to ensure confidence in the system. "The public is understandably doubtful about the extent to which, in this particular instance, the police can investigate themselves," she said in a report by the IPCC. She concluded that the corruption identified over the three years to 2011 was not endemic or widespread. But she accepted that it was "corrosive of the public trust that is at the heart of policing" with the number of cases increasing. "A serious focus on tackling police corruption is important, not just because it unearths unethical police behaviour, but because of the role it plays in wider public trust," said Dame Anne, a former inspector of prisons.

The report was published just after it was announced that the IPCC - which looks into allegations of police misconduct and deaths in custody - will itself be put under the spotlight by a powerful parliamentary committee amid concerns over its record. Its investigation teams include former police officers and the Home Affairs Select Committee will assess whether it is able to carry out impartial inquiries. The IPCC corruption report was ordered by the Home Secretary, Theresa May, because of concerns in the light of the phone-hacking scandal and the role of private investigators. The commission said that it looked at a total of 104 cases and referred less than half of those to prosecutors. It resulted in court cases involving 18 officers, with 13 of them convicted.

Policing has been punctuated by scandals over the past four decades that led to notorious miscarriages of justice including the Guildford Four and the Birmingham Six. Deputy Chief Constable Bernard Lawson, of the Association of Chief Police Officers, said: "This report again recognises that corruption is neither endemic nor widespread in the police service. However, the actions of a few corrupt officers can corrode the great work of so many working hard daily to protect the public."

Former Met Detective Accused of Falsifying Records in Rape Cases

Ryan Coleman-Farrow, 30, was leading the investigations while serving in the Met's specialist sex crimes unit, Sapphire. Allegations against Coleman-Farrow were investigated by the Independent Police Complaints Commission. The charges relate to his handling of 13 separate cases of alleged sexual assault. The Crown Prosecution Service said between January 2007 and September 2010 he "engaged in conduct amounting to an abuse of the public's trust" while working for Scotland Yard's specialist Sapphire unit. In a statement the IPCC said: "The charges relate to Mr Coleman-Farrow's conduct whilst leading a number of investigations into allegations of rape and serious sexual offences between January 2007 and September 2010 whilst he was an officer in the Sapphire unit, first at Kingston upon Thames and then under central command."It follows an independent investigation by the IPCC which examined concerns about how he had conducted crime investigations and allegations that he had falsified statements and reports." Coleman-Farrow was dismissed from the Met in April 2011.

Hostages: James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran 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.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Fax: 087 2023 1623

MOJUK: Newsletter 'Inside Out' No 374 31/05/2012)

Belfast court quashes terror convictions of two men jailed as teenagers

Concerns over police interviewing of juveniles without adult representation may have implications for scores more cases from the Troubles *Owen Bowcott, Iguardian.co.uk, 23/05/12*

Two men found guilty of terrorist offences as teenagers more than 30 years ago have had their convictions quashed by Northern Ireland's court of appeal, raising concerns about scores of other cases. Neither Peter McDonald from Derry nor Stephen McCaul from Belfast should have been found guilty because of doubts over the way their confessions were obtained, the province's most senior judges declared. McCaul, whose case was brought by his family, has since died. The cases of two other men referred by the Criminal Cases Review Commission (CCRC) to the court of appeal in Belfast resulted in convictions being upheld on Wednesday.

The judgments will be carefully scrutinised by the CCRC, which has 30 similar applications from Northern Ireland involving disputed admissions of criminal acts by juveniles who had no legal representation or were not accompanied by an adult during police questioning.

Many of the juvenile confession cases date back to the height of the Troubles, particularly the mid and late 1970s. The Pat Finucane Centre in Derry, an active civil rights organisation, said it was dealing with large numbers of complaints about false confessions from the same period that had not been taken to the CCRC. The CCRC will assess how the judgments apply to its backlog of claims before deciding whether any more should be referred back to the court.

Delivering the decision, Northern Ireland's lord chief justice, Sir Declan Morgan, said all four men had been convicted in the 1970s on the basis of statements they made to the police during interview when aged 15 or 16. Confessions made under the emergency provisions legislation were admissible, he said, unless they had been obtained by torture or inhuman or degrading treatment. He explained that the court of appeal had to consider the admissibility of confessions taking into account not just the statutory background but also applying modern standards of fairness and procedural protection.

The court quashed the conviction of McDonald, who was arrested in December 1976, when he was 16, after shots were fired at an army Land Rover in the Creggan estate in Derry. The court said he did not have access to a solicitor, nor was he accompanied by a parent or independent person while being questioned by officers. The lord chief justice said the absence of access to a solicitor or parent would not of itself have rendered the convictions unsafe, but he drew attention to the "unreliability" of other aspects of the confession made at the end of a three-and-a-half-hour interview. Part of the evidence appeared implausible and the court was "left with a sense of unease about the reliability of these admissions," Morgan said.

McCaul, who could neither read nor write and was said to have the mental age of a seven-year-old, was arrested at his home in Twinbrook, west Belfast, in March 1979, when he was 16. He admitted during interview to his part in two bus hijackings and two burglaries where shotguns were stolen.

Morgan said there was a considerable body of evidence to suggest mentally handicapped young people were likely to be more vulnerable in police interviews because they may be suggestible. The absence of a solicitor or independent adult in McCaul's case would give rise to real concerns about the reliability of his admissions, he said. The court was "satisfied that the conviction was unsafe".

Justice and the Crimes of the Few

There is no justice in the many being punished for the crime of the few. Chris Mullin highlights the emergence of 'A whole new genre of miscarriages of justice developing in cases where a group of youths is involved in attacks in which someone is stabbed' ("Knife hysteria is blunting 30 years of reform", Times Opinion 18th May 2012). Currently the Court of Appeal is having to deal with a long procession of appeals arising from convictions such as that of Sam Hallam's under joint enterprise laws.

A major problem with the existing legislation is the lack of clarity between association and complicity. A recent Justice Committee inquiry concluded that the law on joint enterprise is now do confusing for juries and courts alike that legislation is needed to ensure justice for victims and defendants, and end the high number of cases going to appeal.

In its evidence to the committee, the Prison Reform Trust raised concerns that the law was being applied disproportionately in cases involving children and easily-led young adults. Information gathered from our visits to your offender institutions indicates that the law can ast as a dragnet, drawing in individuals and groups into the justice system who do not necessarily need to be there. Statistics on the use of joint enterprise, and the number and outcomes of appeals, are not collected centrally.

The Director of Public Prosecutions has promised to issue guidance on the thresholds at which association potentially becomes evidence of involvement in crime and consult on the best way of collating figures on cases involving joint enterprise. This is now a matter of urgency.

In line with the recommendations of the Justice Committee, the Law Commission , legal practitioners and other, we should welcome a review of joint enterprise and its application in the courts to reduce the likelihood of further miscarriages of justice.

Juliet Lyon - Director Prison Reform Trust

CCRC Refers the Conviction of B to the Court Of Appeal

Mr B pleaded not guilty to three offences in 2006. He was acquitted of one count of causing actual bodily harm but was convicted of two counts of rape against the same person. He was sentenced to life imprisonment. Later that year he was refused leave to appeal against the conviction. Commission has decided to refer Mr B's conviction to the Court of Appeal. Having reviewed the case, the Commission considers that new evidence about the credibility of a key witness, and new scientific evidence relating to the interpretation of the results of the testing of DNA samples found on the defendant, raise a real possibility that the court will quash the conviction.

Thief Cannot Sue Uncle Who Injured Him During Getaway *Solicitors Journal: 32.05/12*

A thief who was seriously injured when he fell off the back of a van being driven at high speed by his uncle after the pair had stolen some ladders cannot sue the uncle's insurer for damages.

Delivering judgment in Joyce v O'Brien and Travelex Insurance [2012] EWHC 1324 (QB), Cooke J said the claimant was hanging onto the back of a Ford transit van when he fell off, as the van negotiated a sharp turn. Applying the principle of ex turpi causa non oritur actio, Mr Justice Cooke said a claimant was not entitled to succeed in a claim where he had been involved in criminal conduct. It did not matter "which test or formulation" of ex turpi causa was applied, the result was that the claim must fail.

"As a matter of general public policy, a participant in a joint enterprise theft which involves a speedy getaway in a van, with one participant driving and the other clinging dangerously onto

Framework Decision 2002 on the European Arrest Warrant asare necessary in order to give effect to such recommendations; further notes that it is over seven months since the Scott Baker Review of the UK's extradition laws; welcomes the announcement in March 2012 by President Obama and the Prime Minister of a joint initiative to look into the operation of the UK-US Extradition Treaty; believes that it would not be in the public interest for anyone to be extradited to the US from the UK until theurgent legislation called for by Parliament to amend the 2003 Treaty has been passed; supports the Home Affairs Select Committee's recommendation for the Home Secretary to publish the evidence to the Baker Review immediately; and calls on the Government to bring forward legislation in line with Parliament's wishes.

Watchdog Needs More Teeth Leader, Independent, Friday 25 May 2012

The corruption uncovered by the police watchdog, the Independent Police Complaints Commission, is disturbing. Perverting the course of justice, abuse of authority, unauthorised disclosure, theft and fraud are all illustrated in its new report.

In defence of the police, it might be pointed out that of 8,542 allegations investigated over a three-year period, only 12 per cent were substantiated. Still, that is more than 1,000 cases. In only 47 was the evidence strong enough to pass to the Crown Prosecution Service. Some 18 officers were prosecuted, 13 found guilty and 10 sent to prison. That is a very small proportion. Some might therefore conclude, as the IPCC does, that corruption in our police forces is "not endemic". But others might raise questions about the efficacy of the IPCC.

The independent investigators have a smaller budget and fewer resources than many of the anti-corruption departments of individual police forces. It is an organisation which, until February, had gone an entire year without a chairperson. And it lacks the power to compel officers under investigation to speak. Some complainants allege that it is effectively a police-dominated organisation. Some police complain its investigations are protracted and inefficient. All of this has a seriously corrosive impact on the public trust essential to effective policing.

The chairman of the Home Affairs Select Committee, Keith Vaz, has, in response, announced the Committee will hold an inquiry into the IPCC - looking at the way it works and the difficulties it encounters in doing justice to both complainants and officers alike. The committee also needs to scrutinise the watchdog's relationship with the Crown Prosecution Service. Among the measures it should consider are granting greater powers for the IPCC to conduct more effective investigations, making it obligatory for officers, civilian police staff, forces and third parties to co-operate more fully with its inquiries. The present set-up undermines police legitimacy and, on a practical level, the willingness of many in society to co-operate and give consent to our policing system.

Thousands of Police Accused of Corruption - Just 13 Convicted

The new head of the Independent Police Complaints Commission (IPCC) has questioned the ability of forces to investigate their own officers for corruption after it emerged that more than 8,500 allegations of wrongdoing resulted in just 13 criminal convictions. Officers - including some from the most senior ranks - were accused of crimes including rape, the misuse of corporate credit cards and perverting the course of justice, but most cases were not substantiated and only a tiny fraction ever came to court.

Dame Anne Owers said that there was scepticism about the extent to which police officers could investigate colleagues' alleged crimes, and she demanded more resources to supervise inquiries

which allowed the appeals unanimously. Lord Mance gives the leading judgment of the Court. Lady Hale gives a separate concurring judgment.

The Court's reasoning: The requirement under the Act that a notice of an appeal be given within the relevant permitted period meant that it had to be filed in the High Court and served on all respondents to the appeal within such period (following the decision of the House of Lords in Mucelli v Government of Albania [2009] UKHL [5], [17]. However, a generous view should be taken of this requirement, bearing in mind the shortness of the permitted periods under the Act and that what really matters is that an appeal should have been filed and that all respondents be on notice of this, sufficient to warn them that they should not proceed with extradition pending an appeal [18]. In the cases of L, P and R, the irregularity involved in the absence of pages following the sealed front page of their notices of appeal was capable of cure. The CPS, having received in time the sealed front page of each notice of appeal, can have had no difficulty in identifying the decisions being appealed. It would be disproportionate if the practice followed by the court and the prison legal services department should lead to the appellants losing their right of appeal [19].

The Court regards H's letter as notice to the Secretary of State of an appeal within the Act, albeit that the letter was highly irregular in its form [20]. However, even if it is accepted that H's solicitors only received the relevant fax from the Secretary of State at 16.48, there was no basis for deeming the fax to have been received the following day. It follows that no notice of an appeal was given to the CPS within the permitted period, and H's appeal is on its face impermissible as against both respondents [21]. In these circumstances, the question for the Court is whether the apparently inflexible time limits for appeals within the Act are subject to any qualification or exception [22].

Under Article 6(1) of the Human Rights Convention, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of his civil rights and obligations or of any criminal charge against him. The Court is satisfied that extradition does not involve the determination of a criminal charge [31]. However, H, as a UK citizen, enjoyed a civil right to enter and remain in the UK as and when he pleased [32]. Proceedings under the Act, in that they may affect H's freedom to remain in the UK, at least for the duration of foreign extradition proceedings, involve the "determination" of that civil right [32]. It follows that the extradition proceedings against H fall within Article 6(1) [33]. In the case of a UK citizen, the statutory provisions concerning appeals can and should be read (pursuant to the obligation of conforming interpretation under section 3(1) of the Human Rights Act 1998) as being subject to the qualification that the court must have a discretion in exceptional circumstances to extend time for both filing and service, where such statutory provisions would otherwise operate to prevent an appeal in a manner conflicting with the right of access to an appeal process under Article 6(1).

Accordingly, the Court remitted each appeal against extradition to the High Court

EDM 128: Extradition - House of Commons: Date tabled: 23/05/2012

That this House notes that it has been over five months since it passed a motion on 5 December 2011 calling on the Government to reform the UK's extradition arrangements to strengthen the protection of British citizens by both introducing, as a matter of urgency, a Bill to enact the safeguards recommended by the Joint Committee on Human Rights in its Fifteenth Report, HC 767, and by pursuing such amendments to the UK-US Extradition Treaty 2003 and the EU Council

the stolen items and the rear of a semi-open van, with a door swinging, cannot recover for injuries suffered in the course of that enterprise. "The driver cannot owe a duty of care to his co-conspirator and it is not possible to set a standard of care as to how fast the van should be driven, in circumstances where speed is necessary to get away and there is a need for the other co-conspirator to hang on desperately to the stolen items and the back of the open van in order to effect their joint objective of a speedy escape. Risk and danger were inherent in the enterprise itself. Furthermore, for the reasons I have already given, the unlawful activity of the claimant in the theft and getaway was as directly causative as the driving of the first defendant. The claimant is thus precluded from recovery for the consequences of his own criminal conduct."

Final Judgement on Prisoners vote - 5 Kilos of Shite in a 2 Kilo bag

European Court of Human Rights retreats but doesn't surrender on prisoner votes

Adam Wagner, UK Human Rights Blog May 22, 2012 by

The Grand Chamber of the European Court of Human Rights has ruled that states must allow for at least some prisoners to vote, but that states have a wide discretion as to deciding which prisoners. This amounts to a retreat on prisoner votes, but certainly no surrender. As I predicted, the court reaffirmed the principles set out in Hirst No. 2, that an automatic and indiscriminate bans breach the European Convention on Human Rights, but also reaffirmed that it was up to states to decide how to remove those indiscriminate bans.

I have compared the prisoner voting issue to a ping-pong ball in a wind tunnel. Today's ruling means that the ball is now back on the UK's side of the table.

Although Scoppola is a case which arose in Italy, the decision is of critical important to the UK for two reasons. First, the Court has made clear to the UK Government that it now has six months from today to bring forth legislative proposals which will end the blanket disenfranchisement of prisoners – see the Court's helpful press release which explains the effect on the UK. Secondly, the Grand Chamber has now clarified the basic outline of how it expects states to comply with the original prisoner votes ruling, also of the Grand Chamber, in Hirst No. 2.

Retreat but no surrender

The Grand Chamber reversed the Court's Chamber's ruling in Scoppola No. 3, on the basis that a life-long ban on certain prisoners voting still fell within Italy's wide margin of appreciation to decide which criminals are allowed to vote. In short, because some Italian prisoners are allowed to vote, Italy does not have an "automatic and indiscriminate" ban which the Court rejected in Hirst No. 2. This was because it was applied only in connection with certain offences against the State or the judicial system, or with offences which the courts considered to warrant a sentence of at least three years.

Importantly, the Grand Chamber has now clarified its until now somewhat contradictory position on what states must do to ensure they do not breach Article 1 of Protocol 3 of the European Convention on Human Rights, the obligation to "hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature".

It chose not to deviate from the decision in Hirst No. 2, as the UK had argued for. Indeed, the UK's argument received short shrift; see paragraph 93 to 96. The Grand Chamber stated that there was even more reason now to support its 2005 decision:

. . . . 93. In its observations, the third-party intervener affirmed that the Grand Chamber's findings in the Hirst (no. 2) case were wrong and asked the Court to revisit the judgment. It

argued in particular that whether or not to deprive a group of people – convicted prisoners serving sentences – of the right to vote fell within the margin of appreciation afforded to the member States in the matter.

. . . . 95. It does not appear, however, that anything has occurred or changed at the European and Convention levels since the Hirst (no. 2) judgment that might lend support to the suggestion that the principles set forth in that case should be re-examined. On the contrary, analysis of the relevant international and European documents… and comparative-law information… reveals the opposite trend, if anything – towards fewer restrictions on convicted prisoners' voting rights.

As to the famous 'margin of appreciation', that the right of states in certain situations to decide for themselves how to incorporate controversial rulings involving social policy, the court affirmed – indeed, following Frodl v Austria, effectively put back in place – the principle that states should be able to decide for themselves how to remove indiscriminate bans on prisoners voting. These are the crucial paragraphs, and forgive me for quoting at length as they are important (emphasis added):

. . . . In addition, according to the comparative-law data in the Court's possession (see paragraphs 45-48 above), arrangements for restricting the right of convicted prisoners to vote vary considerably from one national legal system to another, particularly as to the need for such restrictions to be ordered by a court…

. . . . 102. This information underlines the importance of the principle that each State is free to adopt legislation in the matter in accordance with "historical development, cultural diversity and political thought within Europe, which it is for each Contracting State to mould into their own democratic vision" (see Hirst (no. 2) [GC], cited above, § 61). In particular, with a view to securing the rights guaranteed by Article 3 of Protocol No. 1 (see Hirst (no. 2) [GC], cited above, § 84, and Greens and M.T., cited above, § 113), the Contracting States may decide either to leave it to the courts to determine the proportionality of a measure restricting convicted prisoners' voting rights, or to incorporate provisions into their laws defining the circumstances in which such a measure should be applied. In this latter case, it will be for the legislature itself to balance the competing interests in order to avoid any general, automatic and indiscriminate restriction. It will then be the role of the Court to examine whether, in a given case, this result was achieved and whether the wording of the law, or the judicial decision, was in compliance with Article 3 of Protocol No. 1.

In reestablishing the wide margin of appreciation for states, the Court rolled back on its much-criticised decision in Frodl v Austria. It did so by, first, limiting the conclusions in that case to the particular situation in Austria (para 87), but also rejected the notion that a judge must decide which prisoners to vote on a case-by-case basis:

. . . . 9. That reasoning takes a broad view of the principles set out in Hirst, which the Grand Chamber does not fully share. The Grand Chamber points out that the Hirst judgment makes no explicit mention of the intervention of a judge among the essential criteria for determining the proportionality of a disenfranchisement measure….While the intervention of a judge is in principle likely to guarantee the proportionality of restrictions on prisoners' voting rights, such restrictions will not necessarily be automatic, general and indiscriminate simply because they were not ordered by a judge.

So, the UK now has 6 months to "bring forward legislative proposals" to remove the indiscriminate ban on prisoners' voting. It now seems clear that the UK could take a very mini-

The Supreme Court has ruled that there should be a discretion in exceptional circumstances for judges to extend time for both filing and service of appeals against extradition, where the statutory time limits would otherwise operate to prevent an appeal in a manner conflicting with the right of access to an appeal process under Article 6(1) of the Human Rights Convention. The following report is based on the Supreme Court's press summary.

Background facts: Lukaszewski ("L"), Pomiechowski ("P") and Rozanski ("R") are Polish citizens who are each the subject of a European Arrest Warrant ("EAW") issued by the Polish court. Each is wanted in order to serve an existing sentence. L is wanted, in addition, to stand trial on ten charges of fraud. The fourth appellant, Halligen ("H"), is a British citizen whose extradition is sought to the USA under Part 2 of the Extradition Act 2003 (the "Act") to face allegations of wire fraud and money laundering. All four appellants were arrested and brought before Westminster Magistrates' Court. L, P and R's extradition were ordered on (respectively) 28th January 2011, 2nd March 2011 and 4th March 2011. H's case was sent to the Secretary of State for her to decide whether H should be extradited. On 22nd December 2010, H's extradition was ordered by the Secretary of State, and the order and a letter setting out the Secretary of State's reasons were sent by post and fax (at either 15.48 or 16.48) to H's solicitors on that same day. All four appellants were remanded in custody at HMP Wandsworth pending extradition. The permitted time-period for giving notice of appeal against an extradition order was 7 days in the case of L, P and R, and 14 days in the case of H.

L, P and R were each assisted by a prison officer working in the legal services department at HMP Wandsworth to complete a notice of appeal. The legal services department faxed the notices of appeal to the Administrative Court for filing and stamping, which faxed back a copy of the sealed front page to the legal services department. The legal services department then faxed to the Crown Prosecution Services ("CPS"), as legal representatives of the judicial authority of the state requesting surrender, a copy of the sealed front page together with a cover sheet. In the case of each of L, P and R, all this occurred within the 7-day permitted period. However, in each case, the CPS was not served with a full copy of the notice of appeal, sealed or unsealed, until after the 7-day time limit had expired. The High Court held it had no jurisdiction to hear the appeals. A notice of appeal had to be both filed and served within the non-extendable permitted period, and must (a) identify the appellant, (b) identify the decision against which he seeks to appeal, and (c) set out at least the gist of the basis on which the appeal is sought to be presented. Accordingly, the purported notices of appeal were invalidly constituted and served out of time.

H's solicitors prepared a notice of appeal, attaching grounds of appeal, on 23rd December 2010. The notice of appeal was filed and stamped on 29th December 2011, well within the 14-day permitted period which expired at midnight on 4th January 2011. However, only on 5th January 2011 did H's solicitors send the notice of appeal to the CPS by fax and to the Home Office by post (reaching the latter on 6th January 2011). H himself had written from prison by fax to the Home Office on 29th December 2010 asking them to "accept the letter as notice & service of my intent to appeal that decision" and stating that he had instructed solicitors for that purpose. The High Court held it had no jurisdiction to hear H's appeal, that H's letter of 29th December 2011 did not constitute a valid notice of appeal, and the Secretary of State should be treated as having informed H of her decision on 22nd December, not 23rd December, 2011, so that the purported notice of appeal was in any event served out of time.

All four appellants appealed the decisions of the High Court to the Supreme Court,

views and informal conversations about their ideological trajectories, which included moves away from pre-prison identities that went unrecognised within the prison.

Staff were less confident and sure-footed (as well as less 'professional' around prisoners) than they had been in the first study. Staff were least sure about how to build relationships and police boundaries with Muslim prisoners. There was considerable uncertainty over the treatment of Muslim prisoners and about what they were entitled to, or what was reasonable (for example, the number and type of reading material). Staff felt unsupported by managers in this aspect of their work.

There was a lack of clarity about the purpose of mainstream high security prison regimes for prisoners. Prisoners repeatedly told us that 'the best interaction in this jail … is with the teachers … in education', and they appreciated their professionalism and work attitude highly.

ONE3ONE Solutions: New Work in Prisons Enterprise Launched

Ministry of Misery, oops typo, shoud be Ministry of Justice, PR 24/05/12

[ONE3ONE is part of National Offender Management Service (NOMs), who as it stands cannot run the prison service. Currently Prison Industries employ around 9,500 prisoners in some 400 workshops. Current sales at market prices are around £65m.]

Justice Secretary Kenneth Clarke has launched the new enterprise ONE3ONE Solutions with a mission to increase the productive, commercial work done by prisoners. ONE3ONE Solutions (AKA Prison Industries) will win and manage contracts for work for prisoners with both the public and private sectors. As well as expanding the scope for prisoners to rehabilitate, increasing prison work will provide an opportunity to generate reparation and rehabilitation funds.

Operating to a Code of Practice that will continue to ensure work is sourced and charged for fairly and that prisoners are not exploited, ONE3ONE will look for opportunities to support businesses and jobs in the community. The ONE3ONE Solutions website has more information on what they can offer to businesses, details of who is already involved and the sound business reasons for working with prisons.

Justice Secretary Kenneth Clarke said: 'Prisons punish. That is quite right. Society has every right to expect that those who harm it seriously enough will go to prison and be punished by a loss of their liberty. Once there they will and should be treated with decency and respect. But it is not in society's interest to be harmed again and again by the same people. Prisons can not be mere warehouses with revolving doors. Prisons should give prisoners a decent chance to reform themselves and begin to make changes for the better, helping them to be released back into society as decent, tax-paying, individuals. Prisoners must come to know what it is to contribute to and not damage their communities. That must start in prison and continue outside.'

Prisons Minister Crispin Blunt said: 'Prisons will become places of meaningful, productive work, with many more prisoners working full working weeks. I have visited flourishing businesses working with prisons, making use of the unique benefits such a relationship brings. Building on these examples, we will deliver more, better. Working in prisons is good for business, good for prisoners and good for society. I urge businesses to find out from ONE3ONE Solutions what they can offer.'

Time Extended for Appeals under Extradition Act

Rosalind English Uk Human Rights Blog, 23/05/12

Lukaszewski and others, R (on the application of Halligen) v Secretary of State for the Home Department [2012] UKSC 20

malist approach as to which prisoners receive the vote, for example only those serving 6 month sentences or less, and still be compliant with the Hirst No 2 ruling.

What if the UK does not comply?

In short, it will be expensive. It is now almost 7 years since the ruling in Hirst No 2, which by the terms of the Article 46 of the ECHR the UK has promised to "abide by". In Greens and M.T. v. the United Kingdom the Court told the UK that if it did not make progress in implementing the Hirst judgment, around 2,500 cases brought by prisoners which the Court has before it including around 1,500 which had been registered, can be "unfrozen", that is reinstated.

If it does not implement the judgment, the UK would face thousands of financial claims against it potentially totalling millions of pounds. For the full background, see my previous post.

The third way

There is another possibility. The Government may put a bill before Parliament by 22 November 2012 but do no more than that. That is, the bill would be presented as a means of satisfying the European Court but not a policy which the Government (or, arguably, the nation) supports. This will almost certainly result in the Bill being defeated, and the court being forced to unfreeze the other claims.

However, is hard to see how this option would accord with the spirit or indeed the letter of the UK's obligations under international law. The Government should now accept its responsibilities under the ECHR or risk poisoning public opinion even further against the court. Indeed, given the significant retreat of the Court, the UK can afford to take a minimalist and relatively pain-free approach.

But in doing so, it must make the case for implementation of the ruling to Parliament and the public too. Any other reaction to today's ruling may serve short-term political ends, but it will also probably do significant harm to the rule of law, which would be bad for prisoners, the public and even politicians too.

G4S £150m Super-Jail Plagued by Problems within Four Weeks of Opening

Only 60 out of 1,600 inmates admitted after kitchens fail to work, electrical short circuits and showers that switch on in small hours Alan Travis, home affairs editor, guardian.co.uk, 22/05/12

Prison officers outnumber inmates at HMP Oakwood by three to one amid problems at the showpiece jail. Only 60 inmates have so far been moved into a new showpiece £150m privately run prison because it is breaking down just four weeks after it was opened.

The G4S-run HMP Oakwood, at Featherstone, near Wolverhampton, is supposed to accommodate 1,605 category-C male inmates, making it one of the largest prisons in England and Wales. But the new jail has been plagued with teething problems since it opened a month ago. These include £7m super-kitchens that have yet to produce any food, showers that turn on in the middle of the night and an electrical system that short circuits when the lights are turned on. It was expected that HMP Oakwood would take more than 200 inmates in its first month, building up to 1,600 by the autumn, to make it among the first of the new generation of "super-jails". But the problems have meant that 200-plus staff are looking after just 60 inmates.

The prison was originally earmarked to become one of the Titan prisons – designed to hold 2,500 inmates – but the plans were scaled back after fierce opposition. The Oakwood complex has actually been built with space to house 2,000 inmates. According to staff sources at the jail quoted by the Birmingham Post, every time lights are switched on in cell blocks the prison's power system trips out. Showers also come on automatically, spewing scalding water

across the floors of the accommodation units without warning, even though no one is housed in those cells. The kitchens have so far remained unused because of combined power and water failures. Meals have had to be brought in from outside.

Mark Leech, of the prisoners' newspaper Converse, said staff had told him the prison was a shambles. "We are getting many letters from prisoners at Ryehill Prison near Rugby – which, like HMP Oakwood, is owned and operated by private prisons company G4S – who, having been told they were going to be transferred to Oakwood, have now been told the move is off and they have been shunted to other prisons around the region because of systems failures at the new jail," said Leech.

A G4S statement admitted there had been problems at the showpiece jail: "As with any new build of this scale, there have been snagging issues. We have contingencies in place to deal with these issues and we continue to steadily fill the prison. The issues have all been rectified and we remain on track to be at full capacity in the autumn."

Police Failures led to Collapse of Trial of men Accused of Murdering Private Investigator Daniel Morgan *Cahal Milmo, Independent, Monday 21 May 2012*

Failures by police and prosecutors to disclose evidence and handle “supergrass” witnesses led to the collapse of a trial of three men accused of committing one of Britain’s most notorious unsolved murders. A report into the case of private investigator Daniel Morgan, who was found with an axe embedded in his skull in a south London pub car park in 1987, ordered 17 separate reforms after finding that a succession of mistakes and oversights led to last year’s acquittal of three suspects after five separate investigations into the killing over 25 years.

Alastair Morgan, Daniel’s brother, who has campaigned tirelessly to see the killers brought to justice, said the findings meant that Home Secretary Theresa May must now decide on whether to grant the Morgan family’s demand for a judge-led inquiry into the murder and the repeated failures to catch the perpetrators. Mr Morgan, who believes his brother was murdered because he was about to expose police corruption, said: “The ball is now firmly in Mrs May’s court. The police have told us today that, in addition to this report, there is no fresh forensic evidence in the case. It is now right that we should have judicial inquiry into the 25 years of hell that my family had been through.” The joint Metropolitan Police and Crown Prosecution Service review found that Scotland Yard faced an uphill task in having to sift through 750,000 pages of material gathered by previous investigations when it launched Operation Abelard II in 2006 - the latest attempt to unravel a killing which is steeped in claims of police corruption.

Daniel Morgan ran a private detective agency, Southern Investigations, at the time of his death. His business partner, Jonathan Rees, was one of the three men acquitted of the murder last March.

The report found that throughout the Abelard II investigation detectives failed to realise the relevance of some archived information and did not disclose boxes of material to defence lawyers, including three crates of documents which police had stored in their evidence room but failed to record or assess. The review stated: “The main reason for the withdrawal of the prosecution was the Crown’s inability to fully satisfy their disclosure obligations.” Police also made multiple errors in their handling of three supergrass witnesses whose testimony was considered crucial to the prosecution case.

One witness, who claimed to have seen the aftermath of the murder in car park of the Golden Lion pub in Sydenham, was found to have been allowed breach rules by contacting the officer in charge of the Morgan murder team. The same witness was also found to have

resulted in self-censorship and a reduced information flow. The role of the psychology department in improving both the assessment and positive management of prisoners in partnership with staff (and prisoners) was inhibited by lack of trust.

Prisoners convicted of terrorist offences warranted increased monitoring; but the need to err on the side of caution meant that Muslim prisoners in general felt they were the 'victims of staff authority'.

Both Muslim and non-Muslim prisoners felt discriminated against, and that the 'other' group had advantages (non-Muslim prisoners had better relationships with and treatment by staff, Muslim prisoners had better faith-based material provision). There was some white prisoner 'racism'.

The balancing and encouragement of all faith practices was not weighted heavily enough against the requirement to monitor and reduce the risks of extremism among small numbers of prisoners. Sensitivities and lack of knowledge in a new multicultural context, together with the rise in religious extremism, and the rise in ethno-religious conflict globally, led to a risk of faith becoming the new 'no-go area' in prison.

Staff sometimes viewed any outward appearance of Islam as evidence of radicalisation, rather than a manifestation of faith, and these 'signs' were written up in security reports. Staff perceived Islam as a radical religion; they over-estimated extremism; this 'pushed prisoners together', reinforced their views and gave them more power.

Staff and prisoners proposed segregation of Muslims and non-Muslims (by prison, wing, and kitchens) in order to curb the 'contamination' influence (that is, conversion, or radicalisation).

Extremist prisoners did not interact with or come to the attention staff; they had 'runners'. The 'key players all worked together' and 'were powerful' (according to officers). The influence and activities of high-profile Muslims was hard for staff to evidence; other prisoners were instructed by them to carry out particular acts of violence or threat, they kept their distance from staff and avoided interaction with them, and they were polite, civil and outwardly compliant - staff described them as model prisoners.

Things calmed down for a period after key players were transferred from the prison.

There were aspects of life at Whitemoor that could be improved considerably. Some of these possibilities were being energetically explored as the research team left the prison.

Keeping the high security prison 'relational', ensuring the safety of staff and prisoners as well as prisoners' psychological survival, and facilitating 'progress', personal development and positive change, required new and better strategies. Some trust must flow, and be 'placed intelligently', for a prison to work, and as an aid to risk management.

The nature of staff-prisoner relationships

Good practices and relationships were found in education, the gym, the induction spur, some of the workshops, the Dangerous and Severe Personality Disorder (DSPD) Unit and the Segregation unit.

Staff did some outstanding work with difficult individuals, and conducted most of their basic security tasks professionally, but 'lightly' (not always engaging with prisoners during the carrying out of such tasks).

Whilst we found examples of excellent practices and attitudes, and found energy and enthusiasm among staff, staff-prisoner relationships were generally distant at Whitemoor. Levels of trust between staff and prisoners were low; and there were high levels of suspicion and 'risk-thinking' in the prison. The decline in relationships and trust led to a drying up of the 'information flow' necessary to 'distinguish trustworthiness from untrustworthiness' (see later).

Signs of disenchantment with prior propensities to use violence among 'high risk' prisoners were sometimes being missed by prison staff. Some Individuals spoke at length in inter-

ers regarded them as representing risk and a threat to a 'British-White-Christian-Secular' way of life.

There were tensions relating to fears of 'extremism' and 'radicalisation' in the prison.

While the risks of alienation, loss of meaning, and violence, were more pressing than the (also real) risks of radicalisation, failure to address the former issues might make the risk of radicalisation higher. All groups of prisoners were affected by and talked about the problems and perceptions above.

The role that faith and conversion played in the prison experience

The above conditions made the search for meaning, new identities, hope, dignity and relationships urgent. Some of the avenues prisoners sought to enable these were constrained.

Conditions in the prison made participation in Islamic practices the most 'available' option for those looking for belonging, meaning, 'brotherhood', trust and friendship.

Among the sample of Whitemoor prisoners, conversions to Islam in prison were high, and contributed to the high proportion of Muslim prisoners in the population. Twelve of a sample of 23 Muslim prisoners interviewed in the research (there were 52 prisoners in the sample in total) were in-prison conversions.

Non-Muslim faith groups were less well provided for at the time of the research.

Faith 'identities' were being adopted and used in many ways at Whitemoor, including for protection. The main motivations for turning to faith were: sense-making, searching for meaning, identity, and structure; dealing with the pains of long-term imprisonment; seeking 'brotherhood'/family; or 'anchored relations'; seeking care and protection; gang membership; rebellion; and coercion. (The term 'brotherhood' used here meant belonging to the group. It had no broader meaning and was not linked in any interview to any specific organisation).

There was considerable ignorance and confusion (even among recently converted prisoners) about the Islamic faith. Those with extremist views could fill a gap in knowledge with misinformation and misinterpretation or could point to illegitimate staff practices as a reason for upholding oppositional views. Support for moderate interpretations of Islam was 'muted' at the time of the research.

There were some intimidating 'heavy players' among the Muslim population, who appeared to be orchestrating prison power dynamics rather than propagating or following the faith. Many physically powerful prisoners 're-established their outside identities' as leaders in the prison and used their (newly acquired) faith status as a tool for establishing influence.

Non-Muslim prisoners described wearing underpants in the showers on some spurs (out of 'respect' and fear) and some Muslim prisoners described a form of intimidation exerted ('they probably do feel shamed') relating to cooking (especially frying bacon) in the kitchens.

Conflict and tension existed between and within faith groups.

The role of the prison in generating prisoner alienation

The new context: a high security prison with no vulnerable prisoner wings, post 9/11 and 7/7, containing several prisoners convicted of terrorist offences, with a younger prisoner population reflecting a fragmented religious and secular society, and attempting to fulfil an obligation to monitor and manage the 'risk of radicalisation', as well as the risk of violence, presented new challenges to staff, managers and prisoners at Whitemoor.

High levels of fear among staff and prisoners was having a negative impact on all aspects of prison life. The lack of professional confidence among staff, particularly in relation to Muslim prisoners, meant that they kept a distance from some. Resorting to 'basic tasks' led to less use of 'dynamic authority'.

The atmosphere of distrust, together with increased monitoring and risk assessment,

been “probably” prompted by an unnamed senior officer to implicate two brothers - Glenn and Gary Vian - in the killing and to have been tipped off by police that he had been caught lying about his father’s death so he could come up with an explanation.

Investigators listed 17 areas where good practice for detectives and lawyers should be changed, including a thorough investigation of the credibility of witnesses before they are allowed to enter a supergrass programme and improvements in the archiving of material from previous investigations.

The Yard and the CPS said it would implement the recommendations. The Home Office said it would study the report’s findings.

How America's death penalty murders innocents

The evidence is in: the US criminal justice system produces wrongful convictions on an industrial scale – with fatal results David A Love, guardian.co.uk, Monday 21 May 2012

The US criminal justice system is a broken machine that wrongfully convicts innocent people, sentencing thousands of people to prison or to death for the crimes of others, as a new study reveals. The University of Michigan law school and Northwestern University have compiled a new National Registry of Exonerations – a database of over 2,000 prisoners exonerated between 1989 and the present day, when DNA evidence has been widely used to clear the names of innocent people convicted of rape and murder. Of these, 885 have profiles developed for the registry's website, exonerationregistry.org.

The details are shocking. Death row inmates were exonerated nine times more frequently than others convicted of murder. One-fourth of those exonerated of murder had received a death sentence, while half of those who had been wrongfully convicted of rape or murder faced death or a life behind bars. Ten of the inmates went to their grave before their names were cleared.

The leading causes of wrongful convictions include perjury, flawed eyewitness identification and prosecutorial misconduct. For those who have placed unequivocal faith in the US criminal justice system and believe that all condemned prisoners are guilty of the crime of which they were convicted, the data must make for a rude awakening.

"The most important thing we know about false convictions is that they happen and on a regular basis … Most false convictions never see the light of the day," said University of Michigan law professors Samuel Gross and Michael Shaffer, who wrote the study. "Nobody had an inkling of the serious problem of false confessions until we had this data," said Rob Warden, executive director of the Center on Wrongful Convictions at Northwestern University.

The unveiling of the exoneration registry comes days after a groundbreaking study from Columbia law school Professor James Liebman and 12 students. Published in the Columbia Human Rights Law Review, the study describes how Texas executed an innocent man named Carlos DeLuna in 1989. DeLuna was put to death for the 1983 murder of Wanda Lopez, a young woman, at a gas station. Carlos Hernandez, who bragged about committing the murder and bore a striking resemblance to DeLuna, was named at trial by DeLuna's defence team as the actual perpetrator of the crime. But DeLuna's false conviction is merely the tip of the iceberg, as the database suggests.

Recently also, Charlie Baird, a Texas judge, was prepared to issue an order posthumously exonerating Cameron Todd Willingham, who was executed in 2004 for the 1991 arson-related deaths of his three young daughters. Based upon "overwhelming, credible and reliable evidence", Baird concluded Willingham had been wrongfully convicted; this in addition to a jailhouse wit-

ness who recanted his testimony, and scientists who challenged the evidence at trial that the fire that destroyed the Willingham home was caused by arson. Baird was blocked by a state appeals court from issuing the order before he left the bench to pursue private practice.

And again in Texas, lawyers for Kerry Max Cook, a former death row prisoner who was wrongfully convicted of a 1977 murder in East Texas, claim that the district attorney in the case withheld in his possession the murder weapon and biological evidence in the case.

In 2012, the American death penalty has reached a crossroads. Public support for executions has decreased over the years, with capital punishment critics citing its high cost, failure to deter crime, and the fact that the practice places the nation out of step with international human rights norms. Last year, the US ranked fifth in the world in executions, a member of a select club of nations that includes China, Saudi Arabia, Iraq and Iran. Further, in the US states that have repealed the death penalty in recent years – including New Mexico, New Jersey, Illinois and, most recently, Connecticut – the killing of the innocent has been cited as a pivotal factor in favor of abolition.

Meanwhile, thanks to an EU embargo on lethal injection drugs to the US, states that practice capital punishment are faced with a shortage of poison to execute prisoners. Some have resorted to purchasing unapproved drug supplies on the black market, or using different chemicals altogether. For example, Ohio has abandoned its three-drug protocol for executions in favor of a single drug called pentobarbital, a barbiturate used to euthanize animals. And Missouri has decided to execute prisoners using propofol, a surgical anesthetic implicated in Michael Jackson's death.

Apparently desperate and lacking in options to kill, these states would be better-served by joining the civilized world and devoting their efforts to end the death penalty, rather than find new methods to satisfy their bloodlust – which, as the new evidence makes abundantly clear, cannot but cause them to execute innocent citizens. According to the Death Penalty Information Center, 140 men and women have been released from death row since 1973 due to innocence. That death row inmates are exonerated much more often than other categories of prisoner – even when a person's life is at stake – should shatter anyone's faith in the presumed infallibility of the court system.

It is now transparent to the public that, at best, the application of the death penalty is rife with human error and incompetence. At worst, we know there is prosecutorial misconduct: that the courts shelter and nurture officials who are rewarded for gaming the system by career advancement, rather than determining true guilt or innocence and ensuring that justice is done.

An exploration of staff - prisoner relationships at HMP Whitemoor

. . . . Conditions in the prison made participation in Islamic practices the most 'available' option for those looking for belonging, meaning, 'brotherhood', trust and friendship.

. . . . High levels of fear among staff and prisoners was having a negative impact on all aspects of prison life.

. . . . A new population mix, including younger, more Black and minority ethnic and mixed race, and high numbers of Muslim prisoners, was disrupting established hierarchies.

. . . . Social relations among prisoners had become complex and less visible.

. . . . Too much power flowed in the prison among some groups of prisoners, with some real risks of serious violence.

. . . . There were high levels of fear in the prison.

. . . . Muslim prisoners talked about feeling alienated and targeted, and some non-Muslim prisoners regarded them as representing risk and a threat to a 'British-White-Christian-Secular' way of life.

. . . . Faith 'identities' were being adopted and used in many ways at Whitemoor, including for protection.

. . . . The main motivations for turning to faith were: sense-making, searching for meaning, identity, and structure;

. . . . and dealing with the pains of long-term imprisonment; seeking 'brotherhood'/family; or 'anchored relations'; seeking care and protection; gang membership; rebellion; and coercion.

. . . . Levels of trust between staff and prisoners were low; and there were high levels of suspicion and 'risk-thinking' in the prison.

Extracts from Executive Summary - HMP Whitemoor is a high security prison accommodating Category A and B adult male prisoners serving sentences of over four years. At the time of the research the daily prisoner population was around 440 and in June 2009 there were a total of 441 uniformed staff. Revised Final Report: Alison Liebling, Helen Arnold and Christina Straub

The objectives of the current study were as follows:

To explore the nature and quality of staff-prisoner relationships at Whitemoor.

To describe the contemporary prison experience in conditions of maximum security.

To determine whether aspects of the prison's management or practice' were making distant staff-prisoner relationships or prisoner alienation more likely

The contemporary prison experience in conditions of maximum security

There was a new problem of relatively young prisoners serving indeterminate sentences facing 15-25 year tariffs coming to terms with and finding a way of doing this kind of sentence.

Prisoners experienced restrictions placed by the prison on finding available ways through their 'existential crisis'.

Prisoners brought more (oppositional) 'street culture' and frustration with them into prison due to changing social conditions and sentencing practices.

Prisoners were looking for hope, recognition and meaning at a difficult stage in their sentences. Some prisoners (once they adjusted - a process taking some years) found the change of pace, surroundings and company brought about by a long sentence provided an opportunity to reflect on life, the past and the future.

The process of identity change was a core aspiration for many, and a major theme in the interviews. This complex process was not adequately supported.

The need to belong (to a 'family') generated a search for collective identity.

Prisoners appreciated some of the facilities on offer (e.g., gym, education and workshops) but they were frustrated and felt 'stuck' and invisible in the prison.

Prisoners felt there was a lack of clarity about the purpose of long-term imprisonment.

A new population mix, including younger, more Black and minority ethnic and mixed race, and high numbers of Muslim prisoners, was disrupting established hierarchies. Social relations among prisoners had become complex and less visible. Too much power flowed in the prison among some groups of prisoners, with some real risks of serious violence. There were high levels of fear in the prison.

Some of the (serious) violent incidents were apparently related to faith or ideological disputes but were difficult to disentangle from other forms of prison violence.

Muslim prisoners talked about feeling alienated and targeted, and some non-Muslim prison-