legal action against the government in a bid to stop the reforms. However, Mr Grayling is determined to press on with the changes, which he expects to be fully in place by April 2015.

Report on an Unannounced Inspection of HMP Pentonville

"It is clear that Pentonville cannot operate as a modern 21st century prison without investment in its physical condition, adequate staffing levels to manage its complex population and effective support from the centre. If these things cannot be provided, considerations should be given to whether HMP Pentonville has a viable future." Nick Hardwick Inspection 27 August - 6 September 2013 by HMCIP, report compiled February 2014, published 18/02/14

Inspectors were concerned that: - At the time of the inspection, Pentonville was seriously overcrowded and held 1,236 men, 35% above its certified normal accommodation. More than half the population were held on remand or for short sentences of less than six months. All local prisons hold needy and challenging populations but at Pentonville this was especially so. Eleven per cent of men had been assessed as malnourished when they were admitted to the prison. About half of all the men held were on the caseload of the prison's drug and alcohol service. The mental health service received about 100 referrals a month. - Almost 200 prisoners were receiving opiate substitution treatment and about half of all the men held were on the caseload of the prison's drug and alcohol service - 31 prisoners with acute problems had been transferred to NHS mental health facilities in the first six months of the year (2013). - staffing reductions the prison was required to make were having a number of serious consequences; - almost half of prisoners said they had felt unsafe in the prison at some time; - Prisoner movements were disorganised and staff lost track of individual prisoners' whereabouts - the core day was unpredictable and prisoners were often unlocked late and association cancelled because of staff shortages; - 19 prisoners self-harmed each month and there were about 60 prisoners on suicide and self-harm management procedures at anyone time - the segregation unit environment and regime were particularly poor; - despite the prison's efforts to combat drugs, positive drug testing results were high; - the physical conditions were poor and there were vermin infestations; - prisoners struggled with basic needs such as access to showers; - while some staff carried out good work, too many were distant and, on occasion, dismissive; - management of learning and skills had not sufficiently progressed, there were insufficient activity places for the population and those available were not well used; - although good work was being carried out with high risk and indeterminate sentence prisoners, the focus on other groups was less well developed. - The large number of foreign national prisoners (34% of the population) received some good support, but the officer responsible was too frequently deployed to other duties, which was increasingly affecting this support. The Home Office's input on immigration matters was inadequate, as was the use of translation services and access to independent legal advice. The prison was not an appropriate place in which to hold a large number of immigration detainees. - some medium- and lower-risk prisoners were not being properly managed and did not receive a full risk assessment - Ten per cent of prisoners were discharged with no fixed abode - Inspectors made 95 recommendations.

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, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, 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, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 465 (20/02/2014)

Substantial Compensation Secured For Wrongful Imprisonment

A man wrongly imprisoned by a County Court judge for failing to pay money to his ex-wife as part of their divorce proceedings has won substantial damages. In November 2011, at the committal proceedings, the man known only as Mr C argued that he did not have the money to pay his ex-wife a lump sum of money, and had asked the Judge that he be able to pay the money in instalments instead. Nonetheless, the Judge committed Mr C, who had no criminal history, to nine months in prison. He then spent four and a half months in HMP Northallerton, a category C local prison in North Yorkshire.

Benjamin Burrows, a solicitor in the prison law team at Leigh Day, successfully argued on behalf of Mr C that the Judge had made a number of mistakes in deciding to commit Mr C to prison including that the Judge had used the wrong Act, the Contempt of Court Act 1981, which allowed for committal to prison for up to 24 months. However, the correct Act, and the Act, which the Judge should have relied upon, was the Debtors Act 1869, which only allowed for committal to prison for up to six weeks. Therefore she did not have the power to commit Mr C to nine months in prison. The Judge had also not considered the appropriate alternatives available to sending a person to prison, nor had she acknowledged that doing so is often the remedy of last resort in civil cases, particularly in civil family cases.

Mr Burrows from the Prison Law team at Leigh Day, said: "The result of these mistakes were costly, in that, not only was Mr C wrongfully imprisoned, but the distress and anxiety caused to him by being imprisoned caused an exacerbation of a pre-existing psychiatric illness, as well as loss of income." Following his release from prison, Mr C brought a claim in the High Court against the Secretary of State for Justice, who was ultimately responsible for the mistakes made by the Judge. Following the commencement of proceedings, the Secretary of State agreed to settle Mr C's claim and to pay him substantial compensation in respect of the Judge's mistakes, as well as his reasonable legal costs. Mr Burrows concluded: "Mr C experience of being imprisoned wrongly and for four and a half months was a horrendous one. The compensation he has received will go some way to making up for this, and he can now try to put this particularly distressing part of his life behind him. Mr C's case highlights the fact that judges have considerable power, and that their decisions can have significant and detrimental consequences on a person's life. For many years, when they have made the wrong decisions, judges have been immune from such civil actions for compensation. However, Mr C's case suggests that this is no longer the case, and that judges, the same as the people they are judging, can be, and should be, held to account for their actions". Mr C was represented in his claim by Adam Straw of Doughty Street Chambers, a recognised expert in prison and human rights law. He was also in receipt of legal aid funding.

MPs to Hold Publice Enquiry Into Behaviour of 'Police Feration'

A parliamentary committee will hold a full inquiry into the Police Federation, its chairman has announced, following a debate discussing reform of the staff association. Home Affairs Select Committee chairman Keith Vaz told the House of Commons it would look at the Fed's spending, leadership and communication in an inquiry made up of public evidence hearings, after which the committee would produce a full report.

Cardiff Newsagent Three: Murder Miscarriage Report - Why the Delay?

An MP has asked why police are taking so long to publish a report into a murder and miscarriage of justice. Three men from Cardiff spent a decade in jail after being wrongly convicted of killing newsagent Phillip Saunders in 1987. The force says it will publish its findings in "as much detail as possible". Elfyn Llwyd, who sits on the Commons Justice Select Committee, says it is taking too long to publish the report.

South Wales Police is reviewing the original investigation as part of an inquiry known as Operation Resolute. The report was ordered after one of the men wrongly convicted of murder claimed evidence was fabricated by a South Wales Police officer. It led the Independent Police Complaints Commission to set-up Operation Resolute in 2010. Because the events pre-date the establishment of the IPCC, it was only able to 'supervise' the Operation Resolute investigation and it does not have the power to publish the findings. That power lies with South Wales Police. But Mr Llwyd, a member of the Commons Justice Select Committee, says the process is taking too long. "How long will this take? It's already taken nearly four years," he stated. And how deeply redacted will it be? I've seen documents redacted to a ridiculous extent. If they're redacted beyond common sense then that's no disclosure whatever and we're back to square one. There's an old saying that justice delayed is justice denied. I think they should hurry up, publish it, make it available, and hopefully start to restore people's confidence and respect for South Wales Police."

Last October, BBC Wales asked the force to see a copy of the Operation Resolute draft report. On Monday, South Wales Police refused the request. In its response to the BBC's request for the draft report South Wales Police said the public interest in disclosing the report was outweighed by the risk of parts of it undermining attempts to catch Phillip Saunders's killer and prejudicing a future trial "however unlikely a prosecution may seem". It also said that the report contains sensitive personal data.

But on Thursday night, South Wales Police Chief Constable Peter Vaughan told BBC Wales: "I have spoken with the Police and Crime Commissioner [Alun Michael] about the publication of this report and agree with him that it is essential there is transparency in the way we approach publication. Of course we have to respect the legal framework within which the report was prepared and ensure that everyone named or involved is treated fairly, but we also have to be mindful of the public interest in this case. South Wales Police prides itself on being an open and transparent organisation and it remains our intention to publish this report in as much detail as possible." Mr Michael told BBC Radio Wales on Friday: "Where we stand is that everything that can be published will be published."

Phillip Saunders died after being hit over the head and robbed outside his home in the Canton area of Cardiff in October 1987. He was a newsagent in the city centre and he had just got home with his day's takings. Three men - Michael O'Brien who was then 20, and Ellis Sherwood and Darren Hall who were 19 - were convicted of his murder in 1988. They spent eleven years in prison until their convictions were overturned by the Court of Appeal. A key part of the original prosecution related to Darren Hall's confession which also implicated Michael O'Brien and Ellis Sherwood. ut the appeal court heard that Mr Hall's confession was unreliable because he suffered from a personality disorder. Serious questions were also raised in court about the conduct of South Wales Police officers during the investigation, including allegations the men were treated badly during interrogations and denied access to lawyers.

Michael O'Brien has always insisted the prosecution was malicious and claimed that evi-

here equally. The discretionary factors relevant to assessment of the appropriate time bar are effectively the same as those in issue on a plea of mora. In the circumstances I do not regard it as unreasonable for the petitioner not to have taken legal proceedings before he did - he was faced with almost insuperable obstacles to success until ECHR jurisprudence offered a hint of a promise at a fairly late stage. There was no unreasonable delay. Well before he took proceedings, he did speak out - at the various hearings before the LTP his legal representatives constantly complained of the failure by the SPS to give him the treatment which would have enabled him both to engage in rehabilitation and to enable him to present a case to the Parole Board that he was no longer a danger to the public.

There was no taciturnity. For the same reasons, his conduct over the passage of time cannot be taken to amount to acquiescence, or assent to the failings now complained of. The plea of mora, taciturnity and acquiescence must fail. I cannot in fact conceive of any case in which the court would hold that the time bar in terms of s100(3B) of the Scotland Act 1998 (and the equivalent provision in the Human Rights Act 1998) could extend back to cover the whole of the period complained of and yet, at the same time, hold the claim to be barred by mora, taciturnity and acquiescence.

Disposal [127] I shall appoint the petition to call By Order to enable parties to address the court on the precise scope of a second hearing, and to enable the court, with the assistance of the parties, to determine other matters of procedure, such as the use and exchange of affidavits, to facilitate the conclusion of this case.

Hundreds Of Probation Officers Appeal Against New Jobs *Danny Shaw , BBC News,*

Hundreds of probation officers have appealed against the jobs assigned to them under a new system due to contract out most probation work from next year. The National Association of Probation Officers (Napo) told the BBC that 119 of the 553 appeals had been successful. Probation in England and Wales is being split between a new public body, private companies and voluntary groups. The justice secretary said the number of appeals was a "tiny fraction" of what he had expected.

Chris Grayling said the reforms were needed to cut costs and reduce reoffending. The 553 appeals were from the 18 trusts, out of 35 overall, from which Napo has so far obtained figures. The number is expected to increase significantly as more staff are told where they will be working under the plans.

Napo, which represents more than 7,000 probation staff, is concerned about the process for allocating probation officers to their roles. As part of the government's reforms, some £450m worth of contracts have been offered to private and voluntary sector organisations. This covers the supervision of 160,000 low- and medium-risk offenders a year on a payment-by-results basis. The contracts will be spread across 20 regions in England and one in Wales. A new public sector National Probation Service will deal with high-risk offenders.

Some probation officers are being told they will be working for the out-sourced companies and others will be employed by the National Probation Service. Napo's deputy chair in Gloucestershire, Joanna Hughes, said the process for allocating jobs had been "divisive". "It's not going to create a good atmosphere for reducing reoffending, for protecting the public," she said. BBC File on 4 has also learned that 10 of the 33 most senior probation officials are planning to leave the service when the probation trusts they lead are abolished. The Probation Chiefs Association said it represented "hundreds of years of experience" that would not be put to use under the new structure of supervising offenders. Thousands of members of Napo staged a 24-hour strike in November over the planned changes and the union is considering

places of safety and beds are available around the clock and that police cells are not used because mental health services are not available. It also calls for a timescale to be put in place so that police responding to mental health crises know how long they have to wait for a response from health and social care workers,that services share "need to know" information such as history of physical violence, self-harm or drink or drug history and that a helpline for people with mental health problems should be available 24 hours a day.

In January funding of £25m was announced for the introduction of liaison and diversion schemes, including 10 trial areas, that put mental health nurses in police stations and courts to help identify mental health problems in offenders as soon as possible. Each local area is expected to have agreed a mental health crisis declaration by this December.

Mora, Taciturnity and Acquiescence

Arthur Duncan, from Aberdeen, was jailed for the rape and murder of Linda Bull in Andover, Hampshire, in 1970. Duncan - who was an 18-year-old soldier in the Royal Artillery at the time - has been behind bars for more than 43 years.

1] The petitioner Arthur Duncan is a prisoner in HM Prison Glenochil. On 13 October 1970, while serving in the Army, he was convicted of the murder of a young female. She was a complete stranger to him. She had been raped and strangled, and there were other signs of depravity. He was sentenced to life imprisonment. He has been in prison now for over 43 years.

[2] On 25 March 2002 the High Court of Justiciary sitting in Glasgow fixed a punishment part of 10 years, expiring (retrospectively) on 12 October 1980. Since then, or at least since March 2002 when the punishment part was fixed, the petitioner has been in the post-tariff stage of his detention, during which his continued stay in prison is justified by reference to the need for public protection. Before he can be released, he must satisfy the Parole Board for Scotland that he no longer presents a danger to the public: see s2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

[3] By this petition for judicial review, the petitioner complains that he has been deprived of any real opportunity within the prison environment for rehabilitation, with the result that he has been deprived of the opportunity of addressing his offending behaviour and the risk that it poses, and with the result also that he is unable to satisfy the Parole Board that he no longer presents a danger to the public and is therefore suitable for release. The complaint is against the Scottish Prison service ("SPS") and the Scottish Ministers are therefore respondents by reason of their responsibility for the acts and omissions of the SPS. Initially the petition was directed also against the Parole Board for Scotland but the complaint against its failure to direct his release is not persisted in, it being recognised that on the material placed before it at the various reviews of his case, limited as that material was because of the absence of any courses for the petitioner's rehabilitation or by which his progress could be judged, the Parole Board could not be satisfied that the petitioner no longer presented a danger to the public.

Mora, taciturnity and acquiescence [i.e. delay, a failure on the part of the petitioner to speak out or assert rights, and silence or passive assent to what has taken place.]

[125] The respondents also contend that the petitioner is barred by mora, taciturnity and acquiescence. In this context I was referred to Portobello Park Action Group Association v. City of Edinburgh Council 2013 SC 184, particularly at paras [14] - [16] where the court cites, with apparent approval, my own decision in United Co-operative Ltd v. National Appeal Panel for Entry to the Pharmaceutical Lists 2007 SLT 831.

[126] I need not go into this point in any detail. Much of what I said in the context of time bar applies

dence was fabricated by a South Wales police officer, Stuart Lewis, who is now retired. At the trial, Mr Lewis produced what he said was a transcript of a conversation he overheard Michael O'Brien having in the cells with Ellis Sherwood that effectively amounted to a confession.

In 2012, the Crown Prosecution Service decided that the evidence goes "nowhere near providing a realistic prospect of conviction" against Stuart Lewis. In November last year the Lord Chief Justice Lord Thomas decided that decision was 'reasonable and correct'. South Wales Police has always insisted that all officers on the investigation acted in good faith.

Michael O'Brien says he will not take any further legal action against South Wales Police or Stuart Lewis. He does however feel that the Operation Resolute report should be published. "I think the report should be in the public domain because there's got to be transparency and if the police want to rebuild confidence then they have to be seen to do the right thing. I think by releasing this report it will go some way to doing that and I think that's very important for public confidence. I think it's time for me to move on and I think if they do this that'll be closure and I'm going to move on. I don't want people thinking that I'm this evil person who would go out and kill someone because that isn't me. And I think in the healing process between me and South Wales Police, reconciliation is important to me as well because I've always believed in the police before all this happened. I don't believe all police officers are bad at all. In any organisation you're going to get people who do things and all I ever wanted was accountability, not to just vilify South Wales Police for the sake of vilifying them." *BBC News, 14/02/14*

£500,000 to Help Break The Silence For Male Rape Victims *Ministry of Justice, 13/02/14*

The Government has committed £500,000 over the next financial year to provide services, like advice and counselling, to help male victims who previously have not been able to receive such support and encourage them to come forward after experiencing such a crime.

Victims' Minister Damian Green said: "We must help all victims to cope, and as far as possible recover, from the impacts of crime - especially when it is as serious as rape or sexual abuse. "We believe around twelve per cent of rapes are against men. Yet many choose not to come forward, either to report the crime or seek the support they need. I am determined to help break the silence on a subject still seen as taboo. Average sentences for male rape have increased but there is more to do. That is why we are toughening up sentencing and have introduced a mandatory life sentence for anyone convicted of a second very serious sexual or violent crime." Latest figures show there were 2,164 rape and sexual assaults against males aged 13 or over recorded by the police in the year ending September 2013. The fund announced today will also support historic victims who were under 13 at the time of the attack. The fund will be open to bids from all charities and support organisations who feel they can offer help specifically for male victims. This will build on the services already available for rape or sexual abuse victims and ensure victims of most serious crimes received the highest level of support.

One organisation which currently helps male sexual violence victims is Survivors Manchester, whose founder Duncan Craig has welcomed the new funding. Mr Craig said: "In the past there has not been enough support in the UK for male victims of sexual violence, such as myself. But in the future I would like to see both the government and society begin talking more openly about boys and men as victims and see us trying to make a positive change to pulling down those barriers that stop boys and men speaking up. This funding will help to raise awareness of the issue and ensure that male victims are no longer ignored. I'd like to tell all boys and men that are sitting in silence I have been there. I have been silent and it's not a nice place to be. Yes it's difficult, embarrassing and painful to speak out but once you start healing, you will be able to break free from the legacy. Get

support lads, don't suffer. You deserve to be able to heal."

Actor James Sutton plays rape victim John Paul McQueen in Hollyoaks. He worked with Survivors Manchester on the soap's current storyline and is supporting the Ministry of Justice to raise awareness of the issue of male rape and sexual violence. Mr Sutton said: ":The reason it was so important for Hollyoaks to feature a male rape storyline is because it is so rarely talked about. The over-riding message from survivors I met while researching the role was that victims of male sexual violence do not know where to go for help and support. Having worked to raise awareness of this important issue it is heartening to see funding allocated specifically for male victims that will help to set up more counselling and advice centres and show people that they do not need to deal with it alone – they can get help and justice."

Victims Commissioner Baroness Newlove, who worked with the Ministry of Justice to highlight the issue of funding for male victims of sexual violence, said: "We must never underestimate the pain that victims go through as a result of such disturbing crimes. Victims of male rape have told me that they need more support – I'm glad the Government has listened. I hope that this will encourage more victims of male rape to come forward and receive the support that they deserve. But work should not stop there – I will continue to highlight the needs of male rape victims and ensure their voices are heard.

Notes to editors: 72,000 males per year are estimated to become victims of sexual offences, whether reported or not. Figures on the number of estimated male victims can be found in the Crime Survey for England and Wales. The Ministry of Justice is launching the breakthesilence campaign on social media to raise awareness of the fund and encouraging male victims to speak out about their experiences. The statistics on police recorded rape and sexual assault crimes against males aged 13 or over can be found in Crime Statistics – period ending September 2013. Further statistics on court proceedings and sentencing outcomes for rape and sexual assaults against males can be found in An Overview of Sexual Offending in England and Wales. This shows that 91 per cent of offenders in 2011 who were found guilty of rape of a male were given custodial sentences, with an average jail time of eight-and-a-half years. This announcement follows the Government setting out its commitment to improve support for victims and witnesses and focus resources on those in most need in its response to the 2012 consultation on victims and witnesses. The revised Victims' Code was launched in December, giving victims of crime a greater voice and increased support throughout the criminal justice system. Today's announcement is in addition to the £12 million since 2010 that this Government has provided to 77 rape support centres across England/Wales that support women. 13 new centres have been funded to help fill geographical gaps in the provision of this vital resource and we will soon be confirming further funding for these centres.

Use Of Pepper Spray Against Prisoner in Cell Was Unjustified and Inhuman

In ECtHR Chamber judgment in the case of Tali v. Estonia (application no. 66393/10)' which is not final'. the Court held, unanimously, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights. The case concerned a detainee's complaint about having been ill-treated by prison officers when he refused to comply with their orders. In particular, pepper spray was used against him and he was strapped to a restraint bed. The Court underlined that pepper spray should not be used in confined spaces and found in particular that its use had not been justified, as the prisoner officers had had alternative means to immobilise Mr Tali.

our judgment the law of England and Wales therefore does provide to an offender 'hope' or the 'possibility' of release in exceptional circumstances which render the just punishment originally imposed no longer justifiable," said the lord chief justice. He said it was consistent with the rule of law that such requests should only be considered on an individual basis. However, the judges said they found it difficult to specify what such exceptional circumstances might be.

The effect of the appeal court ruling is to restore the position before the Strasbourg ruling last July. Justice ministers are expected to use it to back their argument with the European human rights court that they will not grant an automatic right of review of the whole life sentences currently imposed on 53 of the most heinous killers in jails in England and Wales. Jill Lorimer, a criminal law specialist at Kingsley Napley, said although the appeal court might face criticisms of judicial lawmaking it had found a solution that might allow the UK to comply with the Vinter ruling without a protracted political wrangle.

Use Of Police Cells During Mental Health Crises To Be Halved

Alan Travis, The Guardian, Tuesday 18 February 2014

The number of times police cells are used as a place of safety for people having a mental health crisis is intended to be halved under a far-reaching agreement between police, mental health trusts and paramedics. The "crisis care concordat" signed by 22 national organisations, including the Department of Health, the Home Office and the charity Mind, is aimed at securing dramatic improvements in the treatment of people having a mental heath crisis. The concordat suggests that health-based places of safety and beds should be available all the time. It says police custody should not be used because mental health services are not available, and police cars and other vehicles should not be used as ambulances to transfer patients. "We want to see the number of occasions police cells are used as a place of safety for people in mental health crisis halved compared with 2011-12," it says.

The agreement follows a report by four official watchdogs last summer – Her Majesty's Inspectorate of Constabulary, the Care Quality Commission, Her Majesty's Inspectorate of Prisons and the Health Inspectorate of Wales – that showed the use of police cells as a place of safety was far from exceptional, and detailed how 9,000 people with mental health problems were detained in police custody in 2011-12. Some were as young as 14. "Those detained under section 136 [of the Mental Health Act 1983] have not committed any crime; they are suspected of suffering from a mental disorder. They may be detained for up to 72 hours, without any requirement for review during this period. In contrast a person arrested for a criminal offence may generally only be detained for 24 hours, with their detention regularly reviewed to ensure that it is still appropriate," says the report.

The deputy prime minister, Nick Clegg, said the concordat would help cut the numbers of people detained inappropriately in police cells and end the postcode lottery in standards around the country. "A mental health crisis can already be distressing for individuals and all those involved, but when people aren't getting the right support or care it can have very serious consequences," said Clegg. "It's unacceptable that there are incidents where young people and even children can end up in a police cell because the right mental health service isn't available to them. That's why we're taking action across the country and across organisations to make sure those with mental health problems are receiving the emergency care they need."

The concordat is backed by NHS England, the Association of Chief Police Officers, and the Royal College of Psychiatrists. It challenges local areas to make sure that health-based

should be pronounced with a short 'o' rather than a longer vowel sound, to avoid confusion with Japanese deep fried food. The case continues.

'Whole life' Sentences Can Continue for Worst Offences, Appeal Court Rules

theguardian.com, Tuesday 18 February 2014 Scales of justice

British judges can continue to impose "whole life" prison sentences in the most heinous cases of murder, the court of appeal has ruled. The appeal judges confirmed that a European court of human rights ruling last year that such whole life sentences needed to be reviewed after 25 years does not prevent murderers being sent to prison for the rest of their lives in the most serious cases. The judges, led by the lord chief justice, said the European human rights judges had been wrong to say British law did not provide whole life inmates with any possibility of release and said that such a power clearly existed in exceptional circumstances. The ruling increases the 40-year sentence on Ian McLoughlin, the murderer of Graham Buck, to a whole life prison term after an appeal by the attorney-general, Dominic Grieve, that it was unduly lenient. The appeal court also dismissed a challenge in a second case brought by killer Lee Newell against his whole life order for the murder of Subhan Anwar. The ruling clears the way for sentencing in a number of high-profile murder cases that had been put on hold pending its outcome. They include the prison terms to be handed out to Michael Adebolajo and Michael Adebowale, who were convicted in December of killing Fusilier Lee Rigby in Woolwich, south-east London, in May last year.

The justice secretary, Chris Grayling, welcomed the decision. He said: "Our courts should be able to send the most brutal murderers to jail for the rest of their lives. I think people in Britain will be glad that our courts have disagreed with the European court of human rights, and upheld the law that the UK parliament has passed." The attorney-general welcomed the court's decision to declare the 40-year sentence passed on McLoughlin, aged 55, as "unduly lenient" for such a heinous crime and impose a whole life term instead: "As someone who has killed three times, Ian McLoughlin committed just such a crime, and following today's judgment he has received the sentence that crime required. "I asked the court of appeal to look again at McLoughlin's original sentence because I did not think that the European court of human rights had said anything which prevented our courts from handing down whole life terms in the most serious cases.The court of appeal has agreed with me and today's judgment gives the clarity our judges need when they are considering sentencing cases like this in the future."

The lord chief justice, Lord Thomas, said McLoughlin and Newell were two exceptional and rare cases of second murders committed by people who were already serving life sentences for murder: "It is likely to be rare that the circumstances will be such that a whole life order is required. Our decision on each case turns on its specific facts and cannot be seen as a guide to any similar case." The need to clarify the legal status of whole life sentences followed the sentencing of McLoughlin last October at the Old Bailey when Mr Justice Sweeney imposed a minimum sentence of 40 years. The Old Bailey judge said he had to take account of the European court of human rights ruling last July that the whole life sentences passed on three killers, Douglas Vintner, Jeremy Bamber and Peter Moore, amounted to inhumane and degrading treatment because it lacked any formal review mechanism that would give any prospect of release. The lord chief justice said it was clear the Old Bailey judge had been in error in thinking that he did not have the power to give a whole life order. The five appeal court judges, including Thomas, ruled that Strasbourg had been wrong to state that whole life prisoners had no hope of release. They pointed to section 30 of the Crime (Sentences) Act, which provides for the "possible exceptional release of whole life prisoners", saying it did provide that prospect. "In

Principal facts: The applicant, Andrei Tali, is an Estonian national who was born in 1977 and is serving a lifelong prison sentence for murder. During his detention he was also convicted for attacking prison officers and other prisoners. According to Mr Tali, he was ill-treated by prison officers in July 2009 when he refused to comply with their orders. According to his submissions, several prison guards used disproportionate force in order to take him to a punishment cell in the evening of 3 July for disciplinary punishment. In particular, they pressed his neck so strongly that he lost his breath and they allegedly broke his rib. On the following day, when Mr Tali refused to hand over his mattress to the prison guards, one guard sprayed pepper spray in his face without prior warning and subsequently hit him on the back, allegedly after he had been handcuffed. Mr Tali was then strapped to a restraint bed for 3 and a half hours. Subsequent examinations by medical staff of the prison established that he had a number of injuries, including haematomas and blood in his urine.

In the ensuing criminal investigation into Mr Tali's allegations of abuse of authority by prison guards, the officers confirmed that one of them had used pepper spray against Mr Tali and had hit him with a telescopic baton in order to overcome his resistance. However, the authorities were unable to establish with certainty whether Mr Tali was hit with the baton before or after he was handcuffed. In June 2010 the police investigator discontinued the proceedings, finding that the guards' use of force had been lawful since Mr Tali had not complied with their orders and had behaved aggressively. That decision was upheld by the appeal court in October 2010. A claim for compensation filed by Mr Tali in Aug 2009 was dismissed by the prison administration. Following his appeal, the administrative court initially found for him, but the judgment was quashed and his claim was dismissed by a decision eventually upheld by the Supreme Court in February 2011. Mr Tali complained in particular that he was subjected to ill-treatment amounting to a violation of Article 3 (prohibition of inhuman or degrading treatment). The application was lodged with the European Court of Human Rights on 7 November 2010.

Decision of the Court Article 3: Having regard to the evidence submitted by the Estonian Government - in particular Mr Tali's convictions for previous attacks against prison officers and other prisoners - the Court accepted that the prison staff had a reason to be concerned about their safety and to be prepared to take appropriate measures when he behaved aggressively.

The Court considered that Mr Tali's injuries indicated that a certain degree of force was used against him. Observing that the Estonian authorities were unable to establish with certainty whether he had been hit with a telescopic baton before or after he was handcuffed, the Court noted that it was in no better position than the national authorities to establish the exact factual circumstances of that beating.

As regards the legitimacy of the use of pepper spray against Mr Tali, the Court referred to the concerns expressed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concerning the use of such agents in law enforcement. According to the CPT, pepper spray was a potentially dangerous substance which was not to be used in confined spaces and never to be used against a prisoner who had already been brought under control.

Pepper spray could have serious effects on health such as irritation of the respiratory tract and of the eyes, spasms, allergies and, if used in strong doses, pulmonary oedema or internal haemorrhaging. Having regard to these potentially serious effects of the use of pepper spray in a confined space and to the fact that the prison officers had had alternative means at their disposal to immobilise Mr Tali such as helmets or shields, the Court found that the circum-

stances had not justified the use of pepper spray.

As regards Mr Tali's strapping to a restraint bed, the Court noted that it had found in another recent case against Estonia that subjecting a prisoner to such a measure for almost nine hours had been in breach of Article 3. It was true that the measure had been used against Mr Tali for a shorter period of time, namely for three and a half hours, that the prison report had described him as aggressive, and that his situation had been assessed every hour. Nevertheless the Court did not consider that the use of the restraint bed had been a justified measure in the circumstances.

The Court underlined that measures of restraint were never to be used as a means of punishment of prisoners, but rather in order to avoid self-harm or serious danger to other individuals or to prison security. In Mr Tali's case it had not been convincingly shown that after the end of the confrontation with the prison officers - and being locked in a single-occupancy disciplinary cell - he had posed a threat to himself or others that would have justified applying such a measure. The period of three and a half hours for which he had been strapped to the restraint bed had by no means been negligible and his prolonged immobilisation had to have caused him distress and physical discomfort.

In that light, and considering the cumulative effect of the measures used against Mr Tali on 4 July 2009, the Court found that he had been subjected to inhuman and degrading treatment, in violation of Article 3. Just satisfaction (Article 41) The court held that Estonia was to pay the applicant 5,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,776.20 in respect of costs and expenses. The full judgment is available only in English.

Police Failings Left Suspect Free to Shoot Man in Face *Paul Peachey Independent, 12/02/14*

A suspected gunman was free to shoot a man in the face after apparent police failings meant that he was not identified as the owner of a sawn-off shotgun seized in a police operation 17 months earlier, it has emerged. The weapon was found in Lambeth, south London, in May 2012 but evidence was only passed to forensic teams in November 2013 – a month after the shooting that left the 17-year-old victim with what Scotland Yard described as “life-changing” injuries. The alleged gunman was arrested shortly after the attack on 11 October last year and charged four days later with possessing firearms and crack cocaine after a search at his home in Sutton. He was later charged with the shooting in January after forensic teams linked him to the earlier shotgun seizure.

The police watchdog said that a detective constable was under investigation for gross misconduct over the 18-month delay. He has been placed on restricted duties. He will be interviewed as investigators try to establish the cause of the delay. It will also consider “what impact the officer’s actions may have had on any past or present criminal investigations, victims or their families”, the Independent Police Complaints Commission (IPCC) said in a statement. “Gun crime has a devastating effect on communities and this investigation raises serious concerns about the way a Metropolitan Police officer handled forensic evidence following a firearms incident in 2012,” said Jennifer Izekor of the IPCC. We will be rigorous in challenging how this evidence relating to a criminal firearms investigation was handled and seek to uncover whether other victims of crime may have been impacted upon as a result.”

MET officer served with gross misconduct notice *IPCC, Press Release, 12th February 2014*

Independent Police Complaints Commission (IPCC) investigators have served a Metropolitan Police Service (MPS) officer with a gross misconduct notice following an investigation into the handling of forensic evidence. An independent investigation began in December 2013 after the MPS

right to a free and fair trial is especially critical in this case as the very people collecting this confidential information are the people we are taking legal action against.”

Rights Groups Begin UK Court Challenge Over Mass Surveillance *Owen Bowcott*

The extent of the intelligence services' bulk interception of online communications came under scrutiny for the first time in a British courtroom on Friday 16/02/14. Lawyers for MI5, MI6 and GCHQ faced challenges brought by nearly a dozen British and international civil liberties groups over the legality of US and UK digital surveillance programmes, including Tempora, Prism and Upstream.

Claims that the mass collection, storage and analysis of emails and electronic messages are illegal were made at the investigatory powers tribunal (IPT), which adjudicates on complaints against the intelligence services and surveillance by government bodies. The government, adopting a "neither confirm nor deny" approach, is responding to allegations about the programmes on a hypothetical premise. The case follows a series of reports published in the Guardian last year based on revelations by the former US National Security Agency contractor Edward Snowden.

The IPT is already considering a complaint that the intelligence services illegally intercepted communications between the Libyan Abdel Hakim Belhadj – the subject of removal by rendition back to Tripoli – and his lawyers. Another complaint about mass surveillance is being taken directly to the European court of human rights in Strasbourg by Big Brother Watch, the Open Rights Group and English PEN. The complaints to the IPT about bulk interception of online communication have been brought by Liberty, Privacy International, Bytes For All and the American Civil Liberties Union. Amnesty International has also joined the case. Other groups represented include the Canadian Civil Liberties Association, Egyptian Initiative for Personal Rights, Hungarian Civil Liberties Union, Irish Council for Civil Liberties and the Legal Resources Centre. The full hearing, scheduled to last a week, will take place in July. Part of it is likely to be heard behind closed doors on the grounds of national security.

In written submissions to the preliminary hearing, James Eadie QC,for the government, said: "The [intelligence services] adopt a 'neither confirm nor deny' stance as to whether relevant steps [surveillance] were in fact taken in relation to the claimants, whilst accepting that the impugned regimes might in principle have been used." Some of the hearings would have to be held in closed session, Eadie argued. "The true value of any covert intelligence-gathering measures can only be assessed by reference, at least in part, to sensitive intelligence matters that cannot be publicly revealed."

The claims submitted by the human rights groups describe Prism and Upstream as US-run mass data collection programmes. Tempora, said to be run by GCHQ, intercepts information and telephone information passing through fibre-optic cables. "There is no clear legal framework, within the Regulation of Investigatory Powers Act 2000 or otherwise, that permits the vast collection and storage of communications carried out by Tempora. Such activity is not in accordance with law," Liberty argued in its written submission. Amnesty International alleges that its communications have been intercepted illegally in breach of its rights to privacy and freedom of expression. Privacy International said : "All internet and telephone communications, without meaningful limits, are being collected, stored and analysed by the security and intelligence services, regardless of any grounds for suspicion. This raises important issues of law and principle." Last year the Guardian reported that GCHQ had secretly gained access to the network of cables that carry the world's phone calls and internet traffic and was processing vast streams of sensitive personal information, which it was sharing with its American partner the NSA.

The president of the IPT, Mr Justice Burton, said the tribunal was "unique on being able to hear cases on the basis of assumed facts". Burton made one interim ruling: that Tempora

25 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These reforms shorten the rehabilitation periods for most convictions, after which they are considered to be "spent" and need no longer be disclosed for most purposes. The changes also extend the scope of the 1974 Act as it applies in England and Wales so that custodial sentences of up to, and including, 48 months may become spent. Previously the longest custodial sentence which could become spent was 30 months. The reforms will act retrospectively.

These amendments to the 1974 Act apply in England and Wales only and impact on criminal conviction certificates, which show an individual's unspent convictions. section 112 of the Police Act 1997 governs the issue of these certificates and it is also being commenced in England and Wales on 10 March to ensure that accurate criminal convictions certificates are available reflecting the revised rehabilitation periods in this jurisdiction. The above reforms will also allow the Government to take steps to commence fully section 56 of the Data Protection Act 1998, the only provision in this Act not to be in force. Section 56 of the Data Protection Act 1998 will come into force shortly after the changes to the 1974 Act are commenced.

Government Forced To Protect Legally Privileged Information?

The Government has been forced to undertake that it will not misuse legally privileged information, contained in emails between UK lawyers and their Libyan clients, which it intercepts through mass data interception programmes. The last minute undertaking by the Government came on 30th January 2014 shortly before an interim injunction application at the Investigatory Powers Tribunal (IPT), which examines complaints about surveillance by the country's intelligence agencies and other public bodies. However, this latest interim hearing sought reassurance that for the duration of their complaint, communications gathered by the security services between Mr Belhaj and Ms Bouchar and their lawyers, Leigh Day, would not be passed onto lawyers acting on behalf of the security services.

Edward Snowden revealed how GCHQ gathers every email sent from a UK server to a non-UK server. These emails are then kept for 30 days and are 'interrogated' in a search for key words, which, if found, will mean that email is kept and subject to analysis. The system appears to make no allowance for emails between lawyers and their clients, which are protected through law as privileged communications. The Government has now promised the Tribunal that an 'information barrier' would be created ensuring that information contained in privileged emails between Leigh Day and Mr Belhaj and Ms Bouchar, would not be shared with anyone working on the civil claims. If information has already been shared, the IPT will be informed and will consider whether to grant an injunction stopping the relevant people from using the information or acting in the claim.

Mr Belhaj and Ms Boudchar were kidnapped and 'rendered' to Libya in a joint MI6-CIA operation in 2004 and are taking separate legal action, currently through the Appeals Court, against the security services and the former Foreign Secretary, Jack Straw. Rosa Curling a lawyer in the Human Rights team at Leigh Day, who is representing Mr Belhaj and Ms Bouchar, said: "This case concerns the right of our clients to speak to us, their lawyers, without the government listening in to our communications.

This admission at the eleventh hour by the Government, that we deserve to have our privilege protected, is to be welcomed. However, It is astonishing that we have had to come to the IPT to uphold and protect one of the central pillars of our legal system, that the confidential exchange of communications between clients and their lawyers must be protected. The

referred a matter relating to how forensic evidence was handled in connection with an investigation into the recovery of a firearm in Lambeth in May 2012. The referral was made after the evidence was submitted for testing in November 2013 and a match was made to someone believed to have been involved in a subsequent incident in October 2013.

IPCC's investigation is looking at potential gross misconduct matters and on Wednesday, 5 February IPCC investigators served a detective constable with a notice advising his conduct is subject to investigation. The officer will be interviewed in due course. IPCC investigators are examining whether the officer's handling of forensic evidence was in line with MPS policies and procedures, and why the delay in submitting the evidence occurred. The investigation is also considering what impact the officer's actions may have had on any past or present criminal investigations, victims or their families. Investigators are also exploring whether there are other similar issues in relation to how the officer handled forensic evidence and whether there are any failings within the MPS' policies and procedures which may have contributed to the officer's actions.

IPCC Commissioner Jennifer Izekor said: "Gun crime has a devastating effect on communities and this investigation raises serious concerns about the way a Metropolitan Police officer handled forensic evidence following a firearms incident in 2012. Clearly this is a complex investigation which rightly will explore the officer's actions. Londoners expect that the Metropolitan Police Service treat all reported firearms incidents seriously and investigates them thoroughly. We will be rigorous in challenging how this evidence relating to a criminal firearms investigation was handled and seek to uncover whether other victims of crime may have been impacted upon as a result."

Could Jimmy Mubenga's Death Have Been Prevented? *Harmit Athwal for IRR*

As we await the publication of a new Home Office manual on deportations, IRR News has gleaned evidence from a number of Freedom of Information requests suggesting that the death of Jimmy Mubenga during deportation could have been prevented.

Jimmy Mubenga died on 12 October 2010. A number of Freedom of Information requests into the government's use of force during deportations have revealed that recommendations made two years earlier in a 2008 report, commissioned by the UK Border Agency and entitled Project Status Report: UKBA Restraint on Aeroplanes, were never implemented.

The recommendations highlighted specific dangers associated with particular restraint techniques on aircraft. The report states: 'Following on from the Medical advice received from experts in restraint related deaths in custody, HMPS [HM Prison Service] have strictly followed the advice that restraints in a seated position offer an increased risk of restraint related medical difficulties and that the use of the head support position increases the risk. We advise that all seated restraints remove the use of head support from the front (recommendation 9).' In the 'head support position', a person's head is pushed into their lap. This was precisely the method of restraint used on Jimmy Mubenga, who died on the floor of a British Airways plane at Heathrow, after being restrained by three guards from the private security company G4S as he was being deported to Angola

2008 Report's Finding Buried - Project Status Report: UKBA Restraint on Aeroplanes by the National Tactical Response Group (NTRG), was apparently never made public. It reviewed 'the operational use of restraint prior to, and during the removal of detainees from the UK to their destination country'. Based on observations of two Prison Service staff on a June 2008 charter flight from London Stansted to Kosovo Albania with thirty people on board, it recommended more realistic training scenarios and the development of a system 'for use of mechanical restraints' including 'handcuffs, leg restraints, spit

hoods and body restraints'. How the Home Office followed up the recommendations contained in this report is unknown. The report seems to have died its own death.

Following the death of Jimmy Mubenga the UKBA initiated another review. According to its April 2012 response to a critical Home Affairs Committee report on 'Rules governing enforced removals from the UK', the Home Office said that, 'In 2011 the UK Border Agency formally requested that NOMS' National Tactical Response Group conduct a review of the current restraint techniques being used by escorts including those used during overseas removals given the unique environment. NOMS advised in the first instance that the techniques used by escorts are not unsafe. However, any use of restraint carries an element of risk and NOMS are currently examining the techniques to see if they can be adapted to make them even safer. Officials will carefully consider any recommendations arising from that review.' This 2011 review resulted in the establishment of a three-phased project 'concerned with the production of restraint techniques' which are 'fit for use on aircraft and the production of a new training manual and training materials'.

Inquest findings: In July 2013, an inquest jury ruled that Jimmy Mubenga was unlawfully killed by three G4S guards 'using unreasonable force and acting in an unlawful manner' when they restrained him for between 30-40 minutes. They found that he 'was pushed or held down by one or more of the guards causing his breathing to be impeded … [He] was pushed or held down, or a combination of the two, [which] was a significant … more than a minimal cause of death … The guards we believe would have known that they would have caused Mr Mubenga harm in their actions if not serious harm.' Seven months after the damning inquest jury verdict, the family of Jimmy Mubenga is still waiting for the CPS to make a decision on whether it will charge the three G4S officers.

Critical Coroner: Following the inquest the coroner, Karon Monaghan QC, made a Rule 43 report (in order to prevent such deaths in the future),[6] in which she was critical of government failure to act on previous advice: 'the outcome of the work being undertaken is still not known and no changes of any significance have yet been introduced (nearly three years after Mr Mubenga's death). It means that the concerns that arose from the evidence in this Inquest in relation to these matters have not been dispelled by any identifiable changes.' She called for a 'review [of] the approved methods of restraint, and specifically the use of force in overseas removals'. 'Appropriate techniques and bespoke training packages, reflecting the environment in which restraint may need to be applied (aircraft), should be introduced expeditiously' she added.

The 2011 review resulted in the establishment, in 2013, of the Independent Advisory Panel on Non-Compliance Management which is chaired by Stephen Shaw (a former Prisons and Probation Ombudsman for England and Wales) and includes five others including three doctors. It has been tasked with producing 'a bespoke training package for use by detainee custody officers who escort adults being removed from the UK'. The new Home Office Manual on Escorting Safely (HOMES), due to be completed by the end of March, is to include a DVD containing medical advice, sections on pain compliance and handcuffs, new use of force forms and the types of restraint methods allowed including new equipment such as the 'aircraft aisle chair' which will see people strapped into a wheelchair-type contraption to be taken on board a plane and 'waist restraint belts'. A demonstration of 'complete scenarios from de-escalation through to full restraint' was scheduled for early February at the Virgin Atlantic base at Gatwick airport. The completed training package will then have to be implemented which will take some time. However the Panel has already expressed concerns about completion in time.

How many more Jimmy Mubengas will there be in a system geared to meeting politically-determined deportation targets, which inevitably means reluctant deportees are trussed up

resulted in the jailing of its former principal and chaplain.

Mr Curran was arrested in 2002 and detectives investigating indecent assault allegations against him seized computers at a pre-exclusion unit in Liverpool where he worked. Charges of making and possessing indecent images of children were later dropped by the Crown Prosecution Service and he was formally acquitted in December 2003. The evidence against him was found to be "very weak" and the images not to be illegal. He was never charged with the indecent assault allegations.

The two officers from Humberside Police attended an information sharing meeting with his new local authority employers. An earlier Independent Police Complaints Commission (IPCC) investigation concluded that as well as referring to him as a "very dangerous paedophile", one of the officers also described him as "plausible but dangerous", as being "guilty as sin" and "going down spitting and screaming" after he followed legal advice and did not enter a plea at an earlier court hearing. Mr Curran was later sacked and has not worked in education since. Neither of the officers has been named and have now left the force.

Judge Richardson QC found the officers had acted unlawfully following an earlier trial at Hull County Court. He said: "I am convinced, upon the evidence before me, that after the acquittal of the claimant in the crown court, officers (certainly one and probably the other) acted with targeted malice towards the claimant. It must be remembered the comments were made in the context of a formal meeting where information was exchanged and would have consequences. It was a deliberate misuse of the power the officers possessed, to harm him."

One of the officers was also criticised in an IPCC report which found the comments made during the meeting to be "unprofessional and unguarded" and "highly prejudicial". Assistant Chief Constable Alan Leaver said: "Humberside Police apologise unreservedly to Mr Curran for the way in which the disclosure was made in these circumstances, the form that it took and for the personal consequences of this for him."

Following its closure in 1992, more than 200 former pupils have come forward claiming to have been systematically assaulted while resident at St Williams' school. Former principal, James Carragher was jailed for seven years in 1993 for his part in the abuse and for a further 14 years following a 2001 investigation in which he was found guilty of buggery and indecent assault against 22 boys, the youngest of which was aged 12. Father Anthony McCallen, the school chaplain, was also jailed for three and a half years for offences against children.

Justice - Rehabilitation of Offenders Act 1974 *House of Commons / 13 Feb 2014 : Column 81WS*

The Parliamentary Under-Secretary of State for Justice (Jeremy Wright): I am today announcing the Government plan to commence reforms to the Rehabilitation of Offenders Act 1974 on 10 March 2014. These reforms are important in supporting our wider agenda on transforming rehabilitation. We know that obtaining employment can be an important factor in reducing reoffending and these reforms will help more people who have shown that they have put their offending behaviour behind them to get back into productive work. The provisions will reduce the period of time during which some offenders may have to disclose their convictions to prospective employers—the rehabilitation period. I should emphasise, however, that public protection will not be compromised. It will remain the case that fuller disclosure of cautions and convictions will continue to apply to a range of sensitive occupations and activities. In addition, the most serious convictions will remain subject to disclosure for any job.

The measures being commenced are contained in sections 139 and 141 and schedule

of life sentence prisoners such psychologists now have the power to decide if they're sufficiently risk-free to be released.

It is not just within the prison system that the American influence is apparent, it's also recognizable in the radically changed role of probation officers and criminal justice system social workers from what was traditionally “client-centred” liberal occupations to a overtly “public protection” centred extension of the police and prison system.

Now a closer equivalent of the American parole officer, probation officers and criminal justice system social workers in the U.K. now see their role as one of policing parolees or “offenders” on supervision orders and returning them to jail for the slightest technical breach of their licence conditions. The massive increase in the use of community supervision orders as a from of social control has created a veritable ghetto of marginalised people in poorer communities who exist constantly in the shadow of imprisonment and omnipotent power of their supervision officers.

This mirrors what has been taking place in some U.S. states as the global economic crisis has virtually eradicated legitimate employment in poor communities and replaced it with an alternative economy of illegal drugs, resulting in the almost mass criminalisation of young working class men, especially those from poor Afro-American communities. In such U.S. states and deprived communities prisons now replace factories where the new underclass are increasingly concentrated and forced to work as cheap labour for multinational private security corporations that now own and operate a significant portion of the American prison system. This new prison industrial complex is laying roots in the U.K. too and it is from the poorest deindustrialised communities that it draws its sources of cheap labour and human commodities.

This U.S. cultural influence on the criminal justice system is far greater in the U.K. than anywhere else in Europe, which accounts for it having the largest prison population (93,849 behind bars @ 31/12/13) in Europe and the longest prison sentences. It is also forever vulnerable to the American style prison riot when despair and hopelessness overshadows prisoners lives completely and there is essentially nothing left to lose. As a model of either justice or retribution the American criminal justice system is riddled with corruption and failure, and yet Britain slavishly attempts to imitate it in its quest to achieve absolute social control at a time when the lives of the poor are being made increasingly unendurable and society continues to fracture and polarise.

Police Apologise to Teacher Wrongly Branded ‘Dangerous Paedophile’

Jonathan Brown, Indpendent, 13/02/14

A police force has apologised after officers destroyed a teacher’s career by telling his employers he was a “very dangerous paedophile” even though he had never been convicted of child sexual offences. A judge criticised the actions of the two former officers as a “deliberate misuse of power” and accused them of “targeted malice” against Michael Curran, who he said had suffered a “personal tragedy”. Humberside Police are expected to be ordered to pay damages and now face an estimated £500,000 legal bill following the long-running legal battle. Upholding a civil claim for malfeasance in public office, Judge Jeremy Richardson QC described the language used by the two officers as “utterly toxic”.

Mr Curran, 60, a former member of the De La Salle religious order, taught at the notorious St William’s School in Market Weighton in East Yorkshire in the 1980s. The school, which looked after boys aged 10 to 16 with emotional and behavioural problems, has been at the centre of three police inquiries into historic child abuse following its closure in 1992, which

like parcels to be returned from whence they came?

No Children's Super-Prison

Branded a 'secure college', the government is planning to build one of the largest children's prisons in Europe. At a cost of £85 million, they plan to coop up 320 troubled young people on a single site. Children’s prisons are violent and dangerous environments which fail to turn lives around and threaten public safety. Young people who end up in the criminal justice system have a whole host of complex needs, from backgrounds of abuse or neglect to poor educational attainment. All evidence shows these problems can be tackled through effective community sentences. They are never resolved behind the walls of a huge prison. The very small number of children who truly require custody should be held in very small secure homes, focused on their complex welfare needs. Instead of pursuing this wasteful and dangerous policy, the government must halt their plans, invest instead in alternatives to custody and reduce the number of children held behind bars.

Newcastle United striker Loïc Rémy - Rape Allegations Dropped *theguardian.com, 14/02/14*

The 27-year-old Newcastle United striker was held in May last year along with two other men after a woman claimed she had been attacked in Fulham, west London. The three have now been told that they will face no further action over the allegations. At the time of Rémy's arrest, his lawyers Harbottle and Lewis said the French international denied the claim.

Scotland Yard did not name the Queens Park Rangers player, who is on loan at Newcastle, but said: "Officers from [sex crime unit] Sapphire investigated an allegation of rape on 6 May in the Fulham area. The allegation was passed on to the Metropolitan police service by Kent police on 8 May after the 34-year-old female victim reported it to them the previous day. "The victim alleged she was raped by three men. On the morning of Wednesday 15 May, three men, aged 26, 23 and 22, were arrested at an address in Fulham on suspicion of rape. They were taken into custody at a west London police station and all three men were bailed pending further inquiries. On 13 February, and following consultation with the Crown Prosecution Service, the three men were informed that no further action would be taken against them."

Judge Raises ‘Appalling Prospect’ of Man Losing Citizenship for Third Time

Alice K Ross ,Bureau of Investigative Journalism, 10/02/14

An immigration judge warned a tribunal last week of the ‘appalling prospect’ of a man losing his British citizenship three times, under legislation being debated today in the House of Lords. Iraq-born Hilal al Jedda won a six-year battle to regain his British citizenship in October, when the Supreme Court ruled the decision illegally made him stateless. But rather than return his passport, three weeks later the Home Secretary Theresa May issued removed his citizenship again. This left him at the beginning of the appeals process, where he had been six years ago. Under the British Nationality Act, the Home Secretary can remove the UK citizenship of individuals if she feels their presence in the UK is ‘not conducive to the public good’. The only restriction is that she cannot make individuals stateless, so in practice the orders can only be used against dual nationality individuals.

The House of Lords will hear the second reading of the Immigration Bill. This includes an amendment – tabled at the last minute of the Bill’s progress through the Commons last month – that would dramatically expand May’s ability to remove citizenship. Under the new clause, she would be able to remove nationality even when the individual will be left stateless, if

she believes they have done something 'seriously prejudicial' to the vital interests of the UK.

Debating the new clause in the House of Commons, May said: 'The government have been considering the matter since we saw the result of the al Jedda case. I specifically asked officials whether there was anything that we could do to ensure that we would be able to take action against people whose activities, particularly those related to terrorism, were seriously prejudicial to the state. 'Lo and behold, we discovered that had it not been for the law that the last Government passed [prohibiting making people stateless], I would have been able to deprive al-Jedda of citizenship.'

Labour MP Tom Watson told the Bureau before the Commons debate: 'It's shocking that the Home Secretary has tried to slip in such a massive increase in her citizen stripping powers as a last-minute amendment to the Immigration Bill. Use of this power under the Coalition government is on the up. There is no due process and appeal is notoriously tough. If this amendment is passed, British citizens can be made stateless by their own government without any independent scrutiny. It must be stopped.' But the clause passed by 297 votes to 34.

An 'endless and circular' case: At the first hearing of al Jedda's new appeal on Friday at the Special Immigration Appeals Commission (Siac), Mr Justice Irving raised the 'appalling prospect' of al Jedda potentially regaining his citizenship by successfully arguing he had been made stateless – and then being stripped of it yet again under the new legislation. Theresa May's statements about the case in the House of Commons 'might lead one to think that is a possibility,' he added. The case had been raised during training for Siac staff the previous day as an example of an 'endless and circular' case, he added.

Al Jedda, who came to Britain as an asylum seeker in 1992, automatically lost his Iraqi nationality under the law of the time when he became a British citizen. In 2004 he was detained by British forces in Iraq and held for three years on suspicion of planning terrorist acts. Because he was held in military detention he was never charged.

He has claimed he was ill-treated in British detention. The then-Home Secretary Jacqui Smith took away his British nationality shortly before his release in December 2007. At the time this was a highly unusual step – the orders had only been used twice since the laws were introduced in 2003.

Al Jedda left Iraq using what he claims is a fake passport and went to Turkey, where he has remained during five years of legal appeals. The Home Secretary's lawyers argued that since he could have re-applied for Iraqi nationality following the removal of Saddam Hussein's government, it was not her fault if he was made stateless by the removal of his British citizenship.

Supreme Court judges rejected this argument, ruling: 'The ability of the Secretary of State to assert that the person in question could quickly and easily re-acquire another nationality would create confusion in the application of what should be a straightforward exercise.'

The Home Secretary claims that following al Jedda's Supreme Court hearing, diplomatic sources discovered that he held an Iraqi passport. They attempted to introduce the new evidence into the Supreme Court proceedings after the hearing but before the judges had reached their decision. But the attempt was rebuffed by the five senior judges, who ruled in his favour on October 9. A Home Office spokeswoman told the Bureau: 'We are considering the judgment and our next steps in this case carefully.'

On November 1, Home Office staff emailed al Jedda's lawyers to notify them of her decision to remove his citizenship. She issued a deprivation order – which takes immediate effect – within hours. Al Jedda's lawyers argue that the passport has been part of proceedings

throughout the first case and he has consistently maintained that he acquired it by irregular means. The case is not expected to reach substantive hearings until June.

Americanisation of the British Criminal Justice System *John Bowden, HMP Shotts*

A recent Government announcement that it was considering introducing U.S. style prison sentences like a hundred years custody for the most serious offences is on one level a straightforward attempt to undermine a recent European Court of Human Rights ruling that life sentence prisoners should be given some hope that their sentences will be reviewed before they die, and on another level evidence that the Americanisation of the British criminal justice system continues to increase and deepen.

Apart from the probable introduction of prison sentences that are in effect a slow form of capital punishment, an American penology has characterised the treatment of British prisoners for quite some time in the form of the treatment model with its psychology-based programmes and courses designed and inspired by Canadian and U.S. ideologies regarding "offending behaviour", which is attributed not so much to social and environmental causes but more the individual pathology of the "offender". So the fact that the prison population is drawn disproportionately from the poorest and most disadvantaged group in society is of absolutely no significance and instead a crude behaviourist notion prevails that providing prisoners can be re-socialised into behaving in a "normal" way then "offending behaviour" can be exorcised from their thinking before they're released back into the same desperate economic and social circumstances. Predictably, the" treatment model" with its programmes and courses has had absolutely no appreciable effect on recidivism rates.

As in American prisons, prison-hired psychologists in Britain have carved out a veritable industry for themselves in the prison system by subscribing to the belief that inequality, disadvantage and poverty have absolutely nothing to do with why most people end up in prison and instead everything to do with individual pathology in the form of inherent personality disorders and an inability to distinguish right from wrong. And again as in the U.S. prison psychologists in Britain have now become an integral part of the system of control and repression in prisons, legitimising it with a language and narrative of "treatment" and addressing prisoner's "needs and risks". So entrenched have psychologists now become in the prison system that, like their American counterparts, they often willingly assist in the use of the worst forms of repression against prisoners labelled the most "difficult" and "unmanageable".

American prison officials penchant for euphemisms to disguise the reality of it's worst practices and forms of punishment, such as "special management units" where in fact prisoners are clinically isolated and psychologically brutalised, is a tendency that finds expression in British prisons also now. "Close Supervision Units" and "Intensive Intervention Units", overseen and managed by both jail managers and psychologists, are also places where "difficult" prisoners are subjected to extreme punishment and a denial of basic human rights, often to the extent where many are driven to insanity.

The American "treatment model" of prisons probably finds it's most extreme expression in the U.K. Prison system in the from of the "Dangerous Personality Disorder Units" (DPDU) created and overseen by psychologists from the psychopath-spotter school of psychology that defines all "anti-social" behaviour on the part of the least powerful and wealthy as symptomatic of psychopathy. In the totalitarian world of prison either fighting the system or confronting the institutionalised abuse of power that prevails there is sufficient to have oneself labelled a "psychopath" by psychologists anchored mind, body and soul to the prison system. In the case