

Sex Workers III Treated in Police Custody - Violation of Articles 3 & 8

The applicants, D.H., S.A., I.J. and K.N. are all female Macedonians / citizens of the Republic of North Macedonia who were born between 1955 and 1986 and live in Skopje. The case concerns their alleged ill-treatment while in police custody after they had been arrested as part of a large group of sex workers. In particular, it concerns the conditions of their detention, the taking and publishing of photographs and videos of them, and the lack of reasons in the national courts' judgments. Relying on Articles 3 (prohibition of inhuman or degrading treatment), 6 § 1 (right to a fair trial) and 8 (right to respect for private and family life) of the European Convention, the applicants complain that they were held for many hours in detention; they were not given food, water or adequate medical care; they had no access to a toilet; their photos were revealed by the Ministry of the Interior; and they were blood-tested for sexually-transmitted diseases. Violation of Article 3 concerning the lack of access to food, water and a toilet; Violation of Article 8 as a result of the publication of the applicants' photographs. Just satisfaction: Non-pecuniary damage: EUR 3,300 to each of the applicants.

36 Years Late Met Apologise for Failings in the Daniel Morgan Murder Case

Raju Bhatt, Guardian: Daniel Morgan, a private detective, was found dead in a south London pub car park on 10 March 1987, in circumstances that have given rise to speculation that he may have been killed because he was about to reveal police corruption. No one has been convicted of his murder. Over the 36 years since the murder, Daniel's family have had to endure nine commissioners of the Metropolitan police, culminating in the present incumbent, Sir Mark Rowley. For Daniel's family, each of these predecessors of the present commissioner came to represent the consistent failure of courage and integrity among the highest ranks in the Met, in the face of the corruption and criminality that has served to protect those responsible for the murder from justice.

No family should have to go through what this family have suffered. No family should have to find, as they did, their confidence betrayed by those to whom we should be able to turn for help. No family should be cut adrift as they were – and left to fend for themselves in the face of the most serious criminality imaginable. No family should have to bear the immense cost they have paid in terms of their health – mental and physical. Above all, no family should be left to find, as they have, that they are no longer able to place their trust in the police, the state or any other form of authority.

It is only right that the commissioner should be obliged to admit the Met's liability, and acknowledge how Daniel's family has been torn apart by the way in which the leadership of the organisation and its officers have chosen to conduct themselves. It is right that the Met should finally accept the fact of the "cycle of corruption, professional incompetence and defensiveness that has repeated itself over and over again". It is right that there should be an admission of the harm done – to the family and to the public at large – by the way in which the Met has "prioritised its reputation at the expense of transparency and effectiveness".

Over and above any admission of liability or apology, however, what the Met owes the family of Daniel Morgan – what all of us owe this family – is a debt of gratitude for helping to expose the sickness at the heart of the organisation. It's a sickness this family has had to live with over

the decades, where a perceived need to protect the organisation from reputational damage has served only to nurture a culture of impunity among its officers; a sickness that was recognised and identified as "institutional corruption" in the Daniel Morgan independent panel report in 2021, and acknowledged now by the commissioner as "multiple and systemic failings".

Whether and how Rowley and his senior leadership team choose to face up to that sickness and to translate the words of his apology into reality – to find the courage and the integrity to do so – is, to put it bluntly, his challenge and his problem. The family of Daniel Morgan have already done more than can reasonably be asked of them. In this context, we might ask: what is it that has kept this family going, through thick and thin, trying to get the Met to do its job in their search for some semblance of justice? How did they keep going when the Met kept failing them over and over again? It is, perhaps, precisely because of who they are, because of their courage and their character, that they insisted upon their entitlement to place their confidence in the Met. They did so again and again, even after that trust was betrayed. That is perhaps why their sense of betrayal was all the more overwhelming.

Three generations of this family have already suffered from the inexcusable failure of the Met's leaders to do what was required over the past three and a half decades. They do not want this burden to be passed on to the coming generations of their family. They want to be able to get on with their lives at long last.

Scottish Prisons Criticised Over Handling of Inmates in Solitary Confinement

Severin Carrell, Guardian: Inspectorate calls for urgent improvements, particularly in treatment of prisoners with mental health problems. Scotland's prisons are repeatedly breaching the human rights of inmates put in solitary confinement, particularly those with severe mental health problems, the prisons inspectorate has said. Prisons are routinely failing to provide segregated inmates with at least two hours of human contact a day, are using segregation to "contain" inmates with severe mental health issues who need specialist care, and are failing to properly reintegrate troubled prisoners, it found.

In an unusually critical report, Wendy Sinclair-Gieben, the chief prisons inspector for Scotland, said the Scottish Prison Service (SPS) and NHS Scotland had to make urgent improvements in their handling of prisoners in solitary confinement. "The combination of poor environment and limited stimuli in segregation units risk a stark deterioration in prisoners' mental health," her report said. "Many of the prisoners we interviewed had self-harmed, some had previously attempted suicide, and a few had witnessed fellow prisoners taking their own lives."

She said the poor conditions in nearly all Scotland's prisons were a clear breach of the UK's legal obligations under human rights treaties, including the United Nations' Mandela rules. Those require a minimum of two hours of meaningful human interaction for all prisoners in solitary confinement. "We found evidence of overuse and long detrimental segregation periods, and we found a lack of meaningful human contact, mental health support, meaningful activity and reintegration planning for segregated prisoners," the report said. It was also clear that [segregation units] are too often used inappropriately as a place of safety for those who are extremely mentally unwell, whether awaiting placement in the forensic secure estate or suffering from severe personality or behavioural disorders which do not meet the threshold for inpatient treatment."

HM Inspectorate of Prisons for Scotland launched its investigation after the European Committee for the Prevention of Torture raised significant concerns about the use of segregation in Scotland after two visits in 2018 and 2019. The inspectorate found that a large majority

of the inmates were put into segregation units for a matter of hours or days. A significant number, however, were segregated long-term. SPS said it recorded 1,242 “stays” in segregation units in 2021-22 but could not break that down into a specific number of inmates. The inspectorate discovered that 138 prisoners were in solitary for three months or more during that year, another breach of the Mandela rules. The record was 1,017 days for one prisoner; eight had been in segregation for more than a year.

APPEAL: Bringing Injustice to Light a Path to Criminal Justice Reform

Hope on the horizon - I will always remember the morning of 24 January 2023, when APPEAL’s client Andy Malkinson was given the news that his case had been referred to the Court of Appeal. We also learned that thanks to a DNA match on the database, another man had been arrested for the crime for which Andy spent more than 17 years wrongly imprisoned.

Our joy and relief at the news were tempered with anger. Why wasn’t the vital evidence, which APPEAL had to battle to uncover, made available earlier? How many others languish behind bars while the system ignores crucial leads which could set them free? The system as currently constructed won’t let us find out, but APPEAL counts a small number of them as our clients. Andy’s story shines a spotlight on many of the problems that APPEAL has been campaigning to fix for almost a decade. This year, we will support him, and others we represent, to participate in the Law Commission’s review of the criminal appeals system in England and Wales. We intend to seize this landmark opportunity, which came about in part due to our advocacy, to call for transformational change.

Women’s Justice: Sunita* was convicted, along with another man, of the murder of her husband. Evidence obtained by APPEAL demonstrates that she had learning difficulties and a very low IQ. Compounded by the fact that Sunita’s comprehension of English (not her native tongue) was also limited, APPEAL has concerns about her ability to properly participate in her case and whether she was afforded a fair trial. APPEAL is working with counsel and experts to obtain fresh evidence and arguments to present to the Court of Appeal.

Flawed Forensics: Malcom* tragically died in prison after spending over two decades in prison for crimes he consistently maintained his innocence of. As is often the way in our cases, the jury at his 1997 trial were not unanimous in their decision to convict him of murder—only 10 out of 12 returned a guilty verdict (see page 10 for more on this). APPEAL obtained fresh expert evidence which casts doubt on the reliability of forensic evidence relied on to convict him and presented this to the CCRC, which is considering whether or not to refer his conviction to the Court of Appeal.

Disclosure Failings: The Freshwater Five is one of our most high-profile cases. Four fisherman and a scaffold business owner were wrongly convicted of a drug smuggling conspiracy in the English Channel in 2011. On appeal 10 years later, the Court of Appeal acknowledged that the prosecution had failed to hand over vital marine navigation data to the defence and that there was ‘no credible eye-witness testimony’ linking them to the drugs found. Nevertheless, their convictions were upheld. A request that the IOPC reopen its investigation of the case, supported by former law enforcement officers, remains under review.

Racial justice: David Pinto is a dedicated father of four who, in 2013, was wrongly convicted of the murder of his nephew. David was convicted on purely circumstantial evidence when far more compelling leads were abandoned. The victim’s mother— also David’s sister—lost not only her son to murder but also her brother to prison. Racialised stereotypes about drugs and gangs played a role in convincing the jury that David would murder his own sister’s son. She and the rest of David’s family continue to fight to clear his name.

Generating Public Outrage: Despite the small size of our team, APPEAL’s work was featured in an average of more than one publication per week this year. The vast majority were in the country’s most prominent news platforms (including the BBC, The Times & Sunday Times, ITV, The Mail and The Guardian). We were also featured in industry blogs and magazines. Publications were across print, radio, TV and podcasts. This year, we considered and responded to 346 requests for legal assistance made by or on behalf of people inside and out of prison. 38 Individual requests submitted for access to evidence including: 3 Post-conviction disclosure requests 33 Subject access requests 2 Other evidence access requests 27 Individuals represented 1 Case referred to the Court of Appeal. 5 Submissions to the Court of Appeal. 4 Submissions to the CCRC. 8 Experts instructed. 3 Formal complaints against law enforcement agencies made. 3 Successful complaints to the information commissioner. 53 women requests 293 men

System Snares, Just For Women: APPEAL’s Women’s Justice Initiative exists because there are too many women in prison who do not need or deserve to be there. Although they make up just 4% of the prison population, as the government itself has admitted, these women are some of the most vulnerable in our society. In order to comprehend the injustices many of them face, it’s crucial to understand the gender-specific drivers which led them there in the first place. One of these women is Jenny (not her real name), a client of APPEAL. For years, Jenny was subjected to abuse by her ex-partner so horrific that a psychologist described it as torture. The police failed to protect her from his violence time and again, making her feel she would never be believed. One night, she dropped their baby on the floor after being punched in the head. Too scared to tell the truth for fear of her ex-partner’s wrath, Jenny remained quiet about his violence and was convicted of harming her child. In prison, she found APPEAL.

We succeeded in her appeal against sentence, reducing her prison term from 10 to five years. Still determined to clear her name, Jenny appealed her conviction. We uncovered compelling fresh evidence to support her claim about what actually happened, and the Court of Appeal was given the opportunity to address the impact of domestic violence on alleged criminal behaviour. Instead, they handed down a regressive judgment, flying in the face of the evidence in the case, and Jenny’s conviction was upheld. We are all inspired by the resilience Jenny showed in reliving her trauma, daring to challenge the status quo and “giving a voice to survivors everywhere. And yet I can’t help but be angry. Jenny should never have been abused, should have been able to rely on the police to protect her, should have felt safe in her own home, and should have been able to raise her family free from fear. Instead, she was coerced, then convicted. I am in awe of the strength shown by many of the women APPEAL represents, often in the face of extraordinary hardship. While supporting them to navigate a system that refuses to listen, we have learned how to speak out when all you feel is despair and how solidarity can save lives. The Women’s Justice Initiative remains essential to giving women like Jenny a voice. — Naima Sakande, APPEAL’s Women’s Justice Advocate.

Casework Stages: We identify which cases we can fight through a rigorous screening process. We only represent people who cannot afford to pay for a lawyer and whose cases have the highest chance of success. Stage 1: Screening A Review Of Core Case Documents. They might include the judge’s summing up from the original trial, Court of Appeal Judgment or any CCRC documents. Obtaining these documents can take several months. The purpose is to determine whether there are potential avenues to explore in order to uncover fresh evidence or new arguments which could support an appeal. Only a small number of cases pass Stage 1. Stage 2: Investigation: A more detailed investigation. This can be lengthy, as we review documents such as police, medical or phone records. Getting access to this evidence is chal-

lenging and limited by post-conviction disclosure rules. We may also instruct experts or interview witnesses. The purpose is to assess whether there are strong enough grounds for appeal to give our client a chance of success. Stage 3: We will draft grounds of appeal to the Court of Appeal or make an application on our client's behalf to the CCRC. We will also continue in-depth investigations throughout this stage. The purpose is to demonstrate that the conviction is 'unsafe' and ultimately that the Court of Appeal should overturn it.

Speaking Truth to Power: APPEAL has been feeding into the Law Commission's review of criminal appeals in England and Wales. This review, announced in August 2022, came about in part due to a 2021 report by the Westminster Commission on Miscarriages of Justice in which APPEAL was instrumental. Throughout the year, we have written to and had meetings with government ministers, MPs, peers and civil servants. We have responded to the government consultation on Legal Aid, published a policy briefing and supported relevant campaigns of partner organisations. We have spoken at nine external events, including a large, international event on wrongful convictions. Tara Casey, our women's justice caseworker, was quoted in Parliament in October 2022 while the house was debating legislation affecting the criminalisation of the TV licence fee.

Is Our Jury System a Vestige of White Supremacy? In October 2022, we were excited to launch a groundbreaking research project looking at the phenomenon of juries in England and Wales being permitted to deliver a guilty verdict when not all members of the jury are convinced of guilt. This review is the first time that the origin of the 'majority verdict rule' in England and Wales has been subject to scrutiny. This rule was introduced in 1967—a time of increased migration from the Commonwealth as well as anti-racist and anti-colonial struggle. It abolished the centuries-old principle that a unanimous verdict was required in order for someone to be convicted of a criminal offence. Since the change, prosecutors have only needed to persuade 10 out of 12 jurors of a defendant's guilt. Many of the people APPEAL represents were wrongly convicted despite two of the jurors at their trial believing them to be innocent. Led by our researcher working on racism and injustice, Nisha Waller, and funded by the Baring Foundation, the research project considers the extent to which race and class influenced the decision to introduce majority verdicts and how the rule interacts with miscarriages of justice. The team has so far drawn on hundreds of archive materials, including Home Office files and British newspapers. Initial findings suggest the introduction of the majority verdict rule may be linked to the decision to allow a wider range of people, in terms of race and class, to serve on juries. Look out for the interim report, expected imminently!

Bound by Injustice: APPEAL's network for those at the sharp end of our broken justice system—people who have survived miscarriages of justice, and their loved ones. *Survivor Advocacy:* The group is facilitated by our Survivor Advocates, one of whom has lived experience as the spouse of someone wrongfully convicted. Having a loved one in prison often has a massive effect on families' incomes, as the remaining partner struggles to balance paid work with caring for children and vulnerable family members, supporting the person in prison, as well as the legal battle. Our Survivor Advocates produced a 42-page information pack compiling support that may be available to them, especially during the cost-of-living crisis. This included benefits, grants, help with energy bills, cheap eats and useful resources. This year, 70% of BBI members received individual support from the Survivor Advocates with issues such as housing, further education and prison conditions.

Building Connections: We provided two residential retreats for BBI members. The first took place in May in beautiful Pembrokeshire and was led by Jennifer Thompson, a speaker, advocate and pioneer of restorative justice who is also a crime survivor. Jennifer, founder of the

US-based charity Healing Justice, facilitated a space for our community to speak openly about the trauma and loss caused by their own wrongful conviction, or that of a loved one.

On the final evening, the group walked along the beach at sunset before returning to the campsite to share what they had gained from the retreat. One member described how it had allowed them to feel 'connected in a deep and meaningful way with every single participant' and another called it 'a brilliant experience'. In August, 30 members of our BBI community came together in Oxford to discuss what they had in common and find confidence as advocates for criminal justice reform. They also enjoyed cricket in the sun, punting on the river and activities facilitated by our Survivor Advocates. Everyone in the group bonded over their shared experiences, but the most notable connections were made between our very youngest BBI members. They presented an acrostic poem about BBI to a rapt audience of their loved ones. With nervous excitement, they read out: Being Together and Believing In Each Other - These simple words epitomise BBI and reflect the feeling of unity which continues to grow within the community.

Looking Ahead: Four major things that, APPEAL plans to achieve in 2023-24.

1) *Play a pivotal role in reforming criminal appeals procedure and policy* We will act as a major contributor for the Law Commission's review of criminal appeals. We will provide evidence in two formal consultations, and facilitate our Bound By Injustice community in sharing their expertise with the Law Commission at an event at the Ministry of Justice. We will also mobilise a group of stakeholders to help us refine our proposals for reform and ensure we represent a unified voice for change.

2) *Strengthen the Bound By Injustice community: We will organise at least two in-person events for the Bound By Injustice community,* including one designed to enhance the connections between the young members of the group. We will use new funding from the National Lottery Community Fund to build on the existing trusting relationships we have with our community, including through arranging home visits. We will work to create a safe and supported environment within which the group—including those in prison—can have their voices heard by those in positions of power.

3) *Influence the Conversation About Racism In Criminal Justice:* We will publish a groundbreaking report exploring whether current rules around non-unanimous jury verdicts in England and Wales find their origins in racism and whether this has links to miscarriages of justice and the silencing of Black, Asian and minority ethnic voices.

By providing a reliable evidence base, the report will represent a significant development in the public conversation around racism in the criminal justice system. Based on our findings, we will propose how the system can be improved and advocate for change. 4) *Stand up for Those Being Prosecuted For Being Poor:* We will hold the BBC to account as they implement their 10-point Action Plan aimed to address the gender disparity in TV Licensing prosecutions. We will create a 'Know your Rights' poster which will be widely distributed to those with vulnerabilities that are being prosecuted for not paying their TV Licence. We will hand in our petition, 'I'm not a criminal: Stop TV Licensing prosecuting people during the cost-of-living crisis', to the Culture Minister and create further media coverage around this issue.

How we Work: Our holistic representation model means we offer a multidisciplinary team to everyone whose case we take on and to their loved ones. Our goal is to mitigate the whole harm done by miscarriages of justice. *Theory of Change:* Fighting the cases of those wrongfully convicted or unfairly sentenced is at the heart of our work. These individual cases act as the spotlight we shine on the intrinsic flaws in the justice system. The voices of victims and their families are vital in advocating for legal change.

This year marks a decade since Emily founded APPEAL. Through unwavering determination and infectious enthusiasm, she has transformed a visionary idea into a fully fledged charity, with 10 staff, some loyal funders and pro bono assistance from commercial law firms. We have achieved legal victories and major policy wins, alongside holistic support for our community. Our recent appointment of Matt Foot as Co-Director brings us the passion and expertise of a leading lawyer and activist.

Nevertheless, there is still so much to be done. While APPEAL thrives, the criminal justice system faces crisis. Delays in trials and the alarming state of police standards, as highlighted by the Casey report, render miscarriages of justice inevitable.

There are glimmers of hope. Andy Malkinson's Court of Appeal hearing should exert immense pressure on the system to confront its inadequacies. The Law Commission's review, prompted by APPEAL's policy efforts, presents a rare opportunity for transformative reform. This could be a watershed moment.

It is crucial that APPEAL has the resources we need to seize this opportunity. Legal Aid only provides a fraction of our funding; we are hugely grateful to the generous supporters without whom we could not exist. There has never been a better time to make a donation and join our collective fight for a fairer justice system.

Locked in? Initiating a Debate On Crisis, Scandal and Criminal Justice

Claudia Vince, Prison Reform Trust: As part of a collaboration between PRT's Building Futures programme, the University of Southampton and the University of Nottingham, we are pleased to present a discussion paper authored by Dr Thomas Guiney and Dr Harry Annison. This work came about through the shared recognition of the impact of crisis and scandal can have on the functioning of the criminal justice system. Together, we hope to initiate a conversation regarding how crises and scandals are responded to by policymakers and practitioners.

The purpose of the discussion paper is to encourage an open and constructive debate about crisis and scandal, and the role they play in shaping policy and practice. The aim was to draw upon the collective knowledge and experience of policy makers, practitioners, penal reformers, academics and prisoners themselves to unpick the reality of what happens when a crisis occurs – how does it feel for those in prison and how does it feel for professionals working in environments where quick decision-making is vital?

These questions formed the basis for a one-day symposium in London bringing together leaders from across the sector including HMPPS, third sector organisations, and individuals with lived experience of life imprisonment to consider what happens in moments of crisis. The event allowed for candid discussion regarding the personal experiences of people at different levels of policy implementation and delivery, all with direct involvement in the criminal justice system. One of the main takeaways from the event was the notion that not enough is done to encourage learning once moments of crisis have passed. In many cases, resourcing, staffing and political pressures mean opportunities to learn from and build back from crises and scandals are not properly utilised.

Often, people in prison take the brunt of knee-jerk policy responses following particular crises and scandals. None more so than those serving long sentences, whose experiences are often shaped by ever-changing policy responses to risk and perceptions of dangerousness. To give voice to these experiences, Building Futures conducted a small-scale consultation with the Building Futures Network to capture how it feels for those in prison when a crisis or scandal occurs. For those who have been in prison for a long time, they noted that prison

life is often defined by an endless cycle of crises and scandals, with many achieving little substantial change but harming prisoners' well-being in the process.

"Usually after a crisis there is an argument that something has to change, or 'must be done' but in reality nothing changes and we go from one crisis to another. You learn that you don't really matter and changes normally have a negative impact on you as a prisoner."

The discussion paper captures how crises and scandals have a very real impact in relation to control, safety, and perceptions of legitimacy in prisons and across the wider criminal justice system. Moments of crisis often take on a life of their own and intersect with the media and political cycles, often becoming entwined with questions around risk and responsibility. When this happens, the real-life experiences of victims, prisoners, families, and those working within the system become diluted. When there is a lack of accountability or transparency during moments of crisis, trust in the decision-making processes wanes. Only by (re)building procedural fairness can legitimacy be re-established.

This project is somewhat of a deviation from conventional PRT work in that it attempts to initiate a discussion on a topic rather than to offer practical solutions to an issue. This collaboration is an attempt to conceptualise what a particular phenomenon means for those involved (both personally and professionally) with the criminal justice system. Policy decisions made during periods of crisis can directly impact control, safety and legitimacy and shift the balance of government policy in favour of discipline and risk aversion. Taking a more holistic look at what happens in moments of crisis and recognising the importance of collective memory and including prisoners and professionals in these discussions, will help in creating solutions to a more humane, fair, and effective penal system.

Prison Capacity Crisis Won't be Solved by Newly Opened HMP Fosse Way

Prison Reform Trust: The latest edition of Prison: the facts—published on the same day as the official opening of HMP Fosse Way—reveals that the prison service is teetering on the edge of a capacity crisis. The briefing, which brings together the latest facts and figures about prisons and the people in them, shows that a rapidly rising prison population and slow progress in delivering on its commitment to build 20,000 prison places are creating a significant challenge for the prison service. The prison population has risen by nearly 4,300 since the start of the year, with around 86,500 people currently held in prison. Despite a recent increase in activity, latest figures show just 5,202 new places have been constructed—including HMP Fosse Way. The challenge is further compounded by the closure of nearly 10,700 prison places since 2010, many of which were outdated and dilapidated following years of underinvestment in maintenance and upkeep. Around 11,000 new places have been created since 2010, a net increase of just 300 prison spaces.

Ministry of Justice officials conceded that even if all planned capacity projects are delivered on time, there will be a shortfall of 2,300 prison places by March 2025, according to an internal memo accidentally published at the start of June. The challenge is further compounded by the closure of nearly 10,700 prison places since 2010, many of which were outdated and dilapidated following years of underinvestment in maintenance and upkeep. Around 11,000 new places have been created since 2010, a net increase of just 300 prison spaces. With government projections that the prison population will rise by a further 7,800 people to reach 93,200 by 2024, the prison service faces an extraordinary challenge simply to keep up with demand—intensifying the strain on existing infrastructure and limiting capacity within the organisation to focus on other pressing priorities, including post-pandemic recovery.

Ministers have already announced the installation of Rapid Deployment Cells—prefabricated units placed on existing prison sites, which have a lifespan of around 15 years; along with the expansion of overcrowding—“doubling up” people in cells designed for one—as they grapple with the acute shortage of available spaces. Last month, following an inspection of HMP Pentonville—one of the oldest Victorian local prisons in the country—the Chief Inspector of Prisons warned prison leaders about the detrimental impact of overcrowding on conditions and the daily prison regime. Pentonville was originally designed to hold 520. Today it holds 1,100 men. The situation has been exacerbated by a sharp increase in the number of people held on remand. Around 14,600 people—more than one in seven in prison—are currently held on remand. This represents a 45% increase in just three years, and is at near-record levels.

Recent reforms to parole introduced by the former justice secretary Dominic Raab are also preventing people from moving to prisons to work towards their release. The overwhelming majority of Parole Board recommendations for a transfer to less secure open conditions are now being rejected by the government. The latest figures reveal that nearly five in six Parole Board recommendations for transfer are being rejected by officials at the Ministry of Justice, whereas more than nine in 10 were previously approved. All of this is happening at a time when the prison service is facing an exodus of staff leaving the profession. More than one in seven prison officers left the service last year. Of those nearly half (47%) had been in the role for less than three years, and more than a quarter (25%) left after less than a year.

Commenting, Pia Sinha Chief Executive of the Prison Reform Trust said: “The new justice secretary has inherited a perfect storm from his predecessor—a surge of prisoners and nowhere to put them. Whilst it is understandable that ministers and senior leaders will be looking for every conceivable space to hold people, severely overcrowded prisons will do nothing to improve the lives of those held in them—indeed they are likely to make things worse. Purpose, pride and having a clear plan to work towards your release from prison are the inevitable casualties when people are locked up all day with nothing to do. These conditions breed despair, hopelessness, poor mental health and fuel the demand for drugs. Rapid cell building may offer some temporary relief, but reducing demand for prison places requires a similar level of urgency. The government should start by limiting the use of short sentences and reducing a record remand population, as well as increasing the uptake of and entitlement to home detention curfew. In the longer term, it needs to tackle sentence inflation and barriers to progression such as the destructive changes to open conditions transfers introduced by the justice secretary’s predecessor. Furthermore, controversial changes to the parole system contained in the victims and prisoners bill should be scrapped.”

Cops Nicking a Black Woman Over a Bus Fare is Misogynoir in Action

Canary Workers Co-Op: Cops arrested a woman in Croydon, south London, for not paying her bus fare. People have been kicking off on social media, and rightly so – not least because the woman had actually paid, but also because the cops’ response was disproportionate in the extreme. A number of officers tussle with the woman, yanking her, and ignoring her pleas. Her young son is visibly distressed, crying loudly at the treatment of his mother.

You’d be forgiven for asking, what the fuck is wrong with the police? Why did they feel the need to be this heavy-handed over a bus fare – one that had actually been paid? But of course. There’s nothing wrong with the police. They’re functioning exactly how they’re supposed to: as anti-Black, racist, and misogynist thugs.

Moreover, we’re hearing the same old tropes about an “abusive” Black women who didn’t STFU (Shut the Fuck up) when she was told to. The video of the incident is being widely shared on social media. However, the Canary is choosing not to include it in our reporting. The state and its actors are often shown brutalising Black women. We think repeating those violent images doesn’t serve the people being harmed – so, we’re not going to share it.

Andy Malkinson Has Finally Won His Battle to Clear his Name

My name is Andy Malkinson. I was imprisoned for over 17 years for a crime I didn’t commit. On 26 July appeal judges in London finally overturned my conviction. New DNA evidence showed what I’ve been saying all along: that I’m completely innocent and the police got the wrong man. It should have been obvious from the get-go that my case was a miscarriage of justice. No forensic evidence linked me to the crime, and I didn’t match the description.

So why did it take nearly 20 years to get justice? Well, the public body which is meant to act as a ‘safety net’ for wrongly convicted people like me – the Criminal Cases Review Commission (CCRC) – twice turned down my case, costing me extra years of my life behind bars. I asked the CCRC to commission new DNA testing to prove my innocence years ago, but they refused. They wouldn’t even bother reviewing the police files. Instead, the small legal charity APPEAL did the work the CCRC failed to do. APPEAL arranged new DNA testing supporting my innocence. They also took the police to court, unearthing crucial evidence which the CCRC failed to uncover. Presented with all this, the CCRC finally sent my case for appeal.

I want CCRC Chair Helen Pitcher to apologise for these failings and commission an external, independent review aimed at learning lessons from what went wrong in their handling of my case. The CCRC only grants new appeals in less than 2% of the cases it considers – so I know other wrongly convicted people are being let down. Please sign my petition if you agree the CCRC must apologise and learn from its mistakes, so that others don’t suffer what I’ve been through.

There are many others who have also been let down by the CCRC. So Andy has launched a new fight to make the CCRC apologise and learn from its mistakes. Will you sign Andy’s petition to demand that the CCRC is held accountable for its failures in Andy’s case, so that others don’t have to suffer the injustice he endured?

It only takes 1 minute and every signature helps to increase the pressure. With your help, a case like Andy’s can be the catalyst for the transformation of the appeal system in this country. That’s why we have to act right now - and it all starts with people coming together on a petition to demand change. The statistics make clear that Andy is not alone in being denied justice by the CCRC: last year it turned down 98% of applicants seeking a new appeal hearing.

British justice should be the best in the world, but it is far too slow in putting miscarriages of justice right. Please add your name to the petition now: <https://tinyurl.com/ytxc56yn>

Reading a statement to journalists outside the Royal Courts of Justice, Malkinson said: “I came to the police station in 2003 and told the officers I was innocent. They didn’t believe me. “I came to the crown court in Manchester in 2004 and told the jury I was innocent. They didn’t believe me. I came to this appeal court in 2006 and told them I was innocent. They didn’t believe me. I applied to the Criminal Cases Review Commission, which is supposed to investigate miscarriages of justice, and told them I was innocent. They didn’t investigate and they didn’t believe me. Not once, but twice. Today we told this court I was innocent and, finally, they listened. But I have been innocent all along, for each of those 20 years that came before today. Nothing any police officer, court or commission said about me since 2003 changed that reality.”

John Bowden: I am Asking for Your Support For Joe Outlaw

Joe Outlaw is one of almost 3,000 prisoners sentenced under the now supposedly abolished IPP law yet who continue to languish in prison with little hope of release. Sentenced to IPP in 2011 for robbery Joe has long exceeded his original tariff and yet like other IPP prisoners he remains trapped in a prison sentence that feels like a death sentence. But rather than submit to such inhuman treatment Joe has bravely and continually resisted and sought to publicly expose and raise awareness of the inhumanity of the IPP sentence. Following a rooftop protest at HMP Manchester Joe was buried in solitary confinement in HMP Frankland maximum security yet amazingly managed to scale a fence whilst exercising in an enclosed yard and stage a rooftop protest, the first ever rooftop protest at Frankland. The system now decided to destroy Joe's spirit of resistance completely by subjecting him to the most oppressive treatment.

In a recent Joe wrote: "I was moved here to HMP Belmarsh prison about six weeks ago and placed into total solitary confinement in a special unit that seems to have been created for me so I'm totally alone. They are trying to silence my activism by suppressing me totally. The daily regime here is inhuman. I'm only allowed to wear flip flops when briefly each day I'm given exercise in a small yard, whilst I'm also double handcuffed and guarded by a group of screws and a guard dog. They are trying to silence and break me, but I will never stop my struggle to highlight the inhuman and unlawful imprisonment of IPP prisoners."

Support Joe by writing to him and offering solidarity for his struggle, contact details.

Joe Outlaw, A1236AY. HMP Belmarsh, Western Way, London SE28 0EB

For Those of us in Prison There is Only One Season the Season of Sorrow

The very sun and moon seem taken from us. Outside, the day may be blue and gold, but the light that creeps down through the thickly-muffled glass of the small iron-barred window beneath which one sits is grey and niggard. It is always twilight in one's cell, as it is always twilight in one's heart.

I know not whether Laws be right, Or whether Laws be wrong,
All that we know who lie in jail Is that the wall is strong,
And that each day is like a year, A year whose days are long ,
But this I know, that every Law. That men have made for man,
Since first Man took his brother's life, And this sad world began,
This too I know — and wise it were If each could know the same,
That every prison that men build Is built with bricks of shame,
And bound with bars lest men should see. How men their brothers maim.

For us in prison, suffering is one very long moment. We cannot divide it by seasons. We can only record its moods and chronicle their return. With us, time itself does not progress. It revolves. It seems to circle around one centre of the pain. The paralysing immobility of a life every circumstance of which is regulated after an unchangeable pattern, so that we eat and drink and lie down and pray, or kneel at least for prayer, according to the inflexible laws of an iron formula: this immobile quality, that makes each dreadful day in the very minutest detail like its brother, seems to communicate itself to those external forces the very essence of whose existence is ceaseless change.

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makes each dreadful day in the very minutest detail like its brother, seems to communicate itself to those external forces the very essence of whose existence is ceaseless change. Of seed-time or harvest, of the reapers bending over the corn, or the grape gatherers threading through the vines, of the grass in the orchard made white with broken blossoms or strewn with fallen fruit: of these, we know nothing and can know nothing. Prosperity, pleasure and success, may be rough of grain and common in fibre, but sorrow is the most sensitive of all created things. There is nothing that stirs in the whole world of thought to which sorrow does not vibrate in terrible and exquisite pulsation. The thin beaten-out leaf of tremulous gold that chronicles the direction of forces the eye cannot see is in comparison coarse. It is a wound that bleeds when any hand but that of love touches it, and even then must bleed again, though not in pain. I have lain in prison for nearly two years. Out of my nature has come wild despair; an abandonment to grief that was piteous even to look at; terrible and impotent rage; bitterness and scorn; anguish that wept aloud; misery that could find no voice; sorrow that was dumb. I have passed through every possible mood of suffering. Better than Wordsworth himself I know what Wordsworth meant when he said— 'Suffering is permanent, obscure, and dark and has the nature of infinity.'

Reason does not help me. It tells me that the laws under which I am convicted are wrong and unjust laws, and the system under which I have suffered a wrong and unjust system. But, somehow, I have got to make both of these things just and right to me. And exactly as in Art one is only concerned with what a particular thing is at a particular moment to oneself, so it is also in the ethical evolution of one's character. I have got to make everything that has happened to me good for me. The plank bed, the loathsome food, the hard ropes shredded into oakum till one's finger-tips grow dull with pain, the menial offices with which each day begins and finishes, the harsh orders that routine seems to necessitate, the dreadful dress that makes sorrow grotesque to look at, the silence, the solitude, the shame—each and all of these things I have to transform into a spiritual experience. There is not a single degradation of the body which I must not try and make into a spiritualising of the soul.

When first I was put into prison some people advised me to try and forget who I was. It was ruinous advice. It is only by realising what I am that I have found comfort of any kind. Now I am advised by others to try on my release to forget that I have ever been in a prison at all. I know that would be equally fatal. It would mean that I would always be haunted by an intolerable sense of disgrace, and that those things that are meant for me as much as for anybody else—the beauty of the sun and moon, the pageant of the seasons, the music of daybreak and the silence of great nights, the rain falling through the leaves, or the dew creeping over the grass and making it silver—would all be tainted for me, and lose their healing power, and their power of communicating joy. To regret one's own experiences is to arrest one's own development. To deny one's own experiences is to put a lie into the lips of one's own life. It is no less than a denial of the soul.

The fact of my having been the common prisoner of a common gaol I must frankly accept, and, curious as it may seem, one of the things I shall have to teach myself is not to be ashamed of it. I must accept it as a punishment, and if one is ashamed of having been punished, one might just as well never have been punished at all. Of course there are many things of which I was convicted that I had not done, but then there are many things of which I was convicted that I had done, and a still greater number of things in my life for which I was never indicted at all. And as the gods are strange, and punish us for what is good and humane in us as much as for what is evil and perverse, I must accept the fact that one is punished for the good as well as for the evil that one does. I have no doubt that it is quite right one should be. It helps one, or should help one, to realise both, and not to be too conceited about either. And if I then am not ashamed of my punishment, as I hope not to be, I shall be able to think, and walk, and live with freedom.

Oscar Wilde, "From the Depths", HMP Reading, January/March 1897