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As Drug 'Mule' Walks Free, Obama's Commutation Legacy Takes Shape

Patrik Jonsson, Yahoo News: On Friday, President Obama, under Article II of the Constitution, commuted the sentences of 42 mostly low-level and nonviolent drug dealers – half of whom would have otherwise died in prison. It's the latest chapter – and perhaps the most visceral – in what has become a core White House mission: injecting US justice with mercy. To be sure, Mr. Obama's push for criminal justice reform in the wake of Ferguson, Mo., and other social-justice flashpoints come as one of precious few examples of bipartisanship in the Obama era. Many Republican governors and congressmen have joined a broader attempt to reduce the size of America's incarceration complex, which houses half of the world's prisoners. But even Congressional moves toward criminal justice reform – most critically the 2010 Fair Sentencing Act that erased a 5-year-minimum sentence for simple crack possession – haven't had the emotional influence of Obama's commutation program, which has given hope to thousands of nonviolent federal prisoners who argue their sentences far exceed the seriousness of their crimes. President Obama has now commuted a total of 348 people, more than the past seven presidents combined. (The count doesn't include commutations under President Gerald Ford, who issued more than 10,000 commutations to convicted draft-dodgers in the wake of the Vietnam War.) What's more, "there remain thousands of men and women in federal prison serving sentences longer than necessary, often due to overly harsh mandatory minimum sentences," White House lead counsel Neil Eggleston wrote in a commentary.

Much of the Obama administration's work has been done courthouse by courthouse. For one, the Department of Justice has guided prosecutors to curb the use of mandatory minimums for drug crimes. But the president has also made broader strokes. In 2014, the Obama administration expanded the criteria for clemency-seekers, leading to record numbers of applications from prisoners. His staff says Obama is likely to announce more commutations before he leaves office. A commutation is when a convicted criminal's remaining jail sentence is lifted. A pardon removes the sentence, the conviction, and any civil restrictions incurred by a felon (such as loss of voting rights). In the end, however, Obama's reform efforts are likely fall short of what some in his administration had hoped. Only a fraction of those potentially eligible for clemency will see it. The administration initially believed that as many as 10,000 prisoners would be eligible under the new 2014 guidelines, but that number has fallen to less than 2,000.

"The real question for President Obama is whether he grants commutations to all the people who meet his stated criteria," New York University professor Rachel Barkow tells the Huffington Post. "And he's short of that number right now, which should be more like 1,500 grants." No matter the eventual impact on his legacy, Obama's commutations have proven restorative for many still suffering from what critics say is collateral damage caused by the War on Drugs. That's true for Teresa Mechell Griffin, who was sentenced as a drug trafficking conspirator in 1994 and given a life sentence for serving as her boyfriend's "mule," or drug courier. She will be freed in October to go home to care for her disabled now-adult daughter. "I know I did something wrong, but not enough to take away my life," Ms. Griffin told the Huffington Post.

The personal stories of those freed early by Obama's use of constitutional pardoning powers have likely served to further push public opinion toward deeper criminal justice reform. But in other ways, Obama has been following, not leading, on justice reform. After all, four states now allow legal use of marijuana, part of a major shift in how at least parts of the country think about recreational drugs. And as part of the 2010 reforms, Congress changed a 100:1 sentencing disparity between crack and cocaine, by weight, to 18:1. Such policy shifts by Congress and Obama also underscore the extent to which some imprisoned Americans feel their lives were ensnared in a cultural crisis. "We were sentenced under the drug laws, and it was the war on drugs, so it's like [being] a POW in your own country," Ramona Brant, whose sentence was commuted by Obama last year, told CNN. Released in February, Ms. Brant had served 21 years of a life sentence out of Charlotte, N.C. for helping her then-boyfriend sell cocaine. It was her first drug offense.

Criminal Proceedings: Prisoners Who Refuse to Attend Court

Philip Davies: To ask the Secretary of State for Justice, what options are available to a magistrates' court when an unrepresented serving prisoner refuses to leave their prison cell to face new eitherway offence charges (can be tried in the magistrates' court or the crown court).

Mr Shailesh Vara: Where a magistrates' court is dealing with a new offence which is triable either-way, and the defendant is an unrepresented serving prisoner who does not attend either in person or through a live link, the court will need to adjourn the case. This will enable either the defendant to attend, or the Crown Prosecution Service to consider alternative procedural routes.

Immigration Detainees in Prisons: As at 28 March 2016, there were 363 detainees held in prison establishments in England and Wales solely under immigration powers as set out in the Immigration Act 1971 or UK Borders Act 2007.

Foreign National Offenders: The Home Office also removes foreign national offenders (FNOs) using enforcement powers or via deportation. In the year ending March 2016, provisional data show that 5,692 FNOs were returned, an 8% increase on the previous year (5,277). This number has been steadily increasing since the year ending March 2013 (4,720) and is now the highest number since the series began in 2009. People Entering Detention: The number of people entering detention in year ending March 2016 increased by 4% to 32,163 from 30,902 in the previous year. Over the same period there was an 8% increase in those people leaving detention (from 30,326 to 32,610). There was a continuing decline in the proportion of detainees being removed or voluntarily departing the UK on leaving detention in the year ending March 2015 of 51% to 45% in year ending March 2016. Conversely, there was an increase in the proportion of detainees granted temporary admission or release (TA/TR), from 39% to 44%.

As at the end of March 2016, 2,925 people were in detention, 16% lower than the number recorded at the end of March 2015 (3,483). The fall may be partially attributed to the closure of Haslar IRC in April 2015 and Dover IRC in October 2015, and changes to the detained fast track asylum process, as well as changes in the numbers of people requiring detention. People Leaving Detention by Nationality: In the year ending March 2016, 32,610 people left detention. Pakistani nationals accounted for the highest number of people leaving (3,302), a decrease of 25% compared with year ending March 2015 (4,409). EU nationals leaving detention: 3,913 nationals of the European Union left detention in year ending March 2016, 41% more than in year ending March 2015 (2,779). The largest number was of Romanian nationals (1,162; 4% of the total of all nationalities leaving detention). The second and third largest groups were Polish nationals (986; 3% of the total) and Lithuanian nationals (570; 2% of the total). The proportion of EU nationals being removed or voluntarily departing the UK on leaving detention in year ending March 2016 was 89%, compared with 39% for non EU nationals.

HMYOI Parc Juvenile Unit – Areas of 'Safety' and 'Respect' Have Declined

There was much to commend at Parc, but they needed to understand why safety had declined and act upon it, said Peter Clarke, Chief Inspector of Prisons. Today he published the report of an announced inspection of the young people's unit at the local prison in South Wales. Parc juvenile unit is a distinct and generally well separated part of the much larger prison, HMP/YOI Parc near Bridgend. The unit can accommodate 64 children, though 38 were there at the time of inspection. Its catchment area encompasses south and mid-Wales and much of south-west England. When it was last inspected in May 2014, inspectors found that young people were well cared for and experienced positive outcomes. During this more recent inspection, outcomes in the important areas of 'safety' and 'respect' had declined from 'good' to 'reasonably good'. Reception, safeguarding and child protection arrangements remained effective.

However, inspectors were concerned to find that: • 42% of children reported being victimised by staff, which had more than doubled from the 20% in May 2014; • only 55% of boys felt they were treated with respect by staff; • the use of force had tripled since the previous inspection, mostly in response to violent incidents; and • almost a quarter of the boys reported having been assaulted by other boys at Parc. Some of this level of violence was ascribed by staff to the destabilising effect of two particularly difficult children transferred into Parc during the autumn of 2015. If that was the case, managers need to be sure they have plans in place to stop it happening again. The leadership were committed to providing a safe and decent environment for children and there were many instances of good work, including: • boys accessed significantly more time out of their cell than at other young offender institutions, with regular association and exercise periods; and • segregation was rarely used, despite challenging behaviour. 18 recommendations from the last inspection had not been achieved and 4 only partly achieved. Inspectors made 44 recommendations at this inspection. Peter Clarke said: "Despite all the positive things that were happening at Parc, there can be no room for complacency, as the judgements in the areas of 'safety' and 'respect' have declined since the last inspection. I am sure the leadership at Parc will give this their full attention, and strive to return the establishment to its previous high performance in these key areas."

Trying to Enforce Our Drug Laws is Like Catching Smoke

Jason Reed, Justice Gap: We can often mistake drug law reform as being a simplistic issue, one in which we base arguments on the rights and wrongs of ingesting a drug. There's a linear logic: a harmful substance should be kept as 'illegal' because, by doing so, it creates a layer of protection to society. As cannabis reform takes hold across the globe, with four US states fully legalising and others – including Californians who will vote on the issue later in the year – preparing to grasp the nettle alongside positive reforms in Canada and Uruguay, we have to ask why the UK is moving backwards. 2016 has seen the UK introduce yet more legislation to deal with society's convoluted relationship with drugs. The Psychoactive Substance Act has been hastily drawn up and is much criticised. This new chapter, which has the intention of banning 'legal highs', has meant we are failing fast in our attempts to shore up our already collapsing flood defences. Instead of following global trends to regulate traditional substances such as cannabis, we now look to ban everything

It may be a surprise to learn that a group of legal, police and criminal justice professionals champion the cause to reform our drug laws. Existing (but crumbling) drug laws are blunt and outdated pieces of legislation which were constructed at a time where political rhetoric gazumped evidence-based policy making. If there's one thing we can perhaps agree upon is that it's essential to base laws on the best available evidence. LEAP UK (Law Enforcement Against Prohibition) is comprised of personnel that have held positions such as undercover police officers, MI5, chief constables,

army officers and a wide range of professionals working in the criminal justice system, all of whom advocate the complete overhaul of our drug laws in favour of regulated systems and social reform. If we pose the question: do you wish to legalise drugs? The answer may well be an emotive 'no'. But the question is based on logical fallacy. We really should be asking: would you like to see your friends and family criminalised for a substance of their choice? Would you hope to see the substance in question come from an ethical source, free from exploitation and domestic slave-trading? If your loved one was using a substance, do you hope for them to have a safer choice – a substance that's been subject to regulations, including labelling, dosage advice, and access to testing to prove the purity? And perhaps most of all, where would you prefer your loved one to purchase the substance of their choosing? A street vendor, where connections to gangsters are inevitable, or from one who is subject to trading standards and could lose their license if they do not conform to those basic standards (and where taxes are paid)?

The basic aim of a punitive policy is to act as a deterrent. But we know that such a proposition is highly debatable. In the closing moments of the coalition government, the International Comparators report was released – the most notable finding being that there's no relationship between the harshness of a country's laws and the level of drug use. Drug laws do not prevent drug use. So how do we become smarter on drugs as opposed to tougher on drugs? The argument needs to be made that we should not frame or place undue emphasis on the drugs themselves, but more about the people who choose to consume them. Should someone who likes a drink have the privilege of being allowed over someone who likes to have a cannabis joint? Or likes a pill to dance with? When scientific analysis of drug harms does not marry up to the societal perception of drug harms, are we setting ourselves up for a fall by basing drug laws on a mirage?

All the while we do have discriminatory drug laws based on arbitrary harm perceptions then we are in danger of marginalising ethnic and vulnerable groups. It is a fact that black people, despite not using drugs any more than white people, will stand to get stopped, searched, arrested and prosecuted at a significantly higher rate. We also see other vulnerable groups, such as medical cannabis consumers, subject to house raids and placed in harm's way from a Wild West drug market where they cannot seek protection from the police. And we must not forget those who have suffered abuse and mental illnesses who consume certain drugs to self-medicate – at a time where we're looking to be more understanding to the plight of mental health, we're effectively criminalising them. Trying to enforce drug laws is like trying to catch smoke. As our undercover operatives within LEAP UK will attest, we really do hand over all power to organised crime which currently reaps profits from a global industry worth $320bn a year, and around £7bn to the UK. The law of the street is unforgiving and it's a climate that's only going to hot up – we're wilfully sending our loved ones into this world whether they consume 'illegal' drugs or not. With each layer of prohibition, just as with 1920s America, a new breed of criminality is born and ready to fight for territory. It's time we follow evidence and get smarter on drugs.

Ready to Squawk: A parrot who keeps repeating "Don't f**king shoot!" could be called as a witness in the trial of his owner's killer. Martin Duram, 45, from Michigan, was shot five times in his home last May and his death remains under investigation. His wife Glenna Duram was discovered with a head wound at the same time, but survived. Duram's ex-wife, Christina Keller, now owns his parrot and claims it witnessed the murder. However, Newaygo county prosecutor Robert Springstead is not sure that the parrot's testimony will be accepted in court. He told Associated Press: "I'm not aware of any precedent for that."Certainly, as we work out way through the case, that may be something to look at, but I highly doubt there is any precedent for that."

Met Police Required to Compensate Cherry Groce's Children For 1985 Shooting

The High Court has ordered the Metropolitan Police Commissioner to compensate Cherry Groce's children for the harm caused to them as a result of the raid by armed police officers on their family home in 1985. At a hearing before Mr Justice Jay in the High Court on 24 May 2016, the Commissioner's attempt to avoid any liability for that harm was roundly rejected. Mrs Groce was shot and seriously injured in front of her young children during the 1985 raid, and she died 26 years later in 2011 as a result of those injuries. In July 2014, an inquest jury found that the shooting - and her death - was the result of serious and multiple failures at multiple levels of the Metropolitan Police: findings which were accepted by the Metropolitan Police Commissioner, who then offered a personal apology for the way in which the Met had "failed to meet [its} responsibilities and in doing so caused irreparable damage to a mother and her family". Having done so, the Commissioner then sought to avoid the implications of that apology, and for reasons that have never been properly explained he declined an invitation from the family to resolve their claim through mediation. He is now left with little option but to do so as a result of the High Court hearing, having been compelled to submit to judgment in favour of the family, with damages to be assessed. As the judge stated in open court at the conclusion of the hearing, "these Claimants deserve to be compensated'.

Cherry Groce's son, Lee Lawrence said: "The police deserved to be held accountable for what happened to us: what my sisters and I went through was real. We were children in the house at the time they came and shot our mother: we were exposed and witness to a traumatic experience which had a profound effect on our lives. The only choice we were left with was to stand up for what is right or to let it go. We chose to stand up and insist that the Commissioner had to answer for the wrong done to us. We invited him to accept responsibility for the irreparable damage that had been caused to us as admitted by him. It is to his shame that he tried to evade that responsibility, and he chose to force us to go to the court where he described our claim as 'an unfair and contentious attempt to gain from the shooting'. For our part, throughout this process, all we have asked is to be treated fairly, and we have maintained our dignity and integrity. We now look to the Commissioner to do the same, and we hope that he will find the courage and the strength to do so, even at this late stage. "

Raju Bhatt of Bhatt Murphy for the family said: "The Commissioner was invited to resolve the matter through mediation in the wake of the 2014 inquest, but he declined to do so for reasons that have never been properly explained. In the wake of his unbecoming and unsuccessful attempt to escape from his responsibilities, he now has another opportunity to accept this family's invitation to do the right thing by them. They have their renewed invitation to him to resolve this matter through mediation, and they hope and expect that he will do so in good faith. "

Spice: 'The Biggest Health Problem Facing Prisons' *Joanna Fleck, Justice Gap*

An NHS-commissioned report has raised fears of an ever-worsening epidemic of 'legal highs'. An ex-offenders' organisation, User Voice, spoke directly to current prisoners in nine jails across England and found these prisons were 'awash' with Spice, a synthetic cannabinoid which is highly addictive and has relatively unknown health effects but which has been linked to 39 deaths in prison. The report suggests that the effects of the drug – known as the 'bird killer' because of its ability to make time pass in a blur for prisoners – are variable and often dangerous, with prisoners reporting emergency ambulance call outs on a regular basis. One prison governor interviewed called it the biggest health problem facing prisons. According to the report, Spice-related seizures in prisons in England and Wales have shot up from 15 in 2010 to an estimated 737 in 2014. There have been 39 reported NPS-related deaths in prison between 2013 and 2015. For the User Voice research a questionnaire was sent out to 684 prisoners in nine prisons and separate focus groups were conducted with some 120 prisoners.

The Psychoactive Substances Act came into force last week criminalising Spice and other variants of the drug. Inside prisons their ubiquitous presence is, according to the report, leading to inmate debts, bullying, sexual exploitation, mental health breakdowns and even death. Spice seizures in prisons in England & Wales climbed from 15 in 2010 to an estimated 737 in 2014. Prisoners listed associated problems such as addiction (73% of those questioned) with some calling it more addictive than heroin; debt (73%) with prisoners indebted to inmate dealers and, as a result they were often bullied and exploited; violence (62%); as well as physical and mental health problems.

The report (Spice: The Bird Killer – What prisoners think about the use of Spice and other legal highs in prison) recommended a therapeutic approach to treating addiction, rather than punishment, increased training for staff, and for resources also to be focussed on non-users as well as better use of peer support services. So profitable are these drugs inside that a former governor was quoted as saying that Spice was 'raining over the walls'. Apparently, dealers can afford to throw multiple packages into prison yards because they make enough profit from just one getting through security. The report also explicitly linked the increase in use of Spice with the cuts to the prison service. Fewer staff employed within prisons has, it was reported, meant less control over smuggling into prisons, by both prisoners and staff, as well as less control over prisoner behaviour. The increased time spent by prisoners in their cells was highlighted by User Voice as another factor in the increased use of psychoactive substances.

The fact that the presence of these drugs cannot be picked up on by conventional testing was given by almost seven out of 10 users as a reason for taking it in prison. So far there is no test for Spice, although the penalties for possession in prison is a maximum two year prison sentence. The widespread use of so-called 'legal highs' has been commonly attributed to attempts to relieve boredom and, as the nickname 'bird killer' suggests, make time in prison pass more quickly. This peer-led enquiry found instead that Spice was more often used as a coping mechanism and to self-medicate. These substances were already banned in prisons, but the report suggests that the criminalisation outside of prison walls will only worsen the already dire situation behind them as the drug becomes more expensive and prisoner debts rise and desperation increases.

Jury Finds Numerous Police Errors Contribute to Death of Vulnerable Woman

Graeme L. Hall, Doughty Street Chambers: Following a three week inquest at Warwickshire Justice Centre, a jury has returned a narrative conclusion finding that multiple police errors and omissions contributed to the death of Luisa Mendes. Luisa was a very vulnerable woman: she had a recorded history of being the victim of domestic violence and abuse. She had alcohol dependency, was unemployed, and homeless. In the lead up to her death, she had had repeated interactions with the police who had undertaken numerous inconsistent risk assessments. She had presented on a number of occasions at hospital with varying injuries. She was in and out of prison for petty criminal offending. The probation service suspected that she was being sexually exploited. Luisa resided on a casual basis with CT at his home. CT was also an alcoholic and has suspected Korsakoff Syndrome (alcohol induced dementia). Another individual with alcohol dependency and homelessness issues, NW, also stayed at the address. Both CT and NW had convictions for violent offending.

On 24 October 2012, Luisa rang 999 alleging that she had been and was being beaten or touched by NW. On two occasions during the call, the phone was taken from Luisa and the

line was cut. The 999 call handler recorded on the call log that Luisa was alleging assault but nonetheless categorised the call as one of "rowdy/nuisance" rather that "violence". The call was graded a "priority", thereby requiring a police response as soon as possible or within one hour. The intelligence checks which were uploaded to the call log gave a partial picture of Luisa as being "drunk" and "violent". Her vulnerable history was not documented at all. The 999 call was transferred to police staff responsible for dispatching police resources, known as "controllers". Three controllers failed to pick up on the repeated allegations of assault and the incorrect call categorisation. They all accepted that had they properly interrogated the call log, they would have recategorised the call to one of "violence". The controllers' assessment of the call log was that Luisa was the troublemaker and that it was a verbal altercation.

The three controllers failed to dispatch police resources as soon as possible or within the hour. This is despite police resources being available and the incident log turning a different colour once the permitted deployment period had expired. Over 2 ½ hours after the call was transferred to the controllers, two of the controllers decided that the call required a "scheduled response". The call was subsequently downgraded and the incident was deferred until the next morning. The controllers accepted that they had no power to defer a priority incident without a supervisor's agreement. The control room Inspector failed to identify that a priority call had exceeded its deployment time. The Inspector's evidence was to the effect that priority calls with a grading of "rowdy/nuisance" would not be picked up by an inspector or supervisor, although "violent" priority calls would. On 25 October 2012, Luisa Mendes was found dead at CT's home, lying on the bathroom floor. The jury found the medical cause of death to be catastrophic bleeding to her abdomen from a rupture to her spleen, which was caused by deliberate third party trauma. Following her death, both CT and NW denied assaulting her. CT subsequently gave an interview in March 2013 admitting that he had repeatedly punched Luisa to the stomach.

During the course of the Inquest proceedings, the Chief Constable and those representing the police staff argued that an Article 2 ECHR inquest was not required. On behalf of Luisa's brother, it was argued that an Article 2 ECHR compliant inquest was required on the bases that (i) there were arguable systemic breaches of the obligation to put in place effective systems to protect life, and (ii) that the police had failed to respond to a real and immediate risk of violence (and associated threat of injury) in the context of a woman with a background of known domestic violence (following the Court of Appeal's decision in Michael v Chief Constable of South Wales). Following extensive legal argument, the Coroner eventually ruled in April 2016 that there were arguable breaches of the general duty to put in place effective systems to protect life and ordered that there be an Article 2 ECHR compliant inquest. On day four of the inquest, Queen's Counsel representing CT (pro bono) sought to have the inquest adjourned so as to secure funding. The Chief Constable (represented by Queen's Counsel and junior counsel) and the police staff (represented by experienced junior counsel) supported the application; while Luisa's family opposed it. The Coroner agreed with the family that the application was inappropriate, late and that the prospect of funding was remote. The Coroner accordingly refused the application.

Following the conclusion of the evidence, and having heard over 20 witnesses, including the Chief Superintendent of Warwickshire Police, those representing the Chief Constable and the police staff argued that a judgemental narrative ought to not be left to the jury. They argued that, owing to the diseased nature of the spleen, coupled with the purported unreliability of the evidence of CT and NW, a jury could not conclude that the rupture to the spleen was caused by third party trauma. Further, the other parties argued that the jury could not conclude that proper police intervention would have made any difference to the outcome. Agreeing with the Family, the Coroner dismissed those arguments and found that the jury could safely conclude that Luisa was assaulted; that the assault caused the spleen to rupture; and, that proper police intervention may have resulted in a different outcome. After a day and a half of deliberations, the jury unanimously concluded that there were police errors and omissions in (i) the call categorisation, (ii) the handover procedures for the police controllers, (iii) the deferral of the 999 call, (iv) the police computer systems, and (v) the supervision of the police staff. The jury concluded that these errors or omissions possibly caused or contributed to Luisa's death. The Coroner has stated his intention to issue a Prevention of Future Deaths Report, although those representing the Chief Constable continue to seek to limit the ambit of that report. Luisa's family was represented by Graeme Hall, instructed by Nancy Collins of Irwin Mitchell Solicitors.

US Justice Dept. to Tighten Rules on Testimony by Scientists

Eric Lichtblau, New York Times: The Justice Department, stung by reports that F.B.I. scientists have often vastly overstated their level of certainty in matching hair samples and other evidence, issued new rules on Friday meant to ensure that the experts' testimony in criminal cases is "supported by sound science." The new rules, which have yet to be made final, are the latest in a series of steps that the Obama administration has taken to address the problems, including those revealed in a preliminary review last year of F.B.I. testimony in hair-sample cases. That analysis, which examined 268 criminal cases from 1985 to 1999, found flawed testimony in more than 95 percent of them. More than a dozen of the defendants have been executed or have died in prison.

The guidelines issued on Friday 3rd June 2016, provide a framework for F.B.I. testimony involving seven types of forensic evidence, including body fluid, fingerprints and footprints. They seek to inject a more realistic measure of doubt in courtroom testimony. No longer, for instance, would F.B.I. forensic witnesses be allowed to testify that there was a "zero error rate" in comparing one fingerprint to another, or that one sample of blood was a certain match to another. Instead, they would be required to testify how likely or unlikely a match was found to be, within an "acceptable range of opinions." Once the rules are formally adopted, they "will clarify what scientific statements our forensic experts may — and may not — use when testifying in court and in drafting reports, in turn strengthening the integrity of our system over all," said Sally Q. Yates, the deputy attorney general.

A spokesman for the F.B.I. laboratory in Quantico, Va., declined to comment on the guidelines, which would also apply to the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives. While the guidelines are highly technical, the existing rules have had a real-life impact in many criminal cases. The Justice Department has offered new testing to hundreds of surviving defendants in cases marred by errors in hair-sample testimony, and a few of them have already been exonerated. The department is continuing to examine whether errors were made in testimony involving other types of forensic evidence as well.

Peter Neufeld, a founder of the Innocence Project, a defense advocacy group that has pushed for greater scrutiny of F.B.I. forensic methods, said the new guidelines were a welcome step. "It's remarkable that they didn't do this for many years," he said. "But frankly, they should be applauded for recognizing that mistakes were made and that they have a duty to correct those mistakes." The Justice Department is giving outside scientists and members of the public a chance to weigh in on the proposal before it is made final later this year. Mr. Neufeld said he wished that the Justice Department had brought in outside scientific feedback long before this, rather than relying on in-house specialists. He predicted that outside scientists, once they finish their review

of the framework proposed on Friday, would have "significant and substantial concerns."

Questions have flared for years over the accuracy of the F.B.I.'s courtroom testimony involving some types of forensic evidence. A 2009 study by the National Research Council found "no scientific support" for positively identifying a suspect from a hair sample, and additional scientific reviews and news media reports since then — most notably in The Washington Post — have raised still more questions. The Justice Department plans to release a second set of proposed guidelines this summer regarding courtroom testimony involving DNA, explosive devices, hair analysis and handwriting. Scientific experts consider DNA — which first became widely used in courts in the 1990s — to be the only near-certain indicator of a forensic match. While other types of physical evidence are considered helpful in comparing samples and ruling suspects in or out of an investigation, they are considered far less certain.

Judge Failed to Consider 'Welfare of Child Offender' When Sentencing For Sexual Offences

Scottish legal News: A youth who was found guilty of raping two boys and sentenced to six years' detention has had his sentence quashed and substituted with a custodial term of five years and an extension period of three years following an appeal. The Criminal Appeal Court ruled that the sentencing judge erred in failing to take into account the "welfare" of the child offender and the need for the teenager's "rehabilitation and reintegration" into society, and that she erred in deciding not to impose an extended sentence. The Lord Justice Clerk, Lady Dorrian, sitting with Lady Paton, heard that the appellant Adam McCormick was convicted at the age of 17 of two serious sexual offences committed against two boys between the ages of 7 and 11 when he himself was 14.

The sentencing judge considered that an adult offender could well face a sentence of nine years for such offences, which was consistent with a term of 8-13 years set out in the Sentencing Guidelines for England and Wales. The appellant was described as constituting a "moderate risk of reoffending", having a supportive family, would be released under licence in due course and would be subject to the notification requirements of the Sexual Offences Act 2003. To reflect the age and immaturity of the appellant a substantial reduction from the starting point of nine years was required, so the judge sentenced him to six years detention, but she did not consider that an extended sentence was required.

However, counsel for the appellant submitted that the trial judge had erred in commencing with the sentence which might be appropriate for an adult offender and should instead have started by looking at what was an appropriate sentence for someone of the appellant's age. It was argued that when sentencing a child it was necessary – while taking into account the requirements for retribution, deterrence and the need to protect the public – also to take into account as a primary consideration the "welfare of the child" and the "desirability of reintegration into society", but that the judge failed to do so. Counsel also submitted that the whole circumstances and the terms of the criminal justice social work report were such that the trial judge also erred in not imposing an extended sentence.

The appeal judges observed that while it was "not illegitimate" in sentencing a child to consider the sentence which an adult offender might attract, the court must also have regard to the "best interests of that child as a primary consideration" and the" desirability of the child's reintegration into society". Delivering the opinion of the court, the Lord Justice Clerk said: "Other than to the extent that his youth made him less blameworthy than an adult, it is not clear that the trial judge had in mind any of these important factors – the welfare of the child offender, the need to facilitate rehabilitation and reintegration into society. It does not seem that she considered

these factors at all, merely allowing a discount from an appropriate adult sentence to allow for immaturity. In that regard we consider that she erred. Moreover, we are also satisfied that she erred in concluding that this was not a case where an extended sentence was necessary. Her reasons for so concluding were the assessment of a moderate risk of re-offending, a supportive family background, and the prospect of gaining education when in custody. She also noted as protective factors that on release the appellant will be subject to licence conditions and subject to registration under the Sex Offenders Act. However, as the trial judge also noted, the criminal justice social work report also highlighted the appellant's denial of the offences as a considerable concern, and one which limited the scope of offence focussed work which could reduce risk. In our view this is a significant factor in determining the extent to which an extended sentence might be necessary to protect the public from serious harm. Such persistent denial in these circumstances hampers the assessment of risk, and means that an assessment of risk as 'moderate' requires to be viewed with some caution, even where other protective factors are in place. We note that the criminal justice social work report states that the appellant 'requires a moderate level of supervision in order to assist him to desist from further acts of sexual behaviour'. He has a lack of insight into his behaviour, which is troubling."

Lady Dorrian added: "Against the whole background of the terms of that report allied to the very serious nature of the offences, committed by one so young, and giving due respect to the discretion of the trial judge, we are unable to agree that this is a case in which an extended sentence was not necessary for the protection of the public. In selecting the appropriate custodial term of an extended sentence, the court has had regard to the fact that the extension period is specifically designed to reduce risk. The overall sentence requires to be considered. In the circumstances we consider that an appropriate sentence would be an extended sentence consisting of a custodial term of five years with an extension period of three years."

Judge Suing Ministry of Justice Says he Has Been Denied a Fair Hearing

Owen Bowcott, Guardian: A judge facing a disciplinary hearing has complained he is being denied a fair hearing because he has been told he cannot be legally represented or call witnesses. Judge Peter Herbert, chair of the Society of Black Lawyers, has written to the lord chief justice, Lord Thomas of Cwmgiedd, objecting to the proceedings of the judicial panel, which is due next month to deliberate on remarks he made about racism and the judiciary. The dispute relates to a speech he made at a rally in Stepney, east London, in April last year. Herbert commented negatively about the decision to bar the former mayor of Tower Hamlets, Lutfur Rahman, from holding public office for five years and claimed that racism was present in parts of the judiciary. He said in the speech: "Racism is alive and well and living in Tower Hamlets, in Westminster and, yes, sometimes in the judiciary." His speech is alleged to amount to judicial misconduct because it strayed into commenting about politics, conflicting with his duty to show impartiality.

Herbert says he has been informed that the hearing in July will last only two hours, that he may not be legally represented and cannot call any witnesses. The judge, who sits as a part-time recorder and in immigration and employment tribunals, is separately suing the Ministry of Justice for race discrimination. In a statement released on Tuesday, Herbert said: "It is simply unacceptable to suggest that a part-time judge, no matter how junior, should be told to resort to an employment tribunal or refer to the judicial conduct ombudsman to seek redress. As one of the few judges of African descent in the United Kingdom, who sits in three different jurisdictions, with a consistent record of fighting within the system for justice and equality, to

be treated in this manner is a disgrace. If this panel are permitted to abridge my right to a fair hearing that sends a very strong message to all members of the African, Caribbean and Asian community that we are simply not equal before the law. I do not expect to be treated above the law that applies to other judges but I do expect to be treated equally."

His letter to the lord chief justice also complained that the judicial conduct investigations office (JCIO) repeatedly addressed him "without any reference to my OBE". Imran Khan, the prominent London solicitor who represented the family of Stephen Lawrence, said: "It is a disgrace that any judge should have his rights to a fair disciplinary hearing limited in this manner. Even an ordinary employee or office holder has the right to call witnesses, in his own defence. The intention must be to dismiss his representations without even the fig leaf of impartiality. This is a real slap in the face not just for Herbert OBE but for the right of all our communities to obtain a fair hearing."

Unholy Row: A tired and emotional parish priest screamed that he enjoyed diplomatic immunity on behalf of the Vatican while drunkenly brawling with police and a paramedic. Gareth Jones, 36, was convicted after the bizarre incident in central London. A paramedic who tried to rouse a drunken Jones, passed out in his clerical frock, was treated to expletives and a growled threat before the man of God assaulted him. He had reportedly consumed around 53 units of alcohol beforehand. When a police officer intervened, Jones began to yell that he had diplomatic immunity, according to the Mirror. Recalling the exchange in court, prosecutor Edward Aydin said: "The officer says 'which embassy?' and he says: 'The Vatican, you're f**ked.' "He is growling, makes no attempt to respond to a caution, and continues to shout that he has diplomatic immunity." Mr Aydin added: "I'm not sure if he has anything to do with the Vatican because he is with the Church of England." Jones was ordered to pay £700 in fines, £200 compensation to the police officer, £200 compensation to the paramedic, £85 prosecution costs and a £35 victim surcharge. *Scottish Legal News*

Removal of Foreign National Offenders and EU Prisoners *Hansard, 06/06/2016*

Since 2010, the Government have removed over 30,000 foreign national offenders, including 5,692 in 2015-16—the highest number since records began. The number of removals to other EU countries has more than tripled, from 1,019 in 2010-11 to 3,451 in 2015-16. We aim to deport all foreign national offenders at the earliest opportunity; however, legal or re-documentation barriers can frustrate immediate deportation. Increased rates of detection can also lead to the population of foreign national offenders increasing despite a record number of removals.

Over 6,500 of the FNOs in the UK are still serving a custodial sentence. The Ministry of Justice has been working to remove EU prisoners under the EU prisoner transfer framework decision, which is a compulsory means of prisoner transfer that allows us to send foreign criminals back to their home country to serve their sentence. The record number of FNO deportations we have achieved has been due to changes made by the Government. We have reset the balance between article 8 of the European convention on human rights and the public interest in deportation cases. We have also introduced a "deport first, appeal later" power, which means foreign national offenders may appeal against deportation only from their home country, unless they will face a real risk of serious irreversible harm there. More than 3,500 foreign national offenders have been removed since that came into force in July 2014, and many more are going through the system.

The police now routinely carry out checks for overseas criminal convictions on foreign nationals who are arrested, and refer them for deportation. In 2015, the UK made over 100,000 requests for EU criminal record checks—an increase of 1,100% compared with 2010—and in December, the European Council agreed that conviction data relating to terrorists and serious and organised criminals should be shared systematically. We must never give up trying to improve our ability to deal with FNOs and tackle the barriers to deportation: we have just legislated to GPS-tag FNOs who are subject to a deportation order, and we are legislating to establish an FNO's nationality as early as possible to avoid delays during deportation proceedings.

Before 2010, there was no plan for deporting foreign national offenders. Their rights were given a greater priority than the rights of the public here, and they were routinely abusing the appeals system to avoid deportation. This Government have put in place a strategy for removing foreign national offenders, which is increasing removals, protecting the public and saving the taxpayer money.

Law Requres a Periodic Review of Tariff For a Detainee at her Majesty's Pleasure

Preamble by Justice Jeremy Baker in the cases of "F" and James Bonelli: A Judge will be required to conduct a periodic review of tariff for a detainee at Her Majesty's Pleasure in accordance with the House of Lords judgment in the case of R (Smith) v Secretary of State for the Home Department 2005 UKHL 51. The Legal Framework: In the case of Smith, the House of Lords held that the tariff for a person sentenced to be detained during Her Majesty's Pleasure may be reduced, on reconsideration, if there is clear evidence of exceptional and unforeseen progress. There are three possible grounds on which to reduce the tariff: i) The prisoner has made exceptional and unforeseen progress during the sentence. ii) The prisoner's welfare may be seriously prejudiced by his, or her, continued imprisonment and the public interest in the offender's welfare outweighs the public interest in a further period of imprisonment lasting until the expiry of the current tariff. iii) There is a new matter which calls into question the basis of the original decision to set the tariff at a particular level

The current "Criteria for reduction of Tariff in respect of HMP detainees", provides guidance upon the matters which may be considered of assistance when considering whether an offender has made exceptional progress in prison, namely, 1. An exemplary work and disciplinary record in prison; 2. Genuine remorse and accepted an appropriate level of responsibility for the part played in the offence; 3. The ability to build and maintain successful relationships with fellow prisoners and prison staff; and 4. Successful engagement in work (including offending behaviour/offence-related courses) with a resulting reduction in areas of risk. Moreover, the guidance makes clear that all of these matters should ideally have been sustained over a lengthy period, and that to reach the threshold of exceptional progress there would also need to be some extra element to show that the offender had assumed responsibility and shown himself to be trustworthy, which may well be demonstrated by the offender having done good works for the benefit of others over a sustained period of time.

My role is to review the current tariff and, if appropriate, to recommend a reduction based on one or more of those criteria. The Lord Chancellor and Secretary of State for Justice have agreed to honour any recommendation made.

Review Of The Tariff Of "F"

In reviewing the current tariff in the present case it is to be appreciated that I am limited to a consideration of the progress and development of the offender whilst he has been in custody. Nothing I say reduces the seriousness of this offence of Murder, or diminish the consequences of it for the victim's family and friends. Without doubt this was a dreadful crime, and the consequences of it terrible. However, in relation to the first of the criteria, what I have to do is to consider whether, dur-

ing his period in custody, the offender has demonstrated exceptional and unforeseen progress, resulting in a significant alteration in his maturity and outlook since the commission of the offence and consequently whether, compared with the date of sentence, there has been a significant reduction in the level of risk posed to public safety such as to warrant a reduction in tariff.

Any reduction of course would not mean that the offender will necessarily be released any sooner that he would otherwise have been. Whether or not there is a reduction in tariff, the offender will not be released unless and until the Parole Board assesses him to be safe for release. However, a reduction in the tariff would mean that the Parole Board could consider whether he is safe for release earlier than it would otherwise be able to do so.

Conclusion: When F entered custody at the age of 14 there is no doubt that he was a dangerous individual. The dreadful nature of his offences attest to that, as do the significant number of risk factors which contributed to it, including his troubled childhood, the negative effect of his father's own views and lifestyle, and his consequential attitude to perceived threats, namely the use of significant violence, including the use of knives. It is from that low base, that his progress in custody falls to be judged. In many ways it is fortunate for F that his offending took place whilst he was still so relatively young, prior to the ongoing effect of those risk factors becoming so entrenched within his character, that any amount of cognitive behavioural work may have been insufficient to turn the tide. However, as his own sister observes, from the age of 14 onwards F has been without the negative influence of his father, and instead has been subjected to a series of courses which have sought to replace those with ones designed to allow F to make a positive contribution within society. It is not every offender who chooses to benefit from such assistance. However, from the material which I have read, F is not one of those, rather he is fortunate to have sufficient intelligence and insight to appreciate the benefits, both to himself and society, of undertaking this work. It is clear that he has done so with enthusiasm and application, and is now making a thoroughly positive contribution to HMP Moorland.

Undoubtedly there is one aspect of rehabilitation which has remained troublingly immune to such work, and that is his honesty and openness with the circumstances of his offending. Indeed I perceive from the results of the OASys assessment, that it was this matter which was one of the main stumbling blocks to the maintenance of his high risk categorisation. It is of course possible that, had some further psychological intervention taken place after 2013, this may have been resolved earlier. However, the intervention of Dr Bowers appears to have unlocked the situation, and not only does it appear that F has now provided a frank account of events, but his expressions of remorse have a significantly enhanced value. Ultimately of course it will be a matter for those responsible for F's custody to determine what, if any, further offence based cognitive behavioural work he requires. However, given the undoubted expertise and experience of Dr Bowers in this field, for the purposes of my task, I have no sufficient reason to reject her opinion as to F's current risk.

True it is that F has had a number of adjudications against him. However, they are comparatively few in number, and most significantly there has been a 4 year gap since the last adjudication for violence, since which time F has undertaken the Respect course, from which he appears to have benefitted. Moreover, the attitude which F appears on the evidence before me to have consistently displayed over the last few years towards both staff and fellow offenders alike, appears to be entirely positive. In particular, he has shown, through his work with the U R Boss project, and as a listener, that he both understands the value to others of making a positive contribution to society, and is willing to do so.

I have given careful consideration to the relevant criteria in this case, and weighed the evi-

dence available concerning F's progress in custody. In my judgment, given the very low base from which F commenced his journey through the custodial system, not only do I consider that his progress has been exceptional, but that it was not something that could have been foreseen. On the contrary, given the circumstances of the offences one would not have been optimistic of the outcome. However, no doubt as a result of the combination of his age, underlying temperament and the determined work undertaken by the prison authorities, a significant amount of success in his rehabilitation has been achieved. Clearly more rehabilitative work will be required to be undertaken both by F and the prison authorities. Moreover his eventual release, if at all, will be entirely a matter for the Parole Board. However, in recognition of his exceptional and unforeseen progress to date, I consider that his tariff should be reduced by one year, to 11 years less 223 days spent on remand.

Review of the Tariff of Stephen James Bonelli

In reviewing the current tariff in the present case it is to be appreciated that I am limited to a consideration of the progress and development of the offender whilst he has been in custody. Nothing I say reduces the seriousness of this offence of Murder, or diminish the consequences of it for the victim's family and friends. Without doubt this was a dreadful crime, and the consequences of it terrible. However, in relation to the first of the criteria, what I have to do is to consider whether, during his period in custody, the offender has demonstrated exceptional and unforeseen progress, resulting in a significant alteration in his maturity and outlook since the commission of the offence and consequently whether, compared with the date of sentence, there has been a significant reduction in the level of risk posed to public safety such as to warrant a reduction in tariff. Any reduction of course would not mean that the offender will necessarily be released any sooner that he would otherwise have been. Whether or not there is a reduction in tariff, the offender will not be released unless and until the Parole Board assesses him to be safe for release. However, a reduction in the tariff would mean that the Parole Board could consider whether he is safe for release earlier than it would otherwise be able to do so.

I have considered with care the relevant criteria in this case. True it is that prior to his trial, Stephen Bonelli had an adjudication for an assault. Moreover, in 2010 although the assault may not have been of sufficient seriousness to warrant an adjudication, his enhanced status was downgraded for a period of time. However, since that time, now over 5 years ago, there has been no suggestion of any further violence or aggression on the part of Stephen Bonelli within custody, and his adjudications in 2011 for having unauthorised items were of a relatively minor nature. In my experience, as compared with very many others, this comprises a very good disciplinary record. Moreover, Stephen Bonelli's work record, as attested by the evidence in the various reports before me, can only be described as exemplary.

Undoubtedly, at the time of the offence, Stephen Bonelli showed no remorse for his offending; a matter which I am sure only served to exacerbate the anguish caused to the victim's family. However, in contrast to many, this situation has not been maintained. There is evidence that Stephen Bonelli has now fully accepted his responsibility for the part which he played in this offence, and is genuinely remorseful. I consider that this reflects an increasing level of maturity on the part of Stephen Bonelli, gained from his successful engagement with the offence based cognitive behavioural programmes which he has completed whilst he has been in custody. Moreover his level of risk has correspondingly reduced. Stephen Bonelli has built and maintained successful relationships both with fellow offenders and with the prison staff; the former being attested to by the mature way in which he has handled his responsibilities as scorer for the prison volleyball team; the latter, as described in the most recent Tariff Assessment Reports.

Moreover, all of these positive aspects of Stephen Bonelli's maturing character have been sustained over a lengthy period of time, and now in more than one prison. I appreciate that none of these criteria will be conclusive in establishing exceptional progress, nor will they collectively. However, I am satisfied that, by reason of the further roles which he has undertaken, including his gym mentoring of injured and disabled offenders, the support which he gives to those undertaking the Resolve course, and when trained, his services as a listener, amply fulfil the extra element of his assumption of responsibility, whereby he has shown himself to be trustworthy for a sufficient period of time. In the circumstances I am satisfied that his progress has not only been exceptional but also, given the low base from which he started, unforeseen. Therefore I consider that although his eventual release, if at all, will be entirely a matter for the Parole Board, these factors should be recognised by a reduction in his tariff of one year, to 14 years less 186 days.

Ill-Treatment Of Person Refusing to Perform Military Service

In today's Chamber judgment 07/06/2016, in the case of Enver Aydemir v. Turkey (application no. 26012/11) the European Court of Human Rights 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 Mr Aydemir's refusal to perform military service because of his religious beliefs, and also the subsequent proceedings against him, and his alleged ill-treatment on account of his refusal. The Court found in particular that Mr Aydemir had been subjected to inhuman and degrading treatment in that he had been assaulted while in pre-trial detention on 24 and 25 December 2009, and had also been repeatedly prosecuted and convicted. The Court also found that the authorities had not displayed the necessary diligence in conducting the investigation, since statements had been taken from Mr Aydemir more than a month after the events and the filing of his complaint, and the criminal proceedings instituted against the main perpetrators of the acts of violence were still pending some six years after the events. The Court found that Mr Aydemir's objection to performing compulsory military service for the benefit of the secular Republic of Turkey did not fall within the scope of Article 9 (right to freedom of thought, conscience and religion) of the Convention, given that the arguments he had put forward for claiming the status of conscientious objector were not motivated by religious beliefs which were in serious and insurmountable conflict with his obligation to perform military service. The Court therefore rejected this complaint as being incompatible with the Convention in accordance with Article 35 § 3.

Sussex Police Must Make Improvements After 11-Year-Old Disabled Girl Detained

The IPCC has made a series of recommendations to Sussex Police when dealing with the restraint and detention of children and adults in police custody who are vulnerable and have a mental illness. The recommendations follow an investigation into the force's treatment of a girl with a severe developmental disorder on five occasions between 2 February and 2 March 2012. The girl - who was 11 at the time of the incidents, and is referred to as Child H to protect her identity – has a neurological disability which can cause challenging behaviour, with the potential to harm herself and others. Child H spent a total of more than 60 hours in police custody after being arrested three times for minor offences, and on another occasion when she was detained under the Mental Health Act. The girl was held overnight in police cells twice. At the time of the incidents the girl's neurological disability had not been diagnosed, but the force was informed by her mother that she was believed to be suffering from an autism spectrum disorder.

The IPCC found Sussex Police failed to ensure an appropriate adult (AA) – a parent, guardian or social worker - was present to support Child H in custody. Police were also found to have used handcuffs, leg restraints and spit hoods on Child H, yet on a number of occasions did not record any rationale for their use of force. The investigation found these failings were in part due to Sussex Police's training and force policy. Shortly after the IPCC investigation started, Sussex Police took early steps to establish appropriate protocols with Child H's family to ensure lessons were learned and changes implemented in any future dealings with her.

The IPCC's recommendations to the force include: • improved training on the use of force on children and adults with mental illness, to ensure the use of force is avoided wherever possible • additional training on detaining vulnerable people and the role of an AA; and • ensuring officers are accountable for their use of force. IPCC Commissioner Jennifer Izekor said: "This was a complex investigation, which found Sussex Police officers failed to respond effectively to the needs of a vulnerable child. While it is clear Child H had significant behavioural problems arising from her disability, Sussex Police and, indeed other agencies which were – or should have been - involved, did not appear to have the skills and capacity to respond to her effectively. The situation was exacerbated by the lack of understanding of Child H's complex needs. The IPCC understands it is not possible to train each and every frontline officer to recognise and understand the complexities of all emotional or behavioural issues. But it is important that officers responding to young people with mental health, emotional and behavioural difficulties have a basic understanding of their needs and how best to deal them. I was pleased that shortly after we began our investigation the force engaged with Child H's family to establish appropriate protocols to ensure that lessons were learned and changes implemented in any future dealings with her. We welcome the changes Sussex Police has made to its training and processes since the start of our investigation."

The IPCC's view was that there was a case to answer for misconduct for six custody sergeants for failing to ensure an AA was present, one of whom also failed to transfer relevant information onto the risk assessment; another custody sergeant for failing to ensure that Child H was dealt with expediently whilst in custody; and two police constables for their restraint of Child H in handcuffs. Conduct issues identified during the course of the investigation have been addressed by Sussex Police through management advice. Two further officers - a custody sergeant and an inspector - who in the IPCC's view would have had a case to answer for misconduct for failing to ensure an AA was present, have since retired. No further action was taken against a former front desk enquiry officer who the IPCC believed had a case to answer for misconduct for failing to treat Child H's mother according to her needs; a call handler for failing to log sufficient information about Child H's condition; and against a police constable who, in the view of the investigator, had a case to answer for misconduct.

Revolutionary Communist Group (FRFI) Prisoners Fight Back Issue 151:

Whitemoor Protest: For several weeks last summer long-term prisoners on one wing at HMP Whitemoor had complained about lack of basic toiletries, including toilet roll and washing up liquid, lack of access to new clothes and a range of other complaints about their living conditions. Things came to a head at the end of September when the prison closed the wing kitchen, meaning prisoners were unable to cook their own food. After failing to get staff to address their complaints and having repeatedly requested to see a senior manager to no avail, prisoners staged a peaceful protest by refusing to return to their cells. A manager did then arrive and negotiated, offering the prisoner wing reps a meeting with a governor the following day. The prisoners then returned to their cells.

The day after the meeting, and two days after the protest, 19 prisoners were placed on report for failing to obey the 'lawful order' to return to their cells. A disciplinary hearing then found them guilty on this charge, ignoring their solicitor's submissions that procedural flaws and breaches of Articles 10 (freedom of expression) and 11 (freedom of association) of the European Convention on Human Rights rendered the charges unlawful. Prison Service headquarters then reviewed the charges and, presumably fearful of the case ending up in court, overturned the guilty findings (inexplicably all except one which is now being further appealed).

Queen's Speech – Full of Sound and Fury: Huge media hype surrounded the 'prison reform' announcement in the Queen's speech on 18 May; however the actual content of the changes is relatively small and their significance remains to be seen, although the indication is that, as usual, the 'reform' is nothing of the sort. The 'biggest shake-up of the prison system since the Victorian era', as the government terms it, consists of handing a far greater degree of autonomy than hitherto to the governors of six prisons, with more to follow. Some of the spin is geared to impress liberal commentators with the possibility that such prisons will be able to implement better education, training and rehabilitation, grant more temporary release etc, but the plan clearly also relies on such autonomously run establishments being far freer to sell the labour power of their inmates and make a profit from their incarceration.

Prisoners' Work Strike In Alabama: On 1 May, International Workers Day, a month-long prison labour strike began across the US state of Alabama. Stating 'We will no longer contribute to our own oppression', leaders of the Free Alabama Movement, a national movement against mass incarceration and prison slavery, have been organising for this state-wide prison work stoppage since 2015. Amy Stanley reports. The strike began at Alabama's Holman, Staton and Elmore Correctional Facilities, with St Clair's and Donaldson Facilities following on 9 May. Prisoners announced that unless their demands were met they would refuse to leave their cells to perform the unpaid work which allows the prison to function. A statement on behalf of the striking prisoners said: 'The Free Alabama Movement has chosen the non-violent and peaceful protest strategy of "shutdowns"/work stoppages to combat the multi-billion dollar Prison Industrialized Complex that has incarcerated over 2 million people for the sole purpose of exploitation through free labor, private prisons, exorbitant fees, and more.' 'Instead of being a place for corrections, the Alabama Department of Corrections (ADOC) has been turned into system of capitalism, where thousands of poor, uneducated, and disenfranchised citizens are being forced into labor to support a multi-billion dollar Prison Industrial Complex.' The jobs prisoners are expected to perform range from serving food to 'industry jobs' that allow private companies to profit from prison labour. In Holman 'industry jobs' involve producing licence plates for the state of Alabama, and making sheets and pillowcases for Alabama prisons. St Clair prison contains a vehicle restoration plant, as well as a chemical plant, which, according to the Free Alabama Movement, manufactures over $25m worth of chemicals per year. In total, Alabama has 17 prison labour industries across correctional facilities, all of which directly profit from prison labour. In retaliation, ADOC locked down whole prisons, with striking prisoners allowed only 'limited movement'. This was coupled with use of the punishment tactic known as 'bird feeding', where prisoners are served significantly smaller meals (an estimate 60% of the normal serving) in order to starve them into submission. This raises concern for the health of all prisoners, but especially for those with conditions such as diabetes, who are usually given a special diet to avoid hypoglycaemia. One prisoner said: 'We're supposed to get a minimum 2,400 calories a day and a minimum of 125 grams of protein a day and the meals that they've been feeding us are not adequate enough

to keep our blood sugar up enough to take our insulin.' - Solidarity with the Alabama Prison Strikers!

Solidarity with Palestinian Prisoners: On 24 April 12-year-old Dima Al Wawi was released from prison. She had been arrested on her way to school and accused of carrying a knife. She was imprisoned in Israel's notorious HaSharon women's prison, an overcrowded and filthy gaol, where food is insufficient and often infested with insects, women are routinely denied sanitary items during menstruation and threats, beatings, humiliation and sexual violence, and internal body searches are standard. HaSharon is one of five Israeli prisons run by G4S, which also provide guards at Israeli military bases, and services and equipment to Israeli checkpoints. Dima 'confessed' to wanting to 'stab a Jew with a knife' and was subsequently convicted of attempted voluntary manslaughter and illegal possession of a knife. Her parents were fined NIS8000 (£1,488). Israeli children under 14 are not given prison sentences, however a separate military law enables Palestinian children as young as 12 to be gaoled.

Locking up children: Dima was the youngest ever girl, and one of an increasing number of children to be imprisoned by Israel this year. By February, 438 children were in prison for 'security-related offences' – a rapid increase from 170 in September 2015. In April 2016, 567 Palestinians were arrested, bringing total arrests since October 2015 to 5,334. Following arrest, Palestinians are usually taken to a detention or interrogation centre, - there are four of each across the occupied Palestinian territories and Israel - and then to one of 17 prisons, only one of which is in the occupied territories. There is a 99.7% conviction rate of Palestinians at Israeli military courts and trials often require no evidence.

To visit imprisoned relatives, Palestinians require family visitation permits to enter Israel, which they are routinely denied on 'unspecified security reasons'. A common threat used by Israeli officials during interrogation is that of deportation to Gaza, which in turn is then often a condition of release. Threats to destroy family homes and deport prisoners' whole families are also common and in March the Knesset (Israeli parliament) sought approval to deport to Gaza the family of any Palestinian accused of attacking Israeli settlers, soldiers or police. Seventeen-year-old Mohammed Amarneh was arrested on 2 March; he was beaten on arrest, and then hit repeatedly by an interrogator and IDF soldier. He was sentenced to three months administrative detention and is one of nearly 750 Palestinians held under administrative detention, without charge or trial. These detention orders can be renewed indefinitely, on the basis of undisclosed 'evidence' that neither the detainee nor their legal representatives are allowed to view. On 10 May, Ahmed Manasra, now 14 and aged 13 at the time of the alleged offence, was convicted of two counts of attempted murder, despite the lack of any evidence. A video surfaced of a racially abusive mob beating him up and interrogators intimidating him with no legal representatives or family members present. He has been sentenced to the maximum 20 years in prison. Attacks on students and academics: Engineering student Alaa Assaf was arrested following a raid on her family home and was one of at least 14 people arrested in early morning raids on the homes of students at Palestinian universities. Islam Qadah, a student at Bir Zeit university, was released from administrative detention after serving three months in March and is now unable to complete her degree, as a condition of her release was a ban from the university town. Renowned astrophysicist Imad Barghouthi, professor of theoretical space-plasma physics at Al-Quds university and former NASA employee, was sentenced to three months administrative detention on 2 May. This was his second detention; the first followed travel to a conference in the UAE, and an international outcry from the scientific community led to his early release. At time of publication,

several prisoners under administrative detention are on hunger strike, including Fuad Assi, Adib Mafarjah and Sami Janazrah, who began his strike on 3 March.

Solitary Confinement and Torture: 17 prisoners are held in solitary confinement for 'threat to state security' despite no evidence to support this claim, including 34-year-old Noureddine Amer from Qalqilya, in isolation since 2013 and serving a 55-year sentence. Imprisoned since 2002, he was beaten in July 2015 by five military guards. Three of his brothers are also in prison: Nidal, Abdul Salam and Aysar, sentenced to life imprisonment, 20 years and administrative detention respectively. The Israeli prison service also uses 'special units' to subject prisoners to cruelty and inhumane treatment. Sudden cell inspections take place without notice and prisoners are often interrupted during prayer or whilst breaking fast during Ramadan. Prisoners are dragged, beaten, verbally abused and have their possessions confiscated. In April, armed units broke into section 14 of Nafha prison, following an altercation between guards and prisoners, which began because two prisoners, Akram Siyam and Muharreb Da'is were refused the right to use the bathroom. Prisoners were beaten, tear gassed and pepper sprayed. Muharreb Da'is was returned to the unit but a second attack followed shortly. When prisoners refused to hand Muharreb back to the guards, a larger force set upon the prisoners with dogs and batons. Cancer sufferer Yousry Al Masri was beaten with a baton on his neck and spine. Prisoners then had all electrical appliances removed, family visits denied and were kept in isolation from each other.

Criminalising Solidarity: On 8 May, Sheikh Raed Salah began a nine-month prison term for 'incitement'. Salah, leader of the northern wing of the Islamic Movement, has served sentences for similar charges in the past and was one of the activists aboard the Mavi Marmara flotilla. He was arrested in Britain following an extradition order and a ten-month legal battle. Israeli Prime Minister Benjamin Netanyahu ordered a ban on the Islamic Movement last year, sparking uproar. Salah is one of many arrested for 'incitement' and a further 160 have been detained in connection with social media activity, particularly Facebook, fitting in with a worldwide movement to clamp down any criticism of Israel and Zionism. Palestinian prisoners' rights group Addameer reported 13 similar cases in 2014. Many of the arrests took place in Jerusalem and the majority of posts simply express solidarity with fellow Palestinians and sympathy for those murdered by Israel, including posting photos of prisoners. Majd Atwan, a 22-year-old beautician from Bethlehem was sentenced to 45 days in prison and fined NIS3,000 (£551) after also being charged with 'incitement'. In response to the charges, she said: 'Your occupation to our land does not need "incitement" for our people to revolt. I am part of an occupied people. So don't expect me to greet you with flowers instead of anger.' Her words sum up the need to strengthen the fightback against Zionism and against the attempt to shut down any criticism of the Israeli occupation of Palestine. Free Palestine! Victory to the Intifada! Nazia Mukti

Unlawful Use of Information Obtained By Means Of Telephone Tapping

The case Karabeyoğlu v. Turkey (application no. 30083/10) concerned a telephone surveillance operation in respect of Mr Karabeyoğlu, a public prosecutor, during a criminal investigation into an illegal organisation known as Ergenekon, and the use of the information thus obtained in the context of a separate disciplinary investigation. The European Court of Human Rights held, unanimously, that there had been: no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights as regards the telephone tapping in connection with the criminal investigation, a violation of Article 8 (right to respect for private and family life) as regards the use in disciplinary proceedings of the information obtained by means of telephone tapping, and a violation of Article 13 (right to an effective remedy). The Court found in particular that during the criminal investigation Mr Karabeyoğlu had enjoyed the minimum degree of protection required by the rule of law in a democratic society, since the telephone tapping had been ordered on the basis of an objectively reasonable suspicion and had been carried out in compliance with the relevant legislation. In the Court's view, the interference with Mr Karabeyoğlu's right to respect for his private and family life had been necessary in the interests of national security and for the prevention of disorder and crime. However, the use of the information thus obtained in the context of a disciplinary investigation had not been in accordance with the law and the relevant legislation had been breached in two respects: the information had been used for purposes other than the one for which it had been gathered and had not been destroyed within the 15-day time-limit after the criminal investigation had ended. The Court concluded that the interference with Mr Karabeyoğlu's right to respect for his private and family life had not been in accordance with the law as far as the disciplinary investigation was concerned. The Court further noted that in relation to both the criminal and disciplinary investigations Mr Karabeyoğlu had not had a domestic remedy available for securing a review of whether the interference was compatible with his right to respect for his private and family life.

Ombudsman Confirms Collusion Between Police and Loyalist Killers

There was collusion between some police officers and loyalist gunmen who killed six Catholics 22 years ago, a report by NI's Police Ombudsman has said. It said there was no evidence police had prior knowledge of the Ulster Volunteer Force attack in Loughinisland, County Down, in 1994. But it confirmed claims by the victims' families that there was collusion. It was also highly critical of the initial investigation, listing "catastrophic failings" by the police. The murdered men were watching the World Cup match between Ireland and Italy when loyalist gunmen burst into the Heights Bar in Loughinisland and opened fire. Five others were wounded. The men who died were Adrian Rogan, 34, Malcolm Jenkinson, 53, Barney Greene, 87, Daniel McCreanor 59, Patrick O'Hare, 35, and Eamon Byrne, 39. The Police Ombudsman, Dr Michael Maguire, said: "I have no hesitation in saying collusion was a significant feature of the Loughinisland murders." He said police informers were involved in the attack in Loughinisland, and that opportunities to gather evidence were missed. The report also said police were aware that a "small but ruthless" Ulster Volunteer Force (UVF) gang had been operating in south Down and had been involved in previous murders. It said that if they had been properly investigated that gang could have been brought to justice and may not have been involved in the Loughinisland attack. Dr Maguire confirmed that an assault rifle used in the attack was part of a huge consignment of South African weapons brought into Northern Ireland by loyalist paramilitaries in the late 1980s.

Hostages: Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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 Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, 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.