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MI5 Policy Allowing Informants To Commit Serious Crimes Ruled Lawful

Owen Bowcott, Guardian: MI5's partially secret policy that allows agents and informants to participate in serious crimes is lawful, judges have ruled by a 3-2 majority. In a 56-page judgment, the investigatory powers tribunal (IPT), which hears legal complaints about the intelligence agencies, declared that the guidelines do not breach human rights or grant absolute immunity to those who commit offences such as murder or torture. But the judgment is the first time the IPT has delivered dissenting judgments, both of which in this case are highly critical of the statutory framework surrounding the handling of agents. Many of the key arguments turned on the exploitation of informants within the IRA and loyalist paramilitaries during Northern Ireland's Troubles.

Opening the majority judgment, Lord Justice Singh, Lord Boyd and Sir Richard McLaughlin acknowledged: "This case raises one of the most profound issues which can face a democratic society governed by the rule of law." Crucial details of the guidelines specifying whether there are limits on such criminal activity remain secret. Part of the IPT hearing was held behind closed doors when the media and lawyers for the claimants were excluded. The tribunal has also published a secret or "closed" version of its final judgment. Explaining that the third direction guidelines are still not published in full, the majority judgment states: "For the reasons which are set out in our closed judgment, there is no more of the text of the guidelines which can properly be put into the public domain."

Responding to the decision, Maya Foa, Reprieve's director, said: "The IPT's knife-edge judgment, with unprecedented published dissenting opinions, shows just how dubious the government's secret policy is. Our security services play a vital role in keeping this country safe, but history has shown us time and again the need for proper oversight and common sense limits on what agents can do in the public's name." Iliia Siatitsa, legal officer at Privacy International, said: "Today, the investigatory powers tribunal decided that MI5 can secretly give informants permission to commit grave crimes in the UK, including violence. But two of its five members produced powerful dissenting opinions, seeking to uphold basic rule of law standards. As one of them put it, it is wrong to 'open the door to ... powers of which we have no notice or notion, creating uncertainty and a potential for abuse'. We think the bare majority of the IPT got it seriously wrong. We will seek permission to appeal to protect the public from this abusive secretive power." Daniel Holder, deputy director of CAJ, said: "The practice of paramilitary informant involvement in serious crime was a pattern of human-rights violations that prolonged and exacerbated the Northern Ireland conflict. Archival documents show that the unlawful nature of informant conduct here was known at the time and it appears policy since has been even more formalised. This close ruling is far from the end of the matter." Lawyers for the civil liberty organisations argued that what is known as the "third direction" - guidelines permitting agents to become involved in criminal conduct that were revealed in March 2018 - are illegal. The coalition of civil liberty groups that brought the challenge - Reprieve, the Pat Finucane Centre, Privacy International and the Centre for the Administration of Justice - announced immediately that they would appeal.

Family Wins Fight to Delete Child From Met's Anti-Radicalisation Records

Jamie Grierson, Guardian: A primary school-aged child has had details of their referral to the government's controversial anti-radicalisation Prevent programme deleted by the Metropolitan police following court action, the Guardian can reveal. Following a settlement that remains confidential, the child will see all relevant records deleted, including from the Prevent case management (PCM) database, the existence of which was revealed by the Guardian and Liberty in October. The referring authorities also agreed to correct and delete relevant records. As details of the case are disclosed, the Guardian can reveal that Counter Terrorism Policing Headquarters (CTPHQ), the Home Office and several police forces across England and Wales have refused to reveal how many individuals are on the database following requests made under the Freedom of Information Act.

Lawyers at Deighton Pierce Glynn (DPG), acting for the parents and the child, said their client feared the records could be used against them in the future, even though they were based on a mistake. The Met refused to give any reassurance that the records would not be used again in relation to the child and would not feature in any Disclosure and Barring Service criminal record checks against them as an adult. The legal team relied on the Data Protection Act and Human Rights Act to secure deletion of the relevant Prevent records. Without deletion, DPG said, the records would have been retained for at least six years under the police's national retention assessment criteria (NRAC) policy, which does not differentiate between records of adults and children.

Daniel Carey, partner at DPG, said: "The police's data retention policy - the national retention assessment criteria - fails to recognise the non-criminal nature of Prevent referrals and doesn't distinguish records relating to very young children, creating real concerns and worries for parents that these records will continue to affect them in later life. "My client's parents were concerned that it took a lot of legal action simply to erase Prevent records based on a clearly mistaken referral. There are obvious implications for the many other Prevent referrals made regarding schoolchildren and the effect that such enduring records may have on them in the future." DPG threatened the Met police with a judicial review and the force agreed to settle and delete the details before the case came to court. The Met declined to comment.

The stated aim of Prevent, a voluntary programme, is to divert people away from terrorism before they offend and crucially deals with individuals who have yet to cross the criminality threshold. Fresh figures on Prevent referrals released on Thursday revealed that there were 5,738 referrals in the year to March 2019, only 10% of which - 561 cases - led to the supply of specialist support. The rest left the process or were referred to other services, such as the education sector. The PCM database is managed centrally at CTPHQ. Prevent practitioners in police forces across the UK are able to enter referrals to Prevent into the database. External agencies, including the Home Office, which is responsible for MI5, are able to request information from the database. Individuals are not told that their details are being held.

In October, when the Guardian revealed the existence of the database, CTPHQ said it allowed them to be "accountable". The Guardian sent freedom of information requests to CTPHQ asking for the total number of individuals on the database, as well as the numbers of Prevent practitioners able to access it. The request was refused. Similar requests were sent to all police forces in England and Wales, asking to provide how many entries had been made. At least 23 of them have rejected the request, most citing the risk of identifying individuals as one of the key reasons. However, one force, Merseyside police, did provide the information. It created 660 individual PCM records but added that "several persons and institutions" had multiple records as they had been referred numerous times,

so the figure did not equate to individuals. The Home Office refused when asked to reveal how many times it had requested information from the PCM database. The CTPHQ's national Prevent coordinator, Ch Supt Nik Adams, said: "The public would expect us to keep records of people vulnerable to radicalisation, so that we can understand when risks increase, provide support and take action against the causes. This is especially relevant in the case of children, and our priority is to protect them as potential victims of extremists. "We take our responsibilities to protect people's personal information seriously and records are regularly updated and deleted when it is no longer necessary or proportionate to keep them."

Rosalind Comyn, Liberty policy and campaigns officer, said: "It's sheer hypocrisy for police chiefs to claim the Prevent database provides transparency and then refuse to answer basic questions about it. Thousands of people, including children, could be on this database because of what they're perceived to think or believe. As a bare minimum, the government and police must tell people they are on the database, what information is held on them and how it can be used. "This database isn't about keeping us safe – it's about keeping tabs on people. Those in power must stop shrouding Prevent in secrecy and shielding it from the robust independent review it so desperately needs."

CCRC Refers 2012 Murder Conviction of C. Hunnisett to Court Of Appeal

C. Hunnisett was tried at Lewes Crown Court in 2012 for the murder of Peter Bick. He pleaded not guilty and the Judge directed the jury on issues of loss of control, self-defence and diminished responsibility. C. Hunnisett was convicted of murder in May 2012 and sentenced to life imprisonment with a minimum term of 18 years. He tried to appeal against conviction in 2015 but were unsuccessful and applied to the CCRC later that year. He was transferred from prison to a secure hospital in 2018.

Having reviewed the case in detail, including having obtained and considered new psychiatric opinion, the Commission has decided to refer the case for appeal. The referral is based on new expert evidence suggesting that C. Hunnisett was suffering from paranoid schizophrenia at the time of the killing, that in the Commission's view raises a real possibility the Court will quash the murder conviction and replace it with one for manslaughter on the grounds of diminished responsibility. If the conviction is so replaced, the likely outcome is that the prison sentence for murder will be replaced with a prison sentence with a direction that C. Hunnisett be detained in hospital. Mr Hunnisett was not represented in his application to the Commission.

Death of Stephen Berry in Police Custody Could Have Been Prevented

The inquest into the death of Stephen Berry has concluded finding he died from the effects of alcohol withdrawal after being held in Northumbria police custody. The jury found symptoms of Stephen's physical ill health should have been treated as a medical emergency and that had medical care been provided then his death may have been prevented. Shocking evidence on the behaviour of police officers was also heard at the inquest, at which the family were represented by another bereaved family member. Stephen Berry was 43 years old when he died after becoming unresponsive in a cell at Washington police station. He had been held there for 27 hours, since 5pm on Thursday 28 March. Stephen spent a prolonged time in custody as the Friday was a Bank Holiday and the local court was closed until Saturday. He was pronounced dead in the Queen Elizabeth hospital in Gateshead at 12.39am on Saturday 30 March 2013.

His family were represented at the inquest not by lawyers but by another bereaved family member, after being unable to get through the protracted and painful application process for legal aid fund-

ing. Tracey McCourt and Stephen's daughter, Gemma, connected online. Tracey supported Stephen's family through the inquest and was recognised by the coroner as the family representative. She and the family were supported by INQUEST Head of Casework, Anita Sharma.

Stephen had a long history of mental ill health and alcohol dependency. He brought his daily medication and the instructions on when to take them with him to the police station. The inquest heard he was put in a cell monitored by CCTV and placed on observations which required him to be roused or spoken to every half an hour. However, there were a series of false entries and inaccuracies on the custody record when viewed against the CCTV footage. Throughout his first night in custody, Stephen was not visited or physically checked in any way for a total of four hours and 47 minutes. The following morning on Friday 29 March 2013, Stephen reported to custody staff that he was hallucinating and shaking and requested to see a doctor who prescribed him some additional medication. However, his health continued to deteriorate and by the afternoon he was behaving in an increasingly distressed and disoriented manner.

Evidence was heard that by 7pm, Stephen was sweating profusely and demanding to be released. In the period that followed, he was seen to be talking to himself and gesticulating with his arms. CCTV audio evidence was shown to the court which heard the conversations of the detention officers and police sergeant dismissing Stephen's ill health and instead calling him "barking", "fucking crackers" and a "fucking lunatic". The police sergeant spoke to Stephen through the hatch in the cell door at 7.26pm and was heard telling him "Listen you're not going to hospital, you're going to court in the morning." Evidence was heard that the sergeant said Stephen had asked to go to hospital, but he thought it was an excuse to leave custody. At 8.25pm the detention officer recorded in the custody record that Stephen was 'repeatedly banging on his cell door' and said that 'he can hear voices in his head and can see figures in his cell holding machine guns.' At this point force doctor was finally contacted to request a mental health assessment. However, the detention officer did not mention that Stephen was hallucinating, sweating or hearing voices. Stephen's condition continued to deteriorate. When the doctor rang back over an hour later at 9.46pm to check the urgency in attending the police station, the sergeant again did not mention any of Stephen's symptoms. When force doctor finally arrived at 11.28pm, three hours after first being called, Stephen was seen on the CCTV to be curled on the cell floor, rocking back and forth. Upon arrival, the doctor instructed for an ambulance to be called. The Independent Office of Police Conduct have announced that gross misconduct proceedings will be brought against two custody sergeants who were responsible for Stephen's welfare during his detention. However, both officers have left the police force since Stephen's death.

Gemma, Stephen's daughter said: "It's had a huge impact on mine and my family's life. My Nanna was dealing with it all previously, but she passed away in December three year ago and I promised her that I would keep fighting for justice for my dad. No-one should have been treated like he was in there. All the comments that were made towards my dad were totally disrespectful and unbelievable. He should have been given the chance to get taken to hospital when he asked to, instead of them dismissing him. He probably would have been still alive today."

Tracey McCourt, sister-in-law of Leonard McCourt who died in police custody, and representing Stephen's family at the inquest said: "Having been through the process myself of representing my family following the death of my brother in law Leonard, I know how difficult this process is. I knew it would open some old wounds for me, but I also knew I couldn't let Gemma do it on her own. It is an instinctive thing to do, as soon as you see someone struggling, I just have to help them. People say the inquest process in 'non-adversarial'. Well Gemma and I were up against three teams of state

lawyers trying to obstruct and manipulate the process at every step of the way. The lawyers for the police were hoping to intimidate us, but I am glad we stood our corner to ensure we got to the truth about what happened to Stephen. We would also like to thank the coroner and the jury who helped ensure that the failings that led to Stephen's death would be thoroughly scrutinised. We both hope that no family has to go through what we have had to."

Anita Sharma, Head of Casework at INQUEST said: "This inquest has shown a woeful lack of regard for the wellbeing of a man in crisis. The comments and inactions of the officers are disgraceful. Stephen was dehumanised and ultimately left to suffer by those who owed him a duty of care. It is shameful that a bereaved family has had to represent another bereaved family at this inquest, a process which is inevitably retraumatising. Meanwhile they faced state bodies and representatives with unlimited access to public funding for experienced legal teams and experts. There must be automatic non means tested public funding to ensure families have immediate access to legal representation following a state related death."

Prison Officers Association Fined £210,000 For Unlawful Strike Action

The Secretary of State for Justice seeks an order of appropriate penalty against the Prison Officers' Association ("the POA") under CPR 81, for alleged civil contempt by reason of disobedience of a court order. No order of committal is sought against any named individual. The application notice for contempt was issued on 19 July 2019 (though it was not sealed until 7 October 2019) and was served directly on the POA's solicitors, with supporting material, on 3 September 2019. The order alleged to have been breached on two occasions is a permanent injunction ordered by Jay J on 19 July 2017 ("the Injunction"), after a contested trial, prohibiting the POA from inducing, authorising or supporting any form of industrial action by a prison officer. We set out the relevant terms of the Injunction later in this judgment.

The Secretary of State contends, and the POA does not dispute, that, on 14 September 2018, the POA induced national strike action by prison officers; and on 21 February 2019, the POA supported industrial action by prison officers at HMP Liverpool. It is also the case that the POA accepts that the two incidents referred to amount to breaches of express terms on the face of the Injunction. Nor does the POA contend that it was unaware of the terms of the Injunction imposed on it.

As Mr Stephen Gillan, the General Secretary of the POA explains in his evidence and we accept, the POA plays an important and significant role in facilitating and maintaining good industrial relations. It represents just over 30,000 dedicated, hardworking prison officer members across 122 prisons in England and Wales. It is well documented that, while the prison population has been growing and continues to grow, the number of prison officers is falling. Mr Gillan refers to the annual report for 2019 of HM Chief Inspectorate of Prisons for England and Wales (referred to as "HMCIP"). The opening paragraph of the report's introduction reads: "... far too many of our jails have been plagued by drugs, violence, appalling living conditions and a lack of access to meaningful rehabilitative activity... Overall, levels of self-harm were disturbingly high and self-inflicted deaths tragically increased... .."

However we were also struck, as in previous years, by the extraordinary dedication of those who work in our prisons. Their work is difficult, often dangerous, largely unseen by the public and, as a result, little understood. Many worked through a period in which reduced resources, both in terms of staff and investment, made it extremely difficult to run some of our jails. Many are new to their jobs and deserve as much support as possible as they gain experience and grow into their roles in an environment where, in too many establishments, drug-fuelled violence remains a daily reality."

Conclusion: For the reasons we have given, we find the breaches of the Injunction alleged in the application notice are proved beyond reasonable doubt. The POA, having notice of the Injunction: i) Induced national strike action on 14 September 2018; and ii) Supported and induced strike action at HMP Liverpool on 21 February 2019. The Injunction was lawfully made; its terms are in accordance with s.127 of the 1994 Act; and the POA is bound by its terms. The breaches were serious. We grant the order for appropriate penalty made by the Secretary of State for Justice against the POA and impose a total fine of £210,000. We invite the parties to agree the terms of a consequential order in light of this judgment. Finally, we record our thanks to the parties and their respective legal teams for the assistance they have provided and the focus and clarity of their submissions.

Jailed For 17 Months for Sending £35 to Islamist Fighters in Syria

Lizzie Dearden, Independent: A former beauty queen has been jailed for sending £35 to Islamist fighters in Syria. Amaani Noor "married" a man she had never met over the internet and was planning to join him when she was arrested. The 21-year-old was found guilty of funding terrorism after a court heard she supported violent jihad and sharia law. Noor was jailed for 18 months on Friday, while co-defendant Victoria Webster was sentenced to 17 months for encouraging her and funding terrorism. Greater Manchester Police said both women held extremist views and had expressed support for Isis and Islamist group Hayat Tahrir al-Sham.

Noor, a former performing arts student, previously entered beauty competitions and became a finalist in the Miss Teen Great Britain pageant in 2014. She told Liverpool Crown Court she had become increasingly religious after her relationship with a Premier League footballer in the "public eye" ended when she was 18. She initially underwent a religious wedding ceremony with a Muslim preacher at her home in Wavertree, and they planned to move to Saudi Arabia before the marriage failed.

The court heard that Noor then started discussing extremist organisations with people she met on the internet, including 28-year-old Webster, a mother-of two. Webster gave Noor the details of an organisation called The Merciful Hands, claiming that a fighter in Syria was struggling with debt during Ramadan and needed money for food and supplies. Noor made a \$45 (£35) donation using the name Margaret Allen to the group via Paypal, in May 2018. Webster made two payments totalling \$60 (£46) between April and August 2018. She pleaded guilty to two counts of providing money for purposes of terrorism and one count of inviting Noor to do the same.

Greater Manchester Police said although The Merciful Hands claimed to be an aid organisation, "evidence indicates is supporting the proscribed organisation Isis". Police found footage of Isis fighters torturing and executing prisoners on both Noor and Webster's phones. Noor claimed she gave the money believing it would be used to buy food for women and children in Syria, but prosecutors said she knew it may be used for terrorist purposes. Noor accepted that some of the views she expressed in them appeared "harder" than views of Isis, but claimed she wanted to find out about the organisations to decide whether to support them. The court heard she "married" her new husband, who communicated with her on the Telegram app using the name Hakim My Love, in a video-link ceremony on her 20th birthday.

Telegram, an encrypted messaging platform, became one of the main hubs for international communications by Isis and other jihadi groups in the Syrian civil war. In one message to Hakim, Noor wrote: "It's been my dream to marry a fighter for a long time and my dream to be a fighter myself even longer lol." Hakim told Noor that he knew the person behind The Merciful Hands

account and he was a good friend. Webster, of Nelson in Lancashire, described the group Noor's husband fought for as Isis in one message. But Noor claimed he described himself as an "independent" fighter in Syria and she believed he was fighting for Islam and sharia law. She had planned to join him and on the day police searched her house she had a ticket booked to Turkey. David Gottlieb, defending, suggested Noor's failed relationships may have led to the offences and "sent her spinning out of the solar system". He said she was in a new relationship and her fiancé was in court, along with her brother and mother. Hossein Zahir, defending Webster, said she was "on a path to reform" and added: "The ideology she thought she believed in has left her life in ruins." Noor, who ran an online jewellery business, had never met Webster or her "husband" in person but communicated them with on Telegram.

When she was convicted, judge Andrew Menary QC told the jury: "It's a sad case. You have had an insight now into this very murky and challenging world that some people occupy online where people speak casually about some pretty awful things that are going on. A moment's glance online will tell you Miss Noor was in a relationship with someone in the public eye. That person was a professional footballer so her life undoubtedly at some point changed dramatically. Detective Superintendent Will Chatterton, of Counter Terror Policing North West, said online messaging by The Merciful Hands "made clear their intent to send weapons and equipment to terrorists fighting in Syria. The abhorrent footage and messages found upon both Noor's and Webster's phones clearly showed both to be sympathetic to terrorist organisations. While the amounts of money sent were relatively small, the intent of Noor and Webster was clear – to support and further the aims of terrorists fighting in Syria. I hope the sentences send a clear message that we gather evidence and pursue prosecutions against anyone who seeks to engage with and support any form of terrorism."

INQUEST: Truth Justice Accountability - End of Year Newsletter 2019

Dear friends of INQUEST, I would like to extend a huge thank you to everyone who has worked alongside us this year. Thanks to all the wonderful families we work with, our funders, members of the INQUEST Lawyers group and the phenomenal INQUEST staff team. From families bereaved after deaths in custody and detention, Hillsborough and Grenfell, it is their passion and determination, standing together in solidarity and building a community in the pursuit of accountability and meaningful change, that has led us through this busy and challenging year. INQUEST have worked tirelessly to transform and politicise the investigation of contentious deaths and uphold the rights of bereaved people in the pursuit of truth, justice and accountability. Now more than ever, we will stand strong defending human rights and access to justice and against the politics of othering, the demonising of minorities and the hostile environment. In the coming year, INQUEST will continue to give a voice to those who the state would rather silence. We will fight for a society that protects the human rights of all its citizens, particularly the most powerless and marginalised and for a more just and humane world. INQUEST will continue to campaign for our key demands, #LegalAidforInquests, an independent public body to audit, monitor and follow up action taken in response to recommendations from inquests and inquiries, and the implementation of Hillsborough Law, alongside our policy recommendations on prisons, policing, mental health, learning disability and Grenfell. We have a number of exciting and innovative projects with our growing network of family campaigners, led by the Family Reference Group. We will also be planning for 2021 when INQUEST will be celebrating our 40th anniversary. Our independence from government is

vitaly important to us. Our core work is supported by trusts, foundations and donations. Please continue to support our work in whatever way you are able to and help us continue to support hundreds of families bereaved by state related deaths each year. We know this time of year can be particularly difficult for people who have experienced the death of a loved one. Please look after yourselves. On behalf of the INQUEST team we wish you all a peaceful time over this holiday period. Deborah Coles, Executive Director of INQUEST.

Honduras Prison Crisis: Inmates Killed In Fresh Violence

Inmates, some with firearms, rioted at a prison in Honduras on Friday 21st December 2019, killing at least 18 people and injuring 16 others, authorities said. The violence, which occurred in Tela in the Atlántida region on the Caribbean coast, came several days after Honduras declared a state of emergency in its prison system. The measure suspended civilian leaders in prisons and replaced them with a special commission led by military and police officers. However, the transfer of control to the special commission had not been completed when the riot broke out at the Tela prison, said José Coello, a spokesman for the new prison command system. The military and police takeover of prisons in Honduras is scheduled to last six months. Authorities want to use that time to root out corruption and violence in the prison system.

At least 18 inmates have been killed in a fight between rival gangs at a Honduran prison, less than two days after deadly violence at another jail. Officials said guns, knives and machetes were used in the fight on Sunday at El Porvenir prison east of the capital, Tegucigalpa. There has been a wave of prison violence in Honduras, where prisons are notoriously overcrowded. The government declared a state of emergency in the prison system last Wednesday, transferring control to security forces. President Orlando Hernandez made the decision after five members of the MS-13 gang were killed while in detention.

It was not immediately clear what had triggered the outbreak of violence at El Porvenir prison, but government security official Luis Suazo said gangs there were trying to "reverse this process" of intervention. At least two other inmates were injured, officials added. "The dead and wounded were attacked with bullets and sharp weapons," said Lt Antonio Coello. Honduran prisons house more than 20,000 inmates, despite only having capacity for about 8,000. Fights are common, as rival street gangs vie for control.

No Safeguards for Immigration Detainees in the Prison Estate

Background: On 20 December 2019, Mr Justice Supperstone dismissed our clients' judicial review claims challenging the absence of equivalent safeguards to Rules 34 and 35 of the Detention Centre Rules for immigration detainees held within the prison estate. The principal issue in this claim is whether the scheme governing the detention of immigration detainees held in the prison estate is unlawful. This is due to the fact that it fails to provide an equivalent protection to that contained in Rules 34 and 35 of the Detention Centre Rules 2001, which are part of the scheme that applies in Immigration Removal Centres, governing the detention of immigration detainees. We represented both lead claimants, MR and AO. MR is a Pakistani national born on 17 February 1982. He claims to have been the victim of ill treatment by a "notorious gang" in Pakistan and a victim of torture. He has made an asylum claim which remains outstanding.

AO was born in Nigeria on 1 November 1989. He claims to have been ill treated by members of Boko Haram in Nigeria and to be a victim of torture. He too made an asylum claim. That claim was dismissed on 29 March 2017. On 27 March 2019 his appeal against that decision was

dismissed by the First-tier Tribunal. On 9 May 2019 he was refused permission to appeal by the First-tier Tribunal, and on 19 June 2019 he was refused permission to appeal by the Upper Tribunal. We continue to be of the view that the absence of these critical safeguards in prison is unlawful and will be seeking permission to appeal this decision to the Court of Appeal.

Case Summary: MR and AO were the lead claimants to a judicial review challenge that argued that there is a lacuna in the scheme governing the detention of vulnerable persons, detained under immigration legislation within the prison estate, when compared with those detained in Immigration Removal Centres (IRCs). IRCs are governed primarily by the 2001 Detention Centre Rules. Rules 34 and 35 of the 2001 Rules provide a mechanism intended to identify victims of torture and mentally unwell persons through prompt physical and mental examination of all detainees, and the reporting of detainees with particular vulnerabilities. This is intended to, among other matters, facilitate the release of detainees in appropriate circumstances. Whilst Rule 21(1) of the Prison Rules 1999 (which governs the detention of immigration detainees held in the prison estate), provide for doctors to report to the SSJ on any prisoner whose health is likely to be injuriously affected by imprisonment, there are no equivalent safeguards within the prison rules that require doctors to report to the SSHD (responsible for immigration detention) on any prisoner suspected to have suicidal ideations or who may have been a victim of torture.

It was argued by the claimants that the absence of equivalent safeguards in the Prison Rules was unlawful for the following reasons: There is inherent unfairness/unreasonableness in the failure to put in place an equivalent mechanism to Rules 34 and 35 in the case of immigration detainees held in prison. That this amounts to unlawful discrimination in breach of article 14 of the European Convention on Human Rights; and It is an unlawful breach of the Equality Act 2010. In addition to this challenge, AO had a discreet unlawful detention claim challenging his detention on Hardial Singh grounds, on the basis that he was kept in detention after having obtained a rule 35 report, when briefly transferred to an IRC. Additionally, he also had an asylum appeal pending meaning that he could not be removed within a reasonable timeframe. He also argued that his detention was unlawful on the basis that the defendants had unreasonably delayed in finding him Approved Premises accommodation, after the First-tier Tribunal had granted him immigration bail. The parties came before Mr Justice Supperstone for a two-day hearing on 25 and 26 June 2018, and owing to further post-hearing pleadings and evidence relating to AO's individual claim, a further one-day hearing was listed and heard on 22 November 2019.

Outcome: Mr Justice Supperstone handed down a judgement this month in which he dismissed all of the claimants' grounds of challenge. He agreed with the defendants in distinguishing between individuals entering immigration detention in IRCs and those who enter immigration detention in prisons, on the basis that relevant medical information is likely to be known by the SSHD, from information sharing during their criminal sentence. This was despite the claimants' evidence that the defendants were not aware of, in particular, that both claimants' were victims of torture. Mr Justice Supperstone also agreed that these individuals were more likely to have their detention justified, notwithstanding their vulnerabilities, due to their criminality. We are very disappointed by the judgment and maintain that there are strong legal arguments that the absence of safeguards in prison is unlawful. We will be pursuing an appeal to the Court of Appeal.

Sulaiha Ali comments on the judgment: "This is a bitterly disappointing judgment for all vulnerable detainees in prison. We continue to argue that safeguards for vulnerable detainees should apply irrespective of the location where they are detained. In particular, we stress the importance of Rule 34 and 35 of the Detention Centre Rules 2001, in that it leads to an automatic review of detention by the SSHD. As the claimants' cases demonstrate, vulnerable

detainees are languishing in prison for months after their criminal sentence concludes but struggle to evidence their vulnerability to decision makers."Representation: Hugh Southey QC of Matrix Chambers and Raza Halim of Garden Court Chambers, were instructed in this case by Toufique Hossain, Sulaiha Ali, and Philip Armitage of the Harrow based Public Law department of Duncan Lewis Solicitors.

Family of Man Shot By Soldier in 1972 Win Leave For Judicial Review Of Inquest Verdict

Scottish Legal News: Thomas Burns, a father-of-four, was shot as he left the Glenpark Social Club in north Belfast on 12 July 1972 and he died from the gunshot the following day. Belfast firm Harte Coyle Collins, acting for his daughter Patricia Burns, applied to the Attorney General for Northern Ireland for a fresh inquest in 2015. Further submissions were made by the solicitors in 2019 in relation to the verdict of misadventure found by inquest jury in April 1973, but Attorney General John Larkin QC subsequently refused a fresh inquest. The family sought leave from the High Court to challenge the Attorney General's decision by way of judicial review and a hearing date for leave has been fixed for 9 January 2020. Patricia Coyle, solicitor for the Burns family, said: "The 1973 inquest verdict of misadventure regarding Mr Burns' killing is incorrect in fact and in law. The Attorney General has accepted this in correspondence. "However he maintains that there is no usefulness in a fresh inquest. Given the new evidence contained in the HET Review, this cannot be either correct or appropriate. We are asking the High Court to review the fairness and reasonableness of the Attorney General's decision to refuse a fresh inquest in the face of compelling new evidence and legal arguments. The shooting of Thomas Burns was a mindless assassination, not an accident or a reaction. The rule of law must apply and be upheld."

Protect Kevan Thakrar From Racist Violence

Incarcerated Workers Organising Committee: This evening prisoner Kevan Thakrar called to inform IWOC that a known racist attempted to take his life this afternoon. Kevin McCarthy stabbed Kevan more than four times while Kevan was at the food servery. He used a wooden shank and shouted "die, die, die!" whilst stabbing Kevan. Kevan has four puncture wounds on his back and bruises and scratches after also being hit on the head. Kevin walked past two prison officers neither of whom intervened to prevent or stop the attack until Kevan turned round to defend himself. Even then, no officers put their hands on Kevin or restrained him. No alarms were pressed/no shouting for help. Kevin McCarthy actually walked back into his own cell and locked himself in. The prison failed to take him to hospital but he was treated by two nurses on the wing. This is the second attack Kevan has experienced in HMP Full Sutton in recent months. Kevan's solicitor had raised a complaint about Kevin McCarthy prior to Kevan being moved onto the CSC because Kevin has perpetrated racist attacks against other prisoners before.

Kevan is shaken and in need of support to demand the prison move him to a safer location and take action to stop further racist attacks on his life. Feel free to use your own words as well as the sample scripts below. Hello, I am calling on behalf of Kevan Thakrar who is currently in the CSC at HMP Full Sutton. Kevan was stabbed four times yesterday by a known racist prisoner. Two prison officers were present and did not act to prevent or stop the attack until Kevan turned around to protect himself. This is the second attack Kevan has experienced in HMP Full Sutton in recent months and yet he is still held in the CSC. I am really concerned about Kevan's safety in the CSC and I am calling to demand that he is moved out of the CSC and to a safer location immediately.

Letter template: I am writing as a concerned community member on hearing of a physi-

cal attack against Kevan Thakrar (A4907AE) that occurred on the 23rd December at the Close Supervision Centre, HMP Full Sutton. As I understand it, two prison officers were present and did not act to prevent or stop the attack until Kevan turned around to protect himself, the officers did not restrain the person attacking Kevan and no alarms were raised.

This is the second attack Kevan has experienced in HMP Full Sutton in recent months. Kevan has made complaints about threats of violence from known racist prisoners but no action has been taken. The person who stabbed Kevan is known to have racist views, and shouted 'die, die die' while stabbing Kevan. Kevan's solicitor had raised a complaint about the person who stabbed Kevan before Kevan was moved onto the unit, as this person has made racist attacks on others. In addition I believe that Kevan has not been seen by a Doctor and the person who stabbed Kevan remains on the same unit as him.

I am extremely concerned about Kevan's safety and wellbeing in the CSC. Kevan has PTSD and these acts of violence add further traumas and I imagine he must be fearful for his life. The environment created in the Close Supervision Centre makes it more likely for these acts of extreme violence to occur, and Kevan is at risk of further attacks there.

As per the Adult Safeguarding in Prison policy (National Offender Management Service 2016) Point 1.5 states that 'All adult prisoners are protected from abuse and neglect, and prisons effectively discharge their duty of care towards them. Reported incidents of abuse and neglect are managed appropriately'. I am urging you to move Kevan out of the CSC and to a safer location immediately in order that HMP Full Sutton adhere to their policy obligations.

Write/Phone/Email: Governor Gareth Sands HMP Full Sutton phone 01759 475100

Keep Kevan updated with all your actions by letter to:

Kevan Thakrar, A4907AE, HMP Full Sutton, Stamford Bridge, YO41 1PS

Two Northern Ireland Women To Get Abortion Costs Compensation

Henry McDonald, Guardian: A mother and daughter from Northern Ireland who were forced to travel to England for an abortion are to be compensated by the government over their costs. The European court of human rights has instructed the government to reimburse the women for the cost of travel and the termination at a private English clinic seven years ago. Known only as A and B, the pair began legal proceedings after they were forced to raise £900 to make the trip for A to have the termination. Northern Ireland was up until recently the only part of the UK where abortion was illegal except in extreme circumstances, such as a direct threat to a mother's life. In July the Labour MP Stella Creasy introduced legislation through the House of Commons that will ensure regulations for free, legal and local abortion services in Northern Ireland by 31 March 2020. In their battle for compensation A and B pursued an application to the European court of human rights, claiming that forcing them to pay for a termination in England breached their rights to a private life under article 8 of the Human Rights Act and article 14 in terms of discrimination. As a result of a written decision by the ECHR published on Thursday 19th December 2019, the pair will not only receive the full costs of the treatment and travel but also their legal costs in the case. Angela Jackman, a partner at A and B's lawyers, Simpson Millar, said: "A and B's application to the European court has finally resolved through a friendly settlement between the parties. Terms include payment of compensation by the UK government to A and B, and a contribution towards their legal costs. "This is a very important case, which proved instrumental in raising widespread awareness of the discrepancy in access to NHS-funded abortion services for women in Northern Ireland." Jackman, who is also senior law lecturer at the City Law School, added:

"A and B's tenacity in pursuing litigation for over six years is deeply commendable and they have appreciated the consistent support they received throughout. "Of course, they are relieved that after almost seven years they are finally able to have closure on these difficult issues. " Emma Campbell, the co-convenor of the Northern Ireland-based Alliance For Choice campaign group welcomed the decision to compensate the two women. She said compensation should be followed by a "general state apology" to the thousands of women in the same predicament as A and B over decades in Northern Ireland. On whether more Northern Irish women might now come forward seeking compensation as well for being forced to travel to England for private non-NHS terminations, Campbell said: "A and B went through a long hard battle in the courts but if other women did come forward looking for compensation then we would put them in direct contact with the proper legal representation." A and B were only able to afford the treatment and travel costs due to the extra financial support of the charity Abortion Support Network.

CoA Allows Appeal Against Sentence In Operation Silk Serious Sexual Offending

Erim Mushtaq was instructed as junior counsel for AJD in Operation Silk, which was the third operation of its kind arising out of the historical grooming offences in and around the Oxford area. AJD appeared in Operation Silk trial 2. Erim Mushtaq represented the appellant, AJD, and successfully appealed against the minimum term of the sentence imposed following trial by HHJ Ross at the Crown Court at Oxford. The Court of Appeal [Lord Justice Fulford the Vice President of the Court of Appeal, Criminal Division, Mr Justice Edis, Mrs Justice Steyn DBE] accepted the submissions that the sentence imposed was manifestly excessive and reduced the minimum term from 20 years to 15 years. This case raised significant issues regarding the meaning of 'grooming', 'submission' and 'consent' in the context of these types of historical cases. In addition, this case highlighted the particular difficulty faced by judges when dealing with defendants already serving indeterminate sentences. Only AJD's appeal was successful from Operation Silk.

88% Of UK Public Thinks 'Effective' Human Rights Should Protect Everyone

An overwhelming majority of people living in the UK believe human rights laws must protect everyone equally to be effective, an opinion poll commissioned by charity EachOther has found. 88 percent of people surveyed agree with the statement that "rights, laws and protections must apply to everyone equally" in order to be effective – a 10 percent increase on four years ago. Only seven percent of respondents disagreed with this idea, down from 11 percent in 2015. Support for universal human rights appears to be high no matter which of the leading parties those surveyed intend to vote for on It is strongest among the Greens (100 percent), Lib Dems second (95 percent) and the SNP third (92 percent). Labour and Conservative voters are in joint fourth place (91 percent), and the Brexit Party is last at 86 percent.

Serving Prisoners Supported by MOJUK: Giovanni Di Stefano, 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 Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, 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, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.