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Inquisitorial system' v 'Adversarial system': a Search for Truth?

[*'*Where at trial if the Expert witnesses prosecution/defence cannot agree on the facts of the evidence to be presented to the court, they should be barred from giving evidence to Juries! Where cause of death is not determined - no murder charges should be brought! If medical experts cannot determine the cause or mechanism of death, then how can a jury? In the absence of strong evidence of murder, a case should not be prosecuted. Neither should evidence be allowed into court where prosecution and defence cannot agree on the value of the evidence. There is a very strong case for using the 'inquisitorial system' used in Europe, rather than the 'adversarial system' used in the UK justice system.

'Inquisitorial system' "The evidence/facts should be agreed before the trial proceeds; if the prosecution and defence cannot come to agreement, then the disputed evidence/facts should not be allowed into court to be presented to a jury. This is the common procedure in most other European Countries.

'Adversarial System' In the UK 'adversarial system', juries can be susceptible to misdirection, by expert witnesses, based on expediency, distortion of facts, tunnel vision or malfeasance, and the bottom line is that no-one is ever held responsible. Tragedy is followed by cover-ups, the logic of the ostrich, and still it continues. In the Angela Canning trial using the UK 'adversarial system', the jury were forced to rely on the expert witnesses who had given contradictory evidence". This also happened in Nick Tucker's trial and happens all too often in other murder trials and leaves the jury in an unenviable position of having to make a judgement on something they know nothing about. In Europe they use the 'inquisitorial system' If it's a science, then the facts should be agreed before the trial proceeds; if they cannot come to agreement, then it should not be allowed in court, as the onus is on innocent until proven guilty. An inquisitorial system in forensics would go a long way to prevent miscarriages of justice and the unnecessary suffering that the innocent, and their families, have to endure.]]

The Word 'Game' Hangs in the Air. Because that is often what adversarialism amounts to. It does not seek to take a cool, impartial look at all available evidence. It does not calmly invite differing interpretations of a comprehensive fact-gathering exercise. The police, conscious of the political imperative to achieve convictions, investigate alone, under their own steam. They pass what they find to the CPS, which selects the evidence that points towards guilt. The defence try to exclude parts of that evidence, throw in some of their own, equally partial, while lobbing smoke bombs into the arena in the hope that some may damage the prosecution witnesses, or at the very least distract the jury. Who, let us not forget, we cannot trust in possession of the full facts, lest they misapply them or otherwise disgrace themselves. It is difficult to see how, in that framework, truth is ever supposed to emerge. Particularly in contrast to the alternative, European model – inquisitorialism. Which, whatever variant of system you alight upon, is premised on and marketed as a neutral search for objective truth. There are many and varied inquisitorial systems, but it is worth a whistlestop tour of some of the main common features. The headline is that rather than equip two adversaries with the means to present their own partial evidence to an independent fact finder, all roles are vested in the state.

Typically, the criminal investigation is carried out by judicial police officers, under the supervision of the prosecutor, who decides whether to pursue the matter to a trial. Evidence is gathered both for and against the accused in a disinterested and objective manner, and the investigation and its findings are documented in a file, or dossier. The prosecutor's objective is not to obtain a conviction – unlike the CPS, under political pressure to deliver acceptable, although ever-undefined, conviction rates: – her public duty is to search for and uncover the truth. In some jurisdictions, the prosecutor is supplanted by an investigating magistrate who takes responsibility for the investigation. Witnesses will be examined and their testimony recorded in the investigative stage, with all evidence placed in the dossier.

The defence will be entitled to inspect the dossier before trial and offer representations on any further investigation that should be instigated. Once the prosecutor or investigating magistrate is satisfied that all necessary investigative measures have been exhausted, the completed dossier, containing all the evidence, is put before the trial court. This is usually a single judge, or a mixed panel of professional judges and laypersons.

Trial itself takes on a very different, almost anti-climactic feel. And there will be a trial. Guilty pleas and plea bargains do not exist, capable as they are of obscuring truth. While a defendant can admit his misdeeds in evidence, the court must still establish exactly what took place. The trial is judgeled. In most cases, the crucial decision is reached solely by reference to the hundreds of pages of witness statements, expert reports and photographs that comprise the dossier. While the witness evidence should theoretically be repeated orally, the judge may dispense with the requirement that witnesses attend. The role of the lawyers is therefore marginalised. There is no hostile cross-examination for the edification of a rapt jury; little cross-examination, in fact, at all. While there will be a defence lawyer, their role is usually limited to handing in written submissions on the law and evidence, and suggesting questions that the judge might wish to ask of a witness. In jurisdictions where oral questioning is allowed, it tends to be perfunctory and non-aggressive. No Garrows enlarging their role and demolishing terrified witnesses in a verbal frenzy. No Georges teasing out the inconsistencies in the evidence of first Mysha and then Tamara, clobbering them relentlessly with a club of bad-character evidence as they thrashed around on the video monitor, their eyes searching desperately, fruitlessly for help. In some inquisitorial jurisdictions, including Germany, Austria, Norway and Sweden, complainants are permitted to assist the prosecutor as a 'subsidiary prosecutor'. Rather than being viewed as a powerless appendix to the prosecution case, served on a plate to a salivating defence lawyer, a victim can assume a meaningful role in their own right. Their dignity is preserved both by the manner of questioning and the significance accorded to their status.

Crucially, exclusionary rules of evidence are anathema. The only test for admissibility is relevance. Hearsay is a non-concept. The judge is trusted to weigh up the evidence, distinguish between primary and secondary accounts and attach appropriate significance to what appears in the dossier. Previous convictions of the defendant are not only admissible but considered important to the determination of guilt or innocence. If there is any evidence which the court considers ought to have been obtained, further inquiry can be ordered. Note the contrast to the jury, which, if it meekly approaches the judge and asks for more evidence, is told firmly that, 'You've had all the evidence there is,' and ordered to get on with reaching a verdict. In inquisitorialism, no relevant questions go tactically unasked. No reasonable avenues of inquiry lie uncharted due to the awkwardness they might portend to the parties. The finder of fact is not, as juries are here, prosecuted and gaoled for undertaking extra-curricular research into the case; it is encouraged to amass whatever information it feels it needs to get to the bottom of the case.

When the court retires to consider whether guilt is proved to the standard of in-time conviction – roughly translated as 'deeply and thoroughly convinced'* – it must provide not only a one- or two-word verdict, but reasons for its conclusions**. Whereas the sanctity of the jury's verdict renders it a criminal offence in England and Wales to ask for or disclose details of a jury's deliberations, leaving the Court of Appeal to speculate as to what a jury might have been thinking, the truth, as the court finds it to be, is clearly and publicly set out and justified. If the court found the witnesses credible, but in light of the lack of supporting evidence could not faithfully hold themselves out as sure to the requisite standard, that crumb of comfort could be offered to the devastated complainants as the not guilty verdict was returned. If the court was satisfied that a complaint was malicious, they could set out on public record the words that the acquitted defendant could forever embrace when faced with the inevitable, ugly, no-smoke-without-fire whispers that are invited by a blank, expressionless Not Guilty.

The adversarial model – or at least our version of it – eschews narrative verdicts. Instead of the verdict being the conclusive answer, it is often the catalyst for further questions that can never be resolved. Win or lose, that's your only certainty.

High Court Dismisses USA Attempt to Extradite Gypsy Nirvana From UK

The conduct with which Mr Nirvana would be charged, if he were prosecuted in the United States, is conduct which does not constitute a criminal offence in the place where the conduct in fact occurred (the UK). It is an important principle of extradition law that a person is not to be extradited in such circumstances.

1. The government of the United States of America has requested the extradition from this country of Mr Gypsy Nirvana to face criminal prosecution in Maine on a four count indictment returned by a Grand Jury on 14 August 2013 charging Mr Nirvana with offences of: (1) conspiracy to traffic marijuana; (2) conspiracy to import marijuana; (3) conspiracy to export marijuana; and (4) conspiracy to commit money laundering – in each case contrary to the laws of the United States.

2. Following an extradition hearing, the District Judge, for reasons given in a ruling dated 30 August 2017, refused the request for extradition and discharged Mr Nirvana. The essential reason for that decision was that the conduct of which Mr Nirvana is accused in the United States consists of trafficking, importing and exporting marijuana seeds and related money transactions, and that such conduct does not constitute a criminal offence under UK law. A necessary requirement for extradition was, therefore, not satisfied. The United States was given leave to appeal against that decision. This is the hearing of the appeal.

3. Extradition to the United States is governed by Part 2 of the Extradition Act 2003, as the United States of America has been designated as a category 2 territory pursuant to s.69 of the Act. Under s.78 one of the questions which the judge must consider at the extradition hearing is whether the offence specified in the request is an "extradition offence". If the answer to that question is in the negative, the judge must order the person's discharge.

4. Pursuant to s.137, a person's conduct constitutes an extradition offence if certain conditions are satisfied. One of these conditions, set out in (3)(b), is that: "The conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom."

5. It is that condition, often referred to as the "dual criminality rule", which the District Judge held is not satisfied in this case. The rationale of the dual criminality rule, as explained by

the House of Lords in Norris v Government of the United States of America [2008] UKHL 16, [2008] 1 AC 920, at para 88 is that: "... a person's liberty is not to be restricted as a consequence of offences not recognised as criminal by the requested state..."

The decision of the House of Lords in that case also establishes that, in applying the test of dual criminality set out in s.137 of the Act, it is necessary to look at the conduct of which the person is accused in the foreign state and to identify the essence of the conduct alleged which, if proved, would give rise to a criminal offence – ignoring for that purpose "mere narrative background" and "adventitious circumstances connected with the conduct of the accused" and focusing on the "substance of the criminality charged" against the person: see paras 91, 97 and 99 of the judgment.

6. It is then necessary to ask whether the conduct, if it had occurred in this country, would constitute a criminal offence under UK law. The important feature of this country's criminal law, for present purposes, is that, while cannabis is a controlled drug which it is unlawful to produce or supply by reason of s.4 of the Misuse of Drugs Act 1971, and while it is also an offence under s.6 of that Act to cultivate any cannabis plant, cannabis seeds are not themselves a controlled drug. It is not an offence under UK law to produce or supply or offer to supply cannabis seeds. As explained by Leveson LJ, as he was, in the case of R v Jones [2010] 2 Cr App R 10 at para 1: "The production of the controlled drug cannabis contravenes section 4(1)(a) of the Misuse of Drugs Act 1971 but it is not illegal to offer for sale or supply the paraphernalia associated with smoking cannabis and nor is it illegal to offer for sale or supply the equipment necessary to grow the plant, books which explain how cannabis may be grown or, indeed, cannabis seeds. As a result, there are a number of shops and other outlets which offer these goods for sale but it is obviously very important that these premises do not overstep the line and incite the commission of an offence."

7. The law is different in the United States where, as is explained in an affidavit sworn by the prosecutor Mr Michael Conley in support of the extradition request in this case, the definition of the controlled substance marijuana includes marijuana seeds. The affidavit makes it plain that the conduct of which Mr Nirvana is charged involves trafficking etc in marijuana seeds. Thus, in relation to Count 1 of the indictment, which charges Mr Nirvana with conspiracy to manufacture, distribute or possess with intent to distribute marijuana, Mr Conley states at para 32 of his affidavit: "The government's evidence will establish that Nirvana ran a marijuana seed distribution business based out of London."

He goes on to say: "The evidence will show that Nirvana was involved in every step of the marijuana seed sale process from dealing with US marijuana seed growers, to auctioning the seeds online, to distributing the seeds to US customers and to ensuring the marijuana seed growers receive the requisite payment. This will be shown at trial by the testimony of numerous cooperating witnesses who manufactured marijuana seeds in Maine and shipped the seeds to London to be sold on Nirvana's website."

8. The affidavit then explains that Count 2 charges Mr Nirvana with conspiracy to import marijuana into the United States. In relation to that Count Mr Conley states: "The government's evidence will establish that Nirvana worked with others to send marijuana seeds to customers worldwide. Many of these customers were in the United States."

9. Count 3 charges Mr Nirvana with conspiracy to export marijuana from the United States. In relation to that Count, Mr Conley says: "The government's evidence will establish that Nirvana worked with marijuana growers in the United States to have marijuana seeds produced in the United States and then shipped to London to be sold on Nirvana's website. This will be shown at trial by the testimony of three cooperating witnesses who manufactured marijuana seeds in Maine and then personally shipped the seeds to London to be sold on Nirvana's website."

10. Count 4 charges Mr Nirvana with conspiracy to commit money laundering offences. All those alleged offences relate to the processing of money orders and other transactions that allegedly represented money from US based marijuana seed customers. It was common ground at the extradition hearing, and remains so on this appeal, that Count 4 stands or falls with Counts 1 to 3 on the indictment.

11. It is clear from this evidence that the essence of the conduct alleged by the United States, and which if proved would make Mr Nirvana guilty of the offences charged, consists of dealing in marijuana seeds. His case, which the District Judge accepted, is that that conduct, if it had been committed in the United Kingdom, would not constitute any offence under UK law.

12. The argument which has been ably advanced by Mr Hall QC on behalf the United States on this appeal focuses on one aspect of the alleged conduct. That is the relationship between Mr Nirvana and the suppliers in the United States who allegedly supplied him with marijuana seeds. The extradition request contains allegations that Mr Nirvana regularly purchased seeds from certain suppliers in the United States, in some cases in the course of relationships which lasted several years. In particular, the United States relies in this regard on evidence which is referred to in a supplemental affidavit made by Mr Conley. This affidavit summarises evidence which three cooperating witnesses are expected to give in the United States criminal proceedings. Each of those cooperating witnesses is someone who allegedly supplied marijuana seeds to Mr Nirvana over a number of years and received regular payments for such supplies of marijuana seeds.

13. In relation to the third cooperating witness, the affidavit refers to various email messages exchanged between the witness and Mr Nirvana. Two of those messages are ones on which Mr Hall QC has particularly relied. One is an email sent at the end of a chain of emails in which Mr Nirvana was allegedly discussing with a supplier delay in the processing of payments. In this email Mr Nirvana referred to: "making breeders [that is to say his suppliers who grow marijuana plants] mad because we can't pay them." The other message on which Mr Hall particularly relied is one said to have been sent on 26/01/2011 by the cooperating witness to Mr Nirvana in which the witness said: "I am looking very forward for you guys to shoot me that current stock inventory you told me you'd be doing, and Gypsy, the breakdown of what I'm currently owed, cash wise, after almost a year...I have a big harvest in 10 days and then a GIANT Kush Projects seed run is in Proper Order and ready to go! More sour d seeds soon too who'd know that $80,000 retail in SD seeds would be gone in 3 hours. Underestimated that market.

14. It is submitted on behalf of the United States that this alleged conduct demonstrates or evidences agreements between Mr Nirvana and suppliers in the United States to cultivate cannabis plants which – if the facts are transposed such that the conduct occurring in the United States had occurred in this country – would amount to an offence under s.6 of the Misuse of Drugs Act, to which I earlier referred. It is further or alternatively said that the same conduct would constitute, in so far as it occurred after 1 October 2008 when the Serious Crime Act 2007 came into force, an offence of intentionally encouraging or assisting an offence under s.44 of that Act. Section 44(1) provides: "A person commits an offence if— (a) he does an act capable of encouraging or assisting the commission of an offence; and (b) he intends to encourage or assist its commission." It is submitted that in this case the acts alleged by the United States amount to acts on the part of Mr Nirvana capable of encouraging or assisting in the commission of what in the UK would be an offence of cultivating cannabis plants and demonstrate the necessary intention to encourage or assist in the commission of such an offence.

15. In my view, that case advanced on behalf of the appellant is not sustainable for two reasons. First of all, as I have already indicated, the essence of the conduct alleged by the United States' prosecutor is dealing in cannabis seeds. It is not the cultivation of cannabis plants. Thus, the substance of the criminality charged in Count 3 of the indictment is exporting

cannabis seeds from the United States. It is not cultivating cannabis plants or conspiring to cultivate plants in order to produce seeds for the purposes of export. The same applies a fortiori to the other counts on the indictment.

16. Accordingly, since the essence of the conduct alleged is trafficking in, importing and exporting cannabis seeds, and since that conduct does not amount to an offence under UK law if it occurs in the United Kingdom, the dual criminality test as expounded by the House of Lords in the case of Norris is not satisfied. For that reason, the appeal must fail.

17. Secondly, the defect in the appellant's case, in my view, goes even further than that. Even if one takes the whole of the conduct alleged, including evidence about communications with Mr Nirvana and his suppliers which might really be said to be part of the narrative history and does not disclose the essence of the conduct alleged – even if one considers the whole of the conduct, I cannot see that, if the relevant events had occurred in the United Kingdom, the facts alleged would constitute either of the offences relied on by the appellant.

18. In particular, the high point of the appellant's case appeared to be the email correspondence to which I referred earlier. It does not seem to me that that email correspondence shows anything more than communications taking place of the kind which one might expect to see between a customer and a regular supplier about arrangements for supply and payment in return for supply and so forth. Nowhere in the emails referred to in the appellant's evidence is there any communication from Mr Nirvana which might be construed – let alone which would necessarily be construed – as an agreement with the supplier for the cultivation of cannabis plants or as an act intended to assist or encourage the cultivation of such plants.

19. As for the reference in the evidence relating to Count 3 of the indictment, on which Mr Hall also placed considerable reliance, to Mr Nirvana "working with marijuana growers in the United States to have marijuana seeds produced in the United States and then shipped to London", when read in the context of the evidence as a whole I do not understand that allegation as going beyond an assertion that Mr Nirvana had an ongoing relationship with persons in the United States from whom he regularly purchased marijuana seeds.

20. I therefore do not consider that, even taken at its highest, the conduct alleged by the United States, if it had occurred in this country, would constitute a criminal offence. At all events, on no reasonable view of the matter can it be said that the essence of the conduct alleged amounts to an offence of conspiring to cultivate cannabis plants or an offence of assisting or encouraging the cultivation of cannabis plants. For those reasons, the dual criminality test is not satisfied.

21. These are not technical points. What they show is that the conduct with which Mr Nirvana would be charged, if he were prosecuted in the United States, is conduct which did not constitute a criminal offence in the place where the conduct in fact occurred. It is an important principle of extradition law that a person is not to be extradited in such circumstances. Accordingly, I would dismiss the appeal.

Foreign National Prisoners

As at 31 December 2017 (latest published figures) there were 9,012 foreign national prisoners held in prisons in England and Wales, with a further 328 held in the HMPPS operated Immigration Removal Centre. Any foreign national who comes to our country and abuses our hospitality by breaking the law should be in no doubt of our determination to deport them. More than 40,000 foreign national offenders have been removed from the UK since 2010, and in the last financial year a record number of over 6,300 were removed.

Barristers Vote to Walk Out in Protest at Government Cuts

Qwen Bowcott, Guardan: Criminal barristers in England and Wales have voted to stage mass walkouts and refuse new publicly funded cases in protest against sustained government cuts to the justice system. In a poll organised by the Criminal Bar Association (CBA), 90% of its members backed direct action from 1 April. They are likely to be supported by solicitors working in the criminal courts and possibly other court staff. The protest was triggered by changes to the advocates' graduated fee scheme (AGFS), which barristers claim represents a further cut to their income.

Angela Rafferty QC, the chair of the CBA, said: "The [criminal justice] system is desperate, as are we. We are informing our members today that they should consider not taking any [new] work from April 1, the implementation date of the reforms. "We will hold days of action. We will fight to improve the justice system for us and everyone else. We announce this action today with heavy hearts." The CBA has 4,000 members, not all professionally active. There were 2,317 votes cast, of which 2,081 were in favour of action. The organisation is planning days of mass walkouts when lawyers boycott the courts. Barristers are self-employed. The MoJ has suffered the deepest cuts of any Whitehall department since 2010 and shut 258 courts across England and Wales. Lawyers say they are not being paid for reading and assessing the massive amount of digitally generated material routinely involved in many cases.

A CBA list of five demands given to the MoJ includes a request for specific payments "for high volumes of disclosed material". Rafferty added: "Lack of funding in the criminal justice system has resulted in near-collapse. The public accounts committee (PAC) in 2016 said the criminal justice system was at breaking point. In my view it is now broken. We have to fix it.

In 2016, the PAC reported there had been a 26% cut in spending on the criminal justice system over the five years since 2010-11. Further cuts of £600m to MoJ funding were announced by the Treasury in November 2017 – amounting to a 9% reduction of its budget to £6bn by 2019-20. "For years the criminal justice system has been held together by the professionalism and goodwill of judges, court staff and lawyers, but the supply of sticking plaster has run out The profession's fees have been relentlessly cut for over 20 years by nearly 40%. There have been no increases whatsoever in all that time. Some young barristers calculate that they earn £90 a day. Some who work long hours say they are earning less than the minimum wage."

Labour's justice spokesman, Richard Burgon, said: "You cannot do justice on the cheap. There is a real danger that the crisis across our justice system, driven by the deepest cuts to any government department, will tip over into an emergency." The Law Society is already fighting legal action over cuts to fees paid to defence solicitors for reading criminal evidence, warning that the changes will lead to more miscarriages of justice. The Law Society president, Joe Egan, said: "Criminal legal aid solicitors are critical for ensuring that anyone accused of wrongdoing has a fair trial. If it is not economically viable for solicitors to undertake this work, the integrity of the whole criminal justice system will be compromised." Andrew Walker QC , the chair of the Bar Council, said: "If criminal barristers choose individually to take action to make their feelings clear to those in government who hold the purse-strings, while remaining true to the ethos of our profession, then we believe that they will have the support of their colleagues across the bar."

A Ministry of Justice spokesperson said: "We are extremely disappointed with the position the CBA has taken today, especially given that they and other members of the bar participated fully in the design of the [AGFS] scheme. Our reforms will reflect the actual work done in court, representing better value for the taxpayer, and will replace an archaic scheme under which barristers were able to bill by pages of evidence."

Police 'Trained to Hide Vital Evidence'

[Suzanne Gower, solicitor and Managing Director CCA, said: "These documents show why responsibility for providing full and fair disclosure must be taken out of the hands of police and prosecutors. The truth is they see themselves first and foremost as adversaries to the defence and, in some cases, deliberately withhold exculpatory evidence. It is unrealistic to expect this mindset to change, which is why we are calling for a new independent disclosure agency consisting of legally-trained staff to take charge of the disclosure process. Not only would this prevent wrongful convictions and re-establish the right to a fair trial, it would put an end to the vast waste of resources caused by our current dysfunctional disclosure regime."]

Frances Gibb, The Times: The scale of the failure by police and prosecutors to disclose vital evidence in criminal cases is exposed today in documents showing that such behaviour is routine and deliberate. A dossier seen by The Times reveals a commonly held view that the defence is not entitled to see all the evidence. It discloses the tactics used to stop it being handed over, with officers in at least one force apparently trained in how to avoid making available material that might undermine their case. The file draws on the reports of 14 focus groups with the police, and others with prosecutors and judges, as well as a survey of prosecutors.

The comments in the dossier include one prosecutor saying: "In even quite serious cases, officers have admitted to deliberately withholding sensitive material from us and they frequently approach us only a week before trial. Officers are reluctant to investigate a defence or take statements that might assist the defence or undermine our case." Among the comments from police focus groups was: "If you don't want the defence to see it, then [evidence] goes on the MG6D" — a reference to the list of sensitive unused material to which the defence does not have access. In another focus group, an inspector noted that police "have been trained to put items on there that they do not want disclosed to the defence". This tactic was confirmed by prosecutors. One recorded comment was that "officers put undermining material on the MG6D list to hide".

In one report on focus groups with judges, the inspectors note a judge saying: "There seems to be an idea that the defence is not entitled to see things but where the defence press matters, this yields results." Prosecutors are also at fault. Sometimes this is because of what one called a "hugely excessive and complex caseload, insufficient time to do the job, poor-quality and slow digital systems, poor-quality investigation by police [and] wrong prioritising of objectives by the organisation".

The dossier was obtained by the Centre for Criminal Appeals, a charity, under a freedom of information request to the CPS and the Inspectorate of Constabulary, which collated the unpublished comments when preparing a joint report on disclosure of evidence last year. It makes clear that the failure to hand over evidence that may undermine the prosecution case is often deliberate and comes at a time when the criminal justice system is under scrutiny.

The National Police Chiefs' Council lead for criminal justice, Chief Constable Nick Ephgrave, said: "National training and guidance on disclosure does not in any way endorse or encourage the unnecessary withholding of any material relevant to a case. It is, however, right that in cases involving sensitive unused material, such as details of an informant, that this is not automatically shared with the defence. This is entirely in line with legislation and national guidelines and is well understood by defence and prosecution alike. "At the same time, we know that investigators need more effective, consistent training and advice so they have absolute clarity about the disclosure process - and this is central to the improvement plan we have put into action with the Crown Prosecution Service and College of Policing."

Perjurers and the Pug

Simon Warr: It often seems that we live in an increasingly topsy-turvy world in which crimes – real or imagined – are treated in very different ways. Liars, compensation fraudsters and fantasists who make false allegations against innocent people routinely escape any form of censure or prosecution, while others who are accused of far less harmful offences will be dragged through the courts by the police and the Crown Prosecution Service (CPS).

I was reminded once again of this sad state of affairs by the recent tale of the online 'comedian' who taught his girlfriend's pet pug to raise its paw in imitation of a Nazi salute. Not a very laudable or tasteful thing to waste his time on, but hardly a criminal act worthy of police attention. Yet the man responsible has been prosecuted and convicted. He now awaits sentence. Perhaps actor John Cleese – in his celebrated role as hapless hotelier Basil Fawlty – will be the CPS' next victim, prosecuted for goose-stepping around a table of German guests with his arm raised. If so, it would be a slam-dunk for a 'historical offence' conviction. Tens of millions will have seen the video evidence: 'Mr. Cleese, you are guilty.'

What emerges is a pattern of highly selective prosecutions that appear to be politically-motivated. I use the term 'political' in its widest meaning, because all recent British governments have been guilty of creating a wide range of criminal offences that never hitherto existed in English (or Scottish) law. Some of these so-called offences are more about assuaging public outcries by tiny groups of campaigners or soothing those who are easily offended (which busybodies, for example, complained about the performing pug, I wonder).

We have also seen a pair of failed prosecutions for alleged female genital mutilation (FGM). Since this law was enacted by a Conservative government in 1985 (and beefed-up by the last Labour government in 2003), there have been precisely two prosecutions brought in England and Wales (with a third case pending). The first defendant – an NHS gynaecologist – was acquitted by a jury in less than 30 minutes back in 2015. The second defendant (a solicitor) saw the prosecution against him collapse earlier this month when the judge agreed with defence counsel that there was no case to answer. So why were these very obviously weak prosecutions brought in the first place?

The answer is put eloquently in an article which appeared in The Guardian newspaper in February 2015, following the acquittal of Dr Dhanuson Dharmasena: "The case against Dharmasena was announced in March 2014, in a high-profile statement by the director of public prosecutions, Alison Saunders, following political and media pressure on the police and Crown Prosecution Service at the failure to prosecute anyone for the offence since FGM was outlawed in the UK in 1985."

And there we have it in a nutshell: the police and CPS bowing to pressure from politicians, the media (and no doubt a few vocal activists) to launch a prosecution and obtain a conviction at almost any cost. The CPS succumbed to the 'something must be done' philosophy and blundered ahead. Even The Telegraph described the 2015 case as 'a show trial'. And, to their credit, jurors saw right through this ridiculous charade and acquitted Dr Dharmasena.

In making these comments, it is necessary to make it clear that I do not endorse the vile practice of genitally mutilating girls, which is palpably an abhorrent act. But this is not a valid reason for launching 'show trial' prosecutions in cases where there is little or no evidence that it has even happened. Evidently jurors in one case and a judge in the other agreed. Yet we are told that 144,000 girls in the UK are 'at risk' from FGM (according to an academic report published in July 2015 by London's City University). If this statistic is accurate, it seems very strange that not one successful prosecution has been brought to date.

Turning now to another area where the police and CPS are clearly in dereliction of duty:

the prosecution of those who knowingly make false and malicious allegations against innocent people. It is difficult to assess the appalling human cost of such wicked, selfish acts. As I have stated in previous blog posts, targets of this vile crime often lose their jobs, homes, savings, pensions – and even their families and friends; some poor souls are driven by misery and despair to end their own lives. I know of a number of such cases. Yet prosecutions of the liars and perjurers responsible are extraordinarily unusual.

In one very recent case – noteworthy precisely because these prosecutions are so rare – a 23-year old student named Lottie Harris (now known as Lucien) admitted six counts of perverting the course of justice between 2016 and 2017. The victim was a gay man for whom Harris had a misplaced attraction – a work colleague. Frustrated, Harris accused him of a total of 23 totally false allegations, including rape and threats made with a knife. The entire story was a series of barefaced lies, made up by a repugnant attention-seeker. As the victim of these false allegations observed in his statement to the court: "I feel scarred for life. I was arrested in full view of customers and colleagues… It has proved to be very embarrassing and shameful. I have lost the respect of people I work with as they saw me arrested… I don't think I will ever get back to how it was before or recover from what Harris has done to me." And the sentence for all the shame, harm and terror this false accuser inflicted on the victim? A two-year suspended prison sentence, 300 hours of unpaid work and compensation of a measly £2,500 for the man whose life has possibly been ruined. In contrast, had the victim of these false allegations been convicted because of these vile lies, he would have received a sentence of over 10 years' imprisonment, perhaps much longer, and a lifetime on the Sex Offenders' Register.

It needs to be stressed that this has been one of the very few cases involving false allegations of rape or sexual assault that the police has bothered to investigate and the CPS has then deigned to prosecute. It often appears that convictions in these cases are only obtained when, on the very rare occasion, the false accuser confesses and pleads guilty, as in this instance. There seems to be no appetite among either police detectives or CPS caseworkers to investigate or bring charges against the vast majority of liars, fraudsters and fantasists who inflict endless misery and ruin on their innocent victims, regardless of whether the motive is revenge, compensation, attention-seeking or a bogus claim to victimhood. There are even cases I know about where criminals have managed to extricate themselves from their own pending prosecution by spinning a vivid imaginary tale of an historical experience of having themselves been sexually abused.

Perjury in a court of law should be a serious criminal offence (the maximum penalty is supposedly seven years' imprisonment), as should be any attempt to pervert the course of justice by making false allegations. These are crimes which undermine confidence in the justice system, as well as leading to wholly innocent victims being sent to prison for years or even decades, utterly ruining them and devastating their families.

In practice, how are these offences treated by our agents of the state? I know from first-hand experience, other than in exceptional cases, as outlined above, the authorities completely ignore them. The two liars who dragged me through the courts in 2013-14 for their own selfish, insidious ends, have not been called to account. Yet, their crime is substantially more serious than the one they accused me of, even if they had been telling the truth. I had my life turned upside down, while these two liars and perjurers have carried on with their own lives as if nothing had happened. I was told just to get on with things and stop complaining. Can someone tell me how all this can possibly be right? I despair, as every right-minded person should.

Far from being a so-called 'victimless' crime, makers of false accusations know exactly what harm their lies and vile fantasies will almost certainly unleash: it is 'pushing the nuclear button' on another person's life. Such premeditated offences – with 'malice aforethought' as the old legal phrase

put it – demand appropriate application of the law by the police and the CPS. Anything less is an utter betrayal of the victims. And we victims of malicious allegations continue to be betrayed.

Our criminal justice system is currently in a sorry state (as laid out painfully bare in the excellent book written by the blogger and author known only as The Secret Barrister, Stories of the Law and How It's Broken, which I'm in the midst of reading). We need an urgent return to the rule of law and proper policing, not the ridiculous political mob-pleasing gestures for which the police and the CPS have now become infamous. There needs to be a clear focus on real criminals, with professional prosecutions based on genuine evidence, rather than squandering resources on dragging trainers of 'Nazi pugs' into the dock, to the deserved derision of the nation.

CCRC Refers Conspiracy to Murder Convictions of Messrs, Khan, Saraj, Jabbar, Maroof and Rashid

The Criminal Cases Review Commission has referred to the Court of Appeal the conspiracy to murder convictions of Wassab Khan, Faisal Saraj, Abdul Jabbar, Abdul Maroof and Omran Rashid. The five men were convicted together at Stafford Crown Court in November 2011 for their parts in the shooting of Mohammed Afsar. On 21st December Wassab Khan, Abdul Maroof and Omran Rashid were sentenced to 24 years' imprisonment. The two younger men, Faisal Saraj and Abdul Jabbar, were sentenced to 20 years' detention in a young offender institution. Together they appealed against their convictions but in June 2013 the Court of Appeal dismissed their appeals.

No application to the CCRC was made, but in January 2018, the Crown Prosecution Service approached the Commission with information arising in a separate case which had a possible bearing on the safety of the convictions of Messrs Khan, Saraj, Jabbar, Maroof and Rashid. The material, which is of a sensitive nature, is potentially relevant to the jury's consideration of whether their intention had been to commit grievous bodily harm rather than to murder. The CCRC has considered the material supplied to it by the CPS and concluded that this information raises a real possibility that the Court of Appeal would now quash the conspiracy to murder convictions.

The Court could choose to substitute the convictions for conspiracy to murder with convictions for conspiracy to commit Grievous Bodily Harm; this could have a significant impact on the sentences required to be served by each man. The material on which the CCRC referral is based is of a sensitive nature. Neither it, nor the detailed circumstances of its discovery, can safely be made public or disclosed to the defence. In light of this, the CCRC has included the sensitive material in a confidential annex which will be supplied to the Court of Appeal along with the Statement of Reasons in which the Commission sets out its analysis of the case and its reasons for referring it for appeal. The confidential annex will not be supplied to the appellants or their legal representatives. It will then be for the Court of Appeal to decide whether any further disclosure is possible.

Beach Bum

A sheriff in Alabama has bought a beach house with cash budgeted for prisoners' food under a law dating back to the 1930s. Etowah County Sheriff Todd Entrekin legally pocketed $750,000 from the fund for prisoners' food provision and then bought a $740,000 beach house, a reporter from The Birmingham News discovered. Under a law dating back to the Great Depression, sheriffs in Alabama can "keep and retain" unspent money from prison food funds, but will have to fund any subsequent shortfall out of their own pocket. Defending himself from criticism, Sheriff Entrekin said: "The law says it's a personal account and that's the way I've always done it." There are no reliable figures on the amount of money pocketed by Alabama sheriffs under the law as most do not declare it as income.

Impact of "Worboys" Case For Those In the Parole System?

The impact of the judgment of the Court in this case (R.(DSD) and others v Parole Board of England & Wales [2018] EWHC 694 (Admin)) goes far beyond one particularly exceptional case. There are ramifications for the system more generally that will have direct impact for prisoners whose cases are to be considered by a parole board in future, for the families of those prisoners, for victims of offences, for families of victims, and potentially for professionals working in the system. There are even ramifications for the general public whose knowledge of what occurs within a particular parole process will likely be greater in consequence.

The decision of the Divisional Court. There were three separate claims to be decided by the Court, each somewhat different. Overall the Court was required to decide: (1) Whether the decision to release Worboys was unlawful on Wednesbury grounds of irrationality? And, linked to this, whether the panel of the Parole Board unlawfully failed to properly consider and inquire into the evidence of wider offending as a relevant consideration (to test the account he now advanced) [79]-[81]? (2) Whether Parole Board Rule 25, contained within rules set by the Secretary of State, prohibiting the Board from any publication of reasons or provision of them to interested persons, was ultra vires (outside the lawful scope of) the enabling statute?

Will there be many more challenges by victims to Parole Board decisions to release offenders? It seems unlikely that many other challenges will follow for several principal reasons.

Firstly, the statutory scheme is deliberate in separating out the need to consider victims' views as to what conditions are appropriate for an offender's licence, distinct from whether or not an offender ought to be released at all. This is for good reason: it is to be presumed a victim will usually not support release; and the question as to release arises only after a required punitive detention period has been completed. A parole board panel considers not punishment but only whether risk has reduced so that rehabilitation has displaced the need for preventative detention. It is notable that in this case at the permission hearing no objection was made to the disclosure of the parole dossier to the parties bringing these claims, subject to confidentiality undertakings. That stance might not be taken in other cases (and certainly not adopted pre-action), and might require detailed consideration in such a situation where a contest arises. Nor does the Court in this judgment actually decide whether or not victims (or potential victims) do have the standing with which to bring judicial review proceedings [114]. However having decided at the permission hearing, where the offender had no counsel present, that standing was afforded to NBV and DSD the Court does tend to suggest, but not decide, that victims might have the necessary standing to bring a claim challenging release itself.

Secondly, this case is very unusual and extreme factually and in its combination of factors: (1) There were convictions for 19 offences involving twelve separate victims [4]. Those offences were committed over an 18 month period [13];

(2) It had been accepted by the police that others were also victims despite no convictions. That was admitted in civil proceedings in which the police were successfully sued for failings to take reasonable steps to prevent the continuation of the offending. Findings were recorded by a High Court Judge. The additional affected persons (treated as victims of this offender) succeeded in proceedings that reached the Supreme Court (Commr of Met. Police v DSD [2018] 2 WLR 895). The addition of such unproven offences extended the offending period to almost a decade of behaviour;

(3) The Crown Prosecution Service had considered the evidence in DSD's case to be such as to give a realistic prospect of conviction but had chosen to limit the number of offences on the indictment to render it manageable [57] (contrary to a later press release [58]);

(4) The claimant DSD had also sued Worboys personally, and that claim was settled (albeit

without liability admission) [6], [8]. He had settled 11 such claims at a cost of £241,000 [60];

(5) The parole dossier contained numerous references to a large-scale police operation in which about 80 potential victims came forward [41]. The Court does not say a parole board should (or could) decide if there have been other non-conviction offences, but says that it is a different issue to consider that material as part and parcel of a global assessment of risk, subject to doing so fairly [150]-[151];

(6) The offender remained in the highest level, Cat A, security conditions: he had failed since his imprisonment to demonstrate a reduced risk such as to achieve downgrading to B, C and D (open) conditions. Releases from Cat A conditions without gradual progression are extremely rare;

(7) The dossier failed to contain the sentencing observations of the High Court judge who heard the trial, contrary to the requirements of the Parole Board Rules [14], [49];

(8) All reports by probation officers and expert psychologists prior to August 2017 were unanimous that Worboys was not ready for release or progression to open conditions [24]-[27]. The parole board sat on 8 November 2017 to make its decision [42]. Until 2015 he remained in denial of his offending [20]. The subsequent admissions remained partial and minimising his responsibility [25], [31]. [37]. In that context there were some later recommendations of psychologists that favoured or accepted the possibility of release on licence, following an assessment based on the limited 18-month offending period and openness and full accounts of those offences he had provided [32]. There were also inconsistencies in the accounts he gave each psychologist [36]. Neither the Offender Supervisor or Offender Manager, who work with the offender intensively, supported release [39]-[40].

(9) There was a failure to probe the account of offending offered by Worboys and whether there was minimisation, and whether there was more extensive offending than the 19 convictions recorded [44], [62], [124]-[127]. None of the material revealed in the civil proceedings was before the panel [49]. Extensive relevant material existed [51]-[56];

Despite the combination of factors, the Court rejected the challenge that the decision to release was on its merits wrong (i.e. that it was irrational, as the argument was put in this case) [130]-[133]. There was also no unlawful failure to take into account a relevant consideration required by statute to be considered [141]-[142]. The only legal flaw, by which the challenge succeeds, is that it was irrational of the panel – in this particular case – to fail to consider the evidence or information of wider offending relevant to probing the level of insight into the causes of his offending and testing the honesty and veracity of the offender's account [155], [159]-[164], [201].

A third reason why challenges to a release decision may remain extraordinary in future is that local authorities do not enjoy standing to seek to frustrate a release to their particular areas: the Mayor of London lacked standing to bring the judicial review challenge he attempted [109].

Fourthly, it may be that proceedings of this type will rarely be able to satisfy the test that such material that a panel was obliged to obtain, but failed to obtain, is material that is liable to have or capable of having a determinative impact on the result (see [163]). To succeed an error must be such as to have had the capacity to make a substantial difference to the ultimate outcome of the parole review. Even where successful, as here, the case will simply have to be redetermined by the Parole Board at a new review hearing. The Court stated clearly:

"We must emphasise that we have not held, nor must we be understood as suggesting, that Mr Radford's [i.e. Worboys'] present risk is such that his continued imprisonment is necessary for the protection of the public, or that the Parole Board should so find. Subject only to the review jurisdiction of this Court, the assessment of all the available evidence, and all matters relevant to Mr Radford's risk, is for the Parole Board alone to make" [202]

Future hanges: It is most likely that the greatest change in practice that shall follow this decision shall be to the working of the general parole system. Only the Secretary of State defended Parole Board Rule 25 [94]. There was notably no advocate for the wider prison population advancing any concerns about a chilling or negative effect that may follow the opening up of the process, if that may discourage report writers and experts from a willingness to support release for fear of public censure. Questions of rehabilitation and risk (the question the statute poses as to whether it is any longer necessary to confirm on risk grounds) may then be subsumed by and confused with questions of public acceptability, public opprobrium, and greater punishment demands advanced against release.

The Court holds that the current rule that information about parole proceedings, and the names of the persons concerned in the proceedings, must not be made public, is unlawful. The principle of open justice is applied to displace or restrict the element of privacy, such privacy generally allowed by the holding of hearings themselves in private [176]-[177] (the question itself of whether private hearings are always necessary and justified is left to another case on another day: [196]). The blanket and total restriction of Rule 25 was not justified by the general and ambiguous words of section 239(5) of the Criminal Justice Act 2003 [191], [193]. The restriction went too far as it imposed a prohibition that exceeds the minimum necessary and/or proportionate [198]-[200].

The right to information shall not be limited to victims, but shall extend to the wider public also. The Court states: "There are no obvious reasons why the open justice principle should not apply to the Parole Board in the context of providing information on matters of public concern to the very group of individuals who harbour such concern, namely the public itself. Indeed, it seems to us that there are clear and obvious reasons why the Parole Board should do so. This information can readily be provided in a fashion which in no way undermines the Article 8 [European Convention on Human Rights] rights of the prisoner and the confidentiality which attaches to it" [176]

There will now be a review of the parole process, and the rules that govern it. It remains to be seen what type of amendment shall be made to the scheme. The Court grants declaratory relief identifying the unlawfulness of Rule 25, but noting "it will be for the Secretary of State (as it may be that he is minded to do) to decide how Rule 25 should be reformulated" [203]. There will need to be balancing of various interests, and protection of personal details of victims, reporting officers, and families of offenders, will need particular attention.

One immediate change is the departure of Professor Nick Hardwick from his post as Chairman of the Parole Board. Given the very fact-specific and individual issues in this case (originally decided by a panel of three parole board members, not the Chairman, whose own support for open justice is cited by the Court) it is entirely inexplicable as to why the Secretary of State has apparently applied pressure to compel this resignation.

Philip Rule, Specialist public, prison and criminal law barrister, No5 Barristers' Chambers,

Alarm as Government Rewrites UK 'torture Guidance' in Secret

Ian Cobain, Guardian: A British government guidance paper that is intended to prevent the country's intelligence officers from becoming involved in human rights abuses is being rewritten in secret, much to the alarm of civil liberties groups. Rights activists are deeply worried that the UK government may be tempted to water down the guidance at a time when the US president, Donald Trump, has said he hopes to restore waterboarding – "and a hell of a lot worse" – and has nominated Gina Haspel as the next head of the CIA. Haspel reportedly oversaw a secret CIA prison in Thailand, where a terrorism suspect was tortured. The UK paper, known in Whitehall as the "consoli-

dated guidance", was rewritten and made public by the coalition government following a series of scandals in the years following the 9/11 attack on the twin towers in New York.

Under the terms of the previous version, drawn up early in 2002, MI6 officers had helped to plan a number of so-called rendition operations. Officers from MI5 and MI6 had also become embroiled in the torture of detainees held overseas, usually by handing questions to overseas intelligence agencies with poor human rights records. On publishing the current version of the consolidated guidance, David Cameron, then prime minister, told MPs: "We are determined to resolve the problems of the past so are we determined to have greater clarity about what is and what is not acceptable in the future." Cameron said that in future, MI5 and MI6 officers should not do anything that they believe could lead to an individual being tortured, and that only ministers could decide what steps to take if the agencies wanted to interrogate prisoners who could hold information crucial to saving lives.

The consolidated guidance is now being redrafted again after a 2016 report by the intelligence services commissioner, Sir Mark Waller, was critical of both the wording of the guidance and MI6's dealings with a Kenyan anti-terrorism unit. So far, however, government departments, the intelligence agencies and Scotland Yard's counter-terrorism command are the only bodies known to have been consulted. Waller had also recommended that "in order to improve transparency and accountability", the Cabinet Office should consult rights groups about the new version, and suggested the Equality and Human Rights Commission, Fair Trials Abroad, Prisoners Abroad, Redress and Reprieve. However, none of these organisations have been consulted and a number of groups are concerned that the guidance may be weakened during the process.

In a joint letter to Boris Johnson, the foreign secretary, five human rights groups – including Fair Trials Abroad, Reprieve and Redress, as well as Amnesty International and Liberty – have warned: "The deep and lasting stain of UK complicity in extraordinary rendition and torture over the so-called war on terror powerfully demonstrates the need for safeguards. "We therefore have serious concerns that the government may be seeking to amend or even water down its guidance on torture behind closed doors. The government has provided no justification for why it has failed to adhere to the recommendations of its own commissioner and engage in a meaningful and transparent consultation, and chosen instead to talk only to itself and its own intelligence agencies."

At the legal charity Reprieve, director Maya Foa said: "Donald Trump has nominated one of George Bush's torturers-in-chief to lead the CIA. Gina Haspel oversaw a 'black site' in Thailand and helped destroy video evidence of detainees being subjected to beatings and extreme abuse. As the US regresses, the UK government must stand firm and reject torture in all its forms. The government's secret internal review risks watering down the high standards expected of the UK's intelligence agencies," she added. "It must be opened up to full public consultation without delay."

The Cabinet Office declined to say why rights groups were not being consulted in line with Waller's recommendation. A government spokeswoman said: "Work is ongoing to identify what, if any, further changes could be made to the consolidated guidance, following the intelligence services commissioner's recommendations. We have engaged with both the intelligence services commissioner and the office of the investigatory powers commissioner, to whom the prime minister has issued a direction to continue the statutory oversight of the consolidated guidance." She added that the government would consider any comments from parliament's intelligence and security committee, the group of MPs and peers that provides oversight of the intelligence agencies, and that the guidance paper would be made public once it had been rewritten.

The existence of official guidance for intelligence officers seeking information from detainees held by overseas intelligence agencies became known publicly in 2009, during the cross-examination of an MI5 officer who had interrogated a British resident, Binyam Mohamed, who was being tortured by CIA officers at a prison in Pakistan. The coalition government acted to rewrite the consolidated guidance and make it public in 2010 after the Guardian highlighted a series of cases in which terrorism suspects were tortured by overseas intelligence agencies while being asked questions that had been drawn up by the UK's intelligence agencies. The victims included one man, later convicted and jailed for life for terrorism offences, who had three fingernails pulled out by Pakistani intelligence officers after MI5 had drawn up a series of questions to be put to him, and MI6 had handed him over to the Pakistani authorities.

The following year the Guardian obtained a copy of the post-9/11 guidance, which showed that senior intelligence officers were expected to weigh the importance of the information being sought against the level of mistreatment the detainee was likely to suffer while it was being extracted. The document also warned that the agencies' reputation was likely to be damaged if the existence of the guidance was disclosed. Later that year, a number of MI6 and CIA documents discovered during the Libyan revolution exposed the way in which MI6 had assisted in the kidnap of two of Muammar Gaddafi's Islamist opponents, who were flown to a Tripoli prison, along with their wives – one of whom was pregnant – and four children.

Lack Of Impartiality Of A Criminal Court: Defending Party's Legitimate Doubts Were Not Dispelled

in the case of Boyan Gospodinov v. Bulgaria (application no. 28417/07) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights The case concerned two sets of criminal proceedings which had led to the conviction of Mr Gospodinov, who complained that he had not been tried by an impartial court during the second set of criminal proceedings. Mr Gospodinov alleged in particular that the judges of the Stara Zagora Regional Court had not been impartial and that the second criminal case should have been tried by a different regional court because a civil action for damages brought by himself had been pending against the Stara Zagora Regional Court. The Court ruled that the Stara Zagora Regional Court, which had dealt with the second criminal case brought against Mr Gospodinov at first instance, had failed to meet the requirements of objective impartiality. It also noted that the higher-level courts had not redressed the infringement of the safeguard on fair criminal proceedings. The Court held that Bulgaria was to pay Mr Gospodinov 3,600 euros (EUR) in respect of non-pecuniary damage and EUR 1,500 in respect of costs and expenses.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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 Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, 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.