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Heroine or Villainess? - Rose Dugdale Obituary -

Owen Bowcott, Guardian: English heiress who gave away her money and joined the Provisional IRA in the 1970s. On the night of 26 April 1974, 19 prized masterpieces were stolen at gunpoint from Russborough House, County Wicklow, the home of Sir Alfred Beit, a former Conservative MP and South African mining heir. The haul included paintings by Goya, Velázquez, Vermeer, Rubens, Hals, Gainsborough and Guardi. It was one of the largest art heists in history. The IRA gang had tricked their way into the stately home south of Dublin, led by a woman pretending to be a French tourist whose car had broken down.

Rose Dugdale, who has died aged 83, may have started out as an Oxford-educated debutante and heiress but her unconventional life spiralled through political activism into republican violence, culminating in her developing explosives to destroy Royal Ulster Constabulary armoured Land Rovers. A privileged renegade, she has been compared to contemporary, 1970s ultra-leftist revolutionaries such as Patty Hearst, Italy's Red Brigades and the Baader-Meinhof gang. Earlier in 1974 she had carried out the IRA's first helicopter-bomb attack on a Northern Ireland police station. The aircraft had been hired in County Donegal by a woman posing as a freelance journalist for a photographic assignment. Once airborne, the pilot was threatened with a pistol and ordered by Dugdale and her accomplice, Eddie Gallagher, to collect milk churns packed with explosives and then fly over the border. One device was then dropped on the RUC station in Strabane, County Tyrone; the main charge failed to explode. No one was injured.

The Wicklow heist was not Dugdale's first art theft. Knowledge of classical painting acquired in her youth had proved useful. In 1973, she broke into her parents' home in Devon with professional burglars and looted £80,000 worth of pictures, silver and antiques to raise money for revolutionary causes. She was subsequently given a two-year suspended sentence by a judge, who said it was unlikely she would reoffend. The aim of the raid on Russborough House, her idea, was to ransom paintings for the return from an English jail to a Northern Irish prison of four hunger-striking IRA bombers – Gerry Kelly, Hugh Feeney and the sisters Dolours and Marian Price. After the servants were rounded up and Sir Alfred was beaten, everyone was tied up. Dugdale, maintaining the character of a French tourist, went from room to room pointing at pictures. "Zis one and zis one! Non. Not zat one!" according to Sean O'Driscoll's 2022 biography Heiress, Rebel, Vigilante, Bomber: The Extraordinary Life of Rose Dugdale. Gallagher and two other IRA men loaded the paintings into the car.

They drove to the west Cork village of Glandore, where she had booked a cottage under the name of Ms Merrimée. A ransom note was sent to the National Gallery of Ireland in Dublin. After that the plot began to unravel. The Price family called for the paintings not to be damaged. Dugdale opened the door to Garda officers using her false French accent. They were not convinced by her explanation and raided the cottage to discover canvases estimated to be worth around £100m at today's valuations.

Dugdale was born at Yarty Farm, her family's 600-acre estate in east Devon. Her father was Lieutenant Colonel Eric Dugdale, a successful Lloyd's underwriter, whose main home was in Chelsea in London. Her mother, Carol (nee Timmis), was from a wealthy Gloucestershire family; she had studied art and initially married Oswald Mosley's younger brother John; they had two sons but divorced over his womanising. She subsequently married Dugdale, with whom she had three children. Bridget Rose was the middle child. Despite her first name she had no immediate Irish ancestry and was known as Rose. She attended Miss Ironside's school for girls in Kensington. In an early display of characteristic resolve, she initially resisted becoming a debutante but struck a deal with her family – agreeing to be presented to the Queen at Buckingham Palace in return for being allowed to apply to university. The 1958 "coming out" season, where young women were launched into high society, was the last ceremony hosted by the monarch.

Dugdale went to St Anne's College, Oxford, in 1959 to study philosophy, politics and economics, graduating three years later. Among her tutors were the novelist Iris Murdoch and Peter Ady, a female economist with whom she had an affair. Her first confrontation with the establishment came when she and another student dressed as men to infiltrate the then all-male Oxford Union debating society, as part of a campaign that later led to the admission of women to full membership in February 1963. She took a master's degree in philosophy at a US college, returned to London to work as a government economics adviser on developing countries with Ady in 1965, then completed a doctorate at Bedford College, London, where she taught economics.

The 1960s countercultural revolution broadened her horizons. Dugdale travelled to communist Cuba and to Belfast, where she witnessed the army on the streets. Radicalisation followed. She left academia in 1971, deciding that she wanted to give away her inherited wealth to the poor. Using her own money, she set up a north London claimants union office supporting marginalised people. She fell in with Wally Heaton, a former soldier who urged her to become involved in armed revolution.

Bloody Sunday in January 1972, when the Parachute Regiment shot dead 14 civil rights protesters in Derry, was a watershed. She and Heaton travelled there, met IRA leaders and offered them money to buy weapons. She returned repeatedly to Belfast and Derry, delivering guns she had obtained. Heaton was jailed for the raid on Dugdale's parents' home and in 1973 she met Gallagher, who had volunteered to work in her claimants union office. They teamed up and later that year moved to Ireland where she joined an IRA training camp.

If her earlier years had an air of political theatrics, her later years showed more deadly intent. Following the Russborough House raid, Dugdale was sentenced to nine years in prison for the Strabane hijacking and the art theft. She was held in Limerick jail, where it was eventually noticed that she was pregnant. The father was Gallagher.

The following year, Gallagher, who was on the run, kidnapped the Dutch industrialist Tiede Herrema in Limerick. The IRA gang demanded the release of Dugdale and two other republican prisoners within 48 hours, warning that Herrema would be shot. Irish police tracked down the kidnappers. After an 18-day siege they surrendered. Herrema was unharmed. Gallagher was sentenced to 20 years. Even in prison, Dugdale kept up the pressure – forcing the authorities to allow her and Gallagher to marry behind bars in 1978 so that she could avoid extradition to the UK. She was freed in 1980 and moved to Dublin to raise her son, Ruairí. If her earlier years had an air of political theatrics, her later years showed more deadly intent. She worked with residents' vigilante groups to drive heroin dealers out of inner-city estates. She also broke up with Gallagher and lived with Jim Monaghan, an expert IRA bomb maker.

Together they helped refine the Provisionals' weapons technology, conducting research on a remote farm in County Mayo. Their improved missile launchers – which used digestive biscuit packets to absorb the recoil – and fertiliser-based bombs enabled the IRA to kill more sol-

diers, RUC officers and civilians. She never expressed regret. “The happiest day of my life was the bombing in Strabane,” she told the author Sean O’Driscoll. “It was the first time I felt at the centre of things, that I was really doing as I said I would do.” A feature film based on her life, Baltimore, focusing on the Wicklow art raid, is due to be released in the UK on 22 March. Dugdale, who had been living in a Dublin care home run by nuns, is survived by her partner, Monaghan, by Gallagher, to whom she remained married, and by Ruairí. Bridget Rose Dugdale, academic and IRA member, born 25 March 1941; died 18 March 2024

Woman Whose Baby Was Stillborn in HMP Styal Praises Sentencing Changes

Diane Taylor, Guardian: A former prisoner who gave birth to a stillborn baby in a jail toilet has welcomed changes that campaigners hope will reduce the number of pregnant women locked up, as a “legacy” for the daughter she lost. Louise Powell says she hopes new guidance means fewer pregnant women are jailed and it can be the legacy of her child Brooke.

The Sentencing Council is announcing significant new guidance that judges and magistrates in England and Wales must consider before passing sentences on pregnant women and new mothers. A new mitigating factor in sentencing has been introduced – pregnancy, childbirth and postnatal care – which replaces current guidance relating to this group of women who currently come under the broader heading of “sole or primary carer”.

Campaigners have hailed the change as “a huge milestone” in their work to end the jailing of pregnant women and new mothers. The case of Louise Powell, 33, generated profound concern when news emerged that she had given birth to a stillborn baby, Brooke Powell, in a prison toilet in June 2020 at HMP Styal. It followed the death of baby Aisha Cleary who was delivered by her mother, Rianna Cleary, alone in her prison cell at HMP Bronzefield in September 2019.

The case of Louise Powell, 33, generated profound concern when news emerged that she had given birth to a stillborn baby, Brooke Powell, in a prison toilet in June 2020 at HMP Styal. It followed the death of baby Aisha Cleary who was delivered by her mother, Rianna Cleary, alone in her prison cell at HMP Bronzefield in September 2019.Powell said she believed her baby girl could have survived had she had more timely and appropriate medical intervention. She said: “I am very pleased that the system is being changed so that no other mother has to lose their baby in prison. Brooke is always in my heart and I hope that her legacy is a longstanding change to the imprisonment of pregnant women. I hope that the changes to guidance mean fewer pregnant women are sent to prison. If not, there is a real risk that women in labour will be left begging for help the way I was and will pay the ultimate price. If my daughter Brooke had been born in the community, she would be here today. No woman should have to give birth behind bars.”

One woman who was jailed seven years ago for three months when in the early stages of pregnancy, despite her offence being nonviolent and pre-sentencing reports recommending a non-custodial sentence, told the Guardian: “The horror has stayed with me. It feels like yesterday. I’ve had therapy for PTSD because of my experience of being pregnant in prison where I did not get the care I needed.” Janey Starling, of the campaigning organisation Level Up, said of the announcement: “This is a huge milestone in our campaign to end the imprisonment of pregnant women. We are glad the Sentencing Council have listened to us and now recognise the devastating risk and harm that prison causes to pregnant women, mothers and infants. This change has the power to transform lives.”

Naomi Delap, the director of Birth Companions, a charity specialising in pregnancy and early motherhood in prison, said: “This is a huge step forward by the Sentencing Council, and a clear acknowledgment of the risks the prison system poses to pregnant women, new mothers and their babies.” She added that this change should result in fewer pregnant women and mothers being sent to prison. Extensive evidence has highlighted the significant risks posed to the lives of women and their babies in custody, which are recognised by the NHS, Royal College of Midwives and Royal College of Obstetricians and Gynaecologists. Since the deaths of babies Aisha Cleary and Brooke Powell, the NHS has categorised all pregnancies in prison as “high-risk” because of the nature of the custodial environment.

The new mitigating factor, which will apply from 1 April 2024, requires those sentencing to take into account the impact of a sentence on a woman’s physical or mental health and on the baby. It also makes specific reference to the harmful impacts of separating a mother and child in the first two years of life. Also announced on Monday is a change to the manslaughter guidelines, introducing a new aggravating factor – “use of strangulation, suffocation or asphyxiation” – to ensure the seriousness of these actions are not overlooked. Amendments to fraud guidelines give more recognition to the impact on victims even where there is no or very little financial loss and amendments to the guidelines for sentencing individuals for fly-tipping and other environmental offences place greater emphasis on community orders rather than fines.

Dean Vincent & Reyon Vincent - Convictions Quashed

The applicants sought leave to appeal their convictions for possession of prohibited ammunition under s.5(1)(c) of the Firearms Act 1968 ("the Act"). The application was referred by the Registrar to the full court and expedited since the applicants were due to be sentenced on 7 March 2024 and the outcome of this application may affect their sentences. Leave is granted.

Both appellants, who are not related but share the same surname, each faced a multi-count indictment of two offences of possession of a prohibited firearm contrary to s.5(1)(aba) of the Act (Counts 1 and 2), three offences of possessing prohibited firearm ammunition contrary to s.5(1)(c) of the Act (Counts 3, 4, and 5), and a number of class A and C drugs possession and supply offences and possession of criminal property. While some of the offences were admitted and guilty pleas entered, the firearms offences and some of the drugs supply offences were not admitted.

A trial commenced on 5 December 2023 and verdicts were returned by the jury on 12 January 2024. Reyon Vincent was acquitted of both counts of possession of a prohibited firearm and two of the three counts of possession of prohibited ammunition (Counts 3 and 4), but he was convicted of the third offence of possession of prohibited ammunition in Count 5. Dean Vincent was convicted of both counts of possession of the prohibited firearm, and all three counts of possession of prohibited ammunition in Counts 3, 4 and 5. Both appellants were also convicted of a number of the drugs and criminal property offences which are not relevant to this appeal.

Only following conviction did counsel notice that the defendants had been convicted in relation to prohibited ammunition under s.5(1)(c) of the Act in each of Counts 3, 4 and 5, when the ammunition in the three counts was not prohibited under s.5, but rather, it required a firearms certificate to be authorised and the technical evidence relating to the type of ammunition was consistent with restricted ammunition under s.1 of the Act, not prohibited ammunition under s.5. The error was only spotted when counsel considered the sentencing regime in preparing for sentence, since an offence under s.5 carries a mandatory minimum term of five years, whereas the maximum term for an offence under s.1 is five years.

All sides agree that the appellants had been incorrectly charged under s.5(1)(c) and that the prosecution had failed to identify and rectify the error prior to the appellant's conviction on some of those counts. It is also common ground that the indictment as drafted was in breach of Criminal

Procedure Rule 10.2(1) because the prosecution identified the incorrect statement offence and particulars. The appellants should have been charged in the trial indictment with an offence under s.1(1)(b) of the Act. It was agreed that their convictions under s.5(1)(c) cannot stand and are unsafe.

The Crown now also accepts that the appeal must succeed in full and withdraws its application to substitute verdicts of convictions under s.1(1)(b) of the Act pursuant to s.3 of the Criminal Appeals Act 1968. This court has twice considered the question of substitution of the more serious offence of possession of prohibited ammunition with the lesser offence of unauthorised possession in the context of guilty pleas that were unsafe because it transpired that the ammunition in question did not meet the definition in s.5: R v Lawrence [2013] EWCA Crim 1054 and R v Buddington [2015] EWCA Crim 1127.

In both cases it was noted (1) that the power under s.3A only applied where an offender could "on the indictment" have pleaded guilty to, or been found guilty of, the lesser offence, and (2) that his plea of guilty indicated an admission of facts which proved him guilty of the lesser offence. Since a count under s.1 of the Act requires the crown to establish that the relevant offender had no firearms certificate, both Mr Buddington's and Mr Lawrence's guilty pleas to s.5 did not prove either of them guilty of the lesser offence. The additional element of the lack of a firearms certificate had not been proved. The court therefore had no power of substitution.

The same principles under s.3A of the Criminal Appeals Act are equally applicable here, after conviction by jury. There was no evidence before the jury that either appellant had a firearms certificate which is a necessary component of proving the offence under s.1. It follows that the unsafe conviction under s.5(1)(c) cannot be substituted with convictions under s.1(1)(b). The appeals are granted. We order that Dean Vincent's convictions on Counts 3, 4 and 5 are quashed and Reyon Vincent's conviction on Count 5 is also quashed.

HMP Wandsworth Black Prisoners Suffer Disproportionate Use of Force

Lydia Fan, Justice Gap: Black prisoners in Wormwood Scrubs are subject to disproportionate use of force, an annual report has revealed. The IMB report found that black prisoners were subjected to 43% of use-of-force incidents despite only making up 27% of the number of prisoners in Wormwood scrubs. In contrast, white and asian prisoners were subjected to 25% and 12% of these incidents whilst forming 42% and 15% of the prison population respectively. However, the report has concluded that little has been made to address such disproportionality. For example, efforts to improve the poor take up and use of body-worn video cameras by staff have been 'rapidly sliding back' once governors diverted their attention from it. Diverse issues relating to safety, fair and humane treatment, as well as health and well-being were also discovered by the Board. The report stated that many kinds of drugs were 'easily accessible and plentiful' by being thrown over the wall or using drones. Interviewed by the Guardian, the mother of one of the black prisoners of Wormwood Scrubs said that her son was beaten when about to be moved to another prison as 'he questioned how other prisoners were being treated…it made me feel sick. His solicitors have lodged a formal complaint and requested the CCTV footage.' 'My son is terrified of the prison officers. His mental health has deteriorated really badly following that incident,' she told the Guardian. A spokesperson of the prison service said 'Prison officers only use force as a last resort and we monitor its use carefully including for any disparities in the way it is deployed. Cells are only doubled up where it is safe to do so and we're improving staff training to better support those at risk to self-harm and suicide. We've also invested £100m in tough security measures to clamp down on the contraband that fuels violence behind bars.'

Colin Duffy and Harry Fitzsimons Acquitted of Terrorism Charges

Julian O'Neill. BBC News: Two men - including leading republican Colin Duffy - have been acquitted of terrorism charges following a long-running trial at Belfast Crown Court. Mr Justice O'Hara said he could not be satisfied they were the men secretly recorded by MI5 discussing a gun attack on police in 2013. Mr Duffy, who is 56 and from Lurgan, had denied three charges. Those were preparing terrorist acts, directing a terrorist organisation, and belonging to a proscribed organisation. His co-accused Henry Fitzsimons, also 56, of Dunmore Mews in Belfast, faced the same charges, plus an additional charge of attempted murder of police officers. The pair were arrested following the attack in the Crumlin Road area of north Belfast in December 2013.

Gun Attack Discussed: The day after the shooting, a total of 14 covert devices secretly recorded a conversation between three men in Lurgan Park. The discussion concerned the gun attack which took place the night before as well as future operations. It was the prosecution's case that Mr Fitzsimons and Mr Duffy were two of the three men recorded and that the names 'Collie' and 'Harry' could be heard on the audio. Another part of the prosecution evidence was the presence of a silver Lexus, which was the same make and model as Mr Fitzsimons' car and which was in Lurgan at the appropriate times.

During the trial, several experts were called to give evidence about the audio recordings. As he gave his ruling on Thursday, the judge said it would be "unsafe" to rely on his own impression of the audio evidence given the "clear warnings" from the experts for both the prosecution and defence. In light of this conclusion I cannot say that I am satisfied to the requisite standard that the audio evidence proves that either Fitzsimons or Duffy was in the lane in Lurgan Park on the afternoon of the 6th of December, 2013," Mr Justice O'Hara said. The reasonable and legitimate suspicions raised about their presence and their intent from other evidence are not enough to form the basis of a conviction of either of them. In these circumstances, I find both defendants not guilty on all charges." Their trial began five years ago, but had faced lengthy delays due to legal applications and the Covid-19 pandemic.

Why Teenage Girls Should Not Be Held in Children's Prisons

John Drew, Prison Reform Trust: In this article, John Drew, a PRT Senior Associate and former Chief Executive of the Youth Justice Board, examines why girls are being held at HMYOI Wetherby and what it says about the state of policy making in the youth justice system. Why was the staffing of this unit so male dominated that no female could be found anywhere on the first night—and only one was available on the second?

News broke on 5 March that a teenage girl had been restrained and strip searched by male officers at the Keppel Unit at HMYOI Wetherby on consecutive nights last autumn. It triggered immediate calls for girls to be removed from our children's prisons, and accommodated instead in the country's last remaining Secure Training Centre and 14 Secure Children's Homes. Three days later Ed Cornmell, the Youth Custody Service's (YCS) Executive Director, issued a letter that attempted to provide reassurance about the specific incidents. It explained there had been a serious risk of self-harm by the child and that in order to mitigate this she needed to be stripped and placed in anti-ligature clothing.

The prison service had conducted a full "learning review"; lessons had been learnt; and the incidents were entirely exceptional. I hope that one of the issues this internal review has addressed is—how come a girls' unit can be staffed by men? Why was the staffing of this unit so male dominated that no female could be found anywhere on the first night—and only one was available on the second? Whatever reassurances are on offer now, his letter fails to address the central question— should teenage girls be held in prisons—especially one hold-

ing boys'? Girls were transferred to Wetherby after the YCS closed Rainsbrook Secure Training Centre when that establishment effectively experienced a full melt down. There are very few girls in custody these days. I was Chief Executive of the Youth Justice Board in 2009 when we re-established the programmes to use custody for children only as a last resort. At that time there could be 200 girls in custody on a given night. But on the nights of these searches in 2023 there were just seven girls in custody in the whole country—three of whom were apparently held at Wetherby. On those same nights there were probably 20 empty and already paid for beds available in the Secure Children's Homes and Oakhill Secure Training Centre—not to mention potential accommodation within the NHS.

So why are we placing a very small number of girls, acknowledged by the YCS as being "at very high risk of serious harm", in boys' prisons? The history of imprisoning girls with boys is instructive. A small number of girls were first moved into the Keppel Unit—a specialist unit for up to 48 boys located alongside the main prison at Wetherby—in June 2021. They were transferred there after the YCS closed Rainsbrook Secure Training Centre when that establishment effectively experienced a full melt down. We were assured that there was a plan to move girls into the remaining Secure Training Centre from the end of February 2022. These promises were not met. Girls remained at Wetherby. Girls in custody usually have very different needs to boys. Establishments need to be geared to meeting these specific needs and must be able to show they can do so with sensitivity, decency and respect. Self-harming, and all that follows from that, is a dominant issue for girls in a way that it just isn't for boys.

There is good evidence that boys and girls can be accommodated together in Secure Children's Homes, but the history in Secure Training Centres is mixed. Holding boys with girls in Young Offender Institutions is a very recent experiment which—on the most recent evidence—just does not work. The Prison Reform Trust was informed in 2021, that placing girls in a boy's YOI would go ahead as a short-term measure while longer term plans were developed. In November 2021, five months later, we expressed our concern to the YCS together with the Alliance for Youth Justice, that this short-term measure continued. In response, we were assured that there was a plan to move girls into the remaining Secure Training Centre "from the end of February 2022". A "Girls Care Strategy" would also be finalised "in early 2022". These promises were not met. Girls remained at Wetherby. Individual practitioners are doing their very best to develop approaches for their work with girls in trouble, but this needs to be brought together and led from the centre.

Fifteen months later the YCS produced an internal "Girls Care Approach". This has never been published, or been subject to any open consultation. Insiders who have seen the document describe it as being "slight", and it doesn't address the central issue of where girls in custody are best and most safely placed. Nor does it, I suspect, really describe the way the system needs to respond to girls. Perhaps it is time for the YCS' 'approach' to be exposed to the light of day? When the YCS is challenged about its continued use of prisons, the account most usually used is that the Secure Children's Homes repeatedly say "no" to requests for placements. The Secure Children's Home network disputes this account as far too simple. Regardless, the YCS has now had nearly three years to come up with a better answer. It has chosen not to. This sad story is part of three bigger stories. The first is that the Ministry of Justice has steadfastly refused to produce a strategy for youth custody for years. I have notes of a meeting I held with a senior official in November 2017 about the need for this. Sadly, successive senior civil servants have placed this in their 'too difficult' box. That is until last month when, with a General Election looming, we have been told that there will be a consultation on a strategy. A small victory—but a decade overdue.

The second bigger story is that this failure to engage properly with the needs of girls is by no means confined to the YCS. Look across the whole youth justice system and there are huge gaps in devising a girls approach—a fact highlighted eloquently in Pippa Goodfellow's recent research as well as her earlier paper for The Griffins Society. I know at first hand that individual practitioners are doing their very best to develop approaches for their work with girls in trouble, but this needs to be brought together and led from the centre. It should be an urgent priority for the Youth Justice Board.

Lastly, in recent years the formerly very distinctive Keppel Unit—designed in 2008 to provide a national service for the most troubled boys in custody—appears to have lost its way. In the past five years inspection reports chart a decline in 'safe prison' scores. In its 2022 review the chief inspector said that the "Keppel Unit has lost its identity … Children and staff had experienced unstable leadership; outcomes had declined in all areas". Tellingly the most recent inspection report treats Keppel as just another part of Wetherby prison, reflecting probably the current reality—but not the original intention—for this unit. We need to say, loud and clear, that girls should not be held in boys' prisons. To imprison them in this way shames us all.

Institute of Race Relations - Informing the Struggle for Racial Justice

Over the last weeks, we have witnessed stronger and extreme anti-immigration policies mooted across Europe. In Portugal the far-right Chega party distributed leaflets campaigning against 'uncontrolled Islamic Immigration' in the lead up to its general election; Finland passed temporary legislation to allow border guards to block asylum seekers crossing from Russia; and both Germany and the European Commission are pushing for more 'offshoring' of asylum seekers. All this as the UK sees significant actions against the government's controversial flagship Rwanda scheme.

A week after the union representing civil servants threatened the Home Office with legal action over its Rwanda scheme, the House of Lords again delayed the government's controversial flagship legislation, proposing 5 amendments to the Bill. But the government is determined to push through the legislation which is a key component of its 'stop the boats' narrative. As the campaigning for the 2024 election hots up anti-immigration rhetoric will only increase, and, sadly, with no moral high ground from opposition parties. Labour announced its hard-line approach to immigration with a 1,000-strong 'returns and enforcement unit'. Our campaigns and fights have to hot up too.

A fight that is all the more important as, this week's calendar reveals the intensification of anti-Palestinian racism; with a new definition of extremism in the teeth of warnings from counter-terror experts, former home secretaries and archbishops about not politicising the issue; a large police mobilisation against a small pro-Palestine demo at Battersea power station which had finished by the time the vans arrived; the arrest of Socialist Labour group members on racial harassment charges for hissing at a Newham councillor; and, reportedly, a warning to civil servants by HMRC that donating to Medical Aid for Palestinians is 'contrary to civil service values'. Meanwhile, a High Court case revealed that every single visa application from Gaza since 7 October has been refused.

Defendant Unlawfully Detained by HMP Wandsworth

Doughty Street Chambers: The High Court has handed down judgment in an important case concerning habeas corpus and the failures of Wandsworth prison to release prisoners following orders of the criminal courts. On 16 January 2024 following a sentencing hearing at Westminster Magistrates' Court, Kate's client (BK) was due to be released immediately from the court building. Instead, he was kept in the cells until after court hours and returned to Wandsworth prison, after

which the prison decided that the process of BK's release could wait until the morning. This was unlawful. Following an out of hours application to the High Court which concluded just after 2am on 17 January 2024, Pepperall J issued a writ of habeas corpus which was served on the duty governor of the prison. The prison did not comply with the writ nor make arrangements for BK to be brought to the Royal Courts of Justice as the writ required. BK was released later on the 17 January 2024, shortly before the hearing at the Royal Courts of Justice commenced.

Following submissions, Pepperall J has today handed down judgment making significant criticism of the conduct of HMP Wandsworth and finding that BK was unlawfully detained in breach of his right to liberty. Unusually, and in recognition of the particularly poor conduct of the prison, the Court awarded BK costs on the indemnity basis. This is the second recent case in which HMP Wandsworth has been found to have unlawfully detained a defendant, and where defence representatives have been forced to seek a writ of habeas corpus in order to vindicate their client's right to release. In November 2022, Chamberlain J gave judgment in the case of Niagui v. Governor of HMP Wandsworth [2022] EWHC 2911 (Admin), finding that Wandsworth prison had failed to process the defendant's release in a timely manner and cautioning the prison to improve its procedures.

Any Home Secretary has Massive Power to Control Immigration

Immigration law is complex, badly drafted and it is spread out across multiple legal instruments in piecemeal fashion. That said, it collectively gives the government of the day extremely wide-ranging powers to control all aspects of immigration. Almost any legal rule the Home Secretary wants to change can be changed virtually at will — subject to a parliamentary majority — using immigration rules or secondary legislation. Constraints on the powers of the Home Secretary and immigration officials tend to be real-world or resource issues rather than legal ones. The criteria for entry, ongoing residence, settlement or expulsion on all immigration routes, the very existence of those immigration routes, the level and structure of application fees, the composition of the Migration Advisory Committee, the resourcing of workplace inspections or criminal investigations and more can all be changed with ease. Whether such changes will achieve the intended policy outcome will depend on how well designed, managed and implemented the changes were.

Some, perhaps much, of the immigration legislation now on the statute book has found its way there as a matter of form and politics rather than necessity. When officials are under pressure to explain perceived failings in their department, they may find it useful to blame perceived legal constraints which in truth have little if any relevance. Politicians under similar pressure from the public have been known to do the same. This tendency may be reinforced by campaign and lobby groups, which sometimes use an Act of Parliament as a focal point for a campaign.

Role of Primary Legislation: The key piece of primary immigration legislation is the Immigration Act 1971. This Act gives the Home Secretary the power to make immigration rules subject only to the negative resolution procedure in Parliament. It sets out the scheme of permission to enter, remain and settle in the UK. It imparts a power to deport even settled non-nationals should the Home Secretary consider it 'conducive to the public good' to do so. It also sets out a series of criminal offences imposed on migrants and others for non-compliance or breach of immigration law. It also grants the Home Secretary extensive powers to make secondary legislation: rules, regulations and orders. Other relevant primary legislation, parts of which are still operative today, include legislation from 1999, onwards. Several of these introduced major changes at the time they were passed into law but parts have been superseded and replaced by further powers introduced later while other parts remain in force.

More Than 4,000 Prison Staff Investigated Over Drug Supply

Inside Time: Prisons Minister Edward Argar told the House of Commons that in the four-year period from 2020 to 2023, a total of 1,592 officers and 2,639 other staff "have been investigated in relation to the supply of drugs in prison". Following these investigations there were 161 arrests – a figure which was not broken down between officers and other staff. There were 198 individuals who faced criminal charges of conveyancing, of whom 71 were officers. It was noted during the pandemic that despite Covid restrictions leading to the suspension of social visits – long thought to be a primary route by which contraband is smuggled into jails – the availability of drugs on wings remained unaltered. Other possible routes for the entry of drugs into prisons include drones bringing packages to cell windows; 'throwovers' of parcels into exercise yards; and smuggling by staff. The minister told the Commons that the vast majority of staff, both officers and others, are hardworking and dedicated, but that a minority engage in corrupt activity, often following manipulation from prisoners. He said the Government has a zero-tolerance policy for staff, and has invested £100 million in a security programme reducing the opportunity for employees to break the law. He added that there are no figures available from 2019 or earlier, and that increases seen for 2023 could be a result of more efficient security arrangements and control, not increasing illegality.

"Potting" – Throwing of Shite/Urine Over a Prison Officer.

Inside Time: Some see it as a disgusting and degrading assault, others as an act of revenge. But now a senior Prison Service advisor has described potting as a "symbolic representation of prisoners' defilement and a physical transference of their sense of injustice". In a surprisingly blunt academic paper, Oscar O'Mara, Deputy Chief Scientific Advisor for the Ministry of Justice and a researcher and teacher at Nottingham University, has written a report entitled "Potting, power and imprisonment: Understanding the use of shit as a form of resistance". He says prisons are places of "power and resistance and when the staff oppress prisoners, the latter participate in various forms of resistance, such as violence, substance misuse, riots, or protests to communicate a sense of injustice".

Summarising his argument in the abstract to the article, O'Mara states that whilst many such struggles have been recorded and debated, potting remains a taboo on the wings and in criminological literature, and so is rarely discussed. He wants to challenge that reluctance to talk about the practice because it is in fact "a pervasive and perverse form of resistance", that can influence the behaviour of others by this unreasonable action. His paper, published in the academic journal Incarceration, includes 89 references – to publications including Inside Time. A warning to readers – it should be remembered that potting is a serious criminal offence leading to extra years on a sentence. So whenever the excreta is about to hit the fan, so to speak, it may not end well. Please take our advice, and don't try this at your (temporary) home!

Prison Healthcare in England and Wales in Perpetual Crisis"

Inside Time: The NHS pledge that prisoners should get an equivalent standard of healthcare as people in the community is not being met, according to the respected British Medical Journal. In an editorial article titled "Prison healthcare in England and Wales is in perpetual crisis", the BMJ says that prisoners experience a disproportionate level of ill health, including high numbers with long term physical and mental illness, bloodborne virus infections, and substance misuse. It says that healthcare delivery is difficult in overcrowded, often outdated,

prison estates facing security, staffing, and funding challenges. Healthcare quality varies, the BMJ says, and there are delays to assessment and treatment, stigma, and discrimination, resulting in poorer health outcomes, including excess mortality. The editorial states: "The principle of equivalence—that prison healthcare 'should be of the same scope and quality' as services in the community—is well established but remains aspirational."

The article was written by Kate McLintock, a clinical lecturer in general practice at the National Institute for Health and Care Research, and Laura Sheard, an associate professor at the University of York. They point to two recently-published reviews of standards of prison healthcare, both of which were covered by Inside Time. The National Confidential Enquiry into Patient Outcome and Death (NCEPOD) review of "natural" and "non-natural" deaths (cause unintentional or unknown) identified that 22 per cent of the 247 deaths in 2019-20 were avoidable, and found that the median age for a "natural causes" death inside prison is 67, compared with 86 in the community. The BMJ editorial also referenced the Independent Monitoring Boards' findings of inhumane conditions and treatment delays for men with mental illness, many of whom are placed in inappropriate segregation units because of a lack of capacity in prison healthcare units and secure hospitals.

The BMJ says that staffing is the core issue in both reports: NCEPOD's primary recommendation is to provide enough, skilled, prison healthcare staff, and the IMBs describe how low staffing undermines care quality. A lack of prison officers also impacts, as staff are unable to escort prisoners to appointments, both within prisons and for emergency or routine hospital attendance. In 2017/18, 40 per cent of hospital outpatient appointments for prisoners in England and Wales were missed. Prison healthcare careers, they find, are often considered unappealing, with no mandated training and services varying site to site. Some services are delivered by competing NHS, private, and third sector providers. The terms offered by some providers (including pension provision, sick pay, and holiday pay) compare unfavourably with careers in the wider NHS. The authors conclude that better work conditions for prison healthcare staff could improve the care given and improve outcomes, saying "a combined focus on the inextricably linked issues of staffing and quality of prison healthcare is now required. Reform and investment are urgently needed to improve outcomes and save lives."

More Than 3,000 'White Muslims' in UK Jails

"Inside Time": With Muslims now accounting for 18 per cent of all prisoners – despite making up only 6.5 per cent of the UK population, according to the 2021 Census – the figure will raise questions over the number of prisoners who convert to Islam behind bars, and their reasons for doing so.

The MoJ publishes annual figures for the number of prisoners of each religion, but does not normally break the figure down by ethnicity. It did so in response to a question in the House of Commons from Labour's shadow prisons minister Ruth Cadbury. According to a data table published by Prisons Minister Edward Argar, out of 15,594 Muslim prisoners in September 2023, only 5,489 (35 per cent) were of "Asian or Asian British" ethnicity – whilst 4,212 were "Black or Black British" and 3,096 were "White". The rest were of mixed, other, or unrecorded ethnicity. The table does not record how many were born into the Islamic faith, and how many converted into it, either during their prison stay or before arriving. Whilst some prisoners find that taking up a new religion can help them to get through their jail time, a Government-commissioned review published last year revealed that gangs in some prisons were ordering prisoners to become Muslims or face violence.

The report's author, Colin Bloom, the Independent Faith Engagement Adviser at the Department for Levelling-Up, visited jails and spoke with staff, officials, and chaplains. He wrote: "This reviewer heard numerous stories from HM Prison and Probation Service staff

that the phrase 'convert or get hurt' was commonly used by some Muslim gangs, and copies of the Quran would be left on the beds of new prisoners. "Failure to identify as a Muslim meant that at best the new prisoner would be denied 'protection' from the dominant Muslim gang on that wing, or at worst the new prisoner would be subjected to violence and intimidation from that same gang."

Every prisoner has their religion recorded in their prison record, and access to some privileges – such as attending chapel, receiving appropriate food, and being allowed to possess religious items in cells – is based on this record. In 2023, Christians were the biggest faith group, accounting for 45 per cent of the prisoner population, followed by those who stated they had no religion (31 per cent) and Muslims (18 per cent). Previous figures from the Ministry of Justice, covering eight London jails, showed that in a four-year period between 2015 and 2018, there were 255 cases of prisoners changing their recorded religion to Islam, having previously been of a different religion or no religion. During the same period there were 209 cases of prisoners changing their religion to Christianity, and 92 cases of prisoners adopting other faiths.

It is likely that some of the 3,000 recorded White Muslims are Europeans born into the Islamic faith. Last year there were 1,475 Albanians in UK prisons, the biggest single group of foreign nationals. As Albania is a majority-Muslim European nation, it is probable that some of this group is counted among the White Muslim total. The MoJ data also gives an insight into the faith of Black prisoners. Out of 10,516 classed as "Black or Black British", 4,263 (41 per cent) recorded their faith as Christian, 4,212 (40 per cent) as Muslim, and the rest as other or no religion.

Nine More Asylum Seekers Died In First Half of 2023 Than Home Office Disclosed

Diane Taylor, Guardian: Three times as many asylum seekers died during the first six months of last year than the Home Office disclosed in official information, it has emerged. Earlier in March, the Guardian reported on a freedom of information (FoI) response from the Home Office to an organisation called The Civil Fleet, a news blog that focuses on support for refugee rescue and support missions across Europe. In that FoI response, the Home Office confirmed there had been five deaths in asylum seeker accommodation between January and June last year. After publication of the article the Guardian was approached by another FoI applicant, who said he had obtained deaths in asylum accommodation data for the same period revealing almost three times as many deaths – 14 rather than five. Home Office sources confirmed that the reason for the large discrepancy between the information disclosed to two questioners apparently asking the same question was officials' interpretation of the word "in".

Lifeline for Assange as High Court Demands 'Assurances' on Extradition

Julian Assange will not be deported to the US immediately for trial on espionage charges, after the High Court ruled on the WikiLeaks founder's 'final' legal challenge to his extradition. The US government has been given 3 weeks to provide assurances that Assange could rely on the Constitutional First Amendment (protects free speech), that he is not prejudiced at trial by reason of his Australian nationality and that the death penalty will not be imposed. If those assurances are not given, leave to appeal will be granted on those grounds. If they are, there will be a further hearing on 20 May to decide if those assurances are satisfactory and to make a final decision on leave to appeal. The court refused leave to appeal on six other grounds, including that the UK-US extradition treaty prohibits extradition for a political offence, and that the extradition is incompatible with article 7 (no punishment without law) of the European Convention on Human Rights. Assange has been held in London's Belmarsh prison for five years.