sent while he was beaten. Is this why he, the key to any serious investigation of British complicity in the lawless activities of the invading allies, is now entering his 11th year of captivity, with the coalition government insisting, just as its predecessor did, that it is impotent to persuade the US to return him home to the UK?

Each of the families of the 15 British men who came back from Guantánamo had been told the same; nevertheless each ministerial claim of impossibility buckled in turn under the adverse publicity generated by the horrific tales that US-cleared lawyers brought out from Guantánamo – not just of torture and rendition but of British complicity. Even those awaiting trial before military commissions came to find themselves instead on a plane bound for London.

Ministerial memos betrayed a passing concern – that Aamer too might launch litigation in the UK. But Aamer, fiercely independent, had no lawyers throughout the key years to bring out news of his treatment – savage attacks by US guards, brutal force-feeding to break his hunger strikes, and years of isolation in punishment for protest, which is still continuing. And so, after 2007, Britain, shamefully, felt able to "close its file" on Aamer.

So how to explain the repetition of the same message Aamer's wife and children in Battersea heard from Blair and then Gordon Brown, when the coalition vowed to do better? The excuse given for impotence is now that the US has toughened its criteria for removal. But we are, after all, the US's closest ally and possess sophisticated methods of detecting risk. Besides, Aamer faces no charges in Guantánamo and has been "cleared for release" for many years.

Aamer is described by all who know him as principled and fiercely resistant to every aspect of the unlawful Guantánamo regime. It seems this singled him out for what has become indefinite detention. His US captors view him as a "leader" for whom the only acceptable exit route is transfer to his country of origin, Saudi Arabia.

As is clear from an internal ministerial memo written in 2007, the UK government was actively assisting the US to achieve Aamer's permanent removal to detention in Saudi Arabia, a country condemned by NGOs as perpetrating a regime of draconian repression. Aamer's British wife, with or without a husband free to be with her, would be a non-person, in a country where women are liable to be flogged for attempting to drive a car. The US's continuing private belief that this is achievable is inexplicable unless it believes the mindset of the Blair government is shared by its successors. For the 16th Guantánamo hostage, just as for the 15 before him, it seems it will be informed public indignation alone that will bring him home.

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)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 359 (19/02/2012)

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 358 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.

Police lose immunity plea in Azelle Rodney gun death inquiry BBC News, 09/02/12

Scotland Yard has lost a court bid for firearms officers to be allowed to give evidence from behind a screen at an inquiry into a fatal police shooting. Police lawyers had asked the High Court to quash the inquiry chairman's refusal to allow them to be screened from view.

Azelle Rodney, 24, was in a car when an officer fired in Edgeware, north London, in April 2005.The High Court ruled only the officer who fired the shots could be screened, not the 13 other officers involved.

Police said the officers were fearful of potential "revenge attacks". Scotland Yard barrister Jason Beer QC said showing the officers could expose them to potential harm, and jeopardise future police work. He said the public inquiry's chair, retired High Court judge Sir Christopher Holland, had failed to consider the officers' rights under the European Convention on Human Rights when he ruled at a preliminary hearing last month that they had to give evidence in public.

But Lord Justice Laws and Mr Justice Simon agreed that Sir Christopher's ruling was correct and the inquiry should be "as public as possible". Justice Laws said: "There is in my judgment a very pressing public interest in openness of the facts of this case.

After all, a man sitting in a car with no weapon in his hand has had eight shots fired at him at close range." He added: "I do not consider that, in refusing screening, the chairman failed to consider and give proper weight to the concerns of these officers."

The inquiry was launched in place of an inquest after police refused to reveal secret information they said had led them to believe Mr Rodney, from Hounslow, west London, was armed. Previously a coroner had said sensitive evidence made an inquest impossible, but the police were accused of a "cover-up" by Susan Alexander, Mr Rodney's mother. The inquiry, which was ordered by the then justice secretary Jack Straw, is due to begin later this year.

Previously a coroner had said sensitive evidence made an inquest impossible, but the police were accused of a "cover-up" by Susan Alexander, Mr Rodney's mother.

Human rights abuses could be covered up under new justice bill proposals

Lawyers criticise changes that could cloak sensitive information about state complicity in torture and threaten open trials *Toby Helm, guardian.co.uk, Saturday 11 February 2012*

Justice secretary Kenneth Clarke is pushing ahead with the proposals despite opposition from special advocates. Ministers and the intelligence services will be able to cover up sensitive information relating to the state's complicity in torture and secret rendition, under controversial plans likely to be included in the Queen's Speech in May. Sources at the Ministry of Justice say the plans, first outlined in a green paper in October last year, are likely to be included in a justice bill in the next session of parliament in a move that critics say will fundamentally undermine Britain's tradition of open justice.

The plan could mean that so-called closed material procedures – in which secret evidence is withheld from the claimant and the press in a closed court – would be introduced more widely into civil law. This would allow the government or its agencies to defend serious allegations knowing that damaging information would never emerge.

Examples of cases which opponents say could be held under such procedures include those where torture victims sue the government, where inquests are held relating to soldiers killed by friendly fire, or where actions are lodged alleging police negligence. The claimants would be represented by special advocates who would be barred from discussing the evidence with them. The government is pushing ahead despite the fact that out of 69 currently appointed special advocates, 57 have signed a response hitting out at the proposal – saying there is no reason to justify such sweeping changes.

Shami Chakrabarti, director of Liberty, which will launch a campaign against the plans on Tuesday, said: "What bitter irony if the government's answer to the worst excesses of the 'war on terror' were an even bigger, darker cloak over the secret state. If these proposals represent the agencies' response to concerns about complicity in torture, they are surely either unnecessary or dangerous. If flirtation with extraordinary rendition was an aberration after 9/11, why wreck the whole civil justice?"

The Equality and Human Rights Commission, in its response to the green paper, has said that "closed material procedures can never be completely fair and are likely to violate… the right to a fair trial."

The organisation Reprieve, which promotes the rule of law around the world, says that the government plan, if in force at the time, would have meant the torture of British resident Binyam Mohamed would never have been made public. Binyam Mohamed spent just under seven years in custody – four of those at the US's Guantanamo Bay camp in Cuba. He and six other men who claim they were tortured and that the British government did nothing to help them received millions of pounds in compensation in November 2010.

Reprieve says the extension of closed material procedures across civil courts "risks creating a parallel system of secret justice, operating in the shadows and undermining Britain's centuries-old tradition of open justice. It will replace the current system, under which the government's national security concerns are balanced against right and liberties of the individual with one in which proceedings are strongly skewed in favour of the state."

A response to the green paper from Guardian News and Media, owners of this newspaper, says Kenneth Clarke's proposal would have a serious impact on the judicial process, court reporting and public interest journalism. Closed hearings, secret evidence and secret pleadings and judgments will result in the indefinite removal of information from the public domain.

Shaker Aamer, the Briton still locked in Guantánamo, will not be forgotten

Gareth Peirce, guardian.co.uk, Monday 13 February 2012

Ten years since he was incarcerated in Guantánamo Bay, Aamer has been abandoned by successive British governments

When the allied invasion of Afghanistan began in October 2001 with the bombing of Kabul, among the families forced to flee were the Aamers. With three young children and a fourth expected, the family had only recently moved from London to the poorest nation in the world. Their work was teaching the sons and daughters of Arabic-speaking expatriates in the capital, but the school was flattened in the first days of the bombing and the family quickly fell victim to the lawlessness that ensued.

By November Shaker Aamer had been sold on twice by bounty hunters, the third time by the Northern Alliance to US forces, who helicoptered him to Bagram airbase in what he described years later as a kidnapping operation pure and simple. "We were hostages not prisoners," he said, a distinction successive British governments have failed to confront. On 14 February 2002 he was airlifted again, to Guantánamo Bay. The urgent question today is why, 10 years on, he alone of the 16 detainees who possessed British citizenship and residency is still held hostage there?

If we look through a small window into the Blair government's first few months of enthusiastic participation in the Afghan war, opened by chance through accidents of litigation in which internal communiqués were required to be disclosed, we can see clearly how it all began. Arbitrary incommunicado detention of a prisoner is a crime under international law; such detention, extended indefinitely, can be categorised as torture. Presence at and encouragement of such detention is a crime too. Yet on 10 January 2002, then foreign secretary Jack Straw was urging in emails to colleagues the transfer of UK detainees to unlawful imprisonment in Guantánamo as the "best way to meet our counter-terrorism objective", rejecting "the only alternative of repatriation to the United Kingdom". In response to a question, scribbled on a copy of the Cabinet Office agenda for 11 January, about the legality of US detention of non-prisoner of war combatants, he offered a scribbled answer: "Consider later if we have to in extremis but it's still dodgy I would think."

Three days later, a Cabinet Office note records that no objections "in principle" had been raised to transfers to Guantánamo. A month later, another note records then home secretary David Blunkett's opinion: "The longer they stay in Cuba/Afghanistan the better." Who are "they"? Using Blair's language, Islamist views constituted a "virus" to be "eliminated". In practical terms, human beings presumed to hold those views could be taken out of circulation by any means possible, and permanently.

By 31 January 2002 the prime minister, Tony Blair, was greeted at Bagram airport by interim Afghan leader Hamid Karzai. A stone's throw away, in a freezing aircraft hangar, was Aamer. What reports went back to Whitehall from British intelligence agents, there to interrogate on the express instructions of government ministers? If frank, they would have described small groups of men sitting, hour after hour, on the concrete floor in unnatural postures, forbidden to move or speak. Screams echoed around the open space from interrogation rooms above. If a door opened, there would be a glimpse for a minute of a man hanging shackled by his wrists.

All of this was criminal; no one present could be unaware. But Aamer's ordeal has one unique feature: he is the only prisoner to have described a UK intelligence agent being pre-

able to respond to security issues or carry out searches had been reduced. There was a strict offensive display policy, but it was not enforced. We found examples of security threats that were not promptly addressed. The incentives and earned privileges schemes, which was supposed to encourage good behaviour and discourage bad, was not understood by prisoners or staff and prisoners were sometimes downgraded on an arbitrary basis.

Not surprisingly, prisoners appeared to have little confidence that staff would deal with bullying. It appeared all too frequently that victims of bullying were placed on suicide and self-harm monitoring and moved to the segregation unit, which offered a bleak and punitive regime to those there for their own protection and as a punishment. There was little effort to reintegrate prisoners into the main regime and too many in the unit were transferred to other establishments. There was therefore a disturbing perception among prisoners and staff that victims of bullying were deliberately self-harming so that they would be placed on suicide and self-harm monitoring, moved to the segregation unit and then transferred out of the prison. We found examples that appeared to validate this perception.

Meal times were odd - even for a prison. Breakfast packs were distributed in the evening - which of course was when they were eaten. On Fridays, lunch was served at 11.15am and the evening meal - a single roll, a packet of crisps and a piece of fruit - at 4.15pm. Prisoners were very negative about the meals and used kettles to heat up food they had bought in the canteen.

Most prisoners had good time out of cell with regular and predictable association. There were sufficient work, activity and training places available for prisoners, most of which was of good quality. However, we found one in five prisoners locked in their cells during the working part of the day. Prisoners might miss work because they said they were not required or had an appointment elsewhere in the prison; this was not checked.

Others had not been allocated a job or had refused to take what was offered. The prison operated a 'no work, no pay, no gym' policy - and some prisoners were happy enough to opt out. On the other hand, recreational gym was scheduled during the working day which disrupted learning and work activities. Activities sometimes finished early - we saw staff leaving the prison in the evening earlier than would have been possible if activities had run to their scheduled time.

Resettlement activity had insufficient priority. Although the work of the offender management unit was reasonable and public protection arrangements were well managed, we had concerns about whether the work was sufficiently integrated across the prison and that some staff dealing with high-risk cases had insufficient training.

Some resettlement services, particularly those around education and employment and finance and debt were well developed. However, funding had recently been withdrawn from some resettlement services provided by voluntary organisations and, at the time of the inspection, it was not possible to say whether any alternative arrangements would be adequate. Prisoners were not clear who to contact for help with their resettlement needs. The number of offending behaviour programmes was insufficient for the needs of the population and there was nothing to address alcohol misuse - a significant factor in the offending behaviour of Wealstun's population.

The change in Wealstun's role has been a significant challenge for the prison. However, the prison is clearly slipping backwards. The deterioration in safety is the most obvious example but there is a disturbing sense of a lack of grip in many other areas too. The issues identified in this report need to be addressed quickly and effectively to prevent them from becoming even more serious. Nick Hardwick, HM Chief Inspector of Prisons

Women's prisons in desperate need of reform, says former governor

Mark Townsend, guardian.co.uk, Saturday 11 February 2012

Clive Chatterton one of the country's most experienced prison governors has condemned the use of short-term sentences that put thousands of women behind bars each year. In a letter to the justice secretary, Ken Clarke, Clive Chatterton states that his final role as governor of Styal's women's prison in Cheshire left him disturbed and bewildered. Chatterton, who spent 37 years working in prisons before retiring three months ago, says that urgent reform is needed and called for the government to vigorously pursue alternatives to jail.

He said that many judges and magistrates he had spoken to "acknowledged that many of these women did not require a custodial sentence but then ask: 'What else can we do with them?"' Chatterton is calling for a "warts-and-all review of the aims and intent of the use of custody"; an immediate end to short sentences; more women to be transferred to secure mental health units where they can receive the right care; and alternatives to prison that could be funded by the "huge" savings that would be derived from not jailing the third of women currently imprisoned for minor offences. I have never come across such a concentration of damaged, fragile and complex-needs individuals," states Chatterton in his letter. He says half of the women in his former prison should never have been sent there and giving short sentences to vulnerable women or mothers is damaging and self-defeating. He cites one woman jailed for 12 days for stealing a £3 sandwich and another who took a £12 bottle of champagne from an off licence but whose 10-day sentence was spent ill in hospital guarded by two prison officers.

Chatterton describes the levels of self harm among women prisoners as "frankly staggering" and said: "I have first-hand experience of the devastating impact both to the family unit and society as a whole when a woman is sent to prison ... homes are lost and then various agencies become involved in attempts to rehouse, kids go into care and so forth, it is vicious, costly and traumatising."

His criticism comes ahead of the fifth anniversary of the Corston report, the influential inquiry by Baroness Corston commissioned by the Home Office in the wake of six deaths at Styal Prison. The 2007 review into the imprisonment of women "with particular vulnerabilities in the criminal justice system" recommended that ministers set up a timetable within six months to close down existing women's prisons and replace them with a local network of small custodial units reserved only for those considered a danger to the public. The Labour baroness also condemned the ubiquity of short prison sentences for minor offences, citing disruption to already chaotic lives without any pretence of rehabilitation. Five years on, Corston says that despite the progress in establishing a network of women's centres to help keep offenders out of prison, Chatterton's comments highlighted the fact that "not enough" had changed since it was published. She said: "From my own personal experience he [Chatterton] and other prison service staff who have served sometimes decades in the prison service, always in men's prisons, have found going into a woman's prison a terrible shock, to see all those damaged, sick, vulnerable and poor women sentenced to no good purpose."

Report on an unannounced short follow up inspection of HMP Downview including Josephine Butler Unit, 20 – 22 Sep 2011 by HMCIP. Compiled Nov 11, published Jan 12

HMP Downview is a women's training prison which also acts as a centre for foreign national prisoners. includes the separate Josephine Butler Unit for young women aged 17. The prison needs a period of stability to drive through improvements, progress in the Josephine Butler Unit had stalled in some important areas. In 2010, a number of serious allegations had been

made against some managers and staff, that resulted in Russell Thorne an acting prison governor at the time being jailed for five years.

HMP Downview main prison: inspectors were concerned to find that

- unsurprisingly, the misconduct of a small number of staff had impacted on the quality of relationships between officers and prisoners, with some degree of distrust on both sides;
- number of male officers almost equaled that of female officers, too many for a women's prison;
- Hibiscus service to support foreign national women had been withdrawn without replacement;
- resettlement work had failed to develop.

HMP Downview Josephine Butler Unit: inspectors were concerned to find that:

- young women reported very negatively on their treatment by escorts
- identified increasing problems for young people during transportation to young offender institutions
- young women were less positive about the help they received from staff;
- there had been no progress in developing the approach to diversity;
- the environment seemed less age-appropriate than at its previous inspection;
- number of visits to which young women were entitled remained inadequate
- serious staff shortages were affecting the delivery of learning and skills provision, although young women generally worked well and gained useful qualifications;
- revised resettlement policy inadequate, careers support from Connexions had ceased

Introduction from Josephine Butler Unit report: The Unit is attached to Downview women's prison and is one of 3 specialist Prison Service units for remanded/sentenced 17 -year-old young women.

This follow-up inspection was carried out 18 months after an inspection which reported that outcomes for young women at the Josephine Butler Unit were good against our healthy prison tests of respect, purposeful activity and resettlement and reasonably good for safety. It was disappointing therefore to find that insufficient progress had been made in the areas of respect and resettlement, although there had been sufficient progress in safety and purposeful activity.

We have identified increasing problems for young people during transportation to young offender institutions since the introduction of new escort contracts. The Josephine Butler Unit was no exception and in our survey young women reported very negatively about their treatment by escorts. Problems were, in our view, unlikely to be resolved quickly as the newly appointed providers had yet to attend any of the routine meetings held to discuss such issues.

Some noteworthy improvements and improved engagement with the local authority children's service, which was long overdue and welcome, but the arrangements needed to be formalised. Aspects of safeguarding had improved and there had been good progress in some areas of behaviour management, with far less use of formal disciplinary procedures and better governance - except in the important area of intelligence-led strip searching. However, individual target setting and care planning for young women still needed improvement. There had been a noticeable change in the environment, less age-appropriate than at our previous inspection. Young women were less positive about the help that they received from staff. Unit records completed by residential staff were predominantly about poor behaviour with insufficient work recorded on welfare issues. Overall health care was excellent. Disappointingly, there had been no progress in developing the unit's approach to diversity.

Young women still enjoyed plenty of time out of their cells but insufficient opportunity for time in the open air was one of the aspects of life on the small unit that young women complained about most. We agreed, since it was only scheduled for 15 minutes a day. Serious staff shortages were affecting the delivery of learning and skills provision but young women were always reallocated

Report on an unannounced full follow-up inspection of HMP Wealstun, 2–12 August 2011 by HMCIP. Report compiled November 2011, published Friday 27th January 2011

Inspectors were concerned to find that:

- significant concerns and signs that the prison was slipping backwards,
- significant concerns - particularly with regard to safety which has deteriorated sharply since our last inspection
- the prison had a serious drug problem, and almost half of prisoners said that drugs were easy to obtain; one in six prisoners said they had developed a drug problem while in prison
- drug use and the debt associated with it was a significant factor in the high levels of bullying and violence in the prison;
- action to tackle the availability of drugs was not sufficiently rigorous and poor behaviour too often went unchallenged;
- staff-prisoner relationships appeared to be mixed and inconsistent;
- it appeared that victims of bullying were frequently placed on suicide and self-harm monitoring and moved to the segregation unit; there was little effort to reintegrate prisoners into the main regime and too many in the segregation unit were transferred to other prisons, and there was evidence that some prisoners were deliberately self-harming so that they would be moved to the segregation unit and then transferred from the prison; We found examples that appeared to validate this perception.
- there is a disturbing sense of a lack of grip in many other areas
- although the work of the offender management unit was reasonable and public protection was well managed, resettlement activity as a whole had insufficient priority and the number of offending behaviour programmes was inadequate.
- Prisoners were very negative about the meals (evening meal - a single roll, a packet of crisps and a piece of fruit)

Introduction from the report: HMP Wealstun, near Leeds, was originally two separate prisons which were bought together some years ago to form one prison with a category C and a category D side. In 2008 the open prison closed and Wealstun began operating a year ago as a large category C training prison for 800 men.

This was a major physical and cultural change and it is important not to underestimate the difficulty of the task. The prisons' previous strengths have stood it in good stead. However, although outcomes for prisoners remain reasonably good in most areas, this report identifies some significant concerns - particularly with regard to safety which has deteriorated sharply since our last inspection.

The prison has a serious drug problem. Almost half of prisoners told us that drugs were easy to obtain in the prison. The random mandatory drug tests had a positive rate of 16.5%. About one in six prisoners told us they had developed a drug problem while they were in the prison. Drug use and the debt with which it was associated was a significant factor in the high levels of bullying and violence. Thirty-six per cent of prisoners told us they had felt unsafe at some time in the prison and almost one in five told us they felt frightened at the time of the inspection - both of these figures were worse than when we last inspected the prison and worse than similar prisons.

Action to tackle the drug problem was not sufficiently rigorous. Testing was not consistently carried out with random and suspicion tests missed, particularly at weekends. Staff-prisoner relationships appeared to be mixed and inconsistent. Poor behaviour too often went unchallenged. The administration of medicines was ineffectively supervised with the risk that prisoners were being bullied for their medication. We saw unchecked bullying in food queues. The number of staff avail-

He was held in a prison unit which the medical staff deemed to be unsuitable for his condition and was subject to a high-security regime, so could not access the toilets, could not use any physiotherapy facilities and had nowhere in which to move about with his walking frame. Moreover, the physical therapy unit of the prison's clinical centre had been closed in 2004. On 8 February 2005 the Bologna court responsible for the execution of sentences dismissed a request by the applicant for deferral of his sentence on the grounds that he was not totally unable to walk and that suitable treatment was provided at Parma Prison. In April 2005 Parma Prison inaugurated the unit for disabled prisoners, but as there was insufficient space the applicant was not transferred to that unit.

After he had been transferred to the unit for disabled prisoners in December 2005, the applicant asked to be detained in a hospital or clinic that would provide the medical assistance he needed.

After receiving an expert report recommending a medical centre as an ideal environment for the applicant, the Bologna court responsible for execution of sentences decided, on 18 March 2008, that the applicant could be detained in a hospital for six months. Following that decision, his detention in hospital was extended until 30 September 2010.

However, the applicant returned to prison on 1 October 2010 until the Bologna court responsible for the execution of sentences ordered him to be detained in hospital again, from 23 November 2010, on grounds that the prison authorities could not guarantee him proper care.

Decision of the Court - Article 3

The Court reiterated that in respect of persons deprived of their liberty Article 3 imposed a positive obligation on States to ensure that detainees were given appropriate medical treatment which, whilst it did not have to meet the standards of the best medical establishments available outside prison, was comparable to that which the authorities had undertaken to make available to the population generally.

The applicant, who was 58 when he lodged his application, and in a wheelchair, had been unable to walk since at least 1997. The prison facilities had not enabled him to get to the toilets unassisted or to move about with his walking frame or in his wheelchair and, as he had been subject to a high-security regime, his opportunities to circulate in the prison corridor had been limited. Whilst the Court welcomed the creation of a unit for disabled prisoners in Parma Prison, it observed that the unit had been unable to function properly for lack of funds.

The Court held that detention of a disabled prisoner for a long period in an establishment where he or she could not move about independently was incompatible with the requirements of Article 3. The Bologna court responsible for the execution of sentences had observed in that connection that returning the applicant to an ordinary prison unit between 1 October and 23 November 2010 had exposed Italy to a finding of a violation of Article 3 of the Convention.

The Government had not indicated which treatment suited to the applicant's condition had been provided to him while in prison. The Court noted that Mr Cara-Damiani had had to wait a long time before being granted hospital detention, that the doctors had systematically observed that prison was incompatible with the applicant's condition and that the authorities had failed to take action in that regard.

The Court observed that the applicant's prolonged detention in an establishment where he could not move about independently and had not received appropriate medical treatment had reached a level of seriousness that amounted to inhuman and degrading treatment in breach of Article 3.

Under Article 41 (just satisfaction), the Court held that Italy was to pay the applicant 10,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

when classes had to be cancelled. Young women generally worked well in their classes and many gained useful qualifications. A significant improvement was the introduction of shorter units of accreditation to suit young women on remand or those serving short sentences. Access to PE remained good and young women also gained some useful qualifications in this area.

The revised resettlement policy was still inadequate since it had not been based on any analysis of need. The poor careers support from Connexions that we previously reported had now ceased altogether. The internal youth offending team workers did what they could to assist young women but specialist careers advice was required. Family days were infrequent and the number of visits to which young women were entitled remained inadequate. More needed to be done to help young women maintain or rebuild family ties. Substance use services were good.

Considerable effort had gone into developing a working relationship with the local authority children's services and changing the way that staff dealt with difficult and challenging behaviour with positive results. However an age-appropriate environment and good relationships between staff and young women are equally important in maintaining a safe and orderly unit and there is a clear need for unit staff to address the concerns we have outlined quickly.

Similarly, the impact of the poor escort arrangements should not be underestimated. The solution to these problems is largely beyond the immediate control of the unit staff, but in light of similar themes now emerging from other inspection reports, we hope that the Youth Justice Board and National Offender Management Service will act swiftly and work with the providers to address these problems. Nick Hardwick, HM Chief Inspector of Prisons

I*ntroduction from HMP Downview report*: Downview is a women's training prison in the Surrey suburbs of London. One of its designated functions is to act as a centre for foreign national prisoners. It also includes a separate small unit for young women under the age of 18, the Josephine Butler Unit, which was inspected separately at the time of this inspection.

Inspection took place at a very unsettled time for the prison. In 2010 a number of serious allegations had been made against some managers and staff. There had been significant changes to the senior management team and a number of management challenges. Not least among these were the very low staff morale and staffing shortages, combined with a high proportion of staff who, for a number of reasons, were unable to carry out the full range of prison officer duties. In May 2008 the prison was generally safe, but there was a lack of management structures to support safety. Deficiencies in recording and monitoring the use of force, special accommodation and segregation been addressed, albeit only recently, with some good systems allowing management oversight. There was little indication that bullying or use of illegal drugs was a major problem but processes to counter anti-social behaviour still lacked structure. There was reasonably good support for women at risk of suicide and self-harm and some good services to help women with substance use problems had been provided with the introduction of the integrated drug treatment system. Very good progress had been made in implementing recommendations about health care but otherwise there had been little improvement across a number of areas covered under our healthy prison test of respect. Unsurprisingly the misconduct of a small number of staff had impacted on the quality of relationships between officers and prisoners with some degree of distrust on both sides. Nevertheless, we saw generally positive interactions. The number of male officers almost equaled the number of female officers, and this was too many for a women's prison. Little progress had been made in the area of diversity, but there were indications that this was beginning to be addressed. It was very disappointing in a prison with over 70 foreign national women that the Hibiscus service to support them had been withdrawn without any replacement.

Although there had been relatively little further development of accredited training, most women continued to have access to a good range of activities with a number of appropriately risk-assessed women working outside the prison. Most women had a good amount of time out of their cells but there were too many unpredictable cancellations of association periods at short notice. With a lack of clear strategic oversight resettlement work had failed to develop, and it was unfortunate in a prison with so many mothers that some promising family work, which had begun at the time of the last inspection, had not been sustained.

Fundamentally Downview has the potential to be a very good women's prison. It has a generally settled population, relatively low levels of self-harm and a decent range of activities to keep women occupied. Our 2008 report indicated reasonably good outcomes for most prisoners, despite the lack of effective management structures to support some outcomes, but the previous senior management team appeared to have done little to implement our recommendations. Further opportunities to drive forward progress were derailed when allegations were made against staff and management attention focused on dealing with these.

There are signs that the prison is beginning to get through this crisis, but it needs a period of stability in staffing and management to allow it to build on its strengths and drive through improvements. Nick Hardwick, HM Chief Inspector of Prisons

Crown Prosecution Service (Evidence) House of Commons / 7 Feb 2012 : Column 163

Nick Smith (Blaenau Gwent) (Lab): What recent assessment he has made of the management and disclosure of evidence by the Crown Prosecution Service.

Solicitor-General (Mr Edward Garnier): The effective management and disclosure of evidence relies on the proper discharge of duties and obligations by both the police and the prosecutor. Although there have been failures in a small number of cases, in the vast majority of cases the disclosure duties are carried out well.

As the hon. Member for Blaenau Gwent (Nick Smith) will know, there is currently an inquiry into the Lynette White case in south Wales, more properly called the Crown v. Mouncher and others. The Independent Police Complaints Commission is carrying out a review of police conduct in that case, and the Director of Public Prosecutions has separately and additionally asked the inspectorate of the Crown Prosecution Service to carry out a review of the actions and decision making of the CPS in relation to disclosure in that case.

Nick Smith: It took nearly 10 years and cost the taxpayer about £30 million to bring eight former South Wales police officers to court on charges of perverting the course of justice and fabricating evidence. The case collapsed when the key documents were thought destroyed, but they have now been found. I thank the Attorney-General for his answer, but what assessment has the CPS made of the prospects of a future prosecution?

Solicitor-General: It will not make an assessment until the two inquiries are completed.

Ann Clwyd: I echo what my hon. Friend the Member for Blaenau Gwent (Nick Smith) has said: there is considerable shock at the conduct of this case, in south Wales and elsewhere. In the past, there have been a particularly high number of miscarriages of justice under the South Wales police force. Is the Attorney-General aware of any other similar cases in which the disappearance and re-emergence of key evidence has led to a retrial?

Solicitor-General: Off the top of my head, I am not aware of any such cases, but the right hon. Lady is right to point out that the collapse of the Lynette White case in south Wales just recently, which affects her constituents and neighbours and those of the hon. Member for

For people who have experienced mental illness and self harm and for those who work closely with them, this seemed to be a glaring anomaly.

Informal patients on psychiatric wards may be at just as much risk of suicide as detained patients. Yet the NHS Trust argued that they were not owed the same positive duty under the Human Rights Act because they were there by 'choice'.

Today's Supreme Court judgment means hospitals must ensure they take reasonable steps to safeguard the right to life of mental health patients in their care – regardless of whether they are detained or not – in circumstances where the authorities know or ought to know that there is a "real and immediate risk" to their life.

3. This case was brought by the parents of a 24 year old woman called Melanie Rabone, who had been admitted to the hospital as an emergency patient following a suicide attempt and was undergoing treatment for severe depression as an informal patient.

There was a note on file that if Melanie tried to leave, she should be assessed under the Mental Health Act with a view to detaining her. Despite this, and against the wishes of her parents, she was granted leave from the ward. Shortly afterwards she took her own life. The Trust acknowledged that it had been negligent but denied that it owed her a direct, positive duty under the Human Rights Act to protect her.

4. INQUEST is the only organisation in England and Wales that provides a specialist, comprehensive advice service on contentious deaths and their investigation to bereaved people, lawyers, other advice and support agencies, the media, parliamentarians and the wider public.

5. JUSTICE is an all party law reform organisation committed to access to justice, human rights and the rule of law. It is the British section of the International Commission of Jurists.

6. Liberty is an independent non-party political body whose principle objectives are the protection of civil liberties and the promotion of human rights in the UK.

7. Mind is the leading mental health charity in England and Wales. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding. We're currently working to put people at the heart of mental health crisis care.

Italy: Disabled prisoner subjected to inhuman and degrading treatment

In Chamber judgment in the case of Cara-Damiani v. Italy (application no. 2447/05), which is not final", the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights. on account of being held in a unit that lacked suitable facilities and failing to receive appropriate medical treatment for his condition

The case concerned a disabled prisoner who complained that he had suffered inhuman and degrading treatment on account of being held in a prison unit that did not cater for his needs as a disabled prisoner.

Principal facts: The applicant, Nicola Cara-Damiani, is an Italian national who was born in 1946 and lives in Fontanellato (Parma, Italy).

He has been in prison since 1992, serving a sentence that is due to end in 2016. In 2003 the applicant, who was suffering from flaccid paraparesis of the legs, a condition which causes mild paralysis of the lower half of the body, with partial loss of muscular strength in the legs, was transferred to Parma Prison on the ground that it had a unit for disabled prisoners. Mr Cara-Damiani was put in an "ordinary" unit of the prison, however.

with the judge's assessment of damages in the sum of £2,500 to Mr and Mrs Rabone.

Hospitals must ensure that they take appropriate steps to prevent voluntary psychiatric patients from taking their own lives, according to a landmark judgment handed down Wednesday 8th february 2012 by the Supreme Court (SC).

The unanimous ruling, which has been welcomed by leading mental health and human rights organisations, held that Pennine Care NHS Trust had a duty under article 2 of the European Convention on Human Rights to protect the right to life of Melanie Rabone, and failed in this duty when she took her own life in April 2005.

Paul Farmer, Chief Executive of Mind said: "Today's judgment recognises that a positive duty is owed towards patients with mental health problems at times when they are most at risk of harm. The law now applies whether or not a patient has been formally detained. Now it is clear that in times of crisis everyone will have the strongest protection that the law can offer."

Emma Norton, Liberty's Legal Officer said: "This landmark human rights judgment means that voluntary patients in psychiatric care will finally get the same legal protection as sectioned patients. Hospitals rightly acknowledge their serious duties to detained people – why should those who have asked for help be any different?"

Jodie Blackstock, Director of Criminal and EU Justice Policy at JUSTICE added: "With all the scepticism currently surrounding the European Convention on Human Rights, this case demonstrates what a vital role it has in protecting the rights of the most vulnerable in society. In this case the Supreme Court has not only acknowledged that through the Convention the state holds a responsibility for those in its care to which there is a real and immediate risk of death, but when it fails in that duty, parents should be entitled to vindicate their loss also."

INQUEST Co-Director, Deborah Coles said: "INQUEST welcomes the Supreme Court's landmark ruling that psychiatric patients are owed a positive duty of protection under human rights law. This must go hand in hand with an investigation and inquest process that ensures deaths in psychiatric care are independently and robustly scrutinised. This would not only enable families to find out what happened to their relatives but also ensure lessons are learned to help prevent deaths in the future."

Notes to editors

1. In November 2011 the Supreme Court heard the case of Rabone v Pennine Care NHS Trust - a case with potentially far reaching benefits for psychiatric patients. Judgment was handed down Wednesday 8th February 2012

INQUEST, JUSTICE, Liberty and Mind intervened in the case in the Supreme Court. The organisations were legally represented, pro bono, by Paul Bowen and Alison Pickup of Doughty Street Chambers and Saimo Chahal of Bindmans LLP.

2. Patients on psychiatric wards are at a particularly significant risk of suicide - for many it is the very reason for their admission.

In 2008 the House of Lords heard the case of Savage v South Essex NHS Trust in which INQUEST, JUSTICE, Liberty and Mind intervened. The Court held that hospitals owed a duty to patients detained under the Mental Health Act 1983, such as Carol Savage, to prevent them from taking their own lives.

It was a landmark case that recognised that where a psychiatric patient is compelled to be in hospital, the hospital authorities have a positive duty to safeguard them from taking their own lives.

However, the law did not give the same protection to informal (or "voluntary") patients.

Blaenau Gwent (Nick Smith), is a matter of huge regret. It is now being subjected to two inquiries. Once they have been completed, further announcements will be made.

Mr Robert Buckland (South Swindon) (Con): Is not the lesson of the disclosure debacle in the Lynette White case this: when criminal allegations are made against police officers in one police force, disclosure should be handled by officers from an entirely independent police force? Will my hon. and learned Friend do all he can to ensure that such reforms take place so that such a disaster does not happen again?

Solicitor-General: Clearly—particularly in large and complex cases such as the one we are talking about—the need to get disclosure right is key. That is also true, however, in what one might call less serious cases—although I do not want to be misunderstood when I use that adjective. My hon. Friend's point about other police forces dealing with the disclosure in such cases must, surely, be a matter for the chief constable of the relevant police area. I have no doubt that the Home Secretary, who is sitting beside me, will bear that in mind in due course.

Indefinite detention: not very British

By Colin Yeo of Renaissance Chambers, editor of the Free Movement blog

'Human Rights Act to blame!' is a frequent refrain in the media, as well reported on this blog. Often, though, the outcome that has attracted media ire is not one that has much to do with the Human Rights Act at all. The decision to release Abu Qatada on bail is one such example.

The decision of the European Court of Human Rights that Abu Qatada cannot, for now, be deported to Jordan because of the risk of a trial using evidence obtained by torture has nothing to do with the Human Rights Act. Unless the UK were to withdraw entirely from the European Convention on Human Rights, that decision would always have been reached with or without our own Human Rights Act.

The decision that he must now be released on bail after over six and a half years detention without trial and with no real prospect of his future removal from the United Kingdom is very much based on our own home-grown laws and traditions. It is certainly not due to the Human Rights Act.

After all, indefinite detention is not something one would normally associate with the British. The attorney general, Dominic Grieve, said on Tuesday morning in response to the Abu Qatada bail decision that the UK does not have "indefinite internment without trial". Unfortunately, he is wrong. The word 'indefinite' means without fixed limit, not definite or until further notice. An increasing number of foreign nationals are in fact detained indefinitely.

For centuries we have proudly defined ourselves as different to the Other of the absolute monarchies of the ancien regime and the communist and fascist ideologies that infected the twentieth century in so many parts of the world. Orwell's 1984 and the works of Kafka make us glad to be British, safe from such horrors. Smug this may be, but also largely justified.

The great English charter of liberty, Magna Carta, sets out the right to freedom from arbitrary detention: 'No Freeman shall be taken or imprisoned, or be disseized of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the land.'

Liberty was also a theme to the seminal Bill of Rights of 1689, where Parliament complained of excessive bail in criminal cases being used 'to elude the Benefitt of the Lawes made for the Liberty of the Subjects', illegal prosecutions and illegal and cruel punishments being inflicted.

We pride ourselves on being the birthplace of habeas corpus, an ancient legal protection against detention without trial. The words mean literally 'you may have the body' and an

application requires the custodian of the named person to produce that person in court and account for why he or she is detained.

These freedoms were hard-won. Maintaining them is also hard, though, and many will not realise that it is a constant unseen battle against encroachment to do so. The rule of law is by its nature universal or it is nothing, and unpopular minorities are always the first to feel the hand on their shoulder: Jews, gays, the Irish, travellers and Gypsies and now immigrants.

It may surprise some that the writ of habeas corpus is alive and kicking. Once used as protection by noblemen against a tyrannical monarchy, today it is used on behalf of foreign nationals to require the Crown to account for imprisonment without end. This is the situation in which a growing number of foreign nationals find themselves, some of them desperate to leave but prevented from doing so by the international bureaucracy of borders.

Back in 1983, before we had all become so habituated to detention without end, Mr Justice Woolf (as he was then) held in Hardial Singh, one of the first modern uses of the writ of habeas corpus, that a period of five months of immigration detention was unjustified. Today, five months is sometimes considered too short a period to bother to challenge. The small charity Bail for Immigration Detainees reports that the number of long term immigration detainees is constantly growing. A recent inspection report showed that over 25% of foreign national prisoners have now been detained under immigration powers for over a year, with the average length of detention increasing to over six months.

[The latest Home Office statistics showed that under Immigration Act powers: 1 detainee has spent nearly 6 years in detention, 5 detainees have been detained over 4 years, 11 detainees more than 3 years. Persons detained under Immigration Act powers, do not appear before a judge, they are detained on the whim of the Home Secretary or Immigration officers.

Under extradition power a number of foreign nationals are presently detained on HMP Long Lartin, at lease two of them over 7 years. None them have committed any crimes in the UK or elsewhere.]

It is impossible to imagine what it must be like stuck to be in a detention centre with no idea of when, if ever, you will be allowed out. Self harm and mental illness are rife, unsurprisingly.

Immigration law is something of a niche area. We immigration lawyers keep ourselves to ourselves and try to avoid adverse publicity for our clients. Sometimes, though, this low key approach may do the rest of the legal system a disservice. Infringements on liberty are in modern times usually tried first on foreigners, from secret evidence in secret trials to ID cards to indefinite detention. It is wise to heed Niemoller's famous warning: 'Then they came for me and there was no one left to speak out for me.'

None of the British legal tradition of liberty derives from the Human Rights Act, nor from the European Convention on Human Rights. This is, hopefully, a reminder that the label 'human rights' is really just a rebranding of the freedoms and liberties of which we are justifiably proud, but which are in constant danger of compromise and surrender.

Mental Health and Human Rights NGOs welcome Supreme Court Decision

Rabone and another (Appellants) v Pennine Care NHS Trust

(i) the operational obligation under Article 2 of the Convention is owed to a voluntary mentally ill hospital patient such as Melanie; (ii) the obligation was breached in this case; (iii) Mr and Mrs Rabone were victims for the purposes of Art 34 of the Convention; (iv) they had not lost this status by virtue of the settlement of the estate's claim; (v) the claims were not time barred; and (vi) the Court of Appeal was not wrong to interfere [continued on page 10]

Jonathan Kelly

Prisoners have no Voice - Except we give them one

Google your heart out but you will only find one article on Jonathan Kelly, currently in HMP Perth, and that for a minor infraction, throwing shite over screws.

Not a word in any media outlet about . . . . .Four prison officers were up in Glasgow Sheriff's court three weeks ago for allegedly assaulting Jonathan breaking four of his ribs, causing multiple lacerations to his head and body, in an incident that happened in September 2008. The prosecution case was made and before the defence opened the trial was adjourned; as yet there is no date for recommencing the trial.

Absolutely uniquely the charges against the officers were not made by Jonathan but by the prison governor.

Sentenced to seven years in 2003 for armed robbery/attempted murder, Jonathon had 16 years consecutive added to the 7 for allegedly assaulting prison officers and 4 months for throwing a bucket of shite over screws. He has spent the majority of his time in prison in segregation.

Meanwhile the tale of that bucket of shite

He had been transferred to Addiewell from Barlinnie Prison in Glasgow, where he had access to books, television and gym. He had known for some 15 months that he was moving to Addiewell, where he believed he was going to be staying in halls, rather than in a segregated area..

He went there in a very positive frame of mind, but was told by the governor in no uncertain terms,he wasn't going into her hall. The relationship was now ugly and Mr Kelly was transferred to a situation where he had no access to facilities whatsoever and no means to fill his days. Who can blame Jonathan for what followed.

Jonathon Kelly: 37635, HMP Perth

3 Edinburgh Road, Perth, PH2 8AT

Jail Life

Psychos, scars and shower scenes
Pornographic magazines
Slop out, cop out, slash and runs
Carpet burgers, riot buns
Diesel sugar, diesel meat
Rotten teeth and rotten feet
Bars on windows, bars on doors
Concrete walls and concrete floors
Visit booked, visit blanked
Or overlooked
Parcel banked or in the post
Another eye patch, left to roast
Promised land I'll sit and wait
Visit didnae happen mate
Water bottles, MDTs
Pray to Jesus on my knees
Time is torture, time is pain
Time is driving me insane
Plastic plates, plastic cups
Plastic people smashing up
In a wrist lock number four
Carted to the second floor
I think the screws are getting bigger
Another Christmas in the digger
Forty days and forty nights
Jesus never had this shite
Done half the sentence, the ends in sight
Still cannae sleep at night
Yellas laid on, yellas for free
On the streets they're fifty p
In the jail four bars
Robbing bastards so they are
Muggers, buggers, crooks and cons
Gypsies, thieves and James Bonds
Killers, thrillers, skitzos tokers
Jokers and gangsters, dudes every colour
Race and creed
Every crime a dirty deed
Mad men, sad men we only want to be set free
To play the system once again
That is why they call us 'The Mad Mental Men'!