**Note of Judgment**

**R (JM and ors) v Secretary of State for the Home Department**

There are before the Court four applications for JR by claimants who at various times were placed in the DFT system for assessing their asylum claims. They sought in the earlier part of this year judicial review and relief stopping the processing of their asylum claims in the DFT essentially either because they should not have been placed in that fast track at all or by reason of information that’s coming to light once they were placed there they should have been taken out of it properly applying the policy that was in place at the time.

The four claimants were one of a larger group of judicial review claimants where permission was granted and pursuant to a case management hearing conducted by Master Giddens earlier this year the groups of cases were divided into two – one was called generically the Helen Bamber cases and the other called the equality and trafficking cases. These four claims were identified as lead cases for the HB cases. The court has been informed there are 21 other cases within that group whose claims have been stayed pending resolution of the lead group.

The position of the defendant changed between the summary grounds of defence and the detailed grounds of defence that was served pursuant to the time table of these orders. But by the time shortly before the hearing of these cases there had been no skeleton argument indicating current position. Late on the 29 June 2015 the Court was informed of proposals for settlement indicated by the defendant which accepted that the processing of each of the claimant’s case in the detained fast track had been flawed, each of claimants had been unlawfully detained for the period before they were eventually released. The proposed orders were not accepted by the claimants but it was indicated when the matter did come before the court that they provided a sensible basis for discussions between the parties that could result in agreement for orders and a statement of reasons. And parties asked the court for further time to address those discussions

At 4 pm on 30 June – more time was needed. The parties had anticipated that court orders could be before Court for approval by 2 July. The Court was also informed that it was anticipated that there was a ministerial statement but the timing was dependent non the house’s allocation of business. In fact, a statement was made in the House of Commons yesterday by the minister of state for immigration and it was reported in the media and I have been provided with a copy of that statement. That statement indicates that the DFT process is suspended as examination will be given to better means to ensuring fairness for vulnerable people in that system.

This morning before the Court resumed I was provided with a draft consent order agreed by the parties and an agreed statement in support of the consent order. There was some time to consider it and I raised with the parties in terms of the tracked changes amendments a couple of issues of concern and suggested amendments.

I have heard short arguments in which Ms. Harrison and Ms. McGahey are at one that it was considered unhelpful for changes that I have proposed to make to be inserted as the matter had been considered at a high level and that would undo the negotiations and would require further consent.

I entirely acknowledge that the very problem in this case was the application of too rigid an approach to policy following previous consideration of the legitimacy of the DFT in a judgment of Mr. Justice Ouseley known as *Detention Action 1* given on 9 July 2014 with neutral citation [2014] EWHC 2245 (Admin). This morning I have also been provided with the order that was made after further argument in this case in which it was declared as follows:

*It is declared that as at 9 July 2014, the manner in which the DFT was being operated, as set out in the Judgment, created an unacceptable risk of unfair determinations for those vulnerable or potentially vulnerable applicants, referred to in paragraphs 114, 198, 221 of the Judgment, who did not have access to lawyers sufficiently soon after induction to enable instructions to be taken and advice to be given before the substantive interview and was to that extent being operated unlawfully.*

It is clear that the parties used ‘vulnerable or potentially vulnerable’ from this order.

The second paragraph in this declaration I am invited to make by consent reads as follows:

*In paragraph 1 above “vulnerable” or “potentially vulnerable” individuals include but are not limited to asylum seekers who may be victims of torture, significant ill-treatment, human trafficking, or may be suffering from mental disorder or other physical or mental impairment which may affect their ability to present their claims in DFT.*

I assert in that order very little information as to how a person would be decided to be vulnerable or potentially vulnerable. In the discussions which follow, my first thought was to reflect the principles of the DFT whilst no objective evidence could be obtained at stage of admission into the scheme, some threshold of reasonable suspense was appropriate. In the course of discussions, it seems to me that ‘there were indicators’ was sufficient to give some explanation of how they fell in that category because the whole point is to keep out of it cases which are more complex and cannot be quickly investigated and may require further evidence to be obtained before a fair assessment of their claim can be made

Despite my concerns as to the wording of para 2 I am assured that that has been very carefully considered by both parties and it would be unfortunate for the Court’s concerns to mess up the process of negotiations and careful discussion. I am persuaded to not insist on the changes I was proposing. I hope this judgment provides explanation.

The reason for Court’s concern about the precise terms of the order because quite clearly although these settlement conclude matters regarding these four applicants, there are 21 other cases that need to be considered and case managed. Others will also need to know where they stand in the present standing claim.

The parties having spent the last three days looking at the matter in greater detail did reach a statement of reasons in support of this order. I propose to read into this record.

**Statement of Reasons**

INTRODUCTION

1. These applications for judicial review concern the lawfulness of the operation of Detained Fast Track (DFT) process.
2. By an agreed Order made by Master Gidden on 19 March 2015 these 4 Claimants were selected as representative lead cases in which to decide the following issues:
3. *Whether since 5 January 20015 the DFT has and is being operated lawfully and fairly in identifying and ensuring release of cases unsuitable for fair determination and detention in the DFT process.*
4. *This involves the following questions in respect of each Claimant’s case:*
5. *Whether the screening process was lawful and adequate;*
6. *Whether Rules 34/35 of the Detention Centre Rules 2001 and the policy in Chapter 55.8 EIG were lawfully and adequately applied;*
7. *Whether a lawyer was allocated with sufficient time and in circumstances where he/she could act as a sufficient safeguard to prevent unfair determination of the claim and/or unlawful detention in the DFT;*
8. *The correct interpretation of the Asylum Process Instruction (API) on Medico-Legal Reports from the HBF and/or FfT (the Foundations);*
9. *Whether the First Defendant lawfully and/or or fairly refused to release a detainee from the DFT who has been assessed by the specialist Foundations as having a prima facie claim of torture or other serious ill-treatment which required further clinical investigation because they cannot offer an appointment date due to capacity issues arising from the operation of the DFT.*
10. *Whether the First Defendant’s decision to maintain the claim within the DFT and to continue to detain the Claimant in the DFT following a substantive decision on the claim and pending an appeal is lawful and in compliance with the decision of the Court of Appeal in R (Detention Action) v Secretary State Home Department [2014] EWCA Civ 1634 (‘Detention Action 2’) and that decisions to detain post refusal are lawful and consistent with general policy criteria contained in Chapter 55 EIG.*
11. Three other lead cases were selected to address separate issues relating to the compatibility of the DFT with the law relating to human trafficking, the Equality Act 2010 and Article 5 read with Article 14 ECHR.
12. 21 other cases raising the same or similar issues were stayed pending resolution of the lead cases. The equivalent of a Group Litigation Order was made in the proceedings.

Background

1. In December 2013, at the hearing of the *Detention Action* case, Ouseley J heard evidence of the immense strain placed on the Helen Bamber Foundation (‘HBF’) and Freedom from Torture (‘FfT’) as a result of increasing numbers of referrals to the Foundations from the DFT. In judgment handed down on 9 July 2014, Ouseley J observed at [136] that the concession that a detainee is released from the DFT, if he or he has obtained an appointment with either Foundation operated “as a *seemingly more effective safeguard”* than the other DFT safeguards, including screening and rule 35 even though it ought to be a *“back-up”* rather than *“making up for the inadequacies of rule 35 reports in relation to torture”*.
2. The Foundations safeguard referred to by Ouseley J is set out at paragraph 2.11 of the API on Medico-Legal Reports which states:

*2.11 Detained Fast Track processes*

*Applicants routed into the Detained Fast Track (DFT) can be referred to the Foundations by legal representatives in the same way as other applicants who are not detained. If either Foundation agrees to accept an applicant for pre-assessment before a substantive decision is made, the applicant will be taken out of the DFT process providing confirmation of the appointment is received. The referral is usually accepted within 24 hours. It is Home Office policy to remove from DFT processes any applicant who is accepted by the Foundations for a pre-assessment appointment. In such cases, unless there are other reasons for the applicant to remain detained he or she should usually be released and the case transferred to the Asylum Casework Directorate (ACD) who will take responsibility for the case management and decision making process*

1. Due to the significant increases, HBF had to close to community referrals at the end of 2013. The increase in the number of referrals from the DFT continued throughout 2014. It significantly increased following the *Detention Action* judgment which gave lawyers more time prior to interview to identify potentially vulnerable applicants whose claims required further clinical investigation and seek the release of unsuitable cases. By a letter of 10 December 2014, HBF informed the Defendant that due to these capacity issues, starting on 5 January 2015, it would no longer be able to offer an appointment date for an initial assessment where it had accepted a referral from the DFT. It informed the Defendant that it would continue to consider referrals from the DFT, and if the person met the referral criteria, it would issue a letter confirming this and confirming that his case was one which required further clinical investigation and should be removed from the DFT.
2. The Defendant considered that this was contrary to the API which required a specified appointment date to be given. The Defendant continued to apply the express provisions of the API.
3. In each of these Claimants’ case the HBF and/or FT accepted the case as meeting their referral criteria and required further clinical investigation but the Defendant refused to release them from the DFT.
4. Interim relief was granted in each case by the High Court suspending the DFT in the individual claims.
5. On 3 March 2015, Singh J granted permission in each of 11 linked cases then before the Court.

Interim Relief

1. At a case management hearing on 19 March 2015 an interim order was agreed between the Claimants and the Defendant stating the following:

*Pending these judicial reviews and determination of the lead cases… , the DFT shall be suspended in all cases considered by the First Defendant on or after 19 March 2015, at any stage of the process before any appeal is heard by the First-Tier Tribunal (Immigration and Asylum Chamber), where the First Defendant is provided with written notification that the Helen Bamber Foundation or Freedom from Torture have confirmed that the case has been referred to them and assessed as requiring further clinical investigation into the claims of torture and other serious ill-treatment. For the avoidance of doubt, such consideration by the First Defendant will include consideration of written notification produced by an appellant at any time before his or her appeal is heard.*

1. On the 01 June 2015 the Defendant conceded in the detailed grounds and evidence that the DFT had operated unlawfully between 05 January 2015 and 19 March 2015 on the basis that the refusal to release on receipt of a HBF/FfT acceptance letter was contrary to the purpose ( if not the strict wording) of the Foundations API, in respect of acceptance letters received before an asylum decision was made.

Individual Facts

**JM**

1. JM’s arrived in the United Kingdom (UK) on 23 December 2014. He claimed asylum on arrival and was granted temporary admission and directed to present at the Asylum Screening Unit in Croydon on 30 December 2014.
2. At a screening interview conducted on 30 December 2014, JM gave details of his claim which was based upon based upon perceived sexuality and/or support for the rights of homosexuals and lesbians in Cameroon. He gave a history of past persecution and torture and he disclosed that he *“has had depression from 2002 on and off”* and *“have nightmares and anxiety.”* When asked why his claim might not be suitable for quick determination he made express reference to both his mental health problems and his experience of torture.
3. JM was released on temporary admission after screening, but detained in the DFT when he reported on 14 January 2015 as required.
4. At his reception medical screen, JM was noted to be taking antidepressant medication, to have a history of anxiety and depression, to have previously self-harmed, and to have back problems due to torture in Cameroon. He was recorded on the disability questionnaire as having mobility problems due to his back and to having mental health issues. He was referred for a Rule 35 assessment. A mental health referral on 16 January 2015 referred to his experience of torture and to mental health problems including depression, nightmares and poor sleep and low mood.
5. On 16 January 2015, a General Practitioner issued a Rule 35 report in respect of JM was made giving a detailed account of his torture and described symptoms of depression, anxiety and nightmares. The doctor commented that his account sounded *“plausible”* and that the doctor was going to refer JM to a psychiatric team for assessment for post-traumatic stress disorder. On the accompanying body map the report writer had written *“multiple well-healed scars”*.
6. The Defendant rejected that report on 19 January 2015 and the detention in the DFT was maintained.
7. A referral of JM’s case was made and accepted by the Helen Bamber Foundation on 22 January 2015 as giving rise to a prima facie case of torture or other CIDT that required further clinical investigation but the Defendant refused to remove the case from the DFT because no appointment date was provided.
8. On 26 January 2015, Carr J directed the suspension of the DFT in JM’s case. JM was released from detention on 27 January 2015. He had been detained in the DFT for 14 days.

**KW**

1. KW is a Sri Lankan national. She arrived in the UK on a Tier 4 student visa in 2009. She subsequently extended her leave on two occasions. Her application to extend leave was rejected in November 2014. She was apprehended during the course of immigration enforcement and detained on 21 December 2014 with a view to removing her from the UK. She claimed asylum on 7 January 2015. Removal directions were cancelled.
2. On 19 January 2015, KW had an asylum screening interview in which she disclosed past experiences of torture in Sri- Lanka including interrogation and rape by police officers. She also referred to documents from the Sri Lankan police which she wished to rely on to support her claim. When asked why her claim might not be suitable for the DFT she referred to her health (being in pain and stressed).
3. On 2 February 2015, a G.P. issued a Rule 35 report detailing a history of rape by police officers and being burned with a hot stick, and gave symptoms of sleeplessness and feeling worthless. The report noted visible scars from self-harm on her arm and stated that KW would be referred to the mental health team. The attached body map also noted self-harm scars to KW’s arms and a burn from a stick on her leg.
4. On 3 February 2015, a request was made to put KW on an ACDT.
5. On the same day, the Defendant rejected the Rule 35 report (inter alia) on the basis of her immigration history and her delayed disclosure of torture.
6. KW was referred to and accepted by HBF on 5 February 2015. The Defendant rejected the request for release on 6 February.
7. On 10 February Sweeney J ordered that the DFT procedure be suspended in relation to KW but the Defendant did not release and suspend the DFT until 19 February 2015. She was held in the DFT for 32 days.

**MY**

1. MY is a Cameroonian national who arrived in the UK on 13 July 2014 as a student. She contacted the Home Office on 18 December 2014 to indicate her wish to claim asylum. This was before her 6-month student visa expired. She was asked to attend on 19 December 2014 for a screening interview.
2. At MY’s screening interview on 19 December 2014 she explained that her claim for asylum was based on her sexuality. She disclosed a history of depression and stress and that she was HIV positive status.
3. MY was granted temporary admission following screening but was subsequently detained in the DFT on 16 January 2015 when she returned reported as required. She was placed in the Detained Fast Track on that day.
4. MY had a substantive asylum interview on 26 January during which she disclosed a detailed account of her sexual relationships in Cameroon and the UK, and disclosed her experience of torture.
5. On 20 January 2015, a GP made a Rule 35 report, detailed MY’s history of being beaten, and being burnt with a cigarette. The report noted that MY was tearful and not sleeping well, had flashbacks and low mood. The attached body map noted discoloured skin on her shoulder, a cigarette burn on her arm, and scarring to her leg and groin.
6. The Defendant rejected the Rule 35 report on 23 January 2015, (*inter alia*) relying on MY’s immigration history.
7. On 28 January 2015, the Defendant refused MY’s asylum claim.
8. On 9 February 2015, judicial review proceedings were issued and by an order of Supperstone J dated 11 February 2015, the DFT process was suspended in respect of MY. She was released on 16 February 2015. She was held in the DFT for 32 days.

**RE**

1. RE is an Egyptian national who arrived in the UK and claimed asylum on 11 November 2014. He was granted temporary admission and later screened on 8 December 2014.
2. At his screening interview, RE explained that his case was based on persecution because of his membership of the Muslim Brotherhood. He disclosed a history of repeated detention and provided documents that required translation related to his detentions. He was advised to submit documents with English translation to his case owner *“ASAP”*. When asked why his claim should not be processed within the DFT, he answered that it would remind him of being detained by the Egyptian authorities from whom he is fleeing.
3. RE was again given temporary admission but on 29 December 2014 the Defendant detained him in the DFT. RE was allocated a lawyer from Thompson Solicitors who did not meet him until the day of the substantive asylum interview on 5 January 2015. The Defendant agreed that the documents he had required translations but made a decision to refuse RE’s claim on 6 January 2015 without translated documents.
4. The Defendant refused his claim for asylum on 6 January 2015 and Thompson & Co withdrew from representation of RE. RE was unrepresented. With the help of another detainee he lodged an appeal against the asylum refusal.
5. On 15 January 2015, RE instructed Duncan Lewis as his solicitors for his appeal.
6. On 20 January 2015, RE made a request for a Rule 35 report but did not obtain an appointment for the assessment until 2 February 2015 when a GP issued a Rule 35 report That report set out the forms of torture which it was said RE had experienced, including having two toes broken by prison officers. The report noted that he had a deformity of the toes of the right foot, which was indicated on the body map attached to the report.
7. By an order of Carr J dated 2 February 2015, a stay and suspension of RE’s appeal was granted.
8. The Defendant rejected the Rule 35 report on 4 February (inter alia) relying on the adverse credibility findings in the refusal letter.
9. The Defendant did not remove RE from detention until 5 February 2015. He was held in the DFT for 38 days.
10. A 20-week study carried out by HBF of referrals received from the DFT between 5 January and 31 May 2015 revealed that in 200 of 304 referrals received, significant issues of vulnerabilities were apparent in the screening interview; of these 69 had a rule 35 report that did not result in release. Out of 104 of the cases which did not identify vulnerabilities at screening, 25 had a rule 35 report that did not result in release. Of 79 cases which did not have any indicators of vulnerabilities at screening or a rule 35 report, 54 identified a history of torture or ill-treatment or other related indicators of vulnerability in the substantive asylum interview. In total of 304 referrals, 279 individuals revealed indicators of torture, ill-treatment or other related vulnerability in the DFT process.

 REASONS FOR THE AGREED ORDER

1. The Defendant accepts that the DFT was operated unlawfully as at 2 July 2015 because of an unacceptable risk of unfairness in respect of those vulnerable or potentially vulnerable whose claims were not suitable for a quick decision in the DFT.
2. The safeguards in the DFT including screening and Rule 35 of the Detention Centre Rules 2001 did not operate sufficiently effectively to prevent an unacceptable risk of vulnerable or potentially vulnerable individuals, whose claims required further investigation, being processed in the DFT.
3. The Defendant accepts that applicants whose cases require further investigation into their claims of torture, or ill- treatment or other vulnerability which cannot be obtained in detention are not suitable for quick determination in the DFT.
4. The Minister has announced a suspension and review of the operation of the DFT from 2 July 2015.
5. The Defendant accepts that each of the lead Claimants was vulnerable; but the DFT systems operated by the Defendant failed to identify them as such and/or as consequentially unsuitable for a fair and quick determination in the DFT in accordance with the DFT Policy.
6. In each of the Claimants’ cases, it is accepted that the Claimant’s case could not have been fairly determined in the DFT because each required further clinical investigation into their claims of torture, ill-treatment or other vulnerability which could not be obtained in the DFT process.
7. The Defendant accepts that in each of these Claimants’ cases this should have been apparent at screening. The Defendant also accepts that in each of these Claimants’ cases, the Rule 35 report should have resulted in release from the DFT because it was clear that a quick decision could not be taken fairly and the Claimants required an opportunity for further investigations into their claims for torture, ill-treatment or other vulnerability.
8. Each claim was, therefore, wrongly processed in the DFT. In RE and MY the refusals of asylum under the DFT will be withdrawn and reconsidered. The Defendant will reconsider the case of KW, if requested within 28 days to do so.
9. It is accepted that all four Claimants are entitled to substantive damages for unlawful detention from the dates on which they entered DFT.

On the basis of that statement of reasons I am satisfied that the extensive evidence that I have had the opportunity to read, I agree with the orders proposed by the parties and the substance of the orders will therefore be as follows

**BY CONSENT:**

 **IT IS DECLARED THAT:**

1. The Detained Fast Track (DFT) as operated at 2 July 2015 created an unacceptable risk of unfairness to vulnerable or potentially vulnerable individuals within the meaning of 2. below. There was an unacceptable risk of failure:
	1. to identify such individuals; and
	2. even when such individuals were identified, to recognise those cases that required further investigation (including, in some cases, clinical investigation).

This created an unacceptable risk of failure to identify those whose claims were unsuitable for a quick decision within the DFT.

1. In paragraph 1 above “vulnerable” or “potentially vulnerable” individuals include but are not limited to asylum seekers who may be victims of torture, significant ill-treatment, human trafficking, or may be suffering from mental disorder or other physical or mental impairment which may affect their ability to present their claims in DFT.
2. It also includes but is not limited to individuals identified in *R (Detention Action ) v Secretary of State for the Home Department*  [2014 ] EWHC 2245 (Admin) at paragraphs 114, 198 and 221 of the judgment.

1. Having regard to what each claimant said in their asylum screening interviews, each of the four representative Claimants should have been but was not identified as having a claim that was unsuitable for a quick decision and was, therefore, unlawfully subject to the DFT process from entry into it.
2. Each of the four representative Claimants was unlawfully detained from entry into DFT, contrary to common law and Article 5 ECHR, from the following dates:
	1. In the case of JM, from 14 January 2015
	2. In the case of KW, from 19 January 2015
	3. In the case of MY, from 16 January 2015
	4. In the case of RE, from 29 December 2014.
3. The Defendant also acted unlawfully between 5 January 2015 and 19 March 2015 and in breach of the purpose of the Asylum Process Instruction (API) Medico-Legal Report Service paragraph 2.11 in refusing to remove from the DFT individuals whose asylum claims had not yet been determined, following receipt of written notification that the Helen Bamber Foundation or Freedom from Torture had confirmed that the case had been referred to them and assessed as requiring further investigation.
4. In each Claimant’s case, the Defendant acted unlawfully in refusing to accept the Rule 35 report as indicating that the claim was unsuitable for a quick decision within the DFT.
5. Each of the four Claimants is entitled to substantive damages to be assessed if not agreed.

**AND IT IS ORDERED THAT:**

1. The Claimants’ claim for judicial review is granted.
2. The decisions refusing asylum taken in the cases of RE and MY shall be quashed.
3. The Defendant will reconsider the asylum claim of KW if, within 28 days of the date hereof, the Defendant is requested to do so.
4. The Claimants RE, MY and KW are to make any further submissions, if so advised, in respect of their claims for asylum within 28 days of the date hereof. The Defendant is to consider and determine their claims within 28 days of receipt of such further submissions or, in the case of RE and MYof confirmation, if provided within 28 days of the date hereof, that no such submissions will be made.
5. Each of the claims for damages shall be transferred to the Central London County Court for assessment in the event that the parties have not informed the Administrative Court Office that they have agreed quantum of damages within 3 months of today
6. In the absence of agreed directions relating to the 21 stayed cases in the Helen Bamber group being lodged with the Administrative Court Office by 4.00pm on Friday 10 July 2015 there shall be a case management hearing before Master Giddens as soon as practicable.
7. The Defendant is to pay the Claimants’ costs of the claim to date, to be subject to a detailed assessment, if not agreed, on the standard basis up until 5 May 2015 and on the indemnity basis thereafter, a reasonable sum to be paid on account of costs within 28 days of the date of this order.
8. The Claimants’ publicly funded costs shall be subject to a detailed assessment.

**AND THE COURT FURTHER NOTES THAT:**

On 2 July 2015 the Minister for Immigration in a written statement to Parliament [HCWS83] announced the suspension of DFT

I therefore conclude the judgment.

I congratulate the parties on agreeing the terms of relief and the statement of reasons and the process of suspending the hearing to conclude this was successful.

SHQC: your judgment records the gravity of the situation and the extensive efforts of the FfT and HBF. If you do not get out because of a letter from them, you do not get out. What we know about the FT appeal process, it rejects 99% of the appeals. Mr. Justice Ouseley commented on the significance of those two organizations and as long as 2006, those twho charities shouldering enormous burden. One can’t walk away from these processes without recognising the contributions of these two orgs. We owe them collectively a debt of gratitude.

There are consequential issues to deal with other cases.

SKQC: it may no longer be entirely necessary. The SSHD indicated that certain steps may already been taken in respect of unrepresented individuals. (need more time to discuss before troubling the Court)

Blake J: that’s why I explained with some care how rule applies to others. This may also have implications for appeal process.

I don’t make any other amendments but I recognise that something needs to be done and I’m sure in this court and in the FTTand UT would be grateful to know what needs to be done.

SKQC: what I do ask is to give ILPA and SSHD can reach agreement – if not if I can then address the Court as to what might be considered as addendum to the order.

Blake J: I’m unlikely to do anything far reaching. Don’t have draft order before me.

SKQC:

Removals are being restarted but everyone in detention who has had a DFT asylum decision for appeal is being informed of the effects of the Detention Action judgment (the Nicol J judgment) and this litigation and given 4 days to take legal advice and to decide whether to make any further representations.

It is ILPA’s very firm view that 4 days will definitely not be sufficient because of the lack of capacity of the advice surgeries in the detention system to deal with the likely demand that the SSHD’s information provision will trigger. Nonetheless taking my Lord’s steer, ILPA is not intending in the light of this and my Lord’s steer to push the application it is intending to make.

SHQC

Explains charter flight to Pakistan

Concern that people on appeal (40%) unrepresented.

No adequate safeguard – we can only make those observations now because we have the ear of some of those who advise.

We would like to ask your Lordship for an expedited transcript of the judgment

Granted.