that controversial tax avoidance scheme the company had been considering, but which the in-house legal team had advised against. The Chief Exec smiles and says that has been dealt with: "we just sacked the lawyers". The BBC is reporting what many suspected. Attorney General Dominic Grieve QC was sacked in order to clear the path for major reform of the relationship between the UK and the European Court of Human Rights. This is bad news, for the UK and potentially for the European Court of Human Rights too. The Attorney General's advice, which has been leaked to the BBC, was that plan to limit the power of the European Court of Human Rights were "incoherent" and a "legal car crash… with a built-in time delay". Intriguingly, the BBC's Nick Robinson also reports that William Hague, the now-former Foreign Secretary, also raised doubts over the plans.

We do not yet know what the Tory plans are, but it can probably be assumed that they fall short of leaving the European Convention on Human Rights (ECHR), but attempt to give Parliament more discretion to ignore its rulings. Grieve, the Government's chief legal adviser, would have advised that the ECHR does not permit states to cherry pick what judgments it wants to follow. The treaty is very clear: Article 46 says that states must "abide by the final judgment of the Court in any case to which they are parties". No ifs, no buts. This is unsurprising. There has been a war going on within the Tory Party over human rights since May 2010. Until now, there has been a range of views within the cabinet: crudely, Clarke, Grieve and (we now know) Hague on the "pro" side, May, Grayling and probably Cameron on the "anti" side. Now the "pro" camp has been expelled, replaced by (respectively) nobody, the inexperienced barrister-MP Jeremy Wright and Euro-scpetic Philip Hammond.

Until now, it was a cold war. The 2010 Coalition Agreement scuppered any hopes of reducing the influence of the European Convention on Human Rights. It was instead agreed to "investigate the creation of a British Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights". That Commission reported in late 2012 but essentially reached a stalemate and has been ignored. As the 2015 General Election approaches, the war over human rights is hotting up again, and the Conservatives will

again promise to repeal the Human Rights Act if it wins a majority as well as, it seems, "doing something" about the ECHR. We may all yet be surprised by a mature and coherent set of plans for the ECHR. But assuming that we are in fact presented instead with the legal "car crash" which Dominic Grieve warned of, I have three points.

First, the Attorney General is the Government's principal legal advisor. After Chris Grayling became the first non-lawyer Lord Chancellor for centuries, Grieve's position became even more pivotal. Politics are important but so is the rule of law. Grieve stood up for it, in so much as he could in an increasingly hostile environment, and has been sacked. A lawyer's responsibility is to give their client full and fearless advice, even where it might undermine your personal position. The fact that Grieve has been sacked is unfortunately a testament to him giving unwelcome, not bad, advice, and his refusal to wrap plans which would lead to a breach of the UK's international law obligations in a cloak of legality. Good for him. There is a wider theme here: a general diminishing of respect for the rule of law within the executive. I discussed the trend in more detail here, but this Government's "mood music" around Judicial Review, legal aid and human rights has sounded increasingly gloomy. Grieve's sacking raises the possibility that there is no one left in Cabinet to make a strong counter-argument.

Second, Grieve was obviously right to advise that attempting to cherry pick which judgments we like and which we don't was never going to be a legally defensible approach. That has been the advice of every decent lawyer and judge all along. If you don't like the judgments, withdraw from the Convention. Otherwise, accept you (the state) lost and get on with implementation. For a good summary of this position, see the Supreme Court in Chester, or the report of the Parliamentary Joint Committee on the prisoner voting bill, which couldn't be clearer about the "grave implications of a refusal to comply with the Court's judgment for the UK's relationship with the Court and for the future of the entire Convention system". A refusal to implement the Court's judgment, which is binding under international law, would "not only undermine the standing of the UK; it would also give succour to those states in the Council of Europe who have a poor record of protecting human rights and who could regard the UK's action as setting a precedent for them to follow". Quite so.

Third and final, distaste for inconvenient legal advice will not just affect human rights. The Government needs good legal advice to build a successful and sustainable legislative agenda. Lawyers don't have all the answers, but if the executive ignores legal advice for short term political gain, in the long term it is the country which will be the real victim of this slow motion car crash.

Don Hale explains why he didn't Publish Barbara Castle's Paedophile Dossier

The Daily Star Sunday published an interesting exclusive at the weekend: "Second paedo dossier cover-up after cop raid". It revealed that a former newspaper editor, Don Hale, was handed a dossier at some time in the early 1980s about 16 high-profile political figures who appeared sympathetic to the Paedophile Information Exchange (PIE). The document was given to Hale, the then editor of the Bury Messenger, by the late Barbara Castle, the veteran Labour politician. At the time, Castle was a member of the European parliament for Greater Manchester after her 34-year stint as MP for Blackburn. According to the Star's report, once Hale began to investigate the claims made in the dossier "an astonishing operation kicked in to silence the claims." First, Hale said he was visited by the Liberal MP for Rochdale, Cyril Smith, who tried to persuade the journalist that it was "all poppycock". Second, Hale said special branch officers arrived at the Messenger's office, showed him a D-notice and warned him of imprisonment if he failed to hand over the dossier. Hale

had agreed with Castle that he would run a story the week after she handed him her documents. He was quoted by the Star as saying: "Obviously, I had to contact certain members named [in the dossier] and the home office for their responses. Each call was met with shock horror as to why I should be wasting my time asking these 'daft' questions as nothing was happening within parliament. When I explained the detailed nature of the information available and that I couldn't reveal my source, you could almost hear a pin drop as officials were unsure as to what to say or do." Then came the special branch visit. Hale said: "I was sworn to secrecy by special branch at the risk of jail if I repeated any of the allegations. "When I met Barbara again, she apologised for the 'hassle' caused and reluctantly admitted she was fighting a formidable foe." The revelations follow revelations about a dossier compiled by the late Tory MP Geoffrey Dickens detailing an alleged Westminster paedophile ring.

Don Hale later became editor of the Matlock Mercury where he successfully campaigned for the release of Stephen Downing, a man wrongly imprisoned for 27 years for murder. Downing's conviction was quashed and declared unsafe by the appeal court in 2001. Hale was named journalist of the year in the 2001 What the Papers Say awards and received the OBE for his campaigning journalism. Since leaving the Mercury in 2001 Hale has written several books, mostly about crime.

Issuing of 'On the Run' Letters - Inquiry Blames 'Systemic Failures'

A judge-led inquiry ordered after an IRA bomb suspect was wrongly given government assurance he was not wanted by UK police, has identified two other cases where similar errors were apparently made. In her landmark report, Lady Justice Hallett said she had found "serious systemic failures" in a scheme where letters were issued to republican terrorism suspects – so-called On the Runs – and in the actions of senior police in Belfast.

The scheme was made public when the trial of John Downey, suspected of the 1982 IRA Hyde Park bombing, collapsed. Downey was wrongly told he was not wanted by any UK police force. In the furore that followed it emerged that almost 200 republicans had been given such letters saying they were not wanted for prosecution.

The review uncovered two other instances in which clearance had been mistakenly given. These and all the other cases are now being re-examined by police in Belfast in a process which is expected to take some years. Lady Justice Hallett's review was critical of the way the scheme had been established, saying that while it had not been secret it had been "under the radar". It drew apologies from both the Government and the Police Service of Northern Ireland, whose Chief Constable George Hamilton said his force was sorry for the additional pain that bereaved families had had to endure. Northern Ireland Secretary Theresa Villiers said the Government was profoundly sorry for the hurt that had been caused.

A spokesperson for the Wave trauma centre in Belfast, which works with scores of Troubles victims, said today: "This episode, like so many others, reveals once again the need to find a comprehensive, inclusive and sensitive way to deal with the past."

The case looked like causing serious damage to the Belfast peace process when Northern Ireland First Minister Peter Robinson threatened to resign unless David Cameron set up a full inquiry into the scheme. However, Lady Justice Hallett included 20 pages of references to the scheme, over a period of years, in newspapers, Hansard and policing board meetings, suggesting pointedly that "dozens of police officers, prison officers, officials and politicians must have known that some sort of scheme was in operation".

The plan was put in place by the Blair administration at a time when the government was