



Criminal Justice & Human Rights Update: 2015

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Hearsay

The court must apply the principles set out in *Al-Khawaja v UK* (2009) 49 EHRR

Horncastle -V- UK (2015) 60 EHRR 31

- Untested statements of absentee witnesses
- “Sole or decisive” test
- Fear
- Alternatives
- Corroboration
- Question of fact *R v M* [2014] Crim. L.R. 823 CA

Confessions [Article 6]

-Admission into evidence

- PACE 1984 76, 76A – Code C.
- *Ibrahim -v- UK The Times*, February 2 2015
- Use of Statements at trial against a Defendant, taken when he/she was a witness
- Criteria for admission
- Denial of access to legal advice
- Incorrect form of caution
- Criteria for admission
- **Considered** *Salduz -v- Turkey* (2009) 49 EHRR 19



Open Justice

[Reporting Restrictions]

- *Re Guardian News & Media Ltd* [2015] 1 Cr. App. R. 4. CA.
- A fundamental principle
- National Security
- *R (Wang Yam) v Central Criminal Court* [2015] 1 Cr. App R. 10 DC
- Non communication
- Post trial
- See also *Bank Mellat v HM Treasury* (No 2) [2014] AC 700 re Court of Appeal sitting ex parte.
- Practice Direction (Criminal Proceedings: Various Amendments) [2015] 1 WLR 1643 Lord Thomas CJ

Sentencing

- Mandatory Life Sentences
- The need for there to be a review position
- *Hutchinson v UK The Times*, February 5 2015

Approving A-G's Reference (No 69 of 2013) [2014] EWCA Crim 188

Personal Data

- Status of personal data held by Police
- R (Catt) v Association of Chief Police Officers of England and Wales & Northern Ireland. (Equality & Human Rights Commission intervening) [2015] 2 WLR 664

Juries

- Jury interference
- Police Officer
- *Hanif* [2014] EWCA Crim 1678
- Challenged evidence
- Acquaintance
- Jury directions and judicial warnings insufficient

Vital to ensure juries are not bias or give the appearance of bias.



Assisted Dying

- Assisted Dying (No2) Bill 2015
- *R (on the application of Nicklinson) -v- Ministry of Justice*
[2014] UKSC 38



HUMAN
RIGHTS
FOR ALL



EUROPEAN COURT
OF HUMAN RIGHTS



abilities, ...
can make use
ment in a company
ing people
director
human 'right noun [usually pl.] o
that everyone has to be treated fa
way, especially by their governm
poor record on human rights abuses/
rights
-ble /'hambɪ/ /'hambɪəkt
-bler /'hambɪəkt
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Other Developments in Brief

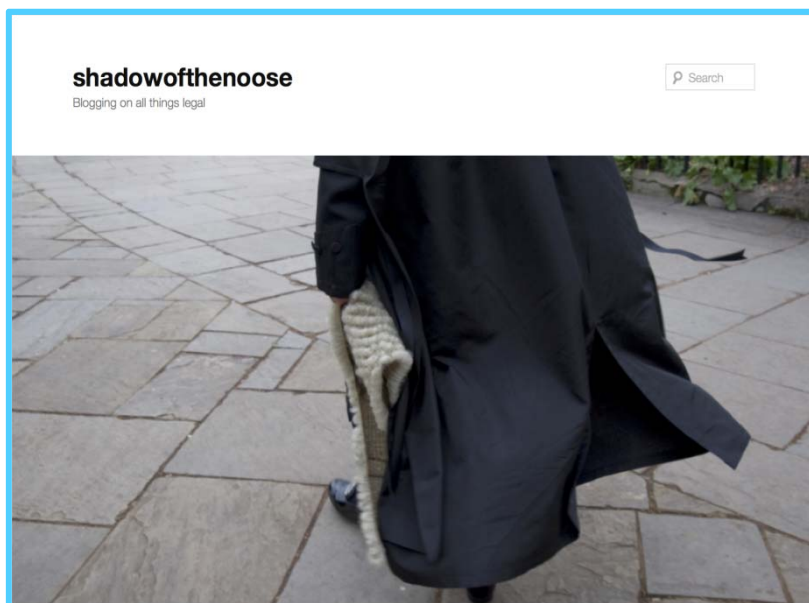


Conclusion

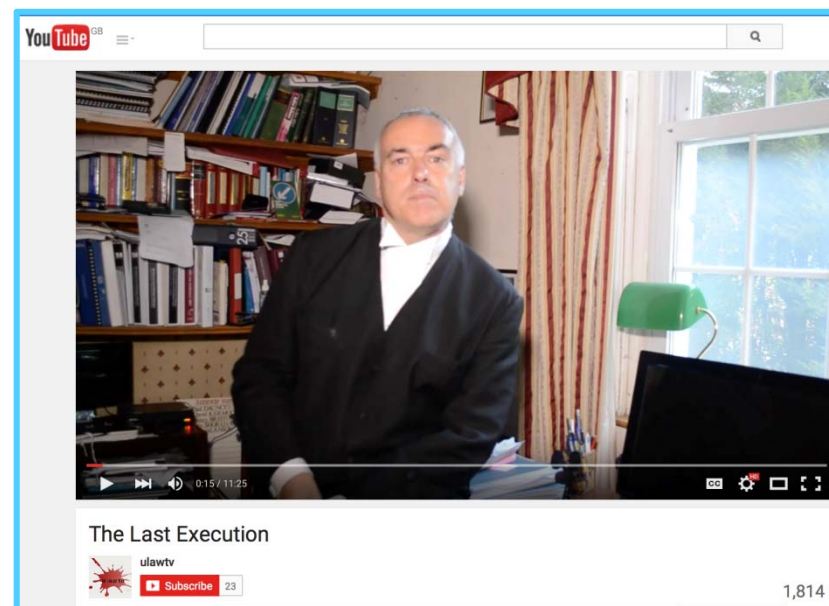
- UK Courts not bound to follow ECHR
- *R (Harkins) v Secretary of State for the Home Department* [2015] ACD 33 DC

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