the people who are driven by either hate or ignorance to abuse others, in whatever form that attack may take. The only way we can do this is if people report it, so that it can be addressed by the right people in the right way." Stop Hate UK campaigner Rose Simkins, Stop Hate UK, said: "All forms of hate crime are significantly under-reported. Some individuals and communities are reluctant or unwilling to talk to the police or their local council. "No one should have to suffer hate crime in silence." A strong advocate of fighting this type of crime is Greater Manchester Police. As reported on PoliceOracle.com, the force was the first to recognise sub-culture hate crime, and add it to their hate crime policy – which led to three other forces to follow suit.

Report on an Unannounced Inspection of HMP Dartmoor

Inspection, 2/13 December 2013 by HMCIP, published 25/04/14: HMP Dartmoor was established in 1809. Its isolated location and the age and dilapidated state of some of its buildings make it a very challenging establishment to run. At the time of this inspection, held 655 adult men.

Inspectors were concerned to find that: - too many prisoners said they felt unsafe, levels of victimisation were high, sloppy processes meant that prison was not adequately sighted on the true levels of violence; - prisoners from black/minority/ethnic backgrounds and foreign national prisoners felt isolated and unsupported. - safety was compromised by too ready availability of prohibited drugs which included synthetic cannabinoids such as 'Spice', tradable prescribed drugs, injected drugs and illicitly brewed alcohol, or 'hooch'; - the new incentives and earned privileges scheme had been poorly implemented; - some cells were very small, some roofs leaked badly and some cells were damp; - too many men arrived without an up-to-date risk assessment or sentence plan, which compromised the progress they could make at Dartmoor; - following the closure of other prisons in the region, Dartmoor held a large population of sex offenders, a significant proportion of whom were judged to be in denial of their offence and there was no provision for them; - Some retired prisoners and those with disabilities were demoted because they were not working. - Prisoners without sentence plans were demoted – becausethey were not following their sentence plan. - although practical resettlement support was generally effective, visits arrangements were inadequate and did not take sufficient account of the isolated location of the prison. - Support for the few foreign national prisoners held at the establishment was limited and there was no dedicated foreign nationals coordinator or support group. - Inspectors made 92 recommendations: Nick Hardwick said: "There is a risk that staff and managers at HMP Dartmoor become paralysed by the things over which they have little control - the uncertainties over the prison's future, the state of the buildings, the prison's location and the make-up of the population it holds - and that this becomes an excuse for not addressing the things they can change.

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,

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MOJUK: Newsletter 'Inside Out' No 475 (01/05/2014)

Successful Claim for Prisoner Denied Access to Medical Treatment

A prisoner has successfully challenged a decision by a prison to deny him access to effective medical treatment. The man, known as Mr X, suffers from a skin condition called chronic plaque psoriasis. The condition causes lesions on the skin, which become itchy and sore and then crack and bleed. It is a condition that can only be controlled rather than cured. The most effective treatment for this condition is a course of ultraviolet B light ("UVB") treatment. A course of UVB treatment consists of standing in an upright light box twice a week for six weeks. The UVB light used for this treatment is significantly stronger than that in a normal sunbed and, therefore, for health and safety reasons, this treatment can only be provided in hospital.

However, following his imprisonment at HMP Frankland in April 2011, a high security prison in Durham, Mr X's condition worsened. He saw four different dermatologists who all recommended that he undergo a further course of UVB treatment at a local hospital. However, on each occasion, the prison blocked the referral. The reason given by the prison for denying Mr X access to this medical treatment was that he posed too high a security risk to be taken to hospital and receive this treatment. However, the exact nature of this security risk remained undisclosed. Mr X tried for two years to get access to the UVB treatment through the prison's internal complaints procedure. However, these efforts were unsuccessful, and, in the absence of the treatment, Mr X's condition continued to worsen, causing him pain, discomfort, stress and anxiety.

Mr X approached the prison law team at law firm Leigh Day, who, in April 2013, brought a judicial review claim against the Secretary of State for Justice challenging the decision of the prison to deny him access to the UVB treatment. The basis of the challenge was that the Secretary of State has a public law duty to provide prisoners with the same range and quality of healthcare services that the public receives from the NHS.

However, it was argued that, in Mr X's case, if he had been in the community, he would have had access to the UVB treatment, and, therefore, the decision to deny him access to it in prison was unlawful. Shortly after the commencement of proceedings, the Secretary of State agreed to facilitate Mr X's access to UVB treatment and this treatment is now successfully complete. As such, Mr X's judicial review claim has now been withdrawn, with the Secretary of State having agreed to pay his legal costs.

In commenting on the settlement, Benjamin Burrows, the lawyer who acted for Mr X, said: "The requirement that prisoners are able to access the same range and quality of healthcare services whilst in prison as they would have access to if they were in the community is well-established both in law and policy. Therefore, attempts by prisons to deny prisoners access to these services on the basis of ill-defined risks to security will be open to challenge.

The answer to the question of security should not simply be to deny access to medical treatment. Rather, it should be how can any such risk be mitigated so that legal and policy obligations are complied with. Regrettably, in Mr X's case, the prison failed to even ask this question, let alone answer it." Mr X was represented in his claim by barrister, Adam Sandell of Matrix Chambers, a recognised expert in public and prison law matters. *Leigh Day Solicitors*

Discount for Plea – R v Goodale

Held: In the ordinary course of events we do not consider that it is appropriate to analyse sentences arithmetically where a judge has taken a starting point by using his or her own judgment and then applying what he or she considers is the appropriate reduction for a guilty plea. It is the bottom line that matters. However, we consider that the court can and should take a different approach where the two variables are not ones of the judge's choosing but are fixed by statute. In this case the seven year minimum term and the 20% maximum credit for a guilty plea. If the judge is intending to adopt each of those variables then the result is simply a matter of arithmetic. The judge cannot lawfully pass a sentence less than the one produced by the arithmetic and the defendant is entitled to receive a sentence that is no longer than the one produced by the arithmetic. We should add that it is the experience of the Recorder of Bristol, who is sitting as a member of this court, that in the case of fixed minimum sentences, such as three strike burglars, it is not uncommon to see sentences recorded in days so that the necessary precision is achieved. In this case, whilst the difference may be small, in our view the applicant is entitled to the benefit of it

1. Mr Justice Edwards-Stuart: On 26th January 2012 in the Crown Court at Leicester, the applicant pleaded guilty to one count of conspiracy to supply a class A controlled drug, diamorphine. He was sentenced to five years and eight months' imprisonment. The application for permission to appeal against sentence has been referred to this court by the single judge on the ground that when passing sentence the judge made a minor arithmetical error. The single judge said that there was nothing in the other grounds of appeal.

2. *The Facts:* The applicant was arrested in possession of nearly 500 grams of heroin at 7% purity. He was a passenger in a car in which the drugs were being carried when it was stopped by the police. In his late thirties, he is a long term heroin addict. However, this was his third relevant conviction for supplying class A drugs and therefore the court was required to pass a sentence of at least seven years' imprisonment pursuant to section 110 of the Powers of Criminal Courts (Sentencing) Act 2000, unless it would be unjust to do so.

3. *The Sentence:* The judge took the statutory minimum of seven years as the starting point and said that she was going to give the applicant the full credit of 20 per cent, the maximum available in the circumstances.

4. On behalf of the applicant it was submitted that to impose the seven year minimum would result in a substantial difference in sentence between the applicant and one of his co-defendants, who was in the car with him and played a similar role, and that this was a circumstance which would render unjust the application of the section. The judge rejected that submission saying that in her view it was not the type of circumstance which was envisaged by the legislation as justifying the disapplication of the section.

5. The single judge took the view that the judge was right to reject that submission, a conclusion with which we entirely agree. The appropriate sentence: 6. If the judge had applied the 20% reduction to a sentence of seven years, as she clearly intended to do, the result would have been a sentence of five years and 219 days and not the five years and eight months (eight months being 243 days) actually passed.

7. In the ordinary course of events we do not consider that it is appropriate to analyse sentences arithmetically where a judge has taken a starting point by using his or her own judgment and then applying what he or she considers is the appropriate reduction for a guilty plea.

It is the bottom line that matters. In R v Martin [2006] EWCA Crim. 1035, Sir Igor Judge,

CPS has given no indication of how long it will take for a decision to be made, despite requests from Ms Alexander and parliamentary questions tabled by her MP, Seema Malhotra. Lawyers acting for Ms Alexander have pressed the DPP to ensure that any further CPS delays are kept to a minimum and that she is kept informed at each stage, ultimately with a view to charging decisions being made as soon as possible.

Susan Alexander, Azelle Rodney's mother said: "The CPS has known all the details about the killing of my son for over 8 years and has had every available document from the IPCC for over six months, but still there is no sign of a charging decision. It seems as if only one reviewing lawyer is working on this at the CPS instead of a whole team of people. This wait is intolerable and no mother should have to go through this. Nine years after Azelle's untimely death it's plainly wrong that the CPS can simply take as long as it wants, with zero accountability to me or the public."

Seema Malhotra MP, Susan's local Member of Parliament said: "I am struck by the deep impact on Susan and her family of their fight for nine years to get results from the legal processes that have followed on from the police shooting of her son, Azelle Rodney, in April 2005. "While the Inquiry report in July 2013 was welcomed by Susan, there is now real concern about the wait of over nine months for the Crown Prosecution Service to make charging decisions, without any sense of when the process will conclude. I support Susan's call for the DPP to look into why it is taking so long to make these decisions; for the sake of all those involved in this case, and particularly the family of Azelle Rodney."

Daniel Machover, representing Susan said: "The CPS has adopted an aloof and arrogant stance in this case and many others involving alleged police criminality. When it comes to these police custody cases, the public is being failed pretty consistently by an organisation that should work promptly and effectively to bring suspects to justice where the evidence and public interest points to a prosecution."

Susan Alexander is represented by INQUEST Lawyers Group members Daniel Machover and Helen Stone of Hickman and Rose solicitors and Leslie Thomas QC of Garden Court chambers and Adam Straw of Doughty Street chambers. Daniel Machover is also Chair of the Board of Trustees at INQUEST.

Force Scraps Hate Crime Unit Despite Rise In Incidents

Northamptonshire Police has disbanded its specialist hate crime investigation despite - a rise in reported incidents - due to budget cuts. The force has said that it will instead focus on offering wider training to its officers after the senior leadership team admitted that funding reductions have meant they have had to reorganise. Northamptonshire experienced a rise of around 10 per cent in hate crime in the past year and has said it is committed to bringing the number down. The force's small team of six personnel solely dedicated to investigating hate crime will be replaced by deploying more trained officers. It has been claimed that this will bring greater flexibility.

Assistant Chief Constable Russ Foster added: "We rolled out hate crime training to 1,500 officers and staff as part of their Protecting Vulnerable People Training. The force now has a greater capability to deal with such incidents." Hate crime, and the protection of its victims, has been a focus particular for a number of PCCs. Merseyside PCC Jane Kennedy, has said she is determined to get the funding for dedicated centres where people can report hate crime, having seen a similar rise in the numbers of crimes to Northamptonshire. She added: "I want people to know that they will be listened to and supported."

Paddy Tipping, Nottinghamshire's commissioner, recently said: "We need to lift the lid on

brought to court in Northern Ireland - why don't we have the justice that we deserve?" she said. That might not be possible, there might not be the level of evidence, but to simply say there's not going to be that further investigation is a slap in the face for victims of that night. To say that we're not important enough to have that level of scrutiny that other families have had from other atrocities, just makes us believe that we are the forgotten victims, the La Mon victims, and that we've simply been put in the 'far too difficult to do box'."

In a statement, the Ballymurphy families said they were "shocked and outraged" at the government's response. We have led our campaign for truth and justice in a dignified but determined manner and deserve the opportunity to have the innocence of our loved ones proven," they said. We feel that the Conservative-led British government is treating us in a disrespectful and shameful manner. We have demonstrated flexibility in that our proposed approach is not a 'costly and lengthy public inquiry'. It is a tried, tested and cost effective model." The families said that they may legally challenge Ms Villiers decision. The families wanted a seven-member panel to examine all documents and papers. They wanted it to be modelled on the one that examined the 1989 Hillsborough disaster. Then, 96 people lost their lives during Liverpool's FA Cup semi-final against Nottingham Forest. They proposed that it would be chaired by former Northern Ireland police ombudsman Nuala O'Loan and funded by the British and Irish governments.

Ivan Lewis, shadow secretary of state for Northern Ireland, said: "The Ballymurphy families have waited too long to learn the truth about the killing of their loved ones and they will be disappointed by Theresa Villiers decision. They have a right to the truth and justice which has been denied to them for too long." Mr Lewis said he would be meeting with the families in the weeks ahead to "consider the best way forward". Taoiseach (Irish prime minister) Enda Kenny met the Ballymurphy families in Dublin in January and said he was "disappointed" that Ms Villiers had turned down their request. "I told the families that the government supported their case, and that I intend to visit Ballymurphy and meet with the families there during a future visit to Belfast," he said. Following our meeting in January, I wrote to Prime Minister Cameron asking that the families' request for a limited review be granted. I also raised the matter with him at our meeting in London on 11 March. Consequently, I am disappointed with today's news, which I know will come as a blow to the families."

Members of the Parachute Regiment claimed they opened fire after being shot at by republicans during Operation Demetrius, when people suspected of paramilitary activity were interned. A Catholic priest and a mother-of-eight were among those killed over a three-day period. After an application from the families the attorney general directed the coroner to re-open inquests into the deaths in November 2011.

Nine Years Since Azelle Rodney Shot Dead – Still No Charging Decision

Susan Alexander, mother of Azelle Rodney has written to the Director of Public Prosecutions (DPP) to ask that a Crown Prosecution Service (CPS) decision on charges relating to Azelle Rodney's death be made without delay.

Wednesday 30 April 2014 marks nine years to the day since Azelle Rodney was shot dead by a police firearms officer (known as 'E7') during a 'hard stop' in Edgware, north London. It took over seven years for an inquiry to be held into his death, for which the government has already had to apologise when Susan Alexander complained about the delay to the European Court of Human Rights. It has been over nine months since that inquiry concluded that Azelle Rodney was unlawfully killed, and the CPS had the draft Inquiry report over a year ago. The

President of the Queen's Bench Division (as he then was), said at paragraph 2: "The sentencing decision does not represent a mathematical exercise, nor does it result from an arithmetical calculation."One qualification to this general principle will arise where a defendant is told in terms by the judge that he will receive a particular amount of credit, for example "the full one-third" or "25 per cent" or this is stated unambiguously in the sentencing remarks, in which case, very minor discrepancies aside, which we extend to include the rounding up or down to state the sentence in terms of whole months which judges typically adopt, he may be entitled to have his sentence corrected to reflect the assurance given or statement made by the judge - see for example R v Clough [2010] 1 Cr.App.R (S) 53, 334 at page 347. In cases where there is a disparity between what has been said in the sentencing remarks and the actual sentence, we would expect counsel to raise the point at the time and it should not be the subject of an appeal without very good reason.

8. However, we consider that the court can and should take a different approach where the two variables are not ones of the judge's choosing but are fixed by statute. In this case the seven year minimum term and the 20% maximum credit for a guilty plea. If the judge is intending to adopt each of those variables then the result is simply a matter of arithmetic. The judge cannot lawfully pass a sentence less than the one produced by the arithmetic and the defendant is entitled to receive a sentence that is no longer than the one produced by the arithmetic.

9. We should add that it is the experience of the Recorder of Bristol, who is sitting as a member of this court, that in the case of fixed minimum sentences, such as three strike burglars, it is not uncommon to see sentences recorded in days so that the necessary precision is achieved.

10. In this case, whilst the difference may be small, in our view the applicant is entitled to the benefit of it.

11. Accordingly on this referral we quash the sentence of five years eight months and substitute a sentence of five years and 219 days. To that extent only this appeal is allowed.

Police Officer Charged for Tasering a Man Who Threw Pants at Him

A police officer unlawfully tasered a man who threw his underpants at his head during a strip search, a court has heard. PC Lee Birch, 31, discharged his weapon into the bare chest of Daniel Dove at Melksham Police Station in Wiltshire, after he was arrested outside a nightclub on 23 December 2012. Mr Dove was charged with disorderly conduct and assaulting PC Birch and a second officer, though the case against him was later dropped.

Prosecutor Robin Shellard told a jury PC Birch had used the "prohibited weapon" in a way that was not "necessary, lawful or proportionate". Mr Dove told the court he was "compliant the whole time" and followed orders when he was asked to undress before he was strip searched by PC Birch and two other officers attending. He said: "He [Birch] asked me to get naked, which I did. I did feel I had shown enough so they knew I had nothing on me. When he asked me to do it, I did feel quite embarrassed. I took my pants off and flicked them at him, towards his face. I was annoyed at him. As soon as I flicked my pants at him, he pulled his arm up from behind his back and shot me with a Taser. By the time I had seen it, I had no time to react or move. I couldn't hide anywhere, I was in a police station so couldn't run off. There was a lot of pain."

Mr Dove told the jury he had been assaulted by Birch and a second officer during his arrest and pushed down into a puddle on the street. He also insisted PC Birch had overly tightened his handcuffs, causing him pain in his wrists. PC Birch was charged with assault occasioning body harm and misconduct in a public office, which he denies. *Indpendent, 24/04/14*

Grayling Orders Inquiry Into Kevan Thakrar Compensation

[Kevan Thakrar published a letter on Sunday 23rd March, detailing his compensation victory against the Prison Service and the Prison Ombudsman. The media were given copies of the letter at the time but expressed no interest. Suddenly on Monday the Daily Mail did take interest, vilifying Kevan and the pay out. The story went viral 68 Internet media outlets took up the story and lots of racist comments on personal Blogs.]

Chris Grayling has now ordered an urgent review into 'ridiculous' compensation claims by prisoners. The Justice Secretary commissioned the inquiry amid fury over pay-outs to a triple murderer, Kevan Thakrar, for lost or damaged property including a set of nose hair clippers and long life milk. Civil servants will examine whether government is doing enough to fight claims in court - and if more can be done to block unmerited taxpayer-funded payments. It will also look at ensuring money is taken from prisoners who win their compensation cases to pay for any debts owed in court fines or victims.

A source said: 'We want to send a very strong message that we're on the side of victims, and that they're the priority when it comes to offenders making financial recompense for their crimes. There might be times when something goes wrong, and prisoners end up with compensation. But we're making sure that those times are few and far between, and that taxpayers' money isn't being spent on prisoners trying to take the mickey out of the system.'

Every year around £3million in compensation payments are handed to inmates - for being held a day or two over the end of their sentence, for slips or falls in prison and attacks by other inmates. The review is expected to take weeks and will consider whether victims' interests are being given enough priority. It will also examine if money can be diverted from compensation claims to fines owed to the courts or victims' compensation.

Dallas Archer Tried To Smuggle Gun Into Prison Inside Her Body

A teenager in the US state of Tennessee attempted to smuggle a loaded handgun into prison by concealing it inside her vagina, according to police. 19-year-old Dallas Archer was arrested at around 3:15pm on 21 April by police officers and taken to Kingsport jail for driving with a suspended sentence. Officers found the gun when a female prison officer searched the teenager and noticed an 'unknown object' in Archer's groin, according to a police report obtained by The Smoking Gun website. Archer was then searched by two female officers in the bathroom, when they found the 4-inch weapon hidden inside her. The mini revolver, which was valued at $250, is thought to have been stolen from a staff member of a car salesroom during a burglary. Archer has since been charged with possession of stolen property, illegal possession of a firearm and introducing contraband into the jail. A court clerk says no attorney is listed for Archer.

Convicted Killer Fights Deportation To 'Crowded/Dirty' Italian Prison *Independent*

An Italian man who murdered a mother of two and a teenage girl has claimed he could not be deported to his home country to complete his 40-year sentence because he had a right to a family life in Britain. Danilo Restivo, who had a fetish for cutting women's hair, was convicted of the brutal and ritualistic murder of his neighbour in Bournemouth three years ago. After his sentence, he was also found guilty in his absence of murdering a 16-year-old two decades earlier in his home town of Potenza. Giving evidence at a special appeal tribunal hearing at Bradford Crown Court, he said attempts by Home Secretary Theresa May to have him sent back to Italy were unlawful under the Human Rights

serving and former officers at the force over their role in the murder probe. However, they are considering evidence against nine other officers who were of superintendent rank and above at the time. Four of those are now serving chief officers - Northamptonshire Chief Constable Adrian Lee, Gloucestershire Chief Constable Suzette Davenport, West Midlands Assistant Chief Constable Marcus Beale and Staffordshire Deputy Chief Constable Jane Sawyers. Four of the nine officers have since retired from Staffordshire Police. The ongoing investigation, led by Derbyshire Chief Constable Mick Creedon, is also examining how disclosure issues were dealt with prior to the trial of the five men. Any possible misconduct proceedings against the seven serving officers will be decided following the CPS's decision on the evidence concerning the nine officers.

Naked Female Judge Back At Work

A female High Court Judge in Bosnia - sacked after she stripped off naked and laid down on her office desk to sunbathe - has been given her job back. Enisa Bilajac (35) had been spotted in her office before courts began and could clearly be seen exercising in the nude. Later she was seen starkers on her desk catching the rays of sunshine shining through her window. Unbeknown to her, the naked judge was photographed by another early riser at the council offices across the road in the capital Sarajevo. The snap was published in local media sparking an internal enquiry at the court building. The matter ended up with the disciplinary commission of the Supreme Court, and she was fired after it ruled her behaviour had "damaged the image of the Supreme Court". "Her behaviour as a senior judge was not acceptable," the report added. The woman said however that her office door had been locked, and she was entitled to exercise as a way of warming up for the day ahead. She said she had not expected any staff to be in the building opposite at that time. In the end the Supreme Court Council decided she had not acted incorrectly and had not intended to harm her professional credibility, and she has been reinstated.

Villiers rules out Review of 23 deaths - La Mon/Ballymurphy Bombings

Calls for independent reviews into two incidents in the Troubles in which 23 people died have been ruled out by Secretary of State Theresa Villiers. Ms Villiers sent letters to relatives of the 12 people killed in the La Mon bombing in 1978 and relatives of 11 people who died in Ballymurphy in 1971. The secretary of state said she did not believe reviews would uncover evidence not already in the public domain. She said she knew this was not what the families wanted to hear.

Ten people were shot dead by the parachute regiment in Ballymurphy, west Belfast, in August 1971, while an 11th person died of a heart attack after allegedly confronting soldiers. Twelve members of the Irish Collie Club were killed in the La Mon House Hotel in 1978 in an IRA firebomb attack. Relatives wanted a review of the police investigation into the bombing.

Regarding her statement about Ballymurphy, Ms Villiers said: "In reaching this decision, I have sought to balance the strong and clear views of the families with the need to ensure that existing legal mechanisms can continue to carry out their functions without being impeded by an additional process." Speaking about La Mon she said: "I understand that this is not the decision they were hoping for, but I do not believe that an independent review would reveal new evidence or reach a different conclusion from the investigations that have already taken place."

Andrea Nelson was 14 when her parents Paul and Dorothy were murdered in the La Mon bomb. She said she wanted justice for them. "Ideally it would be good if people could be

rently in British prisons tend to be steel strung, so this effectively means they've all been removed as it's just not possible to re-string them all with nylon. They aren't designed for that. These guitars allows the prisoners to develop their skills and do peer to peer work which has been shown as really important as the basis for rehabilitation. A number of prison staff have told me that that aspect of them sitting down together, playing music and learning, has had a noticeable impact on individual prisoners and the atmosphere as a whole. It's not about vocation, it's about incentivising prisoners to engage in rehabilitation. Surely that's one of the most important things a prison can do?" Bragg said. "Can they not see that this move has real ramifications?"

Labour MP Kevin Brennan siad: "When some prisoners wrote to me about how they saved from their prison wages to buy guitars which were now being banned I thought the government would have some genuine reason for this change," he said. "The prisons minister has admitted that learning the guitar is good for rehabilitation so why he would want to undermine rehabilitation by this arbitrary policy on guitar strings is baffling."

Andrew Nielson, director of campaigns at the Howard League for Penal Reform, echoed Bragg's sentiments and said they would be "very much" supporting Brennan's debate in parliament. He said: "We feel that this is a petty move which does undermine the government's stated in intention of seeing prisons as purposeful places where rehabilitation is a priority. It seems to me to be symptomatic of a careless attitude towards policy making" Other musicians that have signed the letter include Seasick Steve, Speech Debelle, and Scroobius Pip. A Prison Service spokesperson said: "As a result of this government's reforms, prisoners who do not engage with their own rehabilitation now have far fewer privileges."

8-minute Trial, No Defence Arguments, 683 People Sentenced to Death

After an eight-minute trial a judge in Egypt has sentenced to death 683 alleged supporters of the former President Mohamed Morsi who was ousted in a military coup last July. Among those condemned to die is the spiritual head of the Muslim Brotherhood, which has been declared a terrorist organisation despite its tradition of non-violence and having won Egypt's first-ever democratic elections. The verdict after such a short mass trial is likely to discredit further the Egyptian authorities internationally, but they may not care about this so long as the military-backed regime can secure its power domestically. The sentencing by the judge Said Youssef on Monday in a court in Minya, 150 miles south of Cairo, was given a further bizarre twist when he reduced death sentences he imposed in March on all but 37 of 529 defendants to terms of life imprisonment. The effect of the mass death sentences and life-long terms of imprisonment after a summary hearing will be to spread fear that any dissent could lead to execution or lengthy terms in Egypt's notoriously brutal prison system.

CPS: IPCC Evidence on Chief Officers Imminent *Source: Police Oracle, 28/04/14*

Evidence to determine whether four chief officers should have criminal proceedings brought against them in relation to the handling of a murder investigation has been submitted to the Crown Prosecution Service. A spokesman for the Independent Police Complaints Commission (IPCC) confirmed that the phased submission of evidence to the CPS in relation to nine officers, four of whom are chief officers, will be completed imminently. The IPCC's probe concerns how Staffordshire Police's Sensitive Policing Unit handled a protected witness who testified against five men for the murder of Kevin Nunes in 2002. The men were convicted in 2008 but had their convictions quashed in 2012. The CPS has already decided not to charge five

Act because of the "crucial role" played by his family in the United Kingdom.

The 41-year-old, who is currently serving his sentence in Full Sutton prison near York, said that if he was transferred under an EU prisoner-exchange deal, he would no longer be able to telephone his Italian-born wife. She lives 300 miles away from York in Bournemouth. He said that in the high security British jail he was able to ring her up to five times a day, a privilege that would be denied him if he were in prison in Italy, where he said cells were crowded and dirty. He said: "In this country I do not need to ask permission to phone my wife. According to the rules in Italy, prisoners are not allowed to make phone calls abroad and they are not allowed to write letters abroad. They would not accept it even if I paid for delivery," he said.

Restivo said he had created a "family relationship" with his wife and her two sons from a previous marriage. She did not wish to move back to Italy, having severed all ties after moving to the UK in 1997. The tribunal heard that she suffered from rheumatoid arthritis and struggled to see her husband every two to three months in the UK. The couple married in 2004 after meeting on the internet. Two years earlier, shortly after his arrival in Britain, Restivo had killed and mutilated neighbour Heather Barnett, 48, cutting off her breasts and leaving her body in a bathroom for her daughter, aged 11, and son, 14, to discover. Strands of hair were placed in her hands. Restivo had a history of creeping up behind women on buses and cutting off their hair. But he was not convicted until 2011, only a few months before he was also found guilty of the 1993 murder of Elisa Claps, 16, in their home town of Potenza. Her body was not discovered for 17 years.

During an appeal against his murder conviction in Italy he spent six weeks in a prison cell there. "I was given a single cell but a nearby cell had 15 people in it. The cleanliness and hygiene in cells in Italy are not good. There is only one toilet for 15 people and the cells are full of bugs. I know that is not the case in British jails," he said. The tribunal rejected an application to have the hearing heard anonymously. Rona Petterson for the Home Office said Restivo's wife had exaggerated her disability. "There is no reason she could not travel to Italy or take up residence there," she said. But Benjamin Hawkin, counsel for Restivo, said his client had a permanent right of residence in the UK under European law. His right to a private and family life must be carefully evaluated. It would have a severe affect if he was deported," he said. The tribunal reserved its judgement.

R v Hackney - 'Goodyear Indication'

1. Mr Justice MacKay: On 4th May 2012 in the Crown Court at Manchester, His Honour Judge Steiger QC received a plea of guilty from this applicant to offences of conspiracy to cheat the revenue and conspiracy to launder criminal property. He sentenced the applicant on 9th October on the first matter to six years' imprisonment and passed no separate penalty in respect of the second. The total sentence of six years was ordered to run concurrently with a three year sentence imposed by a different judge on 26th March 2012 for offences of conspiracy to cheat the revenue. The applicant requires an extension of time of three days, which we will grant, to present his renewed application for permission to appeal.

2. This applicant was the prime mover in a missing trader fraud in which false claims were made to the revenue claiming repayments of VAT. Thirty companies were involved. Eight of them submitted substantial repayment claims. The overall amount sought in the fraud over the three year period for which it ran was £2,327,267, of which all was paid by the revenue, bar £801,498 where the claims were rejected.

3. The method was familiar. The companies involved purported to have exported goods

in the form of construction industry equipment to a Spanish customer. As it was an export to an EU customer VAT was not chargeable and therefore the exporting companies submitted VAT repayment claims. There was never any construction equipment involved. The claims were processed and when paid were paid into UK and foreign bank accounts worldwide. It was a sophisticated fraud and transfers were then made from these accounts into off-shore accounts. Other companies claimed VAT and repayments were involved in different goods: refrigerators, high value music equipment and helicopter parts.

4. The applicant was described by the judge as the mastermind behind these frauds. He was arrested on 4th February 2010 and the documents found in his possession indicated his control over what was going on and the high standard of living he enjoyed, which included Australian holidays, a Caribbean cruise, high value cars, helicopter trips and the deposit paid on the purchase of a helicopter.

5. There had also been another type of missing trader fraud operated by the applicant which was separately investigated under a different operation and this worked in the same way. It was on a smaller scale and involved false VAT claims for the sale of chainsaws. For reasons that are slightly opaque, that matter came to court before the main fraud for which he was sentenced and which he now appeals. On 26th March 2012 he received a three year prison sentence and a five-year disqualification as a director on a plea of guilty entered late.

6. Prior to the sentencing by His Honour Judge Steiger, the applicant had sought a *'Goodyear Indication' limiting his ambitions to obtaining an indication that a sentence for the index offences which we are considering would, whatever they were, be made to run concurrently with the three year sentence passed in March and the answer to that application was that it would.

7. In his sentencing remarks, the judge correctly pointed out the size of the fraud, the key position played by the applicant as its mastermind, as he called it, and said that there were no sentencing guidelines to help him, which was true, it being the common law conspiracy to defraud which was charged.

8. The first ground of appeal relates to the credit that was received against the sentence that would have been appropriate had the matter been a conviction following a trial. The judge said that counsel had asked him to approach sentencing on the basis of what he would have received had all the various frauds been dealt with together. The judge observed that he had not pleaded guilty to the chainsaw frauds promptly, and then he added:

9. "... and, as I have mentioned, he pleaded guilty here [ie to the construction equipment frauds] only after being assured that any sentence would be concurrent."He concluded with these words: "The defendant would not ... be entitled to precisely one-third credit given those circumstances, but I nevertheless propose to award him such a discount given his considerable help to the authorities whilst he has been a prisoner on remand."

He noted the applicant had no significant previous convictions. He said had it been a trial he should have been entertaining a sentence of "something approaching 10 years' imprisonment given the funds involved, the duration and the degree of sophistication with which the deceptive arts were practised." He then bore in mind the very substantial discount gained by the plea of guilty where the facts are complex and confusing and the assistance given while a serving prisoner. The result was the sentence of six years.

10. The judge was, in our judgment, wrong in principle to be influenced in any way as to the extent of the credit to which this applicant was entitled by the fact that he had exercised his right to seek a Goodyear indication from the court. That was in our judgment a legitimate use of court procedure designed to enable defendants to make informed decisions about their plea and a procedure

Prisons spokesman Jerry Massie said Lockett died of a "massive heart attack" at 7:06 pm after receiving all three drugs and cited "vein failure" as the reason the injection didn't work properly. Even though he was administered the injection, "the drugs didn't go into the system," the spokesman added. "It was extremely difficult to watch," Lockett's attorney, David Autry, said afterward. He also questioned the amount of the sedative midazolam that was given to Lockett, saying he thought it was "an overdose quantity." It was the first time Oklahoma administered midazolam as the first drug in its execution drug combination. They should have anticipated possible problems with an untried execution protocol. Obviously the whole thing was gummed up and botched from beginning to end. Halting the execution obviously did Lockett no good," Mr Autry said. He also was sceptical of the department's determination that Lockett's vein failed. "I'm not a medical professional, but Mr Lockett was not someone who had compromised veins. He was in very good shape. He had large arms and very prominent veins," he said.

A four-time felon, Lockett, 38, was convicted of shooting 19-year-old Stephanie Neiman with a sawed-off shotgun and watching as two accomplices buried her alive in rural Kay County in 1999 after Neiman and a friend arrived at a home the men were robbing. Warner had been scheduled to be put to death two hours later in the same room and on the same gurney. The 46-year-old was convicted of raping and killing his roommate's 11-month-old daughter in 1997. He has maintained his innocence. Lockett and Warner had sued the state for refusing to disclose details about the execution drugs, including where Oklahoma obtained them.

The case, filed as a civil matter, placed Oklahoma's two highest courts at odds and prompted calls for the impeachment of state Supreme Court justices after the court last week issued a rare stay of execution. The high court later dissolved its stay and dismissed the inmates' claim that they were entitled to know the source of the drugs. By then, Gov. Mary Fallin had weighed into the matter by issuing a stay of execution of her own - a one-week delay in Lockett's execution that resulted in both men being scheduled to die on the same day.

Musicians Hit Out at Ban On Guitars in British Prisons*Hannah Ellis-Petersen, The Guardian*

The banning of steel-string guitars in British prisons has come under fire from a group of prominent musicians, including Billy Bragg, Johnny Marr, Dave Gilmour and Richard Hawley. The ban came in as part of the government's changes to the incentive and earned privileges policy for prisoners in November last year, the same initiatives that banned prisoners from receiving books. Nylon stringed guitars are still allowed for those who earn the privilege. In a letter published in the Guardian, the 12 signatories urge the minister for justice, Chris Grayling, to overturn the blanket ban on the instruments, which they believe undermines the important role music has to play in "engaging prisoners in the process of rehabilitation". The letter goes on to state: "As most guitars currently owned or used by inmates in our prisons are steel-strung acoustics, this ruling will mean that these instruments are kept under lock and key until time for a supervised session, if the prison in question has provision for musical tuition."

Bragg, who runs the not-for-profit initiative Jail Guitar Doors, which provides musical instruments for prisons, said it was part of a disturbing trend. "Of the 350-odd instruments we have given to prisons since I began the Jail Guitar Doors initiative, almost all have been been steel-strung guitars," he said. I've seen the positive impact giving prisoners these guitars can have first hand, which is why I am involved in this issue. There's never been to my knowledge, an incident in a British prison where someone has been attacked with a steel string guitar. It makes no sense – where's the logic behind this? Where's the thinking behind this? Almost all the guitars cur-

Tales From the Inside: Drugs & Disorder at G4S's Prison of the Future

The vision for HMP Oakwood was certainly ambitious. When the super-sized prison opened in spring 2012, government ministers heralded it as the blueprint for a new generation of money-saving jumbo jails. G4S, the security company awarded the contract to manage Oakwood, claimed that within five years the south Staffordshire prison could be the most successful in the world, a place where prisoners were inspired to become "the best they can be" and a safe, rewarding environment for staff. But two years on, that aspiration seems a long way off. Some who know the jail from the inside largely paint a depressing picture. They see Oakwood, near Wolverhampton, as a place where inexperienced staff clash with prisoners, where drugs and alcohol are more easily come by than education courses, and where vital services are hard to access. One of a number of prisoners who spoke to the Guardian this month gave a damning verdict: "I've been in jails all over the country," said Kev. "But this was the worst. It's a shit-hole staffed by kids who should be stacking shelves." He claimed guards regularly faced prisoners throwing urine or excrement. "There's no respect," he said. Kev, who spent 13 months in "Jokewood", as he claimed the prisoners call it, said the "pads [cells] are good but the rest of it is ridiculous", adding that drugs and alcohol were rife. "It's easy to get hooch, even easier to get Black Mamba [synthetic cannabis]. The parcels are chucked over the fence"

Oakwood, a category C men's prison with a capacity of 1,605, had a highly critical inspection report last year and since then has seen a string of violent incidents including one disturbance – or riot, depending whose definition is accepted. Figures seen by the Guardian show staff leaving at worryingly high levels, and higher sick leave than most jails in England and Wales. Government figures released in April revealed more than 600 incidents of self-harm in Oakwood in 2013. "Urgent" mental health referrals can take 48 hours – and routine ones five weeks.

G4S and the Prison Service insist Oakwood is improving. The company says it is exceeding its delivery indicators, staff are becoming more confident and prisoners happier. Undoubtedly, there are good things about Oakwood. Cells have phones, showers, televisions and underfloor heating. Staff wear name badges. But the bottom line is that it is cheap. In 2013-14 the cost of keeping a prisoner in normal conditions at Oakwood was expected to be £12,000 a year against £22,420 for the average equivalent jail. One G4S employee, who spoke on condition of anonymity, said staff inexperience left them at a disadvantage with prisoners.

Botched Execution Leaves Inmate Suffering Heart Attack *Telegraph, 30/04/14*

Executions have been halted in Oklahoma after a death row inmate died in apparent pain following a botched lethal injection. Robert Patton, the head of the state Department of Corrections, said inmate Clayton Lockett, a convicted murderer, died on Tuesday of a heart attack following the administration of a new, untested three-drug protocol that included a sedative, an anesthetic and a lethal dose of potassium chloride. The execution began at 6:23pm when officials began administering the first of the three drugs, and a doctor declared Lockett to be unconscious at 6:33pm. However, about three minutes later, Lockett began breathing heavily, writhing on the gurney, clenching his teeth, straining to lift his head off the pillow and calling out. After about three minutes, a doctor lifted the sheet that was covering Lockett to examine the injection site. After that, an official who was inside the death chamber lowered the blinds, preventing those in the viewing room from seeing what was happening. Mr Patton then made a series of phone calls before calling a halt to the execution, however Lockett died shortly later. Mr Patton later issued a 14-day postponement in the execution of inmate Charles Warner, who had also been scheduled to die on Tuesday, two hours after Lockett was put to death.

which is designed to assist in the administration of justice and avoid unnecessary trials. In our judgment, it should not result in any loss of credit to the defendant invoking it in the way this applicant did. It was however the case that this applicant pleaded guilty only at the plea and case management hearing and it is now fairly widely accepted that that can be expected to be rewarded with a 25 per cent reduction rather than one-third. We see no reason to depart from that in this case.

11. As to the starting point, had there been a conviction it is argued that it would appear that the judge started from nine years or something like that, and if he did so that was too high. Reference has been made to the very different cases inRandhawa and others [2012] 2 Cr.App.R (S) 53. Attorney General's Refs 88 to 91/2006 (Meehan and others) [2007] 2 Cr.App.R (S) 28.

12. In our judgment, the judge's starting point was arguably on the high side and the apparent credit he gave for a plea was certainly on the low side. In the latter respect we would have expected him to give a 40 per cent discount to reflect the two items which had to be reflected - the plea at the PCMH and the assistance to the authorities. The result of all that in our judgment is that the sentence of six years on a net basis is the result of an error of principle by the judge and one with which we can properly interfere. We do so. We grant permission to appeal, we quash the six year sentence on count 1, we replace it by a sentence of five years and three months and to that extent this application and appeal are successful.

*Goodyear Indication: In cases before the Crown Court, the defence can request an indication from the judge of the likely maximum sentence that would be imposed should the defendant decide to plead guilty (often referred to as a 'Goodyear indication') 4. The request can be made at any stage of the proceedings, including at trial, although it is most likely to be made at the plea and case management hearing (see above).

An indication can only be sought by the defence and should not normally be given until the basis of the guilty plea has been agreed with the prosecution (for example, by way of an agreed Friskies schedule with aggravating, mitigating and other factors relevant to sentence) or where the judge has concluded that s/he can deal with the case without the need for a Newton hearing5 – see The sentencing hearing.)

If a sentence indication is sought, the prosecution advocate must not say anything which may create the impression that the indication has the support or approval of the Crown. The prosecution should, however, ensure that the judge has access to all the evidence relied on by the prosecution, including any victim personal statement and details of any relevant previous convictions.

Request to Enter a Property After Death *Source: Zander on PACE*

Question: An ambulance crew receive a call reporting a death. While on the way, the ambulance crew inform the police. By the time the police arrive the ambulance crew have been inside the house for some five minutes. They confirm that a male in his 50s is deceased and that, in their opinion, there is nothing suspicious.

The police want to get in to check it out themselves but the son of the house will not them in. The police speak to one of the paramedics who says they cannot say how he died. There are no obvious marks or scars but the body has not been moved or even turned. The police officer believes it his duty to satisfy himself whether there are any suspicious circumstances but the son refuses to open the door. Negotiations with the son go on for over an hour, but he still refuses to open the door and tells the officers to F-off in no uncertain terms.

Intelligence checks on the address show that the son is well known to the police - for vehicle crime and burglary - but the father is not. - Do the police have a power of entry?

Answer: No - The Police and Criminal Evidence Act 1984 (PACE) has various sections dealing with entry of premises but none of them apply. Section 17 (1)(b) allows for entry for the purposes of making an arrest for an indictable offence but since the paramedics have stated that in their view there is nothing suspicious there cannot be grounds for a police officer to have reasonable grounds suspicion that the son, or anyone else who may be in the house, has committed homicide. Section 18 deals with entry and search after an arrest, which obviously does not apply. Section 32 allows for search upon arrest including a power to enter and search premises where the person was immediately before he was arrested. But again that does not apply.

Could the police get a search warrant? No, since it would be difficult to persuade a magistrate that there were reasonable grounds for believing that an indictable offence had been committed. The highest it could be put is that the police want to check out the paramedics initial view that there was nothing suspicious. That does not come within what is required by s8.

The only relevant power would be under the Coroners and Justice Act 2009, Schedule 5 of which gives a senior coroner who is conducting an investigation and who has been authorised by the chief coroner, a right of entry, search and seizure where permission to enter and search has been refused. Such authorisation may only be given however where the senior coroner conducting the investigation 'has reason to suspect that there may be anything on the land which relates to a matter that is relevant to the investigation' (Sch.5 para 3 (2)(a)).

Apart from a legal power, if necessary, to force entry, there is only the power of persuasion. In the case that provoked the question the son eventually did allow entry – the officers thought after he overheard them discussing getting a search warrant.

Oklahoma High Court Stays Executions Amid Questions Over Drug Secrecy

Clayton Lockett was scheduled to die at 6pm on Tuesday, and Charles Warner on April 29. The court in a 5-4 decision said the stay is issued until "final determination of all issues presently pending before this court ... along with all issues that may be brought by [the corrections department] ... and any legal challenges that may arise as a result of this court's resolution of those issues are actively litigated." The inmates have sued over the constitutionality of Oklahoma's secrecy about execution drugs, and an Oklahoma county district court judge has ruled that keeping the source of the drugs confidential is a violation of their rights. The state is defending a law that allows it to keep the source of the drugs secret, on the argument that suppliers would be in danger if their identities were made public. "The Oklahoma supreme court's decision to step up to the plate and grant a stay deserves celebration despite the series of events that originally led to this judicial stand-off," said Deborah Denno, a death penalty expert at Fordham University. "May the supreme court's move be a harbinger of other, more responsible, decisions to come."

Poker Player Wins Battle To Not Pay Child Support

A professional poker player who refuses to support his children has won a legal fight to keep his winnings. Mr Hakki asked appeal judges to analyse the case after a tribunal judge decided that he could be said to be "gainfully employed" as a "self-employed earner". Court of Appeal judges agreed that Tony Hakki's winnings were not from "gainful employment" and so did not meet the regulations governing the payment of child support. The ruling was the latest stage in a dispute of more than four years.

The former financial broker was made redundant in 1998 when in his mid-40s and has been playing poker for many years. He is known in the poker community as "Tony the Hitman

the worst when it comes to self harm. There were 611 incidents of self-harm last year at Oakwood, near Wolverhampton, and 889 at Altcourse, which had the highest figure in England Wales. In contrast, there were only 81 and 56 self-harm incidents respectively in the London prisons Wormwood Scrubs and Wandsworth – publicly-run jails of similar size to Oakwood.

Under Spurr's plan the fresh savings are to be found by an extension of a controversial "benchmarking" programme under which the budgets of public sector prisons are to be driven down to match selected private sector jails. The benchmarking exercise is now to being extended to all high security jails, and will see staffing levels at comparable jails standardised and reduced and a new "core" day introduced to standardise the time spent by prisoners out of their cells. Spurr said the savings can be achieved while maintaining good performance. "These savings are being achieved not by simply cutting services or reducing quality but by fundamentally reforming the way we work," says Spurr in his forward to the Noms business plan. Whitehall auditors say the savings at the large jails have been achieved through economies of scale, and the increased use of closed-circuit television to enable lower staffing levels. But critics have attacked the government's increasing emphasis on privately-run "jumbo jails". Reflecting the new thinking, building is due to start this summer on the first 2,000-capacity supersize prison outside Wrexham, which is due to open in 2017.

One key element of the cost savings drive has been the programme of closures, despite the near record 85,000 prison population and the increased volatility and disturbances that have been seen in recent months – some as a result of understaffing levels or inexperienced staff. Prison managers hope to have saved £423m by closing jails by 2015/16, and 15 jails with 7,000 places have been closed or are scheduled for closure or conversion to immigration removal centres. They have been replaced by privately-run supersized jails with the 1,600 place Oakwood and the Serco-run Thameside prison in London, which currently holds 900 inmates but is due to expand to 1,200. The extra 300 prisoner places at Thameside will to bring down the jail's cost from £50,000 per place to £22,000. Four new "houseblocks" are also to be provided later this year at Peterborough, Parc, and the Mount in addition to the extra 300 places at Thameside later this year to ensure prison chiefs do not run out of space.

New justice ministry figures contained in as yet unpublished Commons written answers to shadow justice secretary, Sadiq Khan, show where new cuts could come from: 246 more full-time prison officers were working across 63 prisons than the 9,234 officers determined to be needed in the first benchmarking exercise last December. MPs on the Commons public accounts committee last week said that older prisons had been closed even when they were performing well, to be replaced by the two new large private prisons which had performed poorly since they opened. Khan said: "The government's approach to running prisons is a cause for concern to many experts. Of course, we all want to reduce the cost of prison. The best way to do this is to ensure prisons are a place where offenders are reformed so they don't reoffend."

Justice minister Jeremy Wright said: "We have always been clear that we want a fit-for-purpose, modern prison estate that provides best value for the taxpayer and addresses our stubbornly high reoffending rates. "We've had to make some tough decisions, including closing old inefficient prisons and introducing new ways of working, but it is a credit to the staff and strong leadership that we have continued to deliver safe and secure regimes while pushing ahead with our ambitious plans to transform the way offenders are rehabilitated. As the National Audit Office highlighted, our current strategy is the most coherent and comprehensive for many years."

material to which the prohibition in the preceding sentence applies, or make it available, to any one who was or would have been excluded from the “in camera” parts of the trial, including the staff and members of the European Court of Human Rights.”

And, lest anyone was left in any doubt, the judge concluded with this reminder of just where the Strasbourg Court fits in to the constitutional hierarchy: The staff and members of the Strasbourg Court would have been excluded from the trial as part of the public. The ECtHR is not another domestic appellate tier. Its Judges and staff owe no allegiance to the Crown. They do not apply UK domestic law. The various protected interests cannot be explained to it without risk of harm to those interests. The Strasbourg Court is simply not in the same position as the UK Court when it comes to the approach to such material, any balancing of interests in respect of it, its protection, and the enforcement of such protection as it orders.

Prisons Governors Ordered to Cut Costs by £149m a Year *Guardian, 29/04/14*

Prison governors have been ordered to cut the cost of holding inmates in England's bulging jails by £149m a year, as part of a radical programme designed to slash the costs of incarceration by £2,200 a year per prison place. Detailed plans have been outlined by Michael Spurr, the chief executive of the National Offender Management Service (Noms), which would mean £900m, or 24%, will have been cut from prison budgets by next April since the coalition came to power in 2010.

However, despite pressure on already stretched budgets, Chris Grayling, the justice secretary, aims to go further and emulate the low-cost model adopted by the troubled, supersized G4S-run Oakwood prison near Wolverhampton. The cost of running the 1,600-inmate Oakwood – a scene of significant disorder in January, which the authorities insisted fell short of a riot – is 31% less than the same type of public sector prison. It cost £15,500 a year per prisoner place to run when it opened in 2012/13 – compared with £22,000 for an equivalent publicly-run jail. But a Guardian investigation published on Wednesday into the operation of Oakwood, based on speaking to several prisoners, paints a dispiriting picture of inexperienced staff struggling to keep control, with drugs rife. One recently-released Oakwood inmate, Kev, said that staff were so inexperienced that "they were asking me what to do to keep order" and described the prison as "staffed by kids who should be stacking shelves". A prison officer at the jail, speaking on condition of anonymity, spoke of a gap in knowledge between the relatively new staff and seasoned inmates.

Prisoners, experts and officials have also criticised the teaching and rehabilitation resources available at the prison. Experts say smaller prisons tend to have lower reoffending rates. The director of the Prison Reform Trust, Juliet Lyon, said: "Smaller prisons tend to be safer and more effective than larger establishments, holding people closer to home and with a higher ratio of staff to prisoners. Slashing prison budgets and introducing harsher regimes while warehousing ever greater numbers overseen by fewer and largely inexperienced staff is no way to transform rehabilitation." Prison inspectors have separately criticised Oakwood as a jail where inmates say it is easier to get drugs than a bar of soap – a statement that is endorsed by former inmates, who say drugs packages are thrown over the fence.

But prison chiefs say that the new model jail is improving and expect it to have cut costs further this year to only £12,000 per prisoner place per year. This is 46% below the £22,420 cost of a prisoner in a similar publicly-run category C jail in England and Wales.

There are also concerns around self-harm. New figures from the Ministry of Justice have revealed that the number of incidents of self-harm are on the rise among the prison population in general. But two jails run by G4S, Oakwood and Altcourse, in Merseyside, are among

Hakki", the ruling added. It did not say how many children Mr Hakki and Ms Blair had together. Devrise Blair, the mother of his children, had argued that gambling was Mr Hakki's "trade or profession". Ms Blair asked the Child Support Agency to order the father of her children to pay maintenance, comparing him to a professional sportsman.

In a written ruling Lord Justice Longmore said: "(Mr Hakki) is a professional poker player in the sense that he supports himself from his winnings at poker. "He declines to support his children and the mother has made an application to the Child Support Agency for an order that he pay child support maintenance." The judge said this depended on the "true construction of the Child Support (Maintenance Assessment and Special Cases) Regulations." He added: "On the facts found, I do not consider that it can be said that Mr Hakki had a sufficient organisation in his poker playing to make it amount to a trade (or a business), let alone a profession or a vocation." Appeal judges Lord Justice Patten and Lord Justice Pitchford agreed with the ruling.

Miami Judge to Hear New Evidence in Briton's 1987 Murder Conviction theguardian.com

Judge William Thomas on Thursday 24th April 2014, ordered a rare hearing to hear new evidence in the 1987 conviction of Krishna Maharaj, a British businessman who was found guilty in a grisly double-homicide at a downtown Miami hotel that his defense team blames on Colombian drug traffickers. Maharaj, 75, spent a decade on death row before his sentence was commuted to two life sentences in 1997. Judge Thomas cited new evidence presented by the defense implicating another person and perjured testimony by state witnesses, as well as the failure of prosecutors to turn over evidence that could potentially have exonerated Maharaj at trial.

"This is a huge and important step," said lawyer Ben Kuehne, a member of Maharaj's probono defense team. "This has been a long journey towards justice that we hope is nearing its conclusion." As a result of the ruling the defense can call witnesses to present its new evidence at a hearing, likely in the fall, to decide if Maharaj should be granted a new trial or a reduced sentence. The defense was making its second motion for so-called post-conviction relief after a previous effort to reopen the case was rejected by another judge almost a decade after Maharaj exhausted his appeals. Defense attorney Michael T Davis likened the motion to "a Hail Mary to the moon". "I am absolutely elated by the judge's decision and I can't wait for the whole truth to come out in court," Maharaj said in a statement when visited after the ruling by one of his lawyers. "I don't even know how I feel right now," said Maharaj's wife, Marita, who was in court for the ruling. "We have been fighting for 27 years. I know we haven't finished yet, but at least we won a battle."

Lawyers for Maharaj contend that Colombian drug traffickers were responsible for the 1986 shooting deaths of Duane and Derrick Moo Young and that the traffickers have provided evidence that the killings were done "at the behest of Pablo Escobar", the former head of the Medellin cartel gunned down by police in 1993. The Moo Youngs were "eliminated because they had lost Colombian drug money", according to one drug trafficker quoted in the defense motion. The defense has submitted fingerprints for three Colombians for comparison with 19 unmatched fingerprints found at the crime scene.

Under Florida law, overturning a jury's verdict, especially after so many years, requires an exceptionally high standard of evidence. The judge noted in Thursday's ruling that the new evidence "must be of such a nature that it would probably produce an acquittal on retrial". But in his ruling, Thomas also said he was not "opining on the merits of the evidence" or "Maharaj's ability to establish his right to a new trial". The evidence in the case currently on record "does not

conclusively refute all of Mr Maharaj's claims", he wrote. The case has drawn significant media attention, with a book written by one of Maharaj's lawyers, Clive Stafford Smith. It is also due to be featured in July on the CNN documentary series, Death Row Stories.

Prosecutors, however, objected to reopening the case saying the defense motion was based on "hearsay and inadmissible evidence". Assistant state attorney Penny Brill said she had "no comment" after leaving the courtroom.

Closed Material in UK Proceedings Cannot be Disclosed In Strasbourg

Rosalind English, UK Human Rights Blog, 28/04/14

Wang Yam v Attorney General [2014] EW Misc 10 (CCrimC) 27 February 2014

It is for the UK government to decide whether to vary an order preventing publication of material heard in private in a murder trial, if the offender goes on to petition the European Court of Human Rights. It is not for the Strasbourg Court to determine whether the right to a fair trial should outweigh the risks to UK national security reasons. The question regarding a state's obligation not to impede the right of individual petition to Strasbourg arose where the applicant offender applied for an order permitting him to refer to material, which had been restricted on national security grounds during his murder trial, in an application to the European Court of Human Rights.

Background: The applicant had been convicted of murder during a trial in which the judge had ordered that the public and press were to be excluded from parts of the hearing. The judge also made an order under the Contempt of Court Act 1981 that no report was to be published revealing or speculating about any material dealt with in private. The judge held that there was a sufficiently serious risk of damage to national security concerns if the material was not restricted that the Crown might decide to drop the prosecution, whereas a fair trial would be possible with those restrictions. The Court of Appeal upheld the contempt order and later dismissed the applicant's appeal against conviction, which had been argued on the ground that the exclusionary order had deprived him of media coverage that could have encouraged more witnesses to come forward.

The applicant petitioned to the Strasbourg Court, claiming that his right to a fair trial under Article 6 of the European Convention on Human Rights had been breached by the hearing of his defence in private. He wished to refer to the "in camera" material in his response to the UK Government's observations on that application, albeit subject to such restrictions on its public use as the Strasbourg Court might impose. Strasbourg informed the domestic court that it had procedures in place to ensure the safe storage of secret documents should the need arise. The issue was whether the contempt order prevented the applicant from referring to the material in his application to the Court. The applicant submitted that the order did not in terms restrict references to the material in applications to Strasbourg, nor should it because of the international obligations to which the court should give effect. Ouseley J concluded that there was no reason to vary the order to enable the material to be deployed in Strasbourg, and dismissed the application.

Reasoning behind the judgment: The circumstances that led to the need for parts of the evidence not to be made available to the public and press remained unchanged and the purpose of the exclusionary order would be put at risk by disclosure of the private evidence to the Strasbourg Court. There was very good reason for the court not to vary the contempt order to permit disclosure. It was for the UK Government to decide whether to comply with the obligation under Article 34 of the European Convention on Human Rights not to hinder an individual's right to petition the Strasbourg Court and the allied duty under Article 38 to assist that

Court in its examination of a case and furnish all necessary facilities. Both Articles may be binding on state parties but that does not mean that they are part of domestic law.

Strasbourg could draw adverse inferences against the Government if it breached those obligations, but it was not the domestic court's function to enforce the Court's procedural rules. In Janowiec v Russia (55508/07) (2014) 58 EHRR 30 (the Katyn massacre case), the Grand Chamber stipulated that any material it requested on receiving a petition had to be submitted by the respondent state in its entirety if the Court had so directed, and any missing elements had to be accounted for properly. However, that judgment also implied that a government might legitimately decline to provide otherwise relevant material, on the grounds of national security or other confidentiality, if it explained why and how the decision was arrived at. Although the Strasbourg Court regarded the decision as one that it itself should take, it would take account of the extent to which an independent domestic court had examined the merits of the claimed public interest and supported it. The Court reiterates that the judgment by the national authorities in any particular case that national security considerations are involved is one which it is not well equipped to challenge. … If there was no possibility to challenge effectively the executive's assertion that national security was at stake, the State authorities would be able to encroach arbitrarily on rights protected by the Convention. [para 213 of Janowiec]

But this case was completely different to Janowiec. Here, the "in camera" order was not made on the basis of a mere request or say so by the Crown or without evidence justifying the application for evidence to be heard in camera. Evidence was given, and was open for cross-examination on behalf of Wang Yam. As Ouseley J pointed out, This evidence and the effect on the fairness of the trial were considered, with evidence and submissions, by the trial judge, and by the Court of Appeal both before and after the trial. If either Court had thought that a fair trial would not take place if evidence were heard in camera, the evidence would not have been heard in camera, and there was a really serious risk that the trial for murder would not have taken place.

The judge dismissed the applicant's contention that it was not for the Government, especially not as a party, to try to inhibit the Strasbourg Court from seeing the "in camera" material; rather it should ask that Court to use its procedural powers to hear the case "in camera" and to protect such material. On the contrary, he pointed out, it was not for the instant court to deprive the Government of the option of protecting the material by deciding to comply with any Strasbourg disclosure requirements. The effect of a defendant having access to private material could not mean that the Government was powerless to prevent its disclosure to Strasbourg. Section 2 of the Human Rights Act requires a UK Court to have regard to the various decisions and judgements of Strasbourg, and of the Committee of Ministers of the Council of Europe, through which its decisions are enforced. The domestic Courts however do not act as the enforcement arm of the Strasbourg Court in respect of such obligations. Still less is it the function of domestic Courts to enforce the Strasbourg Court's procedural rules.

The order excluding the public from the private parts of the trial would have excluded members of the Strasbourg Court as being part of the public. Ouseley J appreciated the force of the argument that an application to Strasbourg, while clearly a communication in some form, may not be one addressed to "any section of the public". However, once the addressee falls outside the scope of those entitled to receive the information, they are for these purposes a section of the public. The contempt order therefore was to be varied only to the extent that the following words should be added, to make its meaning quite clear: "For the avoidance of doubt, no document or other communication in whatever form shall disclose any of the