

Bhatt Murphy Solicitors

PRESS RELEASE

15 February 2012

BXH, AXH and CXH respond to FOI disclosure in relation to their case

THIS CASE IS SUBJECT TO AN ANONYMITY ORDER ISSUED BY THE HIGH COURT

The BBC raised a Freedom of Information Act request which led to their being informed that in 2008 the CPS and Metropolitan Police paid compensation of £550,000 to BXH, AXH and CXH because they revealed the identity of a child witness to a criminal gang despite a promise not to do so. The CPS and Met also apologised and have paid the legal expenses.

The Claimants have decided to make a statement which is set out below.

Statement of BXH, AXH and CXH

“In 2005 when this incident occurred we were a hard working, law abiding family with children.

Despite our best intentions to help the police by doing what we thought was the right thing to help secure convictions against a violent gang, we were let down to the degree that our whole lives were turned upside down and our trust in the entire legal system was betrayed.

We were left with no other option than to leave our homes, careers, families, friends and in BXH's case – his education - without even being able to say goodbye. The children were uprooted from their schools and whisked away without an opportunity to explain: the trauma and upset this caused is beyond words.

The unbelievable mistakes by the CPS and police not only destroyed our lives but ultimately caused the complete failure of the prosecution case against the gang members (even though we remained willing to fully cooperate from within witness protection). We endured 3 years of unbearable pain but the prosecution was abandoned because of those failures.

Starting our lives again was hard, to say the least. The compensation, when it was finally received by AXH and CXH, went some way to securing a stable environment for them and their other children. The memories will never leave them but as time goes by it does become easier. The children are still not settled and the family is still working at moving forward and because of this they pray that their anonymity will be respected.

For BXH no sum of compensation would have given him back his youth. He will never recover from this experience, he has lost trust in the police and if he were to witness a similar crime tomorrow - he would simply look away.

BXH, AXH and CXH hope that the CPS and Police have learnt from this experience so that no other child or their family experiences the enduring distress caused by them on this occasion.”

Background statement by Fiona Murphy, Bhatt Murphy

This claim was brought against the CPS and Metropolitan Police under the Human Rights Act in respect of violations of the right to private and family life (Article 8) and against the Metropolitan Police in negligence.

The CPS/Police disclosed the child witnesses' name and address despite the police promising that they would not do so. They did not tell the child or his family that his details had been disclosed. The family endured appalling intimidation and threats from the gang members until the police eventually admitted the error. Compensation was paid for psychiatric injuries, lost earnings and relocation costs.

The case was defended for 3 years with the CPS and police reneging on earlier agreements to mediate. The case settled on the eve of trial adding to the Claimants' distress.

For further information, please contact:

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Notes to Editor:

- This is the largest known payment of compensation for a violation of the right to private and family life brought against the state. Article 8 is intended to protect the individual against arbitrary interference by public authorities but in practice is more commonly deployed by celebrities in relation to the media.
- Legislation currently going through parliament (LASPO) will deny access to justice to victims such as BXH, AXH and CXH.
- Bhatt Murphy initially agreed to act for AXH and CXH on a 'no win/no fee' basis. It was only after the litigation had been ongoing for several months that they became financially eligible for legal aid.
- LASPO will deprive claimants against the police and CPS from costs protection – AXH and CXH would simply not have been in a position to put their limited remaining resources at risk to bring this case. The government proposals mean that if this type of catastrophe were to befall a family tomorrow they will be failed twice: first, by the Criminal Justice System and secondly by a "reformed" civil justice to which they will be denied access.
- LASPO also now places severe restrictions on when legal aid will be available in public interest claims against the police.
- Disclosure of the identity of these claimants whether by name or by disclosing the surrounding details of this case will amount to a contempt of court and potentially endanger the claimants' lives.