Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Parole Board Chief Urges Indefinite Jail Release Change *Danny Shaw, BBC News*

Prisoners held indefinitely after serving their minimum term or tariff should not have to prove it is "safe" to release them, new Parole Board chairman Nick Hardwick has said. Various factors make it "incredibly difficult" for some inmates on Imprisonment for Public Protection sentences to find such proof, he said. He wants new criteria for freeing IPP prisoners in England and Wales. The Ministry of Justice said the suggestion had been "taken on board". IPP sentences were introduced by Labour in 2005 as a way of stopping the release of dangerous prisoners. But courts were banned from imposing any more IPP sentences in 2012 amid concerns they were being used to hold people for periods which their original offence did not warrant. In March, 4,133 IPP prisoners continued to be detained, the majority of whom had been convicted of "violence against the person", sexual offences or robbery.

'Festering in prison': The Parole Board can approve a prisoner's release after the minimum term - the "punishment" part of their sentence - but only if it is satisfied it is not necessary to hold the inmate in the interests of public protection. It means the prisoner has to prove they do not present a risk and can be safely managed in the community. In March, about 80% of IPP prisoners - 3,347 - had already served their minimum term but were still locked up.

In his first interview since taking up his post in March, Prof Hardwick told the BBC that procedural delays, problems accessing offending behaviour courses and finding suitable accommodation made it "incredibly difficult" for some IPP prisoners to prove that it was safe for them to be let out. "Some of them are stuck, festering, in prison long after the punishment part of the sentence," he said. Ministry of Justice figures show more than 500 IPP prisoners given tariffs of less than two years were still in prison five or more years later. "Once it gets to that point, they stop making progress and they start going backwards," said Prof Hardwick. So this is, I think, a blot on the justice system and I'm very keen we can do something about it."

Risk test: He said Liz Truss, the new justice secretary, should consider activating Section 128 of the Legal Aid Sentencing and Punishment of Offenders Act 2012. The clause allows the justice secretary to alter the test which the Parole Board has to apply when releasing prisoners. Both houses of Parliament would have to agree to the change, but fresh legislation would not be required. "There are legislative options that will enable us to change the risk test so it's more about 'is there proof that they're dangerous rather than proof that they're safe?' and there are some other measures that can be taken... to try to cut into that group," Prof Hardwick said. The former Chief Inspector of Prisons said there were three categories of IPP inmate who would benefit most: Those on very short tariffs but still in custody; prisoners held beyond the maximum sentence for the offence they had committed; and offenders who were too frail or elderly to pose a danger.

'Crazy': The Parole Board is also trying to cut the backlog of prisoners awaiting decisions on their release, by hiring more parole panel members and dealing with cases more efficiently. Prof Hardwick said it was "crazy" to be paying out compensation to inmates held in custody because their cases were delayed due to a lack of resources. In 2015-16, there were 463 damages claims lodged, five times the number the previous year, with £554,000 paid out in compensation, compared to £144,000 the year before. "It's not a good use of taxpayers' money," Prof Hardwick said. "It would be much better to put the money into ensuring that the system is working efficiently so that people get dealt with fairly and get out when they're supposed to and when the courts intended." The Ministry of Justice said: "The chair of the Parole Board has made a number of recommendations to improve the parole system and reduce the backlog of IPP prisoners. Work is ongoing within the department to address these issues and his recommendations have been taken on board".

Daniel Kelly Gets 14-Months Jail for Using Drone to Fly Drugs Into Prisons Guardian

A man who used a drone to fly contraband into prisons has become the first person in the UK to be jailed for the crime, police said. Daniel Kelly, 27, was jailed for 14 months at Maidstone crown court in Kent after admitting conspiracy to project an article into prison. Kent police said he had used the remote-control drone to smuggle items, including tobacco and the psychoactive drug Spice, into two prisons in Kent and one in Hertfordshire in April this year. The offence was introduced in November last year to close a loophole in the law. Research by the Press Association found there were 33 incidents of smuggling by drones in 2015. Kelly, formerly of Lewisham, south-east London, was caught after a police patrol spotted a car parked near HMP Swaleside on the Isle of Sheppey in Kent on 25 April. A man was seen running and climbing into the front passenger seat before the car sped off and was later found at a holiday park in nearby Leysdown, where Kelly was arrested. The drone, which was originally white but had been spray-painted black with the lights taped over, was found in the boot of the car. Analysis of the device's storage drive revealed it had made flights to HMP Elmley in Kent on 20 April, HMP The Mount in Hertfordshire, on 23 and 24 April and HMP Swaleside on 25 April. There were also two unsuccessful attempts to fly the drone into HMP Wandsworth, in south-west London, on 17 and 21 April. DC Mark Silk, who served as investigating officer, said: "Psychoactive substances and tobacco have an inflated value in prison and this can lead to offences being committed within. This places both inmates and prison staff at risk."

HMP Birmingham - Prison Officer Who Smuggled Drugs Behind Bars

Richard Stack, from Kingstanding Road in Kingstanding, was detained at the Winson Green facility on June 21 by West Midlands Police detectives working as part of the force's prison-based investigation team. The 35-year-old pleaded guilty to conveying cannabis and mobile phone memory sticks into the prison; possession with intent to supply a psychoactive substance into prison; possession of cannabis with intent to supply; and possession of oxymethalone tablets with intent to supply. He was jailed at Birmingham Crown Court for 21 months.

Nurses Cleared After 6-Day Abuse Argument at Old Bailey

Two nurses, MM and GP, have had cases against them dropped today after six days of legal argument. Following extensive submissions that the proceedings against them were an abuse of the process of the court, the Crown has now offered no evidence, bringing the trial at the Central Criminal Court (Old Bailey) to an end. Four barristers from Doughty Street represented the two nurses. MM was represented by Adrian Waterman QC and Katy Thorne, instructed by Jenny Wiltshire of Hickman and Rose Solicitors, and GP was represented by Rebecca Trowler QC and Benjamin Newton, instructed by Tayab Ali and Anna Renou of ITN Solicitors. MM and GP were working at a Marie Stopes clinic which offered pregnancy terminations, when a patient presented at the clinic in January 2012 for a late-stage termination. She died shortly after being discharged, owing to an injury sustained during surgery. Three and a

half years later her surgeon, and two nurses providing post-surgical care, were charged with gross negligence manslaughter and Health and Safety offences. After the service of extensive expert evidence by the defence teams the manslaughter charge was dropped in May 2016, but the Crown decided to proceed against the two nurses on a charge of failure to take reasonable care under section 7 of the Health and Safety at Work Act 1974.

The trial of the two nurses began on 22nd June. An application to stay the proceedings was made over six days on the grounds that the Crown Prosecution Service failed to apply its own policy, that required it to take into account the policy of the Health and Safety Executive which generally does not prosecute in the context of alleged failings in clinical judgment and quality of care. Having again reviewed whether or not to proceed, the Crown offered no evidence having concluded that it no longer had confidence in its own earlier decision-making processes. The Judge granted costs orders in favour of the defendants, and ordered that there be a review at the highest level into failures in the CPS decision-making process, and the significant delay in bringing charges.

Shahanov and Palfreeman v. Bulgaria - Complaints Against Prison Officers

The applicants, Nikolay Shahanov, a Bulgarian national, and Jock Palfreeman, an Australian national, were born in 1977 and 1986 respectively. Mr Shahanov is serving a life sentence in Plovdiv Prison and Mr Palfreeman is serving a sentence of 20 years' imprisonment in Sofia Prison (both in Bulgaria). The case concerned their disciplinary punishments for complaining to the prison authorities about prison officers. In October 2011 Mr Shahanov made two written complaints to the Minister of Justice, accusing two prison officers of favouritism towards a prisoner because they were related. In May 2012 Mr Palfreeman wrote to the governor of Sofia Prison, alleging that – unnamed – prison officers had been rude to two journalists who had visited him in prison and had stolen other visitors' personal effects left in lockers during their visit to the prison. Both men were subsequently found guilty of disciplinary offences for making defamatory statements and false allegations about prison officers. Mr Shahanov was placed in solitary confinement for tenShahanov and Palfreeman v. Bulgaria (nos. 35365/12 and 69125/12) The applicants, Nikolay Shahanov, a Bulgarian national, and Jock Palfreeman, an Australian national, were born in 1977 and 1986 respectively. Mr Shahanov is serving a life sentence in Plovdiv Prison and Mr Palfreeman is serving a sentence of 20 years' imprisonment in Sofia Prison (both in Bulgaria). The case concerned their disciplinary punishments for complaining to the prison authorities about prison officers.

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Rotherham 12 Defence Campaign We Say: 'Self Defence Is No Offence'

That's the slogan of the "Defend the Rotherham 12 Campaign" to support 12 Asian men facing jail following an anti-fascist protest in the wake of a racist murder. Police arrested the men after a protest against fascist group Britain First in the South yorkshire town on 5th September last year. This was a few weeks after the racist murder of 81-year-old grandfather Mushin Ahmed, who was beaten to death as he walked to his mosque for early morning prayers. The attack on Mr Ahmed followed a total of 18 incursions of racist and fascist organisations trying to exploit the child sexual exploitation (CSE) scandal which hit the town. These demonstrations have coincided with a rise in racist incidents reported since the Jay Report into the abuse was published last year. The report identified 1,400 victims of CSE. Many people in the town had had enough. It was a breakthrough that 400 anti-fascists joined this demonstration. A key element was the significant number of Asian people who supported the UAF protest, for the first time since the child sex exploitation scandal broke.

But police surrounded the anti-racists and marched them away, past a pub, which was well known as a haunt of racists. The 12 say they had to defend themselves from the racists, who hurled abuse, but they have been charged with violent disorder. Their trial is due to start in early October. Around 200 people attended the launch of the Rotherham 12 defence campaign. Lawyers Imran Khan and Matt Foot will represent the defendants along with Michael Mansfield QC. At the meeting people compared the situation to the arrests after the Bradford riots of 2001. Following a series of violent fascist incursions into the towns of Oldham, Leeds and Burnley, the National Front (NF) planned a march through Bradford. Many young Asian men came out to defend their area. The police contained anti-fascist protesters. Anger led to a riot. In the aftermath it was blamed on mindless violence and the role of the fascists was largely ignored. Some 200 jail sentences were handed out to local Asians totalling 604 years. Last September's fantastic show of unity against Britain First showed how things are changing in the fight against racism as the refugee crisis intensifies. The Rotherham Unite Against Fascism (UAF) slogan "Enough is Enough—Muslim Lives Matter" followed the shocking murder of retired engineering worker Mr Ahmed. UAF had to take on the arguments about the need to mobilise when many—understandably so for the Asian community—did not want to directly oppose the racists. But it made a stand and built respect and support. Support from British Muslim youth, a Rotherham-based organisation set up at the height of the Islamophobia over child CSE, has been important.

The slogan "Justice for the 1,400—don't let the racists divide us" has been the message from Rotherham UAF since the horrific scandal shocked and angered us all. A campaign based on that slogan was launched by trade unions in Rotherham which called for a "People's Inquiry" into the scandal. Anti-racists had to argue against the focus being on Asian men. CSE is a much bigger problem. The latest report from Rotherham Safeguarding, produced by Public Health Rotherham, reveals the majority of offenders in Rotherham are white. Black and white unity is essential both to demand justice for the victims and to oppose the racist UKIP and fascist organisations that cynically exploit the issue to whip up anti-Muslim racism and division. The same police force involved in the Rotherham scandal oversaw the 1989 Hillsborough football disaster and the Orgreave picket during the 1984-85 miners' strike. The economic devastation of Rotherham, cuts in children's services, social workers' heavy workloads and appalling attitudes of those in power towards girls from poor backgrounds are some of the real causes. young women's voices were not allowed to be heard. UAF has built up a united front including many newly radicalised young people, trade unionists, Labour Party members and community activists. Fighting racism and austerity has to go hand in hand.

70 Prisoners Sign Petition Alleging "Medical Neglect" HMP Edinburgh

Paul Hutcheon, Herald Scotland: An investigation is underway after 65 prisoners signed a petition criticising the medical services at Edinburgh prison. The inmates have alleged "serious medical neglect" and claim that a prisoner who died recently did not get the help he needed. The Scottish Prison Service (SPS) is responsible for penal institutions, but healthcare is a matter for the NHS. This newspaper has obtained a copy of a petition signed by dozens of prisoners that is critical of the access to medical care. They wrote: "We, the long term prisoners at Edinburgh prison, want to express and register our deep concern of what amounts to medical neglect at this prison." In May, 35 year old James Sneddon, who had been jailed for attempted murder and firearms charges, reportedly died of organ failure. He was serving sentences totalling 19 years at HMP Edinburgh when he became ill. The petition claimed: "On the 6th May a prisoner here, James Sneddon, died as a result of liver and heart failure following an illness that he had sought treatment for over a month. "The attitude of medical staff here to James Sneddon's attempts to receive appropriate treatment can only be described as dismissive, and it is an attitude characteristic of medical staff here to prisoners generally who seek help and treatment." They continued: "James Sneddon is not the first prisoner to die here in circumstances that raise serious concerns about the behaviour and attitude of medical staff. "Such is our concern now that we seek by this petition to communicate and highlight those concerns to those in a position to hopefully deal with them in a manner that addresses the problem and issue of serious medical neglect here at HMP Edinburgh." Her Majesty's Chief Inspector of Prisons for Scotland, which examines the conditions facing inmates, published an inspection report into the Edinburgh jail in 2013. It noted that "general" healthcare service was "good", but noted that the provision of addictions and mental health specialist care was "challenging".

The report also stated: "It is concerning that Doctors' clinics are cancelled with growing regularity and reported to be as a result of high levels of sick absence among the pool of Doctors. "Cancellation of clinics has a detrimental effect on the efficiency of health centre activity and can contribute to delays to medical assessments and treatment." Jim Farish, Deputy Chief Inspector of Prisons, said: "I can advise that a communication, signed by a number of prisoners held in HMP Edinburgh, was received by this office which highlighted concerns about healthcare provision within the establishment. We informed the SPS of the receipt of the petition, and have sought and received assurances that the matters raised are being appropriately addressed." An SPS spokesperson said the service was aware of the petition, but said healthcare is a matter for NHS Lothian. Professor Alex McMahon, Director of Strategic Planning/REAS and Prison Healthcare at the health board, said: "We have responded to prisoners at HMP Edinburgh and are taking their concerns seriously. An investigation is currently underway and we will look to take forward any identified actions or recommendations. We would like to reassure the prisoners concerned that we are committed to ensuring that our healthcare standards are met through high quality, equitable services for all."

The Right to Bear Arms… If You're White *Tom Bailey, Spiked Magazine*

In the weeks since the shooting of Philando Castile by a police officer in Minnesota, much attention has – rightfully – been focused on the treatment of black Americans by the police. Alongside Alton Sterling, who was killed by police in Louisiana the day before, and a long list of other slain black men, Castile's death has come to symbolise what many perceive as brutal, racist policing in the US. Less attention, however, has been paid to an important factor in the Castile case: the

fact that he was armed. According to reports, upon being stopped by the police, Castile gracefully informed the officer that he was carrying a licensed weapon. Following this, Castile reached for his ID and was shot by the officer. The officer claims that he told Castile not to reach for his ID, and that Castile's movement led him to think he was reaching for his weapon. Castile's girlfriend – who was present in the car – claims otherwise. The exact course of events is yet to be determined, and it may never be. But the killing of Castile does reveal how the right to bear arms – which is enshrined in the US Constitution – is often not a right enjoyed as freely by black Americans. Castile was exercising his right to own and carry a firearm – and yet he was killed by the state for exercising this right. He even informed the officer that he was carrying a weapon, something he was not legally required to do until asked under Minnesota state law.

Black gun ownership has long been a contentious issue in the US. Some of the earliest forms of gun-control legislation were designed to keep guns out of the hands of recently freed black Americans following the end of slavery. States in the defeated South enacted the so-called Black Codes, restricting, among other rights, the right to bear arms. Later, in the 1960s, the Black Panther Party sparked panic among lawmakers by staging armed patrols of black neighbourhoods, making use of their right openly to carry guns in California. Today, black Americans nominally have the same right as every other US citizen to own guns (although those rights vary state to state). But, as the shooting of Castile shows, their rights are not equally respected. Castile is not the only notable case here. In 2014, 12-year-old Tamir Rice was shot dead by police in Cleveland, Ohio. Rice was carrying a toy gun in a play park when police opened fire and killed him, assuming he was both a fully grown man and carrying a real firearm. Much of the discussion of Rice's killing focused on how the police could have responded differently, without killing the child. What was missed was that there was little reason the police should have responded in this way, even if they did assume Rice was an adult; Ohio is an 'open carry' state. Ownership of legal firearms is now on the rise among black Americans. According to surveys, the percentage of black Americans who legally own guns rose from 15 per cent in 2013 to 19 per cent in 2014. Their right to own and carry guns on the same basis as every other US citizen must be defended. The shooting of black Americans purely for exercising their legal rights should concern us all.

Bad Tests, Wrongful Convictions and Justice Denied *Editorial Board, The Platform*

Police in many states, including Missouri, increasingly are using mobile drug tests to perform spot checks during traffic stops. The kits can produce the wrong result in as many as one out of three instances. Americans of all racial and income backgrounds should shudder at the injustices dealt to law-abiding citizens. Thousands of people may have gone to jail as a result of wrong test results. Arrest and conviction records follow them for the rest of their lives. Yet police officers continue to use the kits. The New York Times and ProPublica recently reported on the extraordinary rate of "false positives" returned by test kits marketed to police under brand names such as Serchie Nark II. Different kits test for cocaine, marijuana, opioids or methamphetamine.

When a chemical mixture turns a certain color during the test, it signals to police officers that an illegal drug could be present. But the test used for cocaine also can return the same positive color for 80 other compounds, including acne medications and several types of household cleaners. The high rate of false positives offers more than ample reason to question their continued use. Manufacturers like Serchie now warn that the results should be treated only as preliminary, and more thorough lab tests are required.

The case of Amy Albritton offers a stark example of how quickly such tests can ruin a life.

She and a friend were driving to Houston from her home in Louisiana in 2010 when an officer pulled her car over. He asked permission to search her car and came up with a single, white crumb from the floor. His test kit returned the positive color for cocaine. Thus began Albritton's nightmare of arrest and negotiations with a prosecutor while she insisted she had not possessed illegal drugs. The result was a plea bargain that left a felony conviction on her record, discoverable whenever she applied for a job or to rent an apartment. The test was wrong. The crumb, a subsequent test proved, was just a dried-up bit of food. Years later, the Harris County district attorney's office admitted the error, but it came far too late for her to recover her shattered life — lost job, lost apartment, a custody battle for her child. In Houston, 59 percent of those wrongfully convicted because of faulty test kits were black, even though they constitute only 24 percent of the population. It usually requires money and lawyers to get false convictions expunged, and that's where these injustices reap their biggest toll. The presumption of innocence forms the basis of our judicial system. A highly flawed commercial field testing system must never be allowed to short-circuit the rights of law-abiding citizens.

Police and Prosecutors Criticised After Firefighter Wrongly Convicted Of Sex Attacks

Robert Mendick, Telegraph: A retired fire chief falsely accused of sexually abusing a boy 40 years ago has had his conviction overturned after it emerged his accuser was a fantasist and serial liar. David Bryant, 66, who had received commendations for bravery, spent almost three years behind bars for a crime he did not commit, solely on the evidence of a man with a history of mental illness. Mr Bryant, who was station commander in Christchurch in Dorset, said the case against him should never have been brought and accused the police and Crown Prosecution Service of gross failings that led to him being jailed. Mr Bryant also called for an urgent review of how historic sex abuse cases are investigated having suffered a "living hell".

This was a case that should never have been brought, which has caused so much pain and hurt to me and my wife and our familyDavid Bryant Mr Bryant's wife Lynn, who stood by him throughout, let out a cheer then sobbed with joy after the Court of Appeal quashed his conviction. Lord Justice Leveson told Mr Bryant: "You are free to go. I am very sorry, Mr Bryant." The Court of Appeal heard that his accuser Danny Day, now aged 53, had gone to police in 2012 claiming he had been raped by Mr Bryant and another firefighter, who is now dead, at the fire station in Christchurch on a single unspecified date some time between 1976 and 1978. Mr Day said he was aged about 14 at the time of the alleged attack. Mr Bryant, who the court heard was of 'impeccable character' and had no previous criminal record, was convicted in 2013. He was sentenced initially to six years in jail which was later increased to eight-and-a-half years. Mr Day, who waived his right to anonymity in a series of newspaper interviews after the conviction, was finally exposed as a liar after detective work by Mrs Bryant and a team of lawyers and private investigators, who worked on the case for free. Mr Day had claimed to be a boxing champion with a record better than Muhammad Ali, who had given up his place on the British boxing team at the Los Angeles Olympics in 1984 because of the trauma of the sexual assault. The claim was a complete fabrication.

Mr Justice Singh, hearing the case with Lord Justice Leveson and one other senior judge, said that other fresh material before the court included information that "over a period from 2000 to 2010 the complainant in this case had to seek medical attention from his GP in relation to what can only be described as his being a chronic liar". The evidence - as well as other false claims - were never put to the jury at the original trial. Mr Justice Singh told the court: "We regret that these matters did not come to light earlier and that the appellant, a man of good character, has suffered the consequences that he has."

A jubilant Mr Bryant said after the hearing: "After over two years jailed for a crime I did not commit, today I am a free man. This was a case that should never have been brought, which has caused so much pain and hurt to me and my wife and our family. Danny Day is a fantasist and a liar and it is his actions and the failure of the police and the CPS that led to me, an innocent man, being wrongly jailed in a gross miscarriage of justice." Mr Bryant, who was released from jail on Friday afternoon 15/07/2016 ahead of yesterday's 19/07/2016hearing added: "The toll it has taken upon me and my family has been terrible, but we never gave up fighting for justice and refused to be beaten by lies. We refused to be broken by this injustice which robbed me of my liberty and destroyed my reputation. While today is a victory and I am once again free, there are serious questions about how allegations of historic sexual abuse are investigated and dealt with. What happened to me must never be allowed to happen again. Being wrongly imprisoned as an innocent man is a living hell and something I wouldn't wish upon my worst enemy."

Mr Day, from Bromley in Kent, had gone to the police in October 2012, an hour or so after posting a letter through Mr Bryant's door telling him he would "pay" for what he had done. He told the crown court he had been "motivated to come forward in the aftermath of the Jimmy Savile affair". After Mr Bryant's conviction, Mr Day launched civil proceedings against Mr Bryant and against Dorset County Council, which ran the fire service. In the civil proceedings he claimed aggravated damages because he said the assault had ruined his chances of appearing at the Olympics in 1984.

The case raises serious questions about the conduct of historic sex abuse inquiries. Critics accuse police of being too ready to believe complainants in the wake of the failure to prosecute Jimmy Savile, the BBC presenter and Britain's most prolific paedophile, while he was alive. A Metropolitan police investigation into allegations of murder and rape by VIPs led to Lord Bramall, the former head of the army, and other dignitaries being falsely accused of sex abuse crimes and their reputations wrongly traduced. A CPS spokeswoman said: "The CPS reviewed the available evidence at the time in this case and decided it was sufficient and was in the public interest to prosecute. However, new evidence recently came to light about the credibility of a key witness which fatally undermined the prosecution case. Based on this new evidence, we did not seek to oppose the appeal."

Protester, 91, Goes to European Court Over Secret Police Files

Rob Evans, Guardian: A 91-year-old whose political activities were covertly recorded by police has won the right to take his legal case to the European court of human rights. John Catt, who has no criminal record, has fought a six-year battle to force the police to delete their surveillance records of his activities at 66 peace and human rights protests. The police had noted descriptions of his appearance and clothes at the demonstrations and how he liked to draw sketches of the protests. The case in front of the European court could help to determine how much information police are permitted to record on law-abiding individuals taking part in protests. Judges in the court said one of the key questions they would consider is whether the retention of the records was legal and necessary in a democratic society. Police have been criticised for keeping intelligence files on the political activities of thousands of campaigners, including Green

parliamentarians Caroline Lucas and Jenny Jones, and journalists. The police's intelligence unit tasked with catching so-called "domestic extremists" says it needs to track large numbers of protesters in case they commit crimes to achieve their political goals.

Catt, a war veteran who has been involved in the peace movement since 1948, lost his legal battle at the supreme court in 2015 after winning in the court of appeal. On Monday, Catt said: "Denied justice in Britain, I am now taking my fight to Europe in the hope that if successful, the case will set a benchmark in regulating what information the state is legally entitled to collect and retain about lawful protesters, and where unlawfully retained, it should be destroyed. "I believe that this is a case about the democratic right to protest free from fear of unwarranted police surveillance, retention of data and endlessly being shadowed." In 2010, Catt used the Data Protection Act to obtain documents from the secretive police unit. The documents showed how police had recorded that he "sat on a folding chair … and appeared to be sketching" at one demonstration. Another entry logged that at another demonstration, "he was using his drawing pad to sketch a picture of the protest and police presence".

An outline of the case drawn up by the European court of human rights records that the police held 66 entries on Catt between 2005 and 2009, mainly relating to his presence at demonstrations against an arms factory in Brighton. They also included his attendance at a demonstration outside the Labour party conference in 2007. The supreme court ruled that the police had lawfully kept the records on Catt. One of the judges, Lord Sumption, said Catt regularly took part in demonstrations against the Brighton arms factory, owned by the manufacturer EDO MBM, which police had said were "amongst the most violent in the UK". Sumption accepted that Catt – "for whom violent criminality must be a very remote prospect indeed" – only took part in peaceful protest. He added, however, that police needed to assemble a jigsaw of information to prevent and detect crime associated with the demonstrations.

A group of journalists is also taking legal action against the police after discovering that the "domestic extremism" unit had recorded its professional activities on a database. The group, whose case is supported by the National Union of Journalists, said it was challenging a decision by the police to refuse to disclose the most up-to-date parts of the files to them during the legal action. Shamik Dutta, of the law firm Bhatt Murphy, who is representing Catt and the journalists, said: "John Catt looks forward to the European court making its decision as a matter of urgency. In the meantime, parliament must recognise – and address – the chilling effect unwarranted surveillance is having on freedom to protest and investigative journalism in the UK." The "domestic extremism" unit has changed its name a number of times in the last five years since controversy over the undercover infiltration of political groups erupted following the exposure of police spy Mark Kennedy.

Man Faces Prison After Allegedly Trying to Deposit 10,000 Bottles in Michigan

In a memorable episode of Seinfeld, two characters hatch a plot: instead of returning bottles in New York for a 5-cent refund, round up a load of containers and run them to Michigan, where the return is double, at 10 cents each. In reality, the ploy – returning bottles purchased outside of Michigan to capitalize on the refund – is illegal under the state's bottle deposit law. And a Michigan resident is finding out just how steep the penalties could be. Brian Everidge, who is accused of attempting to "return" more than 10,000 bottles from other states, faces up to five years in prison for one felony count of beverage return of non-refundable bottles. The incident dates to late April, when a Michigan state trooper pulled over Everidge – who was driving a rented Budget box truck in Tyrone Township, Michigan, about 40 miles north-west of Detroit – for speeding.

Statement from Republican Prisoners Roe 4 Maghaberry 26/07/16

Over recent weeks Republican Prisoners have noted increasing repression towards Republican Prisoners by the Jail Administration. During this time we have also witnessed the appointment of another Unionist Stormont Justice Minister, with DUP fundamentalists obtaining key positions also on the Justice Committee. Similarly, we have witnessed the appointment of a British Secretary of State with a background in security under a Thatcher style British Prime Minister. It is against this backdrop that a new panel is being established under the Fresh Start Agreement to review the operation of the Republican Wing.

We have sufficient experience of the British State and its puppets to know that such a panel would provide a convenient cover for those seeking to continue, and indeed intensify, the oppression of Republican Prisoners and also to provide cover for those seeking to push for an end to political segregation. We would therefore like to make clear that any retrograde or regressive manoeuvres undertaken, under the cover of this panel, will be met with resistance of the utmost intensity by Republican Prisoners.

Irish women and men have a proud history of resistance in sites of British captivity those who believe that Republican Prisoners in Maghaberry differ in this regard today will find themselves sadly mistaken. We do not need to peddle rhetoric to emphasis this point, we are simply making it clear that there are no conceivable lengths to which we will not go to defend our integrity as Republican Political Prisoners.

PSNI Officers Face False Statements Trial

Three police officers are to stand trial accused of perverting the course of justice by giving false statements in the course of an investigation. Two of the officers are also accused of assault. All three are accused of perverting the course of justice by giving a false statement about an incident outside a bar on 16 March 2013. Two are further accused of assaulting a male on the same date. The officers are Gareth Rankin, Amanda McIvor and John Law, whose addresses were listed as the PSNI station in Magherafelt. During committal proceedings at Magherafelt Magistrates Court a judge supported a prosecution submission that there is a case to answer against all three officers. They were remanded on £500 bail each and ordered to appear for arraignment at Londonderry Crown Court sitting on 13 September.

HMP Swaleside – Not a Safe Prison

46 Recommendations (highest on record of all previous prison inspections) from the last inspection had not been achieved and 8 only partly achieved. Swaleside is a category B training prison on the Isle of Sheppey in Kent. At the time of this inspection it held just over 1,100 adult men, all serving long determinate or indeterminate sentences. Its catchment area is mainly London and the South East but as a national resource it also held men from across England and Wales. At the last inspection in Spring 2014, we reported that significant staffing shortages were having a negative impact on outcomes for prisoners, and we deemed safety, purposeful activity and resettlement to be not sufficiently good. In many respects, outcomes at this inspection have further deteriorated in all four of our healthy prison tests, with safety in particular being of concern. To put it bluntly, the only sensible conclusion we could reach, on the basis of the very clear evidence before us, was that at the time of the inspection Swaleside was not a safe prison.

It is important to understand some of the context for this. Swaleside had been a struggling prison for some time, and the population had become more challenging, with a much high-

er proportion of category B prisoners, often relatively young men early in their sentence and still pushing boundaries. This change in the demographic had happened very recently, and it was relevant that nearly half of the men held had been at the prison for less than 12 months. Meanwhile, many staff had become demotivated and overwhelmed and too many of them were temporary or inexperienced. Moreover, there was the all too familiar story of a lack of consistency in the leadership of the prison. There had been four governors in the past five years, which we were told had contributed to what we perceived as a sense of drift and decline. I would urge readers to study the details of this report to understand fully the depth and breadth of failings that have contributed to this poor inspection report. Some issues are so stark as to warrant specific mention in these introductory remarks.

Levels of violence were far too high and many incidents were serious. This was reflected in our survey, where 69% of prisoners said they had felt unsafe at some time while at Swaleside, a result which was significantly higher than at similar prisons. The use of force was high, and the documentation associated with its use and justification was totally inadequate. Again in our survey, 52% of men said it was easy or very easy to get drugs at the prison, and 45% said the same about alcohol. The diversion of prescribed medications was worrying, and in-possession arrangements required prompt attention. Some good work had started to address these challenges, but it was disappointing to report that management of disciplinary processes was inadequate and the segregation unit was filthy and poor in all respects.

On a more positive note, men valued the fact that they had a single cell, and also the opportunity to cook their own food in wing kitchens. But many areas in the prison were dirty, and prisoners faced a number of challenges and delays in obtaining the basics of daily life. Just as at the previous inspection, there was still a significant shortfall of some 200 available activity places to enable prisoners to be fully occupied. This was particularly unacceptable in a training prison so it was encouraging to see credible and funded plans were in place to close this gap and to improve both the range and quality of the work available at the prison. We also found good practice in the excellent use of prisoner mentors across the prison and in the Inside Out initiative. The Open Academy was an innovative approach to supporting men involved in distance learning. Some good work had been done to develop support in maintaining contact with families and friends, and the prison continued to offer a good and appropriate range of offending behaviour programmes and an excellent PIPE (psychologically informed planned environment) which formed part of the national pathway to treat prisoners with personality disorder. However, much offender management work was inadequate in its key aims of supporting men to reduce their risk, and providing men serving very long sentences with a sense of progression and hope. Inspectors made 50 recommendations.

Gross Failures Amounting To Neglect Contributed To Inmate's 'Fire Trap' Death

Following three weeks of evidence a Jury concluded that a catastrophic series of failures, amounting to neglect, contributed to the death of a vulnerable 30 year old prisoner. Robert Majchrzak died from smoke inhalation on 6 August 2013 at HMP Wealstun, having set a fire in his cell. The Jury, who heard during the course of the Inquest that Robert suffered with mental health problems and learning difficulties, concluded that he had died as a result of unintended consequences of his deliberate act contributed to by neglect by the prison. No less than seven 'gross failures' were identified. In the weeks leading up to his death both staff and inmates located on C wing noted that Robert's mental health appeared to have significantly deteriorated

and he was increasingly paranoid. The Jury also heard evidence that a prison 'listener' had been called to give support to Robert on 30 July 2013 and that following this appointment the listener had made Robert's suicidal ideation known to a prison officer. However, no suicide or self harm protective measures were put in place. The officer in question admitted that she should have begun this process to try and help safeguard Robert from harm. This omission was accepted by the Prison Service as a gross failure that contributed to Robert's death.

It was noted by a prison officer on 4 August 2013, just two days before the fatal fire, that Robert was 'increasingly paranoid and erratic.' The following day, on 5 August, Robert was sent back from the prison workshop to his cell early due to his distress. The Jury concluded that either on Robert's discussion with workshop staff or upon his return to the wing suicide/self harm protective measures should have been put in place and an ACCT document opened. The Jury found that this too was a gross failure that contributed to Robert's death.

The Jury heard that on the night of 5 August and the early hours of 6 August inmates on C wing smelt a strange, burning smell. This smell was also noted by the two Prison Officers on night duty. Sean Horstead, counsel for the family, established that neither officer had been patrolling the wing correctly and that they had therefore not walked on the second floor landing where Robert's cell was located during their hourly checks, even as part of their cursory search for the source of the burning smell. One of the Prison Officers on duty on the night of Robert's death admitted in his evidence that he had continued his practice not to patrol each landing on night duty up to a month before the inquest. Robert was not found until the day staff came on shift the following morning but by that stage he was past medical help and was pronounced dead by paramedics who were called to attend the scene.

Despite the significant amounts of smoke produced by the fire in Robert's cell, no fire alarm sounded on the night of his death. The Jury heard evidence that one smoke detector was shared between six cells on three levels and that the detector was located in the roof level ductwork. The air from the cells passed through to that space through a vent in each cell. The Jury heard that the ventilation grille in Robert's cell was obstructed due to being painted over but that even if it had not been, the system would still not have provided sufficient early warning in order to save Robert's life. The fire safety advisor to the governor at HMP Wealstun at the time of Robert's death stated in his evidence that he had not been aware of the problems with the in-cell fire detection on C wing (and in other parts of the prison) until July 2012. He admitted he had not been aware of information updates circulated nearly a decade before, as early as 2003, by the National Offender Management Service (NOMS) advising of the inadequacies of these systems. NOMS and the Ministry of Justice (MOJ) had directed prisons not to rely solely on these systems for the purposes of protection of life effectively confirming that they were not fit for purpose. Plans were made by HMP Wealstun to upgrade the fire detection systems but in spite of the known risks, absolutely no interim measures were put in place to protect the lives of the inmates before these works began. Just four days before Robert's death the Crown Premises Fire Inspection Group wrote to the Governor following an inspection confirming that the prison still lacked effective interim measures to mitigate the absence of an in cell fire detection system. This last notice too was effectively ignored.

Part way through the Inquest those representing the Prison Service made admissions that the cell occupied by Robert at the time of his death did not have effective protective measures to protect life in the event of a fire. No interim measures were put in place in the period leading up to Robert's death and in particular there was no adequate system of maintenance of the grilles in

the cells. Prison officers were not adequately patrolling the wings at night and there had been no training to make explicit the need to walk down each landing on the wings as part of all patrols. At the conclusion of the inquest, having heard representations from the family's barrister Sean Horstead, Assistant Coroner John Hobson indicated that in addition to considering making a range of recommendations under his Regulation 28 Prevention of Future Death powers, he would be writing to West Yorkshire Constabulary to urge a full review of the evidence heard at the inquest in relation to potential breaches of the Regulatory Reform (Fire Safety) Order 2005.

Zbigniew Majchrzak BEM, Robert's uncle, speaking for the family said: "It has been a challenging 3 years since Robert's death to obtain disclosure of the facts surrounding fire & safety issues from the Prison Service. We feel that if we had not asked the questions and pushed for answers about the circumstances surrounding Robert's death that the significant failures highlighted during the inquest would never have been made public. Some key documents relating to fire safety within the prison were disclosed just before the inquest began, others were introduced during the inquest. This evidence had a significant bearing on the outcome of the inquest and in our view, we, as a family should have been made aware of these failings much earlier. Now that these gross failures have been highlighted the family can now hopefully find some closure."

Rebecca Treece, solicitor representing Robert's family said: "The Jury at this inquest found that a catalogue of gross failures by the Prison Service contributed to Robert Majchrzak's death. The inquest highlighted the fact that, at the time of Robert's death, inmates at HMP Wealstun were being locked in cells at night that were referred to by the Coroner at the conclusion of the inquest as 'fire traps. Robert was a vulnerable young man who fell victim to inadequate systems and slack practices within the prison. His family are keen to see evidence of improvements that have been made in relation to each of the failures identified by the Jury during the course of this inquest."

Deborah Coles, Director of INQUEST said: "This inquest has demonstrated an alarming disregard for prisoner safety from HMP Wealstun. For a prison to be aware that their fire alarm system was ineffective for almost a decade and yet do nothing to repair it is shocking. Equally worrying is that prison officers failed to undertake required night patrols of all landings even though a burning smell was detected, risking the health and safety of prisoners. In addition, Robert was a vulnerable prisoner whose mental health needs were not appropriately provided for. This is the case for a large proportion of the prison population. The government must act to divert more people with mental health problems from custody and for those who need to be imprisoned ensure that the necessary support and safe systems are in place."

INQUEST has worked with the family of Robert Majchrzak since 2015. Family represented by Sean Horstead of Garden Court Chambers instructed by Rebecca Treece from Lester Morrill Solicitors.

Counter-Extremism Bill – Counter-Productive? *UK Human Roghts Blog*

In a new report on the much-delayed Counter-Extremism Bill, the Joint Committee on Human Rights (JCHR) has concluded that the proposed legislation is confusing, unnecessary, and likely to be counter-productive. Though first announced by the Government in the Queen's Speech in May 2015, the Bill itself has yet to appear. The JCHR report is a result of what was in effect a pre-legislative scrutiny inquiry into the Government's proposals, due to the Committee's concerns that it would be likely to raise significant human rights concerns, specifically where Articles 9 (freedom of religion), 10 (freedom of expression) and 11 (freedom of association) are concerned. Five key problems which the report has identified are:

• No clear definition of extremism – The Counter-Extremism Strategy, launched in

October 2015 (previously covered here) defines extremism as the "vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of those of different faiths and beliefs". This is currently too vague to be workable as a legislative definition. There is neither a consensus on the meaning of "extremism" nor "British values". The extent to which a lack of mutual respect and tolerance towards different faiths and beliefs will be unlawful is likely to be particularly contentious.

• Discrimination and religious freedom – The difficulty here is twofold. Measures which impact on those expressing religious conservatism would either operate indiscriminately against any religious conservatism which had no intention of inciting violence (including, for example, Islam, Orthodox Judaism, Evangelical Christianity), or would operate discriminately, specifically targeting Muslims and alienating the Muslim community.

• The "escalator" approach – In trying to tackle extremism by placing restrictions on religious conservatism, the Government has wrongly assumed that violent jihadism necessarily follows from religious conservatism. Yet there is no proof that the two are correlated. The focus should rather be on extremism which leads to violence. Placing restrictions on religious conservatism amounts to suppressing views with which the Government disagree.

• Conflicting duties on universities – Universities are under a duty to promote free speech under Section 202 of the Education Reform Act 1988, which provides that University Commissioners have a duty to ensure that academic staff have "freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions." It is unclear how "controversial or unpopular opinions" will be differentiated from "vocal or active opposition to our fundamental values", and therefore what will count as extremism.

• The civil order regime – in the Queen's speech in May 2016, a "new civil order regime" was mentioned, though with little detail. There is concern that ill-defined civil orders, breach of which would be a criminal offence, should not be used by the Government to avoid having to make a criminal case to a higher standard of proof, especially where a proper definition of the prohibited behaviour is lacking. It is likely that these orders may interfere with freedom of religion, expression and association.

The Committee concluded that the Government should not legislate, least of all in areas which impinge on human rights, unless there is a clear gap in the existing legal framework for terrorism and public order offences. In their view, the Government has not been able to demonstrate that such a gap exists, and there is a danger that any new legislation would be counter-productive.

Number Of People Dying After Coming Into Contact With Police Rises Sharply To 200

A report released by the Independent Police Complaints Commission reveals the number of deaths has risen 63 per cent in the last five years – with a spike of 37 per cent in the last year alone. The number of people shot in 2015/16 was the second highest figure recorded since 2004/5. During 2015/16, fourteen people died in or following police custody in the space of a year, and there were three fatal shootings by officers. Six of the 14 had some force used against them, including one knee strike, two physical restraints and three physical and leg restraints, but this did not necessarily contribute to their deaths. Seven of those who died in or after custody had mental health issues, while 12 used drugs or alcohol. Figures also showed there were also 60 apparent suicides after custody, the fourth highest level since 2004/5, 22 of whom had been arrested for alleged sex crimes including 17 accused of abusing children. Thirty-three of those who apparently took their own life had known mental health concerns, and 28 were either on drugs or alcohol, or it "featured heavily in their lifestyle".

Dame Anne Owers, chair of the IPCC, said: "These figures show the range and scale of the vulnerabilities that underlie the majority of deaths during or after police contact, and the strong link with mental illness. The police need to be able to identify these vulnerabilities and risks, in order to manage them. There have been considerable improvements in the custody environment, reflected in the statistics, but there is further to go, particularly in assessing and managing risk and ensuring that information is passed on within the police service and to other agencies. Forces do not always have a clear and consistent understanding of vulnerability and how to manage it.

However, the responsibility does not just lie with the police service. Time and again, the police deal with people whose needs and risks have not been picked up or managed in the community. It is welcome that the use of police custody under the Mental Health Act has dropped considerably and the Policing and Crime Bill is set to ban this practice for children and make it exceptional for adults. That will require a significant increase in appropriate and available alternative provision."

Deborah Coles, director of the charity Inquest which provides advice on deaths in custody and detention, said: "Year on year the vulnerabilities of those who die in or following police custody are recognised. The fact is that too many vulnerable people with mental health, drug and alcohol problems experience poor treatment at the hands of the police, are much more likely to be restrained by the police and to die in police custody.

The police are increasingly being called to respond to concerns about the health and well-being of vulnerable people. This highlights the urgent need for an alternative approach to those in crisis. This needs a health and welfare response which requires the proper resourcing of national healthcare provision and alternatives to custody What is essential is that these deaths are subjected to robust and transparent investigation. Too many deaths reveal the same systemic or individual failings and the failure to act on recommendations made to prevent further deaths."

How the Elite Weaponised Immigration Tim Black, columnist for 'Spiked'

Freedom of movement ought to be one of the cornerstones of an open, liberal society. The freedom, that is, not just to seek refuge, but to search for a better life elsewhere, to pursue one's dreams and ambitions in territories far from one's birthplace. Yet if the commitment to free movement is to be more than a shallow, feelgood posture, we need to recognise, in the here and now of a 21st-century Britain, that immigration troubles and discomfits people. Indeed, it appears as a socially disorienting force, overturning the everyday rituals, customs and other unspoken components that make up a community's way of life. 'I feel we are losing our country', ran the pre-referendum refrain.

So why does immigration appear as a profound threat to the way of life of so many? The answer is to be found not in immigration itself, but in the context in which immigration has assumed, almost inadvertently, a quasi-missionary role – the context, that is, of a Britain that no longer knows what it is, or what it is for. This is not the cry of the everyman, who feels he is losing his cultural moorings; it is principally the angst of Britain's ruling elite, which feels it has already lost its cultural moorings. The historical sources of British national identity – Empire, Unionism and, latterly, the Second World War and the Cold War – and the moral confidence that flowed from them, have long since dried up. National traditions, canons, values are now experienced by Britain's elite not as the substance of Britishness, but as dead weights around modern Britain's neck – to be cast off, dumped. And the political elite's wilful estrangement from its own traditions has transformed the role of immigration, and, crucially, diminished the significance and meaning of national borders.

Consider the idea of the border at its most abstract. As Frank Furedi has explained, the creation of a border is born in the act of judgement, the desire and need not just to demarcate, but also to discriminate, be it between good and evil, or between humans and animals. In territorial terms, therefore, the border is the means by which a community discriminates between us and them, the means by which it judges what it is, and what it is not. The border is not just a line on a map; it is an expression of a community's sense of itself, of what – and where – it is. But what if a community's sense of itself is fragmenting? What if its rulers no longer have a clear sense of what their nation means, or what it stands for? What then? A nation's borders really do start to appear, not as the outlines of a community's self-expression, the domain of its sovereignty, but as little more than lines on a map, arbitrary boundaries demarcating long obsolete cultural differences. For a nation whose rulers lack a sense of what that nation stands for, borders really do appear meaningless.

And here's why immigration has become a problem. Our post-traditional, postmodern rulers, have simultaneously devalued borders and valorised immigration. And, in doing so, they have weaponised it. They have turned immigration into the means by which they transform society, bring it into line with their borderless, vacuously cosmopolitan vision. The immigrant here is not an autonomous individual, an end in himself. He is a means to an end, a political tool to create a multicultural, margin-less society. This was the semi-conscious purpose of New Labour's immigration policy between 1997 and 2010, a period during which annual net migration quadrupled from 48,000 people in 1997 to 198,000 by 2009. As Labour speechwriter Andrew Neather infamously put it in 2009, 'mass immigration was the way that the government was going to make the UK truly multicultural'. In 2012, UN migration chief Peter Sutherland went so far as to pay tribute to the UK's immigration policy, on the grounds it furthered 'the development of multicultural states', and undermined the 'homogeneity… of the people who inhabit them'.

There is a twofold problem here. First, diversity itself is a fact, not a value. People are different. Big deal. To try to turn it into a societal value is really an after-the-fact rationalisation of a society that can no longer generate a coherent sense of what it values, a society that lacks the ability to integrate incomers because there is nothing to be integrated into. And second, the attempt to turn diversity into a value, and, in the process, turn migrants into the agents of the brave, new multicultural world, is experienced by Britain's indigenous population, especially the white working class, as a cultural assault, an attack on their very identities. That's why those who claim Britain's working class voted to leave the EU because they blame immigrants for taking their jobs miss the point. Immigration is experienced not just as an economic threat; it is also experienced as a threat to people's very way of life.

The political elite is not blind. Its members know that we don't actually live in a borderless world. They know, as one Labour MP noted, that the working class 'feel their cultural identity is under threat'; and they recognise, therefore, that a sense of what the nation is, a sense of what binds us together, remains important. But whether it's a Britain Day, or a call to teach British values, policymakers' proposals to that end are weak and platitudinous. They dress up diversity as a value, multiculturalism as a virtue. And, unsurprisingly, it is to no avail.

A community's often unspoken self-identity, its deep sense of moral consensus, can't be invented in Downing Street or Whitehall. If it is to have any resonance, it has to come from the bottom up, not the top down. And that's why immigration is experienced by so many as a problem: it has become a top-down means to engineer a new post-traditional, post-national, postmodern society. But it's still possible to defend free movement. To do so, we need to de-weaponise it. We need to present the migrant not as an elite project, a means to a multicultural utopia, but as someone pursuing his own ends, an autonomous individual with ambitions and aspirations just like ours.

Ban On Prisoners' Voting Rights In Bulgaria Was Disproportionate

In Chamber judgment! in the case of Kulinski and Sabev v. Bulgaria (application no. 63849/09) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 3 of Protocol No. 1 (right to free elections) of the European Convention on Human Rights, and no violation of Article 13 (right to an effective remedy). The case concerned the constitutional ban on prisoners' voting rights in Bulgaria. The Court confirmed its finding in its earlier case-law that a general, automatic and indiscriminate restriction of the right to vote for prisoners was disproportionate to any legitimate aim pursued.

Principal Facts: The applicants, Krum Kulinski and Asen Sabev, are Bulgarian nationals who were born in 1970 and 1977 respectively. Convicted of hooliganism, Mr Kulinski served his sentence between 6 November 2008 and 30 December 2009, when he was released. Convicted of robbery and murder in 2003, Mr Sabev is currently serving a life sentence, with the possibility of commutation. While both applicants were serving their sentences, elections to the European Parliament and to the Bulgarian Parliament took place in June and July 2009 respectively. In accordance with the relevant legislation, which did not allow sentenced prisoners to vote, no polling station was set up in the prison where the applicants were held. Subsequently, Mr Sabev was not allowed to vote in the elections to the Bulgarian Parliament in May 2013 and October 2014, nor in the European Parliament election in May 2014.

Both applicants complained that their disenfranchisement on the ground that they were convicted prisoners violated their rights under Article 3 of Protocol No.1 (right to free elections). Relying on Article 13 (right to an effective remedy) taken in conjunction with Article 3 of Protocol No.1, they also complained that that they did not have effective domestic remedies in respect of their complaint under Article 3 of Protocol No. l. The application was lodged with the European Court of Human Rights on 30 November 2009.

Decision of the Court Article 3 of Protocol No.1. The Court emphasised that Article 3 of Protocol no. 1 was to be read as comprising individual subjective rights of participation - the "right to vote" and the "right to stand for election to the legislature". The applicants' deprivation of the right to vote in the elections to the European Parliament and to the Bulgarian Parliament had constituted an interference with their right under Article 3 of Protocol No. 1. The Court accepted the Government's argument that the ban on voting for convicted prisoners was aimed at promoting the rule of law and enhancing civic responsibility, both of which were legitimate aims for the purposes of Article 3 of Protocol No. 1.

However, the Court came to the conclusion that the restriction was disproportionate to the aims pursued. There had accordingly been a violation of Article 3 of Protocol No. 1 in respect of both applicants as regards the elections which took place in 2009, and in respect of Mr Sabev as regards the elections which took place in 2013 and 2014. In arriving at that conclusion, the Court observed that the applicants had been deprived of the right to vote as a result of a blanket ban on voting which applied to all convicted persons who were in detention. That prohibition was unambiguous and categorical; it stemmed from the Bulgarian Constitution and was reproduced in several ordinary laws. The situation in the applicants' case was thus comparable to that examined by the Court in another case, Anchugov and Gladkov v. Russia, 2 where the Constitution imposed a blanket ban on voting on all convicted prisoners serving prison sentences, which the Court had found to be in breach of the Convention.

In the case of Scoppola v. Italy (n° 3),3 where the law provided for a prohibition on voting only in respect of persons sentenced to a prison term of three years or more, the Court had underlined

that the removal of the right to vote - not by a decision of a judge but in law - did not, in itself, give rise to a violation of Article 3 of Protocol No. 1. However, unlike in Scoppola (no.3), in the applicants' case the relevant legal provisions did not adjust the voting ban to the circumstances of the particular case, the gravity of the offence or the conduct of the offender. While States had a certain room for manoeuvre (limargin of appreciation") in respect of voting rights, a general, automatic and indiscriminate restriction of the right protected under Article 3 of Protocol No.1 was not acceptable.

Finally, the Court addressed, in particular, the Bulgarian Government's argument that prisoners regained their right to vote upon their release from prison. The Court observed that this did not change the fact that under the law in force at the time of the elections in question all convicted prisoners in Bulgaria, including the applicants, regardless of their individual circumstances, their conduct and the gravity of the offences committed, had been deprived of the right to vote.The Court found that there had been no violation of Article 13 in respect of the applicants' complaint under Article 3 of Protocol No. 1. It had already held in previous cases that Article 13 did not guarantee a remedy allowing a State's laws as such to be challenged before a national authority on the ground of being contrary to the Convention.

Just satisfaction (Article 41) The Court considered that the finding of a violation constituted sufficient just satisfaction in the case for any non-pecuniary damage sustained by the applicants. Court oreredt Bulgaria to pay the applicants 2,727 euros (EUR) in respect of costs and expenses.

'No Child in Cells' Campaign *Jon Robins, Justice Gap*

Islington Council is to review its practice of holding children in police cells overnight. Legal action has been brought on behalf of a vulnerable 14 year old boy kept overnight on multiple occasions since March this year because the London borough did not provide alternative accommodation for him. Under the Police and Criminal Evidence Act 1984 when a juvenile is detained at a police station, the police should move them to local authority accommodation unless it is 'impracticable' to do so. There is a corresponding obligation on local authorities to receive these children under the Children Act. The case is supported by the legal charity Just for Kids Law and is part of their 'No Child in Cells' campaign launched yesterday. Islington council has a poor record of accommodating children. According to a freedom of information request, the council received 94 requests from the Metrpolitan Police to provide a bed for a child being held at the police station – yet they did not accommodate a single one of these children. The Howard League for Penal Reform reported in 2011 that 40,000 children were detained over night at police stations.

In an article for LegalVoice, director of Just for Kids Law Shauneen Lambe writes: 'We are faced with a situation where thousands of children are being detained in police cells over night, despite the law clearly stating that they shouldn't be.' According to Lambe, police and local authorities 'point the finger at each other'. 'The local authorities say that they don't have any secure beds available,' she says. 'The police may insist that a secure bed is what's needed, as a child poses a risk to the public of serious harm. The local authority may say there is no risk, and a non-secure bed would be suitable, and so it goes on. While, the police and local authorities argue among themselves, it is the arrested children who suffer. No child should be locked up in a police cell simply because alternative accommodation isn't available,' said Louise King, director of the Children's Rights Alliance for England . According to their research in London alone nearly 8,000 children were detained in police cells overnight – including three 11 year old girls. 'Police, local authorities and politicians urgently need to work together to put an end to this,' she added.

The legal action, brought by the law firm Hodge Jones & Allen and human rights barristers Doughty Street, is supported by the Children's Commissioner for England, Anne Longfield. 'Custody suites are not designed to accommodate children….very few have facilities specifically for children; the environment is accordingly an intimidating one,' she wrote in a witness statement. 'Cell areas lack comfort and the provision of emotional support is almost entirely absent.' Islington council has promised to launch a review which (it says) 'will have the remit to investigate, learn from and make recommendations in relation not only to the facts of the present case but also in relation to any wider issues there may be in Islington'.

SSHD (Appellant) v Franco Vomero (Italy) (Respondent) – UKSC 2012/0226

The respondent, an Italian national, arrived in the UK in 1985. In 2002, he was convicted of manslaughter by reason of provocation, and sentenced to eight years' imprisonment. Following his release, the appellant ordered his deportation. The respondent appealed this decision to the Asylum and Immigration Tribunal on the basis that, as he had been resident in the United Kingdom for a continuous period of at least ten years, he could only be removed on "imperative ground of public security" pursuant to Reg.21(4) of the Immigration (European Economic Area) Regulations 2006, and that there were no such imperative grounds. This appeal considered whether the periods of time spent in prison have an effect on the concepts of lawful residence and/or residence in articles 7, 16, 17 and/or 28 of the Citizenship Directive; specifically whether these matters are acte claire or require further guidance from the Court of Justice of the European Union. - The Supreme Court refers several questions to the Court of Justice for determination.

Call for Your Ideas - Law Commission 13th Programme of Law Reform

To make sure our work is as relevant and informed as possible, the Law Commission consults widely when we draw up our programmes of law reform. To help us compile our 13th Programme, we are asking for suggestions from you about which areas of the law would benefit from reform. What are we asking from you? If you believe there is a problem in an area of law that would benefit from reform, please tell us about it using the questionnaire below. We will use the information you provide to assess whether there is potential for a law reform project. The information on this page will tell you what types of problem we are likely to investigate and how we will make the final selection for the Programme.

What types of problems will we investigate? Not all legal reform is suitable for the independent, non-political Law Commission. We can propose reform of laws or areas of law which are: causing substantial unfairness; widely discriminatory or disproportionately costly; or caused by laws or policies that are complex, hard to understand or have fallen out of step with modern standards.

How will we decide which projects to select? When we are considering an idea, we will ask: How important is reform: to what extent is the law unsatisfactory? What are the potential benefits of reform? Is the Law Commission the most suitable body to conduct the project? Are there necessary resources available for the reform project? Would the project require involvement from the Welsh Government and/or the Scottish or Northern Ireland Law Commissions?

Before we can include a project in our Programme, our Protocol with Government also requires us to have confirmation from the relevant Government Department that it has a "serious intention" to take forward law reform. Please send us your ideas by Monday 31 October 2016 to programme@lawcommission.gsi.gov.uk .

Justice Committee Launches Inquiry Into Prison Reform

The Committee welcomes the announcements in the May 2016 Queen's Speech that prison reform would be the centrepiece of the Government's agenda. On the assumption that, as indicated by the new Secretary of State for Justice, Rt Hon Elizabeth Truss MP, there will be no substantial change to the ambitious programme of reforms to prisons already announced—including the £1.3bn estate modernisation programme, the creation of reform prisons to give prison governors greater autonomy, and the implementation of Dame Sally Coates' education review the Committee now launches an inquiry on Prison Reform. At this stage, as details of the reforms are still emerging, we pose high-level questions in our inquiry's terms of reference. In doing so we wish to seek overall views initially which will be followed up in greater detail with a series of sub-inquiries following the publication of the White Paper expected in October 2016.

Terms of reference: 1. What should be the purpose(s) of prisons? How should i) the prison estate modernisation programme and ii) reform prisons proposals best fit these purposes and deal most appropriately with those held? What should be the roles, responsibilities and accountabilities of i) prison staff ii) prison governors iii) National Offender Management Service iv) Ministry of Justice officials and Ministers and v) other agencies and departments in creating a modern and effective prison system? 2. What are the key opportunities and challenges of the central components of prison reform so far announced by the Government, and their development and implementation? 3. What can be learnt from existing or past commissioning and procurement arrangements for i) private sector prisons and ii) ancillary prison services which have been outsourced? 4. What principles should be followed in constructing measures of performance for prisons? 5. What can be learnt from i) other fields, notably health and education and ii) other jurisdictions about the creation of prison trusts or foundations and related performance measures? 6. Are existing mechanisms for regulation and independent scrutiny of prisons fit for purpose? 7. What are the implications for prison reform of i) the Transforming Rehabilitation programme and ii) devolution of criminal justice budgets now and in the future?

The Committee is conscious that this inquiry covers a wide range of matters and will be grateful for submissions in response to any or all of the initial terms of reference to be made by 30 September 2016. The Committee's current plans are to conduct a series of sub-inquiries into discrete aspects of prison reform as the Government's programme develops, and further calls for evidence which will provide an opportunity for more detailed comment will be issued as appropriate.

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.