



Press release – for immediate release

Today, the Government will lay temporary legislation extending custody time limits by 56 days for all new Crown Court cases from 28th September. These measures will remain in place for nine months.

Custody Time Limits safeguard unconvicted defendants by preventing them from being held in pre-trial custody for an excessive period of time. Custody Time Limits can already be extended on an individual basis due to illness, absence, the need for separate trials or some other good or sufficient reason. Indeed, a Coronavirus Crisis Protocol for the Effective Handling of Custody Time Limit Cases has been in place since April. Considering each case individually, the CPS and judges have been considering the court in which the trial is listed and all possible measures to enable the trial to be heard as soon as possible.

We are therefore extremely concerned that this measure will create a blanket extension of detention for all those remanded in custody, irrespective of their circumstances. The right to liberty is protected by Article 5 of the European Convention on Human Rights. This requires the question of whether continued detention is justified or necessary to be decided on the circumstances of each individual case.

We remain disappointed that six months on from courts closing due to the Coronavirus pandemic, the backlog of Crown Court trials continues to rise when measures could have been taken far sooner to get trials running again. While a package of measures to ensure safe trials was announced yesterday, and an increasing number of jury trials are taking place, these steps do not go far enough and come too late.

JUSTICE has tested fully remote jury trials, where all participants join the virtual court via video, with the hearing livestreamed to a virtual public gallery. This uses a video platform already utilised in the courts and which can be accessed from home computers, with jurors joining together in a local community, socially distanced hub. Independently evaluated by academic experts and through feedback from participants, we consider that the tests have shown the virtual trial to be fair, even improving how well participants can see and hear each other. While not suitable for all cases, we believe this provides one route to trial for simple Crown Court cases.

JUSTICE Director, Andrea Coomber, said:

“At a time when coronavirus infections are again rising in the UK, the Government should be doing everything possible to enable trials to be heard – to end the long periods remanded defendants have already spent under severe prison conditions and the uncertainty victims and witnesses face awaiting trial. Extending custody time limits sends a message that Government is not prioritising the administration of justice during this crisis.”

Notes to Editors:

1. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk

2. Further information about the JUSTICE mock virtual trial is available on our [website](#). The academic evaluation concludes: “It is in the view of the authors that HMCTS should seriously consider the benefits of this format for restarting criminal jury trials, in order to deal with the significant backlog facing the criminal justice system.”

3. Some mock juror participants who were asked to provide feedback following the test commented as follows:

Professor of law at the University of Glasgow, James Chalmers: *“Having been very sceptical of the possibility of a jury deliberating electronically, I found myself converted by the set-up trialled by JUSTICE – the software worked very effectively and enabled jurors properly to evaluate the evidence and deliberate on it.”*

Patricia Hitchcock QC, Recorder of the Crown Court: *“I was impressed with how much better my view of all the participants was than it usually would be for a juror in court, and by my ability to hear everybody involved.”*

Professor Richard de Friend, former Director of the College of Law said: *“The overall organisation was highly disciplined, tightly timetabled and structured – far more so than was the case when I was a juror in a real trial.”*

Shami Chakrabarti, former Director of Liberty and Shadow Attorney General: *“I approached your experiment with some scepticism... I had a good and close view of everyone, far better than had I been in a physical court. Crucially the defendant’s “box” was not a “virtual dock” but a simple visual square like all the others. I have no doubt that this will have contributed to a greater psychological “equality of arms” between him and the key prosecution witnesses in particular.”*

4. The European Court of Human Rights decided that continuation of detention must be assessed on the circumstances of each individual case in *McKay v UK* (2007) 44 EHRR 41 at [45].
5. Please direct queries to Jodie Blackstock, Legal Director at jblackstock@justice.org.uk