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Innocents Lost: Remembering the Wrongfully Condemned Who Died in 2015

Three death-row exonerees, including two who became symbols of the risks of wrongful capital convictions, died in 2015. David Keaton the first man exonerated from death row in the modern era of the death penalty, died on July 3 at the age of 63. A teenaged Keaton was sentenced to death in Florida in 1971 for the murder of an off-duty police officer. His conviction was based upon a coerced confession and erroneous eyewitness testimony. Keaton was exonerated in 1973 when new evidence revealed the actual perpetrator. Glenn Ford who was exonerated in 2014 after spending nearly 30 years on Louisiana's death row, died of lung cancer on June 29 at age 65. Ford was tried before an all-white jury, represented by appointed counsel who had never handled a criminal case. He was convicted despite the absence of any evidence linking him to the murder weapon, when prosecutors failed to disclose that confidential informants had identified two other men as the murderers. They ultimately admitted that "credible evidence" showed that "Ford was neither present at, nor a participant in," the murder. Death-row exoneree Andrew Golden, who spent 26 months on Florida's death row from 1991 to 1994, died in May. Golden had been wrongly convicted of murdering his wife although police investigators and the medical examiner had testified that the evidence did not suggest foul play. At least four other death-row prisoners who may have been wrongfully condemned - Lester Bower, Brian Keith Terrell, Donnis Musgrove, and Ronald Puksar - were executed or died on death row before judicial review of their cases were complete.

Bower was executed in Texas on June 3 despite maintaining his innocence throughout the 30 years he spent on death row. After three trials and 23 years, Georgia executed Terrell on December 9. It took execution personnel an hour to find a vein and, as the execution drug was being administered, Terrell mouthed the words: "Didn't do it." Musgrove died of lung cancer on Alabama's death row on November 25, while his claim of innocence was pending before a federal district court judge. His case was tried by the same prosecutor before the same judge, and with questionable weapons testimony from the same ballistics expert involved in the case of Anthony Ray Harris, who was exonerated earlier in 2015. Puksar died on March 30, after 22 years on Pennsylvania's death row. He was condemned for the shooting deaths of his brother and sister-in-law, even though the forensic pathologist who conducted the autopsies in 1991, Dr. Neil A. Hoffman, concluded that the killings had been a murder/suicide. After the jury found him guilty, Puksar directed his trial lawyer not to introduce any mitigating evidence in the penalty phase, saying he had not committed the murders and had nothing to mitigate. After Puksar's death, Dr. Hoffman said "I believe the case was a miscarriage of justice."

Record Number of Asylum Seekers in UK Destitute

A record number of asylum seekers in Britain are being left destitute, and planned legislation could plunge thousands more into poverty, the British Red Cross said on Wednesday. The charity said it had supported more than 9,000 refugees and asylum seekers who were destitute last year, compared with 7,700 in 2014. The youngest was less than one year old and the oldest was 81.Red Cross asylum expert Karl Pike described the situation as a "quiet crisis".

Great Britain is Sinking

My husband, John, tells everybody that our story was love at first sight. I'm not so sure about that. I just thought his heart was in the right place. When I met John in Hong Kong, I was a naïve teenager and was intrigued by this man from a faraway kingdom called Great Britain. There was a time when the sun never set on the British Empire. Not only that, but there was a time when the British judiciary system was widely regarded as one of the best in the world. When John and I arrived at Heathrow Airport in the summer of 2013 John was arrested at the airport on suspicion of sexual abuse—during a time between 1979 and 1980—against a boy who was under sixteen. Later on, in the indictment, the time period morphed to from July 1983 to July 1984 (probably after John told the police that he had not been in UK since May 1980 until March 1983). Then, at the very end of the trial, the time period once again changed—between March 1983 and 31 December 1984 (after establishing that there was only a very short period of time we lived at the so-called crime scene).

The man who pressed charges claimed initially that John had sexually abused him twenty times, that number changed to two times in his final statement. But never mind whether the allegation was two times or twenty times, or that the age of the alleged victim changed from eleven to fifteen going to sixteen; the jury is often very forgiving towards sexually abused victims, especially in historical cases. In the judge's summing up, he quoted the accuser: "I messed up my statements…" and moreover that he'd got the story back to front. After listening to the accuser's weak and contradictory testimony, including when, how, and where the alleged abuse took place, John's QC asked the judge to throw out the case. The judge himself had declared the accuser's testimony unreliable. However, the judge refused the QC's request and concluded that "we should trust the jury system which has a long history" and "let us leave it to the jury" to do their job. How about doing your job, Mr Judge? John's case, full of the accuser's own errors, should never have gone to the jury!

In October 2015, after a long wait of fourteen months, with John having served over a year in jail for an offence he could not have committed, finally we were about to learn whether leave would be granted for the Court of Appeal to hear John's appeal to overturn his conviction. In turning down John's application, the judge at the Court of Appeal said it was sufficient that the accuser said "he was sure that it had happened and the other inconsistencies were consistent with someone in their mid-forties trying to remember detail from 30 years ago….". If it's sufficient that the accuser said it happened, why bother with any judiciary procedures of trial and appeal? Why not simply lock away all defendants? If the supposed victims are not sure the abuse happened, the police and the CPS will surely not press charges. Right? Of John's five co-defendants, Jerry was the only one found not guilty of both counts of the charges, one of which was brought against him by the same accuser, who on this occasion gave surprisingly consistent accounts (despite the fact that we are still talking about the same accuser in his mid-forties trying to remember details from thirty years ago). Another consistency achieved by the accuser is that he remembers the last name of all other co-defendants except John. Now, what kind of scale does the court give the jury to weigh the consistency in Jerry's case against the inconsistencies of other allegations by the same accuser to lead to the conclusion that the jury reached a verdict beyond reasonable doubt?

When the very essence of the jury system (facts based on evidence and allegations proved beyond reasonable doubt) is no longer indispensable, the foundation on which that system is founded crumbles. One of the pillars that this once great and glorious British Empire stood on is now collapsing, and the ground sinks beneath us. Who are the guilty ones? Not merely the so-called victims who made up false allegations, but the very people in whom we place our

trust: the police, the CPS, the judges, the jury, and the system itself. They are all failing us.

Andy Burnham Calls for G4S to be Stripped of Youth Prisons Contract

Eric Allison & Simon Hattenstone, Guardian: The shadow home secretary, Andy Burnham, has called for G4S to be stripped of its contract to run children's prisons after seven members of staff were suspended following abuse claims at a youth offenders institution. Burnham has also called for a wide-ranging review of all the company's contracts within the criminal justice system to be led by the home secretary and justice secretary. An investigation by BBC's Panorama, aired on Monday 11/01/2016, featured footage taken by an undercover reporter working as a guard at Medway secure training centre (STC), Kent, which holds children aged between 12 and 18. The Panorama reporter witnessed scenes of children being assaulted by guards and using restraint techniques unnecessarily. In one instance, a child tells staff who are squeezing his windpipe that he cannot breathe. "What shocks me is that we've heard these things time and again, and every time we've had bland assurance from G4S it won't happen again and yet it just carries on the same," Burnham told the Guardian. In 2004, 15 year-old Gareth Myatt died after being restrained by three adult guards at Rainsbrook STC, operated by G4S, the world's largest security firm. The teenager, who who was 4ft 10in tall and weighed six-and-a-half stone, was restrained after complaining that he had wrongly been locked in his room as a punishment for failing to clean a sandwich toaster that he said other children had used.

G4S currently runs England's three STCs – Medway, Oakhill in Milton Keynes and Rainsbrook in Northamptonshire. Following a damning inspection report on Rainsbrook last year, the contract to run Rainsbrook was taken away from G4S in September, although the company is in place until May this year when MTCNovo will take over. The Youth Justice Board also announced in September that G4S had won the contract to operate Medway STC for another five years. G4S said it could win only one of the two STCs under the procurement process. The inspection at Rainsbrook found children had been subjected to degrading treatment and racist comments from staff. Inspectors said some staff took drugs while on duty, colluded with detainees and behaved "extremely inappropriately" with young people, causing distress and humiliation. Six members of staff were dismissed. In 2014, following a Guardian investigation, 14 children who had been unlawfully restrained in STCs run by G4S and Serco were awarded damages amounting to £100,000. Neither company admitted liability, but paid two thirds of the damages. The remaining third was paid by the YJB. On Friday 08/01/2016, G4S announced that seven members of staff at Medway had been suspended following the allegations made by Panorama.

Burnham told the Guardian: "This is first and foremost a matter for Kent police, although it is incumbent on the home secretary to ensure that they have all support and resources they need to cary out. Given that this looks like institutional failure on behalf of G4s, it needs to be a far reaching investigation that doesn't just concentrate on the individuals concerned but also looks at what was done by those in managerial positions. But more broadly it raises very serious questions for the government to answer. If these allegations prove to be true, then an immediate arrangement must be made for G4S to be stripped of this contract ... Given that this company in particular has been drinking in the last-chance saloon when it comes to government contracts, this feels like a failure too far.."

Paul Cook, the managing director for G4S children's services, said: "We are treating the allegations with the utmost gravity and have taken immediate action to suspend a number of staff members who are alleged to have conducted themselves in a manner which is not in line with our standards. We take any allegations of unacceptable or inappropriate behaviour extremely seriously and are giving our full support and cooperation to the local authority designated officer for safeguarding children and the police as the investigation moves forward." The YJB said no more children would be sent to Medway while the investigation was ongoing.

UK Surveillance Law Threatens Freedom of Expression *UN Human Rights Council*

United Nations human rights experts have called for a comprehensive review of the United Kingdom's draft Investigatory Powers bill, warning that if adopted in its present form it could threaten the rights to freedoms of expression and association both inside and outside the country. The legislation, currently being examined by the Joint Parliamentary Committee, aims to unify the various regulations governing how UK surveillance agencies, police and other authorities can monitor suspects. Special Rapporteur on freedom of expression David Kaye, Special Rapporteur on freedom of peaceful assembly and of association Maina Kiai, and Special Rapporteur on human rights defenders Michel Forst expressed serious concerns about several provisions of the draft Bill. They cited excessively broad definitions and disproportionate procedures to authorize surveillance, including mass surveillance, and data retention without adequate independent oversight and transparency.

"The lack of transparency could prevent individuals from ever knowing they are subject to such surveillance," the experts noted in a six-page submission to the Parliamentary Committee. "This will ultimately stifle fundamental freedoms and exert a deterrent effect on the legitimate exercise of these rights and the work of civil society and human rights defenders." Stressing the potential for human rights violations, they called for a comprehensive review of the draft bill "to ensure its compliance with international human rights law and standards." UN rapporteurs, serving in an independent capacity, are appointed by the Geneva-based UN Human Rights Council, to whom they report back.

CPS Lacks Empathy With Crime Victims and Witnesses *Owen Bowcott, Guardian*

Letters the Crown Prosecution Service sends to victims of crime often lack empathy and contain template paragraphs that sometimes fail to convey basic information, according to an official inspectorate report. The critical review found that victims are sometimes sent contradictory updates by different criminal justice agencies, causing them distress and confusion. According to HM Crown Prosecution Service Inspectorate, the quality of correspondence with victims was inconsistent. "Template paragraphs are used in correspondence [sent by the CPS's victim communication and liaison scheme]," the report found. These may make the job of putting letters together quicker and easier, but that is at a cost. Too many letters lack empathy because of their use." Some letters "still failed to inform the victim of their right to seek a review of the decision not to prosecute" and most "failed to provide details of sources of support for victims of domestic abuse".

The inspectorate also said face-to-face communication with victims at court was inconsistent, and that CPS staff cuts had put a strain on prosecutors' ability to meet victims and witnesses before they are called to give evidence. The withdrawal of CPS para-legal officers from the crown court has made witness liaison work more difficult and there are insufficient victim liaison officers, the report noted. "Receiving two letters delivering the same message can cause the victim some confusion," the inspectorate said. "Especially as a number of them do not understand the difference between the different criminal justice agencies they encounter. Occasionally the victim is sent letters giving two different outcomes to the case, or inconsistent information," it added, because witness care units "do not always have access to, or are not copied into" victim care liaison unit letters. Different messages can understandably cause the victim some distress or confusion, and result in lack of confidence in the criminal justice system. Furthermore, given the financial con-

straints on both agencies, it is wasteful on resources to duplicate work."

Responding to the report, the crown's chief prosecutor, Martin Goldman, said: "As the inspectors acknowledge in their report, our national performance data shows a markedly different picture from the small sample in the report - 80% of letters to victims due to reach them within one day meet the target and this increases to 89% of letters due to reach victims within five days. Last year a survey showed that two-thirds of victims and three-quarters of witnesses were satisfied or very satisfied with the service they received from the CPS. We agree with the inspector that victims and witnesses play a vital role, which is why we are committed to delivering a high quality service … and supporting them throughout their case. Over the last few years we have introduced a number of initiatives to improve our service to victims, including the creation of dedicated professional victim liaison teams, the victim right to review scheme and a victim complaint procedure. We had also decided to put more staff in crown courts to make sure victims and witnesses are properly supported, and there will soon be 350 para-legal staff and managers in crown courts across England and Wales."

¼ Million Netflix Viewers Sign Petition

Making a Murderer, Netflix's first documentary series, which follows the Wisconsin trials of Steven Avery and his nephew, and was filmed over ten years, has inspired 275,000 viewers to sign a petition calling on President Obama to overturn the convictions. Avery was convicted of the murder of 25-year-old photographer, Theresa Halbach in 2005, shortly after he was released from an 18-year sentence for a 1985 rape he did not commit. The hit show follows HBO's series The Jinx and the podcast Serial. Writing in the Independent this week, Ian Burrell reported British legal experts' concerns that a lack of access to case files and court transcripts hinders similar media projects on suspected UK miscarriages of justice. "Lawyers and journalists have been asleep at the wheel and allowed the British system to become secret," said Emily Bolton, of the Centre for Criminal Appeals. "These programmes put people in the shoes of the criminal defendant." But Louise Shorter, former producer on BBC's Rough Justice before setting up Inside Justice, said programmes could still be made and public interest in such stories never waned. She is currently involved in the making of The Station. According to a BBC press release, the programme will "interweave layers of unfolding narrative, telling the past tense story of [a] crime along with the present tense investigation". "It's going to be reviewing a case not a million miles away from the programmes you are talking about," hinted Ms Shorter

Rewrite Rules Governing Fitness to Stand Trial, Says Law Commission

Owen Bowcott, Guardian: Regulations governing when a defendant is unfit to stand trial are antiquated and should be replaced by a simpler test that assesses their decision-making capacity, the Law Commission has recommended. The call for reform comes after the political row over whether or not the Labour peer Lord Janner was fit to plead to historical child abuse charges because of his medical condition. Janner, who was said to have degenerative dementia, died shortly before Christmas. A court is due to rule formally later this week on whether a so-called "trial of the facts" without the accused's participation should be discontinued following his death.

The Law Commission report, which does not refer to Janner's case, says that the procedure for assessing whether a defendant is fit to plead dates back to a common law case called Pritchard in 1836. It requires the accused to be able to understand the charge, decide whether to plead guilty or not, exercise their right to challenge jurors, instruct lawyers, follow the proceedings and give evidence in their own defence.

The Law Commission says the existing test focuses too heavily on intellectual abilities and fails to take into account aspects of mental illness and other conditions that might interfere with the defendant's capacity to engage in the trial process. It says the test should focus instead on whether the defendant can play an effective role in their defence or whether they may be seriously impeded because of delusions or severe mood disorders. The ability to challenge a juror, it proposes, should not be a specific test nor should there be a "diagnostic threshold" as part of the examination.

Prof David Ormerod QC, the law commissioner for criminal law and procedure, said: "It is in the interests of justice that defendants who can play a meaningful and effective part in their trial should have the opportunity for a full trial. "The current rules for defining 'unfitness' were formulated in 1836, and how the courts deal with vulnerable defendants who are unfit fails to achieve just outcomes. Our reforms would modernise the law to bring unfitness to plead into line with current psychiatric thinking, making it more effective, accessible and fair for vulnerable defendants and victims, and providing greater protection for the public. It is extraordinary that the unfitness to plead procedure is not currently available in the magistrates' and youth courts, where some of the most vulnerable defendants in the criminal justice system can be found. Extending our reforms throughout the courts system would ensure that young people are no longer treated less fairly than adults."

Prisons and Secure Training Centres: Safety

Michael Gove: The safety and welfare of all those in custody is vital, so we take seriously all reports of the mistreatment of those in our care. On 8 January, the BBC and other media outlets reported allegations of verbal and physical abuse directed towards young people detained at Medway secure training centre, an establishment managed by G4S. The allegations arise from an undercover investigation for a "Panorama" programme which will be broadcast this evening. It must be stressed that investigative reporting is vital to keeping government honest, and I am grateful to the BBC for the work it has undertaken. We must treat these allegations with the utmost seriousness. Kent police and the Medway child protection team are now investigating matters on the basis of information shared with them by the BBC, and the police will decide in due course whether criminal charges should be brought.

It would be inappropriate for me to comment further on the specific allegations while these investigations are under way, but I can assure the House that my Department and the Youth Justice Board—under the determined leadership of my right hon. and noble Friend Lord McNally —will do everything we can to assist the police and the local council. Our immediate priority has been to make sure that the young people in custody at Medway are safe, which is why Her Majesty's inspectorate of prisons and Ofsted visited the secure training centre this morning. They are meeting representatives of G4S, Medway council and the Youth Justice Board to ensure that all necessary action is being taken to ensure the wellbeing of young people at the centre. Inspectors will speak directly to the young people detained at Medway to satisfy themselves that everything is being done to ensure that people are safe. I will also be meeting G4S this week to discuss the allegations and to review its response.

I am under no illusions about the fact that our system of youth justice needs reform. Although youth offending is down, recidivism rates are high, and the care and supervision of young offenders in custody is not good enough. That is why I asked Charlie Taylor, the former chief executive of the National College for Teaching and Leadership, to conduct a review of youth justice. He will report back later this year with recommendations on how to improve

the treatment of young people in our care. But it is not just youth justice that needs reform. We need to bring change to our whole prison estate. There is much more to do to ensure that our prisons are places of decency, hope and rehabilitation. Violence in prisons has increased in recent years. The nature of offenders currently in custody and the widespread availability of new psychoactive substances have both contributed to making prisons less safe. There is no single, simple solution to the problems we face, but we are determined to make progress. We are trialling the use of body-worn cameras and training sniffer dogs to detect new psychoactive substances. We have made it an offence to smuggle so-called legal highs into prison, but ultimately the only way to reduce violence in our prisons is to give governors and all those who work in prisons the tools necessary more effectively to reform and rehabilitate offenders. That is the Government's mission and one I am determined to see through.

Andy Slaughter: Thank you, Mr Speaker, for granting this urgent question on a most serious and troubling topic involving the mistreatment of children in custody. I am sure the Secretary of State and the whole Government take their responsibilities seriously, not least their duty of care under the Children Act 2004. I am grateful for the steps that have already been taken, which the Secretary of State mentioned, but perhaps he could have met G4S sooner, as I am sure the Government have had some notice. Perhaps he will tell us when he first had notice of these allegations.

As the Secretary of State said, these are serious allegations involving seven members of staff at Medway secure training centre. I also put on record my thanks to the BBC "Panorama" programme for bringing these matters to light. The allegations involve matters such as slapping a teenager several times in the head; using restraint techniques; squeezing a teenager's windpipe so as to cause problems in breathing; boasting of mistreating young people, including using a fork to stab one in the leg; equally seriously, the concealing of behaviour by deliberately doing it outside the sight of CCTV cameras; and covering up violent incidents to avoid investigation and the possibility of sanctions against G4S. Deborah Coles, director of the charity INQUEST, has said that in any other setting the treatment "would be child abuse" and that "this points to a lack of accountability and culture of impunity."

Adding to the seriousness of this situation, it is clear that these allegations have come to light only following the investigative journalism the Secretary of State mentioned, rather than following any monitoring or oversight from the Youth Justice Board or Ministry of Justice. Perhaps he would say what the Youth Justice Board monitors have been doing, as they are supposed to be an essential protection in these circumstances. Will the Secretary of State confirm that a full independent investigation of the circumstances of the abuse will take place and that this will not be swept under the carpet or blamed on a few rogue officers? Any culpability or negligence by G4S management must be exposed. We must also be told whether the Ministry of Justice knew about the alleged abuse before the story was broken by journalists. If it didn't know, why didn't it know? Sadly, this is only the latest in a long line of failures and mismanagement from G4S. In addition to inspection reports at Oakwood prison and the removal of the contract for Rainsbrook STC last September, there have been investigations into a number of deaths in custody or detention, including those of Gareth Myatt and Jimmy Mubenga. There was a debate in the House last week on the appalling healthcare at G4S-run Yarl's Wood immigration detention centre. The Secretary of State may wish to confirm that the Serious Fraud Office is still investigating G4S over fraud in the prisoners tagging contract. Given the concerns raised over many years and in many areas about G4S, we urge the MOJ to review all its contracts with that company to see whether it is fit and proper to manage major public contracts. In the meantime it is our belief

that G4S should not be considered for bidding for other Government contracts. Can the Secretary of State give me those assurances today?

There are serious questions—I think the Secretary of State acknowledged this—that go beyond G4S. We have to see this in the wider context of a rise in violence in prisons. Figures show that 186 prisoners took their own lives over the 23-month period to September 2015, which means that, over the last two years, on average, a prisoner has taken their own life every four days. Last Friday, the outgoing chief inspector of prisons told "Newsnight" that there were more murders and suicides than there had been in 10 years. We need a cultural shift across the entire secure estate. To begin that process, we ask that today the Government take immediate action to put all G4S-run prisons, STCs and detention centres into special measures to assess the safety and competence of their operation. The Secretary of State has powers under the Criminal Justice and Public Order Act 1994 to intervene in contracted-out STCs. We urge him to do so and to put in management teams alongside existing staff, particularly those with experience of working with vulnerable children. It is clear that the measures currently in place are not working. It remains for the Secretary of State, who has said that he wishes to reform our prisons, to take action now.

Michael Gove: I am grateful to the hon. Gentleman for raising these questions in a serious and sombre way. He is absolutely right to say that the allegations involve children and that we have a duty of care towards them. We must ensure that those who are in our care are treated appropriately and responsibly. "Panorama" informed the local authority on 30 December and appropriate steps were taken by the local authority to ensure that an investigation could be initiated. Of course, Kent police were also informed at the same time, and because a police investigation is necessarily taking place, we have to respect due process.

The hon. Gentleman is absolutely right to say that the allegations that he has listed are very serious, but they are allegations, and it is important that we give G4S and those involved the appropriate time and space to respond in a way that is congruent with the seriousness of the allegations. It is because I take the allegations seriously that I do not want to rush to judgment or do anything that could be used to enable those who might be guilty of serious offences to wriggle off the hook.

I had the opportunity to meet the editor of "Panorama", as well as the programme's producer and the director who was responsible for this investigation, on the eve of the publication of the allegations in The Times and elsewhere on 8 January. It was as a result of that conversation that I had discussions with members of the Youth Justice Board and that we took the steps that I outlined earlier in my statement. It was also as result of that conversation that the roles of the YJB monitor and of Barnardo's, which also visits the establishment, were enhanced to ensure that the safety of the children at that centre could be guaranteed to the best of our ability. The hon. Gentleman is absolutely right to say that G4S has, in a number of other ways, at times in the past, let the Ministry of Justice and those in our care down.

It is also important to stress, however, that there are other institutions run by G4S that continue to do a good job, and it would be quite wrong to make a blanket allegation against the organisation of the kind that I know the hon. Gentleman did not make but that others might be tempted to. The hon. Gentleman was also right to make reference to the remarks of the outgoing chief inspector, Nick Hardwick. I thank Nick Hardwick for the superb work he has done. His candour and honesty in that role serve only to underline the scale of what we have to do to ensure that children and young people in custody and everyone else in prison are in a

safe and decent environment, and nothing will stop us making sure that safety and decency are at the forefront of the changes that we bring to our prison and secure training centre estate.

Rights of Accused – Interception of Mail from Legal Representatives

Andy Slaughter: To ask Michael Gove, what discussions he has had with the Home Secretary on proposed legislative steps to protect legally privileged communications from surveillance.

Andrew Selous: Policy responsibility for this area lies with the Home Office. The National Offender Management Service (NOMS) has powers to intercept prisoners' communications in specific circumstances. Section 4(4) of the Regulation of Investigatory Powers Act 2000 (RIPA) provides that the interception of communications in prisons is authorized where the conduct is in exercise of a power conferred by the Prison Rules. The Prison Rules allow for interception of a prisoner's communications if it is necessary on certain specified grounds and proportionate to what is sought to be achieved. The Prison Rules do not permit interception of a prisoner's communication with the prisoner's legal adviser, unless the governor of the prison has reasonable cause to believe that the communication is being made with the intention of furthering a criminal purpose and unless authorized by the Chief Executive Officer of NOMS; the director responsible for the national operational services of NOMS; or the duty director of NOMS.

Set Up Online Courtrooms to Cut Lawyers Out of Legal Process

David Barrett, Telegraph: A new "online court" should be created to cut lawyers and even judges out of civil hearings with a value of up to £25,000, a major new report has recommended. The study, commissioned by Lord Thomas of Cwmgiedd, the Lord Chief Justice, said hearings should take place in cyberspace to free courts from the "stranglehold of paper". The "revolutionary" proposals would see administrative "case officers" making decisions on the bulk of applications, with only the serious and most contentious applications going before a judge.

Lord Justice Briggs, a Court of Appeal judge who wrote the report, said most hearings would be "largely automated" and "interactive" using the internet, including video-conferencing technology and conference calls where possible. Cases would only move into a traditional court room where "complexity or other relevant considerations" made it necessary, he added. "I consider that there is a clear and pressing need to use the opportunity presented by the digitising of the civil courts to create for the first time a court – the Online Court (OC) - for litigants to be enabled to have effective access to justice without lawyers. I regard a general value ceiling of £25,000 as a sensible first steady-state ambition for the OC, even if it is necessary to build up to it in stages, and by no means ruling out the possibility of increased jurisdiction if the concept proves to be a success." He added: "It is now technically possible to free the courts from the constraints of storing, transmitting and communicating information on paper."

The report went on: "Modern IT would enable court users to issue a claim without the assistance of lawyers by accessing online software." The judge acknowledged that the concept of a paperless court among those familiar with the legal system's current archaic practices required "suspension of disbelief". The civil courts deal with non-criminal matters such as financial disputes and damages claims. It also covers family law such as divorce and child custody but the review said these would be excluded from reforms. Most of the work in civil courts would be done by non-judges, said the report. "Case officers will need training and experience appropriate to their particular functions, and active judicial supervision of their discharge of all functions currently carried out by judges," it said. "Parties aggrieved by the decision of a case officer should be entitled to have the decision re-considered by a judge." It also made other money-saving proposals for merging civil courts with other branches of the law, and looked at transferring more cases out of London.

Lord Thomas said: "The report is a timely contribution to the debate on the structure of the civil courts at a time of unprecedented change. We are facing considerable challenges but there are also many opportunities, above all with the prospect of digitising court processes. The time is ripe for reform, and it is in any event essential and unavoidable. This review will make a considerable contribution to that process and to the future shape of the civil courts." The 140-page study is open to consultation while Lord Justice Briggs carries out the next stage before coming up with final proposals.

IPCC Investigating Gwent Police Handling of Custody Incidents

Investigations by the Independent Police Complaints Commission (IPCC) are under way into Gwent Police handling of detainees during a number of incidents which occurred in custody suites towards the end of last year. The five investigations involve incidents in September and November 2015 where people detained in police custody attempted to either self harm using a ligature or to covertly take concealed drugs or medication. Three of the detained people were subsequently taken to hospital from the custody suites at Ystrad Mynach and Newport, but none were seriously injured. The separate IPCC investigations follow referrals from Gwent Police. None of the detainees concerned have made a complaint.

The investigations are looking at a variety of factors, including: • The adequacy of searches carried out on the individuals taken into custody; • The adequacy of risk assessments conducted, and consideration of warning markers and police intelligence by custody staff; • The level of observations and checks the detainees were placed on, taking into account any previous history in custody; • Whether decisions and actions taken by officers and custody staff while the detainees were in their care were in accordance with policy and training.

IPCC Commissioner for Wales, Jan Williams, said: "Police have extensive guidelines to follow on custody practice, including around searching and risk assessments. While no complaints have arisen from these incidents and fortunately no-one was seriously injured, it is important that we investigate, to see whether there is any specific learning that could help make custody as safe as possible for both detainees and police staff in Gwent."

Surrey Police Invoke Secrecy Laws to Withhold Documents *Cahal, Milmo, Indpendent*

Police are to invoke secrecy laws to seek to withhold dozens of documents relating to the possible murder of a Russian whistleblower living in Britain, who may have been poisoned on Moscow's orders, from the forthcoming inquest into his death. Alexander Perepilichnyy, 44, collapsed and died outside his luxury home on a gated Surrey estate in November 2012 after he had given evidence to Swiss prosecutors implicating Russian officials and mafia figures in a $230m (£150m) tax fraud. His death was initially declared non-suspicious but traces of chemicals linked to a rare poison known to be used by Russian assassins were later found in his stomach.

The inquest to establish the cause of Mr Perepilichnyy's death, initially due to take place last May, has been long delayed while further tests were undertaken to try to establish whether a lethal extract from the plant Gelsemium elegans, found only certain parts of India and China, was used to murder the businessman as part of a claimed "reprisal killing" for exposing corruption at the heart of the Russian state. But Surrey Police, which declared in 2013 that it was satisfied there had been "no third-party involvement" in the Russian's death, has been accused of a "cover up" and "unac-

ceptable" conduct after it told the coroner that it intends to apply to withhold up to 49 documents from a full inquest due next month under Public Interest Immunity (PII) legislation.

The PII rules, which are normally only invoked with the authorisation of either the Home or Foreign Secretaries, allow the authorities to apply to the courts or a coroner to keep material out of the public domain in legal proceedings where they fear its disclosure will damage national security or adversely affect Britain's international relations. PII has previously been invoked by the security services - MI5 and MI6 - to maintain operational secrecy, including protecting the identity of agents or informants. At a pre-inquest hearing in Woking it emerged that the Surrey force, which is likely to face strong criticism if it is proven that Mr Perepilichnyy did not die from natural causes such as a sudden heart attack, gave notice last week that it intends to invoke the PII rules - the first time it has signalled such a move concerning its investigation into the Russian's death. Geoffrey Robertson QC, acting for Hermitage Capital Management, a London-based investment company which was the victim of the alleged £150m money laundering fraud and was being helped by Mr Perepilichnyy, told the court that Surrey Police had shown "years of disrespect" with delays to the inquest proceedings. Describing the PII application as "extraordinary", he added: "There has been a cover up. This is the very first time that the police have raised the subject of a PII situation."

The claims were strongly contested by the police force, whose lawyers said officers had reasons for seeking the PII ruling which could not be disclosed in public and also denied that they were intending to ask for a private hearing with Senior Surrey Coroner Richard Travers to be held without a legally-required tape recording. Charlotte Ventham, for Surrey Police, told Mr Travers: "I cannot let it pass without comment that Surrey Police are somehow guilty of some sort of cover up of documents which you require to conduct your inquest or that we are urging upon this court some sort of unlawful procedure with regard to PII. "Both of these serious allegations are very firmly rebutted and refuted."

The court heard that the 49 documents, including four which have only come to light in recent days, related to material gathered by detectives and a number of reports compiled by investigators concerning the Perepilichnyy case, some of which may also be subject to legal protection governing communication between lawyers and their clients. Mr Robertson said the court should also be satisfied that police were not seeking to apply PII rules to "sensitive or private" information concerning Mr Perepilichnyy which might fall outside the interests of national security. The hitherto healthy investment manager had arrived in Britain in 2010 and came forward as a whistleblower in the Sergei Magnitsky affair - the Russian lawyer who died in custody after exposing a multi-million dollar fraud against Hermitage involving corrupt officials and a mafia money laundering network.

Mr Perepilichnyy took out life insurance policies worth £3.5m shortly before his death and reportedly said he had received death threats from Russia in connection with the case. Previous hearings have been told that circumstantial evidence exists to suggest that he may have been killed by or with the knowledge of the Russian internal security service - the FSB - because of the help he was giving to Hermitage and the Swiss authorities. The court heard that a further hearing will be held at the end of this month to decide on the PII request. Toxicology evidence on whether the substances found in the Mr Perepilichnyy's body can be firmly linked to Gelsemium is expected to be heard during the opening days of the inquest due in February.

Explainer: Public Interest Immunity: The principle in English justice that all sides in legal proceedings must disclose to each other any relevant evidence comes with an iron-clad exception known as Public Interest Immunity. PII is the procedure under which the public authorities - from the police to the security services to individual government departments - can apply to the

courts or a coroner to remove from a legal case material would be damaging on several narrow grounds, including endangering national security or international relations, if disclosed. In normal circumstances, police or prosecutors will be required to provide to a judge the material they seek to withhold and the reasons why it should remain secret. The judge can then decide whether to share that material with other parties (while ordering that it not be made public) or simply rule on whether the PII requirements are met. PII applications remain unusual but the authorities have in the past been successful in obtaining exceptions, which are often also authorised by a minister, for cases such as protecting a police or intelligence service informant.

Karykowski v. Poland Prus v. Poland Romaniuk v. Poland

The cases concerned the regime in Polish prisons for detainees who were classified as dangerous. The applicants are Dariusz Karykowski, Kamil Prus and Tomasz Romaniuk, three Polish nationals who were born in 1966, 1987 and 1985, respectively. Mr Karykowski is serving a three-year-and-six month prison sentence in Stargard Szczeciński (Poland) for uttering threats. Mr Prus is serving a cumulative sentence in Lublin (Poland) for four criminal convictions, including battery and robbery. Mr Romaniuk is serving a 12-year prison sentence in Sokołów Podlaski (Poland) for battery and attempted murder.

The first two applicants, Mr Karykowski and Mr Prus, were each classified as dangerous prisoners for approximately five months because the prison authorities considered that, as leaders of prison protests, it was necessary to isolate them. Mr Karykowski was placed under the regime from September 2011 following a search of his cell during which a letter was found with his signature voicing criticism of proposed legislative changes. Mr Prus was placed under the regime from November 2010 when he, along with other prisoners, had refused to eat breakfast. The third applicant, Mr Romaniuk, was classified as a dangerous prisoner from the moment when he was remanded in custody in April 2009 on account of the fact that he had been charged with numerous violent offences. The measure was applied for three years until March 2012 when the authorities considered that he no longer posed a danger to security. Relying on Article 3 (prohibition of inhuman or degrading treatment), all three applicants complained about the special high-security measures to which they had been subjected during their classification as dangerous detainees, namely their solitary confinement, their isolation from their families, the outside world and other detainees, their shackling (handcuffs and fetters joined together with chains) whenever they were taken out of their cells, the routine daily strip searches and constant monitoring of their cells and sanitary facilities via closed-circuit television.

Violation of Article 3 – in all three cases:Just satisfaction: EUR 5,000 to Mr Karykowski, EUR 3,000 to Mr Prus and EUR 8,000 to Mr Romaniuk in respect of non-pecuniary damage, and EUR 327 to Mr Romaniuk in respect of costs and expenses

Boacă and Others v. Romania (no. 40355/11)

The applicants are seven Romanian nationals, born between 1956 and 1993, who live in Clejani (Romania), except for Tănţica Boacă who lives in Bucharest. They are of Roma origin. The case concerned their complaint that three of them and a family member, deceased in the meantime, had been victims of police brutality. According to their submissions, three of the applicants, who are brothers, were attacked by a group of 50 villagers when they went to the local police station on 30 March 2006 to report an assault against the wife of one of them. Their father, I.B., joined the scene when he heard the noise. The applicants submit that later on

the same day two police officers, together with colleagues of a rapid intervention squad, arrived at I.B.'s home to take him into custody. Without producing a search warrant they took him and two family members to the police station. His three sons were later apprehended in the street by ten masked police officers who took them to the police station as well.

On both occasions the police called the applicants and/or their family members "wretched, disgraceful gypsies". At the police station, I.B. was beaten up by police officers, who kicked him in the ribs and punched him, until he lost consciousness. Later, his three sons were also hit by several police officers. Eventually I.B. was allowed to leave. His sons were only released after they had signed confessions, which they were not allowed to read, concerning the rape of a woman and the theft of pipes. I.B. was subsequently taken to hospital and examined by a forensic doctor a few days later, who concluded that he had suffered a thoracic trauma inflicted by a blow. According to the Government, on 30 March 2006 an altercation broke out between the applicants' family and another family of Roma origin in front of the local police station. The rapid intervention squad was called to restore public order. There were no incidents during this operation, as the applicants willingly complied with police orders when they were apprehended. Following the events, a police investigation was opened into the theft of pipes and into a brawl involving 21 people, mainly belonging to the applicants' family and the other family of Roma origin. In May 2007 the prosecutor decided not to prosecute any of the suspects.

In June 2006 I.B. and three of the applicants – his sons – lodged a criminal complaint against the police officers who had allegedly ill-treated them. The prosecutor dismissed the complaints in December 2006, having taken statements from the police officers involved in the events, who all denied having harmed the plaintiffs. Eventually the decision was quashed on appeal, but in August 2008 the prosecutor again refused to institute criminal proceedings against the police officers. The decision was subsequently quashed again, but eventually the appeal court upheld the decision not to institute criminal proceedings in December 2010.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), the applicants complained in their own name and on behalf of I.B., who died in April 2010 of causes unrelated to the case, that I.B. and three of the applicants – his sons – had been ill-treated by the police and that there had been no effective investigation into those complains. They further relied on Article 14 (prohibition of discrimination) taken together with Article 3, complaining that the ill-treatment and the decision not to bring criminal charges against the police officers had been mainly due to the applicants' Roma origin, and had thus been discriminatory.

Violation of Article 3 (treatment) – in respect of I.B. Violation of Article 3 (investigation) – in respect of I.B. No violation of Article 14 in conjunction with Article 3 (treatment) – in respect of I.B. Violation of Article 14 in conjunction with Article 3 (investigation) – in respect of I.B. Just satisfaction: EUR 11,700 (non-pecuniary damage) jointly to Leon Boacă, Christian Boacă, Nicuşor Boacă, Tănţica Boacă, Costel Niculae and Marian Boacă ECtHR, 12/01/2016

Genner v. Austria (application no. 55495/08)

The applicant, Michael Genner, is an Austrian national who was born in 1948 and lives in Vienna. The case concerned criminal proceedings against him for defamation. Mr Genner, who at the time was working for an association which offers support to asylum seekers and refugees, published a statement on the association's website on 1 January 2007 about the Minister for Interior Affairs, who had unexpectedly died on the previous day. It commented: *"The good news for the New Year: L.P., Minister for torture and deportation is dead."*

After referring to several individual stories of asylum seekers, the text stated, in particular, that the Minister had been *"a desk criminal just like many others there have been in the atrocious history of this country"*, that she had been "the compliant instrument of a bureaucracy contaminated with racism" and that "no decent human is shedding tears over her death".

The late Minister's widower filed a private prosecution for defamation against Mr Genner and the association. In September 2007 the Vienna Regional Court convicted Mr Genner of defamation and sentenced him to a fine of 1,200 euros (EUR). It found in particular that a recently enacted amendment to the legislation concerning the status of foreigners and asylum seekers could not justify positioning the Minister in a national-socialist and racist context. The court concluded that the accusations, on the day after her death, overstepped the limits of acceptable criticism, although those limits were widely drawn in the context of a refugee association criticising a politician. The conviction was upheld on appeal, and in October 2009 the Supreme Court dismissed Mr Genner's request to have the proceedings re-opened. Mr Genner complained that the Austrian courts' judgments had been in breach of his rights under Article 10 (freedom of expression) of the European Convention on Human Rights. No violation of Article 10

McKenzie Friends: Call for Code *Chloe Smith, Law Gazette*

Parties in the increasingly urgent debate about McKenzie friends have called for a mandatory code of conduct, amid mounting concerns about the behaviour of 'practitioners'. A former nightclub bouncer was last year barred from acting as a McKenzie friend after calling an opposition lawyer a 'lying slag'. In another case, a High Court judgment admonished a McKenzie friend for pouring 'more fuel on the flames' in a defamation case.

Ray Barry, chair of the Society of Professional McKenzie Friends, said that although McKenzie friends should not be judged by the actions of a few, adherence to a code of conduct should be mandatory for all those who charge fees. The society now has 21 members who have agreed to comply with a code which was recommended by the judiciary in 2011. The society believes that this code should be imposed on all paid McKenzie friends.

Barry told the Gazette: 'Many courts now require McKenzie friends to complete a form prior to a hearing. That form could ask whether the McKenzie friend is fee-charging or not. If yes, the McKenzie friend should be expected to be familiar with and required to comply with the code. 'For the non-fee charging McKenzie friends the form should simply inform them that they can quietly advise the litigant but also that they may not address the court.'

HM Judiciary is in the process of completing a keenly awaited review of McKenzie friends. A previous recommendation for a code of conduct was not implemented by the government. A spokesperson for the judiciary said that a consultation on McKenzie friends is under consideration and is expected to be published shortly. The Gazette understands that the report could be a deciding factor in whether the government legislates to ban the provision of unqualified assistance as a business. However, the HM Judiciary report will look only at those who charge for their services.

Rodzevillo v. Ukraine (no. 38771/05)

Oleg Rodzevillo, is a Ukrainian national born in 1967. He is currently serving a life sentence in Ladyzhynska Correctional Colony no. 39, Gubnyk, in the Vinnytsia Region (Ukraine). The case concerned his allegations of poor detention conditions and ill-treatment by prison guards as well as the authorities' refusal to transfer him to a prison colony closer to his home. Mr Rodzevillo was convicted of a number of offences, including having formed a criminal

association and having committed several murders and robberies, and sentenced to life imprisonment in January 2005. The judgment was upheld by the Supreme Court in October 2005.

Following his arrest in October 2003, he was placed in custody in the Dnipropetrovsk pre-trial detention centre, where he remained in detention until April 2007. Since May 2007 he has been detained in the Ladyzhynska Correctional Colony. He submits that he was kept in inhuman conditions in the pre-trial detention centre. In particular: for some time he had to share a ten-bed cell with 19 detainees; another cell, which he shared with one other inmate and where he had to spend most of the day, was located in the basement, with almost no daylight or fresh air and without basic furniture; the toilet was not separated from the living area and very close to the dining table; the cell was infested with rats; food was scarce and consisted mostly of bread and wheat cereal. As regards the correctional colony, he maintains in particular that he was not provided with any medical care. According to the Government's submissions, the conditions in both facilities were adequate.

Mr Rodzevillo also submits that on one occasion he was severely beaten by eight guards from the pre-trial detention centre. Since 2005 he has requested the authorities on numerous occasions to transfer him to a detention facility closer to his hometown of Simferopol, in order to facilitate visits by his parents and his minor son. On some occasions he was promised that his requests would be taken into account if space became available at an appropriate detention facility; on other occasions he was told that it was not possible to accommodate the requests.

Mr Rodzevillo complained of violations of Article 3 (prohibition of inhuman or degrading treatment) on account of the detention conditions and on account of his ill-treatment by the prison guards. Relying on Article 13 (right to an effective remedy) in connection with Article 3, he complained that he had had no effective remedy in respect of his complaints under Article 3. Finally, relying in substance on Article 8 (right to respect for private and family life), he complained of the refusal to transfer him to a detention facility closer to his hometown. Violation of Article 3 (inhuman and degrading treatment) - Violation of Article 13 in conjunction with Article 3 - Violation of Article 8 Just satisfaction: EUR 10,000 (non-pecuniary damage) and EUR 800 (costs and expenses)

Jeremy Bamber 55th Birthday

Last week I turned 55 and I know I am lucky to have reached this age. I know my last thirty years have not seemed that great and to a point that's true but to moan is so self-indulgent when I think of all those poor flood victims who didn't deserve their lives to be turned upside down with events which may devastate their lives for years. Plus I've been watching the awful conflicts in Syria and Iraq and in so many Middle Eastern Countries, the awful deaths of civilians and troops; the displacement of peoples; the loss of everything, no one has done anything to deserve that, to suffer such dreadful loss, so here's me moaning about my miscarriage of justice and I feel that so many others have equal and worse things to deal with.

However I do have a point and it's maybe a little self-focused but justice around the world was and still is built on our so called "Great British Justice" but it's got flaws and because the system takes so long to fix them it exports those flaws all around the world. Human Rights, our leader's crow, have failed in this and that country, but they choose to be completely blind to the dreadful Human Rights failings in our own country. Not that it affects me too much right now, but the cuts in legal aid have really changed prison life in ways I'm not permitted to talk about in letters. Though these things are mild when compared to the Human Rights failings in our Criminal Justice System.

The State knows that my case is one that exposes a huge flaw in our Criminal Legal System,

but in not fixing it, they continue to export and promote a system, which isn't fit for purpose. In today's terminology it has a bad program fault that seeps infection throughout the whole system. My case if fixed, will improve the lives of many now and thousands in the future because it will make our Justice System better and almost honest, which it isn't at the moment. If they don't fix my case it proves the complete system is really corrupt because knowing and doing nothing is still corrupt.

So my birthday. Sure I'm almost old but I'm still fit and still fighting. The case is almost won and my freedom restored. I can't say why or how but people involved in getting me convicted should be packing bags ready for some time in jail and it's 100% fact this will happen, although I know in the coming weeks they will bluster and bleat many times, before as they have over the last 30 years. But, now we know that many just simply lied and lied and lied and disclosure has provided us with proof of that which cannot be denied.

So 2016 is the year where truth triumphs over all those mean and knowing lies. It sounds like I'm just saying this as some hollow bluster because I cannot say what we know. I'm "On advice" (a legal term) and allowed to say absolutely nothing but what I can say is that we now know the truth, almost the whole truth, almost, almost, and it won't be too long before it is stated before the Lord Chief Justice and other Senior Appeal Judges. Those who have lied are soon to be exposed and brought to justice and that is going to be my belated birthday present of that I do feel sure.

Jeremy Bamber: A5352AC, HMP Wakefield, Love Lane, Wakefield, WF2 9AG

Roger Logan gets $3.75 Million After Murder Conviction Overturned Wall Street Journal

New York City will pay $3.75 million to a man who spent nearly 17 years in prison before his murder conviction was overturned, the city comptroller's office said Friday. Roger Logan, now 54 years old, was arrested in 1997 and convicted in 1999 for the shooting death of Sherwin Gibbons in Brooklyn's Bedford-Stuyvesant neighborhood. He was sentenced to 25 years to life in prison. In 2014, Mr. Logan was exonerated and released after a review by the Brooklyn district attorney's office found that testimony in the trial had been false and that evidence had been unlawfully withheld.

That year, Mr. Logan filed a notice of claim with the city seeking $150 million, records show. Mr. Logan's case is the latest to be settled by the office of Comptroller Scott Stringer, the city's chief financial officer, who has sought to resolve such claims before they go to court. Mr. Stringer's office has settled eight pre-litigation claims for wrongful death or conviction—for a total of $41.55 million—since 2014. "While it is impossible to put a price on the time Mr. Logan spent in prison, this settlement reflects the city's and Mr. Logan's desire to bring this matter to a close," Mr. Stringer said in a statement.

Last year, Mr. Logan settled a separate claim against New York state for $2.975 million, his lawyer, Harold C. Baker, said. "The whole case was a horror show for him and his family," Mr. Baker said, adding that he was happy with the result of the negotiations with the city. Mr. Logan was "absolutely ecstatic" to hear of the settlement, Mr. Baker said. Mr. Logan's wife still has an outstanding notice of claim against the city seeking $100 million in connection with her husband's conviction and incarceration, Mr. Baker said. In his pre-litigation filing against the city, Mr. Logan said he was threatened by detectives who forced him to sign a statement and later framed him for the murder.

While in prison in 2013, Mr. Logan, wrote to the Brooklyn district attorney's office asking that his case be reviewed. Mr. Logan's conviction was one of more than 70 cases that Brooklyn prosecutors flagged for review that involved former New York Police Department Detective Louis Scarcella. Mr. Scarcella has been accused by inmates and their lawyers of coercing

confessions through threats and obtaining witness statements that were later discredited. Mr. Scarcella, who has retired, has previously denied wrongdoing and hasn't been charged with any crimes. The Brooklyn prosecutor's office has reviewed 35 cases involving

Mr. Scarcella and has so far overturned six convictions, but hasn't found any intentional wrongdoing by the former detective, a spokesman for the district attorney's office said. "No amount of money can undo the 17 years Roger Logan spent in prison for a crime he didn't commit, but I hope the award he received will help Mr. Logan and his family rebuild their lives," Mr. Thompson said. Since Kenneth Thompson became Brooklyn district attorney in 2014, his office's conviction review unit has overturned 17 convictions. "No amount of money can undo the 17 years Roger Logan spent in prison for a crime he didn't commit, but I hope the award he received will help Mr. Logan and his family rebuild their lives," Mr. Thompson said.

UK Must Drastically Reduce Use of Detention, Says Shaw Immigration Report

Alan Travis, Guardian: An independent review into the welfare of immigration detainees commissioned by the home secretary has called for ministers to reduce "boldly and without delay" the 30,000 people detained each year. The report by Stephen Shaw, the former prisons and probation ombudsman, calls for a complete ban on the detention of pregnant women in immigration centres such as Yarl's Wood. He says there should also be a "presumption against detention" of victims of rape and sexual violence, people with learning difficulties, and those with post-traumatic stress disorder.

The six-month review was commissioned by the home secretary, Theresa May, after years of criticism about the treatment of immigration detainees including incidents of deaths, self-harm and sexual abuse in Britain's 10 immigration removal centres. May tried to exclude any consideration of introducing a statutory time limit on the use of immigration detention, but Shaw makes clear his belief that the numbers should be reduced "both for reasons of welfare and to deliver better use of public money".

In a particularly damning finding, the report says that despite the rapid growth in the use of immigration detention in Britain – where 3,000 people are locked up at any given time and 30,000 pass through the system each year – there is no correlation between the number of people detained and the number of people lawfully deported. His report also highlights medical research showing that immigration detention itself can seriously damage the mental health of detainees. Shaw concludes that this finding has "evident ethical, policy and practical implications", and stresses the importance of curbing excessive periods of detention. He calls for rule 35, which is designed to screen torture victims out from detention, to be immediately scrapped due to strong evidence that it is not working, and for the closure of the Cedars centre near Gatwick, where children are detained with their families.

"There is too much detention; detention is not a particularly effective means of ensuring that those with no right to remain do in fact leave the UK; and many practices and processes associated with detention are in urgent need of reform," Shaw says in his conclusions. "Most of those currently in detention do not represent a serious [or any] risk to the public, and many represent a very low risk of noncompliance because of their strong domestic links to the UK," says Shaw, suggesting that a combination of tagging, residence and reporting restrictions, and promoting voluntary returns could be used instead.

The Refugee Council welcomed the Shaw report, saying he had shone a spotlight on the hidden, abhorrent and often unlawful treatment of vulnerable people inside Britain's shadowy immigration estate. Campaign group Freedom from Torture described it as a "stunning indictment" of immigration detention, and said he had vindicated their concerns about the operation of rule 35 doctors' reports.

Shaw's report was delivered to the home secretary in September 2015 but only published on Thursday 14th January 2016. The immigration minister, James Brokenshire, accepted that there should be a presumption against detention for a new category of "adults at risk", including sexual violence victims. However he stopped short of implementing an outright ban on the detention of pregnant women called for in the report. Brokenshire said immigration officials would respond to Shaw's concerns about the mental health of detainees by carrying out more detailed mental health needs assessments. The minister also announced a new drive to minimise the time detainees spend locked up before they leave the country "without the potential abuse of the system that arbitrary time limits could create. The government expects these reforms, and broader changes in legislation and policy to lead to a reduction of in the number of those detained, and the duration of detention before removal," said Brokenshire. The Shaw report is be followed by a fresh cross-party attempt to amend the current immigration bill to include a statutory 28-day time limit on the use of immigration detention.

Inquest into the Death of Callum Brown, who Died at HMP Highpoint

Callum Brown was 25 when he died at HMP Highpoint on 8 April 2013. He was found hanging in his cell by a fellow prisoner. The family are concerned that the prison officer unlocking Callum's cell on the morning of 8 April 2013 did not carry out a welfare check as required. Instead Callum's body was found by another prisoner. Callum had a history of self harm and was seen regularly by a mental health nurse at HMP Highpoint until the nurse went on leave a few months before he died. He was not seen again by anyone in the mental health team before his death, although he continued to be prescribed anti-depressant medication.

Callum asked for support from mental health services on several occasions, including in the weeks before his death. Callum's family are concerned to learn why Callum was removed from the mental health services caseload despite his requests for help, whether the system for providing mental health services at the time of Callum's death was adequate, and also whether the system for requesting and informing prisoners about appointments was fit for purpose.

Quote from Callum's mother Helen Carey: "I am concerned that Callum may not have received the appropriate mental health care while at Highpoint. I hope the inquest can provide some answers. I just don't want this to happen again to anyone else."

Quote from Deborah Coles, Co-Director at INQUEST: "INQUEST is greatly concerned at the high number of recent deaths at HMP Highpoint. There have been nine deaths since February 2013, four of which were self inflicted deaths. These deaths raise serious concerns about the management and implementation of suicide prevention policies and the provision of mental health services which must be scrutinised thoroughly at this inquest." INQUEST has been working with the family of Callum Brown since 2014. The family is represented by INQUEST Lawyers Group member Sara Lomri from Bindmans solicitors and Ruth Brander from Doughty Street Chambers.

HMP Rochester – Some Deterioration

Progress had stalled at HMP Rochester, said Nick Hardwick, Chief Inspector of Prisons. As he published the report of an unannounced inspection of the training prison in Kent. HMP Rochester holds around 740 adult and young adult male prisoners on a mix of old and new accommodation situated on a large site. Prisoners serve a full range of sentences from the relatively short up to life. At its last inspection in 2013, the prison was undergoing significant management and operational change as an early adopter of a benchmarking and efficiency programme. The prison was

emerging from another period of transition and was only now getting near to the full complement of staff needed and a more consistent delivery of its daily routine. The prison was not progressing and resettlement services provision had deteriorated. Safety remained a significant concern.

Inspectors were concerned to find that: • 32 recommendations from the last inspection had not been achieved and 18 only partly achieved • a fifth of prisoners reported feeling unsafe, first night and induction arrangements were inadequate and levels of violence were too high; • mandatory drug testing suggested higher than expected levels of drug use and there was evidence of considerable amounts of new psychoactive substances in the prison, yet too many staff seemed complacent of the issue and its impact; • levels of self-harm were high and care for those at risk was inadequate; • the use of formal disciplinary procedures was high, use of force was high and increasing, and the use of the special cell was very high for a training prison; • living conditions were poor and work to promote equality was weak; • progress in education, training and work was undermined by poor attendance, and staff were not sufficiently attentive in getting prisoners to work or education on time; • resettlement work was disjointed and offender management required improvement. • Inspectors made 79 recommendations

Nick Hardwick said: "Rochester is a prison which has gone through big changes in recent years but has not made the progress hoped for. It is a prison, however, not without advantages. It is near to having the number of staff it needs, it has sufficient activity and it has a clear purpose serving as a resettlement prison to its local community. We were told of plans for the future but our overriding impression was that it was a prison that just needed to focus on the basics. A robust drug strategy, cleaning the prison up, getting prisoners to work on time and some joined-up thinking about their approach to resettling prisoners would be good places to start."

Michael Spurr, Chief Executive of the National Offender Management Service, said: "As the Chief Inspector has found, Rochester faces a significant challenge from new psychoactive substances, or so called 'legal highs'. Staff are determined to tackle this and have already put in place additional security measures, as well as increasing awareness about the dangers and extending support to overcome substance misuse issues. Since this inspection, progress has also been made to improve safety and purposeful activity with more prisoners engaged in high quality work and training opportunities. We will use the recommendations in this report to drive further improvements over the coming months."

Report on an Unannounced Inspection of HMP/YOI Hatfield

This is a very good report on a prison that has come through change and uncertainty and is now confidently establishing its own identity and priorities, and evidencing significant improvement. Across all our four tests of a healthy prison, it achieved our highest assessment. Although formerly an independent institution, in recent years Hatfield had been part of the South Yorkshire cluster of prisons and managed collaboratively alongside HMPs Moorland and Lindholme. At the conclusion of a failed market test in late 2013, the prison was retained in the public sector and since April 2015 had been re-established as an autonomous and separate institution. Holding about 270 category D adult male prisoners, the prison was on two sites – the original Hatfield site and a new addition, the old Lindholme I wing, now referred to as the Lakes Unit. Hatfield is a safe prison. There had been really good work to develop the Lakes Unit as an effective reception/induction facility. Prisoners were received well and in our survey nearly all indicated they felt safe on their first night. There was little violence or self-harm across the prison and some useful new initiatives to support social care and safeguarding were developing. Security was applied with proportionality and illicit drug use appeared low, although there was some evidence concerning the diversion of prescribed medication and the emergence of new psychoactive substances. The environment at both sites was generally very good and living conditions, as well as access to amenities, had improved. Relationships between staff and prisoners were excellent, with 92% of prisoners in our survey indicating that they felt respected by staff. In addition, good structures were now in place to make personal officer work and prisoner consultation, the latter a particular strength, much more effective. Equality outcomes in general were satisfactory and underpinned by strong relationships. Improvements were needed to Chaplaincy services but these were being addressed. Complaints were dealt with properly and there was adequate support for prisoners with legal issues to resolve. Nearly two-thirds of prisoners thought the food was good which was a dramatic improvement on previous findings. Health outcomes were similarly good and improving, and appreciated by prisoners. Prisoners had full days and good access to the benefits of an open prison regime. Our Ofsted colleagues assessed the overall effectiveness of learning and skills and work as 'outstanding', a rare occurrence in a prison inspection with a focused, well-planned and coherent provision and curriculum meeting the needs of the population. The management of vocational training was excellent. Excellent partnerships with local employers were successfully providing high quality training and employment and progression opportunities in both paid and unpaid roles. There were sufficient work and education places to meet the needs of the whole population. Teachers and managers had high expectations of prisoners with outstanding individual coaching and motivational support. Prisoners' experiences of learning and skills, as well as outcomes, were among the better examples we have seen in prisons. The prison's approach to resettlement would have benefited from better coordination with greater attention given to offender management work, but all prisoners had an allocated offender supervisor and most OASys risk assessments were of good quality. Sentence planning focused on temporary release (ROTL), work and education, with ROTL used extensively to support progress and resettlement priorities. Prisoners were positive about the resettlement support they received with good partnership working between the prison, education providers, the National Careers Service and the newly and well established community rehabilitation company (CRC) evidencing some very good outcomes for prisoners. Hatfield was a very good prison. It was well led and had a clear vision of what it was trying to achieve. Change and new initiatives were thought through and planned well, and there was a competence about the way new work was delivered. Prisoners were treated with respect, risk was managed properly and proportionately and prisoners had an incentive to invest in what they could achieve for themselves and their futures. The governor and his team deserve credit for their work in developing this effective prison. 11 recommendations from the last report had not been achieved and 8 only partly achieved, Inspectors made 42 new recommendations. Nick Hardwick 2015

Hostages: Sally Challen, 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, Robert Knapp, 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.