Birmingham Pub Bombings: Force Re-Examines Evidence *Police Oracle, 18/11/13*

Counter terrorism officers are re-examining thousands of documents and exhibits to identify new lines of enquiry in one of the worst acts of terrorism committed on the mainland UK. West Midlands Police has dedicated scores of officers to re-examine evidence relating to the 1974 Birmingham pub bombings, which killed 21 people and injured 182. More than 10,000 documents and forensic exhibits relating to the incident have been collated band are being assessed by the force's Counter Terrorism Unit over the past 18 months. Additionally, officers within the investigation teams have completed comprehensive briefings to ensure they have a thorough understanding of the case should any new information come to light. It is anticipated that all information currently available will be uploaded into the unit's digital filing system by next spring. A forensic scientist from Britain and another from the Netherlands have been asked to assess the current exhibits and consider whether new forensic tests could be carried out in light of advances in the discipline. Assistant Chief Constable Marcus Beale said that officers were examining the context of the evidence they have in relation to the attacks. He said: "This is the largest murder enquiry that remains unresolved in West Midlands Police's history. The work we have been doing will put us in the best position possible to be able to assess the importance and context of any information that we receive." The bombs, which were set to detonate within 10 minutes of each other, ripped through the Tavern in the Town and Mulbury Bush pubs in Birmingham on November 21 1974. The events were attributed to the IRA – but the organisation has never admitted responsibility. Six men were arrested within hours of the bombs being detonated and were subsequently convicted for murder and given life sentences. However in 1990 the Court of Appeal ordered their sentences be quashed after ruling they were unsafe.

Terry Smith Death in Police Custody: IPCC Launch Criminal Investigation

Mr Smith, 33, was detained by police at around 10 pm on Tuesday 12 November following a call for assistance from an ambulance crew. He was detained under the Mental Health Act and taken under restraint to Staines Police Station where he was arrested and continued to be restrained. He became ill, and died at St Peter's Hospital in Surrey around 24 hours after being detained. IPCC Commissioner Jennifer Izekor said: "Based on our initial inquiries I have decided this will be a criminal investigation into eight Surrey police officers and two Surrey police staff who were involved in Terry Smith's detention and restraint. At this stage we consider there is an indication that potential criminal offences may have been committed including gross negligence manslaughter, misconduct in public office, and/or offences under the Health and Safety at Work Act 1974. We will also be considering whether any potential disciplinary offences have been committed. We will keep the numbers of police personnel subject to investigation and potential offences under review.

Hostages: Jamie Green, Dan Payne, Zoran Dresic ,Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar,Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 452 (21/11/2013)

Wrongly Convicted but Not a Miscarriage of Justice! - So No Compensation

No Justice for Joseph Fitzpatrick & Terence Shiels. Both at the age of 16 pleaded guilty at trial in 1977 and 1978. Their convictions were overturned by the Court of Appeal in May 2009 after being referred there by the Criminal Cases Review Commission.

[9] In quashing the convictions the Court of Appeal stated: "(2) It is not necessary to rehearse the factual background to both appeals, because it is accepted on behalf of the Public Prosecution Service that there were breaches of the Judges' Rules in both cases. Both appellants were young men at the time of their arrest and detention. Neither was given access to legal advice; neither was accompanied by an appropriate adult, and it is quite clear that the circumstances of their detention (and more specifically the circumstances in which they came to make admissions) constituted a breach of the Judges' Rules.

Since 2009 they have been trying to get compensation for wrongful imprisonment, they took their case to the High Court in April 2012 the court heard the case but ruled against them. The courts argument was that their claim did not meet, 'Section 133 of the Criminal Justice Act 1988 ', which delineates in law what a miscarriage of justice is/is not.

They then sought a Judicial Review of that decision, which has just been handed down, and upholds the previous decision. In effect the fact that they pleaded guilty at trial, even though both trials were a breach of judges rules does not constitute within the present legislation a 'Miscarriage of Justice'.

From the Trial transcript: The effect of the appellants' pleas of guilty

[27] There is an additional reason why the appellants cannot succeed in their applications. The fact that the appellants pleaded guilty to the charges [at trial] in question and were convicted on foot of those pleas creates a quite different context from the one which arose in Adams. An unequivocal plea of guilty is a clear and public admission of guilt. Where a plea is entered and accepted by the court, the resultant conviction flows from the plea which is an admission. By pleading guilty the defendant has accepted that there was a factual and evidential basis establishing his guilt.

[3] **Joseph Fitzpatrick** was arrested on 8 March 1977. He was at the time 16 years of age and thus a young person. He was interrogated by the police over two days. He did not have access to a solicitor or to his parents or other appropriate adult. He made admissions in respect of three offences of a terrorist nature (involvement in an arson attack on 26 February 1977; involvement in a gun attack on soldier on 30 December 1976; and membership of a proscribed organisation).

[4] He was brought to trial at Belfast City Commission. He pleaded guilty to the charges. He was represented by solicitors and counsel. He was sentenced to an effective sentence of five years. He did not at that time appeal against his convictions or sentence.

[5] Many years later he applied to the CCRC. His case was reopened and an appeal was brought before the Court of Appeal in May 2009. The Court after a short and essentially uncontested hearing with little argument quashed his convictions as unsafe.

[6] **Terence Shiels** was arrested on 26 April 1978 on suspicion of involvement in a shooting incident. He was 16 years of age. He was interrogated over two days without access to a solicitor, his parents or other appropriate adult. On 27 April 1978 he made a confession state-

ment in which he admitted possession of a gun and membership of the Fianna, a proscribed organisation. He was charged with membership of a proscribed organisation and possession of a firearm and ammunition. [7] He was brought to trial before Belfast Crown Court on 28 June 1979. He was represented by solicitors and counsel. He pleaded guilty. He received a suspended sentence. He did not appeal at that time. [8] Having been refused entry to the United States in 2002 he applied on 19 March 2003 to the CCRC. This led to the reopening of the case. His appeal was heard together with the case of Mr Fitzpatrick. The Court of Appeal quashed the convictions on the same basis.

[9] In quashing the convictions the Court of Appeal stated:

(2) It is not necessary to rehearse the factual background to both appeals, because it is accepted on behalf of the Public Prosecution Service that there were breaches of the Judges' Rules in both cases. Both appellants were young men at the time of their arrest and detention. Neither was given access to legal advice; neither was accompanied by an appropriate adult, and it is quite clear that the circumstances of their detention (and more specifically the circumstances in which they came to make admissions) constituted a breach of the Judges' Rules.

(3) In those circumstances it has been correctly conceded by the prosecution that there are prima facie grounds for considering that the convictions obtained on the basis of the admissions made by the appellants are unsafe. I should observe that the only evidence against both appellants was their admission of guilt of the offences. The conventional approach to the safety of the conviction has been outlined in a series of cases in which it is stated that where there are prima facie reasons to doubt the safety of the conviction, one examines the countervailing factors which may restore the conviction to a conditional safety. But in the present case the appellants submit that such an exercise is inapt for the reason that, if the confessions were wrongly admitted, then there could be no rescue from that situation and there cannot be any reinstatement of the safety of the conviction.

(4) We are inclined to the view that this submission must be correct although we leave for a future occasion a rather more extensive consideration of the issue. We do so because we are satisfied that in any event the countervailing factors in the present case are of such slender significance that they could not operate to displace the view that we have formed that prima facie the convictions must be regarded as unsafe. We have reached that conclusion principally because we consider it had been shown at least to a high level of possibility that the statements made by the appellants either in the course of bail applications or on their behalf in pleas of mitigation were culled from the original statements that they had made. If the countervailing factors derived from material which was obtained by objectionable means they cannot truly be regarded as countervailing at all. In those circumstances it is unnecessary for us to resolve the question of principle of whether wrongly admitted confessions could ever be rescued by the consideration of counterveiling factors. In this case this is simply not a feasible proposition even if it were in other circumstances theoretically possible."

Prison Cut Backs - Grayling has made cutbacks effective from last month to the Assisted Prisons Visits Scheme where close family on certain benefits can claim some money towards their expenses. The mileage rate for escorts escorting close family with medical conditions has been reduced from 27 pence to 13 pence per mile. This will affect poorer people with medical conditions who live far away from prisons. Grayling has banned the sending in of stamps, envelopes and writing paper and is now making it harder for family with medical conditions to visit. The overnight rate for accommodation in London and the South-East is still £34!

were often worse than their counterparts, although well over a third of prisoners were from a black or minority ethnic background. Over 40% of prisoners were foreign nationals, 69 of whom were held beyond the end of their sentence and should have been moved to the immigration estate. There was a range of services for foreign nationals, although the prison needed a more considered and strategic approach to this significant number of prisoners. Discrimination complaints were dealt with poorly and the general complaints system also needed to be addressed to build prisoner confidence in it. Other services, such as faith provision, legal services, health and catering, generally provided good outcomes.

Time out of cell had improved but remained limited, as did prisoner access to association. We found just over a quarter of prisoners locked up during the working day, which was too high, but a significant improvement since our last visit. There was now sufficient activity for the majority of prisoners, and the quality of the learning and skills provision, particularly vocational training, was good. However, there was too much menial wing cleaner work that did not provide enough to do. Punctuality and some attendance could also improve, although those who did attend classes made progress. The use of PE to support the work of the prison was both productive and innovative.

The prison's strategy to reduce reoffending was, as we found at our last visit, reasonably good and grounded in a useful analysis of need. Most medium- to longer-term prisoners received some enthusiastic offender supervision but support for shorter-term prisoners, while addressing resettlement need, was less structured. The prison was developing links to support integrated offender management in to the community, and there had been a useful increase in release on temporary licence to support resettlement. Resettlement services generally were effective in supporting meaningful outcomes, and the prison was developing new plans to reopen accommodation currently being refurbished as a hub to its resettlement function.

This is a good report that records significant improvement. The prison is well led by the governor and his management team, and it is to their credit that they have created a sense of optimism and energy in the prison. One inspection report does not of itself mean that the deep-set negative culture, built up over decades, that we witnessed at our last visit is eradicated. The challenge will be to embed these recent improvements. However, at our previous inspection Wandsworth was being run in the interests of the staff; at this inspection we found a prison that was working toward becoming an accountable public service. The governor and his staff should be congratulated and encouraged following this fresh start.

Report on an Unannounced Inspection of HMP Kennet

Inspection 17/28 June 2013 by HMCIP, report compiled November 2013, published 19/11/13

Located near Liverpool, Kennet is a training prison for up to 342 adult male prisoners. Inspectors were concerned to find that: - Reception and induction arrangements were slow and fragmented - the prison's new function meant significant staff reductions and a requirement for staff to work differently and a few staff had yet to come to terms with the challenges of the prison's new direction; - Some staff we observed were dismissive of prisoner - Structures to support minorities were not strong and consultation was limite - the prisoners' accommodation was in a poor condition and required refurbishment; - more work was required to ensure the prison had a fully integrated resettlement strategy consistent with its new role; - there were real gaps in the quality of offender management. - Prisoner consultation could also have been more embedded - Inspectors made 83 recommendations

a generally caring attitude by staff, meant that most women were safe and had their needs met. However, some sloppy processes need to be sorted out to avoid unnecessary risks. Other priorities should be working with the Prison Service regionally to address the backlogs in its offender management processes, and improving its support for women whose needs are not typical of the population as a whole - because of their age, disability or family circumstances, for instance, and most particularly, for the small number of very vulnerable women.

Report on an Announced Inspection of HMP Wandsworth

Inspection 13/17May, 10/14June 2013 by HMCIP, report compiled Oct 2013, published 12/11/13

Inspectors had some concerns: - levels of illicit drug use remained too high - too many prisoners were required to share a cell designed for one; - although the promotion of diversity was a developing priority, much more still needed to be done; - there was a range of services for foreign nationals, who made up over 40% of the population, but the prison needed a more considered approach; - 69 foreign nationals were held beyond the end of their sentence and should have been moved to the immigration estate - over a quarter of prisoners were locked up during the working day, which was still too high. - prisoners had some negative perceptions about access to basic amenities, such as showers - Discrimination complaints were dealt with poorly - retrieving their stored property and using telephones could also be problematic.

Introduction from the report: Wandsworth, a large and overcrowded institution dating mostly from the 19th century, is one of the most famous prisons in the country. Its principal function remains a local prison serving the London area, although parts were closed during this inspection because of refurbishment. At our last inspection, just under two years ago, we criticised the prison severely, and I decided that it was right to re-inspect the prison sooner than we might otherwise have done. I also thought it right to take the unusual step of announcing the inspection in advance, in the hope that it would encourage rapid improvement. The governor suggested to us that this had, in fact, been helpful to him and his management team. It was pleasing to find at this inspection a prison that had made impressive progress in a relatively short period. Against all four of our healthy prison tests, outcomes for prisoners were now reasonably good.

Safety at Wandsworth had improved significantly. Arrangements to receive and induct new prisoners were satisfactory. Violence reduction protocols were better than we often see, levels of violence had reduced and staff supervision was improved. Support for those in danger of self-harm was also much improved, with evidence of better outcomes and fewer incidents. Security was applied proportionately, use of force was reducing and disciplinary arrangements were generally well managed. The prison's drug strategy was beginning to have an impact, although levels of illicit drug use remained too high. Support for drug misusers was good.

The Victorian environment at Wandsworth was a challenge to maintain, but despite this, environmental standards were reasonably good. Too many prisoners were required to share a cell designed for one, and prisoners had some negative perceptions about access to basic amenities, such as showers, and retrieving their stored property and using telephones could also be problematic.

The culture in the prison had markedly improved. Staff-prisoner relationships were much better and, for example, nearly three-quarters of prisoners, compared with just over half at our last inspection, now thought staff treated them with respect. Better prisoner consultation and the introduction of some peer support were also useful initiatives.

There was evidence that the promotion of diversity was a developing priority, although much more still needed to be done. Perceptions among minorities across a range of indicators

A Fishy Tale – Private Eye - 12th November 2013

The extraordinary tale of a trawler skipper and his crew, jailed for between 14 & 24 years each as international drug smugglers bares all the hallmarks of a miscarriage of justice. Police evidence, logs and records were altered, lost, 'spoilt' or heavily dedacted; there was late disclosure and appears to have been a critical mistake in the judge's summing up. There is also serious concern that members of the now defunct Serious Organised Crime Agency sought to influence the trial jury. Isle of Wight lobster fishermen Jamie Green, 45, Dan Payne, 39, Scott Birtwhistle 23 and Zoran Dresnic, 39 and a family friend, Jonathan Beere , 45 were jailed in June 2011 for conspiracy to smuggle 255kgs of cocaine with a street value of £53m into the UK.

The prosecution case was that the real purpose of the men's expedition into the Channel in May 2010 was to collect drugs dropped overboard from a Brazilian container boat, the Oriane. It claimed phone calls were relayed between the two by a 'shadowy' foreigner, called Dexter who had planted Dresnic, a Montenegrin, on the trawler to oversee the operation. The Crown said that later the next day, before the trawler returned to Yarmouth, the crew dropped the drugs overboard intending to collect them at night. Two police officers keeping surveillance from the cliffs of Tennyson Down described how they saw 10 to 11 hold-alls, all tied separately on a long length of rope thrown over the back of the boat, complete with a red marker buoy. The smugglers efforts were thwarted by a combined police customs operation – code named 'Disorient', which was tracking the Oriane as she sailed through the Channel.

But there is little other than circumstancial evidence to support the prosecution's version of events. The fishermen were not the target of the operation and not regarded as potential targets until over three hours after the Oriane had sailed through the Channel. The men's defence was quite simply that they were on a regular lobster trawling trip, but were in the wrong place at the wrong time. The only direct evidence against the fisherman is the most dubious; the testimony provided by the two surveillance officers on the cliffs, DC Andrew Dunne and DC Paul Jeans. Having watched such suspicious activity, in the sea below them, not only did they leave the scene, with no-one monitoring the drugs, but they also prepared to return to their Hampshire base. As Judge Dodgson, told the jury: 'It does seem extraordinary, does it not , that these officers, knowing that they are involved in an operation to detect drug smugglers, see what they have seen and are prepared to leave the island – apparently completely unaware that the significance has been missed by everybody.'

The fact that any drugs were recovered at all was no thanks to the police or customs. It was down to another lobster fisherman, who went to check his pots the following day and found the haul tangled in his lines. In the meantime Green and his crew had been arrested some two hours after they docked in Yarmouth. What was also troubling was that initially the two DCs, in regular radio contact with their command, had reported only that the men appeared to be fishing of the coast and later that the boat 'is moving westbound, throwing six or seven items overboard at intervals'. This fitted exactly with the crew's account of fishing for mackerel and tossing overboard black plastic sacks of the ship's toilet and other waste, as it apparently often did, before heading back into harbour.

What transpired between the initial radio message recording events as they happened and the officers' subsequent damning statements and testimony is, of course, that the drugs were found. The two officers, who contrary to 'strict' police guidance were excluded from the usual post-operation debrief, were instead met on their own in their car, by Gary Breen, a Soca's operational commander. Again contrary to procedure, and unknown to the officer in charge

of the log, Breen took it along where the two DCs made amendments, changing not only the description of what they claimed to have seen going overboard, but also the location of the Galwad Y Mor. Recovery of the drugs was also suspiciously delayed till the officers could return to cliffs and watch, after which they drew up their statements.

So that leaves the circumstantial evidence. First, as the judge kept reminding the jury, there was no evidence that the drugs were ever on or dropped from the container ship. It was one of nine that night from South America, and one of 99 larger vessels using the shipping lanes. The only reason police became aware that the two boats were near each other, was much later and came from records of the trawler's Olex sea bed mapping device. As Jamie Green, the skipper said: 'If I really had been engaged on a drugs operation, would I have left the machine on to record the evidence?'

The jury was never told what intelligence triggered Operation Disorient. But whatever the trigger, a customs cutter was tracking the Oriane, from about 10.30pm. It is evident, therefore that the cutter crew tailing the Oriane must have missed entirely the Galwad y Mor, when according to the prosecution it came behind the container boat and supposedly recovered the drugs in just three and half minutes. Experts agreed that, if the cocaine did originate from the Oriane, cruising at about 20mph, they would have been bundled together in one huge package so not to break up on impact. A defence expert, that the crew could not possibly have hauled the bundle on board, in stormy seas, especially as the boat was always Much was made by the prosecution of the fact that the trawler was out in busy, hazardous shipping lanes on a stormy night, claiming its manoeuvres around the Oriane were highly suspicious. But Chinnery, producing the trawlers entire Olex history, showed an identical pattern of movement on no less than 28 previous fishing trips.

So what to make of Dugic and Dresnic? Their role could be regarded as suspicious, and dugic was being followed as part of a separate police operation - nothing to do with the Oriane or drugs. Dresnic said he was intending to work illegally as he could earn more here than in Montenegro. He was put in touch with Dugic by a mutual friend and had never seen Dugic before he escorted him to the Isle of Wight. The fishermen maintain that as far as 'Dresnic' was concerned, he was just another foreign itinerant worker. (They produced evidence to show they had employed others on a casual basis).

As to the phone calls, it is certainly suspicious that there were numerous calls between the fishing boat and Dugic and associates at what the prosicution say were critical times over the weekend. However, there is no evidence that any call was relayed to or from anyone on the Oriane. The Judge should have said that was pure conjecture on the part of the prosecution. Phone records proved only that there were a serious of calls or texts recorded between the trawler and Dexter, on the phones he and Dresnic had purchased in the Isle of Wight. Record showed an onward connection to the Netherlands and elsewhere - but not the Oriane. However when the judge summed up, he told the jury the Crowns case was that 'someone on the Oriane was in communication with Dexter and his associates, who were in turn communicating with Mr Green. The defence say this is purely co-in incidence'. Although the defence did not spot the error at the time, the judge was suggesting a direct link between the Oriane and the trawler, which was not in evidence.

The Galwad y Mor was subject to forensic testing for traces of drugs that might have escaped the holdalls. None was found. There was little established fact other than drugs were washed up on the Isle of Wight at a time, when intelligence suggested they would be., and

and these young adults were over-represented in some disciplinary processes. The prison had recognised that this was a group with specific needs and was planning to meet them. At the time of the inspection the prison had just been given notice that the Josephine Butler Unit - a unit of the prison that held young offenders under 18 (which we inspected separately) - was to close. This created an opportunity to use the skills and experience of the staff from the unit to improve provision for young women in the main prison.

More thought needed to be given to the most vulnerable women the prison held. A small number of women accounted for much of the recorded self-harm. Mental and good physical health services were not well integrated and we found insufficient evidence of effective treatment or care planning for women with mental health problems. Too many women identified as being at risk of suicide or self-harm were held in segregation without evidence of the exceptional circumstances required to justify it. The segregation unit itself was divided into two parts: one for women segregated for their own protection who were mostly very vulnerable and needed 'respite'; the other a traditional discipline facility for women serving cellular confinement punishments or segregated for good order and discipline. The regime for both groups required improvement but it was an entirely inappropriate environment for vulnerable women who needed high levels of clinically-led care.

The opportunities women had to develop employability skills and gain experience working outside the prison on temporary licence were aspects of good work to meet women's practical resettlement needs. The prison held women from a wide geographical area, including a substantial number from Wales, but despite the challenges this posed, most women had effective help in obtaining housing, work or training and health services. The post release support provided by the Rehabilitation for Addicted Prisoners Trust (RAPt), for women with drug and alcohol problems, was particularly effective and good practice.

However, this generally good resettlement work was undermined by significant deficiencies in the offender management and planning processes necessary to identify and address a woman's risk of further offending. Far too many women came to the prison without the required assessment of their offending risks (a failure by the sending prisons) and Downview was unable to deal with the resulting large backlogs. This was exacerbated by large caseloads for probation staff and the redeployment of prison staff offender supervisors to other duties.

Work to meet the specific resettlement needs of women also required development. General visits arrangements were reasonable and the independent 'Stepping Stones' project - a house just outside the prison that allowed women to spend quality time with their children on temporary licence - was an excellent initiative. However, the children and family issues relevant to women when they first arrived were not identified. The range of family visits was limited and there was little to meet the needs of women with specific circumstances - those who were primary carers, had adult children or who lived too far from their families to receive regular visits, for instance. Supervised, risk-assessed access to some web-based services and would resolve some of these issues and, in any case, a lack of internet access is an increasing significant obstacle to effective resettlement. Other important women-specific resettlement services were also weak. Advice and support for women who had experienced abuse, domestic violence or sex work needed to be strengthened, and what already existed needed to be better coordinated and advertised.

Overall, Downview had significantly improved since our last inspection. Its very good education, training and work opportunities created a positive and purposeful ethos and this, combined with

Report on an Unannounced Inspection of HMP Downview

Inspection 25 June/5 July 2013 by HMCIP, report compiled Oct 2013, published 13/11/13

Downview is a closed prison for women located in Sutton, Surrey

Inspectors were concerned to find that: - violence reduction procedures were weak and recording of disciplinary processes and the use of force, strip-clothing and special cells was inadequate; - more thought needed to be given the most vulnerable women the prison held, such as those with mental health problems; - too many women identified as being at risk of suicide or self-harm were held in segregation without evidence of the exceptional circumstances required to justify it; - the segregation unit was an entirely inappropriate environment for vulnerable women who needed high levels of clinically-led care - there were significant deficiencies in offender management and planning processes and too many women came to the prison without the required assessment of their offending risks; - it was too easy for women to obtain alcohol and support for women who abused alcohol was inadequate - The prison held 16 women under 21 years old and these young adults were over-represented in some disciplinary processes - the range of family visits was limited. - inspectors made 72 recommendations

Introduction from the report: HMP Downview is a closed women's training prison with a resettlement function. At the time of this inspection it held 283 women. When we last inspected the prison in a short follow-up inspection in 20 I I it was reeling from the fallout of some serious staff misconduct which had led to a custodial sentence for one person involved. This inspection found that the prison had moved on but lessons had been learnt, and managers now took a much more robust approach to any concerns about staff behaviour.

The most striking feature of the prison was the very good levels of high quality activity the women enjoyed - much better than we usually see in either men or women's prisons. Few women were left on the wings during the day, activity places were full and busy and women spoke positively about the opportunities on offer in the prison; there were also good opportunities for some women to do paid or voluntary work out in the community. There was the potential to improve this further by offering higher level and more challenging qualifications in some of the education and training activities.

The positive atmosphere this engendered was reinforced throughout the prison by a good quality environment and generally good relationships with staff, which were mostly characterised by mutually high expectations. Arrangements for women's early days in the prison had improved but more needed to be done to reassure women who felt anxious and lonely at this time. Once settled in the prison, most women told us they felt safe and there was a caring approach to the minority of women who might be victimised by other prisoners or be at risk of self-harm. Drug treatment and measures to restrict the supply of illegal drugs were good; however, it was too easy for women to obtain alcohol and support for women who abused alcohol was inadequate.

Generally good individual relationships meant that most women had their needs identified and met. However, risks were created because this positive culture was not underpinned by sufficiently rigorous processes and poor record keeping - particularly in some critical safety and disciplinary areas. Violence reduction procedures were weak and recording of disciplinary processes and the use of force, strip-clothing and specials cells was inadequate. Staffing levels were stretched and important aspects of the prison, such as the delivery of mail or association time, were sometimes disrupted by staff absences.

Work on diversity had improved but more needed to be done to identify and meet the needs of women with disabilities and older women. The prison held 16 women under 21 years old

that there were lots of mysterious phone calls. There was evidence to suggest police misconduct – although the Independent Police Complaints Commission later dismissed this. Yet by a majority verdict all were found guilty.

After conviction, the one dissenting juror reported that during the trial, he overheard colleagues discussing that one juror had been approached by a Soca officer. The policeman was supposed to have said, among other things, was that Julian Christopher, the lead defence QC, had formerly been a Soca prosecutor and was using information acquired then to undermine the case against the fishermen now. The matter was referred to the Appeal Court but the bench threw it out saying the juror was not 'capable of belief'. Yet the Juror's accountwas in part supported by the QC himself, t who said he had also been approached by Soca officers, who had repeated the same sentiments.Now defence lawyers are preparing a new dossier of evidence which they hope will convince the CCRC to reopen the case.

Custody, and the Question Of Prisoner Intelligence Sharing *Gordon Harrison, 13/11/13*

Greater information sharing between the police, prisons and probation will help prevent trouble igniting in custody, says Gordon Harrison. The recent riots in Maidstone demonstrate what a volatile and unpredictable environment prisons can be - and news of parallel disturbances taking place on the same day at Rye Hill prison, near Rugby, are a reminder that instances of prisoner unrest are not uncommon. In reflecting on these incidents, it is worth highlighting that prisons hold a duty of care to their staff and the wider prison community.

A critical element of this duty is managing prisoners effectively. Collecting and processing information and developing it into meaningful intelligence is vital. This is more than just an administrative process which involves tracking personal details and changes to prisoner's address and prison status, as important as this information is. Intelligence collection and management should also play a key role in deterring those prisoners who may be inclined to stir up trouble like we saw in Maidstone as well as in protecting the wider prison community.

Accessing the right information: The phrase, 'if only we knew what we know' is more than pertinent to prisons when considering all the information gathered within them but held in differing systems and databases. Traditionally, prisons have relied upon their security departments to collect information from staff, and sometimes prisoners, to provide meaningful intelligence which can be used to aid decision making, affecting parole, temporary release, re-categorisation, work placements, cell allocation and so on. However, these assessments are made without access to all available information and as such may be flawed in their content. The consequences could be that the purpose for which these assessments were compiled could be unintentionally misleading.

Access to modern and functionally rich technology is essential in dealing with incidents like those at Maidstone and Rye Hill as being able to use systems to quickly access information about each prisoner involved (and the ringleaders in particular) is critical to providing a duty of care to them as well as prison staff. Furthermore, this duty of care should never just be about what happens within the prison walls. The majority of staff and suppliers who work within the establishment come from the local area; often the same area that prisoners are released to and where they must integrate back into society. As a result, the duty of care that prisons hold needs to be extended to their staff and the wider community and take full cognizance of issues which might manifest itself beyond the prison boundaries,

Engaging criminal justice partners: In making this happen, prison management needs to

build trust and encourage an inward and outward flow of information about prisoners between prisons and third-party agencies that have 'a need to know'. Developing this kind of relationship also helps prison management become more proactive in disseminating relevant information to the appropriate agency such as the police, probation service or social services. Much of this intelligence is likely to be positive – capturing and propagating details of successfully completed rehabilitation programmes, for example.

It is also important to be able to use systems to pinpoint issues relating to prisoners that might otherwise have been hidden, involvement in incidents like the Maidstone riots for example. When a prisoner is eligible for parole, a report on his or her conduct is required by the parole board. Technology can be used to provide the complete picture identifying both negative and positive prisoner behavior during their time inside. The recent trouble at Maidstone and Rye Hill is a reminder of just how difficult it can be for prisons to fulfill their duty of care. Prison management will be painfully conscious that keeping a lid on such incidents is just one small element of that duty. So systems and solutions that make this challenging task a little easier to achieve are likely to be enthusiastically embraced.

Illegal Drug Use (Prisons) *House of Commons / 12 Nov 2013 : Column 791*

Mr Gary Streeter (South West Devon) (Con): What progress is being made on reducing illegal drug use in prisons. [901034]

The Parliamentary Under-Secretary of State for Justice (Jeremy Wright): We are making good progress. As a result of effective prison security measures and working closely with health services to reshape drug treatment in prisons, the proportion of prisoners testing positive for drug misuse is the lowest it has been since 1996.

Mr Streeter: Many of my constituents remain baffled about why we cannot make prisons drug-free zones; successive Governments have not been able to do so. None the less, I welcome the recent through-the-gate reforms that my hon. Friend has introduced. Will he explain how they will help offenders to come off and stay off drugs?

Jeremy Wright: I am grateful to my hon. Friend. On his first point, he will recognise that one of the emerging challenges is the misuse of drugs that are not in and of themselves illegal. In that regard, I commend to him the private Member's Bill promoted by my hon. Friend the Member for Stourbridge (Margot James), which I think answers that problem very effectively and I hope the House will pass it.

On the through-the-gate reforms, again my hon. Friend the Member for South West Devon (Mr Streeter) is right that it is important that we undertake to all those providing drug treatment in prisons that what they begin will be properly completed; otherwise, they will not begin what may be long-term drug treatment programmes. That is why through-the-gate matters, and why our rehabilitation reforms will support people not only in custody but in their transition into the community and for some considerable time thereafter.

Keith Vaz (Leicester East) (Lab): May I commend to the Minister as his recess reading an excellent book, "Doing Time: Prisons in the 21st Century", by the hon. Member for Hexham (Guy Opperman)? In chapter 2 he talks about 50% of those in prisons having a drug problem. As the Minister knows, the Home Affairs Committee has recommended mandatory testing on arrival and exit. Are we any nearer to that?

Jeremy Wright: As the right hon. Gentleman knows, I do not agree with him that the right way to deal with drug testing is to have a mandatory point at entry and exit. He also knows

was found guilty of perverting the course of justice at an earlier hearing.

In addition, between February 28 and October 2 last year, Withnell obtained information on a police investigation and drafted a charging advice form relating to a £500,000 money laundering investigation, purporting to be a lawyer from the CPS. The advice suggested that offences under investigation should either be discontinued or subject of lesser charges. The form was then sent on to a friend of the person subject of the criminal investigation via Withnell's GMP email. Then, on March 16 this year Withnell, of Cranark Close, Heaton, Bolton, sent an anonymous text message to another officer indicating a hit man had been paid to kill him - knowing it was untrue.

Early Day Motion 647: Secret Imprisonment *John Hemming, House of Commons*

That this House notes that at a hearing on 18 September 2013 where the claimant had applied to have the female defendant imprisoned for contempt of court it was decided that the court should sit in secret; further notes that an anonymised judgment was produced giving the reasons for this, but that has not as yet been published on Bailii, in contravention of the practice directions in respect of committals for contempt of court; further notes that at a hearing of the Royal Courts of Justice there was an initial attempt to treat the hearing as being in chambers; further notes that a woman was committed at the hearing to prison for contempt of court; further notes that no listing of the case occurred in contravention of the practice directions; further notes that the woman concerned has still not been named notwithstanding a request to the Head of News of the Judicial Office; further notes that there is no reference to this case on Bailii in contravention of the practice directions; is saddened by the fact that UK citizens are still being imprisoned effectively in secret; and calls for the judiciary to follow the proper procedures and the Government to report on when citizens are imprisoned for contempt of court to enable an audit of imprisonments to occur in order to ensure that none are secret.

UK 'Military Reconnaissance Force' Gunmen 'Imitated the IRA' *Irish Republican News*

The Six-County Attorney General has been asked to order new inquests into the deaths of people killed by an undercover British army unit following new information uncovered by a BBC documentary. For the first time some of the British Army's infamous Military Reconnaissance Force (MRF) have broken their silence, and have spoken about how they "took the war to the IRA, sometimes even imitating the IRA itself". The 'elite' unit was set up in 1971 but disbanded after 14 months amid international anger over the soldiers' deadly campaign in which a number of innocent civilians were killed. Among those shot dead by the unit in the 14 months before it was disbanded were west Belfast man Patrick McVeigh, a shipbuilder targeted as he stood among a group of residents in May 1972. Eyewitnesses, including a priest who gave the Last Rites to Mr McVeigh, refuted British claims that there had been a 'gun battle' with the IRA. The soldiers did not appear at the inquest and it recorded an open verdict.

Pat McVeigh said it wasn't until six weeks after her father's death that the family were told it had been carried out by plain-clothes soldiers. "I want my father's name cleared and for those responsible to be called to give evidence at a new inquest and tell the truth about what happened," she said. A second victim to featured in the Panorama investigation was Daniel Rooney, who was just 19 when he was shot as he stood talking to a friend at the corner of St James Crescent in west Belfast in September 1972. The six soldiers involved also did not attend the original inquest.

Padraig O Muirigh, a lawyer who represents both families, said: "In light of the new evidence gathered by John Ware we will be contacting the Attorney General calling for fresh inquests and also launching civil action against the Ministry of Defence".

on preventing wrongdoing, supporting staff who are vulnerable to wrongdoing and reporting suspicions of wrongdoing. The policy makes clear that staff who report wrongdoing should be supported and must be protected. All new members of staff within under-18 YOIs sign a 'Professional Standards Statement" and are also directed to the Staff handbook, both of which includes details of reporting wrongdoing. In addition, line managers have a responsibility to ensure all staff are aware of these processes. In order to comply with the terms of their contracts, Secure Training Centre operators are required to have in place an operating procedure that describes the process for reporting wrongdoing. This procedure covers the mechanisms for protecting staff through the use of confidential telephone lines or mail boxes and ability to make contact with the organisation outside of their particular business area. The procedure is communicated to all new staff as part of the Initial Training Course and also forms part of the regular refresher training. All forms of victimisation against any person using the policy is regarded as a serious disciplinary offence.

Inquest Into the Death of Helen Waight at Hmp Bronzefield

Opened Tuesday 19 November before HM Coroner for Surrey Richard Travers

Helen Waight was 33 years old and had five young children when she died at HMP Bronzefield on 7 March 2011. Her death was the second of two young women's deaths at this institution within 10 months. Both deaths raise serious concerns about the provision of healthcare and treatment/management of drug dependency at HMP Bronzefield, a private prison run by Sodexo.

Helen's family hope the inquest will address the following issues: · The adequacy of the tests carried out prior to the commencement of the detoxification regime and the quality of record keeping; · The treatment and management of Helen's drug dependency at HMP Bronzefield and the level of training of GPs working at the prison; · The local policies in place at HMP Bronzefield in relation to drug dependency management; ·The response of healthcare and discipline staff to reports of Helen's ill health on the morning of 7 March 2011, including the decision to dispense Helen methadone on 7 March 2011 when she was unwell; · The emergency response on 7 March 2011.

Deborah Coles, co-director of INQUEST said: "This second death of a young mother in Bronzefield prison is a tragic reminder of the urgent need for a new approach to the treatment of women in conflict with the law. While the inquest should provide some answers for Helen's family, it cannot address fundamental failings in the justice system for women. Rather than send her to prison which is expensive, damaging and dangerous, it should have been possible to address the reasons behind her offending through community based alternatives."

Helen's family is represented by INQUEST Lawyers Group members Jasmine Chadha and Megan Phillips of Bhatt Murphy Solicitors and Alison Gerry of Doughty Street Chambers.

Detective Daniel Withnell jailed for Planting Shotgun *Manchester Evening News*

A former police officer has been jailed after offering to plant a shotgun in a car belonging to another man and forging a legal advice form, posing as a CPS lawyer. Daniel Withnell 31, was sentenced to four years in prison at Manchester Crown Court today (November 7) after pleading guilty at an earlier hearing to two counts of misconduct in a public office and perverting the course of justice. Between September 30 and October 30 last year, the former Greater Manchester Police officer offered to plant a shotgun in a man's car at the request of Claire Smethurst - who offered to pay him £19,000. Smethurst, 49, of Hatherlow Court, Westhoughton, Bolton , was sentenced at Manchester Crown Court Crown Square on October 9 to 15 months imprisonment, suspended for two years. She

that the main reason I disagree with him is that everyone knows where the points are and can see them coming. What I think is much more effective is mandatory random testing, which is what we do now, but, as I explained in answer to my hon. Friend the Member for South West Devon (Mr Streeter), we must all recognise that the problem that is emerging is less about illegal drugs, dangerous though they are, and more about legal drugs that are being misused in our prisons. I hope the right hon. Gentleman will support the private Member's Bill promoted by my hon. Friend the Member for Stourbridge.

CCRC Refer Murder Conviction of Dwaine George to Court of Appeal

The Criminal Cases Review Commission has referred the murder conviction of Dwaine George to the Court of Appeal. Mr George was tried in 2002 at Preston Crown Court for murder, attempted murder and possession of a firearm with intent to endanger life. He pleaded not guilty but was convicted and sentenced to life imprisonment with a minimum tariff of 12 years. Mr George appealed against his convictions in 2004, but the appeal was dismissed.

Following a wide ranging review, the Criminal Cases Review Commission has decided to refer Mr George's convictions to the Court of Appeal. The referral is based on new scientific evidence, relating to gunshot residue, that the Commission considers raises a real possibility that the Court of Appeal will now quash Mr George's convictions.

Mr George's representatives at Cardiff University Law School Innocence Project raised issues relating to gunshot residue evidence and made representations to the Commission based on an expert report obtained by them.

As part of its review, the CCRC commissioned further specific expert analysis of gunshot residue evidence and its presentation at trial. The Commission's referral is centred around that further expert report. It should be said however that the Cardiff University Law School Innocence Project has made a very significant contribution to the case and to the referral of Mr George's convictions.

Mr George is represented by Cardiff University Law School Innocence Project, Cardiff Law School, Law Building, Cardiff University, Museum Avenue, Cardiff CF10 3AX

SCCRC Refer David Lilburn to the High Court of Justiciary

Scottish Criminal Cases Review Commission ('the Commission') has referred the case of David Ward Lilburn to the High Court of Justiciary. On 18 July 2008, at Glasgow High Court, Mr Lilburn was convicted of murder and sentenced to life imprisonment with a punishment part of 19 years.

During his trial, David Lilburn, 48, admitted killing 43-year-old Ann in Paisley in July 2007, the coroner counted 86 stab wounds. Lilburn's defence claimed mental ill health made him believe a "black shadow" was controlling him and told him to kill his wife. A jury dismissed his claim of mental illness and convicted him of murder. He was jailed for a minimum of 19 years. in 2011 five judges at the Court of Criminal Appeal in Edinburgh backed the jury's verdict.

The Commission has decided to refer the case to the High Court because it believes that there may have been a miscarriage of justice on the basis of fresh psychiatric evidence that his responsibility was diminished at the time of the offence.

In accordance with the Commission's statutory obligations, a statement of reasons for its decision has been sent to the High Court, and copies have been sent to the applicant and his representatives and to Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

Blood Detectives: Scientific Breakthrough In Reading Stains May Solve Crimes

Long considered the "holy grail" by forensic experts, a new hyperspectral imaging device that can scan for the visible spectrum of haemoglobin could dramatically speed up police inquires, lead to more convictions and reduce the number of miscarriages of justice, its creators have claimed. A prototype built by researchers at Teesside University has demonstrated extraordinary levels of laboratory accuracy.

Month-old blood samples can be dated to within a day, while fresh traces have been pinpointed to within an hour of their being taken, potentially helping police to establish a time of death immediately – a process which at present can take several days – and allowing detectives to build a more rapid chronology of events. Blood samples and splatter patterns are one of the most commonly used forms of prosecution evidence in cases of violent crime. It is believed the technology could also be applied to other fluids, including sweat, saliva and semen, which could also improve conviction rates for rapes and other sexual assaults.

Dr Meez Islam, a physical chemist and reader in the University's School of Science and Engineering, who led the team working on the project, said that identifying bloodstains often posed serious problems. Forensic teams were still working with techniques devised a century ago, and there was currently no effective way of dating blood.

"Often you go to crime scenes and what appears to be blood isn't blood. Blood on dark backgrounds can be hard to see and there are traces of blood that are not visible to the naked eye. What this does is provide fast, at-the-scene identification of blood and speed up the investigative process, as items do not need to go back to a laboratory to be examined. To use hyperspectral imaging in a way that scans the crime scene for blood also means that the chances of missing a bloodstain are vastly reduced," he said.

The new technology, which will be unveiled at a forensic science conference in Manchester next month, uses a liquid-crystal tunable filter and is able to offer immediate results. The filter works by isolating different wavelength bands of colour, so that it can detect blood against other similar-looking substances or in hard-to spot locations such as on red clothing, carpets or furniture. Because blood changes colour over time, from bright red to muddy brown, at a known rate, the device is able to put an accurate age to a sample. At present, forensic scientists must paint on chemicals to areas where they believe blood may be present hoping to produce a luminous or other reaction with iron found in haemoglobin. It is a procedure routinely demonstrated in television dramas such as CSI: Crime Scene Investigation.

But failure to locate samples has plagued a number of high profile cases. In the investigation into the murder in 1993 of the teenager Stephen Lawrence, detectives were hamstrung by their inability to find any physical evidence linking the suspects to the killing. It was only during exhaustive laboratory re-testing during a cold case review that a spot of Stephen's blood was found on the seam of the collar of a jacket belonging to his killer, Gary Dobson. In the case of the south London schoolboy Damilola Taylor, murdered in 2000, experts missed a bloodstain on a trainer belonging to one of his killers.

At Teesside, which is marking 21 years since it became the first university to train graduates in forensic and crime scene courses, researchers believe the breakthrough could help to prevent a repeat of the blunders. Dr Islam said there has been interest in the innovation by police forces and he needs £100,000 to create a working model. "This is a fairly small investment for a relatively large societal impact. This could help reduce crime, stop the wrong people being convicted and make sure the right people go to jail," he said.

Barry Mundle Found Guilty of Killing Adnan Rafiq in HMP Hewell

The trial of three prisoners, Barry Mundle, Jermaine Christie, and Jahnel Faure, concluded on Friday 15th November 2013 at Birmingham Crown Court. All three had been charged with the murder of Adnan Rafiq in HMP Hewell on Monday, January 28 of this year. A fourth man Paul Coulter, charged with the other three, did not stand trial as he was unfit to plead owing to mental health problems and charges will now be dropped. All three had been charged with Joint Enterprise but the Jury after hearing the evidence, only returned a guilty verdict for Barry Mundle and acquitted, Christie and Faure. Judge, Sir Colin Mackay, sentencing Mundle to life with a minimum of 23 years, said 'injuries to Adnan rafiq, were the worst he had come across during his time on the bench, apart from those sustained by victims of motorway crashes.'

Angry Meeting Over Leon Briggs Death In Custody *Dave Holes, Socialist Worker's Party*

Up to 250 people turned up at a community meeting in Luton on Monday 11th November, following the death a black man in police custody. The audience was angry and overwhelmingly black, but the platform were largely made up of establishment voices. Leon Briggs died a week earlier after police had taken him into custody under the mental health act and held at Luton police station.

Mary Cunneen of the Independent Police Complaints Commission (IPCC), announced that a criminal investigation is in progress and five officers and staff have been suspended from duty. The crowd applauded. Leon's friend Cyril Mitchell called out from the floor, "A 15 stone man dead after 20 minutes in Luton police custody. No charges next day." Someone else shouted, "One law for them one law for us". Cunneen responded, "It's the same law for everyone—the Queen, you or anyone." This was greeted with laughter.

Another speaker from the floor said from the floor that getting justice after death in custody is always a big uphill journey. He cited the cases of Christopher Alder and Sean Rigg. Glen Jenkins, a leader of local music collective Leviticus, said that nobody had any confidence in the IPCC because of the way it has acted in the past. He didn't want to rely on them to investigate. He said that if the investigation didn't advance rapidly he wanted people to "pledge to go to the Police Station as a non-violent movement!"

Chief Constable Colette Paul said that there have been "only three deaths" in Bedfordshire Police custody cases since 1998. The mother of Leon's daughter said to the chief constable, "You are not answering any questions. I have to say to my daughter why tonight her father is lying on a slab. My child has lost her father. I don't know why and you are not telling me." A follow-up meeting was promised.

Young Offender Institutions: Staff - Whistle Blowers *House of Lords /8 Nov 2013 : Column WA88*

Baroness Stern to ask Her Majesty's Government what are the procedures for protecting whistleblowers employed in young offender institutions and secure training centres; how those procedures have been communicated to the staff; and when.[HL2937]

Lord Ahmad of Wimbledon: The Government is committed to ensuring that staff working in the under-18 secure estate maintain the highest standards of personal and professional conduct. Managers within under-18 Young Offenders Institutions (YOI) and Secure Training Centres (STC) have a responsibility to create a culture in which staff feel confident to report wrongdoing and also to ensure they receive adequate protection from any form of discrimination or victimisation arising from an allegation. Within under-18 YOIs, Prison Service Order 1215 "Professional Standards: Preventing and Handling Staff Wrongdoing" sets out the mandatory requirements and guidance

various categories of prisoners in its custody. There are currently accommodation pressures across Maghaberry prison, so every effort is made to maximise the transfer of prisoners to Magilligan prison. I am aware that a small number of potentially separated republican prisoners are currently held in normal accommodation at Maghaberry. However, I am satisfied that the Prison Service keeps prisoner accommodation arrangements under review. This statement raises the possibility that the five held in the CSU are being isolated because of a lack of separated accommodation in Roe, rather than being isolated due to any perceived threat. It also highlights the undermining of the Justice Minister by the British Sectary of State.

JWI believe all five prisoners held in the CSU, who are seeking accommodation on the republican separated landing, fit the criteria to be transferred. This is because there is a lack of transparency regarding how prisoners seeking separation are vetted,.It is hard to verify if a threat exists, or if the refusal is due to a lack of space in the Roe compact, or indeed part of an isolation policy to exert pressure on individuals, as seems to have been the case with Gavin Coyle. Republican prisoners housed in Roe 4 landing, continuously state there is no threat against these prisoners and have openly stated they would welcome their transfer.

Conclusion: JWI calls for the immediate transfer of Martin McGilloway, Gavin Coyle, Thomas Hamill, Desmond Hamill and Austin Creggan, to the separated compact, in accordance with their rights for separation, outlined in the Steele report. To refuse them the right of separation, may be legally construed as an act of discrimination.

The continuing confinement of the five prisoners in the CSU, indefinitely, may be in breach of International and domestic law and UK prison guidelines. Included are the provisions of the European Convention on Human Rights, (ECHR), specifically Articles 6 and 8. Also domestic obligations as set out in the provisions of the Human Rights Act (1998), alongside international understanding, set out in the Standard Minimum Rules for the Treatment of Prisoners, specifically Part 1, paragraph 6, section (1), paragraphs 27 and 29. It is obvious from JWI's investigation, that the CSU, formerly the SSU formerly the punishment block, is not suited to long term confinement. It remains a short stay punishment facility. The prisoner ombudsman has highlighted the need to relocate long stay prisoners out of the CSU. The physiological impact of CSU confinement, has led to suicides and incidents of self-harm. The long term isolation of prisoners from each other without meaningful activities, such as education and exercise and little access to natural sunlight, is reminiscent of a Victorian prison regime, not one that exists in the 21st century

JWI recommends that:

· Any prisoner who asks for and meets the criteria for separation be separated

· That no prisoner be housed for longer than three months in CSU confinement

· That no prisoner be subject to the advances of any state agency, without the presence of their legal representatives.

· That the new search facility, installed following the August 2010 agreement, is used to end the degrading process of strip searching.

Justice Watch, Ireland (JWI) is dedicated to protecting human rights and the civil liberties of all the people throughout Ireland. We stand with victims and activists to prevent miscarriages of Justice and discrimination, to uphold political freedom, to protect people from inhumane conduct. We will investigate and expose human rights violations and hold abusers accountable. We will challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all. *Justice Watch Ireland*

CSU Confinement of Republican Prisoners in HMP Maghaberry

Patrick Carty, Justice Watch Ireland, 15/11/10 <jwi.ireland@gmail.com>

Introduction: Justice Watch Ireland (JWI), received a letter from Martin McGilloway, a prisoner being held in Maghaberry Jail's Care and supervision unit (CSU). Mr McGilloway asked for help from JWI, regarding his confinement and that of four other prisoners also being held in the CSU. The other four are Thomas Hamill, Desmond Hamill, Austin Creggan and Gavin Coyle. All five prisoners have continuously requested to be housed on the republican separated landing 4 of Roe house.

Chronology: In April 2011 Gavin Coyle, from Omagh, was remanded in custody to Maghaberry Jail, charged in relation to a republican arms find. Despite requesting separation from the general prison population, due to the republican nature of the charges against him, he was refused separation. The republican wing on Roe House and the loyalist wing on Bush House, were established following the Steele report in 2003, following lengthy protests by Irish Republicans to be housed together separated from the Loyalist and general prison population. Prisoners who apply to be housed in Roe and Bush, must first be vetted by the Northern Ireland Office, who rely on reports from the PSNI and MI5.

Gavin Coyle was sent straight to Maghaberry's'Care & Supervision Unit' (CSU). Gavin's request to be housed in Roe house were denied. The administration stating his life was under threat from the republican prisoners in Roe house. The republicans housed in Roe have denied Gavin is under threat and repeatedly asked that Gavin be housed on the Wing.

The Care & Supervision Unit (CSU) ,formally the Special Supervision Unit (SSU) and more commonly known to the Prisoners as the 'Boards' is basically Maghaberry Jail's punishment block. It is a strict regime usually consisting of 23 hour lock up, with one hour periods in either the yard, by yourself or at the small internal Gym. The Recreation room exists, but the prisoners are denied it's use. The staff are said to be specially trained to work in the unit, but many are former members of the jail's riot squad, the Dedicated Search Team. Prisoners who find themselves in the CSU have usually broken the jail's rules and after a period in the CSU they are returned to the Prison population. Some prisoners with personality disorders, can spend long periods in the CSU on rule 32. The nature of the unit, it's regime and the type of individual held there has seen a large number of suicides and incidents of self-harm within the CSU.

MI5 and the PSNI, tried on numerous occasions to try and recruit Gavin Coyle, while he was isolated in this harsh environment. At different periods Gavin Coyle embarked on dirt protest, in unison with republicans prisoners in Roe house.

Desmond Hamill, Austin Creggan Thomas Hamill and Martin McGilloway, four Irish republicans from Dungannon, were remanded to Maghaberry due to two different incidents within a short period between January and Easter 2012. During their trials it was alleged by the PSNI that the men were engaged in republican terrorist activity. They had requested separation in Roe, the jail administration refused the request, again stating a threat to their lives from republican prisoners in Roe house. (Thomas Hamill had previously spent a short period remanded in custody, for a different incident, he spent that time as a separated prisoner in Roe House.) While in open population all four embarked on a hunger strike, following threats to their lives from loyalists in open population. The strike lasted 21 days and ended when the family and friends group (a republican prisoner support group) and a number of independent councillors became involved and facilitated the ending of the strike.

Independent republican councillor's Angela Nelson and Padraig McShane and representatives of the group met with the men's families, on Friday 21st September 2012 in Belfast. This is what they said "The families gave us permission to act on their behalf and we requested

the men stop the hunger strike immediately to give us the space to address the issues" They added that all four had resumed eating prison food by last Saturday. Councillor Nelson, family and friends campaigner Mandy Duffy and a family member visited Martin McGilloway and Thomas Hamill in Maghaberry on Tuesday. "After speaking with us and being reassured they were now Roe 4 prisoners, the men were very upbeat and content," said Mrs. Nelson. "These men will need time to recover physically from this protest and their fight to be transferred to Roe 4 to be with fellow republican prisoners will continue."

Once the four republican prisoners regained their physical strength following the hunger strike they joined Roe on dirt protest in an effort to be rehoused on Roe. The jail quickly moved the four to the CSU, where they quickly joined with Gavin Coyle and all five continued the dirt protest within the CSU. On the 21st November 2012 the prisoners on Roe 4 ended their dirt protest. In the CSU the five prisoners continued the protest to try and secure a move to Roe. After 6 months the protest in the CSU came to an end following discussions between the prisoners and the jail administration, this was facilitated by the prisoner's ombudsman. The regime of the five was relaxed slightly and there was limited association permitted among the men during exercise and some inter-cell association was permitted.

Strip searching: The full body search or strip searching, is a contentious issue in Maghaberry. The recent high profile protests by republican prisoners, was aimed at ending strip searching and controlled movement. Following the August 2010 agreement between the NIPS and separated republican prisoners in Roe house, strip searching was to be ended within the jail. Contentiously, the Jail reintroduced full body searches on separated prisoners going to and from jail, eg to court. Republicans housed in roe refused to strip and were subsequently force strip searched going to and from the jail in the reception area.

Before the August 2010 agreement, republicans were routinely picked out going to and from family and legal visits for full body searches. The August 2010 agreement, seen the installation of a search facility in the Roe-Bush separated compound. Separated prisoners (Loyalist and Republican), now pass through this search facility, which includes an airport scanner for boots, belt, coat etc, a body orifice scanning seat or BOSS chair along with prison officers who carry out rub down searches and a sweep with a hand held metal detector. This has ended the practice of strip searching republicans going to and from family and legal visits.

The five prisoners in the CSU however, are subject to strip searches going to and from family and legal visits. It must be pointed out, the prisoners do not leave the CSU for their family visits. In the period of one month the five where striped in excess of 30 times. Since the five maintain that they are republican prisoners, they as the republicans in Roe, refuse to strip and are subjected to a forced strip search, which is carried out by 6 of the jails riot squad or dedicated search team. The searches are videoed by another prison officer with a hand held camera. The five have repeatedly asked to be taken to the new search facility to be searched as the other republican prisoners are. This continuous forced strip searching must be stopped and the five should be treated as the other republican prisoners are, by being searched at the new search facility.

Care and Supervision Unit (CSU) Regime: The CSU has two main functions. It is used for prisoners who are confined to the cell as a punishment, following adjudication for serious misconduct and is used to house prisoners who, for their own protection, or the protection of others, are required to be kept away from other prisoners. They add that the regime in the CSU is designed to ensure that no prisoner has contact with any other prisoner. Normal cells within the CSU are equipped with a single bed, mattress, pillow and duvet, in-cell sanitation, a

plastic seat and a wooden bench attached to the wall. The windows of the cells are covered by an opaque plastic film to prevent prisoners from looking out. The cell windows open each side but have a metal grille at the openings. CSU prisoners are usually subject to over 22 hour lock up, with limited access to real sunlight and in effect face long term isolation.

The prisoner ombudsman's report into the suicide of John Martin Gerard Kenneway, in Maghaberry Prison on 8 June 2007, highlighted the very repressive nature of the CSU (Which was named the SSU at that time) and the isolation of prisoners held there. The ombudsman stated "It is widely accepted that the priority should be to relocate prisoners being held in Special Supervision Unit for their own protection, to a more suitable environment, wherever possible. This is particularly the case where a prisoner is held for an extended period."

Austin Creggan and Desmond Hamill are sentenced together and are not due for release until January 2015. Martin McGilloway and Thomas Hamill are sentenced together and are not due for release until spring 2017. Gavin Coyle is a remand prisoner, who if convicted would serve a substantial sentence. The CSU is not fit for purpose for long term prisoners, as is highlighted by this ombudsman's report.

Campaigners in England are calling for the English equivalent of the CSU, the Care and Supervision Centre's, to be closed due to their oppressive nature. They said "In 1984 a prisoner, Michael Williams, instigated a high profile legal action against the prison system and Home Office, one supported by the then National Council for Civil Liberties, that challenged the lawfulness of the Wakefield Prison "Special Control Unit" on the grounds that it's regime breached the basic human rights of the prisoners held there. Although his legal action failed, it raised the public profile of the Control Unit experiment (originally used on suspected Irish Republican combatants and outlawed by the European Court of Human Rights) and Wakefield closed the control unit. The regime operating in the CSCs, especially in terms of its treatment of mentally ill prisoners, needs to be similarly challenged and exposed, and the behaviour of those trying to legitimize the abuse inherent in that regime and paid to oversee it held fully and publicly accountable. All evidence leads JWI to believe, that the CSU at Maghaberry, is a short term isolation and punishment facility that should not be inflicted on any prisoner indefinitely.

Separated status: Following protracted protests for segregation in the early nineties by republican prisoners, the Steele report looked into and recommended that republican and loyalist prisoners be housed separately. Following the report in 2003 the'compacts' where set up with loyalist's being housed in Bush house and republicans in Roe house. The compact stipulates that decisions on who can be admitted to separated conditions, are made by the Secretary of State, (see section 3.2 of the compact). Despite the devolution of justice powers to Stormont and the appointment of David Ford as Justice Minister, this approval process is still with the SOS.

Dolores Kelly (Social Democratic and Labour Party MLA), asked the Minister of Justice, David Ford, during questions at Stormont on 4 Mar 2013 "given that Roe House is now full, where he intends to hold prisoners who have signed the separation compact in Maghaberry". The justice minister replied "Applications from prisoners to be admitted to separated accommodation are considered by the Prison Service on behalf of the Secretary of State. I have no role to play in the consideration of such applications, and I am, therefore, neither consulted on nor informed about the grounds for approving or refusing individual applications.

Affiliated republican prisoners who apply for and meet the criteria for separation, are held on two designated landings in Roe House. The Prison Service has to manage accommodation pressures daily and therefore, needs to retain a degree of flexibility, in where it houses the