Orkney murder case trial judge 'made mistakes' STV, 08 February 2012

Black Watch sniper Michael Ross argues trial judge should have allowed psychologist evidence. Lawyers trying to overturn a former soldier's conviction for a racist murder on Orkney have attacked the trial judge's decision to rule out evidence from a psychologist. Counsel acting for decorated army veteran Michael Ross say the judge's decision not to allow evidence from a psychologist amounts to a miscarriage of justice. Ross, 33, was jailed for a minimum of 25 years for the shooting of restaurant worker Shamsuddin Mahmood at the Mumtaz restaurant in Kirkwall in 1994, when he was just 15. Lawyers for the former Black Watch sergeant say his conviction should be quashed because he did not receive a fair trial.

They have challenged the use at trial of a series of police interviews which he gave as a 16-year-old schoolboy without legal representation. They also maintain that the trial judge, Lord Hardie, made a mistake in refusing to allow the defence to lead evidence from psychologist Erica Robb. [More on this next issue as case progresses through the court

Important Admin message from MOJK - the appeal for funds has failed to raise more than £120 from 'Hostages' or their friends/families. As a result it will not be possible to send 'Inside Out' completely free as it has done for 350 editions over the last 15 years.

Issue 360 due to be posted out to the prisons on Sunday 26th February, will be the last free copy (execept to those 'Hostages' who themseleves or family/friends, have made a donation to MOJUK.)

For issue 361 onwards, at the very least, anyone wanting a copy of 'Inside Out', will have to send the cost of a second class stamp/s for each issue (MOJUK will continue too pay for the cost of production, paper/envelopes/toner) or send a number of second class stamps.

If you wish to contiune reciveing 'Inside Out', send to MOJUK a postal order or cheque for £3.60 which will buy 10 stamps (a 2nd class stamp will cost 53 p from April) for 10 copies (issues 361 to 370), if sending make sure to put you name/prison number/prison location.

Might be more beneificial to take out a standing order to MOJUK for £2 a month and though this will not quite cover proposed increase in cost of stamps, MOJUK can carry the extra amount involved.

Hostages: 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, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Gary Critchley, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Peter Hakala, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.Ishtiaq Ahmed.

Miscarriages of JusticeUK (MOJUK)
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MOJUK: Newsletter 'Inside Out' No 358 (12/02/2012)

Frank Wilkinson: from Cat A to Cat D in the Twinkling of an Eye

On Thursday December 29th, the day after his 65th birthday, Frank was transferred in a high risk security van, a "sweatbox", double-handcuffed, from HMP Long Lartin to HMP North Sea Camp. On arrival, he moved, almost instantaneously, from Category A to Category D conditions - an almost unheard-of transformation from the highest to the lowest security category prison in one leap! In Frank's own words:

"...all the way across the country, chained up like a dog, until we arrived at North Sea Camp, where all fetters were finally removed and, in the blink of an eye, I was able to wander about to my heart's content. No walls, no fences, no restrictions - nothing at all."

This move fulfills all the promise held out by the exemplary Oral Hearing conducted by the Parole Board Mandatory Lifer Panel on May 26th. Despite the Prison Service refusing a downgrade to Category C at a re-categorization review held just days before, on May 21st, the Board's decision was to recommend a transfer to open conditions, and therefore a downgrade to Category D. (You can read details of the Mandatory Lifer Panel in Newsletter Number 9.)

(Incidentally, the prison's re-categorization review may have been held in response to a move by Frank's solicitors applying for a Judicial Review of the latest round of the sentence planning process, which had been dragging on inconclusively for months, the prison having failed to provide a clear re-categorization decision since the original review meeting held on October 5th 2010. Of course, the imminence of the Parole Board hearing may also have been a factor...)

The transfer process

* On July 18th 2011, the Secretary of State wrote to Frank saying that he accepted the Parole Board's recommendation that Frank should be transferred to open conditions.

* Later that month, the prison presented Frank with a plan to transfer him to a Category C prison. Frank saw this as defiance of the Secretary of State's decision and so objected. He then wrote direct to Kenneth Clarke, plus his probation officer and the Governor of Long Lartin, explaining his objection. He also wrote to the Governor of North Sea Camp applying for a place there and setting out his CV (as it were).

* The following week, a member of the prison transfer department told him that they were sending his details to every open prison in the country. She also told him that North Sea Camp had been in touch asking for Frank's medical records. It's amazing what a bit of individual initiative can achieve!

* There followed a frustrating period of several months' waiting for a place at North Sea Camp to be available. Towards the end of August, Frank's solicitors chased North Sea Camp for progress and received the following response: I can confirm that we have received the documents required to consider the request for transfer, however, there is a hold on those at the moment as our Governor is waiting for decisions from our Area Office regarding the number of Indeterminate Prisoners that we are to accommodate. Until further information is received we cannot progress with any more applications. We have 116 on our waiting list at present and can usually take only 2-4 in per week.

An illustration of how our justice system is relatively good at getting people into prison

but not quite so good at getting them out again - like a funnel, the entrance is much wider than the exit (one of the reasons we have record numbers inside and growing).

* On October 20th, once the Secretary of State had accepted a shortened parole review period (see "The parole process" below), Frank's solicitors again chased progress on the transfer, this time writing to Long Lartin asking for confirmation that: ...Mr Wilkinson's transfer to open conditions is being prioritised in accordance with the new date that has been set for his next review i.e. May 2012.

In response, the prison revealed: ...Mr Wilkinson was offered a transfer to HMP Kirklevington Grange on 07/09/2011 which is a C/D semi open prison, Mr Wilkinson declined the transfer stating that it was not a fully open prison and that he would like to wait for a space to come up at North Sea Camp, he was informed that this may take some time.

They further explained that transfers were now being managed by a central "Population Management Unit" and that this PMU estimated that Frank could expect to be transferred around January 2012.

* By this time (November 2011), the next parole review process had already started, with the target completion date of the dossier of reports of December 27th. Frank's solicitors therefore approached the Population Management Unit on November 10th asking for a timescale for Frank's transfer and that he be prioritised in light of the shortened review period. On November 21st, the PMU responded by confirming that "Mr Wright" (sic) could expect to be transferred some time in January 2012.

* On Thursday morning, December 22nd, Frank was called up to the office and given his parole dossier - but just to look at, not to take away and keep. According to Frank, there was some irrelevant reporting from OMU at Long Lartin that had just failed to keep up with events - there was even a full prospectus for Kirklevington Grange in the dossier! - but nothing detrimental.

Five minutes later, he was given a slip of paper telling him that he was definitely being transferred to North Sea Camp the following week.

Who knows what the connection was between these two events - or even if there was one. They move in mysterious ways...

The parole process and preparation for release

* When the Secretary of State accepted the Parole Board's recommendation that Frank should be transferred to open conditions, the next review period was set at 16 months, with the review process itself due to start in April 2012 and the next Parole Board oral hearing due to take place in September 2012. This period was to: ...allow time for a transfer to open conditions and to include an appropriate resettlement period, including testing of your outstanding risk factors

* Frank's solicitors then made submissions to the Secretary of State that the review period should be set at 12 rather than 16 months. These submissions were accepted by the Secretary of State on September 29th, meaning that the review process would now start in December 2011 rather than April 2012 and the next Parole Board oral hearing would take place in May rather than September 2012. (This rescheduling of the review timetable had an obvious impact on the transfer process.)

* On February 15th there will be, according to Frank, a "board thing" at North Sea Camp (presumably an ROTL - Release on Temporary Licence - Board) which will determine when and whether he will be granted days out and overnight releases.

With the positive support of his probation officer, his swift and remarkably easy adjustment to life at North Sea Camp (see below) and the fact that his next Parole Board hearing is

with my complaints regarding the delay in an investigation into allegations of fraud by the company's farm secretary Barbara Wilson. These allegations were against Peter Eaton a key prosecution witness and benefactor of my family's estate following my conviction.

The police applied the delay for some 15 months until after my first appeal simply because if the credibility of a key prosecution witness was impugned then it would have serious implications for the Crowns case against me and in any event Peter Eaton was later made a company director, something which he might not have been had the allegations been investigated.

"I have contacted the IPCC and appealed the request. If you would like to support this by writing to the IPCC please email the campaign team and they will give you details, or click this <https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B5DLsf0UggyWMGVjMzU4ODAtZmE3MC00N2ZlLTk2OTktMWM1Zjc3ODJlNTcy&hl=en_GB>link to read the documents for yourself and make up your own mind.

"Last year Essex Police were granted a dispensation by the IPCC for complaints about misconduct in my case, stating that as the allegations were about misconduct in 1985/86 we had missed the 12 month deadline for complaints. Considering we have only just had disclosure of documents and it is now some 27 years later I think their decision is unfair, the allegations were regarding the alteration of the chain of evidence which maintains my conviction but - the judiciary would like to have it both ways, no one should be held accountable for misconduct if it were to aid the case to prove my innocence.

"Once again thanks to all my friends and supporters for their part in helping me, your kindness is keeps me going through exhausting times and I hope to see you all in person very soon."

Jeremy Bamber:A5352AC,HMP Full Sutton, Stamford Bridge, YO41 1PS

USA: Suspected drunk driver wins $22m after he was forgotten, isolated/neglected

Stephen Slevin was driving along a rural highway in southern New Mexico in August 2005 when traffic police pulled him over and arrested him on suspicion of drink-driving, along with a string of other motoring offences. By the time all of the charges against him were dismissed and Mr Slevin was released from custody, it was 2007. For reasons that remain unclear, officials had forced him to spend the intervening two years in solitary confinement.

During the ordeal, he claims to have been denied access to basic washing facilities for months at a time. He'd lost a third of his body weight, grown a beard down to his chest and was suffering from bed sores. Prison officials had also ignored his pleas to see a dentist, forcing him to pull out his own tooth. They declined other requests for attention, including an audience with a mental health professional. He duly became delirious and says that by the time of his release he'd "been driven mad".

This week, a jury in Albuquerque ordered Dona Ana County, which was responsible for incarcerating Slevin without trial, to pay $22m (£14m) in compensation. It was the largest award ever granted to a US prisoner whose civil rights have been violated.

The case throws an uncomfortable light on the use of solitary confinement in the US justice system. At present, an estimated 50,000 inmates are housed in such circumstances, sometimes for years at a time. Dona Ana County had previously offered Mr Slevin $2m to drop his compensation case. It pledged to appeal the $22m award, saying: "we believe we have strong legal issues to raise."

Guy Adams in Los Angeles, Indpendent, Saturday 28 January 2012

granted bail in court on this charge, but the British Secretary of State for Northern Ireland Owen Patterson then blocked her release by revoking the parole licence relating to her conviction on charges of bombing the Old Bailey in London in 1973.

Following her arrest for the Old Bailey bombing, Marian, her sister Dolours and two male political prisoners embarked upon a hunger strike for repatriation to an Irish prison, which lasted over 200 days and included 167 days of force-feeding. She was released in 1980, suffering from tuberculosis and anorexia and weighing around five stone.

In recent years Marian has been an articulate critic of Sinn Fein's involvement in the political settlement at Stormont. This has been a huge embarrassment to those attempting to portray a picture of peace and progress in Ireland today.

Her incarceration - which is effectively internment - is a blatant misuse of political power and an abuse of human rights. FRFI calls for the unconditional release of Marian Price and an end to the continued political harassment of her family and supporters.

Colin Duffy - from prison protest to street protest by Paul Mallon FRFI

North Armagh Irish republican Colin Duffy was finally released from prison on 20 January 2012, following his acquittal on charges of murder in relation to the shooting dead of two British soldiers in March 2009. He had spent 34 months on remand at Maghaberry prison, where he was held in a small cell in solitary confinement with no fresh air or natural daylight and subjected to repeat strip searches and beatings, along with repeated interference with access to his legal advisors.

The day after his release Colin led a protest on the Falls Road in Belfast to highlight prison conditions. This was followed by a well-attended press conference which he used to highlight his own innocence and draw attention to the abuse of political prisoners. Since May 2011 some 35 prisoners aligned to different republican groups have been refusing to wash, shave or cut their hair in protest at the continued use of full body strip-searching.

The Friends of Colin Duffy and the Family and Friends of Republican Prisoners in Maghaberry have repeatedly called upon the authorities to implement the independently brokered August 2010 Roe House Agreement between republican prisoners and the prison authorities, whereby full body strip-searching would be replaced by the use of scanners and other non-invasive procedures. The agreement broke down after only a month when prison authorities claimed it did not apply to the prison reception area. As FRFI goes to press, the protest continues. For further information see: http://friendsofcolinduffy.com/default.aspx

Personal message from Jeremy Bamber

"Submissions to the CCRC have now been made by my lawyer Simon Mckay, his law firm has worked very hard on my case and he has also ensured the help of some of the world's leading experts in their fields to determine that I cannot possibly have killed my family and that Sheila did - as I have always maintained.

"In many ways the submissions have been a team effort involving the help of many, many different people who will remain nameless but their assistance has been invaluable. These submissions have been the result of very long periods of hard work at times often painstaking. We have also had the loyal help and support of various journalists and their part has not been forgotten without whom vital evidence would not have been obtained. All that remains is to see if the CCRC will refer my case to the court of appeal over the coming weeks or months.

"I have received a letter from Essex Police telling me that they wish to apply to dispense

only 3 or 4 months away, it seems likely that Frank will find himself - at last - able to walk by the sea once again very shortly.

* Once the ROTL Board has met and accepted Frank's suitability for release on temporary licence, my understanding of the process (the Prison Service Order for this runs to 30 pages or so and has 8 chapters) is as follows:

1. Frank will be granted an RDR (Resettlement Day Release) and will go on his first day release. He's planning just to go for a wander about by the sea, watching the waves and getting a feel for the world again. (I think this must come under the heading "life skills training".)

2. Provided this first day release goes well, Frank will be granted a second RDR. For this second day release, he's planning to visit nearby Boston, to see how he will cope with crowds, traffic, noise - the hustle and bustle of everyday life. ("Life skills training" again.)

3. Again, provided the second day release has gone well, Frank will be granted an ROR (Resettlement Overnight Release) the purpose of which, according to the Prison Service Order, is: ...to allow prisoners to spend time at their release address, or an approved temporary hostel address

Frank's probation officer is currently looking for somewhere that will fit the bill here.

* Provided he has been able to complete the two day and one overnight releases to everyone's satisfaction ahead of the Parole Board oral hearing scheduled for May, it is likely that the Parole panel will recommend Frank's release. He will have been in prison for over 26 years by then.

Life at North Sea Camp

Frank has quickly adapted to the very different conditions at North Sea Camp. He seems to be walking everywhere, talking to everyone, enjoying the open air and the fresh food and relishing life in general - evidence the following extracts from his Blog:

There is absolutely nothing nicer than getting up at the crack of dawn (in this case, about a quarter to seven) and making a cup of tea, then going outside to sit on the step with the hoar frost decorating the grass and every other surface in sight.

As I sit there in the dark, slowly catching hypothermia, I can see a waning moon in the clear sky above me along with a few die-hard stars that are still glittering for my personal entertainment. Off to my right, in the direction of the dyke that is protecting me from the sea, I can see various navigation lights of vessels, big and small, as they go about their early morning sailings or dockings.

There is, of course, the odd call from a blackbird and the cooing of the isolated ring-necked dove, but the birds won't really get into their stride until daylight. I can even hear the very comforting bleating of a sheep somewhere nearby. Personally, I think it's wonderful...

It shouldn't be too long before I can start going down to the local town myself - a bit of shopping, stuff like that. I have already applied for my bus pass. I can't wait to get on a bus. I haven't used a bus for such a long time - some time in the 1960's in fact - it's going to be an experience in itself.

Any idiot can face a crisis

The other day I had occasion to speak with my personal officer here at the Home for Gay Sailors and, during the course of that discussion, he said that he had noticed the change in me since I came here to North Sea Camp. He said that when I arrived the tiredness was etched on my face and I looked like a tired, old man. On reflection, it's true too! I was unshaven, with stubble as grey as a badger's arse, wearing clothing that gave me the appearance of an unsavoury 'hoodie' and trudging about the place like a man looking for somewhere to lay a weary head. - Can't deny any of that.

However, since then over a month has passed, and every day, no matter what the weath-

er, I've been out in the fresh air for several hours each day (and/or night), wandering as the fancy took me, chatting here and there to various folk. Naturally I bought myself some clothing more befitting my age group, cleaned myself up with the aid of a razor and the soft water of the area - and it appears that a transformation has taken place.

Personally, I didn't notice it, although several people (on reflection) mentioned here and there that I was looking very smart.

To get back to the conversation mentioned earlier with my personal officer. He said - and I paraphrase - that it had been noticed, of course, that I was now clean, smart and striding about the place like an upright citizen. Not a negative word had been said about me by anyone, and I was living a very level life, well under the radar.

Clearly I am doing nothing that I haven't done for years - the big difference being that here at the Home for Gay Sailors, (as someone is fond of calling it) I am getting better and fresher food, more fresh air and a freedom of movement that clearly agrees with me.

Oh, I am perfectly sure that Long Lartin, the Lazy L, will have fully expected (and probably wanted) me to make a bollix of it all and bugger off at the first opportunity. Well, that clearly hasn't happened. Here I am, still sitting here in North Sea Camp, more than content with the progress I am making and not a crisis in sight. Surely that must show that it is the very nature of the oppressive regime of the high security estate which causes the stress levels to be so high!

It sort of reminds me of the words of Anton Chekhov when he said:

" Any idiot can face a crisis. It is the day-to-day living that wears you out."

It's true too. All of those pointless years spent wearing myself out for no good reason, and it has all been washed away by just a few short weeks of a more relaxed lifestyle. Surely there is a lesson to be learned there!

Personally, I think it's wonderful, especially after the last quarter of a century - but that's over now, so I won't go on about it. It kind of surprises me that some fellows take it into their heads (for whatever reason) to decamp, run away, bugger off from this place. I don't understand their logic. Having said that, if their thinking patterns were up to scratch, they wouldn't be in jail in the first place - and I am no different in that respect. Howsomever, I would like to think that my thinking patterns have improved a good deal since those early days.

So, where do we go from here? Well, I had a letter from The Wallace, who informs me that there is to he a decision made in a couple of weeks' time (15th February) as to my suitability for day releases and overnight releases - AND she is supporting me in that. Of course there are obstacles to overcome - there always are - but nothing very difficult to sort out. I shall (when the time comes) wander down to see the sea for my first day release. That's all I want to do - nothing fancy or ambitious, just see the sea.

My second one will be a meander around the shops in Boston, just to see how the folk in the real world live and to ensure that the crowds and traffic don't turn me into a basket case.

The third one will be an overnighter somewhere approved by The Wallace. And after that? Well, the search will begin for a hostel where I can live in peace and quiet while I write a few things, read a few things, get used to having a dog again perhaps, and put the past quarter century where it belongs - into the capsule of forgotten nightmares, along with all of the other memories that are better forgotten, and concentrate on the future.

The mill cannot grind with the water that is past.

Frank Wilkinson:A9481AG, HMP North Sea Camp, Croppers Lane, Freiston, PE22 0QX

Service has a dedicated team of 20 lawyers working full time on these cases. In Greater Manchester, the West and East Midlands, Merseyside and elsewhere arrests and prosecutions are also continuing.

Fascist councils and punitive prisons: On 10 January, 18-year-old Daniel Sartain-Clarke was imprisoned for 11 months on a charge of burglary of Curry's at Clapham Junction, which was ransacked on 8 August. As soon as Daniel - who has no previous convictions - was behind bars, Wandsworth Council recommenced its attempts to evict his mother and eight-year-old sister from their council flat on the grounds that Daniel's conviction was a breach of tenancy. In September 2011, Daniel's mother Maite de la Calva became the first person to be threatened with eviction on these grounds, quite correctly telling a shocked BBC reporter that the council were behaving 'like fascists'. On 19 January, Maite de la Calva's determined stance and the support she received from local campaigners forced the council to back down and retract the eviction notices. However, the threat of such collective punishment has not gone away for everyone and at least one Labour council, Southwark, is still trying to evict two households on similar grounds.

FRFI has received various accounts of the treatment of those sentenced for the August uprising once they arrive at prison. At Holloway women's prison in north London, incoming prisoners who received riot-related sentences did not go through any of the normal 'first night in custody' induction process, but were sent directly onto prison wings - apparently on the instructions of the Ministry of Justice. And at HM Young Offenders Institute Isis, situated next to Belmarsh prison in south London, we have been told that young prisoners are being wound up by staff, deprived of access to basic items such as toilet roll and refused early release on tag.

Step up the solidarity!: As regular readers of FRFI will know, campaigns in Glasgow and Newcastle have been successful in defeating politically motivated charges and have repeatedly exposed attempts by the state to destroy democratic rights. many have learned the hard way, pleading guilty automatically exposes you to the full wrath of the state. Pleading not guilty and mounting a political defence does not guarantee acquittal but the odds on retaining your freedom and exposing the failings of the state are vastly improved. However, this cannot be done without external support. Thousands of young people are being churned through the ruling class's 'justice' system and into prison. They must be publicly defended and supported.

Connor Riley and Nicki Jameson for FRFI

Mumia Abu Jamal: persecution continues Connor Riley and Nicki Jameson for FRFI

In December 2011 Pennsylvania state prosecutor Seth Williams announced he would not pursue the death penalty against former Black Panther and radical journalist Mumia Abu Jamal. Mumia now faces life behind bars without parole - at the mercy of a vindictive, racist prison system. As soon as the death penalty was lifted, Mumia should have been released into the general prison population. Instead, he was kept in solitary confinement, shackled when outside his cell, even when taking a shower, exposed to glaring lights 24 hours a day, subject to restricted visits and phone calls and denied his typewriter and other materials. This went on until 27 January, when pressure from campaigners paid off. However, the struggle to free him is far from over - send solidarity messages to Mumia Abu Jamal AM 8335, 301 Morea Road, Frackville, PA17932, United States. Free Mumia Abu Jamal!

Support Irish Prisoners of War (POWs) by Paul Mallon FRFI

Marian Price continues to be held in solidarity confinement at Maghaberry prison, where she is the only female prisoner. Marian, who is 57-years-old and suffers from ill health as a result of her time on hunger strike, was arrested during a police raid on her Belfast home on 13 May 2011 and charged with encouraging support for an illegal organisation. She was

is exactly what the CEOs and their shareholders are interested in.

This brings me to what the ACLU's David Shapiro, who authored the recent report Banking on Bondage, calls a "fundamentally flawed incentive". In a sane society, the purpose of a prison should be to keep the public safe. The goal should not be to encourage criminal behavior or to find new ways to incriminate people, so that certain private individuals can line their pockets.

It's an added kick in the face that these corporations which profit from human misery are doing so at the taxpayers' expense and to the detriment of public safety. But until the public cries foul, there will be no stopping them.

Interested parties can write to: Sadhbh Walshe

PO Box 1466, New York, NY 10150, Or send an email to: sadhbh@ymail.com

Prisoners Fightback - February/March 2012 [Articles from Fight Racism! Fight Imperialism! 225]

Defend the prisoners of the August uprisings!

'Jeremy Clarkson can go on TV and say "Take the strikers out and shoot them" but nothing's done...It's because he's got friends in high places - grandfather of imprisoned teenager Shaun Divin.

The fire that was lit in Tottenham on 6 August 2011, following the police killing of Mark Duggan, set cities across England ablaze as thousands of youths took to the streets in an eruption of working class anger. In the Scottish town of Dundee, Shaun Divin (16) and Jordan McGinley (18) joked on a Facebook page called 'Riot in the toon', encouraging similar actions north of the border. On 11 August their homes were raided, their laptops seized and they were arrested, refused bail and remanded into Polmont Young Offenders Institute. Once again we witnessed the ice cold approach of 'defence' solicitors, as the pair were instructed to plead guilty to a breach of the peace charge. On 12 December, sentencing Shaun and Jordan to four and three years' imprisonment respectively, the judge pronounced that: 'This is one of the worst breaches of the peace that I have ever had to deal with'. All this, despite the fact that absolutely no riots actually took place in Dundee or anywhere in Scotland.

No riot necessary: This incident is not isolated and such cases are being repeated Britain. As we reported in FRFI 223, on 17 August Jordan Blackshaw and Perry Sutcliffe-Keenan were sentenced to four years' imprisonment for creating a Facebook event called 'Let's Have a Riot in Latchford'. On 15 December Daniel Cook (22) from Kidderminster was imprisoned for 30 months for setting up a Facebook page, which was only accessible for half an hour, called 'Letz start a riot'. (There were no riots in Latchford or Kidderminster.) Sam Lowe (21) from Nottingham is due to be sentenced on 3 February for sending a BlackBerry message encouraging people to assemble and 'kick off' against the police.

One of the only cases related to social media which actually went before a jury was in Wakefield, where Hollie Bentley (19) resolutely refused to plead guilty to encouraging violent disorder on Facebook. Although initially being told by the trial judge that her comments were 'potentially a very serious offence' the pregnant teenager was acquitted by the jury of all charges. Hollie's defence of her democratic rights was vindicated.

Harsher sentences - more arrests: Meanwhile the onslaught on those accused of actual participation continues apace. On 16 November at Wolverhampton Crown Court 19-year-old Danielle Corns was imprisoned for 10 months for entering a shop for ten seconds and taking two left-footed trainers, which she immediately discarded.

By 22 December 3,423 people had been arrested in London alone and 2,179 charged or summonsed. The Metropolitan Police continues to make 50 arrests a week. The Crown Prosecution

Justice for Tony Marshall

'The British Justice System works, very slow to rectify any damage caused by those who had created it'

'A couple of meanings from the definition of the word fair is; reasonable, fair-minded, open-minded, impartial, even-handed and non-discriminatory. The question here is, can our very own British Justice System really live up to these expectations? Is it really a fair deal, to have offences committed by those who are supposed to be doing the complete opposite?'

Since 8th July 2009 Tony Marshall has been in custody for offences that he did not commit, he is now currently in HMP Frankland, serving an 18 year sentence (9 year IPP) after the original 20 year sentence (10 year IPP) that he was first given was "generously" reduced by the Court of Appeal.

Tony was originally arrested at his home address in North London, for a conspiracy to rob and conspiracy to burgle on dates between October 2008 and July 2009, he however, was only released from serving a 10 year sentence on the 7th February 2009 and was then made to reside at a probation hostel for 3 months as part of his licence conditions, this involved close supervision along with a 11:00 pm to 7:00 am curfew.

When the police had realised this, they then started to custom build the case around him and the times that he would have been out, this was done as Tony, out of the 21 suspects named within this case papers had the most extensive criminal record, most of what were for serious offences including robberies and firearms.

He had exercised his right to silence and gave no comment interviews, he was given no special warnings by the interviewing officers during these interviews, and after the interviews Tony was charged with two Counts of conspiracy between May and July 2009. What had been a 10 month conspiracy had now become a 2 month conspiracy.

It was continuously suggested by the Crown during the trial that Tony was at the top of the chain, the main man within the conspiracy; I mean how far from the truth can this have been? He had just served 7 years out of the 10 year sentence that he had previously been given, and had just been released prior to his arrest.

There was no evidence of an agreement ever happening between Tony and any of the other suspects within this case, no covert recordings or anything to that extent. There was no forensic evidence to link Tony to anyone of those offences within the conspiracies, he was not picked out on the ID parade that he was made to take part in.

A trial was then set for six weeks at Winchester Crown Court, before trial as required by the Crown, Tony had submitted a defence case statement denying any involvement in the conspiracy offences, he had also submitted a further requests for case disclosure, specifically within that disclosure request, was a request for any surveillance logs relating to Tony himself and any of his co-defendants, this was never disclosed leading up to the trial.

This had been requested as Tony had been informed while he was on remand that another suspect within this case, someone he had known for many years, someone who had an extensive criminal record and someone that Tony had fallen out with shortly after being released from prison, had in fact been on the books as a police informant, it had been noted on the Police National Computer (PNC) that this individual had been arrested for offences believed to be linked to this conspiracy. He was released on bail and the following day had met two police officers at the back of a London police station.

He was paid X amount of money in cash and in return he had put Tony Marshall's name along

with other's as people that had been involved in offences, he was never used as an anonymous witness, or a witness at trial.

He himself was arrested on the same morning as Tony but was never charged; in fact he was never charged for any offence but was placed on recall to prison as he had been on licence. From evidence disclosed in the case papers, he was clearly marked as one of the key suspects within the conspiracy, a request was made for the custody (CCTV) of the morning of the arrest of this suspect, it was said during trial that this (CCTV) had gone missing and that there was no explanation as to its whereabouts.

Another suspect named within the case, who was at one point a friend of Tony, was being pursued by the police with reference to the conspiracy offences, Tony had fallen out with this person while he was in prison and as a result had made threats towards him. Tony was later taken out of prison by the investigating officers interviewed and charged with threats to kill.

This suspect was arrested by the investigating officers on many occasions, he was bailed time and time again even though he had always failed to show for his bail hearing, during his contact with the police he had continuously gave no comment interviews.

He was later identified within the case papers by police officers as being one of three suspects being chased away from a robbery offence, the vehicle he was seen travelling in was a short while later found abandoned, within that vehicle police found 3 mobile phones all attributed to him.

He was forensically linked to the vehicle along with being identified as the driver of that vehicle by the pursuing officers, items believed to be from that robbery offence were later found at his mother's address which was within a mile of where the vehicle was abandoned.

He had now come to the end of the line with regards to getting bail and knew that there was no way out for him, he would be placed into custody as a co-defendant and would therefore have to come face to face with Tony, this is something that he would not of wanted and he would have been desperately trying to avoid this situation. He agreed to sign up to a Serious and Organised Crime and Police Act 2005 (SOPCA) agreement; he was placed on remand at another establishment and while there he was disclosed all of the case papers.

Tony Marshall's trial was set to start on the 12th April 2010. The Prosecutions main witness was produced from prison during the months of March and April 2010 to conduct his (SOPCA) agreement interviews, this is just weeks before the trial is scheduled to start, they conducted about 13 interviews over that period of time where the witness had totally fabricated a story that would fit into what he had read from the case papers, the interviewing officer near to the end of interviewing this witness, had stated himself that this witness had not told them anything that they had not already known, and what he had told them, what was in relation to the case papers which he had been served.

The Prosecution were still keen on using him as the main witness even though the police had done nothing in relation to collaborate his story. As part of this witnesses (SOPCA) agreement he had to admit to any involvement in any offences that he had been involved in. He also had to plead guilty to the outstanding conspiracy offence, the Prosecution witness had pleaded guilty to one offence within the conspiracy to rob. He also pleaded guilty to handling stolen goods and perverting the cause of justice the later one was with reference to giving police false information when he was stopped by them prior to this investigation. He had given the police his brother's name, a person who was of good character and he had done this to avoid being convicted himself, this surely is an indication that his evidence could never be relied upon.

private companies, G4s, Serco, Sodexo, MITIE and GEO.]

In the past few decades, changes in sentencing laws and get-tough-on-crime policies have led to an explosion in America's prison population. Funding this incarceration binge has been an enormous drain on taxpayer dollars, with some states now spending more to lock up their citizens than to provide their children with education. It's difficult to spin anything positive out of that scenario, but as it turns out, even this blackest of clouds has a silver lining - silver as in dollars, that is, for the private prison industry.

In 2010, two of the largest private prison companies in America, GEO Group, Inc and the Corrections Corporation of America (CCA) generated over $4bn dollars in profit between them. Their respective CEOs, George Zoley and Damon Hininger, each earned well in excess of $3m in 2010. Although there have been some concerns that any relaxation of sentencing or drug laws might negatively impact their bottom line (profit), they remain confident in their ability to drum up new ways of generating their taxpayer-funded commodities (also known as inmates): lobbying California for their excess prisoners being one; caging juveniles on trivial charges another. But the favorite, by a long shot, is the accelerated drive to lock up America's immigrants.

So far, these strategies seem to be working nicely. In their 2011 third-quarter earnings report, the GEO group proudly announced an increase in profits from the previous year. This joyous news can be at least partially attributed to changes in immigration law, particularly in states like Arizona and Oklahoma, which allow for, among other things, the indefinite detention of illegal immigrants, including those whose asylum proceedings are underway. The majority of immigrants who are picked up by law enforcement officials, mostly on civil charges, like being caught with a broken tail light for instance, will end up in privately run prisons. In many of these facilities, they will be charged $5 per minute to call their loved ones, whilst earning $1 per day for their labor, from which the corporation running the facility will profit.

According to an investigation by NPR, in 2008, two men, allegedly from CCA, showed up in a small Arizona town, close to the Mexican border to pitch the construction of a new prison specifically to house women and children who were illegal immigrants. Local officials were not convinced that the prison could be kept full, but that is, perhaps, because they were unaware that, at the time, CCA was one of the key groups involved in drafting and promoting the Arizona Senate Bill 1070 (which requires police to lock up anyone who cannot prove they came to the US legally), under the auspices of a secretive group called the American Legislative Exchange Council (ALEC), which specializes in model legislation.

It's hard to think of a more cynical way to earn one's fortune than to devise means of placing innocent children in prison. But if no one's going to stop you, then why the hell not?

It's not all sunshine and roses in private prison land, however. These dens of inequity were sold to the public as super-efficient, money-saving, job-creating dream machines. The trouble is, most of the savings are derived from hiring too few prison guards and paying them on average 30-40% less than their counterparts in government-run prisons. According to Brian Dawe, executive director of the American Correctional Officers (ACO), an organization that promotes the well-being and safety of corrections officers (COs), no self-respecting CO wants to work in a private prison - where their chances of being assaulted are 49% higher, where escapes are commonplace, where riots are frequent and where the staff are ill-equipped to cope.

It might seem counterintuitive to create conditions that are conducive to outbreaks of violence, until you realize that violence is good for business. Inmates who act out tend to get time added to their sentence. Time added to sentences means more money, and more money

on the part of the young detainee to “rock the boat” by making a complaint.”

Too frightened to complain on their own behalf, the children subjected to abuse and ill treatment were given absolutely no protection by social workers or prison inspectors who knew exactly what was going on. Justice Foskett said in this regard, “It is a legitimate comment that until the deaths of Gareth Myatt and Adam Rickwood, and the investigations and inquiries that resulted from these deaths, none of the agencies in place to monitor what took place within an STC had identified and/or acted to stop the unlawful nature of what was happening.”

In fact, so-called monitors from the Youth Justice Board actively encouraged restraint techniques (which were often injury inducing) that were criticised by the United Nations, the European Torture Committee and Parliamentarians on the Joint Committee on Human Rights.

These techniques included the “nose distraction” technique, which involved members of staff punching non-complying children on the nose; other “restraint” techniques included punching children in the ribs and yanking their thumbs back. 14 year old Adam Rickwood was subjected to the “nose distraction” technique hours before he hung himself.

The extent of the abuse was also revealed in the judgement. The number of violent “restraints” on children ran at over 350 per month across the 4 STCs up until July 2008. Hassockfield STC seemed to use an almost gratuitous amount of violence against it's child inmates and during a six month period in 2004 applied violent “restraint” approximately 570 times.

The widespread use of unlawful violence over such a prolonged period was allowed and encouraged to take place because those employing it operated without any accountability and because an environment of frequent staff brutality was obviously considered appropriate for difficult and rebellious working class children.

Despite delivering a scathing condemnation of the STC regimes, Justice Foskett refused to make a judgement requiring the state to identify victims and notify them of their right to seek compensation. He claimed that such a judgement might have a “springboard” effect in creating a mass of compensation claims from both children and adults abused in state institutions.

There was no suggestion either that a police investigation should be conducted into what took place in the STCs over such a prolonged period, nor any inquiry into the culpability of senior management at G4S and Serco or why both companies are continuing to run and operate penal facilities for children. In effect, everyone involved in the unlawful abuse of children in the STCs for over a decade got off scot-free.

An important question that emerges from this case is why the care and custody of already damaged children is still being entrusted to profit-driven private companies like G4S and Serco, who have clearly shown by this case a total disregard for the human rights of those in their custody? Running jails for profit is always morally dubious, but when it has been clearly established and proven that children have been so brutalised by regimes operating in privately owned child jails that some of them have been driven to kill themselves, then the whole corrupt business needs to be fundamentally questioned.

John Bowden, HMP Shotts, Lanarkshire, ML7 4LE

The cynical world of America's private prisons

'Some states now spending more to lock up their citizens than to provide their children with education'. A major factor in why US prisons are overflowing is the highly profitable privatised industry that has an incentive to fill them: Sadhbh Walshe, guardian.co.uk, 03/0212

[At present in the UK there are 16 prisons and 7 Immigration Removal Centres run by

This Prosecution witness was never charged for the robbery offence where the evidence was over whelming against him, this was not done as part of the (SOPCA) agreement. He had later during trial, while being cross-examined by the defence teams, gave totally different accounts to what he had during interviews proving that he had fabricated a story, he had done this to avoid a confrontation with Tony and most of all a lengthy prison sentence.

A short statement of the overall interviews he had made was disclosed to the defendant's a week before the trial had started. On the day that Tony and his co-defendant's trial started a request was made to the Court for full transcripts of all of the Prosecution witnesses interviews. Within the first few days or so these transcripts were provided, the defence teams were simply asked to work through them as the trial was continuing, giving the defence teams no adequate time to prepare for this witness.

The surveillance material that had been requested prior to trial was never disclosed, it was not held back under the Public Interest Immunity application and the defence teams were not given notice to say that no such material exists. Within the first two weeks into the trial the defence teams discovered surveillance material and I say discovered as this material was never disclosed within the case disclosure, the Prosecution had clearly failed within their duties and obligations to disclose key evidence.

Had it been available for the jury members to see, it would have clearly undermined the Prosecution's case against Tony. It would have opened up a new line of inquiry, it would have clearly undermined the investigating officers accounts during the trial as they had clearly lied while under oath, clearly committing perjury.

Evidence was put in front of the jury members that was, never before trial disclosed as evidence within the case. Clearly procedures that need to be followed by both the defence and the Prosecution. The jury members were simply asked to cross it out and take no notice of it! Another document was put in front of the jury members stating that a stolen Police Warrant Card was found in a sofa at Tony Marshall's address. I can ensure that Tony Marshall's address was searched thoroughly on two occasions following his arrest, this item on both occasions was never said to be found there, as it was never there.

A police officer's statement within the case papers shows that it was actually discovered in the glove compartment of a vehicle in the North West London area, 10 months after Tony had been remanded into custody. The vehicle was not Tony Marshall's, Tony Marshall had never been in contact with that vehicle, the vehicle in question was in fact the Prosecution witnesses vehicle. This evidence put before the jury members, was totally false and misleading, but yet was allowed, it should never have been.

The Prosecution had also largely relied on bad character evidence against Tony Marshall. Constantly mentioning to the jury members that he was a professional armed robber who had a string of convictions which involved firearms and robbery offences. These offences that the Prosecution mentioned were in the past, hence why they are called previous convictions. Tony had previously pleaded guilty to those offences and had served his time.

Other evidence that the Prosecution had relied on was mobile phone cell site evidence. The Prosecution had allowed for a coloured glossy book of maps and cell site locations to be provided to the jury members. The Prosecution were asserting that reconnaissance's had been carried out on some robbery offences. Some mobile phones had been cell sited, in some areas days or weeks before offences had been committed, but not at the actual times of the offences. No survey had been carried out to prove that anyone of the mentioned phones

had been within enough distance for there to be a reconnaissance.

For starters you would have to be within seeing distance of the alleged offence for there ever to be a reconnaissance, on the maps provided. Mobile phones were placed at the actual locations of the sites, no survey of anyone individual site was carried out to establish whether or not that site was currently active and working correctly.

The actual range of that site and where the actual mobile phone may have been at that given time, as they could well have been within miles of those locations. This evidence was compiled by a female officer, part of the Serious and Organised Crime Unit, she while under cross-examination had admitted that she is not an expert; she admits that she has no qualifications in cell site analysis, but has experience. She could not answer the simplest of questions such as the range of each of those sites, where the mobile phones could have been when the calls had been made or whether or not the calls were even made from outside of the UK.

Tony Marshall had been advised by his defence team not to give evidence at trial, this was his right and he exercised that right. Tony and two other co-defendants after the trial period where all found guilty, Tony Marshall was sentenced to 20 years imprisonment (10 year IPP) his co-defendant's each received 18 years (9 year IPP) and 9 years determinate, the Prosecution witness received 4 years 8 months.

Tony automatically launched an appeal against conviction and his legal team retrospectively against sentence stating that it was manifestly excessive (How about manifestly unfair). His appeal against conviction at the first judge was refused but was granted leave to Appeal against Sentence.

Tony again automatically reapplied to renew his application for leave to Appeal against Conviction and added a further ground that he had been denied the Right to a Fair Trial under Article 6 as the Prosecution service had failed to comply with Criminal Procedure and Investigations Act (CPIA) guidelines, they had failed disclose evidence, evidence that had been requested prior to trial and evidence that should have been disclosed.

A date was later set for the hearing before the full Court, Tony had made arrangements with the Court of Appeal to be produced for his hearing as he was now representing himself in regards to conviction, this surely would have been his minimum right, for someone to be representing himself to be produced to present their case.

However the day prior to this hearing Tony was informed by landing staff that he would not be produced to the Court of Appeal for his hearing. After making inquiries into this situation it had become apparent that the Security Department at Frankland prison had sent an urgent fax to the Court of Appeal. They stated that they were not producing Tony for his hearing as they believed he was going to escape. There was no evidence to suggest this claim, he was not placed on the escape list, it was just a totally made up allegation by the prison service, nothing more than them not wanting to foot the bill for transport.

The Security Department had asked for a Video Link hearing to be set, Tony was made to try and present his case via a Video Link of a poor quality, he could not see anyone of the Judges within the Court, the sound of the hearing was all over the place and there was a lot of confusion with regards to the hearing.

Tony Marshall's requests to the Court of Appeal had been rejected even though he had requested the Court to access undisclosed evidence before making their decisions on his application, as this evidence would have undermined that of the Prosecution, this was never done, and his application was refused.

The Court reduced Tony's sentence from 20 years to 18 years (10 year IPP to a 9 year IPP) for a sentence that is considered to be manifestly excessive; this has hardly made a difference.

Six months down the line and Tony Marshall still has not been notified by the Court of Appeal why his renewal application has been rejected and now waits for the Judgement.

Tony continues to protest his innocents and is now making an application to the (CCRC) to have this case referred back to the Court of appeal as an abuse of process and an unfair trial.

A complaint has been lodged with the Independent Police Complaints Commission (IPCC) with regards to the conduct carried out by the investigating officers, this was a joint operation carried out by three police forces. Where obvious deals had been carried out between those forces to cover up offences and custom build a case against Tony, we again await the outcome.

There clearly have been procedural flaws throughout the investigation and throughout the trial in this case. But as yet no notice or action has been taken to rectify the damage caused.

Perhaps this is just the way that the British Justice System works, very slow to rectify any damage caused by those who had created it. The Right to a Fair Trial under Article 6 is supposed to be in place to stop miscarriages of justice from happening and to give everyone that fair hearing, however we see more and more of these cases coming to light every year.

A couple of meanings from the definition of the word fair is; reasonable, fair-minded, open-minded, impartial, even-handed and non-discriminatory. The question here is, can our very own British Justice System really live up to these expectations? Is it really a fair deal, to have offences committed by those who are supposed to be doing the complete opposite?

Tony remains in HMP Frankland waiting for the day to come when his conviction will be finally quashed, no one knows how long that wait will be, but we will keep you updated!

Tony Marshall: A9333AC, HMP Frankland, Brasside, Durham, DH1 5YD

The Abuse of Children In Privately Run Prisons – By John Bowden

After more than a decade of unlawful abuse and brutality within child prisons run by private security companies it took the deaths of two young people and the inquests into those deaths to finally expose the sort of violence routinely inflicted on children held in such institutions.

A subsequent legal action brought by the Children's Rights Alliance for England (CRAE) laid bare completely what had been going on in these places, and on the 11th January the High Court delivered a judgement that was absolutely damning of the privately owned and run "Secure Training Centres" (STC) and the brutality of their regimes.

In his judgement Judge Justice Foskett said that in bringing the case CRAE had shone "a light into a corner which might otherwise have remained in the dark," and indeed it was a corner of the penal system where the brutalisation of already damaged children in the name of so-called "restraint" was endemic and institutionalised and actively encouraged and promoted by the government's Youth Justice Board. It was also revealed that none of the statutory agencies charged with monitoring the care and treatment of children in the STCs did anything to stop the unlawful treatment. Clearly the human rights of such powerless working class children counted for nothing.

What the ruling finally exposed were places where a culture of abuse had been allowed to flourish and where the victims were too terrified to complain and accepted such treatment as an inevitable part of their captivity. In his Judgement Justice Foskett said, "I do not think there can be any doubt that in the vast majority of cases the detainees made the subject of an (unlawful) restraint technique would simply have accepted it as part and parcel of the routine in the STC. There is, of course, also the inevitable reluctance that there would have been